

AMENDED IN ASSEMBLY MARCH 27, 2000

CALIFORNIA LEGISLATURE—1999–2000 REGULAR SESSION

ASSEMBLY BILL

No. 2536

**Introduced by Assembly Member Scott
(Principal coauthor: Assembly Member Jackson)**

February 24, 2000

~~An act to amend Section 11106 of the Penal Code, relating to crime prevention; relating to crime prevention, and making an appropriation therefor.~~

LEGISLATIVE COUNSEL'S DIGEST

AB 2536, as amended, Scott. Crime prevention: ~~criminal history information.~~

Existing law establishes various crime prevention programs.

This bill would require the Department of Justice to conduct an education campaign regarding recent changes in gun laws, to conduct an injury prevention campaign addressing firearm injury prevention, and to conduct a study assessing new laws affecting gun commerce and gun crime, as specified. This bill would reappropriate funds appropriated for the SKS Sporter Rifle Buy-Back Program for purposes of the bill.

~~Existing law requires the Attorney General to maintain a registry of specified information concerning pistols, revolvers, and other firearms capable of being concealed on the person and to include in the registry specified data provided to the Department of Justice on the Dealers' Record of Sale.~~

~~This bill would require that specified law enforcement officers be furnished, upon proper application, information that a person has been determined to be prohibited from possessing a firearm because he or she is within a prohibited class due to a mental or emotional impairment or is subject to a specified protective or restraining order or has any other disqualifying conviction.~~

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

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

- 1 ~~SECTION 1. Section 11106 of the Penal Code is~~
2 *SECTION 1. The Department of Justice shall do all of*
3 *the following:*
4 *(a) Conduct an education campaign addressing*
5 *changes in the firearms laws. The campaign shall target*
6 *law enforcement, firearms dealers, and the public.*
7 *(b) The department shall carry out an injury*
8 *prevention campaign addressing firearm injury*
9 *prevention and evaluate the gun laws passed in 1999.*
10 *(c) The department shall contract with the University*
11 *of California, Davis, Violence Prevention Research*
12 *Program to conduct interim assessments of California's*
13 *new gun laws on gun commerce and gun crime. The*
14 *University of California, Davis, Violence Prevention*
15 *Research Program shall subcontract with researchers in*
16 *southern California to conduct part of the research.*
17 *(d) Notwithstanding any other provision of law, on the*
18 *effective date of this act, the balance of the funds*
19 *appropriated for the SKS Sporter Rifle Buy-Back*
20 *Program in Item 0820-001-0001, Section 2.00 of the Budget*
21 *Act of 1999, for the necessary expenditures to implement*
22 *Chapter 909 of the Statutes of 1998, is hereby*
23 *reappropriated to the Department of Justice for*
24 *expenditure for state operations for the purposes and*
25 *subject to the limitations provided for in this act.*
26 ~~amended to read:~~
27 ~~11106. (a) (1) In order to assist in the investigation~~
28 ~~of crime, the arrest and prosecution of criminals, and the~~

1 recovery of lost, stolen, or found property, the Attorney
2 General shall keep and properly file a complete record of
3 all copies of fingerprints, copies of applications for
4 licenses to carry firearms issued pursuant to Section
5 12050, information reported to the Department of Justice
6 pursuant to Section 12053, dealers' records of sales of
7 firearms, reports provided pursuant to Section 12072 or
8 12078, forms provided pursuant to Section 12084, reports
9 provided pursuant to Section 12071 that are not dealers'
10 records of sales of firearms, and reports of stolen, lost,
11 found, pledged, or pawned property in any city or county
12 of this state, and shall, upon proper application therefor,
13 furnish to the officers mentioned in Section 11105, hard
14 copy printouts of those records as photographic,
15 photostatic, and nonerasable optically stored
16 reproductions.

17 (2) When it is determined that a person listed in the
18 Department of Justice Automated Firearms System, or a
19 person in possession of a firearm, is prohibited from
20 possessing a firearm because that person is within a class
21 prohibited by Section 8100 or 8103 of the Welfare and
22 Institutions Code or is subject to a disqualifying domestic
23 protective order or restraining order as described in
24 subdivision (g) of Section 12021, or has any other
25 disqualifying conviction, that information shall be
26 furnished, upon proper application, to the officers
27 mentioned in Section 11105 through the California Law
28 Enforcement Telecommunications System (CLETS).

