

FILE NO. 000197

ORDINANCE NO. 62-00

[Restricting Sale of Ultracompact Firearms]

AMENDING ARTICLE 9 OF THE SAN FRANCISCO POLICE CODE BY AMENDING
SECTION 613.1 TO DEFINE THE TERM "ULTRACOMPACT FIREARM;" AMENDING
SECTION 613.10 TO PROVIDE THAT, WITH SPECIFIED EXCEPTIONS, THE SALE,
LEASE OR OTHER TRANSFER OF AN ULTRACOMPACT FIREARM BY A LICENSED
FIREARM DEALER IS A VIOLATION OF THE DEALER'S LICENSE AND ADDING A NEW
SECTION 613.10-2 TO PROHIBIT, WITH SPECIFIED EXCEPTIONS, THE SALE, LEASE
OR OTHER TRANSFER OF ULTRACOMPACT FIREARMS BY LICENSED FIREARM
DEALERS.

Note: Additions are underlined; deletions are in ((double parentheses)).

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

Section 1. Article 9 of the San Francisco Police Code is hereby amended by amending
Section 613.1, to read as follows:

SEC. 613.1 DEFINITIONS. (a) "Firearm" shall mean any device, designed to be used
as a weapon or modified to be used as a weapon, that expels a projectile by the force of an
explosion or other form of combustion.

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

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

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

SUPERVISOR BECERRIL, LENO, BIERMAN, TENG, BROWN
BOARD OF SUPERVISORS

1 (e) "Saturday night special" shall mean any of the following:

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

6 (2) A semiautomatic pistol which:

7 (a) Is not originally equipped by the manufacturer with a locked-breech action; and

8 (b) Is chambered for cartridges developing maximum permissible breech pressures
9 above 24,100 Copper Units of Pressure as standardized by the Sporting Arms and
10 Ammunition Manufacturers Institute.

11 (c) For purposes of this Subsection (2), "semiautomatic pistol" shall mean a firearm,
12 as defined in California Penal Code Section 12001(b), which is designed to be held and fired
13 with one hand, and which does the following upon discharge: (i) fires the cartridge in the
14 chamber; (ii) ejects the fired cartridge case; and (iii) loads a cartridge from the magazine into
15 the chamber. "Semiautomatic pistol" shall not include any assault weapon designated in
16 California Penal Code Section 12276.

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

19 (a) Uses an action mechanism which is substantially identical in design to any
20 action mechanism manufactured in or before 1989 that was originally chambered for rimfire
21 ammunition developing maximum permissible breech pressures below 19,000 Copper Units
22 of Pressure as standardized by the Sporting Arms and Ammunition Manufacturers Institute;
23 and

24 (b) Is chambered to fire either centerfire ammunition or rimfire ammunition
25 developing maximum permissible breech pressures above 19,000 Copper Units of Pressure

1 as standardized by the Sporting Arms and Ammunition Manufacturers Institute; and

2 (c) Is not originally equipped by the manufacturer with a nondetachable safety
3 guard surrounding the trigger; or

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

6 "Saturday night special" does not include any of the following:

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

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

12 (3) Children's pop guns or toys; or

13 (4) An "unconventional pistol" as defined in California Penal Code Section
14 12020(c)(12); or

15 (5) Any pistol which has been modified to either render it permanently inoperable or
16 permanently make it a device no longer classified as a "Saturday night special."

17 (f) "Ultracompact firearm" shall mean any pistol, revolver, handgun or other firearm
18 that is 6.75 inches or less in length or 4.5 inches or less in height, measured with the
19 magazine detached.

20 Section 2. Article 9 of the San Francisco Police Code is hereby amended by amending
21 Section 613.10, to read as follows:

22 **SEC. 613.10. LICENSE — CONDITIONS.** In addition to all other requirements and
23 conditions stated in this Article, each license shall be subject to all of the following conditions,
24 the breach of any of which shall be sufficient cause for revocation of the license by the Chief
25 of Police:

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

3 (b) The licensee shall comply with Sections 12073, 12074, 12076, 12077 and
4 12082 of the California Penal Code, to the extent that the provisions remain in effect.

5 (c) The licensee shall not deliver any pistol or revolver to a purchaser earlier than
6 15 days after the application for the purchase, lease or transfer, unless otherwise provided by
7 State or federal law.

