
CONSENT

Bill No: AB 1615
Author: Nguyen (D)
Amended: 5/18/26 in Assembly
Vote: 21

SENATE PUBLIC SAFETY COMMITTEE: 6-0, 6/23/26

AYES: Arreguín, Seyarto, Caballero, Cortese, Pérez, Wiener

SENATE APPROPRIATIONS COMMITTEE: Senate Rule 28.8

ASSEMBLY FLOOR: 79-0, 5/27/26 - See last page for vote

SUBJECT: Firearms: unsafe handguns

SOURCE: Chief Probation Officers' of California; State Coalition of Probation Organizations

DIGEST: This bill authorizes the sale or purchase of a handgun that does not appear on the Department of Justice (DOJ) roster of “not unsafe” handguns for use as a service weapon by sworn members of a county probation department, provided that the sworn member of the department has satisfactorily completed specified firearms training.

ANALYSIS:

Existing law:

- 1) Sets forth a definition of “unsafe handgun” for both revolvers and pistols, which applies to the provisions listed below.
 - a) A revolver meets the definition of “unsafe handgun” if it 1) does not have a safety device that causes the hammer to retract to a point where the firing pin does not rest upon the primer of the cartridge, 2) does not meet the firing requirements for handguns, as specified, or 3) does not meet the drop safety requirement for handguns.

- b) A pistol meets the definition of “unsafe handgun” if 1) it does not have a positive manually operated safety device, as specified, 2) it does not meet the firing requirement for handguns, 3) it does not meet the drop safety requirement for handguns, 4) it does not have a chamber load indicator, 5) it does not have a magazine disconnect mechanism if it has a detachable magazine, or 6) it is not designed and equipped with a microscopic array of characters used to identify the pistol, as specified (see more below). (Penal [Pen.] Code § 31910, subds. (a), (b).)
- 2) Requires DOJ, on and after January 1, 2001, to compile, publish, and thereafter maintain a roster listing all of the pistols, revolvers, and other firearms capable of being concealed upon the person that have been tested by a certified testing laboratory, have been determined not to be unsafe handguns, and may be sold in this state, as specified. The roster shall list, for each firearm, the manufacturer, model number, and model name. (Pen. Code, § 32015, subd. (a).)
- 3) Provides that DOJ may charge every person in California who is licensed as a manufacturer of firearms, as specified, and any person in California who manufactures or causes to be manufactured, imports into California for sale, keeps for sale, or offers or exposes for sale any pistol, revolver, or other firearm capable of being concealed upon the person in California, an annual fee not exceeding the costs of preparing, publishing, and maintaining the roster of firearms determined not be unsafe, and the costs of research and development, report analysis, firearms storage, and other program infrastructure costs, as specified. (Pen. Code, § 32015, subd. (b)(1).)
- 4) Provides that a person in this state 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, and that other specified violations may be punished by specified civil penalties. (Pen. Code, § 32000, subd. (a).)
- 5) Sets forth several exemptions to the penalties above, including for the manufacture or importation into this state of a prototype handgun for the sole purpose of testing of that handgun to determine whether it is prohibited, as specified, for the importation or lending of a handgun by employees or authorized agents of entities determining whether such a weapon is prohibited, for firearms listed as curios or relics, and for the sale or purchase of a handgun that is sold to or purchased by specified law enforcement agencies, as specified. (Pen. Code, § 32000, subd. (b)(1)-(4).)

- 6) Exempts from the penalties set forth in Penal Code § 32000, subdivision (a), the sale or purchase of a handgun for use as a service weapon, if the handgun is sold to, or purchased by, any of several specified entities, including county probation departments, for use by, or sold to or purchased by, sworn members of those entities who have satisfactorily completed the basic course of training offered by the Commission on Peace Officer Standards and Training (POST) 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).)
- 7) Exempts from the penalties set forth in Penal Code § 32000, subdivision (a), the sale or purchase of a handgun, if the handgun is sold to, or purchased by, any of several other specified entities for use as a service weapon by the sworn members of those entities who have satisfactorily completed the basic course of training offered by the POST 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).)
- 8) Provides that a licensed firearms dealer shall not process the sale or transfer of an unsafe handgun between a person who has obtained an unsafe handgun pursuant to the exemptions set forth in Section 32000, subdivision (b)(6)-(7), and a person who is not exempt from the penalties specified in Penal Code Section 32000. (Pen. Code, § 32000, subd. (c)(1).)
- 9) Provides that a person who obtains or has use of an unsafe handgun pursuant to an exemption set forth in Section 32000, subdivision (b)(6)-(7) shall, when leaving the handgun in an unattended vehicle, lock the handgun in the vehicle's trunk, lock the handgun in a locked container and place the container out of plain view, or lock the handgun in a locked container that is permanently affixed to the vehicle's interior and not in plain view, as specified. (Pen. Code, § 32000, subd. (c)(2).)
- 10) Requires the DOJ to maintain a database of unsafe handguns obtained pursuant to several of the exemptions to the penalties in Penal Code Section 32000 described above, and provides that a person or entity that is in possession of an unsafe handgun obtained pursuant to those exemptions shall notify the DOJ of any sale or transfer of that handgun within 72 hours of the sale or transfer, as specified. (Pen. Code, § 32000, subd. (e)(1)-(2).)

This bill:

- 1) Removes county probation departments from an existing exemption to prohibitions relating to the sale, import and transfer of unsafe handguns, and instead sets forth a standalone exemption for the sale or purchase of an unsafe handgun 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 POST.
- 2) Specifies that as a condition of carrying that unsafe handgun, a sworn member of a county probation department shall complete a live-fire qualification prescribed by their employing entity at least once every three months.

Comments

In 1999, the Legislature passed SB 15 (Polanco, Chapter 248, Statutes of 1999), also known as the Unsafe Handgun Act (UHA), which 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 a handgun that (1) does not meet a specified “drop safety” test, (2) does not meet specified firing tests, and (3) does not have a requisite safety device. The law also required DOJ to compile and publish a roster listing all of the handguns and concealable firearms that they deem “not unsafe” and which are certified for sale in the state.

California’s unsafe handgun law also contains a tiered exemption scheme for specified law enforcement entities, set forth in Penal Code Section 32000, establishing three groups of entities that are subject to varying prerequisites for purchase, eligibility to purchase for personal use, and restrictions on resale of un-rostered handguns. The first, most permissive tier of exempt law enforcement entities and individuals includes the DOJ, police departments, sheriff’s officials, marshal’s offices, the California Department of Corrections and Rehabilitation, California Highway Patrol, any district attorney’s office, any federal law enforcement agency, and the military or naval forces of the United States or California. Sworn members belonging to these entities may purchase non-roster handguns for personal use and may generally sell or transfer the non-roster handgun to any firearm eligible purchaser at a licensed firearm dealer. Sworn members belonging to the second tier of exempt law enforcement entities, which includes county probation departments, are permitted to purchase non-roster handguns solely for use as service weapons, as long as they have completed specified training, and may only resell the firearms to sworn members of exempt

agencies. The third exemption tier is similar to the second in most respects except that individual members of the exempt entities may not purchase non-rostered firearms directly, and may only use such firearms purchased by the entities themselves.

AB 2699 (Santiago, Chapter 289, Statutes of 2020), was the most recent measure modifying California's tiered system of exemptions from the state's unsafe handgun law. AB 2699 added greater restrictions and limitations on the acquisition and usage of unsafe handguns by law enforcement agencies. As a compromise, additional law enforcement entities were added to the list of agencies that could acquire and use non-rostered firearms but additional limitations were placed on those agencies. These limitations included that the sale of an un-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 completes a live-fire qualification with the handgun at least every six months. AB 2699 also required the DOJ to account for and maintain a database of unsafe handguns obtained pursuant to the law enforcement exemptions in Penal Code section 32000, and authorized the DOJ to levy civil penalties for failure to report the sale or transfer of an unsafe handgun pursuant to those exemptions.

According to the Author and sponsor of the bill, the Chief Probation Officers of California, the impetus behind this bill is a drafting error in AB 2699 that included probation officers in the second tier of exempted entities, which, as stated above, must have completed a POST basic training course. Negotiations regarding AB 2699 failed to take into account that probation officers are not POST certified. Rather, the training requirements for county probation officers are mandated through the Standards and Training for Corrections Division of the Board of State and Community Corrections. Accordingly, this bill removes county probation departments from the exemption tier requiring sworn members in that tier to complete a POST basic course, and creates a standalone provision providing that sworn members of county probation departments are not subject to the prohibition against the purchase or sale of non-rostered handguns, provided that the purchase or sale is for use as a service weapon and the sworn members using such firearms have satisfactorily completed a POST firearms training course. The bill also requires sworn members of probation departments who use non-roster firearms to complete a live-fire qualification prescribed by their employing entity at least once every three months.

FISCAL EFFECT: Appropriation: No Fiscal Com.: Yes Local: Yes

SUPPORT: (Verified 8/3/26)

Chief Probation Officers' of California (co-source)
State Coalition of Probation Organizations (co-source)
Association of Orange County Deputy Sheriffs
California Fraternal Order of Police
Long Beach Police Officers Association
Los Angeles County Probation Officers Union, Afscme Local 685
Peace Officers Research Association of California
Riverside Sheriffs Association
Sacramento County Deputy Sheriffs Association
Sacramento County Probation Association
San Bernardino County Sheriff's Employees' Benefit Association
San Diego County Probation Officers Association
San Joaquin County Probation Officers Association
Santa Ana Police Officers Association
Supervising Deputy Probation Officers Union, Teamsters Local 986

OPPOSITION: (Verified 8/3/26)

None received

ASSEMBLY FLOOR: 79-0, 5/27/26

AYES: Addis, Aguiar-Curry, Ahrens, Alanis, Alvarez, Arambula, Ávila Farías, Bains, Bauer-Kahan, Bennett, Berman, Boerner, Bonta, Bryan, Calderon, Caloza, Carrillo, Castillo, Chen, Connolly, Davies, DeMaio, Dixon, Elhawary, Ellis, Flora, Fong, Gabriel, Gallagher, Garcia, Gipson, Jeff Gonzalez, Mark González, Hadwick, Haney, Harabedian, Hart, Hoover, Irwin, Jackson, Johnson, Kalra, Krell, Lackey, Lee, Lowenthal, Macedo, McKinnor, Muratsuchi, Nguyen, Ortega, Pacheco, Papan, Patel, Patterson, Pellerin, Petrie-Norris, Quirk-Silva, Ramos, Ransom, Michelle Rodriguez, Rogers, Blanca Rubio, Sanchez, Schiavo, Schultz, Sharp-Collins, Solache, Soria, Stefani, Ta, Tangipa, Valencia, Wallis, Ward, Wicks, Wilson, Zbur, Rivas

NO VOTE RECORDED: Celeste Rodriguez

Prepared by: Alex Barnett / PUB. S. /
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**** **END** ****