
SENATE COMMITTEE ON PUBLIC SAFETY

Senator Nancy Skinner, Chair
2019 - 2020 Regular

Bill No: AB 645 **Hearing Date:** June 18, 2019
Author: Irwin
Version: March 6, 2019
Urgency: No **Fiscal:** Yes
Consultant: JK

Subject: *Firearms: Warning Statements*

HISTORY

Source: Author

Prior Legislation: AB 1927 (Bonta), 2018, vetoed
AB 1525 (Baker), Ch. 825, Stats. 2017

Support: Bay Area Student Activists; Brady California United Against Gun Violence; County Health Executives Association of California; Mayor of Los Angeles: Eric Garcetti; National Association of Social Workers- California Chapter; Ventura County Board of Supervisors

Opposition: Firearms Policy Coalition, Inc.; National Shooting Sports Foundation, Inc.

Assembly Floor Vote: 62 - 2

PURPOSE

The purpose of this bill is to require, as of June 1, 2020, a specified statement regarding suicide to be printed on the packaging and descriptive materials accompanying the sale of any firearm and requires the written test for the handgun safety certificate to cover the topic of suicide.

Existing law requires that the packaging of any firearm and any descriptive materials that accompany any firearm sold or transferred in this state, or delivered for sale in this state, by any licensed manufacturer, or licensed dealer, shall bear a label containing the following warning statement:

WARNING

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 Web site of the California Attorney General at <https://oag.ca.gov/firearms> for information on firearm laws applicable to you and how you can comply.

Prevent child access by always keeping guns locked away and unloaded when not in use. If you keep a loaded firearm where a child obtains and improperly uses it, you may be fined or sent to prison. (Pen. Code, § 23640 (a)(1).)

Existing law requires the packaging of any firearm and any descriptive materials yellow triangle containing an exclamation mark shall appear immediately before the word “Warning” on the label. (Pen. Code, § 23640 (a)(2).)

Existing law requires that if the firearm is sold or transferred without accompanying packaging, the warning label or notice shall be affixed to the firearm itself by a method to be prescribed by regulation of the Attorney General. (Pen. Code, § 23640 (b).)

Existing law requires the warning label to satisfy both of the following requirements:

- 1) It shall be displayed in its entirety on the principal display panel of the firearm’s package, and on any descriptive materials that accompany the firearm; and
- 2) It shall be displayed in both English and Spanish, in conspicuous and legible type in contrast by typography, layout, or color with other printed matter on that package or descriptive materials. (Pen. Code, § 23640 (c).)

Existing law punishes failure to comply with the warning label requirements with a fine of \$1,000. (Pen. Code, § 23645 (a).)

Existing law punishes a second failure to comply with the warning label requirements with a fine of \$1,000 and ineligibility to manufacture or sell firearms in the state for 30 days. (Pen. Code, § 23645 (b).)

Existing law punishes a third failure to comply with the warning label requirements with permanent ineligibility to manufacture or sell firearms in the state. (Pen. Code, § 23645 (c).)

Existing law defines “certified instructor” or “DOJ Certified Instructor” as a person designated as a handgun safety instructor by the Department of Justice (DOJ). (Pen. Code, § 16370.)

Existing law requires DOJ to develop firearm safety certificates to be issued by DOJ certified instructors to those persons who have complied with specified requirements. (Pen. Code, § 31655.)

Existing law requires DOJ to develop a written objective test, in English and in Spanish, and prescribe its content, form, and manner, to be administered by a DOJ certified instructor. (Pen. Code, § 31640 (a).)

Existing law requires that if the person taking the test is unable to read, the test shall be administered orally and if the person taking the test is unable to read English or Spanish, the test may be administered orally by a translator. (Pen. Code, § 31640 (b).)

Existing law requires the written test to cover, but not be limited to, all of the following:

- 1) The laws applicable to carrying and handling firearms, particularly handguns;

- 2) The responsibilities of ownership of firearms, particularly handguns;
- 3) Current law as it relates to the private sale and transfer of firearms;
- 4) Current law as it relates to the permissible use of lethal force;
- 5) What constitutes safe firearm storage;
- 6) Issues associated with bringing a firearm into the home; and,
- 7) Prevention strategies to address issues associated with bringing firearms into the home. (Pen. Code, § 31640 (c).)

Existing law requires, as of January 1, 2019, that the written test shall require the applicant to be provided with, and acknowledge receipt of, the following warning information:

- 1) 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 can be fined or imprisoned if you fail to comply with them. Visit the Web site of the California Attorney General at <https://oag.ca.gov/firearms> for information on firearm laws applicable to you and how you can comply.
- 2) If you decide to sell or give your firearm to someone, you must generally complete a ‘Dealer Record of Sale (DROS)’ form and conduct the transfer through a licensed firearms dealer. Remember, it is generally a crime to transfer a firearm without first filling out this form. If the police recover a firearm that was involved in a crime, the firearm’s previous owner may be prosecuted if he or she did not fill out the DROS form. Please make sure you go to a licensed firearms dealer and fill out that form if you want to sell or give away your firearm. (Pen. Code, § 31640 (d).)

This bill requires, as of June 1, 2020, the label on the packaging of any firearm and any descriptive materials that accompany any firearm sold or transferred in this state, or delivered for sale in this state, by any licensed manufacturer or licensed dealer, bear the statement that “If you or someone you know is contemplating suicide, please call the national suicide prevention lifeline at 1-800-273-TALK (8255).”

This bill requires a licensed firearms dealer to post conspicuously within the licensed premises the following warnings in block letters not less than one inch in height:

IF YOU OR SOMEONE YOU KNOW IS CONTEMPLATING SUICIDE, PLEASE
CALL THE NATIONAL SUICIDE PREVENTION LIFELINE AT 1-800-273-TALK
(8255).

This bill requires the handgun safety certificate test to cover issues associated with bringing a firearm into the home, including suicide.

This bill requires, as of January 1, 2019, that an applicant for the handgun safety certificate be provided with, and acknowledge receipt of, the warning information that “If you or someone you know is contemplating suicide, please call the national suicide prevention lifeline at 1-800-273-TALK (8255).”

COMMENTS

1. Need for This Bill

According to the author:

Although there is a strong connection between firearms and suicide, crucial and lifesaving information is currently not found at any point during the process of obtaining a firearm or after a firearm is brought home. A 2001 study on individuals who had survived a suicide attempt found that 24% of the individuals took less than 5 minutes to act on a suicidal thought and 70% took less than one hour. Ensuring that an individual has easy access to the National Suicide Prevention Lifeline during the short window highlighted by this study can save lives.

2. Firearm Suicide Warnings

Last year, the City of Los Angeles adopted an ordinance that required a suicide prevention warning identical to the one contemplated by this bill to be posted at all gun stores within its city limits.¹ There are several other cities across the country that have adopted this policy; however, they have primarily been on a volunteer basis. This bill will mandate the policy across California, hoping to decrease the prevalence of firearm suicide. According to the *Giffords Law Center to Prevent Gun Violence*, suicides accounted for nearly 62% of all gun deaths in 2010.²

This bill would require information regarding suicide to be integrated into the process of acquiring a firearm in four ways. First, it would require any packaging and any descriptive materials that accompany the purchase of a firearm be accompanied by a warning that provides the phone number for the national suicide prevention hotline and encourages any person to call that number if they or anyone they know is contemplating suicide. Second, it would require the same warning to be conspicuously posted on the premises of a licensed firearms dealer. Third, it would add an additional component to the written/oral test that must be successfully completed in order to obtain a firearm safety certificate, specifically dealing with suicide as one of a number of issues involved with the act of bringing a firearm into the home. Finally, this bill would also require an applicant for the firearm safety certificate to acknowledge receipt of the warning information that is also required to be on the packaging of a firearm and posted on the premises of a licensed firearms dealer.

3. Argument in Support

According to Eric Garcetti, Mayor of Los Angeles:

On Friday, April 26, I met with representatives from the Mayor's Youth Council to End Gun Violence, a group of student leaders from the Los Angeles Unified School District formed to help guide the City's efforts to combat gun violence in our communities. At our meeting, my Youth Council endorsed several bills that they felt take concrete steps to make our community safer and promote initiatives

¹ L.A. Municipal Code, Chap. IV, Art. 6.7.1, Sec. 46.40, Ordinance No. 185477.

² <https://lawcenter.giffords.org/facts/statistics/>

such as promoting safe storage of weapons, expanding the use of gun violence restraining orders, getting illegal guns off of our streets, and preventing gun suicides. My Youth Council recommended support for AB 645 on the grounds that it would ensure that individuals in danger of self-harm with a firearm are made aware of key prevention resources and counsel in their darkest hour. For this reason, I support AB 645 (Irwin).

4. Argument in Opposition

According to the National Shooting Sports Foundation:

The National Shooting Sports Foundation (NSSF) and the American Foundation for Suicide Prevention have partnered to develop educational materials which can be used by firearms retailers and shooting facilities to raise awareness among their staff and their customers about suicide prevention.

These materials include a Firearms and Suicide Prevention brochure, a poster for businesses to display, a flyer to provide to customers, counter cards for customers, and a decal for businesses to display on windows.

Several short on-line videos for business staff to view that provide information and an introduction to the program can be seen at: nssf.org/safety/suicide-prevention. Materials are also posted at: afsp.org/firearms.

These materials are designed to be utilized by retailers and others to develop a basic understanding of suicide and how to recognize, and to possibly assist in a positive way, individuals who may be going through a difficult time. The materials can also help them to decide whether to sell or rent (such as at a shooting range) a firearm to an individual or whether an individual should be granted access to a shooting range facility.

Suicide is preventable. Knowing what to look for, engaging in appropriate conversation, and promoting the safe storage of firearms when not in use can make an important difference in the prevention of suicide by an individual who may be contemplating it.

As can be seen from the above, NSSF strongly supports suicide prevention programs.

However, it believes that the approach proposed in AB 645 would be ineffective as the materials that must be provided by manufacturers pursuant to existing California law is voluminous and most likely not read by many people. It's just too much information.