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AB-1598 Gun violence: firearm safety education. (2023-2024)

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Assembly Bill No. 1598

CHAPTER 248

An act to amend Section 31640 of, and to add Sections 26866, 31641, and 34210 to, the Penal Code, relating to gun violence.

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

LEGISLATIVE COUNSEL'S DIGEST

AB 1598, Berman. Gun violence: firearm safety education.

Existing law states that the state has a compelling interest in protecting its citizens from gun violence and from intimidation by persons brandishing weapons. Existing law generally regulates the manufacture, distribution, transportation, and importation of specified firearms.

Existing law requires persons who obtain firearms to have familiarity with those firearms, including the safe handling and storage of firearms. Existing law requires a purchaser or receiver of a firearm to hold a valid firearm safety certificate. Existing law requires the Department of Justice to prescribe a minimum level of skill, knowledge, and competency to be required of all firearm safety certificate instructors, authorizes those instructors to issue firearm safety certificates to persons over 18 years of age, and requires the department to develop a test that a person is required to pass in order to earn a firearm safety certificate. Existing law allows a firearm safety certificate instructor to collect a fee of \$25 for administering the test and issuing the firearm safety certificate, \$15 of which is to be paid to the department to cover the department's costs to carry out and enforce specified laws.

This bill would require the department, at the next regularly scheduled update of the test, to update the items the test covers to include 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, and 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.

The bill would require the department to prepare a firearm safety certificate study guide, in English and in Spanish, that explains the information covered in the test, and would require the department to offer copies of the study guide at actual cost to firearm safety instructors, who would be required to provide a study guide to an applicant for a firearm safety certificate prior to their test date. The bill would allow an instructor to add the cost of the study guide to the fee above. The bill would additionally require the department to design a pamphlet in English and in Spanish that explains the reasons for and risks of firearm ownership and to make the pamphlet available on its internet website. The bill would require licensed firearm dealers to provide a purchaser, transferee, or person being loaned a firearm the pamphlet.

This bill would incorporate additional changes to Section 31640 of the Penal Code proposed by AB 724 to be operative only if this bill and AB 724 are enacted and this bill is enacted last.

This bill would require the department to prepare the study guide and the pamphlet in additional languages including Chinese, Tagalog, Vietnamese, Korean, Dari, and Armenian only if AB 724 is enacted and requires the test to be in those languages.

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

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

SECTION 1. Section 26866 is added to the Penal Code, to read:

26866. (a) A licensee shall provide the purchaser or transferee of a firearm, or person being loaned a firearm, with a copy of the most current version of the pamphlet described in Section 34210 as found on the department's internet website in PDF or another imaging format at the start of the waiting period described in Sections 26815 and 27540.

(b) A licensee may add the cost of the pamphlet, if any, to the price of the firearm.

(c) This section shall become operative on January 1, 2025.

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

31640. (a) The department shall develop a written objective test, in English and in Spanish, 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 English or Spanish, 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. 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 31641 is added to the Penal Code, to read:

31641. (a) The Department of Justice shall prepare a firearm safety certificate study guide, in English and in Spanish, that explains the information covered in the test in Section 31640.

(b) The department shall offer copies of the study guide at actual cost to a firearm safety instructor certified pursuant to Section 31635, who shall provide the study guide to an applicant for a firearm safety certificate pursuant to Section 31645 prior to their test date. The study guide may be provided as an electronic copy by text or email or as a physical copy. The cost of the study guide, if any, may be added to the fee described in Section 31650.

(c) The department shall update the study guide concurrently with an update to the test in Section 31640.

(d) The department shall notify a certified instructor of the requirement to provide the study guide to an applicant for a firearm safety certificate in subdivision (b).

SEC. 3.5. Section 31641 is added to the Penal Code, to read:

31641. (a) The Department of Justice shall prepare a firearm safety certificate study guide in all of the languages described in subdivision (a) of Section 31640 that explains the information covered in the test in Section 31640.

(b) The department shall offer copies of the study guide at actual cost to a firearm safety instructor certified pursuant to Section 31635, who shall provide the study guide to an applicant for a firearm safety certificate pursuant to Section 31645 prior to their test date. The study guide may be provided as an electronic copy by text or email or as a physical copy. The cost of the study guide, if any, may be added to the fee described in Section 31650.

(c) The department shall update the study guide concurrently with an update to the test in Section 31640.

(d) The department shall notify a certified instructor of the requirement to provide the study guide to an applicant for a firearm safety certificate in subdivision (b).

SEC. 4. Section 34210 is added to the Penal Code, immediately following Section 34205, to read:

34210. (a) The Department of Justice shall prepare a pamphlet in English and in Spanish that explains 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.

(b) The department may solicit input from any reputable association or organization in the development of the pamphlet.

(c) The department shall design and make available on its internet website the pamphlet described in subdivision (a) in PDF or another imaging format to firearms dealers licensed pursuant to Sections 26700 to 26915, inclusive, to distribute pursuant to Section 26866.

(d) This section shall become operative on January 1, 2025.

SEC. 4.5. Section 34210 is added to the Penal Code, immediately following Section 34205, to read:

34210. (a) The Department of Justice shall prepare a pamphlet in all of the languages described in subdivision (a) of Section 31640 that explains 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.

(b) The department may solicit input from any reputable association or organization in the development of the pamphlet.

(c) The department shall design and make available on its internet website the pamphlet described in subdivision (a) in PDF or another imaging format to firearms dealers licensed pursuant to Sections 26700 to 26915, inclusive, to distribute pursuant to Section 26866.

(d) This section shall become operative on January 1, 2025.

SEC. 5. Section 2.5 of this bill incorporates amendments to Section 31640 of the Penal Code proposed by both this bill and Assembly Bill 724. 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 724, in which case Section 2 of this bill shall not become operative.

SEC. 6. (a) Section 3.5 of this bill that adds Section 31641 to the Penal Code shall become operative only if Assembly Bill 724 is enacted and takes effect on or before January 1, 2024, and Assembly Bill 724, as enacted, amends Section 31640 of the Penal Code, in which case Section 3 of this bill shall not become operative.

(b) Section 4.5 of this bill that adds Section 34210 to the Penal Code shall become operative only if Assembly Bill 724 is enacted and takes effect on or before January 1, 2024, and Assembly Bill 724, as enacted, amends Section 31640 of the Penal Code, in which case Section 4 of this bill shall not become operative.