

File No. 140787

Committee Item No. _____

Board Item No. 64

COMMITTEE/BOARD OF SUPERVISORS

AGENDA PACKET CONTENTS LIST

Committee: _____

Date _____

Board of Supervisors Meeting

Date July 15, 2014

Cmte Board

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| <input type="checkbox"/> | <input checked="" type="checkbox"/> | Resolution |
| <input type="checkbox"/> | <input type="checkbox"/> | Ordinance |
| <input type="checkbox"/> | <input type="checkbox"/> | Legislative Digest |
| <input type="checkbox"/> | <input type="checkbox"/> | Budget and Legislative Analyst Report |
| <input type="checkbox"/> | <input type="checkbox"/> | Youth Commission Report |
| <input type="checkbox"/> | <input type="checkbox"/> | Introduction Form |
| <input type="checkbox"/> | <input type="checkbox"/> | Department/Agency Cover Letter and/or Report |
| <input type="checkbox"/> | <input type="checkbox"/> | MOU |
| <input type="checkbox"/> | <input type="checkbox"/> | Grant Information Form |
| <input type="checkbox"/> | <input type="checkbox"/> | Grant Budget |
| <input type="checkbox"/> | <input type="checkbox"/> | Subcontract Budget |
| <input type="checkbox"/> | <input type="checkbox"/> | Contract/Agreement |
| <input type="checkbox"/> | <input type="checkbox"/> | Form 126 – Ethics Commission |
| <input type="checkbox"/> | <input type="checkbox"/> | Award Letter |
| <input type="checkbox"/> | <input type="checkbox"/> | Application |
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OTHER (Use back side if additional space is needed)

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|--------------------------|-------------------------------------|------------------------|
| <input type="checkbox"/> | <input checked="" type="checkbox"/> | <u>Senate Bill 396</u> |
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Completed by: John Carroll Date July 8, 2014

Completed by: _____ Date _____

1 [Supporting SB 396 (De León) - Repealing Portions of California Proposition 187]

2
3 **Supporting Senate Bill 396, introduced by Senator De León, to repeal portions of**
4 **California Proposition 187 that are unconstitutional, discriminatory, and unenforceable**
5 **and have undermined the civil rights of immigrant communities in California.**
6

7 WHEREAS, In 1994, California voters passed Proposition 187, which restricted
8 undocumented immigrants from receiving basic government services such as public
9 education, social services and healthcare and mandated teachers, doctors and social workers
10 to profile and report residents suspected to be residing in California without immigration
11 papers; and

12 WHEREAS, Proposition 187 reflected an anti-immigrant tradition of ostracizing and
13 infringing on the rights of immigrants in California, which included banning the employment of
14 certain immigrants in the California Constitution in 1879, prohibited other immigrants from
15 owning land in the California Land Law of 1913, and segregated ethnic minorities in public
16 schools; and

17 WHEREAS, While Proposition 187 was rendered unconstitutional and null by federal
18 courts, its consideration and passage added to the marginalization of diverse ethnic and racial
19 communities; and

20 WHEREAS, A joint study by the University of California, San Francisco and the
21 University of California, Berkeley indicates that Proposition 187 contributed to reduced usage
22 of health services by young Latino residents in San Francisco due to fear of State action
23 based on perceived immigration status, and a subsequent increase in health emergencies;
24 and
25

1 WHEREAS, Proposition 187 paved the way for the passage of further discriminatory
2 policies, such as Proposition 209 in 1996 barring affirmative action in a variety of contexts and
3 Proposition 227 in 1998 banning bilingual education in public schools; and

4 WHEREAS, Diverse communities organized in response to these discriminatory
5 policies and successfully fought for the enactment of laws to protect the livelihood of
6 immigrants like the California DREAM Act, the TRUST Act and the Safe and Responsible
7 Drivers Act; and

8 WHEREAS, Proposition 187 serves as a reminder for the importance of ensuring the
9 well-being of all California residents regardless of immigration status, race, ethnicity, origin,
10 religion, gender, sexual orientation, or socioeconomic position; and

11 WHEREAS, California State Senator Kevin de León introduced Senate Bill 396 (SB
12 396) to repeal the portions of Proposition 187 that are unconstitutional, discriminatory and
13 unenforceable; and

14 WHEREAS, SB 396 is supported by Senators Lara, Correa, Lieu and Padilla and
15 Assemblymembers Alejo, Fong, Williams, Bonta, Chau, Gonzalez, V. Manuel Pérez, Rendon,
16 and Yamada; and

17 WHEREAS, The California Senate passed Senate Resolution 51 by Senators de León
18 and Lara recognizing the 20-year anniversary of Proposition 187's passage and calling for
19 unity in rectifying discriminatory laws and protecting the rights of its immigrant residents; and

20 WHEREAS, San Francisco is home to a large and diverse number of immigrants, and
21 the City has made it a priority to protect their rights and avoid arbitrary discriminatory practices
22 that infringe on these rights; now, therefore, be it

23 RESOLVED, That the San Francisco Board of Supervisors supports SB 396 and efforts
24 to reverse the discriminatory policies of Proposition 187.

AMENDED IN ASSEMBLY JUNE 5, 2014
AMENDED IN ASSEMBLY SEPTEMBER 6, 2013
AMENDED IN ASSEMBLY SEPTEMBER 3, 2013
AMENDED IN SENATE MAY 15, 2013
AMENDED IN SENATE APRIL 3, 2013

SENATE BILL

No. 396

Introduced by Senators Hancock and Steinberg Senator De León
(Coauthor: Senator Jackson)
(Principal coauthor: Senator Lara)
(Principal coauthors: Assembly Members Alejo, Fong, and Williams)
(Coauthors: Senators Correa, Lieu, and Padilla)
*(Coauthors: Assembly Members Bonta, Chau, Gonzalez,
V. Manuel Pérez, Rendon, and Yamada)*

February 20, 2013

An act to amend Sections 16350, 16740, 32310, 32400, 32405, 32435, and 32450 of the Penal Code, relating to firearms; repeal Sections 48215 and 66010.8 of the Education Code, to repeal Section 53069.65 of the Government Code, to repeal Chapter 1.3 (commencing with Section 130) of Part 1 of Division 1 of the Health and Safety Code, to repeal Section 834b of the Penal Code, and to repeal Section 10001.5 of the Welfare and Institutions Code, relating to public services.

LEGISLATIVE COUNSEL'S DIGEST

SB 396, as amended, ~~Hancock~~ *De León*. ~~Firearms: magazine capacity.~~
Public services.

Proposition 187, which was approved by the voters at the November 8, 1994, statewide general election, made illegal aliens ineligible for

specified public social services, public health care services, and public school education at the elementary, secondary, and post-secondary levels. Among other things, the proposition also required various state and local agencies to report suspected illegal aliens, as specified, and required the Attorney General to perform certain tasks in connection with transmitting and retaining those reports. These provisions of Proposition 187 were rendered unenforceable after a federal court found them to be preempted by the United States Constitution and other federal law.

This bill would repeal the unenforceable provisions of Proposition 187, as described above.

