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## AB-458 Public contracts: firearms, ammunition, and firearm accessories. (2025-2026)

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CALIFORNIA LEGISLATURE— 2025–2026 REGULAR SESSION

### ASSEMBLY BILL

### NO. 458

Introduced by Assembly Member Stefani

February 06, 2025

An act to add Section 10334.1 to the Public Contract Code, relating to public contracts.

#### LEGISLATIVE COUNSEL'S DIGEST

AB 458, as introduced, Stefani. Public contracts: firearms, ammunition, and firearm accessories.

Existing law generally regulates contracts entered into by any state agency for the acquisition of goods and requires public contracts to be awarded by competitive bidding pursuant to specified procedures. Existing law makes specified violations of these provisions a crime.

This bill would, during the bidding process, on an annual basis, and upon request of the Department of General Services or a state agency, as applicable, require a bidder for, or a party to, a contract with a state agency for the procurement of firearms, ammunition, or firearm accessories to take specified acts. The bill would require a state agency to reject a bid or cancel a contract under specified circumstances. The bill would define various terms for these purposes. By expanding the scope of a crime, this bill would impose a state-mandated local program.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

Vote: majority Appropriation: no Fiscal Committee: yes Local Program: yes

THE PEOPLE OF THE STATE OF CALIFORNIA DO ENACT AS FOLLOWS:

**SECTION 1.** Section 10334.1 is added to the Public Contract Code, immediately following Section 10334, to read:

**10334.1.** (a) (1) This section shall be known, and may be cited, as the Ira Sharp Firearm and Ammunition Procurement Act.

(2) The purpose and intent of this section is for the state to develop procurement practices for firearms, ammunition, and firearm accessories.

(3) This section applies to any contract for procuring firearms, ammunition, or firearm accessories a state agency solicits, enters into, awards, amends, renews, or extends on or after January 1, 2026.

(b) For purposes of this section:

(1) "Ammunition" has the same meaning as defined in Section 16150 of the Penal Code.

(2) "Contractor" means any person, firm, corporation, or partnership, or any combination thereof, who enters into a contract or agreement with a state agency.

(3) "Firearm" has the same meaning as defined in Section 16520 of the Penal Code.

(4) "Firearm accessory" means a supplementary item or component designed to do either of the following:

(A) Enhance a firearm's functionality, performance, or user experience.

(B) Modify a firearm or external gear used in conjunction with a firearm, including, but not limited to, any of the following:

(i) Sights and optics.

(ii) Holsters.

(iii) Magazines.

(iv) Grips.

(v) Slings.

(vi) Muzzle devices, suppressors, compensators, and flash hiders.

(vii) Bipods.

(viii) Trigger upgrades and conversion devices.

(ix) Cleaning kits.

(x) Ammunition carriers.

(5) "Firearm precursor part" has the same meaning as defined in Section 16531 of the Penal Code.

(6) "State agency" means any office, officer, department, division, board, bureau, or commission of the state.

(c) During the bidding process, on an annual basis, and upon request of the department or a state agency, as applicable, a bidder for, or party to, a contract with a state agency for the procurement of firearms, ammunition, or firearm accessories shall do all of the following:

(1) Comply with all applicable local, state, and federal laws, including any licensing, certification, or permitting laws.

(2) Provide proof and a copy of any required valid license, permit, or certificate to the appropriate state agency.

(3) Provide materials documenting both of the following:

(A) The number of trace requests the bidder or contractor received from the federal Bureau of Alcohol, Tobacco, Firearms, and Explosives for each year within the past five calendar years.

(B) The time between the sale of a firearm subject to a trace request described in subparagraph (A) and the crime that generated the trace request, if known.

(4) Provide materials documenting any thefts or losses from the bidder's or contractor's premises for the past five calendar years.

(5) Provide a copy of the two most recent inspection reports of any firearm, ammunition, or firearm accessory inspection conducted by a federal, state, or local agency, including, but not limited to, any followup materials documenting administrative actions taken by the agency.

(6) Disclose any violation found from any type of inspection conducted by a federal, state, or local agency during the two most recent firearm, ammunition, or firearm accessory inspections.

(7) Provide any materials documenting the bidder's or contractor's corrective actions taken in response to a finding of noncompliance or violation of any federal, state, or local firearm, ammunition, or firearm accessory law, regulation, or other requirement.

(8) Provide, in writing, any practices or policies, including, but not limited to, any amendments to those practices or policies made during the solicitation process, in effect or adopted by the bidder or contractor or required by any contract term that do any of the following:

(A) Prevent, detect, or screen for the transfer of firearms, ammunition, or firearm accessories to straw purchasers or firearm traffickers.

(B) Prevent, detect, or screen against the sale of firearms, ammunition, or firearm accessories to an individual prohibited from possessing a firearm by federal law, state law, local law, or court order.

(C) Prevent, detect, or document the theft or loss of firearms, ammunition, or firearm accessories.

(D) Train employees or subcontractors to ensure compliance with all applicable federal, state, or local firearms, ammunition, or firearm accessories laws and regulations.

(E) Assist law enforcement agencies in the investigation or prevention of criminal access to firearms, ammunition, or firearm accessories.

(F) Operate a digital video surveillance system.

(9) Agree not to sell unserialized gun build kits or firearm precursor parts, including, but not limited to, unserialized firearms, unserialized unfinished frames, and unserialized unfinished receivers.

(10) Provide proof of compliance with any applicable federal, state, or local law related to firearm precursor parts.

(d) A state agency shall reject a bid from a bidder or cancel a contract with a contractor if either of the following conditions is met:

(1) The bidder or contractor has not complied with this section.

(2) The state agency or the department determines that the bidder or contractor is not aligned with the state's public safety values relating to firearms, ammunition, and firearm accessories.

(e) A state agency shall not do either of the following:

(1) Waive the requirements of this section.

(2) Make exigent or emergency purchases of firearms, ammunition, or firearm accessories.

(f) (1) The department, in coordination with the Department of Justice, shall develop processes and procedures to implement this section that include, but are not limited to, a process to administer and assess a bidder's or contractor's compliance with the requirements of this section.

(2) The processes and procedures required by paragraph (1) may include any of the following:

(A) A prequalification process to prequalify potential bidders.

(B) A scoring system to be used in contracting or purchasing that evaluates a bidder's or contractor's public safety values relating to firearms, ammunition, and firearm accessories.

(C) Terminating contracts for contractors found to not be in compliance with the terms of this section.

**SEC. 2.** No reimbursement is required by this act pursuant to Section 6 of Article XIII B of the California Constitution because the only costs that may be incurred by a local agency or school district will be incurred because this act creates a new crime or infraction, eliminates a crime or infraction, or changes the penalty for a

crime or infraction, within the meaning of Section 17556 of the Government Code, or changes the definition of a crime within the meaning of Section 6 of Article XIII B of the California Constitution.