
SENATE COMMITTEE ON PUBLIC SAFETY

Senator Aisha Wahab, Chair

2023 - 2024 Regular

Bill No: AB 1483 **Hearing Date:** June 13, 2023
Author: Valencia
Version: May 15, 2023
Urgency: No **Fiscal:** Yes
Consultant: AB

Subject: *Firearms: purchases*

HISTORY

Source: Author

Prior Legislation: AB 1621 (Gipson, Ch. 76, Stats. of 2022)
SB 61 (Portantino, Ch. 737, Stats. of 2019)
AB 1674 (Santiago, 2016), vetoed by the Governor
AB 202 (Knox, Ch. 128, Stats. of 1999)

Support: Brady Campaign; Brady Campaign California; California School Employees Association; Giffords; Los Angeles Unified School District; Prosecutors Alliance California

Opposition: Gun Owners of California, Inc.

Assembly Floor Vote: 62 - 14

PURPOSE

The purpose of this bill is to eliminate the private party transaction exemption to the prohibition on the purchase of more than one handgun or semiautomatic centerfire rifle within thirty days, unless the seller is required under state law or by court order to relinquish their firearms or where the seller is transferring the firearms as part of an estate settlement or bequeathment in a will.

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

Existing law requires a private person wishing to sell or transfer a firearm to another private person (“private party transaction”) to do so through a state-licensed firearms dealer. (Pen. Code, §§27545, 28050, subd. (a).)

Existing law requires the seller or transferor to deliver the firearm to the dealer and requires the dealer to retain possession of that firearm. (Pen. Code, § 28050, subd. (b).)

Existing law provides that the dealer shall then deliver the firearm to the purchaser or transferee in accordance with existing law, as long as that person is not prohibited from receiving it. (Pen. Code, § 28050, subd. (c).)

Existing law sets forth several requirements related to the delivery of a firearm. (Pen. Code, § 27540.)

Existing law sets forth several exemptions to the private party transaction requirement, which include, but are not limited to, a loan to a specified family member, a transfer for safekeeping to prevent use in a suicide, or a delivery to law enforcement under specified circumstances. (Pen. Code, §§ 27850 *et seq.*)

Existing law provides that a person is prohibited from purchasing more than one handgun or semiautomatic centerfire rifle within any 30-day period unless a specified exception applies, including private party transactions. (Pen. Code, § 27535.)

This bill eliminates the private party exemption to the one-gun-a-month statute except in instances where the seller is, at the time of the transaction, required under state law or by court order to relinquish all firearms.

COMMENTS

1. Need for This Bill

According to the Author:

Too many Californians suffer from the harms of gun violence. AB 1483 is a sensible, gun violence prevention bill that has the potential to save lives. A current exemption in law allows individuals to bypass the 30-day waiting period for firearm acquisitions, if the firearm is acquired from a private party transfer. AB 1483 will close that gap and will instead require all individuals, regardless of how they are acquiring firearms, to adhere to the 30-day waiting period.

2. Bulk Firearm Purchases and Firearm Trafficking

The Gun Control Act of 1968 requires federal firearms licensees (FFLs) to send a report to the Bureau of Alcohol, Firearms, Tobacco and Explosives (ATF) when there is a sale of multiple firearms to the same purchaser within a certain time period.¹ For handguns, licensees must report the sale of two or more handguns if they occur at the same time or within five consecutive business days of each other.² This circumstance is referred to as “multiple sales,” “multiple purchases” or “bulk purchases” and was implemented to monitor and deter firearms trafficking. According to the ATF, the information gathered from multiple sales transactions is used to investigate possible trafficking cases: if one or more firearms recovered from a crime are part of a multiple purchase, it could be an indicator of potential firearms trafficking. Crime guns recovered shortly after a multiple sale is known as a short time-to-crime ratio.³

¹ 18 U.S.C. § 921 *et. seq.*

² 27 CFR § 478.126a – Reporting multiple sales or other disposition of pistols and revolvers.

³ <https://www.atf.gov/firearms/reporting-multiple-firearms-sales>

National data from the ATF indicates that approximately 9% of guns used in a crime, i.e. “crime guns,” were part of a multiple sale transaction, and that the yearly number of crime guns traced to a purchaser that were part of a multiple sale transaction increased by almost 89% from 2017 to 2021.⁴ Additionally, crime guns that were part of a multiple sale had a considerably shorter median time-to-crime average than crime guns that were not part of a multiple sale. While this data is useful, it is limited by the fact that federal law contains no recordkeeping requirements for transferring a firearm between two individuals who are not FFLs.

3. Background on Bulk Purchasing Restrictions

The first state to enact a bulk firearm purchase restriction was the Commonwealth of Virginia, which, in 1993, authorized individuals to purchase only one handgun a month, except under very specific circumstances. Although the law was repealed in 2012 (though ultimately replaced with a more strict purchase limitation), research showed that it significantly reduced the likelihood that a gun acquired outside Virginia would be traced back to a Virginia gun dealer, and provided persuasive evidence that restricting handgun purchases to one per month is an effective means of disrupting the illegal interstate transfer of firearms.⁵

California started restricting multiple sales in 1999 with the passage of AB 202 (Knox, Ch. 128, Stats. of 1999), which prohibited an individual from purchasing more than one concealable firearm within a 30-day window. In recent years, former Governor Jerry Brown vetoed several measures that sought to expand the state’s multiple sales restriction to all firearms, including AB 1674 (Santiago, 2016, which would have also deleted the private party transaction exemption) and Senate Bill 1177 (Portantino, 2018). In his AB 1674 veto message, Governor Brown wrote:

This bill generally prohibits the purchase of more than one firearm within any 30-day period. It should be noted that California already bans the purchase of more than one handgun per month.

While well-intentioned, I believe this bill would have the effect of burdening lawful citizens who wish to sell certain firearms that they no longer need.

Given California's stringent laws restricting gun ownership, I do not believe this additional restriction is needed.

However, in 2019, with a new Governor in the state house, the Legislature passed SB 61 (Portantino, Ch. 737, Stats. of 2019), which expanded the 30-day restriction to semiautomatic centerfire rifles, and AB 1621 (Gipson, Ch. 76, Stats. of 2022), which, among other major provisions, expanded the 30-day restriction to all firearms and firearm precursor parts.

⁴ “Crime Guns Recovered and Traced Within the United States and Its Territories.” National Firearms Commerce and Trafficking Assessment (NFCTA). ATF. 11 January 2023.

<https://www.atf.gov/firearms/docs/report/nfcta-volume-ii-part-iii-crime-guns-recovered-and-traced-us/download>

⁵ <https://www.ojp.gov/ncjrs/virtual-library/abstracts/evaluating-impact-virginias-one-gun-month-law>

4. Effect of This Bill

Despite California's expansion of the 30-day purchase restriction, an exemption remains for firearm transactions between two private individuals (i.e., a private party transaction), which must be conducted through a licensed dealer. Giffords, writing in support of the bill, succinctly summarizes how this exception may exacerbate illegal firearm trafficking:

This [exemption] functionally enables gun traffickers to acquire dozens of firearms in bulk in a single transaction as long as those firearms are sold on the secondary market and not sold directly out of a licensed dealer's inventory. (California law generally does not require sellers to obtain a dealer license unless they sell, lease, or transfer more than 50 firearms per year in the state or conduct six or more firearm transactions per year, meaning that unlicensed parties can currently sell or transfer up to 50 firearms in a single transaction, despite California's bulk firearm purchase limitations.) [...] These secondary market sales must still generally be conducted by licensed gun dealers in California. But unless the firearm is sold from the dealer's own inventory, California's existing one-gun-per-month law generally does not apply.

The Author seeks to address this supposed loophole and curb future firearm trafficking it may engender by altogether eliminating the private party transaction exemption to the 30-day rule, except in very limited circumstances. These circumstances include 1) when the private party selling the firearm is, at the time of the transaction, required under state law or court order to relinquish all firearms, and 2) any private party transaction where the seller is transferring the firearms as part of an estate settlement or bequeathment in a will.

5. Argument in Support

The Giffords Law Center to Prevent Gun Violence writes in support:

I am writing to express support for your legislation, AB 1483, to close gaps in California's law intended to help prevent gun trafficking by limiting bulk firearm purchases. Bulk firearm purchases can often be a significant warning sign that a buyer is a straw purchaser engaged in gun trafficking and/or acquiring weapons for organized criminal groups. Studies have found, for instance, that handguns sold in "multiple sales" (the sale of two or more firearms to the same purchaser within the same 5-business day period) were up to 64% more likely to be used in crime than handguns purchased individually, and that 20-25% of all handguns recovered at crime scenes were purchased as part of a multiple sale.

Since bulk purchases of semiautomatic rifles are such a significant warning sign of gun trafficking to organized criminal groups and cartels, ATF has, since 2011, required gun dealers in California and other border states to report multiple sales of certain semiautomatic rifles: dealers in California have been required to notify federal authorities when they sell or transfer two or more such weapons to the same person within a 5-day period.

Laws limiting multiple sales can help to reduce gun trafficking. After Virginia introduced its limited one-handgun-per-month law, there was a significant reduction in the number of crime guns recovered outside the state and traced back to Virginia dealers. Laws limiting bulk firearm sales may also help prevent people planning to perpetrate a mass shooting attack from being able to immediately acquire an arsenal of weapons for their attack. [...]

Two other states have already done what AB 1483 proposes. New Jersey places analogous limitations on acquiring more than one handgun per 30-day period but, unlike California, does not exempt bulk firearm purchases from unlicensed sellers. Like New Jersey, Maryland places analogous limitations on acquiring more than one handgun or regulated long gun per 30-day period but, unlike California, does not exempt bulk firearm purchases from unlicensed sellers. We believe that closing this gap in California will help further deter and prevent gun trafficking conduct and help prevent mass shooters from immediately acquiring an arsenal of weapons through bulk purchases.

6. Argument in Opposition

According to the Gun Owners of California, Inc.:

Given the decision in *NYSRPA v. Bruen* by the Supreme Court of the United States of last summer and the subsequent successful legal challenges on laws that restrict firearm ownership, this legislation would no doubt be declared unconstitutional. Given that there is no historical analog comparing a one-gun-per-month purchase restriction to any law at the founding, this is, by definition, unconstitutional. Plus, it would have no bearing on the problem of firearm misuse; purchasing multiple firearms within a specified period of time is not an indicator of someone who is prone to violent behavior.

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