

**Introduced by Senator Wolk**  
**(Coauthors: Senators De León, DeSaulnier, Hancock, and Yee)**

February 22, 2013

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An act to amend Sections 29805 and 29900 of the Penal Code, and to amend Section 8103 of the Welfare and Institutions Code, relating to firearms.

LEGISLATIVE COUNSEL'S DIGEST

SB 755, as introduced, Wolk. Firearms: prohibited persons.

(1) Existing law, subject to exceptions, provides that any person who has been convicted of certain misdemeanors may not, within 10 years of the conviction, own, purchase, receive, possess, or have under his or her custody or control, any firearm. Violation of this prohibition is punishable by imprisonment in a county jail not exceeding one year or in the state prison, by a fine not exceeding \$1,000, or by both that imprisonment and fine.

This bill would add to the list of misdemeanors, the conviction for which is subject to those prohibitions, misdemeanor offenses of threatening a peace officer, removing a weapon from the person of a peace officer, hazing, transferring a firearm without completing the transaction through a licensed firearms dealer, furnishing ammunition to a minor, possession of ammunition by a person prohibited from having a firearm, furnishing ammunition to a person prohibited from possessing ammunition, carrying ammunition onto school grounds, carrying a loaded or concealed weapon if the person has been previously convicted of a crime against a person or property, or of a narcotics or dangerous drug violation, or if the firearm is not registered, participation in any criminal street gang, a public offense committed for the benefit of a criminal street gang, disobedience to the terms of an injunction that

restrains the activities of a criminal street gang. By changing the definition of a crime, this bill would impose a state-mandated local program.

(2) Under existing law it is a felony for any person who has been previously convicted of any specified violent offenses to own or have possession or custody or control of any firearm.

This bill would additionally make it a felony for any person to own or possess a firearm if the person has been convicted of 2 or more crimes within a 3-year period and was found to have been under the influence of drugs or alcohol during the commission of the crimes, if the person has been convicted of possessing any controlled substance for sale, or if the person has violated any protective order that was issued due to a threat of violence. By expanding the definition of a crime, this bill would impose a state-mandated local program.

(3) Existing law prohibits certain specified individuals, including a person who has been adjudicated a danger to others as a result of a mental disorder or mental illness, a person who has been adjudicated a mentally disordered sex offender, a person who has been found not guilty by reason of insanity, or a person who has been placed under conservatorship by a court, among others, from possessing firearms or deadly weapons.

Existing law authorizes a court to order a person to obtain assisted outpatient treatment if certain criteria are met, including that the person is suffering from a mental illness and is unlikely to survive safely in the community without supervision.

This bill would prohibit a person who has been ordered by a court to obtain assisted outpatient treatment from purchasing or possessing any firearm or other deadly weapon while subject to assisted outpatient treatment. The bill would require the court to notify the Department of Justice of the order prohibiting the person from possessing a firearm or other deadly weapon within 2 days of the order, and to notify the Department of Justice when the person is no longer subject to assisted outpatient treatment. Because a violation of this provision would be a crime, this bill would impose a state-mandated local program.

(4) Existing constitutional provisions require that a statute that limits the right of access to meetings of public bodies or the writings of public officials and agencies be adopted with findings demonstrating the interest protected by that limitation and the need for protecting that interest.

This bill would make a legislative finding and declaration relating to the necessity of treating reports to the Department of Justice as confidential in order to protect the privacy of individuals ordered to obtain assisted outpatient treatment.

(5) 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 no reimbursement is required by this act for a specified reason.

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

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

1 SECTION 1. The Legislature finds and declares that in order  
2 to protect the privacy of individuals ordered to obtain assisted  
3 outpatient treatment, it is necessary that reports made by a court  
4 to the Department of Justice pursuant to Section 4 of this act be  
5 confidential, except as provided in this act.

