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California State Senate

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ON
BUDGET AND FISCAL REVIEW

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Agenda

March 4, 2013
Upon adjournment of Session
Room 4203

S.B. 140 – Leno – Budget Act of 2012: firearms. (URGENCY)

SENATE COMMITTEE ON BUDGET AND FISCAL REVIEW
Mark Leno, Chair

Bill No:	SB 140
Author:	Leno
As Amended:	March 4, 2013
Consultant:	Brady Van Engelen
Fiscal:	Yes
Hearing Date:	March 4, 2013

SUBJECT OF BILL: Budget Act of 2012: firearms.

Subject of Amendments: Addition of Section 30015 to the Penal Code, relating to firearms

Amendments are: Technical / Substantive / Re-write Bill / New Bill

Were these amendments discussed in committee? No

Urgency: This bill has an urgency clause for immediate implementation.

Purpose of Amendments: Add section 30015 to the Penal Code, relating to an appropriation of twenty-four million dollars (\$24,000,000) from the Dealers Record of Sale Special Account (DROS)

ANALYSIS:

Existing law authorizes the Department of Justice to utilize the Dealer Record of Sale (DROS) fee, which is imposed upon every transfer or sale of a firearm in California for firearms related regulatory activities, including enforcement activities related to possession (Chapter 743, Statutes of 2011).

This measure appropriates \$24.0 million within the Dealers Record of Sale (DROS) special fund for costs associated with firearms regulatory and enforcement activities related to the possession of a firearm.

The bill also makes a series of declarations and findings, including:

- “California is the first and only state in the nation to establish an automated system for tracking handgun and assault weapon owners who might fall into a prohibited status. The online database, which is currently known as the Armed Prohibited Persons System (APPS), cross-references all handgun and assault weapon owners across the state against criminal history records to determine persons who have been, or will become, prohibited from possessing a firearm subsequent to the legal acquisition or registration of a firearm or assault weapon.”
- “The list of armed prohibited persons in California grows by about 15 to 20 people per day. There are currently more than 19,000 armed prohibited persons in California. Collectively, these individuals are believed to be in possession of over 34,000 handguns and 1,590 assault weapons. Neither the Department of Justice nor local law enforcement has sufficient resources to confiscate the enormous backlog of weapons, nor can they keep up with the daily influx of newly prohibited persons.”

This measure includes several reporting requirements that shall be made by the Department of Justice to the Joint Legislative Budget Committee no later than March 1, 2015 and no later than March 1, each year thereafter:

- The degree to which the backlog of weapons has been reduced or eliminated
- The number of weapons confiscated through APPS enforcement efforts
- The number of agents hired by the Department of Justice to conduct APPS enforcement
- The number of individuals cleared off of the APPS list annually through March 1, 2015 and March 1, 2019
- The number of individuals added to the APPS list annually
- Breakdown of why each person on the APPS is prohibited from possessing a firearm
- Number of contacts made during the APPS enforcement efforts
- Information regarding task forces or collaboration with local law enforcement on reducing the APPS backlog
- The reason for the individual to have been included on the APPS list

In accordance with Government Code Section § 10231.5 the above listed reporting requirements to be submitted by the Department of Justice will no longer be required of the Department after March 1, 2019.

FISCAL EFFECT:

This measure appropriates \$24.0 million from the DROS special account to the Department of Justice for firearms-related regulatory and enforcement activities.

The funding in this measure is intended to supplement, not supplant, the \$22.9 million from the Dealers Record of Sale Special Account included in the 2013-14 Budget Act to be utilized by the Department of Justice.

This measure does not specify a period that the appropriation shall be available for encumbrance. In accordance with Government Code §16340, this appropriation is available for three years after the date upon which it first became available for encumbrance.

Support:

Brady Campaign To Prevent Gun Violence
Women Against Gun Violence
Kamala D. Harris, Attorney General
Coalition Against Gun Violence
Violence Prevention Coalition
Chief Probation Officers of California

Opposition:

National Shooting Sports Foundation
Outdoor Sportsmen's Coalition of California
Safari Club International
Crossroads of the West Gun Shows
California Sportsman's Lobby, Inc.
National Rifle Association of America
California Rifle and Pistol Association

- 1 Legislative Budget Committee all of the following for the
- 2 immediately preceding calendar year:
- 3 (1) The degree to which the backlog in the APPS has been
- 4 reduced or eliminated.
- 5 (2) The number of agents hired for enforcement of the APPS.
- 6 (3) The number of people cleared from the APPS.
- 7 (4) The number of people added to the APPS.
- 8 (5) The number of people in the APPS before and after the
- 9 relevant reporting period, including a breakdown of why each
- 10 person in the APPS is prohibited from possessing a firearm.
- 11 (6) The number of firearms recovered due to enforcement of
- 12 the APPS.
- 13 (7) The number of contacts made during the APPS enforcement
- 14 efforts.
- 15 (8) Information regarding task forces or collaboration with
- 16 local law enforcement on reducing the APPS backlog.
- 17 (c) (1) The requirement for submitting a report imposed under
- 18 subdivision (b) is inoperative on March 1, 2019, pursuant to
- 19 Section 10231.5 of the Government Code.
- 20 (2) A report to be submitted pursuant to subdivision (b) shall
- 21 be submitted in compliance with Section 9795 of the Government
- 22 Code.
- 23 SEC. 3. This act is an urgency statute necessary for the
- 24 immediate preservation of the public peace, health, or safety within
- 25 the meaning of Article IV of the Constitution and shall go into
- 26 immediate effect. The facts constituting the necessity are:
- 27 In order to address the current Armed Prohibited Persons System
- 28 (APPS) backlog and the illegal possession of firearms, which
- 29 presents an immediate danger to public safety, it is necessary for
- 30 this act to take effect immediately.

