

**REPORT OF THE
CHIEF LEGISLATIVE ANALYST**

DATE: July 23, 2015

TO: Honorable Members of the Rules, Elections, Intergovernmental Relations and
Neighborhoods Committee

FROM: Sharon M. Tso *Sharon M. Tso* Council File No: 15-0002-S50
Chief Legislative Analyst Assignment No: 15-06-0435

SUBJECT: Resolution (Koretz - Blumenfield - Krekorian) to support SB 347 (Jackson)

CLA RECOMMENDATION: Adopt Resolution (Koretz - Blumenfield - Krekorian) to include in the City's 2015 - 2016 State Legislative Program SUPPORT for SB 347 (Jackson), which would add specified gun-related offenses to the list of misdemeanor convictions that result in a 10-year prohibition on firearms possession.

SUMMARY

On May 8, 2015, a Resolution (Koretz – Blumenfield - Krekorian) was introduced in support of SB 347 (Jackson), which would add specified firearms-related misdemeanors to the list of misdemeanor convictions that result in a ten-year prohibition on the purchase or possession of a firearm in California. The Resolution states that under current law, individuals convicted of a felony, a violent misdemeanor, or persons that meet certain other requirements, are banned from owning or possessing a firearm for life, and that individuals convicted of other specified misdemeanors are prohibited from owning or purchasing a firearm for ten years.

The Resolution states that SB 347 would add gun-related misdemeanors to this list, including convictions for selling or furnishing a firearm to a prohibited person, dealing in firearms without a license, and the carrying of a loaded or concealed firearm in certain cases. The Resolution further states that, while these crimes are not violent, they are serious, and that SB 347 would promote public safety by prohibiting individuals who have committed gun-related offenses from owning or possessing a firearm for ten years. The Resolution, therefore, seeks an official position of the City of Los Angeles to support SB 347 (Jackson).

BACKGROUND

Under current federal law, individuals who have been convicted of a felony, domestic abuse or other violent crimes, or who have a history of specific kinds of mental health issues are prohibited from purchasing or possessing a firearm for life. Further, California prohibits individuals convicted of other specified crimes, including specific misdemeanors, from purchasing or possessing a firearm for various lengths of time, including lifetime bans. An individual who has been convicted of a misdemeanor involving the use of violence or the threat of violence is prohibited from purchasing or possessing a firearm for ten years.

SB 347 would add specific non-violent, firearms-related misdemeanors to the list of misdemeanor convictions that result in a ten-year prohibition on the purchase or possession of a firearm. The misdemeanors that SB 347 would add to the ten-year prohibition list are:

- Dealing in handguns without a license;
- Selling ammunition to a person under 21 years of age;
- Prohibited person owning or possessing ammunition;
- Supplying ammunition to a prohibited person;
- Bringing or carrying ammunition onto school grounds;
- Petty theft if the property taken was a firearm;
- Buying or receiving stolen property if the property consists of a firearm;
- Carrying a concealed firearm if the person has been convicted of a crime against a person or property, or of a narcotics or dangerous drug violation;
- Carrying a loaded firearm if the person has been convicted of a crime against a person or property, or of a narcotics or dangerous drug violation; and
- Violating the ten-year prohibition on possessing a firearm.

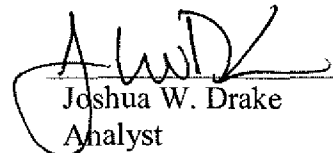
While none of these crimes are violent, supporters argue that the misdemeanors covered by SB 347 are serious, and that individuals convicted of these crimes are over seven times more likely than another person to commit another non-violent firearm offense, four times more likely to commit a violent offense, and five times more likely to commit a Violent Crime Index Offense (murder or non-negligent manslaughter, forcible rape, robbery or aggravated assault). Prohibiting these individuals from legally purchasing or possessing a firearm for ten years will ensure that they are less likely to carry out a more serious crime during their ban.

