

File No. 220115

Committee Item No. _____

Board Item No. 42

COMMITTEE/BOARD OF SUPERVISORS

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Committee: _____

Date: _____

Board of Supervisors Meeting

Date: February 1, 2022

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OTHER

- Assembly Bill No. 1594 - 1/3/22
- CA State Association of Counties and League of CA Cities Position
- _____
- _____
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Prepared by: Jocelyn Wong

Date: January 28, 2022

Prepared by: _____

Date: _____

1 [Supporting California State Assembly Bill No. 1594 (Ting, Gipson, and Ward) -
2 Firearms: Civil Suit]

3 **Resolution supporting California State Assembly Bill No. 1594, introduced by**
4 **Assembly Members Phil Ting, Mike Gipson, and Christopher Ward on January 3,**
5 **2022, that would specify that a gun industry member has created or maintained a**
6 **public nuisance if their failure to follow federal, state, or local law caused injury or**
7 **death or if the gun industry member engaged in unfair business practices.**

8
9 WHEREAS, Almost forty thousand lives are lost to gun violence every year, for
10 an average of 100 people shot and killed in the United States every day; and

11 WHEREAS, Every day 316 people are shot in the United States; and

12 WHEREAS, Gun violence is the leading cause of death for children and teens in
13 the United States; and

14 WHEREAS, San Francisco is not immune to the national gun violence epidemic,
15 as our communities have seen a dramatic increase in gun violence within the past year;
16 and

17 WHEREAS, Black Americans are disproportionately impacted by gun violence,
18 experiencing 10 times the gun homicides, 18 times the gun assault injuries, and nearly
19 3 times the fatal police shootings of white Americans; and

20 WHEREAS, Almost every industry in the United States can be held liable for the
21 harm their products cause, and the gun industry is not held to the same standard; and

22 WHEREAS, The Protection of Lawful Commerce in Arms Act (PLCAA) shields
23 gun producers and dealers from civil liability when their products are used to commit
24 crimes, when those companies break state law; and

25

1 WHEREAS, Existing law defines a public nuisance and provides that a public
2 nuisance may be remedied by an indictment or information, a civil action, or abatement;
3 and

4 WHEREAS, Assembly Bill No. 1594 empowers local and state governments and
5 Californians to sue those responsible for the manufacturing, sale, distribution and
6 marketing that contribute to conditions that endanger the health or safety of others or
7 engaging in unfair business practices; and

8 WHEREAS, The threat of civil litigation aims to compel the gun industry to take
9 every step possible to prevent illegal sales and theft to reduce gun violence; and

10 WHEREAS, The bill is co-sponsored by the California Attorney General and the
11 Brady Campaign; now, therefore, be it

12 RESOLVED, That the San Francisco Board of Supervisors supports Assembly
13 Bill No. 1594; and, be it

14 FURTHER RESOLVED, That the San Francisco Board of Supervisors hereby
15 directs the Clerk of the Board of Supervisors to transmit a copy of this Resolution to San
16 Francisco's State Legislative Delegation and to the City Lobbyist.

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ASSEMBLY BILL

No. 1594

**Introduced by Assembly Members Ting, Gipson, and Ward
(Coauthors: Assembly Members Berman, Bloom, Levine, and
Quirk)**

(Coauthors: Senators Newman and Wiener)

January 3, 2022

An act to add Part 2.5 (commencing with Section 3450) to Division 4 of the Civil Code, relating to firearms.

LEGISLATIVE COUNSEL'S DIGEST

AB 1594, as introduced, Ting. Firearms: civil suits.

Existing law defines a public nuisance and provides that a public nuisance may be remedied by an indictment or information, a civil action, or abatement. Existing law also regulates the manufacture, sale, and marketing of firearms.

This bill would specify that a gun industry member has created or maintained a public nuisance, as defined, if their failure to follow federal, state, or local law caused injury or death or if the gun industry member engaged in unfair business practices.

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. Part 2.5 (commencing with Section 3450) is
2 added to Division 4 of the Civil Code, to read:

1 PART 2.5. CIVIL SUITS RELATING TO FIREARMS

2

3 3450. A gun industry member shall have created or maintained
4 a public nuisance, as defined in Section 3480, if their failure to
5 follow federal, state, or local law caused injury or death or if the
6 gun industry member engaged in unfair business practices.

O

Lew, Lisa (BOS)

From: BOS Legislation, (BOS)
To: Abraham, Emily (BOS); BOS Legislation, (BOS)
Cc: PEARSON, ANNE (CAT); Stefani, Catherine (BOS)
Subject: RE: District 2 Introduced Resolutions 1/25

From: Abraham, Emily (BOS) <emily.abraham@sfgov.org>
Sent: Wednesday, January 26, 2022 10:27 AM
To: BOS Legislation, (BOS) <bos.legislation@sfgov.org>
Cc: PEARSON, ANNE (CAT) <Anne.Pearson@sfcityatty.org>; Stefani, Catherine (BOS) <catherine.stefani@sfgov.org>
Subject: Re: District 2 Introduced Resolutions 1/25

Jocelyn,

Please see attached for the PDF copies of the bills. League of Cities has a 'watch' position on both bills and CA State Association of Counties has not taken a position.

Thank you,
Emily

Emily Abraham
District 2 Supervisor Stefani
Legislative Aide

Introduction Form

By a Member of the Board of Supervisors or 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 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. Topic 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):

Subject:

The text is listed:

Signature of Sponsoring Supervisor:

For Clerk's Use Only