

1 [Police Code - Safe Storage and Enhanced-Lethality Ammunition Findings]

2
3 **Ordinance amending the San Francisco Police Code by adding Sections 4511 and**
4 **613.9.5 to add findings to ordinances: 1) requiring a handgun to be kept in a locked**
5 **container or disabled with a trigger lock; and 2) prohibiting the sale of enhanced-**
6 **lethality ammunition.**

7 NOTE: Additions are *single-underline italics Times New Roman*;
8 deletions are *strike-through 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 Sections
12 4511 and 613.9.5, to read as follows:

13 **SECTION 4511. FINDINGS.**

14 1. Firearm injuries have a significant public health impact both nationally and locally.

15 a. In the United States, firearm injuries accounted for 6.6 percent of premature
16 deaths from 1999-2007. Shootings are a leading cause of injury deaths in the nation, second only to
17 motor vehicle crashes. On average, there were 30,125 firearm deaths in the United States annually
18 between 2000 and 2007, inclusive. In 2007, 31,224 Americans died in firearm-related homicides,
19 suicides, and unintentional shootings – the equivalent of 85 deaths each day and more than three
20 deaths each hour.

21 b. Nationally, more than two thirds of homicides and over half of all suicides are
22 committed with firearms.

23 c. Unintentional shootings killed over 5,700 people in the U.S. between 2000 and
24 2007. In 2009, over 18,000 people were treated for unintentional gunshot wounds in the United States.

1 d. The firearm-related homicide, suicide, and unintentional death rates for children
2 5-14 years old in the United States are significantly higher than those other industrialized nations.

3 e. Over the last five years, firearm injuries have ranked third of all causes of injury
4 death in San Francisco, after pedestrian fatalities and falls, respectively. Almost two thirds of these
5 firearm deaths were homicides. In addition, gunshot wounds were the third most common reason for
6 injury-related hospitalizations in San Francisco from 2005 to 2008 and fourth in 2009. Firearm-
7 related suicides accounted for 16.2 percent of the suicide deaths in San Francisco in Fiscal Year 2009-
8 2010.

9 f. San Francisco General Hospital, as the only trauma center in San Francisco,
10 treats approximately 98 percent of the city's shooting victims annually. Approximately 80 percent of
11 the individuals treated for violent injuries at San Francisco General Hospital are uninsured.

12 2. Having a loaded or unlocked gun in the home is associated with an increased risk of
13 gun-related injury and death.

14 a. A firearm stored loaded or unlocked increases the risk of an accidental shooting.

15 b. All U.S. case control studies (12 to date) have found that people who die by
16 suicide are more likely to have lived in a home with a gun than similar people who did not die by
17 suicide. Studies have also shown that the risk of suicide increases in homes where guns are kept loaded
18 or unlocked.

19 c. A 2007 study compared the 40 million people who live in the states with the
20 lowest firearm prevalence (Hawaii, Massachusetts, Rhode Island, New Hampshire, Connecticut, and
21 New York) to about the same number living in the states with the highest firearm prevalence (Wyoming,
22 South Dakota, Alaska, West Virginia, Montana, Arkansas, Mississippi, Iowa, North Dakota, Alabama,
23 Kentucky, Wisconsin, Louisiana, Tennessee, and Utah). Although non-firearm suicides were about
24 equal in the two groups, total suicides were almost twice as high in the high-gun states.

1 d. Keeping unsecured guns in the home increases the flow of illegal guns into the
2 community. More than half a million firearms are stolen each year in the United States and many are
3 subsequently sold illegally.

4 3. Children are particularly at risk of injury and death, or causing injury and death, when
5 they can access guns in their own homes or homes that they visit.

6 a. The authors of a 2005 study found that an estimated 1.69 million children age 18
7 and under are living in households with loaded and unlocked firearms. Many young children,
8 including children as young as three years old, are strong enough to fire handguns.

