

## FACT SHEET

### **AB 3234 makes most misdemeanor crimes eligible for dismissal—eliminating firearm prohibitions.**

Assembly Bill 3234 excludes only a few misdemeanor crimes from potential diversion. (Crimes requiring registration under Penal Code 290, 273.5, 646.9, and 243(e)(1).) This law would make all these misdemeanor crimes diversion eligible, and therefore there would be no firearm prohibition regardless of the conduct leading to an arrest.

1. Committing a hate crime<sup>1</sup>
2. Carrying a loaded firearm with intent to commit a felony<sup>2</sup>
3. Transporting a machine gun<sup>3</sup>
4. Possession of a deadly weapon with intent to assault<sup>4</sup>
5. Carrying a firearm in a public place or public street while masked<sup>5</sup>
6. Owner or driver allowing discharge of firearm from vehicle<sup>6</sup>
7. Carrying a concealed weapon<sup>7</sup>
8. Selling or giving a firearm illegally to someone under 21 years of age<sup>8</sup>
9. A person adjudicated as danger to themselves or others as result of mental disorder possession of a firearm<sup>9</sup>
10. Possession of a firearm in a mental health facility<sup>10</sup>
11. Battery<sup>11</sup>
12. Battery with serious bodily injury<sup>12</sup>
13. Assault<sup>13</sup>
14. Assault with a deadly weapon<sup>14</sup>
15. Assault with a firearm<sup>15</sup>
16. Assault against firefighter, emergency medical technician, paramedic, lifeguard, traffic officer, parking control officer, animal control officer, or peace officer<sup>16</sup>
17. Threat to an executive officer (e.g., a principal of a school)<sup>17</sup>
18. Threat to a public official<sup>18</sup>
19. Dissuading a witness or victim from testifying or reporting a crime<sup>19</sup>
20. Possession of a deadly weapon with intent to dissuade witness or victim<sup>20</sup>
21. Threatening or using force against a witness or victim of a crime<sup>21</sup>
22. Attempting to take a firearm of a peace officer while resisting arrest<sup>22</sup>
23. Any false report of a lost or stolen firearm<sup>23</sup>
24. Illegally bringing a weapon into a state or local public building<sup>24</sup>
25. Illegally bringing a loaded firearm into the State Capitol, legislative office, Office of the Governor, or other constitutional officer, or any committee of the Senate or Assembly<sup>25</sup>
26. Bringing a firearm into the Governor's Mansion<sup>26</sup>
27. Assisting criminal street grand with felony conduct<sup>27</sup>
28. Assault with a stun gun<sup>28</sup>
29. Discharge of a firearm at an inhabited building or vehicle<sup>29</sup>
30. Assault on a school employee with a deadly weapon, a firearm, stun gun or taser<sup>30</sup>
31. Grossly negligent discharge of a firearm<sup>31</sup>

32. Discharge of a firearm at an unoccupied motor vehicle or uninhabited building<sup>32</sup>
33. Violation of a Domestic Violence Restraining Order<sup>33</sup>
34. Exhibition of a deadly weapon in a threatening manner<sup>34</sup>
35. Exhibition of a firearm in a threatening manner<sup>35</sup>
36. Exhibition of a firearm to a peace officer<sup>36</sup>
37. Serious bodily injury inflicted while exhibiting a deadly weapon or firearm<sup>37</sup>
38. Threat of death or great bodily injury<sup>38</sup>
39. Entering school and committing any act to interfere with peaceful conduct on campus<sup>39</sup>
40. Wearing a peace officer uniform while picketing relating to a concerted refusal to work<sup>40</sup>
41. Possession of armor piercing bullets<sup>41</sup>
42. Anyone who supplies, sells, or gives a firearm to someone who has been determined to be a danger to themselves or others as a result of a mental disorder<sup>42</sup>
43. Theft of a firearm<sup>43</sup>
44. Illegal sale, transfer of a firearm<sup>44</sup>
45. Bringing drugs or weapons into a juvenile facility<sup>45</sup>

The current list of misdemeanor sexual assault crimes do not require sex offender registration and all would be eligible for diversion under the proposed law:

1. Statutory rape<sup>46</sup>
2. Sodomy with a minor who is 14 years old or over<sup>47</sup>
3. Oral Copulation with a minor who is 14 years old or over<sup>48</sup>
4. Digital Penetration with a minor who is 14 years old or over<sup>49</sup>
5. Those who violate required sex offender registration who are transient<sup>50</sup>

