

Date of Hearing: April 26, 2022
Counsel: Mureed Rasool

ASSEMBLY COMMITTEE ON PUBLIC SAFETY
Reginald Byron Jones-Sawyer, Sr., Chair

AB 2883 (Ting) – As Amended April 20, 2022

As Proposed to be Amended in Committee

SUMMARY: Establishes a pilot program requiring the California Department of Justice (DOJ) to send letters to firearm owners in the city of San Jose, apprising them of any new local code or ordinance pertaining to firearms and requests an evaluation of the pilot program be conducted. Specifically, **this bill:**

- 1) Requires the DOJ update specified firearm information on its website at least once annually.
- 2) Requires the DOJ, upon request from the City of San Jose, to mail annual notification letters to recent firearms purchaser living within the jurisdiction commencing July 1, 2023.
- 3) Provides that the letters will include information of a new code or ordinance as it relates to firearms, and any other information potentially helpful to the firearm owner.
- 4) States that San Jose will provide the content of the letter, subject to DOJ's approval, and specifies that any such approval will not constitute an endorsement or averment of the local ordinance.
- 5) States that San Jose will be liable for any costs incurred by the DOJ in processing and mailing the letters.
- 6) Allows San Jose to reduce program costs by suspending or limiting notifications, as specified.
- 7) Prohibits the DOJ from providing any firearm owner's personal identifying information to San Jose.
- 8) Requests the UC Davis California Firearm Violence Research Center (Research Center) to conduct an evaluation of the pilot program.
- 9) Requires the DOJ to provide the Research Center with any data necessary to conduct the evaluation.
- 10) Requests the Research Center to prepare and submit a report containing an evaluation and any relevant policy recommendations by January 1, 2029.
- 11) Repeals all previous provisions on January 1, 2030.

EXISTING LAW:

- 1) Requires firearms to be centrally registered at the time of transfer or sale by way of transfer forms centrally compiled by the DOJ. The DOJ is required to keep a registry from data sent to the DOJ indicating who owns what firearm by make, model, and serial number and the date thereof. (Pen. Code, §11106, subds. (a) & (c).)
- 2) Requires that, upon receipt of the purchaser's information, the DOJ shall examine its records, as well as those records that it is authorized to request from the State Department of Mental Health, in order to determine if the purchaser is prohibited from purchasing a firearm because of a prior felony conviction or because they had previously purchased a handgun within the last 30 days, or because they had received inpatient treatment for a mental health disorder, as specified. (Pen. Code, § 28220.)
- 3) Allows the DOJ to require the dealer to charge each firearm purchaser a fee not to exceed \$14, except that the fee may be increased at a rate not to exceed any increase in the California Consumer Price Index as compiled and reported by the Department of Industrial Relations. This fee, known as the Dealer's Record of Sale Entry System (DROS or DROS fee), shall be no more than is necessary to fund specific codified costs. (Pen. Code, § 28225.)

FISCAL EFFECT: Unknown

COMMENTS:

- 1) **Author's Statement:** According to the author, “Thousands of Californians own guns, and many more purchase guns every day, most often for personal safety. Yet, when people do not know how to safely store and handle firearms, gun ownership can put people at higher risk of injury or even death, rather than protect them. Some local ordinances go further than state law to protect the public by ensuring safe gun ownership, yet gun owners do not always know about such ordinances. 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) **Previous Study on DOJ Letters to Gun Owners:** 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. (Ridgeway et al. (Aug. 27, 2010) *Intervening in Gun Markets: An Experiment to Assess the Impact of Targeted Gun-Law Messaging*. <<https://www.rand.org/pubs/reprints/RP1429.html>> [as of Apr. 20, 2022].)

The study’s primary goal was to evaluate whether sending letters informing new gun buyers of existing gun laws could modify their behavior. (*Id.* at 104.) From May 2007 to September 2008, the study focused on two neighborhoods in particular. (*Ibid.*) These two neighborhoods were known for having large numbers of residents legally buying guns that ended up being recovered as crime guns in the possession of other individuals. (*Id.* at 105.) When a resident located in one the neighborhoods purchased a firearm, DOJ would notify the LA City Attorney’s office, and letters were randomly sent to approximately half of such purchasers. (*Id.* at 105, 107.) This letter, among other things, outlined the requirements for properly

transferring a firearm, and reminded recipients that it noncompliance was a crime. (*Id.* at 108.)

Ultimately the experiment found that sending the letter did not seem to result in deterring straw purchases, but it did find a statistically significant increase in reporting stolen firearms. (*Id.* at 106.) 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. (*Ibid.*)

This bill would require similar letters be mailed to firearm owners in San Jose apprising them of new local ordinances created by the city of San Jose, and any other information assisting them in complying with city ordinances. Presumably, this would lead to greater compliance with local ordinances.

- 3) **Argument in Support:** According to the sponsor, the City of San Jose, “Gun violence is a public health crisis. A 2015 study published in the Journal of Urban Health revealed that over **4.6 million American children live in a household where a gun is kept unlocked and loaded.** Approximately 72% of gun injuries occur at home, causing 500 deaths and 26,000 injuries through unintentional shootings. In the City of San José, there have been nearly 4,000 public safety incidents involving firearms in the last four years alone. The City recently passed the nation’s first gun liability insurance ordinance and continues to take bold action to reduce gun violence. However, we know that more can be done.

“AB 2883 would assist the City of San Jose in its efforts to educate firearm owners of their rights and responsibilities related to firearm ownership. It would allow the City to mail firearm-owning City residents information related to the City’s gun liability insurance ordinance, helping inform the City’s residents about this new policy’s requirements.”

4) **Related Legislation:**

- a) AB 2033 (Smith), would extend, through January 1, 2031, the duration for a license to carry a concealed firearm (CCW) from a maximum of two years to a maximum of four years. AB 2033 will be heard in this committee today.
- b) AB 2551 (McCarty), would require the DOJ, upon notification that a specified prohibited person attempted to purchase a firearm, to notify local authorities in the jurisdiction where the prohibited person resides of such attempt. AB 2551 is currently pending in the Assembly Appropriations Committee.

REGISTERED SUPPORT / OPPOSITION:

Support

Mayor of San Jose Sam Liccardo

Opposition

None

Analysis Prepared by: Mureed Rasool / PUB. S. / (916) 319-3744