



Home	Bill Information	California Law	Publications	Other Resources	My Subscriptions	My Favorites
------	------------------	----------------	--------------	-----------------	------------------	--------------

AB-2551 Firearms. (2021-2022)

SHARE THIS:  

Date Published: 07/12/2022 09:00 PM

Assembly Bill No. 2551

CHAPTER 100

An act to add Sections 29880, 30372, and 30472 to the Penal Code, relating to firearms.

[Approved by Governor July 12, 2022. Filed with Secretary of State July 12, 2022.]

LEGISLATIVE COUNSEL'S DIGEST

AB 2551, McCarty. Firearms.

(1) Existing law makes it a crime for certain persons to possess a firearm, including, among other persons, persons convicted of a felony, persons who are addicted to the use of a narcotic drug, persons convicted of specified violent offenses, persons who have been adjudicated by a court of any state to be a danger to others as a result of a mental disorder or mental illness, and persons who have been admitted to a facility, are receiving inpatient treatment, and, in the opinion of the attending health professional who is primarily responsible for the patient's treatment, are a danger to themselves or others.

Existing law requires the Department of Justice to examine its records in order to determine whether the purchaser of a firearm is prohibited by state or federal law from possessing a firearm. If the department determines that the purchaser is prohibited from possessing a firearm, existing law requires the department to notify the firearms dealer and either the chief of police or the sheriff in the county in which the sale was made.

This bill would require the Department of Justice, if the department determines that a person prohibited from possessing a firearm by the provisions described above has attempted to acquire a firearm, to notify the local law enforcement agency with primary jurisdiction over the area in which the person was last known to reside. If the person is prohibited from owning or possessing a firearm for reasons relating to mental health, the bill would require the department to also notify the county department of mental health in the county in which the person was last known to reside.

(2) Existing law, as added by the Safety for All Act of 2016, an initiative statute approved by voters as Proposition 63 at the November 8, 2016, statewide general election, requires the sale of ammunition to be conducted by a licensed ammunition vendor. Existing law generally requires ammunition to be sold only to people who meet specified criteria, including to a person whose firearms ownership information matches an entry in the Automated Firearms System and who is eligible to possess ammunition. Existing law, commencing July 1, 2022, similarly regulates the sale of firearm precursor parts.

This bill would require the Department of Justice to notify the relevant local law enforcement agency if a person who is prohibited from possessing ammunition attempts to purchase ammunition. Before contacting the person, the bill would require the law enforcement agency to attempt to confirm that the person is prohibited from purchasing ammunition and did in fact attempt to make the reported purchase.

This bill would, unless AB 1621 from the 2021–22 Regular Session is enacted, require the Department of Justice to notify the relevant local law enforcement agency if a person who is prohibited from possessing firearm precursor parts attempts to purchase

firearm precursor parts. Before contacting the person, the bill would require the law enforcement agency to attempt to confirm that the person is prohibited from purchasing firearm precursor parts and did in fact attempt to make the reported purchase.

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

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

SECTION 1. Section 29880 is added to the Penal Code, to read:

29880. (a) If the Department of Justice determines that a person prohibited from owning, purchasing, receiving, or possessing a firearm by this chapter, Chapter 3 (commencing with Section 29900), or Section 8100 or 8103 of the Welfare and Institutions Code has attempted to acquire a firearm, or has attempted to report their acquisition or ownership of a firearm in order to have it listed in the registry set forth in Section 11106 as owned by that person, whether the report is mandated by this part or made pursuant to Section 28000, the department shall notify the local law enforcement agency with primary jurisdiction over the area in which the person was last known to reside of the attempt in a manner and format prescribed by the Department of Justice.

(b) If a person described in subdivision (a) is prohibited from owning or possessing a firearm pursuant to Section 8100 or 8103 of the Welfare and Institutions Code, the department shall also notify the county department of mental health in the county in which the person was last known to reside.

SEC. 2. Section 30372 is added to the Penal Code, to read:

30372. (a) If a person attempts to purchase or otherwise acquire ammunition and the sale or other transfer is not approved by the Department of Justice pursuant to Section 30370 because the person is prohibited from possessing ammunition pursuant to Section 30305, the department shall notify the local law enforcement agency with primary jurisdiction in which the person was last known to reside of the attempt.

(b) A local law enforcement agency that receives a notification pursuant to subdivision (a) may investigate whether the person is in unlawful possession of a firearm. However, the law enforcement agency shall not contact the person until it has attempted to confirm both of the following:

(1) That the person is prohibited from possessing ammunition pursuant to Section 30305.

(2) That the person did in fact attempt to make the reported purchase.

(c) Subdivision (a) does not apply if the sale or other transfer is not approved only because the address in the Automated Firearms System does not match the address on the person's identification, if there is a matching file with the same name, date of birth, and identification number.

(d) This section does not authorize a law enforcement agency to conduct a search without a warrant.

SEC. 3. Section 30472 is added to the Penal Code, to read:

30472. (a) If a person attempts to purchase or otherwise acquire a firearm precursor part and the sale or other transfer is not approved by the Department of Justice pursuant to Section 30470 because the person is prohibited from possessing a firearm precursor part pursuant to Section 30405, the department shall notify the local law enforcement agency with primary jurisdiction in which the person was last known to reside of the attempt.

(b) A local law enforcement agency that receives a notification pursuant to subdivision (a) may investigate whether the person is in unlawful possession of a firearm. However, the law enforcement agency shall not contact the person until it has attempted to confirm both of the following:

(1) That the person is prohibited from possessing a firearm precursor part pursuant to Section 30405.

(2) That the person did in fact attempt to make the reported purchase.

(c) Subdivision (a) does not apply if the sale or other transfer is not approved only because the address in the Automated Firearms System does not match the address on the person's identification, if there is a matching file with the same name, date of birth, and identification number.

(d) This section does not authorize a law enforcement agency to conduct a search without a warrant.

SEC. 4. Section 3 of this bill, adding Section 30472 to the Penal Code, shall not become operative if both this bill and Assembly Bill 1621 are enacted and become effective on or before January 1, 2023.

