

AMENDED IN ASSEMBLY APRIL 6, 2016

CALIFORNIA LEGISLATURE—2015–16 REGULAR SESSION

**ASSEMBLY BILL**

**No. 1674**

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**Introduced by Assembly Member Santiago**  
**(Coauthor: Assembly Member Chiu)**  
**(Coauthor: Senator Leno)**

January 19, 2016

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An act to amend Sections 11106, 26835, 27535, 27540, ~~and 27590~~  
~~of 27585, 27590, and 27875 of, and to add Section 27877 to,~~ the Penal  
Code, relating to firearms.

LEGISLATIVE COUNSEL'S DIGEST

AB 1674, as amended, Santiago. Firearms: ~~waiting period.~~ *transfers.*

Existing law, subject to exceptions, prohibits a person from making more than one application to purchase a handgun within any 30-day period. Violation of that prohibition is a crime. Existing law exempts from that prohibition a firearms transaction where neither of the parties is a firearms dealer if the transaction is completed through a dealer. Existing law prohibits a firearms dealer from delivering a handgun to a person whenever the dealer is notified by the Department of Justice that within the preceding 30-day period the purchaser has made another application to purchase a handgun that does not fall within an exception to the 30-day prohibition. A violation of that delivery prohibition by the dealer is a crime.

This bill would make the 30-day prohibition and the dealer delivery prohibition described above applicable to all types of firearms. The bill would delete the private party transaction exemption to the 30-day prohibition. The bill would make additional conforming changes and technical, nonsubstantive changes.

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

*Existing law, if certain requirements are met, exempts certain transfers of firearms, including, among others, the inheritance of a firearm by a surviving spouse and the transfer resulting from a bequest between immediate family members, from the requirement of being processed by a firearms dealer and from being subject to certain restrictions on the importation of firearms.*

*This bill would recast some of those provisions to exempt from that requirement and those restrictions, any person acquiring ownership of firearms by bequest or intestate succession, if certain requirements are met. The bill would make additional conforming changes.*

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 is amended to  
2     read:

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

9     (A) All copies of fingerprints.

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

12    (C) Information reported to the Department of Justice pursuant  
13    to Section 26225, 27875, 27877, 27920, or 29830.

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

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

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

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

7 (H) Information provided pursuant to Section 28255.

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

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

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

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

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

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

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

24 (E) Former Section 12084.

25 (F) Section 28255.

26 (G) Any other law.

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

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

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

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

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

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

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

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

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

39 (A) Section 26225, 27875, 27877, or 27920.

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

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

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

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

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

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

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

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

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

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

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

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

1     ~~SECTION 1.~~

2     *SEC. 2.* Section 26835 of the Penal Code is amended to read:

3     26835. A licensee shall post conspicuously within the licensed  
4 premises the following warnings in block letters not less than one  
5 inch in height:

6  
7     (a) “IF YOU KEEP A LOADED FIREARM WITHIN ANY  
8 PREMISES UNDER YOUR CUSTODY OR CONTROL, AND  
9 A PERSON UNDER 18 YEARS OF AGE OBTAINS IT AND  
10 USES IT, RESULTING IN INJURY OR DEATH, OR CARRIES  
11 IT TO A PUBLIC PLACE, YOU MAY BE GUILTY OF A  
12 MISDEMEANOR OR A FELONY UNLESS YOU STORED  
13 THE FIREARM IN A LOCKED CONTAINER OR LOCKED  
14 THE FIREARM WITH A LOCKING DEVICE, TO KEEP IT  
15 FROM TEMPORARILY FUNCTIONING.”

16     (b) “IF YOU KEEP A PISTOL, REVOLVER, OR OTHER  
17 FIREARM CAPABLE OF BEING CONCEALED UPON THE  
18 PERSON, WITHIN ANY PREMISES UNDER YOUR CUSTODY  
19 OR CONTROL, AND A PERSON UNDER 18 YEARS OF AGE  
20 GAINS ACCESS TO THE FIREARM, AND CARRIES IT  
21 OFF-PREMISES, YOU MAY BE GUILTY OF A  
22 MISDEMEANOR, UNLESS YOU STORED THE FIREARM IN  
23 A LOCKED CONTAINER, OR LOCKED THE FIREARM WITH  
24 A LOCKING DEVICE, TO KEEP IT FROM TEMPORARILY  
25 FUNCTIONING.”