~~(1) Existing law, for purposes pertaining to the ammunition capacity of certain assault weapons, defines “capacity to accept more than 10 rounds” to mean capable of accommodating more than 10 rounds, but specifies that this term does not apply to a feeding device that has been permanently altered so that it cannot accommodate more than 10 rounds.~~

~~This bill would revise that definition to mean capable of holding more than 10 rounds, but not applying to a feeding device that has been permanently altered so that it cannot hold more than 10 rounds.~~

~~(2) Existing law prohibits the sale, gift, and loan of a large-capacity magazine. Existing law defines “large-capacity magazine” to mean any ammunition feeding device with the capacity to accept more than 10 rounds, but provides that the definition may not be construed to include a feeding device that has been permanently altered so that it cannot accommodate more than 10 rounds.~~

~~This bill would include within that definition of large-capacity magazine a feeding device that had a capacity of more than 10 rounds but has been permanently modified to hold no more than 10 rounds of ammunition, and would exclude from that definition a magazine that is only of sufficient length to hold no more than 10 rounds of ammunition.~~

~~This bill, commencing July 1, 2014, would make it an infraction punishable by a fine not to exceed \$100, or a misdemeanor punishable by a fine not to exceed \$100, by imprisonment in the county jail not to exceed one year, or by both that fine and imprisonment, for any person to possess any large-capacity magazine, regardless of the date the magazine was acquired. The bill would authorize various methods by which a person in lawful possession of a large-capacity magazine may dispose of the magazine prior to the July 1, 2014, prohibition on possession.~~

~~(3) Existing law creates various exceptions to that crime, which include, but are not limited to, the sale of, giving of, lending of, importation into this state of, or purchase of, any large-capacity magazine to or by the holder of a special weapons permit for use as a prop for a motion picture, or any federal, state, county, city and county, or city agency that is charged with the enforcement of any law, for use by agency employees in the discharge of their official duties, whether on or off duty, and where the use is authorized by the agency and is within the course and scope of their duties.~~

~~This bill would make conforming changes by adding possession to those provisions:~~

~~This bill would incorporate additional changes to Section 32310 of the Penal Code proposed by AB 48 that would become operative if this bill and AB 48 are both enacted and this bill is enacted last.~~

~~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:~~

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

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

- 1 ~~SECTION 1. Section 48215 of the Education Code is repealed.~~
- 2 ~~48215. (a) No public elementary or secondary school shall~~
- 3 ~~admit, or permit the attendance of, any child who is not a citizen~~
- 4 ~~of the United States, an alien lawfully admitted as a permanent~~
- 5 ~~resident, or a person who is otherwise authorized under federal~~
- 6 ~~law to be present in the United States.~~
- 7 ~~(b) Commencing January 1, 1995, each school district shall~~
- 8 ~~verify the legal status of each child enrolling in the school district~~
- 9 ~~for the first time in order to ensure the enrollment or attendance~~
- 10 ~~only of citizens, aliens lawfully admitted as permanent residents,~~
- 11 ~~or persons who are otherwise authorized to be present in the United~~
- 12 ~~States.~~
- 13 ~~(c) By January 1, 1996, each school district shall have verified~~
- 14 ~~the legal status of each child already enrolled and in attendance in~~

1 the school district in order to ensure the enrollment or attendance
2 only of citizens, aliens lawfully admitted as permanent residents,
3 or persons who are otherwise authorized under federal law to be
4 present in the United States.

5 (d) By January 1, 1996, each school district shall also have
6 verified the legal status of each parent or guardian of each child
7 referred to in subdivisions (b) and (c), to determine whether such
8 parent or guardian is one of the following:

9 (1) A citizen of the United States.

10 (2) An alien lawfully admitted as a permanent resident.

11 (3) An alien admitted lawfully for a temporary period of time.

12 (e) Each school district shall provide information to the State
13 Superintendent of Public Instruction, the Attorney General of
14 California, and the United States Immigration and Naturalization
15 Service regarding any enrollee or pupil, or parent or guardian,
16 attending a public elementary or secondary school in the school
17 district determined or reasonably suspected to be in violation of
18 federal immigration laws within forty-five days after becoming
19 aware of an apparent violation. The notice shall also be provided
20 to the parent or legal guardian of the enrollee or pupil, and shall
21 state that an existing pupil may not continue to attend the school
22 after ninety calendar days from the date of the notice, unless legal
23 status is established.

24 (f) For each child who cannot establish legal status in the United
25 States, each school district shall continue to provide education for
26 a period of ninety days from the date of the notice. Such ninety
27 day period shall be utilized to accomplish an orderly transition to
28 a school in the child's country of origin. Each school district shall
29 fully cooperate in this transition effort to ensure that the educational
30 needs of the child are best served for that period of time.

31 *SEC. 2. Section 66010.8 of the Education Code is repealed.*

32 66010.8. (a) No public institution of postsecondary education
33 shall admit, enroll, or permit the attendance of any person who is
34 not a citizen of the United States, an alien lawfully admitted as a
35 permanent resident in the United States, or a person who is
36 otherwise authorized under federal law to be present in the United
37 States.

38 (b) Commencing with the first term or semester that begins after
39 January 1, 1995, and at the commencement of each term or
40 semester thereafter, each public postsecondary educational

1 ~~institution shall verify the status of each person enrolled or in~~
2 ~~attendance at that institution in order to ensure the enrollment or~~
3 ~~attendance only of United States citizens, aliens lawfully admitted~~
4 ~~as permanent residents in the United States, and persons who are~~
5 ~~otherwise authorized under federal law to be present in the United~~
6 ~~States.~~

7 ~~(c) No later than 45 days after the admissions officer of a public~~
8 ~~postsecondary educational institution becomes aware of the~~
9 ~~application, enrollment, or attendance of a person determined to~~
10 ~~be, or who is under reasonable suspicion of being, in the United~~
11 ~~States in violation of federal immigration laws, that officer shall~~
12 ~~provide that information to the State Superintendent of Public~~
13 ~~Instruction, the Attorney General of California, and the United~~
14 ~~States Immigration and Naturalization Service. The information~~
15 ~~shall also be provided to the applicant, enrollee, or person admitted.~~

16 ~~SEC. 3. Section 53069.65 of the Government Code is repealed.~~

17 ~~53069.65. Whenever the state or a city, or a county, or any~~
18 ~~other legally authorized local governmental entity with~~
19 ~~jurisdictional boundaries reports the presence of a person who is~~
20 ~~suspected of being present in the United States in violation of~~
21 ~~federal immigration laws to the Attorney General of California,~~
22 ~~that report shall be transmitted to the United States Immigration~~
23 ~~and Naturalization Service. The Attorney General shall be~~
24 ~~responsible for maintaining on-going and accurate records of such~~
25 ~~reports, and shall provide any additional information that may be~~
26 ~~requested by any other government entity.~~

27 ~~SEC. 4. Chapter 1.3 (commencing with Section 130) of Part 1~~
28 ~~of Division 1 of the Health and Safety Code, as added by Section~~
29 ~~6 of Proposition 187 on November 8, 1994, is repealed.~~

30 ~~SEC. 5. Section 834b of the Penal Code is repealed.~~

31 ~~834b. (a) Every law enforcement agency in California shall~~
32 ~~fully cooperate with the United States Immigration and~~
33 ~~Naturalization Service regarding any person who is arrested if he~~
34 ~~or she is suspected of being present in the United States in violation~~
35 ~~of federal immigration laws.~~

36 ~~(b) With respect to any such person who is arrested, and~~
37 ~~suspected of being present in the United States in violation of~~
38 ~~federal immigration laws, every law enforcement agency shall do~~
39 ~~the following:~~

