

AMENDED IN SENATE MAY 7, 2013  
AMENDED IN SENATE APRIL 3, 2013  
AMENDED IN SENATE APRIL 1, 2013

**SENATE BILL**

**No. 755**

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**Introduced by Senator Wolk**

(Principal coauthor: Assembly Member Alejo)

**(Coauthors: Senators De León, DeSaulnier, Hancock, and Yee)**

February 22, 2013

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An act to amend Section 29805 of the Penal Code, and to amend Section 8103 of the Welfare and Institutions Code, relating to firearms.

LEGISLATIVE COUNSEL'S DIGEST

SB 755, as amended, Wolk. Firearms: prohibited persons.

(1) Existing law, subject to exceptions, provides that any person who has been convicted of certain misdemeanors may not, within 10 years of the conviction, own, purchase, receive, possess, or have under his or her custody or control, any firearm. ~~Violation~~ *Under existing law, a violation* of this prohibition is 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 that imprisonment and fine.

This bill would add to the list of misdemeanors, the conviction for which is subject to those prohibitions, misdemeanor offenses of violating the above provisions as well as threatening a peace officer, removing a weapon from the person of a peace officer, hazing, transferring a firearm without completing the transaction through a licensed firearms dealer, furnishing ammunition to a minor, possession of ammunition by a person prohibited from having a firearm, furnishing ammunition to a person prohibited from possessing ammunition, carrying

ammunition onto school grounds, carrying a loaded or concealed weapon if the person has been previously convicted of a crime against a person or property, or of a narcotics or dangerous drug violation, or if the firearm is not registered, participation in any criminal street gang, a public offense committed for the benefit of a criminal street gang, and disobedience to the terms of an injunction that restrains the activities of a criminal street gang.

The bill would also apply the above 10-year prohibition to a person who has been convicted of 2 or more specified crimes in a 3-year period involving intoxication or possession of certain controlled substances for sale. By changing the definition of a crime, this bill would impose a state-mandated local program.

(2) Existing law prohibits certain specified individuals, including a person who has been adjudicated a danger to others as a result of a mental disorder or mental illness, a person who has been adjudicated a mentally disordered sex offender, a person who has been found not guilty by reason of insanity, or a person who has been placed under conservatorship by a court, among others, from possessing firearms or deadly weapons.

Existing law authorizes a court to order a person to obtain assisted outpatient treatment if certain criteria are met, including that the person is suffering from a mental illness and is unlikely to survive safely in the community without supervision.

This bill would prohibit a person who has been ordered by a court to obtain assisted outpatient treatment from purchasing or possessing any firearm or other deadly weapon while subject to assisted outpatient treatment. The bill would require the court to notify the Department of Justice of the order prohibiting the person from possessing a firearm or other deadly weapon within 2 days of the order, and to notify the Department of Justice when the person is no longer subject to assisted outpatient treatment. Because a violation of this provision would be a crime, this bill would impose a state-mandated local program.

(3) Existing constitutional provisions require that a statute that limits the right of access to meetings of public bodies or the writings of public officials and agencies be adopted with findings demonstrating the interest protected by that limitation and the need for protecting that interest.

This bill would make a legislative finding and declaration relating to the necessity of treating reports to the Department of Justice as

confidential in order to protect the privacy of individuals ordered to obtain assisted outpatient treatment.

(4) 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.

Vote: majority. Appropriation: no. Fiscal committee: yes.

State-mandated local program: yes.

*The people of the State of California do enact as follows:*

1 SECTION 1. The Legislature finds and declares that in order  
2 to protect the privacy of individuals ordered to obtain assisted  
3 outpatient treatment, it is necessary that reports made by a court  
4 to the Department of Justice pursuant to Section 3 of this act be  
5 confidential, except as provided in this act.

6 SEC. 2. Section 29805 of the Penal Code is amended to read:

7 29805. (a) Except as provided in Section 29855 or subdivision  
8 (a) of Section 29800, any person who has been convicted of a  
9 misdemeanor violation of this section, Section 69, 71, 76, 136.1,  
10 136.5, or 140, subdivision (b) or (d) of Section 148, paragraph  
11 (10) of subdivision (a) of Section 166, Section 171b, paragraph  
12 (1) of subdivision (a) of Section 171c, Section 171d, subdivision  
13 (a) or (d) of Section 186.22, Section 186.28, 240, 241, 242, 243,  
14 243.4, 244.5, 245, 245.5, 245.6, 246.3, 247, 273.5, 273.6, 417,  
15 417.6, 422, 626.9, 646.9, or 830.95, subdivision (a) of former  
16 Section 12100, as that section read at any time from when it was  
17 enacted by Section 3 of Chapter 1386 of the Statutes of 1988 to  
18 when it was repealed by Section 18 of Chapter 23 of the Statutes  
19 of 1994, Section 17500, 17510, 25300, 25800, 26500, 30300,  
20 30305, 30306, 30310, 30315, or 32625, subdivision (b) or (d) of  
21 Section 26100, or Section 27510, or Section 8100, 8101, or 8103  
22 of the Welfare and Institutions Code, any firearm-related offense  
23 pursuant to Sections 871.5 and 1001.5 of the Welfare and  
24 Institutions Code, Section 25400 that is punishable pursuant to  
25 paragraph (5) or (6) of subdivision (c) of Section 25400, Section  
26 25850 that is punishable pursuant to paragraph (5) or (6) of  
27 subdivision (c) of Section 25850, or of the conduct punished in  
28 subdivision (c) of Section 27590, and who, within 10 years of the

1 conviction, owns, purchases, receives, or has in possession or under  
2 custody or control, any firearm is guilty of a public offense, which  
3 shall be punishable by imprisonment in a county jail not exceeding  
4 one year or in the state prison, by a fine not exceeding one thousand  
5 dollars (\$1,000), or by both that imprisonment and fine.

6 (b) Except as provided in Section 29855 or subdivision (a) of  
7 Section 29800, any person who has been convicted of misdemeanor  
8 violations of two or more of any of the following offenses *within*  
9 *a three-year period* and who, within 10 years of the *second*  
10 conviction, owns, purchases, receives, or has in possession or under  
11 custody or control, any firearm is guilty of a public offense, which  
12 shall be punishable by imprisonment in a county jail not exceeding  
13 one year or in the state prison, by a fine not exceeding one thousand  
14 dollars (\$1,000), or by both that imprisonment and fine:

15 ~~(1) Subdivision (e) of Section 1700 of the Business and~~  
16 ~~Professions Code.~~

17 ~~(2) Subdivision (e) of Section 1958 of the Business and~~  
18 ~~Professions Code.~~

19 ~~(3) Section 2280 of the Business and Professions Code.~~

20 ~~(4) Section 4327 of the Business and Professions Code.~~

21 ~~(5) Subdivision (b), (c), (d), or (f) of Section 655 of the Harbors~~  
22 ~~and Navigation Code.~~

23 ~~(6) Section 655.4 of the Harbors and Navigation Code.~~

24 ~~(7)~~

25 (1) Possession of a controlled substance with intent to sell in  
26 violation of Section 11357.5 of the Health and Safety Code.

27 ~~(8)~~

28 (2) Possession of a controlled substance with intent to sell in  
29 violation of paragraph (1) of subdivision (b) of Section 11375 of  
30 the Health and Safety Code.

31 ~~(9)~~

32 (3) Possession of a controlled substance with intent to sell in  
33 violation of Section 11379.2 of the Health and Safety Code.

34 ~~(10)~~

35 (4) Section 11550 of the Health and Safety Code.

36 ~~(11)~~

37 (5) Section 191.5.

38 ~~(12)~~

39 (6) Subdivision (f) of Section 647.

40 ~~(13) Section 21407.1 of the Public Utilities Code.~~

1 ~~(14) Section 21200.5 of the Vehicle Code.~~

2 ~~(15)~~

3 (7) Section 23152 of the Vehicle Code.

4 ~~(16)~~

5 (8) Section 23153 of the Vehicle Code.

6 ~~(17)~~

7 (9) Section 23154 of the Vehicle Code.

8 (c) The court, on forms prescribed by the Department of Justice,  
9 shall notify the department of persons subject to this section.

10 However, the prohibition in this section may be reduced,  
11 eliminated, or conditioned as provided in Section 29855 or 29860.

12 SEC. 3. Section 8103 of the Welfare and Institutions Code is  
13 amended to read:

14 8103. (a) (1) No person who after October 1, 1955, has been  
15 adjudicated by a court of any state to be a danger to others as a  
16 result of a mental disorder or mental illness, or who has been  
17 adjudicated to be a mentally disordered sex offender, shall purchase  
18 or receive, or attempt to purchase or receive, or have in his or her  
19 possession, custody, or control any firearm or any other deadly  
20 weapon unless there has been issued to the person a certificate by  
21 the court of adjudication upon release from treatment or at a later  
22 date stating that the person may possess a firearm or any other  
23 deadly weapon without endangering others, and the person has  
24 not, subsequent to the issuance of the certificate, again been  
25 adjudicated by a court to be a danger to others as a result of a  
26 mental disorder or mental illness.

