

Senate Bill 505

Peace Officers: Gun Check Prior to Well-Being Check

Senator Jackson

SUMMARY

SB 505 requires that peace officers check the state's gun database, the Automated Firearms System, to ascertain whether an individual for whom they are conducting a well-being check has purchased guns or is a registered gun owner.

SB 505 only requires that police check the gun database in those instances where the well-being check is motivated by a concern that the subject of the well-being check is potentially a danger to self or others.

The bill also allows police to waive the mandated gun database check if exigent circumstances exist.

BACKGROUND

On April 30, 2014, a week after uploading videos lamenting his social status in Isla Vista, Elliot Rodger was visited by police who were there to ascertain Rodger's well-being. This well-being check was prompted by a mental health professional's contact with police following interaction between Elliot's mother and the mental health professional.

Law enforcement interaction with Elliot Rodger during the well-being check was largely uneventful as Rodger did little to suggest anything was amiss.

On May 23, 2014, Elliott Rodger killed 6 people and then committed suicide, following a shooting spree in which many others were injured. Three of those killed were shot with semiautomatic handguns legally purchased and registered in the state's gun database.

SOLUTION -

If law enforcement would have searched the state's gun database they would have known that Elliot Rodger had purchased three handguns within the last year and a half. Although law enforcement would not

have had the legal authority to immediately seize Elliott Rodger's three guns, had they known about them, a gun database search could have provided additional information that might have helped them better assess the situation. Law enforcement could potentially have requested that Rodger surrender the weapons or asked him further questions that might have changed the direction of their conversation with him.

SB 505 will help ensure that peace officers have pertinent information about gun ownership when conducting a well-being check in those instances where the check is motivated by a concern that the subject is potentially a danger to self or others, providing law enforcement with more information with which they can assess a potentially dangerous situation, protecting not only public safety, but also the safety of officers involved.

SUPPORT

**Law Center to Prevent Gun Violence
Brady Campaign to Prevent Gun Violence
Los Angeles District Attorney**

STATUS

In Assembly Appropriations.

CONTACT

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AMENDED IN ASSEMBLY JUNE 10, 2014

AMENDED IN SENATE MAY 28, 2013

AMENDED IN SENATE MAY 15, 2013

AMENDED IN SENATE APRIL 24, 2013

AMENDED IN SENATE APRIL 1, 2013

SENATE BILL

No. 505

Introduced by Senator Jackson

February 21, 2013

An act to ~~amend Section 51874 of the Education Code~~ *add Section 5150.6 to the Welfare and Institutions Code*, relating to ~~education technology~~ *welfare checks*.

LEGISLATIVE COUNSEL'S DIGEST

SB 505, as amended, Jackson. ~~Education technology~~. *Peace officers: welfare checks: firearms.*

Existing law allows a person to be taken into custody for a period of 72 hours for crisis intervention when probable cause exists that the person, as a result of a mental disorder, is a danger to others, or to himself or herself, or gravely disabled.

This bill would, except when exigent circumstances exist, require a peace officer who is asked to check, or checks on, the welfare or well-being of an individual based on a concern that the individual is a danger to others, or to himself or herself, to 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.

By imposing additional duties on local peace officers, this bill would impose a state-mandated local program.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that, if the Commission on State Mandates determines that the bill contains costs mandated by the state, reimbursement for those costs shall be made pursuant to these statutory provisions.

~~(1) Existing law creates, until January 1, 2014, the California Technology Assistance Project administered by the State Department of Education to provide a regionalized network of technical assistance to schools and school districts on the implementation of education technology. The California Technology Assistance Project is composed of regional consortia that work collaboratively with school districts and county offices of education to meet locally defined educational needs that can be effectively addressed with the use of technology. Existing law requires the State Board of Education to award grants to fund a school district or county office of education in each region of the California Technology Assistance Project to act as the lead agency to administer the services of that region. Existing law requires grant funding to be provided through the annual Budget Act.~~

~~This bill would provide that these provisions would remain in effect until January 1, 2019.~~

~~(2) Existing law requires the State Department of Education to administer specified provisions governing education technology and authorizes school districts, county offices of education, and state special schools to apply to the State Board of Education to participate in grant programs related to education technology. Existing law requires funding to be provided through the annual Budget Act to the Superintendent of Public Instruction to provide centralized statewide educational technology services that address locally defined needs and are more efficiently and effectively provided on a statewide basis. Under existing law, these provisions remain in effect until January 1, 2014.~~

~~This bill would instead provide that these provisions would remain in effect until January 1, 2019.~~

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: ~~no~~-yes.

The people of the State of California do enact as follows:

1 *SECTION 1. Section 5150.6 is added to the Welfare and*
2 *Institutions Code, to read:*

3 *5150.6. Except when exigent circumstances exist, if during the*
4 *discharge of his or her policing and community care taking*
5 *functions, a peace officer is asked to check, or checks on, the*
6 *welfare or well-being of a person, and the inquiry is motivated by*
7 *a concern that the person may be a danger to others, or to himself*
8 *or herself, the peace officer shall first conduct a search of the*
9 *Department of Justice Automated Firearms System via the*
10 *California Law Enforcement Telecommunications System, to*
11 *determine whether the person is the registered owner of any*
12 *firearm.*

13 *SEC. 2. If the Commission on State Mandates determines that*
14 *this act contains costs mandated by the state, reimbursement to*
15 *local agencies and school districts for those costs shall be made*
16 *pursuant to Part 7 (commencing with Section 17500) of Division*
17 *4 of Title 2 of the Government Code.*

18 ~~SECTION 1. Section 51874 of the Education Code is amended~~
19 ~~to read:~~

20 ~~51874. Sections 51871, 51872, 51873, this section, and the~~
21 ~~heading of this article shall remain in effect only until January 1,~~
22 ~~2019, and as of that date are repealed, unless a later enacted statute,~~
23 ~~that is enacted before January 1, 2019, deletes or extends that date.~~