
UNFINISHED BUSINESS

Bill No: SB 1177
Author: Portantino (D)
Amended: 6/14/18
Vote: 21

SENATE EDUCATION COMMITTEE: Not relevant

SENATE LABOR & IND. REL. COMMITTEE: Not relevant

SENATE APPROPRIATIONS COMMITTEE: Not relevant

SENATE FLOOR: Not relevant

SUBJECT: Firearms: transfers

SOURCE: Author

DIGEST: This bill prohibits any person from making an application to purchase more than one long-gun within any 30-day period.

Assembly Amendments delete the prior version of this bill and amended the existing language into the bill.

ANALYSIS:

Existing law:

- 1) Prohibits any person from making an application to purchase more than one handgun within any 30-day period.
- 2) Exempts from the above 30-day prohibition any of the following:
 - a) Any law enforcement agency;

- b) Any agency duly authorized to perform law enforcement duties;
 - c) Any state or local correctional facility;
 - d) Any private security company licensed to do business in California;
 - e) Any person who is a peace officer, as specified, and is authorized to carry a firearm in the course and scope of employment;
 - f) Any motion picture, television, video production company or entertainment or theatrical company whose production by its nature involves a firearm;
 - g) Any authorized representative of a law enforcement agency, or a federally licensed firearms importer or manufacturer;
 - h) Any private party transaction conducted through a licensed firearms dealer;
 - i) Any person who is a licensed collector and has a current certificate of eligibility issued by the Department of Justice (DOJ);
 - j) The exchange, replacement, or return of a handgun to a licensed dealer within the 30-day period; and,
 - k) A community college that is certified by the Commission on Peace Officer Standards and Training (POST) to present law enforcement academy basic course or other commission- certified training.
- 3) Prohibits a handgun from being delivered when a licensed firearms dealer is notified by the DOJ that within the preceding 30-day period the purchaser has made another application to purchase a handgun and the purchase was not exempted, as specified.
- 4) Provides that the penalties for making more than one application to purchase a handgun within any 30-day period is as follows:
- a) A first violation is an infraction punishable by a fine of fifty dollars (\$50);
 - b) A second violation is an infraction punishable by a fine of one hundred (\$100); and,

c) A third violation is a misdemeanor.

This bill:

- 1) Prohibits a person from making an application to purchase more than one firearm within any 30-day period.
- 2) Provides that a firearm shall not be delivered whenever a licensed firearms dealer is notified by the Department of Justice (DOJ) that within the preceding 30-day period the purchaser has made another application to purchase a handgun.
- 3) Allows the sale or delivery of more than one firearm, other than a handgun, in any 30-day period to any person who possesses a valid, unexpired hunting license issued by the Department of Fish and Wildlife.
- 4) Allows the acquisition of more than one firearm, other than a handgun, in any 30-day period, at an auction or similar event conducted by a nonprofit public benefit or mutual benefit corporation to fund the activities of that corporation or local chapters of that corporation.
- 5) States that for the purposes of the above exceptions a frame or receiver of a firearm is a handgun unless the frame or receiver listed in the application to purchase and delivered to the recipient is accompanied by a barrel of 16 inches or greater in length.

Background

According to the Senate Public Safety Analysis of Assembly Bill 202 (Knox, of 1999), which created the one-handgun-a-month law in California:

The State of Virginia enacted a “one-handgun-a-month” law in 1993 (before the Federal Brady Bill, which required at least a five day waiting period plus a background check for states without such requirements). That state had weak restrictions on handgun sales and it has been stated that gun traffickers from New York City routinely traveled to Virginia to purchase quantities of weapons to take back for illegal sale in other states. Purchases of more than one handgun per 30-day period in Virginia is allowed upon completion of an "enhanced" background check when the purchase is for lawful business or personal use, for purposes of collectors, bulk sales and

purchases from estates, to replace a lost or stolen weapon, and similar situations.

Supporters of limits on purchases of handguns assume that the Virginia limits and the limits in this bill would only affect a very small proportion of legitimate handgun purchasers. A family of two adults could still purchase 24 handguns a year under the provisions of both this bill and the Virginia law.

Virginia repealed this law in 2012. But, according to the Law Center to Prevent Gun Violence:

Virginia's one-gun-a-month law – which was in effect from 1993 to 2012 and prohibited the purchase of more than one handgun per person in any 30-day period – significantly reduced the number of crime guns traced to Virginia dealers. Virginia initially adopted its law after the state became recognized as a primary source of crime guns recovered in states in the northeastern U.S. After the law's adoption, the odds of tracing a gun originally acquired in the Southeast to a Virginia gun dealer (as opposed to a dealer in a different southeastern state) dropped by:

- 71% for guns recovered in New York;
- 72% for guns recovered in Massachusetts; and
- 66% for guns recovered in New Jersey, New York, Connecticut, Rhode Island and Massachusetts combined.

