

Date of Hearing: April 21, 2026

Counsel: Dustin Weber

ASSEMBLY COMMITTEE ON PUBLIC SAFETY

Nick Schultz, Chair

AB 2339 (Gipson) – As Amended April 13, 2026

As Proposed to be Amended in Committee

SUMMARY: Requires facilities to capture and submit specified identifying information to the Department of Justice (DOJ) in a report when intaking patients who are brought to the facility involuntarily for the purpose of adding the person to the firearms prohibition list. Specifically, **this bill:**

- 1) States that the juvenile court shall notify DOJ if dismissal is granted to a person previously required to be reported to DOJ and prohibited from owning or possessing a firearm until 30 years of age.
- 2) Authorizes DOJ to use sealed juvenile court records to make a firearms suitability determination and provide sealed court records to the juvenile person regarding their suitability determination to own a firearm.
- 3) Requires information regarding notice of termination of conservatorships to be destruction of information by DOJ upon receipt.
- 4) States that a designated facility that accepts the transfer for placement of a person detained involuntarily for a 72-hour assessment, evaluation, and crisis intervention from another designated facility or other facility to which a person is involuntarily detained shall be responsible for submitting the identifying information report to DOJ, as specified, upon admitting the person for involuntary treatment.
- 5) Requires the identifying information reports to include the following information:
 - a) Full name.
 - b) Driver's license number or state identification card number.
 - c) Date of birth.
 - d) Gender.
 - e) Ethnicity.
 - f) If available, social security number.
- 6) States that facilities shall make every reasonable effort to acquire and submit to the Department of Justice the identification information for the person, as required. Reasonable

effort includes, but is not limited to, the facility requesting the information from the person at admission and during completion of the form, as required, and examining any available patient records the facility maintains. If the facility responsible for acquiring and submitting the identification information acquires any missing or previously unknown identification information, in whole or in part, the facility shall immediately submit the information to the Department of Justice.

- 7) Establishes that the existing law requirement that prohibits a person from possessing a firearm for five years who has been certified for intensive treatment, as defined, shall remain subject to the five-year firearms prohibition following a certification hearing or writ of habeas corpus hearing, regardless of the outcome.
- 8) Specifies that a report submitted to DOJ with identifying information, prior to or concurrent with discharge following certification for intensive treatment, must provide the person and DOJ with a copy of the most recent "Patient Notification of Firearm Prohibition and Right to Hearing Form."
- 9) States that a person prohibiting from owning a firearm, ammunition, or other deadly weapon because they are a danger to themselves or others and who has been granted mental health diversion shall not engage in prohibited acts with firearms, ammunition, or other deadly weapons until they have completed diversion or had their firearms rights restored.
- 10) Provides that the identifying information report submitted to DOJ must be submitted, along with a copy of the document substantiating the report or detailing the listed offense prohibiting the person from possessing firearms, ammunition, or other deadly weapons, which includes, but is not limited to, the court order, minute order, or probable cause finding for certification of intensive treatment, as described.
- 11) States that all notices and reports that are required to be submitted to DOJ shall include a copy of a government-issued identification card, including, but not limited to, a driver's license, state identification card, or military identification card.
- 12) Requires all information provided to DOJ to be kept confidential, separate, and apart from all other records maintained by DOJ. Upon proper application, as determined by DOJ, the information provided to DOJ may be provided and used only under the following circumstances:
 - a) By the department to determine the eligibility of a person to acquire, carry, or possess explosives, or ammunition.
 - b) By a court for the purposes of the specified proceedings.
 - c) By a California, federal, or out-of-state law enforcement agency to determine the eligibility of a person to acquire, carry, or possess firearms, destructive devices, or explosives who is the subject of a criminal investigation.
 - d) By a California law enforcement agency seeking the issuance of a gun violence restraining order.

