

AMENDED IN ASSEMBLY MAY 23, 2008

AMENDED IN ASSEMBLY MAY 5, 2008

AMENDED IN ASSEMBLY APRIL 2, 2008

CALIFORNIA LEGISLATURE—2007—08 REGULAR SESSION

ASSEMBLY BILL

No. 2062

Introduced by Assembly Member De Leon
(Coauthor: Assembly Member Hancock)
(Coauthor: Senator Scott)

February 19, 2008

An act to amend Sections 11106, ~~12010, 12011, 12012,~~ and 12316 of, to add ~~Section~~ *Sections 12317 and 12318* to, and to add Article 3.5 (commencing with Section 12060) to Chapter 1 of Title 2 of Part 4 of, the Penal Code, relating to ammunition.

LEGISLATIVE COUNSEL'S DIGEST

AB 2062, as amended, De Leon. Ammunition.

Existing law requires the Department of Justice to maintain records pertaining to firearms transactions.

This bill would require the department to maintain additional information relating to ammunition transfers, ~~handgun ammunition permittees,~~ and licensed handgun ammunition vendors, as specified.

~~Existing law establishes the Prohibited Armed Persons File, which lists persons who are prohibited from possessing firearms, as specified.~~

~~This bill would expand those provisions to include persons prohibited from possessing ammunition.~~

Existing law generally regulates the sale of ammunition.

This bill would establish a program administered by the Department of Justice for licensing handgun ammunition vendors, as specified. ~~The~~

~~bill would also authorize the issuance of a handgun ammunition permit, to be used by purchasers of handgun ammunition, as specified.~~

The bill would establish a database maintained by the department to serve as a registry of handgun ammunition vendors.

This bill would require that commencing July 1, 2009, unless specifically excluded, no person shall sell or transfer more than 50 rounds of handgun ammunition in any month unless ~~they are~~ *he or she is* registered as a handgun ammunition vendor, as defined. The bill would also require these vendors to obtain a background clearance for those employees who would handle ammunition in the course and scope of their employment. The bill would require the Department of Justice to maintain a registry of registered handgun ammunition vendors, as specified. Violation of these provisions, as specified, would be a misdemeanor.

By creating a new crime, this bill would impose a state-mandated local program.

The bill would also provide that no retail seller of ammunition shall sell, offer for sale, or display for sale, any handgun ammunition in a manner that allows that ammunition to be accessible to a purchaser without the assistance of the retailer or employee thereof.

The bill would further provide that handgun ammunition may only be purchased in a face-to-face transaction and only if certain conditions exist.

Existing law generally regulates what information is required to be obtained in connection with the transfer of ammunition.

This bill would, subject to exceptions, commencing July 1, 2009, require certain ammunition vendors to obtain a thumbprint and other information from ammunition purchasers, and would require submission of that information to the Department of Justice, as specified. A violation of these provisions would be a misdemeanor.

This bill would provide that a person enjoined from engaging in activity associated with a criminal street gang, as specified, would be prohibited from having under his or her possession, custody or control, any ammunition. Violation of these provisions would be a misdemeanor.

The bill would prohibit supplying or delivering, as specified, handgun ammunition to prohibited persons, as described, by persons or others who know or have cause to believe the recipient is a ~~persons~~ *person* prohibited from possessing ammunition. Violation of these provisions is a misdemeanor with specified penalties.

By creating new crimes, this bill would impose a state-mandated local program.

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 no reimbursement is required by this act for a specified reason.

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: yes.

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

1 SECTION 1. Section 11106 of the Penal Code is amended to
2 read:

3 11106. (a) In order to assist in the investigation of crime, the
4 prosecution of civil actions by city attorneys pursuant to paragraph
5 (3) of subdivision (c), the arrest and prosecution of criminals, and
6 the recovery of lost, stolen, or found property, the Attorney General
7 shall keep and properly file a complete record of all copies of
8 fingerprints, copies of licenses to carry firearms issued pursuant
9 to Section 12050, information reported to the Department of Justice
10 pursuant to Section 12053, ~~information submitted pursuant to~~
11 ~~Section 12062~~, licensee information pertaining to handgun
12 ammunition vendors as specified in Section 12062, ~~permittee~~
13 ~~information pertaining to handgun ammunition permittees specified~~
14 ~~in subdivision (g) of Section 12063~~, dealers' records of sales of
15 firearms, reports provided pursuant to Section 12072 or 12078,
16 forms provided pursuant to Section 12084, as that section read
17 prior to being repealed by the act that amended this section, reports
18 provided pursuant to Section 12071 that are not dealers' records
19 of sales of firearms, and reports of stolen, lost, found, pledged, or
20 pawned property in any city or county of this state, and shall, upon
21 proper application therefor, furnish this information to the officers
22 referred to in Section 11105.

23 (b) (1) Except as provided in subdivision (d), the Attorney
24 General shall not retain or compile any information from reports
25 filed pursuant to subdivision (a) of Section 12078 for firearms that
26 are not handguns, from forms submitted pursuant to Section 12084,
27 as that section read prior to being repealed by the act that amended
28 this section, for firearms that are not handguns, or from dealers'

1 records of sales for firearms that are not handguns. All copies of
 2 the forms submitted, or any information received in electronic
 3 form, pursuant to Section 12084, as that section read prior to being
 4 repealed by the act that amended this section, for firearms that are
 5 not handguns, or of the dealers' records of sales for firearms that
 6 are not handguns shall be destroyed within five days of the
 7 clearance by the Attorney General, unless the purchaser or
 8 transferor is ineligible to take possession of the firearm. All copies
 9 of the reports filed, or any information received in electronic form,
 10 pursuant to subdivision (a) of Section 12078 for firearms that are
 11 not handguns shall be destroyed within five days of the receipt by
 12 the Attorney General, unless retention is necessary for use in a
 13 criminal prosecution.

14 (2) A peace officer, the Attorney General, a Department of
 15 Justice employee designated by the Attorney General, or any
 16 authorized local law enforcement employee shall not retain or
 17 compile any information from a firearms transaction record, as
 18 defined in paragraph (5) of subdivision (c) of Section 12071, for
 19 firearms that are not handguns unless retention or compilation is
 20 necessary for use in a criminal prosecution or in a proceeding to
 21 revoke a license issued pursuant to Section 12071.

22 (3) A violation of this subdivision is a misdemeanor.

23 (c) (1) The Attorney General shall permanently keep and
 24 properly file and maintain all information reported to the
 25 Department of Justice pursuant to Sections 12071, 12072, 12078,
 26 12082, and former Section 12084 or any other law, as to handguns
 27 and maintain a registry thereof.

28 (2) The registry shall consist of all of the following:

29 (A) The name, address, identification of, place of birth (state
 30 or country), complete telephone number, occupation, sex,
 31 description, and all legal names and aliases ever used by the owner
 32 or person being loaned the particular handgun as listed on the
 33 information provided to the department on the Dealers' Record of
 34 Sale, the Law Enforcement Firearms Transfer (LEFT), as defined
 35 in former Section 12084, or reports made to the department
 36 pursuant to Section 12078 or any other law.

37 (B) The name and address of, and other information about, any
 38 person (whether a dealer or a private party) from whom the owner
 39 acquired or the person being loaned the particular handgun and
 40 when the firearm was acquired or loaned as listed on the

1 information provided to the department on the Dealers' Record of
2 Sale, the LEFT, or reports made to the department pursuant to
3 Section 12078 or any other law.

4 (C) Any waiting period exemption applicable to the transaction
5 which resulted in the owner of or the person being loaned the
6 particular handgun acquiring or being loaned that firearm.

7 (D) The manufacturer's name if stamped on the firearm, model
8 name or number if stamped on the firearm, and, if applicable, the
9 serial number, other number (if more than one serial number is
10 stamped on the firearm), caliber, type of firearm, if the firearm is
11 new or used, barrel length, and color of the firearm.

12 (3) Information in the registry referred to in this subdivision
13 shall, upon proper application therefor, be furnished to the officers
14 referred to in Section 11105, to a city attorney prosecuting a civil
15 action, solely for use in prosecuting that civil action and not for
16 any other purpose, or to the person listed in the registry as the
17 owner or person who is listed as being loaned the particular
18 handgun.

19 (4) If any person is listed in the registry as the owner of a firearm
20 through a Dealers' Record of Sale prior to 1979, and the person
21 listed in the registry requests by letter that the Attorney General
22 store and keep the record electronically, as well as in the record's
23 existing photographic, photostatic, or nonerasable optically stored
24 form, the Attorney General shall do so within three working days
25 of receipt of the request. The Attorney General shall, in writing,
26 and as soon as practicable, notify the person requesting electronic
27 storage of the record that the request has been honored as required
28 by this paragraph.

29 (d) (1) Any officer referred to in paragraphs (1) to (6), inclusive,
30 of subdivision (b) of Section 11105 may disseminate the name of
31 the subject of the record, the number of the firearms listed in the
32 record, and the description of any firearm, including the make,
33 model, and caliber, from the record relating to any firearm's sale,
34 transfer, registration, or license record, or any information reported
35 to the Department of Justice pursuant to Section 12021.3, 12053,
36 12071, 12072, 12077, 12078, 12082, or 12285, ~~or information~~
37 ~~reported to the Department of Justice pursuant to Section 12062~~
38 ~~as to the brand, type, and amount of ammunition transferred if the~~
39 following conditions are met:

1 (A) The subject of the record has been arraigned for a crime in
2 which the victim is a person described in subdivisions (a) to (f),
3 inclusive, of Section 6211 of the Family Code and is being
4 prosecuted or is serving a sentence for the crime, or the subject of
5 the record is the subject of an emergency protective order, a
6 temporary restraining order, or an order after hearing, which is in
7 effect and has been issued by a family court under the Domestic
8 Violence Protection Act set forth in Division 10 (commencing
9 with Section 6200) of the Family Code.

10 (B) The information is disseminated only to the victim of the
11 crime or to the person who has obtained the emergency protective
12 order, the temporary restraining order, or the order after hearing
13 issued by the family court.

14 (C) Whenever a law enforcement officer disseminates the
15 information authorized by this subdivision, that officer or another
16 officer assigned to the case shall immediately provide the victim
17 of the crime with a “Victims of Domestic Violence” card, as
18 specified in subparagraph (H) of paragraph (9) of subdivision (c)
19 of Section 13701.

20 (2) The victim or person to whom information is disseminated
21 pursuant to this subdivision may disclose it as he or she deems
22 necessary to protect himself or herself or another person from
23 bodily harm by the person who is the subject of the record.

24 ~~SEC. 2. Section 12010 of the Penal Code is amended to read:~~

25 ~~12010. (a) The Attorney General shall establish and maintain~~
26 ~~an online database to be known as the Prohibited Armed Persons~~
27 ~~File. The purpose of the file is to cross-reference persons who have~~
28 ~~ownership or possession of a firearm or ammunition on or after~~
29 ~~January 1, 1991, as indicated by a record in the Consolidated~~
30 ~~Firearms Information System, or as indicated in reports submitted~~
31 ~~to the Department of Justice pursuant to Section 12062, and who,~~
32 ~~subsequent to the date of that ownership or possession of a firearm~~
33 ~~or ammunition, fall within a class of persons who are prohibited~~
34 ~~from owning or possessing a firearm or ammunition.~~

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

1 SEC. 3.— Section 12011 of the Penal Code is amended to read:
2 12011.— The Prohibited Armed Persons File database shall
3 function as follows:

4 (a) Upon entry into the Automated Criminal History System of
5 a disposition for a conviction of any felony, a conviction for any
6 firearms-prohibiting charge specified in Section 12021, a
7 conviction for an offense described in Section 12021.1, a firearms
8 prohibition pursuant to Section 8100 or 8103 of the Welfare and
9 Institutions Code, an ammunition prohibition pursuant to
10 subdivision (b) of Section 12316, or any firearms possession
11 prohibition identified by the federal National Instant Check System,
12 the Department of Justice shall determine if the subject has an
13 entry in the Consolidated Firearms Information System indicating
14 possession or ownership of a firearm on or after January 1, 1991,
15 or an assault weapon registration, or a .50 BMG rifle registration,
16 or ammunition as indicated in reports submitted to the Department
17 of Justice pursuant to Section 12062.

18 (b) Upon an entry into any department automated information
19 system that is used for the identification of persons who are
20 prohibited from acquiring, owning, or possessing firearms or
21 ammunition, the department shall determine if the subject has an
22 entry in the Consolidated Firearms Information System indicating
23 ownership or possession of a firearm on or after January 1, 1991,
24 or an assault weapon registration, or a .50 BMG rifle registration,
25 or acquired ammunition as indicated in reports submitted to the
26 Department of Justice pursuant to Section 12062.

27 (c) If the department determines that, pursuant to subdivision
28 (a) or (b), the subject has an entry in the Consolidated Firearms
29 Information System indicating possession or ownership of a firearm
30 on or after January 1, 1991, or an assault weapon registration, or
31 a .50 BMG rifle registration, or acquired ammunition as indicated
32 in reports submitted to the Department of Justice pursuant to
33 Section 12062, the following information shall be entered into the
34 Prohibited Armed Persons File:

- 35 (1) The subject's name.
- 36 (2) The subject's date of birth.
- 37 (3) The subject's physical description.
- 38 (4) Any other identifying information regarding the subject that
39 is deemed necessary by the Attorney General.

1 ~~(5) The basis of the firearms or ammunition possession~~
2 ~~prohibition.~~

3 ~~(6) A description of all firearms owned or possessed by the~~
4 ~~subject, as reflected by the Consolidated Firearms Information~~
5 ~~System, or ammunition acquired as indicated in reports submitted~~
6 ~~to the Department of Justice pursuant to Section 12062.~~

7 ~~SEC. 4. Section 12012 of the Penal Code is amended to read:~~
8 ~~12012. The Attorney General shall provide investigative~~
9 ~~assistance to local law enforcement agencies to better ensure the~~
10 ~~investigation of individuals who are armed and prohibited from~~
11 ~~possessing a firearm or ammunition.~~

12 ~~SEC. 5.~~
13 ~~SEC. 2. Article 3.5 (commencing with Section 12060) is added~~
14 ~~to Chapter 1 of Title 2 of Part 4 of the Penal Code, to read:~~

15
16 ~~Article 3.5. Handgun Ammunition Vendor Licenses and~~
17 ~~Handgun Ammunition Purchase Permits~~
18

19 12060. As used in this article, the following terms apply:

20 (a) "Department" means the Department of Justice.

21 (b) "Handgun ammunition" means handgun ammunition as
22 defined in subdivision (a) of Section 12323, but excluding
23 ammunition designed and intended to be used in an "antique
24 firearm" as defined in Section 921(a)(16) of Title 18 of the United
25 States Code. Handgun ammunition does not include blanks used
26 in prop weapons.

27 (c) "Immediate family member" has the same meaning as set
28 forth in subdivision (c) of Section 12078.

29 (d) "Licensed handgun ammunition vendor" or "vendor" means
30 a person ~~or entity~~ licensed by the department pursuant to Section
31 12062.

32 12061. (a) Commencing July 1, 2009, no person shall sell or
33 otherwise transfer ownership of more than 50 rounds of handgun
34 ammunition in any month unless the person is licensed by the
35 department as a licensed handgun ammunition vendor in
36 accordance with Section 12062.

37 (b) Subdivision (a) shall not apply to or affect any of the
38 following:

1 (1) Sales or other transfers of ownership of handgun ammunition
2 to licensed handgun ammunition vendors who are licensed pursuant
3 to Section 12062.

4 (2) Sales or other transfers of ownership of handgun ammunition
5 by an authorized law enforcement representative of a city, county,
6 or city and county, or the state or federal government to a peace
7 officer authorized to carry a handgun in the course and scope of
8 his or her duties.

9 (3) Sales or other transfers of ownership of handgun ammunition
10 to authorized law enforcement representatives of cities, counties,
11 cities and counties, or state or federal governments for exclusive
12 use by those government agencies if, prior to the delivery, transfer,
13 or sale of handgun ammunition, written authorization from the
14 head of the agency authorizing the transaction is presented to the
15 person from whom the purchase, delivery, or transfer is being
16 made. Proper written authorization is defined as verifiable written
17 certification from the head of the agency by which the purchaser
18 or transferee is employed, identifying the employee as an individual
19 authorized to conduct the transaction, and authorizing the
20 transaction for the exclusive use of the agency by which he or she
21 is employed.

22 (4) Sales or other transfers of ownership of handgun ammunition
23 to authorized representatives of cities, counties, cities and counties,
24 or state or federal governments for those government agencies in
25 which the entity is acquiring the ammunition as part of an
26 authorized, voluntary program in which the entity is buying or
27 receiving ammunition from private individuals.

28 (5) Sales or other transfers of ownership of handgun ammunition
29 between immediate family members, spouses, or registered
30 domestic partners.

31 (c) A violation of this section is a misdemeanor.

32 12062. (a) (1) The department is authorized to issue handgun
33 ammunition vendor licenses.

34 (2) No handgun ammunition vendor license may be issued to
35 an applicant who fails to provide a copy of any regulatory or
36 business license, or licenses, required by local government, a valid
37 seller's permit issued by the State Board of Equalization, a federal
38 firearms license if the person is federally licensed, and a certificate
39 of eligibility issued pursuant to Section 12071. The license issued
40 pursuant to this section shall be issued *to an individual and* for a

1 specific physical location where the sale or other transfer of
2 ownership of handgun ammunition is to be conducted.

