

Initiative 23-0033

RECEIVED

October 24, 2023

Oct 30 2023

Anabel Renteria
Initiative Coordinator
Office of the Attorney General
1300 I Street, 17th Floor
Sacramento, CA 95814-2919

INITIATIVE COORDINATOR
ATTORNEY GENERAL'S OFFICE

Re: **Request for Title and Summary for Proposed Initiative**

Dear Ms. Renteria:

Pursuant to Article II, Section 10(d) of the California Constitution, I submit the attached proposed Initiative, entitled the "Gun Safety Accountability Act 2024" to your office and request that your office prepare a title and summary. Included with this submission is the required proponent certifications pursuant to sections 9001 and 9608 of the California Elections Code, along with a check for \$2,000.00.


As a proponent of this initiative, I hereby designate George Yin, the attorneys of Kaufman Legal Group, Leo Briones, and their designees, as my representatives for all purposes related to qualifying this initiative. All official correspondence relative to this initiative should be directed to George Yin, Kaufman Legal Group, 777 S. Figueroa Street, Suite 4050 Los Angeles, CA 90017, E-mail: gyin@kaufmanlegalgroup.com.

My "public contact information" relative to this initiative is:

Jeffrey Francis Rosen
c/o George M. Yin
Kaufman Legal Group
777 S. Figueroa Street, Suite 4050
Los Angeles, CA 90017
Tel: (213) 452-6565
E-mail: gyin@kaufmanlegalgroup.com

Thank you for your assistance.

Very truly yours,



Jeffrey Francis Rosen
Proponent

THE GUN SAFETY ACCOUNTABILITY ACT 2024

This initiative measure is submitted to the people in accordance with the provisions of Article II, Section 8 of the California Constitution.

This Act amends and adds to various sections of the California Code; therefore, existing provisions proposed to be deleted are printed in ~~strikeout~~ type, and amended provisions proposed are printed in *italicized* type to indicate that they are amended.

SECTION 1. Name.

This act shall be known as the Gun Safety Accountability Act 2024.

SECTION 2. Findings and Purpose.

The People of California find and declare that:

- (a) Gun violence and mass shootings take a brutal toll on the People of the State of California. According to The California Department of Justice (DOJ) a firearm kills a Californian every three hours. The fiscal cost of gun violence is also devastating as the DOJ estimates gun violence costs taxpayers \$18 billion each year.
- (b) The Gun Safety Accountability Act 2024 (the “GSAA” or “Act”) will take judicious and evidence-based steps to help stop mass shootings before they happen, solve gun crimes that occur, and provide humane and secure support for victims of gun violence.
- (c) The GSAA will help prevent gun violence by enacting a series of reforms to require the development and prioritization of evidence-informed strategies to reduce the likelihood of gun violence.
- (d) The GSAA will ensure referral to mental health intervention specialists for any individual under Court order to relinquish firearms.
- (e) The State of California will henceforth require all registered firearms to obtain a California Gun License to be renewed annually. As a requirement for this license, the GSAA will require eight hours of gun safety training, a written test, and an in-person gun safety test.
- (f) The GSAA will help prevent future gun crimes by requiring ballistic testing of firearms and shell casings recovered from crime scenes to solve past gun crimes.

- (j) GSAA will increase gun safety. The Act will require fitting all firearms with a trigger lock or other safety device so that only the owner or other authorized user may operate the firearm, thereby reducing the risk of accidental deaths, suicides, and firearm theft. The GSAA will require all gun users to use the lock when the firearm is not in use.
- (k) The GSAA will help our communities heal from gun violence. The GSAA will establish Victim Resiliency Centers statewide for victims of gun violence and provide funding for immediate statewide restitution to help victims of gun crimes maintain stable mental health and basic economic viability.
- (l) GSAA will create a “Special Tax” to fund the critical gun safety programs created in the GSAA.
- (m) In the spirit of California’s historic and enduring commitment to governmental accountability, the Act will establish an appointed body to be named the GSAA’s Citizen’s Oversight Committee (COC-GSAA). The COC-GSAA will advise the Board of State and Community Corrections, hereinafter referred to as BSCC, on the critical gun safety programs and policies as created in the GSAA.
- (n) The GSAA will require that the Attorney General contact gun owners regularly to communicate lifesaving public service information about gun safety, such as suicide prevention, restraining order assistance, safe gun storage resources, and changes in state or local gun laws.
- (o) Gun regulations save lives. The practical evidence-informed measure created by GSAA will drive down gun violence and make our communities safer.

SECTION 3: Citizen’s Oversight Committee (COC-GSAA)

Section 34210 is added to the Penal Code to read:

34210.

- (a) The California Attorney General is authorized to create the Citizen’s Oversight Committee of the Gun Safety Accountability Act 2024 (GSAA), hereinafter referred to as “COC-GSAA.”
- (b) For the purposes of this code, “evidence-informed practices” is defined as a research approach that involves an ongoing, critical review of research literature to determine what information is credible, what policies and practices would be most effective given the best available evidence and involving rigorous quality assurance and evaluation to ensure that practices are replicated with fidelity and that new practices are evaluated to determine their effectiveness.

(c) The COC-GSAA shall advise the Board of State and Community Corrections (hereinafter referred to as BSCC) on the selection of grants to support the delivery or rigorous evaluation of evidence-informed practices for programs established or funded by the GSAA for programs.

(d) Appointment. The COC-GSAA shall consist of ten members. Each of the following persons shall have appointments to the COC-GSAA board: the Governor, the Attorney General, and the Lieutenant Governor. There shall also be a "Citizens' Victims Advocate" member, to be appointed by a majority vote of the COC-GSAA board.

(e) Duties. In advising the BSCC, or any successor agency, on the selection and rigorous evaluation of evidence-informed practices, the COC-GSAA shall engage in the following activities:

(1) Review governmental and non-governmental clearinghouses of evidence-informed practices and other relevant evidence sources relating to effective practices in the mission areas of the GSAA.

(2) Review any relevant, credible experimental studies for each such practice.

(3) Seek input, as appropriate, from subject matter experts in the particular field of the practice.

(4) Provide summaries of relevant, evidence-informed findings, public health statistics, and other information to inform the annual notification to firearm owners and encourage the timely, public dissemination of the full findings from all relevant research.

(5) The COC-GSAA shall have an independent fiscal audit of all GSAA grant programs in the second year of the implementation of GSAA. The fiscal audit shall then be conducted every third year in perpetuity. The results of this fiscal audit shall be posted online on the COC-GSAA's website.

(A) Additionally, the COC-GSAA shall prepare a report annually that details the yearly findings from rigorous program evaluations of the individual GSAA-funded programs. This shall include research directly conducted by the Attorney General's Research Center and other commissioned research, including a review of all programs funded by the "Special Tax". This report and a presentation of key findings shall be the subject of at least one public hearing of the COC-GSAA.

(f) Clearinghouse. In undertaking the rigorous program evaluations required above, the COC-GSAA shall:

(1) Consider whether a clearinghouse for program impact data should be established, determine how to create such a clearinghouse, and evaluate what administrative data are relevant for program evaluation and state policymaking that should be included in a potential clearinghouse;

(2) Assess the legal and administrative barriers to including or linking these data for research purposes;

(A) Which types of researchers, officials, and institutions should have access to data, and what the qualifications of the researchers, officials, and institutions should be;

(B) What limitations should be placed on the use of the data provided; data provided;

(C) How to protect information and ensure individual privacy and confidentiality; and

(D) How data and results of rigorous research studies can be used to inform program administrators and policymakers to improve program design, implementation, adaptations, and dissemination.

(E) Carry out any other activities determined appropriate by the BSCC in the execution of oversight of the relative effectiveness of the interventions delivered through the various programs created by GSAA.

(g) Fiscal Authority. The COC-GSAA shall advise the BSCC in the overall implementation of this Act. A General Fund loan shall be authorized upon request of the Department of Finance for the start-up costs associated with this Act. The BSCC shall coordinate this activity.

(h) Terms: Vacancies. Each member shall be appointed for staggered three-year terms. Any vacancy on the COC-GSAA shall not affect its powers and shall be filled in the manner with which the original appointment was made.

(i) Funding. The COC-GSAA shall be funded by revenues collected in the Special Tax (SECTION 8 of the GSAA) transferred to the Department of Treasury in a fund called Gun Safety Accountability Fund, as well as reasonable administrative costs incurred by the BSCC and California Department of Justice. Members of the COC-GSAA shall serve without pay. Each member of the COC-GSAA shall be allowed travel expenses, including per diem in lieu of subsistence, at rates authorized for employees of agencies of the State of California while away from their homes or regular places of business in the performance of services for the COC-GSAA.

Section 34211 is added to the Penal Code to read:

(a) The COC-GSAA shall use the following criteria for all evidence-informed analysis:

(1) Include random assignment whenever feasible or other research methods that allow for the strongest possible causal inferences when random assignment is not feasible; and

(2) Generate evidence on the impact of specific projects, interventions or program models, or groups of projects with identical (or nearly identical) service components and protocols.

(b) Definitions

(1) “Evidence-informed” refers to policies, procedures, programs, and practices demonstrated by rigorous scientific evidence to produce meaningful improvements in people’s lives.

(2) “Proven-effective intervention” means an intervention that demonstrates strong evidence of a sizable and sustained effect on an outcome of clear relevance to the purpose of Gun Safety Accountability Act 2024 (“GSAA”) that; has been:

(A) replicated across 2 or more high-quality experimental, randomized controlled trials or across multiple sites in a single high-quality multi-site experimental randomized controlled trial; and

(B) verified by the GSAA’s COC-GSAA, including experts with deep experience with statistical methods and rigorous program evaluation, who have reviewed any corresponding study.

(C) A government or other organization desiring a grant under GSAA shall submit an application to the BSCC that—

(i) Describe the program model, strategy, or intervention.

(ii) Provides prior evidence from rigorous evaluations capable of drawing causal conclusions on the program model’s impact, or provides a compelling rationale that the program model is likely to produce the desired outcome(s), on key outcomes relevant to the purposes of the GSAA.

(iii) Describes the evidence-based methodology and outcome measures that shall be used to evaluate the program funded with a grant under this section and

specifically explains how such measurements shall provide valid measures of the program's impact as implemented under the GSAA.

(c) The BSCC may make a grant to an applicant under this section only if the applicant provides consent to participate in an independent evaluation of the program model that includes, to the maximum extent possible, random assignment and controlled studies to determine the effectiveness of such programs.

SECTION 5. Innovation Fund

Section 34212 is added to the Penal Code to read:

34212.

The California Attorney General is authorized to create the Gun Safety Accountability Innovation Fund as follows:

(a) Establishment. Not later than 6-months after the date of enactment of this section, BSCC in consultation with the Citizen's Oversight Committee ("COC-GSAA"), established in Section of 34210 of the Penal Code, shall establish a program under which the Attorney General shall award early-phase and late-phase grants, as set forth in subdivision (c) of this section, on a competitive basis, to eligible entities to increase the number of interventions that produce meaningful reductions in gun violence as demonstrated in well-conducted rigorous program evaluations. If the Department of Treasury has not yet transferred funds from the 'GSAA Special Tax' the Department of Treasury shall provide a loan to the COC-GSAA for requested amounts. That loan will be reimbursed to the Department of Treasury within thirty days of the transfer or at the earliest feasible date.

(b) Use of Grant Funds.

(1) Early-phase grants. An eligible entity may use an early-phase grant to fund the development, implementation, and initial evaluation of an intervention that, based on prior research on the intervention or related interventions or findings from research literature, shows potential to qualify as a proven and effective intervention, as defined in Section 34211(c)(2) of the Penal Code.

(2) Late-phase grants.

(A) In general. An eligible entity may use a late-phase grant to fund the implementation, expansion, and rigorous evaluation of an intervention that, based on the findings of any initial evaluation conducted under paragraph

(B) or other evaluation, shows strong potential to qualify as a proven-effective intervention.

(C) Rigorous evaluation. A rigorous evaluation under subparagraph (A) shall:

(i) use a randomized, experimental methodology whenever feasible, or other research methods that allow for the strongest possible causal inferences when random assignment is not feasible; and

(ii) be designed to qualify an intervention as a proven-effective intervention as set forth in Penal Code Section 34211 if such evaluation finds sizable, sustained, and replicated effects on important outcomes of clear relevance to the purpose of the GSAA; and

(I) to measure the per-participant cost of delivering the intervention.

(c) Administrative costs. An eligible entity may use not more than 10 percent of an early-phase or late-phase grant for costs attributable to providing or obtaining general technical assistance, outcomes-focused technical assistance, performance management, data analysis, and analytics at the State and local level to improve the implementation of and outcomes generated by activities funded under this section, including by measuring, addressing, or reducing disparities related to socioeconomic status, race, ethnicity, gender, neighborhood, immigration status, or other factors.

(d) Selection Priority.

(1) In general. Subject to paragraph (2), in awarding an early-phase or late-phase grant under this part, the Program Secretaries shall each:

(A) The programs authorized by the provisions of GSAA additions and amendments to the state Penal and Family Codes shall be funded by “Gun Safety Accountability Act Fund” fund. In the case that “Gun Safety Accountability Act Fund” exceeds funds needed to fulfill GSAA programmatic needs, those extra funds shall awarded to the BSCC to be used for California Violence Intervention and Prevention (CalVIP) Grant Program, to fund CalVIP Grants and administration and evaluations of CalVIP-supported programs, in accordance with Title 10.2 (commencing with Section 14130) of Part 4 of the Penal Code. If FSCRF funds have a shortfall, then GSAA authorizes the COC-GSAA to request the BSCC to authorize funds from section 36005 of the Gun Violence Prevention and School Safety Fund to cover those deficits.

(B) consider any intervention that is designed to produce outcomes of clear relevance to the purpose of GSAA; and

(C) give favorable consideration to any application that demonstrates—

- (i) a sustainability plan, with a likelihood that programs and services proposed may continue to serve additional individuals beyond the end of the duration of the grant;
- (ii) a focus on strong partnerships and buy-in from key stakeholders in any community where services shall be delivered;
- (iii) support by relatively stronger and more rigorous evidence, including evaluations that have established or are highly suggestive of a causal connection between the intervention and important life outcomes; or
- (iv) a well-crafted proposal and plan for an independent evaluation, including a designated evaluator as part of the application.

(D) No Matching Requirement. The BSCC shall not require an eligible entity to provide matching funds as a condition of receiving an early-phase or late-phase grant but shall be permitted to give favorable consideration to any application that provides matching funds as part of its application to BSCC.

(E) Technical Assistance. The BSCC, in conjunction with COC-GSAA shall, upon request, provide technical assistance to any eligible entity awarded an early-phase or late-phase grant under this part to ensure that any evaluation of an intervention under this part is rigorously designed and produces valid results.

(h) Grantee reports. Not later than 90 days after the conclusion of the period described in subsection (e), each eligible entity awarded an early-phase or late-phase grant under this part shall submit to the BSCC a report on the activities carried out with such grant funds.

(i) Report to Citizen's Oversight Committee. Not later than 180 days after the submission of the last grantee report required under paragraph (1), the BSCC shall submit to the COC-GSAA a report summarizing the grantee reports, together with such recommendations as the BSCC determines to be appropriate.

SECTION 6: California Firearms License and Registration

Section 30372.1 is added to the Penal Code to read:

30372.1

(a) As of July 1, 2027, all those who currently own a firearm or who purchase a firearm and those who establish residence in California and transport their firearms interstate shall be required to maintain an up-to-date California Firearm License and Registration, henceforth referred to as "license." The California Department of Justice shall begin to issue an annual firearm license to all currently registered and new firearm owners.

(b) In the case that individuals own more than one firearm, they shall need to register each eligible firearm. They shall also be required to pay the requisite annual fee and taxes described in Section 7(a) and Section 8(f) of the GSAA. for each firearm they register.

(c) As a requirement to obtain the license, all firearm owners, as defined in (a) must complete at least eight hours of training conducted by a Department of Justice (DOJ)-certified firearms training school hereinafter referred to as "training school." Payment of this training class shall be the responsibility of those seeking to receive or renew a "license."

(1) The eight hours of training shall educate firearm registrants on topics including 1) Federal, State, and Local firearm laws; 2) safe storage requirements; 3) basic firearm safety and restrictions on use; 4) Operating firearms and ammunition functions; 5) importance of proper cleaning and maintenance; 6) suicide prevention education and resources; 7) mental health education and resources.

(d) In order to maintain a current California firearm license, all firearm owners must pay the annual fee and taxes described in Section 26190.2 for each individual firearm they own. In order to obtain a renewed gun license, registered firearms owners must pass a written and oral test administered by a DOJ-certified training school every three years. The training school shall be responsible for electronically submitting certificates to CA Department of Justice.

(e) As a requirement of the license, all registrations shall contain a description of the firearm or firearms that identify it uniquely, including the serial number, the full name, address, date of birth, and thumbprint of the owner, and any other information that the Department of Justice may deem appropriate.

(f) The California Department of Justice grants authority to and shall provide a list of those obtaining a "license" every calendar quarter to the California Department of Tax and Fee Administration (CDTFA) to collect the annual fees and taxes as described in SECTION 8 and SECTION 9.

(g) The California Department of Justice (DOJ) maintains a record of gun owners through the California Firearms Application Reporting System (CFARS). Current records of licenses shall be stored in the CFARS system. CFARS shall run quarterly cross-references of gun registration against licenses to check for license compliance. For the purposes of this provision, a DOJ-issued gun license or a DOJ-issued receipt of completion shall be considered compliance. If any owner of a firearm fails to comply with the provision of Section 30372.1 of the Penal Code the following shall ensue:

(1) CA Department of Justice shall mail the registrar via USPS a letter detailing their failure to comply notice. The registrant shall also be given instructions for compliance. They shall also be given thirty business days to reach full compliance.

(2) After thirty business days, if the firearm owner has not complied or ignored the notice, a letter with this information shall be sent to the District Attorney's Office in the jurisdiction where the firearm owner resides.

(3) Failure to comply with the requirement to obtain a license for a firearm under Penal Code Section 30372.1 within thirty days of notice to the firearm owner shall be an infraction punishable by a fine not to exceed \$50.

(4) Failure to comply with the requirement to obtain a license for a firearm within 30 days after a conviction for an infraction for failure to comply with the requirement to obtain a license for a firearm is a misdemeanor punishable by up to 3 months in the County Jail, a fine not to exceed \$500, or both. The court may consider imposing at the time of sentencing for this misdemeanor a prohibition on possessing firearms or ammunition for up to one year.

(5) Actions contained in subparagraphs (2) through (4), inclusive, shall not be taken until after January 1, 2027, or after such time as DOJ makes a determination that sufficient capacity exists for requirements of licensure to be fulfilled. The DOJ shall make every attempt to contact the gun owner before the matter is referred to the District Attorney's office.

(h) Individuals who currently have a lawful concealed carry weapon permit (Sections 26150-26225 of the Penal Code) are exempt from the training requirements of this provision but are required to pay the requisite annual fee and taxes described in Section 26190.2(b). Notwithstanding this subdivision (h), individuals authorized to carry concealed firearms are not exempt from the concealed carry weapon training of their jurisdiction as set forth in Section 26165 California Penal Code Section 26165)

(i) Active "sworn officers" of the following local, state, and federal law enforcement agencies will be exempt from the mandatory training provision for registration. Sworn officers include:

(1) Municipal or city police departments

- (2) County Sheriff and Correctional Departments
- (3) The California Highway Patrol (CHP)
- (4) Special Agents of the Federal Bureau of Investigation (FBI)
- (5) Special Agents of the Bureau of Alcohol, Tobacco, Firearms Explosives (ATF)
- (6) Special Agents of the United States Marshals Service
- (7) The Drug Enforcement Administration (DEA)
- (8) Special Agents of the United States Customs and Immigration Service
- (9) Special Agents of the Transportation and Security Administration (TSA)
- (10) Special Agents of the United States Secret Service
- (11) Special Agents of the Department of Homeland Security (DHS)
- (12) Special Agents of the US Customs and Border Protection
- (13) Special Agents of the United States Citizen's and Immigration Services
- (14) Special Agents/Game Wardens of the U.S. Fish and Wildlife Service
- (15) Correctional Officers of the California Department of Corrections and Rehabilitation
- (16) Game Wardens of the California Department of Fish and Game

(j) On-duty firearms, or any other "sworn officers" of the mentioned agencies, exempt from the fees and tax described in Penal Code section 26190.2(a). However, no privately owned firearms are exempt from any of the educational and financial obligations of the License.

(k) An application for a License will be denied or revoked if the Department of Justice determines that a licensee is prohibited by state or federal law from owning or purchasing firearms or the local licensing authority determines that the person is prohibited by state or federal law from possessing, receiving, owning, or purchasing a firearm.

Section 26840 of the Penal Code is amended to read:

26840.

~~(a) A dealer shall not deliver a firearm unless the person receiving the firearm presents to the dealer a valid firearm safety certificate, or, in the case of a handgun, an unexpired handgun safety certificate. The firearms dealer shall retain a photocopy of the firearm safety certificate as proof of compliance with this requirement.~~

~~(b) This section shall become operative on January 1, 2015.~~

(a) A dealer shall not deliver a firearm unless the person receiving the firearm presents to the dealer a valid California Gun License or, in the case of a handgun, an unexpired handgun safety certificate. The firearms dealer shall retain a photocopy of the California Gun License as proof of compliance with this requirement.

(b) This section shall become operative on January 1, 2027.

(1) The licensing requirements provided in this section shall not replace nor be deemed to conflict with any of the provisions for the firearm safety certificate (FSC) set forth in Penal Code section 26840. The Attorney General may promulgate regulations to integrate existing firearm safety requirements with the requirement in 26190.2 of this Act.

SECTION 7: California Firearms License Fee

Section 26190.2 is added to the Penal Code to read:

26190.2.

