
SENATE COMMITTEE ON PUBLIC SAFETY

Senator Loni Hancock, Chair

2015 - 2016 Regular

Bill No: SB 1006 **Hearing Date:** April 19, 2016
Author: Wolk
Version: April 11, 2016
Urgency: No **Fiscal:** Yes
Consultant: JRD

Subject: *Firearm Violence Research Center*

HISTORY

Source: American College of Emergency Physicians; American Academy of Pediatrics, California

Prior Legislation: None known

Support: All Saints Church, Pasadena; Americans for Responsible Solutions; California Chapter of the American College of Emergency Physicians; California Academy of Family Physicians; California Chapters of the Brady Campaign to Prevent Gun Violence; California College and University Policy Chiefs Association; California Police Chiefs Association; California Psychiatric Association; California Public Defenders Association; California School Nurses Association; Dave Jones, Insurance Commissioner; Doctors for America; International Health & Epidemiology Research Center; Friends Committee on Legislation of California; Los Angeles City Attorney; National Association of Social Workers; Physicians for Social Responsibility, San Francisco Bay Area Chapter; Violence Prevention Coalition of Orange County; United States Senator, Dianne Feinstein; Youth Alive!; several individuals

Opposition: California Sportsman's Lobby; Doctors for Responsible Gun Ownership; Firearms Policy Coalition; Gun Owners of America; Gun Owners of California; Outdoors Sportsmen's Coalition of California; Safari Club International; several individuals

PURPOSE

This purpose of this bill is to request that the UC Regents establish the Center for purposes of conducting research related to firearm violence and its prevention, as specified.

Existing law generally regulates the use, possession and sale of deadly weapons in California. (Penal Code § 16000, et. seq.)

Under existing law the California Constitution establishes the UC, a public trust to be administered by the Regents of the UC and grants the Regents full powers of organization and government, subject only to such legislative control as may be necessary to insure security of its funds, compliance with the terms of its endowments, statutory requirements around competitive

bidding and contracts, sales of property and the purchase of materials, goods and services. (Article IX, Section (9)(a) of the California Constitution.)

Current law provides that the statutes related to UC (and most other aspects of the governance and operation of UC) are applicable only to the extent that the Regents of UC make such provisions applicable. (Education Code § 67400.)

This bill requests that the UC Regents establish the Center for purposes of conducting research related to firearm violence and its prevention.

This bill states the legislative intent that the administration of the Center be consistent with the following principles:

- Works to address the nature, consequences, and prevention of firearm violence, as described.
- Conducts basic, translational, and transformative research with a mission to provide the scientific evidence on which sound firearm violence prevention policies and programs can be based. Its research shall include, but not be limited to, the effectiveness of existing laws and policies intended to reduce firearm violence, including the criminal misuse of firearms, and efforts to promote the responsible ownership and use of firearms.
- Identifies, implements, and evaluates innovative prevention policies and programs with policymakers and state agencies.
- Recruits and provides specialized training opportunities for new researchers, as specified.

This bill states the legislature's intent to appropriate funds to a Firearm Research Center Account for purposes specified in the bill and further:

- Authorizes the Center to seek additional federal, state or private funds.
- Requires that the Center administer a small grant program that provides for:
 - An open, competitive peer review process modeled after the National Institute of Health's granting making process.
 - A process by which all qualified investigators have equal access to compete for funds.

This bill states legislative intent that the University of California (UC) report, on or before December 31, 2017, and every 5 years thereafter, specified information regarding the activities of the Center and information pertaining to research grants.

This bill requires state agencies to comply with data requests initiated by the Center only to the extent permitted by current law.

This bill requires that the Center provide copies of its research publications to the Legislature and certain state agencies.

This bill makes a number of findings and declarations relative to the effects of firearm violence on public health and safety and the need for expanded research efforts and more funding.

This bill provides that these provisions are applicable to UC only if the Board of Regents, by resolution, makes it applicable.

RECEIVERSHIP/OVERCROWDING CRISIS AGGRAVATION

For the past several years this Committee has scrutinized legislation referred to its jurisdiction for any potential impact on prison overcrowding. Mindful of the United States Supreme Court ruling and federal court orders relating to the state's ability to provide a constitutional level of health care to its inmate population and the related issue of prison overcrowding, this Committee has applied its "ROCA" policy as a content-neutral, provisional measure necessary to ensure that the Legislature does not erode progress in reducing prison overcrowding.