6 SEC. 2. Section 29805 of the Penal Code is amended to read:

7 29805. Except as provided in Section 29855 or subdivision (a)  
8 of Section 29800, any person who has been convicted of a  
9 misdemeanor violation of Section 69, 71, 76, 136.1, 136.5, or 140,  
10 subdivision (b) or (d) of Section 148, *paragraph (10) of subdivision*  
11 *(a) of Section 166*, Section 171b, paragraph (1) of subdivision (a)  
12 of Section 171c, 171d, *subdivision (a) or (d) of Section 186.22,*  
13 *186.28, 240, 241, 242, 243, 243.4, 244.5, 245, 245.5, 245.6 246.3,*  
14 *247, 273.5, 273.6, 417, 417.6, 422, 626.9, 646.9, or 830.95,*  
15 *subdivision (a) of former Section 12100, as that section read at*  
16 *any time from when it was enacted by Section 3 of Chapter 1386*  
17 *of the Statutes of 1988 to when it was repealed by Section 18 of*  
18 *Chapter 23 of the Statutes of 1994, Section 17500, 17510, 25300,*  
19 *25800, 26500, 30300, 30305, 30306, 30310, 30315, or 32625,*  
20 *subdivision (b) or (d) of Section 26100, or Section 27510, or*  
21 *Section 8100, 8101, or 8103 of the Welfare and Institutions Code,*  
22 *any firearm-related offense pursuant to Sections 871.5 and 1001.5*  
23 *of the Welfare and Institutions Code, Section 25400 that is*  
24 *punishable pursuant to paragraph (5) or (6) of subdivision (c) of*  
25 *Section 25400, Section 25850 that is punishable pursuant to*  
26 *paragraph (5) or (6) of subdivision (c) of Section 25850, or of the*

1 conduct punished in subdivision (c) of Section 27590, and who,  
2 within 10 years of the conviction, owns, purchases, receives, or  
3 has in possession or under custody or control, any firearm is guilty  
4 of a public offense, which shall be punishable by imprisonment  
5 in a county jail not exceeding one year or in the state prison, by a  
6 fine not exceeding one thousand dollars (\$1,000), or by both that  
7 imprisonment and fine. The court, on forms prescribed by the  
8 Department of Justice, shall notify the department of persons  
9 subject to this section. However, the prohibition in this section  
10 may be reduced, eliminated, or conditioned as provided in Section  
11 29855 or 29860.

12 SEC. 3. Section 29900 of the Penal Code is amended to read:

13 29900. (a) (1) Notwithstanding subdivision (a) of Section  
14 29800, any person who has been previously convicted of any of  
15 the offenses listed in Section 29905 and who owns or has in  
16 possession or under custody or control any firearm is guilty of a  
17 felony.

18 (2) A dismissal of an accusatory pleading pursuant to Section  
19 1203.4a involving an offense set forth in Section 29905 does not  
20 affect the finding of a previous conviction.

21 (3) If probation is granted, or if the imposition or execution of  
22 sentence is suspended, it shall be a condition of the probation or  
23 suspension that the defendant serve at least six months in a county  
24 jail.

25 (b) (1) Any person previously convicted of any of the offenses  
26 listed in Section 29905 which conviction results from certification  
27 by the juvenile court for prosecution as an adult in adult court  
28 under the provisions of Section 707 of the Welfare and Institutions  
29 Code, who owns or has in possession or under custody or control  
30 any firearm, is guilty of a felony.

31 (2) If probation is granted, or if the imposition or execution of  
32 sentence is suspended, it shall be a condition of the probation or  
33 suspension that the defendant serve at least six months in a county  
34 jail.

35 (c) *Any person to whom one of the following applies and who*  
36 *owns or has in possession or under custody or control any firearm*  
37 *is guilty of a felony:*

38 (1) *The person has been convicted of two or more crimes within*  
39 *a three-year period and was found to have been under the influence*  
40 *of drugs or alcohol during the commission of the crimes.*

1 (2) *The person has been convicted of possessing any controlled*  
2 *substance for sale.*

3 (3) *The person has violated any protective order that was issued*  
4 *due to a threat of violence.*

5 (e)

6 (d) The court shall apply the minimum sentence as specified in  
7 subdivisions (a)~~and~~, (b), *and* (c) except in unusual cases where  
8 the interests of justice would best be served by granting probation  
9 or suspending the imposition or execution of sentence without the  
10 imprisonment required by subdivisions (a)~~and~~, (b), *and* (c) or by  
11 granting probation or suspending the imposition or execution of  
12 sentence with conditions other than those set forth in subdivisions  
13 (a)~~and~~, (b), *and* (c) in which case the court shall specify on the  
14 record and shall enter on the minutes the circumstances indicating  
15 that the interests of justice would best be served by the disposition.

