

Introduced by Senator Lowenthal

January 6, 2009

An act to amend Sections 11106, 12030, 12071, 12073, 12076, 12077, and 12078 of the Penal Code, relating to firearms.

LEGISLATIVE COUNSEL'S DIGEST

SB 41, as introduced, Lowenthal. Firearms.

Existing law requires the Attorney General to maintain certain information reported to the Department of Justice in connection with handgun transactions.

This bill would require the Attorney General to maintain certain information related to the dated delivery of handguns.

Existing law generally regulates the transfer of firearms by firearms dealers.

This bill would provide that whenever a dealer is involved in one of several specified types of firearms transactions, the dealer would be required to provide the other party with a receipt in a format prescribed by the Department of Justice indicating that the sale or other transfer of ownership by or to the dealer occurred or that the return occurred. The receipt would also state the right of the person to file a report of his or her acquisition, disposition, or ownership of that firearm with the department, as specified, as well as the right of that person to request a listing of the firearms that he or she owns, as specified. The bill would authorize the department to collect a fee from firearms dealers not to exceed \$3 for the costs of preparing this receipt and an additional fee not to exceed \$2 if the form is revised.

Existing law provides various exemptions from various requirements pertaining to firearms transactions for law enforcement agencies and other government entities.

This bill would provide additional exemptions from certain requirements pertaining to the transfer or disposition of firearms for law enforcement agencies and government entities, as specified.

This bill would also make changes to certain provisions that refer to specified sections of state law that prohibit firearm possession and other firearm-related activities by referring instead to state and federal law.

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: ~~yes~~-no.

The people of the State of California do enact as follows:

1 SECTION 1. Section 11106 of the Penal Code is amended to
2 read:
3 11106. (a) In order to assist in the investigation of crime, the
4 prosecution of civil actions by city attorneys pursuant to paragraph
5 (3) of subdivision (c), the arrest and prosecution of criminals, and
6 the recovery of lost, stolen, or found property, the Attorney General
7 shall keep and properly file a complete record of all copies of
8 fingerprints, copies of licenses to carry firearms issued pursuant
9 to Section 12050, information reported to the Department of Justice
10 pursuant to Section 12053, dealers' records of sales of firearms,
11 reports provided *or submitted* pursuant to Section *12021.3*, 12072
12 ~~or~~, 12077, 12078, *or* 12082, forms provided pursuant to Section
13 12084, as that section read prior to being repealed by the act that
14 amended this section, reports provided pursuant to Section 12071
15 that are not dealers' records of sales of firearms, and reports of
16 stolen, lost, found, pledged, or pawned property in any city or
17 county of this state, and shall, upon proper application therefor,
18 furnish this information to the officers referred to in Section 11105.
19 (b) (1) Except as provided in subdivision (d), the Attorney
20 General shall not retain or compile any information from reports
21 filed pursuant to subdivision (a) of Section 12078 for firearms that
22 are not handguns, from forms submitted pursuant to Section 12084,
23 as that section read prior to being repealed by the act that amended
24 this section, for firearms that are not handguns, or from dealers'
25 records of sales for firearms that are not handguns. All copies of
26 the forms submitted, or any information received in electronic
27 form, pursuant to Section 12084, as that section read prior to being
28 repealed by the act that amended this section, for firearms that are
29 not handguns, or of the dealers' records of sales for firearms that

are not handguns shall be destroyed within five days of the clearance by the Attorney General, unless the purchaser or transferor is ineligible to take possession of the firearm. All copies of the reports filed, or any information received in electronic form, pursuant to subdivision (a) of Section 12078 for firearms that are not handguns shall be destroyed within five days of the receipt by the Attorney General, unless retention is necessary for use in a criminal prosecution.

(2) A peace officer, the Attorney General, a Department of Justice employee designated by the Attorney General, or any authorized local law enforcement employee shall not retain or compile any information from a firearms transaction record, as defined in paragraph (5) of subdivision (c) of Section 12071, for firearms that are not handguns unless retention or compilation is necessary for use in a criminal prosecution or in a proceeding to revoke a license issued pursuant to Section 12071.

(3) A violation of this subdivision is a misdemeanor.

(c) (1) The Attorney General shall permanently keep and properly file and maintain all information reported to the Department of Justice pursuant to Sections 12071, 12072, 12078, 12082, and former Section 12084 or any other law, as to handguns and maintain a registry thereof.

(2) The registry shall consist of all of the following:

(A) The name, address, identification of, place of birth (state or country), complete telephone number, occupation, sex, description, and all legal names and aliases ever used by the owner or person being loaned the particular handgun as listed on the information provided to the department on the Dealers' Record of Sale, the Law Enforcement Firearms Transfer (LEFT), as defined in former Section 12084, or reports made to the department pursuant to Section 12078 or any other law.

(B) The name and address of, and other information about, any person (whether a dealer or a private party) from whom the owner acquired or the person being loaned the particular handgun and when the firearm was acquired or loaned as listed on the information provided to the department on the Dealers' Record of Sale, the LEFT, or reports made to the department pursuant to Section 12078 or any other law.

1 (C) Any waiting period exemption applicable to the transaction
2 which resulted in the owner of or the person being loaned the
3 particular handgun acquiring or being loaned that firearm.

4 (D) The manufacturer's name if stamped on the firearm, model
5 name or number if stamped on the firearm, and, if applicable, the
6 serial number, other number (if more than one serial number is
7 stamped on the firearm), caliber, type of firearm, if the firearm is
8 new or used, barrel length, and color of the firearm.

9 (3) Information in the registry referred to in this subdivision
10 shall, upon proper application therefor, be furnished to the officers
11 referred to in Section 11105, to a city attorney prosecuting a civil
12 action, solely for use in prosecuting that civil action and not for
13 any other purpose, or to the person listed in the registry as the
14 owner or person who is listed as being loaned the particular
15 handgun.

16 (4) If any person is listed in the registry as the owner of a firearm
17 through a Dealers' Record of Sale prior to 1979, and the person
18 listed in the registry requests by letter that the Attorney General
19 store and keep the record electronically, as well as in the record's
20 existing photographic, photostatic, or nonerasable optically stored
21 form, the Attorney General shall do so within three working days
22 of receipt of the request. The Attorney General shall, in writing,
23 and as soon as practicable, notify the person requesting electronic
24 storage of the record that the request has been honored as required
25 by this paragraph.

26 (d) (1) Any officer referred to in paragraphs (1) to (6), inclusive,
27 of subdivision (b) of Section 11105 may disseminate the name of
28 the subject of the record, the number of the firearms listed in the
29 record, and the description of any firearm, including the make,
30 model, and caliber, from the record relating to any firearm's sale,
31 transfer, registration, or license record, or any information reported
32 to the Department of Justice pursuant to Section 12021.3, 12053,
33 12071, 12072, 12077, 12078, 12082, or 12285, if the following
34 conditions are met:

35 (A) The subject of the record has been arraigned for a crime in
36 which the victim is a person described in subdivisions (a) to (f),
37 inclusive, of Section 6211 of the Family Code and is being
38 prosecuted or is serving a sentence for the crime, or the subject of
39 the record is the subject of an emergency protective order, a
40 temporary restraining order, or an order after hearing, which is in

1 effect and has been issued by a family court under the Domestic
2 Violence Protection Act set forth in Division 10 (commencing
3 with Section 6200) of the Family Code.

4 (B) The information is disseminated only to the victim of the
5 crime or to the person who has obtained the emergency protective
6 order, the temporary restraining order, or the order after hearing
7 issued by the family court.

8 (C) Whenever a law enforcement officer disseminates the
9 information authorized by this subdivision, that officer or another
10 officer assigned to the case shall immediately provide the victim
11 of the crime with a “Victims of Domestic Violence” card, as
12 specified in subparagraph (H) of paragraph (9) of subdivision (c)
13 of Section 13701.

14 (2) The victim or person to whom information is disseminated
15 pursuant to this subdivision may disclose it as he or she deems
16 necessary to protect himself or herself or another person from
17 bodily harm by the person who is the subject of the record.

18 *(e) In addition to the obligations to furnish information imposed*
19 *upon the department pursuant to paragraph (3) of subdivision (c),*
20 *the department shall, upon proper application, furnish a person*
21 *who is listed as the owner of a firearm any information reported*
22 *to the department as it relates to him or her.*

23 *(f) The department shall adopt procedures to ensure that a*
24 *person who never takes possession of a firearm is not listed as*
25 *being the owner of that firearm in the applicable firearm*
26 *information system maintained by the department.*

27 SEC. 2. Section 12030 of the Penal Code is amended to read:

28 12030. (a) The officer having custody of any firearms which
29 may be useful to the California National Guard, the Coast Guard
30 Auxiliary, or to any military or naval agency of the federal or state
31 government, including, but not limited to, the California National
32 Guard military museum and resource center *State Military Museum*
33 *and Resource Center*, may, upon the authority of the legislative
34 body of the city, city and county, or county by which he or she is
35 employed and the approval of the Adjutant General, deliver the
36 firearms to the commanding officer of a unit of the California
37 National Guard, the Coast Guard Auxiliary, or any other military
38 agency of the state or federal government in lieu of destruction as
39 required by this chapter. The officer delivering the firearms shall
40 take a receipt for them containing a complete description thereof

1 and shall keep the receipt on file in his or her office as a public
2 record.

3 (b) Any law enforcement agency which has custody of any
4 firearms, or any parts of any firearms, which are subject to
5 destruction as required by this chapter may, in lieu of destroying
6 the weapons, retain and use any of them as may be useful in
7 carrying out the official duties of the agency, or upon approval of
8 a court, may release them to any other law enforcement agency
9 for use in carrying out the official duties of that agency, or may
10 turn over to the criminalistics laboratory of the Department of
11 Justice or the criminalistics laboratory of a police department,
12 sheriff's office, or district attorney's office any weapons which
13 may be useful in carrying out the official duties of their respective
14 agencies.

15 (c) Any firearm, or part of any firearm, which, rather than being
16 destroyed, is used for official purposes pursuant to this section
17 shall be destroyed by the agency using the weapon when it is no
18 longer needed by the agency for use in carrying out its official
19 duties. In the case of firearms or weaponry donated to the
20 ~~California National Guard military museum and resource center~~
21 *State Military Museum and Resource Center*, they may be disposed
22 of pursuant to Section 179 of the Military and Veterans Code.

23 (d) Any law enforcement agency which has custody of any
24 firearms, or any parts of any firearms, which are subject to
25 destruction as required by this chapter may, in lieu of destroying
26 the firearms, obtain an order from the superior court directing the
27 release of the firearms to the sheriff. The sheriff shall enter those
28 weapons into the Automated Firearms System (AFS), via the
29 California Law Enforcement Telecommunications System, with
30 a complete description of each weapon, including the make, type,
31 category, caliber, and serial number of the firearms, and the name
32 of the academy receiving the weapon entered into the AFS
33 miscellaneous field. The sheriff shall then release the firearms to
34 the basic training academy certified by the Commission on Peace
35 Officer Standards and Training, so that the firearms may be used
36 for instructional purposes in the certified courses. As used in this
37 section, the term "firearms" shall not include destructive devices,
38 as defined in Section 12301. All firearms released to an academy
39 shall be under the care, custody, and control of the particular
40 academy.

Any firearm, or part of any firearm, which is not destroyed, and is used for the purposes authorized by this section, shall be returned to the law enforcement agency which had original custody of the firearm when it is no longer needed by the basic training academy, or when the basic training academy is no longer certified by the commission. When those firearms are returned, the law enforcement agency to whom the firearms are returned, shall on the date of the return, enter into the Automated Firearms System (AFS), via the California Law Enforcement Telecommunications System, a complete description of each weapon, including the make, type, category, caliber, and serial number of the firearms, and the name of the entity returning the firearm.

(e) Any law enforcement agency that retains custody of any firearm, *or sells, delivers, or transfers a firearm* pursuant to this section or that *sells, delivers, transfers, or* destroys a firearm pursuant to Section 12028 *where the delivery is not conducted pursuant to Section 12021.3*, shall notify the Department of Justice of the retention, *transfer, sale,* or destruction. This notification shall consist of a complete description of each firearm, including the name of the manufacturer or brand name, model, caliber, and serial number.

SEC. 3. Section 12071 of the Penal Code is amended to read:

12071. (a) (1) As used in this chapter, the term “licensee,” “person licensed pursuant to Section 12071,” or “dealer” means a person who has all of the following:

- (A) A valid federal firearms license.
- (B) Any regulatory or business license, or licenses, required by local government.
- (C) A valid seller’s permit issued by the State Board of Equalization.
- (D) A certificate of eligibility issued by the Department of Justice pursuant to paragraph (4).
- (E) A license issued in the format prescribed by paragraph (6).
- (F) Is among those recorded in the centralized list specified in subdivision (e).

(2) The duly constituted licensing authority of a city, county, or a city and county shall accept applications for, and may grant licenses permitting, licensees to sell firearms at retail within the city, county, or city and county. The duly constituted licensing

1 authority shall inform applicants who are denied licenses of the
2 reasons for the denial in writing.

3 (3) No license shall be granted to any applicant who fails to
4 provide a copy of his or her valid federal firearms license, valid
5 seller's permit issued by the State Board of Equalization, and the
6 certificate of eligibility described in paragraph (4).

7 (4) A person may request a certificate of eligibility from the
8 Department of Justice. The Department of Justice shall examine
9 its records and records available to the department in the National
10 Instant Criminal Background Check System in order to determine
11 if the applicant is prohibited by state or federal law from
12 possessing, receiving, owning, or purchasing a firearm and issue
13 a certificate to an applicant if the department's records indicate
14 that the applicant is not a person who is prohibited by state or
15 federal law from possessing firearms.

16 (5) The department shall adopt regulations to administer the
17 certificate of eligibility program and shall recover the full costs of
18 administering the program by imposing fees assessed to applicants
19 who apply for those certificates.

20 (6) A license granted by the duly constituted licensing authority
21 of any city, county, or city and county, shall be valid for not more
22 than one year from the date of issuance and shall be in one of the
23 following forms:

24 (A) In the form prescribed by the Attorney General.

25 (B) A regulatory or business license that states on its face "Valid
26 for Retail Sales of Firearms" and is endorsed by the signature of
27 the issuing authority.

28 (C) A letter from the duly constituted licensing authority having
29 primary jurisdiction for the applicant's intended business location
30 stating that the jurisdiction does not require any form of regulatory
31 or business license or does not otherwise restrict or regulate the
32 sale of firearms.

33 (7) Local licensing authorities may assess fees to recover their
34 full costs of processing applications for licenses.

35 (b) A license is subject to forfeiture for a breach of any of the
36 following prohibitions and requirements:

37 (1) (A) Except as provided in subparagraphs (B) and (C), the
38 business shall be conducted only in the buildings designated in the
39 license.

(B) A person licensed pursuant to subdivision (a) may take possession of firearms and commence preparation of registers for the sale, delivery, or transfer of firearms at gun shows or events, as defined in Section 478.100 of Title 27 of the Code of Federal Regulations, or its successor, if the gun show or event is not conducted from any motorized or towed vehicle. A person conducting business pursuant to this subparagraph shall be entitled to conduct business as authorized herein at any gun show or event in the state without regard to the jurisdiction within this state that issued the license pursuant to subdivision (a), provided the person complies with (i) all applicable laws, including, but not limited to, the waiting period specified in subparagraph (A) of paragraph (3), and (ii) all applicable local laws, regulations, and fees, if any.

A person conducting business pursuant to this subparagraph shall publicly display his or her license issued pursuant to subdivision (a), or a facsimile thereof, at any gun show or event, as specified in this subparagraph.

(C) A person licensed pursuant to subdivision (a) may engage in the sale and transfer of firearms other than pistols, revolvers, or other firearms capable of being concealed upon the person, at events specified in subdivision (g) of Section 12078, subject to the prohibitions and restrictions contained in that subdivision.

A person licensed pursuant to subdivision (a) also may accept delivery of firearms other than pistols, revolvers, or other firearms capable of being concealed upon the person, outside the building designated in the license, provided the firearm is being donated for the purpose of sale or transfer at an auction or similar event specified in subdivision (g) of Section 12078.

(D) The firearm may be delivered to the purchaser, transferee, or person being loaned the firearm at one of the following places:

- (i) The building designated in the license.
- (ii) The places specified in subparagraph (B) or (C).
- (iii) The place of residence of, the fixed place of business of, or on private property owned or lawfully possessed by, the purchaser, transferee, or person being loaned the firearm.

(2) The license or a copy thereof, certified by the issuing authority, shall be displayed on the premises where it can easily be seen.

(3) No firearm shall be delivered:

1 (A) Within 10 days of the application to purchase, or, after
2 notice by the department pursuant to subdivision (d) of Section
3 12076, within 10 days of the submission to the department of any
4 correction to the application, or within 10 days of the submission
5 to the department of any fee required pursuant to subdivision (e)
6 of Section 12076, whichever is later.

7 (B) Unless unloaded and securely wrapped or unloaded and in
8 a locked container.

9 (C) Unless the purchaser, transferee, or person being loaned the
10 firearm presents clear evidence of his or her identity and age to
11 the dealer.

12 (D) Whenever the dealer is notified by the Department of Justice
13 that the person is prohibited by state or federal law from processing,
14 owning, purchasing, or receiving a firearm. The dealer shall make
15 available to the person in the prohibited class a prohibited notice
16 and transfer form, provided by the department, stating that the
17 person is prohibited from owning or possessing a firearm, and that
18 the person may obtain from the department the reason for the
19 prohibition.

20 (4) No pistol, revolver, or other firearm or imitation thereof
21 capable of being concealed upon the person, or placard advertising
22 the sale or other transfer thereof, shall be displayed in any part of
23 the premises where it can readily be seen from the outside.

24 (5) The licensee shall agree to and shall act properly and
25 promptly in processing firearms transactions pursuant to Section
26 12082.

27 (6) The licensee shall comply with Sections 12073, 12076, and
28 12077, subdivisions (a) and (b) and paragraph (1) of subdivision
29 (f) of Section 12072, and subdivision (a) of Section 12316.

30 (7) The licensee shall post conspicuously within the licensed
31 premises the following warnings in block letters not less than one
32 inch in height:

33 (A) "IF YOU KEEP A LOADED FIREARM WITHIN ANY
34 PREMISES UNDER YOUR CUSTODY OR CONTROL, AND
35 A PERSON UNDER 18 YEARS OF AGE OBTAINS IT AND
36 USES IT, RESULTING IN INJURY OR DEATH, OR CARRIES
37 IT TO A PUBLIC PLACE, YOU MAY BE GUILTY OF A
38 MISDEMEANOR OR A FELONY UNLESS YOU STORED
39 THE FIREARM IN A LOCKED CONTAINER OR LOCKED

1 THE FIREARM WITH A LOCKING DEVICE, TO KEEP IT
2 FROM TEMPORARILY FUNCTIONING.”

3 (B) “IF YOU KEEP A PISTOL, REVOLVER, OR OTHER
4 FIREARM CAPABLE OF BEING CONCEALED UPON THE
5 PERSON, WITHIN ANY PREMISES UNDER YOUR CUSTODY
6 OR CONTROL, AND A PERSON UNDER 18 YEARS OF AGE
7 GAINS ACCESS TO THE FIREARM, AND CARRIES IT
8 OFF-PREMISES, YOU MAY BE GUILTY OF A
9 MISDEMEANOR, UNLESS YOU STORED THE FIREARM IN
10 A LOCKED CONTAINER, OR LOCKED THE FIREARM WITH
11 A LOCKING DEVICE, TO KEEP IT FROM TEMPORARILY
12 FUNCTIONING.”

13 (C) “IF YOU KEEP ANY FIREARM WITHIN ANY
14 PREMISES UNDER YOUR CUSTODY OR CONTROL, AND
15 A PERSON UNDER 18 YEARS OF AGE GAINS ACCESS TO
16 THE FIREARM, AND CARRIES IT OFF-PREMISES TO A
17 SCHOOL OR SCHOOL-SPONSORED EVENT, YOU MAY BE
18 GUILTY OF A MISDEMEANOR, INCLUDING A FINE OF UP
19 TO FIVE THOUSAND DOLLARS (\$5,000), UNLESS YOU
20 STORED THE FIREARM IN A LOCKED CONTAINER, OR
21 LOCKED THE FIREARM WITH A LOCKING DEVICE.”

22 (D) “DISCHARGING FIREARMS IN POORLY
23 VENTILATED AREAS, CLEANING FIREARMS, OR
24 HANDLING AMMUNITION MAY RESULT IN EXPOSURE
25 TO LEAD, A SUBSTANCE KNOWN TO CAUSE BIRTH
26 DEFECTS, REPRODUCTIVE HARM, AND OTHER SERIOUS
27 PHYSICAL INJURY. HAVE ADEQUATE VENTILATION AT
28 ALL TIMES. WASH HANDS THOROUGHLY AFTER
29 EXPOSURE.”

30 (E) “FEDERAL REGULATIONS PROVIDE THAT IF YOU
31 DO NOT TAKE PHYSICAL POSSESSION OF THE FIREARM
32 THAT YOU ARE ACQUIRING OWNERSHIP OF WITHIN 30
33 DAYS AFTER YOU COMPLETE THE INITIAL
34 BACKGROUND CHECK PAPERWORK, THEN YOU HAVE
35 TO GO THROUGH THE BACKGROUND CHECK PROCESS
36 A SECOND TIME IN ORDER TO TAKE PHYSICAL
37 POSSESSION OF THAT FIREARM.”

38 (F) “NO PERSON SHALL MAKE AN APPLICATION TO
39 PURCHASE MORE THAN ONE PISTOL, REVOLVER, OR
40 OTHER FIREARM CAPABLE OF BEING CONCEALED UPON

1 THE PERSON WITHIN ANY 30-DAY PERIOD AND NO
2 DELIVERY SHALL BE MADE TO ANY PERSON WHO HAS
3 MADE AN APPLICATION TO PURCHASE MORE THAN ONE
4 PISTOL, REVOLVER, OR OTHER FIREARM CAPABLE OF
5 BEING CONCEALED UPON THE PERSON WITHIN ANY
6 30-DAY PERIOD.”

7 (8) (A) Commencing April 1, 1994, and until January 1, 2003,
8 no pistol, revolver, or other firearm capable of being concealed
9 upon the person shall be delivered unless the purchaser, transferee,
10 or person being loaned the firearm presents to the dealer a basic
11 firearms safety certificate.

12 (B) Commencing January 1, 2003, no dealer may deliver a
13 handgun unless the person receiving the handgun presents to the
14 dealer a valid handgun safety certificate. The firearms dealer shall
15 retain a photocopy of the handgun safety certificate as proof of
16 compliance with this requirement.

17 (C) Commencing January 1, 2003, no handgun may be delivered
18 unless the purchaser, transferee, or person being loaned the firearm
19 presents documentation indicating that he or she is a California
20 resident. Satisfactory documentation shall include a utility bill
21 from within the last three months, a residential lease, a property
22 deed, or military permanent duty station orders indicating
23 assignment within this state, or other evidence of residency as
24 permitted by the Department of Justice. The firearms dealer shall
25 retain a photocopy of the documentation as proof of compliance
26 with this requirement.

27 (D) Commencing January 1, 2003, except as authorized by the
28 department, no firearms dealer may deliver a handgun unless the
29 recipient performs a safe handling demonstration with that
30 handgun. The demonstration shall commence with the handgun
31 unloaded and locked with the firearm safety device with which it
32 is required to be delivered, if applicable. While maintaining muzzle
33 awareness, that is, the firearm is pointed in a safe direction,
34 preferably down at the ground, and trigger discipline, that is, the
35 trigger finger is outside of the trigger guard and along side of the
36 handgun frame, at all times, the handgun recipient shall correctly
37 and safely perform the following:

38 (i) If the handgun is a semiautomatic pistol:

39 (I) Remove the magazine.

1 (II) Lock the slide back. If the model of firearm does not allow
2 the slide to be locked back, pull the slide back, visually and
3 physically check the chamber to ensure that it is clear.

4 (III) Visually and physically inspect the chamber, to ensure that
5 the handgun is unloaded.

6 (IV) Remove the firearm safety device, if applicable. If the
7 firearm safety device prevents any of the previous steps, remove
8 the firearm safety device during the appropriate step.

9 (V) Load one bright orange, red, or other readily identifiable
10 dummy round into the magazine. If no readily identifiable dummy
11 round is available, an empty cartridge casing with an empty primer
12 pocket may be used.

13 (VI) Insert the magazine into the magazine well of the firearm.

14 (VII) Manipulate the slide release or pull back and release the
15 slide.

16 (VIII) Remove the magazine.

17 (IX) Visually inspect the chamber to reveal that a round can be
18 chambered with the magazine removed.

19 (X) Lock the slide back to eject the bright orange, red, or other
20 readily identifiable dummy round. If the handgun is of a model
21 that does not allow the slide to be locked back, pull the slide back
22 and physically check the chamber to ensure that the chamber is
23 clear. If no readily identifiable dummy round is available, an empty
24 cartridge casing with an empty primer pocket may be used.

25 (XI) Apply the safety, if applicable.

26 (XII) Apply the firearm safety device, if applicable. This
27 requirement shall not apply to an Olympic competition pistol if
28 no firearms safety device, other than a cable lock that the
29 department has determined would damage the barrel of the pistol,
30 has been approved for the pistol, and the pistol is either listed in
31 paragraph (2) of subdivision (h) of Section 12132 or is subject to
32 paragraph (3) of subdivision (h) of Section 12132.

33 (ii) If the handgun is a double-action revolver:

34 (I) Open the cylinder.

35 (II) Visually and physically inspect each chamber, to ensure
36 that the revolver is unloaded.

37 (III) Remove the firearm safety device. If the firearm safety
38 device prevents any of the previous steps, remove the firearm
39 safety device during the appropriate step.

1 (IV) While maintaining muzzle awareness and trigger discipline,
2 load one bright orange, red, or other readily identifiable dummy
3 round into a chamber of the cylinder and rotate the cylinder so that
4 the round is in the next-to-fire position. If no readily identifiable
5 dummy round is available, an empty cartridge casing with an empty
6 primer pocket may be used.

7 (V) Close the cylinder.

8 (VI) Open the cylinder and eject the round.

9 (VII) Visually and physically inspect each chamber to ensure
10 that the revolver is unloaded.

11 (VIII) Apply the firearm safety device, if applicable. This
12 requirement shall not apply to an Olympic competition pistol if
13 no firearms safety device, other than a cable lock that the
14 department has determined would damage the barrel of the pistol,
15 has been approved for the pistol, and the pistol is either listed in
16 paragraph (2) of subdivision (h) of Section 12132 or is subject to
17 paragraph (3) of subdivision (h) of Section 12132.

