

AMENDED IN SENATE MAY 24, 2013

AMENDED IN SENATE APRIL 1, 2013

**SENATE BILL**

**No. 683**

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**Introduced by Senator Block**

February 22, 2013

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An act to amend Sections ~~16670, 26840, 27540, 27875, 27880, 27920, and 27925, 31610, 31615, 31620, 31625, 31630, 31635, 31640, 31645, 31650, 31655, 31660, and 31700~~ of, to amend the heading of Chapter 4 (commencing with Section 31500) of Division 10 of Title 4 of Part 6 of, ~~and~~ to amend the heading of Article 2 (commencing with Section 31610) of Chapter 4 of Division 10 of Title 4 of Part 6 of, *and to amend, repeal, and add Sections 16670, 26840, 31610, 31615, 31620, 31625, 31630, 31635, 31640, 31645, 31650, 31655, 31660, and 31700 of*, the Penal Code, relating to firearms, *and making an appropriation therefor.*

LEGISLATIVE COUNSEL'S DIGEST

SB 683, as amended, Block. Firearms: firearm safety certificate.

Existing law prohibits a person from purchasing or receiving any handgun without a valid handgun safety certificate, and prohibits any person from selling, delivering, loaning, or transferring any handgun to any person who does not have a valid handgun safety certificate, with exceptions, as specified. Under existing law, a violation of these provisions is a misdemeanor.

This bill would instead, *commencing January 1, 2015*, prohibit a person from purchasing or receiving any firearm without a valid firearm safety certificate, and would prohibit any person from selling, delivering, loaning, or transferring any firearm to any person who does not have a valid firearm safety certificate. The bill would make conforming changes. The bill would also make technical, nonsubstantive changes.

By expanding the scope of a crime, this bill would impose a state-mandated local program.

*Existing law allows the Department of Justice to charge a certified instructor up to \$15 for each handgun safety certificate issued by that instructor and requires the funds to be deposited in the Firearms Safety and Enforcement Special Fund, which is a continuously appropriated fund.*

*This bill would, commencing January 1, 2015, allow the department to collect \$15 for each firearm safety certificate and would require the funds to be deposited in the Firearms Safety and Enforcement Special Fund, which is continuously appropriated, thereby making and appropriation.*

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~~-yes. Fiscal committee: yes. State-mandated local program: yes.

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

1 SECTION 1. Section 16670 of the Penal Code is amended to  
2 read:

3 16670. (a) As used in this part, ~~“firearm~~ “handgun safety  
4 certificate” means a certificate issued by the Department of Justice  
5 pursuant to Sections 31610 to 31700, inclusive, or pursuant to  
6 former Article 8 (commencing with Section 12800) of Chapter 6  
7 of Title 2 of Part 4, as that article was operative at any time from  
8 January 1, 2003, until it was repealed by the Deadly Weapons  
9 Recodification Act of 2010.

10 (b) *This section shall remain in effect only until January 1, 2015,*  
11 *and as of that date is repealed, unless a later enacted statute, that*  
12 *is enacted before January 1, 2015, deletes or extends that date.*

13 SEC. 2. Section 16670 is added to the Penal Code, to read:

14 16670. (a) As used in this part, “firearm safety certificate”  
15 means a certificate issued by the Department of Justice pursuant  
16 to Sections 31610 to 31700, inclusive, or pursuant to former Article  
17 8 (commencing with Section 12800) of Chapter 6 of Title 2 of Part  
18 4, as that article was operative at any time from January 1, 2003,

1 *until it was repealed by the Deadly Weapons Recodification Act*  
2 *of 2010.*

3 *(b) This section shall become operative on January 1, 2015.*

4 ~~SEC. 2.~~

5 SEC. 3. Section 26840 of the Penal Code is amended to read:

6 26840. (a) A dealer shall not deliver a ~~firearm~~ handgun unless  
7 the person receiving the ~~firearm~~ handgun presents to the dealer a  
8 valid ~~firearm~~ handgun safety certificate. The firearms dealer shall  
9 retain a photocopy of the ~~firearm~~ handgun safety certificate as  
10 proof of compliance with this requirement.

11 *(b) This section shall remain in effect only until January 1, 2015,*  
12 *and as of that date is repealed, unless a later enacted statute, that*  
13 *is enacted before January 1, 2015, deletes or extends that date.*

14 SEC. 4. Section 26840 is added to the Penal Code, to read:

15 26840. (a) A dealer shall not deliver a firearm unless the  
16 person receiving the firearm presents to the dealer a valid firearm  
17 safety certificate. The firearms dealer shall retain a photocopy of  
18 the firearm safety certificate as proof of compliance with this  
19 requirement.

20 *(b) This section shall become operative on January 1, 2015.*

21 ~~SEC. 3.~~

22 SEC. 5. Section 27540 of the Penal Code is amended to read:

23 27540. A dealer, whether or not acting pursuant to Chapter 5  
24 (commencing with Section 28050), shall not deliver a firearm to  
25 a person, as follows:

26 (a) Within 10 days of the application to purchase, or, after notice  
27 by the department pursuant to Section 28220, within 10 days of  
28 the submission to the department of any correction to the  
29 application, or within 10 days of the submission to the department  
30 of any fee required pursuant to Section 28225, whichever is later.

