



GAINES & ASSOCIATES

GOVERNMENT RELATIONS

“GAINES REPORT”

CALIFORNIA STATE LEGISLATURE

2020 SESSION KICK-OFF

JANUARY 6, 2020

The California State Legislature reconvened today, January 6, 2020, for the 2020 Legislative Session – the second year of the two-year 2019/2020 Session.

This *Gaines Report “California State Legislature – 2020 Session Kick Off”* will provide a summary and status of all legislation of interest to California’s wildlife and conservation community that is still pending from the 2019 Legislative Session, as well a summary of our expectations for the 2020 Legislative Session.

To set the stage, note that the second year of the two-year California State Legislative Session always starts fast, with legislative deadlines for bills still pending from the first year of the two-year Session coming up very quickly. For the 2020 Session, the last day for policy committees to hear and report to fiscal committee fiscal bills introduced in their house during the 2019 Session is next Friday, January 17th. The last day for any committees to hear and report to the Floor bills introduced in their house during the 2019 Session is Friday, January 24th, and all bills introduced during the 2019 Session must be passed out of their house of origin by Friday, January 31st.

Of course, new legislation can also be introduced in 2020, with the legislative deadline for the introduction of new bills being Friday, February 21st.

Bills are placed in numerical order, not in order of priority or interest.

Gaines & Associates recognizes that our *Gaines Reports* can be lengthy and often provide more information on bills than many believe necessary. However, this reporting is done for the sole benefit of our clients who have varying conservation and wildlife interests and concerns. The list of bills covered is to ensure that all our clients get the detail they need on the legislation that is of greatest importance to them.

This Gaines & Associates “California State Legislature – 2020 Session Kick Off” is client privileged and provided as a service to Gaines & Associates clients.

For more information on any of the below bills, please contact Gaines & Associates at info@gainesandassociates.net

2020 State Legislative Session

Legislation still pending from the 2019 Legislative Session that may be considered during the 2020 Session is as follows:

- **AB 18 (Levine) – Firearms and Ammunition: Excise Tax**

As amended August 26, 2019, AB 18 – legislation by Assembly Members [Mark Levine \(D/10-San Rafael\)](#), [Bob Bonta \(D/18-Alameda\)](#) and [Adrin Nazarian \(D/46-Van Nuys\)](#) – would impose an excise tax on a retailer in the amount of \$25 per firearm on sale of a handgun or semiautomatic rifle or shotgun sold as new, and an excise tax on a retailer of a “yet to be determined” percentage of the gross receipts from any sale of ammunition. AB 18 would also establish the California Violence Intervention and Prevention (CalVIP) Grant Program, administered by the Board of State and Community Corrections, to award competitive grants for the purpose of violence intervention and prevention. The bill would require the revenue collected from the tax to be deposited in the CalVIP Firearm and Ammunition Tax Fund, which the bill would also create.

Implementing successful programs for addressing gun violence is something that all Californians support and would benefit from. As such, all of California should equally help to fund their implementation. However, under AB 18, CalVIP would only be funded by law-abiding citizens who legally purchase firearms.

Because AB 18 would result in a taxpayer paying a higher tax, the bill requires approval of $\frac{2}{3}$ of the membership of each house of the Legislature.

AB 18 was double-referred to the Assembly Public Safety Committee and the Assembly Committee on Revenue and Taxation, passing out of both committees and to the Assembly Appropriations Committee before the end of last April. Once in Assembly fiscal committee, AB 18 was placed on the suspense file due to the proposal’s estimated costs of “hundreds of thousands of dollars” to administer and collect the tax, and an additional “hundreds of thousands of dollars” for the state to administer CalVIP grants.

AB 18 must be heard and passed out of Assembly Appropriations Committee and to the Assembly Floor by Friday, January 24th to remain viable.

To view the coalition letter to the author in opposition to AB 18, click [AB 18 – Coalition Oppose](#)

To view the coalition letter to the Assembly Appropriations Committee in opposition to AB 18, click [AB 18 – Assy Approps Coalition Oppose Ltr](#)

To view all the Assembly Committee analyses available on AB 18, click [AB 18 Assy Analyses](#)

To view all the information currently available on AB 18, click [AB 18 Detail](#)

- [AB 276 \(Friedman\)](#) – **Firearms: Storage**

As amended January 6, 2020, AB 276 – legislation by Assembly Member [Laura Friedman \(D/43-Burbank\)](#) – would require a school district, county office of education, charter school, and private school to inform parents and guardians of pupils at the beginning of the first semester or quarter of the regular school term of California’s child access prevention laws and laws relating to the safe storage of firearms.

