
SENATE COMMITTEE ON PUBLIC SAFETY

Senator Nancy Skinner, Chair

2017 - 2018 Regular

Bill No: AB 3 **Hearing Date:** June 12, 2018
Author: Bonta
Version: March 7, 2018
Urgency: No **Fiscal:** Yes
Consultant: GC

Subject: *Firearms: Age Restrictions*

HISTORY

Source: California Chapters of the Brady Campaign

Prior Legislation: None known

Support: Bay Area Student Activists; California State PTA; Gifford's Law Center to Prevent Gun Violence; Insurance Commissioner Dave Jones; Laguna Woods Democratic Club; Physicians for Social Responsibility – SF Bay Area Chapter; Santa Barbara Women's Political Committee; Santa Cruz County Sheriff-Coroner; Women Against Gun Violence

Opposition: California Sportsmen's Lobby; California Waterfowl; Firearms Policy Coalition; National Rifle Association; National Shooting Sports Foundation; Outdoor Sportsmen's Coalition of California; Safari Club International

Assembly Floor Vote: Not relevant

PURPOSE

The purpose of this bill is to prohibit the sale or transfer by a licensed dealer of a long gun to a person below the age of 21 years, increasing the age from 18 years to 21 years of age.

Existing law prohibits the sale or transfer of a handgun, except as specifically exempted, to any person below the age of 21 years. (Pen. Code § 27510.)

Existing law also prohibits the sale or transfer of a firearm, other than a handgun, except as specifically exempted, to any person below the age of 18 years. (Pen. Code § 27510.)

This bill prohibits the sale or transfer by a licensed dealer of a long gun to a person below the age of 21 years, increasing the age from 18 years to 21 years of age.

COMMENTS**1. Need for This Bill**

According to the author:

California law currently requires a person to be over the age of 21 to purchase a handgun, but only requires a person to be 18 to purchase all other guns. Today's semi-automatic rifles are more powerful and lethal than they were years ago and are often times more dangerous than handguns. It's time to extend that common-sense age-restriction law to long guns (rifles, shotguns and lower receivers) and ammunition in order to enhance public safety.

AB 3 would bring parity to California gun laws and recognize the fact that young adults ages 18 to 20 are statistically far more likely to commit homicides than older adults. According to the 2015 FBI Supplementary Homicides Reports, adults 18 to 20 represent 4 percent of the population but commit 17 percent of gun homicide. A recent report published by the Giffords Law Center to Prevent Gun Violence expressed the need for this legislation. This is because two of the worst school shootings in American history--Parkland and Sandy Hook—were committed by perpetrators under the age of 21.

California has enacted laws that distinguish rights for people between ages 18 and 21. For example, you cannot purchase alcohol, cigarettes, or adult-use cannabis until you are 21. We take these steps for important health and safety reasons. We must do everything we can to reduce the number of gun homicides and mass shootings. AB 3 is sound policy and will make a difference. It will help save the lives of our families, friends and community members.

2. Increasing the Age for Purchase of Long Guns

This bill would increase the minimum age from 18 to 21 years for a person to purchase all firearms in California. The age restriction would also impact the ability to transfer a weapon. Under current law a person must be 21 years of age to purchase a handgun, and this bill applies those same rules to the purchase and transfer of all firearms (including long guns).

On February 14, 2018 Nikolas Cruz shot and killed seventeen people and wounded an additional seventeen people at Marjory Stoneman Douglas High School in Parkland, Florida. The perpetrator was 19-years old at the time of the incident, and he used assault rifles. Following the incident Florida passed legislation to increase the minimum age for buying rifles to 21-years. The National Rifle Association challenged the law and filed a lawsuit in the United States District court for the Northern District of Florida alleging that the ban on gun sales to people under 21 years of age is unconstitutional because it violates their rights under the Second and Fourteenth Amendments to the U.S. Constitution because 18-year-olds are classified as adults.

On March 1, 2018 George Skelton wrote an editorial for the LA Times¹ on a similar bill, SB 1100 (Portantino). He stated the following regarding this provision:

¹ <http://www.latimes.com/politics/la-pol-ca-skelton-guns-schools-teachers-20180301-story.html>

In Sacramento, state Sen. Anthony Portantino (D-La Cañada Flintridge) proposes taking an even bigger step. He introduced legislation Wednesday to increase the legal age to 21 in California for buying any gun, including a shotgun or rifle with low ammo capacity. A shooter with a hunting license would be exempt because he'd taken a gun safety course.

What about a skeet shooter? Or someone who just likes to plink tin cans out by the barn?

Doesn't make sense that an 18-year-old can enlist in the Army and be armed with an automatic M-16 to fight terrorists, but can't buy a bolt-action plinker back home until he's 21.

In Florida, where the gun lobby usually prevails in the Legislature, a House committee bucked the NRA on Tuesday and approved a bill to raise the rifle-buying age from 18 to 21. This came after emotional testimony from parents of students killed in the school shooting.

The committee also voted to allow arming of teachers. But it rejected a ban on assault weapons.

Everyone needs to get their priorities straight: Let the teachers teach. Treat 18-year-olds like adults. Get rid of all assault weapons.

However, there are a number of instances when lawmakers have limited the ability of person's under the age of 21 to engage in activities which are otherwise lawful. Notably, persons under the age of 21 are not allowed to ingest alcohol or marijuana under California law.

3. Related Legislation, SB 1100 (Portantino)

SB 1100 (Portantino), was passed by this committee on April 17, 2018 and was passed on the Senate floor on May 29, 2018. SB 1100 contains the provisions to this legislation. In addition, SB 1100 specifies that persons may not purchase more than one long gun a month in California. Additionally, SB 1100 contains an exemption for persons under 21-years of age to possess long guns. The exemption for persons under 21-years of age in SB 1100 is when the person possesses a valid hunting license. In order to obtain a hunting license in California a person must:

- Complete the California Hunter Education Certification requirements
- Choose the correct type of hunting license.
- Purchase a license through the California Department of Fish and Wildlife website or a California approved agent.

The Official California Hunter Safety Course is an online course that costs \$28.95. There is no minimum age for the course. The course requires a follow-up course that is a 4-hour review of the online course with a certified hunter education instructor. The course includes a student demonstration of safe firearm handling and a test. Following completion of the follow-up course the enrollee receives a Hunter Education Certificate.

The bill presently before the committee does not contain a hunting license exemption.

4. Argument in Support

According to the Women Against Gun Violence:

WAGV works closely with both the Los Angeles County Sheriff's Department, the Los Angeles Police Department and other law enforcement officials who deal with firearms on a daily basis. Based upon its experience and those of the public safety agencies it works with, WAGV believes that further limits on the legal permissible age for acquiring firearms makes good policy and common sense. Indeed, two major retailers, Walmart and Dick's Sporting Goods, announced voluntary restrictions on sales of guns to those under 21 after the Parkland, Florida massacre.

5. Argument in Opposition

According to the California Sportsmen's Lobby:

Rather than raise the minimum age for lawful individuals to purchase a rifle or a shotgun experience with mass homicides and other crimes involving firearms has clearly shown that the focus should be on preventing criminals and individuals suffering from mental illness from acquiring firearms, not on those who are not a part of the problem.

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