

AMENDED IN ASSEMBLY AUGUST 19, 2014

AMENDED IN ASSEMBLY AUGUST 4, 2014

AMENDED IN SENATE JANUARY 21, 2014

AMENDED IN SENATE JANUARY 6, 2014

AMENDED IN SENATE APRIL 23, 2013

AMENDED IN SENATE APRIL 11, 2013

SENATE BILL

No. 808

Introduced by Senator De León

February 22, 2013

An act to amend Sections 11106, 16520, 23910, and ~~28230~~ 30105 of, and to add Chapter 3 (commencing with Section 29180) to Division 7 of Title 4 of Part 6 of, the Penal Code, relating to firearms.

LEGISLATIVE COUNSEL'S DIGEST

SB 808, as amended, De León. Firearms: identifying information.

Existing

(1) *Existing* law authorizes the Department of Justice to assign a distinguishing number or mark of identification to any firearm whenever the firearm lacks a manufacturer's number or other mark of identification, or whenever the manufacturer's number or other mark of identification or distinguishing number or mark assigned by the department has been destroyed or obliterated.

This bill would, commencing July 1, 2016, require a person who manufactures or assembles a firearm to first apply to the department for a unique serial number or other identifying mark, as provided. The bill would, by January 1, 2017, require any person who, as of July 1,

2016, owns a firearm that does not bear a serial number to likewise apply to the department for a unique serial number or other mark of identification. The bill would prohibit the sale or transfer of ownership of a firearm manufactured or assembled pursuant to these provisions. The bill would prohibit a person from aiding in the manufacture or assembly of a firearm by a person who is prohibited from possessing a firearm. The bill would make a violation of these provisions a misdemeanor. By creating a new crime, this bill would impose a state-mandated local program.

The bill would require the department to issue a serial number or other identifying mark to an applicant meeting specified criteria and would allow the department to charge a fee to recover its costs associated with assigning a distinguishing number or mark pursuant to the above provisions.

(2) Existing law allows an individual to request that the Department of Justice perform a firearms eligibility check for that individual. Existing law makes it a misdemeanor for a person or agency to require or request an individual to obtain a firearms eligibility check.

This bill would require a person to complete a firearms eligibility check before the department may grant an application for the assignment of a serial number or mark of identification. The bill would exempt this provision from the above prohibition on requiring or requesting an individual to obtain a firearms eligibility check.

(3) This bill would incorporate additional changes to Section 11106 of the Penal Code proposed by SB 53 that would become operative if this bill and SB 53 are both enacted and this bill is enacted last.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

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

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

- 1 SECTION 1. Section 11106 of the Penal Code, as amended
- 2 by 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

1 paragraph (3) of subdivision (b), the arrest and prosecution of
2 criminals, and the recovery of lost, stolen, or found property, the
3 Attorney General shall keep and properly file a complete record
4 of all of the following:

- 5 (A) All copies of fingerprints.
 - 6 (B) Copies of licenses to carry firearms issued pursuant to
7 Section 26150, 26155, 26170, or 26215.
 - 8 (C) Information reported to the Department of Justice pursuant
9 to Section 26225, 29180, or 29830.
 - 10 (D) Dealers' records of sales of firearms.
 - 11 (E) Reports provided pursuant to Article 1 (commencing with
12 Section 27500) of Chapter 4 of Division 6 of Title 4 of Part 6, or
13 pursuant to any provision listed in subdivision (a) of Section 16585.
 - 14 (F) Forms provided pursuant to Section 12084, as that section
15 read prior to being repealed on January 1, 2006.
 - 16 (G) Reports provided pursuant to Article 1 (commencing with
17 Section 26700) and Article 2 (commencing with Section 26800)
18 of Chapter 2 of Division 6 of Title 4 of Part 6, that are not dealers'
19 records of sales of firearms.
 - 20 (H) Information provided pursuant to Section 28255.
 - 21 (I) Reports of stolen, lost, found, pledged, or pawned property
22 in any city or county of this state.
- 23 (2) The Attorney General shall, upon proper application therefor,
24 furnish the information to the officers referred to in Section 11105.
- 25 (b) (1) The Attorney General shall permanently keep and
26 properly file and maintain all information reported to the
27 Department of Justice pursuant to the following provisions as to
28 firearms and maintain a registry thereof:
- 29 (A) Article 1 (commencing with Section 26700) and Article 2
30 (commencing with Section 26800) of Chapter 2 of Division 6 of
31 Title 4 of Part 6.
 - 32 (B) Article 1 (commencing with Section 27500) of Chapter 4
33 of Division 6 of Title 4 of Part 6.
 - 34 (C) Chapter 5 (commencing with Section 28050) of Division 6
35 of Title 4 of Part 6.
 - 36 (D) Any provision listed in subdivision (a) of Section 16585.
 - 37 (E) Former Section 12084.
 - 38 (F) Section 28255.
 - 39 (G) Section 29180.
 - 40 (H) Any other law.

