

ORDINANCE NO. _____

**ORDINANCE ADDING CHAPTER 7.91 TO
THE SANTA CRUZ COUNTY CODE RELATING
TO TRIGGER LOCKS AND OTHER SAFETY DEVICES**

The Board of Supervisors of the County of Santa Cruz ordains as follows:

SECTION I

Chapter 7.91 is hereby added to the Santa Cruz County Code to read as follows:

CHAPTER 7.91

TRIGGER LOCKS AND OTHER SAFETY DEVICES

Sections:

7.91.010	Findings.
7.91.020	Requirements.
7.91.030	Penalties
7.91.040	Effective period.

7.91.010 Findings.

A. In the years 1987 to 1996, nearly 2,200 children in the United States under the age of 15 years died in unintentional shootings. In 1996 alone, 138 children were shot and killed unintentionally. Thus, more than 11 children every month, or one child every three days were shot or killed unintentionally in firearms-related incidents.

B. The United States leads the industrialized world in the rates of children and youth lost to unintentional, firearms-related deaths. A 1997 study from the federal Centers for Disease Control and Prevention reveals that for unintentional firearms-related deaths for children under the age of 15, the rate in the United States was nine times higher than in 25 other industrialized countries combined.

C. While the number of unintentional deaths from firearms is an unacceptable toll on America's children, nearly eight times that number are treated in U.S. hospital

emergency rooms each year for nonfatal unintentional gunshot wounds.

D. A study of unintentional firearm deaths among children in California found that unintentional gunshot wounds most often involved handguns.

E. A recent study (Naureckas, et al., *Children and Women's Ability to Fire Handguns*, 149 Arch. Pediatric Adolescent Medicine 13 18 (1995)) found that children as young as three years old are strong enough to fire most commercially available handguns. The study revealed that 25 percent of three to four year olds and 70 percent of five to six year olds had sufficient finger strength to fire 59 (92 percent) of the 64 commonly available handguns referenced in the study.

F. The Government Accounting Office (GAO), in its March 1991 study, "Accidental Shootings: Many Deaths and Injuries Caused by Firearms Could be Prevented," estimates that 31 percent of accidental deaths caused by firearms might be prevented by the addition of two safety devices: a child-resistant safety device that automatically engages and a device that indicates whether the gun is loaded. According to the study results, of the 107 unintentional firearms-related fatalities the GAO examined for the calendar years 1988 and 1989, eight percent could have been prevented had the firearm been equipped with a child-resistant safety device. This eight percent represents instances in which children under the age of six unintentionally shot and killed themselves or other persons.

G. In 1994, the Bureau of Alcohol, Tobacco and Firearms reported that there were more than 222 million firearms in private possession in the United States.

7.91.020 Requirements.

A. No person licensed pursuant to Section 12071 of the Penal Code shall sell, give, lend, or transfer ownership of any firearm, capable of being concealed upon a person, without first equipping the firearm with a trigger lock, locking hard case, locking gun cabinet, safe, or such other device that is designed to prevent the unintentional discharge of the firearm.

B. No person licensed pursuant to Section 12071 of the Penal Code, shall sell, give, lend, or transfer ownership of any firearm, capable of being concealed upon a person, without providing to the person to whom the firearm is transferred printed material that advises the user on safe storage practices.

7.91.030 Penalty.

Any person violating any of the provisions of this chapter shall be guilty of a misdemeanor. Any person convicted of a misdemeanor under the provisions of this chapter shall be punishable as provided in section 1.12.030 of this code. The remedies and penalties provided for in this chapter shall be in addition to any other available remedies and penalties provided for by this code or other law.

7.91.040 Effective period.

The provisions of this chapter shall become null and void on January 1, 2002.

SECTION II

This ordinance shall take effect on the 3 1st day after the date of final passage.


