



LEGISLATIVE ALERT

Monday, April 16, 2018

Regarding: Senate Bill 1099 (“SB 1099”)
Position: STRONGLY OPPOSE

On behalf of our members, supporters, and all law-abiding Californians, the Firearms Policy Coalition (FPC) respectfully submits our **strong opposition** to Senator John Moorlach’s Senate Bill 1099. This measure raises a number of significant concerns, not the least of which are how it directly impinges on the fundamental, individual rights to free speech and self defense. Worse, it forces people to give up one constitutionally-enshrined right (self-defense, and the instruments necessary thereto) “while attending or participating in” the exercise of others (the right to speak, demonstrate, rally, protest, picket, and assemble).

That the measure is unconstitutional makes it worthy of opposition. But it gets worse, and can and should additionally be opposed on policy grounds. Adding insult to insult, SB 1099 fully and fatally admits that its proposed new crimes – a violation of which “shall be punishable as a misdemeanor” – would “not preclude prosecution” for any other proscribed conduct, like assault, “under any other law.”

And California has a great many other laws, covering every criminal circumstance that this measure would seek to regulate. Indeed, “[o]ver the last several decades, California’s criminal code has grown to more than 5,000 separate provisions, covering almost every conceivable form of human misbehavior.” (October 3, 2015 veto message of Gov. Jerry Brown regarding nine bills, online at <http://bit.ly/2018-10-3-brown-veto>.)

Reacting to protests by passing even more laws to limit and/or criminalize even more items, speech, conduct, and people is anathema to creating a lasting and peaceful civil debate about important social issues. Moreover, we would submit that the non-stop onslaught of year-after-year, session-after-session pile of new criminal laws – such as those SB 1099 would enact – and the enforcement of those laws may very well be why people are marching, frustrated, in the first place.

Doing more of what got us here is counter-productive; not everything should be illegal to get, have, or do—even if a few people (out of millions) decide to make a bad decision that causes us to feel worried, angry, or sad. As we recently noted in our comments on AB 1949 (Santiago), banning more and more items and criminalizing more and more non-violent conduct appears to be the legislative heroin that some elected members just can’t quit. It is wrong when a Democrat does it, and it is equally wrong and misguided when a Republican does it. SB 1099 should be rejected.

For these and other reasons, FPC requests your “NO” vote on SB 1099.

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