

Date of Hearing: June 13, 2023  
Counsel: Mureed Rasool

ASSEMBLY COMMITTEE ON PUBLIC SAFETY  
Reginald Byron Jones-Sawyer, Sr., Chair

SB 417 (Blakespear) – As Amended June 6, 2023

**SUMMARY:** Modifies one of the signs that firearm dealers are required to post on their premises so that it includes a statement regarding the risks of access to a firearm in the home. Specifically, **this bill:**

- 1) Requires the warning sign to contain a statement regarding how access to a firearm in a home significantly increases the risk of suicide, death, injury during domestic violence disputes, the unintentional death and traumatic injury to individuals in the house, and to provide the Suicide & Crisis Lifeline number.
- 2) Requires that firearm dealers post the sign in a conspicuous location on the counter of one of their main gun displays or within five feet of the cash register.
- 3) States that, if it is impossible to post the sign on the counter of a main gun display or within five feet of the cash register, the firearm dealer must otherwise post the sign in a conspicuous location.
- 4) Prohibits the sign from being posted on the floor or ceiling, and requires that it be on a contrasting background.
- 5) Specifies that the word “Warning” must be on the sign and must be on a separate line above the other text.

**EXISTING LAW:**

- 1) 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 *et seq.*)
- 2) Provides that a firearm dealer may be assessed civil fines or may have their firearms license revoked for any violation of a number of specified prohibitions and requirements, with limited exceptions. (Pen. Code, § 26800.)
- 3) Provides that the business of a firearms dealer may only be conducted in buildings designated in the license as the firearm dealer’s business premises, as specified, and that a dealer must display their license on the premises where it can easily be seen. (Pen. Code, §§ 26805 & 26810.)
- 4) Requires a dealer to conspicuously post a detailed list of all charges imposed by governmental agencies for processing firearm transfers and all the fees a dealer charges, as

specified. (Pen. Code, § 26875.)

- 5) Provides that firearm dealers must conspicuously post a sign with letters no less than one inch in height that states:
- a) “FIREARMS MUST BE HANDLED RESPONSIBLY AND SECURELY STORED TO PREVENT ACCESS BY CHILDREN AND OTHER UNAUTHORIZED USERS. CALIFORNIA HAS STRICT LAWS PERTAINING TO FIREARMS, AND YOU MAY BE FINED OR IMPRISONED IF YOU FAIL TO COMPLY WITH THEM. VISIT THE WEBSITE OF THE CALIFORNIA ATTORNEY GENERAL AT [HTTPS://OAG.CA.GOV/FIREARMS](https://oag.ca.gov/firearms) FOR INFORMATION ON FIREARM LAWS APPLICABLE TO YOU AND HOW YOU CAN COMPLY.”;
  - b) “IF YOU KEEP A FIREARM WITHIN ANY PREMISES UNDER YOUR CUSTODY OR CONTROL, AND A PERSON UNDER 18 YEARS OF AGE OBTAINS IT AND USES IT, RESULTING IN INJURY OR DEATH, OR CARRIES IT TO A PUBLIC PLACE, YOU MAY BE GUILTY OF A MISDEMEANOR OR A FELONY UNLESS YOU STORED THE FIREARM IN A LOCKED CONTAINER OR LOCKED THE FIREARM WITH A LOCKING DEVICE TO KEEP IT FROM TEMPORARILY FUNCTIONING.”;
  - c) “CHILDREN MAY BE UNABLE TO DISTINGUISH FIREARMS FROM TOYS AND MAY OPERATE FIREARMS, CAUSING SEVERE INJURIES OR DEATH. IF YOU KEEP A FIREARM WITHIN ANY PREMISES UNDER YOUR CUSTODY OR CONTROL, AND A PERSON UNDER 18 YEARS OF AGE GAINS ACCESS TO THE FIREARM AND CARRIES IT OFF-PREMISES, YOU MAY BE GUILTY OF A MISDEMEANOR, UNLESS YOU STORED THE FIREARM IN A LOCKED CONTAINER, OR LOCKED THE FIREARM WITH A LOCKING DEVICE TO KEEP IT FROM TEMPORARILY FUNCTIONING.”;
  - d) “YOU MAY BE GUILTY OF A MISDEMEANOR, INCLUDING A SIGNIFICANT FINE OR IMPRISONMENT, IF YOU KEEP A FIREARM WHERE A MINOR IS LIKELY TO ACCESS IT OR IF A MINOR OBTAINS AND IMPROPERLY USES IT, OR CARRIES IT OFF OF THE PREMISES TO A SCHOOL OR SCHOOL-SPONSORED EVENT, UNLESS YOU STORED THE FIREARM IN A LOCKED CONTAINER OR LOCKED THE FIREARM WITH A LOCKING DEVICE.”;
  - e) “IF YOU NEGLIGENTLY STORE OR LEAVE A FIREARM WITHIN ANY PREMISES UNDER YOUR CUSTODY OR CONTROL WHERE A PERSON UNDER 18 YEARS OF AGE IS LIKELY TO ACCESS IT, YOU MAY BE GUILTY OF A MISDEMEANOR, INCLUDING A SIGNIFICANT FINE, UNLESS YOU STORED THE FIREARM IN A LOCKED CONTAINER OR LOCKED THE FIREARM WITH A LOCKING DEVICE.”;
  - f) “DISCHARGING FIREARMS IN POORLY VENTILATED AREAS, CLEANING FIREARMS, OR HANDLING AMMUNITION MAY RESULT IN EXPOSURE TO LEAD, A SUBSTANCE KNOWN TO CAUSE BIRTH DEFECTS, REPRODUCTIVE HARM, AND OTHER SERIOUS PHYSICAL INJURY. HAVE ADEQUATE VENTILATION AT ALL TIMES. WASH HANDS THOROUGHLY AFTER

