

# Giffords Law Center to Prevent Gun Violence

## Communities on the Move: Local Gun Safety Legislation in California

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Over the past few decades, local communities in California have enacted some of the strongest and most innovative gun violence prevention policies in the nation. Often, these efforts have led the way for new and improved gun laws at the state level—laws that prevent shootings and save lives.

### INTRODUCTION

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A fundamental function of local government is to pass laws that address specific needs of its community. Because they face fewer bureaucratic and political hurdles, local governments are also often incubators of pioneering policies, especially when it comes to gun violence prevention.

Recognizing and fearing this, the gun lobby has spent the past several decades seeking to prevent local governments from passing laws that regulate guns and gun owners. In most states, the gun lobby has successfully lobbied state governments to enact onerous firearm preemption laws<sup>1</sup> that take regulatory power away from local governments—but not in California.

### CALIFORNIA: A MODEL FOR LOCAL GUN SAFETY

California has not fallen victim to gun lobby strong-arming and still allows local governments wide latitude to prevent gun violence in their communities.<sup>2</sup> Starting in the mid-1990s, California communities began passing hundreds of local laws that go above and beyond state and federal law to prevent gun violence and tragedies.

This local activity has also acted as a catalyst for state laws. Many of California's strong state gun laws were initially conceptualized and adopted at the local level. The following is a sampling of state laws<sup>3</sup> that began as local laws in California:

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<sup>1</sup> For additional information, see <https://lawcenter.giffords.org/gun-laws/policy-areas/other-laws-policies/preemption-of-local-laws/>

<sup>2</sup> *Suter v. City of Lafayette*, 67 Cal. Rptr. 2d 420 (Cal. Ct. App. 1997).

<sup>3</sup> For additional information, see <https://lawcenter.giffords.org/gun-laws/state-law/california/>

- Requiring child-safety firearm locks
- Prohibiting the sale and manufacture of unsafe handguns
- Requiring guns to be safely stored in vehicles
- Prohibiting the sale and possession of large capacity ammunition magazines
- Requiring gun dealer employees to undergo background checks
- Regulating ammunition sales
- Limiting handgun purchases to one per month

California communities continue to tirelessly advance new gun safety legislation, modeling new gun safety laws for the rest of the state and the nation. Giffords Law Center has been tracking these ordinances since 2000.

## NOTES ON LOCAL GUN LAW DATA

The below data on local gun laws is from cities with populations of 90,000 or greater as of 2012 and counties with populations of 500,000 or greater as of 2013, as well as smaller counties and cities that have enacted several gun laws.

Requirements that only affect dealers of concealable firearms only are marked with an asterisk (\*), and requirements that affect only dealers of ammunition are marked with a double asterisk (\*\*).

## GUN DEALER LAWS

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### SPECIAL PERMIT REQUIRED TO BE A FIREARM DEALER

Both federal<sup>4</sup> and California<sup>5</sup> law impose minimal requirements for firearm dealers to obtain state and federal licenses. Local oversight of gun dealers remains important to ensure that dealers are following local, state, and federal laws, and operating responsibly and safely. Local jurisdictions can ensure that law enforcement is aware of and monitoring the operation of gun dealers in a community by requiring dealers to get a local license in addition to state and federal licenses. The following 102 jurisdictions require firearm dealers to obtain a local license or permit in order to operate.

Alameda

Alameda County

Albany

Anaheim\*

Antioch

Berkeley

Beverly Hills

Burbank

Campbell

Carson

Cathedral City

Chino

<sup>4</sup> For more information, visit <https://lawcenter.giffords.org/gun-laws/policy-areas/gun-sales/gun-dealers/>

<sup>5</sup> For more information, visit <https://lawcenter.giffords.org/dealer-regulations-in-california/>

Chula Vista\*  
Commerce  
Contra Costa County  
Corona  
Covina\*  
Daly City  
Diamond Bar  
El Cerrito  
El Monte\*  
El Segundo  
Elk Grove\*  
Emeryville  
Fremont  
Fresno County  
Fullerton  
Glendale\*  
Glendora\*  
Hayward  
Hercules  
Industry\*  
La Puente  
Lafayette  
Lawndale  
Long Beach  
Lomita\*  
Los Angeles  
Los Angeles County  
Los Gatos  
Lynwood\*  
Marin County  
Maywood

Merced\*  
Millbrae\*  
Mission Viejo\*  
Monrovia\*  
Monterey County\*  
Moraga  
Oakland  
Oakley  
Orange County\*  
Oceanside\*  
Orange\*  
Oxnard\*  
Pacific Grove\*  
Pacifica  
Palmdale\*  
Palo Alto  
Pasadena\*  
Piedmont  
Pinole  
Pittsburg  
Pleasanton  
Pleasant Hill  
Reedley  
Richmond  
Sacramento\*  
Sacramento County\*<sup>6</sup>  
Salinas  
San Anselmo  
San Bruno\*  
San Bernardino County  
San Diego

San Diego County  
San Francisco City/Cty  
San Joaquin County  
San Jose\*  
San Leandro  
San Mateo County  
San Pablo  
San Rafael  
Santa Ana  
Santa Barbara  
Santa Barbara County\*  
Santa Clara County  
Santa Cruz  
Santa Cruz County  
Santa Monica  
Santa Ros  
Saratoga  
Scotts Valley  
Solana Beach  
Sonoma County  
South El Monte  
South Gate  
South Pasadena  
Stockton  
Tiburon  
Union City  
Walnut  
West Hollywood  
Westlake Village

## ADDITIONAL SITE SECURITY AND SAFE STORAGE

California imposes modest requirements on gun dealers to keep their inventory safe from theft<sup>7</sup> when the business is closed. Unfortunately, these requirements do not go far enough, and perpetrators have begun using a method called “smash and grab”—when an assailant

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<sup>6</sup> Applies only in unincorporated areas.

<sup>7</sup> More information:  
<https://lawcenter.giffords.org/g>

[gun-laws/policy-areas/gun-sales/gun-dealers/](https://lawcenter.giffords.org/gun-laws/policy-areas/gun-sales/gun-dealers/)

drives his or her car into the dealer—to steal guns from dealers, even those that are in compliance with California law. Local jurisdictions can do more to prevent gun thefts by requiring dealers to secure their inventory in ways that go above and beyond state law. The following 34 jurisdictions require firearm dealers to meet standards for site security and safe storage of inventory that are more rigorous than what is required by California Penal Code §26890 and §17110<sup>8</sup>.

Alameda	Hercules	San Buenaventura**
Albany	Los Angeles County	San Diego
Antioch	Oakland	San Francisco City/Cty
Burbank	Oakley	San Jose
Campbell	Pacifica	Santa Ana
Cathedral City	Palm Springs	Santa Cruz
Concord	Palo Alto	Santa Cruz County
Corona	Piedmont	Santa Monica
El Cerrito	Pinole	Scotts Valley
Emeryville	Pleasant Hill	Union City
Fremont	Richmond	
Hayward	San Bruno	

## REQUIRING FIREARM DEALERS TO CARRY LIABILITY INSURANCE

While federal law provides the gun industry with sweeping and unprecedented immunity from civil lawsuits<sup>9</sup>, there are still ways in which individuals who have been harmed by a gun dealer's practices can obtain compensation. The following 32 jurisdictions require firearm dealers to carry liability insurance, typically with a minimum coverage of \$1 million.

Berkeley	Los Gatos	Richmond
Beverly Hills	Marin County	Salinas
Campbell	Maywood	San Anselmo
Carson**	Moraga	San Bruno
Cathedral City	Oakland	San Francisco City/Cty
Emeryville	Palo Alto	San Pablo
Fremont	Pasadena	San Rafael
Hayward	Piedmont	Santa Cruz
Lafayette	Pinole	Santa Cruz County
Los Angeles	Pleasant Hill	Santa Monica
Los Angeles County	Pleasanton	Tiburon

<sup>8</sup> More information: <https://lawcenter.giffords.org/dealer-regulations-in-california/>

<sup>9</sup> More: <https://lawcenter.giffords.org/gun-laws/policy-areas/other-laws-policies/gun-industry-immunity/>

## HOME BUSINESSES

Neither federal nor California law prohibit gun dealers from operating out of residential homes, allowing unscrupulous gun dealers to evade detection and possibly bringing criminals and illegal activity into residential neighborhoods<sup>10</sup>. The following 78 jurisdictions either prevent firearm dealers from being located in residential areas or prohibit firearm sales as a "home occupation" (i.e., a home business).

