

File No. 150973 Committee Item No. 1
Board Item No. _____

COMMITTEE/BOARD OF SUPERVISORS
AGENDA PACKET CONTENTS LIST

Committee: Public Safety and Neighborhood Services Date December 11, 2015

Board of Supervisors Meeting Date _____

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| <input checked="" type="checkbox"/> | <input type="checkbox"/> | <u>COMMITTEE REPORT RE REQUEST - 12/04/2015</u> |
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Completed by: Erica Major Date December 7, 2015
Completed by: _____ Date _____

[Administrative Police Code - Storage of ~~Peace Officers'~~ Firearms in Motor Vehicles]

Ordinance amending the Administrative Police Code to prohibit ~~City peace officers~~ any person from placing, storing, or leaving a firearm in an unattended a City issued firearm in a motor vehicle under the peace officer's control unless it is in a locked container lock box or in the locked trunk of the motor vehicle.

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 ~~strikethrough Arial font~~.
Asterisks (* * * *) indicate the omission of unchanged Code subsections or parts of tables.

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

Section 1. The Administrative Police Code is hereby amended by adding Article 36B, consisting of Sections 3600B, 3601B, 3602B, 3603B, 3604B, and 3605B, Chapter 103 and Section 103.1, to read as follows:

ARTICLE 36B:CHAPTER 103:

STORAGE OF FIREARMS IN MOTOR VEHICLESPEACE OFFICERS

SEC. 3600B. FINDINGS.

(a) A report by the U.S. Department of Justice, Bureau of Justice Statistics, found that 1.4 million firearms were stolen across the country from 2005 through 2010. This number represents an estimated average of 232,400 firearms stolen each year — about 172,000 stolen during burglaries and 60,300 stolen during other property crimes. The report also found that the vast majority — at least 80 percent — were never recovered.

1 (b) Auto burglaries in dense urban areas are on the rise, and San Francisco has seen
2 an absolute explosion of auto burglaries. According to the San Francisco Police Department's
3 crime data, an alarming 47 percent spike in San Francisco car burglaries has occurred in the
4 first half of this year. From the beginning of January through the end of June of 2015 there
5 have been 11,917 reported vehicle burglaries in the City and County of San Francisco. That
6 same number during the same time period escalated 62 percent from 2013. And it has
7 skyrocketed to 171 percent from 2010, a year that saw 4,396 reported vehicle burglaries
8 between January and the end of June.

9 (c) Recently, auto burglaries in the San Francisco Bay Area have resulted in the theft of
10 firearms from vehicles. In July, a San Francisco resident was killed by someone using a
11 handgun stolen four days earlier from a federal agent's car in downtown San Francisco. In
12 August, a firearm was stolen from the UC Berkeley Police Chief's vehicle at Point Isabel
13 Regional Shoreline in Richmond, California. In October of 2015, a gun was stolen from a
14 California Highway Patrol officer's vehicle in the South of Market area of San Francisco. In
15 the same month, three individuals were charged with murdering a woman in Golden Gate
16 Park and a second victim in Marin using a handgun stolen from a car at Fisherman's Wharf.
17 In late October, police officials recovered two stolen guns from cars in the home of a
18 suspected serial auto burglar.

19 (d) These recent auto burglaries resulting in the theft of firearms have been from
20 unattended vehicles. The City and County of San Francisco finds that it has a strong local
21 interest in preventing the theft of firearms from unattended vehicles and that requiring
22 reasonable measures to secure firearms left in attended vehicles will reduce gun thefts and
23 prevent guns from falling into the hands of criminals.

1 **SEC. 3601B. DEFINITIONS.**

2 "Firearm" means a Firearm as defined in California Penal Code section 12001, as
3 amended from time to time.

4 "Lock box" means a container that is listed on the California Department of Justice
5 Bureau of Firearms roster of approved firearm safety devices.

6 "Motor Vehicle" means a vehicle as defined in California Vehicle Code section 415, as
7 amended from time to time.

8 "Trunk" means a fully enclosed compartment that is separate from the main cabin of
9 the Motor Vehicle.

10 "Unattended" means that a person aged 18 or over is not present in the Motor Vehicle.

11 ~~SEC. 103.1. STORAGE OF CITY ISSUED PEACE OFFICER FIREARMS IN~~
12 ~~PRIVATE VEHICLES.~~

13 **SEC. 3602B. STORAGE OF FIREARMS IN MOTOR VEHICLES.**

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

17 ~~(a) No person may place, store, or leave a Firearm in an unattended Motor Vehicle~~
18 ~~unless the Firearm is stored:~~

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

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

24 ~~(1) in a locked Trunk of a Motor Vehicle, provided that the automatic Trunk~~
25 ~~release in the main cabin of the Motor Vehicle is disabled; or~~

1 (2) in a Lock Box that is permanently affixed to the Trunk of a Motor Vehicle,
2 provided that the Lock Box is locked; or

3 (3) for Motor Vehicles with four or more wheels and lacking a Trunk, in a Lock
4 Box that is permanently affixed to the Motor Vehicle and underneath a seat, or covered, or
5 otherwise outside the view of the public, provided that the Lock Box is locked; or

6 (4) for Motor Vehicles with fewer than four wheels, in a Lock Box that is
7 permanently affixed to the Motor Vehicle, provided that the Lock Box is locked.

