
SENATE COMMITTEE ON PUBLIC SAFETY

Senator Jesse Arreguín, Chair
2025 - 2026 Regular

Bill No: AB 1974 **Hearing Date:** June 9, 2026
Author: Stefani
Version: May 28, 2026
Urgency: No **Fiscal:** No
Consultant: AB

Subject: *Firearms: voluntary firearm storage program*

HISTORY

Source: Giffords Law Center to Prevent Gun Violence

Prior Legislation: SB 1019 (Blakespear), Ch. 547, Stats. of 2024
SB 53 (Portantino), Ch. 542, Stats. of 2024
SB 368 (Portantino), Ch. 251, Stats. of 2023
SB 906 (Portantino), Ch. 144, Stats. of 2022
SB 172 (Portantino), Ch. 840, Stats. of 2019
AB 276 (Friedman), Ch. 62, Stats. of 2019
SB 299 (Mendoza), died in Senate Appropriations, 2017
SB 108 (Yee), died in Assembly Public Safety, 2013
AB 231 (Ting), Ch. 730, Stats. of 2013
SB 363 (Wright), Ch. 758, Stats. of 2013

Support: Association of Riverside County Chiefs of Police and Riverside Sheriff; Brady California; Brady United Against Gun Violence; California Academy of Child and Adolescent Psychiatry; California Chapter of the American College of Emergency Physicians; California District Attorneys Association; Palm Springs Police Department; Peace Officers Research Association of California; San Francisco Board of Supervisors; San Francisco Marin Medical Society

Opposition: California Rifle and Pistol Association

Assembly Floor Vote: 71 - 2

PURPOSE

The purpose of this bill is to authorize a law enforcement agency to 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 as provided.

Existing law generally prohibits the sale, lease or transfer of firearms unless the person has been issued a license by the Department of Justice (DOJ) and establishes various exceptions to this prohibition. (Pen. Code, §§ 26500-26625.)

Existing law provides that a license to sell firearms is subject to forfeiture for any violation of a number of specified prohibitions and requirements, with limited exceptions. (Pen. Code, § 26800, subd. (a).)

Existing law includes several exemptions from the requirement that transfers go through a licensed dealer, including for the transfer of a firearm by bequest or intestate succession, or to a surviving spouse, or transfers by a person acting pursuant to operation of law, a court order, or pursuant to other specified laws. (Pen. Code, §§ 26505, 26515.)

Existing law provides that persons convicted of felonies and certain violent misdemeanors are prohibited from owning or possessing a firearm. (Pen. Code, §§ 29800, 29805.)

Existing law provides that where neither party to a firearms transaction holds a dealer's license (i.e. a "private party transaction"), the parties shall complete the transaction through a licensed firearms dealer. (Pen. Code, § 27545.)

Existing law provides that the above provision does not apply to a firearm transfer if all of the following conditions are satisfied:

- The firearm is voluntarily and temporarily transferred to another person who is 18 years of age or older for safekeeping to prevent it from being accessed or used to attempt suicide by the transferor or another person that may gain access to it in the transferor's household.
- The transferee does not use the firearm for any purpose and, except when transporting the firearm to the transferee's residence or when returning it to the transferor, keeps the firearm unloaded and securely stored in the transferee's residence.
- The duration of the loan is limited to that amount of time reasonably necessary to prevent harm.
- The individual receiving the firearm is not prohibited by state or federal law from possessing, receiving, owning, or purchasing a firearm. (Pen. Code, § 27882, subd. (a).)

Existing law provides that if a firearm transferred pursuant to the above cannot be returned to the owner because the owner is prohibited from possessing a firearm, the person in possession of the firearm shall deliver the firearm to a law enforcement agency without delay. (Pen. Code, § 27882, subd. (b).)

Existing law establishes procedures for the transfer of a firearm to a dealer or a third party in order to prevent it from being accessed or used by the transferor or other persons that may gain access to it in the transferor's household to cause significant danger of personal injury to themselves or others. (Pen. Code, §§ 27882, 26892.)

Existing law prohibits firearm dealers from delivering newly purchased firearms within 10 days of the application to purchase a firearm, as specified. (Penal Code, § 26815.)

Existing law provides that any person who claims title to any firearm, ammunition feeding device, or ammunition that is in the custody or control of a court or law enforcement agency and

who wishes to have the firearm, ammunition feeding device, or ammunition returned shall make application, including specified information, for a determination by the Department of Justice as to whether the applicant is eligible to possess a firearm, ammunition feeding device, or ammunition, as provided. (Pen. Code, § 33850, subd. (a).)

Existing law provides that a person who owns a firearm that is in the custody of a court or law enforcement agency and who does not wish to obtain possession of the firearm, and the firearm is an otherwise legal firearm, and the person otherwise has right to title of the firearm, shall be entitled to sell or transfer title of the firearm to a licensed dealer or a third party that is not prohibited from possessing that firearm. (Pen. Code, § 33850, subd. (b).)

Existing law specifies several requirements that must be satisfied before a law enforcement agency or court that has taken custody of any firearm, ammunition feeding device, or ammunition may be returned to an individual claiming said items. (Pen. Code, § 33855.)

Existing law 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).)

Existing law provides that if a law enforcement agency determines that an applicant requesting the return of a firearm, ammunition feeding device, or ammunition is the legal owner of said items, the applicant shall be entitled to sell or transfer those items to a licensed firearm or ammunition vendor, as applicable. (Pen. Code, § 33870.)

Existing law 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:

- The person keeps any firearm within any premises that are under the person’s custody or control.
- 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.
- 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).)

Existing law 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:

- The person keeps any firearm within any premises that are under the person’s custody or control.

- 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.
- 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).)

Existing law 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).)

Existing law requires a person to ensure that any firearm the person possesses in a residence is securely stored, as defined, whenever the firearm is not being carried or readily controlled by the person or another lawful authorized user, as provided. (Pen. Code, § 25145.)

Existing law requires a law enforcement agency to enter into the DOJ's Automated Firearm System each firearm that has been reported stolen, lost, found, recovered, held or safekeeping, surrendered, relinquished, or under observation, as specified. (Pen. Code, § 11108.2.)

Existing law requires any weapon surrendered to law enforcement under specified provisions to be destroyed, except as specified. (Pen. Code, § 18005, subd. (a).)

Existing law requires every California law enforcement agency to develop and maintain a written policy on the destruction of firearms and other weapons, as specified. (Pen. Code, § 18005, subd. (e).)

This bill provides that a law enforcement agency 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.

This bill provides that an agency adopting a voluntary storage program shall not be held liable for damage to the firearms while the firearms are in the temporary custody of the agency.

This bill requires the following of any law enforcement agency that elects to adopt a voluntary storage program:

- The agency shall have the capability to store the firearm for a duration of one year.

- The agency shall provide clear instructions on the procedure for a person to voluntarily transfer custody of their firearm to the law enforcement agency, and make the procedure available to the public on the agency's internet website, as specified.
- The agency shall provide clear instructions on the process for requesting return of the firearms in accordance with existing law, 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). Instructions on the process for requesting the return of surrendered firearms shall be made available to the public on the agency's website.
- The agency shall provide clear information on the maximum amount of time that the law enforcement agency may store a firearm and on the disposition of a firearm after the firearm has exceeded the maximum storage time allowed by the local law enforcement agency. This information must notify the person that their firearm or firearms shall be destroyed, returned to the person, or donated to a public or private nonprofit historical society, museum, or institutional collection.
- The agency shall provide clear information on how people using the safe storage program, if they decide they no longer want their firearm at any point during the firearm storage period, can elect to have the firearm destroyed, donated to a public or private nonprofit historical society, museum, or institutional collection, or, pursuant to policies and procedures set forth in existing law, may sell or transfer title of the firearm to a licensed dealer or a third party that is not prohibited from possessing that firearm.

This bill provides that upon receipt of a firearm, a law enforcement agency with a voluntary storage program must do all of the following:

- Check the Automated Firearm System (AFS) to ensure that the firearm has not previously been reported as lost or stolen or otherwise involved in a crime, as specified.
- Update AFS to record the current disposition of the firearm.
- Prior to the return of a firearm to a person requesting its return, the law enforcement agency shall ensure that the requesting person is eligible to possess firearms when the firearm is returned to the person, as provided.
- Upon return, donation, transfer or destruction of the firearm, a law enforcement agency shall update the AFS to reflect the change in disposition pursuant to the agency's firearm destruction policy.

This bill specifies that failure to retrieve the firearm at the end of a time period specified by the law enforcement agency shall result in the destruction of the firearm pursuant to the agency's firearm destruction policy. However, destruction of the firearm shall not be executed if the person who surrendered the firearm has submitted a Law Enforcement Release application for the return of their firearm via CFARS and the person is awaiting an eligibility determination.