Alameda County	Inglewood	Pleasanton
Albany	La Puente	Rialto
Antioch	Lafayette	Rosemead
Arcadia**	Lancaster	Roseville
Artesia	Long Beach	Salinas
Berkeley	Los Angeles	San Bruno
Beverly Hills	Los Angeles County	San Carlos
Burbank	Los Gatos	San Francisco City/Cty
Calabasas	Mission Viejo	San Jose
Calistoga	Montebello	San Pablo
Campbell	Monterey County	San Rafael
Cathedral City	Moraga	Santa Clarita
Carson**	Moreno Valley**	Santa Cruz
Chino	Newark	Santa Cruz County
Colma	Oakland	Santa Monica
Covina	Oakley	Santa Rosa
Contra Costa County	Ontario	Sonoma County
Daly City	Orange*	Stockton
El Cerrito	Oxnard	Tiburon
Elk Grove	Pacifica	Union City
Emeryville	Palmdale	Vacaville
Fairfield	Palo Alto	Vallejo
Fontana	Pasadena	Victorville
Fremont	Piedmont	Westlake Village
Hayward	Pinole	Westminster
Hercules	Pittsburg	
Hollister	Pleasant Hill	

### —KEEPING DEALERS AWAY FROM "SENSITIVE AREAS"

Laws that zone certain types of businesses, such as gun dealers, away from areas where children and families frequent or where dangerous behavior is more likely to occur is best

<sup>10</sup> More: <https://lawcenter.giffords.org/gun-laws/policy-areas/gun-sales/gun-dealers/>

left to local jurisdictions. These laws help ensure that criminal activity associated with firearm dealers<sup>11</sup> does not take place near areas where there is a high concentration of children, and that exposure to guns is left to the discretion of parents. The following 27 jurisdictions prohibit firearm dealers from operating within certain distances of "sensitive areas," such as schools, day care centers, bars, and parks

Alameda County	Hercules	Salinas
Albany	Los Gatos	San Bruno
Burbank	Monterey County	San Francisco City/Cty
Cathedral City	Oakland	San Pablo
Contra Costa County	Oakley	San Rafael
Culver City	Pacifica	Santa Cruz
Diamond Bar	Palo Alto	Santa Cruz County
El Cerrito	Pinole	Santa Fe Springs
Emeryville	Pleasant Hill	West Hollywood

## REQUIRING DEALERS TO REPORT THEIR INVENTORY

Requiring gun dealers to regularly report their inventory to law enforcement helps law enforcement solve crimes and deters dealers from trafficking firearms<sup>12</sup>. The following eight jurisdictions require firearm dealers to periodically report their inventory to law enforcement.

Beverly Hills	Los Angeles	Santa Monica
Campbell	Oakland	West Hollywood
Emeryville	San Francisco City/Cty	

## REQUIRING DEALERS TO VIDEOTAPE SALES

Videotaping gun sales provides law enforcement with the evidence they need to solve certain gun crimes such as straw purchases and robberies. Videotaping sales also deters illegal activity at gun stores. Laws requiring videotaping are popular with the public and Walmart<sup>13</sup>, the nation's largest gun seller, began voluntarily videotaping gun sales in 2008. The following five jurisdictions require firearm dealers to have a camera system in place that videotapes all firearm sales.

