



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

AB-724 Firearms: safety certificate instructional materials. (2023-2024)

SHARE THIS:  

Date Published: 09/26/2023 09:00 PM

Assembly Bill No. 724

CHAPTER 238

An act to amend Sections 31630 and 31640 of the Penal Code, relating to firearms.

[Approved by Governor September 26, 2023. Filed with Secretary of State September 26, 2023.]

LEGISLATIVE COUNSEL'S DIGEST

AB 724, Vince Fong. Firearms: safety certificate instructional materials.

Existing law requires a person who purchases or receives a firearm to possess a valid and unexpired firearm safety certificate or handgun safety certificate, as applicable. Existing law prohibits the sale, delivery, or transfer of a firearm to a person who does not possess a valid and unexpired firearm safety certificate or handgun safety certificate, as applicable.

Existing law requires an applicant for a firearm safety certificate to pass an objective test, as specified. Existing law requires the Department of Justice to provide instructional and testing materials in English and Spanish.

This bill would also require these instructional and testing materials to be available in Chinese, Tagalog, Vietnamese, Korean, Dari, and Armenian.

This bill would incorporate additional changes to Section 31640 of the Penal Code proposed by AB 1598 to be operative only if this bill and AB 1598 are enacted and this bill is enacted last.

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

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

SECTION 1. Section 31630 of the Penal Code is amended to read:

31630. (a) The department shall develop an instruction manual in English, Spanish, traditional Chinese, simplified Chinese, Tagalog, Vietnamese, Korean, Dari, and Armenian. The department shall make the instruction manual available to firearm dealers licensed pursuant to Sections 26700 to 26915, inclusive, who shall make it available to the general public. Essential portions of the manual may be included in the pamphlet described in Section 34205.

(b) The department shall develop audiovisual materials in the languages described in subdivision (a) to be issued to instructors certified by the department.

(c) The department shall solicit input from any reputable association or organization, including any law enforcement association that has as one of its objectives the promotion of firearm safety, in the development of the firearm safety certificate instructional materials.

(d) The instruction manual shall prominently include the following firearm safety warning:

Firearms must be handled responsibly and securely stored to prevent access by children and other unauthorized users. California has strict laws pertaining to firearms, and you can be fined or imprisoned if you fail to comply with them. Visit the website of the California Attorney General at <https://oag.ca.gov/firearms> for information on firearm laws applicable to you and how you can comply.

SEC. 2. Section 31640 of the Penal Code is amended to read:

31640. (a) The department shall develop a written objective test, in English, Spanish, traditional Chinese, simplified Chinese, Tagalog, Vietnamese, Korean, Dari, and Armenian, and prescribe its content, form, and manner, to be administered by an instructor certified by the department.

(b) If the person taking the test is unable to read, the test shall be administered orally. If the person taking the test is unable to read any of the languages described in subdivision (a), the test may be administered orally by a translator.

(c) The test shall cover, but not be limited to, all of the following:

- (1) The laws applicable to carrying and handling firearms, particularly handguns.
- (2) The responsibilities of ownership of firearms, particularly handguns.
- (3) Current law as it relates to the private sale and transfer of firearms.
- (4) Current law as it relates to the permissible use of lethal force.
- (5) What constitutes safe firearm storage.
- (6) Issues associated with bringing a firearm into the home, including suicide.
- (7) Prevention strategies to address issues associated with bringing firearms into the home.

(d) Commencing January 1, 2019, the test shall require the applicant to be provided with, and acknowledge receipt of, the following warning information:

(1) "Firearms must be handled responsibly and securely stored to prevent access by children and other unauthorized users. California has strict laws pertaining to firearms and you can be fined or imprisoned if you fail to comply with them. Visit the website of the California Attorney General at <https://oag.ca.gov/firearms> for information on firearm laws applicable to you and how you can comply."

(2) "If you decide to sell or give your firearm to someone, you must generally complete a 'Dealer Record of Sale (DROS)' form and conduct the transfer through a licensed firearms dealer. Remember, it is generally a crime to transfer a firearm without first filling out this form. If the police recover a firearm that was involved in a crime, the firearm's previous owner may be prosecuted if the previous owner did not fill out the DROS form. Please make sure you go to a licensed firearms dealer and fill out that form if you want to sell or give away your firearm."

