

LEGISLATIVE PROGRAM COMMITTEE
Advocacy Position on SB 505 (Jackson):
Firearm Check Prior to Well-Being Check

County of Santa Barbara
Board of Supervisors Hearing
August 19, 2014



Overview of Senate Bill 505

- This item is on the agenda for the Board of Supervisors to consider taking action on SB 505 (Jackson).
- On August 4, 2014, the Legislative Program Committee (LPC) directed staff to bring SB 505 (Jackson) to the Board of Supervisors for consideration.
- The LPC is not recommending a position on this legislation and has requested that the Board of Supervisors consider taking an advocacy position or taking no position and communicating that position to the bill's author, members of the legislature including, but not limited to, the County legislative delegation, appropriate committee chairs and the Governor.



Key Points

- **“Every law enforcement agency in this state shall develop, adopt, and implement written policies and standard protocols pertaining to the best manner in which to conduct a welfare check, when the inquiry into the welfare or well-being of the person is motivated by a concern that the person may be a danger to others or to himself or herself. These policies shall encourage that whenever possible and reasonable, a peace officer or officers shall first conduct a search of the Department of Justice Automated Firearms System via the California Law Enforcement Telecommunications System, to determine whether the person is the registered owner of any firearm before conducting the welfare check. For purposes of this subdivision “reasonable” shall mean that the officer could conduct the gun registry check without it being unduly burdensome to the execution of their duties, there are no exigent circumstances demanding immediate attention, and the peace officer has access to or can reasonably ascertain relevant identifying information.”**
- Existing law allows a person to be taken into custody for a period of 72 hours for crisis intervention when probable cause exists.
- Attorney General is required to maintain a registry of specified information of concerning the sale, lease, or transfer of firearms.
- This bill would, provided that sufficient identifying information is available or could be ascertained through reasonable efforts, require a peace officer who is asked to check, or checks on well-being of an individual based on a concern that the individual is a danger to others, or to himself or herself, first conduct a search of the Department of Justice Automated Firearms System (AFS).
- The bill also allows police to waive the mandated gun database check if exigent circumstances exist. However, exigent circumstances have not been defined as a part of the legislation.



Key Points

- ***Support of Proposed Legislation:***
 - Law Center to Prevent Gun Violence
 - Brady Campaign to Prevent Gun Violence
 - Los Angeles District Attorney

 - ***Opposition to Proposed Legislation:***
 - None registered as of the drafting of this report

 - ***Watch Positon on Proposed Legislation:***
 - The California State Sheriff Association has taken a “watch” positon at this time due to the mandate imposed. The Santa Barbara County Sheriff’s Department is continuing to watch this legislation yet is not prepared to take a positon at this time.
- Status:***
- This bill is currently in Assembly Appropriations.



Recommended Actions

That the Board of Supervisors:

Option 1

- Take no position on Senate Bill 505 (Jackson) Firearm Check Prior to Well-Being Check;
- Find that the proposed actions do not constitute a “Project” within the meaning of California Environmental Quality Act, pursuant to 14 CCR 15378(b)(2), as it consists of general policy and procedure making.

Option 2

- Take an advocacy position (support, watch or oppose) on Senate Bill 505 (Jackson) Gun check prior to well-being check;
- Direct staff to forward, and authorize the Chair to sign, a letter stating the Board’s decision to the legislative author, members of the legislature including, but not limited to, the county legislative delegation, appropriate committee chairs and the Governor; and,
- Find that the proposed actions do not constitute a “Project” within the meaning of California Environmental Quality Act, pursuant to 14 CCR 15378(b)(2), as it consists of general policy and procedure making.



Thank you.