16 SEC. 4. Section 8103 of the Welfare and Institutions Code is  
17 amended to read:

18 8103. (a) (1) No person who after October 1, 1955, has been  
19 adjudicated by a court of any state to be a danger to others as a  
20 result of a mental disorder or mental illness, or who has been  
21 adjudicated to be a mentally disordered sex offender, shall purchase  
22 or receive, or attempt to purchase or receive, or have in his or her  
23 possession, custody, or control any firearm or any other deadly  
24 weapon unless there has been issued to the person a certificate by  
25 the court of adjudication upon release from treatment or at a later  
26 date stating that the person may possess a firearm or any other  
27 deadly weapon without endangering others, and the person has  
28 not, subsequent to the issuance of the certificate, again been  
29 adjudicated by a court to be a danger to others as a result of a  
30 mental disorder or mental illness.

31 (2) The court shall immediately notify the Department of Justice  
32 of the court order finding the individual to be a person described  
33 in paragraph (1). The court shall also notify the Department of  
34 Justice of any certificate issued as described in paragraph (1).

35 (b) (1) No person who has been found, pursuant to Section  
36 1026 of the Penal Code or the law of any other state or the United  
37 States, not guilty by reason of insanity of murder, mayhem, a  
38 violation of Section 207, 209, or 209.5 of the Penal Code in which  
39 the victim suffers intentionally inflicted great bodily injury,  
40 carjacking or robbery in which the victim suffers great bodily

1 injury, a violation of Section 451 or 452 of the Penal Code  
2 involving a trailer coach, as defined in Section 635 of the Vehicle  
3 Code, or any dwelling house, a violation of paragraph (1) or (2)  
4 of subdivision (a) of Section 262 or paragraph (2) or (3) of  
5 subdivision (a) of Section 261 of the Penal Code, a violation of  
6 Section 459 of the Penal Code in the first degree, assault with  
7 intent to commit murder, a violation of Section 220 of the Penal  
8 Code in which the victim suffers great bodily injury, a violation  
9 of Section 18715, 18725, 18740, 18745, 18750, or 18755 of the  
10 Penal Code, or of a felony involving death, great bodily injury, or  
11 an act which poses a serious threat of bodily harm to another  
12 person, or a violation of the law of any other state or the United  
13 States that includes all the elements of any of the above felonies  
14 as defined under California law, shall purchase or receive, or  
15 attempt to purchase or receive, or have in his or her possession or  
16 under his or her custody or control any firearm or any other deadly  
17 weapon.

18 (2) The court shall immediately notify the Department of Justice  
19 of the court order finding the person to be a person described in  
20 paragraph (1).

21 (c) (1) No person who has been found, pursuant to Section 1026  
22 of the Penal Code or the law of any other state or the United States,  
23 not guilty by reason of insanity of any crime other than those  
24 described in subdivision (b) shall purchase or receive, or attempt  
25 to purchase or receive, or shall have in his or her possession,  
26 custody, or control any firearm or any other deadly weapon unless  
27 the court of commitment has found the person to have recovered  
28 sanity, pursuant to Section 1026.2 of the Penal Code or the law of  
29 any other state or the United States.

30 (2) The court shall immediately notify the Department of Justice  
31 of the court order finding the person to be a person described in  
32 paragraph (1). The court shall also notify the Department of Justice  
33 when it finds that the person has recovered his or her sanity.

34 (d) (1) No person found by a court to be mentally incompetent  
35 to stand trial, pursuant to Section 1370 or 1370.1 of the Penal Code  
36 or the law of any other state or the United States, shall purchase  
37 or receive, or attempt to purchase or receive, or shall have in his  
38 or her possession, custody, or control, any firearm or any other  
39 deadly weapon, unless there has been a finding with respect to the  
40 person of restoration to competence to stand trial by the committing

1 court, pursuant to Section 1372 of the Penal Code or the law of  
2 any other state or the United States.

3 (2) The court shall immediately notify the Department of Justice  
4 of the court order finding the person to be mentally incompetent  
5 as described in paragraph (1). The court shall also notify the  
6 Department of Justice when it finds that the person has recovered  
7 his or her competence.

8 (e) (1) No person who has been placed under conservatorship  
9 by a court, pursuant to Section 5350 or the law of any other state  
10 or the United States, because the person is gravely disabled as a  
11 result of a mental disorder or impairment by chronic alcoholism,  
12 shall purchase or receive, or attempt to purchase or receive, or  
13 shall have in his or her possession, custody, or control, any firearm  
14 or any other deadly weapon while under the conservatorship if, at  
15 the time the conservatorship was ordered or thereafter, the court  
16 which imposed the conservatorship found that possession of a  
17 firearm or any other deadly weapon by the person would present  
18 a danger to the safety of the person or to others. Upon placing any  
19 person under conservatorship, and prohibiting firearm or any other  
20 deadly weapon possession by the person, the court shall notify the  
21 person of this prohibition.

