

Comparison of Obama Administration Gun Violence Prevention Proposals and Current California Law and Practices

President's proposal¹	Current California law
“Require background checks for all gun sales”	California already does that. California's transfer laws apply to private party sales and there is no “gun show loophole” in California because those transactions are subject to current background check requirements. Penal Code § 28050 et seq.
“Call on licensed dealers and private sellers to do their part through executive action”	Not applicable.
“Address unnecessary legal barriers that prevent states from reporting information about those prohibited from having guns.” This is federal HIPAA regulation-related.	Not applicable. Requires federal action. There is no conflict between HIPAA and existing California law that prevents transmission of information to the Department of Justice. There is an exemption under HIPAA allowing mental health professionals to discuss protected health information with law enforcement when necessary to prevent or lessen a serious and imminent threat to the health or safety of the patient or others. Communications between law enforcement and the Department of Justice pursuant to Welfare and Institutions Code § 8105(c), and communications between a mental health evaluation facility and the Department of Justice pursuant to Welfare and Institutions Code § 8103(f)(2) do not involve health information protected under HIPAA, but only the identity of an individual subject to firearms restrictions.
“Improve incentives for states to share information with the background check system.” DOJ will invest \$20 million in FY 2013 to give states stronger incentives to make this data available. The Administration is also proposing \$50 million for this purpose in FY 2014 and will look for additional ways to ensure that states are doing their part to provide relevant information.	California is already turning over all mental health information that the federal government requests. Some categories of mental health prohibited persons are not turned over. California has a few unique categories of mental patients (those who make a credible threat against an identifiable victims are “prohibited persons” (cannot own/possess firearms) for six months) that are not turned over to the federal database. Whether they should be is debatable and under review.
“Hold federal agencies accountable for sharing reliable information with the background check system.”	Not applicable.
“Make sure dangerous people are prohibited from having guns.” No other details specified. The Attorney General is tasked to review existing laws.	California already has numerous categories of prohibited persons under current law. California prohibits, among others, all convicted felons, those convicted of specified violent misdemeanors (for 10 years), those who have been committed to a mental facility by a court, and those who were forced to undergo an evaluation because of a threat to self or others from owning or possessing firearm if the treating health professional agrees that the person is a danger to self or others.

	<p>Since the federal proposal is vague, it is unclear whether California complies with whatever standard is envisioned by the Obama Administration. New York’s recent law added those who renounce their citizenship, fugitives, and illegal aliens to those who are ineligible for a New York gun license. It is not clear what President Obama has in mind for this proposal. California already has one of the widest definitions of prohibited persons of any state.</p>
<p>“Reinstate and strengthen the ban on assault weapons.” By “strengthen,” the report states that “manufacturers were able to circumvent the prohibition with cosmetic modifications to their weapons.”</p>	<p>California already has an assault weapons ban. Penal Code § 30510 et seq. It bans, with exceptions, the sale, manufacture, and possession of assault weapons. It enumerates a list of weapons by brand name, make, and model (Penal Code § 30510) and those with specified, generic characteristics (Penal Code § 30515). The current California definition may not comport with whatever definition is proposed to deal with the “cosmetic modifications” critique.</p> <p>Senator Yee has introduced legislation that would ban the use of the magazine magnet and bullet button to evade having a firearm classified as having a “detachable magazine” – a major component of the generic definition of an assault weapon. A similar bill was held in the Assembly Appropriations Committee in 2012, SB 249.</p>
<p>“Limit ammunition magazines to 10 rounds.” It is not clear from the President’s proposal whether the “limit” will apply to manufacture and sale/transfer only or to possession as well.</p>	<p>California already prohibits manufacture and sale of “large-capacity” magazines.</p> <p>Penal Code § 16740 defines a “large-capacity magazine” as” any ammunition feeding device with the capacity to accept more than 10 rounds, but shall not be construed to include any of the following:</p> <ul style="list-style-type: none"> (a) A feeding device that has been permanently altered so that it cannot accommodate more than 10 rounds. (b) A .22 caliber tube ammunition feeding device. (c) A tubular magazine that is contained in a lever-action firearm.” <p>Penal Code § 32310 provides that “Except as provided in Article 2 (commencing with Section 32400) of this chapter [sales to law enforcement] and in Chapter 1 (commencing with Section 17700) of Division 2 of Title 2, commencing January 1, 2000 [bequests, other exemptions], any person in this state who manufactures or causes to be manufactured, imports into the state, keeps for sale, or offers or exposes for sale, or who gives, or lends, any large-capacity magazine is punishable by imprisonment in a county jail not exceeding one year or imprisonment pursuant to subdivision (h) of <u>Section 1170</u> [a realigned felony].</p> <p>California does not penalize mere possession of a large-capacity magazine.</p>

