



# REPORT TO LAW & LEGISLATION COMMITTEE City of Sacramento

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915 I Street, Sacramento, CA 95814-2671

CONSENT REPORT  
April 7, 2009

Honorable Members of the  
Law and Legislation Committee

**Subject:** Legislative Position: Support AB 962 (de Leon) - Ammunition

**Location/Council District:** Citywide

**Recommendation:**

Adopt a support position on AB 962 (de Leon) related to ammunition.

**Contact:** Jim Maccoun, Sacramento Police Department, (916) 808-0841

**Presenters:** n/a

**Department:** Sacramento Police Department

**Division:** Public Safety

**Organization No:** 10000

**Description/Analysis**

**Issue:** Councilmember McCarty requested that staff bring forward AB 962 for the Committee's consideration. Assembly Bill 962, authored by Assembly Member Kevin de Leon, would require the State Department of Justice to maintain additional information relating to ammunition transfers and licensed handgun ammunition vendors, as specified. The bill contains provisions regarding:

- Licensing handgun ammunition vendors
- The formation and maintenance of a database/registry of handgun ammunition vendors
- Sets the threshold for an ammunition vendor at 50 rounds/month
- Requires background clearance for all employees who would handle ammunition
- Requires a secure transaction, where ammunition is not accessible to the purchaser without the assistance of the retailer
- Mandates only face-to-face transactions for the purchase of ammunition
- Requires a thumbprint for the purchase of ammunition
- An individual with any activity associated with a criminal street gang would be prohibited from having ammunition under his or her possession, custody or control
- Violation of any of these provisions would become a misdemeanor.

**Policy Considerations:** This bill is consistent with the City's guiding principle to promote public safety and livability. It is consistent with Chapters 5.64 and 5.66 of the Sacramento City Code regarding firearms and ammunition. It is consistent with the ammunition ordinance passed in August 2007 mandating the maintenance of an ammunition sales log by firearms dealers in the City of Sacramento.

**Environmental Considerations:** None.

**Rationale for Recommendation:** This legislation is supported by Council Member Sheedy and by the Sacramento Police Department and would allow for the increased detection and apprehension of those persons committing firearm-related crimes. Most Sacramento homicides involve firearms.

**Financial Considerations:** AB 926 presents no fiscal impact on the City.

**Emerging Small Business Development (ESBD):** None.

Respectfully Submitted by: \_\_\_\_\_  
Lori B. Gay

Approved by:  \_\_\_\_\_  
Patti Bisharat  
Director of Governmental Affairs

Recommendation Approved:

 \_\_\_\_\_  
RAY KERRIDGE  
City Manager

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**Attachment 1 - Draft Letter of Support**

April 8, 2009

The Honorable Kevin de Leon  
California State Assembly  
State Capitol, Room 2114  
Sacramento, CA 95814  
ATTN: Legislative Director

**SUBJECT: Support AB 962 - Ammunition.**

Dear Assembly Member de Leon:

On behalf of the City of Sacramento, I am pleased to write in support of AB 926. AB 926 would require the State Department of Justice to maintain additional information relating to ammunition transfers and licensed handgun ammunition vendors, as specified. This legislation will allow for the increased detection and apprehension of those persons committing firearm-related crimes. Most Sacramento homicides involve firearms.

Thank you for introducing this important legislation.

Sincerely,

SANDY SHEEDY, Chair  
Law and Legislation Committee

cc: Senator Darrell Steinberg  
Senator Dave Cox  
Assembly Member Dave Jones  
Assembly Member Alyson Huber  
Assembly Member Roger Niello  
Mayor Johnson and Members of the City Council  
David Jones, Emanuels and Jones and Associates

**Attachment 2 – Bill Text**

**BILL NUMBER: AB 962 INTRODUCED  
BILL TEXT**

**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 introduced, 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 who would handle ammunition in the course and scope of their employment. 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.

