

**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

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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~~ *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 ~~(e)~~
- 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 permitholder 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.