VICE CHAIR
MELISSA A. MELENDEZ

MEMBERS
REGINALD BYRON JONES-SAWYER, SR.
TOM LACKEY
PATTY LÓPEZ
EVAN LOW
MIGUEL SANTIAGO

Assembly
California Legislature

ASSEMBLY COMMITTEE ON
PUBLIC SAFETY
BILL QUIRK, CHAIR
ASSEMBLYMEMBER, TWENTIETH DISTRICT

CHIEF COUNSEL
GREGORY PAGAN

COUNSEL
DAVID BILLINGSLEY
GABRIEL CASWELL
STELLA Y. CHOE
SANDY URIBE

AGENDA

9:30 a.m. – March 1, 2016
State Capitol, Room 126
(Please note time change)

Item	Bill No. & Author	Counsel/ Consultant	Summary
1.	AB 1563 (Rodriguez)	Ms. Uribe	Victim's compensation: claims: appeal.
2.	AB 1597 (Mark Stone)	Mr. Pagan	County jails: performance milestone credits.
3.	AB 1654 (Santiago)	Mr. Dean	Student safety: crime reporting.
4.	AB 1663 (Chiu)	Mr. Caswell	Firearms: assault weapons.
5.	AB 1664 (Levine)	Ms. Uribe	Firearms: assault weapons.
6.	AB 1673 (Gipson)	Mr. Caswell	Firearms: unfinished frame or receiver.
7.	AB 1674 (Santiago)	Mr. Pagan	Firearms: waiting period.
8.	AB 1703 (Santiago)	Mr. Billingsley	Inmates: medical treatment.
9.	AB 1730 (Atkins)	Mr. Billingsley	Human trafficking: minors.
10.	AB 1731 (Atkins)	Mr. Billingsley	Human trafficking: Statewide Interagency Human Trafficking Task Force.

Individuals who, because of a disability, need special assistance to attend or participate in an Assembly committee hearing or in connection with other Assembly services, may request assistance at the Assembly Rules Committee, Room 3016, or by calling 319-2800. Requests should be made 48 hours in advance whenever possible.

Date of Hearing: March 1, 2016
Counsel: Sandra Uribe

ASSEMBLY COMMITTEE ON PUBLIC SAFETY
Bill Quirk, Chair

AB 1563 (Rodriguez) – As Introduced January 4, 2016

SUMMARY: Establishes a six-month deadline for the Victim Compensation and Government Claims Board to respond to an appeal by a crime victim who has had an application for compensation denied. Specifically, **this bill**:

1) Requires the board to evaluate an application for reconsideration of compensation within six months of the date the board receives the application, unless it determines that there was insufficient information to make a decision.

2) Provides that if the board determines that there was insufficient information to make a decision, it shall notify the applicant in writing within six months of the date the application was received.

EXISTING LAW:

1) Establishes the board to operate the California Victim's Compensation Program (CalVCP). (Gov. Code, § 13950 et. seq.)

2) Provides than an application for compensation shall be filed with the board in the manner determined by the board. (Gov. Code, § 13952, subd. (a).)

3) States that, except as provided by specified sections of the Government Code, a person shall be eligible for compensation when all of the following requirements are met:

   a) The person form whom compensation is being sought any of the following:

      i) A victim;

      ii) A derivative victim; or,

      iii) A person who is entitled to reimbursement for funeral, burial or crime scene clean-up expenses pursuant to specified sections of the Government Code.

   b) Either of the following conditions is met:

      i) The crime occurred within California, whether or not the victim is a resident of California. This only applies when the board determines that there are federal funds available to the state for the compensation of crime victims; or

ii) Whether or not the crime occurred within the State of California, the victim was any of the following:

(1) A California resident;

(2) A member of the military stationed in California; or

(3) A family member living with a member of the military stationed in California.

c) If compensation is being sought for derivative victim, the derivative victim is a resident of California, or the resident of any state, who is any of the following:

i) At the time of the crimes was the parent, grandparent, sibling, spouse, child or grandchild of the victim;

ii) At the time of the crime was living in the household of the victim;

iii) At the time of the crime was a person who had previously lived in the house of the victim for a person of not less than two years in a relationship substantially similar to a previously listed relationship;

iv) Another family member of the victim including, but not limited to, the victim's fiancé or fiancée, and who witnessed the crime; or

v) Is the primary caretaker of a minor victim, but was not the primary caretaker at the time of the crime.

d) And other specified requirements. (Gov. Code, § 13955.)

4) Authorizes the board to reimburse for pecuniary loss for specified types of losses, including medical expenses, mental-health counseling, loss of income or loss of support, and installing or increasing residential security. (Gov. Code, § 13957.)

5) Requires the board to approve or deny applications, based on recommendations by the board staff, within an average of 90 calendar days and no later than 180 calendar days of acceptance by the board. (Gov. Code, § 13958, subd. (a).)

6) Requires the board to grant a hearing to an applicant who contests a staff recommendation to deny compensation in whole or in part. (Gov. Code, § 13959, subd. (a).)

7) States that at such a hearing, the person seeking compensation shall have the burden of establishing, by a preponderance of the evidence, the elements for eligibility. (Gov. Code, § 13959, subd. (c).)

8) Establishes protocols for reconsideration hearings, and specifies that they are informal and not subject technical rules of evidence. (Gov. Code, § 13959, subd. (e).)

9) Requires the board's post-hearing decision to be in writing. A copy of the decision must be personally delivered to the applicant or his or her representative, or sent by mail. (Gov. Code, § 13959, subd. (h).)

10) Allows the board to order a reconsideration of all or part of a decision on written request of the applicant. The board may not grant more than one request for reconsideration with respect to any one decision on an application for compensation. (Gov. Code, § 13959, subd. (i).)

11) Prohibits the board from considering any request for reconsideration if the request is filed with the board more than 30 calendar days after the personal delivery or 60 calendar days after the mailing of the original decision. (Gov. Code, § 13959, subd. (i).)

12) Permits judicial review of a final decision of the board by filing a petition for writ of mandate. (Gov. Code, § 13960.)

FISCAL EFFECT: Unknown

COMMENTS:

1) **Author's Statement**: According to the author, "Victims of crime often suffer long-term after a criminal offense has taken place, and without adequate treatment or services, are likely to become re-victimized. In the past, the Victim's Compensation Program has demonstrated a lack of management of appeals cases, leaving many victims waiting for answers and footing the bill for services that could have been compensated earlier and more efficiently. AB 1563 seeks to address this problem by making sure the Board makes a decision on an appeal within six months of receiving an application and informing an applicant if anything is missing from their application. This measure will ensure that victim applicants are not waiting indefinitely for a response, and have a fair opportunity to submit information that would complete their applications. This will allow victims to successfully move on with their lives with the treatment and services they need."

2) **Background**: CalVCP provides compensation for victims of violent crime. It reimburses eligible victims for many crime-related expenses, such as medical treatment, mental health services, funeral expenses, home security, and relocation services. Funding for the board comes from restitution fines and penalty assessments paid by criminal offenders, as well as federal matching funds. (See California Victim Compensation & Government Claims Board Website <http://www.vcgcb.ca.gov/board>.)

3) **Appeal of Board Decision**: The board explains the appeals process as follows: "An applicant has a right to file an appeal if a claim is recommended for denial, or if any part of the claim is recommended for denial. An appeal must be filed within 45 days of the date the Board mailed the notice to deny the claim and/or expense. In some cases, if new information is provided, the denial may be reconsidered immediately. Otherwise, most appeals are scheduled for a hearing before a Hearing Officer. This hearing will give the applicant the opportunity to present information supporting the claim. Hearings are not held to contest the denial of an emergency award.

   "If the applicant does not agree with the outcome of the Board's final decision, a Petition for

a Writ of Mandate may be filed in the Superior Court." (See board Website http://vcgcb.ca.gov/victims/faq/lawsandinfo.aspx#Appeal>.)

Existing law does not state a timeframe or deadline to decide an appeal by an applicant. This bill would establish a six-month deadline for which to process an appeal, except in cases where the board determines that there is insufficient information to resolve the matter. As to those cases, this bill requires the board to provide written notice to the applicant within six months of the date the appeal was received.

The board has informed this committee that several years ago there was a backlog of about 2,000 appeals. The board enacted changes to address the backlog. Two analysts were assigned to triage the appeals to resolve any that could be handled expeditiously and without a hearing. Additionally, for one month several years ago all hearing attorneys were assigned to handle appeals. These actions dropped the backlog from 2,000 to less than 500 cases. In the recent past, the backlog has run between 240-280 cases. As of January 2016, there is a backlog of 260 appeals: 221 of these are less than 6 months old, 34 are less than 9 months old, and 5 are up to a year old. The only cases that are not handled within the first six months are complex ones, such as those which may involve fraud, or those which are waiting for documents from a third party, such as a provider or police department.

Given the information provided by the board, it should generally be apply to comply with the deadlines imposed by this bill. In fact, it appears the board is already doing so. It should be noted however, that this bill is silent as to the remedy for failure to comply.

4) **Argument in Support**: According to the *California Catholic Conference*, "The current law lacks a deadline on when the Board must make a decision on appeal. Consequently, by February of 2013, the Board had incurred a backlog of 2,000 unanswered appeal applications. This has left many emotionally vulnerable applicants without the ability to pay for treatment and other expenses without redress to the status of their appeal. We can and must exhibit more sensitivity to those harmed by crime.

   "By incorporating a six-month deadline from the Board, it will ensure victims receive a response in a reasonable time frame."

5) **Related Legislation**: AB 1754 (Waldron) creates the San Diego County Elder or Dependent Adult Financial Abuse Crime Victim Compensation Pilot Program.

6) **Prior Legislation**:

   a) AB 1140 (Bonta), Chapter 569, Statutes of 2015, revised various rules governing the CalVCP, including permitting telephonic appearance at the reconsideration hearing.

   b) SB 556 (De Leon), of the 2015-2016 Legislative Session, would have defined "application processing time" for the approval or denial of a victim's compensation claim by the CalVCP. SB 556 was ordered to inactive file.

c) SB 1423 (Chesbro), Chapter 1141, Statutes of 2002, revised numerous provisions of law pertaining to the CalVCP, including the hearing on reconsideration of the board's decision.

REGISTERED SUPPORT / OPPOSITION:

Support

California Catholic Conference

Opposition

None

Analysis Prepared by: Sandy Uribe / PUB. S. / (916) 319-3744

Date of Hearing: March 1, 2016
Chief Counsel: Gregory Pagan

ASSEMBLY COMMITTEE ON PUBLIC SAFETY
Bill Quirk, Chair

AB 1597 (Mark Stone) – As Introduced January 7, 2016
As Proposed to be Amended in Commitee

SUMMARY: Allows an inmate in the county jail, who has not been sentenced, to earn program credit reductions for successfully completing specific program performance objectives, otherwise known as "milestones". Specifically, **this bill**:

1) Provides that an inmate in a county jail, who has not been sentenced, shall not be prevented from participating in approved rehabilitation programs that result in credit reductions for completing specific program performance objectives.

2) States that if a person is awarded credits prior to sentencing, the credits shall be applied to a sentence for the offense for which the person was awaiting sentence when the credits were awarded under the same terms and conditions as all other credits awarded.

3) Provides that evidence that an inmate has participated in or attempted to participate in any approved rehabilitation program eligible for credit is not admissible in any proceeding as an admission of guilt.

EXISTING LAW:

1) Provides that in addition to credit awarded for good behavior, a sheriff may also award a prisoner program credit reduction from his or her term of confinement. A sheriff who elects to participate in this program shall provide guidelines for credit reductions for inmates who successfully complete specific programming performance objectives for approved rehabilitative programming, including, but not limited to, credit reductions of not less than one week to credit reduction of not more than six weeks for each performance milestone. (Pen. Code, § 4019, subd. (a)(1).)

2) States that regulations promulgated by the sheriff shall specify the credit reductions applicable to distinct objectives in a schedule of graduated program performance objectives concluding with the successful completion of an in-custody rehabilitation program. Commencing upon the approval of these guidelines, the sheriff shall thereafter calculate and award credit reductions as authorized. A prisoner may not have his or her term reduced by more than six weeks for credits awarded during any 12-month period of continuous confinement. (Pen. Code, § 4019, subd. (a)(2).)

3) States that program credits is a privilege, not a right. Prisoners shall have a reasonable opportunity to participate in program credit qualifying assignments in a manner consistent with institutional security, available resources, and guidelines set forth by the sheriff. (Pen.

Code, § 4019, subd. (b).)

4) Provides that "approved rehabilitation programming" shall include, but is not limited to, academic programs, vocational programs, vocational training, substance abuse programs, and core programs such as anger management and social life skills. (Pen. Code, § 4019, subd. (c).)

5) Provides that additional credits awarded may be forfeited, as specified. Inmates shall not be eligible for program credits that result in an inmate being overdue for release. (Pen. Code, § 4019, subd. (d).)

6) Specifies that only inmates sentenced to the county jail pursuant to realignment are eligible for prisoner program credit reductions. (Pen. Code, § 4019, subd. (e).)

FISCAL EFFECT: Unknown

COMMENTS:

1) **Author's Statement**: According to the author, "Credit earning programs relieve prison overpopulation by modestly reducing the sentences of eligible prisoners who have participated in and completed certain approved education and life skills programs that help prepare for life after release. Research suggests that people who participate in this type of rehabilitative programming are significantly less likely to recidivate. This bill will allow all people in county jails the opportunity to participate in Credit Earning Programs and potentially earn modest amounts of time off their sentences.

   "Credit earning programs are a key example of programs that the California Rehabilitation Oversight Board (CROB) has recommended expanding because they create "positive reinforcements for offenders who successfully complete their rehabilitation program requirements." This bill provides this incentive to participate in programs that CROB has recommended to a subset of imprisoned people who are not currently eligible to participate (those who are awaiting trial in county jails). Law enforcement agencies in California also support the idea that prisoners in jail and those awaiting trial should be allowed to participate in these programs and potentially earn credits.

   "By expanding credit earning opportunities to all people in jail, we can encourage more people to leave jail with new skills and goals which may reduce rates of recidivism and help newly released prisoners to reintegrate successfully into their communities."

2) **Argument in Support**: The **Los Angeles County Sheriff's Department** states, "In 2013 the Los Angeles County Sheriff's Department sponsored Assembly Bill 624 by Assemblymember Holly Mitchell, which created Penal Code Section 4019.4. Penal Code 4019.4 allowed sentenced felons in the county jail to earn additional 'milestone' credits for successful completion of education programs. In Los Angeles County, this program and 'milestone ' credit earnings has been tremendously successful. According to a July 16, 2015 report, 43 percent of eligible inmates successfully earned milestone credits for completing educational programs.

   "Assembly Bill 1595 will amend Penal Code Section 4019.4 to expand these educational

opportunities to all inmates in county jail. This expansion would include allowing those convicted of a misdemeanor to participate in and earn milestone education credits, as well as allow for those felons who have not yet been convicted (pre-trial) to participate in the program with a promise that if they successfully complete the milestones, they could apply the earned credit upon conviction."

3) **Prior Legislation:**

a) AB 624 (Mitchell), Chapter 266, Statutes of 2013, authorizes a sheriff to award a prisoner program credit reduction from an inmate's term of confinement for the successful completion of performance objectives for approved rehabilitative programming.

b) AB 512 (Stone), of the 2014 Legislative Session, increased the maximum additional program credits, from 6 weeks to 18 weeks, that may be awarded to a state prison inmate during any 12 month period of continuous incarceration for the successful completion of certain programs offered by the California Department of Corrections and Rehabilitation (CDCR). AB 512 died on the Assembly Appropriations Committee suspense file.