On February 10, 2014, the federal court ordered California to reduce its in-state adult institution population to 137.5% of design capacity by February 28, 2016, as follows:

- 143% of design bed capacity by June 30, 2014;
- 141.5% of design bed capacity by February 28, 2015; and,
- 137.5% of design bed capacity by February 28, 2016.

In December of 2015 the administration reported that as "of December 9, 2015, 112,510 inmates were housed in the State's 34 adult institutions, which amounts to 136.0% of design bed capacity, and 5,264 inmates were housed in out-of-state facilities. The current population is 1,212 inmates below the final court-ordered population benchmark of 137.5% of design bed capacity, and has been under that benchmark since February 2015." (Defendants' December 2015 Status Report in Response to February 10, 2014 Order, 2:90-cv-00520 KJM DAD PC, 3-Judge Court, *Coleman v. Brown, Plata v. Brown* (fn. omitted).) One year ago, 115,826 inmates were housed in the State's 34 adult institutions, which amounted to 140.0% of design bed capacity, and 8,864 inmates were housed in out-of-state facilities. (Defendants' December 2014 Status Report in Response to February 10, 2014 Order, 2:90-cv-00520 KJM DAD PC, 3-Judge Court, *Coleman v. Brown, Plata v. Brown* (fn. omitted).)

While significant gains have been made in reducing the prison population, the state must stabilize these advances and demonstrate to the federal court that California has in place the "durable solution" to prison overcrowding "consistently demanded" by the court. (Opinion Re: Order Granting in Part and Denying in Part Defendants' Request For Extension of December 31, 2013 Deadline, NO. 2:90-cv-0520 LKK DAD (PC), 3-Judge Court, *Coleman v. Brown, Plata v. Brown* (2-10-14). The Committee's consideration of bills that may impact the prison population therefore will be informed by the following questions:

- Whether a proposal erodes a measure which has contributed to reducing the prison population;
- Whether a proposal addresses a major area of public safety or criminal activity for which there is no other reasonable, appropriate remedy;
- Whether a proposal addresses a crime which is directly dangerous to the physical safety of others for which there is no other reasonably appropriate sanction;
- Whether a proposal corrects a constitutional problem or legislative drafting error; and

- Whether a proposal proposes penalties which are proportionate, and cannot be achieved through any other reasonably appropriate remedy.

COMMENTS

1. Need for This Bill

According to the author:

Research into gun-related injury, violence or death was once the responsibility of the Centers for Disease Control and Prevention (CDC) and was funded by the federal government, along with research on all other public health issues, including diseases, accidental injuries and deaths, and food safety. However, in 1996, at the request of the National Rifle Association, Congress passed the “Dickey Amendment” by Representative Jay Dickey, a Republican from Arkansas that put an end to this research at the CDC. As a result, there are many important questions asked which remain unanswered. We as policymakers are often left with insufficient data and evidence to determine the most effective policies to reduce the number of deaths and injuries resulting from firearm violence.

Fortunately, California is well situated to fill this research gap. The University of California has the capacity to do what Congress has failed to do – get the facts, apply sound scientific methods, and find answers that lead to solutions.

Support for more firearm violence research is strong, and includes the author of the Dickey Amendment, Jay Dickey himself, the Republican and NRA member from Arkansas who has since changed his mind. Congressman Dickey has come out strongly in favor of more research, including SB 1006. Let me quote from Congressman Dickey who co-wrote the following with Mark Rosenberg, the former Director of the CDC’s National Center for Injury Prevention and Control:

“Our nation does not have to choose between reducing gun-violence injuries and safeguarding gun ownership... States can serve as democracy’s laboratories for firearm violence prevention research, as they do for other major health and social problems... This research could have been continued on gun violence without infringing on the rights of gun owners, in the same fashion that the highway industry continued its research (on deaths and injuries from head-on collisions) without eliminating the automobile.”

2. Effect of This Bill

It appears there are various independent and university based institutes that concentrate on firearm violence research throughout the state, including the Violence Prevention Research Program at the University of California, Davis (UCD).

The UC Davis Violence Prevention Research Program (VPRP) is a multi-disciplinary program of research and policy development focused on the causes, consequences, and prevention of violence. We place a particular focus on firearm violence, and on the connections between violence, substance abuse and mental illness. . .

Our program of research on firearm violence is internationally recognized as among the best of its kind. We are now expanding in size and scope, adding new areas of emphasis in alcohol and drug abuse, mental illness, and the social factors that determine risk for violence, substance abuse, and mental illness. . .

