
THIRD READING

Bill No: AB 383
Author: Davies (R)
Amended: 7/16/25 in Senate
Vote: 21

SENATE PUBLIC SAFETY COMMITTEE: 6-0, 7/15/25
AYES: Arreguín, Seyarto, Caballero, Gonzalez, Pérez, Wiener

SENATE APPROPRIATIONS COMMITTEE: 7-0, 8/29/25
AYES: Caballero, Seyarto, Cabaldon, Dahle, Grayson, Richardson, Wahab

ASSEMBLY FLOOR: 69-1, 6/5/25 - See last page for vote

SUBJECT: Firearms: prohibition: minors

SOURCE: Author

DIGEST: This bill expands exemptions to the prohibition against the purchase and possession of firearms by minors for specified activities related to hunting education, applies existing post-conviction firearm relinquishment procedures to minors adjudicated to have committed a crime and individuals subject to specified restraining orders, and authorizes the issuance of a search warrant for minors unlawfully in possession of a firearm.

ANALYSIS:

Existing law:

- 1) Prohibits, generally, minors from possessing any firearm. (Penal (Pen.) Code, § 29610.)
- 2) Exempts from this prohibition a minor who has the prior written consent of a parent or legal guardian, who is on lands owned or lawfully possessed by the parent or legal guardian, and who is actively engaged in, or is in direct transit to or from, a lawful, recreational sport, including, but not limited to, competitive

shooting, or agricultural, ranching, or hunting activity, or a motion picture, television, or video production, or entertainment or theatrical event, the nature of which involves the use of a firearm. (Pen. Code, § 29615, subd. (d).)

- 3) Prohibits minors from possessing live ammunition. (Pen. Code, § 29650.)
- 4) Provides that every minor who violates prohibitions against the possession of firearms or ammunition is guilty of a wobbler if the firearm was a handgun, or if they have previously been found guilty of those prohibitions or other specified offenses. (Pen. Code, § 29700, subd. (a).)
- 5) Provides that any other violation of the prohibitions against the possession of firearms or ammunition by minors is punishable as a misdemeanor. (Pen. Code, § 29700, subd. (b).)
- 6) Requires any person subject to a firearm prohibition based on a conviction of a felony or specified misdemeanor to relinquish any firearms they own, possess or have under their control or custody within 48 hours if the defendant is out of custody or within 14 days if the defendant is in custody. (Pen. Code, § 29810, subd. (a).)
- 7) Sets forth a process that a court must follow to ensure that all firearms subject to relinquishment have indeed been relinquished. (Pen. Code, § 29810, subs. (c)-(e).)
- 8) Provides that any person who purchases or receives a firearm, knowing that they are prohibited from doing so due to a restraining order, as specified, is guilty of a wobbler. (Pen. Code, § 29825, subd. (a).)
- 9) Provides that any person who owns or possesses a firearm, knowing that they are prohibited from doing so due to a restraining order, as specified, is guilty of a misdemeanor. (Pen. Code, § 29825, subd. (b).)
- 10) Defines a “search warrant” as a written order in the name of the people, signed by a magistrate, directed to a peace officer, commanding him or her to search for a person or persons, a thing or things, or personal property, and, in the case of a thing or things or personal property, bring the same before the magistrate. (Pen. Code, § 1523.)
- 11) Authorizes issuance of a search warrant when a prohibited person owns or possesses a firearm because the person has a protective order issued against them. (Pen. Code, § 1524, subd. (a)(11).)

- 12) Authorizes the issuance of a search warrant when the property or things to be seized are firearms or ammunition or both that are owned by, in the possession of, or in the custody or control of a person who is the subject of a gun violence restraining order, as specified. (Pen. Code, § 1524, subd. (a)(14).)

This bill:

- 1) Exempts from the prohibitions against the possession of firearms and ammunition by a minor minors who have prior written consent of a parent or legal guardian, are on lands owned or lawfully possessed by the parent or legal guardian, and are actively engaged in hunting education, the nature of which involves use of a firearm.
- 2) Applies post-conviction firearm relinquishment procedures to juveniles adjudicated of or alleged to have committed specified offenses and adult persons convicted of purchasing, possessing, receiving or owning a firearm knowing that they are prohibited from doing so by a restraining order.
- 3) Makes conforming changes to post-conviction relinquishment procedures.
- 4) Authorizes a search warrant to be issued when the property or things to be seized include a firearm owned by or in the possession of a juvenile who is subject to owning or possessing a firearm until they are 25 or 30 years of age, as applicable, when the court has made a finding that the person has filed to relinquish the firearm as required by law.
- 5) Includes a severability clause.

