

File No. 130039

Committee Item No. 2

Board Item No. 2

COMMITTEE/BOARD OF SUPERVISORS

AGENDA PACKET CONTENTS LIST

Committee: City Operations

Date 02/21/13

Board of Supervisors Meeting

Date MARCH 12, 2013

Cmte Board

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| <input type="checkbox"/> | <input type="checkbox"/> | Resolution |
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| <input checked="" type="checkbox"/> | <input type="checkbox"/> | Legislative Digest |
| <input type="checkbox"/> | <input type="checkbox"/> | Budget and Legislative Analyst Report |
| <input type="checkbox"/> | <input type="checkbox"/> | Legislative Analyst Report |
| <input type="checkbox"/> | <input type="checkbox"/> | Youth Commission Report |
| <input type="checkbox"/> | <input type="checkbox"/> | Introduction Form (for hearings) |
| <input checked="" type="checkbox"/> | <input type="checkbox"/> | Department/Agency Cover Letter and/or Report |
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| <input type="checkbox"/> | <input type="checkbox"/> | Award Letter |
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Completed by: Andrea Ausberry Date 02/14/13

Completed by: _____ Date _____

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



**City and County of San Francisco
Master Report**

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

File Number: 130039 **File Type:** Ordinance **Status:** Final Passage, Consent

Enacted: _____ **Effective:** _____

Version: 1 **In Control:** City Operations and Neighborhood Services Committee

File Name: Police Code - Reporting Ammunition Sales of 500 or More Rounds **Date Introduced:** 01/15/2013

Requester: _____ **Cost:** _____ **Final Action:** _____

Comment: _____ **Title:** Ordinance amending the Police Code, Section 615, to require firearms dealers to report to the Chief of Police the sale of 500 or more rounds of ammunition in a single transaction.

Sponsors: Mayor; Cohen and Campos

History of Legislative File 130039

Ver	Acting Body	Date	Action	Sent To	Due Date	Result
1	President	01/15/2013	ASSIGNED UNDER 30 DAY RULE <i>Referred to the Police Department for informational purposes</i>	Public Safety Committee	02/14/2013	
1	Clerk of the Board	01/25/2013	REFERRED TO DEPARTMENT <i>Referred to the Sheriff's Department for informational purposes.</i>			
1	Police Department	01/25/2013	RESPONSE RECEIVED <i>The Police Department recommends approval.</i>			
1	President	02/14/2013	TRANSFERRED	City Operations and Neighborhood Services Committee		
1	City Operations and Neighborhood Services Committee	02/21/2013	RECOMMENDED <i>Heard in Committee. Speakers: Captain O'Leary (Police Department); Jason Elliot (Mayor's Office); presented information concerning the matter and answered questions raised throughout the hearing. Robert Green; Don Dutel; Michael Nutley; spoke in opposition to the hearing matter. Douglas Yep; spoke neither in support nor against the hearing matter.</i>			Passed
1	Board of Supervisors	03/05/2013	PASSED, ON FIRST READING <i>Supervisor Campos requested to be added as a co-sponsor.</i>			Passed

1 [Police Code - Reporting Ammunition Sales of 500 or More Rounds]

2
3 **Ordinance amending the Police Code, Section 615, to require firearms dealers to report**
4 **to the Chief of Police the sale of 500 or more rounds of ammunition in a single**
5 **transaction.**

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 ~~striketrough 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 Section 615, to read as follows:

12 **SEC. 615. RECORDS OF AMMUNITION SALES.**

13 (a) **Definitions.**

14 (1) "Firearm ammunition," as used in this Section, shall include any ammunition
15 for use in any pistol or revolver, or semiautomatic rifle or assault weapon, but shall not include
16 ammunition for shotguns that contains shot that is No. 4 or smaller.

17 (2) "Semiautomatic rifle," as used in this Section, shall mean any repeating rifle
18 which utilizes a portion of the energy of a firing cartridge to extract the fired cartridge case and
19 chamber the next round, and which requires a separate pull of the trigger to fire each
20 cartridge.

21 (3) "Assault weapon," as used in this Section, shall mean any of the weapons
22 designated in California Penal Code Section 12276 or 12276.1.

23 (4) "Vendor," as used in this Section, shall mean any person *located in the City*
24 *and County of San Francisco* who is engaged in the sale of firearm ammunition, including any
25 retail firearms dealer.

1 (5) "Remote Vendor," as used in this Section, shall mean any person engaged in the sale
2 of firearm ammunition, including any retail firearms dealer, who is located outside the City and County
3 of San Francisco but delivers or causes to be delivered firearm ammunition to an address within the
4 City and County of San Francisco.

5 (b) No Vendor ~~vendor~~ shall sell or otherwise transfer ownership of any firearm
6 ammunition without at the time of purchase recording the following information on a form to be
7 prescribed by the Chief of Police: (1) the name of the Vendor ~~vendor~~ (including the name of the
8 specific individual) transferring ownership to the transferee; (2) the place where the transfer
9 occurred; (3) the date and time of the transfer; (4) the name, address and date of birth of the
10 transferee; (5) the transferee's driver's license number, or other identification number, and the
11 state in which it was issued; (6) the brand, type and amount of ammunition transferred; and
12 (7) the transferee's signature.

13 (c) (1) The records required by this Section shall be maintained on the premises of
14 the Vendor ~~vendor~~ for a period of not less than two years from the date of the recorded
15 transfer. Said records shall be subject to inspection at any time during normal business
16 hours.

17 (2) Any Vendor or Remote Vendor who sells or otherwise transfers ownership of five
18 hundred (500) or more rounds of any firearm ammunition to a transferee in a single transaction, where
19 the transaction occurs within the City and County of San Francisco or the firearm ammunition is
20 ordered for delivery to an address within the City and County of San Francisco, shall be subject to the
21 reporting requirement of this subsection (c)(2). Within 24 hours of the commencement of the
22 transaction, regardless of when the firearm ammunition is delivered, the Vendor or Remote Vendor
23 shall report the transaction to the Chief of Police by electronic mail at _____ or by such
24 other means specified by the Chief of Police. The report shall contain the same information required
25 under subsection (b). In determining the number of rounds sold or otherwise transferred for purposes

1 of complying with this subsection (c)(2), the Vendor or Remote Vendor shall include any combination
2 of types, brands or calibers sold or transferred to the transferee.

3 (d) No Vendor person shall knowingly make a false entry in, or fail to make a required
4 entry in, or fail to maintain in the required manner records prepared in accordance with
5 subsections (b) and (c)(1) herewith. No Vendor person shall refuse to permit a police department
6 employee to examine any record prepared in accordance with this Section during any
7 inspection conducted pursuant to this Section. No Vendor or Remote Vendor shall fail to submit
8 the report required under subsection (c)(2), or knowingly include false information in such report.

9 (e) **Penalties.**

10 (1) **First Conviction.** Any person violating any provision of this Section shall
11 be guilty of an infraction. Upon conviction of the infraction, the violator shall be punished by a
12 fine of not less than \$50 nor more than \$100.

13 (2) **Subsequent Convictions.** In any accusatory pleading charging a violation
14 of this Section, if the defendant has been previously convicted of a violation of this Section,
15 each such previous violation and conviction shall be charged in the accusatory pleading. Any
16 person violating any provision of this Section a second time within a 90-day period shall be
17 guilty of a misdemeanor and shall be punished by a fine of not less than \$300 and not more
18 than \$400 for each provision violated, or by imprisonment in the County Jail for a period of not
19 more than six months, or by both such fine and imprisonment. Any person violating any
20 provision of this Section, a third time, and each subsequent time, within a 30-day period shall
21 be guilty of a misdemeanor and shall be punished by a fine of not less than \$400 and not
22 more than \$500 for each provision violated, or by imprisonment in the County Jail for a period
23 of not more than six months, or by both such fine and imprisonment.

