

Date of Hearing: April 19, 2023

ASSEMBLY COMMITTEE ON APPROPRIATIONS

Chris Holden, Chair

AB 29 (Gabriel) – As Amended February 15, 2023

Policy Committee:	Public Safety	Vote:	8 - 0
	Health		13 - 0

Urgency: No State Mandated Local Program: Yes Reimbursable: No

SUMMARY:

This bill requires the Department of Justice (DOJ) to develop and launch a secure internet-based platform to allow a California resident to voluntarily add their own name to the California Do Not Sell List for firearms (“registry”), which prohibits an individual from purchasing a firearm.

Specifically, this bill:

- 1) Requires DOJ to develop and launch a secure internet-based platform to allow a California resident to voluntarily add their own name to the registry.
- 2) Requires DOJ to ensure that the internet-based platform verifies the identity of a person who opts to register or requests removal, prevents unauthorized disclosures, and informs the potential registrant of the legal effects of registration or removal.
- 3) Requires DOJ, on an ongoing basis, to ensure that registry information is uploaded and reflected in the National Instant Criminal Background Check System (NICS) Index for California.
- 4) Requires DPH to create and distribute informational materials, including information on how to access the internet-based platform, to general acute care hospitals (GACHs), acute psychiatric hospitals (APHs) and suicide hotlines, and encourages GACHs, APHs, and suicide hotlines to provide those informational materials to a person who is at a substantially elevated risk of suicide.

FISCAL EFFECT:

DOJ estimates costs for personal services, including JAVA/SQL developers, information technology specialists, crime analysts, and administrative staff, and operating expenses and equipment, as follows:

- \$1.4 million in fiscal year (FY) 2023-24.
- \$3.6 million in FY 2024-25.
- \$2 million in FY 2025-26.
- \$687,000 in FY 2026-27.
- \$636,000 in FY 2027-28 and ongoing.

In developing this estimate, DOJ assumed there would be 1,000 users of the platform, and DOJ would use as a template Employment Development Department technology for unemployment validation, at a cost of approximately \$100 per user. Fund sources would be the Dealer Record of Sale Special Fund, except \$8,000 per year (General Fund (GF)). DOJ notes, to the extent there is not sufficient cash in the Dealers' Record of Sale Fund to support the costs of this bill, a GF appropriation may be required.

DPH estimates a one-time cost of approximately \$75,000 to \$100,000 to contract with a vendor to develop informational materials (GF).

COMMENTS:

1) **Purpose.** The author states:

According to the Centers for Disease Control and Prevention [CDC], 1,586 people died by gun suicide in California in 2019; additionally, more than one-third of all suicides in California are by firearm. Suicide has surpassed homicides as the most prevalent cause of death resulting from the misuse of a firearm in the state.

This bill provides those battling suicidal thoughts an option to protect themselves by temporarily limiting their access to purchase firearms during a time of crisis. We know suicide can be an impulsive decision that most survivors regret. Guns are lethal and, unfortunately, rarely allow for second chances. This bill takes action on the data that shows a correlation between mental illness, suicidal thoughts, and gun purchases.

- 2) **Means Restriction.** The impulsivity of suicide provides opportunities to reduce suicide risk by restricting access to lethal means of self-harm ("means restriction"). Numerous health organizations and governmental agencies, including the World Health Organization, the European Union, CDC and the Institute of Medicine have recommended means restriction be included in suicide prevention strategies.
- 3) **Voluntary Do Not Sell Lists.** Whether voluntary do not sell lists will reduce gun suicide rates is not known. One study found that of 200 surveyed persons receiving care at an inpatient facility or one of two outpatient clinics, 46% said they would put their names on a do not sell list. Since 2018, Utah, Virginia, and Washington have created voluntary do not sell lists. A Wisconsin news report from roughly one year ago found that "41 people in three states across the country have voluntarily banned themselves from buying guns." The three states that have enacted do not sell lists are distinct from California in that they lack a mandatory waiting period for the delivery of a purchased firearm. California imposes a mandatory 10-day waiting period before a firearm can be legally delivered to a purchaser.

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