

## **ORDINANCE NO. 4809**

### **BOARD OF SUPERVISORS, COUNTY OF SAN MATEO**

#### **STATE OF CALIFORNIA**

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### **AN ORDINANCE ADDING CHAPTER 3.54 TO TITLE 3 OF THE SAN MATEO COUNTY ORDINANCE CODE TO REQUIRE THE SAFE STORAGE OF FIREARMS IN A RESIDENCE**

The Board of Supervisors of the County of San Mateo, State of California,

**ORDAINS** as follows:

#### **SECTION 1. Findings.**

- (a) 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%.
- (b) 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.
- (c) 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 year 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.
- (d) 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.

- (e) 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.

**SECTION 2. A new Chapter 3.54 is hereby added to Title 3 of the San Mateo County Ordinance Code to be numbered and entitled and to be read in its entirety as follows:**

**AN ORDINANCE ADDING CHAPTER 3.54 TO TITLE 3 OF THE SAN MATEO COUNTY ORDINANCE CODE TO REQUIRE THE SAFE STORAGE OF FIREARMS IN A RESIDENCE**

**3.54.010 - Application of Chapter.**

The provisions of this Chapter shall apply within the unincorporated area of San Mateo County.

**3.54.020 - Definitions**

- (a) For the purpose of this Chapter, “Firearm” means a firearm as defined in California Penal Code, Section 16520.
- (b) “Locked Container” means a Locked Container, as defined in California Penal Code, Section 16850, listed on the California Department of Justice Bureau of Firearms roster of approved firearm safety devices. For purposes of this chapter, a Locked Container does not include a bag or other container made of fabric or other penetrable material, such as a regular purse, backpack, or gym bag.
- (c) “Residence” means any structure intended or used for human habitation, including but not limited to houses, condominiums, rooms, accessory dwelling units, motels, hotels, SRO's, time shares, recreational vehicles, and other vehicles where human habitation occurs.
- (d) “Trigger lock” means a trigger lock that is listed on the California Department of Justice's roster of approved firearms safety devices and that is identified as appropriate for that firearm by reference to either the manufacturer and model of the firearm or to the physical characteristics of the firearm that match those listed on the roster for use with the device under Penal Code section 23635.

**3.54.030 - Safe storage of firearms in a residence required**

- (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 complies with California Penal Code section 25250 by reporting 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).

### **3.54.040 - Penalty**

A violation of this section shall be subject to enforcement through criminal prosecution and/or civil penalties, as provided herein.

- (a) Violation a Misdemeanor. A person who violates this chapter shall be guilty of a misdemeanor punishable by imprisonment in the county jail not exceeding six months or by fine not exceeding one thousand dollars (\$1,000.00), or by both.
- (b) Civil Penalties. The County may assess civil penalties pursuant to San Mateo County Municipal Code Chapter 1.40 (Administrative Remedies) in the amounts provided in Section 1.40.070.
- (c) Each violation shall be deemed a distinct and separate offense.

### **3.54.050 - Effective Date.**

This Ordinance shall be in effect thirty (30) days after adoption.

*Regularly passed and adopted this 26th day of February, 2019*

*AYES and in favor of said ordinance:*

*Supervisors:* DAVE PINE  
CAROLE GROOM  
DON HORSLEY  
WARREN SLOCUM  
DAVID J. CANEPA

*NOES and against said ordinance:*

*Supervisors:* NONE

*CAROLE GROOM*

*President, Board of Supervisors  
County of San Mateo  
State of California*

*Certificate of Delivery*

*I certify that a copy of the original ordinance filed in the Office of the Clerk of the Board of Supervisors of San Mateo County has been delivered to the President of the Board of Supervisors.*

*[Signature]*

*Deputy Clerk of the Board of Supervisors*