

**RESOLUTION NO. 18-\_\_\_**

**A RESOLUTION OF THE TOWN OF CUTLER BAY, FLORIDA, SUPPORTING THE 2018 LEGISLATIVE POSITIONS OF THE INTERNATIONAL ASSOCIATION OF CHIEFS OF POLICE (IACP) TO REDUCE FIREARMS VIOLENCE AND TARGET ILLEGAL GUNS; SUPPORTING LEGISLATION PROHIBITING THE POSSESSION OR TRANSFER OF CERTAIN FIREARM ACCESSORIES; SUPPORTING LEGISLATION OPPOSING CONCEAL CARRY RECIPROCITY LEGISLATION; OPPOSING THE SALE OF ARMOR-PIERCING AND TRACER AMMUNITION; SUPPORTING LEGISLATION OPPOSING THE REMOVALS OF SILENCERS (SUPPRESSORS) FROM THE NATIONAL FIREARMS ACT OF 1934; SUPPORTING THE NATIONAL VIOLENT DEATH REPORTING SYSTEM; PROVIDING FOR TRANSMITTAL; PROVIDING FOR IMPLEMENTATION; AND PROVIDING FOR AN EFFECTIVE DATE.**

**WHEREAS**, the International Association of Chiefs of Police (“IACP”) has established its “Policy Priorities for the 115<sup>th</sup> U.S. Congress,” providing its legislative positions on reducing firearms violence and targeting illegal guns, which includes: prohibiting certain firearm accessories; opposing conceal carry reciprocity; opposing the sale of armor-piercing and tracer ammunition; opposing the deregulation of silencers (suppressors); and supporting the expansion of the National Violent Death Reporting System (“NVDRS”); and

**WHEREAS**, the Town of Cutler Bay (the “Town”) is a strong advocate for common-sense policies that keep guns out of dangerous hands while respecting the rights of law-abiding gun owners, and strongly believes that Congress should take action; and

**WHEREAS**, the National Firearms Act of 1934 (“NFA”) describes an automatic weapon as any weapon which shoots, is designed to shoot, or can be readily restored to shoot automatically more than one shot without manual reloading, by a single function of the trigger and explicitly includes any part designed and intended solely and exclusively, or combination of parts designed and intended for use in converting a weapon into a machine gun; and

**WHEREAS**, a trigger crank, bump-fire device, and similar attachments or accessories are designed or can function to increase the rate of fire of a semi-automatic firearm to that of an automatic weapon increasing the potential harm to the general public; and

**WHEREAS**, the Law Enforcement Officers Safety Act (LEOSA) of 2004 enables retired law enforcement officers to carry a concealed weapon throughout the United States; and

**WHEREAS**, bills introduced in Congress could give the same concealed carry authority to untrained and unqualified people; and

**WHEREAS**, allowing untrained persons who have no familiarity with a handgun or the mechanical and legal complexities involved with using a handgun and allowing them to carry one in public is irresponsible and puts the general public at risk; and

**WHEREAS**, it is a concern that individual states that have mandated training requirements for carrying a concealed weapon be forced to accept the concealed carry permits of persons from states that have no requirements whatsoever; and

**WHEREAS**, there is no purpose, sporting or otherwise, for armor-piercing ammunition or tracer ammunition, other than for law enforcement's use in the course of their work; and

**WHEREAS**, such ammunition simply should not be available for civilian use; and

**WHEREAS**, legislation currently under consideration in the United States Congress (H.R. 3668 -The Sportsman Heritage and Recreational Enhancement Act) would reduce the ability of government agencies to prevent or prohibit the sale of armor-piercing ammunition; and

**WHEREAS**, current federal law does not define "armor-piercing" in the practical terms of a handgun round's actual performance (i.e., whether it is capable of piercing ballistic armor), but in terms of round content and weight; and

**WHEREAS**, H.R. 3668 further weakens that standard by stating that to be classified as armor piercing, ammunition must have been specifically designed by the manufacturer for that purpose, regardless of whether or not it actually can penetrate body armor; and

**WHEREAS**, the NFA has effectively regulated silencers (suppressors) for over 80 years and they are rarely trafficked or used in crimes. In rare incidents where criminals have used silencers (suppressors) to alter or diminish the sound of gunfire, the results have been deadly; and

**WHEREAS**, silencers (suppressors) are a particular threat to the security of our nation's law enforcement, as shown by the fact that firearms-related deaths were the number one cause of death for law enforcement in 2016 and law enforcement officers are particularly vulnerable to ambush-style killings; and

**WHEREAS**, the deregulation of silencers (suppressors) from the NFA, would allow individuals prohibited under federal law from owning silencers (suppressors) to easily acquire them without a background check and harm law enforcement and our communities; and

**WHEREAS**, in 2015, per the Center for Disease Control and Prevention (CDC), over 61,000 people died violently in the United States, which is seven people dying each hour, approximately 17,000 people died as a result of homicide, and 44,000 died from suicide; and

**WHEREAS**, per the CDC, violent deaths, including homicides and suicides, cost the United States more than \$76 billion in medical care and work-loss costs every year, in addition to the erosion of communities and overburdening of social services; and

