

1 [Restricting the sale or transfer of 50 caliber firearms and ammunition, requiring reporting of
2 firearm thefts, and deleting obsolete provisions regulating firearms.]

3 **Ordinance amending the Police Code by deleting Sections 552, 556 and 557, relating to**
4 **possession of firearms by minors and possession of facsimile firearms in order to**
5 **conform to state law, amending Section 602 to delete redundant provisions and**
6 **provisions relating to air guns in order to conform to state law; amending Sections**
7 **613.1, 613.10 and 613.10-1 to delete requirements relating to “Saturday Night Specials,”**
8 **restrictions on the sale of large capacity magazines and various other requirements**
9 **relating to firearms dealers in order to conform to state law and add new requirements**
10 **in Section 613.10-1 to restrict the sale or transfer of 50 caliber firearms and**
11 **ammunition; amending Sections 613.2 and 613.3 to require the Chief of Police to**
12 **conduct a background check on applicants for a firearms dealer license and such**
13 **applicants’ employees; amending Sections 613, 613.10-3, 613.12, 613.16, 613.19, 617**
14 **and 618 to make technical and conforming corrections; amending Section 613.10-2,**
15 **restricting the sale of ultracompact firearms to update findings and exceptions to**
16 **restrictions on sales, deleting Sections 614 through 616, relating to reporting of**
17 **firearms sales by dealers in order to conform to state law, renumbering existing**
18 **Sections 617 and 618 as Sections 614 and 615; and adding a new Section 616, requiring**
19 **owners of firearms to report the loss or theft of a firearm to the Police Department.**

20 Note: Additions are *single-underline italics Times New Roman*;
21 deletions are ~~*strikethrough italics Times New Roman*~~.
22 Board amendment additions are double underlined.
23 Board amendment deletions are ~~strikethrough normal~~.

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

24 Section 1. The San Francisco Police Code is hereby amended by deleting Sections
25 521 and 522 to read as follows:

1 **~~SEC. 521. SALE OF FIREARMS AND EXPLOSIVE CARTRIDGES TO MINORS~~**

2 **~~PROHIBITED.~~**

3 *It shall be unlawful for any person or persons within the limits of the City and County of*
4 *San Francisco to expose for sale, sell or offer for sale, barter or exchange, or offer to barter or*
5 *exchange to or with any minor under the age of 17 years any pistol or other firearm or any toy pistol or*
6 *imitations of any pistol or firearm, or instrument capable of receiving or discharging any charge of*
7 *powder, cartridge or other explosive, or any cartridge or cap, whether loaded or not with ball.*

8 **~~SEC. 522. POSSESSION BY MINORS PROHIBITED.~~**

9 *It shall be unlawful for any person under the age of 17 years to have in his possession,*
10 *expose, use or discharge any pistol or other firearm, or toy pistol, or imitation of any pistol or other*
11 *firearm, or any instrument capable of receiving or discharging any charge of powder, cartridge or*
12 *other explosive; or any cartridge or cap whether loaded with ball or not, capable of being discharged*
13 *or exploded by any pistol, toy pistol, or other firearm or imitation firearm.*

14 Section 2. The San Francisco Police Code is hereby amended by deleting Sections
15 556 and 557 to read as follows:

16 **~~SEC. 556. PROHIBITION OF SALE OF REPLICAS OR FACSIMILE FIREARMS.~~**

17 *(a) — Prohibition of Sale. It shall be unlawful for any person, firm or corporation to*
18 *sell, or, for purposes of sale, to exchange, give, loan, furnish, display, or market, or to utilize for*
19 *promoting the sale of any merchandise, any replica or facsimile of a firearm in the City and County of*
20 *San Francisco. The provisions of this Subsection shall not apply to any replica or facsimile firearm*
21 *which, because of its distinct color, exaggerated size, or other design feature, cannot reasonably be*
22 *perceived to be a real firearm.*

23 *(b) — Definitions.*

24 *————“Firearm” shall have the same meaning as the term “firearm” under the Dangerous*
25 *Weapons Control Law of the State of California.*

1 ~~————“Replica or facsimile of a firearm” shall mean any device or object made of plastic,~~
2 ~~wood, metal, or any other material which is a replica, facsimile, or toy version of, or is otherwise~~
3 ~~recognizable as, a pistol, revolver, shotgun, sawed-off shotgun, rifle, machine gun, rocket launcher, or~~
4 ~~other firearm. As used in this Section, “replica or facsimile of a firearm” shall include, but is not~~
5 ~~limited to, toy guns, movie or television props, hobby models (either in kit forms or fully assembled),~~
6 ~~starter pistols, air guns, inoperative firearms, or any other device which might reasonably be perceived~~
7 ~~to be a real firearm.~~

8 ~~**SEC. 557. PROHIBITION OF VISIBLE POSSESSION IN PUBLIC AREAS AND**~~
9 ~~**CONFISCATION OF REPLICA OR FACSIMILE FIREARMS.**~~

10 ~~————(a)——Prohibition of Public Possession. It shall be unlawful for any person, including~~
11 ~~a minor, to have in his or her visible possession in public areas a replica or facsimile firearm, as~~
12 ~~defined in Section 556 of the Police Code, the sale of which is prohibited by that Section.~~

13 ~~————(b)——Definitions. “Visible possession” shall mean that the replica or facsimile firearm~~
14 ~~is within the possession of a person, and that the replica or facsimile firearm is visible to other persons.~~

15 ~~“Public areas” shall mean areas which are owned, leased or controlled by a public~~
16 ~~entity and which are generally open to the general public, and areas privately owned, leased or~~
17 ~~controlled which are generally open to the general public, and areas privately owned, lease or~~
18 ~~controlled which are generally open to the public, including public buildings, public parks, public~~
19 ~~streets, sidewalks and roadways, public educational facilities, public malls and thoroughfares.~~

20 ~~(c)——Enforcement. Notwithstanding any other provision of this Municipal Code,~~
21 ~~violation of this Section shall not constitute a misdemeanor. The sole sanction for violation of this~~
22 ~~ordinance shall be the confiscation and destruction of the prohibited replica or facsimile firearm.~~
23 ~~Confiscation shall be made by law enforcement officers of the City and County of San Francisco~~
24 ~~authorized to make arrests, and may be made by any officials of the San Francisco Unified School~~
25 ~~District who may be duly authorized and designated to confiscate replica or facsimile firearms under~~

1 *this Section. These officers or officials shall deliver possession of confiscated replica or facsimile*
2 *firearms to the Chief of Police for the conduct of a hearing at which further retention of the replica or*
3 *facsimile firearms and their destruction will be considered. Following an opportunity for a due process*
4 *hearing the Chief of Police may order the return or destruction of said firearms.*

5 *(d) — Hearing Available. The Chief of Police is directed to establish procedures for*
6 *hearings conducted by the Chief of Police or his or her designee that will be scheduled and conducted*
7 *promptly after the confiscation of a replica or facsimile firearm. The purpose of the hearing authorized*
8 *by this Subsection will be to enable the person from whom the firearm was confiscated, or the owner of*
9 *the firearm, to establish that the firearm was not in visible possession in a public area, or was not a*
10 *replica or facsimile firearm within the meaning of Section 556 in violation of this ordinance at or*
11 *before the time the firearm was seized by the officers or officials. No destruction of a replica or*
12 *facsimile firearm shall occur without a duly noticed hearing having been made available to persons*
13 *whose replica or facsimile firearm was confiscated.*

14 Section 3. The San Francisco Police Code is hereby amended by amending Section
15 602 to read as follows:

16 **SEC. 602. SALE OR POSSESSION OF SLING SHOTS, ~~AIR GUNS~~ OR TOYS**
17 **PROJECTING MISSILES BY AIR OR GAS PROHIBITED.**

18 It shall be unlawful for any person, except for a peace officer authorized under California
19 Penal Code Section 12600, to buy, sell, offer or expose for sale, barter or exchange, have in his
20 possession or use any sling shot ~~or air gun or other weapon or instrument by which missiles may~~
21 ~~be projected by the force of air, provided that nothing herein contained shall prevent the use of air~~
22 ~~guns in a regularly licensed shooting gallery.~~

23 It shall also be unlawful for any person to buy, sell, offer or expose for sale, barter or
24 exchange, have in his possession or use any toy by which, whether used singly or in
25 combination of units, missiles may be projected by force or compressed air, carbon dioxide, or

1 any other chemical, gas, or other element, or combined thereof. Nothing in this section is
2 intended to be inconsistent with Government Code Section 53071.5 or any successor statute regulating
3 imitation firearms, BB guns or air rifles.

4 Section 4. The San Francisco Police Code is hereby amended by amending Sections
5 613, 613.1, 613.2 and 613.3 to read as follows:

6 **SEC. 613. REGULATING SALE OF FIREARMS.**

7 It shall be unlawful for any person, firm, corporation or dealer engaging in the
8 business of selling, leasing or otherwise transferring any firearm, firearms ammunition, or
9 firearms ammunition component to sell, lease or otherwise transfer any firearm, firearms
10 ammunition or firearms ammunition component without first having obtained a license from
11 the San Francisco Police Department. The Department shall make available application
12 forms requiring applicants to provide the information set forth in Section 613.2, and shall
13 collect a nonrefundable application fee from each applicant.

