

Date of Hearing: April 9, 2025

**ASSEMBLY COMMITTEE ON APPROPRIATIONS**

Buffy Wicks, Chair

AB 383 (Davies) – As Amended March 12, 2025

Policy Committee: Public Safety

Vote: 8 - 0

Urgency: No

State Mandated Local Program: Yes

Reimbursable: No

**SUMMARY:**

This bill expands firearm prohibitions for a juvenile adjudicated a ward of the court for certain firearms offenses and subjects juveniles to firearm relinquishment requirements established for adults.

Specifically, among other provisions, this bill:

- 1) Subjects a juvenile who is prohibited from possessing a firearm due to an adjudication to the same firearm relinquishment requirements as adults with similar firearms prohibitions, including a requirement to relinquish all firearms within 48 hours of adjudication if the juvenile is not in custody and within 14 days of the adjudication if the juvenile is in custody.
- 2) Imposes, until age 25, a mandatory prohibition on owning or possessing a firearm for a juvenile adjudicated for minor in possession of a handgun.
- 3) Increases, from 25 to 30, the age at which a mandatory firearms prohibition ends for a juvenile adjudicated for possession of a firearm or ammunition who also has certain prior adjudications, including specified violent offenses and firearms-related offenses.

**FISCAL EFFECT:**

- 1) Costs (General Fund (GF)) of an unknown but potentially significant amount to the Department of Justice (DOJ), to update its Armed and Prohibited Persons System to reflect this bill's firearms prohibitions and to enforce the prohibitions. DOJ was unable to provide a cost estimate in advance of this hearing. Based on costs reported by DOJ for prior bills pertaining to firearms prohibitions, costs may be in the low hundreds of thousands of dollars.
- 2) Cost pressure (Trial Court Trust Fund, GF) to the courts to adjudicate violations of the firearms prohibitions expanded by this bill. A violation of a firearm prohibition may be charged as a misdemeanor or felony. A person charged with a misdemeanor or felony is entitled to legal representation provided by the government and a jury trial. Actual court costs will depend on the number of violations, prosecutorial discretion, and the amount of court time needed to adjudicate each case. Although courts are not funded on the basis of workload, increased pressure on the Trial Court Trust Fund may create a demand for increased funding for courts from the GF. The fiscal year 2024-25 state budget provides \$37.3 million ongoing GF to backfill declining revenue to the Trial Court Trust Fund.

- 3) Costs (local funds, GF) of an unknown but potentially significant amount to the counties and the Department of Corrections and Rehabilitation to incarcerate people convicted of a violation of this bill's firearms prohibitions. A misdemeanor violation is punishable by incarceration in county jail, and a felony violation is punishable by incarceration in state prison. Actual incarceration costs will depend on the number of convictions, the length of each sentence, and whether each sentence must be served in county jail or state prison. The average annual cost to incarcerate one person in county jail is approximately \$29,000. The Legislative Analyst's Office estimates the average annual cost to incarcerate one person in state prison is \$133,000. Although county incarceration costs are generally not considered reimbursable state mandates pursuant to Proposition 30 (2012), overcrowding in county jails creates cost pressure on the GF because the state has historically granted new funding to counties to offset overcrowding resulting from 2011 public safety realignment.

## COMMENTS:

- 1) **Purpose.** According to the author:

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

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

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

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