

AMENDED IN SENATE MAY 28, 2009

AMENDED IN SENATE APRIL 13, 2009

SENATE BILL

No. 41

Introduced by Senators Lowenthal and Hancock

January 6, 2009

An act to amend Sections 11106, 12030, 12071, 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 require that the dealer provide a copy of the record of transfer to the seller and purchaser of a firearm, *as specified*. The bill would also require the record of transfer to have ~~signature lines for the signatures of~~ the purchaser and the dealer to acknowledge the date of transfer of ~~the firearm~~ *a handgun*.

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.

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.

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23 as that section read prior to being repealed by the act that amended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28 repealed by the act that amended this section, for firearms that are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

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

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

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

18 (c) (1) The Attorney General shall permanently keep and
19 properly file and maintain all information reported to the
20 Department of Justice pursuant to Sections 12071, 12072, 12078,
21 12082, and former Section 12084 or any other law, as to handguns
22 and maintain a registry thereof.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

24 (f) The department shall update information it maintains
25 regarding firearm ownership to maintain the accuracy of that
26 information.

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

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

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

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

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

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

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

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

22 SEC. 3. Section 12071 of the Penal Code is amended to read:
23 12071. (a) (1) As used in this chapter, the term “licensee,”
24 “person licensed pursuant to Section 12071,” or “dealer” means a
25 person who has all of the following:

26 (A) A valid federal firearms license.

27 (B) Any regulatory or business license, or licenses, required by
28 local government.

29 (C) A valid seller’s permit issued by the State Board of
30 Equalization.

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

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

34 (F) Is among those recorded in the centralized list specified in
35 subdivision (e).

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(3) No firearm shall be delivered:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

39 (I) Remove the magazine.

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

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

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

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

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

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

16 (VIII) Remove the magazine.

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

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

25 (XI) Apply the safety, if applicable.

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

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

34 (I) Open the cylinder.

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

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

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

7 (V) Close the cylinder.

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

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

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

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

19 (I) Open the loading gate.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

38 (i) A transaction subject to the provisions of subdivision (n) of
39 Section 12078.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(A) A valid California driver’s license.

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

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

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

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

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

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

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

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

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

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

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

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

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

23 (A) A "firearms transaction record" is a record containing the
24 same information referred to in subdivision (a) of Section 478.124,
25 Section 478.124a, and subdivision (e) of Section 478.125 of Title
26 27 of the Code of Federal Regulations.

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

37 (d) Upon written request from a licensee, the licensing authority
38 may grant an exemption from compliance with the requirements
39 of paragraph (14) of subdivision (b) if the licensee is unable to
40 comply with those requirements because of local ordinances,

1 covenants, lease conditions, or similar circumstances not under
2 the control of the licensee.

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

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

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

17 (A) For law enforcement purposes.

18 (B) When the information is requested by a person licensed
19 pursuant to Chapter 44 (commencing with Section 921) of Title
20 18 of the United States Code for determining the validity of the
21 license for firearm shipments.

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

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

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

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

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

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

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

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

31 (2) The firearms are not handguns.

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

33 12076. (a) (1) Before January 1, 1998, the Department of
34 Justice shall determine the method by which a dealer shall submit
35 firearm purchaser information to the department and the
36 information shall be in one of the following formats:

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

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

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

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

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

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

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

7 (B) A photocopy of the original shall be provided to the
8 purchaser by the dealer at the time of delivery of the firearm after
9 the dealer notes the date of delivery, ~~and~~ *and, if the firearm is a*
10 *handgun, after* the dealer and the purchaser acknowledge receipt
11 of the ~~firearm~~ *handgun* that is the subject of the transaction by the
12 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 photocopy of the original shall be
18 provided to the seller by the dealer at the time that the register is
19 signed by the seller. The dealer shall redact all of the purchaser's
20 personal information, as required pursuant to paragraph (1) of
21 subdivision (b) and paragraph (1) of subdivision (c) of Section
22 12077, from the seller's copy, and the seller's personal information
23 from the purchaser's copy.