22 (2) The court shall immediately notify the Department of Justice  
23 of the court order placing the person under conservatorship and  
24 prohibiting firearm or any other deadly weapon possession by the  
25 person as described in paragraph (1). The notice shall include the  
26 date the conservatorship was imposed and the date the  
27 conservatorship is to be terminated. If the conservatorship is  
28 subsequently terminated before the date listed in the notice to the  
29 Department of Justice or the court subsequently finds that  
30 possession of a firearm or any other deadly weapon by the person  
31 would no longer present a danger to the safety of the person or  
32 others, the court shall immediately notify the Department of Justice.

33 (3) All information provided to the Department of Justice  
34 pursuant to paragraph (2) shall be kept confidential, separate, and  
35 apart from all other records maintained by the Department of  
36 Justice, and shall be used only to determine eligibility to purchase  
37 or possess firearms or other deadly weapons. Any person who  
38 knowingly furnishes that information for any other purpose is  
39 guilty of a misdemeanor. All the information concerning any person  
40 shall be destroyed upon receipt by the Department of Justice of

1 notice of the termination of conservatorship as to that person  
2 pursuant to paragraph (2).

3 (f) (1) No person who has been (A) taken into custody as  
4 provided in Section 5150 because that person is a danger to himself,  
5 herself, or to others, (B) assessed within the meaning of Section  
6 5151, and (C) admitted to a designated facility within the meaning  
7 of Sections 5151 and 5152 because that person is a danger to  
8 himself, herself, or others, shall own, possess, control, receive, or  
9 purchase, or attempt to own, possess, control, receive, or purchase  
10 any firearm for a period of five years after the person is released  
11 from the facility. A person described in the preceding sentence,  
12 however, may own, possess, control, receive, or purchase, or  
13 attempt to own, possess, control, receive, or purchase any firearm  
14 if the superior court has, pursuant to paragraph (5), found that the  
15 people of the State of California have not met their burden pursuant  
16 to paragraph (6).

17 (2) (A) For each person subject to this subdivision, the facility  
18 shall immediately, on the date of admission, submit a report to the  
19 Department of Justice, on a form prescribed by the Department of  
20 Justice, containing information that includes, but is not limited to,  
21 the identity of the person and the legal grounds upon which the  
22 person was admitted to the facility.

23 Any report submitted pursuant to this paragraph shall be  
24 confidential, except for purposes of the court proceedings described  
25 in this subdivision and for determining the eligibility of the person  
26 to own, possess, control, receive, or purchase a firearm.

27 (B) Commencing July 1, 2012, facilities shall submit reports  
28 pursuant to this paragraph exclusively by electronic means, in a  
29 manner prescribed by the Department of Justice.

30 (3) Prior to, or concurrent with, the discharge, the facility shall  
31 inform a person subject to this subdivision that he or she is  
32 prohibited from owning, possessing, controlling, receiving, or  
33 purchasing any firearm for a period of five years. Simultaneously,  
34 the facility shall inform the person that he or she may request a  
35 hearing from a court, as provided in this subdivision, for an order  
36 permitting the person to own, possess, control, receive, or purchase  
37 a firearm. The facility shall provide the person with a form for a  
38 request for a hearing. The Department of Justice shall prescribe  
39 the form. Where the person requests a hearing at the time of  
40 discharge, the facility shall forward the form to the superior court

1 unless the person states that he or she will submit the form to the  
2 superior court.

3 (4) The Department of Justice shall provide the form upon  
4 request to any person described in paragraph (1). The Department  
5 of Justice shall also provide the form to the superior court in each  
6 county. A person described in paragraph (1) may make a single  
7 request for a hearing at any time during the five-year period. The  
8 request for hearing shall be made on the form prescribed by the  
9 department or in a document that includes equivalent language.

