

**REPORT OF THE
CHIEF LEGISLATIVE ANALYST**

DATE: July 22, 2015

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

FROM: Sharon M. Tso *Sharon M. Tso* Council File No: 15-0002-S49
Chief Legislative Analyst Assignment No: 15-06-0436

SUBJECT: Resolution (Koretz - Blumenfield - Krekorian) to support SB 707 (Wolk)

CLA RECOMMENDATION: Adopt Resolution (Koretz - Blumenfield - Krekorian) to include in the City's 2015 - 2016 State Legislative Program SUPPORT for SB 707 (Wolk), which would amend the Gun-Free School Zone Act of 1995 to remove the exemption that allows a person authorized to carry a concealed firearm to possess a firearm on a university or college campus, or on the grounds of a public or private school providing instruction in grades Kindergarten through 12 (K-12).

SUMMARY

On May 8, 2015, a Resolution (Koretz – Blumenfield - Krekorian) was introduced in support of SB 707 (Wolk), which would amend the Gun-Free School Zone Act of 1995 to remove the exemption that allows a person authorized to carry a concealed firearm to possess a firearm on the campus of a university or college campus, or on the grounds of a public or private K-12 school. The Resolution states that existing law prohibits a person from possessing a firearm in a school zone without the written permission of certain school district or university officials, and that this bill would eliminate a loophole that allows individuals who have been granted a concealed carry weapons permit (CCW) to carry a firearm in a gun-free school zone without getting permission from the relevant officials.

The Resolution states that SB 707 ensures that school grounds and university campuses remain gun-free, and would reduce the number of hidden, loaded, firearms brought onto school grounds and college campuses. The Resolution further states that SB 707 is consistent with state efforts to maintain school grounds and college campuses as safe, gun-free environments for students. The Resolution, therefore, seeks an official position of the City of Los Angeles to support SB 707 (Wolk).

BACKGROUND

Under current law, an individual who possesses a concealed carry weapons permit (CCW) is allowed to carry a concealed firearm on to the grounds of a public or private K-12 school or on to the campus of a college or university, without first obtaining written permission from specified school or university authorities. SB 707 would change current law, and would prohibit an individual with a valid CCW from carrying a firearm within 1,000 feet of a school zone or on to a college or university campus without first obtaining permission from a school superintendent or equivalent authority to do so.

39 states and the District of Columbia have enacted legislation similar to SB 707, and prohibit individuals with valid CCWs from carrying a concealed weapon on school or university grounds without specific permission. SB 707 would significantly reduce the number of concealed weapons on campuses and schools in the state, and ensure that school or university officials know who has been authorized to carry a concealed weapon on the campuses they oversee.

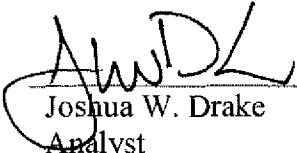
SB 707 is supported by numerous police and sheriff organizations, including the Los Angeles Police Protective League, as well as various university and teacher associations, local governments and gun control organizations. Supporters argue that the ability to decide who is able to carry a concealed firearm on a university campus or the grounds of a K-12 school should lie with the authorities responsible for the well-being and safety of students and staff at schools. Further, proponents of SB 707 are concerned with national efforts by gun-rights advocates to enable more individuals to carry concealed weapons on school grounds and university campuses, as well as pending federal legislation (S. 498/H.R. 402, the Constitutional Concealed Carry Reciprocity Act of 2015) making its way through Congress, which would require states to recognize CCW permits from other states as valid, even though many states do not have very strict requirements for the issuance of CCWs. SB 707 would ensure that California's schools remain gun free, no matter what happens with federal legislation.

DEPARTMENTS NOTIFIED

Police Department

BILL STATUS

02/27/2015	Bill introduced
03/12/2015	Referred to the Senate Committee on Public Safety
04/15/2015	Passed in Committee, referred to the Senate Committee on Appropriations
05/28/2015	Passed in Committee with author's amendments; read second time and ordered to third reading
06/01/2015	Read third time, passed (23-12)
06/02/2015	Bill in the Assembly
06/18/2015	Referred to the Assembly Committee on Public Safety
07/14/2015	Passed in the Assembly Committee on Public Safety, referred to the Assembly Committee on Appropriations