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

1 information required to be provided for the register shall be
2 punished by imprisonment in a county jail not exceeding one year
3 or imprisonment in the state prison for a term of 8, 12, or 18
4 months.

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

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

20 (4) (A) Prior to the time that the firearm is delivered, if
21 requested, ~~a photocopy of the original copy of the record of~~
22 ~~electronic or telephonic transfer~~ shall be provided to the purchaser
23 by the dealer.

24 (B) ~~A photocopy of the original copy of the record of electronic~~
25 ~~or telephonic transfer~~ shall be provided to the purchaser by the
26 dealer at the time of delivery of the firearm after the dealer notes
27 the date of delivery, ~~and and, if the firearm is a handgun, after the~~
28 dealer and the purchaser acknowledge receipt of the ~~firearm~~
29 ~~handgun~~ that is the subject of the transaction by the purchaser.

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

33 (5) If the transaction is a private party transfer conducted
34 pursuant to Section 12082, a copy shall be provided to the seller
35 by the dealer at the time that the record of electronic or telephonic
36 transfer is signed by the seller. The dealer shall redact all of the
37 purchaser's personal information, as required pursuant to paragraph
38 (1) of subdivision (b) and paragraph (1) of subdivision (c) of
39 Section 12077, from the seller's copy, and the seller's personal
40 information from the purchaser's copy.

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

9 (2) To the extent that funding is available, the Department of
10 Justice may participate in the National Instant Criminal Background
11 Check System (NICS), as described in subsection (t) of Section
12 922 of Title 18 of the United States Code, and, if that participation
13 is implemented, shall notify the dealer and the chief of the police
14 department of the city or city and county in which the sale was
15 made, or if the sale was made in a district in which there is no
16 municipal police department, the sheriff of the county in which
17 the sale was made, that the purchaser is a person prohibited from
18 acquiring a firearm under federal law.

19 (3) If the department determines that the purchaser is prohibited
20 by state or federal law from possessing, receiving, owning, or
21 purchasing a firearm or is a person described in subparagraph (A)
22 of paragraph (9) of subdivision (a) of Section 12072, it shall
23 immediately notify the dealer and the chief of the police department
24 of the city or city and county in which the sale was made, or if the
25 sale was made in a district in which there is no municipal police
26 department, the sheriff of the county in which the sale was made,
27 of that fact.

28 (4) If the department determines that the copies of the register
29 submitted to it pursuant to paragraph (3) of subdivision (b) contain
30 any blank spaces or inaccurate, illegible, or incomplete information,
31 preventing identification of the purchaser or the pistol, revolver,
32 or other firearm to be purchased, or if any fee required pursuant
33 to subdivision (e) is not submitted by the dealer in conjunction
34 with submission of copies of the register, the department may
35 notify the dealer of that fact. Upon notification by the department,
36 the dealer shall submit corrected copies of the register to the
37 department, or shall submit any fee required pursuant to subdivision
38 (e), or both, as appropriate and, if notification by the department
39 is received by the dealer at any time prior to delivery of the firearm
40 to be purchased, the dealer shall withhold delivery until the

1 conclusion of the waiting period described in Sections 12071 and
2 12072.

3 (5) If the department determines that the information transmitted
4 to it pursuant to subdivision (c) contains inaccurate or incomplete
5 information preventing identification of the purchaser or the pistol,
6 revolver, or other firearm capable of being concealed upon the
7 person to be purchased, or if the fee required pursuant to
8 subdivision (e) is not transmitted by the dealer in conjunction with
9 transmission of the electronic or telephonic record, the department
10 may notify the dealer of that fact. Upon notification by the
11 department, the dealer shall transmit corrections to the record of
12 electronic or telephonic transfer to the department, or shall transmit
13 any fee required pursuant to subdivision (e), or both, as appropriate,
14 and if notification by the department is received by the dealer at
15 any time prior to delivery of the firearm to be purchased, the dealer
16 shall withhold delivery until the conclusion of the waiting period
17 described in Sections 12071 and 12072.

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

24 (1) (A) The department for the cost of furnishing this
25 information.