Prior to being amended earlier today, AB 276 would have required a person who is 18 years of age or older and who is the owner, lessee, renter, or other legal occupant of a residence to ensure that any firearm that person owns or controls is securely stored against theft or unauthorized access while that person is outside that residence. As previously written, the bill defined a firearm as being “securely stored” if it is secured with an operable device that is listed on the Department of Justice’s (DOJ) roster of approved firearm safety devices and that is identified as appropriate for that firearm by reference to either the manufacturer and model of the firearm, or to the physical characteristics of the firearm that matches those listed on the roster for use with the device.

As previously written, AB 276 would have prohibited a person convicted under these provisions or under other provisions regulating the storage of firearms, from owning, purchasing, receiving, or having in their possession or control, any firearm within 10 years of the conviction. AB 276 would have also made a violation of this section punishable as an infraction by a fine of not less than \$250, nor more than \$1,000.

AB 276 was set to be heard in the Assembly Public Safety Committee three times last spring but was pulled from agenda.

AB 276 must be heard and passed out of Assembly Public Safety Committee to the Assembly Appropriations Committee by Friday, January 17th to remain viable.

To view the Assembly Public Safety Committee analyses on AB 276, click [AB 276 Assy PS Analyses](#)

To view all the information currently available on AB 276, click [AB 276 Detail](#)

- [AB 688 \(Chu\)](#) – **Firearms: Vehicle Storage**

Current law requires that a handgun in an unattended vehicle be either locked in the vehicle’s trunk, in a locked container out of plain view, locked in a container that is permanently affixed to the vehicle’s interior and not in plain view, or locked in a toolbox or utility box.

As introduced February 15, 2019, AB 688 – legislation by Assembly Member [Kansen Chu \(D/25-Milpitas\)](#) – would make those requirements applicable to all firearms and would require the firearms to be secured to the vehicle’s frame using a steel cable lock or chain and padlock, or in a locked container that is secured using a steel cable lock or chain and padlock or that is permanently affixed to the vehicle.

While it would be troublesome for an individual hunter transporting a single shotgun or rifle to fully address the rigorous provisions of AB 688, the bill would make it tremendously difficult for hunters “car-pooling” to the field with multiple long guns in their vehicle to comply. Further, it would make it literally impossible for law-abiding Hunter Education Instructors, shooting coaches and others who must transport numerous shotguns and/or rifles for use by their students while on their way to/from the shooting range to adhere to the bill’s requirements.

AB 688 passed out of the Assembly Public Safety Committee and to the Assembly Appropriations Committee last March on a party-line vote. Once in the Assembly Appropriations Committee, the bill was placed in the suspense file due to the measure's cost of as much as \$200,000 for law enforcement to outfit their vehicles with steel cable locks.

AB 688 must be heard and passed out of Assembly Appropriations Committee and to the Assembly Floor by Friday, January 24th to remain viable.

To view the coalition letter to the Assembly Appropriations Committee in opposition to AB 688, click [AB 688 – Assy Approps Coalition Oppose Ltr](#)

To view the Assembly Committee analyses on AB 688, click [AB 688 Assy Analyses](#)

To view all the information currently available on AB 688, click [AB 688 Detail](#)

- [AB 1387 \(Wood\)](#) – **Sport Fishing: 12 Consecutive Month Licenses**

As amended May 20, 2019, AB 1387 – legislation by Assembly Member [Jim Wood \(D/02-Eureka\)](#) – would, in addition to offering California residents a traditional calendar year fishing license, require DFW to offer a license that is valid for 12 consecutive months beginning on the date of purchase upon payment of a fee that is equal to 130% of the cost of the traditional calendar-year sport fishing license. AB 1387 would require DFW to provide applicants for these licenses the option of signing up for automatic renewal of the license by electronic payment and would set the fee for licenses issued upon automatic renewal at the same price as a calendar-year sport fishing license.

The bill would require the Fish and Game Commission to adjust the cost of the licenses, as necessary, to fully recover, but not exceed, all reasonable implementation and administrative costs of DFW and the Commission relating to the licenses – including all costs related to the establishment and enforcement of these licenses.

AB 1387 would require DFW to submit a written report to the Legislature by December 1, 2024, regarding the implementation of the new licensing periods and fees. The bill's provisions would go into effect on January 1, 2021 and would “sunset” on January 1, 2026 unless extended by subsequent legislation.

AB 1387, as introduced, easily passed through the Assembly, off the Assembly Floor via unanimous vote and over to the Senate before the end of May. Once on the Senate side, AB 1387 was referred to the Senate Natural Resources and Water Committee and set to be heard, but the hearing was cancelled by the author.

Note that the current plan is to use AB 1387 as the vehicle for a sweeping Recruitment, Retention and Reactivation (R3bill's sponsor, the *California Sportfishing League (CSL)*, is currently working with Assembly Member Wood and others on several potential amendments to this proposal.

