

1 [Restricting the sale of large caliber firearms, requiring reporting of firearm thefts, and deleting
2 obsolete provisions regulating firearms sales.]

3 **Ordinance amending the Police Code by amending Sections 613.1 and 613.10 to delete**
4 **requirements relating to “Saturday Night Specials” and security practices for firearms**
5 **dealers that have been superceded by state law; amending Section 613.3 to require the**
6 **Chief of Police to conduct a background check on applicants for a firearms dealer**
7 **license; amending Section 613.10-1 to restrict the sale of large caliber firearms, and**
8 **adding a new section 619, requiring owners of firearms to report the loss or theft of a**
9 **firearm to the Police Department.**

10 Note: Additions are single-underline italics Times New Roman;
11 deletions are ~~strikethrough italics Times New Roman~~.
Board amendment additions are double underlined.
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 Sections
14 613.1, 613.9 and 613.10-1 to read as follows:

15 **SEC. 613.1. DEFINITIONS.***

16 (a) “Firearm” shall mean any device, designed to be used as a weapon or
17 modified to be used as a weapon, that expels a projectile by the force of an explosion or other
18 form of combustion.

19 (b) “Firearm ammunition” shall mean any cartridge or encasement containing
20 a bullet or projectile, propellant or explosive charge, and a primer which is used in the
21 operation of a firearm.

22 (c) “Firearm ammunition component” shall mean any cartridge or
23 encasement, bullet or projectile, primer or propellant or explosive material used in the
24 manufacture of ammunition.

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1 (d) "Firearm capable of being concealed upon the person" shall mean any
2 such firearm as defined in California Penal Code Section 12001(a).

3 (e) "Transfer" shall include, but shall not be limited to, the redemption of a
4 pawned or pledged firearm by any individual including the individual who pawned or pledged
5 the firearm.

6 (f) ~~"Saturday night special" shall mean any of the following:~~

7 ~~—— (1) — A pistol, revolver, or firearm capable of being concealed upon the person, as~~
8 ~~those terms are defined in California Penal Code Section 12001(a), which contains a frame, barrel,~~
9 ~~breechblock, cylinder or slide that is not completely fabricated of heat-treated carbon steel, forged~~
10 ~~alloy, or other material of equal or higher tensile strength.~~

11 ~~—— (2) — A semiautomatic pistol which:~~

12 ~~—— (a) — Is not originally equipped by the manufacturer with a locked breech action; and~~

13 ~~—— (b) — Is chambered for cartridges developing maximum permissible breech pressures~~
14 ~~above 24,100 Copper Units of Pressure as standardized by the Sporting Arms and Ammunition~~
15 ~~Manufacturers Institute.~~

16 ~~—— (c) — For purposes of this Subsection (2), "semiautomatic pistol" shall mean a~~
17 ~~firearm, as defined in California Penal Code Section 12001(b), which is designed to be held and fired~~
18 ~~with one hand, and which does the following upon discharge: (i) fires the cartridge in the chamber; (ii)~~
19 ~~ejects the fired cartridge case; and (iii) loads a cartridge from the magazine into the chamber.~~

20 ~~"Semiautomatic pistol" shall not include any assault weapon designated in California Penal Code~~
21 ~~Section 12276.~~

22 ~~—— (3) — A pistol, revolver, or firearm capable of being concealed upon the person, as~~
23 ~~those terms are defined in California Penal Code Section 12001(a), which:~~

24 ~~—— (a) — Uses an action mechanism which is substantially identical in design to any~~
25 ~~action mechanism manufactured in or before 1898 that was originally chambered for rimfire~~

1 ~~ammunition developing maximum permissible breech pressures below 19,000 Copper Units of Pressure~~
2 ~~as standardized by the Sporting Arms and Ammunition Manufacturers Institute; and~~

3 ~~—— (b) —— Is chambered to fire either centerfire ammunition or rimfire ammunition~~
4 ~~developing maximum permissible breech pressures above 19,000 Copper Units of Pressure as~~
5 ~~standardized by the Sporting Arms and Ammunition Manufacturers Institute; and~~

