

SB 715 (Portantino)

Firearms: Hunting License Validity

PROBLEM

Under current law when transferring or purchasing a firearm with a hunting license there is no verification during the 10 day background check to ensure the validity of the license.

BACKGROUND

In 2018, SB 1100 which was authored by Senator Portantino made it so anyone under the age of 21 years would not be able to purchase a long gun in California which mimics the law for handguns on a federal level with the exemptions of Military, Law Enforcements, and hunting license (for long guns).

In 2019, a 19 year old illegally purchased a semiautomatic centerfire rifle from a dealer with an invalid hunting license and tragically opened fire at a synagogue in Poway, CA. Because the gun store failed to adequately check the validity of the hunting license and the Department of Justice cleared the background check the horrific tragedy occurred.

January 1, 2020 SB 61 authored by Senator Portantino was signed into law creating the ban of a semiautomatic centerfire rifle sale to anyone under the age of 21 years unless they are law enforcement or military. As we know this type of firearm is not needed to hunt with and is known to be the number one choice of weapon commonly used to commit heinous mass shootings.

This bill will address the outstanding circumstances uncovered in Poway, ensuring that background checks are completed in a comprehensive manner so the same mistakes do not happen again.

SUMMARY

SB 715 would define a valid and an unexpired hunting license and would require the Department of Justice, for sales of firearms to persons under 21 years of age, who are eligible to purchase a firearm based upon their possession of a hunting license, to confirm the validity of the hunting license as part of the background check.

EXISTING LAW

Existing law, Existing law prohibits the purchase or receipt of a firearm by, or the sale or transfer of a firearm to, any person who does not have a firearm safety certificate, as specified. Existing law also prohibits the sale or transfer of a firearm by a licensed firearm dealer to a person under 21 years of age. Existing law exempts from these provisions the sale, transfer, purchase, or receipt of a firearm, other than a handgun, to or by a person without a firearm safety certificate, but in possession of a valid, unexpired hunting license, as specified. Existing law also exempts the sale or transfer of a firearm, other than a handgun or semiautomatic centerfire rifle, to a person 18 years of age or older who possesses a valid, unexpired hunting license.

Existing law, subject to exceptions, imposes a 10-day waiting period for delivery of a firearm, during which time a background check is conducted by the Department of Justice to determine if the proposed recipient of the firearm is prohibited from owning or possessing a firearm.

SUPPORT

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