

AMENDED IN SENATE APRIL 1, 2013
AMENDED IN SENATE MARCH 21, 2013

SENATE BILL

No. 53

Introduced by Senator De León
(Principal coauthor: Senator Yee)
(Coauthors: Senators Leno and Steinberg)
(Coauthors: Assembly Members Skinner and Ting)

December 20, 2012

An act to amend Sections 11106, 17315, 30000, 30005, 30010, 30312, 30345, 30347, 30350, 30352, and 30365 of, to amend the heading of Article 3 (commencing with Section 30345) of Chapter 1 of Division 10 of Title 4 of Part 6 of, to add Sections 16663 and 30348 to, to add Article 4 (commencing with Section 30370) to Chapter 1 of Division 10 of Title 4 of Part 6 of, and to add Article 5 (commencing with Section 30380) to Chapter 1 of Division 10 of Title 4 of Part 6 of, the Penal Code, relating to ammunition.

LEGISLATIVE COUNSEL'S DIGEST

SB 53, as amended, De León. Ammunition: purchase permits.

(1) Existing law requires the Attorney General to maintain records, including among other things, fingerprints, licenses to carry concealed firearms, and information from firearms dealers pertaining to firearms, for purposes of assisting in the investigation of crimes, and specified civil actions.

This bill would require the Attorney General to also maintain copies of ammunition purchase permits, information about ammunition transactions, as specified, and ammunition vendor licenses, as specified, for those purposes.

(2) Existing law establishes the Prohibited Armed Persons File, the purpose of which is to cross-reference person who are prohibited from possessing firearms with records of firearm transactions, as specified, to determine if these persons have acquired or attempted to acquire firearms. Under existing law, a person who is prohibited from owning or possessing a firearm is prohibited from owning, possessing, or having under his or her custody or control, any ammunition or reloaded ammunition.

This bill would expand the Prohibited Armed Persons File to address persons prohibited from acquiring ammunition, and would similarly cross-reference those persons with records of ammunition transactions, as specified, to determine if these persons have acquired or attempted to acquire ammunition.

(3) Existing law, subject to exceptions, requires that the delivery or transfer of ownership of handgun ammunition occur only in a face-to-face transaction. Existing law provides that the term “vendor” for purposes of ammunition sales is a “handgun ammunition vendor” as defined for those and other purposes.

This bill would extend those provisions to any ammunition. The bill would provide that the term “vendor” for purposes of ammunition sales means “ammunition vendor,” and, commencing July 1, 2014, who is licensed, as specified, for those and other purposes. *The bill would provide that commencing July 1, 2014, only a licensed ammunition vendor may sell ammunition.* The bill would make additional conforming changes.

(4) Existing law prohibits an ammunition vendor from allowing a person the vendor knows or should know is a person who is prohibited from possessing firearms for specified reasons, from handling, selling, or delivering handgun ammunition in the course and scope of their employment. Existing law prohibits an ammunition vendor from selling or otherwise transferring ownership of, offering for sale or otherwise offering to transfer ownership of, or displaying for sale or displaying for transfer of ownership of, any handgun ammunition in a manner that allows that ammunition to be accessible to a purchaser or transferee without the assistance of the vendor or an employee of the vendor.

This bill would extend those prohibitions to any ammunition. The bill would provide that a violation of those provisions is a misdemeanor.

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

(5) Existing law subject to exceptions, requires a handgun ammunition vendor to record specified information at the time of delivery of handgun ammunition to a purchaser, as specified.

This bill would extend those provisions to transactions of any ammunition. The bill would, commencing July 1, 2014, require the vendor to submit specified information about the ammunition transaction to the Department of Justice. The bill would, commencing July 1, 2017, and subject to exceptions, require the purchaser of ammunition to hold an ammunition purchase permit, or other specified permit, license, or certificate pertaining to acquisition, possession, or carrying firearms, as provided, or other specified documentation for a person who is not a state resident. The bill would, commencing July 1, 2017, require the vendor to submit to the Department of Justice information demonstrating compliance with that verification requirement, as specified. The bill would, commencing January 1, 2017, authorize issuance of ammunition purchase permits by the Department of Justice to applicants who are residents of this state, at least 18 years of age, not prohibited from acquiring or possessing ammunition, and who pay the required fees, as specified. The bill would establish an application process and specify the information to be displayed on the permit. The bill would provide that the permit authorizes the holder to purchase ammunition from an ammunition vendor.

(6) The bill would authorize the Department of Justice to issue ammunition vendor licenses, commencing July 1, 2014. The bill would require an ammunition vendor to be licensed, commencing July 1, 2014, in order to sell or transfer ownership of ammunition. Violation of these provisions would be a misdemeanor. The bill would create an application process and a registry for licensed ammunition vendors, as specified. The bill would require the ammunition vendor to conduct business at the location specified in the license, except in the case of gun shows or events, as specified.

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

(7) The bill would require the Attorney General to report to the Legislature, on or before January 1, 2016, on the feasibility and costs of implementing an instantaneous background check system for purposes of evaluating prospective ammunition purchasers, as specified. The bill would state the intent of the Legislature in this regard.

(8) 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, as added by
2 Section 2.5 of Chapter 745 of the Statutes of 2011, is amended to
3 read:

4 11106. (a) In order to assist in the investigation of crime, the
5 prosecution of civil actions by city attorneys pursuant to paragraph
6 (3) of subdivision (b), the arrest and prosecution of criminals, and
7 the recovery of lost, stolen, or found property, the Attorney General
8 shall keep and properly file a complete record of all copies of
9 fingerprints, copies of licenses to carry firearms issued pursuant
10 to Section 26150, 26155, 26170, or 26215, information reported
11 to the Department of Justice pursuant to Section 26225, copies of
12 permits authorized in Section 30370, ammunition vendor license
13 information pursuant to Article 5 (commencing with Section
14 30380) of Chapter 1 of Division 10 of Title 4 of Part 6, information
15 required by subdivisions (a), (b), and (c) of Section 30352, dealers'
16 records of sales of firearms, reports provided pursuant to Article
17 1 (commencing with Section 27500) of Chapter 4 of Division 6
18 of Title 4 of Part 6, or pursuant to any provision listed in
19 subdivision (a) of Section 16585, forms provided pursuant to
20 Section 12084, as that section read prior to being repealed, reports
21 provided pursuant to Article 1 (commencing with Section 26700)
22 and Article 2 (commencing with Section 26800) of Chapter 2 of
23 Division 6 of Title 4 of Part 6, that are not dealers' records of sales
24 of firearms, and reports of stolen, lost, found, pledged, or pawned
25 property in any city or county of this state, and shall, upon proper
26 application therefor, furnish this information to the officers referred
27 to in Section 11105.

28 (b) (1) The Attorney General shall permanently keep and
29 properly file and maintain all information reported to the

1 Department of Justice pursuant to the following provisions as to
2 firearms and maintain a registry thereof:

3 (A) Article 1 (commencing with Section 26700) and Article 2
4 (commencing with Section 26800) of Chapter 2 of Division 6 of
5 Title 4 of Part 6.

6 (B) Article 1 (commencing with Section 27500) of Chapter 4
7 of Division 6 of Title 4 of Part 6.

8 (C) Chapter 5 (commencing with Section 28050) of Division 6
9 of Title 4 of Part 6.

10 (D) Any provision listed in subdivision (a) of Section 16585.

11 (E) Former Section 12084.

12 (F) Any other law.

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

14 (A) The name, address, identification of, place of birth (state
15 or country), complete telephone number, occupation, sex,
16 description, and all legal names and aliases ever used by the owner
17 or person being loaned the particular firearm as listed on the
18 information provided to the department on the Dealers' Record of
19 Sale, the Law Enforcement Firearms Transfer (LEFT), as defined
20 in former Section 12084, or reports made to the department
21 pursuant to any provision listed in subdivision (a) of Section 16585
22 or any other law.

23 (B) The name and address of, and other information about, any
24 person (whether a dealer or a private party) from whom the owner
25 acquired or the person being loaned the particular firearm and
26 when the firearm was acquired or loaned as listed on the
27 information provided to the department on the Dealers' Record of
28 Sale, the LEFT, or reports made to the department pursuant to any
29 provision listed in subdivision (a) of Section 16585 or any other
30 law.

31 (C) Any waiting period exemption applicable to the transaction
32 which resulted in the owner of or the person being loaned the
33 particular firearm acquiring or being loaned that firearm.

34 (D) The manufacturer's name if stamped on the firearm, model
35 name or number if stamped on the firearm, and, if applicable, the
36 serial number, other number (if more than one serial number is
37 stamped on the firearm), caliber, type of firearm, if the firearm is
38 new or used, barrel length, and color of the firearm, or, if the
39 firearm is not a handgun and does not have a serial number or any
40 identification number or mark assigned to it, that shall be noted.

1 (3) Information in the registry referred to in this subdivision
2 shall, upon proper application therefor, be furnished to the officers
3 referred to in Section 11105, to a city attorney prosecuting a civil
4 action, solely for use in prosecuting that civil action and not for
5 any other purpose, or to the person listed in the registry as the
6 owner or person who is listed as being loaned the particular firearm.

7 (4) If any person is listed in the registry as the owner of a firearm
8 through a Dealers' Record of Sale prior to 1979, and the person
9 listed in the registry requests by letter that the Attorney General
10 store and keep the record electronically, as well as in the record's
11 existing photographic, photostatic, or nonerasable optically stored
12 form, the Attorney General shall do so within three working days
13 of receipt of the request. The Attorney General shall, in writing,
14 and as soon as practicable, notify the person requesting electronic
15 storage of the record that the request has been honored as required
16 by this paragraph.

17 (c) (1) Any officer referred to in paragraphs (1) to (6), inclusive,
18 of subdivision (b) of Section 11105 may disseminate the name of
19 the subject of the record, the number of the firearms listed in the
20 record, and the description of any firearm, including the make,
21 model, and caliber, from the record relating to any firearm's sale,
22 transfer, registration, or license record, or any information reported
23 to the Department of Justice pursuant to Section 26225, Article 1
24 (commencing with Section 26700) and Article 2 (commencing
25 with Section 26800) of Chapter 2 of Division 6 of Title 4 of Part
26 6, Article 1 (commencing with Section 27500) of Chapter 4 of
27 Division 6 of Title 4 of Part 6, Chapter 5 (commencing with
28 Section 28050) of Division 6 of Title 4 of Part 6, Article 2
29 (commencing with Section 28150) of Chapter 6 of Division 6 of
30 Title 4 of Part 6, Article 5 (commencing with Section 30900) of
31 Chapter 2 of Division 10 of Title 4 of Part 6, Chapter 2
32 (commencing with Section 33850) of Division 11 of Title 4 of Part
33 6, or any provision listed in subdivision (a) of Section 16585, if
34 the following conditions are met:

35 (A) The subject of the record has been arraigned for a crime in
36 which the victim is a person described in subdivisions (a) to (f),
37 inclusive, of Section 6211 of the Family Code and is being
38 prosecuted or is serving a sentence for the crime, or the subject of
39 the record is the subject of an emergency protective order, a
40 temporary restraining order, or an order after hearing, which is in

1 effect and has been issued by a family court under the Domestic
2 Violence Protection Act set forth in Division 10 (commencing
3 with Section 6200) of the Family Code.

4 (B) The information is disseminated only to the victim of the
5 crime or to the person who has obtained the emergency protective
6 order, the temporary restraining order, or the order after hearing
7 issued by the family court.

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

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

18 (d) This section shall become operative January 1, 2014.

19 SEC. 2. Section 16663 is added to the Penal Code, to read:

20 16663. (a) As used in this part, “ammunition vendor” means
21 any person, firm, corporation, dealer, or any other business
22 enterprise that is engaged in the retail sale of any ammunition, or
23 that holds itself out as engaged in the business of selling any
24 ammunition.

25 (b) Commencing July 1, 2014, “ammunition vendor” means
26 any person or entity described in subdivision (a) who has a current
27 ammunition vendor license, pursuant to Section 30380.

28 SEC. 3. Section 17315 of the Penal Code is amended to read:

29 17315. As used in Article 3 (commencing with Section 30345)
30 of Chapter 1 of Division 10 of Title 4, “vendor” means an
31 ammunition vendor.

32 SEC. 4. Section 30000 of the Penal Code is amended to read:

33 30000. (a) The Attorney General shall establish and maintain
34 an online database to be known as the Prohibited Armed Persons
35 File. The purpose of the file is to cross-reference persons who have
36 ownership or possession of a firearm on or after January 1, 1991,
37 as indicated by a record in the Consolidated Firearms Information
38 System, and who, subsequent to the date of that ownership or
39 possession of a firearm, fall within a class of persons who are
40 prohibited from owning or possessing a firearm.

1 (b) Commencing January 1, 2014, the file shall also be used to
2 cross-reference persons who acquire ammunition to determine if
3 those persons fall within a class of persons who are prohibited
4 from owning or possessing ammunition.

5 (c) The information contained in the Prohibited Armed Persons
6 File shall only be available to those entities specified in, and
7 pursuant to, subdivision (b) or (c) of Section 11105, through the
8 California Law Enforcement Telecommunications System, for the
9 purpose of determining if persons are armed and prohibited from
10 possessing firearms or ammunition.

11 SEC. 5. Section 30005 of the Penal Code is amended to read:
12 30005. The Prohibited Armed Persons File database shall
13 function as follows:

14 (a) Upon entry into the Automated Criminal History System of
15 a disposition for a conviction of any felony, a conviction for any
16 firearms-prohibiting charge specified in Chapter 2 (commencing
17 with Section 29800), a conviction for an offense described in
18 Chapter 3 (commencing with Section 29900), a firearms prohibition
19 pursuant to Section 8100 or 8103 of the Welfare and Institutions
20 Code, or any firearms possession prohibition identified by the
21 federal National Instant Criminal Background Check System, the
22 Department of Justice shall determine if the subject has an entry
23 in the Consolidated Firearms Information System indicating
24 possession or ownership of a firearm on or after January 1, 1991,
25 or an assault weapon registration, or a .50 BMG rifle registration,
26 or, commencing January 1, 2014, acquisition of ammunition.

27 (b) Upon an entry into any department automated information
28 system that is used for the identification of persons who are
29 prohibited by state or federal law from acquiring, owning, or
30 possessing firearms, the department shall determine if the subject
31 has an entry in the Consolidated Firearms Information System
32 indicating ownership or possession of a firearm on or after January
33 1, 1991, or an assault weapon registration, or a .50 BMG rifle
34 registration, or information received pursuant to subdivision (b)
35 of Section 30352.

36 (c) If the department determines that, pursuant to subdivision
37 (a) or (b), the subject has an entry in the Consolidated Firearms
38 Information System indicating possession or ownership of a firearm
39 on or after January 1, 1991, or an assault weapon registration, or
40 a .50 BMG rifle registration, or information received pursuant to

1 subdivision (b) of Section 30352, the following information shall
2 be entered into the Prohibited Armed Persons File:

- 3 (1) The subject's name.
- 4 (2) The subject's date of birth.
- 5 (3) The subject's physical description.
- 6 (4) Any other identifying information regarding the subject that
7 is deemed necessary by the Attorney General.
- 8 (5) The basis of the firearms and ammunition possession
9 prohibition.
- 10 (6) A description of all firearms owned or possessed by the
11 subject, as reflected by the Consolidated Firearms Information
12 System.

13 SEC. 6. Section 30010 of the Penal Code is amended to read:
14 30010. The Attorney General shall provide investigative
15 assistance to local law enforcement agencies to better ensure the
16 investigation of individuals who are armed and prohibited from
17 possessing a firearm or who are prohibited from possessing
18 ammunition.

19 SEC. 7. Section 30312 of the Penal Code is amended to read:
20 30312. (a) (1) The delivery or transfer of ownership of
21 ammunition may only occur in a face-to-face transaction with the
22 deliverer or transferor being provided bona fide evidence of identity
23 from the purchaser or other transferee.

24 (2) *Commencing July 1, 2014, the sale of ammunition may only*
25 *be conducted by an ammunition vendor licensed pursuant to*
26 *Section 30385.*

27 (b) Subdivision (a) shall not apply to or affect the sale, delivery,
28 or transfer of ammunition to any of the following:

29 (1) An authorized law enforcement representative of a city,
30 county, city and county, or state or federal government, if the sale,
31 delivery, or transfer is for exclusive use by that government agency
32 and, prior to the sale, delivery, or transfer of the ammunition,
33 written authorization from the head of the agency employing the
34 purchaser or transferee is obtained, identifying the employee as
35 an individual authorized to conduct the transaction, and authorizing
36 the transaction for the exclusive use of the agency employing the
37 individual.

38 (2) A sworn peace officer, as defined in Chapter 4.5
39 (commencing with Section 830) of Title 3 of Part 2 who is

1 authorized to carry a firearm in the course and scope of the officer’s
2 duties.

3 (3) An importer or manufacturer of ammunition or firearms
4 who is licensed to engage in business pursuant to Chapter 44
5 (commencing with Section 921) of Title 18 of the United States
6 Code and the regulations issued pursuant thereto.

7 (4) A person who is on the centralized list maintained by the
8 Department of Justice pursuant to Article 6 (commencing with
9 Section 28450) of Chapter 6 of Division 6 of this title.

10 (5) A person whose licensed premises are outside this state and
11 who is licensed as a dealer or collector of firearms pursuant to
12 Chapter 44 (commencing with Section 921) of Title 18 of the
13 United States Code and the regulations issued pursuant thereto.

14 (6) A person who is licensed as a collector of firearms pursuant
15 to Chapter 44 (commencing with Section 921) of Title 18 of the
16 United States Code and the regulations issued pursuant thereto,
17 whose licensed premises are within this state, and who has a current
18 certificate of eligibility issued by the Department of Justice
19 pursuant to Section 26710.

20 (7) An ammunition vendor.

21 (8) A consultant-evaluator.

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

23 SEC. 8. The heading of Article 3 (commencing with Section
24 30345) of Chapter 1 of Division 10 of Title 4 of Part 6 of the Penal
25 Code is amended to read:

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Article 3. Ammunition Vendors

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29 SEC. 9. Section 30345 of the Penal Code is amended to read:

30 30345. (a) A vendor shall comply with all of the conditions,
31 requirements, and prohibitions stated in this article.

32 (b) Commencing July 1, 2014, an ammunition vendor shall be
33 licensed by the Department of Justice in order to sell or otherwise
34 transfer ownership of ammunition.

35 SEC. 10. Section 30347 of the Penal Code is amended to read:

36 30347. A vendor shall not permit any employee who the vendor
37 knows or reasonably should know is a person described in Chapter
38 2 (commencing with Section 29800) or Chapter 3 (commencing
39 with Section 29900) of Division 9 of this title or Section 8100 or

1 8103 of the Welfare and Institutions Code to handle, sell, or deliver
2 ammunition in the course and scope of employment.

3 SEC. 11. Section 30348 is added to the Penal Code, to read:

4 30348. (a) Except as provided in subdivision (b), the sale or
5 other transfer of ownership of ammunition shall be conducted at
6 the location specified in the license.

7 (b) A vendor may sell or otherwise transfer ownership of
8 ammunition at a gun show or event if the gun show or event is not
9 conducted from any motorized or towed vehicle.

10 (c) For purposes of this section, “gun show or event” means a
11 function sponsored by any national, state, or local organization,
12 devoted to the collection, competitive use, or other sporting use
13 of firearms, or an organization or association that sponsors
14 functions devoted to the collection, competitive use, or other
15 sporting use of firearms in the community.

16 (d) Sales or other transfers of ownership of ammunition at a
17 gun show or event shall comply with Sections 30347, 30350,
18 30352, and 30360.

19 SEC. 12. Section 30350 of the Penal Code is amended to read:

20 30350. A vendor shall not sell or otherwise transfer ownership
21 of, offer for sale or otherwise offer to transfer ownership of, or
22 display for sale or display for transfer of ownership of any
23 ammunition in a manner that allows that ammunition to be
24 accessible to a purchaser or transferee without the assistance of
25 the vendor or an employee of the vendor.

26 SEC. 13. Section 30352 of the Penal Code is amended to read:

27 30352. (a) A vendor shall not sell or otherwise transfer
28 ownership of any ammunition without, at the time of delivery,
29 legibly recording the following information:

30 (1) The date of the sale or other transaction.

