

1 [Police Code - Possession or Sale of Law Enforcement or Military Ammunition]

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3 **Ordinance amending the Police Code, by adding Section 618, to prohibit the**  
4 **possession or sale of certain ammunition, including Black Talon ammunition and**  
5 **ammunition intended exclusively for law enforcement and military purposes.**

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 ~~strike through normal~~.

9

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

11 Section 1. The San Francisco Police Code is hereby amended by adding Section 618,  
12 to read as follows:

13 **SEC. 618. PROHIBITED AMMUNITION.**

14 (a) Definition. For purposes of this Section, "Prohibited Ammunition" shall mean:

15 (1) Ammunition sold under the brand name "Winchester Black Talon," or that has  
16 physical properties resulting in ballistics performance identical to ammunition presently or formerly  
17 sold under the brand name Winchester Black Talon; or,

18 (2) Ammunition designated by its manufacturer for purchase by law enforcement or  
19 military agencies only, unless other ammunition is available to the general public that has physical  
20 properties resulting in ballistics performance identical to such ammunition.

21 (b) Possession Prohibited; Exceptions. No person, firm, corporation or other entity may  
22 possess Prohibited Ammunition within the City and County of San Francisco, except that this  
23 subsection shall not apply to the otherwise-lawful possession of Prohibited Ammunition by the  
24 following:

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1                   (1) Peace officers in possession of Prohibited Ammunition issued to them by their  
2 employing agency;

3                   (2) Federal law enforcement officers or other federal employees in possession of  
4 Prohibited Ammunition issued to them by their employing agency;

5                   (3) Members of the armed forces of the United States in possession of Prohibited  
6 Ammunition issued to them by the military agency to which they belong;

7                   (4) Patrol special police officers, animal control officers or zookeepers, harbor police  
8 officers, sheriff's security officers, or police security officers in possession of Prohibited Ammunition  
9 issued to them by their employing agencies; or,

10                   (5) Businesses licensed as firearms dealers under this Article in possession of  
11 Prohibited Ammunition for sale to law enforcement and military agencies. Agencies employing  
12 persons listed in subsection (b)(4) are considered law enforcement agencies for purposes of this  
13 Section.

14                   (c) **Sale or Transfer.** No business licensed as a firearm dealer under this Article may sell,  
15 lease or otherwise transfer Prohibited Ammunition except to law enforcement and military agencies.

16                   (d) **Police Database.** The San Francisco Police Department shall prepare or cause to be  
17 prepared a public database of brands and product lines of ammunition meeting the definition of  
18 "Prohibited Ammunition" in subsection (a). Failure of the Police Department to create or maintain  
19 such a database, or the omission from the database of a particular brand or product line of ammunition  
20 otherwise qualifying as "Prohibited Ammunition" under subsection (a), shall not be a defense to or  
21 otherwise excuse a violation of this Section.

22                   (e) **Penalty.** Violation of any of the provisions of this Section is a misdemeanor and upon  
23 conviction the violator may be punished by a fine not to exceed \$1,000.00 or by imprisonment in the  
24 county jail not to exceed six months, or by both.

1           (f) Severability. If any provision, clause or word of this Section 618 or the application thereof  
2 to any person or circumstance is held invalid, such invalidity shall not affect any other provision,  
3 clause, word or application of this Section which can be given effect without the invalid provision,  
4 clause or word, and to this end the provisions of this Section are declared to be severable.

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

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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.

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

19  
20 By: \_\_\_\_\_  
21           THOMAS J. OWEN  
22           Deputy City Attorney

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