

Date of Hearing: May 12, 2021

ASSEMBLY COMMITTEE ON APPROPRIATIONS

Lorena Gonzalez, Chair

AB 1237 (Ting) – As Amended April 27, 2021

Policy Committee:	Public Safety	Vote:	6 - 2
	Privacy and Consumer Protection		8 - 2

Urgency: No State Mandated Local Program: Yes Reimbursable: Yes

SUMMARY:

This bill requires the Department of Justice (DOJ) and other state agencies to provide to the University of California at Davis Firearm Violence Research Center (Research Center) information about the history of all illegal firearms used in a crime, specific criminal history information, information on the Prohibited Armed Persons File, information on the California Restraining and Protective Order System and information from the purchase and sale of firearms, ammunition and precursor parts. Specifically, this bill:

- 1) Requires DOJ to retain information related to the collection of information about the history of illegal firearms for a period of 25 years, rather than 10 years.
- 2) Requires, unless prohibited by statute, state agencies, including, but not limited to, the DOJ, the State Department of Public Health, the State Department of Health Care Services, the Office of Statewide Health Planning and Development and the Department of Motor Vehicles, to provide data necessary for the Research Center to conduct its research, including material identifying individuals, provided that it is used for research or statistical activities.
- 3) Requires DOJ to retain information pertaining to all sales and transfers of ownership of a firearm precursor part for a period of not less than 25 years in the Firearm Precursor Part Purchase Records File.
- 4) Provides any information provided to the Research Center identifying individuals may only be used for research and statistical studies.

FISCAL EFFECT:

Costs (General Fund (GF)) in excess of \$150,000 to the Department of Justice and other state agencies to provide a broad range of information to the Research Center for the purposes of research and to store information for 15 additional years.

COMMENTS:

- 1) **Purpose.** According to the author:

AB 1237 reinforces existing law to ensure that DOJ continues to share gun violence data with researchers at the UC Firearms Violence Center and creates a discretionary process for other bona

vide research centers doing firearms research to receive data, while ensuring the information remains confidential.

- 2) **Data Sharing Between DOJ and the Research Center.** In 2016, the Legislature passed budget trailer bill AB 1602 (Committee on Budget), Chapter 24, Statutes of 2016. Among other things, AB 1602 authorized the creation of a research center focused on firearm violence at the University of California. Existing law allows DOJ and other state agencies to provide information to the Research Center about the use of firearms. Specifically, Penal Code section 14231 states:

Subject to the conditions and requirements established elsewhere in statute, state agencies, including, but not limited to, the Department of Justice, the State Department of Public Health, the State Department of Health Care Services, the Office of Statewide Health Planning and Development, and the Department of Motor Vehicles, shall provide to the [Research Center], upon proper request, the data necessary for the center to conduct its research.

However, this bill eliminates the phrase “subject to the conditions and requirements elsewhere in statute,” and provide specific, statutory access to databases such as the Armed Prohibited Persons System (APPS), the Criminal Offender Record Information (CORI) database, the precursor parts, ammunition and gun tracing that relate to the purchase, ownership, transfer, and prohibition against owning or possessing firearms or ammunition. The bill also allows for the sharing of personal information, provided that such information is not made public. This bill also requires DOJ to implement regulations authorizing it to provide arguably personal identifying information to the Research Center despite possible restrictions in the Information Practices Act (IPA). Civil Code section 1798.24 prohibits any agency from disclosing personal information in a manner that would link the information to the individual with specific exceptions. However, there is no express authorization in section 1798.24 to provide this information to the Research Center. It is unclear whether providing this information, or the extent personal identifying information has already been provided, would violate the IPA. Finally, although this bill prohibits the Research Center from disclosing any personal information, there is no enforcement mechanism or penalty for disclosure.

- 3) **Argument in Support.** According to the Brady Campaign of California:

Recently, DOJ has stopped sharing this important information and continues to create barriers to the study of gun violence. DOJ’s decision to cease providing firearm violence related data to bona fide research organizations has important, real-world adverse effects. This data leads to evidence-based policies and programs that reduce deaths and injuries from gun crimes and California must continue to share this data so we to continue to improve our firearms policies and reduce gun violence.

- 4) **Argument in Opposition.** According to the California Sportsman’ Lobby:

The identities and private information of individuals should not be provided to anyone by DOJ or other state entity other than to a law

enforcement agency conducting an investigation that has a specific and lawful need for it. It is inconceivable that any broad-based research conducted by UCD would require as necessary and justifiable, any specific material identifying an individual or providing their private information in order for it to conduct its research.

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