This bill encourages law enforcement agencies that establish a voluntary firearm storage program to make family law advocates and veterans' outreach programs aware of the program.

This bill specifies that it does not limit a law enforcement agency's ability to accept firearms for voluntary temporary firearm storage pursuant to any other authority, program, or services the law enforcement agency offers.

This bill defines law enforcement agency as any police or sheriff's department.

This bill 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 for the purposes of participating in a voluntary storage program, if the person gives prior notice to the agency that they are transporting the firearm to the agency.

COMMENTS

1. Need for This Bill

According to the author:

AB 1974 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. During tense in-home situations, out of home firearm storage is the gold standard for ensuring the safety of families across California. AB 1974 will allow our law enforcement agencies the option to step up and protect our communities when other alternatives aren't available.

2. Waiting Periods and Protective Transfers

In addition to myriad crimes penalizing the improper and criminal use or transfer of firearms, California law contains various provisions intended to limit the potential violence a firearm owner or prospective buyer with harmful intent may cause before the conduct actually occurs. Under existing law, when a person attempts to purchase a firearm from a licensed dealer, the dealer must furnish the DOJ with various information about the purchaser.¹ The DOJ then checks the purchaser information against federal and state databases to ensure that the prospective purchaser is authorized to purchase and possess a firearm. The dealer may not deliver the firearm if a background check shows that the recipient is prohibited from possessing firearms, or the dealer is notified by the DOJ that the transaction may not proceed.²

The firearm purchase/transfer process also includes a 10-day waiting period that restricts a licensed dealer from delivering or transferring a firearm to a person within 10 days of the application to purchase the firearm, the submission of any correction to the application, or the

¹ Pen. Code §§ 28160, 28205.

² Pen. Code §§ 27540, 28050.

submission of any fee required, after notice from the DOJ that the required fee has not been transmitted.³ Even though the required background checks can usually be completed within a few days, licensed dealers must wait the full 10 days before transferring possession of the firearm to the purchaser. This 10-day period is referred to as a “cooling off” period, and in large part are intended to prevent acts of violence or suicide attempts. In 2016, the Ninth Circuit Court of Appeals upheld the constitutionality of California’s 10-day waiting period, holding that the waiting period did not violate plaintiffs’ Second Amendment rights, and constituted a “reasonable precaution for the purchase of a second or third weapon, as well as for a first purchase.”⁴

In 2019, the Legislature added a preventative feature to California firearm law via SB 172 (Portantino), Chapter 840, Statutes of 2019, which permitted the temporary transfer of a firearm without a dealer’s participation to a person who is 18 years of age or older for safekeeping to prevent it from being used to attempt suicide by the transferor or another person that may gain access to it in the transferor’s household.⁵ In 2023, another protective firearm transfer provision was added to California law via SB 368 (Portantino), Chapter 251, Statutes of 2023, which required firearm dealers to accept a firearm for storage if 1) the firearm is voluntarily and temporarily transferred to the licensee to prevent significant danger of personal injury to the transferor or others, 2) the licensee does not use the firearm for any purpose except storage, and 3) the duration of the transfer is limited to the amount of time reasonably necessary to prevent the harm.⁶

This bill proposes an additional preventive firearm transfer process aimed at limiting access to firearms during periods of crisis or heightened risk to the owner of the firearm or members of their household, namely by creating a legal framework for the voluntary storage of firearms by law enforcement agencies.

3. Disposition of Firearms in the Custody of California Law Enforcement Agencies

Law enforcement agencies acquire firearms from the communities they serve for a host of reasons and in a variety of ways; they are seized in enforcement actions, relinquished or surrendered by individuals prohibited from possessing them, purchased in gun buyback programs, and sometimes found abandoned. When law enforcement agencies take custody of a firearm from an individual, the officer must issue the person who previously possessed the firearm a receipt describing the firearm and listing any serial number or other identification on the firearm.⁷ Generally, law enforcement agencies are not required to retain possession of seized or recovered firearms, ammunition feeding devices, or ammunition for more than 180 days after the owner (if one can be identified) has been notified, and may dispose of the firearm, feeding device, or ammunition once the 180-day period has expired. Moreover, firearms in the possession of law enforcement for at least 180 days that were exhibits in criminal actions but are

³ Pen. Code, §§ 26815, 27540, 28220

⁴ *Silvester v. Harris* (2016), 843 F.3d 816

⁵ Pen. Code, § 27882. SB 172 also placed several restrictions on the protective transfer authorized under its provisions, namely, that the transferee may not use the firearm for any purpose, the firearm must be unloaded and safely secure, the duration of the transfer is limited to the amount of time reasonably necessary to prevent the harm, and that the transferee must deliver the firearm to law enforcement if the transferor becomes a prohibited person.