1 ~~(1) Attempt to verify the legal status of such person as a citizen~~
2 ~~of the United States, an alien lawfully admitted as a permanent~~
3 ~~resident, an alien lawfully admitted for a temporary period of time~~
4 ~~or as an alien who is present in the United States in violation of~~
5 ~~immigration laws. The verification process may include, but shall~~
6 ~~not be limited to, questioning the person regarding his or her date~~
7 ~~and place of birth, and entry into the United States, and demanding~~
8 ~~documentation to indicate his or her legal status.~~

9 ~~(2) Notify the person of his or her apparent status as an alien~~
10 ~~who is present in the United States in violation of federal~~
11 ~~immigration laws and inform him or her that, apart from any~~
12 ~~criminal justice proceedings, he or she must either obtain legal~~
13 ~~status or leave the United States.~~

14 ~~(3) Notify the Attorney General of California and the United~~
15 ~~States Immigration and Naturalization Service of the apparent~~
16 ~~illegal status and provide any additional information that may be~~
17 ~~requested by any other public entity.~~

18 ~~(c) Any legislative, administrative, or other action by a city,~~
19 ~~county, or other legally authorized local governmental entity with~~
20 ~~jurisdictional boundaries, or by a law enforcement agency, to~~
21 ~~prevent or limit the cooperation required by subdivision (a) is~~
22 ~~expressly prohibited.~~

23 *SEC. 6. Section 10001.5 of the Welfare and Institutions Code*
24 *is repealed.*

25 ~~10001.5. (a) In order to carry out the intention of the People~~
26 ~~of California that only citizens of the United States and aliens~~
27 ~~lawfully admitted to the United States may receive the benefits of~~
28 ~~public social services and to ensure that all persons employed in~~
29 ~~the providing of those services shall diligently protect public funds~~
30 ~~from misuse, the provisions of this section are adopted.~~

31 ~~(b) A person shall not receive any public social services to which~~
32 ~~he or she may be otherwise entitled until the legal status of that~~
33 ~~person has been verified as one of the following:~~

34 ~~(1) A citizen of the United States.~~

35 ~~(2) An alien lawfully admitted as a permanent resident.~~

36 ~~(3) An alien lawfully admitted for a temporary period of time.~~

37 ~~(c) If any public entity in this state to whom a person has applied~~
38 ~~for public social services determines or reasonably suspects, based~~
39 ~~upon the information provided to it, that the person is an alien in~~

1 ~~the United States in violation of federal law, the following~~
2 ~~procedures shall be followed by the public entity:~~

3 ~~(1) The entity shall not provide the person with benefits or~~
4 ~~services:~~

5 ~~(2) The entity shall, in writing, notify the person of his or her~~
6 ~~apparent illegal immigration status, and that the person must either~~
7 ~~obtain legal status or leave the United States.~~

8 ~~(3) The entity shall also notify the State Director of Social~~
9 ~~Services, the Attorney General of California, and the United States~~
10 ~~Immigration and Naturalization Service of the apparent illegal~~
11 ~~status, and shall provide any additional information that may be~~
12 ~~requested by any other public entity.~~

13 ~~SECTION 1. Section 16350 of the Penal Code is amended to~~
14 ~~read:~~

15 ~~16350. As used in Section 30515, "capacity to accept more~~
16 ~~than 10 rounds" means capable of holding more than 10 rounds.~~
17 ~~The term does not apply to a feeding device that has been~~
18 ~~permanently altered so that it cannot hold more than 10 rounds.~~

19 ~~SEC. 2. Section 16740 of the Penal Code is amended to read:~~

20 ~~16740. (a) As used in this part, "large-capacity magazine"~~
21 ~~means any ammunition feeding device with the capacity to accept~~
22 ~~more than 10 rounds. As used in this part, "large-capacity~~
23 ~~magazine" also includes a feeding device that had a capacity of~~
24 ~~more than 10 rounds but has been permanently modified to hold~~
25 ~~no more than 10 rounds of ammunition.~~

26 ~~(b) As used in this part, "large-capacity magazine" does not~~
27 ~~include any of the following:~~

28 ~~(1) A magazine that is only of sufficient length to hold no more~~
29 ~~than 10 rounds of ammunition.~~

30 ~~(2) A .22-caliber tube ammunition feeding device.~~

31 ~~(3) A tubular magazine that is contained in a lever-action~~
32 ~~firearm.~~

33 ~~SEC. 3. Section 32310 of the Penal Code is amended to read:~~

34 ~~32310. (a) Except as provided in Article 2 (commencing with~~
35 ~~Section 32400) of this chapter and in Chapter 1 (commencing with~~
36 ~~Section 17700) of Division 2 of Title 2, any person in this state~~
37 ~~who manufactures or causes to be manufactured, imports into the~~
38 ~~state, keeps for sale, or offers or exposes for sale, or who gives,~~
39 ~~or lends, any large-capacity magazine is punishable by~~

1 ~~imprisonment in a county jail not exceeding one year or~~
2 ~~imprisonment pursuant to subdivision (h) of Section 1170.~~

3 ~~(b) Except as provided in Article 2 (commencing with Section~~
4 ~~32400) of this chapter and in Chapter 1 (commencing with Section~~
5 ~~17700) of Division 2 of Title 2, commencing July 1, 2014, any~~
6 ~~person in this state who possesses any large-capacity magazine,~~
7 ~~regardless of the date the magazine was acquired, is guilty of an~~
8 ~~infraction punishable by a fine not to exceed one hundred dollars~~
9 ~~(\$100), or is guilty of a misdemeanor punishable by a fine not to~~
10 ~~exceed one hundred dollars (\$100), by imprisonment in a county~~
11 ~~jail not to exceed one year, or by both that fine and imprisonment.~~

12 ~~(c) Any person who, prior to July 1, 2014, legally possesses a~~
13 ~~large-capacity magazine shall dispose of that magazine by any of~~
14 ~~the following means:~~

15 ~~(1) Remove the large-capacity magazine from the state.~~

16 ~~(2) Prior to July 1, 2014, sell the large-capacity magazine to a~~
17 ~~licensed firearms dealer.~~

18 ~~(3) Destroy the large-capacity magazine.~~

19 ~~(4) Surrender the large-capacity magazine to a law enforcement~~
20 ~~agency for destruction.~~

21 ~~SEC. 3.5. Section 32310 of the Penal Code is amended to read:~~

22 ~~32310. (a) Except as provided in Article 2 (commencing with~~
23 ~~Section 32400) of this chapter and in Chapter 1 (commencing with~~
24 ~~Section 17700) of Division 2 of Title 2, any person in this state~~
25 ~~who manufactures or causes to be manufactured, imports into the~~
26 ~~state, keeps for sale, or offers or exposes for sale, or who gives,~~
27 ~~lends, buys, or receives any large-capacity magazine is punishable~~
28 ~~by imprisonment in a county jail not exceeding one year or~~
29 ~~imprisonment pursuant to subdivision (h) of Section 1170.~~

30 ~~(b) Except as provided in Article 2 (commencing with Section~~
31 ~~32400) of this chapter and in Chapter 1 (commencing with Section~~
32 ~~17700) of Division 2 of Title 2, commencing July 1, 2014, any~~
33 ~~person in this state who possesses any large-capacity magazine,~~
34 ~~regardless of the date the magazine was acquired, is guilty of an~~
35 ~~infraction punishable by a fine not to exceed one hundred dollars~~
36 ~~(\$100), or is guilty of a misdemeanor punishable by a fine not to~~
37 ~~exceed one hundred dollars (\$100), by imprisonment in a county~~
38 ~~jail not to exceed one year, or by both that fine and imprisonment.~~

1 (e) Any person who, prior to July 1, 2014, legally possesses a
2 large-capacity magazine shall dispose of that magazine by any of
3 the following means:

4 (1) Remove the large-capacity magazine from the state.