27 (2) The court shall immediately notify the Department of Justice  
28 of the court order finding the individual to be a person described  
29 in paragraph (1). The court shall also notify the Department of  
30 Justice of any certificate issued as described in paragraph (1).

31 (b) (1) No person who has been found, pursuant to Section  
32 1026 of the Penal Code or the law of any other state or the United  
33 States, not guilty by reason of insanity of murder, mayhem, a  
34 violation of Section 207, 209, or 209.5 of the Penal Code in which  
35 the victim suffers intentionally inflicted great bodily injury,  
36 carjacking or robbery in which the victim suffers great bodily  
37 injury, a violation of Section 451 or 452 of the Penal Code  
38 involving a trailer coach, as defined in Section 635 of the Vehicle  
39 Code, or any dwelling house, a violation of paragraph (1) or (2)  
40 of subdivision (a) of Section 262 or paragraph (2) or (3) of

1 subdivision (a) of Section 261 of the Penal Code, a violation of  
2 Section 459 of the Penal Code in the first degree, assault with  
3 intent to commit murder, a violation of Section 220 of the Penal  
4 Code in which the victim suffers great bodily injury, a violation  
5 of Section 18715, 18725, 18740, 18745, 18750, or 18755 of the  
6 Penal Code, or of a felony involving death, great bodily injury, or  
7 an act which poses a serious threat of bodily harm to another  
8 person, or a violation of the law of any other state or the United  
9 States that includes all the elements of any of the above felonies  
10 as defined under California law, shall purchase or receive, or  
11 attempt to purchase or receive, or have in his or her possession or  
12 under his or her custody or control any firearm or any other deadly  
13 weapon.

14 (2) The court shall immediately notify the Department of Justice  
15 of the court order finding the person to be a person described in  
16 paragraph (1).

17 (c) (1) No person who has been found, pursuant to Section 1026  
18 of the Penal Code or the law of any other state or the United States,  
19 not guilty by reason of insanity of any crime other than those  
20 described in subdivision (b) shall purchase or receive, or attempt  
21 to purchase or receive, or shall have in his or her possession,  
22 custody, or control any firearm or any other deadly weapon unless  
23 the court of commitment has found the person to have recovered  
24 sanity, pursuant to Section 1026.2 of the Penal Code or the law of  
25 any other state or the United States.

26 (2) The court shall immediately notify the Department of Justice  
27 of the court order finding the person to be a person described in  
28 paragraph (1). The court shall also notify the Department of Justice  
29 when it finds that the person has recovered his or her sanity.

30 (d) (1) No person found by a court to be mentally incompetent  
31 to stand trial, pursuant to Section 1370 or 1370.1 of the Penal Code  
32 or the law of any other state or the United States, shall purchase  
33 or receive, or attempt to purchase or receive, or shall have in his  
34 or her possession, custody, or control, any firearm or any other  
35 deadly weapon, unless there has been a finding with respect to the  
36 person of restoration to competence to stand trial by the committing  
37 court, pursuant to Section 1372 of the Penal Code or the law of  
38 any other state or the United States.

39 (2) The court shall immediately notify the Department of Justice  
40 of the court order finding the person to be mentally incompetent

1 as described in paragraph (1). The court shall also notify the  
2 Department of Justice when it finds that the person has recovered  
3 his or her competence.

4 (e) (1) No person who has been placed under conservatorship  
5 by a court, pursuant to Section 5350 or the law of any other state  
6 or the United States, because the person is gravely disabled as a  
7 result of a mental disorder or impairment by chronic alcoholism,  
8 shall purchase or receive, or attempt to purchase or receive, or  
9 shall have in his or her possession, custody, or control, any firearm  
10 or any other deadly weapon while under the conservatorship if, at  
11 the time the conservatorship was ordered or thereafter, the court  
12 which imposed the conservatorship found that possession of a  
13 firearm or any other deadly weapon by the person would present  
14 a danger to the safety of the person or to others. Upon placing any  
15 person under conservatorship, and prohibiting firearm or any other  
16 deadly weapon possession by the person, the court shall notify the  
17 person of this prohibition.