⁶ Pen. Code § 26892. SB 368 also established a procedure for instances in which the dealer cannot legally return the firearm to the person delivering the gun for storage.

⁷ Pen. Code, § 33800.

no longer needed, or went unclaimed or abandoned, must be destroyed.⁸ In 2024, the Legislature passed SB 1019 (Blakespear), Chapter 547, Statutes of 2024, which, among other things, required law enforcement agencies to develop and maintain a written policy on the destruction of firearms and other weapons.⁹

Law enforcement agencies must also follow specific protocols when returning firearms or firearm accessories to their owners. This process is generally preceded by the owner or person claiming the firearm applying to DOJ for a determination as to whether they are eligible to possess a firearm, known as a Law Enforcement Release (LER) application.¹⁰ Once an individual is deemed eligible by DOJ and the LER application is approved, the law enforcement agency must verify via the Automated Firearm System (AFS) that the firearm is not stolen prior to returning it to the owner.¹¹ In certain circumstances, firearm owners may authorize the law enforcement agency to transfer the firearm to a licensed firearm dealer in lieu of obtaining a LER. This generally happens when the owner is permanently or indefinitely prohibited from possessing a firearm and the firearm is transferred to a dealer to be stored for the period of prohibition or sold, or when the owner no longer wishes to regain possession of the firearm.¹²

4. Pierce's Pledge and Effect of This Bill

After a custody battle resulted in the murder of her 9-year-old son, Pierce, by his father, Lesley Hu founded Pierce's Pledge, a nonprofit dedicated to reducing gun violence against children during volatile custody disputes by promoting the voluntary, temporary storage of firearms outside the home during situations of crisis or high conflict. In September 2025, the San Francisco Police Department, in partnership with Pierce's Pledge, launched a first-in-the-nation gun storage program in which San Francisco residents can store their firearms at any of the city's 10 police district stations for up to a year without paying any fees.¹³ According to the author, such programs are critical, especially in light of the fact that few dealers participate in voluntary storage pursuant to the programs described in comment 2 above.¹⁴ The author further states that:

Although there is nothing preventing law enforcement from establishing a program to temporarily store firearms for the public—indeed, SFPD did and serves as the basis for this law—there is also nothing in the current law to provide guidance or best practices for local law enforcement seeking to implement the policy. This lack of guidance can lead to police departments being more hesitant to establish such a program within their own jurisdiction or lead to inconsistencies in the application of each program.

⁸ Pen. Code, §§ 33875, 34000; The 9th Circuit Court of Appeals ruled in *Wright v. Beck* 981 F.3d 719 (2020) that law enforcement may not destroy seized firearms without providing notice to the owner.

⁹ For an example of such a policy required under SB 1019, see the Morgan Hill Police Department policy linked here: <https://www.morganhill.ca.gov/DocumentCenter/View/55045/PC18005-MHPD-Firearms-Disposal-Procedure>

¹⁰ Pen. Code, §§ 33850, subd. (a), 33865.

¹¹ Pen. Code, § 33855.

¹² Pen. Code, § 33870, 29830.

¹³ "San Francisco police launch free firearm storage program to prevent family tragedies." *ABC 7*. 8 September 2025. <https://abc7news.com/post/san-francisco-police-launch-free-firearm-storage-program-prevent-family-tragedies/17774914/>

¹⁴ The Pierce's Pledge website provides a map of participating dealers, which, relative to the total number of licensed firearm dealers statewide, is remarkably low. See the map here: <https://www.piercespledge.org/gun-storage->

