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## SENATE COMMITTEE ON APPROPRIATIONS

Senator Anna Caballero, Chair  
2023 - 2024 Regular Session

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### SB 902 (Roth) - Firearms: public safety

**Version:** April 3, 2024

**Urgency:** No

**Hearing Date:** May 13, 2024

**Policy Vote:** PUB. S. 5 - 0

**Mandate:** Yes

**Consultant:** Liah Burnley

**Bill Summary:** SB 902 creates a 10-year prohibition on the possession of firearms for individuals convicted of misdemeanor animal cruelty.

### Fiscal Impact:

- Unknown, potentially significant workload cost pressures (General Fund, Trial Court Trust Fund) to the courts to adjudicate charges brought against defendants who violate the bill's prohibition. Defendants charged with a misdemeanor are entitled to no-cost legal representation and a jury trial. It generally costs about \$8,000 to operate a courtroom for one eight-hour day. If only five new crimes are filed annually statewide and proceed to trial resulting in the use of two days of court time, the cost pressures of this measure to the courts would be sufficient to meet the Suspense threshold. While the superior courts are not funded on a workload basis, an increase in workload could result in delayed court services and would put pressure on the General Fund to increase the amount appropriated to backfill for trial court operations. For illustrative purposes, the Governor's 2024-25 state budget proposes \$83.1 million ongoing General Fund to continue to backfill the Trial Court Trust Fund for expected revenue declines.
- Unknown, potentially significant ongoing cost pressures (General Fund, local funds) to counties for increased incarceration costs. Although new crimes are not considered reimbursable state mandates pursuant to Proposition 30 (2012), overcrowding in county jails creates cost pressure on the General Fund because the state has historically granted new funding to counties to offset overcrowding caused by the Realignment Act.

**Background:** Existing law generally prohibits a person who has been convicted of certain misdemeanors from possessing a firearm within ten years of the conviction. Under existing law, a violation of this prohibition is a crime, punishable by imprisonment in a county jail not exceeding one year or in the state prison, by a fine not exceeding \$1,000, or by both the imprisonment and fine.

**Proposed Law:** This bill provides that any person who is convicted on or after January 1, 2025, of a misdemeanor for maliciously and intentionally maiming, mutilating, torturing, wounding, or killing a living animal, 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 misdemeanor, punishable by imprisonment in a county jail not exceeding one year and/or a fine up to \$1,000.

### Related Legislation:

- AB 2519 (Maienschein) would prohibits a defendant charged with a specified serious or violent misdemeanor from possessing a firearm until they successfully complete diversion. AB 2519 is pending in Assembly Appropriations Committee.
- AB 2239 (Maienschein, Chapter 143, Statutes of 2022) created a 10 year firearm prohibition for individuals convicted of child abuse and elder and dependent adult abuse involving violence.
- AB 785 (Jones-Sawyer, Chapter 784, Statutes of 2017) added two hate crimes to the list of misdemeanors that result in a ban on the right to possess a firearm for 10 years.

**Staff Comments:** This bill is one of many firearms related bills introduced this Legislative Session. DOJ notes that SB 902 would not pose a significant impact to the DOJ, as numerous bills this session may result in no significant impact to the DOJ, should an aggregate of these bills chapter, the DOJ would submit a workload BCP for additional resources to process the increase to the DOJ workload. Moreover, there are likely significant costs (General Fund) to the DOJ, possibly in the low hundreds of thousands of dollars annually, to add this bill's firearm prohibition to the Armed and Prohibited Persons System (APPS). Costs will likely decrease after APPS is updated, but DOJ may incur additional ongoing workload costs to identify people subject to this prohibition and enforce it.

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