

Date of Hearing: April 7, 2026

Counsel: Dustin Weber

ASSEMBLY COMMITTEE ON PUBLIC SAFETY

Nick Schultz, Chair

AB 1974 (Stefani) – As Amended March 25, 2026

As Proposed to be Amended in Committee

SUMMARY: Authorizes a law enforcement agency (LEA) to create a voluntary firearm storage program that allows transfer of firearms to the LEA for temporary safekeeping. Specifically, **this bill:**

- 1) States that an LEA may create a voluntary firearm storage program that allows a person to voluntarily transfer custody of their firearm to the local law enforcement agency for temporary safekeeping purposes to prevent firearm violence, suicide, and other injury.
- 2) Provides that an LEA adopting a temporary safekeeping program shall not be held liable for damage to the firearms while the firearms are in LEA custody.
- 3) Specifies that all of the following may be required as part of the program:
 - a) An LEA shall have the capability to store a firearm for a minimum duration of one year.
 - b) An LEA may do all of the following:
 - i) Provide clear instructions on the procedure for a person to voluntarily transfer custody of their firearm to the LEA and make the procedure available to the public on the agency's internet website.
 - ii) Provide explicit instructions on the process for requesting return of the firearms, including, but not limited to, by electronically submitting a Law Enforcement Release application for the return of a firearm via the California Firearms Application Reporting System (CFARS).
 - iii) Provide clear information on the maximum amount of time that LEA's may store a firearm and on the disposition of a firearm after the firearm has exceeded the maximum storage time. This information shall notify the person that their firearm or firearms shall be destroyed, returned to the person, or transferred to a federal firearms licensee to be sold.
 - iv) Upon receipt of a firearm:
 - (1) Check the Automated Firearms System (AFS) to ensure the firearm has not previously been reported as lost or stolen or otherwise involved in a crime.
 - (2) Update the AFS to record the current disposition of the firearm.

- (3) Prior to the return of a firearm to a person requesting its return, LEA shall ensure that the requesting person is eligible to possess firearms when the firearm is returned.
 - (4) Upon return or destruction of the firearm, an LEA shall update the AFS to reflect the change in disposition pursuant to the agency's policy.
- 4) Establishes that failure to retrieve the firearm by the LEA shall result in the firearm being destroyed.
 - 5) States that a firearm subject to destruction may, in lieu of destruction, be donated to a public or private nonprofit historical society, museum, or institutional collection, including that the firearm be deactivated or rendered inoperable before delivery.
 - 6) Provides that specified laws restricting openly carrying an unloaded firearm, carrying an unloaded firearm, and delivering or transferring a firearm, do not apply to, or affect, the transportation of a firearm by a person to a law enforcement, if the person gives prior notice to the LEA that they are transporting the firearm to the law enforcement agency
 - 7) Specifies that it is encouraged that a law enforcement agency makes family law advocates and veterans' outreach programs aware of the program.
 - 8) States that this change to the law does not limit an LEA's ability to accept firearms for voluntary temporary firearm storage pursuant to any other authority.
 - 9) Defines "law enforcement agency" as a police department or sheriff's department.

EXISTING LAW:

- 1) Provides that a person commits the crime of "criminal storage of a firearm in the first degree," except as specified, if all of the following conditions are satisfied:
 - a) The person keeps any firearm within any premises that are under the person's custody or control.
 - b) The person knows or reasonably should know that a child is likely to gain access to the firearm without the permission of the child's parent or legal guardian, or that a person prohibited from possessing a firearm or deadly weapon pursuant to state or federal law is likely to gain access to the firearm.
 - c) The child obtains access to the firearm and thereby causes death or great bodily injury to the child or any other person, or the person prohibited from possessing a firearm or deadly weapon pursuant to state or federal law obtains access to the firearm and thereby causes death or great bodily injury to themselves or any other person. (Pen. Code, § 25100, subd. (a).)
- 2) States that a person commits the crime of "criminal storage of a firearm in the second degree," except as specified, if all of the following conditions are satisfied:

- a) The person keeps any firearm within any premises that are under the person's custody or control.
 - b) The person knows or reasonably should know that a child is likely to gain access to the firearm without the permission of the child's parent or legal guardian, or that a person prohibited from possessing a firearm or deadly weapon pursuant to state or federal law is likely to gain access to the firearm.
 - c) The child obtains access to the firearm and thereby causes injury, other than great bodily injury, to the child or any other person, or carries the firearm either to a public place, or the person prohibited from possessing a firearm or deadly weapon pursuant to state or federal law obtains access to the firearm and thereby causes injury, other than great bodily injury, to themselves or any other person, or carries the firearm either to a public place. (Pen. Code, § 25100, subd. (b).)
- 3) Provides that a person commits the crime of "criminal storage of a firearm in the third degree," except as specified, if the person keeps a firearm within any premises that are under the person's custody or control and negligently stores or leaves a firearm in a location where the person knows, or reasonably should know, that a child is likely to gain access to the firearm without the permission of the child's parent or legal guardian. (Pen. Code, § 25100, subd. (c).)
- 4) States that the offense of criminal storage of a firearm does not apply whenever any of the following occurs:
- a) The child obtains the firearm as a result of an illegal entry to any premises by any person.
 - b) The firearm is securely stored, as defined.
 - c) The firearm is carried or readily controlled by the lawful owner or another lawful authorized user.
 - d) The person is a peace officer or a member of the United States Armed Forces or the National Guard and the child obtains the firearm during, or incidental to, the performance of the person's duties.
 - e) The child obtains, or obtains and discharges, the firearm in a lawful act of self-defense or defense of another person. (Pen. Code, § 25105.)
- 5) Establishes that a person shall, when leaving a 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, lock the handgun in a locked container that is permanently affixed to the vehicle's interior and not in plain view, or lock the handgun in a locked toolbox or utility box. (Pen. Code, § 25140, subds. (a)-(c).)
- 6) Provides that a person shall ensure that any firearm the person possesses in a residence is securely stored whenever the firearm is not being carried or readily controlled by the person or another lawful authorized user. (Pen. Code, § 25145, subd. (a).)

- 7) Provides that in order for a firearm to be exempted while being transported to or from a place, the firearm shall be unloaded and kept in a locked container, and the course of travel shall include only those deviations between authorized locations as are reasonably necessary under the circumstances. (Pen. Code, § 25505.)
- 8) Provides for criminal penalties for openly carrying an unloaded handgun when that person carries upon his or her person an exposed and unloaded handgun under specified circumstances. (Pen. Code, § 26350, subd. (a)(1) & (2).)
- 9) Establishes that no person shall transfer firearms unless the person has been issued a license. (Pen. Code, § 26500, subd. (a).)
- 10) States that when a firearm is taken into custody by a law enforcement officer, the officer shall issue the person who possessed the firearm a receipt describing the firearm, and listing any serial number or other identification on the firearm. (Pen. Code, § 33800, subd. (a).)
- 11) Establishes that any person who claims title to any firearm that is in the custody or control of a LEA and who wishes to have the firearm returned shall make application for a determination by the DOJ, electronically via the California Firearms Application Reporting System (CFARS), as to whether the applicant is eligible to possess a firearm. (Pen. Code, § 33850, subd. (a).)
- 12) Specifies that when DOJ receives a completed application for return of a firearm, it shall conduct an eligibility check of the applicant to determine whether the applicant is eligible to possess a firearm, ammunition feeding device, or ammunition. (Pen. Code, § 33865, subd. (a).)
- 13) States that if an LEA determines that an applicant requesting return of a firearm is the legal owner of any firearm, among other requirements, the applicant shall be entitled to sell or transfer the firearm, ammunition feeding device, or ammunition to a licensed firearms dealer. (Pen. Code, § 33870, subd. (a).)
- 14) Provides that LEA's shall develop policies for effectuating the restrictions of defined restraining orders, including requiring officers to encourage restrained individuals to relinquish any firearms they cannot immediately relinquish to the officer through a designated third party or with law enforcement supervision. (Pen. Code, § 13667, subd. (f)(3).)
- 15) Defines "securely stored" if as firearm that is maintained within, locked by, or disabled using a certified firearm safety device or a secure gun safe. (Pen. Code, § 25145, subd. (b).)