Joshua W. Drake
Analyst

SMT:jwd

Attachments: Resolution (Koretz – Blumenfield - Krekorian)
SB 707 (Wolk)

RESOLUTION RULES, ELECTIONS & INTERGOVERNMENTAL RELATIONS

WHEREAS, any official position of the City of Los Angeles with respect to legislation, rules, regulations or policies proposed to 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, existing law prohibits a person from possessing a firearm in a school zone without the written permission of certain school district officials; and

WHEREAS, school zones are defined to include the school grounds and the area within 1,000 feet of a public or private K through 12 school; and

WHEREAS, current law also prohibits the possession of a firearm on a college or university campus without the permission of specified university or college officials; and

WHEREAS, currently, persons holding a valid license to carry a concealed and loaded weapon (CCW) and retired peace officers authorized to carry concealed and loaded firearms are exempted from these requirements; and

WHEREAS, SB 707 (Wolk) would eliminate this exemption, and require that individuals authorized by state law to carry a concealed and loaded weapon acquire the permission of school officials to carry a weapon on campus; and

WHEREAS, SB 707 ensures that school grounds and university campuses remain gun-free and reduce the number of hidden, loaded, firearms brought onto school grounds and college campuses; and

WHEREAS, SB 707 is consistent with state efforts to maintain school grounds and college campuses as safe, gun free environments for students;

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 2015 - 2016 State Legislative Program SUPPORT for SB 707 (Wolk), which would amend the Gun-Free School Zone Act of 1995 to remove the exemption that allows a person authorized to carry a concealed firearm to possess a firearm on the campus of a university or college, or on the grounds of a public or private school providing instruction in grades Kindergarten through 12.



PRESENTED BY



PAUL KORETZ
Councilmember, 5th District

SECONDED BY


Paul Kurborn

ORIGINAL

MAY 8 2015

AMENDED IN ASSEMBLY JULY 2, 2015

AMENDED IN SENATE MAY 4, 2015

SENATE BILL

No. 707

**Introduced by Senator Wolk
(Principal coauthor: Senator Jackson)**

February 27, 2015

An act to amend ~~Section 626.9~~ *Sections 626.9 and 30310* of the Penal Code, relating to firearms.

LEGISLATIVE COUNSEL'S DIGEST

SB 707, as amended, Wolk. Firearms: gun-free school zone.

Existing law, the Gun-Free School Zone Act of 1995, *subject to exceptions*, prohibits a person from possessing a firearm in a place that the person knows, or reasonably should know, is a school zone, unless with the written permission of certain school district officials. Existing law defines a school zone as an area on the grounds of a school providing instruction in kindergarten or grades 1 to 12, inclusive, or within a distance of 1,000 feet of that school. Existing law prohibits a person from bringing or possessing a firearm upon the grounds of a campus of a public or private university or college, *or buildings owned or operated for student housing, teaching, research, or administration by a public or private university or college, that are contiguous or are clearly marked university property*, as specified, unless with the written permission of specified university or college officials. Under existing law, a violation of these provisions is a felony, or, under specified circumstances, a misdemeanor. Under existing law, certain persons are exempt from both the school zone and the university prohibitions, including, among others, a person holding a valid license to carry a

concealed firearm and a retired peace officer authorized to carry a concealed or loaded firearm.

This bill *would* recast the provisions relating to a person holding a valid license to carry a concealed firearm to allow that person to carry a firearm in an area that is within 1,000 feet of, but not on the grounds of, a public or private school providing instruction in kindergarten or grades 1 to 12, inclusive. ~~This~~ *The* bill would also delete the exemption that allows a person holding a valid license to carry a concealed firearm to bring or possess a firearm on the campus of a university or college. *The bill would create an additional exemption to those prohibitions for certain appointed peace officers who are authorized to carry a firearm by their appointing agency.* By expanding the scope of an existing crime, ~~this~~ *the* bill would create a state-mandated local program.

Existing law, subject to exceptions, prohibits carrying ammunition or reloaded ammunition onto school grounds unless it is with the written permission of the school district superintendent, the superintendent's designee, or equivalent school authority.

This bill would reorganize those exceptions. The bill would delete the exemption that allows a person to carry ammunition or reloaded ammunition onto school grounds if the person is licensed to carry a concealed firearm. The bill would also create an additional exception to that prohibition by authorizing a person to carry ammunition or reloaded ammunition onto school grounds if it is in a motor vehicle at all times and is within a locked container or within the locked trunk of the vehicle.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: yes.

