

ORDINANCE No. 184274

Add new and amend existing City Code provisions to address illegal gun use and violent gang activity in the City (Ordinance; amend Code Sections 14A.80.010 and 14A.60.010; add Code Sections 14A.60.050, 14A.60.060 and add Chapter 14A.90)

The City of Portland ordains:

Section 1. The Council finds:

1. Under Oregon state law, a municipality is specifically authorized to regulate the discharge of firearms and to regulate possession of loaded firearms in public places. These two types of regulations clearly fall outside the Oregon state law regarding state preemption for matters involving the “sale, acquisition, transfer, ownership, possession, storage, transportation or use of firearms or any element relating to firearms and components thereof, including ammunition.”
2. State law does not prohibit a municipality from enacting curfew, loss reporting or child access laws.
3. Firearms are used in 42 percent of the homicides committed in the city.
4. Because of the range and effectiveness of firearms, the use of firearms in violent crimes is more likely to lead to the death or injury of bystanders.
5. Close to half of the firearms used in unintentional (“accidental”) shootings of children nationally were acquired by children from their parents, who left the firearms loaded and unsecured in a place accessible to children.
6. According to the National Center for Injury Prevention and Control, homicide was the 4th highest ranking cause of death for ages 15-24 in the state of Oregon between 1999 and 2007. Homicide was also the 5th highest ranking cause of death for ages 25-34 in the state of Oregon during the same time period.
7. The number of stolen firearms reported in the City of Portland since 2006 ranges from 327 to 248 firearms per year.
8. Current city code provides that children under age 14 and not yet in high school have a curfew between 9:15 pm and 6 am on school days and 10:15 pm and 6 am on non-school days. Children over age 14 or in high school have a curfew between 10:15 pm and 6 am on school days and 12 midnight and 6 am on non-school days. Portland Police Bureau (PPB) data demonstrate that the majority of gang related activity occurs in the evening or early morning hours. For example, during the month of August 2010, the vast majority of incidents that prompted Gun Violence Reduction Team response occurred between 7:00 pm and 2:30 am. Further restricting the curfew for youth who are currently on probation or under juvenile court jurisdiction for gun related offenses will provide police with an additional investigative tool to contact youth before a violent incident occurs and

will protect the community. The Juvenile Justice Department and PPB will communicate with each other about the identity of youth currently on probation for gun related offenses including pictures so precinct officers can easily determine if a youth is violating the curfew ordinance.

9. The purpose of City Code section 14A.60.060 is to (1) facilitate the apprehension of criminals who commit crimes with stolen or lost weapons, (2) deter the criminal use of stolen and lost weapons, (3) facilitate the recovery of stolen and lost weapons, (4) prevent unwarranted criminal accusations against firearms owners who suffer the loss or theft of a firearm, and (5) deter persons from falsely claiming that a firearm was lost or stolen to avoid punishment for an illegal firearm transfer.
10. Stolen guns represent a major risk to the community at large because they have, by definition, entered criminal hands. Ensuring law enforcement's early awareness of every lost and stolen gun will enhance law enforcement's ability to recover those guns and reduce gun violence.
11. The September 27, 2010 report from Mayors Against Illegal Guns, a bi-partisan coalition, analyzed 2009 crime gun trace data from the Bureau of Alcohol, Tobacco, Firearms and Explosives (ATF), which showed that gun trafficking is alive and well in Oregon. Specifically, this report outlines the problems that stem from a lack of reporting lost or stolen firearms in Oregon. Law enforcement recognizes the benefits of requiring a gun owner to immediately report when a gun is lost or stolen. Prompt investigation is imperative in these cases.
 - 1) The report also focused on whether states require gun owners to report lost or stolen guns to police. Currently seven states and District of Columbia require gun owners to report lost or stolen guns to local law enforcement (none of these states are on the West Coast). States that have a reporting requirement have an average export rate of 6.2 guns per 100,000 inhabitants. In comparison, the 43 states that do not require such reporting have a crime gun export rate of 16.1 guns per 100,000 inhabitants, which is more than two and half times greater than the rate of state that do. (See page 23 of report).
 - 2) Findings: States that do not require gun owners to report lost or stolen goods to police export crime guns at a rate more than two and half times greater than states that require such reporting, and are the source of a greater proportion of short time to crime (TTC) crime guns.
 - 3) Over 150,000 firearms were reported lost or stolen in 2008. 85% of these guns were never recovered and tens of thousands more were likely never even reported.
 - 4) Reporting lost or stolen guns assists local law enforcement in two ways:

- (1) It enables police to respond more rapidly to a report that a gun was stolen and possibly return it to its owners or track down the thieves.
 - (2) If a trafficker or straw buyer is identified through gun tracing and confronted by police, such a requirement prevents them from evading responsibility by claiming that the crime gun was stolen from them.
 - 5) States that do not allow local control of gun laws export crime guns at a rate more than 4 times greater than states that allow local control, and are the source of a greater proportion of short time to crime (TTC) guns. Currently, 8 states give municipalities broad authority to regulate firearms.
12. The African-American community has seen the greatest toll on its youth as a result of illegal gun use. Young African American males are killed by guns at a much higher rate than any other segment of the U.S. population, according to *Black Homicide Victimization in the United States* (Violence Policy Center, 2007).

