

AMENDED IN SENATE MAY 28, 2013
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)
(Principal coauthor: Assembly Member Skinner)
(Coauthors: Senators Leno and Steinberg)
(Coauthors: Coauthor: Assembly Members Skinner and Member 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)~~

~~(2) Existing law, subject to exceptions, requires that the delivery or transfer of ownership of handgun ammunition occur only in a face-to-face transaction *and makes a violation of this requirement a crime*. 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~~, 2015, who is licensed, as specified, for those and other purposes. The bill would provide that commencing July 1, ~~2014~~, 2015, only a licensed ammunition vendor may sell ammunition. The bill would *create an additional exemption from these requirements for specified events conducted by a nonprofit entity, as specified, and would make additional conforming changes.*~~

~~(4)~~

~~(3) 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)~~

(4) 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. *be authorized to purchase ammunition by the Department of Justice, as specified.* The bill would, commencing January 1, 2017, authorize issuance of ammunition purchase ~~permits~~ *authorizations* 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.~~ *establish a centralized list of persons authorized to purchase ammunition.*~~

~~(6)~~

(5) The bill would authorize the Department of Justice to issue ammunition vendor licenses, commencing July 1, ~~2014~~ *2015*. The bill would require an ammunition vendor to be licensed, commencing July 1, ~~2014~~, *2015*, 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 ~~for~~ *licensed for* ammunition vendors, as specified. *The bill would establish the Ammunition Vendors*

Special Account within the General Fund, into which vendor license fees would be deposited and made available, upon appropriation by the Legislature, to the Department of Justice for purposes of enforcing the ammunition vendor licensing provisions. 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.~~

~~(6) The bill would provide that for the provisions discussed above, as specified, “ammunition” does not include blanks.~~

~~(8)~~

(7) 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 ammunition purchaser authorizations~~
13 ~~pursuant to~~ Section 30370, ammunition vendor license information
14 pursuant to Article 5 (commencing with Section 30380) of Chapter

1 1 of Division 10 of Title 4 of Part 6, information required by
2 ~~subdivisions (a), (b), and (c)~~ of Section 30352, dealers' records of
3 sales of firearms, reports provided pursuant to Article 1
4 (commencing with Section 27500) of Chapter 4 of Division 6 of
5 Title 4 of Part 6, or pursuant to any provision listed in subdivision
6 (a) of Section 16585, forms provided pursuant to Section 12084,
7 as that section read prior to being repealed, reports provided
8 pursuant to Article 1 (commencing with Section 26700) and Article
9 2 (commencing with Section 26800) of Chapter 2 of Division 6
10 of Title 4 of Part 6, that are not dealers' records of sales of firearms,
11 and reports of stolen, lost, found, pledged, or pawned property in
12 any city or county of this state, and shall, upon proper application
13 therefor, furnish this information to the officers referred to in
14 Section 11105.

15 (b) (1) The Attorney General shall permanently keep and
16 properly file and maintain all information reported to the
17 Department of Justice pursuant to the following provisions as to
18 firearms and maintain a registry thereof:

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

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

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

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

27 (E) Former Section 12084.

28 (F) Any other law.

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

30 (A) The name, address, identification of, place of birth (state
31 or country), complete telephone number, occupation, sex,
32 description, and all legal names and aliases ever used by the owner
33 or person being loaned the particular firearm as listed on the
34 information provided to the department on the Dealers' Record of
35 Sale, the Law Enforcement Firearms Transfer (LEFT), as defined
36 in former Section 12084, or reports made to the department
37 pursuant to any provision listed in subdivision (a) of Section 16585
38 or any other law.

39 (B) The name and address of, and other information about, any
40 person (whether a dealer or a private party) from whom the owner

1 acquired or the person being loaned the particular firearm and
2 when the firearm was acquired or loaned as listed on the
3 information provided to the department on the Dealers' Record of
4 Sale, the LEFT, or reports made to the department pursuant to any
5 provision listed in subdivision (a) of Section 16585 or any other
6 law.

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

10 (D) The manufacturer's name if stamped on the firearm, model
11 name or number if stamped on the firearm, and, if applicable, the
12 serial number, other number (if more than one serial number is
13 stamped on the firearm), caliber, type of firearm, if the firearm is
14 new or used, barrel length, and color of the firearm, or, if the
15 firearm is not a handgun and does not have a serial number or any
16 identification number or mark assigned to it, that shall be noted.

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

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

33 (c) (1) Any officer referred to in paragraphs (1) to (6), inclusive,
34 of subdivision (b) of Section 11105 may disseminate the name of
35 the subject of the record, the number of the firearms listed in the
36 record, and the description of any firearm, including the make,
37 model, and caliber, from the record relating to any firearm's sale,
38 transfer, registration, or license record, or any information reported
39 to the Department of Justice pursuant to Section 26225, Article 1
40 (commencing with Section 26700) and Article 2 (commencing

1 with Section 26800) of Chapter 2 of Division 6 of Title 4 of Part
2 6, Article 1 (commencing with Section 27500) of Chapter 4 of
3 Division 6 of Title 4 of Part 6, Chapter 5 (commencing with
4 Section 28050) of Division 6 of Title 4 of Part 6, Article 2
5 (commencing with Section 28150) of Chapter 6 of Division 6 of
6 Title 4 of Part 6, Article 5 (commencing with Section 30900) of
7 Chapter 2 of Division 10 of Title 4 of Part 6, Chapter 2
8 (commencing with Section 33850) of Division 11 of Title 4 of Part
9 6, or any provision listed in subdivision (a) of Section 16585, if
10 the following conditions are met:

11 (A) The subject of the record has been arraigned for a crime in
12 which the victim is a person described in subdivisions (a) to (f),
13 inclusive, of Section 6211 of the Family Code and is being
14 prosecuted or is serving a sentence for the crime, or the subject of
15 the record is the subject of an emergency protective order, a
16 temporary restraining order, or an order after hearing, which is in
17 effect and has been issued by a family court under the Domestic
18 Violence Protection Act set forth in Division 10 (commencing
19 with Section 6200) of the Family Code.

20 (B) The information is disseminated only to the victim of the
21 crime or to the person who has obtained the emergency protective
22 order, the temporary restraining order, or the order after hearing
23 issued by the family court.

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

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

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

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

36 16663. (a) As used in this part, “ammunition vendor” means
37 any person, firm, corporation, dealer, or any other business
38 enterprise that is engaged in the retail sale of any ammunition, or
39 that holds itself out as engaged in the business of selling any
40 ammunition.

1 (b) Commencing July 1, ~~2014~~, 2015, “ammunition vendor”
2 means any person or entity described in subdivision (a) who has
3 a current ammunition vendor license, pursuant to Section 30380.

4 SEC. 3. Section 17315 of the Penal Code is amended to read:
5 17315. As used in Article 3 (commencing with Section 30345)
6 of Chapter 1 of Division 10 of Title 4, “vendor” means an
7 ammunition vendor.

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

9 ~~30000. (a) The Attorney General shall establish and maintain~~
10 ~~an online database to be known as the Prohibited Armed Persons~~
11 ~~File. The purpose of the file is to cross-reference persons who have~~
12 ~~ownership or possession of a firearm on or after January 1, 1991,~~
13 ~~as indicated by a record in the Consolidated Firearms Information~~
14 ~~System, and who, subsequent to the date of that ownership or~~
15 ~~possession of a firearm, fall within a class of persons who are~~
16 ~~prohibited from owning or possessing a firearm.~~

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

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

27 SEC. 5. ~~Section 30005 of the Penal Code is amended to read:~~

28 ~~30005. The Prohibited Armed Persons File database shall~~
29 ~~function as follows:~~

30 ~~(a) Upon entry into the Automated Criminal History System of~~
31 ~~a disposition for a conviction of any felony, a conviction for any~~
32 ~~firearms-prohibiting charge specified in Chapter 2 (commencing~~
33 ~~with Section 29800), a conviction for an offense described in~~
34 ~~Chapter 3 (commencing with Section 29900), a firearms prohibition~~
35 ~~pursuant to Section 8100 or 8103 of the Welfare and Institutions~~
36 ~~Code, or any firearms possession prohibition identified by the~~
37 ~~federal National Instant Criminal Background Check System, the~~
38 ~~Department of Justice shall determine if the subject has an entry~~
39 ~~in the Consolidated Firearms Information System indicating~~
40 ~~possession or ownership of a firearm on or after January 1, 1991,~~

1 or an assault weapon registration, or a .50 BMG rifle registration,
2 or, commencing January 1, 2014, acquisition of ammunition.

3 (b) Upon an entry into any department automated information
4 system that is used for the identification of persons who are
5 prohibited by state or federal law from acquiring, owning, or
6 possessing firearms, the department shall determine if the subject
7 has an entry in the Consolidated Firearms Information System
8 indicating ownership or possession of a firearm on or after January
9 1, 1991, or an assault weapon registration, or a .50 BMG rifle
10 registration, or information received pursuant to subdivision (b)
11 of Section 30352.

12 (c) If the department determines that, pursuant to subdivision
13 (a) or (b), the subject has an entry in the Consolidated Firearms
14 Information System indicating possession or ownership of a firearm
15 on or after January 1, 1991, or an assault weapon registration, or
16 a .50 BMG rifle registration, or information received pursuant to
17 subdivision (b) of Section 30352, the following information shall
18 be entered into the Prohibited Armed Persons File:

- 19 (1) The subject's name.
- 20 (2) The subject's date of birth.
- 21 (3) The subject's physical description.
- 22 (4) Any other identifying information regarding the subject that
23 is deemed necessary by the Attorney General.
- 24 (5) The basis of the firearms and ammunition possession
25 prohibition.
- 26 (6) A description of all firearms owned or possessed by the
27 subject, as reflected by the Consolidated Firearms Information
28 System.

29 SEC. 6. Section 30010 of the Penal Code is amended to read:
30 30010. The Attorney General shall provide investigative
31 assistance to local law enforcement agencies to better ensure the
32 investigation of individuals who are armed and prohibited from
33 possessing a firearm or who are prohibited from possessing
34 ammunition.

35 SEC. 7.
36 SEC. 4. Section 30312 of the Penal Code is amended to read:
37 30312. (a) (1) The delivery or transfer of ownership of
38 ammunition may only occur in a face-to-face transaction with the
39 deliverer or transferor being provided bona fide evidence of identity
40 from the purchaser or other transferee; *provided, however, that*

1 *ammunition may be purchased over the Internet or through other*
2 *means of remote ordering if an ammunition vendor in this state*
3 *initially receives the ammunition and processes the transfer in*
4 *compliance with this section and Article 3 (commencing with*
5 *Section 30345).*

6 (2) Commencing July 1, ~~2014~~, 2015, the sale of ammunition
7 may only be conducted by an ammunition vendor licensed pursuant
8 to Section 30385.

9 (3) *For purposes of this section, “ammunition” does not include*
10 *blanks.*

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

13 (1) An authorized law enforcement representative of a city,
14 county, city and county, or state or federal government, if the sale,
15 delivery, or transfer is for exclusive use by that government agency
16 and, prior to the sale, delivery, or transfer of the ammunition,
17 written authorization from the head of the agency employing the
18 purchaser or transferee is obtained, identifying the employee as
19 an individual authorized to conduct the transaction, and authorizing
20 the transaction for the exclusive use of the agency employing the
21 individual.

22 (2) A sworn peace officer, as defined in Chapter 4.5
23 (commencing with Section 830) of Title 3 of Part 2 who is
24 authorized to carry a firearm in the course and scope of the officer’s
25 duties.

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

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

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

37 (6) A person who is licensed as a collector of firearms pursuant
38 to Chapter 44 (commencing with Section 921) of Title 18 of the
39 United States Code and the regulations issued pursuant thereto,
40 whose licensed premises are within this state, and who has a current

1 certificate of eligibility issued by the Department of Justice
2 pursuant to Section 26710.

3 (7) An ammunition vendor.

4 (8) A consultant-evaluator.

5 (9) *A participant at an event organized by a nonprofit mutual*
6 *or public benefit corporation, where the sale, transfer, or delivery*
7 *is by a nonprofit mutual or public benefit corporation organized*
8 *pursuant to the Corporations Code, where the ammunition is to*
9 *be used and consumed on the premises of an event conducted by*
10 *that nonprofit or public benefit corporation, and the event is at a*
11 *target range which holds a regulatory or business license.*

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

13 ~~SEC. 8.~~

14 *SEC. 5.* The heading of Article 3 (commencing with Section
15 30345) of Chapter 1 of Division 10 of Title 4 of Part 6 of the Penal
16 Code is amended to read:

17

18 Article 3. Ammunition Vendors

19

20 ~~SEC. 9.~~

21 *SEC. 6.* Section 30345 of the Penal Code is amended to read:

22 30345. (a) A vendor shall comply with all of the conditions,
23 requirements, and prohibitions stated in this article.

24 (b) Commencing July 1, ~~2014~~, 2015, an ammunition vendor
25 shall be licensed by the Department of Justice in order to sell or
26 otherwise transfer ownership of ammunition.

27 (c) *For purposes of this article, "ammunition" does not include*
28 *blanks.*

29 ~~SEC. 10.~~

30 *SEC. 7.* Section 30347 of the Penal Code is amended to read:

31 30347. A vendor shall not permit any employee who the vendor
32 knows or reasonably should know is a person described in Chapter
33 2 (commencing with Section 29800) or Chapter 3 (commencing
34 with Section 29900) of Division 9 of this title or Section 8100 or
35 8103 of the Welfare and Institutions Code to handle, sell, or deliver
36 ammunition in the course and scope of employment.

37 ~~SEC. 11.~~

38 *SEC. 8.* Section 30348 is added to the Penal Code, to read:

1 30348. (a) Except as provided in subdivision (b), the sale or
2 other transfer of ownership of ammunition shall be conducted at
3 the location specified in the license.

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

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

13 (d) Sales or other transfers of ownership of ammunition at a
14 gun show or event shall comply with Sections 30347, 30350,
15 30352, and 30360.

16 ~~SEC. 12.~~

17 *SEC. 9.* Section 30350 of the Penal Code is amended to read:

18 30350. A vendor shall not sell or otherwise transfer ownership
19 of, offer for sale or otherwise offer to transfer ownership of, or
20 display for sale or display for transfer of ownership of any
21 ammunition in a manner that allows that ammunition to be
22 accessible to a purchaser or transferee without the assistance of
23 the vendor or an employee of the vendor.

24 ~~SEC. 13.~~

25 *SEC. 10.* Section 30352 of the Penal Code is amended to read:

26 30352. (a) A vendor shall not sell or otherwise transfer
27 ownership of any ammunition without, at the time of delivery,
28 legibly recording the following information:

- 29 (1) The date of the sale or other transaction.
- 30 (2) The purchaser’s or transferee’s driver’s license or other
31 identification number and the state in which it was issued.
- 32 (3) The brand, type, and amount of ammunition sold or
33 otherwise transferred.
- 34 (4) The purchaser’s or transferee’s signature.
- 35 (5) The name of the salesperson who processed the sale or other
36 transaction.
- 37 (6) The right thumbprint of the purchaser or transferee on the
38 above form.
- 39 (7) The purchaser’s or transferee’s full residential address and
40 telephone number.

- 1 (8) The purchaser's or transferee's date of birth.
- 2 ~~(b) Commencing July 1, 2014, the vendor shall submit to the~~
3 ~~department the information required by subdivision (a) in a format~~
4 ~~and a manner prescribed by the department for all sales or other~~
5 ~~transfers of ownership of ammunition.~~
- 6 ~~(e) Commencing July 1, 2017, an ammunition vendor shall~~
7 ~~submit information to the department in a format prescribed by~~
8 ~~the department to show compliance with subdivision (d).~~
- 9 ~~(d)~~
- 10 (b) Commencing on July 1, 2017, only those persons listed
11 below or those persons or entities listed in subdivision ~~(f)~~ (d) shall
12 be ~~permitted~~ *authorized* to purchase ammunition. Prior to the
13 delivery of the ammunition, the vendor shall verify that the person
14 who is receiving delivery of the ammunition is a properly identified
15 person or entity listed in subdivision ~~(f)~~ (d) or one of the following:
- 16 (1) ~~A holder of a valid ammunition purchase permit issued~~
17 ~~person authorized to purchase ammunition~~ pursuant to Section
18 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 does not have an ammunition purchase authorization~~
34 because he or she is not a resident of this state, then pursuant to
35 procedures prescribed by the department, the person presents
36 documentation to the vendor that shows that the person would not
37 be prohibited from acquiring or possessing ammunition within this
38 state.
- 39 (e)

1 (c) Commencing July 1, 2017, the vendor shall verify that the
2 ammunition purchase permit is valid by contacting the department
3 for each ammunition transaction, in a manner prescribed by the
4 department. The department shall conduct an instantaneous
5 background check to determine if the permittee is prohibited from
6 possessing ammunition. The department shall approve or deny the
7 transaction on the basis of the background check and shall inform
8 the vendor. *person is authorized to purchase ammunition by
9 comparing the person's California driver's license number or
10 California identification card number to the authorization number
11 in the centralized list of authorized ammunition purchasers. If the
12 person is not listed as an authorized ammunition purchaser, the
13 vendor shall deny the sale.*

14 (f)

15 (d) Subdivisions (a) and ~~(e)~~ (c) shall not apply to or affect sales
16 or other transfers of ownership of ammunition by ammunition
17 vendors to any of the following, if properly identified:

18 (1) A person licensed pursuant to Sections 26700 to 26915,
19 inclusive.

20 (2) An ammunition vendor.

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

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

25 (5) A gunsmith.

26 (6) A wholesaler.

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

31 (8) An authorized law enforcement representative of a city,
32 county, city and county, or state or federal government, if the sale
33 or other transfer of ownership is for exclusive use by that
34 government agency, and, prior to the sale, delivery, or transfer of
35 the ammunition, written authorization from the head of the agency
36 authorizing the transaction is presented to the person from whom
37 the purchase, delivery, or transfer is being made. Proper written
38 authorization is defined as verifiable written certification from the
39 head of the agency by which the purchaser, transferee, or person
40 otherwise acquiring ownership is employed, identifying the

1 employee as an individual authorized to conduct the transaction,
2 and authorizing the transaction for the exclusive use of the agency
3 by which that individual is employed.

4 ~~SEC. 14.~~

5 *SEC. 11.* Section 30365 of the Penal Code is amended to read:

6 30365. (a) A violation of subdivision (b) of Section 30345,
7 Section 30347, 30350, 30352, 30355, 30360, or 30362 is a
8 misdemeanor.

9 (b) The provisions of this section are cumulative, and shall not
10 be construed as restricting the application of any other law.
11 However, an act or omission punishable in different ways by
12 different provisions of law shall not be punished under more than
13 one provision.

14 ~~SEC. 15.~~

15 *SEC. 12.* Article 4 (commencing with Section 30370) is added
16 to Chapter 1 of Division 10 of Title 4 of Part 6 of the Penal Code,
17 to read:

18

19 Article 4. Ammunition Purchase ~~Permits~~ *Authorizations*

20

21 30370. (a) (1) Commencing on January 1, 2017, any person
22 who is a resident of this state and who is 18 years of age or older
23 may apply to the department for an ammunition purchase ~~permit,~~
24 ~~in a format to be prescribed by the department~~ *authorization.*

25 (2) The ammunition purchase ~~permit~~ *authorization* shall entitle
26 the ~~permitholder~~ *authorized person* to purchase ~~or otherwise~~
27 ~~acquire ownership~~ of ammunition from an ammunition vendor as
28 that term is defined in Section 16663 and shall have no other force
29 or effect.

