

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

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 laws¹ 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.² 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 laws³ that began as local laws in California:

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

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

³ 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

SPECIAL PERMIT REQUIRED TO BE A FIREARM DEALER

Both federal⁴ and California⁵ 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

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

⁵ 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*⁶
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 theft⁷ 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

⁶ Applies only in unincorporated areas.

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

[un-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 §17110⁸.

| | | |
|----------------|--------------------|------------------------|
| 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 lawsuits⁹, 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 |

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

⁹ 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 neighborhoods¹⁰. 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

¹⁰ 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 dealers¹¹ 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 firearms¹². 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 Walmart¹³, 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 | |

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

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

¹³ <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 21¹⁴ and many categories of criminals and other dangerous people¹⁵ 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

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

¹⁵ 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 | |

Riverside¹⁶
 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 firearms¹⁷. 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.

Colma¹⁸
 Fresno County¹⁹
 Glendale
 Glendora²⁰

Los Angeles County
 Marin County²¹
 Sacramento County²²
 San Francisco City/Cty

Santa Clara County
 Sonoma County²³

¹⁶ Applies only to loaded firearms

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

¹⁸ Prohibits sales on parks and recreation properties

¹⁹ Indirect prohibition. Prohibits possession of firearms on all county properties.

²⁰ Indirect prohibition. Prohibits possession of firearms on all city properties.

²¹ Indirect prohibition. Prohibits firearms possession on all

county properties except for CCW permit holders.

²² Indirect prohibition. Prohibits possession of firearms on all county properties.

²³ 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

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

Tiburon²⁵

Morgan Hill

San Jose²⁴

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

²⁴ Only applies when the gun owner leaves the home.

²⁵ Only applies to handguns.