

AMENDED IN SENATE MARCH 11, 2002

AMENDED IN SENATE JUNE 20, 2001

CALIFORNIA LEGISLATURE—2001–02 REGULAR SESSION

ASSEMBLY BILL

No. 669

Introduced by Assembly Member Hertzberg

February 22, 2001

~~An act to amend Section 12072.5 of the Penal Code, relating to firearms.~~ *An act to add Article 6.6 (commencing with Section 53126) to Chapter 1 of Part 1 of Division 2 of Title 5 of the Government Code, and to amend Sections 41020, 41030, 41031, 41032, 41135, and 41136 of, and to add Sections 41033, 41135.5, and 41136.5 to, the Revenue and Taxation Code, relating to public safety services, and declaring the urgency thereof, to take effect immediately.*

LEGISLATIVE COUNSEL'S DIGEST

AB 669, as amended, Hertzberg. ~~Firearms: ballistics identification systems study~~ *State nonemergency telephone number system.*

(1) Existing law requires local public safety agencies to maintain, in addition to a "911" emergency telephone number, a separate number for nonemergency calls. Existing law also sets forth the duties of the Division of Telecommunications of the Department of General Services in providing management oversight of statewide telecommunications systems developments, among other things.

This bill would authorize every local public agency, as defined, to establish a nonemergency telephone system and would designate the digits "311" as the primary nonemergency telephone number within the system. It would require the Division of Telecommunications of the

Department of General Services to, among other things, aid local public agencies in the formulation of concepts, methods, and procedures that will improve the operation of systems authorized by this bill and that will increase cooperation among public agencies. It would authorize the Attorney General, on behalf of the Division of Telecommunications or on his or her own initiative, to commence judicial proceedings to enforce compliance by any local public agency or public utility providing telephone service with the provisions of this bill.

(2) Existing law imposes a surcharge on amounts paid by every person in the state for intrastate telephone communication service in this state, excluding certain mobile telecommunications service, as specified, to fund the “911” emergency telephone number system.

This bill would increase this surcharge imposed on amounts paid by every person who subscribes to intrastate telephone communication service within the jurisdiction of a local public agency that elects to implement a “311” nonemergency telephone system to fund the Nonemergency Telephone System established pursuant to this bill. It would require the Department of General Services to determine annually, on or before September 1, each increase needed in the surcharge rate that it estimates will produce sufficient revenue to fund the current fiscal year’s “311” costs for each local public agency with an approved application for a “311” nonemergency telephone system.

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

~~Existing law requires the Attorney General to conduct a study to evaluate ballistics identification systems, as defined, to determine the feasibility and potential benefits to law enforcement of utilizing a statewide ballistics identification system capable of maintaining a data base of ballistic images and information from test fired and sold firearms, as specified. Under existing law, the Attorney General is required to submit a report to the Legislature with the results of the study no later than June 1, 2001.~~

~~This bill would extend the date by which the Attorney General’s report is due to the Legislature to January 31, 2002.~~

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



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

1 ~~SECTION 1. Section 12072.5 of the Penal Code is amended~~

2 *SECTION 1. The Legislature hereby finds and declares all of*
3 *the following:*

4 (a) *The “911” emergency response system is inundated by calls*
5 *from people calling to complain about nonemergency situations.*

6 (b) *Estimates of nonemergency calls to the “911” system range*
7 *from 70 to 90 percent of the total number of calls.*

8 (c) *These calls delay the delivery of emergency services.*

9 (d) *The availability of a “311” nonemergency telephone*
10 *number will reduce the number of these calls to the “911” system,*
11 *thus improving emergency response times.*

12 *SEC. 2. Article 6.6 (commencing with Section 53126) is*
13 *added to Chapter 1 of Part 1 of Division 2 of Title 5 of the*
14 *Government Code, to read:*

