

File No. 180553

Committee Item No. _____

Board Item No. 27

COMMITTEE/BOARD OF SUPERVISORS

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Date: _____

Board of Supervisors Meeting

Date: June 5, 2018

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OTHER

- California State Senate Bill No. 221 - May 17, 2018
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Prepared by: Jocelyn Wong

Date: May 31, 2018

Prepared by: _____

Date: _____

1 [Supporting California State Senate Bill 221 (Wiener) - Ban on Gun Shows at the Cow Palace]

2 **Resolution supporting California State Senate Bill No. 221 (SB 221), authored by**
3 **Senator Scott Wiener, prohibiting the sale of firearms and ammunition at the state-**
4 **owned Cow Palace in Daly City; implementation would begin January 1, 2020.**

5
6 WHEREAS, Gun shows are currently hosted at the California state-owned property
7 Cow Palace, located in Daly City; and

8
9 WHEREAS, The Cow Palace hosts gun shows several times a year, most recently in
10 April of 2018 and, prospectively, June of 2018; and

11
12 WHEREAS, On four previous occasions, the California Legislature has attempted to
13 end the Cow Palace gun shows, the most recent being in 2013, which Governor Brown
14 vetoed, and on two previous occasions attempted to ban gun shows statewide; and

15
16 WHEREAS, Local municipalities lack the jurisdictional power to force the Cow Palace
17 to end the gun shows, thus, a loophole exists that must be closed; and

18
19 WHEREAS, The governing bodies of San Francisco, Daly City, and San Mateo County
20 have continuously voiced their opposition to the gun shows being held at the Cow Palace
21 fairgrounds, and, San Francisco, specifically, does not allow gun shops to exist within its
22 communities; and

23
24 WHEREAS, Cow Palace straddles San Mateo and San Francisco counties, but the
25 communities in the immediate vicinity (e.g., Sunnydale-Valesco, Visitacion Valley, Bayview
Hunters Point) are some of the communities experiencing some of the highest levels of gun
violence in San Francisco; and

WHEREAS, Despite the uptick in the number of mass gun-violence in our country,
guns continue to be sold in publicly owned venues statewide, California elected officials must

1 take a stand against gun violence and do everything that they can to decrease the number of
2 guns on our streets; and

3 WHEREAS, The Cow Palace gun shows are antithetical to the expressed wishes and
4 desires of the communities who live in the area and who bear the burden of gun violence; and

5 WHEREAS, The gun shows at the Cow Palace fairgrounds, generally, take place five-
6 times a year, each for two-days at a time, totaling ten-days each year on any given calendar
7 year, despite explicit and protracted opposition from local community members; and

8 WHEREAS, Studies show that at least 40% of children in high-violence urban areas
9 have witnessed a shooting; and

10 WHEREAS, Seven children and teens (age 19 or under) are killed with guns in the
11 United States on an average day; and

12 WHEREAS, Children and teens in the United States are seventeen-times more likely to
13 die from gun violence than their peers in other high-income countries; and

14 WHEREAS, If approved, California State Senate Bill No. 221 (SB 221) would not go
15 into effect until January 1, 2020, so as to not negatively impact any existing contracts that the
16 Cow Palace may have; and

17 WHEREAS, If approved, SB 221 would put in place a statute governing the sale of
18 guns and ammunition at the Cow Palace fairgrounds, gun shows would be categorically
19 banned from the Cow Palace fairgrounds; and

20 WHEREAS, The City and County of San Francisco will continue to actively push for
21 common-sense solutions that help keep San Franciscans safe and decrease our country's
22 gun violence epidemic;

23 WHEREAS, If approved, SB 221 does exempt gun buyback programs run by law
24 enforcement; and, be it
25

1 FURTHER RESOLVED, That the Board of Supervisors of the City and County of San
2 Francisco supports SB-221 for the reasons stated herein; and, be it

3 FURTHER RESOLVED, That the Board of Supervisors of the City and County of San
4 Francisco directs the Clerk of the Board to transmit copies of this Resolution to the State
5 Legislature and the City Lobbyist upon passage.
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AMENDED IN ASSEMBLY MAY 17, 2018

