
SENATE COMMITTEE ON PUBLIC SAFETY

Senator Aisha Wahab, Chair

2023 - 2024 Regular

Bill No: SB 1002 **Hearing Date:** March 19, 2024
Author: Blakespear
Version: March 11, 2024
Urgency: No **Fiscal:** Yes
Consultant: AB

Subject: *Firearms: prohibited persons*

HISTORY

Source: San Diego County Sheriff's Department

Prior Legislation: AB 455 (Quirk-Silva), Ch. 236, Stats. of 2023
AB 997 (Low, 2019), failed in Assembly Public Safety
AB 1968 (Low), Ch. 861, Stats. of 2018
AB 1014 (Skinner), Ch. 872, Stats. of 2014
AB 1591 (Achadjian), Ch. 141, Stats. of 2014
SB 755 (Wolk), 2014, vetoed by the Governor
AB 1131 (Skinner), Ch. 747, Stats. of 2013
AB 302 (Beall), Ch. 344, Stats. of 2010

Support: Brady California; Brady Campaign; California State Sheriffs' Association;
Giffords Law Center to Prevent Gun Violence; NeverAgainCA; San Diegans for
Gun Violence Prevention; San Diego City Attorney's Office; Women Against
Gun Violence; Women for American Values and Ethics

Opposition: None known

PURPOSE

The purpose of this bill is to 1) require the relinquishment of firearms, ammunition and firearm magazines possessed by certain individuals subject to mental illness-related firearms prohibitions, as specified, and require courts to inform those individuals of the process for relinquishment ; 2) require the DOJ to inform individuals subject to a mental illness-related detention or "5150 hold" of applicable firearm prohibitions; and 3) authorize the issuance of a search warrant when the property or things to be seized include a firearm, ammunition or firearm magazine owned by or in the possession of a person subject to mental illness-related firearm prohibitions and who has failed to relinquish the firearm, ammunition or firearm magazine.

Existing federal law provides that person who has been adjudicated a "mental defective" or committed to a mental institution is prohibited from shipping, transporting, receiving or possessing any firearm or ammunition, a violation of which is punishable by a fine of \$250,000 and/or imprisonment of up to ten years. (18 U.S.C. §§ 922(g)(4), 924(a)(2).)

Existing law requires a person, upon conviction of any offense that renders them a prohibited person, to relinquish all firearms they own or possess, or have under their custody or control, and prescribes a process for this relinquishment. (Pen. Code §29810, subs. (a) – (e).)

Existing law provides that a law enforcement agency shall update the Automated Firearms System (AFS) to reflect any firearms that were relinquished to it pursuant to the above provisions. (Pen. Code §29810, subd. (i).)

Existing law provides that a person subject to a domestic violence protective order, as defined, shall not own, possess, purchase, or receive a firearm or ammunition while that protective order is in effect, and that upon issuance of said order, 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. (Family Code §6389, subs. (a), (c)(1).)

Existing law sets forth the process by which the respondent of a domestic violence protective order must relinquish their firearm. (Family Code §6389, subd. (c).)

Existing law provides that a person shall not possess, purchase or receive, or attempt to purchase or receive, any firearms whatsoever or any other deadly weapon, if on or after January 1, 1992, he or she has been admitted to a facility and is receiving inpatient treatment and, in the opinion of the attending health professional who is primarily responsible for the patient's treatment of a mental disorder, is a danger to self or others, as specified. However, a person is not subject to this prohibition after he or she is discharged from the facility. (Welf. & Inst. Code §8100(a).)

Existing law provides that a person shall not possess, purchase or receive, or attempt to purchase or receive, any firearms whatsoever or any other deadly weapon for a period of five years if, on or after January 1, 2014, he or she communicates to a licensed psychotherapist a serious threat of physical violence against a reasonably identifiable victim or victims, as specified. (Welf. & Inst. Code §8100, subd. (b).)

