

Introduced by Senators Leno and Steinberg
(Principal coauthors: Senators Hancock and Jackson)
(Coauthors: Senators Beall, Block, Corbett, Correa, De León,
DeSaulnier, Hill, Lieu, Liu, Monning, Pavley, Roth, Rubio, Wolk,
and Wright)
(Coauthors: Assembly Members Ammiano and Blumenfield)

January 29, 2013

An act to amend the Budget Act of 2012 by amending Item 0820-001-0460 of Section 2.00 of that act, relating to the state budget, making an appropriation therefor, and declaring the urgency thereof, to take effect immediately.

LEGISLATIVE COUNSEL'S DIGEST

SB 140, as introduced, Leno. Budget Act of 2012: firearms.

The Budget Act of 2012 made appropriations for the support of state government for the 2012-13 fiscal year.

This bill would amend the Budget Act of 2012 by revising an item of appropriation for the Department of Justice relating to the Armed Prohibitive Persons System (APPS).

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

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

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

- 1 SECTION 1. The Legislature finds and declares all of the
- 2 following:

1 (a) California is the first and only state in the nation to establish
2 an automated system for tracking handgun and assault weapon
3 owners who might fall into a prohibited status.

4 (b) The online database, which is currently known as the Armed
5 Prohibited Persons System (APPS), cross-references all handgun
6 and assault weapon owners across the state against criminal history
7 records to determine persons who have been, or will become,
8 prohibited from possessing a firearm subsequent to the legal
9 acquisition or registration of a firearm or assault weapon.

10 (c) Each day, the list of armed prohibited persons in California
11 grows by about 15 to 20 people. There are currently more than
12 19,000 armed prohibited persons in California. Collectively, these
13 individuals are believed to be in possession of over 34,000
14 handguns and 1,590 assault weapons.

15 (d) Neither the Department of Justice nor local law enforcement
16 has sufficient resources to confiscate the enormous backlog of
17 weapons, nor can they keep up with the daily influx of newly
18 prohibited persons.

19 (e) It is the intent of the Legislature in enacting this measure to
20 allow the Department of Justice to utilize additional Dealers’
21 Record of Sale Special Account funds for the limited purpose of
22 addressing the current APPS backlog and the illegal possession of
23 these firearms, which presents a substantial danger to public safety.

24 SEC. 2. Item 0820-001-0460 of Section 2.00 of the Budget
25 Act of 2012 is amended to read:

26		
27	0820-001-0460—For support of Department of Justice, for	
28	payment to Item 0820-001-0001, payable from the Dealers’	
29	Record of Sale Special Account.....	18,670,000
30		_____

31 Provisions:

- 32 1. Dealers’ Record of Sale fees collected pursuant to the
- 33 state law for the registration of assault weapons shall
- 34 not exceed \$20 per registrant.
- 35 2. The Attorney General may augment the amount appro-
- 36 priated in the Dealers’ Record of Sale Special Account
- 37 up to an aggregate of 10 percent above the amount
- 38 approved in this act for the Division of Law Enforce-
- 39 ment, Bureau of Firearms for unanticipated workload
- 40 associated with this fund. The Attorney General shall

1 notify the chairpersons of the budget committees of
2 both houses of the Legislature, the Joint Legislative
3 Budget Committee, and the Department of Finance
4 within 15 days after the augmentation is made as to
5 the amount and justification of the augmentation.

- 6 3. *Of the amount appropriated in this item, the sum of*
7 *\$_____ may be used to address the backlog in the*
8 *Armed Prohibited Persons System (APPS). No later*
9 *than _____, the department shall report to the Joint*
10 *Legislative Budget Committee the degree to which the*
11 *backlog has been reduced or eliminated and the*
12 *number of weapons confiscated through this effort.*

13
14 SEC. 3. This act is an urgency statute necessary for the
15 immediate preservation of the public peace, health, or safety within
16 the meaning of Article IV of the Constitution and shall go into
17 immediate effect. The facts constituting the necessity are:

18 In order to address the current Armed Prohibited Persons System
19 (APPS) backlog and the illegal possession of firearms, which
20 presents an immediate danger to public safety, it is necessary for
21 this act to take effect immediately.