6 ~~—— (c) —— Is not originally equipped by the manufacturer with a nondetachable safety~~
7 ~~guard surrounding the trigger; or~~

8 ~~—— (d) —— If rimfire, is equipped with a barrel of less than 20 bore diameters in overall~~
9 ~~length protruding from the frame.~~

10 ~~—— “Saturday night special” does not include any of the following:~~

11 ~~—— (1) —— Any pistol which is an antique or relic firearm or other weapon falling within the~~
12 ~~specifications of Paragraphs (5), (7) and (8) of Subsection (b) of California Penal Code Section 12020;~~
13 ~~or~~

14 ~~—— (2) —— Any pistol for which the propelling force is classified as pneumatic, that is, of, or~~
15 ~~related to, compressed air or any other gases not directly produced by combustion; or~~

16 ~~—— (3) —— Children's pop guns or toys; or~~

17 ~~—— (4) —— An “unconventional pistol” as defined in California Penal Code Section~~
18 ~~12020(c)(12); or~~

19 ~~—— (5) —— Any pistol which has been modified to either render it permanently inoperable or~~
20 ~~permanently make it a device no longer classified as a “Saturday night special.”~~

21 ~~(g)(f)~~ “Ultracompact firearm” shall mean any pistol, revolver, handgun or other
22 firearm that is 6.75 inches or less in length or 4.5 inches or less in height, measured with the
23 magazine detached.

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1 **SEC. 613.3 DENIAL OF LICENSE.**

2 The Chief of Police shall conduct a criminal history check on the applicant in order to
3 determine whether the applicant has been convicted of any offenses described in subsection (e) of this
4 Section. The Chief of Police shall deny the issuance of a license when any of the following
5 conditions exist:

6 (a) The applicant is under the age of 21 years.

7 (b) The applicant is not licensed as required by all applicable federal, State
8 and local laws.

9 (c) The applicant has had a firearms license previously revoked or denied for
10 good cause within the immediately preceding two years.

11 (d) The applicant has made a false or misleading statement of a material
12 fact, or omission of a material fact, in the application for a license. If a license is denied on this
13 ground, the applicant shall be prohibited from reapplying for a license for a period of two
14 years.

15 (e) The applicant has been convicted of:

16 (1) Any offense so as to disqualify the applicant from owning or possessing a
17 firearm under applicable federal, State, and local laws, including but not limited to the offenses
18 listed in California Penal Code Section 12021;

19 (2) Any offense relating to the manufacture, sale, possession, use, or
20 registration of any firearm or dangerous or deadly weapon;

21 (3) Any offense involving the use of force or violence upon the person of
22 another;

23 (4) Any offense involving theft, fraud, dishonesty, or deceit, including but not
24 limited to any of the offenses listed in Title 7 (Crimes Against Public Justice) and title 13,

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1 Chapters 4 (Forgery and Counterfeiting), 5 (Larceny), 6 (Embezzlement), 7 (Extortion), 8
2 (False Personation), 13 and 14 (Fraud) of the California Penal Code;

3 (5) Any offense involving the manufacture, sale, possession or use of any
4 controlled substance as defined by the California Health and Safety Code as said definition
5 now reads or may hereafter be amended to read.

6 (f) The applicant is within the classes of persons defined in California
7 Welfare and Institutions Code Sections 8100 or 8103.

8 (g) The applicant is (1) currently, or has been within the past two years, an
9 unlawful user of any controlled substance as defined by the California Health and Safety Code
10 as said definition now reads or may hereafter be amended to read; or (2) an excessive user of
11 alcohol, to the extent that such use would impair his or her fitness to be a dealer in firearms.

12 (h) The operation of the business as proposed would not comply with all
13 applicable federal, State, and local laws.

14 (i) The applicant, or an officer, employee, or agent thereof, proposes to
15 operate in the following locations:

16 (1) Within any RH, RM, RC, NC or RED zoning district, or within 1,000 feet of
17 the exterior limits of any such district;

18 (2) Within 1,000 feet of a public or private day care center or day care home,
19 or within 1,000 feet of any elementary, junior high or high school whether public or private;

20 (3) On or within 1,500 feet of the exterior limits of any other premises used
21 as a place of business by a dealer in firearms;

22 (4) Within 1,000 feet of a community center, church, neighborhood center,
23 recreational center, whether public or private, where regularly scheduled activities are
24 conducted for people under 18 years of age.

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1 (j) The applicant, or an officer, employee or agent thereof does not have,
2 and/or cannot provide evidence of a possessory interest in the property at which the proposed
3 business will be conducted.

4 (k) Any other ground for denial exists under any applicable provision of
5 federal, State or local law.

6 As used in this Section, the term "applicant" when the applicant is other than a
7 natural person shall include any officer, director, employee or agent of the applicant who may
8 be involved in the sale, lease or other transfer of any firearm, firearms ammunition or firearms
9 ammunition component.

10 **SEC. 613.10. LICENSE — CONDITIONS.**

11 In addition to all other requirements and conditions stated in this Article, each
12 license shall be subject to all of the following conditions, the breach of any of which shall be
13 sufficient cause for revocation of the license by the Chief of Police:

14 (a) The business shall be carried on only in the building located at the street
15 address shown on the license.

16 (b) The licensee shall comply with Sections 12073, 12074, 12076, 12077 and
17 12082 of the California Penal Code, to the extent that the provisions remain in effect.

18 (c) The licensee shall not deliver any pistol or revolver to a purchaser earlier
19 than ~~15~~ 10 days after the application for the purchase, lease or transfer, unless otherwise
20 provided by State or federal law.

21 (d) The licensee shall not deliver any firearm to a purchaser, lessee or other
22 transferee unless the firearm is unloaded and securely wrapped or unloaded in a locked
23 container.

24 (e) The licensee shall not deliver any firearm, firearm ammunition, or firearm
25 ammunition component to a purchaser, lessee or other transferee unless the purchaser,

1 lessee or other transferee is personally known to the seller or presents clear evidence of his
2 or her identity and age to the seller. As used in this Section, "clear evidence of his or her
3 identity and age" includes, but is not limited to, a motor vehicle operator's license, a State
4 identification card, an armed forces identification card, an employment identification card
5 which contains the bearer's signature and photograph, or any similar documentation which
6 provides the seller reasonable assurance of the identity and age of the purchaser.

7 (f) The licensee shall not display in any part of the premises where it can be
8 readily seen from outside the premises, any firearm, firearm ammunition or imitation thereof,
9 or placard advertising the sale or other transfer thereof, other than a sign identifying the name
10 of the business.

11 (g) ~~The licensee shall not sell, lease or otherwise transfer any firearm without also~~
12 ~~selling or otherwise providing with each firearm a trigger lock or similar device approved by the Chief~~
13 ~~of Police that is designed to prevent the unintentional discharge of the firearm.~~

14 (h) The licensee shall not sell, lease or otherwise transfer any firearm without
15 affixing to each firearm, or sealed package containing a firearm, a warning label stating the
16 following in not less than 14 point type:

17 "IF YOU LEAVE A LOADED FIREARM WHERE A CHILD OBTAINS AND
18 IMPROPERLY USES IT, YOU MAY BE FINED OR SENT TO PRISON, AND YOU MAY BE
19 LIABLE FOR CIVIL DAMAGES."

20 (i)(h) The licensee shall not sell, lease or otherwise transfer to any person any
21 ammunition clip or magazine that has the capacity to contain more than 10 rounds of
22 ammunition.