AMENDED IN SENATE JANUARY 3, 2018

SENATE BILL

No. 221

Introduced by Senator Wiener
(~~Coauthors: Senators Atkins and Galgiani~~)
(Principal coauthor: Assembly Member Ting)
(Coauthor: Senator Hill)
(Coauthors: Assembly Members Chiu and Berman)

February 2, 2017

An act to add Section 1463.23 to the Penal Code, relating to criminal fines. ~~An act to add Section 4132 to the Food and Agricultural Code, relating to agricultural districts.~~

LEGISLATIVE COUNSEL'S DIGEST

SB 221, as amended, Wiener. ~~Criminal fines: HIV prevention and education programs. Agricultural District 1-A: firearm and ammunition sales at the Cow Palace.~~

Existing law generally regulates the transfer of firearms and divides the state into agricultural districts. District 1-A is the County of San Mateo and the City and County of San Francisco. A violation of the statutes governing agricultural districts is generally a misdemeanor.

This bill would, on and after January 1, 2020, prohibit the sale of firearms and ammunition at the Cow Palace located in District 1-A, as specified, and would thereby make a violation of that prohibition a misdemeanor. The bill would exclude from its provisions a gun buy-back event held by a law enforcement agency.

By creating a new crime, this bill would impose a state-mandated local program.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

Existing law allows a judge to assess an additional fine in an amount not to exceed \$70 against a person who violates specified sex offenses or controlled substance offenses. Former law, repealed as of January 1, 2018, required that \$50 of this fine be deposited in a special account in the county treasury to be used exclusively to pay for the reasonable costs of establishing and providing an AIDS education program under the direction of the county health department.

This bill would authorize counties with funds collected pursuant to the above provision as it read on December 31, 2017, to expend the unencumbered balance of those funds on general HIV prevention and education programs.

Vote: majority. Appropriation: no. Fiscal committee: ~~no~~-yes. State-mandated local program: ~~no~~-yes.

The people of the State of California do enact as follows:

- 1 *SECTION 1. Section 4132 is added to the Food and*
- 2 *Agricultural Code, to read:*
- 3 *4132. (a) Notwithstanding any other law, no officer, employee,*
- 4 *operator, or any lessee of District 1-A, as defined in Section 3853,*
- 5 *may contract for, authorize, or allow the sale of any firearm or*
- 6 *ammunition on the property or in the buildings that comprise the*
- 7 *Cow Palace property in San Mateo County and the City and*
- 8 *County of San Francisco or any successor or additional property*
- 9 *owned, leased, or otherwise occupied or operated by the district.*
- 10 *(b) For purposes of this section:*
- 11 *(1) The definition of "firearm" means the term as included in*
- 12 *Section 12001 of the Penal Code.*
- 13 *(2) The term "ammunition" includes assembled ammunition*
- 14 *for use in a firearm and components of ammunition, including*
- 15 *smokeless and black powder, and any projectile capable of being*
- 16 *fired from a firearm with deadly consequence.*
- 17 *(c) This section does not apply to a gun buy-back event held by*
- 18 *a law enforcement agency.*

1 (d) *This section shall become operative on January 1, 2020.*
2 *SEC. 2. No reimbursement is required by this act pursuant to*
3 *Section 6 of Article XIII B of the California Constitution because*
4 *the only costs that may be incurred by a local agency or school*
5 *district will be incurred because this act creates a new crime or*
6 *infraction, eliminates a crime or infraction, or changes the penalty*
7 *for a crime or infraction, within the meaning of Section 17556 of*
8 *the Government Code, or changes the definition of a crime within*
9 *the meaning of Section 6 of Article XIII B of the California*
10 *Constitution.*

11 ~~SECTION 1. Section 1463.23 is added to the Penal Code, to~~
12 ~~read:~~

13 ~~1463.23. Counties with funds collected pursuant to former~~
14 ~~Section 1463.23, as that section read on December 31, 2017, are~~
15 ~~authorized to expend the unencumbered balance of those funds on~~
16 ~~general HIV prevention and education programs.~~



Senator Scott Wiener, 11th Senate District

Senate Bill 221 – Ban on Gun Shows at the Cow Palace

SUMMARY

SB 221 would prohibit the sale of firearms and ammunition at the state-owned Cow Palace in Daly City, and would begin implementation in 2020.