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

11 (e) The licensee shall not deliver any firearm, firearm ammunition, or firearm
12 ammunition component to a purchaser, lessee or other transferee unless the purchaser,
13 lessee or other transferee is personally known to the seller or presents clear evidence of his
14 or her identity and age to the seller. As used in this Section, "clear evidence of his or her
15 identity and age" includes, but is not limited to, a motor vehicle operator's license, a State
16 identification card, an armed forces identification card, an employment identification card
17 which contains the bearer's signature and photograph, or any similar documentation which
18 provides the seller reasonable assurance of the identity and age of the purchaser.

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

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

1 (h) The licensee shall not sell, lease or otherwise transfer any firearm without
2 affixing to each firearm, or sealed package containing a firearm, a warning label stating the
3 following in not less than 14 point type: IF YOU LEAVE A LOADED FIREARM WHERE A
4 CHILD OBTAINS AND IMPROPERLY USES IT, YOU MAY BE FINED OR SENT TO
5 PRISON, AND YOU MAY BE LIABLE FOR CIVIL DAMAGES.

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

9 (j) The licensee shall not sell, lease or otherwise transfer to any person any
10 ammunition that:

11 (1) Serves no sporting purpose;

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

17 (3) Is designed to fragment upon impact (including, but not limited to, Black Rhino
18 bullets and Glaser Safety Slugs) ((; or

19 (4) Is designed primarily to penetrate metal or armor)).

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

25 (k) The licensee shall not sell, lease or otherwise transfer any firearm to any person

1 under the age of 18 years, and shall not sell, lease or otherwise transfer any pistol, revolver,
2 or firearm capable of being concealed upon the person to any person under the age of 21.

3 (l) The licensee shall not sell, lease or otherwise transfer any firearm ammunition to
4 any person under the age of 18 years, and shall not sell, lease or otherwise transfer any
5 ammunition capable of being used in a pistol, revolver, or firearm capable of being concealed
6 upon the person to any person under the age of 21.

7 (m) The licensee shall not sell, lease or otherwise transfer any firearm to any person
8 whom the licensee has reason to believe is within any of the classes prohibited by California
9 Penal Code Sections 12021 or 12021.1 or California Welfare and Institutions Code Sections
10 8100 or 8103.

11 (n) The licensee shall post within the licensee's premises a notice explaining the
12 age restrictions set forth in Subsections (j) and (k) above. The posted notice shall be in a
13 conspicuous location and shall have lettering of sufficient size such that the notice can easily
14 and clearly be seen by all prospective purchasers of firearms and firearm ammunition.

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

19 (p) The licensee shall not sell, lease or otherwise transfer any "Saturday night
20 special."

21 (q) The licensee shall not sell, lease or otherwise transfer any ultracompact firearm
22 except as authorized by section 613.10-2.

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

1 Section 3. Article 9 of the San Francisco Police Code is amended by adding a new
2 Section 613.10-2 to read as follows:

3 **SEC. 613.10-2 SALE OF ULTRACOMPACT FIREARMS RESTRICTED. (a)**

4 **Findings.** The Board of Supervisors finds as follows:

5 (1) A number of other states have enacted legislation to facilitate the issuance of
6 licenses to carry concealed firearms with the result that firearms manufacturers have been
7 designing and marketing ultracompact handguns to respond to the development of the
8 market created by the relaxation of concealed weapons laws in these states.

9 (2) These ultracompact handguns are designed to allow the complete concealment
10 of the weapon on the person.

11 (3) In contrast to those states that have relaxed requirements for issuance of
12 licenses to carry concealed weapons, California has not done so. Moreover, in San
13 Francisco, permits to carry concealed weapons are issued only in very limited circumstances.
14 There are currently fewer than ten individuals authorized by the City to carry concealed
15 weapons.

16 (4) Because concealed weapons permits are rarely issued in San Francisco, any
17 legitimate market for concealable ultracompact handguns is exceedingly small.

18 (5) Ultracompact handguns have no legitimate hunting or sporting purpose, and are
19 ill-suited for use as a means to defend one's home or property, since the short barrel length
20 makes them inherently inaccurate.

21 (6) A national study of weapons confiscated by law enforcement agencies found
22 that a substantial majority of the handguns confiscated have a barrel length of less than three
23 inches.

24 (7) A survey of incarcerated felons found that easy concealment is very often an
25 important consideration in the selection of handguns that are later used to commit crimes.

1 (8) A study of persons in California found that persons whose applications for the
2 purchase of a handgun were denied based on prior criminal activity were more likely to
3 attempt to purchase small, highly concealable handguns than are potential purchasers whose
4 applications were not denied.

5 (9) A study of handgun owners in one state found that 67 percent of felons, but just 30
6 percent of other handgun owners reported owning a handgun with a barrel length of three
7 inches or less.

