

IN THE COURT OF APPEAL OF THE STATE OF CALIFORNIA  
IN AND FOR THE SECOND APPELLATE DISTRICT

FRANKLIN ARMORY, INC., and  
CALIFORNIA RIFLE & PISTOL  
ASSOCIATION, INCORPORATED,

Plaintiffs and Appellants,

v.

CALIFORNIA DEPARTMENT OF  
JUSTICE, XAVIER BECERRA, in his  
Official Capacity as Attorney General  
for the State of California, and DOES 1-  
10,

Defendants and Respondents.

Case No. B340913

**APPELLANTS' APPENDIX**  
**VOLUME IX OF XX**  
**Pages 1157-1279**

Superior Court of California, County of Los Angeles  
Case No. 20STCP01747  
Honorable Daniel S. Murphy, Judge

C.D. Michel – SBN 144258  
Jason A. Davis – SBN 224250  
Anna M. Barvir – SBN 268728  
Konstadinos T. Moros – SBN 306610  
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other than for the purpose for which it was acquired. The state summary criminal history information in the possession of the public utility or cable corporation and all copies made from it shall be destroyed not more than 30 days after employment or promotion or transfer is denied or granted, except for those cases where a current or prospective employee is out on bail or on their own recognizance pending trial, in which case the state summary criminal history information and all copies shall be destroyed not more than 30 days after the case is resolved.

(iv) A violation of this paragraph is a misdemeanor, and shall give the current or prospective employee who is injured by the violation a cause of action against the public utility or cable corporation to recover damages proximately caused by the violations. A public utility's or cable corporation's request for state summary criminal history information for purposes of employing current or prospective employees who may be seeking entrance to private residences or adjacent grounds in the course of their employment shall be deemed a "compelling need" as required to be shown in this subdivision.

(v) This section shall not be construed as imposing a duty upon public utilities or cable corporations to request state summary criminal history information on current or prospective employees.

(B) For purposes of this paragraph, "cable corporation" means a corporation or firm that transmits or provides television, computer, or telephone services by cable, digital, fiber optic, satellite, or comparable technology to subscribers for a fee.

(C) Requests for federal level criminal history information received by the Department of Justice from entities authorized pursuant to subparagraph (A) shall be forwarded to the Federal Bureau of Investigation by the Department of Justice. Federal level criminal history information received or compiled by the Department of Justice may then be disseminated to the entities referenced in subparagraph (A), as authorized by law.

(11) A campus of the California State University or the University of California, or a four-year college or university accredited by a regional accreditation organization approved by the United States Department of Education, if needed in conjunction with an application for admission by a convicted felon to a special education program for convicted felons, including, but not limited to, university alternatives and halfway houses. Only conviction information shall be furnished. The college or university may require the convicted felon to be fingerprinted, and any inquiry to the department under this section shall include the convicted felon's fingerprints and any other information specified by the department.

(12) A foreign government, if requested by the individual who is the subject of the record requested, if needed in conjunction with the individual's application to adopt a minor child who is a citizen of that foreign nation. Requests for information pursuant to this paragraph shall be in accordance with the process described in Sections 11122 to 11124, inclusive. The response shall be provided to the foreign government or its designee and to the individual who requested the information.

(d) Whenever an authorized request for state summary criminal history information pertains to a person whose fingerprints are on file with the Department of Justice and the department has no criminal history of that person, and the information is to be used for employment, licensing, or certification purposes, the fingerprint card accompanying the request for information, if any, may be stamped “no criminal record” and returned to the person or entity making the request.

(e) Whenever state summary criminal history information is furnished as the result of an application and is to be used for employment, licensing, or certification purposes, the Department of Justice may charge the person or entity making the request a fee that it determines to be sufficient to reimburse the department for the cost of furnishing the information. In addition, the Department of Justice may add a surcharge to the fee to fund maintenance and improvements to the systems from which the information is obtained. Notwithstanding any other law, a person or entity required to pay a fee to the department for information received under this section may charge the applicant a fee sufficient to reimburse the person or entity for this expense. All moneys received by the department pursuant to this section, Sections 11105.3 and 26190, and former Section 13588 of the Education Code shall be deposited in a special account in the General Fund to be available for expenditure by the department to offset costs incurred pursuant to those sections and for maintenance and improvements to the systems from which the information is obtained upon appropriation by the Legislature.

(f) Whenever there is a conflict, the processing of criminal fingerprints and fingerprints of applicants for security guard or alarm agent registrations or firearms qualification permits submitted pursuant to Section 7583.9, 7583.23, 7596.3, or 7598.4 of the Business and Professions Code shall take priority over the processing of other applicant fingerprints.

(g) It is not a violation of this section to disseminate statistical or research information obtained from a record, provided that the identity of the subject of the record is not disclosed.

(h) It is not a violation of this section to include information obtained from a record in (1) a transcript or record of a judicial or administrative proceeding or (2) any other public record if the inclusion of the information in the public record is authorized by a court, statute, or decisional law.

(i) Notwithstanding any other law, the Department of Justice or a state or local law enforcement agency may require the submission of fingerprints for the purpose of conducting state summary criminal history information checks that are authorized by law.

(j) The state summary criminal history information shall include any finding of mental incompetence pursuant to Chapter 6 (commencing with Section 1367) of Title 10 of Part 2 arising out of a complaint charging a felony offense specified in Section 290.

(k) (1) This subdivision shall apply whenever state or federal summary criminal history information is furnished by the Department of Justice as the result of an application by an authorized agency or organization and the

information is to be used for peace officer employment or certification purposes. As used in this subdivision, a peace officer is defined in Chapter 4.5 (commencing with Section 830) of Title 3 of Part 2.

(2) Notwithstanding any other law, whenever state summary criminal history information is initially furnished pursuant to paragraph (1), the Department of Justice shall disseminate the following information:

(A) Every conviction rendered against the applicant.

(B) Every arrest for an offense for which the applicant is presently awaiting trial, whether the applicant is incarcerated or has been released on bail or on their own recognizance pending trial.

(C) Every arrest or detention, except for an arrest or detention resulting in an exoneration, provided, however, that where the records of the Department of Justice do not contain a disposition for the arrest, the Department of Justice first makes a genuine effort to determine the disposition of the arrest.

(D) Every successful diversion.

(E) Every date and agency name associated with all retained peace officer or nonsworn law enforcement agency employee preemployment criminal offender record information search requests.

(F) Sex offender registration status of the applicant.

(G) Sentencing information, if present in the department's records at the time of the response.

(I) (1) This subdivision shall apply whenever state or federal summary criminal history information is furnished by the Department of Justice as the result of an application by a criminal justice agency or organization as defined in Section 13101, and the information is to be used for criminal justice employment, licensing, or certification purposes.

(2) Notwithstanding any other law, whenever state summary criminal history information is initially furnished pursuant to paragraph (1), the Department of Justice shall disseminate the following information:

(A) Every conviction rendered against the applicant.

(B) Every arrest for an offense for which the applicant is presently awaiting trial, whether the applicant is incarcerated or has been released on bail or on their own recognizance pending trial.

(C) Every arrest for an offense for which the records of the Department of Justice do not contain a disposition or which did not result in a conviction, provided that the Department of Justice first makes a genuine effort to determine the disposition of the arrest. However, information concerning an arrest shall not be disclosed if the records of the Department of Justice indicate or if the genuine effort reveals that the subject was exonerated, successfully completed a diversion or deferred entry of judgment program, or the arrest was deemed a detention, or the subject was granted relief pursuant to Section 851.91.

(D) Every date and agency name associated with all retained peace officer or nonsworn law enforcement agency employee preemployment criminal offender record information search requests.

(E) Sex offender registration status of the applicant.



(F) Sentencing information, if present in the department's records at the time of the response.

(m) (1) This subdivision shall apply whenever state or federal summary criminal history information is furnished by the Department of Justice as the result of an application by an authorized agency or organization pursuant to Section 1522, 1568.09, 1569.17, or 1596.871 of the Health and Safety Code, or a statute that incorporates the criteria of any of those sections or this subdivision by reference, and the information is to be used for employment, licensing, or certification purposes.

(2) Notwithstanding any other law, whenever state summary criminal history information is initially furnished pursuant to paragraph (1), the Department of Justice shall disseminate the following information:

(A) Every conviction of an offense rendered against the applicant, except a conviction for which relief has been granted pursuant to Section 1203.49.

(B) Every arrest for an offense for which the applicant is presently awaiting trial, whether the applicant is incarcerated or has been released on bail or on their own recognizance pending trial.

(C) Every arrest for an offense for which the Department of Social Services is required by paragraph (1) of subdivision (a) of Section 1522 of the Health and Safety Code to determine if an applicant has been arrested. However, if the records of the Department of Justice do not contain a disposition for an arrest, the Department of Justice shall first make a genuine effort to determine the disposition of the arrest.

(D) Sex offender registration status of the applicant.

(E) Sentencing information, if present in the department's records at the time of the response.

(3) Notwithstanding the requirements of the sections referenced in paragraph (1) of this subdivision, the Department of Justice shall not disseminate information about an arrest subsequently deemed a detention or an arrest that resulted in the successful completion of a diversion program, exoneration, or a grant of relief pursuant to Section 851.91.

(n) (1) This subdivision shall apply whenever state or federal summary criminal history information, to be used for employment, licensing, or certification purposes, is furnished by the Department of Justice as the result of an application by an authorized agency, organization, or individual pursuant to any of the following:

(A) Paragraph (10) of subdivision (c), when the information is to be used by a cable corporation.

(B) Section 11105.3 or 11105.4.

(C) Section 15660 of the Welfare and Institutions Code.

(D) A statute that incorporates the criteria of any of the statutory provisions listed in subparagraph (A), (B), or (C), or of this subdivision, by reference.

(2) With the exception of applications submitted by transportation companies authorized pursuant to Section 11105.3, and notwithstanding any other law, whenever state summary criminal history information is

initially furnished pursuant to paragraph (1), the Department of Justice shall disseminate the following information:

(A) Every conviction, except a conviction for which relief has been granted pursuant to Section 1203.49, rendered against the applicant for a violation or attempted violation of an offense specified in subdivision (a) of Section 15660 of the Welfare and Institutions Code. However, with the exception of those offenses for which registration is required pursuant to Section 290, the Department of Justice shall not disseminate information pursuant to this subdivision unless the conviction occurred within 10 years of the date of the agency's request for information or the conviction is over 10 years old but the subject of the request was incarcerated within 10 years of the agency's request for information.

(B) Every arrest for a violation or attempted violation of an offense specified in subdivision (a) of Section 15660 of the Welfare and Institutions Code for which the applicant is presently awaiting trial, whether the applicant is incarcerated or has been released on bail or on their own recognizance pending trial.

(C) Sex offender registration status of the applicant.

(D) Sentencing information, if present in the department's records at the time of the response.

(o) (1) This subdivision shall apply whenever state or federal summary criminal history information is furnished by the Department of Justice as the result of an application by an authorized agency or organization pursuant to Section 379 or 550 of the Financial Code, or a statute that incorporates the criteria of either of those sections or this subdivision by reference, and the information is to be used for employment, licensing, or certification purposes.

(2) Notwithstanding any other law, whenever state summary criminal history information is initially furnished pursuant to paragraph (1), the Department of Justice shall disseminate the following information:

(A) Every conviction rendered against the applicant for a violation or attempted violation of an offense specified in Section 550 of the Financial Code, except a conviction for which relief has been granted pursuant to Section 1203.49.

(B) Every arrest for a violation or attempted violation of an offense specified in Section 550 of the Financial Code for which the applicant is presently awaiting trial, whether the applicant is incarcerated or has been released on bail or on their own recognizance pending trial.

(C) Sentencing information, if present in the department's records at the time of the response.

(p) (1) This subdivision shall apply whenever state or federal criminal history information is furnished by the Department of Justice as the result of an application by an agency, organization, or individual not defined in subdivision (k), (l), (m), (n), or (o), or by a transportation company authorized pursuant to Section 11105.3, or a statute that incorporates the criteria of that section or this subdivision by reference, and the information is to be used for employment, licensing, or certification purposes.

(2) Notwithstanding any other law, whenever state summary criminal history information is initially furnished pursuant to paragraph (1), the Department of Justice shall disseminate the following information:

(A) Every conviction rendered against the applicant, except a conviction for which relief has been granted pursuant to Section 1203.4, 1203.4a, 1203.41, 1203.42, 1203.425, or 1203.49. The Commission on Teacher Credentialing shall receive every conviction rendered against an applicant, retroactive to January 1, 2020, regardless of relief granted pursuant to Section 1203.4, 1203.4a, 1203.41, 1203.42, 1203.425, or 1203.49.

(B) Every arrest for an offense for which the applicant is presently awaiting trial, whether the applicant is incarcerated or has been released on bail or on their own recognizance pending trial.

(C) Sex offender registration status of the applicant.

(D) Sentencing information, if present in the department's records at the time of the response.

(q) All agencies, organizations, or individuals defined in subdivisions (k), (l), (m), (n), (o), and (p) may contract with the Department of Justice for subsequent notification pursuant to Section 11105.2. This subdivision shall not supersede sections that mandate an agency, organization, or individual to contract with the Department of Justice for subsequent notification pursuant to Section 11105.2.

(r) This section does not require the Department of Justice to cease compliance with any other statutory notification requirements.

(s) The provisions of Section 50.12 of Title 28 of the Code of Federal Regulations are to be followed in processing federal criminal history information.

(t) Whenever state or federal summary criminal history information is furnished by the Department of Justice as the result of an application by an authorized agency, organization, or individual defined in subdivisions (k) to (p), inclusive, and the information is to be used for employment, licensing, or certification purposes, the authorized agency, organization, or individual shall expeditiously furnish a copy of the information to the person to whom the information relates if the information is a basis for an adverse employment, licensing, or certification decision. When furnished other than in person, the copy shall be delivered to the last contact information provided by the applicant.

SEC. 21. Section 16532 of the Penal Code is amended to read:

16532. (a) As used in this part, "firearm precursor part vendor" means a person, firm, corporation, or other business enterprise that holds a valid firearm precursor part vendor license issued pursuant to Section 30485.

(b) Commencing April 1, 2022, a firearms dealer licensed pursuant to Sections 26700 to 26915, inclusive, and a licensed ammunition vendor shall automatically be deemed a licensed firearm precursor part vendor, if the dealer and licensed ammunition vendor comply with the requirements of Article 2 (commencing with Section 30300) and Article 3 (commencing with Section 30342) of Chapter 1 of Division 10 of Title 4.

SEC. 22. Section 18010 of the Penal Code is amended to read:

18010. (a) The Attorney General, a district attorney, or a city attorney may bring an action to enjoin the manufacture of, importation of, keeping for sale of, offering or exposing for sale, giving, lending, or possession of, any item that constitutes a nuisance under any of the following provisions:

- (1) Section 19290, relating to metal handgrenades.
- (2) Section 20390, relating to an air gauge knife.
- (3) Section 20490, relating to a belt buckle knife.
- (4) Section 20590, relating to a cane sword.
- (5) Section 20690, relating to a lipstick case knife.
- (6) Section 20790, relating to a shobi-zue.
- (7) Section 20990, relating to a writing pen knife.
- (8) Section 21190, relating to a ballistic knife.
- (9) Section 21890, relating to metal knuckles.
- (10) Section 22090, relating to a nunchaku.
- (11) Section 22290, relating to a leaded cane or an instrument or weapon of the kind commonly known as a billy, blackjack, sandbag, sandclub, sap, or slungshot.
- (12) Section 22490, relating to a shuriken.
- (13) Section 24390, relating to a camouflaging firearm container.
- (14) Section 24490, relating to a cane gun.
- (15) Section 24590, relating to a firearm not immediately recognizable as a firearm.
- (16) Section 24690, relating to an undetectable firearm.
- (17) Section 24790, relating to a wallet gun.
- (18) Section 30290, relating to flechette dart ammunition and to a bullet with an explosive agent.
- (19) Section 31590, relating to an unconventional pistol.
- (20) Section 32390, relating to a large-capacity magazine.
- (21) Section 32990, relating to a multiburst trigger activator.
- (22) Section 33290, relating to a short-barreled rifle or a short-barreled shotgun.
- (23) Section 33690, relating to a zip gun.

(b) The weapons described in subdivision (a) shall be subject to confiscation and summary destruction whenever found within the state.

(c) The weapons described in subdivision (a) shall be destroyed in the same manner described in Section 18005, except that upon the certification of a judge or of the district attorney that the ends of justice will be served thereby, the weapon shall be preserved until the necessity for its use ceases.

(d) (1) Commencing July 1, 2022, the Attorney General, a district attorney, or a city attorney may bring an action to enjoin the importation into the state or sale of any firearm precursor part that is imported into this state or sold within this state in violation of Article 1 (commencing with Section 30400), Article 2 (commencing with Section 30442), Article 3 (commencing with Section 30470), and Article 4 (commencing with Section 30485) of Chapter 1.5 of Division 10 of Title 4.

(2) Commencing July 1, 2022, firearm precursor parts that are imported in this state or sold within this state in violation of Article 1 (commencing

with Section 30400), Article 2 (commencing with Section 30442), Article 3 (commencing with Section 30470), and Article 4 (commencing with Section 30485) of Chapter 1.5 of Division 10 of Title 4 are a nuisance and are subject to confiscation and destruction pursuant to Section 18005.

SEC. 23. Section 30400 of the Penal Code is amended to read:

30400. (a) Commencing July 1, 2022, a person, corporation, or dealer who does either of the following shall be punished by imprisonment in a county jail for a term not to exceed six months, or by a fine not to exceed one thousand dollars (\$1,000), or by both the imprisonment and fine.

(1) Sells a firearm precursor part to a person under 21 years of age.

(2) Supplies, delivers, or gives possession of a firearm precursor part to a minor who the person, corporation, or dealer knows, or using reasonable care should have known, is prohibited from possessing a firearm or ammunition at that time pursuant to Chapter 1 (commencing with Section 29610) of Division 9.

(b) Proof that a person, corporation, or dealer, or their agent or employee, demanded, was shown, and acted in reasonable reliance upon, bona fide evidence of the age of majority and identity shall be a defense to any criminal prosecution under this section.

(c) The provisions of this section are cumulative and do not restrict the application of any other law. However, an act or omission punishable in different ways by this section and another provision of law shall not be punished under more than one provision.

SEC. 24. Section 30405 of the Penal Code is amended to read:

30405. (a) (1) Commencing July 1, 2022, a person prohibited from owning or possessing a firearm under Chapter 2 (commencing with Section 29800) or Chapter 3 (commencing with Section 29900) of Division 9 of this title, or Section 8100 or 8103 of the Welfare and Institutions Code, shall not own, possess, or have under custody or control a firearm precursor part.

(2) A violation of this subdivision is punishable by imprisonment in a county jail not to exceed one year, by a fine not to exceed one thousand dollars (\$1,000), or by both that fine and imprisonment.

(b) A violation of subdivision (a) does not occur if all of the following conditions are met:

(1) The person found a firearm precursor part or took the firearm precursor part from a person who was committing a crime against the person who found or took the firearm precursor part.

(2) The person possessed the firearm precursor part no longer than was necessary to deliver or transport the firearm precursor part to a law enforcement agency for that agency's disposition according to law.

(3) The person is prohibited from possessing any firearm precursor part solely because that person is prohibited from owning or possessing a firearm by virtue of Chapter 2 (commencing with Section 29800) of Division 9.

(c) Upon the trial for violating subdivision (a), the trier of fact shall determine whether the defendant is eligible for the exemption created by subdivision (b). The defendant has the burden of proving by a preponderance

of the evidence that the defendant is within the scope of the exemption provided by subdivision (b).

(d) The provisions of this section are cumulative and do not restrict the application of any other law. However, an act or omission punishable in different ways by this section and another provision of law shall not be punished under more than one provision.

SEC. 25. Section 30406 of the Penal Code is amended to read:

30406. (a) Commencing July 1, 2022, a person, corporation, firm, or other business enterprise who supplies, delivers, sells, or gives possession or control of a firearm precursor part to anybody who that person knows or using reasonable care should know is prohibited from owning, possessing, or having under custody or control a firearm precursor part is guilty of a misdemeanor, punishable by imprisonment in a county jail not exceeding one year, or a fine not exceeding one thousand dollars (\$1,000), or by both that fine and imprisonment.

(b) Commencing July 1, 2022, a person, corporation, firm, or other business enterprise that supplies, delivers, sells, or gives possession or control of a firearm precursor part to a person whom the person, corporation, firm, or other business enterprise knows or has cause to believe is not the actual purchaser or transferee of the firearm precursor part, with knowledge or cause to believe that the firearm precursor part is to be subsequently sold or transferred to a person who is prohibited from owning, possessing, or having under custody or control a firearm precursor part is guilty of a misdemeanor, punishable by imprisonment in a county jail not exceeding one year, or a fine not exceeding one thousand dollars (\$1,000), or by both that fine and imprisonment.

(c) The provisions of this section are cumulative and do not restrict the application of any other law. However, an act or omission punishable in different ways by this section and another provision of law shall not be punished under more than one provision.

SEC. 26. Section 30412 of the Penal Code is amended to read:

30412. (a) (1) Commencing July 1, 2022, the sale of a firearm precursor part by any party shall be conducted by or processed through a licensed firearm precursor part vendor.

(2) When neither party to a firearm precursor part sale is a licensed firearm precursor part vendor, the seller shall deliver the firearm precursor part to a vendor to process the transaction. The firearm precursor part vendor shall promptly and properly deliver the firearm precursor part to the purchaser, if the sale is not prohibited, as if the firearm precursor part were the vendor's own merchandise. If the firearm precursor part vendor cannot deliver the firearm precursor part to the purchaser, the vendor shall forthwith return the firearm precursor part to the seller after the seller has their background checked by the department. The firearm precursor part vendor may charge the purchaser an administrative fee to process the transaction, in an amount to be set by the Department of Justice, in addition to any applicable fees that may be charged pursuant to the provisions of this title.

(b) Commencing July 1, 2022, the sale, delivery, or transfer of ownership of a firearm precursor part by any party may only occur in a face-to-face transaction with the seller, deliverer, or transferor. A firearm precursor part may be purchased or acquired over the internet or through other means of remote ordering if a licensed firearm precursor part vendor initially receives the firearm precursor part and processes the transaction in compliance with this section and Article 2 (commencing with Section 30442).

(c) Subdivisions (a) and (b) shall not apply to the sale, delivery, or transfer of a firearm precursor part to any of the following:

(1) An authorized law enforcement representative of a city, county, city and county, or state or federal government, if the sale, delivery, or transfer is for exclusive use by that governmental agency and, prior to the sale, delivery, or transfer of the firearm precursor part, written authorization from the head of the agency employing the purchaser or transferee is obtained, identifying the employee as an individual authorized to conduct the transaction, and authorizing the transaction for the exclusive use of the agency employing the individual.

(2) A sworn peace officer, as defined in Chapter 4.5 (commencing with Section 830) of Title 3 of Part 2, or sworn federal law enforcement officer, who is authorized to carry a firearm in the course and scope of the officer's duties.

(3) An importer or manufacturer of ammunition or firearms who is licensed to engage in business pursuant to Chapter 44 (commencing with Section 921) of Title 18 of the United States Code and the regulations issued pursuant thereto.

(4) A person who is on the centralized list of exempted federal firearms licensees maintained by the Department of Justice pursuant to Article 6 (commencing with Section 28450) of Chapter 6 of Division 6.

(5) A person whose licensed premises are outside this state and who is licensed as a dealer or collector of firearms pursuant to Chapter 44 (commencing with Section 921) of Title 18 of the United States Code and the regulations issued pursuant thereto.

(6) A person who is licensed as a collector of firearms pursuant to Chapter 44 (commencing with Section 921) of Title 18 of the United States Code and the regulations issued pursuant thereto, whose licensed premises are within this state, and who has a current certificate of eligibility issued by the Department of Justice pursuant to Section 26710.

(7) A firearm precursor part vendor.

(8) An authorized representative of a city, county, city and county, or state or federal government, if the firearm precursor part is obtained as part of an authorized, voluntary program in which the governmental entity is buying or receiving firearm precursor parts from private individuals.

(d) Any firearm precursor part acquired pursuant to paragraph (8) of subdivision (c) shall be disposed of pursuant to the applicable provisions of Sections 18000, 18005, and 34000.

(e) A violation of this section is a misdemeanor.

(f) The provisions of this section are cumulative and do not restrict the application of any other law. However, an act or omission punishable in different ways by this section and another provision of law shall not be punished under more than one provision.

SEC. 27. Section 30414 of the Penal Code is amended to read:

30414. (a) Commencing July 1, 2022, a resident of this state shall not bring or transport into this state a firearm precursor part that they purchased or otherwise obtained from outside of this state unless they first had that firearm precursor part delivered to a licensed firearm precursor part vendor for delivery to that resident pursuant to the procedures set forth in Section 30412.

(b) Subdivision (a) does not apply to any of the following:

- (1) A firearm precursor part vendor.
- (2) A sworn peace officer, as defined in Chapter 4.5 (commencing with Section 830) of Title 3 of Part 2, or sworn federal law enforcement officer who is authorized to carry a firearm in the course and scope of the officer's duties.
- (3) An importer or manufacturer of ammunition or firearms who is licensed to engage in business pursuant to Chapter 44 (commencing with Section 921) of Title 18 of the United States Code and the regulations issued pursuant thereto.
- (4) A person who is on the centralized list of exempted federal firearms licensees maintained by the Department of Justice pursuant to Article 6 (commencing with Section 28450) of Chapter 6 of Division 6.
- (5) A person who is licensed as a collector of firearms pursuant to Chapter 44 (commencing with Section 921) of Title 18 of the United States Code and the regulations issued pursuant thereto, whose licensed premises are within this state, and who has a current certificate of eligibility issued by the Department of Justice pursuant to Section 26710.
- (6) A licensed common carrier or an authorized agent or employee of a licensed common carrier, when acting in the course and scope of duties incident to the delivery of or receipt of that firearm in accordance with federal law.

(c) A violation of this section is a misdemeanor.

(d) The provisions of this section are cumulative and do not restrict the application of any other law. However, an act or omission punishable in different ways by this section and another provision of law shall not be punished under more than one provision.

SEC. 28. Section 30442 of the Penal Code is amended to read:

30442. (a) Commencing July 1, 2022, a valid firearm precursor part vendor license shall be required for any person, firm, corporation, or other business enterprise to sell more than one firearm precursor part in any 30-day period.

(b) Subdivision (a) does not apply to the sale of a firearm precursor part to any of the following:

- (1) An authorized law enforcement representative of a city, county, city and county, or state or federal government, if the sale, delivery, or transfer



is for exclusive use by that governmental agency and, prior to the sale, delivery, or transfer of the firearm precursor part, written authorization from the head of the agency employing the purchaser or transferee is obtained, identifying the employee as an individual authorized to conduct the transaction, and authorizing the transaction for the exclusive use of the agency employing the individual.

(2) An importer or manufacturer of ammunition or firearms who is licensed to engage in business pursuant to Chapter 44 (commencing with Section 921) of Title 18 of the United States Code and the regulations issued pursuant thereto.

(3) A person who is on the centralized list of exempted federal firearms licensees maintained by the Department of Justice pursuant to Article 6 (commencing with Section 28450) of Chapter 6 of Division 6.

(4) A person whose licensed premises are outside this state and who is licensed as a dealer or collector of firearms pursuant to Chapter 44 (commencing with Section 921) of Title 18 of the United States Code and the regulations issued pursuant thereto.

(5) An authorized representative of a city, county, city and county, or state or federal government, if the firearm precursor part is obtained as part of an authorized, voluntary program in which the governmental entity is buying or receiving firearm precursor parts from private individuals.

(c) Subdivision (a) does not apply to the sale of a firearm precursor part to a firearm precursor part vendor by any of the following:

(1) An authorized law enforcement representative of a city, county, city and county, or state or federal government, if the sale, delivery, or transfer is by that governmental agency and, prior to the sale, delivery, or transfer of the firearm precursor part, written authorization from the head of the agency employing that person is obtained, identifying the employee as an individual authorized to conduct the transaction, and authorizing the transaction.

(2) An importer or manufacturer of ammunition or firearms who is licensed to engage in business pursuant to Chapter 44 (commencing with Section 921) of Title 18 of the United States Code and the regulations issued pursuant thereto.

(3) A person who is on the centralized list of exempted federal firearms licensees maintained by the Department of Justice pursuant to Article 6 (commencing with Section 28450) of Chapter 6 of Division 6.

(4) A person whose licensed premises are outside this state and who is licensed as a dealer or collector of firearms pursuant to Chapter 44 (commencing with Section 921) of Title 18 of the United States Code and the regulations issued pursuant thereto.

(d) A violation of this section is a misdemeanor.

(e) The provisions of this section are cumulative and do not restrict the application of any other law. However, an act or omission punishable in different ways by this section and another provision of law shall not be punished under more than one provision.

SEC. 29. Section 30445 of the Penal Code is amended to read:

30445. Commencing July 1, 2022, a vendor shall comply with all of the conditions, requirements, and prohibitions enumerated in this article.

SEC. 30. Section 30447 of the Penal Code is amended to read:

30447. (a) Commencing July 1, 2022, a firearm precursor part vendor shall require any agent or employee who handles, sells, delivers, or has in their custody or control any firearm precursor part to obtain and provide to the vendor a certificate of eligibility from the Department of Justice issued pursuant to Section 26710. On the application for the certificate, the agent or employee shall provide the name and address of the firearm precursor part vendor with whom the person is employed, or the name and California firearms dealer number of the firearm precursor part vendor, if applicable.

(b) The department shall notify the firearm precursor part vendor if the agent or employee who has a certificate of eligibility is or becomes prohibited from possessing firearms, ammunition, or firearm precursor parts under state or federal law.

(c) Commencing July 1, 2022, a firearm precursor part vendor shall not permit any agent or employee who the vendor knows or reasonably should know is a person described in Chapter 2 (commencing with Section 29800) or Chapter 3 (commencing with Section 29900) of Division 9 of this code or Section 8100 or 8103 of the Welfare and Institutions Code to handle, sell, deliver, or have in their custody or control a firearm precursor part in the course and scope of employment.

SEC. 31. Section 30448 of the Penal Code is amended to read:

30448. (a) Except as provided in subdivision (b), commencing July 1, 2022, the sale of firearm precursor parts by a licensed vendor shall be conducted at the location specified in the license.

(b) Commencing July 1, 2022, a licensed vendor may sell firearm precursor parts at a gun show or event if the gun show or event is not conducted from any motorized or towed vehicle.

(c) For purposes of this section, “gun show or event” means a function sponsored by any national, state, or local organization, devoted to the collection, competitive use, or other sporting use of firearms, or an organization or association that sponsors functions devoted to the collection, competitive use, or other sporting use of firearms in the community.

(d) Sales of firearm precursor parts at a gun show or event shall comply with all applicable laws.

SEC. 32. Section 30450 of the Penal Code is amended to read:

30450. Commencing July 1, 2022, a firearm precursor part vendor shall not sell or otherwise transfer ownership of, offer for sale or otherwise offer to transfer ownership of, or display for sale or display for transfer of ownership of any firearm precursor part in a manner that allows a firearm precursor part to be accessible to a purchaser or transferee without the assistance of the vendor or an employee of the vendor.

SEC. 33. Section 30452 of the Penal Code is amended to read:

30452. (a) (1) Commencing July 1, 2022, a firearm precursor part vendor shall not sell or otherwise transfer ownership of a firearm precursor

part without, at the time of delivery, legibly recording the following information on a form to be prescribed by the Department of Justice:

- (A) The date of the sale or other transfer.
- (B) The purchaser's or transferee's driver's license or other identification number and the state in which it was issued.
- (C) The brand, type, and amount of firearm precursor parts sold or otherwise transferred.
- (D) The purchaser's or transferee's full name and signature.
- (E) The name of the salesperson who processed the sale or other transaction.
- (F) The purchaser's or transferee's full residential address and telephone number.
- (G) The purchaser's or transferee's date of birth.

(2) A firearm precursor part vendor is not required to report to the department any firearm precursor part that is attached or affixed to a firearm involved in a successful dealer record of sale transaction.

(b) Commencing July 1, 2022, a firearm precursor part vendor shall electronically submit to the department the information required by subdivision (a) for all sales and transfers of ownership of a firearm precursor part. The department shall retain this information in a database to be known as the Firearm Precursor Part Purchase Records File. This information shall remain confidential and may be used by the department and those entities specified in, and pursuant to, subdivision (b) or (c) of Section 11105, through the California Law Enforcement Telecommunications System, only for law enforcement purposes. The firearm precursor part vendor shall not use, sell, disclose, or share the information for any other purpose other than the submission required by this subdivision without the express written consent of the purchaser or transferee.

(c) Commencing on July 1, 2022, only those persons listed in this subdivision, or those persons or entities listed in subdivision (e), shall be authorized to purchase firearm precursor parts. Prior to delivering any firearm precursor part, a firearm precursor part vendor shall require bona fide evidence of identity to verify that the person who is receiving delivery of the firearm precursor part is a person or entity listed in subdivision (e) or one of the following:

(1) A person authorized to purchase firearm precursor parts pursuant to Section 30470.

(2) A person who was approved by the department to receive a firearm from the firearm precursor part vendor, pursuant to Section 28220, if that vendor is a licensed firearms dealer, and the firearm precursor part is delivered to the person in the same transaction as the firearm.

(d) Commencing July 1, 2022, the firearm precursor part vendor shall verify with the department, in a manner prescribed by the department, that the person is authorized to purchase firearm precursor parts. If the person is not listed as an authorized firearm precursor part purchaser, the vendor shall deny the sale or transfer.

(e) Subdivisions (a) and (d) shall not apply to sales or other transfers of ownership of firearm precursor parts by firearm precursor part vendors to any of the following, if properly identified:

- (1) A firearm precursor part vendor.
- (2) A person who is on the centralized list of exempted federal firearms licensees maintained by the department pursuant to Article 6 (commencing with Section 28450) of Chapter 6 of Division 6.
- (3) A gunsmith.
- (4) A wholesaler.
- (5) A manufacturer or importer of firearms or ammunition licensed pursuant to Chapter 44 (commencing with Section 921) of Title 18 of the United States Code, and the regulations issued pursuant thereto.
- (6) An authorized law enforcement representative of a city, county, city and county, or state or federal government, if the sale or other transfer of ownership is for exclusive use by that governmental agency, and, prior to the sale, delivery, or transfer of the firearm precursor part, written authorization from the head of the agency authorizing the transaction is presented to the person from whom the purchase, delivery, or transfer is being made. Proper written authorization is defined as verifiable written certification from the head of the agency by which the purchaser, transferee, or person otherwise acquiring ownership is employed, identifying the employee as an individual authorized to conduct the transaction, and authorizing the transaction for the exclusive use of the agency by which that individual is employed.
- (7) (A) A properly identified sworn peace officer, as defined in Chapter 4.5 (commencing with Section 830) of Title 3 of Part 2, or properly identified sworn federal law enforcement officer who is authorized to carry a firearm in the course and scope of the officer's duties.  
(B) (i) Proper identification is defined as verifiable written certification from the head of the agency by which the purchaser or transferee is employed, identifying the purchaser or transferee as a full-time paid peace officer who is authorized to carry a firearm in the course and scope of the officer's duties.  
(ii) The certification shall be delivered to the vendor at the time of purchase or transfer and the purchaser or transferee shall provide bona fide evidence of identity to verify that they are the person authorized in the certification.  
(iii) The vendor shall keep the certification with the record of sale and submit the certification to the department.
- (f) The department is authorized to adopt regulations to implement the provisions of this section.

SEC. 34. Section 30454 of the Penal Code is amended to read:

30454. Commencing July 1, 2022, the records required by this article shall be maintained on the premises of the firearm precursor part vendor for a period of not less than five years from the date of the recorded transfer.

SEC. 35. Section 30456 of the Penal Code is amended to read:

30456. Commencing July 1, 2022, a firearm precursor parts vendor shall, within 48 hours of discovery, report the loss or theft of any firearm precursor parts to the appropriate law enforcement agency in the city, county, or city and county where the vendor's business premises are located.

SEC. 36. Section 30470 of the Penal Code is amended to read:

30470. (a) Commencing July 1, 2022, the department shall electronically approve the purchase or transfer of firearm precursor parts through a vendor, as defined in Section 16532, except as otherwise specified. This approval shall occur at the time of purchase or transfer, prior to the purchaser or transferee taking possession of the firearm precursor part. Pursuant to the authorization specified in paragraph (1) of subdivision (c) of Section 30452, the following persons are authorized to purchase firearm precursor parts:

(1) A purchaser or transferee whose information matches an entry in the Automated Firearms System (AFS) and who is eligible to possess firearm precursor parts as specified in subdivision (b).

(2) A purchaser or transferee who has a current certificate of eligibility issued by the department pursuant to Section 26710.

(3) A purchaser or transferee who is not prohibited from purchasing or possessing firearm precursor parts in a single firearm precursor part transaction or purchase made pursuant to the procedure developed pursuant to subdivision (c).

(b) To determine if the purchaser or transferee is eligible to purchase or possess firearm precursor parts pursuant to paragraph (1) of subdivision (a), the department shall cross-reference the firearm precursor part purchaser's or transferee's name, date of birth, current address, and driver's license or other government identification number, as described in Section 28180, with the information maintained in the AFS. If the purchaser's or transferee's information does not match an AFS entry, the transaction shall be denied. If the purchaser's or transferee's information matches an AFS entry, the department shall determine if the purchaser or transferee falls within a class of persons who are prohibited from owning or possessing firearm precursor parts by cross-referencing with the Prohibited Armed Persons File. If the purchaser or transferee is prohibited from owning or possessing a firearm, the transaction shall be denied.

(c) The department shall develop a procedure in which a person who is not prohibited from purchasing or possessing a firearm precursor part may be approved for a single firearm precursor part transaction or purchase. The department shall recover the cost of processing and regulatory and enforcement activities related to this section by charging the firearm precursor part transaction or purchase applicant a fee not to exceed the fee charged for the department's Dealers' Record of Sale (DROS) process, as described in Section 28225 and not to exceed the department's reasonable costs.

(d) A vendor is prohibited from providing a purchaser or transferee a firearm precursor part without department approval. If a vendor cannot electronically verify a person's eligibility to purchase or possess firearm precursor parts via an internet connection, the department shall provide a

telephone line to verify eligibility. This option is available to firearm precursor part vendors who can demonstrate legitimate geographical and telecommunications limitations in submitting the information electronically and who are approved by the department to use the telephone line verification.

(e) The department shall recover the reasonable cost of regulatory and enforcement activities related to this article by charging firearm precursor parts purchasers and transferees a per transaction fee not to exceed one dollar (\$1), provided, however, that the fee may be increased at a rate not to exceed any increases in the California Consumer Price Index as compiled and reported by the Department of Industrial Relations, not to exceed the reasonable regulatory and enforcement costs.

(f) A fund to be known as the Firearm Precursor Parts Enforcement Special Fund is hereby created within the State Treasury. All fees received pursuant to this section shall be deposited into the Firearm Precursor Parts Special Fund and, notwithstanding Section 13340 of the Government Code, are continuously appropriated to the department for purposes of implementing, operating, and enforcing the firearm precursor part authorization program provided for in this section and Section 30452.

(g) The Department of Justice is authorized to adopt regulations to implement this section.

SEC. 37. Section 30485 of the Penal Code is amended to read:

30485. (a) The Department of Justice is authorized to issue firearm precursor part vendor licenses pursuant to this article. The department shall, commencing April 1, 2022, commence accepting applications for firearm precursor part vendor licenses. If an application is denied, the department shall inform the applicant of the reason for the denial in writing. The annual fee shall be paid on July 1, or the next business day, of every year.

(b) The firearm precursor part vendor license shall be issued in a form prescribed by the department. The department may adopt regulations to administer the application and enforcement provisions of this article. The license shall allow the licensee to sell firearm precursor parts at the location specified in the license or at a gun show or event as set forth in Section 30448.

(c) (1) In the case of an entity other than a natural person, the department shall issue the license to the entity but shall require a responsible person to pass the background check pursuant to Section 30495.

(2) For purposes of this article, “responsible person” means a person having the power to direct the management, policies, and practices of the entity as it pertains to firearm precursor parts.

(d) Commencing July 1, 2022, a firearms dealer licensed pursuant to Sections 26700 to 26915, inclusive, and licensed ammunition vendor shall automatically be deemed a firearm precursor parts vendor, provided the dealer complies with the requirements of Article 2 (commencing with Section 30300) and Article 3 (commencing with Section 30342) of Chapter 1.

SEC. 38. Section 30515 of the Penal Code is amended to read:

30515. (a) Notwithstanding Section 30510, “assault weapon” also means any of the following:

(1) A semiautomatic, centerfire rifle that does not have a fixed magazine but has any one of the following:

(A) A pistol grip that protrudes conspicuously beneath the action of the weapon.

(B) A thumbhole stock.

(C) A folding or telescoping stock.

(D) A grenade launcher or flare launcher.

(E) A flash suppressor.

(F) A forward pistol grip.

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

(3) A semiautomatic, centerfire rifle that has an overall length of less than 30 inches.

(4) A semiautomatic pistol that does not have a fixed magazine but has any one of the following:

(A) A threaded barrel, capable of accepting a flash suppressor, forward handgrip, or silencer.

(B) A second handgrip.

(C) A shroud that is attached to, or partially or completely encircles, the barrel that allows the bearer to fire the weapon without burning the bearer’s hand, except a slide that encloses the barrel.

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

(5) A semiautomatic pistol with a fixed magazine that has the capacity to accept more than 10 rounds.

(6) A semiautomatic shotgun that has both of the following:

(A) A folding or telescoping stock.

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

(7) A semiautomatic shotgun that does not have a fixed magazine.

(8) Any shotgun with a revolving cylinder.

(9) A semiautomatic centerfire firearm that is not a rifle, pistol, or shotgun, that does not have a fixed magazine, but that has any one of the following:

(A) A pistol grip that protrudes conspicuously beneath the action of the weapon.

(B) A thumbhole stock.

(C) A folding or telescoping stock.

(D) A grenade launcher or flare launcher.

(E) A flash suppressor.

(F) A forward pistol grip.

(G) A threaded barrel, capable of accepting a flash suppressor, forward handgrip, or silencer.

(H) A second handgrip.

(I) A shroud that is attached to, or partially or completely encircles, the barrel that allows the bearer to fire the weapon without burning the bearer's hand, except a slide that encloses the barrel.

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

(10) A semiautomatic centerfire firearm that is not a rifle, pistol, or shotgun, that has a fixed magazine with the capacity to accept more than 10 rounds.

(11) A semiautomatic centerfire firearm that is not a rifle, pistol, or shotgun, that has an overall length of less than 30 inches.

(b) For purposes of this section, "fixed magazine" means an ammunition feeding device contained in, or permanently attached to, a firearm in such a manner that the device cannot be removed without disassembly of the firearm action.

(c) The Legislature finds a significant public purpose in exempting from the definition of "assault weapon" pistols that are designed expressly for use in Olympic target shooting events. Therefore, those pistols that are sanctioned by the International Olympic Committee and by USA Shooting, the national governing body for international shooting competition in the United States, and that were used for Olympic target shooting purposes as of January 1, 2001, and that would otherwise fall within the definition of "assault weapon" pursuant to this section are exempt, as provided in subdivision (d).

(d) "Assault weapon" does not include either of the following:

(1) Any antique firearm.

(2) Any of the following pistols, because they are consistent with the significant public purpose expressed in subdivision (c):

MANUFACTURER	MODEL	CALIBER
BENELLI	MP90	.22LR
BENELLI	MP90	.32 S&W LONG
BENELLI	MP95	.22LR
BENELLI	MP95	.32 S&W LONG
HAMMERLI	280	.22LR
HAMMERLI	280	.32 S&W LONG
HAMMERLI	SP20	.22LR
HAMMERLI	SP20	.32 S&W LONG
PARDINI	GPO	.22 SHORT
PARDINI	GP-SCHUMANN	.22 SHORT
PARDINI	HP	.32 S&W LONG
PARDINI	MP	.32 S&W LONG
PARDINI	SP	.22LR
PARDINI	SPE	.22LR
WALTHER	GSP	.22LR
WALTHER	GSP	.32 S&W LONG
WALTHER	OSP	.22 SHORT



WALTHER

OSP-2000

.22 SHORT

(3) The Department of Justice shall create a program that is consistent with the purposes stated in subdivision (c) to exempt new models of competitive pistols that would otherwise fall within the definition of “assault weapon” pursuant to this section from being classified as an assault weapon. The exempt competitive pistols may be based on recommendations by USA Shooting consistent with the regulations contained in the USA Shooting Official Rules or may be based on the recommendation or rules of any other organization that the department deems relevant.

(e) The provisions of this section are severable. If any provision of this section or its application is held invalid, that invalidity shall not affect other provisions or applications that can be given effect without the invalid provision or application.

SEC. 39. Section 30685 is added to the Penal Code, immediately following Section 30680, to read:

30685. Section 30605 does not apply to the possession of an assault weapon as defined by paragraph (9), (10), or (11) of subdivision (a) of Section 30515 by a person who has possessed the assault weapon prior to September 1, 2020, if all of the following are applicable:

(a) Prior to September 1, 2020, the person would have been eligible to register that assault weapon pursuant to subdivision (c) of Section 30900.

(b) The person lawfully possessed that assault weapon prior to September 1, 2020.

(c) The person registers the assault weapon by January 1, 2022, in accordance with subdivision (c) of Section 30900.

SEC. 40. Section 30900 of the Penal Code is amended to read:

30900. (a) (1) Any person who, prior to June 1, 1989, lawfully possessed an assault weapon, as defined in former Section 12276, as added by Section 3 of Chapter 19 of the Statutes of 1989, shall register the firearm by January 1, 1991, and any person who lawfully possessed an assault weapon prior to the date it was specified as an assault weapon pursuant to former Section 12276.5, as added by Section 3 of Chapter 19 of the Statutes of 1989 or as amended by Section 1 of Chapter 874 of the Statutes of 1990 or Section 3 of Chapter 954 of the Statutes of 1991, shall register the firearm within 90 days with the Department of Justice pursuant to those procedures that the department may establish.

(2) Except as provided in Section 30600, any person who lawfully possessed an assault weapon prior to the date it was defined as an assault weapon pursuant to former Section 12276.1, as it read in Section 7 of Chapter 129 of the Statutes of 1999, and which was not specified as an assault weapon under former Section 12276, as added by Section 3 of Chapter 19 of the Statutes of 1989 or as amended at any time before January 1, 2001, or former Section 12276.5, as added by Section 3 of Chapter 19 of the Statutes of 1989 or as amended at any time before January 1, 2001, shall register the firearm by January 1, 2001, with the department pursuant to those procedures that the department may establish.

(3) The registration shall contain a description of the firearm that identifies it uniquely, including all identification marks, the full name, address, date of birth, and thumbprint of the owner, and any other information that the department may deem appropriate.

(4) The department may charge a fee for registration of up to twenty dollars (\$20) per person but not to exceed the reasonable processing costs of the department. After the department establishes fees sufficient to reimburse the department for processing costs, fees charged shall increase at a rate not to exceed the legislatively approved annual cost-of-living adjustment for the department's budget or as otherwise increased through the Budget Act but not to exceed the reasonable costs of the department. The fees shall be deposited into the Dealers' Record of Sale Special Account.

(b) (1) Any person who, from January 1, 2001, to December 31, 2016, inclusive, lawfully possessed an assault weapon that does not have a fixed magazine, as defined in Section 30515, including those weapons with an ammunition feeding device that can be readily removed from the firearm with the use of a tool, shall register the firearm before July 1, 2018, but not before the effective date of the regulations adopted pursuant to paragraph (5), with the department pursuant to those procedures that the department may establish by regulation pursuant to paragraph (5).

(2) Registrations shall be submitted electronically via the Internet utilizing a public-facing application made available by the department.

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

(4) The department may charge a fee in an amount of up to fifteen dollars (\$15) per person but not to exceed the reasonable processing costs of the department. The fee shall be paid by debit or credit card at the time that the electronic registration is submitted to the department. The fee shall be deposited in the Dealers' Record of Sale Special Account to be used for purposes of this section.

(5) The department shall adopt regulations for the purpose of implementing this subdivision. These regulations are exempt from the Administrative Procedure Act (Chapter 3.5 (commencing with Section 11340) of Part 1 of Division 3 of Title 2 of the Government Code).

(c) (1) Any person who, prior to September 1, 2020, lawfully possessed an assault weapon as defined by paragraph (9), (10), or (11) of subdivision (a) of Section 30515, and is eligible to register an assault weapon as set forth in Section 30950, shall submit an application to register the firearm before January 1, 2022, but not before the effective date of the regulations adopted pursuant to paragraph (5), with the department pursuant to those procedures that the department may establish by regulation pursuant to paragraph (5).

(2) Registration applications shall be submitted in a manner and format to be specified by the department in regulations adopted pursuant to paragraph (5).

(3) The registration application shall contain a description of the firearm that identifies it uniquely, including all identification marks, the date the firearm was acquired, the name and address of the individual from whom, or business from which, the firearm was acquired, as well as the registrant's full name, address, telephone number, date of birth, sex, height, weight, eye color, hair color, and California driver's license number or California identification card number, and any other information that the department may deem appropriate. The registration application shall also contain photographs of the firearm, as specified by the department in regulations adopted pursuant to paragraph (5).

(4) For each registration application, the department may charge a fee that consists of the amount the department is authorized to require a dealer to charge each firearm purchaser under subdivision (a) of Section 28233, not to exceed the reasonable processing costs of the department. For registration applications seeking to register multiple firearms, the fee shall increase by up to five dollars (\$5) for each additional firearm after the first, not to exceed the reasonable processing costs of the department. The fee shall be paid in a manner specified by the department in regulations adopted pursuant to paragraph (5) at the time the registration application is submitted to the department. The fee shall be deposited in the Dealers' Record of Sale Special Account to be used for purposes of this section.

(5) The department shall adopt regulations for the purpose of implementing this subdivision and paragraphs (9), (10), and (11) of subdivision (a) of Section 30515. These regulations are exempt from the Administrative Procedure Act (Chapter 3.5 (commencing with Section 11340) of Part 1 of Division 3 of Title 2 of the Government Code).

SEC. 41. Section 30955 of the Penal Code is amended to read:

30955. (a) The department's registration procedures shall provide the option of joint registration for any assault weapon or .50 BMG rifle owned by family members residing in the same household.

(b) Notwithstanding subdivision (a), for registration of assault weapons in accordance with subdivision (c) of Section 30900, joint registration is not permitted.

SEC. 42. Section 1731.7 of the Welfare and Institutions Code, as amended by Section 67 of Chapter 25 of the Statutes of 2019, is amended to read:

1731.7. (a) The Department of Corrections and Rehabilitation, Division of Juvenile Justice, shall establish and operate a seven-year pilot program for transition-aged youth. Commencing on or after January 1, 2019, the program shall divert a limited number of transition-aged youth from adult prison to a juvenile facility in order to provide developmentally appropriate, rehabilitative programming designed for transition-aged youth with the goal of improving their outcomes and reducing recidivism.

(b) The department may develop criteria for placement in this program, initially targeting youth sentenced by a superior court who committed an offense described in subdivision (b) of Section 707 prior to 18 years of age. Youth with a period of incarceration that cannot be completed on or before their 25th birthday are ineligible for placement in the transition-aged youth program. The department may consider the availability of program credit earning opportunities that lower the total length of time a youth serves in determining eligibility.

(c) Notwithstanding any other law, following sentencing, an individual who is 18 years of age or older at the time of sentencing and who has been convicted of an offense described in subdivision (b) of Section 707 that occurred prior to 18 years of age shall remain in local detention pending a determination of acceptance or rejection by the Division of Juvenile Justice. The Division of Juvenile Justice shall notify the local detention authority upon determination of acceptance or rejection of an individual pursuant to this subdivision.

(d) An eligible person may be transferred to the Division of Juvenile Justice by the Secretary of the Department of Corrections and Rehabilitation with the approval of the Director of the Division of Juvenile Justice. Notwithstanding subdivision (b) of Section 2900 of the Penal Code, the secretary, with the concurrence of the director, may designate a facility under the jurisdiction of the Division of Juvenile Justice as a place of reception for a person described in this section.

(e) The duration of the transfer shall extend until either of the following occurs:

(1) The director orders the youth returned to the Department of Corrections and Rehabilitation.

(2) The youth's period of incarceration is completed.

(f) The Division of Juvenile Justice shall produce and submit a report to the Legislature on January 1, 2020, and each January 1 thereafter, to assess the program. At a minimum, the report shall include all of the following:

(1) Criteria used to determine placement in the program.

(2) Guidelines for satisfactory completion of the program.

(3) Demographic data of eligible and selected participants, including, but not limited to, county of conviction, race, gender, sexual orientation, and gender identity and expression.

(4) Disciplinary infractions incurred by participants.

(5) Good conduct, milestone completion, rehabilitative achievement, and educational merit credits earned in custody.

(6) Quantitative and qualitative measures of progress in programming.

(7) Rates of attrition of program participants.

(g) The Division of Juvenile Justice shall contract with one or more independent universities or outside research organizations to evaluate the effects of participation in the program established by this section. This evaluation shall include, at a minimum, an evaluation of cost-effectiveness, recidivism data, consistency with evidence-based principles, and program fidelity. If sufficient data is available, the evaluation may also compare

participant outcomes with a like group of similarly situated transition aged youth retained in the counties or incarcerated in adult institutions.

(h) The Division of Juvenile Justice shall promulgate regulations to implement this section.

(i) Effective July 1, 2020, the pilot program operated pursuant to this section shall be suspended. Any pilot program participants who were diverted from an adult prison pursuant to this section and who were housed at the Division of Juvenile Justice prior to January 1, 2020, may remain at the Division of Juvenile Justice pursuant to subdivision (e).

SEC. 43. No reimbursement is required by this act pursuant to Section 6 of Article XIII B of the California Constitution for certain costs that may be incurred by a local agency or school district because, in that regard, this act creates a new crime or infraction, eliminates a crime or infraction, or changes the penalty for a crime or infraction, within the meaning of Section 17556 of the Government Code, or changes the definition of a crime within the meaning of Section 6 of Article XIII B of the California Constitution.

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

SEC. 44. This act is a bill providing for appropriations related to the Budget Bill within the meaning of subdivision (e) of Section 12 of Article IV of the California Constitution, has been identified as related to the budget in the Budget Bill, and shall take effect immediately.

# **EXHIBIT 2**

AMENDED IN SENATE JUNE 22, 2020

CALIFORNIA LEGISLATURE—2019–20 REGULAR SESSION

**ASSEMBLY BILL**

**No. 88**

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**Introduced by ~~Assembly Member Ting~~ Committee on Budget**  
**(Assembly Members Ting (Chair), Arambula, Bloom, Chiu, Cooper,**  
**Frazier, Cristina Garcia, Jones-Sawyer, Limón, McCarty, Medina,**  
**Mullin, Muratsuchi, Nazarian, O'Donnell, Ramos, Reyes,**  
**Luz Rivas, Blanca Rubio, Mark Stone, Weber, Wicks, and Wood)**

December 3, 2018

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An act relating to the Budget Act of 2019; to amend Sections 4021.5, 4187.2, and 4187.5 of the Business and Professions Code, to add Section 66024.5 to the Education Code, to amend Sections 15402, 15420, 15421, 15422, and 15819.403 of, and to repeal Section 15403 of, the Government Code, to amend Sections 290.5, 851.93, 977.2, 1170, 1203.425, 3055, 11105, 16532, 18010, 30400, 30405, 30406, 30412, 30414, 30442, 30445, 30447, 30448, 30450, 30452, 30454, 30456, 30470, 30485, 30515, 30900, and 30955 of, to add Sections 3000.01, 5003.7, and 30685 to, to add Chapter 2.96 (commencing with Section 1001.95) to Title 6 of Part 2 of, and to repeal Article 5 (commencing with Section 2985) of Chapter 7 of Title 1 of Part 3 of, the Penal Code, and to amend Section 1731.7 of the Welfare and Institutions Code, relating to public safety, and making an appropriation therefor, to take effect immediately, bill related to the budget.

LEGISLATIVE COUNSEL'S DIGEST

AB 88, as amended, ~~Ting~~ Committee on Budget. Budget Act of 2019. Public safety.

(1) Existing law, the Pharmacy Law, establishes the California State Board of Pharmacy, within the Department of Consumer Affairs, to

*license and regulate the practice of pharmacy and makes a knowing violation of its provisions a crime. Other existing law authorizes the Department of Corrections and Rehabilitation to maintain and operate a comprehensive pharmacy services program for facilities under its jurisdiction and requires the program to incorporate a statewide Correctional Pharmacy and Therapeutics Committee with prescribed responsibilities (program committee). The Pharmacy Law provides for the licensure of correctional clinics and correctional pharmacies. The Pharmacy Law defines “correctional pharmacy” to mean a pharmacy, licensed by the board, located within a correctional facility for the purpose of providing drugs to a correctional clinic and providing pharmaceutical care to inmates of the correctional facility.*

*This bill would revise the definition of “correctional pharmacy” to mean a pharmacy licensed for the purpose of providing drugs and pharmaceutical care to inmates of the Department of Corrections and Rehabilitation and would not require that the correctional pharmacy be located within a correctional facility.*

*The Pharmacy Law requires the program committee to develop and approve policies and procedures to implement the correctional clinic provisions. The Pharmacy Law requires the pharmacist-in-charge of the correctional facility to implement those policies and procedures and the statewide Inmate Medical Services Policies and Procedures in conjunction with specified persons. The Pharmacy Law authorizes the location of an automated drug delivery system (ADDs) in a board-licensed correctional clinic and, if so located, also requires the correctional clinic to implement the above policies and procedures, as prescribed.*

*This bill would require implementation of the California Correctional Health Care Services Health Care Department Operations Manual (operations manual) in lieu of the statewide Inmate Medical Services Policies and Procedures.*

*The Pharmacy Law requires a correctional facility pharmacist to inspect the clinic at least quarterly.*

*This bill would require that a correctional clinic be inspected at least quarterly by a pharmacist of the correctional pharmacy assigned to service that facility.*

*The Pharmacy Law requires that drugs be removed from a correctional clinic ADDs upon authorization by a pharmacist after the pharmacist has reviewed the prescription and the patient profile for potential contraindications and adverse drug reactions. The Pharmacy*



*Law authorizes a medication to be removed from the ADDS and administered or furnished to a patient under the direction of the prescriber if the correctional pharmacy is closed and if, in the prescriber's professional judgment, delay in therapy may cause patient harm. The Pharmacy Law also authorizes the removal and administering or furnishing of a drug to a patient pursuant to a protocol in the statewide Inmate Medical Services Policies and Procedures where the drug is otherwise unavailable. Existing law authorizes removal of drugs from the ADDS only by a person lawfully authorized to administer or dispense the drugs.*

*This bill would revise those provisions to allow removal and administering or furnishing of a drug under the direction of the prescriber if administration is necessary before a pharmacist has reviewed the prescription, instead of if the correctional pharmacy is closed, and delay in therapy may cause patient harm. The bill would require the protocol followed to be in the operations manual. The bill would additionally allow a person authorized to stock the correctional clinic ADDS to remove drugs from it.*

*Because a knowing violation of these requirements would be a crime, the bill would impose a state-mandated local program.*

*(2) Existing law establishes the California Community Colleges, the California State University, the University of California, independent institutions of higher education, and private postsecondary educational institutions as the segments of postsecondary education in this state.*

*This bill would prohibit a postsecondary educational institution in this state, except as provided, from inquiring about a prospective student's criminal history on an initial application form or at any time during the admissions process before the institution's final decision relative to the prospective student's application for admission. By imposing new duties on community college districts, this bill would impose a state-mandated local program.*

*(3) Existing law authorizes the State Public Defender to represent any person financially unable to employ appellate counsel in capital cases, and in specified noncapital appeals. The State Public Defender is authorized to employ deputies and other employees, and establish and operate offices, as they may need for the proper performance of their duties, and to contract with county public defenders, private attorneys, and nonprofit corporations for participation in the representation of eligible persons. Existing law authorizes the office of the State Public Defender to hire specified additional staff attorneys*

*and support staff. Existing law requires the State Public Defender to formulate plans for the representation of indigents in specified courts, as provided.*

*This bill would additionally require the State Public Defender to, among other things, provide training and assistance to specified public defender offices and to other specified counsel appointed to represent indigent defendants in specified matters. The bill would additionally authorize the State Public Defender to provide representation to an eligible person where providing the representation is in furtherance of the primary missions of the State Public Defender or that would impact the resolution of death penalty claims. The bill would repeal that provision authorizing the State Public Defender to hire additional staff attorneys and support staff. The bill would also repeal those provisions requiring the State Public Defender to formulate plans for the representation of indigents in specified courts, as specified above. This bill would also revise and recast certain other provisions relating to the State Public Defender and make conforming changes.*

*(4) Existing law authorizes the Department of Corrections and Rehabilitation to design and construct new, or renovate existing, buildings and any necessary ancillary improvements at facilities under the department's jurisdiction to provide medical, dental, and mental health treatment or housing. Existing law limits financing pursuant to this authorization to specified facilities and projects, including all projects established by the board in the Health Care Facility Improvement Program. Under existing law, costs for design and construction, including renovation, and construction-related costs for all projects approved for financing by the State Public Works Board may not exceed \$1,139,429,000. Existing law continuously appropriates the funds derived from interim financing, revenue bonds, negotiable notes, or negotiable bond anticipation notes issued pursuant to these provisions to the board on behalf of the department for these purposes.*

*This bill would increase the maximum amount of costs authorized for the purposes described above to \$1,171,961,000. The bill would make the additional \$32,532,000 available for allocation to any project established by the board in the Health Care Facility Improvement Program, subject to existing requirements, including that each allocation be approved by the board and that the Department of Finance report specified information regarding the project to the Joint Legislative Budget Committee and the fiscal committees of each house of the Legislature at least 20 days before the board's approval. By increasing*

*the amount of funds that are continuously appropriated to the board on behalf of the department for these purposes, the bill would make an appropriation.*

*(5) Existing law, the Sex Offender Registration Act, requires a person convicted of one of certain crimes, as specified, to register with law enforcement as a sex offender while residing in California or while attending school or working in California, as specified. Existing law, on and after July 1, 2021, authorizes a person to file a petition in the superior court for termination from the sex offender registry upon the expiration of their mandated minimum registration period. Existing law requires the petition to be served on the registering law enforcement agency and the district attorney, as specified. Existing law requires the registering law enforcement agency to report to the district attorney and the superior or juvenile court in which the petition is filed regarding whether the person has met the requirements for termination.*

*This bill would instead authorize a person to file a petition in the superior court for termination from the sex offender registry on or after their birthday following the expiration of their mandated minimum registration period. The bill would require the registering law enforcement agency to report receipt of service of a filed petition to the Department of Justice, in a manner prescribed by the department. By imposing additional duties on local law enforcement agencies, this bill would create a state-mandated local program. The bill would additionally authorize the court to summarily deny a petition for termination from the sex offender registry if the petitioner has not fulfilled the filing and service requirements for the petition, as specified.*

*(6) Existing law, commencing January 1, 2021, and subject to an appropriation in the annual Budget Act, requires the Department of Justice, on a monthly basis, to review the records in the statewide criminal justice databases and to identify persons who are eligible for arrest record relief or automatic conviction record relief by having their arrest records, or their criminal conviction records, withheld from disclosure or modified, as specified.*

*This bill would delay the implementation of these provisions until July 1, 2022.*

*(7) Existing law authorizes the Department of Corrections and Rehabilitation to arrange for court appearances in superior court, except for preliminary hearings, trials, judgements and sentencing, and motions to suppress, to be conducted by two-way electronic audiovideo communication between the defendant and the courtroom in lieu of the*

*physical presence of the defendant in the courtroom in any case in which the defendant is charged with a misdemeanor or a felony and is currently incarcerated in the state prison. For those court appearances that the department determines to conduct by two-way electronic audiovideo communication, existing law requires the department to arrange for that communication between the superior court and any state prison facility in the county, and, in lieu of the physical presence of the defendant's counsel at the institution with the defendant, requires the court and the department to establish a confidential telephone and facsimile transmission line between the court and the institution for communication between the defendant's counsel in court and the defendant at the institution.*

*This bill would instead limit the above-specified exception to preliminary hearings and trials, and, if the defendant agrees, would authorize preliminary hearings and trials to be held by two-way electronic audiovideo communication. The bill would instead require the department to arrange for that communication between the superior court and any state prison facility, would delete the department's obligation to establish the above-referenced facsimile transmission line, and would make conforming changes.*

*(8) Existing law authorizes a county to establish a pretrial diversion program for defendants who have been charged with a misdemeanor offense and authorizes other diversion programs, including for defendants with cognitive developmental disabilities, defendants in nonviolent drug cases, and traffic violations.*

*This bill would authorize a judge in the superior court in which a misdemeanor is being prosecuted to offer misdemeanor diversion to a defendant over the objection of a prosecuting attorney. The bill would authorize the judge to continue a diverted case for a period not to exceed 24 months and order the defendant to comply with the terms, conditions, and programs the judge deems appropriate based on the defendant's specific situation. The bill would require the judge, at the end of the diversion period and if the defendant complies with all required terms, conditions, and programs, to dismiss the action against the defendant, and would deem the arrest upon which diversion was imposed to have never occurred, as specified. The bill would authorize the court to end the diversion and order resumption of the criminal proceedings if the court finds that the defendant is not complying with the terms and conditions of diversion.*

(9) *Under existing law, felonies are punishable by imprisonment in a county jail or in the state prison. Existing law imposes additional enhancements for certain crimes that may also be punishable in a county jail or the state prison, as specified. Existing case law requires that an entire sentence be punished by imprisonment in the state prison, including a sentence punishable in a county jail, if an applicable enhancement is punishable in state prison.*

*This bill would make an enhancement punishable in a county jail or the state prison as required by the underlying offense and not as required by the enhancement. Because this provisions would transfer responsibility for punishing existing crimes from the state prison to counties, this bill would impose a state-mandated local program.*

(10) *Existing law requires the Department of Corrections and Rehabilitation to obtain day treatment, and to contract for crisis care services, for parolees with mental health problems, and requires the department to provide a supportive housing program, known as the Integrated Services for Mentally Ill Parolees (ISMIP) program, that provides wraparound services to mentally ill parolees at risk of homelessness using funding appropriated for that purpose.*

*This bill would repeal the ISMIP program.*

(11) *Existing law allows the Secretary of the Department of Corrections and Rehabilitation or the Board of Parole Hearings, or both, to recommend to a court that a prisoner's sentence be recalled if the prisoner is terminally ill or permanently incapacitated. If the prisoner has been sentenced to an indeterminate term, existing law requires the secretary to make a recommendation to the Board of Parole Hearings and requires the board to exercise independent judgment in either rejecting the request or making a recommendation to the court. Upon recommendation, existing law allows the court to resentence the prisoner if, among other things, the prisoner is terminally ill and has less than 6 months to live. Existing law also makes these provisions available to an inmate who is sentenced to a county jail for a felony.*

*This bill would instead authorize the court to resentence or recall the sentence of a terminally ill prisoner if the prisoner has less than 12 months to live. The bill would remove the authority of the board to recommend recall and resentencing and the requirement that the secretary notify the board for its independent consideration in the case of an indeterminately sentenced prisoner. By increasing county administrative duties associated with resentencing, or recalling the*

*sentence of, inmates pursuant to these provisions, this bill would impose a state-mandated local program.*

*(12) Existing law requires a sentence resulting in imprisonment in the state prison to include a period of parole supervision or postrelease community supervision, as specified. Existing law limits the period of parole, as specified.*

*This bill would require persons released from state prison on or after July 1, 2020, and subject to parole supervision by the Department of Corrections and Rehabilitation, to serve a parole term of 2 years for a determinate term and a parole term of 3 years for a life term. The bill would require a person released on parole from a determinate term to be reviewed by the Division of Adult Parole Operations for possible discharge from parole no later than 12 months after release from confinement, as specified. The bill would require a person released on parole from a life term to be reviewed by the Division of Adult Parole Operations and referred to the Board of Parole hearings for possible discharge no later than 12 months after release from confinement. The bill would exempt inmates convicted of sex offenses and inmates whose parole term at the time of the commission of the offense was less than the terms required by these provisions.*

*(13) Existing law establishes the Elderly Parole Program for the purpose of reviewing the parole suitability of inmates who are 60 years of age or older and who have served a minimum of 25 years of continuous incarceration on their sentence.*

*This bill would modify the minimum age limitation for that program to 50 years of age and instead require the inmate to have served a minimum of 20 years of continuous incarceration in order to be eligible for that program.*

*(14) Existing law grants the Department of Corrections and Rehabilitation authority to operate the state prison system and gives the department jurisdiction over various state prisons and other institutions.*

*This bill would require the Department of Corrections and Rehabilitation to notify the budget committees of each house and the Legislative Analyst's Office, by specified dates, of 2 state-owned and operated prisons for closure. In making that identification, the bill would require the department to consider certain criteria, including which prisons have high operational costs and costly infrastructure needs, as specified.*

(15) Existing law requires the Department of Justice to maintain a database of state summary criminal history information, as defined, and requires the Attorney General to furnish that information to specified individuals, organizations, and agencies when necessary for the execution of official duties or to implement a statute or regulation. Existing law requires the Attorney General to provide information to specified agencies, organizations, or individuals for employment, licensing, or certification, including every conviction rendered against the applicant, except those convictions for which specified relief has been granted. Under existing law, the department is required to provide state and federal criminal history information to the Commission on Teacher Credentialing.

This bill would require the Attorney General to provide information to the Commission on Teacher Credentialing on every conviction rendered against an applicant, retroactive to January 1, 2020, regardless of relief granted.

(16) Under existing law, a licensed firearms dealer or licensed ammunition vendor is automatically deemed a licensed firearm precursor part vendor beginning July 1, 2023, if they comply with specified requirements. Existing law, beginning July 1, 2024, requires the sale of firearm precursor parts to be conducted by or processed through a licensed firearm precursor part vendor and prohibits the sale of firearm precursor parts to a person under 21 years of age. Beginning July 1, 2024, existing law requires a person or business to have a valid firearm precursor part vendor license to sell more than one firearm precursor part in a 30-day period, except as exempted. Under existing law, a violation of these provisions is a misdemeanor.

Existing law, beginning July 1, 2025, requires the Department of Justice to electronically approve the purchase or transfer of firearm precursor parts through a vendor. Beginning July 1, 2025, existing law requires a vendor to submit records of sales and transfers of firearm precursor parts to the department, and requires the department to retain those records.

This bill would instead automatically deem a licensed firearms dealer or licensed ammunition vendor to be a licensed firearm precursor part vendor beginning April 1, 2022. Beginning July 1, 2022, the bill would require the sale of firearm precursor parts to be conducted by or processed through a licensed firearm precursor part vendor and would require a person or business to have a valid firearm precursor part vendor license to sell more than one firearm precursor part in a 30-day

period. The bill would require the Department of Justice to electronically approve the purchase or transfer of firearm precursor parts through a vendor beginning July 1, 2022, and would require a vendor to submit records of sales and transfers of firearm precursor parts to the department beginning July 1, 2022. By accelerating the operative dates of crimes, the bill would impose a state-mandated program.

(17) Existing law generally prohibits the possession or transfer of assault weapons, except for the sale, purchase, importation, or possession of assault weapons by specified individuals, including law enforcement officers. Under existing law, “assault weapon” means, among other things, a semiautomatic centerfire rifle, a semiautomatic shotgun, or a semiautomatic pistol that does not have a fixed magazine and has any one of specified attributes, including, for rifles, a thumbhole stock, and for pistols, a 2nd handgrip.

This bill would expand the definition of “assault weapon” to include a semiautomatic firearm that is not a rifle, pistol, or shotgun, that either does not have a fixed magazine but has any one of the attributes currently associated with assault weapons, as specified, that has a fixed magazine with the capacity to accept more than 10 rounds, or that has an overall length of less than 30 inches.

The bill would provide an exception to the prohibition on possessing an assault weapon that is not a rifle, pistol, or shotgun if the person lawfully possessed the weapon prior to July 1, 2020, and registers the weapon by January 1, 2022, as specified. The bill would require the Department of Justice to adopt regulations to implement these registration requirements. By expanding the application of a crime, this bill would impose a state-mandated local program.

(18) Existing law authorizes the Department of Justice to provide an option for joint registration of an assault weapon owned by family members residing in the same household.

This bill would prohibit the joint registration of an assault weapon that is not a rifle, pistol, or shotgun.

(19) Existing law requires the Division of Juvenile Justice to establish and operate a 7-year pilot program for transition-aged youth. Existing law suspends that program on July 1, 2020.

This bill would allow participants in the pilot program who were housed at the Division of Juvenile Justice prior to January 1, 2020, to remain at the Division of Juvenile Justice pursuant to the terms of the program.



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

*This bill would provide that with regard to certain mandates no reimbursement is required by this act for a specified reason.*

*With regard to any other mandates, this bill would provide that, if the Commission on State Mandates determines that the bill contains costs so mandated by the state, reimbursement for those costs shall be made pursuant to the statutory provisions noted above.*

(21) *This bill would declare that it is to take effect immediately as a bill providing for appropriations related to the Budget Bill.*

*This bill would express the intent of the Legislature to enact statutory changes relating to the Budget Act of 2019.*

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

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

1     *SECTION 1. Section 4021.5 of the Business and Professions*  
2     *Code is amended to read:*

3     4021.5. (a) “Correctional pharmacy” means a pharmacy,  
4     licensed by the board, ~~located within a correctional facility~~ for the  
5     purpose of providing drugs to a ~~correctional clinic, as defined in~~  
6     ~~Section 4187, and providing pharmaceutical care to inmates of the~~  
7     ~~correctional facility. Department of Corrections and Rehabilitation.~~

8     (b) As part of its pharmaceutical care, a correctional pharmacy  
9     may dispense or administer medication pursuant to a chart order,  
10    as defined in Section 4019, or other valid prescription consistent  
11    with this chapter.

12    *SEC. 2. Section 4187.2 of the Business and Professions Code*  
13    *is amended to read:*

14    4187.2. (a) The policies and procedures to implement the laws  
15    and regulations of this article within a correctional clinic shall be  
16    developed and approved by the statewide Correctional Pharmacy  
17    and Therapeutics Committee referenced in Section 5024.2 of the  
18    Penal Code. Prior to the issuance of a correctional clinic license  
19    by the board, an acknowledgment shall be signed by the  
20    correctional facility pharmacist-in-charge servicing that institution,  
21    the pharmacist-in-charge for the ~~California~~ Department of

1 Corrections and Rehabilitation's Central Fill Pharmacy, and the  
2 correctional clinic's chief medical executive, supervising dentist,  
3 chief nurse executive, and chief executive officer.

4 (b) (1) The chief executive officer shall be responsible for the  
5 safe, orderly, and lawful provision of pharmacy services. The  
6 pharmacist-in-charge of *servicing* the correctional facility shall  
7 implement the policies and procedures developed and approved  
8 by the statewide Correctional Pharmacy and Therapeutics  
9 Committee referenced in Section 5024.2 of the Penal Code and  
10 ~~the statewide Inmate Medical Services Policies and Procedures~~  
11 *California Correctional Health Care Services Health Care*  
12 *Department Operations Manual* in conjunction with the chief  
13 executive officer, the chief medical executive, the supervising  
14 dentist, and the chief nurse executive.

15 (2) A licensed correctional clinic shall notify the board within  
16 30 days of any change in the chief executive officer on a form  
17 furnished by the board.

18 (c) A correctional facility pharmacist *clinic* shall be required to  
19 ~~inspect the clinic~~ *inspected* at least ~~quarterly~~ *quarterly* by a  
20 *pharmacist of the correctional pharmacy assigned to service that*  
21 *facility*.

22 *SEC. 3. Section 4187.5 of the Business and Professions Code*  
23 *is amended to read:*

24 4187.5. (a) An automated drug delivery system, as defined in  
25 subdivision (h), may be located in a correctional clinic licensed  
26 by the board under this article. If an automated drug delivery  
27 system is located in a correctional clinic, the correctional clinic  
28 shall implement the statewide Correctional Pharmacy and  
29 Therapeutics Committee's policies and procedures and the  
30 ~~statewide Inmate Medical Services Policies and Procedures~~  
31 *California Correctional Health Care Services Health Care*  
32 *Department Operations Manual* to ensure safety, accuracy,  
33 accountability, security, patient confidentiality, and maintenance  
34 of the quality, potency, and purity of drugs. All policies and  
35 procedures shall be maintained either in electronic form or paper  
36 form at the location where the automated drug system is being  
37 used.

38 (b) Drugs shall be removed from the automated drug delivery  
39 system upon authorization by a pharmacist after the pharmacist  
40 has reviewed the prescription and the patient profile for potential

1 contraindications and adverse drug reactions. ~~If the correctional~~  
2 ~~pharmacy is closed~~ *Where administration of the drug is necessary*  
3 *before a pharmacist has reviewed the prescription*, and if, in the  
4 prescriber's professional judgment, delay in therapy may cause  
5 patient harm, a medication may be removed from the automated  
6 drug delivery system and administered or furnished to a patient  
7 under the direction of the prescriber. Where the drug is otherwise  
8 unavailable, a medication may be removed and administered or  
9 furnished to the patient pursuant to an approved protocol as  
10 identified within the ~~statewide Inmate Medical Services Policies~~  
11 ~~and Procedures~~. *California Correctional Health Care Services*  
12 *Health Care Department Operations Manual*. Any removal of  
13 medication from an automated drug delivery system shall be  
14 documented and provided to the correctional pharmacy when it  
15 reopens.

16 (c) Drugs removed from the automated drug delivery system  
17 shall be provided to the patient by a health professional licensed  
18 pursuant to this division who is lawfully authorized to perform  
19 that task.

20 (d) The stocking of an automated drug delivery system shall be  
21 performed by either:  
22 (1) A pharmacist.  
23 (2) An intern pharmacist or pharmacy technician, acting under  
24 the supervision of a pharmacist.

25 (e) Review of the drugs contained within, and the operation and  
26 maintenance of, the automated drug delivery system shall be the  
27 responsibility of the correctional clinic. The review shall be  
28 conducted on a monthly basis by a pharmacist and shall include a  
29 physical inspection of the drugs in the automated drug delivery  
30 system, an inspection of the automated drug delivery system  
31 machine for cleanliness, and a review of all transaction records in  
32 order to verify the security and accountability of the system.

33 (f) The automated drug delivery system shall be operated by a  
34 licensed correctional pharmacy. Any drugs within an automated  
35 drug delivery system are considered owned by the licensed  
36 correctional pharmacy until they are dispensed from the automated  
37 drug delivery system.

38 (g) Drugs from the automated drug delivery system in a  
39 correctional clinic shall only be removed by a person ~~lawfully~~

1 authorized to stock the automated drug delivery system, or by a  
2 person lawfully authorized to administer or dispense the drugs.

3 (h) For purposes of this section, an “automated drug delivery  
4 system” means a mechanical system controlled remotely by a  
5 pharmacist that performs operations or activities, other than  
6 compounding or administration, relative to the storage, dispensing,  
7 or distribution of prepackaged dangerous drugs or dangerous  
8 devices. An automated drug delivery system shall collect, control,  
9 and maintain all transaction information to accurately track the  
10 movement of drugs into and out of the system for security,  
11 accuracy, and accountability.

12 SEC. 4. Section 66024.5 is added to the Education Code, to  
13 read:

14 66024.5. (a) This section shall apply to all segments of  
15 postsecondary education in this state.

16 (b) Except for purposes of an application for a professional  
17 degree or basic law enforcement training granting program, a  
18 postsecondary educational institution shall not inquire about a  
19 prospective student’s criminal history on an initial application  
20 form or at any time during the admissions process before the  
21 institution’s final decision relative to the prospective student’s  
22 application for admission.

23 (c) A postsecondary educational institution shall make any  
24 necessary changes to its application form to comply with  
25 subdivision (b) by fall term of the 2021–22 academic year.

26 SEC. 5. Section 15402 of the Government Code is amended to  
27 read:

28 15402. The State Public Defender may employ deputies and  
29 other employees, contract with county public defenders, private  
30 attorneys, and nonprofit corporations, and establish and operate  
31 offices, as ~~he or she~~ they may need for the proper performance of  
32 ~~his or her~~ their duties. ~~The State Public Defender may contract~~  
33 ~~with county public defenders, private attorneys, and nonprofit~~  
34 ~~corporations organized to furnish legal services to persons who~~  
35 ~~are not financially able to employ counsel and pay a reasonable~~  
36 ~~sum for those services pursuant to the contracts. He or she~~ The  
37 State Public Defender may provide for participation by those  
38 attorneys and organizations in ~~his or her representation of eligible~~  
39 ~~persons; the performance of State Public Defender’s duties.~~ The  
40 attorneys and organizations shall serve under the supervision and

1 control of the State Public Defender and shall be compensated for  
2 their services either under those contracts or in the manner provided  
3 in Section 1241 of the Penal Code.

4 The State Public Defender may also enter into reciprocal or  
5 mutual assistance agreements with the board of supervisors of one  
6 or more counties to provide for exchange of personnel for the  
7 purposes set forth in Section 27707.1.

8 ~~The office of the State Public Defender may hire 15 additional~~  
9 ~~staff attorneys and the support staff necessary for proper~~  
10 ~~implementation of Section 15421.~~

11 *SEC. 6. Section 15403 of the Government Code is repealed.*  
12 ~~15403. The State Public Defender shall formulate plans for the~~  
13 ~~representation of indigents in the Supreme Court and in each~~  
14 ~~appellate district as provided in this article. Each plan shall be~~  
15 ~~adopted upon the approval of the court to which the plan is~~  
16 ~~applicable. Any such plan may be modified or replaced by the~~  
17 ~~State Public Defender with the approval of the court to which the~~  
18 ~~plan is applicable.~~

19 *SEC. 7. Section 15420 of the Government Code is amended to*  
20 *read:*

21 15420. The primary ~~responsibility~~ *responsibilities* of the State  
22 Public Defender ~~is to represent those persons who are entitled to~~  
23 ~~representation at public expense in the proceedings listed in~~  
24 ~~subdivisions (a), (b), and (c) and (d) of Section 15421. This~~  
25 ~~responsibility shall take precedence over all other duties and~~  
26 ~~powers set forth in this chapter. are as follows:~~

27 (a) *To represent those persons who are entitled to representation*  
28 *at public expense in the proceedings listed in subdivisions (a) to*  
29 *(d), inclusive, of Section 15421.*

30 (b) *To provide assistance and training to public defender offices*  
31 *established pursuant to Sections 27700 to 27712, inclusive, to*  
32 *counsel appointed pursuant to Sections 987 to 987.9, inclusive, of*  
33 *the Penal Code, and to counsel appointed pursuant to Sections*  
34 *634, 634.3, and 634.6, inclusive, of the Welfare and Institutions*  
35 *Code, and to engage in related efforts for the purpose of improving*  
36 *the quality of indigent defense.*

37 *SEC. 8. Section 15421 of the Government Code is amended to*  
38 *read:*

39 15421. ~~Upon appointment by the court or upon the request of~~  
40 ~~the person involved the~~ *The State Public Defender is authorized*

1 to represent any person who is not financially able to employ  
2 counsel in the following matters:

3 (a) An automatic appeal to the Supreme Court under Section  
4 11 of Article VI of the California Constitution and subdivision (b)  
5 of Section 1239 of the Penal Code.

6 (b) A petition for a writ of certiorari to the United States  
7 Supreme Court with respect to a judgment on the automatic appeal  
8 to the Supreme Court under Section 11 of Article VI of the  
9 California Constitution and subdivision (b) of Section 1239 of the  
10 Penal Code.

11 (c) An appeal in a noncapital, criminal case as long as the State  
12 Public Defender is fulfilling the responsibilities to provide  
13 representation imposed pursuant to subdivisions (a) and (b), or the  
14 State Public Defender determines that taking a limited number of  
15 those cases is necessary for staff training.

16 (d) *Any other proceeding in which a person is entitled to*  
17 *representation at public expense where providing this*  
18 *representation is in furtherance of the State Public Defender's*  
19 *primary responsibilities, as set forth in Section 15420, or to address*  
20 *legal claims that impact the resolution of death penalty cases.*

21 *SEC. 9. Section 15422 of the Government Code is amended to*  
22 *read:*

23 15422. Where a county public defender has refused, or is  
24 otherwise reasonably ~~unable~~ *unable*, to represent a person because  
25 of conflict of interest or other reason, the State Public Defender is  
26 authorized to represent ~~such that~~ *that* person, pursuant to a contract  
27 with the county which provides for reimbursement of costs, where  
28 the person is not financially able to employ counsel and is charged  
29 with the commission of any contempt or offense triable in the  
30 superior court at all stages of any proceedings relating to ~~such that~~  
31 charge, including restrictions on liberty resulting from ~~such that~~  
32 charge. ~~Except in cases of representation under subdivision (d) of~~  
33 ~~Section 15421, the~~ *The* State Public Defender may decline to  
34 represent ~~such the~~ *the* person by filing a letter with the appropriate  
35 court citing Section ~~15420 of this chapter.~~ *15420.*

36 *SEC. 10. Section 15819.403 of the Government Code is*  
37 *amended to read:*

38 15819.403. (a) The board may issue revenue bonds, negotiable  
39 notes, or negotiable bond anticipation notes pursuant to this part  
40 to finance the design and construction, including, without

1 limitation, renovation, and the costs of interim financing of the  
 2 projects authorized in Section 15819.40. Authorized costs for  
 3 design and construction, including, without limitation, renovation,  
 4 and construction-related costs for all projects approved for  
 5 financing by the board shall not exceed one billion six million  
 6 three hundred sixty-nine thousand dollars (\$1,006,369,000) for  
 7 subdivision (a) of Section 15819.40, and ~~one billion one hundred~~  
 8 ~~thirty-nine million four hundred twenty-nine thousand dollars~~  
 9 ~~(\$1,139,429,000)~~ *one billion one hundred seventy-one million nine*  
 10 *hundred sixty-one thousand dollars (\$1,171,961,000)* for  
 11 subdivision (b) of Section 15819.40.

12 (b) Notwithstanding Section 13340, funds derived from interim  
 13 financing, revenue bonds, negotiable notes, or negotiable bond  
 14 anticipation notes issued pursuant to this chapter are hereby  
 15 continuously appropriated to the board on behalf of the Department  
 16 of Corrections and Rehabilitation for the purposes specified in  
 17 Section 15819.40.

18 (c) For the purposes of this section, “construction-related costs”  
 19 shall include mitigation costs of local government and school  
 20 districts and shall be made available pursuant to subdivisions (c)  
 21 and (d) of Section 7005.5 of the Penal Code. It is the intent of the  
 22 Legislature that any payments made for mitigation shall be made  
 23 in a timely manner.

24 (d) Notwithstanding any other law, the financing authorized in  
 25 this section for projects approved pursuant to subdivision (a) of  
 26 Section 15819.40 shall only be used for the California Health Care  
 27 Facility, Stockton project and the conversion of the DeWitt Nelson  
 28 Youth Correctional Facility to a semiautonomous annex facility  
 29 to the California Health Care Facility. In addition, the financing  
 30 authorized in this section for projects approved pursuant to  
 31 subdivision (b) of Section 15819.40 shall only be used for the  
 32 following projects:

33 (1) The California Medical Facility, Vacaville: Intermediate  
 34 Care Facility.

35 (2) The California Institution for Women, Chino:  
 36 Acute/Intermediate Care Facility.

37 (3) The California State Prison Los Angeles County, Lancaster:  
 38 Enhanced Outpatient Program Treatment and Office Space.

39 (4) The California Men’s Colony, San Luis Obispo: Mental  
 40 Health Crisis Beds Facility.

1 (5) The California Medical Facility, Vacaville: Enhanced  
2 Outpatient Program Treatment and Office Space.

3 (6) The California State Prison, Sacramento: Psychiatric Services  
4 Unit Treatment and Office Space.

5 (7) The California State Prison, Corcoran: Administrative  
6 Segregation Unit/Enhanced Outpatient Program Treatment and  
7 Office Space.

8 (8) The Salinas Valley State Prison, Soledad: Enhanced  
9 Outpatient Program Treatment and Office Space.

10 (9) The Central California Women's Facility, Chowchilla:  
11 Enhanced Outpatient Program Treatment and Office Space.

12 (10) All projects established by the board in the Health Care  
13 Facility Improvement Program.

14 (e) The amount authorized in subdivision (a) for subdivision  
15 (b) of Section 15819.40 reflects an increase of ~~ninety-two million~~  
16 ~~eight hundred fifty thousand dollars (\$92,850,000)~~ *one hundred*  
17 *twenty-five million three hundred eighty-two thousand dollars*  
18 *(\$125,382,000)* to fund any project established by the board in the  
19 Health Care Facility Improvement Program, subject to all of the  
20 following:

21 (1) Each allocation shall be approved by the board.

22 (2) Not less than 20 days prior to the board's approval, the  
23 Department of Finance shall report to the Chairperson of the Joint  
24 Legislative Budget Committee and the chairpersons of the  
25 respective fiscal committee of each house of the Legislature the  
26 following:

27 (A) The name of the project, the additional allocation received,  
28 the reason for this allocation, and the estimated date of completion.

29 (B) The amount remaining to be allocated to other projects.

30 *SEC. 11. Section 290.5 of the Penal Code, as added by Section*  
31 *12 of Chapter 541 of the Statutes of 2017, is amended to read:*

32 290.5. (a) (1) A person who is required to register pursuant  
33 to Section 290 and who is a tier one or tier two offender may file  
34 a petition in the superior court in the county in which ~~he or she~~ *the*  
35 *person* is registered for termination from the sex offender registry  
36 ~~at on or after their next birthday after July 1, 2021, following the~~  
37 ~~expiration of his or her~~ *the person's* mandated minimum  
38 registration period, or if the person is required to register pursuant  
39 to Section 290.008, ~~he or she~~ *the person* may file the petition in  
40 juvenile court on or after ~~his or her birthday~~ *their next birthday*



1 *after July 1, 2021*, following the expiration of the mandated  
2 minimum registration period. The petition shall contain proof of  
3 the person's current registration as a sex offender.

4 (2) The petition shall be served on the registering law  
5 enforcement agency and the district attorney in the county where  
6 the petition is filed and on the law enforcement agency and the  
7 district attorney of the county of conviction of a registerable offense  
8 if different than the county where the petition is filed. *The*  
9 *registering law enforcement agency shall report receipt of service*  
10 *of a filed petition to the Department of Justice in a manner*  
11 *prescribed by the department.* The registering law enforcement  
12 agency and the law enforcement agency of the county of conviction  
13 of a registerable offense if different than the county where the  
14 petition is filed shall, within 60 days of receipt of the petition,  
15 report to the district attorney and the superior or juvenile court in  
16 which the petition is filed regarding whether the person has met  
17 the requirements for termination pursuant to subdivision (e) of  
18 Section 290. If an offense which may require registration pursuant  
19 to Section 290.005 is identified by the registering law enforcement  
20 agency which has not previously been assessed by the Department  
21 of Justice, the registering law enforcement agency shall refer that  
22 conviction to the department for assessment and determination of  
23 whether the conviction changes the tier designation assigned by  
24 the department to the offender. If the newly discovered offense  
25 changes the tier designation for that person, the department shall  
26 change the tier designation pursuant to subdivision (d) of Section  
27 290 within three months of receipt of the request by the registering  
28 law enforcement agency and notify the registering law enforcement  
29 agency. If more time is required to obtain the documents needed  
30 to make the assessment, the department shall notify the registering  
31 law enforcement agency of the reason that an extension of time is  
32 necessary to complete the tier designation. The registering law  
33 enforcement agency shall report to the district attorney and the  
34 court that the department has requested an extension of time to  
35 determine the person's tier designation based on the newly  
36 discovered offense, the reason for the request, and the estimated  
37 time needed to complete the tier designation. The district attorney  
38 in the county where the petition is filed may, within 60 days of  
39 receipt of the report from either the registering law enforcement  
40 agency, the law enforcement agency of the county of conviction

1 of a registerable offense if different than the county where the  
2 petition is filed, or the district attorney of the county of conviction  
3 of a registerable offense, request a hearing on the petition if the  
4 petitioner has not fulfilled the requirement described in subdivision  
5 (e) of Section 290, or if community safety would be significantly  
6 enhanced by the person's continued registration. If no hearing is  
7 requested, the petition for termination shall be granted if the court  
8 finds the required proof of current registration is presented in the  
9 petition, provided that the registering agency reported that the  
10 person met the requirement for termination pursuant to subdivision  
11 (e) of Section 290, there are no pending charges against the person  
12 which could extend the time to complete the registration  
13 requirements of the tier or change the person's tier status, and the  
14 person is not in custody or on parole, probation, or supervised  
15 release. *The court may summarily deny a petition if the court*  
16 *determines the petitioner does not meet the statutory requirements*  
17 *for termination of sex offender registration or if the petitioner has*  
18 *not fulfilled the filing and service requirements of this section. In*  
19 *summarily denying a petition the court shall state the reason or*  
20 *reasons the petition is being denied.*

21 (3) If the district attorney requests a hearing, ~~he or she~~ *the*  
22 *district attorney* shall be entitled to present evidence regarding  
23 whether community safety would be significantly enhanced by  
24 requiring continued registration. In determining whether to order  
25 continued registration, the court shall consider: the nature and facts  
26 of the registerable offense; the age and number of victims; whether  
27 any victim was a stranger at the time of the offense (known to the  
28 offender for less than 24 hours); criminal and relevant noncriminal  
29 behavior before and after conviction for the registerable offense;  
30 the time period during which the person has not reoffended;  
31 successful completion, if any, of a Sex Offender Management  
32 Board-certified sex offender treatment program; and the person's  
33 current risk of sexual or violent reoffense, including the person's  
34 risk levels on SARATSO static, dynamic, and violence risk  
35 assessment instruments, if available. Any judicial determination  
36 made pursuant to this section may be heard and determined upon  
37 declarations, affidavits, police reports, or any other evidence  
38 submitted by the parties which is reliable, material, and relevant.

39 (4) If termination from the registry is denied, the court shall set  
40 the time period after which the person can repetition for

1 termination, which shall be at least one year from the date of the  
2 denial, but not to exceed five years, based on facts presented at  
3 the hearing. The court shall state on the record the reason for its  
4 determination setting the time period after which the person may  
5 repetition.

6 (5) The court shall notify the Department of Justice, California  
7 Sex Offender Registry, when a petition for termination from the  
8 registry is ~~granted or denied~~ *granted, denied, or summarily denied,*  
9 *in a manner prescribed by the department.* If the petition is denied,  
10 the court shall also notify the Department of Justice, California  
11 Sex Offender Registry, of the time period after which the person  
12 can file a new petition for termination.

13 (b) (1) A person required to register as a tier two offender,  
14 pursuant to paragraph (2) of subdivision (d) of Section 290, may  
15 petition the superior court for termination from the registry after  
16 10 years from release from custody on the registerable offense if  
17 all of the following apply: (A) the registerable offense involved  
18 no more than one victim 14 to 17 years of age, inclusive; (B) the  
19 offender was under 21 years of age at the time of the offense; (C)  
20 the registerable offense is not specified in subdivision (c) of Section  
21 667.5, except subdivision (a) of Section 288; and (D) the  
22 registerable offense is not specified in Section 236.1.

23 (2) A tier two offender described in paragraph (1) ~~of subdivision~~  
24 ~~(b)~~ may file a petition with the superior court for termination from  
25 the registry only if ~~he or she~~ *the person* has not been convicted of  
26 a new offense requiring sex offender registration or an offense  
27 described in subdivision (c) of Section 667.5 since the person was  
28 released from custody on the offense requiring registration pursuant  
29 to Section 290, and has registered for 10 years pursuant to  
30 subdivision (e) of Section 290. The court shall determine whether  
31 community safety would be significantly enhanced by requiring  
32 continued registration and may consider the following factors:  
33 whether the victim was a stranger (known less than 24 hours) at  
34 the time of the offense; the nature of the registerable offense,  
35 including whether the offender took advantage of a position of  
36 trust; criminal and relevant noncriminal behavior before and after  
37 the conviction for the registerable offense; whether the offender  
38 has successfully completed a Sex Offender Management  
39 Board-certified sex offender treatment program; whether the  
40 offender initiated a relationship for the purpose of facilitating the

1 offense; and the person's current risk of sexual or violent reoffense,  
2 including the person's risk levels on SARATSO static, dynamic,  
3 and violence risk assessment instruments, if known. If the petition  
4 is denied, the person may not repetition for termination for at least  
5 one year.

6 (3) A person required to register as a tier three offender based  
7 solely on ~~his or her~~ *the person's* risk level, pursuant to  
8 subparagraph (D) of paragraph (3) of subdivision (d) of Section  
9 290, may petition the court for termination from the registry after  
10 20 years from release from custody on the registerable offense, if  
11 the person (A) has not been convicted of a new offense requiring  
12 sex offender registration or an offense described in subdivision  
13 (c) of Section 667.5 since the person was released from custody  
14 on the offense requiring registration pursuant to Section 290, and  
15 (B) has registered for 20 years pursuant to subdivision (e) of  
16 Section 290; except that a person required to register for a  
17 conviction pursuant to Section 288 or an offense listed in  
18 subdivision (c) of Section 1192.7 who is a tier three offender based  
19 on ~~his or her~~ *the person's* risk level, pursuant to subparagraph (D)  
20 of paragraph (3) of subdivision (d) of Section 290, shall not be  
21 permitted to petition for removal from the registry. The court shall  
22 determine whether community safety would be significantly  
23 enhanced by requiring continued registration and may consider  
24 the following factors: whether the victim was a stranger (known  
25 less than 24 hours) at the time of the offense; the nature of the  
26 registerable offense, including whether the offender took advantage  
27 of a position of trust; criminal and relevant noncriminal behavior  
28 before and after the conviction for the registerable offense; whether  
29 the offender has successfully completed a Sex Offender  
30 Management Board-certified sex offender treatment program;  
31 whether the offender initiated a relationship for the purpose of  
32 facilitating the offense; and the person's current risk of sexual or  
33 violent reoffense, including the person's risk levels on SARATSO  
34 static, dynamic, and violence risk assessment instruments, if  
35 known. If the petition is denied, the person may not re-petition for  
36 termination for at least three years.

37 (c) This section shall become operative on July 1, 2021.

38 *SEC. 12. Section 851.93 of the Penal Code is amended to read:*

39 851.93. (a) (1) On a monthly basis, the Department of Justice  
40 shall review the records in the statewide criminal justice databases,

1 and based on information in the state summary criminal history  
2 repository, shall identify persons with records of arrest that meet  
3 the criteria set forth in paragraph (2) and are eligible for arrest  
4 record relief.

5 (2) A person is eligible for relief pursuant to this section, if the  
6 arrest occurred on or after January 1, 2021, and meets any of the  
7 following conditions:

8 (A) The arrest was for a misdemeanor offense and the charge  
9 was dismissed.

10 (B) The arrest was for a misdemeanor offense, there is no  
11 indication that criminal proceedings have been initiated, at least  
12 one calendar year has elapsed since the date of the arrest, and no  
13 conviction occurred, or the arrestee was acquitted of any charges  
14 that arose, from that arrest.

15 (C) The arrest was for an offense that is punishable by  
16 imprisonment pursuant to paragraph (1) or (2) of subdivision (h)  
17 of Section 1170, there is no indication that criminal proceedings  
18 have been initiated, at least three calendar years have elapsed since  
19 the date of the arrest, and no conviction occurred, or the arrestee  
20 was acquitted of any charges arising, from that arrest.

21 (D) The person successfully completed any of the following,  
22 relating to that arrest:

23 (i) A prefiling diversion program, as defined in Section 851.87,  
24 administered by a prosecuting attorney in lieu of filing an  
25 accusatory pleading.

26 (ii) A drug diversion program administered by a superior court  
27 pursuant to Section 1000.5, or a deferred entry of judgment  
28 program pursuant to Section 1000 or 1000.8.

29 (iii) A pretrial diversion program, pursuant to Section 1000.4.

30 (iv) A diversion program, pursuant to Section 1001.9.

31 (v) ~~Any~~—A diversion program described in Chapter 2.8  
32 (commencing with Section 1001.20), Chapter 2.8A (commencing  
33 with Section 1001.35), Chapter 2.81 (commencing with Section  
34 1001.40), Chapter 2.9 (commencing with Section 1001.50), Chapter  
35 2.9A (commencing with Section 1001.60), Chapter 2.9B  
36 (commencing with Section 1001.70), Chapter 2.9C (commencing  
37 with Section 1001.80), Chapter 2.9D (commencing with Section  
38 1001.81), or Chapter 2.92 (commencing with Section 1001.85),  
39 of Title 6.

1 (b) (1) The department shall grant relief to a person identified  
2 pursuant to subdivision (a), without requiring a petition or motion  
3 by a party for that relief if the relevant information is present in  
4 the department's electronic records.

5 (2) The state summary criminal history information shall  
6 include, directly next to or below the entry or entries regarding the  
7 person's arrest record, a note stating "arrest relief granted," listing  
8 the date that the department granted relief, and this section. This  
9 note shall be included in all statewide criminal databases with a  
10 record of the arrest.

11 (3) Except as otherwise provided in subdivision (d), an arrest  
12 for which arrest relief has been granted is deemed not to have  
13 occurred, and a person who has been granted arrest relief is released  
14 from any penalties and disabilities resulting from the arrest, and  
15 may answer any question relating to that arrest accordingly.

16 (c) On a monthly basis, the department shall electronically  
17 submit a notice to the superior court having jurisdiction over the  
18 criminal case, informing the court of all cases for which a  
19 complaint was filed in that jurisdiction and for which relief was  
20 granted pursuant to this section. Commencing on ~~February 1, 2021,~~  
21 *August 1, 2022*, for any record retained by the court pursuant to  
22 Section 68152 of the Government Code, except as provided in  
23 subdivision (d), the court shall not disclose information concerning  
24 an arrest that is granted relief pursuant to this section to any person  
25 or entity, in any format, except to the person whose arrest was  
26 granted relief or a criminal justice agency, as defined in Section  
27 851.92.

28 (d) Relief granted pursuant to this section is subject to the  
29 following conditions:

30 (1) Arrest relief does not relieve a person of the obligation to  
31 disclose an arrest in response to a direct question contained in a  
32 questionnaire or application for employment as a peace officer, as  
33 defined in Section 830.

34 (2) Relief granted pursuant to this section has no effect on the  
35 ability of a criminal justice agency, as defined in Section 851.92,  
36 to access and use records that are granted relief to the same extent  
37 that would have been permitted for a criminal justice agency had  
38 relief not been granted.

1 (3) This section does not limit the ability of a district attorney  
2 to prosecute, within the applicable statute of limitations, an offense  
3 for which arrest relief has been granted pursuant to this section.

4 (4) Relief granted pursuant to this section does not affect a  
5 person's authorization to own, possess, or have in the person's  
6 custody or control ~~any~~ a firearm, or the person's susceptibility to  
7 conviction under Chapter 2 (commencing with Section 29800) of  
8 Division 9 of Title 4 of Part 6, if the arrest would otherwise affect  
9 this authorization or susceptibility.

10 (5) Relief granted pursuant to this section does not affect any  
11 prohibition from holding public office that would otherwise apply  
12 under law as a result of the arrest.

13 (6) Relief granted pursuant to this section does not affect the  
14 authority to receive, or take adverse action based on, criminal  
15 history information, including the authority to receive certified  
16 court records received or evaluated pursuant to Section 1522,  
17 1568.09, 1569.17, or 1596.871 of the Health and Safety Code, or  
18 pursuant to any statutory or regulatory provisions that incorporate  
19 the criteria of those sections.

20 (e) This section ~~shall~~ *does* not limit petitions, motions, or orders  
21 for arrest record relief, as required or authorized by any other law,  
22 including, but not limited to, Sections 851.87, 851.90, 851.91,  
23 1000.4, and 1001.9.

24 (f) The department shall annually publish statistics for each  
25 county regarding the total number of arrests granted relief pursuant  
26 to this section and the percentage of arrests for which the state  
27 summary criminal history information does not include a  
28 disposition, on the OpenJustice Web portal, as defined in Section  
29 13010.

30 (g) This section shall be operative commencing ~~January 1, 2021,~~  
31 *July 1, 2022*, subject to an appropriation in the annual Budget Act.

32 *SEC. 13. Section 977.2 of the Penal Code is amended to read:*

33 977.2. (a) Notwithstanding Section 977 or any other law, in  
34 any case in which the defendant is charged with a misdemeanor  
35 or a felony and is currently incarcerated in the state prison, the  
36 Department of Corrections *and Rehabilitation* may arrange for all  
37 court appearances in superior court, except for the preliminary  
38 ~~hearing, trial, judgment and sentencing, and motions to suppress,~~  
39 *hearing and trial*, to be conducted by two-way electronic  
40 audiovideo communication between the defendant and the

1 courtroom in lieu of the physical presence of the defendant in the  
2 courtroom. ~~Nothing in this section shall~~ *If the defendant agrees,*  
3 *the preliminary hearing and trial may be held by two-way*  
4 *electronic audiovideo communication. This section shall not* be  
5 interpreted to eliminate the authority of the court to issue an order  
6 requiring the defendant to be physically present in the courtroom  
7 in those cases where the court finds circumstances that require the  
8 physical presence of the defendant in the courtroom. For those  
9 court appearances that ~~the department determines to conduct~~ *are*  
10 *conducted* by two-way electronic audiovideo communication, the  
11 department shall arrange for two-way electronic audiovideo  
12 communication between the superior court and any state prison  
13 ~~facility located in the county.~~ *facility.* The department shall provide  
14 properly maintained ~~equipment and equipment,~~ adequately trained  
15 staff at the ~~prison as well as~~ *prison,* and appropriate training for  
16 court staff to ensure that consistently effective two-way *electronic*  
17 *audiovideo* communication is provided between the prison facility  
18 and the courtroom for all appearances ~~that the department~~  
19 ~~determines to conduct~~ *conducted* by two-way electronic audiovideo  
20 communication.

21 (b) If the defendant is represented by counsel, the attorney shall  
22 be present with the defendant at the initial court appearance and  
23 arraignment, and may enter a plea during the arraignment.  
24 However, if the defendant is represented by counsel at an  
25 arraignment on an information or indictment in a felony case, and  
26 if the defendant does not plead guilty or nolo contendere to any  
27 charge, the attorney shall be present with the defendant or if the  
28 attorney is not present with the defendant, the attorney shall be  
29 present in court during the hearing.

30 (c) In lieu of the physical presence of the defendant's counsel  
31 at the institution with the defendant, the court and the department  
32 shall establish a confidential telephone ~~and facsimile transmission~~  
33 line between the court and the institution for communication  
34 between the defendant's counsel in court and the defendant at the  
35 institution. In this case, counsel for the defendant shall not be  
36 required to be physically present at the institution during any court  
37 appearance that is conducted via electronic audiovideo  
38 communication. ~~Nothing in this section shall~~ *This section shall*  
39 *not* be construed to prohibit the physical presence of the defense  
40 counsel with the defendant at the state prison.



1     *SEC. 14. Chapter 2.96 (commencing with Section 1001.95) is*  
2     *added to Title 6 of Part 2 of the Penal Code, to read:*

3  
4     *CHAPTER 2.96. COURT INITIATED MISDEMEANOR DIVERSION*

5  
6     1001.95. (a) *A judge in the superior court in which a*  
7     *misdemeanor is being prosecuted may, at the judge's discretion,*  
8     *and over the objection of a prosecuting attorney, offer diversion*  
9     *to a defendant pursuant to these provisions.*

10    (b) *A judge may continue a diverted case for a period not to*  
11    *exceed 24 months and order the defendant to comply with terms,*  
12    *conditions, or programs that the judge deems appropriate based*  
13    *on the defendant's specific situation.*

14    (c) *If the defendant has complied with the imposed terms and*  
15    *conditions, at the end of the period of diversion, the judge shall*  
16    *dismiss the action against the defendant.*

17    (d) *If it appears to the court that the defendant is not complying*  
18    *with the terms and conditions of diversion, after notice to the*  
19    *defendant, the court shall hold a hearing to determine whether the*  
20    *criminal proceedings should be reinstituted. If the court finds that*  
21    *the defendant has not complied with the terms and conditions of*  
22    *diversion, the court may end the diversion and order resumption*  
23    *of the criminal proceedings.*

24    1001.96. *A defendant whose sentence is deferred pursuant to*  
25    *this chapter shall be required to complete all of the following in*  
26    *order to have their plea stricken:*

27    (a) *Complete all conditions ordered by the court.*

28    (b) *Make full restitution.*

29    (c) *Comply with a court-ordered protective order, stay-away*  
30    *order, or order prohibiting firearm possession, if applicable.*

31    1001.97. *Upon successful completion of the terms, conditions,*  
32    *or programs ordered by the court pursuant to Section 1001.95,*  
33    *the arrest upon which diversion was imposed shall be deemed to*  
34    *have never occurred. The defendant may indicate in response to*  
35    *any question concerning their prior criminal record that they were*  
36    *not arrested. A record pertaining to an arrest resulting in*  
37    *successful completion of the terms, conditions, or programs*  
38    *ordered by the court shall not, without the defendant's consent,*  
39    *be used in any way that could result in the denial of any*  
40    *employment, benefit, license, or certificate.*

1     *SEC. 15. Section 1170 of the Penal Code, as amended by*  
2     *Section 1 of Chapter 1001 of the Statutes of 2018, is amended to*  
3     *read:*

4     1170. (a) (1) The Legislature finds and declares that the  
5     purpose of sentencing is public safety achieved through  
6     punishment, rehabilitation, and restorative justice. When a sentence  
7     includes incarceration, this purpose is best served by terms that  
8     are proportionate to the seriousness of the offense with provision  
9     for uniformity in the sentences of offenders committing the same  
10    offense under similar circumstances.

11    (2) The Legislature further finds and declares that programs  
12    should be available for inmates, including, but not limited to,  
13    educational, rehabilitative, and restorative justice programs that  
14    are designed to promote behavior change and to prepare all eligible  
15    offenders for successful reentry into the community. The  
16    Legislature encourages the development of policies and programs  
17    designed to educate and rehabilitate all eligible offenders. In  
18    implementing this section, the Department of Corrections and  
19    Rehabilitation is encouraged to allow all eligible inmates the  
20    opportunity to enroll in programs that promote successful return  
21    to the community. The Department of Corrections and  
22    Rehabilitation is directed to establish a mission statement consistent  
23    with these principles.

24    (3) In any case in which the sentence prescribed by statute for  
25    a person convicted of a public offense is a term of imprisonment  
26    in the state prison or a term pursuant to subdivision (h) of any  
27    specification of three time periods, the court shall sentence the  
28    defendant to one of the terms of imprisonment specified unless  
29    the convicted person is given any other disposition provided by  
30    law, including a fine, jail, probation, or the suspension of  
31    imposition or execution of sentence or is sentenced pursuant to  
32    subdivision (b) of Section 1168 because ~~he or she~~ *they* had  
33    committed ~~his or her~~ *their* crime prior to July 1, 1977. In sentencing  
34    the convicted person, the court shall apply the sentencing rules of  
35    the Judicial Council. The court, unless it determines that there are  
36    circumstances in mitigation of the sentence prescribed, shall also  
37    impose any other term that it is required by law to impose as an  
38    additional term. Nothing in this article shall affect any provision  
39    of law that imposes the death penalty, that authorizes or restricts  
40    the granting of probation or suspending the execution or imposition

1 of sentence, or expressly provides for imprisonment in the state  
2 prison for life, except as provided in paragraph (2) of subdivision  
3 (d). In any case in which the amount of preimprisonment credit  
4 under Section 2900.5 or any other law is equal to or exceeds any  
5 sentence imposed pursuant to this chapter, except for the remaining  
6 portion of mandatory supervision pursuant to subparagraph (B) of  
7 paragraph (5) of subdivision (h), the entire sentence shall be  
8 deemed to have been served, except for the remaining period of  
9 mandatory supervision, and the defendant shall not be actually  
10 delivered to the custody of the secretary or to the custody of the  
11 county correctional administrator. The court shall advise the  
12 defendant that ~~he or she~~ *they* shall serve an applicable period of  
13 parole, postrelease community supervision, or mandatory  
14 supervision, and order the defendant to report to the parole or  
15 probation office closest to the defendant's last legal residence,  
16 unless the in-custody credits equal the total sentence, including  
17 both confinement time and the period of parole, postrelease  
18 community supervision, or mandatory supervision. The sentence  
19 shall be deemed a separate prior prison term or a sentence of  
20 imprisonment in a county jail under subdivision (h) for purposes  
21 of Section 667.5, and a copy of the judgment and other necessary  
22 documentation shall be forwarded to the secretary.

23 (b) When a judgment of imprisonment is to be imposed and the  
24 statute specifies three possible terms, the choice of the appropriate  
25 term shall rest within the sound discretion of the court. At least  
26 four days prior to the time set for imposition of judgment, either  
27 party or the victim, or the family of the victim if the victim is  
28 deceased, may submit a statement in aggravation or mitigation. In  
29 determining the appropriate term, the court may consider the record  
30 in the case, the probation officer's report, other reports, including  
31 reports received pursuant to Section 1203.03, and statements in  
32 aggravation or mitigation submitted by the prosecution, the  
33 defendant, or the victim, or the family of the victim if the victim  
34 is deceased, and any further evidence introduced at the sentencing  
35 hearing. The court shall select the term which, in the court's  
36 discretion, best serves the interests of justice. The court shall set  
37 forth on the record the reasons for imposing the term selected and  
38 the court may not impose an upper term by using the fact of any  
39 enhancement upon which sentence is imposed under any provision

1 of law. A term of imprisonment shall not be specified if imposition  
2 of sentence is suspended.

3 (c) The court shall state the reasons for its sentence choice on  
4 the record at the time of sentencing. The court shall also inform  
5 the defendant that as part of the sentence after expiration of the  
6 term ~~he or she~~ *they* may be on parole for a period as provided in  
7 Section 3000 or 3000.08 or postrelease community supervision  
8 for a period as provided in Section 3451.

9 (d) (1) When a defendant subject to this section or subdivision  
10 (b) of Section 1168 has been sentenced to be imprisoned in the  
11 state prison or a county jail pursuant to subdivision (h) and has  
12 been committed to the custody of the secretary or the county  
13 correctional administrator, the court may, within 120 days of the  
14 date of commitment on its own motion, or at any time upon the  
15 recommendation of the secretary or the Board of Parole Hearings  
16 in the case of state prison inmates, the county correctional  
17 administrator in the case of county jail inmates, or the district  
18 attorney of the county in which the defendant was sentenced, recall  
19 the sentence and commitment previously ordered and resentence  
20 the defendant in the same manner as if ~~he or she~~ *they* had not  
21 previously been sentenced, provided the new sentence, if any, is  
22 no greater than the initial sentence. The court resentencing under  
23 this subdivision shall apply the sentencing rules of the Judicial  
24 Council so as to eliminate disparity of sentences and to promote  
25 uniformity of sentencing. The court resentencing under this  
26 paragraph may reduce a defendant's term of imprisonment and  
27 modify the judgment, including a judgment entered after a plea  
28 agreement, if it is in the interest of justice. The court may consider  
29 postconviction factors, including, but not limited to, the inmate's  
30 disciplinary record and record of rehabilitation while incarcerated,  
31 evidence that reflects whether age, time served, and diminished  
32 physical condition, if any, have reduced the inmate's risk for future  
33 violence, and evidence that reflects that circumstances have  
34 changed since the inmate's original sentencing so that the inmate's  
35 continued incarceration is no longer in the interest of justice. Credit  
36 shall be given for time served.

37 (2) (A) (i) When a defendant who was under 18 years of age  
38 at the time of the commission of the offense for which the  
39 defendant was sentenced to imprisonment for life without the  
40 possibility of parole has been incarcerated for at least 15 years,

- 1 the defendant may submit to the sentencing court a petition for  
2 recall and resentencing.
- 3 (ii) Notwithstanding clause (i), this paragraph shall not apply  
4 to defendants sentenced to life without parole for an offense where  
5 it was pled and proved that the defendant tortured, as described in  
6 Section 206, ~~his or her~~ *their* victim or the victim was a public  
7 safety official, including any law enforcement personnel mentioned  
8 in Chapter 4.5 (commencing with Section 830) of Title 3, or any  
9 firefighter as described in Section 245.1, as well as any other officer  
10 in any segment of law enforcement who is employed by the federal  
11 government, the state, or any of its political subdivisions.
- 12 (B) The defendant shall file the original petition with the  
13 sentencing court. A copy of the petition shall be served on the  
14 agency that prosecuted the case. The petition shall include the  
15 defendant's statement that ~~he or she~~ *the defendant* was under 18  
16 years of age at the time of the crime and was sentenced to life in  
17 prison without the possibility of parole, the defendant's statement  
18 describing ~~his or her~~ *their* remorse and work towards rehabilitation,  
19 and the defendant's statement that one of the following is true:
- 20 (i) The defendant was convicted pursuant to felony murder or  
21 aiding and abetting murder provisions of law.
- 22 (ii) The defendant does not have juvenile felony adjudications  
23 for assault or other felony crimes with a significant potential for  
24 personal harm to victims prior to the offense for which the sentence  
25 is being considered for recall.
- 26 (iii) The defendant committed the offense with at least one adult  
27 codefendant.
- 28 (iv) The defendant has performed acts that tend to indicate  
29 rehabilitation or the potential for rehabilitation, including, but not  
30 limited to, availing ~~himself or herself~~ *themselves* of rehabilitative,  
31 educational, or vocational programs, if those programs have been  
32 available at ~~his or her~~ *their* classification level and facility, using  
33 self-study for self-improvement, or showing evidence of remorse.
- 34 (C) If any of the information required in subparagraph (B) is  
35 missing from the petition, or if proof of service on the prosecuting  
36 agency is not provided, the court shall return the petition to the  
37 defendant and advise the defendant that the matter cannot be  
38 considered without the missing information.
- 39 (D) A reply to the petition, if any, shall be filed with the court  
40 within 60 days of the date on which the prosecuting agency was

1 served with the petition, unless a continuance is granted for good  
2 cause.

3 (E) If the court finds by a preponderance of the evidence that  
4 one or more of the statements specified in clauses (i) to (iv),  
5 inclusive, of subparagraph (B) is true, the court shall recall the  
6 sentence and commitment previously ordered and hold a hearing  
7 to resentence the defendant in the same manner as if the defendant  
8 had not previously been sentenced, provided that the new sentence,  
9 if any, is not greater than the initial sentence. Victims, or victim  
10 family members if the victim is deceased, shall retain the rights to  
11 participate in the hearing.

12 (F) The factors that the court may consider when determining  
13 whether to resentence the defendant to a term of imprisonment  
14 with the possibility of parole include, but are not limited to, the  
15 following:

16 (i) The defendant was convicted pursuant to felony murder or  
17 aiding and abetting murder provisions of law.

18 (ii) The defendant does not have juvenile felony adjudications  
19 for assault or other felony crimes with a significant potential for  
20 personal harm to victims prior to the offense for which the  
21 defendant was sentenced to life without the possibility of parole.

22 (iii) The defendant committed the offense with at least one adult  
23 codefendant.

24 (iv) Prior to the offense for which the defendant was sentenced  
25 to life without the possibility of parole, the defendant had  
26 insufficient adult support or supervision and had suffered from  
27 psychological or physical trauma, or significant stress.

28 (v) The defendant suffers from cognitive limitations due to  
29 mental illness, developmental disabilities, or other factors that did  
30 not constitute a defense, but influenced the defendant's  
31 involvement in the offense.

32 (vi) The defendant has performed acts that tend to indicate  
33 rehabilitation or the potential for rehabilitation, including, but not  
34 limited to, availing ~~himself or herself~~ *themselves* of rehabilitative,  
35 educational, or vocational programs, if those programs have been  
36 available at ~~his or her~~ *their* classification level and facility, using  
37 self-study for self-improvement, or showing evidence of remorse.

38 (vii) The defendant has maintained family ties or connections  
39 with others through letter writing, calls, or visits, or has eliminated

1 contact with individuals outside of prison who are currently  
2 involved with crime.

3 (viii) The defendant has had no disciplinary actions for violent  
4 activities in the last five years in which the defendant was  
5 determined to be the aggressor.

6 (G) The court shall have the discretion to resentence the  
7 defendant in the same manner as if the defendant had not  
8 previously been sentenced, provided that the new sentence, if any,  
9 is not greater than the initial sentence. The discretion of the court  
10 shall be exercised in consideration of the criteria in subparagraph  
11 (F). Victims, or victim family members if the victim is deceased,  
12 shall be notified of the resentencing hearing and shall retain their  
13 rights to participate in the hearing.

14 (H) If the sentence is not recalled or the defendant is resented  
15 to imprisonment for life without the possibility of parole, the  
16 defendant may submit another petition for recall and resentencing  
17 to the sentencing court when the defendant has been committed  
18 to the custody of the department for at least 20 years. If the  
19 sentence is not recalled or the defendant is resented to  
20 imprisonment for life without the possibility of parole under that  
21 petition, the defendant may file another petition after having served  
22 24 years. The final petition may be submitted, and the response to  
23 that petition shall be determined, during the 25th year of the  
24 defendant's sentence.

25 (I) In addition to the criteria in subparagraph (F), the court may  
26 consider any other criteria that the court deems relevant to its  
27 decision, so long as the court identifies them on the record,  
28 provides a statement of reasons for adopting them, and states why  
29 the defendant does or does not satisfy the criteria.

30 (J) This subdivision shall have retroactive application.

31 (K) Nothing in this paragraph is intended to diminish or abrogate  
32 any rights or remedies otherwise available to the defendant.

33 (e) (1) Notwithstanding any other law and consistent with  
34 paragraph (1) of subdivision (a), if the secretary ~~or the Board of~~  
35 ~~Parole Hearings or both determine~~ *determines* that a prisoner  
36 satisfies the criteria set forth in paragraph (2), the secretary ~~or the~~  
37 ~~board~~ may recommend to the court that the prisoner's sentence be  
38 recalled.

1 (2) The court shall have the discretion to resentence or recall if  
2 the court finds that the facts described in subparagraphs (A) and  
3 (B) or subparagraphs (B) and (C) exist:

4 (A) The prisoner is terminally ill with an incurable condition  
5 caused by an illness or disease that would produce death within  
6 ~~six~~ 12 months, as determined by a physician employed by the  
7 department.

8 (B) The conditions under which the prisoner would be released  
9 or receive treatment do not pose a threat to public safety.

10 (C) The prisoner is permanently medically incapacitated with  
11 a medical condition that renders ~~him or her~~ *them* permanently  
12 unable to perform activities of basic daily living, and results in the  
13 prisoner requiring 24-hour total care, including, but not limited to,  
14 coma, persistent vegetative state, brain death,  
15 ventilator-dependency, loss of control of muscular or neurological  
16 function, and that incapacitation did not exist at the time of the  
17 original sentencing.

18 ~~The Board of Parole Hearings shall make findings pursuant to~~  
19 ~~this subdivision before making a recommendation for resentence~~  
20 ~~or recall to the court. This subdivision does not apply to a prisoner~~  
21 ~~sentenced to death or a term of life without the possibility of parole.~~

22 (3) Within 10 days of receipt of a positive recommendation by  
23 ~~the secretary or the board,~~ *secretary*, the court shall hold a hearing  
24 to consider whether the prisoner's sentence should be recalled.

25 (4) Any physician employed by the department who determines  
26 that a prisoner has ~~six~~ 12 months or less to live shall notify the  
27 chief medical officer of the prognosis. If the chief medical officer  
28 concurs with the prognosis, ~~he or she~~ *they* shall notify the warden.  
29 Within 48 hours of receiving notification, the warden or the  
30 warden's representative shall notify the prisoner of the recall and  
31 resentencing procedures, and shall arrange for the prisoner to  
32 designate a family member or other outside agent to be notified  
33 as to the prisoner's medical condition and prognosis, and as to the  
34 recall and resentencing procedures. If the inmate is deemed  
35 mentally unfit, the warden or the warden's representative shall  
36 contact the inmate's emergency contact and provide the information  
37 described in paragraph (2).

38 (5) The warden or the warden's representative shall provide the  
39 prisoner and ~~his or her~~ *their* family member, agent, or emergency  
40 contact, as described in paragraph (4), updated information



1 throughout the recall and resentencing process with regard to the  
2 prisoner's medical condition and the status of the prisoner's recall  
3 and resentencing proceedings.

4 (6) Notwithstanding any other provisions of this section, the  
5 prisoner or ~~his or her~~ *their* family member or designee may  
6 independently request consideration for recall and resentencing  
7 by contacting the chief medical officer at the prison or the  
8 secretary. Upon receipt of the request, the chief medical officer  
9 and the warden or the warden's representative shall follow the  
10 procedures described in paragraph (4). If the secretary determines  
11 that the prisoner satisfies the criteria set forth in paragraph (2), the  
12 secretary ~~or board~~ may recommend to the court that the prisoner's  
13 sentence be recalled. The secretary shall submit a recommendation  
14 for release within 30 days in the case of inmates sentenced to  
15 determinate terms and, in the case of inmates sentenced to  
16 indeterminate terms, the secretary shall make a recommendation  
17 to the Board of Parole Hearings with respect to the inmates who  
18 have applied under this section. The board shall consider this  
19 information and make an independent judgment pursuant to  
20 paragraph (2) and make findings related thereto before rejecting  
21 the request or making a recommendation to the court. This action  
22 shall be taken at the next lawfully noticed board meeting. ~~days.~~

23 (7) Any recommendation for recall submitted to the court by  
24 the secretary ~~or the Board of Parole Hearings~~ shall include one or  
25 more medical evaluations, a postrelease plan, and findings pursuant  
26 to paragraph (2).

27 (8) If possible, the matter shall be heard before the same judge  
28 of the court who sentenced the prisoner.

29 (9) If the court grants the recall and resentencing application,  
30 the prisoner shall be released by the department within 48 hours  
31 of receipt of the court's order, unless a longer time period is agreed  
32 to by the inmate. At the time of release, the warden or the warden's  
33 representative shall ensure that the prisoner has each of the  
34 following in ~~his or her~~ *their* possession: a discharge medical  
35 summary, full medical records, state identification, parole or  
36 postrelease community supervision medications, and all property  
37 belonging to the prisoner. After discharge, any additional records  
38 shall be sent to the prisoner's forwarding address.

39 (10) The secretary shall issue a directive to medical and  
40 correctional staff employed by the department that details the

1 guidelines and procedures for initiating a recall and resentencing  
2 procedure. The directive shall clearly state that any prisoner who  
3 is given a prognosis of ~~six~~ 12 months or less to live is eligible for  
4 recall and resentencing consideration, and that recall and  
5 resentencing procedures shall be initiated upon that prognosis.

6 (11) The provisions of this subdivision shall be available to an  
7 inmate who is sentenced to a county jail pursuant to subdivision  
8 (h). For purposes of those inmates, “secretary” or “warden” shall  
9 mean the county correctional administrator and “chief medical  
10 officer” shall mean a physician designated by the county  
11 correctional administrator for this purpose.

12 (12) *This subdivision does not apply to a prisoner sentenced to*  
13 *death or a term of life without the possibility of parole.*

14 (f) Notwithstanding any other provision of this section, for  
15 purposes of paragraph (3) of subdivision (h), any allegation that  
16 a defendant is eligible for state prison due to a prior or current  
17 conviction, sentence enhancement, or because ~~he or she~~ *the*  
18 *defendant* is required to register as a sex offender shall not be  
19 subject to dismissal pursuant to Section 1385.

20 (g) A sentence to the state prison for a determinate term for  
21 which only one term is specified, is a sentence to the state prison  
22 under this section.

23 (h) (1) Except as provided in paragraph (3), a felony punishable  
24 pursuant to this subdivision where the term is not specified in the  
25 underlying offense shall be punishable by a term of imprisonment  
26 in a county jail for 16 months, or two or three years.

