

AMENDED IN SENATE APRIL 3, 2013

SENATE BILL

No. 759

Introduced by Senator Nielsen

February 22, 2013

An act relating to veterans; to amend Section 34005 of the Penal Code, relating to firearms.

LEGISLATIVE COUNSEL'S DIGEST

SB 759, as amended, Nielsen. ~~Veterans' homes.~~ *Firearms: California State Military Museum and Resource Center.*

Existing law provides that an officer having custody of any firearm that may be useful to the California National Guard, the Coast Guard Auxiliary, or to any military or naval agency of the federal or state government, may, upon the authority of the legislative body of the city, city and county, or county by which the officer is employed and the approval of the Adjutant General, deliver the firearm to the commanding officer of a unit of the California National Guard, the Coast Guard Auxiliary, or any other military agency of the state or federal government, including the California State Military Museum and Resource Center, in lieu of destruction as otherwise required. Existing law also specifies how firearms donated to the California State Military Museum and Resource Center may be disposed of.

This bill would correct an incorrect reference to the California State Military Museum and Resource Center in those provisions.

~~Existing law provides for the establishment and operation of the Veterans' Home of California at various sites, and declares that there is in the Department of Veterans Affairs a Veterans' Home of California, Yountville.~~

~~This bill would declare the intent of the Legislature to enact legislation regarding state-operated veterans' homes.~~

Vote: majority. Appropriation: no. Fiscal committee: no.
 State-mandated local program: no.

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

- 1 SECTION 1. Section 34005 of the Penal Code is amended to
 2 read:
- 3 34005. (a) (1) An officer having custody of any firearm that
 4 may be useful to the California National Guard, the Coast Guard
 5 Auxiliary, or to any military or naval agency of the federal or state
 6 government, including, but not limited to, the California National
 7 Guard ~~military museum~~ *State Military Museum* and ~~resource center,~~
 8 *Resource Center*, may, upon the authority of the legislative body
 9 of the city, city and county, or county by which the officer is
 10 employed and the approval of the Adjutant General, deliver the
 11 firearm to the commanding officer of a unit of the California
 12 National Guard, the Coast Guard Auxiliary, or any other military
 13 agency of the state or federal government, in lieu of destruction
 14 as required by any of the provisions listed in Section 16580.
- 15 (2) The officer delivering a firearm pursuant to this subdivision
 16 shall take a receipt for it, which contains a complete description
 17 of the firearm, and shall keep the receipt on file in his or her office
 18 as a public record.
- 19 (b) Any law enforcement agency that has custody of any
 20 firearms, or any parts of any firearms, which are subject to
 21 destruction as required by any of the provisions listed in Section
 22 16580, may, in lieu of destroying the weapons, retain and use any
 23 of them as may be useful in carrying out the official duties of the
 24 agency. Alternatively, upon approval of a court, the agency may
 25 do either of the following:
- 26 (1) Release the weapons to any other law enforcement agency
 27 for use in carrying out the official duties of that agency.
- 28 (2) Turn over to the criminalistics laboratory of the Department
 29 of Justice or the criminalistics laboratory of a police department,
 30 sheriff's office, or district attorney's office, any weapons that may
 31 be useful in carrying out the official duties of the respective
 32 agencies.

1 (c) (1) Any firearm, or part of any firearm, which, rather than
2 being destroyed, is used for official purposes pursuant to this
3 section, shall be destroyed by the agency using the weapon when
4 it is no longer needed by the agency for use in carrying out its
5 official duties.

6 (2) Firearms or weaponry donated to the California ~~National~~
7 ~~Guard military museum~~ *State Military Museum* and ~~resource center~~
8 *Resource Center* may be disposed of pursuant to Section 179 of
9 the Military and Veterans Code.

10 (d) (1) Any law enforcement agency that has custody of any
11 firearms, or any parts of any firearms, which are subject to
12 destruction as required by any of the provisions listed in Section
13 16580, may, in lieu of destroying the firearms, obtain an order
14 from the superior court directing the release of the firearms to the
15 sheriff.

16 (2) The sheriff shall enter those weapons into the Automated
17 Firearms System (AFS), via the California Law Enforcement
18 Telecommunications System, with a complete description of each
19 weapon, including the make, type, category, caliber, and serial
20 number of the firearms, and the name of the academy receiving
21 the weapon entered into the AFS miscellaneous field.

22 (3) The sheriff shall then release the firearms to the basic
23 training academy certified by the Commission on Peace Officer
24 Standards and Training, so that the firearms may be used for
25 instructional purposes in the certified courses. All firearms released
26 to an academy shall be under the care, custody, and control of the
27 particular academy.

28 (4) Any firearm, or part of any firearm, which is not destroyed,
29 and is used for the purposes authorized by this section, shall be
30 returned to the law enforcement agency that had original custody
31 of the firearm when it is no longer needed by the basic training
32 academy, or when the basic training academy is no longer certified
33 by the commission.

34 (5) When those firearms are returned, the law enforcement
35 agency to which the firearms are returned, shall on the date of the
36 return, enter into the Automated Firearms System (AFS), via the
37 California Law Enforcement Telecommunications System, a
38 complete description of each weapon, including the make, type,
39 category, caliber, and serial number of the firearms, and the name
40 of the entity returning the firearm.

- 1 SECTION 1. It is the intent of the Legislature to enact legislation
- 2 regarding state-operated veterans' homes.

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