

SENATE THIRD READING
SB 417 (Blakespear)
As Amended June 26, 2023
Majority vote

SUMMARY

Modifies one of the signs that firearm dealers are required to post on their premises so that it includes a statement regarding the risks of access to a firearm in the home.

Major Provisions

- 1) Requires the warning sign to contain a statement regarding how access to a firearm in a home significantly increases the risk of suicide, death, injury during domestic violence disputes, the unintentional death and traumatic injury to individuals in the house, and to provide the Suicide and Crisis Lifeline number.
- 2) Requires that firearm dealers post the sign in a conspicuous location on the counter of one of their main gun displays or within five feet of the cash register.
- 3) States that, if it is impossible to post the sign on the counter of a main gun display or within five feet of the cash register, the firearm dealer must otherwise post the sign in a conspicuous location.
- 4) Prohibits the sign from being posted on the floor or ceiling, and requires that it be on a contrasting background.
- 5) Specifies that the word "Warning" must be on the sign and must be on a separate line above the other text.
- 6) Specifies that the informational statement regarding suicide must be placed below the word "Warning" and above the other text on the sign.

COMMENTS

- 1) *Presence of a Firearm in the Home*: It is a popular belief that having a firearm in the home provides a form of security against potential intruders, however, that benefit may be overstated. One study of the National Crime Victimization Survey of 14,000 incidents indicates that firearms are used for self-protection in less than one percent of all crimes that take place in the presence of a victim. (Hemenway et al. *The epidemiology of self-defense guns use: evidence from the National Crime Victimization Surveys 2007-2011*. (Apr. 21, 2015) <<https://pubmed.ncbi.nlm.nih.gov/25910555/>> [as of Jun. 5, 2023].) In turn, there has been a growing body of research demonstrating that owning a firearm in a home actually increases the chance of a firearm-related injury or death occurring that are not related to self-defense situations. (The Trace. *Will a Gun Keep Your Family Safe? Here's What the Evidence Says*." (hereafter *The Trace Article*) (Apr. 7, 2020.) <<https://www.thetrace.org/2020/04/gun-safety-research-coronavirus-gun-sales/#:~:text=How%20does%20gun%20violence%20impact%20communities%3F%201%20Having,home%2C%20too%20%E2%80%94%20and%20more%20homicides%20overall%20>> [as of Jun. 5, 2023].)

For example, one study indicated that having a firearm in the home was associated with almost a three times increased risk of homicide by a family member or intimate acquaintance. (Kellermann et al. *Gun Ownership as a Risk Factor for Homicide in the Home*. (Oct. 7, 1993) <<https://www.nejm.org/doi/full/10.1056/NEJM199310073291506>> [as of Jun. 5, 2023].) Another study found that the presence of a firearm during domestic violence incidents significantly increased the risk of homicide and, aside from endangering the victim, also endangered other family members, bystanders, and even coworkers. (Campbell et al. *Risk Factors for Femicide in Abusive Relationships: Results From a Multisite Case Control Study*. (Oct. 10, 2011.) <<https://ajph.aphapublications.org/doi/full/10.2105/AJPH.93.7.1089>> [as of Jun. 5, 2023]; United States Department of Justice (U.S. DOJ) *Firearms and Domestic Violence: The Intersections* (hereafter *Firearms and Domestic Violence*) (Dec. 13, 2016) <<https://www.justice.gov/archives/ovw/blog/firearms-and-domestic-violence-intersections>> [as of Jun. 5, 2023].)

Specific to California, one study spanning from 2004 to 2016 of approximately 18 million Californians, found that living with a handgun owner was associated with a substantially elevated risk for dying by homicide. (Studdert et al. *Homicide Deaths Among Adult Cohabitants of Handgun Owners in California, 2004 to 2016*. (Apr. 5, 2022) <<https://web-s-ebscohost-com.proxy.library.ca.gov/ehost/pdfviewer/pdfviewer?vid=0&sid=7184e0f4-44cc-466b-a421-9cba231ee648%40redis>> [as of Jun. 5, 2022] at p. 804.) According to the study's author, one of the novel features of the study was that it compared people residing in the same neighborhood, which helped ensure that local conditions such as crime rates and economic conditions had minimal impact on the outcome. (TIME. *Owning Guns Puts People in Your Home at Greater Risk of Being Killed, New Study Shows*. (Jun. 3, 2022) <<https://time.com/6183881/gun-ownership-risks-at-home/>> [as of Jun. 5, 2023].)

