

LEGISLATIVE DIGEST

[Police Code - Large Capacity Magazines]

Ordinance amending the Police Code to ban the possession of large capacity magazines for firearm ammunition; require that dealers advise persons purchasing a firearm of local firearms laws; establish a rebuttable presumption that the owner who has not reported the theft or loss of a firearm as required by law remains in possession of the firearm; require local dealers to report all ammunition sales to the Chief of Police; and prohibit the operator of a shooting range from allowing minors to enter the premises.

Large Capacity Magazines

State law prohibits the sale, manufacture, or importation of large capacity magazines for firearms ammunition (capable of holding more than 10 rounds), with limited exceptions (most notable for law enforcement personnel and licensed firearms dealers). (Cal. Penal Code §§ 32310, 32400 *et seq.*) But State law does not prohibit the simple possession of large capacity magazines and permits individuals who owned a large capacity magazine before the law took effect on January 1, 2000, to keep those magazines. (Cal. Penal Code §§ 32310, 32420.) City law currently does not address large capacity magazines.

The proposal is an ordinance that would amend the Police Code to prohibit the possession of large capacity magazines in San Francisco, including magazines acquired prior to January 1, 2000. Under the proposal, persons already possessing a large capacity magazine would have 90 days to remove the magazine from the City, surrender it to the Police Department, or sell or transfer it lawfully in accordance with the Penal Code. The proposal exempts a number of classes of people from the prohibition, including law enforcement personnel, armored car personnel, and persons holding certain State permits. Violation of the ordinance would be punishable as a misdemeanor.

There currently is a bill pending in the State Legislature (S.B. 396) that would prohibit possession of large capacity magazines statewide, other than by law enforcement personnel, effective July 1, 2014. The proposed ordinance provides that if the State enacts legislation prohibiting possession of large capacity magazines, the local prohibition would have no force or effect to the extent it duplicated such State law.

Notification of Local Firearms Laws

City law requires businesses selling firearms and ammunition to obtain a local license, and imposes various regulations on the conduct of such businesses.

The proposal would add a new requirement to the local regulations for licensed firearms dealers. Under the proposal, when a dealer delivered a firearm to a customer, the dealer would be required to give the customer a copy of a notice, to be prepared by the Chief of Police, summarizing local firearms laws, including safe gun storage requirements and the requirement to report a lost or stolen firearm. The Chief of Police could also include in the notice summary information on relevant State firearms laws, including the requirement that the sale, loan or other transfer of a firearm to a non-licensed person be completed through a licensed firearms dealer.

Reporting the Loss or Theft of Firearms

City law requires that any person who possesses a firearm to report the theft or loss of such firearm to the Police Department within 48 hours of becoming aware of the theft or loss.

The proposal would provide that the failure to report the theft or loss as required by local law would create a rebuttable presumption that the owner still possesses the firearm.

Records of Ammunition Sales

City law requires firearms dealers to keep records of ammunition sales and to report to the Chief of Police within 24 hours of the sale of five hundred (500) or more rounds of firearm ammunition to someone in a single transaction. This requirement applies to persons selling ammunition within the City or selling ammunition for delivery to a San Francisco address.

The proposal would require dealers located in the City to report the sale of any amount of ammunition to the Chief of Police within 24 hours of the sale. Dealers located outside of the City but delivering ammunition to a San Francisco address would only be required to report the sale of five hundred (500) or more rounds in a single transaction.

Minors in Shooting Ranges

City law requires persons operating a shooting gallery or range to obtain a City permit, and regulates their operation.

The proposal would may it unlawful for a person operating a shooting range to allow someone under the age of 18 to be on the premises unless accompanied by a parent or guardian.