



# CITY OF SUNNYVALE

## OFFICE OF THE CITY ATTORNEY

P.O. BOX 3707 SUNNYVALE, CALIFORNIA 94088-3707

TEL: (408) 730-7464

FAX: (408) 730-7468

### INTEROFFICE MEMORANDUM

TO: Frank Grgurina, Chief of Public Safety

FROM: Joan A. Borger, City Attorney *JB*  
Rebecca L. Moon, Assistant City Attorney

DATE: December 13, 2013

RE: Law Enforcement Exemption for Large-Capacity Magazines

---

As you requested, this memo confirms the informal advice previously given by our office in regard to the interpretation of the law enforcement exemption in Sunnyvale Municipal Code Section 9.44.050(c)(2) (Sunnyvale Measure C).

Section 9.44.050(c)(2) provides that the prohibition on possession of large-capacity magazines does not apply to [1] "[a]ny government officer, agent, or employee, member of the armed forces of the United States, or peace officer, [2] to the extent that such person is otherwise authorized to possess a large-capacity magazine and does so while acting within the course and scope of his or her duties". The section does not apply to any person who satisfies both conditions.

Questions have been raised concerning the application of this section to:

- (1) Officers who possess large-capacity magazines while off-duty.
- (2) Possession of personal (non-duty) weapons by officers.
- (3) Officers from other jurisdictions who are visiting or traveling through Sunnyvale.

It is our opinion that individuals listed in Section 9.44.050(c)(2), who are authorized as part of their duties to possess and use large-capacity magazines, are exempt under 9.44.050(c)(2) at all times, both while on and off duty. Further, the exemption is not limited to official duty weapons. Finally, the exemption applies to same extent to officers from other jurisdictions while in Sunnyvale.

Please do not hesitate to contact us if you have any additional questions or concerns.