Campbell	Pleasant Hill	San Francisco City/Cty
Emeryville	Santa Cruz County	

<sup>11</sup> More: <https://lawcenter.giffords.org/gun-laws/policy-areas/gun-sales/gun-dealers/>

<sup>12</sup> More: <https://lawcenter.giffords.org/gun-laws/policy-areas/gun-sales/gun-dealers/>

<sup>13</sup> <https://www.reuters.com/article/us-usa-guns-walmart/wal-mart-to-film-gun-sales-in-bid-to-fight-crime-idUSN1421318620080414>

## REQUIRING DEALERS TO POST ADDITIONAL NOTICES

Requiring gun dealers to post notices about local laws, warnings about the dangers of keeping guns in the home, or information about suicide prevention helps ensure gun purchasers have necessary information to make informed choices and provides resources to a person in crisis. The following nine jurisdictions require firearm dealers post additional notices and warnings in addition to what is required by state law.

Campbell  
Cathedral City  
Emeryville

Livermore  
Los Angeles  
Oakland

San Francisco City/Cty  
San Leandro  
West Hollywood

## PROHIBITING UNACCOMPANIED MINORS AND PROHIBITED PERSONS FROM ENTERING GUN STORES

Individuals under age 21<sup>14</sup> and many categories of criminals and other dangerous people<sup>15</sup> are prohibited from purchasing guns in California. Laws prohibiting these individuals from entering gun stores allow parents greater control over their children's exposure to guns and ensures that guns are not accessible to people who are prohibited from having them. The following 10 jurisdictions require firearm dealers to deny entrance to unaccompanied minors and other people who are prohibited from owning a gun.

Berkeley  
Beverly Hills  
Cathedral City  
Emeryville

Lafayette  
Moraga  
Oakland  
Piedmont

San Francisco City/Cty  
San Rafael  
Tiburon

## REQUIRING REGULAR INSPECTIONS OF GUN DEALER PREMISES

Permitting local law enforcement to periodically inspect gun dealers for compliance with local, state, and federal laws helps prevent gun trafficking. The following three jurisdictions require that gun dealers be inspected by the police regularly.

Chula Vista\*

Emeryville

Union City

## PUBLIC PROPERTY LAWS

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<sup>14</sup> More: <https://lawcenter.giffords.org/minimum-age-to-purchase-possess-in-california/>

<sup>15</sup> More: <https://lawcenter.giffords.org/prohibited-purchasers-generally-in-california/>

## REGULATING OR PROHIBITING POSSESSION OF FIREARMS AND/OR AMMUNITION ON PUBLIC PROPERTY

Laws prohibiting firearms on government property serve to keep guns out of spaces where the freedom of expression is particularly important, like polling places; near schools and other areas children frequent; and near places where disagreements are likely, such as courthouses. The following 143 jurisdictions regulate or prohibit the possession of firearms and/or ammunition on certain types of public property, such as in parks, recreation areas, and municipal buildings.

Alameda County	Fairfield	Maywood
Albany	Fontana	Merced
Anaheim	Fremont	Mission Viejo
Antioch	Fresno	Modesto
Bakersfield	Fresno County	Monrovia
Baldwin Park	Fullerton	Montebello
Brentwood	Garden Grove	Monterey County
Burlingame	Gardena	Moraga
Calimesa	Glendale	Moreno Valley
Calistoga	Glendora	Murrieta
Campbell	Hawthorne	Newark
Carlsbad	Hercules	Norwalk
Cathedral City	Hermosa Beach	Oakland
Chino	Hillsborough	Oakley
Chula Vista	Hollister	Oceanside
Claremont	Huntington Beach	Ontario
Clovis	Imperial Beach	Orange
Colma	Inglewood	Orange County
Commerce	Irvine	Orinda
Concord	Irwindale	Palm Springs
Corona	Jurupa Valley	Palo Alto
Costa Mesa	La Canada Flintridge	Pasadena
Covina	La Puente	Pico Rivera
Culver City	Lafayette	Pleasanton
Cupertino	Lancaster	Pomona
Daly City	Lawndale	Redding
Diamond Bar	Long Beach	Redondo Beach
Dunsmuir	Los Angeles	Reedley
El Cajon	Los Angeles County	Rialto
El Monte	Los Gatos	Richmond
Elk Grove	Madera	
Escondido	Marin County	



