

REPORT OF THE CHIEF LEGISLATIVE ANALYST

DATE: February 21, 2013

TO: Honorable Members of the Rules, Elections and Intergovernmental Relations Committee

FROM: Gerry F. Miller *GFM*
Chief Legislative Analyst

Assignment No: 13-02-0096
Council File No. 13-0002-S23

SUBJECT: Report to OPPOSE AB 202 (Donnelly).

CLA RECOMMENDATION: Adopt the attached Resolution (Krekorian-Koretz/Huizar/Garcetti) to include in the City's 2013-2014 State Legislative Program OPPOSITION to AB 202 (Donnelly) which would allow and encourage loaded firearms to be installed in classrooms throughout Los Angeles and California.

SUMMARY

On February 1, 2013, the Resolution (Krekorian-Koretz/Huizar/Garcetti) was introduced stating the following:

- AB 202 would authorize school marshals to possess a firearm at a schoolsite or school activity;
- It is a fallacy to suggest that our classrooms and communities would be safer with loaded firearms in close proximity to children as young as those who attend elementary school;
- The school marshal program would increase risks to police officers responding to incidents at schools, and would complicate law enforcement's ability to distinguish armed suspects from armed "marshals"; and
- AB 202 would likely result in higher rates of violence and death in classrooms, in the event that a violent individual approaches a school campus and a crossfire occurs.

The Resolution recommends opposition to AB 202 (Donnelly) because the only appropriate use of firearms to respond to acts of violence on school campuses should be by police officers.

BACKGROUND

Existing State law (Education Code Section 38000) authorizes the governing board of a school district to establish a security department or a school police department in order to ensure the safety of school district personnel and pupils and the security of real and personal property of the school district. Existing law also authorizes moneys transferred into the general fund of any school district may be used in training of school police department employees in accordance with the Commission on Peace Officer Standards and Training.

Assembly Bill 202 would establish the School Marshal Program and authorize school districts, county offices of education and charter schools to use general funds to provide training to a school marshal. The bill defines a school marshal as a school employee who, in accordance with the Guns-Free School Zone Act of 1995 and pursuant to locally adopted policies, is authorized to possess a firearm at a schoolsite or designated school activity.

Additionally, existing law requires state and local agencies to make public records available for inspection. However, existing law excludes from disclosure certain information contained in applications for licenses to carry firearms to select individuals including, prosecutors, public defenders, peace officers, judges, court commissioners, and magistrates. AB 202 would exclude from disclosure the personal information set forth in applications for a license to carry firearms submitted by a school marshal.

The author's office states that in consideration of recent tragedies involving violent intruders in classrooms, a moral imperative exists to protect schoolchildren. As such, AB 202 was introduced to empower local school districts to provide security to those entrusted to their care. In addition, the bill protects school marshals from identification so they do not become targets. The author states that the school marshal program would serve as a deterrent to future school intruders.

The bill would impose a state mandated local program by increasing duties on county sheriffs and the chiefs of other heads of municipal police departments. AB 202 provides that, if the Commission of State Mandates determines that the bill contains costs mandated by the state, reimbursement for those costs shall be made.

The California Teachers Association (CTA) is opposed to the bill. The CTA states that training any or all school employees to carry a firearm is not suitable given other provisions in current law that provide appropriate and necessary training for school personnel to carry firearms. In addition, the CTA advises AB 202 would redirect valuable monetary resources away from needed student support services such as, school counselors, mental health needs, bullying or high-risk behaviors.

The Los Angeles Police Department is in support of the Resolution to oppose the bill. Department staff advises that arming civilian employees in schools with limited training is not in the best interest of public safety.


BILL STATUS

02/7/13

Referred to Coms. on ED. and JUD.

01/29/13

Read first time. To print.



Jack Reef
Analyst

13-0002-523

FEB 1 2013

RESOLUTION

RULES, ELECTIONS & INTERGOVERNMENTAL RELATIONS

WHEREAS, any official position of the City of Los Angeles with respect to legislation, rules, regulations or policies proposed or pending before a local, state or federal governmental body or agency must have first been adopted in the form of a Resolution by the City Council with the concurrence of the Mayor; and

WHEREAS, currently pending before the State Assembly is AB 202 (Donnelly) which would authorize school districts, county offices of education, and charter schools to use general purpose funds to provide training to "school marshals;" and

WHEREAS, the bill would define a school marshal as a school employee who, in accordance with the Gun-Free School Zone Act of 1995 and pursuant to locally adopted policies, is authorized to possess a firearm at a schoolsite or designated school activities; and

WHEREAS, it is a fallacy to suggest that our classrooms and communities would be safer with loaded firearms in close proximity to children as young as those who attend elementary school; and

WHEREAS, such a "school marshal" program would increase risks to police officers responding to incidents at schools, and would complicate law enforcement's ability to distinguish armed suspects from armed "marshals;" and

WHEREAS, AB 202 would likely result in higher rates of violence and death in classrooms, in the event that a violent individual approaches a school campus and a crossfire occurs; and

WHEREAS, the only appropriate use of firearms to respond to acts of violence on school campuses should be by police officers; and

WHEREAS, our teachers and school administrators should spend their time, energy and resources on educating our children, rather than training to become armed security guards; and

WHEREAS, this new program would be initiated without any new state funding for schools, at a time that our state already drastically under-funds public education;

NOW, THEREFORE, BE IT RESOLVED, with the concurrence of the Mayor, that by the adoption of this Resolution, the City of Los Angeles hereby includes in its 2013-2014 State Legislative Program, OPPOSITION to AB 202 (Donnelly) which would allow and encourage loaded firearms to be installed in classrooms throughout Los Angeles and California.

Presented by: Paul Kerkorian
PAUL KREKORIAN
Councilmember, 2nd District

Seconded by: Paul Kelly E.C.
Joe Hiss


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