

SAMPLE STAFF MEMO

To:

From:

Subject: Introduction of an Ordinance requiring the Safe Storage of Firearms in Residence

RECOMMENDATION: Introduction of an ordinance requiring the safe storage of firearms in a residence.

BACKGROUND: Having a loaded or unlocked gun in the home is associated with an increased risk of gun-related injury and death. According to a 2008 report published in the New England Journal of Medicine, living in a home where guns are kept increased an individual's risk of death by homicide by between 40% and 170%. Similarly, a 2004 national study determined that the presence of guns in the home increased an individual's risk of death by homicide by 90%.

Firearm injuries have a significant public health impact. According to a 2015 study, researchers conservatively estimate that gun violence costs the American economy at least \$229 billion every year, including \$8.6 billion in direct expenses such as those for emergency and medical care. In California, the direct costs of hospital use for firearm assault injuries alone was estimated at \$87.4 million in 2010. 65% of these costs were borne by taxpayers.

Children are particularly at risk of injury and death from firearms when firearms are not safely secured in their own homes or in homes they visit. According to national data, children and young adults (24 years of age and under) constitute 38% of all firearm deaths and non-fatal injuries. More than 75% of guns used in suicide attempts and unintentional injuries of children and young adults (0- 19 years of age) were stored in the residence of the victim, a relative, or a friend. 89% of accidental shooting deaths among children occur in the home, and most of these deaths occur when children are playing with an unsecured loaded gun in their parents' absence.

More local community action is needed to prevent gun violence. In San Mateo County, there have been 301 gun-related deaths over the past 10 years. According to data collected in 2018 by the Citizens for a San Mateo County Gun Buy Back from participants at two separate gun buy back events, a majority of respondents reported "hiding [the gun] in a discrete location" and/or "keeping it unloaded" as a safety measure, even though these methods are not generally considered safe storage. A large number of respondents (27% in May 2018 and 60% in December 2018) reported that they surrendered the firearms for "safety reasons," and nearly half of respondents indicated that they did not know how to properly store an inherited firearm.

DISCUSSION: Applying trigger locks or using lock boxes when storing firearms in the home reduces the risk of firearm injury and death. Keeping a firearm locked when it is

not being carried ensures that it cannot be accessed and used by others without the owner's 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. Safe storage measures have a demonstrated protective effect in homes with children and teenagers where guns are stored.

The ordinance requires that:

- a) Except when carried on the person, no person shall keep a Firearm in any Residence unless the Firearm is stored in a Locked Container or is disabled with a Trigger Lock.
- b) To encourage reporting of lost or stolen Firearms, a person who reports the loss or theft of a Firearm they own or possess to a local law enforcement agency within five days from the time they knew or reasonably should have known the Firearm had been lost or stolen shall not be prosecuted for violation of subsection (a).

A violation of the ordinance would be subject to enforcement through criminal prosecution and/or civil penalties.

Fourteen other California jurisdictions have adopted similar safe storage ordinances, including Sunnyvale, Santa Cruz, Saratoga, San Jose, Oakland, and San Francisco. The County of San Mateo adopted the attached version on February 26, 2019.

The County's safe storage ordinance is consistent with, and builds upon, existing state law which requires that safety devices such as safes or trigger locks accompany any firearms that are purchased or transferred by a licensed dealer. The County ordinance goes further than state law by requiring gun owners to actually use those safety devices when storing a firearm at home. The ordinance fills an important gap in existing law and aims to reduce accidental gun shootings, gun-related homicides and suicides, and the theft of unsecured firearms.

California State Assembly Bill 276, introduced January 29, 2019, seeks to enact a statewide safe storage law. However, the current draft explicitly defers to local jurisdictions by including anti-preemption language. The proposed state law, in its current form, has an exception for "loaned" firearms and applies only when the gun owner is not at home, which are significant loopholes. The state law would also prohibit future firearm possession/ownership by individuals for a period of 10 years following conviction under that law, and the constitutionality of that provision is untested. Thus, even if a statewide safe storage law is passed, local jurisdictions could still benefit from enacting their own safe storage ordinances.

The San Mateo County Board of Supervisors has requested that all 20 cities in San Mateo County adopt an ordinance identical to the attached to allow for a uniform gun storage policy throughout the County. The Board of Supervisors has a successful

record of developing ordinances that are then adopted by cities throughout the County (e.g. plastic bag ban, anti-smoking measures, etc.).

FISCAL IMPACT: There is no fiscal impact associated with the approval of this ordinance.