



# LOS ANGELES COUNTY DISTRICT ATTORNEY'S OFFICE

## SACRAMENTO LEGISLATIVE OFFICE

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June 28, 2023

The Honorable Anthony Portantino  
Senate Appropriations Committee, Chair  
State Capitol, Room 412  
Sacramento, CA 95814

### **ASSEMBLY BILL 1406 (McCARTY) SUPPORT Senate Appropriations Committee**

Dear Senator Portantino:

The Los Angeles County District Attorney's Office is pleased to support Assembly Bill 1406 (McCarty).

AB 1406 authorizes the Department of Justice (DOJ) to delay a firearms background check up to 30 days if they are unable to determine a purchaser's eligibility due to certain convictions or mental health confinements and allows the DOJ to delay a firearm background check period up to 30 days if there is a state of war or emergency.

In California, a prospective firearm purchaser must undergo a 10-day waiting period before their firearm can be delivered to them. During this time, the DOJ must conduct a background check to ensure the firearm purchaser is not prohibited from possessing a firearm.

When the pandemic began in 2020, the DOJ began facing complications in conducting background checks within the usual 10-day period, fell behind in processing their background check applications, and were subsequently sued. The court found that statute only provided the DOJ with the authority to extend the 10-day background check period for up to 30 days in three circumstances. Those circumstances were when a purchaser may be prohibited from possessing a firearm based on their mental health record, criminal record, or based on the fact they previously purchased a handgun within the previous 30 days.

Making certain that guns do not fall into the wrong hands is a goal we all share. Proper vetting of all purchasers is a critical part of that process.

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Granting DOJ the ability to extend the time to complete a background check during an emergency situation is also similar to the authority granted to the Chairperson of the Judicial Council to extend arraignment, preliminary hearing, and trial deadlines.

AB 1406 is a reasonable restriction on the proliferation of firearms in our communities. AB 1406 provides commonsense flexibility when emergency circumstances warrant a delay in processing background checks, while preserving the rights of potential firearm owners to take possession of their guns within a reasonable amount of time.

If you have any questions or need additional information, please feel free to contact Daniel Felizzatto in my Sacramento Legislative Office at (916) 442-0668.

Very truly yours,

A handwritten signature in blue ink, appearing to read "Gascón", written in a cursive style.

GEORGE GASCÓN  
District Attorney

cc: Assembly Member McCarty