

File No. 100016

Committee Item No. _____

Board Item No. 44

COMMITTEE/BOARD OF SUPERVISORS
AGENDA PACKET CONTENTS LIST

Board of Supervisors Meeting

Date January 12, 2010

Cmte Board

- | | | |
|--------------------------|-------------------------------------|--|
| <input type="checkbox"/> | <input type="checkbox"/> | Motion |
| <input type="checkbox"/> | <input checked="" type="checkbox"/> | Resolution |
| <input type="checkbox"/> | <input type="checkbox"/> | Ordinance |
| <input type="checkbox"/> | <input type="checkbox"/> | Legislative Digest |
| <input type="checkbox"/> | <input type="checkbox"/> | Budget Analyst Report |
| <input type="checkbox"/> | <input type="checkbox"/> | Legislative Analyst Report |
| <input type="checkbox"/> | <input type="checkbox"/> | Youth Commission Report |
| <input type="checkbox"/> | <input type="checkbox"/> | Introduction Form (for hearings) |
| <input type="checkbox"/> | <input type="checkbox"/> | Department/Agency Cover Letter and/or Report |
| <input type="checkbox"/> | <input type="checkbox"/> | 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"/> | Award Letter |
| <input type="checkbox"/> | <input type="checkbox"/> | Application |
| <input type="checkbox"/> | <input type="checkbox"/> | Public Correspondence |

OTHER (Use back side if additional space is needed)

<input type="checkbox"/>	<input type="checkbox"/>	_____
<input type="checkbox"/>	<input type="checkbox"/>	_____
<input type="checkbox"/>	<input type="checkbox"/>	_____

Completed by: Annette Lonich Date January 7, 2010

Completed by: _____ Date _____

An asterisked item represents the cover sheet to a document that exceeds 25 pages.
The complete document is in the file.

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1 [Body Armor Prohibition.]

2
3 **Resolution urging the Supreme Court to Review Lower Court's Ruling Overturning Ban**
4 **on Felons Owning or Wearing Body Armor.**

5
6 WHEREAS, In 1994, San Francisco Police Officer James Guelff was killed by a violent
7 criminal armed with 1,000 rounds of ammunition, five high-powered weapons, and wearing
8 body armor; and

9 WHEREAS, In 1997, head-to-toe body armor-clad bank robbers in North Hollywood
10 engaged in a lengthy shootout with Los Angeles Police that left 11 officers and six civilians
11 wounded; and

12 WHEREAS, In response to these violent crimes, in 1998, the California State
13 Legislature imposed a ban on the possession of body armor by any person with a violent
14 felony conviction; and,

15 WHEREAS, This ban is of vital importance to both law enforcement personnel and the
16 public, as recent studies have shown that nearly 40 percent of police departments have
17 reported an increase in the use of assault weapons; and,

18 WHEREAS, This ban provides an important tool for law enforcement to enhance
19 sentencing of violent felons to remove them from the streets; and,

20 WHEREAS, On December 17, 2009, the Second District Court of Appeal in Los
21 Angeles overturned this ban, ruling in People v. Saleem that the ban was "unconstitutionally
22 void for vagueness because it does not provide fair notice of which protective body vests
23 constitute the body armor made illegal by the statute;" and

1 WHEREAS, In effect, this ruling overturns the 1998 California law that bans
2 possession of body armor by anyone with a violent felony conviction under the guise of
3 protecting unaware felons who may not be aware what constitutes prohibited body armor; and

4 WHEREAS, The impact of this ruling on law enforcement and the community at large
5 cannot be underestimated, as the use of body armor by violent felons places police officers
6 and the public at an unfair disadvantage by allowing violent felons to remain impervious to law
7 enforcement attempts to quickly curtail violent felonies in progress; and

8 WHEREAS, California State Attorney General Jerry Brown has announced that he will
9 ask the California State Supreme Court to review the Second District Court of Appeal's ruling
10 that California Penal Code Section 12370 is "unconstitutionally void for vagueness;" now,
11 therefore be it

12 RESOLVED, That the Board of Supervisors urges the California Supreme Court to
13 Immediately grant California Attorney General Jerry Brown's request for a review of Second
14 District Court of Appeal's ruling in People v. Saleem.

INTRODUCTION FORM
By a member of the Board of Supervisors or the Mayor

RECEIVED
BOARD OF SUPERVISORS
SAN FRANCISCO
2010 JAN -5 PM 12:27
BY _____ Time Stamp or Meeting Date

I hereby submit the following item for introduction:

- _____ 1. For reference to Committee:
An ordinance, resolution, motion, or charter amendment.
- X 2. Request for next printed agenda without reference to Committee
- _____ 3. Request for Committee hearing on a subject matter.
- _____ 4. Request for letter beginning "Supervisor _____ inquires..."
- _____ 5. City Attorney request.
- _____ 6. Call file from Committee.
- _____ 7. Budget Analyst request (attach written motion).
- _____ 8. Substitute Legislation File Nos.

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 different form.]

Sponsor(s): Supervisor David Chiu

SUBJECT: People v. Saleem: 2nd District Court's overruling of ban on body armor

The text is listed below or attached:

Resolution urging the Supreme Court to review lower court's ruling overturning ban on felons owning or wearing body armor.

Signature of Sponsoring Supervisor: 

For Clerk's Use Only:

150010