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

2 (A) The name, address, identification of, place of birth (state
3 or country), complete telephone number, occupation, sex,
4 description, and all legal names and aliases ever used by the owner
5 or person being loaned the particular firearm as listed on the
6 information provided to the department on the Dealers' Record of
7 Sale, the Law Enforcement Firearms Transfer (LEFT), as defined
8 in former Section 12084, or reports made to the department
9 pursuant to any provision listed in subdivision (a) of Section 16585,
10 ~~Section 28255, Section 28255~~ or 29180, or any other law.

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

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

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

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

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

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

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

13 (A) Section 26225.

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

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

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

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

25 (G) Chapter 2 (commencing with Section 33850) of Division
26 11 of Title 4 of Part 6.

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

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

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

39 (B) The information is disseminated only to the victim of the
40 crime or to the person who has obtained the emergency protective

1 order, the temporary restraining order, or the order after hearing
2 issued by the family court.

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

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

13 *SEC. 1.5. Section 11106 of the Penal Code, as amended by*
14 *Chapter 103 of the Statutes of 2014, is amended to read:*

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

21 (A) All copies of fingerprints.

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

24 (C) Information reported to the Department of Justice pursuant
25 to Section ~~26225~~ or 26225, 29180, or 29830.

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

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

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

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

36 (H) Information provided pursuant to Section 28255.

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

1 (J) *Ammunition vendor license information pursuant to Article*
2 *5 (commencing with Section 30380) of Chapter 1 of Division 10*
3 *of Title 4 of Part 6.*

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

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

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

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

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

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

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

19 (E) Former Section 12084.

20 (F) Section 28255.

21 (G) *Section 29180.*

22 ~~(G)~~

23 (H) Any other law.

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

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

34 (B) The name and address of, and other information about, any
35 person (whether a dealer or a private party) from whom the owner
36 acquired or the person being loaned the particular firearm and
37 when the firearm was acquired or loaned as listed on the
38 information provided to the department on the Dealers' Record of
39 Sale, the LEFT, or reports made to the department pursuant to any

1 provision listed in subdivision (a) of Section 16585 or any other
2 law.

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

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

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

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

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

37 (A) Section 26225.

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

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

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

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

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

9 (G) Chapter 2 (commencing with Section 33850) of Division
10 11 of Title 4 of Part 6.

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

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

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

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

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

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

37 (d) (1) *If the conditions specified in paragraph (2) are met, any*
38 *officer referred to in paragraphs (1) to (6), inclusive, of subdivision*
39 *(b) of Section 11105 may disseminate the name of a person and*
40 *the fact of any ammunition purchases by that person, based on*

1 information supplied to the Department of Justice pursuant to
2 Section 30352.

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

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

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

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

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

28 SEC. 2. Section 16520 of the Penal Code, as amended by
29 Section 2 of Chapter 737 of the Statutes of 2013, is amended to
30 read:

31 16520. (a) As used in this part, "firearm" means a device,
32 designed to be used as a weapon, from which is expelled through
33 a barrel, a projectile by the force of an explosion or other form of
34 combustion.

35 (b) As used in the following provisions, "firearm" includes the
36 frame or receiver of the weapon:

37 (1) Section 16550.

38 (2) Section 16730.

39 (3) Section 16960.

