

AMENDED IN SENATE AUGUST 7, 2000
AMENDED IN ASSEMBLY JANUARY 18, 2000
AMENDED IN ASSEMBLY JANUARY 13, 2000
AMENDED IN ASSEMBLY JANUARY 3, 2000

CALIFORNIA LEGISLATURE—1999–2000 REGULAR SESSION

ASSEMBLY BILL

No. 863

Introduced by Assembly Member ~~Honda~~ Reyes

February 24, 1999

An act to ~~amend Sections 12001, 12071, and 12077 of the Penal Code, relating to firearms.~~ *add Section 4035 to the Penal Code, relating to correctional facilities, and declaring the urgency thereof, to take effect immediately.*

LEGISLATIVE COUNSEL'S DIGEST

AB 863, as amended, ~~Honda~~—*Reyes*. ~~Firearms~~
Correctional facilities: Fresno County Jail.

(1) Existing provisions of the County Correctional Facilities Capital Expenditure and Youth Facility Bond Act of 1988 provided funds for the construction and renovation of county jails and county juvenile facilities.

This bill would state findings and declarations of the Legislature with regard to overcrowding at the Fresno County Jail. The bill would state the intent of the Legislature to provide \$5,000,000 for the purpose of expanding the jail by 3 floors.

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

~~Existing law regulates the circumstances under which a licensed firearms dealer may sell or transfer a firearm.~~

~~This bill additionally would require that, except as specified, concurrent with the completion of the application to purchase a firearm to be submitted to a dealer, the purchaser or transferee of a pistol, revolver, or other firearm capable of being concealed upon the person, demonstrate to the dealer proficiency in the loading and operation of safety devices of the firearm, as specified.~~

~~Existing law requires firearms dealers to keep a register of firearms sales or a record of electronic or telephonic transfer in which certain information is reported pursuant to specified procedures.~~

~~This bill additionally would require that the purchaser or transferee provide a statement that he or she is in compliance with requirements regarding the above-described demonstration of loading and operation of safety devices of the firearm.~~

Vote: ~~majority~~ ^{2/3}. Appropriation: no. Fiscal committee: no. State-mandated local program: no.

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

- 1 ~~SECTION 1. Section 12001 of the Penal Code is~~
- 2 *SECTION 1. Section 4035 is added to the Penal Code,*
- 3 *to read:*
- 4 *4035. (a) The Legislature finds and declares all of the*
- 5 *following:*
- 6 *(1) The Fresno County Jail is 700 beds short of what it*
- 7 *needs to meet the standard operation requirements of*
- 8 *maintaining the prison population there.*
- 9 *(2) The Fresno County Jail is forced to release inmates*
- 10 *early, or with no actual jail time served, due to inadequate*
- 11 *space.*
- 12 *(3) Since 1993, the Fresno County Sheriff's*
- 13 *Department reports that over 18,000 inmates have been*
- 14 *released early because of lack of space and overcrowding*
- 15 *at the facility.*



1 (4) *The Fresno County Sheriff's Department has been*
2 *forced to release an additional 17,000 criminals after they*
3 *have been arrested and booked because the jail has no*
4 *more space.*

5 (5) *The early release of prisoners due to inadequate*
6 *space at the Fresno County Jail poses a unique and*
7 *dangerous problem to the safety and well-being of the*
8 *residents of that county.*

9 (b) *It is the intent of the Legislature to provide five*
10 *million dollars (\$5,000,000) to Fresno County for the*
11 *purpose of expanding the jail by three floors.*

12 *SEC. 2. This act is an urgency statute necessary for*
13 *the immediate preservation of the public peace, health,*
14 *or safety within the meaning of Article IV of the*
15 *Constitution and shall go into immediate effect. The facts*
16 *constituting the necessity are:*

17 *In order to state findings and declarations of the*
18 *Legislature regarding overcrowding at the Fresno*
19 *County Jail at the earliest possible time, it is necessary that*
20 *this bill take effect immediately as an urgency statute.*

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**All matter omitted in this version of the
bill appears in the bill as amended in the
Assembly, January 18, 2000 (JR 11)**

