



BACKGROUND

Law enforcement efforts to investigate gun crimes and disarm dangerous criminals are aided by the Automated Firearm System (AFS) database, which contains records of all handgun transfers. However, state law currently requires that records of long gun sales be destroyed by DOJ instead of being entered into AFS. AB 809 resolves this dangerous gap in California law.

THE ROLE OF LONG GUNS IN CRIME

In 2008, 3,063 people died from firearm-related injuries in California and an additional 3,361 people were hospitalized for non-fatal gunshot wounds.ⁱ Moreover, between 2005 and 2009, the California Department of Justice (DOJ) identified 84,123 firearms as crime guns in the AFS database.ⁱⁱ

Long guns (rifles and shotguns) play a significant role in our gun violence epidemic. Of the 26,682 crime guns entered into the AFS database in 2009, 11,500 were long guns. Over the past several years, DOJ sweeps to seize illegally possessed firearms have uncovered roughly equal numbers of illegal handguns and long guns.ⁱⁱⁱ In 2010, Californians purchased 260,573 long guns, significantly more than the 233,346 handguns acquired in the same time period.^{iv}

EXISTING LAW

Penal Code § 11106 prohibits the Department of Justice from retaining or compiling any information from Dealer’s Record of Sale (DROS) forms or other transfer forms relating to long guns. All copies of these forms must be destroyed within five days of the clearance of the long gun sale by the Department of Justice. The statute requires handgun transfer records to be entered into the state’s AFS database.

Other provisions of the Penal Code treat handguns and long guns differently with respect to various reporting and recordkeeping

requirements. This differential treatment is irrational, given the danger that all firearms pose to public safety.

THIS BILL

AB 809 (similar to last year’s AB 1810) would bring much-needed uniformity to the reporting and retention of firearm sales records. Under the bill:

- DOJ would no longer be forced to destroy copies of long gun transfer forms. DOJ would instead input these records into the AFS database, as it currently does for handgun records.
- The same information would be required on a DROS form, regardless of whether the firearm is a handgun or a long gun.
- Statutory provisions exempting certain long gun transfers from recordkeeping and reporting requirements would be removed, creating uniform reporting for the transfer of handguns and long guns.

AB 809 WOULD BENEFIT LAW ENFORCEMENT

The bill would help law enforcement:

- Quickly identify the owners of crime guns and expose channels of illegal gun trafficking. Without long gun records, law enforcement must painstakingly trace a recovered long gun from the manufacturer to the firearms dealer who sold the weapon, to the last known purchaser.
- Get firearms out of the hands of dangerous felons, domestic abusers, and mentally ill individuals who still own guns even though they are ineligible to possess them. Currently, law enforcement may use the Armed and Prohibited Persons database to identify prohibited persons who own handguns, but not long guns.

- Be forewarned about the presence of guns at private residences when responding to emergency calls. Officers currently may use the AFS database to check whether a person at a residence owns any handguns, but they have no way of knowing whether a person owns any long guns.

AB 809 would not require current gun owners to do anything. Firearms dealers would continue to process firearms transfers in the same manner that they do now. The bill's implementation costs – which the Assembly Appropriations Committee's analysis of AB 1810 last year identified as \$400,000 – would be funded out of the existing surplus in the Dealers' Record of Sale Special Account of the General Fund, with ongoing operations funded by new firearm sales.

BILL STATUS

2/17/11: Introduced

4/12/11: Passed out of Assembly Public Safety Committee on a vote of 5-1

6/02/11: Passed off of Assembly Floor on a vote of 47-29

6/12/11: Passed out of Senate Public Safety Committee on a vote of 5-1

Currently in Senate Appropriations

SUPPORT

Sponsors:

- Legal Community Against Violence
- California Chapters of the Brady Campaign to Prevent Gun Violence

Support:

- Sheriff Lee Baca, Los Angeles County
- Chief Michael Meehan, City of Berkeley
- Chief Michael Maloney, City of Chico
- Chief David Bejarano, City of Chula Vista
- Chief Landy Black, City of Davis
- Chief Sylvia Moir, City of El Cerrito
- Chief Ken James, City of Emeryville
- Chief Walter Tibbet, City of Fairfield
- Chief Craig Steckler, City of Fremont
- Chief Jerry Dyer, City of Fresno

- Chief Ron Ace, City of Hayward
- Chief Bradley S. Ramos, City of Indio
- Chief Charlie Beck, City of Los Angeles
- Chief Gary Peterson, City of Martinez
- Chief Anthony Batts, City of Oakland
- Chief Jeri Williams, City of Oxnard
- Chief Peter Dunbar, City of Pleasant Hill
- Chief Rick Braziel, City of Sacramento
- Chief Matthew C. Odetto, City of San Rafael
- Chief Paul Walters, City of Santa Ana
- Chief Cam Sanchez, City of Santa Barbara
- Chief Jeffrey C. Kirkpatrick, City of Seal Beach
- Chief Vicki L. H. Myers, City of Seaside
- Chief Blair Uling, City of Stockton
- Chief Ken Corney, City of Ventura
- Chief Dan Drummond, City of West Sacramento
- Chief Dan Bellini, City of Woodland
- California Partnership to End Domestic Violence
- Coalition Against Gun Violence, Santa Barbara County Coalition
- Friends Committee on Legislation of California
- Violence Prevention Coalition of Greater Los Angeles
- Violence Prevention Coalition of Orange County
- Women Against Gun Violence
- Youth Alive!
- Central California Brady Campaign Chapter
- Contra Costa County Brady Campaign Chapter
- Lancaster Brady Campaign Chapter
- Long Beach Brady Campaign Chapter
- Los Angeles Brady Campaign Chapter
- Napa County Brady Campaign Chapter
- Nevada County Brady Campaign Chapter
- Oakland/Alameda County Brady Campaign Chapter
- Orange County Brady Campaign Chapter
- Sacramento Valley Brady Campaign Chapter
- San Diego County Brady Campaign Center
- San Fernando Valley Brady Campaign Chapter
- San Francisco Brady Campaign Chapter
- Santa Clara & San Mateo Counties Brady Campaign Chapter
- Sonoma County Brady Campaign Chapter

- Ventura County Brady Campaign Chapter

FOR MORE INFORMATION

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ⁱ California Department of Health Services, Epidemiology and Prevention for Injury Control Branch (EPIC), Firearm Injuries in California (2011), at

<http://epicenter.cdph.ca.gov/Default.aspx>.

ⁱⁱ Data provided by the California Department of Justice, April 6, 2010.

ⁱⁱⁱ Data provided by the California Department of Justice, March 4, 2010.

^{iv} California Department of Justice, “Dealer’s Record of Sale (Calendar Year Statistics),” available at <http://ag.ca.gov/firearms/forms/pdf/drosdata2010.pdf>.