

1 [Restricting Access to Firearms Dealers]
2 AMENDING ARTICLE 9 OF THE SAN FRANCISCO POLICE CODE BY AMENDING
3 SECTION 613.1 BY ADDING A DEFINITION OF "FIREARM CAPABLE OF BEING
4 CONCEALED UPON THE PERSON," AMENDING SECTION 613.10 TO REQUIRE
5 LICENSED FIREARMS DEALERS TO POST NOTICES PROHIBITING ENTRY BY
6 PERSONS BARRED FROM PURCHASING OR POSSESSING FIREARMS PURSUANT TO
7 STATE LAW, AND ADDING A NEW SECTION 613.10-3 TO PREVENT PERSONS BARRED
8 FROM PURCHASING OR POSSESSING FIREARMS UNDER STATE LAW FROM
9 ENTERING THE PREMISES OF LICENSED FIREARM DEALERS.

10 Note: This entire section is new.

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

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

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

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

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

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

25 ((d))(e) "Transfer" shall include, but shall not be limited to, the redemption of a pawned

1 or pledged firearm by any individual including the individual who pawned or pledged the
2 firearm.

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

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

8 (2) A semiautomatic pistol which:

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

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

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

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

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

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

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

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

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

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

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

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

15 (4) An "unconventional pistol" as defined in California Penal Code Section
16 12020(c)(12); or

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

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

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

24 **SEC. 613.10. LICENSE — CONDITIONS.** In addition to all other requirements and
25 conditions stated in this Article, each license shall be subject to all of the following conditions.

1 the breach of any of which shall be sufficient cause for revocation of the license by the Chief
2 of Police:

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

5 (b) The licensee shall comply with Sections 12073, 12074, 12076, 12077 and
6 12082 of the California Penal Code, to the extent that the provisions remain in effect.

7 (c) The licensee shall not deliver any pistol or revolver to a purchaser earlier than
8 15 days after the application for the purchase, lease or transfer, unless otherwise provided by
9 State or federal law.

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

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

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

25 (g) The licensee shall not sell, lease or otherwise transfer any firearm without also

1 selling or otherwise providing with each firearm a trigger lock or similar device approved by
2 the Chief of Police that is designed to prevent the unintentional discharge of the firearm.

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

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

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

13 (1) Serves no sporting purpose;

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

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

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

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

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

8 (m) The licensee shall not sell, lease or otherwise transfer any firearm to any person
9 whom the licensee has reason to believe is within any of the classes prohibited by California
10 Penal Code Sections 12021 or 12021.1 or California Welfare and Institutions Code Sections
11 8100 or 8103.

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

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

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

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

24 (r) The licensee shall comply with the requirements of Section 613.10-3 and shall,
25 in addition post the appropriate notice or notices, as specified below, in a conspicuous

1 location at the entrance of the licensee's premises (or at the entrance to the separate room or
2 enclosure pursuant to Section 613.10-3(c)). Such notice shall be in 36 point type block letters
3 in black ink on a white background.

4 (1) Licensees that sell, lease or otherwise transfer firearms, other than firearms
5 capable of being concealed on the person, shall post a notice at the entrance to the premises
6 (or at the entrance to the separate room or enclosure pursuant to Section 613.10-3(c)) stating
7 the following: "THE SAN FRANCISCO POLICE CODE REQUIRES THAT FIREARMS
8 DEALERS PROHIBIT ENTRY BY PERSONS UNDER AGE 18, AND FURTHER PROHIBITS
9 ENTRY BY (1) PERSONS CONVICTED OF A VIOLENT OFFENSE WHO ARE
10 PROHIBITED FROM POSSESSING FIREARMS PURSUANT TO CALIFORNIA PENAL
11 CODE SECTIONS 12021 OR 12021.1; AND (2) PERSONS WHO ARE CURRENTLY
12 PROHIBITED FROM POSSESSING FIREARMS BECAUSE THEY HAVE BEEN
13 AJUDICATED AS MENTALLY DISORDERED, NOT GUILTY BY REASON OF INSANITY
14 OR INCOMPETENT TO STAND TRIAL."

15 (2) Licensees that sell, lease or otherwise transfer firearms capable of being concealed
16 on the person shall post a notice at the entrance to the premises (or at the entrance to the
17 separate room or enclosure containing such firearms pursuant to Section 613.10-3(c)) stating
18 the following: "THE SAN FRANCISCO POLICE CODE REQUIRES THAT FIREARMS
19 DEALERS PROHIBIT ENTRY BY PERSONS UNDER AGE 21, AND FURTHER PROHIBITS
20 ENTRY BY (1) PERSONS CONVICTED OF A VIOLENT OFFENSE WHO ARE
21 PROHIBITED FROM POSSESSING FIREARMS PURSUANT TO CALIFORNIA PENAL
22 CODE SECTIONS 12021 OR 12021.1; AND (2) PERSONS WHO ARE CURRENTLY
23 PROHIBITED FROM POSSESSING FIREARMS BECAUSE THEY HAVE BEEN
24 AJUDICATED AS MENTALLY DISORDERED, NOT GUILTY BY REASON OF INSANITY
25 OR INCOMPETENT TO STAND TRIAL)."

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

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

10 Section 3. Article 9 of the San Francisco Police Code is hereby amended by adding
11 Section 613.10-3, to read as follows:

12 **SEC. 613.10-3. Persons Prohibited from Purchasing Firearms Not Permitted on**
13 **Licensees' Premises.** (a) No person who is prohibited from possessing or purchasing
14 firearms pursuant to California Penal Code Sections 12021 or 12021.1 or Subsections (a), (b),
15 (c) or (d) of California Welfare and Institutions Code Sections 8103 shall enter into any place
16 of business that is licensed pursuant to this Article to engage in the business of selling,
17 leasing or otherwise transferring firearms and which displays the notices required by Section
18 613.10(r), except in accordance with paragraph (c) of this Section.