40 (4) Section 16990.

- 1 (5) Section 17070.
- 2 (6) Section 17310.
- 3 (7) Sections 26500 to 26588, inclusive.
- 4 (8) Sections 26600 to 27140, inclusive.
- 5 (9) Sections 27400 to 28000, inclusive.
- 6 (10) Section 28100.
- 7 (11) Sections 28400 to 28415, inclusive.
- 8 (12) Sections 29010 to 29150, inclusive.
- 9 (13) Section 29180.
- 10 (14) Sections 29610 to 29750, inclusive.
- 11 (15) Sections 29800 to 29905, inclusive.
- 12 (16) Sections 30150 to 30165, inclusive.
- 13 (17) Section 31615.
- 14 (18) Sections 31705 to 31830, inclusive.
- 15 (19) Sections 34355 to 34370, inclusive.
- 16 (20) Sections 8100, 8101, and 8103 of the Welfare and
- 17 Institutions Code.
- 18 (c) As used in the following provisions, “firearm” also includes
- 19 a rocket, rocket propelled projectile launcher, or similar device
- 20 containing an explosive or incendiary material, whether or not the
- 21 device is designed for emergency or distress signaling purposes:
- 22 (1) Section 16750.
- 23 (2) Subdivision (b) of Section 16840.
- 24 (3) Section 25400.
- 25 (4) Sections 25850 to 26025, inclusive.
- 26 (5) Subdivisions (a), (b), and (c) of Section 26030.
- 27 (6) Sections 26035 to 26055, inclusive.
- 28 (d) As used in the following provisions, “firearm” does not
- 29 include an unloaded antique firearm:
- 30 (1) Subdivisions (a) and (c) of Section 16730.
- 31 (2) Section 16550.
- 32 (3) Section 16960.
- 33 (4) Section 17310.
- 34 (5) Chapter 6 (commencing with Section 26350) of Division 5
- 35 of Title 4.
- 36 (6) Chapter 7 (commencing with Section 26400) of Division 5
- 37 of Title 4.
- 38 (7) Sections 26500 to 26588, inclusive.
- 39 (8) Sections 26700 to 26915, inclusive.
- 40 (9) Section 27510.

- 1 (10) Section 27530.
- 2 (11) Section 27540.
- 3 (12) Section 27545.
- 4 (13) Sections 27555 to 27570, inclusive.
- 5 (14) Sections 29010 to 29150, inclusive.
- 6 (15) Section 25135.
- 7 (16) Section 29180.

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

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

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

17 SEC. 3. Section 23910 of the Penal Code is amended to read:

18 23910. (a) The Department of Justice upon request may assign
 19 a distinguishing number or mark of identification to any firearm
 20 whenever the firearm lacks a manufacturer’s number or other mark
 21 of identification, or whenever the manufacturer’s number or other
 22 mark of identification or a distinguishing number or mark assigned
 23 by the department has been destroyed or obliterated.

24 (b) The Department of Justice, upon request, shall assign a
 25 distinguishing number or mark of identification to any firearm in
 26 accordance with Section 29182.

27 ~~SEC. 4. Section 28230 of the Penal Code is amended to read:~~

28 ~~28230. (a) The Department of Justice may charge a fee~~
 29 ~~sufficient to reimburse it for each of the following but not to exceed~~
 30 ~~fourteen dollars (\$14), except that the fee may be increased at a~~
 31 ~~rate not to exceed any increase in the California Consumer Price~~
 32 ~~Index as compiled and reported by the Department of Industrial~~
 33 ~~Relations:~~

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

37 ~~(2) For the actual processing costs associated with the~~
 38 ~~submission of a Dealers’ Record of Sale to the department.~~

39 ~~(3) For the actual costs associated with the preparation, sale,~~
 40 ~~processing, and filing of reports utilized pursuant to Section 26905,~~

1 ~~27565, 27966, or 28000, or paragraph (1) of subdivision (a) of~~
2 ~~Section 27560.~~

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

5 ~~(5) For the actual costs associated with assigning a~~
6 ~~distinguishing number or mark to firearms pursuant to Sections~~
7 ~~29180 and 29182.~~

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

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

15 ~~SEC. 5.~~

16 *SEC. 4.* Chapter 3 (commencing with Section 29180) is added
17 to Division 7 of Title 4 of Part 6 of the Penal Code, to read:

18

19

CHAPTER 3. ASSEMBLY OF FIREARMS

20

21 29180. (a) For purposes of this chapter, “manufacturing” or
22 “assembling” a firearm means to fabricate or construct a firearm,
23 or to fit together the component parts of a firearm to construct a
24 firearm.

25 (b) Commencing July 1, 2016, prior to manufacturing or
26 assembling a firearm, a person manufacturing or assembling the
27 firearm shall do all of the following:

28 (1) Apply to the Department of Justice for a unique serial
29 number or other mark of identification pursuant to Section 29182.

30 (2) (A) Within ten days of manufacturing or assembling a
31 firearm in accordance with paragraph (1), the unique serial number
32 or other mark of identification provided by the department shall
33 be engraved or permanently affixed to the firearm in a manner that
34 meets or exceeds the requirements imposed on licensed importers
35 and licensed manufacturers of firearms pursuant to subsection (i)
36 of Section 923 of Title 18 of the United States Code and regulations
37 issued pursuant thereto.

38 (B) If the firearm is manufactured or assembled from polymer
39 plastic, 3.7 ounces of material type 17-4 PH stainless steel shall
40 be embedded within the plastic upon fabrication or construction

1 with the unique serial number engraved or otherwise permanently
2 affixed in a manner that meets or exceeds the requirements imposed
3 on licensed importers and licensed manufacturers of firearms
4 pursuant to subsection (i) of Section 923 of Title 18 of the United
5 States Code and regulations issued pursuant thereto.

6 (3) After the serial number provided by the department is
7 engraved or otherwise permanently affixed to the firearm, the
8 person shall notify the department of that fact in a manner and
9 within a time period specified by the department, and with
10 sufficient information to identify the owner of the firearm, the
11 unique serial number or mark of identification provided by the
12 department, and the firearm in a manner prescribed by the
13 department.

14 (c) By January 1, 2017, any person who, as of July 1, 2016,
15 owns a firearm that does not bear a serial number assigned to it
16 pursuant to either Section 23910 or pursuant to Chapter 44
17 (commencing with Section 921) of Title 18 of the United States
18 Code and the regulations issued pursuant thereto, shall do all of
19 the following:

20 (1) Apply to the Department of Justice for a unique serial
21 number or other mark of identification pursuant to Section 29182.

22 (2) Within ten days of receiving a unique serial number or other
23 mark of identification from the department, the unique serial
24 number or other mark of identification provided by the department
25 shall be engraved or permanently affixed to the firearm in
26 accordance with regulations prescribed by the department pursuant
27 to Section 29182 and in a manner that meets or exceeds the
28 requirements imposed on licensed importers and licensed
29 manufacturers of firearms pursuant to subsection (i) of Section
30 923 of Title 18 of the United States Code and regulations issued
31 pursuant thereto.

32 (3) After the serial number provided by the department is
33 engraved or otherwise permanently affixed to the firearm, the
34 person shall notify the department of that fact in a manner and
35 within a time period specified by the department, and with
36 sufficient information to identify the owner of the firearm, the
37 unique serial number or mark of identification provided by the
38 department, and the firearm in a manner prescribed by the
39 department.

1 (d) (1) The sale or transfer of ownership of a firearm
2 manufactured or assembled pursuant to this section is prohibited.

3 (2) Paragraph (1) shall not apply to the transfer, surrender, or
4 sale of a firearm to a law enforcement agency.

5 (3) Any firearms surrendered, transferred, or sold to a local law
6 enforcement agency pursuant to paragraph (2) shall be destroyed
7 as provided in Section 18005.

8 (4) Sections 26500 and 27545, and subdivision (a) of Section
9 31615, shall not apply to the transfer, sale, or surrender of firearms
10 to a law enforcement agency pursuant to paragraph (2).

