[Motion 14-1553 Proper Storage of Firearms / Gun Owners / Locked Container / Trigger Lock / Ordinance](http://clkrep.lacity.org/onlinedocs/2014/14-1553_ca_11-25-14.pdf%22%20%5Ct%20%22_blank)

This motion directs the City Attorney to "prepare an ordinance requiring gun owners to either store their firearms in a locked container or disable it with a trigger lock when not in use, modeled after the City of San Francisco's ordinance."

San Francisco's Law: San Francisco Police Code section 4512(a), (c)(1) states:

(a)   **Prohibition.** No person shall keep a handgun within a residence owned or controlled by that person unless the 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.**

      (1)   "Residence." As used in this Section, "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." 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.

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

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

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

      (2)   The handgun is under the control of a person who is a peace officer under Penal Code Section 830.

   (d)   **Lost or Stolen Handguns.** In order to encourage reports to law enforcement agencies of lost or stolen handguns pursuant to San Francisco Police Code Section [616](http://www.amlegal.com/nxt/gateway.dll?f=jumplink$jumplink_x=Advanced$jumplink_vpc=first$jumplink_xsl=querylink.xsl$jumplink_sel=title;path;content-type;home-title;item-bookmark$jumplink_d=california(police)$jumplink_q=%5Bfield%20folio-destination-name:%27616%27%5D$jumplink_md=target-id=JD_616), a person who files a report with a law enforcement agency notifying the agency that a handgun has been lost or stolen shall not be subject to prosecution for violation of Section [**4512**](http://www.amlegal.com/nxt/gateway.dll?f=jumplink$jumplink_x=Advanced$jumplink_vpc=first$jumplink_xsl=querylink.xsl$jumplink_sel=title;path;content-type;home-title;item-bookmark$jumplink_d=california(police)$jumplink_q=%5Bfield%20folio-destination-name:%274512%27%5D$jumplink_md=target-id=JD_4512)(a) above.

   (e)   **Penalty.** Every violation of this Section shall constitute a misdemeanor and upon conviction shall be punished by a fine not to exceed $1,000.00 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 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.

**San Francisco's ordinance has been challenged by the NRA and**[**upheld by the Supreme Court**](http://www.sfgate.com/crime/article/High-court-lets-stand-S-F-s-gun-control-law-6313731.php)**.**

[Members of the Public Safety committee have asked that exceptions be made to Paul's motion that go further than those of the San Francisco ordinance, making exceptions for retired police officers and anyone who has a concealed carry permit](http://www.latimes.com/local/cityhall/la-me-adv-handgun-lockup-20150629-story.html).  Paul believes that this not only risks the ability of the motion to withstand an all but guaranteed legal challenge from the NRA, but also will betray the purpose of the motion; to protect people, namely children, from harm by guns that have been improperly stored.

[Motion 13-0068 Prohibit possession of High-Capacity ammunition magazines](http://cityclerk.lacity.org/lacityclerkconnect/index.cfm?fa=ccfi.viewrecord&cfnumber=14-1553):

On February 28, 1997, two heavily armed bank robbers entered a North Hollywood Bank of America. As an outgunned LAPD courageously responded, the two ro bbers emptied more than a thousand rounds of ammunition using fully automatic machine guns and an AR-15 assault rifle with high capacity drum magazines and armor piercing bullets. The North Hollywood shootout spilled out into the surrounding community and was one of the longest in Il.S, police history. Sadly, it was not a unique example of the abuse of high-capacity magazines to commit horrendous crimes of violence against large numbers of innocent people in Los Angeles and elsewhere.

Last month, the lives of 20 children and six adult staff members at Sandy Hook Elementary School were tragically taken by a gunman carrying three weapons, including an AR-15, in the worst school shooting in U.S. history. Like in North Hollywood, the AR-15 was capable of shooting 45 rounds per minute and was similar to weapons used at Columbine, Virginia Tech, Tucson, Aurora, and in other cities throughout the United States. Such weapons and their large capacity magazines are designed for one purpose only- to shoot and kill many people as quickly as possible.

While high-capacity magazines are not the cause of gun violence, they do make such tragic cases far more deadly. In light of this fact, a well-regulated city with concern for the safety of its communities should consider controlling the sale and possession of high-capacity magazines. California Penal Code § 12020(a) (2) (b) prohibits any person from "...manufacturing, importing into the state, keeping for sale, offering or exposing for sale, giving, or lending any high-capacity magazine." The state law, however, does not prohibit the possession of these magazines. This gap in the law threatens public safety, because on the streets of Los Angeles, high-capacity magazines pose a daily threat to our citizens and police officers.

I THEREFORE MOVE that the Council REQUEST a report from the City Attorney, the Chief Legislative Analyst and the Police Department on the feasibility, effectiveness and benefits of an ordinance to prohibit the possession of high-capacity ammunition magazines within the City of Los Angeles. The report should consider issues of pre-emption by, and compatibility with, current and proposed state and federal law, as well as a consideration by the Police Department as to whether the policy would improve and increase public safety.