FISCAL EFFECT: Unknown

COMMENTS:

- 1) **Author's Statement:** According to the author, "AB 1974 This bill will establish guidelines for law enforcement agencies that choose to create a temporary voluntary safe firearm storage program for the public. This bill builds upon the success of a few local jurisdictions that have implemented similar programs that have both improved public safety and given

people the flexibility to ensure the safe storage of their firearms during times of uncertainty. Finally, this bill ensures there are proper procedures to make sure any stored firearm is handled properly, with multiple checks in place so they don't end up in the wrong hands or are returned to someone who may no longer legally own a firearm.”

- 2) **Effect of the Bill:** Named after a program developed by a nonprofit organization, Pierce’s Pledge, this bill could provide an avenue for individuals to voluntarily surrender their firearms to a local LEA for safekeeping during a chaotic time in their lives.¹ There is an identifiable need for this type of bill, particularly for individuals experiencing certain crises where the presence of firearms can produce tragic outcomes. According to the Pew Research Center, “Nearly 47,000 people died of gun-related injuries in the United States in 2023. While the number of gun deaths in the U.S. fell for the second consecutive year, it remained among the highest annual totals on record.”² The report went on to note, “Though they tend to get less public attention than gun-related murders, suicides have long accounted for the majority of U.S. gun deaths. In 2023, 58% of all gun-related deaths in the U.S. were suicides (27,300), while 38% were murders (17,927).”³

Although there is no difference in the rate of mental illness or suicidal ideation in households with and without firearms, the risk of completed suicide is especially high for people in firearm-owning households.⁴ As a result, helping people survive periods of suicidal ideation by reducing their access to a lethal weapon like a firearm likely can help some people survive bouts with suicidality.⁵ AB 1974 establishes a process by which an individual who may be suicidal can turn in their firearm to an LEA for storage.

AB 1974 states that “all of the following *may* be required as part of the program”, which suggests the requirements are optional, rather than mandatory. The proceeding use of “shall” in provisions detailing the guidance expected for firearm surrenders and retrievals could create some confusion, but adding some parallel language should help establish that while the program is optional, should an LEA choose to implement the program it would be required to follow specific procedures. While AB 1974 states that LEA’s must be able to store surrendered firearms for one year, it is likely this will serve as the maximum storage duration for participating agencies.

AB 1974 also authorizes destruction of a firearm, or donation to a public or private nonprofit, where a person fails to retrieve their firearm at the end of the maximum surrender period. It is understandable that LEA’s should not be necessarily required to store a voluntarily surrendered firearm indefinitely and that a person who becomes prohibited from possessing a firearm during the storage period should not be able to retrieve the firearm. Participating LEA’s should make clear to the person surrendering custody of their firearm, however, exactly how the surrendered firearm would be treated in different circumstances.

¹ *Firearm Storage Resources*. Pierce’s Pledge <<https://www.piercespledge.org/gun-storage>> [as of Mar. 31, 2026].

² Gramlich, J. *What the data says about gun deaths in the U.S.* (Mar 5, 2025) Pew Research Center <<https://www.pewresearch.org/short-reads/2025/03/05/what-the-data-says-about-gun-deaths-in-the-us/>> [as of Mar. 31, 2026].

³ *Ibid.*

⁴ Gibbons et al. *Legal Liability for Returning Firearms to Suicidal Persons Who Voluntarily Surrender Them in 50 States* (May 2020) <<https://www.ncbi.nlm.nih.gov/pmc/articles/PMC7144456/>> [as of Mar. 31, 2026].

