



# Memorandum

**TO:** HONORABLE MAYOR AND  
CITY COUNCIL

**FROM:** Councilmembers  
Raul Peralez  
Chappie Jones

**SUBJECT:** FIREARM SAFETY STORAGE  
ORDINANCE

**DATE:** October 13, 2017

Approved by:

Date: 10/13/17

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*[Handwritten signature]* J.F.

## RECOMMENDATION

Accept staff recommendations with the following modifications:

- 1) Permitted firearm owners are required to lock their firearms in the home in a lock box or disabled with a trigger lock *at all times* unless carried on their person or under their immediate control.

## ANALYSIS

The necessity for gun safety measures are needed now more than ever as high levels of crime associated with gun thefts, suicides and homicides are occurring. Currently, the California Penal Code Section § 25100, Child Access Prevention (CAP) Law, provides consequences for gun owners when children access the gun and cause deadly bodily harm to themselves or others, or carry them in public spaces because the gun was not secured or negligently stored. Exceptions to punishment include people who keep the gun in a locked container or a person who believes it to be reasonably secure. However, CAP law does not dictate what constitutes responsible storage.

Taking this a step further we would like to add steps to prevent dangerous situations and ensure that our residents, especially

### Typical Revolutionary-era musket



Magazine capacity	Effective rate of fire	Muzzle velocity	Max. accurate range
<b>1</b> round	<b>3</b> rounds per minute	<b>1,000</b> feet per second	<b>50</b> meters

### Typical modern-day AR-15



Magazine capacity	Effective rate of fire	Muzzle velocity	Max. accurate range
<b>30</b> rounds	<b>45</b> rounds per minute	<b>3,260</b> feet per second	<b>550</b> meters

WAPQSI WORKBLOG

Source: Bushmaster XM-10 manual, Journal of the American Revolution, David Lutz/Smyth University  
Charles Muzick image via gaur.sulka.com (CC). Rock Rifle AR-15 image via Lee Reader/Getty Images

families with children are safe when guns are present in the home. Current CAP law does little to prevent access to firearms by minors because it does not affirmatively require any particular behavior. The safe storage law we are recommending would require gun owners to keep their guns in locked safes or with trigger locks as a preventative measure with an objective standard.

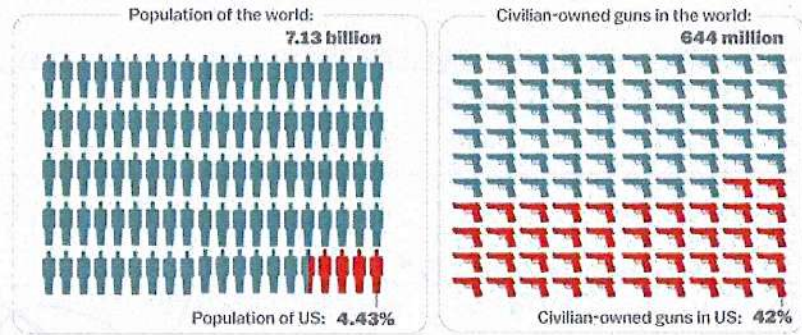
As a permitted firearm owner, Councilmember Peralez, completely values and respects the Second Amendment and the right for people to bear arms. It is time we recognize that when our founding

fathers wrote that Amendment, it was during an era of single shot muskets and pistols. They were not imagining a time when a civilian possessing 47 guns, which would include over a dozen automatic high-powered rifles, only to later be used in the deadliest mass shooting in modern history<sup>1</sup>.

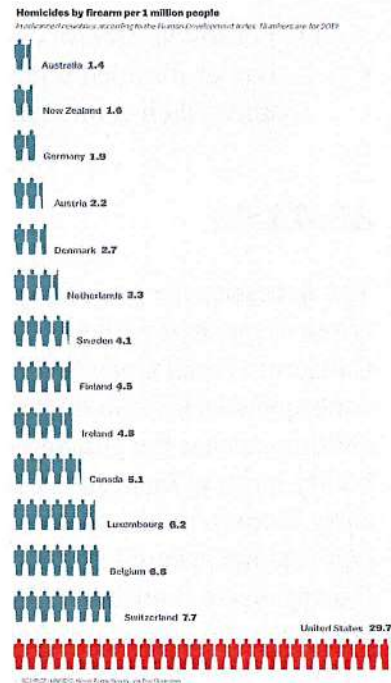
Additionally, we do not believe our founding fathers could have imagined our country would possess so many guns. With less than 5% of the U.S. population owning around 40% of civilian-owned guns, safety precautions are necessary to ensure the safety and welfare of our community.

It is also concerning when the rate of those being killed by others is far above other developed countries. Nearly 1300 children die and nearly 5800 are treated for wounds to gun-related incidents every year on average.<sup>2</sup>

We have a subsequent problem due to possessing so many guns; gun theft and interrelated crimes.