BACKGROUND/EXISTING LAW

Gun shows are currently hosted at California state-owned property where guns can be bought and sold. These events are open to the public. Existing law regulates the transfer of firearms.

PROBLEM

Recently, our nation has experienced numerous accounts of mass gun violence. Withstanding these tragic events, guns continue to be sold in publicly owned venues statewide.

The state-owned Cow Palace, in Daly City hosts gun shows a several times a year, most recently in April of 2018. At that event, a group of high school students protested the gun show in hopes of ending gun sales in their community.

Additionally, the governing bodies of San Francisco, Daly City, and San Mateo County have continuously voiced their opposition to the gun shows being held at the Cow Palace Fairgrounds. In fact, both the City of San Francisco and Daly City do not allow gun shops to exist within their communities. The loophole exists at the state-owned Cow Palace where the local community holds no jurisdiction.

In addition, these densely populated cities experience a high level of crime and violence causing residing citizens to feel unsafe in their respective cities. Gun shows continue to exacerbate the level of access to firearms that these communities already experience.

SOLUTION

SB 221 would put in place a statute governing the sale of guns and ammunition at the Cow Palace fairgrounds. Under SB 221, gun shows will be banned from the Cow Palace fairgrounds.

If approved, SB 221 would not go into effect until January 1, 2020, so as not to impact any existing contracts that the Cow Palace currently has. Additionally there is an exemption for gun buyback programs run by law enforcement, which are essential programs for removing guns from the community.

SUPPORT & CO-AUTHORS

- Bay Area Student Activists (BASTA)
- Assemblymember Phil Ting (Principal coauthor)
- Senator Jerry Hill
- Assemblymember David Chiu
- Assemblymember Marc Berman
- Daly City Mayor Juslyn Manalo
- Daly City Vice Mayor Raymond Buenaventura
- San Mateo County Supervisor David Canepa

FOR MORE INFORMATION

Aria Ghafari, *Legislative Aide*
Email: aria.ghafari@sen.ca.gov
Phone: (916) 651-4011

Introduction Form

By a Member of the Board of Supervisors or Mayor

RECEIVED
BOARD OF SUPERVISORS
SAN FRANCISCO

2018 APR 22 PM 2:12
Time stamp
or meeting date

BY _____

AK

I hereby submit the following item for introduction (select only one):

- 1. For reference to Committee. (An Ordinance, Resolution, Motion or Charter Amendment).
- 2. Request for next printed agenda Without Reference to Committee.
- 3. Request for hearing on a subject matter at Committee.
- 4. Request for letter beginning : "Supervisor [] inquiries"
- 5. City Attorney Request.
- 6. Call File No. [] from Committee.
- 7. Budget Analyst request (attached written motion).
- 8. Substitute Legislation File No. []
- 9. Reactivate File No. []
- 10. Question(s) submitted for Mayoral Appearance before the BOS on []

Please check the appropriate boxes. The proposed legislation should be forwarded to the following:

- Small Business Commission
- Youth Commission
- Ethics Commission
- Planning Commission
- Building Inspection Commission

Note: For the Imperative Agenda (a resolution not on the printed agenda), use the Imperative Form.

Sponsor(s):

Supervisors Ahsha Safai, Catherine Stefani

Subject:

Resolution Supporting California State Senate Bill 221 (Wiener) -- Ban on Gun Shows at the Cow Palace.

The text is listed:

Resolution supporting California Senate Bill 221, authored by Senator Scott Wiener, prohibiting the sale of firearms and ammunition at the state-owned Cow Palace in Daly City, implementation would begin January 1, 2020.

Signature of Sponsoring Supervisor: _____

For Clerk's Use Only