5 (2) Prior to July 1, 2014, sell the large-capacity magazine to a
6 licensed firearms dealer.

7 (3) Destroy the large-capacity magazine.

8 (4) Surrender the large-capacity magazine to a law enforcement
9 agency for destruction.

10 (d) For purposes of this section, “manufacturing” includes both
11 fabricating a magazine and assembling a magazine from a
12 combination of parts, including, but not limited to, the body, spring,
13 follower, and floor plate or end plate, to be a fully functioning
14 large-capacity magazine.

15 SEC. 4. Section 32400 of the Penal Code is amended to read:

16 32400. Section 32310 does not apply to the sale of, giving of,
17 lending of, possession of, importation into this state of, or purchase
18 of, any large-capacity magazine to or by any federal, state, county,
19 city and county, or city agency that is charged with the enforcement
20 of any law, for use by agency employees in the discharge of their
21 official duties, whether on or off duty, and where the use is
22 authorized by the agency and is within the course and scope of
23 their duties.

24 SEC. 5. Section 32405 of the Penal Code is amended to read:

25 32405. Section 32310 does not apply to the sale to, lending to,
26 transfer to, purchase by, receipt of, possession of, or importation
27 into this state of, a large-capacity magazine by a sworn peace
28 officer, as defined in Chapter 4.5 (commencing with Section 830)
29 of Title 3 of Part 2, who is authorized to carry a firearm in the
30 course and scope of that officer’s duties.

31 SEC. 6. Section 32435 of the Penal Code is amended to read:

32 32435. Section 32310 does not apply to any of the following:

33 (a) The sale of, giving of, lending of, possession of, importation
34 into this state of, or purchase of, any large-capacity magazine, to
35 or by any entity that operates an armored vehicle business pursuant
36 to the laws of this state.

37 (b) The lending and possession of large-capacity magazines by
38 an entity specified in subdivision (a) to its authorized employees,
39 while in the course and scope of employment for purposes that
40 pertain to the entity’s armored vehicle business.

1 (c) The return of those large-capacity magazines to the entity
2 specified in subdivision (a) by those employees specified in
3 subdivision (b):

4 SEC. 7. ~~Section 32450 of the Penal Code is amended to read:~~
5 ~~32450. Section 32310 does not apply to the purchase or~~
6 ~~possession of a large-capacity magazine by the holder of a special~~
7 ~~weapons permit issued pursuant to Section 31000, 32650, or 33300,~~
8 ~~or pursuant to Article 3 (commencing with Section 18900) of~~
9 ~~Chapter 1 of Division 5 of Title 2, or pursuant to Article 4~~
10 ~~(commencing with Section 32700) of Chapter 6 of this division,~~
11 ~~for any of the following purposes:~~

12 (a) ~~For use solely as a prop for a motion picture, television, or~~
13 ~~video production:~~

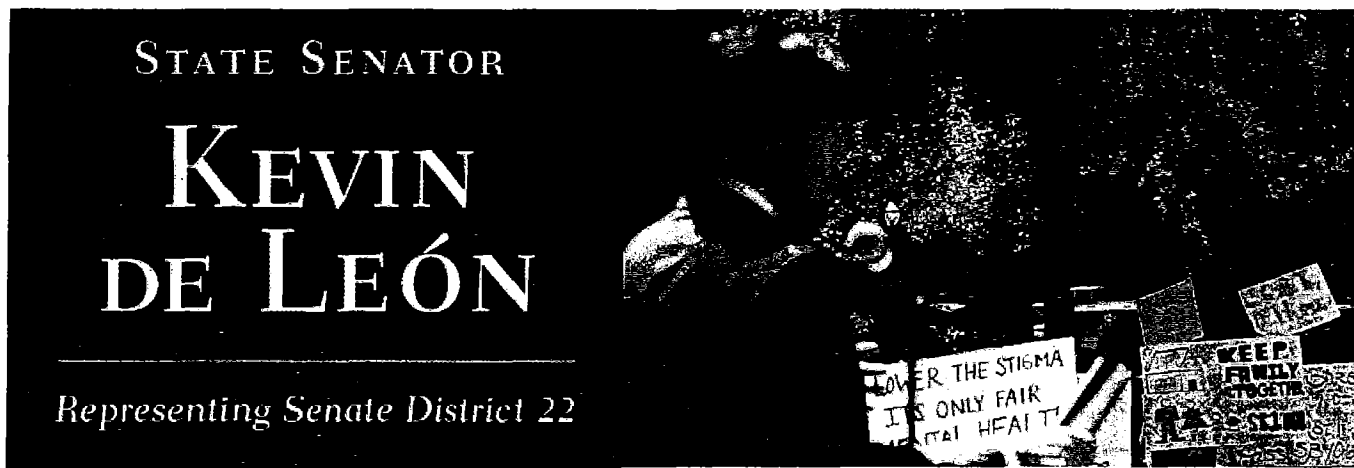
14 (b) ~~For export pursuant to federal regulations:~~

15 (c) ~~For resale to law enforcement agencies, government~~
16 ~~agencies, or the military, pursuant to applicable federal regulations:~~

17 SEC. 8. ~~Section 3.5 of this bill incorporates amendments to~~
18 ~~Section 32310 of the Penal Code proposed by both this bill and~~
19 ~~Assembly Bill 48. It shall only become operative if (1) both bills~~
20 ~~are enacted and become effective on or before January 1, 2014;~~
21 ~~(2) each bill amends Section 32310 of the Penal Code, and (3) this~~
22 ~~bill is enacted after Assembly Bill 48, in which case Section 3 of~~
23 ~~this bill shall not become operative:~~

24 SEC. 9. ~~No reimbursement is required by this act pursuant to~~
25 ~~Section 6 of Article XIII B of the California Constitution because~~
26 ~~the only costs that may be incurred by a local agency or school~~
27 ~~district will be incurred because this act creates a new crime or~~
28 ~~infraction, eliminates a crime or infraction, or changes the penalty~~
29 ~~for a crime or infraction, within the meaning of Section 17556 of~~
30 ~~the Government Code, or changes the definition of a crime within~~
31 ~~the meaning of Section 6 of Article XIII B of the California~~
32 ~~Constitution:~~

O



RELEASE: PROP. 187 RECALLED AS A LESSON FOR UNIFICATION – A DAY TO CELEBRATE CALIFORNIA'S DIVERSITY

June 23, 2014

SACRAMENTO – The California State Senate has approved Senate Resolution 51 to mark June 23, 2014, the 20th anniversary of the qualification of Proposition 187 for the November 1994 ballot, as a day to celebrate California's diversity and promote a united future. The Senate expressly recognized that California's prosperity is intimately tied to the tenacity, innovativeness, and diversity of its people; and that California has made tremendous progress in recent years in recognizing undocumented immigrants as valued members of society by enacting laws that promote the safety and livelihood of immigrant families, including passage of the California DREAM Act, the TRUST Act, and the Safe and Responsible Drivers Act.