26     (c) “IF YOU KEEP ANY FIREARM WITHIN ANY  
27 PREMISES UNDER YOUR CUSTODY OR CONTROL, AND  
28 A PERSON UNDER 18 YEARS OF AGE GAINS ACCESS TO  
29 THE FIREARM, AND CARRIES IT OFF-PREMISES TO A  
30 SCHOOL OR SCHOOL-SPONSORED EVENT, YOU MAY BE  
31 GUILTY OF A MISDEMEANOR, INCLUDING A FINE OF UP  
32 TO FIVE THOUSAND DOLLARS (\$5,000), UNLESS YOU  
33 STORED THE FIREARM IN A LOCKED CONTAINER, OR  
34 LOCKED THE FIREARM WITH A LOCKING DEVICE.”

35     (d) “IF YOU NEGLIGENTLY STORE OR LEAVE A  
36 LOADED FIREARM WITHIN ANY PREMISES UNDER YOUR  
37 CUSTODY OR CONTROL, WHERE A PERSON UNDER 18  
38 YEARS OF AGE IS LIKELY TO ACCESS IT, YOU MAY BE  
39 GUILTY OF A MISDEMEANOR, INCLUDING A FINE OF UP  
40 TO ONE THOUSAND DOLLARS (\$1,000), UNLESS YOU

1 STORED THE FIREARM IN A LOCKED CONTAINER, OR  
2 LOCKED THE FIREARM WITH A LOCKING DEVICE.”

3 (e) “DISCHARGING FIREARMS IN POORLY VENTILATED  
4 AREAS, CLEANING FIREARMS, OR HANDLING  
5 AMMUNITION MAY RESULT IN EXPOSURE TO LEAD, A  
6 SUBSTANCE KNOWN TO CAUSE BIRTH DEFECTS,  
7 REPRODUCTIVE HARM, AND OTHER SERIOUS PHYSICAL  
8 INJURY. HAVE ADEQUATE VENTILATION AT ALL TIMES.  
9 WASH HANDS THOROUGHLY AFTER EXPOSURE.”

10 (f) “FEDERAL REGULATIONS PROVIDE THAT IF YOU  
11 DO NOT TAKE PHYSICAL POSSESSION OF THE FIREARM  
12 THAT YOU ARE ACQUIRING OWNERSHIP OF WITHIN 30  
13 DAYS AFTER YOU COMPLETE THE INITIAL  
14 BACKGROUND CHECK PAPERWORK, THEN YOU HAVE  
15 TO GO THROUGH THE BACKGROUND CHECK PROCESS  
16 A SECOND TIME IN ORDER TO TAKE PHYSICAL  
17 POSSESSION OF THAT FIREARM.”

18 (g) “NO PERSON SHALL MAKE AN APPLICATION TO  
19 PURCHASE MORE THAN ONE FIREARM WITHIN ANY  
20 30-DAY PERIOD AND NO DELIVERY SHALL BE MADE TO  
21 ANY PERSON WHO HAS MADE AN APPLICATION TO  
22 PURCHASE MORE THAN ONE FIREARM WITHIN ANY  
23 30-DAY PERIOD.”

24  
25 ~~SEC. 2.~~

26 *SEC. 3.* Section 27535 of the Penal Code is amended to read:  
27 27535. (a) A person shall not make an application to purchase  
28 more than one firearm within any 30-day period.

29 (b) Subdivision (a) does not apply to any of the following:

- 30 (1) Any law enforcement agency.  
31 (2) Any agency duly authorized to perform law enforcement  
32 duties.  
33 (3) Any state or local correctional facility.  
34 (4) Any private security company licensed to do business in  
35 California.

