

**ASSEMBLY BILL**

**No. 311**

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**Introduced by Assembly Member Ward**

January 25, 2021

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An act to amend Sections 30395, 30485, and 30495 of, to add Sections 27241 and 27346 to, and repeal Section 30448 of, the Penal Code, relating to firearms.

LEGISLATIVE COUNSEL'S DIGEST

AB 311, as introduced, Ward. Firearms: gun shows.

Existing law prescribes certain rules and requirements relating to gun shows and events, and the organizers, vendors, and participants, including rules governing firearms transactions at the event. Existing law authorizes the sale of firearm precursor parts at a gun show or event. Existing law, commencing July 1, 2022, requires a vendor of firearms or firearm precursor parts to have a license issued by the Department of Justice. Existing law, as amended by the Safety for All Act of 2016, an initiative statute approved by voters as Proposition 63 at the November 8, 2016, statewide general election, requires the sale of ammunition to be conducted by or processed through a licensed ammunition vendor. Proposition 63 allows its provisions to be amended by a vote of 55% of the Legislature so long as the amendments are consistent with, and further the intent of, the act.

This bill would prohibit a vendor at a gun show or event from possessing, displaying, offering to sell, selling, or transferring any firearm precursor parts. The bill would make a violation of these provisions a misdemeanor punishable by a fine not to exceed \$2,000. The bill would prohibit a vendor who has been convicted of a violation of those provisions from participating in any gun show or event in this

state for one year after the date of the conviction. The bill would make a violation of that prohibition on participating in any gun show or event a misdemeanor punishable by a fine not to exceed \$5,000 and a 5-year prohibition on participating in any gun show or event in the state. The bill would, if a person violates that 5-year prohibition, make that violation grounds for the revocation of any firearm, ammunition, or firearm precursor part vendor license the person holds. By creating a new crime, this bill would impose a state-mandated local program. By adding new grounds for the revocation of ammunition licenses, the bill would amend Proposition 63.

The bill would additionally require a gun show producer, if any vendor at a gun show or event is violating those provisions, to immediately require the vendor to leave the gun show premises, to notify the Department of Justice of the vendor's conduct, and bar the vendor from attending or participating in the producer's gun shows for one year.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

Vote: 55%. Appropriation: no. Fiscal committee: yes.  
State-mandated local program: yes.

*The people of the State of California do enact as follows:*

1 SECTION 1. Section 27241 is added to the Penal Code, to  
2 read:  
3 27241. If any vendor at a gun show or event possesses, displays,  
4 offers to sell, sells, or transfers any firearm precursor part, the gun  
5 show producer shall immediately require the person or vendor to  
6 leave the premises, notify the Department of Justice of the vendor's  
7 conduct, and bar the vendor from attending or participating in the  
8 producer's gun shows for one year.  
9 SEC. 2. Section 27346 is added to the Penal Code, to read:  
10 27346. (a) (1) A vendor at a gun show or event shall not  
11 possess, display, offer to sell, sell, or transfer any firearm precursor  
12 parts.  
13 (2) A violation of paragraph (1) shall be a misdemeanor  
14 punishable by a fine not to exceed two thousand dollars (\$2,000).

1 (b) (1) A vendor who has been convicted of a violation of  
2 subdivision (a) shall not participate in any gun show or event in  
3 this state for one year after the date of the conviction.

4 (2) A violation of the prohibition on participating in a gun show  
5 or event in paragraph (1) shall be a misdemeanor punishable by a  
6 fine not to exceed five thousand dollars (\$5,000).

7 (3) In addition to the punishment in paragraph (2), a vendor  
8 who is convicted of a violation of paragraph (1) shall not participate  
9 in any gun show or event in this state for five years after the date  
10 of the conviction. A violation of this paragraph shall be grounds  
11 for the forfeiture of a license issued under Chapter 2 (commencing  
12 with 26700).

13 SEC. 3. Section 30395 of the Penal Code is amended to read:

14 30395. (a) The Department of Justice is authorized to issue  
15 ammunition vendor licenses to applicants who the department has  
16 determined, either as an individual or a responsible person, are not  
17 prohibited from possessing, receiving, owning, or purchasing  
18 ammunition under subdivision (a) of Section 30305 or federal law,  
19 and who provide a copy of any regulatory or business license  
20 required by local government, a valid seller's permit issued by the  
21 State Board of Equalization, a federal firearms license if the person  
22 is federally licensed, and a certificate of eligibility issued by the  
23 department.