Existing law requires firearm dealers to numerous signs, including a sign on suicide. This bill would update and modify that sign so that it also informs prospective firearm owners about the risks associated with having a firearm in the home, including an increased risk of suicide, death, injury during domestic violence disputes, and the unintentional death and traumatic injury to individuals in the house. Warning signs in relation to cigarettes have been proven more or less effective ensuring purchasers make an informed decision before making a purchase. (World Health Organization. *Encouraging health warnings on tobacco packaging*. <<https://www.who.int/europe/activities/encouraging-health-warnings-on-tobacco-packaging>> [as of Jun. 7, 2023].) Presumably, educating prospective firearm purchasers of the potential dangers related to owning a firearm will also help ensure they make an informed decision.

- 2) *Effects of this bill*: Existing law requires firearm dealers in California to post their suicide prevention notice in a conspicuous location in the premises. (Penal Code Section (PEN) 26835(b)) This bill, in part, would require firearm dealers to post their warning notice conspicuously within their licensed premise, and further states that the notice must be placed on the counter of one of the main gun displays or within five feet of the cash register. This bill also states that if a firearm dealer cannot place the notice as specified, they must post the notice conspicuously. Finally, this bill would specify that the statement cannot be placed on the floor or ceiling of the premise.

The specificity of these requirements do bring in to question what issue they are seeking to solve. Are firearm dealers not posting signs in a conspicuous enough location? Under current law, a firearm dealer can have their license revoked by failing to do so. (PEN 26800.) This

matter is not discussed in the support letters for this bill, and this committee could not find readily available information on this issue. Is this an issue that the California Department of Justice (DOJ), who inspects firearms dealers for regulatory compliance, cannot otherwise resolve? Although the location of a warning is important, as mentioned above, without more information provided, is this particular portion of the bill overly prescriptive?

According to the Author

"Despite claims from the gun industry that firearm ownership keeps us safe, the evidence tells a different story. The overwhelming research points to the fact that access to a firearm in the home significantly increases the risk of suicide, death during domestic violence disputes, and the unintentional death of children and household members. This bill updates existing posting requirements and is an important public health measure to educate consumers about the risks of firearm ownership, and the availability of resources to people who are in crisis and may consider harming themselves or others."

Arguments in Support

According to *Everytown for Gun Safety*, "Despite claims from the gun industry that firearm ownership keeps us safe, the evidence tells a different story. The overwhelming research points to the fact that access to a firearm in the home significantly increases the risk of suicide, death during domestic violence disputes, and the unintentional death of children and household members. It is imperative that consumers are able to make fully informed decisions about a firearm purchase, and the warning sign language required by this bill is based in strong evidence:

- 1) Access to a gun triples the risk of death by suicide.
- 2) Access to a gun doubles the risk of death by homicide.
- 3) Access to, or "the presence of," a gun in a domestic violence situation makes it five times more likely that the woman will be killed.
- 4) Every year, 350 children under the age of 18 gain access to a firearm and unintentionally shoot themselves or someone else.

This bill is an important public health measure to educate consumers about the risks of firearm ownership

Arguments in Opposition

None on file.

FISCAL COMMENTS

Unknown. This bill is keyed non-fiscal by the Legislative Counsel.

VOTES

SENATE FLOOR: 32-4-4

YES: Allen, Archuleta, Ashby, Atkins, Becker, Blakespear, Bradford, Caballero, Cortese, Dodd, Durazo, Eggman, Glazer, Gonzalez, Hurtado, Laird, Limón, McGuire, Menjivar, Min, Newman, Ochoa Bogh, Padilla, Portantino, Rubio, Skinner, Smallwood-Cuevas, Stern, Umberg, Wahab, Wiener, Wilk

NO: Alvarado-Gil, Dahle, Jones, Niello

ABS, ABST OR NV: Grove, Nguyen, Roth, Seyarto

ASM PUBLIC SAFETY: 7-0-1

YES: Jones-Sawyer, Alanis, Bonta, Bryan, Ortega, Santiago, Zbur

ABS, ABST OR NV: Lackey

UPDATED

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