REGISTERED SUPPORT / OPPOSITION:

Support

Los Angeles County Sheriff's Department (Sponsor)
Los Angeles County Board of Supervisors
American Civil Liberties Union
California State Sheriffs' Association
California Public Defenders Association

Opposition

None

Analysis Prepared by: Gregory Pagan / PUB. S. / (916) 319-3744

AB 1597 as Proposed to be Amended in Committee

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

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

line 1 SECTION 1. Section 4019.4 of the Penal Code is amended to
line 2 read:
line 3 4019.4. (a) (1) In addition to credit awarded pursuant to
line 4 Section 4019, a sheriff or county director of corrections may also
line 5 award ~~a prisoner~~ *an inmate* program credit reductions from his or
line 6 her term of confinement as provided in this section. A sheriff or
line 7 county director of corrections who elects to participate in this credit
line 8 reduction program shall create guidelines that provide for credit
line 9 reductions for inmates who successfully complete specific program
line 10 performance objectives for approved rehabilitative programming,
line 11 including, but not limited to, credit reduction of not less than one
line 12 week to credit reduction of not more than six weeks for each
line 13 performance milestone.
line 14 (2) Guidelines adopted by a sheriff or county director of
line 15 corrections pursuant to this subdivision shall specify the credit
line 16 reductions applicable to distinct objectives in a schedule of
line 17 graduated program performance objectives concluding with the
line 18 successful completion of an in-custody rehabilitation program.
line 19 Upon adopting the guidelines, the sheriff or county director of
line 20 corrections shall thereafter calculate and award credit reductions
line 21 authorized by this section. ~~A prisoner~~ *An inmate* may not have his
line 22 or her term of imprisonment reduced by more than six weeks for
line 23 credits awarded pursuant to this section during any 12-month
line 24 period of continuous confinement.
line 25 (b) Program credit is a privilege, not a right. ~~Prisoners~~ *An inmate*
line 26 shall have a reasonable opportunity to participate in program credit
line 27 qualifying assignments in a manner consistent with institutional
line 28 security, available resources, and guidelines set forth by the sheriff
line 29 or county director of corrections.
line 30 (c) As used in this section, "approved rehabilitation
line 31 programming" shall include, but is not limited to, academic
line 32 programs, vocational programs, vocational training, substance
line 33 abuse programs, and core programs such as anger management
line 34 and social life skills.

line 1 (d) Credits awarded pursuant to this section may be forfeited
line 2 pursuant to the provisions of Section 4019. ~~Inmates~~ *An inmate*
line 3 shall not be eligible for program credits that result in ~~an inmate~~
line 4 *him or her* being overdue for release.
line 5 (e) This section shall ~~only~~ apply to ***sentenced and unsentenced*** inmates ~~sentenced to~~ ***confined in a*** county jail ~~pursuant to subdivision (h) of Section 1170~~.
line 7 *(f) (1) Nothing in this section shall prevent a person who has*
line 8 *not been sentenced from participating in an approved rehabilitation*
line 9 *program pursuant to this section.*
line 10 *(2) If a person is awarded credits prior to sentencing, the credits*
line 11 *shall be applied to a sentence for the offense for which the person*
line 12 *was awaiting sentence when the credits were awarded ~~under~~* ***in*** *the*
line 13 *same* ***manner*** ~~terms and conditions~~ *as all other credits awarded.*

(g) Evidence that an inmate has participated in or attempted to participate an any approved rehabilitation program eligible for credit pursuant to this section is not admissible in any proceeding as an admission of guilt.

O

Date of Hearing: March 1, 2016
Consultant: Matt Dean

ASSEMBLY COMMITTEE ON PUBLIC SAFETY
Bill Quirk, Chair

AB 1654 (Santiago) – As Amended February 22, 2016

SUMMARY: Requires the California Department of Justice (DOJ) to provide guidance to colleges on the Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act (Clery Act) and the Violence Against Women Reauthorization Act's (VAWA) reporting requirements. Specifically, **this bill**:

1) Requires the DOJ to provide advice to both public and private colleges on the Clery Act's and VAWA's requirements to report campus crime statistics and campus security policies.

2) Requires the DOJ to provide advice to both public and private colleges on the state Education Code's reporting requirements for campus crime statistics and campus security policies.

3) Requires the State Auditor to audit at least six colleges regarding their compliance with their reporting requirements for campus crime statistics and campus security policies under the state Education Code in addition to colleges' Clery Act and VAWA requirements.

4) Requires the DOJ, rather than the California Postsecondary Education Commission, to post on its Website links to each college's campus crime statistics.

EXISTING LAW:

1) Requires, under the federal Title IX and the Clery Act, colleges and universities, as a condition of federal student aid program participation, to:

   a) Publish annual campus security reports, maintain crime logs, provide timely warnings of crimes that present a public safety risk, and maintain ongoing crime statistics; and,

   b) Establish certain rights for victims of sexual assault, including notification to victims of legal rights, availability of counselling, safety options for victims, and offering prevention and awareness programs. (20 U.S.C. §1681-1688; 20 U.S.C. §1092(f).)

2) Requires the State Auditor to audit at least six colleges every three years regarding those institutions' compliance with the Clery Act's crime statistics reporting requirements. (Ed. Code § 67382, subd. (a)(1).)

3) Requires the State Auditor to report the aforementioned audit results to the respective Chairs of the Assembly Committee on Higher Education and the Senate Committee on Education. (Ed. Code § 67382, subd. (a)(2).)

4) Requires the California Postsecondary Education Commission to post on its website links to each college's campus crime statistics. (Ed. Code § 67382, subd. (a)(3).)

5) Requires colleges and universities receiving public funds for student financial assistance to:

   a) Compile records of reported on-campus instances of violence, hate violence, theft, destruction of property, illegal drugs, or alcohol intoxication;

   b) Make widely available a campus safety plan;

   c) Annually report their campus crime statistics and security plans to the Legislative Analyst's Office; and,

   d) Establish certain rights of victims of violent crime, sexual assault, or hate crimes. (Ed. Code § 67380-67386.)

6) Requires colleges and universities to enter into agreements with local law enforcement agencies regarding whether campus security or the local law enforcement agency have investigation responsibilities for violent crimes, sexual assaults, and hate crimes occurring on each campus. (Ed. Code § 67381.1; 67382.)

7) Mandates, as a condition of the Cal Grant Program, colleges and universities to notify immediately, or as soon as practicably possible, the appropriate law enforcement agency of any report of violent crime, sexual assault, or hate crime committed on or off campus. (Ed. Code § 67383.)

8) Requires colleges to provide victims of sexual assault committed on campus or at campus-controlled facilities treatment and information. If appropriate on-campus treatment facilities are unavailable, colleges must have protocols for referrals to local community treatment centers. (Ed. Code § 67385)

9) Requires colleges to provide, as part of established campus orientations, educational and preventive information about sexual violence to students at all campuses. (Ed. Code § 67385.7.)

10) Requires colleges receiving state funds to use an affirmative consent standard for evaluation of complaints made to colleges regarding sexual assault. (Ed. Code § 67386.)

FISCAL EFFECT: Unknown

COMMENTS:

1) **Author's Statement**: According to the author, "The State Auditor recently reviewed six California postsecondary institutions, finding that none were in full compliance with federal laws (the Clery and Reauthorization Acts) that require disclosure of campus crime statistics and campus security policies. The Auditor also surveyed 79 campuses, determining most provide security policies and crime statistics online but some lack notification of availability.

   "Inaccurate and/or incomplete reporting of crime statistics by postsecondary institutions can provide an inadequate representation of campus safety to students, parents, and employees. Furthermore, various complex provisions have been recently added to the state Education

Code in regards to campus safety and sexual assault, and it is unknown how well postsecondary institutions are complying with these new laws.

"AB 1654 directs the Department of Justice (DOJ) to provide guidance to institutions of higher education regarding compliance with (1) the federal Clery and Reauthorization Acts and (2) state laws regarding campus safety. The bill also requires the State Auditor to extend its existing statutory mandate requiring monitoring of compliance with the Clery Act to include monitoring of compliance with state laws regarding campus safety. This bill ensures California postsecondary institutions better comply with federal and state campus safety laws and will help students, parents, and employees make more informed decisions about campus safety."

2) **Background**: The Clery Act requires colleges who participate in the federal student aid program to publish annual campus security reports, maintain crime logs, provide timely warnings of crimes that present a public safety risk, and maintain ongoing crime statistics; and establish certain rights for victims of sexual assault, including notification to victims of legal rights, availability of counselling, safety options for victims, and offering prevention and awareness programs. VAWA amended the Clery Act to add crimes required to be reported and requiring security policies relating to those crimes be made widely available.

   The State Auditor's recent audit found that each of the six higher education institutions had failed to comply with the Clery Act in some way due to the complex nature of the reporting requirements. <http://www.auditor.ca.gov/reports/2015-032/index.html>. The U.S. Department of Education's handbook for helping higher education institutions comply with the requirements under those acts is nearly 300 pages long. Failure to comply with the complex Clery Act and VAWA requirements risks penalties including but not limited to losing some federal financing.

   State law crime statistics and security procedures largely overlap with the federal reporting requirements. However, last year, the Governor signed into law an affirmative consent standard for sexual assault complaints made on campus or campus-controlled facilities for every college or university receiving state funds.

3) **Related Legislation**: AB 1653 (Weber) has been introduced and has similar provisions requiring DOJ to provide guidance on federal reporting requirements. This bill has been referred to the Committee on Higher Education.

4) **Prior Legislation**:

   a) AB 636 (Medina), Chapter 697, Statutes of 2015, requires postsecondary education institutions to disclose to law enforcement the identity of an alleged assailant if the institution determines that the alleged assailant represents a serious or ongoing threat to the safety of the campus community and the immediate assistance of law enforcement is necessary.

b) AB 913 (Santiago), Chapter 701, Statutes of 2015, provides for changes to the written jurisdictional agreements between postsecondary educational institutions and local law enforcement.

c) AB 1433 (Gatto), Chapter 798, Statutes of 2014, requires the governing board of each public, private and independent postsecondary educational institution, which receives public funds for student financial assistance, to adopt and implement written policies and procedures governing the reporting of specified crimes to law enforcement agencies.

d) SB 967 (De León), Chapter 748, Statutes of 2014, specifies policies involving sexual assault, domestic violence, dating violence, and stalking that covered higher education institutions must adopt in order to be eligible for student financial assistance.

REGISTERED SUPPORT / OPPOSITION:

Support:

None

Opposition:

None

Analysis Prepared by: Matt Dean / PUB. S. / (916) 319-3744

Date of Hearing: March 1, 2016
Counsel: Gabriel Caswell

ASSEMBLY COMMITTEE ON PUBLIC SAFETY
Bill Quirk, Chair

AB 1663 (Chiu) – As Introduced January 14, 2016

SUMMARY: Amends the definition of an assault weapon as it pertains to rifles and defines "detachable magazines" and "fixed magazines". Specifies that rifles which are not assault weapons have fixed magazines. Specifically, **this bill**:

1) Classifies a semiautomatic centerfire rifle that does not have a fixed magazine with the capacity to accept no more than 10 rounds as an assault weapon. Eliminates the following characteristics from the definition of what constitutes an assault weapon, a semiautomatic, centerfire rifle that has the capacity to accept a detachable magazine and has at least one of the following:

   a) a pistol grip that protrudes conspicuously beneath the action of the weapon;

   b) a thumbhole stock;

   c) a vertical handgrip;

   d) a folding or telescoping stock;

   e) a grenade launcher or flare launcher;

   f) a flash suppressor; or,

   a) a forward handgrip.

2) Requires registration with the Department of Justice (DOJ) of any assault weapon that does not have a fixed magazine and was lawfully possessed between January 1, 2001, and December 31, 2016, including those weapons with an ammunition feeding device that can be removed readily from the firearm with the use of a tool, and who, on or after January 1, 2017, lawfully possesses that firearm. Registration of the firearm must occur by July 1, 2018.

EXISTING LAW:

2) Contains legislative findings and declarations that the proliferation and use of assault and .50 BMG rifles poses a threat to the health, safety, and security of all citizens of California. (Pen. Code § 30505.)

3) States legislative intent to place restrictions on the use of assault weapons and .50 BMG rifles and to establish a registration and permit procedure for their lawful sale and possession.

(Pen. Code § 30505.)

4) Defines an "assault weapon" as one of certain specified rifles and pistols (Penal Code Section 30510) or as (Pen. Code § 30515):

   a) A semiautomatic, centerfire rifle that has the capacity to accept a detachable magazine and has at least one of the following:

      i) A pistol grip that protrudes conspicuously beneath the action of the weapon;

      ii) A thumbhole stock;

      iii) A vertical handgrip;

      iv) A folding or telescoping stock;

      v) A grenade launcher or flare launcher;

      vi) A flash suppressor; or,

      vii) A forward handgrip.

   b) A semiautomatic, centerfire rifle that has a fixed magazine with the capacity to accept more than 10 rounds;

   c) A semiautomatic, centerfire rifle that has an overall length of less than 30 inches;

   d) A semiautomatic pistol that has the capacity to accept a detachable magazine and has at least one of the following:

      i) A threaded barrel, capable of accepting a flash suppressor, forward handgrip, or silencer;

      ii) A second handgrip;

      iii) A shroud that is attached to, or partially or completely encircles, the barrel that allows the bearer to fire the weapon without burning his or her hand, excepting a slide that encloses the barrel; or,

      iv) The capacity to accept a detachable magazine at some location outside of the pistol grip.

   e) A semiautomatic pistol with a fixed magazine that has the capacity to accept more than 10 rounds;

   f) A semiautomatic shotgun that has both of the following:

      i) A folding or telescoping stock; and,

ii) A pistol grip that protrudes conspicuously beneath the action of the weapon, thumbhole stock, or vertical handgrip.

g) A semiautomatic shotgun that has the ability to accept a detachable magazine; and

h) Any shotgun that has a revolving cylinder.

5) Defines a "detachable magazine" as any ammunition feeding device that can be removed readily from the firearm with neither disassembly of the firearm action nor use of a tool being required. A bullet or ammunition cartridge is considered a tool. Ammunition feeding device includes any belted or linked ammunition, but does not include clips, en bloc clips, or stripper clips that load cartridges into the magazine. (11 California Code of Regulations § 5469.)

6) Provides that unlawful possession of an assault weapon is an alternate felony-misdemeanor and shall be punished by imprisonment in a county jail for a period not exceeding one year, or by imprisonment pursuant to Penal Code Section 1170(h) (16 months, two or three years). Notwithstanding the above, a first violation of these provisions is punishable by a fine not exceeding $500 if the person was found in possession of no more than two firearms and certain specified conditions are met. (Pen. Code § 30605.)

7) Provides that any person who within California manufactures, imports into California, offers for sale, or who gives or lends any assault weapon with specified exceptions is guilty of a felony punishable by imprisonment in state prison for four, six, or eight years. (Pen. Code § 30600.)

8) Exempts the DOJ, law enforcement agencies, military forces, and other specified agencies from the prohibition against sales to, purchase by, importation of, or possession of assault weapons or .50 BMG rifles. (Pen. Code § 30625.)

9) Requires that any person who lawfully possesses an assault weapon, as specified, must register the firearm with DOJ, as specified. (Pen. Code § 30900 et. seq.)

FISCAL EFFECT: Unknown

COMMENTS:

1) **Author's Statement**: According to the author, "This debate is not new to this Legislature or to the state at large. Just three years ago, loopholes and limitations in the state's assault weapons ban were examined in the wake of the tragic 2012 shooting rampage at Sandy Hook Elementary School where 20 children were shot dead. Now again in 2016 the state is returning to this issue in the aftermath of the San Bernardino shooting last December. Since 2013 the number of shootings has only increased and by some measures, the nation is facing a mass shooting every day. Only one factor in all these situations has not changed: the choice of these shooters to use weapons with the ability to detach a magazine and rapidly reload. Clearly the limitations in the state's assault weapons ban are only getting worse, and it is only a question of when will the next mass shooting occur in California given the current abilityto purchase legally a firearm that functions as an assault weapon.

"Despite the express intent of the California Roberti-Roos Assault Weapons Control Act (AWCA), originally adopted in 1989, gun manufacturers have repeatedly modified the firearms they produce to evade the law and continue the sale of so-called 'California compliant' weapons. In 1999, the Legislature broadened the original statute in response to technological developments in the manufacturing of semiautomatic weapons. However, in recent years, the gun industry has developed another workaround of the state ban with the creation of the "bullet button," which allows for magazines to be detached and replaced just as easily as with illegal assault weapons. Because a device or tool is needed to detach the magazine, such firearms are legal under the current language of the state's assault weapons ban. The ability to rapidly reload these weapons dramatically increases their lethality during a mass shooting. One of the two semiautomatic rifles used in San Bernardino had a bullet button.

"AB 1663 addresses the heart of the limitations in the AWCA and fulfills its original intent: to prohibit firearms that have the ability to detach a magazine and rapidly reload resulting in what ultimately is the power of the shooter to have virtually unlimited killing capacity. This bill prohibits the future sale, purchase, manufacture, importation, or transfer in California of semi-automatic rifles that can accept detachable magazines. Requiring truly fixed magazines will reduce the potential of these firearms to seriously kill and maim people in a short amount of time. The loophole that allows guns meant for war zones to proliferate in our cities, our neighborhoods, and our schools will be closed. The bullet button and any other gun industry manufacturing tricks that undermine the AWCA will be rendered irrelevant. With a goal of saving countless lives, AB 1663 will take assault weapons that are legal in name only out of our communities."

2) **California's Assault Weapons Ban**: The origin of and subsequent modifications to the assault weapons ban in California are described by the federal Court of Appeal in the following extended excerpt from *Silveira* v. *Lockyer*, 312 F.3d 1052 (9th Cir. 2002) (as amend. Jan. 27, 2003).

In response to a proliferation of shootings involving semi-automatic weapons, the California Legislature passed the Roberti-Roos Assault Weapons Control Act (AWCA) in 1989. The immediate cause of the AWCA's enactment was a random shooting earlier that year at the Cleveland Elementary School in Stockton, California. An individual armed with an AK-47 semi-automatic weapon opened fire on the schoolyard, where 300 pupils were enjoying their morning recess. Five children ages six to nine were killed, and one teacher and 29 children were wounded.

The California Assembly met soon thereafter in an extraordinary session called for the purpose of enacting a response to the Stockton shooting. The legislation that followed, the AWCA, was the first legislative restriction on assault weapons in the nation, and was the model for a similar federal statute enacted in 1994. The AWCA renders it a felony offense to manufacture in California any of the semi-automatic weapons specified in the statute, or to possess, sell, transfer, or import into the state such weapons without a permit. The statute contains a grandfather clause that permits the ownership of assault weapons by individuals who lawfully purchased them before the statute's enactment, so long as the owners register the weapons with DOJ. The grandfather clause, however, imposes significant restrictions on the use of weapons that are registered pursuant to its provisions. Approximately 40 models

of firearms are listed in the statute as subject to its restrictions. The specified weapons include "civilian" models of military weapons that feature slightly less firepower than the military-issue versions, such as the Uzi, an Israeli-made military rifle; the AR-15, a semi-automatic version of the United States military's standard-issue machine gun, the M-16; and the AK-47, a Russian-designed and Chinese-produced military rifle. The AWCA also includes a mechanism for the Attorney General to seek a judicial declaration in certain California superior courts that weapons identical to the listed firearms are also subject to the statutory restrictions.

The AWCA includes a provision that codifies the legislative findings and expresses the legislature's reasons for passing the law: "The Legislature hereby finds and declares that the proliferation and use of assault weapons poses a threat to the health, safety, and security of all citizens of this state. The Legislature has restricted the assault weapons specified in [the statute] based upon finding that each firearm has such a high rate of fire and capacity for firepower that its function as a legitimate sports or recreational firearm is substantially outweighed by the danger that it can be used to kill and injure human beings. It is the intent of the Legislature in enacting this chapter to place restrictions on the use of assault weapons and to establish a registration and permit procedure for their lawful sale and possession. It is not, however, the intent of the Legislature by this chapter to place restrictions on the use of those weapons which are primarily designed and intended for hunting, target practice, or other legitimate sports or recreational activities."

In 1999, the Legislature amended the AWCA in order to broaden its coverage and to render it more flexible in response to technological developments in the manufacture of semiautomatic weapons. The amended AWCA retains both the original list of models of restricted weapons, and the judicial declaration procedure by which models may be added to the list. The 1999 amendments to the AWCA statute add a third method of defining the class of restricted weapons: the amendments provide that a weapon constitutes a restricted assault weapon if it possesses certain generic characteristics listed in the statute. Examples of the types of weapons restricted by the revised AWCA include a "semiautomatic, center-fire rifle that has a fixed magazine with the capacity to accept more than 10 rounds," and a semiautomatic, centerfire rifle that has the capacity to accept a detachable magazine and also features a flash suppressor, a grenade launcher, or a flare launcher. The amended AWCA also restricts assault weapons equipped with "barrel shrouds," which protect the user's hands from the intense heat created by the rapid firing of the weapon, as well as semiautomatic weapons equipped with silencers.

3) **Changes This Bill Makes to the AWCA**: As the Court explained, in 1999 the assault weapons ban was amended to expand the definition of an assault weapon to include a definition by the generic characteristics, specifically, to include a "semiautomatic, centerfire rifle that has the capacity to accept a detachable magazine" in addition to one of several specified characteristics, such as a grenade launcher or flash suppressor. [SB 23 (Perata) Statutes of 1999, Chapter 129, Section 7 et seq.] SB 23 was enacted in response to the marketing of so-called "copycat" weapons - firearms that were substantially similar to weapons on the prohibited list but differed in some insignificant way, perhaps only the name of the weapon, thereby defeating the intent of the ban.

SB 23's generic definition of an assault weapon was intended to close the loophole in the law created by its definition of assault weapons as only those specified by make and model.

Regulations promulgated after the enactment of SB 23 define a detachable magazine as any ammunition feeding device that can be removed readily from the firearm with neither disassembly of the firearm action nor use of a tool being required. A bullet or ammunition cartridge is considered a tool. In response to this definition, a new feature has been developed by firearms manufacturers to make military-style, high-powered, semi-automatic rifles "California compliant," the bullet button.

In 2012, researchers at the nonprofit Violence Policy Center in Washington, D.C. released a paper describing the phenomenon of the bullet button and its effect on California's assault weapons ban:

> ***The "Bullet Button"–Assault Weapon Manufacturers' Gateway to the California Market***
>
> Catalogs and websites from America's leading assault rifle manufacturers are full of newly designed "California compliant" assault weapons. Number one and two assault weapon manufacturers Bushmaster and DPMS, joined by ArmaLite, Colt, Sig Sauer, Smith & Wesson, and others are all introducing new rifles designed to circumvent California's assault weapons ban and are actively targeting the state in an effort to lift now-sagging sales of this class of weapon. They are accomplishing this with the addition of a minor design change to their military-style weapons made possible by a definitional loophole: the "bullet button." [Please see the Appendix beginning on page six for 2012 catalog copy featuring "California compliant" assault rifles utilizing a "bullet button" from leading assault weapon manufacturers.]
>
> California law bans semiautomatic rifles with the capacity to accept a detachable ammunition magazine and any one of six enumerated additional assault weapon characteristics (e.g., folding stock, flash suppressor, pistol grip, or other military-style features).
>
> High-capacity detachable ammunition magazines allow shooters to expel large amounts of ammunition quickly and have no sporting purpose. However, in California an ammunition magazine is not viewed as detachable if a "tool" is required to remove it from the weapon. The "bullet button" is a release button for the ammunition magazine that can be activated with the tip of a bullet. With the tip of the bullet replacing the use of a finger in activating the release, the button can be pushed and the detachable ammunition magazine removed and replaced in seconds. Compared to the release process for a standard detachable ammunition magazine it is a distinction without a difference. (*Bullet Buttons, The Gun Industry's Attack on California's Assault Weapons Ban*, Violence Policy Center, Washington D.C., May 2012.)

One approach to this issue, taken by SB 249 (Yee) in 2012 and SB 47 (Yee) of 2014, as well as AB 1664 (Levine) of this session, amends the statute to replace the language regarding detachable magazines to instead prohibit "a semiautomatic, centerfire rifle that does not have a fixed magazine but has any one of the existing six prohibited characteristics." AB 1664 also defines a "detachable magazine" as "an ammunition feeding device that can be removed readily from the firearm without disassembly of the firearm action, including an ammunition feeding device that can be removed readily from the firearm with the use of a tool." In other

words, a semiautomatic rifle could have a detachable magazine, as long as that rifle did not also have any of the six prohibited features or that rifle could have the prohibited features as long as it had a fixed magazine.

This bill would take a different approach. This bill would do away with the six prohibited features in current law. The rationale for this is that a rifle outfitted with the features that make a gun look like a military-style weapon, e.g., pistol grip, flash suppressor, collapsible stock, etcetera, may be more dangerous than one that lacks these features, but these features may not pose the greatest public safety concern. Conversely, the *lack* of these features does not make a rifle less lethal than one that has them.

Proponents argue the feature that makes one semi-automatic rifle capable of killing or wounding more people in a shorter amount of time than another is the capacity to rapidly reload large amounts of ammunition. For example, proponents note that, in 2011, a man opened fire on teenagers at a summer youth camp in Norway, killing 69 and wounding another 110, using a high-powered, semi-automatic rifle, the .223 caliber Ruger Mini-14. That rifle had none of the features listed in California's definition of an assault weapon and it is a perfectly legal weapon in California; supporters of this bill submit that what made that weapon such an effective tool of mass murder is the fact that the killer was able to rapidly reload one magazine after another of ammunition.

Under this bill, even a "featureless" semiautomatic rifle, like the Mini-14, would be required to have a fixed magazine, holding no more than 10 rounds of ammunition.

4) **Constitutionality**: The Constitutionality of California's assault weapons ban has been upheld by both the California Supreme Court [*Kasler* v. *Lockyer*, 23 Cal. 4th 472 (2000)] and the federal Court of Appeal. [*Silveira v. Lockyer,* 312 F.3d 1052 (9th Cir. 2002*)* (as amend. Jan. 27, 2003).] While the California Supreme Court rejected allegations that the law violated equal protection guarantees, the separation of powers, and failed to provide adequate notice of what was prohibited under the law, the Ninth Circuit Court of Appeal decision in *Silveira* was based largely on its interpretation of the Second Amendment right to keep and bear arms. The Second Amendment of the Constitution states, "A well regulated Militia, being necessary to the security of a free State, the right of the people to keep and bear Arms, shall not be infringed." (United States Const. Amend. 2.) The *Silveira* Court based its ruling on the widely held interpretation of the Second Amendment known as the "collective rights" view, that the right secured by the Second Amendment relates to firearm ownership only in the context of a "well regulated militia." [*Silveira* v. *Lockyer*, 312 F.3d 1052, 1086 (9th Cir. Cal. 2002).]

The *Silveira* Court's interpretation of the meaning of the Second Amendment has since been squarely rejected by the U.S. Supreme Court in *District of Columbia* v. *Heller*, 554 U.S. 570 (2008) and *McDonald* v. *City of Chicago*, 130 S. Ct. 3020 (2010). Whether the *Heller* and *McDonald* cases mean that California's assault weapons ban violates the Second Amendment and is, therefore, unconstitutional is a different matter.

In *Heller*, the Supreme Court rejected the "collective rights" view of the Second Amendment and, instead, endorsed the "individual rights" interpretation, that the Second Amendment protects the right of each citizen to firearm ownership. After adopting this reading of the Second Amendment, the Supreme Court held that federal law may not prevent citizens from

owning a handgun in their home. (*District of Columbia* v. *Heller*, 554 U.S. 570, 683-684.) In the *McDonald* case, the Supreme Court extended this ruling to apply to laws passed by the 50 states. (*McDonald* v. *City of Chicago*, 130 S. Ct. 3020, 3050.)

In deciding that the Second Amendment guaranteed the right to own a handgun in the home for self-defense, the Supreme Court stated that this ruling has its limitations:

"Like most rights, the right secured by the Second Amendment is not unlimited. From Blackstone through the 19th-century cases, commentators and courts routinely explained that the right was not a right to keep and carry any weapon whatsoever in any manner whatsoever and for whatever purpose. For example, the majority of the 19th-century courts to consider the question held that prohibitions on carrying concealed weapons were lawful under the Second Amendment or state analogues. Although we do not undertake an exhaustive historical analysis today of the full scope of the Second Amendment, nothing in our opinion should be taken to cast doubt on longstanding prohibitions on the possession of firearms by felons and the mentally ill, or laws forbidding the carrying of firearms in sensitive places such as schools and government buildings, or laws imposing conditions and qualifications on the commercial sale of arms."

5) **Governor's Veto Message of 2013's SB 374 (Steinberg)**: Governor Brown vetoed very similar legislation in 2013 with the following veto message:

"I am returning Senate Bill 374 without my signature.

"The State of California already has some of the strictest gun laws in the country, including bans on military-style assault rifles and high-capacity ammunition magazines.

"While the author's intent is to strengthen these restrictions, this bill goes much farther by banning any semi-automatic rifle with a detachable magazine. This ban covers low-capacity rifles that are commonly used for hunting, firearms training, and marksmanship practice, as well as some historical and collectible firearms. Moreover, hundreds of thousands of current gun owners would have to register their rifles as assault weapons and would be banned from selling or transferring them in the future.

"Today I signed a number of bills that strengthen California's gun laws, including AB 48, which closes a loophole in the existing ban on dangerous high-capacity magazines. I also signed AB 1131 and SB 127, which restrict the ability of mentally unstable people to purchase or possess guns.

"I don't believe that this bill's blanket ban on semi-automatic rifles would reduce criminal activity or enhance public safety enough to warrant this infringement on gun owners' rights."

6) **Argument in Support**: According to the *California Chapters of the Brady Campaign*, "The California Legislature has struggled with an assault weapons ban since the Stockton school yard shootings in 1989. The Roberti-Roos Act was passed that year, but minor changes to the named assault weapons allowed the firearm industry to easily evade the intent of the law. The assault weapon law was expanded in 1991 and again in 1999, when the Legislature

updated the law by banning weapons with detachable magazines and one or more military-style features. However, once again the industry has been able to exploit a loophole in the regulations that allows for the continued sale and possession of fully functional assault weapons. Assembly Bill 1663 seeks to definitively close the loopholes in a manner that will prevent the firearm industry from continuing to market these lethal military-style weapons in California.

"Specifically, AB 1663 will prohibit the future sale or transfer in California of specified semi-automatic rifles that can accept detachable magazines, including those with "bullet-button" or other features that allow the rapid reload of the weapon. The bill will amend the current definition of illegal "assault weapon" to include a semiautomatic centerfire rifle that does not have a fixed magazine with the capacity to accept no more than ten rounds.

"Mass shootings perpetrated by unbalanced individuals using assault weapons are reported all too often in the news. As was tragically demonstrated at Sandy Hook School and in the recent San Bernardino shooting, the ability to rapidly reload adds enormously to the carnage. An exchangeable magazine can be reloaded in one second and is the key feature that enables the rapid rate of continuous fire that can kill many people very quickly. Requiring a fixed magazine on future sales or transfers of long guns would, over time, decrease the lethality in future mass shootings.