15
16 *Article 6.6. State Nonemergency Telephone System*

17
18 *53126. Every local public agency may establish a*
19 *nonemergency telephone system as provided in this article. The*
20 *digits “311” shall be the primary nonemergency telephone*
21 *number within the system. Nonemergency “311” telephone*
22 *systems shall be designed to provide a system similar to a “911”*
23 *selective routing system, whereby the location of the initial call is*
24 *determined to provide a coordinated uniform delivery system to*
25 *meet the specified requirements of each local jurisdiction. Every*
26 *system shall be designed to allow the handling of emergency calls*
27 *by the “911” emergency telephone system.*

28 *53126.5. For purposes of this article, the following*
29 *definitions apply:*

30 (a) *“Division of Telecommunications” means the Division of*
31 *Telecommunications of the Department of General Services.*

32 (b) *“Local public agency” means a city, county, city and*
33 *county, and joint powers authority that provides a public safety*
34 *answering point (PSAP).*

35 (c) *“Nonemergency telephone system” means a system*
36 *structured to provide access to only public safety agencies such as*
37 *police and fire, or a system structured to provide access to public*

1 safety agencies and to all other services provided by a local public
2 agency such as street maintenance and animal control.

3 53127. The Division of Telecommunications shall aid local
4 public agencies in the formulation of concepts, methods, and
5 procedures that will improve the operation of systems authorized
6 by this article and increase cooperation among public agencies.

7 53127.5. (a) The Division of Telecommunications shall, by
8 January 1, 2004, and with the input of local public agencies,
9 establish technical and operational standards for the development
10 of the coordinated “311” system.

11 (b) Until January 1, 2007, a city or joint powers authority that
12 provides a PSAP shall have the exclusive authority to propose a
13 “311” system. A city or joint powers authority proposing a “311”
14 system shall promptly notify the affected county or counties and the
15 Division of Telecommunications of a proposal. If a city or joint
16 powers authority that provides a PSAP does not propose a “311”
17 system by January 1, 2007, a county may, using the local agency’s
18 existing PSAP, establish a “311” nonemergency telephone system
19 to serve those entities for which there is no stated intent to provide
20 a “311” nonemergency telephone system.

21 (c) The Division of Telecommunications shall periodically
22 review, with the input of local public agencies, and update
23 technical and operational standards for public agency systems.

24 53128. (a) The Division of Telecommunications shall review
25 each plan submitted by a local public agency to ensure that it
26 conforms to the minimum standards established pursuant to
27 Section 53127.5. If any plan does not comply, the Division of
28 Telecommunications shall, within 90 days of receipt of a plan,
29 notify the submitting local public agency of the plan’s deficiencies
30 in writing. A plan determined by the Division of
31 Telecommunications to be in conformance with the minimum
32 standards established pursuant to Section 53127.5 shall be
33 approved by the division.

34 (b) Each local public agency that receives a notice of deficiency
35 from the Division of Telecommunications shall submit a final plan
36 within six months following the receipt of the identified
37 deficiencies. The final plan shall be submitted to the Division of
38 Telecommunications and shall identify all planning,
39 implementation, installation, and operating costs the local public



1 agency feels necessary to implement the system authorized by this
2 article.

3 (c) The Division of Telecommunications shall monitor all
4 nonemergency “311” telephone systems to ensure that they comply
5 with minimal operational and technical standards as established
6 by the division. If any system does not comply, the Division of
7 Telecommunications shall notify in writing the local public agency
8 operating the system of its deficiencies. The local public agency
9 shall bring the system into compliance with the operational and
10 technical standards within 90 days of notice by the division.
11 Failure to comply within this time period shall subject the local
12 public agency to action by the Attorney General pursuant to
13 Section 53129.

14 53129. The Attorney General may, on behalf of the Division
15 of Telecommunications or on his or her own initiative, commence
16 judicial proceedings to enforce compliance by any local public
17 agency or public utility providing telephone service with the
18 provisions of this article.

19 53129.5. No later than February 1, 2003, the Division of
20 Telecommunications shall notify each local public agency in the
21 state of the availability of the “311” nonemergency telephone
22 system.

23 53129.7. Commercial Mobile Radio Service (CMRS)
24 providers are exempt from this article until January 1, 2007.