9 b. A significant majority of the guns used in youth suicide attempts and
10 unintentional injuries were stored in the residence of the victim, a relative, or a friend. Of youths under
11 18 who died by firearm suicide, the vast majority used a family member's gun, usually a parent's. And
12 more than two thirds of school shooters obtained their gun(s) from their own home or that of a relative.

13 c. Quick access to loaded firearms heightens the risk that a young person's
14 impulsive decision to commit suicide will be carried out without reflection or seeking help, and that the
15 impulsive attempt will be fatal. One third of youths who died by suicide had faced a crisis within the
16 previous 24 hours. Among people who nearly died in a suicide attempt, almost a quarter indicated that
17 fewer than five minutes had passed between deciding on suicide and making the attempt. While fewer
18 than 10 percent of suicide attempts by other means are fatal, at least 85 percent of firearm suicide
19 attempts end in death.

20 4. Guns kept in the home are most often used in suicides and against family and friends
21 rather than in self-defense.

22 a. Guns kept in a home are more likely to be involved in an unintentional shooting,
23 criminal assault, or suicide attempt than to kill or injure in self-defense.

24 b. Only one in ten firearm homicides in the shooter's home is considered justifiable,
25 meaning the shooter was not the assailant. Of every ten firearm homicide victims killed at the shooter's

1 residence, six were intimate partners or family members of the shooter, three were friends or
2 acquaintances of the shooter, and only one was a stranger to the shooter.

3 5. Applying trigger locks or using lock boxes when storing firearms in the home reduces
4 the risk of firearm injury and death.

5 a. Keeping a firearm locked when it is not being carried ensures that it cannot be
6 accessed and used by others without the owner's knowledge or permission. This simple measure
7 significantly decreases the risk that the gun will be used to commit suicide, homicide, or inflict injury,
8 whether intentionally or unintentionally.

9 b. Safe storage measures have a demonstrated protective effect in homes with
10 children and teenagers where guns are stored.

11 6. There is a wide consensus among medical professionals, police chiefs, gun control
12 advocates and gun rights groups that applying trigger locks or using lock boxes to store unsupervised
13 guns in the home promotes health and safety.

14 a. The International Association of Chiefs of Police recommends that state and
15 local governments mandate safe storage of firearms.

16 b. The American Academy of Pediatrics recommends that if families must have
17 firearms in their homes, the firearms should be stored locked, unloaded, and separate from locked
18 ammunition.

19 c. Both gun control and gun rights advocates endorse the use of locking devices
20 when storing guns to ensure that unauthorized or untrained persons cannot use the gun to inflict injury
21 or death. For example, the National Rifle Association's Home Firearm Safety Handbook, developed
22 and used as part of the National Rifle Association (NRA) Basic Firearm Training Program, emphasizes
23 that "there is one general rule that must be applied under all conditions: Store guns so they are not
24 accessible to untrained or unauthorized persons." The NRA Guide To The Basics Of Personal
25

1 Protection In The Home further explains that "all storage methods designed to prevent unauthorized
2 access utilize some sort of locking method."

3 7. Requiring unsupervised firearms stored to be secured with trigger locks or in a locked
4 container does not substantially burden the right or ability to use firearms for self-defense in the home.

5 a. The locking requirements apply only to handguns that are not being carried.
6 Gun owners and adults over 18 may carry loaded and unlocked handguns in the home at any time. The
7 safe storage requirements also permit owners who wish to do so to store their handguns fully loaded.

8 b. Gun security does not preclude quick access. For example, affordable lockboxes
9 using Simplex-type locks, which pop open immediately when several keys or pushbuttons are touched in
10 a preset sequence, are widely available. Users report that they can retrieve a loaded weapon in just
11 two to three seconds, and that the locks are also easy to open in the dark. The NRA describes this type
12 of lockbox as providing "a good combination of security and quick access." Some lockboxes also
13 feature biometric locks, which provide immediate access when they scan the owner's fingerprint.