PASSED AND ADOPTED this ____ day of _____, 2000, by the Board of Supervisors of the County of Santa Cruz by the following vote:

AYES: SUPERVISORS
NOES: SUPERVISORS
ABSENT: SUPERVISORS
ABSTAIN: SUPERVISORS

Chairperson of the
Board of Supervisors

Attest: _____
Clerk of the Board

APPROVED AS TO FORM:



Assistant County Counsel

141 Cortez St.
Capitola, CA 95010

August 16, 2000

Board of Supervisors
County of Santa Cruz
701 Ocean Room 500
Santa Cruz, CA 95060

Dear Members of the Board,

I am writing you to express my concern about the recent ordinance proposal that would require mandatory gun locks in the unincorporated areas of the county. As a citizen of the City of **Capitola** this ordinance would not affect me, but Rahn Garcia was quoted in the Sentinel of August 16 as hoping that this might encourage the cities of the county to follow suit. If that happened I too might fall into its legal bindings. However, my letter is not on behalf of myself, as my concern is the freedoms of all legal firearm owners.

I personally disagree with this policy, and would be disheartened to see it take effect. Please do not misunderstand me here, as I too am concerned about the safety and welfare of our law-abiding citizens. My concern here is that this ordinance in all reality would do nothing to prevent firearms-related tragedies. And whether you agree with it or not, this ordinance would encroach upon our Constitutional rights.

Board member Wormhoudt cites that 1.2 million elementary school aged children have access to guns in their homes (Santa Cruz Sentinel, **8/16/00**). I did also when growing up, as did my parents, and their parents before them. Guns in our homes were, and are, stored unloaded and unlocked. However, we all know how to properly handle them and where the ammunition for the guns is stored. None of us have ever suffered a firearms-related mishap, and I look forward to the day when I can pass onto my children the enjoyment that the shooting sports

provide. Gun owners who are irresponsible enough to leave loaded weapons unsecured are not going to be thoughtful enough to put a lock on that weapon, whether it be through the trigger, case, barrel, or otherwise.

Board member Wormhoudt also cited the statistic that 2,200 children under age 15 died in unintentional shootings between 1987 and 1996 (Sentinel, **8/16/00**). If your board wants to play the numbers game we could be here all day. In 1996 there were a total of 1,134 accidental firearms deaths in the entire country, 42 of which involved children under the age of 10. In comparison, **1,9** 15 children died in motor-vehicle accidents, 489 died from being struck by motor vehicles, 805 died from drowning, and 738 died from fire and burns. Nearly twice as many children die each year by drowning in a bathtub as compared to those killed by accidental shootings (John Lott, More Guns, Less Crime). I am not a statistics major, but it seems fairly obvious to me that our children are far more likely to be killed in a vehicle accident en route to school than they are likely to be killed by a firearm. Of course I don't expect your board to use the statistics I have provided you since they only shed logical light upon the topic of public safety, and would hamper your personal anti-gun agendas.

Another concern of mine is that a gun lock severely increases the time in which that firearm can be readied for use as a self-defense weapon. **Self-**defense is an inalienable right, and while I believe that our law enforcement officials do a fine job in helping to curtail crime, I do not think that any law enforcement officers are likely to be present at the precise moment that **self-**defense is needed. I am sure you are aware that it takes but an instant for harm to occur. A four or five minute response time will not always save the day. Since I value my life, and the lives of those I love, more than anything **else,** I am not willing to bet it all on a gamble that law enforcement will be there to defend me.

My final, and most important concern, is that by passing another gun-control ordinance you are making it that much easier for passage of future legislation which could ultimately lead to total confiscation of private firearms. This would make our society one in which only the government, law enforcement, and **criminals** have guns. This will **never** make society safer for the law-abiding citizen. Rather, they will become victimized even more than they already are. Washington D.C., Los Angeles, and New York City are three good examples. These cities have some of the nations strictest gun laws, yet consistently suffer some of the nations highest violent crime rates.

