
SENATE COMMITTEE ON PUBLIC SAFETY

Senator Aisha Wahab, Chair

2023 - 2024 Regular

Bill No: SB 1253 **Hearing Date:** April 2, 2024
Author: Gonzalez
Version: March 21, 2024
Urgency: No **Fiscal:** Yes
Consultant: AB

Subject: *Firearms: firearm safety certificates*

HISTORY

Source: University of California, San Diego Consumer Protection Policy Center

Prior Legislation: AB 138 (Committee on Budget, Ch. 78, Stats. of 2021)
AB 645 (Irwin, Ch. 729, Stats. of 2019)
SB 1289 (Committee on Judiciary, Ch. 92, Stats. of 2018)
AB 1525 (Baker, Ch. 92, Stats. of 2017)
AB 683 (Block, Ch. 761, Stats. of 2013)
AB 52 (Scott, Ch. 942, Stats. of 2001)

Support: Brady California; Brady Campaign to Prevent Gun Violence; San Diego City Attorney's Office

Opposition: California Association of Highway Patrolmen; California Rifle and Pistol Association; California State Sheriffs' Association; Delta Waterfowl; Gun Owners of California

PURPOSE

The purpose of this bill is to prohibit, commencing January 1, 2026, a person from possessing a firearm without possession of a valid, unexpired firearm safety certificate, and to require new California residents who possess firearms to obtain a firearm safety certificate within 60 days of bringing a firearm into the state.

Existing law generally prohibits the sale, lease or transfer of firearms unless the person has been issued a license by the California Department of Justice, and establishes various exceptions to this prohibition. (Pen. Code §§26500 – 26625.)

Existing law provides that a license to sell firearms is subject to forfeiture for any violation of a number of specified prohibitions and requirements, with limited exceptions. (Pen. Code §§26800 – 26915.)

Existing law provides that where neither party to a firearms transaction holds a dealer's license (i.e. a "private party transaction"), the parties shall complete the transaction through a licensed firearms dealer. (Pen. Code §27545.)

Existing law establishes the intent of the Legislature in enacting specified provisions to require that persons who obtain firearms have a basic familiarity with those firearms, including, but not limited to, the safe handling and storage of those firearms. (Pen. Code, §31610)

Existing law requires the Department of Justice (DOJ) to develop firearm safety certificates to be issued by instructors certified by the department to those persons who have complied with specified requirements regarding firearm safety, and which expire 5 years after the date of issuance. (Pen. Code, §31655, subds. (a), (c).)

Existing law provides that a firearm safety certificate shall include, but not be limited to, the following information:

- A unique handgun safety certificate identification number;
- The holder's full name;
- The holder's date of birth;
- The holder's driver's license or identification number;
- The holder's signature;
- The signature of the issuing instructor; and,
- The date of issuance. (Pen. Code, § 31655, subd. (b).)

Existing law provides that a licensed firearm dealer shall not deliver a firearm unless the person receiving the firearm presents to the dealer a valid firearm safety certificate. The firearm dealer shall retain a photocopy of the firearm safety certificate as proof of compliance. (Pen. Code §26840, subd. (a).)

Existing law provides that a person shall not purchase or receive any firearm, except an antique firearm, without a valid firearm safety certificate, except that in the case of a handgun, an unexpired handgun safety certificate may be used. (Pen. Code, §31615, subd. (a).)

Existing law provides that a person shall not sell, deliver, loan, or transfer any firearm, except an antique firearm, to any person who does not have a valid firearm safety certificate, except that in the case of a handgun, an unexpired handgun safety certificate may be used. (Pen. Code, §31615, subd. (a).)

Existing law provides that a person who violates the above prohibition is guilty of a misdemeanor. (Pen. Code, §31615, subd. (b).)

Existing law provides that a DOJ-certified instructor shall not issue a firearm safety certificate to any person who has not complied with specified safety requirements or who is under 18, a violation of which is grounds for the revocation of the instructor's certification. (Pen. Code, §31625.)

Existing law requires DOJ to develop a firearm safety certificate instruction manual in various languages, as specified. (Pen. Code, § 31630.)

Existing law requires the DOJ to prescribe a minimum level of skill, knowledge and competency to be required of all firearm safety certificate instructors, as specified. (Pen. Code, § 31635.)

Existing law requires the DOJ to develop a written objective test in various languages, passage of which is a prerequisite to obtaining a firearm safety certificate, and to develop a study guide for that test. (Pen. Code, §§ 31640, 31641, 31645.)

Existing law contains various exemptions to the firearm safety certificate requirement, including for active and retired peace officers, licensed firearm dealers, federally licensed collectors, concealed carry permit holders, hunting license holders, and specified individuals who receive a firearm via operation of law. (Pen. Code § 31700.)

Existing law defines a “personal firearm importer” as non-licensed individual who has moved into the State of California, owns a firearm that is legal within the state, and intends to possess that firearm within the state, as specified. (Penal Code § 17000.)

Existing law requires that, within 60 days of bringing, any firearm, into this state, a personal firearm importer shall do one of the following:

- 1) Forward by prepaid mail or deliver in person to the Department of Justice, a report prescribed by the department including information concerning that individual and a description of the firearm in question;
- 2) Sell or transfer the firearm, as specified;
- 3) Sell or transfer the firearm to a licensed dealer, as specified; or,
- 4) Sell or transfer the firearm to a sheriff or police department. (Pen. Code, § 27560, subd. (a).)

This bill strikes a statement of legislative intent in existing law stating that it is not the intent of the Legislature to require a firearm safety certificate for the mere possession of a firearm.

This bill strikes existing law prohibiting a person from purchasing, receiving, selling, delivering, loaning or transferring any handgun unless they have an unexpired handgun safety certificate, and instead requires them possess a valid, unexpired firearm safety certificate to engage in this conduct.

This bill provides that, commencing January 1, 2026, a person shall not possess any firearm, except an antique firearm, without a valid, unexpired firearm safety certificate, except as specified.

This bill, for the purposes of this prohibition, defines “possess” as only applying to a person who was required by law to obtain either a basic firearms safety certificate, a handgun safety certificate, or a firearm safety certificate at the time the purchased, received, or imported the firearm.

This bill makes violation of this prohibition punishable as an infraction.

This bill provides that within 60 days of bringing any firearm, except an antique firearm, into this state, a personal firearm importer shall obtain a firearm safety certificate.

This bill provides that a DOJ-certified instructor shall not renew the firearm safety certificate of any person who has not complied with existing safety requirements, as specified.

This bill provides that for the purposes of complying with the requirement that a person possessing any firearm must first obtain a valid, unexpired firearm safety certificate, the certificate shall be deemed valid and the holder may renew the certificate within 60 days after expiration.

This bill requires the DOJ to notify each holder of a firearm safety certificate that is nearing expiration that their firearm safety certificate is going to expire and requires renewal, as specified.

This bill makes a technical correction to existing law regarding the topics required to be covered on the firearm safety certificate test.

COMMENTS

1. Need for This Bill

According to the Author:

California has some of the most effective firearm safety laws in the nation, which has resulted in a significant reduction in firearm incidences over the last few decades. Accidental and unintentional shootings, however, continue to be a leading cause of firearm-related incidents in the state, particularly for children, contributing to roughly 30% of firearm-related deaths and injuries from 2016 to 2022 according to the Department of Justice. In addition, almost all other states have worse firearm safety records than California, many of which lack any firearm safety requirements whatsoever. This presents a danger to California communities as firearm owners move in from other states without any requirement to complete California's firearm safety certificate.

Senate Bill (SB) 1253 will close this loophole and reduce avoidable firearm violence by requiring firearm owners, including those that move into California from other states, to renew their firearm safety certificate every five years to ensure they are maintaining the requisite knowledge and best practices on firearm safety, including safe handling and storage. SB 1253 also expands the firearm safety requirement to individuals that possess a firearm, not just those with a registerable firearm. This will reduce unnecessary gun violence and help keep California communities safe.

