
SENATE COMMITTEE ON PUBLIC SAFETY

Senator Jesse Arreguín, Chair
2025 - 2026 Regular

Bill No: AB 1743 **Hearing Date:** June 16, 2026
Author: Wicks
Version: June 4, 2026
Urgency: No **Fiscal:** Yes
Consultant: AB

Subject: *Firearms*

HISTORY

Source: Brady Campaign and Brady California

Prior Legislation: SB 965 (Min), Ch. 546, Stats. of 2024
AB 1191 (McCarty), Ch. 693, Stats. of 2021
AB 1237 (Ting), held in Assembly Appropriations, 2021
AB 173 (Committee on Budget), Ch. 253, Stats. of 2021

Support: City of Emeryville; City of Oakland; Consumer Protection Policy Center, University of San Diego School of Law; Everytown for Gun Safety Action Fund; Giffords; Moms Demand Action for Gun Sense in America; Students Demand Action for Gun Sense in America

Opposition: California Rifle and Pistol Association; National Rifle Association – Institute for Legislative Action

Assembly Floor Vote: 59 - 18

PURPOSE

The purpose of this bill is to clarify that identification and tracing information related to crime guns, as defined, shall be made available, upon request, to any town, city, or county in California, any state government agency, the University of California, the California State University, or any private nonprofit university in California for academic and policy research purposes.

Existing law generally prohibits the sale, lease or transfer of firearms unless the person has been issued a license by the Department of Justice (DOJ) and establishes various exceptions to this prohibition. (Pen. Code, §§ 26500-26625.)

Existing law requires DOJ to keep a centralized list of all persons licensed to sell, lease or transfer firearms at retail. (Pen. Code, § 26715 subd. (a).)

Existing law specifies the circumstances under which the DOJ may, or in some cases, shall, remove licensees from the centralized list. (Pen. Code, § 26715 subd. (b).)

Existing law specifies that information compiled from the centralized list of licensees shall be made available, upon request, only for specified purposes, and shall be limited to information necessary to corroborate an individual's current license status, as specified. (Pen. Code, § 26715 subd. (c), (d).)

Existing law requires the DOJ to make information maintained in the California Restraining and Protective Order System or any other data relating to prohibitions on firearm ownership, available to researchers affiliated with the California Firearm Violence Research Center at UC Davis (FVRC) upon proper request and following approval by the center's governing institutional review board when required, and at the department's discretion, to any other nonprofit bona fide research institution, as specified. (Pen. Code, § 14231.5.)

Existing law requires the DOJ to keep and properly file a complete record of specified information reported to it regarding concealed carry permits, specified firearm transfers and sales, serialization of firearms and ownership records, and other firearm-related actions (Pen. Code, § 11106, subd. (a).)

Existing law requires the Attorney General to permanently keep and properly file and maintain all information reported to the DOJ pursuant to specified firearm provisions and maintain a registry thereof. (Pen. Code, § 11106, subd. (b).)

Existing law provides that all information collected shall be maintained by the DOJ and shall be available to researchers affiliated with the FVRC for academic and policy research purposes upon proper request and following approval by the center's governing institutional review board. Material identifying individuals shall only be provided for research or statistical activities and shall not be transferred, revealed, or used for purposes other than research or statistical activities, and reports or publications derived therefrom shall not identify specific individuals. (Pen. Code, § 11106, subd. (d).)

Existing law requires law enforcement agencies to enter into the DOJ Automated Firearms System (AFS) each firearm that has been reported stolen, lost, found, recovered, held for safekeeping, surrendered or relinquished, as specified. (Pen. Code, §§ 11108.2, 25260.)

Existing law states that information about a firearm entered into the AFS for firearms shall remain in the system until the reported firearm has been found, recovered, is no longer under observation, or the record is determined to have been entered in error. (Pen. Code, § 11108.2, subd. (b).)

Existing law specifies that nothing in specified provisions related to criminal offender record information shall be construed to authorize access of any person or public agency to such information unless such access is otherwise authorized by law. (Pen. Code, § 13201.)

Existing law provides that every public agency or bona fide research institution concerned with the prevention or control of crime, the quality of criminal justice, or the custody or correction of offenders may be provided with criminal offender record information, including criminal court records, as required for the performance of its duties, including the conduct of research. The FVRC and researchers affiliated with the center shall be provided with criminal offender record information as required for its research, and material identifying individuals shall only be provided for research and statistical activities and shall not be transferred, revealed, or used for purposes other than research or statistical activities. (Pen. Code, § 13202.)

Existing law provides that certain information collected by the DOJ related to licensed ammunition vendors shall be available to researchers affiliated with the FVRC following approval by the institution's governing institutional review board, when required, and that at the department's discretion, the data may be provided to any other nonprofit bona fide research institution, as specified. (Pen. Code, § 30352, subd. (b)(2).)

Existing law provides that law enforcement agencies subject to the above requirement shall, and other specified agencies may, report to the DOJ in a manner determined by the Attorney General in consultation with the Bureau of Alcohol, Tobacco, Firearms and Explosives (ATF) all available information necessary to identify and trace the history of all recovered firearms that are illegally possessed, have been used in a crime, or are suspected of having been used in a crime (hereinafter, "crime guns"), within 7 calendar days of obtaining the information (Pen. Code, § 11108.3, subd. (a).)

Existing law provides that when the DOJ receives information from a defined law enforcement agency, DOJ shall promptly forward this information to the National Tracing Center (NTC) of the ATF to the extent practicable. (Pen. Code, § 11108.3, subd. (b).)

Existing law provides that the Attorney General shall ensure to the maximum extent practical that both of the following apply regarding the implementation of the above and below provisions pertaining to crime guns:

- The information provided to the federal ATF enables that agency to trace the ownership of the defined firearm; and,
- Law enforcement agencies can report all relevant information without being unduly burdened by this reporting function. (Pen. Code, § 11108.3, subd. (c).)

Existing law requires the DOJ to submit an annual report to the Legislature with specified data regarding crime guns and licensed firearm dealer inspections required under existing law. (Pen. Code, § 11108.3, subds. (f), (g).)

Existing law provides that information collected pursuant to the above provisions related to crime guns shall be maintained by the DOJ for a period of not less than 10 years, and shall be available, under guidelines set forth by the Attorney General, for academic and policy research purposes. (Pen. Code, § 11108.3, subd. (d).)

Existing law requires the DOJ to, on an ongoing basis, analyze the information collected pursuant to the above provisions for patterns and trends relating to recovered crime guns, including the leading sources and origins of those firearms. (Pen. Code, § 11108.3, subd. (e).)

This bill provides that information collected and analyzed for trends and patterns pursuant to the above provision shall be available, upon request, to the University of California, the California State University, or any private postsecondary educational institution in California, as specified, for academic and research purposes, or to any town, city, county, or state government agency in California, under the conditions and pursuant to format options set forth by the Attorney General.

COMMENTS

1. Need for This Bill

According to the author:

The State has invested significant resources into a robust database of information about guns that have caused harm in our communities. That data is powerful, and allowing our trusted partners in California's local governments, state agencies, and institutions of higher education to request it will give them one more tool to end gun violence.

2. Crime Gun Tracing in California

Over several decades, California has developed a robust system of firearm databases, managed by DOJ, which together store a vast breadth and depth of firearm-related data and records. These records pertain to firearms surrendered to or recovered by law enforcement, issuance of concealed carry permits, firearms voluntarily registered by their owners, dealer records of sale (DROS) (including records of private party transfers), importation of firearms by new residents, persons prohibited from purchasing or possessing firearms, and ownership of relics, curios and other now-prohibited weapons, such as assault weapons.¹ Perhaps the largest and most relevant of these databases to the instant case is the Automated Firearms System (AFS), which was created in 1980 to identify lost or stolen firearms and connect firearms with persons. Currently, AFS tracks serial numbers of every firearm that is owned by government agencies, handled by law enforcement (seized, destroyed, held in evidence, reported stolen, recovered), voluntarily recorded in AFS, required to be registered with the DOJ (i.e., assault weapons or imported weapons), or handled by a firearms dealer through transactions, as well as concealed carry permit records.²

Recently, California put AFS to work as part of its effort in tracking “crime guns,” which under California law are defined as firearms that was recovered by law enforcement after it was used in a crime, suspected to have been used in a crime, or illegally possessed.³ By cross-referencing DOJ record systems, law enforcement can match crime gun records with sale or acquisition records for that same firearm, a process known as “tracing,” which can provide valuable information about how and when a specific firearm transitioned from legal to illegal uses. Tracing can also identify crime gun patterns in relation to specific firearm manufacturers or licensed dealers. California law generally requires law enforcement agencies to report to the DOJ the recovery of all available firearm trace data relating to recovered crime guns and enter recovered or relinquished firearms into AFS.⁴

In 2021, the Legislature passed AB 1191 (McCarty), Chapter 683, Statutes of 2021, which required the DOJ to analyze patterns and trends relating to crime guns, including the sources and

¹ Penal Code §§ 11106, 11108.2, 11108.3, 28100 et. seq, 17000, 27560, 27565, 28000, 30900. For a relational diagram of DOJ's Firearms Databases and Applications, see the Departments 2025 Armed and Prohibited Persons Report, p. 59. <https://oag.ca.gov/system/files/media/2025-apps-report.pdf>

² The AFS is codified at Penal Code § 11106. Prior to 2014, most entries in AFS were handguns. Now, all newly acquired firearms, both handguns and long guns, are entered into AFS. See the DOJ AFS page for more info: <https://www.oag.ca.gov/firearms/afspi>

³ Pen. Code, § 11108.3.

⁴ Pen. Code, §§ 11108.2, 11108.3, subd. (a).

origins of those firearms, and report its findings to the Legislature. In its latest report, published in July 2025, DOJ found that in 2024, just over one-third of crime guns recovered had a prior sale or transaction record confirmed in AFS, and over a quarter could be traced to a specific dealer in California.⁵ It is worth noting that while this data is significant, its inverse – that the vast majority of crime guns reported to the DOJ have no record of sale in AFS – is equally troubling. These include firearms that were acquired to illegal sales, imported illegally, manufactured in California as unserialized “ghost guns,” or not subject to transaction reports.

3. Firearm Data Sharing and Effect of This Bill

In 2016, the Legislature created the Firearm Violence Research Center (FVRC) at the University of California, Davis, and provided in statute that the work of the center address the nature of firearm violence, including individual and societal determinants of risk for involvement, the individual, community, and societal consequences of firearm violence, and prevention and treatment of firearm violence at the individual level.⁶ The statute establishing the FVRC also declared the intent of the Legislature that the center be provided with access to data kept by state agencies that is necessary for its research, including from the DOJ, but specified that material identifying individuals shall only be provided for research or statistical activities and not be transferred, revealed or used for purposes other than these.⁷ Since the center’s establishment, its access to state-level data has expanded to include criminal offender record information, armed prohibited persons data, data related to ammunition transfers and vendors, and an array of information related to firearms, including AFS data.⁸

Shortly after the creation of the FVRC, the DOJ began restricting the center’s access to certain data citing privacy concerns. In response, the Legislature passed AB 173 (Committee on Budget), Chapter 235, Statutes of 2021, which reiterated the duty of DOJ to provide the center with requested data. In 2022, a group of gun owners filed lawsuits in both state and federal court challenging AB 173 on several grounds, including that the law violates, or at least chills, their Second Amendment right to keep and bear arms and that it violates privacy and due process protections guaranteed to them by the Fourteenth Amendment.⁹ While the Ninth Circuit acknowledged a Fourteenth Amendment right to informational privacy, the court held the firearms owners could not show that the data shared under the law was sufficiently sensitive to implicate Fourteenth Amendment privacy protections.¹⁰ Furthermore, the court found no cognizable Second Amendment injury for the firearms owners because their injury – risk of public harassment due to the data being made public that chills their exercise of Second Amendment rights – was not “certainly impending” as required for standing.¹¹ (*Id.* at pp. 639-40; see also *Lujan v. Defenders of Wildlife* (1992) 504 U.S. 555.) Moreover, the same law was challenged on state constitutional grounds in state court and while the challengers secured a preliminary injunction in Superior Court, the Court of Appeal sided with DOJ and ultimately reversed the injunction.¹²

⁵ “Crime Guns, Inspections, and Handguns in California. *Department of Justice*. July 1, 2025. <https://oag.ca.gov/system/files/media/ab1191-crime-gun-report-2025.pdf>

⁶ Pen. Code, § 14231, subd. (a).

⁷ Pen. Code, § 14231, subd. (c).

⁸ Pen. Code, §§ 13202, 30000, 11106.

⁹ *Doe v. Bonta* (9th Cir. 2024) 101 F.4th 633, 635.

¹⁰ *Id.* at pp. 638-639.

¹¹ *Id.* at pp. 639-640; see also *Lujan v. Defenders of Wildlife* (1992) 504 U.S. 555.

¹² *Barba v. Bonta* (Cal. 4th Dist. Nov. 7, 2023) Case No: D081194

As mentioned above, AB 1191 required the DOJ, on an ongoing basis, to analyze crime gun information for patterns and trends related to such firearms. This provision also requires the DOJ to maintain this information for a period of at least 10 years, and make the information available, under guidelines set forth by the Attorney General, for academic and policy research purposes. This bill builds on that requirement and specifies that the DOJ make crime gun information available, upon request, to the University of California, the California State University, or any private postsecondary educational institution¹³ in California for academic or research purposes, as well as to any town, city, county, or state government agency in California. The bill also specifies that the sharing of this data is subject to conditions and format options set forth by the Attorney General. Given DOJ's past efforts to limit data sharing with the FVRC, the author and committee should consider limiting its discretion to impose conditions on the sharing of this information, provided it is clear that the sharing is done strictly for academic and policy research purposes.

4. Argument in Support

According to the City of Oakland:

Firearm Trace data, which is information about where firearms are purchased, is key to understanding where crime guns are coming from. This data is a vital investigative tool, providing the historical sales record of a gun, tracked from its manufacturing to its first retail sale. It can help find the original purchaser, link suspects to crimes, identify traffickers, and uncover patterns in crime gun sources, revealing how guns move from legal commerce into illegal hands. In short, firearm trace data is an essential tool for identifying and holding accountable the minority of irresponsible gun dealers and manufacturers who cater to the illegal gun trafficking market. It is only with this knowledge that they can take action to prevent further tragedy. This information is incredibly important not only for solving violent crimes and understanding patterns of where crime guns are coming from but is becoming increasingly more relevant as localities consider litigation against gun industry members for irresponsible and dangerous business practices.

The Bureau of Alcohol, Tobacco, Firearms and Explosives' (ATF) annual crime gun tracing report from 2023 identified that approximately 54% of all California crime guns originate from within the state, however ATF's reports do not identify the individual dealers. The vast majority of gun dealers in this country and in California sell guns responsibly and make every effort to comply with federal, state, and local law. However, a small minority of gun dealers supply the criminal market. Prior to 2003, ATF conducted a nationwide analysis on crime gun tracing and made that analysis public. In fact, early ATF reports show that about 5% of gun dealers are responsible for about 90% of recovered crime guns. In 2003, the Tiahrt Amendment was added to the 2003 federal appropriations bill and because of ATF's interpretation of the amendment, policymakers and the general public no longer have any visibility into how crime guns flood into their communities or which irresponsible gun dealers supply them.

¹³ Such an institution must be formed as a nonprofit corporation in the state and be accredited by an accrediting agency that is recognized by the United States Department of Education or the Council for Higher Education Accreditation

Thankfully, Cal DOJ's Automated Firearms System (AFS) contains a database with information on all crime guns recovered in California. The firearm trace data is housed within Cal DOJ, and it can be shared with localities as part of an investigation in real time, which is incredibly important. Additionally, pursuant to existing law statute firearm trace data is published in an annual report. However, despite the availability of the information and ability to share in those circumstances, the ability for Cal DOJ to share cumulative trace data with cities or counties, even if requested by a city or county counsel is not as clear or streamlined in California code. AB 1743 is simple; it makes clear and streamlined in statute that Cal DOJ can share this key data with localities upon request. California has invested in a system that ensures it has access to this vital data and information, and it is important that all levels of government in the state can utilize it to keep their constituents safe and to prevent gun violence.

5. Argument in Opposition

According to the California Rifle and Pistol Association:

CRPA has long championed responsible firearms ownership, safety training, and the shooting sports while vigorously defending the privacy and constitutional rights of lawful gun owners. AB 1743 expands access to sensitive data in the Department of Justice's Automated Firearms System (AFS) — including detailed tracing information on recovered, stolen, lost, found, and crime-related firearms — to a significantly broader range of entities. This includes towns, cities, counties, state agencies, the University of California, California State University, community colleges, and specified private nonprofit postsecondary institutions for “academic and policy research purposes.” The bill also requires the Attorney General to provide the data in formats “conducive to the requester's needs,” with only vague guidelines for safeguards.

While the bill is framed as promoting research and analysis of crime gun patterns, it poses serious risks to the privacy and safety of California's law-abiding firearms owners.

Key Concerns with the Amended Bill:

- **Expanded Data Access and Privacy Risks:** Broadening access to AFS data heightens the potential for breaches, leaks, or misuse. CRPA strongly condemned the 2022 DOJ data breach that exposed hundreds of thousands of concealed carry permit holders' information, leading to risks of identity theft, harassment, and targeted crime. Further dissemination of sensitive firearms ownership and tracing data without ironclad protections exacerbates these vulnerabilities.
- **Potential for Politicized “Research”:** The bill facilitates data sharing with academic institutions and government entities that may have institutional biases. Past studies funded or conducted by anti-gun advocates have been used to justify additional restrictions on lawful gun ownership. This expanded access could generate skewed “policy research” aimed at advancing further infringements on Second Amendment rights rather than focusing on prosecuting prohibited persons.

- **Insufficient Safeguards:** Reliance on “guidelines and conditions set forth by the Attorney General” provides inadequate protection against unauthorized disclosure or misuse, especially given DOJ’s track record. The bill strains resources, increases error risks, and burdens the system without demonstrable benefits to public safety.
- **Unnecessary Expansion:** Existing law already allows controlled access for legitimate purposes and requires DOJ to analyze patterns and trends. AB 1743’s broadening of eligibility and format mandates is redundant and risks turning confidential law enforcement data into a tool for advocacy rather than enforcement.

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