

Date of Hearing: May 11, 2022

ASSEMBLY COMMITTEE ON APPROPRIATIONS

Chris Holden, Chair

AB 2883 (Ting) – As Amended April 28, 2022

Policy Committee: Public Safety

Vote: 7 - 0

Urgency: No

State Mandated Local Program: No

Reimbursable: No

SUMMARY:

This bill establishes a pilot program, beginning July 1, 2023, for the Department of Justice (DOJ) to send letters to any firearm owner in the city of San Jose, apprising them of any new local code or ordinance pertaining to firearms. This bill also requests an evaluation of the pilot program be conducted by the UC Davis California Firearm Violence Research Center (FVRC). Specifically, this bill:

- 1) Requires the DOJ update specified firearm information about current laws and regulations on its website at least once annually.
- 2) States that San Jose will provide the content of the letter, subject to the DOJ's approval, and specifies that any such approval will not constitute an endorsement or averment of the local ordinance.
- 3) States that San Jose will be liable for any costs incurred by the DOJ in processing and mailing the letters.
- 4) Allows San Jose to reduce program costs by suspending or limiting notifications, as specified.
- 5) Prohibits the DOJ from providing any firearm owner's personal identifying information to San Jose.
- 6) Requires the DOJ to provide the FVRC with any data necessary to conduct the evaluation.
- 7) Requests the FVRC to prepare and submit a report to the Legislature containing an evaluation and any relevant policy recommendations by January 1, 2029.

FISCAL EFFECT:

Costs (General Fund) of an unknown, but likely significant amount, in excess of \$150,000 annually, in additional staff workload and possible infrastructure to the DOJ to review letters, notify residents of San Jose about new firearms regulations and provide information to the FVRC. This bill requires the City of San Jose to reimburse the DOJ for any costs. However, the City of San Jose may decide not to cover the cost of sending letters resulting in an unfunded state mandate.

COMMENTS:1) **Purpose.** According to the author:

AB 2883 would ensure gun owners know the local ordinances so that gun ownership can be as safe as possible by requiring the Department of Justice (DOJ) to notify gun owners of local gun-safety ordinances, when a local government contracts with the DOJ to do so.

2) **Background.** In 2007, an interagency group comprised, in part, of the DOJ, the Los Angeles Police Department (LAPD), and the Los Angeles City Attorney's Office, collaborated to conduct research oriented towards understanding the workings of illegal gun markets in Los Angeles. Research found that sending a letter did not seem to result in deterring straw purchases, but it did find a statistically significant increase in the number of stolen firearms reports. The study found that those who received a letter reported their gun stolen at more than twice the rate of those that did not receive the letter.

This bill also requires the DOJ to provide the FVRC any information necessary to conduct an evaluation of the pilot program. Last year, the Legislature enacted AB 173 (Committee on Budget), Chapter 253, Statutes of 2021 which required the DOJ to provide data to the FVCR regarding specified firearms ownership. Several individuals filed suit in federal court alleging violations of, among other things, California privacy rights and the Consumer Protection Act. (Doe v. Bonta (S.D. Cal. Jan. 20, 2022, No. 22-cv-10-LAB (DEB)) 2022 U.S. Dist. LEXIS 10965, at *2.) Litigation is ongoing. This bill expressly prohibits the DOJ from providing any personal information about firearms owners to the City of San Jose, but does not require the FRCV to maintain the confidentiality of any personal information.

3) **Related Legislation.**

- a) AB 1594 (Ting) authorizes the DOJ, local governments and survivors of gun violence to file a civil action for damages in a California court against a gun manufacturer, importer or dealer that violates firearm industry standards of conduct, as specified. AB 1594 is pending in this committee.
- b) AB 2253 (Bonta) establishes the Office of Gun Violence Prevention (OGVP) within the DOJ to address gun violence as a public health crisis and develop a strategy for incorporating a public health approach to address gun violence. AB 2253 is pending in this committee.
- c) AB 2571 (Bauer-Kahan) prohibits firearm industry members from marketing or advertising firearm-related products to minors and authorizes the DOJ or any city or county attorney and injured plaintiffs to bring a civil action to enforce the prohibition. AB 2571 is pending in this committee.