- e) By a federal or out-of-state law enforcement agency when the agency provides evidence to DOJ showing that the requested information would be determinative of the person's ability acquire, carry, or possess firearms, destructive devices, explosives, or ammunition under the law of the requesting state or under federal law.
- 13) Punishes with a misdemeanor a person who knowingly furnishes the reported information for any unspecified purpose.
- 14) Defines "admitted" to mean when a professional person or a designee in charge of the designated facility determines that an individual's condition requires involuntary detention to ensure proper evaluation and the provision of necessary treatment services.
- 15) Makes conforming changes.

EXISTING LAW:

- 1) Defines those persons who shall not own, or have in possession or under custody or control, a firearm until the person is 30 years of age or older. (Pen. Code, § 29820, subs. (a)-(b).)
- 2) Makes a violation of the ban from possessing firearms until age-30 punishable by imprisonment in a county jail not exceeding one year or in the state prison, by a fine not exceeding \$1,000, or by both that imprisonment and fine. (Pen. Code, § 29820, subd. (c).)
- 3) States that the juvenile court shall notify DOJ of persons subject to the age-30 firearms prohibition. (Pen. Code, § 29820, subd. (d).)
- 4) States that the juvenile court shall notify DOJ if a defined order for dismissal is granted to a person previously subject to the age-30 firearms prohibition. (Pen. Code, § 29820, subd. (e).)
- 5) Lists the circumstances under which a sealed juvenile record may be accessed, inspected, or utilized. (Welf. & Inst. Code, § 786, subd. (g)(1).)
- 6) Provides that when a record has been sealed by the court based on a dismissed petition, the prosecutor, within six months of the date of dismissal, may petition the court to access, inspect, or utilize the sealed record for the limited purpose of refiling the dismissed petition based on new circumstances, including, but not limited to, new evidence or witness availability. The court shall determine whether the new circumstances alleged by the prosecutor provide sufficient justification for accessing, inspecting, or utilizing the sealed record in order to refile the dismissed petition. (Welf. & Inst. Code, § 786, subd. (g)(2).)
- 7) States that authorized access to, or inspection of, a sealed record shall not be deemed an unsealing of the record and shall not require notice to any other agency. (Welf. & Inst. Code, § 786, subd. (g)(3).)
- 8) States that specified persons who have been adjudicated by a court of any state to be a danger to others as a result of a mental disorder or mental illness, or who has been adjudicated to be a mentally disordered sex offender, or subject to other defined prohibitions, shall not purchase or receive, or attempt to purchase or receive, or have possession, custody, or control of a firearm, other deadly weapon, or ammunition unless there has been issued to the person

a certificate by the court of adjudication upon release from treatment or at a later date stating that the person may possess a firearm, other deadly weapon, or ammunition. (Welf. & Inst. Code, § 8103, subd. (a)(1).)

