

Introduced by Senator Bates

February 26, 2015

An act to amend Section 31700 of the Penal Code, relating to firearms.

LEGISLATIVE COUNSEL'S DIGEST

SB 566, as introduced, Bates. Firearms.

Existing law, except as specified, prohibits a person from purchasing or receiving any firearm without a valid firearm safety certificate, and prohibits any person from selling, delivering, loaning, or transferring any firearms to any person who does not have a valid firearm safety certificate. Existing law provides that certain classes of persons are exempted from complying with the firearm safety certificate requirement, including, among others, active or honorably retired members of the United States Armed Forces, the National Guard, the Air National Guard, or the active reserve components of the United States.

This bill would additionally exempt honorably discharged members of the United States Armed Forces, the National Guard, the Air National Guard, or the active reserve components of the United States from complying with the firearm safety certificate requirement.

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

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

1 SECTION 1. Section 31700 of the Penal Code is amended to
2 read:

1 31700. (a) The following persons, properly identified, are
2 exempted from the firearm safety certificate requirement in
3 subdivision (a) of Section 31615:

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

6 (2) Any active or honorably retired federal officer or law
7 enforcement agent.

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

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

11 (5) A firearms dealer licensed pursuant to Sections 26700 to
12 26915, inclusive, who is acting in the course and scope of that
13 person's activities as a person licensed pursuant to Sections 26700
14 to 26915, inclusive.

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

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

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

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

28 (10) An ~~active~~ *active, honorably discharged*, or honorably
29 retired member of the United States Armed Forces, the National
30 Guard, the Air National Guard, or the active reserve components
31 of the United States, where individuals in those organizations are
32 properly identified. For purposes of this section, proper
33 identification includes the Armed Forces Identification Card or
34 other written documentation certifying that the individual is an
35 ~~active~~ *active, honorably discharged*, or honorably retired member.

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

38 (12) Persons who are the holders of a special weapons permit
39 issued by the department pursuant to Section 32650 or 33300,
40 pursuant to Article 3 (commencing with Section 18900) of Chapter

1 1 of Division 5 of Title 2, or pursuant to Article 4 (commencing
2 with Section 32700) of Chapter 6 of this division.

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

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

9 (2) A secured creditor or an agent or employee thereof when
10 the firearms are possessed as collateral for, or as a result of, or an
11 agent or employee thereof when the firearms are possessed as
12 collateral for, or as a result of, a default under a security agreement
13 under the Commercial Code.

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

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

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

18 (6) An assignee for the benefit of creditors performing the
19 functions of an assignee.

20 (c) A person, validly identified, who has been issued a valid
21 hunting license that is unexpired or that was issued for the hunting
22 season immediately preceding the calendar year in which the person
23 takes title of possession of a firearm is exempt from the firearm
24 safety certificate requirement in subdivision (a) of Section 31615,
25 except as to handguns.

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