

CONCURRENCE IN SENATE AMENDMENTS

AB 383 (Davies)

As Amended July 16, 2025

Majority vote

SUMMARY

This bill would authorize the issuance of a search warrant for minors unlawfully in possession of a firearm, expand the exemptions prohibiting minors from possessing firearms, apply existing firearms relinquishment procedures to adjudicated minors, and disarm certain adjudicated minors until age 30.

Senate Amendments

Clarify that existing, defined firearms relinquishment laws apply to adjudicated minors, while disarming certain adjudicated minors until age 30.

COMMENTS

As passed by the Assembly: This bill would authorize the issuance of a search warrant for minors unlawfully in possession of a firearm, expand the exemptions prohibiting minors from possessing firearms, apply existing firearms relinquishment procedures to adjudicated minors, and disarm certain adjudicated minors until age 25 or age 30.

Major Provisions

- 1) Stated that a search warrant may be issued when property to be seized includes "ammunition" and "ammunition and firearm", the person owning or possessing those items is subject to a protective order, and the person has not relinquished the items pursuant to a court order.
- 2) Stated that a search warrant may be issued when property to be seized includes a firearm *or ammunition or both* that is owned by, or in the possession of, a person subject to a prohibition of firearms and has failed to relinquish the firearm pursuant to a court order, where the person is subject to a valid temporary restraining order, injunction, or protective order, as defined, from any jurisdiction.
- 3) Exempted minors taking part in "hunting activities or hunting education" from the law prohibiting minors from possessing any firearm, where the minor has the prior written consent of a parent or legal guardian, the minor is on lands owned or lawfully possessed by the parent or legal guardian, and the minor is actively engaged in, or is in direct transit to or from, a lawful, recreational activity.
- 4) Included minors adjudicated for various offenses, as defined, in the existing statute that requires a person convicted of those offenses to relinquish all firearms they own, possess, or have under their custody or control within 48 hours of the conviction or adjudication if the person remains out of custody, or within 14 days of the conviction or adjudication if the defendant person is in custody.
- 5) Requires the court to instruct minors adjudicated for various offenses, as defined, that they are prohibited from owning, purchasing, receiving, possessing, or having under their custody

or control, any firearms, ammunition, and ammunition feeding devices, and magazines, and shall order the person to relinquish all firearms.

- 6) Required retention of a relinquished firearm when an adjudicated minor provides written notice of an intent to appeal an adjudication.
- 7) Authorized the courts to grant use immunity where a person refuses to relinquish possession of a firearm or ammunition based on assertion of the right against self-incrimination, as provided by the Fifth Amendment to the United States Constitution and Section 15 of Article I of the California Constitution.
- 8) Mandated that a minor be dispossessed of a firearm until age 30, where the minor is adjudicated for certain felony violations, as defined, certain misdemeanor offenses, as defined, certain repeat misdemeanors, specific violent offenses, illegally transporting a machine gun, and illegally modifying a firearm.
- 9) Mandated that a minor be dispossessed of a firearm until age 25, where the minor is adjudicated for minor in possession of a handgun.
- 10) Clarified that the provisions of this bill are severable, to maintain the validity of remaining provisions should any of this bill be deemed invalid.

According to the Author

"Minors who break the law may not have the maturity or responsibility needed to handle firearms safely. In many cases, young people might not fully understand the consequences of their actions with firearms, increasing the risk of harm to themselves and others. AB 383 is a common-sense measure to guarantee that our justice system truly does have a blind eye and ensures that no matter where a minor is adjudicated or convicted, they have the same consequences as someone who is convicted of the same crime. This bill is necessary to keep our neighborhoods and communities safe from those who threaten or do not respect our firearm laws."

Arguments in Support

According to the *Orange County District Attorney's Office*, which is the sponsor of the bill, "This bill is a necessary step to close a loophole in existing law and ensure consistency in firearm restrictions for both juvenile and adult offenders."

"Currently, individuals convicted of a felony in California are prohibited from owning or possessing firearms under Penal Code Section 29810. However, this restriction does not apply equally to juveniles, as their cases are categorized as adjudications rather than convictions. AB 383 would address this gap by amending Penal Code Section 29810 to include juvenile adjudications, thereby extending firearm prohibitions to these individuals and to help protect public safety."

"Ensuring that juveniles who have committed serious offenses are prohibited from possessing firearms until the age of 30 is a crucial measure to enhance community safety. By preventing access to firearms, AB 383 helps reduce the risk of gun violence among this demographic."

Arguments in Opposition

According to the *California Public Defenders Association (CDFA)*, "AB 383 would expand the firearm possession prohibition until age 30 to include youth who are adjudged wards for simple possession of live ammunition without anything more. This offense is typically a misdemeanor offense, unless the youth is a repeat offender.