Latino Legislative Caucus Chair Senator Ricardo Lara (D–Huntington Park/Long Beach) presented SR 51 on the Senate Floor, "Prop 187 was a dark moment in California history and today, on the 20th anniversary of its passage, we remember the pain it caused and look to build a future more embracing of diverse communities and perspectives."

"While California has frequently lost its way it has also repeatedly rebounded. We are a beacon of equality of opportunity and we don't just end up on the right side of history – we make history for others to follow," said Senate President pro Tempore–elect Kevin de León (D–Los Angeles).

"Undocumented immigrants are part of the Asian Pacific Islander American community's story in California," said Assemblymember Paul Fong (D – San Jose), chair of the Asian Pacific Islander Legislative Caucus during the California State Assembly session. "The APIA community is no stranger to discriminatory actions taken by California – from proclamations supporting the Japanese internment during World War II to the Chinese exclusionary laws during the turn of the 20th century, California has ultimately repealed these laws to right the wrongs of the past. Proposition 187 is a stain on our law books, and our work today is the first step towards righting a wrong again."

Assemblywoman Lorena Gonzalez, D–San Diego spoke in remembrance, "Twenty years ago, a then–failing governor capitalized on people's fears by promoting a misguided, xenophobic and unconstitutional initiative. Today, we remember Proposition 187 so that we may prevent these types of injustices in the future. It's time for all Californians to unite and affirm our commitment to equalizing opportunity for all of our communities."

Proposition 187, the brain-child of anti-immigrant activists led by Governor Pete Wilson in his efforts to secure re-election, was a pernicious and unabashed attempt to incriminate immigrants.

Approved by the voters 59% to 41%, Proposition 187 would have prohibited undocumented immigrants and their citizen children from going to the doctor and accessing the most basic of public services—an education. It would have made every teacher, doctor, social worker, and local police officer mandatory immigration reporters, meaning they would have had to report mothers, fathers and children suspected of being undocumented to federal authorities—turning ordinary Californians into I.N.S. agents for the federal government.

The Proposition 187 campaign was labeled S.O.S.—"Save our State"—as if the state was under siege from marauding hordes here to pillage our communities. The campaign attacked the immigrants who serve as the backbone of our agricultural industry and supply the workforce for our tourist and service industries.

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Proposition 187 was never implemented. However, it still remains in the California code books.

A separate bill, [Senate Bill 396 \(De León\)](#), proposes to erase the stain of Proposition 187 from our law books. California will lead the country forward to a brighter day where immigrants are treated with dignity and given an opportunity to thrive.

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Data Watch

Effect Of Proposition 187 On Mental Health Service Use In California: A Case Study

by Joshua J. Fenton, Ralph Catalano, and William A. Hargreaves

Abstract: In this DataWatch we examine whether the passage of California's Proposition 187 affected the use of mental health services in San Francisco County. Using time-series analyses, we identified a 26 percent decrease in the initiation of outpatient mental health services by younger Hispanics at selected service sites after the passage of Proposition 187 in November 1994. Further analyses suggest that decreased use of outpatient mental health services by young Hispanics was associated with their subsequent increased use of crisis services. Other studies of Proposition 187's effect on mental health service use in California are needed to corroborate the findings of this case study.

California's Proposition 187, a ballot initiative passed by voters in November 1994, would have made undocumented immigrants ineligible for all state-funded health services, except for emergency services. In addition, it would have required providers of these services to report persons suspected of being undocumented to the Immigration and Naturalization Service (INS).¹ Although full implementation of Proposition 187 was immediately forestalled by legal challenges, its overwhelming passage seemed to cause considerable fear and anxiety among immigrants residing in California. In the days after the election, health clinics received thousands of calls inquiring whether the proposition was in effect, and many anecdotal reports surfaced of decreased use of health services and adverse clinical consequences because of patient delays in receiving health care.² However, no systematic inquiries have tested the hypothesis that health service use declined following the passage of Proposition 187. In particular, we know of no examination of its impact on use of mental health services.

Although a U.S. District Court ruled in November 1995 that most of Proposition 187's health provisions are unconstitutional, state officials have appealed the decision and recently announced plans to exclude undocumented female immigrants from state-funded prenatal programs on the basis of Proposition 187.³ Similar measures are under consideration in other

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states with large immigrant populations, including Florida, Texas, and Washington State, and members of the U.S. Congress and the California legislature have proposed various laws that would restrict the eligibility of undocumented immigrants for health services.⁴ Although the implementation of such measures obviously would decrease the use of health services by targeted populations, the perceived threat of such legislation alone could deter immigrants from seeking health services. Moreover, some have argued that such measures could increase the net cost of health care for immigrants as a result of disproportionate increases in the costs of care for preventable complications of minor illnesses.⁵ Studies of how the passage of Proposition 187 may have affected the use of health services in California could yield important information regarding the potential fiscal ramifications of legislative attempts to restrict immigrants' eligibility for health services.

In this DataWatch we assess the impact of the passage of Proposition 187 on the use of mental health services by young Hispanics in San Francisco County. Our approach controlled for seasonal cycles and other patterns in the data that could have led to a spurious association between the passage of Proposition 187 and declines in service use. Our methods also allowed the use of comparison groups to control for potentially confounding factors that do not exhibit patterns, such as systemwide changes that may have affected all users of mental health services independent of ethnicity. We tested two hypothesized effects of Proposition 187 on health service use: (1) The passage of Proposition 187 was temporally associated with a reduction in the initiation of outpatient mental health services by young Hispanics; and (2) reduced initiation of outpatient mental health services by young Hispanics after the passage of Proposition 187 resulted in an eventual increase in mental health crises among this population, manifested as a delayed increase in the use of crisis services.

Methods

Data source. Our analyses were based on services and demographic data for all persons over age eighteen who sought outpatient or crisis mental health services within the San Francisco County Division of Mental Health and Substance Abuse Services (DMS) system in the ninety-week period between 3 August 1993 and 24 April 1995. For administrative purposes, the DMS maintains a central computerized database that contains reliable, up-to-date data on service episodes as well as various demographic variables for each person receiving services within the DMS system. Serving a target population of persons with severe and persistent mental illness who lack private health insurance, the DMS funds a variety of service sites in San Francisco County, including both DMS-operated and

not-for-profit community mental health centers, crisis centers, inpatient facilities, case management services, and day treatment centers.⁶ We compiled DMS records for all outpatient and crisis services initiated during the time period of our study.

Outpatient services are recorded in the DMS database as discrete "episodes," which begin on the first day a patient receives outpatient services and end on the day the services are discontinued. Thus, an outpatient episode often consists of an extended period during which a person makes several visits to an outpatient service site. Crisis episodes begin on the day a patient presents at a crisis facility and usually end on the same or the next day when the patient is discharged, referred to another service site, or admitted to a DMS inpatient facility. By compiling outpatient and crisis episode data, we obtained individual records with the date of each discrete entry into San Francisco County mental health services during the time period of our study. We did not compile data on inpatient psychiatric episodes because psychiatric hospitalizations in the county system are almost uniformly preceded by crisis episodes. We selected the time period of our study to allow weekly data points for sixty-seven weeks before and twenty-three weeks after the passage of Proposition 187 on 8 November 1994. Changes in data collection methods beginning in July 1993 made prior data incomparable to later data.⁷

Data processing and study population. During the study period 15,807 crisis episodes and 6,309 outpatient episodes were initiated by 10,856 adults at DMS service sites. Our goal was to compare the service use trends of a subpopulation with a high proportion of immigrants, such as young Hispanics, with those of a subpopulation with a very low proportion of immigrants, such as non-Hispanic whites. To enhance the likelihood of capturing the groups we wished to examine, we formed time series of the outpatient and crisis episodes that we believed were most likely to be affected by passage of Proposition 187. We therefore classified service episodes by age, ethnicity, and site of service prior to forming individual time series.

