



California, Leading the National Conversation on Gun Safety

Beth Cone

June 2, 2022

GUN VIOLENCE – “California leads this national conversation. When California moves, other states move in the same direction.” -- Gov. Newsom

Under the leadership of Gov. Gavin Newsom, California is on the path to expanding its role as a leader in gun safety, while states with the weakest gun laws continue to ease restrictions. For example, Texas has continued to loosen its gun restrictions, including the passage of permitless carry in 2021.

The Lone Star State has had eight mass shootings over the past thirteen years.

According to the most recent data from U.S. Centers for Disease Control, in 2020, California had the seventh lowest gun death rate in the United States, with 8.5 deaths per 100,000. In comparison, Mississippi, which has the weakest gun laws in the country, has 28.6 gun deaths per 100,000.

A Rating

The Giffords Law Center for Prevent Gun Violence tracks and analyzes gun laws each year, assigning a letter grade that also correlates with CDC gun death rates. California receives an A rating from the group, with a top gun safety strength rating of 1 in 50.

Conversely, the CATO Institute, a Libertarian think tank, ranks California as number 49 in the worst states for gun owners.

Extreme Risk Laws

California was one of the earliest states to adopt Extreme Risk or Red Flag laws, which have been enacted in only 19 states. In 2014, the state’s Extreme Risk Protection Order (ERPO) law was enacted, which has been in effect since January 1, 2016. The ERPO law authorizes law enforcement and other eligible petitioners to file petitions for gun violence restraining orders, a civil court order that temporarily suspends access to firearms and ammunition for people found to pose a significant risk to themselves or others.

California has the strongest gun laws in the United States and has been a trailblazer for gun safety over the past 30 years—Giffords Law Center

What California does well:

- Universal background checks
 - Extreme risk protection orders
 - Domestic violence gun laws
 - Assault weapon and magazine restrictions
 - Waiting periods
 - Strong concealed carry law
 - Minimum age laws
 - Open carry regulations
-
- Safe storage laws
 - Community violence intervention funding
 - Lost & stolen firearm reporting
 - Ghost gun ban
 - Gun dealer regulation
 - Local authority to regulate firearms
 - State firearm sale records retention
 - Gun violence research funding

(From Giffords Law Center website)

***Gov. Newsom and State Legislature Measures to Expand Gun Safety**

Guns are now the leading cause of death for kids in America. While the U.S. Senate stands idly by and activist federal judges strike down commonsense gun laws across our nation, California will act with the urgency this crisis demands.

The Second Amendment is not a suicide pact. We will not let one more day go by without taking action to save lives.--Gov. Newsom

Following the Uvalde shooting, Gov. Newsom, Senate President pro Tempore Toni G. Atkins (D-San Diego), and Assembly Speaker Anthony Rendon (D-Lakewood) announced the state will expedite gun safety laws.

An initial package of bills the Governor has committed to signing include restrictions of firearms advertising to minors; restrictions on ghost guns, parts, and kits; a private right of action to limit the spread of illegal assault weapons and ghost guns; and empowering private citizens to file lawsuits against those who traffick in illegal weapons in the state.

AB-2571 (Bauer-Kahan)—Restricts advertising of firearms to minors

Last amended April 2022

Passed out of Assembly May 23, 2022

48 Ayes, 16 Noes, 14 NVR

Moves to Senate

Note: In February 2022, now bankrupt gun manufacturer Remington Arms reached an unprecedented \$73 million settlement with survivors of Sandy Hook shooting victims over the

company's marketing practices. Daniel Defense, the manufacturer of the AR-15 used by the Uvalde shooter, has featured children in its advertising and licenses products and apparel to appeal to minors.

AB-1594—Firearm Industry Responsibility Act, allows civil suits (Ting, Gipson, Ward)

Last amended May 23, 2022

Passed out of Assembly May 26, 2022

50 Ayes, 20 Noes, 8 NVR

Moves to Senate

This bill would allow “members of the California public who are harmed by a firearm industry member’s violation of law, and public officials acting on behalf of the people of California, to bring legal action to seek appropriate justice and fair remedies for those harms in court.”

AB-1621 (Gipson)—Restricts ghost guns, parts, and kits used to build them

Last Amended March 2022, Revised April 2022

Passed out of Assembly May 25, 2022

63 Ayes, 0 Noes, 15 NVR

Moves to Senate

Bill builds upon President Biden’s recently finalized federal rule on unserialized ghost guns; ensures parts and kits used to build ghost guns cannot be sold in California until, and only, if they are regulated as firearms under federal law.

AB-1624 includes a provision to allow people in possession of unserialized guns to get them serialized within six months of effective date so that all firearms in California can be properly traced.

Note: “Ghost guns are unregulated firearms that anyone—including minors and prohibited purchasers—can buy and build without a background check. Ghost guns are unserialized and untraceable firearms that can be bought online and assembled at home.—Brady United

SB-1384—Firearms dealer requirements

Last amended April 2022

Passed on Senate Floor May 24, 2022

27 Ayes, 9 Noes, 4 NVR

Updates requirements for licensed firearms dealers in California. Requires employees to undergo annual training targeted to prevent gun trafficking and other dangerous sales; strengthens security requirements, including surveillance and comprehensive alarm systems

SB-1327 (Hertzberg and Portatino)—Firearms private rights of action

Last amended April 2022

Passed on Senate Floor May 24, 2022

24 Aye, 10 Noes, 6 NVR

Modeled after the Texas “Heartbeat Law,” the bill authored by Sen. Robert Hertzberg (D-Van Nuys), would allow California residents to file civil lawsuits against anyone within the state who “manufactures or causes to be manufactured, distributes, transports, or imports into the state, or causes to be distributed or transported or imported into the state or offers or exposes for sale, or gives or lends any firearm lacking a serial number as required by law, as well as assault weapons, .50 BMG rifles, or firearm precursor parts used to make ghost guns.

The bill would make these provisions inoperative upon invalidation of the Texas law, and would repeal provisions on January 1 of the following year.

Since Uvalde, there have been 17 mass shootings in the U.S. as of May 31, leaving at least 13 dead and 70 injured, according to the Gun Violence Archive. As I write this column, the Supreme Court is expected to issue its first Second Amendment opinion in over a decade, ruling on New York state’s limits on concealed carry of handguns. Legal experts expect the New York law to be invalidated, which may have ramifications for gun safety measures across the country.

However, with the hopeful passage of California’s slate of gun safety bills, our state will continue to be a trailblazer, protecting our residents and driving action in other states.