

AMENDED IN SENATE MAY 6, 2014

SENATE BILL

No. 1354

Introduced by Senator Knight

February 21, 2014

An act to amend Sections 18900, 23000, 23655, 26710, 26715, 27200, 27555, 28450, 29050, 29060, 29500, 30105, 31000, 31005, 31320, 31635, 32010, 32315, 32650, 32700, 33300, and 33850 of, and to add Section 16030 to, the Penal Code, relating to deadly weapons.

LEGISLATIVE COUNSEL'S DIGEST

SB 1354, as amended, Knight. Deadly weapons: ~~permits and licenses issued by applications to~~ the Department of Justice.

Existing law generally regulates deadly weapons, including prohibitions on various types of deadly weapons. Under existing law, the Department of Justice is required to review and approve or deny applications for licenses and permits to, among other things, possess, sell, lease, transfer, manufacture, surrender, or dispose of certain other types of deadly weapons.

This bill would require, ~~except as otherwise provided,~~ the department to make a determination on each application for a license or permit for certain ~~applications related to deadly weapons within 90 days,~~ *weapons,* and notify the applicant in writing of that ~~determination~~ *determination,* ~~within 10 days of the determination.~~ *90 calendar days from the date the department receives the application. The bill would require the department to notify each applicant in writing within 30 calendar days from the date an application is received by the department if the department deems the application to be incomplete. The bill would also require a determination by the department denying an application to set forth the specific reasons for the department's denial of the*

application, and provide the applicant with a form for appealing the department’s determination. The bill would define “determination” and “each application” “application” for those purposes.

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

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

1 SECTION 1. Section 16030 is added to the Penal Code, to
 2 read:

3 16030. (a) ~~Except as otherwise provided in this part, the~~
 4 ~~Department of Justice shall make a determination on each~~
 5 ~~application for a license or permit under this part before the~~
 6 ~~expiration of 90 calendar days from the date the department~~
 7 ~~receives the application. All of the following provisions shall apply~~
 8 ~~to the Department of Justice in reviewing and approving an~~
 9 ~~application received by the department pursuant to the provisions~~
 10 ~~specified in paragraph (1) of subdivision (b):~~

11 (1) *The department shall notify each applicant in writing within*
 12 *30 calendar days from the date an application is received by the*
 13 *department if the department deems the application to be*
 14 *incomplete.*

15 (2) (A) *The department shall make a determination on each*
 16 *application, and provide written notice of that determination to*
 17 *the applicant, before the expiration of 90 calendar days from the*
 18 *date the department receives the application.*

19 (B) *If the department is unable to make a determination on an*
 20 *application within 90 calendar days due to circumstances beyond*
 21 *the department’s control, the time limit in subparagraph (A) may*
 22 *be extended by written notice to the applicant setting forth the*
 23 *reasons for the extension and the date on which a determination*
 24 *on the application is expected.*

25 (C) *A written notice sent to an applicant pursuant to*
 26 *subparagraph (B) shall not specify a date that would result in an*
 27 *extension for more than 90 calendar days beyond the time limit in*
 28 *subparagraph (A).*

29 (3) *A determination by the department denying an application*
 30 *shall set forth the specific reasons for the department’s denial of*
 31 *the application, and provide the applicant with a form for*
 32 *appealing the department’s determination.*

1 ~~(b) Except as otherwise provided in this part, the Department~~
2 ~~of Justice shall give each applicant timely written notice of its~~
3 ~~determination on each application for a license or permit under~~
4 ~~this part, but in no case shall the date the department's notice is~~
5 ~~transmitted exceed 10 calendar days from the date of its~~
6 ~~determination.~~

7 (e)

8 (b) For purposes of this section, the following definitions apply:

9 (1) "Application" means an application received by the
10 Department of Justice pursuant to Section 18900, 23000, 23655,
11 26710, 26715, 27200, 27555, 28450, 29050, 29060, 29500, 30105,
12 31000, 31005, 31320, 31635, 32010, 32315, 32650, 32700, 33300,
13 or 33850.

14 (2) "Department" means the Department of Justice.

15 (4)

16 (3) "Determination" means a finding that an application has
17 been approved or denied by the Department of Justice.

18 ~~(2) "Each application" means applications of all types under~~
19 ~~this part, including, but not limited to, initial and renewal~~
20 ~~applications.~~

21 (c) *This section does not require the department to approve an*
22 *application if the department is not able to make a determination*
23 *within the time limits prescribed by this section.*

24 SEC. 2. Section 18900 of the Penal Code is amended to read:

25 18900. (a) Every dealer, manufacturer, importer, and exporter
26 of any destructive device, or any motion picture or television studio
27 using destructive devices in the conduct of its business, shall obtain
28 a permit for the conduct of that business from the Department of
29 Justice.

30 (b) Any person, firm, or corporation not mentioned in
31 subdivision (a) shall obtain a permit from the Department of Justice
32 in order to possess or transport any destructive device. No permit
33 shall be issued to any person who meets any of the following
34 criteria:

35 (1) Has been convicted of any felony.

36 (2) Is addicted to the use of any narcotic drug.

37 (3) Is prohibited by state or federal law from possessing,
38 receiving, owning, or purchasing a firearm.

39 (c) An application for a permit shall comply with all of the
40 following:

1 (1) It shall be filed in writing.

2 (2) It shall be signed by the applicant if an individual, or by a
3 member or officer qualified to sign if the applicant is a firm or
4 corporation.

5 (3) It shall state the name, business in which engaged, business
6 address, and a full description of the use to which the destructive
7 devices are to be put.

8 (d) Applications and permits shall be uniform throughout the
9 state on forms prescribed by the Department of Justice.

10 (e) *The Department of Justice shall comply with Section 16030*
11 *in reviewing and approving an application for a permit pursuant*
12 *to this section.*

13 *SEC. 3. Section 23000 of the Penal Code is amended to read:*

14 23000. The Department of Justice may issue a permit for the
15 possession and transportation of tear gas or a tear gas weapon that
16 is not intended or certified for personal self-defense purposes, upon
17 proof that good cause exists for issuance of the permit to the
18 applicant. The permit may also allow the applicant to install,
19 maintain, and operate a protective system involving the use of tear
20 gas or a tear gas weapon in any place that is accurately and
21 completely described in the permit application. *The Department*
22 *of Justice shall comply with Section 16030 in reviewing and*
23 *approving an application for a permit pursuant to this section.*

24 *SEC. 4. Section 23655 of the Penal Code is amended to read:*

25 23655. (a) The Department of Justice shall certify laboratories
26 to verify compliance with standards for firearm safety devices set
27 forth in Section 23650. *The Department of Justice shall comply*
28 *with Section 16030 in reviewing and certifying laboratories*
29 *pursuant to this section.*

30 (b) The Department of Justice may charge any laboratory that
31 is seeking certification to test firearm safety devices a fee not
32 exceeding the costs of certification, including costs associated with
33 the development and approval of regulations and standards pursuant
34 to Section 23650.

35 (c) The certified laboratory shall, at the manufacturer's or
36 dealer's expense, test a firearm safety device and submit a copy
37 of the final test report directly to the Department of Justice, along
38 with the firearm safety device. The department shall notify the
39 manufacturer or dealer of its receipt of the final test report and the

1 department's determination as to whether the firearm safety device
2 tested may be sold in this state.

3 (d) Commencing on July 1, 2001, the Department of Justice
4 shall compile, publish, and maintain a roster listing all of the
5 firearm safety devices that have been tested by a certified testing
6 laboratory, have been determined to meet the department's
7 standards for firearm safety devices, and may be sold in this state.

8 (e) The roster shall list, for each firearm safety device, the
9 manufacturer, model number, and model name.

10 (f) The department may randomly retest samples obtained from
11 sources other than directly from the manufacturer of the firearm
12 safety device listed on the roster to ensure compliance with the
13 requirements of this division.

14 (g) Firearm safety devices used for random sample testing and
15 obtained from sources other than the manufacturer shall be in new,
16 unused condition, and still in the manufacturer's original and
17 unopened package.

18 *SEC. 5. Section 26710 of the Penal Code is amended to read:*

19 26710. (a) A person may request a certificate of eligibility
20 from the Department of Justice.

21 (b) The Department of Justice shall examine its records and
22 records available to the department in the National Instant Criminal
23 Background Check System in order to determine if the applicant
24 is prohibited by state or federal law from possessing, receiving,
25 owning, or purchasing a firearm.

