

AMENDED IN ASSEMBLY MAY 5, 2003

AMENDED IN ASSEMBLY APRIL 22, 2003

CALIFORNIA LEGISLATURE—2003–04 REGULAR SESSION

**ASSEMBLY BILL**

**No. 992**

**Introduced by Assembly Members Ridley-Thomas and Koretz  
(Coauthors: Assembly Members Goldberg and Nunez)  
(Coauthor: Senator Soto)**

February 20, 2003

An act to add Chapter 2.8 (commencing with Section 12330) to Title 2 of Part 4 of the Penal Code, relating to ammunition, and making an appropriation therefor.

LEGISLATIVE COUNSEL'S DIGEST

AB 992, as amended, Ridley-Thomas. Ammunition: ~~Trauma Center~~ *Firearm Victims' Reimbursement Fund*.

Existing law generally regulates the sale of ammunition.

This bill would impose a fee of 10¢ on every munition, as defined, sold at retail. The fees would be paid to the State Board of Equalization, and deposited in the Firearm ~~Injuries Medical Services~~ *Victims' Reimbursement Fund*, a continuously appropriated fund that would be established by the bill. The Firearm ~~Injuries Medical Services~~ *Victims' Reimbursement Fund* would be used to pay for firearm-injury related ~~medical and preventative services programs~~ *victims for uncompensated pecuniary losses*, as specified. ~~The funds in the Firearm Injuries Medical Services Reimbursement Fund would be allocated by the Emergency Medical Services Authority to the medical providers by a specified formula.~~



By establishing a continuously appropriated fund, this bill would make an appropriation.

Vote: majority. Appropriation: yes. Fiscal committee: yes. State-mandated local program: no.

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

1 SECTION 1. Chapter 2.8 (commencing with Section 12330)  
2 is added to Title 2 of Part 4 of the Penal Code, to read:

3

4 CHAPTER 2.8. ~~FIREARMS-RELATED EMERGENCY SERVICES~~  
5 ~~REIMBURSEMENT~~ FIREARM VICTIMS' REIMBURSEMENT FUND  
6

7 12330. (a) (1) There shall be imposed a fee upon all  
8 munitions sold at retail at the rate of 10 cents (\$0.10) for each  
9 munition sold at retail in this state on or after January 1, 2004.

10 (2) Except as provided in paragraph (1), the fee shall also be  
11 imposed upon and paid by the purchaser of munitions for  
12 munitions purchased outside of the state and that are intended to  
13 be stored or used in the state.

14 (3) The fee imposed pursuant to this section shall not exceed  
15 the costs authorized for expenditure pursuant to subdivisions (f)  
16 and (g).

17 (b) The fees imposed by this section shall be administered and  
18 enforced by the State Board of Equalization.

19 (c) For purposes of this section, "munition" means either a  
20 finished munition product consisting of a projectile with its fuse,  
21 propelling charge, or primer, or a primer component, as  
22 applicable. "Munition" does not include a BB or a pellet  
23 commonly used in an air rifle or pistol.

24 (d) The fee provided for in this section may not be imposed  
25 upon any munition or primer component purchased by any peace  
26 officer required to carry a firearm while on duty, or by any  
27 governmental law enforcement agency employing that officer, for  
28 use in the normal course of employment.

29 (e) All amounts required to be paid to the state under this  
30 section shall be paid to the State Board of Equalization in the form  
31 of remittances that are payable to that board and are separate from  
32 the remittance of any other fee. The board shall transmit the  
33 payments to the Treasurer to be deposited in the State Treasury to



1 the credit of the Firearm ~~Injuries Medical Services~~ *Victims'*  
2 Reimbursement Fund, which is hereby created.

3 (f) Notwithstanding Section 13340 of the Government Code,  
4 the Firearm ~~Injuries Medical Services~~ *Victims'* Reimbursement  
5 Fund is continuously appropriated, without regard to fiscal years,  
6 as follows:

7 (1) To the State Board of Equalization the to pay for the board's  
8 cost of implementation and administration of this section, which  
9 cost in any fiscal year may not exceed 5 percent of the total amount  
10 of moneys deposited in the fund in that fiscal year.

