

Date of Hearing: January 15, 2020

ASSEMBLY COMMITTEE ON EDUCATION  
Patrick O'Donnell, Chair  
AB 276 (Friedman) – As Amended January 6, 2020

**SUBJECT:** Pupil safety: parental notification: firearm safety laws

**SUMMARY:** Requires schools to inform parents and guardians of California's child access prevention and other laws relating to the safe storage of firearms. Specifically, **this bill:**

- 1) Requires school districts, county offices of education, charter schools, and private schools to inform parents and guardians of pupils, at the beginning of the first semester or quarter of the regular school term, of California's child access prevention laws and laws relating to the safe storage of firearms, as specified.

**EXISTING LAW:**

- 1) Requires governing boards of school districts to notify parents and guardians of minor pupils of specified items at the beginning of the first semester or quarter of the regular school term. (Education Code (EC) 48980)
- 2) Provides that a person is guilty of criminal storage of a firearm if the person keeps a loaded firearm within a premises with knowledge that a child (a person under 18 years of age) is likely to gain access to the firearm. (Penal Code (PEN) 25000 & 25100)
- 3) Makes it a crime to keep a handgun within a premises with knowledge that a child is likely to gain access if the child obtains access to the handgun and causes death or great bodily injury to the child or another person, or carries it to a public place. (PEN 25100 & 25200)
- 4) Requires licensees to conspicuously post within the licensed premises the following warnings, among others, in block letters not less than one inch in height:
  - a) "Firearms must be handled responsibly and securely stored to prevent access by children and other unauthorized users. California has strict laws pertaining to firearms, and you may be fined or imprisoned if you fail to comply with them. visit the website of the California Attorney General at <https://oag.ca.gov/firearms> for information on firearm laws applicable to you and how you can comply."
  - b) "If you keep a firearm within any premises under your custody or control, and a person under 18 years of age obtains it and uses it, resulting in injury or death, or carries it to a public place, you may be guilty of a misdemeanor or a felony unless you stored the firearm in a locked container or locked the firearm with a locking device to keep it from temporarily functioning."
  - c) "Children may be unable to distinguish firearms from toys and may operate firearms, causing severe injuries or death. If you keep a firearm within any premises under your custody or control, and a person under 18 years of age gains access to the firearm and carries it off-premises, you may be guilty of a misdemeanor, unless you stored the

firearm in a locked container, or locked the firearm with a locking device to keep it from temporarily functioning.”

- d) “You may be guilty of a misdemeanor, including a significant fine or imprisonment, if you keep a firearm where a minor is likely to access it or if a minor obtains and improperly uses it, or carries it off of the premises to a school or school-sponsored event, unless you stored the firearm in a locked container or locked the firearm with a locking device.”
- e) “If you negligently store or leave a firearm within any premises under your custody or control where a person under 18 years of age is likely to access it, you may be guilty of a misdemeanor, including a significant fine, unless you stored the firearm in a locked container or locked the firearm with a locking device.” (PEN 26835)

**FISCAL EFFECT:** Unknown.

**COMMENTS:**

***Need for the bill.*** According to the author, “There have been 45 school shootings in 46 weeks this year; four of which were in California. Gun violence is an urgent, complex, and multifaceted problem. Nearly 70% of student shooters gained access to a lawfully purchased gun from their residence or the residence of a relative, 87% of kids know where their parents' guns are kept, and 60% have handled them. Over 80% of teens who commit suicide with a gun used one that belonged to someone in their home, and guns are the third leading cause of death for kids. It is time we ensure firearms are safely stored away from children and teens, as they are required to be. This is a recommendation from Superintendent Thurmond, Los Angeles City Attorney Mike Feuer, and is already required by many school districts across the state. Many school districts do not have the necessary tools to ensure parents have accurate, clear, and timely information when it comes to safe firearm storage. Safe storage saves lives. Let’s give all parents the resources they need to keep our kids safe.”

***Minors access to firearms in their homes.*** Recent data suggests that 30% of American adults personally own a gun, and an additional 11% say they live with someone who does (Gramlich 2019). Approximately 7% of U.S. children, or 4.6 million children, live in homes in which at least one firearm is stored loaded and unlocked (Azrael 2018). This represents a significant increase since 2002, when an estimated 1.6 million children were estimated to live in homes with at least one loaded and unlocked firearm.

A study of children and parents in households containing guns found that 73% of children younger than 10 years old, and 79% of children between 10-14 years old, reported knowing the storage location of household guns. Conversely, 39% of parents reported their children did not know the storage location of household guns, and 22% reported that their children had never handled a household gun. These figures were contradicted by their children’s self-reports (Baxley 2006).

***Firearms are the second leading cause of death among children and youth.*** Nearly 40,000 Americans died of gun-related injuries in 2017, a 19% increase from 2012, and the highest annual total since the mid-1990s (Gramlich 2019). Firearm-related injuries were the second leading cause of death among children and adolescents, with 3,143 deaths representing 15% of deaths among this age group (Cunningham 2018). Of these, 59% were homicides, 35% were

suicides, and 4% were unintentional injuries, such as accidental discharge of a firearm. Between 2013 and 2016, there was a 28% increase in the rate of firearm deaths among children and adolescents. U.S. children and teens were 15 times more likely to die from a gun than children in 31 other high-income countries combined.