- 9) Establishes that the court shall notify DOJ of the court order finding the individual to be a firearms prohibited person as soon as possible, but not later than one court day after issuing the order. The court shall also notify the department of a certificate issued as soon as possible, but not later than one court day after issuing the certificate. (Welf. & Inst. Code, § 8103, subd. (a)(2).)
- 10) Specifies that a person shall, in accordance with applicable state law and local procedure, relinquish to law enforcement a firearm, other deadly weapon, or ammunition in their custody or control within 14 days of a court order finding the person to be a prohibited person and submit a receipt to the court to show proof of relinquishment. (Welf. & Inst. Code, § 8103, subd. (a)(3).)
- 11) Establishes that a person who has been taken into custody, as provided, because that person is a danger to themselves or to others, as defined, and admitted to a designated facility because that person is a danger to themselves or others shall not own, possess, control, receive, or purchase, or attempt to own, possess, control, receive, or purchase, a firearm, other deadly weapon, or ammunition for a period of five years after the person is released from the facility. (Welf. & Inst. Code, § 8103, subd. (f)(1)(A).)
- 12) States that a person who has been taken into custody, assessed, and admitted, as specified, and who was previously taken into custody, assessed, and admitted, as specified, one or more times within a period of one year preceding the most recent admittance, shall not own, possess, control, receive, or purchase, or attempt to own, possess, control, receive, or purchase, any firearm for the remainder of their life. (Welf. & Inst. Code, § 8103, subd. (f)(1)(B).)
- 13) States that a person may own, possess, control, receive, or purchase, or attempt to own, possess, control, receive, or purchase a firearm, other deadly weapon, or ammunition if the superior court has found that the people of the State of California have not met their burden. (Welf. & Inst. Code, § 8103, subd. (f)(1)(C).)
- 14) Provides that for each person subject to involuntary commitment, as specified, the facility shall, within 24 hours of the time of admission, submit a report to DOJ containing information that includes, but is not limited to, the identity of the person and the legal grounds upon which the person was admitted to the facility. (Welf. & Inst. Code, § 8103, subd. (f)(2)(A)(i).)
- 15) Establishes that prior to, or concurrent with, the discharge, the facility shall inform a person that they are prohibited from owning, possessing, controlling, receiving, or purchasing a firearm, other deadly weapon, or ammunition for a period of five years or, if the person was previously taken into custody, assessed, and admitted to custody for a 72-hour hold because they were a danger to themselves or to others during the previous one-year period, for life. (Welf. & Inst. Code, § 8103, subd. (f)(3).)

- 16) States that a person who has requested a hearing from the superior court of the county of their residence for an order that they may own, possess, control, receive, or purchase a firearm, other deadly weapon, or ammunition shall be given a hearing. The people shall bear the burden of showing by a preponderance of the evidence that the person would not be likely to use a firearm, other deadly weapon, or ammunition in a safe and lawful manner. (Welf. & Inst. Code, § 8103, subs. (f)(5)-(6).)
- 17) States that a person subject to a lifetime firearm prohibition is entitled to bring subsequent petitions, but shall not be entitled to file a subsequent petition until five years have passed since the determination on the person's last petition. (Welf. & Inst. Code, § 8103, subd. (f)(11).)
- 18) Provides that an involuntarily committed person, within 72 hours of discharge from a facility, shall relinquish a firearm, other deadly weapon, or ammunition that they own, possess, or control in a safe manner. (Welf. & Inst. Code, § 8103, subd. (f)(12)(A).)
- 19) States that a person who has been certified for intensive treatment, as defined, shall not own, possess, control, receive, or purchase, or attempt to own, possess, control, receive, or purchase, a firearm, other deadly weapon, or ammunition for a period of five years. (Welf. & Inst. Code, § 8103, subd. (g)(1)(A).)
- 20) Establishes that for each person certified for intensive treatment, the facility shall, within 24 hours of the certification, submit a report to DOJ containing information regarding the person, including, but not limited to, the legal identity of the person and the legal grounds upon which the person was certified. (Welf. & Inst. Code, § 8103, subd. (g)(2)(A).)
- 21) States that prior to, or concurrent with, the discharge of each person certified for intensive treatment, the facility shall inform the person of specified information. (Welf. & Inst. Code, § 8103, subd. (g)(3)(A).)
- 22) States that a person certified for intensive treatment may petition the superior court of the county of their residence for an order that they may own, possess, control, receive, or purchase a firearm, other deadly weapon, or ammunition. (Welf. & Inst. Code, § 8103, subd. (g)(4).)
- 23) Provides that DOJ shall request each public and private mental hospital, sanitarium, and institution to submit to DOJ information DOJ deems necessary to identify those persons who are subject to specified prohibitions, in order to carry out its duties in relation to firearms, destructive devices, and explosives. (Welf. & Inst. Code, § 8105, subd. (a).)
- 24) Requires a licensed psychotherapist to report to a local law enforcement agency, within 24 hours, the identity of a person subject to the defined firearms prohibitions. Upon receipt of the report, the local law enforcement agency shall notify DOJ electronically, within 24 hours, of the person who is subject to the prohibition. (Welf. & Inst. Code, § 8105, subd. (c).)

FISCAL EFFECT: Unknown

COMMENTS:

- 1) **Author's Statement:** According to the author, “Under current law, when a individual is placed on a 5150 involuntary hold, mental health facilities must report that information to the California Department of Justice so firearm prohibitions can be enforced. However, the law fails to clearly define reporting requirements or standards for completeness, resulting in inconsistent and often inaccurate records. This is not just an administrative issue—it is a public safety risk. When critical identifying information is missing or incorrect, individuals who are legally prohibited from possessing firearms may not be flagged during a background check.

“Mental health facilities are operating without clear, consistent guidance. Providers are left to interpret unclear requirements around when a person is considered admitted, who is responsible for reporting during transfers, and whether updates should be submitted when new information becomes available. This lack of clarity leads to uneven compliance and places an unfair burden on facilities that are trying to follow the law. AB 2339 provides a needed solution to close the gaps. It establishes clear, uniform reporting standards so facilities know exactly what is required, including key identifying information and supporting documentation. Ultimately, this bill is about making sure our existing laws work as intended. By improving the quality and reliability of reporting, AB 2339 strengthens public safety, supports providers with clearer guidance, and maintains appropriate safeguards for privacy and confidentiality.”

- 2) **Effect of the Bill:** AB 2339, among other things, modifies the laws focused on conduct that subject a person to firearms dispossession. Specifically, this bill would require 1) juvenile courts to notify DOJ if the court grants a dismissal of a juvenile petition for an offense that subjected the person to firearm prohibitions; 2) DOJ to provide a copy of the sealed record reviewed by the DOJ to the person it reviewed if it determines that a person is not suitable to purchase, own, or possess a firearm; 3) certain facilities that see involuntarily committed patients to be responsible for submitting the report with the person’s identifying information to DOJ to place them on the firearms prohibition list; 4) facilities discharging a person certified for intensive treatment to provide the person and DOJ with a copy of a specified form pertaining to the firearm prohibition; 5) a person certified for intensive treatment and released from intensive treatment following a certification review or a writ of habeas corpus to remain subject to the 5-year prohibition period; and 6) all information provided to DOJ from these records to be kept confidential, except in specified circumstances.

The bill’s sponsor, DOJ, emphasizes the need for this legislation to accurately capture the identifying information of people who are statutorily subject to various firearms prohibitions. While ensuring that people who are disallowed from possessing firearms do not get firearms is a public safety concern, there are a few concerns with this bill. There does not appear to be any clear data indicating how common a problem not getting accurate information is in these contexts. DOJ shared that the match queue they use for flagging these potentially prohibited persons already note missing information and that the queue contains approximately 300,000 records. What percentage of the people in this queue are demonstrably prohibited from possessing firearms for any length of time is not clear.

The facilities treating these individuals, as shared by the California Hospitals Association (CHA), often receive patients when they have no sense of reality or even who they are, could be off essential medication, may be unhoused, and might not have any identifying information on them for the facilities to convey to DOJ. These individuals are some of the

most acute, challenging patients to treat and are commonly sent from one facility to another to continue treatment, depending on the circumstances. Suicidality and schizophrenia are not uncommon among these patients. Furthermore, emergency departments who receive these patients must immediately assess these patients for imminent health risks. A full evaluation may not take place until a person gets to a second facility, following location of a bed and a Section 5150 evaluation. Placing an additional, immediate administrative burden on these facilities could interfere with this process or the treatment of imminent physical ailments. With a provision authorizing not reporting information when that information is impossible to collect after all reasonable efforts, however, should help ease that burden.

