
SENATE COMMITTEE ON PUBLIC SAFETY

Senator Aisha Wahab, Chair

2023 - 2024 Regular

Bill No: SB 377 **Hearing Date:** March 28, 2023
Author: Skinner
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Urgency: No **Fiscal:** Yes
Consultant: AB

Subject: *Firearms*

HISTORY

Source: Author

Prior Legislation: AB 669 (Lackey, 2022), failed in Senate Public Safety
AB 2699 (Santiago), Ch. 289, Stats. of 2020
AB 1794 (Jones-Sawyer), held Sen. Appropriations
AB 1872 (Voepel), Ch. 56, Stats. of 2018
AB 2165 (Bonta), Ch. 640, Stats. of 2016
AB 892 (Achadjian), Ch. 203, Stats. of 2015
AB 1471 (Feuer), Ch. 512, Stats. of 2007
SB 489 (Scott), Ch. 500, Stats. of 2003
SB 15 (Polanco), Ch. 248, Stats. of 1999

Support: Brady Campaign to Prevent Gun Violence; Brady Campaign California; March for Our Lives Action Fund; Youth Alive!

Opposition: Arcadia Police Officers' Association; Burbank Police Officers' Association; California Association of Highway Patrolmen; California Coalition of School Safety Professionals; California State Sheriffs' Association; Claremont Police Officers Association; Corona Police Officers Association; Culver City Police Officers' Association; Deputy Sheriffs' Association of Monterey County; Fullerton Police Officers' Association; Los Angeles School Police Officers Association; Murrieta Police Officers' Association; Newport Beach Police Association; Palos Verdes Police Officers Association; Peace Officers Research Association of California; Place County Deputy Sheriffs Association; Pomona Police Officers' Association; Riverside Police Officers Association; Riverside Sheriffs' Association; Santa Ana Police Officers Association; Upland Police Officers Association

PURPOSE

The purpose of this bill is to:

- 1) *Modify the law enforcement exemptions to the 10-day waiting period requirement for the purchase of a firearm and to the prohibition against the purchase, sale and transfer of unsafe handguns. Specifically, for the latter, this bill removes the exemption for the purchase of an unsafe handgun in a peace officer's personal capacity.*

- 2) ***Require law enforcement agencies to maintain records regarding the purchase and transfer of unsafe handguns, and authorize the DOJ to inspect these entities for compliance.***
- 3) ***Require the DOJ to establish and maintain a roster of firearms dealers and manufacturers that are compliant with firearms laws and adhere to public safety principles, and prohibit government entities from purchasing from any manufacturer or dealer that is not included on the list.***

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 provides that a license to sell firearms is subject to forfeiture for any violation of a number of specified prohibitions and requirements, with limited exceptions. (Penal Code §26800(a).)

Existing law provides that no firearm shall be delivered within 10 days of the application to purchase, or after notice by the department pursuant to specified provisions of existing law, within 10 days of the submission to the department of any correction to the application, or within 10 days of the submission to the department of specified fees, whichever is later. (Penal Code § 26815(a).)

Existing law provides that no firearm shall be delivered unless the purchaser, transferee, or person being loaned the firearm presents clear evidence of the person's identity and age to the dealer. (Penal Code § 26815(c).)

Existing law provides that the 10-day waiting period described above does not apply to the sale, delivery, or transfer of firearms made to any person who is properly identified as a full-time paid peace officer, as defined, and whose employer has authorized the officer to carry firearms while in the performance of duties. (Penal Code § 26950(a).)

Existing law defines "proper identification" as verifiable written certification from the head of the agency by which the purchaser or transferee is employed, identifying the purchaser or transferee as a peace officer who is authorized to carry firearms while in the performance of duties, and authorizing the purchase or transfer. (Penal Code § 26950(b)(1).)

Existing law requires the certification to be delivered to the dealer at the time of the purchase or transfer and the purchaser or transferee to identify himself or herself as the person authorized in the certification. (Penal Code § 26950(b)(2).)

Existing law requires the dealer to keep the certification with the record of sale, and on the date of the sale, delivery or transfer, to transmit to the DOJ an electronic or telephonic report of the transaction, as specified. (Penal Code § 26950(b)(3)-(4).)

This bill recasts the law enforcement exception to the 10-day waiting period, providing that the waiting period does not apply to the sale, delivery, or transfer of firearms purchased by a law enforcement agency and received by an authorized law enforcement representative of that law

enforcement agency for exclusive use by that agency if written authorization from the head of the agency authorizing the transaction is presented to the person delivering the firearm.

This bill defines “law enforcement agency” as any agency or department of the state or any political subdivision thereof that employs any peace officer described in specified provisions of existing law.

This bill defines “written authorization” as verifiable written certification from the head of the agency by which the purchaser or transferee is employed, identifying the employee as an individual authorized to accept delivery of the firearm and that the firearm is for the exclusive use of the agency by which the person is employed.

This bill removes the provisions requiring the certification to be delivered to the dealer at the time of the purchase, requiring the dealer to keep the certification with the record of sale, and requiring the dealer to transmit a report of the transaction to the DOJ.

Existing law defines an “unsafe handgun” as any pistol, revolver or other firearm capable of being concealed upon the person that meets specified criteria. (Penal Code § 31910.)

Existing law requires the DOJ to compile, publish and maintain a roster listing all of the handguns that, after testing in a certified laboratory, have been determined not to be unsafe, and may be sold in the state of California pursuant to existing law. The roster shall list, for each firearm, the manufacturer, model number and model name. (Penal Code § 32015(a).)

Existing law makes it a misdemeanor for a person in this state to manufacture or cause to be manufactured, import into the state for sale, keep for sale, offer or expose for sale, give, or lend an unsafe handgun, and establishes that related violations may be subject to civil penalties. (Penal Code § 32000(a).)

Existing law exempts from the above prohibition the sale or purchase of a handgun, if the handgun is sold to, or purchased by, the Department of Justice, a police department, a sheriff’s official, a marshal’s office, the Department of Corrections and Rehabilitation, the Department of the California Highway Patrol, any district attorney’s office, any federal law enforcement agency, or the military or naval forces of this state or of the United States for use in the discharge of their official duties, and specifies that it does not prohibit the sale to, or purchase by, sworn members of these agencies of a handgun. (Penal Code § 32000(b)(4).)

This bill provides that §32000 of the Penal Code does not authorize the sale of an unsafe handgun to, or purchase of an unsafe handgun by, sworn members of the Department of Justice, a police department, a sheriff’s official, a marshal’s office, the Department of Corrections and Rehabilitation, the Department of the California Highway Patrol, any district attorney’s office, any federal law enforcement agency, or the military or naval forces of this state or of the United States for use in a personal capacity.

Existing law exempts from the above prohibition the sale of a handgun for use as a service weapon, if the handgun is sold to, or purchased by, the entities specified below for use by, or sold to or purchased by, sworn members of these entities who have satisfactorily completed the POST basic course or, before January 1, 2021, have satisfactorily completed the firearms portion of a POST prescribed firearms course and who have completed a live-fire qualification prescribed by their employing agency at least once every six months:

- The Department of Parks and Recreation.
- The Department of Alcoholic Beverage Control.
- The Division of Investigation of the Department of Consumer Affairs.
- The Department of Motor Vehicles.
- The Fraud Division of the Department of Insurance.
- The State Department of State Hospitals.
- The Department of Fish and Wildlife.
- The state Department of Developmental Services.
- The Department of Forestry and Fire Protection.
- A county probation department.
- The Los Angeles World Airports, as defined.
- A K-12 public school district for use by a school police officer, as specified.
- A municipal water district for use by a park ranger.
- A county for use by a welfare fraud investigator or inspector
- A county for use by the coroner or deputy coroner
- The Supreme Court and the courts of appeal for use by marshals and bailiffs, and coordinators of security for the judicial branch, as specified.
- A fire department or fire protection agency of a county, city, city and county, district, or the state for use by specified employees
- The University of California Police Department, or the California State University Police Departments, as defined.
- A California Community College Police Department, as defined.
- A harbor or port district or other entity employing peace officers as specified, the San Diego Unified Port District Harbor Police, and the Harbor Department of the City of Los Angeles.
- A local agency employing park rangers, as specified.
- The Department of Cannabis Control. (Penal Code § 32000(b)(6).)

This bill provides that the above provision of existing law does not authorize the sale of an unsafe handgun to, or purchase of an unsafe handgun by, sworn members of the entities listed above for use in a personal capacity.

Existing law provides that a licensed firearms dealer shall not process the sale or transfer of an unsafe handgun between a person who has obtained an unsafe handgun pursuant to an exemption and someone who is not exempt from the prohibition on unsafe handguns. (Penal Code § 32000(c).)

Existing law requires the DOJ to maintain a database of unsafe handguns obtained by law enforcement entities, as specified, and requires a person or entity that is in possession of an unsafe handgun obtained pursuant to specified law enforcement exemptions to the unsafe handgun prohibition, to notify the DOJ of any sale or transfer of that handgun within 72 hours of the sale or transfer. (Penal Code § 32000(e)(1)-(2).)

Existing law provides that the DOJ shall, by no later than March 1, 2021, provide a notification to persons or entities possessing an unsafe handgun, as specified, regarding the prohibitions on the sale or transfer of that handgun contained in existing law. Thereafter, the DOJ is required, upon notification of sale or transfer, to provide the same notification to the purchaser or transferee. (Penal Code § 32000(e)(3).)

This bill provides that any agency or department of the state, or any political subdivision thereof, as specified in Penal Code §32000, shall maintain records of any unsafe handgun owned by the department or agency or carried on duty by a member of the department or agency, that was purchased or received pursuant to existing law.

This bill specifies that the records to be maintained include any manufacturers purchase records, invoices, and receipts associated with the purchase or receipt of an unsafe handgun, as specified, and that records shall be maintained for no less than 3 years from the date the firearm was purchased or received.

This bill provides that the DOJ may conduct inspections of any agency or department of the state, or any political subdivision thereof, as specified, or of any licensed firearms dealer in the state, to ensure compliance with the requirements above.

This bill requires the DOJ to establish and maintain a roster of approved firearms retailers and manufacturers doing business in the state that have been determined by the department to adhere to public safety principles and to be compliant with federal, state and local firearms laws and regulations.

This bill provides that adherence to public safety principles has the following meaning:

- For firearms retailers, that the dealer has policies to prevent, detect and screen for the transfer of firearms to straw purchasers or firearm traffickers, to prevent sales to prohibited persons, to protect against the theft of firearms and ammunition, to train and monitor vendor employees to ensure maximum compliance with applicable laws, and to assist law enforcement in the investigation and prevention of criminal access to guns.
- For manufacturers, that the manufacturer sets standards for retail dealers authorized to sell their firearms that induce those dealers to adopt policies described above.

This bill provides that for the purposes of its provisions, compliance with federal, state, and local laws and regulations means that a business has not been found by inspecting authorities to be in violation of any federal, state or local law or regulation, or, if a business was found to be in violation, either the violation did not rise to the severity where any administrative or criminal action was taken, or the business has, since any violation, demonstrated a significant period of consistent compliance.

This bill provides that, no later than January 1, 2025, the DOJ shall publish the initial roster on its internet website and thereafter update the roster as necessary.

This bill provides, commencing on January 1, 2025, that no agency or department of the state, or of any political subdivision thereof, shall purchase any firearm, ammunition, or other goods from a licensed dealer or firearm manufacturer that is not listed on the roster of qualified dealers and manufacturers.

This bill specifies that it does not apply to any sale or purchase made pursuant to a contract that was executed before January 1, 2025.

This bill requires the DOJ to adopt regulations to carry out its provisions, and specifies that the regulations shall include reasonably objective criteria for inclusion and exclusion from the roster and shall provide due process for any dealer or manufacturer excluded from, removed from, or denied inclusion on, the roster.

COMMENTS

1. Need for This Bill

According to the Author:

California has outlawed the purchase of certain handguns that have been deemed unsafe or illegal by the California Department of Justice. There's no good reason to allow an exception when we know these weapons are unsafe. SB 377 closes the loophole that now allows law enforcement to buy these illegal guns. Law enforcement officers are not allowed to purchase other illegal products in the state. Guns should be no different. Further, a recent report from Brady and investigative reporting has revealed that state and local law enforcement agencies in California have been purchasing guns and equipment from dealers who have violated state and federal firearm laws. Taxpayer money should not be spent on companies who do not comply with all state and federal firearm laws – laws that are intended to protect against gun violence. By requiring the Department of Justice to develop regulations and monitor firearms dealers for compliance with all laws, we can ensure that taxpayer money does not go to businesses who are undermining our firearm laws and we can further incentivize best practices in his industry.

2. Law Enforcement Exemptions to Firearms Laws

10-day Waiting Period

California law generally prohibits a firearms dealer from transferring or delivering a firearm to a person within 10 days of an application to purchase a firearm (or correction to the application), or the submission of any fee required. Even though the required background checks can usually be completed within a few days, licensed dealers must wait the full 10 days before transferring possession of the firearm to the purchaser. This 10-day period is referred to as a “cooling off” period, and in large part are intended to prevent acts of violence or suicide attempts. In 2016, the Ninth Circuit Court of Appeals upheld the constitutionality of California’s 10-day waiting period, holding that the waiting period did not violate plaintiffs’ Second Amendment rights, and constituted a “reasonable precaution for the purchase of a second or third weapon, as well as for a first purchase.”¹

California law contains several exemptions to the 10-day waiting period, including an exemption for the sale, delivery, or transfer of firearms to any person who is properly identified as a full-time paid peace officer authorized to carry firearms in the performance of their duties. As currently codified, this exemption applies to the purchase of firearms by peace officers for personal use. This bill instead provides that the law enforcement exemption to the 10-day waiting period only applies to firearms purchased by a law enforcement agency and received by

¹ *Silvester v. Harris* 843 F.3d 816 (2016).

an authorized representative for exclusive use by the agency. The bill also requires a written authorization from the head of the agency authorizing the transaction. This change would prohibit peace officers from bypassing the 10-day waiting period when buying firearms for personal use.

Unsafe Handgun Law

In 1999, the California Legislature enacted the Unsafe Handgun Act (SB 15, Polanco, Ch. 248, Stats. of 1999), which made it a misdemeanor for any person in California to manufacture, import for sale, offer for sale, give, or lend any unsafe handgun, where “unsafe handgun” was defined as a handgun that: (a) does not have a requisite safety device, (b) does not meet specified firing tests, and (c) does not meet a specified drop safety test. The law also required DOJ to compile and publish a roster listing all of the handguns and concealable firearms that they deem “not unsafe” and which are certified for sale in the state. Subsequent reforms added new design safety requirements for semiautomatic pistols and a microstamping requirement for all handguns.²

California’s Unsafe Handgun Law contains a tiered exemption scheme for specified law enforcement entities, establishing three groups (only the first and second are relevant to this bill) of entities that are subject to varying prerequisites for purchase, eligibility to purchase for personal use, and restrictions on resale. The first, most permissive tier of exempt law enforcement entities and individuals includes the DOJ, police departments, sheriff’s officials, marshal’s offices, the California Department of Corrections and Rehabilitation, CHP, any district attorney’s office, any federal law enforcement agency, and the military or naval forces of the United States or California. Sworn members belonging to these entities may purchase non-roster handguns for personal use and may generally sell or transfer the non-roster handgun to any firearm eligible purchaser at a licensed firearm dealer.³ Sworn members belonging to the second tier of exempt law enforcement entities (listed on pp. 3-4 of this analysis) are permitted to purchase non-roster handguns solely for use as service weapons, as long as they have completed specified training, and may only resell the firearms to sworn members of exempt agencies.⁴ California’s unsafe handguns laws and law enforcement exemptions are primarily located in Penal Code §32000.

Recent years have seen growing concerns that police officers are purchasing non-roster firearms and reselling them illegally. In 2017, the head of the Los Angeles office of the federal Bureau of Alcohol Tobacco, Firearms and Explosives (ATF) sent a memo to Southern California police chiefs and sheriffs informing them that the agency had learned of officers buying and reselling guns for a profit in possible violation of federal firearms laws. According to the memo, the ATF discovered officers who had purchased more than 100 non-roster firearms that were subsequently transferred to non-law enforcement individuals.⁵ In 2022, federal prosecutors launched an

² SB 489 (Scott, Ch. 500, Stats. of 2003); AB 1471 (Feuer, Ch. 572, Stats. of 2007).

³ “State Exemptions for Authorized Peace Officers – Non-Roster Handgun Exemptions.” Department of Justice Official Website. Accessed 14 March 2023. <https://oag.ca.gov/firearms/exemptpo>

⁴ *Ibid*; The training requirements and restriction to purchase for use as a service weapon were added by AB 2699 (Santiago, Ch. 289, Stats of 2020), see more in Comment 4.

⁵ “ATF warns Southern California law enforcement officers may be illegally selling guns.” San Diego Union Tribune. 12 April 2017. <https://www.sandiegouniontribune.com/news/public-safety/sd-me-atf-memo-20170412-story.html> ; ATF Memorandum and Advisory, dated 31 March 2017. Issued to Southern California Law Enforcement Partners, from Eric D. Harden, Special Agent in Charge, Los Angeles Field Division.

investigation into a high-ranking LAPD officer and an L.A County sheriff's deputy who in prior years sold nearly 100 firearms without a license, many of which were non-roster handguns with high-capacity magazines.⁶

This bill retains the exemptions for sworn members of tier 1 law enforcement entities to purchase non-roster handguns for use in the discharge of their official duties and for sworn members of tier 2 law enforcement entities to purchase non-roster handguns for use as a service weapon, but specifies that members of neither group may purchase a non-roster handgun in a personal capacity. Because officers would no longer be authorized to purchase non-roster firearms for personal use, this bill also effectively eliminates the ability of officers to resell these firearms to other individuals, law enforcement or otherwise.

3. Responsible Firearm Procurement

Collectively, California law enforcement agencies constitute a major purchaser of firearms from licensed dealers within the state. Although California law generally prohibits non-law enforcement individuals from purchasing more than one firearm per month, this restriction does not apply to any law enforcement agency, state or local correctional facility, licensed private security company, or full-time paid peace officer authorized to carry a firearm in the course of their duties.⁷ Certainly, the acquisition of firearms and related equipment is essential to the mission and responsibility of law enforcement entities to preserve public safety, but few, if any, guardrails exist in California law to ensure that law enforcement firearms and ammunition are being purchased from law-abiding dealers. A recent study conducted by Brady United Against Gun Violence underscored this shortcoming, finding that between 2015 and 2021, at least 90 California law enforcement agencies purchased more than \$20 million in guns and other gear from just 2 licensed gun dealers that have been cited by the ATF for violating federal regulations. Within that time frame, San Jose Police Department alone spent over \$1 million doing business with LC Action, a licensee that was cited 41 times for federal violations since 1995.⁸ The report also cites evidence that a gun dealer's noncompliance with federal firearms laws is correlated with the likelihood that firearms from that dealer's inventory will be recovered in crime.⁹ As a potential solution, the report recommends requiring law enforcement to properly vet its gun industry vendors, and cites a 2019 executive order signed by New Jersey Governor Phil Murphy as an exemplar of the needed reforms.¹⁰ This bill seeks to implement that solution with language largely modeled after the New Jersey executive order.

Specifically, this bill requires the DOJ to establish and maintain a roster of licensed firearms dealers and manufacturers that have been determined by the department to adhere to public safety principles and be complaint with federal, state and local firearms laws and regulations. The bill requires the DOJ to publish this roster online by 2025, and, chiefly, prohibits any agency of the state or any political subdivision of the state from purchasing any firearm, ammunition or other goods from a dealer or manufacturer that is not listed on the roster. To provide additional

⁶ "Firearms sales by LAPD captain, LASD deputy referred to feds for possible charges." Los Angeles Times. 23 March 2022. <https://www.latimes.com/california/story/2022-03-23/firearms-sales-lapd-captain-lasd-deputy-referred-to-feds-for-possible-charges>

⁷ Penal Code §27535(a), (b).

⁸ "A California Case Study – Government Agencies Should Screen Firearms Vendors." Brady United Against Gun Violence. Published January 2023. <https://s3.amazonaws.com/brady-static/Procurement-CA-v5.pdf>

⁹ *Ibid.*

¹⁰ *Ibid*; New Jersey Executive Order 83 (2019), <https://nj.gov/infobank/eo/056murphy/pdf/EO-83.pdf>

guidance to the DOJ, the bill defines “adherence to public safety principles,” with different definitions for firearm retailers and manufacturers, as well as “compliance with federal, state and local laws and regulations” (see pp. 4-5 above.)

The way the bill’s procurement provisions are currently drafted raises some minor issues. First, the definition of “adherence to public safety principles” for firearms manufacturers is “that the manufacturer sets standards for retail dealers authorized to sell their firearms that induce those dealers to adopt policies” to prevent straw purchasing, trafficking, sales to prohibited persons, theft, ensure maximum compliance with applicable laws, and assist law enforcement. Although the bill requires the DOJ to adopt regulations to implement its procurement provisions, and such regulations may address this issue, it is unclear how DOJ is meant to measure and objectively evaluate whether a manufacturer’s standards adequately induce specific behavior in its retail clients. It seems as if the most logical criteria would be whether the retailers actually engage in the desired behavior and adopt the desired policies, but at that point, why not just evaluate the extent to which retailers have adopted those policies and develop a different, independent metric for the evaluation of manufacturer standards? The Author may wish to work with the DOJ and other stakeholders to resolve this issue.

Second, although the bill defines “compliance with federal, state and local laws and regulations” for the purposes of inclusion on the roster, the definition gives little guidance on how often DOJ must verify compliance, which may lead to unintended consequences. For instance, if the DOJ has determined a dealer to be out of compliance at the beginning of the year, and will not re-evaluate compliance for a full calendar year, but the dealer has the ability to correct a violation and bring itself into compliance in a matter of weeks or months, that dealer does not have an opportunity to do business with government buyers for a significant period of time during which it is technically in compliance. The Author may wish to work with DOJ to develop language that will provide additional statutory guidance for the department in its rulemaking efforts.

4. Unsafe Handgun Recordkeeping and DOJ Inspection Authority

AB 2699 (Santiago), Ch. 289, Stats. of 2020 was the most recent measure modifying California’s rostering of handguns that the DOJ deems “not unsafe.” That measure added additional restrictions and limitations on the acquisition and usage of unsafe handguns by law enforcement agencies. As a compromise, additional law enforcement entities were added to the list of agencies that could acquire and use non-rostered firearms but additional limitations were placed on those agencies. These limitations included that the sale of an un-rostered handgun to an agency is only authorized if the handgun is to be used as a service weapon by a peace officer who has successfully completed the basic course prescribed by POST and who qualifies with the handgun at least every six months. AB 2699 also required the DOJ to account for and maintain a database of unsafe handguns obtained pursuant to the law enforcement exemptions in Penal Code Section 32000, and authorized the DOJ to levy civil penalties for failure to report the sale or transfer of an unsafe handgun pursuant to those exemptions.¹¹

However, existing law neither requires law enforcement agencies to maintain records of regarding unsafe handguns, nor does it explicitly authorize the DOJ to conduct inspections of agencies or licensed firearms dealers to compile and maintain the roster required by AB 2699 and otherwise ensure compliance with the requirements of Penal Code Section 32000. Accordingly, this bill requires all agencies specified in Penal Code Section 32000 to maintain

¹¹ Penal Code §32000(a)(2)-(3), (e).

records of any unsafe handgun owned by the agency or carried on duty by a member of the agency, specifies the records to be maintained, and requires the records to be kept for a minimum of three years from the date a firearm was purchased or received. Additionally, this bill authorizes the DOJ to conduct inspections of any agency specified in Penal Code Section 32000 or any licensed gun dealer to ensure compliance with the law.

5. Argument in Support

According to the Brady Campaign:

Some law enforcement officers and members of other agencies might *prefer* unsafe handguns but they don't *need* to use unsafe handguns. With almost 800 weapons on the DOJ roster, there is ample variety to choose from. Unsafe handguns endanger not only the state and local employees who use them but also the general public that they serve, who may be the victims if an unsafe gun misfires or fires when dropped. If state and local agencies and officials who are trained in the use of firearms choose to purchase weapons manufactured without UHA-mandated safety mechanisms, they send a dangerous message: unsafe weapons can and should be used and are superior to the other, safer, choices.

With messaging like this, it is no surprise that these off-roster weapons do not remain solely in the hands of trained law enforcement or other exempt individuals. Whether through theft of officers' service weapons or trafficking and illegal weapons sales by officers these unsafe guns can make it into the hands of untrained civilians and criminal offenders alike. Their lack of safety features increases the likelihood of accidents, like the fatal shooting that took place on Pier 14 in San Francisco with a stolen service weapon. Purchasing weapons that are sold illegally by a police officer may also allow well-meaning civilians to mistakenly believe that they are legally acquiring their firearms. [...]

Taxpayers buy more firearms than any other purchasers in America. These tax dollars are spent by local, state, and federal law enforcement agencies to purchase, or "procure," service firearms and ammunition. And while these guns are procured for the intent to promote public safety, it appears that many purchases are made from federal firearms licensees (FFLs) that have been cited by the Bureau of Alcohol, Tobacco, Firearms and Explosives (ATF) for violating firearms laws and regulations meant to protect the public. Just this year, Brady issued a report outlining findings that California law enforcement agencies spent millions of taxpayer dollars doing business with gun dealers that have been cited for violations of federal gun laws — sometimes repeatedly.

This bill would establish a roster of dealers from which state and local law enforcement agencies may purchase firearms and would set standards to be eligible for said roster. By implementing proper due diligence of firearms vendors, California state and local agencies can ensure that service weapons and ammunition are acquired from *responsible dealers and will incentivize safer business practices that will save lives.*

6. Argument in Opposition

According to a coalition of police officers' associations, deputy sheriffs associations, and other law enforcement groups:

The Riverside Sheriffs' Association and numerous local law enforcement groups oppose SB 377 which would prohibit California's sworn peace officers from being to purchase off-roster firearms. We are aware of no public safety harm caused by our members owning off-roster firearms in an illegal manner that justifies removing the historic exemption afforded to law enforcement officers. SB 377, we believe, is a solution in search of a problem.

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