

Introduced by Senator Portantino

February 3, 2022

An act to amend Sections 30370, 30470, and 30485 of the Penal Code, relating to firearms.

LEGISLATIVE COUNSEL'S DIGEST

SB 918, as introduced, Portantino. Firearms.

Existing law permits the Department of Justice to charge a fee sufficient to reimburse it for specified costs related to the sale or transfer of firearms, such as the preparation, sale, processing, and filing of required reports and costs associated with the submission of a Dealers' Record of Sale (DROS), as specified. Existing law requires that firearm purchaser information be provided to the department exclusively by electronic means. Existing law directs the department to electronically approve the purchase or transfer of ammunition through a vendor at the time of purchase or transfer and prior to the purchaser taking possession of the ammunition, and permits the department to collect certain fees for these purposes. Existing law regulates the sale of firearm precursor parts, and authorizes the department to issue a firearm precursor part vendor license. Existing law deems a licensed firearms dealer or licensed ammunition dealer a firearm precursor parts vendor.

This bill would update cross references in those provisions.

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

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

1 SECTION 1. Section 30370 of the Penal Code is amended to
2 read:

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

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

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

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

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

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

1 on December 31, 2019, and not to exceed the department's
2 reasonable costs.

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

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

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

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

31 SEC. 2. Section 30470 of the Penal Code is amended to read:

32 30470. (a) Commencing July 1, 2022, the department shall
33 electronically approve the purchase or transfer of firearm precursor
34 parts through a vendor, as defined in Section 16532, except as
35 otherwise specified. This approval shall occur at the time of
36 purchase or transfer, prior to the purchaser or transferee taking
37 possession of the firearm precursor part. Pursuant to the
38 authorization specified in paragraph (1) of subdivision (c) of
39 Section 30452, the following persons are authorized to purchase
40 firearm precursor parts:

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

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

6 (3) A purchaser or transferee who is not prohibited from
7 purchasing or possessing firearm precursor parts in a single firearm
8 precursor part transaction or purchase made pursuant to the
9 procedure developed pursuant to subdivision (c).

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

25 (c) The department shall develop a procedure in which a person
26 who is not prohibited from purchasing or possessing a firearm
27 precursor part may be approved for a single firearm precursor part
28 transaction or purchase. The department shall recover the cost of
29 processing and regulatory and enforcement activities related to
30 this section by charging the firearm precursor part transaction or
31 purchase applicant a fee not to exceed the fee charged for the
32 department's Dealers' Record of Sale (DROS) process, as described
33 in Section ~~28225~~ 28225, *as it read on December 31, 2019*, and not
34 to exceed the department's reasonable costs.

35 (d) A vendor is prohibited from providing a purchaser or
36 transferee a firearm precursor part without department approval.
37 If a vendor cannot electronically verify a person's eligibility to
38 purchase or possess firearm precursor parts via an internet
39 connection, the department shall provide a telephone line to verify
40 eligibility. This option is available to firearm precursor part vendors

1 who can demonstrate legitimate geographical and
2 telecommunications limitations in submitting the information
3 electronically and who are approved by the department to use the
4 telephone line verification.

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

13 (f) A fund to be known as the Firearm Precursor Parts
14 Enforcement Special Fund is hereby created within the State
15 Treasury. All fees received pursuant to this section shall be
16 deposited into the Firearm Precursor Parts Special Fund and,
17 notwithstanding Section 13340 of the Government Code, are
18 continuously appropriated to the department for purposes of
19 implementing, operating, and enforcing the firearm precursor part
20 authorization program provided for in this section and Section
21 30452.

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

24 SEC. 3. Section 30485 of the Penal Code is amended to read:

25 30485. (a) The Department of Justice is authorized to issue
26 firearm precursor part vendor licenses pursuant to this article. The
27 department shall, commencing April 1, 2022, commence accepting
28 applications for firearm precursor part vendor licenses. If an
29 application is denied, the department shall inform the applicant of
30 the reason for the denial in writing. The annual fee shall be paid
31 on July 1, or the next business day, of every year.

32 (b) The firearm precursor part vendor license shall be issued in
33 a form prescribed by the department. The department may adopt
34 regulations to administer the application and enforcement
35 provisions of this article. The license shall allow the licensee to
36 sell firearm precursor parts at the location specified in the license
37 or at a gun show or event as set forth in Section 30448.

38 (c) (1) In the case of an entity other than a natural person, the
39 department shall issue the license to the entity but shall require a

1 responsible person to pass the background check pursuant to
2 Section 30495.

3 (2) For purposes of this article, “responsible person” means a
4 person having the power to direct the management, policies, and
5 practices of the entity as it pertains to firearm precursor parts.

6 (d) Commencing July 1, 2022, a firearms dealer licensed
7 pursuant to Sections 26700 to 26915, inclusive, and licensed
8 ammunition vendor shall automatically be deemed a firearm
9 precursor parts vendor, provided the dealer complies with the
10 requirements of Article ~~2~~ 1 (commencing with Section ~~30300~~)
11 ~~30400~~) and Article ~~3~~ 2 (commencing with Section ~~30342~~) ~~30442~~)
12 of Chapter ~~1~~ 1.5.