24 (f) **Severability.** If any subsection, sentence, clause, phrase, or word of this Section
25 be for any reason declared unconstitutional or invalid or ineffective by any court of competent

1 jurisdiction, such decision shall not affect the validity or the effectiveness of the remaining
2 portions of this Section or any part thereof. The Board of Supervisors hereby declares that it
3 would have adopted this Section notwithstanding the unconstitutionality, invalidity, or
4 ineffectiveness of any one or more of its subsections, sentences, clauses, phrases, or words.

5
6 Section 2. Effective Date. This ordinance shall become effective 30 days from the
7 date of passage.

8
9 Section 3. This section is uncodified. In enacting this Ordinance, the Board intends to
10 amend only those words, phrases, paragraphs, subsections, sections, articles, numbers,
11 punctuation, charts, diagrams, or any other constituent part of the Police Code that are
12 explicitly shown in this legislation as additions, deletions, Board amendment additions, and
13 Board amendment deletions in accordance with the "Note" that appears under the official title
14 of the legislation.

15
16 APPROVED AS TO FORM:
17 DENNIS J. HERRERA, City Attorney

18 By:


19 THOMAS J. OWEN
20 Deputy City Attorney

21
22
23
24 originated at : n:\govern\as2013\1300252\00818123.doc
25 revised on: 1/14/2013 - n:\govern\as2013\1300252\00818123.doc

LEGISLATIVE DIGEST

[Police Code - Reporting Ammunition Sales of 500 or More Rounds]

Ordinance amending the Police Code, Section 615, to require firearms dealers to report to the Chief of Police the sale of 500 or more rounds of ammunition in a single transaction.

Existing Law

Police Code Section 615(b) requires any person selling firearms ammunition within the City to maintain records of such sales. The records must include: (1) the name of the specific individual making the sale; (2) the place where the transaction occurred; (3) the date and time of the transaction; (4) the name, address and date of birth of the buyer; (5) the buyer's driver's license number; (6) the brand, type and amount of ammunition sold; and (7) the buyer's signature.

The seller must keep these records on the premises for at least two years, and make them available for inspection by the Police Department during normal business hours. Section 615 does not require the seller to report the sale to anyone.

Amendments to Current Law

The proposal is an ordinance that would amend Police Code Section 615 to add a new requirement for persons selling firearm ammunition. The ordinance would require any person selling five hundred (500) or more rounds of any firearm ammunition to someone in a single transaction to report the sale to the Chief of Police within 24 hours. The report would have to include the same information required under Police Code Section 615(b). In determining the number of rounds sold, the seller would have to include any combination of types, brands or calibers of ammunition sold as part of the transaction.

This requirement would apply to persons selling ammunition within the City or selling ammunition for delivery to a San Francisco address.

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Clerical Committee
1/18/13
52

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Clerical Concurrence

1/18/13



City Ops Clerk
Cpage

FFLGUARD®

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NEW YORK, NY 10001
(888) 335-4731 x706

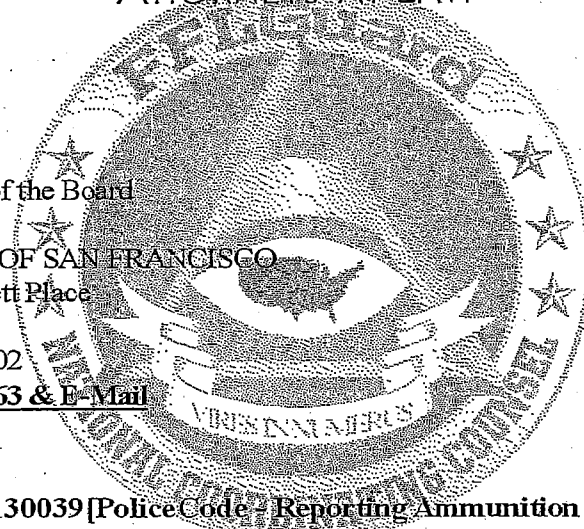
PROGRAM DIRECTED BY:

THE CHIAFULLO GROUP, LLP
ATTORNEYS-AT-LAW

WRITER'S E-MAIL:
CHRIS@FFLGuard.COM

March 7, 2013

Angela Cavillo, Clerk of the Board
Board of Supervisors
CITY AND COUNTY OF SAN FRANCISCO
1 Dr. Carlton B. Goodlett Place
City Hall, Room 244
San Francisco, CA 94102
VIA Fax (415) 554-5163 & E-Mail



RECEIVED
BOARD OF SUPERVISORS
SAN FRANCISCO
2013 MAR -7 AM 11:25
6

Re: BOS File Nos. 130039 [Police Code - Reporting Ammunition Sales of 500 or More Rounds]; 130040 [Police Code - Possession or Sale of Law Enforcement or Military Ammunition] – OPPOSITION

Dear Ms. Cavillo:

I write on behalf of *FFLGuard*, a cooperative legal program dedicated to representing the interests of its hundreds of federal firearms licensee (“FFL”) clients nationwide and throughout California, to **oppose** the City and County of San Francisco’s current proposals to require the reporting of ammunition sales of 500 or more rounds and banning the sale and possession of certain ammunition.

BOS File Nos. 130039 [Police Code - Reporting Ammunition Sales of 500 or More Rounds];130040 [Police Code - Possession or Sale of Law Enforcement or Military Ammunition] – OPPOSITION
March 7, 2013

Consider also the experience of the City of Pasadena, which repealed a similar ammunition record-keeping requirement after finding it had no real law enforcement value. And because the City of Los Angeles has opted to retain its record-keeping requirement in spite of evidence that it has never generated a lead, the city now has created a mountain of paperwork that the LAPD has insufficient resources to manage.

As such, the onerous burden placed on ammunition retailers to register any sale of 500 or more rounds of ammunition places an unnecessary burden on retailers that promises to result in nothing more than a bureaucratic onslaught of paperwork without any corresponding value for more effective law enforcement.

II. The Ban on the Sale of Certain Ammunition Is Unconstitutionally Vague, Subjecting Ammunition Retailers to Unjust Prosecution Under the Law

The language of the proposed ordinance – specifically that which defines the prohibited ammunition – is hopelessly unclear. And it imposes *criminal penalties* for violation of the law. At minimum, adoption of this proposal is likely to lead to a legal challenge on constitutional vagueness grounds.

The due process provisions of the constitutions of the United States and California each require “a reasonable degree of certainty in legislation, especially in the criminal law. . . .”² To pass constitutional muster, a law must “define the criminal offense with sufficient definiteness that ordinary people can understand what conduct is prohibited.”³

Banning ammunition “that has physical properties resulting in ballistics performance identical to ammunition presently or formerly sold under the brand name Winchester Black Talon”⁴ requires ammunition retailers to make an impossible judgment about the ammunition the proposed ordinance seeks to ban, lest they face criminal charges. For how could an ammunition retailer contemplate if a certain type of ammunition, in fact, has physical properties that cause a

² *People v. Heitzman*, 9 Cal. 4th 189, 199 (1994).

³ *Kolender v. Lawson*, 461 U.S. 352, 357 (1983).

⁴ S.F., Cal., File No. 130040 [Police Code - Possession or Sale of Law Enforcement or Military Ammunition].

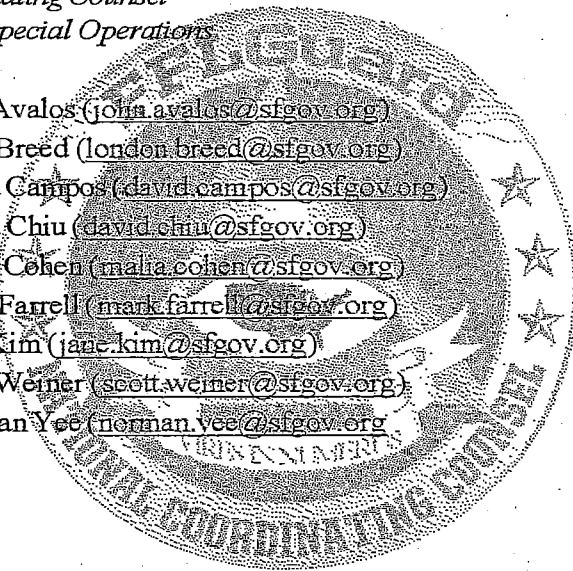
BOS File Nos. 130039 [Police Code - Reporting Ammunition Sales of 500 or More Rounds];130040 [Police Code - Possession or Sale of Law Enforcement or Military Ammunition] – OPPOSITION
March 7, 2013

Sincerely,



By: Christopher M. Chiafullo
for The Chiafullo Group, LLP
FFLGuard
National Coordinating Counsel
and Director of Special Operations

- cc: Supervisor John Avalos (john.avalos@sfgov.org)
- Supervisor Long Breed (london.breed@sfgov.org)
- Supervisor David Campos (david.campos@sfgov.org)
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March 4, 2013

Angela Cavillo, Clerk of the Board
Board of Supervisors
CITY AND COUNTY OF SAN FRANCISCO
1 Dr. Carlton B. Goodlett Place
City Hall, Room 244
San Francisco, CA 94102
VIA E-Mail & Overnight Mail

RECEIVED
BOARD OF SUPERVISORS
SAN FRANCISCO
2013 MAR -5 AM 10:36

Re: BOS File No. 130039: Police Code - Reporting Ammunition Sales of 500 or More Rounds – OPPOSITION

Dear Ms. Cavillo:

We write on behalf of our clients, the National Rifle Association (“NRA”) and the California Rifle & Pistol Association (“CRPA”), as well as the hundreds of thousands of their members in California, many residing within the City and County of San Francisco. Among other things, these organizations seek to promote firearms and hunting safety, protect hunting rights, enhance the marksmanship skills of those participating in the shooting sports, and educate the public about firearms in order to reduce violence and encourage gun safety.

Our clients oppose the current proposal to require registration of certain ammunition purchases, File No. 130039 [Police Code – Reporting Ammunition Sales of 500 or More Rounds], scheduled to be heard by the Board of Supervisors on March 5, 2013.

The proposed ordinance is unsound public policy that does nothing to promote the sponsors’ stated goals, while it seriously burdens gun owners, retailers, and law enforcement. The proposal is also preempted by state law and illegal.

I. THE PROPOSED ORDINANCE IS INEFFECTIVE PUBLIC POLICY

Perpetrators of gun violence typically fire only small quantities of ammunition in the commission of a crime. In his book, *Targeting Guns*, leading criminologist Gary Kleck recounts

numerous studies showing that armed assaults usually involve either no shots or only a few shots fired, noting that “[e]ven in a sample of gun attacks on armed police officers, where the incidents are more likely to be mutual combat gunfights with many shots fired, the suspects fired an average of only 3.7 times.”¹

Those criminals who might seek to “stockpile” ammunition will *always* find a way to do so. In the City’s own words, they can easily escape registration because the “Ammunition Ordinance allows San Franciscans either to buy . . . ammunition online or at gun stores outside of San Francisco (including at gun shows at Cow Palace, which is literally across the street from San Francisco)”² Or criminals will simply make several smaller purchases over time to circumvent the requirement.

The law will thus impact only law-abiding gun owners, placing them on a sort of government “watch list” and subjecting them to unwarranted investigation simply for making a common, lawful retail purchase of ammunition. There is nothing extraordinary about a single purchase of 500 rounds of ammunition. Law-abiding sportsmen and target shooters regularly purchase ammunition in bulk to save money, and they may keep rounds on their shelves for years. One can *easily* expend 500 rounds in one vigorous day at the shooting range. And it is common for a firearms instructor or target shooting event organizer to purchase large quantities of ammunition for distribution to class or event participants.

The proposal also harms businesses within San Francisco, placing a serious burden on ammunition retailers to register every ammunition sale over 500 rounds – which, as described above, are not uncommon. Further, registration of ammunition sales will create an unnecessary backlog of paperwork for the police department, and it wastes valuable law enforcement resources and taxpayer dollars.

Consider the following experiences.

In 1997, the City of Pasadena examined the effectiveness of the ammunition sales registration ordinance that it had on the books for several years and found that the ordinance did not work. The record-keeping requirements were onerous to those who sell ammunition legally, and the ordinance provided no deterrent at all to those who peddle bullets on the street. As a crime-fighting tool, the ordinance was totally ineffective. The records never helped police to solve a crime.

Indeed, the Pasadena Police Department confirmed that ammunition registration had been of no use in reducing the rate of gun related violence and that, in the years it had been in effect, the law proved to be nothing more than a distraction and an ineffective tool for law enforcement.

¹ Gary Kleck, *Targeting Guns* 123 (1997).

² Defs.’ Opp’n Mot. Prelim. Inj. at 19, *Jackson v. City and County of San Francisco*, No. 09-2143 (N.D. Cal. Sept. 13, 2012).

Pasadena ultimately voted to repeal the ordinance.

Similarly, through the 1980s, Congress considered repeal of an a federal ammunition regulation package that required licensing of ammunition retailers, registration of ammunition sales, and a ban on the mail-order sale of ammunition. In 1986, the director of the Bureau of Alcohol, Tobacco and Firearms supported eliminating the record keeping requirement: "The Bureau and the [Treasury] Department have recognized that current *recordkeeping requirements for ammunition have no substantial law enforcement value*. In addition, their elimination would remove an *unnecessary recordkeeping burden from licencees*."³ As a result, the Firearms Owners Protection Act of 1986 repealed the ammunition restrictions, with little opposition despite heated debate over other provisions of the bill.

Undaunted by these failed experiments, the City of Los Angeles adopted an ammunition registration ordinance several years ago. It has likewise accomplished nothing except to divert scarce police resources. In 2006, the Rand Report entitled "The Criminal Purchase of Firearm Ammunition," concluded that while ammunition sales records can provide information for generating leads on illegal firearm possession, because of the labor involved the information was not being used. The study shows that because of the manpower involved in monitoring the records and doing background checks, the Los Angeles Police Department was not doing so.

II. THE PROPOSED ORDINANCE IS PREEMPTED BY CALIFORNIA STATE LAW

California law expressly preempts localities from regulating "the registration or licensing of commercially manufactured firearms as encompassed by the provisions of the Penal Code, . . . such provisions shall be exclusive of all local regulations, relating to registration or licensing of commercially manufactured firearms . . ."⁴

The proposed ordinance seeks to require the registration of certain common ammunition purchases, which are necessarily related to firearms. The city cannot circumvent state law explicitly prohibiting registration of firearms by requiring their *de facto* registration through the reporting of ammunition sales to local authorities.

San Francisco is free to adopt reasonable laws regulating the commercial sale of firearms, such as requiring employee background checks, some security measures, etc. But, as the California Court of Appeal admonished in *Fiscal v. City and County of San Francisco*, 158 Cal. App. 4th 895, 919 (2008), itself a preemption challenge to the city's restrictive gun laws, "the goal of any local authority wishing to legislate in the area of gun control should be to accommodate the local interest with the least possible interference with state law . . . Therefore,

³ *Legislation To Modify the 1968 Gun Control Act*, Hearing Report, Committee on the Judiciary, U.S. House of Representatives, October 38, 30, Nov. 8, 1985, and February 19 and 27, 1986. The BATF was an agency of the Treasury Department until 2003.

⁴ Cal. Gov't Code § 53701.

Ms. Cavillo
March 4, 2013
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when it comes to regulating firearms, local governments are well advised to tread lightly.”

