

AMENDED IN SENATE MAY 6, 2013
AMENDED IN SENATE APRIL 1, 2013
AMENDED IN SENATE MARCH 19, 2013

SENATE BILL

No. 127

Introduced by Senator Gaines

January 22, 2013

An act to amend Section 8105 of the Welfare and Institutions Code, relating to firearms.

LEGISLATIVE COUNSEL'S DIGEST

SB 127, as amended, Gaines. Firearms: mentally disordered persons.

Existing law prohibits a person from possessing a firearm or deadly weapon for a period of 6 months when the person has communicated a serious threat of physical violence against a reasonably identifiable victim or victims to a licensed psychotherapist. Existing law requires the licensed psychotherapist to immediately report the identity of the person to a local law enforcement agency, and requires the local law enforcement agency to immediately notify the Department of Justice.

This bill would instead require the licensed psychotherapist to make the report to local law enforcement ~~electronically~~, within 24 hours, in a manner prescribed by the department. The bill would ~~also~~ require the local law enforcement agency receiving the report to notify the department electronically within 24 hours, in a manner prescribed by the department.

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

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

1 SECTION 1. Section 8105 of the Welfare and Institutions Code
2 is amended to read:

3 8105. (a) The Department of Justice shall request each public
4 and private mental hospital, sanitarium, and institution to submit
5 to the department that information that the department deems
6 necessary to identify those persons who are within subdivision (a)
7 of Section 8100, in order to carry out its duties in relation to
8 firearms, destructive devices, and explosives.

9 (b) Upon request of the Department of Justice pursuant to
10 subdivision (a), each public and private mental hospital, sanitarium,
11 and institution shall submit to the department that information
12 which the department deems necessary to identify those persons
13 who are within subdivision (a) of Section 8100, in order to carry
14 out its duties in relation to firearms, destructive devices, and
15 explosives.

16 (c) A licensed psychotherapist shall report to a local law
17 enforcement agency ~~electronically~~, within 24 hours, in a manner
18 prescribed by the Department of Justice, the identity of a person
19 subject to subdivision (b) of Section 8100. Upon receipt of the
20 report, the local law enforcement agency, on a form prescribed by
21 the Department of Justice, shall notify the department
22 electronically, within 24 hours, in a manner prescribed by the
23 department, of the person who is subject to subdivision (b) of
24 Section 8100.

25 (d) All information provided to the Department of Justice
26 pursuant to this section shall be kept confidential, separate, and
27 apart from all other records maintained by the department. The
28 information provided to the Department of Justice pursuant to this
29 section shall be used only for any of the following purposes:

30 (1) By the department to determine eligibility of a person to
31 acquire, carry, or possess firearms, destructive devices, or
32 explosives.

33 (2) For the purposes of the court proceedings described in
34 subdivision (b) of Section 8100, to determine the eligibility of the
35 person who is bringing the petition pursuant to paragraph (3) of
36 subdivision (b) of Section 8100.

37 (3) To determine the eligibility of a person to acquire, carry, or
38 possess firearms, destructive devices, or explosives who is the

1 subject of a criminal investigation, if a part of the criminal
2 investigation involves the acquisition, carrying, or possession of
3 firearms, explosives, or destructive devices by that person.
4 (e) Reports shall not be required or requested under this section
5 where the same person has been previously reported pursuant to
6 Section 8103 or 8104.

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