

AB 383: Firearms

Assemblymember Laurie Davies

IN BRIEF

Existing law prohibits certain persons, including a person who is convicted of a felony offense, from owning a firearm or ammunition. Furthermore, existing law only prohibits a juvenile who is adjudged a ward of the juvenile court from owning or possessing a firearm until they are 30 years of age if the basis of the adjudication is a specifically enumerated offense.

THE ISSUE

The existing prohibition on the possession of firearms for juvenile wards is solely governed by Penal Code §28920(a). The prohibition only applies if the juvenile is alleged to have committed an offense listed in subdivision (b) of Welf. Inst. Code 707 (Serious and Violent Offenses), if they are adjudicated of an enumerated Health and Safety Code violation or have a previous adjudication for the unlawful possession of a loaded firearm and are declared a ward.

The California Legislature has recognized that individuals convicted of any felony should be prohibited from possessing or owning firearms and ammunition as reflected in Penal Code §29810. However, existing law only extends the blanket prohibition to adult offenders. This is due to the language of §29810 which limits the triggering mechanism to “convictions”. Juvenile proceedings are deemed “adjudications” and as such are not encapsulated by the firearm restrictions of Penal Code §29810.

Minors who break the law may not have the maturity or responsibility needed to handle firearms safely. Removing guns from them helps prevent potential accidents, violent incidents, or misuse. 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.

CURRENT LAW

Existing law for the prohibition of juveniles adjudged wards from prohibiting firearms is governed by Penal Code §29820. That prohibition extends until the former minor is 30 years of age. The prohibition only applies if the juvenile is alleged to have committed an offense listed in subdivision (b) of Welf. Inst. Code 707 (Serious and Violent Offenses), if they are adjudicated of an enumerated Health and Safety Code violation or have a previous adjudication for the unlawful possession of a loaded firearm and are declared a ward.

The adult corollary is governed by Penal Code §29810(a)(1) which most notably in part states, “Upon conviction of, any offense that renders a person subject to Section 29800, 29805, or 29815, that person shall relinquish all firearms they own, possess or have under their custody or control...”

This statute by incorporation of the sections prohibits a broad classification of offenders from owning or possessing firearms. Specifically, anyone convicted of a felony and additionally specifically enumerated misdemeanor violations.

THE SOLUTION

The proposed bill would amend Penal Code §29810 to add the language, “or adjudication for” in conjunction with each reference to “conviction”. The amendment, by specifically referencing “adjudications” would incorporate the existing firearm prohibitions on adults to juvenile proceedings.

FOR MORE INFORMATION

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