⁵ *Ibid.*

- 3) **Intersection with Existing Law:** AB 1974 permits LEA's to implement a voluntary safe storage program with specified requirements. Two provisions in the bill provide for either destruction of the surrendered firearm or donation of the surrendered firearm in cases where a person does not retrieve the firearm they surrendered before the end of the maximum storage period. The processes for surrender and retrieval in this bill are largely established in existing law. Defined procedures exist for retrieving a firearm required to be relinquished when a person becomes subject to a restraining order. (Pen. Code, § 13667.) Similarly, established processes exist for retrieval of a firearm once the person regains the right to possess their firearms. (Pen. Codes, §§ 33850-33865.)

Current law additionally authorizes a person with rightful, lawful ownership of a firearm, who chooses to surrender ownership in addition to custody, the option of having the firearm transferred to a licensed firearms dealer for sale. (Pen. Code, § 33870, subd. (a).) While this option is not clearly defined in this bill, presumably existing law would permit a person, who chose to surrender ownership of their firearm under AB 1974 before the expiration of the maximum storage period, the ability to have their firearm sold through a licensed dealer. Otherwise, there would be some incongruence in the law, given that a person who is *mandated* to surrender their firearm under one provision of law could accrue some financial benefit by foregoing future ownership and having the firearm sold through a dealer, while a person voluntarily surrendering their firearm under AB 1974 who makes the same decision to surrender ownership could not get the benefit of selling the firearm to or through a licensed dealer.

- 4) **The Bruen Analysis:** AB 1974, in certain specific cases, may interfere with some protected Second Amendment conduct, though the current constitutional test suggests a Second Amendment violation is unlikely with this bill.

To be subject to Second Amendment scrutiny, a law must first infringe on plain text Second Amendment conduct. (*New York State Rifle & Pistol Association, Inc. v. Bruen*, (2022) 597 U.S. 1, 17.) Justifying a law or regulation that purports to place restrictions on protected Second Amendment conduct requires the government to demonstrate the law is “consistent with the nation’s historical tradition of firearms regulation.” (*Id.* at p. 24.) A firearms regulation is constitutional if the government establishes the proposed law is “relevantly similar” to historical laws, regulations, and traditions. (*Id.* at p. 29.)

AB 1974 arguably does not infringe on plain text Second Amendment conduct. Laws that mandate specific action or inaction relating to firearms generally burden plain text Second Amendment conduct, especially as those laws apply to individuals. This bill, however, establishes a voluntary program, so a person is not required under AB 1974 to do anything relating to their firearms. It is still important though to establish clear guidelines for efficient return and noticed destruction of firearms because concerns over constitutionality could develop in certain situations.

Since the program under this bill would be implemented and operated by LEA's, AB 1974 could impact plain text Second Amendment conduct if a situation arises where a LEA refuses to return a surrendered firearm or where the surrendered firearm is destroyed with no lawful

justification. In these cases, government actors would be infringing on otherwise lawful, protected Second Amendment conduct.

The majority of cases where AB 1974 would be applied, however, are unlikely to invite Second Amendment scrutiny. In addition to Second Amendment scrutiny, this bill could face other constitutional concerns.

- 5) **The Fifth Amendment’s Takings Clause:** Another constitutional concern that may develop under particular applications of AB 1974 could arise under the Fifth Amendment. The Fifth Amendment states, in part, that private property shall not “be taken for public use, without just compensation.” (U.S. Const., 5th Amend.) This portion of the Fifth Amendment is commonly referred to as the “Takings Clause.” The Court has found that protecting private property is indispensable to the promotion of individual freedom. (*Eastern Enterprises v. Apfel* (1998) 524 U.S. 498, 532.) A firearm is property for Fifth Amendment purposes.

