

**SUBJECT: Ammunition Purchase Laws Are Immediately Back in Effect – Stay of Injunction in *Rhode, et al. v. Bonta*, Case No. 3:18-cv-00802-BEN-JLB**

This bulletin is a retraction of the guidance provided in the bulletin distributed on January 31, 2024, entitled “Injunction in *Rhode, et al. v. Bonta*, Case No. 3:18-cv-00802-BEN-JLB, Relating to Ammunition Purchases.”

On February 5, 2024, at about 5:21 p.m., the Ninth Circuit Court of Appeals—in Case No. 24-542—stayed the injunction described in the January 31, 2024 bulletin. In other words, the injunction granted by the federal district court in *Rhode, et al. v. Bonta* (Case No. 3:18-cv-00802-BEN-JLB) currently has no further effect, while the appeal of the injunction is proceeding.

As a result, the following Penal Code sections relating to the purchase of ammunition are again in effect:

- section 30312, subdivisions (a), (b), and (d);
- section 30314, subdivisions (a) and (c);
- section 30352;
- section 30365, subdivision (a); and
- section 30370, subdivisions (a) through (e).

**Prior guidance in the bulletin on January 31, 2024 is now void as it relates to the effect of the district court’s injunction, which is now stayed.**

Thus, when processing any purchase or transfer of ammunition that is legal in California, licensed firearm dealers and ammunition vendors **shall use** the “Submit Eligibility Check” function or “Submit Ammunition Purchase(s)” function under the “Ammunition Transactions” menu in the DROS Entry System (DES).

Other state laws that were not addressed by the district court’s injunction continue to remain in effect, such as Penal Code section 30305 (which prohibits a person from possessing or owning ammunition if they are prohibited from possessing or owning a firearm), Penal Code section 30300 (which generally prohibits the sale of ammunition to minors), and Penal Code section 30315 (which prohibits the possession of “any handgun ammunition designed primarily to penetrate metal or armor”).

Accordingly, it remains illegal for “[a]ny person, corporation, firm, or other business enterprise” to sell or deliver ammunition to a person who, when using reasonable care, should be known to fall within Penal Code sections 30305 or 30300. (Cal. Pen. Code, §§ 30306, subd. (a), 30300, subd. (a)(3).) It also remains illegal for “[a]ny person, corporation, firm, or other business enterprise” to sell or deliver ammunition to a person known (or there is cause to believe) is not the actual purchaser of the ammunition. (Cal. Pen. Code, § 30306, subd. (b).)

If anything in this updated guidance changes, the California Department of Justice will immediately issue another bulletin.