

AMENDED IN SENATE APRIL 13, 2009

SENATE BILL

No. 41

Introduced by ~~Senator Lowenthal~~ *Senators Lowenthal and Hancock*

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 amended, 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~~ *require that the dealer provide a copy of the record of transfer to the seller and purchaser of a firearm.*

The bill would also require the record of transfer to have signature lines for the purchaser and the dealer to acknowledge the date of transfer of the firearm.

Existing law requires firearms dealers to submit specified information in connection with firearms transfers to the Department of Justice in Sacramento.

This bill would remove the requirement that the information be sent to Sacramento.

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: 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 12077, 12078, or 12082, forms provided pursuant to Section 12084,
13 as that section read prior to being repealed by the act that amended
14 this section, reports provided pursuant to Section 12071 that are
15 not dealers' records of sales of firearms, and reports of stolen, lost,
16 found, pledged, or pawned property in any city or county of this
17 state, and shall, upon proper application therefor, furnish this
18 information to the officers referred to in Section 11105.

(b) (1) Except as provided in subdivision (d), the Attorney General shall not retain or compile any information from reports filed pursuant to subdivision (a) of Section 12078 for firearms that are not handguns, from forms submitted pursuant to Section 12084, as that section read prior to being repealed by the act that amended this section, for firearms that are not handguns, or from dealers' records of sales for firearms that are not handguns. All copies of the forms submitted, or any information received in electronic form, pursuant to Section 12084, as that section read prior to being repealed by the act that amended this section, for firearms that are 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

1 in former Section 12084, or reports made to the department
2 pursuant to Section 12078 or any other law.

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

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

13 (D) The manufacturer's name if stamped on the firearm, model
14 name or number if stamped on the firearm, and, if applicable, the
15 serial number, other number (if more than one serial number is
16 stamped on the firearm), caliber, type of firearm, if the firearm is
17 new or used, barrel length, and color of the firearm.

18 (3) Information in the registry referred to in this subdivision
19 shall, upon proper application therefor, be furnished to the officers
20 referred to in Section 11105, to a city attorney prosecuting a civil
21 action, solely for use in prosecuting that civil action and not for
22 any other purpose, or to the person listed in the registry as the
23 owner or person who is listed as being loaned the particular
24 handgun.

25 (4) If any person is listed in the registry as the owner of a firearm
26 through a Dealers' Record of Sale prior to 1979, and the person
27 listed in the registry requests by letter that the Attorney General
28 store and keep the record electronically, as well as in the record's
29 existing photographic, photostatic, or nonerasable optically stored
30 form, the Attorney General shall do so within three working days
31 of receipt of the request. The Attorney General shall, in writing,
32 and as soon as practicable, notify the person requesting electronic
33 storage of the record that the request has been honored as required
34 by this paragraph.

35 (d) (1) Any officer referred to in paragraphs (1) to (6), inclusive,
36 of subdivision (b) of Section 11105 may disseminate the name of
37 the subject of the record, the number of the firearms listed in the
38 record, and the description of any firearm, including the make,
39 model, and caliber, from the record relating to any firearm's sale,
40 transfer, registration, or license record, or any information reported

1 to the Department of Justice pursuant to Section 12021.3, 12053,
2 12071, 12072, 12077, 12078, 12082, or 12285, if the following
3 conditions are met:

4 (A) The subject of the record has been arraigned for a crime in
5 which the victim is a person described in subdivisions (a) to (f),
6 inclusive, of Section 6211 of the Family Code and is being
7 prosecuted or is serving a sentence for the crime, or the subject of
8 the record is the subject of an emergency protective order, a
9 temporary restraining order, or an order after hearing, which is in
10 effect and has been issued by a family court under the Domestic
11 Violence Protection Act set forth in Division 10 (commencing
12 with Section 6200) of the Family Code.

13 (B) The information is disseminated only to the victim of the
14 crime or to the person who has obtained the emergency protective
15 order, the temporary restraining order, or the order after hearing
16 issued by the family court.

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

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

27 (e) In addition to the obligations to furnish information imposed
28 upon the department pursuant to paragraph (3) of subdivision (c),
29 the department shall, upon proper application, furnish *to* a person
30 who is listed as the owner of a firearm any information reported
31 to the department as it relates to ~~him or her~~ *his or her ownership*
32 *of that firearm.*

33 (f) The department shall ~~adopt procedures to ensure that a person~~
34 ~~who never takes possession of a firearm is not listed as being the~~
35 ~~owner of that firearm in the applicable firearm information system~~
36 ~~maintained by the department.~~ *update information it maintains*
37 *regarding firearm ownership to maintain the accuracy of that*
38 *information.*

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

12030. (a) The officer having custody of any firearms which may be useful to the California National Guard, the Coast Guard Auxiliary, or to any military or naval agency of the federal or state government, including, but not limited to, the California State Military Museum and Resource Center, may, upon the authority of the legislative body of the city, city and county, or county by which he or she is employed and the approval of the Adjutant General, deliver the firearms to the commanding officer of a unit of the California National Guard, the Coast Guard Auxiliary, or any other military agency of the state or federal government in lieu of destruction as required by this chapter. The officer delivering the firearms shall take a receipt for them containing a complete description thereof and shall keep the receipt on file in his or her office as a public record.

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

(c) Any firearm, or part of any firearm, which, rather than being destroyed, is used for official purposes pursuant to this section shall be destroyed by the agency using the weapon when it is no longer needed by the agency for use in carrying out its official duties. In the case of firearms or weaponry donated to the California State Military Museum and Resource Center, they may be disposed of pursuant to Section 179 of the Military and Veterans Code.

(d) Any law enforcement agency which has custody of any firearms, or any parts of any firearms, which are subject to destruction as required by this chapter may, in lieu of destroying the firearms, obtain an order from the superior court directing the release of the firearms to the sheriff. The sheriff shall enter those weapons into the Automated Firearms System (AFS), via the

California Law Enforcement Telecommunications System, with a complete description of each weapon, including the make, type, category, caliber, and serial number of the firearms, and the name of the academy receiving the weapon entered into the AFS miscellaneous field. The sheriff shall then release the firearms to the basic training academy certified by the Commission on Peace Officer Standards and Training, so that the firearms may be used for instructional purposes in the certified courses. As used in this section, the term “firearms” shall not include destructive devices, as defined in Section 12301. All firearms released to an academy shall be under the care, custody, and control of the particular 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.

1 (C) A valid seller's permit issued by the State Board of
2 Equalization.

3 (D) A certificate of eligibility issued by the Department of
4 Justice pursuant to paragraph (4).

5 (E) A license issued in the format prescribed by paragraph (6).

6 (F) Is among those recorded in the centralized list specified in
7 subdivision (e).

8 (2) The duly constituted licensing authority of a city, county,
9 or a city and county shall accept applications for, and may grant
10 licenses permitting, licensees to sell firearms at retail within the
11 city, county, or city and county. The duly constituted licensing
12 authority shall inform applicants who are denied licenses of the
13 reasons for the denial in writing.

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

18 (4) A person may request a certificate of eligibility from the
19 Department of Justice. The Department of Justice shall examine
20 its records and records available to the department in the National
21 Instant Criminal Background Check System in order to determine
22 if the applicant is prohibited by state or federal law from
23 possessing, receiving, owning, or purchasing a firearm and issue
24 a certificate to an applicant if the department's records indicate
25 that the applicant is not a person who is prohibited by state or
26 federal law from possessing firearms.

27 (5) The department shall adopt regulations to administer the
28 certificate of eligibility program and shall recover the full costs of
29 administering the program by imposing fees assessed to applicants
30 who apply for those certificates.

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

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

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

39 (C) A letter from the duly constituted licensing authority having
40 primary jurisdiction for the applicant's intended business location

1 stating that the jurisdiction does not require any form of regulatory
2 or business license or does not otherwise restrict or regulate the
3 sale of firearms.

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

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

8 (1) (A) Except as provided in subparagraphs (B) and (C), the
9 business shall be conducted only in the buildings designated in the
10 license.

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

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

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

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

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

1 (i) The building designated in the license.