25 SEC. 3. Section 41020 of the Revenue and Taxation Code is
26 amended to read:

27 41020. (a) A surcharge is hereby imposed on amounts paid
28 by every person in the state for intrastate telephone
29 communication service in this state commencing on July 1, 1977.

30 ~~(b) The~~

31 The surcharge imposed shall be at the rate of one-half of 1
32 percent of the charges made for ~~such~~ the services to and including
33 November 1, 1982, and ~~thereafter~~ at a rate fixed pursuant to
34 Article 2 (commencing with Section 41030) thereafter.

35 (b) The surcharge shall be increased in order to fund the State
36 Nonemergency Telephone System established by Article 6.6
37 (commencing with Section 53126) of Chapter 1 of Part 1 of
38 Division 6 of Title 5 of the Government Code. The increase shall
39 be imposed on amounts paid by every person within the
40 jurisdiction of a participating local public agency, whose plan for



1 a “311” nonemergency telephone system is submitted pursuant to
2 subdivision (a) of Section 53127.5 of the Government Code.

3 (c) The surcharge shall be paid by the service user as
4 ~~hereinafter~~ hereafter provided.

5 (d) In accordance with the Mobile Telecommunications
6 Sourcing Act (P.L. 106-252), which is incorporated herein by
7 reference, the surcharge imposed under this section does not apply
8 to any charges for mobile telecommunications services billed to a
9 customer where those services are provided, or deemed provided,
10 to a customer whose place of primary use is outside this state.
11 Mobile telecommunications services shall be deemed provided by
12 a customer’s home service provider to the customer if those
13 services are provided in a taxing jurisdiction to the customer, and
14 the charges for those services are billed by or for the customer’s
15 home service provider.

16 (e) For purposes of this section:

17 (1) “Charges for mobile telecommunications services” means
18 any charge for, or associated with, the provision of commercial
19 mobile radio service, as defined in Section 20.3 of Title 47 of the
20 Code of Federal Regulations, as in effect on June 1, 1999, or any
21 charge for, or associated with, a service provided as an adjunct to
22 a commercial mobile radio service, that is billed to the customer
23 by or for the customer’s home service provider, regardless of
24 whether individual transmissions originate or terminate within the
25 licensed service area of the home service provider.

26 (2) “Customer” means (A) the person or entity that contracts
27 with the home service provider for mobile telecommunications
28 services, or (B) if the end user of mobile telecommunications
29 services is not the contracting party, the end user of the mobile
30 telecommunications service. This paragraph applies only for the
31 purpose of determining the place of primary use. The term
32 “customer” does not include (A) a reseller of mobile
33 telecommunications service, or (B) a serving carrier under an
34 arrangement to serve the customer outside the home service
35 provider’s licensed service area.

36 (3) “Home service provider” means the facilities-based carrier
37 or reseller with which the customer contracts for the provision of
38 mobile telecommunications services.



1 (4) “Licensed service area” means the geographic area in
2 which the home service provider is authorized by law or contract
3 to provide commercial mobile radio service to the customer.

4 (5) “Mobile telecommunications service” means commercial
5 mobile radio service, as defined in Section 20.3 of Title 47 of the
6 Code of Federal Regulations, as in effect on June 1, 1999.

7 (6) “Place of primary use” means the street address
8 representative of where the customer’s use of the mobile
9 telecommunications service primarily occurs, that must be:

10 (A) The residential street address or the primary business street
11 address of the customer.

12 (B) Within the licensed service area of the home service
13 provider.

14 (7) (A) “Reseller” means a provider who purchases
15 telecommunications services from another telecommunications
16 service provider and then resells the services, or uses the services
17 as a component part of, or integrates the purchased services into,
18 a mobile telecommunications service.

19 (B) “Reseller” does not include a serving carrier with which
20 a home service provider arranges for the services to its customers
21 outside the home service provider’s licensed service area.

22 (8) “Serving carrier” means a facilities-based carrier
23 providing mobile telecommunications service to a customer
24 outside a home service provider’s or reseller’s licensed area.

25 (9) “Taxing jurisdiction” means any of the several states, the
26 District of Columbia, or any territory or possession of the United
27 States, any municipality, city, county, township, parish,
28 transportation district, or assessment jurisdiction, or any other
29 political subdivision within the territorial limits of the United
30 States with the authority to impose a tax, charge, or fee.

31 *SEC. 4. Section 41030 of the Revenue and Taxation Code is*
32 *amended to read:*

33 41030. (a) The Department of General Services shall
34 determine annually, on or before September 1, a surcharge rate that
35 it estimates will produce sufficient revenue to fund the current
36 fiscal year’s ~~911~~ “911” costs. The surcharge rate shall be
37 determined by dividing the costs ~~—(including, including~~
38 ~~incremental costs)—costs~~ *that* the Department of General Services
39 estimates for the current fiscal year of ~~911~~ “911” plans approved
40 pursuant to Section 53115 of the Government Code, less the



1 available balance in the State Emergency Telephone Number
2 Account in the General Fund, by its estimate of the charges for
3 intrastate telephone communications services to which the
4 surcharge will apply for the period of November 1 of the current
5 calendar year to October 31 of the next succeeding calendar year,
6 but in no event shall ~~such~~ the surcharge rate in any year be greater
7 than three-quarters of 1 percent nor less than one-half of 1 percent.

8 *(b) The Department of General Services shall determine*
9 *annually, on or before September 1, each increase needed in the*
10 *surcharge rate that it estimates will produce sufficient revenue to*
11 *fund the current fiscal year's "311" costs for each local public*
12 *agency whose application for a "311" nonemergency telephone*
13 *system is approved pursuant to Section 53128 of the Government*
14 *Code. The increases shall be determined by dividing the costs,*
15 *including incremental costs, that the Department of General*
16 *Services estimates for the current fiscal year for "311" plans*
17 *approved pursuant to Section 53128 of the Government Code, less*
18 *the available balance in the State Nonemergency Telephone*
19 *Number Account in the General Fund, by its estimate of the*
20 *charges for intrastate telephone communications services within*
21 *the local public agencies to which the surcharge will apply for the*
22 *period of November 1 of the current calendar year to October 31*
23 *of the next succeeding calendar year. The increase in the surcharge*
24 *rate pursuant to this subdivision shall not exceed one-quarter of*
25 *1 percent and shall be applied uniformly to amounts paid by every*
26 *person who subscribes to intrastate telephone communication*
27 *service within the jurisdiction of those local public agencies that*
28 *elect to implement a "311" nonemergency telephone system*
29 *consistent with the standards established by the Division of*
30 *Telecommunications pursuant to subdivision (a) of Section*
31 *53127.5 of the Government Code. No increase in the surcharge*
32 *rate made pursuant to this subdivision shall be considered in*
33 *determining whether the surcharge rate described in subdivision*
34 *(a) is greater than three-quarters of 1 percent.*

35 *SEC. 5. Section 41031 of the Revenue and Taxation Code is*
36 *amended to read:*

37 41031. The Department of General Services shall make its
38 determination of ~~such~~ the surcharge rate and the increases
39 required by subdivision (b) of Section 41030 each year no later than
40 September 1 and shall notify the board of the new rate and the



1 *increases*, which shall be fixed by the board to be effective with
2 respect to charges made for intrastate telephone communication
3 services on or after November 1 of each year.

4 *SEC. 6. Section 41032 of the Revenue and Taxation Code is*
5 *amended to read:*

6 41032. Immediately upon notification by the Department of
7 General Services and fixing the surcharge rate *and the increases*
8 *required by subdivision (b) of Section 41030*, the board shall each
9 year no later than September 15 publish in its minutes the new rate,
10 and it shall notify by mail every service supplier registered with it
11 of the new rate.

