

AMENDED IN SENATE AUGUST 19, 2014

AMENDED IN SENATE JUNE 17, 2014

AMENDED IN ASSEMBLY MAY 23, 2014

CALIFORNIA LEGISLATURE—2013–14 REGULAR SESSION

ASSEMBLY BILL

No. 1609

Introduced by Assembly Member Alejo

February 6, 2014

An act to amend Sections ~~16520 and 11106~~, 16520, 27590, 27600, 27875, 27920, and 28230 of, and to add Section 27585 to, the Penal Code, relating to firearms.

LEGISLATIVE COUNSEL'S DIGEST

AB 1609, as amended, Alejo. Firearms.

Existing

(1) *Existing* law, subject to exceptions, requires a firearm transaction to be conducted by a licensed firearms dealer. Existing law establishes requirements that dealers must adhere to in conducting firearms transactions and when delivering firearms, including, among others, a 10-day waiting period, purchaser background check, and possession of a handgun safety certificate by the purchaser.

This bill would, commencing January 1, 2015, prohibit a resident of this state from importing into this state, bringing into this state, or transporting into this state, any firearm that he or she purchased or otherwise obtained on or after January 1, 2015, from outside of this state unless he or she first has that firearm delivered to a dealer in this state for delivery to that resident pursuant to the requirements described above regarding dealers. The bill would create several exemptions to this prohibition, as specified. The bill would make a violation of these

provisions involving a firearm that is not a handgun a misdemeanor, and a violation involving a handgun a misdemeanor or a felony. By creating a new crime, this bill would impose a state-mandated local program.

(2) Existing allows the Department of Justice to charge a fee for the actual costs associated with the preparation, sale, processing, and filing of forms or reports required or utilized pursuant to provisions of law requiring individuals to report the acquisition of a firearm to the department.

Some of the exemptions to the requirement to have an imported firearm first delivered to a dealer in the state created by this bill would require the person taking possession of the firearm and importing, bringing, and transporting it into the state to submit a report to the Department of Justice that includes information about the person taking possession of the firearm, how title was obtained, and a description of the firearm. This bill would allow the department to charge a fee for the actual costs associated with the preparation, sale, processing, and filing of these reports.

(3) This bill would incorporate additional changes to Sections 16520, and 28230 of the Penal Code proposed by SB 808 that would become operative if this bill and SB 808 are both enacted and this bill is enacted last. This bill would incorporate additional changes to Section 11106 of the Penal Code, proposed by SB 53 and SB 808, that would become operative only if this bill and either or both of those bills are enacted and this bill is enacted last.

The

(4) 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. (a) It is the intent of the Legislature in adding
- 2 Section 27585 to the Penal Code to do all of the following:
- 3 (1) Address the circumstances in which a California resident,
- 4 on or after January 1, 2015, acquires a firearm outside of California

1 and transports, imports, or brings that firearm into California, in
2 violation of Section 922(a)(3) of Title 18 of the United States Code,
3 but under circumstances in which Section 27545 of the Penal Code
4 does not apply.

5 (2) Allow the current brokering processes set forth in Section
6 922(a)(3) of Title 18 of the United States Code, Section 27545 of
7 the Penal Code, and any implementing statutes to continue.

8 (3) Allow persons who acquire firearms outside of California
9 by bequest or intestate succession to utilize the functionally same
10 reporting requirements as apply to an applicable exemption from
11 Section 27545 if that receipt were to occur within California.

12 (4) *To treat the delivery of a firearm made by a dealer pursuant*
13 *to subdivision (a) of Section 27585 of the Penal Code in the same*
14 *manner as any other dealer delivery of a firearm, including but*
15 *not limited to, the application of any exemption from the provisions*
16 *of Section 27540 of the Penal Code, or Article 1 (commencing*
17 *with Section 26700) and Article 2 (commencing with Section*
18 *26800) of Chapter 2 of Division 6 of Title 4 of Part 6 of the Penal*
19 *Code.*

20 (b) It is not the intent of the Legislature in enacting Section
21 27585 to affect any of the following:

22 (1) The lending of firearms by or to California residents that
23 occur solely outside of California.

24 (2) The lending of firearms in this state which comply with
25 statutes that currently govern the lending of firearms.

26 (3) To impose duplicative and unnecessary reporting
27 requirements where reporting requirements already apply.

28 (4) Persons who ~~currently~~ import or bring firearms into
29 California under ~~current~~ existing regulatory statutes who comply
30 with those statutes.

31 (5) To narrow the exemption set forth in Section 27600 of the
32 Penal Code for law enforcement acquisition of firearms irrespective
33 of where the physical acquisition of the firearm took place.

34 *SEC. 2. Section 11106 of the Penal Code, as amended by*
35 *Chapter 103 of the Statutes of 2014, is amended to read:*

36 11106. (a) (1) In order to assist in the investigation of crime,
37 the prosecution of civil actions by city attorneys pursuant to
38 paragraph (3) of subdivision (b), the arrest and prosecution of
39 criminals, and the recovery of lost, stolen, or found property, the

1 Attorney General shall keep and properly file a complete record
2 of all of the following:

- 3 (A) All copies of fingerprints.
- 4 (B) Copies of licenses to carry firearms issued pursuant to
5 Section 26150, 26155, 26170, or 26215.
- 6 (C) Information reported to the Department of Justice pursuant
7 to Section 26225, 27875, 27920, or 29830.
- 8 (D) Dealers' records of sales of firearms.
- 9 (E) Reports provided pursuant to Article 1 (commencing with
10 Section 27500) of Chapter 4 of Division 6 of Title 4 of Part 6, or
11 pursuant to any provision listed in subdivision (a) of Section 16585.
- 12 (F) Forms provided pursuant to Section 12084, as that section
13 read prior to being repealed on January 1, 2006.
- 14 (G) Reports provided pursuant to Article 1 (commencing with
15 Section 26700) and Article 2 (commencing with Section 26800)
16 of Chapter 2 of Division 6 of Title 4 of Part 6, that are not dealers'
17 records of sales of firearms.
- 18 (H) Information provided pursuant to Section 28255.
- 19 (I) Reports of stolen, lost, found, pledged, or pawned property
20 in any city or county of this state.

21 (2) The Attorney General shall, upon proper application therefor,
22 furnish the information to the officers referred to in Section 11105.

- 23 (b) (1) The Attorney General shall permanently keep and
24 properly file and maintain all information reported to the
25 Department of Justice pursuant to the following provisions as to
26 firearms and maintain a registry thereof:
- 27 (A) Article 1 (commencing with Section 26700) and Article 2
28 (commencing with Section 26800) of Chapter 2 of Division 6 of
29 Title 4 of Part 6.
- 30 (B) Article 1 (commencing with Section 27500) of Chapter 4
31 of Division 6 of Title 4 of Part 6.
- 32 (C) Chapter 5 (commencing with Section 28050) of Division 6
33 of Title 4 of Part 6.
- 34 (D) Any provision listed in subdivision (a) of Section 16585.
- 35 (E) Former Section 12084.
- 36 (F) Section 28255.
- 37 (G) Any other law.

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

- 39 (A) The name, address, identification of, place of birth (state
40 or country), complete telephone number, occupation, sex,

1 description, and all legal names and aliases ever used by the owner
2 or person being loaned the particular firearm as listed on the
3 information provided to the department on the Dealers' Record of
4 Sale, the Law Enforcement Firearms Transfer (LEFT), as defined
5 in former Section 12084, or reports made to the department
6 pursuant to any provision listed in subdivision (a) of Section 16585,
7 Section 28255, or any other law.

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

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

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

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

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

1 storage of the record that the request has been honored as required
2 by this paragraph.

3 (c) (1) If the conditions specified in paragraph (2) are met, any
4 officer referred to in paragraphs (1) to (6), inclusive, of subdivision
5 (b) of Section 11105 may disseminate the name of the subject of
6 the record, the number of the firearms listed in the record, and the
7 description of any firearm, including the make, model, and caliber,
8 from the record relating to any firearm’s sale, transfer, registration,
9 or license record, or any information reported to the Department
10 of Justice pursuant to any of the following:

11 (A) Section 26225, 27875, or 27920.

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

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

17 (D) Chapter 5 (commencing with Section 28050) of Division
18 6 of Title 4 of Part 6.

19 (E) Article 2 (commencing with Section 28150) of Chapter 6
20 of Division 6 of Title 4 of Part 6.

21 (F) Article 5 (commencing with Section 30900) of Chapter 2
22 of Division 10 of Title 4 of Part 6.

23 (G) Chapter 2 (commencing with Section 33850) of Division
24 11 of Title 4 of Part 6.

25 (H) Any provision listed in subdivision (a) of Section 16585.

26 (2) Information may be disseminated pursuant to paragraph (1)
27 only if all of the following conditions are satisfied:

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

37 (B) The information is disseminated only to the victim of the
38 crime or to the person who has obtained the emergency protective
39 order, the temporary restraining order, or the order after hearing
40 issued by the family court.

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

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

11 *SEC. 2.1. Section 11106 of the Penal Code, as amended by*
12 *Chapter 103 of the Statutes of 2014, is amended to read:*

13 11106. (a) (1) In order to assist in the investigation of crime,
14 the prosecution of civil actions by city attorneys pursuant to
15 paragraph (3) of subdivision (b), the arrest and prosecution of
16 criminals, and the recovery of lost, stolen, or found property, the
17 Attorney General shall keep and properly file a complete record
18 of all of the following:

19 (A) All copies of fingerprints.

20 (B) Copies of licenses to carry firearms issued pursuant to
21 Section 26150, 26155, 26170, or 26215.

22 (C) Information reported to the Department of Justice pursuant
23 to Section 26225, 27875, 27920, or 29830.

24 (D) Dealers’ records of sales of firearms.

25 (E) Reports provided pursuant to Article 1 (commencing with
26 Section 27500) of Chapter 4 of Division 6 of Title 4 of Part 6, or
27 pursuant to any provision listed in subdivision (a) of Section 16585.

28 (F) Forms provided pursuant to Section 12084, as that section
29 read prior to being repealed on January 1, 2006.

30 (G) Reports provided pursuant to Article 1 (commencing with
31 Section 26700) and Article 2 (commencing with Section 26800)
32 of Chapter 2 of Division 6 of Title 4 of Part 6, that are not dealers’
33 records of sales of firearms.

34 (H) Information provided pursuant to Section 28255.

35 (I) Reports of stolen, lost, found, pledged, or pawned property
36 in any city or county of this state.

37 (J) *Ammunition vendor license information pursuant to Article*
38 *5 (commencing with Section 30380) of Chapter 1 of Division 10*
39 *of Title 4 of Part 6.*

40 (K) *Information required by Section 30352.*

1 (2) The Attorney General shall, upon proper application therefor,
2 furnish the information to the officers referred to in 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) If the conditions specified in paragraph (2) are met, any
23 officer referred to in paragraphs (1) to (6), inclusive, of subdivision
24 (b) of Section 11105 may disseminate the name of the subject of
25 the record, the number of the firearms listed in the record, and the
26 description of any firearm, including the make, model, and caliber,
27 from the record relating to any firearm's sale, transfer, registration,
28 or license record, or any information reported to the Department
29 of Justice pursuant to any of the following:

30 (A) Section 26225, 27875, or 27920.

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

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

36 (D) Chapter 5 (commencing with Section 28050) of Division
37 6 of Title 4 of Part 6.

38 (E) Article 2 (commencing with Section 28150) of Chapter 6
39 of Division 6 of Title 4 of Part 6.

1 (F) Article 5 (commencing with Section 30900) of Chapter 2
 2 of Division 10 of Title 4 of Part 6.

3 (G) Chapter 2 (commencing with Section 33850) of Division
 4 11 of Title 4 of Part 6.

5 (H) Any provision listed in subdivision (a) of Section 16585.

6 (2) Information may be disseminated pursuant to paragraph (1)
 7 only if all of the following conditions are satisfied:

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

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

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

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

31 *(d) (1) If the conditions specified in paragraph (2) are met, any*
 32 *officer referred to in paragraphs (1) to (6), inclusive, of subdivision*
 33 *(b) of Section 11105 may disseminate the name of a person and*
 34 *the fact of any ammunition purchases by that person, based on*
 35 *information supplied to the Department of Justice pursuant to*
 36 *Section 30352.*

37 (2) Information may be disseminated pursuant to paragraph
 38 (1) only if all of the following conditions are satisfied:

39 (A) The subject of the record has been arraigned for a crime in
 40 which the victim is a person described in subdivisions (a) to (f),

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

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

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

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

22 SEC. 2.2. *Section 11106 of the Penal Code, as amended by*
23 *Chapter 103 of the Statutes of 2014, is amended to read:*

24 11106. (a) (1) *In order to assist in the investigation of crime,*
25 *the prosecution of civil actions by city attorneys pursuant to*
26 *paragraph (3) of subdivision (b), the arrest and prosecution of*
27 *criminals, and the recovery of lost, stolen, or found property, the*
28 *Attorney General shall keep and properly file a complete record*
29 *of all of the following:*

30 (A) *All copies of fingerprints.*

31 (B) *Copies of licenses to carry firearms issued pursuant to*
32 *Section 26150, 26155, 26170, or 26215.*

33 (C) *Information reported to the Department of Justice pursuant*
34 *to Section 26225, 27875, 27920, 29180, or 29830.*

35 (D) *Dealers’ records of sales of firearms.*

36 (E) *Reports provided pursuant to Article 1 (commencing with*
37 *Section 27500) of Chapter 4 of Division 6 of Title 4 of Part 6, or*
38 *pursuant to any provision listed in subdivision (a) of Section 16585.*

39 (F) *Forms provided pursuant to Section 12084, as that section*
40 *read prior to being repealed on January 1, 2006.*

1 (G) Reports provided pursuant to Article 1 (commencing with
2 Section 26700) and Article 2 (commencing with Section 26800)
3 of Chapter 2 of Division 6 of Title 4 of Part 6, that are not dealers'
4 records of sales of firearms.

5 (H) Information provided pursuant to Section 28255.

6 (I) Reports of stolen, lost, found, pledged, or pawned property
7 in any city or county of this state.

8 (2) The Attorney General shall, upon proper application therefor,
9 furnish the information to the officers referred to in Section 11105.

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

14 (A) Article 1 (commencing with Section 26700) and Article 2
15 (commencing with Section 26800) of Chapter 2 of Division 6 of
16 Title 4 of Part 6.

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

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

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

22 (E) Former Section 12084.

23 (F) Section 28255.

24 (G) *Section 29180.*

25 ~~(G)~~

26 (H) Any other law.

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

28 (A) The name, address, identification of, place of birth (state
29 or country), complete telephone number, occupation, sex,
30 description, and all legal names and aliases ever used by the owner
31 or person being loaned the particular firearm as listed on the
32 information provided to the department on the Dealers' Record of
33 Sale, the Law Enforcement Firearms Transfer (LEFT), as defined
34 in former Section 12084, or reports made to the department
35 pursuant to any provision listed in subdivision (a) of Section 16585,
36 Section 28255 *or 29180*, or any other law.

37 (B) The name and address of, and other information about, any
38 person (whether a dealer or a private party) from whom the owner
39 acquired or the person being loaned the particular firearm and
40 when the firearm was acquired or loaned as listed on the

1 information provided to the department on the Dealers' Record of
2 Sale, the LEFT, or reports made to the department pursuant to any
3 provision listed in subdivision (a) of Section 16585 or any other
4 law.

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

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

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

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

31 (c) (1) If the conditions specified in paragraph (2) are met, any
32 officer referred to in paragraphs (1) to (6), inclusive, of subdivision
33 (b) of Section 11105 may disseminate the name of the subject of
34 the record, the number of the firearms listed in the record, and the
35 description of any firearm, including the make, model, and caliber,
36 from the record relating to any firearm's sale, transfer, registration,
37 or license record, or any information reported to the Department
38 of Justice pursuant to any of the following:

39 (A) Section 26225, 27875, or 27920.

1 (B) Article 1 (commencing with Section 26700) and Article 2
2 (commencing with Section 26800) of Chapter 2 of Division 6 of
3 Title 4 of Part 6.

4 (C) Article 1 (commencing with Section 27500) of Chapter 4
5 of Division 6 of Title 4 of Part 6.

6 (D) Chapter 5 (commencing with Section 28050) of Division
7 6 of Title 4 of Part 6.

8 (E) Article 2 (commencing with Section 28150) of Chapter 6
9 of Division 6 of Title 4 of Part 6.

10 (F) Article 5 (commencing with Section 30900) of Chapter 2
11 of Division 10 of Title 4 of Part 6.

12 (G) Chapter 2 (commencing with Section 33850) of Division
13 11 of Title 4 of Part 6.

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

15 (2) Information may be disseminated pursuant to paragraph (1)
16 only if all of the following conditions are satisfied:

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

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

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

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

1 *SEC. 2.3. Section 11106 of the Penal Code, as amended by*
2 *Chapter 103 of the Statutes of 2014, is amended to read:*

3 11106. (a) (1) In order to assist in the investigation of crime,
4 the prosecution of civil actions by city attorneys pursuant to
5 paragraph (3) of subdivision (b), the arrest and prosecution of
6 criminals, and the recovery of lost, stolen, or found property, the
7 Attorney General shall keep and properly file a complete record
8 of all of the following:

9 (A) All copies of fingerprints.

10 (B) Copies of licenses to carry firearms issued pursuant to
11 Section 26150, 26155, 26170, or 26215.

12 (C) Information reported to the Department of Justice pursuant
13 to Section 26225, 27875, 27920, 29180, or 29830.

14 (D) Dealers' records of sales of firearms.

15 (E) Reports provided pursuant to Article 1 (commencing with
16 Section 27500) of Chapter 4 of Division 6 of Title 4 of Part 6, or
17 pursuant to any provision listed in subdivision (a) of Section 16585.

18 (F) Forms provided pursuant to Section 12084, as that section
19 read prior to being repealed on January 1, 2006.

20 (G) Reports provided pursuant to Article 1 (commencing with
21 Section 26700) and Article 2 (commencing with Section 26800)
22 of Chapter 2 of Division 6 of Title 4 of Part 6, that are not dealers'
23 records of sales of firearms.

24 (H) Information provided pursuant to Section 28255.

25 (I) Reports of stolen, lost, found, pledged, or pawned property
26 in any city or county of this state.

27 (J) *Ammunition vendor license information pursuant to Article*
28 *5 (commencing with Section 30380) of Chapter 1 of Division 10*
29 *of Title 4 of Part 6.*

30 (K) *Information required by Section 30352.*

31 (2) The Attorney General shall, upon proper application therefor,
32 furnish the information to the officers referred to in Section 11105.

33 (b) (1) The Attorney General shall permanently keep and
34 properly file and maintain all information reported to the
35 Department of Justice pursuant to the following provisions as to
36 firearms and maintain a registry thereof:

37 (A) Article 1 (commencing with Section 26700) and Article 2
38 (commencing with Section 26800) of Chapter 2 of Division 6 of
39 Title 4 of Part 6.

- 1 (B) Article 1 (commencing with Section 27500) of Chapter 4
2 of Division 6 of Title 4 of Part 6.
- 3 (C) Chapter 5 (commencing with Section 28050) of Division 6
4 of Title 4 of Part 6.
- 5 (D) Any provision listed in subdivision (a) of Section 16585.
6 (E) Former Section 12084.
7 (F) Section 28255.
8 (G) *Section 29180*.
9 ~~(G)~~
- 10 (H) Any other law.
- 11 (2) The registry shall consist of all of the following:
- 12 (A) The name, address, identification of, place of birth (state
13 or country), complete telephone number, occupation, sex,
14 description, and all legal names and aliases ever used by the owner
15 or person being loaned the particular firearm as listed on the
16 information provided to the department on the Dealers' Record of
17 Sale, the Law Enforcement Firearms Transfer (LEFT), as defined
18 in former Section 12084, or reports made to the department
19 pursuant to any provision listed in subdivision (a) of Section 16585,
20 Section 28255 *or 29180*, or any other law.
- 21 (B) The name and address of, and other information about, any
22 person (whether a dealer or a private party) from whom the owner
23 acquired or the person being loaned the particular firearm and
24 when the firearm was acquired or loaned as listed on the
25 information provided to the department on the Dealers' Record of
26 Sale, the LEFT, or reports made to the department pursuant to any
27 provision listed in subdivision (a) of Section 16585 or any other
28 law.
- 29 (C) Any waiting period exemption applicable to the transaction
30 which resulted in the owner of or the person being loaned the
31 particular firearm acquiring or being loaned that firearm.
- 32 (D) The manufacturer's name if stamped on the firearm, model
33 name or number if stamped on the firearm, and, if applicable, the
34 serial number, other number (if more than one serial number is
35 stamped on the firearm), caliber, type of firearm, if the firearm is
36 new or used, barrel length, and color of the firearm, or, if the
37 firearm is not a handgun and does not have a serial number or any
38 identification number or mark assigned to it, that shall be noted.
- 39 (3) Information in the registry referred to in this subdivision
40 shall, upon proper application therefor, be furnished to the officers

1 referred to in Section 11105, to a city attorney prosecuting a civil
2 action, solely for use in prosecuting that civil action and not for
3 any other purpose, or to the person listed in the registry as the
4 owner or person who is listed as being loaned the particular firearm.

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

15 (c) (1) If the conditions specified in paragraph (2) are met, any
16 officer referred to in paragraphs (1) to (6), inclusive, of subdivision
17 (b) of Section 11105 may disseminate the name of the subject of
18 the record, the number of the firearms listed in the record, and the
19 description of any firearm, including the make, model, and caliber,
20 from the record relating to any firearm's sale, transfer, registration,
21 or license record, or any information reported to the Department
22 of Justice pursuant to any of the following:

23 (A) Section 26225, 27875, or 27920.

24 (B) Article 1 (commencing with Section 26700) and Article 2
25 (commencing with Section 26800) of Chapter 2 of Division 6 of
26 Title 4 of Part 6.

27 (C) Article 1 (commencing with Section 27500) of Chapter 4
28 of Division 6 of Title 4 of Part 6.

29 (D) Chapter 5 (commencing with Section 28050) of Division
30 6 of Title 4 of Part 6.

31 (E) Article 2 (commencing with Section 28150) of Chapter 6
32 of Division 6 of Title 4 of Part 6.

33 (F) Article 5 (commencing with Section 30900) of Chapter 2
34 of Division 10 of Title 4 of Part 6.

35 (G) Chapter 2 (commencing with Section 33850) of Division
36 11 of Title 4 of Part 6.

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

38 (2) Information may be disseminated pursuant to paragraph (1)
39 only if all of the following conditions are satisfied:

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 (3) 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 *(d) (1) If the conditions specified in paragraph (2) are met, any*
25 *officer referred to in paragraphs (1) to (6), inclusive, of subdivision*
26 *(b) of Section 11105 may disseminate the name of a person and*
27 *the fact of any ammunition purchases by that person, based on*
28 *information supplied to the Department of Justice pursuant to*
29 *Section 30352.*

30 *(2) Information may be disseminated pursuant to paragraph*
31 *(1) only if all of the following conditions are satisfied:*

32 *(A) The subject of the record has been arraigned for a crime in*
33 *which the victim is a person described in subdivisions (a) to (f),*
34 *inclusive, of Section 6211 of the Family Code and is being*
35 *prosecuted or is serving a sentence for the crime, or the subject*
36 *of the record is the subject of an emergency protective order, a*
37 *temporary restraining order, or an order after hearing, which is*
38 *in effect and has been issued by a family court under the Domestic*
39 *Violence Protection Act set forth in Division 10 (commencing with*
40 *Section 6200) of the Family Code.*

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

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

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

15 ~~SEC. 2.~~

16 SEC. 3. Section 16520 of the Penal Code is amended to read:

17 16520. (a) As used in this part, “firearm” means a device,
18 designed to be used as a weapon, from which is expelled through
19 a barrel, a projectile by the force of an explosion or other form of
20 combustion.

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

- 23 (1) Section 16550.
- 24 (2) Section 16730.
- 25 (3) Section 16960.
- 26 (4) Section 16990.
- 27 (5) Section 17070.
- 28 (6) Section 17310.
- 29 (7) Sections 26500 to 26588, inclusive.
- 30 (8) Sections 26600 to 27140, inclusive.
- 31 (9) Sections 27400 to 28000, inclusive.
- 32 (10) Section 28100.
- 33 (11) Sections 28400 to 28415, inclusive.
- 34 (12) Sections 29010 to 29150, inclusive.
- 35 (13) Sections 29610 to 29750, inclusive.
- 36 (14) Sections 29800 to 29905, inclusive.
- 37 (15) Sections 30150 to 30165, inclusive.
- 38 (16) Section 31615.
- 39 (17) Sections 31705 to 31830, inclusive.
- 40 (18) Sections 34355 to 34370, inclusive.

1 (19) Sections 8100, 8101, and 8103 of the Welfare and
2 Institutions Code.

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

7 (1) Section 16750.

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

9 (3) Section 25400.

10 (4) Sections 25850 to 26025, inclusive.

11 (5) Subdivisions (a), (b), and (c) of Section 26030.

12 (6) Sections 26035 to 26055, inclusive.

13 (d) As used in the following provisions, “firearm” does not
14 include an unloaded antique firearm:

15 (1) Subdivisions (a) and (c) of Section 16730.

16 (2) Section 16550.

17 (3) Section 16960.

18 (4) Section 17310.

19 (5) Chapter 6 (commencing with Section 26350) of Division 5
20 of Title 4.

21 (6) Chapter 7 (commencing with Section 26400) of Division 5
22 of Title 4.

23 (7) Sections 26500 to 26588, inclusive.

24 (8) Sections 26700 to 26915, inclusive.

25 (9) Section 27510.

26 (10) Section 27530.

27 (11) Section 27540.

28 (12) Section 27545.

29 (13) Sections 27555 to 27585, inclusive.

30 (14) Sections 29010 to 29150, inclusive.

31 (15) Section 25135.

32 (e) As used in Sections 34005 and 34010, “firearm” does not
33 include a destructive device.

34 (f) As used in Sections 17280 and 24680, “firearm” has the
35 same meaning as in Section 922 of Title 18 of the United States
36 Code.

37 (g) As used in Sections 29010 to 29150, inclusive, “firearm”
38 includes the unfinished frame or receiver of a weapon that can be
39 readily converted to the functional condition of a finished frame
40 or receiver.

1 *SEC. 3.5. Section 16520 of the Penal Code is amended to read:*

2 16520. (a) As used in this part, “firearm” means a device,
3 designed to be used as a weapon, from which is expelled through
4 a barrel, a projectile by the force of an explosion or other form of
5 combustion.

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

8 (1) Section 16550.

9 (2) Section 16730.

10 (3) Section 16960.

11 (4) Section 16990.

12 (5) Section 17070.

13 (6) Section 17310.

14 (7) Sections 26500 to 26588, inclusive.

15 (8) Sections 26600 to 27140, inclusive.

16 (9) Sections 27400 to 28000, inclusive.

17 (10) Section 28100.

18 (11) Sections 28400 to 28415, inclusive.

19 (12) Sections 29010 to 29150, inclusive.

20 (13) *Section 29180.*

21 ~~(13)~~

22 (14) Sections 29610 to 29750, inclusive.

23 ~~(14)~~

24 (15) Sections 29800 to 29905, inclusive.

25 ~~(15)~~

26 (16) Sections 30150 to 30165, inclusive.

27 ~~(16)~~

28 (17) Section 31615.

29 ~~(17)~~

30 (18) Sections 31705 to 31830, inclusive.

31 ~~(18)~~

32 (19) Sections 34355 to 34370, inclusive.

33 ~~(19)~~

34 (20) Sections 8100, 8101, and 8103 of the Welfare and
35 Institutions Code.

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

40 (1) Section 16750.

- 1 (2) Subdivision (b) of Section 16840.
- 2 (3) Section 25400.
- 3 (4) Sections 25850 to 26025, inclusive.
- 4 (5) Subdivisions (a), (b), and (c) of Section 26030.
- 5 (6) Sections 26035 to 26055, inclusive.
- 6 (d) As used in the following provisions, “firearm” does not
- 7 include an unloaded antique firearm:
- 8 (1) Subdivisions (a) and (c) of Section 16730.
- 9 (2) Section 16550.
- 10 (3) Section 16960.
- 11 (4) Section 17310.
- 12 (5) Chapter 6 (commencing with Section 26350) of Division 5
- 13 of Title 4.
- 14 (6) Chapter 7 (commencing with Section 26400) of Division 5
- 15 of Title 4.
- 16 (7) Sections 26500 to 26588, inclusive.
- 17 (8) Sections 26700 to 26915, inclusive.
- 18 (9) Section 27510.
- 19 (10) Section 27530.
- 20 (11) Section 27540.
- 21 (12) Section 27545.
- 22 (13) Sections 27555 to ~~27570~~ 27585, inclusive.
- 23 (14) Sections 29010 to 29150, inclusive.
- 24 (15) Section 25135.
- 25 ~~(16) Section 29180.~~
- 26 (e) As used in Sections 34005 and 34010, “firearm” does not
- 27 include a destructive device.
- 28 (f) As used in Sections 17280 and 24680, “firearm” has the
- 29 same meaning as in Section 922 of Title 18 of the United States
- 30 Code.
- 31 (g) As used in Sections 29010 to 29150, inclusive, “firearm”
- 32 includes the unfinished frame or receiver of a weapon that can be
- 33 readily converted to the functional condition of a finished frame
- 34 or receiver.
- 35 ~~SEC. 3.~~
- 36 *SEC. 4.* Section 27585 is added to the Penal Code, to read:
- 37 27585. (a) Commencing January 1, 2015, a resident of this
- 38 state shall not import into this state, bring into this state, or
- 39 transport into this state, any firearm that he or she purchased or
- 40 otherwise obtained on or after January 1, 2015, from outside of

1 this state unless he or she first has that firearm delivered to a dealer
2 in this state for delivery to that resident pursuant to the procedures
3 set forth in Section 27540 and Article 1 (commencing with Section
4 26700) and Article 2 (commencing with Section 26800) of Chapter
5 2.

6 (b) Subdivision (a) does not apply to or affect any of the
7 following:

8 (1) A licensed collector who is subject to and complies with
9 Section 27565.

10 (2) A dealer, if the dealer is acting in the course and scope of
11 his or her activities as a dealer.

12 (3) A wholesaler, if the wholesaler is acting in the course and
13 scope of his or her activities as a wholesaler.

14 (4) A person licensed as an importer of firearms or ammunition
15 or licensed as a manufacturer of firearms or ammunition, pursuant
16 to Section 921 et seq. of Title 18 of the United States Code and
17 the regulations issued pursuant thereto if the importer or
18 manufacturer is acting in the course and scope of his or her
19 activities as a licensed importer or manufacturer.

20 (5) A personal firearm importer who is subject to and complies
21 with Section 27560.

22 ~~(6) A California resident who acquires ownership of a firearm
23 by bequest or intestate succession who imports the firearm into
24 this state, brings the firearm into this state, or transports the firearm
25 into this state if all of the following conditions apply:~~

26 ~~(A) If the firearm were physically received within this state, the
27 receipt of that firearm by that individual by bequest or intestate
28 succession would be exempt from the provisions of Section 27545.~~

29 ~~(B) Within 30 days of that person taking possession of that
30 firearm and bringing it into this state, he or she shall forward by
31 prepaid mail, or deliver in person to the Department of Justice, a
32 report that includes information concerning the individual taking
33 possession of the firearm, the manner in which title was obtained
34 and from whom, and a description of the firearm in question. The
35 report forms that individuals complete pursuant to this subdivision
36 shall be provided to them by the Department of Justice.~~

37 ~~(C) The person has obtained a firearm safety certificate, except
38 that in the case of a handgun, an unexpired handgun safety
39 certificate may be used.~~

- 1 ~~(D) The receipt of that firearm by that individual by bequest or~~
 2 ~~intestate succession is infrequent, as defined in Section 16730.~~
 3 ~~(E) The person acquiring ownership of that firearm by bequest~~
 4 ~~or intestate succession is 18 years of age or older.~~
 5 ~~(7) A California resident who acquires ownership of a firearm~~
 6 ~~as an executor or administrator of an estate who imports the firearm~~
 7 ~~into this state, brings the firearm into this state, or transports the~~
 8 ~~firearm into this state if all of the following conditions apply:~~
 9 ~~(A) If the firearm were received within this state, the receipt of~~
 10 ~~that firearm by that executor or administrator would be exempt~~
 11 ~~from the provisions of Section 27545.~~
 12 ~~(B) Within 30 days of that person taking possession of that~~
 13 ~~firearm and bringing it into this state, he or she shall forward by~~
 14 ~~prepaid mail, or deliver in person to the Department of Justice, a~~
 15 ~~report that includes information concerning the individual taking~~
 16 ~~possession of the firearm, how title was obtained and from whom,~~
 17 ~~and a description of the firearm in question. The report forms that~~
 18 ~~individuals complete pursuant to this subdivision shall be provided~~
 19 ~~to them by the Department of Justice.~~
 20 ~~(C) If the executor or administrator subsequently acquires~~
 21 ~~ownership of that firearm in an individual capacity, he or she shall~~
 22 ~~also comply with Section 27925.~~
 23 ~~(D) The executor or administrator is 18 years of age or older.~~
 24 ~~(6) A person who complies with subdivision (b) of Section 27875.~~
 25 ~~(7) A person who complies with subdivision (b), (c), or (d) of~~
 26 ~~Section 27920.~~
 27 (8) A person who is on the centralized list of exempted federal
 28 firearms licensees pursuant to Section 28450 if that person is acting
 29 in the course and scope of his or her activities as a licensee.
 30 (9) A firearm regulated pursuant to Chapter 1 (commencing
 31 with Section 18710) of Division 5 of Title 2 acquired by a person
 32 who holds a permit issued pursuant to Article 3 (commencing with
 33 Section 18900) of Chapter 1 of Division 5 of Title 2, if that person
 34 is acting within the course and scope of his or her activities as a
 35 licensee and in accordance with the terms and conditions of the
 36 permit.
 37 (10) A firearm regulated pursuant to Chapter 2 (commencing
 38 with Section 30500) of Division 10 acquired by a person who holds
 39 a permit issued pursuant to Section 31005, if that person is acting

1 within the course and scope of his or her activities as a licensee
2 and in accordance with the terms and conditions of the permit.

3 (11) A firearm regulated pursuant to Chapter 6 (commencing
4 with Section 32610) of Division 10 acquired by a person who holds
5 a permit issued pursuant to Section 32650, if that person is acting
6 within the course and scope of his or her activities as a licensee
7 and in accordance with the terms and conditions of the permit.

8 (12) A firearm regulated pursuant to Article 2 (commencing
9 with Section 33300) of Chapter 8 of Division 10 acquired by a
10 person who holds a permit issued pursuant to Section 33300, if
11 that person is acting within the course and scope of his or her
12 activities as a licensee and in accordance with the terms and
13 conditions of the permit.

14 (13) The importation of a firearm into the state, bringing a
15 firearm into the state, or transportation of a firearm into the state,
16 that is regulated by any of the following statutes, if the acquisition
17 of that firearm occurred outside of California and is conducted in
18 accordance with the applicable provisions of the following statutes:

19 (A) Chapter 1 (commencing with Section 18710) of Division
20 5 of Title 2, relating to destructive devices and explosives.

21 (B) Section 24410, relating to cane guns.

22 (C) Section 24510, relating to firearms that are not immediately
23 recognizable as firearms.

24 (D) Sections 24610 and 24680, relating to undetectable firearms.

25 (E) Section 24710, relating to wallet guns.

26 (F) Chapter 2 (commencing with Section 30500) of Division
27 10, relating to assault weapons.

28 (G) Section 31500, relating to unconventional pistols.

29 (H) Sections 33215 to 33225, inclusive, relating to short-barreled
30 rifles and short-barreled shotguns.

31 (I) Chapter 6 (commencing with Section 32610) of Division
32 10, relating to machineguns.

33 (J) Section 33600, relating to zip guns, and the exemptions in
34 Chapter 1 (commencing with Section 17700) of Division 2 of Title
35 2, as they relate to zip guns.

36 (c) The provisions of this section are cumulative and do not
37 restrict the application of any other law. However, an act or
38 omission punishable in different ways by this section and different
39 provisions of this code shall not be punished under more than one
40 provision.

1 ~~SEC. 4.~~

2 *SEC. 5.* Section 27590 of the Penal Code is amended to read:

3 27590. (a) Except as provided in subdivision (b), (c), or (e),
4 a violation of this article is a misdemeanor.

5 (b) If any of the following circumstances apply, a violation of
6 this article is punishable by imprisonment pursuant to subdivision
7 (h) of Section 1170 for two, three, or four years.

8 (1) If the violation is of subdivision (a) of Section 27500.

9 (2) If the defendant has a prior conviction of violating the
10 provisions, other than Section 27535, Section 27560 involving a
11 firearm that is not a handgun, or Section 27565 involving a firearm
12 that is not a handgun, of this article or former Section 12100 of
13 this code, as Section 12100 read at any time from when it was
14 enacted by Section 3 of Chapter 1386 of the Statutes of 1988 to
15 when it was repealed by Section 18 of Chapter 23 of the Statutes
16 of 1994, or Section 8101 of the Welfare and Institutions Code.

17 (3) If the defendant has a prior conviction of violating any
18 offense specified in Section 29905 or of a violation of Section
19 32625 or 33410, or of former Section 12560, as that section read
20 at any time from when it was enacted by Section 4 of Chapter 931
21 of the Statutes of 1965 to when it was repealed by Section 14 of
22 Chapter 9 of the Statutes of 1990, or of any provision listed in
23 Section 16590.

24 (4) If the defendant is in a prohibited class described in Chapter
25 2 (commencing with Section 29800) or Chapter 3 (commencing
26 with Section 29900) of Division 9 of this title, or Section 8100 or
27 8103 of the Welfare and Institutions Code.

28 (5) A violation of this article by a person who actively
29 participates in a “criminal street gang” as defined in Section 186.22.

30 (6) A violation of Section 27510 involving the delivery of any
31 firearm to a person who the dealer knows, or should know, is a
32 minor.

33 (c) If any of the following circumstances apply, a violation of
34 this article shall be punished by imprisonment in a county jail not
35 exceeding one year or pursuant to subdivision (h) of Section 1170,
36 or by a fine not to exceed one thousand dollars (\$1,000), or by
37 both that fine and imprisonment.

38 (1) A violation of Section 27515, 27520, or subdivision (b) of
39 Section 27500.

1 (2) A violation of Section 27505 involving the sale, loan, or
2 transfer of a handgun to a minor.

3 (3) A violation of Section 27510 involving the delivery of a
4 handgun.

5 (4) A violation of subdivision (a), (c), (d), (e), or (f) of Section
6 27540 involving a handgun.

7 (5) A violation of Section 27545 involving a handgun.

8 (6) A violation of Section 27550.

9 (7) A violation of Section 27585 involving a handgun.

10 (d) If both of the following circumstances apply, an additional
11 term of imprisonment pursuant to subdivision (h) of Section 1170
12 for one, two, or three years shall be imposed in addition and
13 consecutive to the sentence prescribed.

14 (1) A violation of Section 27510 or subdivision (b) of Section
15 27500.

16 (2) The firearm transferred in violation of Section 27510 or
17 subdivision (b) of Section 27500 is used in the subsequent
18 commission of a felony for which a conviction is obtained and the
19 prescribed sentence is imposed.

20 (e) (1) A first violation of Section 27535 is an infraction
21 punishable by a fine of fifty dollars (\$50).

22 (2) A second violation of Section 27535 is an infraction
23 punishable by a fine of one hundred dollars (\$100).

24 (3) A third or subsequent violation of Section 27535 is a
25 misdemeanor.

26 (4) For purposes of this subdivision each application to purchase
27 a handgun in violation of Section 27535 shall be deemed a separate
28 offense.

29 *SEC. 6. Section 27600 of the Penal Code is amended to read:*

30 27600. (a) Article 1 (commencing with Section 27500) does
31 not apply to any sale, delivery, or transfer of firearms made to, *or*
32 *the importation of firearms by*, an authorized law enforcement
33 representative of any city, county, city and county, or state, or of
34 the federal government, for exclusive use by that governmental
35 agency if, prior to the sale, delivery, ~~or~~ transfer, *or importation* of
36 these firearms, written authorization from the head of the agency
37 authorizing the transaction is presented to the person from whom
38 the purchase, delivery, or transfer is being made *or from whom*
39 *the firearm is being imported.*

1 (b) Proper written authorization is defined as verifiable written
 2 certification from the head of the agency by which the purchaser
 3 or transferee is employed, identifying the employee as an individual
 4 authorized to conduct the transaction, and authorizing the
 5 transaction for the exclusive use of the agency by which that person
 6 is employed.

7 (c) Within 10 days of the date a firearm is acquired by the
 8 agency, a record of the same shall be entered as an institutional
 9 weapon into the Automated Firearms System (AFS) via the
 10 California Law Enforcement Telecommunications System
 11 (CLETS) by the law enforcement or state agency. Any agency
 12 without access to the AFS shall arrange with the sheriff of the
 13 county in which the agency is located to input this information via
 14 this system.

15 (d) Any agency that is the registered owner of an institutional
 16 weapon in accordance with subdivision (c) that subsequently
 17 destroys that weapon shall enter information that the weapon has
 18 been destroyed into the Automated Firearms System (AFS) via
 19 the California Law Enforcement Telecommunications System
 20 (CLETS) within 10 days of the destruction in accordance with
 21 procedures prescribed by the Department of Justice. Any agency
 22 without access to the AFS shall arrange with the sheriff of the
 23 county in which the agency is located to input this information via
 24 this system.

25 *SEC. 7. Section 27875 of the Penal Code is amended to read:*

26 27875. (a) Section 27545 does not apply to the transfer of a
 27 firearm by gift, bequest, intestate succession, or other means from
 28 one individual to another, if all of the following requirements are
 29 met:

30 ~~(a)~~

31 (1) The transfer is infrequent, as defined in Section 16730.

32 ~~(b)~~

33 (2) The transfer is between members of the same immediate
 34 family.

35 ~~(c)~~

36 (3) Within 30 days of taking possession of the firearm, the
 37 person to whom it is transferred shall ~~forward by prepaid mail, or~~
 38 ~~deliver in person~~ submit a report to the Department of Justice, a
 39 ~~report in a manner prescribed by the department,~~ that includes
 40 information concerning the individual taking possession of the

1 firearm, how title was obtained and from whom, and a description
2 of the firearm in question. ~~The report forms~~ *reports* that individuals
3 complete pursuant to this ~~section~~ *subdivision* shall be ~~provided to~~
4 ~~them by the Department of Justice~~ *made available to them in a*
5 *format prescribed by the department.*

6 ~~(d)~~

7 (4) Until January 1, 2015, the person taking title to the firearm
8 shall first obtain a *valid* handgun safety certificate if the firearm
9 is a handgun, and commencing January 1, 2015, a *valid* firearm
10 safety certificate for any firearm, except that in the case of a
11 handgun, ~~an~~ *a valid* unexpired handgun safety certificate may be
12 used.

13 ~~(e)~~

14 (5) The person receiving the firearm is 18 years of age or older.

15 (b) *Subdivision (a) of Section 27585 does not apply to a person*
16 *who imports a firearm into this state, brings a firearm into this*
17 *state, or transports a firearm into this state if all of the following*
18 *requirements are met:*

19 (1) *The person acquires ownership of the firearm from an*
20 *immediate family member by bequest or intestate succession.*

21 (2) *The person has obtained a valid firearm safety certificate,*
22 *except that in the case of a handgun, a valid unexpired handgun*
23 *safety certificate may be used.*

24 (3) *The receipt of any firearm by the individual by bequest or*
25 *intestate succession is infrequent, as defined in Section 16730.*

26 (4) *The person acquiring ownership of the firearm by bequest*
27 *or intestate succession is 18 years of age or older.*

28 (5) *Within 30 days of that person taking possession of the*
29 *firearm and importing, bringing, or transporting it into this state,*
30 *the person shall submit a report to the Department of Justice, in*
31 *a manner prescribed by the department, that includes information*
32 *concerning the individual taking possession of the firearm, how*
33 *title was obtained and from whom, and a description of the firearm*
34 *in question. The reports that individuals complete pursuant to this*
35 *subdivision shall be made available to them in a format prescribed*
36 *by the department.*

37 SEC. 8. *Section 27920 of the Penal Code is amended to read:*

38 27920. (a) *Section 27545 does not apply to a person who takes*
39 *title or possession of a firearm by operation of law if the person*
40 *is not prohibited by state or federal law from possessing, receiving,*

1 owning, or purchasing a firearm and all of the following conditions
2 are met:

3 (a)

4 (1) If the person taking title or possession is neither a levying
5 officer as defined in Section 481.140, 511.060, or 680.260 of the
6 Code of Civil Procedure, nor a person who is receiving that firearm
7 pursuant to subdivision (g), (h), (i), or (j) of Section 16990, the
8 person shall, within 30 days of taking possession, ~~forward by~~
9 ~~prepaid mail or deliver in person to the Department of Justice,~~
10 ~~submit a report of to the Department of Justice, in a manner~~
11 ~~prescribed by the department, that includes~~ information concerning
12 the individual taking possession of the firearm, how title or
13 possession was obtained and from whom, and a description of the
14 firearm in question.

15 (b)

16 (2) If the person taking title or possession is receiving the
17 firearm pursuant to subdivision (g) or (h) of Section 16990, the
18 person shall do both of the following:

19 (1)

20 (A) Within 30 days of taking possession, ~~forward by prepaid~~
21 ~~mail or deliver in person to the department, a report of submit a~~
22 ~~report to the Department of Justice, in a manner prescribed by the~~
23 ~~department, that includes~~ information concerning the individual
24 taking possession of the firearm, how title or possession was
25 obtained and from whom, and a description of the firearm in
26 question.

27 (2)

28 (B) Until January 1, 2015, prior to taking title or possession of
29 the firearm, the person shall obtain a handgun safety certificate,
30 if the firearm is a handgun. Commencing January 1, 2015, prior
31 to taking title or possession of the firearm, the person shall obtain
32 a *valid* firearm safety certificate for any firearm, except that in the
33 case of a handgun, ~~an a valid~~ unexpired handgun safety certificate
34 may be presented.

35 (c)

36 (3) Where the person receiving title or possession of the firearm
37 is a person described in subdivision (i) of Section 16990, on the
38 date that the person is delivered the firearm, the name and other
39 information concerning the person taking possession of the firearm,
40 how title or possession of the firearm was obtained and from whom,

1 and a description of the firearm by make, model, serial number,
2 and other identifying characteristics shall be entered into the
3 Automated Firearms System (AFS) via the California Law
4 Enforcement Telecommunications System (CLETS) by the law
5 enforcement or state agency that transferred or delivered the
6 firearm, provided, however, that if the firearm is not a handgun
7 and does not have a serial number, identification number, or
8 identification mark assigned to it, that fact shall be noted in AFS.
9 An agency without access to AFS shall arrange with the sheriff of
10 the county in which the agency is located to input this information
11 via this system.

12 ~~(4)~~

13 (4) Where the person receiving title or possession of the firearm
14 is a person described in subdivision (j) of Section 16990, on the
15 date that the person is delivered the firearm, the name and other
16 information concerning the person taking possession of the firearm,
17 how title or possession of the firearm was obtained and from whom,
18 and a description of the firearm by make, model, serial number,
19 and other identifying characteristics shall be entered into the AFS
20 via the CLETS by the law enforcement or state agency that
21 transferred or delivered the firearm, provided, however, that if the
22 firearm is not a handgun and does not have a serial number,
23 identification number, or identification mark assigned to it, that
24 fact shall be noted in AFS. An agency without access to AFS shall
25 arrange with the sheriff of the county in which the agency is located
26 to input this information via this system. In addition, that law
27 enforcement agency shall not deliver the firearm to the person
28 referred to in this subdivision unless, prior to the delivery of the
29 firearm, the person presents proof to the agency that the person is
30 the holder of a *valid* handgun safety certificate if the firearm is a
31 handgun, and commencing January 1, 2015, a *valid* firearm safety
32 certificate for any firearm, except that in the case of a handgun,
33 ~~an~~ a *valid* unexpired handgun safety certificate may be presented.

34 (b) *Subdivision (a) of Section 27585 does not apply to a person*
35 *who imports a firearm into this state, brings a firearm into this*
36 *state, or transports a firearm into this state if all of the following*
37 *requirements are met:*

38 (1) *The person acquires ownership of the firearm as an executor*
39 *or administrator of an estate.*

1 (2) *If acquisition of the firearm had occurred within this state,*
2 *the receipt of the firearm by the executor or administrator would*
3 *be exempt from the provisions of Section 27545 pursuant to*
4 *paragraph (1) of subdivision (a).*

5 (3) *Within 30 days of taking possession of the firearm and*
6 *importing, bringing, or transporting it into this state, the person*
7 *shall submit a report to the Department of Justice, in a manner*
8 *prescribed by the department, that includes information concerning*
9 *the individual taking possession of the firearm, how title was*
10 *obtained and from whom, and a description of the firearm in*
11 *question.*

12 (4) *If the executor or administrator subsequently acquires*
13 *ownership of that firearm in an individual capacity, prior to*
14 *transferring ownership to himself or herself, he or she shall obtain*
15 *a valid firearm safety certificate, except that in the case of a*
16 *handgun, a valid unexpired handgun safety certificate may be*
17 *used.*

18 (5) *The executor or administrator is 18 years of age or older.*

19 (c) *Subdivision (a) of Section 27585 does not apply to a person*
20 *who imports a firearm into this state, brings a firearm into this*
21 *state, or transports a firearm into this state if all of the following*
22 *requirements are met:*

23 (1) *The person acquires ownership of the firearm by bequest*
24 *or intestate succession as a surviving spouse or as the surviving*
25 *registered domestic partner of the decedent who owned that*
26 *firearm.*

27 (2) *If acquisition of the firearm had occurred within this state,*
28 *the receipt of the firearm by the surviving spouse or registered*
29 *domestic partner would be exempt from the provisions of Section*
30 *27545 pursuant to paragraph (2) of subdivision (a) by virtue of*
31 *subdivision (h) of Section 16990.*

32 (3) *Within 30 days of taking possession of the firearm and*
33 *importing, bringing, or transporting it into this state, the person*
34 *shall submit a report to the Department of Justice, in a manner*
35 *prescribed by the department, that includes information concerning*
36 *the individual taking possession of the firearm, how title was*
37 *obtained and from whom, and a description of the firearm in*
38 *question.*

1 (4) *The person has obtained a valid firearm safety certificate,*
2 *except that in the case of a handgun, a valid unexpired handgun*
3 *safety certificate may be used.*

4 (d) *Subdivision (a) of Section 27585 does not apply to a person*
5 *who imports a firearm into this state, brings a firearm into this*
6 *state, or transports a firearm into this state if all of the following*
7 *requirements are met:*

8 (1) *The firearm is imported into this country pursuant to*
9 *provisions of Section 925(a)(4) of Title 18 of the United States*
10 *Code.*

11 (2) *The person is not subject to the requirements of Section*
12 *27560.*

13 (3) *The firearm is not a firearm that is prohibited by any*
14 *provision listed in Section 16590.*

15 (4) *The firearm is not an assault weapon.*

16 (5) *The firearm is not a machinegun.*

17 (6) *The firearm is not a .50 BMG rifle.*

18 (7) *The firearm is not a destructive device.*

19 (8) *The person is 18 years of age or older.*

20 (9) *Within 30 days of that person taking possession of the*
21 *firearm and importing, bringing, or transporting it into this state,*
22 *the person shall submit a report to the Department of Justice, in*
23 *a manner prescribed by the department, that includes information*
24 *concerning the individual taking possession of the firearm, how*
25 *title was obtained and from whom, and a description of the firearm*
26 *in question.*

27 (e) *The reports that individuals complete pursuant to this section*
28 *shall be ~~provided to them~~ by made available to them in a format*
29 *prescribed by the Department of Justice.*

30 *SEC. 9. Section 28230 of the Penal Code is amended to read:*

31 28230. (a) *The Department of Justice may charge a fee*
32 *sufficient to reimburse it for each of the following but not to exceed*
33 *fourteen dollars (\$14), except that the fee may be increased at a*
34 *rate not to exceed any increase in the California Consumer Price*
35 *Index as compiled and reported by the Department of Industrial*
36 *Relations:*

37 (1) *For the actual costs associated with the preparation, sale,*
38 *processing, and filing of forms or reports required or utilized*
39 *pursuant to any provision listed in subdivision (a) of Section 16585.*

1 (2) For the actual processing costs associated with the
2 submission of a Dealers' Record of Sale to the department.

3 (3) For the actual costs associated with the preparation, sale,
4 processing, and filing of reports utilized pursuant to Section 26905,
5 27565, 27875, 27966, or 28000, ~~or~~ paragraph (1) of subdivision
6 (a) of Section 27560, *or paragraphs (1) and (2) of subdivision (a)*
7 *of, and subdivisions (b), (c), and (d) of, Section 27920.*

8 (4) For the actual costs associated with the electronic or
9 telephonic transfer of information pursuant to Section 28215.

10 (b) If the department charges a fee pursuant to paragraph (2) of
11 subdivision (a), it shall be charged in the same amount to all
12 categories of transaction that are within that paragraph.

13 (c) Any costs incurred by the Department of Justice to
14 implement this section shall be reimbursed from fees collected
15 and charged pursuant to this section. No fees shall be charged to
16 the dealer pursuant to Section 28225 for implementing this section.

17 *SEC. 9.5. Section 28230 of the Penal Code is amended to read:*

18 28230. (a) The Department of Justice may charge a fee
19 sufficient to reimburse it for each of the following but not to exceed
20 fourteen dollars (\$14), except that the fee may be increased at a
21 rate not to exceed any increase in the California Consumer Price
22 Index as compiled and reported by the Department of Industrial
23 Relations:

24 (1) For the actual costs associated with the preparation, sale,
25 processing, and filing of forms or reports required or utilized
26 pursuant to any provision listed in subdivision (a) of Section 16585.

27 (2) For the actual processing costs associated with the
28 submission of a Dealers' Record of Sale to the department.

29 (3) For the actual costs associated with the preparation, sale,
30 processing, and filing of reports utilized pursuant to Section 26905,
31 27565, 27875, 27966, or 28000, ~~or~~ paragraph (1) of subdivision
32 (a) of Section 27560, *or paragraphs (1) and (2) of subdivision (a)*
33 *of, and subdivisions (b), (c), and (d) of, Section 27920.*

34 (4) For the actual costs associated with the electronic or
35 telephonic transfer of information pursuant to Section 28215.

36 (5) *For the actual costs associated with assigning a*
37 *distinguishing number or mark to firearms pursuant to Sections*
38 *29180 and 29182.*

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

4 (c) Any costs incurred by the Department of Justice to
5 implement this section shall be reimbursed from fees collected
6 and charged pursuant to this section. No fees shall be charged to
7 the dealer pursuant to Section 28225 for implementing this section.

8 *SEC. 10. (a) Section 2.1 of this bill incorporates amendments*
9 *to Section 11106 of the Penal Code proposed by both this bill and*
10 *Senate Bill 53. It shall only become operative if (1) both bills are*
11 *enacted and become effective on or before January 1, 2015, (2)*
12 *each bill amends Section 11106 of the Penal Code, and (3) Senate*
13 *Bill 808 is not enacted or as enacted does not amend that section,*
14 *and (4) this bill is enacted after Senate Bill 53, in which case*
15 *Sections 2, 2.2 and 2.3 of this bill shall not become operative.*

16 (b) *Section 2.2 of this bill incorporates amendments to Section*
17 *11106 of the Penal Code proposed by both this bill and Senate*
18 *Bill 808. It shall only become operative if (1) both bills are enacted*
19 *and become effective on or before January 1, 2015, (2) each bill*
20 *amends Section 11106 of the Penal Code, (3) Senate Bill 53 is not*
21 *enacted or as enacted does not amend that section, and (4) this*
22 *bill is enacted after Senate Bill 808, in which case Sections 2, 2.1*
23 *and 2.3 of this bill shall not become operative.*

24 (c) *Section 2.3 of this bill incorporates amendments to Section*
25 *11106 of the Penal Code proposed by this bill, Senate Bill 53, and*
26 *Senate Bill 808. It shall only become operative if (1) all three bills*
27 *are enacted and become effective on or before January 1, 2015,*
28 *(2) all three bills amend Section 11106 of the Penal Code, and (3)*
29 *this bill is enacted after Senate Bill 53 and Senate Bill 808, in*
30 *which case Sections 2, 2.1 and 2.2 of this bill shall not become*
31 *operative.*

32 *SEC. 11. Section 3.5 of this bill incorporates amendments to*
33 *Section 16520 of the Penal Code proposed by both this bill and*
34 *Senate Bill 808. It shall only become operative if (1) both bills are*
35 *enacted and become effective on or before January 1, 2015, (2)*
36 *each bill amends Section 16520 of the Penal Code, and (3) this*
37 *bill is enacted after Senate Bill 808, in which case Section 3 of this*
38 *bill shall not become operative.*

39 *SEC. 12. Section 9.5 of this bill incorporates amendments to*
40 *Section 28230 of the Penal Code proposed by both this bill and*

1 *Senate Bill 808. It shall only become operative if (1) both bills are*
2 *enacted and become effective on or before January 1, 2015, (2)*
3 *each bill amends Section 28230 of the Penal Code, and (3) this*
4 *bill is enacted after Senate Bill 808, in which case Section 9 of this*
5 *bill shall not become operative.*

6 ~~SEC. 5.~~

7 *SEC. 13.* No reimbursement is required by this act pursuant to
8 Section 6 of Article XIII B of the California Constitution because
9 the only costs that may be incurred by a local agency or school
10 district will be incurred because this act creates a new crime or
11 infraction, eliminates a crime or infraction, or changes the penalty
12 for a crime or infraction, within the meaning of Section 17556 of
13 the Government Code, or changes the definition of a crime within
14 the meaning of Section 6 of Article XIII B of the California
15 Constitution.