2 (ii) The places specified in subparagraph (B) or (C).

3 (iii) The place of residence of, the fixed place of business of,
4 or on private property owned or lawfully possessed by, the
5 purchaser, transferee, or person being loaned the firearm.

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

9 (3) No firearm shall be delivered:

10 (A) Within 10 days of the application to purchase, or, after
11 notice by the department pursuant to subdivision (d) of Section
12 12076, within 10 days of the submission to the department of any
13 correction to the application, or within 10 days of the submission
14 to the department of any fee required pursuant to subdivision (e)
15 of Section 12076, whichever is later.

16 (B) Unless unloaded and securely wrapped or unloaded and in
17 a locked container.

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

21 (D) Whenever the dealer is notified by the Department of Justice
22 that the person is prohibited by state or federal law from processing,
23 owning, purchasing, or receiving a firearm. The dealer shall make
24 available to the person in the prohibited class a prohibited notice
25 and transfer form, provided by the department, stating that the
26 person is prohibited from owning or possessing a firearm, and that
27 the person may obtain from the department the reason for the
28 prohibition.

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

33 (5) The licensee shall agree to and shall act properly and
34 promptly in processing firearms transactions pursuant to Section
35 12082.

36 (6) The licensee shall comply with Sections 12073, 12076, and
37 12077, subdivisions (a) and (b) and paragraph (1) of subdivision
38 (f) of Section 12072, and subdivision (a) of Section 12316.

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

4 (A) "IF YOU KEEP A LOADED FIREARM WITHIN ANY
5 PREMISES UNDER YOUR CUSTODY OR CONTROL, AND
6 A PERSON UNDER 18 YEARS OF AGE OBTAINS IT AND
7 USES IT, RESULTING IN INJURY OR DEATH, OR CARRIES
8 IT TO A PUBLIC PLACE, YOU MAY BE GUILTY OF A
9 MISDEMEANOR OR A FELONY UNLESS YOU STORED
10 THE FIREARM IN A LOCKED CONTAINER OR LOCKED
11 THE FIREARM WITH A LOCKING DEVICE, TO KEEP IT
12 FROM TEMPORARILY FUNCTIONING."

13 (B) "IF YOU KEEP A PISTOL, REVOLVER, OR OTHER
14 FIREARM CAPABLE OF BEING CONCEALED UPON THE
15 PERSON, WITHIN ANY PREMISES UNDER YOUR CUSTODY
16 OR CONTROL, AND A PERSON UNDER 18 YEARS OF AGE
17 GAINS ACCESS TO THE FIREARM, AND CARRIES IT
18 OFF-PREMISES, YOU MAY BE GUILTY OF A
19 MISDEMEANOR, UNLESS YOU STORED THE FIREARM IN
20 A LOCKED CONTAINER, OR LOCKED THE FIREARM WITH
21 A LOCKING DEVICE, TO KEEP IT FROM TEMPORARILY
22 FUNCTIONING."

23 (C) "IF YOU KEEP ANY FIREARM WITHIN ANY
24 PREMISES UNDER YOUR CUSTODY OR CONTROL, AND
25 A PERSON UNDER 18 YEARS OF AGE GAINS ACCESS TO
26 THE FIREARM, AND CARRIES IT OFF-PREMISES TO A
27 SCHOOL OR SCHOOL-SPONSORED EVENT, YOU MAY BE
28 GUILTY OF A MISDEMEANOR, INCLUDING A FINE OF UP
29 TO FIVE THOUSAND DOLLARS (\$5,000), UNLESS YOU
30 STORED THE FIREARM IN A LOCKED CONTAINER, OR
31 LOCKED THE FIREARM WITH A LOCKING DEVICE."

32 (D) "DISCHARGING FIREARMS IN POORLY
33 VENTILATED AREAS, CLEANING FIREARMS, OR
34 HANDLING AMMUNITION MAY RESULT IN EXPOSURE
35 TO LEAD, A SUBSTANCE KNOWN TO CAUSE BIRTH
36 DEFECTS, REPRODUCTIVE HARM, AND OTHER SERIOUS
37 PHYSICAL INJURY. HAVE ADEQUATE VENTILATION AT
38 ALL TIMES. WASH HANDS THOROUGHLY AFTER
39 EXPOSURE."

1 (E) "FEDERAL REGULATIONS PROVIDE THAT IF YOU
2 DO NOT TAKE PHYSICAL POSSESSION OF THE FIREARM
3 THAT YOU ARE ACQUIRING OWNERSHIP OF WITHIN 30
4 DAYS AFTER YOU COMPLETE THE INITIAL
5 BACKGROUND CHECK PAPERWORK, THEN YOU HAVE
6 TO GO THROUGH THE BACKGROUND CHECK PROCESS
7 A SECOND TIME IN ORDER TO TAKE PHYSICAL
8 POSSESSION OF THAT FIREARM."

9 (F) "NO PERSON SHALL MAKE AN APPLICATION TO
10 PURCHASE MORE THAN ONE PISTOL, REVOLVER, OR
11 OTHER FIREARM CAPABLE OF BEING CONCEALED UPON
12 THE PERSON WITHIN ANY 30-DAY PERIOD AND NO
13 DELIVERY SHALL BE MADE TO ANY PERSON WHO HAS
14 MADE AN APPLICATION TO PURCHASE MORE THAN ONE
15 PISTOL, REVOLVER, OR OTHER FIREARM CAPABLE OF
16 BEING CONCEALED UPON THE PERSON WITHIN ANY
17 30-DAY PERIOD."

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

23 (B) Commencing January 1, 2003, no dealer may deliver a
24 handgun unless the person receiving the handgun presents to the
25 dealer a valid handgun safety certificate. The firearms dealer shall
26 retain a photocopy of the handgun safety certificate as proof of
27 compliance with this requirement.

28 (C) Commencing January 1, 2003, no handgun may be delivered
29 unless the purchaser, transferee, or person being loaned the firearm
30 presents documentation indicating that he or she is a California
31 resident. Satisfactory documentation shall include a utility bill
32 from within the last three months, a residential lease, a property
33 deed, or military permanent duty station orders indicating
34 assignment within this state, or other evidence of residency as
35 permitted by the Department of Justice. The firearms dealer shall
36 retain a photocopy of the documentation as proof of compliance
37 with this requirement.

38 (D) Commencing January 1, 2003, except as authorized by the
39 department, no firearms dealer may deliver a handgun unless the
40 recipient performs a safe handling demonstration with that

handgun. The demonstration shall commence with the handgun unloaded and locked with the firearm safety device with which it is required to be delivered, if applicable. While maintaining muzzle awareness, that is, the firearm is pointed in a safe direction, preferably down at the ground, and trigger discipline, that is, the trigger finger is outside of the trigger guard and along side of the handgun frame, at all times, the handgun recipient shall correctly and safely perform the following:

(i) If the handgun is a semiautomatic pistol:

(I) Remove the magazine.

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

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

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

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

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

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

(VIII) Remove the magazine.

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

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

(XI) Apply the safety, if applicable.

