
SENATE COMMITTEE ON PUBLIC SAFETY

Senator Jesse Arreguín, Chair
2025 - 2026 Regular

Bill No: AB 1263 **Hearing Date:** July 1, 2025
Author: Gipson
Version: March 24, 2025
Urgency: No **Fiscal:** Yes
Consultant: AB

Subject: *Firearms: ghost guns*

HISTORY

Source: California Department of Justice

Prior Legislation: AB 1089 (Gipson), Ch. 243, Stats. of 2023
AB 97 (Rodriguez), Ch. 233, Stats. of 2023
AB 1621 (Gipson), Ch. 76, Stats. of 2022
AB 1594 (Ting), Ch. 98, Stats. of 2022
AB 857 (Cooper), Ch. 60, Stats. of 2016

Support: City of Alameda; Everytown for Gun Safety Action Fund; Moms Demand Action for Gun Sense in America; Students Demand Action for Gun Sense in America

Opposition: Gun Owners of California; 1 Individual

Assembly Floor Vote: 63 - 10

PURPOSE

The purpose of this bill is to

- 1) Impose additional obligations and duties on firearm industry members under the Firearm Industry Responsibility Act with regard to firearm accessories and firearm manufacturing devices, as specified, a violation of which would result in civil liability for that firearm industry member.*
- 2) Establish new civil and criminal penalties related to the unlawful manufacture of a firearm.*
- 3) Add several violations related to undetectable, unserialized, and unlawfully manufactured firearms, assault weapons, and other restricted firearms and firearm accessories to the list of crimes for which a conviction results in a 10-year ban on the purchase or possession of firearms.*

Existing law establishes the “Firearm Industry Responsibility Act” (hereinafter, “FIRA”) which allows for civil actions to be brought against firearm industry members who deal in abnormally dangerous firearm-related products. (Civ. Code, § 3273.50 et seq.)

Existing law defines the following for the purposes of FIRA:

- “Firearm accessory” means an attachment or device designed or adapted to be inserted into, affixed onto, or used in conjunction with a firearm that is designed, intended, or functions to alter or enhance the firing capabilities of a firearm, the lethality of the firearm, or a shooter’s ability to hold and use a firearm.
- “Firearm industry member” shall mean a person, firm, corporation, company, partnership, society, joint stock company, or any other entity or association engaged in the manufacture, distribution, importation, marketing, wholesale sale, or retail sale of firearm-related products.
- “Firearm manufacturing machine” means a three-dimensional printer, as defined, or computer numerical control (CNC) milling machine that is marketed or sold as, or reasonably designed or intended to be used to manufacture or produce a firearm.
- “Reasonable controls” means reasonable procedures, acts, or practices that are designed, implemented, and enforced to do the following:
 - Prevent the sale or distribution of a firearm-related product to a straw purchaser, a firearm trafficker, a person prohibited from possessing a firearm under state or federal law, or a person who the firearm industry member has reasonable cause to believe is at substantial risk of using a firearm-related product to harm themselves or another or of possessing or using a firearm-related product unlawfully.
 - Prevent the loss or theft of a firearm-related product from the firearm industry member.
 - Ensure that the firearm industry member complies with all provisions of California and federal law and does not otherwise promote the unlawful manufacture, sale, possession, marketing, or use of a firearm-related product. (Civ. Code, § 3273.50, subds. (c), (f), (g), (h).)

Existing law provides that a firearm industry member must comply with the firearm industry standard of conduct; and makes it a violation of the firearm industry standard of conduct for a firearm industry member to fail to comply with any requirement below:

- A firearm industry member shall do both of the following:
 - Establish, implement, and enforce reasonable controls.
 - Take reasonable precautions to ensure that the firearm industry member does not sell, distribute, or provide a firearm-related product to a downstream distributor or retailer of firearm-related products who fails to establish, implement, and enforce reasonable controls.
- A firearm industry member shall not manufacture, market, import, offer for wholesale, or offer for retail sale a firearm-related product that is likely to create an unreasonable risk of harm to public health and safety, as provided.

- A firearm industry member shall not engage in any conduct related to the sale or marketing of firearm-related products, as specified. (Civ. Code, § 3273.51, subds. (a)-(d).)

This bill modifies the definition of “firearm accessory” for the purposes of FIRA to mean an attachment or device designed or adapted to be inserted into, affixed onto, or used in conjunction with a firearm that is designed, intended, or functions to increase a firearm’s rate of fire or to increase the speed at which a person may reload a firearm or replace the magazine, or any other attachment or device, as specified, that may render a firearm an assault weapon when inserted into, affixed onto, or used in conjunction with a firearm.

This bill specifies that the term “firearm accessory” also includes any other device, tool, kit, part, or parts set that is clearly designed and intended for use in manufacturing firearms.

This bill modifies the definition of “firearm manufacturing machine” for the purposes of FIRA to mean a three-dimensional printer, a CNC milling machine, or a similar machine, that is marketed or sold as or is reasonably designed or intended to be used to manufacture or produce firearms, firearm components, or firearm accessories.

This bill provides that prior to completing the sale or delivery in California or to a California resident of a firearm accessory, firearm manufacturing machine, or a firearm barrel unattached to a firearm, a firearm industry member shall comply with all of the following requirements:

- Provide a prospective purchaser with a clear and conspicuous notice of specified information.
- Receive an acknowledgment from the prospective purchaser attesting that the prospective purchaser received and understands the notice.
- Require the prospective purchaser to provide proof of age and identity verifying that the prospective purchaser is at least 18 years of age.

This bill specifies that the notice above shall clearly inform the purchaser that it is generally a crime in California to engage in specified conduct without a valid license to manufacture firearms.

This bill requires firearm industry members to do all of the following for shipment and delivery of a firearm barrel, firearm accessory, or firearm manufacturing machine:

- Ensure all packages are conspicuously labeled with the words: “Signature and proof of identification of person aged 18 years or older required for delivery.”
- Ensure the shipping instructions list an address that matches the purchaser’s identification.
- Require the purchaser, upon delivery, to present a courier with proof of identification and the purchaser’s signature in order to receive the item.

This bill creates several exemptions to the sale and delivery requirements for firearm accessories, firearm barrels, and firearm manufacturing machines outlined above, including for licensed firearm dealers, licensed ammunition vendors, members of the armed forces or law enforcement, a forensic laboratory, or a wholesaler.

Existing law provides that a civil action may be brought against a person who knowingly does either of the following:

- Distributes or causes to be distributed, by any means including the internet, any digital firearm manufacturing code to any other person in this state who is not a federally licensed firearms manufacturer, member of the Armed Forces of the United States or the National Guard, while on duty and acting within the scope and course of employment, or any law enforcement agency or forensic laboratory.
- Commits an act that violates prohibitions related to manufacturing firearms using a CNC milling machine or 3D printer, regardless of whether the act results in a conviction. (Civ. Code. § 3273.61, subd. (a).)

Existing law states that a person who commits a defined act shall be strictly liable for any personal injury or property damage inflicted by the use of a firearm that is manufactured or produced using the digital firearm manufacturing code that they distributed or caused to be distributed or that is manufactured by means of a CNC milling machine, a three-dimensional printer, or a similar machine. (Civ. Code. § 3273.61, subd. (b).)

Existing law states that the Attorney General, county counsel, or city attorney may bring an action in any court of competent jurisdiction to establish that a person has violated this section and may seek a civil penalty not to exceed \$25,000 for each violation, as well as injunctive relief. (Civ. Code. § 3273.61, subd. (c).)

Existing law provides that a prevailing plaintiff shall be entitled to recover reasonable attorney's fees and costs. (Civ. Code. § 3273.61, subd. (d).)

Existing law defines "digital firearm manufacturing code," for the purposes of this cause of action as any digital instructions in the form of computer-aided design files or other code or instructions stored and displayed in electronic format as a digital model that may be used to program a CNC milling machine, a three-dimensional printer, or a similar machine, to manufacture or produce a firearm, including a completed frame or receiver or a firearm precursor part. (Civ. Code, § 3273.60, subd. (a).)

This bill expands the definition of "digital firearm manufacturing code" to apply not only to the manufacture of a firearm, including a completed frame or receiver or precursor part, but also to the manufacture of a large capacity magazine, a large capacity magazine conversion kit, a machinegun, a multiburst trigger activator, a silencer, a firearm accessory or a firearm barrel.

This bill extends strict liability for any personal injury or property damage inflicted by the use of a firearm to any firearm or other device that was unlawfully manufactured or produced as a result of the person's violation resulting in liability, including a firearm or device manufactured or produced in whole or in part using the digital firearm manufacturing code or by means of the CNC machine, 3-D printer or similar machine as a result of the underlying violation.

This bill allows a person who has suffered harm in California as a result of a violation of Civil Code Section 3273.61 may bring an action in a court of competent jurisdiction to establish that a person has violated that provision, and may seek compensatory damages as well as injunctive relief sufficient to prevent the person and any other defendant from further violating the law.

This bill establishes a rebuttable presumption that a person has violated prohibitions related to the distribution of a digital firearm manufacturing code if specified conditions are met.

This bill creates a new civil cause of action against a person who knowingly, willfully, or recklessly causes another person to engage in the unlawful manufacture of firearms, or who knowingly, willfully, or recklessly aids, abets, promotes, or facilitates the unlawful manufacture of firearms, as provided.

Existing law sets forth a process for the licensing of firearms manufacturers by the Department of Justice. (Pen. Code, §§ 29050, et. seq.)

Existing law prohibits the manufacture of more than 3 firearms within the state in a calendar year unless the person is licensed to manufacture firearms pursuant to California law. (Pen. Code, § 29010.)

Existing law provides that no person, other than a state-licensed firearms manufacturer, shall use a CNC machine or 3-D printer to manufacture a firearm, and that it is unlawful to sell, offer to sell, transfer, possess, purchase, or receive a CNC milling machine or 3-D printer that has the sole or primary function of manufacturing firearms, as specified. (Pen. Code, § 29185, subs. (a)-(c).)

This bill makes it unlawful to knowingly or willfully cause another person to engage in the unlawful manufacture of firearms, or to knowingly or willfully aid, abet, promote, or facilitate the unlawful manufacture of firearms.

This bill specifies that the “the unlawful manufacture of firearms” includes any of the following:

- The manufacture of a firearm by a minor, or by a person who is prohibited from owning or possessing firearms under California law.
- The manufacture of four or more firearms within the state in the same calendar year by an individual who is not licensed to manufacture firearms pursuant to California law.
- The manufacture of any firearm using a three-dimensional printer or CNC milling machine by an individual who is not licensed to manufacture firearms pursuant to California law.
- The manufacture of a firearm by a person who is not a federally licensed firearms manufacturer, for the purpose of selling or transferring ownership of that firearm to another person who is not a federally licensed firearms manufacturer.
- The manufacture of a firearm for the purpose of selling, loaning, or transferring the firearm to another person, with the intent to complete the sale, loan, or transfer without a required background check on the transferee initiated by a licensed firearms dealer.

- The manufacture of any specified prohibited firearms and firearm-related devices.

This bill provides that the unlawful manufacture of firearms is punishable as a misdemeanor.

Existing law provides that persons convicted of specified serious or violent misdemeanors are prohibited from possession of firearms for a period of 10 years and that a violation of that prohibition is punishable as a misdemeanor with imprisonment up to one year or as a state prison felony. (Pen. Code, § 29805, subd. (a).)

Existing law includes within the list of misdemeanors triggering a 10 year firearm prohibition the crimes of stalking, sexual battery, assault with a deadly weapon, battery with serious bodily injury, brandishing a firearm of deadly weapon, assault with force likely to produce great bodily injury, battery on a peace officer, corporal injury to spouse, cohabitant or fellow parent, child abuse, elder abuse, unsafe storage of a firearm, and threats of bodily injury or death, among other misdemeanors. (Pen.Code, § 29805, subd. (a).)

Existing law requires any person subject to a firearm prohibition based on a conviction of a felony or specified misdemeanor to relinquish any firearms they own, possess or have under their control or custody within 48 hours if the defendant is out of custody or within 14 days if the defendant is in custody. (Pen. Code, § 29810, subd. (a).)

Existing law provides that persons with the knowledge that they have an outstanding warrant for any of the specified serious or violent misdemeanors that result in a 10-year prohibition are guilty of a crime if they possess a firearm while the warrant is outstanding. A violation is punishable as a misdemeanor, with imprisonment up to one year, or as a state prison felony. (Pen. Code, §§ 29805, subd. (a), 29851.)

Existing law prohibits specified conduct related to undetectable firearms, unserialized firearms, computer numerical control milling machines and three-dimensional printers used to manufacture firearms, assault weapons, .50 BMG rifles, multiburst trigger activators, short-barreled rifles, short-barreled shotguns, and zip guns. (Pen. Code, §§ 24610, 27530, 29185, 30605, 30610, 32900, 33215, 33600.)

This bill provides that any person who is convicted of a violation of any of the above prohibitions shall not own, purchase, receive, possess, or have under their custody or control any firearm for a period of 10 years, a violation of which is punishable as an aggravated misdemeanor.

This bill contains a severability clause.

COMMENTS

1. Need for This Bill

According to the Author:

In response to California’s effective efforts to regulate the sale of core ghost gun industry products—nearly completed, so-called ‘80%’ frames and receivers—some

ghost gun industry entities have shifted to sell machines, parts, products, and services designed to facilitate unlicensed individuals' illegal manufacture of ghost guns, machine gun conversion devices, and other unlawful weapons, using consumer-level 3D-printers and CNC milling machines. Recently enacted California laws included some nation-leading provisions to address these threats, but additional legislation is needed to expand and build on these statutes' protections.

2. 3-D Printed Firearms and the Ghost Gun Crisis

In the United States, traditional firearms are produced by licensed manufacturers and sold through licensed gun dealers. Federal law requires all guns manufactured in the United States and imported from abroad to have serial numbers, typically displayed on the back of the frame. By contrast, “ghost guns” are manufactured in parts – also known as “firearm precursor parts” – which can be acquired without a background check and can easily be assembled by an unlicensed buyer. Ghost guns are designed to avoid regulation by being sold in DIY kits containing their component parts, which, individually, are unregulated, but when assembled form a fully functional firearm. Ghost guns are also unserialized, meaning they cannot be traced by law enforcement.

Advances in technology have led to an increasing number of ghost guns being produced via consumer-level computer operated machines such as 3D printers and CNC milling machines. CNC milling machines are machines capable of automatically processing raw materials such as metal, plastic, wood or composite into digitally modeled shapes based solely on programmed instructions, without the need for a human operator. CNC milling machines use subtractive manufacturing: essentially breaking down a raw material until the desired product is created. 3D printers, by contrast, use an additive manufacturing process which lays down consecutive layers of material to generate various products. 3D printers have grown significantly in popularity in recent years - the first 3D-printed gun, the “Liberator,” was produced in 2013, and since then its design has become widely available online.¹ Since 2013, however, the quality and design of 3D printed firearms have improved significantly, and the process has become more widespread. For instance, a company known as “Ghost Gunner” is currently marketing its latest CNC milling machine, the Ghost Gunner 3, which costs only \$2,500 and comes programmed to complete several fully functional assault-style weapons.²

In October 2024, the DOJ's Office of Gun Violence Prevention released a report examining the impact of ghost guns in California, including statistics on ghost guns recovered by law enforcement agencies. Notably, from 2013 to 2021, the number of ghost guns recovered by law enforcement from suspected criminal activity increased dramatically every year, from just three in 2013 (.01% of all reported crime guns) to nearly 11,000 in 2021 (18.5% of reported crime guns).³ Between 2019 and 2021 in particular, amid gun violence spikes nationwide, law enforcement agencies reported a 30% increase in the total number of recovered crime guns, with

¹ “The Liberator – the world’s first 3d printed handgun.” [The Liberator – the world's first 3D printed handgun · V&A \(vam.ac.uk\)](http://TheLiberator-vam.ac.uk)

² [Ghost Gunner 3-S Deposit – Ghost Gunner](#)

³ “California’s Fight Against The Ghost Gun Crisis: Progress and New Challenges.” *California Department of Justice Office of Gun Violence Prevention*. October 2024, at 4. [October 2024 - Office of Gun Violence Prevention Reports: California's Fight Against the Ghost Gun Crisis](#). A “crime gun” is a firearm that was recovered by a law enforcement agency after it was (1) used in a crime, (2) suspected to have been used in a crime, or (3) illegally possessed.

