

AMENDED IN ASSEMBLY MAY 31, 2016

AMENDED IN ASSEMBLY APRIL 25, 2016

AMENDED IN ASSEMBLY APRIL 18, 2016

AMENDED IN ASSEMBLY MARCH 28, 2016

CALIFORNIA LEGISLATURE—2015–16 REGULAR SESSION

ASSEMBLY BILL

No. 1751

Introduced by Assembly Member Low

(Coauthors: Assembly Members Bigelow, Calderon, Cooper, Dababneh, Gatto, Jones, Jones-Sawyer, Lackey, Mathis, Mullin, Olsen, Rodriguez, Waldron, and Wilk)

(Coauthors: Senators Anderson, Berryhill, Block, Hill, Mendoza, Morrell, Nguyen, and Vidak)

February 2, 2016

An act to amend ~~Section~~ *Sections 21628 and 21642.5* of, to add *Section 21627.5* to, to repeal ~~Section~~ *Sections 21628.1 and 21633* of, and to repeal and add Section 21630 of, the Business and Professions Code, relating to secondhand goods, ~~making an appropriation therefor,~~ and declaring the urgency thereof, to take effect immediately.

LEGISLATIVE COUNSEL'S DIGEST

AB 1751, as amended, Low. Secondhand goods.

Existing law provides for the regulation of secondhand dealers and coin dealers, as defined. Existing law makes it unlawful for a person to engage in the business of a secondhand dealer without a license issued by the chief of police, the sheriff, or, where appropriate, the police commission. Existing law requires a local law enforcement agency to issue a license to engage in the business of a secondhand dealer or

pawnbroker to an applicant who meets designated criteria. Existing law authorizes the local licensing authority and the Department of Justice to charge an initial licensure fee and a renewal fee, as specified. Existing law requires a secondhand dealer to report, as specified, to the chief of police or sheriff all secondhand “tangible personal property,” as defined, purchased, taken in trade, taken in pawn, accepted for sale on consignment, or accepted for auctioning. Existing law requires the report to include, among other things, the identification of the intended seller or pledger of the property, verified by the person taking the information by specified methods. Existing law requires the reporting of this information to the Department of Justice through a single, statewide, and uniform electronic reporting system. Existing law requires the Department of Justice to develop descriptive categories and secondhand dealers and coin dealers to use these categories in their reports.

This bill would *define “CAPSS” as the California Pawnbroker and Secondhand Dealer System, which is the single, statewide, and uniform electronic reporting system operated by the Department of Justice. The bill would eliminate the requirement that a secondhand dealer send reports on paper forms. The bill would eliminate the requirements that the Department of Justice develop, and secondhand dealers and coin dealers use, descriptive categories in their reports of acquired tangible personal property. Instead, the bill would require the Department of Justice to accept the plain text property descriptions commonly recognized and utilized by the pawn and secondhand dealer industries. The bill would require the Department of Justice to encode the plain text property descriptions, as specified, and would require that necessary costs incurred by the department in mapping the plain text property descriptions received by pawnbrokers and secondhand dealers to any law enforcement database be funded by the Secondhand Dealer and Pawnbroker Fund, thereby making an appropriation. The bill would authorize a secondhand dealer to utilize an article field descriptor provided by the Department of Justice, if using the article field descriptor would, in whole or in part, populate the property description. This bill would prohibit the Department of Justice, chiefs of police, and sheriffs from requiring secondhand dealers to report any additional information other than that which is required by these provisions. The bill would require that the single, statewide, and uniform electronic reporting system a future change to the reporting requirements of CAPSS that substantively alters the reporting standards be implemented and operated in compliance with the Administrative Procedure Act and*

prohibit the Department of Justice from taking any action with respect to the implementation, operation, or maintenance of ~~the electronic reporting system CAPSS~~ by adoption of an emergency regulation. The bill would also require the Department of Justice to convene a meeting with the Department of Technology to discuss issues pertaining to any proposed changes or upgrades, and authorize the Department of Technology to provide technological assistance for ongoing improvements, updates, or changes, ~~to the single, statewide, and uniform electronic reporting system. CAPSS.~~

Existing law provides an exception to the reporting requirement for the acquisition of the same property from the same customer within 12 months of a reported transfer, except when submission of the report is specifically requested in writing by the local authorities.