Existing law provides that whenever a person who has been detained or apprehended for examination of his or her mental condition, is a person undergoing inpatient treatment at a mental facility, has been adjudicated by a court of any state to be a danger to others as a result of mental illness, or who has been adjudicated to be a mentally disordered sex offender, is found to own, or have in his or her possession any firearm whatsoever, or any other deadly weapon, the firearm or other deadly weapon shall be confiscated by any law enforcement agency or peace officer, who shall retain custody of the firearm or other deadly weapon. (Welf. & Inst. Code §8102, subd. (a).)

Existing law sets forth a process for law enforcement confiscation of a weapon described above and a process by which the agency may initiate proceedings to retain the weapon, as specified. (Welf. & Inst. Code §8102, subs. (b) – (h).)

Existing law enumerates the various grounds upon which a search warrant may be issued. (Pen. Code §1524, subd. (a)(1)-(20).)

This bill provides that a search warrant may also be issued when the property or things to be seized include ammunition or firearm magazines, or both, that is owned by or in the custody or

control of a person subject to the firearms prohibition set forth in Section 8103 of the Welfare and Institutions Code, as specified.

Existing law provides that a person who after October 1, 1955, has been adjudicated by a court of any state to be a danger to others as a result of a mental disorder or mental illness, or who has been adjudicated to be a mentally disordered sex offender, shall not purchase or receive, or attempt to purchase or receive, or have possession, custody, or control of a firearm or any other deadly weapon unless there has been issued to the person a certificate by the court of adjudication upon release from treatment or at a later date stating that the person may possess a firearm or any other deadly weapon without endangering others, and the person has not, subsequent to the issuance of the certificate, again been adjudicated by a court to be a danger to others as a result of a mental disorder or mental illness. (Welf. & Inst. Code §8103, subd. (a).)

This bill requires persons subject to the prohibition above to relinquish to law enforcement any firearms, firearm magazines, ammunition or other deadly weapons in their custody or control within 14 days of the court order finding them subject to the prohibition, and to submit a receipt to the court to show proof of relinquishment.

This bill, upon the issuance of the order finding the person to be subject to the prohibition above, requires the court to inform the person and their legal representative of how they may relinquish the firearm, firearm magazine, ammunition or other deadly weapon and submit a receipt to the court to show proof of relinquishment.

Existing law provides that a person found not guilty by reason of insanity shall not purchase or receive, or attempt to purchase or receive, or have possession, custody, or control of any firearm or any other deadly weapon. (Welf. & Inst. Code §8103, subd. (b), (c).)

This bill requires persons subject to the prohibition above to relinquish to law enforcement any firearms, firearm magazines, ammunition or other deadly weapons in their custody or control within 14 days of the court order finding them subject to the prohibition, and to submit a receipt to the court to show proof of relinquishment.

This bill provides that upon issuance of the court order finding a person not guilty by reason of insanity in specified cases, the court shall inform the person of how they may relinquish any firearm, firearm magazine, ammunition or other deadly weapon in the person's possession, custody or control according to local procedure, and the process for submitting a receipt to the court to show proof of relinquishment.

Existing law provides that a person found by a court to be mentally incompetent to stand trial shall not purchase or receive, or attempt to purchase or receive, or have possession, custody, or control of any firearm or any other deadly weapon, unless there has been a finding with respect to the person of restoration to competence by the committing court. (Welf. & Inst. Code §8103, subd. (d).)

Existing law prohibits any person who has been placed under conservatorship by a court because the person is gravely disabled as a result of a mental disorder or impairment by chronic alcoholism, from purchasing or receiving, or attempting to purchase or receive, or possessing any firearm or any other deadly weapon while under the conservatorship if, at the time the conservatorship was ordered or thereafter, the court that imposed the conservatorship found that possession of a firearm or any other deadly weapon by the person would present a danger to the

safety of the person or to others. Upon placing a person under conservatorship, and prohibiting firearm or any other deadly weapon possession by the person, the court shall notify the person of this prohibition. (Welf. & Inst. Code §8103, subd. (e).)

