



AB 1695 (Bonta)

“The Stop Illegal Gun Sales Act”

Summary

AB 1695—the Stop Illegal Gun Sales Act (Act)—seeks to reduce the flow of firearms onto the black market. The Act targets straw purchases, instances in which a person who can pass a background check legally buys a gun and then resells it to someone who would not have otherwise been allowed to legally purchase a firearm. Additionally, the Act would make knowingly falsely reporting a gun as lost or stolen a misdemeanor, a common claim among straw purchasers when their gun is recovered at the scene of a crime.

Background

Research suggests that one important flow of illegal guns to criminals involves legal purchasers who engage in straw purchases to provide guns to someone with a disqualifying criminal record. These straw purchases generally occur within close proximity from where the crime gun is recovered.

In 2007, the Los Angeles City Attorney’s office notified firearm purchasers of their rights and responsibilities during California’s mandatory waiting period. This notification was attempted to deter straw purchasers from illegally transferring firearms, either through failing to complete the transaction or declining to resell the firearm. Because straw purchasers have no prior arrests or convictions that prohibit them from making a legal firearm purchase, they could be deterred more easily than individuals with an existing criminal history. Additionally, though the act of straw purchasing is a federal felony, such cases are rarely prosecuted separately, and the charge is usually added to an ongoing investigation.

According to a RAND study, the notification significantly increased the number of firearms

reported lost and stolen—more than doubling the reporting. However, it is not clear whether the increased reporting was from increased compliance with the law or straw purchasers covering their tracks. Additionally, there was an increase in approved firearms transactions not being completed, suggesting a deterrent effect, though those results require further research.

Furthermore, there have been several legislative efforts to improve the reporting of lost and stolen firearms. These efforts have focused on creating new criminal penalties for failure to report a firearm as lost or stolen, in an attempt to give prosecutors a tool with which to charge straw purchasers. AB 1695 differs from those approaches by mimicking a 2008 Pennsylvania law, HB 1845, one of whose provisions made it a state crime to falsely report a firearm as lost or stolen. HB 1845 was passed with broad bipartisan support and subsequently signed into law.

Bill Details

Dual Approach to Reducing Firearm Diversion

- Letter Campaign— Inform potential purchasers of their rights and responsibilities, and the laws surrounding the transfer of firearms. Paid for through the Firearm Safety and Enforcement Special Fund.
- False Reporting of Lost and Stolen— Create a legal mechanism for state prosecution in the event of falsely reporting a firearm lost or stolen. Violators would be prohibited from owning a firearm for a decade following conviction.

Support

American Academy of Pediatrics
Brady Campaign to Prevent Gun Violence, California Chapters
City of Oakland
Law Center to Prevent Gun Violence

Opposition

California Right to Carry
California Sportsman's Lobby Inc.
Firearms Policy Coalition
National Shooting Sports Foundation, Inc.
Outdoor Sportsmen's Coalition of California
Safari Club International