SOURCE: UNODC, Small Arms Survey, via The Guardian.



<sup>1</sup> Segarra, L. (2017, October) The 10 Deadliest Mass Shootings in Modern U.S. History. *Time*. Retrieved from <http://time.com/4967879/deadliest-mass-shootings-las-vegas/>.

<sup>2</sup> Fowler, K.; Dalhberg, L.; Haileyesus, T.; Gutierrez, C.; and Bacon, S. (2017, June) Childhood Firearm Injuries in the United States. *Pediatrics: Official Journal of the American Academy of Pediatrics*. Retrieved from <http://pediatrics.aappublications.org/content/early/2017/06/15/peds.2016-3486>.

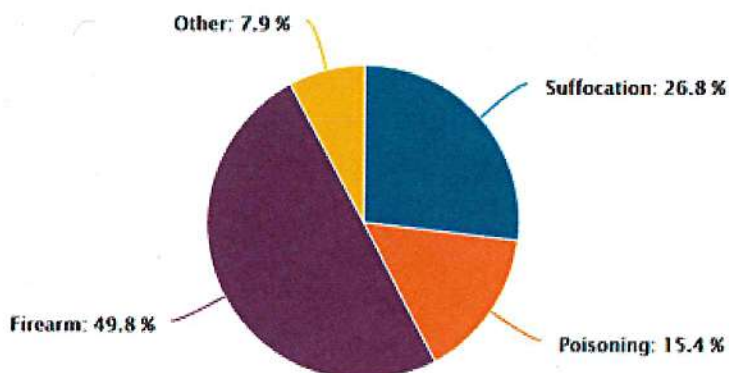


A gun is stolen nearly every two minutes in the U.S.<sup>3</sup> and these guns are often used to commit crimes. We want to reduce the opportunities and possibilities of those who should not have access to guns and ensure that guns are properly stored at all times to prevent unnecessary and indefensible access and use.

Lastly, and even more alarming are the number of suicides by gun. In a study between 2012-2014, 38% of gun-related suicides were from children ages 0-17.<sup>4</sup> The highest rate occurring in the Western United States. Gun safety and proper storage of the weapon may reduce the ability to cause great bodily harm, not only to others, but also to oneself.

As seen in the adjacent chart, almost 50% of fatal suicides deaths are done using firearms; significantly higher than other means of harm<sup>5</sup>. A compelling statistic that provides evidence that we need to enact preventative measures to help reduce the number of gun-related suicides.

Suicide Deaths by Method, 2015



Safely securing our personal firearms should be self-evident, but unfortunately irresponsible and improper storage can and has led to far too many thefts, accidental and even intentional shootings. The policy changes we are suggesting are already incorporated by many of our neighboring cities (San Francisco Ord. 97-16; Sunnyvale Ord. 3027-13; Oakland Ord. 13353; Santa Cruz Ord. 2015-16; Tiburon Ord. 563 N.S.; Belvedere Ord. 2016-7 § 2 (part); Los Angeles Ord. 183956; and Palm Springs Ord. 1899) and county (San Francisco Ord. 97-16). Similar to Sunnyvale's ordinance, our recommendation does not further define the term "immediate control" to allow the expertise of a judge, jury, or prosecutor to define that.

We are not eliminating the right of gun owners to keep their firearms in their immediate presence should they wish to always have one available for personal protection. State law

<sup>3</sup> Parson, C and Weigend Vargas, E. (2017, July) Stolen Guns in America: State by State Analysis. July 25, 2017. *Center for American Progress*. Retrieved from <https://www.americanprogress.org/issues/guns-crime/reports/2017/07/25/436533/stolen-guns-america/>.

<sup>4</sup> Fowler, K.; Dalhberg, L.; Haileyesus, T.; Gutierrez, C.; and Bacon, S. (2017, June) Childhood Firearm Injuries in the United States. *Pediatrics: Official Journal of the American Academy of Pediatrics*. Retrieved from <http://pediatrics.aappublications.org/content/early/2017/06/15/peds.2016-3486>.

<sup>5</sup> Suicide Statistics. *American Foundation for Suicide Prevention*. Retrieved from <https://afsp.org/about-suicide/suicide-statistics/>.

has initiated a path towards safer practices for gun storage, but it does not include preventative measures. We want to lessen the risk that many gun owners face from thefts that too often lead to crime and homicide. We want to lessen the risk of accidental shootings by children or loved ones, that too often lead to death or serious injury. We want to lessen the risk of intentional shootings and suicides that arise from the far too easy and timely access to a firearm.

With such high numbers of gun-related thefts, homicides, and suicides, gun safety measures and precautions are more important than ever. We want to thank Chief Garcia and staff for their efforts. We hope that our colleagues will support our recommendation and recognize that we are adding preventative measures to further protect our residents and families from unnecessary gun-related tragedies.

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