
SENATE COMMITTEE ON PUBLIC SAFETY

Senator Aisha Wahab, Chair

2023 - 2024 Regular

Bill No: AB 724 **Hearing Date:** June 6, 2023
Author: Vince Fong
Version: February 13, 2023
Urgency: No **Fiscal:** Yes
Consultant: AB

Subject: *Firearms: safety certificate instructional materials*

HISTORY

Source: Conference of California Bar Associations

Prior Legislation: AB 138 (Committee on Budget, Ch. 78, Stats. of 2021)
SB 1289 (Committee on Judiciary, Ch. 92, Stats. of 2018)
AB 1525 (Baker, Ch. 92, Stats. of 2017)
AB 683 (Block, Ch. 761, Stats. of 2013)
AB 52 (Scott, Ch. 942, Stats. of 2001)

Support: Asian Pacific American Gun Owners Association

Opposition: None known

Assembly Floor Vote: 79 - 0

PURPOSE

The purpose of this bill is to require the Department of Justice to develop firearm safety certificate materials and tests in specified languages besides English and Spanish

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 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 firearm’s 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 a licensed dealer, as specified, an employee, or a managing officer or partner certified as an instructor to designate a separate room or partitioned area for a person to take the objective test, and maintain adequate supervision to ensure that no acts of collusion occur while the objective test is being administered. (Pen. Code, § 31640, subd. (f).)

Existing law prohibits a dealer, except as specified, from delivering a handgun unless the person receiving the handgun presents to the dealer a valid handgun safety certificate. (Pen. Code, § 26840.)

Existing law provides that DOJ shall develop handgun safety certificates, which expire 5 years after the date of issue, to be issued by DOJ-certified instructors to those persons who have complied with specified requirements. A handgun safety certificate shall include, but not be limited to, the following information:

- A unique handgun safety certificate identification number;
- The holder’s full name;
- The holder’s date of birth;
- The holder’s driver’s license or identification number;
- The holder’s signature;
- The signature of the issuing instructor; and,
- The date of issuance. (Pen. Code, § 31655, subds. (a)-(c).)

This bill requires the DOJ to develop an instruction manual for firearm safety certificate applicants in traditional Chinese, simplified Chinese, Tagalog, Vietnamese, Korean and Armenian.

This bill requires the DOJ to develop audiovisual materials for certified firearm safety instructors in traditional Chinese, simplified Chinese, Tagalog, Vietnamese, Korean and Armenian.

This bill provides that the written test for firearm safety certificate applicants developed by the DOJ shall, in addition to English and Spanish, be provided in traditional Chinese, simplified Chinese, Tagalog, Vietnamese, Korean and Armenian.

This bill provides that if the person taking the test is unable to read any of the languages above, the test may be administered orally by a translator.

COMMENTS

1. Need for This Bill

According to the Author:

There was a 43% increase of Asian Americans buying firearms in 2020 compared to 2019, according to the National Shooting Sports Foundation. Yet, California's Firearm Safety Certificate study and testing materials are offered in English and Spanish only. Supported by existing laws that have expanded linguistic access and the most recent Census data, Assembly Bill 724 would make California's official study guide and test for a Firearm Safety Certificate available in traditional Chinese, simplified Chinese, Tagalog, Vietnamese, Korean, and Armenian. Over 43% of households in California speak a language other than English. Recognizing that education and testing are essential for making an informed decision about firearms ownership and learning how to use and possess firearms safely, the official study and testing materials for a Firearms Safety Certificate should be made available in multiple languages, reflecting California's linguistic diversity. By expanding linguistic access, this bill supports the inclusion of all Californians, encourages informed firearms ownership, and promotes public safety.

2. Firearm Safety Certificates

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.¹ 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

¹ See Penal Code §§31700 et. seq.

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 693, 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.² These materials educate the public about their legal responsibilities and risks related to firearm ownership and includes information on firearm accidents and misuse.

Citing the increase in Asian-American gun ownership over the past several years, as well as recent legislation requiring all standard information employee pamphlets concerning unemployment and disability insurance programs to be printed in the top 7 non-English languages used by limited English proficient adults in California, the Author seeks to make FSC materials more accessible to individuals other than English and Spanish speakers.³ This bill requires the DOJ to develop the FSC instruction manual, associated audiovisual materials for certified instructors, and the FSC test in traditional Chinese, simplified Chinese, Tagalog, Vietnamese, Korean and Armenian, in addition to the English and Chinese versions already required under existing law.

3. Argument in Support

According to the Asian Pacific American Gun Owners Association:

There was a 43% increase of Asian Pacific Americans buying firearms in 2020 compared to 2019, according to the National Shooting Sports Foundation. Clearly, Asian Pacific Americans want to participate in firearms ownership.

Currently, California's Firearm Safety Certificate (FSC) study and testing materials are offered in English and Spanish only. Supported by existing laws that have expanded linguistic access and the most recent Census data, Assembly Bill 724 would make California's official study guide and test for a Firearm Safety Certificate available in traditional Chinese, simplified Chinese, Tagalog, Vietnamese, Korean, and Armenian.

If California is unable to provide its constituents with equitable resources regarding responsible firearms ownership (with the same level of effort the California Department of Motor Vehicles provides the Driver's Handbook in multiple languages), then the state runs the risk denying equitable access to many eligible, law-abiding residents. In following with the FSC Program, we affirm that education and testing are essential for making an informed decision about firearms ownership and that the official study guide and testing materials for the FSC should be made

² [Firearm Safety Certificate Publications | State of California - Department of Justice - Office of the Attorney General](#)

³ See AB 138 (Committee on Budget, Ch. 78, Stats. of 2021).

available in multiple languages. This reflects California's linguistic diversity and aligns with providing more equitable access for all residents.

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