

Date of Hearing: June 23, 2026

Counsel: Dustin Weber

ASSEMBLY COMMITTEE ON PUBLIC SAFETY

Nick Schultz, Chair

SB 1220 (Hurtado) – As Introduced February 19, 2026

SUMMARY: Provides that any person who is convicted of knowingly possessing, purchasing, receiving, selling or offering for sale an unserialized firearm shall not own, purchase, receive or have in their possession any firearm for a period of 10 years, and a violation is punishable as a misdemeanor by imprisonment in a county jail not exceeding one year, by a fine not exceeding \$1,000, or by both that fine and imprisonment.

EXISTING FEDERAL LAW:

- 1) States that the right of the people to keep and bear arms shall not be infringed. (U.S. Const., 2d Amend.)
- 2) States that it shall be unlawful for any person knowingly to transport, ship, or receive, in interstate or foreign commerce, any firearm which has had the importer's or manufacturer's serial number removed, obliterated, or altered or to possess or receive any firearm which has had the importer's or manufacturer's serial number removed, obliterated, or altered and has, at any time, been shipped or transported in interstate or foreign commerce. (18 U.S.C. § 922(k).)

EXISTING STATE LAW:

- 1) Provides that, except as provided, any person who, with knowledge of any change, alteration, removal or obliteration of a specified identifying mark on a firearm, buys, receives, disposes of, sells, offers for sale, or has in possession any pistol, revolver, or other firearm that has had the name of the maker or model, or the manufacturer's number or other mark of identification, including any distinguishing number or mark assigned by the Department of Justice (DOJ), an unserialized firearm is guilty of a misdemeanor. (Pen. Code, § 23920, subd. (a).)
- 2) States that before manufacturing or assembling a firearm, a person manufacturing or assembling the firearm shall, for any firearm that does not have a valid state or federal serial number or mark of identification imprinted on the frame or receiver, as specified. (Pen. Code, § 29180.)
- 3) Establishes that persons convicted of specified serious or violent misdemeanors are prohibited from possession of firearms for a period of 10 years and that a violation of that prohibition is punishable as a misdemeanor with imprisonment up to one year or as a state prison felony. (Pen. Code, § 29805, subd. (a).)

- 4) Includes within the list of misdemeanors triggering a 10-year firearm prohibition the crimes of stalking, sexual battery, assault with a deadly weapon, battery with serious bodily injury, brandishing a firearm of deadly weapon, assault with force likely to produce great bodily injury, battery on a peace officer, corporal injury to spouse, cohabitant or fellow parent, child abuse, elder abuse, unsafe storage of a firearm, threats of bodily injury or death, as well as specified crimes related to undetectable firearms, unserialized firearms, computer numerical control (CNC) milling machines, 3D printers used to manufacture firearms, assault weapons, .50 BMG rifles, multiburst trigger activators, and other firearms, among other misdemeanors. (Pen. Code, § 29805, subs. (a) & (h).)
- 5) States that persons with the knowledge that they have an outstanding warrant for any of the specified serious or violent misdemeanors that result in a 10-year prohibition are guilty of a crime if they possess a firearm while the warrant is outstanding. Provides that a violation is punishable as a misdemeanor, with imprisonment up to one year, or as a state prison felony. (Pen. Code, §§ 29805, subd. (a), 29851.)
- 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) Authorizes specified peace officers who have been convicted of a specified misdemeanor subject to a 10-year firearm prohibition to petition for relief. Requires the court, in deciding the petition, to consider the petitioner's continued employment, the interest of justice, any relevant evidence, whether the petitioner is otherwise not prohibited, and the totality of the circumstances. (Pen. Code, § 29855.)
- 8) Permits any person convicted of a specified misdemeanor, before that misdemeanor was added to the list of misdemeanors triggering a 10-year prohibition, to petition for relief. Requires the court, in deciding the petition, to ensure the petitioner is not otherwise prohibited, and may consider the interest of justice, any relevant evidence, and the totality of the circumstances. (Pen. Code, § 29860.)
- 9) Requires the Attorney General to establish and maintain an online database to be known as the Prohibited Armed Persons File, and who, subsequent to the date of ownership or possession of a firearm, fall within a class of persons who are prohibited from owning or possessing a firearm. (Pen. Code, § 30000, subd. (a).)

FISCAL EFFECT: Unknown

COMMENTS:

- 1) **Sponsor:** California Police Chiefs Association
- 2) **Author's Statement:** According to the author, "SB 1220 closes a narrow but important gap in California's firearm prohibition laws.

“California currently imposes a 10-year firearm prohibition on individuals convicted of specified misdemeanor offenses involving violence, threats of violence, and firearm-related misconduct. In recent years, the Legislature has expanded that list to include numerous offenses involving ghost guns and unlawful firearm manufacturing.

“Yet a conviction for knowingly buying, receiving, selling, offering for sale, or possessing a firearm with altered or removed identifying markings is not currently included on that list.

“Firearms with obliterated serial numbers are inherently difficult to trace and are frequently associated with unlawful firearm activity. Individuals convicted of knowingly possessing or trafficking such weapons should be treated consistently with individuals convicted of comparable firearm-related offenses already subject to California’s 10-year firearm prohibition.

“This bill targets unlawful conduct, improves accountability, and helps law enforcement address the growing threat posed by ghost guns and unserialized firearms while preserving lawful firearm ownership.”

- 3) **Effect of the Bill:** 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. (18 U.S.C. § 922(g); Pen. Code, § 29800.) California law goes further 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. (Pen. Code, § 29805.)

Existing law, subject to specified exceptions, makes it a misdemeanor for any person to, with knowledge of any change, alteration, removal or obliteration of certain identifying marks on firearms, to buy, receive, dispose of, sell, offer for sale or possess any firearm that has had such identifying mark removed or altered. This crime is generally referred to as the knowing possession of an unserialized firearm. SB 1220 adds a conviction for this crime to the 10-year firearm prohibition list described above.

- 4) **Armed and Prohibited Persons (APPS) Background:** In 2013, SB 140 (Leno), Chapter 2, Statutes of 2013, appropriated \$24 million from the Dealers Record of Sale (DROS) Special Account to the DOJ to fund enforcement of illegal gun possession by prohibited persons. SB 140 required the DOJ to address the prohibited persons backlog and issue an annual report to the legislature for five years to provide updates on DOJ’s progress in reducing the backlog. In 2019, at the expiration of that 5-year reporting requirement, SB 94 (Committee on Budget), Chapter 25, Statutes of 2019, provided updated requirements regarding the mandated reporting of APPS database statistics. SB 94 defined “backlog,” for the purposes of the APPS, as “the number of cases for which the Department of Justice did not initiate an investigation within six months of the case being added to the APPS database or for which it has not completed investigatory work within six months of initiating an investigation on the case.”

The most recent APPS SB 94 report to the Legislature covers calendar year 2025. According to the report, in 2025, DOJ removed 10,746 prohibited persons from the APPS database and added 12,035 prohibited persons.¹ Active cases are those for which the DOJ has not yet begun investigations or is in the process of investigating, while pending cases are those for which the DOJ has exhausted all leads or determined that the person is not within their jurisdiction.² As of January 1, 2026, the APPS database contained 27,199 armed and prohibited persons, and included 10,893 active cases and 16,306 pending cases.³ The prior year's report indicated that the system had 10,044 active cases and 15,867 pending cases.⁴ According to the DOJ, "A combination of factors resulted in a large increase in the number of individuals who were identified as subject to state or federal firearm prohibitions in 2025," including "legislation creating new misdemeanor prohibitions, increases in the number of individuals with firearm records known to DOJ, increases in the number of prohibiting events such as convictions and restraining orders, local record auditing efforts to identify and report previously unreported prohibiting events, as well as certain state and federal process changes related to individuals subject to outstanding felony arrest warrants and criminal protective orders."⁵ It should be noted that the data covered by this report likely does not include APPS additions resulting from AB 1263 (Gipson), Chapter 636, Statutes of 2025, which only took effect January 1, 2026.

