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# SENATE COMMITTEE ON PUBLIC SAFETY

Senator Aisha Wahab, Chair

2023 - 2024 Regular

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**Bill No:** AB 1982                      **Hearing Date:** May 28, 2024  
**Author:** Mathis  
**Version:** February 15, 2024  
**Urgency:** No                                      **Fiscal:** No  
**Consultant:** AB

**Subject:** *Firearm safety certificate: exemptions*

## HISTORY

**Source:** Author

**Prior Legislation:** AB 138 (Committee on Budget, Ch. 78, Stats. of 2021)  
AB 645 (Irwin, Ch. 729, Stats. of 2019)  
SB 1289 (Committee on Judiciary, Ch. 92, Stats. of 2018)  
AB 1525 (Baker, Ch. 92, Stats. of 2017)  
AB 683 (Block, Ch. 761, Stats. of 2013)  
AB 35 (Shelley, Ch. 940, Stats. of 2001)  
AB 52 (Scott, Ch. 942, Stats. of 2001)

**Support:** California State Sheriffs Association; National Rifle Association – Institute for Legislative Action; Peace Officers Research Association of California

**Opposition:** None known

**Assembly Floor Vote:** 74 - 0

## PURPOSE

*The purpose of this bill is to specify that a veteran health identification card is proper identification for purposes of documenting active military or honorably retired veteran status to seek an exemption from the firearm safety certificate requirement.*

*Existing law* requires the California Department of Justice (DOJ) to develop handgun safety certificates, which expire 5 years after the date of issue, to be issued by DOJ-certified instructors to those persons who have complied with specified requirements. A handgun safety certificate shall include, but not be limited to, the following information:

- A unique handgun safety certificate identification number;
- The holder's full name;
- The holder's date of birth;

- The holder's driver's license or identification number;
- The holder's signature;
- The signature of the issuing instructor; and,
- The date of issuance. (Pen. Code, § 31655, subds. (a)-(c).)

*Existing law* provides that a person shall not purchase, receive, sell, deliver, loan, or transfer any firearm, except an antique firearm, without a valid firearm safety certificate. A violation is a misdemeanor. (Pen. Code, § 31615.)

*Existing law* prohibits a dealer from delivering a firearm unless the person receiving the handgun presents to the dealer a valid handgun safety certificate. (Pen. Code, § 26840.)

*Existing law* requires an applicant for a firearm safety certificate to successfully pass an objective test with a passing grade of at least 75%. (Pen. Code, § 31645.)

*Existing law* requires DOJ to develop a written objective test to cover, but not be limited to, all of the following:

- Laws applicable to carrying and handling firearms, particularly handguns;
- The responsibilities of ownership of firearms, particularly handguns;
- Current law for the private sale and transfer of firearms;
- Current law for the permissible use of lethal force;
- Safe firearm storage;
- Issues associated with bringing a firearm into the home, including suicide; and,
- Prevention strategies to address issues associated with bringing firearms into the home. (Pen. Code, § 31640.)

*Existing law* exempts the following persons from the firearm safety certificate requirement:

- Any active or honorably-retired peace officer, as defined;
- Any active or honorably-retired federal officer or law enforcement agent;
- Any reserve peace officer, as defined;
- Any person who has successfully completed the specified peace officer training course;
- A licensed firearms dealer, as specified;

- A federally-licensed collector, as specified;
- A person to whom a firearm is being returned, where the person receiving the firearm is the owner of the firearm;
- A family member of a peace officer killed in the line who is obtaining the firearm of the slain officer;
- Any individual who has a valid concealed weapons permit, who is authorized to carry a loaded firearm, or who is the holder of a special weapons permit, as specified; and,
- An active or honorably-retired member of the United States Armed Forces, the National Guard, the Air National Guard, or the other active reserve components of the United States. (Pen. Code, § 31700.)

*Existing law* provides that for purposes of a veteran establishing proof for an exemption from the firearm safety certificate requirement, proper identification includes the Armed Forces Identification Card or other written documentation certifying that the individual is an active or honorably retired member. (Pen. Code, § 31700, subd. (a)(10).)

*This bill* additionally includes the Veteran Health Identification Card issued by the United States Department of Veterans affairs as proper identification for the purposes of the exemption above.

## COMMENTS

### 1. Need for This Bill

According to the Author:

AB 1982 is a common sense measure to clarify existing law to allow veterans to more efficiently utilize an existing exemption.

