



✓ 1.29

DEPARTMENT OF
POLICE

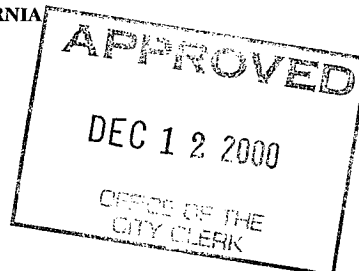
ARTURO VENEGAS, JR.
CHIEF OF POLICE

CITY OF SACRAMENTO
CALIFORNIA

900 - 8TH STREET
SACRAMENTO, CA
95814-2506

PH 916-264-5121
FAX 916-448-4620
E-MAIL
spdcou@quiknet.com
http://
www.quiknet.com/spd/

November 16, 2000
Ref: 11-11



City Council
Sacramento, California

Honorable Members in Session:

**SUBJECT REPEAL SECTIONS 9.32.180 THROUGH 9.32.230 OF THE
SACRAMENTO CITY RELATED TO REGULATING THE SALE OF
SATURDAY NIGHT SPECIALS**

LOCATION AND COUNCIL DISTRICT City Wide

STAFF RECOMMENDATION

Staff recommends that City Council repeal City Code Sections 9.32.180 through 9.32.230 related to regulating the sale of Saturday Night Specials and declare said ordinance to be an emergency ordinance effective January 1, 2001.

CONTACT PERSON Chief Arturo Venegas, Jr. -- 264-5121
Tina Lee-Vogt, ASO -- 264-7346

FOR COUNCIL MEETING OF December 12, 2000

SUMMARY

This report recommends that the City Council adopt an ordinance to repeal City Code Sections 9.32.180 through 9.32.230, related to regulating the sale of Saturday Night Specials and to declare said ordinance to be an emergency ordinance effective January

1, 2001. Further, this report provides information on Senate Bill 15 which added Chapter 1.3, entitled "Unsafe Handguns," to the Penal Code.

BACKGROUND INFORMATION

In December 1997, the City Council adopted an ordinance codified as City Code 9.32.180 through 9.32.230 related to the sale of "Saturday Night Specials." To define the term "Saturday Night Special," the ordinance provides a list of three general categories of firearms, describing each category in terms of the guns' design, function, and the materials used in its manufacture. To implement the ban on the sale of "Saturday Night Specials," the ordinance directs the Chief of Police to compile, publish, and maintain a "Roster of Saturday Night Specials." The City Code also specifies penalties for violation of the ordinance.

In August 1999, the California State Legislature enacted Senate Bill 15 which adds Chapter 1.3, "Unsafe Handguns," to the California Penal Code. SB 15 is codified at Penal Code sections 12125-12133 and will become effective January 1, 2001. Unlike the City ordinance, Penal Code section 12126 defines "unsafe handguns" as pistols, revolvers, or other firearms capable of being concealed upon the person that lack specified safety devices or do not meet specified firing and drop safety requirements. Further, Penal Code 12131 requires that, on or after January 1, 2000, the California Department of Justice must compile publish and thereafter maintain a roster listing all of the pistols, revolvers, and other firearms capable of being concealed upon the person that have been tested by a certified testing laboratory, have been determined not to be unsafe handguns, and may be sold in this state pursuant to this title."

Based on the legislative history of SB 15, it appears that the measure was intended to preempt local ordinance prohibiting the sale of unsafe handguns. A legal analysis of this legislation and the City Code has concluded that the City ordinance would be preempted by SB 15 when it becomes effective in January 2001.

To address this issue, staff recommends that the City Council adopt an ordinance to repeal City Code Sections 9.32.180 through 9.32.230 related to regulating the sale of Saturday Night Specials and to declare said ordinance to be an emergency ordinance effective January 1, 2001.

FINANCIAL CONSIDERATIONS

There are no costs related to this ordinance amendment.

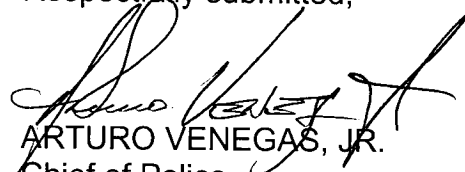
POLICY CONSIDERATIONS

The recommendation to repeal this ordinance is consistent with newly enacted the State law. It should be noted that by repealing this ordinance the City is not admitting that the ordinance or the roster adopted thereunder is flawed in any respect. This would be an emergency ordinance effective January 1, 2001.

ESBD

Not applicable.

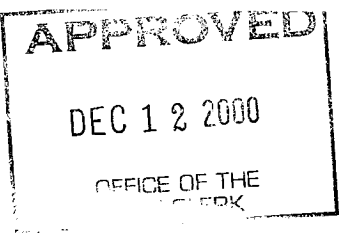
Respectfully submitted,


ARTURO VENEGAS, JR.
Chief of Police

RECOMMENDATION APPROVED:



ROBERT P. THOMAS
City Manager



ORDINANCE NO. *MM-052*

ADOPTED BY THE SACRAMENTO CITY COUNCIL

ON DATE OF _____

AN ORDINANCE REPEALING SECTIONS 9.32.180 THROUGH 9.32.230 OF TITLE 9 OF THE SACRAMENTO CITY CODE, RELATING TO REGULATING THE SALE OF "SATURDAY NIGHT SPECIALS" AND DECLARING SAID ORDINANCE TO BE AN EMERGENCY ORDINANCE TO TAKE EFFECT JANUARY 1, 2001.

BE IT ENACTED BY THE COUNCIL OF THE CITY OF SACRAMENTO:

SECTION 1.

The Sacramento City Council hereby finds and declares that:

1. Sections 9.32.180 through 9.32.230 of the Sacramento City Code make it unlawful for any wholesale or retail firearms dealer, as licensed by the City of Sacramento, to sell, offer or display for sale, give, lend or transfer ownership of any firearm classified under the Ordinance as a "Saturday Night Special" and directs the Chief of Police to compile, publish and maintain a "Roster of Saturday Night Specials".
2. Sections 9.32.180 through 9.32.230 of the Sacramento City Code potentially conflict with California Penal Code Sections 12125 through 12133, effective January 1, 2001, relating to the sale, gift, or loan of unsafe handguns. In order to avoid uncertainty as to the standard applicable to the sale, gift, or loan of unsafe handguns, it is desirable to repeal Sections 9.32.180 through 9.32.230 of the Sacramento City Code.

SECTION 2.

Sections 9.32.180 through 9.32.230 of the Sacramento City Code, inclusive, are hereby repealed.

SECTION 3.

This ordinance is hereby declared to be an emergency measure to take effect January 1, 2001. The facts constituting the emergency are that Penal Code Sections 12125 through 12133 will go into effect on January 1, 2001, and to avoid preemption of City Code

Sections 9.32.180 through 9.32.230, the latter provisions must be repealed by that time and date.

DATE PASSED FOR PUBLICATION:
DATE ENACTED:
DATE EFFECTIVE:

MAYOR

ATTEST:

CITY CLERK

THE DAILY RECORDER

~ SINCE 1911 ~

1115 H Street, P.O. Box 1048, Sacramento, California 95812
Telephone (916) 444-2355 • Fax (916) 444--0636

ROBERT HARDCASTLE
SAC. CITY CLERK PO#8070060934
915 I St., Rm. 304/ V. HENRY
Sacramento, CA 95814

RECEIVED
CITY CLERK'S OFFICE
CITY OF SACRAMENTO
DEC 12 3 55 PM '00

SC#: 182838

PROOF OF PUBLICATION

(2015.5 C.C.P.)