(a) The California Department of Justice shall require an annual fee for the “license” of up to thirty-five dollars (\$35) per firearm, indexed for inflation, but not to exceed the reasonable processing costs of the Department of Justice and the California Department of Tax and Fee Administration (CDTFA). After the department establishes fees sufficient to reimburse the department and CDTFA for processing costs, fees charged shall increase at a rate not to exceed the California Consumer Price Index for the prior year, as calculated by the Department of Finance or as otherwise increased through the annual Budget Act but not to exceed the reasonable costs of administering the license.

(b) The fee will be administered and collected by CDTFA

(c) The fee amounts charged and collected shall be in accordance with a schedule of fees prescribed by the Attorney General. Fees may vary according to the cost of administering the licensing program. Fees shall be set in an amount that will defray the reasonable regulatory costs incurred by the Department of Justice and reimbursements to affected departments in administering the licensing program but shall not exceed these reasonable regulatory costs. These regulatory costs shall be determined in accordance with California Revenue and Taxation Code Section 19528.

(d) All fees collected pursuant to this section shall be deposited in the “Firearms License Fee Fund,” which is hereby created in the State Treasury.

SECTION 8: Gun Safety Accountability Act Special Tax

This Section shall be codified as a new provision of the Revenue and Taxation Code in a place as deemed appropriate.

There is hereby established in the State Treasury the “Gun Safety Accountability Act Fund” to receive moneys pursuant to this Section.

(a) All moneys in the Gun Safety Accountability Act Fund, including interest or dividends earned by the fund, shall be distributed annually in accordance with the allocation formula provided in subdivision (c).

(b) Moneys in the Gun Safety Accountability Act Fund shall be annually allocated in the following order after covering all reasonable costs associated with the administration of this Section and operating expenses of the COC-GSAA (as defined in the Penal Code including Section 34210 of the Penal Code), including periodic fiscal audits:

(1) Thirty-three percent annually to counties for mental health treatment for individuals ordered to relinquish their guns. Cost to cover sessions and administration costs.

(2) Five percent annually to the California Department of Justice for grants to local governments to finance the cost for law enforcement agencies to collect firearms, shells, and cartridge casings found at crime scenes and the cost for crime labs to analyze and upload the ballistics images into NIBIN and/or similar shell case matching systems.

(3) Three percent annually to the California Department of Justice to communicate with California registered gun owners and provide information on general gun safety and storage, mental health services, suicide prevention, victim's assistance, and updated California gun laws.

(4) Twenty-five percent annually to the Victims Compensation Board for grants to support a statewide network of Victim Resiliency Centers.

(5) Twenty Percent annually to the Victims Compensation Board to expand restitution benefits to victims of gun violence as defined and other programs as recommended by the COC-GSAA managed by the

(6) Ten Percent annually for the evidence-based and innovation fund as defined in Section 34212 of the Penal Code.

(A) A minimum of \$3 million a year will be automatically granted to the University of California, Davis, California Firearm Violence Research Center for gun violence research.

(7) Four Percent annually to the Department of Justice for grants to support a network of DOJ-approved training and testing centers.

(c) The State Legislature may annually determine adjustments to this schedule through the annual Budget Act to cover eligible costs by allowing transfer up to 10 percent from each subparagraph to another Subparagraph.

(d) The moneys in the Gun Safety Accountability Act shall be subject to appropriation in the annual Budget Act.

(e) The "Special Tax" is hereby imposed annually on all registered firearms.

(f) The California Department of Tax and Fee Administration shall establish the procedures for the collection, administration, and enforcement of the "Special Tax" as follows:

- (1) Registered owners of up to two firearms shall pay a \$25 yearly fee.
- (2) Registered owners of three to six firearms shall pay a \$50 yearly fee.
- (3) Registered users of seven to nine firearms shall pay a \$75 yearly fee.
- (4) Registered owners of ten firearms shall pay a \$100 yearly fee.
- (5) Registered owners of up to ten firearms shall pay a \$100 yearly fee and \$20 for every firearm owned above ten firearms.

(g) The following firearms shall be considered exempt from the "Special Tax":

- (1) California Penal Code section 16170: Defines an antique firearm as any firearm manufactured before January 1, 1899.
- (2) 27 C.F.R. §478.11: Defines a curio or relic firearm as one that is over 50 years old and of special interest to collectors.
- (3) The firearms of individuals, with a valid California Fish and Game Permit as prescribed in 2007 California Fish and Game Code Article 2. Hunting Licenses, shall be considered exempt from SECTION 7: (e) (5) of the "Special Tax."

(h) The CDTFA shall administer and collect the taxes imposed by this part pursuant to the Fee Collections Procedures Law (Part 30 of the Revenue and Taxation Code (commencing with Section 55001)). For purposes of this part, the references in the Fee Collection Procedures Law to "fee" shall include the taxes imposed by this part, and references to "feepayer" shall mean any person liable for the payment of the taxes imposed under this part and collected pursuant to that law.

(i) The CDTFA may prescribe, adopt, and enforce rules and regulations, including emergency regulations as necessary, relating to the administration and enforcement of this part, including, but not limited to, collections, reporting, refunds, and appeals.

(j) The authority of the Department of Justice (DOJ) to share the information described in Penal Code section 30372.1(e) with the CDTFA shall be in addition to, and

notwithstanding any other limitations on, the authority of the DOJ to share that information under any other statute.

(k) All amounts required to be paid pursuant to this Section shall be paid to CDTFA in the form of remittances payable to CDTFA, and those revenues, net of refunds, and costs of administration shall be deposited in the Gun Safety Accountability Act Fund.

(l) Funding for startup and administrative costs for CDTFA and DOJ shall be provided in the form of a loan from the General Fund sufficient to cover the projected administrative costs.

(m) The tax described in the section will expire after July 1, 2037. A report with findings regarding the results and impacts of the funds allocated by this Act shall be prepared no later than January 1, 2036.

SECTION 9: California Attorney General (Department of Justice) Communications

Section 26840.1 is added to the Penal Code to read:

26840.1.

(a) California maintains records of all who have purchased or transferred firearms legally and all known firearms associated with an individual. The Attorney General shall notify gun owners of life-saving public services, safe gun practices, and changes in local regulations or laws that could impact them, and to gain behavioral insights that could help prevent violence in the future.

(b) The Attorney General will provide information and updates related to suicide prevention, restraining order assistance, safe gun storage resources, and changes in state or local gun laws.

(c) This communication will be conducted regularly and will be communicated through USPS by means of a newsletter and posted on the Attorney General's social media handles.

(d) As of January 5, 2026, Penal Code Section 26840.1 will apply to all License holders as detailed in Penal Code Section 30372.1

SECTION 10. Mental Health and "Extreme Risk Protection Order" Reform

Section 18100.2 is added to the Penal Code to read:

18100.2.

(a) When a criminal defendant has been granted mental health diversion pursuant to Penal Code section 1001.36, the court, at the time of dismissal pursuant to 1001.36, shall consider issuing an order prohibiting the defendant from owning, possessing, purchasing, receiving, or attempting to purchase or receive, a firearm or ammunition for a period of up to 10 years, and shall consider issuing any orders described in section (a) for a period of up to 10 years.

Section 18125 of the Penal Code is amended to read:

18125.

(a) A temporary emergency gun violence restraining order may be issued on an ex parte basis only if a law enforcement officer asserts, and a judicial officer finds, that there is reasonable cause to believe both of the following:

(1) The subject of the petition poses an immediate and present danger of causing personal injury to himself, herself, or another by having in his or her custody or control, owning, purchasing, possessing, or receiving a firearm or ammunition.

