



CALIFORNIA 2016
BALLOT BACKGROUNDER

Proposition **63**
Gun and Ammunition Control

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Purpose

Proposition 63 would establish new, stronger regulations on guns and ammunition in California.

Background

California has some of the strongest gun control laws of any state and is widely considered a national leader on the issue.¹ Nevertheless, on December 2, 2015, a mass shooting terrorist attack in San Bernardino killed 14 and injured another 17.² This incident and other recent shootings prompted new efforts to tighten gun control in the state.

This summer, the California Legislature enacted a package of gun control bills sponsored by Senate President Pro Tem Kevin de León and other legislative Democrats, while Democratic Lt. Governor Gavin Newsom separately sponsored this initiative.³ Some of Proposition 63's proposals were already enacted through the recent legislation.⁴ One possible reason for enacting these provisions again through the initiative process is to make them more secure.

¹ <https://www.americanprogress.org/wp-content/uploads/2013/04/AmericaUnderTheGun-3.pdf>

² <http://www.npr.org/sections/thetwo-way/2015/12/02/458196942/active-shooter-situation-reported-in-san-bernardino-calif>.

³ <http://www.latimes.com/politics/la-pol-sac-kevin-de-leon-gavin-newsom-gun-control-20160422-story.html>

⁴ <http://www.latimes.com/politics/la-pol-sac-essential-politics-updates-gov-brown-signs-six-gun-control-bills-1467394282-htmlstory.html>

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This is because laws enacted by the Legislature can be repealed at any time, while laws passed through the initiative process can be repealed only through another vote of the people.

Gun control is a polarizing issue. While many support stricter gun regulations, others believe that such measures are ineffective and violate the federal constitutional rights of gun owners. Proposition 63 has mobilized advocates on both sides of the issue.

Existing Law

California's gun laws collectively regulate the sale, possession, and use of guns and relevant parts and equipment. California has some of the most restrictive gun laws in the United States.

In June 2016, the Legislature passed a new package of gun control measures. The new laws enacted some elements of Proposition 63, including a ban on large capacity magazines (SB 1446) and a background check on ammunition sales (SB 1235).

However, Governor Brown vetoed SB 894, which would have enacted the reporting requirement for stolen firearms that is included in this initiative.

Proposed New Law

Proposition 63 has several components. The measure would:

- prohibit the possession of large capacity ammunition magazines. This provision would supplement current law, which prohibits the buying or selling of large capacity magazines, but does not prohibit the possession of such magazines.
- mandate that an individual wishing to purchase ammunition be subject to a point-of-sale background check and Department of Justice (DOJ) authorization.
- Make it illegal for an individual to share bullets with “any person who he or she knows or using reasonable care should know” is banned from owning or possessing ammunition.⁵
- require all lost or stolen firearms and ammunition be reported to law enforcement within five days of discovering the firearm or ammunition missing.
- define clear relinquishment processes, so that people prohibited from owning a gun do not end up in possession of a gun.
- mandate that California share all data about prohibited individuals with the federal National Instant Criminal Background Check System.⁶

⁵ <http://www.politifact.com/california/statements/2016/jul/12/firearms-policy-coalition/will-ca-gun-control-measure-criminalize-sharing-bu/>

⁶ http://www.oag.ca.gov/system/files/initiatives/pdfs/15-0098%20%28Firearms%29_0.pdf.

Fiscal Impact

The Legislative Analyst estimates that Prop. 63 would increase state costs by tens of millions of dollars for regulation of ammunition sales and for increased law enforcement and court expenses. Some of these costs could be offset by fees the initiative would put into place. State and local costs for corrections would likely increase in the low millions of dollars, as well.⁷

Supporters

Lt. Governor Gavin Newsom is the main driving force behind Proposition 63. He has partnered with the Law Center to Prevent Gun Violence to promote the measure. Yes on Prop. 63, Safety for All, is the leading organization supporting Proposition 63. The measure has received endorsements from a range of community groups and organizations.

The proponents have raised \$4,588,321 as of 9/27/16. Major donors to the Yes on Prop. 63 campaign include: The California Democratic Party, Sean Parker, George Marcus, Nicholas Pritzker, and Susie Tompkins Buell⁸

Supporters include:

- U.S. Senators Dianne Feinstein and Barbara Boxer
- California Secretary of State Alex Padilla
- California Democratic Party
- California League of Women Voters
- SEIU California
- California Federation of Teachers
- California Medical Association
- Equality California⁹

Arguments in Support

Supporters claim that by closing loopholes and strengthening gun control laws in California, Proposition 63 would save lives and create a safer society. They claim that the gun and

⁷ <http://www.sos.ca.gov/elections/ballot-measures/qualified-ballot-measures/>

⁸ <http://powersearch.sos.ca.gov/advanced.php>

⁹ <https://s.bsd.net/safetyforall/main/page/-/YES%20ON%20PROP%2063%20ENDORSEMENTS%20EXTENDED.pdf>

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ammunition control provisions set out in Prop. 63 would save lives by keeping guns and ammunition out of the hands of the wrong people. According to supporters, Prop. 63 is an historic step forward for gun safety.¹⁰

Opponents

The Coalition for More Civil Liberties/No on Prop 63 is leading the campaign to defeat Prop. 63. This campaign has received support from a variety of groups, including:

- California Rifle & Pistol Association
- National Rifle Association
- California Correctional Peace Officers Association
- Congress of Racial Equality
- San Francisco Veteran Police Officers Association¹¹
- California Republican Party

As of 9/27/16, No on Prop. 63 has raised \$456,487, with major donations coming from the National Rifle Association, the California Rifle & Pistol Association, Citizens Committee for the Right to Keep and Bear Arms, and the California Waterfowl Association.¹²

Arguments in Opposition

Opponents claim that the initiative would require extreme and burdensome changes to the ammunition market. They also claim that the initiative does not address the real causes of gun violence, “such as criminal behavior, mental illness, or substance abuse.” They also say that California should focus on enforcing its current laws, rather than adding to the long list of gun laws. They claim that Prop. 63 turns law-abiding gun owners into criminals, and will make society less safe by directing resources away from efforts that are effective in preventing gun crime.¹³

¹⁰ <http://vig.cdn.sos.ca.gov/2016/general/en/pdf/complete-vig.pdf>

¹¹ <http://stoptheammograb.com/about/>

¹² <http://powersearch.sos.ca.gov/advanced.php>

¹³ Ibid.

Conclusion

Voting Yes on Proposition 63 would strengthen regulations on ammunition possession and sales and tighten regulations on gun ownership.

Voting No on Proposition 63 would reject these regulations and maintain current California gun law.

For more information on Proposition 63, visit:

www.roseinstitute.org

www.safetyforall.com

www.stoptheammograb.com