27 (2) Except as provided in paragraph (3), a felony punishable  
28 pursuant to this subdivision shall be punishable by imprisonment  
29 in a county jail for the term described in the underlying offense.

30 (3) Notwithstanding paragraphs (1) and (2), where the defendant  
31 (A) has a prior or current felony conviction for a serious felony  
32 described in subdivision (c) of Section 1192.7 or a prior or current  
33 conviction for a violent felony described in subdivision (c) of  
34 Section 667.5, (B) has a prior felony conviction in another  
35 jurisdiction for an offense that has all the elements of a serious  
36 felony described in subdivision (c) of Section 1192.7 or a violent  
37 felony described in subdivision (c) of Section 667.5, (C) is required  
38 to register as a sex offender pursuant to Chapter 5.5 (commencing  
39 with Section 290) of Title 9 of Part 1, or (D) is convicted of a crime  
40 and as part of the sentence an enhancement pursuant to Section

1 186.11 is imposed, an executed sentence for a felony punishable  
2 pursuant to this subdivision shall be served in the state prison.  
3 (4) Nothing in this subdivision shall be construed to prevent  
4 other dispositions authorized by law, including pretrial diversion,  
5 deferred entry of judgment, or an order granting probation pursuant  
6 to Section 1203.1.  
7 (5) (A) Unless the court finds that, in the interests of justice, it  
8 is not appropriate in a particular case, the court, when imposing a  
9 sentence pursuant to paragraph (1) or (2), shall suspend execution  
10 of a concluding portion of the term for a period selected at the  
11 court's discretion.  
12 (B) The portion of a defendant's sentenced term that is  
13 suspended pursuant to this paragraph shall be known as mandatory  
14 supervision, and, unless otherwise ordered by the court, shall  
15 commence upon release from physical custody or an alternative  
16 custody program, whichever is later. During the period of  
17 mandatory supervision, the defendant shall be supervised by the  
18 county probation officer in accordance with the terms, conditions,  
19 and procedures generally applicable to persons placed on probation,  
20 for the remaining unserved portion of the sentence imposed by the  
21 court. The period of supervision shall be mandatory, and may not  
22 be earlier terminated except by court order. Any proceeding to  
23 revoke or modify mandatory supervision under this subparagraph  
24 shall be conducted pursuant to either subdivisions (a) and (b) of  
25 Section 1203.2 or Section 1203.3. During the period when the  
26 defendant is under that supervision, unless in actual custody related  
27 to the sentence imposed by the court, the defendant shall be entitled  
28 to only actual time credit against the term of imprisonment imposed  
29 by the court. Any time period which is suspended because a person  
30 has absconded shall not be credited toward the period of  
31 supervision.  
32 (6) When the court is imposing a judgment pursuant to this  
33 subdivision concurrent or consecutive to a judgment or judgments  
34 previously imposed pursuant to this subdivision in another county  
35 or counties, the court rendering the second or other subsequent  
36 judgment shall determine the county or counties of incarceration  
37 and supervision of the defendant.  
38 (7) The sentencing changes made by the act that added this  
39 subdivision shall be applied prospectively to any person sentenced  
40 on or after October 1, 2011.

1 (8) The sentencing changes made to paragraph (5) by the act  
2 that added this paragraph shall become effective and operative on  
3 January 1, 2015, and shall be applied prospectively to any person  
4 sentenced on or after January 1, 2015.

5 (9) *Notwithstanding the separate punishment for any*  
6 *enhancement, any enhancement shall be punishable in county jail*  
7 *or state prison as required by the underlying offense and not as*  
8 *would be required by the enhancement. The intent of the*  
9 *Legislature in enacting this paragraph is to abrogate the holding*  
10 *in People v. Vega (2014) 222 Cal.App.4th 1374, that if an*  
11 *enhancement specifies service of sentence in state prison, the entire*  
12 *sentence is served in state prison, even if the punishment for the*  
13 *underlying offense is a term of imprisonment in the county jail.*

14 (i) This section shall remain in effect only until January 1, 2022,  
15 and as of that date is repealed, unless a later enacted statute, that  
16 is enacted before January 1, 2022, deletes or extends that date.

17 *SEC. 16. Section 1170 of the Penal Code, as amended by*  
18 *Section 2 of Chapter 1001 of the Statutes of 2018, is amended to*  
19 *read:*

20 1170. (a) (1) The Legislature finds and declares that the  
21 purpose of sentencing is public safety achieved through  
22 punishment, rehabilitation, and restorative justice. When a sentence  
23 includes incarceration, this purpose is best served by terms that  
24 are proportionate to the seriousness of the offense with provision  
25 for uniformity in the sentences of offenders committing the same  
26 offense under similar circumstances.

27 (2) The Legislature further finds and declares that programs  
28 should be available for inmates, including, but not limited to,  
29 educational, rehabilitative, and restorative justice programs that  
30 are designed to promote behavior change and to prepare all eligible  
31 offenders for successful reentry into the community. The  
32 Legislature encourages the development of policies and programs  
33 designed to educate and rehabilitate all eligible offenders. In  
34 implementing this section, the Department of Corrections and  
35 Rehabilitation is encouraged to allow all eligible inmates the  
36 opportunity to enroll in programs that promote successful return  
37 to the community. The Department of Corrections and  
38 Rehabilitation is directed to establish a mission statement consistent  
39 with these principles.

1     (3) In any case in which the sentence prescribed by statute for  
2 a person convicted of a public offense is a term of imprisonment  
3 in the state prison, or a term pursuant to subdivision (h), of any  
4 specification of three time periods, the court shall sentence the  
5 defendant to one of the terms of imprisonment specified unless  
6 the convicted person is given any other disposition provided by  
7 law, including a fine, jail, probation, or the suspension of  
8 imposition or execution of sentence or is sentenced pursuant to  
9 subdivision (b) of Section 1168 because ~~he or she~~ *they* had  
10 committed ~~his or her~~ *their* crime prior to July 1, 1977. In sentencing  
11 the convicted person, the court shall apply the sentencing rules of  
12 the Judicial Council. The court, unless it determines that there are  
13 circumstances in mitigation of the sentence prescribed, shall also  
14 impose any other term that it is required by law to impose as an  
15 additional term. Nothing in this article shall affect any provision  
16 of law that imposes the death penalty, that authorizes or restricts  
17 the granting of probation or suspending the execution or imposition  
18 of sentence, or expressly provides for imprisonment in the state  
19 prison for life, except as provided in paragraph (2) of subdivision  
20 (d). In any case in which the amount of preimprisonment credit  
21 under Section 2900.5 or any other provision of law is equal to or  
22 exceeds any sentence imposed pursuant to this chapter, except for  
23 a remaining portion of mandatory supervision imposed pursuant  
24 to subparagraph (B) of paragraph (5) of subdivision (h), the entire  
25 sentence shall be deemed to have been served, except for the  
26 remaining period of mandatory supervision, and the defendant  
27 shall not be actually delivered to the custody of the secretary or  
28 the county correctional administrator. The court shall advise the  
29 defendant that ~~he or she~~ *they* shall serve an applicable period of  
30 parole, postrelease community supervision, or mandatory  
31 supervision and order the defendant to report to the parole or  
32 probation office closest to the defendant's last legal residence,  
33 unless the in-custody credits equal the total sentence, including  
34 both confinement time and the period of parole, postrelease  
35 community supervision, or mandatory supervision. The sentence  
36 shall be deemed a separate prior prison term or a sentence of  
37 imprisonment in a county jail under subdivision (h) for purposes  
38 of Section 667.5, and a copy of the judgment and other necessary  
39 documentation shall be forwarded to the secretary.

1 (b) When a judgment of imprisonment is to be imposed and the  
2 statute specifies three possible terms, the court shall order  
3 imposition of the middle term, unless there are circumstances in  
4 aggravation or mitigation of the crime. At least four days prior to  
5 the time set for imposition of judgment, either party or the victim,  
6 or the family of the victim if the victim is deceased, may submit  
7 a statement in aggravation or mitigation to dispute facts in the  
8 record or the probation officer's report, or to present additional  
9 facts. In determining whether there are circumstances that justify  
10 imposition of the upper or lower term, the court may consider the  
11 record in the case, the probation officer's report, other reports,  
12 including reports received pursuant to Section 1203.03, and  
13 statements in aggravation or mitigation submitted by the  
14 prosecution, the defendant, or the victim, or the family of the victim  
15 if the victim is deceased, and any further evidence introduced at  
16 the sentencing hearing. The court shall set forth on the record the  
17 facts and reasons for imposing the upper or lower term. The court  
18 may not impose an upper term by using the fact of any  
19 enhancement upon which sentence is imposed under any provision  
20 of law. A term of imprisonment shall not be specified if imposition  
21 of sentence is suspended.

22 (c) The court shall state the reasons for its sentence choice on  
23 the record at the time of sentencing. The court shall also inform  
24 the defendant that as part of the sentence after expiration of the  
25 term ~~he or she~~ *they* may be on parole for a period as provided in  
26 Section 3000 or 3000.08 or postrelease community supervision  
27 for a period as provided in Section 3451.

28 (d) (1) When a defendant subject to this section or subdivision  
29 (b) of Section 1168 has been sentenced to be imprisoned in the  
30 state prison or a county jail pursuant to subdivision (h) and has  
31 been committed to the custody of the secretary or the county  
32 correctional administrator, the court may, within 120 days of the  
33 date of commitment on its own motion, or at any time upon the  
34 recommendation of the secretary or the Board of Parole Hearings  
35 in the case of state prison inmates, the county correctional  
36 administrator in the case of county jail inmates, or the district  
37 attorney of the county in which the defendant was sentenced, recall  
38 the sentence and commitment previously ordered and resentence  
39 the defendant in the same manner as if ~~he or she~~ *they* had not  
40 previously been sentenced, provided the new sentence, if any, is

1 no greater than the initial sentence. The court resentencing under  
 2 this subdivision shall apply the sentencing rules of the Judicial  
 3 Council so as to eliminate disparity of sentences and to promote  
 4 uniformity of sentencing. The court resentencing under this  
 5 paragraph may reduce a defendant's term of imprisonment and  
 6 modify the judgment, including a judgment entered after a plea  
 7 agreement, if it is in the interest of justice. The court may consider  
 8 postconviction factors, including, but not limited to, the inmate's  
 9 disciplinary record and record of rehabilitation while incarcerated,  
 10 evidence that reflects whether age, time served, and diminished  
 11 physical condition, if any, have reduced the inmate's risk for future  
 12 violence, and evidence that reflects that circumstances have  
 13 changed since the inmate's original sentencing so that the inmate's  
 14 continued incarceration is no longer in the interest of justice. Credit  
 15 shall be given for time served.

16 (2) (A) (i) When a defendant who was under 18 years of age  
 17 at the time of the commission of the offense for which the  
 18 defendant was sentenced to imprisonment for life without the  
 19 possibility of parole has been incarcerated for at least 15 years,  
 20 the defendant may submit to the sentencing court a petition for  
 21 recall and resentencing.

22 (ii) Notwithstanding clause (i), this paragraph shall not apply  
 23 to defendants sentenced to life without parole for an offense where  
 24 it was pled and proved that the defendant tortured, as described in  
 25 Section 206, ~~his or her~~ *their* victim or the victim was a public  
 26 safety official, including any law enforcement personnel mentioned  
 27 in Chapter 4.5 (commencing with Section 830) of Title 3, or any  
 28 firefighter as described in Section 245.1, as well as any other officer  
 29 in any segment of law enforcement who is employed by the federal  
 30 government, the state, or any of its political subdivisions.

31 (B) The defendant shall file the original petition with the  
 32 sentencing court. A copy of the petition shall be served on the  
 33 agency that prosecuted the case. The petition shall include the  
 34 defendant's statement that ~~he or she~~ *the defendant* was under 18  
 35 years of age at the time of the crime and was sentenced to life in  
 36 prison without the possibility of parole, the defendant's statement  
 37 describing ~~his or her~~ *their* remorse and work towards rehabilitation,  
 38 and the defendant's statement that one of the following is true:

39 (i) The defendant was convicted pursuant to felony murder or  
 40 aiding and abetting murder provisions of law.

1 (ii) The defendant does not have juvenile felony adjudications  
2 for assault or other felony crimes with a significant potential for  
3 personal harm to victims prior to the offense for which the sentence  
4 is being considered for recall.

5 (iii) The defendant committed the offense with at least one adult  
6 codefendant.

7 (iv) The defendant has performed acts that tend to indicate  
8 rehabilitation or the potential for rehabilitation, including, but not  
9 limited to, availing ~~himself or herself~~ *themselves* of rehabilitative,  
10 educational, or vocational programs, if those programs have been  
11 available at ~~his or her~~ *their* classification level and facility, using  
12 self-study for self-improvement, or showing evidence of remorse.

13 (C) If any of the information required in subparagraph (B) is  
14 missing from the petition, or if proof of service on the prosecuting  
15 agency is not provided, the court shall return the petition to the  
16 defendant and advise the defendant that the matter cannot be  
17 considered without the missing information.

18 (D) A reply to the petition, if any, shall be filed with the court  
19 within 60 days of the date on which the prosecuting agency was  
20 served with the petition, unless a continuance is granted for good  
21 cause.

22 (E) If the court finds by a preponderance of the evidence that  
23 one or more of the statements specified in clauses (i) to (iv),  
24 inclusive, of subparagraph (B) is true, the court shall recall the  
25 sentence and commitment previously ordered and hold a hearing  
26 to resentence the defendant in the same manner as if the defendant  
27 had not previously been sentenced, provided that the new sentence,  
28 if any, is not greater than the initial sentence. Victims, or victim  
29 family members if the victim is deceased, shall retain the rights to  
30 participate in the hearing.

31 (F) The factors that the court may consider when determining  
32 whether to resentence the defendant to a term of imprisonment  
33 with the possibility of parole include, but are not limited to, the  
34 following:

35 (i) The defendant was convicted pursuant to felony murder or  
36 aiding and abetting murder provisions of law.

37 (ii) The defendant does not have juvenile felony adjudications  
38 for assault or other felony crimes with a significant potential for  
39 personal harm to victims prior to the offense for which the  
40 defendant was sentenced to life without the possibility of parole.



- 1 (iii) The defendant committed the offense with at least one adult  
2 codefendant.
- 3 (iv) Prior to the offense for which the defendant was sentenced  
4 to life without the possibility of parole, the defendant had  
5 insufficient adult support or supervision and had suffered from  
6 psychological or physical trauma, or significant stress.
- 7 (v) The defendant suffers from cognitive limitations due to  
8 mental illness, developmental disabilities, or other factors that did  
9 not constitute a defense, but influenced the defendant's  
10 involvement in the offense.
- 11 (vi) The defendant has performed acts that tend to indicate  
12 rehabilitation or the potential for rehabilitation, including, but not  
13 limited to, availing ~~himself or herself~~ *themselves* of rehabilitative,  
14 educational, or vocational programs, if those programs have been  
15 available at ~~his or her~~ *their* classification level and facility, using  
16 self-study for self-improvement, or showing evidence of remorse.
- 17 (vii) The defendant has maintained family ties or connections  
18 with others through letter writing, calls, or visits, or has eliminated  
19 contact with individuals outside of prison who are currently  
20 involved with crime.
- 21 (viii) The defendant has had no disciplinary actions for violent  
22 activities in the last five years in which the defendant was  
23 determined to be the aggressor.
- 24 (G) The court shall have the discretion to resentence the  
25 defendant in the same manner as if the defendant had not  
26 previously been sentenced, provided that the new sentence, if any,  
27 is not greater than the initial sentence. The discretion of the court  
28 shall be exercised in consideration of the criteria in subparagraph  
29 (F). Victims, or victim family members if the victim is deceased,  
30 shall be notified of the resentencing hearing and shall retain their  
31 rights to participate in the hearing.
- 32 (H) If the sentence is not recalled or the defendant is resentenced  
33 to imprisonment for life without the possibility of parole, the  
34 defendant may submit another petition for recall and resentencing  
35 to the sentencing court when the defendant has been committed  
36 to the custody of the department for at least 20 years. If the  
37 sentence is not recalled or the defendant is resentenced to  
38 imprisonment for life without the possibility of parole under that  
39 petition, the defendant may file another petition after having served  
40 24 years. The final petition may be submitted, and the response to

1 that petition shall be determined, during the 25th year of the  
2 defendant's sentence.

3 (I) In addition to the criteria in subparagraph (F), the court may  
4 consider any other criteria that the court deems relevant to its  
5 decision, so long as the court identifies them on the record,  
6 provides a statement of reasons for adopting them, and states why  
7 the defendant does or does not satisfy the criteria.

8 (J) This subdivision shall have retroactive application.

9 (K) Nothing in this paragraph is intended to diminish or abrogate  
10 any rights or remedies otherwise available to the defendant.

11 (e) (1) Notwithstanding any other law and consistent with  
12 paragraph (1) of subdivision (a), if the secretary ~~or the Board of~~  
13 ~~Parole Hearings or both determine~~ *determines* that a prisoner  
14 satisfies the criteria set forth in paragraph (2), the secretary ~~or the~~  
15 ~~board~~ may recommend to the court that the prisoner's sentence be  
16 recalled.

17 (2) The court shall have the discretion to resentence or recall if  
18 the court finds that the facts described in subparagraphs (A) and  
19 (B) or subparagraphs (B) and (C) exist:

20 (A) The prisoner is terminally ill with an incurable condition  
21 caused by an illness or disease that would produce death within  
22 ~~six~~ 12 months, as determined by a physician employed by the  
23 department.

24 (B) The conditions under which the prisoner would be released  
25 or receive treatment do not pose a threat to public safety.

26 (C) The prisoner is permanently medically incapacitated with  
27 a medical condition that renders ~~him or her~~ *them* permanently  
28 unable to perform activities of basic daily living, and results in the  
29 prisoner requiring 24-hour total care, including, but not limited to,  
30 coma, persistent vegetative state, brain death,  
31 ventilator-dependency, loss of control of muscular or neurological  
32 function, and that incapacitation did not exist at the time of the  
33 original sentencing.

34 ~~The Board of Parole Hearings shall make findings pursuant to~~  
35 ~~this subdivision before making a recommendation for resentence~~  
36 ~~or recall to the court. This subdivision does not apply to a prisoner~~  
37 ~~sentenced to death or a term of life without the possibility of parole.~~

38 (3) Within 10 days of receipt of a positive recommendation by  
39 the secretary ~~or the board~~, *secretary*, the court shall hold a hearing  
40 to consider whether the prisoner's sentence should be recalled.

1 (4) Any physician employed by the department who determines  
 2 that a prisoner has ~~six~~ 12 months or less to live shall notify the  
 3 chief medical officer of the prognosis. If the chief medical officer  
 4 concurs with the prognosis, ~~he or she~~ *they* shall notify the warden.  
 5 Within 48 hours of receiving notification, the warden or the  
 6 warden's representative shall notify the prisoner of the recall and  
 7 resentencing procedures, and shall arrange for the prisoner to  
 8 designate a family member or other outside agent to be notified  
 9 as to the prisoner's medical condition and prognosis, and as to the  
 10 recall and resentencing procedures. If the inmate is deemed  
 11 mentally unfit, the warden or the warden's representative shall  
 12 contact the inmate's emergency contact and provide the information  
 13 described in paragraph (2).

14 (5) The warden or the warden's representative shall provide the  
 15 prisoner and ~~his or her~~ *their* family member, agent, or emergency  
 16 contact, as described in paragraph (4), updated information  
 17 throughout the recall and resentencing process with regard to the  
 18 prisoner's medical condition and the status of the prisoner's recall  
 19 and resentencing proceedings.

20 (6) Notwithstanding any other provisions of this section, the  
 21 prisoner or ~~his or her~~ *their* family member or designee may  
 22 independently request consideration for recall and resentencing  
 23 by contacting the chief medical officer at the prison or the  
 24 secretary. Upon receipt of the request, the chief medical officer  
 25 and the warden or the warden's representative shall follow the  
 26 procedures described in paragraph (4). If the secretary determines  
 27 that the prisoner satisfies the criteria set forth in paragraph (2), the  
 28 secretary ~~or board~~ may recommend to the court that the prisoner's  
 29 sentence be recalled. The secretary shall submit a recommendation  
 30 for release within 30 ~~days in the case of inmates sentenced to~~  
 31 ~~determinate terms and, in the case of inmates sentenced to~~  
 32 ~~indeterminate terms, the secretary shall make a recommendation~~  
 33 ~~to the Board of Parole Hearings with respect to the inmates who~~  
 34 ~~have applied under this section. The board shall consider this~~  
 35 ~~information and make an independent judgment pursuant to~~  
 36 ~~paragraph (2) and make findings related thereto before rejecting~~  
 37 ~~the request or making a recommendation to the court. This action~~  
 38 ~~shall be taken at the next lawfully noticed board meeting. days.~~

39 (7) Any recommendation for recall submitted to the court by  
 40 the secretary ~~or the Board of Parole Hearings~~ shall include one or

1 more medical evaluations, a postrelease plan, and findings pursuant  
2 to paragraph (2).

3 (8) If possible, the matter shall be heard before the same judge  
4 of the court who sentenced the prisoner.

5 (9) If the court grants the recall and resentencing application,  
6 the prisoner shall be released by the department within 48 hours  
7 of receipt of the court's order, unless a longer time period is agreed  
8 to by the inmate. At the time of release, the warden or the warden's  
9 representative shall ensure that the prisoner has each of the  
10 following ~~in his or her~~ *their* possession: a discharge medical  
11 summary, full medical records, state identification, parole or  
12 postrelease community supervision medications, and all property  
13 belonging to the prisoner. After discharge, any additional records  
14 shall be sent to the prisoner's forwarding address.

15 (10) The secretary shall issue a directive to medical and  
16 correctional staff employed by the department that details the  
17 guidelines and procedures for initiating a recall and resentencing  
18 procedure. The directive shall clearly state that any prisoner who  
19 is given a prognosis of ~~six~~ 12 months or less to live is eligible for  
20 recall and resentencing consideration, and that recall and  
21 resentencing procedures shall be initiated upon that prognosis.

22 (11) The provisions of this subdivision shall be available to an  
23 inmate who is sentenced to a county jail pursuant to subdivision  
24 (h). For purposes of those inmates, "secretary" or "warden" shall  
25 mean the county correctional administrator and "chief medical  
26 officer" shall mean a physician designated by the county  
27 correctional administrator for this purpose.

28 (12) *This subdivision does not apply to a prisoner sentenced to*  
29 *death or a term of life without the possibility of parole.*

30 (f) Notwithstanding any other provision of this section, for  
31 purposes of paragraph (3) of subdivision (h), any allegation that  
32 a defendant is eligible for state prison due to a prior or current  
33 conviction, sentence enhancement, or because ~~he or she~~ *the*  
34 *defendant* is required to register as a sex offender shall not be  
35 subject to dismissal pursuant to Section 1385.

36 (g) A sentence to the state prison for a determinate term for  
37 which only one term is specified, is a sentence to state prison under  
38 this section.

39 (h) (1) Except as provided in paragraph (3), a felony punishable  
40 pursuant to this subdivision where the term is not specified in the

1 underlying offense shall be punishable by a term of imprisonment  
2 in a county jail for 16 months, or two or three years.

3 (2) Except as provided in paragraph (3), a felony punishable  
4 pursuant to this subdivision shall be punishable by imprisonment  
5 in a county jail for the term described in the underlying offense.

6 (3) Notwithstanding paragraphs (1) and (2), where the defendant  
7 (A) has a prior or current felony conviction for a serious felony  
8 described in subdivision (c) of Section 1192.7 or a prior or current  
9 conviction for a violent felony described in subdivision (c) of  
10 Section 667.5, (B) has a prior felony conviction in another  
11 jurisdiction for an offense that has all the elements of a serious  
12 felony described in subdivision (c) of Section 1192.7 or a violent  
13 felony described in subdivision (c) of Section 667.5, (C) is required  
14 to register as a sex offender pursuant to Chapter 5.5 (commencing  
15 with Section 290) of Title 9 of Part 1, or (D) is convicted of a crime  
16 and as part of the sentence an enhancement pursuant to Section  
17 186.11 is imposed, an executed sentence for a felony punishable  
18 pursuant to this subdivision shall be served in the state prison.

19 (4) Nothing in this subdivision shall be construed to prevent  
20 other dispositions authorized by law, including pretrial diversion,  
21 deferred entry of judgment, or an order granting probation pursuant  
22 to Section 1203.1.

23 (5) (A) Unless the court finds, in the interest of justice, that it  
24 is not appropriate in a particular case, the court, when imposing a  
25 sentence pursuant to paragraph (1) or (2), shall suspend execution  
26 of a concluding portion of the term for a period selected at the  
27 court's discretion.

28 (B) The portion of a defendant's sentenced term that is  
29 suspended pursuant to this paragraph shall be known as mandatory  
30 supervision, and, unless otherwise ordered by the court, shall  
31 commence upon release from physical custody or an alternative  
32 custody program, whichever is later. During the period of  
33 mandatory supervision, the defendant shall be supervised by the  
34 county probation officer in accordance with the terms, conditions,  
35 and procedures generally applicable to persons placed on probation,  
36 for the remaining unserved portion of the sentence imposed by the  
37 court. The period of supervision shall be mandatory, and may not  
38 be earlier terminated except by court order. Any proceeding to  
39 revoke or modify mandatory supervision under this subparagraph  
40 shall be conducted pursuant to either subdivisions (a) and (b) of

1 Section 1203.2 or Section 1203.3. During the period when the  
2 defendant is under that supervision, unless in actual custody related  
3 to the sentence imposed by the court, the defendant shall be entitled  
4 to only actual time credit against the term of imprisonment imposed  
5 by the court. Any time period which is suspended because a person  
6 has absconded shall not be credited toward the period of  
7 supervision.

8 (6) When the court is imposing a judgment pursuant to this  
9 subdivision concurrent or consecutive to a judgment or judgments  
10 previously imposed pursuant to this subdivision in another county  
11 or counties, the court rendering the second or other subsequent  
12 judgment shall determine the county or counties of incarceration  
13 and supervision of the defendant.

14 (7) The sentencing changes made by the act that added this  
15 subdivision shall be applied prospectively to any person sentenced  
16 on or after October 1, 2011.

17 (8) The sentencing changes made to paragraph (5) by the act  
18 that added this paragraph shall become effective and operative on  
19 January 1, 2015, and shall be applied prospectively to any person  
20 sentenced on or after January 1, 2015.

21 (9) *Notwithstanding the separate punishment for any*  
22 *enhancement, any enhancement shall be punishable in county jail*  
23 *or state prison as required by the underlying offense and not as*  
24 *would be required by the enhancement. The intent of the*  
25 *Legislature in enacting this paragraph is to abrogate the holding*  
26 *in People v. Vega (2014) 222 Cal.App.4th 1374, that if an*  
27 *enhancement specifies service of sentence in state prison, the entire*  
28 *sentence is served in state prison, even if the punishment for the*  
29 *underlying offense is a term of imprisonment in the county jail.*

30 (i) This section shall become operative on January 1, 2022.

31 SEC. 17. Section 1203.425 of the Penal Code is amended to  
32 read:

33 1203.425. (a) (1) ~~On~~(A) *Commencing July 1, 2022, and*  
34 *subject to an appropriation in the annual Budget Act, on a monthly*  
35 *basis, the Department of Justice shall review the records in the*  
36 *statewide criminal justice databases, and based on information in*  
37 *the state summary criminal history repository and the Supervised*  
38 *Release File, shall identify persons with convictions that meet the*  
39 *criteria set forth in paragraph (2) subparagraph (B) and are eligible*  
40 *for automatic conviction record relief.*

1     ~~(2)~~  
2     (B) A person is eligible for automatic conviction relief pursuant  
3 to this section if they meet all of the following conditions:  
4     (A)  
5     (i) The person is not required to register pursuant to the Sex  
6 Offender Registration Act.  
7     ~~(B)~~  
8     (ii) The person does not have an active record for local, state,  
9 or federal supervision in the Supervised Release File.  
10    ~~(C)~~  
11    (iii) Based upon the information available in the department's  
12 record, including disposition dates and sentencing terms, it does  
13 not appear that the person is currently serving a sentence for ~~any~~  
14 *an* offense and there is no indication of ~~any~~ pending criminal  
15 charges.  
16    ~~(D)~~  
17    (iv) Except as otherwise provided in ~~clause (iii) of subparagraph~~  
18 ~~(E); subclause (III) of clause (v)~~, there is no indication that the  
19 conviction resulted in a sentence of incarceration in the state prison.  
20    ~~(E)~~  
21    (v) The conviction occurred on or after January 1, 2021, and  
22 meets either of the following criteria:  
23    (i)  
24    (I) The defendant was sentenced to probation and, based upon  
25 the disposition date and the term of probation specified in the  
26 department's records, appears to have completed their term of  
27 probation without revocation.  
28    (ii)  
29    (II) The defendant was convicted of an infraction or  
30 misdemeanor, was not granted probation, and, based upon the  
31 disposition date and the term specified in the department's records,  
32 the defendant appears to have completed their sentence, and at  
33 least one calendar year has elapsed since the date of judgment.  
34    ~~(b) (1) —~~  
35    (2) (A) Except as specified in subdivision ~~(h)~~, (b), the  
36 department shall grant relief, including dismissal of a conviction,  
37 to a person identified pursuant to ~~subdivision (a); paragraph (1)~~  
38 without requiring a petition or motion by a party for that relief if  
39 the relevant information is present in the department's electronic  
40 records.

1     ~~(2)~~

2     (B) The state summary criminal history information shall  
3 include, directly next to or below the entry or entries regarding the  
4 person's criminal record, a note stating "relief granted," listing the  
5 date that the department granted relief and this section. This note  
6 shall be included in all statewide criminal databases with a record  
7 of the conviction.

8     ~~(3)~~

9     (C) Except as otherwise provided in ~~subdivision (d)~~ *paragraph*  
10 (4) and in Section 13555 of the Vehicle Code, a person granted  
11 conviction relief pursuant to this section shall be released from all  
12 penalties and disabilities resulting from the offense of which the  
13 person has been convicted.

14     ~~(c) On~~

15     (3) *Commencing July 1, 2022, and subject to an appropriation*  
16 *in the annual Budget Act, on a monthly basis, the department shall*  
17 *electronically submit a notice to the superior court having*  
18 *jurisdiction over the criminal case, informing the court of all cases*  
19 *for which a complaint was filed in that jurisdiction and for which*  
20 *relief was granted pursuant to this section. Commencing on*  
21 ~~February 1, 2021, August 1, 2022,~~ *for any record retained by the*  
22 *court pursuant to Section 68152 of the Government Code, except*  
23 *as provided in ~~subdivision (d)~~, paragraph (4), the court shall not*  
24 *disclose information concerning a conviction granted relief*  
25 *pursuant to this section or Section 1203.4, 1203.4a, 1203.41, or*  
26 *1203.42, to any person or entity, in any format, except to the person*  
27 *whose conviction was granted relief or a criminal justice agency,*  
28 *as defined in Section 851.92.*

29     ~~(d)~~

30     (4) Relief granted pursuant to this section is subject to the  
31 following conditions:

32     ~~(+)~~

33     (A) Relief granted pursuant to this section does not relieve a  
34 person of the obligation to disclose a criminal conviction in  
35 response to a direct question contained in a questionnaire or  
36 application for employment as a peace officer, as defined in Section  
37 830.