36 (5) Any person who is properly identified as a full-time paid  
37 peace officer, as defined in Chapter 4.5 (commencing with Section  
38 830) of Title 3 of Part 2, and who is authorized to, and does, carry  
39 a firearm during the course and scope of employment as a peace  
40 officer.

(6) Any motion picture, television, or video production company or entertainment or theatrical company whose production by its nature involves the use of a firearm.

(7) Any person who may, pursuant to Article 2 (commencing with Section 27600), Article 3 (commencing with Section 27650), or Article 4 (commencing with Section 27700), claim an exemption from the waiting period set forth in Section 27540.

(8) Any person who is licensed as a collector pursuant to Chapter 44 (commencing with Section 921) of Title 18 of the United States Code and the regulations issued pursuant thereto, and has a current certificate of eligibility issued by the Department of Justice pursuant to Article 1 (commencing with Section 26700) of Chapter 2.

(9) The exchange of a firearm where the dealer purchased that firearm from the person seeking the exchange within the 30-day period immediately preceding the date of exchange or replacement.

(10) The replacement of a firearm when the person's firearm was lost or stolen, and the person reported that firearm lost or stolen prior to the completion of the application to purchase to any local law enforcement agency of the city, county, or city and county in which the person resides.

(11) The return of any firearm to its owner.

(12) A community college that is certified by the Commission on Peace Officer Standards and Training to present the law enforcement academy basic course or other commission-certified law enforcement training.

**~~SEC. 3.~~**

**SEC. 4.** Section 27540 of the Penal Code is amended to read: 27540. A dealer, whether or not acting pursuant to Chapter 5 (commencing with Section 28050), shall not deliver a firearm to a person, as follows:

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

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



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

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

7 (e) A handgun shall not be delivered unless the purchaser,  
8 transferee, or person being loaned the handgun presents a handgun  
9 safety certificate. Commencing January 1, 2015, any firearm,  
10 including a handgun, shall not be delivered unless the purchaser,  
11 transferee, or person being loaned the firearm presents a firearm  
12 safety certificate to the dealer, except that in the case of a handgun,  
13 an unexpired handgun safety certificate may be presented.

14 (f) A firearm shall not be delivered whenever the dealer is  
15 notified by the Department of Justice that within the preceding  
16 30-day period the purchaser has made another application to  
17 purchase a firearm and that the previous application to purchase  
18 did not involve any of the entities or circumstances specified in  
19 subdivision (b) of Section 27535.

20 *SEC. 5. Section 27585 of the Penal Code is amended to read:*

21 27585. (a) Commencing January 1, 2015, a resident of this  
22 state shall not import into this state, bring into this state, or  
23 transport into this state, any firearm that he or she purchased or  
24 otherwise obtained on or after January 1, 2015, from outside of  
25 this state unless he or she first has that firearm delivered to a dealer  
26 in this state for delivery to that resident pursuant to the procedures  
27 set forth in Section 27540 and Article 1 (commencing with Section  
28 26700) and Article 2 (commencing with Section 26800) of Chapter  
29 2.

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

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

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

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

38 (4) A person licensed as an importer of firearms or ammunition  
39 or licensed as a manufacturer of firearms or ammunition, pursuant  
40 to Section 921 et seq. of Title 18 of the United States Code and

1 the regulations issued pursuant thereto if the importer or  
2 manufacturer is acting in the course and scope of his or her  
3 activities as a licensed importer or manufacturer.

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

6 (6) A person who complies with subdivision (b) of Section  
7 ~~27875~~ 27877.

8 (7) A person who complies with subdivision (b), (c), or (d) of  
9 Section 27920.

10 (8) A person who is on the centralized list of exempted federal  
11 firearms licensees pursuant to Section 28450 if that person is acting  
12 in the course and scope of his or her activities as a licensee.

13 (9) A firearm regulated pursuant to Chapter 1 (commencing  
14 with Section 18710) of Division 5 of Title 2 acquired by a person  
15 who holds a permit issued pursuant to Article 3 (commencing with  
16 Section 18900) of Chapter 1 of Division 5 of Title 2, if that person  
17 is acting within the course and scope of his or her activities as a  
18 licensee and in accordance with the terms and conditions of the  
19 permit.

