

AMENDED IN ASSEMBLY SEPTEMBER 6, 2013

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

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, *and to repeal Section 30355 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, commencing July 1, 2015, use the Prohibited Armed Persons File to 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 requires ammunition vendors to maintain ammunition transaction records, as specified, on the vendor's premises for a period of 5 years.

This bill would repeal the provisions requiring ammunition transaction records be maintained for 5 years by the vendor.

~~(5)~~

(6) 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, 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, 2016, authorize issuance of ammunition purchase authorizations by the Department of Justice to applicants who are 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)~~

(7) The bill would authorize the Department of Justice to accept applications for ammunition vendor licenses, commencing 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, 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 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)

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

(9) *This bill would incorporate additional changes to Section 11106 of the Penal Code, proposed by AB 500 and AB 539, that would become operative only if this bill and either or both of those bills are chaptered and become effective January 1, 2014, and this bill is chaptered last.*

(8)

(10) 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’

1 records of sales of firearms, reports provided pursuant to Article
2 1 (commencing with Section 27500) of Chapter 4 of Division 6
3 of Title 4 of Part 6, or pursuant to any provision listed in
4 subdivision (a) of Section 16585, forms provided pursuant to
5 Section 12084, as that section read prior to being repealed, reports
6 provided pursuant to Article 1 (commencing with Section 26700)
7 and Article 2 (commencing with Section 26800) of Chapter 2 of
8 Division 6 of Title 4 of Part 6, that are not dealers' records of sales
9 of firearms, and reports of stolen, lost, found, pledged, or pawned
10 property in any city or county of this state, and shall, upon proper
11 application therefor, furnish this information to the officers referred
12 to in Section 11105.

13 (b) (1) The Attorney General shall permanently keep and
14 properly file and maintain all information reported to the
15 Department of Justice pursuant to the following provisions as to
16 firearms and maintain a registry thereof:

17 (A) Article 1 (commencing with Section 26700) and Article 2
18 (commencing with Section 26800) of Chapter 2 of Division 6 of
19 Title 4 of Part 6.

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

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

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

25 (E) Former Section 12084.

26 (F) Any other law.

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

28 (A) The name, address, identification of, place of birth (state
29 or country), complete telephone number, occupation, sex,
30 description, and all legal names and aliases ever used by the owner
31 or person being loaned the particular firearm as listed on the
32 information provided to the department on the Dealers' Record of
33 Sale, the Law Enforcement Firearms Transfer (LEFT), as defined
34 in former Section 12084, or reports made to the department
35 pursuant to any provision listed in subdivision (a) of Section 16585
36 or any other law.

37 (B) The name and address of, and other information about, any
38 person (whether a dealer or a private party) from whom the owner
39 acquired or the person being loaned the particular firearm and
40 when the firearm was acquired or loaned as listed on the

1 information provided to the department on the Dealers' Record of
2 Sale, the LEFT, or reports made to the department pursuant to any
3 provision listed in subdivision (a) of Section 16585 or any other
4 law.

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

8 (D) The manufacturer's name if stamped on the firearm, model
9 name or number if stamped on the firearm, and, if applicable, the
10 serial number, other number (if more than one serial number is
11 stamped on the firearm), caliber, type of firearm, if the firearm is
12 new or used, barrel length, and color of the firearm, or, if the
13 firearm is not a handgun and does not have a serial number or any
14 identification number or mark assigned to it, that shall be noted.

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

21 (4) If any person is listed in the registry as the owner of a firearm
22 through a Dealers' Record of Sale prior to 1979, and the person
23 listed in the registry requests by letter that the Attorney General
24 store and keep the record electronically, as well as in the record's
25 existing photographic, photostatic, or nonerasable optically stored
26 form, the Attorney General shall do so within three working days
27 of receipt of the request. The Attorney General shall, in writing,
28 and as soon as practicable, notify the person requesting electronic
29 storage of the record that the request has been honored as required
30 by this paragraph.

31 (c) (1) Any officer referred to in paragraphs (1) to (6), inclusive,
32 of subdivision (b) of Section 11105 may disseminate the name of
33 the subject of the record, the number of the firearms listed in the
34 record, and the description of any firearm, including the make,
35 model, and caliber, from the record relating to any firearm's sale,
36 transfer, registration, or license record, or any information reported
37 to the Department of Justice pursuant to Section 26225, Article 1
38 (commencing with Section 26700) and Article 2 (commencing
39 with Section 26800) of Chapter 2 of Division 6 of Title 4 of Part
40 6, Article 1 (commencing with Section 27500) of Chapter 4 of

1 Division 6 of Title 4 of Part 6, Chapter 5 (commencing with
2 Section 28050) of Division 6 of Title 4 of Part 6, Article 2
3 (commencing with Section 28150) of Chapter 6 of Division 6 of
4 Title 4 of Part 6, Article 5 (commencing with Section 30900) of
5 Chapter 2 of Division 10 of Title 4 of Part 6, Chapter 2
6 (commencing with Section 33850) of Division 11 of Title 4 of Part
7 6, or any provision listed in subdivision (a) of Section 16585, if
8 the following conditions are met:

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

18 (B) The information is disseminated only to the victim of the
19 crime or to the person who has obtained the emergency protective
20 order, the temporary restraining order, or the order after hearing
21 issued by the family court.

22 (C) Whenever a law enforcement officer disseminates the
23 information authorized by this subdivision, that officer or another
24 officer assigned to the case shall immediately provide the victim
25 of the crime with a “Victims of Domestic Violence” card, as
26 specified in subparagraph (H) of paragraph (9) of subdivision (c)
27 of Section 13701.

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

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

33 *SEC. 1.1. Section 11106 of the Penal Code, as added by Section*
34 *2.5 of Chapter 745 of the Statutes of 2011, is amended to read:*

35 11106. (a) In order to assist in the investigation of crime, the
36 prosecution of civil actions by city attorneys pursuant to paragraph
37 (3) of subdivision ~~(e)~~; (b), the arrest and prosecution of criminals,
38 and the recovery of lost, stolen, or found property, the Attorney
39 General shall keep and properly file a complete record of all copies
40 of fingerprints, copies of licenses to carry firearms issued pursuant

1 to Section 26150, 26155, 26170, or 26215, information reported
2 to the Department of Justice pursuant to Section 26225, *copies of*
3 *ammunition purchaser authorizations pursuant to Section 30370,*
4 *ammunition vendor license information pursuant to Article 5*
5 *(commencing with Section 30380) of Chapter 1 of Division 10 of*
6 *Title 4 of Part 6, information required by Section 30352, dealers'*
7 records of sales of firearms, reports provided pursuant to Article
8 1 (commencing with Section 27500) of Chapter 4 of Division 6
9 of Title 4 of Part 6, or pursuant to any provision listed in
10 subdivision (a) of Section 16585, forms provided pursuant to
11 Section 12084, as that section read prior to being repealed, reports
12 provided pursuant to Article 1 (commencing with Section 26700)
13 and Article 2 (commencing with Section 26800) of Chapter 2 of
14 Division 6 of Title 4 of Part 6, that are not dealers' records of sales
15 of firearms, *information provided pursuant to Section 28255,* and
16 reports of stolen, lost, found, pledged, or pawned property in any
17 city or county of this state, and shall, upon proper application
18 therefor, furnish this information to the officers referred to in
19 Section 11105.

20 (b) (1) The Attorney General shall permanently keep and
21 properly file and maintain all information reported to the
22 Department of Justice pursuant to the following provisions as to
23 firearms and maintain a registry thereof:

24 (A) Article 1 (commencing with Section 26700) and Article 2
25 (commencing with Section 26800) of Chapter 2 of Division 6 of
26 Title 4 of Part 6.

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

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

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

32 (E) Former Section 12084.

33 (F) *Section 28255.*

34 ~~(F)~~

35 (G) Any other law.

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

37 (A) The name, address, identification of, place of birth (state
38 or country), complete telephone number, occupation, sex,
39 description, and all legal names and aliases ever used by the owner
40 or person being loaned the particular firearm as listed on the

1 information provided to the department on the Dealers' Record of
2 Sale, the Law Enforcement Firearms Transfer (LEFT), as defined
3 in former Section 12084, or reports made to the department
4 pursuant to any provision listed in subdivision (a) of Section 16585
5 16585, Section 28255, or any other law.

6 (B) The name and address of, and other information about, any
7 person (whether a dealer or a private party) from whom the owner
8 acquired or the person being loaned the particular firearm and
9 when the firearm was acquired or loaned as listed on the
10 information provided to the department on the Dealers' Record of
11 Sale, the LEFT, or reports made to the department pursuant to any
12 provision listed in subdivision (a) of Section 16585 or any other
13 law.

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

17 (D) The manufacturer's name if stamped on the firearm, model
18 name or number if stamped on the firearm, and, if applicable, the
19 serial number, other number (if more than one serial number is
20 stamped on the firearm), caliber, type of firearm, if the firearm is
21 new or used, barrel length, and color of the firearm, or, if the
22 firearm is not a handgun and does not have a serial number or any
23 identification number or mark assigned to it, that shall be noted.

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

30 (4) If any person is listed in the registry as the owner of a firearm
31 through a Dealers' Record of Sale prior to 1979, and the person
32 listed in the registry requests by letter that the Attorney General
33 store and keep the record electronically, as well as in the record's
34 existing photographic, photostatic, or nonerasable optically stored
35 form, the Attorney General shall do so within three working days
36 of receipt of the request. The Attorney General shall, in writing,
37 and as soon as practicable, notify the person requesting electronic
38 storage of the record that the request has been honored as required
39 by this paragraph.

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

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

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

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

(2) The victim or person to whom information is disseminated pursuant to this subdivision may disclose it as he or she deems

1 necessary to protect himself or herself or another person from
2 bodily harm by the person who is the subject of the record.

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

4 *SEC. 1.2. Section 11106 of the Penal Code, as added by Section*
5 *2.5 of Chapter 745 of the Statutes of 2011, is amended to read:*

6 11106. (a) In order to assist in the investigation of crime, the
7 prosecution of civil actions by city attorneys pursuant to paragraph
8 (3) of subdivision ~~(e)~~ (b), the arrest and prosecution of criminals,
9 and the recovery of lost, stolen, or found property, the Attorney
10 General shall keep and properly file a complete record of all copies
11 of fingerprints, copies of licenses to carry firearms issued pursuant
12 to Section 26150, 26155, 26170, or 26215, information reported
13 to the Department of Justice pursuant to Section 26225 or 29830,
14 *copies of ammunition purchaser authorizations pursuant to Section*
15 *30370, ammunition vendor license information pursuant to Article*
16 *5 (commencing with Section 30380) of Chapter 1 of Division 10*
17 *of Title 4 of Part 6, information required by Section 30352, dealers'*
18 *records of sales of firearms, reports provided pursuant to Article*
19 *1 (commencing with Section 27500) of Chapter 4 of Division 6*
20 *of Title 4 of Part 6, or pursuant to any provision listed in*
21 *subdivision (a) of Section 16585, forms provided pursuant to*
22 *Section 12084, as that section read prior to being repealed, reports*
23 *provided pursuant to Article 1 (commencing with Section 26700)*
24 *and Article 2 (commencing with Section 26800) of Chapter 2 of*
25 *Division 6 of Title 4 of Part 6, that are not dealers' records of sales*
26 *of firearms, and reports of stolen, lost, found, pledged, or pawned*
27 *property in any city or county of this state, and shall, upon proper*
28 *application therefor, furnish this information to the officers referred*
29 *to in Section 11105.*

30 (b) (1) The Attorney General shall permanently keep and
31 properly file and maintain all information reported to the
32 Department of Justice pursuant to the following provisions as to
33 firearms and maintain a registry thereof:

34 (A) Article 1 (commencing with Section 26700) and Article 2
35 (commencing with Section 26800) of Chapter 2 of Division 6 of
36 Title 4 of Part 6.

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

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

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

2 (E) Former Section 12084.

3 (F) Any other law.

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

5 (A) The name, address, identification of, place of birth (state
6 or country), complete telephone number, occupation, sex,
7 description, and all legal names and aliases ever used by the owner
8 or person being loaned the particular firearm as listed on the
9 information provided to the department on the Dealers' Record of
10 Sale, the Law Enforcement Firearms Transfer (LEFT), as defined
11 in former Section 12084, or reports made to the department
12 pursuant to any provision listed in subdivision (a) of Section 16585
13 or any other law.

14 (B) The name and address of, and other information about, any
15 person (whether a dealer or a private party) from whom the owner
16 acquired or the person being loaned the particular firearm and
17 when the firearm was acquired or loaned as listed on the
18 information provided to the department on the Dealers' Record of
19 Sale, the LEFT, or reports made to the department pursuant to any
20 provision listed in subdivision (a) of Section 16585 or any other
21 law.