This bill provides that the court shall also inform the person and their conservator of how the person may relinquish any firearm, other deadly weapon, or ammunition in the person's possession, custody, or control according to local procedures, and the process for submitting a receipt to show the court proof of relinquishment.

This bill, for individuals subject to the prohibitions (danger to other as a result of mental disorder, mentally disordered sex offender, not guilty by reason of insanity, conservatee) on the purchase and possession of firearms additionally prohibits them from possessing ammunition or firearm magazines.

Existing law provides that a person who has been taken into custody under Welfare and Institutions Code Section 5150 because that person is a danger to themselves or others, and has been assessed and admitted to a designated facility, as specified, because that person is a danger to themselves or others, shall not own, possess, control, receive, or purchase, or attempt to own, possess, control, receive, or purchase, any firearm for a period of five years after the person is released by the facility. For a person taken into custody, assessed and admitted and who was previously taken into custody, assessed and admitted one or more times within one year preceding the most recent admittance, the ban on the purchase, possession, receipt and ownership of a firearm shall last the remainder of their life. (Welf. & Inst. Code §8103, subd. (f)(1).)

Existing law specifies that for each person subject to the provision above, the facility shall, within 24 hours of the time of admission, submit a specified form to the Department of Justice containing information regarding the identity of the person and the legal grounds upon which the person was admitted to the facility. (Welf. & Inst. Code §8103, subd. (f)(2).)

This bill provides that within 7 days of the receipt of the report from the facility, the DOJ shall notify, by email, text message or certified mail with return receipt requested, a person subject to the above provision of the following information, and shall enter the date that the notification was issued in the person's state mental health firearms prohibition system information:

- That the person is prohibited from owning, possessing, controlling, receiving, or purchasing, or attempting to own, possess, control, receive, or purchase, any firearm, ammunition or firearm magazine for a period of either five years or the remainder of their life, whichever is applicable, after the notice by the facility is made to the Department of Justice.
- The date when the firearm prohibition commences and the date when the firearm prohibition ends.
- That the person may petition a court for an order permitting them to own, possess, control, receive, or purchase a firearm.

Existing law specifies that prior to or concurrent with discharge, the facility shall inform a person subject to the above provisions that they are prohibited from owning, possessing, controlling, receiving, or purchasing any firearm for a period of five years or, if the person was previously

taken into custody, assessed, and admitted to custody for a 72-hour hold because they were a danger to themselves or to others during the previous one-year period, for life. The facility is required to provide the person with a copy of the most recent “Patient Notification of Firearm Prohibition and Right to Hearing Form” prescribed by the DOJ. (Welf. & Inst. Code §8103, subd. (f)(3).)

This bill requires the facility to inform the person that they are required to relinquish any firearm, ammunition, or firearm magazine that the person owns, possesses, or controls within 72 hours of discharge from the facility and how to relinquish firearms according to state law and local procedures.

Existing law requires the DOJ to provide the form it receives from the facility identifying the person and the legal grounds for their admission to that person and to the superior court in each county of the state. (Welf. & Inst. Code §8103, subd. (f)(4).)

This bill requires the DOJ to also provide a copy of the form upon the request of a law enforcement agency solely for investigative purposes.

This bill provides that a person taken into custody, assessed and admitted to a facility per the above shall, within 72 hours of discharge from a facility, relinquish any firearm, ammunition or firearm magazine that they own, possess or control in a safe manner by any of the following methods:

- Surrender to the control of a law enforcement agency.
- Sell or transfer to a licensed firearms dealer, as specified.
- Transfer or cause to be transferred to a licensed firearms dealer for storage during the duration of the prohibition, as specified
- Sell or transfer to a non-prohibited third party using a licensed firearms dealer, as specified.

