

July 2023 Legislation/Litigation Update

Legislation

California SB 2, as amended, Portantino. Firearms.

This is an extensive bill that will substantially alter CCW issuance and concealed carry in California.

Proposed Law:

- Requires CCW licensing authorities to issue or renew a CCW license if the applicant is not a disqualified person for the license and the applicant is at least 21 years of age.
- Removes the good character and good cause requirements from CCW issuance criteria.
- Provides that a disqualified person is someone who, among other things, is reasonably likely to be a danger to self, others, or the community at large, as specified.
- Requires the applicant for a CCW to be the recorded owner, with the DOJ, of the pistol, revolver, or other firearm capable of being concealed upon the person for which the CCW license is sought.
- Requires the issuing authority, if it has direct access to the designated department system, to determine if the applicant is the recorded owner of the pistol, revolver, or other firearm.
- Requires an issuing authority without access to that system to confirm the ownership with the sheriff of the county in which the agency is located.
- Alters the training requirement for a CCW license to be no less than 16 hours in length and adds additional subjects to the course including the safe storage and legal transportation of firearms.
- Requires a licensing authority to provide the applicant notice if a new license or license renewal is denied or revoked.
- Provides that an applicant may request a hearing to challenge a license denial or revocation, and requires the licensing authority to inform the applicant of the ability to seek a hearing.
- Authorizes an applicant to seek a writ of mandate from a superior court within 30 days of receipt of notice of denial or revocation, and requires the licensing authority to inform the applicant of the ability to seek a writ of mandate.
- Requires DOJ to notify a licensing authority if the department is unable to ascertain, among other things, the final disposition of an arrest or criminal charge under state or federal law that would prohibit the person from possessing, receiving, owning, or purchasing a firearm.
- Prohibits a license from being issued or renewed unless the department reports to a licensing authority that the applicant is eligible to possess, receive, own, or purchase a firearm, as specified.

- Authorizes a licensing authority to charge additional processing cost fees for a license renewal and would permit the licensing authority to collect the first 50% of the fee upon filing of the application.
- Removes a prohibition on licensing authorities that restricts them from requiring additional fees or liability insurance.
- Authorizes the Attorney General to revise the standard form for licenses and the design standard, as specified.
- Removes specified exemptions that authorize CCW licensees to carry firearms in places such as the residence of the Governor, any other constitutional officer, or a Member of the Legislature; makes it a crime to bring an unloaded firearm into those same places.
- Revises specified exceptions for persons who have a valid CCW license to permit them to carry a specified firearm in an area that is not within any building, real property, or parking area under the control of a public or private school, or on a street or sidewalk immediately adjacent to a building, real property, or parking area under the control of that public or private school, as specified.
- Prohibits a CCW licensee from carrying a firearm to specified locations, including, among other places, a building designated for a court proceeding and a place of worship, with specific exceptions.
- Prohibits a person from knowingly possessing a firearm in any building, real property, or parking area under the control of an airport or passenger vessel terminal, as specified.
- Requires a licensing authority to revoke a CCW license if, among other things, a licensee has provided inaccurate or incomplete information on their application for a new license or license renewal.
- Prohibits a licensee from, among other things, consuming an alcoholic beverage or controlled substance and from falsely representing that the licensee is a peace officer.
- Authorizes the DOJ to adopt emergency regulations to implement the concealed firearm licensing system, as specified.

Passed The Committees on Rules, Public Safety, and Appropriations. with a “do pass as amended” recommendation.

Passed by the Senate with a vote of 29 yes, 9 no. *Amended and passed by Assembly Public Safety Committee, and referred to the Appropriations committee.*

Note: This bill has a multiple page summary. To find current, reliable information on this bill before the California legislature you can go to:

https://leginfo.legislature.ca.gov/faces/billNavClient.xhtml?bill_id=202320240SB2

California AB 28, as amended, Gabriel. Firearms and ammunition: excise tax.

Existing law establishes the California Violence Intervention and Prevention (CalVIP) Grant Program, administered by the Board of State and Community Corrections, to award competitive grants for the purpose of violence intervention and prevention.

Existing law imposes various taxes, including taxes on the privilege of engaging in certain activities. The Fee Collection Procedures Law, the violation of which is a crime, provides procedures for the collection of certain fees and surcharges.

This bill, the Gun Violence Prevention, Healing, and Recovery Act, would, commencing July 1, 2024, impose an excise tax in the amount of 11% of the gross receipts from the retail sale in this state of a firearm, firearm precursor part, and ammunition, as specified. The tax would be collected by the state pursuant to the Fee Collection Procedures Law. The bill would require that the revenues collected be deposited in the Gun Violence Prevention, Healing, and Recovery Fund, which the bill would establish in the State Treasury. The bill would require the moneys received in the fund to, upon appropriation, be used to fund various gun violence prevention, education, research, response, and investigation programs, as specified. The bill would require the Director of Finance to transfer, as a loan, \$2,400,000 from the General Fund to the California Department of Tax and Fee Administration to implement these provisions, as specified.

This bill would include a change in a state statute that would result in a taxpayer paying a higher tax within the meaning of Section 3 of Article XIII A of the California Constitution, and thus would require for passage the approval of $\frac{2}{3}$ of the membership of each house of the Legislature.

Because this bill would expand the scope of the Fee Collection Procedures Law, the violation of which is a crime, this bill would impose a state-mandated local program.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

Passed by the Assembly, with a vote of 56 to 17. Ordered to the Senate. Amended and passed by the Senate Committee on Government and Finance. Referred to Committee on Public Safety.

California SB 452, as amended, Blakespear. Firearms.

Existing law, subject to exceptions, generally makes it an offense to manufacture or sell an unsafe handgun, as defined, and requires the Department of Justice to compile a roster listing all of the handguns that have been tested and determined not to be unsafe handguns. Existing law establishes criteria for determining if a handgun is an unsafe handgun, including, for firearms manufactured after a certain date and not already listed on the roster, the lack of a chamber load indicator, magazine disconnect mechanism, and technology that transfers a

microscopic array of characters from the firearm to the cartridge case when the firearm is fired, known as a microstamp.

This bill would prohibit, commencing on January 1, 2027, a licensed firearms dealer from selling, offering for sale, exchanging, giving, transferring, or delivering a semiautomatic pistol, as defined, unless the pistol has been verified as a microstamping-enabled pistol. The bill would also prohibit a person from modifying a microstamping-enabled pistol or microstamping component with the intent to prevent the production of a microstamp. By creating new crimes, the bill would impose a state-mandated local program.

The bill would require the Department of Justice to provide written guidance concerning qualifying criteria and performance standards for microstamping components, as defined, and would require the department to establish standards for the training and licensure of entities to retrofit semiautomatic pistols with microstamping components.

Passed by the Senate, with a vote of 59 to 10. *Passed by Assembly Committee on Public Safety and referred to Committee on Appropriations.*

California SB 8, as amended, Blakespear. Civil law: firearms liability and insurance.

Existing law requires any person who purchases or receives a firearm, as specified, to possess a firearm safety certificate. Existing law requires the Department of Justice to develop a written test required for the issuance of a firearm safety certificate. Existing law makes the violation of specified requirements with regard to firearms a misdemeanor or a felony, as specified.

This bill would, commencing on January 1, 2025, require a person who owns a firearm to obtain and continuously maintain in full force and effect a homeowner's, renter's, or gun liability insurance policy specifically covering losses or damages resulting from any negligent or accidental use of that firearm, including, but not limited to, death, injury, or property damage. This bill would require a person to keep written evidence of coverage in the place where a firearm is stored.

The bill would also require the Insurance Commissioner to set the minimum coverage for a policy required by the bill and to develop a standardized form of evidence of liability coverage.

Referred to the Senate Committee on Insurance. A hearing was held April 26, and further hearing to be set.

California AB 29, as introduced, Gabriel. Firearms: California Do Not Sell List.

This bill would require the Department of Justice to develop and launch a secure Internet-based platform to allow a person who resides in California to voluntarily add their own name to the California Do Not Sell List. The bill would require the department to ensure that information on the list is uploaded and reflected in the National Instant Criminal Background Check System. The bill would make it a crime, punishable as a misdemeanor, to transfer a firearm to a person who is validly registered on the California Do Not Sell List. By creating a new crime, this bill would impose a state-mandated local program.

This bill would allow a person, after a specified period of time, to request removal from the list. (As amended on 2/14.)

Recommended “do pass” as amended by Public Safety Committee. Recommended “do pass” as amended by the Assembly Committee on Health.

Referred to Committee on Appropriations and placed in Suspense File.

California AB 92, as introduced, Connolly. Body armor: prohibition.

Existing law makes it a felony for a person who has been convicted of a violent felony to purchase, own, or possess body armor. Existing law authorizes a person subject to that prohibition, whose employment, livelihood, or safety is dependent on the ability to legally possess and use body armor, to file a petition for an exception to the prohibition with the chief of police or county sheriff of the jurisdiction in which the person seeks to possess and use the body armor, as provided.

This bill would make it a misdemeanor for a person who is prohibited from possessing a firearm under the laws of this state to purchase, own, or possess body armor, as specified.

Passed the Assembly, with a vote of 58 to 13. Passed by the Senate Rules Committee and referred to Appropriations Committee.

California AB 97, as amended, Rodriguez. Firearms: unserialized firearms.

Existing law requires a person that is manufacturing a firearm or assembling a firearm from unserialized components, to apply to the Department of Justice for a unique mark of identification and to affix that mark to the firearm, as specified. Existing law prohibits a person, corporation, or firm from knowingly manufacturing or assembling, or to knowingly cause, allow, facilitate, aid, or abet the manufacture or assembling of, a firearm that is not imprinted with a valid state or federal serial number or mark of identification. Under existing law, a person who knowingly possesses a firearm that does not have a valid state or federal serial number or mark of identification is guilty of a misdemeanor.

This bill would, until January 1, 2033, require the Department of Justice to collect and report specified information, including, among other things, the number of arrests pursuant to the provisions mentioned above. The bill would require the department to issue a report to the Legislature, as specified, on or before January 1, 2025, and annually thereafter, that includes the data collected.

Passed by the Assembly. Passed in Senate Public Safety Committee. Referred to the Senate Appropriations Committee.

California SB 241, as introduced, Min. Firearms: dealer requirements.

Existing law prohibits any person from selling, leasing, or transferring any firearm unless the person is licensed as a firearms dealer, as specified. Existing law prescribes certain requirements and prohibitions for licensed firearms dealers. A violation of any of these requirements or prohibitions is grounds for forfeiture of a firearms dealer’s license.

This bill would require a licensee and any employees that handle firearms to annually complete specified training. The bill would require the Department of Justice to develop and implement an online training course, as specified, including a testing certification component.

Passed by the Senate, with a vote of 31 to 6. Passed by the Assembly Public Safety Committee and referred to the Appropriations Committee.

California AB 36, as amended, Gabriel. Domestic violence protective orders: possession of a firearm.

1) Existing law prohibits a person subject to a protective order, as defined, from owning, possessing, purchasing, or receiving a firearm or ammunition while that protective order is in effect and makes a willful and knowing violation of a protective order a crime.

After notice and hearing, this bill would, for protective orders, as specified, issued on or after July 1, 2024, prohibit a person subject to the protective order from owning, possessing, purchasing, or receiving a firearm or ammunition within 3 years after the expiration of the order and make a violation of these provision a crime.

(2) Existing law allows a search warrant to be issued upon various grounds, including when the property or things to be seized include a firearm, if the prohibited firearm is possessed, owned, in the custody of, or controlled by a person against whom a specified protective order has been issued, and the person is served with the order and fails to relinquish the firearm as required by law.

This bill would expand the grounds for the search warrant to include a person who is subject to any civil or criminal protective order that includes a prohibition on owning, possessing, or having custody or control of a firearm.

(3) Existing law requires the Judicial Council to provide notice on all protective orders issued within the state and requires a restraining order requiring a person to relinquish a firearm or ammunition to state on its face that the respondent is prohibited from owning, possessing, purchasing, or receiving a firearm or ammunition while the protective order is in effect.

This bill would require the Judicial Council to also include a statement in the notice that the firearm and ammunition prohibition extends for 3 years after the expiration of the protective order that is issued on or after July 1, 2024. The bill would require a restraining order to include a similar statement.

Received “do pass” from Committees on Judiciary and Public Safety. Referred to Committee on Appropriations and held under submission.

California AB301 as amended, Bauer-Kahan. Gun violence restraining orders: body armor.

Existing law authorizes a court to issue an ex parte gun violence restraining order prohibiting the subject of the petition from having custody or control of, owning, purchasing, possessing, or receiving, or attempting to purchase or receive a firearm or ammunition when it is shown that there is a substantial likelihood that the subject of the petition poses a significant danger of harm to themselves or to another person in the near future by having custody or control of, owning, purchasing, possessing, or receiving a firearm, and that the order is necessary to

prevent personal injury to themselves or to another. Existing law requires the court, when determining whether grounds for a gun violence restraining order exists, to consider evidence of, among other things, a recent threat of violence by the subject of the petition, and also authorizes the court to consider evidence of, among other things, recent acquisition of firearms, ammunition, or other deadly weapons by the subject of the petition.

This bill would additionally authorize the court to consider evidence of acquisition of body armor when determining whether grounds for a gun violence restraining order exist.

May 8, passed Assembly and sent to the Senate. Passed by the Senate committee on Public Safety. Waiting for final floor vote.

California SB 368, as introduced, Portantino. Firearms: requirements for licensed dealers.

Existing law regulates licensed firearms dealers and provides that a license is subject to forfeiture for a breach of specified prohibitions in existing law. Existing law authorizes the temporary transfer of a firearm without a firearms dealer's participation to a person who is 18 years of age or older for safekeeping to prevent it from being used to attempt suicide, as specified.

This bill would require a licensed firearms dealer to accept for storage a firearm transferred by an individual to prevent it from being accessed or used to attempt suicide. The bill would also authorize a licensed firearms dealer to accept for storage a firearm for a lawful purpose not otherwise stated in the law. The bill would make these provisions subject to certain conditions and would establish a procedure for the return of a firearm to the original transferor, including situations when a dealer cannot legally return a firearm. A violation of various provisions involving the transfer of firearms is a crime. By changing the scope of these offenses, this bill would impose a state-mandated local program.

Existing law states that the requirement that the sale, delivery, or transfer of a firearm be conducted by a firearms dealer does not apply to the sale, delivery, or transfer to an authorized representative of a government, as specified, and the government is acquiring the firearm as part of an authorized, voluntary program.

This bill would require a licensed firearm dealer to establish a voluntary program to repurchase firearms from individuals in consultation with the Department of Justice.

The California Constitution generally provides that the Legislature has no power to authorize lotteries and shall prohibit the sale of lottery tickets in the state, except for private, nonprofit, eligible organizations to conduct raffles as a funding mechanism to provide support for their own or another private, nonprofit, eligible organization's beneficial and charitable works, subject to certain conditions.

This bill would prohibit a licensed firearms dealer from offering an opportunity to win an item of inventory in a game dominated by chance and would except from this prohibition nonprofit organizations under certain circumstances.

Existing law, subject to exceptions, provides that any person who has been convicted of certain misdemeanors may not, within 10 years of the conviction, own, purchase, receive, possess, or have under their custody or control, any firearm and makes a violation of that prohibition a crime. Existing law authorizes a court in certain circumstances to reduce, eliminate, or condition that prohibition.

This bill would, subject to exceptions, provide that any person convicted of a misdemeanor violation of the above-described prohibition on or after January 1, 2024, and who within 10 years of that conviction owns, purchases, receives, possesses, or has under their custody or control, any firearm guilty of a misdemeanor or a felony. Because a violation of these provisions would be a crime, and because this bill would expand the application of the crime to a larger class of potential offenders, this bill would impose a state-mandated local program. The bill would additionally require the Department of Justice to create an evaluation process to determine whether an extension of a 10-year prohibition is warranted. The bill would, for those subject to such a prohibition due to a conviction on or after January 1, 2024, require the department to review whether the prohibition should be extended, provide notice and opportunity to be heard to the person, and establish a process for the person to appeal any extension of the prohibition instituted by the department.

Passed by the Senate and ordered to the Assembly. *Amended and passed by Assembly Committee on Public Safety. Referred to Committee on Appropriations.*

California AB 574, as amended, Jones-Sawyer. Firearms: ~~concealed carry licenses~~. dealer records of sale.

Existing law requires, except as exempted, any sale, loan, or transfer of a firearm to be conducted through a licensed firearm dealer, as specified.

Existing law requires each firearm dealer to keep a register or record of each firearm transaction and requires that register or record to include certain specified information, including information about the purchaser, information about the firearm, and the answers to certain questions by the purchaser or transferee relating to their eligibility to own or possess a firearm.

This bill would additionally require the register or record to include the acknowledgment by the purchaser or transferee that they have, within the past 30 days, confirmed possession of every firearm that they own or possess.

Passed by the Assembly and ordered to the Senate. Referred to Senate Public Safety Committee.

California AB 303, as introduced, Davies. Firearms: prohibited persons.

Existing law requires the Attorney General to establish and maintain an online database known as the Prohibited Armed Persons File, sometimes referred to as the Armed Prohibited Persons System, to cross-reference persons who have ownership or possession of a firearm, and who, subsequent to the date of ownership or possession of that firearm, fall within a class of persons who are prohibited from owning or possessing a firearm. Existing law requires the

Attorney General to provide investigative assistance to local law enforcement agencies to better ensure the investigation of individuals who are armed and prohibited from possessing a firearm.

This bill would require the Attorney General to provide specific information to local law enforcement agencies involving prohibited persons, including, but not limited to, personal identifying information, case status, and information regarding previous contact with the prohibited person, as specified. The bill would require local law enforcement agencies to designate at least one employee to receive this information. By imposing new duties on local law enforcement agencies, this bill would impose a state-mandated local program.

This bill would provide that, if the Commission on State Mandates determines that the bill contains costs mandated by the state, reimbursement for those costs shall be made pursuant to the statutory provisions noted above.

Passed by Assembly and ordered to the Senate. Amended and referred to Committee on Public Safety.

California AB 455, as introduced, Quirk-Silva. Firearms: prohibited persons.

Existing law prohibits a person who has been convicted of a felony offense or a specified misdemeanor domestic violence offense from possessing or receiving a firearm. Existing law prohibits a person who has been convicted of specified misdemeanor offenses within the previous 10 years from possessing or receiving a firearm. Existing law prohibits a person who has been taken into custody because that person is a danger to themselves or others, or has been certified for intensive treatment due to a mental disorder or mental illness, from possessing or receiving a firearm, as specified. Existing law prohibits a person who has been placed under conservatorship by a court, has been found mentally incompetent to stand trial, has been found not guilty of specified crimes due to reason of insanity, has been adjudicated by a court to be a danger to others as a result of a mental disorder or mental illness, or who has been adjudicated to be a mentally disordered sex offender from possessing or receiving a firearm, as specified. A violation of any of the prohibitions is punishable as a crime.

Existing law authorizes a court to grant pretrial diversion, for a period no longer than 2 years, to a defendant suffering from a mental disorder, on an accusatory pleading alleging the commission of a misdemeanor or felony offense, in order to allow the defendant to undergo mental health treatment.

This bill would authorize the prosecution to request an order from the court, as specified, to prohibit a defendant subject to pretrial diversion from owning or possessing a firearm because they are a danger to themselves or others until they successfully complete diversion.

Passed by the Assembly and ordered to the Senate. Passed by Public Safety Committee and referred to Appropriations Committee.

California AB 725, as introduced, Lowenthal. Firearms: reporting of lost and stolen firearms.

Existing law requires a person to report any lost or stolen firearm to a law enforcement agency, as specified. A violation of this provision is punishable as an infraction or misdemeanor.

Existing law also requires the sheriff or chief of the law enforcement agency receiving such a report to enter a description of the lost or stolen firearm into the Department of Justice Automated Firearms System. Existing law defines a firearm for purposes of these provisions.

This bill would amend how a firearm is defined for purposes of these provisions to include the frame or receiver of the firearm, including both a completed frame or receiver, or a firearm precursor part.

Passed by the Assembly and ordered to the Senate. Passed by Public Safety Committee and referred to the Appropriations Committee and placed in suspense file.

California SB 377, as introduced, Skinner. Firearms: peace officer exemptions.

(1) Existing law prohibits a firearms dealer from delivering a firearm within 10 days after the application to purchase or after notice by the Department of Justice that the applicant is not ineligible to possess a firearm, as specified, whichever is later. Existing law exempts from this prohibition the delivery of a firearm to a full-time paid peace officer, as defined, with written authorization from the head of the officer's employing agency. Existing law also exempts from this prohibition the delivery of a firearm to another dealer, the delivery of a firearm to a person possessing a special weapons permit issued by the Department of Justice, or the delivery of a firearm that is a curio or relic, as defined.

This bill would remove the 10-day waiting period exemption for a peace officer and instead exempt the delivery of a firearm purchased by a law enforcement agency, as defined, to an authorized law enforcement representative of that law enforcement agency for exclusive use by that agency if written authorization, as defined, from the head of the agency authorizing the delivery is presented to the person making the delivery.

(2) Existing law defines the characteristics of an unsafe handgun. Existing law requires the Department of Justice to compile, publish, and thereafter maintain a roster listing all of the handguns that have been tested by a certified testing laboratory, have been determined not to be unsafe handguns, and may be sold in this state. Existing law prohibits the sale or transfer of a handgun not listed on this roster.

Existing law exempts from this prohibition the sale or purchase of a handgun sold to certain law enforcement agencies and any sworn member of those entities, as specified.

This bill would remove from this exemption the sale or purchase of a handgun sold to a sworn member of these exempt agencies, thereby applying the exemption only to the sale or purchase of a handgun directly to the exempt law enforcement agencies.

The bill would also require specified law enforcement agencies to maintain records pertaining to the purchase of any unsafe handgun, as specified.

By requiring recordkeeping by local agencies, this bill would impose a state-mandated local program.

The bill would also authorize the Department of Justice to inspect specified law enforcement agencies and firearms dealers to ensure compliance with these provisions.

(3) Existing law provides for the licensing and regulation of firearms dealers and manufacturers, as specified.

This bill would require the Department of Justice to establish and maintain a roster of approved firearms dealers and manufacturers that are compliant with federal, state, and local laws and regulations and adhere to public safety principles, as described. The bill would require the department to adopt regulations regarding qualification for the roster and would require the department to, by no later than January 1, 2025, publish an initial roster and thereafter maintain the roster, as specified. The bill would thereafter prohibit any department or agency of the state or any political subdivision of the state from purchasing any firearms, ammunition, or other goods from a licensed firearms dealer or manufacturer that is not listed on the roster. The bill would exempt from this prohibition any purchase or sale made pursuant to a contract executed prior to January 1, 2025.

Passed by the Senate and ordered to the Assembly. Passed by the Senate Public Safety Committee and referred to the Appropriations Committee.

California SB 758, as introduced, Umberg. Firearms.

(1) Existing law requires the Secretary of Food and Agriculture to maintain plant quarantine inspection stations. Existing law requires that a sign be conspicuously posted at an inspection station maintained at or near the California border stating that the federal Gun Control Act of 1968 may prohibit persons from bringing firearms into the state that were acquired outside of the state.

This bill would require that these inspection station signs also state, among other things, that California law may prohibit a person from bringing a firearm into the state that was acquired outside of the state. The bill would also require the signs to include a specified internet website address.

(2) Existing law, subject to exceptions, requires a firearm transaction to be conducted by a licensed firearms dealer. Existing law establishes requirements that dealers must adhere to in conducting firearms transactions and when delivering firearms, including, among others, a 10-day waiting period, purchaser background check, and possession of a handgun safety certificate by the purchaser.

This bill would make it a crime for a person to purchase or receive a firearm from a dealer, knowing or having reasonable cause to believe that the delivery of that firearm by that dealer to that person violates specified provisions regulating the delivery of a firearm by a dealer.

(3) Existing law makes it a crime to acquire a firearm with the intent to transfer the firearm to a minor or to evade specified requirements on the transfer of firearms.

This bill would expand that crime to apply to firearms brought into the state with that intent. By expanding the definition of a crime, this bill would impose a state-mandated local program.

(4) Existing law generally makes the violation of laws relating to the illegal transfer of a firearm a misdemeanor, except that the illegal transfer of a handgun to a minor or the illegal transfer of a handgun without conducting the transaction through a firearms dealer may be punished as a felony. Existing law also allows a dealer transaction involving a handgun to be punished as a felony if the dealer delivers the handgun sooner than 10 days from the date of purchase, is not

presented with clear evidence of the transferee's identity and age, transfers the firearm after being notified that the transferee is prohibited from possessing a firearm, transfers a handgun to a person who does not present a handgun safety certificate, or delivers a handgun to a person who has made another application to purchase a handgun within the preceding 30 days.

This bill would allow those illegal firearms transactions to be prosecuted as felonies if they involve a centerfire semiautomatic rifle. By increasing the punishment for a crime, this bill would impose a state-mandated local program.

Passed by Senate, with a vote of 30 to 6, and ordered to the Assembly. Referred to Assembly Public Safety Committee.

California AB 1133, as amended, Schiavo. Firearms: concealed carry licenses.

Existing law authorizes the sheriff of a county or the chief or other head of a municipal police department of any city or city and county to issue a license to carry a concealed firearm to an applicant for that license if the applicant is of good moral character, good cause exists for issuance of the license, the applicant meets specified residency requirements, and the applicant has completed a specified course of training, acceptable to the licensing authority. Existing law requires the course of training to be no less than 8 hours, include instruction on firearm handling and shooting technique, as specified, and to include live-fire exercises conducted on a firing range. Existing law provides that, for license renewal applicants, the course of training may be any course acceptable to the licensing authority, must be no less than 4 hours, and must meet the above-described requirements.

This bill would, on and after January 1, 2026, require the Department of Justice to develop, evaluate, update, maintain, and publish a standardized curricula for a license to carry a concealed firearm. The bill would require the department to create a standardized test, as specified, and to make that test available on a web portal. The bill would require an applicant to submit proof of passing that examination as part of an application to carry a concealed firearm. The bill would authorize the department to charge a reasonable fee for taking the standardized test, and require that fee to be used, upon appropriation by the Legislature, for the service, maintenance, and administration of the web portal for the test. The bill would additionally require the department to develop, evaluate, update, maintain, and publish ethical and professional standards for concealed carry instructors to maintain their certification with the department. The bill would require those instructors, for each applicant who receives a certificate of completion for any class taken by the certified instructor, to provide a sworn statement verifying that the applicant has successfully met the curriculum requirements, and would make any instructor who knowingly or willingly makes a false sworn statement punishable by an infraction. By creating a new crime, this bill would impose a state-mandated local program. The bill would require those instructors and issuing authorities for licenses to carry a concealed firearm to keep specified records for a minimum of 5 years. By imposing additional duties on local issuing authorities, the bill would impose a state-mandated local program.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that with regard to certain mandates no reimbursement is required by this act for a specified reason.

With regard to any other mandates, this bill would provide that, if the Commission on State Mandates determines that the bill contains costs so mandated by the state, reimbursement for those costs shall be made pursuant to the statutory provisions noted above.

Passed by the Assembly and ordered to the Senate. Passed by Senate Appropriations Committee and referred to the Public Safety Committee.

California AB 1089, as amended, Gipson. Firearms.

(1) Existing law requires any person who manufactures more than 3 firearms in a year to be licensed by the state as a firearms manufacturer. Existing law prohibits any person from using a three-dimensional printer to manufacture a firearm unless that person is a state-licensed firearms manufacturer. Existing law prohibits any person from using a CNC milling machine to manufacture a firearm unless the person is a federally licensed manufacturer or importer.

This bill would instead require anybody who uses a three-dimensional printer or CNC milling machine to manufacture a firearm to be a state-licensed manufacturer.

(2) Existing law prohibits the sale, purchase, possession, or receipt of a CNC milling machine that has the sole or primary function of manufacturing firearms to or by anybody in the state other than a federally licensed manufacturer or importer.

This bill would also prohibit the sale, purchase, possession, or receipt of a three-dimensional printer that has the sole or primary function of manufacturing firearms to or by any person in the state other than a state-licensed firearms manufacturer, as specified.

(3) Existing law commencing on July 1, 2023, requires a firearm industry member, as defined, to take reasonable precautions to ensure that they do not sell, distribute, or provide a firearm-related product, as defined, to a downstream distributor or retailer who fails to establish reasonable controls or adhere to laws pertaining to unfair methods of competition, unfair or deceptive acts or practices, and false advertising, and prohibits a firearm industry member from manufacturing, marketing, importing, or offering for sale a firearm-related product that is abnormally dangerous and likely to create an unreasonable risk of harm to public health and safety, and also authorizes a person who has suffered harm, or the Attorney General, or city or county attorneys, to bring a civil action against a firearm industry member for an act or omission in violation of these requirements

This bill would add three-dimensional printers and CNC milling machines, as specified, to the definition of firearm-related products.

(4) The bill would additionally provide that a civil action may be brought against a person who distributes any code or digital instructions for the manufacture of a firearm using a three-dimensional printer or CNC milling machine. The bill would specify that a person is strictly liable for any personal injury or property damage caused by any firearm manufactured using the distributed code.

Passed by the Assembly and ordered to the Senate. Referred to Committees on Public Safety and Judiciary.

AB 1587, as amended, Ting. Financial transactions: firearms merchants: merchant category code.

Existing law, the California Financing Law, generally provides for the licensure and regulation of finance lenders, brokers, and program administrators by the Commissioner of Financial Protection and Innovation.

Existing law establishes a firearm industry standard of conduct that requires a firearm industry member to establish, implement, and enforce reasonable controls and to take responsible precautions to ensure that the member does not sell, distribute, or provide a firearm-related product to a downstream distributor or retailer of firearm-related products under specified circumstances. Existing law prohibits a firearm industry member from manufacturing, marketing, importing, offering for wholesale sale, or offering for retail sale a firearm-related product that is abnormally dangerous and likely to create an unreasonable risk of harm to public health and safety in California, as specified. Existing law authorizes, among others, the Attorney General to bring a civil action against a firearm industry member for an act or omission in violation of the firearm industry standard of conduct, as specified. Existing law defines various terms for these purposes.

This bill *would, by July 1, 2024, require a payment card network to make the merchant category code for firearms and ammunition businesses established by the International Organization for Standardization on September 9, 2022, available for merchant acquirers that provide payment services for firearms merchants. The would, beginning March 1, 2025, require a merchant acquirer to assign to a firearms merchant that merchant category code.* The bill would provide that the Attorney General has exclusive authority to enforce these provisions, and would authorize the Attorney General to bring a civil action to enforce these provisions and remedy harm caused by a violation of these provisions. The bill would require a court that determines that a person or entity has violated these provisions to award specified relief, including a civil penalty in the amount of \$10,000 for each violation. The bill would define various terms for these purposes.

Passed by the Assembly and ordered to the Senate. Referred to Committees on Banking and Finance, and Judiciary.

California AB 1598, as amended, Berman. Gun violence: firearm safety education.

Existing law states that the state has a compelling interest in protecting its citizens from gun violence and from intimidation by persons brandishing weapons. Existing law generally regulates the manufacture, distribution, transportation, and importation of specified firearms.

Existing law requires persons who obtain firearms to have familiarity with those firearms, including the safe handling and storage of firearms. Existing law requires a purchaser or receiver of a firearm to hold a valid firearm safety certificate. Existing law requires the Department of Justice to prescribe a minimum level of skill, knowledge, and competency to be required of all firearm safety certificate instructors, authorizes those instructors to issue firearm safety certificates to persons over 18 years of age, and requires the department to develop a test that a person is required to pass in order to earn a firearm safety certificate. Existing law allows a firearm safety certificate instructor to collect a fee of \$25 for administering the test and

issuing the firearm safety certificate, \$15 of which is to be paid to the department to cover the department's costs to carry out and enforce specified laws.

This bill would require the department, at the next regularly scheduled update of the test, to update the items the test covers to include the benefits and risks of owning a firearm and bringing a firearm into the home, including the increased risk of death to someone in the household by suicide, homicide, or unintentional injury, and current law as it relates to eligibility to own or possess a firearm, gun violence restraining orders, domestic violence restraining orders, and privately manufactured firearms.

The bill would require the department to prepare a firearm safety certificate study guide, in English and in Spanish, that explains the information covered in the test, and would require the department to offer copies of the study guide at actual cost to firearm safety instructors, who would be required to provide a study guide to an applicant for a firearm safety certificate prior to their test date. The bill would allow an instructor to add the cost of the study guide to the fee above. The bill would additionally require the department to prepare a pamphlet in English and in Spanish that explains the benefits and risks of firearm ownership and to make the pamphlet available to licensed firearm dealers at cost. The bill would require licensed firearm dealers to provide a purchaser, transferee, or person being loaned a firearm the pamphlet.

Passed by the Assembly and ordered to the Senate. Passed by Senate committees on Public Safety and Appropriations. Waiting on final vote.

Note: to find current, reliable information on any bill before the California legislature you can go to: <https://leginfo.legislature.ca.gov/faces/home.xhtml>

Note: italic and underlined information is a change from last month's report.

Litigation

TWO PRELIMINARY INJUNCTIONS AGAINST SOME OF THE CRITERIA FOR THE HANDGUN ROSTER!

Renna v Bonta on the California Unsafe handgun roster was remanded back to the trial court for reconsideration in light of Bruen.

On March 31 the Honorable Dana M. Sabraw, Chief Judge of the US District Court for the Southern District of California, has issued a preliminary injunction against the state enforcing three of the six requirements for semi-automatic pistols to be added to the roster. The judge ruled that requiring a loaded chamber indicator, a magazine disconnect, or microstamping for a pistol to be included in the roster are unconstitutional. In addition, the judge ruled that the “one on/three off” provision is unconstitutional. This preliminary injunction would prevent the state from enforcing California Penal Code section 31910 (b)(4) to (b)(7). The injunction was stayed to allow the state time to appeal, and an appeal has been filed.

Boland v Bonta is a lawsuit challenging the California handgun roster imposed as part of the Unsafe Handgun Act.

Judge Cormac J. Carney, of the US Central District Court for California on March 20 issued a preliminary injunction against the state enforcing three of the six requirements for semi-automatic pistols to be added to the roster. The judge ruled that requiring a loaded chamber indicator, a magazine disconnect, or microstamping for a pistol to be included in the roster are unconstitutional. This preliminary injunction would prevent the state from enforcing California Penal Code section 31910 (b)(4) to (b)(6).

Judge Carney stayed his order 14 days to allow the state to appeal. The appeal was filed, but only appealed the injunction against the loaded chamber indicator and magazine disconnect. The finding in the injunction against microstamping was not appealed. **The Ninth Circuit did order a stay** of this preliminary injunction with regard to the loaded chamber indicator and magazine disconnect but **did not stay the injunction against enforcing microstamping**.

Note that these preliminary injunctions **did not strike down the roster**; they only said specific criteria were unconstitutional. Since these are preliminary injunctions the cases have not been completed or decided on the merits. These two preliminary injunctions do mean that two judges have ruled, among other things, that it is likely the plaintiffs (our side) will prevail when the cases are complete.

Also note that about the same time the Central District court issued the first preliminary injunction, Senator Catherine Blakespear amended **Senate Bill 452** to require microstamping for pistols to be sold in California. This seems in direct conflict with the judges' preliminary injunction rulings.

A status conference on Miller v Bonta, Duncan v Bonta, and Rhode v Bonta was held 13 December in Judge Benitez' court.

Miller v Bonta is the challenge to the “assault weapon” ban, Duncan v Bonta is the challenge to the “High-Capacity Magazine” ban, and Rhode v Bonta is the challenge to the state requiring background checks for ammunition purchases.

Judge Benitez indicated that he wants to see these cases completed at the trial court level in a timely manner. He questioned the value of the state bringing in testimony from experts in “history and tradition” and rejected this testimony. The judge indicated that he may combine the three cases and hold hearings on all three at once. The judge indicated that he was not sympathetic to the state trying to delay the process or confuse any of the issues.

Richards v Bonta is a new lawsuit filed against the 10 day waiting period.

Nguyen v Bonta is a challenge to the California “1 in 30” law limiting purchases of handguns or center-fire semi-auto rifles to 1 in 30 days. The judge has asked for briefs regarding how this case should be handled in light of the Bruen decision.

Rupp v Bonta, a challenge to the California Assault Weapon Bans, had been pending the Bruen decision. This case has been remanded back to the trial court for further proceedings consistent with the Bruen decision. This case is now scheduled behind the Miller v Bonta case, which also challenges the “Assault Weapon Ban”.

Young v Hawaii challenges the state of Hawaii carry restrictions. The certiorari petition was granted, the Supreme Court vacated the Ninth Circuit judgement, and remanded the case back to the Ninth Circuit Court of Appeals for further consideration in light of New York State Rifle and Pistol Association v Bruen. The Ninth Circuit remanded the case back to the trial court.

Doe v Bonta is a lawsuit filed by the NRA to block the release of gun owner’s personal information to UC Davis and other, unspecified, “research organizations” due to SB 173. Information has already been given to UC Davis and accidentally released to the public. The honorable Larry Alan Burns, the United States District Court Judge hearing the case, has ordered supplemental briefs regarding the effects of NYSRPA v Bruen on the standard to be used in deciding this case.

Respectfully submitted,

David Smith