

SENATE JUDICIARY COMMITTEE
Senator Thomas Umberg, Chair
2025-2026 Regular Session

SB 320 (Limón)
Version: April 9, 2025
Hearing Date: April 22, 2025
Fiscal: Yes
Urgency: No
AM

SUBJECT

Firearms: California Do Not Sell List

DIGEST

This bill requires the Department of Justice (DOJ) to develop a process to allow a person who resides in California to voluntarily add their own name to, and subsequently remove their own name from, the California Do Not Sell List, which would prevent a person who has voluntarily registered on the list from passing a firearms eligibility check to purchase or acquire a firearm from a dealer or through a private party transaction while they are on the list, as provided. The bill includes various confidentiality protections, including making it a misdemeanor to share any information on the list for any other purpose and specifies that any information on the list is confidential and not a public record.

EXECUTIVE SUMMARY

The author and sponsors of the bill note that the Centers for Disease Control and Prevention (CDC) reports an increase in suicide rates in the United States in the past two decades, and that firearms are used in over 50 percent of suicide deaths. The author and sponsors of the bill believe this bill could be an additional useful tool in preventing suicides. This bill is somewhat similar to two prior bills, none of which were heard by this Committee or enacted into law.¹ This bill is sponsored by the Attorney General, California Sheriff's Association, and the California State Association of Psychiatrists. The bill is supported by the American Foundation for Suicide Prevention, the Los Angeles County Sheriff's Department, and San Diegans for Gun Violence Prevention. The bill is opposed by the California Rifle and Pistol Association and Gun Owners of California. This bill passed the Senate Public Safety Committee on a vote of 5 to 1.

¹ See Prior Legislation section at end of the analysis.

PROPOSED CHANGES TO THE LAW

Existing law:

- 1) Provides for an automated system for tracking firearms and assault weapon owners who might fall into a prohibited status via an online database, which is known as the Armed Prohibited Persons System (APPS).
 - a) The APPS cross-references all handgun and assault weapon owners across the state against criminal history records to determine whether a person is prohibited from possessing a firearm. (Pen. Code §§ 30000, et seq.)
- 2) Prohibits persons who know or have reasonable cause to believe that the recipient is prohibited from having firearms and ammunition to supply or provide the person with firearms or ammunition. (Pen. Code §§ 27500, 30306; & Welf. & Inst. Code, § 8101.)
- 3) Requires the DOJ, upon submission of firearm purchaser information, to examine its records to determine if the purchaser is prohibited from possessing, receiving, owning, or purchasing a firearm.
 - a) Prohibits the delivery of a firearm within 10 days of the application to purchase, or, after notice by the DOJ, within 10 days of the submission to the DOJ of any corrections to the application to purchase, or within 10 days of the submission of a specified fee. (Pen. Code §§ 28200-28250.)
- 4) Requires a licensed dealer to provide the DOJ with specified personal information about the seller and purchaser as well as the name and address of the dealer in connection with any sale, loan or transfer of a firearm. (Pen. Code § 28160.)
 - a) Personal information required to be provided includes: the name; address; phone number; date of birth; place of birth; occupation; eye color; hair color; height; weight; race; sex; citizenship status; and a driver's license number, California identification card number, or military identification number. (Pen. Code § 28210.)
 - b) A copy of the form, containing the buyer and seller's personal information, must be provided to the buyer or seller upon request. (Pen. Code § 28215.)
- 5) Provides, pursuant to the California Constitution, that the people have the right of access to information concerning the conduct of the people's business, and, therefore, the meetings of public bodies and the writings of public officials and agencies are required to be open to public scrutiny. (Cal. const. art. I, § 3(b)(1).)
 - a) Requires a statute to be broadly construed if it furthers the people's right of access, and narrowly construed if it limits the right of access. (Cal. const. art. I, § 3(b)(1).)

- b) Requires a statute that limits the public's right of access to be adopted with findings demonstrating the interest protected by the limitation and the need for protecting that interest. (Cal. const. art. I, § 3(b)(1).)
- 6) Governs the disclosure of information collected and maintained by public agencies pursuant to the California Public Records Act (CPRA). (Gov. Code §§ 7920.000 et seq.)
- c) States that the Legislature, mindful of the individual right to privacy, finds and declares that access to information concerning the conduct of the people's business is a fundamental and necessary right of every person in this state. (Gov. Code § 7921.000.)
 - d) Defines "public records" as any writing containing information relating to the conduct of the public's business prepared, owned, used, or retained by any state or local agency regardless of physical form or characteristics. (Gov. Code § 7920.530.)
 - e) Provides that all public records are accessible to the public upon request, unless the record requested is exempt from public disclosure. (Gov. Code § 7922.530.)

This bill:

- 1) Requires the Department of Justice (DOJ) to develop, no later than November 1, 2027, a process to allow a person who resides in California to voluntarily add their own name to, and subsequently remove their own name from, the California Do Not Sell List.
 - a) Provides the purpose of the list is to prevent a person who has voluntarily registered on the list from passing a firearms eligibility check to purchase or acquire a firearm from a dealer or through a private party transaction while they are on the list.
- 2) Requires the process to meet all of the following requirements:
 - a) prevents unauthorized disclosure of a person registering or requesting removal;
 - b) informs the potential registrant of the legal effects of registration or removal; and
 - c) prevents a registrant from passing a firearms eligibility check by the DOJ to purchase or acquire a firearm while they are registered.
- 3) Requires the DOJ to develop forms for inclusion on, and removal from, the list. The forms are to be available for download through the DOJ's website and require, at a minimum, the following information:
 - a) full name and all legal names and aliases ever used;
 - b) residential address;
 - c) completed date of birth;

- d) telephone number or email address;
 - e) California driver's license or identification number; and
 - f) the person's signature.
- 4) Requires the form to also include an acknowledgment that reads:
 - a) By presenting this completed form to a law enforcement agency, I understand that I am requesting that my name be placed on a list that restricts my ability to lawfully purchase or acquire a firearm from a firearms dealer or through a private-party transaction until such time as I remove myself from that list. I understand that by voluntarily adding my name to this list, any attempt to lawfully purchase or acquire a firearm from a firearms dealer or through a private-party transaction while I am on this list will be declined. I also understand that, after 14 days as described in statute have passed, I may request removal from this list.
- 5) Provides that once the process in 1), above, is operative, a person who resides in California may request to be added to the list by submitting a complete form and bona fide evidence of identity to a sheriff's office of a county or municipal police department of any city or city and county.
 - a) No sooner than 14 days after filing the form, the person may file a request for removal from the list in the same manner that the person requested inclusion on the list.
 - b) No sooner than 21 days after receiving a request for removal from the list, and no later than 30 days after receiving the request, the DOJ is required to remove the person from any state computer-based systems used to identify prohibited purchasers of firearms in which the person was entered.
- 6) Requires the sheriff's office or municipal police department that receives the form to verify the person's identity before accepting the form, and to verify that the form is complete.
 - a) Specifies that a form from someone other than the person named on the form cannot be accepted.
 - b) Requires the sheriff's office or municipal police department to send the form and the person's identifying information to DOJ no later than three business days after receiving the form.
- 7) Requires that when an individual is added to or removed from the list, the change in status is immediately reflected within state computer-based systems.
- 8) Prohibits the list from being used for any other purposes than what it is intended for, except that the DOJ may share aggregate data regarding the number of individuals who have utilized this process.

- 9) Provides that all information provided under this bill is to be kept confidential, separate, and apart from all other records maintained by the DOJ, and can only be used to determine eligibility to purchase or acquire firearms.
 - a) Any person who knowingly furnishes this information for any other purpose is guilty of a misdemeanor.
 - b) Requires all information on the list concerning any person to be destroyed upon removal from the list by the DOJ.
 - c) Any records created or held under these provisions are not subject to disclosure under the CPRA.
- 10) Provides that no person can be required to place themselves on the list as a condition of employment or receiving any benefits or services.
- 11) Makes the following legislative findings and declarations regarding limiting the access to public records: In order to protect the privacy of individuals on the Do Not Sell List, it is necessary to limit the public's right of access to the list.

COMMENTS

1. Stated need for the bill

The author writes:

The CDC Morbidity and Mortality Report reports an increase in suicide rates in the U.S. in the past two decades, approaching 50,000 in 2022. With firearms being used in over 50% of suicide deaths, there is a need for preventive measures to help decrease the number of suicides in the state. The creation of a voluntary registration process - Do Not Sell List - raises public awareness and can become a practical tool for individuals to exercise responsible firearm ownership. In doing so, SB 320 seeks to contribute to a collective effort to mitigate the risk of potential perpetrators accessing firearms.

Rob Bonta, Attorney General, one of the sponsors of the bill, writes in support stating:

The suicide rate in the United States has steadily increased over the past 20 years, according to the Centers for Disease Control and Prevention (CDC). Suicide was responsible for 49,476 deaths in 2022 – this represents a 36% increase in the national suicide rate since 2000.² And the number of people who consider or attempt suicide is even higher. Data shows that access to a firearm is a significant risk factor for suicide death due to their uniquely lethal nature. More than half of all gun deaths in California are suicides. According to a report prepared by the Department of Justice's Office of Gun Violence Prevention, firearms were used in just 3 percent of

² <https://www.cdc.gov/suicide/facts/index.html>.

intentional self-harm incidents, but gunshot wounds constituted 38% of total suicide deaths.³ We know suicide can be an impulsive decision that most survivors regret. However, guns are lethal and, unfortunately, rarely allow for second chances.

SB 320 provides those battling suicidal thoughts an option to protect themselves by temporarily limiting their access to purchase firearms during a time of crisis. This bill will authorize the DOJ to develop and launch the California Do Not Sell List, which would allow individuals to voluntarily place themselves on a registry that would restrict their ability to purchase firearms. Placement on the registry will be confidential and an individual can request to be removed from the voluntary Do-Not-Sell list after 14 days of the initial request to be included. [footnotes omitted]

2. Do Not Sell List

Under existing law, a licensed dealer is prohibited 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. (Penal Code §§ 26815, 27540, & 28220.) This 10-day period is referred to as a “cooling off” period, and must be adhered to even if background checks are completed before the 10-day period expires. This cooling off period is largely designed to prevent acts of violence or suicide attempts. In 2016, the Ninth Circuit Court of Appeals upheld the constitutionality of this 10-day waiting period, holding that the waiting period did not violate plaintiffs’ Second Amendment rights, and constituted a “reasonable precaution for the purchase of a second or third weapon, as well as for a first purchase.” (*Silvester v. Harris* (2016) 843 F.3d 816, at 819.)

This bill seeks to require the DOJ to develop a process to allow a person who resides in California to voluntarily add their own name to, and subsequently remove their own name from, the California Do Not Sell List. By placing one’s name on the list, the person would be prevented from passing a firearms eligibility check to purchase or acquire a firearm from a dealer or through a private party transaction while they remain on the list. The bill makes it clear that a person can only add their own name to the list and that it is completely voluntary. It provides a mechanism for removing one’s name from the list by specifying a person cannot seek to remove their name from the list until at least 14 days after it is initially placed on the list. The bill then provides that no sooner than 21 days after receiving a request for removal from the list, and no later than 30 days after receiving the request, the DOJ must remove the person from any state computer-based systems used to identify prohibited purchasers of firearms in which the person was entered.

³ Cal. DeptOffice of Gun Violence Prevention, “Data Report: The Impact of Gun Violence in California,” August 2023.

The bill also provides confidentiality protections by:

- prohibiting the list from being used for any other purposes than what it is intended for, except that the DOJ may share aggregate data regarding the number of individuals who have utilized this process;
- requiring that all information collected under the bill is to be kept confidential, separate, and apart from all other records maintained by the DOJ, and can only be used to determine eligibility to purchase or acquire firearms;
- making any person who knowingly furnishes this information for any other purpose guilty of a misdemeanor;
- requiring all information on the list concerning any person to be destroyed upon removal from the list by the DOJ; and
- specifying that any records created or held under these provisions are not subject to disclosure under the CPRA.

3. Right to privacy and limitation to access public records

Access to information concerning the conduct of the people's business is a fundamental and necessary right of every person in this state. (Gov. Cod § 7921.000.) In 2004, the right of public access was enshrined in the California Constitution with the passage of Proposition 59 (Nov. 3, 2004, statewide general election),⁴ which amended the California Constitution to specifically protect the right of the public to access and obtain government records: "The people have the right of access to information concerning the conduct of the people's business, and therefore . . . the writings of public officials and agencies shall be open to public scrutiny." (Cal. Const., art. I, sec. 3 (b)(1).) In 2014, voters approved Proposition 42 (Jun. 3, 2014, statewide direct primary election)⁵ to further increase public access to government records by requiring local agencies to comply with the CPRA and the Ralph M. Brown Act⁶, and with any subsequent statutory enactment amending either act, as provided. (Cal. Const., art. I, sec. 3 (b)(7).)

Under the CPRA, public records are open to inspection by the public at all times during the office hours of the agency, unless they are exempt from disclosure. (Gov. Cod § 7922.525.) A public record is defined as any writing containing information relating to the conduct of the public's business that is prepared, owned, used, or retained by any public agency regardless of physical form or characteristics. (Gov. Code § 7920.530.) There are several general categories of documents or information that are permissively exempt from disclosure under the CPRA essentially due to the character of the information. The exempt information can be withheld by the public agency with

⁴ Prop. 59 was placed on the ballot by a unanimous vote of both houses of the Legislature. (SCA 1 (Burton, Ch. 1, Stats. 2004))

⁵ Prop. 42 was placed on the ballot by a unanimous vote of both houses of the Legislature. (SCA 3 (Leno, Ch. 123, Stats. 2013))

⁶ The Ralph M. Brown Act is the open meetings laws that applies to local agencies. (Gov. Code §§ 59450 et. seq.)

custody of the information, but it also may be disclosed if it is shown that the public's interest in disclosure outweighs the public's interest in non-disclosure of the information. (*CBS, Inc. v. Block* (1986) 42 Cal.3d 646, at 652.). Additionally, some records are prohibited from disclosure or are specifically stated to not be public records. (*see* Gov. Code § 7924.110(a).)

California generally recognizes that public access to information concerning the conduct of the people's business is a fundamental and necessary right.⁷ At the same time, the state recognizes that this right must be balanced against the right to privacy.⁸ The general right of access to public records may, therefore, be limited when records include personal information. In light of the need to protect the privacy of individuals on the Do Not Sell List, the bill's finding on the need for limiting access seems warranted.

4. Statements in support

The California State Association of Psychiatrists (CSAP), one of the sponsors of the bill, writes in support, stating:

CSAP is proud to co-sponsor SB 320 because it aims to enhance firearm safety and provide individuals with a means to proactively restrict their own access to firearms; this is also in line with a recent University of Alabama study that shows, of the 200 patients surveyed at an inpatient psychiatric unit and two outpatient psychiatry clinics, nearly half of the participants would willingly place their name on a voluntary Do Not Sell list. The creation of a voluntary registration process within the DOJ raises public awareness and can become a practical tool for individuals to exercise responsible firearm ownership. SB 320 also allows for an added individual to request to be removed from the voluntary Do Not-Sell list after 14 days of the initial request to be included. The sheriff's or local police department is then required to remove the individual 21 days after filing for removal.

The California State Sheriff's Association, one of the sponsors of the bill, writes in support, stating:

The nexus between firearms and suicide is well-established. Information provided by the California Department of Public Health's California Violent Death Reporting System for the year 2020 reveals a troubling statistic – 1,464 Californians resorted to firearms to end their own lives, representing one-third of all suicide cases in the state. Even more concerning is the fact that nearly half of those who tragically succumbed to suicide in 2020 were reported to have a current diagnosed mental health issue, underscoring the urgent need for improved mental health support and suicide prevention efforts in California.

⁷ Cal. Const., art. I, § 3; Gov. Code, § 7921.000.

⁸ Cal. Const., art. I, § 1.

California faces a pressing public health challenge of individuals experiencing suicidal ideation and their access to firearms. Suicidal ideation, a significant precursor to self-harm and suicide, is a critical concern for the people of California. The absence of an accessible and voluntary mechanism for persons to include themselves on due to suicidal ideation is a critical deficiency in the existing legislative framework.

5. Statements in opposition

The California Rifle and Pistol Association writes in opposition, stating:

This is yet another attempt to entrap people at a vulnerable moment in their lives to sacrifice a constitutional right. This legislature does not engage in creating systems for Californians to sacrifice any other constitutional right and to do so on the Second Amendment is reprehensible.

The author is asking a person who has not been convicted of a crime, declared mentally incompetent or placed under a conservatorship to volunteer to be added to a permanent database with those who have been convicted, declared or placed by a court. This is nothing more than another attempt to vilify law abiding gun owners and California citizens.

The CADOJ still has over twenty-five thousand criminals in the Armed Prohibitive Persons System (APPS) that they have yet to apprehend and diverting their attention and resources to this bill's intent does not make Californian's safer.

The Gun Owners of California write in opposition, stating:

As you are no doubt aware, existing laws provide mechanisms for individuals struggling with mental health concerns to seek help without creating unnecessary bureaucratic barriers. Although voluntary, any list that restricts a Constitutional right sets a dangerous precedent, as no other right requires individuals to preemptively waive their freedoms that may be difficult or time-consuming to reverse. While SB 320 contains a safeguard that would protect citizens from adding their names to a list as a condition of employment, there is a very real possibility that individuals could be coerced or manipulated in placing themselves on the list for other reasons. Given DOJ's existing technological inefficiencies and the numerous databases it manages, delays in removing someone from the "Do Not Sell" list could further compound the problem.

Additionally, SB 320 is an unnecessary expense of taxpayer dollars, as it would create a bureaucratic system for something individuals can already do on their own. There is no need to expand government resources on a voluntary restriction when

anyone who does not wish to own a gun can simply refrain from buying one. Taxpayer money would be better spent on initiatives that directly support mental health services, law enforcement, and community safety measures that produce real results.

SUPPORT

Rob Bonta, Attorney General (sponsor)
California Sheriff's Association (sponsor)
California State Association of Psychiatrists (sponsor)
American Foundation for Suicide Prevention
Los Angeles County Sheriff's Department
San Diegans for Gun Violence Prevention
Bill Brown, Sheriff of Santa Barbara County and Commissioner on the Commission for Behavioral Health
Mayra Alvarez, Commissioner on the Commission for Behavioral Health
Mark Bontrager, Commissioner on the Commission for Behavioral Health
Robert Callan Jr., Commissioner on the Commission for Behavioral Health
Chris Contreras, Commissioner on the Commission for Behavioral Health
Dave Gordon, Commissioner on the Commission for Behavioral Health
Karen Larsen, Commissioner on the Commission for Behavioral Health
Will Lightbourne, Interim Executive Director of the Commission for Behavioral Health
Mara Madrigal-Weiss, Commissioner on the Commission for Behavioral Health
Jay Robinson, Commissioner on the Commission for Behavioral Health
Al Rowlett, Commissioner on the Commission for Behavioral Health
Gary Tsai, Commissioner on the Commission for Behavioral Health

OPPOSITION

California Rifle and Pistol Association
Gun Owners of California

RELATED LEGISLATION

Pending Legislation: None known.

Prior Legislation:

SB 1472 (Limón, 2024) would have required the DOJ to develop and launch a system to allow a person who resides in California to voluntarily add their own name to, and subsequently remove their own name from, the California Do Not Sell List. SB 1472 died in Senate Appropriations Committee.

AB 29 (Gabriel, 2023) was substantially similar to this bill. AB 29 died in the Assembly Appropriations Committee.

AB 1927 (Bonta, 2018) would have required the DOJ to study options for allowing a person to register their own self on a list or database that prohibits the person from being able to purchase a firearm, as specified. AB 1297 was vetoed by then Governor Brown stating: "While this is an interesting area of inquiry, I do not believe that we need to mandate an additional study of this type. The Department of Justice is currently implementing a number of large scale changes to our gun laws, and I think that any information regarding a system for self-exclusion from gun purchases can be obtained through existing means. The Legislature's standing committees, as well as California's Violence Prevention Research Center are existing avenues through which this inquiry can be conducted."

PRIOR VOTES:

Senate Public Safety Committee (Ayes 5, Noes 1)
