

ORDINANCE NUMBER NO.: 2022-080

*Amending the 1998 Code of Ordinances of the City of Columbia, South Carolina,
Chapter 14, Offenses and Miscellaneous Provisions, Article I, In General,
Sec. 14-7 Reporting of Lost /Stolen Firearms: Firearms recovered from crimes or criminal activity*

WHEREAS, laws that encourage firearm owners to notify law enforcement about the loss or theft of a firearm serve several public safety functions. These laws help deter gun trafficking and straw purchasing, and help law enforcement recover and return lost or stolen guns to their rightful owners. They also help law enforcement disarm individuals who become ineligible to possess firearms; and,

WHEREAS, according to United States Bureau of Alcohol, Tobacco, Firearms and Explosives (ATF) data, the majority of lost or stolen firearms are never reported to law enforcement, significantly hindering law enforcement efforts to trace the source of crime guns and to prevent weapons from falling into dangerous hands with many of the stolen guns being used to commit subsequent crimes. A United States Department of the Treasury study revealed that nearly a quarter of ATF gun trafficking investigations involved stolen firearms and that ten (10%) percent of the investigations involved guns stolen from residences; and,

WHEREAS, when a crime gun is traced by law enforcement to the last purchaser of record, the person who purchased the gun may often claim that the weapon was lost or stolen to hide his or her involvement in the crime or in intentionally trafficking the gun to a prohibited person. Reporting laws provide an important tool for law enforcement to detect this behavior because individuals who repeatedly report their guns lost or stolen also put law enforcement on notice that they may be trafficking firearms on the black market; and,

WHEREAS, when a person who legally owned a gun falls into a prohibited category, such as after a serious criminal conviction or domestic violence restraining order, it is crucial that law enforcement remove the firearm from his or her possession. However, when required to relinquish firearms, a prohibited offender or abuser may falsely claim that his or her gun was previously lost or stolen; and,

WHEREAS, the reporting requirement helps law enforcement track down missing guns and return them to lawful owners before they fall into dangerous hands; and,

WHEREAS, reporting laws make gun owners more accountable for their weapons, and help protect rightful gun owners from unwarranted criminal accusations when a gun that was lost or stolen from them is later recovered at a crime scene; and,

WHEREAS, the State of South Carolina has not taken any legislative action to compel the reporting of guns which are lost or stolen and this area of regulation is not preempted by any State Action; and,

WHEREAS, states without lost or stolen reporting laws are the source of more than 2.5 times as many crime guns recovered in other states as states with a lost or stolen reporting requirement. States without lost or stolen reporting laws also sell 30% more “short time-to-crime guns,” meaning guns that are recovered from crime scenes within two years of their initial purchase; and,

WHEREAS, a nationwide poll found that 94% of registered voters supported laws to require the reporting of lost or stolen firearms; NOW, THEREFORE

BE IT ORDAINED by the Mayor and City Council of the City of Columbia, South Carolina this ___th day of _____, 2022, that the 1998 Code of Ordinance of the City of Columbia, South Carolina,

LEGAL DEPARTMENT DRAFT

Chapter 14, Offenses and Miscellaneous Provisions, Article I, In General, Sec. 14-7 Firearms recovered from crimes or criminal activity, is amended to read as follows:

Sec. 14-7. Reporting of Lost/Stolen Firearms; Firearms recovered from crimes or criminal activity.

- (a) An owner or other person who resides in and is lawfully in possession of a firearm, rifle, or shotgun in the City of Columbia who suffers the loss or theft of such weapon shall report, within twenty-four (24) hours of discovery, the loss or theft of each weapon to the City of Columbia Police Department, along with the facts and circumstances of the loss or theft.**
- (b) The Department shall collect all pertinent information including, but not limited to, the weapon's serial number, make, model, caliber, and any distinguishing marks or numbers. The Department shall enter all collected information, as it complies with the prerequisite criteria, into the NCIC database in reference to the loss or theft of the weapon. Reports of lost or stolen weapons must be recorded on the standard incident form used by the agency and stored in the normal manner used for incident reports.**
- (a c)** When any firearm is secured as evidence, contraband, or found property by the Columbia Police Department, the Department shall attempt, consistent with established policy, to:
1. Identify the firearm through tracing, test firing or other means of electronic or forensic analysis;
 2. Investigate whether the weapon had been used in any other crimes or criminal activity;
 3. Identify the name and location the lawful owner;
 4. Determine if the owner is still legally allowed to own or possess the type of firearm under existing federal or state law;
 5. Contact any innocent owner to obtain necessary information and inform the owner of the process for recovery of the firearm;
 6. Any investigation in furtherance of a criminal investigation or law enforcement purpose.
- (b d)** All firearms will be secured in the CPD Property and Evidence Facility until the investigation is complete or the underlying matter in which the firearm was secured has been prosecuted to a conclusion or otherwise resolved pursuant to federal and state law.
- (e e)** To defray the costs of the investigation on the history and ownership of the firearm, any innocent owner seeking to recover a firearm which has been stolen from their residence, place of business or vehicle shall pay a fee of \$150.00 to the City of Columbia. If, after a period of ninety (90) days after the date the owner was notified the firearm was subject to be released to their possession and custody, the fee is remains unpaid, the fee shall be waived but the firearm will be deemed abandoned property and disposed of in accordance with federal law, state law and department policy.
- (d f)** No fees shall be assessed against any firearm or to any owner who provides documentary proof the theft or loss of the firearm was reported to the state or local law enforcement authority with jurisdiction over the location of the firearm within ~~fourteen (14) days~~ **twenty-four (24) hours** of the discovery of the loss or theft.
- (f g)** No fee shall be assessed against any firearm or **to any** owner for weapons secured solely for temporary safekeeping.
- (h) Failure to report the loss or theft of any firearm as provided for in this section may result in the assessment of an infraction punishable by a civil penalty of up to \$500.00 per firearm.**
- (i) If any provision, clause, sentence or paragraph of this section or the application thereof to any person or circumstances shall be held invalid, that invalidity shall not affect the other provisions of this section which can be given effect without the invalid provision or application, and to this end the provisions of this section are declared to be severable.**

LEGAL DEPARTMENT DRAFT

This ordinance is effective as of final reading.

Requested by:

Councilwoman Aditi Bussells

Mayor

Approved by:

City Manager

Approved as to form:

ATTEST:



Deputy City Attorney

City Clerk

Introduced:

Final Reading: