

Mr. Steve (for himself) introduces this bill:



In the State Assembly of the Republic of Fremont

FREMONT CRIME AND LAW ENFORCEMENT ACT OF 2022

*An Act to reduce crime and reinforce law and order by providing for
more effective responses to crime, better policing, and improved
infrastructure, and other purposes*

The people of the Republic of Fremont do enact as follows:

Section 1. Short title and table of contents.

(a) This Act may be cited as the “Fremont Crime and Law Enforcement Act of 2022”.

(b) The table of contents for this Act is as follows—

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Sec. 2. Declaration of policy.

The State Assembly finds and declares—

- (1) Crime is a major issue and harms the lives and livelihoods of the population of the United States and of Fremont.
- (2) The province of California alone had around 440 violent crimes per 100,000 people in 2019, a number much larger than the national average, which is around 380 per 100,000 people, according to the FBI's [Crime Data Explorer](#).

- (3) In 2019, the province of California alone had around 331.2 property crimes per 100,000 people, a number much larger than the national average of around 109.9 per 100,000 people, according to [Statista](#).
- (4) This failure at tackling the crime situation is caused by numerous factors, including inefficiencies within the policing system, a dearth of competent trained law enforcement, a lack of tools necessary for law enforcement to combat and prevent gang violence, and an inability for citizens to protect themselves.

Sec. 3. Interpretation and entry into effect.

- (a) This Act takes effect immediately after enactment.
- (b) This Act is an exercise of the police power of the state and shall be construed as liberally as possible within the constraints provided by the Constitution and laws of the United States and the Constitution of the Republic of Fremont.
- (c) Notwithstanding any provision of law, the provisions of this Act shall preempt and supersede all current laws and local ordinances.
- (d) If any provision of this Act, or the application of a provision to any person or circumstance, is held to be invalid for any reason in any court of competent jurisdiction, the remainder of this Act, and the application of the provisions and amendment to any other person or circumstance, shall not be affected. Each title of this Act is expressly intended to operate independently of any other title.

TITLE I—LORETTA GOMEZ PUBLIC TRANSIT SAFETY ACT

Sec. 101. Short title.

This title may be cited as the “Loretta Gomez Public Transit Safety Act”.

Sec. 102. Fremont Transit Police.

- (a) There is established in the Department of Public Safety the Fremont Transit Police Service.
- (b) The Service shall coordinate law enforcement and public safety functions within the State in regards to the security of public transit stations, carriages, vehicles, and other related components of public transit.

- (c) The Service shall keep the peace and, to that effect, have the authority to detain and arrest individuals; investigate crimes within public transit stations, carriages, vehicles, and other components of public transit; and use force as necessary to ensure peace and order.
- (d) The Service shall be led by a commissioner appointed by the Governor by and with the advice and consent of the Assembly to serve at his pleasure.
- (e) The commissioner shall have the authority, pursuant to the civil service laws of Fremont, to appoint and fix the compensation of such personnel as may be necessary to perform such duties as prescribed by this Act or any other Act or executive directive.

Sec. 103. Zones of service.

- (a) The commissioner shall develop by regulation individual zones of service in a manner that shall optimize the capability of the Service to deter criminal activity and preserve order in their jurisdiction.
- (b) Each zone shall be commanded by a deputy commissioner appointed by the commissioner to serve at his pleasure.

Sec. 104. Recruitment, training, and equipment.

- (a) Service personnel shall be recruited and trained in accordance with the provisions of section 1031 of the Government Code, as amended by section 206 of this Act.
- (b) The commissioner may apply for special weapons and equipment from the Department of Defense for the further interest of preserving order in the jurisdiction of the Service.

Sec. 105. Video and audio recording equipment in public transit areas.

- (a) CONSTRUCTION AND MAINTENANCE OF SURVEILLANCE SYSTEMS.—By no later than the first day of December, 2022, there shall be fitted in each public transit station a system of video and audio recording equipment that provides for the surveillance of all areas of the station in a wide and unobstructed angle and those systems already in place shall be upgraded pursuant to the provisions of subdivision (b).
- (b) ENSURANCE OF PROPER QUALITY BY SECRETARY.—
 - (i) The Secretary of Public Safety shall prescribe such regulations as he deems necessary in order to ensure the proper quality of video and audio recording equipment under this section.
 - (ii) For the purposes of this section, “proper quality of video and audio recording” refers to:

- (1) a video quality of 1920 pixels by 1080 pixels;
- (2) full color quality;
- (3) an audio quality of a bitrate of 320 kilobits per second; and
- (4) other relevant qualities that the Secretary of Public Safety deems necessary in the regulations he prescribes.

Sec. 106. Security systems at entrances of public transit stations.

- (a) The Department of Public Safety shall provide for the installation of security systems at the entrances of public transit stations and the upgrading of current systems to protect against threats.
- (b) These systems shall consist of:
 - (i) metal detector machinery;
 - (ii) a conveyor belt system for the deposit of backpacks, handbags, luggage, and other carry-on items for search through X-ray; and
 - (iii) metal gates prohibiting access to the public transit station unless the individual seeking access pays the appropriate fee pursuant to station policy and undergoes a search of himself and his possessions for firearms, knives, blunt and sharp metal objects, and other weapons or items that have the capacity to be implemented as weapons and for aerosol paint, etching cream, or any other material by which an act of vandalism or graffiti may be conducted.
- (c) Personnel employed by the Service shall assume authority over these security systems.

TITLE II—RODNEY KING PEACE OFFICERS TRAINING AND PROCEDURES ACT

Sec. 201. Short title.

This title may be cited as the “Rodney King Peace Officers Training and Procedures Act”.

Sec. 202. Video and audio recording equipment.

Section 108 of the [Police Reform Act of 2021](#) shall be amended to read:

“Sec. 108. Video and audio recording equipment; ensuring proper quality by Attorney General; penalties.

“(a) BODY EQUIPMENT.—By no later than December 31, 2022, all law enforcement officers shall at all times while on duty be equipped with a video and audio recording equipment that records all events and actions in a wide and unobstructed angle in front of their person.

“(b) INTERROGATION ROOM EQUIPMENT.—By no later than December 31, 2022, all state prisons, county jails, and state correctional facilities shall have present video and audio recording equipment within all interrogation rooms in such a manner that such video equipment shall be able to record all parts of the room without obstruction or hindrance.

“(c) VEHICULAR EQUIPMENT.—By no later than December 31, 2022, all vehicles under the control of the state or political subdivisions thereof that are being implemented by state or local peace officers, respectively, for official duties shall have video and audio recording equipment that records the front, the sides, and the back of the vehicle.

“(d) ENSURANCE OF PROPER QUALITY BY ATTORNEY GENERAL.—

“(1) The Attorney General shall prescribe such regulations as he deems necessary in order to ensure the proper quality of video and audio recording equipment under this section.

“(2) For the purposes of this section, “proper quality of video and audio recording” refers to:

“(A) a video quality of 1920 pixels by 1080 pixels;

“(B) full color quality;

“(C) an audio quality of a bitrate of 320 kilobits per second; and

“(D) other relevant qualities that the Attorney General deems necessary in the regulations he prescribes.

“(e) PENALTIES.—

“(1) It is a felony for an on-duty peace officer to knowingly cause the device described in subsection (a), subsection (b), or subsection (c) to be disabled, obstructed, damaged, or defaced for the purpose of evading recording of any interaction or action by such peace officer, punishable by imprisonment in the state prison for no more than ten

years or a fine not exceeding \$250,000, or both such imprisonment and fine.

“(2) It is a misdemeanor for an on-duty peace officer to knowingly or negligently cause the device described in subsection (a), subsection (b), or subsection (c) to be disabled or obstructed during any interaction or action by such peace officer, punishable by imprisonment in the county jail for no more than one year or a fine not exceeding \$2,500, or both such imprisonment and fine.

“(3) It is a felony for a peace officer to knowingly delete or alter video or audio data acquired from the video and audio recording equipment, punishable by imprisonment in the state prison for no more than ten years or a fine not exceeding \$250,000, or both such imprisonment and fine.

“(4) Persons convicted under this subdivision shall be ineligible to hold the position of peace officer under the state or under a city, county, city and county, and district.

“(f) **STATE LAW ENFORCEMENT VIDEO AND AUDIO DATA RESERVE.**—

“(1) Herein is established within the Department of Justice the State Law Enforcement Video and Audio Data Reserve.

“(2) The Reserve shall serve as a repository of data and information from video and audio recording equipment under subsections (a), (b), and (c) of this section and shall assort and classify such data as the Attorney General, by regulation, prescribes.

“(4) All state and local law enforcement agencies shall be required to submit to the Reserve all video and audio recording equipment data.

“(5) Any agency who fails to submit video and audio recording equipment data within seven days of that data having been acquired shall have ten percent of funding withdrawn and five percent for each subsequent day in violation, not to exceed fifty percent.”

Sec. 203. Reinstatement of law enforcement systems prior to the Police Reform Act of 2021.

- (a) Title II of the Police Reform Act of 2021, with the exception of section 202 thereof, shall be struck, with section 202 being redesignated as section 201.
- (b) All of the provisions of law that were amended or repealed by Title II of the Police Reform Act of 2021 shall be reinstated and remain in full effect as though they were never amended or repealed.

Sec. 204. Use of force.

- (a) [Subdivision \(a\) of section 7286 of the Government Code](#) shall be amended by redesignating paragraph (3) as paragraph (4) and inserting paragraph (3) to read:
 - “(3) “Intimate search” means any search conducted upon bodily orifices other than the mouth.”
- (b) Subdivision (b) of section 7286 of the Government Code shall be amended by:
 - (i) Redesignating paragraph (3) as paragraph (4) and subsequent provisions accordingly; and
 - (ii) Inserting paragraph (3) to read:
 - “(3) Clear and specific bans and application of penalties on use of torture pursuant to section 206 of the Penal Code, and use of force leading to torture by peace officers, including actions such as:
 - “(A) physical abuse or assault or bodily injury, as defined under section 12022.7 of the Penal Code, using any body part or any artificial instrument;
 - “(B) mental abuse;
 - “(C) sexual abuse, sexual penetration, oral copulation, or sodomy, including those committed under intimate searches;
 - “(D) physical or mental humiliation; and
 - “(E) any and all other possible methods of torture and abuse by a peace officer.”
- (c) [Section 206 of the Penal Code](#) shall be amended to read:
 - “206. Every person who, with the intent to cause cruel or extreme pain and suffering for the purpose of revenge, extortion, persuasion, or for any sadistic purpose:
 - “(a) inflicts great bodily injury as defined in section 12022.7 upon the person of another;

- “(b) inflict psychological abuse and trauma so as to cause a mental disorder; or
 - “(c) engages in sexual intercourse, sexual penetration, oral copulation, or sodomy pursuant to section 266c,
- “is guilty of torture. The crime of torture does not require any proof that the victim suffered pain or trauma.”
- (d) Section 107 of the Police Reform Act of 2021 shall be amended by striking subsection (c).

Sec. 205. Abolition of private detention facilities.

- (a) [Subdivision \(a\) of section 7320 of the Government Code](#) shall be amended to read:
 - “(a) Notwithstanding any provision of law, no private detention facility may be established within the Republic of Fremont.
- (b) Subdivision (b) shall be amended by:
 - (i) Striking paragraph (3);
 - (ii) Striking paragraph (4); and
 - (iii) Striking paragraph (5).
- (c) Subdivision (c) shall be struck.
- (d) Notwithstanding any provision of law, on and after the date of the passing of this Act, no department or agency of the Republic of Fremont shall be authorized to engage in a contractual agreement with private organizations dealing with corrections and correctional programs.
- (e) The provisions of subdivision (d) shall not apply to any contractual agreements between a department or agency of the Republic of Fremont and a private organization dealing with corrections and correctional programs currently in effect.

Sec. 206. Increase of standards for peace officers.

- (a) [Section 1031 of the Government Code](#) shall be amended by:
 - (i) Amending subdivision (d) to read:
 - “(d) Be of good moral character and have no history of physical or sexual violence, as determined by a thorough background investigation.”; and
 - (ii) Amending subdivision (e) by striking “or have attained” and inserting “and have attained”.
- (b) Section 109 of the Police Reform Act of 2021 shall be struck.

TITLE III—ANTI-VANDALISM ACT

Sec. 301. Short title.

This title may be cited as the “Anti-Vandalism Act”.

Sec. 302. Penalties.

- (a) Notwithstanding any provision of law, any person who engages in an act of vandalism, including etching graffiti onto private or public property, shall be fined \$10,000 and imprisoned in a state prison for five years.
- (b) Notwithstanding any provision of law, any person who aids or abets any person to commit any criminal activity punishable under subdivision (a) shall be fined \$5,000 and imprisoned in a state prison for three years.
- (c) Notwithstanding any provision of law, any person who sells etching cream or any other material that is necessary for committing criminal activity punishable under subdivision (a) to any individual below 21 years of age shall be fined \$7,500 and imprisoned in a state prison for four years.

Sec. 303. Council of State and Local Governments for the Removal of Vandalism.

- (a) There shall be established a Council of State and Local Governments for the Removal of Vandalism, hereafter the Council.
- (b) The Council shall consist of the Governor, the Attorney General, the Speaker of the Assembly, one representative from each county appointed by the legislative body of the county, and one representative from each city appointed by the legislative body of the city.
- (c) In this section, “county” includes a city and county.
- (d) The Council shall hear from witnesses as to the effects of vandalism and graffiti on the economic development and social welfare of local communities.
- (e) The Council shall have the authority to subpoena individuals and corporations for information as may be necessary.
- (f) The Council shall have the authority to propose measures, plans, and regulations for the collective effort of cleaning up marks of vandalism and graffiti, including through the removal and replacement of infrastructure and the application of a layer of paint.
- (g) The Council shall have the authority to engage in contracts with individuals and corporations for aid in cleaning up marks of vandalism and graffiti or in removing and replacing infrastructure.

- (h) The Council shall have appropriated \$2 billion for the purposes of effecting the provisions of this section.

Sec. 304. Penalties for interfering with execution of this title.

Any person who engages in any action that hinders the execution of this title or aids and abets the hindrance the execution of this title shall be fined \$10,000 and imprisoned in a state prison for five years.

TITLE IV—COMBATING CRIME IN YOUTH AND INNER-CITY POPULATIONS ACT

Sec. 401. Short title.

This title may be cited as the “Combating Crime in Youth and Inner-City Populations Act”.

Sec. 402. Restriction of use of tactical equipment.

- (a) Notwithstanding any provision of law, each law enforcement agency in the State shall adopt policy regarding the restriction of use of tactical equipment for the purposes of training for and engaging in hostage rescue operations and counterterrorism operations.
- (b) Under no circumstances may tactical equipment be implemented for the purposes of executing minor narcotics raids.
 - (i) “Minor narcotics raids” means any raid for any narcotic on schedules I through V of the federal Controlled Substances Act for any amount above 50 grams.
- (c) “Tactical equipment” means military-grade weaponry, military-grade ammunition, military-grade explosives, military-grade helmets, military-grade vests and uniforms, and military-grade vehicles.

Sec. 403. Strengthening youth crime and gang prevention programs.

- (a) Subsection (c) shall be inserted into [section 13825.6](#) to read:

“(c) Not less than \$5 billion shall be transferred each year for the purposes of developing community-based organizations, community centers, tutoring centers for disadvantaged and impoverished persons, and vocational centers for youths.”
- (b) Subsection (d) shall be inserted into section 13825.6 to read:

“(d) Not less than \$5 billion shall be transferred each year for the purposes of developing and maintaining quality residences for at-promise or marginalized youths.”

TITLE V—FREMONT RACKETEER INFLUENCED CORRUPT ORGANIZATIONS ACT

Sec. 501. Short title.

This title may be cited as the “Fremont Racketeer Influenced Corrupt Organizations Act”.

Sec. 502. Racketeer influenced corrupt organizations.

Chapter 12 (commencing with section 186.40) shall be inserted into [Title 7 of Part 1 of the Penal Code](#) to read:

CHAPTER 12. Fremont Racketeer Influenced Corrupt Organizations Act
186.40. This chapter may be cited as the “Fremont Racketeer Influenced Corrupt Organizations Act.”

186.41. As used in this chapter—

- (a) “Racketeering activity” means the commission of crimes as a criminal profiteering activity as defined by [section 186.2](#) or in violation of Title 7, [Chapter 1](#) (related to bribery and corruption), [Chapter 3](#) (related to escapes and aiding escapes), [Chapter 4](#) (relating to forging, mutilating, stealing, and falsifying official records and documents), [Chapter 5](#) (related to perjury), [Chapter 6](#) (related to falsifying evidence and influencing or intimidating witnesses), [section 146a](#) (relating to false representation as deputy or clerk of state department), [section 146e](#) (relating to disclosure of resident address or telephone number of law enforcement personnel or family members thereof), [section 148](#) (relating to resisting or obstructing officers in the lawful discharge of their duty), and [Chapter 11](#) (related to street terrorism);
- (b) “Person” includes any individual or entity capable of holding a legal or beneficial interest in property;
- (c) “Enterprise” includes any individual, partnership, corporation, association, or other legal entity, and any union or group of individuals associated in fact although not a legal entity; and

(d) "Pattern of racketeering activity" requires at least two acts of racketeering activity, one committed after the effective date of this chapter and the last of which committed within ten years (excluding periods of imprisonment) after the commission of a prior act of racketeering activity.

186.42.

(a) It shall be unlawful for any person who has any income derived, directly or indirectly, from a pattern of racketeering activity to use or invest, directly or indirectly, any part of such income, or the proceeds from such income, in acquisition of any interest in, or the establishment or operation of, any enterprise which is engaged in, or the activities of which affect, commerce. A purchase of securities on the open market for purposes of investment, and without the intention of controlling or participating in the control of the issuer, or of assisting another to do so, shall not be unlawful under this subsection if the securities of the issuer held by the purchaser, the members of his immediate family, and his or their accomplices in any pattern or racketeering activity or the collection of an unlawful debt after such purchase do not amount in the aggregate to one percent of the outstanding securities of any one class, and do not confer, either in law or in fact, the power to elect one or more directors of the issuer.

(b) It shall be unlawful for any person through a pattern of racketeering activity to acquire or maintain, directly or indirectly, any interest in or control of any enterprise which is engaged in, or the activities of which affect, commerce.

(c) It shall be unlawful for any person employed by or associated with any enterprise engaged in, or the activities of which affect, interstate or foreign commerce, to conduct or participate, directly or indirectly, in the conduct of such enterprise's affairs through a pattern of racketeering activity.

(d) It shall be unlawful for any person to conspire to violate any provisions of subdivisions (a), (b), or (c) of this section.

186.43.

(a) Whoever violates any provision of section 186.42 of this chapter shall be fined not less than ten thousand dollars (\$10,000) and imprisoned for not less than twenty years and not exceeding fifty years (or for life if the violation is based on a racketeering activity whereby the maximum penalty includes life imprisonment), and shall forfeit to the Republic of Fremont,

- (1) any interest the person has acquired or maintained in violation of section 186.42;
- (2) any-
 - (A) interest in;
 - (B) security of;
 - (C) claim against; or
 - (D) property or contractual right of any kind affording a source of influence over;any enterprise which the person has established, operated, controlled, conducted, or participated in the conduct of, in violation of section 186.42; and
- (3) any property constituting, or derived from, any proceeds which the person obtained, directly or indirectly, from racketeering activity or unlawful debt collection in violation of section 186.42.

TITLE VI—CONSTITUTIONAL CARRY ACT

Sec. 601. Short title.

This title may be cited as the “Constitutional Carry Act”.

Sec. 602. Assembly findings.

- (a) The Assembly of the Republic of Fremont does find that:
 - (i) Concealed firearms are not allowed to be carried in public in the Republic of Fremont unless the carrier is a law-abiding citizen with a permit;
 - (ii) Private firearms are used for self-defense up to two and a half million times a year.
 - (iii) 400,000 people believe private firearms “certainly saved a life”;
 - (iv) The Kleck and Gertz study suggests that defensive gun use on net saved lives rather than cost lives.
 - (v) The Centers for Disease Control and Prevention (CDC) performed a study in 2013 suggesting that between 500,000 to 3 million lives are saved every year through the use of a firearm for self-defense.

Sec. 603. Universal carrying of firearms permitted.

- (a) [Chapter 2 of Division 5 of Title 4 of Part 6 of the Penal Code](#) shall be amended by:
- (i) Striking Article 3;
 - (ii) Striking Article 4;
 - (iii) Striking Article 5; and
 - (iv) Inserting Article 3 (commencing with section 25505) entitled “General Exemption” to read:
“25505.
“(a) All persons above the age of 21 who carry a concealed firearm obtained through lawful means shall be exempt from the provisions and penalties under section 25400.
“(b) All persons between the ages of 18 and 21 who carry a concealed firearm obtained through lawful means, including but not limited to the provisions of chapter 4 of this Division, shall be exempt from the provisions and penalties under section 25400.”
- (b) [Section 25800 of the Penal Code](#) shall be amended by inserting paragraph (1) under subsection (a) to read:
- “(1) The burden shall lie upon law enforcement officials to provide concrete evidence that such a person carried a loaded firearm with the explicit intent to commit a felony.”
- (c) Section 26065 shall be inserted into [Article 4 of Chapter 3 of Division 5 of Title 4 of Part 6 of the Penal Code](#) and shall read:
- “26065.
“(a) In general, all persons above the age of 21 who carry a loaded firearm obtained through lawful means shall be exempt from the provisions and penalties under section 25850.
“(b) All persons between the ages of 18 and 21 who carry a loaded firearm obtained through lawful means, including but not limited to the provisions of chapter 4 of this Division, shall be exempt from the provisions and penalties under section 25850.
“(c) This shall not be construed to permit any person to which section 25800 applies to to carry a loaded firearm.”
- (d) [Section 26365 to section 26392](#) of the Penal Code shall be struck.

Sec. 604. Application and licensing.

- (a) [Chapter 4 of Division 5 of Title 4 of Part 6 of the Penal Code](#) shall be amended by:

- (i) Amending section 26150 by:
 - (1) Substituting “shall be required to” in place of “may” in subsection (a);
 - (2) Striking paragraph (1) of section 26150(a) and redesignating the subsequent paragraphs accordingly; and
 - (3) Substituting “shall be required to” in place of “may” in subsection (b);
- (ii) Amending section 26155 by:
 - (1) Substituting “shall be required to” in place of “may” in subsection (b);
 - (2) Striking paragraph (1) of section 26155(a) and redesignating the subsequent paragraphs accordingly; and
 - (3) Substituting “shall be required to” in place of “may” in subsection (b);
- (iii) Amending section 26170 by:
 - (1) Substituting “shall be required to” in place of “may” in subsection (a);
 - (2) Striking paragraph (1) of section 26170(a) and redesignating the subsequent paragraphs accordingly; and
 - (3) Substituting “shall” in place of “may” in subsection (b); and
- (iv) Inserting section 26230 to read:

“26230. This chapter shall not apply to any person above the age of 21 who has obtained a firearm through lawful means and is not otherwise prohibited from owning a firearm or obtaining a license to conceal a firearm by state or federal law.”

TITLE VII—MISCELLANEOUS PROVISIONS

Sec. 701. Authorization of appropriations.

The Assembly hereby authorizes the appropriation of all funds and monies necessary for the execution and enforcement of this Act.