

AMENDED IN SENATE AUGUST 30, 2010

AMENDED IN SENATE AUGUST 19, 2010

AMENDED IN SENATE JUNE 22, 2010

AMENDED IN SENATE JUNE 3, 2010

CALIFORNIA LEGISLATURE—2009–10 REGULAR SESSION

**ASSEMBLY BILL**

**No. 2358**

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**Introduced by Assembly Member De León**

February 19, 2010

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An act to amend Sections 12061, 12077, 12318, and 12323 of the Penal Code, relating to ammunition.

LEGISLATIVE COUNSEL'S DIGEST

AB 2358, as amended, De León. Ammunition.

Existing law provides that commencing February 1, 2011, a vendor shall not sell or otherwise transfer ownership of any handgun ammunition without, at the time of delivery, legibly recording specified information regarding the purchaser or transferee, and maintaining the record for a period of not less than 5 years, as specified. Existing law provides that violation of these provisions is a misdemeanor. Existing law also provides that the records shall be subject to inspection by any peace officer and certain others, as specified, for purposes of an investigation where access to those records is or may be relevant to that investigation, when seeking information about persons prohibited from owning a firearm or ammunition, or when engaged in ensuring compliance with laws pertaining to firearms or ammunition, as specified.

This bill would require the information described above in connection with the transfer of handgun ammunition be legibly or electronically

recorded. The bill would provide that commencing February 1, 2011, except for investigatory and enforcement purposes described above, no ammunition vendor shall provide the required information to any 3rd party without the written consent of the purchaser or transferee. The bill would also provide that records may be copied for investigatory or enforcement purposes by any person authorized to inspect those records, as specified, and that copies shall be transmitted to local law enforcement if required by local law. The bill would also provide that any required ammunition records that are no longer required to be maintained shall be destroyed in a manner that protects the privacy of the purchaser or transferee who is the subject of the record. The bill would provide that violation of these provisions is a misdemeanor. *This bill would provide that commencing February 1, 2011, except for investigatory and enforcement purposes described above, no ammunition vendor shall provide the required information to any 3rd party, or use the information for any purpose other than as is required or authorized by statute or regulation, without the written consent of the purchaser or transferee. The bill would also provide that any required ammunition records that are no longer required to be maintained shall be destroyed in a specified manner. The bill would provide that violation of these provisions is a misdemeanor.*

By expanding the scope of an existing crime, this bill would impose a state-mandated local program.

The bill would require ammunition vendors, commencing February 1, 2011, to provide written notice to the local police chief, or if the vendor is in an unincorporated area, to the county sheriff, of the vendor's intent to conduct business in the jurisdiction, and to obtain any regulatory or business license required by the jurisdiction for ammunition sellers. *A violation of this provision would be a misdemeanor. The bill would also provide that no public agency may make public the information obtained from the record of the ammunition transaction.*

*Existing law requires certain information to be collected by firearms dealers in connection with the transfer of firearms and submitted to the Department of Justice, as specified.*

*This bill would provide that no firearms dealer shall provide the information required by those provisions to any 3rd party, or use the information for any purpose other than as is required or authorized by statute or regulation, without the written consent of the purchaser or transferee, except for purposes of 3rd-party electronic submission to*

*the department. The bill would also provide that any of these records that are no longer required to be maintained, if destroyed, shall be destroyed in a specified manner.*

Existing law provides that commencing February 1, 2011, the delivery or transfer of ownership of handgun ammunition may only occur in a face-to-face transaction with the deliverer or transferor being provided bona fide evidence of identity from the purchaser or other transferee.

This bill would also provide that handgun ammunition may be purchased over the Internet or through other means of remote ordering if a handgun ammunition vendor in California initially receives the ammunition and processes the transfer, as specified.

Existing law defines “handgun ammunition” for most purposes as ammunition principally for use in handguns, notwithstanding that the ammunition may also be used in some rifles.

This bill would instead define “handgun ammunition” for those purposes as any variety of ammunition of a caliber specified in a list added by this bill, notwithstanding that the ammunition may also be used in some rifles, and would provide that “handgun ammunition” does not include blanks or ammunition designed and intended to be used in an “antique firearm,” as defined.

*This bill would incorporate additional amendments to Section 12077 of the Penal Code proposed by AB 1810, contingent on the prior enactment of that bill.*

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

Vote: majority. Appropriation: no. Fiscal committee: yes.  
State-mandated local program: yes.

