

California Department of Justice
DIVISION OF LAW ENFORCEMENT
Kevin Gardner, Chief



INFORMATION BULLETIN

<i>Subject:</i> New and Amended Firearms/Weapons Laws	<i>No.</i> 2018-BOF-01	<i>Contact for information:</i> Bureau of Firearms (916) 227-7527
	<i>Date:</i> 03/19/2018	

TO: All California Criminal Justice and Law Enforcement Agencies, Centralized List of Firearms Dealers, Manufacturers, Exempted Federal Firearms Licensees, and California Ammunition Vendors

This bulletin provides a brief summary of California firearms/weapons bills that were signed into law by Governor Brown in 2017, that took effect January 1, 2018, unless otherwise noted. You can access the full text of the bills at <http://leginfo.legislature.ca.gov/>.

AB 7 (Stats. 2017, ch. 734) – Firearms – Open Carry

- Prohibits the carrying of, and makes it a crime to carry, an unloaded firearm other than a handgun while in or upon a public place or public street within a prohibited area located within the unincorporated area of a county. (Pen. Code § 26400.)

AB 424 (Stats. 2017, ch. 779) – Possession of a Firearm in a School Zone

- Deletes the authority of a school superintendent, his or her designee, or equivalent school authority to provide written permission for a person to possess a firearm within a school zone.
- Activities of a program involving shooting sports or activities sanctioned by a school, school district, college, university, or other governing body of the institution, are exempt from the crime.

AB 585 (Stats. 2017, ch. 107) – Public Officers

- For the purposes of this measure, a police security officer includes an officer employed by a police division that is within a city department and that operates independently of the city police department commanded by the police chief of a city.

AB 693 (Stats. 2017, ch. 783) – Firearms (Loan and Transfer)

- Effective October 14, 2017
- Exempts the loan of a firearm from the requirement that the transaction be conducted through a dealer or by a dealer if the loan is made to a person enrolled in the course of basic training prescribed by the Commission on Peace Officer Standards and Training, or any other course certified by the commission, for purposes of participation in the course.
- Makes the prohibition on large-capacity magazines inapplicable to the sale, gift, or loan of a large-capacity magazine to a person enrolled in the course of basic training prescribed by the Commission on

Peace Officer Standards and Training, or any other course certified by the commission, or to the possession of, or purchase by, the person, for purposes of participation in the course during his or her enrollment.

- Exempts individuals in the basic training academy for peace officers or any other course certified by the Commission on Peace Officer Standards and Training, an instructor of the academy or course, or a staff member of the academy or entity providing the course, who is purchasing the ammunition for the purpose of participation or use in the course from the requirement of individuals purchasing ammunition through a licensed ammunition vendor.

AB 785 (Stats. 2017, ch. 784) – Possession of Firearms by Convicted Persons

- Adds Penal Code section 422.6 to the list of prohibiting misdemeanors.

AB 1525 (Stats. 2017, ch. 825) – Firearms Warnings

- Requires, on and after January 1, 2018, a specified statement relating to the risks of firearms and the laws regulating firearms to be included in the warnings on the packaging of firearms and descriptive materials that accompany firearms and in the instructional manual developed by the Department.
- Requires, on or after January 1, 2019, additional specified warnings to be included at the premises of a licensed firearms dealer.
- Requires, on and after January 1, 2019, a specified warning label to be given to a person who takes the firearms safety certificate examination and would require the applicant to acknowledge receipt of the prescribed warning prior to the issuance of the firearms safety certificate.
- Requires, on and after January 1, 2019, the Department to update the testing material at least once every five years and requires the Department to update a referenced Internet Web site to reflect current laws and regulations.

SB 497 (Stats. 2017, ch. 809) – Firearms

- Permits a peace officer, as defined, to store a handgun in the locked center utility console of a vehicle that does not have a trunk, under specified circumstances.
- Defines the terms “trunk” and “plain view” for purposes of these provisions.

SB 536 (Stats. 2017, ch. 810) – Firearm Violence Research Center; Gun Violence Restraining Orders

- Requires the Department of Justice to make information relating to gun violence restraining orders that is maintained in the California Restraining and Protective Order System, or any similar database maintained by the Department, available to researchers affiliated with the University of California Firearm Violence Research Center, or, at the discretion of the Department, to any other nonprofit educational institution or public agency immediately concerned with the study and prevention of violence, as specified, for academic and policy research purposes, provided that any material identifying individuals is not transferred, revealed, or used for other than research or statistical activities and reports or publications derived therefrom do not identify specific individuals.

BILLS SIGNED INTO LAW IN 2016

AB 857 (Stats. 2016, ch. 60) – Firearms: Identifying Information

- Commencing July 1, 2018, and subject to exceptions, requires a person who manufactures or assembles a firearm to first apply to the Department for a unique serial number or other identifying mark, as provided.
- By January 1, 2019, and subject to exceptions, requires any person who, as of July 1, 2018, owns a firearm that does not bear a serial number to likewise apply to the Department for a unique serial number or other mark of identification.
- Prohibits the sale or transfer of ownership of a firearm manufactured or assembled pursuant to these provisions.
- Prohibits a person from aiding in the manufacture or assembly of a firearm by a person who is prohibited from possessing a firearm.
- Requires the Department to issue a serial number or other identifying mark to an applicant meeting specified criteria and would allow the Department to charge a fee to recover its costs associated with assigning a distinguishing number or mark pursuant to the above provisions.

