Ordinance amending the Police Code, Section 615, to require firearms dealers to report to the Chief of Police the sale of 500 or more rounds of ammunition in a single transaction.

NOTE: Additions are \textit{single-underline} \textit{italics} \textit{Times New Roman}; deletions are \textit{strike-through} \textit{italics} \textit{Times New Roman}. Board amendment additions are \textit{double-underlined}; Board amendment deletions are strike-through normal.

Be it ordained by the People of the City and County of San Francisco:

Section 1. The San Francisco Police Code is hereby amended by amending Section 615, to read as follows:

\textbf{SEC. 615. RECORDS OF AMMUNITION SALES.}

(a) \textbf{Definitions.}

(1) "Firearm ammunition," as used in this Section, shall include any ammunition for use in any pistol or revolver, or semiautomatic rifle or assault weapon, but shall not include ammunition for shotguns that contains shot that is No. 4 or smaller.

(2) "Semiautomatic rifle," as used in this Section, shall mean any repeating rifle which utilizes a portion of the energy of a firing cartridge to extract the fired cartridge case and chamber the next round, and which requires a separate pull of the trigger to fire each cartridge.

(3) "Assault weapon," as used in this Section, shall mean any of the weapons designated in California Penal Code Section 12276 or 12276.1.

(4) "Vendor," as used in this Section, shall mean any person located in the City and County of San Francisco who is engaged in the sale of firearm ammunition, including any retail firearms dealer.

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"Remote Vendor," as used in this Section, shall mean any person engaged in the sale of firearm ammunition, including any retail firearms dealer, who is located outside the City and County of San Francisco but delivers or causes to be delivered firearm ammunition to an address within the City and County of San Francisco.

(b) No Vendor shall sell or otherwise transfer ownership of any firearm ammunition without at the time of purchase recording the following information on a form to be prescribed by the Chief of Police: (1) the name of the Vendor (including the name of the specific individual) transferring ownership to the transferee; (2) the place where the transfer occurred; (3) the date and time of the transfer; (4) the name, address and date of birth of the transferee; (5) the transferee's driver's license number, or other identification number, and the state in which it was issued; (6) the brand, type and amount of ammunition transferred; and (7) the transferee's signature.

(c) (1) The records required by this Section shall be maintained on the premises of the Vendor for a period of not less than two years from the date of the recorded transfer. Said records shall be subject to inspection at any time during normal business hours.

(2) Any Vendor or Remote Vendor who sells or otherwise transfers ownership of five hundred (500) or more rounds of any firearm ammunition to a transferee in a single transaction, where the transaction occurs within the City and County of San Francisco or the firearm ammunition is ordered for delivery to an address within the City and County of San Francisco, shall be subject to the reporting requirement of this subsection (c)(2). Within 24 hours of the commencement of the transaction, regardless of when the firearm ammunition is delivered, the Vendor or Remote Vendor shall report the transaction to the Chief of Police by electronic mail at ___________ or by such other means specified by the Chief of Police. The report shall contain the same information required under subsection (b). In determining the number of rounds sold or otherwise transferred for purposes
of complying with this subsection (c)(2), the Vendor or Remote Vendor shall include any combination
of types, brands or calibers sold or transferred to the transferee.

(d) No Vendor person shall knowingly make a false entry in, or fail to make a required
entry in, or fail to maintain in the required manner records prepared in accordance with subsections (b) and (c)(1) herewith. No Vendor person shall refuse to permit a police department
employee to examine any record prepared in accordance with this Section during any
inspection conducted pursuant to this Section. No Vendor or Remote Vendor shall fail to submit
the report required under subsection (c)(2), or knowingly include false information in such report.

(e) Penalties.

(1) First Conviction. Any person violating any provision of this Section shall
be guilty of an infraction. Upon conviction of the infraction, the violator shall be punished by a
fine of not less than $50 nor more than $100.

(2) Subsequent Convictions. In any accusatory pleading charging a violation
of this Section, if the defendant has been previously convicted of a violation of this Section,
each such previous violation and conviction shall be charged in the accusatory pleading. Any
person violating any provision of this Section a second time within a 90-day period shall be
guilty of a misdemeanor and shall be punished by a fine of not less than $300 and not more
than $400 for each provision violated, or by imprisonment in the County Jail for a period of not
more than six months, or by both such fine and imprisonment. Any person violating any
provision of this Section, a third time, and each subsequent time, within a 30-day period shall
be guilty of a misdemeanor and shall be punished by a fine of not less than $400 and not
more than $500 for each provision violated, or by imprisonment in the County Jail for a period
of not more than six months, or by both such fine and imprisonment.

(f) Severability. If any subsection, sentence, clause, phrase, or word of this Section
be for any reason declared unconstitutional or invalid or ineffective by any court of competent
jurisdiction, such decision shall not affect the validity or the effectiveness of the remaining portions of this Section or any part thereof. The Board of Supervisors hereby declares that it would have adopted this Section notwithstanding the unconstitutionality, invalidity, or ineffectiveness of any one or more of its subsections, sentences, clauses, phrases, or words.

Section 2. Effective Date. This ordinance shall become effective 30 days from the date of passage.

Section 3. This section is uncodified. In enacting this Ordinance, the Board intends to amend only those words, phrases, paragraphs, subsections, sections, articles, numbers, punctuation, charts, diagrams, or any other constituent part of the Police Code that are explicitly shown in this legislation as additions, deletions, Board amendment additions, and Board amendment deletions in accordance with the "Note" that appears under the official title of the legislation.

APPROVED AS TO FORM:
DENNIS J. HERRERA, City Attorney

By:  
THOMAS J. OWEN
Deputy City Attorney
Ordinance amending the Police Code, Section 615, to require firearms dealers to report to the Chief of Police the sale of 500 or more rounds of ammunition in a single transaction.

February 21, 2013 City Operations and Neighborhood Services Committee - RECOMMENDED

March 05, 2013 Board of Supervisors - PASSED, ON FIRST READING
Ayes: 11 - Avalos, Breed, Campos, Chiu, Cohen, Farrell, Kim, Mar, Tang, Wiener and Yee

March 12, 2013 Board of Supervisors - FINALLY PASSED
Ayes: 11 - Avalos, Breed, Campos, Chiu, Cohen, Farrell, Kim, Mar, Tang, Wiener and Yee

I hereby certify that the foregoing Ordinance was FINALLY PASSED on 3/12/2013 by the Board of Supervisors of the City and County of San Francisco.

Angela Calvillo
Clerk of the Board

3/13/13
Date Approved