

AMENDED IN ASSEMBLY JUNE 1, 2009

CALIFORNIA LEGISLATURE—2009—10 REGULAR SESSION

ASSEMBLY BILL

No. 962

**Introduced by Assembly Member De Leon
(Coauthor: Assembly Member Bonnie Lowenthal)**

February 26, 2009

An act to amend Sections 11106 and 12316 of, to add Sections 12317 and 12318 to, to add Article 3.5 (commencing with Section 12060) to Chapter 1 of, to add a heading for Chapter 2.6 (commencing with Section 12316) to, and to repeal the heading of Chapter 2.6 (commencing with Section 12320) of, Title 2 of Part 4 of, the Penal Code, relating to ammunition.

LEGISLATIVE COUNSEL'S DIGEST

AB 962, as amended, De Leon. Ammunition.

Existing law requires the Department of Justice to maintain records pertaining to firearms transactions.

This bill would require the department to maintain additional information relating to ammunition transfers and licensed handgun ammunition vendors, as specified.

Existing law generally regulates the sale of ammunition.

This bill would establish a program administered by the Department of Justice for licensing handgun ammunition vendors, as specified.

The bill would establish a database maintained by the department to serve as a registry of handgun ammunition vendors.

This bill would require that commencing July 1, 2010, unless specifically excluded, no person shall sell or transfer more than 50 rounds of handgun ammunition in any month unless he or she is registered as a handgun ammunition vendor, as defined. The bill would

~~also require these vendors to obtain a background clearance for those employees of those vendors who would handle, sell, or deliver ammunition in the course and scope of their employment to obtain a certificate of eligibility, as specified. The bill would require the Department of Justice to maintain a registry of registered handgun ammunition vendors, as specified. Violation of these provisions, as specified, would be a misdemeanor. The bill would provide that no vendor would be authorized to sell ammunition pursuant to a handgun ammunition license unless the vendor is listed on the centralized registry.~~

~~By creating a new crime, this bill would impose a state-mandated local program.~~

The bill would also provide that no retail seller of ammunition shall sell, offer for sale, or display for sale, any handgun ammunition in a manner that allows that ammunition to be accessible to a purchaser without the assistance of the retailer or employee thereof.

~~The bill would further provide that handgun ammunition may only be purchased in a face-to-face transaction and only if certain conditions exist.~~

Existing law generally regulates what information is required to be obtained in connection with the transfer of ammunition.

This bill would, subject to exceptions, commencing July 1, 2010, require certain ammunition vendors to obtain a ~~thumbprint~~ *thumb print* and other information from ammunition purchasers, ~~and would require submission of that information to the Department of Justice, as specified. A violation of these provisions would be a misdemeanor.~~

This bill would provide that a person enjoined from engaging in activity associated with a criminal street gang, as specified, would be prohibited from having under his or her possession, custody, or control, any ammunition. Violation of these provisions would be a misdemeanor.

The bill would prohibit supplying or delivering, as specified, handgun ammunition to prohibited persons, as described, by persons or others who know or by using reasonable care should know that the recipient is a person prohibited from possessing ammunition. Violation of these provisions is a misdemeanor with specified penalties.

The bill would provide, subject to exceptions, that commencing July 1, 2010, the sale or other transfer of ownership of handgun ammunition may only occur in a face-to-face transaction, with the seller or transferor being provided bona fide evidence of identity of the purchaser or other transferee. A violation of these provisions would be a misdemeanor.

By creating new crimes, this bill would impose a state-mandated local program.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

Vote: majority. Appropriation: no. Fiscal committee: yes. State-mandated local program: yes.

The people of the State of California do enact as follows:

1 SECTION 1. This act shall be known, and may be cited, as the
2 PROTECTION Act of 2009: Providing Regulation and Oversight
3 to End Community Terrorism in Our Neighborhoods.

4 SECTION 1.

5 SEC. 2. Section 11106 of the Penal Code is amended to read:

6 11106. (a) In order to assist in the investigation of crime, the
7 prosecution of civil actions by city attorneys pursuant to paragraph
8 (3) of subdivision (c), the arrest and prosecution of criminals, and
9 the recovery of lost, stolen, or found property, the Attorney General
10 shall keep and properly file a complete record of all copies of
11 fingerprints, copies of licenses to carry firearms issued pursuant
12 to Section 12050, information reported to the Department of Justice
13 pursuant to Section 12053, licensee information pertaining to
14 handgun ammunition vendors as specified in Section 12062,
15 dealers' records of sales of firearms, reports provided pursuant to
16 Section 12072 or 12078, forms provided pursuant to Section 12084,
17 as that section read prior to being repealed by the act that amended
18 this section, reports provided pursuant to Section 12071 that are
19 not dealers' records of sales of firearms, and reports of stolen, lost,
20 found, pledged, or pawned property in any city or county of this
21 state, and shall, upon proper application therefor, furnish this
22 information to the officers referred to in Section 11105.

23 (b) (1) Except as provided in subdivision (d), the Attorney
24 General shall not retain or compile any information from reports
25 filed pursuant to subdivision (a) of Section 12078 for firearms that
26 are not handguns, from forms submitted pursuant to Section 12084,
27 as that section read prior to being repealed by the act that amended
28 this section, for firearms that are not handguns, or from dealers'

1 records of sales for firearms that are not handguns. All copies of
2 the forms submitted, or any information received in electronic
3 form, pursuant to Section 12084, as that section read prior to being
4 repealed by the act that amended this section, for firearms that are
5 not handguns, or of the dealers' records of sales for firearms that
6 are not handguns shall be destroyed within five days of the
7 clearance by the Attorney General, unless the purchaser or
8 transferor is ineligible to take possession of the firearm. All copies
9 of the reports filed, or any information received in electronic form,
10 pursuant to subdivision (a) of Section 12078 for firearms that are
11 not handguns shall be destroyed within five days of the receipt by
12 the Attorney General, unless retention is necessary for use in a
13 criminal prosecution.

14 (2) A peace officer, the Attorney General, a Department of
15 Justice employee designated by the Attorney General, or any
16 authorized local law enforcement employee shall not retain or
17 compile any information from a firearms transaction record, as
18 defined in paragraph (5) of subdivision (c) of Section 12071, for
19 firearms that are not handguns unless retention or compilation is
20 necessary for use in a criminal prosecution or in a proceeding to
21 revoke a license issued pursuant to Section 12071.

22 (3) A violation of this subdivision is a misdemeanor.

23 (c) (1) The Attorney General shall permanently keep and
24 properly file and maintain all information reported to the
25 Department of Justice pursuant to Sections 12071, 12072, 12078,
26 12082, and former Section 12084 or any other law, as to handguns
27 and maintain a registry thereof.

28 (2) The registry shall consist of all of the following:

29 (A) The name, address, identification of, place of birth (state
30 or country), complete telephone number, occupation, sex,
31 description, and all legal names and aliases ever used by the owner
32 or person being loaned the particular handgun as listed on the
33 information provided to the department on the Dealers' Record of
34 Sale, the Law Enforcement Firearms Transfer (LEFT), as defined
35 in former Section 12084, or reports made to the department
36 pursuant to Section 12078 or any other law.

37 (B) The name and address of, and other information about, any
38 person (whether a dealer or a private party) from whom the owner
39 acquired or the person being loaned the particular handgun and
40 when the firearm was acquired or loaned as listed on the

1 information provided to the department on the Dealers' Record of
2 Sale, the LEFT, or reports made to the department pursuant to
3 Section 12078 or any other law.

4 (C) Any waiting period exemption applicable to the transaction
5 which resulted in the owner of or the person being loaned the
6 particular handgun acquiring or being loaned that firearm.

7 (D) The manufacturer's name if stamped on the firearm, model
8 name or number if stamped on the firearm, and, if applicable, the
9 serial number, other number (if more than one serial number is
10 stamped on the firearm), caliber, type of firearm, if the firearm is
11 new or used, barrel length, and color of the firearm.

12 (3) Information in the registry referred to in this subdivision
13 shall, upon proper application therefor, be furnished to the officers
14 referred to in Section 11105, to a city attorney prosecuting a civil
15 action, solely for use in prosecuting that civil action and not for
16 any other purpose, or to the person listed in the registry as the
17 owner or person who is listed as being loaned the particular
18 handgun.