There additionally may be concern with further treating mentally unwell individuals who are involuntarily confined in a medical facility more like the criminals, rather than individuals in need of immediate health care. Certainly, a person who is so unwell they may not be in touch with reality should not be in custody of firearms. Yet, focusing simultaneously on ensuring folks experiencing a significant level of acute distress are sufficiently identified for the purpose of placing them on a firearms prohibition list while ensuring their imminent health needs are met may not always be appropriate. Moreover, a statutory requirement to gather greater amounts of personally identifying information from certain individuals for the purpose of dispossessing them of firearms may give pause to some as DOJ's accidental release of personally identifying information of hundreds of thousands of concealed carry firearms applicants is not that far in the past.

AB 2339 also does not appear to clearly establish that a person who is wrongly submitted for assessment does not wind up on the five-year firearms prohibition list. Instead, this bill appears to require adding the person to the five-year prohibition list even if the person demonstrates they should not be held by winning their hearing. It is not difficult to imagine a situation where law enforcement may interpret a person's behavior as requiring immediate medical care but ends up being mistaken. For example, an officer may innocently mistake someone as needing imminent care when they are instead in the midst of diabetic hypoglycemia, hyperglycemia, or simply extremely agitated for reasons having nothing to do with mental or physical wellness in that moment. The requirement that "a person who is released from intensive treatment following a certification review hearing . . . or hearing by writ of habeas corpus . . . shall remain subject to the [the five-year firearms prohibition]" not only suggests that a person who is mistakenly held for treatment against their will can be put on the five-year prohibition list, but is also inconsistent with personal autonomy and objective notions of fairness. This provision may well run afoul of the United States Constitution, too.

- 3) **The Bruen Analysis:** AB 2339 may interfere with some protected Second Amendment conduct.

To be subject to Second Amendment scrutiny, a law must first infringe on plain text Second Amendment conduct. (*New York State Rifle & Pistol Association, Inc. v. Bruen*, (2022) 597 U.S. 1, 17.) AB 2339 clearly interferes with plain text Second Amendment conduct by establishing additional circumstances under which a person could be prohibited from possessing a firearm. Justifying a law or regulation that purports to place restrictions on protected Second Amendment conduct requires the government to demonstrate the law is "consistent with the nation's historical tradition of firearms regulation." (*Bruen, supra*, at p. 24.) A firearms regulation is constitutional if the government establishes the proposed law is

“relevantly similar” to historical laws, regulations, and traditions. (*Id.* at p. 29.) Because the Court has found possession of a firearm a constitutional right under the Second Amendment, this bill impacts protected conduct and thus, must be justified by a historical tradition supporting such regulation. Whether a sufficient historical tradition exists to justify the regulation in AB 2339 is unclear. When analogizing laws to establish a historical tradition, legislative dead ringers are not required. (*Bruen, supra*, at p. 30.) Rather, we look at the principles underlying the historical regulations to support existence of a tradition. (*United States v. Rahimi* (2024) 602 U.S. 680, 692.) Relevantly similar historical regulations also must share similar ways of regulating and the reasons for the regulation. (*Bruen, supra*, at p. 30.)

In the context of AB 2339, therefore, a sufficient historical tradition must include relevantly similar historical laws, that at least in principle regulate in similar ways and for similar reasons. Here, it is difficult to identify whether such a tradition exists and, thus, would survive constitutional scrutiny. As an initial matter, the Court in *Heller* noted that their opinion should not be understood as invalidating prohibitions on mentally ill persons, among others, from owning firearms. (*District of Columbia v. Heller* (2008) 554 U.S. 570, 626 [“nothing in our opinion should be taken to cast doubt on longstanding prohibitions on the possession of firearms by felons and the mentally ill”].)

