

The California Model: Twenty Years of Putting Safety First



LAW CENTER TO
PREVENT GUN VIOLENCE

BECAUSE SMART GUN LAWS SAVE LIVES

Two Mass Shootings that Changed California

In 1989, a catastrophic event changed the perception of gun violence in California. A gunman took an assault rifle to Cleveland Elementary School in Stockton, where he killed five children and wounded 29 other children as well as one teacher.

The parallels between the Stockton shooting and the shooting at Sandy Hook Elementary School in Newtown, Connecticut are startling. As one news report observed, “Except for the fatal scale of the Connecticut shooting[,] the assault at

Californians were thrust back into tragedy a few years later, in the summer of 1993, when a man entered the law firm of Pettit & Martin in downtown San Francisco armed with military-style assault weapons, and walked through the office on a shooting rampage. Within minutes, he had killed eight people and wounded six more before taking his own life.

In the days following, devastated members of the San Francisco legal community joined together to find solutions to prevent future



In the early 1990s, California’s gun laws were weak and full of gaps, and the toll of gun violence across the state rose to unprecedented levels - at one point 15% higher than the national average.¹ California was facing epidemic proportions of gun violence and the impact was being felt by every community, from Redding to San Diego.

Cleveland Elementary School here featured near-identical and tragic themes: young victims, a troubled gunman and a military-style rifle.”²

The Stockton shooting shocked California and the nation, igniting calls for change. Then, as now, change was not quick to come from Congress. Instead, it was California’s legislature that responded to the demand for action, adopting the first assault weapons ban in the country that same year.

tragedies by forming Legal Community Against Violence, now known as the Law Center to Prevent Gun Violence.

The shooting at Pettit & Martin galvanized the resolve of legislators and supporters of commonsense gun regulation in California. In the last two decades, with the Law Center’s dedicated team of attorneys leading the way, California has become a national leader in the movement for effective gun laws.

The Law Center: Twenty Years of Improving Safety in California

Over the last twenty years, the Law Center has been instrumental in making California safer through an innovative mix of work at the state and local levels. At the state level, we have assisted countless legislators in the development of smart legislation to protect our communities, providing research and drafting assistance, and testifying at public hearings.

With our support, California cities and counties have pioneered legislative efforts to reduce gun-related deaths and injuries and adopted over 300 innovative firearm ordinances since the mid-1990s. Significantly, this local regulatory activity has provided the catalyst for the enactment of many state laws: those to ban “junk guns,” require firearms dealers to equip



Through our extensive work and partnerships, California’s gun laws are now the strongest in the nation, and, as discussed inside, the state’s gun death rate has plummeted over the last two decades. Still, with thousands injured or killed by guns statewide every year, the Law Center’s work is far from over.

To date, we have supported the adoption of over 30 significant laws, including those to ban military-style weapons and ammunition magazines, create strong safety standards for handguns, prohibit the open carrying of unloaded firearms in public, and help law enforcement get guns out of the hands of felons, domestic abusers and other dangerous people. The state’s comprehensive and cogent gun laws place California at the forefront of gun violence prevention.

Our legal team has also been deeply involved at the local level, offering a wide variety of services to legislators and advocates looking to prevent gun violence in communities across California.

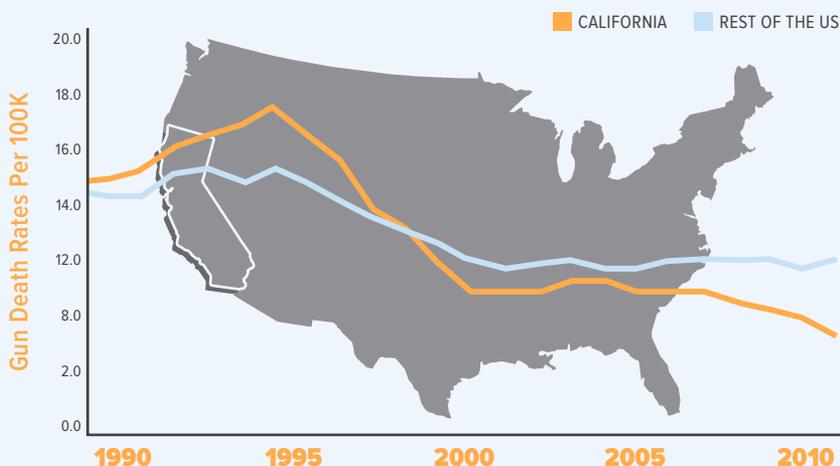
all firearms with a child-safety lock, limit handgun purchases to one per person per month, and ban 50-caliber rifles.