38     ~~(2)~~

39     (B) Relief granted pursuant to this section does not relieve a  
40 person of the obligation to disclose the conviction in response to



1 ~~any~~ a direct question contained in—~~any~~ a questionnaire or  
2 application for public office, or for contracting with the California  
3 State Lottery Commission.  
4 ~~(3)~~  
5 (C) Relief granted pursuant to this section has no effect on the  
6 ability of a criminal justice agency, as defined in Section 851.92,  
7 to access and use records that are granted relief to the same extent  
8 that would have been permitted for a criminal justice agency had  
9 relief not been granted.  
10 ~~(4)~~  
11 (D) Relief granted pursuant to this section does not limit the  
12 jurisdiction of the court over—~~any~~ a subsequently filed motion to  
13 amend the record, petition or motion for postconviction relief, or  
14 collateral attack on a conviction for which relief has been granted  
15 pursuant to this section.  
16 ~~(5)~~  
17 (E) Relief granted pursuant to this section does not affect a  
18 person's authorization to own, possess, or have in the person's  
19 custody or control—~~any~~ a firearm, or the person's susceptibility to  
20 conviction under Chapter 2 (commencing with Section 29800) of  
21 Division 9 of Title 4 of Part 6, if the criminal conviction would  
22 otherwise affect this authorization or susceptibility.  
23 ~~(6)~~  
24 (F) Relief granted pursuant to this section does not affect—~~any~~  
25 a prohibition from holding public office that would otherwise  
26 apply under law as a result of the criminal conviction.  
27 ~~(7)~~  
28 (G) Relief granted pursuant to this section does not affect the  
29 authority to receive, or take adverse action based on, criminal  
30 history information, including the authority to receive certified  
31 court records received or evaluated pursuant to Section 1522,  
32 1568.09, 1569.17, or 1596.871 of the Health and Safety Code, or  
33 pursuant to any statutory or regulatory provisions that incorporate  
34 the criteria of those sections.  
35 ~~(8)~~  
36 (H) Relief granted pursuant to this section does not make eligible  
37 a person who is otherwise ineligible to provide, or receive payment  
38 for providing, in-home supportive services pursuant to Article 7  
39 (commencing with Section 12300) of Chapter 3 of Part 3 of  
40 Division 9 of the Welfare and Institutions Code, or pursuant to

1 Section 14132.95, 14132.952, or 14132.956 of the Welfare and  
2 Institutions Code.

3 ~~(9)~~

4 ~~(I)~~ In any a subsequent prosecution of the defendant for any  
5 other offense, the prior conviction may be pleaded and proved and  
6 shall have the same effect as if the relief had not been granted.

7 ~~(e)~~

8 (5) This section shall not limit petitions, motions, or orders for  
9 relief in a criminal case, as required or authorized by any other  
10 law, including, but not limited to, Sections 1203.4 and 1204.4a.

11 ~~(f) The~~

12 (6) *Commencing July 1, 2022, and subject to an appropriation*  
13 *in the annual Budget Act, the department shall annually publish*  
14 *statistics for each county regarding the total number of convictions*  
15 *granted relief pursuant to this section and the total number of*  
16 *convictions prohibited from automatic relief pursuant to*  
17 *subdivision (h), (b), on the OpenJustice Web portal, as defined in*  
18 *Section 13010.*

19 ~~(g) Subdivisions (a) to (f), inclusive, shall be operative~~  
20 ~~commencing January 1, 2021, subject to an appropriation in the~~  
21 ~~annual Budget Act.~~

22 ~~(h)~~

23 (b) (1) The prosecuting attorney or probation department may,  
24 no later than 90 calendar days before the date of a person's  
25 eligibility for relief pursuant to this section, file a petition to  
26 prohibit the department from granting automatic relief pursuant  
27 to this section, based on a showing that granting ~~such~~ that relief  
28 would pose a substantial threat to the public safety.

29 (2) The court shall give notice to the defendant and conduct a  
30 hearing on the petition within 45 days after the petition is filed.

31 (3) At a hearing on the petition pursuant to this subdivision, the  
32 defendant, the probation department, the prosecuting attorney, and  
33 the arresting agency, through the prosecuting attorney, may present  
34 evidence to the court. Notwithstanding Sections 1538.5 and 1539,  
35 the hearing may be heard and determined upon declarations,  
36 affidavits, police investigative reports, copies of state summary  
37 criminal history information and local summary criminal history  
38 information, or any other evidence submitted by the parties that  
39 is material, reliable, and relevant.

- 1 (4) The prosecutor or probation department has the initial burden  
2 of proof to show that granting conviction relief would pose a  
3 substantial threat to the public safety. In determining whether  
4 granting ~~such~~ relief would pose a substantial threat to the public  
5 safety, the court may consider any relevant factors including, but  
6 not limited to, either of the following:
- 7 (A) Declarations or evidence regarding the offense for which a  
8 grant of relief is being contested.
- 9 (B) The defendant's record of arrests and convictions.
- 10 (5) If the court finds that the prosecutor or probation department  
11 has satisfied the burden of proof, the burden shifts to the defendant  
12 to show that the hardship of not obtaining relief outweighs the  
13 threat to the public safety of providing ~~such~~ relief. In determining  
14 whether the defendant's hardship outweighs the threat to the public  
15 safety, the court may consider any relevant factors including, but  
16 not limited to, either of the following:
- 17 (A) The hardship to the defendant that has been caused by the  
18 conviction and that would be caused if relief is not granted.
- 19 (B) Declarations or evidence regarding the defendant's good  
20 character.
- 21 (6) If the court grants a petition pursuant to this subdivision,  
22 the court shall furnish a disposition report to the Department of  
23 Justice pursuant to Section 13151, stating that relief pursuant to  
24 this section was denied, and the department shall not grant relief  
25 pursuant to this section.
- 26 (7) A person denied relief pursuant to this section may continue  
27 to be eligible for relief pursuant to Section 1203.4 or 1203.4a. If  
28 the court subsequently grants relief pursuant to one of those  
29 sections, the court shall furnish a disposition report to the  
30 Department of Justice pursuant to Section 13151, stating that relief  
31 was granted pursuant to the applicable section, and the department  
32 shall grant relief pursuant to that section.
- 33 ~~(i)~~
- 34 (c) At the time of sentencing, the court shall advise a defendant,  
35 either orally or in writing, of the provisions of this section and of  
36 the defendant's right, if any, to petition for a certificate of  
37 rehabilitation and pardon.
- 38 *SEC. 18. Article 5 (commencing with Section 2985) of Chapter*  
39 *7 of Title 1 of Part 3 of the Penal Code is repealed.*
- 40 *SEC. 19. Section 3000.01 is added to the Penal Code, to read:*

1     3000.01. (a) *This section applies to persons released from*  
2 *state prison on or after July 1, 2020, and who are subject to the*  
3 *jurisdiction of, and parole supervision by, the Department of*  
4 *Corrections and Rehabilitation pursuant to Section 3000.08 of the*  
5 *Penal Code.*

6     (b) *Except as provided in subdivision (d) and notwithstanding*  
7 *any other law, persons described in subdivision (a) shall serve a*  
8 *parole term as follows:*

9     (1) *Any inmate sentenced to a determinate term shall be released*  
10 *on parole for a period of two years. The inmate will be reviewed*  
11 *by the Division of Adult Parole Operations for possible discharge*  
12 *from parole no later than 12 months after release from*  
13 *confinement. If at the time of the review the inmate has been on*  
14 *parole continuously for 12 months since release from confinement*  
15 *without a violation and the inmate is not a person required to be*  
16 *treated as described in Section 2962, the inmate shall be*  
17 *discharged from parole.*

18     (2) *Any inmate sentenced to a life term shall be released on*  
19 *parole for a period of three years. The inmate will be reviewed by*  
20 *the Division of Adult Parole Operations and referred to the Board*  
21 *of Parole Hearings for possible discharge from parole no later*  
22 *than 12 months after release from confinement. If the Board of*  
23 *Parole Hearings determines the inmate should be retained on*  
24 *parole, the inmate will be reviewed again and referred to the Board*  
25 *of Parole Hearings for possible discharge from parole no later*  
26 *than 24 months after release from confinement.*

27     (c) *Upon successful completion of parole, or at the end of the*  
28 *maximum statutory period of parole specified in this section,*  
29 *whichever is earlier, the inmate shall be discharged from parole.*  
30 *The date of the maximum statutory period of parole under this*  
31 *section shall be computed from the date of initial parole and shall*  
32 *be a period chronologically determined. Time during which parole*  
33 *is suspended because the inmate has been returned to custody as*  
34 *a parole violator shall not be credited toward any period of parole*  
35 *unless the inmate is found not guilty of the parole violation.*

36     (1) *Except as provided in paragraph (4) of subdivision (a) of*  
37 *Section 3000 and Section 3064, in no case may an inmate who is*  
38 *released on parole for a period of two years be retained under*  
39 *parole supervision or in custody for a period longer than three*  
40 *years from the date of their initial parole.*

1     (2) *Except as provided in paragraph (4) of subdivision (a) of*  
2 *Section 3000 and Section 3064, in no case may an inmate who is*  
3 *released on parole for a period of three years be retained under*  
4 *parole supervision or in custody for a period longer than four*  
5 *years from the date of their initial parole.*

6     (d) *This section shall not apply to any of the following inmates:*

7     (1) *An inmate currently incarcerated for an offense that will*  
8 *require the person to register as a sex offender pursuant to Chapter*  
9 *5.5 (commencing with Section 290) of Title 9 of Part 1.*

10    (2) *Inmates whose parole term at the time of the commission of*  
11 *the offense was less than the parole term prescribed in subdivision*  
12 *(b).*

13    (e) *The parole review periods specified in subdivision (b) shall*  
14 *not apply to inmates whose review period at the time of the*  
15 *commission of the offense provides for an earlier review period.*

16    SEC. 20. *Section 3055 of the Penal Code is amended to read:*

17    3055. (a) The Elderly Parole Program is hereby established,  
18 to be administered by the Board of Parole ~~Hearing~~, *Hearings*, for  
19 purposes of reviewing the parole suitability of any inmate who is  
20 ~~60~~ 50 years of age or older and has served a minimum of ~~25~~ 20  
21 years of continuous incarceration on ~~his or her~~ *the inmate's* current  
22 sentence, serving either a determinate or indeterminate sentence.

23    (b) (1) For purposes of this code, the term “elderly parole  
24 eligible date” means the date on which an inmate who qualifies as  
25 an elderly offender is eligible for release from prison.

26    (2) For purposes of this section, “incarceration” means detention  
27 in a city or county jail, local juvenile facility, a mental health  
28 facility, a Division of Juvenile Justice facility, or a Department of  
29 Corrections and Rehabilitation facility.

30    (c) When considering the release of an inmate specified by  
31 subdivision (a) pursuant to Section 3041, the board shall give  
32 special consideration to whether age, time served, and diminished  
33 physical condition, if any, have reduced the elderly inmate’s risk  
34 for future violence.

35    (d) When scheduling a parole suitability hearing date pursuant  
36 to subdivision (b) of Section 3041.5 or when considering a request  
37 for an advance hearing pursuant to subdivision (d) of Section  
38 3041.5, the board shall consider whether the inmate meets or will  
39 meet the criteria specified in subdivision (a).

1 (e) An individual who is subject to this section shall meet with  
2 the board pursuant to subdivision (a) of Section 3041. If an inmate  
3 is found suitable for parole under the Elderly Parole Program, the  
4 board shall release the individual on parole as provided in Section  
5 3041.

6 (f) If parole is not granted, the board shall set the time for a  
7 subsequent elderly parole hearing in accordance with paragraph  
8 (3) of subdivision (b) of Section 3041.5. No subsequent elderly  
9 parole hearing shall be necessary if the offender is released  
10 pursuant to other statutory provisions prior to the date of the  
11 subsequent hearing.

12 (g) This section ~~shall~~ *does not* apply to cases in which sentencing  
13 occurs pursuant to Section 1170.12, subdivisions (b) to (i),  
14 inclusive, of Section 667, or *cases* in which an individual was  
15 sentenced to life in prison without the possibility of parole or death.

16 (h) This section does not apply if the person was convicted of  
17 first-degree murder if the victim was a peace officer, as defined  
18 in Section 830.1, 830.2, 830.3, 830.31, 830.32, 830.33, 830.34,  
19 830.35, 830.36, 830.37, 830.4, 830.5, 830.6, 830.10, 830.11, or  
20 830.12, who was killed while engaged in the performance of ~~his~~  
21 ~~or her~~ *their* duties, and the individual knew, or reasonably should  
22 have known, that the victim was a peace officer engaged in the  
23 performance of ~~his or her~~ *their* duties, or the victim was a peace  
24 officer or a former peace officer under any of the above-enumerated  
25 sections, and was intentionally killed in retaliation for the  
26 performance of ~~his or her~~ *their* official duties.

27 (i) This section does not alter the rights of victims at parole  
28 hearings.

29 (j) *By December 31, 2022, the board shall complete all elderly*  
30 *parole hearings for individuals who were sentenced to determinate*  
31 *or indeterminate terms and who, on the effective date of the bill*  
32 *that added this subdivision, are or will be entitled to have their*  
33 *parole suitability considered at an elderly parole hearing before*  
34 *January 1, 2023.*

35 SEC. 21. Section 5003.7 is added to the Penal Code, to read:

36 5003.7. *On or before January 10, 2021, the Department of*  
37 *Corrections and Rehabilitation shall notify the budget committees*  
38 *of each house and the Legislative Analyst's Office of a specific*  
39 *state-owned and operated prison for closure. On or before January*  
40 *10, 2022, the Department of Corrections and Rehabilitation shall*

1 *notify the budget committees of each house and the Legislative*  
2 *Analyst's Office of a second specific state-owned and operated*  
3 *prison for closure. In identifying prisons for closure, the*  
4 *department shall consider the following criteria:*

5 *(a) The department shall prioritize closure of prisons with*  
6 *relatively high operational costs or costly infrastructure needs*  
7 *compared to inmate capacity, flexible housing assignment capacity,*  
8 *and long-term operational value.*

9 *(b) The department shall consider the cost of rebuilding the*  
10 *capital investments that have already been made in the prison at*  
11 *other prisons, to the extent that those capital investments would*  
12 *need to be rebuilt at other prisons should the prison in question*  
13 *be closed.*

14 *SEC. 22. Section 11105 of the Penal Code is amended to read:*

15 *11105. (a) (1) The Department of Justice shall maintain state*  
16 *summary criminal history information.*

17 *(2) As used in this section:*

18 *(A) "State summary criminal history information" means the*  
19 *master record of information compiled by the Attorney General*  
20 *pertaining to the identification and criminal history of a person,*  
21 *such as name, date of birth, physical description, fingerprints,*  
22 *photographs, dates of arrests, arresting agencies and booking*  
23 *numbers, charges, dispositions, sentencing information, and similar*  
24 *data about the person.*

25 *(B) "State summary criminal history information" does not refer*  
26 *to records and data compiled by criminal justice agencies other*  
27 *than the Attorney General, nor does it refer to records of complaints*  
28 *to or investigations conducted by, or records of intelligence*  
29 *information or security procedures of, the office of the Attorney*  
30 *General and the Department of Justice.*

31 *(b) The Attorney General shall furnish state summary criminal*  
32 *history information to the following, if needed in the course of*  
33 *their duties, provided that when information is furnished to assist*  
34 *an agency, officer, or official of state or local government, a public*  
35 *utility, or any other entity, in fulfilling employment, certification,*  
36 *or licensing duties, Chapter 1321 of the Statutes of 1974 and*  
37 *Section 432.7 of the Labor Code shall apply:*

38 *(1) The courts of the state.*

39 *(2) Peace officers of the state, as defined in Section 830.1,*  
40 *subdivisions (a) and (e) of Section 830.2, subdivision (a) of Section*

- 1 830.3, subdivision (a) of Section 830.31, and subdivisions (a) and
- 2 (b) of Section 830.5.
- 3 (3) District attorneys of the state.
- 4 (4) Prosecuting city attorneys or city prosecutors of a city within
- 5 the state.
- 6 (5) City attorneys pursuing civil gang injunctions pursuant to
- 7 Section 186.22a, or drug abatement actions pursuant to Section
- 8 3479 or 3480 of the Civil Code, or Section 11571 of the Health
- 9 and Safety Code.
- 10 (6) Probation officers of the state.
- 11 (7) Parole officers of the state.
- 12 (8) A public defender or attorney of record when representing
- 13 a person in proceedings upon a petition for a certificate of
- 14 rehabilitation and pardon pursuant to Section 4852.08.
- 15 (9) A public defender or attorney of record when representing
- 16 a person in a criminal case or a juvenile delinquency proceeding,
- 17 including all appeals and postconviction motions, or a parole,
- 18 mandatory supervision pursuant to paragraph (5) of subdivision
- 19 (h) of Section 1170, or postrelease community supervision
- 20 revocation or revocation extension proceeding, if the information
- 21 is requested in the course of representation.
- 22 (10) An agency, officer, or official of the state if the state
- 23 summary criminal history information is required to implement a
- 24 statute or regulation that expressly refers to specific criminal
- 25 conduct applicable to the subject person of the state summary
- 26 criminal history information, and contains requirements or
- 27 exclusions, or both, expressly based upon that specified criminal
- 28 conduct. The agency, officer, or official of the state authorized by
- 29 this paragraph to receive state summary criminal history
- 30 information may also transmit fingerprint images and related
- 31 information to the Department of Justice to be transmitted to the
- 32 Federal Bureau of Investigation.
- 33 (11) ~~A city or city~~, county, city and county, *or* district, or an
- 34 officer or official ~~thereof~~ *thereof*, if access is needed in order to
- 35 assist that agency, officer, or official in fulfilling employment,
- 36 certification, or licensing duties, and if the access is specifically
- 37 authorized by the city council, board of supervisors, or governing
- 38 board of the city, county, or district if the state summary criminal
- 39 history information is required to implement a statute, ordinance,
- 40 or regulation that expressly refers to specific criminal conduct



1 applicable to the subject person of the state summary criminal  
2 history information, and contains requirements or exclusions, or  
3 both, expressly based upon that specified criminal conduct. The  
4 ~~city or~~ city, county, city and county, district, or the officer or  
5 official thereof authorized by this paragraph may also transmit  
6 fingerprint images and related information to the Department of  
7 Justice to be transmitted to the Federal Bureau of Investigation.

8 (12) The subject of the state summary criminal history  
9 information under procedures established under Article 5  
10 (commencing with Section 11120).

11 (13) A person or entity when access is expressly authorized by  
12 statute if the criminal history information is required to implement  
13 a statute or regulation that expressly refers to specific criminal  
14 conduct applicable to the subject person of the state summary  
15 criminal history information, and contains requirements or  
16 exclusions, or both, expressly based upon that specified criminal  
17 conduct.

18 (14) Health officers of a city, county, city and county, or district  
19 when in the performance of their official duties enforcing Section  
20 120175 of the Health and Safety Code.

21 (15) A managing or supervising correctional officer of a county  
22 jail or other county correctional facility.

23 (16) A humane society, or society for the prevention of cruelty  
24 to animals, for the specific purpose of complying with Section  
25 14502 of the Corporations Code for the appointment of humane  
26 officers.

27 (17) Local child support agencies established by Section 17304  
28 of the Family Code. When a local child support agency closes a  
29 support enforcement case containing state summary criminal  
30 history information, the agency shall delete or purge from the file  
31 and destroy ~~any~~ documents or information concerning or arising  
32 from offenses for or of which the parent has been arrested, charged,  
33 or convicted, other than for offenses related to the parent's having  
34 failed to provide support for minor children, consistent with the  
35 requirements of Section 17531 of the Family Code.

36 (18) County child welfare agency personnel who have been  
37 delegated the authority of county probation officers to access state  
38 summary criminal history information pursuant to Section 272 of  
39 the Welfare and Institutions Code for the purposes specified in  
40 Section 16504.5 of the Welfare and Institutions Code. Information

1 from criminal history records provided pursuant to this subdivision  
2 shall not be used for a purpose other than those specified in this  
3 section and Section 16504.5 of the Welfare and Institutions Code.  
4 When an agency obtains records both on the basis of name checks  
5 and fingerprint checks, final placement decisions shall be based  
6 only on the records obtained pursuant to the fingerprint check.

7 (19) The court of a tribe, or court of a consortium of tribes, that  
8 has entered into an agreement with the state pursuant to Section  
9 10553.1 of the Welfare and Institutions Code. This information  
10 may be used only for the purposes specified in Section 16504.5  
11 of the Welfare and Institutions Code and for tribal approval or  
12 tribal licensing of foster care or adoptive homes. Article 6  
13 (commencing with Section 11140) shall apply to officers, members,  
14 and employees of a tribal court receiving state summary criminal  
15 history information pursuant to this section.

16 (20) Child welfare agency personnel of a tribe or consortium  
17 of tribes that has entered into an agreement with the state pursuant  
18 to Section 10553.1 of the Welfare and Institutions Code and to  
19 whom the state has delegated duties under paragraph (2) of  
20 subdivision (a) of Section 272 of the Welfare and Institutions Code.  
21 The purposes for use of the information shall be for the purposes  
22 specified in Section 16504.5 of the Welfare and Institutions Code  
23 and for tribal approval or tribal licensing of foster care or adoptive  
24 homes. When an agency obtains records on the basis of name  
25 checks and fingerprint checks, final placement decisions shall be  
26 based only on the records obtained pursuant to the fingerprint  
27 check. Article 6 (commencing with Section 11140) shall apply to  
28 child welfare agency personnel receiving criminal record offender  
29 information pursuant to this section.

30 (21) An officer providing conservatorship investigations  
31 pursuant to Sections 5351, 5354, and 5356 of the Welfare and  
32 Institutions Code.

33 (22) A court investigator providing investigations or reviews  
34 in conservatorships pursuant to Section 1826, 1850, 1851, or  
35 2250.6 of the Probate Code.

36 (23) A person authorized to conduct a guardianship investigation  
37 pursuant to Section 1513 of the Probate Code.

38 (24) A humane officer pursuant to Section 14502 of the  
39 Corporations Code for the purposes of performing the officer's  
40 duties.

- 1 (25) A public agency described in subdivision (b) of Section  
2 15975 of the Government Code, for the purpose of oversight and  
3 enforcement policies with respect to its contracted providers.
- 4 (26) (A) A state entity, or its designee, that receives federal tax  
5 information. A state entity or its designee that is authorized by this  
6 paragraph to receive state summary criminal history information  
7 also may transmit fingerprint images and related information to  
8 the Department of Justice to be transmitted to the Federal Bureau  
9 of Investigation for the purpose of the state entity or its designee  
10 obtaining federal level criminal offender record information from  
11 the Department of Justice. This information shall be used only for  
12 the purposes set forth in Section 1044 of the Government Code.
- 13 (B) For purposes of this paragraph, “federal tax information,”  
14 “state entity” and “designee” are as defined in paragraphs (1), (2),  
15 and (3), respectively, of subdivision (f) of Section 1044 of the  
16 Government Code.
- 17 (c) The Attorney General may furnish state summary criminal  
18 history information and, when specifically authorized by this  
19 subdivision, federal level criminal history information upon a  
20 showing of a compelling need to any of the following, provided  
21 that when information is furnished to assist an agency, officer, or  
22 official of state or local government, a public utility, or any other  
23 entity in fulfilling employment, certification, or licensing duties,  
24 Chapter 1321 of the Statutes of 1974 and Section 432.7 of the  
25 Labor Code shall apply:
- 26 (1) A public utility, as defined in Section 216 of the Public  
27 Utilities Code, that operates a nuclear energy facility when access  
28 is needed in order to assist in employing persons to work at the  
29 facility, provided that, if the Attorney General supplies the data,  
30 the Attorney General shall furnish a copy of the data to the person  
31 to whom the data relates.
- 32 (2) ~~To a~~ A peace officer of the state other than those included  
33 in subdivision (b).
- 34 (3) ~~To an~~ An illegal dumping enforcement officer as defined in  
35 subdivision (j) of Section 830.7.
- 36 (4) ~~To a~~ A peace officer of another country.
- 37 (5) ~~To public~~ Public officers, other than peace officers, of the  
38 United States, other states, or possessions or territories of the  
39 United States, provided that access to records similar to state  
40 summary criminal history information is expressly authorized by

1 a statute of the United States, other states, or possessions or  
2 territories of the United States if the information is needed for the  
3 performance of their official duties.

4 (6) ~~To a~~ A person when disclosure is requested by a probation,  
5 parole, or peace officer with the consent of the subject of the state  
6 summary criminal history information and for purposes of  
7 furthering the rehabilitation of the subject.

8 (7) The courts of the United States, other states, or territories  
9 or possessions of the United States.

10 (8) Peace officers of the United States, other states, or territories  
11 or possessions of the United States.

12 (9) ~~To an~~ An individual who is the subject of the record  
13 requested if needed in conjunction with an application to enter the  
14 United States or a foreign nation.

15 (10) (A) (i) A public utility, as defined in Section 216 of the  
16 Public Utilities Code, or a cable corporation as defined in  
17 subparagraph (B), if receipt of criminal history information is  
18 needed in order to assist in employing current or prospective  
19 employees, contract employees, or subcontract employees who,  
20 in the course of their employment, may be seeking entrance to  
21 private residences or adjacent grounds. The information provided  
22 shall be limited to the record of convictions and arrests for which  
23 the person is released on bail or on their own recognizance pending  
24 trial.

25 (ii) If the Attorney General supplies the data pursuant to this  
26 paragraph, the Attorney General shall furnish a copy of the data  
27 to the current or prospective employee to whom the data relates.

28 (iii) State summary criminal history information is confidential  
29 and the receiving public utility or cable corporation shall not  
30 disclose its contents, other than for the purpose for which it was  
31 acquired. The state summary criminal history information in the  
32 possession of the public utility or cable corporation and all copies  
33 made from it shall be destroyed not more than 30 days after  
34 employment or promotion or transfer is denied or granted, except  
35 for those cases where a current or prospective employee is out on  
36 bail or on their own recognizance pending trial, in which case the  
37 state summary criminal history information and all copies shall be  
38 destroyed not more than 30 days after the case is resolved.

39 (iv) A violation of this paragraph is a misdemeanor, and shall  
40 give the current or prospective employee who is injured by the

1 violation a cause of action against the public utility or cable  
2 corporation to recover damages proximately caused by the  
3 violations. A public utility's or cable corporation's request for  
4 state summary criminal history information for purposes of  
5 employing current or prospective employees who may be seeking  
6 entrance to private residences or adjacent grounds in the course  
7 of their employment shall be deemed a "compelling need" as  
8 required to be shown in this subdivision.

9 (v) This section shall not be construed as imposing a duty upon  
10 public utilities or cable corporations to request state summary  
11 criminal history information on current or prospective employees.

12 (B) For purposes of this paragraph, "cable corporation" means  
13 a corporation or firm that transmits or provides television,  
14 computer, or telephone services by cable, digital, fiber optic,  
15 satellite, or comparable technology to subscribers for a fee.

16 (C) Requests for federal level criminal history information  
17 received by the Department of Justice from entities authorized  
18 pursuant to subparagraph (A) shall be forwarded to the Federal  
19 Bureau of Investigation by the Department of Justice. Federal level  
20 criminal history information received or compiled by the  
21 Department of Justice may then be disseminated to the entities  
22 referenced in subparagraph (A), as authorized by law.

23 (11) ~~To a~~ campus of the California State University or the  
24 University of California, or a four-year college or university  
25 accredited by a regional accreditation organization approved by  
26 the United States Department of Education, if needed in  
27 conjunction with an application for admission by a convicted felon  
28 to a special education program for convicted felons, including, but  
29 not limited to, university alternatives and halfway houses. Only  
30 conviction information shall be furnished. The college or university  
31 may require the convicted felon to be fingerprinted, and any inquiry  
32 to the department under this section shall include the convicted  
33 felon's fingerprints and any other information specified by the  
34 department.

35 (12) ~~To a~~ foreign government, if requested by the individual  
36 who is the subject of the record requested, if needed in conjunction  
37 with the individual's application to adopt a minor child who is a  
38 citizen of that foreign nation. Requests for information pursuant  
39 to this paragraph shall be in accordance with the process described  
40 in Sections 11122 to 11124, inclusive. The response shall be

1 provided to the foreign government or its designee and to the  
2 individual who requested the information.

3 (d) Whenever an authorized request for state summary criminal  
4 history information pertains to a person whose fingerprints are on  
5 file with the Department of Justice and the department has no  
6 criminal history of that person, and the information is to be used  
7 for employment, licensing, or certification purposes, the fingerprint  
8 card accompanying the request for information, if any, may be  
9 stamped “no criminal record” and returned to the person or entity  
10 making the request.

11 (e) Whenever state summary criminal history information is  
12 furnished as the result of an application and is to be used for  
13 employment, licensing, or certification purposes, the Department  
14 of Justice may charge the person or entity making the request a  
15 fee that it determines to be sufficient to reimburse the department  
16 for the cost of furnishing the information. In addition, the  
17 Department of Justice may add a surcharge to the fee to fund  
18 maintenance and improvements to the systems from which the  
19 information is obtained. Notwithstanding any other law, a person  
20 or entity required to pay a fee to the department for information  
21 received under this section may charge the applicant a fee sufficient  
22 to reimburse the person or entity for this expense. All moneys  
23 received by the department pursuant to this section, Sections  
24 11105.3 and 26190, and former Section 13588 of the Education  
25 Code shall be deposited in a special account in the General Fund  
26 to be available for expenditure by the department to offset costs  
27 incurred pursuant to those sections and for maintenance and  
28 improvements to the systems from which the information is  
29 obtained upon appropriation by the Legislature.

30 (f) Whenever there is a conflict, the processing of criminal  
31 fingerprints and fingerprints of applicants for security guard or  
32 alarm agent registrations or firearms qualification permits  
33 submitted pursuant to Section 7583.9, 7583.23, 7596.3, or 7598.4  
34 of the Business and Professions Code shall take priority over the  
35 processing of other applicant fingerprints.

36 (g) It is not a violation of this section to disseminate statistical  
37 or research information obtained from a record, provided that the  
38 identity of the subject of the record is not disclosed.

39 (h) It is not a violation of this section to include information  
40 obtained from a record in (1) a transcript or record of a judicial or

1 administrative proceeding or (2) any other public record if the  
2 inclusion of the information in the public record is authorized by  
3 a court, statute, or decisional law.

4 (i) Notwithstanding any other law, the Department of Justice  
5 or a state or local law enforcement agency may require the  
6 submission of fingerprints for the purpose of conducting state  
7 summary criminal history information checks that are authorized  
8 by law.

9 (j) The state summary criminal history information shall include  
10 any finding of mental incompetence pursuant to Chapter 6  
11 (commencing with Section 1367) of Title 10 of Part 2 arising out  
12 of a complaint charging a felony offense specified in Section 290.

13 (k) (1) This subdivision shall apply whenever state or federal  
14 summary criminal history information is furnished by the  
15 Department of Justice as the result of an application by an  
16 authorized agency or organization and the information is to be  
17 used for peace officer employment or certification purposes. As  
18 used in this subdivision, a peace officer is defined in Chapter 4.5  
19 (commencing with Section 830) of Title 3 of Part 2.

20 (2) Notwithstanding any other law, whenever state summary  
21 criminal history information is initially furnished pursuant to  
22 paragraph (1), the Department of Justice shall disseminate the  
23 following information:

24 (A) Every conviction rendered against the applicant.

25 (B) Every arrest for an offense for which the applicant is  
26 presently awaiting trial, whether the applicant is incarcerated or  
27 has been released on bail or on their own recognizance pending  
28 trial.

29 (C) Every arrest or detention, except for an arrest or detention  
30 resulting in an exoneration, provided, however, that where the  
31 records of the Department of Justice do not contain a disposition  
32 for the arrest, the Department of Justice first makes a genuine effort  
33 to determine the disposition of the arrest.

34 (D) Every successful diversion.

35 (E) Every date and agency name associated with all retained  
36 peace officer or nonsworn law enforcement agency employee  
37 preemployment criminal offender record information search  
38 requests.

39 (F) Sex offender registration status of the applicant.

1 (G) Sentencing information, if present in the department's  
2 records at the time of the response.

3 (I) (1) This subdivision shall apply whenever state or federal  
4 summary criminal history information is furnished by the  
5 Department of Justice as the result of an application by a criminal  
6 justice agency or organization as defined in Section 13101, and  
7 the information is to be used for criminal justice employment,  
8 licensing, or certification purposes.

9 (2) Notwithstanding any other law, whenever state summary  
10 criminal history information is initially furnished pursuant to  
11 paragraph (1), the Department of Justice shall disseminate the  
12 following information:

13 (A) Every conviction rendered against the applicant.

14 (B) Every arrest for an offense for which the applicant is  
15 presently awaiting trial, whether the applicant is incarcerated or  
16 has been released on bail or on their own recognizance pending  
17 trial.

