

Senate Bill No. 1235

Passed the Senate June 30, 2016

Secretary of the Senate

Passed the Assembly June 30, 2016

Chief Clerk of the Assembly

This bill was received by the Governor this _____ day
of _____, 2016, at _____ o'clock ____M.

Private Secretary of the Governor

CHAPTER _____

An act to amend Sections 16150, 17315, 30000, 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, and making an appropriation therefor.

LEGISLATIVE COUNSEL'S DIGEST

SB 1235, 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.

(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.

(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.

(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.

(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.

(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.

(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.

(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.

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

(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.

Appropriation: yes.

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

SECTION 1. Section 11106.5 is added to the Penal Code, to read:

11106.5. (a) In addition to the requirements of Section 11106, the Attorney General shall keep and properly file a complete record of both of the following:

(1) Ammunition vendor license information pursuant to Article 3 (commencing with Section 30345) of Chapter 1 of Division 10 of Title 4 of Part 6.

(2) Information required by Section 30369.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

30306. (a) Any person, corporation, firm, or other business enterprise who supplies, delivers, sells, or gives possession or

control of, any ammunition to any person who he or she knows or using reasonable care should know is prohibited from owning, possessing, or having under custody or control, any ammunition or reloaded ammunition pursuant to subdivision (a) or (b) of Section 30305, is guilty of a misdemeanor, punishable by imprisonment in a county jail not exceeding one year, or a fine not exceeding one thousand dollars (\$1,000), or by both that fine and imprisonment.

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

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

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

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

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

Article 3. Ammunition Vendor License

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(3) A gunsmith as defined in Section 16630.

(4) A wholesaler as defined in Section 17340.

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

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

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

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

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

- (1) The date of the sale or other transfer.
- (2) The purchaser's or transferee's driver's license or other identification number and the state in which it was issued.
- (3) The brand, type, and amount of ammunition sold or otherwise transferred.
- (4) The purchaser's or transferee's full name and signature.
- (5) The name of the salesperson who processed the sale or other transaction.
- (6) The purchaser's or transferee's full residential address and telephone number.
- (7) The purchaser's or transferee's date of birth.

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

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

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

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

(d) Commencing July 1, 2019, the ammunition vendor shall verify with the department, in a manner prescribed by the department, that the person is authorized to purchase ammunition. If the person is not listed as an authorized ammunition purchaser, the vendor shall deny the sale or transfer.

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

(1) An ammunition vendor.

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

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

(4) A gunsmith.

(5) A wholesaler.

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

(7) An authorized law enforcement representative of a city, county, city and county, or state or federal government, if the sale or other transfer of ownership is for exclusive use by that government agency, and, prior to the sale, delivery, or transfer of the handgun ammunition, written authorization from the head of

the agency authorizing the transaction is presented to the person from whom the purchase, delivery, or transfer is being made. Proper written authorization is defined as verifiable written certification from the head of the agency by which the purchaser, transferee, or person otherwise acquiring ownership is employed, identifying the employee as an individual authorized to conduct the transaction, and authorizing the transaction for the exclusive use of the agency by which that individual is employed.

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

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

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

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

(f) The department is authorized to adopt regulations to implement the provisions of this section.

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

Article 4. Ammunition Purchase Authorization

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

(b) The provisions of this article are cumulative and shall not be construed as restricting the application of any other law. However, an act or omission punishable in different ways by

different provisions of law shall not be punished under more than one provision.

30356. (a) Commencing July 1, 2019, the department shall electronically approve the purchase or transfer of ammunition through a vendor, as defined in Section 16151, except as otherwise specified. This approval shall occur at the time of purchase or transfer, prior to the purchaser or transferee taking possession of the ammunition.

(b) To determine if the purchaser or transferee is eligible to purchase or possess ammunition, the department shall cross-reference the ammunition purchaser's or transferee's name, date of birth, current address, and driver's license or other government identification number, as described in Section 28180, with the information maintained in the Automated Firearms System (AFS). If the purchaser's or transferee's information does not match an AFS entry, the transaction shall be denied. If the purchaser's or transferee's information matches an AFS entry, the department shall determine if the purchaser or transferee falls within a class of persons who are prohibited from owning or possessing ammunition by cross-referencing the Prohibited Armed Persons File. If the purchaser or transferee is prohibited from owning or possessing a firearm, the transaction shall be denied.

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

(d) The department shall recover the reasonable cost of regulatory and enforcement activities related to this article by charging ammunition purchasers and transferees a per transaction fee not to exceed one dollar (\$1), provided, however, that the fee may be increased at a rate not to exceed any increases in the California Consumer Price Index as compiled and reported by the Department of Industrial Relations, not to exceed the reasonable regulatory and enforcement costs. The fees shall be deposited in the Ammunition Special Account, to be available upon

appropriation by the Legislature, for use by the Department of Justice for the purpose of implementing and enforcing this article, Article 3 (commencing with Section 30345), and Article 5 (commencing with Section 30360).