31 (b) Unless unloaded and securely wrapped or unloaded and in  
32 a locked container.

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

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

39 (e) *A handgun shall not be delivered unless the purchaser,*  
40 *transferee, or person being loaned the handgun presents a handgun*

1 *safety certificate. Commencing January 1, 2015, any* firearm,  
2 *including a handgun*, shall not be delivered unless the purchaser,  
3 transferee, or person being loaned the firearm presents a firearm  
4 safety certificate to the dealer.

5 (f) A handgun shall not be delivered whenever the dealer is  
6 notified by the Department of Justice that within the preceding  
7 30-day period the purchaser has made another application to  
8 purchase a handgun and that the previous application to purchase  
9 involved none of the entities specified in subdivision (b) of Section  
10 27535.

11 ~~SEC. 4.~~

12 *SEC. 6.* Section 27875 of the Penal Code is amended to read:

13 27875. Section 27545 does not apply to the transfer of a firearm  
14 by gift, bequest, intestate succession, or other means from one  
15 individual to another, if all of the following requirements are met:

16 (a) The transfer is infrequent, as defined in Section 16730.

17 (b) The transfer is between members of the same immediate  
18 family.

19 (c) Within 30 days of taking possession of the firearm, the  
20 person to whom it is transferred shall forward by prepaid mail, or  
21 deliver in person to the Department of Justice, a report that includes  
22 information concerning the individual taking possession of the  
23 firearm, how title was obtained and from whom, and a description  
24 of the firearm in question. The report forms that individuals  
25 complete pursuant to this section shall be provided to them by the  
26 Department of Justice.

27 ~~The~~ *Until January 1, 2015, the* person taking title to the  
28 firearm shall first obtain a *handgun safety certificate if the firearm*  
29 *is a handgun, and commencing January 1, 2015, a* firearm safety  
30 *certificate for any firearm.*

31 (e) The person receiving the firearm is 18 years of age or older.

32 ~~SEC. 5.~~

33 *SEC. 7.* Section 27880 of the Penal Code is amended to read:

34 27880. Section 27545 does not apply to the loan of a firearm  
35 between persons who are personally known to each other, if all of  
36 the following requirements are satisfied:

37 (a) The loan is infrequent, as defined in Section 16730.

38 (b) The loan is for any lawful purpose.

39 (c) The loan does not exceed 30 days in duration.

1 (d) ~~The~~ *Until January 1, 2015, if the firearm is a handgun, the*  
2 *individual being loaned the firearm shall have a valid handgun*  
3 *safety certificate. Commencing January 1, 2015, for any firearm,*  
4 *the individual being loaned the firearm shall have a valid firearm*  
5 *safety certificate.*

6 ~~SEC. 6.~~

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

8 27920. Section 27545 does not apply to a person who takes  
9 title or possession of a firearm by operation of law if the person  
10 is not prohibited by state or federal law from possessing, receiving,  
11 owning, or purchasing a firearm and all of the following conditions  
12 are met:

13 (a) If the person taking title or possession is neither a levying  
14 officer as defined in Section 481.140, 511.060, or 680.260 of the  
15 Code of Civil Procedure, nor a person who is receiving that firearm  
16 pursuant to subdivision (g), (i), or (j) of Section 16990, the person  
17 shall, within 30 days of taking possession, forward by prepaid mail  
18 or deliver in person to the Department of Justice, a report of  
19 information concerning the individual taking possession of the  
20 firearm, how title or possession was obtained and from whom, and  
21 a description of the firearm in question.

22 (b) If the person taking title or possession is receiving the  
23 firearm pursuant to subdivision (g) of Section 16990, the person  
24 shall do both of the following:

25 (1) Within 30 days of taking possession, forward by prepaid  
26 mail or deliver in person to the department, a report of information  
27 concerning the individual taking possession of the firearm, how  
28 title or possession was obtained and from whom, and a description  
29 of the firearm in question.

30 (2) ~~Prior~~ *Until January 1, 2015, prior to taking title or*  
31 *possession of the firearm, the person shall obtain a handgun safety*  
32 *certificate, if the firearm is a handgun. Commencing January 1,*  
33 *2015, prior to taking title or possession of the firearm, the person*  
34 *shall obtain a firearm safety certificate for any firearm .*

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

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

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

31 (e) The reports that individuals complete pursuant to this section  
32 shall be provided to them by the Department of Justice.

33 ~~SEC. 7.~~

34 *SEC. 9.* Section 27925 of the Penal Code is amended to read:

35 27925. (a) Section 27545 does not apply to a person who takes  
36 possession of a firearm by operation of law in a representative  
37 capacity who subsequently transfers ownership of the firearm to  
38 himself or herself in an individual capacity.

39 (b) ~~The~~ *Until January 1, 2015, in the case of a handgun, the*  
40 *individual shall obtain a handgun safety certificate prior to*

1 *transferring ownership to himself or herself, or taking possession*  
2 *of a handgun in an individual capacity. Beginning January 1,*  
3 *2015, the individual shall obtain a firearm safety certificate prior*  
4 *to transferring ownership to himself or herself, or taking possession*  
5 *of a firearm in an individual capacity.*

6 ~~SEC. 8.~~

7 *SEC. 10.* The heading of Chapter 4 (commencing with Section  
8 31500) of Division 10 of Title 4 of Part 6 of the Penal Code is  
9 amended to read:

10  
11 CHAPTER 4. HANDGUNS AND FIREARM SAFETY

12  
13 ~~SEC. 9.~~

14 *SEC. 11.* The heading of Article 2 (commencing with Section  
15 31610) of Chapter 4 of Division 10 of Title 4 of Part 6 of the Penal  
16 Code is amended to read:

17  
18 Article 2. Firearm Safety Certificate

19  
20 ~~SEC. 10.~~

21 *SEC. 12.* Section 31610 of the Penal Code is amended to read:

22 31610. (a) It is the intent of the Legislature in enacting this  
23 article to require that persons who obtain ~~firearms~~ *handguns* have  
24 a basic familiarity with those firearms, including, but not limited  
25 to, the safe handling and storage of those firearms. It is not the  
26 intent of the Legislature to require a ~~firearm~~ *handgun* safety  
27 certificate for the mere possession of a firearm.

28 (b) *This section shall remain in effect only until January 1, 2015,*  
29 *and as of that date is repealed, unless a later enacted statute, that*  
30 *is enacted before January 1, 2015, deletes or extends that date.*

31 *SEC. 13.* Section 31610 is added to the Penal Code, to read:

32 31610. (a) *It is the intent of the Legislature in enacting this*  
33 *article to require that persons who obtain firearms have a basic*  
34 *familiarity with those firearms, including, but not limited to, the*  
35 *safe handling and storage of those firearms. It is not the intent of*  
36 *the Legislature to require a firearm safety certificate for the mere*  
37 *possession of a firearm.*

38 (b) *This section shall become operative on January 1, 2015.*

39 ~~SEC. 11.~~

40 *SEC. 14.* Section 31615 of the Penal Code is amended to read:

1 31615. (a) A person shall not do either of the following:

2 (1) Purchase or receive any ~~firearm handgun~~, except an antique  
3 firearm, without a valid ~~firearm handgun~~ safety certificate.

4 (2) Sell, deliver, loan, or transfer any ~~firearm handgun~~, except  
5 an antique firearm, to any person who does not have a valid ~~firearm~~  
6 ~~handgun~~ safety certificate.

7 (b) Any person who violates subdivision (a) is guilty of a  
8 misdemeanor.

9 (c) The provisions of this section are cumulative, and shall not  
10 be construed as restricting the application of any other law.  
11 However, an act or omission punishable in different ways by  
12 different provisions of this code shall not be punished under more  
13 than one provision.

14 (d) *This section shall remain in effect only until January 1, 2015,*  
15 *and as of that date is repealed, unless a later enacted statute, that*  
16 *is enacted before January 1, 2015, deletes or extends that date.*

17 *SEC. 15. Section 31615 is added to the Penal Code, to read:*

18 *31615. (a) A person shall not do either of the following:*

19 *(1) Purchase or receive any firearm, except an antique firearm,*  
20 *without a valid firearm safety certificate.*

21 *(2) Sell, deliver, loan, or transfer any firearm, except an antique*  
22 *firearm, to any person who does not have a valid firearm safety*  
23 *certificate.*

24 *(b) Any person who violates subdivision (a) is guilty of a*  
25 *misdemeanor.*

26 *(c) The provisions of this section are cumulative, and shall not*  
27 *be construed as restricting the application of any other law.*  
28 *However, an act or omission punishable in different ways by*  
29 *different provisions of this code shall not be punished under more*  
30 *than one provision.*

31 *(d) This section shall become operative on January 1, 2015.*

32 ~~SEC. 12.~~

33 *SEC. 16. Section 31620 of the Penal Code is amended to read:*

34 31620. (a) A person shall not commit an act of collusion as  
35 specified in Section 27550.

36 (b) Any person who alters, counterfeits, or falsifies a ~~firearm~~  
37 ~~handgun~~ safety certificate, or who uses or attempts to use any  
38 altered, counterfeited, or falsified ~~firearm handgun~~ safety certificate  
39 to purchase a ~~firearm handgun~~, is guilty of a misdemeanor.



1 (c) The provisions of this section are cumulative and shall not  
2 be construed as restricting the application of any other law.  
3 However, an act or omission punishable in different ways by this  
4 section and different provisions of this code shall not be punished  
5 under more than one provision.

6 (d) *This section shall remain in effect only until January 1, 2015,*  
7 *and as of that date is repealed, unless a later enacted statute, that*  
8 *is enacted before January 1, 2015, deletes or extends that date.*

9 SEC. 17. Section 31620 is added to the Penal Code, to read:

10 31620. (a) A person shall not commit an act of collusion as  
11 specified in Section 27550.

12 (b) Any person who alters, counterfeits, or falsifies a firearm  
13 safety certificate, or who uses or attempts to use any altered,  
14 counterfeited, or falsified firearm safety certificate to purchase a  
15 firearm, is guilty of a misdemeanor.

16 (c) The provisions of this section are cumulative and shall not  
17 be construed as restricting the application of any other law.  
18 However, an act or omission punishable in different ways by this  
19 section and different provisions of this code shall not be punished  
20 under more than one provision.

