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City Attorney Proposes Law to Protect Children, Families

Local organizations join in calling for safe gun storage legislation to prevent gun violence

City Attorney Mara W. Elliott today proposed a common-sense gun-safety law to reduce accidental shootings of children, and other firearm-related injuries and deaths. The City Attorney will present the Safe Storage of Firearms Ordinance, drafted by her Office, to the San Diego City Council Committee on Public Safety and Livable Neighborhoods on Wednesday, June 5.

The Safe Storage of Firearms Ordinance requires that firearms in a residence be stored in a locked container, or disabled by a trigger lock, unless they are carried on the body or are in the immediate control of an authorized user.

Since January 1, 2002, all firearms that are manufactured, transferred, or sold in California must be accompanied by a firearms safety device approved by the California Department of Justice Bureau of Firearms. The Safe Storage of Firearms Ordinance will help to ensure that DOJ-approved safety devices are being utilized.

Working with San Diegans for Gun Violence Prevention, Elliott crafted the Safe Storage of Firearms Ordinance as a common-sense approach to preventing children's access to firearms, accidental shootings, and gun-related homicides and suicides. A comprehensive study of gun-safety laws in America found that Safe Storage laws are the single most successful method of preventing suicides and unintentional injuries and deaths among children.

“As a mother, the thought of a child accessing a gun that is improperly stored is terrifying,” said City Attorney Mara W. Elliott. **“We hear about these tragedies all the time, even here in San Diego. With our Safe Storage of Firearms Ordinance, we hope to prevent life-altering accidental shootings by reminding gun owners that they are responsible for safeguarding those around them by securely storing their guns.”**

Only 54 percent of firearm owners with children at home keep their firearms secured. Studies show that these unsecured weapons are frequently accessible to – and accessed by – young children, even when their parents believe they are not. Across the United States, 4.6 million children live in homes with at least one loaded and unlocked firearm.

Suicide attempts are often impulsive acts, with one study finding that one-fourth of suicide attempts by individuals between the ages of 13 and 34 occurred within five minutes of their decision to attempt suicide. Secured firearms counter this impulsivity by giving the individual time to contact family, friends, and healthcare professionals who, in turn, have time to respond.

“Safe Storage will protect all of our community and especially the most vulnerable members of our city’s families: children, teens, and those experiencing mental or behavioral distress, including thoughts of suicide,” Nancy Gannon Hornberger, CEO of SAY (Social Advocates for Youth) San Diego, said.

“No one stores a gun in their home thinking it will be stolen, or found by a child, or used by a relative to commit suicide,” Mari Kleven, a volunteer with San Diegans for Gun Violence Prevention, a coalition of local groups united to end gun violence. **“This simple and sensible precaution will safeguard gun owners, their families, and their neighbors.”**

The safe storage of firearms is especially important for seniors and their families. Firearms are the most common method of suicide among seniors, and 91% of all firearm deaths in older adults are by suicide.

“Adults over the age of 65 have the highest rate of gun ownership in the US, they also have high rates of depression and dementia,” said Jessica Empeño, Vice President of Operations, Alzheimer’s San Diego. **“The Safe Storage of Firearms Ordinance takes important steps to increase gun safety in the home, because no matter how much experience a person has with firearms, cognitive impairment affects the ability to safely handle a firearm.”**

The Safe Storage of Firearms Ordinance encourages the reporting of lost or stolen firearms. The California Penal Code already requires gun owners to report lost or stolen firearms to law enforcement within five days. Anyone complying with that law will not be prosecuted for violating the ordinance.

The Safe Storage of Firearms Ordinance is part of City Attorney Mara W. Elliott’s broader gun violence prevention effort, which includes her national leadership on using Gun Violence Restraining Orders to remove firearms from individuals who present a serious risk of harm to themselves or others. GVROs are a powerful tool in preventing domestic violence homicide, suicide, and violence in workplaces and on school campuses. Since Elliott launched the first GVRO program in California in December 2017, her office has obtained more than 150 GVROs, removing hundreds of firearms, including more than a dozen assault rifles from dangerous owners. Elliott’s office has been selected by the California Legislature to train law enforcement agencies and municipalities throughout California on how to use GVROs as a tool to save lives.

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Safe Storage of Firearms Ordinance

Fact Sheet | June 4, 2019

Gun violence is a major public health issue. Many instances of gun violence occur in homes where firearms are not secured, often involving children or those struggling with mental health issues.

The Safe Storage of Firearms Ordinance is a common-sense approach to preventing

- access by children to firearms,
- accidental shootings,
- gun-related homicides and suicides, and
- the theft of unsecured firearms.

A comprehensive study of gun-safety laws in America found that Safe Storage laws are the single most successful method of preventing suicides and unintentional injuries and deaths among children.

How the Safe Storage of Firearms Ordinance works

Since January 1, 2002, all firearms that are manufactured, transferred or sold in California must be accompanied by a firearms safety device approved by the California Department of Justice Bureau of Firearms. ([California Penal Code section 23620, et seq.](#))

The Safe Storage of Firearms Ordinance requires that firearms in a residence be stored in a DOJ-approved locked container, or locked with a DOJ-approved trigger lock, unless the firearm is carried on the body or is in the immediate control of a person who is an authorized user of the firearm.

The Safe Storage of Firearms Ordinance is a preventative law

Like other laws before it, such as bicycle helmet laws and seat belt laws, the Safe Storage of Firearms Ordinance seeks to avert tragedy by modifying behaviors.

California's 1986 seat belt law illustrates how law-abiding citizens respond to a legitimate safety law. Before the law was enacted, only 20 percent of Californians wore seat belts, despite their effectiveness in saving lives. Following the law's enactment, seatbelt use doubled. After 25 years, 96 percent of California motorists and passengers were wearing seatbelts, the fourth highest rate in the nation. Notably, the seat belt law was originally an infraction, with a \$20 fine, and a motorist could not be pulled over for driving without a seatbelt. It was

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enforced only when a motorist was pulled over for another reason (speeding, for example) and observed not wearing a seatbelt.

Why a local law is needed

At least 15 California cities (including Los Angeles, San Jose, and San Francisco) adopted their own safe storage laws to address deficiencies in California’s Child Access Prevention Law (CAP).

Unlike the Safe Storage of Firearms Ordinance, CAP does not prevent tragedies. Rather, it is enforced *after* a dangerous situation has occurred. It penalizes unsafe storage, but it does not help the public by indicating what constitutes responsible storage. Instead, it provides a “reasonable person standard” for safe storage that is subjective from person to person.

Enforcement

As with other misdemeanors, the maximum penalty for violating the Safe Storage of Firearms Ordinance is a \$1,000 fine and/or up to six months in jail.

The Safe Storage of Firearms Ordinance encourages the reporting of lost or stolen firearms. The California Penal Code already requires the reporting to law enforcement of lost or stolen firearms within five days. Anyone complying with that law will not be prosecuted for violating the Safe Storage of Firearms Ordinance.

Facts About Safe Storage

Safe Storage laws work

A study by the RAND Corporation found supportive evidence to show Safe Storage laws are the most effective laws at preventing suicides and unintentional injuries and deaths among children. Massachusetts is the only state that uses the Safe Storage of Firearms Ordinance model by requiring firearms be stored with a locking device in place. The youth suicide rate in Massachusetts is 35 percent below the national average.

- Studies show child suicides are usually impulsive, rather than planned out, and that they frequently occur after an acute stressor, such as a dispute. One study of children and young adults who survived nearly lethal suicide attempts concludes that in 24 percent of cases, less than five minutes elapsed from the time the child decided to end his or her life and the suicide attempt. Suicide risk is lower in households that practice safe storage.
- Suicide attempts by firearm are fatal roughly 85 percent of the time. Suicide attempts by all other means are fatal less than 10 percent of the time. More than half of all suicides are by firearms – though firearms are used in fewer than 1 percent of all suicidal acts.

