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California Takes Up White House Call to Toughen Gun Storage Rules

About 30 million American children lived in homes with firearms, including about 5 million in households with loaded and unlocked firearms.

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California lawmakers are weighing a pitch from the White House for states to toughen gun storage rules as legislation languishes in Congress.

Even though many states, including California, have laws in place for safely storing guns when children are present, the Biden administration wants them to go further by requiring gun owners to secure firearms most of the time.

California's Senate passed a sweeping bill in January that would adopt the White House recommendation. State Sen. Anthony Portantino, the author of SB 53, said the idea is to make it harder for anybody, not just children, to find and use a gun to commit crime or kill or accidentally harm themselves. Portantino spoke about his bill for a White House event in January.

But critics argue the proposal would violate the constitutional right to bear arms by making firearms difficult to access in potentially life-threatening situations, such as home break-ins. The measure is likely to face legal challenges should it clear the remaining legislative hurdles.

"This is a recognition that guns kill people, and the readily available unlocked guns kill more people," the Democrat from Burbank told his colleagues during debate on the Senate floor. "The best way to make it safer for our children to go to school, and for people in households where there's trauma, is to make sure the weapons don't fall into the wrong hands. And the way to do that is to lock them up."

In 2021, about 30 million American children lived in homes with firearms, including 4.6 million in households with loaded and unlocked firearms, according to a national firearms survey.

The Department of Justice in December unveiled model gun storage legislation for states to consider. "It's a simple step that can save lives," said Stefanie Feldman, director of the White House Office of Gun Violence Prevention.

Since then, lawmakers in Arizona, Illinois, Kentucky, Minnesota, New Jersey, and Utah have also

introduced similar measures, but none of the bills have yet received a committee hearing. In South Dakota, the Republican-controlled legislature killed similar legislation in February, for the second time in two years. Oregon and Massachusetts already have implemented comparable regulations.

The model legislation is part of a multipronged strategy by Democratic President Joe Biden's administration to encourage states to take the lead on gun safety as legislation has stalled in Congress, including bills to enact universal background checks and ban the sale and possession of assault weapons.

Legislation that would create the first federal gun storage mandate, which was introduced in January 2023, has yet to get a hearing in the GOP-controlled House of Representatives.

Gun-related legislation has increasingly become victim to partisan politics as Republicans have embraced a gun rights agenda to shore up political support, said Robert Spitzer, a professor emeritus of political science at the State University of New York-Cortland who has written books on American gun policy.

"The states have always been referred to as the laboratories of democracy," Spitzer said. "It's a place where laws are often enacted when you can't get things done at the national level."

California's existing gun storage law requires guns, whether they're loaded or unloaded, be secured using a method such as a gun safe or trigger lock in places where they could get into the hands of a minor, a felon, or anyone prohibited from possessing a firearm. Portantino, who introduced the existing law in 2019, is also a candidate in a hotly contested congressional race.

The bill moving through the state's Democratic-controlled legislature would extend gun storage rules to all residences, a mandate similar to the Biden administration's proposal, and require owners to secure firearms in a lockbox or safe. The White House proposal gives gun owners the option of using a trigger lock — a lock that fits over a gun's trigger mechanism that prevents the gun from being fired — instead of a lockbox or safe.

California Gov. Gavin Newsom, a Democrat who has signed a number of gun control laws, declined, through a spokesperson, to comment on the measure.

But keeping a gun in a locked box or making it unusable with a trigger lock, which requires a key or combination, could be problematic, critics say. In communities struggling with violent crime, a disabled gun would be useless for self-defense, said California state Sen. Kelly Seyarto, a Republican from Murrieta.

"You don't have time when somebody breaks into your house to fiddle with the lock and the storage and get your gun out," Seyarto said on the Senate floor. "Because by then you will be dead."

Seyarto and the National Rifle Association say the California bill is excessive and that, because gun owners might be unable to defend themselves, it would infringe on Second Amendment rights.

“This bill’s one-size-fits-all approach fails to consider individual circumstances and imposes undue burdens,” said Daniel Reid, managing director of state and local affairs for the NRA’s Institute for Legislative Action. “We support empowering individuals to make responsible choices, rather than eroding their freedoms with typical California-style gun control.”

Firearms were the leading cause of death for children ages 1 to 17 in 2020, 2021, and 2022, according to analyses of Centers for Disease Control and Prevention data by KFF. In 2022, an average of seven children a day died from getting shot.

The number of children “lost to gun violence, to shooting, is unfathomable,” said first lady Jill Biden at a White House event in January. She called on school principals to communicate with parents about safe gun storage. The Department of Education also crafted a letter schools can send to parents explaining that safely storing firearms “can help prevent them from getting into the hands of children and teens, who may use them to, intentionally or unintentionally, harm themselves or others.”

Roughly three-quarters of school shooters in 25 incidents from 2008 to 2017 acquired their firearms from the home of a parent or close relative, according to the Secret Service.

On February 6, a jury in Michigan convicted Jennifer Crumbley of involuntary manslaughter in the killings of four high school students in 2021 because her son, the shooter, used a gun and ammunition she had failed to secure in their home. In December, Deja Taylor, the mom of a 6-year-old boy who shot his first grade teacher in a Virginia classroom with her gun, was sentenced to two years in prison after pleading guilty to child neglect.

At least 82 bills before state legislatures address gun storage, with varying requirements, said Lindsay Nichols, a policy director at Giffords, which advocates for stricter gun laws and was founded by former U.S. Rep. Gabrielle Giffords (D-Ariz.), who was shot in the head at a constituent event in Tucson in 2011. Six people died in the shooting. The bills’ prospects often depend on which party controls the state legislature. That’s what happened in South Dakota in mid-February, said Democratic state Rep. Linda Duba, whose measure died in committee.

“If you’re from a red state, it’s almost virtually impossible to get anything passed,” said Duba, who attended a White House meeting on gun safety in December.

If California’s bill becomes law, legal experts say, it will be challenged in court. Two years ago, the U.S. Supreme Court struck down a long-standing concealed carry law in New York, issuing a landmark ruling that firearm laws must be consistent with the nation’s “historical tradition” of firearm regulation.

Since then, federal district judges have struck down California laws that ban people from carrying concealed guns in many public places and require a background check for ammunition purchases. Appeals court judges later overturned those rulings, allowing the laws to take effect while the legal wrangling proceeds.

“Second Amendment law is profoundly unsettled right now,” said Adam Winkler, a UCLA law professor who specializes in constitutional law. “And courts can’t seem to agree on which gun laws are constitutional and which aren’t.”

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