

UPDATED INFORMATIVE DIGEST

California Code of Regulations

Title 11, Division 5

Chapter 11: Ammunition Purchases or Transfers

Prior to the passage of Proposition 63 of 2016 (The Safety for All Act) and Senate Bill (SB) 1235 (2016), the sale or transfer of ammunition was not regulated by existing law. Penal Code section 30305 had established that an individual who is prohibited from owning or possessing a firearm is also prohibited from owning or possessing ammunition. Both Proposition 63 and SB 1235(2016) authorize the Department to complete an ammunition eligibility check or to verify that an individual's Certificate of Eligibility (COE) is valid when the individual purchases or transfers ammunition from or through an ammunition vendor. Prior to voter approval of The Safety for All Act and the enactment of SB 1235 (2016), the Department had no mechanism to regulate the sale of ammunition, meaning the Department could not stop a prohibited individual from purchasing or receiving ammunition.

The Legislature enacted SB 1235 (2016) and the voters approved Proposition 63, delegating the authority to the Department to write regulations to implement, interpret, and make specific certain Penal Code sections regulating the sale and transfer of ammunition.

The Department of Justice has made the following substantive changes to the regulations originally proposed in the Notice of Proposed Action:

Section 4301 was modified to delete the definition of "AFS record" and "One-Time Ammunition Transaction," as those definitions were unnecessary. The definition of "Certificate of Eligibility or COE" was amended to remove unnecessary information. Definitions of the terms "Ammunition vendor," "Automated Firearms System," and "Prohibited Armed Persons File," were added, as those terms are used in these regulations.

Section 4302 was modified to explain the purpose of the Standard Ammunition Eligibility Check and to provide direction to ammunition purchasers or transferees as to whether that eligibility check is an appropriate method for them to secure authorization, and how to request it. The regulation was further modified to provide clarity regarding when the Department will instruct an ammunition vendor to approve or reject a purchase or transfer, and the medium by which that will be communicated. Additionally, the Department clarified that a purchaser or transferee who is rejected is able to use the Department's California Firearms Application Reporting System (CFARS) to obtain the reason for the rejection.

Section 4303 was modified to explain the purpose of the Basic Ammunition Eligibility Check and to provide direction to ammunition purchasers or transferees as to whether that eligibility check is an appropriate method for them to secure authorization, and how to request it. The regulation was further modified to delete an unnecessarily repetitive clause regarding when an ammunition vendor shall deliver ammunition.

Section 4304 was modified to clarify that, for a transaction that includes both firearms and ammunition together, neither the firearm nor the ammunition may be delivered until the completion of the firearms eligibility check. The regulation was further modified to provide clarity regarding how a purchaser or transferee may conduct a separate transaction, if they want to take possession of the ammunition before the firearms eligibility check is finalized. As a separate transaction, the purchaser or transferee must follow one of the methods for securing authorization to purchase ammunition, or to properly identify oneself as exempt.

Section 4305 was modified to explain the purpose of the COE Verification process and to provide direction to ammunition purchasers or transferees as to whether that process is an appropriate method for them to secure authorization, and how to request it. The regulation was further modified to include the purchaser or transferee's telephone number, as one piece of personal information that must be collected and transmitted to the Department. In addition, this section was modified to clarify that after completion of a COE Verification process the Department will update the DES record.

Section 4306 was modified to specify which types of identification will properly identify each category of persons identified by Penal Code section 30352, subdivision (e) as being exempt from the ammunition authorization requirements. The regulation was further modified to allow an ammunition vendor to keep a business card from any sworn law enforcement officer, rather than a photocopy of the officer's credential, if their agency does not allow for credentials to be photocopied. As originally noticed, an ammunition vendor was required to retain a business card and a photocopy of a driver license for each federal law enforcement officer. Additionally, instructions are provided to the ammunition vendor, associates and salespersons regarding the requirement that they verify, pursuant to Penal Code section 30352, subdivision (c), that the person receiving delivery of ammunition is the person exempted by Penal Code section 30352, subdivision (e).

Section 4308 was modified to reflect the fact that only the eligibility checks and COE verification will involve a DES transaction record that will change upon approval. The regulation was further modified to include the requirement the ammunition vendor, associates and salesperson verify, pursuant to Penal Code section 30352, subdivision (c), that the person receiving delivery of ammunition is the person authorized to purchase ammunition. Additionally, the requirement that the "time" of the transaction be submitted was removed, and instead the requirements in Penal Code section 30352, subdivision (a) are included, by reference.

Except as set forth above, there are no other changes in applicable laws or to the effect of the proposed regulations from the laws and effects described in the Notice of Proposed Action.