14 c. Portable lockboxes can store loaded weapons such that they are always within
15 easy reach on counters, tables or nightstands. Such safely stored weapons are more quickly and easily
16 retrieved for use in self-defense than unlocked guns that have been hidden away in seldom-used
17 locations.

18
19 **SECTION 613.9.5. FINDINGS.**

20 1. "Enhanced-lethality ammunition" means the ammunition that licensees may not sell,
21 lease or otherwise transfer under Police Code Sec. 613.10 (g).

22 2. Enhanced-lethality ammunition is designed to tear larger wounds in the body by
23 flattening and increasing in diameter on impact and/or exploding and dispersing shrapnel throughout
24 the body. These design features increase the likelihood that the bullet will hit a major artery or organ,
25 that it will take a more circuitous path through the body to create more widespread damage, and that it

1 will release all of its propulsive force inside the body to cause maximum injury. Accordingly,
2 enhanced-lethality ammunition is more likely to cause severe injury and death than is conventional
3 ammunition that does not flatten or fragment upon impact.

4 3. Enhanced-lethality ammunition has been used in shooting massacres both in San
5 Francisco and abroad. On July 1, 1993, heavily armed gunman Gian Luigi Ferri shot and killed eight
6 people, then himself, in the 101 California Street high-rise in San Francisco using hollow-point bullets.
7 Most recently, on July 24, 2011, Anders Behring Breivik used lethality-enhanced bullets designed to
8 fragment inside the body and cause maximum internal damage to kill and grievously wound dozens of
9 children at a youth camp in Norway.

10 4. Banning the sale of enhanced-lethality ammunition in San Francisco does not
11 substantially burden the right to self defense. The right to use firearms in self defense can be fully
12 exercised using conventional, non-collapsing, non-fragmenting ammunition. Enhanced-lethality
13 ammunition is not in general use, and this unusually injurious ammunition has been banned outside the
14 United States. For example, the Hague Convention of 1899, Declaration III, has for more than a
15 century prohibited the use in warfare of bullets that easily expand or flatten in the body.

16 5. Personal firearms kept in the home are more likely to be used against family and friends
17 than intruders. Home firearms may also be used in suicide attempts, accidental shootings and criminal
18 assaults.

19 6. The City and County of San Francisco has a legitimate, important and compelling
20 governmental interest in reducing the likelihood that shooting victims in San Francisco will die of their
21 injuries by reducing the lethality of the ammunition sold and used in the City and County of San
22 Francisco.

1 Section 2. Effective Date. This ordinance shall become effective 30 days from the
2 date of passage.

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

6 By: Cecilia T. Mangoba
7 Cecilia T. Mangoba
8 Deputy City Attorney
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City and County of San Francisco
Tails
Ordinance

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

File Number: 110901

Date Passed: October 04, 2011

Ordinance amending the San Francisco Police Code by adding Sections 4511 and 613.9.5 to add findings to ordinances: 1) requiring a handgun to be kept in a locked container or disabled with a trigger lock; and 2) prohibiting the sale of enhanced-lethality ammunition.

September 15, 2011 Public Safety Committee - RECOMMENDED

September 27, 2011 Board of Supervisors - PASSED, ON FIRST READING


Ayes: 11 - Avalos, Campos, Chiu, Chu, Cohen, Elsbernd, Farrell, Kim, Mar, Mirkarimi and Wiener

October 04, 2011 Board of Supervisors - FINALLY PASSED.

Ayes: 11 - Avalos, Campos, Chiu, Chu, Cohen, Elsbernd, Farrell, Kim, Mar, Mirkarimi and Wiener

File No. 110901

I hereby certify that the foregoing
Ordinance was FINALLY PASSED on
10/4/2011 by the Board of Supervisors of the
City and County of San Francisco.


Angela Calvillo
Clerk of the Board


Mayor Edwin Lee

10/11/11
Date Approved