

AMENDED IN SENATE SEPTEMBER 3, 2013

AMENDED IN ASSEMBLY MAY 24, 2013

CALIFORNIA LEGISLATURE—2013–14 REGULAR SESSION

ASSEMBLY BILL

No. 500

Introduced by Assembly Member Ammiano

February 20, 2013

An act to amend Sections 11106, 16520, 16540, 16850, 23510, and 28220 of, and to add Sections 17060, 25135, and 28255 to, the Penal Code, relating to firearms.

LEGISLATIVE COUNSEL'S DIGEST

AB 500, as amended, Ammiano. Firearms.

(1) Existing law requires the Department of Justice, upon submission of firearm purchaser information, to examine its records to determine if the purchaser is prohibited from possessing, receiving, owning, or purchasing a firearm. Existing law prohibits the delivery of a firearm within 10 days of the application to purchase, or, after notice by the department, within 10 days of the submission to the department of any corrections to the application to purchase, or within 10 days of the submission to the department of a specified fee. Existing law generally requires firearms transactions to be completed through a licensed firearms ~~dealers~~ *dealer*. If a dealer cannot legally deliver a firearm, existing law requires the dealer to return the firearm to the transferor, seller, or person loaning the firearm.

This bill would require the department *to* immediately notify the dealer to delay the transfer of a firearm to a purchaser if the records of the department, or if specified records available to the department, indicate that the purchaser has been taken into custody and placed in a

facility for mental health treatment or evaluation, ~~as specified, or that he or she has been arrested for, or charged with, a crime, as specified, or that the purchaser is attempting to purchase more than one firearm within a 30-day period,~~ and the department is unable to ascertain whether the purchaser is ineligible to possess, receive, own, or purchase the firearm as a result of the determination of the purchaser's mental ~~health or health,~~ the final disposition of the arrest or criminal charge, ~~or whether the purchaser is ineligible to purchase the firearm because he or she is attempting to purchase more than one firearm within a 30-day period,~~ prior to the conclusion of the 10-day waiting period. If the department is unable to ascertain the final disposition of the arrest or criminal charge, ~~or the outcome of the mental health treatment or evaluation, or whether the purchaser is ineligible to purchase the firearm because he or she is attempting to purchase more than one firearm within a 30-day period,~~ within 30 days of the dealer's submission of purchaser information, the bill would require the department to notify the firearms dealer, and would authorize the dealer to *then immediately* transfer the firearm to the purchaser. *The bill would also enact similar provisions additionally requiring, among other things, the dealer and the purchaser to sign the register or record of electronic transfer, to take effect if AB 538 is enacted and amends Section 28160 of the Penal Code.*

(2) Existing law requires a firearm purchaser to present the dealer with clear evidence of the person's identity and age, and requires the dealer to make a permanent record of the transaction. Existing law requires the dealer to transmit the record of applicant information to the Department of Justice by electronic or telephonic transfer.

Commencing January 1, 2015, this bill would also require a dealer to notify the department that the person in an application to purchase actually took possession of the firearm, as specified.

(3) Under existing law certain persons are prohibited from owning or possessing a firearm, including persons convicted of certain violent offenses, and persons who have been adjudicated as having a mental disorder, among others.

This bill would prohibit a person who is residing with someone who is prohibited by state or federal law from possessing a firearm from keeping a firearm at that residence unless the firearm is either kept within a locked container, locked gun safe, locked trunk, locked with a locking device, disabled by a firearm safety device, or carried on the person. The bill would make a violation of this provision a misdemeanor.

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

(4) *The bill would incorporate additional changes to Section 11106 of the Penal Code, made by this bill, AB 539, and SB 53, and additional changes to Section 16520 of the Penal Code made by this bill and SB 299, to take effect if one or more of those bills are chaptered and this bill is chaptered last.*

(4)

(5) 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. Section 11106 of the Penal Code, as added by
2 Section 2.5 of Chapter 745 of the Statutes of 2011, is amended to
3 read:

4 11106. (a) In order to assist in the investigation of crime, the
5 prosecution of civil actions by city attorneys pursuant to paragraph
6 (3) of subdivision ~~(e)~~; (b), the arrest and prosecution of criminals,
7 and the recovery of lost, stolen, or found property, the Attorney
8 General shall keep and properly file a complete record of all copies
9 of fingerprints, copies of licenses to carry firearms issued pursuant
10 to Section 26150, 26155, 26170, or 26215, information reported
11 to the Department of Justice pursuant to Section 26225, dealers'
12 records of sales of firearms, reports provided pursuant to Article
13 1 (commencing with Section 27500) of Chapter 4 of Division 6
14 of Title 4 of Part 6, or pursuant to any provision listed in
15 subdivision (a) of Section 16585, forms provided pursuant to
16 Section 12084, as that section read prior to being repealed, reports
17 provided pursuant to Article 1 (commencing with Section 26700)
18 and Article 2 (commencing with Section 26800) of Chapter 2 of
19 Division 6 of Title 4 of Part 6, that are not dealers' records of sales
20 of firearms, information provided pursuant to Section 28255, and
21 reports of stolen, lost, found, pledged, or pawned property in any
22 city or county of this state, and shall, upon proper application

1 therefor, furnish this information to the officers referred to in
2 Section 11105.

3 (b) (1) The Attorney General shall permanently keep and
4 properly file and maintain all information reported to the
5 Department of Justice pursuant to the following provisions as to
6 firearms and maintain a registry thereof:

7 (A) Article 1 (commencing with Section 26700) and Article 2
8 (commencing with Section 26800) of Chapter 2 of Division 6 of
9 Title 4 of Part 6.

10 (B) Article 1 (commencing with Section 27500) of Chapter 4
11 of Division 6 of Title 4 of Part 6.

12 (C) Chapter 5 (commencing with Section 28050) of Division 6
13 of Title 4 of Part 6.

14 (D) Any provision listed in subdivision (a) of Section 16585.

15 (E) Former Section 12084.

16 (F) Section 28255.

17 (G) Any other law.

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

19 (A) The name, address, identification of, place of birth (state
20 or country), complete telephone number, occupation, sex,
21 description, and all legal names and aliases ever used by the owner
22 or person being loaned the particular firearm as listed on the
23 information provided to the department on the Dealers' Record of
24 Sale, the Law Enforcement Firearms Transfer (LEFT), as defined
25 in former Section 12084, or reports made to the department
26 pursuant to any provision listed in subdivision (a) of Section 16585,
27 Section 28255, or any other law.

28 (B) The name and address of, and other information about, any
29 person (whether a dealer or a private party) from whom the owner
30 acquired or the person being loaned the particular firearm and
31 when the firearm was acquired or loaned as listed on the
32 information provided to the department on the Dealers' Record of
33 Sale, the LEFT, or reports made to the department pursuant to any
34 provision listed in subdivision (a) of Section 16585 or any other
35 law.

36 (C) Any waiting period exemption applicable to the transaction
37 which resulted in the owner of or the person being loaned the
38 particular firearm acquiring or being loaned that firearm.

39 (D) The manufacturer's name if stamped on the firearm, model
40 name or number if stamped on the firearm, and, if applicable, the

1 serial number, other number (if more than one serial number is
2 stamped on the firearm), caliber, type of firearm, if the firearm is
3 new or used, barrel length, and color of the firearm, or, if the
4 firearm is not a handgun and does not have a serial number or any
5 identification number or mark assigned to it, that shall be noted.

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

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

22 (c) (1) Any officer referred to in paragraphs (1) to (6), inclusive,
23 of subdivision (b) of Section 11105 may disseminate the name of
24 the subject of the record, the number of the firearms listed in the
25 record, and the description of any firearm, including the make,
26 model, and caliber, from the record relating to any firearm's sale,
27 transfer, registration, or license record, or any information reported
28 to the Department of Justice pursuant to Section 26225, Article 1
29 (commencing with Section 26700) and Article 2 (commencing
30 with Section 26800) of Chapter 2 of Division 6 of Title 4 of Part
31 6, Article 1 (commencing with Section 27500) of Chapter 4 of
32 Division 6 of Title 4 of Part 6, Chapter 5 (commencing with
33 Section 28050) of Division 6 of Title 4 of Part 6, Article 2
34 (commencing with Section 28150) of Chapter 6 of Division 6 of
35 Title 4 of Part 6, Article 5 (commencing with Section 30900) of
36 Chapter 2 of Division 10 of Title 4 of Part 6, Chapter 2
37 (commencing with Section 33850) of Division 11 of Title 4 of Part
38 6, or any provision listed in subdivision (a) of Section 16585, if
39 the following conditions are met:

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

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

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

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

24 *SEC. 1.1. Section 11106 of the Penal Code, as added by Section*
25 *2.5 of Chapter 745 of the Statutes of 2011, is amended to read:*

26 11106. (a) In order to assist in the investigation of crime, the
27 prosecution of civil actions by city attorneys pursuant to paragraph
28 (3) of subdivision ~~(e)~~; (b), the arrest and prosecution of criminals,
29 and the recovery of lost, stolen, or found property, the Attorney
30 General shall keep and properly file a complete record of all copies
31 of fingerprints, copies of licenses to carry firearms issued pursuant
32 to Section 26150, 26155, 26170, or 26215, information reported
33 to the Department of Justice pursuant to Section 26225 or 29830,
34 dealers’ records of sales of firearms, reports provided pursuant to
35 Article 1 (commencing with Section 27500) of Chapter 4 of
36 Division 6 of Title 4 of Part 6, or pursuant to any provision listed
37 in subdivision (a) of Section 16585, forms provided pursuant to
38 Section 12084, as that section read prior to being repealed, reports
39 provided pursuant to Article 1 (commencing with Section 26700)
40 and Article 2 (commencing with Section 26800) of Chapter 2 of

1 Division 6 of Title 4 of Part 6, that are not dealers' records of sales
2 of firearms, *information provided pursuant to Section 28255*, and
3 reports of stolen, lost, found, pledged, or pawned property in any
4 city or county of this state, and shall, upon proper application
5 therefor, furnish this information to the officers referred to in
6 Section 11105.

7 (b) (1) The Attorney General shall permanently keep and
8 properly file and maintain all information reported to the
9 Department of Justice pursuant to the following provisions as to
10 firearms and maintain a registry thereof:

11 (A) Article 1 (commencing with Section 26700) and Article 2
12 (commencing with Section 26800) of Chapter 2 of Division 6 of
13 Title 4 of Part 6.

14 (B) Article 1 (commencing with Section 27500) of Chapter 4
15 of Division 6 of Title 4 of Part 6.

16 (C) Chapter 5 (commencing with Section 28050) of Division 6
17 of Title 4 of Part 6.

18 (D) Any provision listed in subdivision (a) of Section 16585.

19 (E) Former Section 12084.

20 (F) *Section 28255*.

21 ~~(F)~~

22 (G) Any other law.

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 firearm 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 any provision listed in subdivision (a) of Section ~~16585~~
32 *16585, Section 28255*, or any other law.

33 (B) The name and address of, and other information about, any
34 person (whether a dealer or a private party) from whom the owner
35 acquired or the person being loaned the particular firearm and
36 when the firearm was acquired or loaned as listed on the
37 information provided to the department on the Dealers' Record of
38 Sale, the LEFT, or reports made to the department pursuant to any
39 provision listed in subdivision (a) of Section 16585 or any other
40 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 firearm 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, or, if the
9 firearm is not a handgun and does not have a serial number or any
10 identification number or mark assigned to it, that shall be noted.

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

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

27 (c) (1) Any officer referred to in paragraphs (1) to (6), inclusive,
28 of subdivision (b) of Section 11105 may disseminate the name of
29 the subject of the record, the number of the firearms listed in the
30 record, and the description of any firearm, including the make,
31 model, and caliber, from the record relating to any firearm's sale,
32 transfer, registration, or license record, or any information reported
33 to the Department of Justice pursuant to Section 26225, Article 1
34 (commencing with Section 26700) and Article 2 (commencing
35 with Section 26800) of Chapter 2 of Division 6 of Title 4 of Part
36 6, Article 1 (commencing with Section 27500) of Chapter 4 of
37 Division 6 of Title 4 of Part 6, Chapter 5 (commencing with
38 Section 28050) of Division 6 of Title 4 of Part 6, Article 2
39 (commencing with Section 28150) of Chapter 6 of Division 6 of
40 Title 4 of Part 6, Article 5 (commencing with Section 30900) of

1 Chapter 2 of Division 10 of Title 4 of Part 6, Chapter 2
2 (commencing with Section 33850) of Division 11 of Title 4 of Part
3 6, or any provision listed in subdivision (a) of Section 16585, if
4 the following conditions are met:

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

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

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

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

28 ~~(d) This section shall become operative January 1, 2014.~~

29 *SEC. 1.2. Section 11106 of the Penal Code, as added by Section*
30 *2.5 of Chapter 745 of the Statutes of 2011, is amended to read:*

31 11106. (a) In order to assist in the investigation of crime, the
32 prosecution of civil actions by city attorneys pursuant to paragraph
33 (3) of subdivision ~~(e)~~; (b), the arrest and prosecution of criminals,
34 and the recovery of lost, stolen, or found property, the Attorney
35 General shall keep and properly file a complete record of all copies
36 of fingerprints, copies of licenses to carry firearms issued pursuant
37 to Section 26150, 26155, 26170, or 26215, information reported
38 to the Department of Justice pursuant to Section 26225, *copies of*
39 *ammunition purchaser authorizations pursuant to Section 30370,*
40 *ammunition vendor license information pursuant to Article 5*

1 (*commencing with Section 30380*) of Chapter 1 of Division 10 of
2 Title 4 of Part 6, *information required by Section 30352*, dealers'
3 records of sales of firearms, reports provided pursuant to Article
4 1 (*commencing with Section 27500*) of Chapter 4 of Division 6
5 of Title 4 of Part 6, or pursuant to any provision listed in
6 subdivision (a) of Section 16585, forms provided pursuant to
7 Section 12084, as that section read prior to being repealed, reports
8 provided pursuant to Article 1 (*commencing with Section 26700*)
9 and Article 2 (*commencing with Section 26800*) of Chapter 2 of
10 Division 6 of Title 4 of Part 6, that are not dealers' records of sales
11 of firearms, *information provided pursuant to Section 28255*, and
12 reports of stolen, lost, found, pledged, or pawned property in any
13 city or county of this state, and shall, upon proper application
14 therefor, furnish this information to the officers referred to in
15 Section 11105.

16 (b) (1) The Attorney General shall permanently keep and
17 properly file and maintain all information reported to the
18 Department of Justice pursuant to the following provisions as to
19 firearms and maintain a registry thereof:

20 (A) Article 1 (*commencing with Section 26700*) and Article 2
21 (*commencing with Section 26800*) of Chapter 2 of Division 6 of
22 Title 4 of Part 6.

23 (B) Article 1 (*commencing with Section 27500*) of Chapter 4
24 of Division 6 of Title 4 of Part 6.

25 (C) Chapter 5 (*commencing with Section 28050*) of Division 6
26 of Title 4 of Part 6.

27 (D) Any provision listed in subdivision (a) of Section 16585.

28 (E) Former Section 12084.

29 (F) *Section 28255*.

30 ~~(F)~~

31 (G) Any other law.

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

33 (A) The name, address, identification of, place of birth (state
34 or country), complete telephone number, occupation, sex,
35 description, and all legal names and aliases ever used by the owner
36 or person being loaned the particular firearm as listed on the
37 information provided to the department on the Dealers' Record of
38 Sale, the Law Enforcement Firearms Transfer (LEFT), as defined
39 in former Section 12084, or reports made to the department

1 pursuant to any provision listed in subdivision (a) of Section ~~16585~~
2 *16585, Section 28255*, or any other law.

3 (B) The name and address of, and other information about, any
4 person (whether a dealer or a private party) from whom the owner
5 acquired or the person being loaned the particular firearm and
6 when the firearm was acquired or loaned as listed on the
7 information provided to the department on the Dealers' Record of
8 Sale, the LEFT, or reports made to the department pursuant to any
9 provision listed in subdivision (a) of Section 16585 or any other
10 law.

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

14 (D) The manufacturer's name if stamped on the firearm, model
15 name or number if stamped on the firearm, and, if applicable, the
16 serial number, other number (if more than one serial number is
17 stamped on the firearm), caliber, type of firearm, if the firearm is
18 new or used, barrel length, and color of the firearm, or, if the
19 firearm is not a handgun and does not have a serial number or any
20 identification number or mark assigned to it, that shall be noted.

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

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

37 (c) (1) Any officer referred to in paragraphs (1) to (6), inclusive,
38 of subdivision (b) of Section 11105 may disseminate the name of
39 the subject of the record, the number of the firearms listed in the
40 record, and the description of any firearm, including the make,

1 model, and caliber, from the record relating to any firearm’s sale,
2 transfer, registration, or license record, or any information reported
3 to the Department of Justice pursuant to Section 26225, Article 1
4 (commencing with Section 26700) and Article 2 (commencing
5 with Section 26800) of Chapter 2 of Division 6 of Title 4 of Part
6 6, Article 1 (commencing with Section 27500) of Chapter 4 of
7 Division 6 of Title 4 of Part 6, Chapter 5 (commencing with
8 Section 28050) of Division 6 of Title 4 of Part 6, Article 2
9 (commencing with Section 28150) of Chapter 6 of Division 6 of
10 Title 4 of Part 6, Article 5 (commencing with Section 30900) of
11 Chapter 2 of Division 10 of Title 4 of Part 6, Chapter 2
12 (commencing with Section 33850) of Division 11 of Title 4 of Part
13 6, or any provision listed in subdivision (a) of Section 16585, if
14 the following conditions are met:

15 (A) The subject of the record has been arraigned for a crime in
16 which the victim is a person described in subdivisions (a) to (f),
17 inclusive, of Section 6211 of the Family Code and is being
18 prosecuted or is serving a sentence for the crime, or the subject of
19 the record is the subject of an emergency protective order, a
20 temporary restraining order, or an order after hearing, which is in
21 effect and has been issued by a family court under the Domestic
22 Violence Protection Act set forth in Division 10 (commencing
23 with Section 6200) of the Family Code.

24 (B) The information is disseminated only to the victim of the
25 crime or to the person who has obtained the emergency protective
26 order, the temporary restraining order, or the order after hearing
27 issued by the family court.

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

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

38 ~~(d) This section shall become operative January 1, 2014.~~

39 *SEC. 1.3. Section 11106 of the Penal Code, as added by Section*
40 *2.5 of Chapter 745 of the Statutes of 2011, is amended to read:*

1 11106. (a) In order to assist in the investigation of crime, the
2 prosecution of civil actions by city attorneys pursuant to paragraph
3 (3) of subdivision ~~(e)~~, (b), the arrest and prosecution of criminals,
4 and the recovery of lost, stolen, or found property, the Attorney
5 General shall keep and properly file a complete record of all copies
6 of fingerprints, copies of licenses to carry firearms issued pursuant
7 to Section 26150, 26155, 26170, or 26215, information reported
8 to the Department of Justice pursuant to Section 26225 or 29830,
9 *copies of ammunition purchaser authorizations pursuant to Section*
10 *30370, ammunition vendor license information pursuant to Article*
11 *5 (commencing with Section 30380) of Chapter 1 of Division 10*
12 *of Title 4 of Part 6, information required by Section 30352, dealers’*
13 *records of sales of firearms, reports provided pursuant to Article*
14 *1 (commencing with Section 27500) of Chapter 4 of Division 6*
15 *of Title 4 of Part 6, or pursuant to any provision listed in*
16 *subdivision (a) of Section 16585, forms provided pursuant to*
17 *Section 12084, as that section read prior to being repealed, reports*
18 *provided pursuant to Article 1 (commencing with Section 26700)*
19 *and Article 2 (commencing with Section 26800) of Chapter 2 of*
20 *Division 6 of Title 4 of Part 6, that are not dealers’ records of sales*
21 *of firearms, information provided pursuant to Section 28255, and*
22 *reports of stolen, lost, found, pledged, or pawned property in any*
23 *city or county of this state, and shall, upon proper application*
24 *therefor, furnish this information to the officers referred to in*
25 *Section 11105.*

26 (b) (1) The Attorney General shall permanently keep and
27 properly file and maintain all information reported to the
28 Department of Justice pursuant to the following provisions as to
29 firearms and maintain a registry thereof:

30 (A) Article 1 (commencing with Section 26700) and Article 2
31 (commencing with Section 26800) of Chapter 2 of Division 6 of
32 Title 4 of Part 6.

33 (B) Article 1 (commencing with Section 27500) of Chapter 4
34 of Division 6 of Title 4 of Part 6.

35 (C) Chapter 5 (commencing with Section 28050) of Division 6
36 of Title 4 of Part 6.

37 (D) Any provision listed in subdivision (a) of Section 16585.

38 (E) Former Section 12084.

39 (F) *Section 28255.*

40 ~~(F)~~

1 (G) Any other law.

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

3 (A) The name, address, identification of, place of birth (state
4 or country), complete telephone number, occupation, sex,
5 description, and all legal names and aliases ever used by the owner
6 or person being loaned the particular firearm as listed on the
7 information provided to the department on the Dealers' Record of
8 Sale, the Law Enforcement Firearms Transfer (LEFT), as defined
9 in former Section 12084, or reports made to the department
10 pursuant to any provision listed in subdivision (a) of Section ~~16585~~
11 *16585, Section 28255*, or any other law.

12 (B) The name and address of, and other information about, any
13 person (whether a dealer or a private party) from whom the owner
14 acquired or the person being loaned the particular firearm and
15 when the firearm was acquired or loaned as listed on the
16 information provided to the department on the Dealers' Record of
17 Sale, the LEFT, or reports made to the department pursuant to any
18 provision listed in subdivision (a) of Section 16585 or any other
19 law.

20 (C) Any waiting period exemption applicable to the transaction
21 which resulted in the owner of or the person being loaned the
22 particular firearm acquiring or being loaned that firearm.

23 (D) The manufacturer's name if stamped on the firearm, model
24 name or number if stamped on the firearm, and, if applicable, the
25 serial number, other number (if more than one serial number is
26 stamped on the firearm), caliber, type of firearm, if the firearm is
27 new or used, barrel length, and color of the firearm, or, if the
28 firearm is not a handgun and does not have a serial number or any
29 identification number or mark assigned to it, that shall be noted.

30 (3) Information in the registry referred to in this subdivision
31 shall, upon proper application therefor, be furnished to the officers
32 referred to in Section 11105, to a city attorney prosecuting a civil
33 action, solely for use in prosecuting that civil action and not for
34 any other purpose, or to the person listed in the registry as the
35 owner or person who is listed as being loaned the particular firearm.

36 (4) If any person is listed in the registry as the owner of a firearm
37 through a Dealers' Record of Sale prior to 1979, and the person
38 listed in the registry requests by letter that the Attorney General
39 store and keep the record electronically, as well as in the record's
40 existing photographic, photostatic, or nonerasable optically stored

1 form, the Attorney General shall do so within three working days
2 of receipt of the request. The Attorney General shall, in writing,
3 and as soon as practicable, notify the person requesting electronic
4 storage of the record that the request has been honored as required
5 by this paragraph.

6 (c) (1) Any officer referred to in paragraphs (1) to (6), inclusive,
7 of subdivision (b) of Section 11105 may disseminate the name of
8 the subject of the record, the number of the firearms listed in the
9 record, and the description of any firearm, including the make,
10 model, and caliber, from the record relating to any firearm's sale,
11 transfer, registration, or license record, or any information reported
12 to the Department of Justice pursuant to Section 26225, Article 1
13 (commencing with Section 26700) and Article 2 (commencing
14 with Section 26800) of Chapter 2 of Division 6 of Title 4 of Part
15 6, Article 1 (commencing with Section 27500) of Chapter 4 of
16 Division 6 of Title 4 of Part 6, Chapter 5 (commencing with
17 Section 28050) of Division 6 of Title 4 of Part 6, Article 2
18 (commencing with Section 28150) of Chapter 6 of Division 6 of
19 Title 4 of Part 6, Article 5 (commencing with Section 30900) of
20 Chapter 2 of Division 10 of Title 4 of Part 6, Chapter 2
21 (commencing with Section 33850) of Division 11 of Title 4 of Part
22 6, or any provision listed in subdivision (a) of Section 16585, if
23 the following conditions are met:

24 (A) The subject of the record has been arraigned for a crime in
25 which the victim is a person described in subdivisions (a) to (f),
26 inclusive, of Section 6211 of the Family Code and is being
27 prosecuted or is serving a sentence for the crime, or the subject of
28 the record is the subject of an emergency protective order, a
29 temporary restraining order, or an order after hearing, which is in
30 effect and has been issued by a family court under the Domestic
31 Violence Protection Act set forth in Division 10 (commencing
32 with Section 6200) of the Family Code.

33 (B) The information is disseminated only to the victim of the
34 crime or to the person who has obtained the emergency protective
35 order, the temporary restraining order, or the order after hearing
36 issued by the family court.

37 (C) Whenever a law enforcement officer disseminates the
38 information authorized by this subdivision, that officer or another
39 officer assigned to the case shall immediately provide the victim
40 of the crime with a "Victims of Domestic Violence" card, as

1 specified in subparagraph (H) of paragraph (9) of subdivision (c)
2 of Section 13701.

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

7 ~~(d) This section shall become operative January 1, 2014.~~

8 SEC. 2. Section 16520 of the Penal Code is amended to read:

9 16520. (a) As used in this part, “firearm” means a device,
10 designed to be used as a weapon, from which is expelled through
11 a barrel, a projectile by the force of an explosion or other form of
12 combustion.

13 (b) As used in the following provisions, “firearm” includes the
14 frame or receiver of the weapon:

15 (1) Section 16550.

16 (2) Section 16730.

17 (3) Section 16960.

18 (4) Section 16990.

19 (5) Section 17070.

20 (6) Section 17310.

21 (7) Sections 26500 to 26588, inclusive.

22 (8) Sections 26600 to 27140, inclusive.

23 (9) Sections 27400 to 28000, inclusive.

24 (10) Section 28100.

25 (11) Sections 28400 to 28415, inclusive.

26 (12) Sections 29010 to 29150, inclusive.

27 (13) Sections 29610 to 29750, inclusive.

28 (14) Sections 29800 to 29905, inclusive.

29 (15) Sections 30150 to 30165, inclusive.

30 (16) Section 31615.

31 (17) Sections 31705 to 31830, inclusive.

32 (18) Sections 34355 to 34370, inclusive.

33 (19) Sections 8100, 8101, and 8103 of the Welfare and
34 Institutions Code.

35 (c) As used in the following provisions, “firearm” also includes
36 a rocket, rocket propelled projectile launcher, or similar device
37 containing an explosive or incendiary material, whether or not the
38 device is designed for emergency or distress signaling purposes:

39 (1) Section 16750.

40 (2) Subdivision (b) of Section 16840.

- 1 (3) Section 25400.
- 2 (4) Sections 25850 to 26025, inclusive.
- 3 (5) Subdivisions (a), (b), and (c) of Section 26030.
- 4 (6) Sections 26035 to 26055, inclusive.
- 5 (d) As used in the following provisions, “firearm” does not
- 6 include an unloaded antique firearm:
 - 7 (1) Subdivisions (a) and (c) of Section 16730.
 - 8 (2) Section 16550.
 - 9 (3) Section 16960.
 - 10 (4) Section 17310.
 - 11 (5) Chapter 6 (commencing with Section 26350) of Division 5
 - 12 of Title 4.
 - 13 (6) Chapter 7 (commencing with Section 26400) of Division 5
 - 14 of Title 4.
 - 15 (7) Sections 26500 to 26588, inclusive.
 - 16 (8) Sections 26700 to 26915, inclusive.
 - 17 (9) Section 27510.
 - 18 (10) Section 27530.
 - 19 (11) Section 27540.
 - 20 (12) Section 27545.
 - 21 (13) Sections 27555 to 27570, inclusive.
 - 22 (14) Sections 29010 to 29150, inclusive.
 - 23 (15) Section 25135.
- 24 (e) As used in Sections 34005 and 34010, “firearm” does not
- 25 include a destructive device.
- 26 (f) As used in Sections 17280 and 24680, “firearm” has the
- 27 same meaning as in Section 922 of Title 18 of the United States
- 28 Code.
- 29 (g) As used in Sections 29010 to 29150, inclusive, “firearm”
- 30 includes the unfinished frame or receiver of a weapon that can be
- 31 readily converted to the functional condition of a finished frame
- 32 or receiver.
- 33 *SEC. 2.5. Section 16520 of the Penal Code is amended to read:*
- 34 16520. (a) As used in this part, “firearm” means ~~a~~ any device,
- 35 designed to be used as a weapon, from which is expelled through
- 36 a barrel, a projectile by the force of ~~an~~ any explosion or other form
- 37 of combustion.
- 38 (b) As used in the following provisions, “firearm” includes the
- 39 frame or receiver of the weapon:
 - 40 (1) Section 16550.

- 1 (2) Section 16730.
- 2 (3) Section 16960.
- 3 (4) Section 16990.
- 4 (5) Section 17070.
- 5 (6) Section 17310.
- 6 (7) *Sections 25250 to 25275, inclusive.*
- 7 ~~(7)~~
- 8 (8) Sections 26500 to 26588, inclusive.
- 9 ~~(8)~~
- 10 (9) Sections 26600 to 27140, inclusive.
- 11 ~~(9)~~
- 12 (10) Sections 27400 to 28000, inclusive.
- 13 ~~(10)~~
- 14 (11) Section 28100.
- 15 ~~(11)~~
- 16 (12) Sections 28400 to 28415, inclusive.
- 17 ~~(12)~~
- 18 (13) Sections 29010 to 29150, inclusive.
- 19 ~~(13)~~
- 20 (14) Sections 29610 to 29750, inclusive.
- 21 ~~(14)~~
- 22 (15) Sections 29800 to 29905, inclusive.
- 23 ~~(15)~~
- 24 (16) Sections 30150 to 30165, inclusive.
- 25 ~~(16)~~
- 26 (17) Section 31615.
- 27 ~~(17)~~
- 28 (18) Sections 31705 to 31830, inclusive.
- 29 ~~(18)~~
- 30 (19) Sections 34355 to 34370, inclusive.
- 31 ~~(19)~~
- 32 (20) Sections 8100, 8101, and 8103 of the Welfare and
- 33 Institutions Code.
- 34 (c) As used in the following provisions, “firearm” also includes
- 35 a *any* rocket, rocket propelled projectile launcher, or similar device
- 36 containing ~~an~~ *any* explosive or incendiary material, whether or not
- 37 the device is designed for emergency or distress signaling purposes:
- 38 (1) Section 16750.
- 39 (2) Subdivision (b) of Section 16840.
- 40 (3) Section 25400.

- 1 (4) Sections 25850 to 26025, inclusive.
2 (5) Subdivisions (a), (b), and (c) of Section 26030.
3 (6) Sections 26035 to 26055, inclusive.
4 (d) As used in the following provisions, “firearm” does not
5 include an unloaded antique firearm:
6 (1) Subdivisions (a) and (c) of Section 16730.
7 (2) Section 16550.
8 (3) Section 16960.
9 (4) Section 17310.
10 (5) *Division 4.5 (commencing with Section 25250) of Title 4.*
11 ~~(5)~~
12 (6) Chapter 6 (commencing with Section 26350) of Division 5
13 of Title 4.
14 ~~(6)~~
15 (7) Chapter 7 (commencing with Section 26400) of Division 5
16 of Title 4.
17 ~~(7)~~
18 (8) Sections 26500 to 26588, inclusive.
19 ~~(8)~~
20 (9) Sections 26700 to 26915, inclusive.
21 ~~(9)~~
22 (10) Section 27510.
23 ~~(10)~~
24 (11) Section 27530.
25 ~~(11)~~
26 (12) Section 27540.
27 ~~(12)~~
28 (13) Section 27545.
29 ~~(13)~~
30 (14) Sections 27555 to 27570, inclusive.
31 ~~(14)~~
32 (15) Sections 29010 to 29150, inclusive.
33 (16) *Section 25135.*
34 (e) As used in Sections 34005 and 34010, “firearm” does not
35 include a destructive device.
36 (f) As used in Sections 17280 and 24680, “firearm” has the
37 same meaning as in Section 922 of Title 18 of the United States
38 Code.
39 (g) As used in Sections 29010 to 29150, inclusive, “firearm”
40 includes the unfinished frame or receiver of a weapon that can be

1 readily converted to the functional condition of a finished frame
2 or receiver.

3 SEC. 3. Section 16540 of the Penal Code is amended to read:

4 16540. As used in Section 25135 and Division 2 (commencing
5 with Section 23620) of Title 4, “firearm safety device” means a
6 device other than a gun safe that locks and is designed to prevent
7 children and unauthorized users from firing a firearm. The device
8 may be installed on a firearm, be incorporated into the design of
9 the firearm, or prevent access to the firearm.

10 SEC. 4. Section 16850 of the Penal Code is amended to read:

11 16850. As used in Sections 17740, 23925, 25105, 25205,
12 ~~23135~~, 25135, and 25610, in Article 3 (commencing with Section
13 25505) of Chapter 2 of Division 5 of Title 4, in Chapter 6
14 (commencing with Section 26350) of Division 5 of Title 4, and in
15 Chapter 7 (commencing with Section 26400) of Division 5 of Title
16 4, “locked container” means a secure container that is fully
17 enclosed and locked by a padlock, keylock, combination lock, or
18 similar locking device. The term “locked container” does not
19 include the utility or glove compartment of a motor vehicle.

20 SEC. 5. Section 17060 is added to the Penal Code, to read:

21 17060. As used in Section 25135, “residence” means any
22 structure intended or used for human habitation, including, but not
23 limited to, houses, condominiums, rooms, motels, hotels,
24 time-shares, and recreational or other vehicles where human
25 habitation occurs.

26 SEC. 6. Section 23510 of the Penal Code is amended to read:

27 23510. (a) For purposes of Sections 25400 and 26500, Sections
28 27500 to 27590, inclusive, Section 28100, Sections 29610 to
29 29750, inclusive, Sections 29800 to 29905, inclusive, and Section
30 31615 of this code, and any provision listed in subdivision (a) of
31 Section 16585 of this code, and Sections 8100, 8101, and 8103 of
32 the Welfare and Institutions Code, notwithstanding the fact that
33 the term “any firearm” may be used in those sections, each firearm
34 or the frame or receiver of each firearm constitutes a distinct and
35 separate offense under those sections.

36 (b) For purposes of Section 25135, notwithstanding the fact that
37 the term “any firearm” may be used in that section, each firearm
38 constitutes a distinct and separate offense under that section.

39 SEC. 7. Section 25135 is added to the Penal Code, to read:

1 25135. (a) A person who is 18 years of age or older, and who
2 is the owner, lessee, renter, or other legal occupant of a residence,
3 who owns a firearm and who knows or has reason to know that
4 another person also residing therein is prohibited by state or federal
5 law from possessing, receiving, owning, or purchasing a firearm
6 shall not keep in that residence any firearm that he or she owns
7 unless one of the following applies:

- 8 (1) The firearm is maintained within a locked container.
- 9 (2) The firearm is disabled by a firearm safety device.
- 10 (3) The firearm is maintained within a locked gun safe.
- 11 (4) The firearm is maintained within a locked trunk.
- 12 (5) The firearm is locked with a locking device as described in
13 Section 16860, which has rendered the firearm inoperable.
- 14 (6) The firearm is carried on the person or within close enough
15 proximity thereto that the individual can readily retrieve and use
16 the firearm as if carried on the person.

17 (b) A violation of this section is a misdemeanor.

18 (c) ~~The prohibition provisions~~ of this section ~~is~~ are cumulative,
19 and ~~does~~ do not restrict the application of any other law. However,
20 an act or omission punishable in different ways by different
21 provisions of law shall not be punished under more than one
22 provision.

23 SEC. 8. Section 28220 of the Penal Code is amended to read:

24 28220. (a) Upon submission of firearm purchaser information,
25 the Department of Justice shall examine its records, as well as
26 those records that it is authorized to request from the State
27 Department of State Hospitals pursuant to Section 8104 of the
28 Welfare and Institutions Code, in order to determine if the
29 purchaser is a person described in subdivision (a) of Section 27535,
30 or is prohibited by state or federal law from possessing, receiving,
31 owning, or purchasing a firearm.

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

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

3 (c) If the department determines that the purchaser is prohibited
4 by state or federal law from possessing, receiving, owning, or
5 purchasing a firearm or is a person described in subdivision (a) of
6 Section 27535, it shall immediately notify the dealer and the chief
7 of the police department of the city or city and county in which
8 the sale was made, or if the sale was made in a district in which
9 there is no municipal police department, the sheriff of the county
10 in which the sale was made, of that fact.

11 (d) If the department determines that the copies of the register
12 submitted to it pursuant to subdivision (d) of Section 28210 contain
13 any blank spaces or inaccurate, illegible, or incomplete information,
14 preventing identification of the purchaser or the handgun or other
15 firearm to be purchased, or if any fee required pursuant to Section
16 28225 is not submitted by the dealer in conjunction with
17 submission of copies of the register, the department may notify
18 the dealer of that fact. Upon notification by the department, the
19 dealer shall submit corrected copies of the register to the
20 department, or shall submit any fee required pursuant to Section
21 28225, or both, as appropriate and, if notification by the department
22 is received by the dealer at any time prior to delivery of the firearm
23 to be purchased, the dealer shall withhold delivery until the
24 conclusion of the waiting period described in Sections 26815 and
25 27540.

26 (e) If the department determines that the information transmitted
27 to it pursuant to Section 28215 contains inaccurate or incomplete
28 information preventing identification of the purchaser or the
29 handgun or other firearm to be purchased, or if the fee required
30 pursuant to Section 28225 is not transmitted by the dealer in
31 conjunction with transmission of the electronic or telephonic
32 record, the department may notify the dealer of that fact. Upon
33 notification by the department, the dealer shall transmit corrections
34 to the record of electronic or telephonic transfer to the department,
35 or shall transmit any fee required pursuant to Section 28225, or
36 both, as appropriate, and if notification by the department is
37 received by the dealer at any time prior to delivery of the firearm
38 to be purchased, the dealer shall withhold delivery until the
39 conclusion of the waiting period described in Sections 26815 and
40 27540.

1 (f) (1) (A) The department shall immediately notify the dealer
2 to delay the transfer of the firearm to the purchaser if the records
3 of the department, or the records available to the department in
4 the National Instant Criminal Background Check System, indicate
5 either *one* of the following:

6 (i) The purchaser has been taken into custody and placed in a
7 facility for mental health treatment or evaluation and may be a
8 person described in Section 8100 or 8103 of the Welfare and
9 Institutions Code and the department is unable to ascertain whether
10 the purchaser is a person who is prohibited from possessing,
11 receiving, owning, or purchasing a firearm, pursuant to Section
12 8100 or 8103 of the Welfare and Institutions Code, prior to the
13 conclusion of the waiting period described in Sections 26815 and
14 27540.

15 (ii) The purchaser has been arrested for, or charged with, a crime
16 that would make him or her, if convicted, a person ~~described in~~
17 ~~subdivision (a) of Section 27535~~ or *who is* prohibited by state or
18 federal law from possessing, receiving, owning, or purchasing a
19 firearm, and the department is unable to ascertain whether the
20 purchaser was convicted of that offense prior to the conclusion of
21 the waiting period described in Sections 26815 and 27540.

22 (iii) *The purchaser may be a person described in subdivision*
23 *(a) of Section 27535, and the department is unable to ascertain*
24 *whether the purchaser, in fact, is a person described in subdivision*
25 *(a) of Section 27535, prior to the conclusion of the waiting period*
26 *described in Sections 26815 and 27540.*

27 (B) The dealer shall provide the purchaser with information
28 about the manner in which he or she may contact the department
29 regarding the delay described in subparagraph (A).

30 (2) The department shall notify the purchaser by mail regarding
31 the delay and explain the process by which the purchaser may
32 obtain a copy of the criminal or mental health record the
33 department has on file for the purchaser. Upon receipt of that
34 criminal or mental health record, the purchaser shall report any
35 inaccuracies or incompleteness to the department on an approved
36 form.

37 (3) If the department ascertains the final disposition of the arrest
38 or criminal charge, or the outcome of the mental health treatment
39 or evaluation, *or the purchaser's eligibility to purchase a firearm,*
40 as described in paragraph (1), after the waiting period described

1 in Sections 26815 and 27540, but within 30 days of the dealer's
2 original submission of the purchaser information to the department
3 pursuant to this section, the department shall do the following:

4 (A) If the purchaser is not a person described in subdivision (a)
5 of Section 27535, and is not prohibited by state or federal law,
6 including, but not limited to, Section 8100 or 8103 of the Welfare
7 and Institutions Code, from possessing, receiving, owning, or
8 purchasing a firearm, the department shall immediately notify the
9 dealer of that fact and the dealer may *then immediately* transfer
10 the firearm to the purchaser, upon the dealer's recording on the
11 register or record of electronic transfer the date that the firearm is
12 transferred.

13 (B) If the purchaser is a person described in subdivision (a) of
14 Section 27535, or is prohibited by state or federal law, including,
15 but not limited to, Section 8100 or 8103 of the Welfare and
16 Institutions Code, from possessing, receiving, owning, or
17 purchasing a firearm, the department shall immediately notify the
18 dealer and the chief of the police department in the city or city and
19 county in which the sale was made, or if the sale was made in a
20 district in which there is no municipal police department, the sheriff
21 of the county in which the sale was made, of that fact in compliance
22 with subdivision (c) of Section 28220.

23 (4) If the department is unable to ascertain the final disposition
24 of the arrest or criminal charge, or the outcome of the mental health
25 treatment or evaluation, *or the purchaser's eligibility to purchase*
26 *a firearm*, as described in paragraph (1), within 30 days of the
27 dealer's original submission of purchaser information to the
28 department pursuant to this section, the department shall
29 immediately notify the dealer and the dealer may *then immediately*
30 transfer the firearm to the purchaser, upon the dealer's recording
31 on the register or record of electronic transfer the date that the
32 firearm is transferred.

33 *SEC. 8.1. Section 28220 of the Penal Code is amended to read:*
34 28220. (a) Upon submission of firearm purchaser information,
35 the Department of Justice shall examine its records, as well as
36 those records that it is authorized to request from the State
37 Department of State Hospitals pursuant to Section 8104 of the
38 Welfare and Institutions Code, in order to determine if the
39 purchaser is a person described in subdivision (a) of Section 27535,

1 or is prohibited by state or federal law from possessing, receiving,
2 owning, or purchasing a firearm.

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

13 (c) If the department determines that the purchaser is prohibited
14 by state or federal law from possessing, receiving, owning, or
15 purchasing a firearm or is a person described in subdivision (a) of
16 Section 27535, it shall immediately notify the dealer and the chief
17 of the police department of the city or city and county in which
18 the sale was made, or if the sale was made in a district in which
19 there is no municipal police department, the sheriff of the county
20 in which the sale was made, of that fact.

21 (d) If the department determines that the copies of the register
22 submitted to it pursuant to subdivision (d) of Section 28210 contain
23 any blank spaces or inaccurate, illegible, or incomplete information,
24 preventing identification of the purchaser or the handgun or other
25 firearm to be purchased, or if any fee required pursuant to Section
26 28225 is not submitted by the dealer in conjunction with
27 submission of copies of the register, the department may notify
28 the dealer of that fact. Upon notification by the department, the
29 dealer shall submit corrected copies of the register to the
30 department, or shall submit any fee required pursuant to Section
31 28225, or both, as appropriate and, if notification by the department
32 is received by the dealer at any time prior to delivery of the firearm
33 to be purchased, the dealer shall withhold delivery until the
34 conclusion of the waiting period described in Sections 26815 and
35 27540.

36 (e) If the department determines that the information transmitted
37 to it pursuant to Section 28215 contains inaccurate or incomplete
38 information preventing identification of the purchaser or the
39 handgun or other firearm to be purchased, or if the fee required
40 pursuant to Section 28225 is not transmitted by the dealer in

1 conjunction with transmission of the electronic or telephonic
2 record, the department may notify the dealer of that fact. Upon
3 notification by the department, the dealer shall transmit corrections
4 to the record of electronic or telephonic transfer to the department,
5 or shall transmit any fee required pursuant to Section 28225, or
6 both, as appropriate, and if notification by the department is
7 received by the dealer at any time prior to delivery of the firearm
8 to be purchased, the dealer shall withhold delivery until the
9 conclusion of the waiting period described in Sections 26815 and
10 27540.

11 *(f) (1) (A) The department shall immediately notify the dealer*
12 *to delay the transfer of the firearm to the purchaser if the records*
13 *of the department, or the records available to the department in*
14 *the National Instant Criminal Background Check System, indicate*
15 *one of the following:*

16 *(i) The purchaser has been taken into custody and placed in a*
17 *facility for mental health treatment or evaluation and may be a*
18 *person described in Section 8100 or 8103 of the Welfare and*
19 *Institutions Code and the department is unable to ascertain whether*
20 *the purchaser is a person who is prohibited from possessing,*
21 *receiving, owning, or purchasing a firearm, pursuant to Section*
22 *8100 or 8103 of the Welfare and Institutions Code, prior to the*
23 *conclusion of the waiting period described in Sections 26815 and*
24 *27540.*

25 *(ii) The purchaser has been arrested for, or charged with, a*
26 *crime that would make him or her, if convicted, a person who is*
27 *prohibited by state or federal law from possessing, receiving,*
28 *owning, or purchasing a firearm, and the department is unable to*
29 *ascertain whether the purchaser was convicted of that offense*
30 *prior to the conclusion of the waiting period described in Sections*
31 *26815 and 27540.*

32 *(iii) The purchaser may be a person described in subdivision*
33 *(a) of Section 27535, and the department is unable to ascertain*
34 *whether the purchaser, in fact, is a person described in subdivision*
35 *(a) of Section 27535, prior to the conclusion of the waiting period*
36 *described in Sections 26815 and 27540.*

37 *(B) The dealer shall provide the purchaser with information*
38 *about the manner in which he or she may contact the department*
39 *regarding the delay described in subparagraph (A).*

1 (2) *The department shall notify the purchaser by mail regarding*
2 *the delay and explain the process by which the purchaser may*
3 *obtain a copy of the criminal or mental health record the*
4 *department has on file for the purchaser. Upon receipt of that*
5 *criminal or mental health record, the purchaser shall report any*
6 *inaccuracies or incompleteness to the department on an approved*
7 *form.*

8 (3) *If the department ascertains the final disposition of the arrest*
9 *or criminal charge, or the outcome of the mental health treatment*
10 *or evaluation, or the purchaser's eligibility to purchase a firearm,*
11 *as described in paragraph (1), after the waiting period described*
12 *in Sections 26815 and 27540, but within 30 days of the dealer's*
13 *original submission of the purchaser information to the department*
14 *pursuant to this section, the department shall do the following:*

15 (A) *If the purchaser is not a person described in subdivision (a)*
16 *of Section 27535, and is not prohibited by state or federal law,*
17 *including, but not limited to, Section 8100 or 8103 of the Welfare*
18 *and Institutions Code, from possessing, receiving, owning, or*
19 *purchasing a firearm, the department shall immediately notify the*
20 *dealer of that fact and the dealer may then immediately transfer*
21 *the firearm to the purchaser, upon the dealer's recording on the*
22 *register or record of electronic transfer the date that the firearm*
23 *is transferred, the dealer signing the register or record of*
24 *electronic transfer indicating delivery of the firearm to that*
25 *purchaser, and the purchaser signing the register or record of*
26 *electronic transfer acknowledging the receipt of the firearm on*
27 *the date that the firearm is delivered to him or her.*

28 (B) *If the purchaser is a person described in subdivision (a) of*
29 *Section 27535, or is prohibited by state or federal law, including,*
30 *but not limited to, Section 8100 or 8103 of the Welfare and*
31 *Institutions Code, from possessing, receiving, owning, or*
32 *purchasing a firearm, the department shall immediately notify the*
33 *dealer and the chief of the police department in the city or city and*
34 *county in which the sale was made, or if the sale was made in a*
35 *district in which there is no municipal police department, the sheriff*
36 *of the county in which the sale was made, of that fact in compliance*
37 *with subdivision (c) of Section 28220.*

38 (4) *If the department is unable to ascertain the final disposition*
39 *of the arrest or criminal charge, or the outcome of the mental*
40 *health treatment or evaluation, or the purchaser's eligibility to*

1 purchase a firearm, as described in paragraph (1), within 30 days
2 of the dealer's original submission of purchaser information to
3 the department pursuant to this section, the department shall
4 immediately notify the dealer and the dealer may then immediately
5 transfer the firearm to the purchaser, upon the dealer's recording
6 on the register or record of electronic transfer the date that the
7 firearm is transferred, the dealer signing the register or record of
8 electronic transfer indicating delivery of the firearm to that
9 purchaser, and the purchaser signing the register or record of
10 electronic transfer acknowledging the receipt of the firearm on
11 the date that the firearm is delivered to him or her.

12 SEC. 9. Section 28255 is added to the Penal Code, to read:

13 28255. Commencing January 1, ~~2015~~, 2014, if after the
14 conclusion of the waiting period described in Sections 26815 and
15 27540, the individual named in the application as the purchaser of
16 the firearm takes possession of the firearm set forth in the
17 application to purchase, the dealer shall notify the Department of
18 Justice of that fact in a manner and within a time period specified
19 by the department, and with sufficient information to identify the
20 purchaser and the firearm that the purchaser took possession of.

21 SEC. 10. (a) Section 1.1 of this bill incorporates amendments
22 to Section 11106 of the Penal Code proposed by both this bill and
23 Assembly Bill 539. It shall only become operative if (1) both bills
24 are enacted and become effective on or before January 1, 2014,
25 (2) each bill amends Section 11106 of the Penal Code, and (3) SB
26 53 is not enacted or as enacted does not amend that section, and
27 (4) this bill is enacted after Assembly Bill 539, in which case
28 Sections 1, 1.2, and 1.3 of this bill shall not become operative.

29 (b) Section 1.2 of this bill incorporates amendments to Section
30 11106 of the Penal Code proposed by both this bill and Senate
31 Bill 53. It shall only become operative if (1) both bills are enacted
32 and become effective on or before January 1, 2014, (2) each bill
33 amends Section 11106 of the Penal Code, (3) Assembly Bill 539
34 is not enacted or as enacted does not amend that section, and (4)
35 this bill is enacted after Senate Bill 53 in which case Sections 1,
36 1.1, and 1.3 of this bill shall not become operative.

37 (c) Section 1.3 of this bill incorporates amendments to Section
38 11106 of the Penal Code proposed by this bill, Assembly Bill 539,
39 and Senate Bill 53. It shall only become operative if (1) all three
40 bills are enacted and become effective on or before January 1,

1 2014, (2) all three bills amend Section 11106 of the Penal Code,
2 and (3) this bill is enacted after Assembly Bill 539 and Senate Bill
3 53, in which case Sections 1, 1.1, and 1.2 of this bill shall not
4 become operative.

5 *SEC. 11. Section 2.5 of this bill incorporates amendments to*
6 *Section 16520 of the Penal Code proposed by both this bill and*
7 *Senate Bill 299. It shall only become operative if (1) both bills are*
8 *enacted and become effective on or before January 1, 2014, (2)*
9 *each bill amends Section 16520 of the Penal Code, and (3) this*
10 *bill is enacted after Senate Bill 299, in which case Section 2 of this*
11 *bill shall not become operative.*

12 *SEC. 12. Section 8.1 of this bill shall only become operative*
13 *if Assembly Bill 538 of the 2013–2014 Regular Session is enacted*
14 *and becomes effective on or before January 1, 2014, and Assembly*
15 *Bill 538, as enacted, amends Section 28160 of the Penal Code, in*
16 *which case Section 8 of this bill shall not become operative.*

17 ~~SEC. 10.~~

18 *SEC. 13. No reimbursement is required by this act pursuant to*
19 *Section 6 of Article XIII B of the California Constitution because*
20 *the only costs that may be incurred by a local agency or school*
21 *district will be incurred because this act creates a new crime or*
22 *infraction, eliminates a crime or infraction, or changes the penalty*
23 *for a crime or infraction, within the meaning of Section 17556 of*
24 *the Government Code, or changes the definition of a crime within*
25 *the meaning of Section 6 of Article XIII B of the California*
26 *Constitution.*

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