

1 [Requirement that firearms located within a residence be kept in a locked container or secured
2 with a trigger lock]

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4 **Ordinance amending the San Francisco Police Code by adding Section 4512 to require**
5 **that all handguns located within a residence be kept in a locked container or disabled**
6 **with a trigger lock.**

7 Note: Additions are *single-underline italics Times New Roman*;
8 deletions are *strikethrough italics Times New Roman*.
9 Board amendment additions are double underlined.
Board amendment deletions are ~~strikethrough normal~~.

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

11 Section 1. The San Francisco Police Code is hereby amended by adding
12 Section 4512, to read as follows:

13 **SEC. 4512. HANDGUNS LOCATED IN A RESIDENCE TO BE KEPT IN A LOCKED**
14 **CONTAINER OR DISABLED WITH A TRIGGER LOCK.**

15 *(a) Prohibition. No person shall keep a handgun within a residence that is under the person's*
16 *custody or control unless the handgun is stored in a locked container or disabled with a trigger lock*
17 *that has been approved by the California Department of Justice.*

18 *(b) Definitions.*

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

22 *(2) "Locked container." As used in this Section, "locked container" means a secure container*
23 *which is fully enclosed and locked by a padlock, key lock, combination lock or similar locking device.*

24 *(3) "Handgun." As used in this Section, "handgun" means any pistol, revolver, or other firearm*
25 *that is capable of being concealed upon the person, designed to be used as a weapon, capable of*

1 expelling a projectile by the force of any explosion or other form of combustion, and has a barrel less
2 than 16 inches in length.

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

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

9 (1) The handgun is carried on the person of an individual over the age of 18.

10 (2) The handgun is in the possession of a person who is a peace officer under Penal Code
11 Section 830.

12 (d) **Lost or Stolen Handguns.** In order to encourage reports to law enforcement agencies of
13 lost or stolen handguns pursuant to San Francisco Police Code Section 616, a person who files a
14 report with a law enforcement agency notifying the agency that a handgun has been lost or stolen shall
15 not be subject to prosecution for violation of Section 4512(a) above.

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

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

1 APPROVED AS TO FORM:
2 DENNIS J. HERRERA, City Attorney

3 By: _____
4 LINDA M. ROSS
5 Deputy City Attorney
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