Accordingly, the author proposes this bill, which provides that a law enforcement agency may create a voluntary firearm storage program that allows a person to voluntarily transfer custody of their firearm to the agency for temporary safekeeping to prevent firearm violence, suicide and other injury. The bill does not require agencies to establish such a program, but imposes several mandates on agencies that do, including that the agency have the capability to store a firearm for one year and that it provide clear instructions on the relevant transfer processes, including those already set forth in existing law, such as the process for requesting the return of a firearm (as described in comment 3). Additionally, the bill requires a participating agency to provide clear information on the maximum duration that the agency may store a firearm and on the disposition of a firearm after the expiration of the storage period, including that the firearm must be destroyed, returned, or donated to a public or private nonprofit historical society, museum, or institutional collection. Participating agencies must also provide information on how individuals who no longer want their firearm can elect to have the firearm destroyed, donated or transferred to a firearm dealer or nonprohibited third party pursuant to specific procedures set forth in existing law.¹⁵ This bill further requires that participating agencies make relevant updates to the Automated Firearms System and provides that failure to retrieve a firearm at the end of the storage period shall result in the destruction or donation of the firearm according to prescribed processes. Finally, the bill indemnifies participating agencies against liability for damage to firearms while they are being stored and clarifies that existing criminal penalties related to the transportation of firearms do not apply when the firearms are being transported for the purpose of being stored pursuant to this bill and the transporting party has given the agency prior notice.

5. Argument in Support

According to Giffords, the bill's sponsor:

Firearms are the most lethal method of suicide. Research from the Johns Hopkins Center for Gun Violence Solutions indicates that while only 8% of suicide attempts using other methods are fatal, 90% of attempts involving a firearm result in death. Furthermore, individuals with access to firearms in the home have 3.2 times the risk of dying by suicide compared to those without such access.

Voluntary out-of-home storage is a proven "lethal means safety" strategy that creates essential time and space between a person in crisis and a highly lethal weapon. This is particularly vital for protecting California's youth; recent data shows that 45% of all child and adolescent suicide deaths in 2024 involved a firearm, and 79 percent of firearm suicides by children (ages 17 or younger) and 44 percent of young adults (ages 18 to 20) involve a gun belonging to a family member. [...]

Safe storage is a cornerstone of responsible gun ownership. Among all firearm owners in California, 57% stored all their firearms using the safest storage practice: keeping them unloaded and locked. AB 1974 complements California's existing safe storage laws by offering an additional option for those who may be traveling, going through a housing transition, or undergoing a personal crisis. By

¹⁵ This provision of the bill references Penal Code § 33850, subd. (b) which entitles firearm owners whose firearms are in the custody of a law enforcement agency to have those firearms sold or transferred to a licensed dealer or third party. If the firearm is sold or transferred to a third party, the transfer must be conducted pursuant to Penal Code, § 27545 requiring that private party transfers be completed via a licensed dealer.

supporting AB 1974, the legislature will empower law enforcement to serve as a vital partner in suicide and firearm injury prevention.

6. Argument in Opposition

According to the California Rifle and Pistol Association:

Although the bill is presented as a “voluntary” program allowing individuals to temporarily surrender firearms to local law enforcement agencies for safekeeping, the April 9, 2026 amendments do not resolve fundamental concerns regarding liability, due process, resource allocation, and potential infringement on constitutional rights. The bill continues to create a formal statutory framework for law enforcement to accept, store, and return privately owned firearms, including database checks, procedural requirements, and exemptions from standard transfer regulations.

CRPA strongly supports genuine voluntary safe storage and suicide prevention initiatives through education, private-sector solutions, and community-based programs. However, formalizing government custody of lawfully owned firearms raises several serious issues:

- **Liability and Due Process Risks:** Even with the latest amendments, placing private property into law enforcement custody creates significant risks of delays in retrieval, loss, damage, or bureaucratic obstacles. Law enforcement agencies already struggle with backlogs of stored firearms. Owners could face lengthy disputes, costly litigation, or permanent loss if any eligibility questions arise upon return.
- **Potential for “Soft Confiscation”:** Voluntary programs can evolve into de facto pressure, particularly during welfare checks, domestic incidents, or mental health calls. Once a firearm enters government hands, administrative holds or complications may prevent timely return, eroding trust and discouraging lawful ownership.
- **Strain on Law Enforcement Resources:** At a time of budget constraints and staffing shortages, requiring agencies to manage storage, tracking, database checks, and returns diverts critical resources away from core public safety functions.
- **Chilling Effect on Second Amendment Rights:** Institutionalizing government storage of firearms, even if labeled voluntary, risks normalizing state custody of private property and may deter responsible citizens from exercising their rights due to fear of complications.

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