a staggering 592% increase in unserialized ghost guns.⁴ Since the number of recovered ghost guns peaked in late 2021 into early 2022, however, the state has seen a consistent decline in that statistic – from 2021 to 2023, law enforcement agencies reported a 23% overall decrease in the number of recovered ghost guns, and the fourth quarter of 2023 (the most recent year analyzed by the report) saw the lowest number of recovered ghost guns since early 2020.⁵

However, according to the Author, in response to recent California legislation aimed at curbing the proliferation of ghost guns, “the ghost gun industry appears to increasingly be shifting focus toward efforts to sell products or services that facilitate unlicensed individuals’ (now unlawful) use of 3-D printers or CNC milling machines to manufacture firearms and by selling components or accessories (or the code for producing those components or accessories) that are designed to complete those firearms, and often convert them into assault weapons or machine guns.” The Author cites various ways in which the industry is exploiting loopholes to facilitate the manufacture of ghost guns:

- Operating ghost gun-focused websites that solicit, crowdsource, and promote dissemination and use of digital firearm manufacturing code for 3D-printing or milling firearms as well as other components or accessories.
- Selling largely unregulated parts kits, manufacturing products, and firearm accessories or devices, often including assault weapon features.
- Developing AI models and chatbots designed to guide unlicensed individuals in manufacturing ghost guns.
- Selling 3-D printers and CNC milling machines to California residents in a manner that promotes their use in manufacturing firearms and other firearm-related parts and devices.

3. Relevant Federal and State Ghost Gun Laws and Regulations

Existing federal law requires all federally licensed firearms dealers (FFLs) to conduct background checks on prospective firearm purchasers.⁶ In order to process those background checks, the Federal Bureau of Investigation (FBI) created the National Instant Criminal Background Check System (NICS), a digital catalog of records integrating three separate national databases which FFLs can query when processing the purchase of a firearm.⁷ Existing federal law also requires FFLs to “identify by means of a serial number engraved or cast on the receiver or frame of the weapon” each firearm manufactured in, or imported into, the United States.⁸

These requirements, part of the Gun Control Act of 1968 (GCA), apply exclusively to “firearms,” a term defined broadly under federal law to include “(A) any weapon (including a starter gun) which will or is designed to or may readily be converted to expel a projectile by the action of an explosive; (B) the frame or receiver of any such weapon; (C) any firearm muffler or

⁴ *Ibid.*

⁵ *Ibid.*, at 5-6.

⁶ 18 U.S.C. § 922, subd. (t).

⁷ For more information on NICS, see: [Firearms Checks \(NICS\) — FBI](#)

⁸ 18 U.S.C. §923, subd.(i).

firearm silencer; or (D) any destructive device.”⁹ However, the definitions and regulations set forth in the GCA have not kept pace with advances in gun manufacturing technology, rendering many privately manufactured firearms (PMFs) not subject to these serialization and background check requirements. Consequently, in April 2022 the Bureau of Alcohol, Tobacco, Firearms and Explosives (ATF) adopted Final Rule 2021R-05F, which, among other provisions, revised the definition of “firearm” under the GCA to include parts kits that can be readily converted into a fully assembled firearm, and expanded the definition of “frame or receiver” to include a partially complete, disassembled, or nonfunctional frame or receiver – including a frame or receiver parts kit – that is designed to or may readily be turned into a functioning frame or receiver. The rule also required FFLs that have, or take into inventory, any PMFs (including kit-built firearms and 3D printed firearms), to serialize the firearms.¹⁰ However, it should be noted that the rule does not restrict a person’s ability to make a PMF if they are otherwise eligible to purchase and possess firearms, and does not prevent an unlicensed person from selling a PMF without a background check.¹¹

In order to address California’s ghost gun epidemic, the Legislature passed AB 1621 (Gipson) Chapter 76, Statutes of 2022, which enacted a host of reforms related to the regulation of firearm “precursor parts,” or components that may be readily convertible into usable firearms, as well as to the manufacture and assembly of firearms. Generally, AB 1621 rendered the sale, transfer and manufacture of both completed and unfinished frames and receivers subject to the same rules as fully assembled firearms, meaning that they generally must be sold by or through a licensed firearm dealer. AB 1621 also enacted a prohibition against the knowing possession of any firearm that does not have a valid state or federal serial number or mark of identification.¹² Further, AB 1621 prohibited the sale or transfer of manufactured or assembled firearms by entities that are not federally licensed and prohibited any person or entity from knowingly manufacturing or assembly, or aiding and abetting the manufacture or assembly of a firearm that is not properly serialized.¹³ The measure also established several provisions of law limiting the acquisition, possession, purchase and use of CNC milling machines that have the sole or primary function of manufacturing firearms by any entity except for a state licensed firearms manufacturer or importer.¹⁴ In 2023, AB 1089 (Gipson), Chapter 243, Statutes of 2023, extended the manufacturing and assembly limitations enacted by AB 1621 to three-dimensional printers.¹⁵

Equally relevant to this bill is California’s FIRA, which was enacted in 2022 by AB 1594 (Ting), Chapter 98, Statutes of 2022. FIRA created a “firearm industry standard of conduct” that applies to every “firearm industry member,” as defined, and which requires these members to engage in certain conduct and refrain from other conduct with the goal of limiting the harmful effects of certain firearm-related products.¹⁶ AB 1089 enacted similar civil liability provisions, under which a person is strictly liable for any personal injury or property damage, as specified, caused by any firearm manufactured using the distributed code or manufactured by a CNC milling

⁹ 18 U.S.C. § 921, subd.(a)(3)

¹⁰ The rule is codified at 27 CFR, Parts 447, 478, and 479.

¹¹ “Ghost Guns.” Giffords Law Center to Prevent Gun Violence. Accessed 20 April 2025. [Ghost Guns | GIFFORDS](#); Though not critical to the analysis of this bill, it should be noted that Final Rule 2021R-05F was recently upheld by the Supreme Court in *Bondi v. VanDerStok* (2025) 604 U.S. ___, a ruling handed down just last month.

¹² Pen. Code, § 23920(b). A similar prohibition is operative in existing law in PC §23920(a).

¹³ Pen. Code, § 29180(d), (f).

¹⁴ Pen. Code, § 29185.

¹⁵ *Ibid.*

¹⁶ Civ. Code, § 3273.50, et. seq.

machine, three-dimensional printer, or similar machine.¹⁷ This bill expands liability under FIRA by imposing several notice requirements on firearm industry members, and expands and makes other changes to AB 1089's strict liability provisions. As these provisions of the bill generally fall outside this committee's jurisdiction, this bill has been referred to the Senate Judiciary Committee, where these provisions will be more thoroughly analyzed.

Effect of This Bill

Similar to the licensure process for firearm dealers in California, existing law requires the licensure of firearm manufacturers in the state by the DOJ, and limits the number of firearms that non-licensed parties may manufacture to three per year.¹⁸ Existing law, part of the reforms enacted by AB 1621, defines "manufacturing" or "assembling" a firearm as meaning "to fabricate or construct a firearm, including through additive, subtractive, or other processes, or to fit together the component parts of a firearm to construct a firearm." Existing law also provides that anyone manufacturing a firearm or precursor part, whether licensed or unlicensed, must ensure that the firearm or precursor part being is serialized, and makes it a crime for anyone to manufacture or assemble an unserialized firearm or aid and abet the manufacture or assembly of a firearm by a prohibited party.¹⁹

This bill makes it unlawful to knowingly or willfully cause another person to engage in the unlawful manufacture of firearms, and to knowingly or willfully aid, abet, promote or facilitate the unlawful manufacture of firearms. In effectuating this prohibition, the bill specifies various conduct prohibited under existing law that constitutes the definition of the "unlawful manufacture of firearms," such as the manufacture of firearms by a minor, the manufacture of four or more firearms by an unlicensed party, the manufacture of any firearm using a 3D printer or CNC milling machine, and the manufacture of any number of prohibited weapons and firearm devices. A violation of this prohibition is a misdemeanor.

4. Firearm Possession Prohibitions for Criminal Convictions

Existing state and federal law contains a myriad of prohibitions on the possession and attempted purchase of firearms by certain individuals. Under both state and federal law, all felony convictions lead to a lifetime prohibition.²⁰ California law goes further and imposes a 10-year prohibition on the possession and purchase of firearms for individuals convicted of numerous misdemeanor offenses that involve either violence or threat of violence as well as certain firearm-related crimes.²¹ Since the 10-year firearm prohibition for certain misdemeanor convictions was enacted in 1991, a myriad of bills over the past several decades has sought to add offenses to the "10-year list," which now includes roughly 50 misdemeanor offenses.

