
SENATE COMMITTEE ON PUBLIC SAFETY

Senator Nancy Skinner, Chair

2017 - 2018 Regular

Bill No: SB 464 **Hearing Date:** March 21, 2017
Author: Hill
Version: February 16, 2017
Urgency: No **Fiscal:** Yes
Consultant: JRD

Subject: *Firearms Dealers: Storage and Security*

HISTORY

Source: Author

Prior Legislation: None known

Support: Unknown

Opposition: California Rifle and Pistol Association; California Sportsman's Lobby, Inc.;
Firearm Policy Coalition; Gun Owners of California; National Shooting Sports
Foundation; Outdoor Sportsmen's Coalition of California; Safari Club
International

PURPOSE

The purpose of this legislation is to strengthen the storage requirements placed on firearms retailers, as specified.

Existing law requires the business of a firearms licensee be conducted only in the buildings designated in the license, except for:

- A licensed firearms dealer may take possession of firearms and commence preparation of registers for the sale, delivery, or transfer of firearms at any gun show or event, or its successor, if the gun show or event is not conducted from any motorized or towed vehicle. A person conducting business pursuant to this subdivision shall be entitled to conduct business as authorized herein at any gun show or event in the state, without regard to the jurisdiction within this state that issued the license, provided the person complies with all applicable laws, including, but not limited to, the waiting period, and all applicable local laws, regulations, and fees, if any. A person conducting business pursuant to this subdivision shall publicly display the person's license, or a facsimile thereof, at any gun show or event, as specified in this subdivision.
- A licensed firearms dealer may engage in the sale and transfer of firearms other than handguns at specified events. A licensed firearms dealer may also accept delivery of firearms other than handguns, outside the building designated in the license, provided the firearm is being donated for the purpose of sale or transfer at an auction or similar event, as specified.

(Penal Code § 26805.)

Existing law, except as otherwise provided, requires that any time when the licensee is not open for business, all inventory firearms must be stored in the licensed location. All firearms must be secured using *one* of the following methods as to each particular firearm:

- Store the firearm in a secure facility that is a part of, or that constitutes, the licensee's business premises.
- Secure the firearm with a hardened steel rod or cable of at least one-eighth inch in diameter through the trigger guard of the firearm. The steel rod or cable shall be secured with a hardened steel lock that has a shackle. The lock and shackle shall be protected or shielded from the use of a boltcutter and the rod or cable shall be anchored in a manner that prevents the removal of the firearm from the premises.
- Store the firearm in a locked fireproof safe or vault in the licensee's business premises.

(Penal Code §26890(a) [emphasis added].)

Existing law states that the licensing authority in an unincorporated area of a county or within a city may impose security requirements that are more strict or are at a higher standard than those specified. (Penal Code §26890(b).)

Existing law states that upon written request from a licensee, the licensing authority may grant an exemption from compliance with the requirements storage requirements if the licensee is unable to comply with those requirements because of local ordinances, covenants, lease conditions, or similar circumstances not under the control of the licensee. (Penal Code §26890(c).)

Existing law provides that specified storage requirements do not apply to a licensee organized as a nonprofit public benefit corporation, if both of the following conditions are satisfied:

- The nonprofit public benefit or mutual benefit corporation obtained the dealer's license solely and exclusively to assist that corporation or local chapters of that corporation in conducting auctions or similar events at which firearms are auctioned off to fund the activities of that corporation or the local chapters of the corporation.
- The firearms are not handguns.

(Penal Code §26890(d).)

Existing law provides a "secure facility" means that the facility satisfies all of the following:

- The facility is equipped with a burglar alarm with central monitoring.
- All perimeter entries to areas in which firearms are stored other than doors, including windows and skylights, are secured with steel window guards or an audible, silent, or sonic alarm to detect entry.

- All perimeter doorways are designed in one of the following ways:
 - A windowless steel security door equipped with both a deadbolt and a doorknob lock.
 - A windowed metal door equipped with both a deadbolt and a doorknob lock. If the window has an opening of five inches or more measured in any direction, the window is covered with steel bars of at least one-half inch diameter or metal grating of at least nine gauge affixed to the exterior or interior of the door.
 - A metal grate that is padlocked and affixed to the licensee's premises independent of the door and doorframe.
 - Hinges and hasps attached to doors by welding, riveting, or bolting with nuts on the inside of the door.
 - Hinges and hasps installed so that they cannot be removed when the doors are closed and locked.
- Heating, ventilating, air-conditioning, and service openings are secured with steel bars, metal grating, or an alarm system.
- No perimeter metal grates are capable of being entered by any person.
- Steel bars used to satisfy the requirements of this section are not capable of being entered by any person.
- Perimeter walls of rooms in which firearms are stored are constructed of concrete or at least 10-gauge expanded steel wire mesh utilized along with typical wood frame and drywall construction. If firearms are not stored in a vault, the facility shall use an exterior security-type door along with a high security, single-key deadbolt, or other door that is more secure. All firearms shall be stored in a separate room away from any general living area or work area. Any door to the storage facility shall be locked while unattended.
- Perimeter doorways, including the loading dock area, are locked at all times when not attended by paid employees or contracted employees, including security guards.
- Except when a firearm is currently being tested, any ammunition on the premises is removed from all manufactured guns and stored in a separate and locked room, cabinet, or box away from the storage area for the firearms. Ammunition may be stored with a weapon only in a locked safe.

(Penal Code § 29141.)

This legislation would require that any time when the licensee is not open for business, all inventory firearms must be stored in the licensed location. Each particular firearm must be secured by storing the firearm in a secure facility that is part of, or that constitutes, the licensee's business premises. All firearms must also be secured using either of the following methods as to each particular firearm:

- Secure the firearm with a hardened steel rod or cable of at least one-eighth inch in diameter through the trigger guard of the firearm. The steel rod or cable must be secured with a hardened steel lock that has a shackle. The lock and shackle must be protected or shielded from the use of a boltcutter and the rod or cable must be anchored in a manner that prevents the removal of the firearm from the premises. Additionally install concrete or hardened steel pillars that span the length of the front of the licensee's business premises and any other exposed areas of the premises that have one or more windows or one or more doors. The pillars must be of sufficient strength, width, height, and spacing to stop a vehicle.
- Store the firearm in a locked fireproof safe or vault in the licensee's business premises. The safe or vault shall meet the safety standards established by the Attorney General pursuant to Section 23650.

COMMENTS

1. Need for This Legislation

According to the author:

Guns are stolen from gun stores due to a lack of adequate security. In some cases, guns are left in their display cases without suitable locking mechanisms, making them easy targets for burglars.

In a series of robberies during 2016, hundreds of guns were stolen from guns stores in the cities of San Carlos, Folsom, Sunnyvale, Ceres, Petaluma, Ventura, Elk Grove, Rocklin, Grass Valley, and El Cerrito. In most of the burglaries, thieves used a vehicle as a battering ram to smash into the gun store. Several of the stores left the guns in their glass display cases, making them easily accessible to the robbers.

Data from the federal Bureau of Alcohol, Tobacco, Firearms, and Explosives (ATF) show that between 2012-2015 at least 797 guns were reported as stolen from federally licensed gun dealers in the state.

Stolen guns often make their way into the hands of criminals. As an example, according to an NBC Bay Area report, which analyzed 70,000 lost or stolen guns between 2010 and 2015, 2,655 of the guns were connected to a crime.

Further, stolen guns are unlikely to be found or recovered. According to a federal Department of Justice analysis of firearms stolen during household burglaries, no more than 20% are recovered within 6 months of being stolen.

Law enforcement agencies are hard at work to catch gun thieves. In 2016, the US Attorney for the Central District of California announced that a man plead guilty to stealing over 100 guns from gun stores. On February 13, 2017, it was revealed that federal authorities in the Bay Area had apprehended a group of 8 men who were purportedly stealing guns from Northern California stores and selling them. But while law enforcement agencies are diligently working to recover stolen guns, the Legislature can and should act to prevent the thefts in the first place.

