

California Department of Justice DIVISION OF LAW ENFORCEMENT John D. Marsh, Chief 		INFORMATION BULLETIN	
Subject: New and Amended Firearms/Weapons Laws	No. 2021-DLE-11	Contact for information: Bureau of Firearms (916) 210-2300	
	Date: 1/26/2022		

TO: ALL CALIFORNIA CRIMINAL JUSTICE AND LAW ENFORCEMENT AGENCIES, CENTRALIZED LIST OF FIREARMS DEALERS, MANUFACTURERS, EXEMPT FEDERAL FIREARMS LICENSEES, AND CALIFORNIA AMMUNITION VENDORS.

This bulletin provides a brief summary of California firearms/weapons bills that were signed into law in 2021. Unless otherwise noted, all bills go into effect on January 1, 2022. This bulletin also provides a summary of bills signed into law prior to 2021 that take effect in 2022.

This bulletin is for informational purposes only. Because it is a summary, it does not cover every aspect of the bills addressed below. You can access the full text of the bills at: <http://leginfo.legislature.ca.gov/>. The Department of Justice will hereinafter be referred to as "the Department."

BILLS SIGNED INTO LAW IN 2021

AB 229 (Stats. 2021, ch. 697) – Private investigators, proprietary security services, private security services, and alarm companies: training: use of force

Effective January 1, 2023:

- Modifies training requirements for private security officers and private investigators. (Bus. & Prof. Code, § 7542, 7574.18, 7583.5 and 7583.6.)
- Prohibits a person required to be registered as a security guard from carrying or using a firearm or baton unless the security guard is an employee of a private patrol operator, the state, or a political subdivision of the state. (Bus. & Prof. Code, § 7583.3.)

AB 1057 (Stats. 2021, ch. 682) – Firearms

Effective July 1, 2022:

- For the purpose of specified gun violence restraining order (GVRO) and domestic violence restraining order (DVRO) provisions, a "firearm" is redefined to include a frame or receiver of the weapon, or a firearm precursor part. (Fam. Code, § 6215; Pen. Code, § 16520.)

AB 1191 (Stats. 2021, ch. 683) – Firearms: tracing

- Requires the Department to analyze the information and data it currently collects on “crime guns” from various law enforcement agencies, to identify and evaluate patterns and trends relating to recovered firearms that have been illegally possessed, used in a crime, or suspected to have been used in a crime, and to create an annual firearm tracing report (beginning July 1, 2023) detailing which California licensed firearms dealers are responsible for selling firearms that are illegally used and possessed. (Pen. Code, § 11108.3.)

SB 264 (Stats. 2021, ch. 684) – Firearms: The OC Fair and Event Center

- Prohibits an officer, employee, operator, lessee, or licensee of the 32nd District Agricultural Association from contracting for, authorizing, or allowing the sale of any firearm, firearm precursor part, or ammunition, on the property or in the buildings that comprise the OC Fair and Event Center (in the County of Orange, the City of Costa Mesa), or any successor or additional property owned, leased, or otherwise occupied or operated by the 32nd District Agricultural Association. (Pen. Code, § 27575.)
- Exempts gun buyback events held by a law enforcement agency; the sale of a firearm by a public administrator, public guardian, or public conservator within the course of their duties; the sale of a firearm, firearm precursor part, or ammunition on state property that occurs pursuant to a contract that was entered into before January 1, 2022; and the purchase of ammunition on state property by a law enforcement agency in the course of its regular duties. (Pen. Code, § 27575.)

SB 320 (Stats. 2021, ch. 685) – Domestic violence protective orders: possession of a firearm

- Requires a court, when making a domestic violence protective order, to order the restrained person to relinquish any ammunition (in addition to any firearms) in the person's immediate possession or control and to provide information to a restrained person describing how they can relinquish possession of a firearm or ammunition as well as how to submit a receipt of the relinquishment to the court. (Fam. Code, §§ 6304, 6389.)
- When relevant information is presented to the court at a noticed hearing that a restrained person has a firearm or ammunition, the court shall consider that information and determine, by a preponderance of the evidence, whether the person subject to a domestic violence protective order has a firearm or ammunition in, or subject to, their immediate possession or control in violation of Family Code Section 6389. (Fam. Code, § 6322.5.)
- Requires every law enforcement agency in the state to develop, adopt, and implement written policies and standards regarding law enforcement officers who request immediate relinquishment of firearms or ammunition upon issuance of a domestic violence protective order. (Fam. Code, § 6389.)

SB 715 (Stats. 2021, ch. 250) – Criminal law

- Prohibits a minor from possessing a semiautomatic centerfire rifle, with certain exemptions. Modifies the requirements for the lawful transfer or loan of a firearm to a minor. (Pen. Code, §§ 27505, 29610, 29615.)

- Requires a licensed firearms dealer to visually inspect a hunting license to confirm that it is valid and unexpired, and requires the dealer to record the document number, GO ID and dates valid, whenever a hunting license is used to qualify for the exemption to the general prohibition on the sale of a firearm to a person under 21 years of age, applicable to firearms that are not handguns or semiautomatic centerfire rifles. The dealer or salesperson shall not deliver the firearm if, upon visual inspection of the hunting license, they are unable to confirm that the license is valid and unexpired. (Pen. Code, §§ 28210 and 28215.)
- Requires a licensed firearms dealer to notify the Department within 72 hours of delivering a firearm to a local law enforcement agency subsequent to a failed private party transfer, when the firearm cannot be delivered to the intended purchaser, nor returned to the seller, due to both parties having outstanding firearms prohibitions. (Pen. Code, § 28050.)
- Exempts licensed ammunition manufacturers from both the general requirement that a firearm purchase must be conducted through a licensed firearms dealer, and from the general requirement that a firearm purchaser possess a Firearm Safety Certificate where those firearms are used in the course and scope of the licensee's activities. (Pen. Code, §§ 26537, 27963 and 31834.)

Effective July 1, 2023:

- Prohibits a minor from possessing any firearm, with certain exemptions. (Pen. Code, §§ 29610 and 29615.)

Effective July 1, 2024:

- When the firearm cannot be delivered to the intended purchaser, nor returned to the seller, in a failed private party transfer, requires a firearms dealer to retain possession, for 45 days, of the firearm if the seller requests the 45-day retention of possession. The firearms dealer may charge a storage fee not to exceed \$10 per firearm. The firearms dealer must notify the Department of the retention of possession within 72 hours after retaining possession of the firearm. If, before the end of the 45-day period, the seller designates a person to receive the firearm and that person completes an application to purchase, the dealer shall process the transaction in accordance with the provisions of Section 27540. But if no such designation is made or can successfully be made before the end of the 45-day period, the firearms dealer must deliver the firearm to a local law enforcement agency, which will then dispose of the firearm, and the dealer must notify the Department of the delivery within 72 hours after the delivery. (Pen. Code, §§ 28050, 28055.)

Effective July 1, 2025:

- Requires the Department to verify the validity of a hunting license with the Department of Fish and Wildlife for sales of firearms to persons under 21 years of age who are eligible to purchase a firearm based upon their possession of a hunting license. If the Department is unable to ascertain the validity of a hunting license as part of the background check, the Department shall immediately notify the firearms dealer to cancel the sale of the firearm. (Pen. Code, § 28220.)

BILLS SIGNED INTO LAW BEFORE 2021 THAT GO INTO EFFECT IN 2022

AB 2061 (Stats. 2020, ch. 273) – Firearms: Inspections

Effective July 1, 2022:

- Allows the Department to inspect firearm dealers, ammunition vendors, or manufacturers participating in a gun show or event in order to ensure that all transfers or sales are conducted in compliance with applicable state and federal laws. (Pen. Code, § 27310.)
- Allows the Department to inspect ammunition vendors to ensure compliance with applicable state and federal laws. (Pen. Code, § 30345.)

AB 2362 (Stats. 2020, ch. 284) – Firearms Dealers: Conduct of Business

Effective July 1, 2022:

- Authorizes the Department to impose a civil fine on a licensed firearms dealer not exceeding \$1,000 for a violation of any prohibition or requirement under Penal Code section 26800, subdivision (a). (Pen. Code, § 26800.)
- Authorizes the Department to impose a civil fine on a licensed firearms dealer not exceeding \$3,000 for a violation of any prohibition or requirement under Penal Code section 26800, subdivision (a) when the firearms dealer either knowingly or with gross negligence violated the prohibition or requirement, or the dealer received written notification from the Department regarding the violation and failed to take corrective action. (Pen. Code, § 26800.)

AB 2847 (Stats. 2020, ch. 292) – Firearms: Unsafe Handguns

Effective July 1, 2022:

- Revises the criteria for a firearm to not be considered an unsafe handgun by requiring that new semiautomatic pistol models have microstamped characters (i.e. a microscopic array of characters used to identify the make, model, and serial number of the pistol that are transferred by imprinting on each cartridge case when the pistol is fired) on one location on the interior surface or internal working parts of the pistol instead of two. (Pen. Code, § 31910.)
- Requires the Department, for every new semiautomatic pistol added to the roster of not unsafe handguns, to remove three semiautomatic pistols from the roster that were added to the roster before July 1, 2022 and are lacking one or more of the features described in paragraphs (4), (5), or (6) of Penal Code section 31910, subdivision (b). (Pen. Code, § 31910.)

AB 879 (Stats. 2019, ch. 730) – Firearms, as amended by SB 118 (Stats. 2020, ch. 29) – Public Safety

Effective April 1, 2022:

- The Department will begin accepting applications for firearm precursor part vendor licenses. (Pen. Code, § 30485.)
- Licensed firearms dealers and licensed ammunition vendors that meet the requirements as described in Penal Code section 16532 will automatically be deemed a licensed firearm precursor part vendor. (Pen. Code, § 16532.)

Effective July 1, 2022:

- A person who is prohibited from owning or possessing a firearm cannot own, possess, or have under custody or control a firearm precursor part. (Pen. Code, § 30405.)
- Firearm precursor parts cannot be sold in California except by (or through) a licensed firearm precursor part vendor. (Pen. Code, §§ 30412, 30450.)
- Any agent or employee of a firearm precursor part vendor who handles, sells, delivers, or has in their custody or control any firearm precursor part must obtain and provide to the vendor a certificate of eligibility from the Department. (Pen. Code, § 30447.)
- Firearm precursor parts cannot be sold to any person under the age of 21, or to any minor the vendor should reasonably know is prohibited from possessing a firearm or ammunition at that time. (Pen. Code, § 30400.)
- Only one firearm precursor part may be sold per month (i.e., via private party transfer), unless the seller has a firearm precursor part vendor license or falls under another identified exemption. (Pen. Code, § 30442.)
- A California resident cannot bring or transport into California a firearm precursor part without being processed by a licensed firearm precursor part vendor, with certain exemptions. (Pen. Code, § 30414.)
- The Department will conduct eligibility checks on potential purchasers or transferees of firearm precursor parts. (Pen. Code, § 30470.)
- At the time of delivery of a firearm precursor part, the firearm precursor part vendor must record certain specified information about a purchaser or transferee, and electronically transmit this information to the Department. This does not apply to any firearm precursor part that is attached or affixed to a firearm involved in a successful dealer record of sale transaction. (Pen. Code, § 30452.)
- All records required under Part 6, Title 4, Division 10, Chapter 1.5, Article 2 of the Penal Code must be maintained on the premises of a firearm precursor part vendor for five years or more after the date of the recorded transfer. (Pen. Code, § 30454.)