

EXHIBIT F

BILL ANALYSIS

SENATE COMMITTEE ON CRIMINAL PROCEDURE
Senator Milton Marks, Chair

S

1995-96 Regular Session

B

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SB 670 (Lewis) 0
As introduced
Hearing date: March 28, 1995
Penal Code
SAH:ll

FEE CAP - FIREARM DEALER RECORD OF SALE

HISTORY

Source: Author

Prior Legislation: SB 584 (1992) - Died, Senate Judiciary
CommitteeSupport: NRA; California Rifle and Pistol Association,
Inc.; Sports and Arms Show
Producers of America, Inc.

Opposition: none known

KEY ISSUE

SHOULD THE FEE WHICH THE DEPARTMENT OF JUSTICE MAY SET FOR PROCESSING FIREARM
DEALER RECORD OF SALE (DROS) FORMS BE CAPPED IN STATUTE AT \$14?

SHOULD LEGISLATIVE FINDINGS ABOUT THE NEED TO LIMIT THE MAXIMUM DROS FEE BE

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ADOPTED?

PURPOSE

Under existing law a dealer is required to record on a dealer register specified information regarding the identity, residence address, and date of birth of any purchaser or transferee of any firearm. A copy of the register is required to be sent by mail to the Department of Justice in order to determine whether the purchaser or transferee is among a specified category of persons and the department is required to immediately notify the dealer and local law enforcement upon ascertaining that fact. In addition, the department is authorized to charge the dealer a fee sufficient to reimburse specified costs, including, but not limited to, the costs of furnishing this information. (Penal Code Section 12076)

The DROS fee is charged by the Department of Justice to dealers; the dealers in turn charge that fee to purchasers.

This bill would express legislative findings and would provide that the dealers' record of sale fee authorized under these provisions shall not exceed \$14.

This bill would also require the State Bureau of Audits to conduct an audit of the Dealers Record of Sale Special Account in the General Fund, along with related transaction costs; to complete the report by January 1, 1997; and to report the results back to the Legislature by March 31, 1997. The report shall include information about whether the fees are being used for the intended purpose and whether the fee represents the actual cost of the service.

The purpose of this bill is to place a statutory maximum limit on the DROS fee which the Department of Justice is authorized to charge.

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COMMENTS

1. Legislative findings contained in this bill.

This bill states that the Legislature finds and declares the following:

a. The dealers' record of sale fee for firearms has risen from four dollars and twenty-five cents (\$4.25) to fourteen dollars (\$14) in the past five years. This is an increase of greater than 300 percent.

b. The Legislature passed laws resulting in increased dealers' record of sale fees without adequate information relative to the cost impact of the increases and with the understanding that the fee moneys would be used solely for the purpose for which the fees were originally instituted.

c. In 1990, the Legislature passed a law to require the Department of Justice to study the use of an automated or computerized background check, similar to that used by private credit reporting agencies, for the purpose of reducing the waiting period required subsequent to the purchase of a firearm.

d. A dealers' record of sale fee cap is necessary in order to assure that the Legislature will have adequate information relative to future proposed fee increases and will thus be better able to consider the merits of the increases relative to the potential benefits to be derived compared to the costs and impact on the Dealers' Record of Sale Special Account and other relevant factors.

ARE THE FINDINGS IN THIS BILL NECESSARY AS UNCODIFIED LAW?

2. Difference in the SB 584 (1992) proposal.

SB 584 (1992) proposed a DROS fee cap of \$14; it did not

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call for any audit of the DROS account. However, that measure did provide for a cost of living increase for the fee after the first year of the limit.

SHOULD AN AUTOMATIC COST OF LIVING PROVISION BE ADDED TO THIS BILL FOR YEARS AFTER THE FIRST EFFECTIVE YEAR?

3. Support for this bill.

Supporters of this bill essentially reiterate the legislative findings contained in the bill. They also suggest that this bill will provide the Legislature with more oversight since the Department of Justice would need to seek legislative approval to increase fees over the proposed permanent statutory cap and the Department would therefore need to justify any such proposed increase.

4. Related legislation.

SB 671 (Lewis) is sponsored by the Department of Justice and would require that an exclusively electronic/telephonic oDROSo system be implemented by January 1, 1997. It is unclear how much the new system will ocosto dealers after that date.

WILL THE AUDIT BUREAU REPORT PROPOSED BY THIS BILL BE SKEWED OR DIFFICULT TO PERFORM AS THE DEPARTMENT OF JUSTICE TRANSITIONS TO A NEW oMODERNO SYSTEM?

(More)

EXHIBIT G

BILL NUMBER: SB 670 CHAPTERED
BILL TEXT

CHAPTER 901
FILED WITH SECRETARY OF STATE OCTOBER 16, 1995
APPROVED BY GOVERNOR OCTOBER 13, 1995
PASSED THE SENATE SEPTEMBER 15, 1995
PASSED THE ASSEMBLY SEPTEMBER 15, 1995
AMENDED IN ASSEMBLY SEPTEMBER 14, 1995
AMENDED IN ASSEMBLY SEPTEMBER 6, 1995
AMENDED IN ASSEMBLY AUGUST 29, 1995
AMENDED IN ASSEMBLY JUNE 20, 1995
AMENDED IN SENATE MAY 23, 1995
AMENDED IN SENATE MAY 16, 1995
AMENDED IN SENATE APRIL 3, 1995

INTRODUCED BY Senator Lewis

FEBRUARY 22, 1995

An act to amend Section 12076 of the Penal Code, relating to firearms.

LEGISLATIVE COUNSEL'S DIGEST

SB 670, Lewis. Firearms: dealers' record of sale.

(1) Existing law authorizes the Department of Justice to charge the dealer a fee sufficient to reimburse specified costs of the department relating to furnishing information required by the firearms dealer under these procedures and specified costs of the State Department of Mental Health, local mental health facilities and institutions, and local law enforcement agencies relating to reporting and notification requirements.

This bill would limit the fee to a maximum of \$14 except that the fee could be increased at a rate not to exceed any increase in the California Consumer Price Index as compiled and reported by the California Department of Industrial Relations. The bill would prohibit the department from using the fee to directly fund or as a loan to fund any program other than the costs specified in that provision.

(2) This bill would incorporate additional changes in Section 12076 of the Penal Code proposed by AB 70, to be operative only if AB 70 and this bill are both enacted and become effective January 1, 1996, and this bill is enacted last.

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

SECTION 1. Section 12076 of the Penal Code is amended to read:

12076. (a) The purchaser of any firearm shall be required to present clear evidence of his or her identity and age, as defined in Section 12071, to the dealer, and the dealer shall require him or her to sign his or her current legal name and affix his or her residence address and date of birth to the register in quadruplicate. The salesperson shall affix his or her signature to the register in quadruplicate as a witness to the signature and identification of the purchaser. Any person furnishing a fictitious name or address or knowingly furnishing any incorrect information or knowingly omitting any information required to be provided for the register and any person violating any provision of this section is guilty of a misdemeanor.

(b) (1) Two copies of the original sheet of the register, on the date of sale, shall be placed in the mail, postage prepaid, and properly addressed to the Department of Justice in Sacramento.

(2) One copy of the original shall be mailed, postage prepaid, to the chief of police, or other head of the police department, of the city or county wherein the sale is made. Where the sale is made in a district where there is no municipal police department, the copy of the original sheet shall be mailed to the sheriff of the county wherein the sale is made. This copy for firearms, other than pistols, revolvers, or other firearms capable of being concealed upon the person shall be destroyed within five days of receipt and no information shall be compiled therefrom.

(3) A photocopy of the original shall be provided to the purchaser by the dealer.

(4) If the transaction is one conducted pursuant to Section 12082, a photocopy of the original shall be provided to the seller by the dealer.

(c) The department 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 a person described in Section 12021 or 12021.1 of this code or Section 8100 or 8103 of the Welfare and Institutions Code.

If the department determines that the purchaser is a person described in Section 12021 or 12021.1 of this code or Section 8100 or 8103 of the Welfare and Institutions Code, it shall immediately notify the dealer and the chief of the police department of the city or county in which the sale was made, or if the sale was made in a district in which there is no municipal police department, the sheriff of the county in which the sale was made, of that fact.

If the department determines that the copies of the register submitted to it pursuant to subdivision (b) contain any blank spaces or inaccurate, illegible, or incomplete information, preventing identification of the purchaser or the pistol, revolver, or other firearm to be purchased, or if any fee required pursuant to subdivision (d) is not submitted by the dealer in conjunction with submission of copies of the register, the department may notify the dealer of that fact. Upon notification by the department, the dealer shall submit corrected copies of the register to the department, or shall submit any fee required pursuant to subdivision (d), or both, as appropriate and, if notification by the department is received by the dealer at any time prior to delivery of the firearm to be purchased, the dealer shall withhold delivery until the conclusion of the waiting period described in Sections 12071 and 12072.

(d) The Department of Justice may charge the dealer a fee not to exceed fourteen dollars (\$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 California Department of Industrial Relations. The fee shall be no more than is sufficient to reimburse all of the following, and is not to be used to directly fund or as a loan to fund any other program:

(1) (A) The department for the cost of furnishing this information.

(B) The department for the cost of meeting its obligations under paragraph (2) of subdivision (b) of Section 8100 of the Welfare and Institutions Code.

(2) Local mental health facilities for state-mandated local costs resulting from the reporting requirements imposed by the amendments to Section 8103 of the Welfare and Institutions Code, made by the act which also added this paragraph.

(3) The State Department of Mental Health for the costs resulting from the requirements imposed by the amendments to Section 8104 of the Welfare and Institutions Code made by the act which also added this paragraph.

(4) Local mental hospitals, sanitariums, and institutions for state-mandated local costs resulting from the reporting requirements imposed by Section 8105 of the Welfare and Institutions Code.

(5) Local law enforcement agencies for state-mandated local costs resulting from the notification requirements set forth in subdivision (a) of Section 6385 of the Family Code.

(6) Local law enforcement agencies for state-mandated local costs resulting from the notification requirements set forth in subdivision (c) of Section 8105 of the Welfare and Institutions Code.

The fee established pursuant to this subdivision shall not exceed the sum of the actual processing costs of the department, the estimated reasonable costs of the local mental health facilities for complying with the reporting requirements imposed by the act which added paragraph (2) to this subdivision, the costs of the State Department of Mental Health for complying with the requirements imposed by the act which added paragraph (3) to this subdivision, the estimated reasonable costs of local mental hospitals, sanitariums, and institutions for complying with the reporting requirements imposed by the act which added paragraph (4) to this subdivision, the estimated reasonable costs of local law enforcement agencies for complying with the notification requirements set forth in subdivision (a) of Section 6385 of the Family Code, and the estimated reasonable costs of local law enforcement agencies for complying with the notification requirements set forth in subdivision (c) of Section 8105 of the Welfare and Institutions Code created by the act which added paragraph (6) to this subdivision.

(e) (1) The Department of Justice may charge a fee sufficient to reimburse it for each of the following:

(A) For the actual costs associated with the preparation, sale, processing, and filing of forms or reports required or utilized pursuant to Section 12078 if neither a dealer nor a law enforcement agency acting pursuant to Section 12084 is filing the form or report.

(B) For the actual processing costs associated with the submission of a Dealers' Record of Sale to the department by a dealer or of the submission of a LEFT to the department by a law enforcement agency acting pursuant to Section 12084 if the waiting period described in Sections 12071, 12072, and 12084 does not apply.

(C) For the actual costs associated with the preparation, sale, processing, and filing of reports utilized pursuant to subdivision (1) of Section 12078 or paragraph (18) of subdivision (b) of Section 12071.

(2) If the department charges a fee pursuant to subparagraph (B) of paragraph (1) of this subdivision, it shall be charged in the same amount to all categories of transaction that are within that subparagraph.

(3) Any costs incurred by the Department of Justice to implement this subdivision shall be reimbursed from fees collected and charged pursuant to this subdivision. No fees shall be charged to the dealer pursuant to subdivision (d) or to a law enforcement agency acting pursuant to paragraph (6) of subdivision (d) of Section 12084 for costs incurred for implementing this subdivision.

(f) All money received by the department pursuant to this section shall be deposited in the Dealers' Record of Sale Special Account of the General Fund, which is hereby created, to be available, upon appropriation by the Legislature, for expenditure by the department to offset the costs incurred pursuant to this section and Sections 12289 and 12809.

(g) (1) Only one fee shall be charged pursuant to this section for a single transaction on the same date for the sale of any number of firearms that are not pistols, revolvers, or other firearms capable of being concealed upon the person or for the taking of possession of those firearms.

(2) In a single transaction on the same date for the delivery of any number of firearms that are pistols, revolvers, or other firearms capable of being concealed upon the person, the department shall charge a reduced fee pursuant to this section for the second and subsequent firearms that are part of that transaction.

(h) Only one fee shall be charged pursuant to this section for a single transaction on the same date for taking title or possession of any number of firearms pursuant to paragraph (18) of subdivision (b) of Section 12071 or subdivision (c) or (i) of Section 12078.

(i) Whenever the Department of Justice acts pursuant to this section as it pertains to firearms other than pistols, revolvers, or other firearms capable of being concealed upon the person, the department's acts or omissions shall be deemed to be discretionary within the meaning of the California Tort Claims Act pursuant to Division 3.6 (commencing with Section 810) of Title 1 of the Government Code.

(j) As used in this section, the following definitions shall control:

(1) "Purchaser" means the purchaser or transferee of a firearm or a person being loaned a firearm.

(2) "Purchase" means the purchase, loan, or transfer of a firearm.

(3) "Sale" means the sale, loan, or transfer of a firearm.

(4) "Seller" means, if the transaction is being conducted pursuant to Section 12082, the person selling, loaning, or transferring the firearm.

SEC. 2. Section 12076 of the Penal Code is amended to read:

12076. (a) The purchaser of any firearm shall be required to present clear evidence of his or her identity and age, as defined in Section 12071, to the dealer, and the dealer shall require him or her to sign his or her current legal name and affix his or her residence address and date of birth to the register in quadruplicate. The salesperson shall affix his or her signature to the register in quadruplicate as a witness to the signature and identification of the purchaser. Any person furnishing a fictitious name or address or knowingly furnishing any incorrect information or knowingly omitting any information required to be provided for the register and any person violating any provision of this section is guilty of a misdemeanor.

(b) (1) Two copies of the original sheet of the register, on the date of sale, shall be placed in the mail, postage prepaid, and properly addressed to the Department of Justice in Sacramento.

(2) One copy of the original shall be mailed, postage prepaid, to the chief of police, or other head of the police department, of the city or county wherein the sale is made. Where the sale is made in a district where there is no municipal police department, the copy of the original sheet shall be mailed to the sheriff of the county wherein the sale is made. This copy for firearms, other than pistols, revolvers, or other firearms capable of being concealed upon the person shall be destroyed within five days of receipt and no information shall be compiled therefrom.

(3) A photocopy of the original shall be provided to the purchaser by the dealer.

(4) If the transaction is one conducted pursuant to Section 12082, a photocopy of the original shall be provided to the seller by the dealer.

(c) The department 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 a person described in Section 12021 or 12021.1 of this code or Section 8100 or 8103 of the Welfare and Institutions Code.

If the department determines that the purchaser is a person described in Section 12021 or 12021.1 of this code or Section 8100 or 8103 of the Welfare and Institutions Code, it shall immediately

notify the dealer and the chief of the police department of the city or county in which the sale was made, or if the sale was made in a district in which there is no municipal police department, the sheriff of the county in which the sale was made, of that fact.

If the department determines that the copies of the register submitted to it pursuant to subdivision (b) contain any blank spaces or inaccurate, illegible, or incomplete information, preventing identification of the purchaser or the pistol, revolver, or other firearm to be purchased, or if any fee required pursuant to subdivision (d) is not submitted by the dealer in conjunction with submission of copies of the register, the department may notify the dealer of that fact. Upon notification by the department, the dealer shall submit corrected copies of the register to the department, or shall submit any fee required pursuant to subdivision (d), or both, as appropriate and, if notification by the department is received by the dealer at any time prior to delivery of the firearm to be purchased, the dealer shall withhold delivery until the conclusion of the waiting period described in Sections 12071 and 12072.

(d) The Department of Justice may charge the dealer a fee not to exceed fourteen dollars (\$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 California Department of Industrial Relations. The fee shall be no more than is sufficient to reimburse all of the following, and is not to be used to directly fund or as a loan to fund any other program:

(1) (A) The department for the cost of furnishing this information.

(B) The department for the cost of meeting its obligations under paragraph (2) of subdivision (b) of Section 8100 of the Welfare and Institutions Code.

(2) Local mental health facilities for state-mandated local costs resulting from the reporting requirements imposed by the amendments to Section 8103 of the Welfare and Institutions Code, made by the act which also added this paragraph.

(3) The State Department of Mental Health for the costs resulting from the requirements imposed by the amendments to Section 8104 of the Welfare and Institutions Code made by the act which also added this paragraph.

(4) Local mental hospitals, sanitariums, and institutions for state-mandated local costs resulting from the reporting requirements imposed by Section 8105 of the Welfare and Institutions Code.

(5) Local law enforcement agencies for state-mandated local costs resulting from the notification requirements set forth in subdivision (a) of Section 6385 of the Family Code.

(6) Local law enforcement agencies for state-mandated local costs resulting from the notification requirements set forth in subdivision (c) of Section 8105 of the Welfare and Institutions Code.

The fee established pursuant to this subdivision shall not exceed the sum of the actual processing costs of the department, the estimated reasonable costs of the local mental health facilities for complying with the reporting requirements imposed by the act which added paragraph (2) to this subdivision, the costs of the State Department of Mental Health for complying with the requirements imposed by the act which added paragraph (3) to this subdivision, the estimated reasonable costs of local mental hospitals, sanitariums, and institutions for complying with the reporting requirements imposed by the act which added paragraph (4) to this subdivision, the estimated reasonable costs of local law enforcement agencies for complying with the notification requirements set forth in subdivision (a) of Section 6385 of the Family Code, and the estimated reasonable costs of local law enforcement agencies for complying with the notification requirements set forth in subdivision (c) of Section 8105 of the Welfare and Institutions Code created by the act which added paragraph (6) to this subdivision.

(e) (1) The Department of Justice may charge a fee sufficient to reimburse it for each of the following:

(A) For the actual costs associated with the preparation, sale, processing, and filing of forms or reports required or utilized pursuant to Section 12078 if neither a dealer nor a law enforcement agency acting pursuant to Section 12084 is filing the form or report.

(B) For the actual processing costs associated with the submission of a Dealers' Record of Sale to the department by a dealer or of the submission of a LEFT to the department by a law enforcement agency acting pursuant to Section 12084 if the waiting period described in Sections 12071, 12072, and 12084 does not apply.

(C) For the actual costs associated with the preparation, sale, processing, and filing of reports utilized pursuant to subdivision (1) of Section 12078 or paragraph (18) of subdivision (b) of Section 12071.

(2) If the department charges a fee pursuant to subparagraph (B) of paragraph (1) of this subdivision, it shall be charged in the same amount to all categories of transaction that are within that subparagraph.

(3) Any costs incurred by the Department of Justice to implement this subdivision shall be reimbursed from fees collected and charged

pursuant to this subdivision. No fees shall be charged to the dealer pursuant to subdivision (d) or to a law enforcement agency acting pursuant to paragraph (6) of subdivision (d) of Section 12084 for costs incurred for implementing this subdivision.

(f) All money received by the department pursuant to this section shall be deposited in the Dealers' Record of Sale Special Account of the General Fund, which is hereby created, to be available, upon appropriation by the Legislature, for expenditure by the department to offset the costs incurred pursuant to this section and Sections 12289 and 12809.

(g) (1) Only one fee shall be charged pursuant to this section for a single transaction on the same date for the sale of any number of firearms that are not pistols, revolvers, or other firearms capable of being concealed upon the person or for the taking of possession of those firearms.

(2) In a single transaction on the same date for the delivery of any number of firearms that are pistols, revolvers, or other firearms capable of being concealed upon the person, the department shall charge a reduced fee pursuant to this section for the second and subsequent firearms that are part of that transaction.

(h) Only one fee shall be charged pursuant to this section for a single transaction on the same date for taking title or possession of any number of firearms pursuant to paragraph (18) of subdivision (b) of Section 12071 or subdivision (c) or (i) or paragraph (2) of subdivision (t) of Section 12078.

(i) Whenever the Department of Justice acts pursuant to this section as it pertains to firearms other than pistols, revolvers, or other firearms capable of being concealed upon the person, the department's acts or omissions shall be deemed to be discretionary within the meaning of the California Tort Claims Act pursuant to Division 3.6 (commencing with Section 810) of Title 1 of the Government Code.

(j) As used in this section, the following definitions shall control:

(1) "Purchaser" means the purchaser or transferee of a firearm or a person being loaned a firearm.

(2) "Purchase" means the purchase, loan, or transfer of a firearm.

(3) "Sale" means the sale, loan, or transfer of a firearm.

(4) "Seller" means, if the transaction is being conducted pursuant to Section 12082, the person selling, loaning, or transferring the firearm.

SEC. 3. Section 2 of this bill incorporates amendments to Section 12076 of the Penal Code proposed by both this bill and AB 70. It shall only become operative if (1) both bills are enacted and become effective on January 1, 1996, (2) each bill amends Section 12076 of the Penal Code, and (3) this bill is enacted after AB 70, in which case Section 1 of this bill shall not become operative.

EXHIBIT H

1 KAMALA D. HARRIS
 Attorney General of California
 2 STEPAN A. HAYTAYAN
 Supervising Deputy Attorney General
 3 ANTHONY R. HAKL, State Bar No. 197335
 Deputy Attorney General
 4 1300 I Street, Suite 125
 P.O. Box 944255
 5 Sacramento, CA 94244-2550
 Telephone: (916) 322-9041
 6 Fax: (916) 324-8835
 E-mail: Anthony.Hakl@doj.ca.gov
 7 *Attorneys for Defendants and Respondents*

8
9 SUPERIOR COURT OF THE STATE OF CALIFORNIA

10 COUNTY OF SACRAMENTO

11
 12 **DAVID GENTRY, JAMES PARKER,**
 13 **MARK MID LAM, JAMES BASS, and**
 14 **CALGUNS SHOOTING SPORTS**
ASSOCIATION,

15 Plaintiffs and Petitioners,

16 v.

17 **KAMALA HARRIS, in Her Official**
 18 **Capacity as Attorney General for the State**
 19 **of California; STEPHEN LINDLEY, in His**
 20 **Official Capacity as Acting Chief for the**
California Department of Justice, JOHN
CHIANG, in his official capacity as State
Controller, and DOES 1-10,

21 Defendants and Respondents.

Case No. 34-2013-80001667

DEFENDANTS ATTORNEY GENERAL
KAMALA HARRIS AND BUREAU OF
FIREARMS CHIEF STEPHEN
LINDLEY'S RESPONSES TO
REQUESTS FOR ADMISSIONS
(SET ONE)

22
23 **PROPOUNDING PARTY: PLAINTIFFS**

24 **RESPONDING PARTY: DEFENDANTS ATTORNEY GENERAL KAMALA**
25 **HARRIS AND BUREAU OF FIREARMS CHIEF**
STEPHEN LINDLEY

26 **SET NUMBER: ONE**

1 **RESPONSE TO REQUEST FOR ADMISSION NO. 3:**

2 Admitted.

3 **REQUEST FOR ADMISSION NO. 4:**

4 Admit that prior to Fiscal Year 2012-2013, money from the DROS SPECIAL ACCOUNT
5 (as used herein, "DROS SPECIAL ACCOUNT" refers to the portion of the state's General Fund
6 wherein DROS FEE FUNDS are deposited) was used to fund some aspect of APPS.

7 **RESPONSE TO REQUEST FOR ADMISSION NO. 4:**

8 Admitted.

9 **REQUEST FOR ADMISSION NO. 5:**

10 Admit that a General Fund special account other than the DROS SPECIAL ACCOUNT
11 was the source of some funds used by APPS between 2005 and 2014 (inclusive).

12 **RESPONSE TO REQUEST FOR ADMISSION NO. 5:**

13 Admitted.

14 **REQUEST FOR ADMISSION NO. 6:**

15 Admit that APPS has been funded by no source other than: 1) the GENERAL FUND (as
16 used herein, the term "GENERAL FUND" refers to the General Fund for the state of California,
17 excluding any special accounts that are normally considered to be within the General Fund) and
18 2) the DROS SPECIAL ACCOUNT.

19 **RESPONSE TO REQUEST FOR ADMISSION NO. 6:**

20 Denied.

21 **REQUEST FOR ADMISSION NO. 7:**

22 Admit that when deposited into the DROS SPECIAL ACCOUNT, money collected as
23 DROS FEES (as used herein, "DROS FEE(S)" refers to the charge collected pursuant to
24 SECTION 28225) is not segregated in any way from funds obtained from non-DROS FEE
25 sources.

1 **RESPONSE TO REQUEST FOR ADMISSION NO. 7:**

2 Defendants object to this request. The phrase “segregated in any way” is vague and
3 ambiguous. Without waiving this objection, defendants respond as follows:

4 Admitted.

5 **REQUEST FOR ADMISSION NO. 8:**

6 Admit it is impossible to trace a specific DROS FEE payment once it is deposited into the
7 DROS SPECIAL ACCOUNT.

8 **RESPONSE TO REQUEST FOR ADMISSION NO. 8:**

9 Defendants object to this request. The use of the word “trace” is vague and ambiguous.
10 Without waiving this objection, defendants respond as follows:

11 Admitted.

12 **REQUEST FOR ADMISSION NO. 9:**

13 Admit that, for Fiscal Year 2013-2014, CAL DOJ spent more than \$6,000,000 on APPS
14 related law enforcement activities.

15 **RESPONSE TO REQUEST FOR ADMISSION NO. 9:**

16 Admitted.

17 **REQUEST FOR ADMISSION NO. 10:**

18 Admit that, for Fiscal Year 2013-2014, no money from the GENERAL FUND was used
19 to fund CAL DOJ’s APPS-related activities.

20 **RESPONSE TO REQUEST FOR ADMISSION NO. 10:**

21 Denied.

22 **REQUEST FOR ADMISSION NO. 11:**

23 Admit that it is the position of CAL DOJ that the use of DROS FEE FUNDS to fund
24 APPS does not in any way operate as a tax under state law.

25 **RESPONSE TO REQUEST FOR ADMISSION NO. 11:**

26 Admitted.

1 **RESPONSE TO REQUEST FOR ADMISSION NO. 63:**

2 Defendants object to this request. It is vague and overbroad in that it requests information
3 covering an unlimited period of time. Without waiving this objection, defendants respond as
4 follows:

5 Denied with respect to the last five years.

6 **REQUEST FOR ADMISSION NO. 64:**

7 Admit CAL DOJ is unaware of an amount actually paid in a given year, be it calendar,
8 fiscal, or otherwise, for any category of expense referred to in the final clause of SECTION
9 28225(c), i.e., “costs of department firearms-related regulatory and enforcement activities related
10 to the sale, purchase, possession, loan, or transfer of firearms pursuant to any provision listed in
11 Section 16580.”

12 **RESPONSE TO REQUEST FOR ADMISSION NO. 64:**

13 Defendants object to this request. It is vague and overbroad in that it requests information
14 covering an unlimited period of time. Without waiving this objection, defendants respond as
15 follows:

16 Denied with respect to the last five years.

17 **REQUEST FOR ADMISSION NO. 65:**

18 Admit that CAL DOJ is unaware of a specific estimate having ever been made concerning
19 a costs identified in SECTION 28255(c), i.e., “reasonable costs of department firearms-related
20 regulatory and enforcement activities related to the sale, purchase, possession, loan, or transfer of
21 firearms pursuant to any provision listed in Section 16580.” (Quoting SECTION 28225(c)).

22 **RESPONSE TO REQUEST FOR ADMISSION NO. 65:**

23 Defendants object to this request. It is vague and overbroad in that it requests information
24 covering an unlimited period of time. Without waiving this objection, defendants respond as
25 follows:

26 Denied with respect to the last five years.

1 **RESPONSE TO REQUEST FOR ADMISSION NO. 3:**

2 Admitted.

3 **REQUEST FOR ADMISSION NO. 4:**

4 Admit that prior to Fiscal Year 2012-2013, money from the DROS SPECIAL ACCOUNT
5 (as used herein, "DROS SPECIAL ACCOUNT" refers to the portion of the state's General Fund
6 wherein DROS FEE FUNDS are deposited) was used to fund some aspect of APPS.

7 **RESPONSE TO REQUEST FOR ADMISSION NO. 4:**

8 Admitted.

9 **REQUEST FOR ADMISSION NO. 5:**

10 Admit that a General Fund special account other than the DROS SPECIAL ACCOUNT
11 was the source of some funds used by APPS between 2005 and 2014 (inclusive).

12 **RESPONSE TO REQUEST FOR ADMISSION NO. 5:**

13 Admitted.

14 **REQUEST FOR ADMISSION NO. 6:**

15 Admit that APPS has been funded by no source other than: 1) the GENERAL FUND (as
16 used herein, the term "GENERAL FUND" refers to the General Fund for the state of California,
17 excluding any special accounts that are normally considered to be within the General Fund) and
18 2) the DROS SPECIAL ACCOUNT.

19 **RESPONSE TO REQUEST FOR ADMISSION NO. 6:**

20 Denied.

21 **REQUEST FOR ADMISSION NO. 7:**

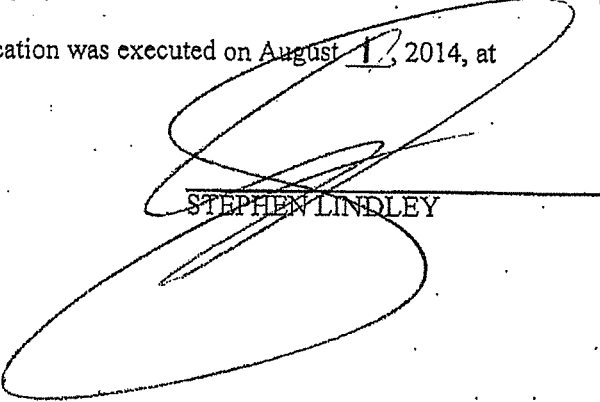
22 Admit that when deposited into the DROS SPECIAL ACCOUNT, money collected as
23 DROS FEES (as used herein, "DROS FEE(S)" refers to the charge collected pursuant to
24 SECTION 28225) is not segregated in any way from funds obtained from non-DROS FEE
25 sources.

VERIFICATION

I, Stephen Lindley, declare

I am the Chief of the Bureau of Firearms of the California Department of Justice. I have read DEFENDANTS ATTORNEY GENERAL KAMALA HARRIS AND BUREAU OF FIREARMS CHIEF STEPHEN LINDLEY'S RESPONSES TO REQUESTS FOR ADMISSIONS (SET ONE). I know their contents and the same are true to my knowledge, information and belief.

I declare under penalty of perjury under the laws of the United States that the foregoing is true and correct and that this Verification was executed on August 12, 2014, at SEAROCKS, California.


STEPHEN LINDLEY

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EXHIBIT I

BILL ANALYSIS

SENATE COMMITTEE ON Public Safety
Senator Bruce McPherson, Chair A
2003-2004 Regular Session B

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6
1

AB 161 (Steinberg)
As Amended June 30, 2003
Hearing date: July 8, 2003
Penal Code
SH:mc

DEALERS RECORD OF SALE SPECIAL ACCOUNT - -
EXPANDING AUTHORIZED USE - -

APPROPRIATION TO FUND FIREARMS TRAFFICKING PREVENTION ACT OF
2002

HISTORY

Source: Department of Justice

Prior Legislation: AB 2080 (Steinberg) - Chapter 909, Statutes
of 2002
SB 670 (Lewis) - Chapter 901, Statutes of 1995

Support: Women Against Gun Violence; Legal Community Against
Violence

Opposition: NRA; California Rifle and Pistol Association

Assembly Floor Vote: No longer relevant

KEY ISSUES

SHOULD THE EXISTING SPECIFIC LIMITATIONS ON THE USE OF THE FUNDS
IN THE DEALERS' RECORD OF SALE SPECIAL ACCOUNT OF THE GENERAL
FUND BE EXPANDED BY ADDING USE BY THE DEPARTMENT OF JUSTICE "FOR
THE COSTS ASSOCIATED WITH FUNDING DEPARTMENT OF JUSTICE

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Page 2

FIREARMS-RELATED REGULATORY AND ENFORCEMENT ACTIVITIES RELATED
TO THE SALE, PURCHASE, LOAN, OR TRANSFER OF FIREARMS PURSUANT
TO" CHAPTER 1 OF THE DANGEROUS WEAPONS CONTROL LAW?

(CONTINUED)

SHOULD \$548,000 BE APPROPRIATED FROM THE DEALERS' RECORD OF SALE
SPECIAL ACCOUNT TO THE DEPARTMENT OF JUSTICE TO IMPLEMENT THE
FIREARMS TRAFFICKING PREVENTION ACT OF 2002?

SHOULD RELATED CHANGES IN LAW BE MADE?

PURPOSE

The purpose of this bill is (1) to expand the existing specific
limitations on the use of the funds in the Dealers' Record of
Sale Special Account of the General Fund by adding use by the
Department of Justice "for the costs associated with funding

Department of Justice firearms-related regulatory and enforcement activities related to the sale, purchase, loan, or transfer of firearms pursuant to" Chapter 1 of the Dangerous Weapons Control Law; (2) to appropriate \$548,000 from the Dealers' Record of Sale Special Account to the Department of Justice to implement the Firearms Trafficking Prevention Act of 2002; and (3) to make related changes in law.

Existing law does the following:

Requires all sales, loans, and transfers of firearms - including private party transfers - to be processed through or by a state-licensed firearms dealer or a local law enforcement agency. (Penal Code 12072(d).)

Provides that there is a 10-day waiting period when purchasing a firearm - or effecting a private party transfer - through a firearm dealer, during which time a background check is

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conducted - and a handgun safety certificate is required for handguns - prior to delivery of the firearm. The licensed deal shall submit purchaser information to the Department of Justice (DOJ), as prescribed, to enable the DOJ to complete background checks. (Penal Code 12071, 12072, and 12076.)

Requires that the Department of Justice determine whether the purchaser or transferee is among a specified category of persons who are prohibited to possess firearms; the department is required to immediately notify the dealer and local law enforcement upon ascertaining that fact. In addition, the department is authorized to charge the dealer a fee sufficient to reimburse specified costs, including, but not limited to, the costs of furnishing this information. (Penal Code 12076.)

The Dealers Record of Sale (DROS) fee is charged by the Department of Justice to dealers; the dealers in turn charge that fee to purchasers.

Provides that the Department of Justice may 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 California Department of Industrial Relations. The fee shall be no more than is sufficient to reimburse all of the following, and is not to be used to directly fund or as a loan to fund any other program (Penal Code 12076(e).):

- (1) (A) The department for the cost of furnishing this information.
- (B) The department for the cost of meeting its obligations under paragraph (2) of subdivision (b) of Section 8100 of the Welfare and Institutions Code [regarding mental health issues].
- (2) Local mental health facilities for state-mandated local costs resulting from the reporting requirements imposed by Section 8103 of the Welfare and Institutions Code.
- (3) The State Department of Mental Health for the costs

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resulting from the requirements imposed by Section 8104 of the Welfare and Institutions Code.

(4) Local mental hospitals, sanitariums, and institutions for state-mandated local costs resulting from the reporting requirements imposed by Section 8105 of the Welfare and Institutions Code.

(5) Local law enforcement agencies for state-mandated local costs resulting from the notification requirements set forth in subdivision (a) of Section 6385 of the Family Code [protective orders].

(6) Local law enforcement agencies for state-mandated local costs resulting from the notification requirements set forth in subdivision (c) of Section 8105 of the Welfare and Institutions Code.

(7) For the actual costs associated with the electronic or telephonic transfer of information pursuant to subdivision (c) [regarding the purchaser/transferee background information].

(8) The Department of Food and Agriculture for the costs resulting from the notification provisions set forth in Section 5343.5 of the Food and Agricultural Code [personal handgun importers moving into California].

(9) The department for the costs associated with subparagraph (D) of paragraph (2) of subdivision (f) of Section 12072 [personal handgun importers].

The fee established pursuant to Penal Code section 12076(e) shall not exceed the sum of the actual processing costs of the department and the estimated reasonable costs for the other items identified, as specified.

Provides that the DOJ may charge a fee sufficient to reimburse the DOJ for each of the following but 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 California Department of Industrial Relations (Penal Code 12076(f)):

(A) For the actual costs associated with the preparation, sale, processing, and filing of forms or reports required or utilized pursuant to Section 12078 if neither a dealer

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nor a law enforcement agency acting pursuant to Section 12084 is filing the form or report.

(B) For the actual processing costs associated with the submission of a Dealers' Record of Sale to the department by a dealer or of the submission of a LEFT [Law Enforcement Firearms Transfer Form] to the department by a law enforcement agency acting pursuant to Section 12084 if the waiting period described in Sections 12071, 12072, and 12084 does not apply.

(C) For the actual costs associated with the preparation, sale, processing, and filing of reports utilized pursuant to subdivision (1) of Section 12078 or paragraph (18) of subdivision (b) of Section 12071, or clause (i) of subparagraph (A) of paragraph (2) of subdivision (f) of Section 12072, or paragraph (3) of subdivision (f) of Section 12072.

(D) For the actual costs associated with the electronic or telephonic transfer of information pursuant to subdivision (c).

Provides that if the DOJ charges a DROS/LEFT fee, it shall be charged in the same amount to all categories of transaction that are within that subparagraph; that any costs incurred by the DOJ to implement the DROS fee shall be reimbursed from fees collected and charged pursuant to that authorization; and provides that no fees shall be charged to the dealer or a law enforcement agency for costs incurred for implementing the system.

Provides that all money received by the DOJ pursuant to this section shall be deposited in the Dealers' Record of Sale Special Account of the General Fund, which is hereby created, to be available, upon appropriation by the Legislature, for expenditure by the department to offset specified costs. (Penal Code 12076(g).)

Existing law - the Firearms Trafficking Prevention Act of 2002 - requires California firearms dealers provide specified information to the DOJ and that a new program be implemented, as specified, requiring that out of state Federal Firearms License

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holder shipping firearms to California firearms dealers obtain confirmation that the California dealer does have a valid license in this state, as prescribed. (Enacted in AB 2080 (Steinberg) - Chapter 909, Statutes of 2002.) Those provisions are effective, as follows:

1. Any costs incurred by the DOJ to implement the new requirements for out-of-state firearms dealers section shall be funded from the Dealers' Record of Sale Special Account, as set forth in subdivision (g) of Section 12076, upon appropriation by the Legislature.
2. The Firearms Trafficking Prevention Act of 2002 shall become operative on January 1, 2004, if the actual reserve balance in the Dealers' Record of Sale Special Account is \$1,000,000 or more on January 1, 2004, as determined by the DOJ. If the reserve balance is not equal to \$1,000,000 or more on January 1, 2004, as determined by the DOJ, specified provisions shall become operative when the DOJ determines that the actual reserve balance in the Dealers' Record of Sale Special Account equals \$1,000,000 or more.

This bill does the following:

Expands the existing specific limitations on the use of the DROS fees in the Dealers' Record of Sale Special Account of the General Fund by adding use by the Department of Justice "for the costs associated with funding Department of Justice firearms-related regulatory and enforcement activities related to the sale, purchase, loan, or transfer of firearms pursuant to" Chapter 1 of the Dangerous Weapons Control Law.

Adds to the limit on the DROS fee inclusion of estimated costs "the estimated reasonable costs of department firearms-related regulatory and enforcement activities related to the sale, purchase, loan, or transfer of firearms pursuant to" Chapter 1 of the Dangerous Weapons Control Law.

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Appropriate \$548,000 from the Dealers' Record of Sale Special Account to the Department of Justice to implement the Firearms Trafficking Prevention Act of 2002.

Makes related changes in law.

COMMENTS

1. Need for This Bill

The sponsor indicates the following (emphasis by the sponsor):

Because of enforcement activities funded by the state legislature from the Dealers' Record of Sale Special Account (DROS), and funding sources added over the last 24 months, California has gone from almost no enforcement of firearms laws relating to sales, transfers, purchase or loans of firearms to having investigated a wide number of firearm dealers, criminally prohibited individuals and illegal firearm possessors and sellers.

The Department of Justice has identified more than 1000 law violations by firearm dealers and investigated more 500 illegal firearm possessions by individuals who have purchased guns in CA but fell into prohibited category. In addition, we have discovered 2,500 illegally prohibited firearm and other dangerous weapons transactions and seized those weapons as a result. Unfortunately, because of a recent legislative counsel opinion, the Department of Justice feels strongly that clarification of enforcement activity and the use of the DROS account to fund it is of extreme importance. At issue is whether or not the DROS fee (which makes up more than 80% of the DROS Fund) can be used to fund DOJ enforcement of the gun laws.

Over last ten years, California's firearm laws have changed substantially with new bills being enacted almost every year including:

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Assault Weapons and Magazines ban (Perata, 1999)
Handgun Safety Standards (Polanco, 1999)
One Handgun a Month (Knox, 1999)
Child Safety Locks (Scott, 1999)
Gun Show Enforcement (Corbett, 1999)
Penalty Increase for Carrying a Concealed Weapon (Scott, 1999)
Gun Ownership Prohibitions for Domestic Violence Perpetrators (Various bills)
Prohibition of Gun Ownership for Individuals who are Subject to WIC 5150 (Scott, 1999)
Armed and Prohibited (Brulte, 2001)
Handgun Safety Training (Scott, 2001)
Gun Dealer License Verification (Steinberg, 2002)
Retest Handguns (Koretz, 2002)

Most of these bills came with no funding for enforcement, however, some identified the DROS fund as a funding source for enactment, i.e., Assault Weapons Public Education Campaign, Handgun Retesting, and Gun Dealer License Verification.

Attorney General Lockyer feels it is of utmost importance that the Department of Justice work to enforce California's landmark firearms laws to ensure that those who are prohibited from possessing or purchasing firearms do not gain illegal access to guns. Furthermore, he believes, as the code states, that the Department must monitor gun commerce in the state to ensure that all laws relating to firearms sales, gun standards and prohibitions be strictly enforced. Finally, he feels that it is important that those laws be enforced by fees paid directly by those who engage in gun commerce in California (gun dealers, purchasers and transferees) under the 12000 series of the Penal Code.

From the continuing mantra of "enforce the current gun laws" by the National Rifle Association to the call for preventing illegal gun sales and trafficking by the gun

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safety community, every statewide, indeed national, organization concerned with guns desires that the Department put significant effort into enforcement of gun laws. The Department's activities, as approved in the Budget Act over the last 2 years, have been exactly that.

When the legislature identifies a firearm program that they would like to fund and when they specify that the funding shall be from DROS, of course the legislature is talking about the fees with background check fees that make up more than 80% of the DROS account rather than taking from specific items that fund other activities such as dangerous weapon explosive permit inspections, handgun safety certificates testing and the one dollar firearm safety device development/monitoring.

Current state enforcement of alcohol, tobacco, hunting, fishing and prescription drug laws are just a few of the state enforcement areas where users/purchasers fund state regulatory and enforcement activity. In fact, 33% of fish and game licensing fees (or \$31.4 million) go towards conservation education and enforcement. Although the Department of Justice believes it currently uses the DROS fund and fees appropriately, we wish to clarify how the DROS fee may be used to avoid further debate as raised in the legislative counsel's opinion of August 28, 2002.

2. Expansion on Use of the Dealers' Record of Sale Fees

As noted in the author's background and the Purpose section, above, there is a Dealers Record of Sale Fee and there is a Dealers' Record of Sale Special Account in the General Fund for appropriation by the Legislature. However, while the DROS fee is deposited in that account, the account contains other fees as well.

Committee staff's general impression is that this bill in intended to resolve two issues, at least. The first is that funding for last year's AB 2080 - the Firearms Trafficking Prevention Act of 2002 - may not be funded under the current law

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and that the creative drafting of the funding for that bill is problematic.

Therefore, this bill could have simply added that act to the authorized uses of the DROS fee and made the appropriation also included in this bill.

However, this bill also changes the authorized use of the DROS fee by adding a new general authorization for:

costs associated with funding Department of Justice firearms-related regulatory and enforcement activities

related to the sale, purchase, loan, or transfer of firearms [pursuant to Chapter 1 of the Dangerous Weapons Control Law].

That more general authority appears to be designed to allow the DOJ the kind of "flexibility" in using DROS fees than exists under current law, including funding AB 2080.

The sponsor argues that this bill will not expand the use of DROS fees, but clarify their use, and asserts that:

The Legislature has historically appropriated DROS funds for purposes that include regulatory and enforcement activities related to the sale, purchase, loan, or transfer of firearms. This bill will not authorize DOJ to spend DROS fees for purposes other than what the Legislature has already approved through Budget Act appropriations. Additionally, two other 2002 bills specified that they be funded by DROS (AB 2580 [note: contingent on specific conditions of the fund] and AB 2902). As of right now, the Legislature has included funding from DROS for these two bills in the 03-04 Budget Bill.

The sponsor further asserts that that without the broader change proposed by this bill, the DOJ would - If the Legislative Counsel's opinion were strictly followed - have to stop or curtail a number of activities. The sponsor has provided a two-page list of 24 such activities which are listed in their

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entirety in the last comment to this analysis.

SHOULD THAT NEW "GENERAL" AUTHORITY FOR THE USE OF DROS FEES BE ADDED TO LAW?

WOULD IT INSTEAD BE APPROPRIATE TO ONLY ADD AUTHORITY TO USE THE DROS FEES FOR AB 2080?

In addition, the Chapter referred to includes Penal Code section 12000 through 12101. All of those sections pertain to dangerous weapons, including firearms. Firearms are defined in several subdivisions of Penal Code section 12001. This bill's limiting language added does include "sale, purchase, loan, or transfer" so the DOJ has placed some limits on the new broader authority for use of the DROS fee.

ARE THE "LIMITATIONS" INCLUDED IN THIS BILL APPROPRIATE AND SUFFICIENT?

In addition, this bill does not authorize the DOJ to increase DROS fees beyond the current authority in law.

3. Appropriation of \$548,000 in This Bill

The sponsor indicates the following about the appropriation in this bill:

The Legislature funded the implementation of three bills from the DROS fund last year: AB 2080, AB 2902 and AB 2580.

Assembly Bill 2080 (Steinberg, 2002) required DOJ to establish a process to ensure that FFL's in California who accept guns are also licensed under California law. The costs for AB 2080 are one-time and AB 161 (Steinberg, 2003) would appropriate the funds from the DROS account to DOJ for implementation.

Assembly Bill 2580 (Simitian, 2002) required annual inspections of Dangerous Weapons Permit Holders, (except if

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they have fewer than five devices, then inspections would only be required every five years). Senate Bill 1312 required DOJ to establish a fee schedule to pay for these costs (\$165,000 approx annually) by January 1, 2006. Dangerous Weapons permit fees are also deposited into and paid from the DROS fund.

Assembly Bill 2902 (Koretz) was permissive. It authorized DOJ to retest up to 5% of handguns on the Roster of approved handguns for sale. If fully implemented, ongoing costs will be \$120,000 annually. First year costs would include another \$30k for regulations. Manufacturers would be required to reimburse DROS for reinstatement testing (\$30k approx).

The DROS fund is healthy. The Department has not raised fees in 10 yrs. Assembly Bill 161 would only clarify DOJ's authority to use the fund for the activities it is already budgeted for, which include enforcement and regulatory activities specified in AB 161. According to the DROS Fund Condition Statement contained in the 03 Governor's Budget (page LJE 76), a reserve of \$3.1M is projected for the DROS fund in 02-03 and a reserve of \$1.7M is projected in 03-04.

However, more recent Department calculations project a reserve of \$4.0 M in 02-03 and \$3.2M in 03-04.

