

File No. 160198

Committee Item No. 1

Board Item No. 4

### COMMITTEE/BOARD OF SUPERVISORS

#### AGENDA PACKET CONTENTS LIST

Committee: Land Use and Transportation

Date May 16, 2016

Board of Supervisors Meeting

Date JUNE 7, 2016

#### Cmte Board

- |                                     |                                     |  |
|-------------------------------------|-------------------------------------|--|
| <input type="checkbox"/>            | <input type="checkbox"/>            | Motion                                       |
| <input type="checkbox"/>            | <input type="checkbox"/>            | Resolution                                   |
| <input checked="" type="checkbox"/> | <input checked="" type="checkbox"/> | Ordinance                                    |
| <input checked="" type="checkbox"/> | <input checked="" type="checkbox"/> | Legislative Digest                           |
| <input type="checkbox"/>            | <input type="checkbox"/>            | Budget and Legislative Analyst Report        |
| <input type="checkbox"/>            | <input type="checkbox"/>            | Youth Commission Report                      |
| <input checked="" type="checkbox"/> | <input checked="" type="checkbox"/> | Introduction Form                            |
| <input checked="" type="checkbox"/> | <input checked="" type="checkbox"/> | Department/Agency Cover Letter and/or Report |
| <input type="checkbox"/>            | <input type="checkbox"/>            | Memorandum of Understanding (MOU)            |
| <input type="checkbox"/>            | <input type="checkbox"/>            | Grant Information Form                       |
| <input type="checkbox"/>            | <input type="checkbox"/>            | Grant Budget                                 |
| <input type="checkbox"/>            | <input type="checkbox"/>            | Subcontract Budget                           |
| <input type="checkbox"/>            | <input type="checkbox"/>            | Contract/Agreement                           |
| <input type="checkbox"/>            | <input type="checkbox"/>            | Form 126 - Ethics Commission                 |
| <input type="checkbox"/>            | <input type="checkbox"/>            | Award Letter                                 |
| <input type="checkbox"/>            | <input type="checkbox"/>            | Application                                  |
| <input type="checkbox"/>            | <input type="checkbox"/>            | Form 700                                     |
| <input type="checkbox"/>            | <input type="checkbox"/>            | Vacancy Notice                               |
| <input type="checkbox"/>            | <input type="checkbox"/>            | Information Sheet                            |
| <input type="checkbox"/>            | <input type="checkbox"/>            | Public Correspondence                        |

OTHER (Use back side if additional space is needed)

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Completed by: Victor Young Date May 12, 2016

Completed by: V Young Date 5/17/16

1 [Police Code - Storage of Firearms in Any Residence]

2  
3 **Ordinance amending the Police Code to prohibit any person from keeping a firearm**  
4 **within any residence unless the firearm is stored in a locked container or disabled with**  
5 **a trigger lock.**

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

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

14 Section 1. The Police Code is hereby amended by revising Section 4512, to read as  
15 follows:

16 **SEC. 4512. ~~HANDGUNS~~ FIREARMS LOCATED IN ANY RESIDENCE TO BE KEPT**  
17 **IN A LOCKED CONTAINER OR DISABLED WITH A TRIGGER LOCK.**

18 (a) **Prohibition.** No person shall keep a *handgun firearm* within *any* residence *owned or*  
19 *controlled by that person* unless the *firearm handgun* is stored in a locked container or disabled  
20 with a trigger lock, *that has been approved by the California Department of Justice.*

21 (b) **Definitions.** *As used in this Section 4512, the following terms have the following*  
22 *meaning:*

23 *—(1) “Firearm” means a Firearm as defined in California Penal Code, Section 16520, as*  
24 *amended from time to time.*

1           ~~"Residence." As used in this Section, means "residence" is any structure intended or used for~~  
2 ~~human habitation including but not limited to houses, condominiums, rooms, in-law units, motels,~~  
3 ~~hotels, SRO's, time shares, recreational and other vehicles where human habitation occurs.~~

4           (2) "Locked container:" means a locked container as defined in California Penal Code,  
5 Section 16850, as amended from time to time and is listed on the California Department of Justice  
6 Bureau of Firearms roster of approved firearm safety devices. ~~As used in this Section, "locked~~  
7 ~~container" means a secure container which is fully enclosed and locked by a padlock, key lock,~~  
8 ~~combination lock or similar locking device.~~

9           (3) ~~"Handgun." As used in this Section, "handgun" means any pistol, revolver, or other firearm~~  
10 ~~that is capable of being concealed upon the person, designed to be used as a weapon, capable of~~  
11 ~~expelling a projectile by the force of any explosion or other form of combustion, and has a barrel less~~  
12 ~~than 16 inches in length.~~

13           "Residence" means any structure intended or used for human habitation, including but not  
14 limited to houses, condominiums, rooms, in-law units, motels, hotels, SRO's, time shares, and  
15 recreational and other vehicles where human habitation occurs.