There is some federal appellate case law evaluating a person’s Second Amendment rights against the federal law’s requirement for dispossessing the mentally ill, which is similar to certain parts of AB 2339. As part of the federal Gun Control Act (GCA), it is unlawful for any person who has been “adjudicated as a mental defective” or who has been “committed to a mental institution” to ship or transport in interstate or foreign commerce, or possess in or affecting commerce, any firearm or ammunition. (18 U.S.C. § 922, subd. (g)(4).) The Code of Federal Regulations (CFR) defines “adjudicated as a mental defective” to include, among other definitions, “[a] determination by a court, board, commission, or other lawful authority that a person, as a result of . . . mental illness . . . [i]s a danger to himself or to others” (27 C.F.R. § 478.11.) The CFR defines “committed to a mental institution” as a “[f]ormal commitment of a person to a mental institution by a court, board, commission, or other lawful authority,” including “commitment to a mental institution involuntarily” and “commitment for mental defectiveness or mental illness.” (*Ibid.*) This is not a perfect analogue for this bill because existing law, and certain provisions of AB 2339, permit dispossession of a person under less intense health or medical situations. Nevertheless, because constitutional rights arising from the U.S. Constitution provide a floor for the scope of individual rights, including those affiliated with the Second Amendment, it can be useful to look at federal court interpretations of analogous firearms prohibitions.

In one case, a federal appellate court found dispossessing the mentally ill under the GCA constitutional as applied to a person who was mentally ill and committed to a mental hospital, but later rehabilitated. (*Beers v. Attorney General* (3rd Cir. 2019) 927 F.3d 150.) The Third Circuit found historical evidence that judicial officials were authorized to lock up “lunatics” or other individuals with dangerous mental impairments important for demonstrating a historical tradition that supports disarming the mentally ill. (*Id.* at p. 158.) The court additionally looked to evidence established in another case, from the “Address and Reasons of Dissent of the Minority of the Convention of the State of Pennsylvania to Their Constituents,” published during the ratification debates, that stated, “citizens have a personal right to bear arms ‘unless for crimes committed, or real danger of public injury.’” (*Ibid.*;

quoting *Binderup v. Attorney General* (3rd Cir. 2016) 836 F.3d 336, 349.) The court in *Beers* concluded that this evidence justified disarmament because it fits within the traditional historical justification for disarming mentally ill individuals because they are dangerous to themselves and the public. (*Beers, supra*, at p. 158.) The court here seems to give validation to a pattern some courts have used in evaluating the historical tradition that suggests because a law took away a person’s liberty by locking them up or took away their life, the “lesser intrusion” of taking away a person’s firearm must be permissible. (*Ibid.*) While this analytical approach has been used by other courts, it is not clear that this approach is valid under existing Supreme Court precedent.

Our Ninth Circuit found Section 922(g)(4) constitutionally sound as applied to a person who affirmatively demonstrated that he was no longer mentally ill, but who remained disarmed under the GCA. (*Mai v. United States* (9th Cir. 2020) 220 F.3d 1106.) The Fourth Circuit came to a similar conclusion, but largely avoided the constitutional question, instead opting to decide the case on largely statutory grounds. (*United States v. Collins* (4th Cir. 2020) 982 F.3d 236.) The Sixth Circuit, however, found a lifetime firearms prohibition could not be constitutionally justified as applied to a person who experienced a single, intense depressive episode that got him committed for inpatient psychological treatment, but who otherwise remained rehabilitated for nearly two decades. (*Tyler v. Hillsdale Cnty. Sheriff’s Department* (6th Cir. 2016) 837 F.3d 678.) Importantly, the cases here were all decided before *Bruen* when the current historical tradition test was established, but some of the reasoning at least remains persuasive post-*Bruen*. In the Sixth and Ninth Circuit cases, however, the courts use a tier of scrutiny, intermediate scrutiny, to evaluate the law’s constitutionality, which *Bruen* later barred for analyzing Second Amendment cases.

