

ORDINANCE NO.: 2017-109

Amending the 1998 Code of Ordinances of the City of Columbia, South Carolina, Chapter 14, Offenses and Miscellaneous Provisions, Article IV, Offenses Against the Public Peace and Order to add Sec. 14-100 Enhanced trigger devices declared illegal; exceptions

WHEREAS, the City Council of Columbia recognizes gun violence represents a significant health risk to the citizens of the City of Columbia, 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 over 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 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" refers to any device to be attached to a weapon that repeatedly activates the trigger of the weapon through the use of a lever or other part that is turned in a circular motion; and,

WHEREAS, a "trigger crank" or "gat crank" does not involve pulling the trigger but they 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" is a firearm part and is 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 unlawful weapons; 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,

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WHEREAS, South Carolina Code of Laws Section 23-31-510 prohibits a municipality from enacting any regulation or ordinance that regulates “firearms, ammunition, components or 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 early morning hours of September 16, 2017, the City of Columbia suffered its worst mass shooting in modern history when eight people were shot in the Vista while exiting the Empire Supper Club with more than one hundred people on the street that night; and,

WHEREAS, if the weapons used on September 16, 2017 in the Vista had been equipped with either “bump stocks” or “trigger cranks”, there would have been many times the number of casualties, or fatalities from that mass shooting; and,

WHEREAS, the use of “bump stocks” and “trigger cranks” in the City of Columbia should be prohibited; NOW, THEREFORE,

BE IT ORDAINED by the Mayor and City Council of the City of Columbia, South Carolina, this 19th day of December, 2017, that the 1998 Code of Ordinances of the City of Columbia, South Carolina, Chapter 14, Offenses and Miscellaneous Provisions, Article IV, Offenses Against the Public Peace and Order is amended to add Sec. 14-100 Enhanced Trigger devices declared illegal; exceptions, to read as follows:

Sec. 14-100. 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 the 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 1-5.

(b) Any device capable of attaching to a firearm and which repeatedly activates the trigger of the weapon through the use of a lever or other part that is turned in a circular motion, commonly known as “trigger crank” or “gat crank”, 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 1-5.

(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

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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 which has 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, inside the City of Columbia; provided, however, any law enforcement agency taking possession of a "bump stock" attached to a firearm must notify the Columbia 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 by any person.

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

Requested by:

Mayor Benjamin _____



Mayor

Approved by:



City Manager

Approved as to form:



City Attorney

ATTEST:



City Clerk

Introduced: 12/5/2017
Final Reading: 12/19/2017