(2) A temporary emergency gun violence restraining order is necessary to prevent personal injury to the subject of the petition or another because less restrictive alternatives either have been tried and found to be ineffective or have been determined to be inadequate or inappropriate for the circumstances of the subject of the petition.

(b) A temporary emergency gun violence restraining order issued pursuant to this chapter shall prohibit the subject of the petition from having in his or her custody or control, owning, purchasing, possessing, or receiving, or attempting to purchase or receive, a firearm or ammunition, and shall expire 21 days from the date the order is issued.

(c) When serving a temporary emergency gun violence restraining order, a law enforcement officer shall also provide a referral to a mental health, behavioral health, drug, and/or alcohol service that complies with State and Federal statutes, regulations, and other governing requirements. These mental health, behavioral health or drug and alcohol referrals, programs, or services will be provided to all persons served with a gun violence restraining order, regardless of whether the person meets the criteria for mental health evaluation under Section 5150 of the Welfare and Institutions Code or not.

Section 18125.1 of the Penal Code is added to read:

(a) A person subject to a gun violence restraining order issued under this chapter may submit one written request per year during the effective period of the order for a hearing to terminate the order.

(b) If the court finds after the hearing that there is no longer clear and convincing evidence to believe that paragraphs (1) and (2) of subdivision (b) of Section 18175 are true, the court shall terminate the order. The court may consider whether the subject of the order has obtained and fully completed appropriate mental health, behavioral health or drug and alcohol counseling, interventions, programs, or services in considering whether or not there remains clear and convincing evidence to believe that paragraphs (1) and (2) of subdivision (b) of Section 18175 are true. (1) Subdivision (b) will become operative July 1, 2025

(c) This section shall become operative on July 1, 2025

Section 6389 of the Family Code is amended to read:

(a) A person subject to a protective order, as defined in Section 6218, shall not own, possess, purchase, or receive a firearm or ammunition while that protective order is in effect. A person who owns, possesses, purchases, or receives, or attempts to purchase or receive a firearm or ammunition while the protective order is in effect is punishable pursuant to Section 29825 of the Penal Code.

(b) On all forms providing notice that a protective order has been requested or granted, the Judicial Council shall include a notice that, upon service of the order, the respondent shall be ordered to relinquish possession or control of any firearms or ammunition and not to purchase or receive or attempt to purchase or receive any firearms or ammunition for a period not to exceed the duration of the restraining order.

(1) Upon issuance of a protective order, as defined in Section 6218, the court shall order the respondent to relinquish any firearm or ammunition in the respondent's immediate possession or control or subject to the respondent's immediate possession or control.

(2) The relinquishment ordered pursuant to paragraph (1) shall occur by immediately surrendering the firearm or ammunition in a safe manner, upon request of a law enforcement officer, to the control of the officer, after being served with the protective order. A law enforcement officer serving a protective order that indicates that the respondent possesses weapons or ammunition shall request that the firearm or ammunition be immediately surrendered. Alternatively, if a request is not made by a law enforcement officer, the relinquishment shall occur within 24 hours of being served with the order, by either surrendering the firearm or ammunition in a safe manner to the control of local law enforcement officials, or by selling, transferring, or relinquishing for storage pursuant to Section 29830 of the Penal Code, the firearm or ammunition to a licensed gun dealer, as specified in Article 1 (commencing with Section 26700) and Article 2 (commencing with Section 26800) of Chapter 2 of Division 6 of Title 4 of Part 6 of the Penal Code. The law enforcement officer or licensed gun dealer taking possession of the firearm or ammunition pursuant to this subdivision shall issue a

receipt to the person relinquishing the firearm or ammunition at the time of relinquishment. A person ordered to relinquish a firearm or ammunition pursuant to this subdivision shall, within 48 hours after being served with the order, do both of the following:

(A) File, with the court that issued the protective order, the receipt showing the firearm or ammunition was surrendered to a local law enforcement agency or sold to a licensed gun dealer. Failure to timely file a receipt shall constitute a violation of the protective order.

(B) File a copy of the receipt described in subparagraph (A) with the law enforcement agency that served the protective order. Failure to timely file a copy of the receipt shall constitute a violation of the protective order.

(3) The forms for protective orders adopted by the Judicial Council and approved by the Department of Justice shall require the petitioner to describe the number, types, and locations of any firearms or ammunition presently known by the petitioner to be possessed or controlled by the respondent.

~~(4) A court holding a hearing on this matter shall review the file to determine whether the receipt has been filed and inquire of the respondent whether they have complied with the requirement. Violations of the firearms prohibition of any restraining order under this section shall be reported to the prosecuting attorney in the jurisdiction where the order has been issued within two business days of the court hearing unless the restrained party provides a receipt showing compliance at a subsequent hearing or by direct filing with the clerk of the court.~~

(4) Violations of the firearms prohibition of any restraining order under this section shall also result in a referral by the court to an appropriate and evidence-based mental health, behavioral health or drug and alcohol counseling, intervention, program or service, subject to available funding.

(5) Every law enforcement agency in the state shall develop, adopt, and implement written policies and standards for law enforcement officers who request immediate relinquishment of firearms or ammunition.

(d) If the respondent declines to relinquish possession of a firearm or ammunition based on the 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, the court may grant use immunity for the act of relinquishing the firearm or ammunition required under this section.

(e) A local law enforcement agency may charge the respondent a fee for the storage of a firearm or ammunition pursuant to this section. This fee shall not exceed the actual cost incurred by the local law enforcement agency for the storage of the firearm or ammunition. For purposes of this subdivision, "actual cost" means expenses directly related to taking

possession of a firearm or ammunition, storing the firearm or ammunition, and surrendering possession of the firearm or ammunition to a licensed dealer as defined in Section 26700 of the Penal Code or to the respondent.

(f) The restraining order requiring a person to relinquish a firearm or ammunition pursuant to subdivision(c) shall state on its face that the respondent is prohibited from owning, possessing, purchasing, or receiving a firearm or ammunition while the protective order is in effect and that the firearm or ammunition shall be relinquished to the local law enforcement agency for that jurisdiction or sold to a licensed gun dealer, and that proof of surrender or sale shall be filed with the court within a specified period of receipt of the order. The order shall also state on its face the expiration date for relinquishment. This section does not limit a respondents right under existing law to petition the court at a later date for modification of the order.

(g) The restraining order requiring a person to relinquish a firearm or ammunition pursuant to subdivision (c) shall prohibit the person from possessing or controlling a firearm or ammunition for the duration of the order. At the expiration of the order, the local law enforcement agency shall return possession of the surrendered firearm or ammunition to the respondent within five days after the expiration of the relinquishment order, unless the local law enforcement agency determines that (1) the firearm or ammunition has been stolen, (2) the respondent is prohibited from possessing a firearm or ammunition because the respondent is in a prohibited class for the possession of firearms or ammunition, as defined in Chapter 2 (commencing with Section 29800) and Chapter 3 (commencing with Section 29900) of Division 9 of Title 4 of Part 6 of the Penal Code, Section 30305 of the Penal Code, and Sections 8100 and 8103 of the Welfare and Institutions Code, or (3) another successive restraining order is issued against the respondent under this section. If the local law enforcement agency determines that the respondent is the legal owner of a firearm or ammunition deposited with the local law enforcement agency and is prohibited from possessing a firearm or ammunition, the respondent shall be entitled to sell or transfer the firearm or ammunition to a licensed dealer as defined in Section 26700 of the Penal Code. If the firearm or ammunition has been stolen, the firearm or ammunition shall be restored to the lawful owner upon the owner identifying the firearm and ammunition and providing proof of ownership.