Our program of research focuses on three main areas:

- understanding current and emerging forms of violence and their links to substance abuse and mental illness;
- identifying the individual and social determinants of risk for violence and associated health problems (e.g., substance abuse and mental illness); and
- evaluating policies and programs that seek to reduce violence.

Violence is complex and cannot be understood from a single point of view. Our research colleagues include representatives from medicine, epidemiology, criminology, public health, economics, statistics and the law. They work at leading universities from across the nation, including Stanford, Harvard, Johns Hopkins, Rutgers, Northeastern, Duke and the University of Chicago.

VPRP works to translate scientific evidence into improved prevention policy through technical assistance to federal, state, and local policy makers and agencies. We work actively to disseminate new knowledge regarding violence and its prevention through assistance to the media, directed policy briefs, and our website.

([http://www.ucdmc.ucdavis.edu/vprp/.](http://www.ucdmc.ucdavis.edu/vprp/))

This bill requests that the UC Regents establish a center for research into firearm-related violence for purposes of conducting research related to firearm violence and its prevention. This bill, additionally, states the legislature's intent to appropriate funding to support the center.

GIVEN THAT FIREARMS RESEARCH IS ALREADY BEING DONE IN THE UC SYSTEM, IS THIS LEGISLATION NECESSARY?

3. Argument in Support

According to the California Chapters of the Brady Campaign to Prevent Gun Violence:

Senate Bill 1006 seeks to establish the California Firearm Violence Research Center at the University of California to conduct basic research on firearm-related violence. Specifically the Center is charged with studying: 1) the nature of firearm violence, including individual and societal determinants of risk for involvement in firearm violence, 2) the individual, community, and societal consequences of firearm violence; and 3) strategies for prevention and treatment of firearm violence at the individual, community, and societal levels. The Center would be funded by the legislature and be required to report annually on its activities.

Basic research is an essential element in formulating and carrying out good public policy. California has been at the forefront of passing strong firearm laws.

However, there is a need to conduct more research on the efficacy of these laws and to suggest areas where future legislative actions may be beneficial.

The limited research that has been conducted to date is promising, however the large sample sizes needed to draw robust conclusions has been inhibited by lack of funding and lack of access to federal data. Since 1996, the Centers for Disease Control and Prevention has been banned from using federal funds to “advocate or promote gun control”, which has been construed as a ban on any firearm violence research whatsoever. In 2011, this limitation on collecting scientific data was extended to the National Institutes of Health. Accordingly, for the past twenty years it has been nearly impossible to conduct research into this important public safety issue.

As the most populous state, California has both the ability and the duty to take the lead in this area. Over the years, California has been a beacon on many policy issues to other states and the nation and so too should it be on formulating policies to reduce gun violence.

4. Argument in Opposition

According to the Firearms Policy Coalition:

Our concerns with the measure are many fold but share the common root; that the program is one-sided and the “research” is to be used to guide the legislature on gun control, euphemistically called “firearms violence prevention.”

SB 1006 presumes that violence that uses firearms is a “health issue,” it presumes that studying things like “...risk for involvement in firearm violence, whether as a victim or a perpetrator.” rather than being includes and studying things like the effect of an armed citizenry on crime and violence prevention, show how the measure is transparently biased before the first dollar is doled out.

SB 1006 is so sure of its pre-determined outcomes it requires a grant applicant to agree that firearms violence can be treated like a disease, going so far as to say “Prevention and treatment of firearm violence at the individual, community, and societal levels.” Yes, that’s right “treatment.” Given that this is really to fund one narrow worldview, it isn’t surprising, but when it comes to appropriating taxpayer monies, it is controversial.

This type of academic limitation discourages actual social scientists from applying for the grant for fear their research will not match up with the pre-determinations of SB 1006, which seem to revolve around the opinions of one man who is a medical doctor affiliated with the UC Davis violence prevention research program.

Sadly, the positive use of firearms and their inoculating presence in the community is not part of the narrow grant requirements. Violent crime thwarted by firearms is not either, nor the deterrent effect of having millions of armed households and over a million firearms sold annually with no rise in “gun violence.”

It would appear that the outcome has already been decided and it only needs to pre-fund an existing worldview and program at UC Davis--the obvious and transparent sole-source recipient of this gift of public monies, to report back with new ways to harass and burden law abiding citizens who contribute positively to the public good by being responsible gun owners, and concealed carry licensees.

Violence, in general, regardless of the form it takes deserves our careful study. No academic grant, funding or appropriation should be do narrow in its requirements as to discourage honest evaluation and competition by those who view violence and its deterrence more holistically and have relevant backgrounds in the social sciences than are allowed for in SB 1006.

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