11 (e) A person, corporation, or firm shall not knowingly allow,
12 facilitate, ~~aid~~ *aid*, or abet the manufacture or assembling of a
13 firearm pursuant to this section by a person who is within any of
14 the classes identified by Chapter 2 (commencing with Section
15 29800) or Chapter 3 (commencing with Section 29900) of Division
16 9 *of this code*, or Section 8100 or 8103 of the Welfare and
17 Institutions Code.

18 (f) If the firearm is a handgun, a violation of this section is
19 punishable by imprisonment in a county jail not to exceed one
20 year, or by a fine not to exceed one thousand dollars (\$1,000), or
21 by both that fine and imprisonment. For all other firearms, a
22 violation of this section is punishable by imprisonment in a county
23 jail not to exceed six months, or by a fine not to exceed one
24 thousand dollars (\$1,000), or by both that fine and imprisonment.
25 Each firearm found to be in violation of this section constitutes a
26 distinct and separate offense. This section does not preclude
27 prosecution under any other law providing for a greater penalty.

28 29181. Section 29180 does not apply to or affect any of the
29 following:

30 (a) A firearm that has a serial number assigned to it pursuant to
31 either Section 23910 or pursuant to Chapter 44 (commencing with
32 Section 921) of Title 18 of the United States Code and the
33 regulations issued pursuant thereto.

34 (b) A firearm made or assembled prior to December 16, 1968,
35 that is not a handgun.

36 (c) A firearm which was entered into the centralized registry
37 set forth in Section 11106 prior to January 1, 2015 as being owned
38 by a specific individual or entity if that firearm has assigned to it
39 a distinguishing number or mark of identification to that firearm

1 by virtue of the department accepting entry of that firearm into the
2 centralized registry.

3 (d) A firearm that has a serial number assigned to it pursuant
4 to Chapter 53 of Title 26 of the United States Code and the
5 regulations issued pursuant thereto.

6 29182. (a) (1) The Department of Justice shall accept
7 applications from, and shall grant applications in the form of serial
8 numbers pursuant to Section 23910 to, persons who wish to
9 manufacture or assemble firearms pursuant to subdivision (b) of
10 Section 29180.

11 (2) The Department of Justice shall accept applications from,
12 and shall grant applications in the form of serial numbers pursuant
13 to Section 23910 to, persons who wish to own a firearm described
14 in subdivision (c) of Section 29180.

15 (b) An application made pursuant to subdivision (a) shall only
16 be granted by the department if the applicant does all of the
17 following:

18 (1) Completes a personal firearms eligibility check pursuant to
19 Section 30105, demonstrating that the applicant is not prohibited
20 by state or federal law from possessing, receiving, owning, or
21 purchasing a firearm.

22 (2) Presents proof of age and identity as specified in Section
23 16400. The applicant shall be 18 years of age or older to obtain a
24 unique serial number or mark of identification for a firearm that
25 is not a handgun, and shall be 21 years of age or older to obtain a
26 unique serial number or mark of identification for a handgun.

27 (3) Provide a description of the firearm that he or she owns or
28 intends to manufacture or assemble, in a manner prescribed by the
29 department.

30 (4) Have a valid firearm safety certificate or handgun safety
31 certificate.

32 (c) The department shall inform applicants who are denied an
33 application of the reasons for the denial in writing.

34 (d) All applications shall be granted or denied within 15 calendar
35 days of the receipt of the application by the department.

36 (e) This chapter does not authorize a person to manufacture,
37 assemble, or possess a weapon prohibited under Section 16590,
38 an assault weapon as defined in Section 30510 or 30515, a
39 machinegun as defined in Section 16880, a .50 BMG rifle as

1 defined in Section 30530, or a destructive device as defined in
2 Section 16460.

3 (f) The department shall adopt regulations to administer this
4 chapter.

