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SB 53 (De León) California Ammunition Background Check System "Keeping Ammunition Out of the Wrong Hands"

PURPOSE:

Safeguard California's communities by ensuring that criminals and other dangerous individuals cannot purchase ammunition.

BACKGROUND:

The United States has the loosest gun control laws in the developed world and it has the highest rate of gun-related homicide. Last year, the United States had approximately 11,000 deaths. By comparison, England and Wales had approximately 50 gun homicides. According to the United Nations Office on Drugs and Crime, the United States' gun homicide rate is *30 times* that of France or Australia, and *12 times* higher than the average for other developed countries.¹

Recent discussions in the aftermath of the tragic shooting in Newtown, Connecticut have highlighted the importance of safer gun control laws. However, the sale and distribution of ammunition has remained unregulated and largely ignored. Ammunition is the fuel that feeds the violence, yet little is known about who is buying and selling ammunition. At the federal level, the Gun Control Act of 1968 required federal licensing for all ammunition dealers, and required that retailers keep records on all handgun ammunition sales. This law was repealed in 1986, and since then only a few states have implemented their own regulation of ammunition sales and purchases, including Illinois, Massachusetts, and New Jersey, which require licenses to purchase ammunition.²

California has enacted legislation designed to keep guns out of the hands of criminals, but it has done little to prevent criminals, gang members, and the clinically insane from procuring the ammunition that fuels gun violence. Several cities require ammunition vendors to keep records of ammunition sales which have led to the arrest of thousands of armed and dangerous criminals.³ A 2006 RAND Corporation study concluded that, in just a two-month period in Los Angeles, felons

¹ Washington Post. "The solution to gun violence is clear." http://www.washingtonpost.com/opinions/fareed-zakaria-the-solution-to-gun-violence-is-clear/2012/12/19/110a6f82-4a15-11e2-b6f0-e851e741d196_story.html?wpisrc=emailtoafriend. 19 December 2012.

² Law Center to Prevent Gun Violence. "Ammunition Regulation Policy Summary" <http://smartgunlaws.org/ammunition-regulation-policy-summary/>. 21 May 2012.

³ Reuters. "What's missing in U.S. gun control scramble? Bullets." <http://www.reuters.com/article/2013/01/20/us-usa-guns-ammunition-idUSBRE90J02K20130120>. 20 January 2013.

and others prohibited by law from possessing firearms purchased over 10,000 rounds of ammunition at gun shops and sporting goods stores across the city.⁴ The Sacramento Police Department's ammunition purchaser records showed that in 2008 alone, over 150 prohibited person purchased ammunition in their city.

To address this critical issue, then-Assemblymember Kevin de León introduced Assembly Bill 362 in 2007. The measure would have required any handgun ammunition purchaser to possess a license to sell ammunition issued by the Department of Justice (DOJ), which would require background checks. The following year, AB 2062 (De León) was introduced with similar provisions. Both measures failed to pass in the Assembly.

Three years later, Governor Schwarzenegger signed AB 962 (De León) The Anti-Gang Neighborhood Protection Act. AB 962 required handgun ammunition vendors to record handgun ammunition sales by checking ammunition purchasers' driver's licenses and obtaining thumbprints. The measure also required vendors to make records available to law enforcement for the purposes of crosschecking purchasers with the prohibited persons' databases. The delivery or transfer of ownership of handgun ammunition would be required to occur only in face-to-face transactions, thus banning mail order ammunition sales.

In 2010, the National Rifle Association (NRA) and the California Rifle and Pistol (CRPA) Foundation challenged AB 962 in court. In *Parker v. California* (2011), the Fresno Superior Court ruled in favor of the plaintiffs, declaring that the 30-year-old statutory definition of "handgun ammunition" was unconstitutionally vague. The case is currently on appeal and will be argued this spring.

As a result of the court-issued injunction applied to AB 962, today any criminal can walk into a Big 5 or Wal-Mart and purchase ammunition, no questions asked. It continues to be easier in California to purchase a pallet of ammunition than a pack of cigarettes or allergy medicine. There is no way to track who is buying and selling bullets and this blind eye approach is putting ammunition in the hands of killers.

Senate Bill 53 expands upon and strengthens the ammunition regulation schema established under AB 962. SB 53 requires *all* ammunition vendors to obtain a license to sell ammunition from the DOJ. The Department must maintain a centralized registry of registered ammunition vendors as well as records of ammunition transactions submitted by vendors. Under this proposal, a statewide standard on ammunition sales would be created, providing law enforcement with clear information on who is selling and buying ammunition.

Additionally, SB 53 requires ammunition purchasers to submit to background checks to effectively limit criminal access to the fuel that drives gun violence. These background checks will be structured by the Department of Justice to minimize the costs to gun owners and, after a full and complete check, will be done instantly to ensure that the purchaser is still in good standing to

⁴ RAND Corporation. "RAND Study Finds Substantial Amounts of Ammunition Bought By Felons, Others Prohibited from Buying Bullets." <http://www.rand.org/news/press/2006/10/05.html>. 5 October 2006.

purchase ammunition. In this way, ammunition will only be accessible to lawful gun owners and not dangerous criminals.

PROPOSAL:

- Expand the provisions of AB 962 (De León, Ch. 628, Statutes of 2009) to apply to all types of ammunition.
 - Require all ammunition vendors to obtain a license from the Department of Justice and submit transaction records to the Department.
 - Require anyone wishing to purchase ammunition in California to first pass a full and complete background check. The background check will be conducted by the Department of Justice at a minimal cost to the purchaser. Subsequent background checks will be done instantly.
 - Require ammunition vendors to verify that a person who is being delivered ammunition has passed a background check and is not prohibited from purchasing ammunition.
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SUPPORT:

Brady Campaign to Prevent Gun Violence, California Chapters
California Partnership to End Domestic Violence
California Police Chiefs Association
City of Beverly Hills
City of Oakland
County of Los Angeles
Law Center to Prevent Gun Violence
Los Angeles Community College District
Sheriff Leroy D. Baca, County of Los Angeles
Violence Prevention Coalition of Greater Los Angeles
Women Against Gun Violence

OPPOSITION:

California Association of Firearms Retailers
Crossroads of the West
National Shooting Sports Foundation, Inc.
Outdoor Sportsmen's Coalition of California
Safari Club International
The California Sportsman's Lobby, Inc.
Several Individuals

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