



STAFF REPORT

AGENDA NO: 10a

MEETING DATE: August 19, 2019

To: Honorable Mayor and City Council

Date: August 19, 2019

From: Michael Matteucci, Chief of Police – (650) 777-4100
Kathleen Kane, City Attorney – (650) 558-7204

Subject: Discussion and Direction Regarding Introduction of an Ordinance Requiring Safe Storage of Firearms

RECOMMENDATION

Staff recommends that the City Council discuss the possibility of introducing an ordinance requiring the safe storage of firearms in a residence in Burlingame, and provide direction regarding whether to bring back an ordinance tailored to Burlingame.

BACKGROUND

On February 26, 2019, the San Mateo County Board of Supervisors adopted an ordinance requiring that all firearms in the home be safely stored using a safety device approved by the California Department of Justice. On March 31, 2019, San Mateo County Supervisors Dave Pine and David Canepa sent a letter to the Mayors throughout the County encouraging all cities in San Mateo County to adopt an identical ordinance.

DISCUSSION

The letter and accompanying documentation summarized the differences between current State law, California State Assembly Bill 276 (introduced January 29, 2019, and currently in committee), and the new County ordinance (which is stricter than current State law and AB 276).

The letter and accompanying documentation, which included a sample staff report, also cited several studies and listed a multitude of statistics regarding home gun safety that support the Board of Supervisors' position regarding the adoption of their ordinance.

Some concerns have been raised about the constitutionality under the Second Amendment regarding various state and local laws that restrict or regulate the acquisition, storage, or carrying of firearms. However, a similar ordinance requiring handguns to be stored in a locked container or disabled with a trigger lock was upheld by the Ninth Circuit in *Jackson v. City and County of San Francisco*, 746 F.3d 953 (9th Cir. 2014), *cert. denied*, 135 S. Ct. 2799 (2015). While the issue continues to be the subject of debate and potential litigation, staff is unaware of any applicable precedent that would override the *Jackson* decision's guidance on the provisions in issue in this ordinance.

Should Council wish to move forward with a safe storage ordinance, staff suggests that Council give direction to review the County's legislation and bring back an ordinance with any necessary adjustments to fit Burlingame's code structure and particular needs.

FISCAL IMPACT

There is no impact on the City General Fund.

Exhibits:

- San Mateo County Ordinance 4809
- Supervisors Pine and Canepa Letter
- San Mateo County Sample Staff Report
- Giffords Law Center Support Letter for San Mateo County Safe Storage Letter