

Date of Hearing: January 12, 2022

ASSEMBLY COMMITTEE ON EDUCATION
Patrick O'Donnell, Chair
AB 452 (Friedman) – As Amended January 3, 2022

SUBJECT: Pupil safety: parental notification: firearm safety laws

SUMMARY: Requires local educational agencies (LEAs) to annually inform parents or guardians of enrolled pupil of California's child access prevention laws and laws relating to the safe storage of firearms. Specifically, **this bill:**

- 1) Requires LEAs to inform parents or guardians of enrolled pupils of California's child access prevention laws and laws relating to the safe storage of firearms, at the beginning of each semester or quarter, as specified.
- 2) Requires the CDE, in consultation with the Department of Justice (DOJ), to develop, by July 1, 2023, concise content for the required notice and to share the content with all LEAs, as well as upon request from private schools.
- 3) Requires the CDE, in consultation with the DOJ, to update the content for the required notice as necessary for any changes in the law by July 1, 2024 and each July 1st thereafter.
- 4) Requires the CDE to share the original content of the notices as well as any updates with all LEAs, and upon request from any private school.
- 5) Establishes immunity from civil liability for LEAs and private schools for any damages arising out of these notification and content requirements.
- 6) Defines LEAs as school districts, county offices of education (COEs), and charter schools.
- 7) Defines a private school as a person, firm, association, partnership, or corporation offering or conducting private school instruction.

EXISTING LAW:

- 1) 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 is likely to gain access to the firearm. (Penal Code (PEN) 25100.)
- 2) Makes it a crime to keep a handgun within a premises with knowledge that a child or person prohibited from possessing a firearm is likely to gain access if the child or prohibited person obtains access to the handgun and carries it off premises. (PEN 25200.)
- 3) 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; and
 - 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)
- 4) 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)

FISCAL EFFECT: The Office of Legislative Counsel has keyed this bill as a possible state-mandated local program.

COMMENTS:

Need for the bill. According to the author, “AB 452 is a reintroduction of AB 276 from last year to ensure that firearms are safely stored away from children and teens. Guns are the third leading cause of death for kids in America. 75% of school shootings are facilitated by kids having access to unsecured and/or unsupervised guns at home. Every day, 8 children and teens are shot in instances of family fire — a shooting involving an improperly stored or misused gun found in the home resulting in injury or death. Unfortunately, the COVID-19 pandemic has only exacerbated this problem. Suicide rates are up in school-age children as they are spending longer periods of time unsupervised at home while experiencing increased levels of social isolation and depression with no access to the critical mental health services provided by their schools. This is a recommendation from State Superintendent Tony Thurmond and Los Angeles City Attorney Mike Feuer. The following school districts have either passed resolutions in support of a notification or already do the annual notifications: Los Angeles, San Diego, Glendale, Manhattan Beach, Culver City, Penn Valley, and Stockton. However, in order to keep kids and schools safe, a notification must be sent to every parent across the state on an annual basis.”

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 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, sponsor of the bill, notes “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 educate the public, and in particular parents, about these lifesaving laws. Nearly 70% of student shooters gained access to a lawfully purchased gun from their residence or that 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. Unfortunately, the COVID-19 pandemic has only exacerbated this problem. Children are spending longer periods of time unsupervised at home while experiencing increased levels of social isolation and depression with no access to the critical mental health services provided by their schools.”

Related legislation. AB 276 (Friedman) of the 2019-20 Session was substantially similar to this bill. The content was amended to a subject outside of the jurisdiction of the Assembly Education Committee.

SB 172 (Portantino), Chapter 840, Statutes of 2019, enacted a number of provisions related to firearms storage by broadening criminal storage crimes; adding criminal storage offenses to those offenses that can trigger a 10-year firearm ban; and 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

American Academy of Pediatrics, California
American Foundation for Suicide Prevention
Brady Campaign California
Brady Orange County
Brady United Against Gun Violence, Ventura County Chapter
California State PTA
City Attorney Mike Feuer, City of Los Angeles
City of Burbank
City of Solana Beach
Councilmember Paul Koretz, 5th District, City of Los Angeles
Everytown for Gun Safety Action Fund
Friends Committee on Legislation of California
Generation Up
Laguna Woods Democratic Club
Los Angeles Unified Board Member, Scott Schmerelson, District 3
Moms Demand Action for Gun Sense in America
Monterey County Office of Education
SafeStorageCa
San Diegans for Gun Violence Prevention
Students Demand Action for Gun Sense in America
The Violence Prevention Coalition of Orange County
Women Against Gun Violence

Opposition

None on file

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