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AB-228 Firearms. (2021-2022)

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Assembly Bill No. 228

CHAPTER 138

An act to amend Section 26720 of the Penal Code, relating to firearms.

[Approved by Governor July 21, 2022. Filed with Secretary of State July 21, 2022.]

LEGISLATIVE COUNSEL'S DIGEST

AB 228, Rodriguez. Firearms.

Existing law authorizes the licensing authority of a city, county, or a city and county to grant licenses to sell firearms at retail within the city, county, or city and county. Existing law requires the Department of Justice to maintain a list of licensed firearms dealers. Existing law authorizes the department to inspect dealers to ensure compliance with specified provisions of firearms law and to assess an annual fee to cover the reasonable costs of maintaining the dealer list and conducting inspections. Existing law exempts a dealer located in a jurisdiction that has adopted an inspection program to ensure compliance with firearms law from that portion of the department's fee that relates to the cost of inspections.

This bill would, commencing January 1, 2024, require the department to conduct inspections of dealers at least every 3 years, with the exception of a dealer whose place of business is located in a jurisdiction that has adopted an inspection program. The bill would authorize the department to inspect a dealer whose place of business is located in a jurisdiction that has adopted an inspection program. The bill would also specify minimum sampling standards for the audit of dealer records during an inspection.

Vote: majority Appropriation: no Fiscal Committee: yes Local Program: no

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

SECTION 1. Section 26720 of the Penal Code is amended to read:

26720. (a) The Department of Justice may conduct inspections of dealers at least every three years to ensure compliance with Section 16575.

(1) Commencing on January 1, 2024, the department shall conduct inspections of all dealers, except a dealer specified in subdivision (c), at least once every three years, to ensure compliance with Section 16575.

(2) Inspections of dealers pursuant to this subdivision shall include an audit of dealer records that includes a sampling of at least 25 percent but no more than 50 percent of each record type.

(b) The department may assess an annual fee, not to exceed one hundred fifteen dollars (\$115), to cover the reasonable cost of maintaining the list described in Section 26715, including the cost of inspections.

(c) A dealer whose place of business is located in a jurisdiction that has adopted an inspection program to ensure compliance with firearms law is exempt from that portion of the department's fee that relates to the cost of inspections. The applicant is responsible for providing evidence to the department that the jurisdiction in which the business is located has the inspection program. The department may inspect a dealer who is exempt from mandatory inspections under subdivision (b) to ensure compliance with Section 16575.