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

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

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

35 (4) Local mental hospitals, sanitariums, and institutions for
36 state-mandated local costs resulting from the reporting
37 requirements imposed by Section 8105 of the Welfare and
38 Institutions Code.

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

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

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

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

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

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

19 The fee established pursuant to this subdivision shall not exceed
20 the sum of the actual processing costs of the department, the
21 estimated reasonable costs of the local mental health facilities for
22 complying with the reporting requirements imposed by paragraph
23 (2) of this subdivision, the costs of the State Department of Mental
24 Health for complying with the requirements imposed by paragraph
25 (3) of this subdivision, the estimated reasonable costs of local
26 mental hospitals, sanitariums, and institutions for complying with
27 the reporting requirements imposed by paragraph (4) of this
28 subdivision, the estimated reasonable costs of local law
29 enforcement agencies for complying with the notification
30 requirements set forth in subdivision (a) of Section 6385 of the
31 Family Code, the estimated reasonable costs of local law
32 enforcement agencies for complying with the notification
33 requirements set forth in subdivision (c) of Section 8105 of the
34 Welfare and Institutions Code imposed by paragraph (6) of this
35 subdivision, the estimated reasonable costs of the Department of
36 Food and Agriculture for the costs resulting from the notification
37 provisions set forth in Section 5343.5 of the Food and Agricultural
38 Code, the estimated reasonable costs of the department for the
39 costs associated with subparagraph (D) of paragraph (2) of
40 subdivision (f) of Section 12072, and the estimated reasonable

1 costs of department firearms-related regulatory and enforcement
2 activities related to the sale, purchase, loan, or transfer of firearms
3 pursuant to this chapter.

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

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

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

15 (C) For the actual costs associated with the preparation, sale,
16 processing, and filing of reports utilized pursuant to subdivision
17 (l) of Section 12078 or paragraph (18) of subdivision (b) of Section
18 12071, or clause (i) of subparagraph (A) of paragraph (2) of
19 subdivision (f) of Section 12072, or paragraph (3) of subdivision
20 (f) of Section 12072.

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

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

27 (3) Any costs incurred by the Department of Justice to
28 implement this subdivision shall be reimbursed from fees collected
29 and charged pursuant to this subdivision. No fees shall be charged
30 to the dealer pursuant to subdivision (e) for implementing this
31 subdivision.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

1 make of firearm, peace officer exemption status pursuant to
2 subdivision (a) of Section 12078 and the agency name, any
3 applicable waiting period exemption, California Firearms Dealer
4 number issued pursuant to Section 12071, for transactions
5 occurring prior to January 1, 2003, the purchaser's basic firearms
6 safety certificate number issued pursuant to Sections 12805 and
7 12809, for transactions occurring on or after January 1, 2003, the
8 purchaser's handgun safety certificate number issued pursuant to
9 Article 8 (commencing with Section 12800), manufacturer's name
10 if stamped on the firearm, model name or number, if stamped on
11 the firearm, if applicable, serial number, other number (if more
12 than one serial number is stamped on the firearm), any
13 identification number or mark assigned to the firearm pursuant to
14 Section 12092, caliber, type of firearm, if the firearm is new or
15 used, barrel length, color of the firearm, full name of purchaser,
16 purchaser's complete date of birth, purchaser's local address, if
17 current address is temporary, complete permanent address of
18 purchaser, identification of purchaser, purchaser's place of birth
19 (state or country), purchaser's complete telephone number,
20 purchaser's occupation, purchaser's sex, purchaser's physical
21 description, all legal names and aliases ever used by the purchaser,
22 yes or no answer to questions that prohibit purchase including, but
23 not limited to, conviction of a felony as described in Section 12021
24 or an offense described in Section 12021.1, the purchaser's status
25 as a person described in Section 8100 of the Welfare and
26 Institutions Code, whether the purchaser is a person who has been
27 adjudicated by a court to be a danger to others or found not guilty
28 by reason of insanity, whether the purchaser is a person who has
29 been found incompetent to stand trial or placed under
30 conservatorship by a court pursuant to Section 8103 of the Welfare
31 and Institutions Code, signature of purchaser, signature of
32 salesperson (as a witness to the purchaser's signature),
33 salesperson's certificate of eligibility number if he or she has
34 obtained a certificate of eligibility, name and complete address of
35 the dealer or firm selling the firearm as shown on the dealer's
36 license, the establishment number, if assigned, the dealer's
37 complete business telephone number, any information required by
38 Section 12082, any information required to determine whether or
39 not paragraph (6) of subdivision (c) of Section 12072 applies, and
40 a statement of the penalties for any person signing a fictitious name

1 or address or for knowingly furnishing any incorrect information
 2 or for knowingly omitting any information required to be provided
 3 for the register. ~~The register or record of electronic or telephonic~~
 4 ~~transfer shall also contain a statement informing the purchaser~~
 5 ~~that, upon application, the department shall furnish a person who~~
 6 ~~is listed as the owner of a firearm with any information reported~~
 7 ~~to the department as it relates to his or her ownership of that~~
 8 ~~firearm, and the purchaser's right to file a report of his or her~~
 9 ~~acquisition, disposition, or ownership of a firearm with the~~
 10 ~~department, pursuant to subdivision (f) of Section 12078 and how~~
 11 ~~to access the department's Internet Web site for more information.~~

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

16 (3) The firearms dealer shall record on the register or record of
 17 electronic transfer the date that the handgun is delivered, together
 18 with the firearms dealer's signature indicating delivery of the
 19 handgun.

20 (4) The purchaser shall sign on the register or the record of
 21 electronic or telephonic transfer the date that the handgun was
 22 delivered to him or her.

23 (c) (1) For firearms other than handguns, information contained
 24 in the register or record of electronic transfer shall be the date and
 25 time of sale, peace officer exemption status pursuant to subdivision
 26 (a) of Section 12078 and the agency name, any applicable waiting
 27 period exemption, California Firearms Dealer number issued
 28 pursuant to Section 12071, full name of purchaser, purchaser's
 29 complete date of birth, purchaser's local address, if current address
 30 is temporary, complete permanent address of purchaser,
 31 identification of purchaser, purchaser's place of birth (state or
 32 country), purchaser's complete telephone number, purchaser's
 33 occupation, purchaser's sex, purchaser's physical description, all
 34 legal names and aliases ever used by the purchaser, yes or no
 35 answer to questions that prohibit purchase, including, but not
 36 limited to, conviction of a felony as described in Section 12021
 37 or an offense described in Section 12021.1, the purchaser's status
 38 as a person described in Section 8100 of the Welfare and
 39 Institutions Code, whether the purchaser is a person who has been
 40 adjudicated by a court to be a danger to others or found not guilty

1 by reason of insanity, whether the purchaser is a person who has
2 been found incompetent to stand trial or placed under
3 conservatorship by a court pursuant to Section 8103 of the Welfare
4 and Institutions Code, signature of purchaser, signature of
5 salesperson (as a witness to the purchaser's signature),
6 salesperson's certificate of eligibility number if he or she has
7 obtained a certificate of eligibility, name and complete address of
8 the dealer or firm selling the firearm as shown on the dealer's
9 license, the establishment number, if assigned, the dealer's
10 complete business telephone number, any information required by
11 Section 12082, and a statement of the penalties for any person
12 signing a fictitious name or address or for knowingly furnishing
13 any incorrect information or for knowingly omitting any
14 information required to be provided for the register. ~~The register~~
15 ~~or record of electronic or telephonic transfer shall also contain a~~
16 ~~statement informing the purchaser that, upon application, the~~
17 ~~department shall furnish a person who is listed as the owner of a~~
18 ~~firearm with any information reported to the department as it relates~~
19 ~~to his or her ownership of that firearm, and the purchaser's right~~
20 ~~to file a report of his or her acquisition, disposition, or ownership~~
21 ~~of a firearm with the department, pursuant to subdivision (I) of~~
22 ~~Section 12078 and how to access the department's Internet Web~~
23 ~~site for more information.~~

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

28 (3) The firearms dealer shall record on the register or record of
29 electronic transfer the date that the firearm is delivered, together
30 ~~with the firearms dealer's signature indicating delivery of the~~
31 ~~firearm.~~

32 ~~(4) The purchaser shall sign on the register or the record of~~
33 ~~electronic or telephonic transfer the date that the firearm was~~
34 ~~delivered to him or her. delivered.~~

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

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

37 (2) The dealer or salesperson making a sale shall ensure that all
38 information is provided legibly. The dealer and salespersons shall
39 be informed that incomplete or illegible information will delay
40 sales.

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

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

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

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

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

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

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

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

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

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

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

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

36 12078. (a) (1) The waiting periods described in Sections 12071
37 and 12072 shall not apply to the deliveries, transfers, or sales of
38 firearms made to persons properly identified as full-time paid peace
39 officers as defined in Chapter 4.5 (commencing with Section 830)
40 of Title 3 of Part 2, provided that the peace officers are authorized

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

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

36 (3) Subdivision (b) of Section 12801 and the preceding
37 provisions of this article do not apply to the loan of a firearm made
38 by an authorized law enforcement representative of a city, county,
39 or city and county, or the state or federal government to a peace
40 officer employed by that agency and authorized to carry a firearm

1 for the carrying and use of that firearm by that peace officer in the
2 course and scope of his or her duties.

3 (4) Subdivision (b) of Section 12801 and the preceding
4 provisions of this article do not apply to the delivery, sale, or
5 transfer of a firearm by a law enforcement agency to a peace officer
6 pursuant to Section 10334 of the Public Contract Code. Within 10
7 days of the date that a handgun is sold, delivered, or transferred
8 pursuant to Section 10334 of the Public Contract Code to that
9 peace officer, the name of the officer and the make, model, serial
10 number, and other identifying characteristics of the firearm being
11 sold, transferred, or delivered shall be entered into the Automated
12 Firearms System (AFS) via the California Law Enforcement
13 Telecommunications System (CLETS) by the law enforcement or
14 state agency that sold, transferred, or delivered the firearm. Those
15 agencies without access to AFS shall arrange with the sheriff of
16 the county in which the agency is located to input this information
17 via this system.

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

32 (6) Subdivision (d) of Section 12072, and subdivision (b) of
33 Section 12801 do not apply to sales, deliveries, or transfers of
34 firearms to authorized representatives of cities, cities and counties,
35 counties, or state or federal governments for those governmental
36 agencies where the entity is acquiring the weapon as part of an
37 authorized, voluntary program where the entity is buying or
38 receiving weapons from private individuals. Any weapons acquired
39 pursuant to this paragraph shall be disposed of pursuant to the
40 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.

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

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

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

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

32 (h) Subdivision (d) of Section 12072 and subdivision (b) of
33 Section 12801 shall not apply to the loan of a firearm to a person
34 18 years of age or older for the purposes of shooting at targets if
35 the loan occurs on the premises of a target facility that holds a
36 business or regulatory license or on the premises of any club or
37 organization organized for the purposes of practicing shooting at
38 targets upon established ranges, whether public or private, if the
39 firearm is at all times kept within the premises of the target range
40 or on the premises of the club or organization.

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

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

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

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

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

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

(C) Where the person receiving title or possession of the handgun is a person described in subparagraph (I) of paragraph (2) of subdivision (u), on the date that the person is delivered the firearm, the name and other information concerning the person taking possession of the firearm, how title or possession of the firearm was obtained and from whom, and a description of the 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

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

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

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

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

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

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

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

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

17 (2) Subdivision (d) and paragraph (1) of subdivision (f) of
18 Section 12072 shall not apply to the infrequent sale, loan, or
19 transfer of a firearm that is not a handgun, which is a curio or relic
20 manufactured at least 50 years prior to the current date, but not
21 including replicas thereof, as defined in Section 478.11 of Title
22 27 of the Code of Federal Regulations, or its successor.

23 (u) As used in this section:

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

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

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

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

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

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

39 (E) A trustee in bankruptcy performing his or her duties if the
40 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.