
SENATE COMMITTEE ON PUBLIC SAFETY

Senator Aisha Wahab, Chair

2023 - 2024 Regular

Bill No: AB 1598 **Hearing Date:** June 13, 2023
Author: Berman
Version: May 31, 2023
Urgency: No **Fiscal:** Yes
Consultant: AB

Subject: *Gun violence: firearm safety education*

HISTORY

Source: Author

Prior Legislation: SB 1289 (Committee on Judiciary, Ch. 92, Stats. of 2018)
AB 1525 (Baker, Ch. 825, Stats. of 2017)
SB 683 (Block, Ch. 761, Stats. of 2013)
AB 52 (Scott, Ch. 942, Stats. of 2001)
AB 35 (Shelley, Ch. 940, Stats. of 2001)

Support: Brady Campaign; Brady Campaign California; California Academy of Family Physicians; California Catholic Conference; City of Mountain View; Giffords; Los Angeles Unified School District; March for Our Live Action Fund; SAFE – Scrubs Addressing Firearm Epidemic; Women Against Gun Violence

Opposition: Gun Owners of California, Inc.

Assembly Floor Vote: 63 - 13

PURPOSE

The purpose of this bill is to require the DOJ to prepare a firearm safety certificate (FSC) study guide explaining information covered on the FSC test, to develop a new pamphlet on the risks and reasons for owning a firearm, and to update the FSC test, as specified.

Existing law provides that a licensed firearm dealer shall not deliver a firearm unless the person receiving the firearm presents to the dealer a valid firearm safety certificate. The firearm dealer shall retain a photocopy of the firearm safety certificate as proof of compliance. (Pen. Code §26840, subd. (a).)

Existing law establishes the intent of the Legislature in enacting specified provisions to require that persons who obtain firearms have a basic familiarity with those firearms, including, but not limited to, the safe handling and storage of those firearms. (Pen. Code, §31610)

Existing law provides that a person shall not purchase or receive any firearm, except an antique firearm, without a valid firearm safety certificate, except as specified. (Pen. Code, §31615, subd. (a).)

Existing law provides that a person shall not sell, deliver, loan, or transfer any firearm, except an antique firearm, to any person who does not have a valid firearm safety certificate, except as specified. (Pen. Code, §31615, subd. (a).)

Existing law requires DOJ to develop a firearm safety certificate instruction manual in English and Spanish. (Pen. Code, § 31630, subd. (a).)

Existing law requires DOJ to make the firearm safety certificate instruction manual available to licensed firearm dealers, who are required to make it available to the general public. (Pen. Code, § 31630, subd. (a).)

Existing law requires DOJ to develop audiovisual materials for firearm safety in English and Spanish and issue them to instructors certified by DOJ. (Pen. Code, § 31630, subd. (b).)

Existing law requires DOJ to solicit input from any reputable association or organization, including any law enforcement association that has as one of its objectives the promotion of firearm safety for the development of firearm safety certificate instructional materials. (Pen. Code, §31630, subd. (c).)

Existing law requires the instruction manual to prominently include the following firearm warning: Firearms must be handled responsibly and securely stored to prevent access by children and other unauthorized users. California has strict laws pertaining to firearms, and you can be fined or imprisoned if you fail to comply with them. Visit the Web site of the California Attorney General at <https://oag.ca.gov/firearms> for information on firearm laws applicable to you and how you can comply. (Pen. Code, § 31630, subd. (d).)

Existing law requires DOJ to prescribe a minimum level of skill, knowledge, and competency to be required of all firearm safety certificate instructors. (Pen. Code, § 31635, subd. (a).)

Existing law requires DOJ Certified Instructor applicants to have a certification to provide training from an organization, as specified, or any entity found by the DOJ to give comparable instruction in firearms safety, or to have similar or equivalent training to that provided by specified entities. (Pen. Code, § 31635, subd. (b).)

Existing law requires DOJ to develop a written objective test, in English and Spanish, and prescribe its content, form, and manner, to be administered by an instructor certified by DOJ. (Pen. Code, § 31640, subd. (a).)

Existing law requires a test to be administered orally by a translator, if the person taking the test is unable to read English or Spanish. (Pen. Code, §,31640, subd. (b).)

Existing law requires the test to cover, but not be limited to, all of the following:

- Laws applicable to carrying and handling firearms, particularly handguns;
- The responsibilities of ownership of firearms, particularly handguns;
- Current law for the private sale and transfer of firearms;

- Current law for the permissible use of lethal force;
- Safe firearm storage;
- Issues associated with bringing a firearm into the home, including suicide; and,
- Prevention strategies to address issues associated with bringing firearms into the home. . (Pen. Code, § 31640, subds, (c)(1)-(7).)

Existing law, commencing January 1, 2019, provides that the test shall require the applicant to be provided with, and acknowledge receipt of, the following warning information:

- “Firearms must be handled responsibly and securely stored to prevent access by children and other unauthorized users. California has strict laws pertaining to firearms and you can be fined or imprisoned if you fail to comply with them. Visit the website of the California Attorney General at <https://oag.ca.gov/firearms> for information on firearm laws applicable to you and how you can comply”;
- “If you decide to sell or give your firearm to someone, you must generally complete a ‘Dealer Record of Sale (DROS)’ form and conduct the transfer through a licensed firearms dealer. Remember, it is generally a crime to transfer a firearm without first filling out this form. If the police recover a firearm that was involved in a crime, the firearms previous owner may be prosecuted if the previous owner did not fill out the DROS form. Please make sure you go to a licensed firearms dealer and fill out that form if you want to sell or give away your firearm.”; and,
- “If you or someone you know is contemplating suicide, please call the national suicide prevention lifeline at 1-800-273-TALK (8255).” (Pen. Code, § 31640, subd. (d)(1)-(3).)

Existing law requires DOJ to update test materials at least once every five years and to update its internet website to reflect current laws and regulations. (Pen. Code, § 31640, subd. (e)(1), (2).)

Existing law requires an applicant for a firearm safety certificate to successfully pass the firearm safety certificate test with a passing grade of at least 75%. (Pen. Code, § 31645, subd. (a).)

Existing law requires an applicant who fails to pass the test upon the first attempt to be offered additional instructional materials by the instructor, such as a videotape or booklet. (Pen. Code, § 31645, subd. (b).)

Existing law prohibits a person who fails to pass the test on a first attempt from retaking the test under any circumstances for 24 hours. (Pen. Code, § 31645, subd. (b).)

Existing law provides that a certified instructor may charge a specified fee to an applicant, a portion of which must be remitted to the DOJ. (Pen. Code §31650, subd. (a).)

Existing law requires DOJ to prepare a pamphlet that summarizes California firearms laws as they pertain to persons other than law enforcement officers or members of the armed services. (Pen. Code, § 34210, subd. (a).)

Existing law requires DOJ to offer copies of the pamphlet at actual cost to licensed firearms dealers, who shall have copies of the most current version available for sale to retail purchasers or transferees of firearms. (Pen. Code, § 34210, subd. (c).)

Existing law provides that the cost of the pamphlet, if any, may be added to the sale price of the firearm. (Pen. Code, § 34210, subd. (c).)

This bill requires the DOJ, at the first regularly scheduled update of the firearm certificate test that occurs after January 1, 2024, to include in the test:

- The reasons and risks of owning a firearm and bringing a firearm into the home, including the increased risk of death to someone in the household by suicide, homicide, or unintentional injury.
- Current law as it related to eligibility to own or possess a firearm, gun violence restraining orders, domestic violence restraining orders, and privately manufactured firearms.

This bill requires the DOJ to prepare a firearm safety certificate study guide in English and Spanish, distinct from the FSC instruction manual, which explains the information covered in the FSC test.

This bill provides that the DOJ shall offer copies of the study guide at actual cost to a certified firearm safety instructor, who shall provide the study guide to an applicant for an FSC prior to their test date.

This bill specifies that the study guide may be provided as an electronic copy by text or email or as a physical copy, and that the cost of the study guide, if any, may be added to the fee charged by the certified instructor.

This bill requires the DOJ to update the study guide concurrently with any update to the FSC test, and to notify a certified of the requirement to provide the study guide to an applicant for an FSC.

This bill, by January 1, 2025, requires the DOJ to prepare a pamphlet in English and Spanish that explains the reasons for and risks of owning a firearm and bringing a firearm into the home, including the increased risk of death to someone in the household by suicide, homicide or unintentional injury.

This bill authorizes the DOJ to solicit input from any reputable association or organization in the development of the pamphlet.

This bill requires the DOJ to design the pamphlet and make it available to licensed firearms dealers on its website in PDF format or another imaging format.

This bill, commencing January 1, 2025, requires a firearms licensee to provide the purchaser or transferee of a firearm, or person being loaned a firearm, with a copy of the most current version of the pamphlet at the beginning of the 10-day waiting period.

This bill permits the licensee to add the cost of the pamphlet, if any, to the price of the firearm.

3. Firearm Safety Certificate

Beginning in 1993, possession of a handgun safety certificate was required to transfer firearms, and the Department of Justice was required to develop the process for individuals to obtain a handgun safety certificate. Exemptions were provided for specific classes of individuals who did not need to obtain a firearm safety certificate, such as peace officers and persons with concealed carry permits, and for specific firearm transfers. Senate Bill 52 (Scott), Chapter 942, Statutes of 2001, repealed the basic firearms safety certificate scheme and replaced it with the more stringent handgun safety certificate scheme. SB 52 provided that, effective January 1, 2003, no person may purchase, transfer, receive, or sell a handgun without a Handgun Safety Certificate (HSC). SB 1080 (Committee on Public Safety, Ch. 711, Statutes of 2010) required DOJ to prepare a pamphlet that summarizes California firearms laws as they pertain to a person other than law enforcement officers or members of the armed services. This pamphlet included, but was not limited to, the following: lawful possession, licensing procedures, transportation and use of firearms, the acquisition of hunting licenses, and other provisions as specified.

In 2013, Senate Bill 683 (Block, Ch. 761, Stats. of 2013) changed the name of the Handgun Safety Certificate program to the Firearm Safety Certificate program and applied the requirements to all firearms, including handguns and long guns. Under SB 683, the DOJ was required to develop a firearm safety certificate instruction manual in both English and Spanish and make the manual available to licensed firearms dealers, who were in turn required to provide the manual to the general public. The firearm safety certificate manual, as well as study guides in both English and Spanish, can now be found on the Attorney General's internet website.⁵ These materials educate the public about their legal responsibilities and risks related to firearm ownership and includes information on firearm accidents and misuse.

This bill requires the DOJ to prepare an FSC study guide in both English and Spanish that explains the information covered in the FSC test, and requires DOJ to offer the study guide at actual cost to certified firearm safety instructors, who are in turn required to provide them to FSC applicants. Given that existing law already requires the DOJ to publish an FSC instruction manual⁶ and a pamphlet that summarizes California firearms laws⁷, and that DOJ apparently already publishes an FSC study guide, it is unclear why a new firearm-related pamphlet needs to be developed and why a study guide requirement needs to be codified. The Author may wish to amend the bill to require that the new firearm safety and FSC study content be included in the materials that are already being produced or are already required under law.

4. Related Legislation

AB 724 (Vince Fong) requires the DOJ to develop the FSC test, instruction manual, and supplemental audiovisual materials for instructors in traditional Chinese, simplified Chinese, Tagalog, Vietnamese, Korean and Armenian, in addition to the already-required English and Spanish. That bill passed out of this committee by a unanimous vote on June 6.

⁵ [Firearm Safety Certificate Publications | State of California - Department of Justice - Office of the Attorney General](#)

⁶ Penal Code § 31630(a).

⁷ Penal Code §34205 (a).

5. Argument in Support

According to the Brady Campaign, which writes in support of the bill:

Deciding to own and bring a firearm into the home is a purchase that comes with benefits and risks. It is critically important that potential firearm purchasers understand these serious risks so they can become a responsible firearm owner who is diligent in setting up safety measures to protect themselves and those around them.

In 2013, California established the Firearm Safety Certificate (FSC) Program to ensure that everyone who buys a firearm is a responsible gun-owner with demonstrated knowledge of safe handling and gun laws. Over the last decade, the Legislature has continued its commitment to adequately provide warnings and information to stress the importance of responsible gun ownership. Today, most people do not know that bringing a firearm into the home makes the home more dangerous. This information is critically important to provide so that potential firearm purchasers know the risks prior to purchasing a firearm. Furthermore, providing this information continues to emphasize the gravity of being a safe and responsible firearm owner to protect themselves, their family, and their community.

Individuals may purchase firearms for valid reasons. Some choose to own a firearm for hunting, while others use firearms for target and sport shooting. Owning firearms for these reasons provides individual satisfaction as well as the benefit of community and culture that comes with partaking in these activities with others. Owning a firearm can also make an individual feel safer, as a Pew Research Center study found that the majority of gun owners own a gun for protection.

Despite these benefits, there are also serious risks with bringing a firearm into the home, which is supported by significant amounts of academic research. [...] Understanding these benefits and risks are critically important for potential firearm purchasers so they can make informed decisions before bringing a firearm into their homes. Furthermore, knowing the risks increases the likelihood that firearm purchasers will understand the gravity of being a responsible firearm owner, and that they will take appropriate safety measures to prevent injury from a firearm in the home.

6. Argument in Opposition

According to the Gun Owners of California, Inc.:

Such new requirements are wholly unnecessary and will do nothing but make it more cumbersome for lawful and responsible Californians from exercising their Second Amendment rights. Such information is currently included with the purchase of any new firearm, so this proposal is duplicative and therefore unwarranted. Further, GOC believes that the entire firearms safety certificate requirements create a mandated and subjective precursor that must be met before a lawful citizen is given permission by the state to exercise an enumerated constitutional right. This is clearly unconstitutional.

This is yet another wrong-headed and futile approach to solving the problem of firearm misuse. Our organization has a 40-year history of fighting for *effective* crime control and opposing *ineffective* gun control. The safety of Californians is at the very foundation of our mission, and it has been our consistent goal to work toward common sense solutions regarding the issue of crime and firearm ownership; this can be done, however, without sacrificing our Constitutional rights and the ability of the law abiding to protect their families.

-- END --