[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.

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 Police Code is hereby amended by revising Section 4512, to read as follows:

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

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

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

——(f) “Firearm” means a Firearm as defined in California Penal Code, Section 16520, as amended from time to time.
"Residence." As used in this Section, means "residence" is any structure intended or used for human habitation including but not limited to houses, condominiums, rooms, in-law units, motels, hotels, SRO's, time-shares, recreational and other vehicles where human habitation occurs.

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

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

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

(4) "Trigger lock." As used in this Section, means a "trigger lock" means a trigger lock that is listed in on the California Department of Justice's list roster of approved firearms safety devices and that is identified as appropriate for that firearm handgun by reference to either the manufacturer and model of the firearm handgun or to the physical characteristics of the firearm handgun that match those listed on the roster for use with the device under Penal Code Section 23635. 42088(d).

(c) Exceptions. This Section 1512 shall not apply in the following circumstances:

(1) The handgun firearm is carried on the person of an individual in accordance with all applicable laws over the age of 18.
2 (2) The handgun firearm is under the control of a person who is a peace officer under Penal Code Section 830 et seq.

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

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

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

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

Section 3. Scope of Ordinance. In enacting this ordinance, the Board of Supervisors intends to amend only those words, phrases, paragraphs, subsections, sections, articles, numbers, punctuation marks, charts, diagrams, or any other constituent parts of the Municipal Code that are explicitly shown in this ordinance as additions, deletions, Board amendment
additions, and Board amendment deletions in accordance with the “Note” that appears under the official title of the ordinance.

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

By:  

Alicia Cabrera  
Deputy City Attorney
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.

May 16, 2016 Land Use and Transportation Committee - RECOMMENDED

May 24, 2016 Board of Supervisors - PASSED, ON FIRST READING
Ayes: 11 - Avalos, Breed, Campos, Cohen, Farrell, Kim, Mar, Peskin, Tang, Wiener and Yee

June 07, 2016 Board of Supervisors - FINALLY PASSED
Ayes: 11 - Avalos, Breed, Campos, Cohen, Farrell, Kim, Mar, Peskin, Tang, Wiener and Yee

I hereby certify that the foregoing Ordinance was FINALLY PASSED on 6/7/2016 by the Board of Supervisors of the City and County of San Francisco.

Angela Calvillo
Clerk of the Board

Date Approved
6/7/16