



Office of the San Diego City Attorney

Mara W. Elliott
City Attorney

September 18, 2023

The Honorable Gavin Newsom
Office of The Governor
1021 O Street, Suite 9000
Sacramento, CA 95814

Re: Assembly Bill (AB) 28 (Gabriel) – Support

Dear Governor Newsom:

As the City Attorney of San Diego, I am pleased to express our support for AB 28, which will secure dedicated and sustained funding for lifesaving violence intervention initiatives and related gun violence prevention, education, and research purposes through a modest surtax on firearm industry profits.

Gun violence is a public health, safety, and equity crisis. Since the start of the pandemic, our nation has seen record-setting gun and ammunition sales, alongside record nationwide increases in shootings, homicides, and related traumas. This has been a time of record profits for some, and brutal pain and loss for too many others. The gun violence crisis also imposes enormous burdens on those who are not direct victims. Experts at the National Institute of Justice have noted that “youth living in inner cities show a higher prevalence of post-traumatic stress disorder than soldiers” in our wartime military.

In addition to its brutal human toll, gun violence causes enormous economic harm and imposes enormous fiscal burdens on state and local governments and taxpayers. A report from the National Institute for Criminal Justice Reform in 2020 determined that each firearm homicide in Stockton, California cost taxpayers at least \$2.5 million in direct government costs such as medical, law enforcement, court expenses, and lost tax revenue; nonfatal shootings with a single suspect were also estimated to directly cost taxpayers nearly \$1 million on average. A 2021 report by Everytown for Gun Safety found that gun deaths and injuries cost California \$22.6 billion annually, of which \$1.2 billion is paid directly by taxpayers every year. Gun violence also imposes broader indirect costs in the form of reduced home values and reduced profitability for local businesses. A report by the Urban Institute found that each additional homicide in a census tract in Oakland, California, was “significantly associated with five fewer job opportunities among contracting businesses (businesses losing employees) the next year.”

To promote community safety and mitigate the enormous collateral harms that flow from firearm industry commerce, California has in recent years acted to invest in violence intervention initiatives that work to interrupt entrenched cycles of shootings, trauma, and retaliation. These programs support and heal victims of firearm violence and provide targeted intervention services to other individuals identified as highest risk of being shot or involved in cycles of violence. The state's investment in these programs, primarily through the California Violence Intervention and Prevention (CalVIP) grant program, has provided a critical lifeline to temporarily sustain and expand programs employing frontline violence intervention workers and saving lives today.

However, these investments have thus far relied on short-term General Fund commitments. Sustained reductions in gun violence will require sustained investments in prevention and intervention efforts and longer-term planning to entrench virtuous cycles of trauma recovery, retaliation prevention, peace-building, and safety. AB 28 would establish a dedicated revenue stream to sustain this lifesaving work through the California Violence Intervention and Prevention program and related efforts.

This bill is analogous to other firearm and ammunition industry tax measures that have been repeatedly upheld by the courts. Similar firearm, ammunition, and related industry excise taxes have also been in place at the federal level for over a century, and the gun industry has supported them. Since 1919, federal law has placed a 10 to 11% excise tax on the sale of guns, ammunition, and related products by licensed manufacturers, producers, and importers. Revenues from this excise tax have been used to fund wildlife conservation efforts that remediate the effects that guns and ammunition have on wildlife populations through hunting, particularly through grants to state wildlife agencies and for conservation-related research. The NRA has referred to this federal Firearms and Ammunition Excise tax as a "legislative model" and "friend of the hunter."

Just as the federal tax on firearm industry manufacturers reasonably generates revenue to remediate the harmful effects that firearm industry commerce can have on wildlife, AB 28 would place an identical tax on retail sellers profiting from the sale of the same products in order to fund programs that effectively remediate the devastating human toll these products take on families and communities across the state. This tax is a modest and reasonable excise tax on sellers whose lawful and legitimate commercial activity still imposes enormous harmful externalities on California's families, communities, and taxpayers.

This bill is not intended to penalize firearm sellers or otherwise discourage lawful firearm sales and commerce, but to reasonably generate revenue to sustain programs that are targeted and effective at mitigating the harms that firearms and related products cause. It would stop shootings, save lives, and make California a better, safer place.

For these reasons, I strongly support AB 28.

Sincerely,



Mara W. Elliott
San Diego City Attorney