3 (3) The department shall inform applicants who are denied
4 licenses of the reasons for the denial in writing.

5 (b) (1) The handgun ammunition vendor license shall be issued
6 in a form prescribed by the Attorney General and shall be valid
7 for a period of one year. The Attorney General may adopt
8 regulations to administer application procedures and enforcement
9 procedures for the licensee. The Attorney General may adopt
10 regulations that establish grounds for suspension or revocation of
11 the license.

12 (2) The department may charge handgun ammunition vendor
13 license applicants a fee sufficient to reimburse the department for
14 the costs of administering the license program, maintaining the
15 registry of handgun ammunition vendors, and necessary regulatory
16 functions, including enforcement, provided, however, that the fee
17 shall not exceed fifty dollars (\$50).

18 (3) The department shall issue licenses pursuant to this section
19 to the following applicants:

20 (A) Persons licensed pursuant to Section 12071.

21 (B) A person who is on the centralized list maintained by the
22 department pursuant to Section 12083.

23 (C) A target facility which holds a business or regulatory license.

24 (D) Gunsmiths.

25 (E) Wholesalers.

26 (F) Manufacturers or importers of firearms licensed pursuant
27 to Chapter 44 (commencing with Section 921) of Title 18 of the
28 United States Code, and the regulations issued pursuant thereto.

29 (4) The department shall waive all application fees for all
30 persons listed in subparagraphs (A) and (B) of paragraph (3).

31 (5) (A) The department shall keep a centralized registry of all
32 persons, businesses, and corporations that are vendors.

33 (B) The department may remove from this registry any vendor
34 that violates the provisions of this section.

35 (C) The license of any vendor that violates this section three
36 times shall be revoked, and that person, firm, or corporation shall
37 become permanently ineligible to obtain a license pursuant to this
38 section.

1 (D) Upon removal of a vendor from the registry, notification
2 shall be provided to local law enforcement and licensing authorities
3 in the jurisdiction where the vendor's business is located.

4 (6) Information compiled from the registry referred to in
5 paragraph (5) shall be made available, upon request, for the
6 following purposes only:

7 (A) For law enforcement purposes.

8 (B) When the information is requested for the purposes of
9 determining the validity of handgun ammunition deliveries.

10 (c) A vendor shall comply with all of the following conditions,
11 requirements and prohibitions:

12 (1) (A) A vendor shall not permit any employee who the vendor
13 knows or reasonably should know is a person described in Section
14 12021 or 12021.1 of this code or Section 8100 or 8103 of the
15 Welfare and Institutions Code to handle handgun ammunition in
16 the course and scope of his or her employment.

17 (B) Except as provided in subparagraph (C), for an employee
18 of a vendor who becomes an employee after July 1, 2009, the
19 vendor shall request a background clearance from the department
20 pursuant to subdivision (d) of Section 12076 to determine if an
21 employee is a person described in Section 12021 or 12021.1 of
22 this code or Section 8100 or 8103 of the Welfare and Institutions
23 Code. The request shall be made within 45 days of employing the
24 individual.

25 (C) In the case of a person who is employed by a vendor on or
26 before July 1, 2009, the vendor shall request a background
27 clearance from the department pursuant to subdivision (d) of
28 Section 12076 to determine if an employee is a person described
29 in Section 12021 or 12021.1 of this code or Section 8100 or 8103
30 of the Welfare and Institutions Code no later August 15, 2009.

31 (D) The department may require the vendor to charge a fee
32 sufficient to reimburse it for the background clearance authorized
33 pursuant to subdivision (e) of Section 12076.

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

- 1 (3) Commencing July 1, 2009, a vendor shall not sell or
2 otherwise transfer ownership of any handgun ammunition without
3 at the time of delivery *legibly* recording the following information
4 on a form that is in a format to be prescribed by the department:
5 (A) The date of the transaction.
6 (B) The *purchaser's or* transferee's driver's license or other
7 identification number and the state in which it was issued.
8 (C) The brand, type, and amount of ammunition transferred.
9 (D) The *purchaser's or* transferee's signature.
10 (E) The name of the salesperson who processed the transaction.
11 (F) The right thumbprint of the purchaser or transferee on the
12 above form.
13 ~~(G) Commencing July 1, 2011, information that the department~~
14 ~~may require to ensure compliance with the provisions of paragraph~~
15 ~~(7).~~
16 ~~(4) Commencing July 1, 2009, on the date of delivery of the~~
17 ~~handgun ammunition, the vendor shall submit a report to the~~
18 ~~department in a manner prescribed by the department containing~~
19 ~~the information set forth in paragraph (3).~~
20 ~~(G) The purchaser's or transferee's full residential address and~~
21 ~~telephone number.~~
22 ~~(H) The purchaser's or transferee's date of birth.~~
23 ~~(5)~~
24 (4) Commencing July 1, 2009, the records required by this
25 section shall be maintained on the premises of the vendor for a
26 period of not less than ~~two~~ *five* years from the date of the recorded
27 transfer.
28 ~~(6)~~
29 (5) Commencing July 1, 2009, the records referred to in
30 paragraph ~~(4)~~ (3) shall be subject to inspection at any time during
31 normal business hours by any peace officer employed by a sheriff,
32 city police department, or district attorney as provided in
33 subdivision (a) of Section 830.1, or employed by the department
34 as provided in subdivision (b) of Section 830.1, provided the officer
35 is conducting an investigation where access to those records is or
36 may be relevant to that investigation, is seeking information about
37 persons prohibited from owning a firearm or ammunition, or is
38 engaged in ensuring compliance with the Dangerous Weapons
39 Control Law (Chapter 1 (commencing with Section 12000) of Title
40 2 of Part 4), or any other laws pertaining to firearms or ammunition.