10 (5) Any person who is subject to paragraph (1) who has  
11 requested a hearing from the superior court of his or her county  
12 of residence for an order that he or she may own, possess, control,  
13 receive, or purchase firearms shall be given a hearing. The clerk  
14 of the court shall set a hearing date and notify the person, the  
15 Department of Justice, and the district attorney. The people of the  
16 State of California shall be the plaintiff in the proceeding and shall  
17 be represented by the district attorney. Upon motion of the district  
18 attorney, or on its own motion, the superior court may transfer the  
19 hearing to the county in which the person resided at the time of  
20 his or her detention, the county in which the person was detained,  
21 or the county in which the person was evaluated or treated. Within  
22 seven days after the request for a hearing, the Department of Justice  
23 shall file copies of the reports described in this section with the  
24 superior court. The reports shall be disclosed upon request to the  
25 person and to the district attorney. The court shall set the hearing  
26 within 30 days of receipt of the request for a hearing. Upon  
27 showing good cause, the district attorney shall be entitled to a  
28 continuance not to exceed 14 days after the district attorney was  
29 notified of the hearing date by the clerk of the court. If additional  
30 continuances are granted, the total length of time for continuances  
31 shall not exceed 60 days. The district attorney may notify the  
32 county mental health director of the hearing who shall provide  
33 information about the detention of the person that may be relevant  
34 to the court and shall file that information with the superior court.  
35 That information shall be disclosed to the person and to the district  
36 attorney. The court, upon motion of the person subject to paragraph  
37 (1) establishing that confidential information is likely to be  
38 discussed during the hearing that would cause harm to the person,  
39 shall conduct the hearing in camera with only the relevant parties  
40 present, unless the court finds that the public interest would be

1 better served by conducting the hearing in public. Notwithstanding  
2 any other law, declarations, police reports, including criminal  
3 history information, and any other material and relevant evidence  
4 that is not excluded under Section 352 of the Evidence Code shall  
5 be admissible at the hearing under this section.

6 (6) The people shall bear the burden of showing by a  
7 preponderance of the evidence that the person would not be likely  
8 to use firearms in a safe and lawful manner.

9 (7) If the court finds at the hearing set forth in paragraph (5)  
10 that the people have not met their burden as set forth in paragraph  
11 (6), the court shall order that the person shall not be subject to the  
12 five-year prohibition in this section on the ownership, control,  
13 receipt, possession, or purchase of firearms. A copy of the order  
14 shall be submitted to the Department of Justice. Upon receipt of  
15 the order, the Department of Justice shall delete any reference to  
16 the prohibition against firearms from the person's state mental  
17 health firearms prohibition system information.

18 (8) Where the district attorney declines or fails to go forward  
19 in the hearing, the court shall order that the person shall not be  
20 subject to the five-year prohibition required by this subdivision  
21 on the ownership, control, receipt, possession, or purchase of  
22 firearms. A copy of the order shall be submitted to the Department  
23 of Justice. Upon receipt of the order, the Department of Justice  
24 shall, within 15 days, delete any reference to the prohibition against  
25 firearms from the person's state mental health firearms prohibition  
26 system information.

27 (9) Nothing in this subdivision shall prohibit the use of reports  
28 filed pursuant to this section to determine the eligibility of persons  
29 to own, possess, control, receive, or purchase a firearm if the person  
30 is the subject of a criminal investigation, a part of which involves  
31 the ownership, possession, control, receipt, or purchase of a  
32 firearm.

33 (g) (1) No person who has been certified for intensive treatment  
34 under Section 5250, 5260, or 5270.15 shall own, possess, control,  
35 receive, or purchase, or attempt to own, possess, control, receive,  
36 or purchase, any firearm for a period of five years.

37 Any person who meets the criteria contained in subdivision (e)  
38 or (f) who is released from intensive treatment shall nevertheless,  
39 if applicable, remain subject to the prohibition contained in  
40 subdivision (e) or (f).

1 (2) (A) For each person certified for intensive treatment under  
2 paragraph (1), the facility shall immediately submit a report to the  
3 Department of Justice, on a form prescribed by the department,  
4 containing information regarding the person, including, but not  
5 limited to, the legal identity of the person and the legal grounds  
6 upon which the person was certified. Any report submitted pursuant  
7 to this paragraph shall only be used for the purposes specified in  
8 paragraph (2) of subdivision (f).

9 (B) Commencing July 1, 2012, facilities shall submit reports  
10 pursuant to this paragraph exclusively by electronic means, in a  
11 manner prescribed by the Department of Justice.

12 (3) Prior to, or concurrent with, the discharge of each person  
13 certified for intensive treatment under paragraph (1), the facility  
14 shall inform the person of that information specified in paragraph  
15 (3) of subdivision (f).