**WHEREAS**, violence prevention has been hampered by fragmented and incomplete information on the circumstances surrounding homicides and suicides that does not afford an accurate assessment of factors associated with violent death; and

**WHEREAS**, the NVDRS currently collects data on violent deaths from a variety of sources, and NVDRS seeks to link records on violent deaths that occurred in the same incident to help identify risk factors for multiple homicides or homicides-suicides; provide timely preliminary information on violent deaths (e.g., basic counts of murders and suicides) through faster data retrieval; describe in detail the circumstances that may have contributed to a violent death; and to better characterize perpetrators, including their relationships to victims; and

**WHEREAS**, the Town Council wishes to express its support of the enumerated IACP's legislative positions regarding gun control and reform; and

**WHEREAS**, the Town Council deems it to be in the best interest of the Town's residents to support the IACP's 2018 legislative positions to reduce firearms violence and target illegal guns.

**NOW, THEREFORE, BE IT RESOLVED BY THE TOWN COUNCIL OF THE TOWN OF CUTLER BAY, FLORIDA AS FOLLOWS:**

**Section 1.**     **Recitals.** The above recitals are true and correct and are incorporated herein by this reference.

**Section 2.**     **Support of IACP's Policy Priorities.** The Town supports the IACP's 2018 legislative positions regarding reduction of firearms violence and targeting illegal guns.

**Section 3.**     **Support of Prohibition on Certain Firearm Accessories.** The Town supports the IACP Resolution that supports legislation that prohibits the possession or transfer of certain firearm accessories by:

- a. Prohibiting the possession, import, manufacture, transfer and sale of trigger cranks, bump-fire devices, and similar attachments or and accessories designed to increase or modify semi-automatic firearms to automatic weapons or similar legislation;
- b. Requiring individuals currently in possession of a trigger cranks, bump-fire device, or and similar attachments or and accessories designed to increase or modify semi-automatic firearms to automatic weapons to surrender or register such devices with the ATF under the NFA or similar legislation; and
- c. Providing ATF with the resources needed to enforce a mandatory surrender or registration with respect to bump fire devices and other NFA weapons, including resources necessary to modernize and upgrade its equipment or similar legislation.

**Section 4. Opposition to Concealed Carry Reciprocity.** The Town supports the position and recommendations of the IACP in that the responsibility of carrying a concealed weapon should include a minimum of familiarization and training with the weapon carried, basic instruction on the fundamentals of carrying a concealed weapon, and understanding of when the use of a concealed weapon is legal and/or advisable. Furthermore, the Town opposes Congressional Bill H.R.38 - Concealed Carry Reciprocity Act of 2017 and similar bills that provide concealed carry permit holders with immunity from arrest or detention for violation of any law or any rule or regulation of a state or any political subdivision thereof related to the possession, transportation, or carrying of firearms.

**Section 5. Support of Armor-Piercing and Tracer Prohibition.** The Town supports the Resolution of the IACP opposing H.R. 3668 and supporting legislation and policies that will prohibit the sale or transfer of armor piercing ammunition. The Town believes that current federal law should be modified to establish that the process utilized to determine whether a round of ammunition is armor piercing should include performance based testing conducted by the ATF.

**Section 6: Opposition to Deregulation of Silencers.** The Town supports the Resolution of the IACP opposing any efforts to remove silencers (suppressors) from the purview of the NFA, recognizing how this action would undermine the security of law enforcement and the safety of the public.

**Section 7. Support of NVDRS Expansion.** The Town supports the Resolution of the IACP promoting increased law enforcement awareness of, and agency participation in, the NVDRS as well as expanded federal funding to enable every state, Tribe, territory, and the District of Columbia to be included in the NVDRS.

**Section 8. Transmittal.** The Town Clerk is hereby directed to send a certified copy of this resolution to neighboring municipalities, Miami-Dade County, State Representatives and Senators representing the City in the State Legislature, and U.S. Representatives and Senators representing the City in the U.S. Congress.

**Section 9. Implementation.** That the appropriate Town officials are authorized to do all things necessary and expedient in order to carry out the aims of this Resolution.

**Section 10. Effective Date.** That this Resolution shall take effect immediately upon adoption.

PASSED and ADOPTED this \_\_\_\_ day April, 2018.

Attest:

\_\_\_\_\_  
PEGGY R. BELL,  
Mayor

\_\_\_\_\_  
DEBRA E. EASTMAN, MMC  
Town Clerk

APPROVED AS TO FORM AND  
LEGAL SUFFICIENCY FOR THE  
SOLE USE OF THE TOWN OF CUTLER BAY:

\_\_\_\_\_  
WEISS SEROTA HELFMAN  
COLE, & BIERMAN, P.L.  
Town Attorney

Moved By: \_\_\_\_\_  
Seconded By: \_\_\_\_\_

FINAL VOTE AT ADOPTION:

Mayor Peggy R. Bell \_\_\_\_\_  
Vice Mayor Sue Ellen Loyzelle \_\_\_\_\_  
Council Member Mary Ann Mixon \_\_\_\_\_  
Council Member Michael P. Callahan \_\_\_\_\_  
Council Member Roger Coriat \_\_\_\_\_