

CONCURRENCE IN SENATE AMENDMENTS
AB 97 (Rodriguez)
As Amended September 1, 2023
Majority vote

SUMMARY

Requires the Department of Justice (DOJ) to report data on arrests and prosecutions of specified misdemeanor offenses related to unserialized firearms.

Senate Amendments

- 1) Clarify that, until January 1, 2029, DOJ must collect and report data collected from courts on the disposition of specified misdemeanor offense related to unserialized firearms, including the number of cases resulting in each of the following dispositions:
 - a) An arrest was made, but the arresting law enforcement agency did not submit charges to the district attorney or other prosecuting agency;
 - b) An arrest was made, but no charges were filed by the district attorney or other prosecuting agency;
 - c) The case was dismissed after charging, either by the court or other district attorney;
 - d) The defendant was acquitted; or,
 - e) The defendant was convicted, whether by trial or by plea.
- 2) Clarify that, after January 1, 2029, DOJ must collect and report substantially the same data as above but using data compiled pursuant to the Justice Data Accountability and Transparency Act, which takes effect on January 1, 2029 and requires all state and local prosecutors offices to report specified data to DOJ.
- 3) Make technical and conforming changes.

COMMENTS

As passed by the Assembly, this bill:

- a) Required DOJ to collect and report data on arrests made by law enforcement agencies for the following offenses related to firearms without a valid state or federal serial number: 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 valid serial number; and
 - b) The number of misdemeanor arrests for failing to obtain a valid serial number for a manufactured or assembled firearm.
- 2) Required DOJ to collect and report the following data:
 - a) The disposition of those arrests for the above misdemeanor offenses, including information about whether an arrestee was booked, cited, or released from custody; and

- b) Starting on January 1, 2029, the disposition of prosecutions for the above misdemeanor offenses reported to the department, as specified, including whether charges were dismissed, whether the defendant was acquitted or convicted, or whether the charges were resolved on other grounds, including as a result of plea bargaining.
- 3) Required DOJ to issue a report to the Legislature by January 1, 2025, and annually thereafter, detailing the collected data.
- 4) Sunset the reporting requirement on January 1, 2033.

According to the Author

AB 97 is an important public safety measure for the Legislature to gain a comprehensive picture of the proliferation of ghost guns in California and how criminals are being prosecuted. There are no records of existence for ghost guns – inhibiting law enforcement efforts to trace the firearm to the owner when used in a crime. That and the fact that these deadly weapons do not require a background check make ghost guns popular among criminals.

In the last several years, the number of ghost guns recovered has increased. In 2021, Los Angeles Police Department released a report stating ghost guns contributed to more than 100 violent crimes, including 24 murders, eight attempted homicides, and dozens of armed robberies and assaults. In the first six months of the year, the Department confiscated 863 ghost guns, nearly 300% over the previous year. Enough is enough. These firearms are being used to kill members of our community, including our law enforcement officers. By passing AB 97, the Legislature can get a clear picture of how many ghost guns law enforcement recovers annually to inform future policy.

Arguments in Support

According to the *California Police Chiefs Association*, "Gun violence has spiked across the state, homicide rates keep climbing, and officers continue to pull more and more illegal firearms off our streets. In 2021, Los Angeles Police Department cited a 400% increase in ghost gun seizures. Just last month, an East Palo Alto officer was shot and injured by a suspect with a fully automatic ghost gun. Despite this violence, possession of a ghost gun is often only chargeable as a misdemeanor. Given the gravity of issue, and potential harm caused by these illegal weapons, it is important our penalties match the threat. From our standpoint, it is completely clear that our laws are not deterring the massive proliferation of weapons..."

Arguments in Opposition

None on file.

FISCAL COMMENTS

According to the Senate Appropriations Committee, 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).

VOTES:

ASM PUBLIC SAFETY: 8-0-0

YES: Jones-Sawyer, Alanis, Bonta, Bryan, Lackey, Ortega, Santiago, Zbur

ASM APPROPRIATIONS: 15-0-1

YES: Holden, Megan Dahle, Bryan, Calderon, Wendy Carrillo, Dixon, Mike Fong, Hart, Lowenthal, Mathis, Papan, Pellerin, Sanchez, Weber, Ortega

ABS, ABST OR NV: Robert Rivas

ASSEMBLY FLOOR: 77-0-3

YES: Addis, Alanis, Alvarez, Arambula, Bains, Bauer-Kahan, Bennett, Berman, Boerner, Bonta, Bryan, Calderon, Juan Carrillo, Wendy Carrillo, Cervantes, Chen, Connolly, Megan Dahle, Davies, Dixon, Essayli, Flora, Mike Fong, Vince Fong, Friedman, Gabriel, Gallagher, Garcia, Gipson, Grayson, Haney, Hart, Holden, Hoover, Irwin, Jackson, Jones-Sawyer, Kalra, Lackey, Lee, Low, Lowenthal, Maienschein, McCarty, McKinnor, Muratsuchi, Stephanie Nguyen, Ortega, Pacheco, Papan, Jim Patterson, Pellerin, Petrie-Norris, Quirk-Silva, Ramos, Reyes, Luz Rivas, Robert Rivas, Rodriguez, Blanca Rubio, Sanchez, Santiago, Schiavo, Soria, Ta, Ting, Valencia, Villapudua, Waldron, Wallis, Ward, Weber, Wicks, Wilson, Wood, Zbur, Rendon

ABS, ABST OR NV: Aguiar-Curry, Mathis, Joe Patterson

SENATE FLOOR: 39-0-1

YES: Allen, Alvarado-Gil, Archuleta, Ashby, Atkins, Becker, Blakespear, Bradford, Caballero, Cortese, Dahle, Dodd, Durazo, Eggman, Glazer, Gonzalez, Grove, Hurtado, Jones, Laird, Limón, McGuire, Menjivar, Min, Newman, Nguyen, Niello, Ochoa Bogh, Padilla, Portantino, Roth, Rubio, Skinner, Smallwood-Cuevas, Stern, Umberg, Wahab, Wiener, Wilk

ABS, ABST OR NV: Seyarto

UPDATED

VERSION: September 1, 2023

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