"California has tried to ban assault weapons for over twenty-five years and gun manufacturers will undoubtedly continue to look for ways to exploit or evade the intent of the law. AB 1663 will finally control this situation with a clear, simplified, and strengthened assault weapons law. Current owners of semiautomatic centerfire rifles with detachable magazines will be able to keep their weapons and law abiding hunters and sport shooters will be minimally impacted.

"Assembly Bill 1663 requires any person who lawfully acquired an assault weapon as defined in the bill between January 1, 2001 and December 31, 2016 and still possesses the firearm to register the weapon by July 1, 2018 with the California Department of Justice. These records will significantly increase the data in the Armed Prohibited Persons System (APPS) program and enhance public safety. Additionally, the records will assist law enforcement efforts to trace firearms and solve gun crime. In 2009, of the over 22,000 guns that were used in crime and recovered, the Department reports that 31 percent were long guns. Furthermore, the Department has found that half the illegal firearms recovered from prohibited person in the APPS program are long guns, many of which would be considered assault weapons.

"Rifles with detachable magazines present an unacceptable risk of a high body count in any shooting incident. Prohibiting future sale and transfer of these rifles and capturing ownership records is clearly in the interest of public safety and would not impact the ability to defend oneself or to go hunting. Thank you again for carrying this measure."

7) **Argument in Opposition**: According to the *Firearms Policy Coalition*, "AB 1663 seeks to vastly expand the Assault Weapons Control Act, regulations that ban (by several methods, including make and model, unction, cosmetic features, and caliber) popular, constitutionally-protected firearms that are in common use for lawful purposes across the United States.

"AB 1663 would move the goal posts yet again for the millions of law abiding residents and visitors who have quite reasonably, given the volume struggled for years to keep up with the frenetic pace of California's ever-increasing firearm regulations…

"And, while we fully acknowledge that protecting constitutional rights has never been the Legislature's primary concern (at least when it is concerned with rights it does not like), we would be remiss if we did not note that, should AB 1663 be passed and approved by the governor, it will undoubtedly be challenged on Second and Fifth Amendment grounds."

8) **Related Legislation**: SB 1664 (Levine), would redefine what constitutes an assault weapon in order to close the bullet button loophole. SB 1664 would also require registration of weapons which now fall under the new definition but which previously were not prohibited. SB 1664 is scheduled for hearing in Assembly Public Safety today.

9) **Prior Legislation**:

   a) SB 47 (Yee), of the 2013-2014 Legislative Session, would have closed the bullet button loophole by redefining an assault weapon in statute as 'a semiautomatic, centerfire rifle that does not have a fixed magazine' and has any one of several specified features. SB 47 was held on the Assembly Appropriations Committee suspense file.

   b) SB 374 (Steinberg), of the 2013-2014LlegislativeSsession, would have closed the bullet button loophole by redefining an assault weapon as it pertains to rifles and defines "detachable magazines" and "fixed magazines." Specifies that rifles which are not assault weapons have fixed magazines. SB 347 was vetoed by the Governor.

   c) SB 249 (Yee), of the 2011-12 Legislative Session, would have prohibited any person from importing, making, selling, loaning, transferring or possessing any conversion kit designed to convert certain firearms with a fixed magazine into firearms with a detachable magazine. SB 249 was held in the Assembly Appropriations Committee suspense file.

REGISTERED SUPPORT / OPPOSITION:

Support

California Attorney General (Sponsor)
California Chapters of the Brady Campaign
California Lieutenant Governor Gavin Newsom
Coalition Against Gun Violence
Law Center to Prevent Gun Violence
Physicians for Social Responsibility
United States Senator Dianne Feinstein
Youth Alive

Opposition

California Sportsman's Lobby

California State Sheriffs' Association
Crossroads of the West
Firearms Policy Coalition
National Rifle Association
National Shooting Sports Foundation
Outdoor Sportsmen's Coalition of California
Safari Club International

2 private individuals

Analysis Prepared by: Gabriel Caswell / PUB. S. / (916) 319-3744

Date of Hearing: March 1, 2016
Counsel: Sandra Uribe

ASSEMBLY COMMITTEE ON PUBLIC SAFETY
Bill Quirk, Chair

AB 1664 (Levine) – As Introduced January 14, 2016

SUMMARY: Redefines what constitutes an assault weapon in order to close the bullet button loophole. Also requires registration of weapons (which were previously not prohibited) which now fall under the new definition. Specifically, **this bill**:

1) States legislative intent to effectuate the Roberti-Roos Assault Weapons Control Act of 1989 and to close the bullet button loophole by redefining "detachable magazine."

2) Defines a "detachable magazine" as "an ammunition feeding device that can be removed readily from the firearm without disassembly of the firearm action, including an ammunition feeding device that can be removed readily from the firearm with the use of a tool."

3) Provides that, notwithstanding the new definition of assault weapon contained in this bill, the penalties for the possession of an assault weapon under this provision shall not apply to any person who initially possessed such a weapon before January 1, 2017, and until July 1, 2018, if both of the following are applicable:

   a) During the person's possession, he or she was eligible to register that assault weapon, as specified; and,

   b) The person lawfully possessed that assault weapon before January 1, 2017.

4) Provides that any person who, from January 1, 2001, to December 31, 2016, inclusive, lawfully possessed an assault weapon that does not have a fixed magazine, as specified, including those weapons with an ammunition feeding device that can be removed readily from the firearm with the use of a tool, shall register the firearm with the Department of Justice (DOJ) before July 1, 2018, pursuant to DOJ-established procedures.

5) Requires registrations be submitted electronically via the Internet utilizing a public-facing application made available by the DOJ.

6) Mandates that the registration contain a description of the firearm which identifies it uniquely, including: all identification marks; the date the firearm was acquired; the name and address of the individual from whom, or business from which, the firearm was acquired; and the registrant's full name, address, telephone number, date of birth, sex, height, weight, eye color, hair color, and California driver's license number or California identification card number.

7) Allows the DOJ to charge a registration fee, not to exceed the reasonable processing costs, payable by debit or credit card at the time of submission of the electronic registration. The fee shall be deposited in the Dealers' Record of Sale Special Account.

8) Requires the DOJ to establish registration procedures and exempts these procedures from the Administrative Procedure Act.

EXISTING LAW:

1) Contains legislative findings and declarations that the proliferation and use of assault and .50 BMG rifles poses a threat to the health, safety, and security of all citizens of California. (Pen. Code, § 30505.)

2) States legislative intent to place restrictions on the use of assault weapons and .50 BMG rifles and to establish a registration and permit procedure for their lawful sale and possession. (Pen. Code, § 30505.)

3) Prohibits several categories of assault weapons:

   a) Specified firearms listed by name and others listed by series (Pen. Code, § 30510);

   b) Semiautomatic centerfire rifles or semiautomatic pistols having the capacity to accept a detachable magazine and also having one of several specified characteristics;

   c) Semiautomatic centerfire rifles or semiautomatic pistols with a fixed magazine having the capacity to hold more than 10 rounds;

   d) Semiautomatic centerfire rifles with an overall length of less than 30 inches;

   e) Semiautomatic shotguns having two specified characteristics;

   f) Semiautomatic shotguns having the capacity to accept a detachable magazine; and,

   g) Any shotgun with a revolving cylinder. (Pen. Code, § 30515.)

4) Defines a "detachable magazine" as any ammunition feeding device that can be removed readily from the firearm with neither disassembly of the firearm action nor use of a tool being required. A bullet or ammunition cartridge is considered a tool. Ammunition feeding device includes any belted or linked ammunition, but does not include clips, en bloc clips, or stripper clips that load cartridges into the magazine. (11 Cal. Code Regs. Section 5469.)

5) Bans the manufacture, distribution, transportation, importation, sale, gift or loan of an assault weapon. (Pen. Code, § 30600, subd. (a).)

6) Makes the possession of an assault weapon a criminal offense, subject to certain exceptions. (Pen. Code, § 30605.)

7) Defines a ".50 BMG rifle" as "a center fire rifle that can fire a .50 BMG cartridge and is not already an assault weapon or a machinegun." (Pen. Code, § 30530.)

8) Bans the manufacture, distribution, transportation, importation, sale, gift, loan, or possession of .50 BMG rifles. (Pen. Code §§ 30600 & 30610.)

9) Exempts the DOJ, law enforcement agencies, military forces, and other specified agencies from the prohibition against sales to, purchase by, importation of, or possession of assault weapons or .50 BMG rifles. (Pen. Code, § 30625.)

10) Requires that any person who lawfully possesses an assault weapon prior to the date it was specified as an assault weapon to register the firearm with DOJ, as specified. (Pen. Code, § 30900 et. seq.)

FISCAL EFFECT: Unknown

COMMENTS:

1) **Author's Statement**: According to the author, "Killing machines have no place on our streets and gun violence must not be tolerated. This legislation closes a loophole in law that allows military-style assault rifles to be sold legally in California. We raise our children in communities, not war zones."

2) **Bullet Button**: California law bans semiautomatic rifles with the capacity to accept a detachable ammunition magazine and which also have any one of six enumerated weapon characteristics (e.g., folding stock, flash suppressor, pistol grip, or other military-style features). The term 'detachable magazine' is not defined in statute. In response, firearm manufacturers have developed a new feature to make military-style weapons compliant in California, the bullet button.

   The bullet button is a "device allows gun owners to pop out their magazines quickly by inserting the tip of a bullet or some other small tool into a button on the side of their weapons. Since the magazine requires a tool to release it -- and cannot be released by hand -- it is not considered 'detachable' under California law." (<http://www.nytimes.com/2012/12/20/us/lessons-in-politics-and-fine-print-in-assault-weapons-ban-of-90s.html?pagewanted=all&_r=1&>.)

   This bill amends the statute defining assault weapons by defining a detachable magazine as "an ammunition feeding device that can be removed readily from the firearm without disassembly of the firearm action, including an ammunition feeding device that can be removed readily with the use of a tool." The purpose of this change is to clarify that equipping a weapon with a bullet button magazine release does not take that weapon outside of the definition of an assault weapon.

3) **Governor's Veto Message:** In 2013, the Legislature passed SB 374 (Steinberg) which attempted to close the bullet button loophole by redefining an assault weapon. SB 374 required a fixed magazine, but eliminated the six prohibited features from the definition in current law. However, SB 374 was vetoed by the Governor. In his veto message, the Governor said, "The State of California already has some of the strictest gun laws in the

country, including bans on military-style assault rifles and high-capacity ammunition magazines.

"While the author's intent is to strengthen these restrictions, this bill goes much farther by banning any semi-automatic rifle with a detachable magazine. This ban covers low-capacity rifles that are commonly used for hunting, firearms training, and marksmanship practice, as well as some historical and collectible firearms. Moreover, hundreds of thousands of current gun owners would have to register their rifles as assault weapons and would be banned from selling or transferring them in the future."

4) **Second Amendment**: The Second Amendment to the federal Constitution provides, "A well regulated militia being necessary to the security of a free state, the right of the people to keep and bear arms shall not be infringed." In *District of Columbia v. Heller* (2008) 554 U.S. 570, the United States Supreme Court held that the Second Amendment protects an individual's right to possess and carry weapons in case of confrontation. The Court struck down a law banning possession of handguns in the home. Subsequently, in *McDonald v. City of Chicago* (2010) 561 U.S. 742, the Court held that Second Amendment rights are applicable to the states. The majority found the individual right to bear arms, particularly for self-defense was fundamental.

   However, the Second Amendment does not afford an unlimited right to own a weapon. As the Court explained in *Heller*, the right "to keep and carry arms" is limited to weapons "in common use." (*Heller*, *supra*, 554 U.S. at p. 627.) At least one court has held that *Heller* does not invalidate the statute prohibiting the possession of assault rifles. (See *People v. James* (2009) 174 Cal.App.4th 662, 676.) Moreover, in *Heller*, the United States Supreme Court did not strike down neutral licensing and registration as a condition of possession and the Court also enumerated examples of presumptively valid government regulation of firearms.

5) **Registration Provisions**: This bill would not prohibit the possession of any firearm that is currently legally owned. This bill would require that the owner of a firearm that is currently not considered an assault weapon, but which would be deemed such under the new definition, to register the firearm with the DOJ before July 1, 2018. In this manner, this bill would avoid takings issues because the owner of a weapon which had been legally acquired does not have to relinquish it.

6) **Argument in Support**: According to the *Law Center to Prevent Gun Violence*, "The ability to accept a detachable magazine allows a shooter to quickly reload an assault weapon to continue firing and killing without interruption.

   "California's assault weapons ban does not define the term 'detachable magazine,' however. Perplexingly, current DOJ regulations define 'detachable magazine' in a manner that runs counter to both the spirit and the letter of the state's assault weapons ban. Under these regulations' definition, a weapon is not considered to have a detachable magazine, and is therefore not a prohibited assault weapon, if a 'tool' is used to release the firearm's magazine instead of a shooter's finger alone. The regulations specifically state that 'a bullet or an ammunition feeding device is considered a tool.'

"The gun industry has exploited this bizarre and dangerous loophole in recent years by marketing 'California compliant' assault weapons that are equipped with a 'bullet button.' These weapons are the functional equivalents of illegal assault weapons in every respect, except that the shooter uses a bullet, instead of his or her finger, to depress the button that releases the weapon's magazine....

"AB 1664 would further the letter and the spirit of California's assault weapons law by adding a statutory definition of 'detachable magazine' to clarify that the bullet button weapons are illegal assault weapons."

7) **Arguments in Opposition**:

a) The *California Sportsman's Lobby* states, "By defining, for purpose of the definition of an assault weapon, a detachable magazine to be a magazine (ammunition feeding device) that can be removed without disassembly of a firearm's action, including a magazine that can be removed readily from a firearm with the use of a too (such as a bullet button magazine), this bill would further expand the definition of an assault weapon and would thus ban the future sale of many modern sporting rifles commonly used for hunting, firearms training, including hunter safety training, and marksmanship practice.

"There is no justifiable reason to ban them.

"A ban on future sales of these popular sporting rifles by defining them to be assault weapons would only serve to deny California sportsmen quality rifles.

"The focus of the Legislature should not be on firearms, but on the people who actually do commit crimes involving the use or possession of firearms such as criminals, the mentally ill, and users of mind altering drugs and other substances."

b) According to the *National Rifle Association*, "AB 1664 would subject the state to unnecessary litigation. In District of Columbia v. Heller, 128 S.Ct. 2783 (2008), the Supreme Court explained in detail that the Second Amendment prohibits government from banning the possession of arms 'typically possessed by law-abiding citizens for lawful purposes' or 'those in common use.' Id. at 624-25. By banning what amounts to millions of the most common hunting and sporting rifles, AB 1663 (sic) clearly conflicts with this direct guidance from the Supreme Court and is thus plainly unconstitutional. "

8) **Related Legislation**: AB 1663 (Chiu) takes a different approach to closing the bullet button loophole. AB 1663 will be heard by this committee today.

9) **Prior Legislation**:

a) SB 47 (Yee), of the 2013-2014 Legislative Session, would have closed the bullet button loophole by redefining an assault weapon in statute as 'a semiautomatic, centerfire rifle that does not have a fixed magazine' and has any one of several specified features. SB 47 was held on the Assembly Appropriations Committee suspense file.

b) SB 374 (Steinberg), of the 2013-2014 Legislative Session, would have closed the bullet button loophole by redefining an assault weapon as it pertains to rifles and defines "detachable magazines" and "fixed magazines." Specifies that rifles which are not assault weapons have fixed magazines. SB 347 was vetoed by the Governor.

c) SB 249 (Yee), of the 2011-12 Legislative Session, would have prohibited any person from importing, making, selling, loaning, transferring or possessing any conversion kit designed to convert certain firearms with a fixed magazine into firearms with a detachable magazine. SB 249 was held in the Assembly Appropriations Committee suspense file.