We classified a person as Hispanic if his or her ethnicity was coded "Mexican American," "Latin American," or "other Hispanic" in the DMS database.⁸ No coding decision was needed for non-Hispanic whites because such a code was already present in the database. Episodes initiated by persons with other or unspecified ethnicities were excluded from further analysis. We categorized persons by age, because most undocumented Hispanic immigrants in California are between ages twenty and forty.⁹ We classified outpatient episodes initiated by Hispanics at selected sites known to serve many recent Hispanic immigrants (we identified five such sites) because we felt that time series of these episodes would be likely to reflect an effect of the passage of Proposition 187.¹⁰ When all of the outpatient

episodes were thus classified, we compiled weekly counts of outpatient episodes initiated by young Hispanics at the selected key service sites, and by young non-Hispanic whites at all of the DMS service sites.

Crisis episodes were classified by ethnicity and age. Because two crisis centers serve all of San Francisco County, no classification by perceived size of the immigrant population at individual service sites was possible. We compiled weekly counts of all crisis service episodes initiated by young Hispanics and young non-Hispanic whites for our analysis.

The demographic and clinical characteristics of the study populations are shown in Exhibit 1. As expected, larger numbers of young non-Hispanic whites than Hispanics initiated outpatient and crisis episodes during the study period. The distributions of age, sex, and diagnoses of the experimental and comparison groups were similar, as were distributions of the study population to those of the entire population of adults using DMS outpatient and crisis services during the study period (data not shown).¹¹

Analyses. We used Box-Jenkins time-series identification and modeling routines to test the hypothesized effects of the passage of Proposition 187 on the use of outpatient mental health services and subsequent crisis services by younger Hispanics.¹² We refined our hypothesis of a delayed increase in crisis episodes using correlation analyses, which strongly suggested a lag of six weeks between a decrease in outpatient service use and any increase in crisis service use by younger Hispanics. In each hypothesis test we used

Exhibit 1
Demographic And Clinical Characteristics Of Young Hispanics And Non-Hispanic Whites Initiating Outpatient Or Crisis Episodes Before And After Passage Of Proposition 187 In California

Characteristic	Outpatient episodes		Crisis episodes	
	Hispanics, key sites ^a (N = 417)	Non-Hispanic whites, all sites (N = 1,388)	Hispanics (N = 409)	Non-Hispanic whites (N = 2,694)
Mean age (years)	32.9 (7.0) ^b	34.5 (6.5) ^b	32.4 (6.9) ^b	33.2 (6.6) ^b
Percent male	55.6%	63.7%	68.2%	67.5%
Percent not having English as primary language	55.6	4.1	36.9	3.9
Most common diagnoses ^c				
Affective disorders	38.4%	49.7%	17.6%	24.4%
Schizophrenia	15.8	19.2	9.8	8.1
Unspecified psychosis	12.7		19.8	15.9
Adjustment disorders	12.5	5.5	37.4	32.9

Source: San Francisco County Division of Mental Health and Substance Abuse Services.

Note: Ages eighteen to forty-five, in San Francisco County, during the period 3 August 1993 through 24 April 1995.

^a Outpatient sites identified as likely to serve bilingual or bicultural immigrants.

^b Standard deviation in parentheses.

^c Primary Axis I diagnosis from Diagnostic and Statistical Manual, Third Edition, Revised (DSM-III-R).

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non-Hispanic whites of the same age range as a comparison group to ensure that any trends in service use shared by Hispanics and non-Hispanic whites would be identified as such rather than being attributed to the passage of Proposition 187.¹³

Results

Use of outpatient services by young Hispanics. As hypothesized, Hispanics ages eighteen to forty-five initiated significantly fewer outpatient episodes at key service sites than expected after the passage of Proposition 187. Our time-series analysis implies that over the twenty-seven weeks between the election and the end of our data series, young Hispanics initiated approximately forty fewer outpatient episodes than expected in the absence of Proposition 187. The effect of the election was net of any coincidence of cycles or trends in weekly outpatient episodes. It was also net of any shared variance between weekly outpatient episodes among young Hispanics and young non-Hispanic whites. That is, no similar decrease occurred in weekly outpatient episodes initiated by young non-Hispanic whites.

Use of crisis services by young Hispanics. Our results also support the hypothesis that a temporary increase in the use of crisis services by young Hispanics occurred six weeks following the observed decrease in their use of outpatient services after the passage of Proposition 187. Young Hispanics initiated between six and seven more crisis episodes than expected six weeks after the passage of Proposition 187 (week beginning 20 December 1994). Again, the effect of Proposition 187 was net of any shared variance between weekly crisis episodes among young Hispanics and young non-Hispanic whites. We tested the possibility that events other than the passage of Proposition 187 may have affected the use of crisis services by Hispanics in some manner not shared with other ethnic groups. We did so by adding the time series of crisis episodes initiated by older Hispanics as an independent variable in the intervention model, but the magnitude and statistical significance of the increase in crisis service use for younger Hispanics were unaffected.¹⁴

Discussion

Our findings suggest that the passage of Proposition 187 affected the use of mental health services by younger Hispanics in San Francisco County. The weekly count of outpatient service entries by younger Hispanics decreased by approximately 26 percent at sites that serve large populations of Hispanic immigrants, and the decrease was sustained through the end of

the study period—nearly six months after the election. If indeed forty different young Hispanics did not seek outpatient services because of fears related to Proposition 187, which is what we estimate, these persons would represent nearly 10 percent of our entire study population. Because a typical episode of outpatient care in the DMS system consists of several outpatient visits for assessment and treatment, the total quantity of services deferred as a result of Proposition 187 may have been substantial for the subpopulation of younger, primarily Spanish-speaking Hispanic persons who use outpatient mental health services in San Francisco County.

It is difficult to gauge the clinical significance of a decrease in service use in an exploratory study of this nature. Nevertheless, our analysis suggests that the count of crisis episodes initiated by younger Hispanics peaked to approximately 165 percent of the series mean six weeks following the passage of Proposition 187 and the initial decrease in their use of outpatient services. Although other explanations of the delayed increase in crisis service use could be posited, it is plausible that some young Hispanics delayed or missed needed outpatient services, which resulted in exacerbations of illness requiring crisis intervention.

One could argue that events other than the passage of Proposition 187 might have affected younger Hispanics without affecting other ethnic groups or older Hispanics in the week of the observed increase in use of crisis services. However, given a general inverse correlation between outpatient and crisis service use for younger Hispanics across the entire ninety-week time period and the lack of comparable effects in comparison groups, the observed decrease in outpatient service use after the passage of Proposition 187 is the most plausible explanation for the eventual sharp increase in crisis episodes initiated by younger Hispanics.

