JOHN J. TECKLENBURG
MAYOR

City of Charleston
South Carolina
Clerk of Council Department

VANESSA TURNER MAYBANK
CLERK OF COUNCIL

PUBLIC SAFETY COMMITTEE

80 Broad Street
City Hall, Council Chamber
Thursday, August 9, 2018
5:30 p.m.

Mayor John J. Tecklenburg
Councilmember Peter Shahid, Chair
Councilmember James Lewis, Vice Chair
Councilmember Michael Seekings
Councilmember Marvin Wagner

AGENDA

1. Moment of Silence
2. Approval of minutes

   June 18, 2018
3. Updates:

   i.) Police Department
   - Crime Statistics Presentation, Chief Luther Reynolds
   - Discussion regarding firearms being kept in unlocked cars *(Chairman Shahid)*

   ii.) Fire Department

   iii.) Emergency Management
4. An ordinance to amend the Code of the City of Charleston, South Carolina, Chapter 21, Article X, Section 21-219, to prohibit firearm enhancements
5. Adjournment

In accordance with the Americans with Disabilities Act, people who need alternative formats, ASL (American Sign Language) Interpretation or other accommodation please contact Janet Schumacher at (843) 577-1389 or email to schumacherj@charleston-sc.gov three business days prior to the meeting.

Ratification
Number_____

AN ORDINANCE

TO AMEND THE CODE OF THE CITY OF CHARLESTON, SOUTH CAROLINA, CHAPTER 21, ARTICLE X, SECTION 21-219, TO PROHIBIT FIREARM ENHANCEMENTS

WHEREAS, the City Council of Charleston recognizes gun violence as representing a significant health risk to the citizens of the City of Charleston, the State of South Carolina, and the United States of America; and,

WHEREAS, the worst mass shooting in American history occurred on October 1, 2017 in Las Vegas, Nevada injuring over 500 people and fatally wounding 50 innocent people; and,

WHEREAS, the carnage in Las Vegas was accomplished due to the rapid fire capabilities of a "bump stock" attached to the shooter's firearms, such device allowing the fire rate of the weapon to dramatically increase; and,

WHEREAS, a "bump stock" or a "bump fire stock" is a device which uses the recoil of the previous shot to fire the next shot rather than relying on the shooter's trigger finger reflexes, greatly increasing the speed at which the weapon is fired by eliminating biomechanical limitations; and,

WHEREAS, the use of a "bump stock" can multiply the firing rate of a weapon tenfold to approximately 400-800 rounds per minute; and,

WHEREAS, a "trigger crank" or "gat crank" does not involve pulling the trigger but can increase the trigger rate to near automatic weapon levels; and,

WHEREAS, in 2010 the United States Bureau of Alcohol, Tobacco, Firearms, and Explosives declared a "bump stock" as a firearm part and therefore not regulated as a firearm under the U.S. Gun Control Act or the National Firearms Act; and,

WHEREAS, "bump stocks" and "trigger cranks" and similar devices are not firearms or firearm components, but rather separately purchased optional devices with the purpose and design

of dramatically increasing the firing rate of an otherwise legal weapon to a firing speed and capability of an unlawful weapon; and,

WHEREAS, neither "bump stocks" nor "trigger cranks" are components of a gun in that if they are removed, the firearm will remain operable in the manner and speed as originally designed by the manufacturer; and,

WHEREAS, the Second Amendment to the United States Constitution protects the rights of Citizens to own and carry firearms, but because neither a "bump stock" nor a "trigger crank" is a firearm, they are not constitutionally protected; and,

WHEREAS, South Carolina Code of Laws Section 23-31-510 prohibits a municipality enacting any regulation or ordinance that regulates "firearms, ammunition, components of firearms or any combination of these things", "bump stocks" and "trigger cranks" as defined herein do not fall under this category based upon the definitions of such under applicable Federal Law; and,

WHEREAS, the United States Congress has fully preempted the states on the definitions of what constitutes a legal or illegal weapon; and,

WHEREAS, on October 5, 2017, the National Rifle Association announced in a public statement that the regulation or manufacturing ban of "bump stocks" should be considered by policy holders in the United States; and,

WHEREAS, in the late hours of June 17, 2015, the City of Charleston suffered its worst mass shooting in modern history when nine African American parishioners were massacred inside "Mother" Emanuel African Methodist Episcopal Church located on one of the most frequented streets in the City; and,

WHEREAS, if the weapons used on June 17, 2015 at "Mother" Emanuel Church had been equipped with either "bump stocks" or "trigger cranks", there would have been many times the amount of casualties from said mass shooting; and,

WHEREAS, the use of "bump stocks" and "trigger cranks" in the City of Charleston should be prohibited.

BE IT ORDAINED BY THE MAYOR AND COUNCILMEMBERS OF CHARLESTON, IN CITY COUNCIL ASSEMBLED:

Section 1. Chapter 21 of the Code of the City of Charleston is hereby amended by adding thereto a new Section which shall read as follows:

Sec. 21-219 ENHANCED TRIGGER DEVICES DECLARED ILLEGAL; EXCEPTIONS

"(A) Any device capable of being attached to a firearm for the purpose of increasing the firing rate or capabilities of an otherwise legal firearm using recoil, commonly known as "bump stocks" or "bump fire stocks", are hereby declared unlawful and any person in actual or constructive possession of such a device is guilty of a misdemeanor punishable in municipal court pursuant to Section 1-16.

(B) Any device capable of attaching to a firearm and repeatedly activates the trigger of a weapon through the use of a lever or other part that is turned in a circular motion, commonly known as a "trigger crank" or "gat crank", is hereby declared unlawful and any person in actual or constructive possession of such a device is guilty of a misdemeanor punishable in municipal court pursuant to Section 1-16.

(C) Violations as stated in Section (A) or (B) above are subject to the following exceptions:

1. Any member of the United States military or any legally sworn law enforcement personnel while engaged in the course of their duties or in training;

2. Any "bump stock" or "trigger crank" device which is possessed by a person who is not prohibited under State or Federal law from using, owning, or possessing a firearm, and the device is completely disconnected from any firearm in a manner which would render the device inoperable and stored in a separate container from the firearm or weapon;

3. Any law enforcement officer or department having seized a firearm with "bump stock" or "trigger crank" attached, pursuant to a lawful seizure of a weapon, as contraband or evidence of a crime, within the City of Charleston limits; provided, however, any law enforcement agency taking possession of a "bump stock" attached to a firearm must notify the Charleston Police Department immediately to inform them of the existence of the device, the location where it was obtained, where the device will be stored, and any other facts relevant to the use or possession of said device by any person;

4. Possession of any weapon which is manufactured to fire through the use of a crank or lever.

Section 2. Severability. If any subsection, sentence, clause, phrase, or word of this Ordinance be for any reason declared unconstitutional, invalid, or ineffective by any court of competent jurisdiction, such declaration shall not affect the validity or the effectiveness of the remaining portions of the Ordinance or any part thereof which can be given meaning without the offensive subsection, sentence, clause, phrase, or word.

Section 3. This Ordinance shall become effective upon the date of ratification.

Ratified in City Council this _____ day of _____ in the Year of Our Lord, 2018, in the _____ Year of Independence of the United States of America

By: _____
John J. Tecklenburg,
Mayor, City of Charleston

ATTEST: _____
Vanessa Turner Maybank,
Clerk of Council