

LEGISLATIVE DIGEST

[Administrative Code - Firearms – Prohibited Places]

Ordinance amending the Administrative Code to prohibit firearm possession, with exceptions for designated concealed carry license holders, in childcare facilities, City property, election facilities, medical facilities, and private parks and playgrounds, and in places of worship and private commercial establishments unless the owner provides express consent.

Existing Law

Local law prohibits firearm possession on City property defined to include real property and any buildings, owned or leased by the City, and in the City's possession, or in the possession of a public or private entity under contract with the City to perform a public purpose. City property is defined to exclude the public right-of-way owned by the City or any property owned by the City that is outside the territorial limits of the City. Under existing law, the prohibition does not apply to: (1) A peace officer, retired peace officer or person assisting a peace officer when authorized to carry a concealed weapon or a loaded firearm; (2) Members of the armed forces when on duty or other organizations when authorized to carry a concealed weapon or a loaded firearm; (3) Military or civil organizations carrying unloaded weapons while parading or when going to and from their organizational meetings when authorized to carry a concealed weapon; (4) Guards or messengers of common carriers, banks and other financial institutions when authorized to carry a concealed weapon and armored vehicle guards when authorized to carry a loaded weapon; (5) Persons who are at a target range; (6) Honorably retired Federal officers or agents of Federal law enforcement agencies when authorized to carry a concealed weapon or a loaded weapon; (7) The public administrator in the distribution of a private estate or to the sale of firearms by its auctioneer to fulfill its obligation under state law; (8) Patrol special police officers, animal control officers or zookeepers, and harbor police officers, when authorized to carry a loaded firearm; (9) A guard or messenger of a common carrier, bank or other financial institution; a guard of a contract carrier operating an armored vehicle; a licensed private investigator, patrol operator or alarm company operator; a uniformed security guard or night watch person employed by a public agency; a uniformed security guard or uniformed alarm agent; a uniformed employee of private patrol operator or private investigator when any of the above are authorized to carry a loaded firearm; and (10) Any authorized participant in a motion picture, television or video production or entertainment event when the participant lawfully uses a firearm as part of that production or event.

Under existing law, any person who violates the prohibition is guilty of a misdemeanor.

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Amendments to Current Law

This ordinance would prohibit firearm possession in designated “Prohibited Places” including Childcare Facilities, Election Facilities, Medical Facilities, Private Parks and Playgrounds, Places of Worship, and Private Establishments. The prohibition would not apply to Places of Worship or Private Establishments where the owner has expressly permitted firearm possession.

This ordinance would define those places as follows:

“Childcare Facility” - any real property, including but not limited to a building, room, or parking area, under the control of a daycare, preschool, nursery school, after-school program, or other childcare provider.

“Medical Facility” - a building, real property, and parking area under the control of a public or private hospital or hospital affiliate, mental health facility, nursing home, medical office, urgent care facility, or other place at which medical services are customarily provided.

“Parks and Playgrounds” - privately owned or leased outdoor space utilized for children’s outdoor recreation.

“Place of Worship” - a church, synagogue, mosque, or other place of worship, including any parking area immediately adjacent thereto, unless the operator of the place of worship clearly and conspicuously posts a sign at the entrance of the building or on the premises indicating that concealed carry license holders are permitted to carry Firearms on the property.

“Private Establishment” - a commercial establishment that is open to the public, unless the owner or operator of the establishment clearly and conspicuously posts a sign at the entrance of the building or on the premises indicating that concealed carry license holders are permitted to carry Firearms on the property. Under the ordinance, “Private Establishment” would not include Childcare Facilities, Financial Institutions, Medical Facilities, or Parks and Playgrounds.

The firearm possession prohibition would not apply to (1) Possession of a Firearm in a Private Establishment by, or with the permission of, the owner, operator, or lessee of that Private Establishment; (2) Possession of a Firearm by the owner or operator of a Childcare Facility in the owner or operator’s home if either (A) no child receiving child care at the home is present in the home or (B) the Firearm in the home is unloaded, stored in a locked container, and stored separately from Ammunition, when a child receiving child care at the home is present in the home so long as the Childcare Facility notifies all clients in writing that there is a Firearm in the home; (3) Carrying a Firearm while traveling along a public right-of-way that touches or crosses a Prohibited Place if the Firearm is carried on the person or is being transported in a vehicle, in accordance with all other applicable provisions of law; or (4) Carrying a Firearm into the parking area of a Prohibited Place, so long as the Firearm is

locked in a Lock Box, or transporting a Firearm in the immediate area surrounding the holder's vehicle within the parking lot area of Prohibited Place only for the limited purpose of storing or retrieving a Firearm within a locked Lock Box in the vehicle's trunk or other place inside the vehicle that is out of plain view.

This ordinance would remove the exception to the prohibition on firearm possession for those assisting peace officers and authorized to carry a concealed weapon.

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