

ASSEMBLY BILL

No. 1798

Introduced by Committee on Public Safety

February 18, 2014

An act to amend Sections 11106, 11108.9, 16190, 16540, 16850, 17170, 17180, 17190, 27210, 28480, and 28490 of the Penal Code, relating to deadly weapons.

LEGISLATIVE COUNSEL'S DIGEST

AB 1798, as introduced, Committee on Public Safety. Deadly weapons.

Existing law requires the Attorney General to keep records of copies of fingerprints and licenses to carry concealed firearms and other documents relating to the transfer of firearms, and authorizes the dissemination of specified information relating to firearms transactions and possession by law enforcement agencies, the courts, and other specified officers if certain conditions are met. Existing law requires local law enforcement agencies to develop a plan for reduction in the number of recovered firearms that cannot be traced due to obliterated serial numbers. Existing law defines the terms “application to purchase,” “firearm safety device,” “locked container,” “short-barreled rifle,” “short-barreled shotgun,” and “shotgun” for purposes of firearms regulation. Existing law requires the producer and facility’s manager of a gun show or event to prepare an annual event and security plan regarding the show or event. Existing law authorizes the Department of Justice to conduct onsite inspections at the business premises of federal firearms licensees, and authorizes the department to adopt regulations necessary to maintain a centralized list of federal firearms licensees and regulate those licensees.

This bill would make technical, nonsubstantive changes to those provisions.

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

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

1 SECTION 1. Section 11106 of the Penal Code is amended to
2 read:

3 11106. (a) (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 copies of fingerprints, copies of licenses to carry firearms~~
9 ~~issued pursuant to Section 26150, 26155, 26170, or 26215,~~
10 ~~information reported to the Department of Justice pursuant to~~
11 ~~Section 26225 or 29830, dealers' records of sales of firearms,~~
12 ~~reports provided pursuant to Article 1 (commencing with Section~~
13 ~~27500) of Chapter 4 of Division 6 of Title 4 of Part 6, or pursuant~~
14 ~~to any provision listed in subdivision (a) of Section 16585, forms~~
15 ~~provided pursuant to Section 12084, as that section read prior to~~
16 ~~being repealed, reports provided pursuant to 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, that are not~~
19 ~~dealers' records of sales of firearms, information provided pursuant~~
20 ~~to Section 28255, and reports of stolen, lost, found, pledged, or~~
21 ~~pawned property in any city or county of this state, and shall, upon~~
22 ~~proper application therefor, furnish this information to the officers~~
23 ~~referred to in Section 11105. all of the following:~~

24 (A) *All copies of fingerprints.*

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

27 (C) *Information reported to the Department of Justice pursuant*
28 *to Section 26225 or 29830.*

29 (D) *Dealers' records of sales of firearms.*

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

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

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

7 (H) Information provided pursuant to Section 28255.

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

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

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

17 (A) Article 1 (commencing with Section 26700) and Article 2
18 (commencing with Section 26800) of Chapter 2 of Division 6 of
19 Title 4 of Part 6.

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

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

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

25 (E) Former Section 12084.

26 (F) Section 28255.

27 (G) Any other law.

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

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

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

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

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

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

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

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

32 (c) (1) ~~Any~~ *If the conditions specified in paragraph (2) are*
33 *met, any officer referred to in paragraphs (1) to (6), inclusive, of*
34 *subdivision (b) of Section 11105 may disseminate the name of the*
35 *subject of the record, the number of the firearms listed in the*
36 *record, and the description of any firearm, including the make,*
37 *model, and caliber, from the record relating to any firearm's sale,*
38 *transfer, registration, or license record, or any information reported*
39 *to the Department of Justice pursuant to ~~Section 26225, Article 1~~*
40 *(commencing with ~~Section 26700~~) and Article 2 (commencing*

1 with Section 26800) of Chapter 2 of Division 6 of Title 4 of Part
2 6, Article 1 (commencing with Section 27500) of Chapter 4 of
3 Division 6 of Title 4 of Part 6, Chapter 5 (commencing with
4 Section 28050) of Division 6 of Title 4 of Part 6, Article 2
5 (commencing with Section 28150) of Chapter 6 of Division 6 of
6 Title 4 of Part 6, Article 5 (commencing with Section 30900) of
7 Chapter 2 of Division 10 of Title 4 of Part 6, Chapter 2
8 (commencing with Section 33850) of Division 11 of Title 4 of Part
9 6, or any provision listed in subdivision (a) of Section 16585, if
10 the following conditions are met: *any of the following:*

11 (A) Section 26225.

