

PUBLIC SAFETY COMMITTEE REPORT relative to requiring handguns located in a residence to be kept in a locked container or disabled with a trigger lock.

Recommendation for Council action:

REQUEST that the City Attorney prepare and present an Ordinance to add Section 55.21 to Chapter V of the Los Angeles Municipal Code (LAMC) to require handguns located in a residence to be kept in a locked container or disabled with a trigger lock, as amended to change the word "occupancy's" to "occupancies" under (a)Definitions(1)"Residence" and to modify (a)Definitions(4)"Trigger Lock" to read:

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; or
2. carried on the person of the owner of the handgun; or
3. within close enough proximity that the owner 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.

Fiscal Impact Statement: None submitted by the City Attorney. Neither the City Administrative Officer nor the Chief Legislative Analyst has completed a financial analysis of this report.

Community Impact Statement: Yes
Against: Northwest San Pedro Neighborhood Council

SUMMARY

In a report to Council dated June 18, 2015, the City Attorney presents Ordinance adding Section

55.21 to Chapter V of the LAMC to require handguns located in a residence to be kept in a locked container or disabled with a trigger lock. The City Attorney states that the Ordinance is modeled after the safe storage of handguns laws adopted in the cities of San Francisco and Sunnyvale. The San Francisco ordinance withstood a Second Amendment challenge in the United States Court of Appeals for the Ninth Circuit.

The City Attorney goes on to report that the Ordinance would make it a misdemeanor to keep an unsecured handgun within a residence. The handgun must be stored in a locked container or disabled with a trigger lock that has been approved by the California Department of Justice. The Ordinance contains an exemption for a handgun that is carried on the person of an individual over the age of 18.

At its special meeting held August 4, 2015, the Public Safety Committee discussed this matter with representatives of the Los Angeles Police Department and the City Attorney. Language was considered to exempt the trigger lock requirement for guns owned by peace officers within close proximity. Councilmembers Englander and Buscaino stated the exemption was needed for the safety of peace officers and their families. Councilmembers Bonin and Martinez opposed the proposed exemption on the grounds that it does not protect children from accidental and unintended shootings.

An opportunity for public comment was held. After further discussion of the matter, the Committee voted to approve the drafting of a new Ordinance as amended to incorporate modifications proposed by Councilmember Krekorian, as detailed above. This matter is now forwarded to the Council for its consideration.

Respectfully Submitted,

PUBLIC SAFETY COMMITTEE

<u>MEMBER</u>	<u>VOTE</u>
ENGLANDER:	YES
BUSCAINO:	YES
BONIN:	YES
O'FARRELL:	YES
MARTINEZ:	YES

-NOT OFFICIAL UNTIL COUNCIL ACTS-