

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

AB 1263 (Gipson)
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AM

SUBJECT

Firearms: ghost guns

DIGEST

This bill expands the duties of a firearm industry member under the Firearm Industry Responsibility Act (FIRA), expands existing strict liability provisions to apply to parts of a firearm and establish a rebuttable presumption that the owner or operator of an internet website is liable for information posted on their website under certain circumstances, and creates a new civil cause of action against a person who knowingly, willfully, or recklessly causes another person to engage in the unlawful manufacture of firearms, as defined, or to knowingly, willfully, or recklessly aid, abet, promote, or facilitate the unlawful manufacture of firearms. The bill establishes a new misdemeanor crime for the “unlawful manufacture of firearms.” The bill also makes a person convicted of certain specified misdemeanors, on and after January 1, 2026, and who owns, purchases, receives, or has in their possession or under their custody or control any firearm within 10 years of that conviction is guilty of a public offense.

EXECUTIVE SUMMARY

Gun violence is a significant problem in California that results in harm to and death of thousands of people every year. As California has attempted to hold firearm manufacturers responsible when they do not take reasonable precautions to prevent such violence, the specter of “ghost guns” and the machines that can be used to manufacture them have proliferated. The Attorney General, Rob Bonta, the sponsor of the bill argues it builds on California’s existing ghost gun reforms to strengthen California’s progress in preventing the proliferation of ghost guns being used to commit crime and strengthens the ability of victims of gun violence to hold ghost gun companies and ghost gun traffickers accountable for their harmful conduct. This bill makes several changes to existing civil and criminal laws relating to ghost guns. Its provisions expanding criminal laws were analyzed by the Senate Committee on Public Safety. This analysis will focus on its provisions that affect this Committee’s

jurisdiction. The bill is supported by the Giffords Law Center to Prevent Gun Violence, Moms Demand Action for Gun Sense in America, the City of Alameda, and the County of San Diego. The bill is opposed by the California Rifle and Pistol Association and Gun Owners of California. The bill passed the Senate Public Safety Committee on a vote of 5 to 1.

PROPOSED CHANGES TO THE LAW

Existing law:

- 1) Establishes the Firearm Industry Responsibility Act (FIRA) which allows for civil actions to be brought against firearm industry members who deal in abnormally dangerous firearm-related products. (Civ. Code, § 3273.50 et seq.)
- 2) Defines the following terms for the purposes of FIRA:
 - a) "Firearm accessory" means an attachment or device designed or adapted to be inserted into, affixed onto, or used in conjunction with a firearm that is designed, intended, or functions to alter or enhance the firing capabilities of a firearm, the lethality of the firearm, or a shooter's ability to hold and use a firearm.
 - b) "Firearm industry member" shall mean a person, firm, corporation, company, partnership, society, joint stock company, or any other entity or association engaged in the manufacture, distribution, importation, marketing, wholesale sale, or retail sale of firearm-related products.
 - c) "Firearm manufacturing machine" means a three-dimensional printer, as defined, or computer numerical control (CNC) milling machine that is marketed or sold as, or reasonably designed or intended to be used to manufacture or produce a firearm.
 - d) "Reasonable controls" means reasonable procedures, acts, or practices that are designed, implemented, and enforced to do the following:
 - i. Prevent the sale or distribution of a firearm-related product to a straw purchaser, a firearm trafficker, a person prohibited from possessing a firearm under state or federal law, or a person who the firearm industry member has reasonable cause to believe is at substantial risk of using a firearm-related product to harm themselves or another or of possessing or using a firearm-related product unlawfully.
 - ii. Prevent the loss or theft of a firearm-related product from the firearm industry member.
 - iii. Ensure that the firearm industry member complies with all provisions of California and federal law and does not otherwise promote the unlawful manufacture, sale, possession, marketing, or use of a firearm-related product. (Civ. Code, § 3273.50.)
- 3) Requires a firearm industry member to comply with the firearm industry standard of conduct. Makes it a violation of the firearm industry standard of conduct for a

firearm industry member to fail to comply with specified provisions, including establishing, implementing, and enforcing reasonable controls. (Civ. Code §3273.51(a) & (b)(1).)

- a) Reasonable controls means reasonable procedures, acts, or practices that are designed, implemented, and enforced to do the following:
 - i. prevent the sale or distribution of a firearm-related product to a straw purchaser, a firearm trafficker, a person prohibited from possessing a firearm under state or federal law, or a person who the firearm industry member has reasonable cause to believe is at substantial risk of using a firearm-related product to harm themselves or another or of possessing or using a firearm-related product unlawfully;
 - ii. prevent the loss or theft of a firearm-related product from the firearm industry member; and
 - iii. ensure that the firearm industry member complies with all provisions of California and federal law and does not otherwise promote the unlawful manufacture, sale, possession, marketing, or use of a firearm-related product.
- 4) Authorizes the following to bring an action in a court of competent jurisdiction under FIRA:
 - b) A person who has suffered harm because of a firearm industry member's conduct. (Civ. Code § 3273.52(b).)
 - c) The Attorney General, in the name of the people of the State of California, to enforce the Act's requirements and remedy harm caused by a violation.
 - d) A city attorney, in the name of the people of that city, to enforce the Act's requirements and remedy harm caused by a violation.
 - e) A county counsel, in the name of the people of that county, to enforce the Act's requirements and remedy harm caused by a violation. (*Id.*, at (c).)
- 5) Authorizes a court, if it determines that a firearm industry member engaged in conduct in violation of the firearm industry standard of conduct to award any or all of the following:
 - f) Injunctive relief sufficient to prevent the firearm industry member and any other defendant from further violating the law.
 - g) Damages.
 - h) Attorney's fees and costs.
 - i) Any other appropriate relief necessary to enforce this title and remedy the harm caused by the conduct. (Civ. Code § 3273.52(d).)
- 6) Prohibits, generally, the sale, lease, or transfer of firearms by any person unless they have been issued a license by the Department of Justice (DOJ), and establishes various exceptions to this prohibition. (Pen. Code §§ 26500 – 26625.)

- j) Provides that a license to sell firearms is subject to forfeiture for any violation of a number of specified prohibitions and requirements, with limited exceptions. (Pen. Code, § 26800(a).)
 - k) Defines “firearm” for most provisions of the Penal Code related to firearms 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(a).)
- 7) Authorizes any resident of, or visitor to, California, other than an officer or employee of a state or local governmental entity in this state, to bring a civil action against any person who knowingly traffics in illegal firearms and in firearm parts in the state. Also requires persons who bring lawsuits against enforcement of firearms laws to pay for the attorney’s fees of the state if the state prevails. (Bus. & Prof. Code, § 22949.60 et seq.; Civ. Code, § 1021.11)
- 8) Provides that any person, firm, or corporation, who within this state possesses or knowingly transports a machinegun, except as authorized, is guilty of a felony, as specified. (Pen. Code § 32625(a).)
- a) “Machinegun” is defined as any weapon that shoots, is designed to shoot, or can readily be restored to shoot, automatically more than one shot, without manual reloading, by a single function of the trigger, and specifies that the term also includes the following:
 - i. The frame or receiver of any weapon described immediately above, any part designed and intended solely and exclusively, or combination of parts designed and intended, for use in converting a weapon into a machinegun, and any combination of parts from which a machinegun can be assembled if those parts are in the possession or under the control of a person.
 - ii. Any weapon deemed by the federal Bureau of Alcohol, Tobacco, Firearms and Explosives (ATF) as readily convertible to a machinegun under specified provisions of federal law. (Pen. Code, § 16880.)
- 9) Defines a “firearm,” in certain provisions of the Penal Code, such as those relating to firearm enhancements and requirements related to lost and stolen firearms, 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(a).)
- 10) Defines a “firearm,” for other specified provisions of the Penal Code, such as those relating to prohibitions on possession and transfer, among others, as the frame or receiver of the weapon, including both a completed frame or receiver or a firearm precursor part. (Pen. Code, §16520(b).)

- 11) Defines a “firearm 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(a).)
- 12) Prohibits any person or corporation from manufacturing more than three firearms in this state over the course of a year unless they are licensees. (Pen. Code, § 29010(a).)
- 13) Prohibits a person, firm or corporation from using a 3-D printer to manufacture any firearm, including a frame or receiver, or any firearm precursor part, unless that person, firm, or corporation has a manufacturer’s license. (Pen. Code, § 29010(b).)
- 14) Defines “three-dimensional printer,” for the purposes of the prohibition above, as a computer-aided manufacturing device capable of producing a three-dimensional object from a three-dimensional digital model through an additive manufacturing process that involves the layering of two-dimensional cross sections formed of a resin or similar material that are fused together to form a three-dimensional object. (Pen. Code, § 29010(b).)
- 15) Provides that violations of the prohibitions above are misdemeanors. (Pen. Code, § 29010(d).)
- 16) Requires the Department of Justice (DOJ) to accept applications for, and grant licenses permitting to, the manufacture of firearms within this state. (Pen. Code § 29050(a).)
- 17) Prohibits the DOJ from granting a license unless and until the applicant presents proof of all of the following:
 - a) a valid license to manufacture firearms issued by the Federal Government;
 - b) any regulatory or business license required by local government;
 - c) a valid seller’s permit or resale certificate issued by the State Board of Equalization, if applicable; and,
 - d) a certificate of eligibility issued by the DOJ. (Pen. Code, § 29050(b).)
- 18) Makes it a misdemeanor for a person to knowingly possess a firearm without a valid state or federal serial number. (Pen. Code, § 23920.)
- 19) Requires that within 10 days of manufacturing or assembling a firearm (not including precursor parts), they must engrave or permanently affix the serial number previously provided to them by the DOJ and notify the DOJ of such. (Pen. Code, §§ 29180(b)(2)-(3).)

- 20) Prohibits persons or corporations from using a CNC milling machine to manufacture a firearm or firearm precursor part unless they are a federally licensed firearms manufacturer or importer. (Pen. Code, § 29185(a).)
- 21) States that it is unlawful to sell, offer to sell, or transfer a CNC milling machine that has the sole or primary function of manufacturing firearms to any person aside from a federally licensed firearms manufacturer or importer. (Pen. Code, § 29185(b).)
- 22) Provides that it is unlawful to possess, purchase, or receive a CNC milling machine that has the sole or primary function of manufacturing firearms unless a person is a federally licensed firearms manufacturer or importer. (Pen. Code, § 29185(c).)
- 23) Exempts air carriers, certain business persons, and other specified persons from the prohibition on possessing, purchasing, transferring or selling specified CNC milling machines. (Pen. Code, § 29185(d).)
- 24) Provides that violation of the above prohibitions regarding CNC milling machines is punishable as a misdemeanor. (Pen. Code, § 29185(f).)

This bill:

- 1) States that, prior to completing the sale or delivery in California or to a California resident of a firearm accessory or a firearm manufacturing machine, as defined, or of a firearm barrel unattached to a firearm, a firearm industry member must do all of the following:
 - a) provide a prospective purchaser with a clear and conspicuous notice of the information specified in 2);
 - b) receive an acknowledgment from the prospective purchaser attesting that the prospective purchaser received and understands the notice; and
 - c) require the prospective purchaser to provide proof of age and identity verifying that the prospective purchaser is at least 18 years of age.
- 2) Requires the notice described in 1), above, to clearly notify the prospective purchaser that it is generally a crime in California to engage in any of the following conduct without a valid license to manufacture firearms:
 - a) manufacturing more than three firearms per calendar year in California;
 - b) manufacturing a firearm using a three-dimensional printer or CNC milling machine;
 - c) manufacturing a firearm for the purpose of selling or transferring ownership of that firearm to another individual who is not licensed to manufacture firearms;
 - d) manufacturing a firearm for the purpose of selling, loaning, or transferring that firearm, with the intent to complete the sale, loan, or transfer without a required background check initiated by a licensed firearms dealer;

- e) allowing, facilitating, aiding, or abetting the manufacture of a firearm by a person who is legally prohibited from possessing firearms; or
 - f) manufacturing or causing the manufacture of, assault weapons, machineguns, undetectable firearms, unserialized firearms, unsafe handguns that are not on the DOJ roster of handguns certified for sale in California, or other generally prohibited weapons.
- 3) Requires the firearm industry member to do all of the following for shipment and delivery of a firearm barrel, firearm accessory, or firearm manufacturing machine:
 - a) Ensure all packages are conspicuously labeled with the words: "Signature and proof of identification of person aged 18 years or older required for delivery."
 - b) Ensure the shipping instructions list an address that matches the purchaser's identification.
 - c) Require the purchaser, upon delivery, to present a courier with proof of identification and the purchaser's signature in order to receive the item.
- 4) Provides that 3), above, does not apply to the sale or delivery of a firearm barrel, firearm accessory, or firearm manufacturing machine to any of the following:
 - a) a federally licensed firearms dealer, manufacturer, or importer;
 - b) a licensed ammunition vendor;
 - c) a member of the Armed Forces of the United States or the National Guard, while on duty and acting within the scope and course of employment, or any law enforcement agency or law enforcement officer while on duty and acting within the scope and course of employment;
 - d) a forensic laboratory; and
 - e) a wholesaler.
- 5) Provides that the notice requirement in 2), above, does not apply to the delivery of a firearm barrel, firearm accessory, or firearm manufacturing machine to a licensed common carrier or an authorized agent or employee of a licensed common carrier, when acting in the course and scope of duties incidental to the delivery of or receipt of these items.
- 6) Expands the strict liability provisions related to harms caused by ghost guns in Section 3273.61 of the Civil Code in several ways:
 - a) Extends the firearm-related products that are manufactured or produced in whole or in part using the digital firearm manufacturing code for which a person can be held strictly liable for any personal injury or property damage inflicted by the use of the product to include a firearm device that is manufactured or produced in whole or in part using the digital firearm manufacturing code; and a firearm that is manufactured or produced in part using the digital firearm manufacturing code.

- b) Allows a person who has suffered harm in California as a result of a violation of this section to bring an action in a court of competent jurisdiction to establish that a person has violated this section, and may seek compensatory damages as well as injunctive relief sufficient to prevent the person and any other defendant from further violating the law.
 - c) Establishes a rebuttable presumption that a person has violated Section 3273.61 of the Civil Code if both of the following are true:
 - i. The person owns or participates in the management of an internet website or other electronic portal, database, or platform that makes digital firearm manufacturing code available for purchase, download, or other distribution to individuals in California who are not federally licensed firearms manufacturers and who are not exempt from the existing law.
 - ii. Under the totality of the circumstances, the internet website or other electronic portal, database, or platform encourages individuals who access or use the internet website or electronic portal, database, or platform to upload or disseminate digital firearm manufacturing code or to use digital firearm manufacturing code to manufacture firearms, firearm accessories, or other devices.
- 7) Creates a new civil cause of action against a person who knowingly, willfully, or recklessly causes another person to engage in the unlawful manufacture of firearms, or to knowingly, willfully, or recklessly aid, abet, promote, or facilitate the unlawful manufacture of firearms.
- a) Allows a person who has suffered harm in California as a result of violating the law to bring an action in a court of competent jurisdiction to establish that a person has violated this section, and may seek compensatory damages as well as injunctive relief sufficient to prevent the person and any other defendant from further violating the law.
 - b) Allows the Attorney General, county counsel, or city attorney to bring an action in a court of competent jurisdiction to establish that a person has violated this prohibition and seek a civil penalty not to exceed \$25,000 for each violation, as well as injunctive relief sufficient to prevent the person and any other defendant from further violating the law.
 - c) Provides that a prevailing plaintiff is entitled to recover reasonable attorney's fees and costs.
 - d) Clarifies that the remedies provided by this cause of action are cumulative and are not to be construed as restricting any other rights, causes of action, claims, or defenses available under any other law.
- 8) Expands the definition of "firearm manufacturing machine" to include a three-dimensional printer, a computer numerical control machine (CNC), or similar machine, that is marketed or sold as or is reasonably designed or intended to be

used to manufacture or produce firearms, firearm components, or firearm accessories.

- 9) Expands the definition of firearm accessory to mean an attachment or device designed or adapted to be inserted into, affixed onto, or used in conjunction with a firearm that is designed, intended, or functions to increase a firearm's rate of fire or to increase the speed at which a person may reload a firearm or replace the magazine, or any other attachment or device described in subdivision (a) of Section 30515 of the Penal Code that may render a firearm an assault weapon when inserted into, affixed onto, or used in conjunction with a firearm. The term firearm accessory also includes any other device, tool, kit, part, or parts set that is clearly designed and intended for use in manufacturing firearms.
- 10) Expands the definition of "digital firearm manufacturing code" to explicitly include any of the following:
 - a) a firearm, including a completed frame or receiver or a firearm precursor part;
 - b) a large-capacity magazine;
 - c) a large-capacity magazine conversion kit;
 - d) a machinegun including devices commonly known as switches or auto-sear devices;
 - e) a multiburst trigger activator;
 - f) a silencer;
 - g) a firearm accessory; and
 - h) a firearm barrel.
- 11) Makes it unlawful to knowingly or willfully cause another person to engage in the unlawful manufacture of firearms, or to knowingly or willfully aid, abet, promote, or facilitate the unlawful manufacture of firearms.
 - a) Provides that the "unlawful manufacture of firearms" includes any of the following:
 - i. The manufacture of a firearm by a minor, or by a person who is prohibited from owning or possessing firearms under California law.
 - ii. The manufacture of four or more firearms within the state in the same calendar year by an individual who is not licensed to manufacture firearms pursuant to California law, in violation of Section 29010.
 - iii. The manufacture of any firearm using a three-dimensional printer or CNC milling machine by an individual who is not licensed to manufacture firearms pursuant to California law.
 - iv. The manufacture of a firearm by a person who is not a federally licensed firearms manufacturer, for the purpose of selling or transferring ownership of that firearm to another person who is not a federally licensed firearms manufacturer.

- v. The manufacture of a firearm for the purpose of selling, loaning, or transferring the firearm to another person, with the intent to complete the sale, loan, or transfer without a required background check on the transferee initiated by a licensed firearms dealer.
 - vi. The manufacture of any of the following as prohibited under specified sections of existing law:
 - 1. Assault weapons or .50 BMG rifles.
 - 2. Firearms that are not immediately recognizable as firearms.
 - 3. Firearms that are not imprinted with a valid state or federal serial number or mark of identification.
 - 4. Large-capacity magazines or large-capacity magazine conversion kits.
 - 5. Machineguns.
 - 6. Multiburst trigger activators.
 - 7. Short-barreled rifles or short-barreled shotguns.
 - 8. Undetectable firearms.
 - 9. Unsafe handguns.
 - 10. Zip guns.
 - 11. Any other weapon defined as a “generally prohibited weapon.”
- 12) Provides that any person who is convicted on or after January 1, 2026, of a misdemeanor violation of specified section of the Penal Code related to firearms, and who, within 10 years of the conviction, owns, purchases, receives, or has in their possession or under their custody or control any firearm, is guilty of a public offense, punishable by imprisonment in a county jail not exceeding one year, by a fine not exceeding one thousand dollars (\$1,000), or by both that fine and imprisonment.
- 13) Provides that these provisions of this act are severable. If any provision of this act or its application is held invalid, that invalidity shall not affect other provisions or applications that can be given effect without the invalid provision or application.

