



LAW CENTER TO PREVENT GUN VIOLENCE

BECAUSE SMART GUN LAWS SAVE LIVES

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August 3, 2015

Los Angeles City Council
200 N. Spring St.
Los Angeles, CA 90012

Date: 8.4.15
Submitted in PS Committee
Council File No: 14-1553
Item No.: 18
Deputy: public

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Re: Support for Ordinance Requiring Safe Storage of Handguns

Dear City Council Members,

On behalf of the Law Center to Prevent Gun Violence (“the Law Center”), I write to express our strong support for the proposed ordinance to require the safe storage of handguns (“the Proposed Ordinance”). Founded by lawyers after an assault weapon massacre at a San Francisco law firm in 1993, the Law Center provides legal expertise in support of gun violence prevention to federal, state, and local legislators nationwide.

The Proposed Ordinance would require handguns located in a residence to be stored in a locked container or disabled with a trigger lock unless they are being carried (or are under the control of a peace officer). This common sense measure is intended to address very real risk created by unsecured firearms in home. As indicated in the findings to the Proposed Ordinance, unsecured handguns are directly associated with accidental shootings and suicides by young people and with illegal trafficking of stolen firearms. They are also the overwhelming source of guns used in school shootings.

Safe storage laws have been adopted by the State of Massachusetts, as well as by San Francisco, Sunnyvale and New York City.

The Proposed Ordinance is Consistent with the Second Amendment

Opponents of laws requiring the safe storage of handguns claim that such laws violate the Second Amendment. This claim, however, ignores the scope of the right articulated by the U.S. Supreme Court in *District of Columbia v. Heller*, 554 U.S. 570 (2008), and has been repeatedly rejected by the courts.

In *Heller*, the Supreme Court held that the Second Amendment protects a law-abiding, responsible citizen’s right to possess an operable handgun in the home for self-defense. The Court struck down a District of Columbia ordinance that “totally ban[ne]d handgun possession in the home” and required “that any lawful firearm in the home be disassembled or bound by a trigger lock at all times.” 554 U.S. at 628 (emphasis added). The Court found the ordinance unconstitutional precisely because it made it “impossible for citizens to use [firearms] for the core lawful purpose of self-defense.” *Id.* at 630 (emphasis added). But the Court was careful to restrict its ruling to the unduly broad



prohibition at issue, specifically stating that its holding was not intended to “suggest the invalidity of laws regulating the storage of firearms to prevent accidents.”

Following *Heller*, lower courts have consistently found that laws requiring safe storage in the home are consistent with the Second Amendment. *See, e.g., Commonwealth v. McGowan*, 464 Mass. 232 (2013) (rejecting Second Amendment challenge to Massachusetts’ safe storage law); *Tessler v. City of New York*, 952 N.Y.S.2d 703, 716 (2012) (upholding New York City’s safe storage law and noting that “petitioner failed to show how a safety locking device had prevented his handguns from being readily...operable for his immediate use”).

Significantly, in March of last year, the Ninth Circuit Court of Appeals rejected a Second Amendment challenge to San Francisco’s safe storage law, which is similar to the Proposed Ordinance. *Jackson v. City and County of San Francisco*, 746 F.3d 953 (9th Cir. 2014). The Court found that the law imposed only a minimal burden on the right to self-defense in the home because it caused a delay of only a few seconds while a firearm is unlocked or retrieved from storage. This June, the U.S. Supreme Court refused to review that decision. *Jackson v. City and County of San Francisco*, 135 S. Ct. 2799 (June 8, 2015).

In short, the Second Amendment is not an obstacle to the Proposed Ordinance. We urge you to vote in favor of this important measure, which will help keep guns out of the hands of children and young people - who may otherwise use them in accidental shootings, suicides or school shootings - and away from thieves.

Sincerely,

Juliet Leftwich
Legal Director