

File No. 161120

Committee Item No. 3

Board Item No. 21

### COMMITTEE/BOARD OF SUPERVISORS AGENDA PACKET CONTENTS LIST

Committee PUBLIC SAFETY

Date 2/3/11

Board of Supervisors Meeting

Date 2/15/11

#### 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 checked="" type="checkbox"/> | Ordinance                                    |
| <input checked="" type="checkbox"/> | <input checked="" 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"/>            | Introduction Form (for hearings)             |
| <input checked="" type="checkbox"/> | <input checked="" 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                                  |
| <input type="checkbox"/>            | <input type="checkbox"/>            | Public Correspondence                        |

#### OTHER

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Completed by: Gail Johnson

Date 1/28/11

Completed by: RG

Date 2/16/11

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

12

FILE NO. 101120

1 [Police Code - Discharge of Firearms]

2  
3 **Ordinance amending the San Francisco Police Code by amending Sections 1290, 4502,**  
4 **and 4506, to consolidate the prohibitions on the discharge of firearms within the City**  
5 **and to re-state the exceptions to those prohibitions.**

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

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

10 Section 1. The San Francisco Police Code is hereby amended by amending  
11 Sections 1290, 4502, and 4506, to read as follows:

12 **SEC. 1290. DISCHARGE OF FIREWORKS FIREARMS PROHIBITED—~~FIREWORKS~~.**

13 No person or persons, firm, company, corporation or association shall fire or discharge  
14 any ~~firearms~~ or fireworks of any kind or description within the limits of the City and County of  
15 San Francisco.

16 Provided, however, that public displays of fireworks may be given with the joint written  
17 consent of the Fire Marshal and the Chief of Police.

18  
19 **SEC. 4502. DISCHARGE OF FIREARMS AND FIRING OF PROJECTILE WEAPONS.**

20 Subject to the exceptions in Section 4506, it shall be unlawful for any person to at  
21 any time fire or discharge, or cause to be fired or discharged, any firearm or any projectile  
22 weapon ~~on or into any street, highway or other public place~~ within the City and County of San  
23 Francisco.

24 / / /

25  
Mayor Lee  
BOARD OF SUPERVISORS

1 **SEC. 4506. FIREARMS AND PROJECTILE WEAPONS; EXCEPTIONS.**

2 (a) The provisions of Section 4502 shall not apply to or affect:

3 (1) Sheriffs sheriffs, constables, marshals, police officers, or other duly  
4 appointed peace officers in the performance of their official duties, ~~or not to~~ any person  
5 summoned by such officer to assist in making arrests or preserving the peace while said  
6 person so summoned is actually engaged in assisting such officer;

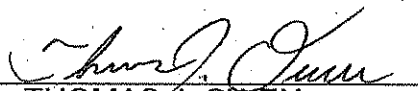
7 (2) Persons in lawful possession of a handgun who discharge said handgun in  
8 necessary and lawful defense of self or others while in a personal residence; or

9 (3) Persons in lawful possession of a firearm or projectile weapon who are  
10 expressly and specifically authorized by federal or state law to discharge said firearm or  
11 projectile weapon under the circumstances present at the time of discharge.  
12 ~~not to persons who are by federal or state law authorized to use such firearms or projectile~~  
13 ~~weapons, nor to persons using said firearms or projectile weapons in necessary self defense.~~

14 (b) Use of firearms and projectile weapons may be permissible when integral to the  
15 pursuit of specific competitive and sporting events, including but not limited to events such as  
16 target and skeet shooting, upon issuance of a permit from the Chief of Police to persons  
17 conducting the event or engaged in the business of providing the location at which the event  
18 is to take place. The Chief of Police shall formulate criteria for the application, issuance, and  
19 renewal of such permits, and may require as a condition of approval the posting of any bond,  
20 or proof of adequate liability insurance.

21  
22 APPROVED AS TO FORM:  
23 DENNIS J. HERRERA, City Attorney

24 By:

  
25 THOMAS J. OWEN  
Deputy City Attorney

Mayor Lee  
BOARD OF SUPERVISORS

**LEGISLATIVE DIGEST**

(Amendment of the Whole, dated 2/3/2011)

[Police Code - Discharge of Firearms]

**Ordinance amending the San Francisco Police Code by amending Sections 1290, 4502, and 4506, to consolidate the prohibitions on the discharge of firearms within the City and to re-state the exceptions to those prohibitions.**

Existing Law

The Police Code currently contains one section prohibiting any person or entity from firing or discharging any firearms within City limits, and another section prohibiting any person or entity from firing or discharging any firearms on a street or other public place. The Code sets out a number of exceptions to the second section.

Amendments to Current Law

The proposal would combine the two existing prohibitions on discharging firearms by eliminating the first prohibition (in Police Code Section 1290), and then expanding the scope of the second prohibition (in Section 4502) to cover both public and private locations. This change would also make the prohibition on discharging firearms—as it relates to private locations—explicitly subject to the stated exceptions in Police Code Section 4506.

Two of the exceptions in Section 4506 would be re-stated and narrowed. The exception for persons authorized by federal or state law to use firearms would make explicit that the individual must be in lawful possession of the firearm, must be specifically and expressly authorized by federal or state law to discharge the firearm, and may only rely on the exception under the particular circumstances constituting the federal or state authorization. The exception for persons using a firearm in necessary self-defense would make explicit that the individual must be in lawful possession of a handgun and may only rely on the exception if he or she uses the handgun in the necessary and lawful defense of self or others while in a personal residence.

Office of the Mayor  
City & County of San Francisco



Gavin Newsom

TO: Angela Calvillo, Clerk of the Board of Supervisors  
FROM: Mayor Gavin Newsom  
RE: Police Code - Discharge of Firearms; Fireworks  
DATE: November 9, 2010

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Dear Madame Clerk:

Attached for introduction to the Board of Supervisors is the ordinance amending the San Francisco Police Code by amending Section 1290 and adding Section 1290.1, to add exceptions to the general prohibition on the discharge of firearms within the City.

I request that this item be calendared in Public Safety Committee.

Should you have any questions, please contact Starr Terrell (415) 554-5262.