This bill provides that the law enforcement agency or licensed dealer taking possession of the firearm or ammunition shall issue a receipt to the person relinquishing the firearm or ammunition at the time of relinquishment.

This bill provides that the “Patient Notification of Firearm Prohibition and Right to Hearing Form” shall include information about the methods by which the firearm may be relinquished.

COMMENTS

1. Need for This Bill

According to the Author:

Right now, people experiencing mental health crises can be involuntarily confined at a healthcare facility for 72 hours under section 5150 of the Welfare and Institution Code. The facilities admit people when they are unable to take care of themselves or

deem them to be a danger to themselves or others, and the 5150 hold automatically prohibits the individual from having firearms for five years. From 2012 to 2022, healthcare facilities admitted an average of 120,000 Californians per year for 5150 holds.

The problem is that there is not a solid framework to ensure that people who have recently experienced a mental health crisis follow the law and turn over their firearms. Instead, these people often join a database (known as APPS) of nearly 24,000 people who are known to have firearms despite being prohibited from having them. Just over 4,800 people remain armed despite mental health-related firearm prohibitions. When it comes to guns and people in mental health crises, that backlog is unacceptable. We are extremely vulnerable to someone slipping through the cracks.

SB 1002 keeps us safer by setting up a system that proactively ensures people comply with the law. It increases the likelihood that an individual who has recently experienced a mental health crisis complies with existing firearm prohibitions by ensuring multiple parties, rather than just the healthcare facility, give the person information on how to comply with the prohibition and providing a clear deadline at which they must turn over their firearms.

2. Firearms and Mental Illness

For decades, government regulation of firearms has been bound up with public discourse surrounding mental health and mental illness, a trend that has only become more prevalent with the tragic rise in mass shootings. However, while mental health issues are certainly a component, they alone cannot predict or cause gun violence. Some research indicates that despite popular misconceptions reflected in the media and in policy, mental illness is a weak risk factor for gun violence, and that framing psychiatric disease as the driving culprit behind such violence has more to do with political expediency than fidelity to the data, which shows that people with mental illnesses are often more likely to be the victims of gun violence.¹ Other research suggests that suicide risk and homicide risk are in fact elevated among people with certain mental illnesses (e.g. schizophrenia, depression, borderline personality disorder, and others) and co-occurring substance abuse disorders, though these individuals still account for a minority of homicides and acts of mass violence in the United States. This research also suggests that people with mental health conditions appear to be at an increased risk for being victims of interpersonal violence.² Regardless of any inconsistencies in the research regarding how strong mental illness is as a risk factor for gun violence, most experts agree that policymakers should at least be aware of the connection between these issues in the development of firearm regulations.

¹ Rozel, John and Edward Mulvey. "The Link Between Mental Illness and Firearm Violence: Implications for Social Policy and Clinical Practice." *Annu Rev Clin Psychol.* 2017 May 8; 13: 445–469. [The Link Between Mental Illness and Firearm Violence: Implications for Social Policy and Clinical Practice - PMC \(nih.gov\)](#); "Mental Health, Gun Violence, and Why American Connects Them." NPR. 21 June 2022. [Mental Health, Gun Violence, And Why America Connects Them : 1A : NPR](#)

² Ramchand, Rajeev and Lynsay Ayer. "Is Mental Illness a Risk Factor for Gun Violence?" RAND Corporation. 15 April 2021. [Is Mental Illness a Risk Factor for Gun Violence? | RAND](#)

3. The Lanterman-Petris-Short Act (LPS Act)

The LPS Act governs the involuntary detention for evaluation and treatment of mentally ill individuals in California who are gravely disabled or a danger to self or others. Enacted by the Legislature in 1967, the act includes among its goals ending the inappropriate and indefinite commitment of the mentally ill, providing prompt evaluation and treatment of persons with serious mental disorders, guaranteeing and protecting public safety, safeguarding the rights of the involuntarily committed through judicial review, and providing individualized treatment, supervision and placement services for the gravely disabled by means of a conservatorship program.³