Comments

Existing state and federal law contains a myriad of prohibitions on the possession and attempted purchase of firearms by certain individuals. Under both state and federal law, all felony convictions lead to a lifetime prohibition. A violation of this prohibition is a felony under state law. California law goes further than federal law and imposes a 10-year prohibition on the possession and purchase of firearms for individuals convicted of numerous misdemeanor offenses that involve either violence or threat of violence as well as certain firearm-related crimes. Since the 10-year firearm prohibition for certain misdemeanor convictions was enacted in 1991, a myriad of bills over the past several decades have sought to add offenses to the “10-year list,” which now includes roughly 50 misdemeanor offenses. Notably, existing law includes some exemptions to these prohibitions, primarily relating to transportation of a firearm by a prohibited person for the purposes of surrendering

the firearm and to peace officers whose employment is dependent on the ability to legally possess a firearm but were convicted of a crime on the 10-year list.

Upon being convicted of a felony or a crime on the 10-year list, the defendant and the court overseeing their case must follow a specific process to ensure that all firearms owned or possessed by the defendant have been relinquished. Existing law requires that relinquishment must be completed within 48 hours for defendants out of custody and within 14 days for defendants in custody. Upon conviction, a judge must instruct the defendant of the prohibition against possessing firearms and ammunition and provide the defendant with a Prohibited Persons Relinquishment Form, which is developed by the Department of Justice. Existing law then requires the judge to assign a probation officer to the case to ensure that all firearms have been properly relinquished and verify that the firearms have in fact been relinquished prior to the final disposition of the defendant's case, and issue a report to that effect. If the judge finds probable cause that the defendant failed to relinquish all firearms, it is authorized to order the search for and removal of those firearms from any location where there is probable cause to search. The penalty for not complying with the deadline requirements of these relinquishment provisions is an infraction punishable by a maximum fine of \$100.

This bill applies existing post-conviction firearm relinquishment procedures to minors who are adjudicated to have committed an offense rendering them prohibited from possessing firearms, and makes conforming changes to that effect. The bill also applies these procedures to adult persons convicted of purchasing, possessing, receiving or owning a firearm knowing that they are prohibited from doing so by a restraining order.

Penal Code section 1524 provides the statutory grounds for the issuance of warrants. Under these provisions, a search warrant may be issued for a variety of reasons, some being as broad as "[w]hen property or things were used as the means to commit a felony." There are other enumerated circumstances that authorize a search warrant regardless of whether the crime was a felony or misdemeanor, such as when the property or things to be seized include a firearm that is owned by or in the possession of a person who is subject to prohibitions regarding firearms due to various criminal convictions, many of which are discussed above. This bill specifies a search warrant may also be issued when the property or things to be seized include a firearm owned by or in the possession of a person prohibited from owning or possessing firearms until age 30.

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

According to the Senate Appropriations Committee:

- Unknown, potentially significant costs to the state funded trial court system (Trial Court Trust Fund, General Fund) to adjudicate the criminal penalties in this bill. Defendants are constitutionally guaranteed certain rights during criminal proceedings, including the right to a jury trial and the right to counsel (at public expense if the defendants are unable to afford the costs of representation). Increasing penalties leads to lengthier and more complex court proceedings with attendant workload and resource costs to the court.
- Unknown, potentially significant costs (General Fund) to the Department of Corrections and Rehabilitation (CDCR) to incarcerate people for the crimes created by this bill.
- Unknown, potentially significant costs (local funds, General Fund) to the counties to incarcerate people for the crimes in this bill.
- The Department of Justice indicates no fiscal impact.

SUPPORT: (Verified 8/29/25)

California District Attorneys Association
 California State Sheriffs' Association
 CFT- A Union of Educators & Classified Professional, AFT, AFT-CIO
 San Diego County District Attorney's Office

OPPOSITION: (Verified 8/29/25)

ACLU California Action
 California Rifle and Pistol Association, INC
 Ella Baker Center for Human Rights
 Initiate Justice
 Local 148 LA County Public Defenders Union

ASSEMBLY FLOOR: 69-1, 6/5/25

AYES: Addis, Aguiar-Curry, Ahrens, Alanis, Alvarez, Arambula, Ávila Farías, Bains, Bauer-Kahan, Bennett, Berman, Boerner, Calderon, Caloza, Carrillo, Castillo, Chen, Connolly, Davies, Dixon, Ellis, Flora, Fong, Gabriel, Gallagher, Garcia, Gipson, Jeff Gonzalez, Mark González, Haney, Harabedian, Hart, Hoover, Irwin, Jackson, Krell, Lackey, Lowenthal, Macedo, Muratsuchi, Nguyen, 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

NOES: McKinnor

NO VOTE RECORDED: Bonta, Bryan, DeMaio, Elhawary, Hadwick, Kalra, Lee,
Ortega, Celeste Rodriguez

Prepared by: Alex Barnett / PUB. S. /
8/30/25 12:04:22

**** **END** ****