



BOARD OF SUPERVISORS
AGENDA LETTER

Agenda Number:

Clerk of the Board of Supervisors
105 E. Anapamu Street, Suite 407
Santa Barbara, CA 93101
(805) 568-2240

Department Name: CEO
Department No.: 012
For Agenda Of: August 19, 2014
Placement: Departmental
Estimated Tme: 10 minutes
Continued Item: N/A
If Yes, date from: N/A
Vote Required: Majority

TO: Board of Supervisors
FROM: Department Legislative Program Committee, 568-3400
Director(s)
Contact Info: Terri Nisich, Assistant County Executive Officer, 568-3400 *Mary Nisich*
SUBJECT: Potential Advocacy Position on Legislation: SB 505 (Jackson) - Firearm Check Prior to Well-Being Check

County Counsel Concurrence

As to form: Yes

Auditor-Controller Concurrence

As to form: Yes

Other Concurrence: Risk Management

As to form: N/A

Recommended Actions:

That the Board of Supervisors:

Option 1

- a. Take no position on Senate Bill 505 (Jackson) Firearm Check Prior to Well-Being Check;
- b. 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

- a. Take an advocacy position (support, watch or oppose) on Senate Bill 505 (Jackson) Gun check prior to well-being check;
- b. 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,
- c. 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.

**Potential Advocacy Position on Legislation: SB 505 (Jackson) –
Firearm Check Prior to Well-Being Check**

August 19, 2014

Summary Text:

This item is on the agenda for the Board of Supervisors to consider taking action on SB 505 Jackson regarding firearm checks prior to well-being checks by law enforcement officers. On August 4, 2014, the Legislative Program Committee directed staff to bring SB 505 (Jackson) to the Board of Supervisors for consideration. The Legislative Program Committee 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.

Background:

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. In addition, under existing law, the Attorney General is required to maintain a registry of specified information concerning the sale, lease, or transfer of firearms, and to include in the registry specified data provided to the Department of Justice.

This bill would, except when exigent circumstances exist, and 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) via the California Law Enforcement Telecommunications System to determine whether the person is the registered owner of any firearm. 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.

The author's intent, citing the recent Isla Vista shootings, is to require law enforcement to use the existing AFS system by computer link or phone to determine the presence of guns prior to making safety checks on persons to determine if they are a danger to self or others. The bill author indicates that SB 505 will help ensure that 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.

Current law authorizes such firearm checks now, at the discretion of the officer and department policy. Checks are generally conducted via office or patrol car terminals, and are estimated to take three minutes. However, by making these checks mandatory, the State must pay for all such checks statewide. According to the bill analysis prepared by the Senate Appropriations Committee, extrapolating from the number of service calls by the Los Angeles County Sheriff's Office that would likely fall under this proposal, if Los Angeles City and County conducted 30 related welfare checks per day, total spending on such checks would be about \$140,000. Assuming Los Angeles City and County account for 33% of the state mandate, the statewide cost would be in the range of \$400,000.

Potential Advocacy Position on Legislation: SB 505 (Jackson) –
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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 Position on Proposed Legislation:

The California State Sheriff Association has taken a “watch” position 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 position at this time.

Status:

This bill is currently in Assembly Appropriations.

Fiscal and Facilities Impacts:

By potentially 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. 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 would be made pursuant to these statutory provisions.

Attachments:

Attachment A – SB 505 Legislative Language
Attachment B – SB 505 Fact Sheet

CC: