
SENATE COMMITTEE ON PUBLIC SAFETY

Senator Aisha Wahab, Chair

2023 - 2024 Regular

Bill No: AB 725 **Hearing Date:** June 20, 2023
Author: Lowenthal
Version: February 13, 2023
Urgency: No **Fiscal:** Yes
Consultant: AB

Subject: *Firearms: reporting of lost and stolen firearms*

HISTORY

Source: Conference of California Bar Associations

Prior Legislation: AB 1621 (Gipson, Ch. 76, Stats. of 2022)
SB 61 (Portantino, Ch. 737, Stats. of 2019)
SB 894 (Jackson, 2016), vetoed by the Governor
SB 299 (DeSaulnier, 2013), vetoed by the Governor
SB 1366 (DeSaulnier, 2012), vetoed by the Governor
SB 59 (Lowenthal, 2005), vetoed by the Governor

Support: Prosecutors Alliance California; Women for American Values and Ethics Action Fund

Opposition: Gun Owners of California, Inc.

Assembly Floor Vote: 63 - 11

PURPOSE

The purpose of this bill is to clarify that firearm frames, receivers and precursor parts fall under the definition of “firearm” for the purposes of existing law relating to the reporting of a lost or stolen firearm, and makes failure to do so punishable as an infraction.

Existing law defines a “firearm,” in certain provisions of the Penal Code, such as those relating to firearm enhancements and requirements related to lost and stolen firearms, as, “a device, designed to be used as a weapon, from which is expelled through a barrel, a projectile by the force of an explosion or other form of combustion.” (Pen. Code, § 16520, subd. (a).)

Existing law defines a firearm, for other specified provisions of the Penal Code, such as those relating to prohibitions on possession and transfer, among others, as the frame or receiver of the weapon, including both a completed frame or receiver or a firearm precursor part. (Pen. Code, §16520, subd. (b).)

Existing law defines a “firearm precursor part” as “any forging, casting, printing, extrusion, machined body, or similar article that has reached a stage in manufacture where it may readily be

completed, assembled or converted to be used as the frame or receiver of a functional firearm, or that is marketed or sold to the public to become or be used as the frame or receiver of a functional firearm once completed, assembled or converted.” (Pen. Code, § 16531, subd. (a).)

Existing law provides that prior to manufacturing or assembling a firearm (not including precursor parts) that does not have a valid state or federal serial number, a person must:

- Apply to the Department of Justice (DOJ) for a serial number;
- Describe the firearm they intend to assemble, and;
- Provide their date of birth, address, and full name. (Pen. Code, § 29180, subd. (b)(1).)

Existing law requires that within 10 days of manufacturing or assembling a firearm (not including precursor parts), the manufacturer must engrave or permanently affix the serial number previously provided to them by the DOJ and notify the DOJ of such. (Pen. Code, § 29180, subd. (b)(2)-(3).)

Existing law requires every person to report the loss or theft of a firearm he or she owns or possesses to a local law enforcement agency in the jurisdiction in which the theft or loss occurred within five days of the time he or she knew or reasonably should have known that the firearm had been stolen or lost. (Pen. Code, §25250, subd. (a).)

Existing law provides that every person who has reported a firearm lost or stolen pursuant to the above shall notify local law enforcement within 5 days if the firearm is subsequently recovered. (Pen. Code, §25250, subd. (b).)

Existing law specifies that a person is not required to report the loss of an antique firearm, as defined. (Pen. Code, §25250, subd. (c).)

Existing law exempts peace officers acting within the course and scope of their duties from reporting the theft or loss of a firearm if they reported it to their employing agency. Also exempts members of the U.S. Armed Forces, and other specified persons, if they lost the firearm while engage in their official duties, as well as firearms lost or stolen prior to July 1, 2017. (Pen. Code, § 25255.)

Existing law requires law enforcement officials to submit a description of the reported lost or stolen firearm into the DOJ Automated Firearms System. (Pen. Code, § 25260.)

Existing law punishes the failure to report a lost or stolen firearm as an infraction with a fine up to \$100 for a first offense and up to \$1,000 for a second offense, and as a misdemeanor for any subsequent offense. (Pen. Code, § 25265.)

Existing law provides that every person reporting a lost or stolen firearm shall report the make, model and serial number of the firearm, if known by the person, and any additional relevant information required by the local law enforcement agency taking the report. (Pen. Code, § 25270.)

Existing law makes it an infraction to report to a local law enforcement agency that a firearm has been lost or stolen, knowing the report to be false, and punishes a first violation by a fine not exceeding \$250 and by a fine not exceeding \$1,000 for any second or subsequent offense. (Pen. Code, § 25275.)

Existing law requires licensed firearms dealers to post a sign in a conspicuous place that informs persons of the requirement to report a lost or stolen firearm to law enforcement within 5 days of knowing or when they reasonably should have known. (Pen. Code, § 26835, subd. (a)(9).)

This bill provides that, for the provisions of law above relating to lost or stolen firearms, the definition of “firearm” includes the frame or receiver of the weapon, including both a completed frame or receiver, or a firearm precursor part.

COMMENTS

1. Need for This Bill

According to the Author:

While frames and receivers are considered firearms for purposes of registration and licensing under current law, they are not treated as such when it comes to requirements for reporting lost or stolen firearms. AB 725 closes this loophole by making failure to report a lost or stolen frame or receiver the same infraction as failure to report a firearm.

2. The Rise of Ghost Guns

In the United States, traditional firearms are produced by licensed manufacturers and sold through licensed gun dealers. Federal law requires all guns manufactured in the United States and imported from abroad to have serial numbers, typically displayed on the back of the frame. By contrast, “ghost guns” are manufactured in parts – also known as “firearm precursor parts – which can be acquired without a background check and can easily be assembled by an unlicensed buyer. Ghost guns are designed to avoid regulation by being sold in DIY kits containing their component parts, which, individually, are unregulated, but when assembled form a fully functional firearm. Ghost guns are also unserialized, meaning they cannot be traced by law enforcement.

Advances in home firearm manufacturing technology and the general untraceability of ghost guns have made them the weapon of choice for those seeking to commit crime. And California remains at the epicenter of the ghost gun crisis: in Los Angeles alone, the LAPD recovered 1,921 ghost guns in 2021, more than double the amount recovered in 2020.¹ In 2022, DOJ agents recovered 54 ghost guns as part of the Armed Prohibited Persons System Program, representing a 575% increase since 2018, when only 8 ghost guns were seized.²

¹ “Ghost Guns Recoveries and Shootings.” Published by Everytown for Gun Safety. Last Updated 8 April 2022. [Ghost Guns Recoveries and Shootings | Everytown Research & Policy](#)

² [California Department of Justice Releases 2022 Armed and Prohibited Persons System Program Annual Report | State of California - Department of Justice - Office of the Attorney General](#)

On June 30, 2022, Governor Newsom signed AB 1621 (Gipson, Ch. 76, Stats. of 2022), a comprehensive measure aimed at curbing the ghost gun epidemic, in large part via the strict regulation of precursor parts. AB 1621 enacted a host of reforms, most of which went into effect immediately (others take effect Jan 1, 2023) and which, taken together, render the sale, transfer and manufacture of both completed and unfinished frames and receivers (another way of referring to firearm precursor parts) subject to the same rules as fully assembled firearms. Critically, this means that all people currently prohibited from possessing or purchasing a firearm are also prohibited from possessing or purchasing firearm precursor parts. AB 1621 also redefined “firearm precursor part” in the Penal Code as “any forging, casting, printing, extrusion, machined body or similar article that has reached a stage in manufacture where it may readily be completed, assembled or converted to be used as the frame or receiver of a functional firearm, or that is marketed or sold to the public to become or be used as the frame or receiver of a functional firearm once completed, assembled or converted.”³

3. Lost or Stolen Firearms and Effect of This Bill

In 2016, California voters approved Proposition 63, the Safety for All Act, which contained several provisions related to firearms and ammunition. Among these provisions was a requirement that lost or stolen firearms be reported to law enforcement in the jurisdiction where the loss or theft occurred within 5 days of the time the owner/person possessing the firearm discovered or reasonably should have discovered the loss or theft.⁴ However, when it updated the definition of “firearm” to include precursor parts and completed frames or receivers, AB 1621 did not apply that definition to the statute requiring the reporting of lost or stolen firearms. Thus, under existing law, for the purposes of that statute, firearm is defined as “a device, designed to be used as a weapon, from which is expelled through a barrel, a projectile by the force of an explosion or other form of combustion.”

This bill would apply the AB 1621 definition of “firearm” to existing requirements regarding lost or stolen firearms. Thus, under this bill, lost or stolen precursor parts, as well as completed frames or receivers, must be reported to law enforcement within 5 days of when the person owning or possessing the firearm knew or should have known of the loss or theft. Failure to report a lost or stolen precursor part or completed frame or receiver, like failure to report a firearm under existing law, would be punishable as an infraction for the first two offenses, and as a misdemeanor for any third and subsequent offense.

4. Argument in Support

According to Prosecutors Alliance California, writing in support of the bill:

According to Giffords Law Center to Prevent Gun Violence “The ghost gun industry has skirted the law and fueled violence by creating a dangerous market in gun build kits and other products that allow people to arm themselves and assemble untraceable weapons without background checks or other protections.” The ghost gun industry has developed gun build kits and related products that allow untrained amateurs to quickly and easily assemble their own firearms from unregulated parts—including

³ Penal Code §16531(a)

⁴ Penal Code §25250

frames and receivers that are left just unfinished enough to escape the definition of “firearm” under state or federal gun safety laws. The frame or receiver is an integral part of the weapon’s design and function.

Existing law requires a person to report any lost or stolen firearm to a law enforcement agency. Existing law also requires the law enforcement agency receiving such a report to enter a description of the lost or stolen firearm into the Department of Justice Automated Firearms System. California law generally treats the sale, transfer, and manufacture of both completed and unfinished frames or receivers the same way state law treats the sale, transfer, and manufacture of fully assembled guns.

AB 725 will classify frames and receivers as firearms for purposes of the statute requiring lost and stolen firearms be reported to law enforcement. By requiring such items be reported to law enforcement if lost or stolen, AB 725 will help to track firearms/key component parts.

5. Argument in Opposition

According to Gun Owners of California, Inc., which writes in opposition:

This proposal is problematic, given that the Department of Justice has not fully determined the totality of what constitutes pre-cursor parts. Federal law is also vague on this matter as to what parts qualify. Something as benign as a pin or a spring – each of which can be purchased at any local hardware store – are oftentimes used in the assembly of many non-firearm-related products. It’s an overreach that such items could conceivably fall under such a broad definitional umbrella. This will lead to significant and unnecessary confusion and could put well-meaning individuals unintentionally cross-wise with the law.

“I believe it’s time to get down to the business of reducing crime, rather than penalizing the lawful for the misdeeds of the unlawful – it will never have its anticipated resolution. For those who are interested in stemming the tide of criminal firearm use, we share a common desire, and GOC believes we can cooperatively move towards this goal. I would be more than happy to discuss this and other related issues at your convenience.

-- END --