19 (b) (1) No person licensed pursuant to this Article to sell, lease or otherwise transfer
20 firearms shall permit the entry onto the premises that are the subject of the license by any
21 person who the licensee knows or has reason to know is prohibited from possessing or
22 purchasing firearms pursuant to California Penal Code Sections 12021 or 12021.1, or
23 Subsections (a), (b), (c) or (d) of California Welfare and Institutions Code Section 8103,
24 except in accordance with paragraph (c) of this Section.

1 (2) No person licensed pursuant to this Article to sell, lease or otherwise transfer
2 firearms shall permit the entry onto the premises that are the subject of the license by any
3 person under 18 years of age except in accordance with paragraph (c) of this section. No
4 person licensed pursuant to this Article to sell, lease or otherwise transfer firearms and who
5 keeps or displays for sale, lease or other transfer firearms capable of being concealed on the
6 person shall permit the entry onto the premises that are the subject of the license by any
7 person under 21 years of age, except in accordance with paragraph (c) of this section.

8 (3) The licensee and any of his or her agents, employees or other persons acting
9 under the licensee's authority shall be responsible for requiring clear evidence of age and
10 identity of persons to prevent the entry of persons not permitted to purchase a firearm under
11 state law by reason of age. Clear evidence of age and identity includes, but is not limited to, a
12 motor vehicle operator's license, a State identification card, an armed forces identification
13 card, or an employment identification card which contains the bearer's signature, photograph,
14 and age, or any similar documentation which provides reasonable assurance of the identity
15 and age of the individual.

16 (c) **Exceptions.** (1) It shall not be a violation of this section for any person who is
17 otherwise prohibited pursuant to subsection (a) from entering or being present on the
18 premises to enter or be present on the premises if the firearms and related accessories
19 (including, but not limited to, ammunition, ammunition clips and holsters) are kept or displayed
20 within a separate room or enclosure that separates such firearms and related accessories
21 from other merchandise, and such persons are excluded from the separate room or
22 enclosure.

23 (2) It shall not be a violation of this section for any person who the licensee is
24 otherwise required to keep from entering or being present on the premises pursuant to
25 subsection (b) to enter or be present on the premises if the firearms and related accessories

1 (including, but not limited to, ammunition, ammunition clips and holsters) are kept or displayed
2 within a separate room or enclosure that separates such firearms and related accessories
3 from other merchandise, and such persons are excluded from the separate room or
4 enclosure. Where a licensee keeps or displays weapons capable of being concealed on the
5 person in a separate room or enclosure that separates such firearms and related accessories
6 (including, but not limited to, ammunition, ammunition clips and holsters) from other
7 merchandise (including other firearms), it shall not be a violation of this section for persons at
8 least 18 years old but less than 21 years old to enter or be present on the premises if such
9 persons are excluded from the separate room or enclosure containing firearms capable of
10 being concealed on the person.

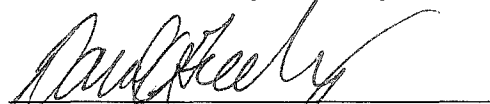
11 (d) **Penalty for violation.** (1) Any person who is prohibited from possessing or
12 purchasing firearms pursuant to California Penal Code Sections 12021 or 12021.1 or
13 Subsections (a), (b), (c) or (d) of California Welfare and Institutions Code Section 8103 and
14 who knowingly enters into any place of business that is licensed pursuant to this Article to
15 engage in the business of selling, leasing or otherwise transferring firearms in violation of
16 subsection (a) shall be guilty of a misdemeanor.

17 (2) Any licensee or other person acting under the authority of a licensee, including,
18 but not limited to, employees or agents of a licensee, who knowingly allows a person to enter
19 the licensee's premises in violation of this section shall be guilty of a misdemeanor.

20
21 APPROVED AS TO FORM:

22 LOUISE H. RENNE, City Attorney

23
24 By:


25 DAVID A. GREENBURG
Deputy City Attorney

SUPERVISOR BECERRIL
BOARD OF SUPERVISORS



City and County of San Francisco

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

Tails Ordinance

File Number: 000950

Date Passed:

Ordinance amending Article 9 of the San Francisco Police Code by amending Section 613.1 by adding a definition of "firearm capable of being concealed upon the person," amending Section 613.10 to require licensed firearms dealers to post notices prohibiting entry by persons barred from purchasing or possessing firearms pursuant to State law, and adding a new Section 613.10-3 to prevent persons barred from purchasing or possessing firearms under State law from entering the premises of licensed firearm dealers.

October 10, 2000 Board of Supervisors — PASSED, ON FIRST READING

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

Absent: 1 - Katz

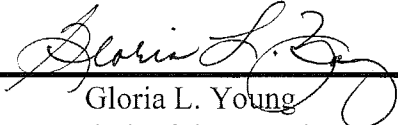
October 16, 2000 Board of Supervisors — FINALLY PASSED

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

Absent: 1 - Katz

File No. 000950

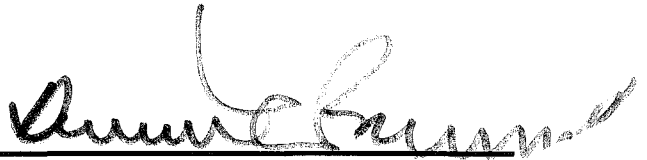
I hereby certify that the foregoing Ordinance
was **FINALLY PASSED** on **October 16, 2000**
by the Board of Supervisors of the City and
County of San Francisco.



Gloria L. Young
Clerk of the Board

OCT 27 2000

Date Approved



Mayor Willie L. Brown Jr.