23 (j)(i) The licensee shall not sell, lease or otherwise transfer to any person any
24 ammunition that:

25 (1) Serves no sporting purpose;

1 (2) Is designed to expand upon impact and utilize the jacket, shot or
2 materials embedded within the jacket or shot to project or disperse barbs or other objects that
3 are intended to increase the damage to a human body or other target (including, but not
4 limited to, Winchester Black Talon, Speer Gold Dot, Federal Hydra-Shok, Hornady XTP,
5 Eldorado Starfire, Hollow Point Ammunition and Remington Golden Sabre ammunition; or

6 (3) Is designed to fragment upon impact (including, but not limited to, Black
7 Rhino bullets and Glaser Safety Slugs).

8 This subsection does not apply to conventional hollow-point ammunition with a
9 solid lead core when the purchase is made for official law enforcement purposes and the
10 purchaser is authorized to make such a purchase by the director of a public law enforcement
11 agency such as the Chief of the San Francisco Police Department or the Sheriff of the City
12 and County of San Francisco.

13 ~~(h)~~(j) The licensee shall not sell, lease or otherwise transfer any firearm to any
14 person under the age of 18 years, and shall not sell, lease or otherwise transfer any pistol,
15 revolver, or firearm capable of being concealed upon the person to any person under the age
16 of 21.

17 ~~(h)~~(k) The licensee shall not sell, lease or otherwise transfer any firearm
18 ammunition to any person under the age of 18 years, and shall not sell, lease or otherwise
19 transfer any ammunition capable of being used in a pistol, revolver, or firearm capable of
20 being concealed upon the person to any person under the age of 21.

21 ~~(m)~~(l) The licensee shall not sell, lease or otherwise transfer any firearm to any
22 person whom the licensee has reason to believe is within any of the classes prohibited by
23 California Penal Code Sections 12021 or 12021.1 or California Welfare and Institutions Code
24 Sections 8100 or 8103.

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1 ~~(n)~~(m) The licensee shall post within the licensee's premises a notice explaining
2 the age restrictions set forth in Subsections (k) and (l) above. The posted notice shall be in a
3 conspicuous location and shall have lettering of sufficient size such that the notice can easily
4 and clearly be seen by all prospective purchasers of firearms and firearm ammunition.

5 ~~(o)~~(n) The licensee shall not deliver any firearm, firearm ammunition, or firearm
6 ammunition component to a purchaser, lessee or other transferee whom the licensee knows
7 or has reason to believe is attempting to transfer (1) on behalf of another person, or (2) with
8 the intent to avoid any restriction on transfers under this Article, or State or federal law.

9 ~~(p)~~(o) *The licensee shall not sell, lease or otherwise transfer any “Saturday night*
10 *special.”*

11 ~~(q)~~(p) The licensee shall not sell, lease or otherwise transfer any ultracompact
12 firearm except as authorized by Section 613.10-2 or any large caliber firearm except as
13 authorized by Section 613.10-1.

14 Any license issued pursuant to this Article shall be subject to such additional
15 conditions as the Chief of Police finds are reasonably related to the purpose of this Article.

16 ~~(r)~~(q) The licensee shall comply with the requirements of Section 613.10-3 and
17 shall, in addition, post the appropriate notice or notices, as specified below, in a conspicuous
18 location at the entrance of the licensee's premises (or at the entrance to the separate room or
19 enclosure pursuant to Section 613 10-3(c)). Such notice shall be in 36 point type block letters
20 in black ink on a white background.

21 (1) Licensees that sell, lease or otherwise transfer firearms, other than
22 firearms capable of being concealed on the person, shall post a notice at the entrance to the
23 premises (or at the entrance to the separate room or enclosure pursuant to Section 613.10-
24 3(c)) stating the following:

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1 “THE SAN FRANCISCO POLICE CODE REQUIRES THAT FIREARMS DEALERS
2 PROHIBIT ENTRY BY PERSONS UNDER AGE 18, AND FURTHER PROHIBITS ENTRY BY
3 (1) PERSONS CONVICTED OF A VIOLENT OFFENSE WHO ARE PROHIBITED FROM
4 POSSESSING FIREARMS PURSUANT TO CALIFORNIA PENAL CODE SECTIONS 12021
5 OR 12021.1; AND (2) PERSONS WHO ARE CURRENTLY PROHIBITED FROM
6 POSSESSING FIREARMS BECAUSE THEY HAVE BEEN ADJUDICATED AS MENTALLY
7 DISORDERED, NOT GUILTY BY REASON OF INSANITY OR INCOMPETENT TO STAND
8 TRIAL.”