Should the proposed ordinance be adopted, prompting a legal challenge, and should the challengers prevail, San Francisco will be liable for the challengers’ costs and attorneys’ fees, which can be significant. Recall, that the *Fiscal* case cost the city roughly \$600,000.00 to defend, in addition to the \$380,000.00 it paid to the NRA to reimburse it for its attorney’s fees. The City of Chicago recently paid \$125,000 to a plaintiff who challenged the constitutionality of that city’s ordinance banning people with certain non-violent misdemeanor convictions from possessing firearms in their homes for self-defense in the case of *Gowder v. Chicago*, 11 C 1304 WL 2325826 (N.D. Ill. June 19, 2012). That was following Chicago’s payment of approximately \$1.4 million dollars to the NRA and \$400,000 to the Second Amendment Foundation for the *McDonald* case. And the District of Columbia had to pay \$1.1 million to Mr. Heller.⁵

III. CONCLUSION

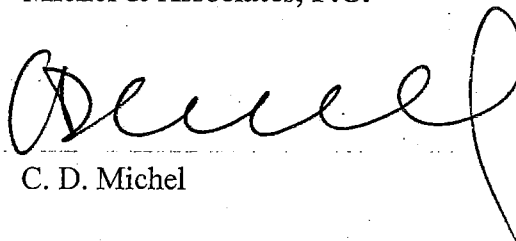
The new area of Second Amendment civil rights jurisprudence is evolving rapidly in the wake of the Supreme Court recognizing that the Second Amendment protects an individual right. The city would be wise to refrain from adopting the proposed ordinance while this new field of law continues to develop.

In light of the foregoing, we urge you to vote “no” on the ordinance. Our clients understand the need to fight the criminal misuse of firearms, and they have a variety of effective programs available to you upon request – ones that do not infringe the rights of your residents.

If you have any questions or concerns concerning the content of this correspondence, please feel free to contact us at your convenience.

Sincerely,

Michel & Associates, P.C.



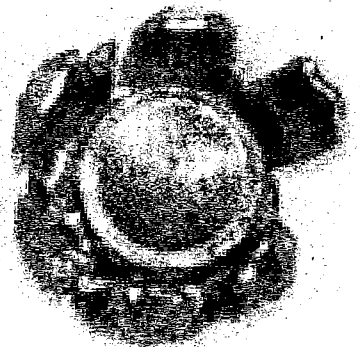
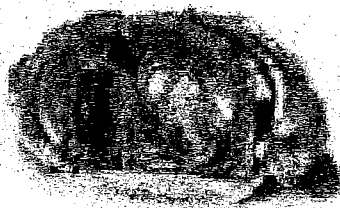
C. D. Michel

CDM/amb

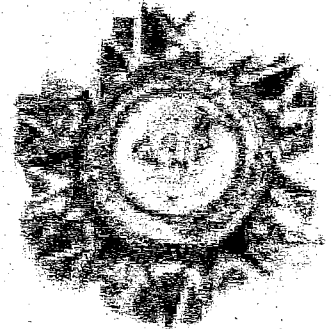
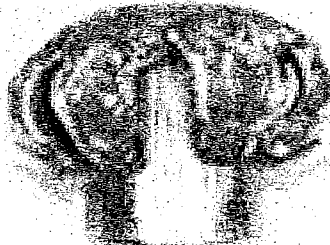
⁵ It is also worth noting that when Alameda County’s ban on firearm sales on its property – was challenged, twelve years of litigation and hundreds of thousands of dollars in costs later, Alameda County ultimately interpreted its ordinance to allow gun shows on its property before the Ninth Circuit ruled on the law, mooting the controversy and ending the case. While the court did not award fees to the challengers because it did not rule on the merits, had it ruled in the challengers’ favor, they would have sought over \$1 million. *See Nordyke v. King*, 681 F.3d 1041 (9th Cir. 2012) (en banc).

Ms. Cavillo
March 4, 2013
Page 5 of 5

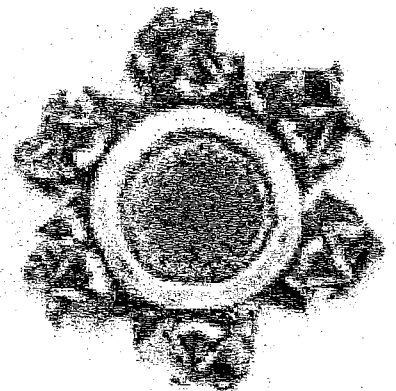
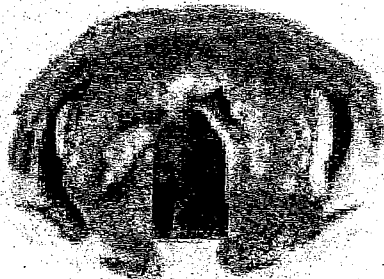
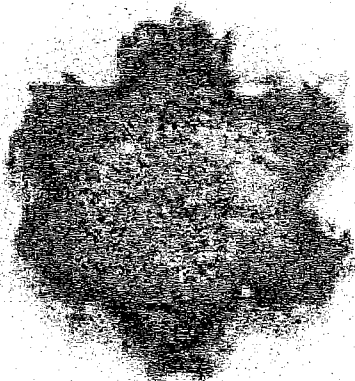
cc: Supervisor John Avalos (john.avalos@sfgov.org)
Supervisor Long Breed (london.breed@sfgov.org)
Supervisor David Campos (david.campos@sfgov.org)
Supervisor David Chiu (david.chiu@sfgov.org)
Supervisor Malia Cohen (malia.cohen@sfgov.org)
Supervisor Mark Farrell (mark.farrell@sfgov.org)
Supervisor Jane Kim (jane.kim@sfgov.org)
Supervisor Scott Weiner (scott.weiner@sfgov.org)
Supervisor Norman Yee (norman.yee@sfgov.org)



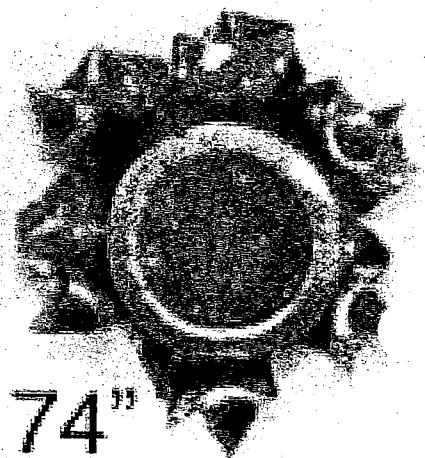
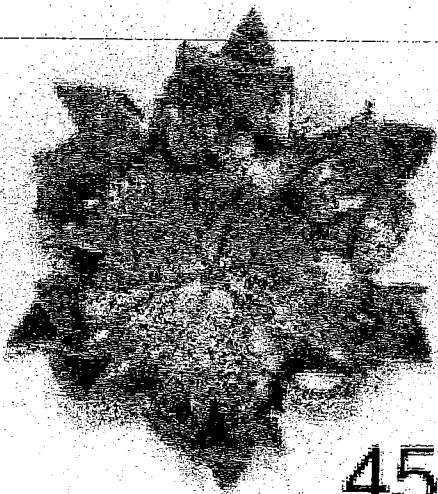
357 Sig 125 gr = 0.63"



9 mm 147 gr = 0.62"



.40 S&W 180 gr = 0.68"



.45 ACP 230 gr = 0.74"







CoverPage

TO: 14155545163

Company:

Fax Number: 14155545163

FROM: Jason Davis

Company:

Fax Number: (949) 288-6894

Phone Number: (949) 288-6894

NOTES:

March 5, 2013, Item No. 15 and 16 - Relating to Sales of Ammunition

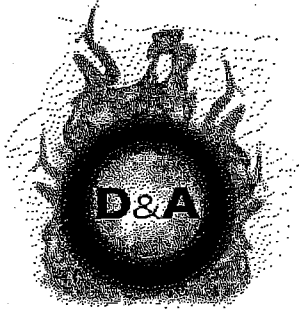
RECEIVED
BOARD OF SUPERVISORS
SAN FRANCISCO
2013 MAR - 5 AM 8:59

Dear Clerk,

Please find attached a copy of my clients' letter in opposition to March 5, 2013, Item No. 15 and 16 - Relating to Sales of Ammunition. Please submit these comments to the official record. If there is any error in transmission or if the file is incomplete, please let me know ASAP so that I can resubmit the letter.