14 The Chief of Police shall recommend to the Board of Supervisors, on or before
15 April 1, 1994, a fee which shall be sufficient to recover all costs associated with regulating the
16 sale of firearms under this Article, including but not limited to, processing applications,
17 monitoring licensees, and enforcing the provisions of this Article. The fee shall be set by the
18 Board of Supervisors.

19 **SEC. 613.1. DEFINITIONS.***

20 (a) "Firearm" shall mean any device, designed to be used as a weapon or
21 modified to be used as a weapon, that expels a projectile by the force of an explosion or other
22 form of combustion.

23 (b) "Firearm ammunition" shall mean any cartridge or encasement containing
24 a bullet or projectile, propellant or explosive charge, and a primer which is used in the
25 operation of a firearm.

1 (c) "Firearm ammunition component" shall mean any cartridge or
2 encasement, bullet or projectile, primer or propellant or explosive material used in the
3 manufacture of ammunition.

4 (d) "Firearm capable of being concealed upon the person" shall mean any
5 such firearm as defined in California Penal Code Section 12001(a).

6 (e) "Transfer" shall include, but shall not be limited to, the redemption of a
7 pawned or pledged firearm by any individual including the individual who pawned or pledged
8 the firearm.

9 (f) ~~"Saturday night special" shall mean any of the following:~~

10 ~~—— (1) — A pistol, revolver, or firearm capable of being concealed upon the person, as~~
11 ~~those terms are defined in California Penal Code Section 12001(a), which contains a frame, barrel,~~
12 ~~breechblock, cylinder or slide that is not completely fabricated of heat-treated carbon steel, forged~~
13 ~~alloy, or other material of equal or higher tensile strength.~~

14 ~~—— (2) — A semiautomatic pistol which:~~

15 ~~—— (a) — Is not originally equipped by the manufacturer with a locked breech action; and~~

16 ~~—— (b) — Is chambered for cartridges developing maximum permissible breech pressures~~
17 ~~above 24,100 Copper Units of Pressure as standardized by the Sporting Arms and Ammunition~~
18 ~~Manufacturers Institute.~~

19 ~~—— (c) — For purposes of this Subsection (2), "semiautomatic pistol" shall mean a~~
20 ~~firearm, as defined in California Penal Code Section 12001(b), which is designed to be held and fired~~
21 ~~with one hand, and which does the following upon discharge: (i) fires the cartridge in the chamber; (ii)~~
22 ~~ejects the fired cartridge case; and (iii) loads a cartridge from the magazine into the chamber.~~

23 ~~"Semiautomatic pistol" shall not include any assault weapon designated in California Penal Code~~
24 ~~Section 12276.~~

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~~———— (3) — A pistol, revolver, or firearm capable of being concealed upon the person, as those terms are defined in California Penal Code Section 12001(a), which:~~

~~———— (a) — Uses an action mechanism which is substantially identical in design to any action mechanism manufactured in or before 1898 that was originally chambered for rimfire ammunition developing maximum permissible breech pressures below 19,000 Copper Units of Pressure as standardized by the Sporting Arms and Ammunition Manufacturers Institute; and~~

~~———— (b) — Is chambered to fire either centerfire ammunition or rimfire ammunition developing maximum permissible breech pressures above 19,000 Copper Units of Pressure as standardized by the Sporting Arms and Ammunition Manufacturers Institute; and~~

~~———— (c) — Is not originally equipped by the manufacturer with a nondetachable safety guard surrounding the trigger; or~~

~~———— (d) — If rimfire, is equipped with a barrel of less than 20 bore diameters in overall length protruding from the frame.~~

~~———— “Saturday night special” does not include any of the following:~~

~~———— (1) — Any pistol which is an antique or relic firearm or other weapon falling within the specifications of Paragraphs (5), (7) and (8) of Subsection (b) of California Penal Code Section 12020; or~~

~~———— (2) — Any pistol for which the propelling force is classified as pneumatic, that is, of, or related to, compressed air or any other gases not directly produced by combustion; or~~

~~———— (3) — Children's pop guns or toys; or~~

~~———— (4) — An “unconventional pistol” as defined in California Penal Code Section 12020(e)(12); or~~

~~———— (5) — Any pistol which has been modified to either render it permanently inoperable or permanently make it a device no longer classified as a “Saturday night special.”~~

1 ~~(g)~~(f) "Ultracompact firearm" shall mean any pistol, revolver, handgun or other
2 firearm that is 6.75 inches or less in length or 4.5 inches or less in height, measured with the
3 magazine detached, but shall not include any such firearm that is an unsafe handgun as defined by
4 Section 12126 of the California Penal Code.

5 **SEC. 613.2. APPLICATION FORM AND BACKGROUND CHECK REQUIREMENTS.**

6 (a)The application for a license to engage in the business of selling, leasing or
7 otherwise transferring any firearm, firearms ammunition, or firearms ammunition component
8 shall be signed under penalty of perjury and shall set forth:

9 ~~(a)~~(1) The name, age and address of the applicant, as well as the name, age and
10 address of all persons who will have access to or control of workplace firearms, firearm ammunition,
11 or firearm ammunition components, including but not limited to, the applicant's employees, agents and
12 or supervisors, if any;

13 ~~(b)~~(2) The address of the location for which the license is required, together with
14 the business name of such location, if any;

15 ~~(e)~~(3) All convictions of the applicant for any of the offenses listed in Section
16 613.3(e);

17 ~~(d)~~(4) All information relating to licenses or permits relating to firearms or other
18 weapons sought by the applicant from other jurisdictions, including, but not limited to date of
19 application and whether each such application resulted in issuance of a license;

20 ~~(e)~~(5) All information relating to revocations of licenses or permits relating to
21 firearms, including but not limited to date and circumstances of revocation;

22 ~~(f)~~(6) Applicant's agreement to indemnify, defend, and hold harmless the City,
23 its officers, agents, and employees, from and against any and all claims, losses, costs,
24 damages and liabilities of any kind, arising in any manner out of the applicant's negligence or
25 intentional or wilful misconduct;

1 ~~(g)~~(7) Applicant's understanding that the City shall have the right to enter the
2 building designated in the license from time to time during regular business hours to make
3 reasonable inspections and to investigate and enforce compliance with building, mechanical,
4 fire, electrical, plumbing, or health regulations, provisions of this Article, and all other
5 applicable federal, state, and local laws.

6 **(b)** Each application must be accompanied by evidence that the applicant
7 has satisfied the insurance requirements stated in Section 613.13 of this Article.

8 **(c)** All persons listed on the application form as having access to, or control
9 of, workplace firearms, firearm ammunition, or firearm ammunition components shall obtain a
10 certificate of eligibility under Penal Code Section 12071 from the state Department of Justice.
11 A copy of the certificate of eligibility for each such person shall be submitted with the
12 application.

13 **(d)** The Chief of Police shall conduct a criminal history background check on
14 the applicant and on all other persons listed on the application form as having access to, or
15 control of, workplace firearms, firearm ammunition, or firearm ammunition components,
16 including but not limited to, the applicant's employees, agents and or supervisors, if any, and
17 shall determine whether such persons have been convicted of any offenses described in
18 subsection (e) of Section 613.3, or are among the persons described in subsections (f) or (g)
19 of Section 613.3. Where the Chief of Police determines that one or more of the applicant's
20 employees, agents or supervisors have been convicted of an offense described in subsection
21 (e) of Section 613.3, or are among the persons described in subsections (f) or (g) of Section
22 613.3, the applicant shall have 21 days from the mailing of written notification from the Chief
23 of Police to provide evidence in a form acceptable to the Chief of Police that such persons
24 have been removed or reassigned so that they no longer have access to or control of
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1 workplace firearms, firearm ammunition, or firearm ammunition components. In the event that
2 an applicant fails to comply with this subsection, the Chief of Police shall deny the license.

3 (e) As used in this Section, the term “applicant” when the applicant is other
4 than a natural person shall include any officer, director, employee or agent of the applicant
5 who has access to, or control of, workplace firearms, firearm ammunition, or firearm
6 ammunition components ~~may be involved in the sale, lease or other transfer of any firearm,~~
7 ~~firearms ammunition or firearms ammunition component.~~

8 **SEC. 613.3 DENIAL OF LICENSE.**

9 The Chief of Police shall deny the issuance or renewal of a license when any of
10 the following conditions exist:

11 (a) The applicant is under the age of 21 years.

12 (b) The applicant is not licensed as required by all applicable federal, State
13 and local laws.

14 (c) The applicant has had a firearms license previously revoked or denied for
15 good cause within the immediately preceding two years.

16 (d) The applicant has made a false or misleading statement of a material
17 fact, or omission of a material fact, in the application for a license. If a license is denied on this
18 ground, the applicant shall be prohibited from reapplying for a license for a period of two
19 years.