4. Further Information About the DROS Fee

The previous comment contains information from the DOJ about the condition of the DROS Fund in general. In addition, the DOJ has provided the following from the November 1, 2002, report to the Legislative Analyst's Office "Supplemental Report of the 2002 Budget Act":

Local law enforcement agencies in California began conducting background checks for firearm purchasers approximately 80 years ago. This responsibility shifted to the Department of Justice approximately 50 years ago. Through the years, firearm background checks have changed from a manual process to a complex and comprehensive

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electronic background check. The background check has expanded from relatively few prohibiting categories to today where the check is a comprehensive screening of prohibiting felony, violent misdemeanor, mental health, restraining order, and federal violation prohibitions. Many of these changes resulted from 1991 legislation. Other changes are the result of more recent legislation. Some of the post-1991 changes include reducing processing time so that the waiting period could be reduced from 15 days down to 10, expanding prohibiting violent misdemeanor categories to include crimes such as stalking, carrying a firearm on school grounds, threatening witnesses and other firearm related prohibitions. Also, since 1991 the screening has been broadened to include additional categories of restraining orders, civil, criminal and work-place protective orders as well as increasing the number of states participating in the background check process from 22 states to over 37 states to determine whether or not the purchaser may be prohibited due to a

criminal conviction resulting in another state.

Additionally in 1996, the National Instant Criminal Background Check System (NICS) was incorporated into the California background check process to identify federal firearm prohibitions. These changes, along with improvements in validating purchaser information and in limiting handgun purchasers to one gun a month, occurred while the prohibiting databases including criminal, mental health and restraining orders grew in size. Consequently, the background check carried out today is much more expansive, comprehensive, and thorough while the time allowed for processing has been reduced by 1/3. Even with these dramatic changes post-1991, the cost associated with carrying out this check has remained constant for more than a decade.

The Department of Justice has been able to successfully accomplish these changes while maintaining firearm purchaser costs by streamlining processes, incorporating data processing solutions, and combining like processes.

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These like processes are the firearm purchaser eligibility checks performed for prospective firearm purchasers (DROS checks) and the background check carried out for peace officers, armed security guards, assault weapon registrants, concealed weapon permittees, voluntary firearm registrants, etc. Rather than setting up unique programs for each of these categories, the background check process, which is identical for each of these categories, is carried out by a pool of staff that can shift the workload to meet fluctuating volumes associated with each of these categories. It is the economies of scale, the shifting of background check personnel, and employing improvements in technology that has enabled the department to keep the DROS fee as well as the fee charged to others needing a firearm eligibility check at \$14.00.

The department believes that the pooling of resources and sharing of equipment and supervision is consistent with California law and as required by PC section 12076(f)(1). The department only charges a fee sufficient to reimburse for the PC section 12076 process, and all DROS monies deposited into the DROS account are used only by the Department to offset the costs incurred pursuant to this section.

5. Legislative Counsel Opinion

The Legislative Counsel did prepare an opinion at the request of Senator Morrow that asked the following questions:

You have asked whether Assembly Bill No. 2080, as amended August 26, 2002, [final amended version] (hereafter A.B. 2080), if enacted, would authorize the use of revenues from the fees currently paid to dealers by the purchasers of firearms for the new purposes proposed in the bill. You have also asked whether the expenditure of those revenues, without authorization, for the purposes proposed by A.B. 2080 would convert the fee imposed to a tax.

The opinion, dated August 28, 2002 - delivered to Assemblymember

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Steinberg as well pursuant to Joint Rule 34 - concludes:

? A.B. 2080 would not authorize the expenditure of these DROS fees for the new purposes proposed in A.B. 2080 and, consequently, A.B. 2080 would make no change that would raise the issue of whether the DROS fee should be recharacterized as a tax. That conclusion would not be changed by an unauthorized expenditure of those funds for the new purposes proposed by A.B. 2080. We perceive no basis upon which an unauthorized expenditure of these funds would be deemed to cause the DROS fee to be considered a tax.

That opinion discusses the specific nature of the provisions of Penal Code section 12076(e), (f), and (g) - see Purpose section of this analysis, above - and discusses the appropriate construction of section (g) and the fact that the DOJ deposits funds from 12 other sources in the DROS account, for example fees for assault weapon registration (Penal Code section 12285(a)) and Commission on Peace Officer Standards and Training fees collected pursuant to Penal Code section 13511.5. Thus the opinion also concludes that:

? it is our view that the appropriate construction of subdivision (g) of Section 12076 is that the phrase "to be available, upon appropriation" refers generally to money in the DROS account, rather than specifically to the revenue from the DROS fee pursuant to subdivision (e) of Section 12076. ? Under existing law, the purposes in subdivision (g) for which DROS account funds may be expended include purposes not listed in subdivision (e) of Section 12076. For example, Section 12289 requires that department to conduct a public education program regarding the registration of assault weapons. However, because the DROS account contains funds in addition to the funds obtained pursuant to subdivision (e) of section 12076, the purposes to which funds are directed pursuant to subdivisions (g) may be accomplished with the use of subdivisions (e) funds, and there without conflict with the provisions of subdivisions (e).

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6. Implementing the Firearms Trafficking Prevention Act of 2002

As noted in the Purpose section, above, AB 2080 contained the following language:

SEC. 9. Notwithstanding subdivision (c) of Section 12083, Section 12083 of the Penal Code, and the amendments made to Section 12071 of the Penal Code by this act shall become operative on January 1, 2004, if the actual reserve balance in the Dealers' Record of Sale Special Account is one million dollars (\$1,000,000) or more on January 1, 2004, as determined by the department. If the reserve balance is not equal to one million dollars (\$1,000,000) or more on January 1, 2004, as determined by the department, those provisions shall become operative when the department determines that the actual reserve balance in the Dealers' Record of Sale Special Account equals one million dollars (\$1,000,000) or more.

7. Elimination of the "ghost" Version of Penal Code Section 12071 in Section 1 of This Bill

This bill does delete a non-operative version of Penal Code section 12071 created by AB 2793 (Pescetti) - Chapter 911, Statutes of 2002 - that was created in a flurry of

double-jointing amends last year involving section 12071. However, this bill does not delete the operative section 12071 otherwise created in law.

8. Support for This Bill

The letter in support of this bill from Women Against Gun Violence includes:

The Department of Justice has made great strides these past few years in the enforcement of important firearms legislation and we believe that such momentum must continue and increase. Given that these funds are already allocated to and used by the DOJ, that a budget reserve is projected

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for this fiscal year and that the DROS fees have not been raised in ten years, we believe that the fiscal implications of AB 161 passage are negligible to all sides, and that this bill makes sense.

9. Opposition to this bill

The NRA letter in opposition includes the following:

The proposed changes to the Penal Code in AB161 would change a long established policy for the use of the Dealer Record of Sale (DROS) fees collected for the background checks on firearms transferees.

The proposed language would allow the Department of Justice (DOJ) to use the DROS fees collected for DOJ Firearms Division programs that are not related to conducting and administering the backgrounds checks for the transfer of firearms.

We understand that there are difficulties for the DOJ Firearms Division in funding some of their programs, the solution would be for the legislature to appropriate the funds necessary for the DOJ to do their work.

10. List of Activities the Sponsor States Would Have to be Curtailed or Stopped if the Legislative Counsel's Opinion was Strictly Followed

As noted in Comment #2, above, the DOJ asserts that without the broader change proposed by this bill, the DOJ would - if the Legislative Counsel's opinion were strictly followed - have to stop or curtail a number of activities. First the DOJ indicates that approximately 75% of DOJ's Firearms Division (75 of 105 positions) is budgeted from DROS. Second, the DOJ indicates

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that many of the following Division functions would either have to cease operation or function without enforcement or

administrative oversight if the Legislative Counsel opinion were strictly enforced:

— Dealers' Record of Sale (DROS). Gun buyers firearms eligibility background checks.

Peace Officer Standard Training (POST). Firearms eligibility background check to allow non-sponsored individuals to attend a peace officer training academy.

Peace Officer Firearms Eligibility. Firearms eligibility background check for peace officer applicants.

Security Guard Firearm Eligibility. Firearms eligibility background check for armed security guards.

Handgun Reporting (Voluntary Registrations, Operation of Law, New Resident Report of Handguns, Curio/Relic). All require firearms eligibility background checks.

Law Enforcement Assault Weapon Registration. Firearms eligibility background check and gun registration process for persons who possess assault weapons as defined by state law.

Certificate of Eligibility. Fingerprint based firearms eligibility background check required on gun dealers, gun show promoters and persons applying for local explosive permits used for construction, employees of gun manufacturers, etc.

Carry Concealed Weapon Licenses. State required fingerprint based firearms eligibility background check on citizens authorized to carry a concealed handgun on their person.

Centralized List of Gun Dealers/Dealer Inspection. Gun dealer registration licensure tracking and inspection program used to ensure that only duly licensed dealers sell firearms and that they comply with all applicable laws.

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Dangerous Weapons Licenses and Permits. State required fingerprint based firearms eligibility background check on persons authorized to possess dangerous weapons (e.g., machine guns, assault weapons grenades, etc.)

(More)

Gun Manufacturers License. Licensing and inspection program for statewide firearms manufacturers.

Gun Show Promoter's License. Licensing/tracking program for gun show promoters.

Safe Handgun/Laboratory Testing. DOJ administered laboratory certification and handgun testing program to ensure that unsafe handguns are not manufactured/sold in the state.

Mental Health Firearms Prohibition Reports. Database entry, verification and maintenance of mental health reports submitted to DOJ by public/private statewide mental health facilities.

Superior Court Reports of Firearms Prohibition. Database entry, verification, and maintenance of superior court reports of mentally prohibited persons.

Law Enforcement Agency Tarasoff Reports of Firearms Prohibition. Database entry, verification, and maintenance of reports of persons who communicated to their psychotherapist a threat against themselves or others.

Juvenile Courts Reports of Firearms Prohibition. Database entry, verification and maintenance of juvenile courts reports of violent firearms prohibited juvenile offenders.

Law Enforcement Gun Releases. Conduct firearms eligibility background checks on civilians on behalf of law enforcement agencies returning previously confiscated/stolen/lost firearms back to these individuals.

Firearms Dealer Acquisition Reports. AFS database update of mandatory reports submitted by gun dealers acknowledging the purchase/acquisition/receipt of a handgun from a private citizen.

Reports of No Longer in Possession of Firearms. AFS database

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update of reports submitted by private citizens noticing DOJ that they are no longer in possession of a firearm(s) that was previously registered with the Department.

Automated Firearms System. Maintain and conduct quality control of the statewide firearms of records entered into the system by local law enforcement agencies and the DOJ CJIS system. AFS is directly linked to the NCIC Gun File maintained by the FBI. AFS is available to law enforcement 24

hours a day, 7 days a week.

Database Audits Section. Conduct on-site audits on law enforcement agencies regarding the use of AFS and the Domestic Violence Restraining Order System.

Domestic Violence Restraining Order System (DVROS). Maintain and conduct quality control of DVROS; train law enforcement and criminal justice agencies on DVROS, restraining orders and the firearm prohibitions associated with each type of order; and monitor the forwarding of restraining order information tot NCIS's Protection Order File.

Field Operations Section. Functions as liaison to California law enforcement agencies; conduct onsite training on information contained in AFS and DVROS; conducts terminal inspections. _

EXHIBIT J

DEPARTMENT OF FINANCE BILL ANALYSIS

AMENDMENT DATE: 03/04/2013
POSITION: Neutral

BILL NUMBER: SB 140
AUTHOR: Leno, Mark

BILL SUMMARY: Firearms: prohibited persons.

This bill, an urgency measure, would appropriate \$24 million from the Dealers' Record of Sale Special Account (DROS) to the Department of Justice (Department) to address the workload associated with the enforcement of firearms recovery from prohibited persons.

FISCAL SUMMARY

The primary source of revenue for the DROS is derived from the \$25 firearm eligibility background check application fee paid by all prospective firearms purchasers, where \$19 of the fee is deposited into the DROS, and is used to support background eligibility checks, maintain the Armed Prohibited Persons System, and recover firearms from persons prohibited from owning them. The Governor's Budget estimated that the DROS would have a reserve of \$11 million in 2012-13 and \$12.7 million in 2013-14, and an outstanding General Fund loan of \$11.5 million. Based on year-to-date workload and revenue data, the DROS is currently estimated to generate an additional revenue of \$7.2 million in 2012-13 and \$6.2 million in 2013-14 beyond what was projected in the Governor's Budget. Given the additional revenues and the Department's plan to expend the funds over three fiscal years, the DROS can support the \$24 million appropriation proposed in this bill.

COMMENTS

The Department of Finance is neutral on this bill because it provides a one time augmentation to address limited-term workload, without increasing user fees.

Existing law authorizes the Department to maintain the Armed Prohibited Persons System (APPS) and confiscate firearms from persons who had a legal right to own firearms but are now prohibited due to subsequent a criminal and/or mental health conviction. The Department uses the APPS to cross-reference information gathered from the background eligibility check contained in the firearms database against Criminal History Records. An individual can generate a Criminal History Record as a result of criminal convictions, juvenile adjudications, addiction to narcotic drugs, mental health conditions, restraining or court orders, or terms or conditions of probation restricting firearms possession. The Department indicates that there is a backlog of approximately 20,000 individuals who have been identified by APPS as persons no longer eligible to legally own a firearm. The Department indicates that approximately 4,300 cases are added to APPS annually, while current resources are only sufficient to investigate and recover firearms in approximately 3,000 cases, increasing the APPS backlog by approximately 1,300 cases annually.

This bill would provide a \$24 million appropriation to allow the Department to address the backlog of persons in APPS. This bill also requires the Department to report annually on the APPS backlog and resources used to reduce the backlog, beginning March 1, 2015.

Analyst/Principal (0211) J. Sturges	Date	Program Budget Manager Lisa Ann Mangat	Date
Department Deputy Director		Date	
Governor's Office:	By:	Date:	Position Approved _____ Position Disapproved _____
BILL ANALYSIS			Form DF-43 (Rev 03/95 Buff)

(2)

BILL ANALYSIS--(CONTINUED)

Form DF-43

AUTHOR	AMENDMENT DATE	BILL NUMBER
Leno, Mark	03/04/2013	SB 140

Code/Department Agency or Revenue Type	SO	(Fiscal Impact by Fiscal Year)					Fund 2014-2015 Code
	LA	(Dollars in Thousands)					
	CO	PROP					
	RV	98	FC	2012-2013 FC	2013-2014 FC		
0820/Justice	SO	No	A	24,000 A	-- A	-- 0460	
<u>Fund Code</u>	<u>Title</u>						
0460	Dealers' Record of Sale Special Account						

EXHIBIT K

State of California ~ Department of Justice
OFFICE of the ATTORNEY GENERAL
KAMALA D. HARRIS

History of Armed & Prohibited Persons System (APPS)

- Created in 2001 (SB 950) as response to high-profile murder cases involving people prohibited from owning firearms.
- APPS cross-references five databases to find people who legally purchased handguns and registered assault weapons since 1996 with those prohibited from owning or possessing firearms.
- Prohibited Persons: felons, individuals with history of violence (domestic violence/restraining order) or severe mental illness, wanted persons.
- The first and only other major statewide sweep was in 2007 with 422 firearms seized.

2011 Sweep Stats

- Sweep conducted over six weeks in 43 counties
- 1,011 APPS cases – 1,209 firearms seized
- Ammunition seized – 155,731 rounds
- Grenades seized – 2
- Number of individuals from whom firearms seized – 723
- Department of Justice agents involved – 99

Statewide APPS numbers:

- 17,921 uncontacted individuals are prohibited from having firearms.
- 34,204 handguns are believed to be owned by prohibited persons.
- 1,590 assault weapons are believed to be owned by prohibited persons.

SB 819

- The bill would add the word “possession” to CA penal code to allow the Department of Justice to use money from existing fees collected by gun dealers across the state for APPS program.
- SB 819 would allow the DOJ to request to reduce the amount added to the Dealer’s Record of Sales (DROS) surplus to strengthen the APPS via five DOJ agent hires and increased support and training to local law enforcement agencies.
- Passed Senate –22 to 9 and will be heard in Assembly Public Safety Committee on June 21st.

Dealer’s Record of Sales fee (DROS):

- Approximately 1,100 firearms are sold in California each day.
- Gun purchasers pay a DROS fee to cover the background checks conducted by the DOJ’s Bureau of Firearms.
- DROS account has a surplus – due in part to a 30 percent increase in gun sales over the last three years and improved technology, equipment and training, which has reduced the amount of time needed to process each gun application.
- Every year, more than \$3 million is added to the DROS surplus.

EXHIBIT L



California
LEGISLATIVE INFORMATION

SB-140 Firearms: prohibited persons. (2013-2014)

Senate Bill No. 140

CHAPTER 2

An act to add Section 30015 to the Penal Code, relating to firearms, making an appropriation therefor, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor May 01, 2013. Filed with Secretary of State May 01, 2013.]

LEGISLATIVE COUNSEL'S DIGEST

SB 140, Leno. Firearms: prohibited persons.

Existing law establishes the Dealers' Record of Sale Special Account in the General Fund with moneys in the account available upon appropriation by the Legislature. Existing law requires the Attorney General to establish and maintain an online database to be known as the Prohibited Armed Persons File, sometimes referred to as the Armed Prohibited Persons System, to cross-reference persons who have ownership or possession of a firearm with those who are prohibited from owning or possessing a firearm.

This bill would appropriate \$24,000,000 from the Dealers' Record of Sale Special Account to the Department of Justice to address the backlog in the Armed Prohibited Persons System, thereby making an appropriation. The bill would require the department to report to the Joint Legislative Budget Committee regarding ways the backlog in the Armed Prohibited Persons System has been reduced or eliminated, as specified. The bill would make related findings and declarations.

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

Vote: 2/3 Appropriation: yes Fiscal Committee: yes Local Program: no

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

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

- (a) California is the first and only state in the nation to establish an automated system for tracking handgun and assault weapon owners who might fall into a prohibited status.
- (b) The online database, which is currently known as the Armed Prohibited Persons System (APPS), cross-references all handgun and assault weapon owners across the state against criminal history records to determine persons who have been, or will become, prohibited from possessing a firearm subsequent to the legal acquisition or registration of a firearm or assault weapon.
- (c) Each day, the list of armed prohibited persons in California grows by about 15 to 20 people. There are currently more than 20,000 armed prohibited persons in California. Collectively, these individuals are believed to be in possession of over 39,000 handguns and 1,670 assault weapons.
- (d) Neither the Department of Justice nor local law enforcement has sufficient resources to confiscate the enormous backlog of weapons, nor can they keep up with the daily influx of newly prohibited persons.
- (e) It is the intent of the Legislature in enacting this measure to allow the Department of Justice to utilize

additional Dealers' Record of Sale Special Account funds for the limited purpose of addressing the current APPS backlog and the illegal possession of these firearms, which presents a substantial danger to public safety.

SEC. 2. Section 30015 is added to the Penal Code, to read:

30015. (a) The sum of twenty-four million dollars (\$24,000,000) is hereby appropriated from the Dealers' Record of Sale Special Account of the General Fund to the Department of Justice to address the backlog in the Armed Prohibited Persons System (APPS) and the illegal possession of firearms by those prohibited persons.

(b) No later than March 1, 2015, and no later than March 1 each year thereafter, the department shall report to the Joint Legislative Budget Committee all of the following for the immediately preceding calendar year:

- (1) The degree to which the backlog in the APPS has been reduced or eliminated.
- (2) The number of agents hired for enforcement of the APPS.
- (3) The number of people cleared from the APPS.
- (4) The number of people added to the APPS.
- (5) The number of people in the APPS before and after the relevant reporting period, including a breakdown of why each person in the APPS is prohibited from possessing a firearm.
- (6) The number of firearms recovered due to enforcement of the APPS.
- (7) The number of contacts made during the APPS enforcement efforts.
- (8) Information regarding task forces or collaboration with local law enforcement on reducing the APPS backlog.

(c) (1) The requirement for submitting a report imposed under subdivision (b) is inoperative on March 1, 2019, pursuant to Section 10231.5 of the Government Code.

(2) A report to be submitted pursuant to subdivision (b) shall be submitted in compliance with Section 9795 of the Government Code.

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

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

EXHIBIT M

State of California ~ Department of Justice

OFFICE of the ATTORNEY GENERAL
KAMALA D. HARRIS

Attorney General Kamala D. Harris Applauds Governor's Signature on Bill to Take More Prohibited Firearms off the Streets

Monday, October 10, 2011
Contact: (415) 703-5837

SACRAMENTO -- Attorney General Kamala D. Harris today praised Governor Jerry Brown's signature of Senate Bill 819, which will allow law enforcement officers to take more firearms out of the hands of those who are prohibited from owning them.

"Department of Justice Special Agents are the secret weapon of California law enforcement. I applaud Governor Brown for signing this law that will authorize our Special Agents to utilize existing funds to seize firearms from felons, gang members, the mentally ill and others who cannot legally possess such weapons," Attorney General Harris said. "Seizing guns from the most dangerous among us is the kind of smart law enforcement that makes a difference in the everyday lives of Californians."

SB 819, by Senator Mark Leno (D-San Francisco), allows the use of existing regulatory fees collected by gun dealers to fund the Armed Prohibited Persons System (APPS), a program administered by the California Department of Justice.

"There is a troubling blind spot in our current enforcement of firearms laws," said Senator Leno. "Thousands of gun owners who once obtained their weapons legally still possess firearms despite subsequent issues, including criminal activities, which disqualify them from owning weapons. Innocent lives have been lost because we allow guns to be in the hands of known criminals and people who have serious mental illnesses. SB 819 helps remedy this troubling threat to public safety."

The Bureau of Firearms has identified more than 18,000 Californians who illegally possess tens of thousands of firearms. Every day, 15 to 20 names are added to the list of prohibited persons who own firearms. SB 819 allows the Department of Justice to use a surplus from the Dealer's Record of Sale account to enforce APPS. The program, which began in 2007, cross-references five databases to find people who legally purchased firearms since 1996 with those who have since been prohibited from owning or possessing them.

Law enforcement officials in California have long struggled to disarm people who are prohibited from owning a firearm. State and local officials lack the resources necessary to confiscate the enormous backlog of weapons, nor can they keep up with the daily influx of newly-prohibited persons. SB 819 helps to ensure that more persons on the APPS list are identified and their weapons confiscated.

In June, Attorney General Harris announced the results of a statewide sweep in which 1,209 firearms were seized from individuals legally barred from possessing them. The six-week sweep conducted by 99 agents from the Department of Justice also seized 155,731 rounds of ammunition and two grenades.

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EXHIBIT N

INITIAL STATEMENT OF REASONS

Specific purpose of the regulations

The purpose of these regulations is to adjust the Department of Justice (DOJ) fee for processing firearms purchase/transfer applications commonly referred to in statute as Dealer's Record of Sale (DROS). The proposed regulations lower the current \$19 DROS fee to \$14, commensurate with the actual cost of processing a DROS. The proposed regulations would also establish a process for DOJ to administratively adjust the DROS fee.

Factual basis

DOJ is statutorily authorized to charge a fee to cover its costs for processing Dealer's Records of Sale (DROS). The fees are collected by firearms dealers, from firearm purchasers/transferees and are subsequently submitted to DOJ.

The current DROS fee was set back in November 2004 at \$19, which at the time was believed to be sufficient to cover the cost of the program and maintained an acceptable level of reserve in the DROS account. The estimate of \$19 was based on reviewing the totals from previous year's firearm sales and calculations of anticipated sales within the state. DOJ recently completed a review of the revenues into and expenditures out of the DROS account, and the total number of firearm sales between 2007 and present date. The analysis revealed that the projected gun sale amounts relied upon back in 2004 to set the DROS fee at \$19, were much lower than the actual total of gun sales realized.

Over the past three fiscal years there has been a 30 percent increase in DROS volume. In fiscal year (FY) 06/07 DOJ processed 367,494 DROS compared to 479,772 DROS processed in FY 08/09. The "economy of scale" dictates that the processing cost per DROS decreases as the volume increases. Going back even further, a comparison between FY 03/04 and FY 08/09 reveals a 60 percent increase in DROS volume which demonstrates the extreme volatility in the firearms market and DROS processing costs. DROS volume is extremely difficult to predict and is driven by a variety of factors including civil unrest, natural disasters, crime rates, proposed legislation, and the economy. For example, the Los Angeles riots contributed to an increase in DROS volume to 559,608 in 1992 and a record level of 642,197 the following year. In comparison, in calendar year 2003 the DROS volume dipped to an all-time low of 290,376.

In processing a DROS, DOJ must conduct a Basic Firearms Eligibility Check (BFEC) to ensure that subjects are not prohibited from owning/possessing firearms pursuant to Penal Code sections 12021 and 12021.1, Welfare and Institutions Code sections 8100 and 8103, and Title 18 of the United States Code, section 922, subdivision (t). Depending on various factors, a BFEC may be processed programmatically by the Consolidated Firearms Information System (CFIS) or it may require a more time consuming manual review which is conducted by BOF staff. The percentage of DROS that require a manual review has decreased slightly in recent years due to minor system/program enhancements. Consequently, within the past three fiscal years, although the volume of DROS transactions has increased, the average time spent on each DROS, and thus the processing cost, has decreased. Based on the increased level of gun sales, achieved savings in conducting firearms eligibility background checks, and the increases in the revenue reserves

within the DROS account, DOJ is proposing to reduce the DROS fee from \$19 to \$14. The proposed fee reduction will begin reducing the revenue level in the DROS account and more closely align the program's cost with its revenue source in the future.

Because of the aforementioned volatility in firearm sales and DROS volume from year to year, the process proposed by DOJ for the administrative adjustment of the DROS fee, would require the department to review its DROS revenues and DROS-related expenses at the end of each fiscal year to determine whether it is necessary to adjust the DROS fee. By November 1, 2010 and by November 1st each year thereafter, the department shall publish its determination on the DOJ public website. If the department determines it is necessary to administratively adjust the DROS fee, the department shall provide notice of the amount and date of the adjustment at least 30 days before the adjustment takes effect to all interested parties.

Technical, theoretical, and/or empirical study, report or documents

DOJ did not rely upon any technical, theoretical, or empirical studies, reports, or documents in proposing the adoption of the amended regulations.

Specific technologies and new equipment

These regulations do not mandate the use of specific technologies or new equipment.

Reasonable Alternatives to the Regulations and the Agency's Reasons for Rejecting Them

No other reasonable alternatives were presented to or considered by DOJ that would be either more effective in carrying out the purpose for which the action is proposed, or would be as effective and less burdensome.

Reasonable Alternatives to the Proposed Regulatory Action That Would Lessen Any Adverse Impact on Small Businesses and the Agency's Reasons for Rejecting Them

DOJ finds that the proposed regulations would not have an adverse impact on small businesses.

Evidence Supporting Finding of No Significant Adverse Economic Impact on Any Business

DOJ determined the proposed regulations will not have a significant adverse economic impact. On the contrary, the proposed regulations may have a positive economic impact on firearms dealers in the form of increased firearm sales due to the \$5 decrease in the DROS fee.

EXHIBIT O

State of California *≈* Department of Justice

OFFICE of the ATTORNEY GENERAL
KAMALA D. HARRIS

FREQUENTLY ASKED QUESTIONS

Public

1. Where do I find laws regarding the possession of firearms?
2. I'm not sure whether I have a California record that would prevent me from owning/possessing a firearm. Is there a way to find out before I attempt to purchase one?
3. What is the process for purchasing a firearm in California?
4. How can I obtain a Carry Concealed Weapon (CCW) license?
5. Can I give a firearm to my adult child? Can he/she give it back to me later?
6. Can I give a firearm to my spouse or registered domestic partner? Can he/she give it back to me later?
7. Is there a limit on the number of handguns that I can own or purchase?
8. Does California have a law regarding the storage of firearms?
9. Are large-capacity magazines legal?
10. May I carry a concealed firearm in California?
11. Who is prohibited from owning or possessing firearms?
12. I live in another state and have a permit to carry a concealed handgun that was issued in my home state. Does my permit allow me to carry a concealed handgun while in California?
13. How much is the state fee when purchasing a firearm?
14. Can I sell a gun directly to another person (i.e. non-dealer)?
15. My firearm purchase was denied by DOJ and the dealer won't tell me why. How do I find out the reason for the denial?
16. Can I use a temporary license as identification for firearm purchases?
17. Can my driving record prevent me from purchasing a firearm?
18. Are there any exemptions from the waiting period?
19. Is the dealer required to give me a copy of the DROS information when I purchase a firearm?
20. Is there a maximum time limit for me to pick up a firearm after the dealer submits the DROS information?
21. What is the Firearm Safety Certificate (FSC) requirement?
22. How do I get an FSC?
23. If I lose my FSC, can I get it replaced?
24. I am a collector of firearms and I want to purchase a pair of consecutively-numbered pistols. Is there an exemption from the one-handgun-per-30-day restriction for curio & relic collectors?
25. I am moving into California and I own several firearms. What are the new-resident registration requirements?
26. How do I know if my firearms need to be registered?
27. Can I get a list of the firearms for which I am listed as the purchaser, transferee, or owner?
28. How is the waiting period for firearm purchases calculated?

29. I've been working in a firearms dealership for several years. My duties include showing various firearms to customers. My employer recently told me I have to get a Certificate of Eligibility (COE). Is it lawful for him to require a COE?
30. Who answers questions regarding the applicability of sales tax to the DROS fee?
31. My firearm is in the possession of a court or law enforcement agency. What do I need to do to get it back?

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1. **Where do I find laws regarding the possession of firearms?**

The laws governing control of deadly weapons, including firearms, are found in Part 6 of the Penal Code, beginning at section 16000. These laws define the various types of dangerous weapons as well as restrictions and crimes related to their manufacture, sale, possession, and transportation. Of particular note, the laws relating to firearms are found in Title 4 of Part 6, beginning at section 23500, and the applicable definitions and general rules are found in Title 1 of Part 6, beginning at section 16000. Laws that pertain to both firearms and other types of deadly weapons are found in Title 2 of Part 6, beginning at section 17500.

2. **I'm not sure whether I have a California record that would prevent me from owning/possessing a firearm. Is there a way to find out before I attempt to purchase one?**

Yes, you may request a California Personal Firearms Eligibility Check (PFEC) by submitting a (PFEC) application, pdf to the Department of Justice. For more information about how to request a PFEC, please refer to the PFEC FAQ. Applications are also available through your local firearms dealer. Please be advised that a PFEC does not include a Federal NICS check. Therefore, you may still be prohibited from owning or possessing a firearm even though you receive a PFEC response indicating you are eligible to own or possess firearms.

(Pen. Code, § 30105)

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3. **What is the process for purchasing a firearm in California?**

Generally, all firearms purchases and transfers, including private party transactions and sales at gun shows, must be made through a California licensed dealer under the Dealer's Record of Sale (DROS) process. California law imposes a 10-day waiting period before a firearm can be released to a purchaser or transferee. A person must 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 (DMV). A military identification accompanied by permanent duty station orders indicating a posting in California is also acceptable.

If the purchaser is not a U.S. Citizen, then he or she is required to demonstrate that he or she is legally within the United States by providing the firearms dealer with documentation containing his/her Alien Registration Number or I-94 Number.

Purchasers of handguns must provide proof of California residency, such as a utility bill, residential lease, property deed, or government-issued identification (other than a drivers license or other DMV-issued identification), and either (1) possess a Handgun Safety Certificate (HSC) plus successfully complete a safety demonstration with their recently purchased handgun or (2) qualify for an HSC exemption.

(Pen. Code, § § 26800-26850.)

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4. **How can I obtain a Carry Concealed Weapon (CCW) license?**

Contact your county sheriff's office or, if you are a resident of an incorporated city, your city police department, for information on obtaining a CCW license. They can answer your questions and provide you with a copy of their CCW license policy statement and the CCW license application. If you live within an incorporated city, you may apply to the police department or the county sheriff's office for a CCW license. However, only residents of a city may apply to a city

police department for a CCW license.

(Pen. Code, §§ 26150-26225.)

5. Can I give a firearm to my adult child? Can he/she give it back to me later?

Yes, as long as the adult child receiving the firearm is not in a prohibited category, pdf and the firearm is legal to possess (e.g., not an assault weapon). The transfer of a firearm between a parent and child or a grandparent and grandchild is exempt from the dealer transfer requirement. The exemption does not apply to step-children/step-parents, brothers, sisters, aunts, uncles, or cousins.

If the firearm is a handgun, the recipient must obtain a Handgun Safety Certificate prior to taking possession and must also submit a Report of Operation of Law or Intra-Familial Handgun Transaction and \$19 fee to the DOJ within 30 days after taking possession.

The same rules apply to the return of the firearm at a later date.

(Pen. Code, §§ 27870-27875, 30910-30915.)

6. Can I give a firearm to my spouse or registered domestic partner? Can he/she give it back to me later?

Yes, as long as the person receiving the firearm is not in a prohibited category, pdf and the firearm is legal to possess (e.g., not an assault weapon), the transfer of a firearm between a husband and wife or registered domestic partners is exempt from the requirement to use a licensed dealer to perform the transfer.

If the firearm is a handgun, the recipient must obtain a Handgun Safety Certificate prior to taking possession and must also submit a Report of Operation of Law or Intra-Familial Handgun Transaction, pdf and \$19 fee to the DOJ within 30 days after taking possession.

The same rules apply to the return of the firearm at a later date.

(Pen. Code, §§ 16990, subd. (g), 27915, 27920, subd. (b).)

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7. Is there a limit on the number of handguns that I can own or purchase?

There is no limit to the number of handguns that you may own but you are generally limited to purchasing no more than one handgun in any 30-day period. Handgun transactions related to law enforcement, private party transfers, returns to owners, and certain other specific circumstances are exempt from the one-handgun-per-30-day purchase limit.

(Pen. Code, § 27535.)

8. Does California have a law regarding the storage of firearms?

Yes. If you keep any loaded firearm within any premise which is under your custody or control and know or reasonably should know that a child (person under 18 years of age) is likely to gain access to the firearm, you may be guilty of a felony if a child gains access to that firearm and thereby causes death or injury to any person including themselves unless the firearm was in a secure locked container or locked with a locking device that rendered it inoperable.

(Pen. Code, §§ 25100, 25200.)

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9. Are large-capacity magazines legal?

Generally, it is illegal to buy, manufacture, import, keep for sale, expose for sale, give or lend any large-capacity magazine (able to accept more than 10 rounds) in California. However, continued possession of large-capacity magazines that you owned in California prior to January 1, 2000, is legal provided you are not otherwise prohibited. A person prohibited from possessing firearms is also prohibited from owning or possessing any magazines or ammunition.

(Pen. Code, §§ 16150, subd. (b), 30305, 32310.)

10. May I carry a concealed firearm in California?

Generally you may not carry a concealed firearm on your person in public unless you have a valid Carry Concealed Weapon (CCW) license. CCW licenses are issued only by a California county sheriff to residents of the county, or the chief of police to residents of the city. California law does not honor or recognize CCW licenses issued outside this state.

(Pen. Code, §§ 25400-25700, 26150-26225.)

11. Who is prohibited from owning or possessing firearms?

Any person who has a conviction for any misdemeanor listed in Penal Code section 29805 or for any felony, or is addicted to the use of any narcotic drug, or has been held involuntarily as a danger to self or others pursuant to Welfare and Institutions Code section 8103 is prohibited from buying, owning, or possessing firearms or ammunition. There are also prohibitions based on mental conditions, domestic restraining/protective orders, conditions of probation, and specific offenses committed as a juvenile. A list of prohibited categories is available on the Bureau of Firearms website.

(Pen. Code, §§ 29800, 29805, 29815, 29820, 29825, 29855, 29860, 29900, 29905, 30305; Welf. & Inst. Code, §§ 8100-8103; 18 U.S.C. § 922, subd. (g), 27 C.F.R. § 478.22.)

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12. I live in another state and have a permit to carry a concealed handgun that was issued in my home state. Does my permit allow me to carry a concealed handgun while in California?

No. CCW licenses/permits issued in other states are not valid in California.

(Pen. Code, §§ 25400-25700.)

13. How much is the state fee when purchasing a firearm?

The total state fee is \$25. The DROS fee is \$19.00 which covers the costs of the background checks and transfer registry. There is also a \$1.00 Firearms Safety Act Fee and a \$5.00 Safety and Enforcement Fee. In the event of a private party transfer (PPT), the firearms dealer may charge an additional fee of up to \$10 per firearm.

If the transaction is not a PPT the dealer may impose other charges as long as this amount is not misrepresented as a state fee. When settling on the purchase price of a firearm, you should ask the dealer to disclose all applicable fees.

(Pen. Code, §§ 23690, 28055, 28225, 28230, 28300.)

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14. Can I sell a gun directly to another person (i.e. non-dealer)?

Generally, no. This type of transaction is referred to as a "private party transfer" and must be conducted through a fully licensed California firearms dealer. Failure to do so is a violation of California law. The purchaser (and seller if the purchaser is denied), must meet the normal firearm purchase and delivery requirements.

Firearms dealers are required to process private party transfers upon request but may charge a fee not to exceed \$10 per firearm for conducting the transfer. For example:

- a. For a private party transfer involving one or more handguns, the total allowable fees, including the DROS, safety, and dealer transfer fees, are not to exceed \$35.00 for the first handgun and \$31.00 for each additional handgun involved in the same transaction.
- b. For private party transfers involving one or more long guns, or a private party transfer involving one handgun, the total allowable fees, including the DROS, safety, and dealer transfer fees, are not to exceed \$35.00. The dealer may charge an additional dealer-service fee of up to \$10.00 for each additional firearm.

"Antique firearms," as defined in section 921(a)(16) of Title 18 of the United States Code, and curio or relic rifles/shotguns, defined in section 478.11 of Title 27 of the Code of Federal Regulations, that are over 50 years old, are exempt from this requirement. For additional exceptions, refer to Penal Code sections 27850 through 27966.

(Pen. Code, § 27545.)

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15. My firearm purchase was denied by the DOJ and the dealer won't tell me why. How do I find out the reason for the denial?

If your DROS application is denied, you will receive a letter from the DOJ Bureau of Firearms within two weeks. The letter will explain the reason and instructions on how to get a copy of the record that resulted in the denial of your application.

There will also be instructions on how to dispute and correct information in your record you believe is wrong.

16. Can I use a temporary license as identification for firearm purchases?

No. Neither temporary driver's licenses nor temporary identification cards are acceptable forms of proof of identity and age.

(Pen. Code, § 16400.)

17. Can my driving record prevent me from purchasing a firearm?

Yes. If you have a conviction for a firearms-prohibiting offense, such as felony drunk driving, your driving record would affect your ability to purchase a firearm. Furthermore, your driver's license must be valid. A revocation, outstanding ticket, or fine may cause your license to be invalid.

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18. Are there any exemptions from the waiting period?

Yes, but they don't apply to the general public. For example, waiting period exemptions include the following:

- a. Firearms dealers and persons who have obtained special weapons permits issued by the DOJ are exempt from the waiting period.
- b. Persons with a Curio & Relic collector's licenses issued by the ATF and who have a valid Certificate of Eligibility issued by the DOJ are exempt from the waiting period when purchasing curio and relic firearms.
- c. Peace officers with authorization from the head of his/her agency.

(Pen. Code, §§ 26950-26970, 27650-27670.)

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19. Is the dealer required to give me a copy of the DROS information when I purchase a firearm?

Yes, upon request, the dealer must provide you with a copy of the DROS application. In private party transactions, the seller is also entitled to a copy of the DROS application upon request.

(Pen. Code, § 28210.)

20. Is there a maximum time limit for me to pick up a firearm after the dealer submits the DROS information?

Yes. If you do not take physical possession of the firearm within 30 days of submission of the DROS information, the dealer must cancel the sale. If you still want to take possession of the firearm, you must repeat the entire DROS process, including payment of DROS fees and new 10-day waiting period.

(Pen. Code, § 26835; 27 C.F.R. § 478.124, subd. (c).)

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21. What is the Firearm Safety Certificate (FSC) requirement?

Prior to the submission of DROS information for a firearm, the purchaser must present an FSC or provide the dealer with proof of exemption pursuant to California Penal Code section 31700.

(Pen. Code, §§ 26840, 31700.)

22. How do I get an FSC?

To obtain an FSC you must score at least 75% (23 correct answers out of 30 questions) on the FSC Test covering firearm safety and basic firearms laws. The true/false and multiple choice test is administered by Instructors certified by the Department of Justice who are generally located at firearms dealerships.

(Pen. code, §§ 31610-31670.)

23. If I lose my FSC, can I get it replaced?

Yes. A replacement FSC is available only through the DOJ Certified Instructor who issued your FSC. The FSC replacement cost is \$5. The replacement FSC will reflect the same expiration date as your original FSC.

(Pen. code, § 31660.)

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24. I am a collector of firearms and I want to purchase a pair of consecutively-numbered pistols. Is there an exemption from the one-handgun-per-30-day restriction for curio & relic collectors?

Yes, but it applies only to the acquisition of curio & relic firearms and you must have a valid federal Curio & Relic Collector's license and a valid Certificate of Eligibility.

(Pen. Code, § 27535.)

25. I am moving into California and I own several firearms. What are the new-resident registration requirements?

You are considered a personal firearm importer as defined by California law. You may bring all of your California-legal firearms with you, but you must report them all to the California Department of Justice within 60 days as required utilizing the New Resident Firearm Ownership Report (BOF 4010A), pdf. You may not bring ammunition feeding devices with a capacity greater than ten rounds, machine guns, or assault weapons into California.

(Pen. code, §§ 17000, subd. (a), 27560.)

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26. How do I know if my firearms need to be registered?

There is no firearm registration requirement in California except for assault weapon owners and personal handgun importers. However, you must submit a Firearm Ownership Report (FOR) Application (BOF 4542A), pdf to the California Department of Justice (the Department) for any firearm you are seeking return where no other record is on file with the Department identifying you as the most recent owner/possessor. Having a FOR application on file with the Department will authorize the return of your firearm in the event it is subsequently lost or stolen. With very few and specific exceptions, all firearm transactions must be conducted through a firearms dealer. If you purchased a handgun from a properly licensed California firearms dealer and underwent a background check via the state's Dealer's Record of Sale (DROS) process, a record of your handgun purchase is already on file with the Department. Therefore, it should not be necessary for you to submit a FOR application for handguns previously purchased in California. Unfortunately, this is not the case with regards to rifles or shotguns. Prior to January 1, 2014, the Department was prohibited by law from retaining DROS long gun information.

27. Can I get a list of the firearms for which I am listed as the purchaser, transferee, or owner?

Yes. To obtain a list of firearms listed in your name, complete and submit an Automated Firearms System Records Request, pdf to the Automated Firearms Unit, P.O. Box 820200, Sacramento, CA 94203-0200. The request must be signed, notarized, and include a photocopy of your photo ID card (i.e., driver's license or DMV ID).

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28. How is the waiting period for firearm purchases calculated?

The waiting period for the purchase or transfer of a firearm is ten (10) 24-hour periods from the date and time the DROS information is submitted to the DOJ.

29. **I've been working in a firearms dealership for several years. My duties include showing various firearms to customers. My employer recently told me I have to get a Certificate of Eligibility (COE). Is it lawful for him to require a COE?**

Yes. Licensed firearms dealers may require their employees who handle, deliver, or sell firearms to obtain a Certificate of Eligibility from the DOJ. Upon application, a firearms eligibility check will be conducted to determine whether the applicant is eligible to lawfully possess firearms. If so, the applicant is issued a COE. A copy of the COE must be provided to the employer by the employee/applicant, and must be renewed annually, as required by the licensed dealer. For more information, please see the Firearm Dealer FAQs. .

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30. **Who answers questions regarding the applicability of sales tax to the DROS fee?**

Questions regarding sales tax should be directed to the California Board of Equalization. Their website address is www.boe.ca.gov.

31. **My firearm is in the possession of a court or law enforcement agency. What do I need to do to get it back?**

Once the court or law enforcement agency in possession of your firearm notifies you the firearm is available for return, you must submit a completed Law Enforcement Gun Release (LEGR) application, pdf with the appropriate processing fee to the California Department of Justice (the Department). The processing fee for an LEGR application is \$20.00 for the first firearm and \$3.00 for each additional firearm listed on the application.

If the court or agency in possession of your firearm determines that the firearm was reported stolen, the fee for the stolen firearm will be waived. You must send documentation from the court or agency confirming the firearm was reported stolen along with the LEGR application to qualify for the fee waiver.

Once the Department receives your LEGR application, a firearms eligibility check will be conducted to determine if you are lawfully eligible to possess firearms. DOJ will also confirm the firearm is recorded in the Department's Automated Firearms System (AFS) as being owned by or loaned to the individual seeking its return. If you have not previously reported your firearm to the Department, you must also submit a Firearms Ownership Report (FOR) application (BOF 4542A) along with the appropriate fees to the Department. If the firearm you are seeking return is a rifle/shotgun, the prior completion of a Dealer's Record of Sale (DROS) background check does not satisfy the aforementioned firearm reporting requirement. However, if the rifle/shotgun was registered as an assault weapon or 50 BMG rifle, the reporting requirement has been satisfied.

You will receive a notice of the results. If this notice states that you are eligible to possess firearms and the firearm is recorded to in your name, you should then take the notice to the court or law enforcement agency in possession of your firearm to claim it. The notice must be presented to the court or law enforcement agency within thirty (30) days of the date listed on the notice. Failure to do so will result in the need to submit a new application and fees and undergo another firearms eligibility background check.

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EXHIBIT P

1 KAMALA D. HARRIS
 Attorney General of California
 2 MARK R. BECKINGTON
 Supervising Deputy Attorney General
 3 ANTHONY R. HAKL, State Bar No. 197335
 Deputy Attorney General
 4 1300 I Street, Suite 125
 P.O. Box 944255
 5 Sacramento, CA 94244-2550
 Telephone: (916) 322-9041
 6 Fax: (916) 324-8835
 E-mail: Anthony.Hakl@doj.ca.gov
 7 *Attorneys for Defendants*

8 IN THE UNITED STATES DISTRICT COURT
 9 FOR THE EASTERN DISTRICT OF CALIFORNIA
 10
 11

12 **BARRY BAUER, STEPHEN**
 13 **WARKENTIN, NICOLE FERRY,**
 14 **LELAND ADLEY, JEFFREY HACKER,**
 15 **NATIONAL RIFLE ASSOCIATION OF**
 16 **AMERICA, INC., CALIFORNIA RIFLE**
PISTOL ASSOCIATION FOUNDATION,
HERB BAUER SPORTING GOODS, INC.,
 17 Plaintiffs,
 18 v.
 19 **KAMALA HARRIS, in Her Official**
Capacity as Attorney General For the State
of California; STEPHEN LINDLEY, in His
 20 **Official Capacity as Acting Chief for the**
California Department of Justice, and
 21 **DOES 1-10,**
 22 Defendants.
 23

1:11-cv-1440-LJO-MJS

**DEFENDANT'S AMENDED
RESPONSES TO PLAINTIFF'S
REQUESTS FOR ADMISSIONS, SET
ONE**

24 **PROPOUNDING PARTY: PLAINTIFF BARRY BAUER**
 25 **RESPONDING PARTY: DEFENDANT KAMALA D. HARRIS**
 26 **SET NUMBER: ONE**

27 ///

28 ///

1 **REQUEST FOR ADMISSION NO. 5**

2 Admit that during fiscal year 2012-2013, APPS-related work was performed by SWORN
3 PERSONS whose PRIMARY employment responsibility was not the performance of APPS-
4 related work.

5 **RESPONSE TO REQUEST FOR ADMISSION NO. 5:**

6 Admitted.

7 **REQUEST FOR ADMISSION NO. 6**

8 Admit that SWORN BOF employees performing APPS-based CONTACTS are not limited
9 to confiscating only firearms identified on the APPS LIST.

