

JANUARY 31, 2023

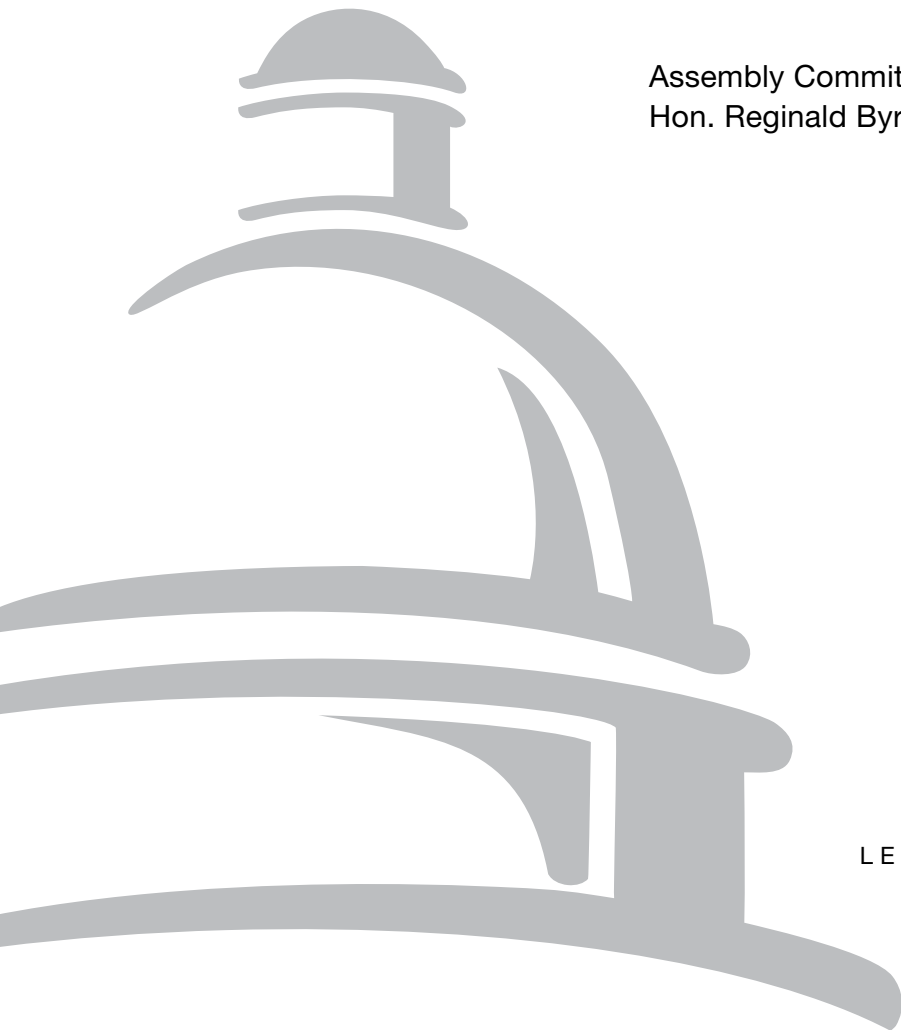
# Overview of Enforcement of Firearm and Ammunition Laws

---

PRESENTED TO:

Assembly Committee on Accountability and  
Administrative Review  
Hon. Cottie Petrie-Norris, Chair

Assembly Committee on Public Safety  
Hon. Reginald Byron Jones-Sawyer, Sr., Chair



LEGISLATIVE ANALYST'S OFFICE

# Overview of California Firearm and Ammunition Laws

---

## Restrictions on Firearm and Ammunition Possession

- Under federal and state law, certain individuals are not allowed to have firearms. These “prohibited persons” include individuals (1) convicted of felonies and some misdemeanors (such as assault and battery), (2) found by a court to be a danger to themselves or others due to mental illness, and (3) with a restraining order against them. In California, individuals who are not allowed to have firearms are also not allowed to have ammunition.

## Regulation of Firearm and Ammunition Sales

- Both federal and state law include various regulations related to firearm sales. State law also includes various regulations related to ammunition sales. Major examples include:
  - **Licenses to Sell.** Individuals and businesses (or dealers) selling firearms and ammunition are generally required to be licensed after meeting various conditions (such as not being a prohibited person).
  - **Background Checks for Purchases.** Firearm and ammunition sellers are generally required to request background checks from federal and state databases before completing sales to ensure that purchasers are not prohibited persons. Sellers also are required to collect and report certain information to the California Department of Justice (DOJ).
  - **Other Regulations.** Other state regulations include: limits on the type of firearms or ammunition that can be bought or possessed, a ten-day waiting period before a seller may give a firearm to a buyer, and requirements related to the reporting of the loss or theft of firearms or ammunition.



# Overview of California Firearm and Ammunition Laws

---

*(Continued)*

## Removal of Firearms From Prohibited Persons

- ***DOJ Enforcement Teams.*** DOJ maintains a database of individuals who have legally bought or registered a firearm with the state. DOJ agents use this information to remove firearms from such individuals who subsequently become prohibited persons.
- ***Court Processes.*** State law requires that the courts inform individuals—including those convicted of an offense or subject to a civil restraining order that makes them a prohibited person—that they must relinquish their firearms, such as by turning them over to local law enforcement or giving them to a licensed firearm dealer for storage. Probation officers or the individuals themselves are required to report on whether this occurred.



# Funding of Regulation and Enforcement of State Firearm and Ammunition Laws

## Summary of Funding for Department of Justice Bureau of Firearms

(In Millions)

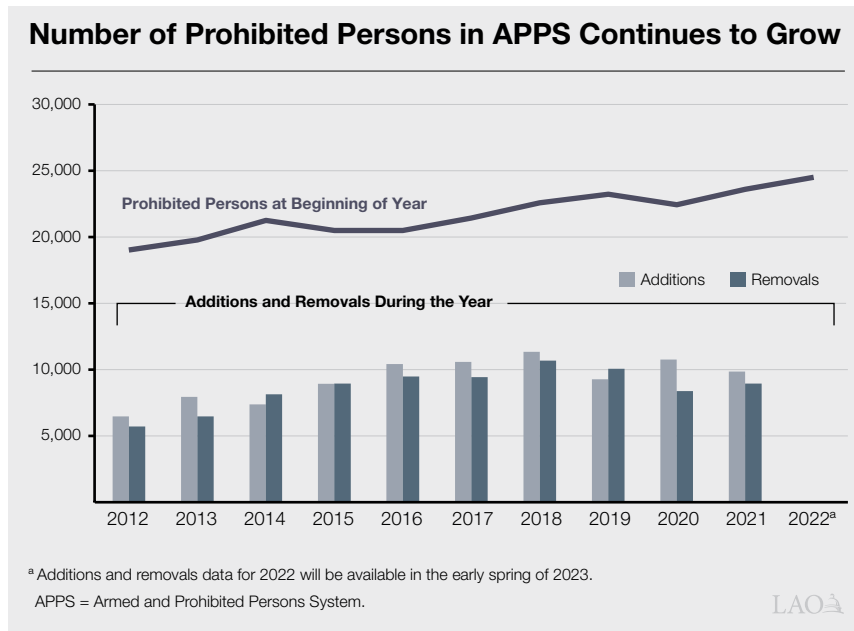
	2018-19	2019-20	2020-21	2021-22	2022-23
General Fund	—	\$18.6	\$17.2	\$28.9 <sup>a</sup>	\$22.0
Dealers Record of Sale Special Account	\$20.0	14.5	14.6	15.8	20.6
Firearms Safety and Enforcement Special Fund	10.3	7.4	8.5	9.1	11.3
Ammunition Safety and Enforcement Special Fund	2.2	1.1	0.8	1.4	1.0
Firearm Safety Account	0.3	0.3	0.3	0.3	0.4
Reimbursements	—	—	—	—	0.3
<b>Totals</b>	<b>\$32.8</b>	<b>\$41.9</b>	<b>\$41.5</b>	<b>\$55.5</b>	<b>\$55.7</b>

<sup>a</sup> Includes one-time \$10 million for grants to county sheriff offices for the removal of firearms and ammunition from prohibited persons.

- **DOJ Primarily Responsible for Regulation and Enforcement.** DOJ’s Bureau of Firearms (BOF) is primarily responsible for the regulation and enforcement of the state’s firearm and ammunition laws. This includes conducting background checks, licensing firearm and ammunition vendors, and administering various other firearms and ammunition programs.
- **At Least Half of DOJ Costs Supported by Fee Revenue.** State law authorizes DOJ to charge various fees related to firearms and ammunition that are deposited into one of various state special funds to support BOF programs and activities. For example, an individual purchasing a firearm currently pays fees totaling \$37.19—which are deposited into three different funds (including \$31.19 to the Dealers Record of Sale Special Account). Between 2012-13 and 2019-20, BOF was generally supported only by fee revenues.
- **Remaining Costs Supported by General Fund.** As shown in the above figure, BOF received \$55.7 million in support in 2022-23—\$22 million (or 40 percent) from the state General Fund and \$33.6 million (or 60 percent) from various special funds. Most of the General Fund is used to support DOJ enforcement teams primarily responsible for investigating the illegal purchase or possession of firearms and ammunition, as well as seizing them from prohibited persons.



## Armed and Prohibited Persons System (APPS)

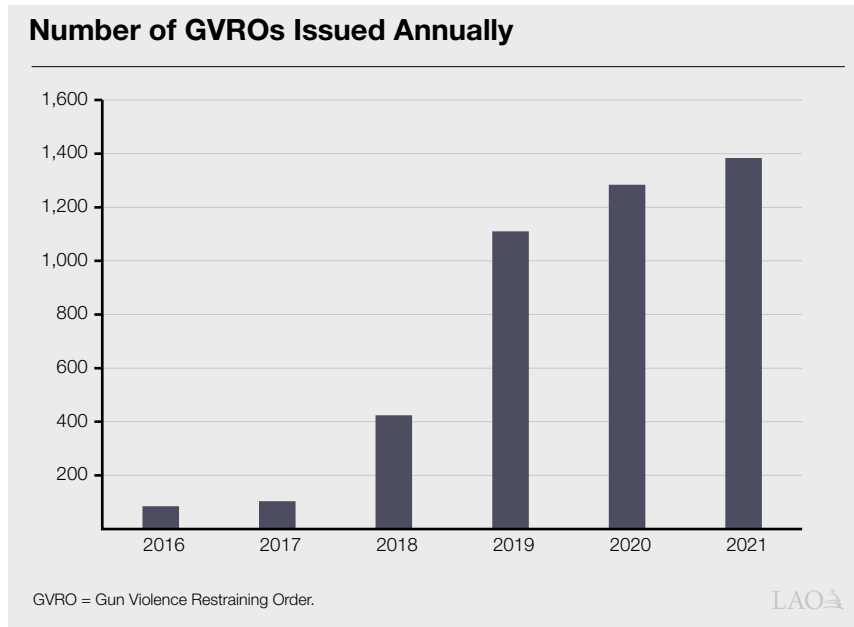


- DOJ maintains APPS, which is a database that includes all individuals who legally purchased or transferred firearms, as well as all known firearms associated with each individual. As of January 1, 2022, there were nearly 3.2 million firearm owners in the APPS database.
- The APPS database includes a “Prohibited Armed Persons File,” which consists of individuals who subsequently become prohibited from owning or possessing firearms. This list is used by law enforcement to identify prohibited persons who might have firearms. As of January 1, 2022, there were 24,509 prohibited persons in this file.
- As shown in the figure, the number of prohibited persons in APPS continues to grow. This is generally due to more individuals being added than removed in most years. For example, 9,848 individuals were added in 2021 but only 8,937 were removed—leading to an increase of 911 individuals between 2021 and 2022.
- Of the prohibited persons removed in 2021, 60 percent were removed because they were no longer prohibited, 36 percent were removed due to firearms seizures or lawful transfers, and 4 percent were removed because they were deceased.



## Gun Violence Restraining Orders (GVROs)

---



- The courts can issue criminal and civil protective orders that prohibit individuals from purchasing or possessing firearms or ammunition. Examples of civil protective orders include GVROs and domestic violence restraining orders.
- State law authorizes law enforcement and certain private citizens—such as an immediate family member or employer/coworker—to seek GVROs when there is concern that an individual poses a significant and/or immediate danger to themselves or others. Temporary or emergency GVROs last about 21 days. Lengthier GVROs of one to five years may follow after a court hearing.
- As shown in the above figure, DOJ data indicate that the number of GVROs issued has increased annually—reaching nearly 1,400 GVROs issued in 34 counties in 2021.



# Recent Funding Provided for Enforcement of Firearm and Ammunition Laws

---

## Additional Resources for DOJ

- Chapter 2 of 2013 (SB 140, Leno) provided \$24 million (available for three years) from fees deposited into the Dealer Record of Sale Special Fund to address the growth of prohibited persons in APPS.
- Various actions were taken to stabilize the level of funding available to support BOF activities. This included addressing operational shortfalls (where expenditures exceed revenues) in a couple of DOJ fee-supported special funds.
  - The 2019-20 budget package included \$17.5 million ongoing General Fund to support APPS enforcement teams. This amount included (1) \$11.9 million to shift existing support for the teams from three special funds to the General Fund and (2) \$5.6 million in increased support for the teams.
  - Chapter 736 of 2019 (AB 1669, Bonta) enabled DOJ to increase the total fee charged when purchasing a firearm from \$25 to \$37.19—an increase of \$12.19 (or 49 percent).

## Grants to Local Law Enforcement

- Funding has been provided in recent years for grants to county sheriff offices for activities related to seizing firearms and ammunition from prohibited persons.
  - The 2019-20 budget package included \$3 million General Fund (available through June 2022) for the Gun Violence Reduction Pilot Program. This program awarded grants to four counties: Alameda (\$1 million), San Diego (\$1 million), Ventura (\$750,000), and Santa Cruz (\$250,000).
  - The 2021-22 budget package included \$10 million General Fund (available for two years after award) for the Gun Violence Reduction Program. To date, this program has awarded grants to ten counties totaling \$5 million in December 2021 and to five counties totaling \$2.8 million in November 2022.
- The 2022-23 budget package included \$25 million General Fund (available through June 2027) for competitive grants for local law enforcement agencies to support gun buyback programs.



# Recent Funding Provided for Enforcement of Firearm and Ammunition Laws

---

*(Continued)*

## Other Actions

- The 2022-23 budget package included \$40 million General Fund (available through June 2025) for trial courts to enforce court orders removing firearms and ammunition from prohibited persons. Courts are to prioritize removals stemming from domestic violence restraining orders, GVROs, and other civil orders. Each court receiving funding is required to partner with at least one law enforcement agency within the county and to use at least 30 percent of its funding for law enforcement costs.
- The 2021-22 budget package included \$1 million (available through June 2024) for the San Diego City Attorney's Office to conduct GVRO trainings statewide. This was in addition to funds provided to the office as part of the 2018-19 budget package (\$50,000) and the 2019-20 budget package (\$250,000).