In 2017, gun violence claimed the lives of 3,410 children and teens in the U.S. Although Black children and teens made up 14% of this population, they accounted for 41% of all child and teen gun deaths in 2017. The gun death rate for Black children (11.2 deaths per 100,000) was nearly four times the rate for White children. American Indian/Alaskan Native children and teens had the second highest gun death rate at 5.6 deaths per 100,000 (Children's Defense Fund 2019, based upon data from the Centers for Disease Control and Prevention (CDC)).

A total of 18,201 children and teens were injured by guns in 2017, representing an increase of 6% from the prior year. Of these, 83% were the result of assaults, 15% were accidental, and 2% were self-inflicted.

***Firearms and school shootings.*** Although firearm violence in school settings makes up less than 1% of all suicides and homicides among school-aged children and adolescents, recent data shows increasing trends in school shooting incidents from 35 in 2013 to 64 in 2015. Data from research conducted by the CDC in the 1990s on school-associated violent deaths among students found that the majority of the firearms used in these events were obtained from perpetrators' homes or from friends or relatives. A federal report found that 68% of school shooters used guns from their own home or from the home of a relative (U.S. Secret Service, U.S. Department of Education, 2004).

***Benefits of child access prevention laws.*** According to the Giffords Law Center, child access prevention (CAP) laws impose criminal liability on adults who allow minors unsupervised access to firearms. A study that examined the impact of CAP laws over a four-year period found that in states where CAP laws had been in effect for at least one year, firearm deaths fell by 23% among children under 15 years of age (Cummings 1997). Another study found that CAP laws were associated with an 8% decrease in suicide among 14-17 year olds (Webster 2004).

***California actions to protect minors from unauthorized access to firearms.*** The California Department of Justice (DOJ) maintains information on its website relating to the need to keep firearms out of the hands of children and youth, including the following statement: "You may be guilty of a misdemeanor or a felony if you keep a loaded firearm within any premises that are under your custody or control and a child under 18 years of age obtains and uses it, resulting in injury or death, or carries it to a public place, unless you stored the firearm in a locked container or locked the firearm with a locking device to temporarily keep it from functioning."

Additionally, the DOJ website notes that "California recognizes the importance of safe storage by requiring that all firearms sold in California be accompanied by a DOJ-approved firearms safety device or proof that the purchaser owns a gun safe that meets regulatory standards."

In November of 2019, the Superintendent of Public Instruction released a letter to county and district superintendents and charter school administrators titled *Safe Storage of Firearms and School Safety and Security*, and included the following statements: "District and school administrators must help educate parents and guardians about California's child access prevention laws... This is an urgent request to inform your school community about the law regarding safe storage of firearms. Sample templates (in English and Spanish) for memoranda to

parents and guardians informing them of the laws in California regarding safe storage of firearms are available on the California Department of Education (CDE) Violence Prevention webpage. You may use these documents, or create your own, to help educate parents, guardians, and families of their legal responsibilities.”

At a local level, the Los Angeles Unified School District Board of Education adopted a “Safe Gun Storage Measure in June of 2019, requiring that a letter be sent home to parents and guardians in English and Spanish, to inform them about laws pertaining to safe gun storage. The measure also requires parents to sign a letter each year acknowledging their understanding of their firearm storage responsibilities, and requires schools to maintain these documents on file in a central location for three years.

**Arguments in support.** Brady United Against Gun Violence states, “Brady is the proud sponsor of Assembly Bill 276, introduced by Assemblymember Laura Friedman. School districts across the state including those in Los Angeles, San Diego, Glendale and Penn Valley have already decided to take this important step for their students’ safety. It is time our state followed suit. Brady has been a longtime advocate for safe storage and access prevention laws. These laws promote responsible gun-owning practices by requiring gun owners to keep their firearms out of the reach of others who could use the weapon to deadly effect. These laws help prevent tragedies due to unintentional discharges, suicide, and gun theft by creating an environment helping to ensure firearms are only used by their rightful owners. Passing comprehensive standards for safety devices and storage is extremely important; however, we are missing a crucial step when we don’t take the time to make the public aware, especially parents, of how vital it is to follow these lifesaving laws.”

**Recommended amendments.** *Staff recommends that the bill be amended as follows:*

- Move content to Education Code Section 48980 regarding annual notifications and specify that the department shall annually provide content to school districts, county offices of education, and charter school governing boards, to enable such notifications.
- Remove the requirement for private schools to notify parents and guardians.
- Add language providing immunity from civil liability for schools in the provision of this information.

**Related legislation.** SB 172 (Portantino), Chapter 840, Statutes of 2019, enacts a number of provisions related to firearms storage by (1) broadening criminal storage crimes; (2) adding criminal storage offenses to those offenses that can trigger a 10-year firearm ban; (3) creating an exemption to firearm loan requirements for the purposes of preventing suicide; among other changes.

AB 231 (Ting), Chapter 730, Statutes of 2013, created the crime of criminal storage in the third degree, which imposes liability if a person negligently stores or leaves a loaded firearm in a place where he or she knows, or reasonably should know, that a child is likely to access it.

SB 9 (Soto), Chapter 126, Statutes of 2011, expanded the scope of the storage of firearm laws by changing the definition of a child from a person under the age of 16 to a person under the age of 18, and created a misdemeanor for any person who negligently allows a child to access a firearm if the child then takes the firearm to school.

**REGISTERED SUPPORT / OPPOSITION:**

**Support**

Americans Against Gun Violence  
Brady United Against Gun Violence  
Cleveland School Remembers-Brady Campaign to Prevent Gun Violence Chapter  
NEVERAGAINCA  
Women Against Gun Violence

**Opposition**

None on file

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