

County of Santa Clara
Board of Supervisors
Supervisorial District Three
Supervisor Dave Cortese



98042

DATE: August 13, 2019
TO: Board of Supervisors
FROM: Dave Cortese, Supervisor
SUBJECT: Firearms Safe Storage County Ordinance

RECOMMENDED ACTION

Approve referral to County Counsel to report to the Board with options for consideration relating to a County ordinance regarding safe storage of firearms. (Cortese)

RECOMMENDED ACTION

Approve referral to County Counsel to return to the Board with a proposed ordinance regarding the safe storage of firearms in unincorporated Santa Clara County, and return to the Board of Supervisors on August 27, 2019 for adoption. (Cortese)

REASONS FOR RECOMMENDATION

The International Association of Chiefs of Police, American Academy of Pediatrics, and National Rifle Association have all spoken out about the importance of safe storage of firearms to prevent unauthorized persons from accessing the firearms, and to reduce the risk of accidents, injuries, and deaths. Unsafe storage of firearms contributes significantly to the risk of firearm-related suicides and accidents, particularly among children and teens, and also increases the risk that burglars and other unauthorized users may be able to access them.

The County has an interest in preventing theft, accident, and injury due to unsafe storage of firearms, and in encouraging a dialogue about gun safety. In the last two years, many other local governments around the state have enacted ordinances that address this issue. For example, San Francisco prohibits any person from keeping a handgun within a residence that is not stored in a locked container or disabled with a trigger lock, unless the handgun is carried on the person of an individual in accordance with all applicable laws. I have discussed this issue with District Attorney Jeff Rosen, who joins me in urging the Board to adopt a safe storage of firearms ordinance.

Locally, the Cities of San José, Saratoga, and Sunnyvale have adopted similar ordinances within the past two years, and this coordinated effort between the cities and the County will make for more effective laws for our region. This proposed ordinance would apply to any firearm kept in a residence, and it would address safe storage while the owner or another authorized person is not in “close proximity and control” of their weapon.

The key elements of the ordinance should include, but not limited to:

- Storage requirements applicable any time a firearm is in a residence, if the firearm is not in a lawful possessor’s close proximity and control; and
- A requirement that, when stored, all firearms be in a locked container or disabled with a safety device approved by the California Department of Justice.