



Published December 7th, 2022

## Lafayette council considers Gun Safety ordinance

By Jennifer Wake

The Lafayette City Council during its Nov. 28 meeting considered the issue of gun safety after the Crime Prevention Commission reported back on a proposed Safe Firearms Storage ordinance, following a request by council at its Oct. 11 meeting for its review.

According to the staff report presented by Cathy Surges-Moscato, Police Department Administrative Analyst and staff liaison for the Crime Prevention Commission, the ordinance presented mirrors others recently enacted by neighboring cities including Moraga, Orinda and Walnut Creek, which would require any person in a residence in Lafayette to store firearms in a locked container or disable them with an appropriate safety device. The requirements of the ordinance would not apply "when a firearm is legally carried on the person, or otherwise in his or her immediate possession and control, nor when the firearm is in the immediate possession and control of a peace officer."

The American Academy of Pediatrics (AAP), the largest organization of pediatric physicians, affirms that "the most effective measure to prevent suicide, homicide, and unintentional firearm-related injuries to children and adolescents is the absence of guns from homes," according to the staff report. If firearms are in the home, the AAP recommends that they be stored locked, unloaded and with ammunition stored in a separate locked location.

The city received several letters as well as public comment in support of the ordinance, with many citing statistics of suicide and gun violence which often culminate from weapons found in private homes, and noting that the ordinance would give another tool to reduce access to firearms. Libby Henry, who spoke from the perspective of a teacher, said, "The idea that anybody would want to oppose for public safety, for child safety just blows my mind. ... Gun safety is not opposing the second amendment so I don't even know how that applies."

Lafayette resident Robert Lavoie, a lifelong gun owner, expressed concern about the city "sticking its noses into the privacy of our homes," adding that he would like feedback from the NRA and get a different perspective.

Current safe storage technology allows homeowners to safely secure their firearms with locking mechanisms or gun safes that can be opened in seconds, according to the staff report. "This is in stark contrast with the speed of access to firearm use enjoyed in the colonial period, which necessitated significantly more time to load a firearm. Thus, Lafayette's proposed law is rooted in historical tradition and grants firearm owners even faster access to a firearm than they would have enjoyed in colonial Boston, New York, or Philadelphia." When asked about enforcement of this type of ordinance, Lafayette Police Chief Ben Alldritt said the department would respond reactively, noting that the violation starts with code enforcement and would not just be a criminal matter, but could be charged civilly. A reported violation of this ordinance, according to the staff report, could require entering a private residence and would potentially involve Fourth Amendment issues. The Commission fully supports promoting firearm safety for everyone but was concerned about enforcement and potential legal challenges.

After further discussion, council agreed to return the resolution for a second reading at its Dec. 12 meeting.

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