SENATE COMMITTEE ON PUBLIC SAFETY

Senator Loni Hancock, Chair
2015 - 2016 Regular

Bill No:	SJR 20	**Hearing Date:**	April 5, 2016
Author:	Hall		
Version:	March 28, 2016		
Urgency:	No	**Fiscal:**	No
Consultant:	JRD		

Subject: ***Gun Violence: Research***

HISTORY

Source: Author

Prior Legislation: None known

Support: Americans for Responsible Solutions; Bend the Arc; Brotherhood Crusade; California Black Health Network; California School Boards Association; California Chapter of the American College of Emergency Physicians; California Chapters of the Brady Campaign to Prevent Gun Violence; California Children's Hospital Association; California Communities United Institute; California State Conference of the National Association for the Advancement of Colored People; Charles R. Drew University of Medicine and Science; City of Long Beach; Coalition Against Gun Violence; Community Clinic Association of Los Angeles County; Courage Campaign; Doctors for America – California; Eric Garcetti, Mayor of the City of Los Angeles; Law Center to Prevent Gun Violence; Health Officers Association of California; Nevada County Democrats; Rainbow Services, Ltd.; Peace Over Violence; Physicians for Social Responsibility, San Francisco Bay Area Chapter; Violence Prevention Coalition of Greater Los Angeles; Youth Alive!; two individuals

Opposition: Doctors for Responsible Gun Ownership; National Rifle Association

PURPOSE

The purpose of this resolution is to urge the Congress of the United States to promptly lift the prohibition against publicly funded scientific research on the causes of gun violence and its effects on public health, and to appropriate funds to the Centers for Disease Control and Prevention and other relevant agencies under the Department of Health and Human Services to conduct that research.

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

This resolution states:

- Every day, gun violence destroys lives, families, and communities;

- From 2002 to 2013, inclusive, California lost 38,576 individuals to gun violence, of which 2,258 were children;

- In 2013 alone, guns were used to kill 2,900 Californians, including 251 children and teenagers, and hospitalized another 6,035 Californians for nonfatal gunshot wounds, including 1,275 children and teenagers;

- There were over 350 recorded mass shootings in the United States in 2015;

- Since 1996, Congress has adopted annual policy riders, known as the "Dickey Amendment" and "Rehberg Amendment," that effectively prohibit the federal Centers for Disease Control and Prevention (CDC) and other agencies under the federal Department of Health and Human Services from conducting publicly funded scientific research on the causes of gun violence or its effects on public health;

- The author of the original Dickey Amendment, former Representative Jay Dickey (R-AR), has stated repeatedly that he regrets offering the amendment and thinks it should be repealed;

- Despite Representative Dickey's comments and President Obama's executive action in 2013 directing the CDC to resume gun violence research, Congress has provided no funding, and the restrictive language remains in place;

- Since 1996, the federal government has spent $240 million per year on traffic safety research, which has saved 360,000 lives since 1970;

- During the same period there has been almost no publicly funded research on gun violence, which kills the same number of people every year;

- Recently, 110 Members of the Congress of the United States signed a letter urging the leadership of the House of Representatives to end the longstanding ban on federal funding for gun violence research, and over 2,000 doctors in all 50 states plus the District of Columbia did the same;

- Although Members of Congress may disagree about how best to respond to the problem of gun violence, we should be able to agree that a response should be informed by sound scientific evidence; and,

- Whether it is horrific headline-generating massacres or unseen violence that occurs every day — the innocent child gunned down in crossfire, the mother murdered during a domestic dispute, or the young life cut tragically short during the heat of a petty argument — the call to action is now clear.

This resolution resolves by the Senate and Assembly of the State of California jointly:

- That a comprehensive evidence-based federal approach to reducing and preventing gun violence is needed to ensure that our communities are safe from gun violence;

- That federal research is crucial to saving lives, having driven policy to save lives from motor vehicle accidents, sudden infant death syndrome, lead poisoning, and countless other public health crises;

- That the Legislature urges the Congress of the United States to promptly lift the prohibition against publicly funded scientific research on the causes of gun violence and its effects on public health, and to appropriate funds to the Centers for Disease Control and Prevention and other relevant agencies under the Department of Health and Human Services to conduct that research; and,

- That the Secretary of the Senate transmit copies of this resolution to the President and Vice President of the United States, to the Speaker of the House of Representatives, to the Majority Leader of the Senate, to each Senator and Representative from California in the Congress of the United States, and to the author for appropriate distribution.

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 Resolution

According to the Author:

> Every day, gun violence destroys lives, families and communities. From 2002 to 2013, California lost 38,576 individuals to gun violence. In 2013 alone, guns were used to kill 2,900 Californians, including 251 children and teens. That year, at least 6,035 others were hospitalized or treated in emergency rooms for non-fatal gunshot wounds, including 1,275 children and teens.
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> Since 1996, and in spite of these staggering numbers, the United States Congress has continually adopted annual policy riders known as the "Dickey Amendment" and "Rehberg Amendment." These riders have effectively prohibited the Centers for Disease Control and Prevention (CDC), and other agencies, from conducting publicly funded scientific research on the causes of gun violence or its effects on public health.
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> During the same period, the federal government has spent $240 million a year on traffic safety research which kills the same number of people as gun violence every year. This lack of research has made it more difficult to objectively assess the public health impacts of gun violence and find ways to reduce the number of innocent lives lost every year.
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> A comprehensive evidence-based federal approach to reducing and preventing gun violence is needed to ensure that our communities are safe. Federal research is crucial to saving lives from motor vehicle accidents, sudden infant death syndrome, lead poisoning and countless other public crises. It is time for Congress to lift the prohibition on publicly funded research, and treat gun violence as the public health crisis that it is.

2. Effect of This Resolution

According to the American Psychological Association:

> In 1993, the *New England Journal of Medicine* (NEJM) published an article by Arthur Kellerman and colleagues, "Gun ownership as a risk factor for homicide in the home," which presented the results of research funded by the Centers for Disease Control and

> Prevention (CDC). The study found that keeping a gun in the home was strongly and independently associated with an increased risk of homicide. The article concluded that rather than confer protection, guns kept in the home are associated with an increase in the risk of homicide by a family member or intimate acquaintance. . .
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> The 1993 NEJM article received considerable media attention, and the National Rifle Association (NRA) responded by campaigning for the elimination of the center that had funded the study, the CDC's National Center for Injury Prevention. The center itself survived, but Congress included language in the 1996 Omnibus Consolidated Appropriations Bill . . . for Fiscal Year 1997 that "none of the funds made available for injury prevention and control at the Centers for Disease Control and Prevention may be used to advocate or promote gun control." Referred to as the Dickey amendment after its author, former U.S. House Representative Jay Dickey (R-AR), this language did not explicitly ban research on gun violence. However, Congress also took $2.6 million from the CDC's budget — the amount the CDC had invested in firearm injury research the previous year — and earmarked the funds for prevention of traumatic brain injury.

(Christine Jamieson, *Gun violence research: History of the federal funding freeze,* American Psychological Association, February 2013, http://www.apa.org/science/about/psa/2013/02/gun-violence.aspx.)

This resolution urges the Congress of the United States to promptly lift the prohibition against publicly funded scientific research on the causes of gun violence and its effects on public health, and to appropriate funds to the Centers for Disease Control and Prevention and other relevant agencies under the Department of Health and Human Services to conduct that research.

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