(3) "If you or someone you know is contemplating suicide, please call the national suicide prevention lifeline at 1-800-273-TALK (8255)."

(e) (1) The department shall update test materials related to this article at least once every five years.

(2) The department shall update the internet website referenced in subdivision (d) regularly to reflect current laws and regulations.

(f) A dealer licensed pursuant to Sections 26700 to 26915, inclusive, or an employee, or a managing officer or partner certified as an instructor pursuant to this article, shall designate a separate room or partitioned area for a person to take the objective test, and maintain adequate supervision to ensure that no acts of collusion occur while the objective test is being administered.

SEC. 2.5. Section 31640 of the Penal Code is amended to read:

31640. (a) The department shall develop a written objective test, in English, Spanish, traditional Chinese, simplified Chinese, Tagalog, Vietnamese, Korean, Dari, and Armenian, and prescribe its content, form, and manner, to be administered by an instructor certified by the department.

(b) If the person taking the test is unable to read, the test shall be administered orally. If the person taking the test is unable to read any of the languages described in subdivision (a), the test may be administered orally by a translator.

(c) The test shall cover, but not be limited to, all of the following:

- (1) The laws applicable to carrying and handling firearms, particularly handguns.
- (2) The responsibilities of ownership of firearms, particularly handguns.
- (3) Current law as it relates to the private sale and transfer of firearms.
- (4) Current law as it relates to the permissible use of lethal force.
- (5) What constitutes safe firearm storage.
- (6) The reasons for and risks of owning a firearm and bringing a firearm into the home, including the increased risk of death to someone in the household by suicide, homicide, or unintentional injury.
- (7) Prevention strategies to address the risks associated with bringing firearms into the home.
- (8) Current law as it relates to eligibility to own or possess a firearm, gun violence restraining orders, domestic violence restraining orders, and privately manufactured firearms.

(d) Commencing January 1, 2019, the test shall require the applicant to be provided with, and acknowledge receipt of, the following warning information:

- (1) "Firearms must be handled responsibly and securely stored to prevent access by children and other unauthorized users. California has strict laws pertaining to firearms and you can be fined or imprisoned if you fail to comply with them. Visit the website of the California Attorney General at <https://oag.ca.gov/firearms> for information on firearm laws applicable to you and how you can comply."
- (2) "If you decide to sell or give your firearm to someone, you must generally complete a 'Dealer Record of Sale (DROS)' form and conduct the transfer through a licensed firearms dealer. Remember, it is generally a crime to transfer a firearm without first filling out this form. If the police recover a firearm that was involved in a crime, the firearm's previous owner may be prosecuted if the previous owner did not fill out the DROS form. Please make sure you go to a licensed firearms dealer and fill out that form if you want to sell or give away your firearm."
- (3) "If you or someone you know is contemplating suicide, please call the national suicide prevention lifeline at 1-800-273-TALK (8255)."

(e) (1) The department shall update test materials related to this article at least once every five years.

- (2) The department shall update the internet website referenced in subdivision (d) regularly to reflect current laws and regulations.

(f) A dealer licensed pursuant to Sections 26700 to 26915, inclusive, or an employee, or a managing officer or partner certified as an instructor pursuant to this article, shall designate a separate room or partitioned area for a person to take the objective test, and maintain adequate supervision to ensure that no acts of collusion occur while the objective test is being administered.

(g) The department shall update the test to reflect amendments to subdivision (c) made by the act that added this subdivision during the first regularly scheduled update of the test required pursuant to subdivision (e) that occurs after January 1, 2024.

SEC. 3. Section 2.5 of this bill incorporates amendments to Section 31640 of the Penal Code proposed by both this bill and Assembly Bill 1598. That section of this bill shall only become operative if (1) both bills are enacted and become effective on or before January 1, 2024, (2) each bill amends Section 31640 of the Penal Code, and (3) this bill is enacted after Assembly Bill 1598, in which case Section 2 of this bill shall not become operative.