*The people of the State of California do enact as follows:*

- 1 SECTION 1. Section 12061 of the Penal Code is amended to
- 2 read:
- 3 12061. (a) A vendor shall comply with all of the following
- 4 conditions, requirements, and prohibitions:
- 5 (1) A vendor shall not permit any employee who the vendor
- 6 knows or reasonably should know is a person described in Section
- 7 12021 or 12021.1 of this code or Section 8100 or 8103 of the

1 Welfare and Institutions Code to handle, sell, or deliver handgun  
2 ammunition in the course and scope of his or her employment.

3 (2) A vendor shall not sell or otherwise transfer ownership of,  
4 offer for sale or otherwise offer to transfer ownership of, or display  
5 for sale or display for transfer of ownership of any handgun  
6 ammunition in a manner that allows that ammunition to be  
7 accessible to a purchaser or transferee without the assistance of  
8 the vendor or employee thereof.

9 (3) Commencing February 1, 2011, a vendor shall not sell or  
10 otherwise transfer ownership of any handgun ammunition without,  
11 at the time of delivery, legibly or electronically recording the  
12 following information:

- 13 (A) The date of the sale or other transaction.
- 14 (B) The purchaser’s or transferee’s driver’s license or other  
15 identification number and the state in which it was issued.
- 16 (C) The brand, type, and amount of ammunition sold or  
17 otherwise transferred.
- 18 (D) The purchaser’s or transferee’s signature.
- 19 (E) The name of the salesperson who processed the sale or other  
20 transaction.
- 21 (F) The right thumbprint of the purchaser or transferee on the  
22 above form.
- 23 (G) The purchaser’s or transferee’s full residential address and  
24 telephone number.
- 25 (H) The purchaser’s or transferee’s date of birth.

26 (4) (A) Commencing February 1, 2011, the records required  
27 by this section shall be maintained on the premises of the vendor  
28 for a period of not less than five years from the date of the recorded  
29 transfer. Commencing February 1, 2011, except for the purposes  
30 set forth in paragraph (5), no vendor shall provide the information  
31 specified in paragraph (3) to any third party without the written  
32 consent of the purchaser or transferee. Any records required by  
33 this section that are no longer required to be maintained shall be  
34 destroyed in a manner that protects the privacy of the purchaser  
35 or transferee who is the subject of the record. *specified in*  
36 *paragraph (3) to any third party, or use the information for any*  
37 *purpose other than as is required or authorized by statute or*  
38 *regulation, without the written consent of the purchaser or*  
39 *transferee of the handgun ammunition who is the subject of the*  
40 *record.*

1 (B) Any records generated pursuant to this section that are no  
2 longer required to be maintained shall be destroyed pursuant to  
3 Section 1798.81 of the Civil Code.

4 (5) Commencing February 1, 2011, the records referred to in  
5 paragraph (3) shall be subject to inspection at any time during  
6 normal business hours by any peace officer employed by a sheriff,  
7 city police department, or district attorney as provided in  
8 subdivision (a) of Section 830.1, or employed by the department  
9 as provided in subdivision (b) of Section 830.1, provided the officer  
10 is conducting an investigation where access to those records is or  
11 may be relevant to that investigation, is seeking information about  
12 persons prohibited from owning a firearm or ammunition, or is  
13 engaged in ensuring compliance with the Dangerous Weapons  
14 Control Law (Chapter 1 (commencing with Section 12000) of Title  
15 2 of Part 4), or any other laws pertaining to firearms or ammunition.  
16 The records shall also be subject to inspection at any time during  
17 normal business hours by any other employee of the department,  
18 provided that employee is conducting an investigation where access  
19 to those records is or may be relevant to that investigation, is  
20 seeking information about persons prohibited from owning a  
21 firearm or ammunition, or is engaged in ensuring compliance with  
22 the Dangerous Weapons Control Law (Chapter 1 (commencing  
23 with Section 12000) of Title 2 of Part 4), or any other laws  
24 pertaining to firearms or ammunition. Records may be copied for  
25 investigatory or enforcement purposes by any person authorized  
26 to inspect those records pursuant to this subdivision.

27 (6) Commencing February 1, 2011, the vendor shall not  
28 knowingly make a false entry in, fail to make a required entry in,  
29 fail to obtain the required thumbprint, or otherwise fail to maintain  
30 in the required manner records prepared in accordance with  
31 paragraph (2). If the right thumbprint is not available, then the  
32 vendor shall have the purchaser or transferee use his or her left  
33 thumb, or any available finger, and shall so indicate on the form.  
34 If the purchaser or transferee is physically unable to provide a  
35 thumbprint or fingerprint, the vendor shall so indicate on the form.

36 (7) Commencing February 1, 2011, no vendor shall refuse to  
37 permit a person authorized under paragraph (5) to examine any  
38 record prepared in accordance with this section during any  
39 inspection conducted pursuant to this section, or refuse to permit  
40 the use of any record or information by those persons.

1 (8) Commencing February 1, 2011, a vendor shall provide  
 2 written notice to the local police chief, or if the vendor is in an  
 3 unincorporated area, to the county sheriff, of the vendor’s intent  
 4 to conduct business in the jurisdiction, and shall obtain any  
 5 regulatory or business license required by the jurisdiction for  
 6 ammunition sellers. Copies of the ammunition sales records  
 7 required by this section shall be transmitted to the county sheriff  
 8 or chief of police if required by local law.

9 (b) Paragraph (3) of subdivision (a) shall not apply to or affect  
 10 sales or other transfers of ownership of handgun ammunition by  
 11 handgun ammunition vendors to any of the following, if properly  
 12 identified:

- 13 (1) A person licensed pursuant to Section 12071.
- 14 (2) A handgun ammunition vendor.
- 15 (3) A person who is on the centralized list maintained by the  
 16 department pursuant to Section 12083.
- 17 (4) A target facility which holds a business or regulatory license.
- 18 (5) Gunsmiths.
- 19 (6) Wholesalers.
- 20 (7) Manufacturers or importers of firearms licensed pursuant  
 21 to Chapter 44 (commencing with Section 921) of Title 18 of the  
 22 United States Code, and the regulations issued pursuant thereto.
- 23 (8) Sales or other transfers of ownership made to authorized  
 24 law enforcement representatives of cities, counties, cities and  
 25 counties, or state or federal governments for exclusive use by those  
 26 government agencies if, prior to the delivery, transfer, or sale of  
 27 handgun ammunition, written authorization from the head of the  
 28 agency authorizing the transaction is presented to the person from  
 29 whom the purchase, delivery, or transfer is being made. Proper  
 30 written authorization is defined as verifiable written certification  
 31 from the head of the agency by which the purchaser, transferee,  
 32 or person otherwise acquiring ownership is employed, identifying  
 33 the employee as an individual authorized to conduct the transaction,  
 34 and authorizing the transaction for the exclusive use of the agency  
 35 by which he or she is employed.
- 36 (c) *No public agency may make public the information obtained*  
 37 *from the record made pursuant to paragraph (3) of subdivision*  
 38 *(a).*
- 39 (e)

1 (d) (1) A violation of paragraph (3), (4), (6), ~~or (7)~~ (7), or (8)  
2 of subdivision (a) is a misdemeanor.

3 (2) The provisions of this subdivision are cumulative, and shall  
4 not be construed as restricting the application of any other law.  
5 However, an act or omission punishable in different ways by  
6 different provisions of law shall not be punished under more than  
7 one provision.

8 *SEC. 2. Section 12077 of the Penal Code is amended to read:*

9 12077. (a) The Department of Justice shall prescribe the form  
10 of the register and the record of electronic transfer pursuant to  
11 Section 12074.

12 (b) (1) For handguns, information contained in the register or  
13 record of electronic transfer shall be the date and time of sale,  
14 make of firearm, peace officer exemption status pursuant to  
15 subdivision (a) of Section 12078 and the agency name, dealer  
16 waiting period exemption pursuant to subdivision (n) of Section  
17 12078, dangerous weapons permitholder waiting period exemption  
18 pursuant to subdivision (r) of Section 12078, curio and relic waiting  
19 period exemption pursuant to subdivision (t) of Section 12078,  
20 California Firearms Dealer number issued pursuant to Section  
21 12071, for transactions occurring prior to January 1, 2003, the  
22 purchaser's basic firearms safety certificate number issued pursuant  
23 to Sections 12805 and 12809, for transactions occurring on or after  
24 January 1, 2003, the purchaser's handgun safety certificate number  
25 issued pursuant to Article 8 (commencing with Section 12800),  
26 manufacturer's name if stamped on the firearm, model name or  
27 number, if stamped on the firearm, if applicable, serial number,  
28 other number (if more than one serial number is stamped on the  
29 firearm), any identification number or mark assigned to the firearm  
30 pursuant to Section 12092, caliber, type of firearm, if the firearm  
31 is new or used, barrel length, color of the firearm, full name of  
32 purchaser, purchaser's complete date of birth, purchaser's local  
33 address, if current address is temporary, complete permanent  
34 address of purchaser, identification of purchaser, purchaser's place  
35 of birth (state or country), purchaser's complete telephone number,  
36 purchaser's occupation, purchaser's sex, purchaser's physical  
37 description, all legal names and aliases ever used by the purchaser,  
38 yes or no answer to questions that prohibit purchase including, but  
39 not limited to, conviction of a felony as described in Section 12021  
40 or an offense described in Section 12021.1, the purchaser's status