20 (10) A firearm regulated pursuant to Chapter 2 (commencing  
21 with Section 30500) of Division 10 acquired by a person who holds  
22 a permit issued pursuant to Section 31005, if that person is acting  
23 within the course and scope of his or her activities as a licensee  
24 and in accordance with the terms and conditions of the permit.

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

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

36 (13) The importation of a firearm into the state, bringing a  
37 firearm into the state, or transportation of a firearm into the state,  
38 that is regulated by any of the following statutes, if the acquisition  
39 of that firearm occurred outside of California and is conducted in  
40 accordance with the applicable provisions of the following statutes:

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

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

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

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

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

8 (F) Chapter 2 (commencing with Section 30500) of Division  
9 10, relating to assault weapons.

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

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

13 (I) Chapter 6 (commencing with Section 32610) of Division  
14 10, relating to machineguns.

15 (J) Section 33600, relating to zip guns, and the exemptions in  
16 Chapter 1 (commencing with Section 17700) of Division 2 of Title  
17 2, as they relate to zip guns.

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

23 ~~SEC. 4.~~

24 *SEC. 6.* Section 27590 of the Penal Code is amended to read:  
25 27590. (a) Except as provided in subdivision (b), (c), or (e),  
26 a violation of this article is a misdemeanor.

27 (b) If any of the following circumstances apply, a violation of  
28 this article is punishable by imprisonment pursuant to subdivision  
29 (h) of Section 1170 for two, three, or four years:

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

31 (2) If the defendant has a prior conviction of violating the  
32 provisions, other than Section 27535, Section 27560 involving a  
33 firearm that is not a handgun, or Section 27565 involving a firearm  
34 that is not a handgun, of this article or former Section 12100 of  
35 this code, as Section 12100 read at any time from when it was  
36 enacted by Section 3 of Chapter 1386 of the Statutes of 1988 to  
37 when it was repealed by Section 18 of Chapter 23 of the Statutes  
38 of 1994, or Section 8101 of the Welfare and Institutions Code.

39 (3) If the defendant has a prior conviction of violating any  
40 offense specified in Section 29905 or of a violation of Section

1 32625 or 33410, or of former Section 12560, as that section read  
2 at any time from when it was enacted by Section 4 of Chapter 931  
3 of the Statutes of 1965 to when it was repealed by Section 14 of  
4 Chapter 9 of the Statutes of 1990, or of any provision listed in  
5 Section 16590.

6 (4) If the defendant is in a prohibited class described in Chapter  
7 2 (commencing with Section 29800) or Chapter 3 (commencing  
8 with Section 29900) of Division 9, or Section 8100 or 8103 of the  
9 Welfare and Institutions Code.

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

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

15 (c) If any of the following circumstances apply, a violation of  
16 this article shall be punished by imprisonment in a county jail not  
17 exceeding one year or pursuant to subdivision (h) of Section 1170,  
18 or by a fine not to exceed one thousand dollars (\$1,000), or by  
19 both that fine and imprisonment:

20 (1) A violation of Section 27515, 27520, or subdivision (b) of  
21 Section 27500.

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

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

26 (4) A violation of subdivision (a), (c), (d), (e), or (f) of Section  
27 27540 involving a handgun.

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

29 (6) A violation of Section 27550.

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

31 (d) If both of the following circumstances apply, an additional  
32 term of imprisonment pursuant to subdivision (h) of Section 1170  
33 for one, two, or three years shall be imposed in addition and  
34 consecutive to the sentence prescribed:

35 (1) A violation of Section 27510 or subdivision (b) of Section  
36 27500.

37 (2) The firearm transferred in violation of Section 27510 or  
38 subdivision (b) of Section 27500 is used in the subsequent  
39 commission of a felony for which a conviction is obtained and the  
40 prescribed sentence is imposed.

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

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

5 (3) A third or subsequent violation of Section 27535 is a  
6 misdemeanor.

