

AMENDED IN ASSEMBLY JUNE 22, 2016

AMENDED IN SENATE MAY 17, 2016

AMENDED IN SENATE MAY 4, 2016

AMENDED IN SENATE APRIL 25, 2016

AMENDED IN SENATE APRIL 13, 2016

SENATE BILL

No. 1235

Introduced by Senator De León

(Principal coauthor: Assembly Member McCarty)

February 18, 2016

An act to amend Sections 16150, 17315, 30000, ~~and 30306~~ 30306, and 30352 of, to add Sections 11106.5 and 16151 to, to add Article 4 (commencing with Section 30355) and Article 5 (commencing with Section 30360) to Chapter 1 of Division 10 of Title 4 of Part 6 of, to repeal Sections 16650, 16662, and 30312 of, *to repeal and add Section 30370 of*, and to repeal and add Article 3 (commencing with Section 30345) of Chapter 1 of Division 10 of Title 4 of Part 6 of, the Penal Code, relating to ~~ammunition~~. *ammunition, and making an appropriation therefor.*

LEGISLATIVE COUNSEL'S DIGEST

SB 1235, as amended, De León. Ammunition.

(1) The proposed Safety for All Act of 2016, to be submitted to the voters at the November 8, 2016, statewide general election, if enacted would, commencing January 1, 2019, allow any person who is 18 years of age or older to apply to the Department of Justice for an ammunition purchase authorization. The act would allow the sale of ammunition only to persons holding an ammunition purchase authorization or to

persons who were approved by the department to receive a firearm from the ammunition vendor if the ammunition is delivered to the person in the same transaction as the firearm. The act would allow the department to charge a fee not to exceed \$50 per person for the issuance of an ammunition purchase authorization or the issuance of a renewal authorization. The act would create the Ammunition Safety and Enforcement Special Fund to receive these fees and would continuously appropriate the funds for the purposes of implementing, operating, and enforcing the ammunition authorization program. The act would authorize its provisions to be amended by a statute that is passed by a vote of 55 percent of the Members of each house of the Legislature and signed by the Governor so long as the amendments are consistent with and further the intent of the act.

This bill would, if the Safety for All Act of 2016 is enacted by the voters at the November 8, 2016, statewide general election, amend the act to instead allow ammunition to be sold only to a person whose information matches an entry in the Automated Firearms System and who is eligible to possess ammunition, to a person who has a current certificate of eligibility issued by the department, or to a person who purchases or transfers the ammunition in a single ammunition transaction, as specified. If the act is enacted by the voters, the bill would amend the act to charge ammunition purchasers and transferees a per transaction fee not to exceed \$1, as provided, and would deposit the funds into the Ammunition Safety and Enforcement Special Fund created by the act, which fund would be continuously appropriated by the act, thereby making an appropriation. If the act is enacted by the voters at the November 8, 2016, statewide general election, the other provisions of this bill would not become operative. Because this bill would amend the act, it would require a vote of 55 percent of the Members of each house of the Legislature.

The bill would make Legislative findings and declarations that these amendments further the intent of the act.

(1)

(2) 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, *if the proposed Safety for All Act of 2016 is not enacted by the voters at the November 8, 2016, statewide general election*, require the Attorney General to also maintain information about ammunition transactions and ammunition vendor licenses for those purposes. The bill would similarly authorize specified agencies, officials, and 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 regarding an ammunition purchase is disseminated with a “Victims of Domestic Violence” card.

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

(2)

(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.

This bill would, *if the proposed Safety for All Act of 2016 is not enacted by the voters at the November 8, 2016, statewide general election*, extend those provisions, subject to exceptions, to any ammunition and would reorganize those provisions.

(3)

(4) 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, *if the proposed Safety for All Act of 2016 is not enacted by the voters at the November 8, 2016, statewide general*

election, provide that the term “vendor” for purposes of ammunition sales means “ammunition vendor” and, commencing January 1, 2018, means a licensed ammunition vendor. The bill would provide that commencing on January 1, 2018, only a licensed ammunition vendor may sell ammunition. The bill would revise the definition of “ammunition” for those purposes.

~~(4)~~

(5) 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, 2019, *if the proposed Safety for All Act of 2016 is not enacted by the voters at the November 8, 2016, statewide general election*, use the Prohibited Armed Persons File to cross-reference persons who attempt to acquire ammunition, as specified, to determine if those persons are prohibited from possessing ammunition.

~~(5)~~

(6) Existing law makes it a crime for a person, corporation, or firm to provide ammunition, as specified, to an individual that the person, corporation, or firm knows or should know is prohibited from possessing or owning ammunition.

This bill would, *if the proposed Safety for All Act of 2016 is not enacted by the voters at the November 8, 2016, statewide general election*, apply that prohibition to other business enterprises. The bill would make it a crime for a person, corporation, firm, or other business enterprise to provide, as specified, ammunition to an individual that the person, corporation, firm, or other business entity knows or has cause to believe is not the actual purchaser or transferee of the ammunition or knows or has cause to believe that the ammunition is to be sold or transferred to a person prohibited from possessing or owning ammunition.

~~(6)~~

(7) 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 his or her

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, *if the proposed Safety for All Act of 2016 is not enacted by the voters at the November 8, 2016, statewide general election*, extend those prohibitions to any ammunition. The bill would require that when neither party to the ammunition transaction is an ammunition dealer, the transaction be conducted by an ammunition dealer. The bill would, subject to exceptions, require a resident bringing ammunition into the state to have the ammunition delivered to an ammunition dealer for delivery to the person, as specified. The bill would provide that a violation of these provisions is a crime.

(7)

(8) 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, *if the proposed Safety for All Act of 2016 is not enacted by the voters at the November 8, 2016, statewide general election*, extend those provisions to transactions of any ammunition and would, commencing on July 1, 2019, require the ammunition vendor to submit that information to the Department of Justice, as specified. The bill would require the department to retain the information for 2 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. The bill would, commencing on July 1, 2019, and subject to exceptions, require the purchaser of ammunition to be authorized to purchase ammunition by the department, as specified. The bill would require the department to cross-reference the Prohibited Armed Persons File and the Automated Firearms System for those transaction purposes. The bill would require, commencing on July 1, 2019, and subject to exceptions, that only persons listed in the Automated Firearms System, or who purchase a one-time ammunition transaction license from the department, would be able to purchase ammunition. A violation of these provisions would be a crime.

The bill would, *if the proposed Safety for All Act of 2016 is not enacted by the voters at the November 8, 2016, statewide general election*, authorize the department to accept applications for ammunition

vendor licenses, commencing on July 1, 2017. The bill would require an ammunition vendor to be licensed, commencing on January 1, 2018, in order to sell ammunition. The bill would create an application process for ammunition vendors, as specified. The bill would establish the Ammunition Special Account, into which vendor license fees and ammunition transaction fees would be deposited and made available, upon appropriation by the Legislature, to the department for purposes of enforcing the ammunition vendor licensing and ammunition purchasing 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 ammunition sales at a gun show or event to comply with certain requirements pertaining to ammunition transfers and recordkeeping, the violation of which is a crime.

(8)

(9) By expanding existing crimes and creating new crimes, this bill would impose a state-mandated local program.

(9)

(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 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~~-yes. Fiscal committee: yes. State-mandated local program: yes.

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

- 1 SECTION 1. Section 11106.5 is added to the Penal Code, to
- 2 read:
- 3 11106.5. (a) In addition to the requirements of Section 11106,
- 4 the Attorney General shall keep and properly file a complete record
- 5 of both of the following:
- 6 (1) Ammunition vendor license information pursuant to Article
- 7 3 (commencing with Section 30345) of Chapter 1 of Division 10
- 8 of Title 4 of Part 6.

1 (2) Information required by Section 30369.

2 (b) If the conditions of paragraph (2) of subdivision (c) of
3 Section 11106 are met, an officer referred to in paragraphs (1) to
4 (6), inclusive, of subdivision (b) of Section 11105 may disseminate
5 the fact of any ammunition purchases by the subject of a state
6 summary criminal history record based on information supplied
7 by the department pursuant to Section 30352.

8 SEC. 2. Section 16150 of the Penal Code is amended to read:

9 16150. (a) As used in this part, except as specified in
10 subdivision (b), “ammunition” means one or more loaded cartridges
11 consisting of a primer case, propellant, and with one or more
12 projectiles. “Ammunition” does not include blanks.

13 (b) As used in subdivision (a) of Section 30305 and in Section
14 30306, “ammunition” includes, but is not limited to, any bullet,
15 cartridge, magazine, clip, speed loader, autoloader, or projectile
16 capable of being fired from a firearm with a deadly consequence.
17 “Ammunition” does not include blanks.

18 SEC. 3. Section 16151 is added to the Penal Code, to read:

19 16151. Commencing January 1, 2018, as used in this part,
20 “ammunition vendor” means any person, firm, corporation, dealer,
21 or any other business ~~who~~ *that* has a current ammunition vendor
22 license issued pursuant to Section 30345.

23 SEC. 4. Section 16650 of the Penal Code is repealed.

24 SEC. 5. Section 16662 of the Penal Code is repealed.

25 SEC. 6. Section 17315 of the Penal Code is amended to read:

26 17315. As used in Article 2 (commencing with Section 30300),
27 Article 3 (commencing with Section 30345), Article 4
28 (commencing with Section 30355), and Article 5 (commencing
29 with Section 30360) of Chapter 1 of Division 10 of Title 4,
30 “vendor” means an ammunition vendor.

31 SEC. 7. Section 30000 of the Penal Code is amended to read:

32 30000. (a) The Attorney General shall establish and maintain
33 an online database to be known as the Prohibited Armed Persons
34 File. The purpose of the file is to cross-reference persons who have
35 ownership or possession of a firearm on or after January 1, 1996,
36 as indicated by a record in the Consolidated Firearms Information
37 System, and who, subsequent to the date of that ownership or
38 possession of a firearm, fall within a class of persons who are
39 prohibited from owning or possessing a firearm.

1 (b) Commencing July 1, 2019, the file shall also be used to
2 cross-reference persons who attempt to acquire ammunition to
3 determine if those persons fall within a class of persons who are
4 prohibited from owning or possessing ammunition.

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

11 SEC. 8. Section 30306 of the Penal Code is amended to read:

12 30306. (a) Any person, corporation, firm, or other business
13 enterprise who supplies, delivers, sells, or gives possession or
14 control of, any ammunition to any person who he or she knows or
15 using reasonable care should know is prohibited from owning,
16 possessing, or having under custody or control, any ammunition
17 or reloaded ammunition pursuant to subdivision (a) or (b) of
18 Section 30305, is guilty of a misdemeanor, punishable by
19 imprisonment in a county jail not exceeding one year, or a fine not
20 exceeding one thousand dollars (\$1,000), or by both that fine and
21 imprisonment.

22 (b) Any person, corporation, firm, or other business enterprise
23 who supplies, delivers, sells, or gives possession or control of
24 ammunition to a person who the person, corporation, firm, or other
25 business enterprise knows or has cause to believe is not the actual
26 purchaser or transferee of the ammunition, with knowledge or
27 cause to believe that the ammunition is to be subsequently sold or
28 transferred to a person who is prohibited from owning, possessing,
29 or having under custody or control any ammunition or reloaded
30 ammunition pursuant to subdivision (a) or (b) of Section 30305,
31 is guilty of a misdemeanor, punishable by imprisonment in a county
32 jail not exceeding one year or a fine not exceeding one thousand
33 dollars (\$1,000), or by both that fine and imprisonment.

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

39 SEC. 9. Section 30312 of the Penal Code is repealed.

1 SEC. 10. Article 3 (commencing with Section 30345) of
2 Chapter 1 of Division 10 of Title 4 of Part 6 of the Penal Code is
3 repealed.

4 SEC. 11. Article 3 (commencing with Section 30345) is added
5 to Chapter 1 of Division 10 of Title 4 of Part 6 of the Penal Code,
6 to read:

7
8
9

Article 3. Ammunition Vendor License

10 30345. (a) Commencing January 1, 2018, only an ammunition
11 vendor who is licensed by the Department of Justice shall be
12 authorized to sell ammunition in this state, except as provided by
13 Article 5 (commencing with Section 30360).

14 (b) Subdivision (a) does not apply to the sale of ammunition by
15 any of the following:

16 (1) A commercial hunting club, as defined in Section 3240.5 of
17 the Fish and Game Code, provided the ammunition is used and
18 consumed on the licensed premises while engaged in lawful
19 hunting activity.

20 (2) A domesticated game bird hunting club, pursuant to Section
21 3270 of the Fish and Game Code, provided the ammunition is used
22 and consumed on the licensed premises while engaged in lawful
23 hunting activity.

24 (3) A domesticated migratory game bird shooting club, pursuant
25 to Article 4 (commencing with Section 3300) of Chapter 2 of Part
26 1 of Division 4 of the Fish and Game Code, provided the
27 ammunition is used and consumed on the licensed premises while
28 engaged in lawful hunting activity.

29 (4) A nonprofit mutual or public benefit corporation organized
30 pursuant to the Corporations Code that engages in recreational
31 shooting and lawful hunting activity provided that the ammunition
32 is used and consumed during the shooting or hunting event
33 conducted by that nonprofit or public benefit corporation.

34 (5) A target facility that holds a business or regulatory license
35 provided that the ammunition is at all times kept within the
36 facility's premises and used on the premises.

37 (6) A person who sells no more than 100 rounds of ammunition
38 to one vendor in one month or cumulatively sells no more than
39 250 rounds per year to vendors in this state.

1 (c) The Department of Justice is authorized to issue ammunition
2 vendor licenses pursuant to this article. The department shall,
3 commencing July 1, 2017, accept applications for ammunition
4 vendor licenses. The department shall issue a license or deny the
5 application for a license within 60 days of receipt of the application
6 in the first two years of implementation, and within 30 days
7 thereafter. If the application is denied, the department shall inform
8 the applicant of the reason for denial in writing.

9 (d) The ammunition vendor license shall be issued in a form
10 prescribed by the Attorney General and shall be valid for a period
11 of one year. The license shall allow the licensee to sell ammunition
12 from a fixed location and at any place set forth in subdivision (b)
13 of Section 30365.

14 30346. (a) The department may charge ammunition vendor
15 license applicants a fee sufficient to cover the reasonable costs of
16 issuing a certificate of eligibility, as described, except for those
17 persons or entities described in subdivision (d) of Section 30347.

18 (b) The fees received by the department pursuant to this article
19 shall be deposited in the Ammunition Special Account, which is
20 hereby created. The revenue in the fund shall be available, upon
21 appropriation by the Legislature, for use by the Department of
22 Justice for the purpose of implementing and enforcing the
23 provisions of this article, Article 4 (commencing with Section
24 30355) and Article 5 (commencing with Section 30360).

25 30347. (a) The department is authorized to issue ammunition
26 vendor licenses to ammunition vendors who the department has
27 determined are not prohibited by state or federal law from
28 possessing, receiving, owning, or purchasing a firearm and who
29 have a certificate of eligibility issued by the department.

30 (b) The department shall require any agent or employee of a
31 vendor who handles, sells, or delivers ammunition to obtain and
32 provide to the ammunition vendor a certificate of eligibility from
33 the Department of Justice pursuant to Section 26710. On the
34 application for the certificate, the agent or employee shall provide
35 the name and California ammunition vendor number of the vendor
36 with whom the person is employed.

37 (c) In the case of an entity other than a natural person, the
38 department shall issue the license to the business entity, pursuant
39 to the requirements in subdivisions (a) and (b).

1 (d) The department shall, upon request and in a manner
2 prescribed by the department, issue ammunition vendor licenses
3 to the following:

4 (1) A firearms dealer licensed pursuant to Sections 26700 to
5 26915, inclusive.

6 (2) A person who is on the centralized list of federal firearms
7 licensees maintained by the department pursuant to Article 6
8 (commencing with Section 28450) of Chapter 6 of Division 6.

9 (3) A gunsmith as defined in Section 16630.

10 (4) A wholesaler as defined in Section 17340.

11 (5) A manufacturer or importer of firearms or ammunition
12 licensed pursuant to Chapter 44 (commencing with Section 921)
13 of Title 18 of the United States Code and the regulations issued
14 pursuant thereto.

15 (e) The department shall keep a registry of all licensed
16 ammunition vendors.

17 (f) The department shall revoke the license of any ammunition
18 vendor who violates this article, Article 4 (commencing with
19 Section 30355), or Article 5 (commencing with Section 30360) in
20 any combination three times. The ammunition vendor shall
21 thereafter be permanently ineligible for an ammunition vendor
22 license.

23 *SEC. 12. Section 30352 of the Penal Code, as proposed to be*
24 *amended by the Safety for All Act of 2016 at the November 8, 2016,*
25 *statewide general election, is amended to read:*

26 30352. (a) Commencing July 1, 2019, an ammunition vendor
27 shall not sell or otherwise transfer ownership of any ammunition
28 without, at the time of delivery, legibly recording the following
29 information on a form to be prescribed by the Department of
30 Justice:

31 (1) The date of the sale or other transfer.

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

34 (3) The brand, type, and amount of ammunition sold or
35 otherwise transferred.

36 (4) The purchaser's or transferee's full name and signature.

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

39 (6) The purchaser's or transferee's full residential address and
40 telephone number.

1 (7) The purchaser's or transferee's date of birth.

2 (b) Commencing July 1, 2019, an ammunition vendor shall
3 electronically submit to the ~~Department~~ *department* the information
4 required by subdivision (a) for all sales and transfers of ownership
5 of ammunition. The ~~Department~~ *department* shall retain this
6 information in a database to be known as the Ammunition Purchase
7 Records File. This information shall remain confidential and may
8 be used by the ~~Department~~ *department* and those entities specified
9 in, and pursuant to, subdivision (b) or (c) of Section 11105, through
10 the California Law Enforcement Telecommunications System,
11 only for law enforcement purposes. The ammunition vendor shall
12 not use, sell, disclose, or share ~~such~~ *the* information for any other
13 purpose other than the submission required by this subdivision
14 without the express written consent of the purchaser or transferee.

15 (c) Commencing on July 1, 2019, only those persons listed in
16 this subdivision, or those persons or entities listed in subdivision
17 (e), shall be authorized to purchase ammunition. Prior to delivering
18 any ammunition, an ammunition vendor shall require bona fide
19 evidence of identity to verify that the person who is receiving
20 delivery of the ammunition is a person or entity listed in
21 subdivision (e) or one of the following:

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

24 (2) A person who was approved by the ~~Department~~ *department*
25 to receive a firearm from the ammunition vendor, pursuant to
26 Section 28220, if that vendor is a licensed firearms dealer, and the
27 ammunition is delivered to the person in the same transaction as
28 the firearm.

29 (d) Commencing July 1, 2019, the ammunition vendor shall
30 verify with the ~~Department~~, *department*, in a manner prescribed
31 by the ~~Department~~, *department*, that the person is authorized to
32 purchase ~~ammunition by comparing the person's ammunition~~
33 ~~purchase authorization number to the centralized list of authorized~~
34 ~~ammunition purchasers.~~ *ammunition*. If the person is not listed as
35 an authorized ammunition purchaser, the vendor shall deny the
36 sale or transfer.

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

40 (1) An ammunition vendor.

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

5 (3) A person who purchases or receives ammunition at a target
6 facility holding a business or other regulatory license, provided
7 that the ammunition is at all times kept within the facility's
8 premises.

9 (4) A gunsmith.

10 (5) A wholesaler.