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 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. 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:

SECTION 1. Section 11106 of the Penal Code is amended to read:

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

(b) (1) Except as provided in subdivision (d), the Attorney General shall not retain or compile any information from reports filed pursuant to subdivision (a) of Section 12078 for firearms that are not handguns, from forms submitted pursuant to Section 12084, as that section read prior to being repealed by the act that amended this section, for firearms that are not handguns, or from dealers' records of sales for firearms that are not handguns. All copies of the forms submitted, or any information received in electronic form,

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

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

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

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

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

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

(B) The name and address of, and other information about, any person (whether a dealer or a private party) from whom the owner acquired or the person being loaned the particular handgun and when the firearm was acquired or loaned as listed on the information provided to the department on the Dealers' Record of Sale, the LEFT, or reports made to the department pursuant to Section 12078 or any other law.

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

(D) The manufacturer's name if stamped on the firearm, model name or number if stamped on the firearm, and, if applicable, the serial number, other number (if more than one serial number is stamped on

the firearm), caliber, type of firearm, if the firearm is new or used, barrel length, and color of the firearm.

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

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

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

(A) The subject of the record has been arraigned for a crime in which the victim is a person described in subdivisions (a) to (f), inclusive, of Section 6211 of the Family Code and is being prosecuted or is serving a sentence for the crime, or the subject of the record is the subject of an emergency protective order, a temporary restraining order, or an order after hearing, which is in effect and has been issued by a family court under the Domestic Violence Protection Act set forth in Division 10 (commencing with Section 6200) of the Family Code.

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

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

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

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

#### Article 3.5. Handgun Ammunition Vendor Licenses

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

(a) "Department" means the Department of Justice.

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

(c) "Immediate family member" has the same meaning as set forth in subdivision (c) of Section 12078.

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

12061. (a) Commencing July 1, 2010, no person shall sell or otherwise transfer ownership of more than 50 rounds of handgun ammunition in any month unless the person is licensed by the department as a licensed handgun ammunition vendor in accordance with Section 12062.

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

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

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

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

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

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

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

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

(2) No handgun ammunition vendor license may be issued to an applicant who fails to provide a copy of any regulatory or business license, or licenses, required by local government, a valid seller's permit issued by the State Board of Equalization, a federal firearms license if the person is federally licensed, and a certificate of eligibility issued pursuant to Section 12071. The license issued pursuant to this section shall be issued to an individual and for a specific physical location where the sale or other transfer of ownership of handgun ammunition is to be conducted.

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

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

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

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

(A) Persons licensed pursuant to Section 12071.

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

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

(D) Gunsmiths.

(E) Wholesalers.

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

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

(5) (A) The department shall keep a centralized registry of all persons, businesses, and corporations that are vendors.

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

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

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

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

(A) For law enforcement purposes.

(B) When the information is requested for the purposes of determining the validity of handgun ammunition deliveries.

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

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

(B) Except as provided in subparagraph (C), for an employee of a vendor who becomes an employee after July 1, 2010, the employee shall obtain a certificate of eligibility from the department pursuant to paragraph (4) of subdivision (a) of Section 12071. The request shall be made within 45 days of employing the individual.

(C) In the case of a person who is employed by a vendor on or before July 1, 2010, the employee shall obtain a certificate of eligibility from the department pursuant to paragraph (4) of subdivision (a) of Section 12071 no later than August 15, 2009.

(2) A vendor shall not sell or otherwise transfer ownership of, offer for sale or otherwise offer to transfer ownership of, or display for sale or display for transfer of ownership of any handgun ammunition in a manner that allows that ammunition to be accessible to a purchaser or transferee without the assistance of the vendor or employee thereof.

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

(A) The date of the sale or other transaction.

(B) The purchaser's or transferee's driver's license or other

identification number and the state in which it was issued.

(C) The brand, type, and amount of ammunition sold or otherwise transferred.

(D) The purchaser's or transferee's signature.

(E) The name of the salesperson who processed the sale or other transaction.

(F) The right thumbprint of the purchaser or transferee on the above form.

(G) The purchaser's or transferee's full residential address and telephone number.

(H) The purchaser's or transferee's date of birth.

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

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

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

(7) Commencing July 1, 2010, no vendor shall refuse to permit a person authorized under paragraph (5) to examine any record prepared in accordance with this section during any inspection conducted pursuant to this section, or refuse to permit the use of any record

or information by those persons.

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

(1) Persons licensed pursuant to Section 12071.

(2) A licensed handgun ammunition vendor.

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

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

(5) Gunsmiths.

(6) Wholesalers.

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

(8) Sales or other transfers of ownership made to authorized law enforcement representatives of cities, counties, cities and counties, or state or federal governments for exclusive use by those government agencies if, prior to the delivery, transfer, or sale of handgun ammunition, written authorization from the head of the agency authorizing the transaction is presented to the person from whom the purchase, delivery, or transfer is being made. Proper written authorization is defined as verifiable written certification from the head of the agency by which the purchaser, transferee, or person otherwise acquiring ownership is employed, identifying the employee as an individual authorized to conduct the transaction, and authorizing the transaction for the exclusive use of the agency by which he or she is employed.

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

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

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

SEC. 3. A heading for Chapter 2.6 of Title 2 of Part 4 is added to the Penal Code, immediately preceding Section 12316, to read:

#### CHAPTER 2.6. AMMUNITION

SEC. 4. Section 12316 of the Penal Code is amended to read:

12316. (a) (1) Any person, corporation, or dealer who does either

of the following shall be punished by imprisonment in a county jail for a term not to exceed six months, or by a fine not to exceed one thousand dollars (\$1,000), or by both the imprisonment and fine:

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

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

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

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

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

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

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

(5) *A violation of paragraph (4) of this subdivision is a*

*misdemeanor.*

(c) Unless it is with the written permission of the school district superintendent, his or her designee, or equivalent school authority, no person shall carry ammunition or reloaded ammunition onto school grounds, except sworn law enforcement officers acting within the scope of their duties or persons exempted under subparagraph (A) of paragraph (1) of subdivision (a) of Section 12027. This subdivision shall not apply to a duly appointed peace officer as defined in Chapter 4.5 (commencing with Section 830) of Title 3 of Part 2, a full-time paid peace officer of another state or the federal government who is carrying out official duties while in California, any person summoned by any of these officers to assist in making an arrest or preserving the peace while he or she is actually engaged in assisting the officer, a member of the military forces of this state or of the United States who is engaged in the performance of his or her duties, a person holding a valid license to carry the firearm pursuant to Article 3 (commencing with Section 12050) of Chapter 1 of Title 2 of Part 4, or an armored vehicle guard, who is engaged in the performance of his or her duties, as defined in subdivision (e) of Section 7521 of the Business and Professions Code. A violation of this subdivision is punishable by imprisonment in a county jail for a term not to exceed six months, a fine not to exceed one thousand dollars (\$1,000), or both the imprisonment and fine.

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

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

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

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

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

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

SEC. 5. Section 12317 is added to the Penal Code, to read:

12317. (a) Any person, corporation, or firm who supplies, delivers, sells, or gives possession or control of, any ammunition to

any person who he or she knows or using reasonable care should know is prohibited from owning, possessing, or having under his or her custody or control, any ammunition or reloaded ammunition pursuant to paragraph (1) or (4) of subdivision (b) of Section 12316, is guilty of a misdemeanor, punishable by imprisonment in a county jail not exceeding one year, or a fine not exceeding one thousand dollars (\$1,000), or by both that fine and imprisonment.

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

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

SEC. 6. Section 12318 is added to the Penal Code, to read:

12318. (a) 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 from the purchaser or other transferee. A violation of this section is a misdemeanor.

(b) For purposes of this section:

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

(2) "Handgun ammunition" means handgun ammunition as defined in subdivision (a) of Section 12323, but excluding ammunition designed and intended to be used in an "antique firearm" as defined in Section 921(a)(16) of Title 18 of the United States Code. Handgun ammunition does not include blanks used in prop weapons.

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

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

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

exclusive use of the agency employing the individual.

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

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

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

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

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

(7) A licensed handgun ammunition vendor.

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

SEC. 7. The heading of Chapter 2.6 (commencing with Section 12320) of Title 2 of Part 4 of the Penal Code is repealed.

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