REGISTERED SUPPORT / OPPOSITION:

Support

Brady Campaign to Prevent Gun Violence – California Chapters
Cleveland School Remembers
Coalition Against Gun Violence
Law Center to Prevent Gun Violence

Opposition

California Sportsman's Lobby
California State Sheriffs' Association
Crossroads of the West Gun Shows
Firearms Policy Coalition
National Rifle Association of America
National Shooting Sports Foundation
Outdoor Sportsmen's Coalition of California
Safari Club International

Two private individuals

Analysis Prepared by: Sandy Uribe / PUB. S. / (916) 319-3744

Date of Hearing: March 1, 2016
Counsel: Gabriel Caswell

ASSEMBLY COMMITTEE ON PUBLIC SAFETY
Bill Quirk, Chair

AB 1673 (Gipson) – As Introduced January 19, 2016
As Proposed to be Amended in Committee

SUMMARY: Expands the definition of "firearm" to include an unfinished frame or receiver that can be readily converted to the functional condition of a finished frame or receiver. Applies the same regulations that would apply to firearms to unfinished frames or receivers.

EXISTING LAW:

1) Requires licensed importers and licensed manufacturers to identify each firearm imported or manufactured by using the serial number engraved or cast on the receiver or frame of the weapon, in such manner as prescribed by the Attorney General (AG). (18 U.S.C. § 923 subd. (i).)

2) Specifies that the United States Undetectable Firearms Act of 1988 makes it illegal to manufacture, import, sell, ship, deliver, possess, transfer, or receive any firearm that is not as detectable by walk-through metal detection as a security exemplar containing 3.7 oz. of steel, or any firearm with major components that do not generate an accurate image before standard airport imaging technology. (18 U.S.C. § 922 subd. (p).)

3) Prohibits a person, firm, or corporation licensed to manufacture firearms pursuant to Chapter 44 (commencing with Section 921) of Title 18 of the United States Code from manufacturing firearms in California, unless the person, firm or corporation is also licensed under California law (Penal Code § 29010). This prohibition does not apply to a person licensed under federal law, who manufactures less than 100 firearms a calendar year. (Pen. Code § 29010 subd. (b).)

4) Makes it illegal to change, alter, remove, or obliterate the name of the maker, model, manufacturer's number, or other mark of identification on any pistol, revolver, or any other firearm, without first having secured written permission from the Department of Justice (DO)J to make that change, alteration, or removal. (Pen. Code § 23900.)

5) Allows the DOJ, upon request, to assign a distinguishing number or mark of identification to any firearm whenever the firearm lacks a manufacturer's number or other mark of identification, or whenever the manufacturer's number or other mark of identification, or a distinguishing number or mark assigned by the department has been destroyed or obliterated. (Pen. Code § 23910.)

6) Makes it a misdemeanor, with limited enumerated exceptions, for any person to buy, receive, dispose of, sell, offer to sell or have possession any pistol, revolver, or other firearm that has had the name of the maker or model, or the manufacturer's number or other mark of

identification changed, altered, removed, or obliterated. (Pen. Code §§ 23920 and 23925.)

7) Requires a person be at least 18 years of age to purchase a rifle or shotgun. To purchase a handgun, a person must be at least 21 years of age. As part of the DROS process, the purchaser must present "clear evidence of identity and age" which is defined as a valid, non-expired California Driver's License or Identification Card issued by the Department of Motor Vehicles. (Pen. Code §§ 27510 and 16400.)

8) Requires purchasers to present a handgun safety certificate prior to the submission of DROS information for a handgun or provide the dealer with proof of exemption pursuant to California Penal Code Section 31700. Beginning on January 1, 2015, this requirement will be extended to all firearms. (Pen. Code § 26840.)

9) Requires that firearms dealers obtain certain identifying information from firearms purchasers and forward that information, via electronic transfer to the DOJ to perform a background check on the purchaser to determine whether he or she is prohibited from possessing a firearm. (Pen. Code §§ 28160-28220.)

10) Requires firearms to be centrally registered at the time of transfer or sale by way of transfer forms centrally compiled by the DOJ. The DOJ is required to keep a registry from data sent to the DOJ indicating who owns what firearm by make, model, and serial number and the date thereof. (Pen. Code § 11106 subds. (a) & (c).)

11) Requires that, upon receipt of the purchaser's information, the DOJ shall examine its records, as well as those records that it is authorized to request from the State Department of Mental Health pursuant to Section 8104 of the Welfare and Institutions Code, in order to determine if the purchaser is prohibited from purchasing a firearm because of a prior felony conviction or because they had previously purchased a handgun within the last 30 days, or because they had received inpatient treatment for a mental health disorder, as specified. (Pen. Code § 28220.)

12) Allows the DOJ to require the dealer to charge each firearm purchaser a fee not to exceed $14, except that the fee may be increased at a rate not to exceed any increase in the California Consumer Price Index as compiled and reported by the Department of Industrial Relations. This fee, known as the Dealer's Record of Sale Entry System (DROS or DROS fee), shall be no more than is necessary to fund specific codified costs. (Pen. Code § 28225.)

13) Provides the AG shall establish and maintain an online database to be known as the Prohibited Armed Persons File. The purpose of the file is to cross-reference persons who have ownership or possession of a firearm on or after January 1, 1991, as indicated by a record in the Consolidated Firearms Information System, and who, subsequent to the date of that ownership or possession of a firearm, fall within a class of persons who are prohibited from owning or possessing a firearm. (Pen. Code § 30000.)

FISCAL EFFECT: Unknown

COMMENTS:

1) **Author's Statement**: According to the author, "AB 1673 will expand the definition of a firearm, to include "unfinished frames and receivers", which will close a dangerous loophole that allows anyone to sell, trade and manufacture in partial-completion the only part of a firearm that is subject to serial-number identification and registration. The change will treat unfinished receivers and frames the same way a finished receiver is treated, and require background checks in order to be sold, prohibit them from the possession of the mentally ill and convicted felons, and require mandatory serial number application. This expanded definition will not affect the activities of gun manufacturers or home firearm-crafting enthusiasts. Gun manufacturers and home firearm-crafting enthusiasts will however be required to register their firearms as they manufacture them."

2) **Lower Receivers**: There are no provisions in existing law that prevents a person from buying an 80% lower receiver and then making it into a fully functional firearm. According to Tactical Machining, "An 80% Receiver is a partially completed piece of material that requires special tooling and skills to be completed and considered a firearm." (http://www.tacticalmachining.com/80-lower-receiver.html.) Because 80% lower receivers are not considered firearms, a person purchasing them does not have to go through a federal firearms dealer, and does not have to undergo a background check. Additionally, according to the Bureau of Alcohol, Tobacco, Firearms and Explosives (ATF) "firearms that began as receiver blanks have been recovered after shooting incidents, from gang members and from prohibited people after they have been used to commit crimes." (https://www.atf.gov/firearms/qa/have-firearms-made-unmarked-receiver-blanks-been-recovered-after-being-used-crime.) "ATF successfully traces crime guns to the first retail purchaser in most instances. ATF starts with the manufacturer and goes through the entire chain of distribution to find who first bought the firearm from a licensed dealer. Because receiver blanks do not have markings or serial numbers, when firearms made from such receiver blanks are found at a crime scene, it is usually not possible to trace the firearm or determine its history, which hinders crime gun investigations jeopardizing public safety." (https://www.atf.gov/firearms/qa/can-functioning-firearms-made-receiver-blanks-be-traced.

3) **Amendments Taken in Committee:** As currently written the bill is arguably vague. The attached amendments are an attempt to bring clarity by utilizing a definition of a "defense article" from federal law. Laws which are so vague that a person is unable to determine whether they are in violation of the law may be held "void for vagueness" by courts. The concept was articulated by Supreme Court Justice Sutherland as the following:

> "[T]he terms of a penal statute [...] must be sufficiently explicit to inform those who are subject to it what conduct on their part will render them liable to its penalties… and a statute which either forbids or requires the doing of an act in terms so vague that men of common intelligence must necessarily guess at its meaning and differ as to its application violates the first essential of due process of law." *Connaly v. General Construction Co., 269 U.S. 285 (1926)*

In this case, a felon in possession of a block of metal could arguably be found to be a felon in possession of a firearm. This crime holds relatively serious consequences in California. The term "readily converted to the functional condition" is arguably vague and overbroad. By utilizing the federal definition of "defense articles" as they apply to forgings, castings,

extrusions, and machined bodies, the amendments bring additional clarity to the author's intent.

4) **Santa Monica Shooting**: According to a July 15, 2013, briefing prepared by the Minority Staff of the Committee on Energy and Commerce, United States House of Representatives:

> On June 7, 2013, John Zawahri, 23, killed five people and injured several more during a shooting rampage that lasted approximately 13 minutes in Santa Monica, California. He first shot and killed his father, Samir Zawahri, and brother, Christopher, at their home. He then pulled over and carjacked Laurie Sisk, forcing her to drive at gunpoint to Santa Monica College. Zawahri shot at numerous cars, pedestrians, and a bus en route, killing the college's groundskeeper, Carlos Franco, and his daughter, Marcela. Upon arriving at the campus, he then fatally shot another woman, Margarita Gomez. He then entered the school library, where he attempted to kill several library patrons who were hiding in a safe room. Police, who had been alerted to the shooting and to Zawahri's location by numerous 911 calls, exchanged gunfire in the library with the shooter and pronounced him dead at the scene. According to authorities, Zawahri fired approximately 100 rounds in total.
>
> Zawahri had a history of mental illness. In 2006, a teacher at his high school discovered Zawahri researching assault weapons online. School officials contacted the police and he was subsequently admitted to the psychiatric ward at the University of California, Los Angeles Medical Center. Zawahri attempted to buy a weapon in 2011, but a background check conducted by the California Department of Justice found him ineligible and denied the purchase. The reasons for this denial have not been publicly released.
>
> Zawahri used a modified AR-15 rifle in the shooting and also carried a .44-caliber handgun. He possessed more than 1,300 rounds of ammunition. The AR-15 rifle is the same type of gun used in the mass shootings that occurred in Aurora, Colorado, and Newtown, Connecticut. The AR-15 firearm held 30 rounds. California state law bans the sale of AR-15 rifles with a magazine capacity greater than ten rounds. Authorities believe that Zawahri assembled his AR-15 rifle using parts he bought in pieces from a number of different sources, including an 80% completed lower receiver. Police found a drill press at Zawahri's home, a tool that can make holes in the lower receiver to complete the weapon. (*Citations Omitted.*)

5) **Governor's Veto Message of 2013's SB 808 (De Leon)**: SB 808 required serial numbers on lower receivers. The governor vetoed the bill with the following message:

"I am returning Senate Bill 808 without my signature.

"SB 808 would require individuals who build guns at home to first obtain a serial number and register the weapon with the Department of Justice.

"I appreciate the author's concerns about gun violence, but I can't see how adding a serial

number to a homemade gun would significantly advance public safety."

6) **Argument in Support**: According to the *California Chapters of the Brady Campaign*, " In furtherance of our goal to reduce firearm violence in our communities, the California Brady Campaign Chapters support AB 1673, introduced by Assemblymember Mike Gipson. The bill addresses an alarming development in California that threatens public safety.

"A priority policy objective for the California Brady Campaign is to ensure that every firearm owner has passed a background check and that all firearm transfers include a thorough background check, 10-day waiting period, and a record of the transaction that includes the serial number of the firearm. There have been numerous studies indicating that these requirement are good strategies for reducing gun violence and clearly, they further our core goal of keeping weapons out of dangerous hands. Although existing California law requires background checks and the retention of transfer records, people have found that they can avoid these requirements and other California gun laws by creating and marketing partially complete or "80 percent" lower receivers or frames. According to media reports and law enforcement, there is a growing number of firearms assembled from partially complete receivers and fames and these firearms are increasingly used in crime. AB 1673 will address this problem.

"The lower receiver is that part of a long gun that contains the trigger, firing pin, and ammunition feeding mechanisms. They are treated the same as a long gun and are currently legally available, provided that the purchaser passes a background check, the lower receiver has a serial number, and a record of the purchase is created. Similarly, a frame for a pistol is treated as a handgun and has a serial number. However, partially complete or "80 percent" lower receivers and frames are not considered to be firearms, but with a few simple modifications, they can become fully functional. A person with a drill press can easily drill the necessary holes to complete the receiver or frame and advances in 3D printing technology is increasing the availability of unfinished lower receivers and frames. Firearms assembled from these partially complete lower receivers and frames are untraceable for law enforcement.

"AB 1673 will deal with this problem by expanding the definition of firearms to include unfinished frames and receivers that can be readily converted to the functional condition of a finished frame or receiver. The Brady Campaign supports this concept and believes that weapons assembled from unfinished lower receivers and frames should be subject to the full extent of the law. Determining at what point a piece of metal or other material should be considered a firearm is difficult to establish, but the 'readily converted' standard, with, perhaps, more definition, is a good approach.

"The shooter in the 2013 Santa Monica shooting, in which six people were killed, was prohibited from purchasing firearms. Instead, he machined himself an AR-15-type semiautomatic rifle from an aluminum partial lower receiver. This is an example of why it is essential that guns assembled from partial lower receivers and frames be regulated. AB 1673 will help keep weapons out of the hands of those considered at risk of violence, such as criminals, children, and persons with severe mental illness. Accordingly, the California Brady Campaign Chapters are in strong support of AB 1673 and urge your AYE vote."

7) **Argument in Opposition**: According to the *Firearms Policy Coalition*, "AB 1673 would change the definition of a firearm to include things that are not firearms.

"In the interest of clarity, and because the best comedy requires no punchline, we offer here the entire substance of AB 1673 (amending § 16520(b) of the Penal Code):

> "As used in the following provisions, 'firearm' includes the finished frame or receiver of a weapon, or the unfinished frame or receiver of a weapon that can be readily converted to the functional condition of a finished frame or receiver…

"(Note the obvious lack of definition for the new term of art, 'unfinished frame or receiver of a weapon that can be readily converted to the functional condition of a finished frame or receiver.')

"AB 1673 is as dangerous as it is Orwellian in its linguistic dissonance, creating severe new penalties for non-violent crimes with what amounts to paperweights by calling things firearms that are not actually firearms.

"Given that 'readily convertible' is a function of time, skill, knowledge, experience, and access to tools, information, materials, and equipment (stamps, molds, mandrels, hydraulic presses, jigs, drills, mills, rivets, welders, sandblasters, software, blueprints, CNC machines, computer numerical control routers, raw materials, etc.), one must wonder if AB 1673 is simply lazy or purposefully hostile to people with access to tools, information, knowledge, and commodity materials.

"In order to comply with AB 1673, non-firearm firearms would need to be taken to and transferred through a licensed (real) firearms dealer. These 'readily convertible' pieces of plastic, wood, aluminum, iron, or steel would then need to be entered into the California Department of Justice (DOJ) Dealer's Record of Sale Entry System (DROS DES) in order to provide the DOJ with the information required to register the non-firearm with the state. (Can you imagine what the DOJ's DROS DES technical support logs will look like after AB 1673?)

"Unfortunately for Assemblymember Gipson, the DOJ's systems are designed for actual firearms. AB 1673 would necessitate the promulgation of new regulations as well as costly modifications to DOJ's many systems and databases. (While the cost of doing as much would certainly be substantial, California would at least have bragging rights to the first non-firearm firearm database in the known history of the world.)

"Adding insult to injury, following the entry of the non-firearm firearm into the DROS system, the non-firearm firearm owner would then be required to wait at least 10 days (and up to 30) to take possession of their non-firearm firearm from the transferring dealer.

"And should the non-firearm firearm owner ever be found or thought to be prohibited from firearm possession, the person would be placed into the DOJ's failed Armed Prohibited Persons system so DOJ agents or local law enforcement could confiscate the non-firearm

firearm."

8) **Related Legislation:** SB 1407 (De Leon), requires a person who manufactures or assembles a firearm to first apply to the DOJ for a unique serial number or other identifying mark. Requires any person who owns a firearm that does not bear a serial number to likewise apply to the department for a unique serial number or other mark of identification. Prohibits the sale or transfer of ownership of a firearm manufactured or assembled pursuant to these provisions. Prohibits a person from aiding in the manufacture or assembly of a firearm by a person who is prohibited from possessing a firearm. SB 1407 has been referred to Senate Rules Committee for further assignment.

9) **Prior Legislation**: SB 808 (De Leon) of the 2013-2014 legislative session, required a person, commencing January 1, 2016, to apply to and obtain from the Department of Justice (DOJ) a unique serial number or other mark of identification prior to manufacturing or assembling a firearm. SB 808 was vetoed by the governor.

REGISTERED SUPPORT / OPPOSITION:

Support

California Chapters of the Brady Campaign
Coalition Against Gun Violence
Firearms Policy Coalition
Law Center to Prevent Gun Violence

Opposition

California Sportsmen's Lobby
Crossroads of the West Gun Shows
Firearms Policy Coalition
National Rifle Association
National Shooting Sports Foundation
Outdoor Sportsmen's Coalition of California
Safari Club International

Analysis Prepared by: Gabriel Caswell / PUB. S. / (916) 319-3744

***** WORKING COPY *****

BILL NUMBER: AB 1673 INTRODUCED
BILL TEXT

INTRODUCED BY Assembly Member Gipson

JANUARY 19, 2016

An act to amend Section 16520 of the Penal Code, relating to firearms.

THE PEOPLE OF THE STATE OF CALIFORNIA DO ENACT AS FOLLOWS:

SECTION 1. Section 16520 of the Penal Code is amended to read:

16520. (a) As used in this part, "firearm" means a device, designed to be used as a weapon, from which is expelled through a barrel, a projectile by the force of an explosion or other form of combustion.

(b) As used in the following provisions, "firearm" includes ~~the finished~~ frame or receiver of the weapon, or ~~the unfinished frame or receiver of a weapon that can be readily converted to the functional condition of a finished frame or receiver~~ **articles specified in Title 27 Code of Federal Regulations § 447.22 which include articles in a partially completed state (such as forgings, castings, extrusions, and machined bodies) which have reached a stage in manufacture where they are clearly identifiable as defense articles as defined in 27 CFR § 447.11**:

(1) Section 16550.
(2) Section 16730.
(3) Section 16960.
(4) Section 16990.
(5) Section 17070.
(6) Section 17310.
(7) Sections 26500 to 26588, inclusive.
(8) Sections 26600 to 27140, inclusive.
(9) Sections 27400 to 28000, inclusive.
(10) Section 28100.
(11) Sections 28400 to 28415, inclusive.
(12) Sections 29010 to 29150, inclusive.
(13) Sections 29610 to 29750, inclusive.
(14) Sections 29800 to 29905, inclusive.
(15) Sections 30150 to 30165, inclusive.
(16) Section 31615.
(17) Sections 31705 to 31830, inclusive.
(18) Sections 34355 to 34370, inclusive.
(19) Sections 8100, 8101, and 8103 of the Welfare and Institutions Code.

(c) As used in the following provisions, "firearm" also includes a rocket, rocket propelled projectile launcher, or similar device containing an explosive or incendiary material, whether or not the device is designed for emergency or distress signaling purposes:

(1) Section 16750.
(2) Subdivision (b) of Section 16840.
(3) Section 25400.
(4) Sections 25850 to 26025, inclusive.
(5) Subdivisions (a), (b), and (c) of Section 26030.
(6) Sections 26035 to 26055, inclusive.

(d) As used in the following provisions, "firearm" does not include an unloaded antique firearm:

(1) Subdivisions (a) and (c) of Section 16730.

(2) Section 16550.
(3) Section 16960.
(4) Section 17310.
(5) Chapter 6 (commencing with Section 26350) of Division 5 of Title 4.
(6) Chapter 7 (commencing with Section 26400) of Division 5 of Title 4.
(7) Sections 26500 to 26588, inclusive.
(8) Sections 26700 to 26915, inclusive.
(9) Section 27510.
(10) Section 27530.
(11) Section 27540.
(12) Section 27545.
(13) Sections 27555 to 27585, inclusive.
(14) Sections 29010 to 29150, inclusive.
(15) Section 25135.

(e) As used in Sections 34005 and 34010, "firearm" does not include a destructive device.

(f) As used in Sections 17280 and 24680, "firearm" has the same meaning as in Section 922 of Title 18 of the United States Code.

(g) As used in Sections 29010 to 29150, inclusive, "firearm" includes the unfinished frame or receiver of a weapon-that can be readily converted to the functional condition of a finished frame or receiver.

SEC. 2. No reimbursement is required by this act pursuant to Section 6 of Article XIII B of the California Constitution because the only costs that may be incurred by a local agency or school district will be incurred because this act creates a new crime or infraction, eliminates a crime or infraction, or changes the penalty for a crime or infraction, within the meaning of Section 17556 of the Government Code, or changes the definition of a crime within the meaning of Section 6 of Article XIII B of the California Constitution.

Date of Hearing: March 1, 2016
Chief Counsel: Gregory Pagan

ASSEMBLY COMMITTEE ON PUBLIC SAFETY
Bill Quirk, Chair

AB 1674 (Santiago) – As Introduced January 19, 2016

SUMMARY: Prohibits any person from making an application to purchase more than one long gun within any 30-day period, deletes from the existing prohibition related to the purchase of more than one handgun in any 30-day period an exemption for a private part transfer through a licensed firearms dealer, and makes other conforming changes. Specifically, **this bill**:

EXISTING LAW:

1) Prohibits any person from making an application to purchase more than one handgun within any 30-day period. (Pen. Code, § 27535, subd. (a).)

2) Exempts from the above 30-day prohibition any of the following:

   a) Any law enforcement agency;

   b) Any agency duly authorized to perform law enforcement duties;

   c) Any state or local correctional facility;

   d) Any private security company licensed to do business in California;

   e) Any person who is a peace officer, as specified, and is authorized to carry a firearm in the course and scope of employment;

   f) Any motion picture, television, video production company or entertainment or theatrical company whose production by its nature involves a firearm;

   g) Any authorized representative of a law enforcement agency, or a federally licensed firearms importer or manufacturer;

   h) Any private party transaction conducted through a licensed firearms dealer;

   i) Any person who is a licensed collector and has a current certificate of eligibility issued by the Department of Justice (DOJ);

   j) The exchange, replacement, or return of a handgun to a licensed dealer within the 30-day period; and,

k) A community college that is certified by the Commission on Peace Officer Standards and Training (POST) to present law enforcement academy basic course or other commission-certified training. (Pen. Code, § 27535, subd. (b).)

3) Prohibits a handgun from being delivered when a licensed firearms dealer is notified by the DOJ that within the preceding 30-day period the purchaser has made another application to purchase a handgun and the purchase was not exempted, as specified. (Pen. Code, § 27540, subd. (f).

4) Provides that the penalties for making more than one application to purchase a handgun within any 30-day period is as follows:

   a) A first violation is an infraction punishable by a fine of fifty dollars ($50);

   b) A second violation is an infraction punishable by a fine of one hundred ($100); and,

   c) A third violation is a misdemeanor. (Pen. Code, § 27590, subd. (e)(1)-(3).)

FISCAL EFFECT: Unknown

COMMENTS:

1) **Author's Statement**: According to the author, "Historically, policymakers have believed that the bulk of gun violence has been perpetuated by handguns. Absent any data collection and analysis to the contrary, this perception has held for several decades, and has resulted in current law in California which limits new handgun purchases to one per month per person.

   "Recent data collection efforts in the state and elsewhere have begun to refute this theory, however. In fact, examining forensic data collected from the mass shootings that have occurred in the United States throughout the last 30 years, shows that 72 (exactly half) of the weapons used in those crimes were long guns: rifles, shotguns, and semi-automatic versions thereof. Of the 11 mass shootings in California, nearly the same is true: 12 long guns were used along with 16 handguns.

   "It should be noted that in mass shooting cases, analysis shows that nearly 80% of shooters (including those in San Bernardino) obtained their guns legally.

   "Long guns are a significant piece of California's gun trafficking problem, as well. Over the past ten years, Californians have typically purchased more long guns than handguns, including 538,149 guns in 2013. Of the 26,682 crime guns entered into the California Department of Justice's (DOJ) Automated Firearms Systems (AFS) database in 2009, 11,500 were long guns. Furthermore, DOJ has found that half the illegal firearms recovered from prohibited persons are long guns.

   "A 2007 University of Pennsylvania report to the National Institute of Justice found that a quarter of all guns used in crime were purchased as part of a multi-gun sale and that guns purchased in bulk were up to 64% more likely to be used for illegal purposes than guns purchased individually.

"Reducing gun violence is an issue that is of vital importance to me. In April 2014, one person purchased 144 long guns in California in one single transaction. It is mind boggling that a person (no matter their intentions) could purchase as many rifles or shotguns they want at any given time. It is past time for us to treat long guns the same as handguns – they hold equal powers of destruction and create major problems for law enforcement, and society in general, when they fall into the wrong hands.

"AB 1674 will limit purchases of guns to one per month. This includes both purchases of used guns and new long guns. With data showing compelling evidence that long guns are used in crimes at similar rates to handguns, they should be treated no differently. In fact, California already maintains parity between these types of guns in both background checks and sale records. AB 1674 takes the remaining step by creating parity in purchase limitations."

2) **Argument in Support**: The **California Chapters of the Brady Campaign to Prevent Gun Violence** states, " In 1999, legislation (AB 202) was enacted that limits purchases of handguns from licensed firearms dealers in California to no more than one per person per month. AB 202 provided a number of exemptions, including private party transactions. The purpose of the bill was to curb the illegal flow of handguns by taking the profit out of selling guns from bulk purchases on the black market. AB 1674 applies existing law under AB 202 to all firearms, including long guns (rifles and shotguns), and removes the exemption for private party transfers. Under AB 1674, firearms will not be delivered whenever the dealer is notified by the Department of Justice that within the preceding 30-day period the purchaser had made another application to purchase a firearm.

   "It stands to reason that a person buying large quantities of guns at one time may be acting as a straw purchaser or gun trafficker. Moreover, firearms acquired this way are frequently used in crime. In fact, an ATF study of tracing data demonstrated that 22% of all handguns recovered in crime in 1999 were originally purchased as part of a multiple sale. A similar study found that 20% of all handguns recovered in crime in 2000 were originally purchased as part of a multiple sale Additionally, a University of Pennsylvania report found that a quarter of all guns used in crime were purchased as part of a multiple-gun sale and that guns purchased in bulk were up to 64% more likely to be used for illegal purposes than guns purchased individually.

   "The California Brady Campaign believes that handguns and long guns should be subject to the same laws. Sixteen years ago, it was thought that handguns made up an overwhelming share of crime guns, but the data shows that is no longer the case. Of the 26,682 crime guns entered into the Department of Justice's Automated Firearms Systems database in 2009, 11,500 were long guns. Additionally, DOJ has found that over the last three fiscal years, nearly half the illegal firearms recovered from prohibited persons through the Armed Prohibited Persons System are long guns.

   "Over the past ten years, Californians have annually purchased more long guns than handguns, including 534,469 long guns in 2013. These long guns include legal weapons that have military-style features and a mechanism, such as a bullet button, to allow for the rapid exchange of magazines and lower receivers, which can be assembled into military-style weapons. Limiting multiple-gun sales within a short period of time for such weapons, which are more lethal than handguns, is clearly in the interest of public safety.

"The Department of Justice began to retain records of long gun purchases on January 1, 2014. An analysis of the transaction data from the period January 2014 through June 2015 shows that 81.9% of long guns were sold as a single long gun purchase within a 30-day period. Clearly, the vast majority of long gun purchasers will not be impacted by AB 1674. However at the opposite end of the spectrum, an individual purchased 177 long guns in two transactions within a one month period (April 2014). Furthermore, sales to single individuals ranging from 5 to 54 long guns per month occurred on 1,787 occasions, totaling 12,090 guns.

"Preventing the flow of illegal guns is important to public safety regardless of whether the firearm is a handgun or long gun, or purchased new from a dealer or through a private party transaction. Limiting firearms sales to one gun per month is a recognized strategy to reduce gun trafficking and keep firearms out of dangerous hands. The California Brady Campaign Chapters stand in strong support of AB 1674 and thank you for introducing this important measure."

3) **Argument in Opposition**: The **Firearms Policy Coalition** argues, "AB 1674 seeks to limit, chill, and, and ration a fundamental, individual right by making it a crime to even apply for the otherwise lawful purchase of a constitutionally-protected firearm more than once every thirty days.

   "As the shooting sports experience historic growth form participation by more and more law-abiding people across all social, racial, gender, and financial lines, Assemblymember Santiago would respond by creating an artificial market cap on the very instruments protected by the Second Amendment to the United States Constitution.

   "In spite of a total lack of controlling regulations on the possession, transfer, and use of firearms in the production of movies and television, Hollywood, however, would be exempt from this scheme, leaving only "regular citizens" to comply with AB 1674.

   "AB 1674 would additionally ban the timely, lawful transfer of private property between individuals (through licensed firearm dealers, no less) by eliminating the ability for a law-abiding California gun owner to sell, trade, or loan their firearms if the intended buyer or transferee has already initiated any kind of acquisition within the past 30 days.

   "The Second Amendment is not a second-class right and California's law-abiding residents are not second-class people. AB 1674 must be rejected for its moral and policy flaws if not for its blatant constitutional infirmities."

4) **Prior Legislation**:

   a) AB 202 (Knox), Chapter 128, Statutes of 1999, prohibited any person from applying for more than one concealable firearm within a 30-day period, and prohibits the delivery to any person who has made an application to purchase more than one concealable firearm within 30 days.

b) AB 532 (Knox) of the 1997-98 Legislative Session would have made it a misdemeanor to take title to more than one concealable firearm in a 30-day period. In addition, AB 532 would have made it an alternate felony/misdemeanor for a dealer to deliver a handgun after being notified that a person was attempting to take title to more than one handgun in a 30-day period. AB 532 failed passage on the Assembly floor.

REGISTERED SUPPORT / OPPOSITION:

Support

California Chapters of the Brady Campaign to Prevent Gun Violence
Law Center to Prevent Gun Violence
Coalition Against Gun Violence
Women Against Gun Violence
Youth Alive

Opposition

National Rifle Association
National Shooting Sports Foundation, Inc.
Firearms Policy Coalition
Gun Owners of California

Analysis Prepared by: Gregory Pagan / PUB. S. / (916) 319-3744

Date of Hearing: March 1, 2016
Counsel: David Billingsley

ASSEMBLY COMMITTEE ON PUBLIC SAFETY
Bill Quirk, Chair

AB 1703 (Santiago) – As Introduced January 25, 2016

SUMMARY: Expands the definition of "immediate medical or hospital care" to includes critical specialty medical procedures or treatment, such as dialysis, which cannot be performed at a city or county jail.

EXISTING LAW:

1) Provides that whenever it appears to a sheriff or jailer that a prisoner in a jail under his or her charge is in need of immediate medical or hospital care, and that the health and welfare of the prisoner will be injuriously affected unless the prisoner is taken to a hospital, the sheriff or jailer may authorize the immediate removal of the prisoner under guard to a hospital, without first obtaining a court order as specified. (Pen. Code § 4011.5.)