Cost implications. If Proposition 187 resulted in a shift in the demand for services from the outpatient to the crisis setting, the net cost of mental health services for young Hispanics may have increased despite a decrease in the use of outpatient services. Based on DMS cost reports, crisis visits have been estimated to be nearly five times as costly as outpatient visits, and nearly all admissions to DMS inpatient psychiatric units are preceded by crisis visits. Although the observed increase in the use of crisis services was apparently transient, it may have resulted in extended inpatient admissions at a relatively high total cost. A cost analysis is beyond the scope of this DataWatch, but our findings suggest that the effect of Proposition 187 in saved expenditures on outpatient services may have been more than offset by expenditures on expensive acute care services.

Generalizability. Our estimates may not generalize to other California counties or other health service systems. However, if the passage of Proposition 187 affected mental health service use in San Francisco County, it

seems likely that it affected service use elsewhere in California as well. We are aware of no prior reports of decreases in mental health service use. However, anecdotal reports of decreases in the use of prenatal and other medical services were common after the election, and most of these reports came from providers in other counties. Meanwhile, San Francisco County was one of eight counties out of fifty-eight in which the electorate rejected Proposition 187. Any deterrent effect the election may have had on health service use was probably greater in counties where the electorate voted overwhelmingly in favor of Proposition 187. Moreover, anecdotal reports suggest that the passage of Proposition 187 had a deterrent effect on the use of a range of health services, not merely mental health services.¹⁵ Therefore, our analysis suggests that a general decrease in health service use after the passage of Proposition 187 could be confirmed if appropriate methods were applied.

Effect on Hispanics. Although we cannot comment on the proposition's effect on non-Hispanic immigrants, we can posit several reasons that Hispanic users of mental health services were affected by Proposition 187, even though the measure was never legally implemented. Hispanics may have felt distinctly targeted by Proposition 187.¹⁶ During the election campaign, advocates for the proposition frequently referred directly and indirectly to the California/Mexico border. For example, a voice-over in one widely disseminated television campaign advertisement said, "They just keep coming . . .," as a flood of Mexican immigrants streamed across the border at Tijuana. Such propaganda may have instilled a greater degree of fear among Hispanic immigrants than among non-Hispanic immigrants, manifested as their persistent avoidance of settings that seem official or potentially associated with the government. Younger Hispanics may have been reluctant to risk deportation or investigation by the INS, even if they had heard of the legal injunction against Proposition 187. Documented immigrants may have deferred use of services because of fears of indirectly implicating undocumented family members or friends in the event that they are investigated. Finally, rumors may have circulated in some communities about persons who were adversely affected after seeking health care, whether related to Proposition 187 or not.

In the current climate of intolerance of immigrants in California, all of these factors could have generated powerful deterrent effects on individual decisions to seek health services. Although our data yield no specific information about this, the size of the observed effect suggests that legislation purporting to screen persons for immigration status can significantly affect immigrants' use of public services.

Limitations. The limitations of this exploratory analysis should be emphasized. Our study is primarily limited by its quasi-experimental design.

Although our methods controlled for many factors that might have affected service use independent of Proposition 187, it is impossible to attribute changes in service use to a single factor without more rigorous study designs. We cannot exclude the possibility that some unrecognized factor may have differentially affected the use of mental health services by younger Hispanics in San Francisco County coincident with the passage of Proposition 187. Furthermore, our findings lack sufficient precision to estimate the exact magnitude of Proposition 187's effects on use, costs, and health outcomes. While we believe that the passage of Proposition 187 is clearly the most plausible factor to which our findings can be attributed, the replication of this case study in other California counties would reduce doubt regarding the causal relationship between the passage of Proposition 187 and decreases in mental health service use by younger Hispanics, and more accurately quantify the size of these effects.

Implications. We conclude that the passage of Proposition 187 was temporally associated with a decrease in the use of outpatient mental health services by younger Hispanics in San Francisco County. The magnitude of the decrease and the subsequent increased use of crisis services suggest that the decrease in outpatient service use was of clinical importance. These findings raise worrisome questions about how Proposition 187 may have affected the use of health services in other settings despite an immediate legal injunction barring its implementation. Larger studies are needed to understand the statewide impact of Proposition 187 on health service use and health outcomes. Policymakers and the public should consider the potentially harmful and costly effects of legislation that bases eligibility for services on immigration status.

The authors thank Martha Shumway and Bruce Stegner for technical assistance throughout the project, and William McConnell for his assistance with data acquisition and analysis. Kevin Grumbach provided valuable comments on a previous version of the manuscript.

NOTES

1. California Ballot Pamphlet: General Election (Sacramento: Secretary of State, 1994), 92-94.
2. L. Romney, "Youth Dies as Medical Treatment Is Delayed," *Los Angeles Times*, 23 November 1994, A3; P. Burdman, "Woman who Feared Prop. 187 Deportation Dies at S.F. General," *The San Francisco Chronicle*, 26 November 1994, A14; M. Cabanatuan, "Clinic Use Drops: Fewer Hispanics in Prenatal Care," *The Modesto Bee*, 22 March 1995, A1; and A.M. Marin, "The Effects of Proposition 187: A First-Hand Report from San Diego County," *California Family Physician* (May/June 1995): 10.
3. D. Ayres, "Federal Judge Voids Some Limits on California's Services to Aliens," *The New York Times*, 22 November 1995, C18; and L. Mecoy, "State Says Prop. 187 Affects 23 Programs: Illegal Immigrants Excluded from Just Two of Them Initially," *The San Francisco Examiner*, 1 February 1996, A5.

California Senators take aim at 'mean-spirited' law

blog.sfgate.com/nov05election/2014/06/23/california-senators-take-aim-at-mean-spirited-law/

Melody Gutierrez

The California Senate passed a resolution Monday that faulted a two decades old anti-illegal immigration measure for being "mean-spirited" and spreading rampant fear of public officials among minority groups.

The state Senate resolution marked the 20-year anniversary of Proposition 187 qualifying for the ballot and comes on the heels of state Senators announcing legislation to repeal the state law.

Prop. 187 banned undocumented immigrants from receiving government benefits in California, such as access to publicly funded education, health care and social services. In 1998, a federal judge ruled most of Prop. 187 was unconstitutional.

One of the struck down parts of Prop. 187 was a provision that directed local law enforcement agencies, school employees, social workers and health care workers to turn in "suspected" illegal immigrants.

Lawmakers said the law targeted and scapegoated immigrants for the economic recession in the mid-1990's.

"Proposition 187 is the most recent modern example of California's troubled history and relationship with minorities and immigrants," according to the resolution SR51 lawmakers passed in a 24-7 vote Monday.

The resolution sparked a partisan debate in the Senate, particularly over language originally in the proposal that said "Gov. Pete Wilson used Proposition 187 to secure his reelection in 1994 by pursuing a scathing campaign that demohized undocumented parents and their children."

"It's very inappropriate," said Sen. Jim Nielsen, R-Gerber, who was among the Republicans who took issue with the resolution "personally attacking" the former governor.

Sen. Ricardo Lara, D- Los Angeles, said: "I did not attack your governor. I thanked him for allowing me to become a politically conscious individual."


Lara, who authored the resolution, is the son of undocumented immigrants. He is chair of the California Latino Legislative Caucus.

"It's important for us to recognize our history so we never repeat it again," Lara said. "That's why this resolution is so important."

Earlier this month, Sen. Kevin de Leon, D-Los Angeles, and Lara introduced SB396, which would repeal Proposition 187, which although never implemented is still on the books.



