

Senate Bill 580

Firearms: Training and Enforcement of Existing Laws

Senator Jackson, Senator Leno

SUMMARY

Providing Local Law Enforcement with Training on the Use of the Statewide Gun Registry

SB 580 will set aside \$50,000 to provide DOJ with resources to train local law enforcement on how to effectively use the Automated Firearms System (AFS) so peace officers can access information about gun ownership when necessary.

Taking Guns Out of the Hands of Those Who Illegally Possess Them

SB 580 will allow the Department of Justice to use five million dollars from the Firearms Safety and Enforcement Special Fund to provide grants to local law enforcement agencies to take guns away from those who illegally possess them.

Improving Technology for Efficient Processing of Background Checks, Record Keeping on Ownership, and Monitoring of Prohibited Persons

SB580 will also appropriate 10 million dollars over three years from the Firearms Safety and Enforcement Special Fund to provide the Department of Justice with resources needed to upgrade data systems used by the Bureau of Firearms to conduct its 32 legislatively-mandated programs related to the tracking of firearms ownership, the efficient processing of background checks, and the ongoing monitoring of gun ownership by prohibited persons.

BACKGROUND

Firearms laws are a critical component of the state's responsibility to ensure public safety. Nevertheless, while thousands of gun owners bought their weapons legally, under the law they should no longer possess guns because of subsequent mental health or criminal issues. Every day, the list of armed prohibited persons in California grows by about 15 to 20 people. Currently, the Bureau of Firearms has identified 20,834 individuals with a prior criminal conviction or mental health disorder which disqualifies them from possessing more than 43,000 firearms.

At the same time many of the Department of Justice's existing data systems for tracking gun purchases and ownership are rapidly becoming outdated. These systems need to be updated, improved, and in some instances, migrated to new technologies. **SB 580** will provide resources to improve the following data systems:

- **The Armed and Prohibited Persons System (APPS).** APPS is a database of persons who lawfully purchased/acquired firearms and subsequently became prohibited from possession.
- **The California Firearms Information Gateway (CFIG).** CFIG is used to support and administer the various other gun databases in use at DOJ.
- **Basic Firearms Eligibility Check System (BFEC).** Used to conduct background checks prior to approving the sale/transfer of firearms.
- **The Applicant Firearms Eligibility Check (AFEC).** AFEC incorporates fingerprint based searches and provides positive identification against state and federal criminal history records during background checks.
- **Integrated Document Retrieval System (IDRS).** The DOJ, BOF has identified new technology to develop a new electronic Integrated Document Retrieval System (IDRS) to replace its inefficient paper document storage system.

To improve enforcement of existing firearms laws the state needs to improve training of local law enforcement on the use of the state's Automated Firearms System, ensure resources are available to clear the backlog of persons in the Armed Prohibited Persons System, and upgrade aging technologies.

SOLUTION - SB 580

- Funding for DOJ staff to train local law enforcement on how to use the Automated Firearms System.
- Funding for local law enforcement to investigate and remove guns from those who are prohibited from owning them.
- Funding to improve the efficiency of the Department of Justice's data systems used to register gun ownership, conduct background checks, and monitor the possession of firearms by prohibited persons.

SUPPORT

Brady Campaign to Stop Gun Violence
Law Center to Prevent Gun Violence
Partnership to End Domestic Violence
California District Attorney's association

STATUS

In Assembly Appropriations

CONTACT

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AMENDED IN ASSEMBLY JUNE 12, 2014

AMENDED IN SENATE APRIL 17, 2013

SENATE BILL

No. 580

Introduced by ~~Senator Leno~~ *Senators Jackson and Leno*
(Principal coauthor: Assembly Member Williams)
(Coauthor: Senator Steinberg)

February 22, 2013

~~An act to amend Section 13964 of, and to add Section 13963.1 to, the Government Code, relating to grants for trauma centers. An act to add Section 30020 to the Penal Code, relating to firearms, and making an appropriation therefor.~~

LEGISLATIVE COUNSEL'S DIGEST

~~SB 580, as amended, Leno Jackson. *Crime victims: trauma recovery center grants. Firearms: prohibited persons.*~~

Existing law establishes the Firearms Safety and Enforcement Special Fund, a continuously appropriated fund, for use by the Department of Justice for specified purposes related to weapons and firearms regulation. Existing law provides that certain persons, including, among others, felons, and certain persons suffering from mental illness, as specified, are prohibited from possessing firearms. Existing law requires the Attorney General to establish and maintain an online database to be known as the Prohibited Armed Persons File, sometimes referred to as the Armed Prohibited Persons System, to cross-reference persons who have ownership or possession of a firearm with those who are prohibited from owning or possessing a firearm.

