

ASSEMBLY THIRD READING

AB 1974 (Stefani)

As Amended April 9, 2026

Majority vote

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.

Major Provisions

- 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.

COMMENTS

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."

Arguments 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."

Arguments 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."

FISCAL COMMENTS

Unknown. This bill is keyed non-fiscal by the Legislative Counsel.

VOTES

ASM PUBLIC SAFETY: 9-0-0

YES: Schultz, Alanis, Mark González, Haney, Harabedian, Lackey, Nguyen, Ramos, Sharp-Collins

UPDATED

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