26 (c) The department shall issue a certificate to an applicant if the
27 department's records indicate that the applicant is not a person
28 who is prohibited by state or federal law from possessing firearms.

29 (d) The department shall adopt regulations to administer the
30 certificate of eligibility program and shall recover the full costs of
31 administering the program by imposing fees assessed to applicants
32 who apply for those certificates.

33 (e) *The Department of Justice shall comply with Section 16030*
34 *in reviewing and approving a request for a certificate of eligibility*
35 *pursuant to this section.*

36 *SEC. 6. Section 26715 of the Penal Code is amended to read:*

37 26715. (a) (1) Except as otherwise provided in paragraphs
38 (1) and (3) of subdivision (b), the Department of Justice shall keep
39 a centralized list of all persons licensed pursuant to subdivisions
40 (a) to (e), inclusive, of Section 26700.

1 (2) *If the Department of Justice authorizes a person to apply to*
2 *be on the centralized list described in paragraph (1), the*
3 *department shall comply with Section 16030 in reviewing and*
4 *approving that application.*

5 (b) (1) The department may remove from this list any person
6 who knowingly or with gross negligence violates a provision listed
7 in Section 16575.

8 (2) The department shall remove from the centralized list any
9 person whose federal firearms license has expired or has been
10 revoked.

11 (3) Upon removal of a dealer from this list, notification shall
12 be provided to local law enforcement and licensing authorities in
13 the jurisdiction where the dealer's business is located.

14 (c) Information compiled from the list shall be made available,
15 upon request, for the following purposes only:

16 (1) For law enforcement purposes.

17 (2) When the information is requested by a person licensed
18 pursuant to Chapter 44 (commencing with Section 921) of Title
19 18 of the United States Code for determining the validity of the
20 license for firearm shipments.

21 (3) When information is requested by a person promoting,
22 sponsoring, operating, or otherwise organizing a show or event as
23 defined in Section 478.100 of Title 27 of the Code of Federal
24 Regulations, or its successor, who possesses a valid certificate of
25 eligibility issued pursuant to Article 1 (commencing with Section
26 27200) of Chapter 3, if that information is requested by the person
27 to determine the eligibility of a prospective participant in a gun
28 show or event to conduct transactions as a firearms dealer pursuant
29 to subdivision (b) of Section 26805.

30 (d) Information provided pursuant to subdivision (c) shall be
31 limited to information necessary to corroborate an individual's
32 current license status as being one of the following:

33 (1) A person licensed pursuant to subdivisions (a) to (e),
34 inclusive, of Section 26700.

35 (2) A person who is licensed pursuant to Chapter 44
36 (commencing with Section 921) of Title 18 of the United States
37 Code, and who is not subject to the requirement of being licensed
38 pursuant to subdivisions (a) to (e), inclusive, of Section 26700.

39 *SEC. 7. Section 27200 of the Penal Code is amended to read:*

1 27200. (a) No person shall produce, promote, sponsor, operate,
2 or otherwise organize a gun show or event, as specified in
3 subdivision (b) of Section 26805, unless that person possesses a
4 valid certificate of eligibility from the Department of Justice.

5 (b) Unless the department's records indicate that the applicant
6 is a person prohibited from possessing firearms, a certificate of
7 eligibility shall be issued by the Department of Justice to an
8 applicant provided the applicant does all of the following:

9 (1) Certifies that the applicant is familiar with the provisions of
10 this article and Article 2 (commencing with Section 27300).

11 (2) Ensures that liability insurance is in effect for the duration
12 of an event or show in an amount of not less than one million
13 dollars (\$1,000,000).

14 (3) Provides an annual list of the gun shows or events that the
15 applicant plans to promote, produce, sponsor, operate, or otherwise
16 organize during the year for which the certificate of eligibility is
17 issued, including the date, time, and location of the gun shows or
18 events.

19 (c) If during that year the information required by paragraph
20 (3) of subdivision (b) changes, or additional gun shows or events
21 will be promoted, produced, sponsored, operated, or otherwise
22 organized by the applicant, the producer shall notify the
23 Department of Justice no later than 30 days prior to the gun show
24 or event.

25 (d) The Department of Justice shall adopt regulations to
26 administer the certificate of eligibility program under this section.

27 (e) The Department of Justice shall recover the full costs of
28 administering the certificate of eligibility program by fees assessed
29 applicants who apply for certificates. A licensed gun show producer
30 shall be assessed an annual fee of eighty-five dollars (\$85) by the
31 department.

32 (f) It is the intent of the Legislature that the certificate of
33 eligibility program established pursuant to this section be
34 incorporated into the certificate of eligibility program established
35 pursuant to Section 26710 to the maximum extent practicable.

36 (g) *The Department of Justice shall comply with Section 16030*
37 *in reviewing and approving an application for a certificate of*
38 *eligibility pursuant to this section.*

39 *SEC. 8. Section 27555 of the Penal Code is amended to read:*

1 27555. (a) (1) Commencing July 1, 2008, a person who is
2 licensed pursuant to Chapter 44 (commencing with Section 921)
3 of Title 18 of the United States Code may not sell, deliver, or
4 transfer a firearm to a person in California who is licensed pursuant
5 to Chapter 44 (commencing with Section 921) of Title 18 of the
6 United States Code unless, prior to delivery, the person intending
7 to sell, deliver, or transfer the firearm obtains a verification number
8 via the Internet for the intended sale, delivery, or transfer, from
9 the Department of Justice. *The Department of Justice shall comply*
10 *with Section 16030 in reviewing and approving a request for a*
11 *verification number pursuant to this section.*

12 (2) If Internet service is unavailable to either the department or
13 the licensee due to a technical or other malfunction, or a federal
14 firearms licensee who is located outside of California does not
15 possess a computer or have Internet access, alternate means of
16 communication, including facsimile or telephone, shall be made
17 available for a licensee to obtain a verification number in order to
18 comply with this section.

19 (b) For every verification number request received pursuant to
20 this section, the department shall determine whether the intended
21 recipient is on the centralized list of firearms dealers pursuant to
22 Section 26715, or the centralized list of exempted federal firearms
23 licensees pursuant to Section 28450, or the centralized list of
24 firearms manufacturers pursuant to Section 29060.

25 (c) (1) If the department finds after the reviews specified in
26 subdivision (b) that the intended recipient is authorized to receive
27 the firearm shipment, the department shall issue to the inquiring
28 party, a unique verification number for the intended sale, delivery,
29 or transfer. One verification number shall be issued for each sale,
30 delivery, or transfer, which may involve multiple firearms.

31 (2) In addition to the unique verification number, the department
32 may provide to the inquiring party information necessary for
33 determining the eligibility of the intended recipient to receive the
34 firearm.

35 (3) The person intending to sell, deliver, or transfer the firearm
36 shall provide the unique verification number to the recipient along
37 with the firearm upon delivery, in a manner to be determined by
38 the department.

39 (d) If the department finds after the reviews specified in
40 subdivision (b) that the intended recipient is not authorized to

1 receive the firearm shipment, the department shall notify the
2 inquiring party that the intended recipient is ineligible to receive
3 the shipment.

4 (e) The department shall prescribe the manner in which the
5 verification numbers may be requested via the Internet, or by
6 alternate means of communication, such as by facsimile or
7 telephone, including all required enrollment information and
8 procedures.

9 *SEC. 9. Section 28450 of the Penal Code is amended to read:*

10 28450. (a) Commencing January 1, 2008, the Department of
11 Justice shall keep a centralized list of persons who identify
12 themselves as being licensed pursuant to Chapter 44 (commencing
13 with Section 921) of Title 18 of the United States Code as a dealer,
14 importer, or manufacturer of firearms whose licensed premises
15 are within this state and who declare to the department an
16 exemption from the firearms dealer licensing requirements of
17 Section 26500.

18 (b) The list shall be known as the centralized list of exempted
19 federal firearms licensees.

20 (c) To qualify for placement on the centralized list, an applicant
21 shall do all of the following:

22 (1) Possess a valid federal firearms license pursuant to Chapter
23 44 (commencing with Section 921) of Title 18 of the United States
24 Code as a dealer, importer, or manufacturer of firearms.

25 (2) Possess a current, valid certificate of eligibility pursuant to
26 Section 26710.

27 (3) Maintain with the department a signed declaration
28 enumerating the applicant's statutory exemptions from licensing
29 requirements of Section 26500.

