

File No. 100879

Committee Item No. 2

Board Item No. _____

COMMITTEE/BOARD OF SUPERVISORS

AGENDA PACKET CONTENTS LIST

Committee: Public Safety

Date: August 2, 2010

Board of Supervisors Meeting

Date _____

Cmte Board

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| <input type="checkbox"/> | <input type="checkbox"/> | Motion |
| <input type="checkbox"/> | <input type="checkbox"/> | Resolution |
| <input checked="" type="checkbox"/> | <input type="checkbox"/> | Ordinance |
| <input checked="" type="checkbox"/> | <input type="checkbox"/> | Legislative Digest |
| <input type="checkbox"/> | <input type="checkbox"/> | Budget Analyst Report |
| <input type="checkbox"/> | <input type="checkbox"/> | Legislative Analyst Report |
| <input type="checkbox"/> | <input type="checkbox"/> | Ethics Form 126 |
| <input type="checkbox"/> | <input type="checkbox"/> | Introduction Form (for hearings) |
| <input type="checkbox"/> | <input type="checkbox"/> | Department/Agency Cover Letter and/or Report |
| <input type="checkbox"/> | <input type="checkbox"/> | MOU |
| <input type="checkbox"/> | <input type="checkbox"/> | Grant Information Form |
| <input type="checkbox"/> | <input type="checkbox"/> | Grant Budget |
| <input type="checkbox"/> | <input type="checkbox"/> | Subcontract Budget |
| <input type="checkbox"/> | <input type="checkbox"/> | Contract/Agreement |
| <input type="checkbox"/> | <input type="checkbox"/> | Award Letter |
| <input type="checkbox"/> | <input type="checkbox"/> | Application |
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OTHER

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Completed by: Victor Young

Date July 29, 2010

Completed by: Victor Young

Date _____

An asterisked item represents the cover sheet to a document that exceeds 25 pages. The complete document is in the file.

1 [Increasing Penalties for Certain Crimes Committed on Municipal Transportation Agency
2 Vehicles, Platforms or in Bus Zones]

3 Ordinance amending the San Francisco Police Code by amending Article 2, Section
4 123, and Article 17, Section 1291, to increase from \$500 to \$1,000 the maximum
5 allowable fine for the crimes of aggressive pursuit and of loitering while carrying a
6 concealed weapon, where the violation occurs on vehicles, platforms, or bus zones of
7 the Municipal Transportation Agency.

8 NOTE: Additions are single-underline italics Times New Roman;
9 deletions are ~~strike-through italics Times New Roman~~.
10 Board amendment additions are double-underlined;
11 Board amendment deletions are ~~strikethrough normal~~.

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

13 Section 1. The San Francisco Police Code is hereby amended by amending
14 Section 123, to read as follows:

15 **SEC. 123. PENALTY.**

16 Any person violating Section 122 of this Article shall be guilty of aggressive pursuit, and
17 upon conviction thereof, shall be subject to a fine of not more than \$500, or by imprisonment
18 in the County Jail for a term not to exceed six months, or by both such fine and imprisonment.

19 Any person who shall violate Section 122 on a Municipal Transportation Agency transit platform or
20 vehicle or within 25 feet of a bus zone shall be guilty of a misdemeanor, the penalty for which shall be
21 imprisonment in the County Jail for a period not exceeding six months, or by a fine not exceeding one
22 thousand dollars (\$1,000), or by both such fine and imprisonment.

23 / / /
24 / / /
25 / / /

Supervisors Chu, Chiu, Mar, Maxwell, Dufty
BOARD OF SUPERVISORS

1 Section 2 The San Francisco Police Code is hereby amended by amending
2 Section 1291, to read as follows:

3 **SEC. 1291. PROHIBITING LOITERING WHILE CARRYING CONCEALED WEAPONS.**

4 (a) As used in this Section, but in no wise limited thereto, "dangerous or deadly
5 weapon" shall mean: any knife with a blade three inches or more in length; any spring-blade,
6 switch-blade, or snap-blade or other similar type knife; any knife any blade of which is
7 automatically released by a spring mechanism or other mechanical device; any ice pick, or
8 similar sharp, stabbing tool; any straight edge razor or any razor blade fitted to a handle; any
9 cutting, stabbing, bludgeoning weapon or device capable of inflicting grievous bodily harm.