Specifically, if a person is gravely disabled as a result of mental illness, or a danger to self or others, then a peace officer, staff of a designated treatment facility or crisis team, or other professional person designated by the county, may, upon probable cause, take that person into custody for a period of up to 72 hours for assessment, evaluation, crisis intervention, or placement in a designated treatment facility (known as a “5150 hold”). A person who has been detained for 72 hours may be further detained for up to 14 days of intensive treatment if the person continues to pose a danger to self or others, or to be gravely disabled, and the person has been unwilling or unable to accept voluntary treatment. After the 14 days, a person may be detained for an additional 30 days of intensive treatment if the person remains gravely disabled and is unwilling or unable to voluntarily accept treatment. A 180-day commitment requires a superior court order.⁴ The LPS Act also authorizes the appointment of a conservator for up to one year for a person determined to be gravely disabled as a result of a mental disorder and unable or unwilling to accept voluntary treatment. The proposed conservatee is entitled to demand a jury trial on the issue of his or her grave disability, and has a right to counsel at trial, appointed if necessary.⁵

4. Mental Illness-Related Firearm Restrictions in California

Existing California law prohibits certain persons from owning or possessing firearms, ammunition, other deadly weapons and related devices, including, among other categories, persons subject to a domestic violence restraining order or gun violence restraining order, persons convicted of a felony and certain misdemeanors, and other categories of persons found to be a danger to themselves or others, including specified individuals found to be suffering from mental illness.⁶ California Welfare and Institutions Code § 8103 contains several mental illness-related firearms prohibitions for individuals that fall within different categories, most of which are lifetime bans on the ownership, possession or purchase of firearms. Individuals subject to this lifetime ban include persons found by a court of any state to be a danger to others as a result of mental illness, persons adjudicated to be mentally disordered sex offenders, persons found not guilty by reason of insanity, persons found mentally incompetent to stand trial, and any person who is placed under a 5150 hold two or more times within one year. Non-lifetime prohibitions include persons receiving in-patient treatment at a mental health facility for a mental disorder and is a danger to self or others (until discharge)⁷, any person placed under a conservatorship

³ *Conservatorship of Susan T.* (1994) 8 Cal.4th 1005, 1008-1009.

⁴ Welfare and Institutions Code §§5150, 5250, 5260, 5301

⁵ Welfare and Institutions Code §§5350, 5365

⁶ Family Code §6389; Penal Code §§18100, 29800, 29805; Welfare and Institutions Code §8103. Federal law also prohibits persons from possessing firearms who have been “adjudicated as a mental defective or who has been committed to a mental institution.” See 18 USC §922(g)(4).

⁷ This prohibition is located in Welfare and Institutions Code § 8100

because they are gravely disabled from a mental disorder or chronic alcoholism and are a danger to self or others (for the period of the conservatorship), any person who communicates a serious threat of physical violence to a psychotherapist against a reasonably identifiable victim (5 years), any person taken into custody and admitted to a mental health facility under a 5150 hold (5 years).⁸

California has a relatively robust set of reporting requirements regarding mental health circumstances triggering a firearm prohibition. Courts must submit an electronic report to DOJ within 1 court day when they adjudicate someone to be a danger to others as a result of a mental disorder or mental illness, a mentally disordered sex offender, not guilty of a crime by reason of insanity, mentally incompetent to stand trial, or placed under conservatorship. Similarly, mental health facilities must report to DOJ within 24 hours whenever an individual is taken into custody and determined either to be a danger to self or others or gravely disabled due to mental disorder or chronic alcoholism.⁹ Other existing requirements relate to the timeline for reporting by psychotherapists and the State Department of State Hospitals. To make these reports, courts, law enforcement agencies, and mental health facilities use the Mental Health Reporting System, established in 2012. According to the DOJ, as of January 1, 2023, 19% of people in the Armed Prohibited Persons System (APPS)¹⁰, or 4,837 individuals, are prohibited from owning, possessing or purchasing a firearm due to a mental health triggering event.¹¹

5. Effect of This Bill

The changes made by this bill to existing law generally fall into three categories: relinquishment requirements for mental health-related firearm prohibitions, notice requirements related to 5150 holds, and search warrant provisions.

