

California Department of Justice
DIVISION OF LAW ENFORCEMENT
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INFORMATION BULLETIN

Subject:

New and Amended Firearms/Weapons Laws

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TO: ALL CALIFORNIA CRIMINAL JUSTICE AND LAW ENFORCEMENT AGENCIES, CENTRALIZED LIST OF FIREARMS DEALERS, MANUFACTURERS, EXEMPT FEDERAL FIREARMS LICENSEES, AND CALIFORNIA AMMUNITION VENDORS

This bulletin provides a brief summary of California firearms/weapons bills that took effect January 1, 2021, unless otherwise noted. This bulletin is for informational purposes only and because it is a summary, it does not cover every aspect of the bills addressed below. You can access the full text of the bills at <http://leginfo.legislature.ca.gov/>.

BILLS SIGNED INTO LAW IN 2020 THAT BECAME EFFECTIVE ON JANUARY 1, 2021

AB 2617 (Stats. 2020, ch. 286) – Firearms – Gun Violence Restraining Orders

- This bill requires a law enforcement officer who requests a temporary gun violence restraining order on an ex parte basis to file a copy of a protective order with the court as soon as practicable, but no later than 3 court days after issuance.
- Additionally, every person who owns/possesses a firearm or ammunition with knowledge that they are prohibited from doing so by a gun violence restraining order, is guilty of a misdemeanor and shall be prohibited from possessing, owning or purchasing a firearm/ammunition for a five-year period. (Pen. Code, § 18205.)

AB 2699 (Stats. 2020, ch. 289) – Firearms – Unsafe Handguns

- This bill creates a new group of exempt entities (law enforcement agencies) who are not subject to the restrictions on purchasing handguns that are not listed on the Department's Roster of Handguns Certified for Sale, for use by their sworn members.
- This bill requires the Bureau of Firearms (the Department) to maintain a database of all firearms that are obtained pursuant to one of the listed exemptions.
- This bill requires the Department to provide a notification to persons/entities possessing an unsafe handgun, pursuant to 32000 (4), (6), and (7) regarding the new prohibitions on the sale or transfer of that handgun. Thereafter, the Department shall provide the same notification, upon notification of sale or transfer, to the purchaser or transferee of any unsafe handgun pursuant to this bill. (Pen. Code, § 32000.)

AB 3242 (Stats. 2020, ch. 149) – Mental Health – Involuntary Commitment

- This bill allows an examination that is required or authorized under Welfare and Institutions Code Section 5150 or 5151 be conducted using telehealth or other audio-visual technology. (Health & Saf. Code, § 1799.111.)

SB 723 (Stats. 2020, ch. 306) – Firearms – Prohibited Persons

- The amendment to this bill emphasizes that only if the person has knowledge of an outstanding warrant (felony or specified misdemeanor), will he/she be prohibited from owning or possessing a firearm. (Pen. Code, §§ 29800 and 29805.)

BILLS SIGNED INTO LAW IN 2020 THAT BECOME EFFECTIVE ON OTHER DATES

AB 2061 (Stats. 2020, ch. 273) – Firearms – Inspections – Effective July 1, 2022

- This bill will allow the Department to inspect firearm dealers, ammunition vendors, or manufacturers participating in a gun show or event in order to ensure that all transfers or sales are conducted in compliance with applicable state and local laws.
- The bill will also allow the Department to inspect ammunition vendors to ensure compliance with applicable state and federal laws.
- The Department may adopt regulations to administer the application and enforcement of laws relating to gun shows and ammunition vendors. (Pen. Code, § 27310 and 30345.)

AB 2362 (Stats. 2020, ch. 284) – Firearms – Dealers Conduct of Business – Effective July 1, 2022

- This bill authorizes the Department to impose a civil fine not exceeding \$1,000 for a violation of any prohibition or requirement under Penal Code section 26800.
- This bill also authorizes the Department to impose a civil fine not exceeding \$3,000 for a violation of any prohibition or requirement under Penal Code section 26800, when the licensee has failed to take corrective action following written notification. (Pen. Code, § 26800.)

AB 2847 (Stats. 2020, ch. 292) – Firearms – Unsafe Handguns – Effective July 1, 2022

- This bill revises the criteria for unsafe handguns by requiring the microstamp to be imprinted in one (1) place on the cartridge, instead of two (2).
- The Department will be required, for every new firearm added to the roster of not unsafe handguns, to remove 3 firearms from the roster of not unsafe handguns that are not compliant with current requirements (i.e., the microstamp technology). (Pen. Code, § 31910.)

BILLS SIGNED INTO LAW IN 2019 THAT BECAME EFFECTIVE ON JANUARY 1, 2020

AB 164 (Stats. 2019, ch. 726) – Firearms – Prohibited Persons

- This bill expands the scope of existing law to provide that anyone who possesses a firearm while

knowing that he or she is prohibited from possessing a firearm due to an out-of-state restraining order, is guilty of a public offense, punishable by imprisonment and/or fines not exceeding one thousand dollars.

(Pen. Code, § 29825.)

AB 339 (Stats. 2019, ch. 727) – Firearms – Gun Violence Restraining Orders – Law Enforcement Procedures

- This bill requires each specified law enforcement agency to develop and adopt written policies and standards relating to gun violence restraining orders. (Pen. Code, § 18108.)

AB 645 (Stats. 2019, ch. 729) – Firearms – Warning Statements

- Operative June 1, 2020, this bill requires licensed dealers to post a new firearm warning message on the premises and on the firearm warning labels that cover the topic of suicide prevention. (Pen. Code, §§ 23640 and 26835.)
- Operative June 1, 2020, this bill also requires the Firearm Safety Certificate (FSC) test to cover the topic of suicide prevention. (Pen. Code, § 31640.)

AB 1292 (Stats. 2019, ch. 110) – Firearms

- This bill clarifies existing law regarding firearms, trusts, and estates. It also creates exemptions on openly carrying a firearm, possessing a FSC and transporting a firearm to a law enforcement agency if a person either finds a firearm or takes a firearm from a person committing a crime against them. (Pen. Code, §§ 16990, 25570, 26392, 26406, 26582, 26589, 27920, 27922, and 31700.)

AB 1297 (Stats. 2019, ch. 732) – Firearms – Concealed Carry License

- This bill requires local Law Enforcement Agencies (who issue Carry Concealed Weapon [CCW] licenses) to charge a fee for new licenses, in addition to the fee paid to the Department of Justice, in an amount equal to the reasonable cost for processing the application, issuing the license, and enforcing the CCW. The bill deletes the prohibition on charging more than \$100 for the fee. (Pen. Code, § 26190.)

AB 1669 (Stats. 2019, ch. 736) – Firearms – Gun Shows and Events

- This bill amends the provisions of law prescribing the rules and regulations for gun shows and events to be consistent with the sale of ammunition at gun shows and events as authorized by Proposition 63, “The Safety for All Act of 2016.” (Pen. Code, §§ 27205, 27210, 27220, 27225, 27235, 27240, 27305 – 27320, 27340, and 27345.)
- This bill reduces the fee amount the Department charges to fund several enforcement and administrative programs relating to firearms and to cover the regulatory cost of processing firearms transactions to \$1. It also removes the authority of the Department to spend the proceeds from the fee on specified regulatory costs related to the purchase, sale, and transfer of firearms. (Pen. Code, §§ 28225, 28235, and 28240.)
- The bill also authorizes the Department to charge an additional fee in the amount of \$31.19 per firearms-related transaction to cover the costs of its firearms-related regulatory and enforcement

activities, as specified. (Pen. Code, §§ 28233, 28235, and 28240.)

SB 61 (Stats. 2019, ch. 737) – Firearms – Transfers

- This bill prohibits anyone under 21 years of age from purchasing a semiautomatic centerfire rifle, except law enforcement and active military. An individual age 18-20 with a valid hunting license can buy rifles or shotguns that are lever action, bolt action, pump action, single shot, or semiautomatic rim fire. Persons age 18-20 with a valid hunting license can no longer purchase semiautomatic, centerfire rifles as they could under SB 1100 of 2018. (Pen. Code, § 27510.)
- In addition, this bill makes minor changes to the warning signs that firearm dealers shall conspicuously post within the licensed premises. (Pen. Code, § 26835.)
- Operative July 1, 2021, this bill makes the 30-day prohibition on purchasing more than one handgun and the dealer delivery prohibition applicable to semiautomatic centerfire rifles. An individual can still buy multiple rifles or shot guns that are lever action, bolt action, pump action, single shot, or semiautomatic rim fire. (Pen. Code, § 27535.)
- Operative July 1, 2021, this bill prohibits a dealer from delivering a handgun or semiautomatic centerfire rifle whenever the dealer is notified by the DOJ that within the preceding 30-day period, the purchaser has made another application to purchase a handgun or semiautomatic centerfire rifle. (Pen. Code, § 27540.)
- Except under specified circumstances, a violation of any of these provisions is a misdemeanor. (Pen. Code, § 27590.)