1 The records shall also be subject to inspection at any time during
2 normal business hours by any other employee of the department,
3 provided that employee is conducting an investigation where access
4 to those records is or may be relevant to that investigation, is
5 seeking information about persons prohibited from owning a
6 firearm or ammunition, or is engaged in ensuring compliance with
7 the Dangerous Weapons Control Law (Chapter 1 (commencing
8 with Section 12000) of Title 2 of Part 4), or any other laws
9 pertaining to firearms or ammunition.

10 ~~(7) Commencing July 1, 2011, immediately prior to the delivery~~
11 ~~of the handgun ammunition, the vendor of handgun ammunition~~
12 ~~shall verify that the person who is being delivered the handgun~~
13 ~~ammunition is one of the following:~~

14 ~~(A) The holder of a valid handgun ammunition purchase permit~~
15 ~~issued pursuant to Section 12063.~~

16 ~~(B) A person who has a current certificate of eligibility issued~~
17 ~~to him or her by the Department of Justice pursuant to Section~~
18 ~~12071.~~

19 ~~(C) A sworn peace officer, as defined in Chapter 4.5~~
20 ~~(commencing with Section 830) of Title 3 of Part 2 who is~~
21 ~~authorized to carry a firearm in the course and scope of his or her~~
22 ~~duties.~~

23 ~~(D) A person who is purchasing or otherwise acquiring~~
24 ~~ownership of fewer than 30 rounds of handgun ammunition from~~
25 ~~the licensed handgun ammunition vendor and all of the following~~
26 ~~conditions are met:~~

27 ~~(i) The licensed handgun ammunition vendor also operates a~~
28 ~~target range on the premises where the license authorizes the~~
29 ~~vendor to transfer ammunition.~~

30 ~~(ii) The purchaser or transferee will expend that ammunition~~
31 ~~for the purposes of shooting at targets at the target range.~~

32 ~~(iii) The person has not purchased or otherwise acquired~~
33 ~~ownership of handgun ammunition from that licensed handgun~~
34 ~~ammunition vendor within the previous 30 days.~~

35 ~~(iv) The person is renting or being loaned a handgun from that~~
36 ~~licensed handgun ammunition vendor in accordance with either~~
37 ~~subdivision (h) of, or paragraph (6) of subdivision (k) of, Section~~
38 ~~12078.~~

39 ~~(E) A person who has a current license to carry a handgun issued~~
40 ~~to him or her pursuant to Section 12050.~~

1 ~~(F) An honorably retired peace officer who is authorized to~~
2 ~~carry a concealed or loaded firearm pursuant to subdivision (a) or~~
3 ~~(i) of Section 12027 or paragraph (1) or (8) of subdivision (b) of~~
4 ~~Section 12031.~~

5 ~~(G) Any person who is authorized to carry loaded firearms~~
6 ~~pursuant to subdivision (e) or (d) of Section 12031.~~

7 ~~(H) A person who is the holder of a special weapons permit~~
8 ~~issued by the department pursuant to Section 12095, 12230, 12250,~~
9 ~~or 12305.~~

10 ~~(8)~~

11 (6) Commencing July 1, 2009, the vendor shall not knowingly
12 make a false entry in, fail to make a required entry in, fail to obtain
13 the required thumbprint, or otherwise fail to maintain in the
14 required manner records prepared in accordance with paragraph
15 (2). If the right thumbprint is not available, then the vendor shall
16 have the purchaser or transferee use his or her left thumb, or any
17 available finger, and shall so indicate on the form. If the purchaser
18 or transferee is physically unable to provide a thumbprint or
19 fingerprint, the vendor shall so indicate on the form.

20 ~~(9)~~

21 (7) Commencing July 1, 2009, no vendor shall refuse to permit
22 a person authorized under paragraph ~~(6)~~ (5) to examine any record
23 prepared in accordance with this section during any inspection
24 conducted pursuant to this section, or refuse to permit the use of
25 any record or information by those persons.

26 ~~(10) Commencing July 1, 2011, the vendor shall transmit in the~~
27 ~~manner prescribed by the department the fees collected pursuant~~
28 ~~to paragraph (2) of subdivision (l) of Section 12063 for the~~
29 ~~department if he or she is authorized to act for the department~~
30 ~~pursuant to paragraph (2) of subdivision (l) of Section 12063.~~

31 ~~(11) Commencing July 1, 2011, that vendor shall not charge~~
32 ~~more than the fees it may charge as set forth in paragraphs (2) and~~
33 ~~(3) of subdivision (l) of Section 12063.~~

34 ~~(d) Paragraphs (3) and (7) Paragraph (3) of subdivision (c)~~
35 ~~shall not apply to or affect sales or other transfers of ownership of~~
36 ~~handgun ammunition by licensed handgun ammunition vendors~~
37 ~~to any of the following:~~

38 (1) Persons licensed pursuant to Section 12071 properly
39 identified as such.

1 (2) A licensed handgun ammunition vendor properly identified
2 as such.

3 (3) A person who is on the centralized list maintained by the
4 department pursuant to Section 12083 properly identified as such.

5 (4) A target facility which holds a business or regulatory license
6 properly identified as such.

7 (5) Gunsmiths, properly identified as such.

8 (6) Wholesalers properly identified as such.

9 (7) Manufacturers or importers of firearms licensed pursuant
10 to Chapter 44 (commencing with Section 921) of Title 18 of the
11 United States Code, and the regulations issued pursuant thereto,
12 properly identified as such.

13 (8) Sales or other transfers of ownership made to authorized
14 law enforcement representatives of cities, counties, cities and
15 counties, or state or federal governments for exclusive use by those
16 government agencies if, prior to the delivery, transfer, or sale of
17 handgun ammunition, written authorization from the head of the
18 agency authorizing the transaction is presented to the person from
19 whom the purchase, delivery, or transfer is being made. Proper
20 written authorization is defined as verifiable written certification
21 from the head of the agency by which the purchaser, transferee,
22 or person otherwise acquiring ownership is employed, identifying
23 the employee as an individual authorized to conduct the transaction,
24 and authorizing the transaction for the exclusive use of the agency
25 by which he or she is employed.

