

File No. 101120

Committee Item No. 3
Board Item No. 4

COMMITTEE/BOARD OF SUPERVISORS AGENDA PACKET CONTENTS LIST

Committee Public Safety
Date 2/3/11

Board of Supervisors Meeting

Date 3/1/11

Cmte Board

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| <input type="checkbox"/> | <input type="checkbox"/> | Motion |
| <input type="checkbox"/> | | Resolution |
| <input type="checkbox"/> | xx | Ordinance |
| <input type="checkbox"/> | XX | Legislative Digest |
| <input type="checkbox"/> | <input type="checkbox"/> | Budget Analyst Report |
| <input type="checkbox"/> | <input type="checkbox"/> | Legislative Analyst Report |
| <input type="checkbox"/> | <input type="checkbox"/> | Introduction Form (for hearings) |
| <input type="checkbox"/> | XX | Department/Agency Cover Letter and/or Report |
| <input type="checkbox"/> | <input type="checkbox"/> | MOU |
| <input type="checkbox"/> | <input type="checkbox"/> | Grant Information Form |
| <input type="checkbox"/> | <input type="checkbox"/> | Grant Budget |
| <input type="checkbox"/> | <input type="checkbox"/> | Subcontract Budget |
| <input type="checkbox"/> | <input type="checkbox"/> | Contract/Agreement |
| <input type="checkbox"/> | <input type="checkbox"/> | Award Letter |
| <input type="checkbox"/> | <input type="checkbox"/> | Application |
| <input type="checkbox"/> | <input type="checkbox"/> | Public Correspondence |

OTHER

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Completed by: Renee Craig

Date 2/24/11

Completed by: _____

Date _____

An asterisked item represents the cover sheet to a document that exceeds 20 pages. The complete document is in the file.

1 [Police Code - Discharge of Firearms; Fireworks]

2
3 **Ordinance amending the San Francisco Police Code by amending Sections 1290, 4502,**
4 **and 4506 to consolidate the prohibitions on the discharge of firearms within the City**
5 **and to re-state the exceptions to those prohibitions.**

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

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

10 Section 1. The San Francisco Police Code is hereby amended by amending
11 Section 1290 and adding Section 1290.1, to read as follows:

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

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

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

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

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

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

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

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

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

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

16
17 By: see file for signature
18 THOMAS J. OWEN
19 Deputy City Attorney

LEGISLATIVE DIGEST

(Amendment of the Whole, dated 2/3/2011)

[Police Code - Discharge of Firearms]

Ordinance amending the San Francisco Police Code by amending Sections 1290, 4502, and 4506, to consolidate the prohibitions on the discharge of firearms within the City and to re-state the exceptions to those prohibitions.

Existing Law

The Police Code currently contains one section prohibiting any person or entity from firing or discharging any firearms within City limits, and another section prohibiting any person or entity from firing or discharging any firearms on a street or other public place. The Code sets out a number of exceptions to the second section.

Amendments to Current Law

The proposal would combine the two existing prohibitions on discharging firearms by eliminating the first prohibition (in Police Code Section 1290), and then expanding the scope of the second prohibition (in Section 4502) to cover both public and private locations. This change would also make the prohibition on discharging firearms—as it relates to private locations—explicitly subject to the stated exceptions in Police Code Section 4506.

Two of the exceptions in Section 4506 would be re-stated and narrowed. The exception for persons authorized by federal or state law to use firearms would make explicit that the individual must be in lawful possession of the firearm, must be specifically and expressly authorized by federal or state law to discharge the firearm, and may only rely on the exception under the particular circumstances constituting the federal or state authorization. The exception for persons using a firearm in necessary self-defense would make explicit that the individual must be in lawful possession of a handgun and may only rely on the exception if he or she uses the handgun in the necessary and lawful defense of self or others while in a personal residence.