

Ordinance No. 10765 (N.S.)

AN ORDINANCE ADDING A NEW CHAPTER 3 TO TITLE 3, DIVISION 3 OF THE SAN DIEGO COUNTY CODE OF REGULATORY ORDINANCES RELATING TO NON-SERIALIZED FIREARMS, NON-SERIALIZED UNFINISHED FIREARM FRAMES AND RECEIVERS, AND SAFE STORAGE OF FIREARMS

The Board of Supervisors of the County of San Diego ordains as follows:

Section 1. The Board of Supervisors finds and determines the purpose of this ordinance being considered today will prohibit possessing, purchasing, selling, offering to sell, transferring, offering to transfer, receiving and transporting non-serialized unfinished frames and receivers and non-serialized firearms, commonly known as “ghost guns,” including those created by 3D printing, within the County of San Diego. The ordinance will also require safe storage of firearms within a residence or accessory structure, unless those firearms are within the immediate control of an authorized person.

Section 2. Add a new Chapter 3 to Title 3, Division 3 of the San Diego County Code of Regulatory Ordinances to read as follows:

Chapter 3. Non-Serialized Firearms, Non-Serialized Unfinished Frames and Receivers, and Safe Storage of Firearms

Section 33.301. Possession or Sale of Non-Serialized Firearms and Non-Serialized Unfinished Firearm Frames and Receivers.

(a) For the purposes of this section, the following definitions apply:

3D Printing: The process of manufacturing a physical object from a three dimensional digital model by adding successive layers of material.

Federal Firearms Importer: A licensed firearm importer as defined in 18 U.S.C. section 921(a)(9), as may be amended.

Federal Firearms Manufacturer: A licensed firearm importer as defined in 18 U.S.C. section 921(a)(10), as may be amended.

Firearm: As defined in California Penal Code section 16520(a), as may be amended. As used in this section, “Firearm” shall include a Handgun, Rifle or Shotgun.

Fire Control Component: A component necessary to initiate, control, or complete the firing sequence of a Firearm, including but not limited to a hammer, bolt, bolt carrier, breechblock, cylinder, trigger mechanism, firing pin, striker, or slide rail.

Frame: The primary structural component of a Firearm to which the Fire Control Components are attached.

Handgun: As defined in California Penal Code section 16640, as may be amended.

Non-Serialized: Term describing an item that is not either imprinted with a serial number issued to it by Federal Firearms Importer or Federal Firearms Manufacturer in compliance with federal law or engraved or permanently affixed with a serial number provided by the California Department of Justice for that item.

Person: As defined in San Diego County Regulatory Code section 12.115.

Receiver: The primary structural component of a Firearm to which the Fire Control Components are attached.

Rifle: As defined in California Penal Code section 17090, as may be amended.

Shotgun: As defined in California Penal Code section 17190, as may be amended.

Unfinished Frame: Any piece of material that does not constitute the completed Frame of a Firearm, but that has been shaped or formed in any way for the purpose of becoming the Frame of a Firearm, and which may be made into a functional Frame of a Firearm through milling, drilling, or other means.

Unfinished Receiver: Any piece of material that does not constitute the completed Receiver of a Firearm, but that has been shaped or formed in any way for the purpose of becoming the Receiver of a Firearm, and which may be made into a functional Receiver of a firearm through milling, drilling, or other means.

(b) For the purposes of this section, any reference to Firearms, Frames, Receivers, Unfinished Frames or Unfinished Receivers includes those that are manufactured by 3D printing.

(c) It shall be unlawful for any person to possess, purchase, transport or receive a Non-Serialized Unfinished Frame or Non-Serialized Unfinished Receiver. This prohibition shall not apply to any of the following:

(1) A Federal Firearms Importer or Federal Firearms Manufacturer.

(2) A common carrier licensed or regulated under State or federal law or an authorized agent of a common carrier when acting in the course and scope of duties incident to the receipt, processing, transportation, or delivery of property.

(d) It shall be unlawful for any person to sell, offer to sell, transfer, offer to transfer a Non-Serialized Unfinished Frame or Non-Serialized Unfinished Receiver. This prohibition shall not apply to any of the following:

(1) The transfer, surrender, or sale of a Non-Serialized Unfinished Frame or Non-Serialized Unfinished Receiver to a law enforcement agency.

(e) It is unlawful for any person to possess, purchase, transport, or receive a Non-Serialized Firearm. This prohibition shall not apply to any of the following:

(1) A common carrier licensed or regulated under State or federal law or an authorized agent of a common carrier when acting in the course and scope of duties incident to the receipt, processing, transportation, or delivery of property.

(2) A Non-Serialized Firearm entered into the centralized registry set forth in California Penal Code section 11106, as may be amended, prior to July 1, 2018, as being owned by a specific individual or entity if that firearm has assigned to it a distinguishing number or mark of identification.

(3) Possession, purchase, transport, or receipt of a Non-Serialized Firearm in compliance with California Penal Code section 29180, as may be amended.

(f) It shall be unlawful for any person to sell, offer to sell, transfer, or offer to transfer a Non-Serialized Firearm. This prohibition shall not apply to any of the following:

(1) The transfer, surrender, or sale of a Non-Serialized Firearm to a law enforcement agency.

