

Date of Hearing: March 12, 2024

Chief Counsel: Sandy Uribe

ASSEMBLY COMMITTEE ON PUBLIC SAFETY

Kevin McCarty, Chair

AB 1982 (Mathis) – As Amended February 15, 2024

SUMMARY: Specifies that a veteran health identification card is proper identification for purposes of documenting active military or honorably retired veteran status to seek an exemption from the firearm safety certificate requirement.

EXISTING LAW:

- 1) Requires the California Department of Justice (DOJ) to develop handgun safety certificates, which expire 5 years after the date of issue, to be issued by DOJ-certified instructors to those persons who have complied with specified requirements. A handgun safety certificate shall include, but not be limited to, the following information:
 - a) A unique handgun safety certificate identification number;
 - b) The holder's full name;
 - c) The holder's date of birth;
 - d) The holder's driver's license or identification number;
 - e) The holder's signature;
 - f) The signature of the issuing instructor; and,
 - g) The date of issuance. (Pen. Code, § 31655, subs. (a)-(c).)
- 2) Provides that a person shall not purchase, receive, sell, deliver, loan, or transfer any firearm, except an antique firearm, without a valid firearm safety certificate. A violation is a misdemeanor. (Pen. Code, § 31615.)
- 3) Prohibits a dealer from delivering a firearm unless the person receiving the handgun presents to the dealer a valid handgun safety certificate. (Pen. Code, § 26840.)
- 4) Requires an applicant for a firearm safety certificate to successfully pass an objective test with a passing grade of at least 75%. (Pen. Code, § 31645.)
- 5) Requires DOJ to develop a written objective test to cover, but not be limited to, all of the following:

- a) Laws applicable to carrying and handling firearms, particularly handguns;
 - b) The responsibilities of ownership of firearms, particularly handguns;
 - c) Current law for the private sale and transfer of firearms;
 - d) Current law for the permissible use of lethal force;
 - e) Safe firearm storage;
 - f) Issues associated with bringing a firearm into the home, including suicide; and,
 - g) Prevention strategies to address issues associated with bringing firearms into the home. (Pen. Code, § 31640.)
- 6) Exempts the following persons from the firearm safety certificate requirement:
- a) Any active or honorably-retired peace officer, as defined;
 - b) Any active or honorably-retired federal officer or law enforcement agent;
 - c) Any reserve peace officer, as defined;
 - d) Any person who has successfully completed the specified peace officer training course;
 - e) A licensed firearms dealer, as specified;
 - f) A federally-licensed collector, as specified;
 - g) A person to whom a firearm is being returned, where the person receiving the firearm is the owner of the firearm;
 - h) A family member of a peace officer killed in the line who is obtaining the firearm of the slain officer;
 - i) Any individual who has a valid concealed weapons permit, who is authorized to carry a loaded firearm, or who is the holder of a special weapons permit, as specified; and,
 - j) An active or honorably-retired member of the United States Armed Forces, the National Guard, the Air National Guard, or the other active reserve components of the United States. (Pen. Code, § 31700.)
- 7) Provides that for purposes of a veteran establishing proof for an exemption from the firearm safety certificate requirement, proper identification includes the Armed Forces Identification Card or other written documentation certifying that the individual is an active or honorably retired member. (Pen. Code, § 31700, subd. (a)(10).)

FISCAL EFFECT: Unknown

COMMENTS:

- 1) **Author's Statement:** According to the author, “AB 1982 is a common sense measure to clarify existing law to allow veterans to utilize an existing exemption.”
- 2) **Safety Certificate Background:** Beginning in 1993, possession of a handgun safety certificate was required to transfer firearms. The Department of Justice was required to create the requisite process to obtain a handgun safety certificate.

Senate Bill 52 (Scott), Chapter 942, Statutes of 2001, repealed the basic firearms safety certificate scheme and replaced it with the more stringent handgun safety certificate scheme. SB 52 provided that, effective January 1, 2003, no person may purchase, transfer, receive, or sell a handgun without a Handgun Safety Certificate (HSC).

