

**Agenda Sheet for City Council:****Committee:** Public Safety **Date:** 06/03/2024**Committee Agenda type:** Discussion**Date Rec'd**

6/11/2024

Clerk's File #

ORD C36534

Cross Ref #**Project #****Council Meeting Date:** 06/24/2024**Submitting Dept**

CITY COUNCIL

Bid #**Contact Name/Phone**

PAUL DILLON 6714

Requisition #**Contact E-Mail**

PDILLON@SPOKANECITY.ORG

Agenda Item Type

First Reading Ordinance

Council Sponsor(s)

PDILLON KKLITZKE

Agenda Item Name

0320 - GUN VIOLENCE PREVENTION FOR A SAFER SPOKANE

Agenda Wording

An ordinance titled "Gun Violence Prevention for a Safer Spokane," relating to the establishment provisions relating to firearms safety and prevention; adopting a new Chapter 10.75 to Title 10 of the Spokane Municipal Code, and repealing Section 12.0

Summary (Background)

The Spokane City Council is updating firearms regulations to make the community safer from gun violence and establishing a new Chapter to the Spokane Municipal Code, 10.75. This ordinance strengthens existing state laws, enhances safety, and ensures fewer gun related incidents in areas likely to be exposed to gun violence.

Lease? NO

Grant related? NO

Public Works? NO

Fiscal Impact

Approved in Current Year Budget? N/A

Total Cost

\$

Current Year Cost

\$

Subsequent Year(s) Cost

\$

Narrative**Amount****Budget Account**

Neutral

\$

#

Select

\$

#

Select

\$

#

Select

\$

#

\$

#

\$

#

Committee Briefing Paper

Public Safety & Community Health Committee

Committee Date	June 3, 2024
Submitting Department	City Council
Contact Name	Virginia Ramos
Contact Email & Phone	vramos@spokanecity.org , 509-564-1914
Council Sponsor(s)	CM Dillon, CM Klitzke
Select Agenda Item Type	<input type="checkbox"/> Consent <input checked="" type="checkbox"/> Discussion Time Requested: 10
Agenda Item Name	GUN VIOLENCE PREVENTION FOR A SAFER SPOKANE
Proposed Council Action	<input checked="" type="checkbox"/> Approval to proceed to Legislative Agenda <input type="checkbox"/> Information Only
Summary (Background) *use the Fiscal Impact box below for relevant financial information	The Spokane City Council is updating firearms regulations to make the community safer from gun violence and establishing a new Chapter to the Spokane Municipal Code, 10.75. This ordinance strengthens existing state laws, enhances safety, and ensures fewer gun related incidents in areas likely to be exposed to gun violence.
Fiscal Impact	
Approved in current year budget? <input type="checkbox"/> Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> N/A Total Cost: Click or tap here to enter text. Current year cost: Subsequent year(s) cost:	
Narrative: <u>No additional resources are needed for this ordinance.</u>	
Funding Source <input type="checkbox"/> One-time <input type="checkbox"/> Recurring <input checked="" type="checkbox"/> N/A Specify funding source: Select Funding Source* Is this funding source sustainable for future years, months, etc? Click or tap here to enter text.	
Expense Occurrence <input type="checkbox"/> One-time <input type="checkbox"/> Recurring <input checked="" type="checkbox"/> N/A Other budget impacts: (revenue generating, match requirements, etc.)	
Operations Impacts (If N/A, please give a brief description as to why)	
<ul style="list-style-type: none"> • What impacts would the proposal have on historically excluded communities? • How will data be collected, analyzed, and reported concerning the effect of the program/policy by racial, ethnic, gender identity, national origin, income level, disability, sexual orientation, or other existing disparities? 	

Data is already collected by the SPD and will continue to be gathered and summarized as to the effect this ordinance may have on the community.

- How will data be collected regarding the effectiveness of this program, policy, or product to ensure it is the right solution?

Data is collected by the SPD and will be closely monitored by the Public Safety & Community Health Committee.

- Describe how this proposal aligns with current City Policies, including the Comprehensive Plan, Sustainability Action Plan, Capital Improvement Program, Neighborhood Master Plans, Council Resolutions, and others?

Public safety is a priority for city leaders.

Council Subcommittee Review

- Please provide a summary of council subcommittee review. If not reviewed by a council subcommittee, please explain why not.

ORDINANCE NO C36534

An ordinance titled “Gun Violence Prevention for a Safer Spokane,” relating to the establishment provisions relating to firearms safety and prevention; adopting a new Chapter 10.75 to Title 10 of the Spokane Municipal Code, and repealing Section 12.05.065 of the Spokane Municipal Code.

WHEREAS, gun violence is a public health and public safety crisis in the United States; and

WHEREAS, the Gun Violence Archive defines a mass shooting as one with four or more people injured or killed, and there have been more than 135 mass shootings through May 2, 2024; and

WHEREAS; someone is killed by a gun every 10 hours in Washington State and gun violence is the leading cause of death for children and teens; and

WHEREAS, according to the Washington Alliance for Gun Responsibility, gun violence costs Washington state an average of \$11.8 billion every year and these figures include health care costs for medical bills and mental health support as well as police and criminal justice costs; and

WHEREAS, in 2023 in the City of Spokane, there were 16 deaths from firearms and 23 firearm injuries; and

WHEREAS, thus far in 2024, there have been 44 shooting incidents, 6 accidental discharges of a firearm resulting in injury, and 9 total suicide attempts using a firearm; and

WHEREAS, gun violence is preventable and stronger gun laws have been proven to reduce gun violence; and