<p>“Finish the job of getting armor-piercing bullets off the street.” The criticism here is that federal law does not make it illegal to possess or transfer this information.</p>	<p>This is adequately covered by current California law:</p> <p>Penal Code § 12022.2 provides that “any person who, while armed with a firearm in the commission or attempted commission of any felony, has in his or her immediate possession ammunition for the firearm designed primarily to penetrate metal or armor, shall upon conviction of that felony or attempted felony, in addition and consecutive to the punishment prescribed for the felony or attempted felony, be punished by an additional term of 3, 4, or 10 years.”</p> <p>Penal Code § 30315 provides “Any person, firm, or corporation who, within this state knowingly possesses any handgun ammunition designed primarily to penetrate metal or armor is guilty of a public offense and upon conviction thereof shall be punished by imprisonment pursuant to subdivision (h) of Section 1170, or in the county jail for a term not to exceed one year, or by a fine not to exceed five thousand dollars (\$5,000), or by both that fine and imprisonment.” (This is a realigned wobbler.)</p> <p>Penal Code § 30320 provides “Any person, firm, or corporation who, within this state, manufactures, imports, sells, offers to sell, or knowingly transports any handgun ammunition designed primarily to penetrate metal or armor is guilty of a felony and upon conviction thereof shall be punished by imprisonment in state prison, or by a fine not to exceed five thousand dollars (\$5,000), or by both that fine and imprisonment.”</p>
<p>“Create serious punishments for gun trafficking.” “Today, criminals can easily buy guns from unlicensed dealers, or acquire them with the help of so-called “straw purchasers” who pass the required background check to buy guns from licensed dealers. But there is no explicit law against straw purchasing, so straw purchasers and others who traffic guns can often only be prosecuted for paperwork violations. We cannot allow those who help put guns into the hands of criminals to get away with just a slap on the wrist. Congress should close these loopholes with new gun trafficking laws that impose serious penalties for these crimes.”</p>	<p>California already has penalties applicable to “straw purchasers.” Penal Code § 27500 provides that “(a) No person, corporation, or firm shall knowingly sell, supply, deliver, or give possession or control of a firearm to any person within any of the classes prohibited by Chapter 2 (commencing with Section 29800) or Chapter 3 (commencing with Section 29900) of Division 9. (b) No person, corporation, or dealer shall sell, supply, deliver, or give possession or control of a firearm to anyone whom the person, corporation, or dealer has cause to believe is within any of the classes prohibited by Chapter 2 (commencing with Section 29800) or Chapter 3 (commencing with Section 29900) of Division 9 of this title, or Section 8100 or 8103 of the Welfare and Institutions Code.”</p> <p>Penal Code § 27515 provides “No person, corporation, or dealer shall sell, loan, or transfer a firearm to anyone whom the person, corporation, or dealer knows or has cause to believe is not the actual purchaser or transferee of the firearm, or to anyone who is not the one actually being</p>