I am sure that "kitchen table" gun sales do occur in the county, but these people already have a complete disregard for **state** and **federal** laws. Why do you think they will respect your meager county ordinance?

As I mentioned at the start of my letter, I am disheartened by our county's stance on this subject. I urge all of you to instead campaign for enforcement of current gun laws, and the unwavering prosecution of those who misuse **firearms** to commit violent crimes. No more plea-bargaining or parole for those who will violate the most sacred of our laws. I know this letter is but one voice, but the one thing I can do to make it count is never vote for or support any public official that believes firearm ownership should be reserved for the select few. I will encourage those I know to do likewise.

Sincerely,

A handwritten signature in black ink that reads "Seth Adams". The signature is written in a cursive, flowing style with a large, prominent "S" at the beginning.

Seth Adams

Mst. Rev. Dr. William C. Vannerus
16 11 Branciforte Dr.,
Santa Cruz, CA 95065

August 19, 2000

Mrs Mardi Warmhoudt, Chairman,
Santa Cruz County Board of Supervisors,
701 Ocean Street,
Santa cruz, CA 95060

Re: Item "39," on the Supervisor's consent agenda for 8/15/00: Proposed Chapter 7.91,
"Trigger Locks and Other Safety Devices."

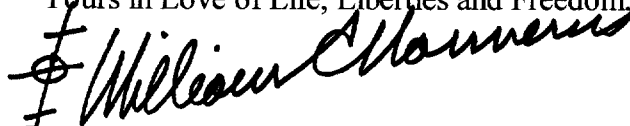
Dear Mrs Warmhoudt,

It has been brought to our attention to what appears to be the lack of publicity re public notification given to this proposal, the unusual expedition from 'consent to adoption,' of one week and its consequential lack of allowable time for public input.

We believe that the very foundation and perpetuation of our Liberties and Freedom of our Constitutional Republic demands that adequate time and opportunity for public dialogue between our representatives and the people they serve take place whenever the former propose, laws, ordinances or statutes that will directly affect the lives of the people, thus enabling them to support or oppose these laws.

We believe that adequate time for public input and dialogue has not been provided to us and for this reason we are requesting a continuance of 30 days that you will ensure that this may happen.

Yours in Love of Life, Liberties and Freedom,


Mst. Rev. Dr. William C. Vannerus

WCV/gev

August 19, 2000

Mardi Wormhoudt, Chairperson
Santa Cruz County Board of Supervisors
701 Ocean Street
Santa Cruz, CA 95060

Dear Mrs. Wormhoudt,

Regarding the trigger lock ordinance:

Safety is certainly an important issue.

Was input sought from a cross-section of the county?
It seems as though only a small number of people were involved.

Would you please request a continuance to allow time for
public input?

Thank You,

Steve Meyer
170 Mar Monte Ave.
La Selva Beach, CA 95076

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Copy To Each Supervisor

August 22, 2000
Bonnie Herdocia
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Capitola, CA 95010

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RE: Adopt ordinance adding Chapter 7.91 to the Santa Cruz County Code relating to Trigger Locks and other Safety Devices (approved in concept August 15, 2000, Item No. 39)

Dear Board of Supervisor Mardi Wormhoudt

I just found out about this ordinance you are adding and I would Like to know more about it. Please post pone a decision on this until the public can participate in this very important issue. We need some public hearings. Absolutely, we need a continuum on this issue.

Sincerely,

Bonnie Herdocia

W

Rev. Dr. William C. Vannerus
1611 Branciforte Dr.,
Santa Cruz, CA 95065

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Copy To Each Supervisor

Re: Item 39 on 8/15/00 agenda, "TRIGGER LOCKS AND OTHER SAFETY DEVICES."