2) Requires the sheriff or jailer to apply to a judge for an order authorizing the continued absence of the prisoner from the jail when the condition of the prisoner prevents his return to the jail within 48-hours from the time of his removal for medical treatment, (Pen. Code § 4011.5.)

3) Specifies that the court may order the removal of an inmate from a city or county jail to the county hospital or if there is no county hospital in such county, to any hospital designated by such court when the judge finds that a prisoner in any city or county jail requires medical treatment necessitating hospitalization that cannot be provided at the jail. (Pen. Code § 4011, subd. (a).)

4) Requires the sheriff or other official in charge of county correctional facilities to maintain the necessary guards, who may be private security guards, for the safekeeping of a prisoner at an outside medical facility. (Pen. Code § 4011, subd. (a).)

5) Specifies that any case in which it appears to the person in charge of a jail, or juvenile detention facility, or to a judge, that a person in custody in that jail or juvenile detention facility may be mentally disordered, he or she may cause the prisoner to be taken to a facility for 72-hour treatment and evaluation and he or she shall inform the facility in writing, which shall be confidential, of the reasons that the person is being taken to the facility. (Pen. Code § 4011.6.)

6) Specifies that the cost of outside medical services will be charged against the county or the city responsible for the jail, and the city or county may recover the costs from the person receiving medical services, or any person or agency responsible for his care and maintenance. (Pen. Code § 4011, subd. (b).)

7) Provides that when a prisoner is poor, the cost of outside medical services will be paid out of the general fund of the city or county. (Pen. Code § 4011, subd. (c).)

8) States that in the case of city jail prisoners removed to the county hospital, the cost of such hospital care will be paid by the city to the county, at a rate per day fixed by the board of supervisors of the county to approximate the average actual cost to the county of such hospital care. (Pen. Code § 4011, subd. (c).)

9) Provides that a prisoner who is financially able to pay for his medical care, the medical superintendent of such hospital other than a county hospital may, with the approval of a judge, enter into a special agreement with such person, or with his relatives or friends, for his medical expenses. (Pen. Code § 4011, subd. (d).)

10) States that any prisoner may decline care or treatment and provide other care and treatment for himself at his own expense. (Pen. Code § 4011, subd. (d).)

FISCAL EFFECT: Unknown

COMMENTS:

1) **Author's Statement**: According to the author, "Current law governing the medical treatment of prisoners in county or city jails was written prior to the passage of realignment, when the average stay was 30 days in county jail. Today, those convicted of a felony stay for much longer. This increases long-term medical issues faced by inmates along with the processes and procedures sheriffs and jailers must undergo to address them.

   "Los Angeles County jail runs anywhere from six to twelve inmates at a time, several times a week, to receive dialysis treatment. Los Angeles County sheriffs must obtain a court order for each individual to be transported to an outside medical facility.

   "This is time consuming, both for court and the jail.

   "Court orders prolong the process that sheriffs and jailers must undergo to remove an inmate for ongoing specialty treatments. This time consuming process results in backlog that delays treatment, which usually results in unintended expensive medical emergencies."

2) **This Bill Seeks to Add Language to an Existing Statute as Clarification:** Existing law allows a sheriff or a jailer to transport a prisoner to a hospital without a court order, when the prisoner is "in need or immediate medical or hospital care and that the health and welfare of the prisoner will be injuriously affected unless the prisoner is taken to a hospital." (Pen. Code § 4011.5.) This bill does not seek to change that language. Rather, the bill adds language which clarifies that "critical specialty medical procedures or treatment, such as dialysis, which cannot be furnished, performed, or supplied at a city or county jail" are treatments which fall under the more general definition of immediate medical care. If such language serves as a clarification, it is only necessary to the extent that the current language is not being interpreted to include such medical procedures.

3) **Longer Stays in County Jail Related to Realignment:** Realignment limited which felons can be sent to state prison, thus requiring that more felons serve their sentences in county

jails. Realignment applies to defendants who commit qualifying offenses, do not have specified prior convictions, and who were sentenced on or after October 1, 2011. One consequence of realignment was to shift some of the population serving time in the state prisons to county jails. The Public Policy Institute of California (PPIC) has studied the impact of realignment. PPIC has noted the impact of increased number of county jail inmates since Realignment:

> "Our data indicate that realignment has significantly affected county jail populations. Between June 2011 and June 2012, during which time California's prison population declined by roughly 26,600, the average daily population of California's jails grew by about 8,600 inmates, or about 12 percent."(Impact of Realignment on County Jail Populations, PPIC, Magnus Lofstrom and Louis Raphael, 2013, p. 2.)

PPIC's research has specifically noted the number of inmates now serving extended sentences in county jails:

> Before realignment, the maximum stay in county jail was one year. Now that lower-level felons go to county jail, this practice has changed—there is no limit on the amount of time these offenders can serve. As of early 2014, county jails housed 1,761 inmates serving sentences of more than five years—up 606 from 2013. (http://www.ppic.org/main/publication_show.asp?i=1061)

Given the significant number of inmates serving sentences in county jails in excess of a year, it is natural to expect a corresponding increase in health problems that need to be dealt with over multi-year county jail sentences.

4) **Argument in Support**: According to *California State Association of Counties*, "Current law allows a Sheriff to remove a prisoner in a county or a city jail if the prisoner needs on-going medical treatments, such as dialysis or hospital care. Each time an inmate is removed from a jail the sheriff is required to obtain a court order. This can be a very time consuming process that can result in backlogs that seriously delay treatment for inmates in need of critical care.

   "AB 1703 will expedite the transport process for these inmates by extending the definition of immediate medical care to include critical specialty medical procedures or treatment such as dialysis. This will result in one court order for the medical care of the inmate reducing the burden on the courts and law enforcement for repetitive court orders."

5) **Prior Legislation**:

   a) AB 2261 (Valdavao), of the 2011-2012 Legislative Session, would have allowed a $5 fee for each inmate initiated medical visit for inmates in city or county jail. AB 2261 was held in the Senate Public Safety Committee.

   b) AB 1487 (Hill), of the 2009-2010 Legislative Session, amended in the Senate into an unrelated subject area, would have increased from $3 to $6 the fee charged for each inmate-initiated medical visit by an inmate confined in a county or city jail, and required that the $3 fee increase be deposited in the county inmate welfare fund.

REGISTERED SUPPORT / OPPOSITION:

Support

Los Angeles County Sheriff's Office (Sponsor)
American Civil Liberties Union of California
California State Association of Counties
California State Sheriffs' Association

Opposition

None

Analysis Prepared by: David Billingsley / PUB. S. / (916) 319-3744

Date of Hearing: March 1, 2016
Counsel: David Billingsley

ASSEMBLY COMMITTEE ON PUBLIC SAFETY
Bill Quirk, Chair

AB 1730 (Atkins) – As Introduced January 28, 2016

SUMMARY: Authorizes the chief probation officer of a county to create a program to provide services to youth within the county that address the need for services relating to the commercial sexual exploitation of youth. Specifically, **this bill**:

1) Authorizes the chief probation officer of a county to create a program to provide services to youth within the county that address the need for services relating to the commercial sexual exploitation of youth.

2) Provides that funding for these purposes shall be contingent upon an appropriation in the annual Budget Act.

3) Provides that funds appropriated for these purposes shall be administered by the Board of State and Community Corrections.

EXISTING LAW:

1) States that "sexual exploitation" refers to a person who knowingly promotes, aids, or assists, employs, uses, persuades, induces, or coerces a child, or a person responsible for the welfare of a child, who knowingly permits or encourages a child to engage in, or assist others to engage in, prostitution or a live performance involving obscene sexual conduct, or to either pose or model alone or with others for purposes of preparing a film, photograph, negative, slide, drawing, painting or other pictorial depiction involving obscene sexual conduct. (Pen. Code § 11165.1, subd. (c)(2).

2) Permits a city, county, or community-based nonprofit organization to establish a multiagency, multidisciplinary family justice center to assist victims of domestic violence, sexual assault, elder or dependent adult abuse, and human trafficking, to ensure that victims of abuse are able to access all needed services in one location in order to enhance victim safety, increase offender accountability, and improve access to services for victims of domestic violence, sexual assault, elder or dependent adult abuse, and human trafficking. (Pen. Code § 13750, subd.(a).)

3) Allows the County of Alameda, contingent upon local funding, to establish a pilot project to develop a comprehensive, multidisciplinary model to address the needs and effective treatment of commercially sexually exploited minors who have been arrested or detained by local law enforcement for a violations of specified prostitution offenses. (Welf. And Inst. Code §18259, subd. (a).)

4) Allows the District Attorney of the County of Alameda, in collaboration with county and community-based agencies, to develop, as a component of the specified pilot project, protocols for identifying and assessing minors, upon arrest or detention by law enforcement, who may be victims of commercial sexual exploitation. (Welf. And Inst. Code § 18259, subd. (b).)
5) Specifies that the District Attorney of the County of Alameda, in collaboration with county and community-based agencies that serve commercially sexually exploited minors, may develop, as a component of the pilot project described in this chapter, a diversion program reflecting the best practices to address the needs and requirements of arrested or detained minors who have been determined to be victims of commercial sexual exploitation. (Welf. And Inst. Code §18259, subd. (c).)

6) Permits the District Attorney of the County of Alameda, in collaboration with county and community-based agencies, to form, as a component of the pilot project described in this chapter, a multidisciplinary team including, but not limited to, city police departments, the county sheriff's department, the public defender's office, the probation department, child protection services, and community-based organizations that work with or advocate for commercially sexually exploited minors. (Welf. And Inst. Code § 18259, subd. (d).)

7) Requires the District Attorney of the County of Alameda to submit a report to the Legislature by April 1, 2016 that summarizes the activities of the pilot project. (Welf. And Inst. Code § 18259.1.)

8) States that the authorization for the pilot project in Alameda County will expire on January 1, 2017, unless extended by the Legislature. (Welf. And Inst. Code § 18259.5.)

9) Provides that a juvenile convicted of specified offenses related to prostitution may, upon reaching 18 years of age, petition the court to have those convictions sealed without having to demonstrate that they have not been convicted of a felony or of any misdemeanor involving moral turpitude, or that rehabilitation has been attained to the satisfaction of the court. (Pen. Code § 1203.47, subd. (a).)

10) Allows the County of Los Angeles to establish a pilot project to develop a comprehensive, replicative, multidisciplinary model to address the needs and effective treatment of commercially sexually exploited minors who have been arrested or detained by local law enforcement for a violation of specified sexual offenses. (Welf. And Inst. Code §18259.7, subd. (a).)

11) Requires the District Attorney of the County of Los Angeles to submit a report to the Legislature by April 1, 2016 that summarizes the activities of the pilot project. (Welf. And Inst. Code § 18259.7.)

12) States that the authorization for the pilot project in Los Angeles County will expire on January 1, 2017, unless extended by the Legislature. (Welf. And Inst. Code §18259.10.)

FISCAL EFFECT: Unknown

COMMENTS:

1) **Author's Statement**: According to the author, "Human trafficking is modern day slavery and, unfortunately, this crime is growing rapidly in our state. According to the FBI, the San Francisco, Los Angeles and San Diego metropolitan areas comprise three of the nation's 13 areas of 'high intensity' child sex trafficking exploitation in the country.

   "Currently, many child victims of sex trafficking, once removed from the sex trade environment, have only two options for housing: juvenile detention and court-ordered foster care placement. Due to this limited range of options, juvenile detention too often means placement of some duration in juvenile hall. Although the foster care system is building service capacity, it does not have a suitable array of specially-tailored service options for this population. Moreover, in the foster care system, it can take some time to finalize a long-term placement appropriate for child sex trafficking victims, and these victims often need a place to stay immediately after being recovered from their trafficker.

   "Consequently, there are few facilities around the state that have the comprehensive services necessary to assist in the recovery and care of these child victims. Child sex trafficking victims have specific needs; many have suffered the same level of trauma as a prisoner of war. Without these services, or without a place to go, victims often end up back on the streets with their traffickers.

   "AB 1730 creates a pilot program that would provide commercially sexually exploited children a safe place to stay with trauma-informed, mental health services that can help them recover and thrive. Other aspects of the pilot program's design criteria will include assessment of the youth victim's condition; development and recommendations for permanent placement solutions; staff experienced to work with these victims as well as survivor, peer mentors; and a secure and protective service delivery setting secluded from the victim's trafficking environment, such as a geographically remote location, a staff protective presence, or any combination of strategies intended to protect the victim."

2) **Juvenile Probation Department Services:** Probation officers are involved throughout juvenile criminal justice proceedings. The probation department may be used at the "front end" of the juvenile justice system for first-time, low-risk offenders or at the "back end" as an alternative to institutional confinement for more serious offenders. The responsibilities of juvenile probation departments include the intake screening of cases referred to juvenile courts, predisposition or presentence investigation of juveniles, and court-ordered supervision of juvenile offenders.

   Juvenile probation officers investigate and provide information to the court about the juvenile's educational status, family situation, and any risk factors to assist the court in making decisions at every step in the juvenile process. When the court makes orders regarding the conduct of the juvenile, the probation officers are responsible for supervising the juvenile to ensure they follow those orders.

   The primary goal of the juvenile criminal justice system is rehabilitation of the juvenile. Sentencing by the court and supervision by probation are meant to further that rehabilitative goal. As part of their supervisory responsibilities, the probation officers provide support to the juvenile and their family to help with the process of rehabilitation. That support can take

the form of classes, services, or programs offered or facilitated by the probation department.

Juvenile victims of human trafficking enter the juvenile justice system when they are arrested for a crime that might, or might not be, related to the fact that they are a victim of human trafficking. To the extent that effective rehabilitation for those juveniles is going to take place, it is important to have resources to address the needs of those juveniles as victims of human trafficking.

3) **Alameda County Pilot Project:** The Legislature has authorized pilot programs in Alameda and Los Angeles Counties to create, implement, and deliver standardized training curricula that would provide a protocol for law enforcement and social services to assess and recognize sexually exploited minors within the juvenile justice system.

   The Alameda County pilot project was authorized under AB 499 (Swanson), Chapter 359, Statutes of 2008, is part of a larger project called "H.E.A.T (Human Exploitation and Trafficking) Watch." H.E.A.T Watch is a multidisciplinary, multisystem program that brings together individuals and agencies from law enforcement, health care, advocacy, victim and support services, the courts, probation agencies, the commercial sector, and the community to (1) ensure the safety of victims and survivors and (2) pursue accountability for exploiters and traffickers. Strategies employed by H.E.A.T. Watch include, among others, stimulating community engagement, coordinating training and information sharing, and coordinating the delivery of victim and support services.

   The program uses a multisector approach to coordinate the delivery of support services. For example, multidisciplinary case review (modeled on the multidisciplinary team approach) is used to create emergency and long-term safety plans. Referrals for case review are made by law enforcement, prosecutors, probation officials, and social service organizations that have come into contact with these youth. This approach enables members of the multidisciplinary team to share confidential information with agencies that can assist youth in need of services and support. (Confronting Commercial Sexual Exploitation and Sex Trafficking of Minors in the United States, A Guide for Providers of Victim and Support Services. Institute of Medicine and National Research Council, Pp. 30-31.)

   In a March 23, 2011 progress report on the AB 499 Diversion Program, the Alameda County District Attorney's Office (ACDAO) stated: "As a result of the passage of AB 499, the ACDAO has been able to develop a comprehensive system response that directs Commercially Sexually Exploited Children (CSEC) away from the criminal justice system and into programs offering specialized services essential for the stabilization, safety, and recovery of these vulnerable children. . . .