By adding yet another crime to the 10-year firearm prohibition list, this bill will invariably add new individuals to the APPS database, increase the ongoing backlog, and require additional reviews, investigations, and seizure operations by DOJ.

- 5) **The *Bruen* Analysis:** SB 1220 may invite judicial scrutiny, though it has a fair chance to survive constitutional review. To evaluate whether a law comports with the Second Amendment, the threshold consideration is determining whether the law infringes on plain text Second Amendment conduct. (*New York State Rifle & Pistol Association, Inc. v. Bruen* (2022) 597 U.S. 1, 17.) This is a low threshold to clear and generally will be cleared when a law purports to regulate a person's conduct with firearms. Assuming the threshold step is cleared, to survive constitutional scrutiny the government must demonstrate the law is "consistent with the nation's historical tradition of firearms regulation." (*Id.* at p. 24.) A firearms regulation is constitutional if the government establishes the proposed law is "relevantly similar" to historical laws, regulations, and traditions. (*Id.* at p. 29.) This means showing that historical laws comparably regulated for comparable reasons, i.e., how the laws regulated conduct and why the laws were established. (*Ibid.*) The appropriate analysis involves evaluating whether the law is consistent with the principles that underpin the Nation's regulatory tradition. (*United States v. Rahimi* (2024) 602 U.S. 680, 692.)

Whether SB 1220 is constitutional may, at least in part, depend on how the issue is presented. Under the *Bruen* test, asking whether the Second Amendment was originally understood to protect self-made arms may produce a different answer than asking whether there is a

¹ Cal. Dept. of Justice, Armed and Prohibited Persons Systems Report 2025: Annual Report to the Legislature, SB 94 Legislative Report, Calendar Year 2025 <<https://oag.ca.gov/system/files/media/2025-apps-report.pdf>> [as of June 12, 2026].

² *Ibid.*

³ *Ibid.*

⁴ *Ibid.*

⁵ *Id.* at p. 5.

tradition, at least in principle, of regulating unmarked arms. Very few courts have squarely addressed the constitutionality of laws regulating conduct with unserialized firearms since *Bruen* and only one federal district court found the requirement unconstitutional. (*United States v. Price* (S.D. W.Va. Oct. 12, 2022) 635 F.Supp.3d 455.) It is important to note that of all the cases addressing the constitutionality of the federal unserialized firearms prohibition the one court that found it unconstitutional was overturned by the Fourth Circuit Court of Appeals.⁶ This court, however, did not decide the issue based on the *Bruen* historical tradition test but rather found that unserialized firearms were never in common use. (*United States v. Price* (4th Cir. 2024) 111 F.4th 392.) While no other federal appellate court appears to have traveled this path to uphold the constitutionality of unserialized firearms prohibitions, this approach seems to be supported by the *Heller* Court. (*Heller, supra*, at p. 627 [“. . . the sorts of weapons protected were those ‘in common use at the time.’ We think that limitation is fairly supported by the historical tradition . . .”].) Another federal appellate court though did hold the Gun Control Act’s (GCA) unserialized firearms prohibition constitutional under the *Bruen* test. (*United States v. Reyna* (7th Cir. 2026) 165 F.4th 1056.)

At the threshold step, SB 1220 does infringe on plain text Second Amendment conduct because it would limit an individual’s ability to keep and bear arms, and it would subject a violator of the law to criminal penalties. While this bill’s focus is subjecting violators of our unserialized firearms prohibition to inclusion on the 10-year firearms prohibition list, the constitutionality of the underlying law must be valid to support further prohibitions. (See *In re Rogers* (Cal. 1980) 28 Cal.3d 429.) The analysis then focuses on whether there is a historical tradition of regulating unserialized firearms.

There does appear to be some identifiable historical tradition of unserialized firearms regulation, though it is unclear whether that tradition is constitutionally sufficient. A helpful analogue to California’s unserialized firearm prohibition is the GCA’s similar prohibition. (18 U.S.C. § 922(k); Pen. Codes, §§ 23920, 29180.) Because there is almost no California case law on point and the Second Amendment has been incorporated to the States (*McDonald v. City of Chicago* (2010) 561 U.S. 742, 787), a review of other relevant case law and historical data should be helpful.

Early American governments established some regulations addressing the marking of firearms, barrels, gunpowder, and laws involving the firearms trade. (See *Teixeira v. County of Alameda* (9th Cir. 2017) 873 F.3d 670, 685 [en banc].) Though serialization as we know it today was not in use during the ratification period, various regulations were implemented during the Framing-era to inventory and track firearms. (*Reyna, supra*, at p. 1063.) Even before the ratification era, Virginia required plantation commanders to take an annual count of arms and munitions. (*Ibid.*) During this era, it was also common for states to do inventories of firearms for militia purposes. (*Ibid.*) While laws tracking arms are not perfectly analogous to regulating unserialized firearms, they are arguably similar in principle to historical laws. Comparing how and why these regulations were implemented, however, is not clearly analogous.

⁶ See, e.g., *United States v. Reyna* (7th Cir. 2026) 165 F.4th 1056; *United States v. Price* (4th Cir. 2024) 111 F.4th 392 [en banc]; *United States v. Avila* (D. Colo. May 8, 2023) 670 F.Supp.3d 1137; *United States v. Trujillo* (D.N.M. April 26, 2023) 670 F.Supp.3d 1235; *United States v. Bradley* (S.D. W.Va. Mar. 23, 2023) No. 2:22-CR-00098; *United States v. Serrano* (S.D. Cal. Jan 17, 2023) No. 3:21-CR-1590; *United States v. Tita* (D. Md. Dec. 22, 2022) No. 1:21-CR-334; *United States v. Holton* (N.D. Tex. Nov. 3, 2022) No. 3:21-CR-0482-B.

There is additionally something of a Framing-era tradition requiring the marking of firearms. Serialization appears to have begun in the early nineteenth century. One source has serialization dating as far back as 1812 by John Dickson & Sons, though there is scant evidence that serialization was done during this period for public safety reasons.⁷ At least from review of this source, it also appears that serialization was not common until at least the Civil War-era but really became ubiquitous in the twentieth century.⁸

George Washington required all firearms to be stamped with insignia during the Revolutionary War to keep track of arms and prevent theft. (*Reyna, supra*, at p. 1064.) Certain states required gun barrels to be marked, and violators were penalized for obliterating the marks. (*Ibid.*) Massachusetts established a process that required inspectors to stamp compliant firearms with their initials, the year of the inspection, and the letters “P” and “M.” (*Ibid.*) Maine implemented a law requiring all barrels be permanently stamped and to provide a certificate attesting to the proof with their initials and the date. (*Ibid.*)

Though evidence for a historical tradition exists, there remain notable counterpoints. Because the burden is on government to demonstrate a longstanding tradition, either showing no representative regulatory tradition or evidence of an opposing tradition can constitutionally doom a firearms regulation. Beginning again in colonial America, the 1620 Charter of New England “granted colonists the right ‘to take, load, carry, and transport’ . . . shipping, armor, weapons, ordinances, munition, powder . . . and all other things necessary . . . for their use and defense.”⁹ Some of the most popular firearms in early America were made by solo gunsmiths who did not serialize their firearms.¹⁰

Self-made arms were not typically marked or serialized, especially as we understand those requirements today. Because nearly every able-bodied male between 16-60 years of age during the Framing era was required to provide his own arms, and arms were not typically abundant, some built their own arms.¹¹ There were no restrictions on the manufacture of arms *for personal use* until the twentieth century.¹² The personal manufacture of firearms, instead, historically has been celebrated and unregulated.¹³ In 1793, Thomas Jefferson said, “our citizens have always been free to make, vend, and export arms.”¹⁴ It remains lawful today in many states, though not in California, to manufacture arms for one’s own use with limited restrictions.¹⁵

The U.S. Supreme Court narrowed the application of the GCAs prohibition on firearms for unlawful users of drugs. (*U.S. v. Hemani* (June 18, 2026 No. 24-1234) 608 U.S. ____ [2026

⁷ *Serialization*, National Rifle Association <<https://www.nramuseum.org/media/940941/serialization-date%20of%20manufacture.pdf>> [as of June 12, 2026].