The current list of other misdemeanor crimes that would be eligible for diversion under this proposed legislation:

1. Child endangerment<sup>51</sup>
2. Violation of domestic violence restraining orders<sup>52</sup>
3. Elder abuse<sup>53</sup>
4. Vehicular manslaughter<sup>54</sup>
5. Driving while under the influence of alcohol or drugs<sup>55</sup>
6. Publishing information describing or depicting a child or related to a child with intent the information be used as a crime against a child<sup>56</sup>
7. Burglary of a closed business or car<sup>57</sup>
8. Stealing a car<sup>58</sup>
9. Carrying a loaded firearm in a public place<sup>59</sup>

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<sup>1</sup> Pen. Code § 422.6.

<sup>2</sup> Pen. Code § 25800.

<sup>3</sup> Pen. Code § 32625.

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- <sup>4</sup> Pen. Code § 17500.
  - <sup>5</sup> Pen. Code § 25300.
  - <sup>6</sup> Pen. Code § 26100.
  - <sup>7</sup> Pen. Code § 17510.
  - <sup>8</sup> Pen. Code § 27510.
  - <sup>9</sup> Pen. Code § 8103.
  - <sup>10</sup> Pen. Code § 8100.
  - <sup>11</sup> Pen. Code § 242.
  - <sup>12</sup> Pen. Code § 243(d).
  - <sup>13</sup> Pen. Code § 240.
  - <sup>14</sup> Pen. Code § 245(a)(1).
  - <sup>15</sup> Pen. Code § 245(a)(4).
  - <sup>16</sup> Pen. Code § 241.
  - <sup>17</sup> Pen. Code § 71.
  - <sup>18</sup> Pen. Code § 76.
  - <sup>19</sup> Pen. Code § 136.1.
  - <sup>20</sup> Pen. Code § 136.5.
  - <sup>21</sup> Pen. Code § 140.
  - <sup>22</sup> Pen. Code § 148(d).
  - <sup>23</sup> Pen. Code § 148.5(f).
  - <sup>24</sup> Pen. Code § 171b.
  - <sup>25</sup> Pen. Code § 171c(a)(1).
  - <sup>26</sup> Pen. Code § 171d.
  - <sup>27</sup> Pen. Code § 186.28.
  - <sup>28</sup> Pen. Code § 244.5.
  - <sup>29</sup> Pen. Code § 246 (pursuant to Pen. Code § 29800(a)(1)).
  - <sup>30</sup> Pen. Code § 245.5.
  - <sup>31</sup> Pen. Code § 243.6.
  - <sup>32</sup> Pen. Code § 247(b).
  - <sup>33</sup> Pen. Code § 273.6.
  - <sup>34</sup> Pen. Code § 417(a)(1).
  - <sup>35</sup> Pen. Code § 417(a)(2).
  - <sup>36</sup> Pen. Code § 417(c).
  - <sup>37</sup> Pen. Code § 417.6.
  - <sup>38</sup> Pen. Code § 422.
  - <sup>39</sup> Pen. Code § 626.6.
  - <sup>40</sup> Pen. Code § 830.95.
  - <sup>41</sup> Pen. Code § 30315.
  - <sup>42</sup> Welf. & Inst. Code § 8101.
  - <sup>43</sup> Pen. Code § 487(c).
  - <sup>44</sup> Pen. Code § 27590(c).
  - <sup>45</sup> Welf. & Inst. Code §§ 871.5; 1001.5.
  - <sup>46</sup> Pen. Code § 261.5(b)(c)(d).
  - <sup>47</sup> Pen. Code § 286(b)(1).
  - <sup>48</sup> Pen. Code § 287(b)(1).
  - <sup>49</sup> Pen. Code § 289(h).
  - <sup>50</sup> Pen. Code § 290.018(g).
  - <sup>51</sup> Pen. Code §§ 273a(b); 273a(a); 273(d).
  - <sup>52</sup> Pen. Code §§ 166(c)(1); 136.2.
  - <sup>53</sup> Pen. Code § 368.

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- <sup>54</sup> Pen. Code § 193(c).  
<sup>55</sup> Veh. Code § 23152.  
<sup>56</sup> Pen. Code § 273i.  
<sup>57</sup> Pen. Code § 459.  
<sup>58</sup> Veh. Code § 10851.  
<sup>59</sup> Pen. Code § 25850.