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SJR-7 Federal constitutional convention: firearms. (2023-2024)

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Senate Joint Resolution No. 7

CHAPTER 175

Relative to a federal constitutional convention.

[Filed with Secretary of State September 21, 2023.]

LEGISLATIVE COUNSEL'S DIGEST

SJR 7, Wahab. Federal constitutional convention: firearms.

The measure would apply to the United States Congress to call a constitutional convention under Article V of the Constitution of the United States for the purpose of proposing a constitutional amendment relating to firearms, as specified.

Fiscal Committee: no

WHEREAS, Approximately 49,000 Americans died in 2021 as a result of gun violence, and firearms are the leading cause of death for children under 18 years of age in the United States and the most common method of both homicide and suicide, and

WHEREAS, It is estimated that there are approximately 393,000,000 firearms in civilian hands in the United States as of 2023, meaning that firearms now outnumber people in our country; and

WHEREAS, Gun safety laws are proven to lessen the scourge of gun violence, as evidenced by the fact that since some of California's most significant gun safety laws took effect in the early 1990s, California has cut its rate of gun death in half, and the state's gun death rate is 39 percent lower than the national average as of 2023; and

WHEREAS, Precedents of the Supreme Court of the United States, including its decision in *New York State Rifle & Pistol Association, Inc. v. Bruen* (2022) 142 S.Ct. 2111, have limited the ability of the states to enact and enforce reasonable restrictions on the public carry of firearms, and prompted challenges to many other common sense regulations, such as those allowing law enforcement officials to assess the potential dangerousness of individuals seeking to obtain firearms and prohibit possession of firearms by those deemed dangerous, and those restricting possession of certain particularly dangerous weapons, including weapons of war; and

WHEREAS, Modern technology and capabilities, including semiautomatic firing mechanisms, capacity, range, accuracy, and use of specialized ammunition, of the firearms commercially available today make them far more lethal than anything the founders could have imagined in the 18th century, when most weapons needed to be reloaded after every shot; and

WHEREAS, Common sense public safety regulations limiting aspects of firearms acquisition, possession, public carry, and use by individuals, including, but not limited to, the types of firearms and ammunition that private individuals may possess, categories of private individuals who may not acquire or possess firearms, and locations where private individuals may carry firearms, as well as procedures to ensure that individuals possessing or seeking to acquire or publicly carry firearms will not pose a threat to the safety of themselves or others or use a firearm in furtherance of otherwise unlawful conduct, are proven to save lives; and

WHEREAS, Since state leaders first announced their intention to introduce this joint resolution in June 2023, the Supreme Court of the United States has granted review in *United States v. Rahimi*, yet another case in which a court struck down a commonsense gun safety regulation, and the scourge of gun violence has continued unabated, with recent mass shootings bringing tragedy to communities across the country, further underscoring the need for urgent action; and

WHEREAS, Amending the United States Constitution as described herein will ensure that federal, state, and local government can effectively pursue common sense solutions to this deadly nationwide problem, consistent with the understanding that throughout American history private individuals have possessed firearms for home defense, hunting, and recreational purposes; and

WHEREAS, Article V of the Constitution of the United States requires the United States Congress to call a constitutional convention upon application of two-thirds of the legislatures of the several states for the purpose of proposing amendments to the United States Constitution; now, therefore, be it

Resolved by the Senate and the Assembly of the State of California, jointly, That the Legislature of the State of California, speaking on behalf of the people of the State of California, hereby applies to the United States Congress to call a constitutional convention under Article V of the Constitution of the United States for the purpose of proposing a constitutional amendment that would do either, or both, of the following:

(a) Affirm that federal, state, and local governments may adopt public safety regulations limiting aspects of firearms acquisition, possession, public carry, and use by individuals, and that such regulations are consistent with the Second Amendment to the United States Constitution and the understanding that throughout American history private individuals have possessed firearms for home defense, hunting, and recreational purposes;

(b) Impose, as a matter of national policy, the following firearms regulations and prohibitions: (1) universal background checks as a prerequisite to purchase or acquisition of a firearm, (2) a prohibition on sales, loans, or other transfers of firearms to those under 21 years of age, subject to limited exceptions, (3) a minimum waiting period after the purchase or acquisition of a firearm before that firearm may be delivered to the buyer or acquirer, and (4) a prohibition on the sale, loan, or transfer of assault weapons and other weapons of war to private civilians; and be it further

Resolved, That this application is for a limited constitutional convention and does not grant Congress the authority to call a constitutional convention for any purpose other than those set forth herein and that this application shall be void if ever used at any stage to consider any constitutional amendments on subjects other than those specified herein; and be it further

Resolved, That this application shall be considered as covering the same subject matter as applications from other states to the United States Congress to call a convention to propose a constitutional amendment for each respective purpose set forth herein and that this application shall be aggregated with such applications for the purpose of attaining the two-thirds of states necessary to require Congress to call a limited convention on each respective subject, but shall not be aggregated with any other applications on any other subject; and be it further

Resolved, That the State of California intends that this application shall constitute a continuing application, considered together with any applications on the respective subject that other states have adopted or may in the future adopt, until such time as two-thirds of the several states have applied for a convention and said convention is convened by Congress; and be it further

Resolved, That the Secretary of the Senate transmit copies of this resolution to the President and Vice President of the United States, the Speaker of the House of Representatives, the Minority Leader of the House of Representatives, the Majority Leader of the United States Senate, the Minority Leader of the United States Senate, and to each Senator and Representative from California in the Congress of the United States.