

AMENDED IN SENATE AUGUST 27, 2008

AMENDED IN SENATE JUNE 25, 2007

CALIFORNIA LEGISLATURE—2007–08 REGULAR SESSION

ASSEMBLY BILL

No. 334

Introduced by Assembly Member Levine

February 13, 2007

~~An act to amend Sections 12001 and 12077 of, and to add Section 12043 to, the Penal Code, relating to firearms. An act to add Section 326.45 to the Penal Code, relating to bingo, and making an appropriation therefor.~~

LEGISLATIVE COUNSEL'S DIGEST

AB 334, as amended, Levine. ~~Firearms: loss and theft. Remote caller bingo.~~

Existing law permits cities, counties, and cities and counties to allow bingo games to be conducted by specified organizations for charitable purposes. Existing law provides for the licensure and regulation of gambling establishments, as defined, by the California Gambling Control Commission.

This bill would appropriate up to \$500,000, as determined by order of the Director of Finance, to the commission for use in the 2008–09 fiscal year for purposes relating to the regulation of remote caller bingo, as specified.

The bill would become operative only if SB 1369 of the 2007–08 Regular Session is enacted and becomes operative.

~~Existing law defines “firearm” and provides that for certain purposes, including certain offenses, “firearm” includes the frame or receiver of the weapon.~~

This bill would provide that the term “firearm” also includes the frame or receiver of the weapon for purposes of the offense of failure to report a stolen or lost firearm.

Existing law generally regulates the possession of firearms.

This bill would make it an infraction for any person whose handgun is stolen or irretrievably lost to, within 5 working days after his or her discovery or knowledge of, or within 5 working days after the date he or she should reasonably have known of, the theft or loss, fail to report the theft or loss to a local law enforcement agency of the jurisdiction in which the theft or loss occurred or in which the person resides. The bill would require the Attorney General, in cooperation with law enforcement agencies and firearms-related organizations to develop a protocol for the implementation of these provisions, as specified, on or before April 1, 2008. The protocol would include requirements that peace officers notify victims of theft of the requirement to report missing or lost handguns, and requirements that the peace officer assist the victim, to the extent practicable, in identifying the make, model, and serial number of the victim’s lost or stolen handgun.

By creating a new crime, this bill would impose a state-mandated local program. By imposing additional duties on local peace officers, this bill would impose a state-mandated local program.

Existing law requires the Department of Justice to prescribe the form of the register and the record of electronic transfer in connection with information recorded and forwarded to the department by firearms dealers in connection with handgun sales, as specified.

This bill would require these documents to contain an advisement regarding the requirement of a handgun owner to report a missing or lost handgun, as specified. The bill would make other technical changes.

This bill would incorporate additional changes to Section 12001 of the Penal Code, proposed in AB 854, to be operative only if AB 854 and this bill are enacted, and each bill amends Section 12001 of the Penal Code, and this bill is enacted after AB 854.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that with regard to certain mandates no reimbursement is required by this act for a specified reason.

With regard to any other mandates, this bill would provide that, if the Commission on State Mandates determines that the bill contains costs

so mandated by the state, reimbursement for those costs shall be made pursuant to the statutory provisions noted above.

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

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

1 SECTION 1. Section 326.45 is added to the Penal Code, to
2 read:

3 326.45. Up to five hundred thousand dollars (\$500,000), as
4 determined by order of the Director of Finance, is hereby
5 appropriated from the California Bingo Fund to the California
6 Gambling Control Commission for use in the 2008–09 fiscal year
7 for the purposes described in subparagraph (C) of paragraph (3)
8 of subdivision (p) of Section 326.3.

9 SEC. 2. This act shall become operative only if Senate Bill
10 1369 of the 2007–08 Regular Session is enacted and becomes
11 operative.

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**All matter omitted in this version of the bill
appears in the bill as amended in Senate,
June 25, 2007 (JR11)**