



**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 Time: 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
SUBJECT: Potential Advocacy Position on Legislation: SB 580 (Jackson) –Training and Enforcement of Existing Laws

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 580 (Jackson) Training and Enforcement of Existing Laws;
- 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 580 (Jackson) Training and Enforcement of Existing Laws;
- 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.

August 19, 2014

Summary Text:

This item is on the agenda for the Board of Supervisors to consider taking action on SB 580 (Jackson) regarding providing local law enforcement with training on the use of the statewide gun registry, taking guns out of the hands of those who illegally possess them as well as improving technology for the efficient processing of background checks, record keeping on ownership and monitoring of prohibited persons. On August 4, 2014, the Legislative Program Committee directed staff to bring SB 580 (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:

This bill is a companion bill to SB505 yet can exist independently. With this proposed legislation the author's intent is to provide additional resources to address the ongoing backlog of about 40,000 guns possessed by about 19,500 prohibited persons. Due primarily to state and local fiscal constraints, this backlog continues to grow. According to the author, although the Department of Justice (DOJ) and local law enforcement have the authority to confiscate these guns, they require additional resources to further reduce this backlog of weapons. The DOJ Armed Prohibited Persons System (APPS) is an online database that cross-references persons who possess a gun and who, subsequent to possession of that gun, become a member of the class of persons legally prohibited from possessing a gun. Law enforcement agencies may access APPS via stationary or mobile terminals and thus are able to identify persons prohibited from possessing a gun. This legislation:

- Appropriates \$5 million dollars from the Firearms Safety and Enforcement Special Fund (FSESF) to the Department of Justice (DOJ) for the 2014-15 fiscal year to contract with local law enforcement agencies to reduce the Armed Prohibited Persons System (APPS) backlog.
- Appropriates \$10 million from the FSESF over three years, beginning in 2014-15, to DOJ to redesign and update firearms computer systems, specifically the Firearms Information Gateway, APPS, the Basic Firearms Eligibility Check System, the Applicant Firearms Eligibility Check System, and the Integrated Document Retrieval System.
- Appropriates \$50,000 from the FSESF to DOJ for 2014-15 to provide APPS training to APPS local law enforcement agencies by June 1, 2015.

Currently, all felony convictions lead to a lifetime prohibition of firearms, while specified misdemeanors result in a 10-year prohibition. A person may also be prohibited due to a protective order, due to having been adjudicated as having a mental disorder, or as a condition of probation. If a person communicates to his or her psychotherapist a serious threat of physical violence against an identifiable victim, the person is prohibited from owning or purchasing a firearm for five years, starting from the date the psychotherapist reports to local law enforcement the identity of the person making the threat. If a person is admitted into a facility because that person is a danger to himself, herself, or to others, the person is prohibited from owning or purchasing a firearm for five years. According to DOJ, about half of the persons on the APPS are prohibited due to criminal history; about 30% due to mental health status, and about 20% due to active restraining orders.

August 19, 2014

Support of Proposed Legislation:

Brady Campaign to Stop Gun Violence
Law Center to Prevent Gun Violence
Partnership to End Domestic Violence
California District Attorney Association
California State Sherriff Association

Opposition to Proposed Legislation:

None registered as of the preparation of this report

Watch Positon on Proposed Legislation:

None registered as of the preparation of this report.

Status:

This bill is currently in Assembly Appropriations.

Fiscal and Facilities Impacts:

Attachments:

Attachment A – SB 580 Legislative Language
Attachment B – SB 580 Fact Sheet

CC: