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## SENATE COMMITTEE ON APPROPRIATIONS

Senator Anna Caballero, Chair  
2025 - 2026 Regular Session

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### AB 1078 (Berman) - Firearms

**Version:** June 26, 2025

**Urgency:** No

**Hearing Date:** August 18, 2025

**Policy Vote:** PUB. S. 5 - 1

**Mandate:** Yes

**Consultant:** Liah Burnley

**Bill Summary:** AB 1078 increases the number of firearms an individual may buy in a 30-day period from one to three and makes various changes to California's firearm statutes.

### Fiscal Impact:

- The Department of Justice (DOJ) estimates a fiscal impact of approximately \$190 thousand or less (General Fund). DOJ notes that implementation of this bill will be dependent upon the appropriation of funds. DOJ will be unable to absorb the costs to comply with or implement the requirements of the bill within existing budgeted resources. The estimated expenditures for this bill cannot be funded from the Dealers' Record of Sale (DROS) Account. Current revenues are insufficient to cover the increased cost of this bill. As such, for the DOJ to fully fund the associated costs inherent with the mandates of this bill, a General Fund appropriation is required.

DOJ notes that its Division of Law Enforcement (DLE), Bureau of Firearms (BOF) would require the following overtime in FY 2025-26:

- 40 hours of overtime (OT) from 1.0 Associate Governmental Program Analyst in the Customer Support Center (CSC) to create/review business requirements (BRs), review functional requirements (FRs), attend joint application development (JAD) sessions, conduct user acceptance testing (UAT);
- 40 hours of OT from 1.0 Staff Services Analyst (SSA) in CSC to attend JAD sessions and conduct UAT;
- 44 hours of OT from 1.0 Crime Analyst Supervisor (CAS) ) in the Eligibility Clearance Unit (ECU) to create/review BRs, review FRs, attend JAD sessions, conduct UAT, modify the BOF/DROS-0003 which includes reviews, edits, routing time, uploading to R4J, and provide information to Web team to make changes to BOF site in regard to this modification;
- 3 hours of OT from 1.0 CAS in the Quality Assurance Unit (QUA) to update training materials for the new firearm prohibition and update the Firearms Prohibiting Categories list;
- 15 hours of OT from 1.0 CAS in the QUA to update training materials;

- 20 hours of OT from 1.0 Crime Analyst (CA) in ECU to attend JAD sessions and conduct UAT;
- 70 hours of OT from 2.0 Field Representatives (FR) in the Regulation Compliance Unit to update procedures and inspection documents with new requirements specified in AB 1078; and,
- Additionally, DLE would required funding in FY 2025-26 for Deputy Attorney General (DAG) consultation costs.

DOJ also notes that its California Justice Information Services (CJIS) Division would necessitate system modification and enhancement to existing systems. The CJIS Division estimates a four-month implementation project. This effort would consist of two weeks of upfront planning, followed by six weeks of development effort, four weeks of testing, and four weeks of post implementation efforts. The following resources would also be required:

- Java/SQL Developer Consultant – FY 2025-26, \$100,000 (500 hours at \$200/hour). The JAVA/SQL Developer would be responsible for developing system changes in DROS, DES, CFIS Batch, CFGI, CFIS Database and JES. The consultant would update any technical documentation, unit test and fix defects, and provide post implementation support; and,
  - Systems Analyst Consultant – FY 2025-26, \$60,000 (300 hours at \$200/hour). The Consultant would gather requirements, document functional requirements, update use cases and process workflows, update report specifications, test, log defects and provide user acceptance testing support.
- Unknown, potentially significant costs to the state funded trial court system (Trial Court Trust Fund, General Fund) to the courts to hear cases arising from this bill. This bill adds additional bases upon which a licensing authority may deny a person's application for a CCW license. Existing law permits a person whose CCW application is denied to seek court review of the licensing authority's decision. As described in more detail in the policy committee analyses, this bill may result in additional trial court costs to the extent that cases are brought to litigate its constitutionality. The fiscal impact of this bill to the courts will depend on many unknowns, including the numbers of people charged with an offense and the factors unique to each case. An eight-hour court day costs approximately \$10,500 in staff in workload. This is a conservative estimate, based on the hourly rate of court personnel including at minimum the judge, clerk, bailiff, court reporter, jury administrator, administrative staff, and jury per-diems. If court days exceed 10, costs to the trial courts could reach hundreds of thousands of dollars. While the courts are not funded on a workload basis, an increase in workload could result in delayed court services and would put pressure on the General Fund to fund additional staff and resources and to increase the amount appropriated to backfill for trial court operations.
  - Costs of an unknown but potentially significant amount to local law enforcement agencies (local funds, General Fund) that issue CCW licenses, typically county sheriffs' offices and city police departments. This bill will increase workload of local

law enforcement agencies, particularly in areas with a high proportion of non-residents seeking CCW licenses. The state must reimburse these costs from the General Fund if the Commission on State Mandates determines the duties imposed by this bill constitute a reimbursable state mandate.

**Background:** California established its “1-gun-a-month rule” in 1999 with the passage of AB 202 (Knox, Ch. 128, Stats. of 1999), which prohibited an individual from purchasing more than one concealable firearm within a 30-day window. On June 20, 2025, the Ninth Circuit Court of Appeal affirmed a lower court’s decision in *Nguyen v. Bonta* (2025) Case No. 24-2036, holding that California’s 1-gun-a-month rule facially violates the Second Amendment. According to the court:

The Second Amendment expressly protects the right to possess multiple arms. It also protects against meaningful constraints on the right to acquire arms because otherwise the right to “keep and bear” would be hollow. And while Bruen does not require a “historical twin” for a modern firearm regulation to pass muster, 597 U.S. at 30, here the historical record does not even establish a historical cousin for California’s one-gun-a-month law.

In 2022, the United States Supreme Court issued its landmark ruling in *New York State Rifle and Pistol Association v. Bruen* (2022) 597 U.S. 1, which invalidated a New York State law requiring applicants for a concealed carry license to show “proper cause,” or a special need distinguishable from the general public, as well as good moral character, when applying for license. In a 6-3 decision along ideological lines, the Court ruled that the New York law’s “proper cause” requirement was an unconstitutional violation of the Second Amendment, and that the “Second and Fourteenth Amendments protect an individual’s right to carry a handgun for self-defense outside the home,” effectively establishing a constitutional right to publicly carry a firearm under the Second Amendment.

In reaching its decision in Bruen, the Court recognized that California was among the limited number of states that had an analogue to New York’s “proper cause” standard in their concealed carry laws, suggesting that California’s law was similarly unconstitutional. In response, the Legislature passed SB 2 (Portantino, Ch. 249, Stats. of 2023), which revised the state’s concealed carry laws to no longer require a showing of good cause or good moral character to obtain a CCW and prohibited the carrying of concealed weapons in several specified sensitive locations, including schools, government buildings, public transit, medical facilities, public parks, sporting facilities, places of worship, correctional institutions, and several others. Since their enactment, the provisions codified by SB 2 have been the subject of several constitutional challenges under the new Bruen standard, particularly on issues related to CCW licenses.

Under existing law, only California residents are authorized to obtain a CCW, contingent on the successful completion of a background check and the local licensing authority (e.g. a county’s sheriff’s department). The law includes no pathway for individuals residing out-of-state to apply for a CCW, a restriction that was recently challenged in federal court. In one of these cases, the court issued a preliminary injunction enjoining

the residency requirement and laid out a detailed procedure for the non-residents plaintiffs to apply for and renew a CCW.

**Proposed Law:**

- Prohibits a person from making an application to purchase one or more firearms that would result in the purchase of more than three firearms cumulatively within any 30-day period.
- Prohibits a firearm dealer from delivering a firearm whenever the dealer is notified by the DOJ that the purchaser has made an application to purchase one or more firearms that would result in the purchase of more than three firearms cumulatively within the 30-day period preceding the date of the applications.
- Requires firearms dealers to modify the notice posted on the licensed premises regarding the number of permissible firearm purchases that may be made per month, per the following: “No person shall make an application to purchase one or more firearms that would result in the purchase of more than three firearms cumulatively within any 3- day period and no delivery shall be made to any person who has made an application to purchase one or more firearms that would result in the purchase of more than three firearms cumulatively within the 30-day period preceding the date of the application, inclusive.”
- Provides that when a non-California resident applies for a new CCW license or license renewal, the sheriff of a county or the chief of a municipal police department shall issue or renew a license to that non-California resident subject to the following conditions:
  - The applicant is not a disqualified person to receive the license, in accordance with California law and all comparable statutes and provisions of law of the nonresident applicant’s state of residence;
  - The applicant is at least 21 years of age and presents “clear evidence of their identity, age, and state of residence,” which means either a valid driver’s license from their state of residence or a valid out-of-state ID card issued by the Department of Motor Vehicles;
  - The applicant attests under oath that the jurisdictions which they have applied is the primary location in California in which they intend to travel or spend time;
  - The applicant has completed a course of training that meets specified criteria for each firearm for which the applicant is applying to be licensed to carry in California, as specified;
  - The applicant has completed live-fire shooting exercises for each firearm, as specified; and,
  - The applicant has identified on the application the make, model, caliber and serial number for each firearm; identification of a firearm that cannot

be lawfully carried or possessed in California shall be cause for denial of a license.

- Specifies that for a non-resident applicant, the licensing authority may either allow the applicant to complete a virtual psychological assessment, where the applicant appears by video or audio, or approve an examination provider located within 75 miles of the applicant's residence.
- Specifies that no renewal license shall be issued by any licensing authority unless the DOJ confirms the applicant's eligibility to possess, receive, own, or purchase a firearm, as specified.
- Provides that a CCW shall not be issued and an existing CCW shall be revoked if an applicant provides any inaccurate or incomplete information in connection with an application for a license or license renewal or an application to amend a license.
- Provides that a CCW holder shall inform the local licensing authority that issued the license of any restraining order or arrest, charge, or conviction of a crime, as specified.
- Provides that if at any time the DOJ determines that a licensee is prohibited by state or federal laws from possessing, receiving, owning, or purchasing a firearm, the DOJ shall immediately, but no longer than 15 days after the determination, notify the local licensing authority of the determination.
- provides that unless a court makes a contrary determination, as specified, an applicant shall also be deemed to be a disqualified person if the applicant satisfies any one or more of the following:
  - They have been convicted of any federal law or law of any other state that includes comparable elements of contempt of court under California law;
  - They have been subject to a restraining order or protective order under any federal law or law of any other state that includes comparable elements of specified restraining and protective orders in California law, unless the order expired or was vacated or canceled more than five years prior to the licensing authority receiving the application, or the order expired or was vacated or cancelled and the applicant did not receive notice and an opportunity to be heard before the order was issued;
  - They were subject to a restraining order or protective order under California law, unless the order expired or was vacated or otherwise cancelled and the applicant did not receive notice and an opportunity to be heard before the order was issued;
  - They have been convicted of a federal offense or offense under the laws of another state, the elements are comparable to specified California offenses, including serious and violent felonies, crimes requiring sex

offender registration, crimes resulting in a 10-year ban on the purchase or possession of firearms, and crimes involving criminal threats; or,

- They are an unlawful user of, or addicted to, any controlled substance, as described in specified federal laws and regulations.
- Provides that, for a non-resident applicant, the investigation conducted by the licensing authority to determine whether an applicant is a disqualified person must include an in-person interview of the applicant or a virtual interview of the applicant, where the applicant appears by video and audio, at the applicant's election.
- Specifies that an investigation conducted by the licensing authority for any applicant must include a review of specified information indicating whether the applicant is reasonably likely to be a danger to self, others, or the community at large, or that the applicant is otherwise a disqualified person because they have been the subject of a restraining order.
- Specifies that the initial determination made by the licensing authority that the person is not a disqualified person shall include a final determination as to whether the applicant is or is not a disqualified person due to being an unlawful user of, or addicted to, any controlled substance.
- Provides that upon determining that the applicant is a disqualified person due to being an unlawful user of, or addicted to, any controlled substance, as described in specified provisions of federal law, the licensing authority shall, within five, days, submit to the National Instant Criminal Background Check System, specified information regarding the applicant, as provided
- Provides that non-resident applicants must request a hearing to review the denial or revocation of a CCW from the county in which the application was submitted.
- Provides that if a licenseholder fails to submit an application for renewal within 90 days of the expiration of their license, the licensing authority shall immediately request that the DOJ terminate state or federal subsequent notification, as specified.

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