11 (6) A manufacturer or importer of firearms or ammunition
12 licensed pursuant to Chapter 44 (commencing with Section 921)
13 of Title 18 of the United States Code, and the regulations issued
14 pursuant thereto.

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

28 (8) ~~(a)~~-(A) A properly identified sworn peace officer, as
29 defined in Chapter 4.5 (commencing with Section 830) of Title 3
30 of Part 2, or properly identified sworn federal law enforcement
31 officer, who is authorized to carry a firearm in the course and scope
32 of the officer's duties.

33 ~~(b)~~-(1)-

34 (B) (i) Proper identification is defined as verifiable written
35 certification from the head of the agency by which the purchaser
36 or transferee is employed, identifying the purchaser or transferee
37 as a full-time paid peace officer who is authorized to carry a firearm
38 in the course and scope of the officer's duties.

39 ~~(2)~~

1 (ii) The certification shall be delivered to the vendor at the time
2 of purchase or transfer and the purchaser or transferee shall provide
3 bona fide evidence of identity to verify that he or she is the person
4 authorized in the certification.

5 (3)

6 (iii) The vendor shall keep the certification with the record of
7 sale and submit the certification to the ~~Department~~ department.

8 (f) The ~~Department of Justice~~ department is authorized to adopt
9 regulations to implement the provisions of this section.

10 ~~SEC. 12.~~

11 SEC. 13. Article 4 (commencing with Section 30355) is added
12 to Chapter 1 of Division 10 of Title 4 of Part 6 of the Penal Code,
13 to read:

14

15 Article 4. Ammunition Purchase Authorization

16

17 30355. (a) Any person who violates any provision of this
18 article is guilty of a misdemeanor, punishable by imprisonment in
19 a county jail not exceeding one year or a fine not exceeding one
20 thousand dollars (\$1,000), or by both that fine and imprisonment.

21 (b) The provisions of this article 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 30356. (a) Commencing July 1, 2019, the department shall
27 electronically approve the purchase or transfer of ammunition
28 through a vendor, as defined in Section 16151, except as otherwise
29 specified. This approval shall occur at the time of purchase or
30 transfer, prior to the purchaser or transferee taking possession of
31 the ammunition.

32 (b) To determine if the purchaser or transferee is eligible to
33 purchase or possess ammunition, the department shall
34 cross-reference the ammunition purchaser's or transferee's name,
35 date of birth, current address, and driver's license or other
36 government identification number, as described in Section 28180,
37 with the information maintained in the Automated Firearms System
38 (AFS). If the purchaser's or transferee's information does not
39 match an AFS entry, the transaction shall be denied. If the
40 purchaser's or transferee's information matches an AFS entry, the

1 department shall determine if the purchaser or transferee falls
2 within a class of persons who are prohibited from owning or
3 possessing ammunition by cross-referencing the Prohibited Armed
4 Persons File. If the purchaser or transferee is prohibited from
5 owning or possessing a firearm, the transaction shall be denied.

6 (c) A vendor is prohibited from providing a purchaser or
7 transferee ammunition without department approval. If a vendor
8 cannot electronically verify a person's eligibility to purchase or
9 possess ammunition via an Internet connection, the department
10 shall provide a ~~phone~~ *telephone* line to verify eligibility. This
11 option is available to ammunition vendors who can demonstrate
12 legitimate geographical and telecommunications limitations in
13 submitting the information electronically and who are approved
14 by the department to use the ~~phone~~ *telephone* line verification.

15 (d) The department shall recover the reasonable cost of
16 regulatory and enforcement activities related to this article by
17 charging ammunition purchasers and transferees a ~~per-transaction~~
18 *per transaction* fee not to exceed one dollar (\$1), provided,
19 however, that the fee may be increased at a rate not to exceed any
20 increases in the California Consumer Price Index as compiled and
21 reported by the Department of Industrial Relations, not to exceed
22 the reasonable regulatory and enforcement costs. The fees shall
23 be deposited in the Ammunition Special Account, to be available
24 upon appropriation by the Legislature, for use by the Department
25 of Justice for the purpose of implementing and enforcing this
26 article, Article 3 (commencing with Section 30345), and Article
27 5 (commencing with Section 30360).

28 (e) This section shall not apply to the sale, delivery, or transfer
29 of ammunition to any of the following, if properly identified prior
30 to the delivery of the ammunition by the vendor:

31 (1) A firearms dealer licensed pursuant to Sections 26700 to
32 26915, inclusive.

33 (2) A person who is on the centralized list of federal firearms
34 licensees maintained by the department pursuant to Article 6
35 (commencing with Section 28450) of Chapter 6 of Division 6.

36 (3) A gunsmith as defined in Section 16630.

37 (4) A wholesaler as defined in Section 17340.

38 (5) A manufacturer or importer of firearms or ammunition
39 licensed pursuant to Chapter 44 (commencing with Section 921)

1 of Title 18 of the United States Code and the regulations issued
2 pursuant thereto.

3 (6) An ammunition vendor.

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

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

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

27 (10) A properly identified sworn peace officer, as defined in
28 Chapter 4.5 (commencing with Section 830) of Title 3 of Part 2
29 or properly identified sworn member of a federal law enforcement
30 agency who is authorized to carry a firearm in the course and scope
31 of the officer's duties.

32 (11) A target facility that holds a business or regulatory license.

33 (12) A person who purchases or receives ammunition at a target
34 facility holding a business or other regulatory license, provided
35 that the ammunition is at all times kept within the facility's
36 premises and used on the premises.

37 (13) A commercial hunting club, as defined in Section 3240.5
38 of the Fish and Game Code.

39 (14) A domesticated game bird hunting club, pursuant to Section
40 3270 of the Fish and Game Code.

1 (15) A domesticated migratory game bird shooting club,
2 pursuant to Article 4 (commencing with Section 3300) of Chapter
3 2 of Part 1 of Division 4 of the Fish and Game Code.

4 (16) A participant at a shooting or hunting event conducted by
5 any of the following:

6 (A) A commercial hunting club, as defined in Section 3240.5
7 of the Fish and Game Code, provided the ammunition is used and
8 consumed on the licensed premises while engaged in lawful
9 hunting activity.

10 (B) A domesticated game bird hunting club, pursuant to Section
11 3270 of the Fish and Game Code, provided the ammunition is used
12 and consumed on the licensed premises while engaged in lawful
13 hunting activity.

14 (C) A domesticated migratory game bird shooting club, pursuant
15 to Article 4 (commencing with Section 3300) of Chapter 2 of Part
16 1 of Division 4 of the Fish and Game Code, provided the
17 ammunition is used and consumed on the licensed premises while
18 engaged in lawful hunting activity.

