

AMENDED IN ASSEMBLY SEPTEMBER 10, 2013

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, 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.

(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.

(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.

(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.

(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’
16 records of sales of firearms, reports provided pursuant to Article
17 1 (commencing with Section 27500) of Chapter 4 of Division 6

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3 Section 12084, as that section read prior to being repealed, reports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

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

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

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

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

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

23 (E) Former Section 12084.

24 (F) Any other law.

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

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

35 (B) The name and address of, and other information about, any
36 person (whether a dealer or a private party) from whom the owner
37 acquired or the person being loaned the particular firearm and
38 when the firearm was acquired or loaned as listed on the
39 information provided to the department on the Dealers' Record of
40 Sale, the LEFT, or reports made to the department pursuant to any

1 provision listed in subdivision (a) of Section 16585 or any other
2 law.

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

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

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

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

29 (c) (1) Any officer referred to in paragraphs (1) to (6), inclusive,
30 of subdivision (b) of Section 11105 may disseminate the name of
31 the subject of the record, the number of the firearms listed in the
32 record, and the description of any firearm, including the make,
33 model, and caliber, from the record relating to any firearm's sale,
34 transfer, registration, or license record, or any information reported
35 to the Department of Justice pursuant to Section 26225, Article 1
36 (commencing with Section 26700) and Article 2 (commencing
37 with Section 26800) of Chapter 2 of Division 6 of Title 4 of Part
38 6, Article 1 (commencing with Section 27500) of Chapter 4 of
39 Division 6 of Title 4 of Part 6, Chapter 5 (commencing with
40 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 necessary to protect himself or herself or another person from bodily harm by the person who is the subject of the record.

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

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

11106. (a) In order to assist in the investigation of crime, the prosecution of civil actions by city attorneys pursuant to paragraph (3) of subdivision (b), the arrest and prosecution of criminals, and the recovery of lost, stolen, or found property, the Attorney General shall keep and properly file a complete record of all copies of fingerprints, copies of licenses to carry firearms issued pursuant to Section 26150, 26155, 26170, or 26215, information reported to the Department of Justice pursuant to Section 26225, copies of

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

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

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

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

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

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

30 (E) Former Section 12084.

31 (F) Section 28255.

32 (G) Any other law.

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

34 (A) The name, address, identification of, place of birth (state
35 or country), complete telephone number, occupation, sex,
36 description, and all legal names and aliases ever used by the owner
37 or person being loaned the particular firearm as listed on the
38 information provided to the department on the Dealers' Record of
39 Sale, the Law Enforcement Firearms Transfer (LEFT), as defined
40 in former Section 12084, or reports made to the department

1 pursuant to any provision listed in subdivision (a) of Section 16585,
2 Section 28255, or any other law.

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

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

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

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

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

37 (c) (1) Any officer referred to in paragraphs (1) to (6), inclusive,
38 of subdivision (b) of Section 11105 may disseminate the name of
39 the subject of the record, the number of the firearms listed in the
40 record, and the description of any firearm, including the make,

1 model, and caliber, from the record relating to any firearm's sale,
2 transfer, registration, or license record, or any information reported
3 to the Department of Justice pursuant to Section 26225, Article 1
4 (commencing with Section 26700) and Article 2 (commencing
5 with Section 26800) of Chapter 2 of Division 6 of Title 4 of Part
6 6, Article 1 (commencing with Section 27500) of Chapter 4 of
7 Division 6 of Title 4 of Part 6, Chapter 5 (commencing with
8 Section 28050) of Division 6 of Title 4 of Part 6, Article 2
9 (commencing with Section 28150) of Chapter 6 of Division 6 of
10 Title 4 of Part 6, Article 5 (commencing with Section 30900) of
11 Chapter 2 of Division 10 of Title 4 of Part 6, Chapter 2
12 (commencing with Section 33850) of Division 11 of Title 4 of Part
13 6, or any provision listed in subdivision (a) of Section 16585, if
14 the following conditions are met:

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

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

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

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

38 SEC. 1.2. Section 11106 of the Penal Code, as added by Section
39 2.5 of Chapter 745 of the Statutes of 2011, is amended to read:

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

25 (b) (1) The Attorney General shall permanently keep and
26 properly file and maintain all information reported to the
27 Department of Justice pursuant to the following provisions as to
28 firearms and maintain a registry thereof:

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

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

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

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

37 (E) Former Section 12084.

38 (F) Any other law.

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

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

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

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

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

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

34 (4) If any person is listed in the registry as the owner of a firearm
35 through a Dealers' Record of Sale prior to 1979, and the person
36 listed in the registry requests by letter that the Attorney General
37 store and keep the record electronically, as well as in the record's
38 existing photographic, photostatic, or nonerasable optically stored
39 form, the Attorney General shall do so within three working days
40 of receipt of the request. The Attorney General shall, in writing,

1 and as soon as practicable, notify the person requesting electronic
2 storage of the record that the request has been honored as required
3 by this paragraph.

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

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

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

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

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

5 SEC. 1.3. Section 11106 of the Penal Code, as added by Section
6 2.5 of Chapter 745 of the Statutes of 2011, is amended to read:

7 11106. (a) In order to assist in the investigation of crime, the
8 prosecution of civil actions by city attorneys pursuant to paragraph
9 (3) of subdivision (b), the arrest and prosecution of criminals, and
10 the recovery of lost, stolen, or found property, the Attorney General
11 shall keep and properly file a complete record of all copies of
12 fingerprints, copies of licenses to carry firearms issued pursuant
13 to Section 26150, 26155, 26170, or 26215, information reported
14 to the Department of Justice pursuant to Section 26225 or 29830,
15 copies of ammunition purchaser authorizations pursuant to Section
16 30370, ammunition vendor license information pursuant to Article
17 5 (commencing with Section 30380) of Chapter 1 of Division 10
18 of Title 4 of Part 6, information required by Section 30352, dealers'
19 records of sales of firearms, reports provided pursuant to Article
20 1 (commencing with Section 27500) of Chapter 4 of Division 6
21 of Title 4 of Part 6, or pursuant to any provision listed in
22 subdivision (a) of Section 16585, forms provided pursuant to
23 Section 12084, as that section read prior to being repealed, reports
24 provided pursuant to Article 1 (commencing with Section 26700)
25 and Article 2 (commencing with Section 26800) of Chapter 2 of
26 Division 6 of Title 4 of Part 6, that are not dealers' records of sales
27 of firearms, information provided pursuant to Section 28255, and
28 reports of stolen, lost, found, pledged, or pawned property in any
29 city or county of this state, and shall, upon proper application
30 therefor, furnish this information to the officers referred to in
31 Section 11105.

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

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

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

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

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

4 (E) Former Section 12084.

5 (F) Section 28255.

6 (G) Any other law.

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

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

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

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

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

35 (3) Information in the registry referred to in this subdivision
36 shall, upon proper application therefor, be furnished to the officers
37 referred to in Section 11105, to a city attorney prosecuting a civil
38 action, solely for use in prosecuting that civil action and not for
39 any other purpose, or to the person listed in the registry as the
40 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 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

1 order, the temporary restraining order, or the order after hearing
2 issued by the family court.

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

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

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

14 16663. (a) As used in this part, “ammunition vendor” means
15 any person, firm, corporation, dealer, or any other business
16 enterprise that is engaged in the retail sale of any ammunition, or
17 that holds itself out as engaged in the business of selling any
18 ammunition.

19 (b) Commencing July 1, 2015, “ammunition vendor” means
20 any person or responsible person, as defined in Section 30385, of
21 an entity described in subdivision (a) who has a current ammunition
22 vendor license, pursuant to Section 30385.

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

24 17315. As used in Article 3 (commencing with Section 30345)
25 of Chapter 1 of Division 10 of Title 4, “vendor” means an
26 ammunition vendor.

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

28 30000. (a) The Attorney General shall establish and maintain
29 an online database to be known as the Prohibited Armed Persons
30 File. The purpose of the file is to cross-reference persons who have
31 ownership or possession of a firearm on or after January 1, 1991,
32 as indicated by a record in the Consolidated Firearms Information
33 System, and who, subsequent to the date of that ownership or
34 possession of a firearm, fall within a class of persons who are
35 prohibited from owning or possessing a firearm.

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

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

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

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

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

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

- (1) The subject's name.
- (2) The subject's date of birth.
- (3) The subject's physical description.

1 (4) Any other identifying information regarding the subject that
2 is deemed necessary by the Attorney General.

3 (5) The basis of the firearms possession and ammunition
4 prohibition.

5 (6) A description of all firearms owned or possessed by the
6 subject, as reflected by the Consolidated Firearms Information
7 System.

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

9 30312. (a) (1) The delivery or transfer of ownership of
10 ammunition may only occur in a face-to-face transaction with the
11 deliverer or transferor being provided bona fide evidence of identity
12 from the purchaser or other transferee, provided, however, that
13 ammunition may be purchased over the Internet or through other
14 means of remote ordering if an ammunition vendor in this state
15 initially receives the ammunition and processes the transfer in
16 compliance with this section and Article 3 (commencing with
17 Section 30345). An ammunition vendor is required to promptly
18 and properly process those transactions. An ammunition vendor
19 is not required to house ammunition orders longer than 30 days.

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

23 (3) For purposes of this section, “ammunition” does not include
24 blanks.

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

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

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

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

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

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

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

18 (7) An ammunition vendor.

19 (8) A consultant-evaluator.

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

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

28 SEC. 7. The heading of Article 3 (commencing with Section
29 30345) of Chapter 1 of Division 10 of Title 4 of Part 6 of the Penal
30 Code is amended to read:

31
32 Article 3. Ammunition Vendors
33

34 SEC. 8. Section 30345 of the Penal Code is amended to read:

35 30345. (a) A vendor shall comply with all of the conditions,
36 requirements, and prohibitions stated in this article.

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

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

1 SEC. 9. Section 30347 of the Penal Code is amended to read:
2 30347. A vendor shall not permit any employee who the vendor
3 knows or reasonably should know is a person described in Chapter
4 2 (commencing with Section 29800) or Chapter 3 (commencing
5 with Section 29900) of Division 9 of this title or Section 8100 or
6 8103 of the Welfare and Institutions Code to handle, sell, or deliver
7 ammunition in the course and scope of employment.

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

9 30348. (a) Except as provided in subdivision (b), the sale of
10 ammunition shall be conducted at the location specified in the
11 license.

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

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

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

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

24 30350. A vendor shall not sell, offer for sale, or display for
25 sale any ammunition in a manner that allows that ammunition to
26 be accessible to a purchaser or transferee without the assistance
27 of the vendor or an employee of the vendor.

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

29 30352. (a) A vendor shall not sell any ammunition without,
30 at the time of delivery, legibly recording the following information:

31 (1) The date of the sale.

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

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

35 (4) The name of the salesperson who processed the sale or other
36 transaction.

37 (5) The purchaser’s full residential address and telephone
38 number.

39 (6) The purchaser’s date of birth.

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

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

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

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

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

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

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

(d) Commencing July 1, 2016, the vendor shall electronically verify with the department, in a manner prescribed by the department, that the person is authorized to purchase ammunition by referencing the centralized list of authorized ammunition purchasers. If the person is not listed as an authorized ammunition purchaser, the vendor shall deny the sale.

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

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

1 (2) An ammunition vendor.

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

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

6 (5) A gunsmith.

7 (6) A wholesaler.

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

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

25 (9) The Department of Justice, any police department, any
26 sheriff's official, any marshal's office, the Youth and Adult
27 Correctional Agency, the Department of the California Highway
28 Patrol, any district attorney's office, any federal law enforcement
29 agency or the military or naval forces of this state or of the United
30 States for use in the discharge of their official duties, and sworn
31 members of these agencies.

32 SEC. 13. Section 30355 of the Penal Code is repealed.

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

34 30365. (a) A violation of subdivision (b) of Section 30345,
35 Section 30347, 30350, 30352, 30360, or 30362 is a misdemeanor.

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

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

Article 4. Ammunition Purchase Felony Screening

30370. (a) (1) Commencing on January 1, 2016, any person who is 18 years of age or older may apply to the department for an ammunition purchase authorization.

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

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

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

(b) ~~The~~ *Except as provided in subdivision (c), the* department shall issue an ammunition purchase authorization to the applicant if all of the following conditions are met:

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

(2) The applicant is not prohibited from acquiring or possessing ammunition because of a felony conviction.

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

(4) The applicant submits fingerprint images in compliance with subdivision ~~(i)~~ (j).

(5) The applicant provides a ~~government~~ issued government-issued photo identification.

