



City of San Antonio

Agenda Memorandum

File Number: 18-4095

Agenda Item Number: 2.

Agenda Date: 6/26/2018

In Control: Public Safety Committee

DEPARTMENT: City Attorney's Office

DEPARTMENT HEAD: Andrew Segovia, City Attorney

COUNCIL DISTRICTS IMPACTED: City-wide

SUBJECT:

Actions available to cities regarding firearms and gun violence.

SUMMARY:

The vast majority of local-level authority to regulate guns is preempted by state law. Some action is possible in the areas of land use/zoning, magistration and conditions of bond, procurement, and incentives.

BACKGROUND INFORMATION:

Cities have very little ability to adopt actions that regulate guns/firearms. Local Government Code Section 229.001 prohibits, with minor exceptions, cities from adopting regulations relating to the transfer, private ownership, keeping, transportation, licensing, or registration of firearms, air guns, knives, ammunition, or firearm or air gun supplies or the discharge of a firearm or air gun at a sport shooting range.

Regulation of land use and zoning is specifically recognized as an available area for cities. The city may also adopt policies that take firearm safety and gun violence into account in its procurement process, incentive policies, and in setting the conditions of bond in the magistration of criminal cases at the detention center.

In addition to the above, Texas Governor Greg Abbott published a School and Firearm Safety Action Plan on May 30, 2018. Within that plan there are a few possible options for the City to support or adopt. Two such potential options that the City could support are as follows:

1. Promoting awareness of safe storage practice by promoting voluntary use of gun locks and increasing notification and awareness of the law; and
2. Mandating that gun owners report their lost or stolen guns within 10 days, and a violation of this law is a Class C misdemeanor.

ISSUE:

The City can consider the following as possible areas for addressing guns/firearms:

A. *Land use/zoning*

Consider the creation of a category of land use for “gun/firearm sales” in the Unified Development Code.

B. *Bonds*

Magistrates (County and City) have the authority to post conditions of any bond before releasing a defendant from their custody. Work with the County to make as a condition of bond that any defendant that is charged with family violence and weapons charges will not be allowed to possess any weapons while out on bond.

C. *Procurement*

Develop criteria for the solicitation of discretionary contracts that could include commitments to gun safety and education, requirement that proposers abide by local, state and federal gun laws, and specific requirements for solicitations that involve the procurement of firearms for the City.

D. *Incentive Agreements*

Criteria for Economic Incentive Agreements (Tax Abatements; EDIF Chapter 380’s) can be revised to include limitations on incentivizing projects that do not align with the City’s policies on gun safety.

E. *Legislative Action*

Pursue and support legislative action (e.g. Governor’s proposal for reporting stolen guns) to broaden the City’s ability to address these issues.

ALTERNATIVES:

City may decide to adopt or support some, all, or none of these options.

FISCAL IMPACT:

None.

RECOMMENDATION:

Allow staff to continue investigating strategies for increased gun control at the local level, and allow staff to continue researching to determine whether the City should support any of the Governor’s recommendations in the upcoming legislative agenda.