SB 683 (Block), Chapter 761, Statutes of 2013, extended the requirement for handgun buyers to learn basic safety and laws regarding handguns to buyers of all firearms. However, implementation of the requirement as to all firearms was delayed until January 1, 2015.

Existing law exempts specified classes of persons who do not need to either successfully take the course or challenge the course with a specified exam. As pertinent to this bill, one of the exemptions is for an active or honorably-retired member of the United States Armed Forces, the National Guard, the Air National Guard, or the other active reserve components of the United States, where individuals of those organizations are properly identified. (Pen. Code, § 317000, subd. (a)(10).) Proper identification includes the Armed Forces Identification Card, specifically, “or other written documentation identifying that the individual is an active or honorably retired member.” (*Ibid.*)

This bill specifies that the Veteran Health Identification Card issued by the U.S. Department of Veterans Affairs (VA) qualifies as proper identification for purposes of establishing the exemption. To apply for health care benefits through the VA, one must show, among other things, military discharge papers (DD214 or other separation documents). ([How To Apply For VA Health Care | Veterans Affairs](#)) To be eligible for VA health care benefits, a person may not have received a dishonorable discharge. ([Eligibility For VA Health Care | Veterans Affairs](#).) Arguably, the Veteran Health Identification Card is already covered by the term “or other written documentation certifying that the individual is an active or honorably retired member.” However, by specifying this documentation, this bill will arguably clarify its qualification to firearms dealers.

- 3) **Argument in Support:** According to the *National Rifle Association Institute for Legislative Action*, “Current law requires individuals to obtain and possess a Firearm Safety Card in order to purchase a firearm in California. There are several exemptions to this requirement, including for individuals who are actively or honorably retired members of the United States Armed Forces, the National Guard, the Air National Guard, or the active reserve components of the United States. In order to utilize the exemption from the Firearm Safety Card when purchasing a firearm, the individual must provide proper identification of their active or honorably retired membership in one of the above listed organizations. Existing law allows for an Armed Forces Identification Card to be used to meet this requirement, or another form of written documentation certifying their active or honorably retired membership.

“AB 1982, if passed, would designate that a Veteran Health Identification Card issued by the Department of Veterans Affairs would also serve as an acceptable form of identification to prove exemption from the Firearm Safety Card requirement. This simple clarification to existing law addresses the fact that most veteran’s do not routinely carry their DD-214 on their person or have an Armed Forces Identification Card. They do, however, carry their Veterans Health Identification Card with them daily. AB 1982 clearly articulates this form of identification is acceptable to satisfy the requirements needed to prove exemption from the Firearm Safety Card, thereby benefitting our active and honorably retired military members during their lawful purchase of a firearm in California.”

4) Prior Legislation:

- a) SB 683 (Block), Chapter 761, Statutes of 2013, extended the safety certificate requirement for handguns to all firearms and required the performance of a safe handling demonstration to receive a long gun.
- b) AB 35 (Shelley), Chapter 940, Statutes of 2001, required any person who wants to purchase or otherwise transfer a handgun, except as specified, to obtain a handgun safety certificate. Enactment of AB 35 was contingent upon the enactment of SB 52, with the bill that was chaptered last establishing the handgun safety certificate scheme.
- c) SB 52 (Scott), Chapter 942, Statutes of 2001, required any person who wants to purchase or otherwise transfer a handgun, except as specified, to obtain a handgun safety certificate. Enactment of SB 52 was contingent upon the enactment of AB 35, with the bill that was chaptered last establishing the handgun safety certificate scheme.

REGISTERED SUPPORT / OPPOSITION:**Support**

California State Sheriffs' Association
National Rifle Association - Institute for Legislative Action
Peace Officers Research Association of California (PORAC)

Opposition

None submitted.

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