(XII) Apply the firearm safety device, if applicable. This requirement shall not apply to an Olympic competition pistol if no firearms safety device, other than a cable lock that the department has determined would damage the barrel of the pistol, has been approved for the pistol, and the pistol is either listed in

- 1 paragraph (2) of subdivision (h) of Section 12132 or is subject to
2 paragraph (3) of subdivision (h) of Section 12132.
- 3 (ii) If the handgun is a double-action revolver:
- 4 (I) Open the cylinder.
- 5 (II) Visually and physically inspect each chamber, to ensure
6 that the revolver is unloaded.
- 7 (III) Remove the firearm safety device. If the firearm safety
8 device prevents any of the previous steps, remove the firearm
9 safety device during the appropriate step.
- 10 (IV) While maintaining muzzle awareness and trigger discipline,
11 load one bright orange, red, or other readily identifiable dummy
12 round into a chamber of the cylinder and rotate the cylinder so that
13 the round is in the next-to-fire position. If no readily identifiable
14 dummy round is available, an empty cartridge casing with an empty
15 primer pocket may be used.
- 16 (V) Close the cylinder.
- 17 (VI) Open the cylinder and eject the round.
- 18 (VII) Visually and physically inspect each chamber to ensure
19 that the revolver is unloaded.
- 20 (VIII) Apply the firearm safety device, if applicable. This
21 requirement shall not apply to an Olympic competition pistol if
22 no firearms safety device, other than a cable lock that the
23 department has determined would damage the barrel of the pistol,
24 has been approved for the pistol, and the pistol is either listed in
25 paragraph (2) of subdivision (h) of Section 12132 or is subject to
26 paragraph (3) of subdivision (h) of Section 12132.
- 27 (iii) If the handgun is a single-action revolver:
- 28 (I) Open the loading gate.
- 29 (II) Visually and physically inspect each chamber, to ensure
30 that the revolver is unloaded.
- 31 (III) Remove the firearm safety device required to be sold with
32 the handgun. If the firearm safety device prevents any of the
33 previous steps, remove the firearm safety device during the
34 appropriate step.
- 35 (IV) Load one bright orange, red, or other readily identifiable
36 dummy round into a chamber of the cylinder, close the loading
37 gate and rotate the cylinder so that the round is in the next-to-fire
38 position. If no readily identifiable dummy round is available, an
39 empty cartridge casing with an empty primer pocket may be used.
- 40 (V) Open the loading gate and unload the revolver.

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

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

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

12 (F) The firearms dealer shall sign and date an affidavit stating
13 that the requirements of subparagraph (D) have been met. The
14 firearms dealer shall additionally obtain the signature of the
15 handgun purchaser on the same affidavit. The firearms dealer shall
16 retain the original affidavit as proof of compliance with this
17 requirement.

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

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

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

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

28 (9) Commencing July 1, 1992, the licensee shall offer to provide
29 the purchaser or transferee of a firearm, or person being loaned a
30 firearm, with a copy of the pamphlet described in Section 12080
31 and may add the cost of the pamphlet, if any, to the sales price of
32 the firearm.

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

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

37 (A) All charges required by governmental agencies for
38 processing firearm transfers required by Sections 12076, 12082,
39 and 12806.

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

3 (12) The licensee shall not misstate the amount of fees charged
4 by a governmental agency pursuant to Sections 12076, 12082, and
5 12806.

6 (13) Except as provided in subparagraphs (B) and (C) of
7 paragraph (1) of subdivision (b), all firearms that are in the
8 inventory of the licensee shall be kept within the licensed location.
9 The licensee shall report the loss or theft of any firearm that is
10 merchandise of the licensee, any firearm that the licensee takes
11 possession of pursuant to Section 12082, or any firearm kept at
12 the licensee's place of business within 48 hours of discovery to
13 the appropriate law enforcement agency in the city, county, or city
14 and county where the licensee's business premises are located.

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

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

22 (B) Secure the firearm with a hardened steel rod or cable of at
23 least one-eighth inch in diameter through the trigger guard of the
24 firearm. The steel rod or cable shall be secured with a hardened
25 steel lock that has a shackle. The lock and shackle shall be
26 protected or shielded from the use of a boltcutter and the rod or
27 cable shall be anchored in a manner that prevents the removal of
28 the firearm from the premises.

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

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

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

38 (17) The licensee shall maintain and make available for
39 inspection during business hours to any peace officer, authorized
40 local law enforcement employee, or Department of Justice

1 employee designated by the Attorney General, upon the
2 presentation of proper identification, a firearms transaction record.

3 (18) (A) On the date of receipt, the licensee shall report to the
4 Department of Justice in a format prescribed by the department
5 the acquisition by the licensee of the ownership of a handgun.

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

8 (i) A transaction subject to the provisions of subdivision (n) of
9 Section 12078.

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

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

16 (iv) The dealer acquired the firearm from a person who is
17 licensed as a manufacturer or importer to engage in those activities
18 pursuant to Chapter 44 (commencing with Section 921) of Title
19 18 of the United States Code and any regulations issued pursuant
20 thereto.

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

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

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

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

39 (C) If the local jurisdiction requires a background check of the
40 agents or employees of the firearms dealer, the agent or employee

1 shall obtain a certificate of eligibility pursuant to subparagraph
2 (A).

3 (D) Nothing in this paragraph shall be construed to preclude a
4 local jurisdiction from conducting an additional background check
5 pursuant to Section 11105 or prohibiting employment based on
6 criminal history that does not appear as part of obtaining a
7 certificate of eligibility, provided however, that the local
8 jurisdiction may not charge a fee for the additional criminal history
9 check.

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

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

21 (G) For purposes of this section, the following definitions shall
22 apply:

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

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

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

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

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

36 (IV) The firearm is secured with a hardened steel rod or cable
37 that is at least one-eighth of an inch in diameter through the trigger
38 guard of the firearm. The steel rod or cable shall be secured with
39 a hardened steel lock that has a shackle. The lock and shackle shall
40 be protected or shielded from the use of a boltcutter and the rod

1 or cable shall be anchored in a manner that prevents the removal
2 of the firearm from the premises.

3 ~~(21) (A) Whenever a person sells or otherwise transfers his or~~
4 ~~her ownership of a firearm to a dealer, or whenever a dealer sells~~
5 ~~or otherwise transfers ownership of a firearm to a purchaser or~~
6 ~~other transferee, or whenever a dealer returns a firearm to its owner~~
7 ~~where the dealer is processing the transaction pursuant to~~
8 ~~procedures set forth in this section and subdivision (c) of Section~~
9 ~~12072, the dealer shall provide the other party with a receipt in a~~
10 ~~format prescribed by the Department of Justice indicating that the~~
11 ~~sale or other transfer of ownership by or to the dealer occurred or~~
12 ~~that the return occurred. The receipt shall also state the right of~~
13 ~~the person to file a report of his or her acquisition, disposition, or~~
14 ~~ownership of that firearm with the department pursuant to~~
15 ~~subdivision (l) of Section 12078 as well as the right of that person~~
16 ~~to request a listing of the firearms that he or she owns pursuant to~~
17 ~~Section 11106.~~

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

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

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

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

33 ~~(A) A valid California driver’s license.~~

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

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

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

39 ~~(i) A windowless steel security door equipped with both a dead~~
40 ~~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 $\frac{1}{2}$ -inch ~~one-half of one inch~~ in 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.

(B) All windows are covered with steel bars.

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

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

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

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

(3) As used in this section, "licensed premises," "licensed place of business," "licensee's place of business," or "licensee's business premises" means the building designated in the license.

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

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

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

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

1 (e) (1) Except as otherwise provided in this paragraph, the
2 Department of Justice shall keep a centralized list of all persons
3 licensed pursuant to subparagraphs (A) to (E), inclusive, of
4 paragraph (1) of subdivision (a). The department may remove from
5 this list any person who knowingly or with gross negligence
6 violates this article. Upon removal of a dealer from this list,
7 notification shall be provided to local law enforcement and
8 licensing authorities in the jurisdiction where the dealer's business
9 is located.

10 (2) The department shall remove from the centralized list any
11 person whose federal firearms license has expired or has been
12 revoked.

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

15 (A) For law enforcement purposes.

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

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

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

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

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

39 (f) The Department of Justice may inspect dealers to ensure
40 compliance with this article. The department may assess an annual

1 fee, not to exceed one hundred fifteen dollars (\$115), to cover the
2 reasonable cost of maintaining the list described in subdivision
3 (e), including the cost of inspections. Dealers whose place of
4 business is in a jurisdiction that has adopted an inspection program
5 to ensure compliance with firearms law shall be exempt from that
6 portion of the department's fee that relates to the cost of
7 inspections. The applicant is responsible for providing evidence
8 to the department that the jurisdiction in which the business is
9 located has the inspection program.

10 (g) The Department of Justice shall maintain and make available
11 upon request information concerning the number of inspections
12 conducted and the amount of fees collected pursuant to subdivision
13 (f), a listing of exempted jurisdictions, as defined in subdivision
14 (f), the number of dealers removed from the centralized list defined
15 in subdivision (e), and the number of dealers found to have violated
16 this article with knowledge or gross negligence.

17 (h) Paragraph (14) or (15) of subdivision (b) shall not apply to
18 a licensee organized as a nonprofit public benefit or mutual benefit
19 corporation organized pursuant to Part 2 (commencing with Section
20 5110) or Part 3 (commencing with Section 7110) of Division 2 of
21 the Corporations Code, if both of the following conditions are
22 satisfied:

23 (1) The nonprofit public benefit or mutual benefit corporation
24 obtained the dealer's license solely and exclusively to assist that
25 corporation or local chapters of that corporation in conducting
26 auctions or similar events at which firearms are auctioned off to
27 fund the activities of that corporation or the local chapters of the
28 corporation.

29 (2) The firearms are not ~~pistols, revolvers, or other firearms~~
30 ~~capable of being concealed upon the person~~ *handguns*.

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

32 ~~12073. (a) As required by the Department of Justice, every~~
33 ~~dealer shall keep a register or record of electronic or telephonic~~
34 ~~transfer in which shall be entered the information prescribed in~~
35 ~~Section 12077.~~

36 ~~(b) This section shall not apply to any of the following~~
37 ~~transactions:~~

38 ~~(1) The delivery, sale, or transfer of an unloaded firearm that is~~
39 ~~not a handgun by a dealer to another dealer upon proof of~~

1 compliance with the requirements of paragraph (1) of subdivision
2 (f) of Section 12072.

3 ~~(2) The delivery, sale, or transfer of an unloaded firearm by a~~
4 ~~dealer to another dealer if that firearm is intended as merchandise~~
5 ~~in the receiving dealer's business upon proof of compliance with~~
6 ~~the requirements of paragraph (1) of subdivision (f) of Section~~
7 ~~12072.~~

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

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

17 ~~(5) The delivery, sale, or transfer of an unloaded firearm by a~~
18 ~~dealer to a wholesaler if that firearm is being returned to the~~
19 ~~wholesaler and is intended as merchandise in the wholesaler's~~
20 ~~business.~~

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

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

32 ~~(8) The delivery of an unloaded firearm by a dealer to a~~
33 ~~gunsmith for service or repair.~~

34 ~~(9) The return of an unloaded firearm to the owner of that~~
35 ~~firearm by a dealer, if the owner initially delivered the firearm to~~
36 ~~the dealer for service or repair.~~

37 ~~(10) The loan of an unloaded firearm by a dealer to a person~~
38 ~~who possesses a valid entertainment firearms permit issued~~
39 ~~pursuant to Section 12081, for use solely as a prop in a motion~~

1 ~~picture, television, video, theatrical, or other entertainment~~
2 ~~production or event.~~

3 ~~(11) The loan of an unloaded firearm by a dealer to a~~
4 ~~consultant-evaluator, if the loan does not exceed 45 days from the~~
5 ~~date of delivery of the firearm by the dealer to the~~
6 ~~consultant-evaluator.~~

7 ~~(12) The delivery, sale, or transfer of an unloaded firearm by a~~
8 ~~dealer to an authorized representative of a city, city and county,~~
9 ~~county, the state, or the federal government, where the firearm is~~
10 ~~acquired from a private individual or a dealer as part of an~~
11 ~~authorized, voluntary program.~~

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

13 ~~SEC. 5.~~

14 *SEC. 4.* Section 12076 of the Penal Code is amended to read:

15 12076. (a) (1) Before January 1, 1998, the Department of
16 Justice shall determine the method by which a dealer shall submit
17 firearm purchaser information to the department and the
18 information shall be in one of the following formats:

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

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

22 (2) On or after January 1, 1998, electronic or telephonic transfer,
23 including voice or facsimile transmission, shall be the exclusive
24 means by which purchaser information is transmitted to the
25 department.

26 (3) On or after January 1, 2003, except as permitted by the
27 department, electronic transfer shall be the exclusive means by
28 which information is transmitted to the department. Telephonic
29 transfer shall not be permitted for information regarding sales of
30 any firearms.

31 (b) (1) Where the register is used, the purchaser of any firearm
32 shall be required to present clear evidence of his or her identity
33 and age, as defined in Section 12071, to the dealer, and the dealer
34 shall require him or her to sign his or her current legal name and
35 affix his or her residence address and date of birth to the register
36 in quadruplicate. The salesperson shall affix his or her signature
37 to the register in quadruplicate as a witness to the signature and
38 identification of the purchaser. Any person furnishing a fictitious
39 name or address or knowingly furnishing any incorrect information
40 or knowingly omitting any information required to be provided

for the register and any person violating any provision of this section is guilty of a misdemeanor, provided however, that any person who is prohibited from obtaining a firearm pursuant to Section 12021 or 12021.1 of this code, or Section 8100 or 8103 of the Welfare and Institutions Code who knowingly furnishes a fictitious name or address or knowingly furnishes any incorrect information or knowingly omits any information required to be provided for the register shall be punished by imprisonment in a county jail not exceeding one year or imprisonment in the state prison for a term of 8, 12, or 18 months.

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

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

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

(4) (A) Prior to the time that the firearm is delivered, if requested, a photocopy of the original shall be provided to the purchaser by the dealer.

(B) A photocopy of the original shall be provided to the purchaser by the dealer at the time of delivery of the firearm after the dealer notes the date of delivery, and the dealer and the purchaser acknowledge receipt of the firearm that is the subject of the transaction by the purchaser.

(C) The provisions of this paragraph apply whenever a dealer is delivering a firearm pursuant to subdivision (c) of Section 12072 or Section 12082.

(5) If the transaction is a private party transfer conducted pursuant to Section 12082, a photocopy of the original shall be provided to the seller or purchaser by the dealer, upon request by

1 *the dealer at the time that the register is signed by the seller.* The
2 dealer shall redact all of the purchaser's personal information, as
3 required pursuant to paragraph (1) of subdivision (b) and paragraph
4 (1) of subdivision (c) of Section 12077, from the seller's copy,
5 and the seller's personal information from the purchaser's copy.

6 (c) (1) Where the electronic or telephonic transfer of applicant
7 information is used, the purchaser shall be required to present clear
8 evidence of his or her identity and age, as defined in Section 12071,
9 to the dealer, and the dealer shall require him or her to sign his or
10 her current legal name to the record of electronic or telephonic
11 transfer. The salesperson shall affix his or her signature to the
12 record of electronic or telephonic transfer as a witness to the
13 signature and identification of the purchaser. Any person furnishing
14 a fictitious name or address or knowingly furnishing any incorrect
15 information or knowingly omitting any information required to be
16 provided for the electronic or telephonic transfer and any person
17 violating any provision of this section is guilty of a misdemeanor,
18 provided however, that any person who is prohibited from
19 obtaining a firearm pursuant to Section 12021 or 12021.1 of this
20 code, or Section 8100 or 8103 of the Welfare and Institutions Code
21 who knowingly furnishes a fictitious name or address or knowingly
22 furnishes any incorrect information or knowingly omits any
23 information required to be provided for the register shall be
24 punished by imprisonment in a county jail not exceeding one year
25 or imprisonment in the state prison for a term of 8, 12, or 18
26 months.

27 (2) The record of applicant information shall be transmitted to
28 the Department of Justice by electronic or telephonic transfer on
29 the date of the application to purchase.

30 (3) The original of each record of electronic or telephonic
31 transfer shall be retained by the dealer in consecutive order. Each
32 original shall become the permanent record of the transaction that
33 shall be retained for not less than three years from the date of the
34 last transaction and shall be provided for the inspection of any
35 peace officer, Department of Justice employee designated by the
36 Attorney General, or agent of the federal Bureau of Alcohol,
37 Tobacco, Firearms, and Explosives upon the presentation of proper
38 identification, but no information shall be compiled therefrom
39 regarding the purchasers or other transferees of firearms that are

1 not pistols, revolvers, or other firearms capable of being concealed
2 upon the person.