21 (d) *This section shall become operative on January 1, 2015.*

22 ~~SEC. 13.~~

23 SEC. 18. Section 31625 of the Penal Code is amended to read:

24 31625. (a) A certified instructor shall not issue a ~~firearm~~  
25 handgun safety certificate to any person who has not complied  
26 with this article. Proof of compliance shall be forwarded to the  
27 department by certified instructors as frequently as the department  
28 may determine.

29 (b) A certified instructor shall not issue a ~~firearm~~ handgun safety  
30 certificate to any person who is under 18 years of age.

31 (c) A violation of this section shall be grounds for the  
32 department to revoke the instructor's certification to issue ~~firearm~~  
33 handgun safety certificates.

34 (d) *This section shall remain in effect only until January 1, 2015,*  
35 *and as of that date is repealed, unless a later enacted statute, that*  
36 *is enacted before January 1, 2015, deletes or extends that date.*

37 SEC. 19. Section 31625 is added to the Penal Code, to read:

38 31625. (a) A certified instructor shall not issue a firearm safety  
39 certificate to any person who has not complied with this article.

1 *Proof of compliance shall be forwarded to the department by*  
2 *certified instructors as frequently as the department may determine.*

3 *(b) A certified instructor shall not issue a firearm safety*  
4 *certificate to any person who is under 18 years of age.*

5 *(c) A violation of this section shall be grounds for the*  
6 *department to revoke the instructor's certification to issue firearm*  
7 *safety certificates.*

8 *(d) This section shall become operative on January 1, 2015.*

9 ~~SEC. 14.~~

10 *SEC. 20.* Section 31630 of the Penal Code is amended to read:

11 31630. (a) The department shall develop an instruction manual  
12 in English and in Spanish by October 1, 2002. The department  
13 shall make the instructional manual available to firearms dealers  
14 licensed pursuant to Sections 26700 to 26915, inclusive, who shall  
15 make it available to the general public. Essential portions of the  
16 manual may be included in the pamphlet described in Section  
17 34205.

18 (b) The department shall develop audiovisual materials in  
19 English and in Spanish by March 1, 2003, to be issued to instructors  
20 certified by the department.

21 (c) The department shall solicit input from any reputable  
22 association or organization, including any law enforcement  
23 association that has as one of its objectives the promotion of  
24 firearms safety, in the development of the ~~firearm~~ *handgun* safety  
25 certificate instructional materials.

26 *(d) This section shall remain in effect only until January 1, 2015,*  
27 *and as of that date is repealed, unless a later enacted statute, that*  
28 *is enacted before January 1, 2015, deletes or extends that date.*

29 *SEC. 21.* Section 31630 is added to the Penal Code, to read:

30 31630. (a) *The department shall develop an instruction manual*  
31 *in English and in Spanish. The department shall make the*  
32 *instructional manual available to firearms dealers licensed*  
33 *pursuant to Sections 26700 to 26915, inclusive, who shall make*  
34 *it available to the general public. Essential portions of the manual*  
35 *may be included in the pamphlet described in Section 34205.*

36 (b) *The department shall develop audiovisual materials in*  
37 *English and in Spanish to be issued to instructors certified by the*  
38 *department.*

39 (c) *The department shall solicit input from any reputable*  
40 *association or organization, including any law enforcement*

1 *association that has as one of its objectives the promotion of*  
2 *firearms safety, in the development of the firearm safety certificate*  
3 *instructional materials.*

4 *(d) This section shall become operative on January 1, 2015.*

5 ~~SEC. 15.~~

6 *SEC. 22. Section 31635 of the Penal Code is amended to read:*

7 31635. (a) The department shall prescribe a minimum level  
8 of skill, knowledge, and competency to be required of all ~~firearm~~  
9 *handgun* safety certificate instructors.

10 (b) Department Certified Instructor applicants shall have a  
11 certification to provide training from one of the following  
12 organizations, as specified, or any entity found by the department  
13 to give comparable instruction in firearms safety, or the applicant  
14 shall have similar or equivalent training to that provided by the  
15 following, as determined by the department:

16 (1) Department of Consumer Affairs, State of California-Firearm  
17 Training Instructor.

18 (2) Director of Civilian Marksmanship, Instructor or  
19 Rangemaster.

20 (3) Federal Government, Certified Rangemaster or Firearm  
21 Instructor.

22 (4) Federal Law Enforcement Training Center, Firearm  
23 Instructor Training Program or Rangemaster.

24 (5) United States Military, Military Occupational Specialty  
25 (MOS) as marksmanship or firearms instructor. Assignment as  
26 Range Officer or Safety Officer ~~are~~ *is* not sufficient.

27 (6) National Rifle Association-Certified Instructor, Law  
28 Enforcement Instructor, Rangemaster, or Training Counselor.

29 (7) Commission on Peace Officer Standards and Training  
30 (POST), State of California-Firearm Instructor or Rangemaster.

31 (8) Authorization from a State of California accredited school  
32 to teach a firearm training course.

33 *(c) This section shall remain in effect only until January 1, 2015,*  
34 *and as of that date is repealed, unless a later enacted statute, that*  
35 *is enacted before January 1, 2015, deletes or extends that date.*

36 *SEC. 23. Section 31635 is added to the Penal Code, to read:*

37 31635. (a) *The department shall prescribe a minimum level*  
38 *of skill, knowledge, and competency to be required of all firearm*  
39 *safety certificate instructors.*

1 (b) Department Certified Instructor applicants shall have a  
 2 certification to provide training from one of the following  
 3 organizations, as specified, or any entity found by the department  
 4 to give comparable instruction in firearms safety, or the applicant  
 5 shall have similar or equivalent training to that provided by the  
 6 following, as determined by the department:

7 (1) Department of Consumer Affairs, State of California-Firearm  
 8 Training Instructor.