The people of the State of California do enact as follows:

- 1 SECTION 1. Section 626.9 of the Penal Code is amended to
- 2 read:
- 3 626.9. (a) This section shall be known, and may be cited, as
- 4 the Gun-Free School Zone Act of 1995.

1 (b) Any person who possesses a firearm in a place that the
2 person knows, or reasonably should know, is a school zone, as
3 defined in paragraph (1) of subdivision (e), unless it is with the
4 written permission of the school district superintendent, his or her
5 designee, or equivalent school authority, shall be punished as
6 specified in subdivision (f).

7 (c) Subdivision (b) does not apply to the possession of a firearm
8 under any of the following circumstances:

9 (1) Within a place of residence or place of business or on private
10 property, if the place of residence, place of business, or private
11 property is not part of the school grounds and the possession of
12 the firearm is otherwise lawful.

13 (2) When the firearm is an unloaded pistol, revolver, or other
14 firearm capable of being concealed on the person and is in a locked
15 container or within the locked trunk of a motor vehicle.

16 This section does not prohibit or limit the otherwise lawful
17 transportation of any other firearm, other than a pistol, revolver,
18 or other firearm capable of being concealed on the person, in
19 accordance with state law.

20 (3) When the person possessing the firearm reasonably believes
21 that he or she is in grave danger because of circumstances forming
22 the basis of a current restraining order issued by a court against
23 another person or persons who has or have been found to pose a
24 threat to his or her life or safety. This subdivision may not apply
25 when the circumstances involve a mutual restraining order issued
26 pursuant to Division 10 (commencing with Section 6200) of the
27 Family Code absent a factual finding of a specific threat to the
28 person's life or safety. Upon a trial for violating subdivision (b),
29 the trier of a fact shall determine whether the defendant was acting
30 out of a reasonable belief that he or she was in grave danger.

31 (4) When the person is exempt from the prohibition against
32 carrying a concealed firearm pursuant to Section 25615, 25625,
33 25630, or 25645.

34 (5) When the person holds a valid license to carry the firearm
35 pursuant to Chapter 4 (commencing with Section 26150) of
36 Division 5 of Title 4 of Part 6, who is carrying that firearm in an
37 area that is not in, or on the grounds of, a public or private school
38 providing instruction in kindergarten or grades 1 to 12, inclusive,
39 but within a distance of 1,000 feet from the grounds of the public
40 or private school.

1 (d) Except as provided in subdivision (b), it shall be unlawful
2 for any person, with reckless disregard for the safety of another,
3 to discharge, or attempt to discharge, a firearm in a school zone,
4 as defined in paragraph (1) of subdivision (e).

5 The prohibition contained in this subdivision does not apply to
6 the discharge of a firearm to the extent that the conditions of
7 paragraph (1) of subdivision (c) are satisfied.

8 (e) As used in this section, the following definitions shall apply:

9 (1) "Concealed firearm" has the same meaning as that term is
10 given in Sections 25400 and 25610.

11 (2) "Firearm" has the same meaning as that term is given in
12 subdivisions (a) to (d), inclusive, of Section 16520.

13 (3) "Locked container" has the same meaning as that term is
14 given in Section 16850.

15 (4) "School zone" means an area in, or on the grounds of, a
16 public or private school providing instruction in kindergarten or
17 grades 1 to 12, inclusive, or within a distance of 1,000 feet from
18 the grounds of the public or private school.

19 (f) (1) Any person who violates subdivision (b) by possessing
20 a firearm in, or on the grounds of, a public or private school
21 providing instruction in kindergarten or grades 1 to 12, inclusive,
22 shall be punished by imprisonment pursuant to subdivision (h) of
23 Section 1170 for two, three, or five years.

24 (2) Any person who violates subdivision (b) by possessing a
25 firearm within a distance of 1,000 feet from the grounds of a public
26 or private school providing instruction in kindergarten or grades
27 1 to 12, inclusive, shall be punished as follows:

28 (A) By imprisonment pursuant to subdivision (h) of Section
29 1170 for two, three, or five years, if any of the following
30 circumstances apply:

31 (i) If the person previously has been convicted of any felony,
32 or of any crime made punishable by any provision listed in Section
33 16580.