30 (d) *The Department of Justice shall comply with Section 16030*
31 *in reviewing and approving an application to be placed on the*
32 *centralized list pursuant to this section.*

33 *SEC. 10. Section 29050 of the Penal Code is amended to read:*

34 29050. (a) The Department of Justice shall accept applications
35 for, and shall grant licenses permitting, the manufacture of firearms
36 within this state.

37 (b) No license shall be granted by the department unless and
38 until the applicant presents proof that the applicant has all of the
39 following:

1 (1) A valid license to manufacture firearms issued pursuant to
2 Chapter 44 (commencing with Section 921) of Title 18 of the
3 United States Code.

4 (2) Any regulatory or business license required by local
5 government.

6 (3) A valid seller's permit or resale certificate issued by the
7 State Board of Equalization, if applicable.

8 (4) A certificate of eligibility issued by the Department of Justice
9 pursuant to Section 26710.

10 (c) A license granted by the department shall be valid for no
11 more than one year from the date of issuance and shall be in the
12 form prescribed by the Attorney General.

13 (d) The department shall inform applicants who are denied
14 licenses of the reasons for the denial in writing.

15 (e) *The Department of Justice shall comply with Section 16030*
16 *in reviewing and approving an application for a license pursuant*
17 *to this section.*

18 *SEC. 11. Section 29060 of the Penal Code is amended to read:*

19 29060. (a) Except as otherwise provided in subdivisions (a)
20 and (b) of Section ~~20965~~, 29065 the Department of Justice shall
21 maintain a centralized list of all persons licensed pursuant to
22 subdivision (b) of Section 29050.

23 (b) The centralized list shall be provided annually to each police
24 department and county sheriff within the state.

25 (c) *If the Department of Justice authorizes a person to apply to*
26 *be on the centralized list described in subdivision (a), the*
27 *department shall comply with Section 16030 in reviewing and*
28 *approving that application.*

29 *SEC. 12. Section 29500 of the Penal Code is amended to read:*

30 29500. Any person who is at least 21 years of age may apply
31 for an entertainment firearms permit from the Department of
32 Justice. An entertainment firearms permit authorizes the
33 permitholder to possess firearms loaned to the permitholder for
34 use solely as a prop in a motion picture, television, video, theatrical,
35 or other entertainment production or event. *The Department of*
36 *Justice shall comply with Section 16030 in reviewing and*
37 *approving an application for a permit pursuant to this section.*

38 *SEC. 13. Section 30105 of the Penal Code is amended to read:*

39 30105. (a) An individual may request that the Department of
40 Justice perform a firearms eligibility check for that individual. The

1 applicant requesting the eligibility check shall provide the personal
2 information required by Section 28160-~~or 28165~~, as applicable,
3 but not any information regarding any firearm, to the department,
4 in an application specified by the department. *The Department of*
5 *Justice shall comply with Section 16030 in reviewing and*
6 *performing a firearms eligibility check pursuant to this section.*

7 (b) The department shall charge a fee of twenty dollars (\$20)
8 for performing the eligibility check authorized by this section, but
9 not to exceed the actual processing costs of the department. After
10 the department establishes fees sufficient to reimburse the
11 department for processing costs, fees charged may increase at a
12 rate not to exceed the legislatively approved cost-of-living
13 adjustment for the department's budget or as otherwise increased
14 through the Budget Act.

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

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

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

25 (2) Notify the applicant by mail of its determination of whether
26 the applicant is prohibited by state or federal law from possessing,
27 receiving, owning, or purchasing a firearm. The department's
28 notification shall state either "eligible to possess firearms as of the
29 date the check was completed" or "ineligible to possess firearms
30 as of the date the check was completed."

31 (e) If the department determines that the information submitted
32 to it in the application contains any blank spaces, or inaccurate,
33 illegible, or incomplete information, preventing identification of
34 the applicant, or if the required fee is not submitted, the department
35 shall not be required to perform the firearms eligibility check.

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

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

4 (h) No person or agency may require or request another person
5 to obtain a firearms eligibility check or notification of a firearms
6 eligibility check pursuant to this section. A violation of this
7 subdivision is a misdemeanor.

8 (i) The department shall include on the application specified in
9 subdivision (a) and the notification of eligibility specified in
10 subdivision (d) the following statements:

11
12 “No person or agency may require or request another person to
13 obtain a firearms eligibility check or notification of firearms
14 eligibility check pursuant to Section 30105 of the Penal Code. A
15 violation of these provisions is a misdemeanor.”