9 (2) Director of Civilian Marksmanship, Instructor or  
 10 Rangemaster.

11 (3) Federal Government, Certified Rangemaster or Firearm  
 12 Instructor.

13 (4) Federal Law Enforcement Training Center, Firearm  
 14 Instructor Training Program or Rangemaster.

15 (5) United States Military, Military Occupational Specialty  
 16 (MOS) as marksmanship or firearms instructor. Assignment as  
 17 Range Officer or Safety Officer is not sufficient.

18 (6) National Rifle Association-Certified Instructor, Law  
 19 Enforcement Instructor, Rangemaster, or Training Counselor.

20 (7) Commission on Peace Officer Standards and Training  
 21 (POST), State of California-Firearm Instructor or Rangemaster.

22 (8) Authorization from a State of California accredited school  
 23 to teach a firearm training course.

24 (c) This section shall become operative on January 1, 2015.

25 ~~SEC. 16.~~

26 SEC. 24. Section 31640 of the Penal Code is amended to read:

27 31640. (a) The department shall develop a written objective  
 28 test, in English and in Spanish, and prescribe its content, form,  
 29 and manner, to be administered by an instructor certified by the  
 30 department.

31 (b) If the person taking the test is unable to read, the examination  
 32 shall be administered orally. If the person taking the test is unable  
 33 to read English or Spanish, the test may be applied orally by a  
 34 translator.

35 (c) The test shall cover, but not be limited to, all of the  
 36 following:

37 (1) The laws applicable to carrying and handling firearms,  
 38 particularly handguns.

39 (2) The responsibilities of ownership of firearms, particularly  
 40 handguns.

1 (3) Current law as it relates to the private sale and transfer of  
2 firearms.

3 (4) Current law as it relates to the permissible use of lethal force.

4 (5) What constitutes safe firearm storage.

5 (6) Issues associated with bringing a ~~firearm~~ *handgun* into the  
6 home.

7 (7) Prevention strategies to address issues associated with  
8 bringing firearms into the home.

9 (d) The department shall update test materials related to this  
10 article every five years.

11 (e) If a dealer licensed pursuant to Sections 26700 to 26915,  
12 inclusive, or his or her employee, or where the managing officer  
13 or partner is certified as an instructor pursuant to this article, he  
14 or she shall also designate a separate room or partitioned area for  
15 a person to take the objective test, and maintain adequate  
16 supervision to assure that no acts of collusion occur while the  
17 objective test is being administered.

18 (f) *This section shall remain in effect only until January 1, 2015,*  
19 *and as of that date is repealed, unless a later enacted statute, that*  
20 *is enacted before January 1, 2015, deletes or extends that date.*

21 *SEC. 25. Section 31640 is added to the Penal Code, to read:*

22 *31640. (a) The department shall develop a written objective*  
23 *test, in English and in Spanish, and prescribe its content, form,*  
24 *and manner, to be administered by an instructor certified by the*  
25 *department.*

26 *(b) If the person taking the test is unable to read, the*  
27 *examination shall be administered orally. If the person taking the*  
28 *test is unable to read English or Spanish, the test may be applied*  
29 *orally by a translator.*

30 *(c) The test shall cover, but not be limited to, all of the following:*

31 *(1) The laws applicable to carrying and handling firearms,*  
32 *particularly handguns.*

33 *(2) The responsibilities of ownership of firearms, particularly*  
34 *handguns.*

35 *(3) Current law as it relates to the private sale and transfer of*  
36 *firearms.*

37 *(4) Current law as it relates to the permissible use of lethal*  
38 *force.*

39 *(5) What constitutes safe firearm storage.*

40 *(6) Issues associated with bringing a firearm into the home.*

1 (7) *Prevention strategies to address issues associated with*  
2 *bringing firearms into the home.*

3 (d) *The department shall update test materials related to this*  
4 *article every five years.*

5 (e) *If a dealer licensed pursuant to Sections 26700 to 26915,*  
6 *inclusive, or his or her employee, or where the managing officer*  
7 *or partner is certified as an instructor pursuant to this article, he*  
8 *or she shall also designate a separate room or partitioned area*  
9 *for a person to take the objective test, and maintain adequate*  
10 *supervision to assure that no acts of collusion occur while the*  
11 *objective test is being administered.*

12 (f) *This section shall become operative on January 1, 2015.*

13 ~~SEC. 17.~~

14 *SEC. 26. Section 31645 of the Penal Code is amended to read:*

15 31645. (a) *An applicant for a ~~firearm~~ handgun safety certificate*  
16 *shall successfully pass the objective test referred to in Section*  
17 *31640, with a passing grade of at least 75 percent. Any person*  
18 *receiving a passing grade on the objective test shall immediately*  
19 *be issued a ~~firearm~~ handgun safety certificate by the instructor.*

20 (b) *An applicant who fails to pass the objective test upon the*  
21 *first attempt shall be offered additional instructional materials by*  
22 *the instructor, such as a videotape or booklet. The person may not*  
23 *retake the objective test under any circumstances until 24 hours*  
24 *have elapsed after the failure to pass the objective test upon the*  
25 *first attempt. The person failing the test on the first attempt shall*  
26 *take another version of the test upon the second attempt. All tests*  
27 *shall be taken from the same instructor except upon permission*  
28 *by the department, which shall be granted only for good cause*  
29 *shown. The instructor shall make himself or herself available to*  
30 *the applicant during regular business hours in order to retake the*  
31 *test.*

32 (c) *This section shall remain in effect only until January 1, 2015,*  
33 *and as of that date is repealed, unless a later enacted statute, that*  
34 *is enacted before January 1, 2015, deletes or extends that date.*

35 *SEC. 27. Section 31645 is added to the Penal Code, to read:*

36 31645. (a) *An applicant for a firearm safety certificate shall*  
37 *successfully pass the objective test referred to in Section 31640,*  
38 *with a passing grade of at least 75 percent. Any person receiving*  
39 *a passing grade on the objective test shall immediately be issued*  
40 *a firearm safety certificate by the instructor.*

1 (b) An applicant who fails to pass the objective test upon the  
2 first attempt shall be offered additional instructional materials by  
3 the instructor, such as a videotape or booklet. The person may not  
4 retake the objective test under any circumstances until 24 hours  
5 have elapsed after the failure to pass the objective test upon the  
6 first attempt. The person failing the test on the first attempt shall  
7 take another version of the test upon the second attempt. All tests  
8 shall be taken from the same instructor except upon permission  
9 by the department, which shall be granted only for good cause  
10 shown. The instructor shall make himself or herself available to  
11 the applicant during regular business hours in order to retake the  
12 test.

13 (c) This section shall become operative on January 1, 2015.

14 ~~SEC. 18:~~

15 SEC. 28. Section 31650 of the Penal Code is amended to read:

16 31650. (a) The certified instructor may charge a fee of  
17 twenty-five dollars (\$25), fifteen dollars (\$15) of which is to be  
18 paid to the department pursuant to subdivision (c).

19 (b) An applicant to renew a ~~firearm~~ handgun safety certificate  
20 shall be required to pass the objective test. The certified instructor  
21 may charge a fee of twenty-five dollars (\$25), fifteen dollars (\$15)  
22 of which is to be forwarded to the department pursuant to  
23 subdivision (c).

24 (c) The department may charge the certified instructor up to  
25 fifteen dollars (\$15) for each ~~firearm~~ handgun safety certificate  
26 issued by that instructor to cover the department's cost in carrying  
27 out and enforcing this article, and enforcing the provisions listed  
28 in subdivision (e), as determined annually by the department.

29 (d) All money received by the department pursuant to this article  
30 shall be deposited into the Firearms Safety and Enforcement  
31 Special Fund created pursuant to Section 28300.

32 (e) The department shall conduct enforcement activities,  
33 including, but not limited to, law enforcement activities to ensure  
34 compliance with the following provisions:

35 (1) Section 830.95.

36 (2) Title 2 (commencing with Section 12001) of Part 4.

37 (3) This part, except Sections 16965, 17235, and 21510.

38 (f) This section shall remain in effect only until January 1, 2015,  
39 and as of that date is repealed, unless a later enacted statute, that  
40 is enacted before January 1, 2015, deletes or extends that date.

1 SEC. 29. Section 31650 is added to the Penal Code, to read:

2 31650. (a) The certified instructor may charge a fee of  
3 twenty-five dollars (\$25), fifteen dollars (\$15) of which is to be  
4 paid to the department pursuant to subdivision (c).

5 (b) An applicant to renew a firearm safety certificate shall be  
6 required to pass the objective test. The certified instructor may  
7 charge a fee of twenty-five dollars (\$25), fifteen dollars (\$15) of  
8 which is to be forwarded to the department pursuant to subdivision  
9 (c).

10 (c) The department may charge the certified instructor up to  
11 fifteen dollars (\$15) for each firearm safety certificate issued by  
12 that instructor to cover the department's cost in carrying out and  
13 enforcing this article, and enforcing the provisions listed in  
14 subdivision (e), as determined annually by the department.

15 (d) All money received by the department pursuant to this article  
16 shall be deposited into the Firearms Safety and Enforcement  
17 Special Fund created pursuant to Section 28300.

18 (e) The department shall conduct enforcement activities,  
19 including, but not limited to, law enforcement activities to ensure  
20 compliance with the following provisions:

21 (1) Section 830.95.

22 (2) Title 2 (commencing with Section 12001) of Part 4.

23 (3) This part, except Sections 16965, 17235, and 21510.

24 (f) This section shall become operative on January 1, 2015.

25 ~~SEC. 19.~~

26 SEC. 30. Section 31655 of the Penal Code is amended to read:

27 31655. (a) The department shall develop ~~firearm~~ handgun  
28 safety certificates to be issued by instructors certified by the  
29 department to those persons who have complied with this article.

30 (b) A ~~firearm~~ handgun safety certificate shall include, but not  
31 be limited to, the following information:

32 (1) A unique ~~firearm~~ handgun safety certificate identification  
33 number.

