



LEGISLATIVE ALERT

Tuesday, April 10, 2018

Regarding: Assembly Bill 2888 (“AB 2888”)
Position: STRONGLY OPPOSE

On behalf of our members, supporters, and all law-abiding Californians, the Firearms Policy Coalition respectfully submits our strong opposition to Assemblymember Phil Ting’s AB 2888. This measure would radically and dangerously expand California’s Gun Violence Restraining Order (“GVRO”) scheme to allow an employer, a coworker, a mental health worker who has seen the person as a patient in the last six months, or an employee of a secondary or postsecondary school that the person has attended in the last six months to file a petition for an *ex parte*, one-year, or renewed gun violence restraining order.

This bill is a blatant example of the author re-introducing a failed bill over and over again, hoping for a different result. As you might recall, Gov. Jerry Brown vetoed the virtually-identical bill AB 2607 in 2016, saying that “it would be premature to enact a further expansion.” That same logic holds true now. AB 1014 (2014) went into effect just two years ago in 2016. The author has no data or evidence suggesting, let alone proving, that this bill serves a *bona fide* need. No, it’s just the same terrible bill that was vetoed for good reason before, just updated with a different bill number in a different legislative session.

Alas, here we are again. Once more, Assemblymember Ting seeks to add to the list of lay persons, acquaintances, and strangers authorized to petition for a “gun violence restraining order” against a person in secret, without warning, without a professional opinion or evaluation, and without any or sufficient due process using unconstitutionally vague terms like “employer” and “coworker”—terms the statutes leaves un-defined and unbounded, thus making even a remote “coworker” eligible to “file a petition requesting that the court issue an *ex parte* gun violence restraining order enjoining the subject of the petition from having in his or her custody or control, owning, purchasing, possessing, or receiving a firearm or ammunition.”

Here's what AB 2888 will look and sound like in the real world:

“Dear Bob, I hated that email you sent about viewpoints I prefer and how our office in an echo chamber that is hostile to people like you. I know that you have guns, but I don’t think someone who thinks like you should have any at all. Good luck with that GVRO.”

*“Jane, your recent message in Slack triggered me. I think it is clearly hate speech. You need to have your guns taken away you evil person who disagrees with me. I’ll be petitioning for an *ex parte* GVRO tomorrow.”*

“Dan, I saw those Facebook posts of you holding that scary gun at the shooting range. I have also seen some political posts and comments of yours that makes me afraid of you. I hope that cops take your guns and ammo when I get that GVRO against you.”

Moreover, we do not believe it is appropriate to allow any “mental health worker” to initiate a GVRO. By operation of its radical expansion of authority to file a GVRO petition, AB 2888 will discourage gun owners from seeking help, should they be in need of counseling or therapy, and threatens the doctor/patient relationship. Indeed, AB 2888 will deter gun owners who are facing

mental health challenges from seeking the help they need because of a very real fear that they may one day, many months from now, lose their fundamental rights and property not just because of the counseling, but because of *who* they talked with about it and that mental health worker's potentially-unsubstantiated or uninformed perceptions.

AB 2888 is, once more, revealing of its authors' complete lack of regard for the civil rights and mental health care of California's law-abiding, gun-owning residents. AB 1014 was over the line, and AB 2888 – like AB 2607 – is over the top. Just we said about AB 2607 less than two years ago, this bill may sound like a Cold-War era memoir of living behind the Iron Curtain, but it isn't. Sadly, this is the State of California, year 2018. Perhaps they are becoming the same thing.

AB 2607 was fiercely opposed by a broad and diverse group of civil rights advocates, including (but not limited to) Firearms Policy Coalition, American Civil Liberties Union of California, California Association of Marriage and Family Therapists, California Association for Licensed Professional Clinical Counselors, California Psychiatric Association, California Psychological Association, and the California Public Defenders Association. For the same reasons we and so many others opposed (and Gov. Brown vetoed) AB 2607, you should reject AB 2888 now.

For these and other reasons, FPC requests your “NO” vote on AB 2888.

Please contact us at policy@fpchq.org or (916) 378-5785 if you have any questions or would like discuss this further.