8 (10) Because there is evidence that criminals prefer smaller, more concealable
9 handguns, and since handguns are used in at least 80 percent of all violent crimes involving
10 firearms in the United States, the public interest is not served by allowing the unregulated sale
11 of easily concealable ultracompact handguns. The concealability of these weapons makes
12 them a high public security and safety risk when owned and carried by individuals unlicensed
13 to carry concealed weapons, particularly in a high-density urban area such as San Francisco.

14 **(b) Purpose and Intent.** The purpose and intent of this section is to protect the
15 health, safety, and general welfare of the citizens of the City and County of San Francisco by
16 restricting the sale of ultracompact firearms.

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

23 **(d) Exceptions.** The requirements of this section shall not apply to the sale, lease
24 or other transfer of an ultracompact firearm in the following circumstances:

25 (1) To any law enforcement agency.

- 1 (2) To any agency duly authorized to perform law enforcement duties.
- 2 (3) To any state or local correctional facility.
- 3 (4) To any private security company licensed to do business in the State California.
- 4 (5) To any person who is properly identified as a full-time paid peace officer, as
5 defined in Section 830.1, 830.2, 830.4, or 830.5 of the Penal Code of the State of California,
6 and who is authorized to carry a firearm during the course and scope of his or her
7 employment as a peace officer.
- 8 (6) To the sale, lease or other transfer of any antique firearm, as defined in
9 paragraph (16) of subsection (a) of Section 921 of Title 18 of the United States Code.
- 10 (7) To any motion picture, television, or video production company, or
11 entertainment or theatrical company whose production involves the use of a concealable
12 firearm, and which secures such firearm from unauthorized use.
- 13 (8) To any person who is exempt from the provisions of subdivision (d) of Section
14 12072 of the Penal Code of the State of California.
- 15 (9) To any person or entity conducting a transaction described in subdivision (k) of
16 Section 12078 of the Penal Code of the State of California.
- 17 (10) To any person who is licensed as a collector pursuant to Chapter 44,
18 (commencing with Section 921) of Title 18 of the United States Code and the regulations
19 issued pursuant thereto, and who has a current certificate of eligibility issued to him or her by
20 the Department of Justice pursuant to Section 12071 of the Penal Code of the State of
21 California.
- 22 (11) To any person or entity acquiring a concealable firearm by bequest or intestate
23 succession.
- 24 (12) To any non-profit entity that is authorized to destroy firearms, and which has
25 agreed to destroy the firearm being transferred.

1 (e) Penalties. (1) Violation of this section shall be punishable as a misdemeanor.

2 In addition, each violation of this section shall constitute grounds for suspension or revocation
3 of the licensee's firearms dealer license under this Article.

4 (2) Each transaction in violation of this section shall be deemed a distinct and separate
5 violation.

6
7 APPROVED AS TO FORM:

8 LOUISE H. RENNE, City Attorney

9
10
11 By:


12 DAVID A. GREENBURG
13 Deputy City Attorney



City and County of San Francisco

Tails

Ordinance

City Hall
1 Dr. Carlton B. Goodlett Place
San Francisco, CA 94102-4689

File Number: 000197

Date Passed:

Ordinance amending Police Code Section 613.1 to define the term "ultracompact firearm", amending Section 613.10 to provide that, with specified exceptions, the sale, lease or other transfer of an ultracompact firearm by a licensed firearm dealer is a violation of the dealer's license and adding a new Section 613.10-2 to prohibit, with specified exemptions, the sale, lease or other transfer of ultracompact firearms by licensed firearm dealers.

March 27, 2000 Board of Supervisors — PASSED, ON FIRST READING

Ayes: 10 - Kaufman, Leno, Newsom, Teng, Yaki, Yee, Ammiano, Becerril,
Brown, Katz

Absent: 1 - Bierman

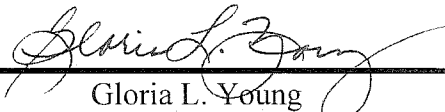
April 3, 2000 Board of Supervisors — FINALLY PASSED

Ayes: 8 - Ammiano, Becerril, Katz, Kaufman, Leno, Newsom, Teng, Yee

Absent: 3 - Bierman, Brown, Yaki


File No. 000197

I hereby certify that the foregoing Ordinance
was FINALLY PASSED on April 3, 2000 by
the Board of Supervisors of the City and
County of San Francisco.


Gloria L. Young
Clerk of the Board

APR 14 2000

Date Approved


Mayor Willie L. Brown Jr.