10 **RESPONSE TO REQUEST FOR ADMISSION NO. 6:**

11 Defendant objects to this request. The request is not relevant to any claim by plaintiff.
12 Without waiving this objection, defendant responds as follows: Admitted.

13 **REQUEST FOR ADMISSION NO. 7**

14 Admit that, on more than one occasion, a SWORN PERSON performing an APPS
15 CONTACT seized a firearm that was not in any way identified on the APPS LIST.

16 **RESPONSE TO REQUEST FOR ADMISSION NO. 7:**

17 Defendant objects to this request. The request is not relevant to any claim by plaintiff. It is
18 also unlimited with respect to time and therefore vague and overbroad. Without waiving these
19 objections, defendant responds as follows: Admitted.

20 **REQUEST FOR ADMISSION NO. 8**

21 Admit that there is a cost code used by DOJ employees for recording time spent on APPS-
22 related work tasks.

23 **RESPONSE TO REQUEST FOR ADMISSION NO. 8:**

24 Admitted.

25 **REQUEST FOR ADMISSION NO. 9**

26 Admit that the cost code used by DOJ employees for recording time spent on APPS-related
27 work tasks is 509.

28

1 fees, are deposited collectively in that account. Thus, defendant does not know precisely what
2 percentage of the funding of APPS-related activities is derived from DROS fees exclusively.

3 **REQUEST FOR ADMISSION NO. 14**

4 Admit that revenues from the collection of DROS FEES are all deposited in the DROS
5 SPECIAL ACCOUNT.

6 **RESPONSE TO REQUEST FOR ADMISSION NO. 14:**

7 Admitted.

8 **REQUEST FOR ADMISSION NO. 15**

9 Admit that it is impossible to determine a specific percentage of DROS FEES that are
10 expended on APPS-related expenditures in a given fiscal year because revenue from the
11 collection of DROS FEES becomes indistinguishable from other money when deposited into the
12 DROS SPECIAL ACCOUNT.

13 **RESPONSE TO REQUEST FOR ADMISSION NO. 15:**

14 Admitted.

15 **REQUEST FOR ADMISSION NO. 16**

16 Admit that, for fiscal year 2012-1013, BOF received approximately \$20,725,000 in budget
17 funds from the DROS SPECIAL ACCOUNT.

18 **RESPONSE TO REQUEST FOR ADMISSION NO. 16:**

19 Admitted.

20 **REQUEST FOR ADMISSION NO. 17**

21 Admit that, for fiscal year 2012-1013, and with regard only to budget funds obtained that
22 fiscal year from the DROS SPECIAL ACCOUNT, BOF spent approximately \$6,607,000 on
23 APPS-related law enforcement activities.

24 **RESPONSE TO REQUEST FOR ADMISSION NO. 17:**

25 Admitted.

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1 **REQUEST FOR ADMISSION NO. 18**

2 Admit that the approximately \$6,607,000 of funds BOF obtained from the DROS SPECIAL
3 ACCOUNT in fiscal year 2012-2013 was the PRIMARY source of funding for the costs of
4 employing NON-SWORN PERSONS working in the APPS UNIT.

5 **RESPONSE TO REQUEST FOR ADMISSION NO. 18:**

6 Admitted.

7 **REQUEST FOR ADMISSION NO. 19**

8 Admit that more than 50% of the money that BOF spent on APPS-related law enforcement
9 activities in fiscal year 2012-2013 was spent on the costs of employing SWORN PERSON
10 performing APPS-related law enforcement activities.

11 **RESPONSE TO REQUEST FOR ADMISSION NO. 19:**

12 Admitted.

13 **REQUEST FOR ADMISSION NO. 20**

14 Admit that, in addition to money obtained from the DROS SPECIAL ACCOUNT, BOF
15 spent more than \$1,000,000 of funds obtained from the GENERAL FUND on APPS-related
16 expenditures during fiscal year 2012-2013.

17 **RESPONSE TO REQUEST FOR ADMISSION NO. 20:**

18 Denied.

19 **REQUEST FOR ADMISSION NO. 21**

20 Admit that prior to fiscal year 2012-2013, APPS-related activities were funded completely
21 with funds from the GENERAL FUND.

22 **RESPONSE TO REQUEST FOR ADMISSION NO. 21:**

23 Denied.

24 **REQUEST FOR ADMISSION NO. 22**

25 Admit that prior to fiscal year 2012-2013, APPS-related activities were funded
26 PRIMARILY with funds from the GENERAL FUND.

27 **RESPONSE TO REQUEST FOR ADMISSION NO. 22:**

28 Admitted.

1 **RESPONSE TO REQUEST FOR ADMISSION NO. 32:**

2 Admitted that during the fiscal year 2012-2013, at least one property controller who
3 processed property seized during an APPS investigation was paid out of cost code 510. Except as
4 admitted, denied.

5 **REQUEST FOR ADMISSION NO. 33**

6 Admit that during fiscal year 2012-2013, the PRIMARY cost code used by PROPERTY
7 CONTROLLERS working on APPS ENFORCEMENT TEAMS was 509.

8 **RESPONSE TO REQUEST FOR ADMISSION NO. 33:**

9 Admitted that during fiscal year 2012-2013, property controllers who processed property
10 seized during APPS investigations were paid out of cost code 510 primarily. Except as admitted,
11 denied.

12 **REQUEST FOR ADMISSION NO. 34**

13 Admit that prior to fiscal year 2012-2013, the PRIMARY cost code used by PROPERTY
14 CONTROLLERS working on APPS ENFORCEMENT TEAMS was 509.

15 **RESPONSE TO REQUEST FOR ADMISSION NO. 34:**

16 Admitted that prior to fiscal year 2012-2013, property controllers who processed property
17 seized during APPS investigations were paid out of cost code 510 primarily. Except as admitted,
18 denied.

19 **REQUEST FOR ADMISSION NO. 35**

20 Admit that the PRIMARY cost code used by PROPERTY CONTROLLERS working on
21 APPS ENFORCEMENT TEAMS is 509.

22 **RESPONSE TO REQUEST FOR ADMISSION NO. 35:**

23 Admitted property controllers who process property seized during APPS investigations are
24 paid out of cost code 510 primarily. Except as admitted, denied.

25 **REQUEST FOR ADMISSION NO. 36**

26 Admit that DOJ does not act as a prosecutorial entity as to the prosecution of PERSONS
27 who are found to be in possess a firearm as a result of an APPS-based CONTACT.
28

1 **RESPONSE TO REQUEST FOR ADMISSION NO. 36:**

2 Admitted that the Attorney General has the authority to prosecute persons who are found to
3 be in possession a firearm as a result of an APPS-based contact. After a reasonable and good
4 faith inquiry, defendant has been unable to identify any instance where the Attorney General has
5 initiated such a prosecution although she continues to have the authority to do so. Except as
6 admitted, denied.

7 **REQUEST FOR ADMISSION NO. 37**

8 Admit that DOJ does act as a prosecutorial entity as to the prosecution of PERSONS who
9 are found to be in possess a firearm as a result of an APPS-based CONTACT.

10 **RESPONSE TO REQUEST FOR ADMISSION NO. 37:**

11 Admitted that the Attorney General has the authority to prosecute persons who are found to
12 be in possession a firearm as a result of an APPS-based contact. After a reasonable and good
13 faith inquiry, defendant has been unable to identify any instance where the Attorney General has
14 initiated such a prosecution although she continues to have the authority to do so.Except as
15 admitted, denied.

16 **REQUEST FOR ADMISSION NO. 38**

17 Admit that APPS-based CONTACTS that have resulted in referrals for criminal
18 prosecution based on charges of illegal firearm possession.

19 **RESPONSE TO REQUEST FOR ADMISSION NO. 38:**

20 Objection. This request is unlimited with respect to time and therefore vague and
21 overbroad. The term "referrals" is also vague. Without waiving these objections, defendant
22 responds as follows: Defendant admits that the Bureau of Firearms sends cases to district
23 attorneys and requests that they be reviewed for possible prosecution.

24 **REQUEST FOR ADMISSION NO. 39**

25 Admit that, as to the APPS-based CONTACTS that have resulted in referrals for criminal
26 prosecution based on charges of illegal firearm possession, at least 95% of those referrals were to
27 district attorneys.

28

1 **RESPONSE TO REQUEST FOR ADMISSION NO. 39:**

2 Objection. This request is unlimited with respect to time and therefore vague and
3 overbroad. The term “referrals” is also vague. Without waiving these objections, defendant
4 responds as follows: Admitted.

5 **REQUEST FOR ADMISSION NO. 40**

6 Admit that an attorney working for DOJ has recorded the expenditure of time to cost code
7 509.

8 **RESPONSE TO REQUEST FOR ADMISSION NO. 40:**

9 Defendant objects to this request. The request is not relevant to any claim by plaintiff.
10 Defendant also objects to the extent this request seeks information protected by the attorney-client
11 privilege and work product doctrine. This request is also unlimited with respect to time and
12 therefore vague and overbroad. Without waiving these objections, defendant responds as follows:
13 Admitted that an attorney working for DOJ has performed work on legal matters that are paid out
14 of cost code 510 primarily but also cost codes 505 and 507. Except as admitted, denied.

15 **REQUEST FOR ADMISSION NO. 41**

16 Admit that an attorney working for DOJ has recorded the expenditure of time to cost code
17 509 as to time expended in the course of civil litigation.

18 **RESPONSE TO REQUEST FOR ADMISSION NO. 41:**

19 Defendant objects to this request. The request is not relevant to any claim by plaintiff.
20 Defendant also objects to the extent this request seeks information protected by the attorney-client
21 privilege and work product doctrine. This request is also unlimited with respect to time and
22 therefore vague and overbroad. The phrase “civil litigation” is vague. Without waiving these
23 objections, defendant responds as follows: Admitted that an attorney working for DOJ has
24 performed work on legal matters that are paid out of cost code 510 primarily but also 505 and 507
25 as to time expended in the course of civil litigation. Except as admitted, denied.

26 **REQUEST FOR ADMISSION NO. 42**

27 Admit that an attorney working for DOJ has recorded the expenditure of time to cost code
28 509 as to time expended in the course of performing legislative analysis.

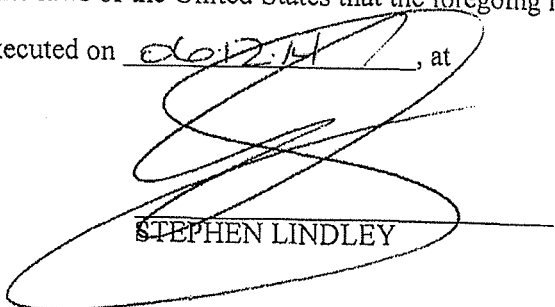
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VERIFICATION

I, Stephen Lindley, declare:

I am the Chief of the Bureau of Firearms of the California Department of Justice. I have read Defendant's Amended Responses To Plaintiff's Requests For Admissions, Set One. I know their contents and the same are true to my knowledge, information and belief.

I declare under penalty of perjury under the laws of the United States that the foregoing is true and correct and that this Verification was executed on 06/12/14, at SARASOTA, California.



STEPHEN LINDLEY

EXHIBIT Q



California
LEGISLATIVE INFORMATION

SB-819 Firearms. (2011-2012)

Senate Bill No. 819

CHAPTER 743

An act to amend Section 28225 of the Penal Code, relating to firearms.

[Approved by Governor October 09, 2011. Filed with Secretary of State
October 09, 2011.]

LEGISLATIVE COUNSEL'S DIGEST

SB 819, Leno. Firearms.

Existing law authorizes the Department of Justice to require a firearms dealer to charge each firearm purchaser a fee, as specified, to fund various specified costs in connection with, among other things, a background check of the purchaser, and to fund the costs associated with the department's firearms-related regulatory and enforcement activities related to the sale, purchase, loan, or transfer of firearms. The bill would make related legislative findings and declarations.

This bill would also authorize using those charges to fund the department's firearms-related regulatory and enforcement activities related to the possession of firearms, as specified.

Vote: majority Appropriation: no Fiscal Committee: yes Local Program: no

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

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

- (a) California is the first and only state in the nation to establish an automated system for tracking handgun and assault weapon owners who might fall into a prohibited status.
- (b) The California Department of Justice (DOJ) is required to maintain an online database, which is currently known as the Armed Prohibited Persons System, otherwise known as APPS, which cross-references all handgun and assault weapon owners across the state against criminal history records to determine persons who have been, or will become, prohibited from possessing a firearm subsequent to the legal acquisition or registration of a firearm or assault weapon.
- (c) The DOJ is further required to provide authorized law enforcement agencies with inquiry capabilities and investigative assistance to determine the prohibition status of a person of interest.
- (d) Each day, the list of armed prohibited persons in California grows by about 15 to 20 people. There are currently more than 18,000 armed prohibited persons in California. Collectively, these individuals are believed to be in possession of over 34,000 handguns and 1,590 assault weapons. The illegal possession of these firearms presents a substantial danger to public safety.
- (e) Neither the DOJ nor local law enforcement has sufficient resources to confiscate the enormous backlog of weapons, nor can they keep up with the daily influx of newly prohibited persons.
- (f) A Dealer Record of Sale fee is imposed upon every sale or transfer of a firearm by a dealer in California.

Existing law authorizes the DOJ to utilize these funds for firearms-related regulatory and enforcement activities related to the sale, purchase, loan, or transfer of firearms pursuant to any provision listed in Section 16580 of the Penal Code, but not expressly for the enforcement activities related to possession.

(g) Rather than placing an additional burden on the taxpayers of California to fund enhanced enforcement of the existing armed prohibited persons program, it is the intent of the Legislature in enacting this measure to allow the DOJ to utilize the Dealer Record of Sale Account for the additional, limited purpose of funding enforcement of the Armed Prohibited Persons System.

SEC. 2. Section 28225 of the Penal Code is amended to read:

28225. (a) The Department of Justice may require the dealer to charge each firearm purchaser a fee not to exceed fourteen dollars (\$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.

(b) The fee under subdivision (a) shall be no more than is necessary to fund the following:

(1) The department for the cost of furnishing this information.

(2) The department for the cost of meeting its obligations under paragraph (2) of subdivision (b) of Section 8100 of the Welfare and Institutions Code.

(3) Local mental health facilities for state-mandated local costs resulting from the reporting requirements imposed by Section 8103 of the Welfare and Institutions Code.

(4) The State Department of Mental Health for the costs resulting from the requirements imposed by Section 8104 of the Welfare and Institutions Code.

(5) Local mental hospitals, sanitariums, and institutions for state-mandated local costs resulting from the reporting requirements imposed by Section 8105 of the Welfare and Institutions Code.

(6) Local law enforcement agencies for state-mandated local costs resulting from the notification requirements set forth in subdivision (a) of Section 6385 of the Family Code.

(7) Local law enforcement agencies for state-mandated local costs resulting from the notification requirements set forth in subdivision (c) of Section 8105 of the Welfare and Institutions Code.

(8) For the actual costs associated with the electronic or telephonic transfer of information pursuant to Section 28215.

(9) The Department of Food and Agriculture for the costs resulting from the notification provisions set forth in Section 5343.5 of the Food and Agricultural Code.

(10) The department for the costs associated with subdivisions (d) and (e) of Section 27560.

(11) The department for the costs associated with funding Department of Justice firearms-related regulatory and enforcement activities related to the sale, purchase, possession, loan, or transfer of firearms pursuant to any provision listed in Section 16580.

(c) The fee established pursuant to this section shall not exceed the sum of the actual processing costs of the department, the estimated reasonable costs of the local mental health facilities for complying with the reporting requirements imposed by paragraph (3) of subdivision (b), the costs of the State Department of Mental Health for complying with the requirements imposed by paragraph (4) of subdivision (b), the estimated reasonable costs of local mental hospitals, sanitariums, and institutions for complying with the reporting requirements imposed by paragraph (5) of subdivision (b), the estimated reasonable costs of local law enforcement agencies for complying with the notification requirements set forth in subdivision (a) of Section 6385 of the Family Code, the estimated reasonable costs of local law enforcement agencies for complying with the notification requirements set forth in subdivision (c) of Section 8105 of the Welfare and Institutions Code imposed by paragraph (7) of subdivision (b), the estimated reasonable costs of the Department of Food and Agriculture for the costs resulting from the notification provisions set forth in Section 5343.5 of the Food and Agricultural Code, the estimated reasonable costs of the department for the costs associated with subdivisions (d) and (e) of Section 27560, and the estimated reasonable costs of department firearms-related regulatory and enforcement activities related to the sale, purchase, possession, loan, or transfer of firearms pursuant to any provision listed in Section 16580.

(d) Where the electronic or telephonic transfer of applicant information is used, the department shall establish a system to be used for the submission of the fees described in this section to the department.

EXHIBIT R

SENATE COMMITTEE ON PUBLIC SAFETY

Senator Loni Hancock, Chair
2011-2012 Regular Session

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B

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SB 819 (Leno)
As Amended April 14, 2011
Hearing date: April 26, 2011
Penal Code
SM:dl

USES OF DEALER RECORD OF SALE FUNDS

HISTORY

Source: Attorney General Kamala D. Harris

Prior Legislation: AB 302 (Beall) – Chap. 344, Stats. Of 2010
AB 161 (Steinberg) – Chap. 754, Stats. of 2003
AB 950 (Brulte) – Chap. 944, Stats. of 2001

Support: Association for Los Angeles Deputy Sheriffs; Riverside Sheriffs’ Association;
California Chapters of the Brady Campaign to Prevent Gun Violence; California
State Sheriffs’ Association; Statewide Law Enforcement Association; Legal
Community Against Violence

Opposition: California Association of Firearms Retailers; California Rifle and Pistol
Association; California Sportsman’s Lobby, Inc.; Crossroads of the West; National
Rifle Association; National Shooting Sports Foundation Inc.; Outdoor Sportsmen’s
Coalition of California; Safari Club International

KEY ISSUE

SHOULD THE DEPARTMENT OF JUSTICE BE AUTHORIZED TO USE DEALER
RECORD OF SALE FUNDS FOR COSTS ASSOCIATED WITH ITS FIREARMS-RELATED
REGULATORY AND ENFORCEMENT ACTIVITIES REGARDING THE POSSESSION AS
WELL AS THE SALE, PURCHASE, LOAN, OR TRANSFER OF FIREARMS, AS
SPECIFIED?

(More)

PURPOSE

The purpose of this bill is to provide that the Department of Justice may use dealer record of sale (DROS) funds for costs associated with its firearms-related regulatory and enforcement activities regarding the possession as well as the sale, purchase, loan, or transfer of firearms, as specified.

Existing Federal law states that it shall be unlawful for any person to sell or otherwise dispose of any firearm or ammunition to persons if that person is under indictment or has been convicted of specified crimes, is under a restraining order, has been committed to a mental institution, and other specified disqualifying factors. (18 U.S.C. § 922.)

Existing California law:

- Requires that persons who sell, lease, or transfer firearms be licensed by California. (Penal Code §§ 26500 and 26700, et seq.¹)
- Sets forth a series of requirements to be state licensed by DOJ, which provides that to be recognized as state licensed, a person must be on a centralized list of gun dealers and allows access to the centralized list by authorized persons for various reasons. (Penal Code § 26700.)
- Requires that firearms dealers obtain certain identifying information from firearms purchasers and forward that information, via electronic transfer to DOJ to perform a background check on the purchaser to determine whether he or she is prohibited from possessing a firearm. The record of applicant information must be transmitted to the Department of Justice in Sacramento by electronic transfer on the date of the application to purchase. The original of each record of electronic transfer shall be retained by the dealer in consecutive order. Each original shall become the permanent record of the transaction that shall be retained for not less than three years from the date of the last transaction and shall be provided for the inspection of any peace officer, Department of Justice employee designated by the Attorney General, or agent of the Federal Bureau of Alcohol, Tobacco, Firearms, and Explosives upon the presentation of proper identification, but no information shall be compiled therefrom regarding the purchasers or other transferees of firearms that are not pistols, revolvers, or other firearms capable of being concealed upon the person. (Pen Code § 28160-28220.)
- Requires handguns to be centrally registered at time of transfer or sale by way of transfer forms centrally compiled by the DOJ. DOJ is required to keep a registry from data sent to

¹ SB 1080, Chap. 711, Stats.2010, and SB 1115, Chap. 178, Stats. 2010, recast and renumbered most statutes relating to deadly weapons without any substantive change to those statutes. Those changes will become operative January 1, 2012. All references to affected code sections will be to the revised version unless otherwise indicated.

DOJ indicating who owns what handgun by make, model, and serial number and the date thereof. (Penal Code § 11106(a) and (c).)

- Requires that, upon receipt of the purchaser's information, 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. (Penal Code § 28220.)
- States that, to the extent funding is available, the Department of Justice may participate in the National Instant Criminal Background Check System (NICS), as specified, and, if that participation is implemented, shall notify the dealer and the chief of the police department of the city or city and county in which the sale was made, or if the sale was made in a district in which there is no municipal police department, the sheriff of the county in which the sale was made, that the purchaser is a person prohibited from acquiring a firearm under federal law. (Penal Code § 28220.)
- States that if the department determines that the purchaser is prohibited from possessing a firearm, as specified, it shall immediately notify the dealer and the chief of the police department of the city or city and county in which the sale was made, or if the sale was made in a district in which there is no municipal police department, the sheriff of the county in which the sale was made, of that fact. (Penal Code § 28220.)
- States that no person who has been taken into custody, found to be a danger to himself, herself, or others, and, as a result, admitted to a specified mental health facility, shall own, possess, control, receive, or purchase, or attempt to own, possess, control, receive, or purchase any firearm for a period of five years after the person is released from the facility, except as specified. (Welfare and Institutions Code § 8103(f)(1).) For each such person, the facility shall immediately, on the date of admission, submit a report to the Department of Justice, on a form prescribed by the Department of Justice, containing information that includes, but is not limited to, the identity of the person and the legal grounds upon which the person was admitted to the facility. (Welfare and Institutions Code § 8103(f)(2)(A).)
- No person who has been certified for intensive treatment for a mental disorder, as specified, shall own, possess, control, receive, or purchase, or attempt to own, possess, control, receive, or purchase any firearm for a period of five years and relevant treatment facilities shall report the identities of such persons to DOJ, as specified. (Welfare and Institutions Code § 8103(g).)
- The Department of Justice may 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

(More)

Relations. This fee, known as the Dealer Record of Sale or DROS fee, shall be no more than is necessary to fund the following:

- The department for the cost of furnishing this information.
- The department for the cost of meeting its obligations to notify specified persons that they are prohibited from owning firearms due to their receiving inpatient treatment for a mental disorder.
- Local mental health facilities for state-mandated local costs resulting from the specified reporting requirements.
- The State Department of Mental Health for the costs resulting from the specified requirements imposed.
- Local mental hospitals, sanitariums, and institutions for state-mandated local costs resulting from the specified reporting requirements.
- Local law enforcement agencies for state-mandated local costs resulting from the notification requirements regarding service of restraining orders, as specified.
- Local law enforcement agencies for state-mandated local costs resulting from the notification requirements regarding specified persons prohibited from owning firearms due to their receiving inpatient treatment for a mental disorder.
- For the actual costs associated with the electronic or telephonic transfer of information, as specified.
- The Department of Food and Agriculture for the costs resulting from the notification provisions regarding importing firearms into the state, as specified.
- The department for the costs associated with public education requirements regarding importation of firearms into California, as specified.
- The department for the costs associated with funding Department of Justice firearms-related regulatory and enforcement activities related to the sale, purchase, loan, or transfer of firearms pursuant to any provision listed in Section 16580.

(Penal Code § 28225(a) – (b).)

- The fee established pursuant to this section shall not exceed the sum of the actual processing costs of the department, the estimated reasonable costs of the local mental health facilities for complying with the reporting requirements imposed as specified, the costs of the State

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Department of Mental Health for complying with the requirements imposed as specified, the estimated reasonable costs of local mental hospitals, sanitariums, and institutions for complying with the reporting requirements imposed as specified, the estimated reasonable costs of local law enforcement agencies for complying with the notification requirements, as specified, the estimated reasonable costs of local law enforcement agencies for complying with the notification requirements imposed as specified, the estimated reasonable costs of the Department of Food and Agriculture for the costs resulting from the specified notification provisions, the estimated reasonable costs of the department for the costs associated with public education requirements regarding importation of firearms into California, and the estimated reasonable costs of department firearms-related regulatory and enforcement activities related to the sale, purchase, loan, or transfer of firearms pursuant to specified provisions of law pertaining to firearms. (Penal Code § 28225(c).)

- The Department of Justice may charge a fee sufficient to reimburse it for each of the following but not to exceed fourteen dollars (\$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:
 - For the actual costs associated with the preparation, sale, processing, and filing of forms or reports required or utilized pursuant to any provision listed in subdivision (a) of Section 16585.
 - For the actual processing costs associated with the submission of a Dealers' Record of Sale to the department.
 - For the actual costs associated with the preparation, sale, processing, and filing of reports utilized pursuant to Section 26905, 27565, or 28000, or paragraph (1) of subdivision (a) of Section 27560.
 - For the actual costs associated with the electronic or telephonic transfer of information pursuant to Section 28215.
 - Any costs incurred by the Department of Justice to implement this section shall be reimbursed from fees collected and charged pursuant to this section. No fees shall be charged to the dealer pursuant to Section 28225 for implementing this section.

(Penal Code § 28230.)

- All money received by the department pursuant to this article shall be deposited in the Dealers' Record of Sale Special Account of the General Fund, which is hereby created, to be available, upon appropriation by the Legislature, for expenditure by the department to offset the costs incurred pursuant to any of the following:

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- This article.
 - Annual inspections of permitted destructive devices. (See § 18910.)
 - Regulating firearms transaction between licensed dealers (See § 27555.)
 - Conduct public education and notification programs regarding importation of firearms into the state. (See § 27560(d) and (e).)
 - Maintain a list of federally licensed firearms dealers in California exempt from the state dealer licensing requirements, as specified. (See Article 6 (commencing with Section 28450).
 - Inspection of inventory of licensed firearms dealers. (See §31110.)
 - Public education and notification programs regarding registration of assault weapons. (See § 31115.)
 - Retesting of handguns on the not unsafe handgun list, as specified. (See § 32020(a).)
 - Inspection of inventories of machine guns held under permit. (See § 32670.)
 - Inspection of inventories of short-barreled shotguns and rifles held under permit (See § 33320.)(Penal Code § 28235.)
- The Attorney General 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.
 - The information contained in the Prohibited Armed Persons File shall only be available to specified entities through the California Law Enforcement Telecommunications System, for the purpose of determining if persons are armed and prohibited from possessing firearms. (Penal Code § 30000.)

This bill would provide that DOJ may use dealer record of sale (DROS) funds for costs associated with its firearms-related regulatory and enforcement activities regarding the *possession* as well as the sale, purchase, loan, or transfer of firearms, as specified.

This bill would make specified findings and declarations.

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RECEIVERSHIP/OVERCROWDING CRISIS AGGRAVATION

For the last several years, severe overcrowding in California's prisons has been the focus of evolving and expensive litigation. As these cases have progressed, prison conditions have continued to be assailed, and the scrutiny of the federal courts over California's prisons has intensified.

On June 30, 2005, in a class action lawsuit filed four years earlier, the United States District Court for the Northern District of California established a Receivership to take control of the delivery of medical services to all California state prisoners confined by the California Department of Corrections and Rehabilitation ("CDCR"). In December of 2006, plaintiffs in two federal lawsuits against CDCR sought a court-ordered limit on the prison population pursuant to the federal Prison Litigation Reform Act. On January 12, 2010, a three-judge federal panel issued an order requiring California to reduce its inmate population to 137.5 percent of design capacity -- a reduction at that time of roughly 40,000 inmates -- within two years. The court stayed implementation of its ruling pending the state's appeal to the U.S. Supreme Court.

On Monday, June 14, 2010, the U.S. Supreme Court agreed to hear the state's appeal of this order and, on Tuesday, November 30, 2010, the Court heard oral arguments. A decision is expected as early as this spring.

In response to the unresolved prison capacity crisis, in early 2007 the Senate Committee on Public Safety began holding legislative proposals which could further exacerbate prison overcrowding through new or expanded felony prosecutions.

This bill does not appear to aggravate the prison overcrowding crisis described above.

COMMENTS

1. Need for This Bill

According to the author:

The California Department of Justice (DOJ) maintains APPS, an online database, to cross-reference persons who have ownership or possession of a firearm, and who, subsequent to the date of that ownership or possession of a firearm, fall within a class of persons who are prohibited from having a firearm. Authorized law enforcement agencies have access to APPS. DOJ populates APPS with all handgun and assault weapon owners across the state and matches them against criminal history records to determine who might fall into a prohibited status. When a match is found, the system automatically raises a flag. APPS, further, interfaces with the Automated Firearms System and identifies the

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handguns and assault² weapons in that prohibited individual's possession. In theory, local agencies and DOJ would then confiscate the weapons. When local agencies confiscate weapons, notice is sent to DOJ so that the individual can be removed from the list.

APPS is currently funded through the general fund. There is, however, an account that holds the fees charged by dealers for each firearm purchase. This is called the Dealer Record of Sale (DRoS) account. Penal Code section 12076 allows the Department of Justice to use this account to fund firearms-related regulatory and enforcement activities related to the sale, purchase, loan, or transfer of firearms pursuant to this chapter. Penal Code section 12076, however, does not fund DOJ or local agencies to confiscate unlawfully possessed firearms.

There are currently more than 18,000 armed prohibited people statewide, including convicted felons. 30 to 35 percent of prohibited people have been adjudicated mentally ill. Armed prohibited people are believed to hold up to 34,101 handguns and 1,590 assault weapons. Every day there are an additional 15 to 20 individuals added to APPS. Despite their best efforts, local and State law enforcement agencies do not have the funding or resources to keep up with this influx.

2. Background – The Prohibited Armed Persons File

In 2001, the Legislature created the Prohibited Armed Persons File to ensure otherwise prohibited persons do not continue to possess firearms. (SB 950 (Brulte), Chapter 944, Statutes of 2001.) 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 Firearm 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. (Penal Code § 30000(a).) According to DOJ, in July 2003, it received funding to build a database of this information – the Armed and Prohibited Persons System – which became operational in 2006 and made fully available to local law enforcement in 2007.

SB 950 also mandated that DOJ provide investigative assistance to local law enforcement agencies to better insure the investigation of individuals who continue to possess firearms despite being prohibited from doing so. (Penal Code § 30010.) DOJ states that its special agents have trained approximately 500 sworn local law enforcement officials in 196 police departments and 35 sheriff's departments on how to use the database during firearms investigations. The Department states it has also conducted 50 training sessions on how to use the vehicle-mounted California Law Enforcement Telecommunications System terminals to access the database.

² Because long guns are not required to be registered, the list of firearms in an armed prohibited person's possession would likely not include long guns.

<http://ag.ca.gov/newsalerts/release.php?id=1505&year=2007&month=12>)

Recently, the New York Times reported on California's Armed Prohibited Persons File and the problems it seeks to address:

By law, Roy Perez should not have had a gun three years ago when he shot his mother 16 times in their home in Baldwin Park, Calif., killing her, and then went next door and killed a woman and her 4-year-old daughter.

Mr. Perez, who pleaded guilty to three counts of murder and was sentenced last year to life in prison, had a history of mental health issues. As a result, even though in 2004 he legally bought the 9-millimeter Glock 26 handgun he used, at the time of the shootings his name was in a statewide law enforcement database as someone whose gun should be taken away, according to the authorities.

The case highlights a serious vulnerability when it comes to keeping guns out of the hands of the mentally unstable and others, not just in California but across the country.

In the wake of the Tucson shootings, much attention has been paid to various categories of people who are legally barred from buying handguns — those who have been “adjudicated as a mental defective,” have felony convictions, have committed domestic violence misdemeanors and so on. The focus has almost entirely been on gaps in the federal background check system that is supposed to deny guns to these prohibited buyers.

There is, however, another major blind spot in the system.

Tens of thousands of gun owners, like Mr. Perez, bought their weapons legally but under the law should no longer have them because of subsequent mental health or criminal issues. In Mr. Perez's case, he had been held involuntarily by the authorities several times for psychiatric evaluation, which in California bars a person from possessing a gun for five years.

Policing these prohibitions is difficult, however, in most states. The authorities usually have to stumble upon the weapon in, say, a traffic stop or some other encounter, and run the person's name through various record checks.

California is unique in the country, gun control advocates say, because of its computerized database, the Armed Prohibited Persons System. It was created, in part, to enable law enforcement officials to handle the issue pre-emptively, actively identifying people who legally bought handguns, or registered assault weapons, but are now prohibited from having them.

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The list had 18,374 names on it as of the beginning of this month — 15 to 20 are added a day — swamping law enforcement’s ability to keep up. Some police departments admitted that they had not even tried.

* * * * *

The state Justice Department’s firearms bureau does have a small unit, with 20 agents, that tracks down people on the list. Last year, it investigated 1,717 people and seized 1,224 firearms.

The list is growing far faster, however, than names are being removed. “We’re just not a very big bureau,” Mr. Lindley said. “We do the best we can with the personnel that we have.”

The bureau is planning a sweep this spring focused on people on the list for mental health reasons. Last summer, a man from the Fresno area who had recently been released from a mental health facility was found to possess 73 guns, including 17 unregistered assault rifles.

In the case of Mr. Perez, Lieutenant Cowan, of Baldwin Park, said he learned that state agents had been scheduled to visit Mr. Perez to confiscate his weapon — two weeks after the rampage took place.

(States Struggle to Disarm People Who’ve Lost Right to Own Guns, By Ed Connolly and Michael Luo, New York Times, Feb. 5, 2011,)
http://www.nytimes.com/2011/02/06/us/06guns.html?_r=1

3. What This Bill Would Do

As noted above, current law establishes a mechanism whereby DOJ cross-references persons who are prohibited from possessing a firearm with records of persons who have purchased firearms, and any “prohibited person” who is listed as a firearm owner goes in the Prohibited Armed Persons File. DOJ and local law enforcement agencies can utilize that list to investigate firearms violations and seize firearms from prohibited persons.

Current law provides that DOJ may require licensed firearms dealers to charge a fee, as specified, in connection with firearm sales. These fees are deposited in the Dealer Record of Sale (DROS) Special Account. DROS funds may be used to reimburse DOJ for the costs associated with funding DOJ firearms-related regulatory and enforcement activities related to the sale, purchase, loan, or transfer of firearms, as specified. (Penal code §§ 28225, 28230, 28235.) It is somewhat unclear under current law whether DROS funds could be used to reimburse DOJ for its enforcement efforts related to the Armed Prohibited Persons File. SB 819 would state that DROS funds may be used by DOJ for

(More)

enforcement activities related to the *possession* as well as the sale, purchase, loan, or transfer of firearms..0 This would clarify that DOJ is permitted to use DROS funds to pay for its efforts to retrieve unlawfully possessed firearms and prosecute individuals who possess those firearms despite being prohibited by law from doing so.

SHOULD IT BE SPECIFIED THAT DROS FUNDS MAY BE USED TO FINANCE DOJ'S ENFORCEMENT OF LAWS REGARDING THE UNLAWFUL POSSESSION OF FIREARMS?

4. Argument in Support

The California Chapters of the Brady Campaign to Prevent Gun Violence states:

The Dealers' Record of Sale (DROS) fee is charged by the California Department of Justice (DOJ) for most firearm transfers. The fees reimburse DOJ for expenses incurred related to the DROS process, including conducting the background check of prospective firearm purchasers. The DROS fees are deposited in the DROS Special Account of the General Fund and are available, upon appropriation by the Legislature, for expenditure by DOJ to offset specified costs.

Existing law provides that DROS fees may also be used to fund firearms-related regulatory and enforcement activities related to the sale, purchase, loan, or transfer of firearms. SB 819 would additionally authorize using the DROS fees for regulatory and enforcement activities related to the possession of firearms. It is important to note that SB 819 does not create a new class of persons prohibited from purchasing or possessing firearms. The bill would simply help DOJ better enforce existing firearm laws and ensure that dangerous individuals who have lost their gun rights are not in possession of firearms. SB 819 would not impose a cost to the state general fund, but would allow DROS funds, as approved by the regular budget process, to be used for certain firearm enforcement programs.

Specifically, SB 819 seeks to allow a portion of the annual surplus of DROS funds to be expended on DOJ's Armed and Prohibited Persons System (APPS) Program. The APPS database maintained by DOJ contains information on persons who have purchased handguns and subsequently become prohibited by law from purchasing or possessing firearms. Law enforcement can use this information to disarm persons who may be in the database as a result of a felony or violent misdemeanor conviction, a commitment to a mental health facility, or the result of a domestic violence restraining order for which they failed to surrender their firearm.

The California Brady Chapters pushed for full implementation of the APPS program under Attorney General Brown and from July 1, 2007 to September 30,

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2010, DOJ conducted 5,762 APPS investigations, resulting in the seizure of 5,985 firearms. A partial review of investigations by BOF indicates that approximately 40% of all APPS investigations results in the seizure of at least one firearm.ⁱ As of March 3, 2010, there were 17,134 armed and prohibited persons in the APPS database. This group of prohibited persons was believed to be in possession of 29,358 handguns and 1,514 assault weapons.ⁱⁱ By November 1, 2010, the numbers had increased to 18,166 prohibited persons in the APPS database, with 33,019 handguns and 1,555 assault weapons associated with the prohibited persons.ⁱⁱⁱ (There is no data on long guns owned by prohibited persons since long gun records are not maintained in the California database.) Despite the investigation and seizure of almost six thousand firearms, the number of prohibited persons with firearms in APPS is growing due to the fact that gun owners are becoming prohibited faster than DOJ and local law enforcement agencies can conduct investigations and seizure of the firearms.

Local law enforcement agencies are provided monthly information regarding the armed and prohibited persons in the agency's jurisdiction. However at the present time, many agencies do not have the resources or personnel to work the APPS cases and rely on assistance from DOJ's criminal intelligence specialists and special agents. In today's environment of shrinking budgets, it is important to find alternative ways to fund the state's important public safety programs.

5. Argument in Opposition

The National Shooting Sports Foundation, Inc. states:

While NSSF supports keeping firearms out of the hands of persons who are prohibited from possessing firearms, it opposes taking the money to fund this activity from the Dealers Record of Sale (DROS) Special Account of the General Fund.

The money paid into the DROS fund by a prospective purchaser or other transferee of a firearm, is a fee to pay for the costs of a criminal and mental history background check to determine the person's eligibility to lawfully possess a firearm.

The DROS fee is not a regulatory fee, tax license or other form of non-user charge. NSSF believes that the DROS fund has often been improperly used to fund non-background check activities of the Department of Justice (DOJ).

Since the use of DROS fees for the purposes of SB 819 would be to use them in the same manner as a tax, the bill should require a 2/3's vote of each house of the Legislature for passage.

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If the bill were to be amended to designate a different source of funding, NSSF would remove its opposition and likely support the bill. NSSF does not support unfunded legislation.

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- ⁱ Data provided by the CA DOJ, November 2, 2010.
 - ⁱⁱ Data provided by the CA DOJ, March 4, 2010.
 - ⁱⁱⁱ Data provided by the CA DOJ, November 2, 2010.

EXHIBIT S

SENATE THIRD READING
SB 819 (Leno)
As Amended April 14, 2011
Majority vote

SENATE VOTE: 22-16

<u>PUBLIC SAFETY</u>	<u>5-2</u>	<u>APPROPRIATIONS</u>	<u>12-5</u>
Ayes: Ammiano, Cedillo, Hill, Mitchell, Skinner		Ayes: Fuentes, Blumenfield, Bradford, Charles Calderon, Campos, Davis, Gatto, Hall, Hill, Lara, Mitchell, Solorio	
Nays: Knight, Hagman		Nays: Harkey, Donnelly, Nielsen, Norby, Wagner	

SUMMARY: Provides that the Department of Justice (DOJ) may use dealer record of sale (DROS) funds for costs associated with its firearms-related regulatory and enforcement activities regarding the possession, as well as the sale, purchase, loan, or transfer, of firearms, as specified. Specifically, this bill:

- 1) Authorizes the using the DOJ purchaser fee to fund the DOJ's firearms-related regulatory and enforcement activities related to the possession of firearms.
- 2) Makes the following findings and declarations:
 - a) California is the first and only state in the nation to establish an automated system for tracking handgun and assault weapon owners who might fall into a prohibited status;
 - b) DOJ is required to maintain an online database, which is currently known as the "Armed Prohibited Persons System" (APPS), which cross-references all handgun and assault weapon owners across the state against criminal history records to determine persons who have been, or will become, prohibited from possessing a firearm subsequent to the legal acquisition or registration of a firearm or assault weapon;
 - c) The DOJ is further required to provide authorized law enforcement agencies with inquiry capabilities and investigative assistance to determine the prohibition status of a person of interest;
 - d) Each day, the list of armed prohibited persons in California increases by about 15 to 20 people. There are currently more than 18,000 armed prohibited persons in California. Collectively, these individuals are believed to be in possession of over 34,000 handguns and 1,590 assault weapons. The illegal possession of these firearms presents a substantial danger to public safety;
 - e) Neither the DOJ nor local law enforcement has sufficient resources to confiscate the enormous backlog of weapons, nor can they keep up with the daily influx of newly

prohibited persons;

- f) A DROS fee is imposed upon every sale or transfer of a firearm by a dealer in California. Existing law authorizes the DOJ to utilize these funds for firearms-related regulatory and enforcement activities related to the sale, purchase, loan, or transfer of firearms pursuant to any provision listed in Penal Code Section 16580, but not expressly for the enforcement activities related to possession; and,
- g) Rather than placing an additional burden on the taxpayers of California to fund enhanced enforcement of the existing armed prohibited persons program, it is the intent of the Legislature in enacting this bill to allow the DOJ to utilize the DROS Account for the additional, limited purpose of funding enforcement of the APPS.

EXISTING LAW:

- 1) States that it shall be unlawful for any person to sell or otherwise dispose of any firearm or ammunition to persons if that person is under indictment or has been convicted of specified crimes, is under a restraining order, has been committed to a mental institution, and other specified disqualifying factors.
- 2) Requires that persons who sell, lease, or transfer firearms be licensed by California.
- 3) Sets forth a series of requirements to be state licensed by DOJ, which provides that to be recognized as state licensed, a person must be on a centralized list of gun dealers and allows access to the centralized list by authorized persons for various reasons.

FISCAL EFFECT: According to the Assembly Appropriations Committee, significant ongoing increase in the use of existing DROS fees, in the range of \$1 million.

This bill does not appropriate funds or raise a fee; this bill explicitly authorizes the use of DROS funding for an additional purpose. According to DOJ (the sponsor of this bill), upon passage of this bill, DOJ will pursue a Budget Change Proposal (BCP) for the 2012-13 budget bill to fund APPS efforts from the DROS fund. DOJ estimates that BCP will request about \$1 million for special agents to assist other agents and local law enforcement in APPS sweeps.

In addition, DOJ states it will seek one-time funds of about \$500,000 for APPS DOJ task forces.

Currently there is a DROS reserve of about \$5.5 million. This assumes a one-time \$11.5 million budget transfer to the General Fund.

COMMENTS: According to the author, "SB 819 will amend the Penal Code to allow the DOJ to use existing Department resources to provide enhanced enforcement of the APPS which has identified over 36,000 handguns and assault weapons in the hands of more than 18,000 prohibited persons such as convicted felons and the mentally ill.

"Recently, the New York Times reported on California's Armed Prohibited Persons File and the problems it seeks to address:

"By law, Roy Perez should not have had a gun three years ago when he shot his mother 16 times

in their home in Baldwin Park, Calif., killing her, and then went next door and killed a woman and her 4-year-old daughter.

"Mr. Perez, who pleaded guilty to three counts of murder and was sentenced last year to life in prison, had a history of mental health issues. As a result, even though in 2004 he legally bought the 9-millimeter Glock 26 handgun he used, at the time of the shootings his name was in a statewide law enforcement database as someone whose gun should be taken away, according to the authorities.

"The case highlights a serious vulnerability when it comes to keeping guns out of the hands of the mentally unstable and others, not just in California but across the country.

"In the wake of the Tucson shootings, much attention has been paid to various categories of people who are legally barred from buying handguns — those who have been 'adjudicated as a mental defective,' have felony convictions, have committed domestic violence misdemeanors and so on. The focus has almost entirely been on gaps in the federal background check system that is supposed to deny guns to these prohibited buyers.

"There is, however, another major blind spot in the system.

"Tens of thousands of gun owners, like Mr. Perez, bought their weapons legally but under the law should no longer have them because of subsequent mental health or criminal issues. In Mr. Perez's case, he had been held involuntarily by the authorities several times for psychiatric evaluation, which in California bars a person from possessing a gun for five years.

"Policing these prohibitions is difficult, however, in most states. The authorities usually have to stumble upon the weapon in, say, a traffic stop or some other encounter, and run the person's name through various record checks.

"California is unique in the country, gun control advocates say, because of its computerized database, the APPS. It was created, in part, to enable law enforcement officials to handle the issue pre-emptively, actively identifying people who legally bought handguns, or registered assault weapons, but are now prohibited from having them.

"The list had 18,374 names on it as of the beginning of this month — 15 to 20 are added a day — swamping law enforcement's ability to keep up. Some police departments admitted that they had not even tried.

"SB 819 addresses the critical need to enforce existing firearm prohibition laws. Increased confiscation of unlawfully possessed firearms could result in the prevention of future crimes and potentially major future cost savings associated with avoided prosecution and incarceration. This bill is strongly supported local law as well organizations working to reduce firearms violence in our communities."

Please see the policy committee analysis for a full discussion of this bill.

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

EXHIBIT T

Date of Hearing: July 6, 2011

ASSEMBLY COMMITTEE ON APPROPRIATIONS
Felipe Fuentes, Chair

SB 819 (Leno) – As Amended: April 14, 2011

Policy Committee: Public Safety

Vote: 5-2

Urgency: No State Mandated Local Program: No

Reimbursable:

SUMMARY

This bill specifies that the Department of Justice (DOJ) may use existing gun purchaser fees (known as the dealer record of sale (DROS)) for costs associated with its firearms-related regulatory and enforcement activities regarding possession, in addition to costs associated with the explicitly referenced sale, purchase, loan, or transfer, of firearms.

This bill also makes a series of findings and declarations, including:

- 1) "A Dealer Record of Sale fee is imposed upon every sale or transfer of a firearm by a dealer in California. Existing law authorizes the DOJ to utilize these funds for firearms-related regulatory and enforcement activities related to the sale, purchase, loan, or transfer of firearms pursuant to any provision listed in Penal Code Section 16580, but not expressly for the enforcement activities related to possession." (Penal Code Section 16580 references possession issues.)
- 2) "Rather than placing an additional burden on the taxpayers of California to fund enhanced enforcement of the existing armed prohibited persons program, it is the intent of the Legislature in enacting this bill to allow the DOJ to utilize the Dealer Record of Sale Account for the additional, limited purpose of funding enforcement of the Armed Prohibited Persons System."

FISCAL EFFECT

Significant ongoing increase in the use of existing DROS fees, in the range of \$1 million.

This bill does not appropriate funds or raise a fee. It explicitly authorizes the use of DROS funding for an additional purpose. According to DOJ, the sponsor of this bill, upon passage of this bill, DOJ will pursue a Budget Change Proposal (BCP) for the 2012-13 budget bill to fund Armed Prohibited Persons System (APPS) efforts from the DROS fund. DOJ estimates that BCP will request about \$1 million for special agents to assist other agents and local law enforcement in APPS sweeps.

In addition, DOJ states it will seek one-time funds of about \$500,000 for APPS DOJ task forces.

Currently there is a DROS reserve of about \$5.5 million. This assumes a one-time \$11.5 million budget transfer to the GF.

COMMENTS

- 1) Rationale. The author's intent is to clarify that DOJ may use existing department resources to help enforce the APPS to keep guns out of the hands of the more than 18,000 persons who are on California's Prohibited Armed Persons File due to mental illness, felony convictions, or gun-related convictions.

According to the author, "It is in everyone's interest to ensure that firearms are not in the possession of prohibited persons. However, law-abiding firearms owners have a particularly strong interest in this to help avoid gun ownership from becoming strongly associated with the random acts of deranged individuals. Moreover, the purpose of the bill is to strengthen enforcement of existing guns laws. A prospective gun owner pays a fee to determine whether he or she is eligible to purchase a gun (background check), it makes sense that the fee should apply to enforcement when those same individuals become "ineligible" due to criminal behavior or mental illness. Accordingly, there is a very close nexus between the DROS fund and the bill's intended purpose. Moreover, the bill is aligned with gun advocates' stated interest in heightened enforcement of existing gun laws and the alternative would be to place this additional burden on the tax payer at large."

- 2) DOJ's Armed Prohibited Persons System, the only such system in the nation, has identified 18,700 prohibited persons and 36,300 guns associated with these persons (June 2011 statistics). The APPS maintains information about persons who are, or will be, prohibited from possessing a firearm subsequent to the legal acquisition or registration of a firearm or an assault weapon. The APPS also provides authorized law enforcement agencies with inquiry capabilities to determine the prohibition status of a person of interest.
- 3) Supporters, including a list of law enforcement agencies, cite the growing list of prohibited persons and the underutilization of APPS, largely due to a lack of state and local resources. While disarming prohibited persons is largely a local law enforcement responsibility, local law enforcement welcomes DOJ's intent to assist them via task forces and sweeps.
- 4) Opponents, generally gun enthusiasts, object to using DROS fees for what they see as expansive purposes.

Analysis Prepared by: Geoff Long / APPR. / (916) 319-2081

EXHIBIT U

0820 Department of Justice**FUND CONDITION STATEMENTS**

	2012-13*	2013-14*	2014-15*
0012 Attorney General Antitrust Account ⁵			
BEGINNING BALANCE	\$943	\$161	\$698
Prior year adjustments	134	-	-
Adjusted Beginning Balance	<u>\$1,077</u>	<u>\$161</u>	<u>\$698</u>
REVENUES, TRANSFERS, AND OTHER ADJUSTMENTS			
Revenues:			
160100 Attorney General Proceeds of Anti-Trust	1,400	3,000	2,300
Total Revenues, Transfers, and Other Adjustments	<u>\$1,400</u>	<u>\$3,000</u>	<u>\$2,300</u>
Total Resources	\$2,477	\$3,161	\$2,998
EXPENDITURES AND EXPENDITURE ADJUSTMENTS			
Expenditures:			
0820 Department of Justice (State Operations)	2,302	2,452	2,402
0840 State Controller (State Operations)	2	-	-
8880 Financial Information System for California (State Operations)	12	11	2
Total Expenditures and Expenditure Adjustments	<u>\$2,316</u>	<u>\$2,463</u>	<u>\$2,404</u>
FUND BALANCE	\$161	\$698	\$594
Reserve for economic uncertainties	161	698	594
0017 Fingerprint Fees Account ⁵			
BEGINNING BALANCE	\$17,133	\$20,713	\$15,210
Prior year adjustments	955	-	-
Adjusted Beginning Balance	<u>\$18,088</u>	<u>\$20,713</u>	<u>\$15,210</u>
REVENUES, TRANSFERS, AND OTHER ADJUSTMENTS			
Revenues:			
131600 Fingerprint ID Card Fees	65,423	65,687	65,687
150300 Income From Surplus Money Investments	9	9	9
Total Revenues, Transfers, and Other Adjustments	<u>\$65,432</u>	<u>\$65,696</u>	<u>\$65,696</u>
Total Resources	\$83,520	\$86,409	\$80,906
EXPENDITURES AND EXPENDITURE ADJUSTMENTS			
Expenditures:			
0820 Department of Justice (State Operations)	62,431	70,879	70,238
0840 State Controller (State Operations)	37	4	-
8880 Financial Information System for California (State Operations)	339	316	58
Total Expenditures and Expenditure Adjustments	<u>\$62,807</u>	<u>\$71,199</u>	<u>\$70,296</u>
FUND BALANCE	\$20,713	\$15,210	\$10,610
Reserve for economic uncertainties	20,713	15,210	10,610
0032 Firearm Safety Account ⁵			
BEGINNING BALANCE	\$1,686	\$2,354	\$3,260
Prior year adjustments	6	-	-
Adjusted Beginning Balance	<u>\$1,692</u>	<u>\$2,354</u>	<u>\$3,260</u>
REVENUES, TRANSFERS, AND OTHER ADJUSTMENTS			
Revenues:			
142500 Miscellaneous Services to the Public	950	1,250	1,000
150300 Income From Surplus Money Investments	1	1	1
Total Revenues, Transfers, and Other Adjustments	<u>\$951</u>	<u>\$1,251</u>	<u>\$1,001</u>
Total Resources	\$2,643	\$3,605	\$4,261
EXPENDITURES AND EXPENDITURE ADJUSTMENTS			
Expenditures:			

* Dollars in thousands, except in Salary Range.

0820 Department of Justice

	2012-13*	2013-14*	2014-15*
0820 Department of Justice (State Operations)	287	343	339
8880 Financial Information System for California (State Operations)	<u>2</u>	<u>2</u>	<u>1</u>
Total Expenditures and Expenditure Adjustments	<u>\$289</u>	<u>\$345</u>	<u>\$340</u>
FUND BALANCE	\$2,354	\$3,260	\$3,921
Reserve for economic uncertainties	2,354	3,260	3,921

0142 Department of Justice Sexual Habitual Offender Fund ^s

BEGINNING BALANCE	\$1,952	\$2,031	\$1,468
Prior year adjustments	<u>10</u>	<u>-</u>	<u>-</u>
Adjusted Beginning Balance	\$1,962	\$2,031	\$1,468
REVENUES, TRANSFERS, AND OTHER ADJUSTMENTS			
Revenues:			
142500 Miscellaneous Services to the Public	1,911	1,831	1,831
150300 Income From Surplus Money Investments	1	1	1
161400 Miscellaneous Revenue	<u>15</u>	<u>15</u>	<u>15</u>
Total Revenues, Transfers, and Other Adjustments	<u>\$1,927</u>	<u>\$1,847</u>	<u>\$1,847</u>
Total Resources	\$3,889	\$3,878	\$3,315
EXPENDITURES AND EXPENDITURE ADJUSTMENTS			
Expenditures:			
0820 Department of Justice (State Operations)	1,845	2,399	2,379
0840 State Controller (State Operations)	2	-	-
8880 Financial Information System for California (State Operations)	<u>11</u>	<u>11</u>	<u>2</u>
Total Expenditures and Expenditure Adjustments	<u>\$1,858</u>	<u>\$2,410</u>	<u>\$2,381</u>
FUND BALANCE	\$2,031	\$1,468	\$934
Reserve for economic uncertainties	2,031	1,468	934

0158 Travel Seller Fund ^s

BEGINNING BALANCE	\$1,896	\$1,879	\$1,114
Prior year adjustments	<u>81</u>	<u>-</u>	<u>-</u>
Adjusted Beginning Balance	\$1,977	\$1,879	\$1,114
REVENUES, TRANSFERS, AND OTHER ADJUSTMENTS			
Revenues:			
142500 Miscellaneous Services to the Public	678	668	668
150300 Income From Surplus Money Investments	<u>6</u>	<u>6</u>	<u>4</u>
Total Revenues, Transfers, and Other Adjustments	<u>\$684</u>	<u>\$674</u>	<u>\$672</u>
Total Resources	\$2,661	\$2,553	\$1,786
EXPENDITURES AND EXPENDITURE ADJUSTMENTS			
Expenditures:			
0820 Department of Justice (State Operations)	774	1,433	1,418
0840 State Controller (State Operations)	1	-	-
8880 Financial Information System for California (State Operations)	<u>7</u>	<u>6</u>	<u>1</u>
Total Expenditures and Expenditure Adjustments	<u>\$782</u>	<u>\$1,439</u>	<u>\$1,419</u>
FUND BALANCE	\$1,879	\$1,114	\$367
Reserve for economic uncertainties	1,879	1,114	367

0256 Sexual Predator Public Information Account ^s

BEGINNING BALANCE	\$458	\$461	\$360
Prior year adjustments	<u>8</u>	<u>-</u>	<u>-</u>
Adjusted Beginning Balance	\$466	\$461	\$360
REVENUES, TRANSFERS, AND OTHER ADJUSTMENTS			
Revenues:			

* Dollars in thousands, except in Salary Range.

0820 Department of Justice

	2012-13*	2013-14*	2014-15*
142500 Miscellaneous Services to the Public	83	83	83
150300 Income From Surplus Money Investments	1	1	1
Total Revenues, Transfers, and Other Adjustments	<u>\$84</u>	<u>\$84</u>	<u>\$84</u>
Total Resources	\$550	\$545	\$444
EXPENDITURES AND EXPENDITURE ADJUSTMENTS			
Expenditures:			
0820 Department of Justice (State Operations)	88	184	183
8880 Financial Information System for California (State Operations)	1	1	-
Total Expenditures and Expenditure Adjustments	<u>\$89</u>	<u>\$185</u>	<u>\$183</u>
FUND BALANCE	\$461	\$360	\$261
Reserve for economic uncertainties	461	360	261

0288 The Registry of International Student Exchange Visitor Placement Organizations

Fund ^s			
BEGINNING BALANCE	\$79	\$82	\$87
Prior year adjustments	-2	-	-
Adjusted Beginning Balance	\$77	\$82	\$87
REVENUES, TRANSFERS, AND OTHER ADJUSTMENTS			
Revenues:			
142500 Miscellaneous Services to the Public	5	5	5
Total Revenues, Transfers, and Other Adjustments	<u>\$5</u>	<u>\$5</u>	<u>\$5</u>
Total Resources	<u>\$82</u>	<u>\$87</u>	<u>\$92</u>
FUND BALANCE	\$82	\$87	\$92
Reserve for economic uncertainties	82	87	92

0378 False Claims Act Fund ^s

BEGINNING BALANCE	\$6,193	\$4,403	\$40,748
Prior year adjustments	274	-	-
Adjusted Beginning Balance	\$6,467	\$4,403	\$40,748
REVENUES, TRANSFERS, AND OTHER ADJUSTMENTS			
Revenues:			
150300 Income From Surplus Money Investments	12	9	13
164400 Civil & Criminal Violation Assessment	15,427	45,700	10,000
Transfers and Other Adjustments:			
FO0001 From General Fund loan repayment per Item 0820-012-0378, Budget Act of 2010	-	3,000	12,700
TO0001 To General Fund per Item 0820-012-0378 Budget Acts of 2014	-	-	-14,000
TO0001 To General Fund per Item 0820-011-0378 Budget Acts of 2012 and 2014	-7,700	-	-20,000
Total Revenues, Transfers, and Other Adjustments	<u>\$7,739</u>	<u>\$48,709</u>	<u>-\$11,287</u>
Total Resources	\$14,206	\$53,112	\$29,461
EXPENDITURES AND EXPENDITURE ADJUSTMENTS			
Expenditures:			
0820 Department of Justice (State Operations)	9,739	12,309	12,272
0840 State Controller (State Operations)	6	1	-
8880 Financial Information System for California (State Operations)	58	54	10
Total Expenditures and Expenditure Adjustments	<u>\$9,803</u>	<u>\$12,364</u>	<u>\$12,282</u>
FUND BALANCE	\$4,403	\$40,748	\$17,179
Reserve for economic uncertainties	4,403	40,748	17,179

0460 Dealers' Record of Sale Special Account ^s

BEGINNING BALANCE	\$12,439	\$11,889	\$9,287
Prior year adjustments	110	-	-

* Dollars in thousands, except in Salary Range.

0820 Department of Justice

	<u>2012-13*</u>	<u>2013-14*</u>	<u>2014-15*</u>
Adjusted Beginning Balance	\$12,549	\$11,889	\$9,287
REVENUES, TRANSFERS, AND OTHER ADJUSTMENTS			
Revenues:			
125700 Other Regulatory Licenses and Permits	2,988	4,750	3,800
142500 Miscellaneous Services to the Public	19,556	23,750	19,000
150300 Income From Surplus Money Investments	6	6	6
161000 Escheat of Unclaimed Checks & Warrants	1	1	1
Total Revenues, Transfers, and Other Adjustments	<u>\$22,551</u>	<u>\$28,507</u>	<u>\$22,807</u>
Total Resources	\$35,100	\$40,396	\$32,094
EXPENDITURES AND EXPENDITURE ADJUSTMENTS			
Expenditures:			
0820 Department of Justice			
State Operations	22,742	30,994	30,736
Local Assistance	28	28	28
0840 State Controller (State Operations)	15	1	-
8880 Financial Information System for California (State Operations)	426	86	18
Total Expenditures and Expenditure Adjustments	<u>\$23,211</u>	<u>\$31,109</u>	<u>\$30,782</u>
FUND BALANCE	\$11,889	\$9,287	\$1,312
Reserve for economic uncertainties	11,889	9,287	1,312
0566 Department of Justice Child Abuse Fund ⁵			
BEGINNING BALANCE	\$1,690	\$1,830	\$1,806
Prior year adjustments	7	-	-
Adjusted Beginning Balance	<u>\$1,697</u>	<u>\$1,830</u>	<u>\$1,806</u>
REVENUES, TRANSFERS, AND OTHER ADJUSTMENTS			
Revenues:			
142500 Miscellaneous Services to the Public	367	367	367
150300 Income From Surplus Money Investments	1	1	1
Total Revenues, Transfers, and Other Adjustments	<u>\$368</u>	<u>\$368</u>	<u>\$368</u>
Total Resources	\$2,065	\$2,198	\$2,174
EXPENDITURES AND EXPENDITURE ADJUSTMENTS			
Expenditures:			
0820 Department of Justice (State Operations)	233	390	386
8880 Financial Information System for California (State Operations)	2	2	-
Total Expenditures and Expenditure Adjustments	<u>\$235</u>	<u>\$392</u>	<u>\$386</u>
FUND BALANCE	\$1,830	\$1,806	\$1,788
Reserve for economic uncertainties	1,830	1,806	1,788
0567 Gambling Control Fund ⁵			
BEGINNING BALANCE	\$12,934	\$21,508	\$26,774
Prior year adjustments	146	-	-
Adjusted Beginning Balance	<u>\$13,080</u>	<u>\$21,508</u>	<u>\$26,774</u>
REVENUES, TRANSFERS, AND OTHER ADJUSTMENTS			
Revenues:			
125600 Other Regulatory Fees	14,668	14,668	14,668
125700 Other Regulatory Licenses and Permits	1,482	1,482	1,482
125800 Renewal Fees	992	992	992
125900 Delinquent Fees	9	9	9
131600 Fingerprint ID Card Fees	80	80	80
142500 Miscellaneous Services to the Public	1,299	1,299	1,299
150300 Income From Surplus Money Investments	10	10	10

* Dollars in thousands, except in Salary Range.

0820 Department of Justice

	<u>2012-13*</u>	<u>2013-14*</u>	<u>2014-15*</u>
Total Revenues, Transfers, and Other Adjustments	\$18,540	\$18,540	\$18,540
Total Resources	\$31,620	\$40,048	\$45,314
EXPENDITURES AND EXPENDITURE ADJUSTMENTS			
Expenditures:			
0820 Department of Justice (State Operations)	7,397	9,348	9,189
0840 State Controller (State Operations)	6	1	-
0855 California Gambling Control Commission (State Operations)	2,654	3,874	3,646
8880 Financial Information System for California (State Operations)	<u>55</u>	<u>51</u>	<u>11</u>
Total Expenditures and Expenditure Adjustments	<u>\$10,112</u>	<u>\$13,274</u>	<u>\$12,846</u>
FUND BALANCE	\$21,508	\$26,774	\$32,468
Reserve for economic uncertainties	21,508	26,774	32,468
0569 Gambling Control Fines and Penalties Account ^s			
BEGINNING BALANCE	\$1,772	\$2,614	\$2,717
Prior year adjustments	<u>152</u>	<u>-</u>	<u>-</u>
Adjusted Beginning Balance	\$1,924	\$2,614	\$2,717
REVENUES, TRANSFERS, AND OTHER ADJUSTMENTS			
Revenues:			
150300 Income From Surplus Money Investments	1	1	1
164300 Penalty Assessments	<u>728</u>	<u>150</u>	<u>150</u>
Total Revenues, Transfers, and Other Adjustments	<u>\$729</u>	<u>\$151</u>	<u>\$151</u>
Total Resources	\$2,653	\$2,765	\$2,868
EXPENDITURES AND EXPENDITURE ADJUSTMENTS			
Expenditures:			
0820 Department of Justice (State Operations)	<u>39</u>	<u>48</u>	<u>47</u>
Total Expenditures and Expenditure Adjustments	<u>\$39</u>	<u>\$48</u>	<u>\$47</u>
FUND BALANCE	\$2,614	\$2,717	\$2,821
Reserve for economic uncertainties	2,614	2,717	2,821
1008 Firearms Safety and Enforcement Special Fund ^s			
BEGINNING BALANCE	\$2,876	\$7,631	\$15,078
Prior year adjustments	<u>109</u>	<u>-</u>	<u>-</u>
Adjusted Beginning Balance	\$2,985	\$7,631	\$15,078
REVENUES, TRANSFERS, AND OTHER ADJUSTMENTS			
Revenues:			
142500 Miscellaneous Services to the Public	7,993	10,965	8,772
150300 Income From Surplus Money Investments	<u>14</u>	<u>14</u>	<u>14</u>
Total Revenues, Transfers, and Other Adjustments	<u>\$8,007</u>	<u>\$10,979</u>	<u>\$8,786</u>
Total Resources	\$10,992	\$18,610	\$23,864
EXPENDITURES AND EXPENDITURE ADJUSTMENTS			
Expenditures:			
0820 Department of Justice (State Operations)	3,342	3,516	3,492
0840 State Controller (State Operations)	2	-	-
8880 Financial Information System for California (State Operations)	<u>17</u>	<u>16</u>	<u>3</u>
Total Expenditures and Expenditure Adjustments	<u>\$3,361</u>	<u>\$3,532</u>	<u>\$3,495</u>
FUND BALANCE	\$7,631	\$15,078	\$20,369
Reserve for economic uncertainties	7,631	15,078	20,369
3016 Missing Persons DNA Data Base Fund ^s			
BEGINNING BALANCE	\$1,023	\$1,069	\$1,764
Prior year adjustments	<u>-90</u>	<u>-</u>	<u>-</u>

* Dollars in thousands, except in Salary Range.

0820 Department of Justice

	<u>2012-13*</u>	<u>2013-14*</u>	<u>2014-15*</u>
Adjusted Beginning Balance	\$933	\$1,069	\$1,764
REVENUES, TRANSFERS, AND OTHER ADJUSTMENTS			
Revenues:			
131700 Misc Revenue From Local Agencies	3,128	3,180	3,180
150300 Income From Surplus Money Investments	3	3	3
Transfers and Other Adjustments:			
FO0001 From General Fund loan repayment per Item 0820-011-3016, Budget Act of 2011	-	1,000	-
Total Revenues, Transfers, and Other Adjustments	<u>\$3,131</u>	<u>\$4,183</u>	<u>\$3,183</u>
Total Resources	\$4,064	\$5,252	\$4,947
EXPENDITURES AND EXPENDITURE ADJUSTMENTS			
Expenditures:			
0820 Department of Justice (State Operations)	2,976	3,473	3,440
0840 State Controller (State Operations)	2	-	-
8880 Financial Information System for California (State Operations)	17	15	3
Total Expenditures and Expenditure Adjustments	<u>\$2,995</u>	<u>\$3,488</u>	<u>\$3,443</u>
FUND BALANCE	\$1,069	\$1,764	\$1,504
Reserve for economic uncertainties	1,069	1,764	1,504
3053 Public Rights Law Enforcement Special Fund *			
BEGINNING BALANCE	\$4,346	\$364	\$1,746
Prior year adjustments	114	-	-
Adjusted Beginning Balance	<u>\$4,460</u>	<u>\$364</u>	<u>\$1,746</u>
REVENUES, TRANSFERS, AND OTHER ADJUSTMENTS			
Revenues:			
150300 Income From Surplus Money Investments	8	1	3
163000 Settlements/Judgments(not Anti-trust)	20	7,200	5,000
Total Revenues, Transfers, and Other Adjustments	<u>\$28</u>	<u>\$7,201</u>	<u>\$5,003</u>
Total Resources	\$4,488	\$7,565	\$6,749
EXPENDITURES AND EXPENDITURE ADJUSTMENTS			
Expenditures:			
0820 Department of Justice (State Operations)	4,092	5,792	5,958
0840 State Controller (State Operations)	3	-	-
8880 Financial Information System for California (State Operations)	29	27	5
Total Expenditures and Expenditure Adjustments	<u>\$4,124</u>	<u>\$5,819</u>	<u>\$5,963</u>
FUND BALANCE	\$364	\$1,746	\$786
Reserve for economic uncertainties	364	1,746	786
3086 DNA Identification Fund *			
BEGINNING BALANCE	\$36,337	\$23,047	\$14,523
Prior year adjustments	-3,549	-	-
Adjusted Beginning Balance	<u>\$32,788</u>	<u>\$23,047</u>	<u>\$14,523</u>
REVENUES, TRANSFERS, AND OTHER ADJUSTMENTS			
Revenues:			
150300 Income From Surplus Money Investments	86	134	134
161400 Miscellaneous Revenue	7	7	7
164300 Penalty Assessments	65,425	67,096	65,083
Total Revenues, Transfers, and Other Adjustments	<u>\$65,518</u>	<u>\$67,237</u>	<u>\$65,224</u>
Total Resources	\$98,306	\$90,284	\$79,747
EXPENDITURES AND EXPENDITURE ADJUSTMENTS			
Expenditures:			
0820 Department of Justice (State Operations)	75,226	75,399	77,273

* Dollars in thousands, except in Salary Range.

0820 Department of Justice

	2012-13*	2013-14*	2014-15*
0840 State Controller (State Operations)	33	5	-
8880 Financial Information System for California (State Operations)	-	357	64
Total Expenditures and Expenditure Adjustments	<u>\$75,259</u>	<u>\$75,761</u>	<u>\$77,337</u>
FUND BALANCE	\$23,047	\$14,523	\$2,410
Reserve for economic uncertainties	23,047	14,523	2,410
3087 Unfair Competition Law Fund ^s			
BEGINNING BALANCE	\$3,577	\$8,510	\$6,737
Prior year adjustments	115	-	-
Adjusted Beginning Balance	<u>\$3,692</u>	<u>\$8,510</u>	<u>\$6,737</u>
REVENUES, TRANSFERS, AND OTHER ADJUSTMENTS			
Revenues:			
150300 Income From Surplus Money Investments	38	90	72
164300 Penalty Assessments	15,016	9,200	8,000
Total Revenues, Transfers, and Other Adjustments	<u>\$15,054</u>	<u>\$9,290</u>	<u>\$8,072</u>
Total Resources	\$18,746	\$17,800	\$14,809
EXPENDITURES AND EXPENDITURE ADJUSTMENTS			
Expenditures:			
0820 Department of Justice (State Operations)	10,224	11,014	10,690
0840 State Controller (State Operations)	6	1	-
8880 Financial Information System for California (State Operations)	6	48	9
Total Expenditures and Expenditure Adjustments	<u>\$10,236</u>	<u>\$11,063</u>	<u>\$10,699</u>
FUND BALANCE	\$8,510	\$6,737	\$4,110
Reserve for economic uncertainties	8,510	6,737	4,110
3088 Registry of Charitable Trusts Fund ^s			
BEGINNING BALANCE	\$2,050	\$3,262	\$3,538
Prior year adjustments	297	-	-
Adjusted Beginning Balance	<u>\$2,347</u>	<u>\$3,262</u>	<u>\$3,538</u>
REVENUES, TRANSFERS, AND OTHER ADJUSTMENTS			
Revenues:			
142500 Miscellaneous Services to the Public	3,467	3,431	3,400
150300 Income From Surplus Money Investments	9	14	16
Total Revenues, Transfers, and Other Adjustments	<u>\$3,476</u>	<u>\$3,445</u>	<u>\$3,416</u>
Total Resources	\$5,823	\$6,707	\$6,954
EXPENDITURES AND EXPENDITURE ADJUSTMENTS			
Expenditures:			
0820 Department of Justice (State Operations)	2,544	3,155	3,134
0840 State Controller (State Operations)	2	-	-
8880 Financial Information System for California (State Operations)	15	14	3
Total Expenditures and Expenditure Adjustments	<u>\$2,561</u>	<u>\$3,169</u>	<u>\$3,137</u>
FUND BALANCE	\$3,262	\$3,538	\$3,817
Reserve for economic uncertainties	3,262	3,538	3,817
3131 California Bingo Fund ^s			
BEGINNING BALANCE	\$630	\$630	\$630
REVENUES, TRANSFERS, AND OTHER ADJUSTMENTS			
Revenues:			
142500 Miscellaneous Services to the Public	-	50	50
Total Revenues, Transfers, and Other Adjustments	<u>-</u>	<u>\$50</u>	<u>\$50</u>
Total Resources	\$630	\$680	\$680

* Dollars in thousands, except in Salary Range.

0820 Department of Justice

	2012-13*	2013-14*	2014-15*
EXPENDITURES AND EXPENDITURE ADJUSTMENTS			
Expenditures:			
0820 Department of Justice (State Operations)	-	48	48
0855 California Gambling Control Commission (State Operations)	-	2	2
Total Expenditures and Expenditure Adjustments	<u>-</u>	<u>\$50</u>	<u>\$50</u>
FUND BALANCE	\$630	\$630	\$630
Reserve for economic uncertainties	630	630	630
3132 Charity Bingo Mitigation Fund ^s			
BEGINNING BALANCE	-	-	-
REVENUES, TRANSFERS, AND OTHER ADJUSTMENTS			
Revenues:			
161400 Miscellaneous Revenue	<u>\$6</u>	<u>\$10</u>	<u>\$11</u>
Total Revenues, Transfers, and Other Adjustments	<u>\$6</u>	<u>\$10</u>	<u>\$11</u>
Total Resources	\$6	\$10	\$11
EXPENDITURES AND EXPENDITURE ADJUSTMENTS			
Expenditures:			
0855 California Gambling Control Commission (State Operations)	<u>6</u>	<u>10</u>	<u>11</u>
Total Expenditures and Expenditure Adjustments	<u>\$6</u>	<u>\$10</u>	<u>\$11</u>
FUND BALANCE	-	-	-
3136 Foreclosure Consultant Regulation Fund ^s			
BEGINNING BALANCE	\$11	\$12	\$13
REVENUES, TRANSFERS, AND OTHER ADJUSTMENTS			
Revenues:			
125600 Other Regulatory Fees	<u>1</u>	<u>1</u>	<u>1</u>
Total Revenues, Transfers, and Other Adjustments	<u>\$1</u>	<u>\$1</u>	<u>\$1</u>
Total Resources	<u>\$12</u>	<u>\$13</u>	<u>\$14</u>
FUND BALANCE	\$12	\$13	\$14
Reserve for economic uncertainties	12	13	14
3240 Secondhand Dealer and Pawnbroker Fund ^s			
BEGINNING BALANCE	-	\$1,624	\$1,211
REVENUES, TRANSFERS, AND OTHER ADJUSTMENTS			
Revenues:			
125700 Other Regulatory Licenses and Permits	\$283	-	-
125800 Renewal Fees	1,339	720	720
150300 Income From Surplus Money Investments	<u>2</u>	<u>-</u>	<u>-</u>
Total Revenues, Transfers, and Other Adjustments	<u>\$1,624</u>	<u>\$720</u>	<u>\$720</u>
Total Resources	\$1,624	\$2,344	\$1,931
EXPENDITURES AND EXPENDITURE ADJUSTMENTS			
Expenditures:			
0820 Department of Justice (State Operations)	<u>-</u>	<u>1,133</u>	<u>500</u>
Total Expenditures and Expenditure Adjustments	<u>-</u>	<u>\$1,133</u>	<u>\$500</u>
FUND BALANCE	\$1,624	\$1,211	\$1,431
Reserve for economic uncertainties	1,624	1,211	1,431

* Dollars in thousands, except in Salary Range.

EXHIBIT V

0820 Department of Justice

FUND CONDITION STATEMENTS

	2011-12*	2012-13*	2013-14*
0012 Attorney General Antitrust Account ⁵			
BEGINNING BALANCE	\$501	\$943	\$524
Prior year adjustments	84	-	-
Adjusted Beginning Balance	<u>\$585</u>	<u>\$943</u>	<u>\$524</u>
REVENUES, TRANSFERS, AND OTHER ADJUSTMENTS			
Revenues:			
160100 Attorney General Proceeds of Anti-Trust	1,906	1,905	1,905
Total Revenues, Transfers, and Other Adjustments	<u>\$1,906</u>	<u>\$1,905</u>	<u>\$1,905</u>
Total Resources	\$2,491	\$2,848	\$2,429
EXPENDITURES AND EXPENDITURE ADJUSTMENTS			
Expenditures:			
0820 Department of Justice (State Operations)	1,539	2,308	2,410
0840 State Controller (State Operations)	4	3	-
8880 Financial Information System for California (State Operations)	5	13	11
Total Expenditures and Expenditure Adjustments	<u>\$1,548</u>	<u>\$2,324</u>	<u>\$2,421</u>
FUND BALANCE	\$943	\$524	\$8
Reserve for economic uncertainties	943	524	8
0017 Fingerprint Fees Account ⁵			
BEGINNING BALANCE	\$32,003	\$17,133	\$18,312
Prior year adjustments	3,659	-	-
Adjusted Beginning Balance	<u>\$35,662</u>	<u>\$17,133</u>	<u>\$18,312</u>
REVENUES, TRANSFERS, AND OTHER ADJUSTMENTS			
Revenues:			
131600 Fingerprint ID Card Fees	64,579	69,937	69,937
Transfers and Other Adjustments:			
TO0001 To General Fund loan per Item 0820-011-0017, Budget Act of 2010	-24,000	-	-
Total Revenues, Transfers, and Other Adjustments	<u>\$40,579</u>	<u>\$69,937</u>	<u>\$69,937</u>
Total Resources	\$76,241	\$87,070	\$88,249
EXPENDITURES AND EXPENDITURE ADJUSTMENTS			
Expenditures:			
0820 Department of Justice (State Operations)	58,839	68,315	70,261
0840 State Controller (State Operations)	113	74	-
8880 Financial Information System for California (State Operations)	156	369	316
Total Expenditures and Expenditure Adjustments	<u>\$59,108</u>	<u>\$68,758</u>	<u>\$70,577</u>
FUND BALANCE	\$17,133	\$18,312	\$17,672
Reserve for economic uncertainties	17,133	18,312	17,672
0032 Firearm Safety Account ⁵			
BEGINNING BALANCE	\$1,285	\$1,686	\$2,196
Prior year adjustments	31	-	-
Adjusted Beginning Balance	<u>\$1,316</u>	<u>\$1,686</u>	<u>\$2,196</u>
REVENUES, TRANSFERS, AND OTHER ADJUSTMENTS			
Revenues:			
142500 Miscellaneous Services to the Public	677	846	1,058
Total Revenues, Transfers, and Other Adjustments	<u>\$677</u>	<u>\$846</u>	<u>\$1,058</u>
Total Resources	\$1,993	\$2,532	\$3,254
EXPENDITURES AND EXPENDITURE ADJUSTMENTS			
Expenditures:			

* Dollars in thousands, except in Salary Range.

0820 Department of Justice

	2011-12*	2012-13*	2013-14*
0820 Department of Justice (State Operations)	306	334	343
0840 State Controller (State Operations)	1	-	-
8880 Financial Information System for California (State Operations)	-	2	2
Total Expenditures and Expenditure Adjustments	<u>\$307</u>	<u>\$336</u>	<u>\$345</u>
FUND BALANCE	\$1,686	\$2,196	\$2,909
Reserve for economic uncertainties	1,686	2,196	2,909
0142 Department of Justice Sexual Habitual Offender Fund ⁵			
BEGINNING BALANCE	\$2,015	\$1,952	\$1,760
Prior year adjustments	45	-	-
Adjusted Beginning Balance	<u>\$2,060</u>	<u>\$1,952</u>	<u>\$1,760</u>
REVENUES, TRANSFERS, AND OTHER ADJUSTMENTS			
Revenues:			
142500 Miscellaneous Services to the Public	1,833	2,067	2,067
Total Revenues, Transfers, and Other Adjustments	<u>\$1,833</u>	<u>\$2,067</u>	<u>\$2,067</u>
Total Resources	\$3,893	\$4,019	\$3,827
EXPENDITURES AND EXPENDITURE ADJUSTMENTS			
Expenditures:			
0820 Department of Justice (State Operations)	1,932	2,244	2,362
0840 State Controller (State Operations)	4	3	-
8880 Financial Information System for California (State Operations)	5	12	11
Total Expenditures and Expenditure Adjustments	<u>\$1,941</u>	<u>\$2,259</u>	<u>\$2,373</u>
FUND BALANCE	\$1,952	\$1,760	\$1,454
Reserve for economic uncertainties	1,952	1,760	1,454
0158 Travel Seller Fund ⁵			
BEGINNING BALANCE	\$2,025	\$1,896	\$1,180
Prior year adjustments	58	-	-
Adjusted Beginning Balance	<u>\$2,083</u>	<u>\$1,896</u>	<u>\$1,180</u>
REVENUES, TRANSFERS, AND OTHER ADJUSTMENTS			
Revenues:			
142500 Miscellaneous Services to the Public	664	675	675
150300 Income From Surplus Money Investments	7	7	4
Total Revenues, Transfers, and Other Adjustments	<u>\$671</u>	<u>\$682</u>	<u>\$679</u>
Total Resources	\$2,754	\$2,578	\$1,859
EXPENDITURES AND EXPENDITURE ADJUSTMENTS			
Expenditures:			
0820 Department of Justice (State Operations)	853	1,389	1,424
0840 State Controller (State Operations)	2	1	-
8880 Financial Information System for California (State Operations)	3	8	6
Total Expenditures and Expenditure Adjustments	<u>\$858</u>	<u>\$1,398</u>	<u>\$1,430</u>
FUND BALANCE	\$1,896	\$1,180	\$429
Reserve for economic uncertainties	1,896	1,180	429
0256 Sexual Predator Public Information Account ⁵			
BEGINNING BALANCE	\$392	\$458	\$411
Prior year adjustments	-2	-	-
Adjusted Beginning Balance	<u>\$390</u>	<u>\$458</u>	<u>\$411</u>
REVENUES, TRANSFERS, AND OTHER ADJUSTMENTS			
Revenues:			
142500 Miscellaneous Services to the Public	147	134	134

* Dollars in thousands, except in Salary Range.

0820 Department of Justice

	2011-12*	2012-13*	2013-14*
150300 Income From Surplus Money Investments	2	1	1
Total Revenues, Transfers, and Other Adjustments	<u>\$149</u>	<u>\$135</u>	<u>\$135</u>
Total Resources	\$539	\$593	\$546
EXPENDITURES AND EXPENDITURE ADJUSTMENTS			
Expenditures:			
0820 Department of Justice (State Operations)	81	181	183
8880 Financial Information System for California (State Operations)	-	1	1
Total Expenditures and Expenditure Adjustments	<u>\$81</u>	<u>\$182</u>	<u>\$184</u>
FUND BALANCE	\$458	\$411	\$362
Reserve for economic uncertainties	458	411	362

0288 The Registry of International Student Exchange Visitor Placement Organizations

Fund ^s			
BEGINNING BALANCE	\$82	\$79	\$84
Prior year adjustments	<u>-8</u>	<u>-</u>	<u>-</u>
Adjusted Beginning Balance	\$74	\$79	\$84
REVENUES, TRANSFERS, AND OTHER ADJUSTMENTS			
Revenues:			
142500 Miscellaneous Services to the Public	<u>5</u>	<u>5</u>	<u>5</u>
Total Revenues, Transfers, and Other Adjustments	<u>\$5</u>	<u>\$5</u>	<u>\$5</u>
Total Resources	<u>\$79</u>	<u>\$84</u>	<u>\$89</u>
FUND BALANCE	\$79	\$84	\$89
Reserve for economic uncertainties	79	84	89

0378 False Claims Act Fund ^s

BEGINNING BALANCE	\$717	\$6,193	\$6,072
Prior year adjustments	<u>1,080</u>	<u>-</u>	<u>-</u>
Adjusted Beginning Balance	\$1,797	\$6,193	\$6,072
REVENUES, TRANSFERS, AND OTHER ADJUSTMENTS			
Revenues:			
150300 Income From Surplus Money Investments	23	199	7
164400 Civil & Criminal Violation Assessment	33,146	19,100	8,000
Transfers and Other Adjustments:			
FO0001 From General Fund loan repayment per Item 0820-012-0378, Budget Act of 2010	-	-	3,000
TO0001 To General Fund per Item 0820-011-0378 Budget Act of 2012	-	-7,700	-
TO0001 To General Fund per Item 0820-011-0378 Budget Act of 2011	<u>-20,000</u>	<u>-</u>	<u>-</u>
Total Revenues, Transfers, and Other Adjustments	<u>\$13,169</u>	<u>\$11,599</u>	<u>\$11,007</u>
Total Resources	\$14,966	\$17,792	\$17,079
EXPENDITURES AND EXPENDITURE ADJUSTMENTS			
Expenditures:			
0820 Department of Justice (State Operations)	8,730	11,645	12,135
0840 State Controller (State Operations)	18	12	-
8880 Financial Information System for California (State Operations)	<u>25</u>	<u>63</u>	<u>54</u>
Total Expenditures and Expenditure Adjustments	<u>\$8,773</u>	<u>\$11,720</u>	<u>\$12,189</u>
FUND BALANCE	\$6,193	\$6,072	\$4,890
Reserve for economic uncertainties	6,193	6,072	4,890

0460 Dealers' Record of Sale Special Account ^s

BEGINNING BALANCE	\$18,235	\$12,439	\$11,009
Prior year adjustments	<u>-4</u>	<u>-</u>	<u>-</u>
Adjusted Beginning Balance	\$18,231	\$12,439	\$11,009

* Dollars in thousands, except in Salary Range.

0820 Department of Justice

	2011-12*	2012-13*	2013-14*
REVENUES, TRANSFERS, AND OTHER ADJUSTMENTS			
Revenues:			
125700 Other Regulatory Licenses and Permits	2,898	3,241	4,037
142500 Miscellaneous Services to the Public	14,429	16,136	20,098
150300 Income From Surplus Money Investments	-	2	2
161000 Escheat of Unclaimed Checks & Warrants	2	-	-
Transfers and Other Adjustments:			
TO0001 To General Fund loan per Item 0820-011-0460, Budget Act of 2010	-11,500	-	-
Total Revenues, Transfers, and Other Adjustments	<u>\$5,829</u>	<u>\$19,379</u>	<u>\$24,137</u>
Total Resources	\$24,060	\$31,818	\$35,146
EXPENDITURES AND EXPENDITURE ADJUSTMENTS			
Expenditures:			
0820 Department of Justice			
State Operations	11,548	20,288	22,290
Local Assistance	28	28	28
0840 State Controller (State Operations)	19	30	-
8880 Financial Information System for California (State Operations)	<u>26</u>	<u>463</u>	<u>86</u>
Total Expenditures and Expenditure Adjustments	<u>\$11,621</u>	<u>\$20,809</u>	<u>\$22,404</u>
FUND BALANCE	\$12,439	\$11,009	\$12,742
Reserve for economic uncertainties	12,439	11,009	12,742

0566 Department of Justice Child Abuse Fund ⁵

BEGINNING BALANCE	\$1,574	\$1,690	\$1,737
Prior year adjustments	<u>-1</u>	<u>-</u>	<u>-</u>
Adjusted Beginning Balance	\$1,573	\$1,690	\$1,737

REVENUES, TRANSFERS, AND OTHER ADJUSTMENTS

Revenues:			
142500 Miscellaneous Services to the Public	414	415	415
150300 Income From Surplus Money Investments	<u>4</u>	<u>4</u>	<u>4</u>
Total Revenues, Transfers, and Other Adjustments	<u>\$418</u>	<u>\$419</u>	<u>\$419</u>
Total Resources	\$1,991	\$2,109	\$2,156

EXPENDITURES AND EXPENDITURE ADJUSTMENTS

Expenditures:			
0820 Department of Justice (State Operations)	300	370	385
0840 State Controller (State Operations)	1	-	-
8880 Financial Information System for California (State Operations)	<u>-</u>	<u>2</u>	<u>2</u>
Total Expenditures and Expenditure Adjustments	<u>\$301</u>	<u>\$372</u>	<u>\$387</u>
FUND BALANCE	\$1,690	\$1,737	\$1,769
Reserve for economic uncertainties	1,690	1,737	1,769

0569 Gambling Control Fines and Penalties Account ⁵

BEGINNING BALANCE	\$1,651	\$1,772	\$2,183
Prior year adjustments	<u>-2</u>	<u>-</u>	<u>-</u>
Adjusted Beginning Balance	\$1,649	\$1,772	\$2,183

REVENUES, TRANSFERS, AND OTHER ADJUSTMENTS

Revenues:			
164300 Penalty Assessments	<u>164</u>	<u>458</u>	<u>164</u>
Total Revenues, Transfers, and Other Adjustments	<u>\$164</u>	<u>\$458</u>	<u>\$164</u>
Total Resources	\$1,813	\$2,230	\$2,347

EXPENDITURES AND EXPENDITURE ADJUSTMENTS

Expenditures:

* Dollars in thousands, except in Salary Range.

0820 Department of Justice

	2011-12*	2012-13*	2013-14*
0820 Department of Justice (State Operations)	41	47	48
Total Expenditures and Expenditure Adjustments	<u>\$41</u>	<u>\$47</u>	<u>\$48</u>
FUND BALANCE	\$1,772	\$2,183	\$2,299
Reserve for economic uncertainties	1,772	2,183	2,299
1008 Firearms Safety and Enforcement Special Fund ⁵			
BEGINNING BALANCE	\$5,158	\$2,876	\$6,663
Prior year adjustments	<u>86</u>	<u>-</u>	<u>-</u>
Adjusted Beginning Balance	\$5,244	\$2,876	\$6,663
REVENUES, TRANSFERS, AND OTHER ADJUSTMENTS			
Revenues:			
142500 Miscellaneous Services to the Public	5,742	7,193	8,991
150300 Income From Surplus Money Investments	8	10	13
Transfers and Other Adjustments:			
TO0001 To General Fund loan per Item 0820-011-1008, Budget Act of 2010	<u>-4,900</u>	<u>-</u>	<u>-</u>
Total Revenues, Transfers, and Other Adjustments	<u>\$850</u>	<u>\$7,203</u>	<u>\$9,004</u>
Total Resources	\$6,094	\$10,079	\$15,667
EXPENDITURES AND EXPENDITURE ADJUSTMENTS			
Expenditures:			
0820 Department of Justice (State Operations)	3,205	3,394	3,483
0840 State Controller (State Operations)	6	4	-
8880 Financial Information System for California (State Operations)	<u>7</u>	<u>18</u>	<u>16</u>
Total Expenditures and Expenditure Adjustments	<u>\$3,218</u>	<u>\$3,416</u>	<u>\$3,499</u>
FUND BALANCE	\$2,876	\$6,663	\$12,168
Reserve for economic uncertainties	2,876	6,663	12,168
3016 Missing Persons DNA Data Base Fund ⁵			
BEGINNING BALANCE	\$4,380	\$1,023	\$937
Prior year adjustments	<u>433</u>	<u>-</u>	<u>-</u>
Adjusted Beginning Balance	\$4,813	\$1,023	\$937
REVENUES, TRANSFERS, AND OTHER ADJUSTMENTS			
Revenues:			
131700 Misc Revenue From Local Agencies	3,257	3,236	3,216
150300 Income From Surplus Money Investments	4	4	4
Transfers and Other Adjustments:			
FO0001 From General Fund loan repayment per Item 0820-011-3016, Budget Act of 2010	-	-	1,000
TO0001 To General Fund loan per Item 0820-011-3016, Budget Act of 2010	<u>-4,000</u>	<u>-</u>	<u>-</u>
Total Revenues, Transfers, and Other Adjustments	<u>-\$739</u>	<u>\$3,240</u>	<u>\$4,220</u>
Total Resources	\$4,074	\$4,263	\$5,157
EXPENDITURES AND EXPENDITURE ADJUSTMENTS			
Expenditures:			
0820 Department of Justice (State Operations)	3,038	3,304	3,445
0840 State Controller (State Operations)	6	4	-
8880 Financial Information System for California (State Operations)	<u>7</u>	<u>18</u>	<u>15</u>
Total Expenditures and Expenditure Adjustments	<u>\$3,051</u>	<u>\$3,326</u>	<u>\$3,460</u>
FUND BALANCE	\$1,023	\$937	\$1,697
Reserve for economic uncertainties	1,023	937	1,697
3053 Public Rights Law Enforcement Special Fund ⁵			
BEGINNING BALANCE	\$5,535	\$4,346	\$2,275
Prior year adjustments	140	-	-

* Dollars in thousands, except in Salary Range.

0820 Department of Justice

	<u>2011-12*</u>	<u>2012-13*</u>	<u>2013-14*</u>
Adjusted Beginning Balance	\$5,675	\$4,346	\$2,275
REVENUES, TRANSFERS, AND OTHER ADJUSTMENTS			
Revenues:			
150300 Income From Surplus Money Investments	10	8	4
163000 Settlements/Judgments(not Anti-trust)	<u>175</u>	<u>3,700</u>	<u>3,600</u>
Total Revenues, Transfers, and Other Adjustments	<u>\$185</u>	<u>\$3,708</u>	<u>\$3,604</u>
Total Resources	\$5,860	\$8,054	\$5,879
EXPENDITURES AND EXPENDITURE ADJUSTMENTS			
Expenditures:			
0820 Department of Justice (State Operations)	1,491	5,742	5,722
0840 State Controller (State Operations)	10	6	-
8880 Financial Information System for California (State Operations)	<u>13</u>	<u>31</u>	<u>27</u>
Total Expenditures and Expenditure Adjustments	<u>\$1,514</u>	<u>\$5,779</u>	<u>\$5,749</u>
FUND BALANCE	\$4,346	\$2,275	\$130
Reserve for economic uncertainties	4,346	2,275	130

3086 DNA Identification Fund ^s

BEGINNING BALANCE	\$24,410	\$36,337	\$24,066
Prior year adjustments	<u>10,215</u>	<u>-</u>	<u>-</u>
Adjusted Beginning Balance	\$34,625	\$36,337	\$24,066
REVENUES, TRANSFERS, AND OTHER ADJUSTMENTS			
Revenues:			
150300 Income From Surplus Money Investments	123	146	146
164300 Penalty Assessments	<u>56,355</u>	<u>64,209</u>	<u>65,836</u>
Total Revenues, Transfers, and Other Adjustments	<u>\$56,478</u>	<u>\$64,355</u>	<u>\$65,982</u>
Total Resources	\$91,103	\$100,692	\$90,048
EXPENDITURES AND EXPENDITURE ADJUSTMENTS			
Expenditures:			
0820 Department of Justice (State Operations)	62,463	76,561	77,624
0840 State Controller (State Operations)	124	65	-
8880 Financial Information System for California (State Operations)	179	-	357
Expenditure Adjustments:			
0820 Department of Justice			
Less funding provided by the General Fund (State Operations)	<u>-8,000</u>	<u>-</u>	<u>-</u>
Total Expenditures and Expenditure Adjustments	<u>\$54,766</u>	<u>\$76,626</u>	<u>\$77,981</u>
FUND BALANCE	\$36,337	\$24,066	\$12,067
Reserve for economic uncertainties	36,337	24,066	12,067

3087 Unfair Competition Law Fund ^s

BEGINNING BALANCE	\$1,125	\$3,577	\$43,118
Prior year adjustments	<u>306</u>	<u>-</u>	<u>-</u>
Adjusted Beginning Balance	\$1,431	\$3,577	\$43,118
REVENUES, TRANSFERS, AND OTHER ADJUSTMENTS			
Revenues:			
150300 Income From Surplus Money Investments	15	48	27
164300 Penalty Assessments	9,685	49,900	8,900
Transfers and Other Adjustments:			
FO8071 From National Mortgage Special Deposit Fund per Business and Professions	41,057	-	-
Code section 17206(d)	<u>-</u>	<u>-</u>	<u>-</u>
Total Revenues, Transfers, and Other Adjustments	<u>\$50,757</u>	<u>\$49,948</u>	<u>\$8,927</u>
Total Resources	\$52,188	\$53,525	\$52,045

* Dollars in thousands, except in Salary Range.

