

BOARD of SUPERVISORS



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## MEMORANDUM

TO: Greg Suhr, Chief, Police Department  
Ross Mirkarimi, Sheriff, Sheriff's Department  
Karen Fletcher, Chief, Adult Probation Department

FROM: Derek Evans, Assistant Clerk

DATE: October 9, 2015

SUBJECT: LEGISLATION INTRODUCED

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The Board of Supervisors Public Safety & Neighborhood Services Committee has received the following legislation, introduced by Supervisor David Campos, which is being referred to your department.

**File No. 150973**

**Ordinance amending the Administrative Code to prohibit City peace officers from placing, storing, or leaving unattended a City issued firearm in a vehicle under the peace officer's control unless it is in a locked container or in the locked trunk of the vehicle.**

If you wish to submit any comments or reports, please forward those to the Board of Supervisors, City Hall, Room 244, 1 Dr. Carlton B. Goodlett Place, San Francisco, CA 94102.

cc: Christine Fountain, Police Department  
Inspector John Monroe, Police Commission  
Katherine Gorwood, Sheriff's Department

1 [Administrative Code - Storage of Peace Officers' Firearms in Vehicles]

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3 **Ordinance amending the Administrative Code to prohibit City peace officers from**  
4 **placing, storing, or leaving unattended a City issued firearm in a vehicle under the**  
5 **peace officer's control unless it is in a locked container or in the locked trunk of the**  
6 **vehicle.**

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

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

15 Section 1. The Administrative Code is hereby amended by adding Chapter 103 and  
16 Section 103.1, to read as follows:

17 **CHAPTER 103:**

18 **PEACE OFFICERS**

19 **SEC. 103.1. STORAGE OF CITY-ISSUED PEACE OFFICER FIREARMS IN PRIVATE**  
20 **VEHICLES.**

21 (a) A peace officer employed by the City and County of San Francisco may not place, store, or  
22 leave unattended a City-issued firearm in any vehicle that is under the peace officer's control or  
23 direction, except the firearm may be placed:

24 (1) In a locked container in the trunk of the vehicle as defined in California Penal Code  
25 section 16850, as amended from time to time; or

1                   (2) In a trunk that is fully enclosed with a compartment that is separate from the main  
2 cabin of the vehicle and locked by a secure locking device as defined in California Penal Code section  
3 16860, as amended from time to time.

4                   (b) This requirement applies to privately-owned vehicles and is in no way intended to conflict  
5 with the applicable City department's rules governing the storage of firearms in City-owned vehicles or  
6 vehicles under their control. To the extent there is a conflict between the laws or rules, the more  
7 stringent requirement shall govern.

8                   (c) This Section 103.1 is not intended to conflict with applicable State or federal law, if any.

9                   (d) In enacting and implementing this Section 103.1, the City is assuming an undertaking only  
10 to promote the general welfare. It is not assuming, nor is it imposing on its officers and employees, an  
11 obligation for breach of which it is liable in money damages to any person who claims that such breach  
12 proximately caused injury.

13                   Section 2. Effective Date. This ordinance shall become effective 30 days after  
14 enactment. Enactment occurs when the Mayor signs the ordinance, the Mayor returns the  
15 ordinance unsigned or does not sign the ordinance within ten days of receiving it, or the Board  
16 of Supervisors overrides the Mayor's veto of the ordinance.

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18 APPROVED AS TO FORM:  
19 DENNIS J. HERRERA, City Attorney

20 By: BC WA  
21 Buck Delventhal  
22 Deputy City Attorney

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