

DEPARTMENT OF FINANCE BILL ANALYSIS

AMENDMENT DATE: 07/08/2015  
POSITION: Oppose

BILL NUMBER: SB 347  
AUTHOR: Jackson, Hannah-Beth

**BILL SUMMARY: Firearms: prohibited persons.**

This bill adds specified gun related offenses to the existing list of misdemeanors for which a conviction would prohibit a person from owning or possessing a firearm or ammunition for 10 years.

**FISCAL SUMMARY**

The Department of Justice estimates that this bill would annually cost \$223,000 and require 1.0 additional position.

The California Department of Corrections and Rehabilitation (CDCR) indicates that this bill could increase prison admissions. The United States Supreme Court has ordered the CDCR to reduce prison crowding to 137.5 percent of the prison system’s design capacity by February 2016. California’s institutions are currently below the court-ordered population cap of 137.5 percent. However, the state is staying below the population cap by utilizing the current court-ordered population reduction measures; contracting for thousands of contract beds, including California City; and operating the California Rehabilitation Center. Because California's institutions must stay below this population limit into the future, measures that increase the prison population are problematic. The state strives to have a balanced prison system that preserves public safety while maintaining durable solutions to comply with the court-ordered population cap. To the extent a measure significantly increases the state's prison population, additional bed capacity (annual contract bed cost is approximately \$27,000) or population reduction measures may be needed to comply with the court-imposed cap.

Additionally, this bill would have an impact on the county jail population. Under certain circumstances, the California Constitution requires the state to reimburse local entities for the increased costs associated with a state-imposed program that requires local entities to implement a new program or provide a higher level of service. Any local government costs resulting from the mandate in this measure would not be state-reimbursable because the mandate only involves the definition of a crime or the penalty for conviction of a crime. We note this measure could impose new costs and workload on counties, which could create additional fiscal pressure on the local criminal justice system.

**COMMENTS**

The Department of Finance is opposed to this bill because it could increase the state prison population. Additionally, by expanding the definition of a crime punishable by imprisonment in a county jail, it could lead to additional cases entering the court system, increase the statewide adult jail population, and impact the ability of counties to manage their offender population. New laws that impose additional criminal sanctions further strain the local criminal justice system by imposing additional fiscal pressure on county public safety resources.

Under current law, a conviction of certain misdemeanors involving a firearm prohibits a person from owning, purchasing, receiving, or possessing a firearm for 10 years. A person found in violation is guilty of

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Analyst/Principal (0234) J.Gauger	Date	Program Budget Manager Chris Ryan	Date
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Department Deputy Director	Date
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Governor’s Office:	By:	Date:	Position Approved _____
			Position Disapproved _____

Jackson, Hannah-Beth

07/08/2015

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**COMMENTS** (continued)

a public offense, which is punishable by imprisonment in a county jail not to exceed one year or in state prison, by a fine not exceeding \$1,000, or by both imprisonment and fine.

This bill adds various firearms-related misdemeanors to this list of misdemeanors, including :

- Selling, leasing, or transferring a firearm without a license;
- Selling ammunition to an individual under 18 years of age;
- Owning or possessing any ammunition if prohibited from owning or possessing a firearm;
- Selling ammunition to someone prohibited from owning a firearm;
- Carrying ammunition onto school grounds;
- Stealing a firearm that is valued under \$950;
- Buying a stolen firearm that is valued under \$950;
- Carrying a concealed firearm under certain circumstances;
- Carrying a loaded firearm in public under certain circumstances.

Existing law requires a court, on a form prescribed by the California Department of Justice (DOJ), to notify DOJ of persons prohibited from possessing a firearm within 10 years for specified misdemeanors. This bill applies this notification process to the added crimes.

Existing law also allows a prohibition on possessing a firearm within 10 years of the conviction by individuals prescribed in this section to be reduced, eliminated, or conditioned under current law, as specified. This bill allows for this relief for individuals convicted of the crimes added.

The author's office states, "Many individuals with a history of criminal activity legally purchase firearms every year. It is well established that persons with a history of even a single prior arrest are, as a group, substantially more likely than persons with no such history to engage in criminal behavior in the future."

Code/Department Agency or Revenue Type	SO LA CO RV	(Fiscal Impact by Fiscal Year)						Fund Code
		PROP 98	FC	(Dollars in Thousands)				
				2015-2016	FC	2016-2017	FC	2017-2018
5225/Corr Rehab	SO	No		----	See Fiscal Summary	----		0001
8885/Comm St Mndt	LA	No		----	See Fiscal Summary	----		0001
0820/Justice	SO	No	A	223	A	222	A	222 0460
<u>Fund Code</u>	<u>Title</u>							
0001	General Fund							
0460	Dealers Record of Sale Special Account							