18 (iii) If the handgun is a single-action revolver:

19 (I) Open the loading gate.

20 (II) Visually and physically inspect each chamber, to ensure
21 that the revolver is unloaded.

22 (III) Remove the firearm safety device required to be sold with
23 the handgun. If the firearm safety device prevents any of the
24 previous steps, remove the firearm safety device during the
25 appropriate step.

26 (IV) Load one bright orange, red, or other readily identifiable
27 dummy round into a chamber of the cylinder, close the loading
28 gate and rotate the cylinder so that the round is in the next-to-fire
29 position. If no readily identifiable dummy round is available, an
30 empty cartridge casing with an empty primer pocket may be used.

31 (V) Open the loading gate and unload the revolver.

32 (VI) Visually and physically inspect each chamber to ensure
33 that the revolver is unloaded.

34 (VII) Apply the firearm safety device, if applicable. This
35 requirement shall not apply to an Olympic competition pistol if
36 no firearms safety device, other than a cable lock that the
37 department has determined would damage the barrel of the pistol,
38 has been approved for the pistol, and the pistol is either listed in
39 paragraph (2) of subdivision (h) of Section 12132 or is subject to
40 paragraph (3) of subdivision (h) of Section 12132.

1 (E) The recipient shall receive instruction regarding how to
2 render that handgun safe in the event of a jam.

3 (F) The firearms dealer shall sign and date an affidavit stating
4 that the requirements of subparagraph (D) have been met. The
5 firearms dealer shall additionally obtain the signature of the
6 handgun purchaser on the same affidavit. The firearms dealer shall
7 retain the original affidavit as proof of compliance with this
8 requirement.

9 (G) The recipient shall perform the safe handling demonstration
10 for a department-certified instructor.

11 (H) No demonstration shall be required if the dealer is returning
12 the handgun to the owner of the handgun.

13 (I) Department-certified instructors who may administer the
14 safe handling demonstration shall meet the requirements set forth
15 in subdivision (j) of Section 12804.

16 (J) The persons who are exempt from the requirements of
17 subdivision (b) of Section 12801, pursuant to Section 12807, are
18 also exempt from performing the safe handling demonstration.

19 (9) Commencing July 1, 1992, the licensee shall offer to provide
20 the purchaser or transferee of a firearm, or person being loaned a
21 firearm, with a copy of the pamphlet described in Section 12080
22 and may add the cost of the pamphlet, if any, to the sales price of
23 the firearm.

24 (10) The licensee shall not commit an act of collusion as defined
25 in Section 12072.

26 (11) The licensee shall post conspicuously within the licensed
27 premises a detailed list of each of the following:

28 (A) All charges required by governmental agencies for
29 processing firearm transfers required by Sections 12076, 12082,
30 and 12806.

31 (B) All fees that the licensee charges pursuant to Sections 12082
32 and 12806.

33 (12) The licensee shall not misstate the amount of fees charged
34 by a governmental agency pursuant to Sections 12076, 12082, and
35 12806.

36 (13) Except as provided in subparagraphs (B) and (C) of
37 paragraph (1) of subdivision (b), all firearms that are in the
38 inventory of the licensee shall be kept within the licensed location.
39 The licensee shall report the loss or theft of any firearm that is
40 merchandise of the licensee, any firearm that the licensee takes

1 possession of pursuant to Section 12082, or any firearm kept at
2 the licensee's place of business within 48 hours of discovery to
3 the appropriate law enforcement agency in the city, county, or city
4 and county where the licensee's business premises are located.

5 (14) Except as provided in subparagraphs (B) and (C) of
6 paragraph (1) of subdivision (b), any time when the licensee is not
7 open for business, all inventory firearms shall be stored in the
8 licensed location. All firearms shall be secured using one of the
9 following methods as to each particular firearm:

10 (A) Store the firearm in a secure facility that is a part of, or that
11 constitutes, the licensee's business premises.

12 (B) Secure the firearm with a hardened steel rod or cable of at
13 least one-eighth inch in diameter through the trigger guard of the
14 firearm. The steel rod or cable shall be secured with a hardened
15 steel lock that has a shackle. The lock and shackle shall be
16 protected or shielded from the use of a boltcutter and the rod or
17 cable shall be anchored in a manner that prevents the removal of
18 the firearm from the premises.

19 (C) Store the firearm in a locked fireproof safe or vault in the
20 licensee's business premises.

21 (15) The licensing authority in an unincorporated area of a
22 county or within a city may impose security requirements that are
23 more strict or are at a higher standard than those specified in
24 paragraph (14).

25 (16) Commencing January 1, 1994, the licensee shall, upon the
26 issuance or renewal of a license, submit a copy of the same to the
27 Department of Justice.

28 (17) The licensee shall maintain and make available for
29 inspection during business hours to any peace officer, authorized
30 local law enforcement employee, or Department of Justice
31 employee designated by the Attorney General, upon the
32 presentation of proper identification, a firearms transaction record.

33 (18) (A) On the date of receipt, the licensee shall report to the
34 Department of Justice in a format prescribed by the department
35 the acquisition by the licensee of the ownership of a ~~pistol,~~
36 ~~revolver, or other firearm capable of being concealed upon the~~
37 ~~person~~ handgun.

38 (B) The provisions of this paragraph shall not apply to any of
39 the following transactions:

1 (i) A transaction subject to the provisions of subdivision (n) of
2 Section 12078.

3 (ii) The dealer acquired the firearm from a wholesaler.

4 (iii) The dealer is also licensed as a secondhand dealer pursuant
5 to Article 4 (commencing with Section 21625) of Chapter 9 of
6 Division 8 of the Business and Professions Code *and that dealer*
7 *acquired a handgun and reported that acquisition pursuant to the*
8 *provisions of Section 21628 of the Business and Professions Code.*

9 (iv) The dealer acquired the firearm from a person who is
10 licensed as a manufacturer or importer to engage in those activities
11 pursuant to Chapter 44 (commencing with Section 921) of Title
12 18 of the United States Code and any regulations issued pursuant
13 thereto.

14 (v) The dealer acquired the firearm from a person who resides
15 outside this state who is licensed pursuant to Chapter 44
16 (commencing with Section 921) of Title 18 of the United States
17 Code and any regulations issued pursuant thereto.

18 (19) The licensee shall forward in a format prescribed by the
19 Department of Justice, information as required by the department
20 on any firearm that is not delivered within the time period set forth
21 in Section 478.102 (c) of Title 27 of the Code of Federal
22 Regulations.

23 (20) (A) Firearms dealers may require any agent who handles,
24 sells, or delivers firearms to obtain and provide to the dealer a
25 certificate of eligibility from the department pursuant to paragraph
26 (4) of subdivision (a). The agent or employee shall provide on the
27 application, the name and California firearms dealer number of
28 the firearms dealer with whom he or she is employed.

29 (B) The department shall notify the firearms dealer in the event
30 that the agent or employee who has a certificate of eligibility is or
31 becomes prohibited from possessing firearms.

32 (C) If the local jurisdiction requires a background check of the
33 agents or employees of the firearms dealer, the agent or employee
34 shall obtain a certificate of eligibility pursuant to subparagraph
35 (A).

36 (D) Nothing in this paragraph shall be construed to preclude a
37 local jurisdiction from conducting an additional background check
38 pursuant to Section 11105 or prohibiting employment based on
39 criminal history that does not appear as part of obtaining a
40 certificate of eligibility, provided however, that the local

1 jurisdiction may not charge a fee for the additional criminal history
2 check.

3 (E) The licensee shall prohibit any agent who the licensee knows
4 or reasonably should know is within a class of persons prohibited
5 from possessing firearms pursuant to Section 12021 or 12021.1
6 of this code, or Section 8100 or 8103 of the Welfare and
7 Institutions Code, from coming into contact with any firearm that
8 is not secured and from accessing any key, combination, code, or
9 other means to open any of the locking devices described in clause
10 (ii) of subparagraph (G) of this paragraph.

11 (F) Nothing in this paragraph shall be construed as preventing
12 a local government from enacting an ordinance imposing additional
13 conditions on licensees with regard to agents.

14 (G) For purposes of this section, the following definitions shall
15 apply:

16 (i) An “agent” is an employee of the licensee.

17 (ii) “Secured” means a firearm that is made inoperable in one
18 or more of the following ways:

19 (I) The firearm is inoperable because it is secured by a firearms
20 safety device listed on the department’s roster of approved firearms
21 safety devices pursuant to subdivision (d) of Section 12088 of this
22 chapter.

23 (II) The firearm is stored in a locked gun safe or long-gun safe
24 which meets the standards for department-approved gun safes set
25 forth in Section 12088.2.

26 (III) The firearm is stored in a distinct locked room or area in
27 the building that is used to store firearms that can only be unlocked
28 by a key, a combination, or similar means.

29 (IV) The firearm is secured with a hardened steel rod or cable
30 that is at least one-eighth of an inch in diameter through the trigger
31 guard of the firearm. The steel rod or cable shall be secured with
32 a hardened steel lock that has a shackle. The lock and shackle shall
33 be protected or shielded from the use of a boltcutter and the rod
34 or cable shall be anchored in a manner that prevents the removal
35 of the firearm from the premises.

36 (21) (A) *Whenever a person sells or otherwise transfers his or*
37 *her ownership of a firearm to a dealer, or whenever a dealer sells*
38 *or otherwise transfers ownership of a firearm to a purchaser or*
39 *other transferee, or whenever a dealer returns a firearm to its*
40 *owner where the dealer is processing the transaction pursuant to*

procedures set forth in this section and subdivision (c) of Section 12072, the dealer shall provide the other party with a receipt in a format prescribed by the Department of Justice indicating that the sale or other transfer of ownership by or to the dealer occurred or that the return occurred. The receipt shall also state the right of the person to file a report of his or her acquisition, disposition, or ownership of that firearm with the department pursuant to subdivision (l) of Section 12078 as well as the right of that person to request a listing of the firearms that he or she owns pursuant to Section 11106.

(B) Subparagraph (A) shall not apply to or affect either of the following circumstances:

(i) The dealer acquires a firearm from, or transfers or returns a firearm to, a person who is licensed pursuant to Chapter 44 (commencing with Section 921) of Title 18 of the United States Code and any regulations issued pursuant thereto.

(ii) The dealer acquires a firearm from, or transfers or returns a firearm to, an authorized law enforcement representative of a city, county, city and county, state, or federal government for exclusive use by the government or government agency if, prior to the delivery, transfer, return, or sale of the firearm, the dealer is presented written authorization from the head of the agency authorizing the transaction.

(c) (1) As used in this article, “clear evidence of his or her identity and age” means either of the following:

(A) A valid California driver’s license.

(B) A valid California identification card issued by the Department of Motor Vehicles.

(2) As used in this section, a “secure facility” means a building that meets all of the following specifications:

(A) All perimeter doorways shall meet one of the following:

(i) A windowless steel security door equipped with both a dead bolt and a doorknob lock.

(ii) A windowed metal door that is equipped with both a dead bolt and a doorknob lock. If the window has an opening of five inches or more measured in any direction, the window shall be covered with steel bars of at least ½-inch diameter or metal grating of at least 9 gauge affixed to the exterior or interior of the door.

(iii) A metal grate that is padlocked and affixed to the licensee’s premises independent of the door and doorframe.

1 (B) All windows are covered with steel bars.

2 (C) Heating, ventilating, air-conditioning, and service openings
3 are secured with steel bars, metal grating, or an alarm system.

4 (D) Any metal grates have spaces no larger than six inches wide
5 measured in any direction.

6 (E) Any metal screens have spaces no larger than three inches
7 wide measured in any direction.

8 (F) All steel bars shall be no further than six inches apart.

9 (3) As used in this section, “licensed premises,” “licensed place
10 of business,” “licensee’s place of business,” or “licensee’s business
11 premises” means the building designated in the license.

12 (4) For purposes of paragraph (17) of subdivision (b):

13 (A) A “firearms transaction record” is a record containing the
14 same information referred to in subdivision (a) of Section 478.124,
15 Section 478.124a, and subdivision (e) of Section 478.125 of Title
16 27 of the Code of Federal Regulations.

17 (B) A licensee shall be in compliance with the provisions of
18 paragraph (17) of subdivision (b) if he or she maintains and makes
19 available for inspection during business hours to any peace officer,
20 authorized local law enforcement employee, or Department of
21 Justice employee designated by the Attorney General, upon the
22 presentation of proper identification, the bound book containing
23 the same information referred to in Section 478.124a and
24 subdivision (e) of Section 478.125 of Title 27 of the Code of
25 Federal Regulations and the records referred to in subdivision (a)
26 of Section 478.124 of Title 27 of the Code of Federal Regulations.

27 (d) Upon written request from a licensee, the licensing authority
28 may grant an exemption from compliance with the requirements
29 of paragraph (14) of subdivision (b) if the licensee is unable to
30 comply with those requirements because of local ordinances,
31 covenants, lease conditions, or similar circumstances not under
32 the control of the licensee.

33 (e) (1) Except as otherwise provided in this paragraph, the
34 Department of Justice shall keep a centralized list of all persons
35 licensed pursuant to subparagraphs (A) to (E), inclusive, of
36 paragraph (1) of subdivision (a). The department may remove from
37 this list any person who knowingly or with gross negligence
38 violates this article. Upon removal of a dealer from this list,
39 notification shall be provided to local law enforcement and

1 licensing authorities in the jurisdiction where the dealer's business
2 is located.