19 (17) A nonprofit mutual or public benefit corporation organized
20 pursuant to the Corporations Code that engages in recreational
21 shooting and lawful hunting activity.

22 (18) A participant at a shooting or hunting event conducted by
23 a nonprofit mutual or public benefit corporation organized pursuant
24 to the Corporations Code that engages in recreational shooting or
25 lawful hunting activity provided that the ammunition is used and
26 consumed during the event.

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

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

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

38 (22) A person authorized by the department pursuant to Section
39 30357.

1 (23) *A person who has a current certificate of eligibility issued*
2 *by the department pursuant to Section 26710.*

3 30357. The department shall develop a procedure in which a
4 person who is not prohibited from purchasing or possessing
5 ammunition may be approved for a single ammunition transaction
6 or purchase. The department shall recover the cost of processing,
7 regulatory, and enforcement activities related to this section by
8 charging the ammunition transaction or purchase applicant a fee
9 not to exceed the fee charged for the department's ~~Dealer~~ *Dealers'*
10 Record of Sale (DROS) process, as described in Section 28225,
11 and not to exceed the department's reasonable costs.

12 ~~SEC. 13.~~

13 *SEC. 14.* Article 5 (commencing with Section 30360) 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 Sales
18

19 30360. (a) Any person who violates any provision of this
20 article is guilty of a misdemeanor, punishable by imprisonment in
21 a county jail not exceeding one year or a fine not exceeding one
22 thousand dollars (\$1,000), or by both that fine and imprisonment.

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

28 30362. A vendor shall not permit any employee who the vendor
29 knows or reasonably should know is a person described in Chapter
30 2 (commencing with Section 29800) or Chapter 3 (commencing
31 with Section 29900) of Division 9 of this title, or Section 8100 or
32 8103 of the Welfare and Institutions Code, to handle, sell, or deliver
33 ammunition or to deliver or have under his or her custody or control
34 ammunition in the course and scope of employment.

35 30363. A vendor shall not sell or otherwise transfer ownership
36 of, offer for sale, or otherwise offer to transfer ownership of,
37 display for sale, or display for transfer any ammunition in a manner
38 that allows that ammunition to be accessible to a purchaser or
39 transferee without the assistance of the vendor or an employee of
40 the vendor.

1 30364. (a) The sale, delivery, or transfer of ammunition may
2 only occur in a face-to-face transaction with the seller, deliverer,
3 or transferor being provided bona fide evidence of identity from
4 the purchaser or other transferee, provided, however, that
5 ammunition may be purchased over the Internet or through other
6 means of remote ordering if an ammunition vendor in this state
7 initially receives the ammunition and processes the transfer in
8 compliance with this article, Article 3 (commencing with Section
9 30345), and Article 4 (commencing with Section 30355). An
10 ammunition vendor is required to promptly and properly process
11 those transactions. An ammunition vendor may charge a fee to
12 process the transfer not to exceed ten dollars (\$10) per transaction.
13 An ammunition vendor is not required to house ammunition orders
14 longer than 30 days.

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

17 (1) A firearms dealer licensed pursuant to Sections 26700 to
18 26915, inclusive.

19 (2) A person who is on the centralized list of federal firearms
20 licensees maintained by the Department of Justice pursuant to
21 Article 6 (commencing with Section 28450) of Chapter 6 of
22 Division 6.

23 (3) A gunsmith as defined in Section 16630.

24 (4) A wholesaler as defined in Section 17340.

25 (5) A manufacturer or importer of firearms or ammunition
26 licensed pursuant to Chapter 44 (commencing with Section 921)
27 of Title 18 of the United States Code and the regulations issued
28 pursuant thereto.

29 (6) An ammunition vendor.

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

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

1 (9) An authorized law enforcement representative of a city,
2 county, city and county, or state or federal government, if the sale,
3 delivery, or other transfer is for exclusive use by that government
4 agency and, prior to the sale, delivery, or transfer of the
5 ammunition, written authorization is received from the head of the
6 agency, or designee, by which the purchaser, transferee, or person
7 otherwise acquiring ownership is employed, identifying the
8 employee as an individual authorized to conduct the transaction,
9 and authorizing the transaction for the exclusive use of the agency
10 employing the individual.

11 (10) A properly identified sworn peace officer, as defined in
12 Chapter 4.5 (commencing with Section 830) of Title 3 of Part 2,
13 or properly identified sworn member of a federal law enforcement
14 agency who is authorized to carry a firearm in the course and scope
15 of the officer's duties.

16 (11) A target facility holding a business or other regulatory
17 license.

18 (12) A commercial hunting club, as defined in Section 3240.5
19 of the Fish and Game Code.

20 (13) A domesticated game bird hunting club, pursuant to Section
21 3270 of the Fish and Game Code.

22 (14) A domesticated migratory game bird shooting club,
23 pursuant to Article 4 (commencing with Section 3300) of Chapter
24 2 of Part 1 of Division 4 of the Fish and Game Code.

25 (15) A nonprofit mutual or public benefit corporation organized
26 pursuant to the Corporations Code that engages in recreational
27 shooting and lawful hunting activity.

28 (16) A consultant-evaluator.

29 (17) A contract or common carrier or an authorized agent or
30 employee thereof, when acting in conformance with applicable
31 federal law.

32 30365. (a) Except as provided in subdivision (b), the sale of
33 ammunition shall be conducted at the location specified in the
34 license.

35 (b) A vendor may sell ammunition at a gun show or event, as
36 described in Chapter 3 (commencing with Section 27200) of
37 Division 6, if the gun show or event is not conducted from any
38 motorized or towed vehicle.

39 (c) Sales of ammunition at a gun show or event shall comply
40 with Sections 30345, 30356, 30369, and 30370.

1 30366. (a) When neither party in an ammunition sale is a
2 vendor, the following shall apply:

3 (1) The seller shall deliver the ammunition to a vendor to process
4 the transaction.

5 (2) The vendor shall then promptly and properly deliver the
6 ammunition to the purchaser, if the sale is not prohibited, as if the
7 ammunition were the vendor's own merchandise.

8 (3) If the vendor cannot legally deliver the ammunition to the
9 purchaser, the vendor shall forthwith return the ammunition to the
10 seller. This return is not subject to Section 30356.

11 (b) The vendor may charge the purchaser an administrative fee
12 to process the transaction, not to exceed ten dollars (\$10) per
13 transaction processed.

14 (c) A person selling ammunition pursuant to this section is
15 exempt from the requirement to be licensed pursuant to Section
16 30345.

17 (d) This section does not apply to a person whose premises are
18 outside of this state when directly selling and shipping ammunition
19 to a law enforcement agency within this state.