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

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

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

(3) A gunsmith as defined in Section 16630.

(4) A wholesaler as defined in Section 17340.

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

(6) An ammunition vendor.

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

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

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

and authorizing the transaction for the exclusive use of the agency by which that individual is employed.

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

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

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

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

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

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

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

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

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

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

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

(18) A participant at a shooting or hunting event conducted by a nonprofit mutual or public benefit corporation organized pursuant to the Corporations Code that engages in recreational shooting or

lawful hunting activity provided that the ammunition is used and consumed during the event.

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

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

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

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

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

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

SEC. 14. Article 5 (commencing with Section 30360) is added to Chapter 1 of Division 10 of Title 4 of Part 6 of the Penal Code, to read:

Article 5. Ammunition Sales

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

(b) The provisions of this article are cumulative and shall not be construed as restricting the application of any other law. However, an act or omission punishable in different ways by

different provisions of law shall not be punished under more than one provision.

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

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

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

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

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

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

(3) A gunsmith as defined in Section 16630.

(4) A wholesaler as defined in Section 17340.

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

(6) An ammunition vendor.

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

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

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

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

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

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

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

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

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

(16) A consultant-evaluator.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(3) A gunsmith as defined in Section 16630.

(4) A wholesaler as defined in Section 17340.

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

(6) An ammunition vendor.

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

(8) Authorized law enforcement representatives of cities, counties, cities and counties, or state or federal governments for exclusive use by those government agencies if, prior to the importation, the person has written authorization from the head of the agency authorizing the acquisition of that ammunition. Proper

written authorization is defined as verifiable written certification from the head of the agency, or designee, by which the person is employed, identifying the employee as an individual authorized to acquire and import ammunition, and authorizing the transaction for the exclusive use of the agency by which he or she is employed.

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

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

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

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

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

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

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

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

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

- (1) The purchaser's full name.
- (2) The purchaser's or transferee's driver's license or other identification number and the state in which it was issued
- (3) The date of the sale or other transaction.
- (4) The brand, type, and amount of ammunition sold or otherwise transferred.
- (5) The name of the salesperson who processed the sale or other transaction.
- (6) The purchaser's or transferee's full residential address and telephone number.
- (7) The purchaser's or transferee's date of birth.

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

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

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

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

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

(3) A gunsmith as defined in Section 16630.

(4) A wholesaler as defined in Section 17340.

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

(6) An ammunition vendor.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(b) To determine if the purchaser or transferee is eligible to purchase or possess ammunition pursuant to paragraph (1) of subdivision (a), the department shall cross-reference the ammunition purchaser's or transferee's name, date of birth, current address, and driver's license or other government identification number, as described in Section 28180, with the information maintained in the AFS. If the purchaser's or transferee's information does not match an AFS entry, the transaction shall be denied. If the purchaser's or transferee's information matches an AFS entry, the department shall determine if the purchaser or transferee falls within a class of persons who are prohibited from owning or possessing ammunition by cross-referencing with the Prohibited Armed Persons File. If the purchaser or transferee is prohibited from owning or possessing a firearm, the transaction shall be denied.

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

(d) A vendor is prohibited from providing a purchaser or transferee ammunition without department approval. If a vendor cannot electronically verify a person's eligibility to purchase or possess ammunition via an Internet connection, the department shall provide a telephone line to verify eligibility. This option is available to ammunition vendors who can demonstrate legitimate geographical and telecommunications limitations in submitting

the information electronically and who are approved by the department to use the telephone line verification.

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

(f) A fund to be known as the “Ammunition Safety and Enforcement Special Fund” is hereby created within the State Treasury. All fees received pursuant to this section shall be deposited into the Ammunition Safety and Enforcement Special Fund and, notwithstanding Section 13340 of the Government Code, are continuously appropriated for purposes of implementing, operating, and enforcing the ammunition authorization program provided for in this section and Section 30352 and for repaying the start-up loan provided for in Section 30371.

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

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

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

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

SEC. 18. The Legislature finds and declares that Section 13 of this act, which adds Section 30369 to the Penal Code, imposes a

limitation on the public's right of access to the meetings of public bodies or the writings of public officials and agencies within the meaning of Section 3 of Article I of the California Constitution. Pursuant to that constitutional provision, the Legislature makes the following findings to demonstrate the interest protected by this limitation and the need for protecting that interest:

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

SEC. 19. (a) Sections 12, 15, and 16 of this act shall only become operative if the Safety for All Act of 2016 is enacted by the voters at the November 8, 2016, statewide general election and becomes effective, in which case Sections 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 13, and 14 shall not become operative.

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

Approved _____, 2016

Governor