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# SENATE COMMITTEE ON PUBLIC SAFETY

Senator Nancy Skinner, Chair  
2019 - 2020 Regular

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**Bill No:** SB 220                      **Hearing Date:** April 2, 2019  
**Author:** Hill  
**Version:** February 7, 2019  
**Urgency:** No                                      **Fiscal:** Yes  
**Consultant:** GC

**Subject:** *Firearms Dealers: Storage and Security*

## HISTORY

**Source:** Author

**Prior Legislation:** SB 464 (Hill) Vetoed, 2017

**Support:** Bay Area Student Activists; Brady California United Against Gun Violence;  
Giffords Law Center to Prevent Gun Violence

**Opposition:** California Rifle and Pistol Association; California Sportsman's Lobby;  
Crossroads of the West Gun Shows; National Shooting Sports Foundation;  
Outdoor Sportsmen's Coalition of California; Safari Club International; Safari  
Club International Foundation

## 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: (Penal Code § 26805.)

- 1) 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.
- 2) 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.

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

- 1) Store the firearm in a secure facility that is a part of, or that constitutes, the licensee's business premises.
- 2) 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.
- 3) Store the firearm in a locked fireproof safe or vault in the licensee's business premises.

*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: (Penal Code §26890(d).)

- 1) 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.
- 2) The firearms are not handguns.

*Existing law* provides a "secure facility" means that the facility satisfies all of the following: (Penal Code § 29141.)

- 1) The facility is equipped with a burglar alarm with central monitoring.
- 2) 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.
- 3) All perimeter doorways are designed in one of the following ways:

- 4) A windowless steel security door equipped with both a deadbolt and a doorknob lock.
  - a) 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.
  - b) A metal grate that is padlocked and affixed to the licensee's premises independent of the door and doorframe.
  - c) Hinges and hasps attached to doors by welding, riveting, or bolting with nuts on the inside of the door.
  - d) Hinges and hasps installed so that they cannot be removed when the doors are closed and locked.
- 5) Heating, ventilating, air-conditioning, and service openings are secured with steel bars, metal grating, or an alarm system.
- 6) No perimeter metal grates are capable of being entered by any person.
- 7) Steel bars used to satisfy the requirements of this section are not capable of being entered by any person.
- 8) 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.
- 9) Perimeter doorways, including the loading dock area, are locked at all times when not attended by paid employees or contracted employees, including security guards.
- 10) 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.

*This bill* provides, after July 1, 2020, firearms at firearms dealers must be stored in the following manner:

- 1) Except as provided, any time when the licensee is not open for business, each particular firearm shall be secured by storing the firearm in a secure facility that is part of, or that constitutes, the licensee's business premises.
- 2) All firearms shall also be secured using one of the following methods as to each particular firearm, unless the licensee complies with the installation of a rolling locking still door (as provided within the provisions of this bill):

- a) 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 bolt cutter, and the rod or cable shall be anchored in a manner that prevents the removal of the firearm from the premises.
  - b) Store the firearm in a locked fireproof safe or vault in the licensee's business premises. The safe shall meet the safety standards established by the Attorney General.
  - c) Store the firearm in a display case that is made with a steel frame that is no thinner than 12 gauge, is fitted with a hardened steel lock where the case opens to access the firearm, and that complies with one of the following:
    - i) The display case is fitted with smash-proof polycarbonate panels that are at least one-quarter inch thick.
    - ii) The display case is fitted with glass that is protected with a security or protective laminate film that is specifically designed to delay entry and unauthorized access, with a minimum thickness of at least 8 mils (eight-thousandths of an inch), and that includes an anchoring system on all seams of each glass panel and is also anchored to the frame.
  - d) Store the firearm in a windowless room equipped with a steel security door fitted with a deadbolt lock, and that does not have a door exposed to the outside of the building.
  - e) Store the firearm behind a steel roll-down door or security gate, or secure the firearm in a locked steel gun rack by use of a hardened steel bar.
- 3) If the licensee's location is at street level, the licensee shall install, or cause to be installed, concrete or hardened steel bollards, or other barriers, such as security planters or other devices with a similar structural integrity of bollards, to protect the location's front entrance, any floor-to-ceiling windows, and any other doors, that could be breached by a vehicle. The bollards shall meet the following requirements:
- a) Be no less than 4 inches in diameter and 36 inches in height from the ground.
  - b) Be spaced so as not to obstruct accessible routes or accessible means of egress, and have a clear width of not less than 36 inches but no more than 60 inches.
  - c) Be capable of stopping a 5,000 pound vehicle traveling at 30 miles per hour, in compliance with ASTM International Standard Test Method F3016.
  - d) Bollards installed prior to September 1, 2017, shall be considered compliant with this section if they are composed of concrete or hardened steel, do not obstruct accessible routes or accessible means of egress in compliance with Standard 206.8 of Chapter 2 of the federal Americans with Disabilities Act of 1990 (42 U.S.C. Sec. 12101 et seq.), and have a clear width of not less than 36 inches but no more than 60 inches.

*This bill* provides that unless the licensee chooses not to comply with the above provisions, the licensee shall install locking steel roll-down doors on any perimeter doors and floor-to-ceiling windows. Emergency exits are exempt from this requirement where installation would be in violation of a state or local fire code.

*This bill* specifies 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.

*This bill* provides that upon written request from a licensee, the licensing authority may grant an exemption from compliance with the 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 shall not apply to a licensee organized as a nonprofit public benefit corporation if both of the following conditions are satisfied:

- 1) 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.
- 2) The firearms are not handguns.

## COMMENTS

### 1. Need for This Bill

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 gun 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 break into the gun store. Several of the stores left the guns in their glass display cases, making them easily accessible to the robbers. Similar smash and grab firearm thefts have occurred more recently in Loomis, Fairfield, Stockton, and Dixon.

Data from the federal Bureau of Alcohol, Tobacco, Firearms, and Explosives (ATF) show that between 2012 and 2017 over 1,600 guns were reported as stolen from federally licensed gun dealers in the state.

Across the nation, ATF data shows that gun store robberies are becoming an increasing occurrence. Burglaries of gun stores have increased by over 70 percent since 2013. The number of firearms stolen during burglaries has also increased by over 130%, from 3,355 in 2013 to 7,841 in 2017.

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 eight 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. Gun Store Thefts

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.<sup>1</sup>

### 3. Current Firearm Storage Requirements

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

- 1) Store the firearm in a secure facility that is a part of, or that constitutes, the licensee's business premises.
- 2) 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.
- 3) Store the firearm in a locked fireproof safe or vault in the licensee's business premises.

This legislation goes further and requires that firearms retailers either install locking steel roll-down doors on any perimeter doors and floor-to-ceiling windows, or comply with stringent storage requirements mandating the use of steel rods, steel bollards, fireproof safes, and stringent display case requirements.

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<sup>1</sup> (*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>.)

#### 4. Veto Message for SB 464 (Hill), 2017

Governor Brown vetoed a substantially similar bill in 2017 with the following veto message:

This bill would require additional security enhancements on the premises of all licensed firearms dealers in California.

State law already requires that firearms dealers enact security measures to avoid theft. Local jurisdictions can-and have-gone further by adding additional specific requirements. I believe local authorities are in the best position to determine what, if any additional measures are needed in their jurisdictions.

#### 5. Argument in Support

According to the Giffords Law Center to Prevent Gun Violence:

Giffords Law Center to Prevent Gun Violence supports strengthening California's gun dealer security standards to more effectively deter and prevent firearm thefts. We believe SB 220 would meaningfully improve public safety while also taking into consideration the impact on gun dealers' business practices by allowing them several options for compliance. Now led by former Congresswoman and gun violence survivor, Gabby Giffords, Giffords Law Center provides legal and technical assistance in support of gun violence prevention to federal, state, and local legislators nationwide.

Gun dealers are a high-value target for criminals, and have often been magnets for break-ins, theft, and destruction of property. In 2017, ATF issued a report demonstrating that between 2015 and 2016, *gun thefts from California federally licensed dealers increased by a staggering 173.8%*. An increasing number of these incidents have been so-called "smash-and grab" robberies, where perpetrators drive their car into a gun store's doors, front windows, or gates to gain entry. A sampling of these incidents from 2016 includes:

- 18 handguns stolen from Independence Armory in Petaluma, CA. March, 2016.
- Handguns and rifles stolen from Red Seal Arms Guns and Ammo in Ventura, CA. March, 2016.
- 107 guns stolen from Nor Cal Gun Vault, Rocklin, CA. May, 2016.
- Attempted smash-and-grab robberies from Laguna Guns and Accessories and CS Tactical/MTG Firearms in Elk Grove, CA. No guns stolen. May, 2016.
- 30 handguns stolen from American Firearms in Fresno, CA. June, 2016.
- Rifle stolen from Rocklin Armory in Rocklin, CA. July, 2016.
- More than 15 guns stolen from STS Guns in Folsom, CA. July, 2016.
- Approximately 20 handguns stolen from Mustang Firearms, Grass Valley, CA. August, 2016. At least 12 similar incidents have taken place in the greater Sacramento area in the six months prior, resulting in between 230 and 240 stolen firearms.



Existing California law provides some minimum standards regarding how dealers may secure their firearms inventory when they are not open for business. Currently, dealers with a firearms inventory may choose between one of three options. They may:

- 1) Store their firearms in “a secure facility” (defined as a building that meets certain specifications, including certain types of locks on doors; steel bars on windows; and bars, grating, or an alarm system on other openings);
- 2) Store their firearms in locked safes or vaults within the dealer’s premises; or
- 3) Secure their firearms with a hardened steel rod or cable through the trigger guard of each firearm, as specified.

These current security standards have proven insufficient to guard against thefts, especially repeated “smash-and-grab” incidents involving the theft of hundreds of lethal weapons.

At least 34 local jurisdictions in California—including Oakland, Santa Ana, San Diego, San Jose, and Los Angeles County—have adopted ordinances requiring firearm dealers to meet additional site security and safe storage standards. Consistent with Giffords Law Center’s model gun dealer ordinance, some California jurisdictions require dealers to store their firearms in a “secure facility,” as defined by state law, *and* to either store their firearms in locked safes or vaults, or with a hardened steel rod or cable.

SB 220 (Hill) would incorporate this measure at the state level, requiring licensed gun dealers to store their firearms in a “secure facility” and also utilize one of several other options of securing their firearms including keeping them in locked safes or vaults, with hardened steel rods or cables, or behind locking steel roll-down doors. If a dealer secures their firearms with anchored steel rods or cables, SB 220 would additionally require the dealer to install barriers to protect the location’s front entrance, floor-to-ceiling windows, and any other doors that could be breached by a vehicle. Importantly, local licensing authorities are still authorized to exempt dealers who are unable to comply with this and other requirements due to local ordinances or conditions outside their control. ATF recommends that gun dealers incorporate these and other loss prevention measures, such as security cameras and alarm systems, to help reduce the number of firearms stolen from their inventory.

SB 220 (Hill) enacts modest, commonsense security measures already employed by responsible dealers. Moreover, they are reasonably calculated to prevent the thefts that supply the criminal marketplace with guns. Accordingly, we urge you to sign this important legislation.

## **6. Argument in Opposition**

According to the California Rifle and Pistol Association:

Although California already has some of the strictest laws in the country regarding how dealers must store and secure firearms. SB 220 would increase the

storage and security requirements of all firearms in the inventory of a licensed firearms dealer.

The CRPA does support making California communities safer and keeping firearms out of the hands of criminals. Unfortunately, this legislation will not accomplish that goal. Instead it is a knee jerk reaction to recent criminal activity involving a very small percentage of businesses. The long list of exemptions will only create confusion and a regulatory nightmare to enforce. Costs and red tape will make compliance by California's small businesses impossible.

California law already requires each firearm to be secured by storing the firearm in a secure facility that is a part of, or that constitutes, the firearms dealer's business premises, and securing the firearm with a steel rod or cable with specified features, or storing the firearm in a locked fireproof safe or vault in the business premises.

If the firearm dealer's location is at street level, SB 220 would also require the business to install concrete or hardened steel bollards or other barriers capable of stopping a 5,000-pound vehicle traveling at 30 miles per hour to protect the location's front entrance, any floor-to-ceiling windows, and any other doors, that could be breached by the vehicle.

California already places severe security requirements on our firearms dealers, including storing their inventory in a "secure facility" which, as defined, includes numerous security precautions – all of which must be satisfied. SB 220 would impose unnecessary additional security requirements costing tens of thousands of dollars on most firearms dealers. Although some larger firearms dealers may be able to absorb these costs, SB 220 would have a devastating financial impact on most smaller dealers, driving many of them out of business – with the greatest impact felt in rural areas.

Senator Hill authored similar legislation, SB 464, in 2017. That bill was passed by the State Legislature but vetoed by Governor Brown. In his veto message on SB 464, Governor Brown stated *"This bill would require additional security enhancements on the premises of all licensed firearms dealers in California. State law already requires that firearms dealers enact security measures to avoid theft. Local jurisdictions can-and have-gone further by adding additional specific requirements. I believe local authorities are in the best position to determine what, if any additional measures are needed in their jurisdiction"*

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