SB 172 (Stats. 2019, ch. 840) – Firearms – Storage and Keep our Seniors Safe Act

- This bill requires firearms, loaded or unloaded, to be safely stored when the owner of a residential property is outside of their residence. A violation of this requirement would result in a misdemeanor and a 10-year firearms prohibition. (Health & Saf. Code, §§ 1567.93, 1567.94, 1568.095, 1568.097, and 1568.098.)
- This bill enacts the “Keep our Seniors Safe Act,” which sets firearm and ammunition storage requirements for elder care facilities, if the facilities allow the residents to possess firearms on the property. (Health & Saf. Code, §§ 1569.280 – 1569.284.)
- This bill also authorizes the temporary transfer of a firearm to a person who is 18 years of age or older without using a firearms dealer in order to prevent a suicide. (Pen. Code, § 27882.)
- In addition, this bill updates the warning signs firearms dealers must post in their place of business. (Effective January 1, 2020, and July 1, 2021.) (Pen. Code, § 26835.)

SB 376 (Stats. 2019, ch. 738) – Firearms – Transfers

- This bill redefines the term “infrequent” to mean less than six firearm transactions per calendar year, regardless of the type of firearm. (Pen. Code, § 16730.) Prior to this legislation, the term “infrequent” was not defined in the Penal Code.
- This bill exempts from the “infrequent” requirement specified transfers made by a formerly licensed dealer that is ceasing operations, transfers made to a specified government entity as part of a “gun-buyback” program, and transfers made by a person prohibited from possessing a firearm to a dealer for the purpose of storing that firearm. (Pen. Code, §§ 26556, and 29010.) Prior to this legislation, the term ‘infrequent’ was not defined in Penal Code.
- This bill requires anyone manufacturing 50 or more firearms per calendar year to be licensed.

(Pen. Code, § 29010.)

- This bill requires anyone conducting 6 or more firearms **transactions** per calendar year, or selling, leasing, or transferring more than 50 firearms per calendar year to be licensed. (Pen. Code, § 16730.)
- This bill also updates existing law regarding firearms in raffles to bring the transfer process more in line with standard firearms transfers. (Pen. Code, § 26890.)

BILLS SIGNED INTO LAW IN 2019 THAT BECOME EFFECTIVE ON OTHER DATES

AB 12 (Stats. 2019, ch. 724) – Firearms – Gun Violence Restraining Orders – Effective September 1, 2020

- This bill increases the maximum duration of a Gun Violence Restraining Order (GVRO) from one year to between one and five years. A GVRO issued under this chapter has a duration of one year, subject to termination by further order of the court at a hearing held pursuant to Section 18185 and renewal by further order of the court pursuant to Section 18190. A person subject to a GVRO may submit a written appeal once a year requesting termination of the GVRO. (Pen. Code, §§ 18160, 18170, and 18175.)
- In addition, this bill allows law enforcement officers to file a petition for a GVRO in the name of the law enforcement agency in which they are employed. (Pen. Code, § 18109.)
- This bill also removes the requirements that a person who has been served with a GVRO be given an opportunity to relinquish their firearms prior to a search warrant being issued. (Pen. Code, § 18175.)

AB 61 (Stats. 2019, ch. 725) – Gun Violence Restraining Orders – Effective September 1, 2020

- This bill expands the list of individuals who may request an Ex Parte GVRO, to include an employer, a coworker, or an employee of a secondary or postsecondary school that the subject of the petition has attended in the last six months. (Pen. Code, § 18150.)

AB 879 (Stats. 2019, ch. 730) – Firearms – as amended by SB 118 (Stats. 2020, ch. 29) - Effective April 1, 2022 and July 1, 2022

- Commencing April 1, 2022:
 - The Department will start accepting applications for firearm precursor part vendor licenses. (Pen. Code, § 30485.)
 - Licensed firearms dealers and licensed ammunition vendors who meet certain basic requirements as described in Penal Code section 16532 will automatically be deemed a licensed firearm precursor part vendor. (Pen. Code, § 16532.)
- Commencing July 1, 2022:
 - Firearm precursor parts cannot be possessed by someone who is prohibited from owning or possessing a firearm. (Pen. Code, §§ 30405, and 30406.)
 - Firearm precursor parts cannot be sold in California except by (or through) a licensed firearm precursor part vendor. (Pen. Code, §§ 30412, and 30450.)
 - Employees of a firearm precursor part vendor must have a Certificate of Eligibility. (Pen. Code, § 30447.)
 - Firearm precursor parts cannot be sold to any person under the age of 21, or to any person the vendor should reasonably know is prohibited. (Pen. Code, § 30400.)

