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California State Senate

SENATOR
BOB HUFF

SENATE REPUBLICAN LEADER

TWENTY-NINTH SENATE DISTRICT



March 17, 2015

The Honorable Kevin de León,
President pro Tem
California State Senate
Room 205, State Capitol
Sacramento, CA 95819

Dear Senator de León,

In the immediate aftermath of the Sandy Hook tragedy in 2013, the Legislature authorized an audit of the California Attorney General's Armed Prohibited Person System (APPS). As you know, the APPS is a unique database that cross-references firearm owners in California against domestic violence restraining orders, and mental health and criminal history records to determine persons who have been, or will become, prohibited from possessing a firearm subsequent to a lawful purchase. The audit found that there was a backlog of 20,000 armed prohibited persons in California. According to the Attorney General's office, collectively, these individuals were believed to be in possession of over 39,000 handguns and 1,670 assault weapons. By January 1, 2014, the backlog had grown to 21,249 prohibited persons believed to be in possession of 41,842 handguns and 1,990 assault weapons.

In order to address this massive backlog in the seizure of firearms illegally in the possession of prohibited persons, the Legislature allocated \$24 million in special funds to the DOJ (SB 140, 2013). During a joint hearing of the Assembly and Senate Public Safety Committees on January 29, 2013, DOJ Firearms Bureau Chief Stephen Lindley stated that the APPS was "a priority for Attorney General Kamala Harris," and that the department could "arrest and investigate" its way out of the backlog in a three-year period with "roughly \$8 million per year." Upon further questioning by the Legislature, Chief Lindley agreed that with a \$25 million appropriation it would be possible to eliminate the backlog in just one year.

On March 1, 2015, almost two years after SB 140 was signed into law, the department released its first report detailing efforts to eliminate the backlog. Unfortunately, the report

reflects the failure of the Attorney General and the DOJ to address the APPS backlog and meet the commitments they made to the Legislature. Specifically, the report reveals:

- As of December 31, 2014, DOJ had only hired eighteen additional agents and reduced the backlog of prohibited persons with firearms by 3,770 (from 21,249 to 17,479) despite having spent roughly 40 percent of the funds.
- In the six-year period prior to SB 140, DOJ confiscated an average of 1,672 firearms per year. In 2014, after the additional \$24 million was provided, DOJ confiscated 3,288 guns, a net increase of only 1,616 firearms seized out of over 40,000 thought to be illegally held.

Given the critical public safety implications of this issue, we are requesting that the Senate Rules Committee approve a joint oversight hearing by the Senate Public Safety Committee and Senate Budget Subcommittee #5 to review the APPS program and the recent report released by the DOJ outlining its lack of significant progress in clearing the APPS backlog. This oversight hearing should investigate:

1. How the AG spent 40% of the funds when they didn't hire the needed staff to end the backlog;
2. The Attorney General's plan for future expenditures to actually eliminate the APPS backlog; and
3. Why the Attorney General's office omitted information required under SB 140 regarding the breakdown of why each person in the APPS is prohibited from possessing a firearm.

This oversight hearing is exactly the type of state program oversight in which the Legislature should be engaged. It is critical given the potential consequences of these firearms remaining in the hands of people that should not have them and the failure of DOJ to meet its own commitments to the Legislature and those required by statute.

Thank you for your consideration of this request. We look forward to working collaboratively with you to ensure that criminals and the mentally ill do not illegally possess firearms and to hold our state agencies accountable for running effective and efficient programs.


Sincerely,




Bob Huff, Senate Republican Leader



Joan Fuller, Senate Republican Leader-Elect



Joel Anderson, Vice Chair Public Safety



Jim Nielsen, Budget Vice Chair

Jeff Stone

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