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

25 (D) The manufacturer's name if stamped on the firearm, model
26 name or number if stamped on the firearm, and, if applicable, the
27 serial number, other number (if more than one serial number is
28 stamped on the firearm), caliber, type of firearm, if the firearm is
29 new or used, barrel length, and color of the firearm, or, if the
30 firearm is not a handgun and does not have a serial number or any
31 identification number or mark assigned to it, that shall be noted.

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

38 (4) If any person is listed in the registry as the owner of a firearm
39 through a Dealers' Record of Sale prior to 1979, and the person
40 listed in the registry requests by letter that the Attorney General

1 store and keep the record electronically, as well as in the record's
2 existing photographic, photostatic, or nonerasable optically stored
3 form, the Attorney General shall do so within three working days
4 of receipt of the request. The Attorney General shall, in writing,
5 and as soon as practicable, notify the person requesting electronic
6 storage of the record that the request has been honored as required
7 by this paragraph.

8 (c) (1) Any officer referred to in paragraphs (1) to (6), inclusive,
9 of subdivision (b) of Section 11105 may disseminate the name of
10 the subject of the record, the number of the firearms listed in the
11 record, and the description of any firearm, including the make,
12 model, and caliber, from the record relating to any firearm's sale,
13 transfer, registration, or license record, or any information reported
14 to the Department of Justice pursuant to Section 26225, Article 1
15 (commencing with Section 26700) and Article 2 (commencing
16 with Section 26800) of Chapter 2 of Division 6 of Title 4 of Part
17 6, Article 1 (commencing with Section 27500) of Chapter 4 of
18 Division 6 of Title 4 of Part 6, Chapter 5 (commencing with
19 Section 28050) of Division 6 of Title 4 of Part 6, Article 2
20 (commencing with Section 28150) of Chapter 6 of Division 6 of
21 Title 4 of Part 6, Article 5 (commencing with Section 30900) of
22 Chapter 2 of Division 10 of Title 4 of Part 6, Chapter 2
23 (commencing with Section 33850) of Division 11 of Title 4 of Part
24 6, or any provision listed in subdivision (a) of Section 16585, if
25 the following conditions are met:

26 (A) The subject of the record has been arraigned for a crime in
27 which the victim is a person described in subdivisions (a) to (f),
28 inclusive, of Section 6211 of the Family Code and is being
29 prosecuted or is serving a sentence for the crime, or the subject of
30 the record is the subject of an emergency protective order, a
31 temporary restraining order, or an order after hearing, which is in
32 effect and has been issued by a family court under the Domestic
33 Violence Protection Act set forth in Division 10 (commencing
34 with Section 6200) of the Family Code.

35 (B) The information is disseminated only to the victim of the
36 crime or to the person who has obtained the emergency protective
37 order, the temporary restraining order, or the order after hearing
38 issued by the family court.

39 (C) Whenever a law enforcement officer disseminates the
40 information authorized by this subdivision, that officer or another

1 officer assigned to the case shall immediately provide the victim
2 of the crime with a “Victims of Domestic Violence” card, as
3 specified in subparagraph (H) of paragraph (9) of subdivision (c)
4 of Section 13701.

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

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

10 *SEC. 1.3. Section 11106 of the Penal Code, as added by Section*
11 *2.5 of Chapter 745 of the Statutes of 2011, is amended to read:*

12 11106. (a) In order to assist in the investigation of crime, the
13 prosecution of civil actions by city attorneys pursuant to paragraph
14 (3) of subdivision (e); (b), the arrest and prosecution of criminals,
15 and the recovery of lost, stolen, or found property, the Attorney
16 General shall keep and properly file a complete record of all copies
17 of fingerprints, copies of licenses to carry firearms issued pursuant
18 to Section 26150, 26155, 26170, or 26215, information reported
19 to the Department of Justice pursuant to Section 26225 or 29830,
20 copies of ammunition purchaser authorizations pursuant to Section
21 30370, ammunition vendor license information pursuant to Article
22 5 (commencing with Section 30380) of Chapter 1 of Division 10
23 of Title 4 of Part 6, information required by Section 30352, dealers’
24 records of sales of firearms, reports provided pursuant to Article
25 1 (commencing with Section 27500) of Chapter 4 of Division 6
26 of Title 4 of Part 6, or pursuant to any provision listed in
27 subdivision (a) of Section 16585, forms provided pursuant to
28 Section 12084, as that section read prior to being repealed, reports
29 provided pursuant to Article 1 (commencing with Section 26700)
30 and Article 2 (commencing with Section 26800) of Chapter 2 of
31 Division 6 of Title 4 of Part 6, that are not dealers’ records of sales
32 of firearms, information provided pursuant to Section 28255, and
33 reports of stolen, lost, found, pledged, or pawned property in any
34 city or county of this state, and shall, upon proper application
35 therefor, furnish this information to the officers referred to in
36 Section 11105.