"While AB 383 may be a well-intentioned effort to enhance public safety, this bill fails to adequately consider the collateral consequences for youth who become justice-involved for a relatively minor offense. Critically, this bill would negatively impact youth who want to pursue careers in law enforcement, the military, or security. Such careers which would not be otherwise barred by a juvenile misdemeanor possession of ammunition, would be barred by AB 383. There is no exception for youth once the prohibition on firearms is in effect and last until the youth turns 30 years old.

"Additionally, by extending restrictions to juveniles who are not engaged in violent conduct, AB 383 may contribute to the over-criminalization of youth. Rather than imposing harsher penalties and broader restrictions, we should focus on alternative interventions that address the root causes of gun violence and reduce the likelihood of reoffending, such as mental health services, educational opportunities, and community-based youth programs."

FISCAL COMMENTS

According to the Senate Appropriations Committee:

- 1) Unknown, potentially significant costs to the state funded trial court system (Trial Court Trust Fund, General Fund) to adjudicate the criminal penalties in this bill. Defendants are constitutionally guaranteed certain rights during criminal proceedings, including the right to a jury trial and the right to counsel (at public expense if the defendants are unable to afford the costs of representation). Increasing penalties leads to lengthier and more complex court proceedings with attendant workload and resource costs to the court. The fiscal impact of this bill to the courts will depend on many unknowns, including the numbers of people charged with an offense and the factors unique to each case. An eight-hour court day costs approximately \$10,500 in staff in workload. This is a conservative estimate, based on the hourly rate of court personnel including at minimum the judge, clerk, bailiff, court reporter, jury administrator, administrative staff, and jury per-diems. If court days exceed 10, costs to the trial courts could reach hundreds of thousands of dollars. While the courts are not funded on a workload basis, an increase in workload could result in delayed court services and would put pressure on the General Fund to fund additional staff and resources and to increase the amount appropriated to backfill for trial court operations.
- 2) Unknown, potentially significant costs (General Fund) to the Department of Corrections and Rehabilitation (CDCR) to incarcerate people for the crimes created by this bill. The Legislative Analyst's Office (LAO) estimates the average annual cost to incarcerate one person in state prison is \$133,000. The annual cost of operating a mental health crisis bed at CDCR is around \$400,000. As part of the ongoing Coleman court case, CDCR has been incurring fines monthly since April 2023 for failing to reduce vacancy rates for five mental health classifications. The state has paid over \$200 million in fines to date, and is still accruing fines. Thus, if even if just one person is sentenced to state prison for one year under this bill, it will add significant costs pressures to CDCR.

- 3) Unknown, potentially significant costs (local funds, General Fund) to the counties to incarcerate people for the crimes in this bill. The average annual cost to incarcerate one person in county jail varies by county, but likely ranges from \$70,000 to \$90,000 per year. For example, in 2021, Los Angeles County budgeted \$1.3 billion for jail spending, including \$89,580 per incarcerated person. Actual incarceration costs to counties will depend on the number of convictions and the length of each sentence. Generally, county incarceration costs are not reimbursable state mandates pursuant to Proposition 30 (2012).
- 4) The Department of Justice indicates no fiscal impact. The DOJ notes that while the impact of AB 383 would not pose a significant impact to the DOJ, as numerous bills this session may result in no significant impact to the DOJ, should an aggregate of these bills chapter, the DOJ would submit a workload BCP for additional resources to process the increase to the DOJ workload.

VOTES:

ASM PUBLIC SAFETY: 8-0-1

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

ABS, ABST OR NV: Ramos

ASM APPROPRIATIONS: 14-0-1

YES: Wicks, Arambula, Calderon, Caloza, Dixon, Elhawary, Fong, Mark González, Hart, Pacheco, Pellerin, Solache, Ta, Tangipa

ABS, ABST OR NV: Sanchez

ASSEMBLY FLOOR: 69-1-9

YES: Addis, Aguiar-Curry, Ahrens, Alanis, Alvarez, Arambula, Ávila Farías, Bains, Bauer-Kahan, Bennett, Berman, Boerner, Calderon, Caloza, Carrillo, Castillo, Chen, Connolly, Davies, Dixon, Ellis, Flora, Fong, Gabriel, Gallagher, Garcia, Gipson, Jeff Gonzalez, Mark González, Haney, Harabedian, Hart, Hoover, Irwin, Jackson, Krell, Lackey, Lowenthal, Macedo, Muratsuchi, Nguyen, Pacheco, Papan, Patel, Patterson, Pellerin, Petrie-Norris, Quirk-Silva, Ramos, Ransom, Michelle Rodriguez, Rogers, Blanca Rubio, Sanchez, Schiavo, Schultz, Sharp-Collins, Solache, Soria, Stefani, Ta, Tangipa, Valencia, Wallis, Ward, Wicks, Wilson, Zbur, Rivas

NO: McKinnor

ABS, ABST OR NV: Bonta, Bryan, DeMaio, Elhawary, Hadwick, Kalra, Lee, Ortega, Celeste Rodriguez

UPDATED

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