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February 7, 2013

To: Supervisor Mark Ridley-Thomas, Chairman
Supervisor Gloria Molina
Supervisor Zev Yaroslavsky
Supervisor Don Knabe
Supervisor Michael D. Antonovich

From: William T Fujioka
Chief Executive Officer

**MOTION TO SUPPORT SB 140 TO AMEND THE STATE BUDGET ACT OF 2012 TO REVISE AN APPROPRIATION TO THE DEPARTMENT OF JUSTICE RELATED TO THE ARMED PROHIBITED PERSONS SYSTEM (LENO AND STEINBERG) (AGENDA ITEM NO. 6, MEETING OF FEBRUARY 12, 2013)**

Item No. 6 on the February 12, 2013 Agenda is a motion by Supervisor Antonovich to support SB 140 (Leno and Steinberg) which proposes to allow the California Department of Justice to utilize additional Dealers' Record of Sale Special Account funds for the limited purpose of reducing the Armed Prohibited Persons System (APPS) backlog, which tracks handgun and assault weapon owners who might be on prohibited status.

Currently, the Department of Justice (DOJ) operates an automated system to track owners of handgun and assault weapons who might be prohibited from owning or possessing those firearms. That database, the Armed Prohibited Persons System (APPS), cross-references all handgun and assault weapons in the State against criminal history records to determine if a person falls into a prohibited status subsequent to their legal acquisition or registration of their firearm.

According to the Department of Justice, the list of armed prohibited persons grows by about 15 to 20 per day and there are currently more than 19,000 armed prohibited persons in California. These individuals are collectively estimated to possess over 34,000 handguns and close to 1,600 assault weapons. The DOJ indicates that neither they nor local law enforcement have adequate resources to track down and confiscate the backlog of weapons belonging to prohibited persons.

Existing law authorizes the Department of Justice to require firearm dealers to charge a firearm fee to fund the processing of the purchaser information. In addition, existing law authorizes the DOJ to charge a fee to reimburse the Department for the costs associated with the preparation, processing, and filing of specified forms or reports and the costs associated with the submission of a dealer's record of sale. All funds received pursuant to these provisions are deposited in the Dealers' Record of Sale Special Account of the State General Fund to be available, upon appropriation by the Legislature, for the DOJ to offset specified costs.

SB 140 (Leno and Steinberg), as introduced on January 29, 2013, would amend the State Budget Act of 2012 by revising an item of appropriation for the Department of Justice. Specifically, SB 140 would appropriate additional funds to the DOJ from the Dealers' Record of Sale Special Account for the limited purpose of addressing the current APPS backlog. As introduced, SB 140 does not identify the amount of additional funds that would be appropriated to address the APPS backlog.

SB 140 is an urgency measure and is currently in the Senate pending referral to committee.

As there is no specific Board-approved policy related to State Budget appropriations to address the confiscation of firearms from prohibited persons, **approval of this motion is a matter of Board policy determination.**

We will continue to keep you advised.

WTF:RA
MR:KA:ma

c: Executive Office, Board of Supervisors
County Counsel