

P.C. 29810 Firearms Relinquishment Probation Reports

AUTHORITY:	Proposition 63, California Safety for All Act, 2016 Section 29810(c) (1)-(2) California Penal Code	
RECINDS:	New Item	
FORMS:	Record Check Request	(F0571064AF)
	Arrest Report Request to Police Agency	(F0571303AF)
	Prohibited Persons Relinquishment Form	(BOF 1023)
	Probation Officer Verification Form	(BOF 1026)
	Firearms Relinquishment Report	(ICMS)
	Firearms Relinquishment Report-Addendum	(ICMS)
	Firearms Relinquishment Report-Supplemental	(ICMS)
PURPOSE:	To provide instructions for use in the preparation of 29810 P.C. Prohibited Persons Firearms Relinquishment Probation Reports	

I. GENERAL INFORMATION

- A. In November 2016, California voters passed Proposition 63 (Prop 63) - The Safety for All Initiative. Effective January 1, 2018, Prop 63 requires the court to inform prohibited persons that they are required to relinquish firearms to law enforcement or a licensed dealer in a specified time. Prohibited persons include all felony convictions and a designated group of misdemeanors.
1. Prohibited persons are further required to declare any firearms owned, possessed, or under custody or control at the time of conviction, by submitting a Prohibited Persons Relinquishment Form (PPRF) to Probation. Prohibited Persons shall submit a PPRF to probation within 5 days of conviction or 14 days if they are in custody. They may also appoint a designee to relinquish firearms on their behalf.
 2. Probation shall report to the court whether the defendant has properly complied with the requirements of PC 29810 by relinquishing all firearms identified by the probation officer's investigation or declared on the PPRF.
 3. Probation is required to report to the California Department of Justice (DOJ) whether the Automated Firearms System (AFS) has been updated to indicate which firearms have been relinquished by the defendant.
- B. To manage the volume of Prop 63 qualifying cases, the Orange County Superior Court and the Orange County Probation Department established electronic data exchange protocols which allow Probation to receive electronic Minute Order (eMinutes) information from the court, and send electronic probation reports to the court, over a secure computer network.

II. PROCEDURE

A. Upon conviction of a Prop 63 qualifying offense, the Court will:

1. Assign the case to the Probation Department for the preparation of a Firearms Relinquishment Report (FRR).
2. Order the defendant to submit a completed PPRF to the Probation Department.
3. Set a Firearms Relinquishment Hearing (FRH) date.
4. At the FRH, the Court will review the FRR and make a finding as to whether or not the defendant has complied with the firearm relinquishment requirements of PC 29810.

B. Case Setup

1. Unit Clerk
 - a. Process incoming cases using the Prop 63 application within the Integrated Case Management System (ICMS). (See ICMS and Prop 63 application user guides for detailed instructions).
 - b. Look up the court case in Vision Web and print the Case Summary document.
 - c. Create the Prop 63 case file.
 - (1) Place the case summary in a gray file folder with two-hole punch at top.
 - (2) Create a file label with Last Name, First Name ML# and hearing date.
 - (3) Set up the case in ICMS and assign to a Deputy Probation Officer (DPO).
 - (4) Forward the casefile to the assigned DPO.

C. Case Management

1. Unit Clerk
 - a. Review incoming PPRFs and route forms to the assigned DPO.
 - b. Review the eMinutes application for Supplemental Firearms Report orders. Route the Minute Order to the assigned DPO.
2. DPO
 - a. Review assigned cases in ICMS using the Prop 63 application Case List screen. The Case List screen data can be sorted by defendant

name, ML#, Court case # and report Due Date. (See Prop 63 application user guide for detailed instructions).

