



# Agenda

# LEGISLATION COMMITTEE

April 4, 2013  
11:00 a.m. to 12:00 p.m.  
651 Pine Street, Room 101, Martinez

Supervisor Karen Mitchoff, District IV, Chair  
Supervisor Mary N. Piepho, District III, Vice Chair

## Agenda Items:

Items may be taken out of order based on the business of the day and preference of the Committee

1. **Introductions**
2. **Public comment on any item under the jurisdiction of the Committee and not on this agenda.** (*Speakers may be limited to three minutes.*)
3. **Review Record of Action** for February 25, 2013
4. **2013 State Legislation of Interest**– *Presenters: Lara DeLaney, Cathy Christian*
  - a) Consider AB 59 (Bonta): School Districts: Parcel Taxes
  - b) Consider a recommendation of “Support” for AB 141 (Gorell): Elections: Write-in Candidates, as recommended by the Clerk-Recorder.
  - c) Consider a recommendation of “Support” for AB 182 (Buchanan): Bonds: School Districts and Community College Districts, as recommended by the Treasurer-Tax Collector.
  - d) Consider a recommendation of “Oppose” for AB 635 (Ammiano): Drug Overdose Treatment: Liability, as recommended by Director of EMS.
  - e) Consider a recommendation of “Oppose” for AB 741 (Brown): Local Government Finance: Tax Equity Formula, as recommended by the Auditor-Controller.
  - f) Consider a recommendation of “Support” for AB 748 (Eggman): Judgments Against the State: Interest, as recommended by County Counsel.
  - g) Consider a position of “Oppose” for SB 199 (De Leon): Probation: Community Corrections, as recommended by the County Administrator.
  - h) Consider a recommendation of “Support” for SB 283 (Hancock): CalWORKs and CalFresh Eligibility, as recommended by staff.
  - i) Consider a recommendation of “Support” for Veterans Related Bills: AB 244 (Bonilla), AB 531 (Frazier), and SB 296 (Correa), as recommended by the Veterans Service Officer.
  - j) Gun Violence Prevention legislation
  - k) Water-related Bills
5. **Federal Update** – *Information Only: Lara DeLaney*
6. **Congressman Mike Thompson’s Gun Violence Prevention Efforts**
7. **Adjourn** to the next regular meeting scheduled for Thursday, May 2 at 11:00 a.m.

☺ *The Legislation Committee will provide reasonable accommodations for persons with disabilities planning to attend Legislation Committee meetings. Contact the staff person listed below at least 72 hours before the meeting.*

📁 *Any disclosable public records related to an open session item on a regular meeting agenda and distributed by the County to a majority of members of the Legislation Committee less than 96 hours prior to that meeting are available for public inspection at 651 Pine Street, 10th floor, during normal business hours.*

✉ *Public comment may be submitted via electronic mail on agenda items at least one full work day prior to the published meeting time.*

## For Additional Information Contact:

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## Glossary of Acronyms, Abbreviations, and other Terms (in alphabetical order):

Contra Costa County has a policy of making limited use of acronyms, abbreviations, and industry-specific language in its Board of Supervisors meetings and written materials. Following is a list of commonly used language that may appear in oral presentations and written materials associated with Board meetings:

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<b>AB</b>	Assembly Bill	HIPAA	Health Insurance Portability and Accountability Act
ABAG	Association of Bay Area Governments	HIV	Human Immunodeficiency Syndrome
ACA	Assembly Constitutional Amendment	HOV	High Occupancy Vehicle
ADA	Americans with Disabilities Act of 1990	HR	Human Resources
AFSCME	American Federation of State County and Municipal Employees	HUD	United States Department of Housing and Urban Development
AICP	American Institute of Certified Planners	Inc.	Incorporated
AIDS	Acquired Immunodeficiency Syndrome	IOC	Internal Operations Committee
ALUC	Airport Land Use Commission	ISO	Industrial Safety Ordinance
AOD	Alcohol and Other Drugs	JPA	Joint (exercise of) Powers Authority or Agreement
ARRA	American Recovery and Reinvestment Act	Lamorinda	Lafayette-Moraga-Orinda Area
BAAQMD	Bay Area Air Quality Management District	LAFCo	Local Agency Formation Commission
BART	Bay Area Rapid Transit District	LLC	Limited Liability Company
BCDC	Bay Conservation & Development Commission	LLP	Limited Liability Partnership
BGO	Better Government Ordinance	Local 1	Public Employees Union Local 1
BOS	Board of Supervisors	LVN	Licensed Vocational Nurse
CALTRANS	California Department of Transportation	MAC	Municipal Advisory Council
CalWIN	California Works Information Network	MBE	Minority Business Enterprise
CalWORKS	California Work Opportunity and Responsibility to Kids	M.D.	Medical Doctor
CAER	Community Awareness Emergency Response	M.F.T.	Marriage and Family Therapist
CAO	County Administrative Officer or Office	MIS	Management Information System
CCHP	Contra Costa Health Plan	MOE	Maintenance of Effort
CCTA	Contra Costa Transportation Authority	MOU	Memorandum of Understanding
CDBG	Community Development Block Grant	MTC	Metropolitan Transportation Commission
CEQA	California Environmental Quality Act	NACo	National Association of Counties
CIO	Chief Information Officer	OB-GYN	Obstetrics and Gynecology
COLA	Cost of living adjustment	O.D.	Doctor of Optometry
ConFire	Contra Costa Consolidated Fire District	OES-EOC	Office of Emergency Services-Emergency Operations Center
CPA	Certified Public Accountant	OSHA	Occupational Safety and Health Administration
CPI	Consumer Price Index	Psy.D.	Doctor of Psychology
CSA	County Service Area	RDA	Redevelopment Agency
CSAC	California State Association of Counties	RFI	Request For Information
CTC	California Transportation Commission	RFP	Request For Proposal
dba	doing business as	RFQ	Request For Qualifications
EBMUD	East Bay Municipal Utility District	RN	Registered Nurse
EIR	Environmental Impact Report	SB	Senate Bill
EIS	Environmental Impact Statement	SBE	Small Business Enterprise
EMCC	Emergency Medical Care Committee	SWAT	Southwest Area Transportation Committee
EMS	Emergency Medical Services	TRANSPAC	Transportation Partnership & Cooperation (Central)
EPSDT	State Early Periodic Screening, Diagnosis and treatment Program (Mental Health)	TRANSPLAN	Transportation Planning Committee (East County)
et al.	et ali (and others)	TRE or TTE	Trustee
FAA	Federal Aviation Administration	TWIC	Transportation, Water and Infrastructure Committee
FEMA	Federal Emergency Management Agency	UCC	Urban Counties Caucus
F&HS	Family and Human Services Committee	VA	Department of Veterans Affairs
First 5	First Five Children and Families Commission (Proposition 10)	vs.	versus (against)
FTE	Full Time Equivalent	WAN	Wide Area Network
FY	Fiscal Year	WBE	Women Business Enterprise
GHAD	Geologic Hazard Abatement District	WCCTAC	West Contra Costa Transportation Advisory Committee
GIS	Geographic Information System		
HCD	(State Dept of) Housing & Community Development		
HHS	Department of Health and Human Services		

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## Schedule of Upcoming BOS Meetings

April 9, 2013  
April 16, 2013

**Legislation Committee**  
**Supervisor Karen Mitchoff, Chair**  
**Supervisor Mary N. Piepho, Vice Chair**

**Record of Actions**

**February 25, 2013**  
**Room 101, 651 Pine Street, Martinez**

**1. Introductions**

The meeting was called to order by Chair Mitchoff. Vice Chair Piepho was present. Staff and the public introduced themselves. Cathy Christian, state advocate, was conferenced in by phone.

**2. Public Comment:** None.

**3. 2012 State Budget and Legislative Matters:**

- a) The Committee voted unanimously to recommend a position of “Support” on SCA 7 (Wolk) Public Libraries Tax Bill.
- b) The Committee voted unanimously to recommend a position of “Support” on ACA 3 (Campos): Public Safety Services Tax Bill.

**4. 2013 State Legislative Platform:** The Committee voted unanimously to recommend that the Board approve an amendment to the adopted 2013 State Platform, policy #43, to include support for library and transportation related measures and to specify the threshold for voter approval at 55%.

**5. Adjourned** to a March 7, 2013 meeting that was subsequently cancelled.

**OFFICE OF THE COUNTY ADMINISTRATOR  
CONTRA COSTA COUNTY**

TO: Legislation Committee  
*Supervisor Karen Mitchoff, Chair*  
*Supervisor Mary N. Piepho, Vice Chair*

FROM: Lara DeLaney, Interim Senior Deputy County Administrator

DATE: March 30, 2013

SUBJECT: **Agenda Item #4: 2013 State Legislation of Interest**

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**RECOMMENDATION**

ACCEPT the report on State legislation of interest and provide direction, as necessary.

**REPORT**

Staff is currently reviewing this year's regular session bills and evaluating their potential implications for County operations and infrastructure. The following is a preliminary list of bills of interest to counties which staff and our lobbyist are tracking. Please note that it is still early in the legislative calendar and the likelihood of these bills being amended is high.

Contra Costa County routinely takes positions on bills throughout the legislative session. When staff begins tracking a bill, the referral to staff (or any recommendation from staff) is noted in the bill tracking system and the bill is marked as "watch" until such time that a policy position is taken by the Board of Supervisors. Typically, bill positions are taken early in the year on bills for which the County has standing policy. These policy positions can be found in the 2013 State and Federal Legislative Platforms.

For bills that have been identified but for which there is no Board-adopted policy, staff refers the bills to the affected department(s) or to a policy committee of the Board of Supervisors for a policy recommendation and, ultimately, to the Board of Supervisors for a position. Once a position (support, oppose, etc.) has been identified, protocol requires that the Chair of Board send a letter to the bill author and the Assembly and/or Senate Committee to which the bill is referred, to let them know of our concerns and position.

<b>2013 Bills Recommended for Action (as of March 30, 2013)</b>
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- a) **AB 59 (Bonta) School Districts: Parcel Taxes (Attachment A)** – *This bill would authorize school districts to impose different parcel tax rates on different properties based on rational classifications of properties.*

Existing law authorizes any school district to impose qualified special taxes within the district pursuant to specified procedures. Existing law defines qualified special taxes as special taxes that apply uniformly to all taxpayers or all real property within the school district, as specified. AB 59 would specify that the provisions requiring uniform application of taxes shall not be construed as limiting a school district from assessing taxes in accordance with rational classifications among taxpayers or types of property within the school district. The bill would specify that the provision is declaratory of existing law. The bill would also express the Legislature's intent to clarify, and not change, existing law, and to abrogate the holding in *Borikas v. Alameda Unified School District*, as specified.

*Background:* In *Borikas v. Alameda Unified School District*, the Court of Appeals invalidated a school district's parcel tax measure because it violated the statutory requirement that school district taxes be imposed uniformly on all property or persons within the district. The case struck down the school district's tax measure because it imposed different tax rates on different types of property.

On January 7, 2013, the Court of Appeals granted the school district's request for rehearing. On March 6, 2013, the California Court of Appeals upheld its December 6, 2012 ruling in the case *Borikas v. Alameda USD*. The decision invalidates parts of Alameda USD's parcel tax, Measure H, which voters passed in 2008. The court struck down Measure H's differential rate structure for residential and commercial property owners. The case could have far reaching consequences for school districts throughout the state as similar lawsuits over parcel tax structures have been filed in Yolo, Contra Costa and Los Angeles counties.

If left unchanged, the decision in *Borikas* would only apply to qualified special tax measures enacted by school districts. However, the rationale underlying the decision could be applied in legal challenges to other local governments' special tax measures, if those measures are enacted under similar statutes.

STATUS: 01/07/2013 INTRODUCED.  
01/31/2013 To ASSEMBLY Committee on REVENUE AND TAXATION.

*Staff recommendation:* Consider recommending to the Board of Supervisors that the County should seek an amendment to AB 59 to extend the bill's provisions to counties, county service areas, and special districts.

**b) AB 141 (Gorell): Elections: Write-in Candidates (Attachment B)** – *This bill requires that a write-in candidate for a voter-nominated office receive votes at the direct primary election equal in number to at least 1% of all votes cast for the office at the last preceding general election at which the office was filled in order for his or her name to be placed on the general election ballot as a candidate for that office.*

STATUS: 01/17/2013 INTRODUCED.  
01/24/2013 To ASSEMBLY Committee on ELECTIONS AND REDISTRICTING.

Staff recommendation: Retired Clerk-Recorder Steve Weir, prior to his retirement, recommended that the Legislation Committee consider a recommendation of “Support” to the Board of Supervisors.

c) **AB 182 (Buchanan): Bonds: School Districts (Attachment C)** Existing law authorizes the governing board of any school district or community college district to order an election and submit to the electors of the district the question whether the bonds of the district should be issued and sold to raise money for specified purposes. Existing law requires the bonds to bear a rate of interest that does not exceed 8% per annum and requires the number of years the whole or any part of the bonds are to run to not exceed 25 years. This bill would require the ratio of total debt service to principal for each bond series to not exceed 4 to one. The bill would require each capital appreciation bond maturing more than 10 years after its date of issuance to be subject to mandatory tender for purchase or redemption before its fixed maturity date, as specified, beginning no later than the 10th anniversary of the date the capital appreciation bond was issued.

AB 182 reforms the structure and sale of capital appreciation bonds (CABs). The accrual and compounding of interest on long-dated CABs can leave taxpayers with a staggering amount of debt on a facility that will sometimes be over a decade old before the first payment on it is due--not a prudent or reasonable way to manage taxpayer dollars raised to fund public facilities.

The alarmingly-widespread practice of using long-dated CABs with debt-service holidays has been much chronicled, and over 200 school districts statewide have outstanding CAB debt with repayment ratios of 8:1, 9:1, 10:1 and even more. Taxpayer reaction to these facts is overwhelmingly negative and could affect the long-term trust of voters in approving any type of bond for any type of project.

The Board of Supervisors is responsible for ensuring the delivery of publicly funded projects that are sometimes funded with voter-approved bonds. The integrity of those transactions must be beyond reproach. Any practice in the public finance realm that casts doubt upon the integrity of expenditures and the prudent use of taxpayer funds jeopardizes the prospect of bond funding being approved by the voters in the future.

DISPOSITION: Pending in Assembly Second Reading File

Staff recommendation: The County Treasurer-Tax Collector, Russell Watts, recommends that the Legislation Committee consider a recommendation of “Support” to the Board of Supervisors.

d) **AB 635 (Ammiano): Drug Overdose Treatment: Liability (Attachment D)** This bill would revise and recast certain provisions to authorize a licensed health care provider who is permitted by law to prescribe an opioid antagonist and is acting with reasonable care to prescribe and subsequently dispense or distribute an opioid antagonist for the treatment of an opioid overdose to a person at risk of an opioid-

related overdose or a family member, friend, or other person in a position to assist a person at risk of an opioid-related overdose. The bill would authorize these licensed health care providers to issue standing orders for the distribution of an opioid antagonist to a person at risk of an opioid-related overdose or to a family member, friend, or other person in a position to assist the person at risk. This bill contains other related provisions and other existing laws.

According to the author, AB 635 recognizes that there are ways to reverse some effects of opioid overdose. The use of injectable naloxone, an opioid antagonist, can restore normal breathing in the case of suspected overdoses and has long been used in emergency room treatment. The author contends the bill would promote that use by addressing liability questions for doctors who prescribe it to users of the relevant drugs, and would address training for users, their friends and families.

Naloxone is beneficial in cases of overdoses on legal drugs, such as oxycontin and hydrocodone, as well as illegal opioids, such as heroin. The legal drugs are now the leading cause of overdoses.

The bill follows on a multi-county pilot program that has been deemed successful, expanding the liability release to all of California. Under the bill, illegal drug use is not protected. It merely offers liability protections to physicians who prescribe naloxone and to programs that train drug users, their friends and families in its use.

County staff is opposed to the bill on the grounds that the proposed efforts place patients at risk and do not provide adequate over-sight for patient care in the field.

The EMS Authority (EMSA) has provided additional points on the subject:

- Emergency medical responses (9-1-1) in CA are already responded to by a Paramedic or Advanced EMT, probably 99% of the time.
- In California, compared to the rest of the USA, 9-1-1 emergency medical responses where only an EMT is available are extremely rare.
- The general medical presentation of opiate drug overdoses is respiratory depression or arrest. These patients are manageable with good basic airway management and ventilation provided by EMTs.
- Paramedics administer Naloxone (Narcan) titrated to relieve respiratory depression, rather than total reversal of the opiate usage (as this often results in a combative patient).
- Administration of Naloxone is already an optional local skill for EMTs with 2 hours of training, allowing for targeted training and implementation where necessary (CCR, Title 22, Chapter 9, 100064).
- There are 60,000 EMTs in CA. With 2 hours of training required to add Naloxone to the EMT skill set, the mandated cost for both public and private agencies would be high. The average cost is unknown at this time to train all existing EMTs.
- Additional hours of training would be required to be placed in the EMT curriculum. There are already complaints and concerns, especially from rural areas, regarding the number of hours of training required (160 hours minimum).

- The EMS Medical Director would still not be required to implement the administration of Naloxone in their local EMS system.
- EMSA would need to change regulations. EMSA just completed a comprehensive revision and could not absorb the workload for a new revision process in the near future without additional resources.
- Required Naloxone training would be a deviation from the National EMT Educational Standards which have been set in CA as the training standard.
- We have seen no data on preventable deaths in California from drug overdoses, but would be interested in seeing that study. Additionally, we have not seen any data or incidents that demonstrate the EMS response was inadequate—even in rural areas.

DISPOSITION: Pending in Assembly Judiciary Committee  
 HEARING: 04/02/2013 8:00 a.m., Room 4202

*Staff recommendation: The County EMS Director, Pat Frost, recommends that the Legislation Committee recommend a position of “Oppose” to the Board of Supervisors.*

- e) **AB 741 (Brown): Local Government Finance: Tax Equity Formula.** This bill increases the allocation of property tax revenues under a new Tax Equity Allocation formula that establishes minimum property tax shares for qualifying cities.

The bill attempts to alleviate financial difficulties some cities with relatively low property tax shares are experiencing, in particular those cities that relied on redevelopment funds to support city operations. The author’s office estimates that the bill would affect about 200 cities, or about 40 percent of all cities in California. If true, this bill would represent a monumental shift of property taxes from counties to cities.

CSAC has taken an “oppose” position on AB 741. Counties are extremely concerned about the consequences of AB 741 in light of counties’ ongoing and significant service responsibilities to all Californians. Counties have taken on substantial new service responsibilities over the past few years and cannot consider the revenue transfer proposed by AB 741 for a number of reasons.

CSAC has encouraged counties to oppose AB 741 and communicate their concerns to the author and their own legislative delegations. Assembly Member Brown’s staff has let CSAC know that they do not intend to pursue the bill this year, but remain concerned about the lack of property tax revenue received by certain cities and will be looking to alternatives to resolve their concerns. CSAC will continue to share its perspective on local government revenues and service responsibilities to the Legislature to help facilitate an understanding of the complex system of state and local revenues and responsibilities.

*Staff recommendation: Prior to receiving the update from CSAC on the status of the bill, the County Auditor-Controller, Bob Campbell, had recommended that the Legislation Committee recommend a position of “Oppose” to the Board of Supervisors. Since the author does not intend to pursue the bill, no action is required at this time.*

f) **AB 748 (Eggman): Judgments Against the State: Interest (Attachment E)** *This bill provides that interest on the amount of a judgment or settlement for the payment of money against the state shall accrue on the amount allowed on the claim at no more than the average Pooled Money Investment Account rate for the previous fiscal year. Provides that this accrual rate also applies to interest on the amount of a judgment for the payment of money against local public entities, except as otherwise provided by contract.*

AB 748 would tie the judicial interest rate for public entities to the Pooled Money Investment Account rate. This measure, sponsored by the Urban Counties Caucus, is awaiting hearing in the Assembly Judiciary Committee.

Under current law, the interest rate for judgments against public entities is 7 percent. By way of comparison, the interest rate on federal judgments is indexed to a Treasury yield, which currently sits at less than 1 percent. At a time of historically low interest rates, we believe it is appropriate to revise the mechanism by which judgment interest rates are calculated. Specifically, AB 748 would allow the judicial interest rate against public entities to be set at the previous year's Pooled Money Investment Account rate, up to the existing rate of 7 percent.

The change comes at no cost to the taxpayers and, importantly, would free up resources for the public benefit. CSAC also supports the bill.

DISPOSITION: Pending in Assembly Judiciary Committee  
HEARING: 04/09/2013 8:00 a.m., Room 4202

*Staff recommendation: County Counsel recommends that the Legislation Committee recommend a position of "Support" to the Board of Supervisors.*

g) **SB 199 (De Leon): Probation: Community Corrections (Attachment F)** *This bill relates to local community corrections partnerships. Adds a rank-and-file deputy sheriff or a rank-and-file police officer and a rank-and-file probation officer or a deputy probation officer to the membership of a community corrections partnership. SB 199, by Senator Kevin De Leon, seeks to expand membership to the Community Corrections Partnership (CCP) and its executive committee.*

SB 199 is similar, but not identical to, a measure CSAC opposed last year that sought to make changes to the CCP membership. Last year's measure, AB 2031 by Assembly Member Felipe Fuentes, was ultimately vetoed by the Governor. Unlike AB 2031, which sought to add membership to both the CCP and Board of State and Community Corrections, SB 199 focuses solely on the CCP. As currently drafted, SB 199 would add a rank-and-file deputy sheriff or police officer and a rank-and-file probation officer or deputy probation officer to both the CCP and its executive committee.

CSAC, along with a number of county public safety stakeholders, opposed efforts last year to change the composition of the CCP, maintaining that it is too early into

realignment – counties only having one year of implementation – to make changes to the CCP.

DISPOSITION: Pending in Senate Public Safety Committee

*Staff recommendation: Staff recommends that the Legislation Committee recommend a position of “Oppose” to the Board of Supervisors.*

**h) SB 283 (Hancock): CalWORKs and CalFresh Eligibility (Attachment G)** Existing law requires each county to provide cash assistance and other social services to needy families through the California Work Opportunity and Responsibility to Kids (CalWORKs) program using federal Temporary Assistance to Needy Families (TANF) block grant program, state, and county funds. Under existing law, an individual is ineligible for aid if the individual has been convicted after December 31, 1997, of any offense classified as a felony and that has as an element the possession, use, or distribution of a controlled substance. This bill would authorize CalWORKs benefits to be paid to an individual who is convicted after December 31, 1997, of any offense classified as a felony that has as an element the possession, use, or distribution of a controlled substance. If the person is on supervised release, he or she would be ineligible for CalWORKs benefits during any period of revocation of that supervised release. This bill contains other related provisions and other existing laws.

Under existing law, individuals with drug-related felonies are allowed to be eligible to receive Supplementary Nutrition Assistance Program (SNAP, or food stamps) benefits. In addition, there are 13 other states which have opted out of the federal lifetime ban on receiving Temporary Assistance to Needy Families (TANF) funding for those with past drug felonies.

SB 283 would provide counties with additional resources to deal with the passage of the 2011 Public Safety Realignment. Counties are beginning to implement this change and are designing programs and the tools necessary to reduce recidivism and help these individuals to return to the workplace. By removing the lifetime ban on receiving CalWORKs and CalFresh benefits, this bill would allow counties to provide employment activities and services to recipients which will help them to reintegrate into society.

SB 283 also includes safeguards that require parents to certify that they are participating in or have completed a treatment program. Therefore, this bill will ensure that these individuals are receiving the treatment they need and also assist those individuals with housing costs, job training and other programs which are critical in making the 2011 Public Safety Realignment a success.

Both UCC and CSAC support this bill. The bill is opposed by the California Narcotic Officers' Association and the California Police Chiefs Association.

DISPOSITION: Pending in Senate Human Services Committee

HEARING: 04/09/2013 1:30 pm, Room 3191

*Staff recommendation: EHSD staff recommends that the Legislation Committee recommend a position of "Support" to the Board of Supervisors.*

<b>VETERANS RELATED BILLS</b>
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1. **AB 244 (Bonilla): Vehicles: License Plates: Veterans.** This bill authorizes a veterans organization to participate in a special interest license plate program to provide special license plates to veterans of the United States Armed forces. Prohibits an applicant from being issued these special license plates unless he or she establishes, by satisfactory proof, that he or she is a veteran. Requires these special interest license plates be subject to the additional fees and that the revenue be deposited in the Veterans Service Office Fund.

Assemblywoman Susan A. Bonilla has introduced a bill that will reestablish the "Veterans" license plate that is reserved for Californians who have served in the armed forces. AB 244 will reestablish the "Veterans" license plate that was discontinued in 2010 and was replaced by the "Honoring Veterans" plate that can be purchased by any Californian who wishes to support veterans. That plate will still continue to be available if AB 244 is passed.

California has the largest population of veterans in the nation. Slightly less than two million veterans reside in California, with over 37,000 veterans returning to California each year. The funds generated by the sales of the "Veterans" license plate will be distributed to County Veterans Service Offices to help maintain their operations.

DISPOSITION: Pending in Assembly Transportation Committee

HEARING: 04/08/2013 1:30 pm, Room 4202.

*Staff recommendation: The Veterans Service Officer, Nathan D. Johnson, recommends that the Legislation Committee recommend a position of "Support" to the Board of Supervisors.*

2. **AB 531 (Frazier): Driver's Licenses: Veteran Designation.** This bill requires the application for a driver's license or identification card to also allow a person to present to the Department of Motor Vehicles in a manner determined by the department, a Certificate of Release or Discharge from Active Duty and to request the driver's license identification card be printed with the word VETERAN. Requires the charging of an additional fee. Requires the fee revenues to expended for the support of county veterans service officers.

Assemblymember Jim Frazier has introduced a bill which will allow California military veterans to apply for a driver's license that clearly identifies them as a veteran. There are a number of federal, state, and local benefits and services available to veterans, including assistance with employment, housing, health and counseling benefits, and educational opportunities. Allowing veterans to apply for a driver's license with a "Veteran" designation will allow them to quickly and easily identify themselves and

access the services and benefits they are entitled to, without having to carry around their official discharge papers.

DISPOSITION: Pending in Assembly Transportation Committee  
HEARING: 04/08/2013 1:30 pm, Room 4202.

*Staff recommendation: The Veterans Service Officer, Nathan D. Johnson, recommends that the Legislation Committee recommend a position of "Support" to the Board of Supervisors.*

**3. SB 296 (Correa): County Veterans Service Officers.** This bill appropriates funds from the General Fund to the Department of Veterans Affairs for the disbursement to counties to fund the activities of county veterans service officers.

SB 296 would increase by \$5 million the amount of state assistance provided to counties to fund the activities of county veterans service officers. Funding for CVSOs is shared by counties and the state, with counties currently providing 84% of the costs associated with the services provided by CVSOs and the State providing the remaining 16%. The California Department of Veterans Affairs reports that since 1995, the CVSOs have acquired more than \$3 billion in federal benefits for California's veterans, scoring a high return for the funding the State allocates to them. The State's allocation for funding for CVSOs has not changed in 18 years; as many veterans are, and will be, returning to counties from service in Iraq and Afghanistan, it is important to expand these services by increasing the State's share of funding for CVSOs.

DISPOSITION: Pending in Senate Veterans Affairs Committee  
HEARING: 04/09/2013 1:30 pm, Rose Ann Vuich Hearing Room (2040)

*Staff recommendation: The Veterans Service Officer, Nathan D. Johnson, recommends that the Legislation Committee recommend a position of "Support" to the Board of Supervisors.*

## **GUN VIOLENCE PREVENTION BILLS**

A package of bills to address gun violence prevention was rolled out by Senate Democrats in early February. The California plan comes less than a month after New York adopted its own sweeping package of new gun controls and President Barack Obama announced a package of executive actions, all in the wake of December's Connecticut schoolhouse massacre. As this plan emerged, the House Democrats' gun violence task force was announcing its 15 "policy principles."

Senate President Pro Tempore Steinberg unveiled the package in a news conference at the state Capitol, flanked by Public Safety Committee Chairwoman Loni Hancock, D-Berkeley; Los Angeles Mayor Antonio Villaraigosa; San Francisco Mayor Ed Lee; and police chiefs Chris Magnus of Richmond, Ken James of Emeryville and Sylvia Moir of El Cerrito. (See Attachment H.)

With the exception of SB 140, which passed the Senate, the following bills are currently pending in the Senate Public Safety Committee, with a hearing scheduled for 04/16/2013 9:30 am, Burton Hearing Room (4203)

**1. SB 374 (Steinberg/Hancock/Yee) Firearms – Assault Weapons**

Classifies a semiautomatic, rimfire or centerfire rifle that does not have a fixed magazine with the capacity to accept 10 rounds or fewer as an assault weapon. Requires a person who lawfully possessed an assault weapon that does not have a fixed magazine on specified dates, including those weapons with an ammunition feeding device that can be removed readily from the firearm with the use of a tool, to register the firearm by a specified date.

[http://www.leginfo.ca.gov/pub/13-14/bill/sen/sb\\_0351-0400/sb\\_374\\_bill\\_20130220\\_introduced.htm](http://www.leginfo.ca.gov/pub/13-14/bill/sen/sb_0351-0400/sb_374_bill_20130220_introduced.htm)

**2. SB 108 (Yee) Firearms: Residential Storage**

Provides that no person who is 18 years of age or older and who is the owner, lessee, renter, or other legal occupant of a residence, shall, while outside of that residence, keep in that residence a firearm that he or she owns or has lawful possession of unless the firearm is stored in one of certain specified ways, including in a gun safe or by using a firearm safety device. States a violation is an offense punishable as an infraction, with subsequent violations as an infraction or misdemeanor.

[http://www.leginfo.ca.gov/pub/13-14/bill/sen/sb\\_0101-0150/sb\\_108\\_bill\\_20130114\\_introduced.htm](http://www.leginfo.ca.gov/pub/13-14/bill/sen/sb_0101-0150/sb_108_bill_20130114_introduced.htm)

**3. SB 396 (Hancock) Firearms – Magazine Capacity**

Adds that the magazine body must only be of sufficient length to accommodate no more than 10 rounds of ammunition and the internal working parts of the magazine, including, but not limited to, the follower and spring. Makes any person in this state who possesses any large-capacity magazine, regardless of the date of the magazine was acquired, punishable by imprisonment.

[http://www.leginfo.ca.gov/pub/13-14/bill/sen/sb\\_0351-0400/sb\\_396\\_bill\\_20130220\\_introduced.htm](http://www.leginfo.ca.gov/pub/13-14/bill/sen/sb_0351-0400/sb_396_bill_20130220_introduced.htm)

**4. SB 47 (Yee) Assault Weapons**

Revises provisions of existing law regarding the prohibition against the possession or transfer of assault weapons and defines assault weapon. Revises the meaning of such weapon and a fixed magazine. Excludes a person who owned an assault weapon prior to a specified date from illegal possession criminal penalties. Requires that defined assault weapons that were possessed during a specified time period to be registered with the Department of Justice by a specified date. Requires electronic registrations.

[http://www.leginfo.ca.gov/pub/13-14/bill/sen/sb\\_0001-0050/sb\\_47\\_bill\\_20130124\\_amended\\_sen\\_v98.pdf](http://www.leginfo.ca.gov/pub/13-14/bill/sen/sb_0001-0050/sb_47_bill_20130124_amended_sen_v98.pdf)

**5. SB 53 (de Leon) Ammunition: Purchase Permit**

Requires the Attorney General to maintain copies of ammunition purchase permits, information about ammunition transactions and ammunition vendor licenses. Requires vendors to submit information about transactions and to be licensed. Requires purchaser verification of identity. Requires a report on the feasibility of an instantaneous background check system. Expands the Prohibited Armed Persons File to address persons prohibited from acquiring ammunition and to cross-reference with ammunition transactions.

[http://www.leginfo.ca.gov/pub/13-14/bill/sen/sb\\_0051-0100/sb\\_53\\_bill\\_20121220\\_introduced.pdf](http://www.leginfo.ca.gov/pub/13-14/bill/sen/sb_0051-0100/sb_53_bill_20121220_introduced.pdf)

**6. SB 140 (Leno) Firearms: Prohibited Persons**

Appropriates a specified amount of funds from the Dealers Record of Sale Special Account to the Department of Justice to address the backlog in the Armed Prohibited Persons System. Requires the department to report to the Joint Legislative Budget Committee regarding ways the backlog in the system has been reduced or eliminated.

DISPOSITION: Pending in ASSEMBLY

[http://www.leginfo.ca.gov/pub/13-14/bill/sen/sb\\_0101-0150/sb\\_140\\_bill\\_20130129\\_introduced.pdf](http://www.leginfo.ca.gov/pub/13-14/bill/sen/sb_0101-0150/sb_140_bill_20130129_introduced.pdf)

<b>WATER BILLS</b>
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The list of bills that staff is currently monitoring is Attachment I.

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**ASSEMBLY BILL****No. 59****Introduced by Assembly Member Bonta**

January 7, 2013

An act to amend Section 50079 of the Government Code, relating to taxation.

## LEGISLATIVE COUNSEL'S DIGEST

AB 59, as introduced, Bonta. School districts: parcel taxes.

Existing law authorizes any school district to impose qualified special taxes within the district pursuant to specified procedures. Existing law defines qualified special taxes as special taxes that apply uniformly to all taxpayers or all real property within the school district, as specified.

This bill would specify that the provisions requiring uniform application of taxes shall not be construed as limiting a school district from assessing taxes in accordance with rational classifications among taxpayers or types of property within the school district. The bill would specify that the provision is declaratory of existing law. The bill would also express the Legislature's intent to clarify, and not change, existing law, and to abrogate the holding in *Borikas v. Alameda Unified School District*, as specified.

Vote: majority. Appropriation: no. Fiscal committee: no. State-mandated local program: no.

*The people of the State of California do enact as follows:*

- 1 SECTION 1. Section 50079 of the Government Code, as
- 2 amended by Section 1 of Chapter 791 of Statutes of 2012, is
- 3 amended to read:

1 50079. (a) Subject to Section 4 of Article XIII A of the  
 2 California Constitution, any school district may impose qualified  
 3 special taxes within the district pursuant to the procedures  
 4 established in Article 3.5 (commencing with Section 50075) and  
 5 any other applicable procedures provided by law.

6 (b) (1) As used in this section, “qualified special taxes” means  
 7 special taxes that apply uniformly to all taxpayers or all real  
 8 property within the school district, except that “qualified special  
 9 taxes” may include taxes that provide for an exemption from those  
 10 taxes for all of the following taxpayers:

11 (A) Persons who are 65 years of age or older.

12 (B) Persons receiving Supplemental Security Income for a  
 13 disability, regardless of age.

14 (C) Persons receiving Social Security Disability Insurance  
 15 benefits, regardless of age, whose yearly income does not exceed  
 16 250 percent of the 2012 federal poverty guidelines issued by the  
 17 United States Department of Health and Human Services.

18 (2) “Qualified special taxes” do not include special taxes  
 19 imposed on a particular class of property or taxpayers.

20 (c) *The provisions in this section requiring uniform application*  
 21 *of taxes shall not be construed as limiting a school district from*  
 22 *assessing taxes in accordance with rational classifications among*  
 23 *taxpayers or types of property within the school district. This*  
 24 *subdivision is declaratory of existing law, and shall apply to*  
 25 *transactions predating its enactment.*

26 SEC. 2. It is the intent of the Legislature, in enacting Section  
 27 1 of this act, to clarify, and not change, existing law, by confirming  
 28 that a school district may assess taxes in accordance with rational  
 29 classifications among taxpayers or types of property, and  
 30 nevertheless satisfy the requirement that the taxes apply uniformly  
 31 to all taxpayers or all real property within the school district, so  
 32 long as the taxes are applied uniformly within those classifications.  
 33 It is further the intent of the Legislature to abrogate the holding in  
 34 *Borikas v. Alameda Unified School District* 2012 WL 6084027 to  
 35 the extent that the court’s holding restricts the right of the Alameda  
 36 Unified School District to retain any of the qualified special taxes  
 37 imposed pursuant to Measure H, as approved by the district’s  
 38 voters on June 3, 2008.

O

**ASSEMBLY BILL****No. 141****Introduced by Assembly Member Gorell**

January 17, 2013

An act to amend Section 8605 of the Elections Code, relating to elections.

## LEGISLATIVE COUNSEL'S DIGEST

AB 141, as introduced, Gorell. Elections: write-in candidates.

Existing law provides for the name of a person written in on a ballot for a voter-nominated office at a direct primary election to be placed on the general election ballot as a candidate for that office if the person received, at the direct primary election, the highest number of votes cast for the office or the second highest number of votes cast for the office, except as provided.

This bill would require that a write-in candidate for a voter-nominated office receive votes at the direct primary election equal in number to at least 1% of all votes cast for the office at the last preceding general election at which the office was filled in order for his or her name to be placed on the general election ballot as a candidate for that office. The bill also would make clarifying and conforming changes.

Vote: majority. Appropriation: no. Fiscal committee: no.  
State-mandated local program: no.

*The people of the State of California do enact as follows:*

- 1 SECTION 1. Section 8605 of the Elections Code is amended
- 2 to read:

1 8605. ~~No~~A person whose name has been written in upon a  
2 ballot for an office at the direct primary *election* may *not* have his  
3 or her name placed upon the ballot as a candidate for that office  
4 for the ensuing general election unless one of the following is  
5 applicable:

6 (a) At that direct primary *election* he or she received for a  
7 partisan office votes equal in number to *at least* 1 percent of all  
8 votes cast for the office at the last preceding general election at  
9 which the office was filled. In the case of an office that has not  
10 appeared on the ballot since its creation, the requisite number of  
11 votes shall equal *at least* 1 percent of the number of all votes cast  
12 for the office that had the least number of votes in the most recent  
13 general election in the jurisdiction in which the write-in candidate  
14 is seeking office.

15 (b) He or she is an independent nominee for a partisan office  
16 pursuant to Part 2 (commencing with Section 8300).

17 (c) At that direct primary *election* he or she received for a  
18 voter-nominated office the highest number of votes cast for that  
19 office or the second highest number of votes cast for that office,  
20 *provided that he or she received votes equal in number to at least*  
21 *1 percent of all votes cast for the office at the last preceding*  
22 *general election at which the office was filled, except as provided*  
23 *by subdivision (b) of Section 8142 or Section 8807.*

O

AMENDED IN ASSEMBLY MARCH 12, 2013

CALIFORNIA LEGISLATURE—2013–14 REGULAR SESSION

**ASSEMBLY BILL**

**No. 182**

**Introduced by Assembly Members Buchanan and Hueso**

*(Principal coauthor: Assembly Member Alejo)*

(Principal coauthors: Senators Block and Wyland)

*(Coauthors: Assembly Members Ian Calderon, Roger Hernandez,  
and Williams)*

January 24, 2013

An act to amend Section 15146 of, and to add Sections 15144.1 and 15144.2 to, the Education Code, and to amend Sections 53506, 53507, 53508.7, and 53530 of the Government Code, relating to bonds.

LEGISLATIVE COUNSEL'S DIGEST

AB 182, as amended, Buchanan. Bonds: school districts and community college districts.

(1) Existing law authorizes the governing board of any school district or community college district to order an election and submit to the electors of the district the question whether the bonds of the district should be issued and sold ~~for the purposes of raising~~ *to raise* money for specified purposes. Existing law requires ~~the interest rate on~~ the bonds to bear a rate of interest that does not exceed 8% per annum and requires the number of years the whole or any part of the bonds are to run to not exceed 25 years.

This bill would require the ratio of total debt service to principal for each bond series to not exceed 4 to one. The bill would require each capital appreciation bond maturing more than 10 years after its date of issuance to be subject to mandatory tender for purchase or redemption

before its fixed maturity date, as specified, beginning no later than the 10th anniversary of the date the capital appreciation bond was issued.

(2) Existing law requires the governing board of the school district or community college district, before the sale of bonds, to adopt a resolution as an agenda item at a public meeting that includes specified information.

This bill would require, if the sale includes capital appreciation bonds, the agenda item to identify that capital appreciation bonds are proposed and require the governing board of the school district or community college district to be presented with an analysis containing the overall cost of the capital appreciation bonds, a comparison to the overall cost of current interest bonds, the reason capital appreciation bonds are being recommended, and a copy of a certain disclosure made by the underwriter.

(3) Additionally and alternatively to the authority described above, existing law authorizes the legislative body of an issuer, by resolution, to provide for the issuance of bonds or refunding bonds and defines “issuer” to include, among other public entities, a school district and a community college district. Existing law also authorizes *these* bonds to bear an interest rate at a coupon rate or rates as determined by the legislative body of a local agency in its discretion but not to exceed 12% per year payable and defines “local agency” to include, among other public entities, a public district.

This bill would instead specify that issuer and local agency, as defined for purposes of this source of bonding authority, do not include a school district or a community college district.

Vote: majority. Appropriation: no. Fiscal committee: no.  
State-mandated local program: no.

*The people of the State of California do enact as follows:*

- 1 SECTION 1. Section 15144.1 is added to the Education Code,
- 2 to read:
- 3 15144.1. The ratio of total debt service to principal for each
- 4 bond series shall not exceed four to one.
- 5 SEC. 2. Section 15144.2 is added to the Education Code, to
- 6 read:
- 7 15144.2. A capital appreciation bond maturing more than 10
- 8 years after its date of issuance shall be subject to mandatory tender
- 9 for purchase or redemption before its fixed maturity date, with or

1 without a premium, at any time *at the option of the issuer*, or from  
2 time to time, beginning no later than the 10th anniversary of the  
3 date the capital appreciation bond was issued.

4 SEC. 3. Section 15146 of the Education Code is amended to  
5 read:

6 15146. (a) The bonds shall be issued and sold pursuant to  
7 Section 15140, payable out of the interest and sinking fund of the  
8 district. The governing board may sell the bonds at a negotiated  
9 sale or by competitive bidding.

10 (b) Before the sale, the governing board shall adopt a resolution,  
11 as an agenda item at a public meeting, that includes all of the  
12 following:

13 (1) Express approval of the method of sale.

14 (2) Statement of the reasons for the method of sale selected.

15 (3) Disclosure of the identity of the bond counsel, and the  
16 identities of the bond underwriter and the financial adviser if either  
17 or both are ~~utilized~~ *used* for the sale, unless these individuals have  
18 not been selected at the time the resolution is adopted, in which  
19 case the governing board shall disclose their identities at the public  
20 meeting occurring after they have been selected.

21 (4) Estimates of the costs associated with the bond issuance.