This bill adds at least a dozen new offenses across nine sections of the Penal Code to the 10-year prohibition list. specifically providing that any person who is convicted of one of these offenses on or after January 1, 2026 (the effective date of the bill), and who within 10 years of the conviction, owns, purchases, receives or has in their possession any firearm, is guilty of a

¹⁷ Civ. Code, § 3273.60 et.seq.

¹⁸ Pen. Code, §§ 29010, 29030 et. seq

¹⁹ Pen. Code, §29180, subds. (a)-(f.)

²⁰ 18 U.S.C. § 922(g); Penal Code § 29800

²¹ Penal Code §29805

misdemeanor. The specific misdemeanor offenses added to the 10-year list by this bill include the following:

- Possession of an undetectable firearm.
- Illegal transfer of unserialized firearms.
- Illegally manufacturing a gun with a 3D printer or CNC milling machine.
- The crimes created by this bill, including knowingly or willfully causing a person to engage in the unlawful manufacture of firearms, or aiding and abetting that conduct.
- Possession of an assault weapon.
- Possession of a .50 BMG rifle.
- Possession of a multiburst trigger activator, which includes bump stocks and similar devices.
- Offenses related to short-barreled rifles and short-barreled shotguns.
- Prohibition of various conduct related to “zip guns,” which are essentially crudely manufactured and designed homemade firearms.

5. Armed Prohibited Persons System (APPS) Backlog

In 2001, SB 950 (Brulte, Ch. 944, Stats. of 2001) created the APPS in response to several high-profile murder cases involving people prohibited from owning firearms. After APPS was eventually implemented in 2006, the number of individuals found to be prohibited from possessing – and in possession – of a firearm increased dramatically, and in the years since has increased at a steady and considerable rate. In 2008, there were 10,266 individuals on the APPS list, and in 2021, the list comprised 23,598 individuals.²²

In 2013, SB 140 (Leno, Ch. 2, Stats. of 2013) appropriated \$24 million from the Dealers Record of Sale (DROS) Special Account to the DOJ to fund enforcement of illegal gun possession by prohibited persons. SB 140 included the following finding and declaration:

The list of armed prohibited persons in California grows by about 15 to 20 people per day. There are currently more than 19,000 armed prohibited persons in California. Collectively, these individuals are believed to be in possession of over 34,000 handguns and 1,590 assault weapons. Neither the Department of Justice nor local law enforcement has sufficient resources to confiscate the enormous backlog of weapons, nor can they keep up with the daily influx of newly prohibited persons.

The 19,000+ cases on the APPS list at the time SB 140 was passed is referred to as the “APPS backlog.” SB 140 required the DOJ to address the backlog and issue an annual report to the legislature for five years in order to provide updates on DOJ’s progress in reducing the backlog. In 2019, at the expiration of that 5-year reporting requirement, SB 94 (Committee on Budget, Ch. 25, Stats. of 2019) provided updated requirements regarding the mandated reporting of APPS database statistics. SB 94 defined “backlog,” for the purposes of the APPS as “the number of cases for which the Department of Justice” did not initiate an investigation within six months of the case being added to the APPS database or for which it has not completed investigatory work within six months of initiating an investigation on the case.”

²² “Armed and Prohibited Persons Systems Report 2021: Annual Report to the Legislature, SB 94 Legislative Report, Calendar Year 2021.” Available at <https://oag.ca.gov/system/files/attachments/press-docs/APPS%20Report%202021.pdf>

The most recent APPS report to the Legislature pursuant to SB 94 covers calendar year 2024. According to the report, in 2024, DOJ removed 9,959 prohibited persons from the APPS database, and added 12,019 prohibited persons. As of January 1, 2025, the APPS database contained 25,911 armed and prohibited persons, and included 10,044 active cases and 15,867 pending cases.²³ Compare this to the prior year's report, which indicated that the system had 8,903 active cases and 14,548 pending cases. According to the DOJ, "A combination of factors resulted in a large increase in the number of individuals who were identified as subject to state or federal firearm prohibitions in 2024," including "legislation creating new misdemeanor prohibitions, increases in the number of individuals with firearm records known to DOJ, increases in the number of prohibiting events such as convictions and restraining orders, local record auditing efforts to identify and report previously unreported prohibiting events, as well as certain state and federal process changes related to individuals subject to outstanding felony arrest warrants and criminal protective orders."²⁴ Will this bill, which adds *over a dozen* new criminal convictions to the 10 year list, create an even greater burden on a system with an already-increasing backlog?

6. Argument in Support

According to a letter submitted jointly by Everytown for Gun Safety, Moms Demand Action, and Students Demand Action:

California has made ground-breaking progress in addressing the threat of ghost guns and unlicensed manufacturing of guns with 3-D printers. The laws passed by the legislature in the last several years have had a substantial positive impact by strengthening civil and criminal accountability tools to address a range of unfair and dangerous conduct by the ghost gun industry and those using ghost gun industry products to unlawfully manufacture and traffic ghost guns. 1 As these threats continue to evolve, our gun laws need to evolve as well.

AB 1263 would build on California's highly effective ghost gun reforms and continue to bolster our progress in stopping the proliferation of ghost guns in crime, strengthen accountability tools against the skip-the-background-check ghost gun industry, and strengthen gun violence victims' ability to hold ghost gun companies and ghost gun traffickers accountable for their harmful unlawful conduct. DIY workarounds for obtaining skip-the-background-check firearms continue to be appealing to individuals intent on causing harm in California, likely because the state has such robust background check laws. This bill is needed to address technological shifts in methods for circumventing California gun laws and, specifically, the growing use of 3-D printers and digital firearm manufacturing code to create homemade firearms and firearm accessories.

AB 1263 creates new avenues for civil and criminal accountability for aiding and abetting unlicensed manufacturing of firearms or illegal firearm accessories. It incorporates rebuttable presumptions and other procedural clarifications to expand

²³ "Armed and Prohibited Persons Systems Report 2024: Annual Report to the Legislature, SB 94 Legislative Report, Calendar Year 2024." Available at [Armed and Prohibited Persons System \(APPS\) Report 2024](#) Active cases are those for which the DOJ has not yet begun investigations or is in the process of investigating, while pending cases are those for which the DOJ has exhausted all leads or determined that the person is not within their jurisdiction.

²⁴ *Ibid* at p.5.

gun violence survivors' access to justice and accountability. The bill also provides important updates and clarifications to definitions of key terms in the laws surrounding Firearm Industry Responsibility Act and laws governing civil legal accountability for unlicensed firearm manufacturing. AB 1263 is an important step forward in ensuring that companies are not facilitating illegal firearm manufacturing and that they're informing consumers purchasing 3-D printers and CNC milling machines about relevant California laws governing firearms manufacturing and sale, license requirements, and other information they might need to avoid engaging in unlawful conduct. These businesses would also be required to verify the buyer's age and identity before delivering certain types of firearm manufacturing devices, components, and accessories. These types of front-end preventative efforts can be the difference between whether a teenager can build a gun at home despite being unable to purchase one in a store.

7. Argument in Opposition

According to Gun Owners of California:

This bill is a solution in search of a problem; it seeks to make the dissemination of digital instructions and computer code regarding the manufacturing of firearms and accessories illegal. This poses a problem, however, as the banning of digital code has been deemed by the federal courts to be a violation of First Amendment and therefore unconstitutional. It also creates the ability for someone hurt in California to file a private right of action against someone – even if they are not from the Golden State. This is dubious at best and presents a highly questionable legal quagmire since such actions could be perfectly legal in other states.

Additionally, by defining firearm accessories to include anything that could increase a firearm's rate of fire or reloading speed is a gross overreach and demonstrates a misunderstanding of appropriate firearm use. There is an unfortunate assumption that making a firearm more efficient will only benefit those who may misuse it; why not consider the benefit to how it would serve responsible, lawful gunowners?

In closing, the bill also requires that any seller of a firearm barrel, a firearm accessory and a CNC machine to inform prospective purchasers that it *could* be a crime to misuse these particular products. Put simply, it is not the responsibility of any seller to inform any purchaser that what they may do in the future with said product may be illegal. CNC milling machines and 3-D printers are ubiquitous and valued tools used by individuals and industry alike; to put limits on their use is patently unfair and will do nothing but put a chill on innovation.

-- END --