12 *SEC. 7. Section 41033 is added to the Revenue and Taxation*
13 *Code, to read:*

14 41033. *The funds generated by the surcharge rate imposed by*
15 *subdivision (a) of Section 41030 shall not be used to fund “311”*
16 *nonemergency telephone systems nor shall the increases required*
17 *by subdivision (b) of Section 41030 be used to fund the “911”*
18 *emergency telephone system.*

19 *SEC. 8. Section 41135 of the Revenue and Taxation Code is*
20 *amended to read:*

21 41135. All amounts required to be paid to the state under this
22 part *relating to the State Emergency Telephone System* shall be
23 paid to the board in the form of remittances payable to the State
24 Board of Equalization of the State of California. The board shall
25 transmit the payments to the State Treasurer to be deposited in the
26 State Treasury to the credit of the State Emergency Telephone
27 Number Account in the General Fund, which is hereby created.

28 *SEC. 9. Section 41135.5 is added to the Revenue and Taxation*
29 *Code, to read:*

30 41135.5. *All amounts required to be paid to the state under*
31 *this part relating to the State Nonemergency Telephone System*
32 *shall be paid to the board in the form of remittances payable to the*
33 *State Board of Equalization of the State of California. The board*
34 *shall transmit the payments to the State Treasurer to be deposited in*
35 *the State Treasury to the credit of the State Nonemergency*
36 *Telephone Number Account in the General Fund, which is hereby*
37 *created.*

38 *SEC. 10. Section 41136 of the Revenue and Taxation Code is*
39 *amended to read:*



1 41136. Funds in the State Emergency Telephone Number
2 Account shall, when appropriated by the Legislature, be spent
3 solely for the following purposes *relating to the State Emergency*
4 *Telephone System*:

5 (a) To pay refunds authorized by this part.

6 (b) To pay the State Board of Equalization for the cost of the
7 administration of this part.

8 (c) To pay the Department of General Services for its costs in
9 administration of the “911” emergency telephone number system.

10 (d) To pay bills submitted to the Department of General
11 Services by service suppliers or communications equipment
12 companies for the installation of, and ongoing expenses for, the
13 following communications services supplied to local agencies in
14 connection with the “911” emergency phone number system:

15 (1) A basic system.

16 (2) A basic system with telephone central office identification.

17 (3) A system employing automatic call routing.

18 (4) Approved incremental costs.

19 (e) To pay claims of local agencies for approved incremental
20 costs, not previously compensated for by another governmental
21 agency.

22 (f) To pay claims of local agencies for incremental costs and
23 amounts, not previously compensated for by another
24 governmental agency, incurred prior to the effective date of this
25 part, for the installation and ongoing expenses for the following
26 communication services supplied in connection with the “911”
27 emergency phone number system:

28 (1) A basic system.

29 (2) A basic system with telephone central office identification.

30 (3) A system employing automatic call routing.

31 (4) Approved incremental costs. Incremental costs shall not be
32 allowed unless the costs are concurred in by the Division of
33 Telecommunications of the Department of General Services.

34 (g) To pay the Division of Telecommunications of the
35 Department of General Services for the costs associated with the
36 pilot program authorized by Article 6.5 (commencing with
37 Section 53125) of Chapter 1 of Part 1 of Division 2 of Title 5 of
38 the Government Code.

39 *SEC. 11. Section 41136.5 is added to the Revenue and*
40 *Taxation Code, to read:*



1 41136.5. Funds in the State Nonemergency Telephone
2 Number Account, when appropriated by the Legislature, shall be
3 spent solely for the following purposes relating to the State
4 Nonemergency Telephone System:

5 (a) To pay refunds authorized by this part.

6 (b) To pay the State Board of Equalization for the cost of
7 administration of “311” nonemergency telephone number
8 systems.

9 (c) To pay the Department of General Services for its costs to
10 establish technical and operational standards for “311”
11 nonemergency telephone number systems.

12 (d) To pay the Department of General Services for its costs of
13 the administration of “311” nonemergency telephone number
14 systems.

15 (e) To pay bills submitted to the Department of General
16 Services by service suppliers or communications equipment
17 companies for the installation of, and ongoing expenses for, the
18 following communications services supplied to local public
19 agencies, in connection with the “311” nonemergency telephone
20 number systems:

21 (1) A basic system, including the countywide “311”
22 nonemergency telephone number systems.

23 (2) A basic system with telephone central office identification.

