



Dear Petaluma City Council Members:

I write to you on behalf of the Sonoma County chapter of the California Rifle & Pistol Association, ("CRPA") and their members, many of which live in the City of Petaluma, to oppose the proposed ordinance that seeks to impose firearm related restrictions on residents and visitors to the City of Petaluma.

This proposed ordinance, for consideration on December 19, 2022 agenda, would require gun owners to store guns in a locked container or disable them with a trigger lock when not carried in the home. Additionally, the storage and the reporting requirement for lost or stolen firearms are both duplicative and preempted by state law.

CRPA and its members advocate for responsible gun ownership and not permitting prohibited persons access to firearms, but the government does not have the authority to infringe on the right to self-defense by dictating what a person does *in their home*. In fact this type of law wreaks of the same type of intrusion upon the privacy of the individual as those laws that were overturned by the Supreme Court in the 1986 and 2003 case that allowed local governments to dictate who a person slept with in their own home. The Supreme Court in Heller already stated that the right to keep arms is a fundamental right of the individual in their home and much like the fundamental rights in these earlier cases, must not be violated.

Requiring that handguns be kept in a locked storage container or disabled with a trigger lock violates the Second and Fourth Amendments to the Constitution, Due Process, and the preemption doctrine because it contradicts and duplicates state law.

The Proposed Requirement for Mandatory Locked Storage of Firearms Is Preempted

California state laws already create liability for the criminal storage of a firearm for any gun owner who allows a minor or prohibited person to access and misuse a firearm. The statute contains a comprehensive set of exceptions. There are also several firearm storage requirements when one lives with another individual who is prohibited by state or federal law from owning or possessing firearms. California law also mandates that any firearm sold must include a firearm safety device. Additionally, whenever an individual purchases a long gun in California they must sign an affidavit stating ownership of a gun safe or lock box.

The State's firearm storage regulatory scheme is comprehensive and full. Local ordinances imposing further criminal penalties on the storage of firearms are preempted. Where a state "so fully and completely" legislates a subject covered by general law "as to clearly indicate that it has become exclusively a matter of state concern," the local jurisdiction has no authority and the state law stands.

The Proposal is Unenforceable Under the Fourth Amendment

The City will not be able to enforce the proposed locked storage requirements because the Fourth Amendment prohibits an inspection unless probable cause is established. The City Attorney must acknowledge that enforcing the ordinance is impossible without some other reason for law enforcement to enter and inspect a home.

The Proposal Infringes on Second Amendment Rights

The “inherent right of self-defense has been central to the Second Amendment right” and “the need for self-defense, family, and property is most acute” in the home. At issue in Heller was a District of Columbia ordinance substantially similar to the proposed ordinance.

The Supreme Court held that **“any ban on handgun possession in the home violates the Second Amendment, as does a prohibition against rendering any lawful firearm in the home inoperable for the purposes of immediate self-defense.”** While Heller did not answer every conceivable question about the Second Amendment, it is particularly clear that “law abiding individuals are entitled to keep handguns in their homes that are both operable and immediately accessible for self-defense.”

This proposed Ordinance is in direct contradiction to the rights espoused in Heller, is vague, and another unenforceable law meant for political pandering.



Chairman (Stefan Perez)

Vice-Chairman (Timothy Danford)

(Treasurer) Spencer Park