SB 880 (Stats. 2016, ch. 48) – Firearms: Assault Weapons & AB 1135 Firearms: Assault Weapons. (Stats. 2016, ch. 40)

- Revises the definition of “assault weapon” to mean a semiautomatic centerfire rifle, or a semiautomatic pistol that does not have a fixed magazine but has any one of those specified attributes.
- Defines “fixed magazine” to mean an ammunition feeding device contained in, or permanently attached to, a firearm in such a manner that the device cannot be removed without disassembly of the firearm action.
- Requires that any person who, from January 1, 2001, to December 31, 2016, inclusive, lawfully possessed an assault weapon that does not have a fixed magazine, as defined, and including those weapons with an ammunition feeding device that can be removed readily from the firearm with the use of a tool, register the firearm with the Department of Justice before January 1, 2018, but not before the effective date of specified regulations.
- Permits the Department to increase the \$20 registration fee as long as it does not exceed the reasonable processing costs of the Department.
- Requires registrations to be submitted electronically via the Internet utilizing a public-facing application made available by the Department.
- Requires the registration to contain specified information, including, but not limited to, a description of the firearm that identifies it uniquely and specified information about the registrant.

- Permits the Department to charge a fee of up to \$15 per person for registration through the Internet, not to exceed the reasonable processing costs of the Department to be paid and deposited, as specified, for purposes of the registration program.
- Requires the Department to adopt regulations for the purpose of implementing those provisions and would exempt those regulations from the Administrative Procedure Act.

SB 1235 (Stats. 2016, ch. 55) – Ammunition & Proposition 63 (Approved by the Voters on Nov. 8, 2016) – Safety For All Act

- Commencing July 1, 2017, every person shall report the loss or theft of a firearm he or she owns or possesses to a local law enforcement agency in the jurisdiction in which the theft or loss occurred within five days of the time he or she knew or reasonably should have known that the firearm had been stolen or lost.
- Commencing January 1, 2018, upon conviction of any offense that renders a person subject to Section 29800 or Section 29805, the person shall relinquish all firearms he or she owns, possesses, or has under his or her custody or control in the manner provided in this section. The court shall, upon conviction of a defendant for an offense that renders a person subject to Section 29800 or Section 29805, instruct the defendant that he or she is prohibited from owning, purchasing, receiving, possessing, or having under his or her custody or control, any firearms, ammunition, and ammunition feeding devices, including but not limited to magazines, and shall order the defendant to relinquish all firearms in the manner provided by Section 29810. The court shall also provide the defendant with a Prohibited Persons Relinquishment Form.
- Beginning January 1, 2018, the property or things to be seized include a firearm that is owned by, or in the possession of, or in the custody or control of, a person who is subject to the prohibitions regarding firearms pursuant to Section 29800 or 29805, and the court has made a finding pursuant to subdivision (c) of Section 29810 that the person has failed to relinquish the firearm as required by law.
- Authorizes the Department to issue ammunition vendor licenses to applicants who the Department has determined, either as an individual or a responsible person, are not prohibited from possessing, receiving, owning, or purchasing ammunition under subdivision (a) of Section 30305 or federal law, and who provide a copy of any regulatory or business license required by local government, a valid seller's permit issued by the State Board of Equalization, a federal firearms license if the person is federally licensed, and a certificate of eligibility issued by the Department.
- Commencing January 1, 2018, a firearms dealer licensed pursuant to Sections 26700 to 26915, inclusive, shall automatically be deemed a licensed ammunition vendor.
- Commencing January 1, 2018, a valid ammunition vendor license shall be required for any person, firm, corporation, or other business enterprise to sell more than 500 rounds of ammunition in any 30-day period.
- Commencing January 1, 2018, only a licensed ammunition vendor may sell ammunition.
- Commencing January 1, 2018, with specified exemptions, the sale, delivery or transfer of ownership ammunition by any party may only occur in a face-to-face transaction with the seller, deliverer, or

transferor, provided, however, that ammunition may be purchased or acquired over the internet or through other means of remote ordering if a licensed ammunition vendor initially receives the ammunition and processes the transaction.

- Commencing January 1, 2018, with specified exemptions, a resident of this state shall not bring or transport into this state any ammunition that he or she purchased or otherwise obtained from outside of this state unless he or she first has that ammunition delivered to a licensed ammunition vendor for delivery to that resident pursuant to the procedures set forth in Section 30312.
- Commencing January 1, 2018, ammunition vendors shall require any agent or employee who handles, sells, delivers, or has under his or her custody or control any ammunition, to obtain and provide to the vendor a certificate of eligibility from the Department of Justice issued pursuant to Section 26710.
- Commencing January 1, 2018, a firearms dealer shall require any agent or employee who handles, sells, or delivers firearms to obtain and provide to the dealer a certificate of eligibility from the Department of Justice pursuant to Section 26710.
- Commencing July 1, 2019, with specified exceptions, ammunition can 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. Ammunition purchasers and transferees would be charged a per transaction fee not to exceed \$1.
- Commencing July 1, 2019, an ammunition vendor shall electronically submit to the Department information regarding ammunition sales and transfers. 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 Penal Code 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.
- The Department is currently drafting regulations that specify the acceptable methods for ammunition sales.

If you have any questions regarding this Information Bulletin, please contact the Department of Justice, Bureau of Firearms, at (916) 227-7527.

Sincerely,



KEVIN GARDNER
Chief, Division of Law Enforcement

For XAVIER BECERRA
Attorney General