DEPARTMENTS NOTIFIED

Police Department

BILL STATUS

02/24/2015	Bill introduced
03/05/2015	Referred to the Senate Committee on Public Safety
04/20/2015	Passed in Committee, referred to the Senate Committee on Appropriations
06/01/2015	Passed in Committee, passed as amended
06/03/2015	Read third time, passed (24-15)
06/04/2015	Bill in the Assembly
06/15/2015	Referred to the Assembly Committee on Public Safety
07/07/2015	Passed in the Assembly Committee on Public Safety, referred to the Assembly Committee on Appropriations


 Joshua W. Drake
 Analyst

SMT:jwd

Attachments: Resolution (Koretz – Blumenfield - Krekorian)
 SB 347 (Jackson)

RESOLUTION RULES, ELECTIONS & INTERGOVERNMENTAL RELATIONS

WHEREAS, any official position of the City of Los Angeles with respect to legislation, rules, regulations or policies proposed to or pending before a local, state or federal governmental body or agency must have first been adopted in the form of a Resolution by the City Council with the concurrence of the Mayor; and

WHEREAS, current California law bans individuals convicted of a felony, a violent misdemeanor, or a person that meets certain other requirements, from owning or possessing a firearm for life; and

WHEREAS, current law also bans individuals convicted of numerous misdemeanors involving violence or the threat of violence from owning or possessing a firearm for 10 years; and

WHEREAS, California law also prohibits individuals who are found to be a danger to themselves or others as a result of a mental disorder from owning or possessing a firearm for five years; and


WHEREAS, SB 347 (Jackson) would expand the list of convictions that result in a 10-year prohibition on firearm ownership or possession to include gun-related misdemeanors, such as selling or furnishing ammunition to a person who is prohibited from possessing a firearm, dealing in firearms without a license, and the carrying of a loaded or concealed firearm in certain cases; and


WHEREAS, while not violent, the crimes that SB 347 adds to the 10-year ban are serious, and should result in an individual being prohibited from owning or possessing a firearm; and

WHEREAS, SB 347 would promote public safety by prohibiting individuals who are guilty of supplying firearms and ammunition to prohibited individuals from owning or possessing a firearm;

NOW, THEREFORE, BE IT RESOLVED, with the concurrence of the Mayor, that by the adoption of this Resolution, the City of Los Angeles hereby includes in its 2015 - 2016 State Legislative Program SUPPORT for SB 347 (Jackson), which would add specified gun-related offenses to the list of misdemeanors that results in a 10-year prohibition on firearms possession.

PRESENTED BY 
PAUL KORETZ
Councilmember, 5th District

SECONDED BY 
Paul Kurbjian


2015
jwd

ORIGINAL

AMENDED IN ASSEMBLY JULY 8, 2015

AMENDED IN SENATE JUNE 2, 2015

AMENDED IN SENATE APRIL 21, 2015

SENATE BILL

No. 347

Introduced by Senator Jackson

February 24, 2015

An act to amend Sections 26500 and 29805 of the Penal Code, relating to firearms.

LEGISLATIVE COUNSEL'S DIGEST

SB 347, as amended, Jackson. Firearms: prohibited persons.

Existing law generally prohibits a person who has been convicted of certain specified misdemeanors from possessing a firearm within 10 years of the conviction. Under existing law, a violation of this prohibition is a crime, punishable by imprisonment in a county jail not exceeding one year or in the state prison for 16 months, or 2 or 3 years, by a fine not exceeding \$1,000, or by both that imprisonment and fine.

This bill would add to the list of misdemeanors, the conviction for which is subject to the above prohibition on possessing a firearm within 10 years of the conviction, misdemeanor offenses of violating the 10-year prohibition on possessing a firearm specified above and petty theft of a firearm, and convictions on or after January 1, 2016, for the misdemeanor offenses of transferring a handgun without a firearms license, selling or giving possession of ammunition to a minor, selling handgun ammunition to a person under 21 years of age, possession of ammunition by a person prohibited from possessing a firearm, furnishing ammunition to a person prohibited from possessing ammunition, carrying ammunition onto school grounds, receiving stolen property

consisting of a firearm, carrying a loaded or concealed weapon if the person has been previously convicted of a crime against a person or property, or of a narcotics or dangerous drug violation, or if the firearm is not registered. The bill would make other technical, nonsubstantive changes. Because a violation of these provisions would be a crime, and because this bill would expand the application of the crime to a larger class of potential offenders, this bill would impose a state-mandated local program.

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 no reimbursement is required by this act for a specified reason.

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

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

1 SECTION 1. Section 26500 of the Penal Code is amended to
2 read:
3 26500. (a) (1) A person shall not sell, lease, or transfer a
4 handgun unless the person has been issued a license pursuant to
5 Article 1 (commencing with Section 26700) and Article 2
6 (commencing with Section 26800) of Chapter 2.
7 (2) A person shall not sell, lease, or transfer a firearm that is
8 not a handgun unless the person has been issued a license pursuant
9 to Article 1 (commencing with Section 26700) and Article 2
10 (commencing with Section 26800) of Chapter 2.
11 (b) Any person violating this article is guilty of a misdemeanor.
12 SEC. 2. Section 29805 of the Penal Code is amended to read:
13 29805. (a) Except as provided in Section 29855 or subdivision
14 (a) of Section 29800, any person who has been convicted of a
15 misdemeanor violation of this section, Section 71, 76, 136.1, 136.5,
16 or 140, subdivision (d) of Section 148, Section 171b, paragraph
17 (1) of subdivision (a) of Section 171c, Section 171d, 186.28, 240,
18 241, 242, 243, 243.4, 244.5, 245, 245.5, 246.3, 247, 273.5, 273.6,
19 417, 417.6, 422, 626.9, 646.9, or 830.95, subdivision (a) of former
20 Section 12100, as that section read at any time from when it was
21 enacted by Section 3 of Chapter 1386 of the Statutes of 1988 to
22 when it was repealed by Section 18 of Chapter 23 of the Statutes

1 of 1994, Section 17500, 17510, 25300, 25800, 30315, or 32625,
2 subdivision (b) or (d) of Section 26100, or Section 27510, or
3 Section 8100, 8101, or 8103 of the Welfare and Institutions Code,
4 any firearm-related offense pursuant to Sections 871.5 and 1001.5
5 of the Welfare and Institutions Code, Section 490.2 if the property
6 taken was a firearm, or of the conduct punished in subdivision (c)
7 of Section 27590, ~~or, for a conviction on or after January 1, 2016,~~
8 ~~for a violation of Section 496 if the property consists of a firearm,~~
9 ~~Section 25400 that is punishable pursuant to paragraph (5) or (6)~~
10 ~~of subdivision (c) of Section 25400, Section 25850 that is~~
11 ~~punishable pursuant to paragraph (5) or (6) of subdivision (c) of~~
12 ~~Section 25850, paragraph (1) of subdivision (a) of Section 26500,~~
13 ~~Section 30300, 30305, 30306, or 30310, and who, within 10 years~~
14 ~~of the conviction, owns, purchases, receives, or has in possession~~
15 ~~or under custody or control, any firearm is guilty of a public~~
16 ~~offense, which shall be punishable by imprisonment in a county~~
17 ~~jail not exceeding one year or in the state prison, by a fine not~~
18 ~~exceeding one thousand dollars (\$1,000), or by both that~~
19 ~~imprisonment and fine. The court, on forms prescribed by the~~
20 ~~Department of Justice, shall notify the department of persons~~
21 ~~subject to this section. However, the prohibition in this section~~
22 ~~may be reduced, eliminated, or conditioned as provided in Section~~
23 ~~29855 or 29860.~~

24 *(b) Any person who has been convicted on or after January 1,*
25 *2016, of a misdemeanor violation of Section 496 if the property*
26 *consists of a firearm, Section 25400 that is punishable pursuant*
27 *to paragraph (5) or (6) of subdivision (c) of Section 25400, Section*
28 *25850 that is punishable pursuant to paragraph (5) or (6) of*
29 *subdivision (c) of Section 25850, paragraph (1) of subdivision (a)*
30 *of Section 26500, paragraph (3) of subdivision (a) of Section*
31 *30300, subdivision (a) of Section 30305, Section 30306 involving*
32 *a violation of subdivision (a) of Section 30305, or Section 30310,*
33 *and who, within 10 years of the conviction, owns, purchases,*
34 *receives, or has in possession or under custody or control, any*
35 *firearm, is guilty of a public offense, which shall be punishable by*
36 *imprisonment in a county jail not exceeding one year or in the*
37 *state prison, by a fine not exceeding one thousand dollars (\$1,000),*
38 *or by both that imprisonment and fine.*

39 *(c) The court, on forms prescribed by the Department of Justice,*
40 *shall notify the department of persons subject to this section.*

1 *However, the prohibition in this section may be reduced,*
2 *eliminated, or conditioned as provided in Section 29855 or 29860.*
3 SEC. 3. No reimbursement is required by this act pursuant to
4 Section 6 of Article XIII B of the California Constitution because
5 the only costs that may be incurred by a local agency or school
6 district will be incurred because this act creates a new crime or
7 infraction, eliminates a crime or infraction, or changes the penalty
8 for a crime or infraction, within the meaning of Section 17556 of
9 the Government Code, or changes the definition of a crime within
10 the meaning of Section 6 of Article XIII B of the California
11 Constitution.

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