

BOARD of SUPERVISORS



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MEMORANDUM

TO: Greg Suhr, Chief, Police Department
Vicki Hennessy, Sheriff, Sheriff's Department

FROM: Erica Major, Assistant Committee Clerk, Public Safety and Neighborhood
Services Committee, Board of Supervisors

DATE: March 7, 2016

SUBJECT: LEGISLATION INTRODUCED

The Board of Supervisors' Public Safety and Neighborhood Services Committee has received the following proposed legislation, introduced by Supervisor Farrell on March 1, 2016:

File No. 160198

Ordinance amending the Police Code to prohibit any person from keeping a firearm within any residence unless the firearm is stored in a locked container or disabled with a trigger lock.

If you have any comments or reports to be included with the file, please forward them to me at the Board of Supervisors, City Hall, Room 244, 1 Dr. Carlton B. Goodlett Place, San Francisco, CA 94102.

c:
Christine Fountain, Police Department
Sergeant Rachael Kilshaw, Police Department
Theodore Toet, Sheriff's Department
Katherine Gorwood, Sheriff's Department
Eileen Hirst, Sheriff's Department

1 [Police Code - Storage of Firearms in Any Residence]

2
3 **Ordinance amending the Police Code to prohibit any person from keeping a firearm**
4 **within any residence unless the firearm is stored in a locked container or disabled with**
5 **a trigger lock.**

6 NOTE: **Unchanged Code text and uncodified text** are in plain Arial font.
7 **Additions to Codes** are in *single-underline italics Times New Roman font*.
8 **Deletions to Codes** are in *strikethrough italics Times New Roman font*.
9 **Board amendment additions** are in double-underlined Arial font.
10 **Board amendment deletions** are in ~~strikethrough Arial font~~.
11 **Asterisks (* * * *)** indicate the omission of unchanged Code
12 subsections or parts of tables.

13 Be it ordained by the People of the City and County of San Francisco:

14 Section 1. The Police Code is hereby amended by revising Section 4512, to read as
15 follows:

16 **SEC. 4512. ~~HANDGUNS~~ FIREARMS LOCATED IN ANY RESIDENCE TO BE KEPT**
17 **IN A LOCKED CONTAINER OR DISABLED WITH A TRIGGER LOCK.**

18 (a) **Prohibition.** No person shall keep a ~~handgun~~ firearm within any residence ~~owned or~~
19 ~~controlled by that person~~ unless the firearm ~~handgun~~ is stored in a locked container or disabled
20 with a trigger lock, ~~that has been approved by the California Department of Justice.~~

21 (b) **Definitions.** As used in this Section 4512, the following terms have the following
22 meaning:

23 ~~(1)~~ "Firearm" means a Firearm as defined in California Penal Code section 16520, as
24 amended from time to time.

1 ~~"Residence." As used in this Section, means "residence" is any structure intended or used for~~
2 ~~human habitation including but not limited to houses, condominiums, rooms, in law units, motels,~~
3 ~~hotels, SRO's, time shares, recreational and other vehicles where human habitation occurs.~~

4 ~~(2) "Locked container:" means a locked container as defined in California Penal Code~~
5 ~~section 16850, as amended from time to time and is listed on the California Department of Justice~~
6 ~~Bureau of Firearms roster of approved firearm safety devices. As used in this Section, "locked~~
7 ~~container" means a secure container which is fully enclosed and locked by a padlock, key lock,~~
8 ~~combination lock or similar locking device.~~

9 ~~(3) "Handgun." As used in this Section, "handgun" means any pistol, revolver, or other firearm~~
10 ~~that is capable of being concealed upon the person, designed to be used as a weapon, capable of~~
11 ~~expelling a projectile by the force of any explosion or other form of combustion, and has a barrel less~~
12 ~~than 16 inches in length.~~

13 ~~"Residence" means any structure intended or used for human habitation, including but not~~
14 ~~limited to houses, condominiums, rooms, in-law units, motels, hotels, SRO's, time shares, and~~
15 ~~recreational and other vehicles where human habitation occurs.~~

16 ~~(4) "Trigger lock-" As used in this Section, means a "trigger lock" means a trigger lock that~~
17 ~~is listed in on the California Department of Justice's list roster of approved firearms safety~~
18 ~~devices and that is identified as appropriate for that firearm handgun by reference to either the~~
19 ~~manufacturer and model of the firearm, handgun or to the physical characteristics of the firearm~~
20 ~~handgun that match those listed on the roster for use with the device under Penal Code~~
21 ~~Section 23635. 12088(d).~~

22 (c) **Exceptions.** This Section 4512 shall not apply in the following circumstances:

23 (1) The ~~handgun~~ firearm is carried on the person of an individual in accordance
24 with all applicable laws over the age of 18.

1 (2) The ~~handgun~~ firearm is under the control of a person who is a peace officer
2 under Penal Code Section 830 *et seq.*

3 (d) **Lost or Stolen Firearms Handguns.** In order to encourage reports to law
4 enforcement agencies of lost or stolen firearms handguns pursuant to ~~San Francisco~~ Police
5 Code Section 616, a person who files a report with a law enforcement agency notifying the
6 agency that a firearm has been lost or stolen shall not be subject to prosecution for violation of
7 Section 4512(a) above.

8 (e) **Penalty.** Every violation of this Section 4512 shall constitute a misdemeanor and
9 upon conviction shall be punished by a fine not to exceed \$1,000-~~00~~ or by imprisonment in the
10 county jail not to exceed six months, or by both.

11 (f) **Severability.** If any provision, clause or word of this chapter or the application
12 thereof to any person or circumstance is held invalid, such invalidity shall not affect any other
13 provision, clause, word or application of this Section 4512 which can be given effect without
14 the invalid provision, clause or word, and to this end the provisions of this Section are
15 declared to be severable.


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17 Section 2. Effective Date. This ordinance shall become effective 30 days after
18 enactment. Enactment occurs when the Mayor signs the ordinance, the Mayor returns the
19 ordinance unsigned or does not sign the ordinance within ten days of receiving it, or the Board
20 of Supervisors overrides the Mayor's veto of the ordinance.

21
22 Section 3. Scope of Ordinance. In enacting this ordinance, the Board of Supervisors
23 intends to amend only those words, phrases, paragraphs, subsections, sections, articles,
24 numbers, punctuation marks, charts, diagrams, or any other constituent parts of the Municipal
25 Code that are explicitly shown in this ordinance as additions, deletions, Board amendment

1 additions, and Board amendment deletions in accordance with the "Note" that appears under
2 the official title of the ordinance.

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4 APPROVED AS TO FORM:
5 DENNIS J. HERRERA, City Attorney

6 By: 
7 Alicia Cabrera
8 Deputy City Attorney

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