



United States Senate

WASHINGTON, DC 20510-0504

<http://feinstein.senate.gov>

June 4, 2014

The Honorable Edmund G. Brown, Jr.
Governor
State of California
State Capitol, Suite 1173
Sacramento, CA 95814

The Honorable Darrell Steinberg
Senate President Pro Tempore
California State Senate
State Capitol, Room 205
Sacramento, CA 95814

The Honorable Toni G. Atkins
Speaker of the Assembly
California State Assembly
State Capitol, Room 219
Sacramento, CA 94249-0078

Dear Governor Brown, President Steinberg, and Speaker Atkins,

I am heartbroken by the deadly violence in Isla Vista on May 23rd that left seven dead, including the gunman, and 13 wounded. Media reports have indicated that the shooter's family and law enforcement were aware that the shooter suffered from mental illness but, under Federal and State law, the shooter's condition was not sufficient to trigger a suspension of his rights to purchase or possess a firearm. I write to urge you to amend California law to allow law enforcement and close family members of a person who poses a serious risk of harm to himself or to others to take immediate steps to temporarily prohibit that person from possessing a firearm.

In the aftermath of this tragic shooting, the press has reported that one of the parents of the gunman, reported to be 22-year old Elliot Rodger, contacted police a month prior to the shooting over concerns about videos Rodger posted online that threatened violence. Police investigated Rodger but concluded he was not

dangerous. Neither the action by Rodger's parent or by police was sufficient to disqualify Rodger from possessing a firearm under Federal or State law.

The facts of this shooting highlight a deficiency in California law: an individual who is mentally ill can exhibit signs suggesting to family and to law enforcement that he may pose a risk of committing physical harm, but those most knowledgeable about the individual's condition are powerless to take steps to prohibit the individual, at least temporarily, from possessing a firearm. I urge you to amend California law to address this deficiency, as follows:

1. Provide law enforcement with a mechanism to request a warrant authorizing firearm removal when law enforcement identifies a person who poses an immediate threat of harm to himself or to others, or the risk of harm to self or to others is credible, but not immediate.
2. Create a new civil restraining order process to allow family members and intimate partners to petition the court to authorize temporary removal of firearms and to temporarily prohibit firearm purchase and possession based on a credible risk of physical harm to self or others.

These two policy changes are adapted from recommendations recently made by the Consortium for Risk-Based Firearm Policy—whose members include several of the nation's leading researchers and practitioners in mental health. The Consortium's recommendations are based on research suggesting that individuals that exhibit dangerous behavior have an elevated risk of violence and, as a result, should be temporarily disqualified from purchasing or possessing a firearm. While I am examining additional approaches to prevent those who pose a risk of violence from carrying out violent acts, I urge you to enact the above two legislative changes without delay.

I would note that Connecticut and Indiana have enacted statutes to allow law enforcement to obtain a warrant from a court to remove firearms from an individual who poses an imminent risk of personal injury to himself or to others. In addition, Indiana's statute allows law enforcement to seek a warrant for firearm removal when the person possessing the firearms presents a risk of personal injury and either has a mental illness or has exhibited a propensity toward violence.

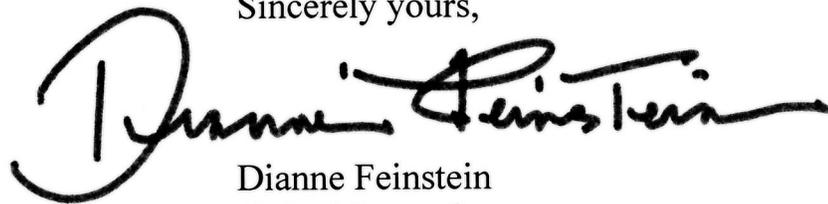
I would also note that, with respect to my second proposed policy change, current federal law provides protection for a victim of domestic violence who seeks a restraining order against the alleged perpetrator. If, after a hearing, such an

order is issued finding that the alleged perpetrator represents a credible threat to the physical safety of the victim, the alleged perpetrator is prohibited, under Federal law, from possessing a firearm for the duration of the order. I believe that individuals who pose a credible risk to commit other types of violence should be temporarily disqualified from possessing a firearm.

I hope that the Legislature moves quickly to consider legislation to address these shortcomings in California law. We cannot wait for more senseless killings to occur before we take action to prevent those who are mentally ill and have shown signs of potential violence from obtaining a firearm.

Thank you for your prompt attention to this important matter.

Sincerely yours,

A handwritten signature in black ink that reads "Dianne Feinstein". The signature is written in a cursive style with a large, looping initial "D".

Dianne Feinstein
United States Senator