

BOARD of SUPERVISORS



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MEMORANDUM

TO: Alondra Esquivel-Garcia, Director, Youth Commission

FROM: Monique Crayton, Assistant Clerk,
Public Safety and Neighborhood Services Committee

DATE: March 8, 2024

SUBJECT: LEGISLATIVE MATTER INTRODUCED

The Board of Supervisors' Public Safety and Neighborhood Services Committee has received the following hearing request, introduced by Supervisor Stefani on February 27, 2024. This item is being referred for comment and recommendation.

File No. 240175

Ordinance amending the Administrative Code to set minimum qualifications for suppliers from which the City procures firearms and ammunition.

Please return this cover sheet with the Commission's response to Monique Crayton, Assistant Clerk, Youth, Young Adult, and Families Committee.

RESPONSE FROM YOUTH COMMISSION Date: _____

No Comment
 Recommendation Attached

Chairperson, Youth Commission

C: Office of Chair _____

1 [Administrative Code - Firearm and Ammunition Procurement]

2

3 **Ordinance amending the Administrative Code to set minimum qualifications for**
4 **suppliers from which the City procures firearms and ammunition.**

5 NOTE: **Unchanged Code text and uncodified text** are in plain Arial font.
6 **Additions to Codes** are in *single-underline italics Times New Roman font*.
7 **Deletions to Codes** are in ~~*italics Times New Roman font*~~.
8 **Board amendment additions** are in Arial font.
9 **Board amendment deletions** are in ~~Arial font~~.
10 **Asterisks (* * * *)** indicate the omission of unchanged Code
11 subsections or parts of tables.

9

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

11

12 Section 1. Findings.

13 (a) There are, on average, 327 people who are shot each day in the United States,
14 with 23 of those being children and teens. On average, 3,253 people die by guns each year in
15 California. The rate of gun deaths in California increased by 13% from 2012 to 2021; in 2021,
16 there were 508 more gun deaths in California than in 2012.

17 (b) Per the State of California Department of Justice, every three hours someone is
18 killed with a gun in California. And Californians who live with handgun owners are more than
19 twice as likely as other Californians to die of homicide.

20 (c) As in previous decades, the impact in the rise of gun violence has been most felt in
21 California's Black and brown communities. Black children and teens are seven times as likely
22 as their white peers to die by gun. Black Californians are nearly 10 times more likely to die by
23 gun homicide than their white non-Latino peers.

24 (d) In California, 2021 saw the highest recorded number of domestic violence-related
25 calls for assistance involving firearms in almost three decades. Between 2019 and 2021,

1 domestic violence- related calls for law enforcement assistance involving the reported or
2 threatened use of a gun increased by 80%.

3 (e) Since 2010, approximately 545,946 unique crime guns have been recovered by
4 law enforcement in California. More than 76,000 of those crime guns were from 1,929
5 California gun dealers. In 2022 alone, over 45,000 guns were recovered by law enforcement.

6 (f) Crimes committed with a firearm, and injuries incurred from firearms, are prevalent
7 in San Francisco, with local statistics showing a 36% increase in firearm-related incidents
8 between 2018 and 2022. Total shooting incidents in San Francisco increased by 74%
9 between 2018 and 2022, and total gun homicides increased by 48% over the same period.

10 (g) According to Police Department data, there were 211 victims of gun violence in
11 2022, 176 suffering injury, and 35 suffering loss of life, in San Francisco. 1,083 guns were
12 seized by the San Francisco Police Department in 2022.

13 (h) Firearms and ammunition dealers have the ability to help law enforcement prevent
14 gun crimes and gun violence by adhering to public safety policies regarding firearms and
15 complying with all applicable federal, state, and local laws and regulations. Improved and
16 responsible firearms procurement practices can, in turn, save lives of law enforcement officers
17 and citizens alike.

18 (i) A small number of firearms dealers are responsible for a large percentage of sales
19 of guns that are used in crimes. The Bureau of Alcohol, Tobacco, Firearms, and Explosives
20 (“ATF”) estimates that 1.2% of gun dealers are responsible for over 57% of guns traced to
21 crimes. But many firearms dealers follow safe dealing practices and comply with applicable
22 laws. An ATF report shows that 56% of its firearms compliance inspections throughout the
23 United States during fiscal year 2020 resulted in “No Violations.”

24 (j) Taxpayers, through their government, are the largest buyers of firearms in America.
25 Tax dollars buy firearms and ammunition for federal, state, and local law enforcement

1 agencies. Every one of these guns is purchased by a government agency for the purpose of
2 promoting public safety.

3 (k) San Francisco should do business only with firearms and ammunition dealers that
4 have adopted safe dealing practices and comply with all laws to prevent gun trafficking, theft,
5 and crime, which have been shown to lead to reductions in gun trafficking and crime.

6
7 Section 2. The Administrative Code is hereby amended by adding Chapter 21H,
8 consisting of Sections 21H.1 through 21H.7, to read as follows:

9 **CHAPTER 21H:**

10 **PROCUREMENT OF FIREARMS AND AMMUNITION**

11
12 **SECTION 21H.1. PURPOSE.**

13 *The purpose of this Chapter 21H is to ensure that the City procures firearms and ammunition*
14 *only from suppliers that adhere to public safety policies regarding firearms; comply with all applicable*
15 *federal, state, and local laws and regulations; and have valid federal firearms licenses, and valid state*
16 *and local licenses, permits, and certifications required by their jurisdictions in order to deal in*
17 *firearms, including but not limited to, for California suppliers, valid State Board of Equalization*
18 *seller's permit(s), and a Certificate of Eligibility pursuant to Section 26710 of the California Penal*
19 *Code.*

20
21 **SECTION 21H.2. SCOPE OF CHAPTER.**

22 *This Chapter 21H applies to the City's procurement of firearms and ammunition. Unless*
23 *expressly stated otherwise in this Chapter, all of the requirements of Chapter 21, as well as any other*
24 *applicable Charter or Municipal Code requirement, apply to firearms and ammunition contracts*
25 *procured under the authority of this Chapter.*

1 **SECTION 21H.3. DEFINITIONS.**

2 (a) As used in this Chapter 21H, except as specified herein, all terms shall have the same
3 meanings as in Chapter 21.

4 (b) For purposes of this Chapter 21H, the following terms are defined as follows:

5 “Ammunition” has the meaning set forth in California Penal Code Section 16650, as may be
6 amended from time to time.

7 “Firearm” has the meaning set forth in California Penal Code Section 16520, subsections (a),
8 (b) and (c), as may be amended from time to time.

9 “Purchase” means procurement of firearms and/or ammunition by the City, the cost of which is
10 to be paid wholly or partially out of moneys deposited in the Treasury of the City.

11 “Supplier” means an entity that sells firearms and/or ammunition directly to the City.

12
13 **SECTION 21H.4. MINIMUM QUALIFICATIONS.**

14 In order for a Supplier to be awarded a contract, the Purchaser must determine that the
15 Supplier meets the following minimum qualification requirements:

16 (a) Compliance with all federal, state, and local laws and regulations applicable to retail
17 dealers and manufacturers of firearms and ammunition; possession of valid federal, state and local
18 firearms licenses, permits, and certifications required by all applicable jurisdictions in order to deal in
19 firearms, including but not limited to, for California Suppliers, valid State Board of Equalization
20 seller’s permit(s) and a Certificate of Eligibility pursuant to Section 26710 of the California Penal
21 Code.

22 (b) Public safety policies that serve the following purposes:

23 (1) Prevention, detection, and screening for the transfer of firearms or ammunition to
24 straw buyers or firearm traffickers.

1 (2) Prevention of sales to prohibited individuals and persons too dangerous to possess
2 firearms.

3 (3) Protection against the theft of firearms and ammunition.

4 (4) Employee training designed to ensure maximum compliance with the law.

5 (5) Assistance to law enforcement in the investigation and prevention of criminal access
6 to guns.

7 (c) No unresolved ATF violations within the last five years;

8 (d) An average of no more than five trace requests from the ATF per year over the prior five
9 years;

10 (e) Five or fewer thefts of firearms and/or ammunition from its facilities over the prior five
11 years.

12 (f) Use of a digital video surveillance system as prescribed in California Penal Code Section
13 26806 or, for vendors not subject to that section, a similar system if required by state or local law.

14
15 **SECTION 21H.5. IMPLEMENTATION.**

16 The Purchaser or their designee shall administer this Chapter 21H and is authorized to issue
17 guidance to implement it.

18
19 **SECTION 21H.6. EXCEPTIONS.**

20 The requirements of Section 21H.4 shall not apply in the following circumstances:

21 (a) The City is procuring firearms or ammunition under Administrative Code Section 21.15.

22 (b) The City is procuring firearms or ammunition from a Supplier from whom it previously
23 procured such goods within the 24 months prior to the effective date of the ordinance establishing this
24 Chapter 21H, in Board File No. _____.

1 **SECTION 21H.7. WAIVERS.**

2 The requirements of this Chapter 21H shall not be in effect as to a particular procurement when
3 the Purchaser makes any of the following determinations in writing:

4 (a) The Purchaser determines that a sole source waiver is appropriate under Section 21.5.

5 (b) No Supplier meets the minimum qualifications set forth in Section 21H.4.

6
7 Section 3. Effective Date. This ordinance shall become effective 30 days after
8 enactment. Enactment occurs when the Mayor signs the ordinance, the Mayor returns the
9 ordinance unsigned or does not sign the ordinance within ten days of receiving it, or the Board
10 of Supervisors overrides the Mayor's veto of the ordinance.

11
12 APPROVED AS TO FORM:
13 DAVID CHIU, City Attorney

14 By: /s/ Victoria Wong
15 VICTORIA WONG
16 Deputy City Attorney

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LEGISLATIVE DIGEST

[Administrative Code - Firearm and Ammunition Procurement]

Ordinance amending the Administrative Code to set minimum qualifications for suppliers from which the City procures firearms and ammunition.

Existing Law

Current law does not contain minimum qualifications for suppliers of firearms or ammunition to the City.

Amendments to Current Law

This ordinance would set minimum qualifications for suppliers from which the City procures firearms and ammunition. Under the ordinance, the Purchaser shall administer the law and and may issue guidance for that purpose.

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