

Date of Hearing: March 3, 2026

Counsel: Dustin Weber

ASSEMBLY COMMITTEE ON PUBLIC SAFETY

Nick Schultz, Chair

AB 1615 (Nguyen) – As Introduced January 21, 2026

SUMMARY: Authorizes a peace officer employed by a county probation department to use an unsafe handgun as a service weapon if the county probation employee has satisfied defined training requirements. Specifically, **this bill:**

- 1) Exempts county probation department personnel from the prohibition on the sale or purchase of an unsafe handgun (i.e., a handgun not on the California Department of Justice’s (DOJ) safe handgun roster) for use as a service weapon, if the handgun is sold to, or purchased by a county probation department for use by, or sold to or purchased by, sworn members of the department who have satisfactorily completed the firearms portion of a training course prescribed by the Commission on Peace Officer Standards and Training (POST).
- 2) Requires that a county probation department member, as a condition of carrying an unsafe handgun, complete a live-fire qualification prescribed by their employing entity at least once every three months.

EXISTING LAW:

- 1) States that a person who manufactures or causes to be manufactured, imports into the state for sale, keeps for sale, offers or exposes for sale, gives, or lends an unsafe handgun shall be punished by imprisonment in a county jail not exceeding one year. (Pen. Code, § 32000, subd. (a)(1).)
- 2) Establishes that the prohibition on unsafe handguns shall not apply to the manufacture or importation into this state of a prototype handgun when the manufacture or importation is for the sole purpose of allowing an independent laboratory certified by the DOJ to conduct an independent test to determine whether that handgun is prohibited and, if not, allowing DOJ to add the firearm to the roster of handguns that may be sold in this state. (Pen. Code, § 32000, subd. (b)(1).)
- 3) States that the prohibition on unsafe handguns shall not apply to the importation or lending of a handgun by employees or authorized agents of entities in determining whether the weapon is prohibited, as specified. (Pen. Code, § 32000, subd. (b)(2).)
- 4) Establishes that the prohibition on unsafe handguns shall not apply to the sale or purchase of a handgun, if the handgun is sold to, or purchased by, the DOJ, a police department, a sheriff’s official, a marshal’s office, the Department of Corrections and Rehabilitation, the Department of the California Highway Patrol, any district attorney’s office, any federal law enforcement agency, or the military or naval forces of this state or of the United States for use in the discharge of their official duties. This section does not prohibit the sale to, or

purchase by, sworn members of these agencies of a handgun. (Pen. Code, § 32000, subd. (b)(4).)

- 5) Exempts defined personnel from the prohibition on the sale or purchase of a handgun for use as a service weapon, if the handgun is sold to, or purchased by, any of the following entities for use by, or sold to or purchased by, sworn members of these entities who have satisfactorily completed the POST basic course or, before January 1, 2021, have satisfactorily completed the firearms portion of a training course prescribed by the POST, and who, as a condition of carrying that handgun, complete a live-fire qualification prescribed by their employing entity at least once every six months. (Pen. Code, § 32000, subd. (b)(6).)
- 6) Exempts defined personnel from the prohibition on the sale or purchase of a handgun, if the handgun is sold to, or purchased by, any of the following entities for use as a service weapon by the sworn members of these entities who have satisfactorily completed the POST basic course or, before January 1, 2021, have satisfactorily completed the firearms portion of a training course prescribed by the POST, and who, as a condition of carrying that handgun, complete a live-fire qualification prescribed by their employing entity at least once every six months. (Pen. Code, § 32000, subd. (b)(7).)
- 7) States that a licensed person shall not process the sale or transfer of an unsafe handgun between a person who has obtained an unsafe handgun pursuant to an exemption and a person who is not exempt. (Pen. Code, § 32000, subd. (c)(1).)
- 8) Requires the DOJ to maintain a database of unsafe handguns, as defined. (Pen. Code, § 32000, subd. (e)(1).)
- 9) States that a person or entity that is in possession of an unsafe handgun shall notify the DOJ of any sale or transfer of that handgun within 72 hours of the sale or transfer. This requirement shall be deemed satisfied if the sale or transfer is processed through a licensed firearms dealer. A sale or transfer accomplished through an exception to is not exempt from this reporting requirement. (Pen. Code, § 32000, subd. (e)(2).)
- 10) Establishes that the DOJ shall provide notification to persons or entities possessing an unsafe handgun regarding the prohibitions on the sale or transfer of that handgun. Thereafter, the DOJ shall, upon notification of sale or transfer, provide the same notification to the purchaser or transferee of any unsafe handgun sold or transferred pursuant to those provisions. (Pen. Code, § 32000, subd. (e)(3).)

