

## CHIEF OF DETECTIVES

### NOTICE

8.4

March 4, 2019

**TO:** All Department Personnel

**FROM:** Chief of Detectives

**SUBJECT:** NEW AND AMENDED FIREARMS/WEAPONS LAWS

This Notice provides a brief summary of California firearms/weapons bills that took effect January 1, 2019.

### ***BILLS SIGNED INTO LAW IN 2018 THAT BECAME EFFECTIVE IN 2019***

#### **AB 1192 (amending Penal Code Section 16690) – Firearms: Retired Peace Officers**

- Redefines the term “honorably retired” for purposes of certain exceptions to the law involving the carrying of firearms by a retired peace officer. The term “honorably retired” now includes a retired reserve officer (i.e., who has served in the aggregate the minimum amount of time as specified by the retiree’s agency’s policy as a level I reserve officer, provided that the policy shall not set an aggregate term less than 10 years or more than 20 years).

#### **AB 1872 (amending Penal Code Section 32000) – Firearms: Unsafe Handguns**

- Adds the following to the list of exempt agencies and individuals who are allowed to purchase unsafe handguns (as defined by Penal Code section 31910): harbors and port districts and other entities employing peace officers described in subdivision (b) of Penal Code section 830.33, the San Diego Unified Port District Harbor Police, the Harbor Department of the City of Los Angeles, and the sworn members of these entities who meet specified training requirements. Prohibits resale by these agencies, officers, and employees to a person who is not exempt from the requirements of Penal Code section 32000.

#### **AB 1968 (amending Welfare and Institution Code Section 8103) – Mental Health: Firearms**

- On or after January 1, 2020, this bill imposes a lifetime firearm prohibition on a person who has been taken into custody, assessed, and admitted to a designated facility twice within a one-year period because he or she is a danger to self or others as a result of a mental health disorder.
- Allows a person subject to this lifetime firearm prohibition to request a hearing every five years to show that he or she can use firearms in a safe and lawful manner. At this hearing, the burden of proof is on the People of the State of California (represented by District Attorneys) that the person should remain prohibited.

- Existing law requires the facility to provide a person subject to the prohibition with a form to request a hearing and to forward the form to the Superior Court if the person requests a hearing. This bill requires the form to include an authorization for the release of the person's mental health records, upon request, to the appropriate District Attorney, solely for use in the hearing.

**AB 2103 (amending Penal Code Section 26165) – Firearms: License to Carry Concealed**

- Requires that the training for applicants for a license to carry a concealed weapon (CCW) shall be no less than eight hours and no more than sixteen hours in length, and specifies safe handling and shooting proficiency requirements.
- Requires that the training include live-fire shooting exercises on a firing range and a demonstration by the applicant of safe handling of, and shooting proficiency with, each firearm the applicant will be licensed to carry.
- Requires the licensing authority to establish, and make available to the public, standards for live-fire shooting exercises that include, without limitation, a minimum number of rounds to be fired and minimum passing scores at specified firing distances.

**AB 2176 (amending Penal Code Sections 18255 and 22815) – Firearms**

- Requires that a receipt given by an officer who takes custody of a firearm or other deadly weapon at the scene of a domestic violence incident, when serving a protective order, or when serving a Gun Violence Restraining Order, shall include the name and residential mailing address of the owner of the firearm or other deadly weapon.
- Extends civil liability to a person who authorizes a minor's acquisition of tear gas by signing a statement of consent or accompanying the minor at the time of acquisition.

**AB 2222 (amending Investigation and Control Section 11108.2) – Crime Prevention and Investigation: Informational Databases**

- Requires all law enforcement agencies in California to enter information regarding each firearm that has been reported stolen, lost, found, recovered, held for safekeeping, or under observation, into the DOJ's Automated Firearms System (AFS) within **seven days** of being notified of the precipitating event.
- Requires all law enforcement agencies in California to enter information for firearms that are illegally possessed, have been used in a crime, or are suspected to have been used in a crime, into the AFS within **seven days** of the agency having possession of the information.

**AB 2526 (amends Penal Code Sections 18140 and 18145) – Temporary Emergency Gun Violence Restraining Orders**

- Allows a judicial officer to issue a temporary emergency Gun Violence Restraining Order (GVRO) orally, based on the statements of a law enforcement officer. A temporary GVRO may be obtained in writing, if time and circumstances permit.
- Requires an officer, who requests a temporary emergency GVRO, to sign a declaration under penalty of perjury reciting the oral statements provided to the judicial officer and to memorialize the order of the court, if the request is made orally.

**AB 2930 (amends Civil Code Section 3485) – Unlawful Detainer: Nuisance: unlawful weapons and ammunition**

- Extends authority, until January 1, 2024, for two nuisance-eviction pilot programs that conditionally allow city attorneys and prosecutors, in authorized cities, to bring eviction proceedings against tenants for committing nuisance violations involving unlawful weapons or controlled substances.

**AB 3129 (amends Penal Code Section 29805) – Firearms: Prohibited Persons**

- Prohibits a person from ever possessing a firearm, if that person is convicted on or after January 1, 2019, of a misdemeanor violation of Penal Code section 273.5, regarding the willful infliction of corporal injury resulting in a traumatic condition upon a spouse, cohabitant, or other specified person.

**SB 746 (amends Penal Code Sections 29820, 29180 and 29830) – Firearms and Ammunition: Prohibited Possession: transfer to licensed dealer**

- Authorizes a person who is temporarily prohibited from owning, purchasing, receiving, or possessing a firearm or ammunition, to transfer his or her ammunition to a licensed ammunition vendor for the duration of the prohibition. Beginning July 1, 2019, the release of stored ammunition shall be handled similar to the release of stored firearms, and therefore must be returned by a firearms dealer or an ammunition vendor in accordance with the procedures set forth in Penal Code section 30370 et seq.
- Requires a new resident to the state, within 60 days of arrival, to apply for a unique serial number or other identifying mark for any firearm the resident wishes to possess in the state that the resident previously manufactured or assembled, or a firearm the resident owns, that does not have a unique serial number or other mark of identification.
- On July 1, 2020, makes the procedure for a court or law enforcement agency to return a seized firearm also applicable to ammunition feeding devices and ammunition.
- On July 1, 2020, makes certain provisions regarding ammunition also applicable to “ammunition feeding devices,” as defined.

**SB 1100 (amends Penal Code Section 27510 and 29182) – Firearms: Transfers**

- Prohibits the sale, supplying, delivery, or giving possession or control of any firearm by a licensed dealer, except as specifically exempted, to any person under 21 years of age per Penal Code section 27510. The exemptions apply to the sale, supplying, delivery, or giving possession or control of a firearm that is not a handgun to a person 18 years of age or older and who:
  - Possesses a valid, unexpired hunting license issued by the Department of Fish and Wildlife;
  - Is an active peace officer, as described in Chapter 4.5 (commencing with section 830) of Title 3 of Part 2 of the Penal Code, who is authorized to carry a firearm in the course and scope of his or her employment;
  - Is an active federal officer or law enforcement agent who is authorized to carry a firearm in the course and scope of his or her employment;
  - Is a reserve peace officer, as defined in section 832.6 of the Penal Code, who is authorized to carry a firearm in the course and scope of his or her employment as a reserve peace officer;
  - Provides proper identification of his or her active membership in the United States Armed Forces, the National Guard, the Air National Guard, or active reserve components of the United States; or,
  - Provides proper identification that he or she is an honorably discharged member of the United States Armed Forces, the National Guard, the Air National Guard, or active reserve components of the United States.
- Requires any person who wishes to manufacture or assemble a firearm, and who applies to the DOJ for a unique serial number or identifying mark, as required by law, be at least 21 years of age, for any firearm. If the application is made before February 1, 2019, that application may be granted for an applicant who is at least 18 years of age but less than 21 years of age, for a firearm that is not a handgun.

**SB 1200 (amending Penal Code Sections 18100 thru 18180) – Firearms: Gun Violence Restraining Orders**

- Expands the definition of “ammunition,” for the purposes of the Gun Violence Restraining Order (GVRO) law, to include a “magazine.”
- Requires a law enforcement officer, when serving a GVRO, to verbally ask the restrained person if he or she has any firearms, ammunition, or magazines in his or her possession or under his or her custody or control.

- Requires a court, that issues a temporary emergency GVRO, (issued on the basis of a law enforcement officer's attestation) to hold a hearing within 21 days to determine if the GVRO should be extended to one year.

**SB 1346 (amending Penal Code Section 16930) – Firearms: Multiburst Trigger Activators**

- Clarifies that the definition of "multiburst trigger activator" includes a bump stock, bump fire stock, or other similar devices that are attached to, built into, or used in combination with a semiautomatic firearm to increase the rate of fire of that firearm.

**SB 1382 (amending Penal Code Section 25140) – Firearms: Vehicle Storage**

- Authorizes locking a handgun in a locked toolbox or utility box when leaving a handgun in an unattended vehicle.
- Defines "locked toolbox or utility box" as a fully enclosed container that is permanently affixed to the bed of a pickup truck or vehicle that does not contain a trunk, and is locked by a padlock, keylock, combination lock, or other similar locking device.

***BILLS SIGNED INTO LAW IN 2017 THAT BECOME EFFECTIVE IN 2019***

**AB 1525 (amending Penal Code Sections 26835, 31640 and 31650) – Firearms Warnings**

- Requires, on or after January 1, 2019, additional specified warnings to be included at the premises of a licensed firearms dealer.
- Requires, on and after January 1, 2019, a specified warning to be given to a person who takes the firearms safety certificate examination and requires the applicant to acknowledge receipt of the prescribed warning prior to the issuance of the firearms safety certificate.
- Requires, on and after January 1, 2019, the Department to update the testing material at least once every five years and requires the Department to update a referenced Internet Web site to reflect current laws and regulations.

***BILLS SIGNED INTO LAW IN 2016 THAT BECOME EFFECTIVE IN 2019***

**AB 857 (amending Penal Code Section 29180) – Firearms: Identifying Information**

- Under this bill, and as of July 1, 2018, prior to manufacturing or assembling a firearm, a person manufacturing or assembling a firearm has been required to follow the Unique Serial Number Application (USNA) process.

- By January 1, 2019, and subject to certain exceptions, any person who, as of July 1, 2018, owns a firearm that does not bear a serial number must apply to the Department for a unique serial number or other mark of identification.

**SB 1235 (amending Penal Code Sections 30352, 30356 and 30369) – Ammunition & Proposition 63 (Approved by the Voters on Nov. 8, 2016) – Safety For All Act**

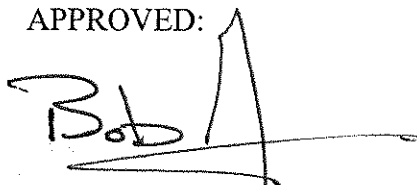
- Commencing July 1, 2019, with specified exceptions, ammunition can be sold only to: a person whose information matches an entry in the Automated Firearms System and who is eligible to possess ammunition; a person who has a current certificate of eligibility issued by the Department; or a person who obtains Department approval for a purchase or transfer of ammunition in a single transaction. Ammunition purchasers and transferees will be charged a per-transaction fee not to exceed \$1.
- Ammunition can be sold to a person who was approved by the Department to receive a firearm from a licensed firearms dealer if the ammunition is delivered to the person in the same transaction as the firearm.
- Commencing July 1, 2019, an ammunition vendor shall electronically submit to the Department information regarding ammunition sales and transfers. The Department shall retain this information in a database to be known as the Ammunition Purchase Records File. This information shall remain confidential and may be used by the Department and those entities specified in, and pursuant to, subdivision (b) or (c) of Penal Code section 11105, through the California Law Enforcement Telecommunications System, only for law enforcement purposes. The ammunition vendor shall not use, sell, disclose, or share the information for any other purpose other than the submission required by this subdivision without the express written consent of the purchaser or transferee.
- As authorized by the bill, the Department is currently drafting regulations that will specify additional rules applicable to the purchase or transfer of ammunition.

Should you have any questions regarding this Notice, please contact Detective III Ben Meda, Gang and Narcotics Division, Gun Unit, at (213) 486-5360.



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APPROVED:



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