34 (ii) If the person is within a class of persons prohibited from
35 possessing or acquiring a firearm pursuant to Chapter 2
36 (commencing with Section 29800) or Chapter 3 (commencing with
37 Section 29900) of Division 9 of Title 4 of Part 6 of this code or
38 Section 8100 or 8103 of the Welfare and Institutions Code.

1 (iii) If the firearm is any pistol, revolver, or other firearm capable
2 of being concealed upon the person and the offense is punished as
3 a felony pursuant to Section 25400.

4 (B) By imprisonment in a county jail for not more than one year
5 or by imprisonment pursuant to subdivision (h) of Section 1170
6 for two, three, or five years, in all cases other than those specified
7 in subparagraph (A).

8 (3) Any person who violates subdivision (d) shall be punished
9 by imprisonment pursuant to subdivision (h) of Section 1170 for
10 three, five, or seven years.

11 (g) (1) Every person convicted under this section for a
12 misdemeanor violation of subdivision (b) who has been convicted
13 previously of a misdemeanor offense enumerated in Section 23515
14 shall be punished by imprisonment in a county jail for not less
15 than three months, or if probation is granted or if the execution or
16 imposition of sentence is suspended, it shall be a condition thereof
17 that he or she be imprisoned in a county jail for not less than three
18 months.

19 (2) Every person convicted under this section of a felony
20 violation of subdivision (b) or (d) who has been convicted
21 previously of a misdemeanor offense enumerated in Section 23515,
22 if probation is granted or if the execution of sentence is suspended,
23 it shall be a condition thereof that he or she be imprisoned in a
24 county jail for not less than three months.

25 (3) Every person convicted under this section for a felony
26 violation of subdivision (b) or (d) who has been convicted
27 previously of any felony, or of any crime made punishable by any
28 provision listed in Section 16580, if probation is granted or if the
29 execution or imposition of sentence is suspended, it shall be a
30 condition thereof that he or she be imprisoned in a county jail for
31 not less than three months.

32 (4) The court shall apply the three-month minimum sentence
33 specified in this subdivision, except in unusual cases where the
34 interests of justice would best be served by granting probation or
35 suspending the execution or imposition of sentence without the
36 minimum imprisonment required in this subdivision or by granting
37 probation or suspending the execution or imposition of sentence
38 with conditions other than those set forth in this subdivision, in
39 which case the court shall specify on the record and shall enter on

1 the minutes the circumstances indicating that the interests of justice
2 would best be served by this disposition.

3 (h) Notwithstanding Section 25605, any person who brings or
4 possesses a loaded firearm upon the grounds of a campus of, or
5 buildings owned or operated for student housing, teaching,
6 research, or administration by, a public or private university or
7 college, that are contiguous or are clearly marked university
8 property, unless it is with the written permission of the university
9 or college president, his or her designee, or equivalent university
10 or college authority, shall be punished by imprisonment pursuant
11 to subdivision (h) of Section 1170 for two, three, or four years.
12 Notwithstanding subdivision (k), a university or college shall post
13 a prominent notice at primary entrances on noncontiguous property
14 stating that firearms are prohibited on that property pursuant to
15 this subdivision.

16 (i) Notwithstanding Section 25605, any person who brings or
17 possesses a firearm upon the grounds of a campus of, or buildings
18 owned or operated for student housing, teaching, research, or
19 administration by, a public or private university or college, that
20 are contiguous or are clearly marked university property, unless
21 it is with the written permission of the university or college
22 president, his or her designee, or equivalent university or college
23 authority, shall be punished by imprisonment pursuant to
24 subdivision (h) of Section 1170 for one, two, or three years.
25 Notwithstanding subdivision (k), a university or college shall post
26 a prominent notice at primary entrances on noncontiguous property
27 stating that firearms are prohibited on that property pursuant to
28 this subdivision.

29 (j) For purposes of this section, a firearm shall be deemed to be
30 loaded when there is an unexpended cartridge or shell, consisting
31 of a case that holds a charge of powder and a bullet or shot, in, or
32 attached in any manner to, the firearm, including, but not limited
33 to, in the firing chamber, magazine, or clip thereof attached to the
34 firearm. A muzzle-loader firearm shall be deemed to be loaded
35 when it is capped or primed and has a powder charge and ball or
36 shot in the barrel or cylinder.