FISCAL EFFECT: Unknown

COMMENTS:

- 1) **Author's Statement:** According to the author, “AB 1615 restores and adds clarity pertaining to probation’s existing inclusion in Penal Code 32000 which authorizes probation officers to use non-roster handguns, similar to other law enforcement and as currently authorized, ensuring officers have the necessary tools for officer and community safety, interoperability, task force collaboration in emergency situations, and in carrying out their duties.

“Penal Code 32000 already sets forth the state exemptions for authorized peace officers to purchase non-roster handguns. Legislation in 2020, AB 2699 (Santiago) made changes to this section that inadvertently impacted the language around probation’s use of these firearms. Probation officers undergo the same firearms training as other peace officers through PC 832, which includes the firearms and arrest modules from the POST Basic Academy. Additionally, probation departments complete live-fire qualifications on a quarterly basis.”

- 2) **Effect of the Bill:** This bill would return to county probation officers the ability to use a non-rostered handgun, for those who have satisfactorily completed the firearms portion of a POST-certified training course. County probation officers also would be required to complete a quarterly live fire qualification exercise.

There are understandable reasons for prohibiting certain groups of people to access firearms. Even peace officers, who are subject to and complete comprehensive training before being authorized to carry a firearm, can make mistakes in handling firearms. Certain professions, however, create an understandable need for people in those roles to have access to particular arms.

As the Chief Probation Officers of California (CPOC) have noted, county probation personnel undergo a variety of training, including the firearms modules from POST Basic and a litany of additional modules from their Standards for Corrections and Training program (SCT), including Criminal Justice System and Process, Field Contacts, Legal Foundations and Liability, Crisis Communication and De-escalation, Field Searches, Booking and Evidence, Gangs, Community Supervision, Domestic Violence, Use of Restraints, Signs and Symptoms of Substance Abuse, Trauma, Interventions and Resources, among many others. Additionally, law enforcement personnel often engage in interorganizational training exercises. They also participate in essential training exercises with other law enforcement organizations and high-risk sting operations.

One impact of the current law is that county probation personnel cannot participate in training activities where non-rostered handguns may be involved. While this restriction is arguably minor when weighed against the purported public safety benefit of additional non-rostered handguns being in circulation, the inconsistent application of the restriction somewhat moots this argument. Moreover, there is at least some tangible public safety benefit to increased training opportunities for county probation personnel.

This bill would authorize county probation officers to access the same types of firearms as sworn members of similarly situated departments at the state and county levels. County probation officers had this authorization prior to AB 2699’s (Santiago) passage. (Ch. 289, Stats. 2020.) County probation officers were carved out from the non-roster handgun exemption list, which created another inconsistency in the law. This bill would undo that inconsistency and return authorization to county probation officers to use non-rostered handguns in defined cases that they had six years ago.

- 3) **“Unsafe Handguns”: The California Roster of Handguns Certified for Sale:** This bill would exempt county probation officers from the prohibition against the purchase, use,

transfer, or sale of, among other things, unsafe handguns. California's handgun roster was developed in an attempt to enforce commonsense product safety requirements for handguns and, thereby, protect California consumers. (See Pen. Code, §§ 31900-31910 [for product safety requirements and testing].) California's handgun roster clearly establishes which handguns are permitted for sale, but whether the roster is a truly accurate reflection of the relative safety of handguns is not as clear.

Handguns that fail product safety tests are not rostered as certified safe and for sale to most consumers in California. These product safety tests, including installation of a safety device, drop tests, and firing tests (Pen. Code, §§ 31900-31905) present objective, measurable criteria against which any manufacturer who wishes to sell in California can design and modify its products. But not all provisions of the unsafe handgun statute are clearly tied to consumer safety. For example, handguns for which "the annual maintenance fee is not paid" can also be removed from the certified roster and thereby be declared unsafe. (Cal. Code Regs., tit. 11, § 4070, subd. (c)(1).) A previously certified handgun can also be removed from the roster and deemed unsafe if a manufacturer goes out of business because the proprietor retired. (Cal. Code Regs., tit. 11, § 4070.)