	<p>loaned the firearm, if the person, corporation, or dealer has either of the following:</p> <p>(a) Knowledge that the firearm is to be subsequently sold, loaned, or transferred to avoid the provisions of Section 27540 or 27545.</p> <p>(b) Knowledge that the firearm is to be subsequently sold, loaned, or transferred to avoid the requirements of any exemption to the provisions of Section 27540 or 27545.”</p> <p>Penal Code § 27520 provides “No person, corporation, or dealer shall acquire a firearm for the purpose of selling, loaning, or transferring the firearm, if the person, corporation, or dealer has either of the following:</p> <p>(a) In the case of a dealer, intent to violate Section 27510 [transfer of handgun to person under 21 prohibited] or 27540 [10-day waiting requirement and other firearms delivery requirements].</p> <p>(b) In any other case, intent to avoid either of the following:</p> <p>(1) The provisions of Section 27545 [the requirement that firearms be transferred through a licensed dealer with a background check].</p> <p>(2) The requirements of any exemption to the provisions of Section 27545.”</p> <p>Penalties are specified in Penal Code § 27590. Transfers to a prohibited person are punishable as a wobbler, the felony provisions of which are subject to realignment (incarcerate in county jail unless the person has a current or prior serious felony, violent felony, or a sex offense requiring registration as a sex offender).</p>
<p>“Help communities across the country keep 15,000 cops on the street.” “One of the most important steps we can take to reduce gun violence is to keep police officers at their posts in our neighborhoods and communities. The President is calling on Congress to act on the Administration’s \$4 billion proposal to help keep 15,000 cops on the street in cities and towns across the country.”</p>	<p>Not applicable.</p>
<p>“Take executive action to enhance tracing data.”</p>	<p>Not applicable.</p>
<p>“Take executive action to help law enforcement avoid returning guns to the wrong hands.”</p>	<p>Penal Code § 33850(a) provides “Any person who claims title to any firearm that is in the custody or control of a court or law enforcement agency and who wishes to have the firearm returned shall make application for <u>a determination by the Department of Justice as to whether the applicant is eligible to possess a firearm</u>. The application shall include the following:</p> <p>(1) The applicant’s name, date and place of birth, gender, telephone number, and complete address.</p>

	<p>(2) Whether the applicant is a United States citizen. If the applicant is not a United States citizen, the application shall also include the applicant's country of citizenship and the applicant's alien registration or I-94 number.</p> <p>(3) If the firearm is a handgun, and commencing January 1, 2014, any firearm, the firearm's make, model, caliber, barrel length, handgun type, country of origin, and serial number, provided, however, that if the firearm is not a handgun and does not have a serial number, identification number, or identification mark assigned to it, there shall be a place on the application to note that fact.</p> <p>(4) For residents of California, the applicant's valid California driver's license number or valid California identification card number issued by the Department of Motor Vehicles. For nonresidents of California, a copy of the applicant's military identification with orders indicating that the individual is stationed in California, or a copy of the applicant's valid driver's license from the applicant's state of residence, or a copy of the applicant's state identification card from the applicant's state of residence. Copies of the documents provided by non-California residents shall be notarized.</p> <p>(5) The name of the court or law enforcement agency holding the firearm.</p> <p>(6) The signature of the applicant and the date of signature.</p> <p>(7) Any person furnishing a fictitious name or address or knowingly furnishing any incorrect information or knowingly omitting any information required to be provided for the application, including any notarized information pursuant to paragraph (4), shall be guilty of a misdemeanor.</p> <p>(b) A person who owns a firearm that is in the custody of a court or law enforcement agency and who does not wish to obtain possession of the firearm, and the firearm is an otherwise legal firearm, and the person otherwise has right to title of the firearm, shall be entitled to sell or transfer title of the firearm to a licensed dealer.</p> <p>(c) Any person furnishing a fictitious name or address, or knowingly furnishing any incorrect information or knowingly omitting any information required to be provided for the application, including any notarized information pursuant to paragraph (4) of subdivision (a), is punishable as a misdemeanor."</p>
<p>"Give the Bureau of Alcohol, Tobacco, Firearms and Explosives a confirmed director."</p>	<p>Not applicable. (According to the <i>New York Times</i>, since 2006, when federal law was changed to require the director of the Bureau to be subject to Senate confirmation, "the Senate has failed to confirm any nominee by either President George W. Bush or President Obama . . . Mr. [Todd] Jones [President Obama's nominee] is the bureau's fifth acting director since 2006.")</p> <p>http://www.nytimes.com/2013/01/17/us/politics/obama-presses-senate-to-confirm-atf-director.html?_r=0</p>

<p>“Eliminate restrictions that force the ATF to authorize importation of dangerous weapons simply because of their age.”</p>	<p>Not applicable because California does not regulate importation of firearms. However, curio and relic firearms are exempt from a number of California restrictions (e.g., 10-day waiting period, the requirement that a person be a licensed firearms dealer prior to selling, leasing or transferring firearms, etc.).</p>
<p>“Maximize enforcement efforts to prevent gun violence and prosecute gun crime.”</p>	<p>Not applicable. The President’s proposal refers to the work of the U.S. Attorneys. California could, for example, upgrade the California Department of Justice’s Armed Prohibited Persons Program.</p>
<p>“Analyze information on lost and stolen guns and make it widely available to law enforcement.”</p>	<p>No state law requires this. According to a department representative, the Department of Justice does so by practice. Local law enforcement practices on this are unknown.</p>
<p>Appropriate \$14 million to help train 14,000 law enforcement officers, first responders, and school officials on effective training for active shooter situations.</p>	<p>Not applicable.</p>
<p>“End the freeze on gun violence research.” Centers for Disease Control (CDC) and other scientific agencies have been barred by Congress from using funds to “advocate or promote gun control,” and some members of Congress have claimed this prohibition also bans the CDC from conducting any research on the causes of gun violence.</p> <ul style="list-style-type: none"> • Conduct research on the causes and prevention of gun violence, including links between video games, media images, and violence. • Better understand how and when firearms are used in violent death.” 	<p>Not applicable. There are no known California laws restricting this type of research in California. UC Davis has conducted these types of studies for years. http://www.ucdmc.ucdavis.edu/vprp/aboutus/wintemute.html</p>
<p>“Preserve the rights of health care providers to protect their patients and communities from gun violence.” This relates to interpretations of HIPAA and the Affordable Care Act (Obamacare).</p>	<p>Not applicable.</p>
<p>“Encourage gun owners to live up to their responsibility to store guns safely.”</p> <ul style="list-style-type: none"> • Launch a national responsible gun ownership campaign. • Review and enhance as warranted safety standards for gun locks and gun safes • Encourage the development of 	<p>Not applicable. Responsible gun ownership is most certainly <i>not</i> the cause of gun violence in California, nor across the nation.</p>

innovative gun safety technology.	
“Take executive action to provide incentives for schools to hire school resource officers.”	Not applicable.
<p>“Put up to 1,000 new school resource officers and school counselors on the job.”</p> <p>“The program will give \$150 million to school districts and law enforcement agencies to hire school resource officers, school psychologists, social workers, and counselors.”</p>	<p>Not applicable. Note that California has nearly 10,000 schools, so if California received 12% of these officers, it would be only 120 school resource officers or counselors to be distributed amongst nearly 10,000 schools.</p> <p>Many California school districts have police / security departments:</p> <ul style="list-style-type: none"> • Apple Valley Unified School District Police Department • Baldwin Park Unified School District Police Department • Compton Unified School District Police Department • Elk Grove School District Police Department • Fontana School District Police Department • Glendale College District Police Department • Hesperia School District Police Department • Huntington Beach Union High School District Police Department • Inglewood Unified School District Police Department • Kern High School District Police Department • Los Angeles School Police Department • Montebello Unified School District Police Department • Norwalk-La Mirada Unified School District School Safety Department • Oakland Unified School District Police Department • San Bernardino City Unified School District Police Department • San Diego City Schools Police Department • Santa Ana Unified School District Police Department • Stockton Unified School District Police Department • Twin Rivers Police Department • Victor Valley Union High School District Police Department • West Contra Costa Unified School District Police Department <p>Hundreds of other districts employ the services of school resource officers, though the exact number is elusive because it is accomplished through local agreements and statewide data is not collected.</p>

	<p>If all 1,000 resource officers in the President’s plan were placed in the Golden State, it would only reach 10% of the schools, and that assumes that all 1,000 would be resource officers. Even that might not be the case because the President’s proposal authorizes 1,000 resource officers <i>and</i> counselors, social workers, and school psychologists. The impact in California would probably be fairly minimal.</p>
<p>“Invest in other strategies to make our schools safe. School districts could also use these Comprehensive School Safety Grants to purchase school safety equipment; develop and update school safety plans; conduct threat assessments; and train ‘crisis intervention teams’ of law enforcement officers to work with the mental health community to respond to and assist student in crisis. And the General Services Administration will use its purchasing power to help schools buy safety equipment affordably.</p>	<p>Since 1997, California requires each public school to adopt a Comprehensive School Safety Plan. (Education Code §§ 32280-32289). California also provides a School Safety Consolidated Competitive Grant for violence prevention and a School Safety Block Grant for violence prevention in grades 8-12. Both programs are frozen at 2008-09 funding levels and “flexed” so local school districts may use those funds for any purpose.</p>
<p>“Give schools and other institutions a model for how to develop and implement reliable [Comprehensive Emergency Management] plans.”</p>	<p>Since 1997, California requires each public school to adopt a Comprehensive School Safety Plan. (Education Code §§ 32280-32289). The California Department of Education (CDE) provides technical assistance and training in the development of those plans, which include responses to natural disasters and to threats of violence. In addition, the CDE is required to electronically distribute disaster preparedness educational materials and lesson plans that are currently available to local school districts and county offices of education. (Education Code § 32282.5.)</p>
<p>“Help schools develop and implement emergency plans.”</p>	<p>Since 1997, California requires each public school to adopt a Comprehensive School Safety Plan. (Education Code §§ 32280-32289.) The Department of Education provides technical assistance and training in the development of those plans, which include responses to natural disasters and to threats of violence. A schedule of training is available at: http://www.cde.ca.gov/ls/ss/vp/scvptraining.asp</p>
<p>“Help 8,000 schools create safer and more nurturing school climates.”</p>	<p>In October 2010, California became one of 11 states selected to receive a Safe and Supportive Schools (S3) grant from the U.S. Department of Education, Office of Safe and Drug-Free Schools. This four-year grant is intended to support statewide measurement of conditions for learning (known also as school climate), as well as targeted programmatic interventions to improve those conditions. The S3 grant addresses issues of school safety and bullying, substance abuse, positive relationships, other learning support, and student engagement. The grant targets California's comprehensive high schools (grades 9-12) with the greatest needs in multiple areas of school climate. The four-year grant period runs from October 2010 through September</p>

	2014.
<p>“Share best practices on school discipline.”</p>	<p>The proposal is to have the federal government disseminate “best practices.” Schools might benefit from such a proposal.</p> <p>In California, the CDE provides extensive assistance in developing safe school environments; specifically it offers the following training:</p> <p><i>Bullying Prevention and Intervention:</i> Training sessions assist teachers, administrators, parents, students, certificated staff, risk management, and community members to increase their knowledge of the dynamics of bullying, have a greater understanding of a systematic approach to bullying, and increase their skills in identifying and implementing strategies to address bullying.</p> <p><i>Crisis Response:</i> Training sessions increase participants' knowledge of the National Incident Management System (NIMS), the State Emergency Management System (SEMS), and the Incident Command System (ICS) procedures that are required courses of action to follow when an event or crisis occurs. The training also leads participants through the process of creating Crisis Response Plans, which are components of a school site's comprehensive School Safety Plan.</p> <p><i>Safe School Planning:</i> Training sessions provide teachers, administrators, parents, students, certificated staff, risk management, and community members with an in-depth review of an effective safe school planning process, and guides participants to creating comprehensive, compliant School Safety Plans.</p>
<p>“Reach 750,000 young people through programs to identify mental illness early and refer them to treatment.”</p>	<p>California law already establishes prevention and early intervention programs as a component of Proposition 63, the Mental Health Services Act (MHSA), approved by voters on November 2, 2004. Proposition 63 imposes a 1 percent income tax on personal income in excess of \$1 million to expand mental health services to individuals with severe mental illness or mental health disorders. Under the MHSA, the State Department of Health Care Services, in coordination with counties, is required to establish a prevention and early intervention program to prevent mental illnesses from becoming severe and disabling. (Welfare and Institutions Code § 5840-5840.2). Prevention and early intervention funds may be used to broaden the provision of community-based mental health services by adding prevention and early intervention services or activities to these services.</p>
<p>“Provide ‘Mental Health First Aid’ training for teachers.”</p>	<p>There is no requirement to be trained or specific program to provide training to teachers in California in mental health</p>

	<p>first aid. Programs are available in many locations, and school districts may use professional development funds or other unrestricted funds to pay for such training.</p>
<p>“Make sure students with signs of mental illness get referred to treatment.”</p>	<p>Services for mental health are not necessarily provided by schools. The children’s system of care is funded by the state through the Department of Mental Health and administered by county departments of health. Services provided include: delivery of integrated human services to children with serious emotional disturbances who are at risk of out-of-home placement with the goal to keep these children safe, in home, in school, and out of the juvenile justice system.</p> <p>Local education agencies do participate in the Early Mental Health Initiative funded through the State Department of Health. The target population of EMHI funded programs is students in kindergarten through third grades who have been identified as experiencing mild to moderate school adjustment difficulties.</p> <p>The CDE also has a school-linked service program called Healthy Start. It represents an opportunity for K-12 schools to involve themselves in a comprehensive partnership to reform the current delivery of support services to students and their families. This is achieved by the formation of new partnerships between schools and health and human services agencies.</p>
<p>“Support individuals ages 16 to 25 at high risk for mental illness.”</p>	<p>California law already establishes the infrastructure for supporting both children and young adults at high risk for mental illness.</p> <p>For individuals under the age of 18, the Children’s Mental Health Services Act (Welfare and Institutions Code §§ 5850-5883) establishes a comprehensive county interagency system for the delivery of mental health services to emotionally and behaviorally disturbed children and their families. The Act addresses the needs of children meeting high-risk criteria, including impairment in self-care, school functioning, family relationships, or ability to function in the community. Funding for these programs is provided under Proposition 63, the Mental Health Services Act when services under any other public or private insurance or other mental health or entitlement program is inadequate or unavailable.</p> <p>For individuals over the age of 18, the Adult and Older Adult Mental Health System of Care Act (Welfare and Institutions Code §§ 5800-5815) funds and guides counties in establishing comprehensive and coordinated systems of care, including community-based treatment, outreach services and other early intervention strategies, case management, and interagency system components required</p>

	<p>by adults and older adults with severe and persistent mental illness. The Act addresses the needs of adults meeting high-risk criteria, including behaviors that interfere substantially with the primary activities of daily living, and which may result in an inability to maintain stable adjustment and independent functioning without treatment, support, and rehabilitation. The Department of Health Care Services is required to establish service standards that ensure that members of the target population are identified, and services provided to assist them to live independently, work, and reach their potential as productive citizens. Funding for these programs is provided under Proposition 63, the Mental Health Services Act.</p>
<p>“Help schools address pervasive violence.”</p>	<p>California has extensive training to prevent and address violence in schools. Since 1997 California requires each public school to adopt a Comprehensive School Safety Plans (Education Code §§ 32280-32289); those plans must address a myriad of issues including:</p> <p>(1) An assessment of the current status of school or school-related crime for each site;</p> <p>(2) Identification of appropriate strategies and programs designed to maintain a high level of school safety and development of the following procedures for compliance with existing laws related to school safety:</p> <ul style="list-style-type: none"> • Child abuse reporting procedures. • Disaster procedures, routine and emergency with provisions for pupil with disabilities. • Policies related to suspension, expulsion or mandatory expulsion and other school-designated serious acts which would lead to suspension or expulsion. • Procedures regarding teacher notification of dangerous students pursuant to Education Code § 49079. • Sexual harassment policy pursuant to Education Code, § 212.6 (b). • Provisions of any school-wide dress code, established pursuant to Education Code § 35183, that prohibits pupils from wearing “gang related apparel,” if the school has adopted such a dress code. <i>Note:</i> “Gang related apparel” must be defined and is not be considered a protected form of speech. • Procedures for safe ingress and egress to and from school. Applies to pupils, parents, and school employees. • A safe and orderly environment conducive to learning. • Rules and procedures on school discipline adopted pursuant to Education Code § 35291 and § 35291.5.