34 (2) The holder's full name.

35 (3) The holder's date of birth.

36 (4) The holder's driver's license or identification number.

37 (5) The holder's signature.

38 (6) The signature of the issuing instructor.

39 (7) The date of issuance.



1 (c) The ~~firearm~~ handgun safety certificate shall expire five years  
2 after the date that it was issued by the certified instructor.

3 (d) *This section shall remain in effect only until January 1, 2015,*  
4 *and as of that date is repealed, unless a later enacted statute, that*  
5 *is enacted before January 1, 2015, deletes or extends that date.*

6 SEC. 31. Section 31655 is added to the Penal Code, to read:

7 31655. (a) *The department shall develop firearm safety*  
8 *certificates to be issued by instructors certified by the department*  
9 *to those persons who have complied with this article.*

10 (b) *A firearm safety certificate shall include, but not be limited*  
11 *to, the following information:*

12 (1) *A unique firearm safety certificate identification number.*

13 (2) *The holder's full name.*

14 (3) *The holder's date of birth.*

15 (4) *The holder's driver's license or identification number.*

16 (5) *The holder's signature.*

17 (6) *The signature of the issuing instructor.*

18 (7) *The date of issuance.*

19 (c) *The firearm safety certificate shall expire five years after*  
20 *the date that it was issued by the certified instructor.*

21 (d) *This section shall become operative on January 1, 2015.*

22 ~~SEC. 20.~~

23 SEC. 32. Section 31660 of the Penal Code is amended to read:

24 31660. (a) *In the case of loss or destruction of a ~~firearm~~*  
25 *handgun safety certificate, the issuing instructor shall issue a*  
26 *duplicate certificate upon request and proof of identification to the*  
27 *certificate holder.*

28 (b) *The department may authorize the issuing instructor to*  
29 *charge a fee, not to exceed fifteen dollars (\$15), for a duplicate*  
30 *certificate. Revenues from this fee shall be deposited in the*  
31 *Firearms Safety and Enforcement Special ~~Fund~~, Fund created*  
32 *pursuant to Section 28300.*

33 (c) *This section shall remain in effect only until January 1, 2015,*  
34 *and as of that date is repealed, unless a later enacted statute, that*  
35 *is enacted before January 1, 2015, deletes or extends that date.*

36 SEC. 33. Section 31660 is added to the Penal Code, to read:

37 31660. (a) *In the case of loss or destruction of a firearm safety*  
38 *certificate, the issuing instructor shall issue a duplicate certificate*  
39 *upon request and proof of identification to the certificate holder.*

1 (b) The department may authorize the issuing instructor to  
2 charge a fee, not to exceed fifteen dollars (\$15), for a duplicate  
3 certificate. Revenues from this fee shall be deposited in the  
4 Firearms Safety and Enforcement Special Fund created pursuant  
5 to Section 28300.

6 (c) This section shall become operative on January 1, 2015.

7 ~~SEC. 21.~~

8 *SEC. 34.* Section 31700 of the Penal Code is amended to read:

9 31700. (a) The following persons, properly identified, are  
10 exempted from the ~~firearm~~ *handgun* safety certificate requirement  
11 in subdivision (a) of Section 31615:

12 (1) Any active or honorably retired peace officer, as defined in  
13 Chapter 4.5 (commencing with Section 830) of Title 3 of Part 2.

14 (2) Any active or honorably retired federal officer or law  
15 enforcement agent.

16 (3) Any reserve peace officer, as defined in Section 832.6.

17 (4) Any person who has successfully completed the course of  
18 training specified in Section 832.

19 (5) A firearms dealer licensed pursuant to Sections 26700 to  
20 26915, inclusive, who is acting in the course and scope of that  
21 person's activities as a person licensed pursuant to Sections 26700  
22 to 26915, inclusive.

23 (6) A federally licensed collector who is acquiring or being  
24 loaned a ~~firearm~~ *handgun* that is a curio or relic, as defined in  
25 Section 478.11 of Title 27 of the Code of Federal Regulations,  
26 who has a current certificate of eligibility issued by the department  
27 pursuant to Section 26710.

28 (7) A person to whom a ~~firearm~~ *handgun* is being returned,  
29 where the person receiving the firearm is the owner of the firearm.

30 (8) A family member of a peace officer or deputy sheriff from  
31 a local agency who receives a firearm pursuant to Section 50081  
32 of the Government Code.

33 (9) Any individual who has a valid concealed weapons permit  
34 issued pursuant to Chapter 4 (commencing with Section 26150)  
35 of Division 5.

36 (10) An ~~active~~, *active* or honorably retired member of the United  
37 States Armed Forces, the National Guard, the Air National Guard,  
38 or the active reserve components of the United States, where  
39 individuals in those organizations are properly identified. For  
40 purposes of this section, proper identification includes the Armed

1 Forces Identification ~~Card~~, *Card* or other written documentation  
2 certifying that the individual is an active or honorably retired  
3 member.

4 (11) Any person who is authorized to carry loaded firearms  
5 pursuant to Section 26025 or 26030.

6 (12) Persons who are the holders of a special weapons permit  
7 issued by the department pursuant to Section 32650 or 33300,  
8 pursuant to Article 3 (commencing with Section 18900) of Chapter  
9 1 of Division 5 of Title 2, or pursuant to Article 4 (commencing  
10 with Section 32700) of Chapter 6 of this division.