20 (e) The applicant has been convicted of:

21 (1) Any offense so as to disqualify the applicant from owning or possessing a
22 firearm under applicable federal, State, and local laws, including but not limited to the offenses
23 listed in California Penal Code Section 12021;

24 (2) Any offense relating to the manufacture, sale, possession, use, or
25 registration of any firearm or dangerous or deadly weapon;

1 (3) Any offense involving the use of force or violence upon the person of
2 another;

3 (4) Any offense involving theft, fraud, dishonesty, or deceit, including but not
4 limited to any of the offenses listed in Title 7 (Crimes Against Public Justice) and title 13,
5 Chapters 4 (Forgery and Counterfeiting), 5 (Larceny), 6 (Embezzlement), 7 (Extortion), 8
6 (False Personation), 13 and 14 (Fraud) of the California Penal Code;

7 (5) Any offense involving the manufacture, sale, possession or use of any
8 controlled substance as defined by the California Health and Safety Code as said definition
9 now reads or may hereafter be amended to read.

10 (f) The applicant is within the classes of persons defined in California
11 Welfare and Institutions Code Sections 8100 or 8103.

12 (g) The applicant is (1) currently, or has been within the past two years, an
13 unlawful user of any controlled substance as defined by the California Health and Safety Code
14 as said definition now reads or may hereafter be amended to read; or (2) an excessive user of
15 alcohol, to the extent that such use would impair his or her fitness to be a dealer in firearms.

16 (h) The operation of the business as proposed would not comply with all
17 applicable federal, State, and local laws.

18 (i) The applicant, or an officer, employee, or agent thereof, proposes to
19 operate in the following locations:

20 (1) Within any RH, RM, RC, NC or RED zoning district, or within 1,000 feet of
21 the exterior limits of any such district;

22 (2) Within 1,000 feet of a public or private day care center or day care home,
23 or within 1,000 feet of any elementary, junior high or high school whether public or private;

24 (3) On or within 1,500 feet of the exterior limits of any other premises used
25 as a place of business by a dealer in firearms;

1 (4) Within 1,000 feet of a community center, church, neighborhood center,
2 recreational center, whether public or private, where regularly scheduled activities are
3 conducted for people under 18 years of age.

4 (j) The applicant, or an officer, employee or agent thereof does not have,
5 and/or cannot provide evidence of a possessory interest in the property at which the proposed
6 business will be conducted.

7 (k) Any other ground for denial exists under any applicable provision of
8 federal, State or local law.

9 ~~(l) The Chief of Police shall conduct a criminal history check on the applicant
10 and on all other person listed on the application form as having access to, or control of,
11 workplace firearms, firearm ammunition, or firearm ammunition components, including but not
12 limited to, the applicant's employees, agents and or supervisors, if any, in order to determine
13 whether such persons have been convicted of any offenses described in subsection (e) of this
14 Section, or are among the persons described in subsections (f) or (g) of this Section. Where
15 the Chief of Police determines that one or more of the applicant's employees, agents or
16 supervisors have been convicted of an offense described in subsection (e) of this Section, or
17 are among the persons described in subsections (f) or (g) of this Section, the applicant shall
18 have 21 days from the mailing of written notification from the Chief of Police to verify that such
19 persons have been removed or reassigned so that they no longer have access to or control of
20 workplace firearms, firearm ammunition, or firearm ammunition components. In the event that
21 an applicant fails to comply with this subsection, the Chief of Police shall deny the license.
22 The applicant fails to comply with the requirements of subsections (c) or (d) of Section 613.2.~~

23 As used in this Section, the term "applicant" when the applicant is other than a natural
24 person shall include any officer, director, employee or agent of the applicant who has access
25 to, or control of, workplace firearms, firearm ammunition, or firearm ammunition components

1 may be involved in the sale, lease or other transfer of any firearm, firearms ammunition or
2 firearms ammunition component.

3 Section 5. The San Francisco Police Code is hereby amended by amending Sections
4 613.10, 613.10-1, 613.10-2 and 613.10-3 to read as follows:

5 **SEC. 613.10. LICENSE — CONDITIONS.**

6 In addition to all other requirements and conditions stated in this Article, each
7 license shall be subject to all of the following conditions, the breach of any of which shall be
8 sufficient cause for revocation of the license by the Chief of Police:

9 (a) The business shall be carried on only in the building located at the street
10 address shown on the license, except as otherwise authorized under Section 12071(b)(1) of the
11 California Penal Code.

12 (b) The licensee shall comply with Sections 12073, 12074, 12076, 12077 and
13 12082 of the California Penal Code, to the extent that the provisions remain in effect.

14 (c) The licensee shall not deliver any pistol or revolver to a purchaser earlier
15 than ~~15~~ 10 days after the application for the purchase, lease or transfer, unless otherwise
16 provided by State or federal law.

17 (d) The licensee shall not deliver any firearm to a purchaser, lessee or other
18 transferee unless the firearm is unloaded and securely wrapped or unloaded in a locked
19 container.

20 (e) The licensee shall not deliver any firearm, firearm ammunition, or firearm
21 ammunition component to a purchaser, lessee or other transferee unless the purchaser,
22 lessee or other transferee ~~is personally known to the seller or~~ presents clear evidence of his
23 or her identity and age to the seller. As used in this Section, "clear evidence of his or her
24 identity and age" includes, but is not limited to, a motor vehicle operator's license, a State
25 identification card, an armed forces identification card, an employment identification card

1 which contains the bearer's signature and photograph, or any similar documentation which
2 provides the seller reasonable assurance of the identity and age of the purchaser.

3 (f) The licensee shall not display in any part of the premises where it can be
4 readily seen from outside the premises, any firearm, firearm ammunition or imitation thereof,
5 or placard advertising the sale or other transfer thereof, other than a sign identifying the name
6 of the business.

7 (g) ~~The licensee shall not sell, lease or otherwise transfer any firearm without also
8 selling or otherwise providing with each firearm a trigger lock or similar device approved by the Chief
9 of Police that is designed to prevent the unintentional discharge of the firearm.~~

10 (h) ~~The licensee shall not sell, lease or otherwise transfer any firearm without
11 affixing to each firearm, or sealed package containing a firearm, a warning label stating the following
12 in not less than 14 point type:~~

13 ~~“IF YOU LEAVE A LOADED FIREARM WHERE A CHILD OBTAINS AND IMPROPERLY
14 USES IT, YOU MAY BE FINED OR SENT TO PRISON, AND YOU MAY BE LIABLE FOR CIVIL
15 DAMAGES.”~~

16 (i) ~~The licensee shall not sell, lease or otherwise transfer to any person any
17 ammunition clip or magazine that has the capacity to contain more than 10 rounds of ammunition.~~

18 (j) The licensee shall not sell, lease or otherwise transfer to any person any
19 ammunition that:

20 (1) Serves no sporting purpose;

21 (2) Is designed to expand upon impact and utilize the jacket, shot or
22 materials embedded within the jacket or shot to project or disperse barbs or other objects that
23 are intended to increase the damage to a human body or other target (including, but not
24 limited to, Winchester Black Talon, Speer Gold Dot, Federal Hydra-Shok, Hornady XTP,
25 Eldorado Starfire, Hollow Point Ammunition and Remington Golden Sabre ammunition; or

1 (3) Is designed to fragment upon impact (including, but not limited to, Black
2 Rhino bullets and Glaser Safety Slugs).

3 This subsection does not apply to conventional hollow-point ammunition with a
4 solid lead core when the purchase is made for official law enforcement purposes and the
5 purchaser is authorized to make such a purchase by the director of a public law enforcement
6 agency such as the Chief of the San Francisco Police Department or the Sheriff of the City
7 and County of San Francisco.

8 ~~(k) — The licensee shall not sell, lease or otherwise transfer any firearm to any person
9 under the age of 18 years, and shall not sell, lease or otherwise transfer any pistol, revolver, or firearm
10 capable of being concealed upon the person to any person under the age of 21.~~

11 ~~(l) — The licensee shall not sell, lease or otherwise transfer any firearm ammunition to
12 any person under the age of 18 years, and shall not sell, lease or otherwise transfer any ammunition
13 capable of being used in a pistol, revolver, or firearm capable of being concealed upon the person to
14 any person under the age of 21.~~

15 ~~(m) — The licensee shall not sell, lease or otherwise transfer any firearm to any person
16 whom the licensee has reason to believe is within any of the classes prohibited by California Penal
17 Code Sections 12021 or 12021.1 or California Welfare and Institutions Code Sections 8100 or 8103.~~

18 ~~(n)(h) The licensee shall post within the licensee's premises a notice explaining
19 the age restrictions set forth in Subsections (k) and (l) above, stating the following:~~

20 THE CALIFORNIA PENAL CODE PROHIBITS THE SALE OF FIREARMS OR FIREARMS
21 AMMUNITION TO PERSONS UNDER THE AGE OF 18, AND FURTHER GENERALLY
22 PROHIBITS THE SALE OF A PISTOL, REVOLVER, OR FIREARM CAPABLE OF BEING
23 CONCEALED UPON THE PERSON TO ANY PERSON UNDER THE AGE OF 21.