	<ul style="list-style-type: none"> • Procedures for reporting hate crimes.
<p>“Train more than 5,000 additional mental health professionals to serve students and young adults.”</p>	<p>Existing law already creates programs and incentives for training additional mental health professionals. Proposition 63, the Mental Health Services Act (MHSA), requires the Office of Statewide Health Planning and Development, in coordination with the California Mental Health Planning Council, to develop a five-year education and training development plan to remedy shortages of qualified mental health professionals [Welfare and Institutions Code Sec. 5820-5822]. This plan includes expansion of educational capacity in needed fields, scholarship and loan forgiveness programs for individuals committed to serving in California’s public mental health system, and career development programs for mental health occupations.</p>
<p>“Launch a national conversation to increase understanding about mental health.”</p>	<p>California voters already launched a statewide conversation about mental illness through passage of Proposition 63, the Mental Health Services Act. The stated purpose of the Act is “to define serious mental illness among children, adults and seniors as a condition deserving priority attention, including prevention and early intervention services and medical and supportive care.” Prevention and early intervention programs created under Proposition 63 are designed to facilitate this dialog through their stated objectives requiring “outreach to families, employers, primary care health care providers, and others,” “reduction in stigma associated with either being diagnosed with a mental illness or seeking mental health services,” and “reduction in discrimination against people with mental illness.” The Legislature further promoted this conversation through passage of ACR 110 (Fletcher) (Resolution Chapter 110, Statutes of 2012), which recognized the week of May 20, 2012, through May 26, 2012, as California Mental Health No Stigma Week.</p>
<p>“Finalize requirements for private health insurance plans to cover mental health.”</p>	<p>AB 154 (Beall) (Chapter , Statutes of 2012) requires health plans and health insurers that provide hospital, medical, or surgical coverage to provide coverage for the diagnosis and medically necessary treatment of a mental illness of a person of any age, including a child, under the same terms and conditions applied to other medical conditions. Consequently, California already meets the requirements of the Affordable Care Act (Pub.L. 111-148) (Obamacare).</p>
<p>“Make sure millions of Americans covered by Medicaid get quality mental health.”</p>	<p>All Medicaid and Medicaid Alternative Benefit plans (including benchmark equivalent and Secretary-approved benchmark plans), Medi-Cal in California, are required to meet the provisions within the Mental Health Parity Act of 1996 (MHPA, Pub.L. 104-204), as updated by the Paul Wellstone and Pete Domenici Mental Health Parity and Addiction Equity Act of 2008 (MHPAEA, Pub.L. 110-343) regardless of whether services are delivered in managed care or non-managed care arrangements. The application of MHPAEA to Medicaid non-managed care Alternative</p>

	Benefit plan benefits was effective on March 23, 2010, pursuant to the Affordable Care Act (Pub.L. 111-148).
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¹ “Now is the Time – The President’s Plan to Protect Children and Our Communities by Reducing Gun Violence,” January 16, 2012, *available at*: http://www.whitehouse.gov/sites/default/files/docs/wh_now_is_the_time_full.pdf