
SENATE COMMITTEE ON PUBLIC SAFETY

Senator Nancy Skinner, Chair

2017 - 2018 Regular

Bill No: SB 459 **Hearing Date:** January 9, 2018
Author: Portantino
Version: January 3, 2018
Urgency: No **Fiscal:** Yes
Consultant: GC

Subject: *Firearms: dealer inspections*

HISTORY

Source: Author

Prior Legislation: None

Support: Unknown

Opposition: National Shooting Sports Foundation

PURPOSE

Requires the Department of Justice (DOJ) to conduct inspections of licensed firearms dealers at least every two years to ensure compliance with specified provisions of firearms laws.

Existing law provides that DOJ may inspect dealers to ensure compliance with specified firearms provisions. (Pen. Code § 26720, subd. (a).)

Existing law provides that the DOJ may assess an annual fee, not to exceed one hundred fifteen dollars (\$115), to cover the reasonable cost of maintaining the centralized list of licensees, including the cost of inspections. (Pen. Code § 26720, subd. (b).)

Existing law requires that DOJ maintain a centralized list of all persons licensed to deal firearms. (Pen. Code § 26715.)

Existing law provides that licensed firearms dealers are persons who have met the following requirements: (Pen. Code § 26700.)

- A valid federal firearms license.
- A regulatory or business license, or licenses, required by local government.
- A valid seller's permit issued by the State Board of Equalization.
- A certificate of eligibility issued by the DOJ.
- A valid license to sell firearms at retail.
- Is among those recorded in the DOJ's centralized list of firearms dealers.

This bill requires DOJ to conduct inspections of licensed firearms dealers at least every two years, with the exception of a dealer whose place of business is located in a jurisdiction that has adopted an inspection program.

Existing law provides that dealers whose place of business is in a jurisdiction that has adopted an inspection program to ensure compliance with firearms law shall be exempt from that portion of the department's fee that relates to the cost of inspections. The applicant is responsible for providing evidence to the department that the jurisdiction in which the business is located has the inspection program. (Pen. Code § 26720, subd. (b).)

This bill would authorize DOJ to inspect a dealer whose place of business is located in a jurisdiction that has adopted an inspection program.

COMMENTS

1. Need for This Bill

The author states:

Under current law there is no time frame on when the DOJ needs to do inspections on firearms dealer businesses. This bill would require the DOJ to conduct inspections of dealers at least every two years with the exception of a dealer whose place of business is located in a jurisdiction that had adopted an inspection program. This will ensure compliance with firearms laws.

2. DOJ Dealer Inspections

This bill will mandate that DOJ conduct inspections of licensed firearms dealers at least once every two years in most circumstances. The purpose of these inspections is to ensure that persons engaged in dealing firearms are in compliance with state laws and regulations.

- ***Licensing Requirements***

Inspections determine whether dealers have the proper licensing requirements (a federal license, certificate of eligibility, seller's permit, local business license, and are active on the centralized list of dealers).

- ***Security Requirements***

Inspections determine if specified security requirements under Pen. Code § 12071 are met in cities with populations greater than 50,000 or in the unincorporated area of a county with a population greater than 200,000.

- ***Record Keeping Requirements***

Firearms dealers must make specified records available for inspection. Namely, Dealer Record of Sale documents, specified acquisition and disposition records, licenses, and compliance records related to waiting period exemptions, proof of residency, and firearms safety device compliance. Additionally, dealers must provide documents associated with handgun safety certificated.

3. Argument in Opposition

According to the National Shooting Sports Foundation:

The firearms industry is one of the most heavily regulated industries in the country, regulated at both the federal and state level. Current California law already allows the DOJ to perform inspections of firearms dealers. Such requirements would put a strain on DOJ's resources. The current fee imposed by DOJ is \$95, but by mandating DOJ perform inspections every two years, this fee would likely increase to the maximum amount of \$115.

SB 459 would do nothing to increase public safety, but it would be a burden for not only California's Department of Justice, but also for law-abiding California firearms retailers.

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