(<http://smartgunlaws.org/multiple-purchases-sales-of-firearms-policy-summary/> [footnotes omitted].)

Other states that have limits on the number of firearms that can be sold in one month include:

California: California law prohibits any person from purchasing more than one handgun within any 30-day period. In addition, a licensed firearms dealer may not deliver a handgun to any person following notification from the California Department of Justice that the purchaser has applied to acquire a handgun within the preceding 30-day period. Finally, firearms dealers must conspicuously post in their licensed premises a warning, in block letters at least one inch in height, notifying purchasers of these restrictions.

District of Columbia: A person may not register more than one handgun in the District during any 30-day period. Since every handgun must be registered, this amounts to a purchase and sale limitation of one handgun per 30-day period. . .

Maryland: Maryland prohibits any person from purchasing more than one handgun or assault weapon within a 30-day period. Under limited circumstances, a person may be approved by the Secretary of the Maryland State Police to purchase multiple handguns or assault weapons in a 30-day period. Maryland also penalizes any dealer or other seller who knowingly participates in an illegal purchase of a handgun or assault weapon. . .

New Jersey: New Jersey prohibits licensed firearms dealers from knowingly delivering more than one handgun to any person within any 30-day period. With limited exceptions, no person may purchase more than one handgun within any 30-day period. New Jersey requires a handgun purchaser to obtain a separate permit for each handgun purchased, and present the permit to the seller. The seller must keep a copy of each permit presented.

(<http://smartgunlaws.org/multiple-purchases-sales-of-firearms-policy-summary/>[footnotes omitted].)

Senate Bill 1674 (Santiago), of 2015: Veto Message: The Governor stated in his veto message of Senate Bill 1674, which would have prohibited any person from making an application to purchase more than one firearm within any 30-day period:

This bill generally prohibits the purchase of more than one firearm within any 30-day period. It should be noted that California already bans the purchase of more than one handgun per month.

While well-intentioned, I believe this bill would have the effect of burdening lawful citizens who wish to sell certain firearms that they no longer need.

Given California's stringent laws restricting gun ownership, I do not believe this additional restriction is needed.

FISCAL EFFECT: Appropriation: No Fiscal Com.: Yes Local: Yes

According to the Assembly Appropriations Committee:

- 1) General Fund costs of \$50,000 in 2018-19, \$291,000 in 2019-20, and \$189,000 in 2020-21 and ongoing for the Department of Justice to update and maintain information technology systems and crime statistics.
- 2) Annual loss of revenue of \$1.7 million to the Dealer Record of Sale Fund, \$440,000 to the Firearms Safety and Enforcement Special Fund, and \$88,000 to the Firearms Safety Account from fewer firearm purchases.

ARGUMENT IN SUPPORT

According to the *California Chapter of the Brady Campaign to Prevent Gun Violence*:

"SB 1177 will limit purchases of long guns from licensed firearms in California to no more than one gun per person per 30-day period, with appropriate exemptions. This is current law for handguns and is a recognized strategy for curbing the illegal flow of guns by taking the profit out of the selling guns from bulk purchases on the black market. It stands to reason that a person buying large quantities of guns at one time may be acting as a straw purchaser or gun trafficker. Moreover, many these bulk purchases are for lower receivers, which can be built up into military-style weapons and sold for a big profit. Firearms acquired in bulk are frequently used in crime. A University of Pennsylvania report found that a quarter of all guns used in crime were purchased as part of a multiple-gun sale and that guns purchased in bulk were up to 64% more likely to be used for illegal purposes than guns purchased individually. Limiting multiple-gun sales within a short period of time for all firearms, including long guns, is clearly in the interest of public safety."

ARGUMENT IN OPPOSITION

According to the *Outdoor Sportsmen's Coalition*:

"While the purchase limit exemption in the bill is appreciated for licensed hunters, and persons acquiring firearms at nonprofit fundraising events, it does not offset the needles limitation on other lawful individuals.

"Firearms ownership by individuals is a constitutionally protected right of all adults.

"Denying firearms ownership or limiting all adults to a maximum of one rifle or shotgun purchase per month, will not solve crime and mental health problems."

SUPPORT: (Verified 8/27/18)

All Saints Church

California Chapters of the Brady Campaign to prevent Gun Violence

Coalition Against Gun Violence

Courage Campaign

Law Center to Prevent Gun Violence

Physicians for Social Responsibility

Women Against Gun Violence

OPPOSITION: (Verified 8/27/18)

California Sportsman's Lobby

National Shooting Sports Foundation

Outdoor Sportsmen's Coalition of California

Safari Club International

Safari Club International Foundation

Prepared by: Gabe Caswell / PUB. S. /

**** END ****