Bill Would Cut Prop. 187 Language About Undocumented Immigrants

 californiahealthline.org/articles/2014/6/5/bill-would-cut-prop-187-language-about-undocumented-immigrants

On Wednesday, a group of California lawmakers introduced a measure (SB 396) that would delete provisions of a ballot measure approved 20 years ago that aimed to withhold services -- such as education and health care programs -- from undocumented immigrants, the *Los Angeles Times*' "PolitiCal" reports (McGreevy, "PolitiCal," *Los Angeles Times*, 6/4).

Under SB 396, by state Sen. Kevin de León (D-Los Angeles), passages from Prop. 187 would be removed from California's education, health and safety, and welfare codes.

The bill is supported by California Latino Legislative Caucus Chair Ricardo Lara (D-Bell Gardens) and Assembly member Paul Fong (D-Cupertino), chair of the state's Asian and Pacific Islander Legislative Caucus ("PolitiCal," *Los Angeles Times*, 6/4).

During a press conference, de León said the measure is "a very powerful gesture to all Californians that we will remove and completely erase this part of our troubled history with immigrants."

Meanwhile, lawmakers said they also are working on a ballot measure that would call for national immigration reforms, including a so-called "path to citizenship" for undocumented residents (Rosenhall, "Capitol Alert," *Sacramento Bee*, 6/4).

Latino lawmakers move to reverse decades of anti-immigrant legislation

latimes.com/local/la-me-pol-legislature-latinos-20140622-story.html

Two decades after California voters took a hard line on illegal immigration, affirmative action and bilingual education, an ascendant class of Latino lawmakers is seeking to rewrite the books and discard the polarizing laws.

Flexing its growing clout in Sacramento, this generation of legislators is returning to the 1990s-era fights that propelled them into politics. On Monday, they will mark 20 years since Proposition 187 — the landmark initiative withholding public services such as healthcare and education from those in the country illegally — qualified for the ballot.

Sen. Ricardo Lara (D-Los Angeles), chairman of the Latino Legislative Caucus, said there is a satisfying "full circle" feel in revisiting these formative struggles with Latinos now empowered.

But others say the legislators are falling back on yesterday's battles for use as a political cudgel — a move that could risk alienating other voters.

Even two decades later, the feelings about Proposition 187 remain raw.

The measure barred healthcare, education and other public services for people in the country illegally. It required doctors, teachers and others to report suspected violators of immigration laws.

For Lara, whose parents were not legal residents, the proposal felt like a "blatant, direct attack" on his family and those like them.

Republican Gov. Pete Wilson, who led the campaign for Proposition 187, bristled at descriptions of the initiative as xenophobic and racist.

"They are playing the race card and trying to intimidate people who had the spunk and the logic to protest against Washington, D.C., and Mexico City, who had been quite content to allow state taxpayers to be stuck with the cost of federally mandated services to illegal immigrants," Wilson said in an interview. "Frankly, it's beneath contempt."

8

The measure — largely struck down as unconstitutional — was approved by 59% of voters in 1994. But its passage led to a surge of voter registration and political advocacy among Latinos.

In the 20 years since, Latinos have become the largest ethnic group in the state, and their share of the electorate has doubled. So has the number of Latinos in the Legislature.

"It was 187 — I cannot overemphasize — that unified the community," said Antonia Hernández, former leader of the Mexican American Legal Defense and Education Fund, a civil rights group.

The measure also bound Latinos to the Democratic Party.

Former Los Angeles Mayor Antonio Villaraigosa said the "mean-spirited, cynical ploy" by Republicans to push the initiative ultimately backfired.

"That created a generation of Democrats," he said.

Two years later, voters approved Proposition 209, which barred affirmative action for college admissions and public

hiring decisions. And in 1998, Proposition 227, an initiative that effectively banned bilingual education in public schools, passed with 61% of the vote.

"It was a litany. It didn't let up," said Assemblywoman Lorena Gonzalez (D-San Diego), of the successive measures. "It just became not OK, in the eyes of far too many Californians, to even be Latino."

Gonzalez, like Lara, was a college student when Proposition 187 was on the ballot; both attended campus rallies against it. Sen. Kevin De León (D-Los Angeles), the incoming Senate leader, was a lead organizer of a massive downtown Los Angeles rally in the fall of 1994.

"I cut my teeth politically organizing immigrants," De León said.

289

Now De León is pushing a bill to strip much of the language of Proposition 187 from statute. The bulk of the law was overturned by a federal court, but references to it remain in the state code. (Two provisions that survived court scrutiny dealing with false residency papers would remain law under De León's bill.)

It is time, he said, "to erase its stain from our books."

David Hayes-Bautista, a professor of medicine at UCLA who has written extensively about California Latinos, said that just as the state has apologized for other blemishes in its history, such as internment of Japanese Americans during World War II, so too should it acknowledge the pain felt by Latinos because of Proposition 187.

"This is one way to try to address and repair the past," he said.

In addition, a measure by Sen. Ed Hernandez (D-West Covina) would repeal parts of Proposition 209 in order to allow race-conscious college admissions. And Lara is seeking to undo and amend portions of Proposition 227 in order to expand access to multilingual educational programs. Both bills, should they pass the Legislature, would need to be approved by voters in 2016.

"These are policies that Californians have had to live with for 20 years, and we think the voters should be given an opportunity to revisit them," Hernandez said.

But Mike Madrid, a GOP consultant, said Latino politicians have made the decades-old fights a "disproportionately large part of the agenda." He said he hopes these lawmakers will now focus more on economic and educational disparities facing the community.

"Let this end also be a beginning of something new," Madrid said. "Let's not keep rehashing the same thing."

Assemblyman Rocky Chávez (R-Oceanside), one of two Latino Republicans in the Legislature, said he would vote to strike Prop. 187 from the record.

"It shouldn't be there," he said. "It was wrong."

But he said some of his Democratic counterparts were "caught in the political rhetoric" of the past, in hopes of creating a "wedge issue" to drive Latino turnout in the November elections.

Democrats continue to hold a commanding registration lead among Latinos — 55% of Latino voters are Democrats, according to Political Data Inc., a voter tracking firm, while 17% are Republican — but turnout in the community can be low, particularly in years without a presidential election.

But revisiting these issues is not without peril for Democrats. Hernandez's measure provoked a backlash this year among some Asian Americans who feared that their community could lose college admission slots if affirmative action was allowed. Lara acknowledges that Latino Democrats were caught "flat-footed" by the outcry.

"It was a very sobering moment," said Antonia Hernández, now president of the philanthropic group California Community Foundation. She blamed complacency in outreach to Asians and other groups.

The misstep prompted questions of overreach.

Ward Connerly, a former UC regent who backed Proposition 209, said he thinks efforts to repeal portions of it will backfire.

"Our side will argue they are opening the door to discrimination," he said. "And racial discrimination is abhorrent to most Californians."

De León said he did not expect public backlash because "California has come a long way."

Gonzalez acknowledged that revisiting some of these past battles gets her generation of lawmakers "in trouble sometimes." But to not take up those issues now that they're in the Capitol?

"Oh no," she said. "We've been fighting for this for way too long."

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Introduction Form

By a Member of the Board of Supervisors or the Mayor

Time stamp
or meeting date

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 [] inquires"
- 5. City Attorney request.
- 6. Call File No. [] from Committee.
- 7. Budget Analyst request (attach 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
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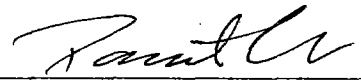
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Subject:

Resolution Supporting SB 396 to Repeal California Proposition 187

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