(h) The court may, as part of the relinquishment order, grant an exemption from the relinquishment requirements of this section for a particular firearm or ammunition if the respondent can show that a particular firearm or ammunition is necessary as a condition of continued employment and that the current employer is unable to reassign the respondent to another position where a firearm or ammunition is unnecessary. If an exemption is granted pursuant to this subdivision, the order shall provide that the firearm or ammunition shall be in the physical possession of the respondent only during scheduled work hours and during travel to and from the place of employment. When a peace officer is required, as a condition of employment, to carry a firearm or ammunition and whose personal safety depends on the ability to carry a firearm or ammunition a court may allow the peace officer to continue to carry a firearm or ammunition, either on duty or off duty, if the court finds by a preponderance of the evidence that the officer does not pose a threat of harm. Prior to

making this finding, the court shall require a mandatory psychological evaluation of the peace officer and may require the peace officer to enter into counseling or other remedial treatment program to deal with any propensity for domestic violence.

(i) During the period of the relinquishment order, a respondent is entitled to make one sale of all firearms or ammunition that are in the possession of a local law enforcement agency pursuant to this section. A licensed gun dealer, who presents a local law enforcement agency with a bill of sale indicating that all firearms or ammunition owned by the respondent that are in the possession of the local law enforcement agency have been sold by the respondent to the licensed gun dealer, shall be given possession of those firearms or ammunition, at the location where a respondent's firearms or ammunition are stored, within five days of presenting the local law enforcement agency with a bill of sale.

(j) The disposition of any unclaimed property under this section shall be made pursuant to Section 1413 of the Penal Code.

(k) The relinquishment of a firearm to a law enforcement agency pursuant to subdivision

(g) or the return of a firearm to a person pursuant to subdivision (g) shall not be subject to the requirements of Section 27545 of the Penal Code.

(l) If the respondent notifies the court that the respondent owns a firearm or ammunition that is not in their immediate possession, the court may limit the order to exclude that firearm or ammunition if the judge is satisfied the respondent is unable to gain access to that firearm or ammunition while the protective order is in effect.

(m) A respondent to a protective order who violates an order issued pursuant to this section shall be punished under the provisions of Section 29825 of the Penal Code.

SECTION 11. Victim Resiliency Centers and Restitution

Section 13963.1 of the Government Code is amended to read:

13963.1

(a) ~~The people of California Legislature find and declares~~ declare all of the following:

(1) Without treatment, approximately 50 percent of people who survive a traumatic, violent injury experience lasting or extended psychological or social difficulties. Untreated psychological trauma often has severe economic consequences, including overuse of costly medical services, loss of income, failure to return to gainful employment, loss of medical insurance, and loss of stable housing.

(2) Victims of crime should receive timely and effective mental health treatment and financial restitution.

(A) Victims of gun violence are particularly vulnerable to significant life disruption and therefore it is essential to provide immediate state-funded Restitution to victims of gun violence and their families.

(3) The board shall administer a program to evaluate applications and award grants to trauma recovery centers.

(b) The board shall award a grant only to a trauma recovery center that meets all of the following criteria:

(1) The trauma recovery center demonstrates that it serves as a community resource by providing services, including, but not limited to, making presentations and providing training to law enforcement, community-based agencies, and other health care providers on the identification and effects of violent crime.

(2) Any other related criteria required by the board.

(3) The trauma recovery center uses the core elements established in Section 13963.2.

(4) The board may award a grant providing funding for up to a maximum period of three years. Any portion of a grant that a trauma recovery center does not use within the specified grant period shall revert to the Restitution Fund. The board may award consecutive grants to a trauma recovery center to prevent a lapse in funding.

(c) It is the intent of the People to provide an annual appropriation of at least two million dollars (\$2,000,000) per year from the Restitution Fund.

(d) The board may award a grant provide funding for up to a maximum period of three years. Any portion of a grant that a trauma recovery center does not use within the specified grant period shall revert to the Restitution Fund. The board may award consecutive grants to a trauma recovery center to prevent a lapse in funding.

(e) The board, when considering grant applications, shall give preference to a trauma recovery center that conducts outreach to, and serves, both of the following:

(1) Crime victims who typically are unable to access traditional services, including, but not limited to, victims who are homeless, chronically mentally ill, of diverse ethnicity, members of immigrant and refugee groups, disabled, who have severe trauma-related symptoms or complex psychological issues, or juvenile victims, including minors who have had contact with the juvenile dependency or justice system.

(2) Victims of a wide range of crimes, including, but not limited to, victims of sexual assault, domestic violence, physical assault, shooting, stabbing, human trafficking, and vehicular assault, *gun violence* and family members of homicide victim.

(f) The trauma recovery center sites shall be selected by the BSCC and the Department of Justice Research Center through a well-defined selection process that takes into account the rate of crime and geographic distribution to serve the greatest number of victims.

(g) A trauma recovery center that is awarded a grant shall do both of the following:

(1) Report to the board annually on how grant funds were spent, how many clients were served (counting an individual client who receives multiple services only once), units of service, staff productivity, treatment outcomes, and patient flow throughout both the clinical and evaluation components of service.

(2) In compliance with federal statutes and rules governing federal matching funds for victims' services, each center shall submit any forms and data requested by the board to allow the board to receive the 60 percent federal matching funds for eligible victim services and allowable expenses.

(h) For purposes of this section, a trauma recovery center provides, including, but not limited to, all of the following resources, treatments, and recovery services to crime victims:

(1) Mental health services.

(2) Assertive community-based outreach and clinical case management.

(3) Coordination of care among medical and mental health care providers, law enforcement agencies, and other social services.

(4) Services to family members and loved ones of homicide victims.

(5) A multidisciplinary staff of clinicians that includes psychiatrists, psychologists, and social workers and may include case managers and peer counselors.

(6) The board shall administer a program to evaluate applications and award grants to trauma recovery centers.

(i) Notwithstanding any other provision of law, the Victims Compensation Board shall fund a network of trauma recovery centers that provides reasonable coverage for the entire state.

Section 13963.2 of the Government Code is amended to read:

13963.2

~~The Trauma Recovery Center at the San Francisco General Hospital, University of California, San Francisco, is recognized as the State Pilot Trauma Recovery Center (State Pilot TRC). The~~

~~California Victim Compensation Board shall use the evidence-informed Integrated Trauma Recovery Services (ITRS) model developed by the State Pilot TRC when it selects, establishes, and implements Trauma Recovery Centers (TRCs) pursuant to Section 13963.1. All TRCs funded through the Restitution Fund or Safe Neighborhoods and Schools Fund shall do all of the following:~~

The Trauma Recovery Center at the San Francisco General Hospital, University of California, San Francisco, is recognized as the State Pilot Trauma Recovery Center (State Pilot TRC). The California Victim Compensation Board shall use the evidence-informed Integrated Trauma Recovery Services (ITRS) model developed by the State Pilot TRC when it selects, establishes, and implements Trauma Recovery Centers (TRCs) pursuant to Section 13963.1. All TRCs funded through the Restitution Fund or Safe Neighborhoods and Schools Fund and Gun Safety Special Gun Safety Accountability Tax Fund authorized pursuant to and in accordance with Subdivision (d), Section 1, Article XIII C of the California Constitution and administered through the BSCC (CALVip) shall do all of the following:

- (a) Provide outreach and services to crime victims who typically are unable to access traditional services, including, but not limited to, victims who are homeless, chronically mentally ill, members of immigrant and refugee groups, disabled, who have severe trauma-related symptoms or complex psychological issues, are of diverse ethnicity or origin, or are juvenile victims, including minors who have had contact with the juvenile dependency or justice system.
- (b) Serve victims of a wide range of crimes, including, but not limited to, victims of sexual assault, domestic violence, battery, crimes of violence, vehicular assault, and human trafficking, as well as family members of homicide victims.
- (c) Offer evidence-based and evidence-informed mental health services and support services that include individual and group treatment, medication management, substance abuse treatment, case management, and assertive outreach. This care shall be provided in a manner that increases access to services and removes barriers to care for victims of violent crime and may include providing services to a victim in his or her home, in the community, or at other locations conducive to maintaining quality treatment and confidentiality.
- (d) Be comprised of a staff that includes a multidisciplinary team of clinicians made up of at least one psychologist, one social worker, and additional staff. Clinicians are not required to work full-time as a member of the multidisciplinary team. At least one psychiatrist shall be available to the team to assist with medication management, provide consultation, and assist with treatment to meet the clinical needs of the victim. The psychiatrist may be on staff or on contract. A clinician shall be either a licensed clinician or a supervised clinician engaged in the completion of the applicable licensure process. Clinical supervision and other supports shall be provided to staff regularly to ensure the highest quality of care and to help staff constructively manage the vicarious trauma they experience as service providers to victims of violent crime. Clinicians shall meet the training or certification requirements for the evidence-based practices they use.

(e) Offer mental health services and case management that are coordinated through a single point of contact for the victim, with support from an integrated multidisciplinary treatment team. Each client receiving mental health services shall have a treatment plan in place, which is periodically reviewed by the multidisciplinary team. Examples of primary treatment goals include, but are not limited to, a decrease in psychosocial distress, minimizing long-term disability, improving overall quality of life, reducing the risk of future victimization, and promoting post-traumatic growth.

(f) Deliver services that include assertive outreach and case management including, but not limited to, accompanying a client to court proceedings, medical appointments, or other appointments as needed, assistance with filing an application for assistance to the California Victim Compensation Board, filing police reports or filing restraining orders, assistance with obtaining safe housing and financial benefits, helping a client obtain medical care, providing assistance securing employment, and working as a liaison to other community agencies, law enforcement, or other supportive service providers as needed. TRCs shall offer outreach and case management services to clients without regard to whether clients choose to access mental health services.

(g) Ensure that no person is excluded from services solely on the basis of emotional or behavioral issues resulting from trauma, including, but not limited to, substance abuse problems, low initial motivation, or high levels of anxiety.

(h) Utilize established, evidence-based, and evidence-informed practices in treatment. These practices may include but are not limited to, motivational interviewing, harm reduction, seeking safety, cognitive behavioral therapy, and trauma-focused cognitive processing therapy.

(i) Ensure that no person is excluded from services based on immigration status.

Section 13956.2 is added to the Government Code to read:

(1) Notwithstanding Section 13955, a person shall not be eligible for compensation under the following conditions:

(A) An application may be denied, in whole or in part, if the board finds that denial is appropriate because of the nature of the victim's or other applicant's involvement in the events leading to the crime or the involvement of the person whose injury or death gives rise to the application.

(B) Factors that may be considered in determining whether the victim or derivative victim was involved in the events leading to the qualifying crime include, but are not limited to:

(i) The victim or derivative victim initiated the qualifying crime or provoked or aggravated the suspect into initiating the qualifying crime.

(ii) The qualifying crime was a reasonably foreseeable consequence of the conduct of the victim or derivative victim.

(iii) The victim or derivative victim was committing a crime that could be charged as a felony and reasonably lead to the victim being victimized. However, committing a crime shall not be considered involvement if the victim's injury or death occurred as a direct result of a crime committed in violation of Penal Code Section 261, 273.5, or former Section 262 of, or for a crime of unlawful sexual intercourse with a minor in violation of subdivision (d) of Section 261.5 of, the Penal Code.

(2) If the victim is determined to have been involved in the events leading to the qualifying crime, factors that may be considered to mitigate or overcome involvement include, but are not limited to:

(A) The victim's injuries were significantly more serious than reasonably could have been expected based on the victim's level of involvement.

(B) A third party interfered in a manner not reasonably foreseeable by the victim or derivative victim.

(C) The board shall consider the victim's age, physical condition, and psychological state, as well as any compelling health and safety concerns, in determining whether the application should be denied pursuant to this section. The application of a derivative victim of domestic violence under 18 years of age or derivative victim of trafficking under 18 years of age shall not be denied on the basis of the denial of the victim's application under this subdivision.

(D) An application shall be denied if the board finds that the victim or, if compensation is sought by, or on behalf of, a derivative victim, either the victim or derivative victim failed to cooperate reasonably with a law enforcement agency in the apprehension and conviction of a criminal committing the crime. In determining whether cooperation has been reasonable, the board shall consider the victim's or derivative victim's age, physical condition, and psychological state, cultural or linguistic barriers, any compelling health and safety concerns, including, but not limited to, a reasonable fear of retaliation or harm that would jeopardize the well-being of the victim or the victim's family or the derivative victim or the derivative victim's family, and giving due consideration to the degree of cooperation of which the victim or derivative victim is capable

in light of the presence of any of these factors. A victim of domestic violence shall not be determined to have failed to cooperate based on the victim's conduct with law enforcement at the scene of the crime. Lack of cooperation shall also not be found solely because a victim of sexual assault, domestic violence, or human trafficking delayed reporting the qualifying crime.

(E) An application for a claim based on domestic violence shall not be denied solely because the victim did not make a police report. The board shall adopt guidelines that allow the board to consider and approve applications for assistance based on domestic violence, relying upon evidence other than a police report to establish that a domestic violence crime has occurred. Factors evidencing that a domestic violence crime has occurred may include but are not limited to, medical records documenting injuries consistent with allegations of domestic violence, mental health records, or that the victim has obtained a permanent restraining order.

(3) An application for a claim based on a sexual assault shall not be denied solely because the victim did not make a police report. The board shall adopt guidelines that allow it to consider and approve applications for assistance based on a sexual assault, relying upon evidence other than a police report to establish that a sexual assault crime has occurred. Factors evidencing that a sexual assault crime has occurred may include but are not limited to, medical records documenting injuries consistent with allegations of sexual assault, mental health records, or that the victim received a sexual assault examination.

(4) An application for a claim based on human trafficking as defined in Section 236.1 of the Penal Code shall not be denied solely because the victim did not make a police report. The board shall adopt guidelines that allow the board to consider and approve applications for assistance based on human trafficking relying upon evidence other than a police report to establish that a human trafficking crime has occurred. That evidence may include any reliable corroborating information approved by the board, including, but not limited to, the following:

(A) A Law Enforcement Agency endorsement issued pursuant to Section 236.5 of the Penal Code.

(B) A human trafficking caseworker, as identified in Section 1038.2 of the Evidence Code, has attested by affidavit that the individual was a victim of human trafficking.

(C) An application for a claim by a military personnel victim based on a sexual assault by another military personnel shall not be denied solely because it was not reported to a superior officer or law enforcement at the time of the crime.

(D) Factors that the board shall consider for purposes of determining if a claim qualifies for compensation include, but are not limited to, the evidence of the following:

(i) Restricted or unrestricted reports to a military victim advocate, sexual assault response coordinator, chaplain, attorney, or other military personnel.

(ii) Medical or physical evidence consistent with sexual assault.