- Only one firearm precursor part may be sold per month (i.e., via Private Party Transfer), unless the seller has a firearm precursor part vendor license. (Pen. Code, § 30442.)
- Firearm precursor parts cannot be imported into the state without being processed by a licensed firearm precursor part vendor. (Pen. Code, § 30414.)
- The Department will conduct eligibility checks on potential purchasers or transferees. (Pen. Code, § 30470.)
- A firearm precursor part vendor must record certain specified information about a purchaser or transferee, and electronically transmit this information to the Department. (Pen. Code, § 30452.)
- All vendor records must be maintained for five years. (Pen. Code, § 30454.)

AB 893 (Stats. 2019, ch. 731) – 22nd District Agricultural Association - Firearm and Ammunition Sales at the Del Mar Fairgrounds – Effective January 1, 2021

- Commencing January 1, 2021, this bill prohibits the sale of firearms and ammunition from being conducted at the Del Mar Fairgrounds. (Food & Agric. Code, § 4158.)

AB 1076 (Stats. 2019, ch. 578) – Criminal Records – Automatic Relief – Effective January 1, 2021

- Commencing January 1, 2021, and subject to an appropriation in the Budget Act, this bill requires the Department to streamline the process of granting relief to persons for specified arrests and convictions for the purpose of disseminating criminal history regarding an application for employment.. This relief would not restore firearms rights. The Department would be required to update the state summary history information to document the relief granted. The Department would also be required to publish statistics annually. (Pen. Code, § 851.93.)

AB 1493 (Stats. 2019, ch. 733) – Gun Violence Restraining Orders – Petition – Effective September 1, 2020

- Commencing September 1, 2020, this bill authorizes a person subject to a GVRO to submit a form to the court relinquishing their firearms rights and stating their intent not to contest the restraining order. (Pen. Code, § 18175.)

BILLS SIGNED INTO LAW IN 2018 THAT BECAME EFFECTIVE IN 2020

AB 1968 (Stats. 2018, ch. 861) – Mental Health: Firearms

- On or after January 1, 2020, this bill imposes a lifetime firearm prohibition on a person who has been taken into custody, assessed, and admitted to a designated facility pursuant to Welfare and Institutions Code sections 5150, 5151, and 5152, twice within a one-year period, because he or she is a danger to self or others because of a mental health disorder. (Welf. & Inst. Code, § 8103(f)(1)(B).)
- This bill allows a person subject to this lifetime firearm prohibition to request a hearing every 5 years to show that he or she can use firearms in a safe and lawful manner. At this hearing, the burden of proof is on the petitioner to establish by a preponderance of the evidence that the petitioner can use a firearm in a safe and lawful manner. (Welf. & Inst. Code, § 8103(f)(11).)
- This bill requires the form to request a hearing that is provided to a person subject to the prohibition to include an authorization for the release of the person’s mental health records, upon request, to the

appropriate District Attorney, solely for use in the hearing. (Welf. & Inst. Code, § 8103(f)(3).)

SB 746 (Stats. 2018, ch. 780) – Firearms and Ammunition: Prohibited Possession: transfer to licensed dealer

- This bill authorizes a person who is temporarily prohibited from owning, purchasing, receiving, or possessing a firearm or ammunition, to transfer his or her ammunition to a licensed ammunition vendor for the duration of the prohibition. Beginning July 1, 2020, the release of stored ammunition shall be handled similar to the release of stored firearms, and therefore must be returned by a firearms dealer or an ammunition vendor in accordance with the procedures set forth in Penal Code section 30370 et seq. (Pen. Code, §§ 29830, and 33850.)
- This bill requires a new resident to the state, within 60 days of arrival, to apply for a unique serial number or other identifying mark for any firearm the resident wishes to possess in the state that the resident previously manufactured or assembled, or a firearm the resident owns, that does not have a unique serial number or other mark of identification. (Pen. Code, § 29180.)
- On July 1, 2020, makes certain provisions for a court or law enforcement agency to return a seized firearm also applicable to ammunition feeding devices and ammunition. (Pen. Code, § 33855.)
- On July 1, 2020, makes certain provisions regarding ammunition also applicable to “ammunition feeding devices,” as defined. (Pen. Code, § 33895.)