Thank you,

Jason Davis



The Law Offices of
DAVIS & ASSOCIATES

27201 Puerta Real, Ste 300, Mission Viejo, California 92691
Direct (949) 310-0817/Fax (949) 288-6894 Jason@CalGunLawyers.com
www.CalGunLawyers.com

March 4, 2013

Clerk of the Board
Board of Supervisors
City and County of San Francisco
1 Dr. Carlton B. Goodlett Place, Room 244
San Francisco, CA 94102

VIA FAX (415.554.5163) & EMAIL (BOARD.OF.SUPERVISORS@SFGOV.ORG)

Re: March 5, 2013, Item No. 15 and 16 - Relating to Sales of Ammunition
File nos. 130039 and 130040, respectively

Position: OPPOSE

Dear Members of the City and County of San Francisco Board of Supervisors,

I write on behalf of The Calguns Foundation (CGF) and California Association of Federal Firearms Licensees (CAL-FFL) regarding the following City and County of San Francisco (the City) proposed ordinances under review and listed on the Board of Supervisors meeting dated March 5, 2013:

1. 130039: Ordinance amending the Police Code, section 615, to require firearm dealers to report to the Chief of Police the sale of 500 or more rounds of ammunition in a single transaction; and
2. 130040: Ordinance amending the Police Code, by adding Section 618, to prohibit the possession or sale of certain ammunition, including Black Talon ammunition and ammunition intended exclusively for law enforcement and military purposes.

Specifically, we write in opposition to each of the City's [very likely unconstitutional] proposed ordinances affecting a fundamental right – namely, to keep and bear arms [for self-defense].

Regarding City file no. 130039 (reporting requirement)

Beyond other legal issues currently existing within the affected Code section (*see, Jackson v. City and County of San Francisco*), **the amendments proposed under file no. 130039 present serious privacy, identification theft, and public safety concerns.** Specifically, the ordinance, if enacted, would require all ammunition transactions greater than 500 rounds to be reported to the City's Chief of Police. Reported information would include (but not necessarily be limited to):

- the name of the ammunition vendor;

The Law Offices of
DAVIS & ASSOCIATES

City & County of San Francisco: March 5, 2013, Item No. 15 and 16 - Sales of Ammunition
March 4, 2013

Page 2

- the place where the transfer occurred;
- the date and time of the transfer;
- the name, address, and date of birth of the transferee;
- the transferee's driver's license or other government-issued ID number and the state by which it was issued;
- the brand, type, and amount of ammunition transferred; and,
- the transferee's signature.

Such requirements have the potential to identify the very type of firearms possessed by the purchasers of the ammunition. For instance, a purchaser of .50 BMG rifle ammunition is likely to own a .50 BMG rifle. The ownership records of such firearms have been carefully protected by the State of California through restrictions placed on the dissemination and broadcast of such information to protect the owner from theft and other criminal acts (*see e.g.* Penal Code §31105 and The Firearm Owners' Protection Act (FOPA), Pub.L. 99-308, 100 Stat. 449, enacted May 19, 1986, codified at 18 U.S.C. § 921 *et seq.*).

Unlike the state and federal records pertaining to firearm ownership, which expressly maintain the privacy rights of the individual gun owner, no such privacy protections exist for firearm owners whose personal information is contained in the records required by the proposed ordinance. And, the state and federal protections against the disclosure of firearm owner information do not expressly apply to local records.

Not only may some or all of the above be subject to public disclosure under the California Public Records Act (Cal. Govt. Code sec. 6250, *et seq.*), but also the San Francisco Sunshine Ordinance (Chapter 67 of the San Francisco Admin. Code) as well. While the City might take measures to amend the Sunshine Ordinance and secure such data from public disclosure, it is powerless to directly affect overriding state law; indeed, the public's right of access to public records is enshrined in the state constitution itself. Moreover, the City does not require any encryption or secure storage for the reported data (required to be held, also, by the seller for two years), only that the reporting occur "[w]ithin 24 hours of the commencement of the transaction, regardless of when[, or if,] the firearms ammunition is delivered" and shall be sent "to the Chief of Police by electronic mail at [blank] or by such other means specified by the Chief of Police." In a place where technology is not only a common profession but an intrinsic part of the culture and where *de minimis* privacy concerns can become front page headlines¹, the City and County of San Francisco seems to find itself compiling extremely risky – and potentially life threatening – code.

Not only would this senseless law increase the burden on dealers and be difficult to enforce, it would result in increased passed-through costs to law-abiding consumers, thereby affecting a fundamental right without a single fact supporting any connection with the reduction of crime. In fact, it could very well offer criminals a "who's-who" list of gun owners to rob – potentially providing criminals with easier access to information on the location of firearms and ammunition.

The City, if it passes the proposed ordinance, would actually be facilitating the crime it purports to desire an end to. Passing file no. 130039 would jeopardize the safety of law abiding firearm owners by ignoring very real public safety and privacy issues – and common sense.

¹ Newspapers can access and publish firearm owner information. (See <http://www.cnn.com/2012/12/25/us/new-york-gun-permit-map>.)

The Law Offices of
DAVIS & ASSOCIATES

City & County of San Francisco: March 5, 2013, Item No. 15 and 16 - Sales of Ammunition

March 4, 2013

Page 3

Regarding City file no. 130040 (self-defense ammunition outright ban)

This proposed ordinance raises concerns about the vague and ambiguous nature of the definitions of the terms therein – or lack thereof. Section 618 defines “prohibited ammunition” as: “ammunition . . . that has physical properties resulting in *ballistics performance* identical to ammunition presently or formerly sold under the brand name *Winchester Black Talon*.” (Emphasis added.) But, the proposed ordinance does not provide the “ballistics performance” of “Winchester Black Talon” ammunition. Moreover, “ballistics performance” is not defined, leaving the public, dealers, and manufacturers with the burden to speculate as to both the “ballistics performance” of the “Winchester Black Talon” ammunition and as to which ammunition has similar “ballistic performance” to that of the “Winchester Black Talon.”

Proposed Section 618 also defines “prohibited ammunition” as: “ammunition designated for purchase by law enforcement or military agencies, only, unless other ammunition is available to the general public that has physical properties resulting in ballistic performance identical to such ammunition.” Yet, the code does not define “general public.” What does general public mean? Within the state? Within the United States? And, again, because “ballistic performance” is not defined, the public, dealers, and manufacturers will be left with the burden to speculate as to which ammunition that is “designated for purchase by law enforcement or military agencies only” is the type having physical properties resulting in “ballistics performance” identical to other ammunition available to the undefined “general public.”

These defects and more render this proposed ordinance akin to the statutes in *Parker v. California* (2009) Fresno Superior Court, Case No. 10CECG02116 (currently on appeal in the Fifth Appellate District, Case No. F06249), which challenged three newly enacted statutes relating to ammunition on the basis that they failed to provide any further clarification to assist individuals, businesses, and law enforcement in determining whether or not any given ammunition is subject to regulation under those statutes. In striking the statutes down as unconstitutional, the Court reiterated the following:

Vague laws offend several important values. First, because we assume that man is free to steer between lawful and unlawful conduct, we insist that laws give the person of ordinary intelligence a reasonable opportunity to know what is prohibited, so that he may act accordingly. Vague laws may trap the innocent by not providing fair warnings. Second, if arbitrary and discriminatory enforcement is to be prevented, laws must provide explicit standards for those who apply them. A vague law impermissibly delegates basic policy matters to policemen, judges, and juries for resolution on an ad hoc and subjective basis, with the attendant dangers of arbitrary and discriminatory applications.

(*Grayned v. City of Rockford*, 408 U.S. 104, 108–09 (1972).)

Additionally, in its haste to prepare this Ordinance, the City also made an exemption for possession, sale or transfer by businesses licensed as a firearm dealer, but failed to permit such dealers a lawful mechanism by which they can acquire such ammunition for sale to specified entities. How are dealers supposed to be able to purchase and acquire such ammunition when it is illegal for any other entities to sell to the dealer for lawful disposition purposes?

