

1 [Gun Offender Registry.]

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3 **Ordinance amending the San Francisco Police Code by adding Section 4513 to create a**
4 **local registry of gun offenders convicted in San Francisco.**

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

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

9 Section 1. The San Francisco Police Code is hereby amended by adding
10 Section 4513, to read as follows:

11 **SEC 4513. GUN OFFENDER REGISTRATION LAW.**

12 *(a) Legislative findings and intent. People who have been convicted of gun offenses pose*
13 *unique dangers to the people of this City and should be monitored to prevent them from reoffending*
14 *and to ensure their prompt apprehension if they do commit further crimes. The Police Department has*
15 *shown that information about past offenders can be used to prevent future crimes.*

16 *(b) Title. This local law shall be known as the "Gun Offender Registration Law."*

17 *(c) Definitions.*

18 *1. "Chief of Police" shall mean the Chief of Police of San Francisco or his or her designee.*

19 *2. "Department" shall mean the police department of the City and County of San Francisco.*

20 *3. "Gun Offender" shall mean any person who is convicted, after the effective date of this act,*
21 *of a gun offense in a court in the City and County of San Francisco. Convictions that result from or are*
22 *connected with the same act, or result from offenses committed at the same time, shall be counted for*
23 *the purpose of this Section as one conviction. The entry of a plea of guilty, a plea of guilty where the*
24 *gun offender does not accept responsibility, a plea of nolo contendere, or a verdict of guilty, shall*
25 *constitute a conviction for purposes of this Section; provided, however, that any conviction set aside*

1 pursuant to law, including any conviction for a gun offense that has been reversed upon appeal, is not a
2 conviction for purposes of this Section. The term "gun offender" shall not include any person who has
3 been pardoned for all gun offenses by the governor.

4 4. "Gun Offense" shall mean a conviction in violation of any of the following laws: Penal Code
5 Sections 148(c),148(d), 245(a)(2), 246, 417(a)(2), 626.9, 12021, 1022.53, 1022.5, 12025, 12031,
6 12072, 12090, 12220, 12280, 12321, or 12520 or Health and Safety Code Section 11370.1.

7 5. "Firearm" shall mean any gun, pistol, revolver, rifle or any device, designed or modified to
8 be used as a weapon, from which is expelled through a barrel a projectile by the force of an explosion
9 or other form of combustion.

10 (d) **Registration requirements.**

11 1. A gun offender shall register with the department at the time sentence is imposed on a form
12 prescribed by the department.

13 2. Registration as required by this chapter shall consist of a statement in writing signed by the
14 gun offender and providing the following information:

15 (i) The gun offender's name, all aliases used, date of birth, sex, race, height, weight, eye color,
16 number of any driver's license or non-driver photo ID card, vehicle registration number for any vehicle
17 of which the offender is a registered owner, home address and/or expected place of residence.

18 (ii) A photograph, which the department may require to be updated during the period of
19 registration.

20 (iii) A description of the offense for which the gun offender was convicted, the date of
21 conviction and the sentence imposed.

22 (iv) The name and address of any institution of career education, higher education or
23 secondary education at which the gun offender is or expects to be enrolled or attending, and whether
24 the offender resides in or will reside in a facility owned or operated by such institution.

1 (v) The gun offender's expected place of employment, including name and phone number of
2 supervisor and mailing address of employer.

3 (vi) Any other information deemed pertinent by the department.

4 (e) **Personal appearance to register.** A gun offender who is required to register shall
5 personally appear at a place directed by the Chief of Police within forty-eight hours of (1) release, in
6 the event the gun offender receives a sentence of imprisonment, or (2) the time sentence is imposed, if
7 such sentence does not include imprisonment, for the purpose of personally verifying the information
8 required under subdivision (d) of this section. The Chief of Police may require the gun offender to
9 provide any documentation the Chief of Police deems acceptable to verify the required information.
10 The department may photograph the gun offender.

11 (f) **Subsequent appearances after initial registration.** For a gun offender who is required to
12 register under this chapter and who is a resident of the City and County of San Francisco, every six
13 months after the gun offender's initial registration date, and during the period in which the gun
14 offender is is required to register under this Section, the gun offender shall do the following:

15 1. Except as specified in paragraph 2 of this subdivision (f), within twenty days of each six-
16 month anniversary of the gun offender's initial registration date, the gun offender shall personally
17 appear at the location directed by the Chief of Police for the purpose of verifying the information
18 required under subdivision(d) of this Section. The Chief of Police may require the gun offender to
19 provide any documentation the Chief of Police deems acceptable to verify the required information. At
20 that time, the department may photograph the gun offender.

21 2. If a gun offender required to register under this chapter who is a resident of the City and
22 County of San Francisco is confined to any state or local correction facility, hospital or institution
23 throughout the twenty-day period described in paragraph 1 of this subdivision (f), the gun offender
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1 shall personally appear as required by paragraph 1 within forty-eight hours of release. At that time,
2 the department may photograph the gun offender.

3 (g) **Additional information.** The department is authorized to maintain in the registry database
4 information other than that specified in subdivision (d) of this Section.

5 (h) **Change of address.** Within ten calendar days after establishing residence in the City and
6 County of San Francisco or changing residences within the City and County of San Francisco, a gun
7 offender shall personally appear at a location directed by the Chief of Police and provide the
8 information required by this Section. The Chief of Police may require the gun offender to provide
9 documentation the Chief of Police deems acceptable to verify the change in residence.

10 (i) **Duration of registration and verification.** A gun offender shall be required to register and
11 verify information as required by this Section for a period of four years from the date of conviction of a
12 gun offense, if the conviction does not include imprisonment, or for a period of four years from the date
13 of release after conviction of a gun offense, in the event the gun offender receives a sentence of
14 imprisonment.

15 (j) **Sharing of registration information.** The department is authorized to make the registry
16 available to any regional or national government-operated registry of gun offenders for the purpose of
17 sharing information. The department may accept information from any regional or national
18 government-operated registry of gun offenders.

19 (k) **Regulations.** The Chief of Police may promulgate rules and regulations and establish
20 forms as the Chief of Police determines are necessary to carry out the provisions of this Section.

21 (l) **Penalties.** Any violation by a gun offender of this Section or of rules and regulations
22 established pursuant to this Section, including but not limited to a failure to register or to verify
23 information as required in this Section and within the time periods provided for in this Section, shall be
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1 a misdemeanor and upon conviction shall be punished by a fine not to exceed \$1,000 or by
2 imprisonment in the county jail not to exceed six months, or by both.

3 (m) Severability. If any provision, clause or word of this chapter or the application thereof to
4 any person or circumstance is held invalid, such invalidity shall not affect any other provision, clause,
5 word or application of this Section which can be given effect without the invalid provision, clause or
6 word, and to this end the provisions of this Section are declared to be severable.

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APPROVED AS TO FORM:
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