16
17 “If the applicant for a firearms eligibility check purchases,
18 transfers, or receives a firearm through a licensed dealer as required
19 by law, a waiting period and background check are both required.”

20
21 *SEC. 14. Section 31000 of the Penal Code is amended to read:*
22 31000. (a) Any person who lawfully acquired an assault
23 weapon before June 1, 1989, or a .50 BMG rifle before January
24 1, 2005, and wishes to use it in a manner different than specified
25 in Section 30945 shall first obtain a permit from the Department
26 of Justice in the same manner as specified in Article 3
27 (commencing with Section 32650) of Chapter 6.

28 (b) Any person who lawfully acquired an assault weapon
29 between June 1, 1989, and January 1, 1990, and wishes to keep it
30 after January 1, 1990, shall first obtain a permit from the
31 Department of Justice in the same manner as specified in Article
32 3 (commencing with Section 32650) of Chapter 6.

33 (c) Any person who wishes to acquire an assault weapon after
34 January 1, 1990, or a .50 BMG rifle after January 1, 2005, shall
35 first obtain a permit from the Department of Justice in the same
36 manner as specified in Article 3 (commencing with Section 32650)
37 of Chapter 6.

38 (d) On and after January 1, 2014, no partnership, corporation,
39 limited liability company, association, or any other group or entity,

1 regardless of how the entity was created, may be issued a permit
2 to ~~posses~~ possess an assault weapon or a .50 BMG rifle.

3 (e) *The Department of Justice shall comply with Section 16030*
4 *in reviewing and approving an application for a permit pursuant*
5 *to this section.*

6 *SEC. 15. Section 31005 of the Penal Code is amended to read:*

7 31005. (a) The Department of Justice may, upon a finding of
8 good cause, issue permits for the manufacture or sale of assault
9 weapons or .50 BMG rifles for the sale to, purchase by, or
10 possession of assault weapons or .50 BMG rifles by, any of the
11 following:

12 (1) The agencies listed in Section 30625, and the officers
13 described in Section 30630.

14 (2) Entities and persons who have been issued permits pursuant
15 to this section or Section 31000.

16 (3) Federal law enforcement and military agencies.

17 (4) Law enforcement and military agencies of other states.

18 (5) Foreign governments and agencies approved by the United
19 States State Department.

20 (6) Entities outside the state who have, in effect, a federal
21 firearms dealer's license solely for the purpose of distribution to
22 an entity listed in paragraphs (3) to (5), inclusive.

23 (b) Application for the permits, the keeping and inspection
24 thereof, and the revocation of permits shall be undertaken in the
25 same manner as specified in Article 3 (commencing with Section
26 32650) of Chapter 6.

27 (c) *The Department of Justice shall comply with Section 16030*
28 *in reviewing and approving an application for a permit pursuant*
29 *to this section.*

30 *SEC. 16. Section 31320 of the Penal Code is amended to read:*

31 31320. (a) Any person engaged in the manufacture or sale of
32 body armor may apply to the Department of Justice for certification
33 that a particular type of body armor manufactured or sold by that
34 person is acceptable.

35 (b) The applicant shall reimburse the state for any actual
36 expenses incurred by the state in testing and certifying a particular
37 type of body armor.

38 (c) *The Department of Justice shall comply with Section 16030*
39 *in reviewing and approving an application for certification*
40 *pursuant to this section.*

1 *SEC. 17. Section 31635 of the Penal Code, as added by Section*
2 *24 of Chapter 761 of the Statutes of 2013, is amended to read:*

3 31635. (a) The department shall prescribe a minimum level
4 of skill, knowledge, and competency to be required of all firearm
5 safety certificate instructors. *The Department of Justice shall*
6 *comply with Section 16030 in reviewing and certifying a firearm*
7 *safety instructor pursuant to this section.*

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

14 (1) Department of Consumer Affairs, State of California-Firearm
15 Training Instructor.

16 (2) Director of Civilian Marksmanship, Instructor or
17 Rangemaster.

18 (3) Federal Government, Certified Rangemaster or Firearm
19 Instructor.

20 (4) Federal Law Enforcement Training Center, Firearm
21 Instructor Training Program or Rangemaster.

22 (5) United States Military, Military Occupational Specialty
23 (MOS) as marksmanship or firearms instructor. Assignment as
24 Range Officer or Safety Officer is not sufficient.

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

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

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

31 ~~(e) This section shall become operative on January 1, 2015.~~

32 *SEC. 18. Section 32010 of the Penal Code is amended to read:*

33 32010. (a) Any pistol, revolver, or other firearm capable of
34 being concealed upon the person manufactured in this state,
35 imported into the state for sale, kept for sale, or offered or exposed
36 for sale, shall be tested within a reasonable period of time by an
37 independent laboratory certified pursuant to subdivision (b) to
38 determine whether that pistol, revolver, or other firearm capable
39 of being concealed upon the person meets or exceeds the standards
40 defined in Section 31910.

1 (b) On or before October 1, 2000, the Department of Justice
2 shall certify laboratories to verify compliance with the standards
3 defined in Section 31910. The department may charge any
4 laboratory that is seeking certification to test any pistol, revolver,
5 or other firearm capable of being concealed upon the person
6 pursuant to Sections 31900 to 32110, inclusive, a fee not exceeding
7 the costs of certification. *The Department of Justice shall comply*
8 *with Section 16030 in reviewing and certifying laboratories*
9 *pursuant to this section.*

10 (c) The certified testing laboratory shall, at the manufacturer's
11 or importer's expense, test the firearm and submit a copy of the
12 final test report directly to the Department of Justice along with a
13 prototype of the weapon to be retained by the department. The
14 department shall notify the manufacturer or importer of its receipt
15 of the final test report and the department's determination as to
16 whether the firearm tested may be sold in this state.

17 (d) (1) Commencing January 1, 2006, no center-fire
18 semiautomatic pistol may be submitted for testing pursuant to
19 Sections 31900 to 32110, inclusive, if it does not have either a
20 chamber load indicator, or a magazine disconnect mechanism if
21 it has a detachable magazine.

22 (2) Commencing January 1, 2007, no center-fire semiautomatic
23 pistol may be submitted for testing pursuant to Sections 31900 to
24 32110, inclusive, if it does not have both a chamber load indicator
25 and a magazine disconnect mechanism.

26 (3) Commencing January 1, 2006, no rimfire semiautomatic
27 pistol may be submitted for testing pursuant to Sections 31900 to
28 32110, inclusive, if it has a detachable magazine, and does not
29 have a magazine disconnect mechanism.

30 *SEC. 19. Section 32315 of the Penal Code is amended to read:*

31 32315. Upon a showing that good cause exists, the Department
32 of Justice may issue permits for the possession, transportation, or
33 sale between a person licensed pursuant to Sections 26700 to
34 26915, inclusive, and an out-of-state client, of large-capacity
35 magazines. *The Department of Justice shall comply with Section*
36 *16030 in reviewing and approving an application for a permit*
37 *pursuant to this section.*

38 *SEC. 20. Section 32650 of the Penal Code is amended to read:*

39 32650. (a) The Department of Justice may issue permits for
40 the possession, manufacture, and transportation or possession,

1 manufacture, or transportation of machineguns, upon a satisfactory
2 showing that good cause exists for the issuance of the permit to
3 the applicant. No permit shall be issued to a person who is under
4 18 years of age.

5 (b) A permit for possession issued pursuant to this section may
6 only be issued to an individual, and may not be issued to a
7 partnership, corporation, limited liability company, association,
8 or any other group or entity, regardless of how that entity was
9 created.

10 (c) *The Department of Justice shall comply with Section 16030*
11 *in reviewing and approving an application for a permit pursuant*
12 *to this section.*

13 *SEC. 21. Section 32700 of the Penal Code is amended to read:*

14 32700. (a) The Department of Justice may grant a license to
15 permit the sale of machineguns at the place specified in the license,
16 subject to all of the following conditions:

17 ~~(a)~~

18 (1) The business shall be carried on only in the place designated
19 in the license.

20 ~~(b)~~

21 (2) The license or a certified copy of the license must be
22 displayed on the premises in a place where it may easily be read.

23 ~~(c)~~

24 (3) No machinegun shall be delivered to any person not
25 authorized to receive the machinegun under the provisions of this
26 chapter.

27 ~~(d)~~

28 (4) A complete record must be kept of sales made under the
29 authority of the license, showing the name and address of the
30 purchaser, the descriptions and serial numbers of the weapons
31 purchased, the number and date of issue of the purchaser's permit,
32 if any, and the signature of the purchaser or purchasing agent. This
33 record shall be open to the inspection of any peace officer or other
34 person designated by the Attorney General.