⁸ *Ibid.*

⁹ Greenlee, *The American Tradition of Self-Made Arms* (2023) St. Mary’s L.J., at p. 45 <<https://commons.stmarytx.edu/cgi/viewcontent.cgi?article=2119&context=thestmaryslawjournal>> [as of June 16, 2026] (for ease of reading modern changes were made to the spelling and punctuation from the original source.)

¹⁰ *Id.*, at p. 47.

¹¹ *Id.*, at p. 62.

¹² *Id.*, at p. 80.

¹³ *Ibid.*

¹⁴ *Ibid.*

¹⁵ *Ibid.*

U.S. LEXIS 2559].) While the Court’s holding is narrow and the issue in *Hemani* is not relevant to this bill, the Court’s application of *Bruen* and *Rahimi* in this case could impact SB 1220. (See *Hemani, supra* [finding the GCAs blanket firearms prohibition for “unlawful users of drugs” unconstitutional because *the historical laws were not relevantly similar*, i.e., “. . . the governments analogy fails under every measure it asks us to consider: The historical laws on which it relies targeted different kinds of people, did so for different reasons, and operated in different ways.”].) Evaluating the constitutionality of a firearms regulation like SB 1220 depends in significant parts on exactly what question is being asked and the level of abstraction applied to the analogous historical regulations. Based on the available, relevant case law and some historical data, this bill is at least not clearly unconstitutional.

- 6) **Argument in Support:** According to the *California Police Chiefs Association*, “SB 1220 makes targeted and necessary updates to Penal Code Section 29805, which governs individuals prohibited from possessing firearms due to prior criminal conduct. By refining and expanding these prohibitions, the bill helps ensure that individuals who have demonstrated behavior posing a risk to public safety are appropriately restricted from accessing firearms.

“From a law enforcement perspective, firearm prohibition laws are a critical tool in preventing violence before it occurs. Officers across California routinely encounter situations involving individuals with prior convictions who remain in possession of firearms despite existing restrictions. Strengthening and clarifying these prohibitions enhances enforceability, improves compliance, and reduces the likelihood that firearms fall into the hands of individuals who present an elevated risk to the community.

“SB 1220 also supports consistency and clarity in the law, which is essential for both enforcement and public understanding. Clear statutory standards allow officers, prosecutors, and courts to apply the law effectively, while also ensuring that prohibited individuals are aware of their legal obligations.

“Ultimately, this measure represents a proactive step toward improving public safety by addressing known risk factors associated with firearm-related violence. By reinforcing existing safeguards and closing potential gaps in the law, SB 1220 will help protect communities and support law enforcement efforts statewide.”

- 7) **Argument in Opposition:** According to the *California Rifle and Pistol Association*, “SB 1220 amends Penal Code Section 29805 to expand the list of misdemeanors that trigger a 10-year prohibition on owning, purchasing, receiving, or possessing firearms. Specifically, it adds violations of subdivision (a) of Section 23920 (altering, removing, or obliterating a firearm’s serial number or identifying marks) to the list of disqualifying offenses for convictions on or after January 1, 2027.

“While CRPA supports keeping firearms out of the hands of truly dangerous individuals, this bill further expands California’s already broad prohibited persons regime in a way that risks sweeping in low-level, non-violent, or technical violations without adequate due process protections.

“**Key Concerns:**

“Overbreadth and Due Process Issues: Serial number violations can arise from technical or good-faith situations involving lawfully owned firearms. Imposing a 10-year blanket prohibition on Second Amendment rights for such misdemeanors goes beyond what is necessary for public safety and raises constitutional concerns under the U.S. Supreme Court’s Bruen framework.