19 (4) If any person is listed in the registry as the owner of a firearm
20 through a Dealers' Record of Sale prior to 1979, and the person
21 listed in the registry requests by letter that the Attorney General
22 store and keep the record electronically, as well as in the record's
23 existing photographic, photostatic, or nonerasable optically stored
24 form, the Attorney General shall do so within three working days
25 of receipt of the request. The Attorney General shall, in writing,
26 and as soon as practicable, notify the person requesting electronic
27 storage of the record that the request has been honored as required
28 by this paragraph.

29 (d) (1) Any officer referred to in paragraphs (1) to (6), inclusive,
30 of subdivision (b) of Section 11105 may disseminate the name of
31 the subject of the record, the number of the firearms listed in the
32 record, and the description of any firearm, including the make,
33 model, and caliber, from the record relating to any firearm's sale,
34 transfer, registration, or license record, or any information reported
35 to the Department of Justice pursuant to Section 12021.3, 12053,
36 12071, 12072, 12077, 12078, 12082, or 12285, if the following
37 conditions are met:

38 (A) The subject of the record has been arraigned for a crime in
39 which the victim is a person described in subdivisions (a) to (f),
40 inclusive, of Section 6211 of the Family Code and is being

1 prosecuted or is serving a sentence for the crime, or the subject of
 2 the record is the subject of an emergency protective order, a
 3 temporary restraining order, or an order after hearing, which is in
 4 effect and has been issued by a family court under the Domestic
 5 Violence Protection Act set forth in Division 10 (commencing
 6 with Section 6200) of the Family Code.

7 (B) The information is disseminated only to the victim of the
 8 crime or to the person who has obtained the emergency protective
 9 order, the temporary restraining order, or the order after hearing
 10 issued by the family court.

11 (C) Whenever a law enforcement officer disseminates the
 12 information authorized by this subdivision, that officer or another
 13 officer assigned to the case shall immediately provide the victim
 14 of the crime with a “Victims of Domestic Violence” card, as
 15 specified in subparagraph (H) of paragraph (9) of subdivision (c)
 16 of Section 13701.

17 (2) The victim or person to whom information is disseminated
 18 pursuant to this subdivision may disclose it as he or she deems
 19 necessary to protect himself or herself or another person from
 20 bodily harm by the person who is the subject of the record.

21 ~~SEC. 2.~~

22 SEC. 3. Article 3.5 (commencing with Section 12060) is added
 23 to Chapter 1 of Title 2 of Part 4 of the Penal Code, to read:

24

25 Article 3.5. Handgun Ammunition Vendor Licenses

26

27 12060. As used in this article, the following terms apply:

28 (a) “Department” means the Department of Justice.

29 (b) “Handgun ammunition” means handgun ammunition as
 30 defined in subdivision (a) of Section 12323, but excluding
 31 ammunition designed and intended to be used in an “antique
 32 firearm” as defined in Section 921(a)(16) of Title 18 of the United
 33 States Code. Handgun ammunition does not include blanks used
 34 in prop weapons.

35 (c) “Immediate family member” has the same meaning as set
 36 forth in subdivision (c) of Section 12078.

37 (d) “Licensed handgun ammunition vendor” or “vendor” means
 38 a person licensed by the department pursuant to Section 12062.

39 12061. (a) Commencing July 1, 2010, no person shall sell or
 40 otherwise transfer ownership of more than 50 rounds of handgun

1 ammunition in any month unless the person is licensed by the
2 department as a licensed handgun ammunition vendor in
3 accordance with Section 12062.

4 (b) Subdivision (a) shall not apply to or affect any of the
5 following:

6 (1) Sales or other transfers of ownership of handgun ammunition
7 by manufacturers or wholesalers to licensed handgun ammunition
8 vendors who are licensed pursuant to Section 12062.

9 (2) Sales or other transfers of ownership of handgun ammunition
10 by an authorized law enforcement representative of a city, county,
11 or city and county, or the state or federal government to a peace
12 officer authorized to carry a handgun in the course and scope of
13 his or her duties.

14 (3) Sales or other transfers of ownership of handgun ammunition
15 to authorized law enforcement representatives of cities, counties,
16 cities and counties, or state or federal governments for exclusive
17 use by those government agencies if, prior to the delivery, transfer,
18 or sale of handgun ammunition, written authorization from the
19 head of the agency authorizing the transaction is presented to the
20 person from whom the purchase, delivery, or transfer is being
21 made. Proper written authorization is defined as verifiable written
22 certification from the head of the agency by which the purchaser
23 or transferee is employed, identifying the employee as an individual
24 authorized to conduct the transaction, and authorizing the
25 transaction for the exclusive use of the agency by which he or she
26 is employed.

27 (4) Sales or other transfers of ownership of handgun ammunition
28 to authorized representatives of cities, counties, cities and counties,
29 or state or federal governments for those government agencies in
30 which the entity is acquiring the ammunition as part of an
31 authorized, voluntary program in which the entity is buying or
32 receiving ammunition from private individuals.

33 (5) Sales or other transfers of ownership of handgun ammunition
34 between immediate family members, spouses, or registered
35 domestic partners.

36 (c) A violation of this section is a misdemeanor.

37 12062. (a) (1) The department is authorized to issue handgun
38 ammunition vendor licenses.

39 (2) No handgun ammunition vendor license may be issued to
40 an applicant who fails to provide a copy of any regulatory or

1 business license, or licenses, required by local government, a valid
2 seller's permit issued by the State Board of Equalization, a federal
3 firearms license if the person is federally licensed, and a certificate
4 of eligibility issued pursuant to Section 12071. The license issued
5 pursuant to this section shall be issued to an individual and for a
6 specific physical location where the sale or other transfer of
7 ownership of handgun ammunition is to be conducted.

8 (3) The department shall inform applicants who are denied
9 licenses of the reasons for the denial in writing.

10 (b) (1) The handgun ammunition vendor license shall be issued
11 in a form prescribed by the Attorney General and shall be valid
12 for a period of one year. The Attorney General may adopt
13 regulations to administer application procedures and enforcement
14 procedures for the licensee. The Attorney General may adopt
15 regulations that establish grounds for suspension or revocation of
16 the license.

17 (2) The department may charge handgun ammunition vendor
18 license applicants a fee sufficient to reimburse the department for
19 the costs of administering the license program, maintaining the
20 registry of handgun ammunition vendors, and necessary regulatory
21 functions, including enforcement, provided, however, that the fee
22 shall not exceed fifty dollars (\$50).

23 (3) The department shall issue licenses pursuant to this section
24 to the following applicants:

25 (A) Persons licensed pursuant to Section 12071.

26 (B) A person who is on the centralized list maintained by the
27 department pursuant to Section 12083.

28 (C) A target facility which holds a business or regulatory license.

29 (D) Gunsmiths.

30 (E) Wholesalers.

31 (F) Manufacturers or importers of firearms licensed pursuant
32 to Chapter 44 (commencing with Section 921) of Title 18 of the
33 United States Code, and the regulations issued pursuant thereto.

34 (4) The department shall waive all application fees for all
35 persons listed in subparagraphs (A) and (B) of paragraph (3).

36 (5) (A) The department shall keep a centralized registry of all
37 persons, businesses, and corporations that are vendors. *No vendor*
38 *shall sell or transfer ownership of handgun ammunition pursuant*
39 *to their license unless the vendor is listed on the centralized*
40 *registry.*

1 (B) The department may remove from this registry any vendor
2 that violates the provisions of this section.

3 (C) The license of any vendor that violates this section three
4 times shall be revoked, and that person, firm, or corporation shall
5 become permanently ineligible to obtain a license pursuant to this
6 section.

7 (D) Upon removal of a vendor from the registry, notification
8 shall be provided to local law enforcement and licensing authorities
9 in the jurisdiction where the vendor's business is located.

10 (6) Information compiled from the registry referred to in
11 paragraph (5) shall be made available, upon request, for the
12 following purposes ~~only~~:

13 (A) For law enforcement purposes.

14 (B) When the information is requested for the purposes of
15 determining the validity of handgun ammunition deliveries *or*
16 *transfers*.

17 (c) A vendor shall comply with all of the following conditions,
18 requirements and prohibitions:

19 (1) (A) A vendor shall not permit any employee who the vendor
20 knows or reasonably should know is a person described in Section
21 12021 or 12021.1 of this code or Section 8100 or 8103 of the
22 Welfare and Institutions Code to handle, *sell, or deliver* handgun
23 ammunition in the course and scope of his or her employment.