In addition to championing smart approaches to reducing gun violence, we’ve also worked to defeat gun lobby-sponsored legislation attempting to weaken California’s gun laws. Having repeatedly failed in Sacramento, the gun lobby is increasingly trying to attack California’s laws in the courts. We support jurisdictions statewide in their efforts to successfully defend good laws against these meritless legal challenges with the assistance of pro bono counsel from top national law firms.

Proof in the Data: Thousands of Lives Saved

Over the last twenty years, the number of people injured or killed by guns in California has decreased dramatically. In 1993, 5,500 Californians were killed by gunfire; by 2010, the most recent year for which data is available, that number had dropped to 2,935.³ In just two decades, the state's gun death rate has been cut by 56%, a reduction that translates to thousands of lives saved every single year.⁴

Gun Death Rates in California and the Nation



The rate of gun violence in California has also fallen notably compared to rest of the country. Today, California has the ninth lowest gun death rate of any state nationwide when twenty years ago, it had the thirty-fifth lowest rate.⁵

California has taken a comprehensive and courageous approach to addressing the epidemic of gun violence, and that approach has succeeded. The state's strong gun laws not only help save lives, but also reduce the trafficking of illegal guns to other states and to Mexico, protecting lives in neighboring communities.⁶

California: A Leader in Adopting Smart Gun Laws

The Law Center has supported numerous bills in the California Legislature to reduce gun violence, over 30 of which have been enacted into law. Some significant highlights include:



Standards for Gun Safety

- 1999** - Prohibited the manufacture or sale of handguns that lack design safety standards.
- 1999** - Required the Department of Justice to develop standards for firearm safety devices to keep children safe and prevent unauthorized access to firearms.
- 2001** - Established the Handgun Safety Certificate Requirement, requiring individuals to pass a written test and demonstrate safe handling before purchasing a handgun.
- 2003** - Required new handgun models to include “chamber load indicators” to help prevent accidental shootings.



Access to Weapons by Domestic Violence Abusers

- 1994** - Prohibited individuals subject to a domestic violence restraining order from possessing a firearm while the order is in effect.
- 2012** - Required domestic violence abusers to relinquish firearms when a protective order is served.



Guns in Public Places

- 1997** - Expanded the scope of the crime of carrying a concealed firearm in vehicles to also include people who are not driving the vehicle.
- 2011** - Prohibited individuals from openly carrying unloaded handguns in public, which was previously allowed even if the person was also carrying ammunition.
- 2012** - Expanded the ban on openly carrying unloaded guns in public to include long guns.



Preventing Gun Trafficking and Solving Gun Crimes

- 1998** - Provided comprehensive regulation of gun manufacturers to empower law enforcement in their efforts to curb trafficking.
- 1999** - Prohibited individuals from purchasing more than one handgun in a 30-day period to fight gun trafficking.
- 2001** - Established a first-of-its-kind database of individuals who legally purchased firearms but subsequently became prohibited from possessing them – empowering law enforcement to disarm dangerous people.
- 2007** - Imposed a first-in-the-nation requirement that all new handgun models manufactured for sale in California be equipped with “microstamping” technology that imprints identifying information on each cartridge case when the firearm is fired to help law enforcement to solve gun crimes.
- 2009** - Required retention of handgun ammunition sales records, and the completion of sales in a face-to-face transaction.⁷
- 2011** - Required retention of records of all rifle and shotgun sales.



Dangerous Military-Style Weapons in Our Communities

- 2000** - Prohibited the sale and manufacturing of large capacity ammunition magazines (those capable of holding more than 10 rounds).
- 1999** - Strengthened the 1989 state assault weapon ban to require a one-feature test, becoming the first state in the nation to do so, and making it harder for the gun industry to evade the law by modifying a banned weapon.
- 2004** - Became the first state to ban the manufacture, sale, and possession of massive, military-style 50-caliber firearms.

California as a Model for Gun Safety

California has created an impressive model of strong and effective gun regulation as well as pioneered innovative approaches to this problem. In the aftermath of the shooting at Sandy Hook Elementary, state legislators across the country seeking to adopt smart new laws looked to California's example and the Law Center's expert legal support.

In the first quarter of 2013, our legal team worked with 24 states interested in new gun safety legislation and six of these states successfully implemented new firearms laws

Gun violence is not a problem without solutions. We know what works, we've seen the difference it has made in California, and we are already seeing the same success in other states. We've come a long way since 1993, and we're only getting started.

before the six month anniversary of the shooting at Sandy Hook. Connecticut, Maryland, and New York passed comprehensive packages that include laws to expand and improve background checks, limit the sale or transfer of military-style assault weapons and large-capacity ammunition magazines, require safety training and improve systems for keeping guns away from domestic violence abusers and the dangerously mentally ill. Delaware and Colorado passed laws requiring background checks on all gun sales and California immediately added enforcement teeth to its law to confiscate guns from criminals and the mentally ill.