20 30367. (a) Notwithstanding Sections 30345 and 30366, the
21 sale of ammunition between the following is authorized so long
22 as it does not exceed 50 rounds per month:

23 (1) The sale of ammunition between licensed hunters while
24 engaged in lawful hunting activity.

25 (2) The sale of ammunition between immediate family members,
26 spouses, or registered domestic partners.

27 (b) Notwithstanding Sections 30345 and 30366, the sale of
28 ammunition by a private individual to an authorized representative
29 of a city, city and county, county, state, or the federal government,
30 as part of a voluntary program is authorized.

31 (c) Ammunition acquired pursuant to subdivision (b) shall be
32 disposed of in the same manner as set forth for firearms in Section
33 18000, 18005, or 34000.

34 30368. (a) Commencing July 1, 2019, a resident of this state
35 shall not bring or transport into this state any ammunition that he
36 or she purchased from outside of this state unless he or she first
37 has that ammunition delivered to an ammunition vendor in this
38 state for delivery to that resident pursuant to the procedures set
39 forth in Section 30366.

1 (b) Subdivision (a) does not apply to any of the following
2 bringing or transporting into this state any ammunition:

3 (1) A firearms dealer licensed pursuant to Sections 26700 to
4 26915, inclusive.

5 (2) A person who is on the centralized list of federal firearms
6 licensees maintained by the department pursuant to Article 6
7 (commencing with Section 28450) of Chapter 6 of Division 6.

8 (3) A gunsmith as defined in Section 16630.

9 (4) A wholesaler as defined in Section 17340.

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

14 (6) An ammunition vendor.

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

21 (8) Authorized law enforcement representatives of cities,
22 counties, cities and counties, or state or federal governments for
23 exclusive use by those government agencies if, prior to the
24 importation, the person has written authorization from the head of
25 the agency authorizing the acquisition of that ammunition. Proper
26 written authorization is defined as verifiable written certification
27 from the head of the agency, or designee, by which the person is
28 employed, identifying the employee as an individual authorized
29 to acquire and import ammunition, and authorizing the transaction
30 for the exclusive use of the agency by which he or she is employed.

31 (9) A properly identified sworn peace officer, as defined in
32 Chapter 4.5 (commencing with Section 830) of Title 3 of Part 2,
33 or properly identified sworn member of a federal law enforcement
34 agency who is authorized to carry a firearm in the course and scope
35 of the officer's duties.

36 (10) A contract or common carrier or an authorized agent or
37 employee thereof, when acting in conformity with applicable
38 federal law.

1 (11) A person who purchases the ammunition from an immediate
2 family member, spouse, or registered domestic partner if the person
3 brings or transports into this state no more than 50 rounds.

4 (12) The executor or administrator of an estate that includes
5 ammunition.

6 (13) A person that at the time he or she acquired the ammunition
7 was not a resident of this state.

8 (14) Ammunition that is imported into this country pursuant to
9 provisions of Section 925(a)(4) of Title 18 of the United States
10 Code.

11 (15) A licensed hunter who purchased the ammunition outside
12 of this state for use in a lawful hunting activity that occurred
13 outside of this state if the person brings or imports no more than
14 50 rounds into this state and the ammunition is designed and
15 intended for use in the firearm the hunter used in that hunting
16 activity.

17 (16) A person who attended and participated in an organized
18 competitive match or league competition that involves the use of
19 firearms in a match or competition sponsored by, conducted under
20 the auspices of, or approved by, a law enforcement agency or a
21 nationally or state recognized entity that fosters proficiency in, or
22 promotes education about, firearms, and the person brings or
23 imports into this state no more than 50 rounds of ammunition
24 designed and intended to be used in the firearm the person used
25 in the match or competition.

26 30369. (a) Commencing July 1, 2019, a vendor shall not sell
27 or otherwise transfer ownership of any ammunition without, at the
28 time of delivery, legibly recording the following information:

29 (1) The purchaser's full name.

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

32 (3) The date of the sale or other transaction.

33 (4) The brand, type, and amount of ammunition sold or
34 otherwise transferred.

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

37 (6) The purchaser's or transferee's full residential address and
38 telephone number.

39 (7) The purchaser's or transferee's date of birth.

1 (b) Commencing July 1, 2019, the vendor shall electronically
2 submit to the department the information required by subdivision
3 (a) in a format and a manner prescribed by the department for all
4 sales or other transfers of ammunition. The department shall retain
5 this information for two years in a database to be known as the
6 Ammunition Purchase Records File for the sole purpose of aiding
7 and assisting local and state law enforcement agencies in an active
8 investigation. The vendor shall not share any of the information
9 required by subdivision (a) for any reason other than for authorized
10 law enforcement purposes. The information in the Ammunition
11 Purchase Records File may be accessed by a state or local law
12 enforcement agency only if the department is provided a case
13 number or other sufficient information as determined by the
14 department that indicates an active investigation and the
15 information sought is for the investigation or prosecution of that
16 case.

17 (c) In the case that a vendor cannot submit the information
18 required by subdivision (a) electronically via an Internet
19 connection, the department shall provide a telephone line to submit
20 the information if the vendor can demonstrate legitimate geographic
21 and telecommunications limitations to submitting the information
22 electronically, and the department approves the vendor's use of
23 the telephone line.

24 (d) This section shall not apply to or affect sales or other
25 transfers of ammunition by ammunition vendors to any of the
26 following, if properly identified:

27 (1) A firearms dealer licensed pursuant to Sections 26700 to
28 26915, inclusive.

29 (2) A person who is on the centralized list of federal firearms
30 licensees maintained by the department pursuant to Article 6
31 (commencing with Section 28450) of Chapter 6 of Division 6.

32 (3) A gunsmith as defined in Section 16630.

33 (4) A wholesaler as defined in Section 17340.

34 (5) A manufacturer or importer of firearms licensed pursuant
35 to Chapter 44 (commencing with Section 921) of Title 18 of the
36 United States Code and the regulations issued pursuant thereto.

37 (6) An ammunition vendor.

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

1 and, prior to the sale, delivery, or transfer of the ammunition,
2 written authorization from the head of the agency, or designee,
3 authorizing the transaction is presented to the person from whom
4 the purchase, delivery, or transfer is being made. Proper written
5 authorization is defined as verifiable written certification from the
6 head of the agency, or designee, by which the purchaser, transferee,
7 or person otherwise acquiring ownership is employed, identifying
8 the employee as an individual authorized to conduct the transaction,
9 and authorizing the transaction for the exclusive use of the agency
10 by which that individual is employed.

