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# California State Senate

SENATOR  
**PATRICIA C. BATES**  
SENATE REPUBLICAN LEADER  
THIRTY-SIXTH SENATE DISTRICT



COMMITTEES  
APPROPRIATIONS  
VICE CHAIR  
JOINT RULES COMMITTEE  
JOINT LEGISLATIVE BUDGET  
COMMITTEE  
JOINT LEGISLATIVE COMMITTEE  
ON EMERGENCY MANAGEMENT

April 3, 2018

Attorney General Xavier Becerra  
Office of the Attorney General  
1300 I Street  
Sacramento, CA 95814

Dear Attorney General Becerra,

In 2001, following several high-profile murders committed by individuals who were prohibited from owning firearms, Senate Republican Leader Jim Brulte authored SB 950 (Chapter 944, Statutes of 2001), which established the Armed Prohibited Persons System (APPS). The APPS database cross-references data from multiple state databases to identify individuals who purchased firearms legally, but were later prohibited from owning them due to criminal activity or mental illness. Since the APPS database came online in 2006, it has been a key tool in identifying and disarming thousands of individuals who are legally prohibited from possessing firearms.

Unfortunately, in 2013, Department of Justice (DOJ) staff identified a growing backlog of some 20,000 APPS subjects, many of whom were violent felons or had serious mental illness, who were thought to be illegally in possession of more than 40,000 firearms. During testimony at a joint hearing of the Senate and Assembly Public Safety Committees about this backlog, the department's staff stated that "in theory" they could eliminate the backlog in a very short time, perhaps even one year. In response, a bipartisan bill (SB 140) provided \$24 million in one-time funds (over and above DOJ's existing APPS budget) to expeditiously eliminate the backlog and required the department to annually report on its progress toward that goal.

Three years later, after the SB 140 funding augmentation was expended and it became apparent that DOJ was incapable of eliminating the backlog of investigations within existing resources, the Legislature decided to permanently increase DOJ's annual APPS budget by \$4.7 million (an increase of roughly 60 percent) in hopes of finally resolving the backlog. By the end of the current fiscal year, DOJ will have spent \$62.5 million on APPS enforcement since SB 140 (\$33 million more than if no additional funding had been provided).

Yet, as of the March 1, 2018 SB 140 report, a backlog of 10,226 APPS subjects remains. Just one year earlier, in the 2017 SB 140 report, your own department stated that the backlog was 10,634 cases. So, during your tenure, your department has only managed to trim the backlog by a lackluster 408 cases despite increased funding and a year-over-year drop in the number of firearm purchases. In the year before you assumed office, the backlog reduction was just over 2,000, and the year before that, nearly 5,000.

In defense of its failure to eliminate the backlog, your department continues to assert that the registration requirement for shotguns and rifles that was enacted in 2014 has increased the number of APPS cases. While the number of APPS subjects has certainly been impacted by long gun registrations, this does not explain the precipitous drop in backlog reduction over the past year. In fact, after accounting for cases that fell out of the APPS system on the natural, there were actually 30 fewer cases added in 2017 than 2016, yet the reduction of the backlog fell by 1,650 cases during the same period. These numbers clearly identify a troubling trend under your leadership.

For years Senate Republicans have supported funding and effective implementation of the APPS system. Recent tragedies across our nation emphasize the importance of protecting all Californians from the nightmare scenarios that can arise when dangerous felons and the seriously mentally ill have access to firearms. The APPS system is a critical tool in this effort. However, its utility is hampered when the data it provides is not used effectively.

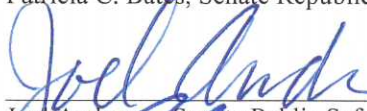
Senate Republicans have continued to express our concern since the first SB 140 report was released and did not show progress consistent with the department's claims that it could eliminate the backlog in a reasonable time. Twice we have called for oversight hearings to get to the heart of the issue – first in March 2015, immediately following the release of the first SB 140 report, and again in February 2016, immediately following DOJ's submittal of a supplemental report to the Legislature on the APPS system. Both times, the issue was given little to no attention by legislative Democrats. DOJ's only response appears to have been to request more funding and deliver fewer results. In fact, to this day, the department is unable to identify a timeline by which the backlog will be "cleared" or even reduced to a manageable level.

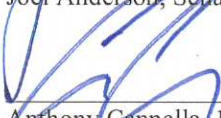
Given your department's dismal progress over the past year toward eliminating the APPS backlog, we can only conclude that keeping firearms out of the hands of dangerous criminals and people with serious mental health issues is not a high priority for your office. Unfortunately, this sort of callous indifference all too often results in tragedy, followed by misplaced blame on guns rather than the criminals that abuse them.

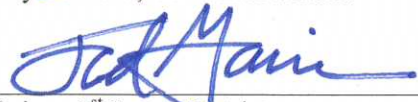
The time has come for an in-depth review of the APPS program as it currently exists. Senate Republicans will be calling yet again for oversight. Hopefully the call will not fall on deaf ears this time and meaningful oversight resulting in corrective action will occur before needless tragedy befalls our state.

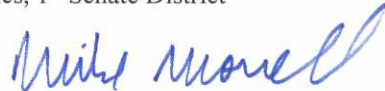
Sincerely,

  
Patricia C. Bates, Senate Republican Leader

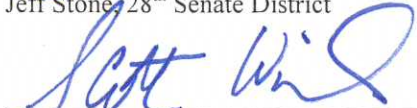
  
Joel Anderson, Senate Public Safety Vice Chair

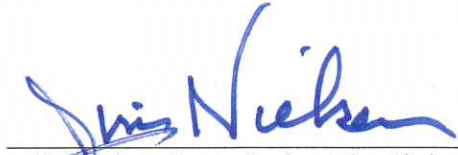
  
Anthony Cannella, 12<sup>th</sup> Senate District

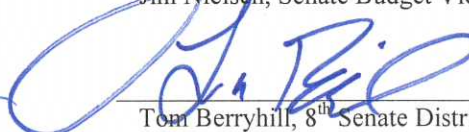
  
Ted Gaines, 1<sup>st</sup> Senate District

  
Mike Morrell, 23<sup>rd</sup> Senate District

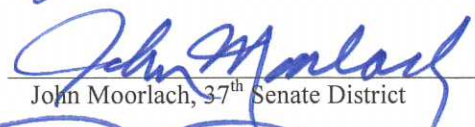
  
Jeff Stone, 28<sup>th</sup> Senate District

  
Scott Wilk, 21<sup>st</sup> Senate District

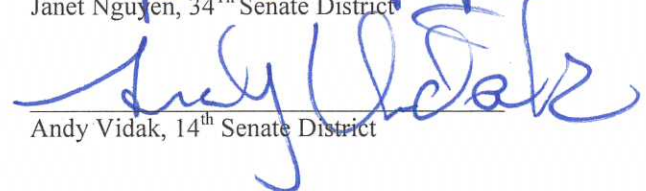
  
Jim Nielsen, Senate Budget Vice Chair

  
Tom Berryhill, 8<sup>th</sup> Senate District

  
Jean Fuller, 16<sup>th</sup> Senate District

  
John Moorlach, 37<sup>th</sup> Senate District

  
Janet Nguyen, 34<sup>th</sup> Senate District

  
Andy Vidak, 14<sup>th</sup> Senate District