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 of
16 Division 6 of Title 4 of Part 6.

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

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

21 (F) Article 5 (commencing with Section 30900) of Chapter 2 of
22 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
27 (1) 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 ~~(2)~~

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

12 SEC. 2. Section 11108.9 of the Penal Code is amended to read:

13 11108.9. Each local law enforcement agency shall develop, in
14 conjunction with and subject to the approval of the Department of
15 Justice, a succinct Serial Number Restoration Plan setting forth
16 the goals for reduction in the number of recovered firearms that
17 cannot be traced due to obliterated serial numbers, and the methods
18 that the local agency will follow in order to achieve these goals,
19 including, but not limited to, establishing local programs for
20 restoring serial numbers and accessing resources of the Department
21 of Justice or the *federal* Bureau of Alcohol, Tobacco, and Firearms
22 and *Explosives* for restoring serial numbers. These plans shall be
23 submitted to the Department of Justice by January 1, 2000.

24 SEC. 3. Section 16190 of the Penal Code is amended to read:

25 16190. As used in ~~Article 2 (commencing with Section 26800)~~
26 ~~of Chapter 2 of Division 6 of Title 4, and in Article 1 (commencing~~
27 ~~with Section 27500) of Chapter 4 of Division 6 of Title 4, this~~
28 *part*, “application to purchase” means either of the following:

29 (a) The initial completion of the register by the purchaser,
30 transferee, or person being loaned a firearm, as required by Section
31 28210.

32 (b) The initial completion and transmission to the Department
33 of Justice of the record of electronic or telephonic transfer by the
34 dealer on the purchaser, transferee, or person being loaned a
35 firearm, as required by Section 28215.

36 SEC. 4. Section 16540 of the Penal Code is amended to read:

37 16540. As used in ~~Section 25135 and Division 2 (commencing~~
38 ~~with Section 23620) of Title 4, this part~~, “firearm safety device”
39 means a device other than a gun safe that locks and is designed to
40 prevent children and unauthorized users from firing a firearm. The

1 device may be installed on a firearm, be incorporated into the
2 design of the firearm, or prevent access to the firearm.

3 SEC. 5. Section 16850 of the Penal Code is amended to read:

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

13 SEC. 6. Section 17170 of the Penal Code is amended to read:

14 17170. As used in ~~Sections 16530 and 16640, Sections 17720~~
15 ~~to 17730, inclusive, Section 17740, Article 1 (commencing with~~
16 ~~Section 27500) of Chapter 4 of Division 6 of Title 4, and Article~~
17 ~~1 (commencing with Section 33210) of Chapter 8 of Division 10~~
18 ~~of Title 4, this part~~, “short-barreled rifle” means any of the
19 following:

20 (a) A rifle having a barrel or barrels of less than 16 inches in
21 length.

22 (b) A rifle with an overall length of less than 26 inches.

23 (c) Any weapon made from a rifle (whether by alteration,
24 modification, or otherwise) if that weapon, as modified, has an
25 overall length of less than 26 inches or a barrel or barrels of less
26 than 16 inches in length.

27 (d) Any device that may be readily restored to fire a fixed
28 cartridge which, when so restored, is a device defined in
29 subdivisions (a) to (c), inclusive.

30 (e) Any part, or combination of parts, designed and intended to
31 convert a device into a device defined in subdivisions (a) to (c),
32 inclusive, or any combination of parts from which a device defined
33 in subdivisions (a) to (c), inclusive, may be readily assembled if
34 those parts are in the possession or under the control of the same
35 person.

36 SEC. 7. Section 17180 of the Penal Code is amended to read:

37 17180. As used in ~~Sections 16530 and 16640, Sections 17720~~
38 ~~to 17730, inclusive, Section 17740, Article 1 (commencing with~~
39 ~~Section 27500) of Chapter 4 of Division 6 of Title 4, and Article~~
40 ~~1 (commencing with Section 33210) of Chapter 8 of Division 10~~

1 of Title 4, *this part*, “short-barreled shotgun” means any of the
2 following:

3 (a) A firearm that is designed or redesigned to fire a fixed
4 shotgun shell and has a barrel or barrels of less than 18 inches in
5 length.

6 (b) A firearm that has an overall length of less than 26 inches
7 and that is designed or redesigned to fire a fixed shotgun shell.

8 (c) Any weapon made from a shotgun (whether by alteration,
9 modification, or otherwise) if that weapon, as modified, has an
10 overall length of less than 26 inches or a barrel or barrels of less
11 than 18 inches in length.

12 (d) Any device that may be readily restored to fire a fixed
13 shotgun shell which, when so restored, is a device defined in
14 subdivisions (a) to (c), inclusive.

15 (e) Any part, or combination of parts, designed and intended to
16 convert a device into a device defined in subdivisions (a) to (c),
17 inclusive, or any combination of parts from which a device defined
18 in subdivisions (a) to (c), inclusive, can be readily assembled if
19 those parts are in the possession or under the control of the same
20 person.

21 SEC. 8. Section 17190 of the Penal Code is amended to read:

22 17190. As used in Sections 16530, 16640, 16870, and 17180,
23 Sections 17720 to 17730, inclusive, Section 17740, ~~subdivision~~
24 ~~(f) of Section 27555~~, Section 30215, and Article 1 (commencing
25 with Section 33210) of Chapter 8 of Division 10 of Title 4,
26 “shotgun” means a weapon designed or redesigned, made or
27 remade, and intended to be fired from the shoulder and designed
28 or redesigned and made or remade to use the energy of the
29 explosive in a fixed shotgun shell to fire through a smooth bore
30 either a number of projectiles (ball shot) or a single projectile for
31 each pull of the trigger.

32 SEC. 9. Section 27210 of the Penal Code is amended to read:

33 27210. (a) The producer and ~~facility~~ *facility’s* manager of a
34 gun show or event shall prepare an annual event and security plan
35 and schedule that shall include, at a minimum, the following
36 information for each show or event:

37 (1) The type of show or event including, but not limited to,
38 antique or general firearms.

39 (2) The estimated number of vendors offering firearms for sale
40 or display.

- 1 (3) The estimated number of attendees.
- 2 (4) The number of entrances and exits at the gun show or event
3 site.
- 4 (5) The location, dates, and times of the show or event.
- 5 (6) The contact person and telephone number for both the
6 producer and the facility.
- 7 (7) The number of sworn peace officers employed by the
8 producer or the ~~facilities~~ *facility's* manager who will be present at
9 the show or event.
- 10 (8) The number of nonsworn security personnel employed by
11 the producer or the facility's manager who will be present at the
12 show or event.
- 13 (b) The annual event and security plan shall be submitted by
14 either the producer or the facility's manager to the Department of
15 Justice and the law enforcement agency with jurisdiction over the
16 facility.
- 17 (c) If significant changes have been made since the annual plan
18 was submitted, the producer shall, not later than 15 days before
19 commencement of the gun show or event, submit to the department,
20 the law enforcement agency with jurisdiction over the facility site,
21 and the facility's manager, a revised event and security plan,
22 including a revised list of vendors that the producer knows, or
23 reasonably should know, will be renting tables, space, or otherwise
24 participating in the gun show or event.
- 25 (d) The event and security plan shall be approved by the
26 facility's manager before the event or show, after consultation with
27 the law enforcement agency with jurisdiction over the facility.
- 28 (e) No gun show or event shall commence unless the
29 requirements of subdivisions (b), (c), and (d) are met.
- 30 SEC. 10. Section 28480 of the Penal Code is amended to read:
- 31 28480. (a) The department may conduct onsite inspections at
32 the business premises of a person on the centralized list described
33 in Section 28450 to determine compliance with firearms laws
34 pursuant to the provisions listed in Section 16575.
- 35 (b) The department shall work in consultation with the *federal*
36 Bureau of Alcohol, Tobacco, ~~Firearms~~, *Firearms* and Explosives
37 to ensure that licensees are not subject to duplicative inspections.
- 38 (c) During the inspection the following firearm records shall be
39 made available for review:

1 (1) Federal records referred to in subdivision (a) of Section
2 478.125 of Title 27 of the Code of Federal Regulations and the
3 bound book containing the same information referred to in Section
4 478.124a and subdivision (e) of Section 478.125 of Title 27 of the
5 Code of Federal Regulations.

6 (2) Verification numbers issued pursuant to Section 27555.

7 (3) Any other records requested by the department to determine
8 compliance with the provisions listed in Section 16575.

9 SEC. 11. Section 28490 of the Penal Code is amended to read:

10 28490. The department may adopt regulations as necessary to
11 carry out the provisions of this article, Article 1 (commencing with
12 Section 26700) and Article 2 (commencing with Section 26800)
13 of Chapter 2, and Sections 27555 to 27570, inclusive. The
14 department shall work in consultation with the *federal* Bureau of
15 Alcohol, Tobacco, ~~Firearms~~, *Firearms* and Explosives to ensure
16 that state regulations are not duplicative of federal regulations.