

## Legislation Text

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Amending Title 10 of The Philadelphia Code, entitled “Regulation of Individual Conduct and Activity,” by adding a new Section 10-830 entitled “Civil Penalties Upon the Manufacturers of Certain Weapons Illegally Used to Injure or Kill City Employees,” all under certain terms and conditions.

*THE COUNCIL OF THE CITY OF PHILADELPHIA HEREBY ORDAINS:*

SECTION 1. Title 10 of The Philadelphia Code is hereby amended to read as follows:

### TITLE 10. REGULATION OF INDIVIDUAL CONDUCT AND ACTIVITY

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#### *SECTION 10-830. Legislative Findings and Declaration.*

A. The Council hereby finds and declares that the illegal use of firearms seriously threatens the public safety of Philadelphia residents and places an enormous financial burden upon the City’s limited resources.

B. Firearms violence is one of the most serious threats to public safety and public health in Philadelphia. The leading cause of death for 15 to 24 year olds in Philadelphia is homicide, and eighty percent of these homicides are the result of firearms related violence. The impact on the City’s African American and Latino communities is staggering. In 1990, eighty two percent of firearm homicide victims were either African American or Latinos.

C. In addition to the human toll, firearms violence also imposes a financial burden upon the Philadelphia. The City directly bears the costs of the additional police, prosecutors, corrections and probation officers needed to stem and punish firearms related crimes. And the City frequently bears the cost of treating firearms victims.

D. The Council intends that manufacturers who profit from the sale of weapons should bear at least some of the costs which result from the illegal use of firearms. Under this law, manufacturers could be penalized up to \$100,000 for each illegal gun seized in Philadelphia when it is used in connection with a crime in which an employee of the Philadelphia, acting in the course of his or her official duties, is injured or killed. These funds can be dedicated to the Police Department’s efforts to intercept the flow of illegal firearms and the Health Department’s anti-violence initiatives.

#### SECTION 2. 10-830.2. Civil penalty; manufacturers of firearms.

*A. A person, corporation, firm, partnership or other entity that manufactures any firearm, rifle, shotgun, semi-automatic or assault weapon, as defined in section 10-301 of this chapter, shall be liable to the*

*city for a civil penalty, to be recovered in a civil action brought by the corporation counsel in the name of the city in any court of competent jurisdiction, if such firearm, rifle, shotgun, semi-automatic or assault weapon is found in the possession or control of a person who is not lawfully authorized to possess such weapon in the city of Philadelphia and such weapon has been used by such person to injure or kill any employee of the city of Philadelphia acting in the course of his or her official duties.*

*B. As soon as practicable following the seizure of any weapon meeting the criteria set forth in subdivision a of this section, the police department shall transmit all relevant information, including but not limited to the name of the manufacturer, the model, and the identification number of each such weapon, to the corporation counsel.*

*C. Notwithstanding the provisions of subdivision a, there shall be no basis for liability under this section of the manufacturer proves by a preponderance of the evidence that: (1) the manufacturer disposed of the weapon to the armed forces of the United States, or a federal, state or local law enforcement agency; or (2) prior to the seizure of the weapon, a lawful possessor of the weapon has reported its theft to a federal, state or local law enforcement agency.*

SECTION 3. This Ordinance shall take effect immediately.

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**Explanation:**

*Italics indicate new matter added.*