24 The posted notice shall be in a conspicuous location, ~~and~~ shall be in 36 point type
25 block letters in black ink on a white background, and shall be located so have lettering of sufficient size

1 ~~such~~ that the notice can easily and clearly be seen by all prospective purchasers of firearms
2 and firearm ammunition.

3 ~~(o)~~ — ~~The licensee shall not deliver any firearm, firearm ammunition, or firearm~~
4 ~~ammunition component to a purchaser, lessee or other transferee whom the licensee knows or has~~
5 ~~reason to believe is attempting to transfer (1) on behalf of another person, or (2) with the intent to~~
6 ~~avoid any restriction on transfers under this Article, or State or federal law.~~

7 ~~(p)~~ ~~The licensee shall not sell, lease or otherwise transfer any “Saturday night~~
8 ~~special.”~~

9 ~~(q)(i)~~ The licensee shall not sell, lease or otherwise transfer any ultracompact
10 firearm except as authorized by Section 613.10-2 or any 50 caliber firearm or 50 caliber
11 cartridge except as authorized by Section 613.10-1.

12 ~~(j)~~ Any license issued pursuant to this Article shall be subject to such
13 additional conditions as the Chief of Police finds are reasonably related to the purpose of this
14 Article.

15 ~~(r)~~ ~~(k)~~ The licensee shall comply with the requirements of Section 613.10-3 and
16 shall, in addition, post the appropriate notice or notices, as specified below, in a conspicuous
17 location at the entrance of the licensee's premises (or at the entrance to the separate room or
18 enclosure pursuant to Section 613.10-3(c)). Such notice shall be in 36 point type block letters
19 in black ink on a white background.

20 (1) Licensees that sell, lease or otherwise transfer firearms, other than
21 firearms capable of being concealed on the person, shall post a notice at the entrance to the
22 premises (or at the entrance to the separate room or enclosure pursuant to Section 613.10-
23 3(c)) stating the following:

24 “THE SAN FRANCISCO POLICE CODE REQUIRES THAT FIREARMS DEALERS
25 PROHIBIT ENTRY BY PERSONS UNDER AGE 18, AND FURTHER PROHIBITS ENTRY BY

1 (1) PERSONS CONVICTED OF A VIOLENT OFFENSE WHO ARE PROHIBITED FROM
2 POSSESSING FIREARMS PURSUANT TO CALIFORNIA PENAL CODE SECTIONS 12021
3 OR 12021.1; AND (2) PERSONS WHO ARE CURRENTLY PROHIBITED FROM
4 POSSESSING FIREARMS BECAUSE THEY HAVE BEEN ADJUDICATED AS MENTALLY
5 DISORDERED, NOT GUILTY BY REASON OF INSANITY OR INCOMPETENT TO STAND
6 TRIAL.”

7 (2) Licensees that sell, lease or otherwise transfer firearms capable of being
8 concealed on the person shall post a notice at the entrance to the premises (or at the
9 entrance to the separate room or enclosure containing such firearms pursuant to Section
10 613.10-3(c)) stating the following:

11 “THE SAN FRANCISCO POLICE CODE REQUIRES THAT FIREARMS DEALERS
12 PROHIBIT ENTRY BY PERSONS UNDER AGE 21, AND FURTHER PROHIBITS ENTRY BY
13 (1) PERSONS CONVICTED OF A VIOLENT OFFENSE WHO ARE PROHIBITED FROM
14 POSSESSING FIREARMS PURSUANT TO CALIFORNIA PENAL CODE SECTIONS 12021
15 OR 12021.1; AND (2) PERSONS WHO ARE CURRENTLY PROHIBITED FROM
16 POSSESSING FIREARMS BECAUSE THEY HAVE BEEN ADJUDICATED AS MENTALLY
17 DISORDERED, NOT GUILTY BY REASON OF INSANITY OR INCOMPETENT TO STAND
18 TRIAL.”

19 (3) Licensees that sell, lease or otherwise transfer firearms capable of being
20 concealed on the person, but who keep such firearms in a separate room or enclosure in
21 accordance with Section 613.10-3(c) shall post the notice required by paragraph (1) at the
22 entrance to the premises or separate room or enclosure containing firearms that are not
23 capable of being concealed on the person, and shall post the notice required by paragraph (2)
24 at the entrance to the separate room or enclosure containing firearms capable of being
25 concealed on the person.

1 (l) The licensee shall notify the Chief of Police of the name, age and address of,
2 and submit a certificate of eligibility under Penal Code Section 12071 from the state
3 Department of Justice for, any person not listed on the licensee's application under Section
4 613.2(a)(1) who will be given access to, or control of, workplace firearms, firearm ammunition,
5 or firearm ammunition components. The licensee shall submit the required information and
6 certificate within 10 days of such person being employed or otherwise being given access to,
7 or control over workplace firearms, firearm ammunition, or firearm ammunition components.

8 **SEC. 613.10-1. PROCEDURES REGARDING SATURDAY NIGHT SPECIALS.* SALE OR**
9 **TRANSFER OF 50 CALIBER FIREARMS AND CARTRIDGES RESTRICTED**

10 ~~(a) — Roster of Saturday Night Specials. On or before January 1, 1997, the Chief of~~
11 ~~Police or the Chief's designee shall compile, publish, and thereafter maintain a Roster of Saturday~~
12 ~~night specials. The Roster shall list those firearms, by manufacturer and model number, which the~~
13 ~~Chief determines fit the definition of Saturday night special set forth in Section 613.1. All references to~~
14 ~~“the Chief” in this Section shall mean the Chief of Police or the Chief's designee.~~

15 ~~———— (b) — Notification. Upon completion of a list of firearms to be placed on the Roster for~~
16 ~~the first time, the Chief shall endeavor to send written notification to: (i) the manufacturer of every~~
17 ~~firearm on said list; and (ii) every dealer within the City who is licensed to sell and transfer firearms~~
18 ~~pursuant to Section 12071 of the California Penal Code and this Chapter of the Municipal Code. Such~~
19 ~~notification shall do the following:~~

20 ~~———— (1) — Identify the model number of the firearm which has been classified as a Saturday~~
21 ~~night special within the meaning of Section 613.1;~~

22 ~~———— (2) — Advise the recipient that the recipient may apply for reconsideration of the~~
23 ~~classification of the firearm as a Saturday night special; and~~

24 ~~———— (3) — Advise the recipient that the burden of proving a firearm does not constitute a~~
25 ~~Saturday night special within the meaning of Section 613.1 shall be on the recipient.~~

1 ~~———— (c) ——— Reconsideration by the Chief of Police.~~

2 ~~———— (1) ——— Prior to the effective date of this ordinance, the Chief shall establish standards~~
3 ~~and procedures for the form and content of an application, the conduct of an administrative hearing,~~
4 ~~and the evaluation of evidentiary testimony relating to the decision of the Chief to classify the firearm~~
5 ~~in question as a Saturday night special as defined in Section 613.1.~~

6 ~~———— (2) ——— Upon timely filing of one or more complete applications for reconsideration, the~~
7 ~~Chief shall evaluate the evidence submitted by the applicant(s). The applicant(s) shall have the burden~~
8 ~~of demonstrating that the firearm does not constitute a Saturday night special within the meaning of~~
9 ~~Section 613.1.~~

10 ~~———— (d) ——— Appeal of Classification.~~

11 ~~———— (1) ——— If the Chief determines that the firearm under reconsideration has been properly~~
12 ~~classified as a Saturday night special, then the applicant(s) shall have the right to appeal such~~
13 ~~decisions to the Police Commission, and the applicant(s) shall have the right to a hearing before the~~
14 ~~Police Commission, or a hearing officer designated by the Commission prior to inclusion of the firearm~~
15 ~~in question on the Roster.~~

16 ~~———— (2) ——— The Police Commission is authorized to establish standards and procedures for~~
17 ~~the form and content of an appeal, the conduct of an administrative hearing, and the evaluation of~~
18 ~~evidentiary testimony relating to the Chief's decision to classify the firearm in question as a Saturday~~
19 ~~night special as defined in Section 613.1.~~

20 ~~———— (3) ——— The burden of proof shall be on the appellant(s) to demonstrate that the firearm~~
21 ~~does not constitute a Saturday night special within the meaning of Section 613.1.~~

22 ~~———— (4) ——— In all instances, the decision of the Police Commission whether to classify the~~
23 ~~firearm in question as a Saturday night special as defined in Section 613.1 and to place said firearm on~~
24 ~~the Roster is final.~~

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1 ~~———— (e) ——— Publication of Roster. The Chief shall place on the Roster each firearm which~~
2 ~~has been determined to constitute a Saturday night special within the meaning of Section 613.1. The~~
3 ~~Chief shall cause the Roster to be published in the following manner:~~

4 ~~———— (1) ——— The Roster shall be published at least once in the official newspaper as~~
5 ~~designated by the City and circulated in the City within 15 days after the Roster's completion; and~~

6 ~~———— (2) ——— A copy of the Roster shall be filed in the Chief's office; and~~

7 ~~———— (3) ——— A copy of the Roster shall be distributed to every dealer within the City who is~~
8 ~~licensed to sell and transfer firearms pursuant to Section 12071 of the California Penal Code and this~~
9 ~~Chapter of the Municipal Code.~~

10 ~~———— (f) ——— Effective Date of Roster. The Roster shall become effective on the fifteenth day~~
11 ~~after its publication.~~

12 ~~———— (g) ——— Additions to the Roster. Additions to the Roster shall be made in accordance with~~
13 ~~the following:~~

14 ~~———— (1) ——— Semiannual Determination. On a semiannual basis, the Chief shall determine the~~
15 ~~need to place firearms on the Roster. Upon identifying one or more firearms as a Saturday night~~
16 ~~special, the Chief shall prepare a draft list of the additions to the Roster.~~

17 ~~———— (2) ——— Notification of Additions to Roster. In the event that a draft list of firearms to be~~
18 ~~added to the Roster is prepared, the Chief shall endeavor to send written notification in accordance~~
19 ~~with the aforementioned provisions of Section 613.10-1(b).~~

20 ~~———— (3) ——— Reconsideration by the Chief of Police. Any person who the Chief notifies~~
21 ~~pursuant to Subsection (2) above may apply for reconsideration of the classification of that firearm as~~
22 ~~a Saturday night special in accordance with the provisions of Section 613.10-1(e).~~

23 ~~———— (4) ——— Appeal of Classification. Whenever a firearm has been determined to be properly~~
24 ~~classified as a Saturday night special after reconsideration, the applicant may file an appeal to the~~

1 ~~Police Commission and the Commission shall hold a hearing in accordance with the provisions of~~
2 ~~Section 613.10-1(d).~~

3 ~~(5) — Additions of Firearms to Roster. After all appeals have been exhausted, the Chief~~
4 ~~shall place on the Roster those additional firearms which have been determined to constitute a~~
5 ~~Saturday night special within the meaning of Section 613.1. The Chief shall cause the Roster, as~~
6 ~~amended to include these additional firearms, to be published in accordance with Section 613.10-1(e).~~

7 ~~—— (h) — Nonexclusivity of Roster. The Roster is meant to be illustrative of the types of~~
8 ~~weapons which gun dealers are prohibited from selling in San Francisco. The sale of firearms not~~
9 ~~listed on the Roster, but having the characteristics described in Section 613.1, is prohibited under~~
10 ~~Section 613.10(p).~~

11 (a) Findings. The Board of Supervisors finds as follows:

12 (1) Fifty caliber rifles are military-style firearms, used by armed forces around the world,
13 which combine long range, accuracy and massive power. Fifty caliber rifles are accurate to distances
14 of 1,000 to 2,000 yards (10 to 20 football fields), depending on the skill of the shooter, and can
15 penetrate armored vehicles, disable aircraft and damage industrial targets, such as refineries and
16 hazardous chemical plants. The dangers of these weapons are detailed in “Voting from the Rooftops:
17 How the Gun Industry Armed Osama bin Laden, other Foreign and Domestic Terrorists, and Common
18 Criminals with 50 Caliber Sniper Rifles,” Violence Policy Center (2001).

19 (2) Fifty caliber rifles and ammunition are proliferating on the civilian market in the United
20 States.

21 (3) In a briefing paper dated August 4, 1999, the United States General Accounting Office
22 concluded that 50 caliber rifles have been associated with significant criminal activity, stating “Our
23 investigation revealed that .50 caliber semiautomatic rifles have been linked to domestic and
24 international criminal activity. We have established a nexus to terrorist groups, outlaw motorcycle

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1 gangs, international drug cartels, domestic drug dealers, religious cults, militia groups, potential
2 assassins, and violent criminals.”

3 (4) California Penal Code Sections 12303.6 and 12304 currently prohibit the sale of
4 destructive devices, defined to include weapons of a caliber greater than 60 caliber and any
5 ammunition therefor. In addition, recognizing the danger posed by 50 caliber rifles, the Legislature
6 recently passed, and the Governor has signed, legislation restricting the sale and transfer and tracking
7 the ownership of, 50 caliber rifles;

8 (5) The City and County of San Francisco has a high concentration of potential targets for
9 terrorist attacks;

10 (6) The firearms industry has recently introduced a 50 caliber handgun, and reports
11 indicate that it is difficult to control and fires with five times the muzzle power of a .357 magnum
12 handgun;

13 (7) A recent analysis of data published by the manufacturer of this 50 caliber handgun and
14 ballistics test data published in American Rifleman magazine indicate that bullets fired from the
15 handgun may be capable of penetrating Type IIIA body armor, the highest grade of concealable body
16 armor normally worn by law enforcement officers in the field. The dangers of these weapons are
17 detailed in “Vest Buster: The .500 Smith & Wesson Magnum-The Gun Industry’s Latest Challenge to
18 Law Enforcement Body Armor,” Violence Policy Center (2004);

19 (8) Fifty caliber firearms have no legitimate hunting or sporting purpose in the City and
20 County of San Francisco. Further, such firearms are ill-suited for use as a means to defend one's home
21 or property, since they are difficult to control, greatly increase the risk of harm to bystanders, and the
22 firepower greatly exceeds that which is necessary to protect property or homeowners;

23 (9) The Board of Supervisors hereby finds and declares that the uncontrolled proliferation
24 and use of 50 caliber firearms and ammunition poses an unacceptable threat to the health, safety and
25 security of the public.

1 **(b) Purpose and Intent.** *The purpose and intent of this Section is to protect the health,*
2 *safety, security and general welfare of the citizens of the City and County of San Francisco and the*
3 *City’s law enforcement personnel by reducing the risk of personal injury, death or property damage*
4 *caused by 50 caliber firearms. Specifically with respect to regulating 50 caliber handguns, it is the*
5 *purpose and intent of this Section to protect of the citizens of the City and County of San Francisco and*
6 *the City’s law enforcement personnel by reducing the risk of personal injury, death or property damage*
7 *caused by persons using 50 caliber handguns. It is not the intent of this Section to address the problem*
8 *of handgun safety, as addressed, for example in Sections 12125 through 12133 of the California Penal*
9 *Code, or to otherwise regulate 50 caliber handguns based on consumer product safety considerations*
10 *for the person using the handgun.*

11 **(c) Definitions.**

12 **(1)** *As used in this section, the term “50 caliber firearm” shall mean any firearm, as defined*
13 *in Section 613.1 of this Article, capable of firing a center-fire 50 caliber cartridge.*

14 **(2)** *As used in this section, the term “50 caliber cartridge” shall mean a firearm*
15 *ammunition cartridge in 50 caliber, either by designation or actual measurement, or any metric*
16 *equivalent, including but not limited to a .50 BMG cartridge, that is capable of being fired from a*
17 *centerfire rifle or a handgun. The term “50 caliber cartridge” does not include any memorabilia or*
18 *display item that is filled with a permanent inert substance or that is otherwise permanently altered in a*
19 *manner that prevents ready modification for use as live ammunition.*

20 **(3)** *As used in this section, the term “rifle” shall mean any firearm that is designed or*
21 *redesigned, made or remade, and intended to be fired from the shoulder, and which is designed or*
22 *redesigned, made or remade to use the energy in a fixed cartridge to fire only a single projectile*
23 *through a rifled bore for each single pull of the trigger. The term “rifle” shall not include any shotgun.*

24 ///

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1 (4) As used in this section, the term “handgun” shall mean any firearm with a barrel less
2 than 16 inches in length. The term “handgun” shall include any pistol, revolver, or concealable
3 firearm as such terms are defined in the California Penal Code.

4 (d) Sale or Transfer of 50 Caliber Firearms and Cartridges Restricted. No person shall
5 sell, give, transfer, offer for sale or display for sale any 50 caliber firearm or 50 caliber cartridge
6 except as authorized by paragraph (e) of this Section.

7 (e) Exceptions.

8 (1) The provisions of Subsection (d) of this Section shall not apply to:

9 (A) the sale or other transfer of a 50 caliber firearm or 50 caliber cartridge which is
10 prohibited under state law, including, but not limited to, the sale or transfer of any assault
11 weapon as defined in the California Penal Code;

12 (B) the sale or other transfer of a 50 caliber firearm which is an antique firearm, as
13 defined in paragraph (16) of subsection (a) of Section 921 of Title 18 of the United States Cod;

14 (C) the delivery of a 50 caliber firearm to a licensed gunsmith, as defined in
15 California Penal Code Section 12001(r), or to a person licensed pursuant to California Penal
16 Code Section 12071, for purposes of service or repair, or to the return of the firearm to its
17 owner by the gunsmith or the licensee following the completion of service or repairs;

18 (D) the return of a 50 caliber firearm to its owner by a person licensed pursuant to
19 this Article where the firearm was initially delivered to the licensee for the purpose of a
20 consignment sale or as collateral for a pawnbroker loan; or

21 (E) the offer for sale or display in any periodical, solicitation by mail or use of the
22 internet of a 50 caliber firearm or 50 caliber cartridge by any person or entity where the seller
23 or offeror is located outside of the City and County of San Francisco.