2. Background on Firearm Safety Certificates

Beginning in 1993, possession of a handgun safety certificate was required to transfer firearms, and the Department of Justice was required to develop the process for individuals to obtain a

handgun safety certificate. Exemptions were provided for specific classes of individuals who did not need to obtain a firearm safety certificate, such as peace officers and persons with concealed carry permits, and for specific firearm transfers.¹ Senate Bill 52 (Scott), Chapter 942, Statutes of 2001, repealed the basic firearms safety certificate scheme and replaced it with the more stringent handgun safety certificate scheme. SB 52 provided that, effective January 1, 2003, no person may purchase, transfer, receive, or sell a handgun without a Handgun Safety Certificate (HSC). SB 1080 (Committee on Public Safety, Ch. 711, Statutes of 2010), required DOJ to prepare a pamphlet that summarizes California firearms laws as they pertain to a person other than law enforcement officers or members of the armed services. This pamphlet included, but was not limited to, the following: lawful possession, licensing procedures, transportation and use of firearms, the acquisition of hunting licenses, and other provisions as specified.

Senate Bill 683 (Block, Ch. 761, Stats. of 2013), which took effect January 1, 2015, changed the name of the Handgun Safety Certificate program to the Firearm Safety Certificate (FSC) program and applied the requirements to all firearms, including handguns and long guns. Under SB 693, the DOJ was required to develop a firearm safety certificate instruction manual and make the manual available to licensed firearms dealers, who were in turn required to provide the manual to the general public.² These materials educate the public about their legal responsibilities and risks related to firearm ownership and includes information on firearm accidents and misuse.

3. Effect of This Bill

Existing law requires a person to obtain an FSC before purchasing or receiving any firearm except an antique firearm and requires the recipient of the sale, delivery, loan or transfer of any firearm except an antique firearm to possess a valid FSC. A violation of these requirements is punishable as a misdemeanor.³ Moreover, existing law exempts from this requirement concealed carry permit holders, active and retired peace officers, licensed firearm dealers, federally licensed collectors, hunting licensees, and specified individuals who receive a firearm via operation of law. To obtain an FSC, an applicant 18 years of age or older must pass an objective written test (developed by DOJ, administered by a DOJ-certified instructor, and required to cover various specified topics) with a passing grade of at least 75%.⁴ FSCs are issued by the instructors that administer the FSC test and are valid for 5 years from the date of issue.⁵

According to the Author, existing law is deficient in that “a firearm owner is only required to prove they can safely handle and store a firearm at the time of purchase in the state (via an FSC), not on a periodic basis [and] ...there is a need to ensure that gun owners are maintaining the requisite safety knowledge and best practices when owning a gun.” Indeed, there is no existing requirement that firearm owners renew their FSC – once the FSC has expired, an individual is not required to obtain a new one unless they purchase or receive a new firearm.

¹ See Penal Code §§31700 et. seq.

² [Firearm Safety Certificate Publications | State of California - Department of Justice - Office of the Attorney General](#)

³ Penal Code §31616(a), (b). This statute also grandfathers in purchases or receipt by, and sales, deliveries, loans and transfers to, individuals with valid *handgun* safety certificates. However, this is dead letter law, as the most recent handgun safety certificate would have expired on December 31, 2019.

⁴ Penal Code, §§ 31640, 31641, 31645.

⁵ Penal Code §31655.

This bill, commencing January 1, 2026, prohibits individuals from possessing any firearm, except an antique firearm, without a valid, unexpired firearm safety certificate, and makes a violation of this prohibition punishable as an infraction.⁶ However, the bill defines “possess,” for the purposes of this prohibition, as only applying to a person who was required by law to obtain either a basic firearms safety certificate, a handgun safety certificate, or a firearm safety certificate at the time they purchased, received or imported the firearm. In practice, this means that individuals who were required to obtain a ‘basic firearms safety certificate’ from 1993 – 2003, a ‘handgun safety certificate’ from 2003 – 2015, or a firearm safety certificate from 2015 – present (if expired), would be required to renew their FSC under this bill. Because the bill specifies an effective date of January 1, 2026, if the bill is ultimately signed into law, individuals subject to this renewal requirement would have from the date the bill is signed until that effective date to comply, or roughly 15 months.