11 (8) A properly identified sworn peace officer, as defined in
12 Chapter 4.5 (commencing with Section 830) of Title 3 of Part 2,
13 or properly identified sworn member of a federal law enforcement
14 agency who is authorized to carry a firearm in the course and scope
15 of the officer's duties.

16 (9) A target facility that holds a business or regulatory license.

17 (10) A person who purchases or receives ammunition at a target
18 facility holding a business or other regulatory license, provided
19 that the ammunition is at all times kept within the facility's
20 premises and used on the premises.

21 (11) A commercial hunting club, as defined in Section 3240.5
22 of the Fish and Game Code.

23 (12) A domesticated game bird hunting club, pursuant to Section
24 3270 of the Fish and Game Code.

25 (13) A domesticated migratory game bird shooting club,
26 pursuant to Article 4 (commencing with Section 3300) of Chapter
27 2 of Part 1 of Division 4 of the Fish and Game Code.

28 (14) A participant at a shooting or hunting event conducted by
29 any of the following:

30 (A) A commercial hunting club, as defined in Section 3240.5
31 of the Fish and Game Code, provided the ammunition is used and
32 consumed on the licensed premises while engaged in lawful
33 hunting activity.

34 (B) A domesticated game bird hunting club, pursuant to Section
35 3270 of the Fish and Game Code, provided the ammunition is used
36 and consumed on the licensed premises while engaged in lawful
37 hunting activity.

38 (C) A domesticated migratory game bird shooting club, pursuant
39 to Article 4 (commencing with Section 3300) of Chapter 2 of Part
40 1 of Division 4 of the Fish and Game Code, provided the

1 ammunition is used and consumed on the licensed premises while
2 engaged in lawful hunting activity.

3 (15) A nonprofit mutual or public benefit corporation organized
4 pursuant to the Corporations Code that engages in recreational
5 shooting and lawful hunting activity.

6 (16) A participant at a shooting or hunting event conducted by
7 a nonprofit mutual or public benefit corporation organized pursuant
8 to the Corporations Code that engages in recreational shooting or
9 lawful hunting activity provided that the ammunition is used and
10 consumed during the event.

11 30370. A vendor shall not knowingly make a false entry or fail
12 to make a required entry of information in accordance with Section
13 30369.

14 *SEC. 15. Section 30370 is added to the Penal Code, to read:*

15 *30370. (a) Commencing July 1, 2019, the department shall*
16 *electronically approve the purchase or transfer of ammunition*
17 *through a vendor, as defined in Section 16151, except as otherwise*
18 *specified. This approval shall occur at the time of purchase or*
19 *transfer, prior to the purchaser or transferee taking possession of*
20 *the ammunition. Pursuant to the authorization specified in*
21 *paragraph (1) of subdivision (c) of Section 30352, the following*
22 *persons are authorized to purchase ammunition:*

23 *(1) A purchaser or transferee whose information matches an*
24 *entry in the Automated Firearms System (AFS) and who is eligible*
25 *to possess ammunition as specified in subdivision (b).*

26 *(2) A purchaser or transferee who has a current certificate of*
27 *eligibility issued by the department pursuant to Section 26710.*

28 *(3) A purchaser or transferee who is not prohibited from*
29 *purchasing or possessing ammunition in a single ammunition*
30 *transaction or purchase made pursuant to the procedure developed*
31 *pursuant to subdivision (c).*

32 *(b) To determine if the purchaser or transferee is eligible to*
33 *purchase or possess ammunition pursuant to paragraph (1) of*
34 *subdivision (a), the department shall cross-reference the*
35 *ammunition purchaser's or transferee's name, date of birth, current*
36 *address, and driver's license or other government identification*
37 *number, as described in Section 28180, with the information*
38 *maintained in the AFS. If the purchaser's or transferee's*
39 *information does not match an AFS entry, the transaction shall*
40 *be denied. If the purchaser's or transferee's information matches*

1 *an AFS entry, the department shall determine if the purchaser or*
2 *transferee falls within a class of persons who are prohibited from*
3 *owning or possessing ammunition by cross-referencing with the*
4 *Prohibited Armed Persons File. If the purchaser or transferee is*
5 *prohibited from owning or possessing a firearm, the transaction*
6 *shall be denied.*

7 *(c) The department shall develop a procedure in which a person*
8 *who is not prohibited from purchasing or possessing ammunition*
9 *may be approved for a single ammunition transaction or purchase.*
10 *The department shall recover the cost of processing and regulatory*
11 *and enforcement activities related to this section by charging the*
12 *ammunition transaction or purchase applicant a fee not to exceed*
13 *the fee charged for the department's Dealers' Record of Sale*
14 *(DROS) process, as described in Section 28225 and not to exceed*
15 *the department's reasonable costs.*

16 *(d) A vendor is prohibited from providing a purchaser or*
17 *transferee ammunition without department approval. If a vendor*
18 *cannot electronically verify a person's eligibility to purchase or*
19 *possess ammunition via an Internet connection, the department*
20 *shall provide a telephone line to verify eligibility. This option is*
21 *available to ammunition vendors who can demonstrate legitimate*
22 *geographical and telecommunications limitations in submitting*
23 *the information electronically and who are approved by the*
24 *department to use the telephone line verification.*

25 *(e) The department shall recover the reasonable cost of*
26 *regulatory and enforcement activities related to this article by*
27 *charging ammunition purchasers and transferees a per transaction*
28 *fee not to exceed one dollar (\$1), provided, however, that the fee*
29 *may be increased at a rate not to exceed any increases in the*
30 *California Consumer Price Index as compiled and reported by the*
31 *Department of Industrial Relations, not to exceed the reasonable*
32 *regulatory and enforcement costs.*

33 *(f) A fund to be known as the "Ammunition Safety and*
34 *Enforcement Special Fund" is hereby created within the State*
35 *Treasury. All fees received pursuant to this section shall be*
36 *deposited into the Ammunition Safety and Enforcement Special*
37 *Fund and, notwithstanding Section 13340 of the Government Code,*
38 *are continuously appropriated for purposes of implementing,*
39 *operating, and enforcing the ammunition authorization program*

1 provided for in this section and Section 30352 and for repaying
2 the start-up loan provided for in Section 30371.

3 (g) The Department of Justice is authorized to adopt regulations
4 to implement this section.

5 SEC. 16. Section 30370 of the Penal Code, as proposed to be
6 added by the Safety for All Act of 2016 at the November 8, 2016,
7 statewide general election, is repealed.

8 30370. (a)(1) Commencing on January 1, 2019, any person who
9 is 18 years of age or older may apply to the Department for an
10 ammunition purchase authorization:

11 (2) The ammunition purchase authorization may be used by the
12 authorized person to purchase or otherwise seek the transfer of
13 ownership of ammunition from an ammunition vendor, as that
14 term is defined in Section 16151, and shall have no other force or
15 effect.

16 (3) The ammunition purchase authorization shall be valid for
17 four years from July 1, 2019 or the date of issuance, whichever is
18 later, unless it is revoked by the Department pursuant to subdivision
19 (b):

20 (b) The ammunition purchase authorization shall be promptly
21 revoked by the Department upon the occurrence of any event which
22 would have disqualified the holder from being issued the
23 ammunition purchase authorization pursuant to this section. If an
24 authorization is revoked, the Department shall upon the written
25 request of the holder state the reasons for doing so and provide the
26 holder an appeal process to challenge that revocation:

27 (c) The Department shall create and maintain an internal
28 centralized list of all persons who are authorized to purchase
29 ammunition and shall promptly remove from the list any persons
30 whose authorization was revoked by the Department pursuant to
31 this section. The Department shall provide access to the list by
32 ammunition vendors for purposes of conducting ammunition sales
33 or other transfers, and shall provide access to the list by law
34 enforcement agencies for law enforcement purposes.

35 (d) The Department shall issue an ammunition purchase
36 authorization to the applicant if all of the following conditions are
37 met:

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

39 (2) The applicant is not prohibited from acquiring or possessing
40 ammunition under Section 30305(a) or federal law.

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

2 ~~(e) (1) Upon receipt of an initial or renewal application, the~~
3 ~~Department shall examine its records, and the records it is~~
4 ~~authorized to request from the State Department of State Hospitals,~~
5 ~~pursuant to Section 8104 of the Welfare and Institutions Code,~~
6 ~~and if authorized, the National Instant Criminal Background Check~~
7 ~~System, as described in Section 922(t) of Title 18 of the United~~
8 ~~States Code, in order to determine if the applicant is prohibited~~
9 ~~from possessing or acquiring ammunition under Section 30305(a)~~
10 ~~or federal law.~~

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

16 ~~(3) If the Department is unable to ascertain the final disposition~~
17 ~~of the application within 30 days of the applicant's submission,~~
18 ~~the Department shall grant authorization to the applicant.~~

19 ~~(4) The ammunition purchase authorization number shall be the~~
20 ~~same as the number on the document presented by the person as~~
21 ~~bona fide evidence of identity.~~

22 ~~(f) The Department shall renew a person's ammunition purchase~~
23 ~~authorization before its expiration, provided that the Department~~
24 ~~determines that the person is not prohibited from acquiring or~~
25 ~~possessing ammunition under Section 30305(a) or federal law,~~
26 ~~and provided the applicant timely pays the renewal fee set forth~~
27 ~~in subdivision (g).~~

28 ~~(g) The Department may charge a reasonable fee not to exceed~~
29 ~~\$50 per person for the issuance of an ammunition purchase~~
30 ~~authorization or the issuance of a renewal authorization, however,~~
31 ~~the Department shall not set these fees any higher than necessary~~
32 ~~to recover the reasonable, estimated costs to fund the ammunition~~
33 ~~authorization program provided for in this section and Section~~
34 ~~30352, including the enforcement of this program and maintenance~~
35 ~~of any data systems associated with this program.~~

36 ~~(h) A fund to be known as the "Ammunition Safety and~~
37 ~~Enforcement Special Fund" is hereby created within the State~~
38 ~~Treasury. All fees received pursuant to this section shall be~~
39 ~~deposited into the Ammunition Safety and Enforcement Special~~
40 ~~Fund of the General Fund, and, notwithstanding Section 13340 of~~

1 the Government Code, are continuously appropriated for purposes
2 of implementing, operating and enforcing the ammunition
3 authorization program provided for in this section and Section
4 30352, and for repaying the start-up loan provided for in Section
5 30371.

6 (i) ~~The Department shall annually review and may adjust all~~
7 ~~fees specified in subdivision (g) for inflation.~~

8 (j) ~~The Department of Justice is authorized to adopt regulations~~
9 ~~to implement the provisions of this section.~~

10 ~~SEC. 14.~~

11 *SEC. 17.* No reimbursement is required by this act pursuant to
12 Section 6 of Article XIII B of the California Constitution for certain
13 costs that may be incurred by a local agency or school district
14 because, in that regard, this act creates a new crime or infraction,
15 eliminates a crime or infraction, or changes the penalty for a crime
16 or infraction, within the meaning of Section 17556 of the
17 Government Code, or changes the definition of a crime within the
18 meaning of Section 6 of Article XIII B of the California
19 Constitution.

20 However, if the Commission on State Mandates determines that
21 this act contains other costs mandated by the state, reimbursement
22 to local agencies and school districts for those costs shall be made
23 pursuant to Part 7 (commencing with Section 17500) of Division
24 4 of Title 2 of the Government Code.

25 ~~SEC. 15.~~

26 *SEC. 18.* The Legislature finds and declares that Section 13 of
27 this act, which adds Section 30369 to the Penal Code, imposes a
28 limitation on the public's right of access to the meetings of public
29 bodies or the writings of public officials and agencies within the
30 meaning of Section 3 of Article I of the California Constitution.
31 Pursuant to that constitutional provision, the Legislature makes
32 the following findings to demonstrate the interest protected by this
33 limitation and the need for protecting that interest:

34 In order to protect the personal information of ammunition
35 purchasers, it is necessary that this act limit the public's right of
36 access to that information.

37 *SEC. 19. (a) Sections 12, 15, and 16 of this act shall only*
38 *become operative if the Safety for All Act of 2016 is enacted by*
39 *the voters at the November 8, 2016, statewide general election*

1 and becomes effective, in which case Sections 1, 2, 3, 4, 5, 6, 7, 8,
2 9, 10, 11, 13, and 14 shall not become operative.

3 (b) The Legislature finds and declares that the intent expressed
4 in the Safety for All Act of 2016 is to safeguard the ability of
5 law-abiding, responsible Californians to own and use firearms
6 for lawful means while requiring background checks for
7 ammunition purchases in the manner required for firearm
8 purchases so that neither firearms nor ammunition are getting
9 into the hands of dangerous individuals. The Legislature finds and
10 declares that the amendments to the Safety for All Act of 2016
11 made by Sections 12, 15, and 16 are consistent with and further
12 that intent. The amendments ensure that only law-abiding,
13 responsible Californians who appear in the Automated Firearms
14 System are able to purchase ammunition for their legally owned
15 firearms while violent felons and the dangerously mentally ill who
16 appear in the Armed Prohibited Persons System are not.

17
18 _____
19 **CORRECTIONS:**
20 **Digest Text—Page 1.**
21 _____