16           (4) "Trigger lock." As used in this Section, means a "trigger lock" means a trigger lock that  
17 is listed ~~in~~ on the California Department of Justice's ~~list~~ roster of approved firearms safety  
18 devices and that is identified as appropriate for that firearm handgun by reference to either the  
19 manufacturer and model of the firearm, handgun or to the physical characteristics of the firearm  
20 handgun that match those listed on the roster for use with the device under Penal Code  
21 Section 23635. 12088(d).

22           (c) **Exceptions.** This Section 4512 shall not apply in the following circumstances:

23           (1) The handgun firearm is carried on the person of an individual in accordance  
24 with all applicable laws over the age of 18.

1 (2) The ~~handgun~~ firearm is under the control of a person who is a peace officer  
2 under Penal Code Section 830 *et seq.*

3 (d) **Lost or Stolen Firearms Handguns.** In order to encourage reports to law  
4 enforcement agencies of lost or stolen firearms handguns pursuant to ~~San Francisco~~ Police  
5 Code Section 616, a person who files a report with a law enforcement agency notifying the  
6 agency that a firearm handgun has been lost or stolen shall not be subject to prosecution for  
7 violation of Section 4512(a) above.

8 (e) **Penalty.** Every violation of this Section 4512 shall constitute a misdemeanor and  
9 upon conviction shall be punished by a fine not to exceed \$1,000.~~00~~ or by imprisonment in the  
10 county jail not to exceed six months, or by both.

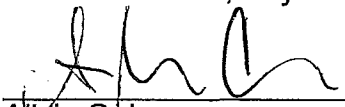
11 (f) **Severability.** If any provision, clause or word of this chapter or the application  
12 thereof to any person or circumstance is held invalid, such invalidity shall not affect any other  
13 provision, clause, word or application of this Section 4512 which can be given effect without  
14 the invalid provision, clause or word, and to this end the provisions of this Section are  
15 declared to be severable.

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

21  
22 Section 3. Scope of Ordinance. In enacting this ordinance, the Board of Supervisors  
23 intends to amend only those words, phrases, paragraphs, subsections, sections, articles,  
24 numbers, punctuation marks, charts, diagrams, or any other constituent parts of the Municipal  
25 Code that are explicitly shown in this ordinance as additions, deletions, Board amendment

1 additions, and Board amendment deletions in accordance with the "Note" that appears under  
2 the official title of the ordinance.

3  
4 APPROVED AS TO FORM:  
5 DENNIS J. HERRERA, City Attorney

6 By:   
7 Alicia Cabrera  
8 Deputy City Attorney

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**LEGISLATIVE DIGEST**

[Police Code - Storage of Firearms in Any Residence]

**Ordinance amending the Police Code to prohibit any person from keeping a firearm within any residence unless the firearm is stored in a locked container or disabled with a trigger lock.**

Existing Law

Currently, the Police Code prohibits any person from keeping a handgun within a residence that is owned or controlled by that person unless the handgun is stored in a locked container or disabled with a trigger lock that has been approved by the Department of Justice.

Amendments to Current Law

This legislation would expand the scope of the existing ordinance to apply to all firearms as defined in the California Penal Code, Section 16520, that is kept in any residence, regardless of who owns or controls the residence.

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BOARD of SUPERVISORS



City Hall  
1 Dr. Carlton B. Goodlett Place, Room 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  
Vicki Hennessy, Sheriff, Sheriff's Department

FROM: Erica Major, Assistant Committee Clerk, Public Safety and Neighborhood  
Services Committee, Board of Supervisors

DATE: March 7, 2016

SUBJECT: LEGISLATION INTRODUCED

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The Board of Supervisors' Public Safety and Neighborhood Services Committee has received the following proposed legislation, introduced by Supervisor Farrell on March 1, 2016:

**File No. 160198**

**Ordinance amending the Police Code to prohibit any person from keeping a firearm within any residence unless the firearm is stored in a locked container or disabled with a trigger lock.**

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:  
Christine Fountain, Police Department  
Sergeant Rachael Kilshaw, Police Department  
Theodore Toet, Sheriff's Department  
Katherine Gorwood, Sheriff's Department  
Eileen Hirst, Sheriff's Department

## Major, Erica (BOS)

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**From:** Major, Erica (BOS)  
**Sent:** Monday, March 07, 2016 9:32 AM  
**To:** Suhr, Greg (POL); Hennessy, Vicki (SHF)  
**Cc:** Fountain, Christine (POL); Kilshaw, Rachael (POL); Toet, Theodore (SHF); Gorwood, Kathy; Hirst, Eileen (SHF)  
**Subject:** REFERRAL FYI (160198) Police Code - Storage of Firearms in Any Residence  
**Attachments:** 160198 FYI.pdf

Greetings:

This matter is being forwarded to your department for informational purposes. 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.