SENATE BILL

Introduced by Senators Leno and Steinberg
 (Principal coauthors: Senators Anderson, Cannella, Hancock, and Jackson)
 (Coauthors: Senators Beall, Block, Calderon, Corbett, Correa, De León, DeSaulnier, Hill, Lieu, Liu, Monning, Pavley, Roth, Rubio, Wolk, and Wright, and Yee)
 (Coauthors: Assembly Members Ammiano and Blumenfeld)

January 29, 2013

An act to amend the Budget Act of 2012 by amending Item 0920-001-0460 of Section 2.00 of that act, relating to the state budget add Section 30015 to the Penal Code, relating to firearms, making an appropriation therefor, and declaring the urgency thereof, to take effect immediately.

LEGISLATIVE COUNSEL'S DIGEST

SB 140, as amended, Leno. Budget Act of 2012: firearms. Firearms: prohibited persons.

The Budget Act of 2012 made appropriations for the support of state government for the 2012-13 fiscal year.

This bill would amend the Budget Act of 2012 by revising an item of appropriation for the Department of Justice relating to the Armed Prohibitive Persons System (APPS):

Existing law establishes the Dealers' Record of Sale Special Account in the General Fund with moneys in the account available upon appropriation by the Legislature. Existing law requires the Attorney General to establish and maintain an online database to be known as the Prohibited Armed Persons File, sometimes referred to as the Armed

Prohibited Persons System, to cross-reference persons who have ownership or possession of a firearm with those who are prohibited from owning or possessing a firearm.

This bill would appropriate \$24,000,000 from the Dealers' Record of Sale Special Account to the Department of Justice to address the backlog in the Armed Prohibited Persons System, thereby making an appropriation. The bill would require the department to report to the Joint Legislative Budget Committee regarding ways the backlog in the Armed Prohibited Persons System has been reduced or eliminated, as specified. The bill would make related findings and declarations.

This bill would declare that it is to take effect immediately as an urgency statute.

Vote: $\frac{2}{3}$. Appropriation: yes. Fiscal committee: yes.

State-mandated local program: no.

The people of the State of California do enact as follows:

SECTION 1. The Legislature finds and declares all of the following:

(a) California is the first and only state in the nation to establish an automated system for tracking handgun and assault weapon owners who might fall into a prohibited status.

(b) The online database, which is currently known as the Armed Prohibited Persons System (APPS), cross-references all handgun and assault weapon owners across the state against criminal history records to determine persons who have been, or will become, prohibited from possessing a firearm subsequent to the legal acquisition or registration of a firearm or assault weapon.

(c) Each day, the list of armed prohibited persons in California grows by about 15 to 20 people. There are currently more than 19,000 armed prohibited persons in California. Collectively, these individuals are believed to be in possession of over 34,000 handguns and 1,590 assault weapons.

(d) Neither the Department of Justice nor local law enforcement has sufficient resources to confiscate the enormous backlog of weapons, nor can they keep up with the daily influx of newly prohibited persons.

(e) It is the intent of the Legislature in enacting this measure to allow the Department of Justice to utilize additional Dealers' Record of Sale Special Account funds for the limited purpose of

addressing the current APPS backlog and the illegal possession of these firearms, which presents a substantial danger to public safety. SEC. 2. Item 0820-001-0460 of Section 2.00 of the Budget Act of 2012 is amended to read:

0820-001-0460—For support of Department of Justice, for payment to Item 0820-001-0001, payable from the Dealers' Record of Sale Special Account.....

Provisions:

1. Dealers' Record of Sale fees collected pursuant to the state law for the registration of assault weapons shall not exceed \$20 per registrant.

2. The Attorney General may assign the amount appropriated in the Dealers' Record of Sale Special Account up to an aggregate of 10 percent above the amount approved in this act for the Division of Law Enforcement, Bureau of Firearms for unanticipated workload associated with this fund. The Attorney General shall notify the chairpersons of the budget committees of both houses of the Legislature, the Joint Legislative Budget Committee, and the Department of Finance within 15 days after the augmentation is made as to the amount and justification of the augmentation.

3. Of the amount appropriated in this item, the sum of \$_____ may be used to address the backlog in the Armed Prohibited Persons System (APPS). No later than _____, the department shall report to the Joint Legislative Budget Committee the degree to which the backlog has been reduced or eliminated and the number of weapons confiscated through this effort.

SEC. 2. Section 30015 is added to the Penal Code, to read-

30015. (a) The sum of twenty-four million dollars (\$24,000,000) is hereby appropriated from the Dealers' Record of Sale Special Account in the General Fund to the Department of Justice to address the backlog in the Armed Prohibited Persons System (APPS) and the illegal possession of firearms by those prohibited persons.

(b) No later than March 1, 2015, and no later than March 1 each year thereafter, the department shall report to the Joint