EXPOSURE.”;

- g) “FEDERAL REGULATIONS PROVIDE THAT IF YOU DO NOT TAKE PHYSICAL POSSESSION OF THE FIREARM THAT YOU ARE ACQUIRING OWNERSHIP OF WITHIN 30 DAYS AFTER YOU COMPLETE THE INITIAL BACKGROUND CHECK PAPERWORK, THEN YOU HAVE TO GO THROUGH THE BACKGROUND CHECK PROCESS A SECOND TIME IN ORDER TO TAKE PHYSICAL POSSESSION OF THAT FIREARM.”;
  - h) “NO PERSON SHALL MAKE AN APPLICATION TO PURCHASE MORE THAN ONE FIREARM WITHIN ANY 30-DAY PERIOD AND NO DELIVERY SHALL BE MADE TO ANY PERSON WHO HAS MADE AN APPLICATION TO PURCHASE MORE THAN ONE FIREARM WITHIN ANY 30-DAY PERIOD.”; and,
  - i) “IF A FIREARM YOU OWN OR POSSESS IS LOST OR STOLEN, YOU MUST REPORT THE LOSS OR THEFT TO A LOCAL LAW ENFORCEMENT AGENCY WHERE THE LOSS OR THEFT OCCURRED WITHIN FIVE DAYS OF THE TIME YOU KNEW OR REASONABLY SHOULD HAVE KNOWN THAT THE FIREARM HAD BEEN LOST OR STOLEN.” (Pen. Code, § 26835, subd. (a).)
- 6) Requires firearm dealers to post an additional sign provided by a suicide prevention program that contains the following statement: “IF YOU OR SOMEONE YOU KNOW IS CONTEMPLATING SUICIDE, PLEASE CALL THE NATIONAL SUICIDE PREVENTION LIFELINE AT 1-800-273-TALK (8255).” (Pen. Code, § 26835, subd. (b).)
- 7) Requires all firearm packaging to contain a warning regarding firearm storage, children and firearm access, improper storage penalties, and a statement informing people who are contemplating suicide to call the National Suicide Prevention Lifeline number. (Pen. Code, § 23640.)

**FISCAL EFFECT:** Unknown.

**COMMENTS:**

- 1) **Author's Statement:** According to the author, “Despite claims from the gun industry that firearm ownership keeps us safe, the evidence tells a different story. The overwhelming research points to the fact that access to a firearm in the home significantly increases the risk of suicide, death during domestic violence disputes, and the unintentional death of children and household members. This bill updates existing posting requirements and is an important public health measure to educate consumers about the risks of firearm ownership, and the availability of resources to people who are in crisis and may consider harming themselves or others.”
- 2) **Presence of a Firearm in the Home:** It is a popular belief that having a firearm in the home provides a form of security against potential intruders, however, that benefit may be overstated. One study of the National Crime Victimization Survey of 14,000 incidents indicates that firearms are used for self-protection in less than one percent of all crimes that take place in the presence of a victim. (Hemenway et al. *The epidemiology of self-defense guns use: evidence from the National Crime Victimization Surveys 2007-2011*. (Apr. 21,

2015) <<https://pubmed.ncbi.nlm.nih.gov/25910555/>> [as of Jun. 5, 2023].) In turn, there has been a growing body of research demonstrating that owning a firearm in a home actually increases the chance of a firearm-related injury or death occurring that are not related to self-defense situations. (The Trace. *Will a Gun Keep Your Family Safe? Here's What the Evidence Says.*" (hereafter *The Trace Article*) (Apr. 7, 2020.) <<https://www.thetrace.org/2020/04/gun-safety-research-coronavirus-gun-sales/#:~:text=How%20does%20gun%20violence%20impact%20communities%3F%201%20Having,home%2C%20too%20%E2%80%94%20and%20more%20homicides%20overall%20>> [as of Jun. 5, 2023].)

