

[Increasing Penalties for Certain Crimes Committed on Municipal Transportation Agency
Vehicles, Platforms or in Bus Zones]

Ordinance amending the San Francisco Police Code by consolidating Sections 122 and 123 and amending former Section 123 and Section 1291, to increase from \$500 to \$1,000 the maximum allowable fine for the crimes of aggressive pursuit and of loitering while carrying a concealed weapon, where the violation occurs on vehicles, platforms or bus zones of the Municipal Transportation Agency, and urging "non-custodial" dispositions for juvenile violators.

NOTE: Additions are *single-underline italics Times New Roman*;
deletions are *strike-through italics Times New Roman*.
Board amendment additions are double-underlined;
Board amendment deletions are ~~strikethrough normal~~.

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

Section 1. The San Francisco Police Code is hereby amended by consolidating Sections 122 and 123 and amending former Section 123, to read as follows:

SEC. 122. AGGRESSIVE PURSUIT PROHIBITED.

(a) It shall be unlawful for any person to engage in aggressive pursuit of another.

(b) For purposes of this Section, "aggressive pursuit" shall mean the wilful, malicious or repeated following or harassment of another person, including, but not limited to, wilful or malicious communications by telephone, modem, facsimile or mail with the intent to cause annoyance, intimidation or fear on the part of the person being pursued.

~~SEC. 123. PENALTY.~~

(c) Any person violating this Section ~~422 of this Article~~ shall be guilty of aggressive pursuit, and upon conviction thereof, shall be subject to a fine of not more than \$500, or by imprisonment in the County Jail for a term not to exceed six months, or by both such fine and imprisonment.

1 (d) Any person who shall violate Section 122 on a Municipal Transportation Agency transit
2 platform or vehicle or within 25 feet of a bus zone shall be guilty of a misdemeanor, the penalty for
3 which shall be imprisonment in the County Jail for a period not exceeding six months, or by a fine not
4 exceeding one thousand dollars (\$1,000), or by both such fine and imprisonment.

5 For purposes of this Section, "a Municipal Transportation Agency transit platform" shall
6 include, but not be limited to: an outdoor high-level boarding platform, a street-level boarding
7 island, paid areas of any public transit station (including stations operated by the Bay Area
8 Transit District), and MTA pole stops. "A Municipal Transportation Agency transit vehicle"
9 shall include, but not be limited to: a street car, a cable car, a motor coach, a trolley coach,
10 or other in-service public transit vehicle.

11 (e) In the event that the Juvenile Court sustains a petition against a minor for conduct
12 violating this Section (or the minor otherwise admits or submits to the petition), the Board of
13 Supervisors urges the Court to favor community service and an in-home or other "non-
14 custodial" placement in disposing of the case.

15
16 Section 2 The San Francisco Police Code is hereby amended by amending
17 Section 1291, to read as follows:

18 **SEC. 1291. PROHIBITING LOITERING WHILE CARRYING CONCEALED WEAPONS.**

19 (a) As used in this Section, but in no wise limited thereto, "dangerous or deadly
20 weapon" shall mean: any knife with a blade three inches or more in length; any spring-blade,
21 switch-blade, or snap-blade or other similar type knife; any knife any blade of which is
22 automatically released by a spring mechanism or other mechanical device; any ice pick, or
23 similar sharp, stabbing tool; any straight edge razor or any razor blade fitted to a handle; any
24 cutting, stabbing, bludgeoning weapon or device capable of inflicting grievous bodily harm.

1 (b) It shall be unlawful for any person, while carrying concealed upon his person any
2 dangerous or deadly weapon, to loaf or loiter upon any public street, sidewalk, or alley, or to
3 wander about from place to place, with no lawful business thereby to perform, or to hide, lurk,
4 loiter upon or about the premises of another.

5 (c) It shall be unlawful for any person who has concealed upon his person or who has
6 in his immediate physical possession any dangerous or deadly weapon to engage in any fight
7 or to participate in any other rough or disorderly conduct upon any public place or way or upon
8 the premises of another.

9 (d) It shall be unlawful for any person who has concealed upon his person any
10 dangerous or deadly weapon to loiter about any place where intoxicating liquors are sold or
11 any other place of public resort.

12 (e) The foregoing restrictions shall not be deemed to prohibit the carrying of ordinary
13 tools or equipment carried in good faith for uses of honest work, trade or business or for the
14 purpose of legitimate recreation.

15 *(f) Any person who shall violate this Section shall be guilty of a misdemeanor, the penalty for*
16 *which shall be imprisonment in the County Jail for a period not exceeding six months, or by a fine not*
17 *exceeding five hundred dollars (\$500), or by both such fine and imprisonment.*

18 *(g) Any person who shall violate this Section on a Municipal Transportation Agency transit*
19 *platform or vehicle or within 25 feet of a bus zone shall be guilty of a misdemeanor, the penalty for*
20 *which shall be imprisonment in the County Jail for a period not exceeding six months, or by a fine not*
21 *exceeding one thousand dollars (\$1,000), or by both such fine and imprisonment.*

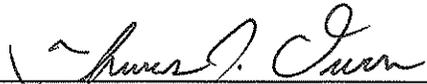
22 For purposes of this Section, "a Municipal Transportation Agency transit platform" shall
23 include, but not be limited to: an outdoor high-level boarding platform, a street-level boarding
24 island, paid areas of any public transit station (including stations operated by the Bay Area
25 Transit District), and MTA pole stops. "A Municipal Transportation Agency transit vehicle"

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4 violating this Section (or the minor otherwise admits or submits to the petition), the Board of
5 Supervisors urges the Court to favor community service and an in-home or other "non-
6 custodial" placement in disposing of the case.

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

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14 By:


15 THOMAS J. OWEN
16 Deputy City Attorney
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City and County of San Francisco

Tails Ordinance

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

File Number: 100879

Date Passed: August 10, 2010

Ordinance amending the San Francisco Police Code by consolidating Sections 122 and 123 and amending former Section 123 and Section 1291, to increase from \$500 to \$1,000 the maximum allowable fine for the crimes of aggressive pursuit and of loitering while carrying a concealed weapon, where the violation occurs on vehicles, platforms or bus zones of the Municipal Transportation Agency, and urging "non-custodial" dispositions for juvenile violators.

August 03, 2010 Board of Supervisors - PASSED ON FIRST READING

Ayes: 9 - Alioto-Pier, Campos, Chiu, Chu, Duffy, Elsbernd, Mar, Maxwell and Mirkarimi
Noes: 2 - Avalos and Daly

August 10, 2010 Board of Supervisors - FINALLY PASSED

Ayes: 9 - Alioto-Pier, Campos, Chiu, Chu, Duffy, Elsbernd, Mar, Maxwell and Mirkarimi
Noes: 1 - Daly
Excused: 1 - Avalos

File No. 100879

I hereby certify that the foregoing Ordinance was FINALLY PASSED on 8/10/2010 by the Board of Supervisors of the City and County of San Francisco.

Handwritten signature of Mayor Gavin Newsom

Mayor Gavin Newsom

Handwritten signature of Angela Calvillo

Angela Calvillo
Clerk of the Board

Handwritten date: August 17, 2010

Date Approved