11 ~~(2) The balance to the Emergency Medical Services Authority~~  
12 ~~(EMSA). EMSA may expend an amount not to exceed 5 percent~~  
13 ~~of the total amount of moneys received from the board in any fiscal~~  
14 ~~year to pay for cost of implementation and administration of this~~  
15 ~~section.~~

16 ~~(g) Claims for the uncompensated costs of firearms injuries~~  
17 ~~shall be submitted to EMSA. EMSA is authorized to expend~~  
18 ~~money from the Firearm Injuries Medical Services~~  
19 ~~Reimbursement Fund to provide direct payments, on a quarterly~~  
20 ~~basis, for firearm-injury related medical and preventive program~~  
21 ~~services, as defined by EMSA for claims made to EMSA for~~  
22 ~~reimbursement. Reimbursement shall be made in descending~~  
23 ~~order of priority for the following three tiers. No payment shall be~~  
24 ~~made to claimants in a lower tier unless all claims in a tier with~~  
25 ~~higher priority have been satisfied.~~

26 ~~(1) Tier 1 shall have the highest priority for reimbursement, and~~  
27 ~~shall consist of physicians, surgeons, and hospitals.~~  
28 ~~Reimbursement may be made for the uncompensated cost of~~  
29 ~~servicing patients who do not make full payment for services and for~~  
30 ~~whom no responsible third party makes full payment.~~  
31 ~~Reimbursement may also be made for the uncompensated costs of~~  
32 ~~programs to prevent gunshot injuries.~~

33 ~~(2) Tier 2 shall have the next level of reimbursement priority,~~  
34 ~~and shall consist of other medical service providers, as determined~~  
35 ~~by EMSA, for the uncompensated cost of servicing patients who do~~  
36 ~~not make full payment for services and for whom no responsible~~  
37 ~~third party makes full payment.~~

38 ~~(3) Tier 3 shall have the next level of reimbursement priority,~~  
39 ~~and shall consist of other medical insurance programs~~  
40 ~~administered by the state. Reimbursement shall be in an amount~~



1 proportionate to the program's funding from non-federal sources,  
 2 for the uncompensated cost of serving patients who do not make  
 3 full payment for services and for whom no responsible third party  
 4 makes full payment.

5 ~~(h) If EMSA determines that the claims for payment for~~  
 6 ~~firearm injuries-related medical services, if paid, would exceed the~~  
 7 ~~total amount of funds available for payments, EMSA shall fairly~~  
 8 ~~prorate, without preference, except for the priority of tiers set forth~~  
 9 ~~in subdivision (g), payments to each claimant at an amount less~~  
 10 ~~that the maximum payment level.~~

11 ~~(i) Claimants shall reimburse the Firearm Injuries Medical~~  
 12 ~~Services Reimbursement Fund for any reimbursement for firearm~~  
 13 ~~injuries costs that is later paid from some other source.~~

14 ~~(j)~~  
 15 *(2) The fund shall be administered by the California Victims*  
 16 *Compensation and Government Claims Board in a similar manner*  
 17 *and for similar purposes as the board administers the Restitution*  
 18 *Fund except that it shall not be limited to victims of crime.*

19 *(3) The fund shall compensate those persons who are injured by*  
 20 *firearms and who suffer uncompensated pecuniary loss.*

21 ~~(g) If the amount credited to the Firearm Injuries Medical~~  
 22 ~~Services Victims' Reimbursement Fund exceeds the amount~~  
 23 ~~necessary to fully cover reimbursable costs pursuant to~~  
 24 ~~subdivision (g) (f), the State Board of Equalization shall~~  
 25 ~~temporarily adjust, for the following one-year period, the fee to be~~  
 26 ~~charged pursuant to subdivision (a) to an amount estimated to~~  
 27 ~~deplete any surplus in the fund during the next calendar year.~~

28 ~~(k)~~  
 29 ~~(h) Except as provided in subdivision (j) (g), the fee imposed~~  
 30 ~~pursuant to subdivision (a) shall be increased by one cent every~~  
 31 ~~two years, commencing January 1, 2006, provided however, that~~  
 32 ~~fee imposed pursuant to this section shall not exceed the costs~~  
 33 ~~authorized for expenditure pursuant to subdivisions (f) and (g)~~  
 34 ~~subdivision (f).~~

35 ~~(l)~~  
 36 ~~(i) The Board of Equalization and the Emergency Medical~~  
 37 ~~Services Authority California Victims Compensation and~~



- 1 *Government Claims Board* shall adopt regulations necessary to
- 2 implement this chapter.

O