5 *29183. The Department of Justice may charge an applicant a*
6 *fee for each distinguishing number or mark it issues in an amount*
7 *sufficient to reimburse it for the actual costs associated with*
8 *assigning a distinguishing number or mark to a firearm pursuant*
9 *to Sections 29180 and 29182. All money received pursuant to this*
10 *section shall be deposited in the Dealers' Record of Sale Special*
11 *Account of the General Fund, to be available upon appropriation*
12 *by the legislature.*

13 ~~29183.~~

14 *29184. The Department of Justice shall maintain and make*
15 *available upon request information concerning—~~all~~ both of the*
16 *following:*

17 (a) ~~The number of applications made and granted serial numbers~~
18 ~~issued pursuant to Section 29182.~~

19 ~~(b) The amount of fees collected pursuant to Section 29182.~~

20 (e)

21 (b) The number of arrests for violations of Section 29180.

22 *SEC. 5. Section 30105 of the Penal Code is amended to read:*

23 30105. (a) An individual may request that the Department of
24 Justice perform a firearms eligibility check for that individual. The
25 applicant requesting the eligibility check shall provide the personal
26 information required by Section ~~28160 or 28165~~, 28160, as
27 applicable, but not any information regarding any firearm, to the
28 department, in an application specified by the department.

29 (b) The department shall charge a fee of twenty dollars (\$20)
30 for performing the eligibility check authorized by this section, but
31 not to exceed the actual processing costs of the department. After
32 the department establishes fees sufficient to reimburse the
33 department for processing costs, fees charged may increase at a
34 rate not to exceed the legislatively approved cost-of-living
35 adjustment for the department's budget or as otherwise increased
36 through the Budget Act.

37 (c) An applicant for the eligibility check pursuant to subdivision
38 (a) shall complete the application, have it notarized by any licensed
39 California Notary Public, and submit it by mail to the department.

1 (d) Upon receipt of a notarized application and fee, the
2 department shall do all of the following:

3 (1) Examine its records, and the records it is authorized to
4 request from the State Department of State Hospitals pursuant to
5 Section 8104 of the Welfare and Institutions Code, to determine
6 if the purchaser is prohibited by state or federal law from
7 possessing, receiving, owning, or purchasing a firearm.

8 (2) Notify the applicant by mail of its determination of whether
9 the applicant is prohibited by state or federal law from possessing,
10 receiving, owning, or purchasing a firearm. The department's
11 notification shall state either "eligible to possess firearms as of the
12 date the check was completed" or "ineligible to possess firearms
13 as of the date the check was completed."

14 (e) If the department determines that the information submitted
15 to it in the application contains any blank spaces, or inaccurate,
16 illegible, or incomplete information, preventing identification of
17 the applicant, or if the required fee is not submitted, the department
18 shall not be required to perform the firearms eligibility check.

19 (f) The department shall make applications to conduct a firearms
20 eligibility check as described in this section available to licensed
21 firearms dealers and on the department's Internet Web site.

22 (g) The department shall be immune from any liability arising
23 out of the performance of the firearms eligibility check, or any
24 reliance upon the firearms eligibility check.

25 (h) ~~No~~ *Except as provided in Sections 29180 and 29182, a*
26 *person or agency may shall not* require or request ~~another person~~
27 *an individual* to obtain a firearms eligibility check or notification
28 of a firearms eligibility check pursuant to this section. A violation
29 of this subdivision is a misdemeanor.

30 (i) The department shall include on the application specified in
31 subdivision (a) and the notification of eligibility specified in
32 subdivision (d) the following statements:

33
34 "No person or agency may require or request ~~another person~~ *an*
35 *individual* to obtain a firearms eligibility check or notification of
36 firearms eligibility check pursuant to Section 30105 of the Penal
37 Code. A violation of these provisions is a misdemeanor."
38

1 “If the applicant for a firearms eligibility check purchases,
2 transfers, or receives a firearm through a licensed dealer as required
3 by law, a waiting period and background check are both required.”
4

5 *SEC. 6. Section 1.5 of this bill incorporates amendments to*
6 *Section 11106 of the Penal Code proposed by both this bill and*
7 *Senate Bill 53. It shall only become operative if (1) both bills are*
8 *enacted and become effective on or before January 1, 2015, (2)*
9 *each bill amends Section 11106 of the Penal Code, and (3) this*
10 *bill is enacted after Senate Bill 53, in which case Section 1 of this*
11 *bill shall not become operative.*

12 ~~SEC. 6.~~

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