The Delta Waterfowl Foundation, which opposes this bill (see more in Comment 6 below), points out that individuals seeking to obtain a hunting license must already undergo a firearm usage and safety course, and that this bill mandates a duplicative process for an FSC. Additionally, it is unclear exactly what is involved in an FSC renewal under the bill. The Author and Committee may wish to consider amending the bill to exempt hunting licensees and clarify what is required in an FSC renewal.

Existing law also imposes several restrictions on non-licensed individuals bringing firearms into the state.⁷ Firearm owners that move to California, also known as “personal firearm importers,” must either register their residency and firearm(s) with the Department of Justice, sell or transfer their firearm(s) to a licensed dealer or another eligible individual, or sell or transfer the firearm to a law enforcement agency.⁸ California residents are prohibited from bringing a firearm into California that was purchased outside the state, unless the resident arranges for the delivery of the firearm through a licensed firearm dealer. Existing law does not, however, require a personal firearm importer to obtain an FSC, a “loophole” that the Author argues “stands to erode California’s recent progress on gun safety as firearm owners move in from other states.” Further, the Author asserts that “it is also a matter of fairness to hold these firearm owners to the same responsibility as those who purchased their firearms as a California resident.” Accordingly, this bill requires a personal firearm importer to obtain an FSC within 60 days of bringing any firearm, except an antique firearm, into the state.

4. Constitutional Considerations

The Second Amendment to the U.S. Constitution provides, “A well regulated Militia, being necessary to the security of a free State, the right of the people to keep and bear Arms, shall not be infringed.” In *New York State Rifle and Pistol Association v. Bruen* (2022), 142 S.Ct. 2111, the Court considered the constitutionality of a New York State law requiring applicants for a license to carry a concealed pistol on their person to show “proper cause,” or a special need distinguishable from the general public, as well as good moral character, when applying for license. In a 6-3 decision along ideological lines, the Supreme Court ruled that the New York

⁶ The bill retains the misdemeanor punishment for purchasing or receiving any firearm without an FSC and selling, delivering, loaning or transferring any firearm to any person who does not have an FSC.

⁷ For federally licensed gun dealers and manufacturers (FFLs) receiving shipments of weapons, California law contains a separate set of restrictions which, principally, requires mass importers to be on DOJ’s centralized list of eligible licensees. See Penal Code §§ 27555, 28465.

⁸ Penal Code §§ 17000, 27560. The required form is a “New Resident Report of Firearm Ownership” (BOF 4010A), [BOF 4010A - NEW RESIDENT REPORT OF FIREARM OWNERSHIP \(ca.gov\)](https://www.bof.ca.gov/BOF4010A-NEWRESIDENTREPORTOFFIREARMOWNERSHIP)

law’s “proper cause” requirement was an unconstitutional violation of the Second Amendment, holding that the “Second and Fourteenth Amendments protect an individual’s right to carry a handgun for self-defense outside the home,” effectively establishing a constitutional right to publicly carry a firearm under the Second Amendment.⁹

Moreover, the *Bruen* decision abrogated the existing two-part test courts had been using since the Court’s 2008 decision in *District of Columbia v. Heller* (2008) 554 U.S. 570 and established a new test for determining whether a law comports with the Second Amendment’s right to bear arms. Step one of that new test involves asking whether the Second Amendment’s plain text covers the individual conduct at issue.¹⁰ Next, in defense of a law regulating firearms, the government must show more than that the regulation promotes an important governmental interest – rather, the law must be “consistent with this Nation’s historical tradition of firearm regulation.”¹¹ Under the *Bruen* decision, “how and why the regulations burden a law-abiding citizen’s right to armed self-defense” matters, and further, “whether modern and historical regulations impose a comparable burden on the right of armed self-defense and whether that burden is comparably justified are ‘central’ considerations when engaging in an analogical inquiry.”¹²