31 (2) The purchaser’s or transferee’s driver’s license or other
32 identification number and the state in which it was issued.

33 (3) The brand, type, and amount of ammunition sold or
34 otherwise transferred.

35 (4) The purchaser’s or transferee’s signature.

36 (5) The name of the salesperson who processed the sale or other
37 transaction.

38 (6) The right thumbprint of the purchaser or transferee on the
39 above form.

- 1 (7) The purchaser's or transferee's full residential address and
2 telephone number.
- 3 (8) The purchaser's or transferee's date of birth.
- 4 (b) Commencing July 1, 2014, the vendor shall submit to the
5 department the information required by subdivision (a) in a format
6 and a manner prescribed by the department for all sales or other
7 transfers of ownership of ammunition.
- 8 (c) Commencing July 1, 2017, an ammunition vendor shall
9 submit information *to the department* in a format prescribed by
10 the department to show compliance with subdivision (d).
- 11 (d) Commencing on July 1, 2017, only those persons listed
12 below or those persons or entities listed in subdivision (f) shall be
13 permitted to purchase ammunition. Prior to the delivery of the
14 ammunition, the vendor shall verify that the person who is
15 receiving delivery of the ammunition is a properly identified person
16 or entity listed in subdivision (f) or one of the following:
- 17 (1) A holder of a valid ammunition purchase permit issued
18 pursuant to Section 30370.
- 19 (2) A person who is authorized to carry loaded firearms pursuant
20 to Section 25900, 25905, 25910, 25925, 26010, 26015, 26025, or
21 26030.
- 22 (3) A holder of a special weapons permit issued by the
23 department pursuant to Section 32650 or 33300, pursuant to Article
24 3 (commencing with Section 18900) of Chapter 1 of Division 5
25 of Title 2, or pursuant to Article 4 (commencing with Section
26 32700) of Chapter 6 of this division.
- 27 (4) A holder of a current certificate of eligibility issued pursuant
28 to Section 26710.
- 29 (5) A holder of a valid entertainment firearms permit issued
30 pursuant to Chapter 2 (commencing with Section 29500) of
31 Division 8.
- 32 (6) If a person is not the holder of an ammunition purchase
33 permit because he or she is not a resident of this state, then pursuant
34 to procedures prescribed by the department, the person presents
35 documentation to the vendor that shows that the person would not
36 be prohibited from acquiring or possessing ammunition within this
37 state.
- 38 (e) Commencing July 1, 2017, the vendor shall verify that the
39 ammunition purchase permit is valid by contacting the department
40 for each ammunition transaction, in a manner prescribed by the

1 department. The department shall conduct an instantaneous
2 background check to determine if the permittee is prohibited from
3 possessing ammunition. The department shall approve or deny the
4 transaction on the basis of the background check and shall inform
5 the vendor.

6 (f) Subdivisions (a) and (e) shall not apply to or affect sales or
7 other transfers of ownership of ammunition by ammunition vendors
8 to any of the following, if properly identified:

9 (1) A person licensed pursuant to Sections 26700 to 26915,
10 inclusive.

11 (2) An ammunition vendor.

12 (3) A person who is on the centralized list maintained by the
13 department pursuant to Article 6 (commencing with Section 28450)
14 of Chapter 6 of Division 6 of this title.

15 (4) A target facility that holds a business or regulatory license.

16 (5) A gunsmith.

17 (6) A wholesaler.

18 (7) A manufacturer or importer of firearms or ammunition
19 licensed pursuant to Chapter 44 (commencing with Section 921)
20 of Title 18 of the United States Code, and the regulations issued
21 pursuant thereto.

22 (8) An authorized law enforcement representative of a city,
23 county, city and county, or state or federal government, if the sale
24 or other transfer of ownership is for exclusive use by that
25 government agency, and, prior to the sale, delivery, or transfer of
26 the ammunition, written authorization from the head of the agency
27 authorizing the transaction is presented to the person from whom
28 the purchase, delivery, or transfer is being made. Proper written
29 authorization is defined as verifiable written certification from the
30 head of the agency by which the purchaser, transferee, or person
31 otherwise acquiring ownership is employed, identifying the
32 employee as an individual authorized to conduct the transaction,
33 and authorizing the transaction for the exclusive use of the agency
34 by which that individual is employed.