18 (2) The court shall immediately notify the Department of Justice  
19 of the court order placing the person under conservatorship and  
20 prohibiting firearm or any other deadly weapon possession by the  
21 person as described in paragraph (1). The notice shall include the  
22 date the conservatorship was imposed and the date the  
23 conservatorship is to be terminated. If the conservatorship is  
24 subsequently terminated before the date listed in the notice to the  
25 Department of Justice or the court subsequently finds that  
26 possession of a firearm or any other deadly weapon by the person  
27 would no longer present a danger to the safety of the person or  
28 others, the court shall immediately notify the Department of Justice.

29 (3) All information provided to the Department of Justice  
30 pursuant to paragraph (2) shall be kept confidential, separate, and  
31 apart from all other records maintained by the Department of  
32 Justice, and shall be used only to determine eligibility to purchase  
33 or possess firearms or other deadly weapons. Any person who  
34 knowingly furnishes that information for any other purpose is  
35 guilty of a misdemeanor. All the information concerning any person  
36 shall be destroyed upon receipt by the Department of Justice of  
37 notice of the termination of conservatorship as to that person  
38 pursuant to paragraph (2).

39 (f) (1) No person who has been (A) taken into custody as  
40 provided in Section 5150 because that person is a danger to himself,

1 herself, or to others, (B) assessed within the meaning of Section  
2 5151, and (C) admitted to a designated facility within the meaning  
3 of Sections 5151 and 5152 because that person is a danger to  
4 himself, herself, or others, shall own, possess, control, receive, or  
5 purchase, or attempt to own, possess, control, receive, or purchase  
6 any firearm for a period of five years after the person is released  
7 from the facility. A person described in the preceding sentence,  
8 however, may own, possess, control, receive, or purchase, or  
9 attempt to own, possess, control, receive, or purchase any firearm  
10 if the superior court has, pursuant to paragraph (5), found that the  
11 people of the State of California have not met their burden pursuant  
12 to paragraph (6).

13 (2) (A) For each person subject to this subdivision, the facility  
14 shall immediately, on the date of admission, submit a report to the  
15 Department of Justice, on a form prescribed by the Department of  
16 Justice, containing information that includes, but is not limited to,  
17 the identity of the person and the legal grounds upon which the  
18 person was admitted to the facility.

19 Any report submitted pursuant to this paragraph shall be  
20 confidential, except for purposes of the court proceedings described  
21 in this subdivision and for determining the eligibility of the person  
22 to own, possess, control, receive, or purchase a firearm.

23 (B) Commencing July 1, 2012, facilities shall submit reports  
24 pursuant to this paragraph exclusively by electronic means, in a  
25 manner prescribed by the Department of Justice.

26 (3) Prior to, or concurrent with, the discharge, the facility shall  
27 inform a person subject to this subdivision that he or she is  
28 prohibited from owning, possessing, controlling, receiving, or  
29 purchasing any firearm for a period of five years. Simultaneously,  
30 the facility shall inform the person that he or she may request a  
31 hearing from a court, as provided in this subdivision, for an order  
32 permitting the person to own, possess, control, receive, or purchase  
33 a firearm. The facility shall provide the person with a form for a  
34 request for a hearing. The Department of Justice shall prescribe  
35 the form. Where the person requests a hearing at the time of  
36 discharge, the facility shall forward the form to the superior court  
37 unless the person states that he or she will submit the form to the  
38 superior court.

39 (4) The Department of Justice shall provide the form upon  
40 request to any person described in paragraph (1). The Department

1 of Justice shall also provide the form to the superior court in each  
2 county. A person described in paragraph (1) may make a single  
3 request for a hearing at any time during the five-year period. The  
4 request for hearing shall be made on the form prescribed by the  
5 department or in a document that includes equivalent language.