State of California)
County of Sacramento) ss

Notice Type: GSORD SAC CITY ORDINANCE NOT -1 PUB

Ad Description: AD NO 9163

**CITY OF SACRAMENTO
ORDINANCES**
On December 5, 2000, the following ordinance was considered by the Sacramento City Council and will be considered for final adoption at the regular meeting of December 12, 2000. In accordance with Sacramento City Charter Section 32, the titles are herein published:
AN ORDINANCE REPEALING SECTIONS 9.32.180 THROUGH 9.32.230 OF TITLE 9 OF THE SACRAMENTO CITY CODE, RELATING TO REGULATING THE SALE OF "SATURDAY NIGHT SPECIALS" AND DECLARING SAID ORDINANCE TO BE AN EMERGENCY ORDINANCE TO TAKE EFFECT JANUARY 1, 2001.
Anyone interested in the full text of the above ordinance(s) may contact the Office of the City Clerk, City Hall, 915 "I" Street, Room 304, phone (916) 264-5427. SACRAMENTO CITY COUNCIL
By: VALERIE A. BURROWES, City Clerk
12/08/00
SC- 182838#

I am a citizen of the United States; I am over the age of eighteen years, and not a party to or interested in the above entitled matter. I am the principal clerk of the printer and publisher of the DAILY RECORDER, a daily newspaper published in the English language in the City of Sacramento, County of Sacramento, and adjudged a newspaper of general circulation as defined by the laws of the State of California by the Superior Court of the County of Sacramento, State of California, under date May 2, 1913, Case No. 16,180. That the notice, of which the annexed is a printed copy, has been published in each regular and entire issue of said newspaper and not in any supplement thereof on the following dates, to-wit:

12/08/00

Executed on: 12/08/00
At Los Angeles, California

I certify (or declare) under penalty of perjury that the foregoing is true and correct.

C. Brambila
Signature

RECEIVED
CITY CLERK'S OFFICE
CITY OF SACRAMENTO
DEC 13 3 12 PM '00

THE DAILY RECORDER

~ SINCE 1911 ~

1115 H Street, P.O. Box 1048, Sacramento, California 95812
Telephone (916) 444-2355 • Fax (916) 444-0636

ROBERT HARDCASTLE
SAC. CITY CLERK PO#8070060934
915 I St., Rm. 304/ V. HENRY
Sacramento, CA 95814

PROOF OF PUBLICATION

(2015.5 C.C.P.)

State of California)
County of Sacramento) ss

Notice Type: GSORD SAC CITY ORDINANCE NOT -1 PUB

Ad Description: AD NO 9163

I am a citizen of the United States; I am over the age of eighteen years, and not a party to or interested in the above entitled matter. I am the principal clerk of the printer and publisher of the DAILY RECORDER, a daily newspaper published in the English language in the City of Sacramento, County of Sacramento, and adjudged a newspaper of general circulation as defined by the laws of the State of California by the Superior Court of the County of Sacramento, State of California, under date May 2, 1913, Case No. 16,180. That the notice, of which the annexed is a printed copy, has been published in each regular and entire issue of said newspaper and not in any supplement thereof on the following dates, to-wit:

12/08/00

Executed on: 12/08/00
At Los Angeles, California

I certify (or declare) under penalty of perjury that the foregoing is true and correct.

C. Brambila
Signature

RECEIVED
This space for filing stamp only
CITY CLERK'S OFFICE
CITY OF SACRAMENTO

Dec 12 3 55 PM '00

SC#: 182838

**CITY OF SACRAMENTO
ORDINANCES**

On December 5, 2000, the following ordinance was considered by the Sacramento City Council and will be considered for final adoption at the regular meeting of December 12, 2000. In accordance with Sacramento City Charter Section 32, the titles are herein published:
AN ORDINANCE REPEALING SECTIONS 9.32.180 THROUGH 9.32.230 OF TITLE 9 OF THE SACRAMENTO CITY CODE, RELATING TO REGULATING THE SALE OF "SATURDAY NIGHT SPECIALS" AND DECLARING SAID ORDINANCE TO BE AN EMERGENCY ORDINANCE TO TAKE EFFECT JANUARY 1, 2001.
Anyone interested in the full text of the above ordinance(s) may contact the Office of the City Clerk, City Hall, 915 "I" Street, Room 304, phone (916) 264-5427.
SACRAMENTO CITY COUNCIL
By: VALERIE A. BURROWES, City Clerk
12/08/00

SC- 182838#

RECEIVED
CITY CLERK'S OFFICE
CITY OF SACRAMENTO
Dec 13 3 12 PM '00