

MINUTES

Meeting of the Scotts Valley City Council

Date: April 3, 2013

POSTING:

The agenda was posted on 3-29-13
at City Hall, the SV Senior Center, and
the SV Library, by the City Clerk.

CALL TO ORDER 6:00 p.m.

PLEDGE OF ALLEGIANCE and MOMENT OF SILENCE

ROLL CALL

Present:

Mayor Johnson
Vice Mayor Reed
Council Member Aguilar
Council Member Bustichi
Council Member Lind

City Manager Ando
City Attorney Powell
Comm Dev Dir/Deputy City Mgr Kates
Public Wks Director Anderson
Police Chief Weiss
City Clerk Ferrara

COMMITTEE REPORTS

VM Reed reported that the Library Joint Powers Authority Board met and received an update on their IT strategic plan, and reviewed a report from Group 4 on the Library system's view of what they would like to see for their facilities over the coming ten years throughout the entire system,

PUBLIC COMMENT

Jerome Totes, representing Community Against Gun Violence, spoke in support of SB 53 (De Leon), Ammunition Purchase Permits, and requested that the City Council send a letter of support for SB 53 to the Public Safety Committee (Attachment A).

**ALTERATIONS TO
CONSENT AGENDA**

*M/S: Aguilar/Reed
To approve the Consent Agenda.
Carried 5/0*

Consent Agenda:

- A. Approve City Council meeting minutes of 3-20-13
- B. Approve check register – 3-25-13, 3-18-13

- C. Second reading and approval of Ordinance No. 7.7 amending Section 4.02.021 of Chapter 4.02 of Title 4 of the Scotts Valley Municipal Code regarding code enforcement authority
- D. Approve letter of support for the Santa Cruz Metropolitan Transit District grant application and authorize the Mayor to execute the letter

ALTERATIONS TO REGULAR AGENDA

M/S: Aguilar/Lind
To approve the Regular Agenda.
Carried 5/0

REGULAR AGENDA

1. **Green Waste Recovery Franchise Agreement:**
 - (a) **Consider approval of third amendment to Refuse, Recycling, Yard Waste, and Construction and Demolition Material Franchise Agreement**
 - (b) **Consider approval of first reading and introduction of Ordinance No. 57.3 amending Chapter 8.12 of Title 8 of the Scotts Valley Municipal Code regarding the collection of refuse**

CM Ando presented the written staff report and responded to questions from Council.

The City Council unanimously agreed to not move forward with this amendment. The Council stated that Green Waste charges \$300 to \$500 more than other companies for roll-off/debris boxes, and requested that when the franchise agreement comes up for renewal, staff attempt to negotiate the removal of the section that provides for Green Waste to have exclusive rights for roll-off/debris boxes in Scotts Valley. They also requested that Green Waste provide some statistical information on how much of a financial impact there is to Green Waste regarding this section of the agreement.

2. **Discussion of number of animals allowed in the City**

PC Weiss presented the written staff report and responded to questions from Council.

The City Council unanimously agreed to increase the number of dogs allowed from 2 to 4 in all zoning areas of the City, and directed staff to return to the City Council with an ordinance to amend the Scotts Valley Municipal Code.

3. **Future Council agenda items**

None.

CONVENE TO CLOSED SESSION

The City Council convened to closed session at 6:55 p.m. to discuss the following items:

- (1) Pursuant to Government Code Section 54956.8, the City Council met in closed session to confer with their legal counsel regarding real property negotiations, APN 022-231-20.
- (2) Pursuant to Government Code Section 54956.8, the City Council met in closed session to confer with their legal counsel regarding real property negotiations, APN 022-481-18.

RECONVENE TO OPEN SESSION

The City Council reconvened to open session at 7:45 p.m.

REPORT ON ACTION TAKEN DURING CLOSED SESSION

Mayor Johnson announced that there was nothing to report.

ADJOURNMENT The meeting adjourned at 7:45 p.m.

Approved:


Randy Johnson, Mayor

Attest:


Tracy A. Ferrara, City Clerk

ATTACHMENT A

PUBLIC COMMENT
APRIL 3, 2013

Tracy Ferrara

Subject: SB 53 commentary in public comments segment for 4/3/2013
Attachments: 2006 LA study of criminal purchase of ammo.pdf; SB 53-Background Sheet 3-12-13 v. 4.pdf; sb_53_bill_20130321_amended_sen_v98.pdf; SB 53-Sample Letter Support Letter.doc

From: Jerome Totes [<mailto:jwtoto@yahoo.com>]
Sent: Wednesday, April 03, 2013 10:49 AM
To: Tracy Ferrara
Subject: re: SB 53 commentary in public comments segment for 4/3/2013

CAGV (Community Against Gun Violence)

3896 Aldo Court Fax: 831-465-8210

Soquel, Cal 95073
E-mail:
jwtoto@yahoo.com
Tel: 831-809-6080

April 3, 2013

Jerry Totes
First Responder and Law enforcement liaison
CAGV
3896 Aldo Court
Soquel, CA 95073

RE: Support of SB 53 (ammunition purchase permits)

Dear Ms. Ferrara,

On behalf of the Community Against Gun Violence I plan to attend tonight's Scotts Valley City Council meeting to make a statement during the public comment period. Could you please distribute to the city council members the attachments that I have included in this e-mail so that the members can refer to this information in reference to my comments. Also, I would appreciate it if you could include these attachments in the minutes at the following council meeting.

Sincerely,

Jerry Totes

COMMUNITY AGAINST GUN VIOLENCE

**Support for SB 53 (De León)
Ammunition Purchase Permits**

***(Name and address of organization
expressing support)***

April 2, 2013

Honorable Loni Hancock
Chair, Public Safety Committee
State Capitol, Room 2082
Sacramento, CA 95814

RE: SB 53 (De León) Ammunition Purchase Permits—SUPPORT

Dear Senator Hancock:

The (name of organization) has adopted a support position on Senate Bill 53, which would help safeguard California's communities by preventing felons and other dangerous criminals from purchasing ammunition.

California has enacted legislation designed to keep guns out of the hands of criminals, but it has done little to prevent criminals and gang members from procuring the ammunition. Currently, any criminal can walk into a Big 5 or Wal-Mart and purchase pallets of ammunition, no questions asked. It is easier to purchase ammunition than it is a packet of cigarettes or allergy medicine.

Each year, millions of rounds of ammunition are sold to felons and other prohibited persons at gun shops and sporting goods stores across the state. Several cities have moved forward to require ammunition vendors to keep records of ammunition sales, which law enforcement officials have used to get hundreds of dangerous felons who are illegally armed off our streets.

By requiring ammunition purchasers acquire a purchase permit and pass a background check, SB 53 will effectively limit criminal access to the fuel that drives gun violence. SB 53 is a reasonable step to prevent prohibited persons from acquiring ammunition. We appreciate your efforts and the (name of organization) will support SB 53 when it is up for consideration. If you have any questions, please feel free to contact me directly at (telephone or contact information).

Sincerely,

cc: Senator de León
State Capitol, Room 5108
Sacramento, CA 95814

ORIGINAL ARTICLE

The criminal purchase of firearm ammunition

G E Tita, A A Braga, G Ridgeway, G L Pierce

Injury Prevention 2006;12:308-311. doi: 10.1136/ip.2006.013052

See end of article for authors' affiliations

Correspondence to: Professor G E Tita, University of California-Irvine, Criminology, Law, and Society, 2307 Social Ecology II, Irvine, CA 92697-7080, USA; gtita@uci.edu

Accepted 4 August 2006

Objective: Laws that prohibit certain individuals from owning firearms also pertain to ammunition. Whereas retail sales of firearms to criminals are regularly disrupted by instant background checks, sales of ammunition are essentially unchecked and the rate at which criminals acquire ammunition is unknown. This research describes the ammunition market and estimates the rate at which criminals are acquiring ammunition.

Design: Criminal background checks conducted on individuals purchasing ammunition in the City of Los Angeles in April and May 2004.

Setting: Los Angeles, CA, USA.

Subjects: Ammunition purchasers.

Main outcome measures: Criminal activity that prohibits one from owning, purchasing, or possessing ammunition.

Results: 2.6% (95% CI 1.9% to 3.2%) of ammunition purchasers had a prior felony conviction or another condition that prohibited them from possessing ammunition. During the study period prohibited possessors purchased 10 050 rounds of ammunition in Los Angeles.

Conclusions: These estimates suggest that monitoring ammunition transactions may help reduce the supply of ammunition to criminals and the frequency of injuries from felonious gun assaults. Such a record can also provide information for generating leads on illegal firearm possession.

From 1993-96, emergency rooms in the United States treated an estimated 413 186 incidents of non-fatal firearm injuries stemming from causes ranging from gunshot wounds, injuries sustained while trying to elude gunfire, lacerations from recoil, and being struck by a firearm.¹ Over this period, an estimated 7630 people were treated annually for injuries resulting from purposefully being struck by a gun. This number, however, pales in comparison to the nearly 87 000 injuries caused by being struck by a bullet fired from a gun. Clearly, guns without ammunition are much less dangerous than loaded ones and, besides the fear that guns induce, the unloaded gun is no more dangerous than any other blunt object. Unlike the public health view on drug policy, which recognizes the importance of limiting access to both the agent of harm (the narcotic) and the instrument of delivery (for example, syringe), gun policy has focused primarily on limiting access to the instrument of delivery, firearms, while eschewing efforts to limit access to ammunition, the actual agent of harm.

Gun violence has decreased over the past decade, yet many Americans still die by gunfire and, of course, many more are still affected by non-fatal gun violence. In 2004, there were 11 344 gun murders, 164 998 gun assaults, and 162 938 gun robberies.² In 2003, there were 16 907 suicides with firearms.³ Advocates on all sides of the gun control debate in the United States agree that policies and interventions that make guns and ammunition less available to those who are prone to violence deserve high priority, will save lives, and reduce the burden of gun violence on society. One broad class of strategies is designed to limit access to different kinds of weapons by different kinds of people.⁴ The basic policy idea is to restrict access to firearms and ammunition by the "bad guys" without denying access to the "good guys".⁵ Existing firearms regulations in the United States that prohibit certain individuals from purchasing or possessing a firearm also apply to the purchase and possession of ammunition. While there has been considerable policy action at the federal, state,

and local level to identify and screen out ineligible purchasers of firearms through criminal background checks, there has been little action to identify and screen out disqualified buyers from illegally acquiring ammunition. Most countries restrict certain individuals, such as violent offenders and those with certain mental illnesses, from possessing firearms but the United Nations Group of Experts notes that "measures to control small arms and light weapons would not be complete if they did not include ammunition and explosives".⁶ Clearly ammunition makes guns much more lethal. If gun-using criminals could be hindered from obtaining ammunition, it follows that gun violence may decline. Furthermore, recent research suggests that even within an urban center plagued by gun violence, guns are more readily available for purchase than ammunition.⁷ This finding suggests that greater efforts to prevent criminal access to ammunition may be more effective in reducing firearm injury than further limiting access to firearms.

REGULATING AMMUNITION SALES AND SCREENING AMMUNITION PURCHASERS

A number of nations as well as some US states currently require ammunition purchasers to have valid identification cards and/or firearms licenses. Proposed legislation in California (SB 357) would further require ammunition dealers in California to log all ammunition purchases and their purchasers in a state database. Although this bill failed in 2005, state law has not preempted city ordinances enacted in Los Angeles, San Francisco, Oakland, and several other California cities to regulate ammunition commerce. These statutes have tougher proof of identification standards (state issued identification card and the purchaser's fingerprint) and require the seller to retain documentation of all

Abbreviations: ATF, Bureau of Alcohol, Firearms, Tobacco and Explosives; DOJ, Department of Justice; FFL, Federal Firearms Licensee; LAPD, Los Angeles Police Department.

ammunition purchasers in a non-electronic "ammunition log".

Underpinning these legislative efforts is the belief that prohibited possessors are currently purchasing ammunition at licensed dealers and could be prevented from doing so through criminal background checks and transaction records. Currently there is no direct research evidence to support this position and efforts against this legislation have pointed out this lack of evidence. The Citizens Committee for the Right to Keep and Bear Arms (CCRKBA) correctly noted following the defeat of SB 1152 that "there is *no existing data* to suggest that an ammunition purchase registry will have any positive impact on crime"⁸ (authors' italics). Similarly, the National Association of Firearms Retailers criticized the measure, noting that "no valid public safety purpose will be advanced by burdening our members in California with keeping a registry of perfectly legal ammunition sales and law-abiding ammunition purchasers. We are aware of *no scientifically valid study* that concludes an ammunition registry would be an effective law enforcement tool"⁹ (authors' italics).

As noted above, there is reason to believe that targeting retail ammunition sales will in fact impact levels of firearm injury. Recent ethnographic research on the workings of illegal guns markets in Chicago suggests that it was more difficult for criminals to acquire ammunition than guns.⁷ Most youth reported trouble with securing ammunition and faced considerable price markups compared to the legal market. If it is true that for many criminals ammunition is scarce then effective screening procedures or transaction record keeping for ammunition purchases at retail outlets could be used to good effect in reducing an important supply line of ammunition.

In this study, we sought to learn more about the retail market in ammunition by examining bullet and shotgun shell purchases in the City of Los Angeles, which passed a city ordinance in 1998 requiring proof of identification and a thumbprint (55.11 LAMC). We examined the characteristics of sales conducted in the City of Los Angeles, California with a particular focus on the purchasers' criminal history. We also explored the frequency in which prohibited possessors acquire ammunition from licensed dealers. Our results indicate that prohibited possessors acquired about 10 000 rounds of ammunition during the two month study period.

DATA

These data were collected as part of a US Department of Justice (DOJ) funded study aimed at understanding and disrupting the illegal gun market serving criminals and youth in Los Angeles. Local ordinance requires every Federal Firearms Licensee (FFL) in Los Angeles that sells ammunition to maintain ammunition purchase logs on all transactions, which the Los Angeles Police Department (LAPD) Gun Unit periodically collects. The data recorded for each transaction are handwritten into the ammunition log and include purchaser-specific data, as well as purchase-specific information. Identifying information for each purchaser includes name, age, sex, date of birth, address, thumbprint, and a driver's license/state issued identification number. Data also include the type and quantity of ammunition purchased along with the date for each transaction.

Our study uses ammunition log data to examine purchases made in the City of Los Angeles during the months of April and May 2004. During the study time period, there were only 15 FFLs in all of Los Angeles that sold ammunition: eight sporting goods stores, three firing ranges, two law enforcement facilities, one war surplus store, and one small business that reloads ammunition for sale. As part of the DOJ study, the LAPD Gun Unit collected the completed logs from 10 businesses and handed these records over to the Southern

California Regional Crime Gun Center operated by the Bureau of Alcohol, Tobacco, Firearms, and Explosives (ATF). We excluded the two law enforcement facilities because they sell only to law enforcement employees, who by definition cannot have a criminal background. Limited availability of LAPD officers for collecting the data on ammunition purchases during the study's time period resulted in data not being collected from the ammunition reload business, one of the sporting goods stores, and one of the firing ranges. As such, these ammunition dealers were excluded from our analyses. ATF personnel computerized the data from the 10 remaining FFLs. For each transaction in the ammunition logs, ATF personnel checked whether the purchaser appeared in the National Criminal Information Center (NCIC) data or in the California Department of Justice's Criminal History files. They recorded the full criminal histories of the complete sample of ammunition purchasers with criminal backgrounds.

Seven of the observed ammunition retailers are in the San Fernando Valley, the northern half of the City of Los Angeles. These retailers represent approximately 93% of the ammunition transactions recorded during the study period. None of the business premises of the 10 ammunition retailers were located near the high crime South Los Angeles area of the city. Although this area leads the city in total homicide and total gun crime, none of the "local" places to purchase ammunition actually falls within the Los Angeles city limits. According to the LAPD and ATF, the likely ammunition supply for this area consists of the nearly one dozen ammunition dealers near South Los Angeles which are located just outside of the city limits in the surrounding Los Angeles County municipalities, and therefore not required to record ammunition purchases. Thus, our analysis of Los Angeles' ammunition data represents a snapshot of the ammunition market in the northern half of the city. Though it is only a portion of the city, in 2002 the San Fernando Valley's 1.4 million residents comprised 37% of the city's population. By itself it would rank as the seventh largest city in the United States.

RESULTS

In April and May 2004 there were 2031 unique purchasers who made 2540 transactions that resulted in the sale of 4823 boxes of ammunition that totaled 436 956 rounds.

Who buys ammunition?

Though most of the ammunition purchasers reside locally, a small number of non-California residents ($n = 60$) also purchased ammunition in the city. It is not clear whether these individuals purchased ammunition while visiting or if these are new local residents who have not yet changed their official place of residence. Among the remaining 97% of purchasers ($n = 1971$), Los Angeles city residents make up 70% of the purchasers and another 19% reside within Los Angeles County. The overwhelming majority of purchasers live within the San Fernando Valley, which is to be expected as ammunition prices are relatively stable across merchants. An informal survey of local ammunition dealers in and around Los Angeles indicated that a 500 round box of lower end .22 ammunition ranged from \$14 to \$16, a difference for which we do not expect consumers to travel great distances given that local gas prices peaked at \$2.36 per gallon during this period.

While 92% of gun purchasers in Los Angeles County are male,⁹ a slightly larger percentage (96%) of ammunition purchasers in the city are male. As shown in table 1, bullet purchasers are also more likely to fall into the 21–24 years age category (15%) than gun purchasers (9%).

Should they be buying?

During the study period, 6.5% of ammunition purchasers had a criminal record. A criminal record, however, is not sufficient for prohibiting a purchaser from buying ammunition. Federal law prohibits convicted felons and domestic violence misdemeanants from acquiring ammunition. Additionally, California state law includes provisions that prohibit individuals convicted of violent misdemeanors from purchasing and possessing ammunition. Of the study's ammunition purchasers, 1.5% had prior felony convictions; 13 drug related felonies, eight grand theft or burglary felonies, two cases of felony check fraud, two weapon offenses, and one case each of extortion, stalking, and sex with client (details of two other felony convictions were unknown). An additional 1.1% of the purchasers had other conditions (for example, misdemeanor assault or an active restraining order) that prohibited their purchases. Table 2 summarizes these findings.

These prohibited possessors made 2.8% (71/2540) of all transactions and collectively purchased 2.3% (10 050/436 956) of the rounds sold in the two month study period. They generally purchase the same kinds of ammunition as legal purchasers. For example among prohibited possessors, 40% purchased 9 mm ammunition while 38% of legal purchasers bought 9 mm ammunition. By comparison, the Violence Prevention Research Program⁹ reported that 0.8% of attempted gun purchases statewide involved a prohibited possessor in 2000, but the background check and 10 day waiting period interrupted those purchases. While the Los Angeles ammunition ordinance requires ammunition transactions to be recorded, there is no instant check and before 2004 the logs were only referenced when police were following up on specific crimes. As a result prohibited possessors were able to purchase ammunition with little risk of detection.

still buy ammunition at Los Angeles dealers. Though some ineligible buyers may be deterred by these requirements and make purchases at dealers beyond the city limits, the lack of enforcement of existing laws means that prohibited persons still complete the required elements of the transaction and walk out of the store with ammunition.

In an attempt to stem the flow of ammunition to prohibited purchasers, policy makers might consider extending instant background checks to include ammunition purchases. A criminal background check would be an unnecessary inconvenience in about 97% of ammunition transactions in Los Angeles. However, in just two months, prohibited persons acquired some 10 050 rounds through retail outlets. A background check would eliminate illegal ammunition transactions at retail outlets and denied ammunition purchase rate would probably converge to around 0.8%, the denial rate for firearms. Similar to the illegal market substitution effects associated with the passage of the Brady Law,^{10 11} prohibited purchasers seem likely to exploit alternative sources of ammunition such as unregulated private sellers operating in the secondary firearms markets.

An alternative policy to the instant criminal background check would be to use the ammunition transaction records as an intelligence gathering tool for law enforcement. Routine examination of ammunition purchasers could be used to identify prohibited persons who illegally possess ammunition and, most likely, illegally possess firearms as well. The ammunition logs have been used as a basis for developing probable cause in securing search warrants, some of which have resulted in the recovery of illegal firearms [conversation with the supervising attorney of the Gun Violence Section of the Los Angeles City Attorney's office].

At present, the key impediment to the utility of the Los Angeles ammunition log for law enforcement is that it is restricted to dealers located within the city limits. Los Angeles residents can easily cross into other areas of the county and purchase untraceable ammunition. Given the dearth of purchasers residing in South Los Angeles, and that these neighborhoods have severe gun violence problems, it is clear that Los Angeles retailers are not the source of this area's ammunition supply. Illegal street sales, mail order purchases, and retail purchases outside the city limits are all possible ammunition sources, none of which is currently monitored. A first step in turning the ammunition log into a useful intelligence tool for South Los Angeles would be to have neighboring municipalities cooperate in a concerted effort to collect similar data on ammunition transactions. Although our study focused on one part of Los Angeles, our findings have implications for other states and nations that monitor firearm sales but not ammunition purchases; without monitoring or enforcement, prohibited purchasers are not completely deterred from purchasing ammunition.

Implication for prevention

Relative to firearms and ammunition in legal hands, guns and ammunition in the hands of a prohibited possessor are at high risk of being used in violent crime.¹² Monitoring ammunition transaction can reduce that risk by either following those criminal purchasers back to their firearms or interrupting criminal purchases at the point-of-sale with an instant check. Expanding the monitoring to the county level or the state level may result in FFLs beyond the jurisdiction of the legislation becoming easy sources for illicit ammunition purchases. Due to less stringent gun controls, dealers in Nevada and Arizona are already noteworthy out-of-state sources of crime guns recovered in Los Angeles¹³ and seem likely to become illicit sources of ammunition. A statewide program might push the illegal ammunition

CONCLUSIONS

These data suggest that, despite having to identify themselves through showing a driver's license, leaving a fingerprint, and creating a record of the transaction, prohibited purchasers

Key points

purchases out of the state and, therefore, increase the "effective price" of illegal ammunition sales on the streets of Los Angeles.¹⁴ Increasing the costs associated with the illegal acquisition of ammunition may cause criminals to economize on firearm use and, in turn, reduce gun violence. The potential for substitution to alternative black market sources is a concern for any gun market intervention.¹⁵ Nonetheless, given the heavy burden of gun violence, policymakers need to consider policy interventions that remove easy opportunities for violent gun-using criminals to arm themselves.

Study limitations

This study used administrative data from 10 of 13 non-law enforcement ammunition retailers in the City of Los Angeles over a two month period. Therefore, this study's findings may not be representative of all ammunition transactions in the greater Los Angeles area nor in other cities around the world. Although the Los Angeles city ordinance requires dealers to document all ammunition transactions there may be non-compliance. Compliance could be associated with whether or not the purchaser is eligible to possess ammunition. ATF completed the background checks for all purchasers based on names and state issued IDs from the hand written logs collected from the retailers. Accurate criminal history checks depended on this information being written correctly and clearly on the forms.

ACKNOWLEDGEMENTS

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Authors' affiliations

G E Tita, Criminology, Law and Society, University of California-Irvine, Irvine, CA, USA

A A Braga, John F Kennedy School of Government at Harvard University, Cambridge, MA, USA

G Ridgeway, Statistics Group, RAND, Santa Monica, CA, USA

G L Pierce, College of Criminal Justice, Northeastern University, Boston, MA, USA

Competing interests: none.

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CAPITOL OFFICE
STATE CAPITOL, ROOM 5108
SACRAMENTO, CA 95814
TEL (916) 651-4022
FAX (916) 327-8817

DISTRICT OFFICE
1808 W. SUNSET BLVD.
LOS ANGELES, CA 90026
TEL (213) 483-9300
FAX (213) 483-9305

California State Senate

SENATOR
KEVIN DE LEÓN
CHAIR

SENATE APPROPRIATIONS COMMITTEE
TWENTY-SECOND SENATE DISTRICT

COMMITTEES
APPROPRIATIONS
ENERGY, UTILITIES &
COMMUNICATIONS
GOVERNMENTAL
ORGANIZATION
PUBLIC SAFETY

JOINT COMMITTEE
LEGISLATIVE BUDGET



PURPOSE:

Safeguard California's communities by ensuring that criminals and other dangerous individuals cannot purchase ammunition.

BACKGROUND:

The United States has the loosest gun control laws in the developed world and it has the highest rate of gun-related homicide. Last year, the United States had approximately 11,000 deaths. By comparison, England and Wales had approximately 50 gun homicides. According to the United Nations Office on Drugs and Crime, the United States' gun homicide rate is *30 times* that of France or Australia, and *12 times* higher than the average for other developed countries.¹

Recent discussions in the aftermath of the tragic shooting in Newtown, Connecticut have highlighted the importance of safer gun control laws. However, the sale and distribution of ammunition has remained unregulated and largely ignored. Ammunition is the fuel that feeds the violence, yet little is known about who is buying and selling ammunition. At the federal level, the Gun Control Act of 1968 required federal licensing for all ammunition dealers, and required that retailers keep records on all handgun ammunition sales. This law was repealed in 1986, and since then only a few states have implemented their own regulation of ammunition sales and purchases, including Illinois, Massachusetts, and New Jersey, which require licenses to purchase ammunition.²

California has enacted legislation designed to keep guns out of the hands of criminals, but it has done little to prevent criminals, gang members, and the clinically insane from procuring the ammunition that fuels gun violence. Several cities require ammunition vendors to keep records of ammunition sales which have led to the arrest of thousands of armed and dangerous criminals.³ A 2006 RAND Corporation study concluded that, in just a two-month period in Los Angeles, felons

¹ Washington Post. "The solution to gun violence is clear." http://www.washingtonpost.com/opinions/fareed-zakaria-the-solution-to-gun-violence-is-clear/2012/12/19/110a6f82-4a15-11e2-b6f0-e851e741d196_story.html?wpisrc=emailtoafriend. 19 December 2012.

² Law Center to Prevent Gun Violence. "Ammunition Regulation Policy Summary" <http://smartgunlaws.org/ammunition-regulation-policy-summary/>. 21 May 2012.

³ Reuters. "What's missing in U.S. gun control scramble? Bullets." <http://www.reuters.com/article/2013/01/20/us-usa-guns-ammunition-idUSBRE90J02K20130120>. 20 January 2013.

and others prohibited by law from possessing firearms purchased over 10,000 rounds of ammunition at gun shops and sporting goods stores across the city.⁴ The Sacramento Police Department's ammunition purchaser records showed that in 2008 alone, over 150 prohibited person purchased ammunition in their city.

To address this critical issue, then-Assemblymember Kevin de León introduced Assembly Bill 362 in 2007. The measure would have required any handgun ammunition purchaser to possess a license to sell ammunition issued by the Department of Justice (DOJ), which would require background checks. The following year, AB 2062 (De León) was introduced with similar provisions. Both measures failed to pass in the Assembly.

Three years later, Governor Schwarzenegger signed AB 962 (De León) The Anti-Gang Neighborhood Protection Act. AB 962 required handgun ammunition vendors to record handgun ammunition sales by checking ammunition purchasers' driver's licenses and obtaining thumbprints. The measure also required vendors to make records available to law enforcement for the purposes of crosschecking purchasers with the prohibited persons' databases. The delivery or transfer of ownership of handgun ammunition would be required to occur only in face-to-face transactions, thus banning mail order ammunition sales.

In 2010, the National Rifle Association (NRA) and the California Rifle and Pistol (CRPA) Foundation challenged AB 962 in court. In *Parker v. California* (2011), the Fresno Superior Court ruled in favor of the plaintiffs, declaring that the 30-year-old statutory definition of "handgun ammunition" was unconstitutionally vague. The case is currently on appeal and will be argued this spring.

As a result of the court-issued injunction applied to AB 962, today any criminal can walk into a Big 5 or Wal-Mart and purchase ammunition, no questions asked. It continues to be easier in California to purchase a pallet of ammunition than a pack of cigarettes or allergy medicine. There is no way to track who is buying and selling bullets and this blind eye approach is putting ammunition in the hands of killers.

Senate Bill 53 expands upon and strengthens the ammunition regulation schema established under AB 962. SB 53 requires *all* ammunition vendors to obtain a license to sell ammunition from the DOJ. The Department must maintain a centralized registry of registered ammunition vendors as well as records of ammunition transactions submitted by vendors. Under this proposal, a statewide standard on ammunition sales would be created, providing law enforcement with clear information on who is selling and buying ammunition.

Additionally, SB 53 requires ammunition purchasers to submit to background checks to effectively limit criminal access to the fuel that drives gun violence. These background checks will be structured by the Department of Justice to minimize the costs to gun owners and, after a full and complete check, will be done instantly to ensure that the purchaser is still in good standing to

⁴ RAND Corporation. "RAND Study Finds Substantial Amounts of Ammunition Bought By Felons, Others Prohibited from Buying Bullets." <http://www.rand.org/news/press/2006/10/05.html>. 5 October 2006.

purchase ammunition. In this way, ammunition will only be accessible to lawful gun owners and not dangerous criminals.

PROPOSAL:

- Expand the provisions of AB 962 (De León, Ch. 628, Statutes of 2009) to apply to all types of ammunition.
 - Require all ammunition vendors to obtain a license from the Department of Justice and submit transaction records to the Department.
 - Require anyone wishing to purchase ammunition in California to first pass a full and complete background check. The background check will be conducted by the Department of Justice at a minimal cost to the purchaser. Subsequent background checks will be done instantly.
 - Require ammunition vendors to verify that a person who is being delivered ammunition has passed a background check and is not prohibited from purchasing ammunition.
-

SUPPORT:

Brady Campaign to Prevent Gun Violence, California Chapters
California Partnership to End Domestic Violence
California Police Chiefs Association
City of Beverly Hills
City of Oakland
County of Los Angeles
Law Center to Prevent Gun Violence
Los Angeles Community College District
Sheriff Leroy D. Baca, County of Los Angeles
Violence Prevention Coalition of Greater Los Angeles
Women Against Gun Violence

OPPOSITION:

California Association of Firearms Retailers
Crossroads of the West
National Shooting Sports Foundation, Inc.
Outdoor Sportsmen's Coalition of California
Safari Club International
The California Sportsman's Lobby, Inc.
Several Individuals

For more information please contact Alexandra Salgado at (916) 651-4022 or alexandra.salgado@sen.ca.gov.

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

December 20, 2012

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

(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. 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” as defined vendor,~~ and, commencing July 1, 2014, who is licensed, as specified, for those and other purposes. The bill 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. *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 ~~September 1, 2014~~ *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 ~~September 1, 2014~~ *July 1, 2017*, require the vendor to submit to the Department of Justice information demonstrating compliance with that verification requirement, as specified. The bill would, commencing ~~June 1, 2014~~ *January 1, 2017*, authorize issuance of ammunition purchase permits by the Department of Justice to applicants who are residents of this state, at least 18 years of age, not prohibited from acquiring or possessing ammunition, and who pay the required fees, as specified. The bill would establish an application process and specify the information to be displayed on the permit. The bill would provide that the permit authorizes the holder to purchase ammunition from an ammunition vendor.

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

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

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

(5)

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

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

Vote: majority. Appropriation: no. Fiscal committee: yes.

State-mandated local program: yes.

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

1 SECTION 1. Section 11106 of the Penal Code, as added by
2 Section 2.5 of Chapter 745 of the Statutes of 2011, is amended to
3 read:

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

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

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

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

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

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

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

11 (E) Former Section 12084.

12 (F) Any other law.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

5 (b)

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

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

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

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

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

1 a .50 BMG rifle registration, *or information received pursuant to*
2 *subdivision (b) of Section 30352*, the following information shall
3 be entered into the Prohibited Armed Persons File:

4 (1) The subject's name.

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

6 (3) The subject's physical description.

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

9 (5) The basis of the firearms *and ammunition* possession
10 prohibition.

11 (6) A description of all firearms owned or possessed by the
12 subject, as reflected by the Consolidated Firearms Information
13 System.

14 *SEC. 6. Section 30010 of the Penal Code is amended to read:*

15 30010. The Attorney General shall provide investigative
16 assistance to local law enforcement agencies to better ensure the
17 investigation of individuals who are armed and prohibited from
18 possessing a firearm *or who are prohibited from possessing*
19 *ammunition.*

20 ~~SEC. 4.~~

21 *SEC. 7. Section 30312 of the Penal Code is amended to read:*

22 30312. (a) The delivery or transfer of ownership of ammunition
23 may only occur in a face-to-face transaction with the deliverer or
24 transferor being provided bona fide evidence of identity from the
25 purchaser or other transferee.

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

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

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

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

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

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

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

18 (7) An ammunition vendor.

19 (8) A consultant-evaluator.

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

21 ~~SEC. 5.~~

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

25

26

Article 3. Ammunition Vendors

27

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

29 30345. (a) A vendor shall comply with all of the conditions,
30 requirements, and prohibitions stated in this article.

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

34 ~~SEC. 6.~~

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

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

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

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

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

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

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

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

19 ~~SEC. 7.~~

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

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

27 ~~SEC. 8.~~

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

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

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

33 (2) *The purchaser's or transferee's driver's license or other*
34 *identification number and the state in which it was issued.*

35 (3) *The brand, type, and amount of ammunition sold or*
36 *otherwise transferred.*

37 (4) *The purchaser's or transferee's signature.*

38 (5) *The name of the salesperson who processed the sale or other*
39 *transaction.*

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

1 be prohibited from acquiring or possessing ammunition within this
2 state.

3 *(e) Commencing July 1, 2017, the vendor shall verify that the*
4 *ammunition purchase permit is valid by contacting the department*
5 *for each ammunition transaction, in a manner prescribed by the*
6 *department. The department shall conduct an instantaneous*
7 *background check to determine if the permittee is prohibited from*
8 *possessing ammunition. The department shall approve or deny the*
9 *transaction on the basis of the background check and shall inform*
10 *the vendor.*

11 ~~(d) Subdivision~~

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

15 (1) A person licensed pursuant to Sections 26700 to 26915,
16 inclusive.

17 (2) An ammunition vendor.

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

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

22 (5) A gunsmith.

23 (6) A wholesaler.

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

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

1 ~~SEC. 9.~~

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

3 30365. (a) A violation of *subdivision (b) of Section 30345,*
4 Section 30347, 30350, 30352, 30355, 30360, or 30362 is a
5 misdemeanor.

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

11 ~~SEC. 10.~~

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

15

16 Article 4. Ammunition Purchase Permits

17

18 30370. (a) (1) ~~Commencing on June 1, 2014~~ *January 1, 2017,*
19 any person who is a resident of this state and who is 18 years of
20 age or older may apply to the department for an ammunition
21 purchase permit, in a format to be prescribed by the department.

22 (2) The ammunition purchase permit shall entitle the
23 permit holder to purchase or otherwise acquire ownership of
24 ammunition from an ammunition vendor as that term is defined
25 in Section 16663 and shall have no other force or effect.

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

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

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

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

32 (c) (1) Upon receipt of an initial or renewal application, the
33 department shall examine its records and is authorized to request
34 records from the State Department of ~~Mental Health~~ *State*
35 *Hospitals*, pursuant to Section 8104 of the Welfare and Institutions
36 Code, and if authorized, the National Instant Criminal Background
37 Check System, as described in ~~of~~ Section 922(t) of Title 18 of the
38 United States Code, in order to determine if the applicant is
39 prohibited from possessing or acquiring ammunition.

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

5 (d) The ammunition purchase permit shall be valid for ~~one year~~
6 *five years* from the date of issuance.

7 (e) The department shall send a notice of the expiration of an
8 ammunition purchase permit, by first-class mail or other means
9 that are equivalent, including electronic mail, to the address of the
10 person as shown by the records of the department, not less than
11 90 days before the expiration date, and shall enclose or contain a
12 form for the renewal of the permit.

13 (f) The ammunition purchase permit shall be revoked by the
14 department upon the occurrence of any event which would have
15 disqualified the holder from being issued the ammunition purchase
16 permit pursuant to this section.

17 (g) The ammunition purchase permit shall be in a tamper-proof
18 form prescribed by the department and shall include the name,
19 address, photograph, date of birth, a unique identifying number,
20 expiration date from the date of issuance, physical characteristics,
21 including the height, weight, eye color, and hair color of the
22 permit holder, and other information that may be prescribed by the
23 department.

24 (h) The department shall recover the reasonable cost of
25 administering this section by charging applicants an initial
26 application and ~~annual~~ a renewal application fee.

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

30 (j) The implementation of this section by the department is
31 exempt from the Administrative Procedure Act (Chapter 3.5
32 (commencing with Section 11340) of Part 1 of Division 3 of Title
33 2 of the Government Code).

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

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

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

4.

5

Article 5. Ammunition Vendor Licenses

6

7 30380. (a) *Commencing July 1, 2014, no ammunition vendor*
8 *shall sell or otherwise transfer ownership of ammunition unless*
9 *the vendor is licensed pursuant to Section 30385.*

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

11 30385. (a) *The Department of Justice is authorized to issue*
12 *ammunition vendor licenses pursuant to this article. The*
13 *department shall, commencing March 1, 2014, commence*
14 *accepting applications for ammunition vendor licenses. The*
15 *department shall issue a license or deny the application for a*
16 *license within 30 days of receipt of the application. If the*
17 *application is denied, the department shall inform the applicant*
18 *of the reason for denial in writing.*

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

23 30390. (a) *The department may charge ammunition vendor*
24 *license applicants a fee sufficient to reimburse the department for*
25 *the reasonable costs of administering the license program,*
26 *maintaining the registry of ammunition vendors, and necessary*
27 *enforcement, provided however, that the fee shall not exceed fifty*
28 *dollars (\$50).*

29 (b) *The fees received by the department pursuant to this article*
30 *shall be deposited in the Dealers' Record of Sale Account of the*
31 *General Fund.*

32 30395. (a) *The department shall issue ammunition vendor*
33 *licenses pursuant to this article to the following applicants:*

34 (1) *A licensed firearms dealer.*

35 (2) *Persons on the centralized list maintained by the department*
36 *pursuant to Section 28450.*

37 (3) *A target facility holding a business or other regulatory*
38 *license.*

39 (4) *A gunsmith.*

40 (5) *A firearms wholesaler.*

1 (6) A manufacturer or importer of firearms or ammunition
2 licensed pursuant to Chapter 44 (commencing with Section 921)
3 of Title 18 of the United States Code, and the regulations issued
4 pursuant thereto.

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

8 (c) The department may remove an ammunition vendor from
9 the registry for a violation of this article or a violation of Article
10 3 (commencing with Section 30345) for a period not to exceed six
11 months.

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

17 30400. (a) The Attorney General shall prepare and submit to
18 the Legislature on or before January 1, 2016, a report concerning
19 all of the following:

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

24 (2) The feasibility of integration of that system into the current
25 firearm registration system.

26 (3) The feasibility and costs of creating that type of background
27 check system.

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

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

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

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

37 (c) It is the intent of the Legislature to provide the Department
38 of Justice with sufficient flexibility to develop an instantaneous
39 background check system. The Legislature recognizes that the
40 Department may develop an alternative system than the one

1 *prescribed by this measure. If that is the case, the Legislature may*
2 *review that system and enact legislation accordingly.*

3 ~~SEC. 11.~~

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