30 (3) *For purposes of this article, "ammunition" does not include*
31 *blanks.*

32 (b) The department shall issue an ammunition purchase ~~permit~~
33 *authorization* to the applicant if all of the following conditions
34 are met:

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

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

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

39 (c) (1) Upon receipt of an ~~initial or renewal~~ application, the
40 department shall examine its records and is authorized to request

1 records from the State Department of State Hospitals, pursuant to
2 Section 8104 of the Welfare and Institutions Code, and if
3 authorized, the National Instant Criminal Background Check
4 System, as described in Section 922(t) of Title 18 of the United
5 States Code, in order to determine if the applicant is prohibited
6 from possessing or acquiring ammunition.

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

11 ~~(d) The ammunition purchase permit shall be valid for five years
12 from the date of issuance.~~

13 ~~(e) The department shall send a notice of the expiration of an
14 ammunition purchase permit, by first-class mail or other means
15 that are equivalent, including electronic mail, to the address of the
16 person as shown by the records of the department, not less than
17 90 days before the expiration date, and shall enclose or contain a
18 form for the renewal of the permit.~~

19 ~~(f)~~

20 ~~(d) The ammunition purchase permit authorization shall be
21 revoked by the department upon the occurrence of any event which
22 would have disqualified the holder from being issued the
23 ammunition purchase permit authorization pursuant to this section.~~

24 ~~(g)~~

25 ~~(e) The ammunition purchase permit shall be in a tamper-proof
26 form prescribed by the department and shall include the name,
27 address, photograph, date of birth, a unique identifying number,
28 expiration date from the date of issuance, physical characteristics,
29 including the height, weight, eye color, and hair color of the
30 permitholder, and other information that may be prescribed by the
31 department authorization number shall be the same number as the
32 person's California driver's license number or California
33 identification card number.~~

34 ~~(f) The department shall create an internal centralized list of
35 all persons who are authorized to purchase ammunition and
36 provide access by ammunition vendors to the list for purposes of
37 conducting ammunition sales. Law enforcement agencies shall be
38 provided access to the list for law enforcement purposes.~~

39 ~~(h)~~

1 (g) The department shall recover the reasonable cost of
2 administering this section by charging applicants an initial
3 application and a renewal application fee.

4 ~~(i)~~

5 (h) All fees received pursuant to this section shall be deposited
6 into the Dealer’s Record of Sale Special Account of the General
7 Fund.

8 ~~(j)~~

9 (i) The implementation of this section by the department is
10 exempt from the Administrative Procedure Act (Chapter 3.5
11 (commencing with Section 11340) of Part 1 of Division 3 of Title
12 2 of the Government Code).

13 ~~(k)~~

14 (j) The department shall annually review and shall adjust the
15 fees specified in subdivision ~~(h)~~ (g), if necessary, to fully fund,
16 but not to exceed the reasonable costs of, the ~~permit~~ *ammunition*
17 *authorization* program provided by this section, including the
18 enforcement of this program.

19 ~~(l)~~

20 (k) The Attorney General is authorized to adopt regulations to
21 implement the provisions of this section.

22 ~~SEC. 16.~~

23 *SEC. 13.* Article 5 (commencing with Section 30380) is added
24 to Chapter 1 of Division 10 of Title 4 of Part 6 of the Penal Code,
25 to read:

26
27 Article 5. Ammunition Vendor Licenses

28
29 30380. (a) Commencing July 1, ~~2014,~~ 2015, no ammunition
30 vendor shall sell or otherwise transfer ownership of ammunition
31 unless the vendor is licensed pursuant to Section 30385.

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

33 (c) *For purposes of this article, “ammunition” does not include*
34 *blanks.*

35 30385. (a) The Department of Justice is authorized to issue
36 ammunition vendor licenses pursuant to this article. The department
37 shall, commencing March 1, ~~2014,~~ 2015, commence accepting
38 applications for ammunition vendor licenses. The department shall
39 issue a license or deny the application for a license within 30 days
40 of receipt of the application. If the application is denied, the

1 department shall inform the applicant of the reason for denial in
2 writing.

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

7 30390. (a) The department may charge ammunition vendor
8 license applicants a fee sufficient to reimburse the department for
9 the reasonable costs of administering the license program,
10 maintaining the registry of ammunition vendors, and necessary
11 enforcement, provided however, that the fee shall not exceed fifty
12 dollars (\$50).

13 (b) The fees received by the department pursuant to this article
14 shall be deposited in the ~~Dealers' Record of Sale Ammunition~~
15 *Vendor's Special Account* of the General Fund, *which is hereby*
16 *created. The revenue in the fund shall be available, upon*
17 *appropriation by the Legislature, for use by the Department of*
18 *Justice for the purpose of implementing and enforcing the*
19 *provisions of this article.*

20 30395. (a) *The department is authorized to issue ammunition*
21 *vendor licenses to ammunition vendors who the department has*
22 *determined are not prohibited by state law from possessing,*
23 *receiving, owning, or purchasing a firearm, and who provide a*
24 *copy of any regulatory or business license required by local*
25 *government, a valid seller's permit issued by the State Board of*
26 *Equalization, a federal firearms license if the person is federally*
27 *licensed, and a certificate of eligibility issued by the department.*

28 (b) The department shall issue ammunition vendor licenses
29 pursuant to this article to the following applicants:

30 (1) A licensed firearms dealer.

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

33 (3) A target facility holding a business or other regulatory
34 license.

35 (4) A gunsmith.

36 (5) A firearms wholesaler.

37 (6) A manufacturer or importer of firearms or ammunition
38 licensed pursuant to Chapter 44 (commencing with Section 921)
39 of Title 18 of the United States Code, and the regulations issued
40 pursuant thereto.

1 ~~(b)~~

2 (c) The department shall keep a registry of all licensed
3 ammunition vendors. ~~No ammunition vendor shall sell or transfer~~
4 ~~ownership of ammunition unless listed on the registry.~~

5 ~~(e) The department may remove an ammunition vendor from~~
6 ~~the registry for a violation of this article or a violation of Article~~
7 ~~3 (commencing with Section 30345) for a period not to exceed six~~
8 ~~months.~~

9 (d) The department shall revoke the license of any ammunition
10 vendor who violates this article or Article 3 (commencing with
11 Section 30345) in any combination three times. The ammunition
12 vendor shall thereafter be permanently ineligible for an ammunition
13 vendor license.

14 30400. (a) The Attorney General shall prepare and submit to
15 the Legislature on or before January 1, 2016, a report concerning
16 all of the following:

17 (1) Recommendations for a clear and succinct general procedure
18 whereby a system may be instituted for instantaneous background
19 checks that can be conducted for all persons attempting to purchase
20 ammunition.

21 (2) The feasibility of integration of that system into the current
22 firearm registration system.

23 (3) The feasibility and costs of creating that type of background
24 check system.

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

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

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

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

34 ~~(e) It is the intent of the Legislature to provide the Department~~
35 ~~of Justice with sufficient flexibility to develop an instantaneous~~
36 ~~background check system. The Legislature recognizes that the~~
37 ~~Department may develop an alternative system than the one~~
38 ~~prescribed by this measure. If that is the case, the Legislature may~~
39 ~~review that system and enact legislation accordingly.~~

1 ~~SEC. 17.~~
2 *SEC. 14.* No reimbursement is required by this act pursuant to
3 Section 6 of Article XIII B of the California Constitution because
4 the only costs that may be incurred by a local agency or school
5 district will be incurred because this act creates a new crime or
6 infraction, eliminates a crime or infraction, or changes the penalty
7 for a crime or infraction, within the meaning of Section 17556 of
8 the Government Code, or changes the definition of a crime within
9 the meaning of Section 6 of Article XIII B of the California
10 Constitution.

O