



Legislation Details (With Text)

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File created: 10/7/2019 **In control:** City Council
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Enactment date: **Enactment #:**
Title: Adding A New Section "31" To Chapter 12, Article 2 Of The Revised Ordinances Of Albuquerque To Prohibiting Firearms At City Facilities (Davis, Benton, Gibson)
Sponsors: Isaac Benton, Pat Davis
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Date	Ver.	Action By	Action	Result
9/21/2020	1	City Council	Postponed	Fail
9/21/2020	1	City Council	Passed	Fail
9/9/2020	1	City Council	Accepted Without Recommendation	
8/24/2020	1	Finance & Government Operations Committee	Sent to Council Without Recommendation	Pass
10/7/2019	1	President	Referred	
10/7/2019	1	City Council	Introduced and Referred	

CITY of ALBUQUERQUE
TWENTY THIRD COUNCIL

COUNCIL BILL NO. O-19-83 ENACTMENT NO. _____

SPONSORED BY: Patrick Davis, Isaac Benton, Diane G. Gibson

ORDINANCE

Adding A New Section "31" To Chapter 12, Article 2 Of The Revised Ordinances Of Albuquerque To Prohibiting Firearms At City Facilities (Davis, Benton, Gibson)

WHEREAS, public buildings and meetings of city councils, commissions, and governing bodies continue to experience increasing safety threats from use of firearms in public facilities; and

WHEREAS, to list a few, shootings and mass shootings at public facilities have continued to

occur around the country, including:

- **1997, Maricopa County, AZ - A County Supervisor was shot and wounded at a meeting of the Board of Supervisors;**
- **1998, Riverside, CA - The Mayor and two city Councilors were shot and wounded during public hearings, three officers were also shot and wounded;**
- **2003, New York City, NY - A Councilor was shot and killed by a political opponent in City Hall;**
- **2008, Kirkwood, MO - Five were shot and killed and two others were shot and wounded during a City Council Meeting (including City staff, two Councilors and the Mayor);**
- **2010, Washington, DC - One City staff member was shot and killed, and another was shot and wounded at a City Public Works Facility;**
- **2012, Middleton, NY - A man who was convicted of harassing the mayor's daughter was killed by security officers after he walked into a courthouse and started firing a 12-gauge shotgun, one police officer was shot and wounded ;**
- **2013, Pocono, PA - A zoning official and two were residents shot and killed at a municipal township meeting;**
- **2013, Ross Township, PA - A gunman went on a shooting rampage at a public meeting of township supervisors in the municipal building, leaving three people dead and three others injured;**
- **2014, Alturas, CA - Four people were shot and killed, and two others were critically injured after a shooting at the Cedarville Rancheria Tribal Office and Community Center;**
- **2015, San Bernadino, CA - Fourteen were shot and killed, and twenty-two others were seriously injured at the County Health Department;**
- **2015, Newhope, MN - A man described as "disgruntled" with the City, and whose "anger was bound to boil over" was shot and killed by police after opening fire at a City Ceremony and wounding four people, including two police officers;**
- **2017, Clovis, NM- Two people were shot and killed, and four others were shot and wounded at the public library;**
- **2018, Masontown Borough, PA - Four people were shot and wounded by a gunman who opened fire in a municipal building; and**

WHEREAS, City business at the Albuquerque City Hall was disrupted on two occasions during 2015 and 2016 due to firearm safety concerns; and

WHEREAS, matters before the City Council and its boards and commissions can often include highly-emotional issues, highly contested policy proposals and matters involving property, and prohibitions on regulated activity, business licensing, alcohol sales and use; and

WHEREAS, City facilities are the locations where aggrieved citizens can file complaints, and where hearings are held to adjudicate perceived grievances relating to their local government; and

WHEREAS, public facilities and meetings serve a unique and important purpose in our democracy - they can serve as forums for persons wishing to engage with their government, including those wishing to express grievances against the government and elected and appointed officials charged with decision-making authority; and

WHEREAS, an individual's encounter in a government building or public meeting is often limited to a few minutes or a defined term of a meeting at most once every other week, and is not generally a significant portion of one's daily activity; and

WHEREAS, a study published in 2019 by the American Psychological Association found that 53% of adults now fear a shooting in a public event and 33% say fear of a mass shooting prevents them from going to some public places; and

WHEREAS, the same study found that this fear is more strongly placed in Hispanic adults and approximately 47% of the City's residents identify as Latino or Hispanic; and

WHEREAS, absent reasonable regulations limiting the carrying and use of firearms in our public facilities, the City is prohibited from inquiring into the purpose of a person carrying a firearm into a public meeting or building where public business is conducted unless or until the person begins shooting; and

WHEREAS, the City requires and relies on uninhibited public input on matters of public importance, and fear of violence or engaging in city activities or in city facilities decreases the civic health of our city; and

WHEREAS, the City has a compelling interest in protecting the public from foreseeable safety threats at places that it makes available for public purposes, especially where children and families gather for recreational, educational, or any other purposes; and

WHEREAS, the City also has an interest in controlling and maintaining its public

resources, including its public facilities, in a safe and responsible manner.

BE IT ORDAINED BY THE COUNCIL, THE GOVERNING BODY OF THE CITY OF ALBUQUERQUE:

SECTION 1. A new Section “31” is added to Chapter 12, Article 2 ROA 1994, as follows:

“§12-2-31. FIREARMS AT CITY FACILITIES.

(A) It is unlawful for any person to carry any firearm into any of the following places:

(1) Any City structure, building, or office space which is owned, leased, or otherwise occupied by the City for purposes of hosting the public, or conducting business with the public including but not limited to:

(a) City Hall,

(b) Any City Library;

(d) Any City Community Center; and

(e) Any City Park or Recreation Facility, with the exception of Shooting Range Park.

(2) Any room hosting an open meeting of the city council, city board or commission, or meeting of any other elected or appointed officials;

(B) The prohibition described in subsection “A”, above, becomes effective only after the City has installed, or caused to be installed, clearly visible notices at all public entrances that that firearms are prohibited, and referencing this Section of the Revised Ordinances of Albuquerque.

(C) The provisions of this Section do not apply to any law enforcement officer or any other official lawfully permitted to carry a firearm.]”

SECTION 2. SEVERABILITY CLAUSE. If any section, paragraph, sentence, clause, word or phrase of this Ordinance is for any reason held to be invalid or unenforceable by any court of competent jurisdiction, such decision shall not affect the validity of the remaining provisions of this Ordinance. The Council hereby declares that it would have passed this Ordinance and each section, paragraph, sentence, clause, word or phrase thereof irrespective of any provision being declared unconstitutional or otherwise invalid.

SECTION 3. COMPILATION. Section 1 of this Ordinance shall amend, be incorporated in and made part of the Revised Ordinances of Albuquerque, New Mexico, 1994.

SECTION 4. EFFECTIVE DATE. This Ordinance shall take effect five days after publication by title and general summary.

