

BOARD of SUPERVISORS



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MEMORANDUM

TO: William Scott, Police Chief

FROM: John Carroll, Assistant Clerk, Public Safety and Neighborhood Services
Committee, Board of Supervisors

DATE: June 15, 2023

SUBJECT: LEGISLATION INTRODUCED

The Board of Supervisors' Public Safety and Neighborhood Services Committee has received the following proposed legislation, introduced by Supervisor Preston on June 6, 2023:

File No. 230708

Ordinance amending the Police Code to prohibit armed guards from drawing or exhibiting firearms, other than a holster, to protect property.

If you have any comments or reports to be included with the file, please forward them to me at the Board of Supervisors, City Hall, Room 244, 1 Dr. Carlton B. Goodlett Place, San Francisco, CA 94102.

C:
Offices of Chair Stefani and Supervisor Preston
Lisa Ortiz, Police Department
Lili Gamero, Police Department
Rima Malouf, Police Department
Diana Oliva-Aroche, Police Department

[Police Code - Drawing of Firearms by Armed Guards]

Ordinance amending the Police Code to prohibit armed guards from drawing or exhibiting firearms, other than a holster, to protect property.

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

Section 1. Article 25 of the Police Code is hereby amended by revising Sections 1750.19 and 175.20, to read as follows:

SEC. 1750.19. DRAWING OF FIREARMS.HANDGUNS.

It shall be unlawful for any armed guard, while in any place in the City and County of San Francisco, to draw or exhibit other than in a holster any firearm handgun except in lawful response to an actual and specific threat to a person or persons. and/or property.

SEC. 1750.20. PERMITTING DRAWING OF FIREARMS. HANDGUNS.

It shall be unlawful for any person, corporation, partnership, or association which employs or utilizes armed guards to require, allow or permit any such guard, while in any place in the City and County of San Francisco, to draw or exhibit other than in a holster any firearm handgun except in lawful response to an actual and specific threat to a person or persons. and/or property. In any prosecution for violation of this Section 1750.20, proof that such person, corporation, partnership, or association did not, at the time a guard unlawfully drew or exhibited a firearm handgun, have a written rule prohibiting such acts, shall be prima facie

evidence that such person, corporation, partnership or association required, allowed or permitted such conduct.

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

Section 4. Scope of Ordinance. In enacting this ordinance, the Board of Supervisors intends to amend only those words, phrases, paragraphs, subsections, sections, articles, numbers, punctuation marks, charts, diagrams, or any other constituent parts of the Municipal Code that are explicitly shown in this ordinance as additions, deletions, Board amendment additions, and Board amendment deletions in accordance with the “Note” that appears under the official title of the ordinance.

APPROVED AS TO FORM:
DAVID CHIU, City Attorney

By: /s/
ALICIA CABRERA
Deputy City Attorney

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LEGISLATIVE DIGEST

[Police Code - Drawing of Firearms by Armed Guards]

Ordinance amending the Police Code to prohibit armed guards from drawing or exhibiting firearms, other than a holster, to protect property.

Existing Law

Currently, Article 25 prohibits any armed guard from drawing or exhibiting, other than in a holster, any handgun except in lawful response to an actual and specific threat to person and/or property. Article 25 also prohibits any person, corporation, partnership, or association which employs or utilizes armed guards to require, allow or permit any such guard, while in any place in the City and County of San Francisco, to draw or exhibit other than in a holster any handgun except in lawful response to an actual and specific threat to person and/or property.

Amendments to Current Law

If passed, these amendments would delete all references to property and update all references from a handgun to a firearm.

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Introduction Form

(by a Member of the Board of Supervisors or the Mayor)

I hereby submit the following item for introduction (select only one):

- ☐ 1. For reference to Committee (Ordinance, Resolution, Motion or Charter Amendment)
- ☐ 2. Request for next printed agenda (For Adoption Without Committee Reference)
(Routine, non-controversial and/or commendatory matters only)
- ☐ 3. Request for Hearing on a subject matter at Committee
- ☐ 4. Request for Letter beginning with "Supervisor inquires..."
- ☐ 5. City Attorney Request
- ☐ 6. Call File No. from Committee.
- ☐ 7. Budget and Legislative Analyst Request (attached written Motion)
- ☐ 8. Substitute Legislation File No.
- ☐ 9. Reactivate File No.
- ☐ 10. Topic submitted for Mayoral Appearance before the Board on

The proposed legislation should be forwarded to the following (please check all appropriate boxes):

- ☐ Small Business Commission ☐ Youth Commission ☐ Ethics Commission
- ☐ Planning Commission ☐ Building Inspection Commission ☐ Human Resources Department

General Plan Referral sent to the Planning Department (proposed legislation subject to Charter 4.105 & Admin 2A.53):

- ☐ Yes ☐ No

(Note: For Imperative Agenda items (a Resolution not on the printed agenda), use the Imperative Agenda Form.)

Sponsor(s):

Subject:

Long Title or text listed:

Signature of Sponsoring Supervisor: