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## SENATE COMMITTEE ON PUBLIC SAFETY

Senator Jesse Arreguín, Chair  
2025 - 2026 Regular

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**Bill No:** AB 383                      **Hearing Date:** July 15, 2025  
**Author:** Davies  
**Version:** March 12, 2025  
**Urgency:** No                                      **Fiscal:** Yes  
**Consultant:** AB

**Subject:** *Firearms: prohibition: minors*

### HISTORY

**Source:** Author

**Prior Legislation:** SB 1002 (Blakespear), Ch. 526, Stats. of 2024  
AB 2518 (Davies), held in Senate Appropriations, 2024  
AB 178 (Ting), Ch. 45, Stats. of 2022  
SB 129 (Skinner), Ch. 69, Stats. of 2021  
SB 73 (Wiener), Ch. 537, Stats. of 2021  
SB 94 (Committee on Public Safety), Ch. 25, Stats. of 2019  
AB 809 (Feuer), Ch. 745, Stats. of 2011

**Support:** California District Attorneys Association; California State Sheriffs' Association;  
CFT- A Union of Educators & Classified Professional, AFT, AFT-CIO; San  
Diego County District Attorney's Office

**Opposition:** ACLU California Action; California Rifle and Pistol Association, INC; Ella  
Baker Center for Human Rights; Initiate Justice; Local 148 LA County Public  
Defenders Union

**Assembly Floor Vote:** 69 - 1

### PURPOSE

*The purpose of this bill is to add to the list of crimes committed by minors resulting in firearm ownership and possession prohibitions; expand exemptions to the prohibition against the purchase and possession of firearms by minors; apply existing post-conviction firearm relinquishment procedures to minors adjudicated to have committed a crime and individuals subject to specified restraining orders; and authorize the issuance of a search warrant for minors unlawfully in possession of a firearm.*

*Existing law* generally prohibits minors from possessing any firearm. (Pen. Code, § 29610.)

*Existing law* exempts from this prohibition a minor who has the prior written consent of a parent or legal guardian, who is on lands owned or lawfully possessed by the parent or legal guardian, and who is actively engaged in, or is in direct transit to or from, a lawful, recreational sport, including, but not limited to, competitive shooting, or agricultural, ranching, or hunting activity,

or a motion picture, television, or video production, or entertainment or theatrical event, the nature of which involves the use of a firearm. (Pen. Code, § 29615, subd. (d).)

*This bill* additionally exempts minors who have prior written consent of a parent or legal guardian, are on lands owned or lawfully possessed by the parent or legal guardian, and are actively engaged in hunting education, the nature of which involves use of a firearm.

*Existing law* prohibits minors from possessing live ammunition. (Pen. Code, § 29650.)

*Existing law* provides that every minor who violates prohibitions against the possession of firearms or ammunition is guilty of a wobbler if the firearm was a handgun, or if they have previously been found guilty of those prohibitions or other specified offenses. (Pen. Code, § 29700, subd. (a).)

*Existing law* provides that any other violation of the prohibitions against the possession of firearms or ammunition by minors is punishable as a misdemeanor. (Pen. Code, § 29700, subd. (b).)

*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* sets forth a process that a court must follow to ensure that all firearms subject to relinquishment have indeed been relinquished. (Pen. Code, § 29810, subds. (c)-(e).)

*Existing law* provides that a juvenile who was adjudicated of or alleged to have committed specified offenses and is subsequently adjudged a ward of the juvenile court shall not own, or have in possession or under custody or control, a firearm until the person is 30 years of age or older, a violation of which is punishable as a misdemeanor. (Pen. Code, § 29820, subds. (a)-(b).)

*Existing law* provides that a violation of the prohibition against the ownership and possession of a firearm until age 30 is punishable as a wobbler, or by a fine of \$1,000, or both. (Pen. Code, § 29820, subd. (c).)

