



**LEGISLATION & PUBLIC
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July 9, 2018

Honorable Anthony J. Portantino
Chair, Appropriations Committee
California State Senate
Capitol Building, Room 3086
Sacramento, CA 95814

RE: AB 1968 (LOW) as amended April 9, 2018 – OPPOSE

Dear Senator Portantino:

Disability Rights California (DRC), a non-profit advocacy organization that advances and protects the rights of Californians with disabilities, **opposes AB 1968**. This bill is scheduled for hearing in the Senate Appropriations Committee on August 6, 2018.

This bill would require that a person, who has been taken into custody, assessed, and admitted to a designated facility because he or she is a danger to himself, herself, or others, as a result of a mental health disorder more than once within a one-year period, be prohibited from owning a firearm *for the remainder of his or her life*. An individual who is subject to the lifetime firearm prohibition may file a subsequent petition every five years and has the burden to show by a preponderance of the evidence that he or she can use firearms in a safe and lawful manner.

DRC opposes this bill because it attributes violence to individuals with mental health disabilities where a link has not been established; attributes gun violence to a mental health disability; imposes firearm restrictions based on disability status rather than actual findings of violence and dangerous behavior; improperly places the burden of proof on an individual to show that he or she can use a firearm in a safe and lawful manner rather

than requiring the state to show the contrary; and imposes significant costs on the state General Fund.


Individuals with mental health disabilities often face stigma and bias because of the false assumption that people with mental health disabilities are dangerous or violent. The perpetuation of misconceptions about violence and mental health disabilities results in these individuals facing discrimination in housing, employment, social situations, and basic civil rights protections.

AB 1968, unfortunately, presumes that an individual who has had a period of involuntary treatment (two times within one year) will no longer likely be able to use firearms in a safe and lawful manner and then only allows the individual the opportunity to show otherwise once every five years. This places a restriction on a person with a mental health disability without findings of violence or dangerous behavior and it perpetuates misconceptions about violence and mental health disabilities. Most importantly, it presupposes violent tendencies result from a mental illness.

As noted in the Assembly Appropriations Committee analysis, AB 1968 will impose significant one-time and ongoing costs, in the millions, for the Department of Justice and the Courts to implement the bill.

For these reasons, DRC opposes this bill. Please contact me if you have any questions about our position or if I can provide any further information.

Very truly yours,

A handwritten signature in black ink, appearing to read "Curtis Child". The signature is fluid and cursive, with the first name "Curtis" and last name "Child" clearly distinguishable.

Curtis Child
Legislative Director
Disability Rights California

cc: Honorable Evan Low, California State Assembly
Tatum Holland, Legislative Director, Office of Assembly Member
Evan Low
Honorable Members, Senate Appropriations Committee
Shaun Naidu, Consultant, Senate Appropriations Committee

Jessica Peters, Principal Consultant, Assembly Appropriations
Committee

Eric Czimar, Policy Consultant, Senate Republican Caucus
Committee

Sean Hoffman, Legislation Director, California District Attorneys
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