29 (b) (1) Notwithstanding subdivision (a), the
30 Attorney General shall not retain or compile any
31 information from reports filed pursuant to subdivision (a)
32 of Section 12078 for firearms that are not pistols,
33 revolvers, or other firearms capable of being concealed
34 upon the person, from forms submitted pursuant to
35 Section 12084 for firearms that are not pistols, revolvers,
36 or other firearms capable of being concealed upon the
37 person, or from dealers' records of sales for firearms that
38 are not pistols, revolvers, or other firearms capable of
39 being concealed upon the person. All copies of the forms
40 submitted, or any information received in electronic

~~form, pursuant to Section 12084 for firearms that are not pistols, revolvers, or other firearms capable of being concealed upon the person, or of the dealers' records of sales for firearms that are not pistols, revolvers, or other firearms capable of being concealed upon the person shall be destroyed within five days of the clearance by the Attorney General, unless the purchaser or transferor is ineligible to take possession of the firearm. All copies of the reports filed, or any information received in electronic form, pursuant to subdivision (a) of Section 12078 for firearms that are not pistols, revolvers, or other firearms capable of being concealed upon the person shall be destroyed within five days of the receipt by the Attorney General, unless retention is necessary for use in a criminal prosecution.~~

~~(2) A peace officer, the Attorney General, a Department of Justice employee designated by the Attorney General, or any authorized local law enforcement employee shall not retain or compile any information from a firearms transaction record, as defined in paragraph (5) of subdivision (c) of Section 12071, for firearms that are not pistols, revolvers, or other firearms capable of being concealed upon the person unless retention or compilation is necessary for use in a criminal prosecution or in a proceeding to revoke a license issued pursuant to Section 12071.~~

~~(3) A violation of this subdivision is a misdemeanor.~~

~~(e) (1) The Attorney General shall permanently keep and properly file and maintain all information reported to the Department of Justice pursuant to Sections 12071, 12072, 12078, 12082, and 12084 or any other law, as to pistols, revolvers, or other firearms capable of being concealed upon the person and maintain a registry thereof.~~

~~(2) The registry shall consist of all of the following:~~

~~(A) The name, address, identification of, place of birth (state or country), complete telephone number, occupation, sex, description, and all legal names and aliases ever used by the owner or person being loaned the particular pistol, revolver, or other firearm capable of~~

1 ~~being concealed upon the person as listed on the~~
2 ~~information provided to the department on the Dealers'~~
3 ~~Record of Sale, the Law Enforcement Firearms Transfer~~
4 ~~(LEFT), as defined in Section 12084, or reports made to~~
5 ~~the department pursuant to Section 12078 or any other~~
6 ~~law.~~

7 ~~(B) The name and address of, and other information~~
8 ~~about, any person (whether a dealer or a private party)~~
9 ~~from whom the owner acquired or the person being~~
10 ~~loaned the particular pistol, revolver, or other firearm~~
11 ~~capable of being concealed upon the person and when~~
12 ~~the firearm was acquired or loaned as listed on the~~
13 ~~information provided to the department on the Dealers'~~
14 ~~Record of Sale, the LEFT, or reports made to the~~
15 ~~department pursuant to Section 12078 or any other law.~~

16 ~~(C) Any waiting period exemption applicable to the~~
17 ~~transaction which resulted in the owner of or the person~~
18 ~~being loaned the particular pistol, revolver, or other~~
19 ~~firearm capable of being concealed upon the person~~
20 ~~acquiring or being loaned that firearm.~~

21 ~~(D) The manufacturer's name if stamped on the~~
22 ~~firearm; model name or number if stamped on the~~
23 ~~firearm; and, if applicable, the serial number, other~~
24 ~~number (if more than one serial number is stamped on~~
25 ~~the firearm), caliber, type of firearm, if the firearm is new~~
26 ~~or used, barrel length, and color of the firearm.~~

27 ~~(3) Information in the registry referred to in this~~
28 ~~subdivision shall, upon proper application therefor, be~~
29 ~~furnished to the officers referred to in Section 11105 or to~~
30 ~~the person listed in the registry as the owner or person~~
31 ~~who is listed as being loaned the particular pistol,~~
32 ~~revolver, or other firearm capable of being concealed~~
33 ~~upon the person in the form of hard copy printouts of that~~
34 ~~information as photographic, photostatic, and~~
35 ~~nonerasable optically stored reproductions.~~

36 ~~(4) If any person is listed in the registry as the owner~~
37 ~~of a firearm through a Dealers' Record of Sale prior to~~
38 ~~1979, and the person listed in the registry requests by~~
39 ~~letter that the Attorney General store and keep the~~
40 ~~record electronically, as well as in the record's existing~~

1 ~~photographic, photostatic, or nonerasable optically~~
2 ~~stored form, the Attorney General shall do so within three~~
3 ~~working days of receipt of the request. The Attorney~~
4 ~~General shall, in writing, and as soon as practicable, notify~~
5 ~~the person requesting electronic storage of the record~~
6 ~~that the request has been honored as required by this~~
7 ~~paragraph.~~