24 (b) The department shall keep a registry of all licensed  
25 ammunition vendors. Law enforcement agencies shall be provided  
26 access to the registry for law enforcement purposes.

27 (c) An ammunition vendor license is subject to forfeiture for a  
28 breach of any of the prohibitions and requirements of Article 2  
29 (commencing with Section ~~30300~~ ~~or~~ 30300), Article 3  
30 (commencing with Section ~~30342~~ 30342), or paragraph (3) of  
31 subdivision (b) of Section 27346.

32 SEC. 4. Section 30485 of the Penal Code is amended to read:

33 30485. (a) The Department of Justice is authorized to issue  
34 firearm precursor part vendor licenses pursuant to this article. The  
35 department shall, commencing April 1, 2022, commence accepting  
36 applications for firearm precursor part vendor licenses. If an  
37 application is denied, the department shall inform the applicant of  
38 the reason for the denial in writing. The annual fee shall be paid  
39 on July 1, or the next business day, of every year.

(b) The firearm precursor part vendor license shall be issued in a form prescribed by the department. The department may adopt regulations to administer the application and enforcement provisions of this article. The license shall allow the licensee to sell firearm precursor parts at the location specified in the license ~~or at a gun show or event as set forth in Section 30448.~~ *license.*

(c) (1) In the case of an entity other than a natural person, the department shall issue the license to the entity but shall require a responsible person to pass the background check pursuant to Section 30495.

(2) For purposes of this article, “responsible person” means a person having the power to direct the management, policies, and practices of the entity as it pertains to firearm precursor parts.

(d) Commencing July 1, 2022, a firearms dealer licensed pursuant to Sections 26700 to 26915, inclusive, and licensed ammunition vendor shall automatically be deemed a firearm precursor parts vendor, provided the dealer complies with the requirements of Article 2 (commencing with Section 30300) and Article 3 (commencing with Section 30342) of Chapter 1.

SEC. 5. Section 30448 of the Penal Code is repealed.

~~30448. (a) Except as provided in subdivision (b), commencing July 1, 2022, the sale of firearm precursor parts by a licensed vendor shall be conducted at the location specified in the license.~~

~~(b) Commencing July 1, 2022, a licensed vendor may sell firearm precursor parts at a gun show or event if the gun show or event is not conducted from any motorized or towed vehicle.~~

~~(c) For purposes of this section, “gun show or event” means a function sponsored by any national, state, or local organization, devoted to the collection, competitive use, or other sporting use of firearms, or an organization or association that sponsors functions devoted to the collection, competitive use, or other sporting use of firearms in the community.~~

~~(d) Sales of firearm precursor parts at a gun show or event shall comply with all applicable laws.~~

SEC. 6. Section 30495 of the Penal Code is amended to read:

30495. (a) The Department of Justice is authorized to issue firearm precursor parts vendor licenses to applicants who the department has determined, either as an individual or a responsible person, are not prohibited from possessing, receiving, owning, or purchasing firearms or firearm precursor parts under subdivision

1 (a) of Section 30405 or federal law, and who provide a copy of  
2 any regulatory or business license required by local government,  
3 a valid seller's permit issued by the State Board of Equalization,  
4 a federal firearms license if the person is federally licensed, and a  
5 certificate of eligibility issued by the department.

6 (b) The department shall keep a registry of all licensed firearm  
7 precursor part vendors. Law enforcement agencies shall be  
8 provided access to the registry for law enforcement purposes.

9 (c) A firearm precursor part vendor license is subject to  
10 forfeiture for a breach of any of the prohibitions and requirements  
11 of Article 2 (commencing with Section ~~30300~~ or 30300), Article  
12 3 (commencing with Section 30342) of Chapter ~~1~~, or paragraph  
13 (3) of subdivision (b) of Section 27346.

14 SEC. 7. No reimbursement is required by this act pursuant to  
15 Section 6 of Article XIII B of the California Constitution because  
16 the only costs that may be incurred by a local agency or school  
17 district will be incurred because this act creates a new crime or  
18 infraction, eliminates a crime or infraction, or changes the penalty  
19 for a crime or infraction, within the meaning of Section 17556 of  
20 the Government Code, or changes the definition of a crime within  
21 the meaning of Section 6 of Article XIII B of the California  
22 Constitution.