



AB 1810 - Crime Gun Tracing Improvement Act

Questions and Answers

Question: Is there a need for AB 1810?

Answer: Yes. Although records of handgun sales are retained by the Department of Justice (DOJ), current law requires DOJ to needlessly destroy long gun records, which hampers law enforcement efforts to solve gun crimes and disarm prohibited persons, including felons and domestic abusers. This is particularly dangerous because long guns play a significant role in our gun violence epidemic. Over the past ten years, Californians have annually purchased more long guns than handguns, including 253,296 long guns in 2009.ⁱ Of the 26,682 crime guns entered into DOJ's Automated Firearms Systems (AFS) database in 2009, 11,500 were long guns.ⁱⁱ Furthermore, DOJ has found that half the illegal firearms recovered from prohibited persons are long guns.ⁱⁱⁱ AB 1810 would improve public safety by enabling DOJ to retain long gun records and add them to the AFS database.

Question: Would AB 1810 impact current long gun owners?

Answer: No. AB 1810 would require that, beginning on July 1, 2012, DOJ retain records of long gun transfers and add those records to its AFS database. Current long gun owners in California would not be required to do anything. Future transfers of currently-owned long guns would be reported and recorded in the same manner that is required for handgun transfers.

Question: Would AB 1810 be a burden to retailers or consumers?

Answer: No. The consumer would not notice any change. A gun buyer would not experience a different, lengthier, or more expensive Dealers' Records of Sale (DROS) process. The current background check process and ten-day waiting period would remain the same. The seller would not incur any additional expenses and there would be no need for additional employees. Sellers would use the same DROS form for both handguns and long guns and simply enter the specific information about the long gun.

Question: Would AB 1810 be difficult to implement?

Answer: No. Currently, both handgun and long gun DROS forms are electronically submitted to DOJ. DOJ keeps the records for handguns in the AFS database, but long guns records must be destroyed after the background check is completed. AB 1810 would require DOJ to keep the records for long guns. Additionally, AB 1810 would simplify the DROS process, because only one form would be used for both handgun and long gun sales.

Question: Is long gun record retention the same as "registration"?

Answer: No. Registration laws typically require gun owners to register the guns that they currently own, as well as any new guns acquired. They also usually require a periodic renewal and background check. AB 1810 would simply authorize DOJ to retain DROS information that it already receives. AB 1810 does not require firearm registration, even though registration is widely supported in opinion polls, and many Californians, including gun owners, mistakenly believe that registration of all firearms is already required by current law.

Question: Does AB 1810 create an invasion of privacy?

Answer: No. Personal information regarding a gun purchaser, including name, address, phone number, and birth date, is already submitted to DOJ at the time of purchase of long guns for the background check. The only new information that a dealer would be required to submit under AB 1810 is related to the gun being purchased, including the make, model and serial number. This information has been retained for handguns since 1991 and there has been no evidence of misuse or abuse of handgun records. Fears that the government would take away handguns under the law have proven to be unfounded.

Question: Does AB 1810 violate the Second Amendment?

Answer: No. Long gun record retention does not violate the Second Amendment right identified in the U.S. Supreme Court's ruling in *District of Columbia v. Heller*. In *Heller*, the Supreme Court held that the Second Amendment protects an individual right to possess a handgun in the home for self-defense.^{iv} AB 1810 does not impact this right, since it does not interfere with any person's ability to possess a gun in the home. AB 1810's new requirements for gun dealers fall within the class of "laws imposing conditions and qualifications on the commercial sale of arms," which the Supreme Court deemed "presumptively valid" against Second Amendment challenges in *Heller*.

Question: There are so many long guns without records already out there, how would this make a difference?

Answer: Long gun record retention would have an immediate impact, allowing law enforcement access to information about any long gun purchased after the effective date. Over time, as records of additional sales are added, the database will become even more valuable to law enforcement. Handgun record retention was also prospective when it was enacted in 1991, and has helped law enforcement trace crime guns and disarm felons and other prohibited persons.

Question: Does the effort to repeal Canada's long gun registration requirement indicate that long gun record retention is not good policy?

Answer: No. Canada's law requires all individuals to register the long guns that they currently own. AB 1810 would not require current long gun owners to do anything; DOJ would simply retain the information it already receives when a long gun is transferred. The Canadian registration system has drawn criticism due to cost overruns in the development and implementation of a comprehensive registration system. California's firearm database (AFS) would only need minor modifications to implement the retention of long gun records and the costs would be minimal. Opponents to Canada's registry claim it has not been effective, yet the Canadian Association of Chiefs of Police and other law enforcement organizations consider the long gun registry to be a valuable tool, particularly in domestic violence calls, when it is used to protect both the family member and the responding police officer.

ⁱ California Department of Justice, "Dealer's Record of Sale (Calendar Year Statistics)," provided on March 4, 2010.

ⁱⁱ Data provided by the California Department of Justice, April 6, 2010.

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^{iv} The Supreme Court has not held that the Second Amendment applies to the states. The Court has taken up this issue in *McDonald v. Chicago*. A decision is expected in June 2010.