9 (2) Licensees that sell, lease or otherwise transfer firearms capable of being
10 concealed on the person shall post a notice at the entrance to the premises (or at the
11 entrance to the separate room or enclosure containing such firearms pursuant to Section
12 613.10-3(c)) stating the following:

13 “THE SAN FRANCISCO POLICE CODE REQUIRES THAT FIREARMS DEALERS
14 PROHIBIT ENTRY BY PERSONS UNDER AGE 21, AND FURTHER PROHIBITS ENTRY BY
15 (1) PERSONS CONVICTED OF A VIOLENT OFFENSE WHO ARE PROHIBITED FROM
16 POSSESSING FIREARMS PURSUANT TO CALIFORNIA PENAL CODE SECTIONS 12021
17 OR 12021.1; AND (2) PERSONS WHO ARE CURRENTLY PROHIBITED FROM
18 POSSESSING FIREARMS BECAUSE THEY HAVE BEEN ADJUDICATED AS MENTALLY
19 DISORDERED, NOT GUILTY BY REASON OF INSANITY OR INCOMPETENT TO STAND
20 TRIAL.”

21 (3) Licensees that sell, lease or otherwise transfer firearms capable of being
22 concealed on the person, but who keep such firearms in a separate room or enclosure in
23 accordance with Section 613.10-3(c) shall post the notice required by paragraph (1) at the
24 entrance to the premises or separate room or enclosure containing firearms that are not
25 capable of being concealed on the person, and shall post the notice required by paragraph (2)

1 at the entrance to the separate room or enclosure containing firearms capable of being
2 concealed on the person.

3 **SEC. 613.10-1. ~~PROCEDURES REGARDING SATURDAY NIGHT SPECIALS.*~~ SALE OF**
4 **LARGE CALIBER FIREARMS RESTRICTED**

5
6 ~~(a) — Roster of Saturday Night Specials. On or before January 1, 1997, the Chief of~~
7 ~~Police or the Chief's designee shall compile, publish, and thereafter maintain a Roster of Saturday~~
8 ~~night specials. The Roster shall list those firearms, by manufacturer and model number, which the~~
9 ~~Chief determines fit the definition of Saturday night special set forth in Section 613.1. All references to~~
10 ~~“the Chief” in this Section shall mean the Chief of Police or the Chief's designee.~~

11 ~~———— (b) — Notification. Upon completion of a list of firearms to be placed on the Roster for~~
12 ~~the first time, the Chief shall endeavor to send written notification to: (i) the manufacturer of every~~
13 ~~firearm on said list; and (ii) every dealer within the City who is licensed to sell and transfer firearms~~
14 ~~pursuant to Section 12071 of the California Penal Code and this Chapter of the Municipal Code. Such~~
15 ~~notification shall do the following:~~

16 ~~———— (1) — Identify the model number of the firearm which has been classified as a Saturday~~
17 ~~night special within the meaning of Section 613.1;~~

18 ~~———— (2) — Advise the recipient that the recipient may apply for reconsideration of the~~
19 ~~classification of the firearm as a Saturday night special; and~~

20 ~~———— (3) — Advise the recipient that the burden of proving a firearm does not constitute a~~
21 ~~Saturday night special within the meaning of Section 613.1 shall be on the recipient.~~

22 ~~———— (c) — Reconsideration by the Chief of Police.~~

23 ~~———— (1) — Prior to the effective date of this ordinance, the Chief shall establish standards~~
24 ~~and procedures for the form and content of an application, the conduct of an administrative hearing,~~

1 ~~and the evaluation of evidentiary testimony relating to the decision of the Chief to classify the firearm~~
2 ~~in question as a Saturday night special as defined in Section 613.1.~~

