

## LEGISLATIVE DIGEST

[Police Code - Possession or Sale of Law Enforcement or Military Ammunition]

**Ordinance amending the San Francisco Police Code by adding Section 618 to prohibit the possession or sale of certain ammunition, including Black Talon ammunition and ammunition intended exclusively for law enforcement and military purposes.**

### Existing Law

Article 9 of the Police Code prohibits the sale (but not the possession) of "enhanced-lethality ammunition" within the City. "Enhanced-lethality ammunition" is defined in Police Code Section 613.10(g) as firearms ammunition that:

- Serves no sporting purpose;
- Is designed to expand upon impact and utilize the jacket, shot or materials embedded within the jacket or shot to project or disperse barbs or other objects that are intended to increase the damage to a human body or other target; or
- Is designed to fragment upon impact.

This prohibition does not apply to the sale of conventional hollow-point ammunition with a solid lead core when the purchase is made for official law enforcement purposes and by someone authorized to make such a purchase by the Chief of Police or the Sheriff.

### Amendments to Current Law

The proposal is an ordinance that would add a new Section 618 to Article 9 of the Police Code to regulate "Prohibited Ammunition." The ordinance defines "Prohibited Ammunition" as:

- Ammunition sold under the brand name "Winchester Black Talon," or any other ammunition having the same ballistic characteristics; and
- Ammunition designated by its manufacturer for sale to law enforcement or military agencies only, unless other ammunition having the same ballistic characteristics is sold to the general public.

The ordinance would bar any person or business from possessing Prohibited Ammunition within the City. This prohibition would not apply to peace officers, federal law enforcement officers, members of the armed forces, and certain other categories of official security personnel who otherwise lawfully possessed Prohibited Ammunition issued by their employing agency.

The ordinance would prohibit any business licensed as a firearm dealer under Police Code Article 9 from selling, leasing or otherwise transferring Prohibited Ammunition except to law enforcement or military agencies.

Violation of the ordinance would be a misdemeanor, punishable by a fine of up to \$1,000.00 or by imprisonment in the county jail for up to six months, or by both.

The Ordinance would also require the Police Department to create a public database of brands and product lines of ammunition meeting the definition of "Prohibited Ammunition." But the fact that the database had not been prepared, or that a particular brand or product line of ammunition otherwise qualifying as "Prohibited Ammunition" was not included in the database, would not be a defense to or otherwise excuse a violation of the ordinance.

#### Background Information

"Winchester Black Talon" ammunition is listed as a type of "enhanced-lethality ammunition" in Police Code Section 613.10(g), as part of the category of ammunition "designed to expand upon impact and utilize the jacket, shot or materials embedded within the jacket or shot to project or disperse barbs or other objects that are intended to increase the damage to a human body or other target." Therefore, the sale of Black Talon ammunition or of other ammunition having the same ballistic characteristics is already prohibited under the Police Code, but possession currently is not.