

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.**

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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.



City and County of San Francisco

Tails
Resolution

City Hall
1 Dr. Carlton B. Goodlett Place
San Francisco, CA 94102-4689

File Number: 100016

Date Passed: January 12, 2010

Resolution urging the Supreme Court to review Lower Court's Ruling Overturning Ban on Felons Owning or Wearing Body Armor.

January 12, 2010 Board of Supervisors - ADOPTED

Ayes: 10 - Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell and Mirkarimi
Excused: 1 - Alioto-Pier

File No. 100016

I hereby certify that the foregoing Resolution was ADOPTED on 1/12/2010 by the Board of Supervisors of the City and County of San Francisco.

Mayor Gavin Newsom

Angela Calvillo
Clerk of the Board

1-22-10

Date Approved