

OUR MISSION

To educate and mobilize our California communities to advocate for sensible, responsible gun laws, regulations, and public policies, at the local, state and national levels.

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AB 1810 (Feuer)

Crime Gun Tracing Improvement Act

AB 1810 Provisions:

Assembly Bill 1810 would close a loophole in state law by removing existing exceptions that require the destruction of long gun sales and transfer records. AB 1810 would require the preservation of records for long guns sold or transferred after July 1, 2012.

Background:

Under existing law, firearm sales and transfer records are created after a background check on a firearm purchaser or new owner is completed. The California Department of Justice (DOJ) maintains records of handguns sold or transferred in California in a state database. Unfortunately, sales and transfer records for long guns must currently be destroyed within five days of a cleared transaction (PC § 11106(b)(1)).

Law enforcement uses sales and transfer records of handguns to solve handgun crimes, identify illegal trafficking channels, return stolen handguns, and to disarm prohibited persons, such as violent felons or domestic violence offenders, who are not allowed to possess firearms. The long gun loophole makes it much harder for law enforcement to trace long guns used in crime or identify and disarm prohibited persons in possession of long guns. The maintenance of records for long guns is necessary.

AB 1810 Would Protect Law Enforcement:

AB 1810 would increase the safety of law enforcement by providing better information regarding the guns they may face. An officer responding to a call or serving a domestic violence warrant could access the Automated Firearms System (AFS) database and be forewarned of the likelihood of encountering long guns. Many long guns put officers at greater risk because of their fire power and ability to shoot through protective vests. Moreover, even a poorly aimed shotgun could greatly injure a law enforcement officer.

AB 1810 Would Help Law Enforcement To:

- **Solve long gun crime:** Crime gun traces help law enforcement investigate and solve gun crimes by enabling the identification of the first purchaser of the gun (and subsequent handgun purchasers in California). Identification of the owner of a crime gun provides an important lead for solving the crime. The maintenance of long gun records would enable tracing the full history of long guns and help to solve long gun crimes.

- **Identify sources of long guns used in crime and illegal trafficking channels:** Analysis of crime gun trace data helps federal, state, and local law enforcement to identify firearm traffickers and the sources of guns used in crime. Curbing the flow of illegal guns, including long guns, would greatly enhance public safety.
- **Disarm prohibited persons of long guns:** DOJ is able to use handgun records to identify and disarm those individuals who have purchased a handgun and subsequently become prohibited from possessing a firearm because they have fallen into a prohibited class. These prohibited persons may be felons, domestic violence offenders, or suffer from severe mental illness. In implementing its Armed Prohibited Persons System (APPS) program, DOJ has found many prohibited persons, whose handguns are in the DOJ database, who are also in possession of illegal long guns. To fully implement the APPS program records of long guns are needed.
- **Disarm newly convicted criminals of long guns:** Record retention of long guns will allow law enforcement and the courts to determine if long guns are possessed by persons who have been newly convicted of crimes and are required to relinquish their firearms.
- **Strengthen domestic violence enforcement programs:** The lack of long gun records undermines DOJ and local law enforcement efforts to disarm domestic violence offenders. Currently, law enforcement only has records of handguns to seize, not long guns.
- **Return stolen long gun:** Record retention of long guns would enable law enforcement to identify and return stolen rifles or shotguns to the rightful owner.

Costs of AB 1810:

There would be no costs to the state general fund to implement AB 1810. No new costs would be placed on consumers, firearm dealers, or local law enforcement agencies. AB 1810 would help streamline the Dealers' Records of Sale (DROS) process by allowing the same form to be used for both handguns and long guns. The small costs to change the DROS form and to enhance the AFS database so that it can maintain long gun records would be funded by the DROS Special Account. This account is supported by fees on firearm sales and must be spent on DOJ firearms-related regulatory and enforcement activities (PC § 12076, subd. (e)(10)). The maintenance of long gun records would be self-supporting by DROS fees (currently \$19 for a handgun and \$19 for one or more rifles or shotguns).

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