

**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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## California AB 962 (De León)

### *Handgun Ammunition Sales Regulation*

#### **Purpose of AB 962**

AB 962 seeks to reduce gun violence by reducing the easy access to ammunition by criminals, gang members, the dangerously mentally ill and other persons prohibited from possessing firearms and ammunition. The bill would ensure that sellers of handgun ammunition are legitimate, regulated businesses required to follow procedures to deter acquisition of handgun ammunition by prohibited persons.

#### **The Problem**

Current law provides that people who are prohibited from purchasing and possessing firearms are also prohibited from possessing ammunition. At the present time, there is no way to enforce this law because the state does not know who sells or buys ammunition. Furthermore, a loophole in the law does not prohibit individuals or businesses from *selling or transferring* ammunition to an individual that is prohibited from *possessing* ammunition. Easy access to handgun ammunition by criminals and violent gang members fuels California's gun violence, as loaded handguns are the weapons of choice for criminals.

#### **Provisions of AB 962**

AB 962 would prohibit known gang members from possessing ammunition and make it unlawful to sell or furnish ammunition to any person known to be prohibited from possessing ammunition. The bill would require sellers of more than 50 rounds of handgun ammunition in a month to obtain a handgun ammunition vendor's license from the Department of Justice (DOJ) by July, 2010. In addition, all employees who handle ammunition would be required to pass a criminal background check to ensure that they are not known gang members or convicted criminals. To prevent shoplifting, handgun ammunition would be required to be safely stored, such as behind the sales counter. Furthermore, handgun ammunition sales would be required to take place in face to face transactions, thereby eliminating internet or mail order sales to potentially dangerous criminals.

AB 962 would also require that ammunition vendors record identifying information, including the name, thumbprint and signature, of a purchaser of handgun ammunition, in addition to information about the type and amount of ammunition purchased or transferred. These records would be maintained by the vendor for at least five years and must be made available to law enforcement.

## The Rand Study

A 2006 Rand Corporation study found that a substantial amount of ammunition sold in Los Angeles was purchased by felons and other persons who are prohibited from possessing ammunition. In the two month study period, prohibited persons purchased 10,050 rounds of ammunition at gun shops and sporting goods stores across the City of Los Angeles.<sup>1</sup> Individuals prohibited from possessing ammunition continue to purchase ammunition through licensed dealers in California because existing law provides **NO** means of enforcement.

## City of Sacramento Ammunition Ordinance

The City of Sacramento passed an ordinance that requires the maintenance of ammunition sales records, similar to those required by AB 962. These records are electronically transmitted to the Sacramento Police Department, where the logs are cross-checked with the existing state database of prohibited persons to determine who is illegally buying ammunition and thus may be illegally armed. The police department regularly uses the ammunition sales records in the investigation of gun crime.

After twelve months of data (Jan. 2008 – Dec. 2008), the Sacramento Police Department reported that 156 prohibited people purchased ammunition. Of these prohibited people, 124 had felony convictions and 14 were gang members. Using this information, the Sacramento Police were able to execute 48 search warrants and recover 84 illegal firearms, thousands of rounds of illegal ammunition, and 5 stolen firearms. Arrests, felony charges and convictions have taken place. The Sacramento Police Department reports that, “The ordinance and the enforcement program which has resulted from it have proven to be effective tools for locating firearms violators.”<sup>2</sup>

## AB 962 Would Reduce Gun Violence

Many consumer products are regulated in order to prevent inappropriate or illegal use. Local laws require spray paint to be inaccessible to the public. State laws regulate the storage and sale of cigarettes and certain allergy medicines. Buyers of pseudoephedrine must show ID and sign a purchaser log. A product that has the potential to kill, like a bullet, should be similarly regulated so that kids, felons, and other prohibited persons cannot easily gain access to deadly ammunition by shoplifting or placing internet or mail order sales without confirming their identity.

The vendors’ handgun ammunition sales records could assist law enforcement in the detection and apprehension of persons committing handgun-related crimes. The records could be cross-checked with the existing DOJ database of prohibited persons and identify individuals who are illegally armed and help law enforcement gain necessary search warrants. The collection of information about handgun ammunition purchasers and the potential inspection of the records by law enforcement would deter the purchase of ammunition by prohibited persons.

**Guns and ammunition in the hands of prohibited persons create a higher risk of violent crime.<sup>3</sup> Reducing easy access to handgun ammunition by prohibited persons would make California’s communities safer from gun violence.**

3/12/09

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<sup>1</sup> G. E. Tita, A. A. Braga, G. Ridgeway and G. L. Pierce, The criminal purchase of firearm ammunition. *Inj. Prev.* 2006; 12: 308-311; doi: 10.1136/ip.2006.013052

<sup>2</sup> Sacramento Police Department Reports to Sacramento City Council, August 2008 & January 2009.

<sup>3</sup> Wright, M.A., G. L. Wintemute and B. E. Claire, People and guns involved in denied and completed handgun sales. *Inj. Prev.* 2005; 11: 247-50.