(g) The prohibitions in subdivisions (e) and (f) shall not apply to a Non-Serialized Firearm if any of the following conditions apply:

- (1) The Non-Serialized Firearm has been rendered permanently inoperable;
- (2) The Non-Serialized Firearm is an antique firearm as defined in Penal Code section 16170;
- (3) The Non-Serialized Firearm was manufactured or assembled prior to 1968;
- (4) The Non-Serialized Firearm has been determined to be a collector's item pursuant to 26 U.S.C. Chapter 53, including section 5845, as may be amended; or a curio or relic pursuant to 18 U.S.C. Chapter 44, including section 921(a), as may be amended, and 27 C.F.R. section 478.11, as may be amended.

(h) The prohibitions in subdivisions (c), (d), (e) and (f) shall not apply to an employee or sworn peace officer of a local, State or federal law enforcement agency if the employee or sworn peace officer is acting within the scope of official duties.

(i) The restrictions on possession of Non-Serialized Unfinished Frames and Receivers and possession of Non-Serialized Firearms in subdivisions (c) and (e) of this section shall take effect 90 days after the operative date of this ordinance.

(j) Upon the operative date of this ordinance, the County shall promptly take efforts to inform residents of its provisions.

(k) Nothing in this section shall be interpreted or applied so as to create any requirement, power, or duty in conflict with federal or State law. The prohibitions of this section shall only apply to the extent not already prohibited by federal or State law.

(l) If any part of this section is for any reason held to be invalid, unlawful, or unconstitutional, such invalidity, unlawfulness, or unconstitutionality shall not affect the validity, lawfulness, or constitutionality of any other part of this section.

Section 33.302. Safe Storage of Firearms

(a) Definitions. For the purposes of this section, the following definitions apply:

(1) Accessory Structure: A Structure attached to or detached from a primary Structure located on the same premises that is customarily incidental and subordinate to the primary Structure or use. The term accessory structure includes accessory buildings.

(2) Authorized User: A person who is not legally prohibited from owning or possessing a firearm.

(3) Firearm: As defined in Penal Code section 16520(a), as may be amended.

(4) Locked Container: As defined in California Penal Code section 16850, as may be amended.

(5) Mobilehome: As defined in Section 1100, et seq. of the San Diego County Zoning Ordinance.

(6) Person: As defined in San Diego County Regulatory Code section 12.115.

(7) Residence: Any structure intended or used for human habitation including, without limitation, houses, condominiums, apartments, and mobilehomes.

(8) Structure: As defined in Section 1100, et seq. of the San Diego County Zoning Ordinance.

(9) Trigger lock: A Firearm safety device meeting the requirements in Penal Code section 23635(a), as may be amended.

(b) It is unlawful for any person to keep a Firearm within any Residence, including its Accessory Structures, unless the Firearm is stored in a Locked Container or disabled with a Trigger Lock.

(c) Exceptions. Subsection (c) shall not apply in the following circumstances:

(1) The Firearm is carried on the body of a person who is an authorized user of the Firearm, or

(2) The Firearm is in the immediate control of the Authorized User so that the Person can readily retrieve and use the Firearm as if carried on the Person's body.

(d) Reporting Lost or Stolen Firearms. In order to encourage reports to law enforcement agencies of lost or stolen Firearms, a person who files a report with a law enforcement agency notifying the agency that a Firearm has been lost or stolen shall not be subject to prosecution for violation of this section for the Firearm that is reported lost or stolen.

(e) Nothing in this section shall be interpreted or applied so as to create any requirement, power, or duty in conflict with federal or State law.

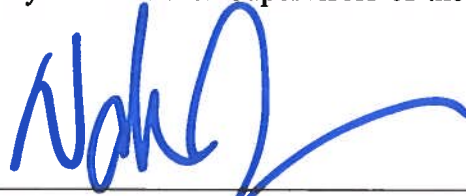
(f) If any part of this section is for any reason held to be invalid, unlawful, or unconstitutional, such invalidity, unlawfulness, or unconstitutionality shall not affect the validity, lawfulness, or constitutionality of any other part of this section.

Section 3. This ordinance shall take effect and be in force thirty days after its passage, and before the expiration of fifteen days after its passage, a summary hereof shall be published once with the names of the members of this Board voting for and against it in the Daily Transcript, a newspaper of general circulation published in the County of San Diego.

APPROVED AS TO FORM AND LEGALITY
COUNTY COUNSEL

BY: MARK DAY, Senior Deputy County Counsel

PASSED, APPROVED, AND ADOPTED by the Board of Supervisors of the County of San Diego this 25th day of January 2022.



NATHAN FLETCHER
Chair, Board of Supervisors
County of San Diego, State of California

The above Ordinance was adopted by the following vote:

AYES: Vargas, Lawson-Remer, Fletcher
NOES: Anderson, Desmond

ATTEST my hand and the seal of the Board of Supervisors this 25th day of January 2022.

ANDREW POTTER
Clerk of the Board of Supervisors

By 
Nancy Vizcorta, Deputy



Ordinance No.: 10765 (N.S.)
Meeting Date: 01/25/2022 (04)