- b. Select the name of the defendant from the Case List screen. This will open the defendant's Prop 63 Detail screen. This is the primary data entry screen for case management and preparing and submitting Prop 63 Court reports.
- c. Review AFS Record Check.
- d. Review PPRF (if present) for firearms information and scan form into the Prop 63 Detail screen.
- e. Follow up with the defendant as appropriate to ascertain the status of any un-relinquished firearms.
- f. Scan any additional investigation related documents (firearm receipts, DOJ forms, police reports, etc.) into the Prop 63 profile screen.
- g. Update the Prop 63 profile screen to reflect the defendant's compliance with firearm reporting and relinquishment requirements.
- h. Create a new Prop 63 FRR.

NOTE: An Addendum or Supplemental report may also be created in the same way as the FRR. An Addendum Report is used to convey additional information to the court prior to the relinquishment hearing. A Supplemental Report is completed when the court has requested a secondary hearing with additional information.

- i. Submit the completed FRR to Unit Supervising Probation Officer (SPO) for review and signature.
- j. Submit the SPO approved FRR to court via the Prop 63 Detail screen.
- k. Enter an ECR note indicating the FRR has been submitted to court.

D. DOJ Reporting

- 1. Probation is required to report to DOJ whether or not AFS has been updated to indicate which firearms have been relinquished by the defendant. If any firearms have been relinquished, a Probation Officer Verification Form (BOF 1026) is required.
- 2. If the initial AFS report does not indicate firearms, and the PPRF does not list firearms, a follow up AFS record check is not required.
- 3. If the initial AFS report indicated firearms, or if the PPRF lists firearms not on the AFS printout, a follow up AFS record check is required to determine which firearms, if any, have been relinquished.

4. DPO

- a. Six months after the initial case set up date, submit a new AFS record check request.
- b. Review the new AFS printout to determine which firearms from the initial record check the defendant has since relinquished.
- c. If any firearms have been relinquished, a Probation Officer Verification Form (BOF 1026) is required.
- d. On the Prop 63 Detail screen, enter the Serial Number, Make, and Model, of any relinquished firearms exactly as they appear on the AFS printout.
- e. On the Prop 63 Detail screen, select Add New DOJ Verification Form. A PDF document window will open and display the completed form.
- f. Review the form for accuracy and completeness. If the form has errors or is incomplete, close the form and reenter the information in the Prop 63 Profile, or ICMS profile as needed.
- g. Print the completed form, sign it, and place it in the Prop 63 case file, along with a copy of the PPRF, and the corresponding AFS printout for each serial number that indicates the relinquishment of each firearm.

E. Termination of a Prop 63 Case

1. DPO

- a. Review the register of action in Vision (or eMinute order) monthly to ensure the firearms relinquishment hearing has been held, court findings made, and that no further Prop 63 court action is pending. If firearm relinquishment findings have not been made, and or Prop 63 court action is still pending, do not proceed to terminate the case as additional investigation or follow up may be required.
- b. Enter an ECR note indicating the firearms relinquishment hearing has been held, court findings made, no further Prop 63 court action is pending.
- c. On the Prop 63 detail screen, select the appropriate Final Verification Result dropdown and Save.
- d. On the Prop 63 detail screen, select Terminate Prop 63 Case.
- e. Route the closed file to the Unit SPO.

2. SPO

- a. Review Prop 63 casefile for content to ensure all necessary paper

documents are present.

- b. Review the Prop 63 Detail screen to ensure all necessary electronic documents are present, and the case has been properly terminated.
- c. Route reviewed file to the Unit Clerk

3. Unit Clerk

- a. Review Prop 63 casefile for content to ensure all necessary paper documents are present.
- b. Review the Prop 63 Detail screen to ensure the case has been properly terminated.
- c. Terminate the case in ICMS
- d. For cases that had firearms relinquished, send the BOF 1026 form and corresponding documents to:

Armed and Prohibited Persons Section
P.O. Box 820200
Sacramento, CA 94203-0200

REFERENCES:

Procedures:	1-1-A	Probation Department Procedure Manual
Policy:	A-1	Policy, Procedure, and the Law

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APPROVED BY: