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AMENDED IN SENATE MARCH 21, 2013

SENATE BILL

No. 53

Introduced by Senator De León

(Principal coauthor: Assembly Member Skinner)

(Coauthors: Senators Leno and Steinberg)

~~(Coauthor: Coauthors: Assembly Member Members Bonta and 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 30313, 30348, and 30367 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. *In regard to certain of those records, existing law authorizes specified peace officers to disseminate the name of the subject of the record, the number of firearms listed in the record, the description of any firearm, and other information reported to the Department of Justice, as specified, if the subject of the record has been arraigned, is being prosecuted, or is serving a sentence for domestic violence, or is the subject of specified protective orders. Existing law requires the law enforcement officer to provide a victim of domestic violence to whom information is disseminated with a "Victims of Domestic Violence" card, and authorizes the victim or other person to whom the information is disseminated to disclose that information as he or she deems necessary to protect himself, herself, or another person from bodily harm by the person who is the subject of the record.*

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. *This bill would similarly authorize specified peace officers to disseminate the name of a person and the fact of any ammunition purchases by that person, as specified, if the subject of the record has been arraigned, is being prosecuted, or is serving a sentence for domestic violence, or is the subject of specified protective orders. The bill would require the law enforcement officer to provide a victim of domestic violence to whom information is disseminated with a "Victims of Domestic Violence" card, and would authorize the victim or other person to whom the information is disseminated to disclose that information as he or she deems necessary to protect himself, herself, or another person from bodily harm by the person who is the subject of the record.*

By imposing new duties on local law enforcement officers, this bill would impose a state-mandated local program.

(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. *The bill would also create a similar Prohibited Ammunition Purchaser File for these purposes.*

This bill would, commencing July 1, 2016, 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, 2016, who is licensed, as specified, for those and other purposes. The bill would provide that commencing July 1, 2016, only a licensed ammunition vendor may sell ammunition. The bill would create ~~an~~ additional ~~exemption~~ *exemptions* from these requirements for specified events conducted by a nonprofit entity, *and for persons who hold a valid hunting license*, 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, 2016, require the ammunition vendor to submit that information to the department, as specified. ~~The bill would, commencing July 1, 2017, 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, 2017, 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. The bill would require the department to retain the information for 5 years in a database to be known as the Ammunition Purchase Records File and would prescribe the authority of the department and other entities to use the file, as specified.~~

(7) The bill would authorize the Department of Justice to accept applications for ammunition vendor licenses, commencing January 1, 2016. The bill would require an ammunition vendor to be licensed, commencing July 1, 2016, 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, 2017, 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) 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.~~

(9) Existing law establishes the Firearms Safety and Enforcement Special Fund, a continuously appropriated fund, for use by the Department of Justice for specified purposes related to weapons and firearms regulation.

This bill would, notwithstanding that continuous appropriation, provide that these funds are available, upon appropriation by the Legislature, for specified purposes related to ammunition vendors and ammunition vendor licensing.

(10) The bill would make additional nonsubstantive, technical changes.

(11) This bill would incorporate additional changes to Section 11106 of the Penal Code proposed by SB 808 that would become operative if this bill and SB 808 are both enacted and this bill is enacted last.

(12) 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 with regard to certain mandates no reimbursement is required by this act for a specified reason.

With regard to any other mandates, this bill would provide that, if the Commission on State Mandates determines that the bill contains costs so mandated by the state, reimbursement for those costs shall be made pursuant to the statutory provisions noted above.

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 is amended to~~
2 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, copies of
9 ammunition purchaser authorizations pursuant to Section 30370,
10 ammunition vendor license information pursuant to Article 5
11 (commencing with Section 30380) of Chapter 1 of Division 10 of
12 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 (e) (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 (e)
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 *SECTION 1. Section 11106 of the Penal Code, as amended by*
6 *Chapter 103 of the Statutes of 2014, is amended to read:*

7 11106. (a) (1) In order to assist in the investigation of crime,
8 the prosecution of civil actions by city attorneys pursuant to
9 paragraph (3) of subdivision (b), the arrest and prosecution of
10 criminals, and the recovery of lost, stolen, or found property, the
11 Attorney General shall keep and properly file a complete record
12 of all of the following:

13 (A) All copies of fingerprints.

14 (B) Copies of licenses to carry firearms issued pursuant to
15 Section 26150, 26155, 26170, or 26215.

16 (C) Information reported to the Department of Justice pursuant
17 to Section 26225 or 29830.

18 (D) Dealers' records of sales of firearms.

19 (E) Reports provided pursuant to Article 1 (commencing with
20 Section 27500) of Chapter 4 of Division 6 of Title 4 of Part 6, or
21 pursuant to any provision listed in subdivision (a) of Section 16585.

22 (F) Forms provided pursuant to Section 12084, as that section
23 read prior to being repealed on January 1, 2006.

24 (G) Reports provided pursuant to Article 1 (commencing with
25 Section 26700) and Article 2 (commencing with Section 26800)
26 of Chapter 2 of Division 6 of Title 4 of Part 6, that are not dealers'
27 records of sales of firearms.

28 (H) Information provided pursuant to Section 28255.

29 (I) Reports of stolen, lost, found, pledged, or pawned property
30 in any city or county of this state.

31 (J) *Ammunition vendor license information pursuant to Article*
32 *5 (commencing with Section 30380) of Chapter 1 of Division 10*
33 *of Title 4 of Part 6.*

34 (K) *Information required by Section 30352.*

35 (2) The Attorney General shall, upon proper application therefor,
36 furnish the information to the officers referred to in 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 (G) Any other law.
- 12 (2) The registry shall consist of all of the following:
- 13 (A) The name, address, identification of, place of birth (state
- 14 or country), complete telephone number, occupation, sex,
- 15 description, and all legal names and aliases ever used by the owner
- 16 or person being loaned the particular firearm as listed on the
- 17 information provided to the department on the Dealers' Record of
- 18 Sale, the Law Enforcement Firearms Transfer (LEFT), as defined
- 19 in former Section 12084, or reports made to the department
- 20 pursuant to any provision listed in subdivision (a) of Section 16585,
- 21 Section 28255, or any other law.
- 22 (B) The name and address of, and other information about, any
- 23 person (whether a dealer or a private party) from whom the owner
- 24 acquired or the person being loaned the particular firearm and
- 25 when the firearm was acquired or loaned as listed on the
- 26 information provided to the department on the Dealers' Record of
- 27 Sale, the LEFT, or reports made to the department pursuant to any
- 28 provision listed in subdivision (a) of Section 16585 or any other
- 29 law.
- 30 (C) Any waiting period exemption applicable to the transaction
- 31 which resulted in the owner of or the person being loaned the
- 32 particular firearm acquiring or being loaned that firearm.
- 33 (D) The manufacturer's name if stamped on the firearm, model
- 34 name or number if stamped on the firearm, and, if applicable, the
- 35 serial number, other number (if more than one serial number is
- 36 stamped on the firearm), caliber, type of firearm, if the firearm is
- 37 new or used, barrel length, and color of the firearm, or, if the
- 38 firearm is not a handgun and does not have a serial number or any
- 39 identification number or mark assigned to it, that shall be noted.

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

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

17 (c) (1) If the conditions specified in paragraph (2) are met, any
18 officer referred to in paragraphs (1) to (6), inclusive, of subdivision
19 (b) of Section 11105 may disseminate the name of the subject of
20 the record, the number of the firearms listed in the record, and the
21 description of any firearm, including the make, model, and caliber,
22 from the record relating to any firearm's sale, transfer, registration,
23 or license record, or any information reported to the Department
24 of Justice pursuant to any of the following:

25 (A) Section 26225.

26 (B) Article 1 (commencing with Section 26700) and Article 2
27 (commencing with Section 26800) of Chapter 2 of Division 6 of
28 Title 4 of Part 6.

29 (C) Article 1 (commencing with Section 27500) of Chapter 4
30 of Division 6 of Title 4 of Part 6.

31 (D) Chapter 5 (commencing with Section 28050) of Division
32 6 of Title 4 of Part 6

33 (E) Article 2 (commencing with Section 28150) of Chapter 6
34 of Division 6 of Title 4 of Part 6.

35 (F) Article 5 (commencing with Section 30900) of Chapter 2
36 of Division 10 of Title 4 of Part 6.

37 (G) Chapter 2 (commencing with Section 33850) of Division
38 11 of Title 4 of Part 6.

39 (H) Any provision listed in subdivision (a) of Section 16585.

1 (2) Information may be disseminated pursuant to paragraph (1)
2 only if all of the following conditions are satisfied:

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

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

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

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

26 *(d) (1) If the conditions specified in paragraph (2) are met, any*
27 *officer referred to in paragraphs (1) to (6), inclusive, of subdivision*
28 *(b) of Section 11105 may disseminate the name of a person and*
29 *the fact of any ammunition purchases by that person, based on*
30 *information supplied to the Department of Justice pursuant to*
31 *Section 30352.*

32 *(2) Information may be disseminated pursuant to paragraph*
33 *(1) only if all of the following conditions are satisfied:*

34 *(A) The subject of the record has been arraigned for a crime in*
35 *which the victim is a person described in subdivisions (a) to (f),*
36 *inclusive, of Section 6211 of the Family Code and is being*
37 *prosecuted or is serving a sentence for the crime, or the subject*
38 *of the record is the subject of an emergency protective order, a*
39 *temporary restraining order, or an order after hearing, which is*
40 *in effect and has been issued by a family court under the Domestic*

1 *Violence Protection Act set forth in Division 10 (commencing with*
2 *Section 6200) of the Family Code.*

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

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

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

17 *SEC. 1.5. Section 11106 of the Penal Code, as amended by*
18 *Chapter 103 of the Statutes of 2014, is amended to read:*

19 11106. (a) (1) In order to assist in the investigation of crime,
20 the prosecution of civil actions by city attorneys pursuant to
21 paragraph (3) of subdivision (b), the arrest and prosecution of
22 criminals, and the recovery of lost, stolen, or found property, the
23 Attorney General shall keep and properly file a complete record
24 of all of the following:

25 (A) All copies of fingerprints.

26 (B) Copies of licenses to carry firearms issued pursuant to
27 Section 26150, 26155, 26170, or 26215.

28 (C) Information reported to the Department of Justice pursuant
29 to Section 26225, 29180, or 29830.

30 (D) Dealers’ records of sales of firearms.

31 (E) Reports provided pursuant to Article 1 (commencing with
32 Section 27500) of Chapter 4 of Division 6 of Title 4 of Part 6, or
33 pursuant to any provision listed in subdivision (a) of Section 16585.

34 (F) Forms provided pursuant to Section 12084, as that section
35 read prior to being repealed on January 1, 2006.

36 (G) Reports provided pursuant to Article 1 (commencing with
37 Section 26700) and Article 2 (commencing with Section 26800)
38 of Chapter 2 of Division 6 of Title 4 of Part 6, that are not dealers’
39 records of sales of firearms.

40 (H) Information provided pursuant to Section 28255.

1 (I) Reports of stolen, lost, found, pledged, or pawned property
2 in any city or county of this state.

3 (J) *Ammunition vendor license information pursuant to Article*
4 *5 (commencing with Section 30380) of Chapter 1 of Division 10*
5 *of Title 4 of Part 6.*

6 (K) *Information required by Section 30352.*

7 (2) The Attorney General shall, upon proper application therefor,
8 furnish the information to the officers referred to in Section 11105.

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

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

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

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

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

21 (E) Former Section 12084.

22 (F) Section 28255.

23 (G) *Section 29180.*

24 ~~(G)~~

25 (H) Any other law.

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

27 (A) The name, address, identification of, place of birth (state
28 or country), complete telephone number, occupation, sex,
29 description, and all legal names and aliases ever used by the owner
30 or person being loaned the particular firearm as listed on the
31 information provided to the department on the Dealers' Record of
32 Sale, the Law Enforcement Firearms Transfer (LEFT), as defined
33 in former Section 12084, or reports made to the department
34 pursuant to any provision listed in subdivision (a) of Section 16585,
35 Section 28255, *Section 29180*, or any other law.

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

1 Sale, the LEFT, or reports made to the department pursuant to any
2 provision listed in subdivision (a) of Section 16585 or any other
3 law.

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

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

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

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

30 (c) (1) If the conditions specified in paragraph (2) are met, any
31 officer referred to in paragraphs (1) to (6), inclusive, of subdivision
32 (b) of Section 11105 may disseminate the name of the subject of
33 the record, the number of the firearms listed in the record, and the
34 description of any firearm, including the make, model, and caliber,
35 from the record relating to any firearm's sale, transfer, registration,
36 or license record, or any information reported to the Department
37 of Justice pursuant to any of the following:

38 (A) Section 26225.

- 1 (B) 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 (C) Article 1 (commencing with Section 27500) of Chapter 4
- 5 of Division 6 of Title 4 of Part 6.
- 6 (D) Chapter 5 (commencing with Section 28050) of Division
- 7 6 of Title 4 of Part 6
- 8 (E) Article 2 (commencing with Section 28150) of Chapter 6
- 9 of Division 6 of Title 4 of Part 6.
- 10 (F) Article 5 (commencing with Section 30900) of Chapter 2
- 11 of Division 10 of Title 4 of Part 6.
- 12 (G) Chapter 2 (commencing with Section 33850) of Division
- 13 11 of Title 4 of Part 6.
- 14 (H) Any provision listed in subdivision (a) of Section 16585.
- 15 (2) Information may be disseminated pursuant to paragraph (1)
- 16 only if all of the following conditions are satisfied:
- 17 (A) The subject of the record has been arraigned for a crime in
- 18 which the victim is a person described in subdivisions (a) to (f),
- 19 inclusive, of Section 6211 of the Family Code and is being
- 20 prosecuted or is serving a sentence for the crime, or the subject of
- 21 the record is the subject of an emergency protective order, a
- 22 temporary restraining order, or an order after hearing, which is in
- 23 effect and has been issued by a family court under the Domestic
- 24 Violence Protection Act set forth in Division 10 (commencing
- 25 with Section 6200) of the Family Code.
- 26 (B) The information is disseminated only to the victim of the
- 27 crime or to the person who has obtained the emergency protective
- 28 order, the temporary restraining order, or the order after hearing
- 29 issued by the family court.
- 30 (C) Whenever a law enforcement officer disseminates the
- 31 information authorized by this subdivision, that officer or another
- 32 officer assigned to the case shall immediately provide the victim
- 33 of the crime with a “Victims of Domestic Violence” card, as
- 34 specified in subparagraph (H) of paragraph (9) of subdivision (c)
- 35 of Section 13701.
- 36 (3) The victim or person to whom information is disseminated
- 37 pursuant to this subdivision may disclose it as he or she deems
- 38 necessary to protect himself or herself or another person from
- 39 bodily harm by the person who is the subject of the record.

1 (d) (1) *If the conditions specified in paragraph (2) are met, any*
2 *officer referred to in paragraphs (1) to (6), inclusive, of subdivision*
3 *(b) of Section 11105 may disseminate the name of a person and*
4 *the fact of any ammunition purchases by that person, based on*
5 *information supplied to the Department of Justice pursuant to*
6 *Section 30352.*

7 (2) *Information may be disseminated pursuant to paragraph*
8 *(1) only if all of the following conditions are satisfied:*

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*
13 *of the record is the subject of an emergency protective order, a*
14 *temporary restraining order, or an order after hearing, which is*
15 *in effect and has been issued by a family court under the Domestic*
16 *Violence Protection Act set forth in Division 10 (commencing with*
17 *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 (3) *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 SEC. 2. Section 16663 is added to the Penal Code, to read:

33 16663. (a) As used in this part, “ammunition vendor” means
34 any person, firm, corporation, dealer, or any other business
35 enterprise that is engaged in the retail sale of any ammunition, or
36 that holds itself out as engaged in the business of selling any
37 ammunition.

38 (b) Commencing July 1, 2016, “ammunition vendor” means
39 any person or responsible person, as defined in Section 30385, of

1 an entity described in subdivision (a) who has a current ammunition
2 vendor license, pursuant to Section 30385.

3 SEC. 3. Section 17315 of the Penal Code is amended to read:
4 17315. As used in Article 3 (commencing with Section 30345)
5 of Chapter 1 of Division 10 of Title 4, “vendor” means an
6 ammunition vendor.

7 SEC. 4. Section 30000 of the Penal Code is amended to read:
8 30000. (a) The Attorney General shall establish and maintain
9 an online database to be known as the Prohibited Armed Persons
10 File. The purpose of the file is to cross-reference persons who have
11 ownership or possession of a firearm on or after January 1, ~~1991~~,
12 ~~1996~~, as indicated by a record in the Consolidated Firearms
13 Information System, and who, subsequent to the date of that
14 ownership or possession of a firearm, fall within a class of persons
15 who are prohibited from owning or possessing a firearm.

16 (b) Commencing July 1, 2016, the file shall also be used to
17 cross-reference persons who acquire ammunition to determine if
18 those persons fall within a class of persons who are prohibited
19 from owning or possessing ammunition.

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

26 SEC. 5. Section 30005 of the Penal Code is amended to read:
27 30005. The Prohibited Armed Persons File database shall
28 function as follows:

29 (a) Upon entry into the Department of Justice’s records of a
30 disposition for a conviction of any felony, a conviction for any
31 firearms-prohibiting charge specified in Chapter 2 (commencing
32 with Section 29800), a conviction for an offense described in
33 Chapter 3 (commencing with Section 29900), a firearms prohibition
34 pursuant to Section 8100 or 8103 of the Welfare and Institutions
35 Code, or any firearms possession prohibition identified by the
36 federal National Instant Criminal Background Check System, the
37 Department of Justice shall determine if the subject has an entry
38 in the Consolidated Firearms Information System indicating
39 possession or ownership of a firearm on or after January 1, ~~1991~~,
40 ~~1996~~, or an assault weapon registration, or a .50 BMG rifle

1 registration, or commencing July 1, 2016, acquisition of
2 ammunition. *registration.*

3 (b) Upon an entry into any department automated information
4 system that is used for the identification of persons who are
5 prohibited by state or federal law from acquiring, owning, or
6 possessing firearms, the department shall determine if the subject
7 has an entry in the Consolidated Firearms Information System
8 indicating ownership or possession of a firearm on or after January
9 1, ~~1991~~, 1996, or an assault weapon registration, or a .50 BMG
10 rifle registration.

11 (c) If the department determines that, pursuant to subdivision
12 (a) or (b), the subject has an entry in the Consolidated Firearms
13 Information System indicating possession or ownership of a firearm
14 on or after January 1, ~~1991~~, 1996, or an assault weapon registration,
15 or a .50 BMG rifle registration, the following information shall be
16 entered into the Prohibited Armed Persons File:

17 (1) The subject's name.

18 (2) The subject's date of birth.

19 (3) The subject's physical description.

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

22 (5) The basis of the firearms possession and ammunition
23 prohibition.

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

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

28 30312. (a) (1) The delivery or transfer of ownership of
29 ammunition may only occur in a face-to-face transaction with the
30 deliverer or transferor being provided bona fide evidence of identity
31 from the purchaser or other transferee, provided, however, that
32 ammunition may be purchased over the Internet or through other
33 means of remote ordering if an ammunition vendor in this state
34 initially receives the ammunition and processes the transfer in
35 compliance with this section and Article 3 (commencing with
36 Section 30345). An ammunition vendor is required to promptly
37 and properly process those transactions. An ammunition vendor
38 is not required to house ammunition orders longer than 30 days.

1 (2) Commencing July 1, 2016, the sale of ammunition may only
2 be conducted by an ammunition vendor licensed pursuant to
3 Section 30385.

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

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

8 (1) An authorized law enforcement representative of a city,
9 county, city and county, or state or federal government, if the sale,
10 delivery, or transfer is for exclusive use by that government agency
11 and, prior to the sale, delivery, or transfer of the ammunition,
12 written authorization from the head of the agency employing the
13 purchaser or transferee is obtained, identifying the employee as
14 an individual authorized to conduct the transaction, and authorizing
15 the transaction for the exclusive use of the agency employing the
16 individual.

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

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

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

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

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

38 (7) An ammunition vendor.

39 (8) A consultant-evaluator.

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

8 (10) A contract or common carrier or an authorized agent or
 9 employee thereof, when acting in conformance with applicable
 10 federal law.

11 *(11) Commencing July 1, 2016, a transaction conducted in*
 12 *accordance with the provisions of Section 30313.*

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

14 SEC. 6.5. Section 30313 is added to the Penal Code, to read:

15 30313. (a) Commencing July 1, 2016, the delivery or transfer
 16 of ownership of ammunition as specified in subdivision (a) of
 17 Section 30312 need not occur in a face-to-face transaction if all
 18 of the following conditions exist:

19 (1) The delivery is by a person who is either an ammunition
 20 vendor or is enrolled with the Department of Justice as a person
 21 who may ship firearms into California in accordance with Section
 22 27555.

23 (2) The person acquiring the ammunition is a person who is
 24 properly identified as a person who currently holds a valid hunting
 25 license issued by the state.

26 (3) On the date that a person described in paragraph (1) ships
 27 the ammunition, a transaction record in the format set forth in
 28 subdivision (a) of Section 30352 shall be provided to the
 29 department pursuant to subdivision (b) of Section 30352.

30 (b) Prior to January 1, 2016, the Department of Justice shall
 31 promulgate regulations to implement the provisions of this section.

32 SEC. 7. The heading of Article 3 (commencing with Section
 33 30345) of Chapter 1 of Division 10 of Title 4 of Part 6 of the Penal
 34 Code is amended to read:

35
 36 Article 3. Ammunition Vendors

37
 38 SEC. 8. Section 30345 of the Penal Code is amended to read:

39 30345. (a) A vendor shall comply with all of the conditions,
 40 requirements, and prohibitions stated in this article.

1 (b) Commencing July 1, 2016, 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 name of the salesperson who processed the sale or other
40 transaction.

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

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

4 (7) *The purchaser's name.*

5 (b) Commencing July 1, 2016, the vendor shall submit to the
6 department the information required by subdivision (a) in a format
7 and a manner prescribed by the department for all sales of
8 ownership of ammunition. ~~The department shall check the~~
9 ~~submitted information against the Prohibited Armed Persons File.~~
10 *The department shall retain this information for five years in a*
11 *database to be known as the Ammunition Purchase Records File.*
12 *This file may be used by the department and those entities specified*
13 *in, and pursuant to, subdivision (b) or (c) of Section 11105, through*
14 *the California Law Enforcement Telecommunications System, for*
15 *any legitimate law enforcement purpose. The department shall*
16 *also check the submitted information from vendors each day*
17 *against the Prohibited Armed Persons File, as provided in*
18 *subdivision (a) of Section 30000. Persons who have both purchased*
19 *ammunition and who are listed in the Prohibited Armed Persons*
20 *File on the day he or she purchased ammunition shall then be*
21 *placed in a database to be known as the Prohibited Ammunition*
22 *Purchaser File. This file may be used by the department and those*
23 *entities specified in, and pursuant to, subdivision (b) or (c) of*
24 *Section 11102, through the California Law Enforcement*
25 *Telecommunications System, for the purpose of determining if*
26 *persons are armed and prohibited from possessing firearms and*
27 *ammunition. The vendor shall not share any of the information*
28 *required by subdivision (a) for any reason other than for authorized*
29 *law enforcement purposes.*

30 ~~(e) Commencing on July 1, 2017, only those persons listed~~
31 ~~below or those persons or entities listed in subdivision (e) shall be~~
32 ~~authorized to purchase ammunition. Prior to the delivery of the~~
33 ~~ammunition, the vendor shall verify that the person who is~~
34 ~~receiving delivery of the ammunition is a properly identified person~~
35 ~~or entity listed in subdivision (e) or one of the following:~~

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

38 ~~(2) A person who is authorized to carry loaded firearms pursuant~~
39 ~~to Section 25900, 25905, 25910, 25925, 26010, 26015, 26025, or~~
40 ~~26030.~~

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

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

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

11 ~~(d) Commencing July 1, 2017, the vendor shall electronically~~
12 ~~verify with the department, in a manner prescribed by the~~
13 ~~department, that the person is authorized to purchase ammunition~~
14 ~~by referencing the centralized list of authorized ammunition~~
15 ~~purchasers. If the person is not listed as an authorized ammunition~~
16 ~~purchaser, the vendor shall deny the sale.~~

17 ~~(e) Subdivisions (a) and (d)~~

18 ~~(c) Subdivision (a) shall not apply to or affect sales or other~~
19 ~~transfers of ownership of ammunition by ammunition vendors to~~
20 ~~any of the following, if properly identified:~~

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

23 ~~(2) An ammunition vendor.~~

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

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

28 ~~(5) A gunsmith.~~

29 ~~(6) A wholesaler.~~

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

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

1 authorization is defined as verifiable written certification from the
2 head of the agency by which the purchaser, transferee, or person
3 otherwise acquiring ownership is employed, identifying the
4 employee as an individual authorized to conduct the transaction,
5 and authorizing the transaction for the exclusive use of the agency
6 by which that individual is employed.

7 (9) The Department of Justice, any police department, any
8 sheriff's official, any marshal's office, the Youth and Adult
9 Correctional Agency, the Department of the California Highway
10 Patrol, any district attorney's office, any federal law enforcement
11 agency or the military or naval forces of this state or of the United
12 States for use in the discharge of their official duties, and sworn
13 members of these agencies.

14 (10) *Any peace officer of any federal, state, county, city and*
15 *county, or city agency that is charged with the enforcement of any*
16 *law.*

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

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

19 30365. (a) A violation of subdivision (b) of Section 30345,
20 Section 30347, 30350, 30352, 30360, or 30362 is a misdemeanor.

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

26 *SEC. 14.5. Section 30367 is added to the Penal Code, to read:*

27 *30367. Notwithstanding subdivision (b) of Section 28300, the*
28 *revenue in the Firearms Safety and Enforcement Special Fund*
29 *shall be available upon appropriation to the Department of Justice*
30 *for purposes of implementing this article.*

31 ~~SEC. 15. Article 4 (commencing with Section 30370) 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 4. Ammunition Purchase Felony Screening~~

36

37 ~~30370. (a) (1) Commencing on January 1, 2017, any person~~
38 ~~who is 18 years of age or older may apply to the department for~~
39 ~~an ammunition purchase authorization.~~

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

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

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

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

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

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

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

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

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

23 ~~(e) The department shall issue an ammunition purchase~~
24 ~~authorization to the applicant if the applicant is a firearms purchaser~~
25 ~~who submits firearms purchaser information to the department,~~
26 ~~for a firearm purchase occurring on or after January 1, 2017, passed~~
27 ~~a background check in connection with that purchase, and that~~
28 ~~information can be found on the department’s automated system,~~
29 ~~provided the applicant is not prohibited by state or federal law~~
30 ~~from possessing, receiving, owning, or purchasing a firearm or a~~
31 ~~person described in subdivision (a) of Section 27535. Eligible~~
32 ~~firearms purchasers shall apply with the department in a manner~~
33 ~~and form prescribed by the department and are subject to a fee not~~
34 ~~to exceed the reasonable costs of the actual processing costs of the~~
35 ~~department, including checking the automated firearms system~~
36 ~~but not to exceed ten dollars (\$10). An application submitted~~
37 ~~simultaneously with a firearm purchase shall be approved within~~
38 ~~10 days if the applicant passes the background check for the firearm~~
39 ~~purchase.~~

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

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

9 ~~(3) If the department is unable to ascertain the final disposition~~
10 ~~of the application within 30 days of the applicant's submission,~~
11 ~~the department shall deny the application and refer the applicant~~
12 ~~to the file record review process.~~

13 ~~(e) The ammunition purchase authorization shall be revoked by~~
14 ~~the department upon the occurrence of any event which would~~
15 ~~prohibit the individual from owning or possessing ammunition.~~

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

20 ~~(g) The department shall create an internal centralized list of~~
21 ~~all persons who are authorized to purchase ammunition. The photo~~
22 ~~identification provided with the application shall be referenced to~~
23 ~~the person in the centralized list. Law enforcement agencies shall~~
24 ~~be provided access to the list for law enforcement purposes.~~

25 ~~(h) The department shall recover the reasonable cost of~~
26 ~~regulatory and enforcement activities related to the sale, purchase,~~
27 ~~possession, loan, or transfer of ammunition pursuant to this section~~
28 ~~by charging applicants described in subdivision (b) an initial~~
29 ~~application fee not to exceed fifty dollars (\$50), including~~
30 ~~fingerprint fees, which shall be valid for two years, and not to~~
31 ~~exceed fourteen dollars (\$14) for the biennial renewal application~~
32 ~~to include at a minimum, a new application for all applicants.~~

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

36 ~~(j) Applicants subject to subdivision (a) shall submit fingerprint~~
37 ~~images and related information required by the department to the~~
38 ~~department for the purposes of obtaining information as to the~~
39 ~~existence and content of a record of state or federal convictions.~~
40 ~~Fingerprint images and other information may also be used to~~

1 obtain information related to state or federal arrests and state or
2 federal arrests for which the department establishes that the person
3 is free on bail or on his or her recognizance pending trial or appeal,
4 for purposes of determining if the arrests resulted in a conviction.

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

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

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

16 (k) ~~The implementation of this section by the department is
17 exempt from the Administrative Procedure Act (Chapter 3.5
18 (commencing with Section 11340) of Part 1 of Division 3 of Title
19 2 of the Government Code).~~

20 (l) ~~The department shall annually review and shall adjust the
21 fees specified in subdivision (h), if necessary, to fully fund, but
22 not to exceed the reasonable costs of, the ammunition authorization
23 program provided by this section, including the enforcement of
24 this program.~~

25 (m) ~~The Attorney General is authorized to adopt regulations to
26 implement the provisions of this section.~~

27 30375. (a) ~~It is the intent of the Legislature to ensure that
28 prohibited persons do not have access to ammunition by requiring
29 that any individual who wants to purchase ammunition in
30 California have a background check. It is further the intent of the
31 Legislature to streamline the ammunition authorization application
32 process as much as possible for ammunition purchasers.~~

33 (b) ~~The Legislature finds and declares that due to technological
34 restrictions and cost concerns, a felony-only background check is,
35 currently, the only background check that can be performed for
36 ammunition purchases. This check will prevent the most dangerous
37 of criminals from accessing ammunition. It is the intent of the
38 Legislature that this felony-only background check be expanded,
39 once technology allows, to a comprehensive background check
40 parallel to the firearms eligibility background check.~~

1 ~~(e) The Legislature further finds and declares that given that~~
2 ~~the existing firearms eligibility background check is more extensive~~
3 ~~than the ammunition authorization felony screening, rather than~~
4 ~~requiring firearms owners to go through a new background check,~~
5 ~~the department may use automated firearms records of sales to~~
6 ~~reference the Prohibited Armed Persons File (Section 30000) to~~
7 ~~verify that a firearms owner has not become prohibited from~~
8 ~~purchasing ammunition. It is in the interest of public safety to~~
9 ~~strive for an exhaustive background check system that precludes~~
10 ~~criminals and other prohibited individuals from purchasing~~
11 ~~ammunition.~~

12 ~~SEC. 16.~~

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

16

17 Article 5. Ammunition Vendor Licenses

18

19 30380. (a) Commencing July 1, 2016, no ammunition vendor
20 shall sell ammunition unless the vendor is licensed pursuant to
21 Section 30385.

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

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

25 30385. (a) The Department of Justice is authorized to issue
26 ammunition vendor licenses pursuant to this article. The department
27 shall, commencing January 1, 2016, commence accepting
28 applications for ammunition vendor licenses. The department shall
29 issue a license or deny the application for a license within 30 days
30 of receipt of the application. If the application is denied, the
31 department shall inform the applicant of the reason for denial in
32 writing.

33 (b) The ammunition vendor license shall be issued in a form
34 prescribed by the Attorney General and shall be valid for a period
35 of one year. The Attorney General may adopt regulations to
36 administer application and enforcement provisions of this article.
37 The license shall allow the licensee to sell ammunition from a
38 fixed location and at any place set forth in subdivision (b) of
39 Section 30348.

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

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

9 30390. (a) The department may charge ammunition vendor
10 license applicants a fee sufficient to reimburse the department for
11 the reasonable costs of administering the license program,
12 maintaining the registry of ammunition vendors, and necessary
13 enforcement, provided however, that the fee shall not exceed one
14 hundred dollars (\$100).

15 (b) The fees received by the department pursuant to this article
16 shall be deposited in the Ammunition Vendor’s Special Account,
17 which is hereby created. The revenue in the fund shall be available,
18 upon appropriation by the Legislature, for use by the Department
19 of Justice for the purpose of implementing and enforcing the
20 provisions of this article, *and for collecting and maintaining*
21 *information submitted pursuant to Section 30352.*

22 30395. (a) The department is authorized to issue ammunition
23 vendor licenses to ammunition vendors who the department has
24 determined, either as an individual or a responsible person, are not
25 prohibited by state law from possessing, receiving, owning, or
26 purchasing a firearm, and who provide a copy of any regulatory
27 or business license required by local government, a valid seller’s
28 permit issued by the State Board of Equalization, a federal firearms
29 license if the person is federally licensed, and a certificate of
30 eligibility issued by the department.

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

34 (1) A licensed firearms dealer.

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

37 (3) A target facility holding a business or other regulatory
38 license.

39 (4) A gunsmith.

40 (5) A firearms wholesaler.

1 (6) A manufacturer or importer of firearms or ammunition
2 licensed pursuant to Chapter 44 (commencing with Section 921)
3 of Title 18 of the United States Code, and the regulations issued
4 pursuant thereto.

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

7 (d) The department shall revoke the license of any ammunition
8 vendor who violates this article or Article 3 (commencing with
9 Section 30345) in any combination three times. The ammunition
10 vendor shall thereafter be permanently ineligible for an ammunition
11 vendor license.

12 *30397. Notwithstanding subdivision (b) of Section 28300, the*
13 *revenue in the Firearms Safety and Enforcement Special Fund*
14 *shall be available upon appropriation to the Department of Justice*
15 *for purposes of implementing this article.*

16 30400. (a) The Attorney General shall prepare and submit to
17 the Legislature on or before July 1, 2017, a report concerning all
18 of the following:

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

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

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

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

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

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

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

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

39 (c) It is the intent of the Legislature to implement the
40 ammunition background check system incrementally to minimize

1 cost burdens to the state. It is also the intent of the Legislature to
 2 provide the Department of Justice the flexibility to develop a more
 3 comprehensive background check system that includes mental
 4 health records and restraining orders. It is the intent of the
 5 Legislature that the department enforce the provisions of this
 6 chapter.

7 ~~SEC. 17. No reimbursement is required by this act pursuant to~~
 8 ~~Section 6 of Article XIII B of the California Constitution because~~
 9 ~~the only costs that may be incurred by a local agency or school~~
 10 ~~district will be incurred because this act creates a new crime or~~
 11 ~~infraction, eliminates a crime or infraction, or changes the penalty~~
 12 ~~for a crime or infraction, within the meaning of Section 17556 of~~
 13 ~~the Government Code, or changes the definition of a crime within~~
 14 ~~the meaning of Section 6 of Article XIII B of the California~~
 15 ~~Constitution.~~

16 *SEC. 16. Section 1.5 of this bill incorporates amendments to*
 17 *Section 11106 of the Penal Code proposed by both this bill and*
 18 *Senate Bill 808. It shall only become operative if (1) both bills are*
 19 *enacted and become effective on or before January 1, 2015, (2)*
 20 *each bill amends Section 11106 of the Penal Code, and (3) this*
 21 *bill is enacted after Senate Bill 808, in which case Section 1 of this*
 22 *bill shall not become operative.*

23 *SEC. 17. No reimbursement is required by this act pursuant*
 24 *to Section 6 of Article XIII B of the California Constitution for*
 25 *certain costs that may be incurred by a local agency or school*
 26 *district because, in that regard, this act creates a new crime or*
 27 *infraction, eliminates a crime or infraction, or changes the penalty*
 28 *for a crime or infraction, within the meaning of Section 17556 of*
 29 *the Government Code, or changes the definition of a crime within*
 30 *the meaning of Section 6 of Article XIII B of the California*
 31 *Constitution.*

32 *However, if the Commission on State Mandates determines that*
 33 *this act contains other costs mandated by the state, reimbursement*
 34 *to local agencies and school districts for those costs shall be made*
 35 *pursuant to Part 7 (commencing with Section 17500) of Division*
 36 *4 of Title 2 of the Government Code.*

O