



# City of Culver City

Mike Balkman Council  
Chambers  
9770 Culver Blvd.  
Culver City, CA 90232

## Staff Report

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**File #:** 20-275, **Version:** 1

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**CC - Introduction of an Ordinance Repealing Culver City Municipal Code (CCMC) Subchapter 13.03.200, Firearms, and Replacing it with New Subchapter 13.03.200, Firearms - Safe Storage, Shooting Requirements and Suicide Prevention, to Require all Firearms Located in a Residence to be Kept in a Locked Container or Disabled with a Trigger Lock, and for all Firearm Retailers to Post Signage about Suicide Prevention.**

**Meeting Date:** September 23, 2019

**Contact Person/Dept:** Shelly Wolfberg/Assistant to the City Manager

**Phone Number:** (310) 253-6000

**Fiscal Impact:** Yes ☐ No ☒

**General Fund:** Yes ☐ No ☐

**Public Hearing:** ☐ **Action Item:** ☒ **Attachments:** ☒

**Commission Action Required:** Yes ☐ No ☒ **Date:**

**Public Notification:** (E-Mail) Margot Bennett, Executive Director, Women Against Gun Violence; Meetings and Agendas - City Council (09/17/19);

**Department Approval:** John M. Nachbar (09/17/19)

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### **RECOMMENDATION**

Staff recommends the City Council introduce an Ordinance repealing Culver City Municipal Code (CCMC) Subchapter 13.03.200, Firearms, and replacing it with new Subchapter 13.03.200, Firearms - Safe Storage, Shooting Requirements and Suicide Prevention, to require all firearms located in a residence to be kept in a locked container or disabled with a trigger lock, and for all firearm retailers to post signage about suicide prevention.

### **BACKGROUND**

Gun violence in the United States results in over 80,000 non-fatal injuries and 30,000 deaths annually, including homicides, suicides, and accidental shootings. In 2012, the Sandy Hook Elementary School shooting occurred, where the assailant shot and killed 26 people, including 20 children between six and seven years old, and six adult staff members. The single gunman used his

mother's rifle and ten magazines with 30 rounds each. The shooting prompted renewed debate about gun control in the United States.

In the United States, there have been more than 200 school shootings nationwide with more than 138 people killed and another more than 300 people injured, devastating communities and leaving emotional wounds. More recently, mass shootings took place at Stoneman Douglas High School in Parkland, Florida; the Borderline Bar and Grill in neighboring Thousand Oaks, California; the Gilroy Garlic Festival in Gilroy, California, and a wave of other shootings in one August weekend in El Paso, Texas, Dayton, Ohio, and Chicago, Illinois, resulting in the deaths of nearly 40 people with dozens more injured.

At the June 24, 2019 and August 26, 2019 City Council meetings, Margot Bennett, representing Women Against Gun Violence, discussed the organization and requested consideration of a safe gun storage ordinance and a suicide prevention ordinance. She noted similar ordinances passed in other jurisdictions, and indicated that she would provide the City with a copy of the Los Angeles ordinance for consideration. The City Council reached consensus to place consideration of the topic on a future agenda.

### **Statistics on Guns in the Home & Safe Storage - (Source: Giffords Law Center)**

The following excerpt is from Giffords Law Center:

*Having a gun in the home is associated with an increased risk of firearm homicide and firearm suicide, regardless of storage practice, type of gun, or number of guns in the home. Guns kept in the home are more likely to be involved in a fatal or nonfatal unintentional shooting, criminal assault or suicide attempt than to be used to injure or kill in self-defense. Rather than conferring protection, guns in the home are associated with an increased risk of homicide by a family member or intimate acquaintance.*

*Research published in the New England Journal of Medicine found that living in a home where there are guns increased risk of homicide by 40 to 170% and the risk of suicide by 90 to 460%.*

*The risk of dying from an unintentional gunshot injury is 3.7 times higher for adults living in homes with guns, with handguns in the home posing a particular threat. On a state-wide level, states with higher rates of household firearm ownership have been shown to have significantly higher homicide victimization rates.*

*Unsafe storage practices are also a key contributor to gun violence death and injury, particularly among vulnerable populations like children. A 2018 study found that approximately 4.6 million American children and minors are living in homes with at least one loaded and unlocked firearm. Another study similarly reported that "[o]f the homes with children and firearms, 55% were reported to have one or more firearms in an unlocked place," and 43% reported keeping guns without a trigger lock in an unlocked place.*

*Studies show that these unsecured weapons are frequently accessible to-and accessed*

*by-young children, even when parents believe they are not. 73% of children aged nine and under reported knowing the location of their parents' firearms and 36% admitted that they had handled the weapons, including many whose parents had reported their children did not know the location of their firearm. It is therefore unsurprising that 89% of accidental shooting deaths among children occur in the home and that most of these deaths occur when children are playing with an unsecured loaded gun in their parents' absence.*

*The presence of unlocked guns in the home increases the risk not only of accidental gun injuries but of intentional shootings as well. One study found that more than 75% of the guns used in youth suicide attempts and unintentional injuries were stored in the residence of the victim, a relative, or a friend.*

## **Culver City Statistics**

The Culver City Police Department reports the following data over the past five years:

1. Number of felons in possession of a firearm - 33
2. Cases involving theft of a firearm - 50
3. Felonies committed with the use of a firearm - 55
4. Cases of suicide or mental health detentions involving a firearm  
Suicide - 4, Mental Health - 8

Additionally, the Police Department allows individuals to relinquish firearms at any time and recently had partnered with a local Girl Scout to organize a gun buyback program.

## **Current CCMC Subchapter 13.03.200**

Current CCMC Subchapter 13.03.200, Firearms, contains outdated definitions, obsolete language and references to state law that have since been repealed (Attachment 1). The provisions have not been updated since 1987, while state law has changed several times since then. The provisions in 13.03.200 are provided in the California Penal Code. If an individual committed violations of the type set forth in the existing CCMC Subchapter 13.03.200, the Culver City Police Department would cite individuals under the Penal Code rather than the CCMC (i.e. violations pertaining to the use of imitation firearms or possessing a weapon in an automobile). One existing provision of Subchapter 13.03.200 (Section 13.03.210, Shooting Permit Required) has been modified and carried over to the proposed Ordinance.

## **DISCUSSION**

The proposed Ordinance adds a new Subchapter 13.03.200, Firearms - Safe Storage, Shooting Requirements and Suicide Prevention, to the CCMC, which will require those persons who keep firearms in their homes to store them in locked containers or disable them with a trigger lock, unless the firearm is on their person or in the immediate control of their person so they can readily retrieve and use the firearm. The proposed Ordinance also provides that a person who reports a firearm lost or stolen with a law enforcement agency will not be subject to prosecution for violation of the Ordinance with regard to the firearm that is reported lost or stolen. Violations of the proposed

Ordinance would be prosecuted as a misdemeanor, as provided in Culver City Municipal Code Section 1.01.035, or at the discretion of the City Attorney, reduced to an infraction.

The proposed Ordinance also requires Culver City firearm retailers to display information at point of sale about local firearm laws, suicide warning signs, and Los Angeles County-approved resources for suicide prevention. As noted above, the provision requiring permission to discharge a firearm in the City, with delineated exceptions, has been modified and carried over to the proposed Ordinance.

### **California Penal Code**

The proposed Ordinance is consistent with the California Penal Code, Part 6-Control of Deadly Weapons, Title 4-Firearms, Division 4-Storage of Firearms, Chapter 2-Criminal Storage of Firearm.

### **FISCAL ANALYSIS**

The City's current Police Department budget can continue to absorb the anticipated cost of enforcing the Ordinance's proposed prohibition on the unsafe storage of firearms. Any costs imposed on the City may be recouped, in part, through the fines assessed for a misdemeanor violation of the Ordinance.

### **ATTACHMENTS**

1. 2019-09-23-ATT\_Current CCMC Subchapter 13.03.200
2. 2019-09-23 - ATT \_ Proposed Ordinance Replacing CCMC Subchapter 13.03.200

### **MOTION**

That the City Council:

1. Introduce an Ordinance Repealing Culver City Municipal Code (CCMC) Subchapter 13.03.200, Firearms, and Replacing it with New Subchapter 13.03.200, Firearms - Safe Storage, Shooting Requirements and Suicide Prevention, to require all firearms located in a residence to be kept in a locked container or disabled with a trigger lock, and for all firearm retailers to post signage about suicide prevention; or
2. Provide direction to the City Manager as deemed appropriate.