COMMENTS

1. Stated need for the bill

The author writes:

In response to California’s effective efforts to regulate the sale of core ghost gun industry products – nearly completed, so-called ‘80%’ frames and receivers – some ghost gun industry entities have shifted to sell machines, parts, products, and services designed to facilitate unlicensed individuals’ illegal manufacture of ghost guns, machine gun conversion devices, and other unlawful weapons, using consumer-level 3D-printers and CNC milling machines. Recently enacted California

laws included some nation-leading provisions to address these threats, but additional legislation is needed to expand and build on these statutes' protections.

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

[...] California enacted the nation's strongest ghost gun reform bills in 2022 and 2023, in significant part through legislation you authored, including AB 1621 and AB 1089. Those laws have had a substantial positive impact by strengthening civil and criminal accountability tools to address a range of unfair and dangerous conduct by the ghost gun industry and those using ghost gun industry products to unlawfully manufacture and traffic ghost guns. Those laws provide a strong foundation for further reform.

But irresponsible actors continue to seek out new ways to profitably market skip-the background-check access to deadly weapons and we must ensure our laws proactively address these threats. Recent reports by DOJ's Office of Gun Violence Prevention and the Biden Administration's Office of Gun Violence Prevention warned that the ghost gun industry continues to shift its focus to selling products and services designed to facilitate unlicensed individuals' illegal manufacture of ghost guns, machine gun conversion devices, and other unlawful weapons, using consumer-level 3D-printers and CNC milling machines. Some ghost gun industry members have operated websites designed to sell or facilitate the distribution and use of the digital code used to program these machines to print or mill firearms, machine gun conversion devices, and other dangerous firearm accessories. Some sell largely unregulated parts and kits that may, in isolation, be legal for sale, but in practice are often used to unlawfully manufacture ghost guns, finish illegal 3-D printed weapons, or convert firearms into assault weapons or machine guns. Some have announced plans to develop AI models and chatbots to guide users through the process of completing a 3-D printed or CNC-milled ghost gun and generate digital firearm manufacturing code on demand. [...]

AB 1263 would build on California's recent highly effective ghost gun reforms and continue to bolster our progress in stopping the proliferation of ghost guns in crime, strengthen accountability tools against the skip-the-background-check ghost gun industry, and strengthen gun violence victims' ability to hold ghost gun companies and ghost gun traffickers accountable for their harmful unlawful conduct.[...]

2. The epidemic of gun violence and ghost guns

Gun violence in the United States has surged in recent years. Most shooting deaths involve handguns, however there has been a dramatic rise in the use of assault weapons in gun massacres with six or more deaths, owing to their ability to inflict greater

damage at a quicker rate.¹ Research shows that laws restricting assault weapons reduce deaths; estimates find mass-shooting fatalities were 70 percent less likely during the period when the federal ban was in effect.² Another rising scourge is the prevalence of “ghost guns.” In 2020, California accounted for 65 percent of all ghost guns seized by the Bureau of Alcohol, Tobacco, Firearms and Explosives.³ The weapons have been linked to 24 killings and dozens of other crimes in 2020 in Los Angeles alone. The problem of gun violence in our society is not going away. The United States saw a record number of mass shootings in 2023, with the Gun Violence Archive reporting 659 mass shootings, and 503 in 2024.⁴ As of July 3 of this year, the Gun Violence Archive reports 212 mass shootings in 2025.⁵

Historically, firearms have been produced by licensed manufacturers in factories and sold through licensed gun dealers. Federal law requires all guns manufactured in the United States and imported from abroad to have serial numbers, typically displayed on the back of the frame. Serial numbers and extensive regulations on manufacturers help ensure firearms can be traceable, and are only sold to those legally able to possess them. Thus, those intending to avoid the licensing of firearms or to evade firearms being traced back to the owner have historically attempted to file off the serial number from a firearm’s frame.

However, “ghost guns” have provided an incredibly easy avenue for such individuals to evade the firearm licensing and other regulations. Such “ghost guns” can be manufactured by an unlicensed buyer with parts that can be acquired without a background check or manufacturing license. Because of this, ghost guns are also unserialized and therefore untraceable by law enforcement. One way in which “ghost guns” are produced is through computer numerical control (CNC) milling machines. CNC milling machines are machines capable of automatically processing raw materials such as metal, plastic, wood or composite into digitally modeled shapes based solely on programed instructions, without the need for a human operator. CNC milling machines use subtractive manufacturing: essentially breaking down a raw material until the desired product is created. 3-D printers, by contrast, use an additive manufacturing process that lays down consecutive layers of material to generate various products. 3-D printers have grown significantly in popularity in recent years, with the designs for guns built through 3-D printers becoming widely available online. One company known as “Ghost Gunner” is currently marketing its latest CNC milling machine, the

¹ Emily Shapiro, *The type of gun used in most US homicides is not an AR-15* (October 26, 2021) ABC News, <https://abcnews.go.com/US/type-gun-us-homicides-ar-15/story?id=78689504>.

² Charles DiMaggio, et al., *Changes in US mass shooting deaths associated with the 1994-2004 federal assault weapons ban: Analysis of open-source data* (January 2019) The Journal of Trauma and Acute Care Surgery, <https://doi.org/10.1097/TA.0000000000002060>.

³ Justin Ray, ‘An instrument of death’: The problem of ghost guns in California (November 15, 2021) Los Angeles Times, <https://www.latimes.com/california/newsletter/2021-11-15/ghost-guns-california-essential-california>.

⁴ Gun Violence Archive, available at <https://www.gunviolencearchive.org/>.

⁵ *Ibid.*

Ghost Gunner 3-S, which costs only \$3,157 and comes with programmed code to complete several fully functional assault-style weapons.⁶ Their website notes these key features of the latest model:

- High-Speed Firearms Machining: Achieve unparalleled efficiency with a machine that operates 5x faster than previous models, perfect for rapid production and prototyping.
- Unmatched Precision: The unibody construction ensures stability and accuracy, essential for the intricate demands of gunsmithing.
- Custom Spindle Control: Powered by a closed-loop digital VFD, the spindle delivers precise control for detailed firearm components.
- Versatile Firearm Fabrication: Comes pre-loaded with code for a range of firearms projects, including Zero Percent Receivers, Optic Cuts on pistol slides, and 80% lowers for AR-15, AR-308, M1911, Polymer 80, and AK-47.
- Engraving Capability: Add personalized touches with lower and frame engraving operations.
- Open Source Adaptability: Tailor the machine to your unique gunsmithing needs with the ability to program new tasks and use third-party cutcodes.⁷

There has been an explosion in the use and proliferation of ghost guns. In Los Angeles alone, the LAPD recovered 1,921 ghost guns in 2021, more than double the amount recovered in 2020.⁸ Since 2017, the department has seen a 400% increase in ghost gun seizures. In 2022, in Sacramento, a man used an unregistered homemade automatic rifle to kill his three daughters, a chaperone, and himself in a local church.⁹ At the time of the shooting, the killer was under a restraining order prohibiting him from possessing a firearm. The DOJ reported, through the Armed and Prohibited Persons System, that in 2024 the DOJ recovered 1,520 firearms from persons illegally possessing them, including 39 ghost guns. The LAPD reported in 2024 that they seized 7,634 illegal firearms, 790 of which have been identified as ghost guns.¹⁰

In 2022, the state passed AB 1621 (Gipson, Ch. 76, Stats. 2022) to take major steps to rein in ghost gun manufacturers and CNC milling machines and 3-D printers used to manufacture them by revising several definitions relating to firearm precursor parts and unserialized firearms and established various restrictions on the possession, sale, transfer, import, manufacture and assembly of serialized and unserialized firearms, and

⁶ <https://ghostgunner.net/product/ghost-gunner-3-deposit/>.

⁷ *Ibid.*

⁸ "Ghost Guns in California," Giffords Law Center (Jun. 30, 2023), available at <https://giffords.org/lawcenter/state-laws/ghost-guns-in-california/>.

⁹ Don Thompson, "Man Used 'ghost gun' to kill 3 daughters in church," NBC Bay Area (Mar. 6, 2022 at 6:11 pm), available at <https://www.nbcbayarea.com/news/california/man-used-ghost-gun-to-kill-3-daughters-in-church/2829422/>.

¹⁰ LAPD Releases 2024 End of Year Crime Statistics for the City of Los Angeles, (Mar. 17, 2025), available at <https://mayor.lacity.gov/news/lapd-releases-2024-end-year-crime-statistics-city-los-angeles#:~:text=The%20recent%20decline%20in%20shooting%20victims%20can,that%20have%20been%20identified%20as%20ghost%20guns.>

firearm precursor parts, subject to exceptions. A year later, AB 1089 (Gipson, Ch. 243, Stats. 2023) amended these laws to include 3-D printers and CNC milling machines, created two new causes of action against persons who knowingly distribute a digital firearm manufacturing code or commit an act that violates the Penal Code on unlawfully using or selling CNC milling machines and 3-D printers. Under AB 1089, a person is strictly liable for any personal injury or property damage, as specified, caused by any firearm manufactured using the distributed code or manufactured by a CNC milling machine, three-dimensional printer, or similar machine. AB 1089 authorized the Attorney General, a county counsel, or a city attorney to bring an action seeking a civil penalty not to exceed \$25,000 for each violation as well as injunctive relief. AB 1089 also prohibited a person from selling, offering to sell, transferring, advertising, or marketing a CNC milling machine or 3-D printing machine in a manner that knowingly or recklessly causes another person in California to engage in conduct prohibited by the Penal Code.

3. This bill seeks to make several changes to existing law to address the continuing threat of ghost guns

This bill makes several changes to existing civil and criminal laws relating to ghost guns. The bill expands FIRA to require a firearm industry member to provide a prospective purchaser, prior to completing the sale or delivery in California or to a California resident of a firearm accessory or a firearm manufacturing machine, or of a firearm barrel unattached to a firearm with a specified clear and conspicuous notice that provides it is generally a crime to engage in certain specified illegal acts related to firearms. The bill requires a firearm industry member to receive an acknowledgment from the prospective purchaser attesting that the prospective purchaser received and understands the notice and that the prospective purchaser provide proof of age and identity verifying that they are at least 18 years of age. The bill also expands the definition of “firearm accessory” and “firearm manufacturing machine.”

The bill expands the strict liability provisions of AB 1089 in several ways. First, it expands the firearm-related products for which a person can be held strictly liable for any personal injury or property damage inflicted by the use of that product to include a *firearm device* that is manufactured or produced in whole or in part using the digital firearm manufacturing code, and a firearm that is manufactured or produced *in part* using the digital firearm manufacturing code. Next it provides a private right of action to a person who has suffered harm in California as a result of a violation of these provisions. Under existing law, only the Attorney General or other public prosecutors are authorized to enforce these provisions. Lastly, it establishes a rebuttable presumption that a person has violated these provisions if both of the following are true:

- The person owns or participates in the management of an internet website or other electronic portal, database, or platform that makes digital firearm manufacturing code available for purchase, download, or other distribution to

individuals in California who are not federally licensed firearms manufacturers and who are not exempt from the existing law.

- Under the totality of the circumstances, the internet website or other electronic portal, database, or platform encourages individuals who access or use the internet website or electronic portal, database, or platform to upload or disseminate digital firearm manufacturing code or to use digital firearm manufacturing code to manufacture firearms, firearm accessories, or other devices.

4. FIRA and constitutional challenges

a. FIRA

FIRA was enacted by AB 1549 (Ting, Ch. 98, Stats. 2022) to require the firearms industry to establish reasonable controls, follow the law, and prevent abnormally dangerous weapons from being sold in this state. “Reasonable controls” are reasonable procedures, acts, or practices that are designed, implemented, and enforced to do several things. First, they must prevent the loss or theft of firearm-related products. They must also ensure the member complies with applicable state and federal law, including refraining from promotion of the unlawful manufacture, sale, possession, marketing, or use of a firearm-related product. Finally, these controls must prevent the sale or distribution of a firearm-related product to various persons, including a straw purchaser, a firearm trafficker, a person prohibited from possessing a firearm, or a person who the firearm industry member has reasonable cause to believe is at substantial risk of using a firearm-related product to harm themselves or another or of possessing or using a firearm-related product unlawfully. This latter requirement places an affirmative obligation on firearm industry members to act on circumstances that give them a strong basis to think the product will be used in these problematic ways.

FIRA creates a rebuttable presumption in a civil action alleging a violation of the act that the firearm industry member failed to implement reasonable controls if both of the following conditions are satisfied:

- the firearm industry member’s action or failure to act created a reasonably foreseeable risk that the harm alleged by the claimant would occur; and
- the firearm industry member could have established, implemented, and enforced reasonable controls to prevent or substantially mitigate the risk that the harm would occur.

Once the presumption is established, the burden shifts to the member to prove by a preponderance of the evidence that they established, implemented, and enforced reasonable controls. The standard also requires firearm industry members to take reasonable precautions to ensure that they do not sell, distribute, or provide a firearm-related product to a downstream distributor or retailer of such products who fails to establish, implement, and enforce the reasonable controls described above. This again

places obligations on members to take affirmative steps to prevent misconduct that could occur after the firearm products leave their hands. Violations of the firearm industry standard of conduct can be enforced by the Attorney General, any city attorney or county counsel, and by a person who has suffered harm as a result of the violation. A court is authorized to award injunctive relief, “damages,” attorney’s fees and costs, and any other appropriate relief necessary to enforce the law and remedy the harm caused by the conduct.

FIRA also provided that the firearm industry standard of conduct prohibits a firearm industry member from manufacturing, marketing, importing, offering for wholesale sale, or offering for retail sale a firearm-related product that is *abnormally dangerous* and likely to create an unreasonable risk of harm to public health and safety. AB 1594 provided that a firearm-related product is not to be considered abnormally dangerous and likely to create an unreasonable risk of harm to public health and safety based on a firearm’s inherent capacity to cause injury or lethal harm. However, it established a presumption that a firearm-related product meets this threshold if any of several conditions are met. The first is the product’s features “render the product most suitable for assaultive purposes instead of lawful self-defense, hunting, or other legitimate sport and recreational activities.” This essentially established a civil assault-weapons ban.

b. Pending challenge to FIRA

FIRA was quickly challenged in the courts and the case is still pending. (*National Shooting Sports Foundation v. Bonta* (2024) 718 F.Supp.3d 1244.) The plaintiff in the case challenged FIRA on the basis that it violates the First and Second Amendments, the dormant Commerce Clause, and other constitutional protections and sought a preliminary injunction. (*Id.* at 1249.) The district court issued a preliminary injunction to the provisions related to an abnormally dangerous product stating that the plaintiff seemed likely to win the case on a Dormant Commerce Clause claim, but allowed the provisions related to reasonable controls and unfair business practices to remain operative due to plaintiffs’ lack of standing to challenge those provisions. (*Id.* at 1257.) In regards to the Dormant Commerce Clause claim, the district court found that the abnormally dangerous provisions of FIRA banned or directly affected “commercial transactions that take place entirely outside the state’s borders,” which “plainly contravenes the [D]ormant Commerce Clause.” (*Id.* at 1256.) The issues regarding the plaintiff’s assertions of First and Second Amendment violations and other constitutional violations will be litigated in the pending case.

c. Constitutional considerations under the Second Amendment

In 2008, the Supreme Court ruled along ideological lines that a District of Columbia law banning handguns violated the Second Amendment.¹¹ The Court held for the first time

¹¹ *District of Columbia v. Heller*, 554 U.S. 570 (2008).

that the Second Amendment protected an individual right to possess a firearm unconnected with service in a militia and to use that firearm for traditionally lawful purposes, such as self-defense within the home. Two years later, the Supreme Court reaffirmed, again along ideological lines, that the Second Amendment protected the right to keep and bear arms for the purpose of self-defense and further held that the Second Amendment was fully applicable to the states.¹²

The Supreme Court revisited its Second Amendment jurisprudence in the case *New York State Rifle & Pistol Association v. Bruen*. In that case, the Court determined that the two-step analysis it had previously outlined in *Heller* was “one step too many.” (*N.Y. State Rifle & Pistol Ass’n v. Bruen*, 142 U.S. 2111 (2022).) Instead, the Court created a new standard: if the Second Amendment’s plain text covers the individual’s conduct, it is presumptively protected, and the government must demonstrate that the regulation is consistent with the nation’s historical tradition of firearm regulation. (*N.Y. State Rifle & Pistol Ass’n*, 142 U.S. at 2126.) The Court’s assertions in *Heller* that its decisions should not cast doubt on the legality of conditions and qualifications on the commercial sale of arms was not disturbed by the Court’s *New York State Rifle & Pistol Association* decision.

Just this year, the U.S. Supreme Court upheld the decision of the Biden Administration to regulate homemade ghost guns under the 1968 federal Gun Control Act on a vote of 7 to 2.¹³ Though this case did not allege issues of a Second Amendment violation, it does demonstrate that regulating “weapons part kits and unfinished frames or receivers” as a weapon is permissible. As noted by Justice Sotomayor’s concurring opinion in the case, firearms dealers, manufacturers, and importers have, for more than a century, complied with the Gun Control Act’s requirements.¹⁴ While it is clear that states have authority to regulate firearms, any robust regulation will be susceptible to and potentially challenged.

5. Provisions implicate federal preemption under Section 230 of the Federal Communications Decency Act

The concept of preemption derives from the “supremacy clause” of the federal Constitution, which provides that the laws of the United States “shall be the supreme Law of the Land.”¹⁵ Courts have typically identified three circumstances in which federal preemption of state law occurs:

- (1) express preemption, where Congress explicitly defines the extent to which its enactments preempt state law; (2) field preemption, where state law attempts to regulate conduct in a field that Congress intended the federal law exclusively to occupy; and (3) conflict preemption, where it is impossible to comply with both

¹² *McDonald v. City of Chi.*, 561 U.S. 742 (2010).

¹³ *Bondi v. Vanderstok* (2025) (604 U.S. ____).

¹⁴ *Id.* (Sotomayor, J., concurring).

¹⁵ U.S. Const., art. VI, cl. 2.

state and federal requirements, or where state law stands as an obstacle to the accomplishment and execution of the full purpose and objectives of Congress.¹⁶

The bill establishes a rebuttable presumption that a person has violated Section 3273.61 of the Civil Code if both of the following are true:

- The person owns or participates in the management of an internet website or other electronic portal, database, or platform that makes digital firearm manufacturing code available for purchase, download, or other distribution to individuals in California who are not federally licensed firearms manufacturers and who are not exempt from the existing law.
- Under the totality of the circumstances, the internet website or other electronic portal, database, or platform encourages individuals who access or use the internet website or electronic portal, database, or platform to upload or disseminate digital firearm manufacturing code or to use digital firearm manufacturing code to manufacture firearms, firearm accessories, or other devices.

These provisions implicate Section 230 of the Federal Communications Decency Act (CDA). The CDA provides that “[n]o provider or user of an interactive computer service shall be treated as the publisher or speaker of any information provided by another information content provider,” and affords broad protection from civil liability for the good faith content moderation decisions of interactive computer services. (47 U.S.C. Sec. 230(c)(1) and (2).) Section 203 has been interpreted by the courts to confer operators of social media platforms and other online services with broad immunity from liability for content posted on their platforms by others. Section 230 provides that “[n]othing in this section shall be construed to prevent any State from enforcing any State law that is consistent with this section,” but further provides that “[n]o cause of action may be brought and no liability may be imposed under any State or local law that is inconsistent with this section.” (47 U.S.C. Sec. 230(e)(3).) The latter provision is generally interpreted to expressly preempt any state law that has the effect of treating a social media or other online platform as the publisher of information posted by other users, including requirements related to content moderation.

The extent of Section 230’s immunity shield as it relates to social media has been heavily litigated. In the early 2000s, the Ninth Circuit Court of Appeals issued several decisions that seemed to provide room for internet websites to be held responsible for policies that promoted or facilitated illegal activity.¹⁷ However, more recent cases issued by the

¹⁶ *English v. Gen. Elec. Co.* (1990) 496 U.S. 72, 78-80.

¹⁷ See *Fair Housing Council of San Fernando Valley v. Roommates.com, LLC.* (2007) 521 F.3d 1157 [the website’s use of the information they required users to submit in order to utilize the website rendered Roommate.com outside the protection of Section 230]; and *(Barnes v. Yahoo! Inc.* (2009) 570 F.3d 1096, 1100 - 1101) [Section 230 “only protects from liability (1) a provider or user of an interactive computer service (2) whom a plaintiff seeks to treat, under a state law cause of action, as a publisher or speaker (3) of information provided by another information content provider.”].)

U. S. Supreme Court have barred most efforts to hold internet websites liable in a civil action for the results of their policies and practices, at least in relation to third party content.

In *Does v. Reddit* (2022) 51 F.4th 1137, a group of parents brought a claim against Reddit after discovering explicit images or videos of their children posted to various subreddit groups. The parents claimed that, despite contacting the platform with the information countless times, Reddit did little, if anything to remove the content or prevent it from being shared due to the profit it provides the platform. (*Id.*, at p. 1139.) Based on this allegation, the parents argued that Reddit reaped financial benefit from openly hosting child pornography and sought recovery under federal law 18 U.S.C. Section 1595, claiming that Reddit is liable as a beneficiary of child sex trafficking, among other causes of action. (*Id.* at p. 1140.) The district court held that in order to trigger the exemption under Section 230 to immunity for enforcement of sex trafficking laws plaintiffs seeking to hold a platform liable must plead that Reddit's own conduct violated the criminal sex trafficking statute, a requirement that the plaintiffs failed to meet. (*Ibid.*)

The plaintiffs appealed to the Ninth Circuit, which held that "the plain text of FOSTA [Allow States and Victims to Fight Online Sex Trafficking Act] and precedent interpreting a similar immunity exception establishes that a website can only be held liable if its own conduct – not a third party's – violates 18 U.S.C. §1591." (*Id.* at 1141.) The court further reasoned: "In a sex trafficking beneficiary suit against a defendant-website, the most important component is the defendant-website's own conduct – its 'participation in the venture.' [...] A complaint against a website that merely alleges trafficking by the website's users – without the participation of the website – would not survive. Proof that a user committed criminal trafficking may 'entitle a plaintiff to relief' in a case against the user, but not against the website." (*Id.* at 1142.) The Supreme Court declined to grant the plaintiff's petition for writ of certiorari, leaving the Ninth Circuit decision intact. (*Does v. Reddit, Inc.* (2022) 51 F.4th 1137.)

Two recent cases were issued in 2023 – *Twitter v. Taamneh* and *Google v. Gonzalez* – that dealt with similar business practices, but in relation to terrorism, rather than sexual exploitation of children. In November 2015, the Islamic State (ISIS) took responsibility for a series of coordinated terrorist attacks in Paris where least 130 people killed, one who was 23-year-old American Nohemi Gonzalez. Shortly after Nohemi's death, her father filed suit against Google, Twitter, and Facebook, arguing that the platforms were liable for aiding and abetting international terrorism by failing to appropriately respond to, or address, terrorist organizations' use of their services. The suit argued that Google was not immune under Section 230 because their algorithm recommended ISIS videos to their users who ultimately conducted the acts of terrorism. The plaintiffs lost in the

district court and on appeal to the Ninth Circuit, eventually appealing to the U.S. Supreme Court, which agreed to hear the case.

In June 2023, the U.S. Supreme Court issued its decision in both matters, holding that “the failure to allege that the platforms here do more than transmit information by billions of people – most of whom use the platforms for interactions that once took place via mail, on the phone, or in public areas – is insufficient to state a claim that defendants knowingly gave substantial assistance and thereby aided and abetted ISIS’ acts. A contrary conclusion would effectively hold any sort of communications provider liable for any sort of wrongdoing merely for knowing that the wrongdoers were using its services and failing to stop them.” (*Twitter, Inc. v. Taamneh*, (2023) 143 S. Ct. 1206, 1213.) The Court did not address the question of whether Section 230 shielded platforms from liability, and only adjudicated the question of whether either platform was liable under the Antiterrorism Act as aiders and abettors. However, the logic under these cases would very much apply to the issue of immunity under Section 230.

As illustrated by the above cases, the bill’s provisions would withstand a better chance of surviving a Section 230 challenge if the civil action were based upon conduct or actions of the internet website, and its owners or operators, instead of the actions of third party users.

6. Notice requirement in the bill implicates the First Amendment

This bill requires a specified disclosure to be provided to consumers. The First Amendment of the United States Constitution protects an individual’s freedom of speech, as well as freedom of compelled speech. Under the First Amendment, any restriction on speech that is based on the content of the speech is presumptively unconstitutional and subject to strict scrutiny. (*Reed v. Town of Gilbert* (2015), 576 U.S. 155, 163.) However, when the speech involved is commercial speech, in that it solely relates to the economic interests of the speaker and its audience, it is less protected than other forms of speech. (*Central Hudson v. Public Svn. Comm’n* (1980) 447 U.S. 557, 562.) The U.S. Supreme Court has stated that laws requiring the disclosure of “factual, noncontroversial information” receive a more deferential review under the First Amendment and that these types of laws should be upheld unless they are unjustified or unduly burdensome.¹⁸ The information that is required to be included in the notice under this bill is all factual information about the existing laws in the state and is connected to a regulatory scheme for firearms manufacturers, so there is nothing controversial about the information in the notice. As such, this provision should survive a challenge under the First Amendment.

¹⁸ *National Institute of Family and Life Advocates v. Becerra* (2018) 585 U.S. 755, 768.

7. Dormant Commerce Clause implications

Section 8 of Article I of the United States Constitution grants the United States Congress the power to regulate interstate commerce.¹⁹ The converse proposition – that states may not usurp Congress’s express power to regulate interstate commerce – is known as the Dormant Commerce Clause – “the [Commerce] Clause also contains a further, negative command, one effectively forbidding the enforcement of certain state economic regulations even when Congress has failed to legislate on the subject.”²⁰

As noted above under Comment 3)b), certain provisions of FIRA were challenged as violative of the Dormant Commerce Clause’s prohibition under the extraterritoriality conduct, which provides that states are prohibited from regulating conduct that occurs completely outside the state’s borders even if the conduct affects commerce in the state. This bill’s provisions may implicate the extraterritoriality doctrine, as they provide it is unlawful to knowingly or willfully cause another person to engage in the unlawful manufacture of firearms, or to knowingly or willfully aid, abet, promote, or facilitate the unlawful manufacture of firearms. However, the bill defines “unlawful manufacture of firearms” as several acts related to the manufacturing of firearms that are in violation of California law or are prohibited under Californian law. It is unclear if the definition of “unlawful manufacture of firearms” under this statute would save it from a challenge under the Dormant Commerce Clause.

In regards to the notice provision, it applies to a sale or delivery in California or to a California resident of a firearm accessory or a firearm manufacturing machine. The United States Supreme Court has affirmed that the dormant Commerce Clause generally does not prohibit a state from regulating commerce within its borders, even if the prohibition affects out-of-state sellers, unless the prohibition acts to discriminate against out-of-state interests for the benefit of in-state commerce.²¹ The Court has held that “[s]tate laws that ‘regulat[e] even-handedly [across all in-state and out-of-state businesses] to effectuate a legitimate local public interest...will be upheld unless the burden imposed upon such commerce is clearly excessive in relation to the putative local benefits.’”²² The bill applies its provisions equally to in-state and out-of-state sellers of a firearm accessory or firearm manufacturing machine, and as such should be permissible under the Dormant Commerce Clause.

8. Statements in support

Everytown for Gun Safety, Moms Demand Action for Gun Sense in America, and Students Demand Action for Gun Sense in America write in support, stating:

¹⁹ U.S. Const., art. I, § 8, cl. 3.

²⁰ *National Pork Producers Council v. Ross* (2023) 143 S.Ct. 1142, 1152 (internal quotation marks and alterations omitted).

²¹ *Id.* at pp. 1152-1153.

²² *South Dakota v. Wayfair, Inc.* (2018) 138 S.Ct. 2080, 2091.

[...] California has made ground-breaking progress in addressing the threat of ghost guns and unlicensed manufacturing of guns with 3-D printers. The laws passed by the legislature in the last several years have had a substantial positive impact by strengthening civil and criminal accountability tools to address a range of unfair and dangerous conduct by the ghost gun industry and those using ghost gun industry products to unlawfully manufacture and traffic ghost guns. As these threats continue to evolve, our gun laws need to evolve as well.

AB 1263 would build on California's highly effective ghost gun reforms and continue to bolster our progress in stopping the proliferation of ghost guns in crime, strengthen accountability tools against the skip-the-background-check ghost gun industry, and strengthen gun violence victims' ability to hold ghost gun companies and ghost gun traffickers accountable for their harmful unlawful conduct.

DIY workarounds for obtaining skip-the-background-check firearms continue to be appealing to individuals intent on causing harm in California, likely because the state has such robust background check laws. This bill is needed to address technological shifts in methods for circumventing California gun laws and, specifically, the growing use of 3-D printers and digital firearm manufacturing code to create homemade firearms and firearm accessories.

AB 1263 creates new avenues for civil and criminal accountability for aiding and abetting unlicensed manufacturing of firearms or illegal firearm accessories. It incorporates rebuttable presumptions and other procedural clarifications to expand gun violence survivors' access to justice and accountability. The bill also provides important updates and clarifications to definitions of key terms in the laws surrounding Firearm Industry Responsibility Act and laws governing civil legal accountability for unlicensed firearm manufacturing.

AB 1263 is an important step forward in ensuring that companies are not facilitating illegal firearm manufacturing and that they're informing consumers purchasing 3-D printers and CNC milling machines about relevant California laws governing firearms manufacturing and sale, license requirements, and other information they might need to avoid engaging in unlawful conduct. These businesses would also be required to verify the buyer's age and identity before delivering certain types of firearm manufacturing devices, components, and accessories. These types of front-end preventative efforts can be the difference between whether a teenager can build a gun at home despite being unable to purchase one in a store. [...]

9. Statements in opposition

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

[...] This bill seeks in the name of public safety to decrease firearms safety by removing a critical technological way for manufacturers, engineers, and competitors to use common use tools such as CNC and 3d printers to make replacement parts that are generally unavailable and to improve parts to increase safety.

The lack of understanding of personal protection in the home or workplace is evident in this bill. Law abiding citizens seek technology that allows them to safely respond to an active threat understanding that a law enforcement response can be minutes to an hour in this state. Law Abiding citizens are already held to the highest standards in the nation while their nefarious attacker(s) ignore every law in that situation. To remove technology from an already grossly imbalanced situation puts law abiding citizens in harm's way.

The historical analogue to this bill is that President George Washington signed into law under the Patent Act of 1790 that created a process for granting patent for among other things.... firearms by the citizenry. This among other items put into place by Washington and those that followed will be used to find this bill unconstitutional per the Bruen Decision. The California taxpayer has already been burdened numerous times by the legislature by paying in taxes for unconstitutional lawsuits. [...]

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 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 CRPA is in support of getting firearms out of the hands of criminals but does not support criminalizing the law-abiding. Previous reports highlight that the Department of Justice (CADOJ) has limited financial resources to handle additional responsibilities. CADOJ has repeatedly fallen short of legislative expectations in implementing laws passed by the legislature over several years. CADOJ has numerous current projects that seem to be unable to meet general performance standards to keep Californians safe. [...]

SUPPORT

Rob Bonta, Attorney General (sponsor)
City of Alameda
County of San Diego
Giffords Law Center to Prevent Gun Violence
Moms Demand Action for Gun Sense in America
Students Demand Action for Gun Sense in America

OPPOSITION

California Rifle and Pistol Association
Gun Owners of California

RELATED LEGISLATION

Pending Legislation: AB 1127 (Gabriel, 2025), among other things, expands the definition of “reasonable controls” under FIRA to also include preventing the installation and use of a pistol converter, as defined. AB 1127 is set to be heard in this Committee on the same day as this bill.

Prior Legislation:

AB 1089 (Gipson, Ch. 243, Stats. 2023) regulated three-dimensional printers and CNC milling machines as firearms related products, and required anybody who uses a three-dimensional printer or CNC milling machine to manufacture a firearm to be a state-licensed manufacturer.

AB 1594 (Ting, Ch. 98, Stats. 2022) established FIRA.

PRIOR VOTES

Senate Public Safety Committee (Ayes 5, Noes 1)
Assembly Floor (Ayes 63, Noes 10)
Assembly Appropriations Committee (Ayes 11, Noes 2)
Assembly Judiciary Committee (Ayes 10, Noes 1)
Assembly Public Safety Committee (Ayes 7, Noes 0)