7 (4) For purposes of this subdivision each application to purchase  
8 a firearm in violation of Section 27535 shall be deemed a separate  
9 offense.

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

11 27875. ~~(a)~~ Section 27545 does not apply to the transfer of a  
12 firearm by ~~gift, bequest, intestate succession, gift~~ or other means  
13 from one individual to another, if all of the following requirements  
14 ~~are met:~~ *met, except as provided in Section 27877:*

15 ~~(1)~~

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

17 ~~(2)~~

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

20 ~~(3)~~

21 (c) Within 30 days of taking possession of the firearm, the  
22 person to whom it is transferred shall submit a report to the  
23 Department of Justice, in a manner prescribed by the department,  
24 that includes information concerning the individual taking  
25 possession of the firearm, how title was obtained and from whom,  
26 and a description of the firearm in question. The reports that  
27 individuals complete pursuant to this subdivision shall be made  
28 available to them in a format prescribed by the department.

29 ~~(4)~~

30 (d) Until January 1, 2015, the person taking title to the firearm  
31 shall first obtain a valid handgun safety certificate if the firearm  
32 is a handgun, and commencing January 1, 2015, a valid firearm  
33 safety certificate for any firearm, except that in the case of a  
34 handgun, a valid unexpired handgun safety certificate may be used.

35 ~~(5)~~

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

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

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

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

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

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

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

*SEC. 8. Section 27877 is added to the Penal Code, to read:*

*27877. (a) Section 27545 does not apply to the transfer of a firearm to a person by bequest or intestate succession if all of the following requirements are met:*

*(1) The person is not prohibited by state or federal law from possessing, receiving, owning, or purchasing a firearm.*

*(2) The transfer is infrequent, as defined in Section 16730.*

*(3) The person possesses a valid firearm safety certificate.*

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

*(5) The firearm is not prohibited by Section 16590 and is not an assault weapon, .50 BMG rifle, machinegun, or destructive device.*

*(6) Within 30 days of taking possession of the firearm, the person submits a report to the Department of Justice, in a manner prescribed by the department, that includes information concerning the person, the manner in which title was obtained and from whom, and a description of the firearm in question. The reports that a person completes pursuant to this subdivision shall be made available to the person in a format prescribed by the department.*

*(b) Subdivision (a) of Section 27585 does not apply to a person who imports a firearm into this state, brings a firearm into this*

1 *state, or transports a firearm into this state if all of the following*  
2 *requirements are met:*

3 *(1) The person is not prohibited by state or federal law from*  
4 *possessing, receiving, owning, or purchasing a firearm.*

5 *(2) The person acquires ownership of the firearm by bequest*  
6 *or intestate succession.*

7 *(3) The person possesses a valid firearm safety certificate.*

8 *(4) The receipt of any firearm by the person by bequest or*  
9 *intestate succession is infrequent, as defined in Section 16730.*

10 *(5) The person 18 years of age or older.*

11 *(6) The firearm is not prohibited by Section 16590 and is not*  
12 *an assault weapon, .50 BMG rifle, machinegun, or destructive*  
13 *device.*

14 *(7) Within 30 days of taking possession of the firearm and*  
15 *importing, bringing, or transporting it into this state, the person*  
16 *submits a report to the Department of Justice, in a manner*  
17 *prescribed by the department, that includes information concerning*  
18 *the person, the manner in which title was obtained and from whom,*  
19 *and a description of the firearm in question. The reports that a*  
20 *person completes pursuant to this subdivision shall be made*  
21 *available to the person in a format prescribed by the department.*

22 ~~SEC. 5.~~

23 *SEC. 9.* No reimbursement is required by this act pursuant to  
24 Section 6 of Article XIII B of the California Constitution because  
25 the only costs that may be incurred by a local agency or school  
26 district will be incurred because this act creates a new crime or  
27 infraction, eliminates a crime or infraction, or changes the penalty  
28 for a crime or infraction, within the meaning of Section 17556 of  
29 the Government Code, or changes the definition of a crime within  
30 the meaning of Section 6 of Article XIII B of the California  
31 Constitution.