This bill would expand the reporting requirement exception to all acquisitions of the same property from the same customer within 12 months of a reported transfer.

This bill would declare that it is to take effect immediately as an urgency statute.

Vote: $\frac{2}{3}$. Appropriation: ~~yes~~-no. Fiscal committee: yes. State-mandated local program: no.

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

1 SECTION 1. (a) It is the intent of the Legislature to clarify
 2 that pawnbrokers and other secondhand dealers are to report their
 3 acquisition of tangible personal property received in pledge, trade,
 4 consignment, or auction or by purchase using plain text, in
 5 descriptive language historically used in the pawn and secondhand
 6 industries when reporting to the single, statewide, and uniform
 7 electronic reporting system operated by the Department of Justice,
 8 or if not yet implemented in their respective jurisdictions, on paper
 9 forms sent to the local police chief or sheriff of the jurisdiction in
 10 which the secondhand dealer is physically located.

11 (b) It is further the intent of the Legislature that by specifying
 12 this manner of reporting, it will relieve all secondhand dealers and
 13 pawnbrokers of the inherent costs and burdens imposed under
 14 existing law that requires these businesses to report their daily
 15 acquisitions of secondhand tangible personal property on paper
 16 forms limited to a single transaction, or where the electronic
 17 reporting system is implemented, the cost associated with

1 converting industry standard descriptions to specific law
2 enforcement categories, the ongoing costs of training to that
3 standard, and the costs of implementing software to maintain that
4 standard.

5 (c) Further, it is the intent of the Legislature that the Department
6 of Justice shall continue to accept the plain text descriptive
7 language historically used in the pawn and secondhand industries
8 and ~~shall have the continuing obligation to convert those~~
9 ~~descriptions as may be required by law enforcement databases in~~
10 ~~order to protect the integrity of law enforcement databases.~~ *may*
11 *provide article field descriptors to secondhand dealers in order*
12 *to facilitate communication between the single, statewide, and*
13 *uniform electronic reporting system and law enforcement*
14 *databases.* It is the intent of the Legislature that only properly
15 trained law enforcement personnel of the Department of Justice
16 or local law enforcement classify and encode for law enforcement
17 databases property reported by pawnbrokers and secondhand
18 ~~dealers and that all necessary costs required for the Department~~
19 ~~of Justice to map the industry plain text property descriptions to~~
20 ~~any law enforcement database be paid from the Secondhand Dealer~~
21 ~~and Pawnbroker Fund established by subdivision (d) of Section~~
22 ~~21642.5 of the Business and Professions Code.~~ *dealers.*

23 *SEC. 2. Section 21627.5 is added to the Business and*
24 *Professions Code, to read:*

25 *21627.5. "CAPSS" means the California Pawnbroker and*
26 *Secondhand Dealer System, which is a single, statewide, uniform*
27 *electronic reporting system that receives secondhand dealer reports*
28 *and is operated by the Department of Justice consistent with*
29 *Resolution Chapter 16 of the Statutes of 2010. The maintenance*
30 *and operation of CAPSS is funded by the Secondhand Dealer and*
31 *Pawnbroker Fund established pursuant to Section 21642.5.*

32 ~~SEC. 2:~~

33 *SEC. 3. Section 21628 of the Business and Professions Code,*
34 *as amended by Section 1 of Chapter 169 of the Statutes of 2015,*
35 *is amended to read:*

36 *21628. (a) Every secondhand dealer or coin dealer described*
37 *in Section 21626 shall report daily, or ~~on the first working day no~~*
38 *later than the next business day excluding weekends and holidays*
39 *after receipt or purchase of secondhand tangible personal property,*
40 ~~*on forms or through an electronic reporting system approved by*~~