(iii) A written or oral report from military law enforcement or a civilian law enforcement agency concluding that a sexual assault crime was committed against the victim.

(iv) A letter or other written statement from a sexual assault counselor, as defined in Section 1035.2 of the Evidence Code, licensed therapist, or mental health counselor, stating that the victim is seeking services related to the allegation of sexual assault.

(v) A credible witness to whom the victim disclosed the details that a sexual assault crime occurred.

(vi) A restraining order from a military or civilian court against the perpetrator of the sexual assault.

(vii) Other behavior by the victim consistent with sexual assault.

(E) For purposes of this subdivision, the sexual assault at issue shall have occurred during military service, including deployment.

(F) For purposes of this subdivision, the sexual assault may have been committed off base.

(G) For purposes of this subdivision, a "perpetrator" means an individual who is any of the following at the time of the sexual assault:

(i) An active duty military personnel from the United States Army, Navy, Marine Corps, Air Force, or Coast Guard.

(ii) A civilian employee of any military branch specified in clause (i), military base, or military deployment.

(iii) A contractor or agent of a private military or private security company.

(iv) A member of the California National Guard.

(H) For purposes of this subdivision, “sexual assault” means an offense included in Section 261, 264.1, 286, 287, formerly 288a, or Section 289 of the Penal Code, as of January 1, 2015.

SECTION 12: Restitution Eligibility Reform

Sections 13956(c) and (d) of the Government Code is amended to read:

~~(e) (1) Notwithstanding Section 13955, a person who is convicted of a violent felony listed in subdivision (c) of Section 667.5 of the Penal Code shall not be granted compensation until that person has been discharged from probation or has been released from a correctional institution and has been discharged from parole, or has been discharged from postrelease community supervision or mandatory supervision, if any, for that violent crime. Compensation shall not be granted to an applicant pursuant to this chapter during any period of time the applicant is held in a correctional institution or while an applicant is required to register as a sex offender pursuant to Section 290 of the Penal Code.~~

~~(2) A person who has been convicted of a violent felony listed in subdivision (c) of Section 667.5 of the Penal Code may apply for compensation pursuant to this chapter at any time, but the award of that compensation may not be considered until the applicant meets the requirements for compensation set forth in paragraph (1).~~

(c) Notwithstanding any other provision of law, people who have been victims of a crime where a gun was used are eligible for California Victim's Compensation Board (CalVCB) compensation if they would otherwise be eligible, even if they are on probation or parole or have a felony not related to the specific incident on their criminal record.

(1) Notwithstanding any other provision of law, People who have been victims of a crime where a gun was used are eligible for CalVCB compensation for all otherwise eligible claims and subject to all other limitations, and in addition, are eligible for compensation for all property losses related to the crime where a gun was used.

(d) (1) This section shall become inoperative on July 1, 2024, only if General Fund sums of money over the multiyear forecasts beginning in the 2024–25 fiscal year are available to support ongoing augmentations and actions and if an appropriation is made to backfill the Restitution Fund to support the actions in this section. If those conditions are met, this section is repealed January 1, 2025.

(2) The amendments made by the act adding this subdivision shall become operative on ~~January 1, 2023~~ July 1, 2026.

SECTION 13: Trigger Locks and Storage

Section 23635.1 is added to the Penal Code to read:

(a) After July 1, 2025, it is an infraction punishable by an infraction of up to \$1,500 to possess a firearm without deploying a trigger lock or other mechanism designed to prevent the expulsion of a projectile by the action of an explosive in place when the firearm is not in the hands of the owner or other authorized user that prevents discharge of the firearm.

(1) A trigger lock is defined as a lock that fits over a firearm's trigger and trigger guard to prevent a firearm from being fired unless a key, combination or other technologies are used to unlock the firearm.

SECTION 13: Ballistic Forensics Gathering

Section 11108.10 of the Penal Code is amended to read:

~~(a) In addition to the requirements of Sections 11108 and 11108.3, commencing January 1, 2009, every local law enforcement agency may cause to be entered into the United States Department of Justice, National Integrated Ballistic Information Network (NIBIN) information to ensure that representative samples of fired bullets and cartridge cases collected at crime scenes, from test fires of firearms recovered at crime scenes, and other firearm information needed to investigate crimes, are recorded into the NIBIN in accordance with the protocol set forth in subdivision (b).~~

(a) In addition to the requirements of Sections 11108 and 11108.3, if a state or local law enforcement agency seizes or recovers a firearm that was unlawfully possessed, used for any unlawful purpose, recovered from the scene of a crime, is reasonably believed to have been used or associated with the commission of a crime, or is acquired by the agency as an abandoned or discarded firearm, the agency shall test fire the firearm, or cause the firearm to be test fired, as soon as practicable and submit the ballistic images to the National Integrated Ballistic Identification Network (NIBIN) or a similar automated ballistic identification system used by that agency to determine whether the firearm is associated with, or related to, a crime, criminal event, or individual associated with or related to, a crime, or criminal event.

~~(b) The Attorney General, in cooperation with those law enforcement agencies that choose to do so, shall develop a protocol for the implementation of this section.~~

(b) If a law enforcement agency recovers any cartridge case or fired bullet at a crime scene or has reason to believe that a recovered cartridge case or fired bullet is related to, or associated with, the commission of a crime, or the unlawful discharge of a firearm, that agency shall, as soon as practicable, submit, or cause to be submitted, the ballistic image

to the National Integrated Ballistic Identification Network or a similar automated ballistic identification system used by that agency.

~~(e) The Attorney General shall have the authority to issue guidelines to further the purposes of this section.~~

(c) The Department of Justice shall develop and promulgate a protocol for implementing this section.

(d) As California maintains records of all who have purchased or transferred firearms legally and all known firearms associated with an individual, when formally requested by a local district attorney or a local law enforcement agency, the Attorney General shall notify gun owners of life-saving public services, safe gun practices, changes in local regulations or laws that could impact them and to gain behavioral insights that could help prevent violence in the future.

(e) As used in this section, "law enforcement agency" means a police or sheriff's department, or any department or agency of the state or any political subdivision thereof that employs any peace officer as defined in Section 830, including, but not limited to, the Department of the California Highway Patrol, the Department of Fish and Wildlife, the University of California or the California State University Police Departments, and the police department of any school district, community college district, park district, transit district, railroad, and harbor, port, airport, or housing authority.

SECTION 14: Constitutionality

If any section, subsection, sentence, or clause of this Act is for any reason declared unconstitutional, invalid, or unenforceable by any court of competent jurisdiction, such decision shall not affect the constitutionality, validity, or enforceability of the remaining portions of this Act or any part thereof.

SECTION 15. Amendment.

Pursuant to subdivision (c) of Section 10 of Article II of the California Constitution, this Act may be amended either by a subsequent measure submitted to a vote of the people at a statewide election or by statute validly passed by the Legislature but only to further the purposes of the Act.

SECTION 16. Costs.

If the Commission on State Mandates determines that this Act contains costs mandated by the state, reimbursement to local agencies and school districts for those costs shall be made pursuant to Part 7 (commencing with Section 17500) of Division 4 of Title 2 of the Government Code.

SECTION 17. Severability.

It is the intent of the People that the provisions of this Act are severable and that if any provision of this Act or the application thereof to any person or circumstance is held invalid, such invalidity shall not affect any other provision or application of this Act that can be given effect without the invalid provision or application.

SECTION 18. Liberal Construction.

The provisions of this Act shall be interpreted liberally in order to effectuate its purpose.