

AMENDED IN ASSEMBLY APRIL 11, 2013

AMENDED IN SENATE MARCH 4, 2013

SENATE BILL

No. 140

Introduced by Senators Leno and Steinberg

**(Principal coauthors: Senators Anderson, Cannella, *Corbett*,
Hancock, and Jackson)**

**(Coauthors: Senators Beall, Block, Calderon, Corbett, Correa,
De León, DeSaulnier, Hill, Lieu, Liu, Monning, Pavley, Roth,
Rubio, Wolk, Wright, and Yee)**

**(Coauthors: Assembly Members Ammiano and Blumenfield, and
Eggman)**

January 29, 2013

An act to 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. Firearms: prohibited persons.

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:

1 SECTION 1. The Legislature finds and declares all of the
 2 following:
 3 (a) California is the first and only state in the nation to establish
 4 an automated system for tracking handgun and assault weapon
 5 owners who might fall into a prohibited status.
 6 (b) The online database, which is currently known as the Armed
 7 Prohibited Persons System (APPS), cross-references all handgun
 8 and assault weapon owners across the state against criminal history
 9 records to determine persons who have been, or will become,
 10 prohibited from possessing a firearm subsequent to the legal
 11 acquisition or registration of a firearm or assault weapon.
 12 (c) Each day, the list of armed prohibited persons in California
 13 grows by about 15 to 20 people. There are currently more than
 14 ~~19,000~~ 20,000 armed prohibited persons in California. Collectively,
 15 these individuals are believed to be in possession of over ~~34,000~~
 16 39,000 handguns and ~~1,590~~ 1,670 assault weapons.
 17 (d) Neither the Department of Justice nor local law enforcement
 18 has sufficient resources to confiscate the enormous backlog of
 19 weapons, nor can they keep up with the daily influx of newly
 20 prohibited persons.
 21 (e) It is the intent of the Legislature in enacting this measure to
 22 allow the Department of Justice to utilize additional Dealers’
 23 Record of Sale Special Account funds for the limited purpose of
 24 addressing the current APPS backlog and the illegal possession of
 25 these firearms, which presents a substantial danger to public safety.
 26 SEC. 2. Section 30015 is added to the Penal Code, to read:
 27 30015. (a) The sum of twenty-four million dollars
 28 (\$24,000,000) is hereby appropriated from the Dealers’ Record of
 29 Sale Special Account ~~in~~ of the General Fund to the Department of

1 Justice to address the backlog in the Armed Prohibited Persons
2 System (APPS) and the illegal possession of firearms by those
3 prohibited persons.

4 (b) No later than March 1, 2015, and no later than March 1 each
5 year thereafter, the department shall report to the Joint Legislative
6 Budget Committee all of the following for the immediately
7 preceding calendar year:

8 (1) The degree to which the backlog in the APPS has been
9 reduced or eliminated.

10 (2) The number of agents hired for enforcement of the APPS.

11 (3) The number of people cleared from the APPS.

12 (4) The number of people added to the APPS.

13 (5) The number of people in the APPS before and after the
14 relevant reporting period, including a breakdown of why each
15 person in the APPS is prohibited from possessing a firearm.

16 (6) The number of firearms recovered due to enforcement of
17 the APPS.

18 (7) The number of contacts made during the APPS enforcement
19 efforts.

20 (8) Information regarding task forces or collaboration with local
21 law enforcement on reducing the APPS backlog.

22 (c) (1) The requirement for submitting a report imposed under
23 subdivision (b) is inoperative on March 1, 2019, pursuant to Section
24 10231.5 of the Government Code.

25 (2) A report to be submitted pursuant to subdivision (b) shall
26 be submitted in compliance with Section 9795 of the Government
27 Code.

28 SEC. 3. This act is an urgency statute necessary for the
29 immediate preservation of the public peace, health, or safety within
30 the meaning of Article IV of the Constitution and shall go into
31 immediate effect. The facts constituting the necessity are:

32 In order to address the current Armed Prohibited Persons System
33 (APPS) backlog and the illegal possession of firearms, which
34 presents an immediate danger to public safety, it is necessary for
35 this act to take effect immediately.