35 SEC. 14. Section 30365 of the Penal Code is amended to read:

36 30365. (a) A violation of subdivision (b) of Section 30345,
37 Section 30347, 30350, 30352, 30355, 30360, or 30362 is a
38 misdemeanor.

39 (b) The provisions of this section are cumulative, and shall not
40 be construed as restricting the application of any other law.

1 However, an act or omission punishable in different ways by
2 different provisions of law shall not be punished under more than
3 one provision.

4 SEC. 15. Article 4 (commencing with Section 30370) is added
5 to Chapter 1 of Division 10 of Title 4 of Part 6 of the Penal Code,
6 to read:

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Article 4. Ammunition Purchase Permits

10 30370. (a) (1) Commencing on January 1, 2017, any person
11 who is a resident of this state and who is 18 years of age or older
12 may apply to the department for an ammunition purchase permit,
13 in a format to be prescribed by the department.

14 (2) The ammunition purchase permit shall entitle the
15 permitholder to purchase or otherwise acquire ownership of
16 ammunition from an ammunition vendor as that term is defined
17 in Section 16663 and shall have no other force or effect.

18 (b) The department shall issue an ammunition purchase permit
19 to the applicant if all of the following conditions are met:

20 (1) The applicant is 18 years of age or older.

21 (2) The applicant is not prohibited from acquiring or possessing
22 ammunition by the laws of this state.

23 (3) The applicant pays the fees set forth in subdivision (i).

24 (c) (1) Upon receipt of an initial or renewal application, the
25 department shall examine its records and is authorized to request
26 records from the State Department of State Hospitals, pursuant to
27 Section 8104 of the Welfare and Institutions Code, and if
28 authorized, the National Instant Criminal Background Check
29 System, as described in Section 922(t) of Title 18 of the United
30 States Code, in order to determine if the applicant is prohibited
31 from possessing or acquiring ammunition.

32 (2) The applicant shall be approved or denied within 30 days
33 of the date of the application. If the application is denied, the
34 department shall state the reasons for doing so and provide the
35 applicant an appeal process to challenge that denial.

36 (d) The ammunition purchase permit shall be valid for five years
37 from the date of issuance.

38 (e) The department shall send a notice of the expiration of an
39 ammunition purchase permit, by first-class mail or other means
40 that are equivalent, including electronic mail, to the address of the

1 person as shown by the records of the department, not less than
2 90 days before the expiration date, and shall enclose or contain a
3 form for the renewal of the permit.

4 (f) The ammunition purchase permit shall be revoked by the
5 department upon the occurrence of any event which would have
6 disqualified the holder from being issued the ammunition purchase
7 permit pursuant to this section.

8 (g) The ammunition purchase permit shall be in a tamper-proof
9 form prescribed by the department and shall include the name,
10 address, photograph, date of birth, a unique identifying number,
11 expiration date from the date of issuance, physical characteristics,
12 including the height, weight, eye color, and hair color of the
13 permitholder, and other information that may be prescribed by the
14 department.

15 (h) The department shall recover the reasonable cost of
16 administering this section by charging applicants an initial
17 application and a renewal application fee.

18 (i) All fees received pursuant to this section shall be deposited
19 into the Dealer's Record of Sale Special Account of the General
20 Fund.

21 (j) The implementation of this section by the department is
22 exempt from the Administrative Procedure Act (Chapter 3.5
23 (commencing with Section 11340) of Part 1 of Division 3 of Title
24 2 of the Government Code).

25 (k) The department shall annually review and shall adjust the
26 fees specified in subdivision (h), if necessary, to fully fund, but
27 not to exceed the reasonable costs of, the permit program provided
28 by this section, including the enforcement of this program.

29 (l) The Attorney General is authorized to adopt regulations to
30 implement the provisions of this section.

31 SEC. 16. Article 5 (commencing with Section 30380) is added
32 to Chapter 1 of Division 10 of Title 4 of Part 6 of the Penal Code,
33 to read:

34

35 Article 5. Ammunition Vendor Licenses

36

37 30380. (a) Commencing July 1, 2014, no ammunition vendor
38 shall sell or otherwise transfer ownership of ammunition unless
39 the vendor is licensed pursuant to Section 30385.

40 (b) A violation of this section is a misdemeanor.

1 30385. (a) The Department of Justice is authorized to issue
2 ammunition vendor licenses pursuant to this article. The department
3 shall, commencing March 1, 2014, commence accepting
4 applications for ammunition vendor licenses. The department shall
5 issue a license or deny the application for a license within 30 days
6 of receipt of the application. If the application is denied, the
7 department shall inform the applicant of the reason for denial in
8 writing.

9 (b) The ammunition vendor license shall be issued in a form
10 prescribed by the Attorney General and shall be valid for a period
11 of one year. The Attorney General may adopt regulations to
12 administer application and enforcement provisions of this article.

13 30390. (a) The department may charge ammunition vendor
14 license applicants a fee sufficient to reimburse the department for
15 the reasonable costs of administering the license program,
16 maintaining the registry of ammunition vendors, and necessary
17 enforcement, provided however, that the fee shall not exceed fifty
18 dollars (\$50).

19 (b) The fees received by the department pursuant to this article
20 shall be deposited in the Dealers' Record of Sale Account of the
21 General Fund.

22 30395. (a) The department shall issue ammunition vendor
23 licenses pursuant to this article to the following applicants:

24 (1) A licensed firearms dealer.

25 (2) Persons on the centralized list maintained by the department
26 pursuant to Section 28450.

27 (3) A target facility holding a business or other regulatory
28 license.

29 (4) A gunsmith.

30 (5) A firearms wholesaler.

31 (6) A manufacturer or importer of firearms or ammunition
32 licensed pursuant to Chapter 44 (commencing with Section 921)
33 of Title 18 of the United States Code, and the regulations issued
34 pursuant thereto.

35 (b) The department shall keep a registry of all licensed
36 ammunition vendors. No ammunition vendor shall sell or transfer
37 ownership of ammunition unless listed on the registry.

38 (c) The department may remove an ammunition vendor from
39 the registry for a violation of this article or a violation of Article

1 3 (commencing with Section 30345) for a period not to exceed six
2 months.

3 (d) The department shall revoke the license of any ammunition
4 vendor who violates this article or Article 3 (commencing with
5 Section 30345) in any combination three times. The ammunition
6 vendor shall thereafter be permanently ineligible for an ammunition
7 vendor license.

8 30400. (a) The Attorney General shall prepare and submit to
9 the Legislature on or before January 1, 2016, a report concerning
10 all of the following:

11 (1) Recommendations for a clear and succinct general procedure
12 whereby a system may be instituted for instantaneous background
13 checks that can be conducted for all persons attempting to purchase
14 ammunition.

15 (2) The feasibility of integration of that system into the current
16 firearm registration system.

17 (3) The feasibility and costs of creating that type of background
18 check system.

19 (4) The overall costs of creating and maintaining, and the costs
20 to individuals of using, that system.

21 (5) The effect of the system on overall efforts by the Department
22 of Justice in terms of information and computerized upgrades that
23 the department is currently undertaking.

24 (6) Recommendations for any specific statutory changes
25 necessary to implement the system, if any.

26 (b) The report required by subdivision (a) shall be submitted
27 pursuant to Section 9795 of the Government Code.

28 (c) It is the intent of the Legislature to provide the Department
29 of Justice with sufficient flexibility to develop an instantaneous
30 background check system. The Legislature recognizes that the
31 Department may develop an alternative system than the one
32 prescribed by this measure. If that is the case, the Legislature may
33 review that system and enact legislation accordingly.

34 SEC. 17. No reimbursement is required by this act pursuant to
35 Section 6 of Article XIII B of the California Constitution because
36 the only costs that may be incurred by a local agency or school
37 district will be incurred because this act creates a new crime or
38 infraction, eliminates a crime or infraction, or changes the penalty
39 for a crime or infraction, within the meaning of Section 17556 of
40 the Government Code, or changes the definition of a crime within

- 1 the meaning of Section 6 of Article XIII B of the California
- 2 Constitution.

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