

AMENDED IN ASSEMBLY SEPTEMBER 3, 2013

AMENDED IN ASSEMBLY JUNE 27, 2013

AMENDED IN SENATE MAY 28, 2013

AMENDED IN SENATE APRIL 1, 2013

AMENDED IN SENATE MARCH 21, 2013

## **SENATE BILL**

**No. 53**

**Introduced by Senator De León**

**(Principal coauthor: Senator Yee)**

(Principal coauthor: Assembly Member Skinner)

**(Coauthors: Senators Leno and Steinberg)**

(Coauthor: Assembly Member Ting)

December 20, 2012

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An act to amend Sections 11106, 17315, 30000, 30005, 30312, 30345, 30347, 30350, 30352, and 30365 of, to amend the heading of Article 3 (commencing with Section 30345) of Chapter 1 of Division 10 of Title 4 of Part 6 of, to add Sections 16663 and 30348 to, to add Article 4 (commencing with Section 30370) to Chapter 1 of Division 10 of Title 4 of Part 6 of, and to add Article 5 (commencing with Section 30380) to Chapter 1 of Division 10 of Title 4 of Part 6 of, the Penal Code, relating to ammunition.

### LEGISLATIVE COUNSEL'S DIGEST

SB 53, as amended, De León. Ammunition: purchase permits.

(1) Existing law requires the Attorney General to maintain records, including among other things, fingerprints, licenses to carry concealed firearms, and information from firearms dealers pertaining to firearms,

for purposes of assisting in the investigation of crimes, and specified civil actions.

This bill would require the Attorney General to also maintain copies of ammunition purchase permits, information about ammunition transactions, as specified, and ammunition vendor licenses, as specified, for those purposes.

(2) Existing law establishes the Prohibited Armed Persons File, the purpose of which is to cross-reference persons prohibited from possessing firearms with records of firearm transactions to determine if these persons have acquired or attempted to acquire firearms. Under existing law, a person who is prohibited from owning or possessing a firearm is prohibited from owning, possessing, or having under his or her custody or control, any ammunition or reloaded ammunition.

This bill would ~~expand, commencing July 1, 2015, use the Prohibited Armed Persons File to list persons prohibited from acquiring ammunition, and would similarly~~ cross-reference those persons with records of ammunition transactions to determine if these persons have acquired or attempted to acquire ammunition.

(3) Existing law, subject to exceptions, requires that the delivery or transfer of ownership of handgun ammunition occur only in a face-to-face transaction and makes a violation of this requirement a crime. Existing law provides that the term “vendor” for purposes of ammunition sales is a “handgun ammunition vendor” as defined for those and other purposes.

This bill would extend those provisions to any ammunition. The bill would provide that the term “vendor” for purposes of ammunition sales means “ammunition vendor,” and, commencing July 1, 2015, who is licensed, as specified, for those and other purposes. The bill would provide that commencing July 1, 2015, only a licensed ammunition vendor may sell ammunition. The bill would create an additional exemption from these requirements for specified events conducted by a nonprofit entity, as specified, and would make additional conforming changes.

(4) Existing law prohibits an ammunition vendor from allowing a person the vendor knows or should know is a person who is prohibited from possessing firearms for specified reasons, from handling, selling, or delivering handgun ammunition in the course and scope of their employment. Existing law prohibits an ammunition vendor from selling or otherwise transferring ownership of, offering for sale or otherwise offering to transfer ownership of, or displaying for sale or displaying

for transfer of ownership of, any handgun ammunition in a manner that allows that ammunition to be accessible to a purchaser or transferee without the assistance of the vendor or an employee of the vendor.

This bill would extend those prohibitions to any ammunition. The bill would provide that a violation of those provisions is a misdemeanor.

By creating a new crime, this bill would impose a state-mandated local program.

(5) Existing law subject to exceptions, requires a handgun ammunition vendor to record specified information at the time of delivery of handgun ammunition to a purchaser, as specified.

This bill would extend those provisions to transactions of any ammunition and would, commencing July 1, 2015, require the ammunition vendor to submit that information to the department, as specified. The bill would, commencing July 1, ~~2015~~ 2016, and subject to exceptions, require the purchaser of ammunition to be authorized to purchase ammunition by the Department of Justice, as specified. The bill would, commencing January 1, ~~2015~~ 2016, authorize issuance of ammunition purchase authorizations by the Department of Justice to applicants who are ~~residents of this state~~, at least 18 years of age, not prohibited from acquiring or possessing ammunition, and who pay the required fees, as specified. The bill would establish an application process and establish a centralized list of persons authorized to purchase ammunition.

(6) The bill would authorize the Department of Justice to ~~issue~~ *accept applications for* ammunition vendor licenses, commencing ~~July 1, 2015~~ *January 1, 2015*. The bill would require an ammunition vendor to be licensed, commencing July 1, 2015, in order to sell ammunition. Violation of these provisions would be a misdemeanor. The bill would create an application process for ammunition vendors, as specified. The bill would establish the Ammunition Vendors Special Account ~~within the General Fund~~, into which vendor license fees would be deposited and made available, upon appropriation by the Legislature, to the Department of Justice for purposes of enforcing the ammunition vendor licensing provisions. The bill would require the ammunition vendor to conduct business at the location specified in the license, except in the case of gun shows or events, as specified. The bill would ~~direct the department to adopt regulations by July 1, 2015 relating to Internet ammunition sales, as specified~~ *require the Attorney General to prepare and submit to the Legislature on or before July 1, 2016, a report*

*concerning, among other things, recommendations for enhancements that could be made to the background check system, as specified.*

By creating a new crime, this bill would impose a state-mandated local program.

(7) The bill would provide that for the provisions discussed above, as specified, “ammunition” does not include blanks.

(8) 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 11106 of the Penal Code, as added by  
2 Section 2.5 of Chapter 745 of the Statutes of 2011, is amended to  
3 read:

4 11106. (a) In order to assist in the investigation of crime, the  
5 prosecution of civil actions by city attorneys pursuant to paragraph  
6 (3) of subdivision (b), the arrest and prosecution of criminals, and  
7 the recovery of lost, stolen, or found property, the Attorney General  
8 shall keep and properly file a complete record of all copies of  
9 fingerprints, copies of licenses to carry firearms issued pursuant  
10 to Section 26150, 26155, 26170, or 26215, information reported  
11 to the Department of Justice pursuant to Section 26225, copies of  
12 ammunition purchaser authorizations pursuant to Section 30370,  
13 ammunition vendor license information pursuant to Article 5  
14 (commencing with Section 30380) of Chapter 1 of Division 10 of  
15 Title 4 of Part 6, information required by Section 30352, dealers’  
16 records of sales of firearms, reports provided pursuant to Article  
17 1 (commencing with Section 27500) of Chapter 4 of Division 6  
18 of Title 4 of Part 6, or pursuant to any provision listed in  
19 subdivision (a) of Section 16585, forms provided pursuant to  
20 Section 12084, as that section read prior to being repealed, reports  
21 provided pursuant to Article 1 (commencing with Section 26700)  
22 and Article 2 (commencing with Section 26800) of Chapter 2 of  
23 Division 6 of Title 4 of Part 6, that are not dealers’ records of sales  
24 of firearms, and reports of stolen, lost, found, pledged, or pawned

1 property in any city or county of this state, and shall, upon proper  
2 application therefor, furnish this information to the officers referred  
3 to in Section 11105.

4 (b) (1) The Attorney General shall permanently keep and  
5 properly file and maintain all information reported to the  
6 Department of Justice pursuant to the following provisions as to  
7 firearms and maintain a registry thereof:

8 (A) Article 1 (commencing with Section 26700) and Article 2  
9 (commencing with Section 26800) of Chapter 2 of Division 6 of  
10 Title 4 of Part 6.

11 (B) Article 1 (commencing with Section 27500) of Chapter 4  
12 of Division 6 of Title 4 of Part 6.

13 (C) Chapter 5 (commencing with Section 28050) of Division 6  
14 of Title 4 of Part 6.

15 (D) Any provision listed in subdivision (a) of Section 16585.

16 (E) Former Section 12084.

17 (F) Any other law.

18 (2) The registry shall consist of all of the following:

19 (A) The name, address, identification of, place of birth (state  
20 or country), complete telephone number, occupation, sex,  
21 description, and all legal names and aliases ever used by the owner  
22 or person being loaned the particular firearm as listed on the  
23 information provided to the department on the Dealers' Record of  
24 Sale, the Law Enforcement Firearms Transfer (LEFT), as defined  
25 in former Section 12084, or reports made to the department  
26 pursuant to any provision listed in subdivision (a) of Section 16585  
27 or any other law.

28 (B) The name and address of, and other information about, any  
29 person (whether a dealer or a private party) from whom the owner  
30 acquired or the person being loaned the particular firearm and  
31 when the firearm was acquired or loaned as listed on the  
32 information provided to the department on the Dealers' Record of  
33 Sale, the LEFT, or reports made to the department pursuant to any  
34 provision listed in subdivision (a) of Section 16585 or any other  
35 law.

36 (C) Any waiting period exemption applicable to the transaction  
37 which resulted in the owner of or the person being loaned the  
38 particular firearm acquiring or being loaned that firearm.

39 (D) The manufacturer's name if stamped on the firearm, model  
40 name or number if stamped on the firearm, and, if applicable, the

1 serial number, other number (if more than one serial number is  
2 stamped on the firearm), caliber, type of firearm, if the firearm is  
3 new or used, barrel length, and color of the firearm, or, if the  
4 firearm is not a handgun and does not have a serial number or any  
5 identification number or mark assigned to it, that shall be noted.

6 (3) Information in the registry referred to in this subdivision  
7 shall, upon proper application therefor, be furnished to the officers  
8 referred to in Section 11105, to a city attorney prosecuting a civil  
9 action, solely for use in prosecuting that civil action and not for  
10 any other purpose, or to the person listed in the registry as the  
11 owner or person who is listed as being loaned the particular firearm.

12 (4) If any person is listed in the registry as the owner of a firearm  
13 through a Dealers' Record of Sale prior to 1979, and the person  
14 listed in the registry requests by letter that the Attorney General  
15 store and keep the record electronically, as well as in the record's  
16 existing photographic, photostatic, or nonerasable optically stored  
17 form, the Attorney General shall do so within three working days  
18 of receipt of the request. The Attorney General shall, in writing,  
19 and as soon as practicable, notify the person requesting electronic  
20 storage of the record that the request has been honored as required  
21 by this paragraph.

22 (c) (1) Any officer referred to in paragraphs (1) to (6), inclusive,  
23 of subdivision (b) of Section 11105 may disseminate the name of  
24 the subject of the record, the number of the firearms listed in the  
25 record, and the description of any firearm, including the make,  
26 model, and caliber, from the record relating to any firearm's sale,  
27 transfer, registration, or license record, or any information reported  
28 to the Department of Justice pursuant to Section 26225, Article 1  
29 (commencing with Section 26700) and Article 2 (commencing  
30 with Section 26800) of Chapter 2 of Division 6 of Title 4 of Part  
31 6, Article 1 (commencing with Section 27500) of Chapter 4 of  
32 Division 6 of Title 4 of Part 6, Chapter 5 (commencing with  
33 Section 28050) of Division 6 of Title 4 of Part 6, Article 2  
34 (commencing with Section 28150) of Chapter 6 of Division 6 of  
35 Title 4 of Part 6, Article 5 (commencing with Section 30900) of  
36 Chapter 2 of Division 10 of Title 4 of Part 6, Chapter 2  
37 (commencing with Section 33850) of Division 11 of Title 4 of Part  
38 6, or any provision listed in subdivision (a) of Section 16585, if  
39 the following conditions are met:

1 (A) The subject of the record has been arraigned for a crime in  
2 which the victim is a person described in subdivisions (a) to (f),  
3 inclusive, of Section 6211 of the Family Code and is being  
4 prosecuted or is serving a sentence for the crime, or the subject of  
5 the record is the subject of an emergency protective order, a  
6 temporary restraining order, or an order after hearing, which is in  
7 effect and has been issued by a family court under the Domestic  
8 Violence Protection Act set forth in Division 10 (commencing  
9 with Section 6200) of the Family Code.

10 (B) The information is disseminated only to the victim of the  
11 crime or to the person who has obtained the emergency protective  
12 order, the temporary restraining order, or the order after hearing  
13 issued by the family court.

14 (C) Whenever a law enforcement officer disseminates the  
15 information authorized by this subdivision, that officer or another  
16 officer assigned to the case shall immediately provide the victim  
17 of the crime with a “Victims of Domestic Violence” card, as  
18 specified in subparagraph (H) of paragraph (9) of subdivision (c)  
19 of Section 13701.

20 (2) The victim or person to whom information is disseminated  
21 pursuant to this subdivision may disclose it as he or she deems  
22 necessary to protect himself or herself or another person from  
23 bodily harm by the person who is the subject of the record.

24 (d) This section shall become operative January 1, 2014.

25 SEC. 2. Section 16663 is added to the Penal Code, to read:

26 16663. (a) As used in this part, “ammunition vendor” means  
27 any person, firm, corporation, dealer, or any other business  
28 enterprise that is engaged in the retail sale of any ammunition, or  
29 that holds itself out as engaged in the business of selling any  
30 ammunition.

31 (b) Commencing July 1, 2015, “ammunition vendor” means  
32 any person or entity described in subdivision (a) who has a current  
33 ammunition vendor license, pursuant to Section 30380.

34 SEC. 3. Section 17315 of the Penal Code is amended to read:

35 17315. As used in Article 3 (commencing with Section 30345)  
36 of Chapter 1 of Division 10 of Title 4, “vendor” means an  
37 ammunition vendor.

38 SEC. 4. Section 30000 of the Penal Code is amended to read:

39 30000. (a) The Attorney General shall establish and maintain  
40 an online database to be known as the Prohibited Armed Persons

1 File. The purpose of the file is to cross-reference persons who have  
2 ownership or possession of a firearm on or after January 1, 1991,  
3 as indicated by a record in the Consolidated Firearms Information  
4 System, and who, subsequent to the date of that ownership or  
5 possession of a firearm, fall within a class of persons who are  
6 prohibited from owning or possessing a firearm.

7 (b) Commencing ~~January 1, 2015~~ *July 1, 2015*, the file shall  
8 also be used to cross-reference persons who acquire ammunition  
9 to determine if those persons fall within a class of persons who  
10 are prohibited from owning or possessing ammunition.

11 (c) The information contained in the Prohibited Armed Persons  
12 File shall only be available to those entities specified in, and  
13 pursuant to, subdivision (b) or (c) of Section 11105, through the  
14 California Law Enforcement Telecommunications System, for the  
15 purpose of determining if persons are armed and prohibited from  
16 possessing firearms or ammunition.