“Disproportionate Impact: The bill adds another layer of lifetime-style restrictions on law-abiding citizens who may have made a one-time mistake, while doing little to address repeat violent offenders who are already prohibited under existing law.

“Cumulative Effect of Gun Control Laws: California already maintains one of the strictest prohibited persons frameworks in the nation. Continually expanding the list of disqualifying misdemeanors creates a complex web of restrictions that disproportionately burdens responsible firearm owners and erodes core constitutional rights.”

8) **Related Legislation:**

- a) SB 948 (Arreguin) would require new California residents to register their firearm(s) with DOJ in addition to securing a Firearm Safety Certificate, which would include four hours of in-person training from a certified instructor. SB 948 is pending hearing in the Assembly Public Safety Committee.
- b) AB 1810 (Berman) would place new requirements on firearms dealers in California and subject those dealers with the highest percentage of sales to increased inspections, where the firearm is found as part of criminal activity. AB 1810 is pending hearing in the Senate Public Safety Committee.
- c) AB 1948 (Ramos) would extend the concealed carry licensure duration from two years to three years. AB 1948 is pending a vote on the Senate floor.
- d) AB 2047 (Bauer-Kahan) would prohibit various conduct with firearms manufacture software as applied to three-dimensional printers and create a misdemeanor for the prohibited conduct. AB 2047 is pending hearing in the Senate Judiciary Committee.

9) **Prior Legislation:**

- a) AB 1263 (Gipson), Chapter 636, Statutes of 2025, prohibited a person from knowingly or willfully causing another person to engage in the unlawful manufacture of firearms or knowingly or willfully aiding, abetting, prompting, or facilitating the unlawful manufacture of firearms, including the manufacture of assault weapons or .50 BMG rifles or the manufacture of any firearm using a three-dimensional printer or CNC milling machine, as specified.
- b) SB 902 (Roth), Chapter 545, Statutes of 2024, provided that any person convicted of a misdemeanor violation of specified crimes, on or after January 1, 2025, may not, within 10 years of the conviction, access a firearm and would make a violation of that prohibition a misdemeanor.

- c) SB 368 (Portantino), Chapter 251, Statutes of 2023, required a licensed firearms dealer, as specified, to accept for storage a firearm transferred by an individual to prevent it from being accessed or used during periods of crisis or heightened risk to the owner of the firearm or members of their household.
- d) AB 2239 (Maienschein), Chapter 143, Statutes of 2022, prohibited a person convicted of specified child abuse crimes and elder abuse crimes from possessing a firearm for a period of 10 years after that conviction.
- e) SB 701 (Jones), of the 2019-20 Legislative Session, would have made it a misdemeanor for a person with an outstanding warrant to own or possess a firearm or ammunition. SB 701 was vetoed by the Governor.
- f) AB 1121 (Bauer-Kahan), of the 2019-2020 Legislative Session, would have prohibited a person who is granted mental health diversion based on a mental health disorder from owning or possessing a firearm, or other dangerous or deadly weapon, as specified. AB 1121 was held in Assembly Appropriations.
- g) AB 3129 (Rubio), Chapter 883, Statutes of 2018, prohibited a person who is convicted on or after January 1, 2019, of a misdemeanor violation of willful infliction of corporal injury upon a spouse, cohabitant, or other specified person, from ever possessing a firearm.
- h) AB 785 (Jones-Sawyer), Chapter 784, Statutes of 2017, subjected persons to the prohibition on possessing a firearm within 10 years of the conviction who are convicted of, by force or threat of force, interfering with another person's free exercise of any constitutional right or privilege because of the other person's actual or perceived race, religion, national origin, disability, gender, or sexual orientation.

REGISTERED SUPPORT / OPPOSITION:

Support

California Police Chiefs Association (Sponsor)
Los Angeles County District Attorney's Office

Opposition

California Rifle and Pistol Association, INC.

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