1 ~~the Department of Justice, to CAPSS, all secondhand tangible~~
2 ~~personal property, except for firearms, which he or she has~~
3 ~~purchased, taken in trade, taken in pawn, accepted for sale on~~
4 ~~consignment, or accepted for auctioning, to the electronic reporting~~
5 ~~system operated by the Department of Justice, or until such time~~
6 ~~as this system is operational in the jurisdiction where the~~
7 ~~secondhand dealer is located, on paper forms sent to the chief of~~
8 ~~police or to the sheriff, in accordance with the provisions of~~
9 ~~Sections Section 21630 and 21633 and subdivision (d). The report~~
10 shall be legible, prepared in English, completed where applicable,
11 and include only the following information:

12 (1) The name and current address of the intended seller or
13 pledger of the property.

14 (2) The identification of the intended seller or pledger. The
15 identification of the seller or pledger of the property shall be
16 verified by the person taking the information, who may use
17 technology, including, but not limited to, cameras or software, or
18 both, to obtain information and verify identity remotely. The
19 verification shall be valid if the person taking the information
20 reasonably relies on any one of the following documents, provided
21 that the document is currently valid or has been issued within five
22 years and contains a photograph or description, or both, of the
23 person named on it, and, where applicable, is signed by the person,
24 and bears a serial or other identifying number:

25 (A) A passport of the United States.

26 (B) A driver's license issued by any state or Canada.

27 (C) An identification card issued by any state.

28 (D) An identification card issued by the United States.

29 (E) A passport from any other country in addition to another
30 item of identification bearing an address.

31 (F) A Matricula Consular in addition to another item of
32 identification bearing an address.

33 (3) (A) *A property description. The property description shall*
34 *be a complete and reasonably accurate description of* ~~serialized~~
35 *the property, including, but not limited to, the following: serial*
36 ~~number number, personalized inscriptions, and other identifying~~
37 ~~marks or symbols, owner-applied numbers, manufacturer's name~~
38 ~~brand, and model name or number. the size color, material, and,~~
39 *if known by the secondhand dealer, the manufacturer's pattern*
40 *name. The property description shall include the brand and model*

1 *name or number of the item if known to, or reasonably*
 2 *ascertainable by, the secondhand dealer. The property description*
 3 *may include a plain text description of the item generally accepted*
 4 *by the secondhand industry.* Watches need not be disassembled
 5 when special skill or special tools are required to obtain the
 6 required information, unless specifically requested to do so by a
 7 peace officer. A special tool does not include a penknife, caseknife,
 8 or similar instrument and disassembling a watch with a penknife,
 9 caseknife, or similar instrument does not constitute a special skill.
 10 In all instances where the required information may be obtained
 11 by removal of a watchband, then the watchband shall be removed.
 12 The cost associated with opening the watch shall be borne by the
 13 pawnbroker, secondhand dealer, or customer.

14 *(B) A secondhand dealer may utilize an article field descriptor,*
 15 *the format of which shall be provided by the Department of Justice,*
 16 *if using the article field descriptor would, in whole or in part,*
 17 *accurately populate the property description with a plain text*
 18 *description generally accepted in the secondhand industry. The*
 19 *lack of an article field descriptor by a secondhand dealer shall*
 20 *not be relevant to any determination as to whether the secondhand*
 21 *dealer has received evidence of authority to sell or pledge the*
 22 *property pursuant to paragraph (1) of subdivision (b).*

23 ~~(B)~~
 24 *(C) In the case of the receipt or purchase of a handheld electronic*
 25 *device by a secondhand dealer, the serial number reported pursuant*
 26 *to subparagraph (A) may be the International Mobile Station*
 27 *Equipment Identity (IMEI), the mobile equipment identifier*
 28 *(MEID), or other unique identifying number assigned to that device*
 29 *by the device manufacturer. If none of these identifying numbers*
 30 *are available by the time period required for reporting pursuant to*
 31 *this subdivision, the report shall be updated with the IMEI, MEID,*
 32 *or other unique identifying number assigned to that device by the*
 33 *device manufacturer as soon as reasonably possible but no later*
 34 *than 10 working days after receipt or purchase of the handheld*
 35 *electronic device.*

36 ~~(C)~~
 37 *(D) For the purpose of this paragraph, “handheld electronic*
 38 *device” means any portable device that is capable of creating,*
 39 *receiving, accessing, or storing electronic data or communications*

1 and includes, but is not limited to, a cellular phone, smartphone,
2 or tablet.