17 SEC. 5. Section 30005 of the Penal Code is amended to read:

18 30005. The Prohibited Armed Persons File database shall  
19 function as follows:

20 (a) Upon entry into the ~~Automated Criminal History System~~  
21 *Department of Justice's records* of a disposition for a conviction  
22 of any felony, a conviction for any firearms-prohibiting charge  
23 specified in Chapter 2 (commencing with Section 29800), a  
24 conviction for an offense described in Chapter 3 (commencing  
25 with Section 29900), a firearms prohibition pursuant to Section  
26 8100 or 8103 of the Welfare and Institutions Code, or any firearms  
27 possession prohibition identified by the federal National Instant  
28 Criminal Background Check System, the Department of Justice  
29 shall determine if the subject has an entry in the Consolidated  
30 Firearms Information System indicating possession or ownership  
31 of a firearm on or after January 1, 1991, or an assault weapon  
32 registration, or a .50 BMG rifle registration, or commencing  
33 ~~January 1, 2015~~ *July 1, 2015*, acquisition of ammunition.

34 (b) Upon an entry into any department automated information  
35 system that is used for the identification of persons who are  
36 prohibited by state or federal law from acquiring, owning, or  
37 possessing firearms, the department shall determine if the subject  
38 has an entry in the Consolidated Firearms Information System  
39 indicating ownership or possession of a firearm on or after January



1 1, 1991, or an assault weapon registration, or a .50 BMG rifle  
2 registration.

3 (c) If the department determines that, pursuant to subdivision  
4 (a) or (b), the subject has an entry in the Consolidated Firearms  
5 Information System indicating possession or ownership of a firearm  
6 on or after January 1, 1991, or an assault weapon registration, or  
7 a .50 BMG rifle registration, the following information shall be  
8 entered into the Prohibited Armed Persons File:

- 9 (1) The subject's name.  
10 (2) The subject's date of birth.  
11 (3) The subject's physical description.  
12 (4) Any other identifying information regarding the subject that  
13 is deemed necessary by the Attorney General.  
14 (5) The basis of the firearms possession and ammunition  
15 prohibition.  
16 (6) A description of all firearms owned or possessed by the  
17 subject, as reflected by the Consolidated Firearms Information  
18 System.

19 SEC. 6. Section 30312 of the Penal Code is amended to read:

20 30312. (a) (1) The delivery or transfer of ownership of  
21 ammunition may only occur in a face-to-face transaction with the  
22 deliverer or transferor being provided bona fide evidence of identity  
23 from the purchaser or other transferee; ~~provided, however, that~~  
24 ~~ammunition may be purchased over the Internet or through other~~  
25 ~~means of remote ordering if an ammunition vendor in this state~~  
26 ~~initially receives the ammunition and processes the transfer in~~  
27 ~~compliance with this section and Article 3 (commencing with~~  
28 ~~Section 30345), and, commencing July 1, 2015, in accordance~~  
29 ~~with regulations promulgated by the Department of Justice pursuant~~  
30 ~~to Section 30400 transferee.~~

31 (2) Commencing July 1, 2015, the sale of ammunition may only  
32 be conducted by an ammunition vendor licensed pursuant to  
33 Section 30385.

34 (3) For purposes of this section, "ammunition" does not include  
35 blanks.

36 (b) Subdivision (a) shall not apply to or affect the sale, delivery,  
37 or transfer of ammunition to any of the following:

38 (1) An authorized law enforcement representative of a city,  
39 county, city and county, or state or federal government, if the sale,  
40 delivery, or transfer is for exclusive use by that government agency

1 and, prior to the sale, delivery, or transfer of the ammunition,  
2 written authorization from the head of the agency employing the  
3 purchaser or transferee is obtained, identifying the employee as  
4 an individual authorized to conduct the transaction, and authorizing  
5 the transaction for the exclusive use of the agency employing the  
6 individual.

7 (2) A sworn peace officer, as defined in Chapter 4.5  
8 (commencing with Section 830) of Title 3 of Part 2 who is  
9 authorized to carry a firearm in the course and scope of the officer's  
10 duties.

11 (3) An importer or manufacturer of ammunition or firearms  
12 who is licensed to engage in business pursuant to Chapter 44  
13 (commencing with Section 921) of Title 18 of the United States  
14 Code and the regulations issued pursuant thereto.

15 (4) A person who is on the centralized list maintained by the  
16 Department of Justice pursuant to Article 6 (commencing with  
17 Section 28450) of Chapter 6 of Division 6 of this title.

18 (5) A person whose licensed premises are outside this state and  
19 who is licensed as a dealer or collector of firearms pursuant to  
20 Chapter 44 (commencing with Section 921) of Title 18 of the  
21 United States Code and the regulations issued pursuant thereto.

22 (6) A person who is licensed as a collector of firearms pursuant  
23 to Chapter 44 (commencing with Section 921) of Title 18 of the  
24 United States Code and the regulations issued pursuant thereto,  
25 whose licensed premises are within this state, and who has a current  
26 certificate of eligibility issued by the Department of Justice  
27 pursuant to Section 26710.

28 (7) An ammunition vendor.

29 (8) A consultant-evaluator.

30 (9) A participant at an event organized by a nonprofit mutual  
31 or public benefit corporation, where the sale, transfer, or delivery  
32 is by a nonprofit mutual or public benefit corporation organized  
33 pursuant to the Corporations Code, where the ammunition is to be  
34 used and consumed on the premises of an event conducted by that  
35 nonprofit or public benefit corporation, and the event is at a target  
36 range which holds a regulatory or business license.

37 (c) A violation of this section is a misdemeanor.

38 SEC. 7. The heading of Article 3 (commencing with Section  
39 30345) of Chapter 1 of Division 10 of Title 4 of Part 6 of the Penal  
40 Code is amended to read:

Article 3. Ammunition Vendors

SEC. 8. Section 30345 of the Penal Code is amended to read:  
30345. (a) A vendor shall comply with all of the conditions, requirements, and prohibitions stated in this article.

(b) Commencing July 1, 2015, an ammunition vendor shall be licensed by the Department of Justice in order to sell ammunition.

(c) For purposes of this article, “ammunition” does not include blanks.

SEC. 9. Section 30347 of the Penal Code is amended to read:

30347. A vendor shall not permit any employee who the vendor knows or reasonably should know is a person described in Chapter 2 (commencing with Section 29800) or Chapter 3 (commencing with Section 29900) of Division 9 of this title or Section 8100 or 8103 of the Welfare and Institutions Code to handle, sell, or deliver ammunition in the course and scope of employment.

SEC. 10. Section 30348 is added to the Penal Code, to read:

30348. (a) Except as provided in subdivision (b), the sale of ammunition shall be conducted at the location specified in the license.

(b) A vendor may sell ammunition at a gun show or event if the gun show or event is not conducted from any motorized or towed vehicle.

(c) For purposes of this section, “gun show or event” means a function sponsored by any national, state, or local organization, devoted to the collection, competitive use, or other sporting use of firearms, or an organization or association that sponsors functions devoted to the collection, competitive use, or other sporting use of firearms in the community.

(d) Sales of ammunition at a gun show or event shall comply with Sections 30347, 30350, 30352, and 30360.

SEC. 11. Section 30350 of the Penal Code is amended to read:

30350. A vendor shall not sell, offer for sale, or display for sale any ammunition in a manner that allows that ammunition to be accessible to a purchaser or transferee without the assistance of the vendor or an employee of the vendor.

SEC. 12. Section 30352 of the Penal Code is amended to read:

30352. (a) A vendor shall not sell any ammunition without, at the time of delivery, legibly recording the following information:

(1) The date of the sale.

1 (2) The purchaser's driver's license or other identification  
2 number and the state in which it was issued.

3 (3) The brand, type, and amount of ammunition sold.

4 (4) The purchaser's signature.

5 (5) The name of the salesperson who processed the sale or other  
6 transaction.

7 (6) The right thumbprint of the purchaser on the above form.

8 (7) The purchaser's full residential address and telephone  
9 number.

10 (8) The purchaser's date of birth.

11 (b) Commencing July 1, 2015, the vendor shall submit to the  
12 department the information required by subdivision (a) in a format  
13 and a manner prescribed by the department for all sales of  
14 ownership of ammunition. *The department shall check the*  
15 *submitted information against the Prohibited Armed Persons File.*  
16 *The vendor shall not share any of the information required by*  
17 *subdivision (a) for any reason other than for authorized law*  
18 *enforcement purposes.*

19 (c) Commencing on July 1, ~~2015~~ 2016, only those persons listed  
20 below or those persons or entities listed in subdivision (e) shall be  
21 authorized to purchase ammunition. Prior to the delivery of the  
22 ammunition, the vendor shall verify that the person who is  
23 receiving delivery of the ammunition is a properly identified person  
24 or entity listed in subdivision (e) or one of the following:

25 (1) A person authorized to purchase ammunition pursuant to  
26 Section 30370.

27 (2) A person who is authorized to carry loaded firearms pursuant  
28 to Section 25900, 25905, 25910, 25925, 26010, 26015, 26025, or  
29 26030.

30 (3) A holder of a special weapons permit issued by the  
31 department pursuant to Section 32650 or 33300, pursuant to Article  
32 3 (commencing with Section 18900) of Chapter 1 of Division 5  
33 of Title 2, or pursuant to Article 4 (commencing with Section  
34 32700) of Chapter 6 of this division.

35 (4) A holder of a current certificate of eligibility issued pursuant  
36 to Section 26710.

37 (5) A holder of a valid entertainment firearms permit issued  
38 pursuant to Chapter 2 (commencing with Section 29500) of  
39 Division 8.

1 ~~(6) If a person does not have an ammunition purchase~~  
2 ~~authorization because he or she is not a resident of this state, then~~  
3 ~~pursuant to procedures prescribed by the department, the person~~  
4 ~~presents documentation to the vendor that shows that the person~~  
5 ~~would not be prohibited from acquiring or possessing ammunition~~  
6 ~~within this state.~~

7 (d) Commencing July 1, ~~2015~~ 2016, the vendor shall  
8 *electronically verify with the department, in a manner prescribed*  
9 *by the department*, that the person is authorized to purchase  
10 ammunition by ~~comparing the person's California driver's license~~  
11 ~~number or California identification card number to the~~  
12 ~~authorization number in~~ *referencing* the centralized list of  
13 authorized ammunition purchasers. If the person is not listed as  
14 an authorized ammunition purchaser, the vendor shall deny the  
15 sale.

16 (e) Subdivisions (a) and (d) shall not apply to or affect sales or  
17 other transfers of ownership of ammunition by ammunition vendors  
18 to any of the following, if properly identified:

19 (1) A person licensed pursuant to Sections 26700 to 26915,  
20 inclusive.

21 (2) An ammunition vendor.

22 (3) A person who is on the centralized list maintained by the  
23 department pursuant to Article 6 (commencing with Section 28450)  
24 of Chapter 6 of Division 6 of this title.

25 (4) A target facility that holds a business or regulatory license.

26 (5) A gunsmith.

27 (6) A wholesaler.

28 (7) A manufacturer or importer of firearms or ammunition  
29 licensed pursuant to Chapter 44 (commencing with Section 921)  
30 of Title 18 of the United States Code, and the regulations issued  
31 pursuant thereto.

32 (8) An authorized law enforcement representative of a city,  
33 county, city and county, or state or federal government, if the sale  
34 or other transfer of ownership is for exclusive use by that  
35 government agency, and, prior to the sale, delivery, or transfer of  
36 the ammunition, written authorization from the head of the agency  
37 authorizing the transaction is presented to the person from whom  
38 the purchase, delivery, or transfer is being made. Proper written  
39 authorization is defined as verifiable written certification from the  
40 head of the agency by which the purchaser, transferee, or person

1 otherwise acquiring ownership is employed, identifying the  
2 employee as an individual authorized to conduct the transaction,  
3 and authorizing the transaction for the exclusive use of the agency  
4 by which that individual is employed.

5 *(9) A sworn peace officer, as defined in Chapter 4.5*  
6 *(commencing with Section 830) of Title 3 of Part 2 who is*  
7 *authorized to carry a firearm in the course and scope of the*  
8 *officer's duties.*

9 SEC. 13. Section 30365 of the Penal Code is amended to read:  
10 30365. (a) A violation of subdivision (b) of Section 30345,  
11 Section 30347, 30350, 30352, 30355, 30360, or 30362 is a  
12 misdemeanor.

13 (b) The provisions of this section are cumulative, and shall not  
14 be construed as restricting the application of any other law.  
15 However, an act or omission punishable in different ways by  
16 different provisions of law shall not be punished under more than  
17 one provision.

18 SEC. 14. Article 4 (commencing with Section 30370) is added  
19 to Chapter 1 of Division 10 of Title 4 of Part 6 of the Penal Code,  
20 to read:

21  
22 Article 4. Ammunition Purchase ~~Authorizations~~ *Felony*  
23 *Screening*  
24

25 30370. (a) (1) Commencing on January 1, ~~2015~~ 2016, any  
26 person ~~who is a resident of this state and~~ who is 18 years of age  
27 or older may apply to the department for an ammunition purchase  
28 authorization.

29 (2) The ammunition purchase authorization shall entitle the  
30 authorized person to purchase ammunition from an ammunition  
31 vendor as that term is defined in Section 16663 and shall have no  
32 other force or effect. *The authorization does not authorize a person*  
33 *to purchase ammunition if the person is or becomes prohibited*  
34 *from acquiring or possessing ammunition.*

35 (3) For purposes of this article, “ammunition” does not include  
36 blanks.

37 (4) *Those persons and entities listed in subdivisions (c) and (e)*  
38 *of Section 30352 are not required to obtain an authorization under*  
39 *this article in order to acquire or posses ammunition.*

1 (b) The department shall issue an ammunition purchase  
2 authorization to the applicant if all of the following conditions are  
3 met:

4 (1) The applicant is 18 years of age or older.

5 (2) The applicant is not prohibited from acquiring or possessing  
6 ammunition ~~by the laws of this state because of a felony conviction.~~

7 (3) The applicant pays the fees set forth in subdivision ~~(i)~~ (g).

8 (4) *The applicant submits fingerprint images in compliance with*  
9 *subdivision (i).*

10 (5) *The applicant provides a government issued photo*  
11 *identification.*

12 (c) (1) Upon receipt of an application, the department shall  
13 examine its records ~~and is authorized to request records from the~~  
14 ~~State Department of State Hospitals, pursuant to Section 8104 of~~  
15 ~~the Welfare and Institutions Code, and if authorized, the National~~  
16 ~~Instant Criminal Background Check System, as described in~~  
17 ~~Section 922(t) of Title 18 of the United States Code, in order to~~  
18 ~~determine if the applicant is prohibited from possessing or~~  
19 ~~acquiring ammunition due to a felony conviction.~~

20 (2) The applicant shall be approved or denied within 30 days  
21 of the date of the application. If the application is denied, the  
22 department shall state the reasons for doing so and provide the  
23 applicant an appeal process to challenge that denial.

24 (3) If the department is unable to ascertain the final disposition  
25 of the application within 30 days of the applicant's submission,  
26 the department shall ~~grant authorization to the applicant~~ *deny the*  
27 *application and refer the applicant to the file record review*  
28 *process.*

29 (d) The ammunition purchase authorization shall be revoked  
30 by the department upon the occurrence of any event which would  
31 ~~have disqualified the holder from being issued the ammunition~~  
32 ~~purchase authorization pursuant to this section~~ *prohibit the*  
33 *individual from owning or possessing ammunition.*

34 ~~(e) The ammunition purchase authorization number shall be the~~  
35 ~~same number as the person's California driver's license number~~  
36 ~~or California identification card number.~~

37 (e) *The department shall provide a written notice to the*  
38 *applicant stating that an authorization under this section does not*  
39 *authorize a person who is otherwise prohibited from acquiring or*  
40 *possessing ammunition to acquire or possess ammunition.*

(f) The department shall create an internal centralized list of all persons who are authorized to purchase ammunition and provide access by ammunition vendors to the list for purposes of conducting ammunition sales. *The photo identification provided with the application shall be referenced to the person in the centralized list.* Law enforcement agencies shall be provided access to the list for law enforcement purposes.

(g) The department shall recover the reasonable cost of administering regulatory and enforcement activities related to the sale, purchase, possession, loan, or transfer of ammunition pursuant to this section by charging applicants an initial application fee not to exceed fifty dollars (\$50), which shall be valid for two years, and not to exceed fourteen dollars (\$14) for the biennial renewal application to include at a minimum, a new application and background check.

(h) All fees received pursuant to this section shall be deposited into the Dealer's Record of Sale Special Account of the General Fund.

(i) Applicants subject to subdivision (a) shall submit fingerprint images and related information required by the department to the department for the purposes of obtaining information as to the existence and content of a record of state or federal convictions. Fingerprint images and other information may also be used to obtain information related to state or federal arrests and state or federal arrests for which the department establishes that the person is free on bail or on his or her recognizance pending trial or appeal, for purposes of determining if the arrests resulted in a conviction.

(1) When received, the department shall forward to the Federal Bureau of Investigation requests for federal summary criminal history information received pursuant to this section. The department shall review the information returned from the Federal Bureau of Investigation and disseminate the result within the department.

(2) The department shall request subsequent notification service, as provided pursuant to Section 11105.2 of the Penal Code, for applicants subject to subdivision (a).

(3) The department shall charge a reasonable fee sufficient to cover the cost of processing the request described in this section.

(i)



1 (j) The implementation of this section by the department is  
2 exempt from the Administrative Procedure Act (Chapter 3.5  
3 (commencing with Section 11340) of Part 1 of Division 3 of Title  
4 2 of the Government Code).

5 (j)

6 (k) The department shall annually review and shall adjust the  
7 fees specified in subdivision (g), if necessary, to fully fund, but  
8 not to exceed the reasonable costs of, the ammunition authorization  
9 program provided by this section, including the enforcement of  
10 this program.

11 (k)

12 (l) The Attorney General is authorized to adopt regulations to  
13 implement the provisions of this section.

14 SEC. 15. Article 5 (commencing with Section 30380) is added  
15 to Chapter 1 of Division 10 of Title 4 of Part 6 of the Penal Code,  
16 to read:

17  
18 Article 5. Ammunition Vendor Licenses  
19

20 30380. (a) Commencing July 1, 2015, no ammunition vendor  
21 shall sell ammunition unless the vendor is licensed pursuant to  
22 Section 30385.

23 (b) A violation of this section is a misdemeanor.

24 (c) For purposes of this article, “ammunition” does not include  
25 blanks.

26 30385. (a) The Department of Justice is authorized to issue  
27 ammunition vendor licenses pursuant to this article. The department  
28 shall, commencing ~~March 1, 2015~~ *January 1, 2015*, commence  
29 accepting applications for ammunition vendor licenses. The  
30 department shall issue a license or deny the application for a license  
31 within 30 days of receipt of the application. If the application is  
32 denied, the department shall inform the applicant of the reason for  
33 denial in writing.

34 (b) The ammunition vendor license shall be issued in a form  
35 prescribed by the Attorney General and shall be valid for a period  
36 of one year. The Attorney General may adopt regulations to  
37 administer application and enforcement provisions of this article.  
38 The license shall allow the licensee to sell ammunition from a  
39 fixed location.

1 30390. (a) The department may charge ammunition vendor  
2 license applicants a fee sufficient to reimburse the department for  
3 the reasonable costs of administering the license program,  
4 maintaining the registry of ammunition vendors, and necessary  
5 enforcement, provided however, that the fee shall not exceed ~~fifty~~  
6 *one hundred* dollars ~~(\$50)~~ (\$100).

7 (b) The fees received by the department pursuant to this article  
8 shall be deposited in the Ammunition Vendor's Special Account  
9 ~~of the General Fund~~, which is hereby created. The revenue in the  
10 fund shall be available, upon appropriation by the Legislature, for  
11 use by the Department of Justice for the purpose of implementing  
12 and enforcing the provisions of this article.

13 30395. (a) The department is authorized to issue ammunition  
14 vendor licenses to ammunition vendors who the department has  
15 determined are not prohibited by state law from possessing,  
16 receiving, owning, or purchasing a firearm, and who provide a  
17 copy of any regulatory or business license required by local  
18 government, a valid seller's permit issued by the State Board of  
19 Equalization, a federal firearms license if the person is federally  
20 licensed, and a certificate of eligibility issued by the department.

21 (b) The department shall issue ammunition vendor licenses  
22 pursuant to this article to the following applicants:

23 (1) A licensed firearms dealer.

24 (2) Persons on the centralized list maintained by the department  
25 pursuant to Section 28450.

26 (3) A target facility holding a business or other regulatory  
27 license.

28 (4) A gunsmith.

29 (5) A firearms wholesaler.

30 (6) A manufacturer or importer of firearms or ammunition  
31 licensed pursuant to Chapter 44 (commencing with Section 921)  
32 of Title 18 of the United States Code, and the regulations issued  
33 pursuant thereto.

34 (c) The department shall keep a registry of all licensed  
35 ammunition vendors.

36 (d) The department shall revoke the license of any ammunition  
37 vendor who violates this article or Article 3 (commencing with  
38 Section 30345) in any combination three times. The ammunition  
39 vendor shall thereafter be permanently ineligible for an ammunition  
40 vendor license.

1     ~~30400. (a) Prior to July 1, 2015, the Department of Justice~~  
2 ~~shall adopt regulations to implement the provisions of subdivision~~  
3 ~~(a) of Section 30312 that allow ammunition to be purchased over~~  
4 ~~the Internet or through other means of remote ordering if an~~  
5 ~~ammunition vendor in this state initially receives the ammunition~~  
6 ~~and processes the transfer in compliance with Section 30312 and~~  
7 ~~Article 3 (commencing with Section 30345).~~

8     ~~(b) The regulations shall include the following components:~~

9     ~~(1) A requirement that ammunition vendors promptly and~~  
10 ~~properly process those transactions.~~

11     ~~(2) Requirements that transaction records are not used for~~  
12 ~~purposes other than completing the transaction.~~

13     30400. (a) *The Attorney General shall prepare and submit to*  
14 *the Legislature on or before July 1, 2016, a report concerning all*  
15 *of the following:*

16     (1) *Recommendations for enhancements that could be made to*  
17 *the background check system to capture mental health records,*  
18 *domestic violence restraining orders, and wanted person's*  
19 *information.*

20     (2) *The feasibility and costs of implementing enhancements to*  
21 *the background check system.*

22     (3) *The overall costs of creating and maintaining, and the costs*  
23 *to the individuals of using, that enhanced system.*

24     (4) *The feasibility of integrating the ammunition background*  
25 *check system into the current firearm registration system.*

26     (5) *The effect of the system on overall efforts by the Department*  
27 *of Justice in terms of information and computerized upgrades that*  
28 *the department is currently undertaking.*

29     (6) *Recommendations for regulation of interstate commerce,*  
30 *including the Internet sale of ammunition and out-of-state hunters*  
31 *wanting to purchase ammunition in California.*

32     (7) *Recommendations for any specific statutory changes*  
33 *necessary to implement the recommendations, if any.*

34     (b) *The report required by subdivision (a) shall be submitted*  
35 *pursuant to Section 9795 of the Government Code.*

36     (c) *It is the intent of the Legislature to implement the ammunition*  
37 *background check system incrementally to minimize cost burdens*  
38 *to the state. It is also the intent of the Legislature to provide the*  
39 *Department of Justice the flexibility to develop a more*  
40 *comprehensive background check system that includes mental*

1 *health records and restraining orders. It is the intent of the*  
2 *Legislature that the department enforce the provisions of this*  
3 *chapter.*

4 SEC. 16. No reimbursement is required by this act pursuant to  
5 Section 6 of Article XIII B of the California Constitution because  
6 the only costs that may be incurred by a local agency or school  
7 district will be incurred because this act creates a new crime or  
8 infraction, eliminates a crime or infraction, or changes the penalty  
9 for a crime or infraction, within the meaning of Section 17556 of  
10 the Government Code, or changes the definition of a crime within  
11 the meaning of Section 6 of Article XIII B of the California  
12 Constitution.