As the Third Circuit opined in its Section 922(g)(4) cases, the element of dangerousness is an important consideration for prohibiting mentally ill persons from owning or possessing a firearm. (*Beers, supra*, at p. 158.) While these cases also occurred before the Court’s decision in *Rahimi*, we can also look to the element of dangerousness under *Rahimi* as an identified principle underpinning the historical tradition of dispossessing the mentally ill. (*Rahimi, supra*, at p. 692.) While there is not much authoritative post-*Bruen* case law in this area, a leading Second Amendment scholar has addressed the element of dangerousness in connection with constitutionally valid disarmament laws. This scholar found that in 17th- and 18th-century America, dangerousness was consistently the touchstone of disarmament laws.¹ These laws fall within the preferred historical era mentioned in *Bruen*. Similarly, in England, both Charles I and Charles II were compelled to advance danger as a justification for disarmament rather than the divine right of kings.² In both colonial- and founding-era America, every restriction was designed to disarm people who were perceived as posing a danger to the community, though most of these laws were discriminatory and arguably part of the history Justice Kavanaugh has suggested should be left behind for the purposes of Second Amendment analysis.³ This was also reflected during the debates over the ratification of the U.S. Constitution, where the Framers indicated that only dangerous persons could be

¹ Greenlee, J. *Disarming the Dangerous: The American Tradition of Firearms Prohibitions* (2024) 16 Drex. L. Rev. 1, 81.

² *Ibid.*

³ *Ibid.*; *Rahimi, supra*, at p. 723 (“But in using pre-ratification history, courts must exercise care to rely only on the history that the Constitution actually incorporated and not on the history that the Constitution left behind.” [Kavanaugh, J., concurring].)

disarmed.⁴ Peaceful persons, however, historically were always permitted, and often required, to keep and bear arms.⁵

Given the available data on the constitutionality of disarming the mentally ill, it is unclear whether AB 2339 will encounter fatal constitutional scrutiny. Including a provision in the law that permits even temporary disarmament where the person was improperly committed involuntarily has a higher likelihood of courts deciding against that provision's constitutionality. This provision may be problematic under more than just the Second Amendment as dispossessing a person of property, where that person's rights were vindicated against the government following process being given, creates real concerns regarding notions of fairness and the limits of government authority to seize property. While it is ultimately unclear whether AB 2339 is constitutionally suspect, there are elements of the bill that warrant concern.

- 4) **Committee Amendments:** The amendments proposed by the committee for AB 2339 include almost identical provisions, in applicable sections, that authorize the facility treating the person from whom information needs to be collected to not be required to submit the identifying information where collection of that information is impossible after all reasonable efforts. The treating facilities would have an ongoing obligation to report the information, however, should they collect it at a later date.
- 5) **Argument in Support:** According to the bill's sponsor, the *California Department of Justice*, "California law allows authorities to hold a person for evaluation, stabilization, and treatment if they are deemed a danger to themselves or others due to a mental health crisis. This type of involuntary mental health hold results in the suspension of the individual's right to possess firearms and ammunition, if upon evaluation by mental health professionals, the person is involuntarily admitted to a designated mental health facility. Accordingly, within 24 hours of admission, mental health facilities are required to report an involuntary hold to the California Department of Justice (DOJ). However, many mental health records reported to the DOJ are incomplete or inaccurate. For example, facilities sometimes report individuals' initials instead of full names, or report names with misspellings, or names entered in incorrect order (e.g. middle name entered as last name). Compounding the issue, facilities are not required to correct entries reported to DOJ when they obtain additional identity information, nor are they required to provide any substantiating documents to verify the information. Insufficient or inaccurate information can have significant public safety consequences by making it impossible for DOJ to flag the prohibiting mental health admission record during a background check if the individual attempts to purchase a firearm or ammunition.

"AB 2339 will improve the accuracy of the information reported into the mental health reporting system by specifying that facilities must report an individual's full name, date of birth, gender, ethnicity, driver's license or identification car number, and, if available, Social Security number. Copies of the person's ID as well as any documents substantiating the hold would be required to be sent as part of the report. The bill specifies that the information provided will be kept confidential and separate from other records maintained by DOJ and

⁴ *Ibid.*

⁵ *Ibid.*

provides clear guardrails as to whom and for what purpose this information can be shared. In addition, the bill makes technical and clarifying changes to the law, including clarifying the definition of the term “admitted” for purposes of when it triggers the reporting requirement.

