

Buying Ammo in California in 2019

At Jepson's Guns & Ammo we are getting a lot of questions from our customers about the new "ammo laws" in California so here's the most FAQ's to cover most of the questions you may have regarding California's current ammunition laws. CA DOJ is still working out how to implement all the regulations of Proposition 63 so details may change. We will do our best to update you as more information becomes available.

It's 2019, what are the current ammunition sales restrictions in CA?

Ammunition sales must be conducted in a face-to-face transaction by an FFL or licensed Ammunition Vendor

Are there purchase limits on ammo?

No. There are no purchase limits or caliber restrictions on ammunition before or after July 1, 2019.

Do I need an "ammunition purchase permit" or some special license to buy ammo?

No. You do not need to have a permit or license to buy ammunition. You must be 21 years of age to buy handgun ammo and at least 18 years of age to buy rifle and shotgun ammo (this may change in California in the near future). You will need to pass a background check (the DOJ is calling it an "ELIGIBILITY CHECK") starting July 1, 2019.

Why is it called an "Eligibility Check" and not a "Background Check?"

It's not really a background check. The CA DOJ does not have access to the Federal National Criminal Instant Background Check Systems for the purpose of vetting someone to purchase ammunition in California. Therefore, the only system the CA DOJ can use is their own unique database to verify if someone is prohibited from possessing a firearm and therefore ammunition. They will do this by cross-referencing the California's Automated Firearms Systems (AFS) with the Prohibited Armed Persons File (PAPF). They want to make sure that since you've purchased, registered or reported a firearm, you haven't "gone off the rails," and are now a felon or been deemed by a court to be criminally insane. Side note: If you've legally purchased a firearm, you've already done a background check.

Please explain the STANDARD and BASIC eligibility checks in detail.

STANDARD ELIGIBILITY CHECK

Cost is \$1

A valid California Driver's License or Federally compliant ID: Real ID THAT DOES NOT STATE: "Federal Limits Apply."

It takes place at the register before you are cleared to purchase ammunition.

Estimated time for approval is 60-180 seconds

Approval occurs if you are in AFS and your ID info matches AFS records.

Denial occurs if you are flagged PAPF and/or your info on your ID does not match AFS, or you do not have an AFS profile/record.

NO caliber restrictions *the type of ammunition you are buying DOES NOT have to match the caliber of firearm you have registered.

NO quantity restrictions: you can buy pallets of ammunition if you choose.

Take ammo home same day!

If your request is rejected, the ammunition vendor shall provide the purchaser or transferee with an Ammunition Transaction Number (ATN) that can be used to obtain the reason for the rejection through the Department's CFARS website.

BASIC ELIGIBILITY CHECK

Cost is \$19

Application occurs at register.

Ammunition vendor will collect ammunition purchaser's or transferee's name, date of birth, current address, gender, hair color, eye color, height, weight and driver license or other government identification number, in the manner described in Penal Code section 28180, and telephone number, United States citizenship status, federal Alien Registration Number or I94(if applicable), place of birth, alias name(s), race and enter this information into the Dealer Entry System (DES) website.

You will be issued an Ammunition Transaction Number (ATN) to monitor the status of the Basic Ammunition Eligibility Check through the Department's CFARS website.

Check (wait time) can take up to 10 days or more.

Once approved, you may use your ATN once in a 30-day period to purchase ammo at the location that performed your eligibility check.

NO caliber restrictions.

NO quantity restrictions.

If the Basic Ammunition Eligibility Check is denied, the Department shall notify the purchaser or transferee of the reason for the denial via U.S. Mail.

How do I know if I am in the Automated Firearms System?

The "Automated Firearms System" is the name of a repository of firearm records maintained by the CA DOJ, as established by Penal Code section 11106. The AFS is populated by way of firearm purchases or transfers by a California licensed firearm dealer, registration of assault weapons by a California resident, a California resident's report of firearm ownership to the Department, California Carry Concealed Weapons (CCW) Permit records, or records entered by California law enforcement agencies.

The CA DOJ began recording HANDGUNS in 1996 and LONG GUNS IN 2014, so if you have lawfully purchased, registered, or reported a firearm with your CURRENT Driver's License or Real ID since those dates, your information should be in AFS and up-to-date, and you will qualify for the \$1 STANDARD ELIGIBILITY CHECK. If you have not legally purchased, transferred or reported a handgun in the last 23

years, or a long gun in the last 5 years, and/or you have moved or changed your name, your AFS records may not match, and you may have to do the \$19 BASIC ELIGIBILITY CHECK.

How do I know if I qualify for the STANDARD or BASIC eligibility check?

You will qualify for the Standard Eligibility Check (\$1) if you:

Have a COE or...

Have a CCW - by process of a CCW, you are required to keep your AFS records up-to-date, so you're good!

Or...

Have a valid CA DL or Real ID that does not state, "Federal Limits Apply" AND...

Have purchased, registered or reported a handgun to your current ID information since 1996 or

Have purchased, registered or reported a long gun to your current ID information since 2014.

You will qualify for the Basic Eligibility Check (\$19) if you:

You do not meet criteria of the Standard Eligibility Check listed above

Have a Real ID that states, "Federal Limits Apply" *see question about what additional information we will need to collect from you

Do not have ANY firearms registered to you.

You have moved and/or changed your name and there are no firearms that match your new address or name.

Will there be limitations on how much ammo I can buy? What about restricting ammunition purchases to only the caliber I have registered?

Prop 63 does NOT restrict the amount or type of ammunition you can buy. There are restrictions on how much a person can SELL in a 30 day period without being a licensed vendor. As for the DOJ restricting your purchase to only calibers you have registered: this is a myth. #1: there's NOTHING in the law that stipulates this #2: it's not practical because not only are there many guns capable of cycling multiple calibers, but a person buying ammunition may be buying ammo to shoot in a rental gun, a friend or family member's firearm at the range.

What if I don't have any firearms registered to me or my gun is registered to an old address?

If DOJ does not have anything on file with you in their Automated Firearms System (AFS) either because you are not yet a gun owner or you do not have any firearms registered you will not pass the Standard Eligibility Check and you will need to either 1) apply for the "one-time" \$19 Basic Eligibility Check or 2) you will need to register AT LEAST ONE FIREARM (or lower). If your firearm is registered but the address on file does not match your Driver's License address, you will not pass the Standard Eligibility Check and you will need to either 1) apply for the "one-time" \$19 Basic Eligibility Check or 2) update your information with the DOJ. Information on how to update your AFS records can be found here (<https://oag.ca.gov/firearms/afspi>)

What if I have a CA Driver's License that says, "FEDERAL LIMITS APPLY"

If your driver license or identification card has "FEDERAL LIMITS APPLY" in the front you shall also submit proof of lawful presence in the United States in the form of one of the following documents:

Valid unexpired U.S. passport or passport card

Certified copy of U.S. birth certificate

U.S. Certificate or Consular Report of Birth Abroad of a U.S. Citizen

Valid, unexpired foreign passport with valid U.S. immigrant visa and approved Record of Arrival/Departure(1-94) form.

Certified copy of birth certificate from a U.S. Territory

Certificated of Naturalization or U.S. Citizenship

Valid, unexpired Permanent Resident Card

If your name as it appears on the "FEDERAL LIMITS APPLY" driver license or identification card differs from the name on the document(s) above you shall also submit one of the following certified documents:

An adoption document that contains your legal name as a result of the adoption

A name change document that contains your legal name both before and as a result of the name change

A marriage certificate

A dissolution of marriage document that contains your legal name as a result of the court action

A certificate declaration or registration document verifying the formation of a domestic partnership

A dissolution of domestic partnership document that contains your legal name as a result of the court action

We are required to keep copies of any provided documents for five years and provide said documents to CA DOJ upon request.

What are the details of the new regulations for ammo purchases in 2019

According to CA Penal Code section 30370:

(a) Commencing July 1, 2019, the department shall electronically approve the purchase or transfer of ammunition through a vendor, as defined in Section 16151, except as otherwise specified. This approval shall occur at the time of purchase or transfer, prior to the purchaser or transferee taking possession of the ammunition. Pursuant to the authorization specified in paragraph (1) of subdivision (c) of Section 30352, the following persons are authorized to purchase ammunition:

(1) A purchaser or transferee whose information matches an entry in the Automated Firearms System (AFS) and who is eligible to possess ammunition as specified in subdivision (b).

(2) A purchaser or transferee who has a current certificate of eligibility issued by the department pursuant to Section 26710.

(3) A purchaser or transferee who is not prohibited from purchasing or possessing ammunition in a single ammunition transaction or purchase made pursuant to the procedure developed pursuant to subdivision (c).

(b) To determine if the purchaser or transferee is eligible to purchase or possess ammunition pursuant to paragraph (1) of subdivision (a), the department shall cross-reference the ammunition purchaser's or transferee's name, date of birth, current address, and driver's license or other government identification number, as described in Section 28180, with the information maintained in the AFS. If the purchaser's or transferee's information does not match an AFS entry, the transaction shall be denied. If the purchaser's or transferee's information matches an AFS entry, the department shall determine if the purchaser or transferee falls within a class of persons who are prohibited from owning or possessing ammunition by cross-referencing with the Prohibited Armed Persons File. If the purchaser or transferee is prohibited from owning or possessing a firearm, the transaction shall be denied.

(c) The department shall develop a procedure in which a person who is not prohibited from purchasing or possessing ammunition may be approved for a single ammunition transaction or purchase. The department shall recover the cost of processing and regulatory and enforcement activities related to this section by charging the ammunition transaction or purchase applicant a fee not to exceed the fee charged for the department's Dealers' Record of Sale (DROS) process, as described in Section 28225 and not to exceed the department's reasonable costs.

(d) A vendor is prohibited from providing a purchaser or transferee ammunition without department approval. If a vendor cannot electronically verify a person's eligibility to purchase or possess ammunition via an Internet connection, the department shall provide a telephone line to verify eligibility. This option is available to ammunition vendors who can demonstrate legitimate geographical and telecommunications limitations in submitting the information electronically and who are approved by the department to use the telephone line verification.

(e) The department shall recover the reasonable cost of regulatory and enforcement activities related to this article by charging ammunition purchasers and transferees a per transaction fee not to exceed one dollar (\$1), provided, however, that the fee may be increased at a rate not to exceed any increases in the California Consumer Price Index as compiled and reported by the Department of Industrial Relations, not to exceed the reasonable regulatory and enforcement costs.

(f) A fund to be known as the "Ammunition Safety and Enforcement Special Fund" is hereby created within the State Treasury. All fees received pursuant to this section shall be deposited into the Ammunition Safety and Enforcement Special Fund and, notwithstanding Section 13340 of the Government Code, are continuously appropriated for purposes of implementing, operating, and enforcing the ammunition authorization program provided for in this section and Section 30352 and for repaying the start-up loan provided for in Section 30371.

(g) The Department of Justice is authorized to adopt regulations to implement this section.

How long will the eligibility checks take?

A Standard Eligibility Check (\$1) will take (2) minutes or less. The Basic Eligibility Check (\$19) will be a manual check by the CA DOJ and can take 10 days or more.

Why do I have to pay \$1 for the Standard Eligibility Check?

The \$1 fee is collected by the CA DOJ to fund Proposition 63. We have no control over this set fee. The fee is collected for each total purchase, so if you buy ammo on let's say a Saturday come back on Sunday to

buy more we have to run the check again and collect the fee. To be clear: the fee is per transaction. It's not based on the quantity of ammo you buy.

How do I know if my correct information is on file with the CA DOJ?

You'll need to contact the DOJ to confirm your own records. Gun owners should make sure that their AFS records contain at least one entry with their true and correct name, date of birth, current address and driver's license or other government identification number to ensure that your ammunition purchases with us will not be denied. You can send CA DOJ (<https://oag.ca.gov/sites/all/files/agweb/pdfs/firearms/forms/AFSPublicCitizen.pdf>) this form and they will mail you back a copy of their AFS records, if they have any. As stated earlier CA DOJ is also working on a portal through the California Firearms Application Reporting System (CFARS) to allow anyone to create an account, view their AFS records and update as needed.

What is the link to CFARS that I can access now?

<https://cfars.doj.ca.gov/crisHome!displayCrisHome.do>

OK, so let's say I pass the Standard Eligibility Check in your store the what?

You can buy as much ammo as you want. There will NOT be any quantity or caliber restrictions on the ammo you can buy. The purchase no matter how big or small will have to be electronically documented with the DOJ, which we will handle at the point sale.

Who is exempt from the eligibility check to purchase ammunition in 2019?

According to CA Penal Code 30352: (e) Subdivisions (a) and (d) shall not apply to sales or other transfers of ownership of ammunition by ammunition vendors to any of the following, if properly identified:

- (1) An ammunition vendor with a valid Ammunition Vendor License issued pursuant to Penal Code section 30385
- (2) A person who is on the centralized list of exempted federal firearms licensees maintained by the department shall present a Department-issued Listing Acknowledgment Letter indicating the individual is currently on the centralized list of exempted federal firearms licensees (FFL).
- (3) A person who purchases or receives ammunition at a target facility holding a business or other regulatory license, provided that the ammunition is at all times kept within the facility's premises.
- (4) A gunsmith with a valid Type 01 Federal Firearms License.
- (5) A wholesaler with a valid Type 01 Federal Firearms License.
- (6) A manufacturer of firearms with a valid Type 07 Federal Firearms License. or importer of firearms or ammunition with a valid Type 08 Federal Firearms License.
- (7) An authorized law enforcement representative of a city, county, city and county, or state or federal government, with written authorization from the head agency authorizing the ammunition purchase or transfer as described by Penal Code section 30352, subdivision (e)(7).
- (8) A properly identified sworn peace officer, as defined in Chapter 4.5 (commencing with Section 830) of Title 3 of Part 2, or properly identified sworn federal law enforcement officer, who is authorized to carry a firearm in the course and scope of the officer's duties, shall present both:

(A) A sworn state, or local peace officer's credential and

(B) Verifiable written certification from the head of the agency as described by Penal Code section 30352 (e)(8)(B)(i). The verifiable written certification from the head of the agency expires 30 days after issuance.

(9) A properly identified sworn federal law enforcement officer who is authorized to carry a firearm in the course and scope of the officer's duties shall present both:

(A) A sworn federal law enforcement officer's credential and

(B) Verifiable written certification from the head of the agency, as described by Penal Code section 30352 subdivisions (e)(8)(B)(i). The verifiable written certification from the head of the agency expires 30 days after issuance.

(b) For persons identified pursuant to subdivisions (a)(9) and (10) of this section, the ammunition vendor shall keep a photocopy of the front and back of the credential and the identification document provided pursuant to subdivision (c) of the section, along with the original verifiable written certification from the head of the agency. The ammunition vendor shall make a copy of these records available to the Department upon request.

(1) If the law enforcement agency does not allow photocopies to be made of the credential the ammunition vendor shall retain a business card from the sworn law enforcement officer after personally viewing the credential.

(c) At the time of delivery the ammunition vendor COE holder, authorized associate or salesperson shall require the purchaser or transferee to provide an identification document that meets the requirements of Penal Code section 16300, to verify that the person who is receiving delivery of the ammunition is the person exempted pursuant to Penal Code section 30352, subdivision (e).

(d) Once the ammunition vendor has verified the individual is exempt from Department approval to purchase or transfer ammunition, the ammunition vendor may process an ammunition purchase or transfer without Department approval.

Are CCW holders exempt from having to do the eligibility check and ammo registration?

No. CCW holders are NOT exempt. You will however qualify for the Standard Eligibility Check (\$1)

Are COE + FFL03 holders listed as exempted?

Nope. When CA DOJ originally released their proposed regulations, they listed FFLs as exempt. In their latest rulemaking release dated 04/18/19 the CA DOJ struck "A valid Federal Firearms License" and instead created a specified list of exempted FFLs which are: FFL01, FFL06, FFL07 AND FFL08.