0820 Department of Justice

	2011-12*	2012-13*	2013-14*
EXPENDITURES AND EXPENDITURE ADJUSTMENTS			
Expenditures:			
0820 Department of Justice (State Operations)	48,573	10,390	10,843
0840 State Controller (State Operations)	16	11	-
8880 Financial Information System for California (State Operations)	<u>22</u>	<u>6</u>	<u>48</u>
Total Expenditures and Expenditure Adjustments	<u>\$48,611</u>	<u>\$10,407</u>	<u>\$10,891</u>
FUND BALANCE	\$3,577	\$43,118	\$41,154
Reserve for economic uncertainties	3,577	43,118	41,154
3088 Registry of Charitable Trusts Fund ⁵			
BEGINNING BALANCE	\$3,962	\$2,050	\$2,686
Prior year adjustments	<u>91</u>	<u>-</u>	<u>-</u>
Adjusted Beginning Balance	\$4,053	\$2,050	\$2,686
REVENUES, TRANSFERS, AND OTHER ADJUSTMENTS			
Revenues:			
142500 Miscellaneous Services to the Public	3,461	3,639	3,639
150300 Income From Surplus Money Investments	9	5	6
Transfers and Other Adjustments:			
TO0001 To General Fund loan per Item 0820-011-3088, Budget Act of 2010	<u>-2,700</u>	<u>-</u>	<u>-</u>
Total Revenues, Transfers, and Other Adjustments	<u>\$770</u>	<u>\$3,644</u>	<u>\$3,645</u>
Total Resources	\$4,823	\$5,694	\$6,331
EXPENDITURES AND EXPENDITURE ADJUSTMENTS			
Expenditures:			
0820 Department of Justice (State Operations)	2,761	2,988	3,114
0840 State Controller (State Operations)	5	4	-
8880 Financial Information System for California (State Operations)	<u>7</u>	<u>16</u>	<u>14</u>
Total Expenditures and Expenditure Adjustments	<u>\$2,773</u>	<u>\$3,008</u>	<u>\$3,128</u>
FUND BALANCE	\$2,050	\$2,686	\$3,203
Reserve for economic uncertainties	2,050	2,686	3,203
3136 Foreclosure Consultant Regulation Fund ⁵			
BEGINNING BALANCE	\$10	\$11	\$13
Prior year adjustments	<u>-1</u>	<u>-</u>	<u>-</u>
Adjusted Beginning Balance	\$9	\$11	\$13
REVENUES, TRANSFERS, AND OTHER ADJUSTMENTS			
Revenues:			
125600 Other Regulatory Fees	<u>2</u>	<u>2</u>	<u>2</u>
Total Revenues, Transfers, and Other Adjustments	<u>\$2</u>	<u>\$2</u>	<u>\$2</u>
Total Resources	<u>\$11</u>	<u>\$13</u>	<u>\$15</u>
FUND BALANCE	\$11	\$13	\$15
Reserve for economic uncertainties	11	13	15
3240 Secondhand Dealer and Pawnbroker Fund ⁵			
BEGINNING BALANCE	-	-	\$1,382
REVENUES, TRANSFERS, AND OTHER ADJUSTMENTS			
Revenues:			
142500 Miscellaneous Services to the Public	<u>-</u>	<u>\$1,382</u>	<u>720</u>
Total Revenues, Transfers, and Other Adjustments	<u>-</u>	<u>\$1,382</u>	<u>\$720</u>
Total Resources	<u>-</u>	<u>\$1,382</u>	<u>\$2,102</u>
FUND BALANCE	-	\$1,382	\$2,102
Reserve for economic uncertainties	-	1,382	2,102

* Dollars in thousands, except in Salary Range.

EXHIBIT W

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Career Opportunities

Bureau of Firearms

Office Locations: Sacramento.

Career Opportunities: Managers, Special Agents, Field Representatives, Analysts, Criminal Identification Specialists, Program Technicians, and Clericals.

The mission of the Bureau of Firearms is to serve the people of California through education, regulation and enforcement actions regarding the manufacture, sales, ownership, safety training, testing and transfer of firearms. Bureau of Firearms staff are leaders in providing firearms expertise and information to law enforcement, legislators and the general public in a comprehensive program to promote legitimate and responsible firearms possession and use by California residents. The bureau includes the organizational units as summarized below:



Administration and Special Projects Section provides administrative and special project support to the entire Bureau of Firearms (BOF). Section responsibilities include administering the BOF annual budget, analyzing all firearms-related legislation, providing personnel services, maintaining the BOF Web Site and all BOF information technology issues, and providing procurement and contract services.

Enforcement Section provides firearms expertise and training to the BOF and law enforcement agencies, conducts dangerous weapon background investigations, monitors security of firearms under the control of the BOF, testifies as expert witnesses in administrative and legislative hearings and also in State and Federal Court trials and other proceedings. The Enforcement Section is also responsible for investigating, disarming, apprehending, and ensuring the prosecution of persons who are prohibited or become prohibited from purchasing or possessing a firearm as a result of their mental health status, a felony/violent misdemeanor conviction, and/or a domestic restraining order, as well as, conducting covert operations of firearms dealers at stores and gun shows.

Purchaser and Employment Eligibility Clearance Section processes firearms sale/transfer reports sent electronically or by telephone from firearms dealers. The section must determine within 10 days of a firearms purchase or transfer whether the person is prohibited by law from acquiring or possessing firearms in California. During this 10-day waiting period, this section must stop the sale/transfer of a firearm to prohibited persons. This section also determines whether applicants for peace officer positions or armed security guard licenses may possess firearms.

Armed and Prohibited Persons Section utilizes the Armed Prohibited Persons System (APPS), a database populated with data from a number of existing DOJ databases, to identify criminals who are prohibited from possessing firearms subsequent to the legal acquisition of firearms or registration of assault weapons. The APPS program is a highly sophisticated investigative tool that provides law enforcement agencies with information about gun owners who are legally prohibited from possessing firearms.

Licensing and Permits Section issues licenses and/or permits to persons to possess, manufacture or sell machine guns, assault weapons, destructive devices, and short-barreled rifles/shotguns, determines eligibility to possess firearms on Carry Concealed Weapons (CCW) permit applicants, and processes assault weapon registrations. This section administers the Certificate of Eligibility and Centralized List of Firearms Dealers Programs and the Handgun Safety Certificate Program where persons purchasing a handgun must first obtain a HSC certificate. This section also issues verification numbers to out-of-state Federal Firearms Licensees attempting to deliver, sell or transfer firearms to California Federal Firearms Licensees, processes gun show producer documents and reviews gun show event plans.

Training, Information and Compliance Section provides firearms-related instruction and expertise to dealers, law enforcement, superior and juvenile courts, mental health facilities, district attorneys, legislators and the general public and inspects firearms dealerships and manufacturers to ensure compliance with firearms laws and regulations. This section also certifies handgun and firearm safety device testing laboratories and maintains a roster of handguns and firearm safety devices certified for sale in California.

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DECISIONS PENDING & OPPORTUNITIES FOR PUBLIC PARTICIPATION | ACCESSIBILITY

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EXHIBIT X

BILL ANALYSIS

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|SENATE RULES COMMITTEE           | SB 950 |
|Office of Senate Floor Analyses  |       |
|1020 N Street, Suite 524         |       |
|(916) 445-6614                   | Fax: (916) |
|327-4478                         |       |
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UNFINISHED BUSINESS

Bill No: SB 950
 Author: Brulte (R), et al
 Amended: 9/10/01
 Vote: 21

SENATE PUBLIC SAFETY COMMITTEE : 5-0, 4/24/01
 AYES: McPherson, Margett, Polanco, Sher, Vasconcellos

SENATE APPROPRIATIONS COMMITTEE : 10-0, 6/7/01
 AYES: Alpert, Battin, Bowen, Johannessen, Johnson,
 Karnette, McPherson, Murray, Perata, Speier

SENATE FLOOR : 39-0, 6/7/01
 AYES: Ackerman, Alarcon, Alpert, Battin, Bowen, Brulte,
 Burton, Chesbro, Dunn, Escutia, Figueroa, Haynes,
 Johannessen, Johnson, Karnette, Knight, Kuehl, Machado,
 Margett, McClintock, McPherson, Monteith, Morrow, Murray,
 O'Connell, Oller, Ortiz, Peace, Perata, Polanco,
 Poochigian, Romero, Scott, Sher, Soto, Speier, Torlakson,
 Vasconcellos, Vincent

ASSEMBLY FLOOR : 75-0, 9/12/01 - See last page for vote

SUBJECT : Firearms data base: cross referencing

SOURCE : Attorney General

DIGEST : This bill establishes, on or about July 1, 2002,
 the Prohibited Armed Persons File to assist law
 enforcement agencies and investigate persons who are
 legally prohibited from owning or possessing a firearm who
 CONTINUED

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may have been involved in the sale or transfer of a
 firearm.

Assembly Amendments

1. Add chaptering amendments to avoid chaptering out SB 52 (Scott), AB 35 (Shelley), AB 22 (Lowenthal), SB 9 (Soto), and SB 294 (Scott).
2. Provide that the Armed Prohibited Persons Act goes into effect on July 1, 2003.
3. Condition implementation of the Armed Prohibited Person's File upon an appropriation in the 2002-03 Budget Act to the State Department of Justice for this purpose.
4. Mandate that the State Department of Justice prepare a report and make statutory recommendations to the Legislature on or before June 1, 2003.
5. Correct an incorrect cross-reference as to prohibitions on firearms possession.

6. Provide a procedure for the return of seized firearms where existing procedures are not applicable.

7. Add Senator Peace as a co-author. _

ANALYSIS : Existing law establishes various automated information systems in regard to the transfer and possession of firearms, and persons who are prohibited from owning or possessing firearms.

This bill, contingent upon an appropriation in the 2001-02 Budget Act to the State Department of Justice for this purpose, establishes the Prohibited Armed Persons File, a data base that cross-references information for persons relative to the purchase and possession of firearms on or after January 1, 1991, and information indicating those persons who have subsequently been prohibited from owning or possessing firearms, as specified.

This bill requires the State Department of Justice (DOJ) to determine if any person listed in the "Automated Criminal

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History System" as prohibited from owning a firearm is also listed in the "Automated Firearms Systems" indicating possession or ownership of a firearm on or after January 1, 1991.

This bill provides that, where DOJ enters the name of a person prohibited from owning a firearm into any automated information system, the "department shall determine if the subject has an entry in the Automated Firearms System indicating ownership or possession of a firearm on or after January 1, 1991, or an assault weapon registration."

This bill provides that, where DOJ finds that a person in a prohibited class has been involved in the transfer of a firearm or the registration of an assault weapon, DOJ shall enter the following information about the person in the Prohibited Armed Persons File:

1. Name, date of birth, physical description, other necessary identifying information.
2. Basis of any firearm restriction.
3. Description of any firearms owned by the person.

According to DOJ, SB 950 will work as follows:

1. After the entry into the Automated Criminal History System of a disposition for an offense which makes a person prohibited to possess a firearm, the DOJ will check this information against the Automated Firearms System (indicates possession on or after 1/1/91).
2. If there is a "hit," then the name, birthday, physical description and any other necessary information about that person will be entered into the Prohibited Armed Persons File.
3. This file is then supplied to law enforcement agencies.

Existing law requires the court, at the time judgment is imposed, to provide to the defendant, on a form supplied by the State Department of Justice, a notice regarding that firearm prohibition. The bill also requires firearms

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dealers to provide the notice under specified circumstances.

This bill declares findings by the Legislature relative to a procedure for disposal of firearms by persons who have become ineligible to possess firearms. The bill also directs the Attorney General to report to the Legislature, no later than June 1, 2002, recommendations for that procedure, including:

- 1.Recommending a clear and succinct general procedure on how persons who legally acquire firearms and who subsequently fall within a class of persons who are prohibited from possessing firearms shall dispose of the firearm and thereby avoid criminal liability for possession or disposing of the firearm.
- 2.Recommending specific changes in language and references to code sections, and conforming changes to code sections, in state firearms statutes that are needed to establish recommended procedures.

This bill is double-jointed with SB 9 (Soto), SB 294 (Scott), AB 22 (Lowenthal), AB 35 (Shelley), and SB 52 (Scott).

FISCAL EFFECT : Appropriation: No Fiscal Com.: Yes
Local: No

Fiscal Impact (in thousands)

<u>Major Provisions</u> <u>2003-04</u>	<u>Fund</u> <u>2001-02</u>	<u>2002-03</u>
DOJ		
Data processing	\$2,403*	\$1,858
\$ 371	General	
Firearms Div.	---	\$2,100
\$4,300	General	

SUPPORT : (Verified 6/5/01) (Unable to reverify at time of writing)

Attorney General (source)

5

California District Attorneys Association
National Rifle Association
Hand Gun Center, Inc.
California Sportsman's Lobby
California State Sheriffs' Association
Peace Officers Research Association of California

ARGUMENTS IN SUPPORT : The Attorney General is sponsoring the bill in the wake of the mass slaying in February 2000 at Navistar's International Truck and Engine Plant in Melrose Place, Illinois. In that case, the murderer was a twice-convicted felon who had previously, before his convictions, purchased firearms. Thus, even though he was prohibited and in possession of firearms, there was no way for law enforcement to find out and he was left to commit murder.

This bill will provide a way for law enforcement to find out which proven felons are still possessing weapons. The bill was brought to the A.G. at the urging of law enforcement agencies in the state and it will provide them with a tool that will disarm these proven law-breakers before they can break the law again. If the state is going to find that some people are too dangerous to possess a gun, then we should make it as easy as possible for law enforcement to ensure that these laws are enforced.

ASSEMBLY FLOOR :

AYES: Aanestad, Alquist, Aroner, Ashburn, Bates, Bogh,
Briggs, Calderon, Bill Campbell, John Campbell,
Canciamilla, Cardenas, Cardoza, Chan, Chavez, Chu,
Cogdill, Cohn, Corbett, Correa, Cox, Daucher, Diaz,
Dickerson, Dutra, Firebaugh, Florez, Frommer, Goldberg,
Harman, Havice, Horton, Jackson, Keeley, Kehoe, Kelley,
Koretz, Leach, Leonard, Leslie, Liu, Longville,
Lowenthal, Maddox, Maldonado, Matthews, Migden, Mountjoy,
Nakano, Nation, Negrete McLeod, Oropeza, Robert Pacheco,
Rod Pacheco, Pavley, Reyes, Richman, Runner, Salinas,
Shelley, Simitian, Steinberg, Strickland, Strom-Martin,
Thomson, Vargas, Washington, Wayne, Wesson, Wiggins,
Wright, Wyland, Wyman, Zettel, Hertzberg

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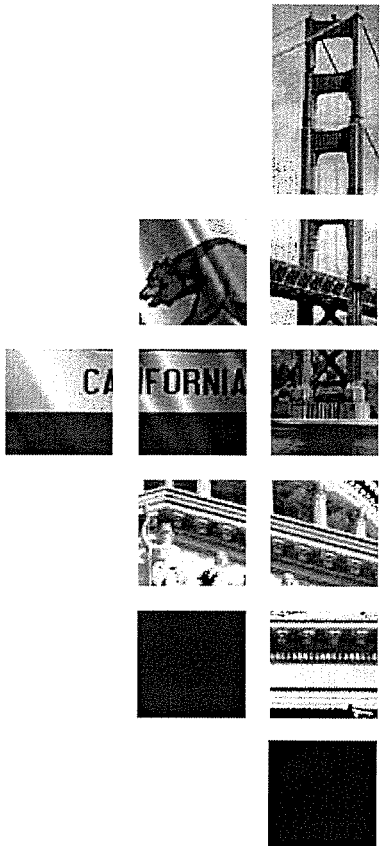
6

RJG:cm 9/26/01 Senate Floor Analyses

SUPPORT/OPPOSITION: SEE ABOVE

**** END ****

EXHIBIT Y



Armed Persons With Mental Illness

Insufficient Outreach From the Department of Justice
and Poor Reporting From Superior Courts Limit the
Identification of Armed Persons With Mental Illness

Report 2013-103



the criteria. As of April 2013 the APPS unit consisted of 10 staff, a manager, and a supervisor. As shown in Figure 1, every evening an automatic check matches the records in the mental health database and criminal history system with information in Justice's CFIS, which contains a record of firearm owners in California since 1996 and of assault weapon owners since 1989.⁵ Specifically, Justice compares personal identifying information such as Social Security numbers to identify individuals who own a firearm and who may have had a mental health prohibiting event logged into one of the two databases within the last 24 hours. All persons identified through this automated check are placed in a pending queue for APPS unit staff to review.

Staff in the APPS unit manually review each person in the pending review queue to determine whether the automated check has matched the correct individual. For example, the automated check will match an individual with a recent prohibiting event with someone in CFIS who has the same personal identification number, such as a California driver's license number, but a different name and date of birth. Justice has implemented a manual review of these potentially prohibited persons so that firearm owners are not incorrectly labeled as prohibited persons by an automated process. In addition to verifying identity, staff also verify that the event that pulled the individual from the criminal history system or the mental health database is actually a prohibiting event. When staff determine that someone is a prohibited person, they change that individual's status in the APPS database to *prohibited* and update his or her information, including address and firearm ownership information.

The APPS database identifies individuals who own firearms and whether they have a prohibition. The state law that required Justice to create the APPS database specifically requires Justice to search its firearm records to determine whether the individual has had a prohibiting event. State law does not direct Justice to, nor is Justice attempting to, identify for purposes of the APPS database individuals who have prohibiting events, are unarmed, and are living at the same residence as firearm owners. Legislation signed by the governor in October 2013 will amend state law, effective January 1, 2014, to specify that when firearm owners know or have reason to know that they reside with a prohibited person, they may not keep a firearm at the residence unless the firearm is maintained under specific conditions that state law prescribes, such as within a locked container. A violation of these provisions will constitute a misdemeanor. Further, the APPS unit is not responsible for background checks for firearm purchases. Another Bureau of Firearms unit, the Dealers' Record of Sale processing unit,

⁵ Additional databases, such as Justice's Domestic Violence Restraining Order System, are also matched against the records of firearm owners. However, only the mental health database and the criminal history system are pertinent to our review.

benefit from formalizing this expectation into a written policy. Such a policy could clearly define how often, at a minimum, Justice's staff should revisit the individuals who have remained pending more than a certain number of days and how often the staff should perform follow-up work to attempt to reach a final determination about those individuals.

Justice Has Experienced Delays in Reviewing a Historical Backlog of Firearm Owners for Prohibiting Events

In addition to the backlog and delays that Justice's APPS unit has experienced in the daily queue, Justice has also faced difficulty in remaining on pace to complete, by the end of 2016, its review of a historical backlog of individuals. According to the assistant bureau chief, the historical backlog was initially about one million firearm owners and consists of persons who registered an assault weapon since 1989 or acquired a firearm since 1996 and who have not yet been reviewed for prohibiting events since Justice implemented the APPS database in November 2006. As part of the fiscal year 2006–07 budget process, Justice received funding for staff to perform the daily and historical APPS database reviews. According to the assistant bureau chief, based on the number of positions received, Justice and the California Department of Finance (Finance) agreed that Justice would eliminate the backlog by the end of 2016. Justice's records show that, as of July 2013, nearly 380,000 persons still remained in the historical backlog.

Although Justice reduced the historical backlog to almost 380,000 in July 2013, we observed that the pace of Justice's historical reviews during our audit period may not be sufficient to meet the 2016 goal it agreed upon with Finance. We reviewed the past three complete years of its processing of these individuals and found that the highest annual number of historical reviews Justice processed between 2010 and 2012 was nearly 43,000 individuals in 2010. However, we observed that in the first half of 2013, Justice has been processing the historical backlog at an accelerated pace. If Justice continues its pace through the remainder of 2013, we estimate that it will review nearly 68,000 individuals for the entire year. Still, even assuming that Justice would be able to maintain the increased pace, it does not appear that Justice will clear its entire backlog until 2019.²⁰ Calculated another way, to meet its goal, Justice would need to process almost 104,000 individuals per year from 2013 through the end of 2016.

Justice's records show that, as of July 2013, nearly 380,000 persons still remained in the historical backlog, and it does not appear that Justice will clear its entire backlog until 2019.

²⁰ We made this calculation using the number of persons remaining in the backlog in January 2013, which was nearly 415,000, and the estimated processing pace for 2013.

EXHIBIT Z

SENATE RULES COMMITTEE

SB 140

Office of Senate Floor Analyses
1020 N Street, Suite 524
(916) 651-1520 Fax: (916) 327-4478

UNFINISHED BUSINESS

Bill No: SB 140
Author: Leno (D) and Steinberg (D), et al.
Amended: 4/11/13
Vote: 27 - Urgency

SENATE BUDGET & FISCAL REVIEW COMMITTEE: 14-0, 3/4/13
AYES: Leno, Emmerson, Anderson, Beall, Berryhill, Block, DeSaulnier,
Hancock, Hill, Jackson, Monning, Roth, Wright, Wyland
NO VOTE RECORDED: Nielsen, Price

SENATE FLOOR: 31-0, 3/7/13
AYES: Anderson, Beall, Berryhill, Block, Calderon, Cannella, Corbett, Correa,
De León, DeSaulnier, Emmerson, Evans, Gaines, Galgiani, Hancock,
Hernandez, Hill, Huff, Jackson, Knight, Lara, Leno, Liu, Pavley, Price, Roth,
Steinberg, Walters, Wolk, Wright, Yee
NO VOTE RECORDED: Fuller, Lieu, Monning, Nielsen, Padilla, Wyland,
Vacancy, Vacancy, Vacancy

ASSEMBLY FLOOR: 65-10, 4/18/13 - See last page for vote

SUBJECT: Firearms: prohibited persons

SOURCE: Author

DIGEST: This bill appropriates \$24 million from the Dealers Record of Sale (DROS) Special Account to the Department of Justice (DOJ) for costs associated with regulatory and enforcement of illegal possession of firearms by prohibited persons, and requires the DOJ to report specified information to the Joint Legislative Budget Committee by March 1, 2015 and every March 1 until 2019.

CONTINUED

Assembly Amendments add coauthors and make minor technical amendments to the legislative findings and declarations.

ANALYSIS: Existing law authorizes the DOJ to utilize the DROS fee, which is imposed upon every transfer or sale of a firearm in California for firearms related regulatory activities, including enforcement activities related to possession.

This bill:

1. Appropriates \$24 million from the DROS Special Account to the DOJ for costs associated with regulatory and enforcement of illegal possession of firearms by prohibited persons.
2. Requires the DOJ report to the Joint Legislative Budget Committee no later than March 1, 2015 and no later than March 1, each year thereafter, all of the following:
 - The degree to which the backlog of weapons has been reduced or eliminated.
 - The number of weapons confiscated through Armed Prohibited Persons System (APPS) enforcement efforts.
 - The number of agents hired by the DOJ to conduct APPS enforcement.
 - The number of individuals cleared off of the APPS list annually through March 1, 2015 and March 1, 2019.
 - The number of individuals added to the APPS list annually.
 - Breakdown of why each person on the APPS is prohibited from possessing a firearm.
 - Number of contacts made during the APPS enforcement efforts.
 - Information regarding task forces or collaboration with local law enforcement on reducing the APPS backlog.
 - The reason for the individual to have been included on the APPS list.
3. Sunsets the above reporting requirements on March 1, 2019.
4. Makes a series of declarations and findings, including:
 - “California is the first and only state in the nation to establish an automated system for tracking handgun and assault weapon owners who might fall

CONTINUED

into a prohibited status. The online database, which is currently known as the APPS, cross-references all handgun and assault weapon owners across the state against criminal history records to determine persons who have been, or will become, prohibited from possessing a firearm subsequent to the legal acquisition or registration of a firearm or assault weapon.”

- “The list of armed prohibited persons in California grows by about 15 to 20 people per day. There are currently more than 20,000 armed prohibited persons in California. Collectively, these individuals are believed to be in possession of over 39,000 handguns and 1,670 assault weapons. Neither the Department of Justice nor local law enforcement has sufficient resources to confiscate the enormous backlog of weapons, nor can they keep up with the daily influx of newly prohibited persons.”

Prior legislation. SB 819 (Leno, Chapter 743, Statutes of 2011) provided that the DOJ may use DROS funds for costs associated with its firearms-related regulatory and enforcement activities regarding the possession as well as the sale, purchase, loan, or transfer of firearms, as specified.

FISCAL EFFECT: Appropriation: Yes Fiscal Com.: Yes Local: No

According to the Senate Budget and Fiscal Review Committee:

This bill appropriates \$24 million from the DROS special account to the DOJ for firearms-related regulatory and enforcement activities.

The funding in this bill is intended to supplement, not supplant, the \$22.9 million from the DROS Special Account included in the 2013-14 Budget Act to be utilized by the DOJ.

This bill does not specify a period that the appropriation shall be available for encumbrance. In accordance with Government Code Section 16340, this appropriation is available for three years after the date upon which it first became available for encumbrance.

SUPPORT: (Verified 4/18/13)

Kamala D. Harris, Attorney General
AFSCME
Brady Campaign to Prevent Gun Violence
California District Attorneys Association

CONTINUED

California Medical Association
California Statewide Law Enforcement Association
Chief Probation Officers of California
City of Los Angeles
Coalition Against Gun Violence
County of Los Angeles
Peace Officers Research Association of California
Violence Prevention Coalition
Women Against Gun Violence

OPPOSITION: (Verified 4/18/13)

California Association of Firearms Retailers
California Rifle and Pistol Association
California Sportsman's Lobby, Inc.
Crossroads of the West Gun Shows
National Rifle Association of America
National Shooting Sports Foundation
Outdoor Sportsmen's Coalition of California
Safari Club International

ARGUMENTS IN SUPPORT: According to the DOJ:

Because of a lack of resources, there are currently more than 20,000 armed prohibited persons statewide, including dangerous felons, violent misdemeanor offenders and individuals who have been adjudicated mentally ill. These individuals are believed to hold up to 39,140 handguns and 1,679 assault weapons. Every year there are an additional 3,000 prohibited person added to the list. Despite their best efforts, local and state law enforcement agencies do not have the funding or resources to keep up with this influx.

For the vision of APPS to be fully realized, more resources are necessary—SB 140 provides those resources. Specifically, SB 140 will appropriate 24 million dollars in surplus special fund money (Dealers Record of Sale Account) to DOJ, for the specific purpose of hiring more staff to go out and take firearms away from people who cannot legally have them. To this end, SB 140 will help make communities safer by providing funding to take the preventative step of removing firearms from known, dangerous individuals.

CONTINUED

ARGUMENTS IN OPPOSITION: The National Shooting Sports Foundation, Inc. (NSSF) writes:

While NSSF supports the objective of removing firearms from possession of those on the Armed Prohibited Persons List, we strongly oppose the use of the Dealers Record of Sale (DROS) funds for this purpose.

There does, in fact, need to be substantive ongoing improvements in how the prohibited persons list is administered by the Department if it is to be an effective tool in keeping firearms out of the hands of those prohibited from possessing them.

The behavior of criminals and others that has resulted in them being placed on the prohibited persons list, and the new prohibited list problems created by those released early from incarceration, or not charged with a serious crime because of AB 109 (Budget Committee, Chapter 15, Statutes of 2011), should not be made the financial responsibility of lawful payers of DROS fees.

Given the foregoing, a different source of funding should be found for SB 140. If a source other than DROS fees is used, NSSF could support the bill.

ASSEMBLY FLOOR: 65-10, 4/18/13

AYES: Achadjian, Alejo, Allen, Ammiano, Atkins, Bloom, Blumenfield, Bocanegra, Bonilla, Bonta, Bradford, Brown, Buchanan, Ian Calderon, Campos, Chau, Chesbro, Conway, Cooley, Daly, Dickinson, Eggman, Fong, Fox, Frazier, Garcia, Gatto, Gomez, Gordon, Gorell, Gray, Hagman, Hall, Harkey, Roger Hernández, Jones-Sawyer, Levine, Linder, Maienschein, Medina, Mitchell, Morrell, Mullin, Muratsuchi, Nazarian, Nestande, Olsen, Pan, Perea, V. Manuel Pérez, Quirk, Quirk-Silva, Rendon, Salas, Skinner, Stone, Ting, Torres, Wagner, Weber, Wieckowski, Wilk, Williams, Yamada, John A. Pérez

NOES: Bigelow, Chávez, Dahle, Donnelly, Beth Gaines, Grove, Jones, Melendez, Patterson, Waldron

NO VOTE RECORDED: Holden, Logue, Lowenthal, Mansoor, Vacancy

JG:k 4/19/13 Senate Floor Analyses

SUPPORT/OPPOSITION: SEE ABOVE

**** **END** ****

EXHIBIT AA

State of California ~ Department of Justice

OFFICE of the ATTORNEY GENERAL

KAMALA D. HARRIS

JOB VACANCIES

Job Opportunity Bulletin - Division Of Law Enforcement

DATE OF ANNOUNCEMENT: January 16, 2015
SUBMIT APPLICATIONS BY: February 06, 2015
CLASS TITLE: OFFICE TECHNICIAN (TYPING) (positions 1)
MAY CONSIDER CLASS TITLE: OFFICE ASSISTANT (TYPING)
* Duties will be adjusted based on classification level.
TYPE OF APPOINTMENT: PERMANENT
TIME BASE: FULL TIME
SHIFT: Day Shift [PSN: 420-561-1139-008] (8:00 am - 5:00 pm)
WORK WEEK: Monday - Friday
BUREAU/SECTION/PROGRAM: Bureau of Forensic Services/Headquarters
CITY: SACRAMENTO

DUTIES:

Under the direct supervision of the Staff Services Manager I (SSM I), the Office Technician (OT) (T) will provide clerical support to the Bureau Chief, Assistant Bureau Chiefs, SSM I and technical staff members for the Bureau of Forensic Services (BFS) Headquarters and Quality Assurance Unit. The OT (T) is responsible for: typing confidential memorandums, letters, monthly reports and various correspondence and documents to support BFS operations; providing telephone coverage for BFS Headquarters, answering and routing incoming calls and messages; processing all incoming and outgoing mail; processing vendor invoices for payment and resolving minor issues and invoice disputes, if needed; setting up and maintaining tracking logs, records, and files on Service Authorizations, purchase orders, contracts, inventory, surveyed equipment, and paid invoices. The OT (T) is the primary Cal-Card user and is responsible for purchasing, maintaining inventory of routine office supplies and order replacements as necessary and completing the monthly Cal-Card report by the 6th of each month. As the lead to the office vehicle coordinators for the Bureau, the OT(T) is responsible for coordinating the acquisition and tracking of vehicles and equipment that are assigned to the Bureau through the DLE Director's Office Executive Unit, maintaining and coordinating vehicle inventory and ensure vehicles are properly maintained and labeled with proper licensing and registration.

DESIRABLE QUALIFICATIONS:

Candidate should be able to evaluate situations accurately and take effective action; work well under pressure and in rush situations; work independently and cooperatively with others; possess good grammatical, spelling and punctuation skills; willing to assume other duties as necessary; Good PC skills and knowledge of Microsoft Word, Access, Excel, Power Point, and Outlook.

FILING REQUIREMENTS:

Failure to submit the following with your application package may result in elimination from the hiring process:

State Application (STD 678) - Clearly indicate the basis of your eligibility in the Explanation section located at the bottom of page one.

Resume

WHO MAY APPLY:

DOJ AND OTHER: Individuals who are currently in this classification, eligible for lateral transfer, reachable on a current employment list for this classification, or former state employees with reinstatement eligibility.

SROA/SURPLUS: Individuals with SROA/Surplus status. Surplus candidates must submit a copy of their Surplus letter. Please visit CalHR's web site for more information on the SROA and Surplus programs.

ADDITIONAL JOB-RELATED INFORMATION:

The following is a list of additional features related to this job opportunity.

A background check will be required.

A fingerprint check will be required.

This position is Program Critical.

A 60-day candidate pool will be established for subsequent vacancies.

SUBMIT APPLICATION PACKAGES TO:

Department of Justice
Division of Law Enforcement
Bureau of Forensic Services
Headquarters
1300 I Street, Suite 1150
Sacramento, CA 95814

CONTACT INFORMATION:

Stacy Thomas, Staff Services Manager I
(916) 324-7352

California Relay (Telephone) Service for the Deaf or Hearing-Impaired: TDD Phones: 1-800-735-2929 or Voice Phones: 1-800-735-2922

It is an objective of the State of California to achieve a drug-free work place. Any applicant for state employment will be expected to behave in accordance with this objective because the use of illegal drugs is inconsistent with the law of the state, civil service rules, and the special trust placed in public servants.

The State of California is an equal opportunity employer to all, regardless of age, ancestry, color, disability (mental and physical), exercising the right to family care and medical leave, gender, gender expression, gender identity, genetic information, marital status, medical condition, military or veteran status, national origin, political affiliation, race, religious creed, sex (includes pregnancy, childbirth, breastfeeding and related medical conditions), and sexual orientation.

Employment provisions in the California Department of Human Resources' State Restriction of Appointments (SROA) policy will prevail. Current or future Executive Orders relating to filling positions may also affect this process.

Applications will be screened and only the most qualified may be interviewed. In order to ensure the most qualified candidate pool, applications received after the final filing date may be considered.

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EXHIBIT BB

Date of Hearing: June 21, 2011
Counsel: Gabriel Caswell

ASSEMBLY COMMITTEE ON PUBLIC SAFETY
Tom Ammiano, Chair

SB 819 (Leno) – As Amended: April 14, 2011

SUMMARY: Provides that the Department of Justice (DOJ) may use dealer record of sale (DROS) funds for costs associated with its firearms-related regulatory and enforcement activities regarding the possession, as well as the sale, purchase, loan, or transfer, of firearms, as specified. Specifically, this bill:

- 1) Authorizes the using the DOJ purchaser fee to fund the DOJ's firearms-related regulatory and enforcement activities related to the possession of firearms.
- 2) Makes the following findings and declarations:
 - a) California is the first and only state in the nation to establish an automated system for tracking handgun and assault weapon owners who might fall into a prohibited status.
 - b) DOJ is required to maintain an online database, which is currently known as the "Armed Prohibited Persons System" (APPS), which cross-references all handgun and assault weapon owners across the state against criminal history records to determine persons who have been, or will become, prohibited from possessing a firearm subsequent to the legal acquisition or registration of a firearm or assault weapon.
 - c) The DOJ is further required to provide authorized law enforcement agencies with inquiry capabilities and investigative assistance to determine the prohibition status of a person of interest.
 - d) Each day, the list of armed prohibited persons in California increases by about 15 to 20 people. There are currently more than 18,000 armed prohibited persons in California. Collectively, these individuals are believed to be in possession of over 34,000 handguns and 1,590 assault weapons. The illegal possession of these firearms presents a substantial danger to public safety.
 - e) Neither the DOJ nor local law enforcement has sufficient resources to confiscate the enormous backlog of weapons, nor can they keep up with the daily influx of newly prohibited persons.
 - f) A DROS fee is imposed upon every sale or transfer of a firearm by a dealer in California. Existing law authorizes the DOJ to utilize these funds for firearms-related regulatory and enforcement activities related to the sale, purchase, loan, or transfer of firearms pursuant to any provision listed in Penal Code Section 16580, but not expressly for the enforcement activities related to possession.

- g) Rather than placing an additional burden on the taxpayers of California to fund enhanced enforcement of the existing armed prohibited persons program, it is the intent of the Legislature in enacting this bill to allow the DOJ to utilize the DROS Account for the additional, limited purpose of funding enforcement of the APPS.

EXISTING LAW:

- 1) States that it shall be unlawful for any person to sell or otherwise dispose of any firearm or ammunition to persons if that person is under indictment or has been convicted of specified crimes, is under a restraining order, has been committed to a mental institution, and other specified disqualifying factors. (18 U.S.C. Section 922.)
- 2) Requires that persons who sell, lease, or transfer firearms be licensed by California. (Penal Code Sections 26500 and 26700, et seq.)
- 3) Sets forth a series of requirements to be state licensed by DOJ, which provides that to be recognized as state licensed, a person must be on a centralized list of gun dealers and allows access to the centralized list by authorized persons for various reasons. (Penal Code Section 26700.)
- 4) Requires that firearms dealers obtain certain identifying information from firearms purchasers and forward that information, via electronic transfer to DOJ to perform a background check on the purchaser to determine whether he or she is prohibited from possessing a firearm. The record of applicant information must be transmitted to the DOJ in Sacramento by electronic transfer on the date of the application to purchase. The original of each record of electronic transfer shall be retained by the dealer in consecutive order. Each original shall become the permanent record of the transaction that shall be retained for not less than three years from the date of the last transaction and shall be provided for the inspection of any peace officer, DOJ employee designated by the Attorney General, or agent of the Federal Bureau of Alcohol, Tobacco, Firearms, and Explosives upon the presentation of proper identification, but no information shall be compiled therefrom regarding the purchasers or other transferees of firearms that are not pistols, revolvers, or other firearms capable of being concealed upon the person. (Penal Code Sections 28160 to 28220.)
- 5) Requires handguns to be centrally registered at time of transfer or sale by way of transfer forms centrally compiled by the DOJ. DOJ is required to keep a registry from data sent to DOJ indicating who owns what handgun by make, model, and serial number and the date thereof. [Penal Code Section 11106(a) and (c).]
- 6) Requires that, upon receipt of the purchaser's information, DOJ shall examine its records, as well as those records that it is authorized to request from the California Department of Mental Health (DMH) pursuant to Welfare and Institutions Code (WIC) Section 8104, 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. (Penal Code Section 28220.)
- 7) States that, to the extent funding is available, DOJ may participate in the National Instant Criminal Background Check System (NICS), as specified, and, if that participation is

implemented, shall notify the dealer and the chief of the police department of the city or city and county in which the sale was made, or if the sale was made in a district in which there is no municipal police department, the sheriff of the county in which the sale was made, that the purchaser is a person prohibited from acquiring a firearm under federal law. (Penal Code Section 28220.)

- 8) States that if DOJ determines that the purchaser is prohibited from possessing a firearm, as specified, it shall immediately notify the dealer and the chief of the police department of the city or city and county in which the sale was made, or if the sale was made in a district in which there is no municipal police department, the sheriff of the county in which the sale was made, of that fact. (Penal Code Section 28220.)
- 9) States that no person who has been taken into custody, found to be a danger to himself, herself, or others, and, as a result, admitted to a specified mental health facility, shall own, possess, control, receive, or purchase, or attempt to own, possess, control, receive, or purchase any firearm for a period of five years after the person is released from the facility, except as specified. [WIC Section 8103(f)(1).] For each such person, the facility shall immediately, on the date of admission, submit a report to DOJ, on a form prescribed by DOJ, containing information that includes, but is not limited to, the identity of the person and the legal grounds upon which the person was admitted to the facility. [WIC Section 8103(f)(2)(A).]
- 10) No person who has been certified for intensive treatment for a mental disorder, as specified, shall own, possess, control, receive, or purchase, or attempt to own, possess, control, receive, or purchase any firearm for a period of five years and relevant treatment facilities shall report the identities of such persons to DOJ, as specified. [WIC Section 8103(g).]
- 11) DOJ may 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 Record of Sale or DROS fee, shall be no more than is necessary to fund the following:
 - a) DOJ for the cost of furnishing this information.
 - b) DOJ for the cost of meeting its obligations to notify specified persons that they are prohibited from owning firearms due to their receiving inpatient treatment for a mental disorder.
 - c) Local mental health facilities for state-mandated local costs resulting from the specified reporting requirements.
 - d) The DMH for the costs resulting from the specified requirements imposed.
 - e) Local mental hospitals, sanitariums, and institutions for state-mandated local costs resulting from the specified reporting requirements.

- f) Local law enforcement agencies for state-mandated local costs resulting from the notification requirements regarding service of restraining orders, as specified.
 - g) Local law enforcement agencies for state-mandated local costs resulting from the notification requirements regarding specified persons prohibited from owning firearms due to their receiving inpatient treatment for a mental disorder.
 - h) For the actual costs associated with the electronic or telephonic transfer of information, as specified.
 - i) The Department of Food and Agriculture for the costs resulting from the notification provisions regarding importing firearms into the state, as specified.
 - j) DOJ for the costs associated with public education requirements regarding importation of firearms into California, as specified.
 - k) DOJ for the costs associated with funding DOJ firearms-related regulatory and enforcement activities related to the sale, purchase, loan, or transfer of firearms pursuant to any provision listed in Section 16580. [Penal Code Section 28225(a) and (b).]
- 12) The fee established pursuant to this section shall not exceed the sum of the actual processing costs of the DOJ, the estimated reasonable costs of the local mental health facilities for complying with the reporting requirements imposed as specified, the costs of DMH for complying with the requirements imposed as specified, the estimated reasonable costs of local mental hospitals, sanitariums, and institutions for complying with the reporting requirements imposed as specified, the estimated reasonable costs of local law enforcement agencies for complying with the notification requirements, as specified, the estimated reasonable costs of local law enforcement agencies for complying with the notification requirements imposed as specified, the estimated reasonable costs of the Department of Food and Agriculture for the costs resulting from the specified notification provisions, the estimated reasonable costs of the DOJ for the costs associated with public education requirements regarding importation of firearms into California, and the estimated reasonable costs of DOJ firearms-related regulatory and enforcement activities related to the sale, purchase, loan, or transfer of firearms pursuant to specified provisions of law pertaining to firearms. [Penal Code Section 28225(c).]
- 13) DOJ may charge a fee sufficient to reimburse it for each of the following but 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:
- a) For the actual costs associated with the preparation, sale, processing, and filing of forms or reports required or utilized pursuant to any provision listed in Penal Code Section 16585(a).
 - b) For the actual processing costs associated with the submission of a DROS to the DOJ.

- c) For the actual costs associated with the preparation, sale, processing, and filing of reports utilized pursuant to Penal Code Section 26905, 27565, or 28000, or 27560(1)(a).
 - d) For the actual costs associated with the electronic or telephonic transfer of information pursuant to Penal Code Section 28215.
 - e) Any costs incurred by the DOJ to implement this section shall be reimbursed from fees collected and charged pursuant to this section. No fees shall be charged to the dealer pursuant to Penal Code Section 28225 for implementing this section. (Penal Code Section 28230.)
- 14) All money received by the DOJ pursuant to this article shall be deposited in the DROS Special Account of the General Fund, which is hereby created, to be available, upon appropriation by the Legislature, for expenditure by the DOJ to offset the costs incurred pursuant to any of the following:
- a) This article.
 - b) Annual inspections of permitted destructive devices. (Penal Code Section 18910.)
 - c) Regulating firearms transaction between licensed dealers. (Penal Code Section 27555.)
 - d) Conduct public education and notification programs regarding importation of firearms into California. [Penal Section 27560(d) and (e).]
 - e) Maintain a list of federally licensed firearms dealers in California exempt from the state dealer licensing requirements, as specified. [Penal Code Section 28450 et seq.]
 - f) Inspection of inventory of licensed firearms dealers. (Penal Code Section 31110.)
 - g) Public education and notification programs regarding registration of assault weapons. (Penal Code Section 31115.)
 - h) Retesting of handguns on the not unsafe handgun list, as specified. [Penal Code Section 32020(a).]
 - i) Inspection of inventories of machine guns held under permit. (Penal Code Section 32670.)
 - j) Inspection of inventories of short-barreled shotguns and rifles held under permit. (Penal Code Sections 33320 and 28235.)
- 15) States the Attorney General 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. The information contained in the Prohibited Armed Persons File shall only be available to specified entities through the California Law

Enforcement Telecommunications System, for the purpose of determining if persons are armed and prohibited from possessing firearms. (Penal Code Section 30000.)

FISCAL EFFECT: Unknown

COMMENTS:

- 1) Author's Statement: "SB 819 will amend the Penal Code to allow the DOJ to use existing Department resources to provide enhanced enforcement of the APPS which has identified over 36,000 handguns and assault weapons in the hands of more than 18,000 prohibited persons such as convicted felons and the mentally ill.

"Recently, the New York Times reported on California's Armed Prohibited Persons File and the problems it seeks to address:

"By law, Roy Perez should not have had a gun three years ago when he shot his mother 16 times in their home in Baldwin Park, Calif., killing her, and then went next door and killed a woman and her 4-year-old daughter.

"Mr. Perez, who pleaded guilty to three counts of murder and was sentenced last year to life in prison, had a history of mental health issues. As a result, even though in 2004 he legally bought the 9-millimeter Glock 26 handgun he used, at the time of the shootings his name was in a statewide law enforcement database as someone whose gun should be taken away, according to the authorities.

"The case highlights a serious vulnerability when it comes to keeping guns out of the hands of the mentally unstable and others, not just in California but across the country.

"In the wake of the Tucson shootings, much attention has been paid to various categories of people who are legally barred from buying handguns — those who have been 'adjudicated as a mental defective,' have felony convictions, have committed domestic violence misdemeanors and so on. The focus has almost entirely been on gaps in the federal background check system that is supposed to deny guns to these prohibited buyers.

"There is, however, another major blind spot in the system.

"Tens of thousands of gun owners, like Mr. Perez, bought their weapons legally but under the law should no longer have them because of subsequent mental health or criminal issues. In Mr. Perez's case, he had been held involuntarily by the authorities several times for psychiatric evaluation, which in California bars a person from possessing a gun for five years.

"Policing these prohibitions is difficult, however, in most states. The authorities usually have to stumble upon the weapon in, say, a traffic stop or some other encounter, and run the person's name through various record checks.

"California is unique in the country, gun control advocates say, because of its computerized database, the APPS. It was created, in part, to enable law enforcement officials to handle the issue pre-emptively, actively identifying people who legally bought handguns, or registered

assault weapons, but are now prohibited from having them.

"The list had 18,374 names on it as of the beginning of this month — 15 to 20 are added a day — swamping law enforcement's ability to keep up. Some police departments admitted that they had not even tried.

"SB 819 addresses the critical need to enforce existing firearm prohibition laws. Increased confiscation of unlawfully possessed firearms could result in the prevention of future crimes and potentially major future cost savings associated with avoided prosecution and incarceration. This bill is strongly supported local law as well organizations working to reduce firearms violence in our communities."

- 2) Background: According to the background provided by the author, SB 819 will amend the Penal Code to allow DOJ to use existing DOJ resources to provide enhanced enforcement of the APPS which has identified over 36,000 handguns and assault weapons in the hands of more than 18,000 prohibited persons such as convicted felons and the mentally ill. SB 819 addresses the critical need to enforce existing firearm prohibition laws.

Enforcement of existing firearms laws are a critical component of the state's responsibility to ensure public safety. However, there is a huge blind spot in the system. Tens of thousands of gun owners bought their weapons legally, but under law should no longer have them due to subsequent mental health or criminal issues. In fact, every day, the list of armed prohibited persons in California grows by about 15 to 20 people. As of March 22, 2011, the Bureau of Firearms identified 18,377 individuals with a prior felony conviction or mental health disorder that disqualified them from possessing more than 36,000 firearms.