There are different ways in which a government can take property. A taking may occur where the government directly appropriates private property. (*Loretto v. Teleprompter Manhattan CATV Corp.* (1982) 458 U.S. 419.) When the law results in a physical appropriation of property, however, a per se (i.e., in itself) taking has occurred. (*Cedar Point v. Hassid* (2021) 594 U.S. 139.) The Court noted one example of a physical taking where the government required raising growers to physically set aside a portion of their crop, free of charge, so that the government could direct its use. (*Horne v. Dep’t of Agriculture* (2015) 576 U.S. 351, 354.) The Court held this was a clear physical taking because people do not expect their property to be occupied or confiscated. (*Id.* at 361.)

AB 1974 could constitute a taking in certain cases where a firearm is unlawfully donated or destroyed, or where return of a voluntarily surrendered firearm is refused. In this case, the Fifth Amendment may demand just compensation be made to the person who lost their firearm. Given that firearms ownership is a constitutional right, it is additionally possible that in a hypothetical case where a firearm is unlawfully appropriated by a LEA under this bill, the person who lost their firearm could bring a civil claim against the LEA for violations of federal and California civil rights laws. (42 U.S.C. § 1983, Civ. Code, § 52.1.) While constitutional issues with AB 1974 are unlikely, they are possible in certain situations.

- 6) **Committee Amendments:** The proposed amendments would establish parallel language in similar provisions for clarity, make technical changes, and directly address what happens if a person who surrenders a firearm pursuant to this program no longer wishes to own the firearm, and makes that clear to the LEA in custody of their firearm before the expiration of the maximum storage period.

This amendment would make clear that in cases where a person voluntarily surrenders ownership of the firearm for which they already surrendered custody, that person could choose to have the firearm destroyed, or donated to a designated institution, which are consistent with the language in this bill, or alternatively, transferred to a licensed firearms for sale, which is consistent with existing law.

- 7) **Argument in Support:** According to the *California District Attorney’s Association*, “On behalf of the California District Attorneys Association (CDAA), I write in support of your measure, AB 1974, which seeks to enhance public safety by reducing access to guns. This

bill authorized law enforcement agencies to create a voluntary firearm storage program to allow persons to transfer custody of their firearm(s) to these agencies to prevent firearm violence, suicide, and other injury. The records checks conducted upon receipt and return of firearms will ensure that firearms that are lost, stolen, or involved in crimes are identified and that persons to whom firearms are returned may safely and validly receive them. Since this bill will encourage participating law enforcement agencies to do outreach on this program with family advocates and veterans' programs, we support AB 1974.”

- 8) **Argument in Opposition:** According to the *California Rifle and Pistol Association (CRPA)*, “While framed as a purely “voluntary” program allowing individuals to temporarily surrender firearms to local law enforcement agencies for safekeeping, AB 1974 creates a new statutory framework that raises serious practical, liability, and constitutional concerns. The bill authorizes law enforcement to establish procedures for accepting firearms, checking databases for lost/stolen status and possessor eligibility, providing instructions for return, and exempts these transfers from certain transfer and dealer regulations.

“CRPA supports responsible firearm storage and suicide prevention efforts through education, secure storage solutions, and voluntary programs run by private retailers, ranges, and nonprofits. However, inserting government agencies—particularly law enforcement—into temporary firearm custody creates multiple risks:

“Liability and due process issues: Law enforcement agencies already face backlogs with firearms in custody. Delays in return, lost or damaged firearms, or disputes over eligibility upon retrieval could lead to costly litigation and erode public trust.

“Potential for abuse or ‘soft confiscation’: What begins as voluntary can quickly become pressured, especially during welfare checks, domestic disputes, or mental health crises. Once in government hands, firearms may face bureaucratic hurdles, administrative holds, or permanent loss if the owner encounters any legal complication.

“Resource strain on law enforcement: In a time of strained budgets and staffing shortages, diverting officers and storage facilities to manage private property storage diverts resources from core public safety duties.

“Chilling effect on Second Amendment rights: Even voluntary programs risk normalizing government custody of lawfully owned firearms and could discourage ownership or prompt unnecessary surrenders out of fear of complications in retrieval.

