

AMENDED IN ASSEMBLY AUGUST 4, 2014

AMENDED IN ASSEMBLY JUNE 10, 2014

AMENDED IN SENATE MAY 28, 2013

AMENDED IN SENATE MAY 15, 2013

AMENDED IN SENATE APRIL 24, 2013

AMENDED IN SENATE APRIL 1, 2013

SENATE BILL

No. 505

Introduced by Senator Jackson

February 21, 2013

An act to add Section 5150.6 to the Welfare and Institutions Code, 11106.4 to the Penal Code, relating to ~~welfare checks~~; *crime prevention*.

LEGISLATIVE COUNSEL'S DIGEST

SB 505, as amended, Jackson. Peace officers: welfare checks: firearms.

Existing law allows a person to be taken into custody for a period of 72 hours for crisis intervention when probable cause exists that the person, as a result of a mental disorder, is a danger to others, or to himself or herself, or gravely disabled. *Under existing law, the Attorney General is required to maintain a registry of specified information concerning the sale, lease, or transfer of firearms, and to include in the registry specified data provided to the Department of Justice.*

This bill would, except when exigent circumstances exist, *and provided that sufficient identifying information is available or could be ascertained through reasonable efforts*, require a peace officer who is asked to check, or checks on, the welfare or well-being of an

individual based on a concern that the individual is a danger to others, or to himself or herself, to first conduct a search of the Department of Justice Automated Firearms System via the California Law Enforcement Telecommunications System to determine whether the person is the registered owner of any firearm.

By imposing additional duties on local peace officers, this bill would impose a state-mandated local program.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that, if the Commission on State Mandates determines that the bill contains costs mandated by the state, reimbursement for those costs shall be made pursuant to these statutory provisions.

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: yes.

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

1 ~~SECTION 1. Section 5150.6 is added to the Welfare and~~
2 ~~Institutions Code, to read:~~

3 ~~5150.6. Except when exigent circumstances exist, if during the~~
4 ~~discharge of his or her policing and community care taking~~
5 ~~functions, a peace officer is asked to check, or checks on, the~~
6 ~~welfare or well-being of a person, and the inquiry is motivated by~~
7 ~~a concern that the person may be a danger to others, or to himself~~
8 ~~or herself, the peace officer shall first conduct a search of the~~
9 ~~Department of Justice Automated Firearms System via the~~
10 ~~California Law Enforcement Telecommunications System, to~~
11 ~~determine whether the person is the registered owner of any~~
12 ~~firearm.~~

13 ~~SECTION 1. Section 11106.4 is added to the Penal Code, to~~
14 ~~read:~~

15 ~~11106.4. Except when exigent circumstances exist, and~~
16 ~~provided that sufficient identifying information is available or~~
17 ~~could be ascertained through reasonable efforts, if during the~~
18 ~~discharge of his or her policing and community care taking~~
19 ~~functions, a peace officer is asked to check, or checks on, the~~
20 ~~welfare or well-being of a person, and the inquiry is motivated by~~
21 ~~a concern that the person may be a danger to others or to himself~~

1 *or herself, the peace officer shall first conduct a search of the*
2 *Department of Justice Automated Firearms System via the*
3 *California Law Enforcement Telecommunications System, to*
4 *determine whether the person is the registered owner of any*
5 *firearm.*

6 SEC. 2. If the Commission on State Mandates determines that
7 this act contains costs mandated by the state, reimbursement to
8 local agencies and school districts for those costs shall be made
9 pursuant to Part 7 (commencing with Section 17500) of Division
10 4 of Title 2 of the Government Code.