   The Legislature authorized the same pilot project for Los Angeles County. (SB 1279 (Pavley), Chapter 116, Statutes of 2010.)

4) **Labor Trafficking Estimated to be More than Three Times as Large as Sex Trafficking:** In 2012, the California Department of Justice published a report about human trafficking in California. The report was compiled by the Attorney General's Human Trafficking Work Group. The Work Group was comprised of representatives of educational institutions, private entities, and a broad spectrum of law enforcement agencies, governmental agencies, victim service providers, and technology companies. Included in the report's findings was

an examination of the extent and nature of human trafficking. The report emphasized that labor trafficking was under reported compared to sex trafficking. The report pointed out that labor trafficking was believed to be 3.5 times as prevalent as sex trafficking. (The State of Human Trafficking in California (2012), California Department of Justice, pp. 4, 47.) Given the significance of labor trafficking, consideration should be given to ensure any resources devoted to county probation departments to assist juvenile victims of human trafficking include victims of labor trafficking.

5) **Argument in Support**: According to *San Diego Office of the District Attorney*, "University of San Diego and Point Loma Nazarene University released a study that estimates there are anywhere between 8-thousand to 11-thousand victims trafficked each year in San Diego. The study also found our local human trafficking industry generates more than $800-million each year, supporting an underground economy second only to the illegal drug trade.

   "The study also confirms what our office sees on a daily basis; local criminal gangs are running many of these sex trafficking rings. The report states 85% of local sex trafficking is being run by individuals involved in gangs.

   "AB 1730 will provide the opportunity for the chief probation officer to create a program that will provide specific services to youth affected by this criminal enterprise. The program could also include physical and mental health assessments for the young victims, and counseling services to deal with trauma and stigma of being a victim of human trafficking. Peer mentors may be utilized in the design and provision of service delivery. This program may also provide plans for protection of the victim away from the trafficking environment. These provisions are innovative, and will serve a very specific victim that current, local services may not be able to reach."

6) **Related Legislation:** AB 1731 (Atkins), creates the Statewide Interagency Human Trafficking Task Force to gather statewide data on human trafficking, to recommend interagency protocols and best practices for training and outreach to law enforcement, victim service providers, and other state and private sector employees likely to encounter sex trafficking, and to evaluate and implement approaches to increase public awareness about human trafficking. AB 1731 will be heard in this committee today.

7) **Prior Legislation**:

   a) AB 1623 (Atkins), Chapter 85, Statutes of 2014, authorizes a local government or nonprofit organization to establish a family justice center to assist specified types of crime victims, including victims of human trafficking.

   b) AB 799 (Swanson), Chapter 51, Statutes of 2011, extended the pilot program in Alameda County until January 1, 2017 (Please see (d)).

   c) SB 1279 (Pavley), Chapter 116, Statutes of 2010, established a pilot project in Los Angeles County to create, implement, and deliver standardized training curricula that would provide a protocol for law enforcement and social services to assess and recognize sexually exploited minors within the juvenile justice system.

d) AB 499 (Swanson), Chapter 359, Statutes of 2008, established a pilot project in Alameda County to create, implement, and deliver standardized training curricula that would provide a protocol for law enforcement and social services to assess and recognize sexually exploited minors within the juvenile justice system.

REGISTERED SUPPORT / OPPOSITION:

Support

California Public Defenders Association
California Statewide Law Enforcement Association
Fraternal Order of Police, California State Lodge
San Diego County Office of the District Attorney
State Coalition of Probation Organizations

Opposition

None

Analysis Prepared by: David Billingsley / PUB. S. / (916) 319-3744

Date of Hearing: March 1, 2016
Counsel: David Billingsley

ASSEMBLY COMMITTEE ON PUBLIC SAFETY
Bill Quirk, Chair

AB 1731 (Atkins) – As Introduced January 28, 2016

SUMMARY: Creates the Statewide Interagency Human Trafficking Task Force to gather statewide data on human trafficking, to recommend interagency protocols and best practices for training and outreach to law enforcement, victim service providers, and other state and private sector employees likely to encounter sex trafficking, and to evaluate and implement approaches to increase public awareness about human trafficking. Specifically, **this bill**:

1) Creates the Statewide Interagency Human Trafficking Task Force consisting of representatives from the following agencies:

   a) The Department of Justice;

   b) The State Department of Social Services;

   c) The Children and Family Services Division of the State Department of Social Services;

   d) The Labor and Workforce Development Agency;

   e) The State Department of Public Health;

   f) The Department of Corrections and Rehabilitation;

   g) The State Department of Education; and

   h) The Judicial Council.

2) Directs the Statewide Interagency Human Trafficking Task Force to do the following:

   a) Gather statewide data on sex and labor traffickers, sex buyers, and human trafficking victims, including statistics on prosecution of offenders as well as services provided to victims, including commercially sexually exploited children.

   b) Recommend interagency protocols and best practices for training and outreach to the law enforcement community, victim service providers, and other state or private sector employees likely to encounter sex trafficking, such as educators and hotel workers.

   c) Evaluate and implement approaches to increase public awareness about human trafficking and make new recommendations on these approaches.

EXISTING LAW:

1) States that "sexual exploitation" refers to a person who knowingly promotes, aids, or assists, employs, uses, persuades, induces, or coerces a child, or a person responsible for the welfare of a child, who knowingly permits or encourages a child to engage in, or assist others to engage in, prostitution or a live performance involving obscene sexual conduct, or to either pose or model alone or with others for purposes of preparing a film, photograph, negative, slide, drawing, painting or other pictorial depiction involving obscene sexual conduct. (Penal Code § 11165.1(c)(2).)

2) States that any person who deprives or violates the personal liberty of another with the intent to obtain forced labor or services, is guilty of human trafficking and shall be punished by imprisonment in the state prison for 5, 8, or 12 years and a fine of not more than five hundred thousand dollars ($500,000). (Pen. Code § 236.1, subd. (a).)

3) Specifies that any person who deprives or violates the personal liberty of another with the intent to effect or maintain a violation of specified sex offenses, is guilty of human trafficking and shall be punished by imprisonment in the state prison for 8, 14, or 20 years and a fine of not more than five hundred thousand dollars ($500,000). (Pen. Code § 236.1, subd. (b).)

4) Provides that any person who causes or persuades, or attempts to cause or persuade, a person who is a minor to engage in a commercial sex act, with the intent to effect a violation of specified sex offenses is guilty of human trafficking. A violation of this subdivision is punishable by imprisonment in the state prison as follows:

   a) Five, 8, or 12 years and a fine of not more than five hundred thousand dollars ($500,000). (Pen. Code § 236.1, subd. (c)(1).)

   b) Fifteen years to life and a fine of not more than five hundred thousand dollars ($500,000) when the offense involves force, fear, fraud, deceit, coercion, violence, duress, menace, or threat of unlawful injury to the victim or to another person. (Pen. Code § 236.1, subd. (c)(2).)

5) Allows the District Attorney of the County of Alameda, in collaboration with county and community-based agencies, to develop, as a component of the specified pilot project, protocols for identifying and assessing minors, upon arrest or detention by law enforcement, who may be victims of commercial sexual exploitation. (Welf. And Inst. Code § 18259, subd. (b).)

6) Specifies that the District Attorney of the County of Alameda, in collaboration with county and community-based agencies that serve commercially sexually exploited minors, may develop, as a component of the specified pilot project, a diversion program reflecting the best practices to address the needs and requirements of arrested or detained minors who have been determined to be victims of commercial sexual exploitation. (Welf. And Inst. Code § 18259, subd. (c).)

7) Permits the District Attorney of the County of Alameda, in collaboration with county and community-based agencies, to form, as a component of the specified pilot project, a multidisciplinary team including, but not limited to, city police departments, the county sheriff's department, the public defender's office, the probation department, child protection services, and community-based organizations that work with or advocate for commercially sexually exploited minors. (Welf. And Inst. Code § 18259, subd. (d).)

8) Requires the District Attorney of the County of Alameda to submit a report to the Legislature by April 1, 2016 that summarizes the activities of the pilot project. (Welf. And Inst. Code § 18259.1.)

9) States that the authorization for the pilot project in Alameda County will expire on January 1, 2017, unless extended by the Legislature. (Welf. And Inst. Code § 18259.5.)

10) Allows the County of Los Angeles to establish a pilot project to develop a comprehensive, replicative, multidisciplinary model to address the needs and effective treatment of commercially sexually exploited minors who have been arrested or detained by local law enforcement for a violation of specified sexual offenses. (Welf. And Inst. Code § 18259.7, subd. (a).)

11) Requires the District Attorney of the County of Los Angeles to submit a report to the Legislature by April 1, 2016 that summarizes the activities of the pilot project. (Welf. And Inst. Code § 18259.7.)

12) States that the authorization for the pilot project in Los Angeles County will expire on January 1, 2017, unless extended by the Legislature. (Welf. And Inst. Code § 18259.10.)

FISCAL EFFECT: Unknown

COMMENTS:

1) **Author's Statement**: According to the author, "California remains at the forefront in the fight against human trafficking and will continue to do so. Yet, there is not currently a statewide entity working to coordinate the efforts of all the relevant state agencies, to collect and analyze multi-faceted human trafficking data from around the state, and to increase awareness about human trafficking so that members of the public know how to identify and report human trafficking.

   "AB 1731 creates such an entity, the California Interagency Human Trafficking Task Force, with specific mandates for the above-described action. As the fight against human trafficking evolves in our state, the Task Force can evolve with it, and future legislation can mandate further action.

   "This statewide task force will be comprised of representatives from state agencies involved in law enforcement, social services, child welfare, labor, public health, and corrections and rehabilitation, education, and the courts."

2) **California Regional Task Forces on Human Trafficking:** In 2004 and 2005, the U.S. Department of Justice awarded grants to create six regional task forces in California to combat human trafficking. In 2009 and 2010, the California Emergency Management Agency used American Recovery and Reinvestment Act grant funds to supplement the original six task forces and establish three new regional task forces.

   As part of their work to combat human trafficking, the task forces provide training to a variety of audiences on how to identify and respond to the crime. From mid-2010 to mid-2012, California's task forces provided training to 25,591 law enforcement personnel, prosecutors, victim service providers, and other first responders. (https://oag.ca.gov/human-trafficking/fighting)

   The nine regional task forces are:

   East Bay Human Trafficking Task Force
   Fresno Coalition Against Human Trafficking
   Los Angeles Metro Area Task Force on Human Trafficking
   North Bay Human Trafficking Task Force
   Orange County Human Trafficking Task Force
   Riverside County Anti-Human Trafficking Task Force
   Sacramento Innocence Lost Task Force
   San Diego North County Anti-Human Trafficking Task Force
   San Jose/South Bay Human Trafficking Task Force.

   The regional task forces are comprised of various combinations of local law enforcement agencies district and non-profits with expertise on issues involving human trafficking.

3) **Multisector and Interagency Initiatives to Address Trafficking:** In 2013, the Institute of Medicine and the National Research Council prepared a guide for providers of victim services for minors that had been trafficked. The guide pointed out that each of the sectors involved in addressing commercial sexual exploitation and sex trafficking of minors—victim and support services, health care, education, the legal sector, and the commercial sector—has specific roles to play. Adequate responses to trafficking of minors requires collaboration and coordination among all of these sectors, as well as at all levels—federal, state, and local. Yet the efforts of individuals, groups, and organizations in different sectors and with different areas of expertise tend to be disconnected. (Confronting Commercial Sexual Exploitation and Sex Trafficking of Minors in the United States, A Guide for Providers of Victim and Support Services, Institute of Medicine and National Research Council, pp. 26-27.)

   The Institute of Medicine and the National Research Council recommended the use multisector and interagency initiatives to address commercial sexual exploitation and sex trafficking of minors. The guide identified existing task forces on the federal level (Trafficking Victims Protection Act (2013)), as effective mechanisms to coordinate responses between agencies. (Confronting Commercial Sexual Exploitation and Sex Trafficking of Minors in the United States, A Guide for Providers of Victim and Support Services, Institute of Medicine and National Research Council, p.27.)

4) **Alameda County Pilot Project:** The pilot project authorized under AB 499 (Swanson), Chapter 359, Statutes of 2008, falls within the East Bay Human Trafficking Task Force. The pilot project is a component of "H.E.A.T (Human Exploitation and Trafficking) Watch." H.E.A.T Watch is a multidisciplinary, multisystem program that brings together individuals and agencies from law enforcement, health care, advocacy, victim and support services, the courts, probation agencies, the commercial sector, and the community to (1) ensure the safety of victims and survivors and (2) pursue accountability for exploiters and traffickers. Strategies employed by H.E.A.T. Watch include, among others, stimulating community engagement, coordinating training and information sharing, and coordinating the delivery of victim and support services.

   The program uses a multisector approach to coordinate the delivery of support services. For example, multidisciplinary case review (modeled on the multidisciplinary team approach) is used to create emergency and long-term safety plans. Referrals for case review are made by law enforcement, prosecutors, probation officials, and social service organizations that have come into contact with these youth. This approach enables members of the multidisciplinary team to share confidential information with agencies that can assist youth in need of services and support. (Confronting Commercial Sexual Exploitation and Sex Trafficking of Minors in the United States, A Guide for Providers of Victim and Support Services. Institute of Medicine and National Research Council, pp. 30-31.)

   In a March 23, 2011 progress report on the AB 499 Diversion Program, the Alameda County District Attorney's Office (ACDAO) stated: "As a result of the passage of AB 499, the ACDAO has been able to develop a comprehensive system response that directs Commercially Sexually Exploited Children (CSEC) away from the criminal justice system and into programs offering specialized services essential for the stabilization, safety, and recovery of these vulnerable children.

   The Legislature authorized a similar pilot project for Los Angeles County. (SB 1279 (Pavley), Chapter 116, Statutes of 2010.)

5) **Argument in Support**: According to *The California Statewide Law Enforcement*, ". . . ,we strongly support AB 1731 (Atkins), which creates the Statewide Interagency Human Trafficking Task Force consisting of the Department of Justice, the Department of Corrections and Rehabilitation and other agencies.

   "AB 1731 allows the various state agencies to gather data and recommend protocols and best practices for training and outreach to law enforcement, victim service providers, and others. By collaborating on best practices, law enforcement and community partners will be better equipped to handle cases and encounters with human trafficking."

6) **Related Legislation:** AB 1730 (Atkins), authorizes the chief probation officer of a county to create a program to provide services to youth within the county that address the need for services relating to the commercial sexual exploitation of youth. AB 1730 will be heard in this committee today.

7) **Prior Legislation**:

a) AB 1623 (Atkins), Chapter 85, Statutes of 2014, authorizes a local government or nonprofit organization to establish a family justice center to assist specified types of crime victims, including victims of human trafficking.

b) SB 1279 (Pavley), Chapter 116, Statutes of 2010, established a pilot project in Los Angeles County to create, implement, and deliver standardized training curricula that would provide a protocol for law enforcement and social services to assess and recognize sexually exploited minors within the juvenile justice system.

c) AB 499 (Swanson), Chapter 359, Statutes of 2008, established a pilot project in Alameda County to create, implement, and deliver standardized training curricula that would provide a protocol for law enforcement and social services to assess and recognize sexually exploited minors within the juvenile justice system.

d) AB 22 (Lieber), Chapter 240, Statutes of 2005, created California's first legislatively mandated human trafficking taskforce which dissolved after the release of its report in 2007.

REGISTERED SUPPORT / OPPOSITION:

Support

California Statewide Law Enforcement Association
Fraternal Order of Police, California State Lodge
State Coalition of Probation Organizations

Opposition

None

Analysis Prepared by: David Billingsley / PUB. S. / (916) 319-3744