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DAVIS & ASSOCIATES

City & County of San Francisco: March 5, 2013, Item No. 15 and 16 - Sales of Ammunition

March 4, 2013

Page 4

CONCLUSION

Because of the forgoing concerns relating to the privacy of the individual gun owners, the safety interests of the community in not providing a road map for criminal acquisition of firearms and ammunition, and the vague and ambiguous language in violation of the United States Due Process clause, *inter alia*, my clients opposed this proposed ordinance and request that the Committee/Board do the same.

If you have any questions or concerns, please contact me at your earliest convenience.

Sincerely,
DAVIS & ASSOCIATES

s/ Jason Davis

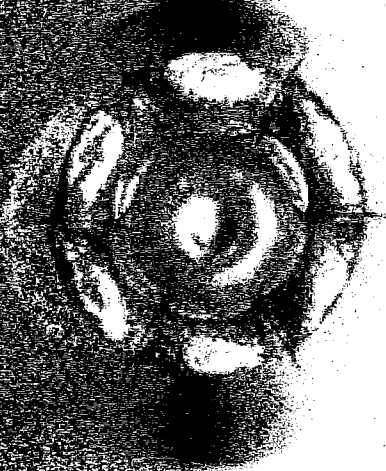
JASON DAVIS

cc: City Mayor Ed Lee
City Attorney Dennis Herrera

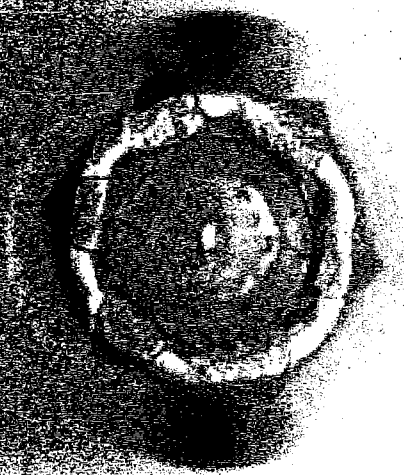
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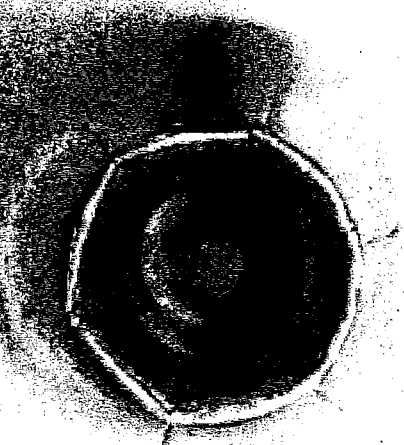
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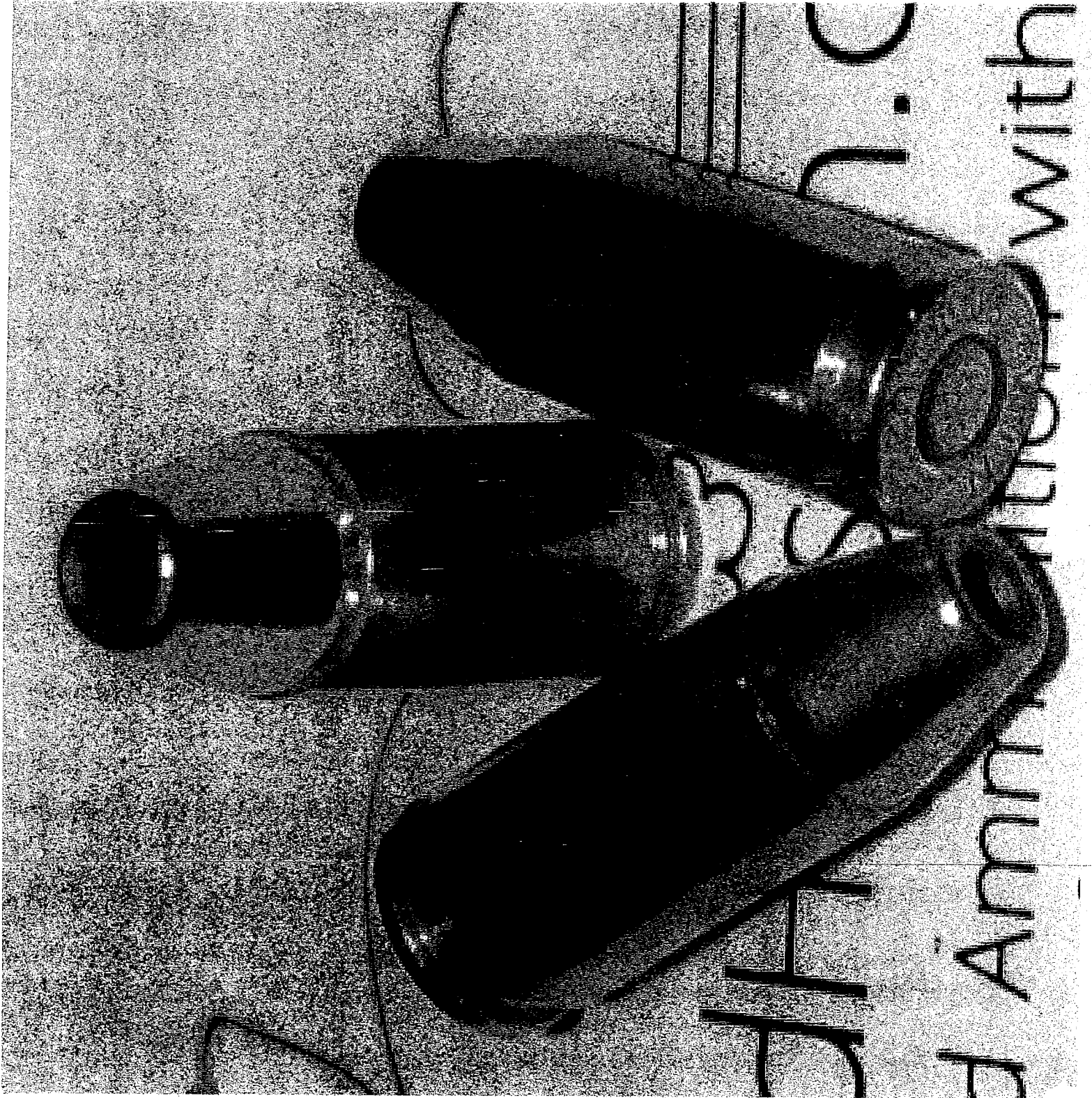
Gold Dot



Hydra-Shok



(C) MOTON





NATIONAL SHOOTING SPORTS FOUNDATION, INC.

11 Mile Hill Road • Newtown, CT 06470-2359 • Tel. (203) 426-1320 • Fax (203) 426-7182 • www.nssf.org

LAWRENCE G. KEANE
SENIOR VICE PRESIDENT
& GENERAL COUNSEL

February 25, 2013

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

Position: OPPOSE

Re: Police Code - Possession or Sale of Law Enforcement or Military Ammunition and Police Code - Reporting Ammunition Sales of 500 or More Rounds

Dear Board of Supervisors:

The National Shooting Sports Foundation ("NSSF") is the trade association for America's firearms, ammunition, hunting and shooting sports industry. Our members make and sell the tools used by law-abiding California hunters, target shooters, sportsmen, gun owners, the U.S. military and law enforcement agencies throughout California. This letter is to express our opposition to the proposed amendments to the San Francisco Police Code that would ban hollow-point ammunition and force reporting of ammunition sales of 500 or more rounds.

Hollow-point ammunition is prevalent in the U.S. market. According to a recent NSSF survey of ammunition retailers and manufacturers, hollow-point ammunition comprises about 40 percent of their ammunition sales and production. There have been many unfortunate misconceptions about hollow-point ammunition perpetuated over the years. However, a ban on this type of ammunition would do nothing to reduce crime and could in fact put the general public in a less safe situation.

The primary reason law enforcement officers use hollow-point ammunition is to reduce the risk of bystanders being hit by over-penetrating or ricocheting bullets. Whether the application is for law enforcement or the legal use of the firearm for self defense, the requirement is the same, to quickly neutralize an aggressor to prevent further loss of life, or where it is desirable for the bullet to remain inside the target to prevent collateral damage e.g. Air Marshall on an aircraft, or in private dwelling, an appropriate expanding bullet such as the hollow point is considered the safest to use. Further, the body armor that law enforcement officers are required to wear is much less likely to be penetrated by hollow-point ammunition than by ammunition with a regular full metal jacket.

