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UNFINISHED BUSINESS

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Bill No: SB 417  
Author: Blakespear (D), et al.  
Amended: 6/26/23  
Vote: 21

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SENATE PUBLIC SAFETY COMMITTEE: 5-0, 4/18/23  
AYES: Wahab, Ochoa Bogh, Bradford, Skinner, Wiener

SENATE FLOOR: 32-4, 5/11/23  
AYES: Allen, Archuleta, Ashby, Atkins, Becker, Blakespear, Bradford, Caballero, Cortese, Dodd, Durazo, Eggman, Glazer, Gonzalez, Hurtado, Laird, Limón, McGuire, Menjivar, Min, Newman, Ochoa Bogh, Padilla, Portantino, Rubio, Skinner, Smallwood-Cuevas, Stern, Umberg, Wahab, Wiener, Wilk  
NOES: Alvarado-Gil, Dahle, Jones, Niello  
NO VOTE RECORDED: Grove, Nguyen, Roth, Seyarto

ASSEMBLY FLOOR: 63-0, 8/14/23 - See last page for vote

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**SUBJECT:** Firearms: licensed dealers

**SOURCE:** Author

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**DIGEST:** This bill modifies the notices that firearms licensees must post on their business premises to include a statement regarding the risks of access to a firearm in the home, and specifies where the notice must be posted within a licensee's business premises.

*Assembly Amendments* specify where the additional notice must be posted and how it must be formatted.

**ANALYSIS:**

## Existing law:

- 1) Prohibits, generally, 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. (Penal Code §§26500 – 26625)
- 2) 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. (Penal Code §26800(a).)
- 3) Provides that the DOJ may assess specified civil fines against a licensee for any breach of a prohibition or requirement that subjects the licensee to forfeiture of their license to sell firearms. (Penal Code §26800(b).)
- 4) Provides that the business of a firearms licensee may only be conducted in buildings designated in the license as the licensee’s business premises, as specified, and that a licensee must display their license on the premises where it can easily be seen. (Penal Code §26805 & 26810.)
- 5) Requires licensees to conspicuously post within the licensed premises the following warnings in block letters not less than once inch in height:
  - 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> 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 handgun or semiautomatic centerfire rifle within any 30-day period and no delivery shall be made to any person who has made an application to purchase more than one handgun or semiautomatic centerfire rifle within any 30-day period.”
  - 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.”
- 6) Provides that in addition to the notices above, a licensee shall post conspicuously within the licensed premises, in block letters not less than one

inch in height, an additional notice including, but not limited to, a notice provided by a suicide prevention program containing the following statement:

- a) “If you or someone you know is contemplating suicide, please call the national suicide prevention lifeline at 1-800-273-TALK (8255).”

This bill:

- 1) Removes the language requiring licensees to post a notice including, but not limited to, a notice by a suicide prevention program, and instead requires the notice mandated under Penal Code Section 26835(b) to read as follows, on a contrasting background and written in block letters not less than one inch in height:
  - a) “Warning: if you or a loved one is experiencing distress or depression or is contemplating suicide, please call 988 (the 988 suicide and crisis lifeline). Access to a firearm in the home significantly increases the risk of suicide, death, and injury during domestic violence disputes, and the unintentional death and traumatic injury to children, household members, and guests.”
- 2) Requires the statement above to be posted on the counter of one of the main gun displays or within five feet of the cash register. In the case that posting the statement on the counter of a gun display or within five feet of the cash register is impossible, the licensed dealer shall post the statement conspicuously within the licensed premises. The statement shall not be placed on the floor or the ceiling of the premises.
- 3) Requires the word “warning” to be on a separate line above the other text in the statement and requires the sentence containing the suicide crisis lifeline to be on a separate line below “warning” before the rest of the statement.

## **Comments**

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.”

Under existing law, California firearms licensees must post conspicuous signage within their business premises displaying various warnings in block letters. The warnings cover various topics related to firearms, including safe and negligent storage and associated crimes, risks to minors, exposure to harmful firearm discharge and residue, federal regulations regarding background checks, limits on how many firearms may be purchased in a 30-day period under California, and reporting lost or stolen firearms to law enforcement.

In 2019, AB 645 (Irwin, Chapter 729, Statutes of 2019) added a requirement that licensees must post a notice including information about a suicide prevention program and providing the national suicide prevention lifeline telephone number. That notice currently reads: “If you or someone you know is contemplating suicide, please call the national suicide prevention lifeline at 1-800-273-TALK (8255).” This bill adds language to that and enacts specific requirements regarding where it must be posted and how it must be formatted.

**FISCAL EFFECT:** Appropriation: No Fiscal Com.: No Local: No

**SUPPORT:** (Verified 8/14/23)

Brady Campaign  
Brady Campaign California  
Everytown for Gun Safety Action Fund  
Fund Her  
Moms Demand Action for Gun Sense in America  
Women Against Gun Violence

**OPPOSITION:** (Verified 8/14/23)

None received

**ASSEMBLY FLOOR:** 63-0, 8/14/23

**AYES:** Addis, Aguiar-Curry, Alanis, Alvarez, Arambula, Bains, Bauer-Kahan, Bennett, Berman, Boerner, Bonta, Bryan, Calderon, Juan Carrillo, Wendy Carrillo, Cervantes, Connolly, Davies, Mike Fong, Friedman, Gabriel, Gipson, Grayson, Haney, Hart, Holden, Irwin, Jackson, Jones-Sawyer, Kalra, Lee, Low, Lowenthal, Maienschein, McCarty, McKinnor, Muratsuchi, Ortega, Pacheco, Papan, Pellerin, Petrie-Norris, Quirk-Silva, Ramos, Rendon, Reyes, Luz Rivas, Rodriguez, Blanca Rubio, Santiago, Schiavo, Soria, Ting, Valencia, Villapudua, Wallis, Ward, Weber, Wicks, Wilson, Wood, Zbur, Robert Rivas

NO VOTE RECORDED: Chen, Megan Dahle, Dixon, Essayli, Flora, Vince Fong, Gallagher, Garcia, Hoover, Lackey, Mathis, Stephanie Nguyen, Jim Patterson, Joe Patterson, Sanchez, Ta, Waldron

Prepared by: Alex Barnett / PUB. S. /  
8/16/23 10:11:48

\*\*\*\* **END** \*\*\*\*