

AMENDED IN SENATE MARCH 21, 2011

SENATE BILL

No. 819

Introduced by Senator Leno

February 18, 2011

An act to ~~relating to crime~~ amend Section 28225 of the Penal Code, relating to firearms.

LEGISLATIVE COUNSEL'S DIGEST

SB 819, as amended, Leno. ~~Crimes: eyewitness identification.~~
Firearms.

Existing law authorizes the Department of Justice to require a firearms dealer to charge each firearm purchaser a fee, as specified, to fund various specified costs in connection with, among other things, a background check of the purchaser, and to fund the costs associated with the department's firearms-related regulatory and enforcement activities related to the sale, purchase, loan, or transfer of firearms.

This bill would also authorize using those charges to fund the department's firearms-related regulatory and enforcement activities related to the possession of firearms, as specified.

~~Existing law requires the Attorney General to keep various identifying information on file of persons confined to penal institutions including fingerprints, measurements, and criminal histories.~~

~~This bill would state that it is the intent of the Legislature to later amend into this bill provisions that would require law enforcement to study and consider new policies to ensure proper eyewitness identification procedures.~~

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

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

1 SECTION 1. Section 28225 of the Penal Code is amended to
2 read:

3 28225. (a) The Department of Justice may require the dealer
4 to charge each firearm purchaser a fee not to exceed fourteen
5 dollars (\$14), except that the fee may be increased at a rate not to
6 exceed any increase in the California Consumer Price Index as
7 compiled and reported by the Department of Industrial Relations.

8 (b) The fee under subdivision (a) shall be no more than is
9 necessary to fund the following:

10 (1) The department for the cost of furnishing this information.

11 (2) The department for the cost of meeting its obligations under
12 paragraph (2) of subdivision (b) of Section 8100 of the Welfare
13 and Institutions Code.

14 (3) Local mental health facilities for state-mandated local costs
15 resulting from the reporting requirements imposed by Section 8103
16 of the Welfare and Institutions Code.

17 (4) The State Department of Mental Health for the costs resulting
18 from the requirements imposed by Section 8104 of the Welfare
19 and Institutions Code.

20 (5) Local mental hospitals, sanitariums, and institutions for
21 state-mandated local costs resulting from the reporting
22 requirements imposed by Section 8105 of the Welfare and
23 Institutions Code.

24 (6) Local law enforcement agencies for state-mandated local
25 costs resulting from the notification requirements set forth in
26 subdivision (a) of Section 6385 of the Family Code.

27 (7) Local law enforcement agencies for state-mandated local
28 costs resulting from the notification requirements set forth in
29 subdivision (c) of Section 8105 of the Welfare and Institutions
30 Code.

31 (8) For the actual costs associated with the electronic or
32 telephonic transfer of information pursuant to Section 28215.

33 (9) The Department of Food and Agriculture for the costs
34 resulting from the notification provisions set forth in Section 5343.5
35 of the Food and Agricultural Code.

36 (10) The department for the costs associated with subdivisions
37 (d) and (e) of Section 27560.

1 (11) The department for the costs associated with funding
2 Department of Justice firearms-related regulatory and enforcement
3 activities related to the sale, purchase, *possession*, loan, or transfer
4 of firearms pursuant to any provision listed in Section 16580.

5 (c) The fee established pursuant to this section shall not exceed
6 the sum of the actual processing costs of the department, the
7 estimated reasonable costs of the local mental health facilities for
8 complying with the reporting requirements imposed by paragraph
9 (3) of subdivision (b), the costs of the State Department of Mental
10 Health for complying with the requirements imposed by paragraph
11 (4) of subdivision (b), the estimated reasonable costs of local
12 mental hospitals, sanitariums, and institutions for complying with
13 the reporting requirements imposed by paragraph (5) of subdivision
14 (b), the estimated reasonable costs of local law enforcement
15 agencies for complying with the notification requirements set forth
16 in subdivision (a) of Section 6385 of the Family Code, the
17 estimated reasonable costs of local law enforcement agencies for
18 complying with the notification requirements set forth in
19 subdivision (c) of Section 8105 of the Welfare and Institutions
20 Code imposed by paragraph (7) of subdivision (b), the estimated
21 reasonable costs of the Department of Food and Agriculture for
22 the costs resulting from the notification provisions set forth in
23 Section 5343.5 of the Food and Agricultural Code, the estimated
24 reasonable costs of the department for the costs associated with
25 subdivisions (d) and (e) of Section 27560, and the estimated
26 reasonable costs of department firearms-related regulatory and
27 enforcement activities related to the sale, purchase, *possession*,
28 loan, or transfer of firearms pursuant to any provision listed in
29 Section 16580.

30 (d) Where the electronic or telephonic transfer of applicant
31 information is used, the department shall establish a system to be
32 used for the submission of the fees described in this section to the
33 department.

34 ~~SECTION 1. It is the intent of the Legislature to later amend~~
35 ~~into this bill provisions that would require law enforcement~~
36 ~~officials to study and consider the adoption of new policies and~~
37 ~~procedures to ensure that eyewitness identification procedures~~
38 ~~minimize the chance of misidentifying a suspect.~~

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