Relinquishment Provisions

As described above, existing law contains several prohibitions against the possession, receipt or purchase of a firearm for individuals who fall into different mental illness-related categories. Specifically, existing law prohibits the following categories of individuals from possessing, purchasing or receiving firearms, either for life or for a specified duration: persons found by a court of any state to be a danger to others as a result of mental illness, persons adjudicated to be mentally disordered sex offenders, and persons found not guilty by reason of insanity. This bill requires individuals that fall into these categories relinquish any firearm, ammunition, firearm magazine or other deadly weapon in their custody within 14 days of the court order finding that they are subject to these firearm prohibitions, and requires them to submit a receipt to the court. The bill also requires the court to inform the person and their legal representative of how they may relinquish the firearm and submit the required receipt. For individuals placed under a conservatorship and subject to a firearm prohibition for the length of the conservatorship, this bill requires a court to inform the conservatee and their conservator how they may relinquish any firearm in their possession.

⁸ See Welfare and Institutions Code § 8103(a)-(g).

⁹ See paragraph (2) of subs. (a)-(g) of Welfare and Institutions Code § 8103.

¹⁰ APPS is DOJ's tool for tracking individuals in California that are prohibited from possessing, purchasing or owning a firearm, and compiles information reported to it from various databases.

¹¹ "Armed and Prohibited Persons System Report 2022." California Department of Justice. [Armed and Prohibited Persons System Report 2022 \(ca.gov\)](https://www.cdps.ca.gov/Portals/0/Armed%20and%20Prohibited%20Persons%20System%20Report%202022.pdf)

Existing law also prohibits individuals subject to a 5150 hold from possessing a firearm for 5 years after the release from a facility, or for their lifetime if they have been subject to 2 or more such holds in 1 year. However, existing law does not specify a deadline with which an individual subject to this prohibition may comply with it for weapons within their custody or control. This bill requires individuals subject to a 5150 hold to relinquish any firearm in their custody or control by one of 4 specified methods within 72 of discharge from the facility at which they were receiving treatment. These methods include surrender to a law enforcement agency, transfer to a firearms dealer by sale or for storage, or sale or transfer to a non-prohibited third party.

5150-Related Notice Provisions

Existing law states that a person who has been taken into custody on a 72-hour 5150 hold because that person is a danger to himself, herself, or to others, assessed as specified, and admitted to a designated facility because that person is a danger to himself, herself, or others, shall not own or possess any firearm for a period of five years after the person is released from the facility.¹² Existing law requires the facility, within 24 hours, to submit a report to DOJ containing information regarding the identity of the person and the grounds upon which they were admitted, and, concurrent with discharge, to notify the person via a specified form (hereinafter, “Firearm Prohibition Form”) that they are subject to a firearms prohibition and may request a hearing from a court for an order modifying or removing the prohibition.¹³ According to the Author of the bill:

Although current law requires the healthcare facility to notify the Department of Justice of a person subject to a 5150 hold upon admittance, it does not allow local law enforcement access to the same information, alerting them to the person’s discharge from the facility. The inability to access this information fails to provide local law enforcement with the tools or information necessary to support the type of education and outreach efforts that lead to voluntary compliance.

This bill creates redundancy in the notice system for 5150-related firearm prohibitions by additionally requiring the DOJ, within 7 days of receiving the report from the facility mentioned above, to notify the person subject to the prohibition by email, text message or certified mail. Additionally, the bill requires the facility to inform the person that they are required to relinquish any firearm, firearm magazine or ammunition within their possession within 72 in accordance with the bill’s 5150 relinquishment provision discussed above. Finally, the bill requires the DOJ to provide a copy of the Firearm Prohibition Form upon request of a law enforcement agency, and requires that the form include information regarding how a firearm may be relinquished.

Search Warrant Provision

Existing law sets forth several grounds upon which a court may issue a search warrant. Under these provisions, a search warrant may be issued when property or things were used to commit a felony, when property subject to search was stolen or embezzled, when the property or things are in the possession of any person with intent to use them as a means of committing a public offense, and a host of other grounds. Several firearm-related grounds for issuing a search warrant are also enumerated in these provisions, including for firearms connected to domestic violence incidents, firearms owned by or in possession of a person subject to a domestic violence

¹² Welf. and Inst. Code §8103(f)(1).

¹³ Welf. and Inst. Code §8103(f)(2)-(3).

restraining order or gun violence restraining order, and guns in possession of a person subject to firearm prohibitions due to a criminal conviction.¹⁴ This bill establishes another legal basis for the issuance of a search warrant, specifically when the property or things to be seized include ammunition, firearm magazine, or both that is owned by or in the possession of a person subject to any of the previously discussed mental illness-related firearm prohibitions (in Welfare and Institutions Code §8103), provided that the person has been lawfully served with the order, and the person has failed to relinquish the firearm, ammunition or firearm magazine. It is possible that this provision is at least partially duplicative of an existing basis for the issuance of a search warrant, which references a Welfare and Institutions Code section that requires law enforcement to confiscate any firearm in the custody or control of a person subject to a mental health prohibition.¹⁵ Though it may not require an amendment, the Author and Committee should be aware of the overlap of these provisions.

6. Argument in Support

According to NeverAgainCA:

Right now, California is struggling to keep pace with its existing firearm prohibiting laws. As of January 1, 2023, nearly 24,000 California residents were listed in our Armed and Prohibited Persons System (APPS), meaning there are about 24,000 Californians who legally purchased or acquired firearms and later became prohibited from owning or possessing them. SB 1002 aims to reduce the 20% (4,837) of individuals in APPS due to mental health prohibitions by addressing implementation gaps and inefficiencies within our existing laws.

Unfortunately, the current legal structure has several implementation gaps and inefficiencies that are contributing to the backlog of armed and prohibited persons. First, newly prohibited people are not always aware that they are not allowed to have firearms or, if they are, do not know how to comply. Second, there is no deadline for compliance making it difficult for law enforcement to encourage a reluctant individual to comply. Third, local law enforcement like the bill's sponsor, San Diego County Sheriff, do not always have access to all the information they need to ensure enforcement. SB 1002 addresses these issues by:

- 1) Ensuring that individuals are adequately notified of how to comply with firearm prohibitions by multiple parties, including the admitting healthcare facility, the Department of Justice, and, where applicable, the courts. The courts and healthcare facilities must provide information tailored to the local jurisdiction.
- 2) Requiring the Department of Justice to provide, upon request, the same patient notification form they receive from the health care facility. Access to the form will aid local law enforcement's ability to reach out to people and increase voluntary compliance efforts. In instances where a person is reluctant to comply, the information will aid law enforcement's ability to seek voluntary

¹⁴ Penal Code § 1524(a).

¹⁵ See Penal Code §1524(a)(10) and Welfare and Institutions Code §8102. The provision in this bill is distinguishable in that it requires that the person has been lawfully served with the order and has failed to relinquish the firearm or firearm magazine.

compliance by ensuring the person received and understands the form and, if necessary, to seek assistance from the courts to compel compliance.

By increasing compliance with existing prohibitions, SB 1002 will save lives. We know people who have recently experienced a mental health crisis may pose a threat to society, but more often, the risk is that they harm themselves. In California, over half of our gun deaths are by suicide. SB 1002 is a crucial step towards preventing such tragedies and ensuring the safety of our community.

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