



County of Los Angeles CHIEF EXECUTIVE OFFICE

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Chief Executive Officer

September 13, 2013

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From: William T Fujioka
Chief Executive Officer

SACRAMENTO UPDATE - GUN VIOLENCE LEGISLATION

Executive Summary

This memorandum is to provide the Board a comprehensive update on the status of County-advocacy legislation and County-interest legislation related to gun violence.

Overview

On September 13, 2013, the Legislature adjourned and concluded the first year of the 2013-14 Legislative Session. During the week prior to adjournment, the Legislature considered over 400 bills including a number of measures related to gun violence. All bills passed by the Legislature now proceed to the Governor who has until October 13, 2013 to sign or veto these measures.

As previously reported, a package of eight Senate bills, collectively named the Life Act, to address gun violence issues was introduced earlier in the Legislative Session as a key priority of Senate President Pro Tempore Darrell Steinberg and Legislative Leadership. Five of the eight bills were passed by the Legislature and have proceeded to the Governor for consideration. The remaining three measures were held in committee or placed on the Inactive File.

In addition, a number of other measures related to gun violence were considered and passed by the Legislature at the end of session and are currently with the Governor for approval or veto.

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Senate Package of Gun Violence Legislation

County-supported SB 53 (De León), which as amended on September 10, 2013, would require that the delivery of any kind of ammunition occur in a face-to-face transaction and that only a licensed vendor may sell ammunition, and require, commencing July 1, 2016, that a purchaser of ammunition be authorized to purchase ammunition by the California Department of Justice, among other provisions, was held in the Assembly Public Safety Committee.

County-supported SB 140 (Leno and Steinberg), which as amended on April 11, 2013, would appropriate \$24.0 million to the California Department of Justice from the Dealers' Record of Sale Special Account for the limited purpose of addressing the current Armed Prohibited Persons System backlog, was signed by the Governor on May 1, 2013. SB 140 is an urgency measure and, therefore, took effect immediately.

SB 47 (Yee), which as amended on August 6, 2013, would: 1) revise the definition of an assault weapon prohibited under California law to guns that do not have a fixed magazine but any one of a series of attributes; 2) further define a fixed magazine; and 3) require that any person who lawfully possessed an assault weapon, from January 1, 2001 to December 31, 2013, to register the firearm by July 1, 2015, was held in the Assembly Public Safety Committee.

SB 374 (Steinberg, Hancock, and Yee), which as amended on September 9, 2013, would classify a gun that does not have a fixed magazine with the capacity to accept no more than 10 rounds as an assault weapon and would require a person who, between January 1, 2001 and December 31, 2013, lawfully possessed an assault weapon, to register the firearm by July 1, 2015, passed the Assembly by a vote of 44 to 31 on September 10, 2013 and the Senate by a vote of 21 to 15 on September 12, 2013. This measure now proceeds to the Governor.

SB 396 (Hancock and Steinberg), which as amended on September 6, 2013, would: 1) revise the definition of a large capacity magazine to mean capable of holding more than 10 rounds; 2) commencing July 1, 2014, make it an offense to possess a large-capacity magazine, regardless of the date the magazine was acquired; and 3) authorize various methods by which a person in lawful possession of a large-capacity magazine may dispose of the magazine, failed passage in the Assembly by a vote of 35 to 34 on September 12, 2013, and was placed on the Assembly Inactive File.

SB 567 (Jackson), which as amended on September 6, 2013, would: 1) revise the definition of a shotgun to delete the requirement that it be intended to be fired from the shoulder; 2) clarify that the projectile may be fired through either a rifled bore or a

smooth bore; and 3) require any person who, from January 1, 2001 to December 31, 2013, lawfully acquired a shotgun with a revolving cylinder to register the firearm before July 1, 2015, with the California Department of Justice, passed the Assembly by a vote of 42 to 33 and the Senate by a vote of 22 to 15 on September 11, 2013. This measure now proceeds to the Governor.

SB 683 (Block), which as amended on September 3, 2013, would: 1) commencing January 1, 2015, prohibit a person from purchasing or receiving any firearm without a valid firearm safety certificate; 2) prohibit any person from selling, delivering, loaning, or transferring any firearm to a person who does not have a valid firearm safety certificate; and 3) commencing January 1, 2015, require a safe handling demonstration for purchasers of long guns, passed the Assembly by a vote of 46 to 30 on September 9, 2013 and the Senate by a vote of 25 to 11 on September 10, 2013. This measure now proceeds to the Governor.

SB 755 (Wolk), which as amended on September 6, 2013, would apply the 10-year firearms prohibition period to persons convicted of two or more misdemeanors within a three-year period involving intoxication or possession of certain controlled substances, and prohibit a person who has been ordered by a court to obtain assisted outpatient treatment from purchasing or possessing any firearm or other deadly weapon while subject to assisted outpatient treatment, passed the Assembly by a vote of 45 to 28 on September 11, 2013 and the Senate by a vote of 25 to 12 on September 12, 2013. This measure now proceeds to the Governor.

Other Legislation of County Interest Related to Gun Violence

The following ten bills passed the Legislature and now proceed to the Governor for consideration.

Ammunition

AB 48 (Skinner), which as amended on September 6, 2013, would make it a misdemeanor to buy or receive a large capacity magazine or to knowingly manufacture, import, offer for sale, or give, lend, buy, or receive any large capacity magazine conversion kit that is capable of converting an ammunition feeding device into a large-capacity magazine. The bill would also make it a misdemeanor or a felony to buy or receive a large-capacity magazine. AB 48 passed the Senate by a vote of 22 to 14 on September 10, 2013 and the Assembly by a vote of 46 to 30 on September 11, 2013.

Assault Weapons

AB 170 (Bradford), which as amended on May 29, 2013, would limit a person to an individual for permit purposes for assault weapons, .50 BMG rifles, and machine guns, and other purposes related to the regulation of assault weapons and .50 BMG rifles. AB 170 passed the Senate by a vote of 21 to 14 and the Assembly by a vote of 48 to 28 on September 11, 2013.

Gun Manufacturing, Sales and Transfer

AB 169 (Dickinson), which as amended on September 3, 2013, would repeal specified exemptions related to the manufacturing, importing, selling, giving, or lending of unsafe handguns and would make the provisions defining and governing unsafe handguns inapplicable to a single-shot pistol with a break top or bolt action, or to a semiautomatic pistol that has been temporarily or permanently altered so that it will not fire in a semiautomatic mode. AB 169 passed the Senate by a vote of 21 to 15 on September 9, 2013 and the Assembly by a vote of 46 to 30 on September 10, 2013.

Gun Storage

AB 231 (Ting), which as amended on August 30, 2013, would establish the offense of criminal storage of a firearm when a person keeps a loaded firearm within any premises under his or her custody or control and negligently stores or leaves a loaded firearm in a location where the person knows, or reasonably should know, that a child is likely to gain access to the firearm without the permission of the child's parent or legal guardian, unless reasonable action is taken by the person to secure the firearm against access by the child. AB 231 passed the Senate by a vote of 24 to 15 on September 9, 2013 and the Assembly by a vote of 48 to 30 on September 10, 2013.

SB 363 (Wright), which as amended on August 30, 2013, would make it a misdemeanor for a person who keeps a handgun at their premises and knows or reasonably should know that a prohibited person is likely to gain access to the handgun, and the prohibited person gains access to the handgun and carries it off-premises or off-premises and to a school. SB 363 expands the definition of criminal storage to a person who keeps a firearm and knows or reasonably should know that a person prohibited from owning or possessing a firearm or deadly weapon is likely to gain access to the firearm, and that person gains access to the firearm and thereby causes death or injury to himself or herself, or any other person, or carries the firearm to a public place, or unlawfully displays or uses the firearm. SB 363 passed the Assembly by a vote of 64 to 11 on September 3, 2013 and the Senate by a vote of 38 to 0 on September 4, 2013.

Licenses, Waiting Period and Reporting

AB 500 (Ammiano), which as amended on September 3, 2013, would require the California Department of Justice, upon review of a background check, to immediately notify a firearms dealer to delay the transfer of a firearm to a purchaser if records indicate that the purchaser has been taken into custody and placed in a facility for mental health treatment or that he or she has been arrested or charged with a crime, or that the purchaser is attempting to purchase more than one firearm within a 30-day period, and the Department is unable to confirm the specifics of the information prior to the conclusion of the 10-day waiting period. AB 500 would also prohibit a person who is residing with someone who is prohibited by State or Federal law from possessing a firearm from keeping a firearm at that residence unless the firearm is either kept within a locked container, locked gun safe, locked trunk, locked with a locking device, disabled by a firearm safety device, or carried on the person. AB 500 passed the Senate by a vote of 24 to 14 on September 9, 2013 and the Assembly by a vote of 47 to 29 on September 10, 2013.

AB 538 (Pan), which as amended on August 26, 2013, would clarify various exceptions and exemptions to the sale, delivery, or transfer of a firearm, clarify certain licensing requirements, and specify the information entered into Statewide databases regarding the destruction of weapons and the information provided at time of sale or transfer of a firearm. AB 538 passed the Senate by a vote of 22 to 14 on September 3, 2013 and the Assembly by a vote of 52 to 26 on September 6, 2013.

SB 299 (DeSaulnier), which as amended on September 3, 2013, would require an individual to report the theft or loss of a firearm he or she owns to a local law enforcement agency in the jurisdiction in which the theft or loss occurred within seven days of the time he or she knew, or reasonably should have known, that the firearm had been lost or stolen, and would also require that persons licensed to sell firearms post a warning within the licensed premises in block letters stating the requirement that a lost or stolen firearm be reported to a local law enforcement agency. SB 299 passed the Assembly by a vote of 42 to 32 on September 9, 2013 and the Senate by a vote of 23 to 14 on September 10, 2013.

Prohibited Persons

AB 539 (Pan), which as introduced on September 11, 2013, would allow anyone who is prohibited from owning or possessing a firearm to transfer any firearm or firearms in his or her possession to a licensed firearms dealer for the duration of the prohibition, if the prohibition on owning or possessing the firearm will expire on a date specified by court

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order. The bill would require a firearms dealer who stores a firearm under these circumstances to notify the California Department of Justice of the date that the dealer has taken possession of the firearm. AB 539 passed Assembly by a vote of 77 to 0 and the Senate by a vote of 35 to 0 on September 12, 2013.

SB 127 (Gaines), which as amended on May 6, 2013, would require a licensed psychotherapist to make a report to local law enforcement within 24 hours when a person has communicated a serious threat of physical violence against a reasonably identifiable victim or victims. SB 127 passed the Assembly by a vote of 77 to 0 on September 9, 2013.

We will continue to keep you advised.

WTF:RA
MR:KA:ma

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