- States with laws requiring safe storage of handguns have 40 percent fewer suicides per capita and 68 percent fewer firearm suicides per capita than states without those laws. The correlation is unchanged when controlled for poverty, age, education, population density, ethnicity, and race.

Many children have easy access to firearms

Only 54 percent of firearm owners with children at home keep their firearms secured. Studies show that these unsecured weapons are frequently accessible to – and accessed by – young children, even when their parents believe they are not. Across the United States, 4.6 million children live in homes with at least one loaded and unlocked firearm.

- Firearms are the second leading cause of injury-related deaths among children, surpassed only by motor vehicle injury deaths.
- Among children 9 and under, 73 percent reported knowing the location of their parents’ firearms and 36 percent admitted they had handled the weapons, including many children whose parents reported their children did not know the location of the firearm.
- Among teens living in homes with guns, one study found roughly 40 percent reported they had “easy access” to the guns in their home. Homes that provided “easy access” were more likely to have a history of drug abuse or alcohol abuse.
- Since 1999, children have committed at least 145 school shootings. In the 105 cases where the source of the weapon was identified, 80 percent were taken from the child’s home or the home of a friend or relative.

Child suicide is on the rise

Child suicide by firearm increased 60 percent from 2007 to 2014.

- San Diego County has a higher youth suicide rate than California as a whole (2.0 per 100,000 people compared with 1.6 statewide)
- San Diego County’s suicide rate for all ages is also higher than California’s suicide rate. It increased 5 percent, from 13.1 to 13.8 suicides per 100,000 persons, from 2016 to 2017.
- Firearms account for the highest number of suicides. In 2016, there were 137 recorded suicides by firearm.

Most child gun injuries occur at home

Between 2012 and 2014, an average 5,790 children annually suffered a nonfatal firearm injury. In the same period, an average 1,300 children annually died from a firearm injury.

- The majority of children who are fatally injured are injured in their own homes. The most common circumstance was children playing with a gun, mistakenly thinking it was unloaded or locked.

Firearm access increases danger to women

Abused women are five times more likely to be killed by their abuser if the abuser owns a firearm. Domestic violence assaults involving firearms are 12 times more likely to result in death than those involving other weapons or bodily force.

- Reported domestic violence incidents in San Diego County increased 4 percent from 2016 to 2017, for a total of 17,306 incidents reported to law enforcement
- Domestic violence is the second most common motive for homicide in San Diego County for homicides where a motive could be determined. (“Arguments” is historically the leading reason.)
- Two of three female victims of homicide in 2017 were killed by a family member or intimate partner.

Veteran suicides are a San Diego problem

The VA [National Suicide Data Report](#) for 2005 to 2016, published in September 2018, found the suicide rate for veterans is considerably higher than the suicide rate for non-veterans. For veterans between the ages of 55 and 74, it is 26 per 100,000, while suicide rate for the overall population that age is 17.4 per 100,000. The rate ticks up even higher for veterans over 85. While veterans between the ages of 18 and 34 have the highest rate of suicide among veterans (45 per 100,000 veterans), those 55 and older still represent the largest *number of* suicides.

- San Diego County has the highest number of suicides among veterans of any county in California – 111 in 2017.
- A firearm was used in nearly 70 percent of veteran suicides in San Diego County; the state average is 55 percent.

Experts agree: The Safe Storage of Firearms Ordinance will reduce gun-related injuries and deaths

Supporters of the Safe Storage of Firearms Ordinance include:

- Alzheimer’s San Diego
- Bishop Cornelius Bowser, co-founder of the Community Assistance Support Team (CAST)
- Giffords Law Center to Prevent Gun Violence
- San Diegans for Gun Violence Prevention
- SAY (Social Advocates for Youth) San Diego
- YWCA San Diego