
SENATE COMMITTEE ON PUBLIC SAFETY

Senator Aisha Wahab, Chair

2023 - 2024 Regular

Bill No: SB 417 **Hearing Date:** April 18, 2023
Author: Blakespear
Version: March 20, 2023
Urgency: No **Fiscal:** No
Consultant: AB

Subject: *Firearms: licensed dealers*

HISTORY

Source: Moms Demand Action, San Diego North County Chapter

Prior Legislation: SB 61 (Portantino), Ch. 737, Stats. of 2019
SB 172 (Portantino), Ch. 840, Stats. of 2019
AB 645 (Irwin), Ch. 729, Stats. of 2019
AB 1525 (Baker), Ch. 825, Stats. of 2017
AB 231 (Ting), Ch. 730, Stats. of 2013

Support: Everytown for Gun Safety Action Fund

Opposition: None known

PURPOSE

The purpose of this bill is to modify the notices that firearms licensees must post on their business premises to include a statement regarding the risks of access to a firearm in the home.

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 the DOJ may assess specified civil fines against a licensee for any breach of a prohibition or requirement that subjects the licensee to forfeiture of their license to sell firearms. (Penal Code §26800(b).)

Existing law provides that the business of a firearms licensee may only be conducted in buildings designated in the license as the licensee's business premises, as specified, and that a licensee must display their license on the premises where it can easily be seen. (Penal Code §26805 & 26810.)

Existing law requires licensees to conspicuously post within the licensed premises the following warnings in block letters not less than one inch in height:

- “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 may 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 keep a firearm within any premises under your custody or control, and a person under 18 years of age obtains it and uses it, resulting in injury or death, or carries it to a public place, you may be guilty of a misdemeanor or a felony unless you stored the firearm in a locked container or locked the firearm with a locking device to keep it from temporarily functioning.”
- “Children may be unable to distinguish firearms from toys and may operate firearms, causing severe injuries or death. If you keep a firearm within any premises under your custody or control, and a person under 18 years of age gains access to the firearm and carries it off-premises, you may be guilty of a misdemeanor, unless you stored the firearm in a locked container, or locked the firearm with a locking device to keep it from temporarily functioning.”
- “You may be guilty of a misdemeanor, including a significant fine or imprisonment, if you keep a firearm where a minor is likely to access it or if a minor obtains and improperly uses it, or carries it off of the premises to a school or school-sponsored event, unless you stored the firearm in a locked container or locked the firearm with a locking device.”
- “If you negligently store or leave a firearm within any premises under your custody or control where a person under 18 years of age is likely to access it, you may be guilty of a misdemeanor, including a significant fine, unless you stored the firearm in a locked container or locked the firearm with a locking device.”
- “Discharging firearms in poorly ventilated areas, cleaning firearms, or handling ammunition may result in exposure to lead, a substance known to cause birth defects, reproductive harm, and other serious physical injury. Have adequate ventilation at all times. Wash hands thoroughly after exposure.”
- “Federal regulations provide that if you do not take physical possession of the firearm that you are acquiring ownership of within 30 days after you complete the initial background check paperwork, then you have to go through the background check process a second time in order to take physical possession of that firearm.”
- “No person shall make an application to purchase more than one handgun or semiautomatic centerfire rifle within any 30-day period and no delivery shall be made to any person who has made an application to purchase more than one handgun or semiautomatic centerfire rifle within any 30-day period.”

- “If a firearm you own or possess is lost or stolen, you must report the loss or theft to a local law enforcement agency where the loss or theft occurred within five days of the time you knew or reasonably should have known that the firearm had been lost or stolen.”

Existing law provides that in addition to the notices above, a licensee shall post conspicuously within the licensed premises, in block letters not less than one inch in height, an additional notice including, but not limited to, a notice provided by a suicide prevention program containing the following statement:

- “If you or someone you know is contemplating suicide, please call the national suicide prevention lifeline at 1-800-273-TALK (8255).”

This bill removes the language requiring licensees to post a notice including, but not limited to, a notice by a suicide prevention program, and instead requires the notice mandated under Penal Code Section 26835(b) to read as follows:

- “Access to a firearm in the home significantly increases the risk of suicide, death, and injury during domestic violence disputes, and the unintentional death and traumatic injury to children, household members, and guests. If you or a loved one is experiencing distress or depression or is contemplating suicide, please call the national suicide prevention lifeline at 1-800-273-talk (8255).”

COMMENTS

1. Need for This Bill

According to the Author:

Despite claims from the gun industry that firearm ownership keeps us safe, the evidence tells a different story. The overwhelming research points to the fact that access to a firearm in the home significantly increases the risk of suicide, death during domestic violence disputes, and the unintentional death of children and household members. This bill updates existing posting requirements and is an important public health measure to educate consumers about the risks of firearm ownership, and the availability of resources to people who are in crisis and may consider harming themselves or others.

2. Guns in the Home

While many people believe that keeping guns in the home is critical to personal and family safety, research indicates that the opposite is true. Recent studies have shown that guns are used for self-protection in less than 1% of all crimes that take place in the presence of the victim, that having a gun in the home was linked with nearly three times higher odds that someone would be killed at home by a family member or intimate acquaintance, and that states with high levels of household gun ownership have more domestic gun homicides than other states do.¹ Other research shows that the risk of death by suicide is 4 to 10 times higher in homes with guns, and that people living with handgun owners die by homicide at twice the rate of their neighbors in

¹ “Will a Gun Keep Your Family Safe? Here’s What the Evidence Says?” 7 April 2020. The Trace. [Will a Gun Keep Your Family Safe? Here’s What the Evidence Says \(thetrace.org\)](https://www.thetrace.org/2020/04/will-a-gun-keep-your-family-safe-heres-what-the-evidence-says/)

gun-free homes.² Much of this research also points to increased risks to children, as three out of four children (including children less than 10 years old) living in a house with a gun know where the gun is, even if their parents think they do not.³ This bill seeks to inform prospective gun purchasers about the risks associated with having a gun in the home by adding language to notices that firearms licensees are required to post outside their business premises.

3. Firearm Licensee Required Notices

Under existing law, California firearms licensees must post conspicuous signage within their business premises displaying various warnings in block letters. The warnings cover various topics related to firearms, including safe and negligent storage and associated crimes, risks to minors, exposure to harmful firearm discharge and residue, federal regulations regarding background checks, limits on how many firearms may be purchased in a 30-day period under California, and reporting lost or stolen firearms to law enforcement. In 2019, AB 645 (Irwin, Ch. 729, Stats. of 2019) added a requirement that licensees must post a notice including information about a suicide prevention program and providing the national suicide prevention lifeline telephone number. That notice currently reads: “If you or someone you know is contemplating suicide, please call the national suicide prevention lifeline at 1-800-273-TALK (8255).”⁴ This bill adds language to that notice, specifically: “Access to a firearm in the home significantly increases the risk of suicide, death and injury during domestic violence disputes, and the unintentional death and traumatic injury to children, household members, and guests. If you or a loved one is experiencing distress or depression or is contemplating...” with the rest of notice remaining nearly identical to what is currently in statute.

4. Argument in Support

Moms Demand Action for Gun Sense in America support this bill stating:

SB 417 expands California’s existing law requiring licensed firearm dealers to post specific, statutorily-mandated notices and warnings on their premises. This bill would require dealers to inform potential purchasers of the broader risks of firearms in the home, including heightened risk of suicide, death, injury during domestic violence disputes, and unintentional death or traumatic injuries.

Despite claims from the gun industry that firearm ownership keeps us safe, the evidence tells a different story. The overwhelming research points to the fact that access to a firearm in the home significantly increases the risk of suicide, death during domestic violence disputes, and the unintentional death of children and household members. It is imperative that consumers are able to make fully informed decisions about a firearm purchase, and the warning sign language required by this bill is based in strong evidence...

-- END --

² “Children and gun safety: What to know and do?” 19 July 2019. Harvard Health Publishing. [Children and gun safety: What to know and do - Harvard Health](#); “Owning Guns Puts People in Your Home at Greater Risk of Being Killed, New Study Shows.” 3 June 2022. TIME Magazine. [Owning Guns Puts People in Your Home at Greater Risk of Death | Time](#)

³ “Children and gun safety.”

⁴ Penal Code § 26835(b).