22 (c) If the sale includes capital appreciation bonds, the agenda  
23 item shall identify that capital appreciation bonds are proposed  
24 and the governing board shall be presented with all of the  
25 following:

26 (1) An analysis containing the total overall cost of the capital  
27 appreciation bonds.

28 (2) A comparison to the overall cost of current interest bonds.

29 (3) The reason capital appreciation bonds are being  
30 recommended.

31 (4) A copy of the disclosure made by the underwriter in  
32 compliance with Rule G-17 adopted by the federal Municipal  
33 Securities Rulemaking Board.

34 (d) After the sale, the governing board shall do both of the  
35 following:

36 (1) Present the actual cost information for the sale at its next  
37 scheduled public meeting.

38 (2) Submit an itemized summary of the costs of the bond sale  
39 to the California Debt and Investment Advisory Commission.

1 (e) The governing board shall ensure that all necessary  
2 information and reports regarding the sale or planned sale of bonds  
3 by the ~~school~~ district it governs are submitted to the California  
4 Debt and Investment Advisory Commission in compliance with  
5 Section 8855 of the Government Code.

6 (f) The bonds may be sold at a discount not to exceed 5 percent  
7 and at an interest rate not to exceed the maximum rate permitted  
8 by law. If the sale is by competitive bid, the governing board shall  
9 comply with Sections 15147 and 15148. The bonds shall be sold  
10 by the governing board no later than the date designated by the  
11 governing board as the final date for the sale of the bonds.

12 (g) The proceeds of the sale of the bonds, exclusive of any  
13 premium received, shall be deposited in the county treasury to the  
14 credit of the building fund of the school district, or community  
15 college district as designated by the California Community  
16 Colleges Budget and Accounting Manual. The proceeds deposited  
17 shall be drawn out as other school moneys are drawn out. The  
18 bond proceeds withdrawn shall not be applied to any ~~other~~ purposes  
19 *other* than those for which the bonds were issued. Any premium  
20 or accrued interest received from the sale of the bonds shall be  
21 deposited in the interest and sinking fund of the district.

22 (h) The governing board may cause to be deposited proceeds  
23 of sale of any series of the bonds in an amount not exceeding 2  
24 percent of the principal amount of the bonds in a costs of issuance  
25 account, which may be created in the county treasury or held by  
26 a fiscal agent appointed by the district for this purpose, separate  
27 from the building fund and the interest and sinking fund of the  
28 district. The proceeds deposited shall be drawn out on the order  
29 of the governing board or an officer of the district duly authorized  
30 by the governing board to make the order, only to pay authorized  
31 costs of issuance of the bonds. Upon the order of the governing  
32 board or duly authorized officer, the remaining balance shall be  
33 transferred to the county treasury to the credit of the building fund  
34 of the school district or community college district. The deposit  
35 of bond proceeds pursuant to this subdivision shall be a proper  
36 charge against the building fund of the district.

37 (i) The governing board may cause to be deposited proceeds of  
38 sale of any series of the bonds in the interest and sinking fund of  
39 the district in the amount of the annual reserve permitted by Section  
40 15250 or in any lesser amount, as the governing board shall

1 determine from time to time. The deposit of bond proceeds  
2 pursuant to this subdivision shall be a proper charge against the  
3 building fund of the district.

4 (j) The governing board may cause to be deposited proceeds of  
5 sale of any series of the bonds in the interest and sinking fund of  
6 the district in the amount not exceeding the interest scheduled to  
7 become due on that series of bonds for a period of two years from  
8 the date of issuance of that series of bonds. The deposit of bonds  
9 proceeds pursuant to this subdivision shall be a proper charge  
10 against the building fund of the district.

11 SEC. 4. Section 53506 of the Government Code is amended  
12 to read:

13 53506. (a) This article is full authority for the issuance of  
14 bonds or refunding bonds by any city, county, city and county, or  
15 special district, secured by the levy of ad valorem taxes, authorized  
16 in accordance with the Constitution and, in the case of a chartered  
17 city, county, or city and county, with the charter thereof, or in the  
18 case of a special district, with the district's principal act. This  
19 article shall not apply to a school district or a community college  
20 district.

21 (b) This article is intended to provide a complete additional and  
22 alternative method for doing the things authorized by this article.  
23 The powers conferred by this article are supplemental and  
24 additional to the powers conferred by any other laws, and the  
25 limitations imposed by this article do not affect the powers  
26 conferred by any other law.

27 SEC. 5. Section 53507 of the Government Code is amended  
28 to read:

29 53507. As used in this article, the following terms shall have  
30 the meanings assigned to them in this section.

31 (a) "Bonds" means bonds, notes, warrants, or other evidence of  
32 indebtedness payable, both principal and interest, from the proceeds  
33 of ad valorem taxes that may be levied without limitation as to  
34 rate or amount upon property subject to taxation by the legislative  
35 body.

36 (b) "Issuer" means a city, county, city and county, or special  
37 district, secured by the levy of ad valorem taxes, authorized to  
38 issue bonds pursuant to this article. "Issuer" shall not include a  
39 school district or community college district.

40 (c) "Legislative body" means the governing body of the issuer.

## AB 182

— 6 —

1 SEC. 6. Section 53508.7 of the Government Code is amended  
2 to read:

3 53508.7. (a) The bonds shall be sold at a public or private sale  
4 and at a price at, above, or below par, as the legislative body  
5 determines.

6 (b) ~~Any bonds~~ *Bonds* sold at a discount below the par value of  
7 the bonds shall be sold in compliance with the provisions of Section  
8 53532.

9 SEC. 7. Section 53530 of the Government Code is amended  
10 to read:

11 53530. As used in this article:

12 (a) "Local agency" means county, city, city and county, public  
13 district, public entity or authority, or other public or municipal  
14 corporation, including redevelopment agencies, housing authorities,  
15 and industrial development authorities. "Local agency" shall not  
16 include a school district or community college district.

17 (b) "Bonds" means bonds, warrants, notes, or other evidences  
18 of indebtedness of a local agency or zone or improvement district  
19 thereof.

O

**ASSEMBLY BILL****No. 635****Introduced by Assembly Member Ammiano**

February 20, 2013

An act to amend Section 1714.22 of the Civil Code, relating to drug overdose treatment.

## LEGISLATIVE COUNSEL'S DIGEST

AB 635, as introduced, Ammiano. Drug overdose treatment: liability.

Existing law authorizes a physician and surgeon to prescribe, dispense, or administer prescription drugs, including prescription-controlled substances, to an addict under his or her treatment, as specified. Existing law prohibits, except in the regular practice of his or her profession, any person from knowingly prescribing, administering, dispensing, or furnishing a controlled substance to or for any person who is not under his or her treatment for a pathology or condition other than an addiction to a controlled substance, except as specified.

Existing law authorizes, until January 1, 2016, and only in specified counties, a licensed health care provider, who is already permitted pursuant to existing law to prescribe an opioid antagonist, as defined, and who is acting with reasonable care, to prescribe and subsequently dispense or distribute an opioid antagonist in conjunction with an opioid overdose prevention and treatment training program, as defined, without being subject to civil liability or criminal prosecution. Existing law requires a local health jurisdiction that operates or registers an opioid overdose prevention and treatment training program to collect prescribed data and report it to the Senate and Assembly Committees on Judiciary by January 1, 2015.

Existing law authorizes, until January 1, 2016, and only in specified counties, a person who is not licensed to administer an opioid antagonist to do so in an emergency without fee if the person has received specified training information and believes in good faith that the other person is experiencing a drug overdose. Existing law prohibits that person, as a result of his or her acts or omissions, from being liable for any violation of any professional licensing statute, or subject to any criminal prosecution arising from or related to the unauthorized practice of medicine or the possession of an opioid antagonist.

This bill would revise and recast these provisions to instead authorize a licensed health care provider who is permitted by law to prescribe an opioid antagonist and is acting with reasonable care to prescribe and subsequently dispense or distribute an opioid antagonist for the treatment of an opioid overdose to a person at risk of an opioid-related overdose or a family member, friend, or other person in a position to assist a person at risk of an opioid-related overdose. The bill would authorize these licensed health care providers to issue standing orders for the distribution of an opioid antagonist to a person at risk of an opioid-related overdose or to a family member, friend, or other person in a position to assist the person at risk. The bill would authorize these licensed health care providers to issue standing orders for the administration of an opioid antagonist by a family member, friend, or other person in a position to assist a person experiencing or suspected of experiencing an opioid overdose. The bill would provide that a person who acts with reasonable care and issues a prescription for, or an order for the administration of, an opioid antagonist to a person experiencing or suspected of experiencing an opioid overdose is not subject to professional review, liable in a civil action, or subject to criminal prosecution for issuing the prescription or order. The bill would also delete the repeal date and reporting requirements and expand the applicability of these provisions statewide.

Vote: majority. Appropriation: no. Fiscal committee: no.  
State-mandated local program: no.

*The people of the State of California do enact as follows:*

- 1 SECTION 1. Section 1714.22 of the Civil Code is amended
- 2 to read:
- 3 1714.22. (a) For purposes of this ~~section~~:

1 (1) ~~“Opioid section, “opioid antagonist” means naloxone~~  
 2 ~~hydrochloride that is approved by the federal Food and Drug~~  
 3 ~~Administration for the treatment of a drug an opioid overdose.~~

4 (2) ~~“Opioid overdose prevention and treatment training~~  
 5 ~~program” or “program” means any program operated by a local~~  
 6 ~~health jurisdiction or that is registered by a local health jurisdiction~~  
 7 ~~to train individuals to prevent, recognize, and respond to an opiate~~  
 8 ~~overdose, and that provides, at a minimum, training in all of the~~  
 9 ~~following:~~

10 (A) ~~The causes of an opiate overdose.~~

11 (B) ~~Mouth-to-mouth resuscitation.~~

12 (C) ~~How to contact appropriate emergency medical services.~~

13 (D) ~~How to administer an opioid antagonist.~~

14 (b) A licensed health care provider who is ~~permitted~~ *authorized*  
 15 *by law to prescribe an opioid antagonist may, if acting with*  
 16 *reasonable care, prescribe and subsequently dispense or distribute*  
 17 *an opioid antagonist in conjunction with an opioid overdose*  
 18 *prevention and treatment training program, without being subject*  
 19 *to civil liability or criminal prosecution. This immunity shall apply*  
 20 *to the licensed health care provider even when the opioid antagonist*  
 21 *is administered by and to someone other than the person to whom*  
 22 *it is prescribed to a person at risk of an opioid-related overdose*  
 23 *or a family member, friend, or other person in a position to assist*  
 24 *a person at risk of an opioid-related overdose.*

25 (c) (1) *A licensed health care provider who is authorized by*  
 26 *law to prescribe an opioid antagonist may issue standing orders*  
 27 *for the distribution of an opioid antagonist to a person at risk of*  
 28 *an opioid-related overdose or to a family member, friend, or other*  
 29 *person in a position to assist a person at risk of an opioid-related*  
 30 *overdose.*

31 (2) *A licensed health care provider who is authorized by law to*  
 32 *prescribe an opioid antagonist may issue standing orders for the*  
 33 *administration of an opioid antagonist to a person at risk of an*  
 34 *opioid-related overdose by a family member, friend, or other*  
 35 *person in a position to assist a person experiencing or reasonably*  
 36 *suspected of experiencing an opioid overdose.*

37 (d) *A licensed health care provider who acts with reasonable*  
 38 *care shall not be subject to professional review, be found liable*  
 39 *in a civil action, or be subject to criminal prosecution for issuing*  
 40 *a prescription or order pursuant to subdivision (b) or (c).*

1 ~~(e) A person who is not otherwise licensed to administer an~~  
 2 ~~opioid antagonist may administer an opioid antagonist in an~~  
 3 ~~emergency without fee if the person has received the training~~  
 4 ~~information specified in paragraph (2) of subdivision (a) and~~  
 5 ~~believes in good faith that the other person is experiencing a drug~~  
 6 ~~overdose. The person shall not, as a result of his or her acts or~~  
 7 ~~omissions, be liable for any violation of any professional licensing~~  
 8 ~~statute, or subject to any criminal prosecution arising from or~~  
 9 ~~related to the unauthorized practice of medicine or the possession~~  
 10 ~~of an opioid antagonist.~~

11 ~~(d) Each local health jurisdiction that operates or registers an~~  
 12 ~~opioid overdose prevention and treatment training program shall,~~  
 13 ~~by January 1, 2015, collect, and report to the Senate and Assembly~~  
 14 ~~Committees on Judiciary, all of the following data on programs~~  
 15 ~~within the jurisdiction:~~

16 ~~(1) Number of training programs operating in the local health~~  
 17 ~~jurisdiction.~~

18 ~~(2) Number of individuals who have received a prescription for,~~  
 19 ~~and training to administer, an opioid antagonist.~~

20 ~~(3) Number of opioid antagonist doses prescribed.~~

21 ~~(4) Number of opioid antagonist doses administered.~~

22 ~~(5) Number of individuals who received opioid antagonist~~  
 23 ~~injections who were properly revived.~~

24 ~~(6) Number of individuals who received opioid antagonist~~  
 25 ~~injections who were not revived.~~

26 ~~(7) Number of adverse events associated with an opioid~~  
 27 ~~antagonist dose that was distributed as part of an opioid overdose~~  
 28 ~~prevention and treatment training program, including a description~~  
 29 ~~of the adverse events.~~

30 ~~(e) This section shall apply only to the Counties of Alameda,~~  
 31 ~~Fresno, Humboldt, Los Angeles, Mendocino, San Francisco, and~~  
 32 ~~Santa Cruz.~~

33 ~~(f) This section shall remain in effect only until January 1, 2016,~~  
 34 ~~and as of that date is repealed, unless a later enacted statute, that~~  
 35 ~~is enacted before January 1, 2016, deletes or extends that date.~~

36 ~~(e) Notwithstanding any other law, a person who possesses or~~  
 37 ~~distributes an opioid antagonist pursuant to a prescription or~~  
 38 ~~standing order shall not be subject to professional review, be found~~  
 39 ~~liable in a civil action, or be subject to criminal prosecution for~~  
 40 ~~this possession or distribution. Notwithstanding any other law, a~~

1 *person who acts with reasonable care and administers an opioid*  
2 *antagonist to a person who is experiencing or is suspected of*  
3 *experiencing an overdose shall not be subject to professional*  
4 *review, be liable in a civil action, or be subject to criminal*  
5 *prosecution for this administration.*

O

**ASSEMBLY BILL****No. 748****Introduced by Assembly Member Eggman**

February 21, 2013

An act to amend Section 3291 of the Civil Code, and to amend Sections 906, 965.5, and 970.1 of the Government Code, relating to judgments.

## LEGISLATIVE COUNSEL'S DIGEST

AB 748, as introduced, Eggman. Judgments against the state: interest.

Existing law bars a suit for money or damages against a public entity on a cause of action for which a claim is required to be presented, until a written claim has been presented to the public entity and acted upon by the California Victim Compensation and Government Claims Board, the governing body of a local public entity, the Judicial Council, or the Trustees of the California State University, as applicable, or has been deemed to have been rejected, except as specified.

The California Constitution requires the Legislature to set the rate of interest upon a judgment rendered in any court of this state at not more than 10% per annum. In the absence of the setting of such a rate by the Legislature, the California Constitution provides that the rate of interest on any judgment rendered in a court is 7% per annum.

Existing law provides that no interest is payable on the amount allowed by the California Victim Compensation and Government Claims Board on a claim if payment of the claim is subject to approval of an appropriation by the Legislature. However, if the appropriation is made, interest on the amount appropriated for the payment of the claim commences to accrue 180 days after the effective date of the law by which the appropriation is enacted.

Existing law requires the Treasurer to invest or make deposits in banks and savings and loan associations of revenues in the Pooled Money Investment Account in accordance with designations specified by the Pooled Money Investment Board.

This bill would provide that interest on the amount of a judgment or settlement for the payment of money against the state shall accrue on the amount allowed on the claim at no more than the average Pooled Money Investment Account rate for the previous fiscal year, but not to exceed 7% per annum. The bill would provide that this accrual rate also applies to interest on the amount of a judgment for the payment of money against local public entities, except as otherwise provided by contract.

Existing law provides for a legal rate of interest of 10% per annum on civil judgments arising out of tort claims, as specified. Existing law does not permit interest to accrue on a judgment against a public entity or employee for an act or omission within the scope of employment.

This bill would provide that in any judgment against a public entity or employee not arising out of an act or omission within the scope of employment, interest may accrue at a rate not more than the average Pooled Money Investment Account rate for the previous fiscal year, but not to exceed 7% per annum.

Vote: majority. Appropriation: no. Fiscal committee: yes.  
State-mandated local program: no.

*The people of the State of California do enact as follows:*

1 SECTION 1. Section 3291 of the Civil Code is amended to  
2 read:

3 3291. (a) In any action brought to recover damages for  
4 personal injury sustained by any person resulting from or  
5 occasioned by the tort of any other person, corporation, association,  
6 or partnership, whether by negligence or by willful intent of the  
7 other person, corporation, association, or partnership, and whether  
8 the injury was fatal or otherwise, it is lawful for the plaintiff in the  
9 complaint to claim interest on the damages alleged as provided in  
10 this section.

11 If  
12 (b) If the plaintiff makes an offer pursuant to Section 998 of the  
13 Code of Civil Procedure which the defendant does not accept prior  
14 to trial or within 30 days, whichever occurs first, and the plaintiff

1 obtains a more favorable judgment, the judgment shall bear interest  
2 at the legal rate of 10 percent per annum calculated from the date  
3 of the plaintiff's first offer pursuant to Section 998 of the Code of  
4 Civil Procedure which is exceeded by the judgment, and interest  
5 shall accrue until the satisfaction of judgment.

6 ~~This~~

7 (c) *This section shall not apply to a public entity, or to a public*  
8 *employee for an act or omission within the scope of employment,*  
9 *and neither the public entity nor the public employee shall be liable,*  
10 *directly or indirectly, to any person for any interest imposed by*  
11 *this section.*

12 (d) *Notwithstanding subdivision (c), in any action against a*  
13 *public entity or public employee not excluded by this section that*  
14 *results in a judgment against the public entity or public employee,*  
15 *interest shall accrue on the amount allowed on the claim at no*  
16 *more than the average Pooled Money Investment Account rate for*  
17 *the previous fiscal year, but shall not exceed 7 percent per annum.*

18 SEC. 2. Section 906 of the Government Code is amended to  
19 read:

20 906. (a) As used in this section, "amount allowed on the claim"  
21 means the amount allowed by the California Victim Compensation  
22 and Government Claims Board on a claim allowed, in whole or in  
23 part, or the amount offered by the board to settle or compromise  
24 a claim.

25 (b) Except as otherwise provided in this subdivision, no interest  
26 is payable on the amount allowed on the claim if payment of the  
27 claim is subject to approval of an appropriation by the Legislature.  
28 If an appropriation is made for the payment of a claim described  
29 in this subdivision, interest on the amount appropriated for the  
30 payment of the claim commences to accrue 180 days after the  
31 effective date of the act by which the appropriation is enacted.

32 (c) *Interest shall accrue on the amount allowed on the claim at*  
33 *no more than the average Pooled Money Investment Account rate*  
34 *for the previous fiscal year, but shall not exceed 7 percent per*  
35 *annum.*

36 SEC. 3. Section 965.5 of the Government Code is amended to  
37 read:

38 965.5. (a) A judgment for the payment of money against the  
39 state or a state agency is enforceable until 10 years after the time

1 the judgment becomes final or, if the judgment is payable in  
2 installments, until 10 years after the final installment becomes due.

3 (b) A judgment for the payment of money against the state or  
4 a state agency is not enforceable under Title 9 (commencing with  
5 Section 680.010) of Part 2 of the Code of Civil Procedure, but is  
6 enforceable under this chapter.

7 (c) Interest on the amount of a judgment or settlement for the  
8 payment of money against the state shall commence to accrue 180  
9 days from the date of the final judgment or settlement *and shall*  
10 *accrue on the amount allowed on the claim at no more than the*  
11 *average Pooled Money Investment Account rate for the previous*  
12 *fiscal year, but shall not exceed 7 percent per annum.* This  
13 subdivision does not apply to any claim approved by the California  
14 Victim Compensation and Government Claims Board.

15 SEC. 4. Section 970.1 of the Government Code is amended to  
16 read:

17 970.1. (a) A judgment is enforceable until 10 years after the  
18 time the judgment becomes final or, if the judgment is payable in  
19 installments, until 10 years after the final installment becomes due.

20 (b) A judgment, whether or not final, is not enforceable under  
21 Title 9 (commencing with Section 680.010) of Part 2 of the Code  
22 of Civil Procedure but is enforceable under this article after it  
23 becomes final.

24 (c) *Except as otherwise provided by the contract, the interest*  
25 *shall accrue on the amount allowed on the claim at no more than*  
26 *the average Pooled Money Investment Account rate for the*  
27 *previous fiscal year, but shall not exceed 7 percent per annum.*

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**SENATE BILL****No. 199**

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**Introduced by Senator De León**February 7, 2013

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An act to amend Sections 1230 and 1230.1 of the Penal Code, relating to community corrections.

## LEGISLATIVE COUNSEL'S DIGEST

SB 199, as introduced, De León. Probation: community corrections community corrections.

Existing law authorizes each county to establish a Community Corrections Performance Incentives Fund to receive state moneys to implement a community corrections program consisting of a system of felony probation supervision services to, among other things, manage and reduce offender risk while under felony probation supervision and upon reentry from jail into the community. Existing law requires a community corrections program to be implemented by probation and advised by a local Community Corrections Partnership, consisting of specified members, including, but not limited to, the sheriff and a chief of police. Existing law requires a Community Corrections Partnership to recommend a local plan to the county board of supervisors for the implementation of public safety realignment.

This bill would add a rank-and-file deputy sheriff or a rank-and-file police officer, and a rank-and-file probation officer or a deputy probation officer, each to be appointed by a local labor organization, to the membership of a Community Corrections Partnership. The bill would require the vote of the rank-and-file deputy sheriff or rank-and-file police officer, and the rank-and-file probation officer or a deputy probation officer, on the local plan.

Vote: majority. Appropriation: no. Fiscal committee: no.  
State-mandated local program: no.

99

*The people of the State of California do enact as follows:*

1 SECTION 1. Section 1230 of the Penal Code is amended to  
2 read:

3 1230. (a) Each county is hereby authorized to establish in each  
4 county treasury a Community Corrections Performance Incentives  
5 Fund (CCPIF), to receive all amounts allocated to that county for  
6 purposes of implementing this chapter.

7 (b) In any fiscal year for which a county receives moneys to be  
8 expended for the implementation of this chapter, the moneys,  
9 including any interest, shall be made available to the CPO of that  
10 county, within 30 days of the deposit of those moneys into the  
11 fund, for the implementation of the community corrections program  
12 authorized by this chapter.

13 (1) The community corrections program shall be developed and  
14 implemented by probation and advised by a local Community  
15 Corrections Partnership.

16 (2) The local Community Corrections Partnership shall be  
17 chaired by the CPO and comprised of the following membership:

18 (A) The presiding judge of the superior court, or his or her  
19 designee.

20 (B) A county supervisor or the chief administrative officer for  
21 the county or a designee of the board of supervisors.

22 (C) The district attorney.

23 (D) The public defender.

24 (E) The sheriff.

25 (F) *A rank-and-file deputy sheriff or a rank and file police*  
26 *officer, appointed by the local labor organization.*

27 ~~(F)~~

28 (G) A chief of police.

29 (H) *A rank-and-file probation officer or a deputy probation*  
30 *officer, appointed by the local labor organization.*

31 ~~(G)~~

32 (I) The head of the county department of social services.

33 ~~(H)~~

34 (J) The head of the county department of mental health.

35 ~~(I)~~

36 (K) The head of the county department of employment.

37 ~~(J)~~

1 (L) The head of the county alcohol and substance abuse  
2 programs.

3 ~~(K)~~

4 (M) The head of the county office of education.

5 ~~(L)~~

6 (N) A representative from a community-based organization  
7 with experience in successfully providing rehabilitative services  
8 to persons who have been convicted of a criminal offense.

9 ~~(M)~~

10 (O) An individual who represents the interests of victims.

11 (3) Funds allocated to probation pursuant to this act shall be  
12 used to provide supervision and rehabilitative services for adult  
13 felony offenders subject to probation, and shall be spent on  
14 evidence-based community corrections practices and programs,  
15 as defined in subdivision (d) of Section 1229, which may include,  
16 but are not limited to, the following:

17 (A) Implementing and expanding evidence-based risk and needs  
18 assessments.

19 (B) Implementing and expanding intermediate sanctions that  
20 include, but are not limited to, electronic monitoring, mandatory  
21 community service, home detention, day reporting, restorative  
22 justice programs, work furlough programs, and incarceration in  
23 county jail for up to 90 days.

24 (C) Providing more intensive probation supervision.

25 (D) Expanding the availability of evidence-based rehabilitation  
26 ~~programs~~ *programs*, including, but not limited to, drug and alcohol  
27 treatment, mental health treatment, anger management, cognitive  
28 behavior programs, and job training and employment services.

29 (E) Evaluating the effectiveness of rehabilitation and supervision  
30 programs and ensuring program fidelity.

31 (4) The CPO shall have discretion to spend funds on any of the  
32 above practices and programs consistent with this act but, at a  
33 minimum, shall devote at least 5 percent of all funding received  
34 to evaluate the effectiveness of those programs and practices  
35 implemented with the funds provided pursuant to this chapter. A  
36 CPO may petition the Administrative Office of the Courts to have  
37 this restriction waived, and the Administrative Office of the Courts  
38 shall have the authority to grant ~~such a~~ *that* petition, if the CPO  
39 can demonstrate that the department is already devoting sufficient  
40 funds to the evaluation of these programs and practices.

1 (5) Each probation department receiving funds under this chapter  
 2 shall maintain a complete and accurate accounting of all funds  
 3 received pursuant to this chapter.

4 SEC. 2. Section 1230.1 of the Penal Code is amended to read:

5 1230.1. (a) Each county local Community Corrections  
 6 Partnership established pursuant to subdivision (b) of Section 1230  
 7 shall recommend a local plan to the county board of supervisors  
 8 for the implementation of the 2011 public safety realignment.

9 (b) The plan shall be voted on by an executive committee of  
 10 each county's Community Corrections Partnership consisting of  
 11 the chief probation officer of the county as chair, a chief of police,  
 12 the sheriff, *a rank-and-file deputy sheriff or a rank-and-file police*  
 13 *officer*, ~~the District Attorney, district attorney, the Public Defender,~~  
 14 *public defender*, the presiding judge of the superior court, or his  
 15 or her designee, *a rank-and-file probation officer or a deputy*  
 16 *probation officer*, and one department representative listed in either  
 17 subparagraph ~~(G), (H), (I), (J), or (K)~~ (L) of paragraph (2) of  
 18 subdivision (b) of Section 1230, as designated by the county board  
 19 of supervisors for purposes related to the development and  
 20 presentation of the plan.

21 (c) The plan shall be deemed accepted by the county board of  
 22 supervisors unless the board rejects the plan by a vote of four-fifths  
 23 of the board, in which case the plan goes back to the Community  
 24 Corrections Partnership for further consideration.

25 (d) Consistent with local needs and resources, the plan may  
 26 include recommendations to maximize the effective investment  
 27 of criminal justice resources in evidence-based correctional  
 28 sanctions and programs, including, but not limited to, day reporting  
 29 centers, drug courts, residential multiservice centers, mental health  
 30 treatment programs, electronic and GPS monitoring programs,  
 31 victim restitution programs, counseling programs, community  
 32 service programs, educational programs, and work training  
 33 programs.

O

**SENATE BILL****No. 283**

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**Introduced by Senator Hancock**February 14, 2013

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An act to amend Section 18901.3 of, to add Section 18901.35 to, to repeal Section 17012.5 of, and to repeal and add Section 11251.3 of, the Welfare and Institutions Code, relating to social services.

## LEGISLATIVE COUNSEL'S DIGEST

SB 283, as introduced, Hancock. CalWORKs and CalFresh eligibility.

Existing law requires each county to provide cash assistance and other social services to needy families through the California Work Opportunity and Responsibility to Kids (CalWORKs) program using federal Temporary Assistance to Needy Families (TANF) block grant program, state, and county funds. Under existing law, an individual is ineligible for aid if the individual has been convicted in state or federal court after December 31, 1997, of any offense classified as a felony and that has as an element the possession, use, or distribution of a controlled substance.

This bill would authorize CalWORKs benefits to be paid to an individual who is convicted in state or federal court after December 31, 1997, of any offense classified as a felony that has as an element the possession, use, or distribution of a controlled substance. If the person is on supervised release, he or she would be ineligible for CalWORKs benefits during any period of revocation of that supervised release.

Existing federal law provides for the federal Supplemental Nutrition Assistance Program (SNAP), known in California as CalFresh, formerly the Food Stamp Program, under which supplemental nutrition assistance benefits allocated to the state by the federal government are distributed to eligible individuals by each county. Under existing law, a person convicted of specified drug offenses, including transporting, selling,

furnishing, administering, giving away, possessing for sale, purchasing for purpose of sale, or manufacturing a controlled substance, is ineligible to receive CalFresh benefits. Existing law authorizes the payment of CalFresh benefits to other convicted drug felons who have participated in, or are on the waiting list for, a drug treatment program, or who can show other evidence that the illegal use of controlled substances has ceased.

This bill would authorize CalFresh benefits to be paid to an individual who is convicted in state or federal court after December 31, 1997, of any offense classified as a felony that has as an element the possession, use, or distribution of a controlled substance. If the person is on supervised release, he or she would be ineligible for CalFresh benefits during any period of revocation of that supervised release. The bill would also require the department to request a waiver from the federal government for the preenrollment of otherwise eligible applicants to the CalFresh program within one month of the applicant's reentry into the community from county jail or state prison, and would require the counties to implement the preenrollment program within 6 months of the waiver being granted. By requiring a new level of service from local government, this bill would impose a state-mandated local program.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that, if the Commission on State Mandates determines that the bill contains costs mandated by the state, reimbursement for those costs shall be made pursuant to these statutory provisions.

Vote: majority. Appropriation: no. Fiscal committee: yes.  
State-mandated local program: yes.

*The people of the State of California do enact as follows:*

- 1 SECTION 1. Section 11251.3 of the Welfare and Institutions
- 2 Code, as added by Section 1 of Chapter 283 of the Statutes of
- 3 1997, is repealed.
- 4 ~~11251.3. (a) An individual shall be ineligible for aid under~~
- 5 ~~this chapter if the individual has been convicted in state or federal~~
- 6 ~~court after December 31, 1997, including any plea of guilty or~~
- 7 ~~nolo contendere, of any offense classified as a felony and that has~~
- 8 ~~as an element of the possession, use, or distribution of a controlled~~

1 substance, defined in Section 102(6) of the Controlled Substance  
2 Act (21 U.S.C. Sec. 802(6)).

3 (b) ~~For a family receiving aid under this chapter that includes~~  
4 ~~an individual who is ineligible pursuant to subdivision (a), a county~~  
5 ~~shall issue vouchers or vendor payments for at least rent and~~  
6 ~~utilities payments.~~

7 SEC. 2. Section 11251.3 of the Welfare and Institutions Code,  
8 as added by Section 1 of Chapter 284 of the Statutes of 1997, is  
9 repealed.

10 ~~11251.3. (a) An individual shall be ineligible for aid under~~  
11 ~~this chapter if the individual has been convicted in state or federal~~  
12 ~~court after December 31, 1997, including any plea of guilty or~~  
13 ~~nolo contendere, of a felony that has as an element the possession,~~  
14 ~~use, or distribution of a controlled substance, defined in Section~~  
15 ~~102(6) of the Controlled Substances Act (21 U.S.C. Sec. 802(6))~~  
16 ~~or Division 10 (commencing with Section 11000) of the Health~~  
17 ~~and Safety Code.~~

18 (b) ~~For a family receiving aid under this chapter that includes~~  
19 ~~an individual who is ineligible pursuant to subdivision (a), a county~~  
20 ~~shall issue vouchers or vendor payments for at least rent and~~  
21 ~~utilities payments.~~

22 SEC. 3. Section 11251.3 is added to the Welfare and  
23 Institutions Code, to read:

24 11251.3. (a) Subject to the limitations of subdivision (b),  
25 pursuant to Section 115(d)(1)(A) of Public Law 104-193 (21 U.S.C.  
26 Sec. 862a(d)(1)(A)), California opts out of the provisions of Section  
27 115(a)(1) of Public Law 104-193 (21 U.S.C. Sec. 862a(a)(1)). An  
28 individual convicted in state or federal court after December 31,  
29 1997, including any plea of nolo contendere, of any offense  
30 classified as a felony that has as an element the possession, use,  
31 or distribution of a controlled substance shall be eligible to receive  
32 CalWORKs benefits under this section.

33 (b) As a condition of eligibility for CalWORKs pursuant to  
34 subdivision (a), an applicant described in subdivision (a) who is  
35 on probation, parole, or other form of supervised release shall  
36 comply with the conditions of the supervised release, including  
37 participation in a drug treatment program, if required. If the county  
38 social services agency receives verification that the individual's  
39 supervised release has been revoked, the individual shall become

1 ineligible for CalWORKs benefits under this section for the  
2 duration of the revocation period.

3 (c) Notwithstanding the rulemaking provisions of the  
4 Administrative Procedure Act (Chapter 3.5 (commencing with  
5 Section 11340) of Part 1 of Division 3 of Title 2 of the Government  
6 Code), valid until January 1, 2015, the department may implement  
7 this section by all-county letters or similar instructions. Thereafter,  
8 the department shall adopt regulations to implement this section  
9 by January 1, 2015.

10 SEC. 4. Section 17012.5 of the Welfare and Institutions Code  
11 is repealed.

12 ~~17012.5. An individual ineligible for aid under Chapter 2~~  
13 ~~(commencing with Section 11200) of Part 3 pursuant to Section~~  
14 ~~11251.3, who is a member of an assistance unit receiving aid under~~  
15 ~~that chapter, shall also be ineligible for non-health-care benefits~~  
16 ~~under this part.~~

17 SEC. 5. Section 18901.3 of the Welfare and Institutions Code  
18 is amended to read:

19 18901.3. (a) Subject to the limitations of subdivision (b),  
20 pursuant to Section 115(d)(1)(A) of Public Law 104-193 (21 U.S.C.  
21 Sec. 862a(d)(1)(A)), California opts out of the provisions of Section  
22 115(a)(2) of Public Law 104-193 (21 U.S.C. Sec. 862a(a)(2)). ~~A~~  
23 ~~convicted drug felon~~ *An individual convicted in state or federal*  
24 *prison after December 31, 1997, including any plea of guilty or*  
25 *nolo contendere, of any offense classified as a felony that has as*  
26 *an element the possession, use, or distribution of a controlled*  
27 *substance shall be eligible to receive CalFresh benefits under this*  
28 *section.*

29 ~~(b) Subdivision (a) does not apply to a person who has been~~  
30 ~~convicted of unlawfully transporting, importing into this state,~~  
31 ~~selling, furnishing, administering, giving away, possessing for~~  
32 ~~sale, purchasing for purposes of sale, manufacturing a controlled~~  
33 ~~substance, possessing precursors with the intent to manufacture a~~  
34 ~~controlled substance, or cultivating, harvesting, or processing~~  
35 ~~marijuana or any part thereof pursuant to Section 11358 of the~~  
36 ~~Health and Safety Code.~~

37 ~~(c) Subdivision (a) does not apply to a person who has been~~  
38 ~~convicted of unlawfully soliciting, inducing, encouraging, or~~  
39 ~~intimidating a minor to participate in any activity listed in~~  
40 ~~subdivision (b).~~

1 ~~(d)~~

2 ~~(b) As a condition of eligibility to receive CalFresh benefits~~  
 3 ~~pursuant to subdivision (a), an applicant convicted of a felony drug~~  
 4 ~~offense that is not excluded under subdivision (b) or (c) shall be~~  
 5 ~~required to provide proof of one of the following subsequent to~~  
 6 ~~the most recent drug-related conviction: described in subdivision~~  
 7 ~~(a) who is on probation, parole, or any other form of supervised~~  
 8 ~~release shall comply with the terms of the supervised release,~~  
 9 ~~including participation in a drug treatment program, if required.~~  
 10 ~~If the county social services agency receives verification that the~~  
 11 ~~individual's supervised release has been revoked, the individual~~  
 12 ~~shall become ineligible for CalFresh benefits under this section~~  
 13 ~~for the duration of the revocation period.~~

14 ~~(1) Completion of a government-recognized drug treatment~~  
 15 ~~program.~~

16 ~~(2) Participation in a government-recognized drug treatment~~  
 17 ~~program.~~

18 ~~(3) Enrollment in a government-recognized drug treatment~~  
 19 ~~program.~~

20 ~~(4) Placement on a waiting list for a government-recognized~~  
 21 ~~drug treatment program.~~

22 ~~(5) Other evidence that the illegal use of controlled substances~~  
 23 ~~has ceased, as established by State Department of Social Services~~  
 24 ~~regulations.~~

25 ~~(e) Notwithstanding the Administrative Procedure Act (Chapter~~  
 26 ~~3.5 (commencing with Section 11340) of Part 1 of Division 3 of~~  
 27 ~~Title 2 of the Government Code), the department may implement~~  
 28 ~~this section through an all-county letter or similar instructions from~~  
 29 ~~the director no later than January 1, 2005.~~

30 ~~(f) The department shall adopt regulations as otherwise~~  
 31 ~~necessary to implement this section no later than July 1, 2005.~~  
 32 ~~Emergency regulations adopted for implementation of this section~~  
 33 ~~may be adopted by the director in accordance with the~~  
 34 ~~Administrative Procedure Act. The adoption of emergency~~  
 35 ~~regulations shall be deemed to be an emergency and necessary for~~  
 36 ~~immediate preservation of the public peace, health and safety, or~~  
 37 ~~general welfare. The emergency regulations shall be exempt from~~  
 38 ~~review by the Office of Administrative Law. The emergency~~  
 39 ~~regulations authorized by this section shall be submitted to the~~

1 Office of Administrative Law for filing with the Secretary of State  
2 and shall remain in effect for no more than 180 days.

3 (c) Notwithstanding the rulemaking provisions of the  
4 Administrative Procedure Act (Chapter 3.5 (commencing with  
5 Section 11340) of Part 1 of Division 3 of Title 2 of the Government  
6 Code), valid until January 1, 2015, the department may implement  
7 this section by all-county letters or similar instructions. Thereafter,  
8 the department shall adopt regulations to implement this section  
9 by January 1, 2015.

10 SEC. 6. Section 18901.35 is added to the Welfare and  
11 Institutions Code, to read:

12 18901.35. The department shall submit to the United States  
13 Department of Agriculture, Food, and Nutrition Services, on or  
14 before March 31, 2014, a request to waive Section 273.1(b)(7)(vi)  
15 of Title 7 of the Code of Federal Regulations to allow for the  
16 preenrollment of otherwise eligible applicants to the CalFresh  
17 program up to one month prior to the applicant's reentry into the  
18 community from county jail or state prison. The counties shall  
19 implement a preenrollment process within six months of the waiver  
20 approval.

21 SEC. 7. If the Commission on State Mandates determines that  
22 this act contains costs mandated by the state, reimbursement to  
23 local agencies and school districts for those costs shall be made  
24 pursuant to Part 7 (commencing with Section 17500) of Division  
25 4 of Title 2 of the Government Code.

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STATE CAPITOL  
SACRAMENTO, CA 95814  
(916) 651-4006

# California State Senate

SENATOR  
**DARRELL STEINBERG**  
PRESIDENT PRO TEMPORE



**FOR IMMEDIATE RELEASE**  
February 7, 2013

**Contact: Mark Hedlund**  
**916-651-4006**

## **Law Enforcement, Mayors Join Senate Democrats in Proposals to Curb Gun Violence**

**(Sacramento)** – Senate Democrats have unveiled ten legislative actions to curb gun violence in California designed to close loopholes in the existing regulations, keep the circulation of firearms and ammunition out of the hands of dangerous persons, and strengthen education relating to firearms and gun ownership.

The legislation would limit the proliferation of rapid-reload weapons, by banning rifles with detachable magazines and making all high-capacity magazines illegal to possess in California. The measures also will regulate the purchase of ammunition, strengthen efforts to keep guns out of the wrong hands, and require gun owners to be educated, trained and tested in the safe use of firearms.

“We respect the Second Amendment right of law abiding citizens to have guns for hunting, for sport, for protecting their homes and families. But loopholes in California’s tough gun laws have been exploited long enough,” said Senate President pro Tempore Darrell Steinberg. “We can save lives by curbing the proliferation of guns designed to be fired and reloaded rapidly. We can save lives by getting guns and ammunition out of the hands of the wrong people. We can save lives if every gun owner knows how to safely handle those guns. And if we can save lives, we must act to do so.”

Among those showing strong support for the proposed measures are Los Angeles Mayor Antonio Villaraigosa, San Francisco Mayor Ed Lee, Richmond Police Chief Chris Magnus, Emeryville Police Chief Ken James, El Cerrito Police Chief Sylvia Moir, the Brady Campaign and other advocates for prevention of gun violence.

"This Senate package builds on California's strong record and takes the next step with smart policies that close loopholes that have remained open for too long," said Los Angeles Mayor Antonio Villaraigosa. "Other states, cities, and the federal government need to join us and do everything we can - as quickly as we can - to keep our communities safe."

"Violence does not know City borders and no single Mayor can stop gun violence alone. But if we work together – as a region, as a state and as a nation – we can make a real impact," said San Francisco Mayor Ed Lee. "Under the leadership of President Steinberg, the Senate has taken a comprehensive look at existing law, strengthening what's there and addressing loopholes, while addressing the enforcement backlog so that we can reduce gun violence and make Californians safer. We must do everything we possibly can to prevent another tragedy."

The ten legislative actions are contained in bills being authored by Senator Steinberg (D-Sacramento), Senator Marty Block (D-San Diego), Senator Kevin de León (D-Los Angeles), Senator and Chair of the Public Safety Committee Loni Hancock (D-Berkeley), Senator Hannah-Beth Jackson (D-Santa Barbara), Senator Mark Leno (D-San Francisco), and Senator Leland Yee (D-San Francisco).

## **Senate Democrats' Ten Legislative Actions**

### **REGULATION: *Closing loopholes in existing laws***

1. **Fixed magazines (Steinberg):** Prohibit the future sale, purchase, manufacture, importation, or transfer in California of semi-automatic rifles that can accept detachable magazines. This legislative action decisively closes the loopholes that have allowed the gun industry to flood our communities with rapid-reload battlefield weapons.

EXAMPLE: The featureless Mini-14 rifle, which contributed to the deaths of 69 people in the 2011 Norway massacre. This rapid-reloading firearm is currently legal in California.

2. **High Capacity magazines (Hancock):** Ban possession of large capacity ammunition magazines over 10 rounds. This legislative action decisively closes loopholes that have allowed the gun industry to enable the assembly and home-modification of 10-round magazines into larger capacity magazines.

EXAMPLE: In 2011, Jared Lee Loughner was able to fire 31 bullets in 15 seconds because he had supersized his Glock 19 handgun with a high-capacity magazine. In those 15 seconds, he shot 19 people, killing six, wounding 13 others.

3. **Bullet button (Yee):** This legislative action closes the loophole that has allowed the gun industry to flood our communities with modification tools to rapidly detach and replace magazines from semi-automatic rifles.

4. **Shotgun Definition (Jackson):** This legislative action updates the definition of a banned shotgun with a revolving cylinder to include the new technology of a shotgun-rifle combination.

EXAMPLE: The “circuit judge” with a rifled bore and revolving cylinder, capable of rapidly firing both 0.410 gauge shotgun shells and .45 caliber ammunition and has the same characteristics of the 1990s Street Sweeper.

**CIRCULATION: *Keeping weapons and ammunition in the hands of responsible gun owners***

5. Requires Ownership Record of all Guns (Steinberg): Applies ownership records consistently across-the-board, ensuring all firearms are recorded, and ensuring that no firearms of any classification are legally accessible to prohibited persons or persons without a background check.
6. Ammunition Purchase Permit (de Leon): Expanding on what Los Angeles and Sacramento are already doing requiring anyone wishing to purchase ammunition in California to obtain a purchase permit first, by passing a full and complete background check.
7. Gun Loans (Block): This legislative action prevents unregulated gun loans, with exceptions, including hunting. To limit legal accessibility of weapons to prohibited persons or persons without a background check.
8. APPS Expansion (Leno): This legislative action prohibits individuals on APPS from residing in a home with any weapons. Expand the APPS list by adding more than two DUIs, other crimes.
9. APPS Enforcement (Leno/Steinberg): This legislative action authorizes DOJ to use existing DROS funding to eliminate the 19,000 backlog of individuals on APPS.

**EDUCATION: *Fostering a culture of responsible and informed gun ownership***

10. Fire arm safety certificate (Block): This legislative action will establish a safety certificate for handguns, mirroring the training currently required annually to lawfully carry a concealed weapon (CCW).

## Weapons and high-capacity magazines used in mass shootings

### **Sandy Hook Elementary shooting**

(Newtown, CT), 12/14/2012

#### *Weapons Used:*

Glock, Sig Sauer semiautomatic handguns;  
.233 Bushmaster rifle; shotgun

#### *Magazines Used:*

15- to 20-round magazines (handguns); 30-  
round magazines (rifle)

*Total fatally wounded: 28*

*Total non-fatally wounded: 2*

### **Aurora movie theater shooting**

(Aurora, CO), 7/20/2012

#### *Weapons Used:*

Two .40-caliber Glock semiautomatic  
handguns; .223-caliber Smith & Wesson  
M&P15 rifle; 12-gauge Remington 870  
shotgun

#### *Magazines Used:*

40-round extended magazine (handgun); 100-  
round magazine (rifle)

*Total fatally wounded: 12*

*Total non-fatally wounded: 58*

### **Fort Hood shooting**

(Fort Hood, TX), 11/5/2009

#### *Weapons Used:*

FN Five-sevenN semiautomatic handgun

#### *Magazines Used:*

One 20-round magazine, one 30-round  
magazine

*Total fatally wounded: 13*

*Total non-fatally wounded: 30*

### **Immigration center shooting**

(Binghamton, NY), 4/3/2009

#### *Weapons Used:*

9mm Beretta, .45-caliber Springfield  
semiautomatic handguns

#### *Magazines Used:*

At least one 30-round magazine

*Total fatally wounded: 14*

*Total non-fatally wounded: 4*

### **Virginia Tech shooting**

(Blacksburg, VA), 4/16/2007

#### *Weapons Used:*

9mm Glock 19, .22-caliber Walther P22  
semiautomatic handguns

#### *Magazines Used:*

Seventeen 10- to 15-round magazines

*Total fatally wounded: 33*

*Total non-fatally wounded: 23*

### **Columbine High School shooting**

(Littleton, CO), 4/20/1999

#### *Weapons Used:*

9mm Intratec DC-9 semiautomatic handgun;  
9mm Hi-Point 995 carbine rifle; 12-gauge  
sawed-off Savage Stevens 311D, 12-gauge  
sawed-off Savage Springfield 67H pump-  
action shotguns

#### *Magazines Used:*

Thirteen 10-round magazines, one 28-round  
magazine, one 32-round magazine, one 52-  
round magazine

*Total fatally wounded: 15*

*Total non-fatally wounded: 24*

### **Luby's Cafeteria shooting**

(Killeen, TX), 10/16/1991

#### *Weapons Used:*

9mm Glock 17, 9mm Ruger P89  
semiautomatic handguns

#### *Magazines Used:*

15- and 17-round magazines

*Total fatally wounded: 24*

*Total non-fatally wounded: 20*

### **GMAC office shooting**

(Jacksonville, FL), 6/18/1990

#### *Weapons Used:*

.30-caliber Universal M1 carbine rifle; .38-  
caliber revolver

#### *Magazines Used:*

30-round magazine

*Total fatally wounded: 10*

*Total non-fatally wounded: 4*

### **U.S. Postal Office shooting**

(Edmond, OK), 8/20/1986

#### *Weapons Used:*

.45-caliber Colt Model 1911-A1 (2), .22-caliber  
pistol

#### *Magazines Used:*

50 rounds of ammo; possibly 10-round  
magazines

*Total fatally wounded: 15*

*Total non-fatally wounded: 6*

### **McDonald's shooting**

(San Ysidro, CA), 7/18/1984

#### *Weapons Used:*

9mm Browning P35 Hi-Power semiautomatic  
handgun; 9mm Israeli Military Industries Uzi  
Model A Carbine rifle; 12-gauge Winchester  
1200 pump-action shotgun

#### *Magazines Used:*

25-round magazines

*Total fatally wounded: 22*

*Total non-fatally wounded: 19*

# FACT SHEET

Senator Darrell Steinberg (D – 06)

Fixed Magazines on Long Guns and Firearm Ownership Record

## PURPOSE

This bill will prohibit the future sale, purchase, manufacture, importation, or transfer in California of semi-automatic rifles that can accept detachable magazines. Specifically, this bill will amend the current definition of illegal “assault weapon” to include a semiautomatic, rimfire, or centerfire rifle that does not have a fixed magazine with the capacity to accept ten or fewer rounds.

This bill will also require California gun owners to submit a Firearm Ownership Record to the Department of Justice for guns not covered under current law.

## BACKGROUND

The Sandy Hook Elementary School is only one of many tragedies depicting the devastating lethality of military-style, rapid-rate-of-fire weapons. On July 20, 2012, twelve people were killed and 58 others were injured within a few minutes of an assailant entering a movie theater in Aurora Colorado. That shooter was armed with a .223-caliber Smith & Wesson M&P15 (an AR-15 assault rifle variant), a .40 caliber Glock semiautomatic pistol, and a Remington 12 gauge shotgun. He had fitted his Smith & Wesson assault rifle with a drum magazine capable of holding 100 rounds of ammunition in a single loading. On July 22, 2011, a shooter armed with a Ruger Mini-14 and a Glock 34 pistol shot and killed 69 people and wounded 110 others at a children’s summer camp in Norway. Both of the weapons used in Norway currently are legal in California. The common characteristic of the firearms used in these mass shootings is the ability to detach a magazine and rapidly reload.

In 1989, California passed the Roberti-Roos Act, the first statewide law in the nation designed to ban assault weapons. Soon after its passage, however, the firearms industry made minor cosmetic changes to many banned assault weapons evading the intent of the law and allowing their continued sale. In 1999, California moved to update the law to address the industry’s actions again.

California’s assault weapons laws have long been regarded as the toughest in the country. But, even these laws have loopholes and gaps that the gun manufacturers have exploited.

As these horrific tragedies demonstrate, rifles with detachable magazines pose an utterly unacceptable risk to the public health and well-being. Any rifle designed or modified to accept a detachable magazine can be converted into rapid-rate-of-fire weaponry that belongs on the battlefield, not in our streets and neighborhoods.

Rifles with detachable magazines have a virtually unlimited capacity to kill. It is this specific feature that this bill targets: the ability to shoot unchecked semiautomatic gunfire. By focusing on the function of these weapons and not just their form, this bill is aimed at the commercialization of mass killing machines, not the rights of sporting gun and hunting enthusiasts.

## FOR MORE INFORMATION

Office of Senator Darrell Steinberg: 916-651-4006.

# FACT SHEET

Senator Loni Hancock (D - 09)  
Large Capacity Ammunition Magazines

## PURPOSE

This measure will prohibit the possession of large capacity ammunition magazines (defined as ammunition feeding devices holding more than 10 rounds.)

## BACKGROUND

In 2011, Jared Lee Loughner was able to fire 31 bullets in 15 seconds because he had supersized his Glock 19 handgun with a high-capacity magazine. In that 15 seconds he shot 19 people – killing federal Judge John Roll and five others and wounding 13 others, including U.S. Representative Gabrielle Giffords.

Loughner's massacre ended only when he stopped to reload and bystanders wrestled him to the ground. If he had used a standard magazine and was forced to reload earlier, some of his victims might have been spared.

In 1999, the Legislature passed SB 23 (Perata) which prohibited the possession of assault weapons, such as the AK-47 and created a generic definition of an assault weapon. As part of that legislation, the importation, manufacture and sale of large capacity ammunition magazines was strictly prohibited. However, the possession of high capacity magazines was not prohibited.

Federal law also outlawed possession of high capacity magazines as part of the 1994 federal assault weapons ban but allowed current owners to keep them under a "grandfathering" provision. The federal assault weapons ban was allowed to expire in 2004. Research has shown that, prior to

the implementation of the federal assault weapons ban, these high capacity magazines were used in between 14 and 26% of guns used in crime.

## NEED FOR THE BILL

High capacity ammunition magazines are ammunition feeding devices that hold more than ten rounds of ammunition. These magazines can hold upwards of 100 rounds of ammunition and allow a shooter to rapidly fire without reloading.

High capacity magazines are not designed for hunting or target shooting. High capacity magazines are military designed devices. They are designed for one purpose only -- to allow a shooter to fire a large number of bullets in a short period of time.

This bill will make clear that possession of these devices is also prohibited. Law enforcement officers have told us that, because the Penal Code currently fails to specifically prohibit possession, the law is very difficult to enforce. This needs to be fixed and this measure addresses that by prohibiting the possession.

Prohibiting possession of these high capacity magazines is just one important part of the comprehensive strategy being proposed today to reduce gun violence in California.

## FOR MORE INFORMATION

Office of Senator Loni Hancock – (916) 651-4009

## **SB 140 (Leno/Steinberg)**

### **Armed Prohibited Persons System Enforcement**

#### **PURPOSE**

**SB 140** addresses the critical need to enforce *existing* firearm prohibition laws including the timely identification, investigation and prosecution of prohibited persons, and confiscation of illegally possessed weapons.

**SB 140** will allow the Department of Justice to use existing Department resources to provide enhanced enforcement of the Armed Prohibited Persons System (APPS) which has identified over 36,000 handguns and assault weapons in the hands of more than 18,000 prohibited persons such as convicted felons and the mentally ill.

#### **BACKGROUND**

When Roy Perez shot and killed his mother, their neighbor, and his 4-year old daughter, his name was in APPS. Due to a lack of resources on both the state and local level, authorities were not able to confiscate the weapon.

The California Department of Justice (DOJ) maintains APPS, an online database, to cross-reference persons who have ownership or possession of a firearm, and who, subsequent to the date of that ownership or possession of a firearm, fall within a class of persons who are prohibited from having a firearm. It also provides authorized law enforcement agencies with inquiry capabilities to determine the prohibition status of a person of interest.

DOJ populates APPS with all handgun and assault weapon owners across the state and matches them up against criminal history records to determine who might fall into a prohibited status. Automatic

notifications from State and Federal criminal history systems will be received daily to determine if there is a match for a current California gun owner.

California is the first, and only, state in the nation to have database that tracks individuals who lawfully purchased a weapon and subsequently became prohibited.

#### **WHAT THE BILL WILL DO**

**SB 140** will allow the Department of Justice to utilize existing funding to hire and train additional field agents for the aggressive enforcement of the APPS which presents a substantial risk to public safety.

#### **FOR MORE INFORMATION**

Office of Senator Mark Leno – (916) 651-4011

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# California State Senate

SENATOR  
KEVIN DE LEÓN  
CHAIR  
SENATE APPROPRIATIONS COMMITTEE  
TWENTY-SECOND SENATE DISTRICT

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ORGANIZATION  
PUBLIC SAFETY

JOINT COMMITTEE  
LEGISLATIVE BUDGET



## SB 53 (De León) California Ammunition Purchase Permit "Keeping Ammunition Out of the Wrong Hands"

### PURPOSE:

Safeguard California's communities by making certain that criminals and other dangerous individuals cannot purchase ammunition.

### BACKGROUND:

The United States has the loosest gun control laws in the developed world and it has the highest rate of gun-related homicide. Last year, the United States had approximately 11,000 deaths. By comparison, England and Wales had approximately 50 gun homicides. According to the United Nations Office on Drugs and Crime, the United States' gun homicide rate is *30 times* that of France or Australia, and *12 times* higher than the average for other developed countries.<sup>1</sup>

Recent discussions in the aftermath of the tragic shooting in Newtown, Connecticut have highlighted the importance of safer gun control laws. However, the sale and distribution of ammunition has remained unregulated and largely ignored. Ammunition is the fuel that feeds the violence, yet little is known about who is buying and selling ammunition. At the federal level, the Gun Control Act of 1968 required federal licensing for all ammunition dealers, and required that retailers keep records on all handgun ammunition sales. This law was repealed in 1986, and since then only a few states have implemented their own regulation of ammunition sales and purchases, including Illinois, Massachusetts, and New Jersey, which require licenses to purchase ammunition.<sup>2</sup>

<sup>1</sup> Washington Post. "The solution to gun violence is clear." [http://www.washingtonpost.com/opinions/fareed-zakaria-the-solution-to-gun-violence-is-clear/2012/12/19/110a6f82-4a15-11e2-b6f0-e851e741d196\\_story.html?wpisrc=emailtoafriend](http://www.washingtonpost.com/opinions/fareed-zakaria-the-solution-to-gun-violence-is-clear/2012/12/19/110a6f82-4a15-11e2-b6f0-e851e741d196_story.html?wpisrc=emailtoafriend). 19 December 2012.

<sup>2</sup> Law Center to Prevent Gun Violence. "Ammunition Regulation Policy Summary" <http://smartgunlaws.org/ammunition-regulation-policy-summary/>. 21 May 2012.

California has enacted legislation designed to keep guns out of the hands of criminals, but it has done little to prevent criminals and gang members from procuring the ammunition that fuels gun violence. Several cities require ammunition vendors to keep records of ammunition sales which have led to the arrest of thousands of armed and dangerous criminals.<sup>3</sup> A 2006 RAND Corporation study concluded that, in just a two-month period in Los Angeles, felons and others prohibited by law from possessing firearms purchased over 10,000 rounds of ammunition at gun shops and sporting goods stores across the city.<sup>4</sup> The Sacramento Police Department's ammunition purchaser records showed that in 2008 alone, over 150 prohibited person purchased ammunition in their city.

To address this critical issue, then-Assemblymember Kevin de León introduced Assembly Bill 362 in 2007. The measure would have required any handgun ammunition purchaser to possess a license to sell ammunition issued by the Department of Justice (DOJ), which would require background checks. The following year, AB 2062 (De León) was introduced with similar provisions. Both measures failed to pass in the Assembly.

Three years later, Governor Schwarzenegger signed AB 962 (De León) The Anti-Gang Neighborhood Protection Act. AB 962 required handgun ammunition vendors to record handgun ammunition sales by checking ammunition purchasers' driver's licenses and obtaining thumbprints. The measure also required vendors to make records available to law enforcement for the purposes of crosschecking purchasers with the prohibited persons' databases. The delivery or transfer of ownership of handgun ammunition would be required to occur only in face-to-face transactions, thus banning mail order ammunition sales.

In 2010, the National Rifle Association (NRA) and the California Rifle and Pistol (CRPA) Foundation challenged AB 962 in court. In *Parker v. California* (2011), the Fresno Superior Court ruled in favor of the plaintiffs, declaring that the 30-year-old statutory definition of "handgun ammunition" was unconstitutionally vague. The case is currently on appeal and will be argued this spring.

As a result of the court-issued injunction applied to AB 962, today any criminal can walk into a Big 5 or Wal-Mart and purchase pallets of ammunition, no questions asked. It continues to be easier in California to purchase ammunition than a pack of cigarettes or allergy medicine. There is no way to track who is buying and selling bullets and this blind eye approach is putting ammunition in the hands of killers.

Requiring ammunition purchasers to submit to background checks would effectively limit criminal access to the fuel that drives gun violence. These background checks will be structured by the Department of Justice to minimize the costs to gun owners and, after a full and complete check, will be done instantly to ensure the permit holder is still in good standing to purchase ammunition. In this way, ammunition will only be accessible to lawful gun owners and not dangerous criminals.

<sup>3</sup> Reuters. "What's missing in U.S. gun control scramble? Bullets."

<http://www.reuters.com/article/2013/01/20/us-usa-guns-ammunition-idUSBRE90J02K20130120>. 20 January 2013.

<sup>4</sup> RAND Corporation. "RAND Study Finds Substantial Amounts of Ammunition Bought By Felons, Others Prohibited from Buying Bullets." <http://www.rand.org/news/press/2006/10/05.html>. 5 October 2006.

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**PROPOSAL:**

- Expand the provisions of AB 962 (De León, Ch. 628, Statutes of 2009) to apply to all types of ammunition.
- Require anyone wishing to purchase ammunition in California to first obtain a purchase permit by passing a full and complete background check. The background check will be conducted by the Department of Justice at a minimal cost to the purchaser. Subsequent background checks will be done instantly.
- Require ammunition vendors to verify that a person who is being delivered ammunition has passed a background check and is not prohibited from purchasing ammunition.

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**SUPPORT:**

City of Beverly Hills  
Los Angeles County Board of Supervisors  
Violence Prevention Coalition of Greater Los Angeles  
Women Against Gun Violence

*For more information please contact Alexandra Salgado at (916) 651-4022 or [alexandra.salgado@sen.ca.gov](mailto:alexandra.salgado@sen.ca.gov).*

# FACT SHEET

Senator Marty Block (D-39)

Require Hand Gun Safety Certificate and Eliminate 30 Day Loan Requirement

## PURPOSE

This measure will eliminate unregulated gun loans with exceptions, including hunting, to limit legal access to weapons by persons without a background check. It also will establish an annual Handgun Safety Certificate to improve handgun safety.

## BACKGROUND

Current law generally requires that all firearm transactions (sale, loan, or transfer) between two parties must be done through a licensed firearms dealer. However, existing law allows persons who are personally known to each other to avoid this requirement if the loan is infrequent, is for a lawful purpose; and does not exceed 30 days. This exception provides a loophole that could result in persons having access to weapons when in fact they are legally prohibited from doing so. This bill will remove this loophole.

California's current Handgun Safety Certificate (HSC) law is designed to ensure that persons who obtain handguns have a basic familiarity with those firearms, including but not limited to the safe handling and storage of those firearms. However, the current renewal is every five years and only applies to purchases of new handguns.

By requiring annual handgun safety training accidental handgun violence and accidents can be reduced. Examples that the Department of Justice use as accidents that could have been avoided if the basic gun safety rules had been practiced:

- Two young children playing in their home found a loaded handgun with the magazine removed on a bedside table.
- A handgun owner assumed a handgun was unloaded. While cleaning it, he accidentally

fired the handgun, causing injury to himself.

- While practicing target shooting, a shooter was distracted by a noise behind her. She turned with her finger on the trigger and accidentally fired, injuring a person standing nearby.

## NEED FOR THE BILL

Every handgun owner should understand and follow handgun safety practices, have a basic familiarity with the operation, handling, and storage of a handgun, and be fully aware of the responsibility of handgun ownership. Studies show that easy access to loaded handguns in homes is a major cause of accidental shootings of children.

In February 2012, a 17-year-old entered Chardon High School in Ohio armed with a handgun and fired 10 rounds in the school's cafeteria, killing three students and wounding two others. One week earlier, an 8-year-old girl in Washington was critically wounded in her third grade class when a gun accidentally discharged in a backpack. While these two shootings might seem very different, the common characteristic is that both children acquired their guns in the same way, by taking them from their family members' homes.

In 2010, there were a total of 2,811 gun deaths in California including 1,465 gun suicides. In 2011 California reported 504 people received unintentional injuries from firearms and 96 people had self-inflicted injuries caused by guns. While California currently requires a Handgun Safety Certificate when purchasing a handgun, there is no annual education or training requirements.

## FOR MORE INFORMATION

Office of Senator Marty Block – (916) 651-4039.

# FACT SHEET

Senator Hannah-Beth Jackson (D - 19)

Shotgun Definition

## PURPOSE

This measure will ensure that shotguns with revolving cylinders, known for their killing power, continue to be banned under California's assault weapons ban.

## BACKGROUND

Under current law, "smooth bore" shotguns with a "revolving cylinder" are classified as "assault weapons" and are illegal to use or possess in California. However, gun manufacturers have recently changed designs to a "rifled bore" shotgun with a revolving cylinder that fires both shotgun shells and rifle rounds. This weapon is not defined as a shotgun in California.

In 1989, California passed the Roberti-Roos Act, the first statewide law in the nation designed to ban assault weapons.

In 1999, California moved to update the law to address the industry's actions of changing designs to make illegal weapons legal.

The new "rifled bore" shotgun with a revolving cylinder has similar characteristics to the Street Sweeper semi-automatic shotgun that was used in drive by shootings in the 1990s and banned in 1999 as a destructive device.

## NEED FOR THE BILL

According to the Department of Justice and other law enforcement, the current definition of a shotgun does not cover the new technology the gun manufacturers are designing and needs to be updated to close a loophole that manufacturers are exploiting.

## FOR MORE INFORMATION

Office of Senator Hannah-Beth Jackson - (916) 651-4019.

# SB 47 – YEE

## ASSAULT WEAPONS

### BACKGROUND

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California has led the nation in prohibiting the ownership of military style, anti-personnel assault weapons. While California has some of the strictest gun control laws in the country, gun manufacturers are circumventing the state's assault weapon prohibition by exploiting a loophole inadvertently created by imprecise language in statute and regulation. Now these firearms are proliferating California once again. Their growing popularity and sales are quite troubling, since California has an assault weapon prohibition already on the books and the legal clones of these firearms are indistinguishable from their illegal counterparts.

For several years gun makers have manufactured assault weapon with a magazine locking device called the "bullet button," which requires a tool, which may include a tip of a bullet, a magnet, or even a glove, to disengage the magazine yet allow for the easy reloading of a weapon in a matter of seconds. Since a tool is used to disengage the ammunition feeding device, the firearm's magazine is not classified as "detachable" and the firearm in question is legal.

### BILL SUMMARY

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SB 47 would clarify existing law by defining "fixed magazine" in statute. This bill would also give the California Department of Justice (DOJ) the authority to update and bring into compliance existing regulations. This bill seeks to reestablish the original intent of the assault weapon ban by slowing down the process of easily reloading a firearm. Furthermore, identification and enforcement of a complex set of gun laws subjects the Assault Weapon Ban to judicial review (*Haynie/Richards v. Harris*), and may result in the law being ruled unconstitutionally vague and unenforceable. Absent this bill, the assault weapon ban is effectively subverted, severely weakened and vulnerable to judicial review.

### EXISTING LAW

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Existing law prohibits, with certain exceptions, the possession, transfer or sale of an assault weapon. A category 3 assault weapon is defined as a "semiautomatic, centerfire rifle that has the capacity to accept a detachable magazine" in combination with any affixed accessories, such as a telescoping stock, pistol grip, flash suppressor, or forward grip. Most AR-15 or AK-47 type firearms sold in the state would be classified as an assault weapon if it weren't for a loophole in an unauthorized DOJ regulation that defined a detachable magazine as "any ammunition feeding device that can be removed readily from the firearm with neither disassembly of the firearm action nor use of a tool being required. A bullet or ammunition cartridge is considered a tool." (11 CCR § 5469 (a).) Consequentially, if a magazine release requires a tool to disengage the ammunition feeding device, then the magazine is not detachable and the firearm in question is legal.

### SUPPORT

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California Brady Campaign  
Law Center to Prevent Gun Violence  
Violence Policy Center  
Women Against Gun Violence  
California Nurses Association

### OPPOSITION

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Office of Senator Leland Yee, Ph.D.  
Contact: Johannes Rognerud, 916-651-4008  
[johannes.rognerud@sen.ca.gov](mailto:johannes.rognerud@sen.ca.gov)

Water Legislation 2013-14  
As of 3-8-2013

Bond  
Measure

Bill ID/Topic	Location	Summary	Position
AB 142 Perea	Assembly Print 1/18/21013 From printer. May be heard in committee February 17.	<b>Safe, Clean and Reliable Drinking Water Supply Act of 2012 - \$11 billion bond to finance safe drinking water and water supply reliability program to be voted on at the Nov 4, 2014, statewide general election.</b>	
AB 183 Dickison	3/11/2013 In Committee.	<b>Amend the Delta Protection Act (1992) to add Section 29764.5 to the Public Resources Code, relating to the Sacramento-San Joaquin Delta. This bill would require the executive director to determine a discretionary project located in the primary zone to be consistent with the resource management plan provided that the project satisfies at least 4 of 5 specified criteria.</b>	
AB 378 Hueso	Referred to Coms. on A. & A.R. and W.,P. & W. (3-7-13)	<p><b>“Dissemination and Sharing of State-Funded Delta Research Data”</b></p> <p><b>This bill would require a person conducting Delta research, as defined, whose research is funded, in whole or in part, by the state, to take specified actions with regard to the sharing of the primary data, samples, physical collections, and other supporting materials created or gathered in the course of that research. The bill would authorize the Delta Independent Science Board to adopt guidelines to provide adjustments to, and, where essential, exceptions from, these requirements and would exempt the adoption of these guidelines from the procedural requirements for the adoption of regulations. The bill would require a state agency that funds or participates in Delta research to implement policies to disseminate and share Delta research results, in a specified manner.</b></p> <p><b>The bill would make a researcher ineligible for state funding if the researcher does not provide the information required by the bill within 6 months of the date of the final publication or public dissemination of the research findings, until the researcher complies with the bill’s requirements.</b></p> <p><b>The bill would provide that all legal rights to tangible property collected or created during Delta</b></p>	

		research remain with the researcher, as determined by the policies of the organization providing the grant, contract, or other agreement, except as specified, but would require a researcher to make this tangible property appropriately available to other researchers.	
AB 613 Hueso		<p>This bill would make technical, nonsubstantive changes to section 13525.5 of the Water Code (Water Recycling), as follows:</p> <p><del>Any</del> A person recycling water or using recycled water in violation of Section 13524, after <del>such</del> the violation has been called to <del>his</del> the attention of that person in writing by the regional board, is guilty of a misdemeanor. Each day of <del>such</del> that recycling or use shall constitute a separate offense.</p>	
AB 763 Buchanan		AB 763 Designates DBW as lead agency in identifying, detecting, controlling, and administering programs to manage and eradicate invasive aquatic plants, as defined, and empowers them to take any action it determines is necessary to implement statewide management and eradication measures for those invasive aquatic plants.	
AB 793 Gray		Under existing law, various programs provide funds for water projects and facilities. This bill would state the intent of the Legislature to enact legislation relating to increasing water storage capacity.	
AB 803 Hueso		<p>“Water Recycling Act of 2013”</p> <p><i>(1) Existing law requires the State Department of Public Health to establish uniform statewide recycling criteria for each varying type of use of recycled water where the use involves the protection of public health. Existing regulations prescribe various requirements and prohibitions relating to recycled water.</i></p> <p><b>This bill, the Water Recycling Act of 2013, would codify some of these regulations to, among other things, (1) define various terms for the purpose of water recycling criteria, (2) require the use of certain quality recycled water for specified uses with prescribed prohibitions, and (3) modify prohibitions and requirements for dual-plumbed recycled water systems.</b></p> <p><i>(2) Existing law, the California Safe Drinking Water Act, provides for the operation of public water systems, and imposes on the department various responsibilities and duties. Existing law authorizes the department to enact regulations and the department has enacted regulations relating to the protection of public water systems from unapproved water, including recycled water.</i></p>	

		<p><b>This bill would codify some of these regulations to, among other things, (1) define various terms, (2) specify plumbing requirements, (3) prescribe certain protection to prevent backflow into the public water supply, and (4) specify when a changeover device may be used.</b></p> <p><i>(3) Existing law requires any person who, without regard to intent or negligence, causes or permits any sewage or other waste, or the effluent of treated sewage or other waste to be discharged in or on any waters of the state, or discharged in or on any waters of the state to immediately notify the local health officer of the director of environmental health of the discharge, as prescribed.</i></p> <p><b>This bill would provide that this notification requirement does not apply to an unauthorized discharge of effluent of treated sewage defined as recycled water, as defined.</b></p> <p><i>(4) Existing law establishes the State Water Resources Control Board and the California regional water quality control boards as the principal state agencies with authority over matters relating to water quality.</i></p> <p><b>This bill would authorize compliance with effluent limitations and any other permit or waste discharge requirements for the release or discharge of advanced treated purified water, as defined, into a conveyance facility at the point where the advanced treated purified water enters the conveyance facility but prior to commingling with any raw water or other water source.</b></p>	
AB 823 Eggman		<p><b>This bill would require a lead agency under CEQA, for a project that converts agricultural lands for nonagricultural uses, to require mitigation measures consisting, at a minimum, of providing replacement acreage through specified mechanisms to ensure the availability of agricultural production capacity. Because a lead agency would be required to provide a higher level of service by requiring the specified mitigation measure, the bill would impose a state-mandated local program.</b></p>	
AB 1078 Quirk		<p><b>This bill would state that it is the intent of the Legislature to enact legislation to encourage the creation of new technologies to further the use of recycled water in the state.</b></p>	
AB 1200 Levine		<p><b>This bill would require the Department of Water Resources to require 1,000,000 acre-feet of the water used for landscaping each year to be supplied by recycled water by 2020.</b></p>	
AB 1331 Hueso		<p><b>This bill would delete the Reclamation Board from these provisions and instead add the Central Valley Flood Protection Board. This bill would make related non substantive changes.</b></p>	

SB 36 Rubio		<b>Safe, Clean and Reliable Drinking Water Supply Act of 2012 - Senate version of the Water bond (AB 142) that includes the proposed reduction in the amount of the bond (\$11 billion).</b>	
SB 40 Pavley		<b>Safe, Clean and Reliable Drinking Water Supply Act of 2012 – Proposes name change to “2014” and declare the intent of the Legislature to amend the act for the purpose of reducing and potentially refocusing the \$11 billion bond.</b>	
SB 42 Wolk		<b>Safe, Clean and Reliable Drinking Water Supply Act of 2012 – Repeal the 2012 Act and enact the California Clean, Secure Water Supply and Delta Recovery Act 2014, which, if adopted by the voters, would authorize the issuance of bonds in an unspecified amount</b>	
SB 122 Lieu		<b>This bill proposes to amend the Harbors and Navigation Code, relating to vessels and specifically the abandonment and abatement procedures of such vessels on the public waterways.</b>	
SB 613 Hueso		<p><b><u>Water: Water Reclamation.</u></b></p> <p><i>The Water Recycling Law requires each California regional water quality control board, after consulting with and receiving the recommendations of the State Department of Public Health and any party who has requested in writing to be consulted, and after any necessary hearing, to prescribe water reclamation requirements for water that is used or proposed to be used as reclaimed water. That law also provides that a person recycling water or using recycled water in violation of specific provisions, after the violation has been called to the attention of that person in writing by the regional board, is guilty of a misdemeanor, as specified.</i></p> <p><b>This bill would make technical, nonsubstantive changes to the latter provision.</b></p>	
SB 726 Lara		<p><b><u>Urban water management planning.</u></b></p> <p><i>Existing law declares that certain provisions relating to urban water management planning are intended to provide assistance to water agencies in carrying out their long-term resource planning responsibilities to ensure adequate water supplies to meet existing and future demands for water. Existing law makes related legislative findings and declarations.</i></p> <p><b>This bill would make a technical, nonsubstantive change in those findings and declarations.</b></p>	

<p>SB 735 Wolk</p>		<p><b>This bill would exclude from the definition of “covered action” the approval or implementation of a project which is a part of a larger conservation plan submitted pursuant to the federal Endangered Species Act, a natural community conservation plan submitted pursuant to the Natural Community Conservation Planning Act, or certain permits related to the taking, importation, exportation, or sale of endangered or threatened species issued to specified entities located within certain counties.</b></p>	
<p>SB 749 Wolk</p>		<p><b><u>Habitat protection: endangered species.</u></b></p> <p><i>(1) Existing law authorizes the Department of Fish and Wildlife to enter into contracts or other agreements with nonprofit conservation groups, as specified, for the management and operation of department-managed lands, defined to include public shooting grounds, state marine recreational management areas, ecological reserves, and wildlife management areas.</i></p> <p><b>This bill would authorize the department to lease department-managed lands for agricultural activities, as specified. The bill would require the moneys collected from those agricultural leases to be used to support the maintenance and operations of department-managed lands from where the moneys were originally collected.</b></p> <p><i>(2) The California Endangered Species Act (CESA) requires the Fish and Game Commission to establish a list of endangered species and a list of threatened species, and requires the department to recommend, and the commission to adopt, criteria for determining if a species is endangered or threatened. Under CESA, an interested person may petition the commission to add a species to, or remove a species from, either the list of endangered species or the list of threatened species, and existing law requires the commission to consider the petition at a meeting, as prescribed.</i></p> <p><b>This bill, until January 1, 2017, would establish an alternate process for the review of a petition, including public hearings.</b></p> <p><i>(3) CESA also provides, until January 1, 2014, that the accidental take of candidate, threatened, or endangered species resulting from acts that occur on a farm or a ranch in the course of otherwise lawful routine and ongoing agricultural activities is not prohibited by the act.</i></p> <p><b>This bill would extend this exception to January 1, 2024, and would define “accidental” for these purposes.</b></p>	

		<p><i>(4) Existing law defines resident game birds and upland game bird species. Existing law permits the taking of certain nongame birds.</i></p> <p><b>This bill would require the policies and regulations of the department and the Fish and Game Commission to encourage the restoration and enhancement of upland nesting cover and associated waterfowl brood habitat on both public and private lands to support the production of resident waterfowl, upland game birds, and other birds. The bill would prohibit or otherwise restrict, unless expressly authorized by law, the establishment of these habitats for the purpose of propagating waterfowl or other protected birds without the concurrence of the department.</b></p>	
<p>SB 753 Steinberg</p>		<p><b><u>Central Valley Flood Protection Board: encroachments.</u></b></p> <p><i>Existing law provides for the Central Valley Flood Protection Board with the authority to construct and maintain various flood control works. Existing law authorizes the board, and the executive officer if delegated that authority, to issue an order directing a person or public agency to cease and desist from undertaking, or threatening to undertake, an activity that may encroach on levees, channels, or other flood control works under the jurisdiction of the board. Existing law requires the cease and desist order to be issued only if the person or public agency has failed to respond in a satisfactory manner to a prescribed notice provided as specified.</i></p> <p><b>This bill would authorize notice to be provided by posting a written notice on the structure or facility that would be the subject of the order.</b></p> <p><i>Existing law provides that a cease and desist order is effective upon its issuance and that copies are required to be served immediately by certified mail upon the person or agency subject to the order.</i></p> <p><b>This bill would authorize service of the cease and desist order by posting the order on the structure or facility that is the subject of the order.</b></p>	
<p>SB 783 De Leon</p>		<p><b><u>The California Clean Water, Safe Urban Parks, and Environmental Health Investment Act of 2014.</u></b></p> <p><i>Existing law enacts various programs pertaining to clean water and the establishment of public parks.</i></p> <p><b>This bill would make specific findings and declarations and would declare the intent of the Legislature to enact legislation that would improve the economy, the natural environment, and</b></p>	

		<b>increase and improve access opportunities to physical fitness, by enacting the California Clean Water, Safe Urban Parks, and Environmental Health Investment Act of 2014.</b>	

**OFFICE OF THE COUNTY ADMINISTRATOR  
CONTRA COSTA COUNTY**

TO:           Legislation Committee  
              *Supervisor Karen Mitchoff, Chair*  
              *Supervisor Mary N. Piepho, Vice Chair*

FROM:       Lara DeLaney, Interim Senior Deputy County Administrator

DATE:       March 30, 2013

SUBJECT:    **Agenda Item #5: Federal Issues Update**

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**RECOMMENDATION**

ACCEPT the report on federal issues and provide direction, as necessary.

**REPORT**

Lawmakers returned to the nation's capital the first week of March after a short break, and, as expected, sequestration took center stage. With the automatic, across-the-board budget cuts taking effect on March 1, members of Congress and the Obama administration officials blamed the other for failing to act to avert the indiscriminate cuts. Because the spending reductions must be achieved over only seven months instead of 12, the White House Office of Management and Budget (OMB) has advised that the effective percentage decreases will be approximately nine percent for nondefense programs and 13 percent for defense programs.

Aside from sequestration, lawmakers also were dealing with how to address spending for the remainder of fiscal year 2013, which began in October. The Senate approved an amended version of the House-passed Continuing Resolution (H.R. 933) on March 20, 2013, which the House quickly accepted on March 21st, clearing the bill for the President's signature. The Senate approved the bill by a vote of 73-26; the House vote was 318-109.

The bill continues funding for the federal government through the end of FY 2013 on September 30, 2013; the interim CR was set to expire on March 27th. The original House bill included two complete appropriations bills: Defense, and Military Construction and Veterans Affairs. The Senate bill added three more funding bills: Agriculture; Commerce, Justice, Science; and Homeland Security. The final bill retains the sequester cuts, providing about \$984 billion in FY13 spending, down from the \$1.043 trillion approved in FY 2012.

The Senate amendments included:

- an additional \$12.8 million to the Department of Agriculture to implement the Food Safety Modernization Act, and \$250 million extra for clean water and waste disposal projects in rural communities.

- In Commerce, Justice & Science (CJS) funding, \$15 million more for Byrne grants, and \$20 million more for COPS grants, which the Senate Appropriations Committee says will

support the hiring of 1,500 new police officers. The National Science Foundation also gets an additional \$221 million.

- Under the Homeland Security bill, first responder grants are increased by \$208 million, and \$33 million was added to support Fire grants for state and local governments to train and equip firefighters. An extra \$19 million is also provided for cyber security.

- Under the Labor, HHS, Education funding, the Senate bill provides an additional \$50 million for Child Care and Development Block Grants, which the Appropriations Committee says will support care for 9,000 more children, and adds \$33.5 million to Head Start funding. The bill also includes an additional \$71 million for research on cancer, Alzheimer's, diabetes, and other diseases.

- The Transportation and Housing appropriations will fully fund highways, transit, and road safety programs at the authorized levels, a difference of almost \$700 million.

In related news, there were signals from the White House that the president's fiscal year 2014 budget would be released in late March though it did not materialize. By law, the president is required to issue his budget proposal on the first Monday in February, but the administration has blamed the delay on a number of fiscal uncertainties, including the end of year fiscal cliff deliberations.

The budget delay has no doubt created challenges for lawmakers in both chambers who are drafting congressional budget resolutions. The deadline for the House and Senate to agree on a joint budget resolution is April 15.

The House adopted the GOP's fiscal 2014 budget resolution (H. Con. Res. 25) on Thursday, March 21, 2013 by a vote of 221-207. The legislation was sponsored by Budget Committee Chairman Paul Ryan (WI) and calls for reducing projected spending by \$4.6 trillion through cuts to domestic programs, repealing the Affordable Care Act, and overhauling the tax code. The House plan largely reflects the draft resolution approved by the House Budget Committee last week.

If enacted, the plan would limit domestic discretionary spending to about \$414 billion in fiscal 2014, more than \$50 billion less than it would be under the 2011 Budget Control Act and the automatic spending cuts that recently took effect. It also would limit defense discretionary spending to \$552 billion in fiscal 2014, which begins Oct. 1, essentially nullifying the sequester's effect on the Pentagon and applying those cuts to domestic programs. The plan would balance the budget in ten years, sooner than the plan Ryan proposed last year in part because of improved economic circumstances and tax increases enacted in the fiscal cliff deal at the beginning of the year.

Democrats, who largely voted against the resolution, accused the GOP plan of financing tax cuts for the wealthy by proposing raising taxes on the middle class. They also criticized the measure for cutting programs critical to protecting vulnerable populations.

On March 20, the House also voted down two Democratic alternatives to Ryan's plan and budget proposals from the Black Caucus, the Progressive Caucus, and the Republican Study Committee, including an alternative proposal by Rep. Chris Van Hollen (MD) which would balance the budget in 2040 and replace the sequester with a combination of revenue increases and alternative spending cuts.

The Senate began debating the competing Senate budget plan on March 20 and early on March 23 passed its first budget in four years. The 50-49 vote was a big victory for Senate Majority Leader Harry Reid (D-Nev.) and Senate Budget Chairwoman Patty Murray (D-Wash.), who had to overcome large differences within their caucus to push the resolution through.

Democrats had been dogged by criticism for failing to approve a budget resolution since 2009 and the vote removes that GOP talking point from the political scene.

In other developments, the House approved legislation (S 47) February 28 that would reauthorize the **Violence Against Women Act**. The bill, which the Senate endorsed on February 12, renews programs meant to reduce domestic violence, sexual assault, and stalking. It also helps support the victims of those crimes.

While the law has enjoyed broad bipartisan support in the past, the latest renewal had been mired in both partisan and policy fights. Republicans, in particular, have raised concerns about language included in S 47 that would extend domestic violence protections to lesbian, gay, bisexual, and transgender (LGBT) victims. Conservative members also expressed concern over provisions that would, for the first time, grant criminal jurisdiction to Native American courts over non-Indians. Opponents of the language argue that the provisions go too far by depriving defendants of constitutional rights and guaranteed protections afforded under the Bill of Rights.

Although House GOP leaders put forward an alternative bill, which did not include the LGBT protections and which included tribal language that would have provided delegated federal power to Native courts, the proposal was rejected.

In other news, a bipartisan group of lawmakers in both the House and Senate recently reintroduced **remote sales tax legislation**. The bill – the Marketplace Fairness Act of 2013 (S 336; HR 684) – would provide states with the authority to require out-of-state remote sellers to collect and remit sales and use taxes. It should be noted that this measure reconciles differences between three competing proposals (the Marketplace Equity Act of 2011; the Main Street Fairness Act of 2011; and the Marketplace Fairness Act of 2011) that were introduced in the last Congress.

The compromise bill includes a number of positive features that CSAC has advocated. For example, it provides an alternative to joining the Streamlined Sales and Use Tax Agreement (SSUTA). States like California that have not signed onto the SSUTA could instead choose to adopt a minimum set of simplification requirements. The legislation also would require retailers to collect the full destination rate – the applicable state and local tax rate – on remote sales. In addition, the bill includes language specifying that it would only apply to remote purchases and would have no effect on intrastate sales or intrastate sourcing rules. Retailers with less than \$1 million in annual remote sales would be exempt from the tax collection requirements.

**OFFICE OF THE COUNTY ADMINISTRATOR  
CONTRA COSTA COUNTY**

TO: Legislation Committee  
*Supervisor Karen Mitchoff, Chair*  
*Supervisor Mary N. Piepho, Vice Chair*

FROM: Lara DeLaney, Interim Senior Deputy County Administrator

DATE: March 30, 2013

SUBJECT: **Agenda Item #6: Congressman Mike Thompson’s Gun Violence Prevention Efforts**

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**RECOMMENDATION**

ACCEPT the report and provide direction, as necessary.

**REPORT**

On February 7, 2013, Congressman Mike Thompson (CA-5), chair of the House Gun Violence Prevention Task Force, announced the task force’s comprehensive set of policy principles designed to reduce gun violence while respecting the 2nd Amendment Rights of law-abiding Americans.

For nearly two months, the Gun Violence Prevention Task Force, under the leadership of Chairman Mike Thompson, met with people on both sides of the aisle and all sides of the issue to develop a comprehensive set of policy principles that respect the 2nd Amendment and will make our schools, neighborhoods, and communities safer.

The task force met with and solicited input from victims of gun violence and gun safety advocates; gun owners, hunters, and outdoor sportsmen; federal, state, and local law enforcement; educators and community workers; mental health experts and physicians; representatives of the motion picture, television, music, and video game industries; leaders in our faith communities; and representatives of gun manufacturers and retailers, as well as cabinet secretaries and the Vice President of the United States. The task force also met with Members of Congress from all sides of the issue, and held hearings in Washington, DC to consider ways to address this issue.

Chairman Thompson and the Gun Violence Prevention Task Force urge Congress to:

- **Support the 2nd Amendment rights of law-abiding Americans.** The United States Supreme Court affirmed individuals’ 2nd rights to firearms in *District of Columbia v. Heller* (2008). However, the Supreme Court also held that “the right secured by the Second Amendment is not unlimited,” Within the limits described by *Heller*, the federal

government has the responsibility to take appropriate steps to protect our citizens from gun violence.

- **Support citizens' rights to possess firearms for hunting, shooting sports, defense, and other lawful and legitimate purposes:** In the United States, there is a long tradition of hunting and recreational shooting, and firearms are often passed down within families from generation to generation. Policies passed by Congress should respect this.
- **Reinstate and strengthen a prospective federal ban on assault weapons:** These weapons are designed to fire a large number of rounds in a short period of time. They constitute a lethal threat to law enforcement and other first responders
- **Reinstate a prospective federal ban on assault magazines:** These magazines hold more than ten rounds and allow a shooter to inflict mass damage in a short period of time without reloading. Banning them will save lives.
- **Require a background check for every gun sale, while respecting reasonable exceptions for cases such as gifts between family members and temporary loans for sporting purposes:** It is estimated that four out of ten gun buyers do not go through a background check when purchasing a firearm because federal law only requires these checks when someone buys a gun from a federally licensed dealer. That would be like allowing four out of ten people to choose if they'd go through airport security. This loophole allows felons, domestic abusers, and those prohibited because of mental illness to easily bypass the criminal background check system and buy firearms at gun shows, through private sellers, over the internet or out of the trunks of cars.
- **Strengthen the National Instant Criminal Background Check System (NICS) database:** Immediate action is needed to ensure the information in the NICS database is up to date. Many federal and state agencies remain deficient in transferring important records to the database. Without the information, the background checks aren't complete. This needs to change.
- **Prosecute those prohibited buyers who attempt to purchase firearms and others who violate federal firearm laws:** Federal law bars nine categories of people—including felons and those prohibited because of mental illness—from buying guns. But when prohibited persons attempt to buy guns, they are hardly ever prosecuted. More can and must be done to make these investigations and prosecutions a priority.
- **Pass legislation aimed specifically at cracking down on illegal gun trafficking and straw-purchasing:** Straw-purchasing is when a prohibited buyer has someone with no criminal history walk into a gun store, pass a background check and purchase a gun with the purpose of giving it to the prohibited buyer. This puts guns in the hands of people who are prohibited from having them. Congress should pass a law that will put an end to this practice.
- **Restore funding for public safety and law enforcement initiatives aimed at reducing gun violence:** Congress should fund law enforcement's efforts to reduce gun violence, while supporting federal research into causes of gun violence. Put simply, there is no reason the Centers for Disease Control (CDC) or the National Institute of Health (NIH)

should be inhibited from researching the causes of gun violence. And there is no reason for the restrictions federal law places on our law enforcement officers' ability to track and combat the spread of illegal guns.

- **Support initiatives that prevent problems before they start:** Local communities should have assistance in applying evidence-based prevention and early intervention strategies that are designed to prevent the problems that lead to gun violence before those problems start.
- **Close the holes in our mental-health system and make sure that care is available for those who need it:** Congress must improve prevention, early intervention, and treatment of mental illness while working to eliminate the stigma associated with mental illness. Access to mental health services should be improved, the shortage of mental health professionals should be addressed, and funding should be made available for those programs that have proven to be effective.
- **Help our communities get unwanted and illegal guns out of the hands of those who don't want them or shouldn't have them:** Congress should help support and develop local programs that get unwanted guns off our streets. And Congress should work with states to develop programs that get guns out of the hands of those convicted of certain crimes or those prohibited because of mental illness.
- **Support responsible gun ownership:** Congress should support safety training, research aimed at developing new gun safety technologies and the safe storage of firearms.
- **Take steps to enhance school safety.** Congress must help all schools implement evidence-based strategies that support safe learning environments tailored to the unique needs of students and local communities. And Congress must work with all schools to develop emergency response plans.
- **Address our culture's glorification of violence seen and heard through our movie screens, television shows, music and video games:** Congress should fund scientific research on the relationship between popular culture and gun violence, while ensuring that parents have access to the information they need to make informed decisions about what their families watch, listen to, and play.

The full recommendations of the Gun Violence Prevention Task Force are included in *Attachment A*.

Congressman Mike Thompson represents California's 5th Congressional District, which includes all or part of Contra Costa, Lake, Napa, Solano and Sonoma Counties. He is a senior member of the House Ways and Means Committee and the House Permanent Select Committee on Intelligence. Rep. Thompson is also a member of the fiscally conservative Blue Dog Coalition and sits on the bipartisan, bicameral Congressional Wine Caucus.



# **113<sup>th</sup> Congress of the United States of America**

**It's Time To Act**

**A Comprehensive Plan That Reduces Gun Violence  
and Respects the 2<sup>nd</sup> Amendment Rights of  
Law-Abiding Americans**

**Gun Violence Prevention Task Force**

February 7, 2013

Congressman Mike Thompson (CA-05), Chair

## IT'S TIME TO ACT: A COMPREHENSIVE PLAN THAT REDUCES GUN VIOLENCE AND RESPECTS THE 2<sup>ND</sup> AMENDMENT RIGHTS OF LAW-ABIDING AMERICANS

### Executive Summary

On January 16, 2013, President Obama signed a series of executive actions that will have a meaningful impact on reducing gun violence. However, reducing gun violence cannot be the job of only one branch of government. The policies that will have the greatest impact require congressional action. It's time for Congress to act.

For nearly two months, the Gun Violence Prevention Task Force, under the leadership of Chairman Mike Thompson, has met with people on both sides of the aisle and all sides of the issue to develop a comprehensive set of policy principles that respect the 2<sup>nd</sup> Amendment and will make our schools, neighborhoods, and communities safer.

The task force met with and solicited input from victims of gun violence and gun safety advocates; gun owners, hunters, and outdoor sportsmen; federal, state, and local law enforcement; educators and community workers; mental health experts and physicians; representatives of the motion picture, television, music, and video game industries; leaders in our faith communities; and representatives of gun manufacturers and retailers, as well as cabinet secretaries and the Vice President of the United States. The task force also met with Members of Congress from all sides of the issue, and held hearings in Washington, DC to consider ways to address this issue.

There is no law or set of laws that will completely end gun violence, but that cannot be an excuse to do nothing. Chairman Thompson and the Gun Violence Prevention Task Force urge Congress to:

- **Support the 2<sup>nd</sup> Amendment rights of law-abiding Americans.** The United States Supreme Court affirmed individuals' 2<sup>nd</sup> rights to firearms in *District of Columbia v. Heller* (2008). However, the Supreme Court also held that "the right secured by the Second Amendment is not unlimited." Within the limits described by *Heller*, the federal government has the responsibility to take appropriate steps to protect our citizens from gun violence.
- **Support citizens' rights to possess firearms for hunting, shooting sports, defense, and other lawful and legitimate purposes:** In the United States, there is a long tradition of hunting and recreational shooting, and firearms are often passed down within families from generation to generation. Policies passed by Congress should respect this.
- **Reinstate and strengthen a prospective federal ban on assault weapons:** These weapons are designed to fire a large number of rounds in a short period of time. They constitute a lethal threat to law enforcement and other first responders.
- **Reinstate a prospective federal ban on assault magazines:** These magazines hold more than ten rounds and allow a shooter to inflict mass damage in a short period of time without reloading. Banning them will save lives.

- **Require a background check for every gun sale, while respecting reasonable exceptions for cases such as gifts between family members and temporary loans for sporting purposes:** It is estimated that four out of ten gun buyers do not go through a background check when purchasing a firearm because federal law only requires these checks when someone buys a gun from a federally licensed dealer. That would be like allowing four out of ten people to choose if they'd go through airport security. This loophole allows felons, domestic abusers, and those prohibited because of mental illness to easily bypass the criminal background check system and buy firearms at gun shows, through private sellers, over the internet or out of the trunks of cars.
- **Strengthen the National Instant Criminal Background Check System (NICS) database:** Immediate action is needed to ensure the information in the NICS database is up to date. Many federal and state agencies remain deficient in transferring important records to the database. Without the information, the background checks aren't complete. This needs to change.
- **Prosecute those prohibited buyers who attempt to purchase firearms and others who violate federal firearm laws:** Federal law bars nine categories of people—including felons and those prohibited because of mental illness—from buying guns. But when prohibited persons attempt to buy guns, they are hardly ever prosecuted. More can and must be done to make these investigations and prosecutions a priority.
- **Pass legislation aimed specifically at cracking down on illegal gun trafficking and straw-purchasing:** Straw-purchasing is when a prohibited buyer has someone with no criminal history walk into a gun store, pass a background check and purchase a gun with the purpose of giving it to the prohibited buyer. This puts guns in the hands of people who are prohibited from having them. Congress should pass a law that will put an end to this practice.
- **Restore funding for public safety and law enforcement initiatives aimed at reducing gun violence:** Congress should fund law enforcement's efforts to reduce gun violence, while supporting federal research into causes of gun violence. Put simply, there is no reason the Centers for Disease Control (CDC) or the National Institute of Health (NIH) should be inhibited from researching the causes of gun violence. And there is no reason for the restrictions federal law places on our law enforcement officers' ability to track and combat the spread of illegal guns.
- **Support initiatives that prevent problems before they start: Local communities should have assistance in applying evidence-based prevention and early intervention strategies that are designed to prevent the problems that lead to gun violence before those problems start.**
- **Close the holes in our mental-health system and make sure that care is available for those who need it:** Congress must improve prevention, early intervention, and treatment of mental illness while working to eliminate the stigma associated with mental illness. Access to mental health services should be improved, the shortage of mental health professionals should be addressed, and funding should be made available for those programs that have proven to be effective.

- **Help our communities get unwanted and illegal guns out of the hands of those who don't want them or shouldn't have them:** Congress should help support and develop local programs that get unwanted guns off our streets. And Congress should work with states to develop programs that get guns out of the hands of those convicted of certain crimes or those prohibited because of mental illness.
- **Support responsible gun ownership:** Congress should support safety training, research aimed at developing new gun safety technologies and the safe storage of firearms.
- **Take steps to enhance school safety.** Congress must help all schools implement evidence-based strategies that support safe learning environments tailored to the unique needs of students and local communities. And Congress must work with all schools to develop emergency response plans.
- **Address our culture's glorification of violence seen and heard through our movie screens, television shows, music and video games:** Congress should fund scientific research on the relationship between popular culture and gun violence, while ensuring that parents have access to the information they need to make informed decisions about what their families watch, listen to, and play.

Chairman Thompson is a gun owner, hunter, former co-chair of the Congressional Sportsman Caucus, supporter of the Second Amendment and a combat veteran who carried an assault rifle in Vietnam. He was joined on the Task Force leadership team by 11 vice chairs, representing a range of expertise and backgrounds from all corners of the House Democratic Caucus.

Vice-Chairs of the Task Force are:

- **Rep. Ron Barber (AZ)** – Congressman Ron Barber had a 30-year career with the Division of Developmental Disabilities in the Arizona Department of Economic Security before being elected to the United States Congress. Under his direction, the division improved services for families, while running one of the five most cost-efficient, high-quality programs in the country. After his retirement, Barber became district director for Congresswoman Gabrielle Giffords. He was standing next to her on Jan. 8, 2011 when a gunman opened fire at a Congress on Your Corner event. Barber was shot twice and critically wounded. When Congresswoman Giffords stepped down to focus on her recovery, Barber ran for the seat, winning the right to succeed her in office.
- **Rep. John D. Dingell (MI)** – Congressman John D. Dingell is the Dean of the House of Representatives and a senior member of the House Committee on Energy and Commerce. A lifelong outdoorsman and conservationist, Congressman Dingell is an avid hunter and sportsman and member of the Migratory Bird Conservation Commission. Congressman Dingell is also one of the primary authors of the National Instant Criminal Background Check System Improvement Amendments Act of 2007.

- **Rep. Elizabeth Esty (CT)** – Congresswoman Elizabeth Esty represents Newtown, Connecticut in Congress. In the wake of the Sandy Hook Elementary School tragedy, she has met with first responders, mental health professionals, educators, community leaders, and local elected officials in Newtown. She approaches the need for sensible gun policies as a community leader, attorney, and mother who has served as a room parent for a first-grade classroom. As a member of the Connecticut State House of Representatives, Esty advocated for commonsense legislation to reduce gun violence and keep families safe.
- **Rep. Chaka Fattah (PA)** – Congressman Chaka Fattah serves as the Ranking Member on House Appropriations subcommittee on Commerce, Justice, and Science. Fattah, a major supporter of the ATF, is deeply involved in issues dealing with firearms, public safety and law enforcement. In Philadelphia, PA, where he represents, Fattah created the successful gun buyback “Groceries for Guns” program that has removed thousands of dangerous, unwanted firearms from streets and homes of Philadelphians in exchange for grocery coupons.
- **Rep. Carolyn McCarthy (NY)** – Congresswoman Carolyn McCarthy, a lifelong nurse, focused her efforts to reduce gun violence after her husband was murdered and son critically wounded in the 1993 mass shooting on the Long Island Railroad in New York. Her activism led her to Washington, first to lobby members of Congress as an advocate for victims, and then as a member herself after running against her own Congressman who voted against the 1994 assault weapons ban. Today, McCarthy is the lead author of legislation to ban semiautomatic assault weapons and high-capacity ammunition magazines, close the gun-show loophole, strengthen our national background check database, and ban the anonymous bulk online sale of ammunition.
- **Rep. Grace Napolitano (CA)** – Congresswoman Grace F. Napolitano is the founder and co-chair of the Congressional Mental Health Caucus. In 2001, she secured funding to provide on-site mental health services for schools within her Congressional District, a program that has now expanded to 15 other area schools. Napolitano authored the Mental Health in Schools Act, which would implement on-site mental health services for schools on a national level, and each year has introduced legislation to recognize May as *National Mental Health Awareness Month*. In 2010, Napolitano created the bipartisan Congressional Mental Health Task Force, which includes notable figures such as: Los Angeles Laker, Metta World Peace; World Championship Boxer, Mia St. John, and Dancing with the Stars celebrity, Mark Ballas to help raise awareness about mental health, rid the stigma associated with mental illness, and encourage others to seek help.
- **Rep. Ed Perlmutter (CO)** -- Congressman Ed Perlmutter represents the 7th Congressional District of Colorado encompassing the northern and western suburbs of the Denver metro region. Residents of this district are diverse, moderate and middle of the road with their personal values, economics, and education. Perlmutter represented the City of Aurora, CO during the tragic movie theater shootings in July 2012. He also represented the area surrounding Columbine High School while serving in the Colorado State Senate. Perlmutter has extensive experience in Colorado working to create mandatory criminal background checks for all gun purchases, and during his time in the state Senate, he sponsored many crime control and victims' assistance measures.

- **Rep. David Price (NC)** – Congressman David Price is the Ranking Member of the House Appropriations subcommittee on Homeland Security, where he has worked to improve public safety and ensure first responders have access to the tools they need to protect our communities. As a member of the Congressional Mental Health Caucus, he has long supported robust funding for mental health services and was an early advocate for the Paul Wellstone Mental Health Parity Act, which became law in the 110th Congress. Rep. Price has also supported efforts to keep guns out of the hands of dangerous criminals and limit the sale of military-style weapons.
- **Rep. Bobby Scott (VA)** – Congressman Bobby Scott serves as the Ranking Member of the House Judiciary Subcommittee on Crime, Terrorism, and Homeland Security. He is a known leader of legislative efforts to reduce crime and prevent youth violence by advocating for comprehensive, evidence-based solutions. Towards this goal, he has introduced the Youth PROMISE Act. Following the Columbine tragedy, he co-led a bi-partisan effort to develop juvenile crime prevention and accountability legislation that resulted in the Juvenile Accountability Block Grant Program (JABG) legislation which passed into law in 2002. He has also co-led bipartisan efforts to enable the ATF to more effectively enforce gun sale and transfer regulations and to close the gun show loophole.
- **Rep. Jackie Speier (CA)** – Congresswoman Jackie Speier was Legislative Counsel to Congressman Leo Ryan in 1978 when she accompanied him to investigate the People’s Temple cult in Jonestown, Guyana. Congressman Ryan was assassinated, and Speier was shot five times at close range. She still carries two of the bullets in her body. Since that time, she has been a fierce advocate of preventing gun violence including authoring legislation to ban assault weapons while serving as a member of the California State Senate. She supports the 2<sup>nd</sup> Amendment, but also believes we cannot just blame this crisis on violent video games or mental illness. The proliferation of military style assault weapons and assault magazines are part of the problem, and should be banned. In addition, she believes it is essential that loopholes in the background check process be closed.
- **Rep. Bennie Thompson (MS)** –Congressman Bennie Thompson is an avid hunter and co-chair of the bipartisan Congressional Sportsman’s Caucus during the 113<sup>th</sup> Congress. Congressman Thompson has served as the lead Democrat on the House Committee on Homeland Security since 2007. Prior to his election to Congress, Congressman Thompson served as alderman and mayor of Bolton, Mississippi and as a supervisor in Hinds, County Mississippi.

## Introduction

On December 14, 2012, Adam Lanza reportedly killed his mother in her home in Newtown, Connecticut. Lanza then stocked his mother's car with firearms and drove to Sandy Hook Elementary School. Wearing a bulletproof vest and armed with hundreds of rounds of ammunition, he forced his way into the school and opened fire with a .223 Bushmaster semiautomatic assault rifle—equipped with 30-round large-capacity assault magazines—killing 26, including 20 students aged seven and younger. As police closed in, Lanza committed suicide by shooting himself with a handgun.

In the seven weeks since the mass shooting at Sandy Hook Elementary, more than 1480 Americans have been killed by gunfire.

In the wake of this senseless mass shooting, the leadership of the House Democratic Caucus convened this Gun Violence Prevention Task Force, led by Chairman Mike Thompson (CA-05) and eleven Vice Chairs who represent a cross section of positions on the issue of gun violence prevention. Our charge has been to explore the best available methods to address gun violence, to give stakeholders on all sides of this issue a voice in the debate, and to develop common sense principles to guide the U.S. House of Representatives as it works to answer important questions about reducing and preventing gun violence while respecting the Second Amendment rights of law-abiding Americans.

To develop these comprehensive principles, the Task Force solicited the input and testimony of victims of gun violence and gun safety advocates; gun owners, hunters, and outdoor sportsmen; federal, state, and local law enforcement; educators and community workers; mental health experts and physicians; representatives of the motion picture, television, music, and video game industries; leaders in our faith communities; and representatives of gun manufacturers and retailers. We have asked for and received specific policy proposals from Members of Congress. We have met regularly and often to reach the consensus reflected in this document.

The need for action cannot be overstated. Gun violence is a public health crisis of epidemic proportions. In one year, an average of over 100,000 Americans are shot. 32,000 of these individuals die. Nearly 12,000 of these are murdered, which is more than 32 Americans every day, and another 19,000 of these commit suicide using a gun.

Our constituents, our families, and our children deserve to be free from the threat of gun violence in their homes, their schools, and their neighborhoods. We can secure that freedom without encroaching on our constitutional rights. We must work to do so immediately.

**And we believe we can do so, by implementing these fifteen, common sense, principles:**

- I. The Second Amendment to the United States Constitution guarantees an individual's right to own and possess a firearm for lawful purposes unconnected to service in a militia, including self-defense within the home. The United States Supreme Court articulated this understanding of the law in *District of Columbia v. Heller* (2008). However, the Supreme Court also held that "the right secured by the Second Amendment is not unlimited," and specifically recognized the constitutionality of "prohibiting the carrying of dangerous and unusual weapons." Within the limits described by *Heller*, the federal government has the responsibility to take appropriate steps to protect our citizens from gun violence, and we respect the right of state and local governments to take additional steps to secure their communities. **Consistent with the *Heller* decision, we support the Second Amendment rights of law-abiding individuals.**
  
- II. Most firearms are legally purchased for legitimate purpose. In the United States, there is a long tradition of hunting and recreational shooting, and firearms are often passed down within families from generation to generation. In addition to our support for the rights protected by the Second Amendment, **we recognize that citizens may possess firearms for hunting, shooting sports, defense, and other lawful and legitimate purposes.**
  
- III. Military style semiautomatic assault weapons have been used in a number of mass shootings in our country's history, including the recent tragedies in Aurora, Colorado, and Newtown, Connecticut. These weapons are designed to fire a large number of rounds in a short period of time. They constitute a lethal threat to law enforcement and other first responders. **We support reinstating and strengthening a prospective, federal ban on the sale of additional assault weapons into the civilian market.**
  - This ban should target military style semiautomatic assault weapons whose risk to public safety outweighs any sporting or recreational purpose.
  - A permanent ban on these assault weapons would be prospective only, and would not apply to firearms already in the possession of lawful gun owners.
  - Nevertheless, future transfers of legally-owned assault weapons should be subject to a background check through the NICS system.

IV. Large capacity ammunition feeding devices, also known as high-capacity assault magazines, that allow a gun to fire more than 10 rounds without reloading, are designed for combat and military purposes, allowing them to be used to kill a large number of people in a short period of time. Limiting the capacity of magazines would allow law enforcement officials the opportunity to stop a crisis situation sooner and save lives. **We support reinstating a prospective federal ban on high-capacity magazines for non-military, non-law enforcement purposes.**

- High-capacity magazines have been used at nearly every mass shooting in the United States for the past thirty years, including at Virginia Tech (2007), Northern Illinois University (2008), Fort Hood (2009), Tucson (2011), Aurora (2012), Oak Creek (2012), and Sandy Hook (2012).
- A ban on large capacity ammunition feeding devices should prohibit the transfer, possession, and importation of such devices manufactured post-enactment, with exceptions for law enforcement and those authorized to test or experiment with such devices.
- Whether or not loaded into high-capacity magazines, armor-piercing bullets pose a particular risk to law enforcement officers and are not needed for civilian use. We support strengthening the laws against “cop killer” bullets.

V. Today, not all gun purchasers are required to undergo a background check before they are legally able to purchase a gun. Individuals purchasing a firearm have the option of going to a federal firearms licensee (FFL) where a background check will be required, or purchasing a firearm from a private seller without undergoing a check. This alternative has allowed an estimated 6.6 million guns, or about 40 percent of all gun purchases, to be sold each year without the benefit of a federal background check. One critical way to prevent prohibited persons, such as felons, domestic abusers, and those adjudicated ineligible due to mental status, from purchasing firearms is to ensure that the background check system has complete information on individuals that are prohibited from having guns. **We support requiring background checks for all firearms purchases and transfers, with limited exceptions.**

- It is essential that background checks be done quickly and effectively, recognizing both the urgent need for enhanced public safety and the rights of law-abiding gun purchasers.
- As is the case under current law, it is also important that any updated federal background check system not create a national gun registry.

- Finally, although no exception would permit the knowing transfer to anyone prohibited from possessing a firearm, we recognize the benefits of establishing some reasonable exceptions to a universal background check requirement, such as gifts or transfers between family members, inheritances, and temporary loans for sporting purposes.

VI. For the gun purchase background check process to be effective, it is essential that the National Instant Criminal Background Check System (NICS) has relevant and accurate information from all federal and state agencies regarding those prohibited from possessing firearms. Only with this information can NICS be an effective way to determine if a firearms purchaser is eligible to buy and own a gun. However, NICS is missing millions of relevant records due to lax and incomplete reporting by many federal and state agencies. **We support strengthening the NICS database and taking actions to make sure the information in it is up-to-date.**

- The NICS database should be strengthened in a number of ways, including:
  - Enacting new reporting requirements with respect to records indicating disqualification, such as felony convictions and mental health status adjudications, and shortening deadlines for state compliance;
  - Developing an effective and reasonable system to measure the progress of states in uploading records to NICS;
  - Improving reward and penalty provisions to better incentivize the states to share information with NICS;
  - Limiting the authority of the Attorney General to waive state penalties;
  - Clarifying existing mental health definitions; and,
  - Working with states to remove legal barriers that may prevent reporting mental health and other records to NICS.
- In addition, strengthening the NICS database should include working with states to make them aware of best practices for uploading records to NICS. This effort could include a campaign to make states aware of National Criminal History Improvement Program, which can provide states with funds to improve technology and better facilitate the upload of critical records.

VII. In order for current and future gun laws, including the use of comprehensive background checks, to be maximally successful, we must prosecute those who break the law. Strict enforcement of the law better protects the public from dangerous criminals, many of whom have provided false or incomplete information to licensed firearm dealers. **We support increased prosecutions of persons who violate federal firearms law.**

- Congress must provide the Department of Justice with additional resources to support increased prosecutions of individuals who lie on background check forms and those who engage in other firearms-related crime, and we encourage enhanced cooperative efforts between federal, state, and local law enforcement to pursue firearms criminals.
- We support making more resources available to the Bureau of Alcohol, Tobacco, Firearms, and Explosives (BATFE) to help them properly investigate and responsibly develop cases, and urge the Senate to confirm a permanent Director of BATFE.
- We support additional research to assess and improve the technological means for law enforcement to investigate firearms crimes.
- Finally, we support proactive, community policing strategies to reduce gun violence in all of our communities.

VIII. Every year, hundreds of thousands of guns enter the illegal market and wind up on our streets and in our communities. Many enter the market through straw purchasers who buy guns from licensed dealers on behalf of criminals, theft of weapons which may go unreported, and corrupt gun dealers, among other reasons. These activities put guns in the hands of persons who are prohibited from having them and those who intend to use them unlawfully. A high percentage of guns used by Mexican drug trafficking organizations come from the United States, and are often purchased, particularly in the Southwest Border states, by straw purchasers buying them on behalf of those planning to transport them to Mexico and elsewhere. Federal law does not adequately prohibit or punish these activities. **We support enacting a new federal law that explicitly prohibits gun trafficking and straw purchasing.**

- Under current federal law, straw purchasing is prosecuted through a statute that prohibits lying on federal firearms paperwork, an offense which does not adequately reflect the seriousness of the injection of firearms into the illegal market by straw purchasers.
- A new firearms trafficking statute should create stiff penalties for these serious crimes, but should not affect any legitimate gun owner's ability to buy or use a firearm.

IX. Over the last 20 years, Congress has imposed strict limitations on certain federal programs, law enforcement activities, and research related to gun violence and community safety. Congress has also sharply decreased funding for these activities. These limitations have hindered federal agencies and their state, local, and non-governmental partners from studying gun violence, minimizing gun violence, and enforcing the law. **We support restoring adequate federal funding to public safety programs and removing barriers that inhibit the use of federal funds on gun violence prevention and research.**

- Congress must protect and increase funding for programs that are designed to help make our neighborhoods and schools safer. These programs include (1) the Edward Byrne Justice Assistant Grant (JAG) Program; (2) Community Oriented Policing Service (COPS) Program; (3) NICS Improvement Program; (4) the Office of Juvenile Justice and Delinquency Prevention (OJJDP); and (5) the Secure Our Schools Program.
- It is imperative for federal agencies to collect data and conduct research on gun violence. Sound scientific information will inform better policy decisions and improve both public health and public safety. Current funding restrictions, which on their face prevent only advocacy for gun control, has had the consequence of chilling all federal research on gun violence. Specifically, we must:
  1. Remove the Dickey Restrictions. Since 1996, Congress has prohibited the Centers for Disease Control (CDC) from using taxpayer funds to “advocate or promote gun control,” leading CDC to effectively halt all research into the causes and prevention of gun violence. Research of this nature does not inherently constitute advocacy for or the promotion of gun control, and we support funding federal efforts to conduct science-based, peer-reviewed research into the causes of gun violence in our communities.
  2. Remove the Rehberg Restrictions. In 2011, Congress extended the Dickey prohibition to research conducted by the National Institutes of Health (NIH). Gun violence is a public health and safety issue, and research into methods to improve public safety could help to identify the causes of gun violence and strategies to prevent gun violence.
- Under the Patient Protection and Affordable Care Act, a wellness or health promotion activity cannot require the disclosure or collection of any information relating to the lawful use, possession or storage of a firearm or ammunition by an individual. Some have interpreted this to mean that doctors and other healthcare providers cannot talk with their patients about guns and gun safety, or warn law enforcement authorities about specific threats of violence. Congress should clarify this provision to make clear that it does not prohibit communication between doctors and patients about gun safety, or the reporting of direct and credible threats of violence to the proper authorities.

- The Tiahrt Amendments place a number of different restrictions on federal, state, and local law enforcement authorities that hinder their ability to track and combat the spread of illegal guns. These restrictions primarily: (1) require the destruction of NICS background check records within 24 hours; (2) prevent ATF from requiring that federally licensed dealers perform physical inventory checks to detect lost or stolen guns; (3) restrict access to firearm trace or multiple gun sales report data to local and state enforcement authorities; and (4) prohibits the release of gun trace data except in the course of a criminal investigation. In the aggregate, these restrictions hinder law enforcement's ability to track sellers of illegal guns, track gun trafficking patterns, and catch firearms dealers who falsify their records. We should remove the Tiahrt Amendments because they unnecessarily restrict the ability of law enforcement to maintain public safety.
- X. Each day, an average of 47 children and youth are shot, and 8 of them die from their wounds. Another 5 children die each day from abuse or neglect. Comprehensive, evidence-based prevention and early intervention strategies directed toward at-risk youth and families have been scientifically proven to prevent such violence and abuse in a highly cost-effective manner. **We support initiatives that will enable local communities to apply evidence-based prevention and early intervention strategies that contribute to the health, productivity and safety of children, families and the community.**
- Comprehensive, evidence-based prevention and intervention programs directed toward at-risk youth and families both reduce crime and save money. We support these programs. They should be administered according to a plan developed by representatives from local law enforcement, schools, court services, social services, health and mental health services, businesses, and other community organizations.
  - We fear that the more commonly taken approach of addressing crime with “tough on crime” strategies after the crimes occur is not only ineffective, but also very costly.
  - The U.S. leads the world in incarceration rate and spends over \$80 billion a year in incarceration and other correctional costs. By intervening in communities before crimes occur, we can recoup these costs in addition to saving lives.

XI. The vast majority of people living with mental illness are not violent and are far more likely to be victims of crime than perpetrators of crime. If undiagnosed and/or left untreated, mental illness can have serious implications for the individual, their families, and our communities. Early prevention and detection are key to ensuring early and appropriate care, and increases in mental health resources, treatment, and care are critical components to building a stronger mental health system for all Americans. **We support increasing awareness, prevention, early identification, and treatment of mental illness, improving access to mental health services, and efforts to eliminate the stigma associated with mental health diagnosis and treatment.**

- We must ensure mental health parity. Specifically, we urge the Administration to fully enact mental health parity without delay. Doing so will ensure that insurance companies do not discriminate against those with a mental illness.
- More must be done to address the issue of stigma related to mental illness. We must begin a national dialogue on the issue of mental health and wellness to properly educate individuals on what mental health is, how to recognize warning signs and risk factors, and how to access mental health services and resources.
- We must fund and prioritize evidence-based programs and practices for School Based Mental Health Programs. Doing so provides for on-site behavioral health services in schools K-12, while funding prevention and early intervention services to help identify the onset of mental illness at an early age, and providing access to on-site mental health professionals that can adequately address the needs of students. This effort must also include expanded mental health services and resources for post-secondary schools.
- We must also adequately fund mental health programs related to military service members, veterans, and minority communities. All Americans should have access to these essential services and resources.
- Additional efforts must be made to expand the mental health care network generally, including to institutional based and community based mental health treatment specifically. This should include greater investment in Federally Qualified Behavioral Health Centers, among others.
- We must also fund and deploy effective jail diversion programs to better address and identify the appropriate mental health and rehabilitation services for federal and state inmates who have a diagnosable mental health problem. This is essential to address mental health and wellness needs, deter recidivism rates, and to prevent the improper incarceration for those living with a mental illness.

- Congress must also ensure that successful programs, like mental health first aid training, are made available for students, parents, educators, faculty and staff, law enforcement, emergency response personnel, community faith leaders, and others who interact with at-risk populations. These training programs will allow for a greater understanding of mental health warning signs, risk factors, addressing the mental health stigma, and how to access critical mental health resources.
- It is also necessary that our families, schools, and communities have the resources and training they need to put in place evidence-based emergency protocols to address school violence and mental health crisis situations as soon as they develop.
- We are very concerned about the shortage of mental health professionals. We fear that this shortage has contributed to the current mental health crisis by limiting access to resources and services, especially in rural areas. Congress must provide the funding necessary to help increase the mental health workforce, especially for those mental health professionals who work with children, youth, military, veterans, and minority communities; provide adequate pay for mental health professionals; and increase the number of mental health professionals who are educated, trained, and licensed to work with those currently being underserved.
- We also firmly believe that regular assessments should be made on mental health information sharing and program funding to ensure these programs' effectiveness over time.
- Finally, more must be done to work with the media on how to address the subject of mental health and to ensure that the public is properly informed on this important issue. The media is a powerful tool and if done correctly, can reach a high number of Americans to get them the information needed about mental health resources and to eliminate the stigma associated with mental illness.

XII. Many of our citizens possess unneeded, unwanted, or illegally owned firearms. These firearms include weapons that are no longer being used and are now unwanted by their owner and guns currently owned by once legal gun owners who have become prohibited from owning a firearm at some point after their background check. It is also essential that those who wish to remain gun owners have the legal and mental capacity to do so, and should that status change, that processes be in place to prevent guns from staying in the hands of those whose conduct or mental health make them ineligible to retain them. **We support reasonable efforts to get unneeded, unwanted, and illegal guns off our streets and out of our communities.**

- For years, local governments have been trying various strategies to better engage local communities in removing illegal or unused guns from their neighborhoods, such as illegal gun tip hotlines and voluntary gun buyback programs administered by municipalities or local law enforcement. Tip lines enable citizens to alert police (either anonymously or for reward) about illegal guns in their communities. Buyback programs, including those executed in cooperation with corporate or other partners, offer financial incentives to individuals who turn in their unwanted or unneeded guns.
- Congress should take measures to encourage state and local governments to use federal funds, such as those administered by the Departments of Justice (e.g. Byrne Justice Assistance Grant Program), and others, for innovative and voluntary gun violence reduction programs such as illegal gun tip hotlines and gun buyback programs.
- Over time, gun owners may lose their eligibility to possess a weapon under state or federal law, often because of criminal activity or mental health issues. Innovative programs designed to facilitate the disposal of firearms held by prohibited persons can prevent gun violence. The federal government should encourage states to create and utilize programs that allow local law enforcement to assist gun owners who do not have the legal capacity to own them, in the sale or transfer of their illegal firearms.

XIII. The majority of firearms are owned and safely operated by responsible gun owners who take seriously their responsibility to our communities. Many gun owners already take it upon themselves to be trained and exercise gun safety best practices. However, more can and must be done to help gun owners make informed decisions about the safe storage and use of their guns in order to prevent gun violence. Improved efforts should be made to ensure current gun safety technologies are being deployed, while research must also be done to develop new gun safety technologies. **We support the enhancement and promotion of gun safety and owner responsibility.**

- It is essential to start a new national dialogue on responsible gun ownership, which should include a national public service announcement campaign. We should conduct this campaign in coordination with gun owner organizations and other stakeholders. The dialogue should include discussion of the safe storage of firearms, the use of trigger locks and gun safes, steps gun owners should take if their firearm is lost or stolen, and resources pertaining to mental illness and gun ownership, among others.
- We also believe that the federal government should take additional steps to assist in the development and deployment of technology that could minimize gun violence. Specifically, the federal government should encourage in the development and testing of new gun safety technologies and offer greater incentives to encourage the use of currently available safety technologies, like trigger locks, gun safes, and other safe storage options.

- These efforts should not come at the expense of other important conservation programs that are used and closely linked to hunting and shooting sports. This includes programs supported by the Pittman-Robertson Wildlife Restoration Act, the Federal Duck Stamp Program, and the Dingell-Johnson Act, among others. These are long-standing programs that play an essential role in wildlife and habitat protection that must be continued uninterrupted.

XIV. Our schools must be safe environments where teachers, faculty and students can focus on teaching and learning without concerns of any type of violence that detracts from the positive growth of students. While gun violence in schools is rare, any violence in schools is too much and must be addressed. All schools should implement an evidence-based approach to supporting a safe learning environment that is tailored to the unique needs of the students and local communities. To ensure the physical security of our schools, schools should develop safety and emergency response plans to address the physical and emotional safety of all students. Teachers, faculty and other personnel should have the training and supports to implement those plans, including for responding to crisis situations. School policies should go beyond just securing our buildings and campuses and promote a positive school climate that meets both the learning and emotional needs of all students. **We support comprehensive measures to address the physical and emotional safety of students, faculty and staff.**

- While actions to promote safety and prevention at the school level are essential, these policies must be implemented in tandem with comprehensive gun violence prevention initiatives.
- Elementary, secondary and post-secondary schools should collaborate with local community groups to develop and implement a comprehensive, evidence-based safety plan. These groups should include parents, teachers, faculty, student organizations, community based health centers, first-responders and law enforcement. To help facilitate the development and continued implementation of these safety plans, a mechanism should also be established to provide training and research to assist schools at all levels, and to disseminate to them educational public safety information and best practices.
- Meeting the emotional needs of all students is essential to maintain a safe environment. Schools should prioritize policies and supports to promote a positive school climate, including anti-bullying programs and mental health supports.

- XV. Many Americans are concerned that television programs, movies, video games and other forms of media are starting to desensitize young Americans to violence, specifically gun violence, at a very early age. While we have a shared responsibility in this area, it is essential that parents, educators, and our communities at large are aware of and use the tools available to them and that those tools are sufficient to help make informed decisions about the content exposed to our children. While recent scientific research has not demonstrated a causal relationship between modes of entertainment and violence, more research should be done, including with the backing of uninterested government scientists and experts. **We support making available more information about content choices to our parents and communities, and urge that further scientific research be conducted on possible relationships between the depiction of violence in entertainment media and gun violence in our communities.**
- The CDC and other impartial research entities should supplement existing research on the relationship between video games, the media, and gun violence.
  - The entertainment and video game industries have a responsibility to give parents the tools to make appropriate choices about what their children watch and play. It is clear to us that these industries take this responsibility seriously. However, as new technologies emerge and new entertainment platforms are developed, Congress must continue to work with these industries to ensure that their efforts remain successful.

**House Gun Violence Prevention Task Force Background:**

On December 19, 2012, Democratic Leader Nancy Pelosi announced the formation of the House Gun Violence Prevention Task Force and appointed Representative Mike Thompson (CA-05) as chair. The Task Force was charged with developing a comprehensive approach to reduce gun violence and strengthen our nation's gun laws, and to present this plan by early February, 2013.

In the weeks that followed, Chairman Thompson, in consultation with the Task Force leadership team consisting of eleven Vice Chairs representing a range of expertise and backgrounds from all corners of the House Democratic Caucus, worked with their House colleagues and all stakeholders to identify possible solutions to be included in the Task Force's final recommendations. As the Task Force developed these recommendations, their standard was simple: everyone must be at the table, and everything must be on the table for consideration.

It was agreed that for a policy principle to be included in the Task Force's final recommendations, that principle must be supported by at least two-thirds of the 12 member Task Force leadership team. After a series of meetings, public hearings, and lengthy deliberations, each of the 15 policy principles included in this plan met that two-thirds threshold.

On Thursday, February 7, 2013, Chairman Thompson, and the Gun Violence Prevention Task Force leadership team, formally announced their comprehensive plan to reduce gun violence.

**House Gun Violence Prevention Task Force Leadership Team:**

Chair: Mike Thompson (CA-05)

Vice-Chairs: Ron Barber (AZ-2); John Dingell (MI-12); Elizabeth Esty (CT-5); Chaka Fattah (PA-2); Carolyn McCarthy (NY-4); Grace Napolitano (CA-32); Ed Perlmutter (CO-7); David Price (NC-4); Bobby Scott (VA-3); Jackie Speier (CA-14); Bennie Thompson (MS-2)