

ORDINANCE NO. 8950 (N.S.)

AN ORDINANCE ADDING A CHAPTER TO THE SAN DIEGO COUNTY CODE ENTITLED "TRIGGER LOCK AND SAFE FIREARM STORAGE ORDINANCE"

The Board of Supervisors of the County of San Diego ordains as follows:

Section 1. (a) The Board of Supervisors finds and determines that (i) more than ten percent of all gun deaths in the United States are caused by the accidental or unintentional discharge of a loaded firearm; (ii) one out of three deaths from accidental firearm discharges could be prevented by a firearm safety device; (iii) firearm owners have a responsibility to keep the public safe from the consequences associated with the proliferation and unsafe storage of firearms; (iv) the Legislature of the State of California has not, expressly or by implication, preempted the area of the sale of safety devices along with firearms; and (v) this subject is within the scope of the County's police power in order to protect the health, safety and general welfare of the community.

(b) The additions to the County Code made by this ordinance are intended to protect the public, and especially children, from harm by requiring licensed firearm dealers in the unincorporated area of the County of San Diego (i) to provide a safe firearm storage device for all firearms sold, leased or otherwise transferred in order to encourage firearm owners to store firearms in a safe manner which prevents the unintentional discharge of firearms, especially by children, and (ii) to provide firearm purchasers with written materials advising them on safe firearm storage practices.

Section 2. Chapter 12.5 is hereby added to Division 1 of Title 2 of the San Diego County Code to read as follows:

CHAPTER 12.5
TRIGGER LOCK AND SAFE FIREARM STORAGE ORDINANCE

SEC. 21.1250 DEFINITIONS.

As used in this Chapter, the following words and phrases shall have the following definitions:

(a) "Firearm" means any device, designed to be used as a weapon or modified to be used as a weapon, from which a projectile is expelled through a barrel by the force of explosion or other form of combustion.

(b) "Firearm dealer" means any person licensed by the Sheriff pursuant to California Penal Code Section 12071 for the retail sale of firearms in the unincorporated area of the County of San Diego. "Firearm dealer" shall not include persons involved in transactions excluded under California Penal Code Section 12070.

(c) "Safe firearm storage device" or "safe storage device" shall mean any of the following devices, the proper use of which will prevent the unintentional discharge of the firearm:

(1) A lockable hard plastic or metal box capable of covering the whole of the firearm sold. The box shall have, or shall be provided with, a lock.

(2) A soft case with the outer shell made of heavy canvas or ballistic nylon capable of covering the whole firearm sold. The case shall have a zipper capable of being locked shut. The soft case shall have, or shall be provided with, a lock.

(3) Any type of reusable locking device that is capable of rendering the firearm sold, leased, or transferred inoperable when properly installed by keeping the trigger from releasing the sear thereby dropping the firing pin, or locking the action of the firearm open so it will not go into battery. Any device integrated into the firearm by the manufacturer which meets the criteria of this paragraph shall qualify as a safe firearm storage device.

(4) All locks or locking devices sold, furnished or made available in order to comply with the provisions of this Chapter shall have a key, which can be a traditional key or a special key unique to the particular device or lock, or a combination with at least three tumblers.

A firearm "safety" shall not be considered a safe storage device for purposes of this Chapter.

SEC. 21.1251. PROVISION OF SAFE FIREARM STORAGE DEVICES.

(a) It is unlawful for any firearm dealer to sell, lease or otherwise transfer ownership of any firearm without also providing with the firearm a safe firearm storage device designed to prevent the unintentional discharge of the firearm being sold, leased, or transferred.

(b) The safe firearm storage device shall be locked in place, properly attached to, or properly covering, the firearm at the time it leaves the firearm dealer's premises.

(c) Nothing in this Chapter shall prevent the firearm dealer from recovering the cost of providing a safe firearm storage device by charging a price for the safe storage device, either separately or as part of the price of the firearm.

SEC. 21.1252. PROVISION OF SAFE FIREARM STORAGE MATERIALS.

It is unlawful for any firearm dealer to sell, lease or otherwise transfer ownership of any firearm without providing with the firearm printed material, approved by the Sheriff, that advises the user of safe firearm storage practices.

SEC. 21.1253. ACKNOWLEDGMENT OF RECEIPT BY PURCHASER.

In connection with any sale, lease or transfer of a firearm, the firearm dealer shall obtain from the person receiving the firearm a signed acknowledgment that (a) the person has been provided by the firearm dealer with a safe firearm storage device required by Section 21.1251 of this Chapter, and (b) the person has been provided with the printed material required by Section

21.1252 of this Chapter. The acknowledgment shall be in a form approved by the Sheriff. The firearm dealer shall retain signed acknowledgments of receipt in the same manner and to the same extent as required by State law for other firearm transaction records.

SEC. 21.1254. EXCLUSIONS.

(a) This Chapter shall not apply to firearms that have been determined by the Director of the Bureau of Alcohol, Tobacco and Firearms, Department of Treasury, to be curios or relics under federal law.

(b) This Chapter shall not apply to a firearm rented at a licensed shooting range for use on the range.

SEC. 21.1255. EFFECTIVE DATE.

The provisions of Sections 21.1251, 21.1252, and 21.1253 of this Chapter shall apply to all firearm dealers now or hereafter licensed, effective October 1, 1998. Thirty days prior to that date, the Sheriff shall send written notice to currently licensed firearm dealers of the approved printed safety material and form of acknowledgment.

SEC. 21.1256. VIOLATION – MISDEMEANOR – INFRACTION.

Any firearm dealer violating Section 21.1251 of this Chapter shall be deemed guilty of a misdemeanor and upon conviction shall be fined in an amount not to exceed Five Hundred Dollars (\$500.00) or by imprisonment for a period of not more than six (6) months in the County Jail or by both such fine and imprisonment. Any firearm dealer violating Section 21.1252 or 21.1253 of this Chapter shall be deemed guilty of an infraction, and subject to a fine in accordance with Section 11.116 of this Code.

Section 3. This ordinance shall take effect and be in force thirty days after its passage, and before the expiration of fifteen days after its passage, a summary hereof shall be published once with the names of the members of this Board voting for and against it in the San Diego Commerce, a newspaper of general circulation published in the County of San Diego.

PASSED, APPROVED and ADOPTED this 11th day of August, 1998.