
THIRD READING

Bill No: AB 1974
Author: Stefani (D)
Amended: 5/28/26 in Senate
Vote: 21

SENATE PUBLIC SAFETY COMMITTEE: 6-0, 6/9/26
AYES: Arreguín, Seyarto, Caballero, Cortese, Pérez, Wiener

ASSEMBLY FLOOR: 71-2, 4/20/26 - See last page for vote

SUBJECT: Firearms: voluntary firearm storage program

SOURCE: Giffords Law Center to Prevent Gun Violence

DIGEST: This bill authorizes 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.

ANALYSIS:

Existing law:

- 1) 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. (Penal (Pen.) Code, §§ 26500-26625.)
- 2) 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).)
- 3) 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.)

- 4) Provides that persons convicted of felonies and certain violent misdemeanors are prohibited from owning or possessing a firearm. (Pen. Code, §§ 29800, 29805.)
- 5) 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.)
- 6) Provides that the above provision does not apply to a firearm transfer if all of the following conditions are satisfied:
 - a) 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.
 - b) 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.
 - c) The duration of the loan is limited to that amount of time reasonably necessary to prevent harm.
 - d) 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).)
- 7) 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).)
- 8) 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.)
- 9) Prohibits firearm dealers from delivering newly purchased firearms within 10 days of the application to purchase a firearm, as specified. (Pen. Code, § 26815.)

- 10) 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).)
- 11) 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).)
- 12) 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.)
- 13) 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).)
- 14) 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.)
- 15) 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.)
- 16) Requires any weapon surrendered to law enforcement under specified provisions to be destroyed, except as specified. (Pen. Code, § 18005, subd. (a).)
- 17) 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:

- 1) 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.
- 2) 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.
- 3) Requires the following of any law enforcement agency that elects to adopt a voluntary storage program:
 - a) The agency shall have the capability to store the firearm for a duration of one year.
 - b) 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.
 - c) 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.
 - d) 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.
 - e) 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.

- 4) Provides that upon receipt of a firearm, a law enforcement agency with a voluntary storage program must do all of the following:
 - a) 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.
 - b) Update AFS to record the current disposition of the firearm.
 - c) 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.
 - d) 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.
- 5) 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.
- 6) Encourages law enforcement agencies that establish a voluntary firearm storage program to make family law advocates and veterans' outreach programs aware of the program.
- 7) 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.
- 8) Defines law enforcement agency as any police or sheriff's department.
- 9) 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

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. 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.

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. 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 above. 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.

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.

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.

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.

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

SUPPORT: (Verified 6/9/26)

Giffords Law Center to Prevent Gun Violence (source)
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
Everytown for Gun Safety Action Fund
Moms Demand Action
Palm Springs Police Department
Peace Officers Research Association of California
San Francisco Board of Supervisors
San Francisco Marin Medical Society

Students Demand Action

OPPOSITION: (Verified 6/9/26)

California Rifle and Pistol Association

ASSEMBLY FLOOR: 71-2, 4/20/26

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

NOES: Hadwick, Tangipa

NO VOTE RECORDED: Bonta, Castillo, Macedo, Patterson, Celeste Rodriguez, Wallis, Ward

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