6 (5) Any person who is subject to paragraph (1) who has  
7 requested a hearing from the superior court of his or her county  
8 of residence for an order that he or she may own, possess, control,  
9 receive, or purchase firearms shall be given a hearing. The clerk  
10 of the court shall set a hearing date and notify the person, the  
11 Department of Justice, and the district attorney. The people of the  
12 State of California shall be the plaintiff in the proceeding and shall  
13 be represented by the district attorney. Upon motion of the district  
14 attorney, or on its own motion, the superior court may transfer the  
15 hearing to the county in which the person resided at the time of  
16 his or her detention, the county in which the person was detained,  
17 or the county in which the person was evaluated or treated. Within  
18 seven days after the request for a hearing, the Department of Justice  
19 shall file copies of the reports described in this section with the  
20 superior court. The reports shall be disclosed upon request to the  
21 person and to the district attorney. The court shall set the hearing  
22 within 30 days of receipt of the request for a hearing. Upon  
23 showing good cause, the district attorney shall be entitled to a  
24 continuance not to exceed 14 days after the district attorney was  
25 notified of the hearing date by the clerk of the court. If additional  
26 continuances are granted, the total length of time for continuances  
27 shall not exceed 60 days. The district attorney may notify the  
28 county mental health director of the hearing who shall provide  
29 information about the detention of the person that may be relevant  
30 to the court and shall file that information with the superior court.  
31 That information shall be disclosed to the person and to the district  
32 attorney. The court, upon motion of the person subject to paragraph  
33 (1) establishing that confidential information is likely to be  
34 discussed during the hearing that would cause harm to the person,  
35 shall conduct the hearing in camera with only the relevant parties  
36 present, unless the court finds that the public interest would be  
37 better served by conducting the hearing in public. Notwithstanding  
38 any other law, declarations, police reports, including criminal  
39 history information, and any other material and relevant evidence

1 that is not excluded under Section 352 of the Evidence Code shall  
2 be admissible at the hearing under this section.

3 (6) The people shall bear the burden of showing by a  
4 preponderance of the evidence that the person would not be likely  
5 to use firearms in a safe and lawful manner.

6 (7) If the court finds at the hearing set forth in paragraph (5)  
7 that the people have not met their burden as set forth in paragraph  
8 (6), the court shall order that the person shall not be subject to the  
9 five-year prohibition in this section on the ownership, control,  
10 receipt, possession, or purchase of firearms. A copy of the order  
11 shall be submitted to the Department of Justice. Upon receipt of  
12 the order, the Department of Justice shall delete any reference to  
13 the prohibition against firearms from the person’s state mental  
14 health firearms prohibition system information.

15 (8) Where the district attorney declines or fails to go forward  
16 in the hearing, the court shall order that the person shall not be  
17 subject to the five-year prohibition required by this subdivision  
18 on the ownership, control, receipt, possession, or purchase of  
19 firearms. A copy of the order shall be submitted to the Department  
20 of Justice. Upon receipt of the order, the Department of Justice  
21 shall, within 15 days, delete any reference to the prohibition against  
22 firearms from the person’s state mental health firearms prohibition  
23 system information.

24 (9) Nothing in this subdivision shall prohibit the use of reports  
25 filed pursuant to this section to determine the eligibility of persons  
26 to own, possess, control, receive, or purchase a firearm if the person  
27 is the subject of a criminal investigation, a part of which involves  
28 the ownership, possession, control, receipt, or purchase of a  
29 firearm.

30 (g) (1) No person who has been certified for intensive treatment  
31 under Section 5250, 5260, or 5270.15 shall own, possess, control,  
32 receive, or purchase, or attempt to own, possess, control, receive,  
33 or purchase, any firearm for a period of five years.

34 Any person who meets the criteria contained in subdivision (e)  
35 or (f) who is released from intensive treatment shall nevertheless,  
36 if applicable, remain subject to the prohibition contained in  
37 subdivision (e) or (f).

38 (2) (A) For each person certified for intensive treatment under  
39 paragraph (1), the facility shall immediately submit a report to the  
40 Department of Justice, on a form prescribed by the department,

1 containing information regarding the person, including, but not  
2 limited to, the legal identity of the person and the legal grounds  
3 upon which the person was certified. Any report submitted pursuant  
4 to this paragraph shall only be used for the purposes specified in  
5 paragraph (2) of subdivision (f).

6 (B) Commencing July 1, 2012, facilities shall submit reports  
7 pursuant to this paragraph exclusively by electronic means, in a  
8 manner prescribed by the Department of Justice.

9 (3) Prior to, or concurrent with, the discharge of each person  
10 certified for intensive treatment under paragraph (1), the facility  
11 shall inform the person of that information specified in paragraph  
12 (3) of subdivision (f).