This bill would appropriate the sum of \$5,000,000 from the Firearms Safety and Enforcement Special Fund to the Department of Justice for the 2014–15 fiscal year to contract with local law enforcement agencies

to reduce the backlog of individuals who are identified by the Armed Prohibited Persons System as illegally possessing firearms. The bill would additionally appropriate from the fund, \$3,333,334 for the 2014–15 fiscal year, and \$3,333,333 for each of the 2015–16 and 2016–17 fiscal years, to the department to redesign and update specified computer systems related to firearms, as specified. The bill would appropriate an additional \$50,000 from the fund to the department for the 2014–15 fiscal year to provide training to local law enforcement agencies on the use of the Automated Firearms System. The bill would require that the training be completed on or before June 1, 2015.

~~The California Victim Compensation and Government Claims Board administers a program to assist state residents to obtain compensation for their pecuniary losses suffered as a direct result of criminal acts. Payment is made under these provisions from the Restitution Fund, which is continuously appropriated to the board for these purposes.~~

~~This bill would authorize the board, as specified, to administer a program to award, upon appropriation by the Legislature, up to \$2 million in grants, annually, to trauma recovery centers, as defined.~~

Vote: majority. 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 30020 is added to the Penal Code, to
2 read:
3 30020. Notwithstanding subdivision (b) of Section 28300, the
4 following amounts are hereby appropriated from the Firearms
5 Safety and Enforcement Special Fund to the Department of Justice:
6 (a) The sum of five million dollars (\$5,000,000) for the 2014–15
7 fiscal year to contract with local law enforcement agencies to
8 reduce the backlog of individuals who are in the Armed Prohibited
9 Persons System (APPS) and who illegally possess firearms. The
10 focus on reducing the APPS backlog shall be on both persons with
11 mental illness who are prohibited persons in possession of firearms
12 and counties with the largest backlog of prohibited persons in
13 possession of firearms.
14 (b) The sum of fifty thousand dollars (\$50,000) for the 2014–15
15 fiscal year to provide training to local law enforcement agencies
16 on the use of the Automated Firearms System. The training shall
17 be completed on or before June 1, 2015.

(c) *The sum of three million three hundred thirty-three thousand three hundred thirty-four dollars (\$3,333,334) for the 2014–15 fiscal year and the sum of three million three hundred thirty-three thousand three hundred thirty-three dollars (\$3,333,333) for each of the 2015–16 and 2016–17 fiscal years to redesign and update the California Firearms Information Gateway, the Armed Prohibited Persons System, the Basic Firearms Eligibility Check System, the Applicant Firearms Eligibility Check System, and the Integrated Document Retrieval System.*

~~SECTION 1. Section 13963.1 is added to the Government Code, to read:~~

~~13963.1. (a) The Legislature finds and declares all of the following:~~

~~(1) Without treatment, approximately 50 percent of people who survive a traumatic, violent injury experience lasting or extended psychological or social difficulties. Untreated psychological trauma often has severe economic consequences, including overuse of costly medical services, loss of income, failure to return to gainful employment, loss of medical insurance, and loss of stable housing.~~

~~(2) Victims of crime should receive timely and effective mental health treatment.~~

~~(3) The board shall administer a program to evaluate applications and award grants to trauma recovery centers.~~

~~(b) The board shall only award a grant to a trauma recovery center that meets both of the following criteria:~~

~~(1) The trauma recovery center demonstrates that it serves as a community resource by providing services, including, but not limited to, making presentations and providing training to law enforcement, community-based agencies, and other health care providers on the identification and effects of violent crime.~~

~~(2) Any other related criteria required by the board.~~

~~(c) Upon appropriation by the Legislature, the board may award grants totaling up to two million dollars (\$2,000,000) per year. All grants shall be funded only from the Restitution Fund.~~

~~(d) The board may award a grant providing funding for up to a maximum period of three years. Any portion of a grant that a trauma recovery center does not use within the specified grant period shall revert to the Restitution Fund. The board may award consecutive grants to a trauma recovery center to prevent a lapse~~

1 in funding. The board shall not award a trauma recovery center
2 more than one grant for any period of time.