18 (C) Every arrest for an offense for which the records of the  
19 Department of Justice do not contain a disposition or which did  
20 not result in a conviction, provided that the Department of Justice  
21 first makes a genuine effort to determine the disposition of the  
22 arrest. However, information concerning an arrest shall not be  
23 disclosed if the records of the Department of Justice indicate or if  
24 the genuine effort reveals that the subject was exonerated,  
25 successfully completed a diversion or deferred entry of judgment  
26 program, or the arrest was deemed a detention, or the subject was  
27 granted relief pursuant to Section 851.91.

28 (D) Every date and agency name associated with all retained  
29 peace officer or nonsworn law enforcement agency employee  
30 preemployment criminal offender record information search  
31 requests.

32 (E) Sex offender registration status of the applicant.

33 (F) Sentencing information, if present in the department's  
34 records at the time of the response.

35 (m) (1) This subdivision shall apply whenever state or federal  
36 summary criminal history information is furnished by the  
37 Department of Justice as the result of an application by an  
38 authorized agency or organization pursuant to Section 1522,  
39 1568.09, 1569.17, or 1596.871 of the Health and Safety Code, or  
40 a statute that incorporates the criteria of any of those sections or



1 this subdivision by reference, and the information is to be used for  
2 employment, licensing, or certification purposes.

3 (2) Notwithstanding any other law, whenever state summary  
4 criminal history information is initially furnished pursuant to  
5 paragraph (1), the Department of Justice shall disseminate the  
6 following information:

7 (A) Every conviction of an offense rendered against the  
8 applicant, except a conviction for which relief has been granted  
9 pursuant to Section 1203.49.

10 (B) Every arrest for an offense for which the applicant is  
11 presently awaiting trial, whether the applicant is incarcerated or  
12 has been released on bail or on their own recognizance pending  
13 trial.

14 (C) Every arrest for an offense for which the Department of  
15 Social Services is required by paragraph (1) of subdivision (a) of  
16 Section 1522 of the Health and Safety Code to determine if an  
17 applicant has been arrested. However, if the records of the  
18 Department of Justice do not contain a disposition for an arrest,  
19 the Department of Justice shall first make a genuine effort to  
20 determine the disposition of the arrest.

21 (D) Sex offender registration status of the applicant.

22 (E) Sentencing information, if present in the department's  
23 records at the time of the response.

24 (3) Notwithstanding the requirements of the sections referenced  
25 in paragraph (1) of this subdivision, the Department of Justice  
26 shall not disseminate information about an arrest subsequently  
27 deemed a detention or an arrest that resulted in the successful  
28 completion of a diversion program, exoneration, or a grant of relief  
29 pursuant to Section 851.91.

30 (n) (1) This subdivision shall apply whenever state or federal  
31 summary criminal history information, to be used for employment,  
32 licensing, or certification purposes, is furnished by the Department  
33 of Justice as the result of an application by an authorized agency,  
34 organization, or individual pursuant to any of the following:

35 (A) Paragraph (10) of subdivision (c), when the information is  
36 to be used by a cable corporation.

37 (B) Section 11105.3 or 11105.4.

38 (C) Section 15660 of the Welfare and Institutions Code.

1 (D) A statute that incorporates the criteria of any of the statutory  
2 provisions listed in subparagraph (A), (B), or (C), or of this  
3 subdivision, by reference.

4 (2) With the exception of applications submitted by  
5 transportation companies authorized pursuant to Section 11105.3,  
6 and notwithstanding any other law, whenever state summary  
7 criminal history information is initially furnished pursuant to  
8 paragraph (1), the Department of Justice shall disseminate the  
9 following information:

10 (A) Every conviction, except a conviction for which relief has  
11 been granted pursuant to Section 1203.49, rendered against the  
12 applicant for a violation or attempted violation of an offense  
13 specified in subdivision (a) of Section 15660 of the Welfare and  
14 Institutions Code. However, with the exception of those offenses  
15 for which registration is required pursuant to Section 290, the  
16 Department of Justice shall not disseminate information pursuant  
17 to this subdivision unless the conviction occurred within 10 years  
18 of the date of the agency's request for information or the conviction  
19 is over 10 years old but the subject of the request was incarcerated  
20 within 10 years of the agency's request for information.

21 (B) Every arrest for a violation or attempted violation of an  
22 offense specified in subdivision (a) of Section 15660 of the Welfare  
23 and Institutions Code for which the applicant is presently awaiting  
24 trial, whether the applicant is incarcerated or has been released on  
25 bail or on their own recognizance pending trial.

26 (C) Sex offender registration status of the applicant.

27 (D) Sentencing information, if present in the department's  
28 records at the time of the response.

29 (o) (1) This subdivision shall apply whenever state or federal  
30 summary criminal history information is furnished by the  
31 Department of Justice as the result of an application by an  
32 authorized agency or organization pursuant to Section 379 or 550  
33 of the Financial Code, or a statute that incorporates the criteria of  
34 either of those sections or this subdivision by reference, and the  
35 information is to be used for employment, licensing, or certification  
36 purposes.

37 (2) Notwithstanding any other law, whenever state summary  
38 criminal history information is initially furnished pursuant to  
39 paragraph (1), the Department of Justice shall disseminate the  
40 following information:

1 (A) Every conviction rendered against the applicant for a  
2 violation or attempted violation of an offense specified in Section  
3 550 of the Financial Code, except a conviction for which relief  
4 has been granted pursuant to Section 1203.49.

5 (B) Every arrest for a violation or attempted violation of an  
6 offense specified in Section 550 of the Financial Code for which  
7 the applicant is presently awaiting trial, whether the applicant is  
8 incarcerated or has been released on bail or on their own  
9 recognizance pending trial.

10 (C) Sentencing information, if present in the department's  
11 records at the time of the response.

12 (p) (1) This subdivision shall apply whenever state or federal  
13 criminal history information is furnished by the Department of  
14 Justice as the result of an application by an agency, organization,  
15 or individual not defined in subdivision (k), (l), (m), (n), or (o), or  
16 by a transportation company authorized pursuant to Section  
17 11105.3, or a statute that incorporates the criteria of that section  
18 or this subdivision by reference, and the information is to be used  
19 for employment, licensing, or certification purposes.

20 (2) Notwithstanding any other law, whenever state summary  
21 criminal history information is initially furnished pursuant to  
22 paragraph (1), the Department of Justice shall disseminate the  
23 following information:

24 (A) Every conviction rendered against the applicant, except a  
25 conviction for which relief has been granted pursuant to Section  
26 1203.4, 1203.4a, 1203.41, 1203.42, 1203.425, or 1203.49. *The*  
27 *Commission on Teacher Credentialing shall receive every*  
28 *conviction rendered against an applicant, retroactive to January*  
29 *1, 2020, regardless of relief granted pursuant to Section 1203.4,*  
30 *1203.4a, 1203.41, 1203.42, 1203.425, or 1203.49.*

31 (B) Every arrest for an offense for which the applicant is  
32 presently awaiting trial, whether the applicant is incarcerated or  
33 has been released on bail or on their own recognizance pending  
34 trial.

35 (C) Sex offender registration status of the applicant.

36 (D) Sentencing information, if present in the department's  
37 records at the time of the response.

38 (q) All agencies, organizations, or individuals defined in  
39 subdivisions (k), (l), (m), (n), (o), and (p) may contract with the  
40 Department of Justice for subsequent notification pursuant to

1 Section 11105.2. This subdivision shall not supersede sections that  
2 mandate an agency, organization, or individual to contract with  
3 the Department of Justice for subsequent notification pursuant to  
4 Section 11105.2.

5 (r) This section does not require the Department of Justice to  
6 cease compliance with any other statutory notification  
7 requirements.

8 (s) The provisions of Section 50.12 of Title 28 of the Code of  
9 Federal Regulations are to be followed in processing federal  
10 criminal history information.

11 (t) Whenever state or federal summary criminal history  
12 information is furnished by the Department of Justice as the result  
13 of an application by an authorized agency, organization, or  
14 individual defined in subdivisions (k) to (p), inclusive, and the  
15 information is to be used for employment, licensing, or certification  
16 purposes, the authorized agency, organization, or individual shall  
17 expeditiously furnish a copy of the information to the person to  
18 whom the information relates if the information is a basis for an  
19 adverse employment, licensing, or certification decision. When  
20 furnished other than in person, the copy shall be delivered to the  
21 last contact information provided by the applicant.

22 *SEC. 23. Section 16532 of the Penal Code is amended to read:*

23 16532. (a) As used in this part, “firearm precursor part vendor”  
24 means a person, firm, corporation, or other business enterprise that  
25 holds a valid firearm precursor part vendor license issued pursuant  
26 to Section 30485.

27 (b) Commencing ~~July 1, 2023~~, *April 1, 2022*, a firearms dealer  
28 licensed pursuant to Sections 26700 to 26915, inclusive, and a  
29 licensed ammunition vendor shall automatically be deemed a  
30 licensed firearm precursor part vendor, if the dealer and licensed  
31 ammunition vendor comply with the requirements of Article 2  
32 (commencing with Section 30300) and Article 3 (commencing  
33 with Section 30342) of Chapter 1 of Division 10 of Title 4.

34 *SEC. 24. Section 18010 of the Penal Code is amended to read:*

35 18010. (a) The Attorney General, a district attorney, or a city  
36 attorney may bring an action to enjoin the manufacture of,  
37 importation of, keeping for sale of, offering or exposing for sale,  
38 giving, lending, or possession of, any item that constitutes a  
39 nuisance under any of the following provisions:

40 (1) Section 19290, relating to metal handgrenades.

- 1 (2) Section 20390, relating to an air gauge knife.
- 2 (3) Section 20490, relating to a belt buckle knife.
- 3 (4) Section 20590, relating to a cane sword.
- 4 (5) Section 20690, relating to a lipstick case knife.
- 5 (6) Section 20790, relating to a shobi-zue.
- 6 (7) Section 20990, relating to a writing pen knife.
- 7 (8) Section 21190, relating to a ballistic knife.
- 8 (9) Section 21890, relating to metal knuckles.
- 9 (10) Section 22090, relating to a nunchaku.
- 10 (11) Section 22290, relating to a leaded cane or an instrument
- 11 or weapon of the kind commonly known as a billy, blackjack,
- 12 sandbag, sandclub, sap, or slungshot.
- 13 (12) Section 22490, relating to a shuriken.
- 14 (13) Section 24390, relating to a camouflaging firearm container.
- 15 (14) Section 24490, relating to a cane gun.
- 16 (15) Section 24590, relating to a firearm not immediately
- 17 recognizable as a firearm.
- 18 (16) Section 24690, relating to an undetectable firearm.
- 19 (17) Section 24790, relating to a wallet gun.
- 20 (18) Section 30290, relating to flechette dart ammunition and
- 21 to a bullet with an explosive agent.
- 22 (19) Section 31590, relating to an unconventional pistol.
- 23 (20) Section 32390, relating to a large-capacity magazine.
- 24 (21) Section 32990, relating to a multiburst trigger activator.
- 25 (22) Section 33290, relating to a short-barreled rifle or a
- 26 short-barreled shotgun.
- 27 (23) Section 33690, relating to a zip gun.
- 28 (b) The weapons described in subdivision (a) shall be subject
- 29 to confiscation and summary destruction whenever found within
- 30 the state.
- 31 (c) The weapons described in subdivision (a) shall be destroyed
- 32 in the same manner described in Section 18005, except that upon
- 33 the certification of a judge or of the district attorney that the ends
- 34 of justice will be served thereby, the weapon shall be preserved
- 35 until the necessity for its use ceases.
- 36 (d) (1) Commencing July 1, ~~2024~~, 2022, the Attorney General,
- 37 a district attorney, or a city attorney may bring an action to enjoin
- 38 the importation into the state or sale of any firearm precursor part
- 39 that is imported into this state or sold within this state in violation
- 40 of Article 1 (commencing with Section 30400), Article 2

1 (commencing with Section 30442), Article 3 (commencing with  
2 Section 30470), and Article 4 (commencing with Section 30485)  
3 of Chapter 1.5 of Division 10 of Title 4.

4 (2) Commencing July 1, ~~2024~~, 2022, firearm precursor parts  
5 that are imported in this state or sold within this state in violation  
6 of Article 1 (commencing with Section 30400), Article 2  
7 (commencing with Section 30442), Article 3 (commencing with  
8 Section 30470), and Article 4 (commencing with Section 30485)  
9 of Chapter 1.5 of Division 10 of Title 4 are a nuisance and are  
10 subject to confiscation and destruction pursuant to Section 18005.

11 *SEC. 25. Section 30400 of the Penal Code is amended to read:*

12 30400. (a) Commencing July 1, ~~2024~~, 2022, a person,  
13 corporation, or dealer who does ~~any~~ *either* of the following shall  
14 be punished by imprisonment in a county jail for a term not to  
15 exceed six months, or by a fine not to exceed one thousand dollars  
16 (\$1,000), or by both the imprisonment and fine.

17 (1) Sells a firearm precursor part to a person under 21 years of  
18 age.

19 (2) Supplies, delivers, or gives possession of a firearm precursor  
20 part to a minor who the person, corporation, or dealer knows, or  
21 using reasonable care should have known, is prohibited from  
22 possessing a firearm or ammunition at that time pursuant to Chapter  
23 1 (commencing with Section 29610) of Division 9.

24 (b) Proof that a person, corporation, or dealer, or their agent or  
25 employee, demanded, was shown, and acted in reasonable reliance  
26 upon, bona fide evidence of the age of majority and identity shall  
27 be a defense to any criminal prosecution under this section.

28 (c) The provisions of this section are cumulative and do not  
29 restrict the application of any other law. However, an act or  
30 omission punishable in different ways by this section and another  
31 provision of law shall not be punished under more than one  
32 provision.

33 *SEC. 26. Section 30405 of the Penal Code is amended to read:*

34 30405. (a) (1) Commencing July 1, ~~2024~~, 2022, a person  
35 prohibited from owning or possessing a firearm under Chapter 2  
36 (commencing with Section 29800) or Chapter 3 (commencing with  
37 Section 29900) of Division 9 of this title, or Section 8100 or 8103  
38 of the Welfare and Institutions Code, shall not own, possess, or  
39 have under custody or control a firearm precursor part.

1 (2) A violation of this subdivision is punishable by imprisonment  
2 in a county jail not to exceed one year, by a fine not to exceed one  
3 thousand dollars (\$1,000), or by both that fine and imprisonment.

4 (b) A violation of subdivision (a) does not occur if all of the  
5 following conditions are met:

6 (1) The person found a firearm precursor part or took the firearm  
7 precursor part from a person who was committing a crime against  
8 the person who found or took the firearm precursor part.

9 (2) The person possessed the firearm precursor part no longer  
10 than was necessary to deliver or transport the firearm precursor  
11 part to a law enforcement agency for that agency's disposition  
12 according to law.

13 (3) The person is prohibited from possessing any firearm  
14 precursor part solely because that person is prohibited from owning  
15 or possessing a firearm by virtue of Chapter 2 (commencing with  
16 Section 29800) of Division 9.

17 (c) Upon the trial for violating subdivision (a), the trier of fact  
18 shall determine whether the defendant is eligible for the exemption  
19 created by subdivision (b). The defendant has the burden of proving  
20 by a preponderance of the evidence that the defendant is within  
21 the scope of the exemption provided by subdivision (b).

22 (d) The provisions of this section are cumulative and do not  
23 restrict the application of any other law. However, an act or  
24 omission punishable in different ways by this section and another  
25 provision of law shall not be punished under more than one  
26 provision.

27 *SEC. 27. Section 30406 of the Penal Code is amended to read:*

28 30406. (a) Commencing July 1, ~~2024~~, 2022, a person,  
29 corporation, firm, or other business enterprise who supplies,  
30 delivers, sells, or gives possession or control of a firearm precursor  
31 part to anybody who that person knows or using reasonable care  
32 should know is prohibited from owning, possessing, or having  
33 under custody or control a firearm precursor part is guilty of a  
34 misdemeanor, punishable by imprisonment in a county jail not  
35 exceeding one year, or a fine not exceeding one thousand dollars  
36 (\$1,000), or by both that fine and imprisonment.

37 (b) Commencing July 1, ~~2024~~, 2022, a person, corporation,  
38 firm, or other business enterprise that supplies, delivers, sells, or  
39 gives possession or control of a firearm precursor part to a person  
40 whom the person, corporation, firm, or other business enterprise

1 knows or has cause to believe is not the actual purchaser or  
2 transferee of the firearm precursor part, with knowledge or cause  
3 to believe that the firearm precursor part is to be subsequently sold  
4 or transferred to a person who is prohibited from owning,  
5 possessing, or having under custody or control a firearm precursor  
6 part is guilty of a misdemeanor, punishable by imprisonment in a  
7 county jail not exceeding one year, or a fine not exceeding one  
8 thousand dollars (\$1,000), or by both that fine and imprisonment.

9 (c) The provisions of this section are cumulative and do not  
10 restrict the application of any other law. However, an act or  
11 omission punishable in different ways by this section and another  
12 provision of law shall not be punished under more than one  
13 provision.

14 *SEC. 28. Section 30412 of the Penal Code is amended to read:*

15 30412. (a) (1) Commencing July 1, ~~2024~~, 2022, the sale of a  
16 firearm precursor part by any party shall be conducted by or  
17 processed through a licensed firearm precursor part vendor.

18 (2) When neither party to a firearm precursor part sale is a  
19 licensed firearm precursor part vendor, the seller shall deliver the  
20 firearm precursor part to a vendor to process the transaction. The  
21 firearm precursor part vendor shall promptly and properly deliver  
22 the firearm precursor part to the purchaser, if the sale is not  
23 prohibited, as if the firearm precursor part were the vendor's own  
24 merchandise. If the firearm precursor part vendor cannot deliver  
25 the firearm precursor part to the purchaser, the vendor shall  
26 forthwith return the firearm precursor part to the seller after the  
27 seller has their background checked by the department. The firearm  
28 precursor part vendor may charge the purchaser an administrative  
29 fee to process the transaction, in an amount to be set by the  
30 Department of Justice, in addition to any applicable fees that may  
31 be charged pursuant to the provisions of this title.

32 (b) Commencing July 1, ~~2024~~, 2022, the sale, delivery, or  
33 transfer of ownership of a firearm precursor part by any party may  
34 only occur in a face-to-face transaction with the seller, deliverer,  
35 or transferor. A firearm precursor part may be purchased or  
36 acquired over the internet or through other means of remote  
37 ordering if a licensed firearm precursor part vendor initially  
38 receives the firearm precursor part and processes the transaction  
39 in compliance with this section and Article 2 (commencing with  
40 Section 30442).



- 1 (c) Subdivisions (a) and (b) shall not apply to the sale, delivery,  
2 or transfer of a firearm precursor part to any of the following:
- 3 (1) An authorized law enforcement representative of a city,  
4 county, city and county, or state or federal government, if the sale,  
5 delivery, or transfer is for exclusive use by that governmental  
6 agency and, prior to the sale, delivery, or transfer of the firearm  
7 precursor part, written authorization from the head of the agency  
8 employing the purchaser or transferee is obtained, identifying the  
9 employee as an individual authorized to conduct the transaction,  
10 and authorizing the transaction for the exclusive use of the agency  
11 employing the individual.
- 12 (2) A sworn peace officer, as defined in Chapter 4.5  
13 (commencing with Section 830) of Title 3 of Part 2, or sworn  
14 federal law enforcement officer, who is authorized to carry a  
15 firearm in the course and scope of the officer's duties.
- 16 (3) An importer or manufacturer of ammunition or firearms  
17 who is licensed to engage in business pursuant to Chapter 44  
18 (commencing with Section 921) of Title 18 of the United States  
19 Code and the regulations issued pursuant thereto.
- 20 (4) A person who is on the centralized list of exempted federal  
21 firearms licensees maintained by the Department of Justice  
22 pursuant to Article 6 (commencing with Section 28450) of Chapter  
23 6 of Division 6.
- 24 (5) A person whose licensed premises are outside this state and  
25 who is licensed as a dealer or collector of firearms pursuant to  
26 Chapter 44 (commencing with Section 921) of Title 18 of the  
27 United States Code and the regulations issued pursuant thereto.
- 28 (6) A person who is licensed as a collector of firearms pursuant  
29 to Chapter 44 (commencing with Section 921) of Title 18 of the  
30 United States Code and the regulations issued pursuant thereto,  
31 whose licensed premises are within this state, and who has a current  
32 certificate of eligibility issued by the Department of Justice  
33 pursuant to Section 26710.
- 34 (7) A firearm precursor part vendor.
- 35 (8) An authorized representative of a city, county, city and  
36 county, or state or federal government, if the firearm precursor  
37 part is obtained as part of an authorized, voluntary program in  
38 which the governmental entity is buying or receiving firearm  
39 precursor parts from private individuals.

1 (d) Any firearm precursor part acquired pursuant to paragraph  
2 (8) of subdivision (c) shall be disposed of pursuant to the applicable  
3 provisions of Sections 18000, 18005, and 34000.

4 (e) A violation of this section is a misdemeanor.

5 (f) The provisions of this section are cumulative and do not  
6 restrict the application of any other law. However, an act or  
7 omission punishable in different ways by this section and another  
8 provision of law shall not be punished under more than one  
9 provision.

10 *SEC. 29. Section 30414 of the Penal Code is amended to read:*

11 30414. (a) Commencing July 1, ~~2024~~, 2022, a resident of this  
12 state shall not bring or transport into this state a firearm precursor  
13 part that they purchased or otherwise obtained from outside of this  
14 state unless they first had that firearm precursor part delivered to  
15 a licensed firearm precursor part vendor for delivery to that resident  
16 pursuant to the procedures set forth in Section 30412.

17 (b) Subdivision (a) does not apply to any of the following:

18 (1) A firearm precursor part vendor.

19 (2) A sworn peace officer, as defined in Chapter 4.5  
20 (commencing with Section 830) of Title 3 of Part 2, or sworn  
21 federal law enforcement officer who is authorized to carry a firearm  
22 in the course and scope of the officer's duties.

23 (3) An importer or manufacturer of ammunition or firearms  
24 who is licensed to engage in business pursuant to Chapter 44  
25 (commencing with Section 921) of Title 18 of the United States  
26 Code and the regulations issued pursuant thereto.

27 (4) A person who is on the centralized list of exempted federal  
28 firearms licensees maintained by the Department of Justice  
29 pursuant to Article 6 (commencing with Section 28450) of Chapter  
30 6 of Division 6.

31 (5) A person who is licensed as a collector of firearms pursuant  
32 to Chapter 44 (commencing with Section 921) of Title 18 of the  
33 United States Code and the regulations issued pursuant thereto,  
34 whose licensed premises are within this state, and who has a current  
35 certificate of eligibility issued by the Department of Justice  
36 pursuant to Section 26710.

37 (6) A licensed common carrier or an authorized agent or  
38 employee of a licensed common carrier, when acting in the course  
39 and scope of duties incident to the delivery of or receipt of that  
40 firearm in accordance with federal law.

1 (c) A violation of this section is a misdemeanor.

2 (d) The provisions of this section are cumulative and do not  
3 restrict the application of any other law. However, an act or  
4 omission punishable in different ways by this section and another  
5 provision of law shall not be punished under more than one  
6 provision.

7 *SEC. 30. Section 30442 of the Penal Code is amended to read:*

8 30442. (a) Commencing July 1, ~~2024~~, 2022, a valid firearm  
9 precursor part vendor license shall be required for any person,  
10 firm, corporation, or other business enterprise to sell more than  
11 one firearm precursor part in any 30-day period.

12 (b) Subdivision (a) does not apply to the sale of a firearm  
13 precursor part to any of the following:

14 (1) An authorized law enforcement representative of a city,  
15 county, city and county, or state or federal government, if the sale,  
16 delivery, or transfer is for exclusive use by that governmental  
17 agency and, prior to the sale, delivery, or transfer of the firearm  
18 precursor part, written authorization from the head of the agency  
19 employing the purchaser or transferee is obtained, identifying the  
20 employee as an individual authorized to conduct the transaction,  
21 and authorizing the transaction for the exclusive use of the agency  
22 employing the individual.

23 (2) An importer or manufacturer of ammunition or firearms  
24 who is licensed to engage in business pursuant to Chapter 44  
25 (commencing with Section 921) of Title 18 of the United States  
26 Code and the regulations issued pursuant thereto.

27 (3) A person who is on the centralized list of exempted federal  
28 firearms licensees maintained by the Department of Justice  
29 pursuant to Article 6 (commencing with Section 28450) of Chapter  
30 6 of Division 6.

31 (4) A person whose licensed premises are outside this state and  
32 who is licensed as a dealer or collector of firearms pursuant to  
33 Chapter 44 (commencing with Section 921) of Title 18 of the  
34 United States Code and the regulations issued pursuant thereto.

35 (5) An authorized representative of a city, county, city and  
36 county, or state or federal government, if the firearm precursor  
37 part is obtained as part of an authorized, voluntary program in  
38 which the governmental entity is buying or receiving firearm  
39 precursor parts from private individuals.

1 (c) Subdivision (a) does not apply to the sale of a firearm  
2 precursor part to a firearm precursor part vendor by any of the  
3 following:

4 (1) An authorized law enforcement representative of a city,  
5 county, city and county, or state or federal government, if the sale,  
6 delivery, or transfer is by that governmental agency and, prior to  
7 the sale, delivery, or transfer of the firearm precursor part, written  
8 authorization from the head of the agency employing that person  
9 is obtained, identifying the employee as an individual authorized  
10 to conduct the transaction, and authorizing the transaction.

11 (2) An importer or manufacturer of ammunition or firearms  
12 who is licensed to engage in business pursuant to Chapter 44  
13 (commencing with Section 921) of Title 18 of the United States  
14 Code and the regulations issued pursuant thereto.

15 (3) A person who is on the centralized list of exempted federal  
16 firearms licensees maintained by the Department of Justice  
17 pursuant to Article 6 (commencing with Section 28450) of Chapter  
18 6 of Division 6.

19 (4) A person whose licensed premises are outside this state and  
20 who is licensed as a dealer or collector of firearms pursuant to  
21 Chapter 44 (commencing with Section 921) of Title 18 of the  
22 United States Code and the regulations issued pursuant thereto.

23 (d) A violation of this section is a misdemeanor.

24 (e) The provisions of this section are cumulative and do not  
25 restrict the application of any other law. However, an act or  
26 omission punishable in different ways by this section and another  
27 provision of law shall not be punished under more than one  
28 provision.

29 *SEC. 31. Section 30445 of the Penal Code is amended to read:*

30 30445. Commencing July 1, ~~2024~~, 2022, a vendor shall comply  
31 with all of the conditions, requirements, and prohibitions  
32 enumerated in this article.

33 *SEC. 32. Section 30447 of the Penal Code is amended to read:*

34 30447. (a) Commencing July 1, ~~2024~~, 2022, a firearm  
35 precursor part vendor shall require any agent or employee who  
36 handles, sells, delivers, or has in their custody or control any  
37 firearm precursor part to obtain and provide to the vendor a  
38 certificate of eligibility from the Department of Justice issued  
39 pursuant to Section 26710. On the application for the certificate,  
40 the agent or employee shall provide the name and address of the

1 firearm precursor part vendor with whom the person is employed,  
2 or the name and California firearms dealer number of the firearm  
3 precursor part vendor, if applicable.

4 (b) The department shall notify the firearm precursor part vendor  
5 if the agent or employee who has a certificate of eligibility is or  
6 becomes prohibited from possessing firearms, ammunition, or  
7 firearm precursor parts under state or federal law.

8 (c) Commencing July 1, ~~2024~~, 2022, a firearm precursor part  
9 vendor shall not permit any agent or employee who the vendor  
10 knows or reasonably should know is a person described in Chapter  
11 2 (commencing with Section 29800) or Chapter 3 (commencing  
12 with Section 29900) of Division 9 of this code or Section 8100 or  
13 8103 of the Welfare and Institutions Code to handle, sell, deliver,  
14 or have in their custody or control a firearm precursor part in the  
15 course and scope of employment.

16 *SEC. 33. Section 30448 of the Penal Code is amended to read:*

17 30448. (a) Except as provided in subdivision (b), commencing  
18 July 1, ~~2024~~, 2022, the sale of firearm precursor parts by a licensed  
19 vendor shall be conducted at the location specified in the license.

20 (b) Commencing July 1, ~~2024~~, 2022, a licensed vendor may sell  
21 firearm precursor parts at a gun show or event if the gun show or  
22 event is not conducted from any motorized or towed vehicle.

23 (c) For purposes of this section, “gun show or event” means a  
24 function sponsored by any national, state, or local organization,  
25 devoted to the collection, competitive use, or other sporting use  
26 of firearms, or an organization or association that sponsors  
27 functions devoted to the collection, competitive use, or other  
28 sporting use of firearms in the community.

29 (d) Sales of firearm precursor parts at a gun show or event shall  
30 comply with all applicable laws.

31 *SEC. 34. Section 30450 of the Penal Code is amended to read:*

32 30450. Commencing July 1, ~~2024~~, 2022, a firearm precursor  
33 part vendor shall not sell or otherwise transfer ownership of, offer  
34 for sale or otherwise offer to transfer ownership of, or display for  
35 sale or display for transfer of ownership of any firearm precursor  
36 part in a manner that allows a firearm precursor part to be  
37 accessible to a purchaser or transferee without the assistance of  
38 the vendor or an employee of the vendor.

39 *SEC. 35. Section 30452 of the Penal Code is amended to read:*

1     30452. (a) (1) Commencing July 1, ~~2025~~, 2022, a firearm  
2 precursor part vendor shall not sell or otherwise transfer ownership  
3 of a firearm precursor part without, at the time of delivery, legibly  
4 recording the following information on a form to be prescribed by  
5 the Department of Justice:  
6     (A) The date of the sale or other transfer.  
7     (B) The purchaser's or transferee's driver's license or other  
8 identification number and the state in which it was issued.  
9     (C) The brand, type, and amount of firearm precursor parts sold  
10 or otherwise transferred.  
11     (D) The purchaser's or transferee's full name and signature.  
12     (E) The name of the salesperson who processed the sale or other  
13 transaction.  
14     (F) The purchaser's or transferee's full residential address and  
15 telephone number.  
16     (G) The purchaser's or transferee's date of birth.  
17     (2) A firearm precursor part vendor is not required to report to  
18 the department any firearm precursor part that is attached or affixed  
19 to a firearm involved in a successful dealer record of sale  
20 transaction.  
21     (b) Commencing July 1, ~~2025~~, 2022, a firearm precursor part  
22 vendor shall electronically submit to the department the information  
23 required by subdivision (a) for all sales and transfers of ownership  
24 of a firearm precursor part. The department shall retain this  
25 information in a database to be known as the Firearm Precursor  
26 Part Purchase Records File. This information shall remain  
27 confidential and may be used by the department and those entities  
28 specified in, and pursuant to, subdivision (b) or (c) of Section  
29 11105, through the California Law Enforcement  
30 Telecommunications System, only for law enforcement purposes.  
31 The firearm precursor part vendor shall not use, sell, disclose, or  
32 share the information for any other purpose other than the  
33 submission required by this subdivision without the express written  
34 consent of the purchaser or transferee.  
35     (c) Commencing on July 1, ~~2025~~, 2022, only those persons  
36 listed in this subdivision, or those persons or entities listed in  
37 subdivision (e), shall be authorized to purchase firearm precursor  
38 parts. Prior to delivering any firearm precursor part, a firearm  
39 precursor part vendor shall require bona fide evidence of identity  
40 to verify that the person who is receiving delivery of the firearm

- 1 precursor part is a person or entity listed in subdivision (e) or one  
2 of the following:
- 3 (1) A person authorized to purchase firearm precursor parts  
4 pursuant to Section 30470.
- 5 (2) A person who was approved by the department to receive a  
6 firearm from the firearm precursor part vendor, pursuant to Section  
7 28220, if that vendor is a licensed firearms dealer, and the firearm  
8 precursor part is delivered to the person in the same transaction as  
9 the firearm.
- 10 (d) Commencing July 1, ~~2025~~, 2022, the firearm precursor part  
11 vendor shall verify with the department, in a manner prescribed  
12 by the department, that the person is authorized to purchase firearm  
13 precursor parts. If the person is not listed as an authorized firearm  
14 precursor part purchaser, the vendor shall deny the sale or transfer.
- 15 (e) Subdivisions (a) and (d) shall not apply to sales or other  
16 transfers of ownership of firearm precursor parts by firearm  
17 precursor part vendors to any of the following, if properly  
18 identified:
- 19 (1) A firearm precursor part vendor.
- 20 (2) A person who is on the centralized list of exempted federal  
21 firearms licensees maintained by the department pursuant to Article  
22 6 (commencing with Section 28450) of Chapter 6 of Division 6.
- 23 (3) A gunsmith.
- 24 (4) A wholesaler.
- 25 (5) A manufacturer or importer of firearms or ammunition  
26 licensed pursuant to Chapter 44 (commencing with Section 921)  
27 of Title 18 of the United States Code, and the regulations issued  
28 pursuant thereto.
- 29 (6) An authorized law enforcement representative of a city,  
30 county, city and county, or state or federal government, if the sale  
31 or other transfer of ownership is for exclusive use by that  
32 governmental agency, and, prior to the sale, delivery, or transfer  
33 of the firearm precursor part, written authorization from the head  
34 of the agency authorizing the transaction is presented to the person  
35 from whom the purchase, delivery, or transfer is being made.  
36 Proper written authorization is defined as verifiable written  
37 certification from the head of the agency by which the purchaser,  
38 transferee, or person otherwise acquiring ownership is employed,  
39 identifying the employee as an individual authorized to conduct

1 the transaction, and authorizing the transaction for the exclusive  
2 use of the agency by which that individual is employed.