24 (F) the loan of an unloaded 50 caliber firearm to a person for use solely as a
25 prop in a motion picture, television, video, theatrical or other entertainment production

1 or event, provided that such person is in compliance with Section 12081 of the
2 California Penal Code.

3 (2) The provisions of Subsection (d) of this Section shall not apply to the sale or other
4 transfer of a 50 caliber firearm or 50 caliber cartridge where the purchaser or transferee is any
5 of the following:

6 (A) A law enforcement agency;

7 (B) An agency duly authorized to perform law enforcement duties;

8 (C) A state or local correctional facility.

9 (D) A federal law enforcement officer, provided such law enforcement officer is
10 authorized to acquire a 50 caliber firearm and/or 50 caliber cartridges and does so
11 while acting within the course and scope of his or her employment;

12 (E) A person described in Sections 12302 or 12322(a) of the California Penal Code;
13 provided such person is authorized to acquire a 50 caliber firearm and/or 50 caliber cartridges
14 and does so while acting within the course and scope of his or her employment;

15 (F) A person who is properly identified as a full-time paid peace officer as defined in
16 Sections 830.1, 830.2, 830.4, or 830.5 of the California Penal Code, provided such peace
17 officer is authorized to acquire a 50 caliber firearm and/or 50 caliber cartridge and does so
18 while acting within the course and scope of his or her employment;

19 (G) A firearms dealer who has been issued a Federal Firearms License, and who is
20 in compliance with the requirements of Section 12071 of the California Penal Code;

21 (H) A person or entity conducting a transaction described in subdivision (k) of
22 Section 12078 of the California Penal Code;

23 (I) An entity or establishment engaged in the business of motion picture,
24 television, theatrical, entertainment or video production, provided that the 50 caliber
25 handgun is unloaded or loaded only with blanks and used only as a prop during the

1 course of the production, is secured in use maintains a certificate of eligibility issued to
2 him or her by the Department of Justice pursuant to Section 12071 of the California
3 Penal Code;

4 (J) — An entity or establishment engaged in the business of motion picture,
5 television or video production, provided that the 50 caliber cartridge is filled with a
6 permanent inert live ammunition;

7 ~~(K)~~(L) A person acquiring a 50 caliber firearm or 50 caliber cartridge by bequest or
8 intestate succession, or otherwise by operation of law, provided that such firearms or cartridges
9 are transferred to a law enforcement agency or to a person licensed pursuant to California
10 Penal Code Section 12071 within 12 months from the date that the person obtains title;

11 ~~(L)~~(J) A non-profit entity that is authorized to destroy firearms, and which has agreed
12 to destroy the firearm being transferred;

13 ~~(M)~~(K) A federal, state, or local historical society, museum, or institutional collection
14 that is open to the public, provided that the 50 caliber firearm is used for display purposes, is
15 unloaded, and is secured from unauthorized use; or

16 (N) — A federal, state or local historical society, museum, or institutional
17 collection that is open to the public, provided that the 50 caliber cartridge is filled with a
18 permanent inert substance or is otherwise permanently altered in a manner that
19 prevents ready modification for use as live ammunition.

20 **(f) Penalties.**

21 (1) Violation of this Section shall be punishable as a misdemeanor. In addition, in the case
22 of a violation of this section by a firearms dealer licensed under this Article, each violation of this
23 Section shall constitute grounds for suspension or revocation of the licensee's firearms dealer license.

24 (2) Each transaction in violation of this Section shall be deemed a distinct and separate
25 violation.

1 (g) **Sunset Provision.** *If the State of California enacts legislation prohibiting or restricting*
2 *the sale or transfer of 50 caliber rifles, 50 caliber handguns, or 50 caliber cartridges covered by this*
3 *Section, the requirements of this Section shall be suspended as of the date such legislation goes into*
4 *effect with respect to any requirements of this Section that apply to the firearms or cartridges*
5 *prohibited or restricted by state law. If the State of California subsequently repeals any such*
6 *legislation, the suspension shall expire by operation of law and the previously suspended provisions*
7 *shall become operative.*

8 **SEC. 613.10-2. SALE OF ULTRACOMPACT FIREARMS RESTRICTED.**

9 (a) Findings. The Board of Supervisors finds as follows:

10 (1) A number of other states have enacted legislation to facilitate the
11 issuance of licenses to carry concealed firearms with the result that firearms manufacturers
12 have been designing and marketing ultracompact handguns to respond to the development of
13 the market created by the relaxation of concealed weapons laws in these states.

14 (2) These ultracompact handguns are designed to allow the complete
15 concealment of the weapon on the person.

16 (3) In contrast to those states that have relaxed requirements for issuance of
17 licenses to carry concealed weapons, California has not done so. Moreover, in San
18 Francisco, permits to carry concealed weapons are issued only in very limited circumstances.
19 There are currently fewer than ten individuals authorized by the City to carry concealed
20 weapons.

21 (4) Because concealed weapons permits are rarely issued in San Francisco,
22 any legitimate market for concealable ultracompact handguns is exceedingly small.

23 (5) Ultracompact handguns have no legitimate hunting or sporting purpose,
24 and are ill-suited for use as a means to defend one's home or property, since the short barrel
25 length makes them inherently inaccurate.

1 (6) A national study of weapons confiscated by law enforcement agencies
2 found that a substantial majority of the handguns confiscated have a barrel length of less than
3 three inches.

4 (7) A survey of incarcerated felons found that easy concealment is very often
5 an important consideration in the selection of handguns that are later used to commit crimes.

6 (8) A study of persons in California found that persons whose applications for
7 the purchase of a handgun were denied based on prior criminal activity were more likely to
8 attempt to purchase small, highly concealable handguns than are potential purchasers whose
9 applications were not denied.

10 (9) A study of handgun owners in one state found that 67 percent of felons
11 but just 30 percent of other handgun owners reported owning a handgun with a barrel length
12 of three inches or less.

13 (10) Because there is evidence that criminals prefer smaller, more
14 concealable handguns, and since handguns are used in at least 80 percent of all violent
15 crimes involving firearms in the United States, the public interest is not served by allowing the
16 unregulated sale of easily concealable ultracompact handguns. The concealability of these
17 weapons makes them a high public security and safety risk when owned and carried by
18 individuals unlicensed to carry concealed weapons, particularly in a high-density urban area
19 such as San Francisco.

20 (11) The dangers of ultracompact firearms are further detailed in "Pocket Rockets-
21 The Gun Industry's Sale of Increased Killing Power," Violence Policy Center (2001).

22 (b) Purpose and Intent. The purpose and intent of this Section is to protect
23 the health, safety, and general welfare of the citizens of the City and County of San Francisco
24 by reducing the potential for death or injury to citizens and law enforcement personnel attributable to
25 restricting the sale of ultracompact firearms. It is not the intent of this Section to address the

1 problem of handgun safety, as addressed, for example in Sections 12125 through 12133 of the
2 California Penal Code, or to otherwise regulate ultracompact firearms based on consumer product
3 safety considerations for the person using the firearm.

4 (c) Sale of Ultracompact Firearms Restricted. No person licensed pursuant
5 to this Article shall sell, lease or otherwise transfer any ultracompact firearm except as
6 authorized by paragraph (d) of this Section. Nothing in this section shall preclude any person
7 licensed pursuant to this Article from processing firearms transactions between unlicensed
8 parties pursuant to subdivision (d) of Section 12072 of the Penal Code of the State of
9 California.

10 (d) Exceptions. The requirements of this Section shall not apply to the sale,
11 lease or other transfer of an ultracompact firearm in the following circumstances:

12 (1) To any law enforcement agency;

13 (2) To any agency duly authorized to perform law enforcement duties;

14 (3) To any state or local correctional facility;

15 (4) To a federal law enforcement officer, provided such law enforcement officer is
16 authorized to acquire an ultracompact firearm and does so while acting within the course and scope of
17 his or her employment;

18 ~~(4)(5)~~ To any private security company licensed to do business in the State of
19 California;

20 (6) To a person described in Sections 12302 or 12322(a) of the California Penal Code,
21 provided such person is authorized to acquire an ultracompact firearm and does so while acting within
22 the course and scope of his or her employment;

23 ~~(5)(7)~~ To any person who is properly identified as a full-time paid peace officer,
24 as defined in Section 830.1, 830.2, 830.4, or 830.5 of the California Penal Code ~~of the State of~~
25 California, provided such peace officer and who is authorized to carry a acquire an ultracompact

1 firearm and does so while acting within ~~during~~ the course and scope of his or her employment ~~as~~
2 ~~a peace officer.~~

3 ~~(6)(8)~~ To the sale, lease or other transfer of any antique firearm, as defined in
4 paragraph (16) of subsection (a) of Section 921 of Title 18 of the United States Code.

