



AGENDA REPORT SUMMARY

Meeting Date: April 11, 2023

Subject Ordinance No. 2023-xxx: Prohibition on possession of firearms in sensitive places

Prepared by: Jon Maginot, Assistant City Manager

Reviewed by: Jolie Houston, City Attorney

Approved by: Gabriel Engeland, City Manager

Attachment(s):

1. Ordinance No. 2023-xxx
2. Santa Clara County Public Health Report - Cost of Gun Violence in Santa Clara County

Initiated by:

City Council

Previous Council Consideration:

None

Fiscal Impact:

None

Environmental Review:

Not applicable

Policy Question(s) for Council Consideration:

- Does the Council wish to adopt an ordinance prohibiting the possession of firearms in sensitive places?

Summary:

- There has been a rise in mass shootings throughout the Country, many of which occur in public spaces such as schools or government buildings
- The US Supreme Court has determined that government agencies can place restrictions on the possession of firearms in sensitive areas
- Surrounding cities have or will soon consider ordinances prohibiting possession of firearms in sensitive areas

City Manager

GE

Reviewed By:

City Attorney

JH

Finance Director

JD



Subject: Ordinance No. 2023-xxx: Prohibition on possession of firearms in sensitive places

Staff Recommendation:

Introduce and waive further reading of Ordinance No. 2023-xxx prohibiting the possession of firearms in sensitive places



Subject: Ordinance No. 2023-xxx: Prohibition on possession of firearms in sensitive places

Purpose

To consider an ordinance prohibiting the possession of a firearm in sensitive places

Background

On July 12, 2022, the City Council requested a future agenda item to consider restricting firearms on public property. At this time, the carrying of a firearm with a valid permit is lawful in most public places within California. A 2022 report from the Santa Clara County Public Health Department outlines the public cost of gun violence within Santa Clara County (Attachment 2). In addition, there has been a rise in mass shootings throughout the country, including the 2021 VTA railyard shooting.

Discussion/Analysis

While the Second Amendment to the United States Constitution places limits on a government's ability to regulate firearms, the United States Supreme Court has found that the Second Amendment does not prohibit all regulations. The Supreme Court has found three times that restrictions may be placed on carrying firearms in "sensitive places."

Several surrounding cities have implemented ordinances prohibiting the carrying of firearms in sensitive areas. City of Sunnyvale has prohibited firearms on government property, public transit and places of worship. City of Mountain View has prohibited firearms on City property and the City Council has requested consideration of an ordinance expanding the prohibition to include sensitive areas. On March 6, 2023, City of Palo Alto approved a prohibition of firearms in sensitive locations.

The proposed Ordinance (Attachment 1) would prohibit the possession of a firearm in any City building, City parks, polling places and schools.

Recommendation

Staff recommends the Council introduce and waive further reading of Ordinance No. 2023-xxx prohibiting the possession of firearms in sensitive places