

File No. 101120

Committee Item No. 3

Board Item No. _____

COMMITTEE/BOARD OF SUPERVISORS

AGENDA PACKET CONTENTS LIST

Committee PUBLIC SAFETY

Date 2/3/11

Board of Supervisors Meeting

Date _____

Cmte Board

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| <input type="checkbox"/> | <input type="checkbox"/> | Resolution |
| <input checked="" type="checkbox"/> | <input type="checkbox"/> | Ordinance |
| <input checked="" type="checkbox"/> | <input type="checkbox"/> | Legislative Digest |
| <input type="checkbox"/> | <input type="checkbox"/> | Budget Analyst Report |
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| <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"/> | Grant Information Form |
| <input type="checkbox"/> | <input type="checkbox"/> | Grant Budget |
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| <input type="checkbox"/> | <input type="checkbox"/> | Award Letter |
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OTHER

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Completed by: Gail Johnson

Date 1/28/11

Completed by: _____

Date _____

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

1 [Police Code - Discharge of Firearms; Fireworks]

2
3 **Ordinance amending the San Francisco Police Code by amending Section 1290 and**
4 **adding Section 1290.1, to add exceptions to the general prohibition on the discharge of**
5 **firearms within the City.**

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 ~~strikethrough-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 1290 and adding Section 1290.1, to read as follows:

12 **SEC. 1290. DISCHARGE OF FIREARMS PROHIBITED; EXCEPTIONS ~~FIREWORKS~~.**

13 (a) No person or persons, firm, company, corporation or association shall fire or
14 discharge any firearms ~~or fireworks~~ of any kind or description within the limits of the City and
15 County of San Francisco.

16 (b) The prohibition in subsection (a) shall not apply to or affect sheriffs, constables, marshals,
17 police officers, or other duly appointed peace officers in the performance of their official duties, nor to
18 any person summoned by such officer to assist in making arrests or preserving the peace while said
19 person so summoned is actually engaged in assisting such officer, nor to persons who are by federal or
20 state law authorized to use such firearms or projectile weapons, nor to persons using said firearms or
21 projectile weapons in necessary and lawful self defense or defense of others.

22 (c) The prohibition in subsection (a) shall not apply to or affect the otherwise lawful use and
23 discharge of firearms and projectile weapons at a licensed shooting range, nor when integral to the
24 pursuit of specific competitive and sporting events, including but not limited to events such as target
25 and skeet shooting, upon issuance of a permit from the Chief of Police to persons conducting the event

1 or engaged in the business of providing the location at which the event is to take place. The Chief of
2 Police shall formulate criteria for the application, issuance, and renewal of such permits, and may
3 require as a condition of approval the posting of any bond, or proof of adequate liability insurance.

4 Provided, however, that public displays of fireworks may be given with the joint written consent
5 of the Fire Marshal and the Chief of Police.

6
7 **SEC. 1290.1. DISCHARGE OF FIREWORKS PROHIBITED; EXCEPTIONS.**

8 No person or persons, firm, company, corporation or association shall fire or discharge any
9 fireworks of any kind or description within the limits of the City and County of San Francisco.

10 Provided, however, that public displays of fireworks may be given with the joint written consent of the
11 Fire Marshal and the Chief of Police.

12
13
14 APPROVED AS TO FORM:
15 DENNIS J. HERRERA, City Attorney

16
17 By:

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19 THOMAS J. OWEN
20 Deputy City Attorney
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22
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24
25

LEGISLATIVE DIGEST

[Police Code - Discharge of Firearms; Fireworks]

Ordinance amending the San Francisco Police Code by amending Section 1290 and adding Section 1290.1, to add exceptions to the general prohibition on the discharge of firearms within the City.

Existing Law

The Police Code currently prohibits any person or entity from firing or discharging any firearms or fireworks of any kind or description within the limits of the City and County of San Francisco. The Fire Marshal and the Chief of Police may authorize public fireworks displays.

Amendments to Current Law

The proposal would split the existing prohibition into one ordinance addressing firearms, and another addressing fireworks. It would provide public safety and sport shooting exemptions to the prohibition on discharging firearms.

The public safety exemptions would amend the ordinance addressing firearms to state that the prohibition does not apply to the discharge of firearms by law enforcement officers in the performance of their official duties, or by any person summoned by an officer to assist in making arrests or preserving the peace, or by persons who are authorized by federal or state law to use firearms. The proposal would also exempt the discharge of firearms in necessary and lawful self defense or defense of others.

The sport shooting exemptions would state that the prohibition on the discharge of firearms does not apply to people shooting guns at a licensed shooting range, nor when shooting guns as part of specific competitive and sporting events, such as target and skeet shooting, subject to permitting and regulatory requirements.

The proposal would not alter the existing general prohibition on the discharge of fireworks in the City.

Background Information

Article 45 of the Police Code, the Firearms and Weapons Violence Prevention Ordinance, contains a separate prohibition on the firing or discharging of firearms on any street, highway, or other public place within the City. (SF Police Code § 4502.) Article 45 already contains essentially the same exceptions being proposed in this ordinance. (SF Police Code § 4506.)

The proposed amendments would harmonize Section 1290 with existing, federal, State, and local laws.

Office of the Mayor
City & County of San Francisco



Gavin Newsom

TO: Angela Calvillo, Clerk of the Board of Supervisors
FROM: Mayor Gavin Newsom *GN*
RE: Police Code - Discharge of Firearms; Fireworks
DATE: November 9, 2010

Dear Madame Clerk:

Attached for introduction to the Board of Supervisors is the ordinance amending the San Francisco Police Code by amending Section 1290 and adding Section 1290.1, to add exceptions to the general prohibition on the discharge of firearms within the City.

I request that this item be calendared in Public Safety Committee.

Should you have any questions, please contact Starr Terrell (415) 554-5262.

10/120