"Although DOJ and local law enforcement have the authority to confiscate these weapons in the interest of public safety, the truth is, the situation continues to get worse. Law enforcement is struggling to disarm people who've lost the right to own a gun. Neither DOJ nor the locals have the resources to confiscate the enormous backlog of weapons, nor can they keep up with the daily influx of the newly prohibited."

- 3) Armed Prohibited Persons System: California is the first and only state in the nation to establish an automated system for tracking handgun and assault weapon owners who pose a threat to public safety. The APPS maintains information about persons who have been, or will become, prohibited from possessing a firearm subsequent to the legal acquisition or registration of a firearm or an assault weapon. The APPS also provides authorized law enforcement agencies with inquiry capabilities to determine the prohibition status of a person of interest. DOJ populates APPS with all handgun and assault weapon owners across the state and matches them against criminal history records to determine who might fall into a prohibited status. Automatic notifications from state and federal criminal history systems will be received daily to determine if there is a match for a current California gun owner. When a match is found, the system automatically raises a flag to Firearms Division staff, which triggers an investigation into the person's status.

For example, the daily APPS report for March 22, 2011 provided a breakdown of prohibited persons by county. A few examples include: Orange County - 1,163 prohibited persons with 2,488 illegal handguns; Sacramento County - 516 prohibited persons with 1,037 illegal

handguns; and San Diego County - 841 prohibited persons with 1,841 illegal handguns

- 4) DOJ's Role in APPS Enforcement: Although the burden for confiscating weapons falls largely on local jurisdictions, in practice, most local jurisdictions are too short on resources to do much or only vaguely aware of how the APPS database works. In fact, 98% of the individuals removed from the list are a result of DOJ efforts, not local law enforcement. While DOJ provides locals with access to the list of prohibited persons and has trained more than 1,300 officers in its use, DOJ's own team of 20 agents specifically tasked with investigating and confiscating the weapons of unlawful gun owners has proven to be the most effective.

For example, in Los Angeles County, a jurisdiction with 5,871 prohibited persons, local law enforcement was only able to confiscate weapons in six cases. DOJ was able to confiscate weapons in 76 cases.

- 5) Argument in Support: According to the Legal Community Against Violence, "[u]nder current law, DOJ is authorized to require firearms dealers to impose a fee attached to the purchase of a firearm; under state law, the fees, collected in the Dealers' Record of Sale Special Account of the General Fund ('DROS Fund'), may be used to fund a specific set of purposes, including DOJ 'regulatory and enforcement activities related to the sale, purchase, loan, or transfer of firearms.' SB 819 (Leno) would authorize the use of the DROS Fund for enforcement activities related to the possession of firearms.

"DOJ maintains an APPS, which identifies individuals who legally purchased handguns or assault weapons but subsequently became prohibited from possessing firearms. APPS presently contains the names of over 18,000 Californians in possession of over 36,000 handguns and assault weapons, even though these individuals are prohibited from having guns under state law. The 18,000 prohibited persons include convicted felons, domestic abusers and mentally ill individuals, among others who have been convicted of serious crimes that rightfully disqualify them from firearm ownership. State efforts to disarm prohibited individuals are currently funded through the General Fund. SB 819 would enable the use of DROS Fund money for this important purpose."

- 6) Argument in Opposition: According to the California Association of Firearms Retailers (CAFR), "[t]he money paid to the DROS fund by a prospective purchaser or other transferee of a firearm is a fee to pay for the costs of a criminal and mental history background check to determine that person's eligibility to lawfully possess a firearm.

"The DROS fee is not a regulatory fee, tax, license or other form of non-user charge. CAFR believes that the DROS fund has often been improperly used to fund non-background check activities of DOJ.

"The use of DROS fees as proposed in SB 819 is considered to constitute a tax on prospective firearm purchasers since it would be used, in part, to pay for the general public services proposed in the bill, rather than for its original intended purpose as a user fee to pay for services rendered only to the fee payer."

- 7) Prior Legislation: AB 302 (Beall), Statutes of 2010, Chapter 344, required the electronic submission of specified information to DOJ with respect to persons admitted to a mental

health facility on the basis of being a threat to themselves or others, or as a result of being certified for intensive treatment.

REGISTERED SUPPORT / OPPOSITION:

Support

Association for Los Angeles Deputy Sheriffs
California Chapters of the Brady Campaign
California Department of Justice
California State Sheriffs' Association
California Statewide Law Enforcement Association
Legal Community Against Violence
Los Angeles County Sheriff's Department
Riverside Sheriffs' Association

Opposition

California Association of Firearms Retailers
California Rifle and Pistol Association
California Sportsman's Lobby
Crossroads of the West
Gun Owners of California
National Rifle Association of America
National Shooting Sports Foundation
Outdoor Sportsmen's Coalition of California
Safari Club International
One private individual

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

EXHIBIT CC

Bloomberg

California Seizes Guns as Owners Lose Right to Keep Arms

By Michael B. Marois and James Nash - Mar 12, 2013

Wearing bulletproof vests and carrying 40-caliber Glock pistols, nine [California \(STOCA1\)](#) Justice Department agents assembled outside a ranch-style house in a suburb east of Los Angeles. They were looking for a gun owner who'd recently spent two days in a mental hospital.

They knocked on the door and asked to come in. About 45 minutes later, they came away peacefully with three firearms.

[California](#) is the only state that tracks and disarms people with legally [registered](#) guns who have lost the right to own them, according to Attorney General [Kamala Harris](#). Almost 20,000 gun owners in the state are prohibited from possessing firearms, including convicted felons, those under a domestic violence restraining order or deemed mentally unstable.

"What do we do about the guns that are already in the hands of persons who, by law, are considered too dangerous to possess them?" Harris said in a letter to Vice President [Joe Biden](#) after a Connecticut school shooting in December left 26 dead. She recommended that Biden, heading a White House review of gun policy, consider California as a national model.

As many as 200,000 people nationwide may no longer be qualified to own firearms, according to Garen Wintemute, director of the Violence Prevention Research Program at the [University of California](#), Davis. Other states may lack confiscation programs because they don't track purchases as closely as California, which requires most weapons sales go through a licensed dealer and be reported.

"Very, very few states have an archive of firearm owners like we have," said Wintemute, who helped set up the program.

Funding Increase

Harris, a 48-year-old Democrat, has asked California lawmakers to more than double the number of agents from the current 33. They seized about 2,000 weapons last year. Agents also took 117,000 rounds of ammunition and 11,000 high-capacity magazines, according to state data.

"We're not contacting anybody who can legally own a gun," said John Marsh, a supervising agent who coordinates the sometimes-contentious seizures. "I got called the Antichrist the other day. Every conspiracy theory you've heard of, take that times 10."

The no-gun [list](#) is compiled by cross-referencing files on almost 1 million handgun and assault-weapon owners with databases of new criminal records and involuntary mental-health commitments. About 15 to 20 names are added each day, according to the attorney general's office.

Probable Cause

Merely being in a database of registered gun owners and having a "disqualifying event," such as a felony conviction or restraining order, isn't sufficient evidence for a search warrant, Marsh said March 5 during raids in San Bernardino County. So the agents often must talk their way into a residence to look for weapons, he said.

At a house in Fontana, agents were looking for a gun owner with a criminal history of a sex offense, pimping, according to the attorney general's office. Marsh said that while the woman appeared to be home, they got no answer at the door. Without a warrant, the agents couldn't enter and had to leave empty-handed.

They had better luck in nearby Upland, where they seized three guns from the home of Lynette Phillips, 48, who'd been hospitalized for mental illness, and her husband, David. One gun was registered to her, two to him.

"The prohibited person can't have access to a firearm," regardless of who the registered owner is, said Michelle Gregory, a spokeswoman for the attorney general's office.

Involuntarily Held

In an interview as agents inventoried the guns, Lynette Phillips said that while she'd been held involuntarily in a mental hospital in December, the nurse who admitted her had exaggerated the magnitude of her condition.

Todd Smith, chief executive officer of Aurora Charter Oak Hospital in Covina, where documents provided by Phillips show she was treated,

didn't respond to telephone and e-mail requests for comment on the circumstances of the treatment.

Phillips said her husband used the guns for recreation. She didn't blame the attorney general's agents for taking the guns based on the information they had, she said.

"I do feel I have every right to purchase a gun," Phillips said. "I'm not a threat. We're law-abiding citizens."

No one was arrested. Most seized weapons are destroyed, Gregory said.

"It's not unusual to not arrest a mental-health person because every county in the state handles those particular cases differently," Gregory said by e-mail. "Unless there's an extenuating need to arrest them on the spot, we refer the case" to the local district attorney's office, she said.

Convicted Felons

Agents more often arrest convicted felons who are prohibited from buying, receiving, owning or possessing a firearm, Gregory said. Violation of the ban is itself a felony.

The state Senate agreed March 7 to expand the seizure program using \$24 million in surplus funds from fees that gun dealers charge buyers for background checks.

Andrew Arulanandam, a spokesman for the [National Rifle Association](#), a gun lobby based in Fairfax, [Virginia](#), that says it has more than 4 million individuals as members, didn't respond to a request for comment on the program.

Sam Paredes, executive director of the Folsom-based advocacy group Gun Owners of California, praised the program, though not how it is funded.

"We think that crime control instead of [gun control](#) is absolutely the way to go," he said. "The issue we have is funding this program only from resources from law-abiding gun purchasers. This program has a benefit to the entire public and therefore the entire public should be paying through general- fund expenditures, and not just legal gun owners."

To contact the reporter on this story: Michael B. Marois in [Sacramento](#) at mmarois@bloomberg.net James Nash in [Los Angeles](#) at jnash24@bloomberg.net.

To contact the editor responsible for this story: Stephen Merelman at smerelman@bloomberg.net

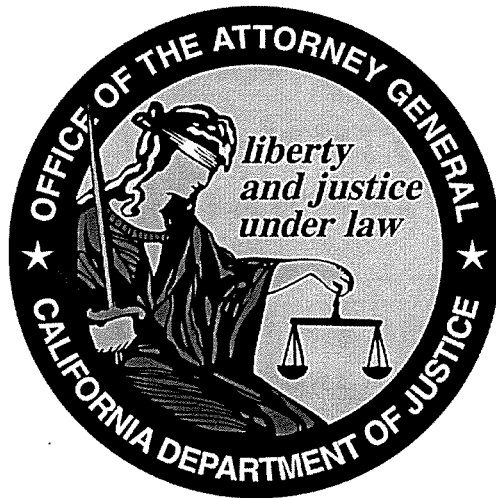
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EXHIBIT DD

**CALIFORNIA LAW ENFORCEMENT
TELECOMMUNICATIONS SYSTEM (CLETS)**

**LESS THAN FULL ACCESS OPERATOR
WORKBOOK**

July 2011



Prepared by:

**California Department of Justice
Client Services Program**

**KAMALA D. HARRIS
ATTORNEY GENERAL**

INTRODUCTION

INSTRUCTIONS FOR AGENCY CLETS COORDINATORS, TRAINING OFFICERS AND/OR SUPERVISORS

The California Law Enforcement Telecommunications System (CLETS) Policies, Practices and Procedures (PPPs) (Section 1.8 – Training) and the National Crime Information Center (NCIC) Operating Manual (Section 3 – Quality Control, Validation, and Other Procedures) state the following regarding CLETS/NCIC training:

Initially (within six months of employment or assignment) train, functionally test, and affirm the proficiency of terminal (equipment) operators (FULL ACCESS/LESS THAN FULL ACCESS) in order to ensure compliance with CLETS/NCIC policies and regulations.

A Full Access (Update) Operator is defined as an operator who has a CLETS User ID and password and makes inquiries into the systems and/or performs update functions. A Less Than Full Access (Inquiry) Operator has a CLETS User ID and password and only makes inquiries into the systems.

This telecommunications workbook is designed to meet the aforementioned requirements and combines BOTH the FULL ACCESS and the LESS THAN FULL ACCESS workbooks into one document. Each section of the workbook is clearly marked, i.e., Section One Combined and Section Two Full Access. **The Full Access operator MUST complete Sections One and Two.**

- A. As the operator completes a chapter of the workbook, review that chapter and record the completed date on the appropriate Completion Log in that section. Because some individuals access selected databases only, ALL operators must complete the chapters on General Policies and Liability/Security Issues, CLETS, Criminal Justice Information System (CJIS), and then those chapters of the workbook related to their job assignment. In Section Two, Full Access operators must complete the chapters on Record Maintenance and CLETS, and then those chapters of the workbook related to their job assignments.
- B. The completed workbook should be kept by the operator as reference material. Training records must be maintained, reflecting the level of the operator (Full Access or Less Than Full Access), the date the operator completed CLETS training and the date the operator completed the workbook. If the agency maintains a score for the workbook, 70% is considered passing.
- C. Workbooks need only be completed once in an operator's career. However, recertification is required biennially for both Full Access and Less Than Full Access terminal operators. This is accomplished by completing the current CLETS Operator Proficiency Examination, as provided by the Department of Justice (DOJ) Client Services Program, and obtaining a score of at least 70%. Training records must indicate the date the recertification exam was completed and either the final score or a pass notation. Training records will be periodically audited by the NCIC and the DOJ.

This proficiency examination is available for downloading by accessing the DOJ California Law Enforcement Web (CLEW) site at <http://clew.doj.ca.gov>. Select Field Operations, Downloads/Publications. It is also available as an online examination at the Client Services Program (Field Operations) link. The website address is: <http://fieldops.doj.ca.gov/fieldops.asp>. The User ID is "fieldops" and Password is "D0j1066! (Capital D, Zero, lower case j, 1066 exclamation point). The User ID and password are case sensitive and are the same for all users. The on-line exams require that all questions be answered before submitting. If you have any questions, please contact the DOJ Client Services Program at (916) 227-3332.

EMPLOYEE/VOLUNTEER STATEMENT FORM

**USE OF CLETS CRIMINAL JUSTICE INFORMATION
AND DEPARTMENT OF MOTOR VEHICLES RECORD INFORMATION**

As an employee/volunteer of _____, you may have access to confidential criminal records, Department of Motor Vehicle records, or other criminal justice information, much of which is controlled by statute. All access to California Law Enforcement Telecommunications System (CLETS) related information is based on the need-to-know and the right-to-know. Misuse of such information may adversely affect an individual(s) civil rights, and violates the law and/or CLETS policy.

Penal Code section 502 prescribes the penalties relating to computer crimes. Penal Code sections 11105 and 13300 identify who has access to criminal history information and under what circumstances it may be released. Penal Code sections 11141-11143 and 13302-13304 prescribe penalties for misuse of public record and CLETS information. California Vehicle Code section 1808.45 prescribes the penalties relating to misuse of Department of Motor Vehicle record information. Penal Code sections 11142 and 13303 states:

Any person authorized by law to receive a record or information obtained from a record who knowingly furnishes the record or information to a person not authorized by law to receive the record or information is guilty of a misdemeanor.

Any person/volunteer who is responsible for CLETS misuse is subject to immediate dismissal from employment. Violations of the law may result in criminal and/or civil action.

I HAVE READ THE ABOVE AND UNDERSTAND THE POLICY REGARDING MISUSE OF ALL CLETS ACCESSIBLE INFORMATION.

Signature: _____

Print Name: _____

Date: _____

**LESS THAN FULL ACCESS OPERATOR WORKBOOK
COMPLETION LOG**

Employee Name: _____

The Agency CLETS Coordinator (ACC) or supervisor administering the training must date and initial each completed chapter. All operators must complete Chapters A, B and C, and then only those databases pertinent to their job assignments. Employees should maintain a copy of this log for their records.

CHAPTER	COMPLETION DATE	INITIALS
A. <u>General Policies and Liability/Security Issue</u>	_____	_____
B. <u>California Law Enforcement Telecommunications System (CLETS)</u>	_____	_____
C. <u>Criminal Justice Information System (CJIS)</u>	_____	_____
D. <u>Criminal History System (CHS)</u>	_____	_____
E. <u>Wanted Persons System (WPS)</u>	_____	_____
F. <u>California Restraining and Protective Order System (CARPOS)</u>	_____	_____
G. <u>Supervised Release File (SRF)</u>	_____	_____
H. <u>Missing and Unidentified Persons System (MUPS)</u>	_____	_____
I. <u>Sex and Arson Registration (SAR) - Violent Crime Information Network (VCIN)</u>	_____	_____
J. <u>Stolen Vehicle System (SVS)</u>	_____	_____
K. <u>Automated Boat System (ABS)</u>	_____	_____
L. <u>Automated Property System (APS)</u>	_____	_____
M. <u>Automated Firearms System (AFS)</u>	_____	_____
N. <u>Mental Health Firearms Prohibition System (MHFPS)</u>	_____	_____
O. <u>Armed Prohibited Persons System (APPS)</u>	_____	_____
P. <u>Automated Archive System (AAS)</u>	_____	_____
Q. <u>Department of Motor Vehicles (DMV)</u>	_____	_____
R. <u>National Crime Information Center (NCIC)</u>	_____	_____
S. <u>National Law Enforcement Telecommunications System (NLETS)</u>	_____	_____
T. <u>Oregon Law Enforcement Data System (LEDS)</u>	_____	_____

LESS THAN FULL ACCESS OPERATOR WORKBOOK

A. GENERAL POLICIES AND LIABILITY/SECURITY ISSUES

To ensure the security and integrity of the CLETS/NCIC systems, the California Code of Regulations states that a record check (fingerprint) shall be conducted on all personnel who have access to CLETS provided information. Personnel shall not operate or have access to CLETS terminals, equipment or information until a background and fingerprint check is completed and approved by the agency head, and an "Employee/Volunteer Statement Form" has been signed. The CLETS "Policies, Practices, & Procedures" (PPPs) states that if a fingerprint check reveals a felony conviction of any kind, CLETS access shall **NOT** be granted. In addition, all CLETS equipment must be secure from access by unauthorized personnel. Access to, or transmission of, CLETS information through the Internet is permitted when all requirements stated in the PPPs Section 1.9.4 are met. **All CLETS provided information (including DMV) is confidential and for OFFICIAL USE ONLY.** Access to CLETS information is only allowed upon a "right to know" and "need to know" justification. Authorized personnel shall not inquire into their own record or have someone inquire for them. The DOJ has established test message keys and test records that should be used for training or testing purposes. Do not use live criminal records when conducting training sessions. See DOJ Information Bulletin 97-12-BCIA for a list of the test records. Accessing and/or releasing CLETS information for non-law enforcement purposes is prohibited, unless otherwise mandated, and is subject to administrative action and/or criminal prosecution. All CLETS users must be assigned a unique User ID and password in order to access CLETS. Sharing your User ID and password is prohibited.

B. CALIFORNIA LAW ENFORCEMENT TELECOMMUNICATIONS SYSTEM (CLETS)

The CLETS network is a high-speed message switching system located in Sacramento with a backup system in Orange County. This network provides law enforcement and criminal justice agencies access to the DOJ Criminal Justice Information System, Federal Bureau of Investigation (FBI) NCIC, National Law Enforcement Telecommunications System, Oregon Law Enforcement Data System, and California Department of Motor Vehicles.

It is critically important for all CLETS operators to adhere to the following: A computer match on a person or property is not probable cause for arrest or confiscation in and of itself. Confirmation with the originating agency to determine if the person or property is still wanted and is probably the same as the person or property of inquiry is **required**. Because names, physical descriptions, and property descriptions are not unique, **DO NOT TAKE ANY FURTHER POLICE ACTION BASED ON A "HIT" UNTIL IT IS CONFIRMED THAT THE PERSON OR PROPERTY IS THE SAME AS THAT OF AN ACTIVE RECORD.** The agency confirming the hit must access the originating agency's "Master Case Record" for current status and information. The Master Case Record must be available at all times for confirmation.

All transactions require the submission of an agency's ORI (ORiginating agency identifier), assigned by the NCIC to identify each agency. The ORI is a nine-character agency identifier. Using CA0349454 as an example from the DOJ Missing and Unidentified Persons Unit (MUPS) in Sacramento, the ORI is formatted as follows: CA = state code; 034 = county code, in alphabetical sequence; 94 = agency identifier (00 is always a sheriff's department, 94 is DOJ, 99 is always a California Highway Patrol office); and 54 = a sub-station or unit within an agency (MUPS), or a criminal justice agency. More information is available on ORIs from the NCIC 2000 Operating Manual, ORI File, ORI Structure.

In addition to accessing law enforcement records regarding persons or property, CLETS provides users with the ability to transmit point-to-point free-text Administrative Messages (AM) to other agencies within California using agency mnemonics and/or group codes, and to out-of-state agencies using ORIs. AMs can be sent to a combination of up to six addresses at one time. All Points Bulletins (APB) are free text messages sent to all LEAs in California, or directed to participating agencies in specific groups by using Group Codes and sub group codes (e.g., highway, geographic, crime specific, all sheriffs, all police, and all counties). An example of a crime specific group is the Child Abduction Alert group code 4500, which is a statewide broadcast to all law enforcement agencies regarding child abduction. An APB can also include major identifiable property crimes, crimes against persons, Be-On-The-Look-Out (BOLO) notices, officer death and funeral notices, law enforcement training, seminar and meeting announcements, and acts of nature. Refer to the CLETS Operating Manual, and the NLETS section in this document for further information.

C. CRIMINAL JUSTICE INFORMATION SYSTEM (CJIS)

The CJIS data systems are maintained by the California DOJ and are available to authorized local, state and federal criminal justice agencies, pursuant to California Government Codes 15150-15167, via the CLETS network. To ensure your agency has the most current information for accessing and updating the systems, refer to the California Law Enforcement Web-site (CLEW) at <http://clew.doj.ca.gov> for all operating manuals and DOJ Information Bulletins.

The California CJIS data systems available through CLETS are:

- | | |
|--|---|
| Criminal History System (CHS) | Stolen Vehicle System (SVS) |
| Wanted Persons System (WPS) | Automated Boat System (ABS) |
| Supervised Release File (SRF) | Automated Property System (APS) |
| Missing and Unidentified Persons System (MUPS) | Automated Firearms System (AFS) |
| Sex and Arson Registration (SAR)– | Mental Health Firearms Prohibition |
| Violent Crime Information Network (VCIN) | System (MHFPS) |
| Armed Prohibited Persons System (APPS) | California Restraining & Protective Order |
| | System (CARPOS) |

Penal Code (PC) section 11108 requires “each sheriff or police chief executive shall submit descriptions of serialized property, or non-serialized property that has been uniquely inscribed, which has been reported stolen, lost, found, recovered, held for safekeeping, or under observation, directly into the appropriate CJIS automated property system for firearms, stolen bicycles, stolen vehicles, or other property, as the case may be.” When a California law enforcement agency enters a record into any of the CJIS data systems, a unique File Control Number (FCN) is generated for each successful entry. The FCN is a thirteen-digit number generated by the CJIS. Using 1860203500123 as an example, the FCN is formatted as follows: 186 = agency identifier; 02 = year of entry; 035 = day of year; 00123 = daily transaction number. Each CJIS database can have 99,999 records entered daily. In most systems, the FCN will retrieve the most complete and comprehensive record available, as opposed to an abbreviated or summary record in response to a name inquiry. It is also used to authenticate an agency in order for them to modify or cancel their record.

Within the CJIS, a name inquiry will cause the last name to be searched by the sound-a-like system (Soundex), and the first name will be searched using the diminutive tables. With the Soundex system, an inquiry on John Schultz may match a record with the last name of Shuels. Carefully read your responses. With the diminutive tables, a name inquiry on Greg will also search records with the name Gregg and Gregory. Creative spelling of names, such as Karyn, Chayse, etc. will not provide matches. When inquiring on unique or ethnic names, it may be helpful to use the initial of the first name, along

with the last name, gender and date of birth. The use of sex code X (Unknown) is recommended for name inquiries as the search will be run against male, female and unknown records. An exception is the Missing Persons System, which requires an inquiry with either male or female only.

Using the subject's date of birth is recommended as the inquiry will be forwarded to NCIC for a search of their person files. In the CJIS Criminal History System, a date of birth inquiry will search that date plus or minus three years, for a six year range. For age, the search is that year plus or minus three years for a seven year range. In the other CJIS person files, a date of birth inquiry will search that date plus or minus one year for a two year range, or if age is used the inquiry will search that year plus or minus three years for a seven year range. Keeping this information in mind is useful when an individual has used many dates of birth. There may be a warrant that isn't retrieved, because that particular record was entered with a date of birth outside your search range. These name search recommendations work with the CJIS databases, but not with DMV or necessarily other state or national systems.

D. CRIMINAL HISTORY SYSTEM (CHS)

The CHS is the central repository for Criminal Offender Record Information (CORI) and applicant record information. CORI is defined in Penal Code (PC) section 11075 as a summary of arrests, pretrial proceedings, the nature and disposition of criminal charges, sentencing, incarceration, rehabilitation and release. In order to access CORI, the "right-to-know" and "need-to-know" (also known as compelling need) must be established. The right-to-know means the right to obtain CORI pursuant to court order, statute, or decision law. The need-to-know means the necessity to obtain CORI in order to execute official responsibilities. Examples of compelling needs include when a subject is in custody or may be a suspect in a criminal investigation. A preliminary record check may be performed on any person prior to their approval as a "ride-along" with a law enforcement officer (or "sit-along" with a dispatcher), provided the person is not an employee of the law enforcement agency. Also, the fingerprint background process must not be circumvented by running applicants through the Criminal History System prior to a "ride-along" or "sit-along". For facility security purposes, staff of a correctional/detention facility may process on-line criminal history inquiries on any visitor. Again, the results of that inquiry should not be shared with any hiring authority. Remember, even though you may be authorized to receive CORI by statute, there must be an official business need before any requests for CORI are initiated.

Use of CORI for other than official business need may be a violation of PC sections 502, 11105, 11140-11143, and 13301-13304. PC section 11142 states, "any person authorized by law to receive a record or information obtained from a record who knowingly furnishes the record or information to a person who is not authorized by law to receive the record or information is guilty of a misdemeanor." There have been sworn and non-sworn law enforcement/criminal justice personnel who have been terminated and prosecuted for using CORI for other than official business.

In addition to the restrictions mentioned above, law enforcement agencies are not authorized to access CORI through CLETS for licensing, employment, certification purposes, or for a record review and/or challenge by the subject of a record. Applicant fingerprints, via Livescan, must be submitted for these purposes. Agencies authorized access to the Criminal History System must maintain an audit trail whenever CORI is furnished to another agency. The audit trail must be available for inspection for not less than three years [707(c) California Code of Regulations (CCR)]. In addition, fingerprint background checks shall be conducted on all personnel hired after July 1, 1975 who have physical access to the computer system, its terminals or the stored CORI [707(b) CCR].

Additionally: The very use of CLETS for other than official law enforcement purposes may result in your dismissal and/or possible prosecution.

The CHS is comprised of the Master Name Index (MNI), the Automated Criminal History System (ACHS) and the Manual Criminal History System. The MNI is predominately used when only the subject's name and/or personal identification number (Date of Birth, Social Security Number, California Driver's License Number, FBI Number, or Institution Number) is available. Refer to the CJIS section for more information on conducting searches with name, sex and date of birth.

Within the CHS there are various types of criminal history records, commonly called "rap sheets," three of which are available on-line:

- Automated:* The letter "A" precedes the state identification number (CII) to identify it as a fully automated record.
- Hybrid:* The letter "H" precedes the CII number and identifies a manual record that has been partially automated. The response on a Hybrid record will display a flag identifying it as such. The automated portion is available on-line and the manual portion is available by contacting the DOJ Command Center. It is important to request the manual portion in order to get the entire record.
- Disposition:* Also known as a DSP record is identified as a nine character (all numeric) number and is accessible by using the same inquiry format(s) used for an automated CII record. A DSP is not based on fingerprint identification, and will contain a warning that states: "This record is based upon an arrest or court disposition report. The lack of fingerprints prevents positive identification. Use of this information is the receiver's responsibility."
- Manual:* The letter "M" precedes the CII number and identifies a record that is a manual file not automated in the Criminal History System, and must be requested from the DOJ Command Center via phone, fax, teletype, mail or in person. Their phone number is 916-227-3244.

A mandatory route field (RTE) must be completed for all ACHS inquiries, via CLETS. This 30 character field must indicate the name, initials or ID# of the CLETS operator, the person requesting the record, if different, and the specific reason for the request, such as a case #, arrest #, booking #, warrant #, code violation #, etc. Among others, "investigation" and "narcotic investigation" are not acceptable reasons.

The DOJ Command Center no longer provides name based criminal history checks for peace officer pre-employment screening. Advancements in electronic fingerprinting have rendered this service obsolete. As a reminder, CLETS shall not be used by agencies to conduct CORI pre-employment background checks for peace officer applicants.

CORI may be faxed from one secure location to another secure location. When printed CORI is no longer needed, Title II, section 708(a) of the CCR requires the destruction of CORI in such a manner that the identity of the subject can no longer be ascertained. CORI stored on electronic media must be destroyed in the same manner.

E. WANTED PERSONS SYSTEM (WPS)

The WPS is a pointer system that pertains to arrest warrants maintained by state, local, and federal criminal justice agencies. When an inquiry results in a positive match, or hit, and it appears the person is the same as the person of inquiry, the inquiring agency must teletype the originating agency of the

record for confirmation purposes, using the NLETS YQ message. NCIC policy requires YQ/YR transactions be used for all hit confirmation requests and responses. In addition to the YQ/YR transaction, agencies can confirm or request confirmation via telephone provided the phone conversation is recorded in some manner in the event the record is later not confirmed as valid by the entering agency.

A match made on a WPS record does not, by itself, provide sufficient grounds to arrest a person. You must confirm the descriptors are the same and the warrant is still outstanding. The originating agency must provide a 'substantive' response, using a YR teletype message, indicating the subject is the same as that of the inquiry (hit confirmed), is not the same as (hit denied) or an approximate time when they will be able to confirm or deny the hit. A response to an urgent request should be provided within ten minutes, and a response to a routine request should be provided within one hour.

All WPS records must be based on an arrest warrant. The warrant/Master Case Record must be maintained by the wanting agency and available at all times for confirmation. An agency may enter a wanted person into the WPS whether the agency is willing or unwilling to transport that person from anywhere in California. The Entry Level (ENT) indicates the agency's intent. ENT/1 (CA only) or 2 (CA & NCIC) – agency is willing to transport, ENT/3 or 4 - agency unwilling to transport (CA only). All ENT/1 felony warrants that contain NCIC required fields will programmatically be sent by the WPS to NCIC and the ENT/ will be changed to 2 when the NCIC returns the NIC number. The record will be forwarded to NCIC with the notation 'NOEX OUTSIDE CA' in the beginning of the miscellaneous (MIS) field, indicating the entering agency is not willing to extradite the wanted person from outside California.

Inquiries into the WPS may be made with the subject's name and sex. CLETS will forward the inquiry to NCIC only if a date of birth or other numeric identifier is included with the name and sex. Refer to the CJIS Manual, section 3.12 for more information on conducting searches with name, sex and other optional data fields.

F. CALIFORNIA RESTRAINING AND PROTECTIVE ORDER SYSTEM (CARPOS)

The Domestic Violence Restraining Order System (DVROS) has been renamed the California Restraining and Protective Order System (CARPOS). The CARPOS is a pointer system that contains restraining and/or protective order information on individuals who are the subject of a court order and entered by California law enforcement agencies. Information in the CARPOS is used by law enforcement to identify persons named in restraining and/or protective orders and to receive the terms and conditions of the orders. All records entered into the CARPOS must be based on a Master Case Record maintained by the entering agency. The CARPOS data base contains several types of restraining/protective orders including, but not limited to: Emergency Protective Orders, Juvenile Orders, Temporary & Permanent Workplace Harassment Orders, Criminal Protective Orders, Temporary & Permanent Civil Harassment Orders, Temporary & Permanent Elder and Dependent Adult Abuse Orders, Out-of-State orders, and Domestic Violence Restraining Orders. Mandated orders must be entered into the CARPOS, whether served or unserved. Entries that meet NCIC criteria are automatically forwarded to NCIC's Protection Order File. Out-of-State orders must be registered with a California court to be entered in the CARPOS.

An inquiry can be made into the CARPOS by using the file control number (FCN), agency case number (OCA), or name and sex of the restrained person(s) or protected person(s). A name inquiry into the WPS or the Supervised Release File (SRF) automatically searches the CARPOS. Refer to the CJIS Manual section 6.14 for more information on conducting searches with name, sex and date of birth.

Various California Code Sections contain provisions that prohibit persons subject to specific types of restraining/protective orders from owning, possessing, purchasing, or receiving any firearm while the order is in effect. The CARPOS allows reported violations of restraining/protective orders to be added to an existing order by any authorized agency as well as agencies with inquiry only capabilities. By entering a violation message, an agency establishes a statewide history of violations that are accessible to any law enforcement or criminal justice agency who may be conducting an investigation, building a stalking case, pursuing possible prosecution, or seeking a sentence enhancement on the subject of the restraining order. Records will remain in the history file for five years after the date of expiration or cancellation.

G. SUPERVISED RELEASE FILE (SRF)

The SRF is designed to provide law enforcement with an index of subjects on supervision or monitoring within California including: subjects on active parole from the California Department of Corrections and Rehabilitation and Division of Juvenile Justice, probationers entered by county and federal departments, sex and arson registrants updated from the Violent Crime Information Network, career criminals as defined by PC section 13853 and entered by law enforcement, and persons released under the supervision of the Department of Mental Health (DMH). Since June 2005, supervising parole and probation departments have had the ability to enter their records in both the California SRF and the NCIC SRF, making these records available nationwide. Since July 2008, the DMH has also had the ability to enter their records in both the California SRF and the NCIC SRF. When a record is designated as Entry Level 2, the SRF will automatically generate and submit an entry transaction for the NCIC SRF.

An inquiry through CLETS using the appropriate message key with name and sex will automatically search the SRF, the WPS and the CARPOS. Using a numeric identifier, such as date of birth, ensures a search of NCIC since the query is forwarded to the WPS. Refer to the CJIS section, (Chapter C) for more information on conducting searches with name, sex and date of birth. The SRF inquiry has been enhanced to include an option to search the new Armed Prohibited Persons System (APPS) along with SRF if desired. Refer to the APPS section for more information.

The SRF provides for a two-way communication link which allows law enforcement officers to send information about an encounter with a subject on supervised release to the agency that entered the record. This link is called a "Contact Message." After receiving information from the SRF about your individual, you are requested to send a Contact Message via CLETS to the agency that entered the record. The Contact Message summarizes your encounter with the subject, has a free text field for comments, such as, date, time and location of the encounter, and allows for the inclusion of any vehicle information. The Contact Message should be sent, whether encountered or not, if the person is a suspect in an investigation, if your agency is issuing a warrant, if they are being booked or cited, or even during a routine stop or field interview where no enforcement action is being taken. The Contact Message is transmitted through CLETS, matched to the SRF record, and forwarded to the agency which entered the record. The transmittal of the Contact Message to the originator of the SRF record is essential. Officers on the street can learn the status of the individuals they are encountering, while supervising agents and agencies interested in the activities of an individual can receive information on the nature of the contact. Parole agents have received Contact Messages indicating possible criminal activity at a time when the subject was being considered for early release. Sending Contact Messages not only supports the efforts of the agencies supervising individuals in the SRF, it benefits all California law enforcement by tracking and monitoring these individuals and sharing this information statewide. The Contact Message is also a good way to formally document contact with a sex registrant, and indicate if any public notification took place in accordance with Megan's Law. If

the SRF record is entered with the subject's CII number, the supervising agency automatically receives a Notice of Arrest from the DOJ after a new arrest has been updated to the subject's criminal history record.

The SRF has a full set of test/training message keys to eliminate the use of the production database (live records) for testing and training activities by agencies. The test message keys will support both ENT/1 (California SRF only) and ENT/2 (California SRF and NCIC SRF). Records entered or modified as ENT/2 will be passed to the test/training sides of NCIC SRF.

H. MISSING AND UNIDENTIFIED PERSONS SYSTEM (MUPS)

The MPS is a database of all persons, juvenile and adult, entered as missing by law-enforcement. PC section 14205(a) states in part that: "All local police and sheriffs' departments shall accept any report, including any telephonic report, of a missing person, including runaways, without delay and shall give priority to the handling of these reports over the handling of reports relating to crimes involving property." A missing person record is categorized as a: Stranger Abduction; Parental/Family Abduction; Runaway; Suspicious Circumstances; Catastrophe; Lost; Unknown Circumstances; Dependent Adult; or Missing Adult. All missing person entries are programmatically forwarded to NCIC. The MPS may be inquired on directly or as the result of a Wanted Person System search being returned from NCIC. The missing person record may also contain suspect and vehicle information. A record entered with the required vehicle data elements as a supplemental transaction will be forwarded to the Stolen Vehicle System (SVS) where a Missing Person Vehicle record is created and available when law enforcement inquires into the SVS with a vehicle license plate. In the event of a child abduction, an All Points Bulletin (APB) may be sent as an Administrative Message to group code 4500. This APB will be broadcast statewide. This broadcast should be initiated whether or not the abduction meets the criteria for an Amber Alert.

Photographs and dental/skeletal X-rays of missing persons should be sent to the DOJ MUPS Unit on all open cases. DNA samples may also be submitted. The DOJ MUPS Unit distributes posters and quarterly bulletins of missing persons to thousands of locations throughout California and the nation. All photographs of missing persons, juvenile or adult, received in the MUPS Unit are also placed on the California Attorney General's Internet website at <http://www.ag.ca.gov/missing>.

The Unidentified Persons System (UPS) is a database of unidentified persons, both living and deceased, and body parts from California and surrounding states. The UPS may include fingerprints and dental charts. A physical descriptor inquiry is accomplished in CJIS using physical characteristics of age, sex, race, and height. If weight, hair, and eye color are added, the inquiry is forwarded to NCIC. The two systems, MPS and UPS, are cross searched daily by NCIC for possible matches, and any possible hits (\$.M) are forwarded to the originating agency of each record to analyze.

I. SEX AND ARSON REGISTRATION (SAR) – VIOLENT CRIME INFORMATION NETWORK (VCIN)

California law mandates that persons convicted of specified sex and arson offenses have a lifetime requirement to register with their local police or sheriff's department. Juvenile arson offenders must register for ten years following adjudication. Local law enforcement agencies who register offenders can enter and update sex and arson registration information directly into VCIN via the CLETS. A summary record of all sex and arson registrant records are updated into the SRF twice daily. The SRF sex and arson registrant records are considered tactical responses, whereas the VCIN registrant record is better suited for investigators because it contains additional data. VCIN contains a full

comprehensive record including all physical descriptors, predator designations, registration history with addresses, vehicle information, etc. and is available by inquiring directly into VCIN with the subject's CII or FCN. Inquiry responses may also include notices of the subject's registration status, such as, "whereabouts unknown," "may not be in compliance..." etc. Refer to PC 290 for current sex registrant requirements and to PC 457.1 for current arson registrant requirements.

Upon meeting specified criteria the DOJ will forward information to NCIC's corollary file, the National Sex Offender Registry (NSOR) on: 1) registered sex offenders with valid addresses; 2) those known to have been deported; 3) those identified as transients; and 4) registered sex offenders whose whereabouts are unknown. Manual criminal history records and the Automated Criminal History System (ACHS) are no longer updated with the registrant's address information. Only the initial requirement to register will be on the ACHS and manual rap sheets. The ACHS displays the message: "FOR CURRENT REGISTRANT ADDRESS INFORMATION INQUIRE INTO THE VCIN SYSTEM."

The VCIN has created an Intranet application featuring an expanded on-line search capability available only to the law enforcement community. The public site available over the Internet at <http://MegansLaw.ca.gov> allows searches by name, address, city ZIP Code, county, parks and schools. The law enforcement Intranet application at <http://167.10.34.34> allows for searches of the sex offender database by offender category, date of birth, Sexually Violent Predator designation, scars, marks and tattoos and other physical and numerical identifiers. Agencies should continue to access VCIN for more comprehensive data, including an offender's registration history, vehicle information and prior addresses.

The Megan's Law Internet site has added a feature that will allow the public to report information about registered sex offenders directly to the DOJ, which will then be forwarded to the appropriate local law enforcement agency. Each sex offender profile includes a "Report Information to DOJ" button. When a user clicks on the button, they are sent to a screen that allows them to provide information about that offender. The screen is prepopulated with identifying information about the offender.

Four categories are identified in determining who will be posted on the Megan's Law Internet site: "Full Address", "ZIP Code Only", "No Post" and Excluded". "Full Address" registrants will have their full residence address displayed on the Internet, whereas "ZIP Code Only" registrants do not meet the criteria for full residence address display. Current law allows certain persons to apply for and be granted an exclusion from disclosure on the site. "No Post" and "Excluded" offenders are not disclosed to the public on the Internet, but are available to law enforcement via the Intranet application.

J. STOLEN VEHICLE SYSTEM (SVS)

Records of stolen, lost, felony, found or evidence vehicles, parts and/or plates are entered by law enforcement into the SVS. Additionally, there are records for pawned, impounded, stored, repossessed and missing person vehicles. An inquiry into this system may be made using the license number (LIC), vehicle identification number (VIN), engine number (ENG), serial number (SER), owner applied number (OAN) or the file control number (FCN). Most inquiries into SVS are made with only the license plate number. Inquiries made using the VIN will automatically be forwarded to NCIC. When making an inquiry on an out-of-state license, it is necessary to use the license state field (LIS). When there is no exact match to the LIC, VIN, ENG or OAN inquiry, a Near Miss response may be received. Thoroughly research this response by inquiring in the FCN to compare data before taking any action on the Near Miss response.

Expired stolen license plate records, expired stolen boat registration records and expired license plate records for vehicles associated with a missing person will remain in the NCIC License Plate File, Boat File and Missing Persons File for the year of entry plus four years.

When encountering a DOJ STOP or RESTRAINT in the response to a DMV inquiry, check the SVS to determine if the vehicle is still an outstanding stolen. The SVS may have more timely information than the DMV does. If you encounter a DOJ STOP or RESTRAINT on a vehicle which you know to be recovered, contact the Stolen Vehicle Unit at (916) 227-3686.

Three files containing stolen vehicle, felony vehicle and stolen license plate data to assist agencies employing License Plate Reader (LPR) technology are available. The data in these files can be downloaded into mobile or static LPRs with the capability of scanning vehicle license plate numbers in the field and comparing them with known stolen vehicles, felony vehicles or stolen license plates derived from the SVS. Any matches from this downloaded data must be verified against the SVS. The downloads are available from the California Law Enforcement Web (CLEW) site at <http://clew.doj.ca.gov>

Regarding vehicles located in Mexico: The Texas Department of Public Safety's Border Auto Theft Information Center (BATIC) located in El Paso, Texas serves as a liaison between the Mexican and United States (US) police authorities for locating and recovering stolen vehicles. In addition to working with the Mexican officials in recovering US stolen vehicles that are located in Mexico, they are able to obtain information on vehicles registered in Mexico, and check for stolen status of vehicles stolen in Mexico and brought into the US. BATIC will inquire on a vehicle that is located in Mexico, a hit confirmation teletype is sent to the entering agency to determine if the vehicle is the same and whether it is still an active case. The message also states that a "**LOCATE WILL NOT BE PLACED**" on the record at this time, with the instruction *****DO NOT REMOVE FROM NCIC*****. The vehicle is not in the possession of US authorities, and removal from NCIC may interfere with the return of the vehicle via the treaty process. The remarks section of the hit confirmation message will vary in details and information within the body of the text. Please read the text thoroughly. Refer to the CJIS manual SVS section 1.7.1.

K. AUTOMATED BOAT SYSTEM (ABS)

The ABS contains records of boats and boat parts that are stolen, lost, repossessed and /or stored. In 2007, a new boat record type was added for Pawned Boats. Inquiries into the ABS may be made using the registration number (REG), boat hull number (BHN), engine number (ENG), serial number (SER), owner applied number (OAN), Coast Guard Document number (CGN), or FCN. California registered boats have CF as the first two characters of the REG. Inquiries which use the REG or BHN are forwarded to the NCIC Stolen Boat File. Inquiries which use ENG or OAN are forwarded to NCIC as BHN. As with vehicles, a Near Miss response may be received when there is no exact match. Thoroughly research this response by inquiring on the FCN to compare data before taking any action on the Near Miss response. To determine the name of the registered owner of a boat, use the DMV Vessel Registration File. (*DOJ Information Bulletin 07-07-BCIA*)

When a stolen boat entry is accepted by ABS, a stop is placed on the corresponding boat record in the DMV. This DOJ STOP or RESTRAINT is intended to prevent the registration of stolen boats.

When encountering a DOJ STOP or RESTRAINT in the response to a DMV inquiry, check the ABS to determine if the boat is still an outstanding stolen. The ABS may have more timely information

than the DMV does. If you encounter a DOJ STOP or RESTRAINT on a boat which you know to be recovered, contact the Stolen Vehicle Unit at (916) 227-3686.

L. AUTOMATED PROPERTY SYSTEM (APS)

The APS is a file of records of serialized property reported as stolen, lost, found, held as evidence, under observation, pawned/bought, and displaying either the manufacturer's and/or owner applied numbers. It also includes non-serialized property that has been uniquely inscribed. Effective July 2007, the APS began accepting all reported "types" of Credit Cards - previously the APS only accepted credit cards reported as stolen. Credit card records are not forwarded to NCIC. Inquiries may be made using the FCN, SER, OAN, or OCA, and either the Type or Brand. Inquiries using SER or OAN with TYP will be forwarded to NCIC. Inquiries can also be made on the subject's name for serialized and non-serialized pawn/buy transactions. Name searches can be conducted by county or statewide, using city/county codes. Use the NCIC Securities File to inquire on securities, as securities are not entered in the APS.

The APS tables are updated on a daily basis and are available for download on the CLEW Web site at <http://clew.doj.ca.gov>. The ABC (Article/Brand/Category) guide is updated on a quarterly basis and also available on CLEW.

M. AUTOMATED FIREARMS SYSTEM (AFS)

The AFS is a file of firearm records pertaining to serialized weapons (such as stolen, lost, and found), as well as, records of weapons associated with the names of persons (such as Dealer's Record Of Sale [DROS], pawned, and voluntary registration/firearm ownership). Records are maintained in two segments, historical and law enforcement. The historical segment contains firearms data that are linked to a specific individual. Records maintained in the law enforcement segment of AFS contain data on firearms generally not associated to any specific individual. Long guns are not maintained in AFS unless they have been reported lost, stolen, found, under observation, retained for official use or voluntary registration. Inquiries into the AFS may be made using the subject's name or the weapons serial number. Only serial number inquiries are forwarded to NCIC. Stolen and Found firearms records may be entered into AFS only (ENT/1), or they may be entered into both the AFS and NCIC Gun Files (ENT/2). Effective April 4, 2008, changes were made to AFS to also allow Lost records to be entered simultaneously in AFS and NCIC using ENT/2. (*DOJ Information Bulletin 2008-BOF-04*)

PC section 12021.3 requires any person who claims title to any firearm that is in the custody or control of a court or law enforcement agency, and who wishes to have the firearm returned, shall submit a Law Enforcement Gun Release Application form to the DOJ to determine eligibility to possess the firearm. The DOJ no longer notifies the custodial agency of the approval. The applicant will be provided with an eligibility letter having a gold Attorney General seal sticker affixed to the letter to present to the custodial agency. Agencies should still check the AFS to determine if the firearm has been reported stolen, that any firearm that is a handgun has been reported in AFS in the name of the individual seeking return of the firearm, and the firearm is otherwise lawful (e.g. not an unregistered assault weapon). DOJ's role is to conduct a firearms eligibility check on the applicant, not to determine whether the particular firearm is legal to be possessed or released to the applicant.