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

12 (b) Notwithstanding subsections (a)(1), (a)(2), (a)(3), and (a)(4) no person may place,
13 store, or leave a Firearm overnight in an unattended Motor Vehicle.

14 (c) This Article 36B section is not intended to conflict with applicable State or federal law, if
15 any.

16 (d) This Article 36B is intended to apply to all Motor Vehicles within the City and County
17 of San Francisco. Notwithstanding the foregoing sentence, nothing in this Article 36B shall
18 apply to on-duty peace officers employed by jurisdictions other than the City and County of
19 San Francisco or to federal officers or military personnel who are acting within the scope of
20 their authority and discharging their official duties. To the extent this Article conflicts with a
21 City department's rules governing the storage of firearms in City-owned Motor Vehicles or
22 other Motor Vehicles under the department's control, the more stringent requirement shall
23 govern.

24
25 **SEC. 3603B. PENALTY.**

1 Every violation of Section 3602B shall constitute a misdemeanor and shall be
2 punishable by a fine not to exceed \$10,000 or by imprisonment in the county jail not to exceed
3 six months, or by both.

4 **SEC. 3604B. PROMOTION OF GENERAL WELFARE.**

5 In enacting and implementing Article 36B this Section 103.1, the City is assuming an
6 undertaking only to promote the general welfare. It is not assuming, nor is it imposing on its officers
7 and employees, an obligation for breach of which it is liable in money damages to any person who
8 claims that such breach proximately caused injury.

9 **SEC. 3605B. SEVERABILITY.**

10 It is the intention of the City and County of San Francisco that all persons within San
11 Francisco be subject to Article 36B while in San Francisco. If a court determines that this
12 Article or any portion thereof may not be applied to a particular class of persons, it is the
13 intention of the City and County of San Francisco that applicability of the Article or portion
14 thereof to those persons shall be severed from the remainder of this Article or other portions
15 thereof, which shall continue to apply to other persons.

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

20
21 APPROVED AS TO FORM:
22 DENNIS J. HERRERA, City Attorney

23 By: 
24 Buck Delventhal
25 Deputy City Attorney

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LEGISLATIVE DIGEST
(11/19/2015 - Amended in Committee)

[Police Code - Storage of Firearms in Motor Vehicles]

Ordinance amending the Police Code to prohibit any person from placing, storing, or leaving a firearm in an unattended motor vehicle unless it is in a lock box or in the locked trunk of the motor vehicle.

Existing Law

Currently, there is no law that requires any person that leaves their firearm in an unattended motor vehicle to store it in a lock box or in the locked trunk of the motor vehicle.

Amendments to Current Law

This legislation would prohibit any person from placing, storing, or leaving a firearm in an unattended motor vehicle unless the firearm is stored:

- (1) in a locked Trunk of a Motor Vehicle, provided that the automatic Trunk release in the main cabin of the Motor Vehicle is disabled; or
- (2) in a Lock Box that is permanently affixed to the Trunk of a Motor Vehicle, provided that the Lock Box is locked; or
- (3) for Motor Vehicles with four or more wheels and lacking a Trunk, in a Lock Box that is permanently affixed to the Motor Vehicle and underneath a seat, or covered, or otherwise outside the view of the public, provided that the Lock Box is locked; or
- (4) for Motor Vehicles with fewer than four wheels, in a Lock Box that is permanently affixed to the Motor Vehicle, provided that the Lock Box is locked.

This legislation is intended to apply to all motor vehicles within the City and County of San Francisco, except for on-duty peace officers employed by jurisdictions other than the City and County of San Francisco or to federal officers or military personnel who are acting within the scope of their authority and discharging their official duties. To the extent this legislation conflicts with a City department's rules governing the storage of firearms in City-owned motor vehicles or other motor vehicles under the department's control, the more stringent requirement shall govern.

Every violation of this legislation will constitute a misdemeanor and will be punishable by a fine not to exceed \$10,000 or by imprisonment in the county jail not to exceed six months, or by both.

Background Information

On September 29, 2015, Supervisor Campos introduced legislation that prohibits City and County of San Francisco peace officers from placing, storing, or leaving a City issued firearm in an unattended vehicle unless it is in a locked container or in the locked trunk of the vehicle. On November 19, 2015, the Public Safety and Neighborhood Services Committee considered expanding the scope of the ordinance to cover all firearms left in an unattended vehicle.

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Member, Board of Supervisors
District 1
市參議員、第一區



City and County of San Francisco

ERIC MAR

馬兆光

DATE: December 4, 2015

TO: Angela Calvillo
Clerk of the Board of Supervisors

FROM: Supervisor Eric Mar
Chairperson

RE: Public Safety and Neighborhood Services Committee
COMMITTEE REPORT

ERIC MAR

APPROVED DEC 04 P.M.
2015

Pursuant to Board Rule 4.20, as Chair of the Public Safety and Neighborhood Services Committee, I have deemed the following matter is of an urgent nature and request it be considered by the full Board on December 15, 2015, as a Committee Report:

150973 Police Code - Storage of Firearms in Motor Vehicles

Ordinance amending the Police Code to prohibit any person from placing, storing, or leaving a firearm in an unattended motor vehicle unless it is in a lock box or in the locked trunk of the motor vehicle.

This matter will be heard at the Special Meeting of the Public Safety and Neighborhood Services Committee on December 11, 2015, at 1:15 p.m.

RM

2015 DEC -4 PM 2:01

RECEIVED
BOARD OF SUPERVISORS
SAN FRANCISCO

BOARD of SUPERVISORS



City Hall
1 Dr. Carlton B. Goodlett Place, Rm 244
San Francisco 94102-4689
Tel. No. 554-5184
Fax No. 554-5163
TDD/TTY No. 554-5227

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

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

Major, Erica (BOS)

From: Board of Supervisors, (BOS)
Sent: Monday, November 23, 2015 9:18 AM
To: BOS-Supervisors; Major, Erica (BOS)
Subject: File 150973 FW: Guns in locked containers

-----Original Message-----

From: Mark Hudson [mailto:exfn@comcast.net]
Sent: Friday, November 20, 2015 10:23 PM
To: Board of Supervisors, (BOS) <board.of.supervisors@sfgov.org>
Subject: Guns in locked containers

Just another useless sf gun law that punishes law abiding citizens. I'm sure all the thugs that run rampant in your sanctuary city will immediately go and buy sf approved gun lock boxes. Why not just get it over with and try to overturn the 2nd amendment all together.

No wonder tax paying, law abiding citizens and small businesses are leaving a once great city in droves.

Campos is an enemy of our country and people.

I'll take my chances with a jury than comply with an illegal law. You are not above state law in your utopian planet. I don't live in sf and avoid it if at all possible.

Mark Hudson RN

Sent from my irritable I phone

Major, Erica (BOS)

From: Low, Jen (BOS)
Sent: Thursday, November 19, 2015 3:46 PM
To: Major, Erica (BOS); Evans, Derek
Cc: Ronen, Hillary
Subject: RE: Co-Sponsorship: File No. 150973 - Administrative Code - Storage of Peace Officers' Firearms in Vehicles

Thank you both!

From: Major, Erica (BOS)
Sent: Thursday, November 19, 2015 3:42 PM
To: Evans, Derek <derek.evans@sfgov.org>
Cc: Ronen, Hillary <hillary.ronen@sfgov.org>; Low, Jen (BOS) <jen.low@sfgov.org>
Subject: RE: Co-Sponsorship: File No. 150973 - Administrative Code - Storage of Peace Officers' Firearms in Vehicles

Hi Jen,

Supervisor Yee has been added to File No. 150973 as a co-sponsor.

Erica Major
Assistant Committee Clerk
Board of Supervisors
1 Dr. Carlton B. Goodlett Place, City Hall, Room 244
San Francisco, CA 94102
Phone: (415) 554-4441 | Fax: (415) 554-5163
Erica.Major@sfgov.org | www.sfbos.org



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The [Legislative Research Center](#) provides 24-hour access to Board of Supervisors legislation, and archived matters since August 1998.

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From: Evans, Derek
Sent: Thursday, November 19, 2015 3:40 PM
To: Major, Erica (BOS) <erica.major@sfgov.org>
Cc: Ronen, Hillary <hillary.ronen@sfgov.org>; Low, Jen (BOS) <jen.low@sfgov.org>
Subject: FW: Co-Sponsorship: File No. 150973 - Administrative Code - Storage of Peace Officers' Firearms in Vehicles

Hi Jen,

Will do. Forwarding to Erica Major, who will be clerking Public Safety and Neighborhood Services moving forward.

Regards,

Derek K. Evans

Assistant Clerk, Board of Supervisors
(415) 554-7702



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From: Low, Jen (BOS)
Sent: Thursday, November 19, 2015 3:29 PM
To: Evans, Derek <derek.evans@sfgov.org>
Cc: Ronen, Hillary <hillary.ronen@sfgov.org>
Subject: Co-Sponsorship: File No. 150973 - Administrative Code - Storage of Peace Officers' Firearms in Vehicles

Hi Derek,

Could you add Supervisor Norman Yee as a co-sponsor to **File No. 150973 - Administrative Code - Storage of Peace Officers' Firearms in Vehicles (Campos)**?

Thank you!

Jen

Jen Low

Legislative Aide

Supervisor Norman Yee | District 7

1 Dr. Carlton B. Goodlett Place, Room 244

San Francisco, CA 94102

P | 415.554.6521 F | 415.554.6546

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