26 (e) Fees received by the department pursuant to this section
27 shall be deposited in the Dealers' Record of Sale Special Account
28 of the General Fund.

29 (f) (1) A violation of paragraph (3), (4), ~~(5), (7), (8), (10), or~~
30 ~~(11)~~ (6), or (7) of subdivision (c) is a misdemeanor.

31 (2) The provisions of this subdivision are cumulative, and shall
32 not be construed as restricting the application of any other law.
33 However, an act or omission punishable in different ways by
34 different provisions of law shall not be punished under more than
35 one provision.

36 ~~12063. (a) (1) Commencing March 1, 2011, any person who~~
37 ~~is 21 years of age or older may apply to the department for a~~
38 ~~handgun ammunition purchase permit, in a format to be prescribed~~
39 ~~by the department.~~

1 ~~(2) The handgun ammunition purchase permit shall entitle the~~
2 ~~permittee to purchase or otherwise acquire ownership of handgun~~
3 ~~ammunition from a licensed handgun ammunition vendor.~~

4 ~~(b) The department shall issue a handgun ammunition purchase~~
5 ~~permit to the applicant if all the following conditions are met:~~

6 ~~(1) The applicant is 21 years of age or older.~~

7 ~~(2) The applicant is not prohibited from acquiring or possessing~~
8 ~~handgun ammunition by paragraph (1) or (4) of subdivision (b) of~~
9 ~~Section 12316 or by subsection (g) of Section 922 of Title 18 of~~
10 ~~the United States Code.~~

11 ~~(3) The applicant pays the fees set forth in subdivision (h).~~

12 ~~(e) (1) Upon receipt of an initial or renewal application, the~~
13 ~~department shall examine its records and is authorized to request~~
14 ~~records from the State Department of Mental Health, pursuant to~~
15 ~~Section 8104 of the Welfare and Institutions Code, and, if~~
16 ~~authorized by federal law, the National Instant Criminal~~
17 ~~Background Check System, as described in subsection (t) of~~
18 ~~Section 922 of Title 18 of the United States Code, in order to~~
19 ~~determine if the applicant is prohibited from possessing or~~
20 ~~acquiring handgun ammunition.~~

21 ~~(2) The application shall be approved or denied within 10 days~~
22 ~~of the date of the application. If the application is denied, the~~
23 ~~department shall state the reasons for doing so and provide the~~
24 ~~applicant an appeal process to challenge that denial.~~

25 ~~(d) The handgun ammunition purchase permit shall be valid for~~
26 ~~one year from the date of issuance.~~

27 ~~(e) The department shall send a notice of the expiration of a~~
28 ~~handgun ammunition purchase permit, by first-class mail or other~~
29 ~~means that are equivalent such as electronic mail, to the address~~
30 ~~of the person as shown by the records of the department, not less~~
31 ~~than 90 days before the expiration date, and shall enclose or contain~~
32 ~~a form for the renewal of the permit.~~

33 ~~(f) The handgun ammunition purchase permit shall be revoked~~
34 ~~by the department upon the occurrence of any event which would~~
35 ~~have disqualified the holder from being issued the handgun~~
36 ~~ammunition purchase permit pursuant to this section.~~

37 ~~(g) (1) The handgun ammunition purchase permit shall be in a~~
38 ~~format prescribed by the department and shall include the name,~~
39 ~~address, date of birth, a unique identifying number, expiration date~~
40 ~~from the date of issuance, physical characteristics, including the~~

1 height, weight, eye color, and hair color of the permit holder, and
2 other information as may be prescribed by the department.
3 (2) If a handgun ammunition purchase permit is lost or
4 destroyed, the department shall issue a duplicate permit upon
5 request and proof of identification of that permit holder.
6 (h) The department shall recover the full cost of administering
7 this section by assessing the following application fees:
8 (1) For the initial application: thirty-five dollars (\$35).
9 (2) For each renewal application: fifteen dollars (\$15).
10 (3) For a duplicate permit issued pursuant to paragraph (2) of
11 subdivision (g): fifteen dollars (\$15).
12 (i) All fees received pursuant to this section remitted to the
13 department shall be deposited into the Dealers' Record of Sale
14 Special Account.
15 (j) The implementation of this section by the department is
16 exempt from the Administrative Procedure Act (Chapter 3.5
17 (commencing with Section 11340) of Part 1 of Division 3 of Title
18 2 of the Government Code).
19 (k) The department shall annually review and shall adjust the
20 fees specified in subdivision (h), if necessary, to fully fund, but
21 not to exceed the actual costs of, the permit program provided for
22 by this section, including enforcement of the program.
23 (l) (1) The department is authorized to utilize licensed handgun
24 ammunition vendors to accept applications for handgun
25 ammunition purchase permits, including a duplicate application,
26 an initial application, or a renewal application, to submit the
27 application to the department via electronic or other means as
28 prescribed by the department, and if the permit is issued, to provide
29 the permit to the applicant.
30 (2) The licensed handgun ammunition vendor, if he or she is
31 authorized to act for the department pursuant to paragraph (1) shall
32 collect for and remit to the department the applicable fees set forth
33 in subdivision (h).
34 (3) In addition to the fees set forth in subdivision (h), the
35 licensed handgun ammunition vendor may charge a fee not to
36 exceed three dollars (\$3) for processing each initial application, a
37 renewal application, or the application for a duplicate permit.
38 (m) The Attorney General is authorized to adopt regulations to
39 implement the provisions of this section.

1 ~~(n) (1) Knowingly furnishing any incorrect information or~~
 2 ~~knowingly omitting any information required to be provided by a~~
 3 ~~person seeking a handgun ammunition purchase permit is a~~
 4 ~~misdemeanor.~~

5 ~~(2) This subdivision is cumulative, and shall not be construed~~
 6 ~~as restricting the application of any other law. However, an act or~~
 7 ~~omission punishable in different ways by different provisions of~~
 8 ~~law shall not be punished under more than one provision.~~

9 ~~12065. (a) (1) No person, corporation, or firm shall knowingly~~
 10 ~~supply, deliver, sell, or give possession or control of, any handgun~~
 11 ~~ammunition to any person who is prohibited from owning,~~
 12 ~~possessing, or having under his or her custody or control, any~~
 13 ~~ammunition or reloaded ammunition pursuant to paragraph (1) or~~
 14 ~~(4) of subdivision (b) of Section 12316.~~

15 ~~(2) No person, corporation, or dealer shall sell, supply, deliver,~~
 16 ~~or give possession or control of any ammunition to any person~~
 17 ~~whom he or she has cause to believe to be prohibited from owning,~~
 18 ~~possessing, or having under his or her custody or control any~~
 19 ~~ammunition or reloaded ammunition pursuant to paragraph (1) or~~
 20 ~~(4) of subdivision (b) of Section 12316.~~

21 ~~(3) A violation of paragraph (1) is punishable by imprisonment~~
 22 ~~in a county jail not to exceed one year, or by a fine not to exceed~~
 23 ~~one thousand dollars (\$1,000), or by both that fine and~~
 24 ~~imprisonment.~~

25 ~~(4) A violation of paragraph (2) is a misdemeanor.~~

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

31 ~~(e) For purposes of this section, “ammunition” shall include,~~
 32 ~~but not be limited to, any bullet, cartridge, magazine, clip, speed~~
 33 ~~loader, autoloader, or projectile capable of being fired from a~~
 34 ~~firearm with deadly consequence. Handgun ammunition does not~~
 35 ~~include blanks used in prop weapons.~~

36 ~~SEC. 6.~~

37 *SEC. 3.* Section 12316 of the Penal Code is amended to read:

38 12316. (a) (1) Any person, corporation, or dealer who does
 39 either of the following shall be punished by imprisonment in a
 40 county jail for a term not to exceed six months, or by a fine not to

1 exceed one thousand dollars (\$1,000), or by both the imprisonment
2 and fine:

3 (A) Sells any ammunition or reloaded ammunition to a person
4 under 18 years of age.

5 (B) Sells any ammunition or reloaded ammunition designed
6 and intended for use in a handgun to a person under 21 years of
7 age. As used in this subparagraph, “ammunition” means handgun
8 ammunition as defined in subdivision (a) of Section 12323. Where
9 ammunition or reloaded ammunition may be used in both a rifle
10 and a handgun, it may be sold to a person who is at least 18 years
11 of age, but less than 21 years of age, if the vendor reasonably
12 believes that the ammunition is being acquired for use in a rifle
13 and not a handgun.

14 (2) Proof that a person, corporation, or dealer, or his or her agent
15 or employee, demanded, was shown, and acted in reasonable
16 reliance upon, bona fide evidence of majority and identity shall
17 be a defense to any criminal prosecution under this subdivision.
18 As used in this subdivision, “bona fide evidence of majority and
19 identity” means a document issued by a federal, state, county, or
20 municipal government, or subdivision or agency thereof, including,
21 but not limited to, a motor vehicle operator’s license, California
22 state identification card, identification card issued to a member of
23 the armed forces, or other form of identification that bears the
24 name, date of birth, description, and picture of the person.

25 (b) (1) No person prohibited from owning or possessing a
26 firearm under Section 12021 or 12021.1 of this code or Section
27 8100 or 8103 of the Welfare and Institutions Code shall own,
28 possess, or have under his or her custody or control, any
29 ammunition or reloaded ammunition.

30 (2) For purposes of this subdivision, “ammunition” shall include,
31 but not be limited to, any bullet, cartridge, magazine, clip, speed
32 loader, autoloader, or projectile capable of being fired from a
33 firearm with a deadly consequence. ~~Handgun ammunition~~
34 *Ammunition* does not include blanks used in prop weapons.

35 (3) A violation of paragraph (1) of this subdivision is punishable
36 by imprisonment in a county jail not to exceed one year or in the
37 state prison, by a fine not to exceed one thousand dollars (\$1,000),
38 or by both the fine and imprisonment.

39 (4) A person who is not prohibited by paragraph (1) from
40 owning, possessing, or having under his or her custody or control,

1 any ammunition or reloaded ammunition, but who is enjoined from
2 engaging in activity pursuant to an injunction issued pursuant to
3 Section 3479 of the Civil Code against that person as a member
4 of a criminal street gang, as defined in Section 186.22, may not
5 own, possess, or have under his or her custody or control, any
6 ammunition or reloaded ammunition.

7 (5) A violation of paragraph (4) of this subdivision is a
8 misdemeanor.

9 (c) Unless it is with the written permission of the school district
10 superintendent, his or her designee, or equivalent school authority,
11 no person shall carry ammunition or reloaded ammunition onto
12 school grounds, except sworn law enforcement officers acting
13 within the scope of their duties or persons exempted under
14 subparagraph (A) of paragraph (1) of subdivision (a) of Section
15 12027. This subdivision shall not apply to a duly appointed peace
16 officer as defined in Chapter 4.5 (commencing with Section 830)
17 of Title 3 of Part 2, a full-time paid peace officer of another state
18 or the federal government who is carrying out official duties while
19 in California, any person summoned by any of these officers to
20 assist in making an arrest or preserving the peace while he or she
21 is actually engaged in assisting the officer, a member of the military
22 forces of this state or of the United States who is engaged in the
23 performance of his or her duties, a person holding a valid license
24 to carry the firearm pursuant to Article 3 (commencing with Section
25 12050) of Chapter 1 of Title 2 of Part 4, or an armored vehicle
26 guard, who is engaged in the performance of his or her duties, as
27 defined in subdivision (e) of Section 7521 of the Business and
28 Professions Code. A violation of this subdivision is punishable by
29 imprisonment in a county jail for a term not to exceed six months,
30 a fine not to exceed one thousand dollars (\$1,000), or both the
31 imprisonment and fine.

32 (d) (1) A violation of paragraph (1) or (4) of subdivision (b) is
33 justifiable where all of the following conditions are met:

34 (A) The person found the ammunition or reloaded ammunition
35 or took the ammunition or reloaded ammunition from a person
36 who was committing a crime against him or her.

37 (B) The person possessed the ammunition or reloaded
38 ammunition no longer than was necessary to deliver or transport
39 the ammunition or reloaded ammunition to a law enforcement
40 agency for that agency's disposition according to law.

1 (C) The person is prohibited from possessing any ammunition
2 or reloaded ammunition solely because that person is prohibited
3 from owning or possessing a firearm only by virtue of Section
4 12021 or ammunition or reloaded ammunition because of paragraph
5 (4) of subdivision (b).

6 (2) Upon the trial for violating paragraph (1) or (4) of
7 subdivision (b), the trier of fact shall determine whether the
8 defendant is subject to the exemption created by this subdivision.

9 (3) The defendant has the burden of proving by a preponderance
10 of the evidence that he or she is subject to the exemption provided
11 by this subdivision.

12 *SEC. 4. Section 12317 is added to the Penal Code, to read:*

13 *12317. (a) (1) No person, corporation, or firm shall supply,*
14 *deliver, sell, or give possession or control of, any ammunition to*
15 *any person who he or she knows is prohibited from owning,*
16 *possessing, or having under his or her custody or control, any*
17 *ammunition or reloaded ammunition, pursuant to paragraph (1)*
18 *or (4) of subdivision (b) of Section 12316.*

19 *(2) No person, corporation, or dealer shall sell, supply, deliver,*
20 *or give possession or control of any ammunition to any person*
21 *who he or she has cause to believe to be prohibited from owning,*
22 *possessing, or having under his or her custody or control any*
23 *ammunition, pursuant to paragraph (1) or (4) of subdivision (b)*
24 *of Section 12316.*

25 *(3) A violation of paragraph (1) is punishable by imprisonment*
26 *in a county jail not to exceed one year or by a fine not to exceed*
27 *one thousand dollars (\$1,000), or by both that fine and*
28 *imprisonment.*

29 *(4) A violation of paragraph (2) is a misdemeanor.*

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

35 *(c) For purposes of this section, "ammunition" shall include,*
36 *but not be limited to, any bullet, cartridge, magazine, clip, speed*
37 *loader, autoloader, or projective capable of being fired from a*
38 *firearm with deadly consequence. "Ammunition" does not include*
39 *blanks used in prop weapons.*

1 ~~SEC. 7.~~

2 *SEC. 5.* Section 12318 is added to the Penal Code, to read:

3 12318. (a) Commencing July 1, 2009, the sale or other transfer
4 of ownership of handgun ammunition may only occur in a
5 face-to-face transaction with the seller or transferor being provided
6 bona fide evidence of identity from the purchaser or other
7 transferee. A violation of this section is a misdemeanor.

8 (b) For purposes of this section:

9 (1) “Bona fide evidence of identity” means a document issued
10 by a federal, state, county, or municipal government, or subdivision
11 or agency thereof, including, but not limited to, a motor vehicle
12 operator’s license, state identification card, identification card
13 issued to a member of the armed forces, or other form of
14 identification that bears the name, date of birth, description, and
15 picture of the person.

16 (2) “Handgun ammunition” means handgun ammunition as
17 defined in subdivision (a) of Section 12323, but excluding
18 ammunition designed and intended to be used in an “antique
19 firearm” as defined in Section 921(a)(16) of Title 18 of the United
20 States Code. Handgun ammunition does not include blanks used
21 in prop weapons.

22 (3) “Licensed handgun ammunition vendor” has the same
23 meaning as set forth in Section 12062.

24 (c) Subdivision (a) shall not apply to or affect the deliveries,
25 transfers, or sales of, handgun ammunition to any of the following:

26 (1) Authorized law enforcement representatives of cities,
27 counties, cities and counties, or state and federal governments for
28 exclusive use by those government agencies if, prior to the delivery,
29 transfer, or sale of the handgun ammunition, written authorization
30 from the head of the agency employing the purchaser or transferee,
31 is obtained identifying the employee as an individual authorized
32 to conduct the transaction, and authorizing the transaction for the
33 exclusive use of the agency employing the individual.

34 (2) Sworn peace officers, as defined in Chapter 4.5 (commencing
35 with Section 830) of Title 3 of Part 2 who are authorized to carry
36 a firearm in the course and scope of their duties.

37 (3) Importers and manufacturers of handgun ammunition or
38 firearms licensed to engage in business pursuant to Chapter 44
39 (commencing with Section 921) of Title 18 of the United States
40 Code and the regulations issued pursuant thereto.

1 (4) Persons who are on the centralized list maintained by the
2 Department of Justice pursuant to Section 12083.

3 (5) Persons whose licensed premises are outside this state who
4 are licensed as dealers or collectors of firearms pursuant to Chapter
5 44 (commencing with Section 921) of Title 18 of the United States
6 Code and the regulations issued pursuant thereto.

7 (6) Persons licensed as collectors of firearms pursuant to Chapter
8 44 (commencing with Section 921) of Title 18 of the United States
9 Code and the regulations issued pursuant thereto whose licensed
10 premises are within this state who has a current certificate of
11 eligibility issued to him or her by the Department of Justice
12 pursuant to Section 12071.

13 (7) A licensed handgun ammunition vendor.

14 (8) A consultant-evaluator, as defined in subdivision (s) of
15 Section 12001.

16 ~~SEC. 8.~~

17 *SEC. 6.* No reimbursement is required by this act pursuant to
18 Section 6 of Article XIII B of the California Constitution because
19 the only costs that may be incurred by a local agency or school
20 district will be incurred because this act creates a new crime or
21 infraction, eliminates a crime or infraction, or changes the penalty
22 for a crime or infraction, within the meaning of Section 17556 of
23 the Government Code, or changes the definition of a crime within
24 the meaning of Section 6 of Article XIII B of the California
25 Constitution.