

1 **BOARD BILL NO. 196CS** **INTRODUCED BY: ALDERWOMAN KREWSON**

2 An ordinance for the public health and welfare, requiring unattended firearms in motor  
3 vehicles to be stored in a locked condition; requiring stolen guns to be reported to the St. Louis  
4 Metropolitan Police Department, to establish that a rebuttable presumption exists that a firearm  
5 in a vehicle is the property of the driver of said vehicle; and containing a savings clause, a  
6 severability clause, and an emergency clause.

7 **WHEREAS**, the City of St. Louis is a densely populated urban area, and gun violence  
8 exacts high human costs in such cities in America;

9 **WHEREAS**, the City of St. Louis has a compelling interest in preventing gun thefts,  
10 apprehending those who steal guns, and in recovering stolen guns; and

11 **WHEREAS**, the City of St. Louis is committed to reducing auto and gun theft, gun  
12 deaths and injuries, keeping guns away from criminals and others prohibited by law from  
13 possessing guns, and fighting illegal gun trafficking; and

14 **WHEREAS**, stolen guns are often used to commit crimes; and

15 **WHEREAS**, the Board of Aldermen of the City of St. Louis desires to strengthen the  
16 ability of the City of St. Louis to prevent and prosecute gun thefts, gun violence and the use of  
17 weapons in its jurisdiction.

18 **THEREFORE, BE IT ORDAINED BY THE CITY OF ST. LOUIS AS FOLLOWS:**

19 **SECTION ONE. FIREARMS LEFT IN UNATTENDED VEHICLES.**

20 1. **Findings.**

21 The number of Motor Vehicle burglaries in urban areas is increasing, and in the City of St.

22 Louis has seen an increase in the number of thefts of firearms from unattended Motor

23 Vehicles. The City of St. Louis finds that it has a compelling local interest in preventing the

1 theft of firearms from unattended vehicles and that requiring reasonable measures to secure  
2 firearms left in unattended vehicles will reduce gun thefts, protect the property of the City's  
3 law abiding citizens, and prevent stolen guns from falling into the hands of criminals.

4 **2. Definitions.**

5 As used in this Ordinance, the following terms shall have the meanings set forth as follows:

6 (a) "Firearm" is any weapon that is designed or adapted to expel a projectile by the action  
7 of an explosive;

8 (b) "Locked Container" refers to a secure container that is fully enclosed and locked by a  
9 padlock, key lock, combination lock, or similar locking device, including but not  
10 limited to a safe, gun safe, gun case, or other device that is designed to be or can be  
11 used to store a firearm and that is designed to be unlocked only by means of a key, a  
12 combination, or other similar means. "Locked Container" does not include the glove  
13 compartment or utility compartment;

14 (c) "Motor Vehicle" is any self-propelled vehicle not operated exclusively upon racks,  
15 except farm tractors;

16 (d) "Trunk" is a fully enclosed compartment that is separate from the main cabin of the  
17 Motor Vehicle;

18 (e) "Unattended" means circumstances in which a person aged 18 or over is not present in  
19 a Motor Vehicle;

20 (f) "Peace Officer" is any person who by virtue of his office or public employment is  
21 vested by law with a duty to maintain public order or to make arrests for offenses,  
22 whether that duty extends to all offenses or is limited to specific offenses.

1 **3. Requirements for Storage of Firearms in Motor Vehicles.**

2 No person may place, store, or leave a firearm in an unattended motor vehicle, unless the  
3 firearm is stored in a Locked Container which is permanently affixed to the Motor Vehicle  
4 and is not visible from outside the Motor Vehicle.

5 **A.** This Section is intended to apply to all Motor Vehicles located within the City of St.

6 Louis. Notwithstanding the foregoing sentence, nothing in this Section shall apply to on-  
7 duty peace officers employed by jurisdictions other than the City of St. Louis or to  
8 federal officers or military personnel who are acting within the scope of their authority  
9 and discharging their official duties.

10 **B.** Any peace officer employed by the City of St. Louis is exempt from the requirements of  
11 this Section, provided that the officer's employing department has a policy regulating the  
12 storage of firearms for both on and off duty conduct by the officer.

13 **C.** Promotion of General Welfare.

14 In enacting and implementing this Section, the City is assuming an undertaking only to  
15 promote the general welfare. It is not assuming, nor is it imposing on its officers and  
16 employees, an obligation for breach of which it is liable in money damages to any person  
17 who claims that such breach proximately caused injury.

18 **SECTION TWO. REPORTING OF STOLEN OR LOST FIREARMS REQUIRED.**

19 **1. Findings**

20 The City of St. Louis finds that it has a compelling local interest to prevent gun thefts,  
21 make it easier for law enforcement to locate lost or stolen firearms and to prevent  
22 illegal gun trafficking, and therefore enacts reasonable regulations requiring the

1 reporting of lost and stolen firearms as set forth herein. This ordinance is not  
2 intended to conflict with any state or federal law.

3 **2. Reporting Requirement.**

4 It is unlawful for any person who owns or possesses a firearm to fail to report the  
5 theft or loss of such firearm to the St. Louis Metropolitan Police Department within  
6 48 hours of the time he or she knew or should have known the firearm has been stolen  
7 or lost, when either the owner or possessor lives in the City of St. Louis, or the theft  
8 or loss of the firearm occurs in the City of St. Louis. A person commits the violation  
9 of failure to report a missing or stolen firearm if in violation of this section.

10 **3. Manner of Reporting.**

11 Such report to the St. Louis Metropolitan Police Department shall include the serial  
12 number, make, model, and all identifying features of the firearm, as well as the  
13 circumstances surrounding the firearm's status as stolen or missing.

14 **SECTION THREE. PENALTY FOR VIOLATION.**

15 A violation of this Ordinance shall be punishable upon conviction by a fine of no more  
16 than \$500.00 and incarceration of no longer than 90 days, or any combination of both fine and  
17 incarceration. There shall be no financial penalty for a first-time offense of Section 1,  
18 Paragraph 3.

19 **SECTION FOUR. REBUTTABLE PRESUMPTION.**

20 Except as described herein, there shall be a rebuttable presumption that any firearm in a  
21 vehicle in the City of St. Louis is the property of the driver of said vehicle. The presumption  
22 does not apply if the weapon is found on the person of one of the occupants of the vehicle. If  
23 the firearm is in an unattended vehicle, there will be a rebuttable presumption that the firearm is

1 the property of the owner of the vehicle. A vehicle owner may rebut the presumption with  
2 evidence that the owner did not have actual or constructive possession of the weapon at any time  
3 in the City of St. Louis.

4 **SECTION FIVE. SEVERABILITY PROVISION**

5 The provisions of this Ordinance are severable. In the event any provision of this  
6 ordinance is determined to be invalid, the remaining provisions shall not be affected thereby.

7 **SECTION SIX. EMERGENCY CLAUSE.**

8 This being an Ordinance necessary for the immediate preservation of public peace, health  
9 and safety, it is hereby declared to be an emergency measure within the meaning of Sections 19  
10 and 20 of Article IV of the Charter of the City of St. Louis and therefore this Ordinance shall  
11 become effective immediately upon its passage and approval by the Mayor.

Timothy G. O'Connell  
Clerk, Board of Aldermen

[Signature]  
President, Board of Aldermen

Approved  Date February 21, 2017  
Disapproved

Francis X. May  
Mayor

Truly Engrossed and Enrolled

Madeline E. Davis  
Chairman