WHEREAS, the City of Spokane establishes criminal penalties for crimes related to firearms in Chapter 10.75 of the Spokane Municipal Code, but the code lacks specific prohibitions that would enhance safety and ensure fewer incidents in areas likely to be exposed to gun violence; and

WHEREAS, the Spokane City Council intends to update its firearms regulations to make the community safer from gun violence;

NOW, THEREFORE, the City of Spokane does ordain:

Section 1. There is enacted a new chapter 10.75 to Title 10 of the Spokane Municipal Code to read as follows:

Chapter 10.75 Firearms and Dangerous Weapons

SMC 10.75.010	Scope and Purpose
SMC 10.75.020	Discharge of Firearms Prohibited
SMC 10.75.030	Possession of Firearms
SMC 10.75.040	Disposition of Firearms
SMC 10.75.050	Exemptions

10.75.010 Scope and Purpose

Gun violence is a public health issue. The impacts of gun violence, both direct and indirect, inflict an enormous burden on society, including suicide, homicide, and unintentional deaths, as well as nonfatal gunshot injuries, threats, and exposure to gun violence in all neighborhoods.

This chapter defines a process to implement prevention of gun violence and safety measures designed to save lives.

10.75.020 Discharge of Firearms Prohibited

Except as set forth in Section 10.75.060, it is unlawful to shoot or discharge any firearm, pistol, rifle or similar device anywhere within City limits.

10.75.030 Possession of Firearms

- A. It is unlawful for any person to enter any public assembly venue operated by the city or other municipal or public corporation when the person knowingly possesses or knowingly has under the person's control a weapon as defined in RCW 70.74.010 or listed in RCW 9.41.250.
- B. It is unlawful for any person to knowingly open carry a firearm or other weapon, as defined in RCW 9.41.010, any public building used in connection with meetings of the governing body of the City of Spokane. For purposes of this section, "governing body" shall have the same meaning as in RCW 42.30.020, and includes, without limitation, the Spokane City Council, or other policy or rule making body of the City of Spokane, or any committee thereof when the committee, board, or commission acts on behalf of the governing body, conducts hearings, or takes testimony or public comment.
- C. It shall be a defense to a violation of this section if there are no posted signs at areas of ingress and egress to public buildings that provide notice of the restrictions on possession and open carry of firearms and other weapons at locations specified in this section.
- D. Nothing in this section shall apply to the lawful concealed carry of a firearm by a

person who has a valid concealed pistol license.

- E. A person violating this section is guilty of a misdemeanor on the first offense. Second and subsequent violations of this section shall constitute a gross misdemeanor.
- F. This section 10.75.040 shall not apply to:
 - 1. The possession of any concealed pistol by a person licensed under RCW 9.41.070.
 - 2. Individuals exempt from the firearms restrictions under RCW 9.41.060 (1) through (3), as amended from time to time.
 - 3. Federal, state, or local law enforcement officers or personnel, or to members of the armed forces of the United States or the state of Washington, when such individuals are carrying a firearm or other weapon in conformance with their employing agency's policy, or when carrying a firearm or other weapon in the fulfillment of official duties or traveling to or from official duty.

10.75.040 Disposition of Firearms

- A. All firearms, magazines and ammunition that come into the possession of the police department after June 30, 1993, that are judicially forfeited under RCW 9.41.098 and are no longer needed for evidence, or that are forfeited due to a failure to make a claim under RCW 63.32.010 or 63.40.010 shall be disposed of by the police department as appropriate in its sole discretion in one or more of the following ways:
 - 1. Retained for use by the police department; or
 - 2. Destroyed
- B. Antique firearms and their components as defined by RCW 9.41.010, as now or hereafter amended, and firearms recognized as curios, relics, and firearms of particular historical significance by the United States Treasury Department Bureau of Alcohol, Tobacco and Firearms, are exempt from destruction and shall only be disposed of by auction or trade to commercial sellers. All proceeds from the trade or auction of antique firearms occurring under this subsection shall be retained and used by the police department.
- C. All firearms, magazines and ammunition that are illegal for any person to possess shall be destroyed and shall not be retained; provided, however, if firearms otherwise illegal to possess may be rendered legal to possess by removal or alteration of component parts, the police department may, in its discretion, effect such removal or alteration and may thereafter retain the firearm under the

provisions of this section.

10.75.050 Exemptions to Prohibitions on Discharge

- A. Sections 10.75.020 and 10.75.030 of this Chapter shall not apply to any discharge occurring on a rifle or pistol firing range that has been issued a business license by the City for such purpose.
- B. Sections 10.75.020 and 10.75.030 of this Chapter shall not apply to the discharge of firearms by law enforcement officers engaged in the performance of their official powers or duties.
- C. ,Nothing in Sections 10.75.020 and 10.75.030 of this Chapter shall be deemed to abridge the right of the individual guaranteed by Article I, Section 24, of the State Constitution to bear arms in defense of self or others.

Section 2. That SMC Section 12.05.065 is repealed.

Section 3. Severability. If any section, subsection, sentence, clause, phrase or word of this ordinance should be held to be invalid or unconstitutional by a court of competent jurisdiction, such invalidity or unconstitutionality thereof shall not affect the validity or constitutionality of any other section, subsection, sentence, clause, phrase or word of this ordinance.

Section 4. Clerical Errors. Upon approval by the city attorney, the city clerk is authorized to make necessary corrections to this ordinance, including scrivener’s errors or clerical mistakes; references to other local, state, or federal laws, rules, or regulations; or numbering or referencing of ordinances or their sections and subsections.

PASSED by the City Council on _____

Council President

Attest:

Approved as to form:

City Clerk

City Attorney

Mayor

Date

Effective Date