24 (3) A system employing automatic call routing.

25 (4) Approved incremental costs.

26 (f) To pay claims of local public agencies for approved
27 incremental costs that have not been previously compensated for
28 by another governmental agency.

29 (g) To pay bills submitted to the Department of General
30 Services by service suppliers for incremental costs associated with
31 collection of the increased surcharge provided for in subdivision
32 (a) of Section 41020 that are not in conformance with the regular
33 billing procedures of a particular service supplier.

34 SEC. 12. This act is an urgency statute necessary for the
35 immediate preservation of the public peace, health, or safety
36 within the meaning of Article IV of the Constitution and shall go
37 into immediate effect. The facts constituting the necessity are:

38 In order to immediately protect the public’s health and safety by
39 reducing the number of nonemergency calls to the “911”



1 *emergency response system, it is necessary that this act take effect*
2 *immediately.*

3 ~~to read:~~

4 ~~12072.5. (a) For purposes of this section, “ballistics~~
5 ~~identification systems” includes, but is not limited to, any~~
6 ~~automated image analysis system that is capable of storing firearm~~
7 ~~ballistic markings and tracing those markings to the firearm that~~
8 ~~produced them.~~

9 ~~(b) The Attorney General shall conduct a study to evaluate~~
10 ~~ballistics identification systems to determine the feasibility and~~
11 ~~potential benefits to law enforcement of utilizing a statewide~~
12 ~~ballistics identification system capable of maintaining a data base~~
13 ~~of ballistic images and information from test fired and sold~~
14 ~~firearms. The study shall include an evaluation of ballistics~~
15 ~~identification systems currently used by state and federal law~~
16 ~~enforcement agencies and the firearms industry. The Attorney~~
17 ~~General shall consult with law enforcement agencies, firearms~~
18 ~~industry representatives, private technology providers, and other~~
19 ~~appropriate parties in conducting the study.~~

20 ~~(c) In evaluating ballistics identification systems to determine~~
21 ~~the feasibility of utilizing a statewide system as required pursuant~~
22 ~~to subdivision (b), the Attorney General shall consider, at a~~
23 ~~minimum, the following:~~

24 ~~(1) The development of methods by which firearm~~
25 ~~manufacturers, importers, and dealers may potentially capture~~
26 ~~ballistic images from firearms prior to sale in California and~~
27 ~~forward that information to the Attorney General.~~

28 ~~(2) The development of methods by which the Attorney~~
29 ~~General will receive, store, and make available to law enforcement~~
30 ~~ballistic images submitted by firearm manufacturers, importers,~~
31 ~~and dealers prior to sale in California.~~

32 ~~(3) The potential financial costs to the Attorney General of~~
33 ~~implementing and operating a statewide ballistics identification~~
34 ~~system, including the process for receipt of information from~~
35 ~~firearm manufacturers, importers, and dealers.~~

36 ~~(4) The capability of a ballistics identification system~~
37 ~~maintaining a data base of ballistic images and information from~~
38 ~~test fired firearms for all firearms sold in California.~~



1 ~~(5) The compatibility of a ballistics identification system with~~
2 ~~ballistics identification systems that are currently used by law~~
3 ~~enforcement agencies in California.~~

4 ~~(6) A method to ensure that state and local law enforcement~~
5 ~~agencies can forward ballistic identification information to the~~
6 ~~Attorney General for inclusion in a statewide ballistics~~
7 ~~identification system.~~

8 ~~(7) The feasibility and potential benefits to law enforcement of~~
9 ~~requiring firearm manufacturers, importers, and dealers to provide~~
10 ~~the Attorney General with ballistic images from any, or a selected~~
11 ~~number of, test fired firearms prior to the sale of those firearms in~~
12 ~~California.~~

13 ~~(d) The Attorney General shall submit a report to the~~
14 ~~Legislature with the results of the study not later than January 31,~~
15 ~~2002. In the event the report includes a determination that a~~
16 ~~ballistics identification system and data base is feasible and would~~
17 ~~benefit law enforcement, the report shall also recommend a~~
18 ~~strategy for implementation.~~