3 ~~(4) A complete and reasonably accurate description of~~
4 ~~nonserialized property, including, but not limited to, the following:~~
5 ~~size, color, material, manufacturer's pattern name (when known),~~
6 ~~owner-applied numbers and personalized inscriptions, and other~~
7 ~~identifying marks or symbols. Watches need not be disassembled~~
8 ~~when special skill or special tools are required to obtain the~~
9 ~~required information, unless specifically requested to do so by a~~
10 ~~peace officer. A special tool does not include a penknife, caseknife,~~
11 ~~or similar instrument and disassembling a watch with a penknife,~~
12 ~~caseknife, or similar instrument does not constitute a special skill.~~
13 ~~In all instances where the required information may be obtained~~
14 ~~by removal of a watchband, then the watchband shall be removed.~~
15 ~~The cost associated with opening the watch shall be borne by the~~
16 ~~pawnbroker, secondhand dealer, or customer.~~

17 ~~(5)~~

18 (4) A certification by the intended seller or pledger that he or
19 she is the owner of the property or has the authority of the owner
20 to sell or pledge the property.

21 ~~(6)~~

22 (5) A certification by the intended seller or pledger that to his
23 or her knowledge and belief the information is true and complete.

24 ~~(7)~~

25 (6) A legible fingerprint taken from the intended seller or
26 pledger, as prescribed by the Department of Justice. This
27 requirement does not apply to a coin dealer, unless required
28 pursuant to local regulation.

29 *(7) A report submitted by a pawnbroker or secondhand dealer*
30 *shall be deemed to have been accepted by the Department of Justice*
31 *if a good faith effort has been made to supply all of the required*
32 *information. An error or omission on the report shall be noted,*
33 *and the reporting pawnbroker or secondhand dealer shall be*
34 *notified of the error or omission by the Department of Justice. A*
35 *reporting pawnbroker or secondhand dealer shall have three*
36 *business days from that notice to amend or correct the report*
37 *before being subject to any enforcement violation.*

38 (b) (1) When a secondhand dealer complies with all of the
39 provisions of this section, he or she shall be deemed to have
40 received from the seller or pledger adequate evidence of authority

1 to sell or pledge the property for all purposes included in this
2 article, and Division 8 (commencing with Section 21000) of the
3 Financial Code.

4 (2) In enacting this subdivision, it is the intent of the Legislature
5 that its provisions shall not adversely affect the implementation
6 of, or prosecution under, any provision of the Penal Code.

7 ~~(e) Any person who conducts business as a secondhand dealer
8 at any gun show or event, as defined in Section 478.100 of Title
9 27 of the Code of Federal Regulations, or its successor, outside
10 the jurisdiction that issued the secondhand dealer license in
11 accordance with subdivision (d) of Section 21641, may be required
12 to submit a duplicate of the transaction report prepared pursuant
13 to this section to the local law enforcement agency where the gun
14 show or event is conducted.~~

15 *(c) Upon request from a local law enforcement agency, the
16 Department of Justice shall electronically provide to the requesting
17 local law enforcement agency transaction data reported by a
18 secondhand dealer who is not licensed by the requesting local law
19 enforcement agency but who is attending a gun show or event, as
20 defined in Section 478.100 of Title 27 of the Code of Federal
21 Regulations, in the jurisdiction of the requesting local law
22 enforcement agency.*