2. Recent Events

There have been a number of firearms stolen from gun stores throughout California—many of these thefts are perpetrated by the offender driving a car through the front window of a firearm retailer to gain access to the store. For example,

When five juveniles used an SUV as a battering ram to slam through the front window and metal security gate of the Rocklin Armory gun shop on an early July morning, Walter Ford's ultra-high-definition security cameras captured the entire incident in near perfect clarity.

The burglars stream into the store and begin searching for the cache of weapons they expect to find. One disappears from view, then reappears carrying a rifle and runs out of the store. The other four, though, can't find any weapons to steal. They quickly check the shelves, find nothing and run back through the smashed entrance. The entire incident takes less than two minutes.

The brazen burglary was one of five Sacramento-area gun store thefts in less than three months this year. In all, more than 200 guns were stolen, but only one came from the Rocklin Armory.

That's because Ford, one of the store's two owners, takes precautions. Guns are high-value items, especially to criminals, and Ford knows he's a target. Each night before closing, Ford locks up every gun in a safe. The one rifle he lost was left out because it was being worked on for a customer. But not every gun store takes those steps. Just two months earlier, a nearby gun store lost more than 100 guns in a single burglary. None of it was captured by surveillance cameras.

"I'm a responsible gun owner," Ford said. "My guns at home, even though I live alone with no kids, they're locked up. The ammo's kept separate. There's no reason I shouldn't do the same here."

The next morning, the U.S. Bureau of Alcohol, Tobacco, Firearms and Explosives was on the case. Graham Barlow, ATF special agent in charge of the agency's Sacramento field office, said gun shops are increasingly becoming targets of criminals. For some gangs, gun theft has even become a specialty.

"They have a very unique way of doing it," Barlow said. "That's their business. Gun stores."

The number of guns stolen from gun shops in California nearly doubled between 2013 and 2015. Last year, more than 400 guns were reported stolen from California gun stores, according to ATF data. And those are just a fraction of all guns stolen in California.

According to data from the California Department of Justice Bureau of Firearms, more than 70,000 guns were reported lost or stolen by gun owners in the past five years. A joint investigation by NBC stations across California found at least 4,000 of those lost or stolen guns were later seized by police in connection to crimes.

The national numbers are even more troubling. In the past 10 years, more than 2 million guns have been reported stolen in the United States, according to data from the Federal Bureau of Investigation. (*Gun Stores in Northern California Getting Hit Harder by Thieves*, <http://www.nbcbayarea.com/news/local/Gun-Stores-in-Northern-California-Getting-Hit-Harder-by-Thieves-399573081.html#ixzz4aandO02M>.)

3. Effect of Legislation

Gun stores are currently allowed to store their inventory of firearms *one* of three ways:

- Store the firearm in a secure facility that is a part of, or that constitutes, the licensee's business premises.
- Secure the firearm with a hardened steel rod or cable of at least one-eighth inch in diameter through the trigger guard of the firearm. The steel rod or cable shall be secured with a hardened steel lock that has a shackle. The lock and shackle shall be protected or shielded from the use of a boltcutter and the rod or cable shall be anchored in a manner that prevents the removal of the firearm from the premises.
- Store the firearm in a locked fireproof safe or vault in the licensee's business premises.

This legislation goes further to require that all gun stores store their inventory of firearms in a secure facility and either:

- Secure the firearm with a hardened steel rod or cable of at least one-eighth inch in diameter through the trigger guard of the firearm. And, install concrete or hardened steel pillars that span the length of the front of the licensee's business premises and any other exposed areas of the premises that have one or more windows or one or more doors. The pillars shall be of sufficient strength, width, height, and spacing to stop a vehicle.
- Store the firearm in a locked fireproof safe or vault in the licensee's business premises.

4. Argument in Opposition

According to the California Sportsman's Lobby:

It is believed that the new proposed requirements would negatively affect sportsmen by unnecessarily adding to the operation overhead of firearm retailers, thus resulting in increased prices to sportsmen without commensurate benefits relative to security or public safety.

Existing state and federal firearm dealer security laws are sufficient to prevent most losses from breaking and entering thefts. Changing the law for everyone because of a few isolated incidents of security failure is considered inappropriate. Operating conditions and security needs are not the same in different localities throughout the state.

-- END --