16 (4) Any person who is subject to paragraph (1) may petition the  
17 superior court of his or her county of residence for an order that  
18 he or she may own, possess, control, receive, or purchase firearms.  
19 At the time the petition is filed, the clerk of the court shall set a  
20 hearing date and notify the person, the Department of Justice, and  
21 the district attorney. The people of the State of California shall be  
22 the respondent in the proceeding and shall be represented by the  
23 district attorney. Upon motion of the district attorney, or on its  
24 own motion, the superior court may transfer the petition to the  
25 county in which the person resided at the time of his or her  
26 detention, the county in which the person was detained, or the  
27 county in which the person was evaluated or treated. Within seven  
28 days after receiving notice of the petition, the Department of Justice  
29 shall file copies of the reports described in this section with the  
30 superior court. The reports shall be disclosed upon request to the  
31 person and to the district attorney. The district attorney shall be  
32 entitled to a continuance of the hearing to a date of not less than  
33 14 days after the district attorney was notified of the hearing date  
34 by the clerk of the court. The district attorney may notify the county  
35 mental health director of the petition, and the county mental health  
36 director shall provide information about the detention of the person  
37 that may be relevant to the court and shall file that information  
38 with the superior court. That information shall be disclosed to the  
39 person and to the district attorney. The court, upon motion of the  
40 person subject to paragraph (1) establishing that confidential

1 information is likely to be discussed during the hearing that would  
2 cause harm to the person, shall conduct the hearing in camera with  
3 only the relevant parties present, unless the court finds that the  
4 public interest would be better served by conducting the hearing  
5 in public. Notwithstanding any other provision of law, any  
6 declaration, police reports, including criminal history information,  
7 and any other material and relevant evidence that is not excluded  
8 under Section 352 of the Evidence Code, shall be admissible at  
9 the hearing under this section. If the court finds by a preponderance  
10 of the evidence that the person would be likely to use firearms in  
11 a safe and lawful manner, the court may order that the person may  
12 own, control, receive, possess, or purchase firearms. A copy of  
13 the order shall be submitted to the Department of Justice. Upon  
14 receipt of the order, the Department of Justice shall delete any  
15 reference to the prohibition against firearms from the person's  
16 state mental health firearms prohibition system information.

17 (h) For all persons identified in subdivisions (f) and (g), facilities  
18 shall report to the Department of Justice as specified in those  
19 subdivisions, except facilities shall not report persons under  
20 subdivision (g) if the same persons previously have been reported  
21 under subdivision (f).

22 Additionally, all facilities shall report to the Department of  
23 Justice upon the discharge of persons from whom reports have  
24 been submitted pursuant to subdivision (f) or (g). However, a report  
25 shall not be filed for persons who are discharged within 31 days  
26 after the date of admission.

27 (i) (1) *No person who has been ordered by a court to obtain  
28 assisted outpatient treatment pursuant to Article 9 (commencing  
29 with Section 5345) of Chapter 2 of Part 1 of Division 5 shall  
30 purchase or receive, or attempt to purchase or receive, or shall  
31 have in his or her possession, custody, or control, any firearm or  
32 any other deadly weapon while subject to assisted outpatient  
33 treatment. Upon placing any person under assisted outpatient  
34 treatment, the court shall notify the person of this prohibition.*

35 (2) *The court shall notify the Department of Justice of the court  
36 order placing the person in assisted outpatient treatment and  
37 prohibiting firearm or any other deadly weapon possession by the  
38 person described in paragraph (1) within two days of the order.  
39 The court shall also notify the Department of Justice when the  
40 person subject to paragraph (1) is no longer subject to assisted*

1 *outpatient treatment. Any report submitted pursuant to this*  
2 *paragraph shall be confidential, except for purposes of the court*  
3 *proceedings specified in this subdivision and for purposes of*  
4 *determining the eligibility of the person to own, possess, control,*  
5 *receive, or purchase a firearm.*

6 (i)

7 (j) Every person who owns or possesses or has under his or her  
8 custody or control, or purchases or receives, or attempts to purchase  
9 or receive, any firearm or any other deadly weapon in violation of  
10 this section shall be punished by imprisonment pursuant to  
11 subdivision (h) of Section 1170 of the Penal Code or in a county  
12 jail for not more than one year.

13 (j)

14 (k) “Deadly weapon,” as used in this section, has the meaning  
15 prescribed by Section 8100.

16 SEC. 5. No reimbursement is required by this act pursuant to  
17 Section 6 of Article XIII B of the California Constitution because  
18 the only costs that may be incurred by a local agency or school  
19 district will be incurred because this act creates a new crime or  
20 infraction, eliminates a crime or infraction, or changes the penalty  
21 for a crime or infraction, within the meaning of Section 17556 of  
22 the Government Code, or changes the definition of a crime within  
23 the meaning of Section 6 of Article XIII B of the California  
24 Constitution.