

OAKLAND CITY COUNCIL

ORDINANCE NO. _____ C.M.S.

ORDINANCE REQUIRING CONCEALED CARRY LICENSEES TO SECURE FIREARMS IN AUTOMOBILES

WHEREAS, a significant number of violent crimes have occurred locally and region wide where it was reported that the perpetrator used a firearm that was stolen from a vehicle; and

WHEREAS, examples of such reports include the following: (1) the gun used to kill a Canadian tourist in San Francisco and a Yoga instructor in Marin County in October 2015 was stolen from a private party's vehicle in San Francisco; (2) the gun used to kill 27 year old muralist Antonio Ramos on September 29, 2015 in Oakland, was stolen from the vehicle of a federal Immigration and Customs Enforcement Agent on September 13, 2014 in San Francisco; and (3) the gun used to kill 32-year-old Kate Steinle in San Francisco, on July 1, 2015, had been reported stolen from the vehicle of a federal Bureau of Land Management Agent; and

WHEREAS: other instances of firearms stolen from vehicle include the following: (1) on August 25, 2015, it was reported that UC Police Chief Margo Bennett's gun was stolen from vehicle in Richmond; (2) on August 27, 2015, it was reported that a Hayward Police officer's firearm was stolen from the officer's vehicle in Oakland; and (3) on October 19, 2015, it was reported that a California Highway Patrol Officer's firearm was stolen from his vehicle in San Francisco; and

WHEREAS, in Oakland from August 17, 2004 to November 9, 2015, approximately three hundred (300) firearms were reported stolen during auto burglaries; and

WHEREAS, the theft of firearms stolen from vehicles poses a significant threat to public health and safety when criminals acquire such firearms; now therefore

THE CITY COUNCIL OF THE CITY OF OAKLAND DOES ORDAIN AS FOLLOWS:

SECTION 1. The Following Article is added to the Oakland Municipal Code

ARTICLE

Safe Storage of Firearms in an Automobile Required for Concealed Carry Licensees.

A. Title

This article shall be known as Oakland's Safe Storage of a Firearm in an Automobile for Concealed Carry Licensees Act.

B. Findings and Purpose

C. Definitions.

"Locked Container" means a secure container that is fully enclosed and locked by a padlock, key lock, combination lock, or similar locking device.

"Concealed carry licensee" means a person licensed or otherwise authorized to carry a concealable firearm pursuant to California Penal Code Section 26150 et seq.

D. Safe Storage of Firearms in an Automobile Required for Concealed Carry Licensees

It is unlawful for persons licensed or otherwise authorized to carry a concealable firearm pursuant to California Penal Code Section 26150 et seq., to leave a concealable firearm in an automobile within the City of Oakland in a public right of way unless the firearm is stored in a locked container.

F. Penalty

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

1. 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), or by both.

2. Administrative Citations and Civil Penalties

The City may assess administrative citations or civil penalties pursuant to Oakland Municipal Code Chapter 1.08 (Civil Penalties) or Chapter 1.12 (Administrative citations) against a violator.

SECTION 2. Severability and Validity.

If any provision of this ordinance is held to be invalid or unconstitutional by any court of competent jurisdiction within the State of California, such decision shall not

affect the validity of the remaining provisions. The City Council declares that it would have adopted the remaining provisions irrespective of the provisions, sections, sentences, clauses, or words declared invalid or unconstitutional.

SECTION 3. Effective Date.

This ordinance shall become effective immediately on final adoption if it receives six or more affirmative votes; otherwise it shall be effective upon the seventh day after final adoption.

SECTION 4. Requesting the City Administrator to Return to Council with an additional Proposal Requiring that City-issued Firearms in Automobiles Must be Secured.

The City Council requests that the City Administrator to return within four months upon the date of adoption of this ordinance with a proposal requiring that City-issued firearms in automobiles must be secured.

IN COUNCIL, OAKLAND, CALIFORNIA,
PASSED BY THE FOLLOWING VOTE:

AYES - BROOKS, CAMPBELL-WASHINGTON, GALLO, GUILLEN, KALB, KAPLAN, REID AND PRESIDENT
GIBSON MCELHANEY

NOES -

ABSENT -

ABSTENTION -

ATTEST: _____

LATONDA SIMMONS
City Clerk and Clerk of the Council
of the City of Oakland, California

Date of Attestation: _____