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## SENATE COMMITTEE ON APPROPRIATIONS

Senator Anna Caballero, Chair  
2025 - 2026 Regular Session

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### AB 383 (Davies) - Firearms: prohibition: minors

**Version:** July 16, 2025

**Urgency:** No

**Hearing Date:** August 18, 2025

**Policy Vote:** PUB. S. 6 - 0

**Mandate:** Yes

**Consultant:** Liah Burnley

**Bill Summary:** AB 383 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.

#### Fiscal Impact:

- 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.
- 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.
- 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).

- 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.

**Background:** In juvenile court, the final disposition of a criminal case is called an adjudication. Under existing law, some adult convictions and juvenile adjudications require the courts to impose a mandatory prohibition on owning or possessing a firearm. For example, a juvenile who is adjudicated for murder, attempted murder, or voluntary manslaughter may not own or possess a firearm until they reach the age of 30. An adult convicted of any of these offenses is prohibition from owning or possessing firearms for the rest of their life. Most adult misdemeanor convictions result in a 10-year firearms prohibition.

The question of whether a person convicted of a crime can be prohibited from owning a firearm is being actively litigated both within the state and nationally. California's existing firearms prohibitions for juveniles have been upheld by the courts. Courts have also recognized that there are limits to the constitutionality of the state's ability to prohibit felons from possessing firearms. However, since those cases were decided, the U.S. Supreme Court has significantly changed the standard for determining whether a firearm restriction is constitutional. In 2022, the U.S. Supreme Court held that a court should uphold a restriction on someone's right to bear arms only if there is a tradition of similar regulation in U.S. history. (*NYSRPA v. Bruen* (2022) 142 S.Ct. 2111.)

#### **Proposed Law:**

- States 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.
- States 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.
- Exempts 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.

- Includes 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.
- 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.
- Requires retention of a relinquished firearm when an adjudicated minor provides written notice of an intent to appeal an adjudication.
- Authorizes 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.
- Mandates 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.
- Clarifies that the provisions of this bill are severable, to maintain the validity of remaining provisions should any of this bill be deemed invalid.

**Related Legislation:** SB 899 (Skinner), Chapter 544, Statutes of 2024, among other provisions, established uniform firearm relinquishment procedures for each adult subject to a firearms prohibition due to a criminal conviction.

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