(c) The department shall issue an ammunition purchase authorization to the applicant if the applicant is a firearms purchaser who submits firearms purchaser information to the department, for a firearm purchase occurring on or after January 1, 2016, passed a background check in connection with that purchase, and that information can be found on the department’s automated system, provided the applicant is not prohibited by state or federal law from possessing, receiving, owning, or purchasing a firearm or a person described in subdivision (a) of Sections

1 27535. *Eligible firearms purchasers shall apply with the*
2 *department in a manner and form prescribed by the department*
3 *and are subject to a fee not to exceed the reasonable costs of the*
4 *actual processing costs of the department, including checking the*
5 *automated firearms system but not to exceed ten dollars (\$10). An*
6 *application submitted simultaneously with a firearm purchase*
7 *shall be approved within 10 days if the applicant passes the*
8 *background check for the firearm purchase.*

9 ~~(e)~~

10 (d) (1) Upon receipt of an application, the department shall,
11 *except for those applicants described in subdivision (c),* examine
12 its records in order to determine if the applicant is prohibited from
13 possessing or acquiring ammunition due to a felony conviction.

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

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

22 ~~(d)~~

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

26 ~~(e)~~

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

31 ~~(f)~~

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

37 ~~(g)~~

38 (h) The department shall recover the reasonable cost of
39 regulatory and enforcement activities related to the sale, purchase,
40 possession, loan, or transfer of ammunition pursuant to this section

1 by charging applicants *described in subdivision (b)* an initial
2 application fee not to exceed fifty dollars (\$50), including
3 fingerprint fees, which shall be valid for two years, and not to
4 exceed fourteen dollars (\$14) for the biennial renewal application
5 to include at a minimum, a new application and background check
6 *for all applicants.*

7 ~~(h)~~

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

11 ~~(i)~~

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

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

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

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

32 ~~(j)~~

33 (k) The implementation of this section by the department is
34 exempt from the Administrative Procedure Act (Chapter 3.5
35 (commencing with Section 11340) of Part 1 of Division 3 of Title
36 2 of the Government Code).

37 ~~(k)~~

38 (l) The department shall annually review and shall adjust the
39 fees specified in subdivision ~~(g)~~ (h), if necessary, to fully fund,
40 but not to exceed the reasonable costs of, the ammunition

1 authorization program provided by this section, including the
2 enforcement of this program.

3 (†)

4 (m) The Attorney General is authorized to adopt regulations to
5 implement the provisions of this section.

6 30375. (a) *It is the intent of the Legislature to ensure that*
7 *prohibited persons do not have access to ammunition by requiring*
8 *that any individual who wants to purchase ammunition in*
9 *California have a background check. It is further the intent of the*
10 *Legislature to streamline the ammunition authorization application*
11 *process as much as possible for ammunition purchasers.*

12 (b) *The Legislature finds and declares that due to technological*
13 *restrictions and cost concerns, a felony-only background check*
14 *is, currently, the only background check that can be performed*
15 *for ammunition purchases. This check will prevent the most*
16 *dangerous of criminals from accessing ammunition. It is the intent*
17 *of the legislature that this felony-only background check be*
18 *expanded, once technology allows, to a comprehensive background*
19 *check parallel to the firearms eligibility background check.*

20 (c) *The Legislature further finds and declares that given that*
21 *the existing firearms eligibility background check is more extensive*
22 *than the ammunition authorization felony screening, rather than*
23 *requiring firearms owners to go through a new background check,*
24 *the department may use automated firearms records of sales to*
25 *reference the Prohibited Armed Persons File (Section 30000) to*
26 *verify that a firearms owner has not become prohibited from*
27 *purchasing ammunition. It is in the interest of public safety to*
28 *strive for an exhaustive background check system that precludes*
29 *criminals and other prohibited individuals from purchasing*
30 *ammunition.*

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

34
35 Article 5. Ammunition Vendor Licenses
36

37 30380. (a) Commencing July 1, 2015, no ammunition vendor
38 shall sell ammunition unless the vendor is licensed pursuant to
39 Section 30385.

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

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

3 30385. (a) The Department of Justice is authorized to issue
4 ammunition vendor licenses pursuant to this article. The department
5 shall, commencing January 1, 2015, commence accepting
6 applications for ammunition vendor licenses. The department shall
7 issue a license or deny the application for a license within 30 days
8 of receipt of the application. If the application is denied, the
9 department shall inform the applicant of the reason for denial in
10 writing.

11 (b) The ammunition vendor license shall be issued in a form
12 prescribed by the Attorney General and shall be valid for a period
13 of one year. The Attorney General may adopt regulations to
14 administer application and enforcement provisions of this article.
15 The license shall allow the licensee to sell ammunition from a
16 fixed location.

17 (c) (1) In the case of an entity other than a natural person, the
18 department shall issue the license to the business entity, but shall
19 require a responsible person to pass the background check pursuant
20 to Section 30395.

21 (2) A “responsible person” for purposes of Section 16663 and
22 this article, means a person having the power to direct the
23 management, policies, and practices of the business as it pertains
24 to ammunition.

25 30390. (a) The department may charge ammunition vendor
26 license applicants a fee sufficient to reimburse the department for
27 the reasonable costs of administering the license program,
28 maintaining the registry of ammunition vendors, and necessary
29 enforcement, provided however, that the fee shall not exceed one
30 hundred dollars (\$100).

31 (b) The fees received by the department pursuant to this article
32 shall be deposited in the Ammunition Vendor’s Special Account,
33 which is hereby created. The revenue in the fund shall be available,
34 upon appropriation by the Legislature, for use by the Department
35 of Justice for the purpose of implementing and enforcing the
36 provisions of this article.

37 30395. (a) The department is authorized to issue ammunition
38 vendor licenses to ammunition vendors who the department has
39 determined, either as an individual or a responsible person, are not
40 prohibited by state law from possessing, receiving, owning, or

1 purchasing a firearm, and who provide a copy of any regulatory
2 or business license required by local government, a valid seller's
3 permit issued by the State Board of Equalization, a federal firearms
4 license if the person is federally licensed, and a certificate of
5 eligibility issued by the department.

6 (b) The department shall issue ammunition vendor licenses
7 pursuant to this article to the following applicants, who shall
8 designate a responsible person, as necessary:

9 (1) A licensed firearms dealer.

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

12 (3) A target facility holding a business or other regulatory
13 license.

14 (4) A gunsmith.

15 (5) A firearms wholesaler.

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

22 (d) The department shall revoke the license of any ammunition
23 vendor who violates this article or Article 3 (commencing with
24 Section 30345) in any combination three times. The ammunition
25 vendor shall thereafter be permanently ineligible for an ammunition
26 vendor license.

27 30400. (a) The Attorney General shall prepare and submit to
28 the Legislature on or before July 1, 2016, a report concerning all
29 of the following:

30 (1) Recommendations for enhancements that could be made to
31 the background check system to capture mental health records,
32 domestic violence restraining orders, and wanted person's
33 information.

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

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

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

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

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

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

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

11 (c) It is the intent of the Legislature to implement the
12 ammunition background check system incrementally to minimize
13 cost burdens to the state. It is also the intent of the Legislature to
14 provide the Department of Justice the flexibility to develop a more
15 comprehensive background check system that includes mental
16 health records and restraining orders. It is the intent of the
17 Legislature that the department enforce the provisions of this
18 chapter.

19 SEC. 17. (a) Section 1.1 of this bill incorporates amendments
20 to Section 11106 of the Penal Code proposed by both this bill and
21 Assembly Bill 500. It shall only become operative if (1) both bills
22 are enacted and become effective on or before January 1, 2014,
23 (2) each bill amends Section 11106 of the Penal Code, (3)
24 Assembly Bill 539 is not enacted or as enacted does not amend
25 that section, and (4) this bill is enacted after Assembly Bill 500 in
26 which case Sections 1, 1.2, and 1.3 of this bill shall not become
27 operative.

28 (b) Section 1.2 of this bill incorporates amendments to Section
29 11106 of the Penal Code proposed by both this bill and Assembly
30 Bill 539. It shall only become operative if (1) both bills are enacted
31 and become effective on or before January 1, 2014, (2) each bill
32 amends Section 11106 of the Penal Code, (3) Assembly Bill 500
33 is not enacted or as enacted does not amend Section 11106, and
34 (4) this bill is enacted after Assembly Bill 539 in which case
35 Sections 1, 1.1, and 1.3 of this bill shall not become operative.

36 (c) Section 1.3 of this bill incorporates amendments to Section
37 11106 of the Penal Code proposed by this bill, Assembly Bill 500,
38 and Assembly Bill 539. It shall only become operative if (1) all
39 three bills are enacted and become effective on or before January
40 1, 2014, (2) all three bills amend Section 11106 of the Penal Code,

1 and (3) this bill is enacted after Assembly Bill 500 and Assembly
2 Bill 539, in which case Sections 1, 1.1, and 1.2 of this bill shall
3 not become operative.

4 SEC. 18. 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.

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