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CITY OF IRVINE  
CITY MANAGER'S OFFICE

# Memo

To: Oliver Chi, City Manager

From: Kathleen Treseder, Councilmember *KT*

Date: March 7<sup>th</sup>, 2023

**Re: Responsible Gun Storage Ordinance**

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I respectfully request that the following item be added to the March 28, 2023, meeting agenda for City Council discussion and review:

## **DISCUSSION OF A RESPONSIBLE GUN STORAGE ORDINANCE**

Safe Storage ordinances require firearm owners to securely store weapons in a locked container when they are not in use. Estimates suggest that 54% of gun owners nationwide do not securely store their guns [1]. There is evidence that safe storage helps prevent gun accidents. "One study found that households that locked both firearms and ammunition were associated with a 78 percent lower risk of self-inflicted firearm injuries and an 85 percent lower risk of unintentional firearm injuries among children and teens, compared to those that locked neither" [2].

The State of California has adopted safe storage ordinance (California Penal Code Section 25100), that requires safe storage when children are present or when someone is in a household cannot legally possess a firearm [4]. Outside of these instances, improper storage is legally allowed, which logically increases the potential for accidental injury or death. Safe storage ordinances exist in cities throughout California including Los Angeles, San Diego, San Francisco, and Davis; however, Irvine would be leading the way as the first city in Orange County to have such an ordinance. Currently, the Irvine Police Department keeps a supply of cable locks for firearms on hand at the Business Desk. These locks are provided, free of charge to Irvine residents [4].

I am requesting that the Irvine City Council agendaize a discussion at our March 28, 2023 meeting, to discuss and direct city staff to craft an ordinance based on the following model ordinance.

cc: City Council  
City Clerk  
City Attorney

[1] <https://everytownresearch.org/stat/an-estimated-54-of-gun-owners-dont-lock-their-guns-securely/>

[2] [https://everytownresearch.org/solution/responsible-gun-storage/?\\_gl=1\\*r8mg12\\*\\_ga\\*MTAxNTQzODI5MS4xNjc4MTM2Mzk0\\*\\_ga\\_LT0FWV3EK3\\*MTY3ODEzNjM5NC4xLjEuMTY3ODEzNjkwNy4wLjAuMA.#what-is-the-problem](https://everytownresearch.org/solution/responsible-gun-storage/?_gl=1*r8mg12*_ga*MTAxNTQzODI5MS4xNjc4MTM2Mzk0*_ga_LT0FWV3EK3*MTY3ODEzNjM5NC4xLjEuMTY3ODEzNjkwNy4wLjAuMA.#what-is-the-problem)

[3] <https://law.justia.com/codes/california/2010/pen/25100-25130.html>

[4] <https://www.cityofirvine.org/department-administration/firearms-safety>



## RESPONSIBLE STORAGE MODEL ORDINANCE

WHEREAS, unsecured guns may increase the likelihood of crime and violence through an increased risk of gun theft;

WHEREAS, each year, an estimated 200,000 to 500,000 guns are stolen, and many are funneled into the underground market;

WHEREAS, access to unsecured firearms contributes to gun violence among children and teens;

WHEREAS, despite the safety risks, the majority of gun owners do not secure all of their firearms;

WHEREAS, contrary to popular belief, locking devices do not prevent owners from readily accessing their firearms;

WHEREAS, we are all safer when guns are stored unloaded, locked and separate from ammunition.

### Sec. 1.

(a) As used in this section:

(1) Cal. Pen. Code § 16520 defines a “firearm” means a device, designed to be used as a weapon, from which is expelled through a barrel, a projectile by the force of an explosion or other form of combustion.” It further clarifies that “firearm” includes the frame or receiver of the weapon” and also can include “also includes a rocket, rocket propelled projectile launcher, or similar device containing an explosive or incendiary material, whether or not the device is designed for emergency or distress signaling purposes”

(2) “Locked container” means a secure container that is fully enclosed and locked by a padlock, keylock, combination lock, or similar locking device. “Locked container” shall not include the utility or glove compartment of a motor vehicle.

(3) “Locking device” means a trigger lock or other designed to prevent a firearm from functioning and, when applied to the firearm, renders the firearm inoperable.

(4) “Unloaded” means without a cartridge

(i) in the chamber of the firearm;

(ii) in the cylinder of the firearm, if the firearm is a revolver; or

(iii) in the magazine of the firearm, if any part of the magazine is in or affixed to the firearm.

(b) It shall be an offense for a person to store or keep any firearm on any premises unless the firearm is:

(1) Unloaded and in a locked container, or unloaded and affixed with a locking device; or

(2) carried on the person, or is otherwise in the immediate possession, of an individual in accordance with all applicable laws.

(c) Subsection (b) shall not apply to:

(1) A firearm stored or kept on premises owned by or under the control of a law enforcement agency.

(2) A firearm stored or kept on the business premise of federally licensed firearms dealer.

(d) A violation of subsection (b) is punishable by a fine not exceeding \$1,000.