1 as a person described in Section 8100 of the Welfare and  
2 Institutions Code, whether the purchaser is a person who has been  
3 adjudicated by a court to be a danger to others or found not guilty  
4 by reason of insanity, whether the purchaser is a person who has  
5 been found incompetent to stand trial or placed under  
6 conservatorship by a court pursuant to Section 8103 of the Welfare  
7 and Institutions Code, signature of purchaser, signature of  
8 salesperson (as a witness to the purchaser's signature),  
9 salesperson's certificate of eligibility number if he or she has  
10 obtained a certificate of eligibility, name and complete address of  
11 the dealer or firm selling the firearm as shown on the dealer's  
12 license, the establishment number, if assigned, the dealer's  
13 complete business telephone number, any information required by  
14 Section 12082, any information required to determine whether or  
15 not paragraph (6) of subdivision (c) of Section 12072 applies, and  
16 a statement of the penalties for any person signing a fictitious name  
17 or address or for knowingly furnishing any incorrect information  
18 or for knowingly omitting any information required to be provided  
19 for the register.

20 (2) Effective January 1, 2003, the purchaser shall provide his  
21 or her right thumbprint on the register in a manner prescribed by  
22 the department. No exception to this requirement shall be permitted  
23 except by regulations adopted by the department.

24 (3) The firearms dealer shall record on the register or record of  
25 electronic transfer the date that the handgun is delivered.

26 (c) (1) For firearms other than handguns, information contained  
27 in the register or record of electronic transfer shall be the date and  
28 time of sale, peace officer exemption status pursuant to subdivision  
29 (a) of Section 12078 and the agency name, auction or event waiting  
30 period exemption pursuant to subdivision (g) of Section 12078,  
31 California Firearms Dealer number issued pursuant to Section  
32 12071, dangerous weapons permitholder waiting period exemption  
33 pursuant to subdivision (r) of Section 12078, curio and relic waiting  
34 period exemption pursuant to paragraph (1) of subdivision (t) of  
35 Section 12078, full name of purchaser, purchaser's complete date  
36 of birth, purchaser's local address, if current address is temporary,  
37 complete permanent address of purchaser, identification of  
38 purchaser, purchaser's place of birth (state or country), purchaser's  
39 complete telephone number, purchaser's occupation, purchaser's  
40 sex, purchaser's physical description, all legal names and aliases

1 ever used by the purchaser, yes or no answer to questions that  
2 prohibit purchase, including, but not limited to, conviction of a  
3 felony as described in Section 12021 or an offense described in  
4 Section 12021.1, the purchaser's status as a person described in  
5 Section 8100 of the Welfare and Institutions Code, whether the  
6 purchaser is a person who has been adjudicated by a court to be a  
7 danger to others or found not guilty by reason of insanity, whether  
8 the purchaser is a person who has been found incompetent to stand  
9 trial or placed under conservatorship by a court pursuant to Section  
10 8103 of the Welfare and Institutions Code, signature of purchaser,  
11 signature of salesperson (as a witness to the purchaser's signature),  
12 salesperson's certificate of eligibility number if he or she has  
13 obtained a certificate of eligibility, name and complete address of  
14 the dealer or firm selling the firearm as shown on the dealer's  
15 license, the establishment number, if assigned, the dealer's  
16 complete business telephone number, any information required by  
17 Section 12082, and a statement of the penalties for any person  
18 signing a fictitious name or address or for knowingly furnishing  
19 any incorrect information or for knowingly omitting any  
20 information required to be provided for the register.

21 (2) Effective January 1, 2003, the purchaser shall provide his  
22 or her right thumbprint on the register in a manner prescribed by  
23 the department. No exception to this requirement shall be permitted  
24 except by regulations adopted by the department.

25 (3) The firearms dealer shall record on the register or record of  
26 electronic transfer the date that the firearm is delivered.

27 (d) Where the register is used, the following shall apply:

28 (1) Dealers shall use ink to complete each document.

29 (2) The dealer or salesperson making a sale shall ensure that all  
30 information is provided legibly. The dealer and salespersons shall  
31 be informed that incomplete or illegible information will delay  
32 sales.

