

City of Philadelphia



Council of the City of Philadelphia
Office of the Chief Clerk
Room 402, City Hall
Philadelphia

(Resolution No. 051239)

RESOLUTION

Authorizing City Council to retain outside counsel to commence legal proceedings on behalf of the City of Philadelphia seeking action that would provide reasonable remedies for lethal conditions of escalating gun-related violence and trafficking in our City and further provide an increased level of public safety and protection for our citizens.

WHEREAS, The City of Philadelphia is besieged by ever rising levels of violent crime involving the ill fated use and illegal sale of guns and currently ranks number one nationally in per-capita homicides amongst the country's ten largest cities with its highest recorded homicide total in seven years; and

WHEREAS, 2,081 people were victims of shootings in the City of Philadelphia in 2004 and the City is experiencing a 17% increase in gun related violent crime in 2005, and, according to our Police Commissioner, the City is being "flooded" with guns as his department confiscates over 5,000 per year of the untold number of weapons flowing through our City streets; and

WHEREAS, In addition to the deadly harm suffered by actual gun crime victims, gun related violence takes a devastating emotional, economic and social toll on their families, friends, and neighborhoods – damage triggered by excessive availability and trafficking of handguns; and

WHEREAS, During this prolonged period of swelling gun related violence and inflated growth of illicit handgun trafficking in our City and State, the Pennsylvania General Assembly has chosen to not even deliberate on measures adopted by other states and municipalities that have proven success in reducing such crimes – such as "One Gun a Month" legislation; and

WHEREAS, The Pennsylvania Attorney General has the statutory authority to implement state regulations that apply basic consumer product safety principles to firearms, and pursuant to the powers and duties of its Bureau of Consumer Protection, the Attorney General's Office has a unique ability to promote reasonable safety and

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protection standards related to gun violence and trafficking, however the office has yet to do so; and

WHEREAS, State law forbids local city or county governments from enacting any local gun laws, even though the state has failed to pass state-wide laws responsive to current conditions and this preemption of local government authority makes it impossible for Philadelphia to enact a series of sensible gun laws passed by City Council designed to make our citizens safer; and

WHEREAS, Over 80% of Philadelphia voters approved a ballot question in the May 2005 primary calling on the Pennsylvania General Assembly and Governor to pass legislation that would permit Philadelphia to enact constitutionally lawful measures to prevent and reduce gun violence; and

WHEREAS, That referendum also stipulates “City officials are vested with the duty and the responsibility to take all appropriate steps, to the fullest extent allowable under law, to promote and defend the will and mandate of the people” and this initiative constitutes one of those steps, and

WHEREAS, A host of community, civic and law enforcement leaders deeply involved with this crisis and well informed on this issue find further measures are available, reasonable and necessary to protect Philadelphia citizens - particularly our children and young adults - from gun related violent crime and trafficking, reduce its presence, as well as ensure our communities are safer places to live, work, and raise a family; now therefore, be it

RESOLVED, BY THE COUNCIL OF THE CITY OF PHILADELPHIA, That City Council is authorized to retain outside counsel to commence legal proceedings on behalf of the City of Philadelphia seeking action that would provide reasonable remedies for lethal conditions of escalating gun-related violence and trafficking in our City and further provide an increased level of public safety and protection for our citizens.

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CERTIFICATION: This is a true and correct copy of the original Resolution, Adopted by the Council of the City of Philadelphia on the twenty-second of December, 2005.

Anna C. Verna
PRESIDENT OF THE COUNCIL

Patricia Rafferty
CHIEF CLERK OF THE COUNCIL

Introduced by: Councilmembers Clarke, Miller, Ramos and DiCicco

Sponsored by: Councilmembers Clarke, Miller, Ramos, DiCicco, Reynolds Brown, Goode, Krajewski, Blackwell, Kenney, Tasco, Nutter, Rizzo, Kelly and O'Neill