In his concurring opinion, Justice Kavanaugh underscored the fact that the 43 states that employ concealed carry (CCW) regimes in which licensing authorities “shall issue” (i.e. have little-to-no discretion to deny) a CCW impose objective licensing requirements, such as background checks, mental health records checks, and training in firearms handling and in laws regarding use of force, all of which comport with the Court’s decision. Further, he noted that “the 6 states including New York potentially affected by today’s decision may continue to require licenses for carrying handguns for self-defense so long as those States employ objective licensing requirements like those used by the 43 shall issue States.”¹³

California’s FSC requirement is one of several types of firearm licensing requirement that various states have implemented in order to ensure that gun owners have passed a background check and remain eligible to possess firearms, the other types being “permit to purchase,” “license to own,” and registration-as-licensure.¹⁴ Although the *Bruen* case involved concealed carry licenses and not ownership licenses or permits to purchase, at least one state’s purchase/ownership licensing scheme (Maryland’s “handgun qualification license”) has been successfully challenged under *Bruen*’s framework.¹⁵ While California’s FSC requirement generally seems devoid of the constitutional deficiencies fatal to Maryland’s law, the inconsistent application of the *Bruen* framework by courts across the country renders the fate of any firearm regulation, including this bill’s new FSC requirement, largely unpredictable.¹⁶

⁹ *Bruen*, 142 S. Ct. at 2122.

¹⁰ *Id.* at 2129-2130.

¹¹ *Id.* at p. 2132-2133.

¹² *Ibid.*

¹³ *Id.* at 2162.

¹⁴ See Giffords’ website summarizing state firearm licensing laws: [Licensing | Giffords](#) ; to be clear, California’s FSC requirement does not itself include a background check component – the background check is part of the DROS purchasing process.

¹⁵ See *Maryland Shall Issue, Inc. v. Moore* (2023) 86 F.4th 1039; [The 4th Circuit Says Maryland's Handgun Licensing Law Is Unconstitutional \(reason.com\)](#)

¹⁶ The application of *Bruen* will likely be clarified by the forthcoming United States Supreme Court decision in *United States v. Rahimi* - [United States v. Rahimi - SCOTUSblog](#). The outcome of that case will shed light on the constitutionality of firearm licensing regimes.

5. Argument in Support

According to the bill's sponsor, the Consumer Protection Policy Center at the University of San Diego School of Law:

FSCs were established so every firearm owner could understand and follow firearm safety practices, have basic familiarity with the operation and handling of their firearm, and be fully aware of the responsibility of firearm ownership. Current law requires any person who acquires a firearm to have an FSC, unless statutorily exempt from the FSC requirements. A person must pass a Department of Justice (DOJ) written test on firearm safety, administered by DOJ instructors (often located at firearm dealerships). The FSC course also provides warning information regarding safe storage, proper transfer of firearm ownership, and suicide prevention. FSCs expire after five years of issuance.

Current law only requires new firearm owners that acquire a firearm within California to have an FSC. There is no requirement for persons who bring in firearms from out of state to complete the FSC requirements, nor renew the FSC after it expires five years from issuance. SB 1253 will require persons who bring in firearms outside of California to acquire a FSC within 60 days and require a firearm owner to renew the FSC upon [Type here] expiration (with a 60-day grace period after expiration). Further, the DOJ will provide notice to firearm owners when the FSC is nearing its expiration date. SB 1253 will help create a more educated firearm owner population in California and reduce the unnecessary and unintentional firearm injuries the people of California suffer every day.

6. Argument in Opposition

Delta Waterfowl, writing in opposition, states:

Currently in California, if an individual wants to buy, sell, or transfer a firearm they must possess either a hunting license or a firearm safety certificate. This legislation would require California gun owners to take a course and pay an additional fee to receive a firearm safety certificate even if they already own a hunting license. This is clearly an attempt to over tax law abiding gun owners in the state. In California to acquire a hunting license you must first pass a state-approved hunter education course. This course covers basic firearm usage and safety. Historically hunting licenses have always been an approved method of showing that firearm safety training requirements have been met. Hunters as a group are statistically the safest and most responsible firearm owners. There is simply no reason to mandate hunters acquire an additional firearm safety certificate.