5 ~~(7)(9)~~ To any the loan of an ultracompact firearm to a person for use solely as
6 a prop in a an entity or establishment engaged in the business of motion picture, television,
7 video, theatrical, or other entertainment or video production or event company, or entertainment or
8 theatrical company whose production involves the use of a concealable firearm, provided that such
9 the ultracompact handgun is used only as a prop during the course of the motion picture,
10 television, theatrical, entertainment or video production, is secured and which secures such
11 firearm from unauthorized use, and the person is in compliance with ~~charged with maintaining~~
12 ~~custody of the firearm while not in use maintains a certificate of eligibility issued to him or her~~
13 ~~by the Department of Justice pursuant to Section 12071~~ 12081 of the California Penal Code;

14 ~~(8)(10)~~ To any person ~~who~~ or entity conducting a transaction that is exempt from
15 the provisions of subdivision (d) of Section 12072 of the California Penal Code; ~~of the State of~~
16 ~~California.~~

17 ~~(9)(11)~~ To any person or entity conducting a transaction described in subdivision
18 (k) of Section 12078 of the California Penal Code; ~~of the State of California.~~

19 ~~(10)~~ ~~To any person who is licensed as a collector pursuant to Chapter 44,~~
20 ~~(commencing with Section 921) of Title 18 of the United States Code and the regulations issued~~
21 ~~pursuant thereto, and who has a current certificate of eligibility issued to him or her by the Department~~
22 ~~of Justice pursuant to Section 12071 of the Penal Code of the State of California.~~

23 ~~(12)~~ To a firearms dealer who has been issued a Federal Firearms License, and who
24 is in compliance with the requirements of Section 12071 of the California Penal Code;

25 ///

1 ~~(11)~~(13) To any person or entity acquiring an ultracompact concealable
2 firearm by bequest, ~~or~~ intestate succession or otherwise by operation of law;

3 ~~(12)~~(14) To a ~~an~~ non-profit entity that is authorized to destroy firearms, and
4 which has agreed to destroy the firearm being transferred;

5 (15) To a federal, state, or local historical society, museum, or institutional
6 collection that is open to the public, provided that the ultracompact firearm is used for display
7 purposes, is unloaded, and is secured from unauthorized use;

8 (16) To the delivery of an ultracompact firearm to a licensed gunsmith, as defined in
9 California Penal Code Section 12001(r), or to a person licensed pursuant to California Penal Code
10 Section 12071, for purposes of service or repair, or to the return of the firearm to its owner by the
11 gunsmith or by licensee following the completion of service or repairs;

12 (17) To the return of an ultracompact firearm to its owner by a person licensed
13 pursuant to this Article where the firearm was initially delivered to the licensee for the purpose of a
14 consignment sale or as collateral for a pawnbroker loan.

15 (e) Penalties.

16 (1) Violation of this section shall be punishable as a misdemeanor. In
17 addition, each violation of this Section shall constitute grounds for suspension or revocation of
18 the licensee's firearms dealer license under this Article.

19 (2) Each transaction in violation of this Section shall be deemed a distinct
20 and separate violation.

21 **SEC. 613.10-3. PERSONS PROHIBITED FROM PURCHASING FIREARMS NOT**
22 **PERMITTED ON LICENSEES' PREMISES.**

23 (a) No person who is prohibited from possessing or purchasing firearms
24 pursuant to California Penal Code Sections 12021 or 12021.1 or Subsections (a), (b), (c) or
25

1 (d) of California Welfare and Institutions Code Sections 8103 shall enter into any place of
2 business that is licensed pursuant to this Article to engage in the business of selling, leasing
3 or otherwise transferring firearms and which displays the notices required by Section
4 613.10~~(+)~~(k), except in accordance with paragraph (c) of this Section.

5 (b) (1) No person licensed pursuant to this Article to sell, lease or otherwise
6 transfer firearms shall permit the entry onto the premises that are the subject of the license by
7 any person who the licensee knows or has reason to know is prohibited from possessing or
8 purchasing firearms pursuant to California Penal Code Sections 12021 or 12021.1, or
9 Subsections (a), (b), (c) or (d), of California Welfare and Institutions Code Section 8103,
10 except in accordance with paragraph (c) of this Section.

11 (2) No person licensed pursuant to this Article to sell, lease or otherwise
12 transfer firearms shall permit the entry onto the premises that are the subject of the license by
13 any person under 18 years of age except in accordance with paragraph (c) of this section. No
14 person licensed pursuant to this Article to sell, lease or otherwise transfer firearms and who
15 keeps or displays for sale, lease or other transfer firearms capable of being concealed on the
16 person shall permit the entry onto the premises that are the subject of the license by any
17 person under 21 years of age, except in accordance with paragraph (c) of this section.

18 (3) The licensee and any of his or her agents, employees or other persons
19 acting under the licensee's authority shall be responsible for requiring clear evidence of age
20 and identity of persons to prevent the entry of persons not permitted to purchase a firearm
21 under state law by reason of age. Clear evidence of age and identity includes, but is not
22 limited to, a motor vehicle operator's license, a State identification card, an armed forces
23 identification card, or an employment identification card which contains the bearer's signature,
24 photograph, and age, or any similar documentation which provides reasonable assurance of
25 the identity and age of the individual.

1 (c) Exceptions.

2 (1) It shall not be a violation of this section for any person who is otherwise
3 prohibited pursuant to subsection (a) from entering or being present on the premises to enter
4 or be present on the premises if the firearms and related accessories (including, but not
5 limited to, ammunition, ammunition clips and holsters) are kept or displayed within a separate
6 room or enclosure that separates such firearms and related accessories from other
7 merchandise, and such persons are excluded from the separate room or enclosure.

8 (2) It shall not be a violation of this section for any person who the licensee is
9 otherwise required to keep from entering or being present on the premises pursuant to
10 subsection (b) to enter or be present on the premises if the firearms and related accessories
11 (including, but not limited to ammunition, ammunition clips and holsters) are kept or displayed
12 within a separate room or enclosure that separates such firearms and related accessories
13 from other merchandise, and such persons are excluded from the separate room or
14 enclosure. Where a licensee keeps or displays weapons capable of being concealed on the
15 person in a separate room or enclosure that separates such firearms and related accessories,
16 including, but not limited to, ammunition, ammunition clips and holsters) from other
17 merchandise (including other firearms), it shall not be a violation of this section for persons at
18 least 18 years old but less than 21 years old to enter or be present on the premises if such
19 persons are excluded from the separate room or enclosure containing firearms capable of
20 being concealed on the person.

21 (d) Penalty for violation.

22 (1) Any person who is prohibited from possessing or purchasing firearms
23 pursuant to California Penal Code Sections 12021 or 12021.1 or Subsections (a), (b), (c) or
24 (d) of California Welfare and Institutions Code Section 8103 and who knowingly enters into
25 any place of business that is licensed pursuant to this Article to engage in the business of

1 selling, leasing or otherwise transferring firearms in violation of subsection (a) shall be guilty of
2 a misdemeanor.

3 (2) Any licensee or other person acting under the authority of a licensee,
4 including, but not limited to, employees or agents of a licensee, who knowingly allows a
5 person to enter the licensee's premises in violation of this section shall be guilty of a
6 misdemeanor.

7 Section 6. The San Francisco Police Code is hereby amended by amending Section
8 613.12 to read as follows:

9 **SEC. 613.12. HEARING ON LICENSE DENIAL OR REVOCATION.**

10 (a) Any person whose application for a license under this Article has been
11 denied, or whose license has been revoked pursuant to the provisions of this Article, shall
12 have the right to a hearing before the Chief of Police or his or her designee prior to final denial
13 or prior to revocation.

14 (b) The Chief of Police shall give the applicant or licensee written notice of
15 the intent to deny the application or to revoke the license. The notice shall set forth the ground
16 or grounds for the Chief of Police's intent to deny the application or to revoke the license, and
17 shall inform the applicant or licensee that he or she has 10 days from the date of mailing of
18 the notice to file a written request for a hearing. The application may be denied or the license
19 revoked if a written hearing request is not received within the 10-day period.

20 (c) If the applicant or licensee files a timely hearing request, the Chief of
21 Police shall set a time and place for the hearing. All parties involved shall have the right to (1)
22 offer testimonial, documentary and tangible evidence bearing on the issues; (2) be
23 represented by counsel; and (3) confront and cross examine any witnesses against them. If
24 the hearing is before a designee of the Chief of Police, the designee shall make a written
25 recommendation following the hearing regarding whether an application should be denied or a

1 license revoked. The decision of the Chief of Police whether to deny the application or revoke
2 the license shall be appealable to the Board of ~~Permit~~ Appeals, at which proceeding the Chief
3 shall have the burden of proof to justify his decision.

4 Section 7. The San Francisco Police Code is hereby amended by amending Section
5 613.16 to read as follows:

6 **SEC. 613.16. TEMPORARY SUSPENSION OF LICENSE.**

7 (a) If the Chief of Police has reason to believe that a licensee has (1) violated
8 any federal, state or local law relating to the sale, lease, transfer, use or possession of
9 firearms, firearm ammunition or firearms ammunition components, or (2) has committed any
10 of the offenses set forth in Section 613.3(e), the Chief of Police may immediately suspend for
11 a period not to exceed three days the right of the licensee to sell, lease or otherwise transfer
12 firearms, firearm ammunition or firearm ammunition components.