10 (b) It shall be unlawful for any person, while carrying concealed upon his person any
11 dangerous or deadly weapon, to loaf or loiter upon any public street, sidewalk, or alley, or to
12 wander about from place to place, with no lawful business thereby to perform, or to hide, lurk,
13 loiter upon or about the premises of another.

14 (c) It shall be unlawful for any person who has concealed upon his person or who has
15 in his immediate physical possession any dangerous or deadly weapon to engage in any fight
16 or to participate in any other rough or disorderly conduct upon any public place or way or upon
17 the premises of another.

18 (d) It shall be unlawful for any person who has concealed upon his person any
19 dangerous or deadly weapon to loiter about any place where intoxicating liquors are sold or
20 any other place of public resort.

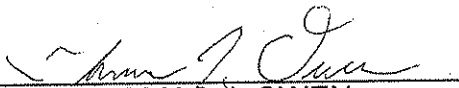
21 (e) The foregoing restrictions shall not be deemed to prohibit the carrying of ordinary
22 tools or equipment carried in good faith for uses of honest work, trade or business or for the
23 purpose of legitimate recreation.

24 (f) Any person who shall violate this Section shall be guilty of a misdemeanor, the penalty for
25 which shall be imprisonment in the County Jail for a period not exceeding six months, or by a fine not

1 exceeding five hundred dollars (\$500), or by both such fine and imprisonment. Any person who shall
2 violate this Section on a Municipal Transportation Agency transit platform or vehicle or within 25 feet
3 of a bus zone shall be guilty of a misdemeanor, the penalty for which shall be imprisonment in the
4 County Jail for a period not exceeding six months, or by a fine not exceeding one thousand dollars
5 (\$1,000), or by both such fine and imprisonment.

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8 APPROVED AS TO FORM:
9 DENNIS J. HERRERA, City Attorney

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11 By:


12 THOMAS J. OWEN
13 Deputy City Attorney
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FILE NO.

LEGISLATIVE DIGEST

[Increasing penalties for certain crimes committed on MTA vehicles or platforms or in bus zones.]

Ordinance amending the San Francisco Police Code by amending Sections 123 and 1291, to increase from \$500 to \$1,000 the maximum allowable fine for the crimes of aggressive pursuit and of loitering while carrying a concealed weapon, where the violation occurs on vehicles, platforms or bus zones of the Municipal Transportation Agency.

Existing Law

Section 122 of the Police Code prohibits "aggressive pursuit," defined as "the wilful, malicious or repeated following or harassment of another person, including, but not limited to, wilful or malicious communications by telephone, modem, facsimile or mail with the intent to cause annoyance, intimidation or fear on the part of the person being pursued." Section 123 provides that aggressive pursuit may be punished by a fine not to exceed \$500, or by imprisonment in the county jail for up to 6 months, or both.

Section 1291 makes it unlawful to loiter while carrying a concealed weapon. Although the Police Code does not specify the penalty for violation of Section 1291, state law provides that violation of a local ordinance is a misdemeanor, unless specifically made an infraction. The penalties for misdemeanors, under state law, are imprisonment in the county jail not to exceed six months, or a fine not to exceed one thousand dollars (\$1,000), or both.

Amendments to Current Law

The proposal is an ordinance that would amend the Police Code to increase the maximum allowable fines for the crimes of aggressive pursuit and of loitering while carrying a concealed weapon from \$500 to \$1,000, where the violation occurs on Municipal Transportation Agency vehicles or platforms, or within 25 feet of a bus zone. The proposal would also clarify that loitering while carrying a concealed weapon in other locations is also a misdemeanor and sets a maximum fine of \$500 for those violations.