

(O-2000-68)

ORDINANCE NUMBER O- 18736 (NEW SERIES)

ADOPTED ON DEC 14 1999

AN ORDINANCE AMENDING CHAPTER V, ARTICLE 8 OF THE SAN DIEGO MUNICIPAL CODE BY ADDING DIVISION 4; AMENDING CHAPTER V, ARTICLE 2 BY ADDING SECTION 52.70.04; AND AMENDING CHAPTER V, ARTICLE 3 BY AMENDING SECTION 53.16, ALL RELATING TO SCHOOL SAFETY

WHEREAS, the potential threats of crimes and violence on and around school campuses severely impacts the education of kindergarten through 12th grade students in San Diego; and

WHEREAS, it is the intent of the San Diego City Council to insure safe passage for students traveling to and from school by establishing a "Buffer Zone" around every public school and private school educating students between kindergarten and the 12th grade;

WHEREAS, the City of San Diego Police Department has identified the need and opportunity for greater law enforcement capability to insure safe passage in areas immediately surrounding school grounds; and

WHEREAS, the City Council has determined that school safety at every public and private school within the jurisdiction of the City of San Diego is a priority, and that every student has the right to safety without the threat of crimes and violence; and

WHEREAS, the City of San Diego has already established effective law enforcement partnerships with each of the school districts providing for the safety of children in the City during school hours; and

WHEREAS, it is the intent of the Council of The City of San Diego to establish a Safe Schools “Buffer Zone” with certain mandatory minimum penalties for crimes committed within the established zone, to deter such crimes and contribute to student safety; NOW, THEREFORE,

BE IT ORDAINED, by the Council of The City of San Diego, as follows:

Section 1. That Chapter V, Article 8 of the Municipal Code is hereby amended by adding Division 4, to read as follows:

Division 4

Safe School Buffer Zones

Section 2. That Chapter V, Article 8, Division 4 of the Municipal Code is hereby amended by adding Sections 58.0401 through 58.0403, to read as follows:

SEC. 58.0401. Purpose

The purpose of the Council in enacting this Division is to promote the safety of the City’s students in grades kindergarten through 12, by placing certain mandatory penalties on persons committing certain offenses within 1500 feet of any school grounds. It is the intent of the Council that such penalties be designed not only to deter offenders from repeating their offenses, but also to require them to contribute to efforts that will make schools safer and more conducive to students’ education.

SEC. 58.0402. Definitions

All defined terms in this Division appear in italics. As used in this Division:

“*School grounds*” has the same meaning as in Section 52.1001 of this Code.

“*School Safety Zone*” means all property within 1500 feet of school grounds.

SEC. 58.0403. Minimum Penalties for Violations Occurring in a School Safety Zone

Conviction of a violation of any of the laws specified in Section 58.0403(a) - (e), occurring within a *School Safety Zone*, is punishable by a fine of not more than \$1,000, or by imprisonment in the County jail for a period of not more than one year, or both. In all circumstances, the penalty for a first such offense within the *School Safety Zone* shall also include not less than three days or twenty-four hours of community service designed to enhance the safety and learning experience of school students; and for any subsequent such offense occurring within a *School Safety Zone*, not less than five days or forty hours of community service designed to enhance the safety and learning experience of school students:

- (a) Loitering for drug use, in violation of Municipal Code section 52.3001;
- (b) Committing any act in violation of Municipal Code section 52.1001;
- (c) Engaging in disorderly or offensive conduct in a public place, in violation of Municipal Code section 56.27;
- (d) Consuming alcohol in a public place, in violation of Municipal Code section 56.54(b);
- (e) Committing any crime involving “a pattern of criminal gang activity,” as that term is defined in California Penal Code section 186.22;

Section 3. That Chapter V, Article 2 of the San Diego Municipal Code is hereby amended by adding Section 52.70.04, to read as follows:

SEC. 52.70.04 Penalties for Multiple Violations

A person convicted of a second or subsequent violation of sections 52.70.02 or 52.70.03 of this Code, occurring within six months of a prior conviction for either of these offenses, shall be punished by not less than five days or forty hours of community service designed to enhance the safety and learning experience of school students, plus any additional sentence the court deems warranted.

Section 4. That Chapter V, Article 3, section 53.16 of the San Diego municipal Code is hereby amended to read as follows:

SEC. 53.16 Penalties for Firearms and Other Weapons Offenses

- (a) [no change in text]
- (b) [no change in text]
- (c) [no change in text]
- (d) [no change in text]
- (e) In addition to any penalty imposed pursuant to this section, a person convicted of a violation of section 53.10, 53.15 or 53.15.1 shall also be punished by not less than five days or forty hours of community service designed to enhance the safety and learning experience of school students, plus any additional sentence the court deems warranted.


Section 5. A full reading of this ordinance is dispensed with prior to its final passage, a written or printed copy having been available to the City Council and the public a day prior to its final passage.

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Section 6. This ordinance shall take effect and be in force on the thirtieth day from
and after its passage.

APPROVED: CASEY GWINN, City Attorney

By 
Theresa C. McAteer
Deputy City Attorney

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11/09/99
Or.Dept: PS&NS
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