13 However, if the licensee is charged by a federal, state, or local prosecuting
14 attorney with a violation of any such law the Chief of Police may suspend such license until
15 the charges are dismissed or the licensee is found not guilty in a court of law. If the Chief of
16 Police suspends a license pursuant to this provision, the licensee shall be provided an
17 opportunity to present evidence to the Chief or his or her designee that the pending charges
18 are without legal merit. The Chief's decision regarding whether to suspend a license pending
19 the outcome of such charges shall be appealable to the Board of ~~Permit~~ Appeals, at which
20 proceeding the Chief shall have the burden of proof to justify his decision.

21 (b) Notice of suspension shall be mailed to the person(s) who applied for the
22 license and shall be delivered to the address listed on the license.

23 Section 8. The San Francisco Police Code is hereby amended by amending Section
24 613.19 to read as follows:

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1 **SEC. 613.19. PENALTIES.**

2 Any person violating any provision of this Article shall be guilty of a
3 misdemeanor or an infraction unless a penalty is otherwise specified. The complaint charging
4 such violation shall specify whether the violation is a misdemeanor or infraction, which
5 decision shall be that of the District Attorney. If charged as an infraction, upon conviction, the
6 violator shall be punished by a fine of not more than \$100 for each provision violated. If
7 charged as a misdemeanor, upon conviction, the violator shall be punished by a fine of not
8 less than \$500 or more than \$1,000 for each provision violated or by imprisonment in the
9 County Jail for a period of not more than six months, or by both such fine and imprisonment.
10 In any accusatory pleading charging a violation of this Section, if the defendant has been
11 previously convicted of a violation of this Section, each such previous violation and conviction
12 shall be charged in the accusatory pleading. Any person violating any provision of this Section
13 a second or subsequent time within a 10-year period shall be guilty of a misdemeanor and
14 shall be punished by a fine of not less than \$500 and not more than \$1,000 for each provision
15 violated, or by imprisonment in the County Jail for a period of not more than six months, or by
16 both such fine and imprisonment.

17 Section 9. The San Francisco Police Code is hereby amended by deleting Sections
18 614, 615 and 616, amending Sections 617 and 618, renumbering existing Sections 617 and
19 618 as Sections 614 and 615, and adding a new Section 616, to read as follows:

20 ~~**SEC. 614. RECORD OF TRANSFER REQUIRED.**~~

21 ~~—————Every person engaged in the business of selling, leasing or otherwise transferring~~
22 ~~pistols, revolvers or other firearms, whether such seller, lessor or transferer is a retail dealer,~~
23 ~~pawnbroker or otherwise, shall maintain a bound volume, the specifications for which the Chief of~~
24 ~~Police shall by regulation prescribe, in which shall be entered the (1) date and time of sale, lease or~~
25 ~~transfer; (2) the name of the sales person making the sale, lease or transfer, and such information~~

1 *pertaining to the identity of the purchaser, lessee, or transferee as the Chief of Police shall by*
2 *regulations prescribe or as may be required under state or federal law; (3) the place where sold, leased*
3 *or transferred; and (4) the make, model, manufacturer's number, caliber or other marks of*
4 *identification of any such pistol, revolver, or other firearm. Said record shall be available for*
5 *inspection by any peace officer during normal business hours.*

6 **~~SEC. 615. REGISTER OF TRANSFER OF CONCEALABLE FIREARMS.~~**

7 ~~———The person to whom any pistol, revolver or other firearm capable of being concealed~~
8 ~~upon the person is sold, leased or otherwise transferred shall present clear evidence of their identity~~
9 ~~and shall sign, and the dealer shall require any such person to sign their legal name and affix their~~
10 ~~residence address and date of birth to the register in quadruplicate.~~

11 ~~———The sales person shall affix his or her signature to the register in quadruplicate as a~~
12 ~~witness to the signature and identification of the person to whom such pistol, revolver or other firearm~~
13 ~~capable of being concealed upon the person is sold, leased or transferred.~~

14 **~~SEC. 616. FICTITIOUS NAMES PROHIBITED — DUPLICATE RECORDS.~~**

15 ~~———Any person signing a fictitious name or address is guilty of a misdemeanor. The~~
16 ~~duplicate sheets of such register shall on the evening of the day of sale, lease or otherwise transfer, be~~
17 ~~placed in the mail, postage prepaid and properly addressed to the Chief of Police of the City and~~
18 ~~County of San Francisco.~~

19 **SEC. ~~617~~614. EXCEPTIONS.**

20 Sections 613 to ~~616~~ 613.20 inclusive, of this Article, shall not apply to wholesale
21 dealers in their business intercourse with retail dealers, nor to wholesale or retail dealers in
22 the regular or ordinary transport of unloaded firearms as merchandise to other wholesale or
23 retail dealers by mail, express or other mode of shipment to points outside the City and
24 County of San Francisco.

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1 **SEC. ~~618615~~ RECORDS OF AMMUNITION SALES.**

2 (a) Definitions.

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

6 (2) “Semiautomatic rifle,” as used in this Section, shall mean any repeating
7 rifle which utilizes a portion of the energy of a firing cartridge to extract the fired cartridge case
8 and chamber the next round, and which requires a separate pull of the trigger to fire each
9 cartridge.

10 (3) “Assault weapon,” as used in this Section, shall mean any of the weapons
11 designated in California Penal Code Section 12276 or 12276.1. ~~and~~

12 ~~(A) — A semiautomatic rifle that has an ability to accept a detachable magazine and
13 has at least two of the following characteristics:~~

14 ~~—— (i) — A folding or telescoping stock,~~

15 ~~—— (ii) — A pistol grip that protrudes conspicuously beneath the action of the weapon,~~

16 ~~—— (iii) A bayonet mount,~~

17 ~~—— (iv) — A flash suppressor or threaded barrel designed to accommodate a flash
18 suppressor, and~~

19 ~~—— (v) — A grenade launcher;~~

20 ~~(B) — A semiautomatic pistol that has an ability to accept a detachable magazine and
21 has at least two of the following characteristics:~~

22 ~~—— (i) — An ammunition magazine that attaches to the pistol outside of the pistol grip,~~

23 ~~—— (ii) — A threaded barrel capable of accepting a barrel extender, flash suppressor,
24 forward handgrip, or silencer,~~

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1 ~~—— (iii) — A shroud that is attached to, or partially or completely encircles, the barrel and~~
2 ~~that permits the shooter to hold the firearm with the nontrigger hand without being burned;~~

3 ~~—— (iv) — A manufactured weight of 50 ounces or more when the pistol is unloaded, and~~

4 ~~—— (v) — A semiautomatic version of an automatic firearm;~~

5 ~~—— (C) — A semiautomatic shotgun that has at least two of the following characteristics:~~

6 ~~—— (i) — A folding or telescoping stock,~~

7 ~~—— (ii) — A pistol grip that protrudes conspicuously beneath the action of the weapon,~~

8 ~~—— (iii) — A fixed magazine capacity in excess of five rounds, and~~

9 ~~—— (iv) — An ability to accept a detachable magazine.~~

10 (4) “Vendor,” as used in this Section, shall mean any person who is engaged
11 in the sale of firearm ammunition, including any retail firearms dealer.

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

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

23 (d) No person shall knowingly make a false entry in, or fail to make a
24 required entry in, or fail to maintain in the required manner records prepared in accordance
25 herewith. No person shall refuse to permit a police department employee to examine any

1 record prepared in accordance with this Section during any inspection conducted pursuant to
2 this Section.

3 (e) Penalties.

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

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

18 (f) Severability. If any subsection, sentence, clause, phrase, or word of this
19 Section be for any reason declared unconstitutional or invalid or ineffective by any court of
20 competent jurisdiction, such decision shall not affect the validity or the effectiveness of the
21 remaining portions of this Section or any part thereof. The Board of Supervisors hereby
22 declares that it would have adopted this Section notwithstanding the unconstitutionality,
23 invalidity, or ineffectiveness of any one or more of its subsections, sentences, clauses,
24 phrases, or words.

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1 **SEC. 616. REPORTING THE LOSS OR THEFT OF FIREARMS**

2 (a) Any person that owns or is otherwise in possession of a firearm shall report the theft or
3 loss of such firearm to the San Francisco Police Department within 48 hours of becoming aware of the
4 theft or loss whenever (1) the owner resides in San Francisco, or (2) the theft or loss of the firearm
5 occurs in San Francisco.

6 (b) The failure of an owner or person in possession of a firearm to report the theft or loss of
7 the firearms within 48 hours of when the owner or person in possession becomes aware or should have
8 become aware of the theft or loss shall be punishable in accordance with Section 613.19.

9
10 APPROVED AS TO FORM:
11 DENNIS J. HERRERA, City Attorney

12 By: _____
13 DAVID A. GREENBURG
14 Deputy City Attorney