*Existing law* provides that any person who purchases or receives a firearm, knowing that they are prohibited from doing so due to a restraining order, as specified, is guilty of a wobbler. (Pen. Code, § 29825, subd. (a).)

*Existing law* provides that any person who owns or possesses a firearm, knowing that they are prohibited from doing so due to a restraining order, as specified, is guilty of a misdemeanor. (Pen. Code, § 29825, subd. (b).)

*This bill* applies post-conviction firearm relinquishment procedures to juveniles adjudicated of or alleged to have committed specified offenses and adult persons convicted of purchasing, possessing, receiving or owning a firearm knowing that they are prohibited from doing so by a restraining order.

*This bill* makes conforming changes to post-conviction relinquishment procedures.

*This bill* expands the prohibition on juveniles owning firearms until age 30 to juveniles who are adjudged a ward of the court due to the unlawful possession of a firearm or ammunition or the commission of other specified violent offenses.

*This bill* prohibits juveniles who are adjudged a ward of the court due to unlawfully possessing a handgun from owning or possessing firearms until 25 years of age.

*Existing law* defines a “search warrant” as a written order in the name of the people, signed by a magistrate, directed to a peace officer, commanding him or her to search for a person or persons, a thing or things, or personal property, and, in the case of a thing or things or personal property, bring the same before the magistrate. (Pen. Code, § 1523.)

*Existing law* authorizes issuance of a search warrant when a prohibited person owns or possesses a firearm because the person has a protective order issued against them. (Pen. Code, § 1524, subd. (a)(11).)

*Existing law* authorizes the issuance of a search warrant when the property or things to be seized are firearms or ammunition or both that are owned by, in the possession of, or in the custody or control of a person who is the subject of a gun violence restraining order, as specified. (Pen. Code, § 1524, subd. (a)(14).)

*Existing law* authorizes issuance of a search warrant for a firearm when a prohibited person owns or possesses the firearm due to a felony conviction, an express probation condition, certain misdemeanor convictions, as defined, certain drug offenses, as defined, and certain violent crimes, as defined, and the person has not relinquished the items pursuant to a court order. (Pen. Code, § 1524, subd. (a)(15).)

*This bill* additionally authorizes a search warrant to be issued when the property or things to be seized include a firearm owned by or in the possession of a juvenile who is subject to owning or possessing a firearm until they are 25 or 30 years of age, as applicable, when the court has made a finding that the person has failed to relinquish the firearm as required by law.

*This bill* includes a severability clause.

## COMMENTS

### 1. Need for This Bill

According to the Author:

AB 383 is a common-sense measure to guarantee that our justice system truly does have a blind eye and ensures that no matter where a minor is adjudicated or convicted, they have the same consequences as someone who is convicted of the same crime. This bill is necessary to keep our neighborhoods and communities safe from those who threaten or do not respect our firearm laws. Furthermore, AB 383 helps to clean-up various firearm related code-sections so that our law enforcement professionals may do their jobs and keeping firearms out of the hands of people with current restraining orders.

## **2. Juvenile Wards of the Court**

In California, if a juvenile court finds that a minor has violated any law or ordinance, or engaged in other specified conduct, it may adjudge the minor to be a ward of the court, which means that the court assumes primary responsibility for the control and treatment of a minor, and may limit control of the minor by their parents. In 2018, the Legislature enacted SB 439 (Mitchell, Chapter 1006, Statutes of 2018) which established 12 years of age as the minimum age for which the juvenile court has jurisdiction and may adjudge a person a ward of the court. However, existing law provides an exception to this general minimum age of jurisdiction for a minor under 12 years of age who is alleged to have committed any of the following offenses is within the jurisdiction of the juvenile court: murder; rape by force, violence, duress, menace, or fear of immediate and unlawful bodily injury; sodomy by force, violence, duress, menace, or fear of immediate and unlawful bodily injury; oral copulation by force, violence, duress, menace, or fear of immediate and unlawful bodily injury; and sexual penetration by force, violence, duress, menace, or fear of immediate and unlawful bodily injury.<sup>1</sup> The purpose of SB 439 was to keep young children out of the juvenile justice system and to employ developmentally appropriate, non-criminal responses to their behavior.

Juvenile courts have an array of options with regard to managing wards of the court, including placing the juvenile on one of several types of probation, placement away from home, and even committing the juvenile to the Office of Youth and Community Restoration (formerly DJJ). A wardship may last for a specified period of probation or until further order of the court. Probation for juveniles who are wards of the court may involve unsupervised probation, where the minor remains at home but must abide by specified conditions, or, if the ward has committed specified offenses, supervised probation involving visitation by a probation officer.

## **3. Firearm Possession Prohibitions for Criminal Convictions and Relinquishment Requirements Generally**

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.<sup>2</sup> A violation of this prohibition is a felony under state law. California law goes further than federal law 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.<sup>3</sup> Since the 10-year firearm prohibition for certain misdemeanor convictions was enacted in 1991, a myriad of bills over the past several decades have sought to add offenses to the “10-year list,” which now includes roughly 50 misdemeanor offenses. Notably, existing law includes some exemptions to these prohibitions, primarily relating to transportation of a firearm by a prohibited person for the purposes of surrendering the firearm and to peace officers whose employment is dependent on the ability to legally possess a firearm but were convicted of a crime on the 10-year list.

Upon being convicted of a felony or a crime on the 10-year list, the defendant and the court overseeing their case must follow a specific process to ensure that all firearms owned or

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<sup>1</sup> Welf. & Inst. Code, § 602

<sup>2</sup> 18 U.S.C. § 922(g); Pen. Code, § 29800

<sup>3</sup> Pen. Code, § 29805

possessed by the defendant have been relinquished.<sup>4</sup> Existing law requires that relinquishment must be completed within 48 hours for defendants out of custody and within 14 days for defendants in custody.<sup>5</sup> Upon conviction, a judge must instruct the defendant of the prohibition against possessing firearms and ammunition and provide the defendant with a Prohibited Persons Relinquishment Form, which is developed by the Department of Justice.<sup>6</sup> Existing law then requires the judge to assign a probation officer to the case to ensure that all firearms have been properly relinquished and verify that the firearms have in fact been relinquished prior to the final disposition of the defendant's case, and issue a report to that effect. If the judge finds probable cause that the defendant failed to relinquish all firearms, it is authorized to order the search for and removal of those firearms from any location where there is probable cause to search.<sup>7</sup> The penalty for not complying with the deadline requirements of these relinquishment provisions is an infraction punishable by a maximum fine of \$100.

#### 4. Juvenile Firearm Prohibitions and Effect of This Bill

As a blanket rule, existing law prohibits persons under 18 years old from possessing any firearm or ammunition. Generally, violations of this prohibition are punishable as a misdemeanor, but the penalty increases to a wobbler if 1) the minor has previously been found guilty of violating the prohibition, 2) has been found guilty of specified violent offenses or crimes related to prohibited weapons, or 3) if the minor is found guilty of possessing a handgun.<sup>8</sup> Though if a minor satisfies specified conditions, primarily related to having prior written consent from a parent as well as adult accompaniment, they may be exempt from the prohibition against possessing firearms if they are engaged in competitive shooting, hunting, agricultural, or video production activities. One such exemption provides that a minor may possess firearms if they have the prior written consent of a parent or legal guardian, are on lands owned by the parent or legal guardian, and are engaged in these exempt activities. For the purposes of this particular exemption, this bill adds "hunting education" to the list of exempt activities.

As is the case with most other provisions of California criminal law, firearm possession prohibitions imposed due to the commission or alleged commission of a crime apply differently to juvenile offenders than to adult offenders. Preliminarily, it is important to note that unlike adult offenders, who are "convicted" of crimes, juveniles are "adjudicated" to have committed crimes.<sup>9</sup> Under Penal Code section 29820, a juvenile who has been adjudicated to have committed one of several drug-related offenses *or* has been alleged to have committed one of several enumerated serious, violent and firearm-related offenses, and is subsequently adjudged a ward of the court is prohibited from owning or possessing a firearm until they are 30 years old.<sup>10</sup> The firearm-related offenses that trigger this prohibition include carrying a loaded firearm in public or in a vehicle, carrying a concealed firearm, and all of the crimes on the 10-year list.<sup>11</sup> A violation of this prohibition is punishable as a wobbler.

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<sup>4</sup> These relinquishment provisions also apply to any person who is prohibited from possessing, owning, purchasing or receiving firearms as an express condition of probation. See Pen. Code, § 29815.

<sup>5</sup> Pen. Code, § 29810

<sup>6</sup> See the form here: [bof1022.pdf \(ca.gov\)](#) ; the defendant can designate a law enforcement or a third party to take control of the firearms in their possession. See Pen. Code, § 29810, subd. (a)(3).

<sup>7</sup> See Pen. Code § 29810, subd. (c)

<sup>8</sup> Pen. Code, § 29700

<sup>9</sup> The terms "convicted" and "adjudicated" are functionally equivalent, except that juvenile adjudication does not have the same direct and collateral consequences as a criminal conviction.

<sup>10</sup> For the full list of offenses for which a juvenile is subject to this prohibition, see Welfare and Institutions Code § 707, subd. (b), and Pen. Code § 29820, subd. (a).

<sup>11</sup> Pen. Code, § 29820, subd. (a)(1)(G).

This bill provides that any minor who violates the prohibition against possession of a firearm or ammunition and has previously been found guilty of violating that prohibition, or has previously found guilty of specified violent offenses or offenses related to specified prohibited weapons, and is later adjudged to be a ward of the court, is additionally prohibited from owning or possessing firearms until they are 30 years old. Further, the bill provides that a minor who violates the prohibition against possession of a firearm by possessing a handgun, and is subsequently adjudged a ward of the court, is forbidden from owning or possessing a firearm until the age of 25. In addition, the bill applies existing post-conviction firearm relinquishment procedures to minors who are adjudicated to have committed an offense rendering them prohibited from possessing firearms, and makes conforming changes to that effect.

## 5. Search Warrants and Effect of This Bill

Both the United States and the California Constitutions guarantee the right of all persons to be secure from unreasonable searches and seizures. (U.S. Const., amend. IV; Cal. Const., art. 1, sec. 13.) This protection applies to all unreasonable government intrusions into legitimate expectations of privacy. (*United States v. Chadwick* (1977) 433 U.S. 1, 7, overruled on other grounds by *California v. Acevedo* (1991) 500 U.S. 565.) In general, a search is not valid unless it is conducted pursuant to a warrant. A search warrant may not be issued without probable cause. "Reasonable and probable cause exists if a man of ordinary care and prudence would be led to conscientiously entertain an honest and strong suspicion that the accused is guilty." (*People v. Alvarado* (1967) 250 Cal.App.2d 584, 591.) The mere reasonableness of a search, assessed in light of the surrounding circumstances, is not a substitute for the warrant required by the Constitution. (*Arkansas v. Sanders* (1979) 442 U.S. 753, 758, overruled on other grounds by *California v. Acevedo, supra.*) There are exceptions to the warrant requirement, but the burden of establishing an exception is on the party seeking one. (*Arkansas v. Sanders* (1979) 442 U.S. 753, 760, overruled on other grounds by *California v. Acevedo, supra.*)

Penal Code section 1524 provides the statutory grounds for the issuance of warrants. Under these provisions, a search warrant may be issued for a variety of reasons, some being as broad as "[w]hen property or things were used as the means to commit a felony."<sup>12</sup> There are other enumerated circumstances that authorize a search warrant regardless of whether the crime was a felony or misdemeanor, such as when the property or things to be seized include a firearm that is owned by or in the possession of a person who is subject to prohibitions regarding firearms due to various criminal convictions, many of which are discussed above. This bill specifies a search warrant may also be issued when the property or things to be seized include a firearm owned by or in the possession of a person prohibited from owning or possessing firearms until age 30.

## 6. Author's Amendments to Be Taken in Committee

In an effort to address concerns raised by groups opposed to the bill, the author has agreed to take amendments in committee removing the provisions of the bill expanding the list of offenses committed as a juvenile that render a person prohibited from possessing a firearm until age 25 or 30. Thus, as amended, this bill would leave Penal Code section 29820 unaltered, preserving the existing list of crimes rendering an individual prohibited from possessing a firearm until age 30. The amendments would not modify the search warrant provision or the application of existing

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<sup>12</sup> Pen. Code, § 1524, subd. (a)(2)

post-conviction relinquishment procedures to individuals who are subject to the age 30 prohibition.

## **7. Argument in Support**

According to the San Diego District Attorney's Office:

AB 383 ensures minors who have committed violent or firearm-related offenses do not retain legal access to guns as they transition into adulthood. In doing so, the bill advances the broader effort to reduce gun violence in our communities. AB 383 addresses discrepancies between how firearm possession prohibitions apply to adults versus juveniles. Under Penal Code Section 29810, adults convicted of a felony are prohibited from owning and possessing firearms in California. In contrast, youths who have been adjudicated for serious offenses are not subject to the same long-term firearm restrictions that adults face under their conviction. PC 29810 would be amended by AB 383 to include juvenile adjudications of serious offenses and minors would be subject to firearm prohibitions up to age 25 or 30, depending on the severity of their conduct.

AB 383 also enhances the enforceability of existing firearm surrender laws. It allows for the issuance of search warrants when an individual under a domestic violence restraining or protective order fails to surrender firearms or ammunition as required. This provision empowers law enforcement with a necessary tool to ensure compliance and prevent immediate safety threats from escalating. [...]

It is also important to note that AB 383 upholds due process and the rehabilitative goals of our juvenile justice system. Youths who demonstrate successful rehabilitation can reverse their firearm prohibition under Welfare and Institutions Code Section 782, which allows for the dismissal of adjudications and the removal of related legal consequences. This ensures that young people who turn their lives around are not indefinitely penalized and are able to pursue future opportunities, including careers in law enforcement, the military, or other fields requiring firearm access.

## **8. Argument in Opposition**

According to ACLU California Action:

[This bill] would expand the list of offenses committed as a juvenile that render a person illegible to possess a firearm until age 25 or 30 to include repeated possession of an unloaded handgun or repeated possession of live ammunition. Such youthful indiscretion is already criminalized and adding on a firearms ban until age 25 or 30 only exposes rehabilitated adults to additional criminal sanctions. The existing list of crimes that triggers a firearm ban for youth already covers most, if not all, of the motivating circumstances for this bill. The existing list covers a broad range of serious crimes, violent crimes, and drug crimes. Moreover, the list of offenses that triggers a youth to be banned from possessing a firearm until age 30 already includes the catchall, "carr[ying] a loaded firearm on the person or in a vehicle while in any public place or on any public street". Existing law is sufficient.

Additionally, individuals already face a myriad of penalties for illegal gun possession or use. For example, a person may be imprisoned for up to five years for possessing a firearm on school grounds, or up to three years for brandishing a firearm during a fight. As relevant to AB 383, first time possession of an unloaded handgun or live ammunition by a minor is already a misdemeanor, and repeated offenses are felonies. The bill's expansion of the list of crimes that triggers a firearm ban simply adds another punishment to this scheme as violating the ban is its own crime, punishable as a misdemeanor or felony. Extensive research has shown that increased sentences do not deter or prevent crime, thus, there is little reason to believe AB 383 will reduce gun violence.

**-- END --**