

File No. 180469

Committee Item No. _____

Board Item No. 20

COMMITTEE/BOARD OF SUPERVISORS

AGENDA PACKET CONTENTS LIST

Committee: _____

Date: _____

Board of Supervisors Meeting

Date: 05/08/2018

Cmte Board

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| <input type="checkbox"/> | <input type="checkbox"/> | Motion |
| <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 checked="" 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 |
| <input type="checkbox"/> | <input type="checkbox"/> | Public Correspondence |

OTHER

- | | | |
|--------------------------|-------------------------------------|---|
| <input type="checkbox"/> | <input checked="" type="checkbox"/> | <u>California State Assembly Bill 2888 April 18, 2018</u> |
| <input type="checkbox"/> | <input type="checkbox"/> | _____ |
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Prepared by: Jocelyn Wong

Date: 05/03/2018

Prepared by: _____

Date: _____

1 [Supporting California State Assembly Bill 2888 (Ting) - Gun Violence Restraining Order]

2
3 **Resolution supporting California State Assembly Bill 2888, the Gun Violence**
4 **Restraining Order, authored by Assembly Member Phil Ting.**

5
6 WHEREAS, Over the past decade more than 100,000 Americans have been killed by
7 gun violence; and

8 WHEREAS, In 2015 alone, there were more than 15,500 people killed or injured by
9 firearms in the United States, including almost 4,000 children under the age of 18; and

10 WHEREAS, From 2014 to 2017, there have been over 1,300 mass shootings (incidents
11 with four or more people killed or injured); and

12 WHEREAS, From 2000 to 2018, mass shootings have been on the rise, with the
13 majority of them occurring on school campuses and in the workplace; and

14 WHEREAS, In the United States, there are over 500 workplace homicides each year,
15 with firearms accounting for approximately 80% of those killings; and

16 WHEREAS, More than 60% of people in this country who die from guns die by suicide;
17 suicide is the second-most common cause of death for Americans between the ages of 15
18 and 34; and

19 WHEREAS, San Francisco has for decades been a national leader in both legislating
20 and defending in the courts bold policies against the proliferation of guns on our streets and
21 has been in favor of smart gun control restrictions, from our 1981 handgun control ordinance
22 to the 2013 bans on lethal ammunition and high capacity magazines, recognizing the
23 reasonable judgment that these types of ammunition and magazines pose a significant and
24 serious threat to the health of our residents; and

1 WHEREAS, This year, on February 14, in Parkland, Florida, 17 people were killed and
2 17 more were injured at Marjorie Stoneman Douglas high school, all by firearms; the shooter
3 is a recent former student of the school, and there had been several warnings raised about his
4 potential for violence; this bill would provide school employees the opportunity to petition the
5 court for a gun violence restraining order in similar situations; and

6 WHEREAS, California State Assembly Bill 2888 limits access to particularly deadly
7 weapons and addresses the need to limit access to firearms by someone who is exhibiting
8 signs of becoming a danger to themselves or others by amending existing law to enable an
9 employer, a coworker, or an employee of a high school or college to request a court to issue a
10 gun violence restraining order prohibiting a person from having in his/her custody or control,
11 owning, purchasing, possessing, or receiving a firearm or ammunition; and

12 WHEREAS, California State Assembly Bill 2888 strikes the right balance between
13 preserving constitutional rights and prioritizing the safety of our citizens; now, therefore, be it

14 RESOLVED, That the San Francisco Board of Supervisors declares their support for
15 California State Assembly Bill 2888 and urges the Senate and Assembly to pass the bill; and,
16 be it

17 FURTHER RESOLVED, That the San Francisco Board of Supervisors hereby directs
18 the Clerk of the Board to transmit copies of this Resolution to Assembly Member Ting and our
19 City Lobbyist, with a request to take all actions necessary to achieve passage of this bill.
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AMENDED IN ASSEMBLY APRIL 18, 2018

AMENDED IN ASSEMBLY MARCH 22, 2018

CALIFORNIA LEGISLATURE—2017–18 REGULAR SESSION

ASSEMBLY BILL

No. 2888

Introduced by Assembly Members Ting, Muratsuchi, and Reyes
(Coauthor: Senator Allen)

February 16, 2018

An act to amend Sections 18150, 18170, and 18190 of the Penal Code, relating to firearms.

LEGISLATIVE COUNSEL'S DIGEST

AB 2888, as amended, Ting. Gun violence restraining orders.

Existing law authorizes a court to issue an ex parte gun violence restraining order prohibiting the subject of the petition from having in his or her custody or control, owning, purchasing, possessing, or receiving, or attempting to purchase or receive, a firearm or ammunition when it is shown that there is a substantial likelihood that the subject of the petition poses a significant danger of harm to himself, herself, or another in the near future by having in his or her custody or control, owning, purchasing, possessing, or receiving a firearm, and that the order is necessary to prevent personal injury to himself, herself, or another, as specified. Existing law requires the ex parte order to expire no later than 21 days after the date on the order. Existing law also authorizes a court to issue a gun violence restraining order prohibiting the subject of the petition from having in his or her custody or control, owning, purchasing, possessing, or receiving, or attempting to purchase or receive, a firearm or ammunition for a period of one year when there is clear and convincing evidence that the subject of the petition, or a

person subject to an ex parte gun violence restraining order, as applicable, poses a significant danger of personal injury to himself, herself, or another by having in his or her custody or control, owning, purchasing, possessing, or receiving a firearm, and that the order is necessary to prevent personal injury to himself, herself, or another, as specified. Existing law authorizes renewal of a gun violence restraining order within 3 months of the order's expiration. Petitions for ex parte, one-year, and renewed gun violence restraining orders may be made by an immediate family member of the person or by a law enforcement officer.

This bill would similarly authorize, but not require, an employer, a coworker, ~~a mental health worker who has seen the person as a patient in the last 6 months~~, or an employee of a secondary or postsecondary school that the person has attended in the last 6 months to file a petition for an ex parte, one-year, or renewed gun violence restraining order.

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

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

1 SECTION 1. Section 18150 of the Penal Code is amended to
2 read:

3 18150. (a) (1) An immediate family member, an employer,
4 a coworker, ~~a mental health worker who has seen the person as a~~
5 ~~patient in the prior six months~~, an employee of a secondary or
6 postsecondary school that the person has attended in the last six
7 months, or a law enforcement officer may file a petition requesting
8 that the court issue an ex parte gun violence restraining order
9 enjoining the subject of the petition from having in his or her
10 custody or control, owning, purchasing, possessing, or receiving
11 a firearm or ammunition.

12 (2) For purposes of this subdivision, "immediate family
13 member" has the same meaning as in paragraph (3) of subdivision
14 (b) of Section 422.4.

15 (3) This chapter does not require a person described in paragraph
16 (1) to seek a gun violence restraining order.

17 (b) A court may issue an ex parte gun violence restraining order
18 if the petition, supported by an affidavit made in writing and signed
19 by the petitioner under oath, or an oral statement taken pursuant
20 to subdivision (a) of Section 18155, and any additional information

1 provided to the court shows that there is a substantial likelihood
2 that both of the following are true:

3 (1) The subject of the petition poses a significant danger, in the
4 near future, of causing personal injury to himself, herself, or
5 another by having in his or her custody or control, owning,
6 purchasing, possessing, or receiving a firearm as determined by
7 considering the factors listed in Section 18155.

8 (2) An ex parte gun violence restraining order is necessary to
9 prevent personal injury to the subject of the petition or another
10 because less restrictive alternatives either have been tried and
11 found to be ineffective, or are inadequate or inappropriate for the
12 circumstances of the subject of the petition.

13 (c) An affidavit supporting a petition for the issuance of an ex
14 parte gun violence restraining order shall set forth the facts tending
15 to establish the grounds of the petition, or the reason for believing
16 that they exist.

17 (d) An ex parte order under this chapter shall be issued or denied
18 on the same day that the petition is submitted to the court, unless
19 the petition is filed too late in the day to permit effective review,
20 in which case the order shall be issued or denied on the next day
21 of judicial business in sufficient time for the order to be filed that
22 day with the clerk of the court.

23 SEC. 2. Section 18170 of the Penal Code is amended to read:

24 18170. (a) (1) An immediate family member, an employer,
25 a coworker, ~~a mental health worker who has seen the person as a~~
26 ~~patient in the prior six months~~, an employee of a secondary or
27 postsecondary school that the person has attended in the last six
28 months, or a law enforcement officer may request that a court,
29 after notice and a hearing, issue a gun violence restraining order
30 enjoining the subject of the petition from having in his or her
31 custody or control, owning, purchasing, possessing, or receiving
32 a firearm or ammunition for a period of one year.

33 (2) This chapter does not require a person described in paragraph
34 (1) to seek a gun violence restraining order.

35 (b) For purposes of this subdivision, "immediate family
36 member" has the same meaning as in paragraph (3) of subdivision
37 (b) of Section 422.4.

38 SEC. 3. Section 18190 of the Penal Code is amended to read:

39 18190. (a) (1) An immediate family member of a restrained
40 person, an employer, a coworker, ~~a mental health worker who has~~

1 seen the person as a patient in the prior six months, an employee
2 of a secondary or postsecondary school that the person has attended
3 in the last six months, or a law enforcement officer may request a
4 renewal of a gun violence restraining order at any time within the
5 three months before the expiration of a gun violence restraining
6 order.

7 (2) For purposes of this subdivision, “immediate family
8 member” has the same meaning as in paragraph (3) of subdivision
9 (b) of Section 422.4.

10 (3) This chapter does not require a person described in paragraph
11 (1) to seek a gun violence restraining order.

12 (b) A court may, after notice and a hearing, renew a gun violence
13 restraining order issued under this chapter if the petitioner proves,
14 by clear and convincing evidence, that paragraphs (1) and (2) of
15 subdivision (b) of Section 18175 continue to be true.

16 (c) In determining whether to renew a gun violence restraining
17 order issued under this chapter, the court shall consider evidence
18 of the facts identified in paragraph (1) of subdivision (b) of Section
19 18155 and any other evidence of an increased risk for violence,
20 including, but not limited to, evidence of any of the facts identified
21 in paragraph (2) of subdivision (b) of Section 18155.

22 (d) At the hearing, the petitioner shall have the burden of
23 proving, by clear and convincing evidence, that paragraphs (1)
24 and (2) of subdivision (b) of Section 18175 are true.

25 (e) If the renewal petition is supported by clear and convincing
26 evidence, the court shall renew the gun violence restraining order
27 issued under this chapter.

28 (f) The renewal of a gun violence restraining order issued
29 pursuant to this section shall have a duration of one year, subject
30 to termination by further order of the court at a hearing held
31 pursuant to Section 18185 and further renewal by further order of
32 the court pursuant to this section.

33 (g) A gun violence restraining order renewed pursuant to this
34 section shall include the information identified in subdivision (a)
35 of Section 18180.

O

Introduction Form

By a Member of the Board of Supervisors or Mayor

RECEIVED
BOARD OF SUPERVISORS
SAN FRANCISCO
2018 MAY
Time stamp PM 3:28
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):

Supervisor Stefani

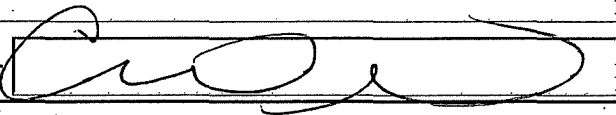
Subject:

Supporting California State Assembly Bill 2888 - Gun Violence Restraining Order

The text is listed:

Resolution supporting California State Assembly Bill 2888-Phil Ting.

Signature of Sponsoring Supervisor



For Clerk's Use Only