AB 1387 has until June 26th to be heard and passed out of Senate Natural Resources and Water Committee and to the Senate Appropriations Committee.

To view the coalition letter in support of AB 1387, click [AB 1387 Coalition Support Ltr](#)

To view all the available Committee analyses of AB 1387, click [AB 1387 Analyses](#)

To view all the information currently available on AB 1387, click [AB 1387 Detail](#)

- **[AB 1746 \(Melendez\)](#) – Firearms: License to Carry Concealed**

As introduced February 22, 2019, AB 1746 by Assembly Member [Melissa A. Melendez \(R/67-Murrieta\)](#) is a “spot bill” that makes non-substantive amendments to a provision of the Penal Code which deals with licenses to carry concealed.

Pursuant to Assembly Rules, AB 1746 cannot be referred to a committee until it takes on substantive amendments.

AB 1746 must take substantive amendments, be referred to policy committee, and then be heard and passed by Friday, January 17th to remain viable.

No committee analysis is available for AB 1746.

To view all the information currently available on AB 1746, click [AB 1746 Detail](#)

- **[SB 220 \(Hill\)](#) – Firearms Dealers: Storage and Security**

Current law generally requires all inventory firearms of a firearms dealer to be stored in the licensed location when the firearms dealer is not open for business and for the dealer to secure the firearms by either: 1) storing them in a secure facility that is a part of, or that constitutes, the firearms dealer’s business premises; 2) securing them with a steel rod or cable with specified features; or 3) storing them in a locked fireproof safe or vault in the business premises.

As revised June 11, 2019, SB 220 – legislation by Senator [Jerry Hill \(D/13-San Mateo\)](#) – would, in addition to the above, require the firearms also be secured using one of several methods – including, but not limited to: 1) stored in a locked fireproof safe or vault; 2) stored in a display case made with a steel frame that is no thinner than 12 gauge, fitted with a hardened steel lock where the case opens to access the firearm, and that is fitted with smash-proof polycarbonate panels that are at least one-quarter inch thick, or glass that is specifically designed to delay unauthorized access with a minimum thickness of at least 8 mils; 3) stored in a windowless room equipped with a steel security door fitted with a deadbolt lock, and that does not have a door exposed to the outside of the building; and 4) stored behind a steel roll-down door or security gate, or secure the firearm in a locked steel gun rack by use of a hardened steel bar.

If the firearm dealer’s location is at street level, SB 220 would also require they install concrete or hardened steel bollards or other barriers capable of stopping a 5,000-pound vehicle traveling at 30 miles per hour to protect the location’s front entrance, any floor-to-ceiling windows, and any other doors, that could be breached by the vehicle.

Gaines & Associates believes that California already places severe security requirements on our firearms dealers, including storing their inventory in a “secure facility” which, as defined, includes numerous security precautions – all of which must be satisfied. SB 220 would impose unnecessary additional security requirements costing tens of thousands of dollars on most firearms dealers. Although some larger firearms dealers may be able to absorb these costs, SB 220 would have a devastating financial impact on most smaller dealers, driving many of them out of business – with the greatest impact felt in rural areas.

Senator Hill authored similar legislation, SB 464, in 2017. That bill was passed by the State Legislature but vetoed by Governor Brown. In his veto message on SB 464, Governor Brown stated *“This bill would require additional security enhancements on the premises of all licensed firearms dealers in California. State law already requires that firearms dealers enact security measures to avoid theft. Local jurisdictions can-and have-gone further by adding additional specific requirements. I believe local authorities are in the best position to determine what, if any additional measures are needed in their jurisdictions.”*

SB 220 quickly passed through the Senate and over to the Assembly by May 2019. Once on the Assembly side, SB 220 swiftly passed through Assembly policy and fiscal committee and to the Assembly Floor by mid-June. However, SB 220 stalled on the Assembly Floor and was never brought up for a vote during the 2019 Session.

To meet deadline, SB 220 must be brought up for a vote and passed off the Assembly Floor by August 31st.

To view the available analyses of SB 220, click [SB 220 Analyses](#)

To view the coalition letter in opposition to SB 220, click [SB 220 Coalition Oppose Ltr](#)

To view the Assembly Floor Action Alert in opposition to SB 220, click [SB 220 Action Alert – Assembly Floor](#)

To view all the information currently available on SB 220, click [SB 220 Detail](#)

- [SB 281 \(Wiener\)](#) – **Firearm and Ammunition Sales at the Cow Palace**

As amended January 6, 2020, SB 281 – legislation by Senator [Scott D. Wiener \(D/11-San Francisco\)](#) – would prohibit the sale of firearms and ammunition at the Cow Palace as of January 1, 2021. The bill would exclude from its provisions a gun buy-back event held by a law enforcement agency.

