



DATE: July 8, 2009
TO: Honorable Mayor and City Councilmembers
FROM: Oceanside Police Department
SUBJECT: **AMENDMENT TO OCEANSIDE CITY CODE SECTION 22.5
PERTAINING TO REPORTING REQUIREMENTS FOR PAWN
BROKERS AND SECOND HAND DEALERS.**

SYNOPSIS

Staff recommends that the City Council introduce an ordinance amending Section 22.5 of the Oceanside City Code to require the electronic reporting of pawn data to the Police Department. Electronic uploading of pawn data will help the Police Department identify criminal activities in the pawn industry through the timely collection and sharing of pawn transaction information. In addition, the proposed amendment ensures that the City of Oceanside is collecting all information required under California law.

BACKGROUND

The reporting requirements for secondhand dealers are set in the California Business and Professions Code. The state law requires the dealers to report to the Chief of Police daily, on forms provided by the Department of Justice, extensive information related to a transaction. This information includes the name and address of the intended seller, the identification of the seller through a drivers license or other form of government issued identification, a complete and accurate description of the property, including serial numbers, a certification by the seller that he or she is the owner or authorized seller of the property, and a fingerprint from the seller.

In the past, copies of the pawn slips have been manually delivered to OPD and, until recently, there has been no electronic database to capture the information from these slips. Technology exists to allow the pawnbrokers and secondhand dealers to electronically report all of the information required by state law into a searchable database.

The proposed amendment would require pawn brokers and second hand dealers to electronically report pawn information at the same time the transaction occurs. Automating the collection and analysis of transaction records from pawn and secondhand stores would turn pawn tickets into useful data for solving crimes. The information gained from an electronic pawn database could be used to better identify stolen property.

ANALYSIS

The proposed amendment incorporates all of the reporting requirements set forth in the state Business and Professions Code to provide a full, true, and complete report of all goods, wares, merchandise, or things received on deposit, pledged, or purchased as well as information that verifies the identify of the seller.

Moreover, the proposed amendment authorizes the Police Department to receive from pawnbrokers and secondhand dealers on a daily basis an electronic upload to the pawn reporting system of all transactions that occurred that business day.

FISCAL IMPACT

Pursuant to the Administrative Directive on the Procurement of Goods and Services, the Police Department entered into a one-year contract with a private vendor to access all pawn data that has been electronically uploaded by pawn vendors. The cost of that contract is \$10,940. There are no other expenses anticipated to be incurred by the Department to implement this ordinance amendment. The Police Department anticipates savings by reducing the number of slips manually entered by OPD personnel.

There will be no cost for participating pawn shops. The pawn brokers and secondhand dealers are authorized to file the electronic pawn information without cost.

COMMISSION OR COMMITTEE REPORT

Not applicable.

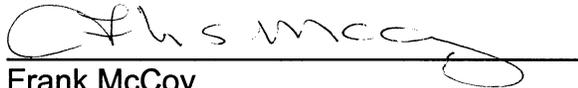
CITY ATTORNEY'S ANALYSIS

The proposed amendment has been prepared by the City Attorney and approved as to form. Pawnbrokers are required to comply with local reporting requirements as long as those local provisions are not inconsistent with state law. The proposed reporting requirements in the amendment mirror the requirements under state law. While the City is generally preempted from adopting a local ordinance that duplicates state law, that rule does not apply here because the Legislature has expressly authorized duplicative ordinances regulating pawnbrokers by allowing the enactment and enforcement of ordinances that are not inconsistent with state law.

RECOMMENDATION

Staff recommends that the City Council introduce an ordinance amending Section 22.5 of the Oceanside City Code to require the electronic reporting of pawn data to the Police Department.

PREPARED BY:



Frank McCoy
Chief of Police

SUBMITTED BY:



Peter Weiss
City Manager

REVIEWED BY:

Michelle Skaggs Lawrence, Deputy City Manager



- 1 (3) An identification card issued by any state.
- 2 (4) An identification card issued by the United States.
- 3 (5) A passport from any other country in addition to another item of
- 4 identification bearing an address.

5 (c) A complete and reasonably accurate description of serialized property, including,
6 but not limited to, the following: Serial number and other identifying marks or
7 symbols, owner-applied numbers or initials or names, manufacturer's named
8 brand, and model name or number.

9 (d) A complete and reasonably accurate description of nonserialized property,
10 including, but not limited to, the following: Size, color, material, manufacturer's
11 pattern name (when known), owner-applied numbers and personalized
12 inscriptions and other identifying marks or symbols.

13 (e) A certification by the intended seller or pledger that he or she is the owner of the
14 property or has the authority of the owner to sell or pledge the property.

15 (f) A certification by the intended seller or pledger that to his or her knowledge and
16 belief the information is true and complete.

17 (g) A legible fingerprint taken from the intended seller or pledger, as prescribed by
18 the Department of Justice.

19 Nothing in this section shall be construed as excepting a secondhand dealer from the
20 fingerprinting requirements set forth in Business and Professions Code section 21628(g).”

21 SECTION 2. The City Clerk of the City of Oceanside is hereby directed to publish this
22 ordinance, or the title hereof as a summary, pursuant to state statute, once within fifteen (15)
23 days after its passage in the North County Times, a newspaper of general circulation published
24 in the City of Oceanside.

25 SECTION 3. This ordinance shall take effect and be in force on the thirtieth (30th) day
26 from and after its final passage.

27 INTRODUCED at a regular meeting of the City Council of the City of Oceanside,
28 California, held on the ___ day of _____, 2009, and, thereafter,

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PASSED AND ADOPTED at a regular meeting of the City Council of the City of
Oceanside California held on the ____ day of _____, 2009, by the following vote:

AYES:

NAYS:

ABSENT:

ABSTAIN:

MAYOR OF THE CITY OF OCEANSIDE

ATTEST:

APPROVED AS TO FORM:

CITY CLERK


CITY ATTORNEY

(Ordinance Amending Sec. 22.5 - Record of Transactions)