

**Introduced by Senator Fuller**

February 24, 2012

An act to amend Sections 26815 and 27540 of the Penal Code, relating to firearms.

LEGISLATIVE COUNSEL'S DIGEST

SB 1569, as introduced, Fuller. Firearms: waiting period.

Existing law prohibits a dealer from delivering a firearm to a person within 10 days of the application to purchase or submission to the Department of Justice of the information and fees required to determine eligibility to own or possess a firearm. Violation of this provision is a misdemeanor. Existing law requires a dealer to be licensed to sell firearms, which license is subject to forfeiture if the dealer delivers a firearm within the 10-day waiting period.

This bill would, instead, require a 72-hour waiting period for the above provisions.

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 26815 of the Penal Code is amended to
- 2 read:
- 3 26815. No firearm shall be delivered:
- 4 (a) Within ~~10 days~~ 72 hours of the application to purchase, or,
- 5 after notice by the department pursuant to Section 28220, within
- 6 ~~10 days~~ 72 hours of the submission to the department of any
- 7 correction to the application, or within ~~10 days~~ 72 hours of the

1 submission to the department of ~~any~~ a fee required pursuant to  
2 Section 28225, whichever is later.

3 (b) Unless unloaded and securely wrapped or unloaded and in  
4 a locked container.

5 (c) Unless the purchaser, transferee, or person being loaned the  
6 firearm presents clear evidence of the person's identity and age to  
7 the dealer.

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

16 SEC. 2. Section 27540 of the Penal Code is amended to read:

17 27540. No dealer, whether or not acting pursuant to Chapter  
18 5 (commencing with Section 28050), shall deliver a firearm to a  
19 person, as follows:

20 (a) Within ~~10 days~~ 72 hours of the application to purchase, or,  
21 after notice by the department pursuant to Section 28220, within  
22 ~~10 days~~ 72 hours of the submission to the department of any  
23 correction to the application, or within ~~10 days~~ 72 hours of the  
24 submission to the department of ~~any~~ a fee required pursuant to  
25 Section 28225, whichever is later.

26 (b) Unless unloaded and securely wrapped or unloaded and in  
27 a locked container.

28 (c) Unless the purchaser, transferee, or person being loaned the  
29 firearm presents clear evidence of the person's identity and age to  
30 the dealer.

31 (d) Whenever the dealer is notified by the Department of Justice  
32 that the person is prohibited by state or federal law from possessing,  
33 receiving, owning, or purchasing a firearm.

34 (e) No handgun shall be delivered unless the purchaser,  
35 transferee, or person being loaned the handgun presents a handgun  
36 safety certificate to the dealer.

37 (f) No handgun shall be delivered whenever the dealer is notified  
38 by the Department of Justice that, within the preceding 30-day  
39 period, the purchaser has made another application to purchase a

- 1 handgun and that the previous application to purchase involved
- 2 none of the entities specified in subdivision (b) of Section 27535.

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