

ORDINANCE NO. _____

An ordinance amending Section 55.21 of Chapter V of the Los Angeles Municipal Code to require that all firearms located in a residence be kept in a locked container or disabled with a trigger lock.

WHEREAS, firearm injuries have a significant public health impact both nationally and locally;

WHEREAS, the Centers for Disease Control and Prevention report that in 2017, 39,773 persons died from firearm-related injuries in the United States;

WHEREAS, in 2017, firearms were used in 23,854 suicides in the United States, constituting approximately 60 percent of all firearm deaths;

WHEREAS, America's gun suicide rate rose steadily between 2007 and 2017, making 2017 the year with the highest rate and number of gun suicides in at least 40 years;

WHEREAS, firearms are used in 51 percent of suicide deaths in the United States, and access to a firearm triples the risk of suicide death;

WHEREAS, between 2007 and 2017, there were an estimated 1,300 unintentional shooting deaths in the United States among children and young people under the age of 19;

WHEREAS, in 2017 alone, America lost more than 1,300 children and teenagers to firearm-related suicides and unintentional shootings;

WHEREAS, 75 percent of firearms used in youth suicide attempts and unintentional injuries are stored in the residence of the victim, a relative, or a friend;

WHEREAS, having a loaded or unlocked firearm in the home is associated with an increased risk of gun-related injury and death;

WHEREAS, children are particularly at risk of injury and death, or causing injury and death, when they can access firearms in their own homes or homes that they visit;

WHEREAS, a 2015 survey found that an estimated 4.6 million minors in the United States live in homes with at least one loaded and unlocked firearm. Many children know where household firearms are stored, have handled such weapons without their parents' knowledge, and are strong enough to fire the weapons;

WHEREAS, more than two thirds of school shooters obtain their guns from their own home or that of a relative;

WHEREAS, the Center for Homeland Defense and Security at the Naval Postgraduate School reports that there have been 258 school shooting incidents in the United States since January 2015;

WHEREAS, research shows that while most mass shootings involve handguns, shootings involving rifles contribute to higher casualty counts;

WHEREAS, two mass shootings in United States high schools in 2018 involving the use of long guns caused a total of 27 fatalities and also injured at least 30 persons;

WHEREAS, hundreds of thousands of firearms are stolen from homes and vehicles of legal gun owners each year, and flow into the underground market;

WHEREAS, applying trigger locks or using lockboxes when storing firearms in the home reduces the risk of firearm injury and death, and is associated with a reduction of unintentional firearm deaths and decreases in suicides among children and teens;

WHEREAS, keeping a firearm locked when it is not being carried prevents unauthorized users, including children, from accessing and using firearms, which can reduce tragedies due to suicide, unintentional discharges, and firearm theft;

WHEREAS, safe storage measures have a demonstrated protective effect in homes with children and teenagers where firearms are stored;

WHEREAS, there is a wide consensus among medical professionals, police chiefs, gun control advocates and gun rights groups that applying trigger locks or using lockboxes to store unsupervised firearms in the home promotes health and safety;

WHEREAS, the American Academy of Pediatrics recommends that, if families must have firearms in their homes, the firearms should be stored locked, unloaded and separate from locked ammunition;

WHEREAS, requiring firearms to be stored with trigger locks or in a locked container does not substantially burden the right or ability to use firearms for self-defense in the home;

WHEREAS, the locking requirements apply only to firearms that are not being lawfully carried, and allow gun owners and adults over 18 years of age to carry loaded and unlocked firearms in the home at any time;

WHEREAS, firearms can be safely stored in and quickly accessed from affordable, widely available lockboxes. Indeed, users report that they can retrieve a loaded firearm from a pushbutton lockbox in just two to three seconds, and that locks are easy to open in the dark. Some lockboxes also feature biometric locks, which provide immediate access when they scan the owner's fingerprint; and

WHEREAS, portable lockboxes can store loaded firearms such that they are within easy reach in closets, under the bed, or on tables or nightstands. Such safely stored firearms are more quickly and easily retrieved for use in self-defense than unlocked firearms that have been hidden away in seldom-used locations.

NOW, THEREFORE,

**THE PEOPLE OF THE CITY OF LOS ANGELES
DO ORDAIN AS FOLLOWS:**

Section 1. Section 55.21 of Chapter V of the Los Angeles Municipal Code is amended in its entirety to read as follows:

SEC. 55.21. SAFE STORAGE OF FIREARMS.

(a) Definitions.

1. **“Firearm”** means a Firearm as defined in California Penal Code, Section 16520, as amended from time to time.

2. **“Locked Container”** means a secure container which is fully enclosed and locked by a padlock, key lock, combination lock or similar locking device.

3. **“Residence”** means any structure intended or used for human habitation, including, but not limited to, houses, condominiums, rooms, in-law units, motels, hotels, single room occupancies, time-shares, and recreational and other vehicles where human habitation occurs.

4. **“Trigger Lock”** means a trigger lock that is listed on the California Department of Justice’s roster of approved firearm 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 23655(d).

(b) Prohibition. No person shall keep a firearm within a residence unless the firearm is:

1. Stored in a locked container or disabled with a trigger lock that has been approved by the California Department of Justice;

2. Carried on the person of the owner or other lawfully authorized user of the firearm who is over the age of 18; or

3. Within close enough proximity and control that the owner or other lawfully authorized user of the firearm who is over the age of 18 can readily retrieve and use the firearm 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 Section is found to be unconstitutional or otherwise invalid by any court of competent jurisdiction, that invalidity shall not affect the remaining provisions of this Section which can be implemented without the invalid provisions, and to this end, the provisions of this Section are declared to be severable. The City Council hereby declares that it would have adopted this Section and each provision thereof irrespective of whether any one or more provisions are found invalid, unconstitutional or otherwise unenforceable.

Sec. 2. URGENCY CLAUSE. The City Council finds and declares that this ordinance is required for the immediate protection of public peace, health and safety for the following reason: Loaded and unlocked firearms that are kept in a residence pose a significant threat to the safety and lives of the residents of the City of Los Angeles, including children and teenagers, who are particularly at risk of injury or death when they can access firearms in their own homes or homes that they visit. The majority of firearms used in youth suicide attempts and unintentional injuries were stored in the residence of the victim, a relative or a friend. Regulations requiring safe storage of all firearms help to reduce the risk of firearm injury and death, are associated with a reduction of unintentional firearm deaths and suicides among youth, and protect owners of firearms and the general public against firearm theft. In order for the City of Los Angeles to protect the health and safety of its residents, this ordinance must become effective as soon as possible. For all these reasons, the ordinance shall become effective upon publication pursuant to Los Angeles Charter Code Section 253.

Sec. 3. The City Clerk shall certify to the passage of this ordinance and have it published in accordance with Council policy, either in a daily newspaper circulated in the City of Los Angeles or by posting for ten days in three public places in the City of Los Angeles: one copy on the bulletin board located at the Main Street entrance to the Los Angeles City Hall; one copy on the bulletin board located at the Main Street entrance to the Los Angeles City Hall East; and one copy on the bulletin board located at the Temple Street entrance to the Los Angeles County Hall of Records.

Approved as to Form and Legality

MICHAEL N. FEUER, City Attorney

By 
SORAYA C. KELLY
Deputy City Attorney

Date 7/26/19

File No. 14-1553

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The Clerk of the City of Los Angeles hereby certifies that the foregoing ordinance was passed by the Council of the City of Los Angeles, **by a vote of not less than three-fourths** of all its members.

CITY CLERK

MAYOR

Ordinance Passed _____

Approved _____