37 (b) (1) The Attorney General shall permanently keep and
38 properly file and maintain all information reported to the
39 Department of Justice pursuant to the following provisions as to
40 firearms and maintain a registry thereof:

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

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

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

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

9 (E) Former Section 12084.

10 (F) *Section 28255*.

11 ~~(F)~~

12 (G) Any other law.

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

14 (A) The name, address, identification of, place of birth (state
15 or country), complete telephone number, occupation, sex,
16 description, and all legal names and aliases ever used by the owner
17 or person being loaned the particular firearm as listed on the
18 information provided to the department on the Dealers' Record of
19 Sale, the Law Enforcement Firearms Transfer (LEFT), as defined
20 in former Section 12084, or reports made to the department
21 pursuant to any provision listed in subdivision (a) of Section ~~16585~~
22 *16585, Section 28255*, or any other law.

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

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

34 (D) The manufacturer's name if stamped on the firearm, model
35 name or number if stamped on the firearm, and, if applicable, the
36 serial number, other number (if more than one serial number is
37 stamped on the firearm), caliber, type of firearm, if the firearm is
38 new or used, barrel length, and color of the firearm, or, if the
39 firearm is not a handgun and does not have a serial number or any
40 identification number or mark assigned to it, that shall be noted.

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

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

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

(A) The subject of the record has been arraigned for a crime in which the victim is a person described in subdivisions (a) to (f), inclusive, of Section 6211 of the Family Code and is being prosecuted or is serving a sentence for the crime, or the subject of the record is the subject of an emergency protective order, a temporary restraining order, or an order after hearing, which is in

1 effect and has been issued by a family court under the Domestic
2 Violence Protection Act set forth in Division 10 (commencing
3 with Section 6200) of the Family Code.

4 (B) The information is disseminated only to the victim of the
5 crime or to the person who has obtained the emergency protective
6 order, the temporary restraining order, or the order after hearing
7 issued by the family court.

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

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

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

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

20 16663. (a) As used in this part, “ammunition vendor” means
21 any person, firm, corporation, dealer, or any other business
22 enterprise that is engaged in the retail sale of any ammunition, or
23 that holds itself out as engaged in the business of selling any
24 ammunition.

25 (b) Commencing July 1, 2015, “ammunition vendor” means
26 any person or *responsible person, as defined in Section 30385, of*
27 *an* entity described in subdivision (a) who has a current ammunition
28 vendor license, pursuant to Section ~~30380~~ 30385.

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

30 17315. As used in Article 3 (commencing with Section 30345)
31 of Chapter 1 of Division 10 of Title 4, “vendor” means an
32 ammunition vendor.

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

34 30000. (a) The Attorney General shall establish and maintain
35 an online database to be known as the Prohibited Armed Persons
36 File. The purpose of the file is to cross-reference persons who have
37 ownership or possession of a firearm on or after January 1, 1991,
38 as indicated by a record in the Consolidated Firearms Information
39 System, and who, subsequent to the date of that ownership or

1 possession of a firearm, fall within a class of persons who are
2 prohibited from owning or possessing a firearm.

3 (b) Commencing July 1, 2015, the file shall also be used to
4 cross-reference persons who acquire ammunition to determine if
5 those persons fall within a class of persons who are prohibited
6 from owning or possessing ammunition.

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

13 SEC. 5. Section 30005 of the Penal Code is amended to read:
14 30005. The Prohibited Armed Persons File database shall
15 function as follows:

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

29 (b) Upon an entry into any department automated information
30 system that is used for the identification of persons who are
31 prohibited by state or federal law from acquiring, owning, or
32 possessing firearms, the department shall determine if the subject
33 has an entry in the Consolidated Firearms Information System
34 indicating ownership or possession of a firearm on or after January
35 1, 1991, or an assault weapon registration, or a .50 BMG rifle
36 registration.

37 (c) If the department determines that, pursuant to subdivision
38 (a) or (b), the subject has an entry in the Consolidated Firearms
39 Information System indicating possession or ownership of a firearm
40 on or after January 1, 1991, or an assault weapon registration, or

1 a .50 BMG rifle registration, the following information shall be
2 entered into the Prohibited Armed Persons File:

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

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

14 30312. (a) (1) The delivery or transfer of ownership of
15 ammunition may only occur in a face-to-face transaction with the
16 deliverer or transferor being provided bona fide evidence of identity
17 from the purchaser or other transferee, *provided, however, that*
18 *ammunition may be purchased over the Internet or through other*
19 *means of remote ordering if an ammunition vendor in this state*
20 *initially receives the ammunition and processes the transfer in*
21 *compliance with this section and Article 3 (commencing with*
22 *Section 30345). An ammunition vendor is required to promptly*
23 *and properly process those transactions. An ammunition vendor*
24 *is not required to house ammunition orders longer than 30 days.*

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

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

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

32 (1) An authorized law enforcement representative of a city,
33 county, city and county, or state or federal government, if the sale,
34 delivery, or transfer is for exclusive use by that government agency
35 and, prior to the sale, delivery, or transfer of the ammunition,
36 written authorization from the head of the agency employing the
37 purchaser or transferee is obtained, identifying the employee as
38 an individual authorized to conduct the transaction, and authorizing
39 the transaction for the exclusive use of the agency employing the
40 individual.

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

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

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

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

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

(7) An ammunition vendor.

(8) A consultant-evaluator.

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

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

SEC. 7. The heading of Article 3 (commencing with Section 30345) of Chapter 1 of Division 10 of Title 4 of Part 6 of the Penal 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.

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

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

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

6 30347. A vendor shall not permit any employee who the vendor
7 knows or reasonably should know is a person described in Chapter
8 2 (commencing with Section 29800) or Chapter 3 (commencing
9 with Section 29900) of Division 9 of this title or Section 8100 or
10 8103 of the Welfare and Institutions Code to handle, sell, or deliver
11 ammunition in the course and scope of employment.

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

13 30348. (a) Except as provided in subdivision (b), the sale of
14 ammunition shall be conducted at the location specified in the
15 license.

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

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

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

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

28 30350. A vendor shall not sell, offer for sale, or display for
29 sale any ammunition in a manner that allows that ammunition to
30 be accessible to a purchaser or transferee without the assistance
31 of the vendor or an employee of the vendor.

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

33 30352. (a) A vendor shall not sell any ammunition without,
34 at the time of delivery, legibly recording the following information:

35 (1) The date of the sale.

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

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

39 ~~(4) The purchaser’s signature.~~

40 ~~(5)~~

1 (4) The name of the salesperson who processed the sale or other
2 transaction.

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

4 ~~(7)~~

5 (5) The purchaser's full residential address and telephone
6 number.

7 ~~(8)~~

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

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

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

23 (1) A person authorized to purchase ammunition pursuant to
24 Section 30370.

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

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

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

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

38 (d) Commencing July 1, 2016, the vendor shall electronically
39 verify with the department, in a manner prescribed by the
40 department, that the person is authorized to purchase ammunition

1 by referencing the centralized list of authorized ammunition
2 purchasers. If the person is not listed as an authorized ammunition
3 purchaser, the vendor shall deny the sale.

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

7 (1) A person licensed pursuant to Sections 26700 to 26915,
8 inclusive.

9 (2) An ammunition vendor.

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

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

14 (5) A gunsmith.

15 (6) A wholesaler.

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

20 (8) An authorized law enforcement representative of a city,
21 county, city and county, or state or federal government, if the sale
22 or other transfer of ownership is for exclusive use by that
23 government agency, and, prior to the sale, delivery, or transfer of
24 the ammunition, written authorization from the head of the agency
25 authorizing the transaction is presented to the person from whom
26 the purchase, delivery, or transfer is being made. Proper written
27 authorization is defined as verifiable written certification from the
28 head of the agency by which the purchaser, transferee, or person
29 otherwise acquiring ownership is employed, identifying the
30 employee as an individual authorized to conduct the transaction,
31 and authorizing the transaction for the exclusive use of the agency
32 by which that individual is employed.

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

37 *(9) The Department of Justice, any police department, any*
38 *sheriff's official, any marshal's office, the Youth and Adult*
39 *Correctional Agency, the Department of the California Highway*
40 *Patrol, any district attorney's office, any federal law enforcement*

1 *agency or the military or naval forces of this state or of the United*
2 *States for use in the discharge of their official duties, and sworn*
3 *members of these agencies.*

4 *SEC. 13. Section 30355 of the Penal Code is repealed.*

5 ~~30355. Commencing February 1, 2011, the records required~~
6 ~~by this article shall be maintained on the premises of the vendor~~
7 ~~for a period of not less than five years from the date of the recorded~~
8 ~~transfer.~~

9 ~~SEC. 13.~~

10 *SEC. 14. Section 30365 of the Penal Code is amended to read:*

11 30365. (a) A violation of subdivision (b) of Section 30345,
12 Section 30347, 30350, 30352, ~~30355~~, 30360, or 30362 is a
13 misdemeanor.

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

19 ~~SEC. 14.~~

20 *SEC. 15. Article 4 (commencing with Section 30370) is added*
21 *to Chapter 1 of Division 10 of Title 4 of Part 6 of the Penal Code,*
22 *to read:*

23
24 Article 4. Ammunition Purchase Felony Screening
25

26 30370. (a) (1) Commencing on January 1, 2016, any person
27 who is 18 years of age or older may apply to the department for
28 an ammunition purchase 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 possess 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 because of a felony conviction.

7 (3) The applicant pays the fees set forth in subdivision (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 in order to determine if the applicant is
14 prohibited from possessing or acquiring ammunition due to a felony
15 conviction.

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

20 (3) If the department is unable to ascertain the final disposition
21 of the application within 30 days of the applicant's submission,
22 the department shall deny the application and refer the applicant
23 to the file record review process.

24 (d) The ammunition purchase authorization shall be revoked
25 by the department upon the occurrence of any event which would
26 prohibit the individual from owning or possessing ammunition.

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

31 (f) The department shall create an internal centralized list of
32 all persons who are authorized to purchase ammunition. The photo
33 identification provided with the application shall be referenced to
34 the person in the centralized list. Law enforcement agencies shall
35 be provided access to the list for law enforcement purposes.

36 (g) The department shall recover the reasonable cost of
37 regulatory and enforcement activities related to the sale, purchase,
38 possession, loan, or transfer of ammunition pursuant to this section
39 by charging applicants an initial application fee not to exceed fifty
40 dollars (\$50), *including fingerprint fees*, which shall be valid for

1 two years, and not to exceed fourteen dollars (\$14) for the biennial
2 renewal application to include at a minimum, a new application
3 and background check.

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

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

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

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

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

27 (j) The implementation of this section by the department is
28 exempt from the Administrative Procedure Act (Chapter 3.5
29 (commencing with Section 11340) of Part 1 of Division 3 of Title
30 2 of the Government Code).

31 (k) The department shall annually review and shall adjust the
32 fees specified in subdivision (g), if necessary, to fully fund, but
33 not to exceed the reasonable costs of, the ammunition authorization
34 program provided by this section, including the enforcement of
35 this program.

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

1 ~~SEC. 15.~~

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

5
6 Article 5. Ammunition Vendor Licenses
7

8 30380. (a) Commencing July 1, 2015, no ammunition vendor
9 shall sell ammunition unless the vendor is licensed pursuant to
10 Section 30385.

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

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

14 30385. (a) The Department of Justice is authorized to issue
15 ammunition vendor licenses pursuant to this article. The department
16 shall, commencing January 1, 2015, commence accepting
17 applications for ammunition vendor licenses. The department shall
18 issue a license or deny the application for a license within 30 days
19 of receipt of the application. If the application is denied, the
20 department shall inform the applicant of the reason for denial in
21 writing.

22 (b) The ammunition vendor license shall be issued in a form
23 prescribed by the Attorney General and shall be valid for a period
24 of one year. The Attorney General may adopt regulations to
25 administer application and enforcement provisions of this article.
26 The license shall allow the licensee to sell ammunition from a
27 fixed location.

28 (c) (1) *In the case of an entity other than a natural person, the*
29 *department shall issue the license to the business entity, but shall*
30 *require a responsible person to pass the background check*
31 *pursuant to Section 30395.*

32 (2) *A “responsible person” for purposes of Section 16663 and*
33 *this article, means a person having the power to direct the*
34 *management, policies, and practices of the business as it pertains*
35 *to ammunition.*

36 30390. (a) The department may charge ammunition vendor
37 license applicants a fee sufficient to reimburse the department for
38 the reasonable costs of administering the license program,
39 maintaining the registry of ammunition vendors, and necessary

1 enforcement, provided however, that the fee shall not exceed one
2 hundred dollars (\$100).

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

9 30395. (a) The department is authorized to issue ammunition
10 vendor licenses to ammunition vendors who the department has
11 determined, *either as an individual or a responsible person*, are
12 not prohibited by state law from possessing, receiving, owning,
13 or purchasing a firearm, and who provide a copy of any regulatory
14 or business license required by local government, a valid seller's
15 permit issued by the State Board of Equalization, a federal firearms
16 license if the person is federally licensed, and a certificate of
17 eligibility issued by the department.

18 (b) The department shall issue ammunition vendor licenses
19 pursuant to this article to the following applicants, *who shall*
20 *designate a responsible person, as necessary*:

21 (1) A licensed firearms dealer.

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

24 (3) A target facility holding a business or other regulatory
25 license.

26 (4) A gunsmith.

27 (5) A firearms wholesaler.

28 (6) 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 (c) The department shall keep a registry of all licensed
33 ammunition vendors.

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

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

4 (1) Recommendations for enhancements that could be made to
5 the background check system to capture mental health records,
6 domestic violence restraining orders, and wanted person's
7 information.

8 (2) The feasibility and costs of implementing enhancements to
9 the background check system.

10 (3) The overall costs of creating and maintaining, and the costs
11 to the individuals of using, that enhanced system.

12 (4) The feasibility of integrating the ammunition background
13 check system into the current firearm registration system.

14 (5) The effect of the system on overall efforts by the Department
15 of Justice in terms of information and computerized upgrades that
16 the department is currently undertaking.

17 (6) Recommendations for regulation of interstate commerce,
18 including the Internet sale of ammunition and out-of-state hunters
19 wanting to purchase ammunition in California.

20 (7) Recommendations for any specific statutory changes
21 necessary to implement the recommendations, if any.

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

24 (c) It is the intent of the Legislature to implement the
25 ammunition background check system incrementally to minimize
26 cost burdens to the state. It is also the intent of the Legislature to
27 provide the Department of Justice the flexibility to develop a more
28 comprehensive background check system that includes mental
29 health records and restraining orders. It is the intent of the
30 Legislature that the department enforce the provisions of this
31 chapter.

32 *SEC. 17. (a) Section 1.1 of this bill incorporates amendments*
33 *to Section 11106 of the Penal Code proposed by both this bill and*
34 *Assembly Bill 500. It shall only become operative if (1) both bills*
35 *are enacted and become effective on or before January 1, 2014,*
36 *(2) each bill amends Section 11106 of the Penal Code, (3) Assembly*
37 *Bill 539 is not enacted or as enacted does not amend that section,*
38 *and (4) this bill is enacted after Assembly Bill 500 in which case*
39 *Sections 1, 1.2, and 1.3 of this bill shall not become operative.*

1 (b) Section 1.2 of this bill incorporates amendments to Section
2 11106 of the Penal Code proposed by both this bill and Assembly
3 Bill 539. It shall only become operative if (1) both bills are enacted
4 and become effective on or before January 1, 2014, (2) each bill
5 amends Section 11106 of the Penal Code, (3) Assembly Bill 500
6 is not enacted or as enacted does not amend Section 11106, and
7 (4) this bill is enacted after Assembly Bill 539 in which case
8 Sections 1, 1.1, and 1.3 of this bill shall not become operative.

9 (c) Section 1.3 of this bill incorporates amendments to Section
10 11106 of the Penal Code proposed by this bill, Assembly Bill 500,
11 and Assembly Bill 539. It shall only become operative if (1) all
12 three bills are enacted and become effective on or before January
13 1, 2014, (2) all three bills amend Section 11106 of the Penal Code,
14 and (3) this bill is enacted after Assembly Bill 500 and Assembly
15 Bill 539, in which case Sections 1, 1.1, and 1.2 of this bill shall
16 not become operative.

17 ~~SEC. 16.~~

18 SEC. 18. No reimbursement is required by this act pursuant to
19 Section 6 of Article XIII B of the California Constitution because
20 the only costs that may be incurred by a local agency or school
21 district will be incurred because this act creates a new crime or
22 infraction, eliminates a crime or infraction, or changes the penalty
23 for a crime or infraction, within the meaning of Section 17556 of
24 the Government Code, or changes the definition of a crime within
25 the meaning of Section 6 of Article XIII B of the California
26 Constitution.