3 (7) (A) A properly identified sworn peace officer, as defined  
4 in Chapter 4.5 (commencing with Section 830) of Title 3 of Part  
5 2, or properly identified sworn federal law enforcement officer  
6 who is authorized to carry a firearm in the course and scope of the  
7 officer's duties.

8 (B) (i) Proper identification is defined as verifiable written  
9 certification from the head of the agency by which the purchaser  
10 or transferee is employed, identifying the purchaser or transferee  
11 as a full-time paid peace officer who is authorized to carry a firearm  
12 in the course and scope of the officer's duties.

13 (ii) The certification shall be delivered to the vendor at the time  
14 of purchase or transfer and the purchaser or transferee shall provide  
15 bona fide evidence of identity to verify that they are the person  
16 authorized in the certification.

17 (iii) The vendor shall keep the certification with the record of  
18 sale and submit the certification to the department.

19 (f) The department is authorized to adopt regulations to  
20 implement the provisions of this section.

21 *SEC. 36. Section 30454 of the Penal Code is amended to read:*

22 30454. Commencing July 1, ~~2025~~, 2022, the records required  
23 by this article shall be maintained on the premises of the firearm  
24 precursor part vendor for a period of not less than five years from  
25 the date of the recorded transfer.

26 *SEC. 37. Section 30456 of the Penal Code is amended to read:*

27 30456. Commencing July 1, ~~2024~~, 2022, a firearm precursor  
28 parts vendor shall, within 48 hours of discovery, report the loss or  
29 theft of any firearm precursor parts to the appropriate law  
30 enforcement agency in the city, county, or city and county where  
31 the vendor's business premises are located.

32 *SEC. 38. Section 30470 of the Penal Code is amended to read:*

33 30470. (a) Commencing July 1, ~~2025~~, 2022, the department  
34 shall electronically approve the purchase or transfer of firearm  
35 precursor parts through a vendor, as defined in Section 16532,  
36 except as otherwise specified. This approval shall occur at the time  
37 of purchase or transfer, prior to the purchaser or transferee taking  
38 possession of the firearm precursor part. Pursuant to the  
39 authorization specified in paragraph (1) of subdivision (c) of



1 Section 30452, the following persons are authorized to purchase  
2 firearm precursor parts:

3 (1) A purchaser or transferee whose information matches an  
4 entry in the Automated Firearms System (AFS) and who is eligible  
5 to possess firearm precursor parts as specified in subdivision (b).

6 (2) A purchaser or transferee who has a current certificate of  
7 eligibility issued by the department pursuant to Section 26710.

8 (3) A purchaser or transferee who is not prohibited from  
9 purchasing or possessing firearm precursor parts in a single firearm  
10 precursor part transaction or purchase made pursuant to the  
11 procedure developed pursuant to subdivision (c).

12 (b) To determine if the purchaser or transferee is eligible to  
13 purchase or possess firearm precursor parts pursuant to paragraph  
14 (1) of subdivision (a), the department shall cross-reference the  
15 firearm precursor part purchaser's or transferee's name, date of  
16 birth, current address, and driver's license or other government  
17 identification number, as described in Section 28180, with the  
18 information maintained in the AFS. If the purchaser's or  
19 transferee's information does not match an AFS entry, the  
20 transaction shall be denied. If the purchaser's or transferee's  
21 information matches an AFS entry, the department shall determine  
22 if the purchaser or transferee falls within a class of persons who  
23 are prohibited from owning or possessing firearm precursor parts  
24 by cross-referencing with the Prohibited Armed Persons File. If  
25 the purchaser or transferee is prohibited from owning or possessing  
26 a firearm, the transaction shall be denied.

27 (c) The department shall develop a procedure in which a person  
28 who is not prohibited from purchasing or possessing a firearm  
29 precursor part may be approved for a single firearm precursor part  
30 transaction or purchase. The department shall recover the cost of  
31 processing and regulatory and enforcement activities related to  
32 this section by charging the firearm precursor part transaction or  
33 purchase applicant a fee not to exceed the fee charged for the  
34 department's Dealers' Record of Sale (DROS) process, as described  
35 in Section 28225 and not to exceed the department's reasonable  
36 costs.

37 (d) A vendor is prohibited from providing a purchaser or  
38 transferee a firearm precursor part without department approval.  
39 If a vendor cannot electronically verify a person's eligibility to  
40 purchase or possess firearm precursor parts via an internet

1 connection, the department shall provide a telephone line to verify  
2 eligibility. This option is available to firearm precursor part vendors  
3 who can demonstrate legitimate geographical and  
4 telecommunications limitations in submitting the information  
5 electronically and who are approved by the department to use the  
6 telephone line verification.

7 (e) The department shall recover the reasonable cost of  
8 regulatory and enforcement activities related to this article by  
9 charging firearm precursor parts purchasers and transferees a per  
10 transaction fee not to exceed one dollar (\$1), provided, however,  
11 that the fee may be increased at a rate not to exceed any increases  
12 in the California Consumer Price Index as compiled and reported  
13 by the Department of Industrial Relations, not to exceed the  
14 reasonable regulatory and enforcement costs.

15 (f) A fund to be known as the Firearm Precursor Parts  
16 Enforcement Special Fund is hereby created within the State  
17 Treasury. All fees received pursuant to this section shall be  
18 deposited into the Firearm Precursor Parts Special Fund and,  
19 notwithstanding Section 13340 of the Government Code, are  
20 continuously appropriated to the department for purposes of  
21 implementing, operating, and enforcing the firearm precursor part  
22 authorization program provided for in this section and Section  
23 30452.

24 (g) The Department of Justice is authorized to adopt regulations  
25 to implement this section.

26 *SEC. 39. Section 30485 of the Penal Code is amended to read:*

27 30485. (a) The Department of Justice is authorized to issue  
28 firearm precursor part vendor licenses pursuant to this article. The  
29 department shall, commencing ~~July 1, 2023~~, *April 1, 2022*,  
30 commence accepting applications for firearm precursor part vendor  
31 licenses. If an application is denied, the department shall inform  
32 the applicant of the reason for the denial in writing. The annual  
33 fee shall be paid on July 1, or the next business day, of every year.

34 (b) The firearm precursor part vendor license shall be issued in  
35 a form prescribed by the department. The department may adopt  
36 regulations to administer the application and enforcement  
37 provisions of this article. The license shall allow the licensee to  
38 sell firearm precursor parts at the location specified in the license  
39 or at a gun show or event as set forth in Section 30448.

1 (c) (1) In the case of an entity other than a natural person, the  
2 department shall issue the license to the entity but shall require a  
3 responsible person to pass the background check pursuant to  
4 Section 30495.

5 (2) For purposes of this article, “responsible person” means a  
6 person having the power to direct the management, policies, and  
7 practices of the entity as it pertains to firearm precursor parts.

8 (d) Commencing July 1, ~~2023~~, 2022, a firearms dealer licensed  
9 pursuant to Sections 26700 to 26915, inclusive, and licensed  
10 ammunition vendor shall automatically be deemed a firearm  
11 precursor parts vendor, provided the dealer complies with the  
12 requirements of Article 2 (commencing with Section 30300) and  
13 Article 3 (commencing with Section 30342) of Chapter 1.

14 *SEC. 40. Section 30515 of the Penal Code is amended to read:*

15 30515. (a) Notwithstanding Section 30510, “assault weapon”  
16 also means any of the following:

17 (1) A semiautomatic, centerfire rifle that does not have a fixed  
18 magazine but has any one of the following:

19 (A) A pistol grip that protrudes conspicuously beneath the action  
20 of the weapon.

21 (B) A thumbhole stock.

22 (C) A folding or telescoping stock.

23 (D) A grenade launcher or flare launcher.

24 (E) A flash suppressor.

25 (F) A forward pistol grip.

26 (2) A semiautomatic, centerfire rifle that has a fixed magazine  
27 with the capacity to accept more than 10 rounds.

28 (3) A semiautomatic, centerfire rifle that has an overall length  
29 of less than 30 inches.

30 (4) A semiautomatic pistol that does not have a fixed magazine  
31 but has any one of the following:

32 (A) A threaded barrel, capable of accepting a flash suppressor,  
33 forward handgrip, or silencer.

34 (B) A second handgrip.

35 (C) A shroud that is attached to, or partially or completely  
36 encircles, the barrel that allows the bearer to fire the weapon  
37 without burning the bearer’s hand, except a slide that encloses the  
38 barrel.

39 (D) The capacity to accept a detachable magazine at some  
40 location outside of the pistol grip.

- 1 (5) A semiautomatic pistol with a fixed magazine that has the  
2 capacity to accept more than 10 rounds.
- 3 (6) A semiautomatic shotgun that has both of the following:
- 4 (A) A folding or telescoping stock.
- 5 (B) A pistol grip that protrudes conspicuously beneath the action  
6 of the weapon, thumbhole stock, or vertical handgrip.
- 7 (7) A semiautomatic shotgun that ~~has the ability to accept a~~  
8 ~~detachable magazine.~~ *does not have a fixed magazine.*
- 9 (8) Any shotgun with a revolving cylinder.
- 10 (9) *A semiautomatic centerfire firearm that is not a rifle, pistol,*  
11 *or shotgun, that does not have a fixed magazine, but that has any*  
12 *one of the following:*
- 13 (A) *A pistol grip that protrudes conspicuously beneath the action*  
14 *of the weapon.*
- 15 (B) *A thumbhole stock.*
- 16 (C) *A folding or telescoping stock.*
- 17 (D) *A grenade launcher or flare launcher.*
- 18 (E) *A flash suppressor.*
- 19 (F) *A forward pistol grip.*
- 20 (G) *A threaded barrel, capable of accepting a flash suppressor,*  
21 *forward handgrip, or silencer.*
- 22 (H) *A second handgrip.*
- 23 (I) *A shroud that is attached to, or partially or completely*  
24 *encircles, the barrel that allows the bearer to fire the weapon*  
25 *without burning the bearer's hand, except a slide that encloses*  
26 *the barrel.*
- 27 (J) *The capacity to accept a detachable magazine at some*  
28 *location outside of the pistol grip.*
- 29 (10) *A semiautomatic centerfire firearm that is not a rifle, pistol,*  
30 *or shotgun, that has a fixed magazine with the capacity to accept*  
31 *more than 10 rounds.*
- 32 (11) *A semiautomatic centerfire firearm that is not a rifle, pistol,*  
33 *or shotgun, that has an overall length of less than 30 inches.*
- 34 (b) For purposes of this section, "fixed magazine" means an  
35 ammunition feeding device contained in, or permanently attached  
36 to, a firearm in such a manner that the device cannot be removed  
37 without disassembly of the firearm action.
- 38 (c) The Legislature finds a significant public purpose in  
39 exempting from the definition of "assault weapon" pistols that are  
40 designed expressly for use in Olympic target shooting events.

1 Therefore, those pistols that are sanctioned by the International  
2 Olympic Committee and by USA Shooting, the national governing  
3 body for international shooting competition in the United States,  
4 and that were used for Olympic target shooting purposes as of  
5 January 1, 2001, and that would otherwise fall within the definition  
6 of “assault weapon” pursuant to this section are exempt, as  
7 provided in subdivision (d).

8 (d) “Assault weapon” does not include either of the following:

9 (1) Any antique firearm.

10 (2) Any of the following pistols, because they are consistent  
11 with the significant public purpose expressed in subdivision (c):

12	MANUFACTURER	MODEL	CALIBER
13			
14			
15	BENELLI	MP90	.22LR
16	BENELLI	MP90	.32 S&W LONG
17	BENELLI	MP95	.22LR
18	BENELLI	MP95	.32 S&W LONG
19	HAMMERLI	280	.22LR
20	HAMMERLI	280	.32 S&W LONG
21	HAMMERLI	SP20	.22LR
22	HAMMERLI	SP20	.32 S&W LONG
23	PARDINI	GPO	.22 SHORT
24	PARDINI	GP-SCHUMANN	.22 SHORT
25	PARDINI	HP	.32 S&W LONG
26	PARDINI	MP	.32 S&W LONG
27	PARDINI	SP	.22LR
28	PARDINI	SPE	.22LR
29	WALTHER	GSP	.22LR
30	WALTHER	GSP	.32 S&W LONG
31	WALTHER	OSP	.22 SHORT
32	WALTHER	OSP-2000	.22 SHORT

33  
34 (3) The Department of Justice shall create a program that is  
35 consistent with the purposes stated in subdivision (c) to exempt  
36 new models of competitive pistols that would otherwise fall within  
37 the definition of “assault weapon” pursuant to this section from  
38 being classified as an assault weapon. The exempt competitive  
39 pistols may be based on recommendations by USA Shooting  
40 consistent with the regulations contained in the USA Shooting

1 Official Rules or may be based on the recommendation or rules  
2 of any other organization that the department deems relevant.

3 *(e) The provisions of this section are severable. If any provision*  
4 *of this section or its application is held invalid, that invalidity shall*  
5 *not affect other provisions or applications that can be given effect*  
6 *without the invalid provision or application.*

7 SEC. 41. Section 30685 is added to the Penal Code,  
8 immediately following Section 30680, to read:

9 30685. Section 30605 does not apply to the possession of an  
10 assault weapon as defined by paragraph (9), (10), or (11) of  
11 subdivision (a) of Section 30515 by a person who has possessed  
12 the assault weapon prior to July 1, 2020, if all of the following are  
13 applicable:

14 (a) Prior to July 1, 2020, the person would have been eligible  
15 to register that assault weapon pursuant to subdivision (c) of  
16 Section 30900.

17 (b) The person lawfully possessed that assault weapon prior to  
18 July 1, 2020.

19 (c) The person registers the assault weapon by January 1, 2022,  
20 in accordance with subdivision (c) of Section 30900.

21 SEC. 42. Section 30900 of the Penal Code is amended to read:

22 30900. (a) (1) Any person who, prior to June 1, 1989, lawfully  
23 possessed an assault weapon, as defined in former Section 12276,  
24 as added by Section 3 of Chapter 19 of the Statutes of 1989, shall  
25 register the firearm by January 1, 1991, and any person who  
26 lawfully possessed an assault weapon prior to the date it was  
27 specified as an assault weapon pursuant to former Section 12276.5,  
28 as added by Section 3 of Chapter 19 of the Statutes of 1989 or as  
29 amended by Section 1 of Chapter 874 of the Statutes of 1990 or  
30 Section 3 of Chapter 954 of the Statutes of 1991, shall register the  
31 firearm within 90 days with the Department of Justice pursuant to  
32 those procedures that the department may establish.

33 (2) Except as provided in Section 30600, any person who  
34 lawfully possessed an assault weapon prior to the date it was  
35 defined as an assault weapon pursuant to former Section 12276.1,  
36 as it read in Section 7 of Chapter 129 of the Statutes of 1999, and  
37 which was not specified as an assault weapon under former Section  
38 12276, as added by Section 3 of Chapter 19 of the Statutes of 1989  
39 or as amended at any time before January 1, 2001, or former  
40 Section 12276.5, as added by Section 3 of Chapter 19 of the

1 Statutes of 1989 or as amended at any time before January 1, 2001,  
2 shall register the firearm by January 1, 2001, with the department  
3 pursuant to those procedures that the department may establish.  
4 (3) The registration shall contain a description of the firearm  
5 that identifies it uniquely, including all identification marks, the  
6 full name, address, date of birth, and thumbprint of the owner, and  
7 any other information that the department may deem appropriate.  
8 (4) The department may charge a fee for registration of up to  
9 twenty dollars (\$20) per person but not to exceed the reasonable  
10 processing costs of the department. After the department establishes  
11 fees sufficient to reimburse the department for processing costs,  
12 fees charged shall increase at a rate not to exceed the legislatively  
13 approved annual cost-of-living adjustment for the department's  
14 budget or as otherwise increased through the Budget Act but not  
15 to exceed the reasonable costs of the department. The fees shall  
16 be deposited into the Dealers' Record of Sale Special Account.  
17 (b) (1) Any person who, from January 1, 2001, to December  
18 31, 2016, inclusive, lawfully possessed an assault weapon that  
19 does not have a fixed magazine, as defined in Section 30515,  
20 including those weapons with an ammunition feeding device that  
21 can be readily removed from the firearm with the use of a tool,  
22 shall register the firearm before July 1, 2018, but not before the  
23 effective date of the regulations adopted pursuant to paragraph  
24 (5), with the department pursuant to those procedures that the  
25 department may establish by regulation pursuant to paragraph (5).  
26 (2) Registrations shall be submitted electronically via the  
27 Internet utilizing a public-facing application made available by  
28 the department.  
29 (3) The registration shall contain a description of the firearm  
30 that identifies it uniquely, including all identification marks, the  
31 date the firearm was acquired, the name and address of the  
32 individual from whom, or business from which, the firearm was  
33 acquired, as well as the registrant's full name, address, telephone  
34 number, date of birth, sex, height, weight, eye color, hair color,  
35 and California driver's license number or California identification  
36 card number.  
37 (4) The department may charge a fee in an amount of up to  
38 fifteen dollars (\$15) per person but not to exceed the reasonable  
39 processing costs of the department. The fee shall be paid by debit  
40 or credit card at the time that the electronic registration is submitted

1 to the department. The fee shall be deposited in the Dealers' Record  
2 of Sale Special Account to be used for purposes of this section.

3 (5) The department shall adopt regulations for the purpose of  
4 implementing this subdivision. These regulations are exempt from  
5 the Administrative Procedure Act (Chapter 3.5 (commencing with  
6 Section 11340) of Part 1 of Division 3 of Title 2 of the Government  
7 Code).

8 *(c) (1) Any person who, prior to July 1, 2020, lawfully possessed*  
9 *an assault weapon as defined by paragraph (9), (10), or (11) of*  
10 *subdivision (a) of Section 30515, and is eligible to register an*  
11 *assault weapon as set forth in Section 30950, shall submit an*  
12 *application to register the firearm before January 1, 2022, but not*  
13 *before the effective date of the regulations adopted pursuant to*  
14 *paragraph (5), with the department pursuant to those procedures*  
15 *that the department may establish by regulation pursuant to*  
16 *paragraph (5).*

17 *(2) Registration applications shall be submitted in a manner*  
18 *and format to be specified by the department in regulations adopted*  
19 *pursuant to paragraph (5).*

20 *(3) The registration application shall contain a description of*  
21 *the firearm that identifies it uniquely, including all identification*  
22 *marks, the date the firearm was acquired, the name and address*  
23 *of the individual from whom, or business from which, the firearm*  
24 *was acquired, as well as the registrant's full name, address,*  
25 *telephone number, date of birth, sex, height, weight, eye color,*  
26 *hair color, and California driver's license number or California*  
27 *identification card number, and any other information that the*  
28 *department may deem appropriate. The registration application*  
29 *shall also contain photographs of the firearm, as specified by the*  
30 *department in regulations adopted pursuant to paragraph (5).*

31 *(4) For each registration application, the department may*  
32 *charge a fee that consists of the amount the department is*  
33 *authorized to require a dealer to charge each firearm purchaser*  
34 *under subdivision (a) of Section 28233, not to exceed the*  
35 *reasonable processing costs of the department. For registration*  
36 *applications seeking to register multiple firearms, the fee shall*  
37 *increase by up to five dollars (\$5) for each additional firearm after*  
38 *the first, not to exceed the reasonable processing costs of the*  
39 *department. The fee shall be paid in a manner specified by the*  
40 *department in regulations adopted pursuant to paragraph (5) at*



1 *the time the registration application is submitted to the department.*  
 2 *The fee shall be deposited in the Dealers' Record of Sale Special*  
 3 *Account to be used for purposes of this section.*

4 (5) *The department shall adopt regulations for the purpose of*  
 5 *implementing this subdivision and paragraphs (9), (10), and (11)*  
 6 *of subdivision (a) of Section 30515. These regulations are exempt*  
 7 *from the Administrative Procedure Act (Chapter 3.5 (commencing*  
 8 *with Section 11340) of Part 1 of Division 3 of Title 2 of the*  
 9 *Government Code).*

10 SEC. 43. *Section 30955 of the Penal Code is amended to read:*

11 30955. (a) *The department's registration procedures shall*  
 12 *provide the option of joint registration for any assault weapon or*  
 13 *.50 BMG rifle owned by family members residing in the same*  
 14 *household.*

15 (b) *Notwithstanding subdivision (a), for registration of assault*  
 16 *weapons in accordance with subdivision (c) of Section 30900, joint*  
 17 *registration is not permitted.*

18 SEC. 44. *Section 1731.7 of the Welfare and Institutions Code,*  
 19 *as amended by Section 67 of Chapter 25 of the Statutes of 2019,*  
 20 *is amended to read:*

21 1731.7. (a) *The Department of Corrections and Rehabilitation,*  
 22 *Division of Juvenile Justice, shall establish and operate a*  
 23 *seven-year pilot program for transition-aged youth. Commencing*  
 24 *on or after January 1, 2019, the program shall divert a limited*  
 25 *number of transition-aged youth from adult prison to a juvenile*  
 26 *facility in order to provide developmentally appropriate,*  
 27 *rehabilitative programming designed for transition-aged youth*  
 28 *with the goal of improving their outcomes and reducing recidivism.*

29 (b) *The department may develop criteria for placement in this*  
 30 *program, initially targeting youth sentenced by a superior court*  
 31 *who committed an offense described in subdivision (b) of Section*  
 32 *707 prior to 18 years of age. Youth with a period of incarceration*  
 33 *that cannot be completed on or before their 25th birthday are*  
 34 *ineligible for placement in the transition-aged youth program. The*  
 35 *department may consider the availability of program credit earning*  
 36 *opportunities that lower the total length of time a youth serves in*  
 37 *determining eligibility.*

38 (c) *Notwithstanding any other law, following sentencing, an*  
 39 *individual who is 18 years of age or older at the time of sentencing*  
 40 *and who has been convicted of an offense described in subdivision*

1 (b) of Section 707 that occurred prior to 18 years of age shall  
2 remain in local detention pending a determination of acceptance  
3 or rejection by the Division of Juvenile Justice. The Division of  
4 Juvenile Justice shall notify the local detention authority upon  
5 determination of acceptance or rejection of an individual pursuant  
6 to this subdivision.

7 (d) An eligible person may be transferred to the Division of  
8 Juvenile Justice by the Secretary of the Department of Corrections  
9 and Rehabilitation with the approval of the Director of the Division  
10 of Juvenile Justice. Notwithstanding subdivision (b) of Section  
11 2900 of the Penal Code, the secretary, with the concurrence of the  
12 director, may designate a facility under the jurisdiction of the  
13 Division of Juvenile Justice as a place of reception for a person  
14 described in this section.

15 (e) The duration of the transfer shall extend until either of the  
16 following occurs:

17 (1) The director orders the youth returned to the Department of  
18 Corrections and Rehabilitation.

19 (2) The youth's period of incarceration is completed.

20 (f) The Division of Juvenile Justice shall produce and submit a  
21 report to the Legislature on January 1, 2020, and each January 1  
22 thereafter, to assess the program. At a minimum, the report shall  
23 include all of the following:

24 (1) Criteria used to determine placement in the program.

25 (2) Guidelines for satisfactory completion of the program.

26 (3) Demographic data of eligible and selected participants,  
27 including, but not limited to, county of conviction, race, gender,  
28 sexual orientation, and gender identity and expression.

29 (4) Disciplinary infractions incurred by participants.

30 (5) Good conduct, milestone completion, rehabilitative  
31 achievement, and educational merit credits earned in custody.

32 (6) Quantitative and qualitative measures of progress in  
33 programming.

34 (7) Rates of attrition of program participants.

35 (g) The Division of Juvenile Justice shall contract with one or  
36 more independent universities or outside research organizations  
37 to evaluate the effects of participation in the program established  
38 by this section. This evaluation shall include, at a minimum, an  
39 evaluation of cost-effectiveness, recidivism data, consistency with  
40 evidence-based principles, and program fidelity. If sufficient data

1 is available, the evaluation may also compare participant outcomes  
2 with a like group of similarly situated transition aged youth retained  
3 in the counties or incarcerated in adult institutions.

4 (h) The Division of Juvenile Justice shall promulgate regulations  
5 to implement this section.

6 ~~(i) This section shall remain in effect only until July 1, 2020,~~  
7 ~~and as of that date is repealed.~~

8 *(i) Effective July 1, 2020, the pilot program operated pursuant*  
9 *to this section shall be suspended. Any pilot program participants*  
10 *who were diverted from an adult prison pursuant to this section*  
11 *and who were housed at the Division of Juvenile Justice prior to*  
12 *January 1, 2020, may remain at the Division of Juvenile Justice*  
13 *pursuant to subdivision (e).*

14 *SEC. 45. No reimbursement is required by this act pursuant*  
15 *to Section 6 of Article XIII B of the California Constitution for*  
16 *certain costs that may be incurred by a local agency or school*  
17 *district because, in that regard, this act creates a new crime or*  
18 *infraction, eliminates a crime or infraction, or changes the penalty*  
19 *for a crime or infraction, within the meaning of Section 17556 of*  
20 *the Government Code, or changes the definition of a crime within*  
21 *the meaning of Section 6 of Article XIII B of the California*  
22 *Constitution.*

23 *However, if the Commission on State Mandates determines that*  
24 *this act contains other costs mandated by the state, reimbursement*  
25 *to local agencies and school districts for those costs shall be made*  
26 *pursuant to Part 7 (commencing with Section 17500) of Division*  
27 *4 of Title 2 of the Government Code.*

28 *SEC. 46. This act is a bill providing for appropriations related*  
29 *to the Budget Bill within the meaning of subdivision (e) of Section*  
30 *12 of Article IV of the California Constitution, has been identified*  
31 *as related to the budget in the Budget Bill, and shall take effect*  
32 *immediately.*

33 ~~SECTION 1. It is the intent of the Legislature to enact statutory~~  
34 ~~changes relating to the Budget Act of 2019.~~

O

# **EXHIBIT 3**


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## SB-118 Public safety. (2019-2020)

Date	Action
08/06/20	Chaptered by Secretary of State. Chapter 29, Statutes of 2020.
08/06/20	Approved by the Governor.
08/04/20	Enrolled and presented to the Governor at 4 p.m.
08/03/20	Assembly amendments concurred in. (Ayes 26. Noes 12. Page 4056.) Ordered to engrossing and enrolling.
08/03/20	In Senate. Concurrence in Assembly amendments pending.
08/03/20	Read third time. Passed. (Ayes 53. Noes 16. Page 5054.) Ordered to the Senate.
08/03/20	Ordered to third reading.
08/03/20	Withdrawn from committee.
08/03/20	Assembly Rule 63 and 96 suspended. (Ayes 56. Noes 16. Page 5051.)
07/29/20	From committee with author's amendments. Read second time and amended. Re-referred to Com. on BUDGET.
07/27/20	From committee with author's amendments. Read second time and amended. Re-referred to Com. on BUDGET.
06/22/20	From committee with author's amendments. Read second time and amended. Re-referred to Com. on BUDGET.
09/06/19	From committee with author's amendments. Read second time and amended. Re-referred to Com. on BUDGET.
09/03/19	From committee with author's amendments. Read second time and amended. Re-referred to Com. on BUDGET.
08/28/19	From committee with author's amendments. Read second time and amended. Re-referred to Com. on BUDGET.
05/02/19	Referred to Com. on BUDGET.
04/11/19	In Assembly. Read first time. Held at Desk.
04/11/19	Read third time. Passed. (Ayes 27. Noes 9. Page 677.) Ordered to the Assembly.
04/09/19	Read second time. Ordered to third reading.
04/08/19	Ordered to second reading.
04/08/19	Withdrawn from committee. (Ayes 28. Noes 10. Page 582.)
01/24/19	Referred to Com. on B. & F.R.
01/11/19	From printer. May be acted upon on or after February 10.
01/10/19	Introduced. Read first time. To Com. on RLS. for assignment. To print.

1 **PROOF OF SERVICE**

2 STATE OF CALIFORNIA  
3 COUNTY OF LOS ANGELES

4 I, Laura Palmerin, am employed in the City of Long Beach, Los Angeles County,  
5 California. I am over the age eighteen (18) years and am not a party to the within action. My  
6 business address is 180 East Ocean Boulevard, Suite 200, Long Beach, California 90802.

7 On June 26, 2024, I served the foregoing document(s) described as:

8 **REQUEST FOR JUDICIAL NOTICE IN SUPPORT OF OPPOSITION TO**  
9 **DEFENDANTS' MOTION FOR SUMMARY JUDGMENT, OR IN THE ALTERNATIVE,**  
10 **FOR SUMMARY ADJUDICATION**


11 on the interested parties in this action by placing  
12 ☐ the original  
13 ☒ a copy  
14 thereof by the following means, addressed as follows:

15 Kenneth G. Lake  
16 Deputy Attorney General  
17 Email: [Kenneth.Lake@doj.ca.gov](mailto:Kenneth.Lake@doj.ca.gov)  
18 Andrew Adams  
19 Email: [Andrew.Adams@doj.ca.gov](mailto:Andrew.Adams@doj.ca.gov)  
20 California Department of Justice  
21 300 South Spring Street, Suite 1702  
22 Los Angeles, CA 90013  
23 *Attorney for Respondents-Defendants*

24 X (BY ELECTRONIC MAIL) As follows: I served a true and correct copy by electronic  
25 transmission through One Legal. Said transmission was reported and completed without  
26 error.

27 I declare under penalty of perjury under the laws of the State of California that the  
28 foregoing is true and correct.

Executed on June 26, 2024, at Long Beach, California.

21   
22 \_\_\_\_\_  
23 Laura Palmerin

## PROOF OF SERVICE

Case Name: *Franklin Armory, Inc., et al. v. California Department of Justice, et al.*  
Court of Appeal Case No. B340913  
Superior Court Case No. 20STCP01747

I, Laura Fera, am employed in the City of Long Beach, Los Angeles County, California. I am over the age eighteen (18) years and am not a party to the within action. My business address is 180 East Ocean Boulevard, Long Beach, California 90802.

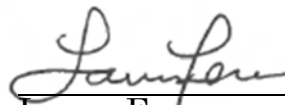
On May 21, 2025, I served a copy of the foregoing document described as: **APPELLANTS' APPENDIX, VOLUME IX OF XX, Pages 1157-1279**, on the following parties, as follows:

Kenneth G. Lake  
[Kenneth.Lake@doj.ca.gov](mailto:Kenneth.Lake@doj.ca.gov)  
Andrew F. Adams  
[Andrew.Adams@doj.ca.gov](mailto:Andrew.Adams@doj.ca.gov)  
Office of the Attorney General  
300 South Spring Street  
Los Angeles, CA 90013

*Attorneys for Respondent*

These parties were served as follows: I served a true and correct copy by electronic transmission through TrueFiling. Said transmission was reported and completed without error.

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.  
Executed on May 21, 2025, at Long Beach, California.



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Laura Fera  
Declarant