

AMENDED IN ASSEMBLY JUNE 27, 2013

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)
(Coauthor: Assembly Member Ting)

December 20, 2012

An act to amend Sections 11106, 17315, 30000, 30005, 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 persons prohibited from possessing firearms with records of firearm transactions 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 list persons prohibited from acquiring ammunition, and would similarly cross-reference those persons with records of ammunition transactions to determine if these persons have acquired or attempted to acquire ammunition.

~~(2)~~

(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 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, 2015, who is licensed, as specified, for those and other purposes. The bill would provide that commencing July 1, 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.

~~(3)~~

(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.

(4)

(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 *and would, commencing July 1, 2015, require the ammunition vendor to submit that information to the department, as specified.* The bill would, commencing July 1, ~~2017~~ 2015, and subject to exceptions, require the purchaser of ammunition to be authorized to purchase ammunition by the Department of Justice, as specified. The bill would, commencing January 1, ~~2017~~ 2015, authorize issuance of ammunition purchase 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 establish a centralized list of persons authorized to purchase ammunition.

(5)

(6) The bill would authorize the Department of Justice to issue ammunition vendor licenses, commencing July 1, 2015. The bill would require an ammunition vendor to be licensed, commencing July 1, 2015, in order to sell ammunition. Violation of these provisions would be a misdemeanor. The bill would create an application process 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. *The bill would direct the department to adopt regulations by July 1, 2015 relating to Internet ammunition sales, as specified.*

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

~~(6)~~

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

~~(7)~~

(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 ammunition purchaser authorizations pursuant to Section 30370,
13 ammunition vendor license information pursuant to Article 5
14 (commencing with Section 30380) of Chapter 1 of Division 10 of
15 Title 4 of Part 6, information required by 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

1 property in any city or county of this state, and shall, upon proper
2 application therefor, furnish this information to the officers referred
3 to in Section 11105.

4 (b) (1) The Attorney General shall permanently keep and
5 properly file and maintain all information reported to the
6 Department of Justice pursuant to the following provisions as to
7 firearms and maintain a registry thereof:

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

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

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

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

16 (E) Former Section 12084.

17 (F) Any other law.

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

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

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

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

39 (D) The manufacturer's name if stamped on the firearm, model
40 name or number if stamped on the firearm, and, if applicable, the

1 serial number, other number (if more than one serial number is
2 stamped on the firearm), caliber, type of firearm, if the firearm is
3 new or used, barrel length, and color of the firearm, or, if the
4 firearm is not a handgun and does not have a serial number or any
5 identification number or mark assigned to it, that shall be noted.

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

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

22 (c) (1) Any officer referred to in paragraphs (1) to (6), inclusive,
23 of subdivision (b) of Section 11105 may disseminate the name of
24 the subject of the record, the number of the firearms listed in the
25 record, and the description of any firearm, including the make,
26 model, and caliber, from the record relating to any firearm's sale,
27 transfer, registration, or license record, or any information reported
28 to the Department of Justice pursuant to Section 26225, Article 1
29 (commencing with Section 26700) and Article 2 (commencing
30 with Section 26800) of Chapter 2 of Division 6 of Title 4 of Part
31 6, Article 1 (commencing with Section 27500) of Chapter 4 of
32 Division 6 of Title 4 of Part 6, Chapter 5 (commencing with
33 Section 28050) of Division 6 of Title 4 of Part 6, Article 2
34 (commencing with Section 28150) of Chapter 6 of Division 6 of
35 Title 4 of Part 6, Article 5 (commencing with Section 30900) of
36 Chapter 2 of Division 10 of Title 4 of Part 6, Chapter 2
37 (commencing with Section 33850) of Division 11 of Title 4 of Part
38 6, or any provision listed in subdivision (a) of Section 16585, if
39 the following conditions are met:

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

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

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

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

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

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

26 16663. (a) As used in this part, “ammunition vendor” means
27 any person, firm, corporation, dealer, or any other business
28 enterprise that is engaged in the retail sale of any ammunition, or
29 that holds itself out as engaged in the business of selling any
30 ammunition.

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

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

35 17315. As used in Article 3 (commencing with Section 30345)
36 of Chapter 1 of Division 10 of Title 4, “vendor” means an
37 ammunition vendor.

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

39 30000. (a) The Attorney General shall establish and maintain
40 an online database to be known as the Prohibited Armed Persons

1 File. The purpose of the file is to cross-reference persons who have
2 ownership or possession of a firearm on or after January 1, 1991,
3 as indicated by a record in the Consolidated Firearms Information
4 System, and who, subsequent to the date of that ownership or
5 possession of a firearm, fall within a class of persons who are
6 prohibited from owning or possessing a firearm.

7 *(b) Commencing January 1, 2015, the file shall also be used to*
8 *cross-reference persons who acquire ammunition to determine if*
9 *those persons fall within a class of persons who are prohibited*
10 *from owning or possessing ammunition.*

11 ~~(b)~~
12 *(c) The information contained in the Prohibited Armed Persons*
13 *File shall only be available to those entities specified in, and*
14 *pursuant to, subdivision (b) or (c) of Section 11105, through the*
15 *California Law Enforcement Telecommunications System, for the*
16 *purpose of determining if persons are armed and prohibited from*
17 *possessing firearms or ammunition.*

18 *SEC. 5. Section 30005 of the Penal Code is amended to read:*

19 30005. The Prohibited Armed Persons File database shall
20 function as follows:

21 (a) Upon entry into the Automated Criminal History System of
22 a disposition for a conviction of any felony, a conviction for any
23 firearms-prohibiting charge specified in Chapter 2 (commencing
24 with Section 29800), a conviction for an offense described in
25 Chapter 3 (commencing with Section 29900), a firearms prohibition
26 pursuant to Section 8100 or 8103 of the Welfare and Institutions
27 Code, or any firearms possession prohibition identified by the
28 federal National Instant Criminal Background Check System, the
29 Department of Justice shall determine if the subject has an entry
30 in the Consolidated Firearms Information System indicating
31 possession or ownership of a firearm on or after January 1, 1991,
32 or an assault weapon registration, or a .50 BMG rifle registration,
33 *or commencing January 1, 2015, acquisition of ammunition.*

34 (b) Upon an entry into any department automated information
35 system that is used for the identification of persons who are
36 prohibited by state or federal law from acquiring, owning, or
37 possessing firearms, the department shall determine if the subject
38 has an entry in the Consolidated Firearms Information System
39 indicating ownership or possession of a firearm on or after January

1 1, 1991, or an assault weapon registration, or a .50 BMG rifle
2 registration.

3 (c) If the department determines that, pursuant to subdivision
4 (a) or (b), the subject has an entry in the Consolidated Firearms
5 Information System indicating possession or ownership of a firearm
6 on or after January 1, 1991, or an assault weapon registration, or
7 a .50 BMG rifle registration, the following information shall be
8 entered into the Prohibited Armed Persons File:

9 (1) The subject's name.

10 (2) The subject's date of birth.

11 (3) The subject's physical description.

12 (4) Any other identifying information regarding the subject that
13 is deemed necessary by the Attorney General.

14 (5) The basis of the firearms possession *and ammunition*
15 prohibition.

16 (6) A description of all firearms owned or possessed by the
17 subject, as reflected by the Consolidated Firearms Information
18 System.

19 ~~SEC. 4.~~

20 *SEC. 6.* Section 30312 of the Penal Code is amended to read:

21 30312. (a) (1) The delivery or transfer of ownership of
22 ammunition may only occur in a face-to-face transaction with the
23 deliverer or transferor being provided bona fide evidence of identity
24 from the purchaser or other transferee; provided, however, that
25 ammunition may be purchased over the Internet or through other
26 means of remote ordering if an ammunition vendor in this state
27 initially receives the ammunition and processes the transfer in
28 compliance with this section and Article 3 (commencing with
29 Section 30345), *and, commencing July 1, 2015, in accordance*
30 *with regulations promulgated by the Department of Justice*
31 *pursuant to Section 30400.*

32 (2) Commencing July 1, 2015, the sale of ammunition may only
33 be conducted by an ammunition vendor licensed pursuant to
34 Section 30385.

35 (3) For purposes of this section, "ammunition" does not include
36 blanks.

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

39 (1) An authorized law enforcement representative of a city,
40 county, city and county, or state or federal government, if the sale,

1 delivery, or transfer is for exclusive use by that government agency
2 and, prior to the sale, delivery, or transfer of the ammunition,
3 written authorization from the head of the agency employing the
4 purchaser or transferee is obtained, identifying the employee as
5 an individual authorized to conduct the transaction, and authorizing
6 the transaction for the exclusive use of the agency employing the
7 individual.

8 (2) A sworn peace officer, as defined in Chapter 4.5
9 (commencing with Section 830) of Title 3 of Part 2 who is
10 authorized to carry a firearm in the course and scope of the officer's
11 duties.

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

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

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

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

29 (7) An ammunition vendor.

30 (8) A consultant-evaluator.

31 (9) A participant at an event organized by a nonprofit mutual
32 or public benefit corporation, where the sale, transfer, or delivery
33 is by a nonprofit mutual or public benefit corporation organized
34 pursuant to the Corporations Code, where the ammunition is to be
35 used and consumed on the premises of an event conducted by that
36 nonprofit or public benefit corporation, and the event is at a target
37 range which holds a regulatory or business license.

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

1 ~~SEC. 5.~~

2 *SEC. 7.* The heading of Article 3 (commencing with Section
3 30345) of Chapter 1 of Division 10 of Title 4 of Part 6 of the Penal
4 Code is amended to read:

5

6

Article 3. Ammunition Vendors

7

8 ~~SEC. 6.~~

9 *SEC. 8.* Section 30345 of the Penal Code is amended to read:

10 30345. (a) A vendor shall comply with all of the conditions,
11 requirements, and prohibitions stated in this article.

12 (b) Commencing July 1, 2015, an ammunition vendor shall be
13 licensed by the Department of Justice in order to sell or otherwise
14 transfer ownership of ammunition.

15 (c) For purposes of this article, “ammunition” does not include
16 blanks.

17 ~~SEC. 7.~~

18 *SEC. 9.* Section 30347 of the Penal Code is amended to read:

19 30347. A vendor shall not permit any employee who the vendor
20 knows or reasonably should know is a person described in Chapter
21 2 (commencing with Section 29800) or Chapter 3 (commencing
22 with Section 29900) of Division 9 of this title or Section 8100 or
23 8103 of the Welfare and Institutions Code to handle, sell, or deliver
24 ammunition in the course and scope of employment.

25 ~~SEC. 8.~~

26 *SEC. 10.* Section 30348 is added to the Penal Code, to read:

27 30348. (a) Except as provided in subdivision (b), the sale of
28 ammunition shall be conducted at the location specified in the
29 license.

30 (b) A vendor may sell ammunition at a gun show or event if the
31 gun show or event is not conducted from any motorized or towed
32 vehicle.

33 (c) For purposes of this section, “gun show or event” means a
34 function sponsored by any national, state, or local organization,
35 devoted to the collection, competitive use, or other sporting use
36 of firearms, or an organization or association that sponsors
37 functions devoted to the collection, competitive use, or other
38 sporting use of firearms in the community.

39 (d) Sales of ammunition at a gun show or event shall comply
40 with Sections 30347, 30350, 30352, and 30360.

1 ~~SEC. 9.~~

2 *SEC. 11.* Section 30350 of the Penal Code is amended to read:
3 30350. A vendor shall not sell, offer for sale, or display for
4 sale any ammunition in a manner that allows that ammunition to
5 be accessible to a purchaser or transferee without the assistance
6 of the vendor or an employee of the vendor.

7 ~~SEC. 10.~~

8 *SEC. 12.* Section 30352 of the Penal Code is amended to read:
9 30352. (a) A vendor shall not sell any ammunition without,
10 at the time of delivery, legibly recording the following information:

- 11 (1) The date of the sale ~~or other transaction.~~
- 12 (2) The purchaser’s driver’s license or other identification
13 number and the state in which it was issued.
- 14 (3) The brand, type, and amount of ammunition sold ~~or~~
15 ~~otherwise transferred.~~
- 16 (4) The purchaser’s signature.
- 17 (5) The name of the salesperson who processed the sale or other
18 transaction.
- 19 (6) The right thumbprint of the purchaser on the above form.
- 20 (7) The purchaser’s full residential address and telephone
21 number.
- 22 (8) The purchaser’s date of birth.

23 *(b) Commencing July 1, 2015, the vendor shall submit to the*
24 *department the information required by subdivision (a) in a format*
25 *and a manner prescribed by the department for all sales of*
26 *ownership of ammunition.*

27 ~~(b)~~

28 *(c) Commencing on July 1, 2015, only those persons listed*
29 *below or those persons or entities listed in subdivision ~~(d)~~ (e) shall*
30 *be authorized to purchase ammunition. Prior to the delivery of the*
31 *ammunition, the vendor shall verify that the person who is*
32 *receiving delivery of the ammunition is a properly identified person*
33 *or entity listed in subdivision ~~(d)~~ (e) or one of the following:*

- 34 (1) A person authorized to purchase ammunition pursuant to
35 Section 30370.
- 36 (2) A person who is authorized to carry loaded firearms pursuant
37 to Section 25900, 25905, 25910, 25925, 26010, 26015, 26025, or
38 26030.
- 39 (3) A holder of a special weapons permit issued by the
40 department pursuant to Section 32650 or 33300, pursuant to Article

1 3 (commencing with Section 18900) of Chapter 1 of Division 5
2 of Title 2, or pursuant to Article 4 (commencing with Section
3 32700) of Chapter 6 of this division.

4 (4) A holder of a current certificate of eligibility issued pursuant
5 to Section 26710.

6 (5) A holder of a valid entertainment firearms permit issued
7 pursuant to Chapter 2 (commencing with Section 29500) of
8 Division 8.

9 (6) If a person does not have an ammunition purchase
10 authorization because he or she is not a resident of this state, then
11 pursuant to procedures prescribed by the department, the person
12 presents documentation to the vendor that shows that the person
13 would not be prohibited from acquiring or possessing ammunition
14 within this state.

15 ~~(e)~~

16 ~~(d)~~ Commencing July 1, ~~2017~~ 2015, the vendor shall verify that
17 the person is authorized to purchase ammunition by comparing
18 the person's California driver's license number or California
19 identification card number to the authorization number in the
20 centralized list of authorized ammunition purchasers. If the person
21 is not listed as an authorized ammunition purchaser, the vendor
22 shall deny the sale.

23 ~~(d)~~

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

27 (1) A person licensed pursuant to Sections 26700 to 26915,
28 inclusive.

29 (2) An ammunition vendor.

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

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

34 (5) A gunsmith.

35 (6) A wholesaler.

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

1 (8) An authorized law enforcement representative of a city,
 2 county, city and county, or state or federal government, if the sale
 3 or other transfer of ownership is for exclusive use by that
 4 government agency, and, prior to the sale, delivery, or transfer of
 5 the ammunition, written authorization from the head of the agency
 6 authorizing the transaction is presented to the person from whom
 7 the purchase, delivery, or transfer is being made. Proper written
 8 authorization is defined as verifiable written certification from the
 9 head of the agency by which the purchaser, transferee, or person
 10 otherwise acquiring ownership is employed, identifying the
 11 employee as an individual authorized to conduct the transaction,
 12 and authorizing the transaction for the exclusive use of the agency
 13 by which that individual is employed.

14 ~~SEC. 11.~~

15 *SEC. 13.* Section 30365 of the Penal Code is amended to read:

16 30365. (a) A violation of subdivision (b) of Section 30345,
 17 Section 30347, 30350, 30352, 30355, 30360, or 30362 is a
 18 misdemeanor.

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

24 ~~SEC. 12.~~

25 *SEC. 14.* Article 4 (commencing with Section 30370) is added
 26 to Chapter 1 of Division 10 of Title 4 of Part 6 of the Penal Code,
 27 to read:

28

29 Article 4. Ammunition Purchase Authorizations

30

31 30370. (a) (1) Commencing on January 1, ~~2017~~ 2015, any
 32 person who is a resident of this state and who is 18 years of age
 33 or older may apply to the department for an ammunition purchase
 34 authorization.

35 (2) The ammunition purchase authorization shall entitle the
 36 authorized person to purchase ammunition from an ammunition
 37 vendor as that term is defined in Section 16663 and shall have no
 38 other force or effect.

39 (3) For purposes of this article, “ammunition” does not include
 40 blanks.

1 (b) The department shall issue an ammunition purchase
2 authorization to the applicant if all of the following conditions are
3 met:

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

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

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

8 (c) (1) Upon receipt of an application, the department shall
9 examine its records and is authorized to request records from the
10 State Department of State Hospitals, pursuant to Section 8104 of
11 the Welfare and Institutions Code, and if authorized, the National
12 Instant Criminal Background Check System, as described in
13 Section 922(t) of Title 18 of the United States Code, in order to
14 determine if the applicant is prohibited from possessing or
15 acquiring ammunition.

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

20 *(3) If the department is unable to ascertain the final disposition*
21 *of the application within 30 days of the applicant's submission,*
22 *the department shall grant authorization to the applicant.*

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

27 (e) The ammunition purchase authorization number shall be the
28 same number as the person's California driver's license number
29 or California identification card number.

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

35 (g) The department shall recover the reasonable cost of
36 administering this section by charging applicants an initial
37 application fee.

38 (h) All fees received pursuant to this section shall be deposited
39 into the Dealer's Record of Sale Special Account of the General
40 Fund.

1 (i) The implementation of this section by the department is
2 exempt from the Administrative Procedure Act (Chapter 3.5
3 (commencing with Section 11340) of Part 1 of Division 3 of Title
4 2 of the Government Code).

5 (j) The department shall annually review and shall adjust the
6 fees specified in subdivision (g), if necessary, to fully fund, but
7 not to exceed the reasonable costs of, the ammunition authorization
8 program provided by this section, including the enforcement of
9 this program.

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

12 ~~SEC. 13.~~

13 SEC. 15. Article 5 (commencing with Section 30380) is added
14 to Chapter 1 of Division 10 of Title 4 of Part 6 of the Penal Code,
15 to read:

16
17 Article 5. Ammunition Vendor Licenses
18

19 30380. (a) Commencing July 1, 2015, no ammunition vendor
20 shall sell ammunition unless the vendor is licensed pursuant to
21 Section 30385.

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

23 (c) For purposes of this article, “ammunition” does not include
24 blanks.

25 30385. (a) The Department of Justice is authorized to issue
26 ammunition vendor licenses pursuant to this article. The department
27 shall, commencing March 1, 2015, commence accepting
28 applications for ammunition vendor licenses. The department shall
29 issue a license or deny the application for a license within 30 days
30 of receipt of the application. If the application is denied, the
31 department shall inform the applicant of the reason for denial in
32 writing.

33 (b) The ammunition vendor license shall be issued in a form
34 prescribed by the Attorney General and shall be valid for a period
35 of one year. The Attorney General may adopt regulations to
36 administer application and enforcement provisions of this article.
37 *The license shall allow the licensee to sell ammunition from a fixed*
38 *location.*

39 30390. (a) The department may charge ammunition vendor
40 license applicants a fee sufficient to reimburse the department for

1 the reasonable costs of administering the license program,
2 maintaining the registry of ammunition vendors, and necessary
3 enforcement, provided however, that the fee shall not exceed fifty
4 dollars (\$50).

5 (b) The fees received by the department pursuant to this article
6 shall be deposited in the Ammunition Vendor's Special Account
7 of the General Fund, which is hereby created. The revenue in the
8 fund shall be available, upon appropriation by the Legislature, for
9 use by the Department of Justice for the purpose of implementing
10 and enforcing the provisions of this article.

11 30395. (a) The department is authorized to issue ammunition
12 vendor licenses to ammunition vendors who the department has
13 determined are not prohibited by state law from possessing,
14 receiving, owning, or purchasing a firearm, and who provide a
15 copy of any regulatory or business license required by local
16 government, a valid seller's permit issued by the State Board of
17 Equalization, a federal firearms license if the person is federally
18 licensed, and a certificate of eligibility issued by the department.

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

- 21 (1) A licensed firearms dealer.
- 22 (2) Persons on the centralized list maintained by the department
23 pursuant to Section 28450.
- 24 (3) A target facility holding a business or other regulatory
25 license.
- 26 (4) A gunsmith.
- 27 (5) A firearms wholesaler.
- 28 (6) A manufacturer or importer of firearms or ammunition
29 licensed pursuant to Chapter 44 (commencing with Section 921)
30 of Title 18 of the United States Code, and the regulations issued
31 pursuant thereto.

32 (c) The department shall keep a registry of all licensed
33 ammunition vendors.

34 (d) The department shall revoke the license of any ammunition
35 vendor who violates this article or Article 3 (commencing with
36 Section 30345) in any combination three times. The ammunition
37 vendor shall thereafter be permanently ineligible for an ammunition
38 vendor license.

39 30400. (a) *Prior to July 1, 2015, the Department of Justice*
40 *shall adopt regulations to implement the provisions of subdivision*

1 (a) of Section 30312 that allow ammunition to be purchased over
2 the Internet or through other means of remote ordering if an
3 ammunition vendor in this state initially receives the ammunition
4 and processes the transfer in compliance with Section 30312 and
5 Article 3 (commencing with Section 30345).

6 (b) The regulations shall include the following components:

7 (1) A requirement that ammunition vendors promptly and
8 properly process those transactions.

9 (2) Requirements that transaction records are not used for
10 purposes other than completing the transaction.

11 30400. ~~(a) The Attorney General shall prepare and submit to~~
12 ~~the Legislature on or before January 1, 2016, a report concerning~~
13 ~~all of the following:~~

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

18 ~~(2) The feasibility of integration of that system into the current~~
19 ~~firearm registration system.~~

20 ~~(3) The feasibility and costs of creating that type of background~~
21 ~~check system.~~

22 ~~(4) The overall costs of creating and maintaining, and the costs~~
23 ~~to individuals of using, that system.~~

24 ~~(5) The effect of the system on overall efforts by the Department~~
25 ~~of Justice in terms of information and computerized upgrades that~~
26 ~~the department is currently undertaking.~~

27 ~~(6) Recommendations for any specific statutory changes~~
28 ~~necessary to implement the system, if any.~~

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

31 ~~SEC. 14.~~

32 *SEC. 16.* No reimbursement is required by this act pursuant to
33 Section 6 of Article XIII B of the California Constitution because
34 the only costs that may be incurred by a local agency or school
35 district will be incurred because this act creates a new crime or
36 infraction, eliminates a crime or infraction, or changes the penalty
37 for a crime or infraction, within the meaning of Section 17556 of
38 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.

O