Last Session, SB 281 was triple-referred to the Senate Governance and Finance Committee, Senate Governmental Organization Committee and the Senate Public Safety Committee, passing through all three policy committees before the end of May. SB 281 was then set to be heard in Senate Appropriations Committee in early May but was pulled from the agenda by the author.

On a related note, on April 16, 2019, Cow Palace Board of Directors voted to approve a statement that discontinues all future gun shows at the venue beginning January 1, 2020. Historically, the Cow Palace hosted five gun shows a year, including the largest gun show on the West Coast for over 30 years.

SB 281 has until Friday, January 24th to be heard and passed out of Senate Appropriations Committee and to the Senate Floor.

To view all available Senate Committee analyses of SB 281, click [SB 281 Sen Analyses](#)

To view all the information currently available on SB 281, click [SB 281 Detail](#)

- [SB 723 \(Jones\)](#) – **Firearms: Prohibited Persons**

Existing law makes it a crime for a person to own or possess a firearm if the person has an outstanding warrant for a felony or a warrant for one of several specified misdemeanors. Existing law makes these crimes inapplicable to a person who did not have knowledge of the outstanding warrant.

As amended January 6, 2020, SB 723 – legislation by Senator [Brian Jones \(R/38-El Cajon\)](#) – would expressly clarify that this crime is committed if the person has an outstanding warrant for a felony or specified misdemeanor and has knowledge of the outstanding warrant.

No committee analysis is available on SB 723.

To view all the information currently available on SB 723, click [SB 723 Detail](#)

What Can We Expect in 2020?

As California’s population swells and our once rural landscape becomes increasingly developed, our State Legislature is steadily transitioning to “urban” districts whose constituencies largely don’t hunt, have had little exposure to hunting, and have little understanding of the essential role of hunters in wildlife conservation. With each election cycle, our once “balanced” State Capitol tilts a bit further to the left as a few more districts turn blue and often elect representatives that share their lack of understanding and appreciation for our hunting tradition. Our most recent statewide election was no exception.

When the dust settled on the November 2018 statewide election, we knew we really had our work cut out for us at the State Capitol. In the State Assembly, previously rural districts had lost five more Assembly seats – strengthening the liberal supermajority to an eye-popping 60 of the 80 total Assembly seats. In the State Senate, liberal interests extended their supermajority by grabbing three additional seats – giving them a whopping 29 of the 40 total Senate seats. California voters had also elected a new Governor who had made no secret of his strong stance on gun-control.

As noted above, we expected a very challenging 2019 when it came to firearms legislation. But we didn’t know what to expect when it came to hunting and wildlife management issues. We weren’t alone. Early in the 2019 Legislative Session, private discussions within the halls of our State Capitol revealed that members of the State Legislature were also unsure as to how our new Governor would react to animal-rights legislation placed on his desk. That uncertainty led to some restraint, but a few bills tested the waters, with all that made it to his desk – including AB 273 (trapping) and AB 1254 (bobcats) – being signed.

With any uncertainty as to how our new Governor would react to animal-rights bills now removed, we are very likely to see more damaging anti-hunting proposals introduced in the 2020 Legislative Session. Combined with the fresh stack of gun-control bills we will most certainly see, those who care about the future of hunting must brace for our greatest challenge yet in the halls of California’s State Capitol.

What can we do? To begin, *Gaines & Associates* will work closer than ever before with our friends in wildlife conservation to defeat animal-rights and misguided gun control legislation. *Gaines & Associates* will also continue to canvas every corner of the State Capitol and all other political forums to unearth and vigorously challenge every proposal which threatens science-based wildlife management and our Second Amendment rights. *Gaines & Associates* will also continue to work hard to keep our clients updated on

every issue of concern and provide them with the information they need so that their members can also have their voices heard.

Among many other things, during the 2020 Legislative Session *Gaines & Associates* will also continue to work with our conservation partners to educate both new and experienced urban Legislators of the importance of science-based wildlife management and the principal role of hunting in wildlife conservation. To that end, we will continue to work hard to build the size and breadth of the *California Legislature Outdoor Sporting Caucus* – a bipartisan, bicameral assemblage of State Legislators who support policy decisions which embrace and promote California’s outdoor traditions. In close coordination with all our partner wildlife organizations, *Gaines & Associates* will again work with Caucus leadership to hold events and forums which educate, focus and coordinate the State Legislature’s support of California’s wildlife and fishery resources, and the outdoor-related activities that depend upon them.

Regardless of the challenges we expect to face this year, *Gaines & Associates* remains fully committed to doing everything politically possible *on your behalf* to keep our wildlife and their habitats healthy and keep *you* in the field.

We could not do what we do without you. Thank you for your support.

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