

**COUNTY OF SAN MATEO  
INTERDEPARTMENTAL CORRESPONDENCE**


**To:** Honorable Board of Supervisors  
**From:** Thomas F. Casey III, County Counsel  
**Subject:** Repeal and Amendment By Deletion of the Saturday Night Special Ordinances  
**Date:** October 16, 2001

**RECOMMENDATION:** Adopt an Ordinance Repealing Sections 3.52.100 and 3.52.130 and Amending by Deletion of Sections 3.52.090(d) and 3.52.111(5) of Chapter 3.52, Title 3 of the San Mateo County Ordinance Code.

In 1996, the Board adopted an ordinance prohibiting the sale of Saturday Night Specials. The Board was concerned that Saturday Night Specials were unsafe handguns and that there were no state or federal quality or safety standards for these handguns. Because it did not appear that any such state legislation would be enacted, several cities and counties enacted their own ordinances prohibiting the sale of this type of firearm.

Last year Penal Code section 12125 became effective. This section makes it a misdemeanor to manufacture, sell, give, or lend any handgun that is deemed an "unsafe handgun." Section 12125 defines "unsafe handguns" as handguns that fail specified firing and safety tests and that do not have a specified safety device. It mandates independent laboratories to conduct the safety tests and requires the Department of Justice to certify these laboratories and to maintain a roster of guns that pass the tests.

As a result of section 12125, many local ordinances on this subject are either in conflict or duplicate the new state law and therefore are preempted. Several local entities such as the cities of West Hollywood and Los Angeles as well as the counties of Sacramento, Marin and Los Angeles have repealed their Saturday Night Special ordinances because those ordinances were preempted by the new legislation. As our ordinances are similarly pre-empted, we recommend that the sections and subsections in our ordinance code relating to Saturday Night Specials be repealed or deleted by amendment as appropriate.

  
\_\_\_\_\_  
THOMAS F. CASEY III, COUNTY COUNSEL

cc: John L. Maltbie, County Manager  
Don Horsley, Sheriff

ORDINANCE NO. \_\_\_\_\_

BOARD OF SUPERVISORS, COUNTY OF SAN MATEO, STATE OF CALIFORNIA

\* \* \* \* \*

**AN ORDINANCE REPEALING SECTIONS 3.52.100 AND 3.52.130 AND  
AMENDING BY DELETION OF SECTIONS 3.52.090(d) AND 3.52.111(5) OF  
CHAPTER 3.52, TITLE 3 OF THE SAN MATEO COUNTY ORDINANCE CODE**

The Board of Supervisors of the County of San Mateo, State of California, ORDAINS as follows:

SECTION 1. Sections 3.52.100 and 3.52.130 of Chapter 3.52, Title 3 of the San Mateo County Ordinance Code are hereby repealed.

SECTION 2. Sections 3.52.090(d) and 3.52.111(5) of Chapter 3.52, Title 3 of the San Mateo County Ordinance Code are hereby amended by deletion.

SECTION 3. This ordinance shall be effective thirty (30) days from the date of passage thereof.

\* \* \* \* \*