3 ~~———— (2) — Upon timely filing of one or more complete applications for reconsideration, the~~
4 ~~Chief shall evaluate the evidence submitted by the applicant(s). The applicant(s) shall have the burden~~
5 ~~of demonstrating that the firearm does not constitute a Saturday night special within the meaning of~~
6 ~~Section 613.1.~~

7 ~~———— (d) — Appeal of Classification.~~

8 ~~———— (1) — If the Chief determines that the firearm under reconsideration has been properly~~
9 ~~classified as a Saturday night special, then the applicant(s) shall have the right to appeal such~~
10 ~~decisions to the Police Commission, and the applicant(s) shall have the right to a hearing before the~~
11 ~~Police Commission, or a hearing officer designated by the Commission prior to inclusion of the firearm~~
12 ~~in question on the Roster.~~

13 ~~———— (2) — The Police Commission is authorized to establish standards and procedures for~~
14 ~~the form and content of an appeal, the conduct of an administrative hearing, and the evaluation of~~
15 ~~evidentiary testimony relating to the Chief's decision to classify the firearm in question as a Saturday~~
16 ~~night special as defined in Section 613.1.~~

17 ~~———— (3) — The burden of proof shall be on the appellant(s) to demonstrate that the firearm~~
18 ~~does not constitute a Saturday night special within the meaning of Section 613.1.~~

19 ~~———— (4) — In all instances, the decision of the Police Commission whether to classify the~~
20 ~~firearm in question as a Saturday night special as defined in Section 613.1 and to place said firearm on~~
21 ~~the Roster is final.~~

22 ~~———— (e) — Publication of Roster. The Chief shall place on the Roster each firearm which~~
23 ~~has been determined to constitute a Saturday night special within the meaning of Section 613.1. The~~
24 ~~Chief shall cause the Roster to be published in the following manner:~~

25 ~~///~~

1 ~~—— (1) — The Roster shall be published at least once in the official newspaper as~~
2 ~~designated by the City and circulated in the City within 15 days after the Roster's completion; and~~

3 ~~—— (2) — A copy of the Roster shall be filed in the Chief's office; and~~

4 ~~—— (3) — A copy of the Roster shall be distributed to every dealer within the City who is~~
5 ~~licensed to sell and transfer firearms pursuant to Section 12071 of the California Penal Code and this~~
6 ~~Chapter of the Municipal Code.~~

7 ~~—— (f) — Effective Date of Roster. The Roster shall become effective on the fifteenth day~~
8 ~~after its publication.~~

9 ~~—— (g) — Additions to the Roster. Additions to the Roster shall be made in accordance with~~
10 ~~the following:~~

11 ~~—— (1) — Semiannual Determination. On a semiannual basis, the Chief shall determine the~~
12 ~~need to place firearms on the Roster. Upon identifying one or more firearms as a Saturday night~~
13 ~~special, the Chief shall prepare a draft list of the additions to the Roster.~~

14 ~~—— (2) — Notification of Additions to Roster. In the event that a draft list of firearms to be~~
15 ~~added to the Roster is prepared, the Chief shall endeavor to send written notification in accordance~~
16 ~~with the aforementioned provisions of Section 613.10-1(b).~~

17 ~~—— (3) — Reconsideration by the Chief of Police. Any person who the Chief notifies~~
18 ~~pursuant to Subsection (2) above may apply for reconsideration of the classification of that firearm as~~
19 ~~a Saturday night special in accordance with the provisions of Section 613.10-1(e).~~

20 ~~—— (4) — Appeal of Classification. Whenever a firearm has been determined to be properly~~
21 ~~classified as a Saturday night special after reconsideration, the applicant may file an appeal to the~~
22 ~~Police Commission and the Commission shall hold a hearing in accordance with the provisions of~~
23 ~~Section 613.10-1(d).~~

24 ~~(5) — Additions of Firearms to Roster. After all appeals have been exhausted, the Chief~~
25 ~~shall place on the Roster those additional firearms which have been determined to constitute a~~

1 ~~Saturday night special within the meaning of Section 613.1. The Chief shall cause the Roster, as~~
2 ~~amended to include these additional firearms, to be published in accordance with Section 613.10-1(e).~~

3 ~~———— (h) ——— Nonexclusivity of Roster. The Roster is meant to be illustrative of the types of~~
4 ~~weapons which gun dealers are prohibited from selling in San Francisco. The sale of firearms not~~
5 ~~listed on the Roster, but having the characteristics described in Section 613.1, is prohibited under~~
6 ~~Section 613.10(p).~~

7 (a) Findings. The Board of Supervisors finds as follows:

8 (1) A .50 caliber sniper rifle has the capacity to hit targets from a distance of one mile and
9 to cause damage from a distance of four miles;

10 (2) Authorities indicate that the .50 caliber sniper rifle has the capacity to penetrate nearly
11 eight inches of concrete from a distance of 400 yards;

12 (3) Law enforcement agencies are reporting an increased prevalence of .50 caliber sniper
13 rifles in the possession of arrested criminals, particularly as the supply of such weapons increases and
14 prices decline;

15 (4) Law enforcement agencies have expressed concern about .50 caliber sniper rifles in the
16 possession of criminals or terrorists

17 (5) The City and County of San Francisco has a high concentration of potential targets for
18 terrorist attacks;

19 (6) The firearms industry has recently introduced a .50 caliber handgun, and reports
20 indicate that it is difficult to control and fires with five times the muzzle power of a .357 magnum
21 handgun;

22 (7) Large caliber firearms have no legitimate hunting or sporting purpose. Further, such
23 firearms are ill-suited for use as a means to defend one's home or property, since they are difficult to
24 control and greatly increase the risk of harm to bystanders.

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1 **(b) Purpose and Intent.** *The purpose and intent of this Section is to protect the health,*
2 *safety, and general welfare of the citizens of the City and County of San Francisco by restricting the*
3 *sale of large caliber firearms.*

4 **(c) Definitions.**

5 **(1)** *As used in this section, the term “large caliber firearm” shall mean any firearm, as*
6 *defined in Section 613.1 of this Article, capable of firing a center-fire cartridge of .50 caliber or larger*
7 *or .50 BMG caliber cartridge or larger either by designation or by actual measurement. The term*
8 *“large caliber firearm” shall include any rifle or handgun that meets this requirement.*

9 **(2)** *As used in this section, the term “rifle” shall mean any firearm that is designed or*
10 *redesigned, made or remade, and intended to be fired from the shoulder, and is designed to fire only a*
11 *single projectile through a rifled bore for each single pull of the trigger. The term “rifle” shall not*
12 *include any shotgun.*

13 **(3)** *As used in this section, the term “handgun” shall mean any firearm with a barrel less*
14 *than 16 inches in length. The term “handgun” shall include any pistol, revolver, or concealable*
15 *firearm as such terms are defined in the California Penal Code.*

16 **(c) Sale of Large Caliber Firearms Restricted.** *No person licensed pursuant to this Article*
17 *shall sell, lease or otherwise transfer any large caliber firearm except as authorized by paragraph (d)*
18 *of this Section. Nothing in this section shall preclude any person licensed pursuant to this Article from*
19 *processing firearms transactions between unlicensed parties pursuant to subdivision (d) of Section*
20 *12072 of the Penal Code of the State of California.*

21 **(d) Exceptions.**

22 **(1)** *The provisions of Subsection (c) of this Section shall not apply to any sale or transfer of*
23 *a firearm which is prohibited under state law, to the sale or transfer of any destructive device as*
24 *defined in Section 12301 of the California Penal Code, or to the sale or transfer of any assault weapon*
25 *as defined in the California Penal Code.*

1 (2) The provisions of Subsection (c) of this Section shall not apply to the sale, lease or other
2 transfer of a firearm where the purchaser or transferee is any of the following:

3 (A) A law enforcement agency;

4 (B) An agency duly authorized to perform law enforcement duties;

5 (C) A state or local correctional facility.