Riverside<sup>16</sup>  
 Riverside County  
 Rolling Hills Estates  
 Roseville  
 Sacramento  
 Sacramento County  
 Salinas  
 San Benito County  
 San Bernardino County  
 San Carlos  
 San Diego  
 San Diego County  
 San Dimas  
 San Francisco City/Cty  
 San Gabriel  
 San Joaquin County  
 San Jose

San Mateo  
 San Mateo County  
 San Rafael  
 Santa Ana  
 Santa Barbara  
 Santa Barbara County  
 Santa Clara  
 Santa Clara County  
 Santa Clarita  
 Santa Cruz  
 Santa Cruz County  
 Santa Fe Springs  
 Santa Monica  
 Saratoga  
 Scotts Valley  
 Solana Beach  
 South Gate

South Pasadena  
 Stanislaus County  
 Stockton  
 Temecula  
 Temple City  
 Union City  
 Vacaville  
 Vallejo  
 Ventura County  
 Victorville  
 Vista  
 Walnut Creek  
 West Covina  
 Whittier  
 Yountville

## REGULATING OR PROHIBITING GUN SHOWS OR EVENTS

A study by the Bureau of Alcohol, Tobacco, Firearms & Explosives (ATF) found that gun shows are the second largest source of illegally trafficked firearms<sup>17</sup>. Laws that prevent gun sales or possession on government property reduce the number of gun shows as many are held on county fairgrounds or other government-owned venues. By forcing gun sales into licensed dealerships, these laws can help keep guns out of the hands of prohibited persons and the illegal market. The following 10 jurisdictions regulate or prohibit the possession or sale of guns on government-owned property.

Colma<sup>18</sup>  
 Fresno County<sup>19</sup>  
 Glendale  
 Glendora<sup>20</sup>

Los Angeles County  
 Marin County<sup>21</sup>  
 Sacramento County<sup>22</sup>  
 San Francisco City/Cty

Santa Clara County  
 Sonoma County<sup>23</sup>

<sup>16</sup> Applies only to loaded firearms

<sup>17</sup> <https://lawcenter.giffords.org/gun-laws/policy-areas/gun-sales/gun-shows/#federal>

<sup>18</sup> Prohibits sales on parks and recreation properties

<sup>19</sup> Indirect prohibition. Prohibits possession of firearms on all county properties.

<sup>20</sup> Indirect prohibition. Prohibits possession of firearms on all city properties.

<sup>21</sup> Indirect prohibition. Prohibits firearms possession on all

county properties except for CCW permit holders.

<sup>22</sup> Indirect prohibition. Prohibits possession of firearms on all county properties.

<sup>23</sup> Indirect prohibition. Prohibits possession of firearms, except by CCW permit holders, on all county properties.

## PROHIBITING GUNS AT PROTESTS OR DEMONSTRATIONS

Perceptions of safety are important to encouraging civic engagement and participation. The presence of firearms at gatherings where free expression is taking place is likely to intimidate some participants and chill speech. The presence of concealed firearms in large crowds or where tensions run high also presents public safety risks associated with the accidental or intentional discharge of a gun. The following jurisdictions have prohibited the carrying of guns at protests or demonstrations.

Los Angeles

San Francisco City and County

## SAFE STORAGE LAWS

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### SAFE STORAGE IN THE HOME

Safe storage laws require gun owners to store their unattended guns in residences in locked containers or with locking devices to prevent access by unauthorized users. These laws help prevent accidental shootings, suicides, and firearm thefts during home burglaries. The following 15 jurisdictions require safe storage in the home.

Belvedere

Orinda

Santa Cruz

Berkeley

Palm Springs

Saratoga

Los Angeles

San Francisco City and

Sunnyvale

Moraga

County

Tiburon<sup>25</sup>

Morgan Hill

San Jose<sup>24</sup>

Oakland

San Mateo County

### SAFE STORAGE IN VEHICLES

Vehicle break-ins are common in California and guns stolen from vehicles have been involved in several high-profile shootings in recent years. The following two jurisdictions require owners who leave guns in their unattended vehicles to store them safely.

Oakland

San Francisco City and County

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<sup>24</sup> Only applies when the gun owner leaves the home.

<sup>25</sup> Only applies to handguns.