
SENATE COMMITTEE ON PUBLIC SAFETY

Senator Jesse Arreguín, Chair
2025 - 2026 Regular

Bill No: AB 879 **Hearing Date:** June 10, 2025
Author: Patterson
Version: March 24, 2025
Urgency: No **Fiscal:** Yes
Consultant: AB

Subject: *Firearms: unsafe handguns*

HISTORY

Source: Chief Probation Officers of California

Prior Legislation: SB 377 (Skinner), held in Assembly Appropriations, 2024
AB 669 (Lackey), failed in Senate Public Safety, 2021
AB 2699 (Santiago), Ch. 289, Stats. of 2020
AB 1794 (Jones-Sawyer), held Sen. Appropriations, 2019
AB 1872 (Voepel), Ch. 56, Stats. of 2018
AB 2165 (Bonta), Ch. 640, Stats. of 2016
AB 892 (Achadjian), Ch. 203, Stats. of 2015

Support: Monterey County Probation Association; Sacramento County Probation Association; San Diego County Probation Officers Association; San Joaquin County Probation Officers Association; San Luis Obispo County Probation Peace Officers Association; San Mateo County Probation Detention Association

Opposition: None known

Assembly Floor Vote: 69 - 0

PURPOSE

The purpose of this bill is to authorize the sale or purchase of a handgun that does not appear on the Department of Justice (DOJ) roster of not unsafe handguns for use as a service weapon by sworn members of a county probation department, provided that the sworn member of the department has satisfactorily completed specified firearms training.

Existing law sets forth a definition of “unsafe handgun” for both revolvers and pistols, which applies to the provisions listed below.

- A revolver meets the definition of “unsafe handgun” if it 1) does not have a safety device that causes the hammer to retract to a point where the firing pin does not rest upon the primer of the cartridge, 2) does not meet the firing requirements for handguns, as specified, or 3) does not meet the drop safety requirement for handguns.
- A pistol meets the definition of “unsafe handgun” if 1) it does not have a positive manually operated safety device, as specified, 2) it does not meet the firing requirement

for handguns, 3) it does not meet the drop safety requirement for handguns, 4) it does not have a chamber load indicator, 5) it does not have a magazine disconnect mechanism if it has a detachable magazine, or 6) it is not designed and equipped with a microscopic array of characters used to identify the pistol, as specified (see more below). (Pen. Code § 31910, subds. (a), (b).)

Existing law requires DOJ, on and after January 1, 2001, to compile, publish, and thereafter maintain a roster listing all of the pistols, revolvers, and other firearms capable of being concealed upon the person that have been tested by a certified testing laboratory, have been determined not to be unsafe handguns, and may be sold in this state, as specified. The roster shall list, for each firearm, the manufacturer, model number, and model name. (Pen. Code, § 32015, subd. (a).)

Existing law provides that DOJ may charge every person in California who is licensed as a manufacturer of firearms, as specified, and any person in California who manufactures or causes to be manufactured, imports into California for sale, keeps for sale, or offers or exposes for sale any pistol, revolver, or other firearm capable of being concealed upon the person in California, an annual fee not exceeding the costs of preparing, publishing, and maintaining the roster of firearms determined not be unsafe, and the costs of research and development, report analysis, firearms storage, and other program infrastructure costs, as specified. (Pen. Code, § 32015, subd. (b)(1).)

Existing law provides that a person in this state who manufactures or causes to be manufactured, imports into the state for sale, keeps for sale, offers or exposes for sale, gives, or lends an unsafe handgun shall be punished by imprisonment in a county jail not exceeding one year, and that other specified violations may be punished by specified civil penalties. (Pen. Code, § 32000, subd. (a).)

Existing law sets forth several exemptions to the penalties above, including for the manufacture or importation into this state of a prototype handgun for the sole purpose of testing of that handgun to determine whether it is prohibited, as specified, for the importation or lending of a handgun by employees or authorized agents of entities determining whether such a weapon is prohibited, for firearms listed as curios or relics, and for the sale or purchase of a handgun that is sold to or purchased by specified law enforcement agencies, as specified. (Pen. Code, § 32000, subd. (b)(1)-(4).)

Existing law exempts from the penalties set forth in Penal Code § 32000, subdivision (a), the sale or purchase of a handgun for use as a service weapon, if the handgun is sold to, or purchased by, any of several specified entities, including county probation departments, for use by, or sold to or purchased by, sworn members of those entities who have satisfactorily completed the basic course of training offered by the Commission on Peace Officer Standards and Training (POST) or, before January 1, 2021, have satisfactorily completed the firearms portion of a training course prescribed by the POST, and who, as a condition of carrying that handgun, complete a live-fire qualification prescribed by their employing entity at least once every six months. (Pen. Code 32000, subd. (b)(6).)

Existing law exempts from the penalties set forth in Penal Code § 32000, subdivision (a), the sale or purchase of a handgun, if the handgun is sold to, or purchased by, any of several other specified entities for use as a service weapon by the sworn members of those entities who have

satisfactorily completed the basic course of training offered by the POST or, before January 1, 2021, have satisfactorily completed the firearms portion of a training course prescribed by the POST, and who, as a condition of carrying that handgun, complete a live-fire qualification prescribed by their employing entity at least once every six months. (Pen. Code 32000, subd. (b)(7).)

Existing law provides that a licensed firearms dealer shall not process the sale or transfer of an unsafe handgun between a person who has obtained an unsafe handgun pursuant to the exemptions set forth in Section 32000, subdivision (b)(6)-(7), and a person who is not exempt from the penalties specified in Penal Code Section 32000. (Pen. Code 32000, subd. (c)(1).)

Existing law provides that a person who obtains or has use of an unsafe handgun pursuant to an exemption set forth in Section 32000, subdivision (b)(6)-(7) shall, when leaving the handgun in an unattended vehicle, lock the handgun in the vehicle's trunk, lock the handgun in a locked container and place the container out of plain view, or lock the handgun in a locked container that is permanently affixed to the vehicle's interior and not in plain view, as specified. (Pen. Code, 32000, subd. (c)(2).)

Existing law requires the DOJ to maintain a database of unsafe handguns obtained pursuant to several of the exemptions to the penalties in Penal Code Section 32000 described above, and provides that a person or entity that is in possession of an unsafe handgun obtained pursuant to those exemptions shall notify the DOJ of any sale or transfer of that handgun within 72 hours of the sale or transfer, as specified. (Pen. Code, 32000, subd. (e)(1)-(2).)

This bill removes county probation departments from an existing exemption to prohibitions relating to the sale, import and transfer of unsafe handguns, and instead sets forth a standalone exemption for the sale or purchase of an unsafe handgun for use as a service weapon, if the handgun is sold to or purchased by a county probation department for use by, or sold to or purchased by, sworn members of the department who have satisfactorily completed the firearms portion of a training course prescribed by POST.

This bill specifies that as a condition of carrying that unsafe handgun, a sworn member of a county probation department shall complete a live-fire qualification prescribed by their employing entity at least once every three months.

COMMENTS

1. Need for This Bill

According to the Author:

AB 879 restores and adds clarity around the ability for probation officers to be equipped with non-roster handguns, just like other law enforcement agencies, ensuring they have the same tools for officer and community safety, interoperability, and effective collaboration in emergency situations, task forces, and related duties. It's about making sure they have the tools to do their jobs and in their work alongside other officers to protect community safety.

2. California Unsafe Handgun Law Generally

In 1999, the Legislature passed SB 15 (Polanco, Ch. 248, Stats. of 1999), also known as the Unsafe Handgun Act (UHA), which made it a misdemeanor for any person in California to manufacture, import for sale, offer for sale, give, or lend any unsafe handgun, with certain specific exceptions. SB 15 defined an "unsafe handgun" as a handgun that (1) does not meet a specified "drop safety" test, (2) does not meet specified firing tests, and (3) does not have a requisite safety device.¹ The law also required DOJ to compile and publish a roster listing all of the handguns and concealable firearms that they deem "not unsafe" and which are certified for sale in the state.² A subsequent reform, enacted in 2003, added new design safety requirements for semiautomatic pistols.³

In 2007, the Legislature enacted AB 1471 (Feuer, Ch. 572, Stats. of 2007), which made microstamping capability a prerequisite for any semiautomatic pistol not already designated a safe handgun to be placed on the DOJ roster. That measure defined microstamping capability as "a microscopic array of characters that identify the make, model and serial number of the pistol, etched in 2 or more places on the interior surface or internal working parts of the pistol, and that are transferred by imprinting on each cartridge case when the firearm is fired."⁴ AB 1471 delayed implementation of the microstamping prerequisite until January 1, 2010, "provided that the Department of Justice certifies that the technology used to create the imprint is available to more than one manufacturer unencumbered by any patent restrictions." On May 17, 2013, the DOJ certified the microstamping technology required by AB 1471.⁵ In 2020, the Legislature passed AB 2847 (Chiu, Ch. 292, Stats. of 2020), which required microstamp markings in just one place on the interior of a firearm.⁶ And in 2023, the Legislature passed SB 452 (Blakespear, Ch. 253, Stats. of 2023), which modified and strengthened the microstamping requirement by removing it from the UHA altogether and, beginning in July 2028, prohibiting licensed firearm dealers from selling, offering, exchanging, giving or otherwise transferring a pistol unless it has been verified by the DOJ as a "microstamping-enabled pistol."⁷

For a new handgun to be added to the DOJ roster, it must undergo rigorous testing by a DOJ-certified laboratory to ensure that it meets the strict requirements laid out above. But not all provisions of the unsafe handgun statute are clearly tied to consumer safety. For example, handguns for which "the annual maintenance fee is not paid" can also be removed from the certified roster, and thereby be declared unsafe. Moreover, a previously certified handgun can be removed from the roster if a manufacturer goes out of business because the proprietor retired.⁸ Even in cases where a handgun passes all testing requirements, DOJ is authorized to mandate retesting for the handguns of that model at a laboratory of its choosing if it has reason to believe that the model does not comply with the law. If a model fails but a "similar" of that model has been approved, the similar model can be de-rostered without testing. Relatedly, should

¹ Pen. Code, §§ 31900, 31905, 31910

² Pen. Code, § 32015

³ SB 489 (Scott, Ch. 500, Stats. of 2003) requires that for a new semiautomatic center-fire pistol firearm to be added to the roster it has to be equipped with a chamber load indicator and a magazine disconnect (if it has a detachable magazine).

⁴ Penal Code § 31910(a)(6)(A).

⁵ [Bureau of Firearms Information Bulletin 2013-BOF-03: Certification of Microstamping Technology Pursuant to Penal Code Section 31910, Subdivision \(b\)\(7\)\(A\)](#)

⁶ AB 2847 also required that for every safe new gun introduced in California, three unsafe guns on the roster that had been 'grandfathered' in would be removed from the roster.

⁷ Pen. Code, §§ 27531 – 27534.

⁸ Cal. Code Regs., tit. 11, § 4070, subd. (c)(1).)

the model that failed then get successfully retested and reinstated, DOJ is nevertheless permitted to keep the similar model off the roster despite never testing it for safety.⁹

3. Law Enforcement Exemptions and Effect of This Bill

California's unsafe handgun law also contains a tiered exemption scheme for specified law enforcement entities, set forth in Penal Code Section 32000, establishing three groups of entities that are subject to varying prerequisites for purchase, eligibility to purchase for personal use, and restrictions on resale of un-rostered handguns. The first, most permissive tier of exempt law enforcement entities and individuals includes the DOJ, police departments, sheriff's officials, marshal's offices, the California Department of Corrections and Rehabilitation (CDCR), California Highway Patrol, any district attorney's office, any federal law enforcement agency, and the military or naval forces of the United States or California. Sworn members belonging to these entities may purchase non-roster handguns for personal use and may generally sell or transfer the non-roster handgun to any firearm eligible purchaser at a licensed firearm dealer.¹⁰ Sworn members belonging to the second tier of exempt law enforcement entities,¹¹ which includes county probation departments, are permitted to purchase non-roster handguns solely for use as service weapons, as long as they have completed specified training, and may only resell the firearms to sworn members of exempt agencies.¹² The third exemption tier is similar to the second in most respects except that individual members of the exempt entities may not purchase non-rostered firearms directly, and may only use such firearms purchased by the entities themselves.¹³

AB 2699 (Santiago), Ch. 289, Stats. of 2020 was the most recent measure modifying California's tiered system of exemptions from the state's unsafe handgun law. AB 2699 added greater restrictions and limitations on the acquisition and usage of unsafe handguns by law enforcement agencies. As a compromise, additional law enforcement entities were added to the list of agencies that could acquire and use non-rostered firearms but additional limitations were placed on those agencies. These limitations included that the sale of a un-rostered handgun to an agency is only authorized if the handgun is to be used as a service weapon by a peace officer who has successfully completed the basic course prescribed by POST and who completes a live-fire qualification with the handgun at least every six months. AB 2699 also required the DOJ to account for and maintain a database of unsafe handguns obtained pursuant to the law enforcement exemptions in Penal Code Section 32000, and authorized the DOJ to levy civil penalties for failure to report the sale or transfer of an unsafe handgun pursuant to those exemptions.¹⁴

According to the Author and sponsor of the bill, the Chief Probation Officers of California, the impetus behind this bill is a drafting error in AB 2699 that included probation officers in the

⁹ Cal. Code Regs., tit. 11, § 4073

¹⁰ "State Exemptions for Authorized Peace Officers – Non-Roster Handgun Exemptions." Department of Justice Official Website. Accessed 14 March 2023. <https://oag.ca.gov/firearms/exemptpo>

¹¹ See Pen. Code, § 32000, subd. (b)(6), which includes several state agencies, such as the Departments of Parks and Recreation, Alcoholic Beverage Control, Motor Vehicles, Fish and Wildlife, as well as several other entities like school (k-12 and college) police officers, specified park rangers, coroners, fraud inspectors, and others.

¹² *Ibid*; The training requirements and restriction to purchase for use as a service weapon were added by AB 2699 (Santiago, Ch. 289, Stats of 2020) , discussed in the following paragraph.

¹³ Pen. Code, § 32000, subd. (b)(7).

¹⁴ Penal Code §32000, subds. (a)(2)-(3), (e).

second tier of exempted entities, which, as stated above, must have completed a POST basic training course. Negotiations regarding AB 2699 failed to take into account that probation officers are not POST certified. Rather, the training requirements for county probation officers are mandated through the Standards and Training for Corrections Division of the Board of State and Community Corrections (STC and BSCC, respectively). Accordingly, this bill removes county probation departments from the exemption tier requiring sworn members in that tier to complete a POST basic course, and creates a standalone provision providing that sworn members of county probation departments are not subject to the prohibition against the purchase or sale of non-rostered handguns, provided that the purchase or sale is for use as a service weapon and the sworn members using such firearms have satisfactorily completed a POST firearms training course. The bill also requires sworn members of probation departments who use non-roster firearms to complete a live-fire qualification prescribed by their employing entity at least once every three months.

Existing law permits law enforcement entities in the first exemption tier – which, again, includes DOJ, police departments, sheriffs’ departments, CDCR, CHP, and a few others – to purchase non-roster handguns for personal use and, via a licensed firearm dealer, sell or transfer non-roster handguns to any otherwise non-prohibited firearm purchaser. Effectively, this means that members of these agencies may sell non-roster handguns to the public. Sworn members of entities that fall into the second or third exemption tier may only resell or transfer non-roster firearms to sworn members of other exempt agencies, or to the agencies themselves.¹⁵ Existing law also requires sworn members of entities in the second and third exemption tier to adhere to certain safety precautions when leaving a non-roster firearm unattended in a vehicle, and requires DOJ to maintain a database of non-roster firearms obtained and transferred by entities and sworn members in all three exemption tiers. This bill essentially creates a new standalone exemption tier for county probation departments, but does not include cross references to that new tier in the provisions described in this paragraph. Consequently, the bill creates an unintended consequence by allowing sworn members of county probation departments to resell non-roster firearms to the public and exempting them from the unattended vehicle requirements described above. In addition, the bill does not expand DOJ’s mandate to collect and maintain information on non-roster firearm acquisitions and transfers to county probation departments, creating an unnecessary and likely unintended gap in unsafe handgun data. The Author and Committee should consider amending the bill to address these issues.

4. Argument in Support

According to the bill’s sponsor, the Chief Probation Officers of California:

In 2016, AB 2165 (Bonta) was enacted and, among other provisions, authorized specified peace officers, which included probation, who have completed the Commission on Peace Officer Standards and Training (POST) prescribed firearms training course as required in Penal Code 832, to be exempt from the state prohibition relating to the sale or purchase of a non-roster firearm. As stated in the AB 2165 analysis...“These categories of peace officers participate in mutual aid situations, task forces, sting operations and arrests—all high-risk situations require that these officers be properly armed. It is imperative that we provide the statutory basis for the parity between agencies that has existed since the creation of the roster.”

¹⁵ Pen. Code, § 32000, subd. (c).

In 2020, AB 2699 (Santiago) was enacted which changed requirements for all peace officers to complete the POST basic course, rather than the longstanding requirements that peace officers complete the statutorily required POST certified PC 832 firearms and arrest course and inadvertently did not reflect the training that probation completes both through POST PC 832 but also training through the BSCC STC program. Probation officers undergo the same firearms training as other peace officers through PC 832, which includes the firearms and arrest modules from the POST Basic Academy. Additionally, probation departments complete live-fire qualifications on a quarterly basis.

Departments often use a certain model of a firearm as it contributes to uniformity in training. Further, some counties purchase and train on the same firearm so that when there are instances such as an active shooter incident, fires, evacuations, and other emergency response efforts, officers are trained and can use firearms interchangeably. The interoperability, training, and specific functionality of non-roster firearms becomes critical in situations where probation is responding to an incident, serving in mutual aid coordination, or serving in taskforces with other law enforcement. This proposal would restore clarity and language pertaining to Probation's existing inclusion in Penal Code 32000 list of state exemptions for all authorized peace officers to purchase non-roster handguns while maintaining all of the other applicable requirements around non-roster use that currently exist.

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