

First Supplement to Memorandum 2008-62

**Nonsubstantive Reorganization of Deadly Weapon Statutes
(Staff Draft Preliminary Part)**

Memorandum 2008-62 presents a staff draft of a “preliminary part” for the tentative recommendation on nonsubstantive reorganization of the deadly weapon statutes. The staff has spotted the following errors in that draft:

- On page 1, line 36, the Governor’s last name is misspelled.
- At page 2 of Appendix A, the discussion of Section 12072(f)(1)(B) lacks a citation to proposed Section 27555.
- At page 3 of Appendix A, the discussion of Section 12305 is not fully accurate.

The staff regrets these errors. A corrected version of Appendix A is attached. We will correct the spelling error in the next draft of the preliminary part.

Respectfully submitted,

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Executive Secretary

APPENDIX A: CORRECTED CROSS-REFERENCES

1 In reorganizing the provisions on control of deadly weapons, the Law Revision
2 Commission found some provisions that contain one or more incomplete or
3 incorrect cross-references. Where the proper cross-reference is obvious, the
4 Commission corrected the cross-reference in drafting its proposed legislation. That
5 approach seemed more sensible than perpetuating a plainly incorrect cross-
6 reference.

7 Those instances are described in detail below:

- 8 • Section 12031(b)(7) refers to armored vehicle guards “as defined in Section
9 7521 of the Business and Professions Code” The cross-reference to
10 Business and Professions Code Section 7521 is incorrect. That section used
11 to define “armored vehicle guard,” but now it only defines “private
12 investigator.” The definition of “armored vehicle guard” has been relocated
13 to Business and Professions Code Section 7582.1(d). The proposed law
14 would correct this erroneous cross-reference.¹
- 15 • Section 12031(d)(3) refers to private investigators and private patrol
16 operators “who are licensed pursuant to Chapter 11.5 (commencing with
17 Section 7512) of Division 3 of the Business and Professions Code”
18 Similarly, Section 12031(d)(6) refers to uniformed employees of “private
19 patrol operators and private investigators licensed pursuant to Chapter 11.5
20 (commencing with Section 7512) of Division 3 of the Business and
21 Professions Code” These cross-references are incorrect. Private
22 investigators are now licensed pursuant to Chapter 11.3 (commencing with
23 Section 7512) of Division 3 of the Business and Professions Code. Private
24 patrol operators are licensed pursuant to Chapter 11.5 (commencing with
25 Section 7580) of Division 3 of the Business and Professions Code. The
26 proposed law would correct these erroneous cross-references.²
- 27 • Section 12070(b)(2) refers to “a person acting pursuant to subdivision (e) of
28 Section 186.22a.” The cross-reference to subdivision (e) of Section 186.22a
29 does not make sense, because that provision simply says: “Nothing in this
30 chapter shall preclude any aggrieved person from seeking any other remedy
31 provided by law.” The correct cross-reference is to subdivision (f) of the
32 same section, which concerns confiscation of firearms, ammunition, and
33 deadly weapons as a nuisance, and disposal of the items following
34 confiscation. It was formerly labeled as subdivision (e). The proposed law
35 would correct this erroneous cross-reference.³

1. See proposed Section 26015 *infra*.

2. See proposed Section 26030 *infra*.

3. See proposed Section 26510 *infra*.

- 1 • Section 12072(f)(1)(B) says: “For every identification number request
2 received pursuant to this section, the department shall determine whether the
3 intended recipient is on the centralized list of firearms dealers *pursuant to*
4 *this section ...*”⁴ The italicized cross-reference is incorrect, because Section
5 12072 does not provide for a centralized list of firearms dealers. That is
6 done in Section 12071(e). The proposed law would correct this erroneous
7 cross-reference.⁵
- 8 • Section 12078(i)(2)(A) refers to “a levying officer as defined in Section
9 481.140, 511.060, or 680.210 of the Code of Civil Procedure.” The
10 reference to Code of Civil Procedure Section 680.210 is incorrect. That
11 provision defines “general intangibles,” not “levying officer.” The definition
12 of “levying officer” is in Code of Civil Procedure Section 680.260 instead.
13 The proposed law would correct this erroneous cross-reference.⁶
- 14 • Section 12081(b)(5) says: “The Department of Justice shall review
15 subsequent arrests ... to determine the continuing validity of the permit as
16 specified in subdivision (d) for all entertainment firearms permit holders.”
17 The cross-reference to subdivision (d) is obviously incorrect, because
18 subdivision (d) does not relate to the continuing validity of an entertainment
19 firearms permit. The correct cross-reference is to subdivision (f), which was
20 originally labeled as subdivision (d) in the bill enacting Section 12081.⁷
21 Apparently due to inadvertence, the cross-reference was not adjusted when
22 the bill was amended and the subdivisions were relabeled. The proposed law
23 would correct this erroneous cross-reference.⁸
- 24 • Section 12101(c)(1)(B) cross-refers to Section 12560. That provision existed
25 when Section 12101 was added to the codes in 1988, but it has since been
26 repealed.⁹ Consequently, there is no need to continue the cross-reference.
27 The proposed law would delete this obsolete cross-reference.¹⁰
- 28 • Section 12101(d) cross-refers to “Article 14 (commencing with Section 601)
29 of Chapter 2 of Part 1 of the Welfare and Institutions Code.” That cross-
30 reference is incomplete. The correct cross-reference is to “Article 1
31 (commencing with Section 601) of Chapter 2 of Part 1 of *Division 2* of the
32 Welfare and Institutions Code.” The proposed law would correct this
33 incomplete cross-reference.¹¹
- 34 • Section 12276.5 cross-refers to “Chapter 3.5 (commencing with Section
35 11340) of Division 3 of Title 2 of the Government Code.” That cross-

4. Emphasis added.

5. See proposed Section 27555 *infra*.

6. See proposed Section 27920 *infra*.

7. See SB 231 (Scott & Murray), as amended Aug. 9, 2004.

8. See proposed Section 29520 *infra*.

9. See 1990 Cal. Stat. ch. 9, § 14.

10. See proposed Section 29700 *infra*.

11. See proposed Section 29705 *infra*.

- 1 reference is incomplete. The correct cross-reference is to “Chapter 3.5
2 (commencing with Section 11340) of Part 1 of Division 3 of Title 2 of the
3 Government Code. The proposed law would correct this incomplete cross-
4 reference.¹²
- 5 • Section 12280(u)(3) refers to the “operative date of Section 12276.1, as
6 specified in subdivision (d) of that section.” The cross-reference to
7 subdivision (d) is incorrect. The operative date of January 1, 2000, was
8 originally stated in subdivision (d), but it is now stated in subdivision (e)
9 instead. The proposed law would correct this mistake by referring directly to
10 the operative date of January 1, 2000.¹³
 - 11 • Section 12305 contains two references to a permit granted or issued
12 pursuant to “this article.” Section 12305 is not part of an article. It is located
13 in a chapter that is not divided into articles. The references to “this article”
14 are plainly erroneous. Under existing law, the correct reference is to “this
15 section,” because Section 12305 is the only section in its chapter that relates
16 to the granting or issuance of a permit. In the proposed law, however, the
17 substance of Section 12305 would be continued in an article.¹⁴ The
18 references to “this article” would therefore be left intact, because they would
19 no longer be erroneous.¹⁵
 - 20 • Section 12316(c) refers to “an armored vehicle guard, who is engaged in the
21 performance of his or her duties, as defined in subdivision (e) of Section
22 7521 of the Business and Professions Code” The cross-reference to
23 Business and Professions Code Section 7521(e) is incorrect. That section
24 used to define “armored vehicle guard,” but now it only defines “private
25 investigator.” The definition of “armored vehicle guard” has been relocated
26 to Business and Professions Code Section 7582.1(d). The proposed law
27 would correct this erroneous cross-reference.¹⁶
 - 28 • Section 12403.8(a) refers to “paragraph (4) of subdivision (a) of Section
29 12403.7,” which does not exist. The obvious intent is to refer to subdivision
30 (d) of Section 12403.7, which used to be paragraph (4) of subdivision (a).¹⁷
31 The proposed law would correct that error.¹⁸
 - 32 • Section 12403.8(b) refers to “paragraph (3) of subdivision (a) of Section
33 12403.7,” which does not exist. The obvious intent is to refer to subdivision

12. See proposed Section 30520 *infra*.

13. See proposed Section 30620(c) *infra*.

14. See proposed Article 3 (commencing with Section 18900) of Chapter 1 of Division 5 of Title 2 of Part 6 *infra*.

15. See proposed Sections 18905, 18910 *infra*.

16. See proposed Section 30310 *infra*.

17. See 1995 Cal. Stat. ch. 437, § 6.

18. See proposed Section 22815(a) *infra*.

1 (c) of Section 12403.7, which used to be paragraph (3) of subdivision (a).¹⁹
2 The proposed law would correct that error.²⁰

- 3 • Section 12403.5 refers to a “person holding a license as a private
4 investigator or private patrol operator issued pursuant to Chapter 11
5 (commencing with Section 7500), Division 3 of the Business and
6 Professions Code.” However, Chapter 11 (commencing with Section 7500)
7 of Division 3 of the Business and Professions Code no longer relates to
8 private investigators and private patrol operators. Instead, it relates to
9 repossessors. The provisions governing private investigators are now located
10 in Chapter 11.3 (commencing with Section 7512) of Division 3 of the
11 Business and Professions Code. The provisions governing private patrol
12 operators are now located in Chapter 11.5 (commencing with Section 7580)
13 of the same division. The proposed law would correct the erroneous cross-
14 reference.²¹

19. See 1995 Cal. Stat. ch. 437, § 6.

20. See proposed Section 22815(b) *infra*.

21. See proposed Section 22835 *infra*.