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REFERENDUM TO OVERTURN LAW
ESTABLISHING CRIMINAL PENALTIES FOR
FALSELY REPORTING LOST OR STOLEN
FIREARMS.

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July 14, 2016

VIA EXPRESS MAIL

The Honorable Kamala D. Harris
Attorney General
1300 I Street, 17th Floor, P.O. Box 944255
Sacramento, CA 95814

RECEIVED

JUL 15 2016

INITIATIVE COORDINATOR
ATTORNEY GENERAL'S OFFICE

Attention: Ashley Johansson, Initiative Coordinator

Re: Request for Title and Summary for Proposed Referendum (Assembly Bill No. 1695)

Dear Ms. Harris:

Pursuant to Article II, Section 9, of the California Constitution, I hereby submit the attached proposed referendum (veto referendum) and request a circulating title and summary for petitions to collect signatures from California voters. I have attached the complete text of the bill, which is Assembly Bill No. 1135.

I, Barry Bahrami, declare under penalty of perjury that I am a citizen of the United States, 18 years of age or older, and a resident of (insert county), California." (Elec. Code, § 9001.)

I, Barry Bahrami, acknowledge that it is a misdemeanor under state law (Section 18650 of the Elections Code) to knowingly or willfully allow the signatures on an initiative petition to be used for any purpose other than qualification of the proposed measure for the ballot. I certify that I will not knowingly or willfully allow the signatures for this initiative to be used for any purpose other than qualification of the measure for the ballot." (Elec. Code, § 9608.)

My mailing address for purposes of this referendum is:

7668 El Camino Real
Suite 104-627
Carlsbad, CA 92009
Barry@VetoGunmageddon.org

I have attached my personal registered voter address to letter.

Sincerely,



Barry Bahrami
Proponent
enclosures

Assembly Bill No. 1695**CHAPTER 47**

An act to amend Sections 148.5 and 29805 of the Penal Code, relating to firearms.

[Approved by Governor July 01, 2016. Filed with Secretary of State July 01, 2016.]

LEGISLATIVE COUNSEL'S DIGEST

AB 1695, Bonta. Firearms: false reports of stolen firearms.

(1) Existing law makes it a misdemeanor to make a false report to a peace officer, or to a person who is employed by a law enforcement agency, as specified, that a felony or misdemeanor has been committed, knowing the report to be false.

This bill would make that prohibition applicable to a person who reports to certain individuals and peace officers that a firearm has been lost or stolen, knowing the report to be false. By changing the definition of an existing crime, this bill would impose a state-mandated local program. The bill would also make it a misdemeanor for a person convicted of violating this provision to own a firearm within 10 years of the conviction. By expanding the scope of an existing crime, this bill would impose a state-mandated local program.

(2) This bill would incorporate additional changes to Section 29805 of the Penal Code, proposed by AB 1176, that would become operative only if AB 1176 and this bill are both chaptered and become effective on or before January 1, 2017, and this bill is chaptered last.

(3) The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

DIGEST KEY

Vote: MAJORITY Appropriation: NO Fiscal Committee: YES Local Program: YES

BILL TEXT

THE PEOPLE OF THE STATE OF CALIFORNIA DO ENACT AS FOLLOWS:

SECTION 1.

Section 148.5 of the Penal Code is amended to read:

148.5.

(a) Every person who reports to any peace officer listed in Section 830.1 or 830.2, or subdivision (a) of Section 830.33, the Attorney General, or a deputy attorney general, or a district attorney, or a deputy district attorney that a felony or misdemeanor has been committed, knowing the report to be false, is guilty of a misdemeanor.

(b) Every person who reports to any other peace officer, as defined in Chapter 4.5 (commencing with Section 830) of Title 3 of Part 2, that a felony or misdemeanor has been committed, knowing the report to be false, is guilty of a misdemeanor if (1) the false information is given while the peace officer is engaged in the performance of his or her duties as a peace officer and (2) the person providing the false information knows or should have known that the person receiving the information is a peace officer.

(c) Except as provided in subdivisions (a) and (b), every person who reports to any employee who is assigned to accept reports from citizens, either directly or by telephone, and who is employed by a state or local agency which is designated in Section 830.1, 830.2, subdivision (e) of Section 830.3, Section 830.31, 830.32, 830.33, 830.34, 830.35, 830.36, 830.37, or 830.4, that a felony or misdemeanor has been committed, knowing the report to be false, is guilty of a misdemeanor if (1) the false information is given while the employee is engaged in the performance of his or her duties as an agency employee and (2) the person providing the false information knows or should have known that the person receiving the information is an agency employee engaged in the performance of the duties described in this subdivision.

(d) Every person who makes a report to a grand jury that a felony or misdemeanor has been committed, knowing the report to be false, is guilty of a misdemeanor. This subdivision shall not be construed as prohibiting or precluding a charge of perjury or contempt for any report made under oath in an investigation or proceeding before a grand jury.

(e) This section does not apply to reports made by persons who are required by statute to report known or suspected instances of child abuse, dependent adult abuse, or elder abuse.

(f) This section applies to a person who reports to a person described in subdivision (a), (b), or (c), that a firearm, as defined in subdivision (a) or (b) of Section 16520, has been lost or stolen, knowing the report to be false.

SEC. 2.

Section 29805 of the Penal Code is amended to read:

29805.

(a) Except as provided in Section 29855 or subdivision (a) of Section 29800, any person who has been convicted of a misdemeanor violation of Section 71, 76, 136.1, 136.5, or 140, subdivision (d) of Section 148, subdivision (f) of Section 148.5, Section 171b, paragraph (1) of subdivision (a) of Section 171c, Section 171d, 186.28, 240, 241, 242, 243, 243.4, 244.5, 245, 245.5, 246.3, 247, 273.5, 273.6, 417, 417.6, 422, 626.9, 646.9, or 830.95, subdivision (a) of former Section 12100, as that section read at any time from when it was enacted by Section 3 of Chapter 1386 of the Statutes of 1988 to when it was repealed by Section 18 of Chapter 23 of the Statutes of 1994, Section 17500, 17510, 25300, 25800, 30315, or 32625, subdivision (b) or (d) of Section 26100, or Section 27510, or Section 8100, 8101, or 8103 of the Welfare and Institutions Code, any firearm-related offense pursuant to Sections 871.5 and 1001.5 of the Welfare and Institutions Code, or of the conduct punished in subdivision (c) of Section 27590, and who, within 10 years of the conviction, owns, purchases, receives, or has in possession or under custody or control, any firearm is guilty of a public offense, which shall be punishable by imprisonment in a county jail not exceeding one year or in the state prison, by a fine not exceeding one thousand dollars (\$1,000), or by both that imprisonment and fine.

(b) The court, on forms prescribed by the Department of Justice, shall notify the department of persons subject to this section. However, the prohibition in this section may be reduced, eliminated, or conditioned as provided in Section 29855 or 29860.

SEC. 2.5.

Section 29805 of the Penal Code is amended to read:

29805.

(a) Except as provided in Section 29855 or subdivision (a) of Section 29800, any person who has been convicted of a misdemeanor violation of Section 71, 76, 136.1, 136.5, or 140, subdivision (d) of Section 148, subdivision (f) of Section 148.5, Section 171b, paragraph (1) of subdivision (a) of Section 171c, Section 171d, 186.28, 240, 241, 242, 243, 243.4, 244.5, 245, 245.5, 246.3, 247, 273.5, 273.6, 417, 417.6, 422, 490.2 if the property taken was a firearm, 496 if the property consists of a firearm, 626.9, 646.9, or 830.95, subdivision (a) of former Section 12100, as that section read at any time from when it was enacted by Section 3 of Chapter 1386 of the Statutes of 1988 to when it was repealed by Section 18 of Chapter 23 of the Statutes of 1994, Section 17500, 17510, 25300, 25800, 30315, or 32625, subdivision (b) or (d) of Section 26100, or Section 27510, or Section 8100, 8101, or 8103 of the Welfare and Institutions Code, any firearm-related offense pursuant to Sections 871.5 and 1001.5 of the Welfare and Institutions Code, or of the conduct punished in subdivision (c) of Section 27590, and who, within 10 years of the conviction, owns, purchases, receives, or has in possession or under custody or control, any firearm is guilty of a public offense, which shall be punishable by imprisonment in a county jail not exceeding one year or in the state prison, by a fine not exceeding one thousand dollars (\$1,000), or by both that imprisonment and fine.

(b) The court, on forms prescribed by the Department of Justice, shall notify the department of persons subject to this section. However, the prohibition in this section may be reduced, eliminated, or conditioned as provided in Section 29855 or 29860.

SEC. 3.

Section 2.5 of this bill incorporates amendments to Section 29805 of the Penal Code proposed by both this bill and Assembly Bill 1176. It shall only become operative if (1) both bills are enacted and become effective on or before January 1, 2017, (2) each

bill amends Section 29805 of the Penal Code, and (3) this bill is enacted after Assembly Bill 1176, in which case Section 2 of this bill shall not become operative.

SEC. 4.

No reimbursement is required by this act pursuant to Section 6 of Article XIII B of the California Constitution because the only costs that may be incurred by a local agency or school district will be incurred because this act creates a new crime or infraction, eliminates a crime or infraction, or changes the penalty for a crime or infraction, within the meaning of Section 17556 of the Government Code, or changes the definition of a crime within the meaning of Section 6 of Article XIII B of the California Constitution.

The Attorney General of California has prepared the following title and summary of the chief purpose and points of the proposed measure:

REFERENDUM TO OVERTURN LAW ESTABLISHING CRIMINAL PENALTIES

FOR FALSELY REPORTING LOST OR STOLEN FIREARMS. If signed by the required number of registered voters and timely filed with the Secretary of State, this petition will place on the statewide ballot a challenge to a state law previously approved by the Legislature and the Governor. The challenged law must then be approved by a majority of voters at the next statewide election to go into effect. The law would make it a misdemeanor to falsely report lost or stolen firearms and prohibit firearms possession for 10 years upon conviction. (16-0008.)