

ORDINANCE NO. _____

An ordinance adding a new Section 55.21 to Chapter V of the Los Angeles Municipal Code to require handguns located in a residence to be kept in a locked container or disabled with a trigger lock.

WHEREAS, firearm injuries have a significant public health impact both nationally and locally;

WHEREAS, between 1999 and 2010, over 8,300 unintentional shooting deaths were reported in the United States, including 2,383 children and young people under the age of 21;

WHEREAS, on the average, over 16,000 people in the United States are treated each year in hospital emergency rooms for unintentional gunshot wounds;

WHEREAS, in 2010, firearms were used in 19,392 suicides in the United States, constituting almost 62 percent of all gun deaths;

WHEREAS, over 50 percent of suicides are committed with a firearm;

WHEREAS, approximately 49 gun suicides were committed each day for the years 2005-2010;

WHEREAS, firearms were used in 44 percent of suicide deaths among persons under age 25 in 2010;

WHEREAS, more than 75 percent of guns used in suicide attempts and unintentional injuries of people under 19 years of age were stored in the residence of the victim, a relative, or a friend;

WHEREAS, a 1991 study found that 8 percent of accidental shooting deaths resulted from guns fired by children under the age of six;

WHEREAS, having a loaded or unlocked gun in the home is associated with an increased risk of gun-related injury and death;

WHEREAS, in 2013, more than five children under the age of 12 were killed each month by guns that were improperly stored and secured at the home of a family member or friend;

WHEREAS, children are particularly at risk of injury and death, or causing injury and death, when they can access guns in their own homes or homes that they visit;

WHEREAS, a 2005 study found that an estimated 1.69 million children age 18 and under are living in households with loaded and unlocked firearms. Many young

children, including children as young as three years old, are strong enough to fire handguns;

WHEREAS, more than two thirds of school shooters obtained their guns from their own home or that of a relative;

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

WHEREAS, guns kept in the home are more likely to be involved in an unintentional shooting, criminal assault, or used in suicides and against family and friends rather than in self-defense;

WHEREAS, only one in ten firearm homicides in the shooter's home is considered justified. Of every ten firearm homicide victims killed at the shooter's residence, six were intimate partners or family members of the shooter, three were friends or acquaintances of the shooter, and only one was a stranger to the shooter;

WHEREAS, applying trigger locks or using lockboxes when storing firearms in the home reduces the risk of firearm injury and death;

WHEREAS, keeping a firearm locked when it is not being carried ensures that it cannot be accessed and used by others without the owners' knowledge or permission. This simple measure significantly decreases the risk that the gun will be used to commit suicide, homicide or inflict injury, whether intentionally or unintentionally;

WHEREAS, safe storage measures have a demonstrated protective effect in homes with children and teenagers where guns are stored;

WHEREAS, there is a wide consensus among medical professionals, police chiefs, gun control advocates and gun rights groups that applying trigger locks or using lockboxes to store unsupervised guns in the home promotes health and safety;

WHEREAS, the International Association of Chiefs of Police recommends that state and local governments mandate safe storage of firearms;

WHEREAS, the American Academy of Pediatrics recommends that, if families must have firearms in their homes, the firearms should be stored locked, unloaded and separate from locked ammunition;

WHEREAS, both gun control and gun rights advocates endorse the use of locking devices when storing guns to ensure that unauthorized or untrained persons cannot use the gun to inflict injury or death. For example, the National Rifle Association's Home Firearm Safety Handbook, developed and used as part of the National Rifle Association (NRA) Basic Firearm Training Program, emphasizes that "there is one general rule that must be applied under all conditions: Store guns so they are not accessible to untrained or unauthorized persons." The NRA Guide To The Basics Of Personal Protection In The Home further explains that "all storage methods designed to prevent unauthorized access utilize some sort of locking method";

WHEREAS, requiring firearms to be stored with trigger locks or in a locked container does not substantially burden the right or ability to use firearms for self-defense in the home;

WHEREAS, the locking requirements apply only to handguns that are not being lawfully carried. Gun owners and adults over 18 years of age may carry loaded and unlocked handguns in the home at any time. The safe storage requirements also permit owners to store their handguns fully loaded;

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

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

NOW, THEREFORE,

**THE PEOPLE OF THE CITY OF LOS ANGELES
DO ORDAIN AS FOLLOWS:**

Section 1. A new Section 55.21 is added to Chapter V of the Los Angeles Municipal Code to read as follows:

SEC. 55.21. SAFE STORAGE OF HANDGUNS.

(a) **Definitions.**

1. **"Residence"** shall mean any structure intended or used for

human habitation, including, but not limited to, houses, condominiums, rooms, in-law units, motels, hotels, single room occupancies, time-shares, recreational and other vehicles where human habitation occurs.

2. **“Locked Container”** shall mean a secure container which is fully enclosed and locked by a padlock, key lock, combination lock or similar locking device.

3. **“Handgun”** shall mean 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”** shall mean a trigger lock that is listed in the California Department of Justice’s list of approved firearm 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 23655(d).

(b) **Prohibition.** No person shall keep a handgun within a residence unless the handgun is:

1. Stored in a locked container or disabled with a trigger lock that has been approved by the California Department of Justice;

2. Carried on the person of the owner or other lawfully authorized user of the handgun; or

3. Within close enough proximity and control that the owner or other lawfully authorized user of the handgun can readily retrieve and use the handgun as if carried on the person.

(c) **Penalty.** Every violation of this section 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.

(d) **Severability.** If any provision of this ordinance is found to be unconstitutional or otherwise invalid by any court of competent jurisdiction, that invalidity shall not affect the remaining provisions of this ordinance which can be implemented without the invalid provisions, and to this end, the provisions of this ordinance are declared to be severable. The City Council hereby declares that it would have adopted this ordinance and each provision thereof irrespective of whether any one or more provisions are found invalid, unconstitutional or otherwise unenforceable.

Sec. 2. The City Clerk shall certify to the passage of this ordinance and have it published in accordance with Council policy, either in a daily newspaper circulated in the City of Los Angeles or by posting for ten days in three public places in the City of Los Angeles: one copy on the bulletin board located at the Main Street entrance to the Los Angeles City Hall; one copy on the bulletin board located at the Main Street entrance to the Los Angeles City Hall East; and one copy on the bulletin board located at the Temple Street entrance to the Los Angeles County Hall of Records.

I hereby certify that this ordinance was passed by the Council of the City of Los Angeles, at its meeting of _____.

HOLLY L. WOLCOTT, City Clerk

By _____
Deputy

Approved _____

Mayor

Approved as to Form and Legality

MICHAEL N. FEUER, City Attorney

By  _____
BRIAN SOTTILE
Deputy City Attorney

Date 10/16/15

File No. CF 14-1553