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AB 962 (DE LEÓN): PROTECTION Act of 2009

Providing Regulation & Oversight To End Community Terrorism In Our Neighborhoods

PURPOSE

To safeguard California's communities by combating the easy accessibility to handgun ammunition that fuels gun violence and criminal activity.

BACKGROUND

According to the Department of Justice (DOJ), California's gun violence has increased nearly 35% in just six years, with more than 60% of all murders committed with handguns. In Los Angeles alone, between 2005 and 2006, the LA Sheriff's office handled more than 400 homicides—over 80% involving firearms and nearly 60% committed by gang members.

In a state where firearms outnumber people, there is currently no regulatory control over deadly ammunition that fuels gun violence. **It is easier in California to purchase handgun ammunition than it is a package of cigarettes or allergy medicine.**

It is no secret. Bullets are ending up in the wrong hands across California. A 2006 RAND Corporation study found that, in just a two month period in Los Angeles, felons and others prohibited by law from possessing ammunition purchased over 10,000 rounds of ammunition at gun shops and sporting goods stores across the city.¹ Extrapolate that number, and **statewide at least more than a half a million bullets are annually sold to criminals—enough to fully load more than 94,000 handguns in criminal possession each year.**

California has enacted legislation designed to keep guns out of the hands of criminals, but it has done little to prevent criminals and gang members from loading up on the ammunition that fuels gun violence. We have absolutely no idea who is selling bullets; not a single statewide law enforcement agency tracks ammunition dealers in California. This blind eye approach is putting ammunition in the hands of killers and it needs to stop.

This bill would require handgun ammunition dealers to obtain a DOJ-issued Handgun Ammunition Vendor's License (HAVL) in order to sell handgun ammunition. This will help crack down on illegal uses of ammunition and assist law enforcement in tracking down criminal purchasers.

Also, this measure would require handgun ammunition vendors to record handgun ammunition sales, and make the records

available to law enforcement for the purposes of crosschecking purchasers with prohibited person's databases, to help crack down on criminals purchasing ammunition.

Thirteen cities across California currently enforce successful local ammunition record-keeping laws used to record ammunition sales and purchases. Notably, the City of Sacramento Police Department reports that the ordinance is an effective enforcement and investigative tool. **In reviewing their ammunition-purchaser records for 2008, the Sacramento Police Department recently found that over 150 prohibited persons purchased ammunition within the year in their city alone.** A statewide requirement is needed to prevent purchasers from loading up on unmonitored ammunition sales outside these city boundaries.

To help law enforcement stop straw purchases, the measure will also make it unlawful to sell or furnish ammunition to any person known to be prohibited from possessing or acquiring ammunition. While it is illegal to knowingly sell a gun to a felon, it is currently perfectly legal to sell or supply known felons with handgun ammunition. Additionally, to keep bullets out of the hands of gang members, this bill will prohibit any person subject to a gang injunction from possessing ammunition.

This measure would cut off the dangerously easy access to handgun ammunition and will ensure that handgun ammunition will not be sold to criminals, gang members, and kids.

PROPOSAL

- **Require handgun ammunition vendors to:**
 - Acquire a Handgun Ammunition Vendor's License from DOJ;
 - Require employees handling ammunition sales/transfers to obtain a DOJ-issued Certificate of Eligibility, which includes a fingerprint and background check clearance.
 - Record handgun ammunition sales and make the records available to law enforcement.
 - Safely store handgun ammunition.
 - Conduct only face-to-face transactions on all ammunition purchases/transfers.
- **Prohibit selling or furnishing ammunition to prohibited persons.**
- **Prohibit gang members from possessing ammunition.**

¹ RAND Corporation. "RAND study finds substantial amounts of ammunition bought by felons, others prohibited from buying bullets."
<http://www.rand.org/news/press.06/10.05.html>. 5 October 2006.