
SENATE COMMITTEE ON PUBLIC SAFETY

Senator Jesse Arreguín, Chair
2025 - 2026 Regular

Bill No: AB 458 **Hearing Date:** June 30, 2026
Author: Stefani
Version: May 23, 2025
Urgency: No **Fiscal:** Yes
Consultant: AB

Subject: *Public contracts: firearms, ammunition, and firearm accessories*

HISTORY

Source: Author

Prior Legislation: AB 733 (M. Fong), vetoed, 2023
SB 99 (Umberg), held in Assembly Appropriations, 2023
AB 1486 (Jones-Sawyer), died on Senate Inactive File, 2023
AB 481 (Chiu), Ch. 406, Stats. of 2021

Support: California Police Chiefs Association; San Francisco Board of Supervisors

Opposition: None known

Assembly Floor Vote: 66 - 3

PURPOSE

The purpose of this bill is to require the Department of General Services (DGS), in consultation with the Department of Justice (DOJ), by no later than July 1, 2027, to develop model guidelines for offices, officers, departments, divisions, boards, bureaus, and commissions of the state on the procurement of firearms, ammunition, and firearm accessories.

Existing law provides that no state shall pass any law impairing the obligation of contracts. (U.S. Const., art. I, Sec. 10, cl. 1.)

Existing law provides that Congress shall have the power to regulate commerce with foreign nations, among states, and with the Indian tribes. (U.S. Const., art. I, Sec. 8, cl. 3.)

Existing law provides that a law impairing the obligation of contracts may not be passed. (Cal. Const., art. I, § 9.)

Existing law states that all contracts for goods and services above \$25,000 shall be made or entered into with the lowest responsible bidder, unless otherwise determined by the needs of the agency or direction from the DGS. (Pub. Cont. Code, § 10301.)

Existing law provides that in cases of emergency where immediate purchase of goods without bid is necessary for the protection of the public health, welfare, or safety, whenever the

department contracts for goods in excess of \$25,000, or a higher amount as established by the director, the DGS shall advertise in the California State Contracts Register the availability of its solicitation, and interested suppliers, upon request, shall be furnished with copies of the solicitation. (Pub. Cont. Code, § 10302.)

Existing law states that DGS shall adopt, publish and apply uniform standards of rating bidders, on the basis of questionnaires and required statements, with respect to contracts upon which each bidder is qualified to bid. (Pub. Cont. Code, § 10303.)

Existing law provides that DGS may remove a bidder who has demonstrated a lack of reliability in complying with and completing previously awarded contracts with the state, based upon his or her performance on contracts previously been awarded by the state. (Pub. Cont. Code, § 10303.)

Existing law establishes that every acquisition of goods in excess of \$100 for any state agency shall be made by or under the supervision of DGS. However, the state agency may specify the quality of the goods to be acquired. (Pub. Cont. Code, § 10308.)

Existing law provides that if the agency is of the opinion the interests of the state would not be served by the acquisition of goods of a lesser quality or different than that specified by the agency, the agency may request a hearing before DGS and the department shall determine which goods will best serve the interests of the state, whereupon the department shall issue a contract for the goods specified by the department. (Pub. Cont. Code, § 10308.)

Existing law requires DGS to delegate purchasing authority, as defined, to any state agency that fulfils certain requirements, as specified. (Pub. Cont. Code, § 10333, subd. (a)(1)-(5).)

Existing law defines “firearm” as a device, designed to be used as a weapon, from which is expelled through a barrel, a projectile by the force of an explosion or other form of combustion. (Pen. Code, § 16520, subd. (a).)

Existing law defines “firearms 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. (Pen. Code, § 16531, subd. (a).)

Existing law provides that no person shall sell, lease, or transfer firearms unless the person has been issued a license pursuant to existing law, and provides that a violation of this provision is punishable as a misdemeanor. (Pen. Code, § 26500.)

Existing law provides that the above prohibition does not apply to the sale, delivery or transfer of a firearm when made by an authorized law enforcement representative, as specified. (Pen. Code, § 26620.)

Existing law provides that a state officer or employee, or operator lessee, or licensee of any state property, shall not contract for, authorize, or allow the sale of any firearm, firearm precursor part, or ammunition on state property or in the buildings that sit on state property or property otherwise owned, leased, occupied, or operated by the state, except as provided (Pen. Code, § 27573.)

This bill provides that by no later than July 1, 2027, DGS, in consultation with DOJ, shall develop model guidelines for offices, officers, departments, divisions, boards, bureaus, and commissions of the state on the procurement of firearms, ammunition, and firearm accessories.

This bill specifies that the purpose of the model guidelines is to help state entities choose vendors and contractors for the procurement of firearms, ammunition, and firearm accessories that are in compliance with applicable local, state, and federal firearms laws.

COMMENTS

1. Need for This Bill

No author's statement has been submitted for this bill.

2. Purchases of Firearms by Law Enforcement and Effect of This Bill

California has some of the strictest firearm purchasing policies in the nation. Subject to narrow exceptions, existing law generally requires all firearm sales or transfers to be completed through a licensed dealer. When both parties to a sale or transfer are not licensed, licensed dealers act as intermediaries, who must conduct the required background checks and deliver the firearm to the transferee.¹ Only certain gun sales and transfers are exempt from participation by a licensed dealer, including infrequent transfers between immediate family members, certain government-sponsored transfers, transfers to historical societies, museums or institutional collections, and transfers to licensed firearms manufacturers and importers, among a few others.² Existing law includes several grounds for the forfeiture of a license to sell firearms if the various procedures prescribed by law are not followed.³

Moreover, individuals who purchase a firearm are also subject to 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 submission of any fee required, after notice from the DOJ that the required fee has not been transmitted. 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. In addition to the waiting period, prospective purchasers must undergo a rigorous background check process. California's Proposition 63, effective July 1, 2017, required the DOJ to serve as the point of contact for firearm purchaser background checks. Thus, dealers must initiate the background check required by federal law by contacting the DOJ, and must furnish the DOJ with various information about the purchaser.⁴ Collectively, this information is known as the Dealer's Record of Sale, or DRoS, and includes 40 distinct pieces of information about the purchaser pursuant to Penal Code §28160.⁵

¹ Pen. Code, § 27545.

² Pen. Code, §§ 27850 et. seq.

³ Pen. Code, §§ 26800 et. seq.

⁴ Penal Code §§28160, 28205.

⁵ See the DRoS Worksheet that must be submitted to DOJ: https://des.doj.ca.gov/forms/DRoS_Worksheet_BOFF-929.pdf

California law enforcement agencies are exempt from all of the above requirements. Existing law, for each of the distinct requirements specified in the previous two paragraphs, includes a specific exemption for law enforcement agencies. That is, law enforcement agencies do not necessarily have to purchase firearms from a licensed dealer, do not have to wait the 10 days that civilian purchasers must wait, and need not undergo a background check and provide information through the DROS system.⁶ Moreover, while Californians generally are restricted in what handguns they may purchase by a system known as the DOJ roster of “not unsafe” handguns, this statutory framework includes a tiered exemption scheme for specified law enforcement entities, set forth in Penal Code section 32000, establishing three groups of entities that are subject to varying prerequisites for purchase, eligibility to purchase for personal use, and restrictions on resale of un-rostered handguns.⁷

Law enforcement agencies purchase a high volume of firearms – cities across the United States spend in excess of \$5 billion a year on guns alone, with ammunition and other firearm-related supplies costing a few billion more.⁸ Indeed, the number one purchase of firearms in the United States is the taxpayer. In support of this bill, the author cites a Brady Campaign report on public agency firearm procurement practices, which found that 67 California law enforcement agencies spent a total of \$18 million in California taxpayer funds between 2015 and 2021 at a dealer with a relatively poor compliance history with the Bureau of Alcohol, Tobacco, Firearms and Explosives (ATF).⁹ This report went on to cite data from the ATF highlighting that when ATF inspected the 1% of gun dealers that supplied almost 60% of crime guns nationwide, it found that 75% of these dealers had violated federal law, including significant recordkeeping violations and participation in sales to potential gun traffickers and prohibited persons. By comparison, when ATF inspected a random sample of dealers, the number that were found to be noncompliant dropped to 37%.¹⁰

This bill takes a first step toward ensuring that the public procurement process for firearms adheres to, or can at least be informed by, a standard set of guidelines that applies to all state entities. Specifically, the bill requires DGS, no later than July 1, 2027 to develop model guidelines for offices, officers, departments, divisions, boards, bureaus, and commissions of the state on the procurement of firearms, ammunition, and firearm accessories, in consultation with DGS. The stated purpose of the model guidelines, pursuant to the bill, is to help state entities choose vendors and contractors for the procurement of firearms, ammunition, and firearm accessories that are in compliance with applicable local, state, and federal firearms laws. The author and Committee may wish to consider amending the bill to include a definition of “firearm accessories,” as no such definition currently exists in California law.

⁶ See Pen. Code, §§ 26660, 28400, 26950.

⁷ See Pen. Code, §§ 31900, 32000.

⁸ “Preventing gun violence through the power of procurement.” *Brady Campaign*. 2021, <https://assets.bradyunited.org/production/files/NJ-Procurement.pdf?dm=1716461312> , at p.5.

⁹ Brady United Against Gun Violence. *A California Case Study: Government Agencies Should Screen Firearms Vendors*. <<https://s3.amazonaws.com/brady-static/Procurement-CA-v5.pdf>, at p.4.

¹⁰ *Ibid.*

3. Argument in Support

According to the California Police Chiefs Association:

AB 458 establishes commonsense accountability standards for vendors seeking contracts with state agencies for the procurement of firearms, ammunition, and firearm accessories. The bill requires contractors to demonstrate compliance with applicable laws, disclose relevant inspection and compliance histories, document efforts to prevent firearm trafficking and straw purchases, maintain policies to prevent theft and diversion, and cooperate with law enforcement efforts to prevent criminal access to firearms. The measure further requires state agencies to evaluate these factors when making procurement decisions.

California law enforcement agencies depend on responsible manufacturers, distributors, and vendors to help ensure firearms and related products remain out of the hands of prohibited persons and criminal organizations. When public agencies procure firearms and ammunition, taxpayers should have confidence that state contracts are being awarded to businesses that maintain strong compliance practices, support efforts to combat illegal firearm trafficking, and operate with transparency and accountability.

AB 458 advances these objectives by encouraging best practices throughout the firearms supply chain. The bill promotes responsible stewardship of public funds while reinforcing the important role that industry partners play in preventing firearm theft, diversion, and unlawful trafficking. It also recognizes the value of cooperation between private sector vendors and law enforcement agencies investigating crimes involving firearms.

From a public safety perspective, the information required under AB 458 will assist state agencies in identifying vendors that have demonstrated a commitment to legal compliance, secure inventory management, employee training, and proactive measures to prevent criminal access to firearms and ammunition. These are important considerations when public entities are purchasing products that have significant public safety implications.

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