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

5 (4) (A) *Prior to the time that the firearm is delivered, if*
6 *requested, a photocopy of the original shall be provided to the*
7 *purchaser by the dealer.*

8 (B) *A photocopy of the original shall be provided to the*
9 *purchaser by the dealer at the time of delivery of the firearm after*
10 *the dealer notes the date of delivery, and the dealer and the*
11 *purchaser acknowledge receipt of the firearm that is the subject*
12 *of the transaction by the purchaser.*

13 (C) *The provisions of this paragraph apply whenever a dealer*
14 *is delivering a firearm pursuant to subdivision (c) of Section 12072*
15 *or Section 12082.*

16 (5) If the transaction is a private party transfer conducted
17 pursuant to Section 12082, a copy shall be provided to the seller
18 ~~or purchaser by the dealer, upon request by the dealer at the time~~
19 ~~that the record of electronic or telephonic transfer is signed by~~
20 ~~the seller.~~ The dealer shall redact all of the purchaser's personal
21 information, as required pursuant to paragraph (1) of subdivision
22 (b) and paragraph (1) of subdivision (c) of Section 12077, from
23 the seller's copy, and the seller's personal information from the
24 purchaser's copy.

25 (d) (1) The department shall examine its records, as well as
26 those records that it is authorized to request from the State
27 Department of Mental Health pursuant to Section 8104 of the
28 Welfare and Institutions Code, in order to determine if the
29 purchaser is a person described in subparagraph (A) of paragraph
30 (9) of subdivision (a) of Section 12072, or is prohibited by state
31 or federal law from possessing, receiving, owning, or purchasing
32 a firearm.

33 (2) To the extent that funding is available, the Department of
34 Justice may participate in the National Instant Criminal Background
35 Check System (NICS), as described in subsection (t) of Section
36 922 of Title 18 of the United States Code, and, if that participation
37 is implemented, shall notify the dealer and the chief of the police
38 department of the city or city and county in which the sale was
39 made, or if the sale was made in a district in which there is no
40 municipal police department, the sheriff of the county in which

1 the sale was made, that the purchaser is a person prohibited from
2 acquiring a firearm under federal law.

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

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

27 (5) If the department determines that the information transmitted
28 to it pursuant to subdivision (c) contains inaccurate or incomplete
29 information preventing identification of the purchaser or the pistol,
30 revolver, or other firearm capable of being concealed upon the
31 person to be purchased, or if the fee required pursuant to
32 subdivision (e) is not transmitted by the dealer in conjunction with
33 transmission of the electronic or telephonic record, the department
34 may notify the dealer of that fact. Upon notification by the
35 department, the dealer shall transmit corrections to the record of
36 electronic or telephonic transfer to the department, or shall transmit
37 any fee required pursuant to subdivision (e), or both, as appropriate,
38 and if notification by the department is received by the dealer at
39 any time prior to delivery of the firearm to be purchased, the dealer

1 shall withhold delivery until the conclusion of the waiting period
2 described in Sections 12071 and 12072.

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

9 (1) (A) The department for the cost of furnishing this
10 information.

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

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

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

20 (4) Local mental hospitals, sanitariums, and institutions for
21 state-mandated local costs resulting from the reporting
22 requirements imposed by Section 8105 of the Welfare and
23 Institutions Code.

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

27 (6) Local law enforcement agencies for state-mandated local
28 costs resulting from the notification requirements set forth in
29 subdivision (c) of Section 8105 of the Welfare and Institutions
30 Code.

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

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

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

38 (10) The department for the costs associated with funding
39 Department of Justice firearms-related regulatory and enforcement

1 activities related to the sale, purchase, loan, or transfer of firearms
2 pursuant to this chapter.

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

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

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

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

39 (C) For the actual costs associated with the preparation, sale,
40 processing, and filing of reports utilized pursuant to subdivision

(l) of Section 12078 or paragraph (18) of subdivision (b) of Section 12071, or clause (i) of subparagraph (A) of paragraph (2) of subdivision (f) of Section 12072, or paragraph (3) of subdivision (f) of Section 12072.

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

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

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

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

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

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

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

(i) (1) Only one fee shall be charged pursuant to this section for a single transaction on the same date for the sale of any number of firearms that are not pistols, revolvers, or other firearms capable

1 of being concealed upon the person or for the taking of possession
2 of those firearms.

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

8 (j) Only one fee shall be charged pursuant to this section for a
9 single transaction on the same date for taking title or possession
10 of any number of firearms pursuant to paragraph (18) of
11 subdivision (b) of Section 12071 or subdivision (c) or (i) of Section
12 12078.

13 (k) Whenever the Department of Justice acts pursuant to this
14 section as it pertains to firearms other than pistols, revolvers, or
15 other firearms capable of being concealed upon the person, the
16 department's acts or omissions shall be deemed to be discretionary
17 within the meaning of the California Tort Claims Act pursuant to
18 Division 3.6 (commencing with Section 810) of Title 1 of the
19 Government Code.

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

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

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

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

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

28 ~~SEC. 6.~~

29 *SEC. 5.* Section 12077 of the Penal Code is amended to read:

30 12077. (a) The Department of Justice shall prescribe the form
31 of the register and the record of electronic transfer pursuant to
32 Section 12074.

33 (b) (1) For handguns, information contained in the register or
34 record of electronic transfer shall be the date and time of sale,
35 make of firearm, peace officer exemption status pursuant to
36 subdivision (a) of Section 12078 and the agency name, any
37 applicable waiting period exemption, California Firearms Dealer
38 number issued pursuant to Section 12071, for transactions
39 occurring prior to January 1, 2003, the purchaser's basic firearms
40 safety certificate number issued pursuant to Sections 12805 and

1 12809, for transactions occurring on or after January 1, 2003, the
2 purchaser's handgun safety certificate number issued pursuant to
3 Article 8 (commencing with Section 12800), manufacturer's name
4 if stamped on the firearm, model name or number, if stamped on
5 the firearm, if applicable, serial number, other number (if more
6 than one serial number is stamped on the firearm), any
7 identification number or mark assigned to the firearm pursuant to
8 Section 12092, caliber, type of firearm, if the firearm is new or
9 used, barrel length, color of the firearm, full name of purchaser,
10 purchaser's complete date of birth, purchaser's local address, if
11 current address is temporary, complete permanent address of
12 purchaser, identification of purchaser, purchaser's place of birth
13 (state or country), purchaser's complete telephone number,
14 purchaser's occupation, purchaser's sex, purchaser's physical
15 description, all legal names and aliases ever used by the purchaser,
16 yes or no answer to questions that prohibit purchase including, but
17 not limited to, conviction of a felony as described in Section 12021
18 or an offense described in Section 12021.1, the purchaser's status
19 as a person described in Section 8100 of the Welfare and
20 Institutions Code, whether the purchaser is a person who has been
21 adjudicated by a court to be a danger to others or found not guilty
22 by reason of insanity, whether the purchaser is a person who has
23 been found incompetent to stand trial or placed under
24 conservatorship by a court pursuant to Section 8103 of the Welfare
25 and Institutions Code, signature of purchaser, signature of
26 salesperson (as a witness to the purchaser's signature),
27 salesperson's certificate of eligibility number if he or she has
28 obtained a certificate of eligibility, name and complete address of
29 the dealer or firm selling the firearm as shown on the dealer's
30 license, the establishment number, if assigned, the dealer's
31 complete business telephone number, any information required by
32 Section 12082, any information required to determine whether or
33 not paragraph (6) of subdivision (c) of Section 12072 applies, ~~the~~
34 ~~date that the handgun is delivered,~~ and a statement of the penalties
35 for any person signing a fictitious name or address or for knowingly
36 furnishing any incorrect information or for knowingly omitting
37 any information required to be provided for the register. *The*
38 *register or record of electronic or telephonic transfer shall also*
39 *contain a statement informing the purchaser that, upon application,*
40 *the department shall furnish a person who is listed as the owner*

1 *of a firearm with any information reported to the department as*
2 *it relates to his or her ownership of that firearm, and the*
3 *purchaser's right to file a report of his or her acquisition,*
4 *disposition, or ownership of a firearm with the department,*
5 *pursuant to subdivision (l) of Section 12078 and how to access the*
6 *department's Internet Web site for more information.*

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

11 (3) The firearms dealer shall record on the register or record of
12 electronic transfer the date that the handgun is delivered, *together*
13 *with the firearms dealer's signature indicating delivery of the*
14 *handgun.*

15 (4) *The purchaser shall sign on the register or the record of*
16 *electronic or telephonic transfer the date that the handgun was*
17 *delivered to him or her.*

18 (c) (1) For firearms other than handguns, information contained
19 in the register or record of electronic transfer shall be the date and
20 time of sale, peace officer exemption status pursuant to subdivision
21 (a) of Section 12078 and the agency name, any applicable waiting
22 period exemption, California Firearms Dealer number issued
23 pursuant to Section 12071, full name of purchaser, purchaser's
24 complete date of birth, purchaser's local address, if current address
25 is temporary, complete permanent address of purchaser,
26 identification of purchaser, purchaser's place of birth (state or
27 country), purchaser's complete telephone number, purchaser's
28 occupation, purchaser's sex, purchaser's physical description, all
29 legal names and aliases ever used by the purchaser, yes or no
30 answer to questions that prohibit purchase, including, but not
31 limited to, conviction of a felony as described in Section 12021
32 or an offense described in Section 12021.1, the purchaser's status
33 as a person described in Section 8100 of the Welfare and
34 Institutions Code, whether the purchaser is a person who has been
35 adjudicated by a court to be a danger to others or found not guilty
36 by reason of insanity, whether the purchaser is a person who has
37 been found incompetent to stand trial or placed under
38 conservatorship by a court pursuant to Section 8103 of the Welfare
39 and Institutions Code, signature of purchaser, signature of
40 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. *The register or record of electronic or telephonic*
 11 *transfer shall also contain a statement informing the purchaser*
 12 *that, upon application, the department shall furnish a person who*
 13 *is listed as the owner of a firearm with any information reported*
 14 *to the department as it relates to his or her ownership of that*
 15 *firearm, and the purchaser's right to file a report of his or her*
 16 *acquisition, disposition, or ownership of a firearm with the*
 17 *department, pursuant to subdivision (l) of Section 12078 and how*
 18 *to access the department's Internet Web site for more information.*

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

23 (3) The firearms dealer shall record on the register or record of
 24 electronic transfer the date that the firearm is delivered, *together*
 25 *with the firearms dealer's signature indicating delivery of the*
 26 *firearm.*

27 (4) *The purchaser shall sign on the register or the record of*
 28 *electronic or telephonic transfer the date that the firearm was*
 29 *delivered to him or her.*

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

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

32 (2) The dealer or salesperson making a sale shall ensure that all
 33 information is provided legibly. The dealer and salespersons shall
 34 be informed that incomplete or illegible information will delay
 35 sales.

36 (3) Each dealer shall be provided instructions regarding the
 37 procedure for completion of the form and routing of the form.
 38 Dealers shall comply with these instructions which shall include
 39 the information set forth in this subdivision.

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

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

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

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

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

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

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

(1) “Purchaser” means the purchaser or transferee of a firearm or the person being loaned a firearm.

(2) “Purchase” means the purchase, loan, or transfer of a firearm.

(3) “Sale” means the sale, loan, or transfer of a firearm.

~~SEC. 7.~~

SEC. 6. Section 12078 of the Penal Code is amended to read:

12078. (a) (1) The waiting periods described in Sections 12071 and 12072 shall not apply to the deliveries, transfers, or sales of firearms made to persons properly identified as full-time paid peace officers as defined in Chapter 4.5 (commencing with Section 830) of Title 3 of Part 2, provided that the peace officers are authorized by their employer to carry firearms while in the performance of their duties. Proper identification is defined as verifiable written certification from the head of the agency by which the purchaser

1 or transferee is employed, identifying the purchaser or transferee
2 as a peace officer who is authorized to carry firearms while in the
3 performance of his or her duties, and authorizing the purchase or
4 transfer. The certification shall be delivered to the dealer at the
5 time of purchase or transfer and the purchaser or transferee shall
6 identify himself or herself as the person authorized in the
7 certification. The dealer shall keep the certification with the record
8 of sale. On the date that the delivery, sale, or transfer is made, the
9 dealer delivering the firearm shall transmit to the Department of
10 Justice an electronic or telephonic report of the transaction as is
11 indicated in subdivision (b) or (c) of Section 12077.

12 (2) Subdivision (b) of Section 12801 and the preceding
13 provisions of this article do not apply to deliveries, transfers, or
14 sales of firearms made to authorized law enforcement
15 representatives of cities, counties, cities and counties, or state or
16 federal governments for exclusive use by those governmental
17 agencies if, prior to the delivery, transfer, or sale of these firearms,
18 written authorization from the head of the agency authorizing the
19 transaction is presented to the person from whom the purchase,
20 delivery, or transfer is being made. Proper written authorization
21 is defined as verifiable written certification from the head of the
22 agency by which the purchaser or transferee is employed,
23 identifying the employee as an individual authorized to conduct
24 the transaction, and authorizing the transaction for the exclusive
25 use of the agency by which he or she is employed. Within 10 days
26 of the date a handgun is acquired by the agency, a record of the
27 same shall be entered as an institutional weapon into the Automated
28 Firearms System (AFS) via the California Law Enforcement
29 Telecommunications System (CLETS) by the law enforcement or
30 state agency. Those agencies without access to AFS shall arrange
31 with the sheriff of the county in which the agency is located to
32 input this information via this system.

33 (3) Subdivision (b) of Section 12801 and the preceding
34 provisions of this article do not apply to the loan of a firearm made
35 by an authorized law enforcement representative of a city, county,
36 or city and county, or the state or federal government to a peace
37 officer employed by that agency and authorized to carry a firearm
38 for the carrying and use of that firearm by that peace officer in the
39 course and scope of his or her duties.

(4) 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 peace officer pursuant to Section 10334 of the Public Contract Code. Within 10 days of the date that a handgun is sold, delivered, or transferred pursuant to Section 10334 of the Public Contract Code to that 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.

(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) Section 12071, subdivisions (c) and Subdivision (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.

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

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

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

(8) 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 any person other than a representative of an authorized law enforcement agency to any 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 is deactivated or rendered inoperable prior to delivery.

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

3 (D) Prior to delivery, the entity receiving the firearm submits a
4 written statement to the person selling, loaning, or transferring the
5 firearm stating that the firearm will not be restored to operating
6 condition, and will either remain with that entity, or if subsequently
7 disposed of, will be transferred in accordance with the applicable
8 provisions of this article and, if applicable, Section 12801.

9 (E) If title to a handgun is being transferred to the public or
10 private nonprofit historical society, museum, or institutional
11 collection, then the designated representative of that public or
12 private historical society, museum, or institutional collection within
13 30 days of taking possession of that handgun, shall forward by
14 prepaid mail or deliver in person to the Department of Justice, a
15 single report signed by both parties to the transaction, that includes
16 information identifying the person representing that public or
17 private historical society, museum, or institutional collection, how
18 title was obtained and from whom, and a description of the firearm
19 in question, along with a copy of the written statement referred to
20 in subparagraph (D). The report forms that are to be completed
21 pursuant to this paragraph shall be provided by the Department of
22 Justice.

23 (F) In the event of a change in the status of the designated
24 representative, the entity shall notify the department of a new
25 representative within 30 days.

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

31 (B) Sections 12070 to 12077.5, inclusive, do not apply to the
32 acquisition, receipt, or disposition of a firearm by any person under
33 the immediate direction, supervision, or instruction of a duly
34 authorized peace officer within the course and scope of his or her
35 official duties, provided that the person relinquishes the firearm
36 to the peace officer within 12 hours of taking possession.

37 (C) Except as provided in subparagraph (D), unless the
38 employing agency's regulations set a shorter period of time, within
39 24 hours of a peace officer coming into possession of a firearm
40 pursuant to subparagraph (A), the officer shall cause that firearm

1 to be delivered to his or her employing agency, unless that officer
2 is required by law to immediately return the firearm to the person
3 from whom the officer received the firearm.

4 (D) In the case of peace officers employed by the Department
5 of Fish and Game, unless the department's regulations set a shorter
6 period of time, within 24 hours of a peace officer coming into
7 possession of a firearm pursuant to subparagraph (A), the officer
8 shall cause the firearm to be delivered to the officer's employing
9 agency or to the sheriff of the county or the police department of
10 the city where the officer took possession of the firearm, unless
11 the officer is required by law to immediately return the firearm to
12 the person from whom the officer received it. The Attorney
13 General, in cooperation with those law enforcement agencies and
14 firearms-related organizations as may choose to do so, shall
15 develop a protocol for the implementation of this subparagraph.

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

19 (10) Section 12070, subdivision (d) of Section 12072, and
20 subdivision (b) of Section 12801 do not apply to the delivery, sale,
21 or transfer of firearms when made by authorized law enforcement
22 representatives of cities, counties, cities and counties, or of the
23 state or federal government, if all of the following conditions are
24 met:

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

- 27 (i) A person licensed pursuant to Section 12071.
28 (ii) A wholesaler.
29 (iii) A manufacturer or importer of firearms licensed to engage
30 in that business pursuant to Chapter 44 (commencing with Section
31 921) of Title 18 of the United States Code and the regulations
32 issued pursuant thereto.

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

35 (C) Where the sale, delivery, or transfer is of a handgun, on the
36 date that the handgun is delivered pursuant to this subdivision by
37 the agency, a record of the delivery has been entered into the
38 Automated Firearms System (AFS) via the California Law
39 Enforcement Telecommunications System (CLETS) by the law
40 enforcement or state agency. Those agencies without access to

1 AFS shall arrange with the sheriff of the county in which the
2 agency is located to input this information via this system.

3 (11) Any agency that is the registered owner of an institutional
4 weapon in accordance with paragraph (2), which subsequently
5 destroys the same, shall enter that information into the AFS via
6 CLETS within 10 days of the destruction in accordance with
7 procedures prescribed by the Department of Justice. Agencies
8 without access to AFS shall arrange with the sheriff of the county
9 in which the agency is located to input this information via this
10 system.

11 (b) (1) Section 12071, subdivisions (c) and (d) of Section
12 12072, and subdivision (b) of Section 12801 shall not apply to
13 deliveries, sales, or transfers of firearms between or to importers
14 and manufacturers of firearms licensed to engage in that business
15 pursuant to Chapter 44 (commencing with Section 921) of Title
16 18 of the United States Code and the regulations issued pursuant
17 thereto.

18 (2) Subdivision (b) of Section 12801 shall not apply to the
19 delivery, sale, or transfer of a handgun to a person licensed pursuant
20 to Section 12071, where the licensee is receiving the handgun in
21 the course and scope of his or her activities as a person licensed
22 pursuant to Section 12071.

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

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

33 (A) The person to whom the firearm is transferred shall, within
34 30 days of taking possession of the firearm, forward by prepaid
35 mail or deliver in person to the Department of Justice, a report that
36 includes information concerning the individual taking possession
37 of the firearm, how title was obtained and from whom, and a
38 description of the firearm in question. The report forms that
39 individuals complete pursuant to this paragraph shall be provided
40 to them by the Department of Justice.

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

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

4 (3) As used in this subdivision, “immediate family member”
5 means any one of the following relationships:

6 (A) Parent and child.

7 (B) Grandparent and grandchild.

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

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

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

19 (B) The loan is for a lawful purpose.

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

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

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

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

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

31 (f) Subdivision (d) of Section 12072 and subdivision (b) of
32 Section 12801 shall not apply to the sale, delivery, or transfer of
33 firearms by persons who reside in this state to persons who reside
34 outside this state who are licensed pursuant to Chapter 44
35 (commencing with Section 921) of Title 18 of the United States
36 Code and the regulations issued pursuant thereto, if the sale,
37 delivery, or transfer is in accordance with Chapter 44 (commencing
38 with Section 921) of Title 18 of the United States Code and the
39 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.

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

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

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

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

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

11 (A) If the person taking title or possession is neither a levying
12 officer as defined in Section 481.140, 511.060, or 680.210 of the
13 Code of Civil Procedure, nor a person who is receiving that firearm
14 pursuant to subparagraph (G), (I), or (J) of paragraph (2) of
15 subdivision (u), the person shall, within 30 days of taking
16 possession, forward by prepaid mail or deliver in person to the
17 Department of Justice, a report of information concerning the
18 individual taking possession of the firearm, how title or possession
19 was obtained and from whom, and a description of the firearm in
20 question. The reports that individuals complete pursuant to this
21 paragraph shall be provided to them by the department.

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

25 (i) Within 30 days of taking possession, forward by prepaid
26 mail or deliver in person to the department, a report of information
27 concerning the individual taking possession of the firearm, how
28 title or possession was obtained and from whom, and a description
29 of the firearm in question. The reports that individuals complete
30 pursuant to this paragraph shall be provided to them by the
31 department.

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

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

1 characteristics, shall be entered into the Automated Firearms
2 System (AFS) via the California Law Enforcement
3 Telecommunications System (CLETS) by the law enforcement or
4 state agency that transferred or delivered the firearm. Those
5 agencies without access to AFS shall arrange with the sheriff of
6 the county in which the agency is located to input this information
7 via this system.

8 (D) Where the person receiving title or possession of the
9 handgun is a person described in subparagraph (J) of paragraph
10 (2) of subdivision (u), on the date that the person is delivered the
11 firearm, the name and other information concerning the person
12 taking possession of the firearm, how title or possession of the
13 firearm was obtained and from whom, and a description of the
14 firearm by make, model, serial number, and other identifying
15 characteristics, shall be entered into the AFS via the CLETS by
16 the law enforcement or state agency that transferred or delivered
17 the firearm. Those agencies without access to AFS shall arrange
18 with the sheriff of the county in which the agency is located to
19 input this information via this system. In addition, that law
20 enforcement agency shall not deliver that handgun to the person
21 referred to in this subparagraph unless, prior to the delivery of the
22 same, the person presents proof to the agency that he or she is the
23 holder of a handgun safety certificate.

24 (3) Subdivision (d) of Section 12072 shall not apply to a person
25 who takes possession of a firearm by operation of law in a
26 representative capacity who subsequently transfers ownership of
27 the firearm to himself or herself in his or her individual capacity.
28 In the case of a handgun, the individual shall obtain a handgun
29 safety certificate prior to transferring ownership to himself or
30 herself, or taking possession of a handgun in an individual capacity.

31 (j) Subdivision (d) of Section 12072 and subdivision (b) of
32 Section 12801 shall not apply to deliveries, transfers, or returns
33 of firearms made pursuant to Section 12021.3, 12028, 12028.5, or
34 12030.

35 (k) Section 12071, subdivision (c) of Section 12072, and
36 subdivision (b) of Section 12801 shall not apply to any of the
37 following:

38 (1) The delivery, sale, or transfer of unloaded firearms that are
39 not handguns by a dealer to another dealer upon proof of

1 compliance with the requirements of paragraph (1) of subdivision
2 (f) of Section 12072.

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

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

10 (4) The delivery, sale, or transfer of unloaded firearms by one
11 dealer to another dealer if the firearms are intended as merchandise
12 in the receiving dealer's business upon proof of compliance with
13 the requirements of paragraph (1) of subdivision (f) of Section
14 12072.

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

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

26 (l) A person who is exempt from subdivision (d) of Section
27 12072 or is otherwise not required by law to report his or her
28 acquisition, ownership, destruction, or disposal of a firearm or
29 who moves out of this state with his or her firearm may submit a
30 report of the same to the Department of Justice in a format
31 prescribed by the department.

32 (m) Subdivision (d) of Section 12072 and subdivision (b) of
33 Section 12801 shall not apply to the delivery, sale, or transfer of
34 unloaded firearms to a wholesaler as merchandise in the
35 wholesaler's business by manufacturers or importers licensed to
36 engage in that business pursuant to Chapter 44 (commencing with
37 Section 921) of Title 18 of the United States Code and the
38 regulations issued pursuant thereto, or by another wholesaler, if
39 the delivery, sale, or transfer is made in accordance with Chapter

1 44 (commencing with Section 921) of Title 18 of the United States
2 Code.

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

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

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

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

12 (A) If the dealer is receiving the firearm from another dealer,
13 the dealer receiving the firearm shall present proof to the dealer
14 delivering the firearm that he or she is licensed pursuant to Section
15 12071 by complying with paragraph (1) of subdivision (f) of
16 Section 12072.

17 (B) Whether the dealer is delivering, selling, or transferring the
18 firearm to himself or herself or to another dealer, on the date that
19 the application to purchase is completed, the dealer delivering the
20 firearm shall forward by prepaid mail to the Department of Justice
21 a report of the same and the type of information concerning the
22 purchaser or transferee as is indicated in subdivision (b) of Section
23 12077. Where the electronic or telephonic transfer of applicant
24 information is used, on the date that the application to purchase is
25 completed, the dealer delivering the firearm shall transmit an
26 electronic or telephonic report of the same and the type of
27 information concerning the purchaser or transferee as is indicated
28 in subdivision (b) of Section 12077.

29 (o) Section 12071 and subdivisions (c), (d), and paragraph (1)
30 of subdivision (f) of Section 12072 shall not apply to the delivery,
31 sale, or transfer of firearms regulated pursuant to Section 12020,
32 Chapter 2 (commencing with Section 12200), or Chapter 2.3
33 (commencing with Section 12275), if the delivery, sale, or transfer
34 is conducted in accordance with the applicable provisions of
35 Section 12020, Chapter 2 (commencing with Section 12200), or
36 Chapter 2.3 (commencing with Section 12275).

37 (p) (1) Paragraph (3) of subdivision (a) and subdivision (d) of
38 Section 12072 shall not apply to the loan of a firearm that is not a
39 handgun to a minor, with the express permission of the parent or

1 legal guardian of the minor, if the loan does not exceed 30 days
2 in duration and is for a lawful purpose.

3 (2) Paragraph (3) of subdivision (a) of Section 12072,
4 subdivision (d) of Section 12072, and subdivision (b) of Section
5 12801 shall not apply to the loan of a handgun to a minor by a
6 person who is not the parent or legal guardian of the minor if all
7 of the following circumstances exist:

8 (A) The minor has the written consent of his or her parent or
9 legal guardian that is presented at the time of, or prior to the time
10 of, the loan, or is accompanied by his or her parent or legal
11 guardian at the time the loan is made.

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

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

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

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

30 (A) The minor is being loaned the firearm for the purposes of
31 engaging in a lawful, recreational sport, including, but not limited
32 to, competitive shooting, or agricultural, ranching, or hunting
33 activity, or a motion picture, television, or video production, or
34 entertainment or theatrical event, the nature of which involves the
35 use of a firearm.

36 (B) The duration of the loan does not exceed the amount of time
37 that is reasonably necessary to engage in the lawful, recreational
38 sport, including, but not limited to, competitive shooting, or
39 agricultural, ranching, or hunting activity, or a motion picture,

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

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

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

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

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

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

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

23 (r) The waiting period described in Section 12071 or 12072
24 shall not apply to the delivery, sale, or transfer of a firearm to the
25 holder of a special weapons permit issued by the Department of
26 Justice issued pursuant to Section 12095, 12230, 12250, or 12305.
27 On the date that the application to purchase is completed, the dealer
28 delivering the firearm shall transmit to the Department of Justice
29 an electronic or telephonic report of the same as is indicated in
30 subdivision (b) or (c) of Section 12077.

31 (s) (1) Subdivision (d) of Section 12072 and subdivision (b) of
32 Section 12801 shall not apply to the infrequent loan of an unloaded
33 firearm by a person who is neither a dealer as defined in Section
34 12071 nor a federal firearms licensee pursuant to Chapter 44 of
35 Title 18 of the United States Code, to a person 18 years of age or
36 older for use solely as a prop in a motion picture, television, video,
37 theatrical, or other entertainment production or event.

38 (2) Subdivision (d), and paragraph (1) of subdivision (f), of
39 Section 12072, and subdivision (b) of Section 12801 shall not
40 apply to the loan of an unloaded firearm by a person who is not a

dealer as defined in Section 12071 but who is a federal firearms licensee pursuant to Chapter 44 of Title 18 of the United States Code, to a person who possesses a valid entertainment firearms permit issued pursuant to Section 12081, for use solely as a prop in a motion picture, television, video, theatrical, or other entertainment production or event. The person loaning the firearm pursuant to this paragraph shall retain a photocopy of the entertainment firearms permit as proof of compliance with this requirement.

(3) Subdivision (b) of Section 12071, subdivision (c) of, and paragraph (1) of subdivision (f) of, Section 12072, and subdivision (b) of Section 12801 shall not apply to the loan of an unloaded firearm by a dealer as defined in Section 12071, to a person who possesses a valid entertainment firearms permit issued pursuant to Section 12081, for use solely as a prop in a motion picture, television, video, theatrical, or other entertainment production or event. The dealer shall retain a photocopy of the entertainment firearms permit as proof of compliance with this requirement.

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

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

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

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

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

(t) (1) The waiting period described in Section 12071 or 12072 shall not apply to the sale, delivery, loan, or transfer of a firearm that is a curio or relic, as defined in Section 478.11 of Title 27 of the Code of Federal Regulations, or its successor, by a dealer to a person who is licensed as a collector pursuant to Chapter 44 (commencing with Section 921) of Title 18 of the United States Code and the regulations issued pursuant thereto who has a current certificate of eligibility issued to him or her by the Department of Justice pursuant to Section 12071. On the date that the delivery, sale, or transfer is made, the dealer delivering the firearm shall transmit to the Department of Justice an electronic or telephonic report of the transaction as is indicated in subdivision (b) or (c) of Section 12077.

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

(u) As used in this section:

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

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

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

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

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

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

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

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

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

5 (H) Firearms passing to a surviving spouse pursuant to Chapter
6 1 (commencing with Section 13500) of Part 2 of Division 8 of the
7 Probate Code.

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

11 (J) The transfer of a firearm by a law enforcement agency to
12 the person who found the firearm where the delivery is to the
13 person as the finder of the firearm pursuant to Article 1
14 (commencing with Section 2080) of Chapter 4 of Division 3 of
15 the Civil Code.

16 SEC. 8. ~~It is the intent of the Legislature in enacting paragraph~~
17 ~~(21) of subdivision (b) of Section 12071 of the Penal Code,~~
18 ~~referencing subdivision (l) of Section 12078 of the Penal Code,~~
19 ~~and adding subdivisions (e) and (f) to Section 11106 of the Penal~~
20 ~~Code in this act to do all of the following:~~

21 ~~(a) Codify existing practices and Internet-based programs,~~
22 ~~including online forms used by the Department of Justice on its~~
23 ~~Internet Web site.~~

24 ~~(b) Require the department to use existing programs and~~
25 ~~procedures within existing resources to implement the amendments~~
26 ~~adding paragraph (21) to subdivision (b) of Section 12071 of the~~
27 ~~Penal Code, amending subdivision (l) of Section 12078 of the~~
28 ~~Penal Code, and adding subdivisions (e) and (f) to Section 11106~~
29 ~~of the Penal Code.~~

30 ~~(c) To the extent feasible, allow the use of one uniform receipt~~
31 ~~that is referred to in paragraph (21) of subdivision (b) of Section~~
32 ~~12071 of the Penal Code which shall include a clear and concise~~
33 ~~statement of the procedures that may be used to report the~~
34 ~~ownership of, acquisition of, and disposition of firearms pursuant~~
35 ~~to subdivision (l) of Section 12078 of the Penal Code as well as~~
36 ~~enable persons who report the disposition, acquisition, or return~~
37 ~~of firearms to use the provisions of Section 11106 of the Penal~~
38 ~~Code to ascertain what firearms they are listed as owning by the~~
39 ~~Department of Justice.~~

- 1 ~~(d) To the extent feasible, allow the use of one uniform receipt,~~
- 2 ~~available on the department's Internet Web site in online and~~
- 3 ~~editable form.~~
- 4 ~~(e) To allow firearms dealers to make blank copies of the receipt.~~