37 (k) This section does not require that notice be posted regarding
38 the proscribed conduct.

39 (l) This section does not apply to a duly appointed peace officer
40 as defined in Chapter 4.5 (commencing with Section 830) of Title

1 3 of Part 2, a full-time paid peace officer of another state or the
2 federal government who is carrying out official duties while in
3 California, any person summoned by any of these officers to assist
4 in making arrests or preserving the peace while he or she is actually
5 engaged in assisting the officer, a member of the military forces
6 of this state or of the United States who is engaged in the
7 performance of his or her duties, or an armored vehicle guard,
8 engaged in the performance of his or her duties, as defined in
9 subdivision (d) of Section 7582.1 of the Business and Professions
10 Code.

11 (m) This section does not apply to a security guard authorized
12 to carry a loaded firearm pursuant to Article 4 (commencing with
13 Section 26000) of Chapter 3 of Division 5 of Title 4 of Part 6.

14 (n) This section does not apply to an existing shooting range at
15 a public or private school or university or college campus.

16 (o) This section does not apply to an honorably retired peace
17 officer authorized to carry a concealed or loaded firearm pursuant
18 to any of the following:

19 (1) Article 2 (commencing with Section 25450) of Chapter 2
20 of Division 5 of Title 4 of Part 6.

21 (2) Section 25650.

22 (3) Sections 25900 to 25910, inclusive.

23 (4) Section 26020.

24 (p) *This section does not apply to a peace officer appointed*
25 *pursuant to Section 830.6 who is authorized to carry a firearm by*
26 *the appointing agency.*

27 *SEC. 2. Section 30310 of the Penal Code is amended to read:*

28 30310. (a) Unless it is with the written permission of the school
29 district superintendent, the superintendent's designee, or equivalent
30 school authority, no person shall carry ammunition or reloaded
31 ammunition onto school grounds, except sworn law enforcement
32 officers acting within the scope of their ~~duties or persons exempted~~
33 ~~under Section 25450: duties.~~

34 (b) This section shall not apply to any of the following:

35 (1) A duly appointed peace officer as defined in Chapter 4.5
36 (commencing with Section 830) of Title 3 of Part 2.

37 (2) A full-time paid peace officer of another state or the federal
38 government who is carrying out official duties while in California.

1 (3) Any person summoned by any of these officers to assist in
2 making an arrest or preserving the peace while that person is
3 actually engaged in assisting the officer.

4 (4) A member of the military forces of this state or of the United
5 States who is engaged in the performance of that person's duties.

6 ~~(5) A person holding a valid license to carry the firearm pursuant
7 to Chapter 4 (commencing with Section 26150) of Division 5.~~

8 ~~(6)~~

9 (5) An armored vehicle guard, who is engaged in the
10 performance of that person's duties, as defined in subdivision (d)
11 of Section 7582.1 of the Business and Professions Code.

12 (6) *Any peace officer, listed in Section 830.1 or 830.2, or
13 subdivision (a) of Section 830.33, whether active or honorably
14 retired.*

15 *(7) Any other duly appointed peace officer.*

16 (8) *Any honorably retired peace officer listed in subdivision (c)
17 of Section 830.5.*

18 (9) *Any other honorably retired peace officer who during the
19 course and scope of his or her appointment as a peace officer was
20 authorized to, and did, carry a firearm.*

21 (10) (A) *A person carrying ammunition or reloaded ammunition
22 onto school grounds that is in a motor vehicle at all times and is
23 within a locked container or within the locked trunk of the vehicle.*

24 (B) *For purposes of this paragraph, the term "locked container"
25 has the same meaning as set forth in Section 16850.*

26 (c) A violation of this section is punishable by imprisonment
27 in a county jail for a term not to exceed six months, a fine not to
28 exceed one thousand dollars (\$1,000), or both the imprisonment
29 and fine.

30 ~~SEC. 2.~~

31 SEC. 3. No reimbursement is required by this act pursuant to
32 Section 6 of Article XIII B of the California Constitution because
33 the only costs that may be incurred by a local agency or school
34 district will be incurred because this act creates a new crime or
35 infraction, eliminates a crime or infraction, or changes the penalty
36 for a crime or infraction, within the meaning of Section 17556 of
37 the Government Code, or changes the definition of a crime within

1 the meaning of Section 6 of Article XIII B of the California
2 Constitution.

O