Even in cases where firearms pass all testing requirements, DOJ is authorized to mandate retesting for the same models, at a laboratory of its choosing, if it has "reason to believe" that the model does not comply with the law. (Cal. Code Regs., tit. 11, § 4073.) If a model fails but a "similar" of that model has been approved, the similar model can be de-rostered without testing. (*Ibid.*) Relatedly, should the model that failed then get successfully retested and reinstated, DOJ is nevertheless permitted to keep the similar off the roster despite never testing it for safety. (*Ibid.*)

Furthermore, while courts currently appear skeptical of microstamping (see *Boland v. Bonta* (2023) 662 F.Supp.3d 1077, 1081), SB 452 (Blakespear) recently defined a semiautomatic pistol without microstamping as an unsafe handgun beginning on January 1, 2028. (Ch. 253, Stats. 2023.) The *Boland* court gutted almost exactly the same roster requirement from AB 2847 (Chiu), which became law in 2020. (Ch. 292, Stats. 2020.) A federal district court additionally found certain requirements of California's roster unconstitutional. (*Renna v. Bonta* (2023) 667 F.Supp.3d 1048.) Decided four years prior to *New York State Rifle & Pistol Association Inc. v. Bruen* (2022) 597 U.S. 1 (*Bruen*) the Ninth Circuit Court of Appeals held California's handgun roster constitutional, applying intermediate scrutiny to the unsafe handgun law because the court found the law dealt with commercial sales of arms, not individual possession or use, which would have triggered strict scrutiny analysis at the time (and the "national historical tradition" test following *Bruen*). (*Pena v. Lindley* (2018) 898 F.3d 969.) Most laws, approximately 70% according to one study, do not survive constitutional review using a strict scrutiny analysis.¹ Though direct comparisons are challenging, following *Bruen* and depending on jurisdiction, studies have shown Second Amendment challenges succeeding approximately 11-22% of the time.²

¹ Winkler, *Fatal in Theory and Strict in Fact: An Empirical Analysis of Strict Scrutiny in the Federal Courts* (2006) 59 Vanderbilt L.Rev. 793, 815 <<https://scholarship.law.vanderbilt.edu/vlr/vol59/iss3/3/>> [as of Feb. 16, 2026].

² Willinger, *History and Tradition as Heightened Scrutiny* (2025) 60 Wake Forest L.Rev. 415, 434 <<https://www.wakeforestlawreview.com/wp-content/uploads/2025/05/Willinger.pdf>> [as of Feb. 16, 2026].

County probation officers all complete POST firearms training modules and POST-style training with quarterly live-fire tests before being authorized to carry a firearm. This bill would simply reauthorize sworn county probation officers to access the same types of firearms as similarly situated law enforcement agents.

- 4) **Legislative History:** SB 15 (Polanco), Chapter 248, Statutes of 1999, made it a misdemeanor for any person in California to manufacture, import for sale, offer for sale, give, or lend any unsafe handgun, with certain specific exceptions. SB 15 defined an “unsafe handgun” as follows: (a) does not have a requisite safety device, (b) does not meet specified firing tests, and (c) does not meet a specified drop safety test.
- a) **Required Safety Device:** The Safe Handgun Law requires a revolver to have a safety device that, either automatically in the case of a double-action firing mechanism or by manual operation in the case of a single-action firing mechanism, causes the hammer to retract to a point where the firing pin does not rest upon the primer of the cartridge or in the case of a pistol have a positive manually operated safety device.
- b) **Firing Test:** In order to meet the “firing requirements” under the Safe Handgun Law, the manufacturer must submit three unaltered handguns of the make and model for which certification is sought to an independent laboratory certified by the Attorney General. The laboratory shall fire 600 rounds from each gun under certain conditions. A handgun shall pass the test if each of the three test guns fires the first 20 rounds without a malfunction and fires the full 600 rounds without more than six malfunctions and without any crack or breakage of an operating part of the handgun that increases the risk of injury to the user. "Malfunction" is defined as a failure to properly feed, fire or eject a round; failure of a pistol to accept or reject a manufacturer-approved magazine; or failure of a pistol's slide to remain open after a manufacturer approved magazine has been expended.
- c) **Drop Test:** The Safe Handgun Law provides that at the conclusion of the firing test, the same three manufacturer's handguns must undergo and pass a "drop safety requirement" test. The three handguns are dropped a specified number of times, in specified ways, with a primed case (no powder or projectile) inserted into the handgun, and the primer is examined for indentations after each drop. The handgun passes the test if each of the three test guns does not fire the primer. (Pen. Code, §§ 31900-31910.)

In 2016, AB 2165 (Bonta), Chapter 640, Statutes of 2016, exempted peace officers, including probation officers, who have completed the POST-prescribed firearms training from the state prohibition relating to the sale or purchase of a non-rostered firearm.

In 2020, AB 2699 (Santiago), Chapter 289, Statutes of 2020, further modified California’s rostering of handguns by adding additional limitations on their acquisition and usage by defined law enforcement agencies. Additional law enforcement entities were included on the list of agencies that could acquire and use non-rostered firearms, but additional limitations were placed on all agencies that were authorized to use these handguns. These limitations included any sale of a non-rostered handgun to an agency is only authorized if the handgun is to be used as a service weapon by a peace officer who has successfully completed the basic course prescribed by POST and who qualifies with the handgun at least every six months.

Proponents of the bill have consistently cited the potential cross-training opportunities being lost for county probation officers because they are unable to handle a non-rostered handgun. Loss of those training opportunities could be a public safety detriment and a particular strain on smaller counties where these opportunities are not plentiful. This bill would reauthorize sufficiently trained county probation personnel to handle non-rostered firearms.

- 5) **Unintentional Firearms Incidents:** From 2016-2022, in California, the rate of firearms incidents, where the injury intent was noted as “unintentional,” has stayed relatively stable. Incidents in this period totaled between 7-12 injuries per 100,000 person-years.³ Like many other public safety metrics, the unintentional firearm injury rate peaked at 12 injuries per 100,000 person-years during the pandemic in 2021, while it hit a low of 7.1 injuries per 100,000 person-years in 2018.⁴

Intent is meant to capture the reason for the incident. Intent in these studies include unintentional (accidental), suicide/self-harm, homicide/assault, undetermined, and legal intervention/war operations.⁵ Intent is recorded by coroners or medical examiners for fatal injuries and clinicians or hospital staff for non-fatal injuries.⁶ Interestingly, for non-fatal injuries, coding guidelines from the Centers for Medicare and Medicaid Services state that when the injury intent is unknown, the *coders should default to unintentional intent*.⁷

It is reasonable to conclude that non-fatal unintentional firearm injuries are likely over-reported and non-fatal assault firearm injuries are likely under-reported due to this coding standard. With the relative stability of these incidents, specifically over the past 5-7 years, reauthorizing county probation personnel to carry non-roster handguns seems unlikely to negatively impact the rate of unintentional firearms incidents.

- 6) **Argument in Support:** According to one of the bill’s sponsors, the *Chief Probation Officers of California*, “On behalf of the Chief Probation Officers of California (CPOC), we are pleased to co-sponsor AB 1615, which would restore clarity around the language regarding the use of non-roster handguns by probation peace officers.

“Penal Code 32000 sets forth the state exemptions for authorized peace officers to purchase non-roster handguns in their peace officer capacity. Non-roster firearms are only available for purchase by law enforcement departments and are designed to address the needs and practices of a peace officer performing their duties including functionality around the most up to date technology, aspects that can be individualized to the officer, and other functions important in emergency situations.

“In 2016, AB 2165 (Bonta) was enacted and, among other provisions, authorized specified peace officers, which included probation, who have completed the Commission on Peace

³ *California Firearm Injury Dashboard* (Feb. 2, 2024) Cal. Dept. of Public Health

<<https://skylab4.cdph.ca.gov/firearm-injuries/>> (“Person-years are the population multiplied by the number of years of observation. Incidence rates can be conceptualized as the number of events per 100,000 persons, per year.”) [as of Feb. 16, 2026].

⁴ *Ibid.*

⁵ *Ibid.*

⁶ *Ibid.*

⁷ *Id.*, at fn. 1.

Officer Standards and Training (POST) prescribed firearms training course as required in Penal Code 832, to be exempt from the state prohibition relating to the sale or purchase of a non-roster firearm.

“As stated in the AB 2165 analysis ... “These categories of peace officers participate in mutual aid situations, task forces, sting operations and arrests—all high-risk situations require that these officers be properly armed. It is imperative that we provide the statutory basis for the parity between agencies that has existed since the creation of the roster.”

“In 2020, AB 2699 (Santiago) was enacted which changed requirements for all peace officers to complete the POST basic course, rather than the longstanding requirements that peace officers complete the statutorily required and POST certified PC 832 firearms and arrest course and inadvertently did not reflect the training that probation completes both through POST PC 832 but also training through the BSCC STC program.

“Probation officers undergo the same firearms training as other law enforcement officers through PC 832, which includes the firearms and arrest modules from the POST Basic Academy. Additionally, probation departments complete live-fire qualifications on a quarterly basis.

“Departments often use a certain model of a firearm as it contributes to uniformity in training. Further, some counties purchase and train on the same firearm so that when there are instances such as an active shooter incident, fires, evacuations, and other emergency response efforts, officers are trained and can use firearms interchangeably. The interoperability, training, and specific functionality of non-roster firearms becomes critical in situations where probation is responding to an incident, serving in mutual aid coordination, or serving in taskforces with other law enforcement.

“This proposal would restore clarity and language pertaining to Probation’s existing inclusion in Penal Code 32000 list of state exemptions for all authorized peace officers to purchase non-roster handguns while maintaining all of the other applicable requirements around non-roster use that currently exist.”

- 7) **Argument in Opposition:** None submitted.
- 8) **Related Legislation:** AB 1589 (Chen) would exempt specified level I reserve peace officers from the prohibition on possessing firearms suppressors. This bill is pending hearing in the Assembly Public Safety Committee.
- 9) **Prior Legislation:**
 - a) SB 15 (Blakespear), of the 2025-2026 Legislative Session, would have authorized the DOJ to remove a person from the centralized list who has willfully failed to comply with specified licensing requirements or who failed to remedy violations discovered as a result of an inspection. SB 15 was held in the Senate Appropriations Committee.
 - b) SB 248 (Rubio), of the 2025-2026 Legislative Session, would have required the DOJ to mail to any person involved in a firearms transaction a letter that includes information relevant to firearm ownership, such as how to legally relinquish a firearm and resources

regarding gun violence restraining orders. SB 248 was held in the Senate Appropriations Committee.

- c) AB 879 (Rubio), of the 2025-2026 Legislative Session, would have exempted county probation officers from certain restrictions on non-rostered handguns. AB 879 was held in the Senate Appropriations Committee.
- d) AB 669 (Lackey), of the 2021-2022 Legislative Session, would have exempted sales to, or purchases by, a county probation department and sworn members thereof who have completed specified firearms training prescribed by POST and who completed the above-described live-fire qualification at least once every three months. AB 669 failed passage in the Senate Public Safety Committee.
- e) AB 1478 (Chiu), of the 2021-2022 Legislative Session, would have required microscopic characters to be imprinted in two or more places on the interior of the pistol, provided that the department certifies that the technology used to create the imprint is available to more than one manufacturer unencumbered by any patent restrictions. The hearing on AB 1478 in the Assembly Public Safety Committee was canceled at the request of the author.

REGISTERED SUPPORT / OPPOSITION

Support

Chief Probation Officers' of California (CPOC) (Co-Sponsor)
Monterey County Probation Association
Napa County Probation Professionals Association
Riverside Sheriffs' Association
Sacramento County Probation Association
San Diego County Probation Officers Association
San Joaquin County Probation Officers Association
Stanislaus County Deputy Probation Officers Association
State Coalition of Probation Organizations
Ventura County Professional Peace Officers Association

Analysis Prepared by: Dustin Weber / PUB. S. / (916) 319-3744