There is still so much more we can do to prevent gun deaths and injuries in America. California will continue to lead the country in the effort to prevent gun violence, and the Law Center will continue to support efforts to implement smart gun laws in California and across the nation.

A Unique Approach To Saving Lives

Today, the Law Center remains dedicated to preventing the loss of life caused by gun violence through a variety of unique services. The Law Center helps keep communities safe through our work with cities, counties, and states across the nation, by:

- Tracking state gun laws and all Second Amendment litigation nationally – research and analysis that is unavailable elsewhere;
- Providing trusted legal expertise on America's gun laws to legislators and advocates looking to improve the laws in their communities;
- Educating the public on the effectiveness of smart gun laws; and
- Analyzing policy strategies to empower communities and governments to pursue effective measures that are legally defensible.

The Law Center to Prevent Gun Violence exists because we believe that none of us has to live in a society where so many lives are lost to gunfire. Our twenty years of success shows that it's possible, and that we know how to do it.

STAND WITH US:

Together, we can prevent the loss of countless lives to gun violence. Stand up for our right to live in safe communities.

Become a Member

Your support is critical to the Law Center's efforts and helps us promote smart laws that keep guns out of the wrong hands.

Spread the Word

You understand that smart gun laws make you and your family safer, but does your neighbor? Help us by spreading the word to your friends and family. Join us on Facebook and Twitter @smartgunlaws, host a house party, or ask your employer to sponsor one of our events.

Volunteer

The Law Center needs a strong group of volunteers to assist us with gun violence prevention projects. All types of volunteers are needed if we are to bring an end to gun violence in America. Your skills are vital to this movement – **pitch in today!**

For more information or an annotated copy of this publication visit smartgunlaws.org.

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Endnotes

¹ U.S. Centers for Disease Control and Prevention, National Center for Injury Prevention and Control, *Web-Based Injury Statistics Query & Reporting System (WISQARS), 1981-1998 Fatal Injury Report, 1981-1998*, <http://webappa.cdc.gov/sasweb/ncipc/mortrate9.html> (accessed on July 11, 2013).

² *Stockton school massacre: A tragically familiar pattern*, USA Today (Apr. 1, 2013), <http://www.usatoday.com/story/news/nation/2013/04/01/stockton-massacre-tragically-familiar-pattern-repeats/2043297/>.

³ *WISQARS, 1981-1998*, *supra*, note 1; Nat'l Ctr. for Injury Prevention & Control, U.S. Centers for Disease Control and Prevention, *Web-Based Injury Statistics Query & Reporting System (WISQARS) Injury Mortality Reports, 1999-2010, for National, Regional, and States* (Feb. 2013), http://webappa.cdc.gov/sasweb/ncipc/dataRestriction_inj.html. 2010 age-adjusted rate is 7.70 per 100k; 1993 age-adjusted rate is 17.48 per 100k.

⁴ *WISQARS, 1981-1998*, *supra*, note 1; *WISQARS, 1999-2010*, *supra*, note 3.

⁵ See *id.* These observations based on to research initially completed by Griffin Dix, Ph.D. Note: age-adjusted rates used for CA-to-CA comparisons, but for national comparisons, crude rates were used.

⁶ According to a survey conducted by Mayors Against Illegal Guns, California is the fifth lowest supplier (per capita) of guns recovered in crimes in other states. *Trace the Guns: The Link Between Gun Laws and Interstate Gun Trafficking*, Mayors Against Illegal Guns, 9 (Sept. 2010), available at www.tracetheguns.org (follow "Download the Full Report" hyperlink). In addition, California supplies crime guns to Mexico at a far lower rate than the other states along the Mexican border. Issue Brief: *The Movement of Illegal Guns Across the U.S.-Mexico Border*, Mayors Against Illegal Guns, 3 (Sept. 2010), available at www.tracetheguns.org (follow "Learn how American guns are fueling the Mexican drug war" hyperlink).

⁷ In 2010, a Superior Court in Fresno issued an order finding that the definition of "handgun ammunition" in this law was ambiguous, and prevented it from being implemented. That ruling is on appeal, however, and proposals are before the State Legislature that would address the ruling. *Parker v. California*, No. F062490 (Cal. Ct. App. argued July 10, 2013).