6 (D) A federal law enforcement officer;

7 (E) A private security company licensed to do business in the State of California;

8 (F) A person described in Sections 12302 or 12322 of the California Penal Code;

9 (G) A person who is properly identified as a full-time paid peace officer, as defined
10 in Section 830.1, 830.2, 830.4, or 830.5 of the California Penal Code, and who is authorized to, and
11 does, carry a firearm during the course and scope of his or her employment as a peace officer;

12 (H) A person who is exempt from the provisions of subdivision (d) of Section 12072
13 of the Penal Code of the State of California.

14 (I) A firearms dealer who has been issued a Federal Firearms License, a certificate
15 of eligibility issued to him or her by the Department of Justice pursuant to Section 12071 of the
16 Penal Code of the State of California, and a license pursuant to this Article to engage in the
17 retail sale of firearms.

18 (J) A person or entity conducting a transaction described in subdivision (k) of
19 Section 12078 of the Penal Code of the State of California.

20 (K) A person who is licensed as a collector pursuant to Chapter 44, (commencing
21 with Section 921) of Title 18 of the United States Code and the regulations issued pursuant thereto, and
22 who has a current certificate of eligibility issued to him or her by the Department of Justice pursuant to
23 Section 12071 of the Penal Code of the State of California, but only if the firearm

24 (i) was manufactured prior to 1899; or

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1 (ii) is classified as a curio or relic pursuant to Title 27 of the Code of Federal
2 Regulations, section 178.11; or

3 (iii) is a muzzle-loading firearm;

4 (L) An entity or establishment engaged in the business of motion picture, television,
5 theatrical, entertainment or video production, provided that the large caliber firearm is used only as a
6 prop during the course of the motion picture, television, theatrical, entertainment or video production,
7 is secured from unauthorized use, and the person charged with maintaining custody of the firearm
8 while not in use maintains a certificate of eligibility issued to him or her by the Department of Justice
9 pursuant to Section 12071 of the Penal Code of the State of California;

10 (M) Any person or entity acquiring a large caliber firearm by bequest or intestate
11 succession;

12 (N) A non-profit entity that is authorized to destroy firearms, and which has agreed
13 to destroy the firearm being transferred;

14 (O) A federal, state, or local historical society, museum, or institutional collection
15 that is open to the public, provided that the large caliber firearm is used for display purposes, is
16 secured from unauthorized use, and is unloaded.

17 (e) **Penalties.**

18 (1) Violation of this section shall be punishable in accordance with Section 613.19.
19 In addition, each violation of this Section by a firearms dealer shall constitute grounds for suspension
20 or revocation of the licensee's firearms dealer license under this Article.

21 (2) Each transaction in violation of this Section shall be deemed a distinct and
22 separate violation.

23 (f) **Sunset Provision.** If the State of California enacts legislation prohibiting or
24 restricting the sale or transfer of large caliber firearms covered by this Section, this Section shall
25 expire and be of no further effect as of the date such legislation goes into effect.

1 **SEC. 619. REPORTING THE LOSS OR THEFT OF FIREARMS**

2 (a) Any person that owns or is otherwise in possession of a firearm shall report the theft or
3 loss of such firearm to the San Francisco Police Department within 48 hours of becoming aware of the
4 theft or loss whenever (1) the owner resides in San Francisco, or (2) the theft or loss of the firearm
5 occurs in San Francisco.

6 (b) The failure of an owner or person in possession of a firearm to report the theft or loss of
7 the firearms within 48 hours of when the owner or person in possession becomes aware or should have
8 become aware of the theft or loss shall be punishable in accordance with Section 613.19.

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10 APPROVED AS TO FORM:
11 DENNIS J. HERRERA, City Attorney

12 By: _____
13 DAVID A. GREENBURG
14 Deputy City Attorney
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