13 (4) Any person who is subject to paragraph (1) may petition the  
14 superior court of his or her county of residence for an order that  
15 he or she may own, possess, control, receive, or purchase firearms.  
16 At the time the petition is filed, the clerk of the court shall set a  
17 hearing date and notify the person, the Department of Justice, and  
18 the district attorney. The people of the State of California shall be  
19 the respondent in the proceeding and shall be represented by the  
20 district attorney. Upon motion of the district attorney, or on its  
21 own motion, the superior court may transfer the petition to the  
22 county in which the person resided at the time of his or her  
23 detention, the county in which the person was detained, or the  
24 county in which the person was evaluated or treated. Within seven  
25 days after receiving notice of the petition, the Department of Justice  
26 shall file copies of the reports described in this section with the  
27 superior court. The reports shall be disclosed upon request to the  
28 person and to the district attorney. The district attorney shall be  
29 entitled to a continuance of the hearing to a date of not less than  
30 14 days after the district attorney was notified of the hearing date  
31 by the clerk of the court. The district attorney may notify the county  
32 mental health director of the petition, and the county mental health  
33 director shall provide information about the detention of the person  
34 that may be relevant to the court and shall file that information  
35 with the superior court. That information shall be disclosed to the  
36 person and to the district attorney. The court, upon motion of the  
37 person subject to paragraph (1) establishing that confidential  
38 information is likely to be discussed during the hearing that would  
39 cause harm to the person, shall conduct the hearing in camera with  
40 only the relevant parties present, unless the court finds that the

1 public interest would be better served by conducting the hearing  
2 in public. Notwithstanding any other provision of law, any  
3 declaration, police reports, including criminal history information,  
4 and any other material and relevant evidence that is not excluded  
5 under Section 352 of the Evidence Code, shall be admissible at  
6 the hearing under this section. If the court finds by a preponderance  
7 of the evidence that the person would be likely to use firearms in  
8 a safe and lawful manner, the court may order that the person may  
9 own, control, receive, possess, or purchase firearms. A copy of  
10 the order shall be submitted to the Department of Justice. Upon  
11 receipt of the order, the Department of Justice shall delete any  
12 reference to the prohibition against firearms from the person's  
13 state mental health firearms prohibition system information.

14 (h) For all persons identified in subdivisions (f) and (g), facilities  
15 shall report to the Department of Justice as specified in those  
16 subdivisions, except facilities shall not report persons under  
17 subdivision (g) if the same persons previously have been reported  
18 under subdivision (f).

19 Additionally, all facilities shall report to the Department of  
20 Justice upon the discharge of persons from whom reports have  
21 been submitted pursuant to subdivision (f) or (g). However, a report  
22 shall not be filed for persons who are discharged within 31 days  
23 after the date of admission.

24 (i) (1) No person who has been ordered by a court to obtain  
25 assisted outpatient treatment pursuant to Article 9 (commencing  
26 with Section 5345) of Chapter 2 of Part 1 of Division 5 shall  
27 purchase or receive, or attempt to purchase or receive, or shall  
28 have in his or her possession, custody, or control, any firearm or  
29 any other deadly weapon while subject to assisted outpatient  
30 treatment. Upon placing any person under assisted outpatient  
31 treatment, the court shall notify the person of this prohibition.

32 (2) The court shall notify the Department of Justice of the court  
33 order placing the person in assisted outpatient treatment and  
34 prohibiting firearm or any other deadly weapon possession by the  
35 person described in paragraph (1) within two days of the order.  
36 The court shall also notify the Department of Justice when the  
37 person subject to paragraph (1) is no longer subject to assisted  
38 outpatient treatment. Any report submitted pursuant to this  
39 paragraph shall be confidential, except for purposes of the court  
40 proceedings specified in this subdivision and for purposes of

1 determining the eligibility of the person to own, possess, control,  
2 receive, or purchase a firearm.

3 (j) Every person who owns or possesses or has under his or her  
4 custody or control, or purchases or receives, or attempts to purchase  
5 or receive, any firearm or any other deadly weapon in violation of  
6 this section shall be punished by imprisonment pursuant to  
7 subdivision (h) of Section 1170 of the Penal Code or in a county  
8 jail for not more than one year.

9 (k) “Deadly weapon,” as used in this section, has the meaning  
10 prescribed by Section 8100.

11 SEC. 4. No reimbursement is required by this act pursuant to  
12 Section 6 of Article XIII B of the California Constitution because  
13 the only costs that may be incurred by a local agency or school  
14 district will be incurred because this act creates a new crime or  
15 infraction, eliminates a crime or infraction, or changes the penalty  
16 for a crime or infraction, within the meaning of Section 17556 of  
17 the Government Code, or changes the definition of a crime within  
18 the meaning of Section 6 of Article XIII B of the California  
19 Constitution.

O