### 2. Background on Firearm Safety Certificates (FSCs)

Beginning in 1993, possession of a handgun safety certificate was required to transfer firearms, and the Department of Justice was required to develop the process for individuals to obtain a handgun safety certificate. Exemptions were provided for specific classes of individuals who did not need to obtain a firearm safety certificate, such as peace officers and persons with concealed carry permits, and for specific firearm transfers (see more in Comment 3).<sup>1</sup> Senate Bill 52 (Scott), Chapter 942, Statutes of 2001, repealed the basic firearms safety certificate scheme and replaced it with the more stringent handgun safety certificate scheme. SB 52 provided that, effective January 1, 2003, no person may purchase, transfer, receive, or sell a handgun without a Handgun Safety Certificate (HSC). SB 1080 (Committee on Public Safety, Ch. 711, Statutes of 2010), required DOJ to prepare a pamphlet that summarizes California firearms laws as they pertain to a person other than law enforcement officers or members of the armed services. This pamphlet included, but was not limited to, the following: lawful possession, licensing

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<sup>1</sup> See Penal Code §§31700 et. seq.

procedures, transportation and use of firearms, the acquisition of hunting licenses, and other provisions as specified.

Senate Bill 683 (Block, Ch. 761, Stats. of 2013), which took effect January 1, 2015, changed the name of the Handgun Safety Certificate program to the Firearm Safety Certificate (FSC) program and applied the requirements to all firearms, including handguns and long guns. Under SB 693, the DOJ was required to develop a firearm safety certificate instruction manual and make the manual available to licensed firearms dealers, who were in turn required to provide the manual to the general public.<sup>2</sup> These materials educate the public about their legal responsibilities and risks related to firearm ownership and includes information on firearm accidents and misuse.

### **3. FSC Exemptions and Effect of This Bill**

Existing law requires a person to obtain an FSC before purchasing or receiving any firearm except an antique firearm and requires the recipient of the sale, delivery, loan or transfer of any firearm except an antique firearm to possess a valid FSC. However, numerous exemptions exist for different classes of individuals, including peace officers, firearms dealers, federally licensed collectors, concealed carry permit holders, and, central to this bill, active or honorably retired members of the United States Armed Forces, the National Guard, the Air National Guard, or the active reserve components of the United States. To qualify for this exemption, these active or honorably retired members of the military must possess proper identification, which includes the Armed Forces Identification Card, “or other written documentation certifying that the individual is an active or honorably retired member.” The Author asserts that the language of this exemption is problematic:

The Armed Forces Identification Card is only issued to active duty service members and given up when they leave the service. The written documentation has been long understood to refer to a DD-214, which is a document issued to service members when they retire from service. Many veterans do not still have their DD-214, and if they do, it is likely not in an easily accessible place. This leaves many veterans in a situation where they are unable to exercise the exemption granted to them by law because they do not have the currently listed proper documentation.

This bill specifies that the Veteran Health Identification Card – issued to honorably discharged members of the military by the U.S. Department of Veterans affairs upon application – qualifies as proper identification for the purposes of the firearm safety certificate exemption for active and retired members of the military.

### **4. Argument in Support**

According to the National Rifle Association Institute for Legislative Action:

Current law requires individuals to obtain and possess a Firearm Safety Card in order to purchase a firearm in California. There are several exemptions to this requirement, including for individuals who are actively or honorably retired members of the United States Armed Forces, the National Guard, the Air National Guard, or the active

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<sup>2</sup> [Firearm Safety Certificate Publications | State of California - Department of Justice - Office of the Attorney General](#)

reserve components of the United States. In order to utilize the exemption from the Firearm Safety Card when purchasing a firearm, the individual must provide proper identification of their active or honorably retired membership in one of the above listed organizations. Existing law allows for an Armed Forces Identification Card to be used to meet this requirement, or another form of written documentation certifying their active or honorably retired membership.

AB 1982, if passed, would designate that a Veteran Health Identification Card issued by the Department of Veterans Affairs would also serve as an acceptable form of identification to prove exemption from the Firearm Safety Card requirement. This simple clarification to existing law addresses the fact that most veteran's do not routinely carry their DD-214 on their person or have an Armed Forces Identification Card. They do, however, carry their Veterans Health Identification Card with them daily. AB 1982 clearly articulates this form of identification is acceptable to satisfy the requirements needed to prove exemption from the Firearm Safety Card, thereby benefitting our active and honorably retired military members during their lawful purchase of a firearm in California.

**-- END --**