Mrs. Mardi Warmhoudt, Chaii
Santa Cruz County Board of Supervisors,
701 Ocean Street,
Santa Cruz, CA 95060

September 7, 2000

Dear Chairman Warmhoudt,

We are requesting the Santa Cruz county Board of Supervisors to investigate some factual statistics presented herein, that refute the misrepresented figures and emotionally charged opinions priorly placed before the board. We present these in hopes that this Board will abandon their proposed "trigger-lock and 'other' safe storage devices" ordinance and consider adopting a resolution alternative, the Eddy Eagle Children's Gun Safety Program that has, over the test of time, been proven to save children's lives.

There is present damning evidence of the counter-productive effects of **trigger**-lock and safe-storage laws. In the 15 states that have had this kind of law, for the first five years, there is absolutely no support for the *theory* that safe-storage laws reduce either juvenile accidental gun deaths or suicides. Instead, these storage requirements appear to impair people's ability to use gun's defensively. When the before-and-after trends are accounted for, the group of fifteen states that adopted these laws faced an annual average increase of over 300 more murders, 3,860 more rapes, 24,650 more robberies, and over 25,000 more aggravated assaults during the first full five years **after** passage of the safe-storage laws. Passage of these laws is significantly related to almost 9% more rapes and robberies and 5.6% more burglaries. These increases seem to reflect the increased **difficulty** victims have in reaching a gun to protect themselves. Burglars in particular appeared to be less **afraid** of entering homes after these laws were passed. These are very strong reasons for not adopting this type of law.

On the other side of this question (Sheriff Tracy-"if it saves just one life") is the number of accidental deaths that will be prevented. The General Accounting Office reported in 1991 that mechanical safety locks are unreliable in preventing children over six years of age from using a gun but there is still the question of how many of these children's lives *might* have been saved, and even **if** locks are unreliable for older children, some deaths *may* be prevented. High-end estimated benefits *theory*, if correct, that as many as 31 of the 136 children under the age of 15 who died **from** accidental gunshots in 1996 *might have* been saved by nationwide safe-storage laws. The effect for murders was not statistically significant, but it still provides the best estimate that there is, and the size of the effect is still instructive. It indicates that in just these **fifteen** states, 109 lives would be lost **from** this law. If the entire country had these safe-storage laws, the total lost lives would have risen to 255.

There is no support for the *theory*, and it is only a *theory*, that "safe-storage laws," reduce either juvenile accidental gun deaths or suicides. Instead, these storage

requirements appear to impair people's ability to use guns defensively. They increase violent and property crimes against low-risk citizens with *no observable offsetting benefit* in terms of reduced accidents or suicides.

"Gun control? It's the best thing you can do for the crooks and gangsters," Gravano said. "I want you to have nothing. If I'm a bad guy, I'm always gonna have a gun. Safety locks? You will pull the trigger with a lock on, and I'll pull the trigger. We'll see who wins." Sammy "the Bull" Gravano, the mafia turncoat, when asked about gun control.

Fact: There are no Federal Firearm Licensed dealers in the unincorporated area of Santa Cruz county.

Fact: Trigger locks are already voluntarily supplied by gun manufacturers and are readily available to whomever wishes to use them.

Fact: Any trigger lock law is totally unenforceable.

Fact: People with children already have the choice of safe storage methods as well as trigger locks that suit their particular lifestyle without county attempts to intrude into their private homes and force one method upon all, even those with no children. Trigger locks can never substitute for adults educated to be responsible in the safe handling of a firearm by an adult or their **safe-storage** method in the presence of a child.

Fact: There is absolutely not even one documented child's life that has been saved in any of the 15 states that have had safe storage laws for over 5 years. But there are documented statistics on the dramatic increase in murders, rapes, robberies and aggravated assaults attributed to criminals being emboldened by the laws and victims being hampered by them.

Fact: Fifteen national polls, including those by organizations such as the Los Angeles Times (typically anti-gun information), Gallup Polls, Peter Hart Research Associates, imply that there are 760,000 defensive handgun uses to 3.6 million defensive uses of any type of gun each year to prevent a crime without anyone being hurt.

Fact: Handgun control Inc. (**HCI**), Center for Disease control (CDC) and the Million Moms March (**MMM**), consistently misinform the public through their regular skewing of statistics to reinforce their agenda to completely ban the private ownership of firearms, incrementally.

Fact: The MMM was not and is not a million moms grassroots organization built from the contributions of its members but receives its funding from wealthy foundations which funded the expensive D.C. extravaganza staged by **left-wing** extremists Rosie O'Donnell and Dees-Thomases, both promoting the Clinton administration's agenda to outright ban the private law-abiding citizen's unalienable right to own a firearm to defend his/her own life and the lives of loved ones and to protect their private property and to defend their civil rights and to protect our country **from** tyranny.

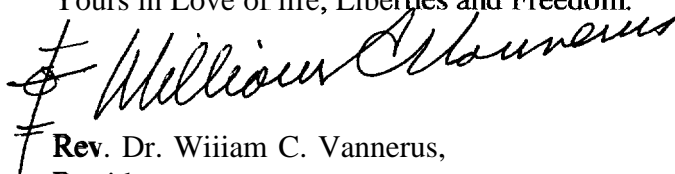
Fact: Law enforcement is not legally responsible to protect the individual **from** any kind of crime. They can only arrive **after** the crime has been committed and the **criminal** gone. The crime is investigated after the fact. The police cannot protect anyone from crime. "Dial 911 and Die," the shocking truth about the police protection myth, by Richard W. Stevens, attorney at law. The police are not responsible to protect us, the politicians are trying to disarm us! Who is responsible for our protection? We are! No one has the right to deliberately make us susceptible to criminal attack by making it

illegal to own the tools of self-defense or more **difficult** to access them.

- Fact: The National Rifle Association's (NRA) Eddy Eagle Gun Safety program does not teach children about guns, in fact may not be taught in the presence of a gun but only teaches children: "SEE A GUN, STOP, DON'T TOUCH, LEAVE THE AREA, TELL AN ADULT." This safety program has been successfully taught to over **12,000,000** children over a period of ten years as a community service. The NRA has been teaching safety since 1871, almost 130 years.
- Fact: The Eddy Eagle Safety Program has saved many children's lives documented in testimonials, unlike the unproven *theory*, that trigger locks will save lives.
- Fact: We would like to be able to present the Eddy Eagle Program to school Children. If the Santa Cruz County Board of Supervisors would approve this Eddy Eagle Gun Safety Program for all classes in this county from K to gr. 6 we would guarantee funding (it would cost the county nothing) for all program materials provided in the safety program, such as coloring books for different grade levels and videos which all impact the safety message in story cartoon format with a catchy jingle.
- Fact: The Eddy Eagle Gun Safety Program for children is for the safety education of children and has nothing to do with promoting the NRA in any way whatsoever. It is not a solicitation, it does not encourage the child's use of a gun in any way but solely and only teaches: "SEE A GUN, STOP, DON'T TOUCH, LEAVE THE AREA, TELL AN ADULT."
- Fact: The 'Trigger Locks and Other Safety Devices' ordinance as it stands, creates a new crime and is only aimed at law-abiding citizens, since criminals, as usual, will ignore it. This is the typical legislative mistake that we should want to avoid. It would be more appropriate to create a resolution to institute The Eddy Eagle Safety Program in all schools and county youth programs as **a proven** method of saving children's lives.

We encourage the Board of Supervisors to investigate the facts, support real, constructive solutions and not be swayed by emotionally driven agendas to enact laws that undermine our Bill of Rights and do nothing to promote real proven safety.

Yours in Love of life, Liberties and Freedom.



Rev. Dr. William C. Vannerus,
President,

National Rifle Association Members Council of Monterey Bay

C.C. to: Supervisor Jan Beautz
Supervisor Walt Symons
Supervisor Tony Campos
Supervisor Jeff Ahnquist