NOW, THEREFORE, the Council directs:

- a. City Code Section 14A.80.010, Curfew, is amended as in the attached Exhibit 1.
- b. City Code Chapter 14 is amended by adding a new Section 14A.60.050, Endangering a Child by Allowing Access to a Firearm, as in the attached Exhibit 2.
- c. City Code Chapter 14 is amended by adding a new Section 14A.60.060, Failure to Report Theft or Loss of a Firearm, as in the attached Exhibit 3.
- d. City Code Section 14A.60.010, Possession of a Loaded Firearm in a Public Place, is amended as in the attached Exhibit 4.
- e. City Code Chapter 14, is amended by adding a new Chapter 14A.90 Illegal Firearms Use Hotspots, as in the attached Exhibit 5.
- f. A committee established by Council shall monitor the implementation and enforcement of the new firearm use hotspots code for Council. The Committee will collect and analyze data to determine whether management of the hotspots
 - 1) Serves the safety needs of the community;
 - 2) Is fair and equitable;
 - 3) Has generated improper disparate treatment

The Committee will report to Council every six months.

g. Subject to revision by Council or its delegee, such revision effective when posted on the City and Police Bureau websites and described on notices to subsequently excluded persons, the following descriptions shall comprise the boundaries of the Illegal Firearms Use Hotspots listed, and the Hotspots shall include the entire area on and within the listed boundaries:

1. Central Hotspot: The area encompassed by the west bank of the Willamette River, the centerlines of SW Madison Street, SW Naito Parkway, SW Jefferson Street, the center divider of I-405, the centerline of NW Glisan Street and a line extended from the centerline of NW Glisan to the west bank of the Willamette River.
2. North / Northeast Hotspot: The area encompassed by the centerlines of N. Interstate Avenue, N and NE Russell, NE Martin Luther King Blvd. and N and NE Lombard.
3. East Hotspot: The area encompassed by the centerlines of NE Glisan Street, 148th Avenue, SE Stark Street and 162nd Avenue.

Passed by the Council:

DEC 01 2010

Commissioner: Mayor Adams
Prepared by: Kate Lieber
Date Prepared: November 10, 2010

LaVonne Griffin-Valade
Auditor of the City of Portland

By


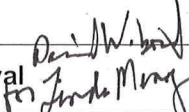


Deputy

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Agenda No.
ORDINANCE NO. 184274
Title

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INTRODUCED BY Commissioner/Auditor: Mayor Sam Adams	CLERK USE: DATE FILED <u>NOV 12 2010</u>
COMMISSIONER APPROVAL Mayor—Finance and Administration - Adams	LaVonne Griffin-Valade Auditor of the City of Portland
Position 1/Utilities - Fritz	By:  Deputy
Position 2/Works - Fish	
Position 3/Affairs - Saltzman	
Position 4/Safety - Leonard	
BUREAU APPROVAL Bureau: Mayor Sam Adams Bureau Head: Mayor Sam Adams	
Prepared by: K. Lieber Date Prepared: 11/10/10	ACTION TAKEN: NOV 18 2010 PASSED TO SECOND READING DEC 01 2010 9:30 A.M.
Financial Impact Statement Completed <input type="checkbox"/> Amends Budget <input type="checkbox"/> Not Required <input checked="" type="checkbox"/>	
Portland Policy Document If "Yes" requires City Policy paragraph stated in document. Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>	
Council Meeting Date November 18, 2010	
<input checked="" type="checkbox"/> City Attorney Approval 	

AGENDA

TIME CERTAIN (1 of 2)
Start time: 3:00 pm

Total amount of time needed: 2 hrs
(for presentation, testimony and discussion)

CONSENT

REGULAR

Total amount of time needed: _____
(for presentation, testimony and discussion)

FOUR-FIFTHS AGENDA	COMMISSIONERS VOTED AS FOLLOWS:	
	YEAS	NAYS
1. Fritz	1. Fritz <input checked="" type="checkbox"/>	
2. Fish	2. Fish <input checked="" type="checkbox"/>	
3. Saltzman	3. Saltzman <input checked="" type="checkbox"/>	
4. Leonard	4. Leonard <input checked="" type="checkbox"/>	
Adams	Adams <input checked="" type="checkbox"/>	