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## AB-693 Firearms. (2017-2018)

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### Assembly Bill No. 693

#### CHAPTER 783

An act to amend Section 30312 of, and to add Sections 26625, 27970, and 32455 to, the Penal Code, relating to firearms, and declaring the urgency thereof, to take effect immediately.

[ Approved by Governor October 14, 2017. Filed with Secretary of State October 14, 2017. ]

#### LEGISLATIVE COUNSEL'S DIGEST

AB 693, Irwin. Firearms.

Existing law generally requires that a firearms transaction be conducted through a licensed firearms dealer and prohibits the transfer of a firearm unless the person has been issued a firearms license. Existing law provides various exceptions to this requirement, including for firearms sold or transferred to an authorized law enforcement representative for use by the law enforcement agency.

This bill would exempt the loan of a firearm from the requirement that the transaction be conducted through a dealer or by a dealer if the loan is made to a person enrolled in the course of basic training prescribed by the Commission on Peace Officer Standards and Training, or any other course certified by the commission, for purposes of participation in the course.

Existing law, as amended by the Safety for All Act of 2016, approved by voters as Proposition 63 at the November 8, 2016, statewide general election, generally prohibits the possession of a large-capacity magazine regardless of the date the magazine was acquired. Existing law makes this prohibition inapplicable to the possession of a large-capacity magazine by a sworn peace officer or federal law enforcement officer who is authorized to carry a firearm in the course and scope of his or her duties. The Safety for All Act of 2016 also requires, commencing January 1, 2018, the sale of ammunition to be conducted by or processed through a licensed ammunition vendor. Existing law exempts the sale, delivery, or transfer of ammunition to specified individuals, including a sworn peace officer or sworn federal law enforcement officer who is authorized to carry a firearm in the course and scope of the officer's duties. A violation of this provision is a misdemeanor. Proposition 63 allows its provisions to be amended by a vote of 55% of the Legislature so long as the amendments are consistent with and further the intent of the act.

This bill would make the prohibition on large-capacity magazines inapplicable to the sale, gift, or loan of a large-capacity magazine to a person enrolled in the course of basic training prescribed by the Commission on Peace Officer Standards and Training, or any other course certified by the commission, or to the possession of, or purchase by, the person, for purposes of participation in the course during his or her period of enrollment. The bill would exempt from the above-described ammunition purchasing requirement a person in the basic training academy for peace officers or any other course certified by the Commission on Peace Officer Standards and Training, an instructor of the academy or course, or a staff member of the academy or entity providing the course, who is purchasing the ammunition for the purpose of participation or use in the course. The bill would amend the proposition by adding these new exemptions to the prohibition on large-capacity magazines and the requirement of buying ammunition through a licensed vendor.

## THE PEOPLE OF THE STATE OF CALIFORNIA DO ENACT AS FOLLOWS:

### **SECTION 1.** Section 26625 is added to the Penal Code, to read:

**26625.** Section 26500 does not apply to the loan of a firearm if the loan of the firearm is to a person enrolled in the course of basic training prescribed by the Commission on Peace Officer Standards and Training, or any other course certified by the commission, for purposes of participation in the course.

### **SEC. 2.** Section 27970 is added to the Penal Code, to read:

**27970.** Section 27545 does not apply to the loan of a firearm if the loan of the firearm is to a person enrolled in the course of basic training prescribed by the Commission on Peace Officer Standards and Training, or any other course certified by the commission, for purposes of participation in the course.

### **SEC. 3.** Section 30312 of the Penal Code is amended to read:

**30312.** (a) (1) Commencing January 1, 2018, the sale of ammunition by any party shall be conducted by or processed through a licensed ammunition vendor.

(2) When neither party to an ammunition sale is a licensed ammunition vendor, the seller shall deliver the ammunition to a vendor to process the transaction. The ammunition vendor shall promptly and properly deliver the ammunition to the purchaser, if the sale is not prohibited, as if the ammunition were the vendor's own merchandise. If the ammunition vendor cannot legally deliver the ammunition to the purchaser, the vendor shall forthwith return the ammunition to the seller. The ammunition vendor may charge the purchaser an administrative fee to process the transaction, in an amount to be set by the Department of Justice, in addition to any applicable fees that may be charged pursuant to the provisions of this title.

(b) Commencing January 1, 2018, the sale, delivery, or transfer of ownership of ammunition by any party may only occur in a face-to-face transaction with the seller, deliverer, or transferor, provided, however, that ammunition may be purchased or acquired over the Internet or through other means of remote ordering if a licensed ammunition vendor initially receives the ammunition and processes the transaction in compliance with this section and Article 3 (commencing with Section 30342) of Chapter 1 of Division 10 of Title 4 of this part.

(c) Subdivisions (a) and (b) shall not apply to the sale, delivery, or transfer of ammunition to any of the following:

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

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

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

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

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

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

(7) An ammunition vendor.

(8) A consultant-evaluator.

(9) A person who purchases or receives ammunition at a target facility holding a business or other regulatory license, provided that the ammunition is at all times kept within the facility's premises.

(10) A person who purchases or receives ammunition from a spouse, registered domestic partner, or immediate family member as defined in Section 16720.

(11) A person enrolled in the basic training academy for peace officers or any other course certified by the Commission on Peace Officer Standards and Training, an instructor of the academy or course, or a staff member of the academy or entity providing the course, who is purchasing the ammunition for the purpose of participation or use in the course.

(d) A violation of this section is a misdemeanor.

**SEC. 4.** Section 32455 is added to the Penal Code, to read:

**32455.** Section 32310 does not apply to the sale, gift, or loan of a large-capacity magazine to a person enrolled in the course of basic training prescribed by the Commission on Peace Officer Standards and Training, or any other course certified by the commission, nor to the possession of, or purchase by, the person, for purposes of participation in the course during his or her period of enrollment. Upon completion of the course the large-capacity magazine shall be removed from the state, sold to a licensed firearms dealer, or surrendered to a law enforcement agency, unless another exemption to Section 32310 applies.

**SEC. 5.** This act is an urgency statute necessary for the immediate preservation of the public peace, health, or safety within the meaning of Article IV of the California Constitution and shall go into immediate effect. The facts constituting the necessity are:

To preserve public safety, persons training to be peace officers must be trained to use the same equipment they will be using in the field and therefore must have reasonable access to that equipment during training.