23 (d) (1) The Department of Justice shall recognize and accept
24 the plain text property descriptions generally accepted in the pawn
25 and secondhand industries provided by *pawnbrokers and*
26 *secondhand dealers*, as has been the longstanding practice of chiefs
27 of police and sheriffs when they ~~receive~~ *had received* paper reports
28 from *pawnbrokers and secondhand dealers*. ~~The Department of
29 Justice shall have the continuing duty to encode the plain text
30 property descriptions received by pawnbrokers and secondhand
31 dealers for law enforcement databases in order for those
32 descriptions to be useful for law enforcement purposes. All
33 necessary costs incurred by the Department of Justice in mapping
34 the plain text property descriptions received by pawnbrokers and
35 secondhand dealers to any law enforcement database shall be
36 funded by the Secondhand Dealer and Pawnbroker Fund
37 established in subdivision (d) of Section 21642.5.~~

38 ~~(2) With the consultation by the Department of Justice with
39 local law enforcement agencies and representatives from the
40 secondhand dealer businesses, pursuant to Resolution Chapter 16~~

1 of the Statutes of 2010, and upon the availability of sufficient funds
2 in the Secondhand Dealer and Pawnbroker Fund created pursuant
3 to Section 21642.5, the department shall promptly develop a single,
4 statewide, uniform electronic reporting system to be used to
5 transmit these secondhand dealer reports.

6 ~~(3) (A) Except as otherwise provided in this section, any~~

7 (2) A report required of a secondhand dealer *pursuant to this*
8 *section* shall be transmitted by electronic means: *means to CAPSS*
9 *by the secondhand dealer.*

10 ~~(B) Until the date that the Department of Justice implements~~
11 ~~the single, statewide, uniform electronic reporting system described~~
12 ~~in paragraph (2), each secondhand dealer may continue to report~~
13 ~~the information required by this section under the reporting~~
14 ~~categories described in paragraph (1) in paper format on forms~~
15 ~~approved or provided by the Department of Justice. Chiefs of~~
16 ~~police and sheriffs continuing to receive paper forms shall also~~
17 ~~continue to recognize and accept the plain text property~~
18 ~~descriptions generally recognized in the pawn and secondhand~~
19 ~~industries.~~

20 ~~(C) On and after the date that the Department of Justice~~
21 ~~implements the single, statewide, uniform electronic reporting~~
22 ~~system described in paragraph (2), each secondhand dealer shall~~
23 ~~electronically report using that system the information required~~
24 ~~by this section under the reporting standard described in paragraph~~
25 ~~(1), except that for the first 30 days following the implementation~~
26 ~~date, each secondhand dealer shall also report the information in~~
27 ~~paper format as described in subparagraph (B).~~

28 ~~(D)~~

29 (3) Unless specifically identified in this section, the Department
30 of Justice, chiefs of police, and sheriffs shall not require a
31 secondhand dealer to include any additional information concerning
32 the seller, the pledger, or the property received by the secondhand
33 dealer in the report required by this section.

34 ~~(E) The single, statewide, and uniform electronic reporting~~
35 ~~system required by this chapter~~

36 (4) *If there is a future change to the reporting requirements of*
37 *CAPSS that substantively alters the reporting standards provided*
38 *by this article, those changes shall be implemented and operated*
39 *in compliance with the Administrative Procedure Act (Chapter*
40 *3.5 (commencing with Section 11340) of Part 1 of Division 3 of*

1 Title 2 of the Government Code). In implementing and operating
 2 ~~the single, statewide, and uniform electronic reporting system~~
 3 ~~required by this chapter, a future change to CAPSS~~, the Department
 4 of Justice, chiefs of police, and sheriffs shall comply with Sections
 5 21637 and 21638. Notwithstanding any other law, the Department
 6 of Justice shall not take any action with respect to the
 7 implementation, operation, or maintenance of ~~the electronic~~
 8 ~~reporting system~~ CAPSS required by this chapter by adoption of
 9 an emergency regulation.

10 ~~(F)~~

11 (5) On or before July 1, 2017, the Department of Justice shall
 12 convene a meeting with the Department of Technology to discuss
 13 issues pertaining to any proposed changes or upgrades to ~~the single,~~
 14 ~~statewide, and uniform electronic reporting system~~ CAPSS required
 15 by this chapter. The Department of Technology may provide
 16 technological assistance for ongoing improvements, updates, or
 17 changes to ~~the single, statewide, and uniform electronic reporting~~
 18 ~~system~~ CAPSS required by this chapter, as requested.