3 (2) The department shall remove from the centralized list any
4 person whose federal firearms license has expired or has been
5 revoked.

6 (3) Information compiled from the list shall be made available,
7 upon request, for the following purposes only:

8 (A) For law enforcement purposes.

9 (B) When the information is requested by a person licensed
10 pursuant to Chapter 44 (commencing with Section 921) of Title
11 18 of the United States Code for determining the validity of the
12 license for firearm shipments.

13 (C) When information is requested by a person promoting,
14 sponsoring, operating, or otherwise organizing a show or event as
15 defined in Section 478.100 of Title 27 of the Code of Federal
16 Regulations, or its successor, who possesses a valid certificate of
17 eligibility issued pursuant to Section 12071.1, if that information
18 is requested by the person to determine the eligibility of a
19 prospective participant in a gun show or event to conduct
20 transactions as a firearms dealer pursuant to subparagraph (B) of
21 paragraph (1) of subdivision (b).

22 (4) Information provided pursuant to paragraph (3) shall be
23 limited to information necessary to corroborate an individual's
24 current license status as being one of the following:

25 (A) A person licensed pursuant to subparagraphs (A) to (E),
26 inclusive, of paragraph (1) of subdivision (a).

27 (B) A person licensed pursuant to Chapter 44 (commencing
28 with Section 921) of Title 18 of the United States Code and who
29 is not subject to the requirement that he or she be licensed pursuant
30 to subparagraphs (A) to (E), inclusive, of paragraph (1) of
31 subdivision (a).

32 (f) The Department of Justice may inspect dealers to ensure
33 compliance with this article. The department may assess an annual
34 fee, not to exceed one hundred fifteen dollars (\$115), to cover the
35 reasonable cost of maintaining the list described in subdivision
36 (e), including the cost of inspections. Dealers whose place of
37 business is in a jurisdiction that has adopted an inspection program
38 to ensure compliance with firearms law shall be exempt from that
39 portion of the department's fee that relates to the cost of
40 inspections. The applicant is responsible for providing evidence

1 to the department that the jurisdiction in which the business is
2 located has the inspection program.

3 (g) The Department of Justice shall maintain and make available
4 upon request information concerning the number of inspections
5 conducted and the amount of fees collected pursuant to subdivision
6 (f), a listing of exempted jurisdictions, as defined in subdivision
7 (f), the number of dealers removed from the centralized list defined
8 in subdivision (e), and the number of dealers found to have violated
9 this article with knowledge or gross negligence.

10 (h) Paragraph (14) or (15) of subdivision (b) shall not apply to
11 a licensee organized as a nonprofit public benefit or mutual benefit
12 corporation organized pursuant to Part 2 (commencing with Section
13 5110) or Part 3 (commencing with Section 7110) of Division 2 of
14 the Corporations Code, if both of the following conditions are
15 satisfied:

16 (1) The nonprofit public benefit or mutual benefit corporation
17 obtained the dealer's license solely and exclusively to assist that
18 corporation or local chapters of that corporation in conducting
19 auctions or similar events at which firearms are auctioned off to
20 fund the activities of that corporation or the local chapters of the
21 corporation.

22 (2) The firearms are not pistols, revolvers, or other firearms
23 capable of being concealed upon the person.

24 SEC. 4. Section 12073 of the Penal Code is amended to read:

25 12073. (a) As required by the Department of Justice, every
26 dealer shall keep a register or record of electronic or telephonic
27 transfer in which shall be entered the information prescribed in
28 Section 12077.

29 (b) This section shall not apply to any of the following
30 transactions:

31 (1) The delivery, sale, or transfer of an unloaded firearm that is
32 not a handgun by a dealer to another dealer upon proof of
33 compliance with the requirements of paragraph (1) of subdivision
34 (f) of Section 12072.

35 (2) The delivery, sale, or transfer of an unloaded firearm by a
36 dealer to another dealer if that firearm is intended as merchandise
37 in the receiving dealer's business upon proof of compliance with
38 the requirements of paragraph (1) of subdivision (f) of Section
39 12072.

1 (3) The delivery, sale, or transfer of an unloaded firearm by a
2 dealer to a person licensed as an importer or manufacturer pursuant
3 to Chapter 44 (commencing with Section 921) of Title 18 of the
4 United States Code and any regulations issued pursuant thereto.

5 (4) The delivery, sale, or transfer of an unloaded firearm by a
6 dealer who sells, transfers, or delivers the firearm to a person who
7 resides outside this state who is licensed pursuant to Chapter 44
8 (commencing with Section 921) of Title 18 of the United States
9 Code and any regulations issued pursuant thereto.

10 (5) The delivery, sale, or transfer of an unloaded firearm by a
11 dealer to a wholesaler if that firearm is being returned to the
12 wholesaler and is intended as merchandise in the wholesaler's
13 business.

14 (6) The delivery, sale, or transfer of an unloaded firearm that is
15 not a handgun by a dealer to himself or herself.

16 (7) The loan of an unloaded firearm by a dealer who also
17 operates a target facility which holds a business or regulatory
18 license on the premises of the building designated in the license
19 or whose building designated in the license is on the premises of
20 any club or organization organized for the purpose of practicing
21 shooting at targets upon established ranges, whether public or
22 private, to a person at that target facility or club or organization,
23 if the firearm is kept at all times within the premises of the target
24 range or on the premises of the club or organization.

25 (8) The delivery of an unloaded firearm by a dealer to a
26 gunsmith for service or repair.

27 (9) The return of an unloaded firearm to the owner of that
28 firearm by a dealer, if the owner initially delivered the firearm to
29 the dealer for service or repair.

30 (10) The loan of an unloaded firearm by a dealer to a person
31 who possesses a valid entertainment firearms permit issued
32 pursuant to Section 12081, for use solely as a prop in a motion
33 picture, television, video, theatrical, or other entertainment
34 production or event.

35 (11) The loan of an unloaded firearm by a dealer to a
36 consultant-evaluator, if the loan does not exceed 45 days from the
37 date of delivery of the firearm by the dealer to the
38 consultant-evaluator.

39 (12) *The delivery, sale, or transfer of an unloaded firearm by*
40 *a dealer to an authorized representative of a city, city and county,*

1 *county, the state, or the federal government, where the firearm is*
2 *acquired from a private individual or a dealer as part of an*
3 *authorized, voluntary program.*

4 (c) A violation of this section is a misdemeanor.

5 SEC. 5. Section 12076 of the Penal Code is amended to read:

6 12076. (a) (1) Before January 1, 1998, the Department of
7 Justice shall determine the method by which a dealer shall submit
8 firearm purchaser information to the department and the
9 information shall be in one of the following formats:

10 (A) Submission of the register described in Section 12077.

11 (B) Electronic or telephonic transfer of the information contained
12 in the register described in Section 12077.

13 (2) On or after January 1, 1998, electronic or telephonic transfer,
14 including voice or facsimile transmission, shall be the exclusive
15 means by which purchaser information is transmitted to the
16 department.

17 (3) On or after January 1, 2003, except as permitted by the
18 department, electronic transfer shall be the exclusive means by
19 which information is transmitted to the department. Telephonic
20 transfer shall not be permitted for information regarding sales of
21 any firearms.

22 (b) (1) Where the register is used, the purchaser of any firearm
23 shall be required to present clear evidence of his or her identity
24 and age, as defined in Section 12071, to the dealer, and the dealer
25 shall require him or her to sign his or her current legal name and
26 affix his or her residence address and date of birth to the register
27 in quadruplicate. The salesperson shall affix his or her signature
28 to the register in quadruplicate as a witness to the signature and
29 identification of the purchaser. Any person furnishing a fictitious
30 name or address or knowingly furnishing any incorrect information
31 or knowingly omitting any information required to be provided
32 for the register and any person violating any provision of this
33 section is guilty of a misdemeanor, provided however, that any
34 person who is prohibited from obtaining a firearm pursuant to
35 Section 12021 or 12021.1 of this code, or Section 8100 or 8103
36 of the Welfare and Institutions Code who knowingly furnishes a
37 fictitious name or address or knowingly furnishes any incorrect
38 information or knowingly omits any information required to be
39 provided for the register shall be punished by imprisonment in a

1 county jail not exceeding one year or imprisonment in the state
2 prison for a term of 8, 12, or 18 months.

3 (2) The original of the register shall be retained by the dealer
4 in consecutive order. Each book of 50 originals shall become the
5 permanent register of transactions that shall be retained for not
6 less than three years from the date of the last transaction and shall
7 be available for the inspection of any peace officer, Department
8 of Justice employee designated by the Attorney General, or agent
9 of the federal Bureau of Alcohol, Tobacco, Firearms, and
10 Explosives upon the presentation of proper identification, but no
11 information shall be compiled therefrom regarding the purchasers
12 or other transferees of firearms that are not pistols, revolvers, or
13 other firearms capable of being concealed upon the person.

14 (3) Two copies of the original sheet of the register, on the date
15 of the application to purchase, shall be placed in the mail, postage
16 prepaid, and properly addressed to the Department of Justice in
17 Sacramento.

18 (4) If requested, a photocopy of the original shall be provided
19 to the purchaser by the dealer.

20 (5) If the transaction is a private party transfer conducted
21 pursuant to Section 12082, a photocopy of the original shall be
22 provided to the seller or purchaser by the dealer, upon request.
23 The dealer shall redact all of the purchaser's personal information,
24 as required pursuant to paragraph (1) of subdivision (b) and
25 paragraph (1) of subdivision (c) of Section 12077, from the seller's
26 copy, and the seller's personal information from the purchaser's
27 copy.

28 (c) (1) Where the electronic or telephonic transfer of applicant
29 information is used, the purchaser shall be required to present clear
30 evidence of his or her identity and age, as defined in Section 12071,
31 to the dealer, and the dealer shall require him or her to sign his or
32 her current legal name to the record of electronic or telephonic
33 transfer. The salesperson shall affix his or her signature to the
34 record of electronic or telephonic transfer as a witness to the
35 signature and identification of the purchaser. Any person furnishing
36 a fictitious name or address or knowingly furnishing any incorrect
37 information or knowingly omitting any information required to be
38 provided for the electronic or telephonic transfer and any person
39 violating any provision of this section is guilty of a misdemeanor,
40 provided however, that any person who is prohibited from

1 obtaining a firearm pursuant to Section 12021 or 12021.1 of this
2 code, or Section 8100 or 8103 of the Welfare and Institutions Code
3 who knowingly furnishes a fictitious name or address or knowingly
4 furnishes any incorrect information or knowingly omits any
5 information required to be provided for the register shall be
6 punished by imprisonment in a county jail not exceeding one year
7 or imprisonment in the state prison for a term of 8, 12, or 18
8 months.

9 (2) The record of applicant information shall be transmitted to
10 the Department of Justice ~~in Sacramento~~ by electronic or telephonic
11 transfer on the date of the application to purchase.

12 (3) The original of each record of electronic or telephonic
13 transfer shall be retained by the dealer in consecutive order. Each
14 original shall become the permanent record of the transaction that
15 shall be retained for not less than three years from the date of the
16 last transaction and shall be provided for the inspection of any
17 peace officer, Department of Justice employee designated by the
18 Attorney General, or agent of the federal Bureau of Alcohol,
19 Tobacco, Firearms, and Explosives upon the presentation of proper
20 identification, but no information shall be compiled therefrom
21 regarding the purchasers or other transferees of firearms that are
22 not pistols, revolvers, or other firearms capable of being concealed
23 upon the person.

24 (4) If requested, a copy of the record of electronic or telephonic
25 transfer shall be provided to the purchaser by the dealer.

26 (5) If the transaction is a private party transfer conducted
27 pursuant to Section 12082, a copy shall be provided to the seller
28 or purchaser by the dealer, upon request. The dealer shall redact
29 all of the purchaser's personal information, as required pursuant
30 to paragraph (1) of subdivision (b) and paragraph (1) of subdivision
31 (c) of Section 12077, from the seller's copy, and the seller's
32 personal information from the purchaser's copy.

33 (d) (1) The department shall examine its records, as well as
34 those records that it is authorized to request from the State
35 Department of Mental Health pursuant to Section 8104 of the
36 Welfare and Institutions Code, in order to determine if the
37 purchaser is a person described in subparagraph (A) of paragraph
38 (9) of subdivision (a) of Section 12072, or is prohibited by state
39 or federal law from possessing, receiving, owning, or purchasing
40 a firearm.

1 (2) To the extent that funding is available, the Department of
2 Justice may participate in the National Instant Criminal Background
3 Check System (NICS), as described in subsection (t) of Section
4 922 of Title 18 of the United States Code, and, if that participation
5 is implemented, shall notify the dealer and the chief of the police
6 department of the city or city and county in which the sale was
7 made, or if the sale was made in a district in which there is no
8 municipal police department, the sheriff of the county in which
9 the sale was made, that the purchaser is a person prohibited from
10 acquiring a firearm under federal law.

11 (3) If the department determines that the purchaser is prohibited
12 by state or federal law from possessing, receiving, owning, or
13 purchasing a firearm or is a person described in subparagraph (A)
14 of paragraph (9) of subdivision (a) of Section 12072, it shall
15 immediately notify the dealer and the chief of the police department
16 of the city or city and county in which the sale was made, or if the
17 sale was made in a district in which there is no municipal police
18 department, the sheriff of the county in which the sale was made,
19 of that fact.

20 (4) If the department determines that the copies of the register
21 submitted to it pursuant to paragraph (3) of subdivision (b) contain
22 any blank spaces or inaccurate, illegible, or incomplete information,
23 preventing identification of the purchaser or the pistol, revolver,
24 or other firearm to be purchased, or if any fee required pursuant
25 to subdivision (e) is not submitted by the dealer in conjunction
26 with submission of copies of the register, the department may
27 notify the dealer of that fact. Upon notification by the department,
28 the dealer shall submit corrected copies of the register to the
29 department, or shall submit any fee required pursuant to subdivision
30 (e), or both, as appropriate and, if notification by the department
31 is received by the dealer at any time prior to delivery of the firearm
32 to be purchased, the dealer shall withhold delivery until the
33 conclusion of the waiting period described in Sections 12071 and
34 12072.

35 (5) If the department determines that the information transmitted
36 to it pursuant to subdivision (c) contains inaccurate or incomplete
37 information preventing identification of the purchaser or the pistol,
38 revolver, or other firearm capable of being concealed upon the
39 person to be purchased, or if the fee required pursuant to
40 subdivision (e) is not transmitted by the dealer in conjunction with

1 transmission of the electronic or telephonic record, the department
2 may notify the dealer of that fact. Upon notification by the
3 department, the dealer shall transmit corrections to the record of
4 electronic or telephonic transfer to the department, or shall transmit
5 any fee required pursuant to subdivision (e), or both, as appropriate,
6 and if notification by the department is received by the dealer at
7 any time prior to delivery of the firearm to be purchased, the dealer
8 shall withhold delivery until the conclusion of the waiting period
9 described in Sections 12071 and 12072.

10 (e) The Department of Justice may require the dealer to charge
11 each firearm purchaser a fee not to exceed fourteen dollars (\$14),
12 except that the fee may be increased at a rate not to exceed any
13 increase in the California Consumer Price Index as compiled and
14 reported by the California Department of Industrial Relations. The
15 fee shall be no more than is necessary to fund the following:

16 (1) (A) The department for the cost of furnishing this
17 information.

18 (B) The department for the cost of meeting its obligations under
19 paragraph (2) of subdivision (b) of Section 8100 of the Welfare
20 and Institutions Code.

21 (2) Local mental health facilities for state-mandated local costs
22 resulting from the reporting requirements imposed by Section 8103
23 of the Welfare and Institutions Code.

24 (3) The State Department of Mental Health for the costs resulting
25 from the requirements imposed by Section 8104 of the Welfare
26 and Institutions Code.

27 (4) Local mental hospitals, sanitariums, and institutions for
28 state-mandated local costs resulting from the reporting
29 requirements imposed by Section 8105 of the Welfare and
30 Institutions Code.

31 (5) Local law enforcement agencies for state-mandated local
32 costs resulting from the notification requirements set forth in
33 subdivision (a) of Section 6385 of the Family Code.

34 (6) Local law enforcement agencies for state-mandated local
35 costs resulting from the notification requirements set forth in
36 subdivision (c) of Section 8105 of the Welfare and Institutions
37 Code.

38 (7) For the actual costs associated with the electronic or
39 telephonic transfer of information pursuant to subdivision (c).

1 (8) The Department of Food and Agriculture for the costs
2 resulting from the notification provisions set forth in Section 5343.5
3 of the Food and Agricultural Code.

4 (9) The department for the costs associated with subparagraph
5 (D) of paragraph (2) of subdivision (f) of Section 12072.

6 (10) The department for the costs associated with funding
7 Department of Justice firearms-related regulatory and enforcement
8 activities related to the sale, purchase, loan, or transfer of firearms
9 pursuant to this chapter.

10 The fee established pursuant to this subdivision shall not exceed
11 the sum of the actual processing costs of the department, the
12 estimated reasonable costs of the local mental health facilities for
13 complying with the reporting requirements imposed by paragraph
14 (2) of this subdivision, the costs of the State Department of Mental
15 Health for complying with the requirements imposed by paragraph
16 (3) of this subdivision, the estimated reasonable costs of local
17 mental hospitals, sanitariums, and institutions for complying with
18 the reporting requirements imposed by paragraph (4) of this
19 subdivision, the estimated reasonable costs of local law
20 enforcement agencies for complying with the notification
21 requirements set forth in subdivision (a) of Section 6385 of the
22 Family Code, the estimated reasonable costs of local law
23 enforcement agencies for complying with the notification
24 requirements set forth in subdivision (c) of Section 8105 of the
25 Welfare and Institutions Code imposed by paragraph (6) of this
26 subdivision, the estimated reasonable costs of the Department of
27 Food and Agriculture for the costs resulting from the notification
28 provisions set forth in Section 5343.5 of the Food and Agricultural
29 Code, the estimated reasonable costs of the department for the
30 costs associated with subparagraph (D) of paragraph (2) of
31 subdivision (f) of Section 12072, and the estimated reasonable
32 costs of department firearms-related regulatory and enforcement
33 activities related to the sale, purchase, loan, or transfer of firearms
34 pursuant to this chapter.

35 (f) (1) The Department of Justice may charge a fee sufficient
36 to reimburse it for each of the following but not to exceed fourteen
37 dollars (\$14), except that the fee may be increased at a rate not to
38 exceed any increase in the California Consumer Price Index as
39 compiled and reported by the California Department of Industrial
40 Relations:

1 (A) For the actual costs associated with the preparation, sale,
2 processing, and filing of forms or reports required or utilized
3 pursuant to Section 12078.

4 (B) For the actual processing costs associated with the
5 submission of a Dealers' Record of Sale to the department.

6 (C) For the actual costs associated with the preparation, sale,
7 processing, and filing of reports utilized pursuant to subdivision
8 (l) of Section 12078 or paragraph (18) of subdivision (b) of Section
9 12071, or clause (i) of subparagraph (A) of paragraph (2) of
10 subdivision (f) of Section 12072, or paragraph (3) of subdivision
11 (f) of Section 12072.

12 (D) For the actual costs associated with the electronic or
13 telephonic transfer of information pursuant to subdivision (c).

14 (2) If the department charges a fee pursuant to subparagraph
15 (B) of paragraph (1) of this subdivision, it shall be charged in the
16 same amount to all categories of ~~transaction~~ transactions that are
17 within that subparagraph.

18 (3) Any costs incurred by the Department of Justice to
19 implement this subdivision shall be reimbursed from fees collected
20 and charged pursuant to this subdivision. *No-Except as provided*
21 *in paragraph (4), no fees shall be charged to the dealer pursuant*
22 *to subdivision (e) for implementing this subdivision.*

23 (4) (A) *The department may charge a dealer a one-time fee*
24 *sufficient to cover the costs of preparing the receipt described in*
25 *paragraph (21) of subdivision (b) of Section 12071, provided,*
26 *however, that the fee does not exceed three dollars (\$3).*

27 (B) *If the department revises the receipt referred to in*
28 *subparagraph (A), it may charge a dealer a one-time fee sufficient*
29 *to cover the costs of preparing the revised receipt provided,*
30 *however, that the fee does not exceed two dollars (\$2).*

31 (g) All money received by the department pursuant to this
32 section shall be deposited in the Dealers' Record of Sale Special
33 Account of the General Fund, which is hereby created, to be
34 available, upon appropriation by the Legislature, for expenditure
35 by the department to offset the costs incurred pursuant to this
36 section, *paragraph (21) of subdivision (b) of Section 12071,*
37 *paragraph (1) and subparagraph (D) of paragraph (2) of subdivision*
38 *(f) of Section 12072, Sections 12083 and 12099, subdivision (c)*
39 *of Section 12131, Sections 12234, 12289, and 12289.5, and*
40 *subdivisions (f) and (g) of Section 12305.*

1 (h) Where the electronic or telephonic transfer of applicant
2 information is used, the department shall establish a system to be
3 used for the submission of the fees described in subdivision (e) to
4 the department.

5 (i) (1) Only one fee shall be charged pursuant to this section
6 for a single transaction on the same date for the sale of any number
7 of firearms that are not pistols, revolvers, or other firearms capable
8 of being concealed upon the person or for the taking of possession
9 of those firearms.

10 (2) In a single transaction on the same date for the delivery of
11 any number of firearms that are pistols, revolvers, or other firearms
12 capable of being concealed upon the person, the department shall
13 charge a reduced fee pursuant to this section for the second and
14 subsequent firearms that are part of that transaction.

15 (j) Only one fee shall be charged pursuant to this section for a
16 single transaction on the same date for taking title or possession
17 of any number of firearms pursuant to paragraph (18) of
18 subdivision (b) of Section 12071 or subdivision (c) or (i) of Section
19 12078.

20 (k) Whenever the Department of Justice acts pursuant to this
21 section as it pertains to firearms other than pistols, revolvers, or
22 other firearms capable of being concealed upon the person, the
23 department's acts or omissions shall be deemed to be discretionary
24 within the meaning of the California Tort Claims Act pursuant to
25 Division 3.6 (commencing with Section 810) of Title 1 of the
26 Government Code.

27 (l) As used in this section, the following definitions apply:

28 (1) "Purchaser" means the purchaser or transferee of a firearm
29 or a person being loaned a firearm.

30 (2) "Purchase" means the purchase, loan, or transfer of a firearm.

31 (3) "Sale" means the sale, loan, or transfer of a firearm.

32 (4) "Seller" means, if the transaction is being conducted pursuant
33 to Section 12082, the person selling, loaning, or transferring the
34 firearm.

35 SEC. 6. Section 12077 of the Penal Code is amended to read:

36 12077. (a) The Department of Justice shall prescribe the form
37 of the register and the record of electronic transfer pursuant to
38 Section 12074.

39 (b) (1) For handguns, information contained in the register or
40 record of electronic transfer shall be the date and time of sale,

1 make of firearm, peace officer exemption status pursuant to
2 subdivision (a) of Section 12078 and the agency name, ~~dealer~~
3 ~~waiting period exemption pursuant to subdivision (n) of Section~~
4 ~~12078, dangerous weapons permit holder waiting period exemption~~
5 ~~pursuant to subdivision (r) of Section 12078, curio and relic waiting~~
6 ~~period exemption pursuant to subdivision (t) of Section 12078 any~~
7 *applicable waiting period exemption*, California Firearms Dealer
8 number issued pursuant to Section 12071, for transactions
9 occurring prior to January 1, 2003, the purchaser's basic firearms
10 safety certificate number issued pursuant to Sections 12805 and
11 12809, for transactions occurring on or after January 1, 2003, the
12 purchaser's handgun safety certificate number issued pursuant to
13 Article 8 (commencing with Section 12800), manufacturer's name
14 if stamped on the firearm, model name or number, if stamped on
15 the firearm, if applicable, serial number, other number (if more
16 than one serial number is stamped on the firearm), any
17 identification number or mark assigned to the firearm pursuant to
18 Section 12092, caliber, type of firearm, if the firearm is new or
19 used, barrel length, color of the firearm, full name of purchaser,
20 purchaser's complete date of birth, purchaser's local address, if
21 current address is temporary, complete permanent address of
22 purchaser, identification of purchaser, purchaser's place of birth
23 (state or country), purchaser's complete telephone number,
24 purchaser's occupation, purchaser's sex, purchaser's physical
25 description, all legal names and aliases ever used by the purchaser,
26 yes or no answer to questions that prohibit purchase including, but
27 not limited to, conviction of a felony as described in Section 12021
28 or an offense described in Section 12021.1, the purchaser's status
29 as a person described in Section 8100 of the Welfare and
30 Institutions Code, whether the purchaser is a person who has been
31 adjudicated by a court to be a danger to others or found not guilty
32 by reason of insanity, whether the purchaser is a person who has
33 been found incompetent to stand trial or placed under
34 conservatorship by a court pursuant to Section 8103 of the Welfare
35 and Institutions Code, signature of purchaser, signature of
36 salesperson (as a witness to the purchaser's signature),
37 salesperson's certificate of eligibility number if he or she has
38 obtained a certificate of eligibility, name and complete address of
39 the dealer or firm selling the firearm as shown on the dealer's
40 license, the establishment number, if assigned, the dealer's

complete business telephone number, any information required by Section 12082, any information required to determine whether or not paragraph (6) of subdivision (c) of Section 12072 applies, *the date that the handgun is delivered*, and a statement of the penalties for any person signing a fictitious name or address or for knowingly furnishing any incorrect information or for knowingly omitting any information required to be provided for the register.

(2) Effective January 1, 2003, the purchaser shall provide his or her right thumbprint on the register in a manner prescribed by the department. No exception to this requirement shall be permitted except by regulations adopted by the department.

(3) The firearms dealer shall record on the register or record of electronic transfer the date that the handgun is delivered.

(c) (1) For firearms other than handguns, information contained in the register or record of electronic transfer shall be the date and time of sale, peace officer exemption status pursuant to subdivision (a) of Section 12078 and the agency name, ~~auction or event waiting period exemption pursuant to subdivision (g) of Section 12078,~~ *any applicable waiting period exemption*, California Firearms Dealer number issued pursuant to Section 12071, ~~dangerous weapons permit holder waiting period exemption pursuant to subdivision (r) of Section 12078,~~ curio and relic waiting period exemption pursuant to paragraph (1) of subdivision (t) of Section 12078, full name of purchaser, purchaser's complete date of birth, purchaser's local address, if current address is temporary, complete permanent address of purchaser, identification of purchaser, purchaser's place of birth (state or country), purchaser's complete telephone number, purchaser's occupation, purchaser's sex, purchaser's physical description, all legal names and aliases ever used by the purchaser, yes or no answer to questions that prohibit purchase, including, but not limited to, conviction of a felony as described in Section 12021 or an offense described in Section 12021.1, the purchaser's status as a person described in Section 8100 of the Welfare and Institutions Code, whether the purchaser is a person who has been adjudicated by a court to be a danger to others or found not guilty by reason of insanity, whether the purchaser is a person who has been found incompetent to stand trial or placed under conservatorship by a court pursuant to Section 8103 of the Welfare and Institutions Code, signature of purchaser, signature of salesperson (as a witness to the purchaser's signature),

1 salesperson's certificate of eligibility number if he or she has
2 obtained a certificate of eligibility, name and complete address of
3 the dealer or firm selling the firearm as shown on the dealer's
4 license, the establishment number, if assigned, the dealer's
5 complete business telephone number, *the date that the firearm is*
6 *delivered* any information required by Section 12082, and a
7 statement of the penalties for any person signing a fictitious name
8 or address or for knowingly furnishing any incorrect information
9 or for knowingly omitting any information required to be provided
10 for the register.

11 (2) Effective January 1, 2003, the purchaser shall provide his
12 or her right thumbprint on the register in a manner prescribed by
13 the department. No exception to this requirement shall be permitted
14 except by regulations adopted by the department.

15 (3) The firearms dealer shall record on the register or record of
16 electronic transfer the date that the firearm is delivered.

17 (d) Where the register is used, the following shall apply:

18 (1) Dealers shall use ink to complete each document.

19 (2) The dealer or salesperson making a sale shall ensure that all
20 information is provided legibly. The dealer and salespersons shall
21 be informed that incomplete or illegible information will delay
22 sales.

23 (3) Each dealer shall be provided instructions regarding the
24 procedure for completion of the form and routing of the form.
25 Dealers shall comply with these instructions which shall include
26 the information set forth in this subdivision.

27 (4) One firearm transaction shall be reported on each record of
28 sale document. For purposes of this subdivision, a "transaction"
29 means a single sale, loan, or transfer of any number of firearms
30 that are not handguns.

31 (e) The dealer or salesperson making a sale shall ensure that all
32 required information has been obtained from the purchaser. The
33 dealer and all salespersons shall be informed that incomplete
34 information will delay sales.

35 (f) Effective January 1, 2003, the purchaser's name, date of
36 birth, and driver's license or identification number shall be obtained
37 electronically from the magnetic strip on the purchaser's driver's
38 license or identification and shall not be supplied by any other
39 means except as authorized by the department. This requirement
40 shall not apply in either of the following cases:

1 (1) The purchaser's identification consists of a military
2 identification card.

3 (2) Due to technical limitations, the magnetic stripe reader is
4 unable to obtain the required information from the purchaser's
5 identification. In those circumstances, the firearms dealer shall
6 obtain a photocopy of the identification as proof of compliance.

7 (3) In the event that the dealer has reported to the department
8 that the dealer's equipment has failed, information pursuant to this
9 subdivision shall be obtained by an alternative method to be
10 determined by the department.

11 (g) As used in this section, the following definitions shall
12 control:

13 (1) "Purchaser" means the purchaser or transferee of a firearm
14 or the person being loaned a firearm.

15 (2) "Purchase" means the purchase, loan, or transfer of a firearm.

16 (3) "Sale" means the sale, loan, or transfer of a firearm.

17 SEC. 7. Section 12078 of the Penal Code is amended to read:

18 12078. (a) (1) The waiting periods described in Sections 12071
19 and 12072 shall not apply to the deliveries, transfers, or sales of
20 firearms made to persons properly identified as full-time paid peace
21 officers as defined in Chapter 4.5 (commencing with Section 830)
22 of Title 3 of Part 2, provided that the peace officers are authorized
23 by their employer to carry firearms while in the performance of
24 their duties. Proper identification is defined as verifiable written
25 certification from the head of the agency by which the purchaser
26 or transferee is employed, identifying the purchaser or transferee
27 as a peace officer who is authorized to carry firearms while in the
28 performance of his or her duties, and authorizing the purchase or
29 transfer. The certification shall be delivered to the dealer at the
30 time of purchase or transfer and the purchaser or transferee shall
31 identify himself or herself as the person authorized in the
32 certification. The dealer shall keep the certification with the record
33 of sale. On the date that the delivery, sale, or transfer is made, the
34 dealer delivering the firearm shall transmit to the Department of
35 Justice an electronic or telephonic report of the transaction as is
36 indicated in subdivision (b) or (c) of Section 12077.

37 (2) Subdivision (b) of Section 12801 and the preceding
38 provisions of this article do not apply to deliveries, transfers, or
39 sales of firearms made to authorized law enforcement
40 representatives of cities, counties, cities and counties, or state or

1 federal governments for exclusive use by those governmental
2 agencies if, prior to the delivery, transfer, or sale of these firearms,
3 written authorization from the head of the agency authorizing the
4 transaction is presented to the person from whom the purchase,
5 delivery, or transfer is being made. Proper written authorization
6 is defined as verifiable written certification from the head of the
7 agency by which the purchaser or transferee is employed,
8 identifying the employee as an individual authorized to conduct
9 the transaction, and authorizing the transaction for the exclusive
10 use of the agency by which he or she is employed. Within 10 days
11 of the date a handgun is acquired by the agency, a record of the
12 same shall be entered as an institutional weapon into the Automated
13 Firearms System (AFS) via the California Law Enforcement
14 Telecommunications System (CLETS) by the law enforcement or
15 state agency. Those agencies without access to AFS shall arrange
16 with the sheriff of the county in which the agency is located to
17 input this information via this system.

18 (3) Subdivision (b) of Section 12801 and the preceding
19 provisions of this article do not apply to the loan of a firearm made
20 by an authorized law enforcement representative of a city, county,
21 or city and county, or the state or federal government to a peace
22 officer employed by that agency and authorized to carry a firearm
23 for the carrying and use of that firearm by that peace officer in the
24 course and scope of his or her duties.

25 (4) Subdivision (b) of Section 12801 and the preceding
26 provisions of this article do not apply to the delivery, sale, or
27 transfer of a firearm by a law enforcement agency to a peace officer
28 pursuant to Section 10334 of the Public Contract Code. Within 10
29 days of the date that a handgun is sold, delivered, or transferred
30 pursuant to Section 10334 of the Public Contract Code to that
31 peace officer, the name of the officer and the make, model, serial
32 number, and other identifying characteristics of the firearm being
33 sold, transferred, or delivered shall be entered into the Automated
34 Firearms System (AFS) via the California Law Enforcement
35 Telecommunications System (CLETS) by the law enforcement or
36 state agency that sold, transferred, or delivered the firearm. Those
37 agencies without access to AFS shall arrange with the sheriff of
38 the county in which the agency is located to input this information
39 via this system.

(5) Subdivision (b) of Section 12801 and the preceding provisions of this article do not apply to the delivery, sale, or transfer of a firearm by a law enforcement agency to a retiring peace officer who is authorized to carry a firearm pursuant to Section 12027.1. Within 10 days of the date that a handgun is sold, delivered, or transferred to that retiring peace officer, the name of the officer and the make, model, serial number, and other identifying characteristics of the firearm being sold, transferred, or delivered shall be entered into the Automated Firearms System (AFS) via the California Law Enforcement Telecommunications System (CLETS) by the law enforcement or state agency that sold, transferred, or delivered the firearm. Those agencies without access to AFS shall arrange with the sheriff of the county in which the agency is located to input this information via this system.

~~(6) Subdivision Section 12071, subdivisions (c) and (d) of~~ Section 12072, and subdivision (b) of Section 12801 do not apply to sales, deliveries, or transfers of firearms to authorized representatives of cities, cities and counties, counties, or state or federal governments for those governmental agencies where the entity is acquiring the weapon as part of an authorized, voluntary program where the entity is buying or receiving weapons from private individuals *or persons licensed pursuant to state or federal law to engage in the sale, loan, or transfer of firearms*. Any weapons acquired pursuant to this paragraph shall be disposed of pursuant to the applicable provisions of Section 12028 or 12032.

(7) Subdivision (d) of Section 12072 and subdivision (b) of Section 12801 shall not apply to the sale, loan, delivery, or transfer of a firearm made by an authorized law enforcement representative of a city, county, city and county, state, or the federal government to any public or private nonprofit historical society, museum, or institutional collection or the purchase or receipt of that firearm by that public or private nonprofit historical society, museum, or institutional collection if all of the following conditions are met:

(A) The entity receiving the firearm is open to the public.

(B) The firearm prior to delivery is deactivated or rendered inoperable.

(C) The firearm is not subject to Section 12028, 12028.5, 12030, or 12032.

(D) The firearm is not prohibited by other provisions of law from being sold, delivered, or transferred to the public at large.

1 (E) Prior to delivery, the entity receiving the firearm submits a
2 written statement to the law enforcement representative stating
3 that the firearm will not be restored to operating condition, and
4 will either remain with that entity, or if subsequently disposed of,
5 will be transferred in accordance with the applicable provisions
6 of this article and, if applicable, Section 12801.

7 (F) Within 10 days of the date that the firearm is sold, loaned,
8 delivered, or transferred to that entity, the name of the government
9 entity delivering the firearm, and the make, model, serial number,
10 and other identifying characteristics of the firearm and the name
11 of the person authorized by the entity to take possession of the
12 firearm shall be reported to the department in a manner prescribed
13 by the department.

14 (G) In the event of a change in the status of the designated
15 representative, the entity shall notify the department of a new
16 representative within 30 days.

17 (8) Subdivision (d) of Section 12072 and subdivision (b) of
18 Section 12801 shall not apply to the sale, loan, delivery, or transfer
19 of a firearm made by any person other than a representative of an
20 authorized law enforcement agency to any public or private
21 nonprofit historical society, museum, or institutional collection if
22 all of the following conditions are met:

23 (A) The entity receiving the firearm is open to the public.

24 (B) The firearm is deactivated or rendered inoperable prior to
25 delivery.

26 (C) The firearm is not of a type prohibited from being sold,
27 delivered, or transferred to the public.

28 (D) Prior to delivery, the entity receiving the firearm submits a
29 written statement to the person selling, loaning, or transferring the
30 firearm stating that the firearm will not be restored to operating
31 condition, and will either remain with that entity, or if subsequently
32 disposed of, will be transferred in accordance with the applicable
33 provisions of this article and, if applicable, Section 12801.

34 (E) If title to a handgun is being transferred to the public or
35 private nonprofit historical society, museum, or institutional
36 collection, then the designated representative of that public or
37 private historical society, museum or institutional collection within
38 30 days of taking possession of that handgun, shall forward by
39 prepaid mail or deliver in person to the Department of Justice, a
40 single report signed by both parties to the transaction, that includes

1 information identifying the person representing that public or
2 private historical society, museum, or institutional collection, how
3 title was obtained and from whom, and a description of the firearm
4 in question, along with a copy of the written statement referred to
5 in subparagraph (D). The report forms that are to be completed
6 pursuant to this paragraph shall be provided by the Department of
7 Justice.

8 (F) In the event of a change in the status of the designated
9 representative, the entity shall notify the department of a new
10 representative within 30 days.

11 (9) (A) *Sections 12070 to 12077.5, inclusive, and subdivision*
12 *(b) of Section 12801 do not apply to the acquisition, receipt, or*
13 *disposition of a firearm by a duly authorized peace officer within*
14 *the course and scope of his or her official duties, provided that*
15 *the peace officer complies with subparagraph (C).*

16 (B) *Sections 12070 to 12077.5, inclusive, do not apply to the*
17 *acquisition, receipt, or disposition of a firearm by any person*
18 *under the immediate direction, supervision, or instruction of a*
19 *duly authorized peace officer within the course and scope of his*
20 *or her official duties, provided that the person relinquishes the*
21 *firearm to the peace officer within 12 hours of taking possession.*

22 (C) *Except as provided in subparagraph (D), unless the*
23 *employing agency's regulations set a shorter period of time, within*
24 *24 hours of a peace officer coming into possession of a firearm*
25 *pursuant to subparagraph (A), the officer shall cause that firearm*
26 *to be delivered to his or her employing agency, unless that officer*
27 *is required by law to immediately return the firearm to the person*
28 *from whom the officer received the firearm.*

29 (D) *In the case of peace officers employed by the Department*
30 *of Fish and Game, unless the department's regulations set a shorter*
31 *period of time, within 24 hours of a peace officer coming into*
32 *possession of a firearm pursuant to subparagraph (A), the officer*
33 *shall cause the firearm to be delivered to the officer's employing*
34 *agency or to the sheriff of the county or the police department of*
35 *the city where the officer took possession of the firearm, unless*
36 *the officer is required by law to immediately return the firearm to*
37 *the person from whom the officer received it. The Attorney General,*
38 *in cooperation with those law enforcement agencies and*
39 *firearms-related organizations as may choose to do so, shall*
40 *develop a protocol for the implementation of this subparagraph.*

1 (E) All firearms acquired by a law enforcement agency pursuant
2 to this paragraph shall be disposed of pursuant to the applicable
3 provisions of Section 12028, 12028.5, 12030, or 12032.

4 (10) Section 12070, subdivision (d) of Section 12072, and
5 subdivision (b) of Section 12801 do not apply to the delivery, sale,
6 or transfer of firearms when made by authorized law enforcement
7 representatives of cities, counties, cities and counties, or of the
8 state or federal government, if all of the following conditions are
9 met:

10 (A) The sale, delivery, or transfer is made to one of the
11 following:

12 (i) A person licensed pursuant to Section 12071.

13 (ii) A wholesaler.

14 (iii) A manufacturer or importer of firearms licensed to engage
15 in that business pursuant to Chapter 44 (commencing with Section
16 921) of Title 18 of the United States Code and the regulations
17 issued pursuant thereto.

18 (B) The sale, delivery, or transfer of the firearm is not subject
19 to the procedures set forth in Section 12028, 12030, or 12032.

20 (C) Where the sale, delivery, or transfer is of a handgun, on the
21 date that the handgun is delivered pursuant to this subdivision by
22 the agency, a record of the delivery has been entered into the
23 Automated Firearms System (AFS) via the California Law
24 Enforcement Telecommunications System (CLETS) by the law
25 enforcement or state agency. Those agencies without access to
26 AFS shall arrange with the sheriff of the county in which the agency
27 is located to input this information via this system.

28 (11) Any agency that is the registered owner of an institutional
29 weapon in accordance with paragraph (2), which subsequently
30 destroys the same, shall enter that information into the AFS via
31 CLETS within 10 days of the destruction in accordance with
32 procedures prescribed by the Department of Justice. Agencies
33 without access to AFS shall arrange with the sheriff of the county
34 in which the agency is located to input this information via this
35 system.

36 (b) (1) Section 12071, subdivisions (c) and (d) of Section
37 12072, and subdivision (b) of Section 12801 shall not apply to
38 deliveries, sales, or transfers of firearms between or to importers
39 and manufacturers of firearms licensed to engage in that business
40 pursuant to Chapter 44 (commencing with Section 921) of Title

1 18 of the United States Code and the regulations issued pursuant
2 thereto.

3 (2) Subdivision (b) of Section 12801 shall not apply to the
4 delivery, sale, or transfer of a handgun to a person licensed pursuant
5 to Section 12071, where the licensee is receiving the handgun in
6 the course and scope of his or her activities as a person licensed
7 pursuant to Section 12071.

8 (c) (1) Subdivision (d) of Section 12072 shall not apply to the
9 infrequent transfer of a firearm that is not a handgun by gift,
10 bequest, intestate succession, or other means by one individual to
11 another if both individuals are members of the same immediate
12 family.

13 (2) Subdivision (d) of Section 12072 shall not apply to the
14 infrequent transfer of a handgun by gift, bequest, intestate
15 succession, or other means by one individual to another if both
16 individuals are members of the same immediate family and all of
17 the following conditions are met:

18 (A) The person to whom the firearm is transferred shall, within
19 30 days of taking possession of the firearm, forward by prepaid
20 mail or deliver in person to the Department of Justice, a report that
21 includes information concerning the individual taking possession
22 of the firearm, how title was obtained and from whom, and a
23 description of the firearm in question. The report forms that
24 individuals complete pursuant to this paragraph shall be provided
25 to them by the Department of Justice.

26 (B) The person taking title to the firearm shall first obtain a
27 handgun safety certificate.

28 (C) The person receiving the firearm is 18 years of age or older.

29 (3) As used in this subdivision, "immediate family member"
30 means any one of the following relationships:

31 (A) Parent and child.

32 (B) Grandparent and grandchild.

33 (d) (1) Subdivision (d) of Section 12072 shall not apply to the
34 infrequent loan of firearms between persons who are personally
35 known to each other for any lawful purpose, if the loan does not
36 exceed 30 days in duration and, when the firearm is a handgun,
37 commencing January 1, 2003, the individual being loaned the
38 handgun has a valid handgun safety certificate.

(2) Subdivision (d) of Section 12072, and subdivision (b) of Section 12801 shall not apply to the loan of a firearm where all of the following conditions exist:

(A) The person loaning the firearm is at all times within the presence of the person being loaned the firearm.

(B) The loan is for a lawful purpose.

(C) The loan does not exceed three days in duration.

(D) The individual receiving the firearm is not prohibited by state or federal law from possessing, receiving, owning, or purchasing a firearm.

(E) The person loaning the firearm is 18 years of age or older.

(F) The person being loaned the firearm is 18 years of age or older.

(e) Section 12071, subdivisions (c) and (d) of Section 12072, and subdivision (b) of Section 12801 shall not apply to the delivery of a firearm to a gunsmith for service or repair, or to the return of the firearm to its owner by the gunsmith.

(f) Subdivision (d) of Section 12072 and subdivision (b) of Section 12801 shall not apply to the sale, delivery, or transfer of firearms by persons who reside in this state to persons who reside outside this state who are licensed pursuant to Chapter 44 (commencing with Section 921) of Title 18 of the United States Code and the regulations issued pursuant thereto, if the sale, delivery, or transfer is in accordance with Chapter 44 (commencing with Section 921) of Title 18 of the United States Code and the regulations issued pursuant thereto.

(g) (1) Subdivision (d) of Section 12072 shall not apply to the infrequent sale or transfer of a firearm, other than a handgun, at auctions or similar events conducted by nonprofit mutual or public benefit corporations organized pursuant to the Corporations Code.

As used in this paragraph, the term “infrequent” shall not be construed to prohibit different local chapters of the same nonprofit corporation from conducting auctions or similar events, provided the individual local chapter conducts the auctions or similar events infrequently. It is the intent of the Legislature that different local chapters, representing different localities, be entitled to invoke the exemption created by this paragraph, notwithstanding the frequency with which other chapters of the same nonprofit corporation may conduct auctions or similar events.

1 (2) Subdivision (d) of Section 12072 shall not apply to the
2 transfer of a firearm other than a handgun, if the firearm is donated
3 for an auction or similar event described in paragraph (1) and the
4 firearm is delivered to the nonprofit corporation immediately
5 preceding, or contemporaneous with, the auction or similar event.

6 (3) The waiting period described in Sections 12071 and 12072
7 shall not apply to a dealer who delivers a firearm other than a
8 handgun at an auction or similar event described in paragraph (1),
9 as authorized by subparagraph (C) of paragraph (1) of subdivision
10 (b) of Section 12071. Within two business days of completion of
11 the application to purchase, the dealer shall forward by prepaid
12 mail to the Department of Justice a report of the same as is
13 indicated in subdivision (c) of Section 12077. If the electronic or
14 telephonic transfer of applicant information is used, within two
15 business days of completion of the application to purchase, the
16 dealer delivering the firearm shall transmit to the Department of
17 Justice an electronic or telephonic report of the same as is indicated
18 in subdivision (c) of Section 12077.

19 (h) Subdivision (d) of Section 12072 and subdivision (b) of
20 Section 12801 shall not apply to the loan of a firearm to a person
21 18 years of age or older for the purposes of shooting at targets if
22 the loan occurs on the premises of a target facility that holds a
23 business or regulatory license or on the premises of any club or
24 organization organized for the purposes of practicing shooting at
25 targets upon established ranges, whether public or private, if the
26 firearm is at all times kept within the premises of the target range
27 or on the premises of the club or organization.

28 (i) (1) Subdivision (d) of Section 12072 shall not apply to a
29 person who takes title or possession of a firearm that is not a
30 handgun by operation of law if the person is not prohibited by state
31 or federal law from possessing, receiving, owning, or purchasing
32 a firearm.

33 (2) Subdivision (d) of Section 12072 shall not apply to a person
34 who takes title or possession of a handgun by operation of law if
35 the person is not prohibited by state or federal law from possessing,
36 receiving, owning, or purchasing a firearm and all of the following
37 conditions are met:

38 (A) If the person taking title or possession is neither a levying
39 officer as defined in Section 481.140, 511.060, or 680.210 of the
40 Code of Civil Procedure, nor a person who is receiving that firearm

1 pursuant to subparagraph (G), (I), or (J) of paragraph (2) of
2 subdivision (u), the person shall, within 30 days of taking
3 possession, forward by prepaid mail or deliver in person to the
4 Department of Justice, a report of information concerning the
5 individual taking possession of the firearm, how title or possession
6 was obtained and from whom, and a description of the firearm in
7 question. The reports that individuals complete pursuant to this
8 paragraph shall be provided to them by the department.

9 (B) If the person taking title or possession is receiving the
10 firearm pursuant to subparagraph (G) of paragraph (2) of
11 subdivision (u), the person shall do both of the following:

12 (i) Within 30 days of taking possession, forward by prepaid
13 mail or deliver in person to the department, a report of information
14 concerning the individual taking possession of the firearm, how
15 title or possession was obtained and from whom, and a description
16 of the firearm in question. The reports that individuals complete
17 pursuant to this paragraph shall be provided to them by the
18 department.

19 (ii) Prior to taking title or possession of the firearm, the person
20 shall obtain a handgun safety certificate.

21 (C) Where the person receiving title or possession of the
22 handgun is a person described in subparagraph (I) of paragraph
23 (2) of subdivision (u), on the date that the person is delivered the
24 firearm, the name and other information concerning the person
25 taking possession of the firearm, how title or possession of the
26 firearm was obtained and from whom, and a description of the
27 firearm by make, model, serial number, and other identifying
28 characteristics, shall be entered into the Automated Firearms
29 System (AFS) via the California Law Enforcement
30 Telecommunications System (CLETS) by the law enforcement or
31 state agency that transferred or delivered the firearm. Those
32 agencies without access to AFS shall arrange with the sheriff of
33 the county in which the agency is located to input this information
34 via this system.

35 (D) Where the person receiving title or possession of the
36 handgun is a person described in subparagraph (J) of paragraph
37 (2) of subdivision (u), on the date that the person is delivered the
38 firearm, the name and other information concerning the person
39 taking possession of the firearm, how title or possession of the
40 firearm was obtained and from whom, and a description of the

1 firearm by make, model, serial number, and other identifying
2 characteristics, shall be entered into the AFS via the CLETS by
3 the law enforcement or state agency that transferred or delivered
4 the firearm. Those agencies without access to AFS shall arrange
5 with the sheriff of the county in which the agency is located to
6 input this information via this system. In addition, that law
7 enforcement agency shall not deliver that handgun to the person
8 referred to in this subparagraph unless, prior to the delivery of the
9 same, the person presents proof to the agency that he or she is the
10 holder of a handgun safety certificate.

11 (3) Subdivision (d) of Section 12072 shall not apply to a person
12 who takes possession of a firearm by operation of law in a
13 representative capacity who subsequently transfers ownership of
14 the firearm to himself or herself in his or her individual capacity.
15 In the case of a handgun, the individual shall obtain a handgun
16 safety certificate prior to transferring ownership to himself or
17 herself, or taking possession of a handgun in an individual capacity.

18 (j) Subdivision (d) of Section 12072 and subdivision (b) of
19 Section 12801 shall not apply to deliveries, transfers, or returns
20 of firearms made pursuant to Section 12021.3, 12028, 12028.5, or
21 12030.

22 (k) Section 12071, subdivision (c) of Section 12072, and
23 subdivision (b) of Section 12801 shall not apply to any of the
24 following:

25 (1) The delivery, sale, or transfer of unloaded firearms that are
26 not handguns by a dealer to another dealer upon proof of
27 compliance with the requirements of paragraph (1) of subdivision
28 (f) of Section 12072.

29 (2) The delivery, sale, or transfer of unloaded firearms by dealers
30 to persons who reside outside this state who are licensed pursuant
31 to Chapter 44 (commencing with Section 921) of Title 18 of the
32 United States Code and the regulations issued pursuant thereto.

33 (3) The delivery, sale, or transfer of unloaded firearms to a
34 wholesaler if the firearms are being returned to the wholesaler and
35 are intended as merchandise in the wholesaler's business.

36 (4) The delivery, sale, or transfer of unloaded firearms by one
37 dealer to another dealer if the firearms are intended as merchandise
38 in the receiving dealer's business upon proof of compliance with
39 the requirements of paragraph (1) of subdivision (f) of Section
40 12072.

1 (5) The delivery, sale, or transfer of an unloaded firearm that is
2 not a handgun by a dealer to himself or herself.

3 (6) The loan of an unloaded firearm by a dealer who also
4 operates a target facility that holds a business or regulatory license
5 on the premises of the building designated in the license or whose
6 building designated in the license is on the premises of any club
7 or organization organized for the purposes of practicing shooting
8 at targets upon established ranges, whether public or private, to a
9 person at that target facility or that club or organization, if the
10 firearm is at all times kept within the premises of the target range
11 or on the premises of the club or organization.

12 (l) A person who is exempt from subdivision (d) of Section
13 12072 or is otherwise not required by law to report his or her
14 acquisition, ownership, *destruction*, or disposal of a ~~handgun~~
15 *firearm* or who moves out of this state with his or her ~~handgun~~
16 *firearm* may submit a report of the same to the Department of
17 Justice in a format prescribed by the department.

18 (m) Subdivision (d) of Section 12072 and subdivision (b) of
19 Section 12801 shall not apply to the delivery, sale, or transfer of
20 unloaded firearms to a wholesaler as merchandise in the
21 wholesaler's business by manufacturers or importers licensed to
22 engage in that business pursuant to Chapter 44 (commencing with
23 Section 921) of Title 18 of the United States Code and the
24 regulations issued pursuant thereto, or by another wholesaler, if
25 the delivery, sale, or transfer is made in accordance with Chapter
26 44 (commencing with Section 921) of Title 18 of the United States
27 Code.

28 (n) (1) The waiting period described in Section 12071 or 12072
29 shall not apply to the delivery, sale, or transfer of a handgun by a
30 dealer in either of the following situations:

31 (A) The dealer is delivering the firearm to another dealer and
32 it is not intended as merchandise in the receiving dealer's business.

33 (B) The dealer is delivering the firearm to himself or herself
34 and it is not intended as merchandise in his or her business.

35 (2) In order for this subdivision to apply, both of the following
36 shall occur:

37 (A) If the dealer is receiving the firearm from another dealer,
38 the dealer receiving the firearm shall present proof to the dealer
39 delivering the firearm that he or she is licensed pursuant to Section

1 12071 by complying with paragraph (1) of subdivision (f) of
2 Section 12072.

3 (B) Whether the dealer is delivering, selling, or transferring the
4 firearm to himself or herself or to another dealer, on the date that
5 the application to purchase is completed, the dealer delivering the
6 firearm shall forward by prepaid mail to the Department of Justice
7 a report of the same and the type of information concerning the
8 purchaser or transferee as is indicated in subdivision (b) of Section
9 12077. Where the electronic or telephonic transfer of applicant
10 information is used, on the date that the application to purchase is
11 completed, the dealer delivering the firearm shall transmit an
12 electronic or telephonic report of the same and the type of
13 information concerning the purchaser or transferee as is indicated
14 in subdivision (b) of Section 12077.

15 (o) Section 12071 and subdivisions (c), (d), and paragraph (1)
16 of subdivision (f) of Section 12072 shall not apply to the delivery,
17 sale, or transfer of firearms regulated pursuant to Section 12020,
18 Chapter 2 (commencing with Section 12200), or Chapter 2.3
19 (commencing with Section 12275), if the delivery, sale, or transfer
20 is conducted in accordance with the applicable provisions of
21 Section 12020, Chapter 2 (commencing with Section 12200), or
22 Chapter 2.3 (commencing with Section 12275).

23 (p) (1) Paragraph (3) of subdivision (a) and subdivision (d) of
24 Section 12072 shall not apply to the loan of a firearm that is not a
25 handgun to a minor, with the express permission of the parent or
26 legal guardian of the minor, if the loan does not exceed 30 days
27 in duration and is for a lawful purpose.

28 (2) Paragraph (3) of subdivision (a) of Section 12072,
29 subdivision (d) of Section 12072, and subdivision (b) of Section
30 12801 shall not apply to the loan of a handgun to a minor by a
31 person who is not the parent or legal guardian of the minor if all
32 of the following circumstances exist:

33 (A) The minor has the written consent of his or her parent or
34 legal guardian that is presented at the time of, or prior to the time
35 of, the loan, or is accompanied by his or her parent or legal
36 guardian at the time the loan is made.

37 (B) The minor is being loaned the firearm for the purpose of
38 engaging in a lawful, recreational sport, including, but not limited
39 to, competitive shooting, or agricultural, ranching, or hunting
40 activity, or a motion picture, television, or video production, or

1 entertainment or theatrical event, the nature of which involves the
2 use of a firearm.

3 (C) The duration of the loan does not exceed the amount of time
4 that is reasonably necessary to engage in the lawful, recreational
5 sport, including, but not limited to, competitive shooting, or
6 agricultural, ranching, or hunting activity, or a motion picture,
7 television, or video production, or entertainment or theatrical event,
8 the nature of which involves the use of a firearm.

9 (D) The duration of the loan does not, in any event, exceed 10
10 days.

11 (3) Paragraph (3) of subdivision (a), and subdivision (d), of
12 Section 12072, and subdivision (b) of Section 12801 shall not
13 apply to the loan of a handgun to a minor by his or her parent or
14 legal guardian if both of the following circumstances exist:

15 (A) The minor is being loaned the firearm for the purposes of
16 engaging in a lawful, recreational sport, including, but not limited
17 to, competitive shooting, or agricultural, ranching, or hunting
18 activity, or a motion picture, television, or video production, or
19 entertainment or theatrical event, the nature of which involves the
20 use of a firearm.

21 (B) The duration of the loan does not exceed the amount of time
22 that is reasonably necessary to engage in the lawful, recreational
23 sport, including, but not limited to, competitive shooting, or
24 agricultural, ranching, or hunting activity, or a motion picture,
25 television, or video production, or entertainment or theatrical event,
26 the nature of which involves the use of a firearm.

27 (4) Paragraph (3) of subdivision (a), and subdivision (d), of
28 Section 12072 shall not apply to the transfer or loan of a firearm
29 that is not a handgun to a minor by his or her parent or legal
30 guardian.

31 (5) Paragraph (3) of subdivision (a), and subdivision (d), of
32 Section 12072 shall not apply to the transfer or loan of a firearm
33 that is not a handgun to a minor by his or her grandparent who is
34 not the legal guardian of the minor if the transfer is done with the
35 express permission of the parent or legal guardian of the minor.

36 (6) Subparagraph (A) of paragraph (3) of subdivision (a) of
37 Section 12072 shall not apply to the sale of a handgun if both of
38 the following requirements are satisfied:

39 (A) The sale is to a person who is at least 18 years of age.

1 (B) The firearm is an antique firearm as defined in paragraph
2 (16) of subsection (a) of Section 921 of Title 18 of the United
3 States Code.

4 (q) Subdivision (d) of Section 12072 shall not apply to the loan
5 of a firearm that is not a handgun to a licensed hunter for use by
6 that licensed hunter for a period of time not to exceed the duration
7 of the hunting season for which that firearm is to be used.

8 (r) The waiting period described in Section 12071 or 12072
9 shall not apply to the delivery, sale, or transfer of a firearm to the
10 holder of a special weapons permit issued by the Department of
11 Justice issued pursuant to Section 12095, 12230, 12250, or 12305.
12 On the date that the application to purchase is completed, the dealer
13 delivering the firearm shall transmit to the Department of Justice
14 an electronic or telephonic report of the same as is indicated in
15 subdivision (b) or (c) of Section 12077.

16 (s) (1) Subdivision (d) of Section 12072 and subdivision (b) of
17 Section 12801 shall not apply to the infrequent loan of an unloaded
18 firearm by a person who is neither a dealer as defined in Section
19 12071 nor a federal firearms licensee pursuant to Chapter 44 of
20 Title 18 of the United States Code, to a person 18 years of age or
21 older for use solely as a prop in a motion picture, television, video,
22 theatrical, or other entertainment production or event.

23 (2) Subdivision (d), and paragraph (1) of subdivision (f), of
24 Section 12072, and subdivision (b) of Section 12801 shall not
25 apply to the loan of an unloaded firearm by a person who is not a
26 dealer as defined in Section 12071 but who is a federal firearms
27 licensee pursuant to Chapter 44 of Title 18 of the United States
28 Code, to a person who possesses a valid entertainment firearms
29 permit issued pursuant to Section 12081, for use solely as a prop
30 in a motion picture, television, video, theatrical, or other
31 entertainment production or event. The person loaning the firearm
32 pursuant to this paragraph shall retain a photocopy of the
33 entertainment firearms permit as proof of compliance with this
34 requirement.

35 (3) Subdivision (b) of Section 12071, subdivision (c) of, and
36 paragraph (1) of subdivision (f) of, Section 12072, and subdivision
37 (b) of Section 12801 shall not apply to the loan of an unloaded
38 firearm by a dealer as defined in Section 12071, to a person who
39 possesses a valid entertainment firearms permit issued pursuant
40 to Section 12081, for use solely as a prop in a motion picture,

1 television, video, theatrical, or other entertainment production or
2 event. The dealer shall retain a photocopy of the entertainment
3 firearms permit as proof of compliance with this requirement.

4 (4) Subdivision (b) of Section 12071, subdivision (c) and
5 paragraph (1) of subdivision (f) of Section 12072, and subdivision
6 (b) of Section 12801 shall not apply to the loan of an unloaded
7 firearm to a consultant-evaluator by a person licensed pursuant to
8 Section 12071 if the loan does not exceed 45 days from the date
9 of delivery. At the time of the loan, the consultant-evaluator shall
10 provide the following information, which the dealer shall retain
11 for two years:

12 (A) A photocopy of a valid, current, government-issued
13 identification to determine the consultant-evaluator's identity,
14 including, but not limited to, a California driver's license,
15 identification card, or passport.

16 (B) A photocopy of the consultant-evaluator's valid, current
17 certificate of eligibility.

18 (C) A letter from the person licensed as an importer,
19 manufacturer, or dealer pursuant to Chapter 44 (commencing with
20 Section 921) of Title 18 of the United States Code, with whom the
21 consultant-evaluator has a bona fide business relationship. The
22 letter shall detail the bona fide business purposes for which the
23 firearm is being loaned and confirm that the consultant-evaluator
24 is being loaned the firearm as part of a bona fide business
25 relationship.

26 (D) The signature of the consultant-evaluator on a form
27 indicating the date the firearm is loaned and the last day the firearm
28 may be returned.

29 (t) (1) The waiting period described in Section 12071 or 12072
30 shall not apply to the sale, delivery, loan, or transfer of a firearm
31 that is a curio or relic, as defined in Section 478.11 of Title 27 of
32 the Code of Federal Regulations, or its successor, by a dealer to a
33 person who is licensed as a collector pursuant to Chapter 44
34 (commencing with Section 921) of Title 18 of the United States
35 Code and the regulations issued pursuant thereto who has a current
36 certificate of eligibility issued to him or her by the Department of
37 Justice pursuant to Section 12071. On the date that the delivery,
38 sale, or transfer is made, the dealer delivering the firearm shall
39 transmit to the Department of Justice an electronic or telephonic

1 report of the transaction as is indicated in subdivision (b) or (c) of
2 Section 12077.

3 (2) Subdivision (d) and paragraph (1) of subdivision (f) of
4 Section 12072 shall not apply to the infrequent sale, loan, or
5 transfer of a firearm that is not a handgun, which is a curio or relic
6 manufactured at least 50 years prior to the current date, but not
7 including replicas thereof, as defined in Section 478.11 of Title
8 27 of the Code of Federal Regulations, or its successor.

9 (u) As used in this section:

10 (1) “Infrequent” has the same meaning as in paragraph (1) of
11 subdivision (c) of Section 12070.

12 (2) “A person taking title or possession of firearms by operation
13 of law” includes, but is not limited to, any of the following
14 instances wherein an individual receives title to, or possession of,
15 firearms:

16 (A) The executor or administrator of an estate if the estate
17 includes firearms.

18 (B) A secured creditor or an agent or employee thereof when
19 the firearms are possessed as collateral for, or as a result of, a
20 default under a security agreement under the Commercial Code.

21 (C) A levying officer, as defined in Section 481.140, 511.060,
22 or 680.260 of the Code of Civil Procedure.

23 (D) A receiver performing his or her functions as a receiver if
24 the receivership estate includes firearms.

25 (E) A trustee in bankruptcy performing his or her duties if the
26 bankruptcy estate includes firearms.

27 (F) An assignee for the benefit of creditors performing his or
28 her functions as an assignee, if the assignment includes firearms.

29 (G) A transmutation of property consisting of firearms pursuant
30 to Section 850 of the Family Code.

31 (H) Firearms passing to a surviving spouse pursuant to Chapter
32 1 (commencing with Section 13500) of Part 2 of Division 8 of the
33 Probate Code.

34 (I) Firearms received by the family of a police officer or deputy
35 sheriff from a local agency pursuant to Section 50081 of the
36 Government Code.

37 (J) The transfer of a firearm by a law enforcement agency to
38 the person who found the firearm where the delivery is to the
39 person as the finder of the firearm pursuant to Article 1

1 (commencing with Section 2080) of Chapter 4 of Division 3 of
2 the Civil Code.

3 SEC. 8. It is the intent of the Legislature in enacting paragraph
4 (21) of subdivision (b) of Section 12071 of the Penal Code,
5 referencing subdivision (l) of Section 12078 of the Penal Code,
6 and adding subdivisions (e) and (f) to Section 11106 of the Penal
7 Code in this act to do all of the following:

8 (a) Codify existing practices and Internet-based programs,
9 including online forms used by the Department of Justice on its
10 Internet Web site.

11 (b) Require the department to use existing programs and
12 procedures within existing resources to implement the amendments
13 adding paragraph (21) to subdivision (b) of Section 12071 of the
14 Penal Code, amending subdivision (l) of Section 12078 of the
15 Penal Code, and adding subdivisions (e) and (f) to Section 11106
16 of the Penal Code.

17 (c) To the extent feasible, allow the use of one uniform receipt
18 that is referred to in paragraph (21) of subdivision (b) of Section
19 12071 of the Penal Code which shall include a clear and concise
20 statement of the procedures that may be used to report the
21 ownership of, acquisition of, and disposition of firearms pursuant
22 to subdivision (l) of Section 12078 of the Penal Code as well as
23 enable persons who report the disposition, acquisition, or return
24 of firearms to use the provisions of Section 11106 of the Penal
25 Code to ascertain what firearms they are listed as owning by the
26 Department of Justice.

27 (d) To the extent feasible, allow the use of one uniform receipt,
28 available on the department's Internet Web site in online and
29 editable form.

30 (e) To allow firearms dealers to make blank copies of the receipt.