24 (B) Except as provided in subparagraph (C), for an employee
25 of a vendor who becomes an employee after July 1, 2010, *and who*
26 *handles, sells, or delivers handgun ammunition*, the employee
27 shall ~~obtain~~ *provide to the vendor* a certificate of eligibility
28 *obtained* from the department pursuant to paragraph (4) of
29 subdivision (a) of Section 12071. The request shall be made within
30 45 days of employing the individual.

31 (C) In the case of a person who is employed by a vendor on or
32 before July 1, 2010, *and who handles, sells, or delivers handgun*
33 *ammunition*, the employee shall ~~obtain~~ *provide to the vendor* a
34 certificate of eligibility *obtained* from the department pursuant to
35 paragraph (4) of subdivision (a) of Section 12071 no later than
36 August 15, ~~2009~~ *2010*.

37 (2) A vendor shall not sell or otherwise transfer ownership of,
38 offer for sale or otherwise offer to transfer ownership of, or display
39 for sale or display for transfer of ownership of any handgun
40 ammunition in a manner that allows that ammunition to be

1 accessible to a purchaser or transferee without the assistance of
2 the vendor or employee thereof.

3 (3) Commencing July 1, 2010, a vendor shall not sell or
4 otherwise transfer ownership of any handgun ammunition without
5 at the time of delivery legibly recording the following information
6 on a form that is in a format to be prescribed by the department:

7 (A) The date of the sale or other transaction.
8 (B) The purchaser's or transferee's driver's license or other
9 identification number and the state in which it was issued.
10 (C) The brand, type, and amount of ammunition sold or
11 otherwise transferred.
12 (D) The purchaser's or transferee's signature.
13 (E) The name of the salesperson who processed the sale or other
14 transaction.
15 (F) The right thumbprint of the purchaser or transferee on the
16 above form.
17 (G) The purchaser's or transferee's full residential address and
18 telephone number.
19 (H) The purchaser's or transferee's date of birth.

20 (4) Commencing July 1, 2010, the records required by this
21 section shall be maintained on the premises of the vendor for a
22 period of not less than five years from the date of the recorded
23 transfer.

24 (5) Commencing July 1, 2010, the records referred to in
25 paragraph (3) shall be subject to inspection at any time during
26 normal business hours by any peace officer employed by a sheriff,
27 city police department, or district attorney as provided in
28 subdivision (a) of Section 830.1, or employed by the department
29 as provided in subdivision (b) of Section 830.1, provided the officer
30 is conducting an investigation where access to those records is or
31 may be relevant to that investigation, is seeking information about
32 persons prohibited from owning a firearm or ammunition, or is
33 engaged in ensuring compliance with the Dangerous Weapons
34 Control Law (Chapter 1 (commencing with Section 12000) of Title
35 2 of Part 4), or any other laws pertaining to firearms or ammunition.
36 The records shall also be subject to inspection at any time during
37 normal business hours by any other employee of the department,
38 provided that employee is conducting an investigation where access
39 to those records is or may be relevant to that investigation, is
40 seeking information about persons prohibited from owning a

1 firearm or ammunition, or is engaged in ensuring compliance with
2 the Dangerous Weapons Control Law (Chapter 1 (commencing
3 with Section 12000) of Title 2 of Part 4), or any other laws
4 pertaining to firearms or ammunition.

5 (6) Commencing July 1, 2010, the vendor shall not knowingly
6 make a false entry in, fail to make a required entry in, fail to obtain
7 the required thumbprint, or otherwise fail to maintain in the
8 required manner records prepared in accordance with paragraph
9 (2). If the right thumbprint is not available, then the vendor shall
10 have the purchaser or transferee use his or her left thumb, or any
11 available finger, and shall so indicate on the form. If the purchaser
12 or transferee is physically unable to provide a thumbprint or
13 fingerprint, the vendor shall so indicate on the form.

14 (7) Commencing July 1, 2010, no vendor shall refuse to permit
15 a person authorized under paragraph (5) to examine any record
16 prepared in accordance with this section during any inspection
17 conducted pursuant to this section, or refuse to permit the use of
18 any record or information by those persons.

19 (d) Paragraph (3) of subdivision (c) shall not apply to or affect
20 sales or other transfers of ownership of handgun ammunition by
21 licensed handgun ammunition vendors to any of the following that
22 are properly identified as such in a manner prescribed by the
23 Department of Justice:

24 (1) Persons licensed pursuant to Section 12071.

25 (2) A licensed handgun ammunition vendor.

26 (3) A person who is on the centralized list maintained by the
27 department pursuant to Section 12083.

28 (4) A target facility which holds a business or regulatory license.

29 (5) Gunsmiths.

30 (6) Wholesalers.

31 (7) Manufacturers or importers of firearms licensed pursuant
32 to Chapter 44 (commencing with Section 921) of Title 18 of the
33 United States Code, and the regulations issued pursuant thereto.

34 (8) Sales or other transfers of ownership made to authorized
35 law enforcement representatives of cities, counties, cities and
36 counties, or state or federal governments for exclusive use by those
37 government agencies if, prior to the delivery, transfer, or sale of
38 handgun ammunition, written authorization from the head of the
39 agency authorizing the transaction is presented to the person from
40 whom the purchase, delivery, or transfer is being made. Proper

1 written authorization is defined as verifiable written certification
2 from the head of the agency by which the purchaser, transferee,
3 or person otherwise acquiring ownership is employed, identifying
4 the employee as an individual authorized to conduct the transaction,
5 and authorizing the transaction for the exclusive use of the agency
6 by which he or she is employed.

7 (e) Fees received by the department pursuant to this section
8 shall be deposited in the Dealers’ Record of Sale Special Account
9 of the General Fund.

10 (f) (1) A violation of paragraph (3), (4), (6), or (7) of
11 subdivision (c) is a misdemeanor.

12 (2) The provisions of this subdivision are cumulative, and shall
13 not be construed as restricting the application of any other law.
14 However, an act or omission punishable in different ways by
15 different provisions of law shall not be punished under more than
16 one provision.

17 ~~SEC. 3.~~

18 *SEC. 4* A heading for Chapter 2.6 of Title 2 of Part 4 is added
19 to the Penal Code, immediately preceding Section 12316, to read:

20

21 CHAPTER 2.6. AMMUNITION

22

23 ~~SEC. 4.~~

24 *SEC. 5.* Section 12316 of the Penal Code is amended to read:

25 12316. (a) (1) Any person, corporation, or dealer who does
26 either of the following shall be punished by imprisonment in a
27 county jail for a term not to exceed six months, or by a fine not to
28 exceed one thousand dollars (\$1,000), or by both the imprisonment
29 and fine:

30 (A) Sells any ammunition or reloaded ammunition to a person
31 under 18 years of age.

32 (B) Sells any ammunition or reloaded ammunition designed
33 and intended for use in a handgun to a person under 21 years of
34 age. As used in this subparagraph, “ammunition” means handgun
35 ammunition as defined in subdivision (a) of Section 12323. Where
36 ammunition or reloaded ammunition may be used in both a rifle
37 and a handgun, it may be sold to a person who is at least 18 years
38 of age, but less than 21 years of age, if the vendor reasonably
39 believes that the ammunition is being acquired for use in a rifle
40 and not a handgun.

1 (2) Proof that a person, corporation, or dealer, or his or her agent
2 or employee, demanded, was shown, and acted in reasonable
3 reliance upon, bona fide evidence of majority and identity shall
4 be a defense to any criminal prosecution under this subdivision.
5 As used in this subdivision, “bona fide evidence of majority and
6 identity” means a document issued by a federal, state, county, or
7 municipal government, or subdivision or agency thereof, including,
8 but not limited to, a motor vehicle operator’s license, California
9 state identification card, identification card issued to a member of
10 the armed forces, or other form of identification that bears the
11 name, date of birth, description, and picture of the person.

12 (b) (1) No person prohibited from owning or possessing a
13 firearm under Section 12021 or 12021.1 of this code or Section
14 8100 or 8103 of the Welfare and Institutions Code shall own,
15 possess, or have under his or her custody or control, any
16 ammunition or reloaded ammunition.

17 (2) For purposes of this subdivision, “ammunition” shall include,
18 but not be limited to, any bullet, cartridge, magazine, clip, speed
19 loader, autoloader, or projectile capable of being fired from a
20 firearm with a deadly consequence. “Ammunition” does not include
21 blanks used in prop weapons.

22 (3) A violation of paragraph (1) of this subdivision is punishable
23 by imprisonment in a county jail not to exceed one year or in the
24 state prison, by a fine not to exceed one thousand dollars (\$1,000),
25 or by both the fine and imprisonment.

26 (4) A person who is not prohibited by paragraph (1) from
27 owning, possessing, or having under his or her custody or control,
28 any ammunition or reloaded ammunition, but who is enjoined from
29 engaging in activity pursuant to an injunction issued pursuant to
30 Section 3479 of the Civil Code against that person as a member
31 of a criminal street gang, as defined in Section 186.22, may not
32 own, possess, or have under his or her custody or control, any
33 ammunition or reloaded ammunition.

34 (5) A violation of paragraph (4) of this subdivision is a
35 misdemeanor.

36 (c) Unless it is with the written permission of the school district
37 superintendent, his or her designee, or equivalent school authority,
38 no person shall carry ammunition or reloaded ammunition onto
39 school grounds, except sworn law enforcement officers acting
40 within the scope of their duties or persons exempted under

1 subparagraph (A) of paragraph (1) of subdivision (a) of Section
2 12027. This subdivision shall not apply to a duly appointed peace
3 officer as defined in Chapter 4.5 (commencing with Section 830)
4 of Title 3 of Part 2, a full-time paid peace officer of another state
5 or the federal government who is carrying out official duties while
6 in California, any person summoned by any of these officers to
7 assist in making an arrest or preserving the peace while he or she
8 is actually engaged in assisting the officer, a member of the military
9 forces of this state or of the United States who is engaged in the
10 performance of his or her duties, a person holding a valid license
11 to carry the firearm pursuant to Article 3 (commencing with Section
12 12050) of Chapter 1 of Title 2 of Part 4, or an armored vehicle
13 guard, who is engaged in the performance of his or her duties, as
14 defined in subdivision (e) of Section 7521 of the Business and
15 Professions Code. A violation of this subdivision is punishable by
16 imprisonment in a county jail for a term not to exceed six months,
17 a fine not to exceed one thousand dollars (\$1,000), or both the
18 imprisonment and fine.

19 (d) (1) A violation of paragraph (1) or (4) of subdivision (b) is
20 justifiable where all of the following conditions are met:

21 (A) The person found the ammunition or reloaded ammunition
22 or took the ammunition or reloaded ammunition from a person
23 who was committing a crime against him or her.

24 (B) The person possessed the ammunition or reloaded
25 ammunition no longer than was necessary to deliver or transport
26 the ammunition or reloaded ammunition to a law enforcement
27 agency for that agency's disposition according to law.

28 (C) The person is prohibited from possessing any ammunition
29 or reloaded ammunition solely because that person is prohibited
30 from owning or possessing a firearm only by virtue of Section
31 12021 or ammunition or reloaded ammunition because of paragraph
32 (4) of subdivision (b).

33 (2) Upon the trial for violating paragraph (1) or (4) of
34 subdivision (b), the trier of fact shall determine whether the
35 defendant is subject to the exemption created by this subdivision.

36 (3) The defendant has the burden of proving by a preponderance
37 of the evidence that he or she is subject to the exemption provided
38 by this subdivision.

39 ~~SEC. 5.~~

40 *SEC. 6.* Section 12317 is added to the Penal Code, to read:

1 12317. (a) Any person, corporation, or firm who supplies,
2 delivers, sells, or gives possession or control of, any ammunition
3 to any person who he or she knows or using reasonable care should
4 know is prohibited from owning, possessing, or having under his
5 or her custody or control, any ammunition or reloaded ammunition
6 pursuant to paragraph (1) or (4) of subdivision (b) of Section
7 12316, is guilty of a misdemeanor, punishable by imprisonment
8 in a county jail not exceeding one year, or a fine not exceeding
9 one thousand dollars (\$1,000), or by both that fine and
10 imprisonment.

11 (b) The provisions of this section are cumulative and shall not
12 be construed as restricting the application of any other law.
13 However, an act or omission punishable in different ways by this
14 section and another provision of law shall not be punished under
15 more than one provision.

16 (c) For purposes of this section, “ammunition” shall include,
17 but not be limited to, any bullet, cartridge, magazine, clip, speed
18 loader, autoloader, or projectile capable of being fired from a
19 firearm with deadly consequence. “Ammunition” does not include
20 blanks used in prop weapons.

21 ~~SEC. 6.~~

22 *SEC. 7.* Section 12318 is added to the Penal Code, to read:

23 12318. (a) Commencing July 1, 2010, the sale or other transfer
24 of ownership of handgun ammunition may only occur in a
25 face-to-face transaction with the seller or transferor being provided
26 bona fide evidence of identity from the purchaser or other
27 transferee. A violation of this section is a misdemeanor.

28 (b) For purposes of this section:

29 (1) “Bona fide evidence of identity” means a document issued
30 by a federal, state, county, or municipal government, or subdivision
31 or agency thereof, including, but not limited to, a motor vehicle
32 operator’s license, state identification card, identification card
33 issued to a member of the armed forces, or other form of
34 identification that bears the name, date of birth, description, and
35 picture of the person.

36 (2) “Handgun ammunition” means handgun ammunition as
37 defined in subdivision (a) of Section 12323, but excluding
38 ammunition designed and intended to be used in an “antique
39 firearm” as defined in Section 921(a)(16) of Title 18 of the United

1 States Code. Handgun ammunition does not include blanks used
2 in prop weapons.

3 (3) “Licensed handgun ammunition vendor” has the same
4 meaning as set forth in Section 12062.

5 (c) Subdivision (a) shall not apply to or affect the deliveries,
6 transfers, or sales of, handgun ammunition to any of the following:

7 (1) Authorized law enforcement representatives of cities,
8 counties, cities and counties, or state and federal governments for
9 exclusive use by those government agencies if, prior to the delivery,
10 transfer, or sale of the handgun ammunition, written authorization
11 from the head of the agency employing the purchaser or transferee,
12 is obtained identifying the employee as an individual authorized
13 to conduct the transaction, and authorizing the transaction for the
14 exclusive use of the agency employing the individual.

15 (2) Sworn peace officers, as defined in Chapter 4.5 (commencing
16 with Section 830) of Title 3 of Part 2 who are authorized to carry
17 a firearm in the course and scope of their duties.

18 (3) Importers and manufacturers of handgun ammunition or
19 firearms licensed to engage in business pursuant to Chapter 44
20 (commencing with Section 921) of Title 18 of the United States
21 Code and the regulations issued pursuant thereto.

22 (4) Persons who are on the centralized list maintained by the
23 Department of Justice pursuant to Section 12083.

24 (5) Persons whose licensed premises are outside this state who
25 are licensed as dealers or collectors of firearms pursuant to Chapter
26 44 (commencing with Section 921) of Title 18 of the United States
27 Code and the regulations issued pursuant thereto.

28 (6) Persons licensed as collectors of firearms pursuant to Chapter
29 44 (commencing with Section 921) of Title 18 of the United States
30 Code and the regulations issued pursuant thereto whose licensed
31 premises are within this state who has a current certificate of
32 eligibility issued to him or her by the Department of Justice
33 pursuant to Section 12071.

34 (7) A licensed handgun ammunition vendor.

35 (8) A consultant-evaluator, as defined in subdivision (s) of
36 Section 12001.

37 ~~SEC. 7.~~

38 *SEC. 8.* The heading of Chapter 2.6 (commencing with Section
39 12320) of Title 2 of Part 4 of the Penal Code is repealed.

1 ~~SEC. 8.~~

2 *SEC. 9.* No reimbursement is required by this act pursuant to
3 Section 6 of Article XIII B of the California Constitution because
4 the only costs that may be incurred by a local agency or school
5 district will be incurred because this act creates a new crime or
6 infraction, eliminates a crime or infraction, or changes the penalty
7 for a crime or infraction, within the meaning of Section 17556 of
8 the Government Code, or changes the definition of a crime within
9 the meaning of Section 6 of Article XIII B of the California
10 Constitution.

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