“It is vital for public health and safety that firearm background check records accurately identify individuals who have been involuntarily admitted to a mental health facility for dangerousness to themselves or others, including for suicide prevention purposes.

Unfortunately, access to firearms and mental health issues can be a lethal combination. The DOJ’s Office of Gun Violence Prevention reports that firearm suicide rates in the U.S. increased by 41% from 2006-2022. Data shows that access to firearms triples the risk of death by suicide. Firearms were used in less than 5% of intentional self-harm incidents in California that resulted in death or required urgent medical attention, but 91% of those incidents that involved a gun resulted in death. The vast majority of people who survive suicide attempts do not go on to die by suicide. But unfortunately, people who reach for a firearm during a suicidal crisis rarely get a second chance.

“Preventing access to firearms by people suffering from a mental health crisis protects both the community and the individual, which is why it is critical that the data shared between mental health facilities and DOJ is accurate and timely. California has one of the lowest rates of firearms deaths in the nation and that is due in large part to our strong gun safety laws. The Attorney General is proud to partner with you to add another vital tool to protect the safety of all Californians.”

- 6) **Argument in Opposition:** None submitted.
- 7) **Related Legislation:** SB 1220 (Hurtado) would subject a person to the 10-year firearms prohibition list who alters, removes, or obliterates, or who buys, receives, disposes of, sells, offers for sale, or has in possession any pistol, revolver, or other firearm that has had the name of the maker or model or the manufacturer’s number or other mark of identification changed, altered, removed, or obliterated. SB 1220 is pending hearing in the Senate Appropriations Committee.
- 8) **Prior Legislation:**
 - a) AB 383 (Davies), Chapter 362, Statutes of 2025, made procedures for relinquishing firearms or ammunition applicable to a juvenile who is prohibited from owning, possessing, or having under their custody or control a firearm until they are 30 years of age.
 - b) AB 1078 (Berman), Chapter 545, Statutes of 2025, required the review of the California Restraining and Protective Order System to include information concerning whether the applicant for a concealed carry license is reasonably likely to be a danger to self, others, or the community at large, as specified.
 - c) SB 1002 (Blakespear), Chapter 526, Statutes of 2024, expanded prohibitions for the ownership, possession, custody, or control of ammunition. Requires a person subject to the prohibition, because they are a danger to themselves or others as a result of a mental health disorder, to relinquish a firearm, other deadly weapon, or ammunition they own, possess, or control within 72 hours of discharge from a facility. Additionally, this law

requires a person subject to the prohibition, because they are a person who has been adjudicated to be a danger to others as a result of a mental disorder or mental illness, or who has been adjudicated to be a mentally disordered sex offender, or a person who has been found not guilty by reason of insanity of committing specified crimes, to relinquish to law enforcement a firearm, other deadly weapon, or ammunition in their custody or control within 14 days of the court order finding the person to be a person as described.

- d) SB 899 (Skinner), Chapter 544, Statutes of 2024, required the court, when issuing protective orders, to provide the person with information about how any firearms or ammunition still in their possession to be relinquished.
- e) AB 2518 (Davies), of the 2023-2024 Legislative Session, would have any minor adjudicated or convicted of murder, attempted murder or manslaughter lose all firearm privileges for life. AB 2518 was held in the Senate Appropriations Committee.
- f) AB 2239 (Mainschein), Chapter 143, Statutes of 2022, added to the 10-year firearms prohibition list any person who gets a misdemeanor conviction for child abuse or elder abuse, as specified.

REGISTERED SUPPORT / OPPOSITION:

Support

California Department of Justice (Sponsor)

Opposition

None submitted

Analysis Prepared by: Dustin Weber / PUB. S. / (916) 319-3744