

SB 918 (Portantino)

Firearms: Department of Justice: fees.

PROBLEM

There are currently a number of cross-referencing issues arising from the passage of SB 1235 (2016), AB 1669 (2019) and AB 879 (2019). Penal Code § 30370, as amended by SB 1235 (2016), cross references an out-of-date code section. Penal Code § 30470, as amended by AB 879 (2019) and SB 118 (2020), cross references an out-of-date code section. Penal Code § 30370, as amended by AB 879 (2019) and SB 118 (2020), cross references an out-of-date code section.

BACKGROUND

The Dealer Record of Sale (DROS) fee is collected each time a firearm is transferred or sold by a licensed dealer in California. The fee was meant to address the cost of the background check performed on a purchaser as well as other program costs. What began over thirty years ago as a fee simply covering the cost of conducting background checks was expanded to encompass eleven different activities. The previous \$19 fee could no longer support all of the required activities mandated by law.

AB 1669 (2019) accordingly updated and augmented the DROS fee – in two separate statutes. Under the resulting law, the original DROS fee was reduced to \$1 and may be used for reimbursing certain costs. The new Supplemental Fund, which imposed a \$31.19 fee, was to be used by DOJ for core programmatic firearms regulatory functions and background checks.

This update has not been uniformly reflected in legislation relating to the collection of fees.

SUMMARY

SB 918 cleans up outdated provisions and the erroneously omitted cross reference updates relating to the DROS fee, the supplemental fee, and the authority of DOJ in the regulation of the sale of firearm precursor parts and authorization to issue a firearm precursor part vendor license.

This bill only updates cross references in the aforementioned provisions.

EXISTING LAW

Existing law permits DOJ to charge a fee for specified costs related to the sale or transfer of firearms, such as the preparation, sale, processing, and filing of required reports and costs associated with the submission of a DROS.

Existing law requires firearm purchaser information be provided to DOJ electronically.

Existing law directs DOJ to electronically approve the purchase or transfer of ammunition through a vendor prior to the purchaser taking possession of the ammunition and permits DOJ to collect certain fees for these purposes.

Existing law regulates the sale of firearm precursor parts and authorizes DOJ to issue a firearm precursor part vendor license. Existing law deems a licensed firearms dealer or licensed ammunition dealer a firearm precursor parts vendor.

SPONSOR

Office of Attorney General Rob Bonta
California Department of Justice

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