19 ~~(4)~~

20 (6) A coin dealer shall report the information required by this
 21 section under the reporting standard described in paragraph (1) on
 22 a form developed by the Attorney General that the coin dealer
 23 shall transmit each day by facsimile transmission or by mail to the
 24 chief of police or sheriff. A transaction shall consist of not more
 25 than one item.

26 ~~(5)~~

27 (7) For purposes of this subdivision, “item” shall mean any
 28 single physical article. However, with respect to a commonly
 29 accepted grouping of articles that are purchased as a set, including,
 30 but not limited to, a pair of earrings or place settings of china,
 31 silverware, or other tableware, “item” shall mean that commonly
 32 accepted grouping.

33 ~~(6)~~

34 (8) Nothing in this subdivision shall be construed as excepting
 35 a secondhand dealer from the fingerprinting requirement of
 36 paragraph ~~(7)~~ (6) of subdivision (a).

37 (e) Nothing in this section shall be construed to exempt a person
 38 licensed as a firearms dealer pursuant to Sections 26700 to 26915,
 39 inclusive, of the Penal Code from the reporting requirements for

1 the delivery of firearms pursuant to Sections 26700 to 26915,
2 inclusive, of the Penal Code.

3 ~~SEC. 3.~~

4 ~~SEC. 4.~~ Section 21628.1 of the Business and Professions Code
5 is repealed.

6 ~~SEC. 4.~~

7 ~~SEC. 5.~~ Section 21630 of the Business and Professions Code
8 is repealed.

9 ~~SEC. 5.~~

10 ~~SEC. 6.~~ Section 21630 is added to the Business and Professions
11 Code, to read:

12 21630. (a) A secondhand dealer *or coin dealer* shall
13 electronically transmit to ~~the Department of Justice's single,~~
14 ~~statewide, uniform electronic reporting system on CAPSS no later~~
15 ~~than the next business day after~~ the date of transaction *excluding*
16 *weekends and holidays* or, if not then possible due to an electrical,
17 telecommunications, or other malfunction, as soon as reasonable
18 thereafter, the report of acquisition of tangible personal property
19 as required by Section 21628.

20 (b) Notwithstanding Section 21628, submission of a tangible
21 property acquisition report is not required if the report of an
22 acquisition of the same property from the same customer has been
23 submitted within the preceding 12 months.

24 ~~(c) If the electronic reporting system operated by the Department~~
25 ~~of Justice has not been implemented in the jurisdiction where the~~
26 ~~secondhand dealer is located, the report shall be submitted to the~~
27 ~~chief of police of the city or his or her designee within the territorial~~
28 ~~limits of the incorporated city in which the secondhand dealer is~~
29 ~~located. If the transaction takes place outside the territorial limits~~
30 ~~of an incorporated city in which the secondhand dealer is located,~~
31 ~~the report shall be submitted to the sheriff of the county or his or~~
32 ~~her designee.~~

33 ~~SEC. 7.~~ Section 21633 of the Business and Professions Code
34 is repealed.

35 21633. ~~The report forms approved by the Department of Justice~~
36 ~~shall consist of not less than an original and two copies. The~~
37 ~~Department of Justice shall not require the report form to consist~~
38 ~~of more than an original and two copies when the forms are~~
39 ~~obtained from a source other than the department. A local law~~
40 ~~enforcement agency may request secondhand dealers within its~~

1 jurisdiction to use a report form consisting of more than an original
2 and two copies. However, each secondhand dealer or group of
3 dealers shall be required only to use a form consisting of an original
4 and two copies when the dealer does not use a form obtained from
5 the Department of Justice.

6 The Department of Justice shall allow the use of forms which
7 are compatible with computerization. The original and the duplicate
8 copy shall be submitted by the secondhand dealer in accordance
9 with the provisions of Sections 21628 and 21630. One copy shall
10 be retained by the secondhand dealer in his place of business for
11 a period of three years and shall be made available for inspection
12 by any law enforcement officer.