“California already provides numerous tools for safe storage, temporary relinquishment during restraining orders, and mental health interventions. AB 1974 adds another layer of government involvement without addressing root causes of violence or suicide and without adequate safeguards against misuse.”

9) **Related Legislation:**

- a) AB 1753 (Stefani) would, among other things, establish that courts shall issue an ex parte restraining order or temporary restraining order (TRO) even if the respondent was not provided notice, and that courts cannot require petitioners to establish exceptional

circumstances in order to grant the petitioner a temporary or ex parte restraining order. AB 1753 is pending hearing in the Assembly Public Safety Committee.

- b) SB 1220 (Hurtado) would prohibit a person who is convicted on or after January 1, 2027, of defined laws, from owning, purchasing, receiving, or having in their possession or under their custody or control any firearm within 10 years of the conviction. SB 1220 is pending hearing in the Senate Public Safety Committee.

10) Prior Legislation:

- a) AB 1127 (Gabriel), Chapter 572, Statutes of 2025, prohibited a licensed firearms dealer from selling, offering for sale, exchanging, giving, transferring, or delivering any semiautomatic convertible pistol, except as specified.
- b) SB 53 (Portantino), Chapter 542, Statutes of 2024, required a person who possesses a firearm in a residence to keep the firearm securely stored when the firearm is not being carried or readily controlled by the person or another lawful authorized user.
- c) AB 1047 (Maienschein), of the 2023-2024 Legislative Session, would have required DOJ to develop and maintain a website where California residents can place themselves on a registry to notify a licensed behavior health clinician if the person attempts to purchase a firearm. AB 1047 was held in suspense in the Assembly Appropriations Committee.
- d) SB 368 (Portantino), Chapter 251, Statutes of 2023, required a licensed firearms dealer, as specified, to accept for storage a firearm transferred by an individual to prevent it from being accessed or used during periods of crisis or heightened risk to the owner of the firearm or members of their household.
- e) AB 29 (Gabriel), of the 2023-2024 Legislative Session, would have required the DOJ to develop and launch an Internet-based platform to allow California residents to voluntarily add their own name to the California Do Not Sell List for firearms, which prohibits an individual from purchasing a firearm. AB 29 would have also authorized California residents to voluntarily list up to five electronic email addresses with the registry to be notified that the person has voluntarily added their name to the registry or that the person requested that their name be removed from the registry. AB 29 was held under submission in the Assembly Appropriations Committee.
- f) AB 97 (Rodriguez), Chapter 233, Statutes of 2023, required the DOJ to collect and report specified information, including, among other things, the number and disposition of arrests made for violations of manufacturing a firearm or assembling a firearm from unserialized components.
- g) AB 1621 (Gipson), Chapter 76, Statutes of 2022, redefined a firearm precursor part as any forging, casting, printing, extrusion, machined body or similar article that has reached a stage in manufacture where it may readily be completed, assembled or converted to be used as the frame or receiver of a functional firearm, or that is marketed or sold to the public to become or be used as the frame or receiver of a functional firearm once completed, assembled or converted.

- h) AB 2156 (Wicks), Chapter 142, Statutes of 2022, expanded the firearms manufacturing prohibition to prohibit any person, regardless of federal licensure, from manufacturing firearms in the state without being licensed by the state.

- i) AB 1927 (R. Bonta), of the 2017-2018 Legislative Session, would have required the DOJ to develop and launch an Internet-based platform to allow California residents to voluntarily add their name to the California Do Not Sell List for firearms, which would have prohibited an individual from purchasing a firearm. The governor vetoed a substantially amended version of the bill.

REGISTERED SUPPORT / OPPOSITION:

Support

Brady California
Brady United Against Gun Violence
California District Attorneys Association
City and County of San Francisco
Everytown for Gun Safety Action Fund
Giffords
Giffords Gun Owners for Safety, California
Moms Demand Action for Gun Sense in America
Peace Officers Research Association of California (PORAC)
San Francisco Board of Supervisors
Students Demand Action for Gun Sense in America

Opposition

California Rifle and Pistol Association, INC.

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