



United States Senate

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<http://feinstein.senate.gov>

August 26, 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,

As the Legislature concludes its session this week, I write to respectfully urge you to enact Assembly Bill 1014 into law. When the mother of 22-year old Elliot Rodger saw signs that her son was dangerous, she could not prevent him, even temporarily, from possessing a gun. AB 1014, authored by Assemblymember Nancy Skinner, would give families the tools to take action under these and similar circumstances. I strongly believe this bill will help save lives by keeping guns out of the hands of dangerous individuals.

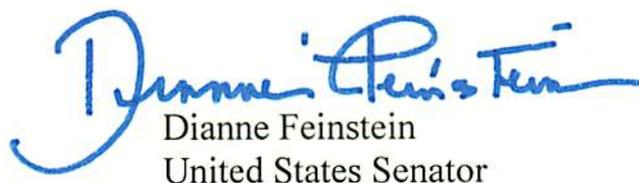
AB 1014 would allow an immediate family member or law enforcement officer to request a court order prohibiting a person from possessing a gun, for up to 21 days, if there is a "substantial likelihood" that the person "poses a significant danger" of causing personal injury to himself or others. An order can be extended for one year, with renewals, by a court after notice and a hearing. The bill would also allow a law enforcement officer to seek an emergency order prohibiting a person from possessing a gun for up to 21 days if the person poses an "immediate and present danger of causing personal injury" to himself or others.

We already know that bills like AB 1014 can make a difference. Connecticut and Indiana have enacted statutes that allow a law enforcement officer to obtain a warrant from a court to remove a firearm from an individual who poses an “imminent” risk of personal injury to himself or others. During the first ten years that Connecticut’s law was in effect (1999-2009), law enforcement made at least 277 warrant requests, according to the Connecticut General Assembly’s Office of Legislative Research. In nearly every request (274 of 277), a warrant was issued, and nearly every warrant resulted in the seizure of a gun (263 of 274). In all, police seized more than 2,000 guns during this time period, including 231 in one case alone.

It is important to note that the legislative process has strengthened the due process protections in AB 1014 in several ways. The bill now specifies that only an immediate family member or law enforcement officer—not any person—may seek a gun violence restraining order. The bill also imposes a higher standard for issuance of the warrant than in the bill’s original version; the bill now requires that the subject of the order pose a “substantial likelihood” that he poses a “significant danger” of causing personal injury to himself or others. In addition, the bill now requires that, for a court to issue an order, less restrictive alternatives must have been tried and found to be ineffective, or have been determined to be inadequate or inappropriate. These changes ensure no person will be denied a firearm unless he clearly poses a danger and there is no other way to eliminate that risk.

Thank you for your consideration of this important legislation. The vast majority of people who suffer from mental illness do not commit violence. But the consequences are tragic if we ignore those individuals who pose a risk of committing harm. I urge you to enact AB 1014 into law, to prevent those who present a threat to others from obtaining or keeping a firearm.

Sincerely yours,


Dianne Feinstein
United States Senator

DF/jt