3 (e) (1) The board shall not receive, evaluate, or approve
4 applications for trauma recovery center grants in a fiscal year
5 unless the Restitution Fund is projected to have a yearend fund
6 reserve equal to, or greater than, the equivalent of 25 percent of
7 total budgeted expenditures for the fund, as projected in the January
8 budget proposed by the Governor pursuant to Section 12 of Article
9 IV of the California Constitution.

10 (2) Grants awarded to trauma recovery centers shall not result
11 in a yearend balance to the Restitution Fund of less than 25 percent
12 of total budgeted expenditures for the fund, as projected in the
13 January budget proposed by the Governor pursuant to Section 12
14 of Article IV of the California Constitution.

15 (f) The board, when considering grant applications, shall give
16 preference to a trauma recovery center that conducts outreach to,
17 and serves, both of the following:

18 (1) Crime victims who typically are unable to access traditional
19 services, including, but not limited to, victims who are homeless,
20 chronically mentally ill, of diverse ethnicity, members of immigrant
21 and refugee groups, disabled, who have severe trauma-related
22 symptoms or complex psychological issues, or juvenile victims,
23 including a minor who has had contact with the juvenile
24 dependency system or falls under Section 601 of the Welfare and
25 Institutions Code.

26 (2) Victims of a wide range of crimes, including, but not limited
27 to, victims of sexual assault, domestic violence, physical assault,
28 shooting, stabbing, and vehicular assault, and family members of
29 homicide victims.

30 (g) The trauma recovery center sites shall be selected by the
31 board through a well-defined selection process that takes into
32 account the rate of crime and geographic distribution to serve the
33 greatest number of victims.

34 (h) A trauma recovery center that is awarded a grant shall do
35 both of the following:

36 (1) Report to the board annually on how grant funds were spent,
37 how many clients were served (counting an individual client who
38 receives multiple services only once), units of service, staff
39 productivity, treatment outcomes, and patient flow throughout
40 both the clinical and evaluation components of service.

1 ~~(2) In compliance with federal statutes and rules governing~~
2 ~~federal matching funds for victims' services, each center shall~~
3 ~~submit any forms and data requested by the board to allow the~~
4 ~~board to receive the 60 percent federal matching funds for eligible~~
5 ~~victim services and allowable expenses.~~

6 ~~(i) For purposes of this section, a "trauma recovery center"~~
7 ~~provides, including, but not limited to, all of the following~~
8 ~~resources, treatments, and recovery services to crime victims:~~

9 ~~(1) Mental health services.~~

10 ~~(2) Assertive community-based outreach and clinical case~~
11 ~~management.~~

12 ~~(3) Coordination of care among medical and mental health care~~
13 ~~providers, law enforcement agencies, and other social services.~~

14 ~~(4) Services to family members and loved ones of homicide~~
15 ~~victims.~~

16 ~~(5) A multidisciplinary staff of clinicians that includes~~
17 ~~psychiatrists, psychologists, and social workers.~~

18 ~~SEC. 2. Section 13964 of the Government Code is amended~~
19 ~~to read:~~

20 ~~13964. (a) Claims under this chapter shall be paid from the~~
21 ~~Restitution Fund.~~

22 ~~(b) Notwithstanding Section 13340, except for funds to support~~
23 ~~trauma recovery center grants pursuant to Section 13963.1, the~~
24 ~~proceeds in the Restitution Fund are hereby continuously~~
25 ~~appropriated to the board, without regard to fiscal years, for the~~
26 ~~purposes of this chapter. However, the funds appropriated pursuant~~
27 ~~to this section for administrative costs of the board shall be subject~~
28 ~~to annual review through the State Budget process.~~

29 ~~(c) A sum not to exceed 15 percent of the amount appropriated~~
30 ~~annually to pay claims pursuant to this chapter may be withdrawn~~
31 ~~from the Restitution Fund, to be used as a revolving fund by the~~
32 ~~board for the payment of emergency awards pursuant to Section~~
33 ~~13961.~~