

ASSEMBLY THIRD READING
AB 2339 (Gipson)
As Amended April 23, 2026
Majority vote

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.

Major Provisions

- 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.

COMMENTS

According to the Author

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."

Arguments 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 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."

Arguments in Opposition

None submitted.

FISCAL COMMENTS

According to the Assembly Appropriations Committee:

- 1) Costs (General Fund (General Fund) of an unknown but potentially significant amount to the Department of Justice (DOJ), to update its Armed and Prohibited Persons System to reflect this bill's firearms prohibitions and to enforce the prohibitions. DOJ was unable to provide a cost estimate at the time this analysis was written. Based on costs reported by DOJ for prior bills pertaining to firearms prohibitions, costs may be in the low hundreds of thousands of dollars.
- 2) Cost pressure (Trial Court Trust Fund, General Fund) to the courts to adjudicate violations of the firearms prohibitions expanded by this bill. A violation of a firearm prohibition may be charged as a misdemeanor or felony. A person charged with a misdemeanor or felony is entitled to legal representation provided by the government and a jury trial. Actual court costs will depend on the number of violations, prosecutorial discretion, and the amount of

court time needed to adjudicate each case. Although courts are not funded on the basis of workload, increased pressure on the Trial Court Trust Fund may create a demand for increased funding for courts from the General Fund. The state budget provides annual General Fund backfills to the Trial Court Trust Fund to offset revenue reductions, totaling approximately \$117.3 million in 2025-26.

- 3) Costs (local funds, General Fund) of an unknown but potentially significant amount to the counties and the Department of Corrections and Rehabilitation to incarcerate people convicted of a violation of this bill's firearms prohibitions. A misdemeanor violation is punishable by incarceration in county jail, and a felony violation is punishable by incarceration in state prison. Actual incarceration costs will depend on the number of convictions, the length of each sentence, and whether each sentence must be served in county jail or state prison. The Legislative Analyst's Office estimates the average annual cost to incarcerate one person in state prison at \$128,000; CDCR estimates \$135,921. The average annual cost to incarcerate one person in county jail is approximately \$29,000, though costs are higher in larger counties. County incarceration costs are not subject to reimbursement by the state. However, overcrowding in county jails creates cost pressure on the General Fund because the state has historically granted new funding to counties to offset overcrowding resulting from public safety realignment.

The Legislative Analyst's Office recently warned of General Fund structural deficits of around \$35 billion per year beginning in the 2027-28 fiscal year.

VOTES

ASM PUBLIC SAFETY: 9-0-0

YES: Schultz, Alanis, Mark González, Haney, Harabedian, Lackey, Nguyen, Ramos, Sharp-Collins

ASM APPROPRIATIONS: 15-0-0

YES: Wicks, Hoover, Aguiar-Curry, Calderon, Caloza, Dixon, Fong, Mark González, Krell, Pacheco, Pellerin, Sharp-Collins, Solache, Ta, Tangipa

UPDATED

VERSION: April 23, 2026

CONSULTANT: Dustin Weber / PUB. S. / (916) 319-3744

FN: 0002866