A ban on hollow-point ammunition would not only impact those that may discharge a firearm to defend themselves or another from a threat of deadly force, but also sportsmen. In fact, hollow-point ammunition was developed in response to the growing interest in handgun and rifle small game/varmint hunting in the 1960s. The rapid expanding characteristic engineered into hollow point rifle bullets insured that the bullet would break up on contact with these very small light skinned animals insuring a humane kill and little to no chance of the bullet exiting the animal, or in the case of a miss, ricocheting off the ground or rock to possibly hit a nearby building or livestock.

There are, of course, exemptions for law enforcement officers, zoo-keepers and others in the ordinance, which begs the question, are ordinary citizens worthy of less protection than government employees? Banning this type of

common ammunition would limit the choices of firearms owners without any evidence the ban would reduce crime. Banning commonly owned ammunition and firearms also raises important Second Amendment issues.

Likewise, a reporting requirement for ammunition sales over a certain threshold is an ineffective policy proposal and would lead to a bureaucratic nightmare. Every year there are about 10 billion rounds of ammunition sold in the United States. Approximately 70 percent of all ammunition purchased is used for legal, recreational target and sport shooting, where the consumption of 1,000 rounds or more is often routine for a weekend trip to the range. Reporting each sale over 500 rounds would overwhelm the police for no useful purpose. The most commonly used and inexpensive target shooting ammunition, .22 caliber rimfire, is frequently sold in packages of 500 cartridges, which would require a retailer to submit a report to the police for each package sold. What exactly would we realistically expect the police to do with each one of these reports of a perfectly normal and lawful retail transaction? There is no benefit to outweigh the onerous implementation challenges of requiring retailers within the city or remote sellers delivering to an address in the city to report such a sale to the police within 24 hours.

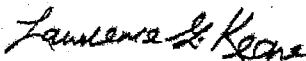
In fact, evidence shows that keeping records of ammunition sales is an ineffective law enforcement tool. In 1986, Congress repealed the 1960s-era ban on mail order sales that also required licenses to sell ammunition and the keeping of voluminous detailed purchase logs by licensed dealers. During congressional hearings on the issue, the director of the Bureau of Alcohol, Tobacco and Firearms (ATF) provided a statement that, "The Bureau and Department have recognized that current recordkeeping requirements for ammunition have no substantial law enforcement value. In addition, their elimination would remove an unnecessary recordkeeping burden from licensees."

These facts have not changed with the passage of time. As recently as July 2012 at the United Nations Conference on the Arms Trade Treaty, Assistant Secretary of State Thomas Countryman discouraged treaty negotiators from including ammunition, warning of "significant burdens associated with licensing, authorizations, and recordkeeping." He continued, "Our own experience in regulating domestic transfers has shown that there is little utility for law enforcement in imposing the same controls on ammunition transfers as we do on arms. Accordingly, the United States largely eliminated most controls on domestic transfers of ammunition."

In seeking means to reduce violence, we should not expand existing policies that experience shows do not reduce crime. Current federal law already makes it illegal for felons to possess ammunition. People with ill-intentions will find ways to acquire ammunition. Further, despite the fear tactics of the anti-gun lobby regarding criminals stockpiling ammunition for misuse, the empirical evidence demonstrates that criminal shootings involve less than four rounds, on average.

The firearms industry and law-abiding gun owners in California continue to be the most heavily regulated population in the nation. The financial burden that is created with each new measure makes it increasingly more difficult for law-abiding retailers to earn their livelihood and create jobs and tax revenue for the state. The National Shooting Sports Foundation opposes these proposals because they will only serve to increase the regulatory burden on law-abiding licensed firearms retailers and their law-abiding customers who exercise their Second Amendment rights, impose undue cost on the taxpayer, and divert law enforcement resources, all without improving public safety.

Sincerely,



Lawrence G. Keane

147

Evans, Derek

From: Board of Supervisors
Sent: Friday, February 22, 2013 1:22 PM
To: BOS-Supervisors; Evans, Derek
Subject: Files 130039 & 130040: FLAWED GUN LEGISLATIVE PROPOSALS -- Do Not Enact

From: Julie Burns [<mailto:julieburns@sealrock.com>]

Sent: Wednesday, February 20, 2013 1:32 PM

To: Mar, Eric (BOS)

Cc: hknight@sfchronicle.com; Avalos, John; Campos, David; Chiu, David; Cohen, Malia; Board of Supervisors; Elsbernd, Sean; Farrell, Mark; Kim, Jane; 'Andrew Hayes'; Chu, Carmen; David Burns; Raymondsnf@aol.com; Jason Jungreis; Campos, David; Yee, Norman (BOS); Raymondsnf@aol.com

Subject: FLAWED GUN LEGISLATIVE PROPOSALS -- Do Not Enact

Eric and others:

I am a woman shooter and a San Francisco resident and voter. I shoot a 9mm semiautomatic weapon for recreation – an activity that improves my mind, coordination, focus and skill.

We all can agree on the goal of reducing gun violence and the illegal circulation of weapons. But these flawed initiatives will do nothing to address either of those goals. Here's why:

- File 130040 would ban " the possession and sale of certain ammunition, including black talon ammunition and ammunition intended exclusively for law enforcement and military purposes." San Francisco law already prohibits the sale of the ammunition listed in File 130040. And in fact, Winchester stopped manufacturing Black Talon ammunition in 2000. The description of "ammunition intended exclusively for law enforcement and military purposes" is vague and establishes no objective criterion. As a shooter, I don't know what the ordinance intends. How do I know if I possess or might come into possession of ammunition?
- File 130039 requires the reporting of ammunition sales of 500 or more rounds. This unfairly penalizes competitive and recreational shooters – like myself, my husband, and my cousin – because we need to purchase ammunition in bulk for practice and to maintain our skills. For those who don't shoot, 500 rounds may sound like a lot. To those who practice, it might represent only a few practice sessions at the range.

Some of you know my efforts as a Director of the Planning Association for the Richmond (PAR), co-founder of Friends of Lands End (FOLE), and work with other neighborhood groups in the Richmond. If I thought the proposed ordinances would truly benefit our City, I would urge you to enact these initiatives. But it will not.

I urge you to WITHDRAW this proposed legislation.

Julie Burns, Ph.D.
Seal Rock Research
+1.415.666.3092 office
+1.415.341.6060 mobile
+1.415.666.0141 fax
julieburns@sealrock.com



EDWIN M. LEE
MAYOR

POLICE DEPARTMENT
CITY AND COUNTY OF SAN FRANCISCO

THOMAS J. CAHILL HALL OF JUSTICE
850 BRYANT STREET
SAN FRANCISCO, CALIFORNIA 94103-4603



GREGORY P. SUHR
CHIEF OF POLICE

January 24, 2013

Mr. Derek Evans, Assistant Committee Clerk
Public Safety Committee
Board of Supervisors
City Hall, Room 244
1 Dr. Carlton B. Goodlett Place
San Francisco, CA 94102-4694

Dear Mr. Evans:

RE: File No. 130039 – Ordinance Requiring Reporting the Sale of 500 or More Rounds
Ammunition


The intent of this letter is to express the full support of the San Francisco Police Department for Ordinance 130039, which will require firearms dealers to report to the Chief of Police the sale of 500 or more rounds of ammunition in a single transaction.

Unlike most other states, California has no provision in its state constitution that explicitly guarantees an individual right to keep and bear arms, and as such, currently has some of the toughest gun laws in the United States Private. The California Supreme Court has maintained that most of California's restrictive gun laws are constitutional based on the fact that the State's Constitution does not explicitly guarantee private citizens the right to purchase, possess, or carry firearms. However, there is no limit on the amount of ammunition one can purchase from firearms dealers.