N. MENTAL HEALTH FIREARMS PROHIBITION SYSTEM (MHFPS)

The MHFPS is an inquiry only database containing firearms eligibility information on persons prohibited from owning or possessing firearms due to a mental health disorder per 8100/8103 of the Welfare and Institutions Code (WIC). A response from the MHFPS will indicate personal descriptor information and that the person may be subject to a Mental Health Firearms Prohibition. Access and use of the MHFPS is restricted by WIC sections 8103(e) (3) and 8105(d), which states in part that all information shall be kept confidential. Further information regarding the person may be obtained by contacting the DOJ directly. The MHFPS may be accessed via CLETS, by agencies currently authorized to receive criminal history information, only to determine if a subject of a criminal investigation which involves the acquisition/possession of a firearm, explosive or destructive device by that subject, is eligible to acquire/possess such a device. It shall be used only to determine eligibility. The discretion/authority to use MHFPS to determine firearms eligibility for other non-criminal investigations (e.g., DROS, firearms related licenses/permits, voluntary registrations/firearm ownership, etc.,) rests solely with the DOJ. Any person who knowingly furnishes that information for any other purpose is guilty of a misdemeanor. Like the criminal history system, inquiries into MHFPS require a stated purpose and are subject to audit. The route (RTE) field is mandatory.

O. ARMED PROHIBITED PERSONS SYSTEM (APPS)

The APPS houses information on persons who purchased or acquired a handgun(s) on or after January 1, 1996, or registered an assault weapon(s), and subsequently became prohibited from owning and/or possessing firearms under state or federal law. The APPS is a preemptive crime fighting tool for criminal justice agencies statewide. Use of the system will enable identification of, and proper response to, unlawfully armed individuals. Peace officers in the field can use the data to disarm dangerous criminals and others prohibited from owning/possessing firearms. Courts and district attorneys may use data to facilitate informed decisions necessary to disarm subjects during hearings relative to protective orders, parole/probation and/or sentencing proceedings. Direct access is allowed through APPS using message keys QYP (Query Personal Data Record), QYN (Query ID Number) and QYG (Query Gun Serial Number). An agency contact name and telephone number are required when submitting a QYN inquiry to APPS. Agencies with access to the SRF are granted automatic access to the APPS. The SRF QVC query has been enhanced to provide an option to access APPS in addition to the WPS, the CARPOS, and SRF. Query the SRF QVC using the name, sex, date of birth or age, and enter code "Y" for yes or "N" for no in the APP/Data Field. Responses will provide personal data for prohibited persons only and will appear at the end of the QVC response. Agencies should not arrest based solely on a positive response. *(DOJ Information Bulletin 2007-BF-03)*

P. AUTOMATED ARCHIVE SYSTEM (AAS)

The DOJ offers the ability to electronically retrieve Fingerprint Cards transmitted and/or processed electronically through the CAL-ID Automated Fingerprint Identification System and stored as images. The AAS also includes other associated criminal history documents, such as Dispositions of Arrest and Court Actions and Miscellaneous Documents, which have been electronically processed and/or stored.

Q. DEPARTMENT OF MOTOR VEHICLES (DMV)

DMV information obtained via CLETS is confidential and for law enforcement use only.

California Vehicle Code (CVC) section 1808.47 states that any person who has access to confidential or restricted information from the DMV shall establish procedures to protect the confidentiality of those records. DMV records are to be accessed in the course of official business and not for curiosity purposes. Authorized personnel shall not inquire into their own record or have someone inquire for them. According to CLETS policy, periodic driver license checks may be conducted by agencies on employees where driving is a requirement of their job. Home address information must remain in the employee's personnel file and may not be disclosed for any reason (CVC section 1808.45).

Automated files for driver license and identification cards, vehicle and vessel registrations, parking and toll violation information, occupational licensing, and international registration plans are maintained by the DMV and accessible through CLETS. The DMV Driver License/Identification Card (DL/ID) database maintains automated records of California licensed drivers, unlicensed drivers, and those persons who have been issued a CA Identification (ID) Card. Additionally, the DL/ID database contains index records, known as X records, which are established when the DMV receives information from courts and/or law enforcement that cannot be matched to an existing record. There is no photo, thumb print or physical description on file for an X record, therefore the convictions and accidents associated with these records are not verified. The DL/ID database is available for inquiry by DL/ID number, or by name. For name inquiries, the last name is matched by a sound alike system, but the Automated Name Index requires the first name must be spelled exactly as it appears on the driver's license. For example, when running a California Driver's License by name, if the inquiry is on the first name of DEBRA, you will not get a positive response if the first name on record appears as DEBORAH. The DL file is composed of a subject's basic record, identifying information, status of driving privilege, legal history, records of accidents, abstract of conviction, and endorsements and certificates. DMV Information Codes allow access to the entire record or specified parts of the record. There is also a User-Friendly response providing driver records with an easy-to-read and understandable printout.

The DMV maintains an ongoing record of vehicle or vessel ownership. This file includes all vehicle and vessels registered or with planned non-operational status. Records initially established by input from original registrations are updated by renewals, changes of address, and transfers. Parking, toll evasion, owner responsibility citations, and delinquent property taxes on vessels become part of these records temporarily, if left unpaid. The information stored includes the license plate number, vessel CF number, the hull identification number or VIN, description of the vehicle or vessel, name and address of the registered owner, lessee, lessor, and if present, the legal owner.

A series of flags display to alert both law enforcement and the DMV to possible stolen or felony vehicles and stolen boats. These flags are intended to prevent false re-registration and/or transfer of title. Flags are programmatically created, and may be set on DMV vehicle records after an entry is placed on a stolen or felony vehicle in the DOJ Stolen Vehicle System, depending on the data elements entered.

The vehicle flags may be either a DOJ STOP, DOJ RESTRAINT, or DOJ REFERRAL. The flag for a stolen vessel will be a DOJ RESTRAINT. Do not rely solely on the DMV response to determine if a vehicle or vessel is stolen. Always verify with an inquiry into the Stolen Vehicle or Automated Boat System.

All insurance companies issuing private passenger automobile liability policies in California are required to electronically report policy information to the DMV's insurance database. The DMV will use this information to display a status indicator on CLETS inquiries and vehicle registration

printouts. The information will appear below the Date and Time fields, and will follow a “DOJ STOP” notice, if present. The flags will indicate if the insurance information is on file, unknown, unavailable or pending. (*DMV Law Enforcement Information Memo 06-02*)

R. NATIONAL CRIME INFORMATION CENTER (NCIC)

The following files are available from NCIC:

Interstate Identification Index	Boat File
Wanted Person File	Article File
Protection Order File	Gun File
Supervised Release File	Securities File
Missing Person File	Foreign Fugitive File
Unidentified Person File	US Secret Service Protective File
Convicted Sexual Offender Registry File	Violent Gang and Terrorist Organization File
Vehicle File	ORI File
License Plate File	Identity Theft File
Vehicle/Boat Parts File	Immigration Violator File

The NCIC system is nationwide computerized information system serving all 50 states, the District of Columbia, the Commonwealth of Puerto Rico, the U.S. Virgin Islands, and Canada. The NCIC system stores vast amounts of criminal justice information. It can best be described as a computerized index of documented criminal justice information concerning crimes and criminals of nationwide interest. A name inquiry through California’s Wanted Persons System or Supervised Release File, with a numeric identifier such as date of birth, will automatically be forwarded to NCIC for a search of not only their Wanted Persons File, but all their files that have records stored by name (excluding the III). These include: Missing Person File, Immigration Violators File, Protection Order File, Convicted Sexual Offender Registry, U.S. Secret Service Protective File, Foreign Fugitive File, Supervised Release File, Gang/Terrorist Files, and Identity Theft File. Matches are made in these NCIC files based on a phonetic encoding of the last name and an exact match of the DOB. Similarly, a SVS inquiry with an out-of-state license plate or VIN, not only searches the NCIC Stolen Vehicle File but also the License Plate File. NCIC has made a programmatic change to disregard the license plate state (LIS) and search only the license plate number (LIC) for felony vehicle records when an agency makes an inquiry using both the LIC and LIS fields. A caveat will advise the match is based on an LIC search only (not the LIS) and that all data should be verified before taking any further action.

The Terrorist Screening Center has requested the FBI modify the Violent Gang and Terrorist Organization File (VGTOF) caveats to emphasize to law enforcement agencies they should not advise subjects that they are included on the terrorist watch lists. VGTOF information is exclusively for the use of criminal justice agencies and shall not be disseminated to a noncriminal justice agency or the subject.

The Identity Theft File (ITF) serves as a means for law enforcement to flag stolen identities and acknowledge the victim. The victim reports the loss or theft and fraudulent use or intent to use to a law enforcement agency. Information entered will create a victim profile that is made readily available to law enforcement during future encounters, such as routine traffic stops. The victim will be provided with a password by the ITF to document their report of identity theft.

The Interstate Identification Index (III) is an automated system which serves as a pointer to automated criminal history records maintained by the FBI and all 50 states. Records of individuals with a year of

birth of 1956 or later, or persons arrested for the first time on or after July 1, 1974, regardless of their dates of birth, are indexed in III. An initial query uses the name, sex, date of birth and race (NCIC race codes only). When a complete date of birth is used, the search will provide records that are based on matching name, sex, race, and date of birth (plus or minus 3 years on the year of birth). If a positive response is received, a subsequent query using the FBI number or State Identification Number (SID) should be initiated to retrieve the record(s). More than one state may respond with a record. However, not all states have all of their automated criminal history records indexed in III. Some states, like California, may have some automated records not indexed in III, as well as some manual records or hybrid records, etc. A subsequent search directly into a state not providing an III response should be conducted utilizing the National Law Enforcement Telecommunications System (NLETS) criminal history inquiry formats (CHRI queries IQ/AQ/FQ).

A rap sheet returned from California's Automated Criminal History System will have a comment regarding III records indicating the subject has a record in the III pointing to California only or the subject has a record in III pointing to California and another state(s) and/or to the FBI files. Even so, it is best to follow up with an III inquiry and consider inquiring directly to any state using the NLETS formats if you have information that the subject has been in that state.

Note: Agencies with CLETS access are no longer authorized to query the Interstate Identification Index to obtain criminal history information via Purpose Code X transactions for a child welfare agency. Child welfare agencies still may secure California criminal history information via law enforcement agency use of CLETS for the existing reasons listed in Welfare and Institutions Code section 16504.5.

An NCIC off-line search is a special technique used to obtain information from NCIC that can not be obtained from an on-line inquiry. An off-line search of the NCIC transaction log will reveal whether inquiries were made on a particular individual or property item (i.e. during a traffic stop) for a specified time frame, even if no match was returned. From an off-line search of purged records, it can be determined if a property item theft was entered and subsequently removed due to its retention expiration, even though an on-line inquiry produces a "NO RECORD" response. An off-line search of active records can also be performed using descriptive information. Contact the NCIC Investigation and Operational Assistance Unit at (304) 625-3000, or send an Administrative Message through NLETS to the ORI of DCFBIWAQ9.

S. NATIONAL LAW ENFORCEMENT TELECOMMUNICATIONS SYSTEM (NLETS)

The NLETS is a computerized, high speed message switching system created for and dedicated to the criminal justice community. Its sole purpose is to provide for the interstate and/or interagency exchange of criminal justice-related information. One method of communication would be an Administrative Message sent as a State or Regional Broadcast. Administrative Messages are sent to an agency's nine-character ORI, whereas regional broadcasts are sent to a two-character code. Up to five addresses are allowed in an NLETS Administrative Message. NLETS also allows users the ability to retrieve information from NLETS supported systems and files such as: Hazardous Material (HAZMAT), ORI On-line (ORION), International Police Organization (INTERPOL), the National Insurance Crime Bureau (NICB), NLETS Help files and an interface with the Canadian Police Information Centre (CPIC) files. CPIC is a system similar to NCIC, providing wanted and stolen files and vehicle registration and driver license information. The ORION file allows a search for law enforcement and criminal justice agency information (address, phone, fax, hour of operation, etc.) by Location (city or county) or ORI. In addition, NLETS supports direct inquiries into state motor vehicle, drivers' license, criminal history and other state databases. The initial query for criminal history records should always start with the NCIC Interstate Identification Index. However, not all

automated criminal history records are indexed in the III, nor are manual records included. NLETS Criminal History Record Information should be used as a supplement, not a substitute, to NCIC's III. When Race is included in your inquiry, use the NCIC Race Codes of A (Asian), B (Black), I (Indian), W (White) and U (Unknown).

Effective October 2008, the California DOJ and INTERPOL's United States National Central Bureau (USNCB) added six new message keys allowing authorized NLETS users the ability to access INTERPOL data via the Automated Search Facility (ASF). These message keys allow agencies to run queries against wanted person, stolen vehicle, or stolen travel document files, returning all negative and positive responses, including additional relevant information. A positive full inquiry hit generates a pre-formatted message containing mandatory handling instructions to validate the information with the country of origin. (*DOJ Information Bulletin 08-09-BCIA*)

NLETS has additional information and some recently added files, some of which each state may or may not support including: Parole, Probation, Corrections Transactions; Sex Offender Registration Transactions; FAA/TECS Aircraft Tracking and Registration System; Road/Weather Transactions; Commercial Vehicle Information; International Fuel Tax Association; National Drug Pointer Index; Concealed Weapons Permit Information; Wildlife Violation File; and Mexican Licenses.

T. OREGON LAW ENFORCEMENT DATA SYSTEM (LEDS)

The computer interface with the Oregon LEDS allows CLETS users direct inquiry to the Oregon Vehicle Registration, Driver's License, Stolen Vehicle, Wanted Persons, Restraining/Protection Order, Gun, and Article files. The direct interface with Oregon provides CLETS users more complete and timely information than is available from inquiries via NCIC or NLETS. Oregon criminal history inquiries and administrative messages must be routed through NLETS.

REMEMBER, a computer match on a person or property is not probable cause for arrest or confiscation in and of itself. CONFIRMATION is required.

RESOURCE MATERIAL

- CJIS Operating Manual – Rev. varies 09/08/97–12/08
- NCIC Operating Manual – Rev. 09/08
- NLETS User and Technical Guide – Rev. 01/01/08
- CLETS Operating Manual – Rev. March 1998
- CLETS Policies, Practices and Procedures – Rev. 02/09
- DMV Manual for CLETS – Rev. June 2008
- California Penal Code
- California Vehicle Code
- California Code of Regulations
- DOJ Information Bulletins

LESS THAN FULL ACCESS OPERATOR WORKBOOK QUESTIONS

Name: _____

Date: _____

Score: _____

(70% Passing Score Acceptable)

GENERAL POLICIES AND LIABILITY/SECURITY ISSUES

1. Personnel shall not operate or have access to the CLETS terminals, equipment or information until a background and fingerprint check is _____.
 - A. Started
 - B. Completed
 - C. In progress
 - D. All of the above

2. In order to verify the accuracy of information in the Automated Firearms System or the Department of Motor Vehicles, an individual is allowed to inquire into their own record.
 - A. True
 - B. False

CALIFORNIA LAW ENFORCEMENT TELECOMMUNICATIONS SYSTEM (CLETS)

3. A computer match on a person or property is probable cause for arrest or confiscation in and of itself.
 - A. True
 - B. False

4. What must an agency access in order to confirm a hit on the originating agency's person or property?
 - A. All Points Bulletin
 - B. The originating agency's Master Case Record
 - C. The appropriate automated CJIS database
 - D. All of the above

CRIMINAL JUSTICE INFORMATION SYSTEM (CJIS)

CRIMINAL HISTORY SYSTEM (CHS)

5. A preliminary record check may be performed on any person prior to their approval as a “ride-along” with a law enforcement officer, provided that person is not an employee of the law enforcement agency.
- A. True
 - B. False
6. Penal Code section 11142 states that any person who is authorized by law to receive a record who knowingly furnishes the record to a person not authorized is guilty of a _____.
- A. Infraction
 - B. Misdemeanor
 - C. Felony
 - D. All of the above
 - E. None of the above
7. Law enforcement agencies are authorized to access CORI through the CLETS for licensing, employment and/or certification.
- A. True
 - B. False
8. _____ will indicate the criminal history record is not based on fingerprint identification.
- A. ASP
 - B. APP
 - C. DSP
 - D. None of the above
9. What is required for all ACHS inquiries via the CLETS?
- A. Authorized purpose
 - B. Operator ID and Requestor ID if different than Operator
 - C. Right-to-know
 - D. All of the above

WANTED PERSONS SYSTEM (WPS)

10. The NCIC policy requires what contact method be used for all hit confirmation requests?
- A. Telephone
 - B. YQ and YR transactions
 - C. FAX
 - D. E-mail
 - E. All of the above

11. A warrant entered as ENT/2 means:
- A. The warrant is in CA only
 - B. The agency is not willing to extradite
 - C. The warrant is in the NCIC only
 - D. The warrant is in CA and the NCIC
12. The CLETS will forward a WPS inquiry to the NCIC when _____ is included.
- A. Name and Sex
 - B. Name, Sex and Date of Birth
 - C. Name, Race and Numeric Identifier
 - D. Name, Race and Vehicle Identifier

CALIFORNIA RESTRAINING AND PROTECTIVE ORDER SYSTEM (CARPOS)

13. Any agency with inquiry only capabilities into the CARPOS is able to add a violation message to an existing restraining order record.
- A. True
 - B. False

SUPERVISED RELEASE FILE (SRF)

14. The SRF provides for a two-way communication link which allows inquiring law enforcement officers to send information about an encounter with a subject to the agency that entered the record. This is called the:
- A. Supporting documentation
 - B. Master Case Record
 - C. Hit Confirmation
 - D. Contact Message
15. What information can be placed in a Contact Message by an agency making an encounter with a parolee, probationer, registrant, etc.?
- A. Type of encounter (Routine, Booking, Citation)
 - B. Vehicle information
 - C. Date, time and location of contact
 - D. All of the above
16. Which of the conditions below is required for a supervising agency to receive a Notice of Arrest from the DOJ?
- A. The subject's SRF record contains the subject's CII number
 - B. A Contact Message has come in
 - C. An arrest print has been updated to the subject's criminal history record
 - D. A and C above
 - E. All of the above

MISSING AND UNIDENTIFIED PERSONS SYSTEM (MUPS)

17. Law enforcement does not have to accept a missing person report over the telephone.
- A. True
 - B. False
18. An All Points Bulletin sent to group code 4500 for a Child Abduction Alert will be broadcast statewide, and can be initiated whether or not the abduction meets the Amber Alert criteria.
- A. True
 - B. False
19. The Unidentified Persons System may contain records of either deceased or living individuals, as well as body parts.
- A. True
 - B. False

SEX AND ARSON REGISTRATION (SAR)
VIOLENT CRIME INFORMATION NETWORK (VCIN)

20. The Sex and Arson Registration records containing all registration history, compliance status, and address information is available from which system:
- A. The ACHS rap sheet
 - B. Supervised Release File
 - C. Violent Crime Information Network
 - D. All of the above
21. The VCIN has created an Intranet application featuring an expanded on-line search capability available only to the law enforcement community.
- A. True
 - B. False

STOLEN VEHICLE SYSTEM (SVS)

22. What data is available to agencies employing License Plate Reader technology for downloading to mobile terminals?
- A. Stolen vehicle
 - B. Felony vehicle
 - C. Stolen license plates
 - D. All of the above

23. What agency acts as a liaison between the Mexican and US police authorities for locating and recovering stolen vehicles from Mexico?
- A. US Customs and Border Patrol
 - B. The Texas Department of Public Safety's BATIC
 - C. The National Auto Theft Bureau

AUTOMATED BOAT SYSTEM (ABS)

24. Which database would you inquire to determine the registered owner of a boat?
- A. The ABS
 - B. The DMV Vessel Registration File
 - C. Both A and B
25. Contact the _____ if you encounter a DOJ RESTRAINT on a boat that is known to be recovered.
- A. DMV
 - B. National Insurance Crime Bureau
 - C. The DOJ SVS Unit at 916-227-3686
 - D. All of the above

AUTOMATED PROPERTY SYSTEM (APS)

26. What types of property are found in the APS?
- A. Serialized property
 - B. Non-serialized property with unique inscriptions
 - C. Lost credit cards
 - D. Securities
 - E. A, B and C above

AUTOMATED FIREARMS SYSTEM (AFS)

27. Inquiries made on the _____ will forward to the NCIC:
- A. Subject's name
 - B. Serial number
 - C. Both subject's name and serial number
28. Prior to the release of a weapon, should agencies run an AFS name inquiry on individuals even if they present a DOJ Law Enforcement Gun Release eligibility letter?
- A. Yes
 - B. No

MENTAL HEALTH FIREARMS PROHIBITION SYSTEM (MHFPS)

29. What type of information can be obtained in the MHFPS?
- A. Persons prohibited from owning firearms per the WIC
 - B. Personal descriptor information
 - C. Persons prohibited from possessing firearms per the WIC
 - D. All of the above.
30. The Welfare and Institutions Code restricts access into the MHFPS to what purpose?
- A. When doing background checks on peace officer applicants and political candidates
 - B. To determine if a person who is the subject of a criminal investigation which involves the acquisition/possession of a firearm, explosive or destructive device by that person, is eligible to acquire/possess such a device
 - C. Prior to entering a "Firearm Ownership" record into the AFS
 - D. All the above

ARMED PROHIBITED PERSONS SYSTEM (APPS)

31. What data fields are required when submitting a QYN inquiry to the APPS.
- A. Agency contact name
 - B. Agency CLETS Coordinator's telephone number
 - C. Agency telephone number
 - D. A and C above
32. Other than an APPS direct inquiry, what other CJIS database(s) will allow you access to the APPS?
- A. Automated Firearms System
 - B. Wanted Persons System
 - C. Supervised Release File
 - D. All of the above

AUTOMATED ARCHIVE SYSTEM (AAS)

33. The AAS can be accessed to provide digital images of what information?
- A. Fingerprint cards
 - B. Disposition of Arrest and Court Actions
 - C. Miscellaneous Documents
 - D. All of the above

DEPARTMENT OF MOTOR VEHICLES (DMV)

34. Periodic driver license checks may be conducted by agencies on employees where driving is a requirement of their job.
- A. True
 - B. False
35. Automated Name Index queries require the driver's first name to be identical to the DMV record.
- A. True
 - B. False
36. What is the purpose of a DOJ STOP, RESTRAINT or REFERRAL flag, and what should an agency do when encountering one in response to a DMV inquiry?
- A. It means nothing – ignore the response
 - B. It is meant to prevent the registration of a stolen vehicle or boat - check the SVS or the ABS to determine if the vehicle or boat is still an outstanding stolen

NATIONAL CRIME INFORMATION CENTER (NCIC)

37. A name inquiry into the DOJ's Wanted Persons System will be forwarded to the NCIC for a search of all their persons files, only if what information is included in the inquiry?
- A. Race
 - B. Height
 - C. Date of birth or other numeric identifier
 - D. All of the above
38. A vehicle query forwarded to the NCIC with the License Plate State and the License Plate Number will return matches of felony vehicles that have been searched against both the licensing state and plate number.
- A. True
 - B. False
39. A "no record" response for III means there is absolutely no record in any of the 50 states.
- A. True
 - B. False

NATIONAL LAW ENFORCEMENT TELECOMMUNICATIONS SYSTEM (NLETS)

40. The ORION file provides responses for an inquiry by:
- A. Location (city or county)
 - B. Originating Agency Identifier (ORI)
 - C. Mnemonics
 - D. A and B

41. The NLETS supports direct inquiries into what types of state files?
- A. Motor vehicles
 - B. Drivers' license
 - C. Criminal history
 - D. All of the above
42. The NLETS Criminal History Record Information can be used as a substitution for the Interstate Identification Index.
- A. True
 - B. False
43. Which Race codes should be used in an NLETS inquiry?
- A. DOJ Race Codes
 - B. NCIC Race Codes
 - C. NASCAR Race Codes
 - D. None of the above
44. Access to INTERPOL records via the NLETS provides information on international wanted persons, stolen vehicles, and stolen travel documents.
- A. True
 - B. False

OREGON'S LAW ENFORCEMENT DATA SYSTEM (LEDS)

45. The computer interface with Oregon LEDS allows CLETS users direct inquiry into which files?
- A. The Oregon Vehicle Registration, Driver's License, Stolen Vehicle, Wanted Persons, Restraining/Protection Order, Gun and Article files
 - B. Only the Drivers License and Wanted Persons
 - C. Only the Stolen Vehicle and Drivers License
 - D. Only the Wanted Persons and Gun File

EXHIBIT EE

1 KAMALA D. HARRIS
 Attorney General of California
 2 STEPAN A. HAYTAYAN
 Supervising Deputy Attorney General
 3 ANTHONY R. HAKL, State Bar No. 197335
 Deputy Attorney General
 4 1300 I Street, Suite 125
 P.O. Box 944255
 5 Sacramento, CA 94244-2550
 Telephone: (916) 322-9041
 6 Fax: (916) 324-8835
 E-mail: Anthony.Hakl@doj.ca.gov
 7 *Attorneys for Defendants and Respondents*

8
 9 SUPERIOR COURT OF THE STATE OF CALIFORNIA
 10 COUNTY OF SACRAMENTO
 11

12 **DAVID GENTRY, JAMES PARKER,**
 13 **MARK MID LAM, JAMES BASS, and**
 14 **CALGUNS SHOOTING SPORTS**
ASSOCIATION,

15 Plaintiffs and Petitioners,

16 v.

17 **KAMALA HARRIS, in Her Official**
 18 **Capacity as Attorney General for the State**
 19 **of California; STEPHEN LINDLEY, in His**
 20 **Official Capacity as Acting Chief for the**
California Department of Justice, JOHN
CHIANG, in his official capacity as State
Controller, and DOES 1-10,

21 Defendants and Respondents.
 22

Case No. 34-2013-80001667

DEFENDANTS ATTORNEY GENERAL
KAMALA HARRIS AND BUREAU OF
FIREARMS CHIEF STEPHEN
LINDLEY'S RESPONSES TO
REQUESTS FOR PRODUCTION OF
DOCUMENTS (SET ONE)

23 **PROPOUNDING PARTY: PLAINTIFFS**

24 **RESPONDING PARTY: DEFENDANTS ATTORNEY GENERAL KAMALA**
 25 **HARRIS AND BUREAU OF FIREARMS CHIEF**
STEPHEN LINDLEY

26 **SET NUMBER: ONE**
 27
 28

1 or likely to lead to discovery of admissible evidence. The request is also oppressive and
2 burdensome in that it seeks information spanning a period of fifteen years.

3 Without waiving these objections, defendants respond as follows: After a diligent search
4 and reasonable inquiry, defendants have not located any responsive documents dated January 1,
5 2010 or after.

6 **REQUEST FOR PRODUCTION NO. 9:**

7 The most recent context diagram (e.g., a flow chart) identifying the various background
8 information checks performed by or at the direction of CAL DOJ as part of the DROS
9 PROCESS.

10 **RESPONSE TO REQUEST FOR PRODUCTION NO. 9:**

11 Defendants object to this request. It seeks information not relevant to the subject matter
12 or likely to lead to discovery of admissible evidence.

13 Without waiving these objections, defendants respond as follows: Defendants will
14 comply with this request by producing the most recent diagram available.

15 **REQUEST FOR PRODUCTION NO. 10:**

16 Daily reports provided to Steven Buford regarding the DROS PROCESS, limited to the
17 reports generated for the business week of May 12-16, 2014, it being understood that there is no
18 objection to the redaction of such reports as to the name, address, or other personal identifiers of a
19 potentially prohibited person referred to in a produced report.

20 **RESPONSE TO REQUEST FOR PRODUCTION NO. 10:**

21 Defendants object to this request. It seeks information not relevant to the subject matter
22 or likely to lead to discovery of admissible evidence.

23 Without waiving these objections, defendants respond as follows: Defendants will
24 comply with this request by producing the available daily reports.

25 **REQUEST FOR PRODUCTION NO. 11:**

26 Each and every DOCUMENT appearing to provide a summary of the number of
27 CONTACTS (as used herein, "CONTACT(S)" refers to a fieldwork activity whereby a person

1 appears at a specific location with the intent to contact a person that has been identified as
 2 potentially being in possession of a firearm such person is not legally able to possess) made in a
 3 given time period as part of APPS.

4 **RESPONSE TO REQUEST FOR PRODUCTION NO. 11:**

5 Defendants object to this request. It seeks information not relevant to the subject matter
 6 or likely to lead to discovery of admissible evidence. The request is also oppressive and
 7 burdensome in that it seeks information spanning an unlimited period of time. It also seeks
 8 confidential law enforcement information protected by the official information, law enforcement
 9 and executive privileges.

10 Without waiving these objections, defendants respond by providing plaintiffs with the
 11 following statistics, listed by year, summarizing to the total number of APPS investigations and
 12 firearms seized as a result of those investigations:

YEAR	APPS INVESTIGATIONS	FIREARMS SEIZED
2007	1324	986
2008	995	1866
2009	1602	2049
2010	1717	1224
2011	1692	1928
2012	2148	1963
2013	4156	3548
2014 (as of June 30, 2014)	4094	1934

18 **REQUEST FOR PRODUCTION NO. 12:**

19
 20 Each and every DOCUMENT appearing to provide a summary of the number of
 21 CONTACTS made in a given time period as part of APPS that resulted in a firearm identified via
 22 APPS being confiscated.

23 **RESPONSE TO REQUEST FOR PRODUCTION NO. 12:**

24 Defendants object to this request. It seeks information not relevant to the subject matter
 25 or likely to lead to discovery of admissible evidence. The request is also oppressive and
 26 burdensome in that it seeks information spanning an unlimited period of time. It also seeks
 27

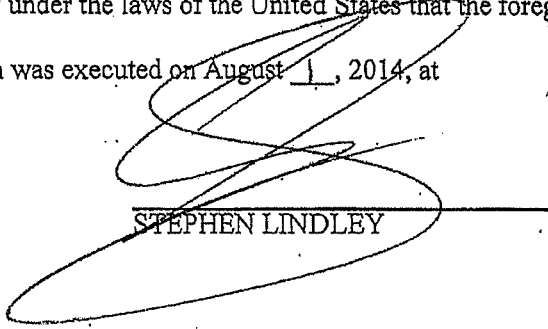
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VERIFICATION

I, Stephen Lindley, declare

I am the Chief of the Bureau of Firearms of the California Department of Justice. I have read DEFENDANTS ATTORNEY GENERAL KAMALA HARRIS AND BUREAU OF FIREARMS CHIEF STEPHEN LINDLEY'S RESPONSES TO REQUESTS FOR PRODUCTION OF DOCUMENTS (SET ONE). I know their contents and the same are true to my knowledge, information and belief.

I declare under penalty of perjury under the laws of the United States that the foregoing is true and correct and that this Verification was executed on August 1, 2014, at SPRINGFIELD California.



STEPHEN LINDLEY

EXHIBIT FF

State of California *Department of Justice*

OFFICE of the ATTORNEY GENERAL
KAMALA D. HARRIS

Attorney General Kamala D. Harris Announces Seizure of Unregistered Assault Weapons from Convicted Felon

Thursday, June 27, 2013

Contact: (415) 703-5837

SACRAMENTO -- Attorney General Kamala D. Harris today announced the seizure of nine firearms, including eight unregistered assault weapons, 20,000 rounds of ammunition and 100 large capacity magazines from an individual legally barred from possessing firearms due to prior felony convictions.

On Tuesday night, agents from the Attorney General's Bureau of Firearms conducted an Armed and Prohibited Persons (APPS) investigation in Sacramento County involving Britton Edward McFetridge, 37, who was on probation due to a 2010 conviction for felony battery with serious bodily injury.

During a probation search of the basement at McFetridge's home, agents located eight unregistered assault weapons, one bolt action rifle, eight large capacity drum magazines, 100 large capacity magazines and more than 20,000 large caliber rounds of ammunition. Agents determined the firearms had been illegally purchased within the last three to five years from private parties and that the magazines were illegally purchased online.

Later that evening, McFetridge was later arrested at his place of business in Sacramento and booked into the Sacramento County Jail on charges of being a felon in possession of a firearm, possession of unregistered assault weapons, felon in possession of ammunition and large capacity magazines and violation of probation.


The APPS database cross-references five databases to find people who legally purchased handguns and registered assault weapons since 1996 with people who are prohibited from owning or possessing firearms. California is the first and only state in the nation to establish an automated system for tracking handgun and assault weapon owners who might fall into a prohibited status.

Photos of weapons seized during this investigation are attached to the electronic version of this release at:

<http://oag.ca.gov/news>

###

Attachment

 APPS Guns Seized

Size

3.39 MB

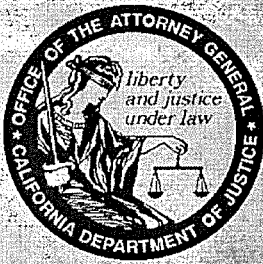
EXHIBIT GG

CALIFORNIA DEPARTMENT OF JUSTICE • CRIMINAL JUSTICE STATISTICS CENTER

Special Report to the Legislature on **Senate Bill 1608**



*Arrests and court dispositions of felons and others
arrested for firearms possession in California's 58
counties*



Bill Lockyer, Attorney General
California Department of Justice
Division of California Justice Information Services
Bureau of Criminal Information and Analysis
CRIMINAL JUSTICE STATISTICS CENTER, July 2002

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CALIFORNIA DEPARTMENT OF JUSTICE
Bill Lockyer, Attorney General

DIVISION OF CALIFORNIA JUSTICE INFORMATION SERVICES
Nick Dedier, Director/CIO
Doug Smith, Deputy Director

BUREAU OF CRIMINAL INFORMATION AND ANALYSIS
Jack Scheidegger, Assistant Chief

CRIMINAL JUSTICE STATISTICS CENTER
Steve Galeria, Program Manager

The role of the **CRIMINAL JUSTICE STATISTICS CENTER** is to:

- Collect, analyze, and report statistical data which provide valid measures of crime and the criminal justice process;
- Examine these data on an ongoing basis to better describe crime and the criminal justice system;
- Promote the responsible presentation and use of crime statistics.

REPORT PREPARED UNDER THE DIRECTION OF
Leonard A. Marowitz, Research Manager

DATA MANAGEMENT AND STATISTICAL ANALYSIS
Robert Richard Springborn, Ph.D., Analyst
Marie Herbert, Analyst

ACKNOWLEDGMENTS

Laura Towse, Data Compilation
Rebecca Bowe, Graphics/Web Publisher
Shelley Rife, Bureau of Criminal Identification and Information
Vicki Sands, Bureau of Criminal Identification and Information
Linda Lee, Hawkins Data Center

REPORT EDITED BY
Tad Davis

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Special Report to the Legislature on Senate Bill 1608

INTRODUCTION

Senate Bill 1608 [Penal Code (PC) Section 13855(a)], effective January 1, 2001, requires the Department of Justice (DOJ) to “study and report to the Legislature by January 1, 2002, statewide information identifiable by county, about the enforcement of Sections 12021 and 12021.1...for the period of at least three years prior to January 1, 2001.”¹ This report, which presents findings for each year of the three-year period of 1998, 1999, and 2000, responds to that requirement.

PC Sections 12021 and 12021.1 restrict owning or possessing firearms by convicted felons, anyone addicted to narcotics, individuals convicted of specified misdemeanor violations (such as exhibiting weapons, threatening public officials, intimidation of witnesses, possession of loaded weapons in public buildings, and assault), and those prohibited from owning or possessing firearms as an express condition of probation. Violation of these sections may be either a felony or misdemeanor.

MAJOR FINDINGS

A fundamental question of this study is whether PC Sections 12021 and 12021.1 are effective deterrents to owning or possessing firearms by convicted felons, narcotics addicts, those convicted of specified misdemeanors, and those for whom owning or possessing firearms is expressly prohibited by probation. The major findings are included in more detail in the Discussion Section of this report. Following are the highlights of this report:

- There was a decrease in every category of arrest, court disposition, and conviction from 1998 to 2000, except convictions where there were previous convictions for serious or violent felonies.
- Other law violations are present in 78 percent of court dispositions, but are only present in 39 percent of convictions for PC Sections 12021 or 12021.1.

- Fifty-seven percent of convictions involved prison and 22 percent involved jail (almost all of which included probation). Thus, incarceration was imposed in 79 percent of convictions. Eighteen percent of convictions had the imposition of sentence suspended.
- Eleven populous counties from 1998 to 2000 were found to have substantially higher or lower percentages of sentences for prison, probation, or imposition of sentence suspended than the statewide averages. The reasons for these substantially higher and lower percentages can only be determined by additional research involving direct examination of the arrest, prosecution, and court records of each county.
- Two years five months is the central interval between release from prison and subsequent arrest for owning or possessing a firearm.

DATA REQUIREMENTS

Senate Bill 1608 [PC 13855(a)] requests information about specified topics, statewide and by county. Most of the information requested, but not all, is available. The following is a list of the information requested. Each item is followed by a comment as to the availability of that information, the table in the Data Section where detailed

information can be found, and data characteristics or limitations.

1. The number of arrests for PC Sections 12021 or 12021.1 only and with other law violations. *This information is available and provided in Table 1 in the Data Section.*

¹Deadline extended to July 1, 2002, due to the complexity of data extraction.

2. The number of prosecutions for PC Sections 12021 or 12021.1 only and with other law violations.
This information is available as court dispositions and provided in Table 2 in the Data Section. Information about specific charges is reported primarily from courts, not prosecutors. Therefore, the term "prosecutions" has been replaced by the term "court dispositions." Counts of "court dispositions" are reasonable proxy counts of "prosecutions" because a prosecution event (prosecution for one or more offense) in a court should result in a court disposition event (disposition for each prosecuted offense). The limitation in this substitution is that it is not possible to be sure that each prosecution event is reported as a court disposition event to the DOJ. Some charges are disposed of by prosecutors without going to court. These dispositions are reported directly to the DOJ by prosecutors, but are entered as arrest dispositions so they are not included as court dispositions.
3. The number of convictions for PC Sections 12021 or 12021.1 only and with other law violations.
This information is available and provided in Table 3 in the Data Section.
4. The number of arrests for PC Sections 12021 or 12021.1 only and with other law violations with previous convictions for serious or violent felonies.
This information is available and provided in Table 4 in the Data Section.
5. The number of arrests, prosecutions, and convictions for PC Sections 12021 or 12021.1 only and with other law violations with previous sentences for PC 1170.12, 12022.5, 12022.53, or 667(b) to (i), inclusive.
This information is not available. These PC sections deal with sentencing guidelines and enhancements, and less than 0.5 percent of convictions for PC Sections 12021 or 12021.1 only or with other law violations with these enhancements were reported to the DOJ in 1998, 1999, and 2000.
6. The number of prosecutions for PC Sections 12021 or 12021.1 only and with other law violations with previous convictions for serious or violent felonies.
This information is available as court dispositions and provided in Table 5 in the Data Section.
7. The number of convictions for PC Sections 12021 or 12021.1 only and with other law violations with previous convictions for serious or violent felonies.
This information is available and provided in Table 6 in the Data Section.
8. The number and lengths, identified as lower, middle, and upper term where the sentence imposed for a violation of PC Sections 12021 or 12021.1 was the principle or subordinate term of imprisonment.
This information is not available. However, sentence terms are presented in Tables 7-65 in the Data Section without information as to whether the violation of PC Sections 12021 or 12021.1 was the principle or subordinate term of imprisonment. When there are convictions for more than one offense in a court event or cycle, a high percentage of case sentence lengths are stored in the DOJ's Automated Criminal History System (ACHS) as the sum of the sentence lengths for all convicted offenses. In this study, "mixed" convictions, that is convictions for PC Sections 12021 or 12021.1 with other law violations, were present as the sum of sentence lengths approximately 66 percent of the time at the statewide level. Such summing of sentence lengths, along with the complexity and nonuniformity of sentencing data, prevented principle and subordinate terms of imprisonment from being determined. However, the number and lengths of overall sentences for PC Sections 12021 or 12021.1 only or with other law violations are presented.
9. The number of persons granted probation or suspension of the imposition of sentence for a violation of PC Sections 12021 or 12021.1 only or with other law violations.
This information is available, with modification, and provided in Tables 7-65 in the Data Section. The number of probation or imposition of suspension of sentence events, not the number of persons, is provided. This is consistent with other requirements of this law.

10. The length of time between the arrest for PC Sections 12021 or 12021.1 only or with other law violations and the previous felony conviction that resulted in the offender being subject to these Sections.

This information is available and is provided in Table 66 in the Data Section. Just 26.1 percent of persons arrested for PC Sections 12021 or 12021.1 only or with other law violations were found to have prior felony convictions. The

remaining 73.9 percent could have become eligible for PC Sections 12021 or 12021.1 as a result of being narcotics addicts, having specified misdemeanor convictions, or violating an expressed condition of probation. Previous felony conviction was interpreted as the most recent conviction leading to a prison sentence. This conviction preceded an arrest for PC Sections 12021 or 12021.1.

DATA QUALIFICATIONS

Database accuracy: Historically, disposition data have been underreported statewide, resulting in incomplete criminal records. Recently, the DOJ implemented a work plan to identify the causes of underreporting and develop recommendations to improve the reporting of criminal history information by state and local criminal justice agencies. Two major reporting problems identified to date include non-reporting of arrest and court events and incomplete or inaccurate source documents. While this report presents the number of events reported and stored in the DOJ's ACHS, it is highly probable that these data undercount the number of court dispositions which actually occurred.

Unit of count: An individual can have more than one event related to PC Sections 12021 or 12021.1 during the three-year period, 1998-2000. For the purpose of this report, an event is defined as an arrest, court disposition, or conviction for a person consisting of all the involved charges or counts. Four of the six sub-Sections of SB 1608 [(a)(1),(a)(2),(a)(4), and (a)(6)] refer to events, while two of the sub-Sections [(a)(3) and (a)(5)] refer to persons. To provide information that is uniform and can be compared, events and not persons were counted in all cases.

Arrest data: Arrest data include the number of arrests for PC Sections 12021 or 12021.1 only or with other law violations. Arrest data are included in this report whether or not a subsequent disposition was recorded in the ACHS, the database for this report. Additionally, multiple arrests were counted if a person had been arrested more than once for a specified offense during the 1998 through 2000 time period.

Court disposition data: Court disposition data for this report include the number of court dispositions for PC Sections 12021 or 12021.1 only or with other law violations in 1998, 1999, or 2000 regardless of the year in which an arrest occurred. Court dispositions selected for this report are independent of arrest data because court dispositions can be recorded for PC Sections 12021 or 12021.1 only or with other law violations even if a person was arrested for something other than these offenses. Court disposition information sent to the DOJ which is not supported by a corresponding arrest fingerprint card does not create an entry on an individual's criminal history record and is not included in this report.

Conviction data: Many counties exhibit larger conviction counts than court dispositions counts for violations of PC Sections 12021 or 12021.1 only. This appears to have occurred because many "mixed" disposition cases (PC Sections 12021 or 12021.1 with one or more other charges) led to convictions for only PC Sections 12021 or 12021.1. That is, it appears as though the other charges were often dismissed.

Sentencing data: Sentencing findings, at the statewide level, are based on approximately 85 percent of convictions either because the sentence recorded was a combination of all sentences received or was the only sentence. An examination of ACHS conviction data showed that the number of convictions is independent of the number of sentencing fields. Therefore, not using some convictions because they contained multiple sentencing fields and were difficult to interpret programmatically did not appear to bias the study findings.

RESULTS

Detailed results of this study, statewide and by county, are presented in Tables 1-66 in the Data Section. This report section emphasizes statewide findings and compares findings to each other where they are interrelated or occur during the same year.

Overall statewide arrests, court dispositions, and convictions: Statewide arrests, court dispositions, and convictions for PC Sections 12021 or 12021.1 in the ACHS are shown below and in more detail in Tables 1-3 in the Data Section:

	Total			PC Sections 12021 or 12021.1 (only)			PC Sections 12021 or 12021.1 (with other law violations)		
	1998	1999	2000	1998	1999	2000	1998	1999	2000
Arrests*	6,657	5,919	6,219	2,369	1,844	1,739	4,288	4,075	4,480
Court dispositions	4,400	4,271	3,644	1,121	972	662	3,279	3,299	2,982
Convictions	2,866	2,557	2,031	1,854	1,577	1,141	1,012	980	890

*Because of underreporting of court dispositions and convictions to the ACHS, annual counts of arrests should not be compared with annual counts of court dispositions and convictions.

Arrests with previous convictions for serious or violent felonies: All statewide arrests in the ACHS for PC Sections 12021 or 12021.1, shown in more detail in Table 4 in the Data Section, are compared below to statewide arrests in the ACHS with previous convictions for serious or violent felonies:

	Total			PC Sections 12021 or 12021.1 (only)			PC Sections 12021 or 12021.1 (with other law violations)		
	1998	1999	2000	1998	1999	2000	1998	1999	2000
All arrests	6,657	5,919	6,219	2,369	1,844	1,739	4,288	4,075	4,480
Arrests with previous convictions for serious or violent felonies	1,676	1,356	1,468	599	401	399	1,077	955	1,069

Court dispositions with previous convictions for serious or violent felonies: All statewide court dispositions in the ACHS for PC Sections 12021 or 12021.1, shown in more detail in Table 5 in the Data Section, are compared below to statewide court dispositions with a previous conviction for serious or violent felonies in the ACHS:

	Total			PC Sections 12021 or 12021.1 (only)			PC Sections 12021 or 12021.1 (with other law violations)		
	1998	1999	2000	1998	1999	2000	1998	1999	2000
All court dispositions	4,400	4,271	3,644	1,121	972	662	3,279	3,299	2,982
Court dispositions with previous convictions for serious or violent felonies .	1,202	1,139	948	337	285	183	865	854	765

Convictions with previous convictions for serious or violent felonies: All statewide convictions in the ACHS for PC Sections 12021 or 12021.1, shown in more detail in Table 6 in the Data Section, are compared below to statewide convictions with a previous conviction for serious or violent felonies in the ACHS:

	Total			PC Sections 12021 or 12021.1 (only)			PC Sections 12021 or 12021.1 (with other law violations)		
	1998	1999	2000	1998	1999	2000	1998	1999	2000
All convictions	2,866	2,557	2,031	1,854	1,577	1,141	1,012	980	890
Convictions with previous convictions for serious or violent felonies .	785	697	559	536	434	312	249	263	247

Aggregated 3-year comparisons of arrests, court dispositions, and convictions: Aggregated 3-year statewide arrests, court dispositions, and convictions for PC Sections 12021 or 12021.1 in the ACHS are shown below for all instances and for those instances where there were previous convictions for serious or violent felonies:

	Total		PC Sections 12021 or 12021.1 (only)		PC Sections 12021 or 12021.1 (with other law violations)	
	All	With previous convictions for serious or violent felonies	All	With previous convictions for serious or violent felonies	All	With previous convictions for serious or violent felonies
Arrests*	18,795	4,500	5,952	1,399	12,843	3,101
Court dispositions	12,315	3,289	2,755	805	9,560	2,484
Convictions	7,454	2,041	4,572	1,282	2,882	759

*Annual counts of arrests should not be compared with annual counts of court dispositions and convictions.

Convictions by sentence received: Of the 6,344 sentences statewide in 1998-2000 which could be determined, 3,642 (57%) were for prison, with 60 percent of these sentences being from one year up to, but not including, three years' duration. Prison sentences did not fall into the lower, middle, and upper terms of 16 months, two years, and three years due to sentencing enhancements and convictions for other law violations.

Probation and jail, with or without fine or restitution, accounted for 1,377 (22%) of sentences. Probation without jail, with or without fine or restitution, accounted for 127 (2%) of sentences. Probation, therefore, was all or part of 24 percent of sentences. Jail without probation, with or without fine or restitution, accounted for less than 1 percent of sentences.

Imposition of sentence was suspended in 1,163 (18%) of sentences. Fine, restitution, or both accounted for less than 1 percent of sentences.

In summary, sentences involving probation, or where imposition of sentence was suspended, occurred in 42 percent of cases. These findings are presented in more detail in Tables 7-65 in the Data Section.

Length of time between arrest for PC Sections 12021 or 12021.1 and the prior felony conviction: Statewide, approximately 60 percent of arrests for PC Sections 12021 or 12021.1 only or with other law violations occurred less than six years after the previous felony conviction. For almost 30 percent of arrests, the previous felony conviction occurred from six years up to, but not including, ten years prior.

These intervals are misleading if they are taken to represent the time between the previous felony conviction and the unimpeded owning or possessing of a firearm. The period of incarceration following the previous felony conviction was a time during which the individual could not own or possess a firearm. Therefore, the time intervals from previous felony conviction to arrest for PC Sections 12021 or 12021.1 overestimate how soon after the most recent felony conviction that convictees could choose to own or possess a firearm. That is, these time intervals overestimate the deterrent effect of a felony conviction on the subsequent ownership or possession of a firearm.

A better measure of the time period during which felons are deterred from owning or possessing a firearm as a result of their prior felony conviction would be the time from release from prison to being arrested for a violation of PC Sections 12021 or 12021.1. This time would be shorter than the time from previous felony conviction. These findings are presented in more detail in Table 66 in the Data Section.

Some noteworthy findings in county-level data: Arrests for PC Sections 12021 or 12021.1 are

greater for most individual counties when there are other law violations than when there are not. Court dispositions for PC Sections 12021 or 12021.1 are greater for almost all individual counties when there are other law violations, while convictions are greater for most individual counties when there are no other law violations.

For cases where there were previous convictions for serious or violent felonies, the number of arrests and court dispositions are greater for most individual counties when there are other law violations, while there is a tendency for the number of convictions to be greater when there are no other law violations.

As stated above, statewide, 57 percent of sentences were to prison, 24 percent included probation, and 18 percent were imposition of sentence suspended. Some counties with more than 100 total sentences during the three-year period were found to diverge substantially from the statewide means of these sanctions for PC Sections 12021 or 12021.1. Counties with less than 100 total sentences were felt to have too few events for statistically valid comparisons with statewide means. Tables 7-65 in the Data Section of this report can be used to compare sentences.

DISCUSSION

Year-to-year changes, 1998 to 2000: A fundamental question of this study is whether PC Sections 12021 and 12021.1 are effective deterrents to owning or possessing firearms by convicted felons, narcotics addicts, those convicted of specified misdemeanors, and those for whom owning or possessing firearms is expressly prohibited by probation. This study showed that, with the exception of convictions where there were previous convictions for serious or violent felonies, there was a decrease in every category of arrest, court disposition, and conviction from 1998 to 2000 for the targeted offenses.

Before accepting the validity of this finding, it is important to consider that the year 2000 database was created in June 2001 and may not have included some year 2000 criminal justice events which were reported later that year. Comparisons of arrest, court disposition, and conviction data counts were made with another DOJ database

which was created in October 2001. These comparisons indicate that the database used in this study had arrest, court disposition, and conviction counts which were similar to those found in the database created in October 2001. A slight decrease in conviction counts relative to arrest counts was found, as would be expected because court proceedings sometimes begin months after an arrest and take months to complete and be reported to the DOJ. This comparison suggests that about 4 percent of the greater decrease in court dispositions and 5 percent of the greater decrease of convictions relative to arrests in 2000 were the result of obtaining the 2000 data from a data file made in June 2001, rather than in the fall of that year.

This finding does not alter the conclusion about the relative decrease of arrests, court dispositions, and convictions from 1998 to 2000, which were found to be -7 percent, -17 percent, and -29 percent,

respectively. Adjusting the decreases for this finding would change them to -7 percent for arrests, -13 percent for court dispositions, and -24 percent for convictions.

Aggregated 3-year comparisons: Other law violations are present in 68 percent of arrests and 78 percent of court dispositions, but only in 39 percent of convictions for PC Sections 12021 or 12021.1. Therefore, other law violations present at arrest and court disposition are not included at conviction.

Convictions by sentence received: A measure of the extent and severity of application of PC Sections 12021 and 12021.1 is the percentage of convictees who receive prison terms. In almost every PC Section in which jail terms (misdemeanor penalties) can be applied, they are an option to prison terms (felony penalties) and therefore reflect sentencing discretion.

The results show that 57 percent of sentences involved prison and 22 percent involved jail (almost all of which included probation). Thus, incarceration was imposed in 79 percent of convictions. When incarceration was imposed, jail time was required 28 percent of the time.

Sentencing discretion also resulted in 18 percent of convictions having the imposition of sentence suspended. This is not the same as sentence suspended, because if the convictee subsequently engages in an activity which the court views unfavorably, the suspension of the imposition of sentence can be removed and the sentence is imposed. Thus, suspension of the imposition of sentence allows courts to take action in the future, if justified.

Length of time between arrest for PC Sections 12021 and 12021.1 and the prior felony conviction: As was mentioned in the Results

Section of this report, the interval between the previous conviction for a felony and the arrest for PC Sections 12021 or 12021.1 understates the duration of the deterrence effect of the felony conviction on subsequent ownership or possession of a firearm. The interval between release from prison and arrest for PC Sections 12021 or 12021.1 is a better measure of the deterrence effect of the felony conviction.

To estimate the central tendency of the interval between release from prison and subsequent arrest for PC Sections 12021 or 12021.1, the median prison term (two years eight months) could be subtracted from the median interval between felony conviction and the next arrest for PC Sections 12021 or 12021.1 (five years one month). This subtraction would indicate two years five months as the central interval between release from prison and subsequent arrest for owning or possessing a firearm. This is less than half the duration between the felony conviction and subsequent arrest for PC Sections 12021 or 12021.1. This adjusted estimate of the duration of deterrence suggests that the times between felony conviction and subsequent arrest might be halved to arrive at an estimate of the post-prison time to arrest for PC Sections 12021 or 12021.1.

County-level data: Eleven counties with more than 100 total convictions from 1998 to 2000, and with data not having specified limitations, were found to have substantially higher or lower percentages of sentences for prison, probation, or imposition of sentence suspended than the statewide averages. The reasons for these substantially higher and lower percentages can only be determined by additional research involving direct examination of the arrest, prosecution, and court records of each county.

METHODS

A data file containing the criminal history of every individual in the DOJ's ACHS with an arrest, court disposition, or conviction for PC Sections 12021 or 12021.1 occurring in 1998, 1999, or 2000 was extracted from the ACHS by staff of the DOJ's Hawkins Data Center in June 2001.

This report, the first by the Criminal Justice Statistics Center to include programmatic analyses

of the DOJ's ACHS, examined more than 22,000 criminal histories representing approximately one million lines of information.

Computer programming was performed using SAS statistical software, Release 8.02. SAS-created tables were imported into EXCEL and formatted for publication.

■ DATA TABLES ■ APPENDIX

■ CJSC Home Page ■ CJSC Publications

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EXHIBIT HH

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0820 DEPARTMENT OF JUSTICE

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ORGANIZATIONAL UNIT Classification	NUMBER OF POSITIONS			EXPENDITURES		
	Filled 2011-12	Authorized 2012-13	Proposed 2013-14	Actual 2011-12 (Salary Range)	Estimated 2012-13	Proposed 2013-14
Totals, Gambling Control-Reimbursements	-	-	-	\$1,340	\$150,000	\$150,000
Totals, Bureau of Gambling Control	144.0	163.8	163.8	\$9,888,405	\$11,396,373	\$11,452,323
Bureau of Firearms:						
Basic Firearms Safety Certification:						
Special Agent Supvr-DOJ	0.6	1.0	1.0	5,925-8,069	71,100	71,100
DOJ Administrator I	1.0	1.0	1.0	5,079-6,130	73,560	73,560
Field Rep DOJ	2.2	3.0	3.0	4,519-5,453	194,805	196,204
Special Agent DOJ	5.0	5.0	5.0	3,740-7,341	452,065	452,065
Program Techn III	-	1.0	1.0	2,951-3,588	35,412	35,412
Staff Services Analyst-Gen	1.0	1.0	1.0	2,817-4,446	53,352	53,352
Office Techn-Typing	-	1.0	1.0	2,686-3,264	32,232	32,232
Program Techn II	0.8	-	-	2,638-3,209	-	-
Temporary Help-Regular	0.1	-	-	(4,920)	-	-
Temporary Help-Agent	0.7	-	-	(36,239)	-	-
Overtime-Regular	-	-	-	(877)	1,000	1,000
Overtime-Agent	-	-	-	(17,894)	46,000	46,000
Totals, Basic Firearms Safety Certification	11.4	13.0	13.0	\$842,531	\$959,526	\$960,925
Firearms Safety Account:						
Assoc Govtl Prog Analyst	1.0	1.0	1.0	4,400-5,348	64,176	64,176
Office Techn-Typing	0.5	1.0	1.0	2,686-3,264	32,232	32,232
Overtime-Regular	-	-	-	(2,286)	4,000	4,000
Overtime-Agent	-	-	-	(98,514)	77,000	77,000
Totals, Firearms Safety Account	1.5	2.0	2.0	\$178,766	\$177,408	\$177,408
Dealer Record of Sales (DROS):						
C.E.A. III	1.0	1.0	1.0	8,594-9,476	127,428	127,428
Asst Bureau Chief	0.8	1.0	1.0	8,401-9,875	127,425	127,425
Asst Bureau Chief (Non-Peace Off)	1.0	1.0	1.0	8,401-9,264	111,168	111,168
Special Agent Supvr-DOJ	3.4	3.0	3.0	5,925-8,069	294,084	294,084
DOJ Administrator I	2.5	2.0	2.0	5,079-6,130	147,120	147,120
Staff Services Mgr I	1.0	1.0	1.0	5,079-6,127	73,524	73,524
Assoc Info Systems Analyst-Spec	-	1.0	1.0	4,619-5,897	55,428	55,428
Criminal ID & Intelligence Supvr	1.0	1.0	1.0	4,522-5,460	65,520	65,520
Field Rep DOJ	3.0	4.0	4.0	4,519-5,453	250,536	250,536
Assoc Govtl Prog Analyst	2.0	3.0	3.0	4,400-5,348	186,564	189,480
Criminal ID Spec III	3.0	3.0	3.0	3,750-4,522	162,792	162,792
Special Agent DOJ	1.7	3.0	3.0	3,740-7,341	269,076	269,076
Criminal Intelligence Spec II	2.1	2.0	2.0	3,424-4,115	98,760	98,760
Criminal ID Spec II	21.3	25.0	25.0	3,424-4,115	1,201,332	1,201,332
Property Controller II	2.3	4.0	4.0	3,297-4,005	183,744	183,744
Criminal Intelligence Spec I	0.3	1.0	1.0	2,877-3,424	41,088	41,088
Criminal ID Spec I	1.0	1.0	1.0	2,877-3,424	41,088	41,088
Staff Services Analyst-Gen	5.8	7.0	7.0	2,817-4,446	347,191	351,806
Office Techn-Typing	1.8	2.0	2.0	2,686-3,264	78,181	78,336
Program Techn II	9.4	12.0	12.0	2,638-3,209	448,392	449,976
Word Processing Techn	0.2	1.0	1.0	2,324-2,975	35,700	35,700
Program Techn	3.9	5.0	5.0	2,280-2,975	153,096	154,764
Temporary Help-Regular	1.0	4.2	4.2	(37,935)	159,000	159,000
Temporary Help-Agent	0.1	1.0	1.0	(3,000)	54,000	54,000
Overtime-Regular	-	-	-	(381,484)	243,000	243,000

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0820 DEPARTMENT OF JUSTICE

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ORGANIZATIONAL UNIT Classification	NUMBER OF POSITIONS			EXPENDITURES		
	Filled 2011-12	Authorized 2012-13	Proposed 2013-14	Actual 2011-12 (Salary Range)	Estimated 2012-13	Proposed 2013-14
Overtime-Agent	-	-	-	(36,386)	71,000	71,000
Totals, DROS	69.6	89.2	89.2	\$4,166,242	\$5,026,237	\$5,037,175
Armed Prohibited:						
Special Agent-In-Charge DOJ	0.8	1.0	1.0	7,370-8,939	115,759	115,759
Special Agent Supvr-DOJ	3.0	3.0	3.0	5,925-8,069	313,681	313,681
DOJ Administrator I	0.8	1.0	1.0	5,079-6,130	73,530	73,560
Field Rep DOJ	0.3	1.0	1.0	4,519-5,453	65,436	65,436
Criminal ID Spec III	1.0	1.0	1.0	3,750-4,522	54,264	54,264
Criminal Intelligence Spec III	1.0	1.0	1.0	3,748-4,519	54,228	54,228
Special Agent DOJ ¹	15.6	23.0	23.0	3,740-7,341	2,016,747	2,016,747
Criminal Intelligence Spec II	1.3	1.0	1.0	3,424-4,115	47,568	49,380
Criminal ID Spec II	8.7	11.0	11.0	3,424-4,115	531,100	533,360
Property Controller II	-	1.0	1.0	3,297-4,005	48,324	49,260
Property Controller I	1.0	-	-	2,902-3,527	-	-
Criminal ID Spec I	2.0	2.0	2.0	2,877-3,424	82,176	82,176
Program Techn II	1.0	1.0	1.0	2,638-3,209	38,508	38,508
Program Techn	1.0	1.0	1.0	2,280-2,975	30,798	32,340
Temporary Help-Regular	-	0.5	0.5	-	20,000	20,000
Temporary Help-Agent	6.1	0.2	0.2	(315,675)	12,000	12,000
Overtime-Regular	-	-	-	(75,580)	40,000	40,000
Overtime-Agent	-	-	-	(223,356)	374,000	374,000
Totals, Armed Prohibited	43.6	48.7	48.7	\$3,197,455	\$3,918,119	\$3,924,699
Gun Show:						
Special Agent-In-Charge DOJ	1.0	1.0	1.0	7,370-8,939	115,631	115,631
Special Agent Supvr-DOJ	1.0	1.0	1.0	5,925-8,069	98,996	98,996
Special Agent DOJ	2.0	2.0	2.0	3,740-7,341	185,950	185,950
Overtime-Regular	-	-	-	(2,409)	-	-
Overtime-Agent	-	-	-	(72,409)	42,000	42,000
Totals, Gun Show	4.0	4.0	4.0	\$461,784	\$442,577	\$442,577
Firearms-Reimbursements:						
Overtime-Agent	-	-	-	(26,313)	138,000	138,000
Totals, Firearms-Reimbursements	-	-	-	\$26,313	\$138,000	\$138,000
Firearms Trafficking:						
Special Agent Supvr-DOJ	1.0	1.0	1.0	5,925-8,069	98,028	98,028
Special Agent DOJ	4.6	4.0	4.0	3,740-7,341	360,130	360,130
Overtime-Agent	-	-	-	(184,330)	200,000	200,000
Totals, Firearms Trafficking	5.6	5.0	5.0	\$674,050	\$658,158	\$658,158
Totals, Bureau of Firearms	135.7	161.9	161.9	\$9,547,141	\$11,320,025	\$11,338,942
Totals, Division of Law Enforcement	1,074.9	1,043.3	1,043.3	\$80,883,222	\$80,466,711	\$80,996,401
California Justice Information Services						
Hawkins Data Center (H.D.C.):						
Tech Support Bureau:						
Data Processing Manager IV	1.7	2.0	2.0	7,825-9,059	202,608	202,608
Data Processing Manager III	1.9	5.0	5.0	7,118-8,239	463,396	467,336
Systems Software Spec III-Supvry	1.0	3.0	3.0	6,416-8,187	252,228	252,228
C.E.A. I	-	1.0	1.0	6,173-7,838	74,076	74,076
Systems Software Spec III-Techn	5.0	5.0	5.0	6,110-7,796	464,328	467,760
Sr Info Systems Analyst-Supvr	1.0	2.0	2.0	5,850-7,465	159,780	159,780
Data Processing Manager II	3.3	5.0	5.0	5,849-7,464	409,080	409,080

EXHIBIT II

0820 Department of Justice

FUND CONDITION STATEMENTS

	2013-14*	2014-15*	2015-16*
0012 Attorney General Antitrust Account [§]			
BEGINNING BALANCE	\$161	\$447	\$371
Prior Year Adjustments	79	-	-
Adjusted Beginning Balance	<u>\$240</u>	<u>\$447</u>	<u>\$371</u>
REVENUES, TRANSFERS, AND OTHER ADJUSTMENTS			
Revenues:			
4173400 Settlements and Judgments - Anti-Trust Actions (Attorney General)	<u>2,606</u>	<u>2,400</u>	<u>2,400</u>
Total Revenues, Transfers, and Other Adjustments	<u>\$2,606</u>	<u>\$2,400</u>	<u>\$2,400</u>
Total Resources	\$2,846	\$2,847	\$2,771
EXPENDITURE AND EXPENDITURE ADJUSTMENTS			
Expenditures:			
0820 Department of Justice (State Operations)	2,388	2,474	2,475
8880 Financial Information System for California (State Operations)	<u>11</u>	<u>2</u>	<u>4</u>
Total Expenditures and Expenditure Adjustments	<u>\$2,399</u>	<u>\$2,476</u>	<u>\$2,479</u>
FUND BALANCE	\$447	\$371	\$292
Reserve for economic uncertainties	447	371	292
0017 Fingerprint Fees Account [§]			
BEGINNING BALANCE	\$20,713	\$25,110	\$25,139
Prior Year Adjustments	<u>1,722</u>	-	-
Adjusted Beginning Balance	\$22,435	\$25,110	\$25,139
REVENUES, TRANSFERS, AND OTHER ADJUSTMENTS			
Revenues:			
4132000 Fingerprint Identification Card Fees	70,891	71,612	71,612
4163000 Investment Income - Surplus Money Investments	<u>2</u>	<u>2</u>	<u>2</u>
Total Revenues, Transfers, and Other Adjustments	<u>\$70,893</u>	<u>\$71,614</u>	<u>\$71,614</u>
Total Resources	\$93,328	\$96,724	\$96,753
EXPENDITURE AND EXPENDITURE ADJUSTMENTS			
Expenditures:			
0820 Department of Justice (State Operations)	67,898	71,527	71,428
0840 State Controller (State Operations)	4	-	-
8880 Financial Information System for California (State Operations)	<u>316</u>	<u>58</u>	<u>128</u>
Total Expenditures and Expenditure Adjustments	<u>\$68,218</u>	<u>\$71,585</u>	<u>\$71,556</u>
FUND BALANCE	\$25,110	\$25,139	\$25,197
Reserve for economic uncertainties	25,110	25,139	25,197
0032 Firearm Safety Account [§]			
BEGINNING BALANCE	\$2,354	\$2,939	\$3,440
Prior Year Adjustments	<u>1</u>	-	-
Adjusted Beginning Balance	\$2,355	\$2,939	\$3,440
REVENUES, TRANSFERS, AND OTHER ADJUSTMENTS			
Revenues:			
4143500 Miscellaneous Services to the Public	<u>858</u>	<u>841</u>	<u>841</u>
Total Revenues, Transfers, and Other Adjustments	<u>\$859</u>	<u>\$841</u>	<u>\$841</u>
Total Resources	\$3,214	\$3,780	\$4,281
EXPENDITURE AND EXPENDITURE ADJUSTMENTS			
Expenditures:			
0820 Department of Justice (State Operations)	273	339	339

* Dollars in thousands, except in Salary Range. Numbers may not add or match to other statements due to rounding of budget details.

† Past year appropriations are net of subsequent budget adjustments.

0820 Department of Justice

	2013-14*	2014-15*	2015-16*
8880 Financial Information System for California (State Operations)	2	1	1
Total Expenditures and Expenditure Adjustments	<u>\$276</u>	<u>\$340</u>	<u>\$340</u>
FUND BALANCE	\$2,939	\$3,440	\$3,941
Reserve for economic uncertainties	2,939	3,440	3,941
0142 Department of Justice Sexual Habitual Offender Fund [§]			
BEGINNING BALANCE	\$2,031	\$2,074	\$1,767
Prior Year Adjustments	<u>1</u>	<u>-</u>	<u>-</u>
Adjusted Beginning Balance	\$2,032	\$2,074	\$1,767
REVENUES, TRANSFERS, AND OTHER ADJUSTMENTS			
Revenues:			
4143500 Miscellaneous Services to the Public	2,097	2,097	2,097
4172500 Miscellaneous Revenue	<u>14</u>	<u>14</u>	<u>14</u>
Total Revenues, Transfers, and Other Adjustments	<u>\$2,111</u>	<u>\$2,111</u>	<u>\$2,111</u>
Total Resources	\$4,143	\$4,185	\$3,878
EXPENDITURE AND EXPENDITURE ADJUSTMENTS			
Expenditures:			
0820 Department of Justice (State Operations)	2,058	2,416	2,420
8880 Financial Information System for California (State Operations)	<u>11</u>	<u>2</u>	<u>4</u>
Total Expenditures and Expenditure Adjustments	<u>\$2,069</u>	<u>\$2,418</u>	<u>\$2,424</u>
FUND BALANCE	\$2,074	\$1,767	\$1,454
Reserve for economic uncertainties	2,074	1,767	1,454
0158 Travel Seller Fund [§]			
BEGINNING BALANCE	\$1,879	\$1,958	\$1,208
Prior Year Adjustments	<u>58</u>	<u>-</u>	<u>-</u>
Adjusted Beginning Balance	\$1,937	\$1,958	\$1,208
REVENUES, TRANSFERS, AND OTHER ADJUSTMENTS			
Revenues:			
4143500 Miscellaneous Services to the Public	708	683	683
4163000 Investment Income - Surplus Money Investments	<u>5</u>	<u>5</u>	<u>5</u>
Total Revenues, Transfers, and Other Adjustments	<u>\$713</u>	<u>\$688</u>	<u>\$688</u>
Total Resources	\$2,650	\$2,646	\$1,896
EXPENDITURE AND EXPENDITURE ADJUSTMENTS			
Expenditures:			
0820 Department of Justice (State Operations)	686	1,438	1,438
8880 Financial Information System for California (State Operations)	<u>6</u>	<u>1</u>	<u>3</u>
Total Expenditures and Expenditure Adjustments	<u>\$692</u>	<u>\$1,439</u>	<u>\$1,441</u>
FUND BALANCE	\$1,958	\$1,208	\$455
Reserve for economic uncertainties	1,958	1,208	455
0256 Sexual Predator Public Information Account [§]			
BEGINNING BALANCE	\$461	\$339	\$211
Prior Year Adjustments	<u>4</u>	<u>-</u>	<u>-</u>
Adjusted Beginning Balance	\$465	\$339	\$211
REVENUES, TRANSFERS, AND OTHER ADJUSTMENTS			
Revenues:			
4143500 Miscellaneous Services to the Public	54	54	54
4163000 Investment Income - Surplus Money Investments	<u>1</u>	<u>1</u>	<u>1</u>
Total Revenues, Transfers, and Other Adjustments	<u>\$55</u>	<u>\$55</u>	<u>\$55</u>

* Dollars in thousands, except in Salary Range. Numbers may not add or match to other statements due to rounding of budget details.

† Past year appropriations are net of subsequent budget adjustments.

0820 Department of Justice

	<u>2013-14*</u>	<u>2014-15*</u>	<u>2015-16*</u>
Total Resources	\$520	\$394	\$266
EXPENDITURE AND EXPENDITURE ADJUSTMENTS			
Expenditures:			
0820 Department of Justice (State Operations)	180	183	182
8880 Financial Information System for California (State Operations)	<u>1</u>	<u>-</u>	<u>-</u>
Total Expenditures and Expenditure Adjustments	<u>\$181</u>	<u>\$183</u>	<u>\$182</u>
FUND BALANCE	\$339	\$211	\$84
Reserve for economic uncertainties	339	211	84

0288 The Registry of International Student Exchange Visitor Placement Organizations**Fund ^s**

BEGINNING BALANCE	\$82	\$89	\$94
Prior Year Adjustments	<u>-2</u>	<u>-</u>	<u>-</u>
Adjusted Beginning Balance	\$80	\$89	\$94
REVENUES, TRANSFERS, AND OTHER ADJUSTMENTS			
Revenues:			
4143500 Miscellaneous Services to the Public	<u>9</u>	<u>5</u>	<u>5</u>
Total Revenues, Transfers, and Other Adjustments	<u>\$9</u>	<u>\$5</u>	<u>\$5</u>
Total Resources	<u>\$89</u>	<u>\$94</u>	<u>\$99</u>
FUND BALANCE	\$89	\$94	\$99
Reserve for economic uncertainties	89	94	99

0378 False Claims Act Fund ^s

BEGINNING BALANCE	\$4,403	\$2,710	\$3,006
Prior Year Adjustments	<u>-1,396</u>	<u>-</u>	<u>-</u>
Adjusted Beginning Balance	\$3,007	\$2,710	\$3,006
REVENUES, TRANSFERS, AND OTHER ADJUSTMENTS			
Revenues:			
4150500 Interest Income - Interfund Loans	45	-	-
4163000 Investment Income - Surplus Money Investments	5	5	5
4170700 Civil and Criminal Violation Assessment	7,441	47,000	12,300
Transfers and Other Adjustments			
Loan Repayment from the General Fund (0001) to the False Claims Act Fund (0378) per Item 0820-012-0378, Budget Act of 2010	3,000	-	-
Revenue Transfer from the False Claims Act Fund (0378) to the General Fund (0001) per Item 0820-011-0378, Budget Act of 2014	-	-20,000	-
Revenue Transfer from the False Claims Act Fund (0378) to the General Fund (0001) per Item 0820-012-0378, Budget Act of 2014	-	-14,000	-
Total Revenues, Transfers, and Other Adjustments	<u>\$10,491</u>	<u>\$13,005</u>	<u>\$12,305</u>
Total Resources	\$13,498	\$15,715	\$15,311
EXPENDITURE AND EXPENDITURE ADJUSTMENTS			
Expenditures:			
0820 Department of Justice (State Operations)	10,733	12,699	12,701
0840 State Controller (State Operations)	1	-	-
8880 Financial Information System for California (State Operations)	<u>54</u>	<u>10</u>	<u>22</u>
Total Expenditures and Expenditure Adjustments	<u>\$10,788</u>	<u>\$12,709</u>	<u>\$12,723</u>
FUND BALANCE	\$2,710	\$3,006	\$2,588
Reserve for economic uncertainties	2,710	3,006	2,588

0460 Dealers Record of Sale Special Account ^s

* Dollars in thousands, except in Salary Range. Numbers may not add or match to other statements due to rounding of budget details.

† Past year appropriations are net of subsequent budget adjustments.

0820 Department of Justice

	2013-14*	2014-15*	2015-16*
BEGINNING BALANCE	\$11,889	\$5,233	\$2,741
Prior Year Adjustments	<u>1,546</u>	<u>-</u>	<u>-</u>
Adjusted Beginning Balance	\$13,435	\$5,233	\$2,741
REVENUES, TRANSFERS, AND OTHER ADJUSTMENTS			
Revenues:			
4129400 Other Regulatory Licenses and Permits	2,995	2,991	2,991
4143500 Miscellaneous Services to the Public	18,061	18,033	18,033
4163000 Investment Income - Surplus Money Investments	1	1	1
Transfers and Other Adjustments			
Loan Repayment from the General Fund (0001) to the Dealers' Record of Sale Special Account (0460) per Item 0820-011-0460, Budget Act of 2011	-	5,000	6,500
Total Revenues, Transfers, and Other Adjustments	<u>\$21,058</u>	<u>\$26,025</u>	<u>\$27,525</u>
Total Resources	\$34,493	\$31,258	\$30,266
EXPENDITURE AND EXPENDITURE ADJUSTMENTS			
Expenditures:			
0820 Department of Justice (State Operations)	29,144	28,471	29,189
0820 Department of Justice (Local Assistance)	28	28	28
0840 State Controller (State Operations)	1	-	-
8880 Financial Information System for California (State Operations)	<u>86</u>	<u>18</u>	<u>56</u>
Total Expenditures and Expenditure Adjustments	<u>\$29,260</u>	<u>\$28,517</u>	<u>\$29,273</u>
FUND BALANCE	\$5,233	\$2,741	\$993
Reserve for economic uncertainties	5,233	2,741	993

0566 Department of Justice Child Abuse Fund ^s

BEGINNING BALANCE	\$1,830	\$1,810	\$1,775
Prior Year Adjustments	<u>9</u>	<u>-</u>	<u>-</u>
Adjusted Beginning Balance	\$1,839	\$1,810	\$1,775
REVENUES, TRANSFERS, AND OTHER ADJUSTMENTS			
Revenues:			
4143500 Miscellaneous Services to the Public	<u>362</u>	<u>362</u>	<u>362</u>
Total Revenues, Transfers, and Other Adjustments	<u>\$362</u>	<u>\$362</u>	<u>\$362</u>
Total Resources	\$2,201	\$2,172	\$2,137
EXPENDITURE AND EXPENDITURE ADJUSTMENTS			
Expenditures:			
0820 Department of Justice (State Operations)	389	397	398
8880 Financial Information System for California (State Operations)	<u>2</u>	<u>-</u>	<u>1</u>
Total Expenditures and Expenditure Adjustments	<u>\$391</u>	<u>\$397</u>	<u>\$399</u>
FUND BALANCE	\$1,810	\$1,775	\$1,738
Reserve for economic uncertainties	1,810	1,775	1,738

0567 Gambling Control Fund ^s

BEGINNING BALANCE	\$21,508	\$30,154	\$36,432
Prior Year Adjustments	<u>198</u>	<u>-</u>	<u>-</u>
Adjusted Beginning Balance	\$21,706	\$30,154	\$36,432
REVENUES, TRANSFERS, AND OTHER ADJUSTMENTS			
Revenues:			
4127400 Renewal Fees	1,166	1,166	1,166
4129200 Other Regulatory Fees	15,601	15,601	15,601
4129400 Other Regulatory Licenses and Permits	1,503	1,503	1,503
4143500 Miscellaneous Services to the Public	1,254	1,254	1,254

* Dollars in thousands, except in Salary Range. Numbers may not add or match to other statements due to rounding of budget details.

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0820 Department of Justice

	2013-14*	2014-15*	2015-16*
4163000 Investment Income - Surplus Money Investments	3	3	3
4171400 Escheat - Unclaimed Checks, Warrants, Bonds, and Coupons	1	1	1
Total Revenues, Transfers, and Other Adjustments	<u>\$19,528</u>	<u>\$19,528</u>	<u>\$19,528</u>
Total Resources	\$41,234	\$49,682	\$55,960

EXPENDITURE AND EXPENDITURE ADJUSTMENTS

Expenditures:

0820 Department of Justice (State Operations)	8,150	9,495	11,172
0840 State Controller (State Operations)	1	-	-
0855 California Gambling Control Commission (State Operations)	2,879	3,744	3,815
8880 Financial Information System for California (State Operations)	<u>51</u>	<u>11</u>	<u>23</u>
Total Expenditures and Expenditure Adjustments	<u>\$11,081</u>	<u>\$13,249</u>	<u>\$15,010</u>
FUND BALANCE	\$30,154	\$36,432	\$40,950
Reserve for economic uncertainties	30,154	36,432	40,950

0569 Gambling Control Fines and Penalties Account ⁵

BEGINNING BALANCE	\$2,614	\$2,605	\$2,789
Prior Year Adjustments	<u>33</u>	<u>-</u>	<u>-</u>
Adjusted Beginning Balance	\$2,647	\$2,605	\$2,789

REVENUES, TRANSFERS, AND OTHER ADJUSTMENTS

Revenues:

4173000 Penalty Assessments - Other	<u>-</u>	<u>231</u>	<u>21</u>
Total Revenues, Transfers, and Other Adjustments	<u>-</u>	<u>\$231</u>	<u>\$21</u>
Total Resources	\$2,647	\$2,836	\$2,810

EXPENDITURE AND EXPENDITURE ADJUSTMENTS

Expenditures:

0820 Department of Justice (State Operations)	<u>42</u>	<u>47</u>	<u>47</u>
Total Expenditures and Expenditure Adjustments	<u>\$42</u>	<u>\$47</u>	<u>\$47</u>
FUND BALANCE	\$2,605	\$2,789	\$2,763
Reserve for economic uncertainties	2,605	2,789	2,763

1008 Firearms Safety and Enforcement Special Fund ⁵

BEGINNING BALANCE	\$7,631	\$11,347	\$14,809
Prior Year Adjustments	<u>202</u>	<u>-</u>	<u>-</u>
Adjusted Beginning Balance	\$7,833	\$11,347	\$14,809

REVENUES, TRANSFERS, AND OTHER ADJUSTMENTS

Revenues:

4143500 Miscellaneous Services to the Public	6,661	6,987	6,987
4163000 Investment Income - Surplus Money Investments	<u>21</u>	<u>21</u>	<u>21</u>
Total Revenues, Transfers, and Other Adjustments	<u>\$6,682</u>	<u>\$7,008</u>	<u>\$7,008</u>
Total Resources	\$14,515	\$18,355	\$21,817

EXPENDITURE AND EXPENDITURE ADJUSTMENTS

Expenditures:

0820 Department of Justice (State Operations)	3,151	3,543	3,535
8880 Financial Information System for California (State Operations)	<u>16</u>	<u>3</u>	<u>5</u>
Total Expenditures and Expenditure Adjustments	<u>\$3,167</u>	<u>\$3,546</u>	<u>\$3,540</u>
FUND BALANCE	\$11,347	\$14,809	\$18,277
Reserve for economic uncertainties	11,347	14,809	18,277

3016 Missing Persons DNA Data Base Fund ⁵

BEGINNING BALANCE	\$1,069	\$2,227	\$1,589
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0820 Department of Justice

	2013-14*	2014-15*	2015-16*
Prior Year Adjustments	101	-	-
Adjusted Beginning Balance	\$1,170	\$2,227	\$1,589
REVENUES, TRANSFERS, AND OTHER ADJUSTMENTS			
Revenues:			
4135000 Local Agencies - Miscellaneous Revenue	2,993	2,832	2,732
4150500 Interest Income - Interfund Loans	11	-	-
4163000 Investment Income - Surplus Money Investments	4	4	4
Transfers and Other Adjustments			
Loan Repayment from the General Fund (0001) to the Missing Persons DNA Fund (3016) per Item 0820-011-3016, Budget Act of 2011	1,000	-	-
Total Revenues, Transfers, and Other Adjustments	<u>\$4,007</u>	<u>\$2,836</u>	<u>\$2,736</u>
Total Resources	\$5,177	\$5,063	\$4,325
EXPENDITURE AND EXPENDITURE ADJUSTMENTS			
Expenditures:			
0820 Department of Justice (State Operations)	2,935	3,471	3,475
8880 Financial Information System for California (State Operations)	15	3	5
Total Expenditures and Expenditure Adjustments	<u>\$2,951</u>	<u>\$3,474</u>	<u>\$3,480</u>
FUND BALANCE	\$2,227	\$1,589	\$845
Reserve for economic uncertainties	2,227	1,589	845

3053 Public Rights Law Enforcement Special Fund ^s

BEGINNING BALANCE	\$364	\$2,375	\$1,164
Prior Year Adjustments	178	-	-
Adjusted Beginning Balance	\$542	\$2,375	\$1,164
REVENUES, TRANSFERS, AND OTHER ADJUSTMENTS			
Revenues:			
4163000 Investment Income - Surplus Money Investments	5	5	5
4173500 Settlements and Judgments - Other	4,408	4,900	5,200
Total Revenues, Transfers, and Other Adjustments	<u>\$4,413</u>	<u>\$4,905</u>	<u>\$5,205</u>
Total Resources	\$4,955	\$7,280	\$6,369
EXPENDITURE AND EXPENDITURE ADJUSTMENTS			
Expenditures:			
0820 Department of Justice (State Operations)	2,552	6,112	6,075
8880 Financial Information System for California (State Operations)	27	5	10
Total Expenditures and Expenditure Adjustments	<u>\$2,580</u>	<u>\$6,117</u>	<u>\$6,085</u>
FUND BALANCE	\$2,375	\$1,164	\$284
Reserve for economic uncertainties	2,375	1,164	284

3086 DNA Identification Fund ^s

BEGINNING BALANCE	\$23,047	\$25,375	\$14,086
Prior Year Adjustments	3,583	-	-
Adjusted Beginning Balance	\$26,630	\$25,375	\$14,086
REVENUES, TRANSFERS, AND OTHER ADJUSTMENTS			
Revenues:			
4163000 Investment Income - Surplus Money Investments	58	58	58
4172500 Miscellaneous Revenue	6	6	6
4173000 Penalty Assessments - Other	69,095	67,022	65,011
Total Revenues, Transfers, and Other Adjustments	<u>\$69,160</u>	<u>\$67,086</u>	<u>\$65,075</u>
Total Resources	\$95,790	\$92,461	\$79,161
EXPENDITURE AND EXPENDITURE ADJUSTMENTS			

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0820 Department of Justice

	2013-14*	2014-15*	2015-16*
Expenditures:			
0820 Department of Justice (State Operations)	70,053	78,311	78,382
0840 State Controller (State Operations)	5	-	-
8880 Financial Information System for California (State Operations)	<u>357</u>	<u>64</u>	<u>137</u>
Total Expenditures and Expenditure Adjustments	<u>\$70,415</u>	<u>\$78,375</u>	<u>\$78,519</u>
FUND BALANCE	\$25,375	\$14,086	\$642
Reserve for economic uncertainties	25,375	14,086	642
3087 Unfair Competition Law Fund ⁵			
BEGINNING BALANCE	\$8,510	\$9,808	\$4,542
Prior Year Adjustments	<u>150</u>	<u>-</u>	<u>-</u>
Adjusted Beginning Balance	\$8,660	\$9,808	\$4,542
REVENUES, TRANSFERS, AND OTHER ADJUSTMENTS			
Revenues:			
4163000 Investment Income - Surplus Money Investments	28	28	28
4173000 Penalty Assessments - Other	<u>11,886</u>	<u>5,800</u>	<u>8,900</u>
Total Revenues, Transfers, and Other Adjustments	<u>\$11,913</u>	<u>\$5,828</u>	<u>\$8,928</u>
Total Resources	\$20,573	\$15,636	\$13,470
EXPENDITURE AND EXPENDITURE ADJUSTMENTS			
Expenditures:			
0820 Department of Justice (State Operations)	10,716	11,085	11,097
0840 State Controller (State Operations)	1	-	-
8880 Financial Information System for California (State Operations)	<u>48</u>	<u>9</u>	<u>18</u>
Total Expenditures and Expenditure Adjustments	<u>\$10,765</u>	<u>\$11,094</u>	<u>\$11,115</u>
FUND BALANCE	\$9,808	\$4,542	\$2,355
Reserve for economic uncertainties	9,808	4,542	2,355
3088 Registry of Charitable Trusts Fund ⁵			
BEGINNING BALANCE	\$3,262	\$4,286	\$5,067
Prior Year Adjustments	<u>191</u>	<u>-</u>	<u>-</u>
Adjusted Beginning Balance	\$3,453	\$4,286	\$5,067
REVENUES, TRANSFERS, AND OTHER ADJUSTMENTS			
Revenues:			
4143500 Miscellaneous Services to the Public	3,680	4,206	5,256
4163000 Investment Income - Surplus Money Investments	<u>10</u>	<u>10</u>	<u>10</u>
Total Revenues, Transfers, and Other Adjustments	<u>\$3,690</u>	<u>\$4,216</u>	<u>\$5,266</u>
Total Resources	\$7,142	\$8,502	\$10,333
EXPENDITURE AND EXPENDITURE ADJUSTMENTS			
Expenditures:			
0820 Department of Justice (State Operations)	2,843	3,432	5,564
8880 Financial Information System for California (State Operations)	<u>14</u>	<u>3</u>	<u>5</u>
Total Expenditures and Expenditure Adjustments	<u>\$2,857</u>	<u>\$3,435</u>	<u>\$5,569</u>
FUND BALANCE	\$4,286	\$5,067	\$4,764
Reserve for economic uncertainties	4,286	5,067	4,764
3131 California Bingo Fund ⁵			
BEGINNING BALANCE	\$630	\$664	\$651
Prior Year Adjustments	<u>-2</u>	<u>-</u>	<u>-</u>
Adjusted Beginning Balance	\$628	\$664	\$651
REVENUES, TRANSFERS, AND OTHER ADJUSTMENTS			

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0820 Department of Justice

	2013-14*	2014-15*	2015-16*
Revenues:			
4127400 Renewal Fees	25	12	12
4129400 Other Regulatory Licenses and Permits	12	-	-
4143500 Miscellaneous Services to the Public	-	25	25
Total Revenues, Transfers, and Other Adjustments	<u>\$37</u>	<u>\$37</u>	<u>\$37</u>
Total Resources	\$665	\$701	\$688
EXPENDITURE AND EXPENDITURE ADJUSTMENTS			
Expenditures:			
0820 Department of Justice (State Operations)	-	48	53
0855 California Gambling Control Commission (State Operations)	<u>1</u>	<u>2</u>	<u>2</u>
Total Expenditures and Expenditure Adjustments	<u>\$1</u>	<u>\$50</u>	<u>\$55</u>
FUND BALANCE	\$664	\$651	\$633
Reserve for economic uncertainties	664	651	633
3132 Charity Bingo Mitigation Fund ⁵			
BEGINNING BALANCE	-	-	-
REVENUES, TRANSFERS, AND OTHER ADJUSTMENTS			
Revenues:			
4172500 Miscellaneous Revenue	-	11	12
Total Revenues, Transfers, and Other Adjustments	<u>-</u>	<u>\$11</u>	<u>\$12</u>
Total Resources	-	\$11	\$12
EXPENDITURE AND EXPENDITURE ADJUSTMENTS			
Expenditures:			
0855 California Gambling Control Commission (State Operations)	<u>-</u>	<u>11</u>	<u>12</u>
Total Expenditures and Expenditure Adjustments	<u>-</u>	<u>\$11</u>	<u>\$12</u>
FUND BALANCE	-	-	-
3136 Foreclosure Consultant Regulation Fund ⁵			
BEGINNING BALANCE	<u>\$12</u>	<u>\$12</u>	<u>\$12</u>
Adjusted Beginning Balance	<u>\$12</u>	<u>\$12</u>	<u>\$12</u>
Total Resources	<u>\$12</u>	<u>\$12</u>	<u>\$12</u>
FUND BALANCE	\$12	\$12	\$12
Reserve for economic uncertainties	12	12	12
3240 Secondhand Dealer and Pawnbroker Fund ⁵			
BEGINNING BALANCE	\$1,624	\$1,663	\$2,138
Prior Year Adjustments	<u>91</u>	<u>-</u>	<u>-</u>
Adjusted Beginning Balance	\$1,715	\$1,663	\$2,138
REVENUES, TRANSFERS, AND OTHER ADJUSTMENTS			
Revenues:			
4127400 Renewal Fees	726	726	726
4129400 Other Regulatory Licenses and Permits	249	253	253
4163000 Investment Income - Surplus Money Investments	<u>5</u>	<u>5</u>	<u>5</u>
Total Revenues, Transfers, and Other Adjustments	<u>\$980</u>	<u>\$984</u>	<u>\$984</u>
Total Resources	\$2,695	\$2,647	\$3,122
EXPENDITURE AND EXPENDITURE ADJUSTMENTS			
Expenditures:			
0820 Department of Justice (State Operations)	<u>1,032</u>	<u>509</u>	<u>620</u>
Total Expenditures and Expenditure Adjustments	<u>\$1,032</u>	<u>\$509</u>	<u>\$620</u>
FUND BALANCE	\$1,663	\$2,138	\$2,502

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0820 Department of Justice

	2013-14*	2014-15*	2015-16*
Reserve for economic uncertainties	1,663	2,138	2,502

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EXHIBIT JJ

KAMALA D. HARRIS
Attorney General

State of California
DEPARTMENT OF JUSTICE



1300 I STREET, SUITE 125
P.O. BOX 944255
SACRAMENTO, CA 94244-2550

Public: (916) 445-9555
Telephone: (916) 322-9041
Facsimile: (916) 324-8835
E-Mail: Anthony.Haki@doj.ca.gov

August 8, 2014

Scott Franklin
Michel & Associates, P.C.
180 E. Ocean Boulevard, Suite 200
Long Beach, CA 90802

RE: *Gentry v. Harris*
Superior Court of California, County of Sacramento, Case No. 34-2013-80001667

Dear Mr. Franklin:

Attached are additional documents in response to the Requests for Production of Documents (Set One) served on the Attorney General and the Firearms Bureau Chief. Specifically, the attachments are as follows:

Exhibit A (responsive to Request Nos. 1, 2, 3, 5, 35 & 36);

Exhibit B (responsive to Request No. 9);

Exhibit C (responsive to Request No. 10);

Exhibit D (responsive to Request Nos. 25, 27 & 30).

Please call me if you have any questions.

Sincerely,

A handwritten signature in black ink, appearing to read "Anthony R. Haki".

ANTHONY R. HAKI
Deputy Attorney General

For KAMALA D. HARRIS
Attorney General

FY 2012 CHAPT 0021 FUND 0460000 CROSS-REFERENCE NCI
 DATE 7/23/2013 DEPARTMENT OF JUSTICE PAGE 636
 TIME 13:27:42 REPORT OF EXPENDITURES AS OF JUN 30, 2013
 FOR
 DEALERS RECORD OF SALE ACT
 PROGRAM : LAW ENFORCEMENT COMPONENT: ARMED PROHIBITED *5050
 ELEMENT : BUREAU OF FIREARMS

DESCRIPTION	CURRENT PERIOD EXPENSE	WORKING APPROPRIATION	Y-T-D EXPENDITURES	OUTSTANDING ENCUMBRANCES	BALANCE	PCT USED
PERSONAL SERVICES						
CIVIL SERVICE-PERMANENT	242,618.01	.00	3,215,326.94	.00	.00	.00
CIVIL SERVICE-TEMP HELP	.00	.00	475,810.25	.00	.00	.00
OVERTIME	59,748.19	.00	523,591.71	.00	.00	.00
STAFF BENEFITS	120,327.84	.00	1,544,043.04	.00	.00	.00
=====	=====	=====	=====	=====	=====	=====
PERSONAL SERVICES	422,694.04	.00	5,758,771.94	.00	.00	.00
OPERATING EXP & EQUIP						
GENERAL EXPENSE	1,187.88	.00	16,519.72	.00	.00	.00
PRINTING	3,360.00	.00	8,837.52	.00	.00	.00
COMMUNICATIONS	4,307.37	.00	43,531.77	.00	.00	.00
POSTAGE	.00	.00	3,456.99	.00	.00	.00
INSURANCE	.00	.00	32,647.04	.00	.00	.00
TRAVEL IN-STATE	3,003.23	.00	13,518.73	.00	.00	.00
TRAVEL OUT-OF-STATE	628.68	.00	3,870.11	.00	.00	.00
TRAINING	.00	.00	195.00	.00	.00	.00
FACILITIES OPERATION	791.27	.00	8,137.48	.00	.00	.00
CONSULTANT & PROFESSIONAL SVCS-I	5,673.75	.00	31,025.47	.00	.00	.00
CONSULTANT & PROFESSIONAL SVCS-E	1,000.05	.00	23,342.24	.00	.00	.00
DEPARTMENTAL SERVICES	50,790.13	.00	448,910.98	.00	.00	.00
INFORMATION TECHNOLOGY	765.53	.00	19,458.22	.00	.00	.00
OTHER ITEMS OF EXPENSE	25,305.25	.00	195,055.14	.00	.00	.00
=====	=====	=====	=====	=====	=====	=====
OPERATING EXP & EQUIP	96,813.14	.00	848,506.41	.00	.00	.00
SPEC ITEMS OF EXPENSE						
INTERNAL COST RECOVERY	.00	.00	.00	.00	.00	.00
=====	=====	=====	=====	=====	=====	=====
SPEC ITEMS OF EXPENSE	.00	.00	.00	.00	.00	.00
=====	=====	=====	=====	=====	=====	=====
GRAND TOTAL	519,507.18	6,767,750.00	6,607,278.35	.00	160,471.65	97.62

AGRF000020