13 *SEC. 8. Section 21642.5 of the Business and Professions Code*
14 *is amended to read:*

15 21642.5. (a) The Department of Justice shall require each
16 applicant for an initial license under Section 21641 of this code or
17 Section 21300 of the Financial Code and each applicant for renewal
18 of a license under Section 21642 of this code or Section 21301 of
19 the Financial Code to pay a fee not to exceed three hundred dollars
20 (\$300), but in no event exceeding the costs described in subdivision
21 (b), except that the fee may be increased at a rate not to exceed
22 any increase in the California Consumer Price Index as compiled
23 and reported by the Department of Industrial Relations.

24 (b) The fees assessed pursuant to subdivision (a) shall be no
25 more than necessary to cover the reasonable regulatory costs to
26 the department of doing all of the following:

27 (1) Processing initial license applications under Section 21641
28 of this code and Section 21300 of the Financial Code.

29 (2) Processing renewal applications under Section 21642 of this
30 code and Section 21301 of the Financial Code.

31 (3) Implementing, operating, and maintaining ~~the single,~~
32 ~~statewide, uniform electronic reporting system CAPSS~~ described
33 ~~in subdivision (j) of Section 21628.~~ 21627.5.

34 (c) All licensees holding a license issued before the effective
35 date of the act adding this section pursuant to Section 21641 or
36 21642 of this code or Section 21300 or 21301 of the Financial
37 Code shall, within 120 days after enactment of the act adding this
38 section in the 2011–12 Regular Session, in addition to any fee
39 required under subdivision (a), pay a fee not to exceed two hundred
40 eighty-eight dollars (\$288) to the Department of Justice.

1 (d) The fees paid pursuant to subdivisions (a) and (c) shall be
2 deposited in the Secondhand Dealer and Pawnbroker Fund, which
3 is hereby established in the State Treasury. The revenue in the
4 fund shall, upon appropriation by the Legislature, be used by the
5 Department of Justice for the purpose of paying for the costs
6 described in paragraphs (1) to (3), inclusive, of subdivision (b),
7 except that the revenue received pursuant to subdivision (c) shall,
8 upon appropriation by the Legislature, be used by the Department
9 of Justice for the purpose of paying for the costs described in
10 paragraph (3) of subdivision (b).

11 (e) Applicants described in subdivision (a) shall submit to the
12 Department of Justice fingerprint images and related information
13 required by the Department of Justice for the purposes of obtaining
14 information as to the existence and contents of a record of state
15 convictions and state arrests and information as to the existence
16 and contents of a record of state arrests for which the Department
17 of Justice establishes that the person is free on bail or on his or her
18 own recognizance pending trial or appeal.

19 (1) The Department of Justice shall prepare a state-level
20 response pursuant to paragraph (1) of subdivision (I) of Section
21 11105 of the Penal Code.

22 (2) The Department of Justice shall provide subsequent
23 notification service pursuant to Section 11105.2 of the Penal Code
24 for applicants described in this subdivision.

25 (3) The Department of Justice shall charge a fee sufficient to
26 cover the cost of processing the request described in this
27 subdivision. The fee revenues shall be deposited in the Fingerprint
28 Fee Account and shall, upon appropriation by the Legislature, be
29 used by the department for the purposes of paying the costs
30 associated with this subdivision.

31 ~~SEC. 6.~~

32 *SEC. 9.* This act is an urgency statute necessary for the
33 immediate preservation of the public peace, health, or safety within
34 the meaning of Article IV of the Constitution and shall go into
35 immediate effect. The facts constituting the necessity are:

36 In order to make the single, statewide, uniform electronic system
37 a cost savings for secondhand dealers and pawnbrokers, the plain
38 text property descriptions historically utilized by these industries
39 must be accepted by the Department of Justice, just as these plain

1 text descriptions have historically been accepted by chiefs of police
2 and sheriffs.
3 Further, to protect the integrity of law enforcement databases,
4 it is necessary to specify that only trained law enforcement
5 personnel shall input classification codes of property reported by
6 these businesses, not the businesses themselves.

O