Thank you for your attention.

Best,

**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](mailto:Erica.Major@sfgov.org) | [www.sfbos.org](http://www.sfbos.org)

 Click [here](#) to complete a Board of Supervisors Customer Service Satisfaction form.

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

*Disclosures: Personal information that is provided in communications to the Board of Supervisors is subject to disclosure under the California Public Records Act and the San Francisco Sunshine Ordinance. Personal information provided will not be redacted. Members of the public are not required to provide personal identifying information when they communicate with the Board of Supervisors and its committees. All written or oral communications that members of the public submit to the Clerk's Office regarding pending legislation or hearings will be made available to all members of the public for inspection and copying. The Clerk's Office does not redact any information from these submissions. This means that personal information—including names, phone numbers, addresses and similar information that a member of the public elects to submit to the Board and its committees—may appear on the Board of Supervisors website or in other public documents that members of the public may inspect or copy.*



President, District 5  
BOARD of SUPERVISORS



BOS-11, COB, Leg. Dep.  
PSNS, LVI Deputy  
Att'y.  
Mayor's office

City Hall  
1 Dr. Carlton B. Goodlett Place, Room 244  
San Francisco 94102-4689  
Tel. No. 554-7630  
Fax No. 554-7634  
TDD/TTY No. 544-5227

London Breed

**PRESIDENTIAL ACTION**

Date: May 9, 2016

To: Angela Calvillo, Clerk of the Board of Supervisors

Madam Clerk,

Pursuant to Board Rules, I am hereby:

- Waiving 30-Day Rule (Board Rule No. 3.23)

File No. \_\_\_\_\_ (Primary Sponsor)

Title. \_\_\_\_\_

- Transferring (Board Rule No. 3.3)

File No. 160198 Farrell  
(Primary Sponsor)

Title. Police Code - Storage of Firearms in Any Resid

From: Public Safety & Neighborhood Services Committee

To: Land Use & Transportation Committee

- Assigning Temporary Committee Appointment (Board Rule No. 3.1)

Supervisor \_\_\_\_\_

Replacing Supervisor \_\_\_\_\_

For: \_\_\_\_\_ Meeting  
(Date) (Committee)

RECEIVED  
BOARD OF SUPERVISORS  
SAN FRANCISCO  
2016 MAY 10 PM 3:37  
BY: [Signature]

London Breed, President  
Board of Supervisors

Print Form

# Introduction Form

By a Member of the Board of Supervisors or the Mayor

Time stamp  
or meeting date

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

- 1. For reference to Committee. (An Ordinance, Resolution, Motion, or Charter Amendment)
- 2. Request for next printed agenda Without Reference to Committee.
- 3. Request for hearing on a subject matter at Committee.
- 4. Request for letter beginning "Supervisor [ ] inquires"
- 5. City Attorney request.
- 6. Call File No. [ ] from Committee.
- 7. Budget Analyst request (attach written motion).
- 8. Substitute Legislation File No. [ ]
- 9. Reactivate File No. [ ]
- 10. Question(s) submitted for Mayoral Appearance before the BOS on [ ]

Please check the appropriate boxes. The proposed legislation should be forwarded to the following:

- Small Business Commission     Youth Commission     Ethics Commission
- Planning Commission     Building Inspection Commission

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

**Sponsor(s):**

Supervisor Mark Farrell

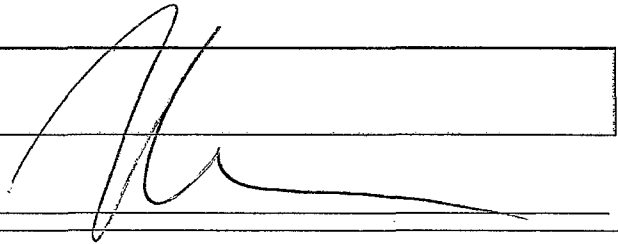
**Subject:**

[Police Code - Storage of Firearms in any Residence]

**The text is listed below or attached:**

See attached.

Signature of Sponsoring Supervisor:



**For Clerk's Use Only:**