SENATE COMMITTEE ON APPROPRIATIONS
Senator Anthony Portantino, Chair
2023 - 2024 Regular Session

AB 97 (Rodriguez) - Firearms: unserialized firearms

Version: March 8, 2023   **Policy Vote:** PUB. S. 5 - 0
Urgency: No   **Mandate:** No
Hearing Date: July 3, 2023   **Consultant:** Matthew Fleming

Bill Summary: AB 97 would require the Department of Justice (DOJ) to report data on arrests and prosecutions of specified misdemeanor offenses related to firearms lacking valid state or federal serial numbers.

Fiscal Impact: The DOJ reports costs of approximately $86,000 in 2023-24 and $150,000 annually thereafter in additional staff resources to order to analyze the data specified in the bill in the Automated Criminal History System, aggregate, and compile the report to the Legislature (General Fund).

Background: Ghost guns are kits and privately made firearms that are untraceable by design, lacking serial numbers and other identifying markings. They are sometimes sold online as kits that can be assembled at home. Because they are sold as kits, ghost guns are accessible and enticing to those who cannot otherwise obtain a firearm due to their inability to pass a background check, due to previous offenses, a restraining order, or status as a minor.

Last year, the Legislature enacted and Governor Newsom signed AB 2418 (Kalra), Chapter 787, Statutes of 2022, which created the Justice Data Accountability and Transparency Act (J-DATA). J-DATA requires DOJ, beginning in 2027, to collect specific data on arrests and prosecutions from all state and local offices that prosecute misdemeanors and felonies, including district attorney offices, city attorney offices, and the DOJ. This bill seeks to gather information necessary to determine if courts are sufficiently imposing penalties on misdemeanor ghost gun possession cases. The Governor's proposed 2023-24 budget proposes $2.8 million GF in 2023-24 and $1.2 million ongoing for DOJ to continue regulating the sale, transfer, possession, and manufacture of unserialized weapons.

Proposed Law:

- Requires DOJ to collect and report the following data on arrests made by law enforcement agencies for specified offenses related to firearms without a valid state or federal serial number:

    o The number of misdemeanor arrests for buying, selling, receiving or possessing a firearm with a removed or altered serial number, or for possessing a firearm without a serial number.

    o The number of misdemeanor arrests for failing to obtain a valid serial number for a manufactured or assembled firearm and for the unlawful transfer of a manufactured or assembled firearm.

- The disposition of arrests pursuant to the violations above, including information about whether an arrestee was booked, cited or released from custody.

- Requires the DOJ, commencing on January 1, 2029 to collect and report the disposition of prosecutions for the above violations reported to the DOJ pursuant to the Justice Data Accountability and Transparency Act (JDATA), including, but not limited to, whether the charges were dismissed, the defendant was acquitted or convicted, or whether the charges were resolved on other grounds, including as the result of a plea bargain.

- Requires DOJ to issue a report to the Legislature by January 1, 2025, and annually thereafter, that includes the data collected, except for data regarding the disposition of prosecutions reported to DOJ pursuant to JDATA, until other specified data is reported by DOJ pursuant to that law.

- Sunsets these provisions on January 1, 2033.

Related Legislation:

- AB 2418 (Kalra), Chapter 787, Statutes of 2022, enacts the Justice Data Accountability and Transparency Act, which, among other things, mandates the CJSC within DOJ to collect "data elements" as specified, from all state and local prosecutor offices that prosecute misdemeanors and felonies, including district attorney offices, city attorney offices, and the Attorney General's Office.

- AB 857 (Cooper), Chapter 60, Statutes of 2016, requires a person to apply to and obtain from the DOJ a unique serial number or other mark of identification prior to manufacturing or assembling a firearm.

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