It is the opinion of the San Francisco Police Department that by requiring a dealer to report the sale of 500 or more rounds of ammunition to the Chief of Police, this legislation will provide a "red flag" to law enforcement of a potential threat to public safety.

If I can be of further assistance, please contact my office.

Sincerely,


GREGORY P. SUHR
Chief of Police

/cf

Robert Green
2994 Pine Street
San Francisco, CA 94115

February 8, 2013

Clerk and Members of the Public Safety Committee
Board of Supervisors
1 Dr. Carlton B. Goodlett Place
City Hall, Room 244
San Francisco, CA 94102-4689

RECEIVED SUPERVISORS
BOARD OF SUPERVISORS
SAN FRANCISCO
2013 FEB - 8 PM 12:31

Re: File 130039 (Requiring reporting of sales of 500 or more rounds of ammunition)

I write in the hopes that this might be circulated to the members of the Committee for consideration before the file comes before the committee for action.

Dear Committee Members:

I applaud the authors of the proposed ordinance referenced above for clarifying that the record-keeping requirements regarding ammunition sales apply only to businesses with a physical presence in San Francisco, and I urge you to adopt those amendments to 615(a)(4) and 615(b)—many out-of-state vendors refuse to sell ammunition to San Francisco residents because the vendors believe they are subject to the record-keeping requirements.

However, I do have several concerns about the rest of the proposed ordinance which I hope you will consider before deciding upon the next action.

It is unclear to me whether San Francisco truly has the authority to regulate interstate commerce in the manner described in proposed ordinance 615(c)(2). That paragraph seeks to require vendors which may not have a physical presence in California, let alone San Francisco, to contact the Chief of Police when making a sale of 500 or more rounds of ammunition for delivery within the boundaries of San Francisco.

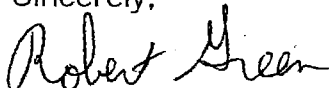
It is also unclear to me what extra public safety benefit is gained by requiring direct reporting of sales only when someone purchases or transfers 500 or more rounds. Ammunition vendors within San Francisco are already required to maintain records of all ammunition sales and make those records available for inspection by the Police. If the value of the records is to determine whether anyone prohibited from possessing ammunition has made a purchase of ammunition, it would seem that reporting *all* sales (not just 500 or more rounds) would better serve public safety.

Additionally, I am concerned that Chief of Police Gregory Suhr stated in his reply to your request for comments that sales of 500 or more rounds "provide a 'red flag' to law enforcement of a potential threat to public safety." However, as mere possession

of ammunition is not *prima facie* evidence of a crime (except as it involves persons prohibited from possessing ammunition) and likely does not rise to the level of probable cause to believe a crime has been or will be committed (given the number of people who purchase in bulk for legitimate use at the range, during hunting, or during competition), it is unclear to me what Chief Suhr would intend to do once such a "red flag" has been raised on someone not prohibited from possessing ammunition (courtesy knocks?, search warrants?, surveillance?).

Again, I urge you to give due consideration to these concerns before moving forward with this proposed ordinance.

Sincerely,


Robert Green

President, Board of Supervisors
District 3



City and County of San Francisco

DAVID CHIU

邱信福

市參事會主席

TO: Angela Calvillo, Clerk of the Board
FROM: Supervisor David Chiu *DC*
DATE: February 14, 2013
RE: Transferring Files Nos. 130039, 130040, and 091225 from Public Safety to CONS

Madame Clerk,

Please transfer the following three files from the Public Safety Committee to the City Operations and Neighborhood Services Committee.

- No. 130039 - Ordinance - requiring firearms dealers to report sale of 500 or more rounds of ammunition in a single transaction
- No. 130040 - Ordinance - Possession or sale of certain ammunition
- No. 091225 - Hearing - Violence and public safety incidents associated with entertainment venues

Thank you for your prompt assistance in this matter.

###

RECEIVED
BOARD OF SUPERVISORS
SAN FRANCISCO
2013 FEB 20 PM 1:56

Public Safety/Cons Clerk
COB, Reg Dep

President, Board of Supervisors
District 3



City and County of San Francisco

DAVID CHIU
邱信福
市參事會主席

TO:	Angela Calvillo, Clerk of the Board
FROM:	Supervisor David Chiu
DATE:	February 14, 2013
RE:	Transferring Files Nos. 130039, 130040, and 091225 from Public Safety to CON

David Chiu

RECEIVED
 BOARD OF SUPERVISORS
 SAN FRANCISCO
 2013 FEB 14 PM 3:02

Madame Clerk,

Please transfer the following three files from the Public Safety Committee to the City Operations and Neighborhood Services Committee.

- No. 130039 - Ordinance - requiring firearms dealers to report sale of 500 or more rounds of ammunition in a single transaction
- No. 130040 - Ordinance - Possession or sale of certain ammunition
- No. 091225 - Hearing - Violence and public safety incidents associated with entertainment venues

Thank you for your prompt assistance in this matter.

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BOARD of SUPERVISORS



City Hall
Dr. Carlton B. Goodlett Place, Room 244
San Francisco 94102-4689
Tel. No. 554-5184
Fax No. 554-5163
TDD/TTY No. 554-5227

MEMORANDUM

TO: Sheriff Ross Mirkarimi, Sheriff's Department
FROM: Derek Evans, Assistant Committee Clerk
DATE: January 25, 2013
SUBJECT: LEGISLATION INTRODUCED

The Board of Supervisors Public Safety Committee has received the following proposed legislation, which is being referred to your department for informational purposes.

File No. 130039

Ordinance amending the Police Code, Section 615, to require firearms dealers to report to the Chief of Police the sale of 500 or more rounds of ammunition in a single transaction.

If you wish to submit any comments or reports, please forward those to the Board of Supervisors, City Hall, Room 244, 1 Dr. Carlton B. Goodlett Place, San Francisco, CA 94102.

This item is tentatively scheduled to appear on the February 21, 2013, Regular Meeting of the Public Safety Committee.

Attached is a copy of the legislation for your review.

cc: Ellen Brin, Sheriff's Department
Paul Miyamoto, Sheriff's Department

BOARD of SUPERVISORS



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San Francisco 94102-4689
Tel. No. 554-5184
Fax No. 554-5163
TDD/TTY No. 554-5227

MEMORANDUM

TO: Chief Greg Suhr, Police Department
FROM: Derek Evans, Assistant Committee Clerk
DATE: January 18, 2013
SUBJECT: LEGISLATION INTRODUCED

The Board of Supervisors Public Safety Committee has received the following proposed legislation, which is being referred to your department for informational purposes.

File No. 130039

Ordinance amending the Police Code, Section 615, to require firearms dealers to report to the Chief of Police the sale of 500 or more rounds of ammunition in a single transaction.

If you wish to submit any comments or reports, please forward those to the Board of Supervisors, City Hall, Room 244, 1 Dr. Carlton B. Goodlett Place, San Francisco, CA 94102.

This item is tentatively scheduled to appear on the February 21, 2013, Regular Meeting of the Public Safety Committee.

Attached is a copy of the legislation for your review.

cc: Christine Fountain, Police Department
Insp. John Monroe, Police Department

OFFICE OF THE MAYOR
SAN FRANCISCO



RECEIVED
EDWIN M. LEE
BOARD OF SUPERVISORS
SAN FRANCISCO MAYOR

2013 JAN 15 PM 2:29

TO: Angela Calvillo, Clerk of the Board of Supervisors *ACB*
FROM: *EL* Mayor Edwin M. Lee *EL*
RE: Police Code - Reporting Ammunition Sales of 500 or More Rounds
DATE: January 15, 2013

Attached for introduction to the Board of Supervisors is the ordinance amending the San Francisco Police Code by amending Section 615 to require firearms dealers to report to the Chief of Police the sale of 500 or more rounds of ammunition in a single transaction.

Please note this item is cosponsored by Supervisor Cohen

I request that this item be calendared in Public Safety Committee on February 21, 2013.

Should you have any questions, please contact Jason Elliott (415) 554-5105.

cc. Supervisor Malia Cohen

130039

