

Appeals Court Deems San Francisco's Gun Laws Constitutional

04.16.2014

ATTORNEYS

Two San Francisco ordinances regulating gun storage and ammunition sales were recently upheld by the Federal Ninth Circuit.

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CASE SNAPSHOT

In a unanimous decision, the Court ruled that the laws requiring gun owners to keep firearms stored in a locked container or disabled by a trigger lock when not being carried, and banning the sale of hollow-point bullets that expand or fragment upon impact, did not impede Second Amendment rights.

In 2009, a resident of San Francisco, the National Rifle Association, and the San Francisco Veteran Police Officer's Association challenged the ordinances at issue in *Jackson v. City and County of San Francisco*. They claimed that San Francisco Police Code Sections 4512 and 613.10(g) impinged upon the right to defend oneself against intruders within their own homes, and that hollow-point bullets are no more dangerous than any other type of bullet.

Using the Supreme Court's analysis for Second Amendment claims, the Ninth Circuit determined that the conduct in question is protected - deciding that the gun storage requirements and ammunition ban "are not part of a long, historical 'tradition of proscription,'" and that the laws were reasonable in order to achieve the city's goals of reducing the "lethality of ammunition," and the number of accidental and intentional firearm deaths. The Court also noted that locking up firearms does not prevent gun owners from defending themselves and that other types of bullets are available.

It should be emphasized that the sufficiency of San Francisco's evidence and findings supporting its justifications was instrumental to their successful defense. In its 35-page decision, the Court wrote, "San Francisco has carried its burden of demonstrating that its locked-storage law serves a significant government interest by reducing the number of gun-related injuries and deaths from having an unlocked handgun in the home."

For advice in drafting regulations related to handgun safety, please contact D. Craig Fox or any member of the Firm's Police Practices Group.