35 (b) *The Department of Justice shall comply with Section 16030*
36 *in reviewing and approving an application for a license pursuant*
37 *to this section.*

38 *SEC. 22. Section 33300 of the Penal Code is amended to read:*

39 33300. (a) Upon a showing that good cause exists for issuance
40 of a permit to the applicant, and if the Department of Justice finds

1 that issuance of the permit does not endanger the public safety,
2 the department may issue a permit for the manufacture, possession,
3 importation, transportation, or sale of short-barreled rifles or
4 short-barreled shotguns. The permit shall be initially valid for a
5 period of one year, and renewable annually thereafter. No permit
6 shall be issued to a person who is under 18 years of age.

7 (b) Good cause, for the purposes of this section, shall be limited
8 to only the following:

9 (1) The permit is sought for the manufacture, possession,
10 importation, or use with blank cartridges, of a short-barreled rifle
11 or short-barreled shotgun, solely as a prop for a motion picture,
12 television, or video production or entertainment event.

13 (2) The permit is sought for the manufacture of, exposing for
14 sale, keeping for sale, sale of, importation or lending of
15 short-barreled rifles or short-barreled shotguns to the entities listed
16 in Section 33220 by persons who are licensed as dealers or
17 manufacturers under the provisions of Chapter 53 (commencing
18 with Section 5801) of Title 26 of the United States Code, as
19 amended, and the regulations issued pursuant thereto.

20 (c) *The Department of Justice shall comply with Section 16030*
21 *in reviewing and approving an application for a permit pursuant*
22 *to this section.*

23 *SEC. 23. Section 33850 of the Penal Code is amended to read:*

24 33850. (a) Any person who claims title to any firearm that is
25 in the custody or control of a court or law enforcement agency and
26 who wishes to have the firearm returned shall make application
27 for a determination by the Department of Justice as to whether the
28 applicant is eligible to possess a firearm. *The Department of Justice*
29 *shall comply with Section 16030 in reviewing and approving an*
30 *application for a determination pursuant to this section.* The
31 application shall include the following:

32 (1) The applicant's name, date and place of birth, gender,
33 telephone number, and complete address.

34 (2) Whether the applicant is a United States citizen. If the
35 applicant is not a United States citizen, the application shall also
36 include the applicant's country of citizenship and the applicant's
37 alien registration or I-94 number.

38 (3) If the firearm is a handgun, and commencing January 1,
39 2014, any firearm, the firearm's make, model, caliber, barrel length,
40 handgun type, country of origin, and serial number, provided,

1 however, that if the firearm is not a handgun and does not have a
2 serial number, identification number, or identification mark
3 assigned to it, there shall be a place on the application to note that
4 fact.

5 (4) For residents of California, the applicant's valid California
6 driver's license number or valid California identification card
7 number issued by the Department of Motor Vehicles. For
8 nonresidents of California, a copy of the applicant's military
9 identification with orders indicating that the individual is stationed
10 in California, or a copy of the applicant's valid driver's license
11 from the applicant's state of residence, or a copy of the applicant's
12 state identification card from the applicant's state of residence.
13 Copies of the documents provided by non-California residents
14 shall be notarized.

15 (5) The name of the court or law enforcement agency holding
16 the firearm.

17 (6) The signature of the applicant and the date of signature.

18 (7) Any person furnishing a fictitious name or address or
19 knowingly furnishing any incorrect information or knowingly
20 omitting any information required to be provided for the
21 application, including any notarized information pursuant to
22 paragraph (4), shall be guilty of a misdemeanor.

23 (b) A person who owns a firearm that is in the custody of a court
24 or law enforcement agency and who does not wish to obtain
25 possession of the firearm, and the firearm is an otherwise legal
26 firearm, and the person otherwise has right to title of the firearm,
27 shall be entitled to sell or transfer title of the firearm to a licensed
28 dealer.

29 (c) Any person furnishing a fictitious name or address, or
30 knowingly furnishing any incorrect information or knowingly
31 omitting any information required to be provided for the
32 application, including any notarized information pursuant to
33 paragraph (4) of subdivision (a), is punishable as a misdemeanor.