

**ASSEMBLY BILL**

**No. 811**

---

---

**Introduced by Assembly Member Hall**

February 17, 2011

---

---

An act to amend Section 28235 of, and to add Article 6.1 (commencing with Section 27970) to, Chapter 4 of Division 6 of, Title 4 of Part 6 of, the Penal Code, relating to firearms.

LEGISLATIVE COUNSEL'S DIGEST

AB 811, as introduced, Hall. Firearms: Private Patrol Operators: registration and assignment.

Existing law generally regulates the ownership and transfer of firearms, but does not authorize business entities to own or register firearms.

This bill would establish procedures allowing Private Patrol Operators to own firearms and to assign those firearms to employees of the Private Patrol Operator who are licensed security officers. The bill would state findings and declarations of the Legislature, and the intent of the Legislature in connection with these procedures. The bill would direct the Department of Justice to modify and create forms, and charge reasonable fees for the filing and processing of those forms and for enforcement of these provisions. The bill would require security officers, within 48 hours of the Private Patrol Operator's request, for any reason, or upon separation of employment or revocation of the security officer's firearm qualification card, to return the firearm to the Private Patrol Operator. Failure to comply with the 48-hour return requirement would be a misdemeanor.

By creating a new crime, this bill would impose a state-mandated local program.

The bill would make other conforming changes.

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

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

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

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

1 SECTION 1. Article 6.1 (commencing with Section 27970) is  
2 added to Chapter 4 of Division 6 of Title 4 of Part 6 of the Penal  
3 Code, to read:

4  
5 Article 6.1. Ownership, Registration, and Assignment of  
6 Firearms by Private Patrol Operators  
7

8 27970. (a) (1) The Legislature finds and declares that current  
9 practices and statutes authorize the purchase, registration, and  
10 ownership of firearms by individuals, but not by business entities.

11 (2) It is the intent of the Legislature in enacting this chapter to  
12 allow business ownership and registration of firearms in the case  
13 of Private Patrol Operators. It is further the intent of the Legislature  
14 to establish procedures whereby a Private Patrol Operator may  
15 assign firearms it owns to its employees and that the assignment  
16 of a firearm by a Private Patrol Operator to an employee shall not  
17 constitute a loan, sale, or transfer of a firearm.

18 (b) For purposes of this article, the following definitions shall  
19 apply:

- 20 (1) "Department" means the Department of Justice.
- 21 (2) "Private Patrol Operator" or "PPO" means a Private Patrol  
22 Operator licensed pursuant to Chapter 11.5 (commencing with  
23 Section 7580) of Division 3 of the Business and Professions Code.

24 27975. (a) The department shall modify the Dealers' Record  
25 of Sale (DROS) form to allow a PPO to be listed as the purchaser  
26 and owner of a firearm. The form shall also identify the status of  
27 the PPO as a sole proprietorship, partnership, or corporate entity,  
28 and include any tax identification number or other identifying  
29 number that may be required by the department.

1 (b) The department shall also modify the DROS form to allow  
2 the PPO to designate a “firearms custodian” for the PPO. The  
3 firearms custodian shall possess a valid firearm qualification card  
4 issued by the Department of Consumer Affairs.

5 (c) The PPO shall, on a separate form, and in a manner  
6 prescribed by the department, identify the person who is designated  
7 by the PPO as the firearms custodian for the PPO. If a firearms  
8 custodian ceases to be employed by the PPO, or otherwise becomes  
9 ineligible to be the firearms custodian, the PPO shall inform the  
10 department of that fact, in a manner prescribed by the department,  
11 and the PPO shall have 30 days to designate a replacement firearms  
12 custodian.

13 (d) (1) The department shall prescribe a “Certificate of  
14 Assignment” or “COA.” The COA shall contain the same fields  
15 as the DROS form, and shall be used to identify the employee of  
16 the PPO who has been assigned a firearm by the PPO.

17 (2) Upon the PPO assigning a firearm to an employee who is a  
18 security officer licensed pursuant to Chapter 11.5 (commencing  
19 with Section 7580) of Division 3 of the Business and Professions  
20 Code, the licensed security officer shall complete the COA, and  
21 the PPO shall file the COA with the department.

22 27980. The department shall charge a fee not to exceed the  
23 reasonable costs to the department for filing and processing a form  
24 identifying the firearms custodian of the PPO, for filing and  
25 processing a COA, and for costs incurred in enforcing the  
26 provisions of this article, including, but not limited to, processing  
27 forms required by this article, and entering information obtained  
28 pursuant to this article into the department’s Automated Firearms  
29 System and other databases as deemed necessary by the  
30 department. The fees shall be deposited in the Dealers’ Record of  
31 Sale Special Account.

32 27985. No PPO may assign a firearm pursuant to this article  
33 if there is no designated firearms custodian for the PPO. If the PPO  
34 ceases to do business, or ceases as a business entity, the firearms  
35 custodian and the PPO shall, within 30 days and unless otherwise  
36 prohibited by law, complete new DROS forms for all PPO-owned  
37 firearms and transfer those firearms to a new owner. The firearms  
38 custodian shall be responsible at all times for the possession of all  
39 firearms listed as owned by the PPO, including after the PPO ceases  
40 to do business or ceases as a business entity, until the firearms are

1 transferred to a new owner pursuant to this section. If the PPO  
2 refuses or otherwise fails to complete new DROS forms, the  
3 firearms custodian shall submit the new form on behalf of the PPO.

4 27990. Notwithstanding any other provision of law, an  
5 assignment of a firearm pursuant to this article shall not constitute  
6 a loan, sale, or transfer of a firearm.

7 27995. (a) Within 48 hours of the PPO’s request, for any  
8 reason, or upon separation of employment or revocation of the  
9 firearm qualification card, the security officer shall return the  
10 firearm to the PPO.

11 (b) A violation of subdivision (a) is a misdemeanor.

12 SEC. 2. Section 28235 of the Penal Code is amended to read:

13 28235. All money received by the department pursuant to this  
14 article shall be deposited in the Dealers’ Record of Sale Special  
15 Account of the General Fund, which is hereby created, to be  
16 available, upon appropriation by the Legislature, for expenditure  
17 by the department to offset the costs incurred pursuant to any of  
18 the following:

19 (a) This article.

20 (b) Section 18910.

21 (c) Section 27555.

22 (d) Subdivisions (d) and (e) of Section 27560.

23 (e) *Article 6.1 (commencing with Section 27970) of Chapter 4.*

24 (f) Article 6 (commencing with Section 28450).

25 ~~(f)~~

26 (g) Section 31110.

27 ~~(g)~~

28 (h) Section 31115.

29 ~~(h)~~

30 (i) Subdivision (a) of Section 32020.

31 ~~(i)~~

32 (j) Section 32670.

33 ~~(j)~~

34 (k) Section 33320.

35 SEC. 3. No reimbursement is required by this act pursuant to  
36 Section 6 of Article XIII B of the California Constitution because  
37 the only costs that may be incurred by a local agency or school  
38 district will be incurred because this act creates a new crime or  
39 infraction, eliminates a crime or infraction, or changes the penalty  
40 for a crime or infraction, within the meaning of Section 17556 of

- 1 the Government Code, or changes the definition of a crime within
- 2 the meaning of Section 6 of Article XIII B of the California
- 3 Constitution.

O