11 (b) The following persons who take title or possession of a  
12 ~~firearm~~ *handgun* by operation of law in a representative capacity,  
13 until or unless they transfer title ownership of the ~~firearm~~ *handgun*  
14 to themselves in a personal capacity, are exempted from the  
15 ~~firearm~~ *handgun* safety certificate requirement in subdivision (a)  
16 of Section 31615:

17 (1) The executor or administrator of an estate.

18 (2) A secured creditor or an agent or employee thereof when  
19 the firearms are possessed as collateral for, or as a result of, or an  
20 agent or employee thereof when the firearms are possessed as  
21 collateral for, or as a result of, a default under a security agreement  
22 under the Commercial Code.

23 (3) A levying officer, as defined in Section 481.140, 511.060,  
24 or 680.260 of the Code of Civil Procedure.

25 (4) A receiver performing the functions of a receiver.

26 (5) A trustee in bankruptcy performing the duties of a trustee.

27 (6) An assignee for the benefit of creditors performing the  
28 functions of an assignee.

29 (c) *This section shall remain in effect only until January 1, 2015,*  
30 *and as of that date is repealed, unless a later enacted statute, that*  
31 *is enacted before January 1, 2015, deletes or extends that date.*

32 *SEC. 35. Section 31700 is added to the Penal Code, to read:*

33 *31700. (a) The following persons, properly identified, are*  
34 *exempted from the firearm safety certificate requirement in*  
35 *subdivision (a) of Section 31615:*

36 *(1) Any active or honorably retired peace officer, as defined in*  
37 *Chapter 4.5 (commencing with Section 830) of Title 3 of Part 2.*

38 *(2) Any active or honorably retired federal officer or law*  
39 *enforcement agent.*

40 *(3) Any reserve peace officer, as defined in Section 832.6.*

1 (4) Any person who has successfully completed the course of  
2 training specified in Section 832.

3 (5) A firearms dealer licensed pursuant to Sections 26700 to  
4 26915, inclusive, who is acting in the course and scope of that  
5 person's activities as a person licensed pursuant to Sections 26700  
6 to 26915, inclusive.

7 (6) A federally licensed collector who is acquiring or being  
8 loaned a firearm that is a curio or relic, as defined in Section  
9 478.11 of Title 27 of the Code of Federal Regulations, who has a  
10 current certificate of eligibility issued by the department pursuant  
11 to Section 26710.

12 (7) A person to whom a firearm is being returned, where the  
13 person receiving the firearm is the owner of the firearm.

14 (8) A family member of a peace officer or deputy sheriff from  
15 a local agency who receives a firearm pursuant to Section 50081  
16 of the Government Code.

17 (9) Any individual who has a valid concealed weapons permit  
18 issued pursuant to Chapter 4 (commencing with Section 26150)  
19 of Division 5.

20 (10) An active or honorably retired member of the United States  
21 Armed Forces, the National Guard, the Air National Guard, or  
22 the active reserve components of the United States, where  
23 individuals in those organizations are properly identified. For  
24 purposes of this section, proper identification includes the Armed  
25 Forces Identification Card or other written documentation  
26 certifying that the individual is an active or honorably retired  
27 member.

28 (11) Any person who is authorized to carry loaded firearms  
29 pursuant to Section 26025 or 26030.

30 (12) Persons who are the holders of a special weapons permit  
31 issued by the department pursuant to Section 32650 or 33300,  
32 pursuant to Article 3 (commencing with Section 18900) of Chapter  
33 1 of Division 5 of Title 2, or pursuant to Article 4 (commencing  
34 with Section 32700) of Chapter 6 of this division.

35 (b) The following persons who take title or possession of a  
36 firearm by operation of law in a representative capacity, until or  
37 unless they transfer title ownership of the firearm to themselves  
38 in a personal capacity, are exempted from the firearm safety  
39 certificate requirement in subdivision (a) of Section 31615:

40 (1) The executor or administrator of an estate.

1 (2) *A secured creditor or an agent or employee thereof when*  
2 *the firearms are possessed as collateral for, or as a result of, or*  
3 *an agent or employee thereof when the firearms are possessed as*  
4 *collateral for, or as a result of, a default under a security*  
5 *agreement under the Commercial Code.*

6 (3) *A levying officer, as defined in Section 481.140, 511.060,*  
7 *or 680.260 of the Code of Civil Procedure.*

8 (4) *A receiver performing the functions of a receiver.*

9 (5) *A trustee in bankruptcy performing the duties of a trustee.*

10 (6) *An assignee for the benefit of creditors performing the*  
11 *functions of an assignee.*

12 (c) *This section shall become operative on January 1, 2015.*

13 ~~SEC. 22.~~

14 SEC. 36. No reimbursement is required by this act pursuant to  
15 Section 6 of Article XIII B of the California Constitution because  
16 the only costs that may be incurred by a local agency or school  
17 district will be incurred because this act creates a new crime or  
18 infraction, eliminates a crime or infraction, or changes the penalty  
19 for a crime or infraction, within the meaning of Section 17556 of  
20 the Government Code, or changes the definition of a crime within  
21 the meaning of Section 6 of Article XIII B of the California  
22 Constitution.