



Bill Analysis

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Sponsor:

Bill Number: AB 2699

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Amended: May 4, 2020

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Related Bills: See Legislative
History

SUBJECT

Allow additional specified state agencies to obtain for use by the agency's sworn officers handguns otherwise barred from sale, possession, or use within the state

SUMMARY

This bill would, under the Penal Code, modify the exception to the prohibition on the sale and purchase of unsafe handguns, as defined, to allow additional state agencies to obtain such handguns for use by the agency's sworn members.

RECOMMENDATION

No position

SUMMARY OF AMENDMENTS

The May 4, 2020, amendments added specified state agencies, including the Franchise Tax Board (FTB), as exempt purchasers of unsafe handguns, as defined, for use by the agency's sworn members. Persons who obtain or have use of unsafe handguns under this exception would be subject to all existing requirements regarding subsequent sales and storage.

This is the department's first analysis of the bill and only addresses the provisions that impact the department.

REASON FOR THE BILL

The reason for this bill is to modify current law to allow additional state agencies to obtain unsafe handguns, as defined, for use by the agency's sworn officers.

ANALYSIS

This bill would modify the Penal Code to allow the sale or purchase of an unsafe handgun to specified state agencies, including the FTB, for use by its sworn members who have satisfactorily completed the firearms portion of a training course prescribed by the Commission on Peace Officer Standards and Training pursuant to Section 832 of the Penal Code.

Current law restricting subsequent sales and specifying storage practices would apply to handguns this bill would allow the FTB to obtain for use by its sworn members.

Effective/Operative Date

Assuming enactment by September 30, 2020, this bill would become effective and operative January 1, 2021.

Federal/State Law

Federal Law

Because this bill would allow an exception to the state's prohibition on the sale or purchase of certain handguns within the state, a review of federal income tax law would not be relevant.

State Law

Under current state law, the FTB's special agents are sworn peace officers charged with the investigation of individuals suspected of committing income tax related crimes or crimes against the FTB and are subject to the state's laws applicable to sworn peace officers absent an exemption.

With limited exceptions, current state law prohibits the manufacture, transport, sale, or lending of an unsafe handgun, as defined in Penal Code section 31910, in the state. Generally an unsafe handgun is any pistol, revolver, or other firearm capable of being concealed upon the person that does not meet specified safety requirements.

Unsafe handguns obtained under an exception may only be sold to another excepted purchaser and when left in an unattended vehicle are subject to certain storage requirements. Violations of the storage requirements are subject to a fine not to exceed \$1,000.

There is no exception under current law allowing the FTB or its sworn peace officers to obtain unsafe handguns, as defined, for use in the state.

Implementation Considerations

Implementing this bill would not significantly impact the department's programs and operations.

Technical Considerations

None noted.

Policy Concerns

None noted.

LEGISLATIVE HISTORY

SB 826 (Greene, Chapter 704, Statutes of 1997) among other things, designated specified FTB staff as peace officers under the Penal Code. SB 826 included double joining language related to the designation of specified FTB staff as peace officers with SB 951 (Johnson, Chapter 670, Statutes of 1997) and was chaptered after SB 951.

PROGRAM BACKGROUND

None noted.

FISCAL IMPACT

This bill would not significantly impact the department's costs.

ECONOMIC IMPACT

Revenue Estimate

This bill, as amended on May 4, 2020, would not impact state income or franchise tax revenue.

This analysis does not account for changes in employment, personal income, or gross state product that could result from this bill or for the net final payment method of accrual.

LEGAL IMPACT

None noted.

APPOINTMENTS

None noted.

SUPPORT/OPPOSITION

To be determined.

ARGUMENTS

To be determined.

LEGISLATIVE STAFF CONTACT

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