For example, one study indicated that having a firearm in the home was associated with almost a three times increased risk of homicide by a family member or intimate acquaintance. (Kellermann et al. *Gun Ownership as a Risk Factor for Homicide in the Home.* (Oct. 7, 1993) <<https://www.nejm.org/doi/full/10.1056/NEJM199310073291506>> [as of Jun. 5, 2023].) Another study found that the presence of a firearm during domestic violence incidents significantly increased the risk of homicide and, aside from endangering the victim, also endangered other family members, bystanders, and even coworkers. (Campbell et al. *Risk Factors for Femicide in Abusive Relationships: Results From a Multisite Case Control Study.* (Oct. 10, 2011.) <<https://ajph.aphapublications.org/doi/full/10.2105/AJPH.93.7.1089>> [as of Jun. 5, 2023]; U.S. Department of Justice (U.S. DOJ) *Firearms and Domestic Violence: The Intersections* (hereafter *Firearms and Domestic Violence*) (Dec. 13, 2016) <<https://www.justice.gov/archives/ovw/blog/firearms-and-domestic-violence-intersections>> [as of Jun. 5, 2023].)

Specific to California, one study spanning from 2004 to 2016 of approximately 18 million Californians, found that living with a handgun owner was associated with a substantially elevated risk for dying by homicide. (Studdert et al. *Homicide Deaths Among Adult Cohabitants of Handgun Owners in California, 2004 to 2016.* (Apr. 5, 2022) <<https://web-s-ebscohost-com.proxy.library.ca.gov/ehost/pdfviewer/pdfviewer?vid=0&sid=7184e0f4-44cc-466b-a421-9cba231ee648%40redis>> [as of Jun. 5, 2022] at p. 804.) According to the study's author, one of the novel features of the study was that it compared people residing in the same neighborhood, which helped ensure that local conditions such as crime rates and economic conditions had minimal impact on the outcome. (TIME. *Owning Guns Puts People in Your Home at Greater Risk of Being Killed, New Study Shows.* (Jun. 3, 2022) <<https://time.com/6183881/gun-ownership-risks-at-home/>> [as of Jun. 5, 2023].)

Existing law requires firearm dealers to numerous signs, including a sign on suicide. This bill would update and modify that sign so that it also informs prospective firearm owners about the risks associated with having a firearm in the home, including an increased risk of suicide, death, injury during domestic violence disputes, and the unintentional death and traumatic injury to individuals in the house. Warning signs in relation to cigarettes have been proven more or less effective ensuring purchasers make an informed decision before making a purchase. (World Health Organization. *Encouraging health warnings on tobacco packaging.* <<https://www.who.int/europe/activities/encouraging-health-warnings-on-tobacco-packaging>> [as of Jun. 7, 2023].) Presumably, educating prospective firearm purchasers of the potential dangers related to owning a firearm will also help ensure they make an informed decision.

- 3) **Effects of this bill:** Existing law requires firearm dealers in California to post their suicide prevention notice in a conspicuous location in the premises. (Pen. Code, § 26835, subd. (b).)

This bill, in part, would require firearm dealers to post their warning notice conspicuously within their licensed premise, and further states that the notice must be placed on the counter of one of the main gun displays or within five feet of the cash register. This bill also states that if a firearm dealer cannot place the notice as specified, they must post the notice conspicuously. Finally, this bill would specify that the statement cannot be placed on the floor or ceiling of the premise.

The specificity of these requirements do bring in to question what issue they are seeking to solve. Are firearm dealers not posting signs in a conspicuous enough location? Under current law, a firearm dealer can have their license revoked by failing to do so. (Pen. Code, § 26800.) This matter is not discussed in the support letters for this bill, and this committee could not find readily available information on this issue. Is this an issue that the California Department of Justice (DOJ), who inspects firearms dealers for regulatory compliance, cannot otherwise resolve? Although the location of a warning is important, as mentioned above, without more information provided, is this particular portion of the bill overly prescriptive?

- 4) **Argument in Support:** According to *Everytown for Gun Safety*, “Despite claims from the gun industry that firearm ownership keeps us safe, the evidence tells a different story. The overwhelming research points to the fact that access to a firearm in the home significantly increases the risk of suicide, death during domestic violence disputes, and the unintentional death of children and household members. It is imperative that consumers are able to make fully informed decisions about a firearm purchase, and the warning sign language required by this bill is based in strong evidence:
- Access to a gun triples the risk of death by suicide.
  - Access to a gun doubles the risk of death by homicide.
  - Access to, or “the presence of,” a gun in a domestic violence situation makes it five times more likely that the woman will be killed.
  - Every year, 350 children under the age of 18 gain access to a firearm and unintentionally shoot themselves or someone else.

This bill is an important public health measure to educate consumers about the risks of firearm ownership”

- 5) **Argument in Opposition:** None received.
- 6) **Prior Legislation:**
- a) AB 1621 (Gipson), Chapter 76, Statutes of 2022, among other things, updated firearm dealer signage requirements.
  - b) Proposition 63 of the November 2016 general election, in part, required that every firearm dealer to include on their posted sign a statement informing firearm owners that they must report the theft or loss of their firearm, as specified.
  - c) AB 231 (Ting) Chapter 730, Statutes of 2013, among other things, modified the firearm ownership sign that firearm dealers are required to post to include a statement regarding

negligent storage and reporting parameters for lost or stolen firearms.

**REGISTERED SUPPORT / OPPOSITION:**

**Support**

Brady Campaign  
Brady Campaign California  
Everytown for Gun Safety Action Fund  
Fund Her  
Women Against Gun Violence

**Opposition**

None received.

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