33 (3) Each dealer shall be provided instructions regarding the  
34 procedure for completion of the form and routing of the form.  
35 Dealers shall comply with these instructions which shall include  
36 the information set forth in this subdivision.

37 (4) One firearm transaction shall be reported on each record of  
38 sale document. For purposes of this subdivision, a "transaction"  
39 means a single sale, loan, or transfer of any number of firearms  
40 that are not handguns.

1 (e) The dealer or salesperson making a sale shall ensure that all  
2 required information has been obtained from the purchaser. The  
3 dealer and all salespersons shall be informed that incomplete  
4 information will delay sales.

5 (f) Effective January 1, 2003, the purchaser's name, date of  
6 birth, and driver's license or identification number shall be obtained  
7 electronically from the magnetic strip on the purchaser's driver's  
8 license or identification and shall not be supplied by any other  
9 means except as authorized by the department. This requirement  
10 shall not apply in either of the following cases:

11 (1) The purchaser's identification consists of a military  
12 identification card.

13 (2) Due to technical limitations, the magnetic-~~stripe~~ *strip* reader  
14 is unable to obtain the required information from the purchaser's  
15 identification. In those circumstances, the firearms dealer shall  
16 obtain a photocopy of the identification as proof of compliance.

17 (3) In the event that the dealer has reported to the department  
18 that the dealer's equipment has failed, information pursuant to this  
19 subdivision shall be obtained by an alternative method to be  
20 determined by the department.

21 (g) *No dealer shall provide the information required by this*  
22 *section to any third party, or use the information for any purpose*  
23 *other than as is required or authorized by statute or regulation,*  
24 *without the written consent of the purchaser or transferee. This*  
25 *subdivision shall not apply to the electronic submission to the*  
26 *department, through a third party authorized by the department,*  
27 *of information required by this section and Section 12076.*

28 (h) *Any records generated pursuant to this section by a person*  
29 *licensed pursuant to Section 12071 that are no longer required to*  
30 *be maintained by that licensee, if destroyed, shall be destroyed*  
31 *pursuant to Section 1798.81 of the Civil Code.*

32 ~~(g)~~

33 (i) As used in this section, the following definitions shall control:

34 (1) "Purchaser" means the purchaser or transferee of a firearm  
35 or the person being loaned a firearm.

36 (2) "Purchase" means the purchase, loan, or transfer of a firearm.

37 (3) "Sale" means the sale, loan, or transfer of a firearm.

38 *SEC. 2.5. Section 12077 of the Penal Code is amended to read:*

1 12077. (a) The Department of Justice shall prescribe the form  
2 of the register and the record of electronic transfer pursuant to  
3 Section 12074.

4 (b) (1) ~~For handguns, Until July 1, 2012, for handguns, and~~  
5 *thereafter for all firearms*, information contained in the register  
6 or record of electronic transfer shall be the date and time of sale,  
7 make of firearm, peace officer exemption status pursuant to  
8 subdivision (a) of Section 12078 and the agency name, *auction or*  
9 *event waiting period exemption pursuant to subdivision (g) of*  
10 *Section 12078*, dealer waiting period exemption pursuant to  
11 subdivision (n) of Section 12078, dangerous weapons permitholder  
12 waiting period exemption pursuant to subdivision (r) of Section  
13 12078, curio and relic waiting period exemption pursuant to  
14 subdivision (t) of Section 12078, California Firearms Dealer  
15 number issued pursuant to Section 12071, for transactions  
16 occurring prior to January 1, 2003, the purchaser's basic firearms  
17 safety certificate number issued pursuant to Sections 12805 and  
18 12809, for transactions occurring on or after January 1, 2003, the  
19 purchaser's handgun safety certificate number issued pursuant to  
20 Article 8 (commencing with Section 12800), manufacturer's name  
21 if stamped on the firearm, model name or number, if stamped on  
22 the firearm, if applicable, serial number, other number (if more  
23 than one serial number is stamped on the firearm), any  
24 identification number or mark assigned to the firearm pursuant to  
25 Section 12092, *provided, however, that if the firearm is not a*  
26 *handgun and does not have a serial number, identification number,*  
27 *or mark assigned to it, a notation as to that fact, the caliber, type*  
28 *of firearm, if the firearm is new or used, barrel length, color of the*  
29 *firearm, full name of purchaser, purchaser's complete date of birth,*  
30 *purchaser's local address, if current address is temporary, complete*  
31 *permanent address of purchaser, identification of purchaser,*  
32 *purchaser's place of birth (state or country), purchaser's complete*  
33 *telephone number, purchaser's occupation, purchaser's sex,*  
34 *purchaser's physical description, all legal names and aliases ever*  
35 *used by the purchaser, yes or no answer to questions that prohibit*  
36 *purchase including, but not limited to, conviction of a felony as*  
37 *described in Section 12021 or an offense described in Section*  
38 *12021.1, the purchaser's status as a person described in Section*  
39 *8100 of the Welfare and Institutions Code, whether the purchaser*  
40 *is a person who has been adjudicated by a court to be a danger to*

1 others or found not guilty by reason of insanity, whether the  
2 purchaser is a person who has been found incompetent to stand  
3 trial or placed under conservatorship by a court pursuant to Section  
4 8103 of the Welfare and Institutions Code, signature of purchaser,  
5 signature of salesperson (as a witness to the purchaser's signature),  
6 salesperson's certificate of eligibility number if he or she has  
7 obtained a certificate of eligibility, name and complete address of  
8 the dealer or firm selling the firearm as shown on the dealer's  
9 license, the establishment number, if assigned, the dealer's  
10 complete business telephone number, any information required by  
11 Section 12082, any information required to determine whether or  
12 not paragraph (6) of subdivision (c) of Section 12072 applies, and  
13 a statement of the penalties for any person signing a fictitious name  
14 or address or for knowingly furnishing any incorrect information  
15 or for knowingly omitting any information required to be provided  
16 for the register.

17 (2) ~~Effective January 1, 2003, the~~ *The* purchaser shall provide  
18 his or her right thumbprint on the register in a manner prescribed  
19 by the department. No exception to this requirement shall be  
20 permitted except by regulations adopted by the department.

21 (3) The firearms dealer shall record on the register or record of  
22 electronic transfer the date that the ~~handgun~~ *firearm* is delivered.

23 (c) (1) For firearms other than handguns, information contained  
24 in the register or record of electronic transfer shall be the date and  
25 time of sale, peace officer exemption status pursuant to subdivision  
26 (a) of Section 12078 and the agency name, auction or event waiting  
27 period exemption pursuant to subdivision (g) of Section 12078,  
28 California Firearms Dealer number issued pursuant to Section  
29 12071, dangerous weapons permitholder waiting period exemption  
30 pursuant to subdivision (r) of Section 12078, curio and relic waiting  
31 period exemption pursuant to paragraph (1) of subdivision (t) of  
32 Section 12078, full name of purchaser, purchaser's complete date  
33 of birth, purchaser's local address, if current address is temporary,  
34 complete permanent address of purchaser, identification of  
35 purchaser, purchaser's place of birth (state or country), purchaser's  
36 complete telephone number, purchaser's occupation, purchaser's  
37 sex, purchaser's physical description, all legal names and aliases  
38 ever used by the purchaser, yes or no answer to questions that  
39 prohibit purchase, including, but not limited to, conviction of a  
40 felony as described in Section 12021 or an offense described in

1 Section 12021.1, the purchaser's status as a person described in  
2 Section 8100 of the Welfare and Institutions Code, whether the  
3 purchaser is a person who has been adjudicated by a court to be a  
4 danger to others or found not guilty by reason of insanity, whether  
5 the purchaser is a person who has been found incompetent to stand  
6 trial or placed under conservatorship by a court pursuant to Section  
7 8103 of the Welfare and Institutions Code, signature of purchaser,  
8 signature of salesperson (as a witness to the purchaser's signature),  
9 salesperson's certificate of eligibility number if he or she has  
10 obtained a certificate of eligibility, name and complete address of  
11 the dealer or firm selling the firearm as shown on the dealer's  
12 license, the establishment number, if assigned, the dealer's  
13 complete business telephone number, any information required by  
14 Section 12082, and a statement of the penalties for any person  
15 signing a fictitious name or address or for knowingly furnishing  
16 any incorrect information or for knowingly omitting any  
17 information required to be provided for the register.

18 (2) ~~Effective January 1, 2003, the~~ The purchaser shall provide  
19 his or her right thumbprint on the register in a manner prescribed  
20 by the department. No exception to this requirement shall be  
21 permitted except by regulations adopted by the department.

22 (3) The firearms dealer shall record on the register or record of  
23 electronic transfer the date that the firearm is delivered.

24 (4) *This subdivision shall become inoperative on July 1, 2012.*

25 (d) Where the register is used, the following shall apply:

26 (1) Dealers shall use ink to complete each document.

27 (2) The dealer or salesperson making a sale shall ensure that all  
28 information is provided legibly. The dealer and salespersons shall  
29 be informed that incomplete or illegible information will delay  
30 sales.

31 (3) Each dealer shall be provided instructions regarding the  
32 procedure for completion of the form and routing of the form.  
33 Dealers shall comply with these instructions which shall include  
34 the information set forth in this subdivision.

35 (4) One firearm transaction shall be reported on each record of  
36 sale document. ~~For purposes of this subdivision, a "transaction"~~  
37 ~~means a single sale, loan, or transfer of any number of firearms~~  
38 ~~that are not handguns.~~

39 (e) The dealer or salesperson making a sale shall ensure that all  
40 required information has been obtained from the purchaser. The

1 dealer and all salespersons shall be informed that incomplete  
2 information will delay sales.

3 (f) ~~Effective January 1, 2003, the~~ *The* purchaser’s name, date  
4 of birth, and driver’s license or identification number shall be  
5 obtained electronically from the magnetic strip on the purchaser’s  
6 driver’s license or identification and shall not be supplied by any  
7 other means except as authorized by the department. This  
8 requirement shall not apply in either of the following cases:

9 (1) The purchaser’s identification consists of a military  
10 identification card.

11 (2) Due to technical limitations, the magnetic ~~stripe~~ *strip* reader  
12 is unable to obtain the required information from the purchaser’s  
13 identification. In those circumstances, the firearms dealer shall  
14 obtain a photocopy of the identification as proof of compliance.

15 (3) In the event that the dealer has reported to the department  
16 that the dealer’s equipment has failed, information pursuant to this  
17 subdivision shall be obtained by an alternative method to be  
18 determined by the department.

19 (g) *No dealer shall provide the information required by this  
20 section to any third party, or use the information for any purpose  
21 other than as is required or authorized by statute or regulation,  
22 without the written consent of the purchaser or transferee. This  
23 subdivision shall not apply to the electronic submission to the  
24 department, through a third party authorized by the department,  
25 of information required by this section and Section 12076.*

26 (h) *Any records generated pursuant to this section by a person  
27 licensed pursuant to Section 12071 that are no longer required to  
28 be maintained by that licensee, if destroyed, shall be destroyed  
29 pursuant to Section 1798.81 of the Civil Code.*

30 ~~(g)~~

31 (i) As used in this section, the following definitions shall control:

32 (1) “Purchaser” means the purchaser or transferee of a firearm  
33 or the person being loaned a firearm.

34 (2) “Purchase” means the purchase, loan, or transfer of a firearm.

35 (3) “Sale” means the sale, loan, or transfer of a firearm.

36 ~~SEC. 2.~~

37 *SEC. 3.* Section 12318 of the Penal Code is amended to read:

38 12318. (a) Commencing February 1, 2011, the delivery or  
39 transfer of ownership of handgun ammunition in this state may  
40 only occur in a face-to-face transaction with the deliverer or

1 transferor being provided bona fide evidence of identity from the  
2 purchaser or other transferee, provided, however, that handgun  
3 ammunition may be purchased over the Internet or through other  
4 means of remote ordering if a handgun ammunition vendor in  
5 California initially receives the ammunition and processes the  
6 transfer in compliance with this section and Section 12061. A  
7 violation of this section is a misdemeanor.

8 (b) For purposes of this section:

9 (1) “Bona fide evidence of identity” means a document issued  
10 by a federal, state, county, or municipal government, or subdivision  
11 or agency thereof, including, but not limited to, a motor vehicle  
12 operator’s license, state identification card, identification card  
13 issued to a member of the Armed Forces, or other form of  
14 identification that bears the name, date of birth, description, and  
15 picture of the person.

16 (2) “Handgun ammunition” means handgun ammunition as  
17 defined in subdivision (a) of Section 12323.

18 (3) “Handgun ammunition vendor” has the same meaning as  
19 set forth in Section 12060.

20 (c) Subdivision (a) shall not apply to or affect the deliveries,  
21 transfers, or sales of, handgun ammunition to any of the following:

22 (1) Authorized law enforcement representatives of cities,  
23 counties, cities and counties, or state and federal governments for  
24 exclusive use by those government agencies if, prior to the delivery,  
25 transfer, or sale of the handgun ammunition, written authorization  
26 from the head of the agency employing the purchaser or transferee,  
27 is obtained identifying the employee as an individual authorized  
28 to conduct the transaction, and authorizing the transaction for the  
29 exclusive use of the agency employing the individual.

30 (2) Sworn peace officers, as defined in Chapter 4.5 (commencing  
31 with Section 830) of Title 3 of Part 2 who are authorized to carry  
32 a firearm in the course and scope of their duties.

33 (3) Importers and manufacturers of handgun ammunition or  
34 firearms licensed to engage in business pursuant to Chapter 44  
35 (commencing with Section 921) of Title 18 of the United States  
36 Code and the regulations issued pursuant thereto.

37 (4) Persons who are on the centralized list maintained by the  
38 Department of Justice pursuant to Section 12083.

39 (5) Persons licensed as dealers or collectors of firearms pursuant  
40 to Chapter 44 (commencing with Section 921) of Title 18 of the

1 United States Code and the regulations issued pursuant thereto  
2 who have current certificates of eligibility issued to them by the  
3 Department of Justice pursuant to Section 12071.

4 (6) A handgun ammunition vendor.

5 (7) A consultant-evaluator, as defined in subdivision (s) of  
6 Section 12001.

7 ~~SEC. 3.~~

8 *SEC. 4.* Section 12323 of the Penal Code is amended to read:

9 12323. As used in this chapter, the following definitions shall  
10 apply:

11 (a) "Handgun ammunition," which does not include blanks and  
12 ammunition designed and intended to be used in an "antique  
13 firearm" as defined in Section 921(a)(16) of Title 18 of the United  
14 States Code, means any variety of ammunition in the following  
15 calibers, notwithstanding that the ammunition may also be used  
16 in some rifles:

17 (1) *.22 rimfire.*

18 (2) *.25.*

19 (3) *.32.*

20 (4) *.38.*

21 (5) *.9mm.*

22 (6) *.10mm.*

23 (7) *.40.*

24 (8) *.41.*

25 (9) *.44.*

26 (10) *.45.*

27 (11) *5.7x28mm.*

28 ~~(12) .223.~~

29 ~~(13)~~

30 ~~(12)~~ *.357.*

31 ~~(14)~~

32 ~~(13)~~ *.454.*

33 ~~(15)~~

34 ~~(14)~~ *5.56x45mm.*

35 ~~(16) 7.62x39.~~

36 ~~(17)~~

37 ~~(15)~~ *7.63mm.*

38 ~~(18)~~

39 ~~(16)~~ *7.65mm.*

40 ~~(19) .50.~~

1 (b) “Handgun ammunition designed primarily to penetrate metal  
2 or armor” means any ammunition, except a shotgun shell or  
3 ammunition primarily designed for use in rifles, that is designed  
4 primarily to penetrate a body vest or body shield, and has either  
5 of the following characteristics:

6 (1) Has projectile or projectile core constructed entirely,  
7 excluding the presence of traces of other substances, from one or  
8 a combination of tungsten alloys, steel, iron, brass, beryllium  
9 copper, or depleted uranium, or any equivalent material of similar  
10 density or hardness.

11 (2) Is primarily manufactured or designed, by virtue of its shape,  
12 cross-sectional density, or any coating applied thereto, including,  
13 but not limited to, ammunition commonly known as “KTW  
14 ammunition,” to breach or penetrate a body vest or body shield  
15 when fired from a pistol, revolver, or other firearm capable of  
16 being concealed upon the person.

17 (c) “Body vest or shield” means any bullet-resistant material  
18 intended to provide ballistic and trauma protection for the wearer  
19 or holder.

20 (d) “Rifle” shall have the same meaning as defined in paragraph  
21 (20) of subdivision (c) of Section 12020.

22 *SEC. 5. Section 2.5 of this bill incorporates amendments to*  
23 *Section 12077 of the Penal Code proposed by both this bill and*  
24 *AB 1810. It shall only become operative if (1) both bills are enacted*  
25 *and become effective on or before January 1, 2011, (2) each bill*  
26 *amends Section 12077 of the Penal Code, and (3) this bill is*  
27 *enacted after AB 1810, in which case Section 2 of this bill shall*  
28 *not become operative.*

29 ~~SEC. 4.~~

30 *SEC. 6. No reimbursement is required by this act pursuant to*  
31 *Section 6 of Article XIII B of the California Constitution because*  
32 *the only costs that may be incurred by a local agency or school*  
33 *district will be incurred because this act creates a new crime or*  
34 *infraction, eliminates a crime or infraction, or changes the penalty*  
35 *for a crime or infraction, within the meaning of Section 17556 of*  
36 *the Government Code, or changes the definition of a crime within*  
37 *the meaning of Section 6 of Article XIII B of the California*  
38 *Constitution.*

O