

Introduced by Senator Jackson

January 21, 2016

An act to amend Sections 16520, 26835, and 27535 of, and to add Division 4.5 (commencing with Section 25250) to Title 4 of Part 6 of, the Penal Code, relating to firearms.

LEGISLATIVE COUNSEL'S DIGEST

SB 894, as amended, Jackson. Firearms: lost or stolen: reports.

(1) Existing law requires each sheriff or police chief executive to submit descriptions of serialized property, or nonserialized property that has been uniquely inscribed, which has been reported stolen, lost, or found directly into the appropriate Department of Justice automated property system for firearms, stolen bicycles, stolen vehicles, or other property. Existing law requires that information about a firearm entered into the automated system for firearms remain in the system until the reported firearm has been found. Existing law requires the Department of Justice to implement an electronic system to receive comprehensive tracing information from each local law enforcement agency and to forward the information to the National Tracing Center.

This bill would require every person, with exceptions, to report the theft or loss of a firearm he or she owns or possesses to a local law enforcement agency in the jurisdiction in which the theft or loss occurred within 5 days of the time he or she knew or reasonably should have known that the firearm had been stolen or lost, and requires every person who has reported a firearm lost or stolen to notify the local law enforcement agency within 48 hours if the firearm is subsequently recovered. The bill would make a violation of these provisions an

infraction punishable by a fine not to exceed \$100 for a first offense, an infraction punishable by a fine not to exceed \$1,000 for a 2nd offense, and a misdemeanor, punishable by imprisonment in a county jail not exceeding 6 months, or by a fine not to exceed \$1,000, or both that fine and imprisonment, for a 3rd or subsequent offense. ~~The bill would make it an infraction for any person to make a report to a local law enforcement agency that a firearm has been lost or stolen, knowing the report to be false.~~ The bill would not preclude or preempt a local ordinance that imposes additional penalties or requirements in regard to reporting the theft or loss of a firearm.

By creating new crimes, this bill would impose a state-mandated local program.

The bill would require every sheriff or police chief to submit a description of each firearm that has been reported lost or stolen directly to the Department of Justice Automated Firearms System.

By imposing new duties on local agencies, this bill would impose a state-mandated local program.

The bill would also require that persons licensed to sell firearms post a warning within the licensed premises in block letters stating the requirement that a lost or stolen firearm be reported to a local law enforcement agency, as specified.

(2) Existing law prohibits a person from making an application to purchase more than one handgun within any 30-day period. Existing law makes an exception for the replacement of a handgun when the person's handgun was lost or stolen and the person reported the firearm lost or stolen prior to the completion of the application to purchase.

This bill would instead make the exception for the replacement of a lost or stolen handgun applicable when the person has reported the handgun lost or stolen pursuant to the provisions of this bill.

(3) This bill would incorporate additional changes to Section 16520 of the Penal Code proposed by this bill, AB 857, and AB 1673, which would become operative if this bill and those bills are enacted, as specified, and this bill is enacted last.

(4) This bill would also incorporate changes to Sections 26835 and 27535 of the Penal Code proposed by both this bill and AB 1674, which would become operative only if both bills are enacted and this bill is enacted last.

(3)

(5) 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 with regard to certain mandates no reimbursement is required by this act for a specified reason.

With regard to any other mandates, this bill would provide that, if the Commission on State Mandates determines that the bill contains costs so mandated by the state, reimbursement for those costs shall be made pursuant to the statutory provisions noted above.

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 16520 of the Penal Code is amended to
2 read:

3 16520. (a) As used in this part, “firearm” means a device,
4 designed to be used as a weapon, from which is expelled through
5 a barrel, a projectile by the force of an explosion or other form of
6 combustion.

7 (b) As used in the following provisions, “firearm” includes the
8 frame or receiver of the weapon:

- 9 (1) Section 16550.
- 10 (2) Section 16730.
- 11 (3) Section 16960.
- 12 (4) Section 16990.
- 13 (5) Section 17070.
- 14 (6) Section 17310.
- 15 (7) Sections 25250 to 25275, inclusive.
- 16 (8) Sections 26500 to 26588, inclusive.
- 17 (9) Sections 26600 to 27140, inclusive.
- 18 (10) Sections 27400 to 28000, inclusive.
- 19 (11) Section 28100.
- 20 (12) Sections 28400 to 28415, inclusive.
- 21 (13) Sections 29010 to 29150, inclusive.
- 22 (14) Sections 29610 to 29750, inclusive.
- 23 (15) Sections 29800 to 29905, inclusive.
- 24 (16) Sections 30150 to 30165, inclusive.
- 25 (17) Section 31615.
- 26 (18) Sections 31705 to 31830, inclusive.

1 (19) Sections 34355 to 34370, inclusive.

2 (20) Sections 8100, 8101, and 8103 of the Welfare and
3 Institutions Code.

4 (c) As used in the following provisions, “firearm” also includes
5 a rocket, rocket propelled projectile launcher, or similar device
6 containing an explosive or incendiary material, whether or not the
7 device is designed for emergency or distress signaling purposes:

8 (1) Section 16750.

9 (2) Subdivision (b) of Section 16840.

10 (3) Section 25400.

11 (4) Sections 25850 to 26025, inclusive.

12 (5) Subdivisions (a), (b), and (c) of Section 26030.

13 (6) Sections 26035 to 26055, inclusive.

14 (d) As used in the following provisions, “firearm” does not
15 include an unloaded antique firearm:

16 (1) Subdivisions (a) and (c) of Section 16730.

17 (2) Section 16550.

18 (3) Section 16960.

19 (4) Section 17310.

20 (5) Division 4.5 (commencing with Section 25250) of Title 4.

21 (6) Chapter 6 (commencing with Section 26350) of Division 5
22 of Title 4.

23 (7) Chapter 7 (commencing with Section 26400) of Division 5
24 of Title 4.

25 (8) Sections 26500 to 26588, inclusive.

26 (9) Sections 26700 to 26915, inclusive.

27 (10) Section 27510.

28 (11) Section 27530.

29 (12) Section 27540.

30 (13) Section 27545.

31 (14) Sections 27555 to 27585, inclusive.

32 (15) Sections 29010 to 29150, inclusive.

33 (16) Section 25135.

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

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

39 (g) As used in Sections 29010 to 29150, inclusive, “firearm”
40 includes the unfinished frame or receiver of a weapon that can be

1 readily converted to the functional condition of a finished frame
2 or receiver.

3 *SEC. 1.1. Section 16520 of the Penal Code is amended to read:*

4 16520. (a) As used in this part, “firearm” means a device,
5 designed to be used as a weapon, from which is expelled through
6 a barrel, a projectile by the force of an explosion or other form of
7 combustion.

8 (b) As used in the following provisions, “firearm” includes the
9 frame or receiver of the weapon:

- 10 (1) Section 16550.
- 11 (2) Section 16730.
- 12 (3) Section 16960.
- 13 (4) Section 16990.
- 14 (5) Section 17070.
- 15 (6) Section 17310.
- 16 (7) *Sections 25250 to 25275, inclusive.*
- 17 ~~(7)~~
- 18 (8) Sections 26500 to 26588, inclusive.
- 19 ~~(8)~~
- 20 (9) Sections 26600 to 27140, inclusive.
- 21 ~~(9)~~
- 22 (10) Sections 27400 to 28000, inclusive.
- 23 ~~(10)~~
- 24 (11) Section 28100.
- 25 ~~(11)~~
- 26 (12) Sections 28400 to 28415, inclusive.
- 27 ~~(12)~~
- 28 (13) Sections 29010 to 29150, inclusive.
- 29 ~~(13)~~
- 30 (14) *Section 29180.*
- 31 (15) Sections 29610 to 29750, inclusive.
- 32 ~~(14)~~
- 33 (16) Sections 29800 to 29905, inclusive.
- 34 ~~(15)~~
- 35 (17) Sections 30150 to 30165, inclusive.
- 36 ~~(16)~~
- 37 (18) Section 31615.
- 38 ~~(17)~~
- 39 (19) Sections 31705 to 31830, inclusive.
- 40 ~~(18)~~

- 1 (20) Sections 34355 to 34370, inclusive.
- 2 ~~(19)~~
- 3 (21) Sections 8100, 8101, and 8103 of the Welfare and
- 4 Institutions Code.
- 5 (c) As used in the following provisions, “firearm” also includes
- 6 a rocket, rocket propelled projectile launcher, or similar device
- 7 containing an explosive or incendiary material, whether or not the
- 8 device is designed for emergency or distress signaling purposes:
- 9 (1) Section 16750.
- 10 (2) Subdivision (b) of Section 16840.
- 11 (3) Section 25400.
- 12 (4) Sections 25850 to 26025, inclusive.
- 13 (5) Subdivisions (a), (b), and (c) of Section 26030.
- 14 (6) Sections 26035 to 26055, inclusive.
- 15 (d) As used in the following provisions, “firearm” does not
- 16 include an unloaded antique firearm:
- 17 (1) Subdivisions (a) and (c) of Section 16730.
- 18 (2) Section 16550.
- 19 (3) Section 16960.
- 20 (4) Section 17310.
- 21 (5) *Division 4.5 (commencing with Section 25250) of Title 4.*
- 22 ~~(5)~~
- 23 (6) Chapter 6 (commencing with Section 26350) of Division 5
- 24 of Title 4.
- 25 ~~(6)~~
- 26 (7) Chapter 7 (commencing with Section 26400) of Division 5
- 27 of Title 4.
- 28 ~~(7)~~
- 29 (8) Sections 26500 to 26588, inclusive.
- 30 ~~(8)~~
- 31 (9) Sections 26700 to 26915, inclusive.
- 32 ~~(9)~~
- 33 (10) Section 27510.
- 34 ~~(10)~~
- 35 (11) Section 27530.
- 36 ~~(11)~~
- 37 (12) Section 27540.
- 38 ~~(12)~~
- 39 (13) Section 27545.
- 40 ~~(13)~~

1 (14) Sections 27555 to 27585, inclusive.

2 ~~(14)~~

3 (15) Sections 29010 to 29150, inclusive.

4 ~~(15)~~

5 (16) Section 25135.

6 (17) Section 29180.

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

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

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

16 *SEC. 1.2. Section 16520 of the Penal Code is amended to read:*

17 16520. (a) As used in this part, “firearm” means a device,
18 designed to be used as a weapon, from which is expelled through
19 a barrel, a projectile by the force of an explosion or other form of
20 combustion.

21 (b) As used in the following ~~provisions, sections,~~ “firearm”
22 includes the frame or receiver of the ~~weapon:~~ *weapon, as defined*
23 *in subdivision (h):*

24 (1) Section 16550.

25 (2) Section 16730.

26 (3) Section 16960.

27 (4) Section 16990.

28 (5) Section 17070.

29 (6) Section 17310.

30 (7) Sections 25250 to 25275, inclusive.

31 ~~(7)~~

32 (8) Sections 26500 to 26588, inclusive.

33 ~~(8)~~

34 (9) Sections 26600 to 27140, inclusive.

35 ~~(9)~~

36 (10) Sections 27400 to 28000, inclusive.

37 ~~(10)~~

38 (11) Section 28100.

39 ~~(11)~~

40 (12) Sections 28400 to 28415, inclusive.

- 1 ~~(12)~~
- 2 (13) Sections 29010 to 29150, inclusive.
- 3 ~~(13)~~
- 4 (14) Sections 29610 to 29750, inclusive.
- 5 ~~(14)~~
- 6 (15) Sections 29800 to 29905, inclusive.
- 7 ~~(15)~~
- 8 (16) Sections 30150 to 30165, inclusive.
- 9 ~~(16)~~
- 10 (17) Section 31615.
- 11 ~~(17)~~
- 12 (18) Sections 31705 to 31830, inclusive.
- 13 ~~(18)~~
- 14 (19) Sections 34355 to 34370, inclusive.
- 15 ~~(19)~~
- 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) *Division 4.5 (commencing with Section 25250) of Title 4.*
- 35 ~~(5)~~
- 36 (6) Chapter 6 (commencing with Section 26350) of Division 5
- 37 of Title 4.
- 38 ~~(6)~~
- 39 (7) Chapter 7 (commencing with Section 26400) of Division 5
- 40 of Title 4.

1 ~~(7)~~
2 (8) Sections 26500 to 26588, inclusive.

3 ~~(8)~~
4 (9) Sections 26700 to 26915, inclusive.

5 ~~(9)~~
6 (10) Section 27510.

7 ~~(10)~~
8 (11) Section 27530.

9 ~~(11)~~
10 (12) Section 27540.

11 ~~(12)~~
12 (13) Section 27545.

13 ~~(13)~~
14 (14) Sections 27555 to 27585, inclusive.

15 ~~(14)~~
16 (15) Sections 29010 to 29150, inclusive.

17 ~~(15)~~
18 (16) Section 25135.

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

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

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

28 (h) *As used in this section, “frame” and “receiver” means that*
29 *part of a firearm which provides housing for the hammer, bolt, or*
30 *breechblock, and firing mechanism, and which is usually threaded*
31 *at its forward portion to receive the barrel, and includes a frame*
32 *or receiver blank, casting, or machined body that requires further*
33 *machining or molding to be used as part of a functional weapon*
34 *so long as it has been designed and is clearly identifiable as being*
35 *used exclusively as part of a functional weapon.*

36 SEC. 1.3. Section 16520 of the Penal Code is amended to read:
37 16520. (a) As used in this part, “firearm” means a device,
38 designed to be used as a weapon, from which is expelled through
39 a barrel, a projectile by the force of an explosion or other form of
40 combustion.

- 1 (b) As used in the following ~~provisions,~~ *sections*, “firearm”
 2 includes the frame or receiver of the ~~weapon:~~ *weapon, as defined*
 3 *in subdivision (h):*
- 4 (1) Section 16550.
 - 5 (2) Section 16730.
 - 6 (3) Section 16960.
 - 7 (4) Section 16990.
 - 8 (5) Section 17070.
 - 9 (6) Section 17310.
 - 10 (7) *Sections 25250 to 25275, inclusive.*
 - 11 ~~(7)~~
 - 12 (8) Sections 26500 to 26588, inclusive.
 - 13 ~~(8)~~
 - 14 (9) Sections 26600 to 27140, inclusive.
 - 15 ~~(9)~~
 - 16 (10) Sections 27400 to 28000, inclusive.
 - 17 ~~(10)~~
 - 18 (11) Section 28100.
 - 19 ~~(11)~~
 - 20 (12) Sections 28400 to 28415, inclusive.
 - 21 ~~(12)~~
 - 22 (13) Sections 29010 to 29150, inclusive.
 - 23 ~~(13)~~
 - 24 (14) *Section 29180.*
 - 25 (15) Sections 29610 to 29750, inclusive.
 - 26 ~~(14)~~
 - 27 (16) Sections 29800 to 29905, inclusive.
 - 28 ~~(15)~~
 - 29 (17) Sections 30150 to 30165, inclusive.
 - 30 ~~(16)~~
 - 31 (18) Section 31615.
 - 32 ~~(17)~~
 - 33 (19) Sections 31705 to 31830, inclusive.
 - 34 ~~(18)~~
 - 35 (20) Sections 34355 to 34370, inclusive.
 - 36 ~~(19)~~
 - 37 (21) Sections 8100, 8101, and 8103 of the Welfare and
 38 Institutions Code.
 - 39 (c) As used in the following provisions, “firearm” also includes
 40 a rocket, rocket propelled projectile launcher, or similar device

- 1 containing an explosive or incendiary material, whether or not the
2 device is designed for emergency or distress signaling purposes:
- 3 (1) Section 16750.
 - 4 (2) Subdivision (b) of Section 16840.
 - 5 (3) Section 25400.
 - 6 (4) Sections 25850 to 26025, inclusive.
 - 7 (5) Subdivisions (a), (b), and (c) of Section 26030.
 - 8 (6) Sections 26035 to 26055, inclusive.
 - 9 (d) As used in the following provisions, “firearm” does not
10 include an unloaded antique firearm:
 - 11 (1) Subdivisions (a) and (c) of Section 16730.
 - 12 (2) Section 16550.
 - 13 (3) Section 16960.
 - 14 (4) Section 17310.
 - 15 (5) *Division 4.5 (commencing with Section 25250) of Title 4.*
 - 16 ~~(5)~~
 - 17 (6) Chapter 6 (commencing with Section 26350) of Division 5
18 of Title 4.
 - 19 ~~(6)~~
 - 20 (7) Chapter 7 (commencing with Section 26400) of Division 5
21 of Title 4.
 - 22 ~~(7)~~
 - 23 (8) Sections 26500 to 26588, inclusive.
 - 24 ~~(8)~~
 - 25 (9) Sections 26700 to 26915, inclusive.
 - 26 ~~(9)~~
 - 27 (10) Section 27510.
 - 28 ~~(10)~~
 - 29 (11) Section 27530.
 - 30 ~~(11)~~
 - 31 (12) Section 27540.
 - 32 ~~(12)~~
 - 33 (13) Section 27545.
 - 34 ~~(13)~~
 - 35 (14) Sections 27555 to 27585, inclusive.
 - 36 ~~(14)~~
 - 37 (15) Sections 29010 to 29150, inclusive.
 - 38 ~~(15)~~
 - 39 (16) Section 25135.
 - 40 (17) *Section 29180.*

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

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

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

10 (h) *As used in this section, “frame” and “receiver” means that*
 11 *part of a firearm which provides housing for the hammer, bolt, or*
 12 *breechblock, and firing mechanism, and which is usually threaded*
 13 *at its forward portion to receive the barrel, and includes a frame*
 14 *or receiver blank, casting, or machined body that requires further*
 15 *machining or molding to be used as part of a functional weapon*
 16 *so long as it has been designed and is clearly identifiable as being*
 17 *used exclusively as part of a functional weapon.*

18 SEC. 2. Division 4.5 (commencing with Section 25250) is
 19 added to Title 4 of Part 6 of the Penal Code, to read:

20

21 DIVISION 4.5. LOST OR STOLEN FIREARMS

22

23 25250. (a) Every person shall report the theft or loss of a
 24 firearm he or she owns or possesses to a local law enforcement
 25 agency in the jurisdiction in which the theft or loss occurred within
 26 five days of the time he or she knew or reasonably should have
 27 known that the firearm had been stolen or lost.

28 (b) Every person who has reported a firearm lost or stolen under
 29 subdivision (a) shall notify the local law enforcement agency in
 30 the jurisdiction in which the theft or loss occurred within 48 hours
 31 if the firearm is subsequently recovered by the person.

32 25255. Section 25250 does not apply to the following:

33 (a) Any law enforcement agency or peace officer acting within
 34 the course and scope of his or her employment or official duties
 35 if he or she reports the loss or theft to his or her employing agency.

36 (b) Any United States marshal or member of the Armed Forces
 37 of the United States or the National Guard, while engaged in his
 38 or her official duties.

39 (c) Any person who is licensed, pursuant to Chapter 44
 40 (commencing with Section 921) of Title 18 of the United States

1 Code and the regulations issued pursuant thereto, and who reports
2 the theft or loss in accordance with Section 923(g)(6) of Title 18
3 of the United States Code, or the successor provision thereto, and
4 applicable regulations issued thereto.

5 (d) Any person whose firearm was lost or stolen prior to January
6 1, 2017.

7 25260. Pursuant to Section 11108, every sheriff or police chief
8 shall submit a description of each firearm which has been reported
9 lost or stolen directly into the Department of Justice Automated
10 Firearms System.

11 25265. (a) Every person who violates Section 25250 is, for a
12 first violation, guilty of an infraction punishable by a fine not to
13 exceed one hundred dollars (\$100).

14 (b) Every person who violates Section 25250 is, for a second
15 violation, guilty of an infraction, punishable by a fine not exceeding
16 one thousand dollars (\$1,000).

17 (c) Every person who violates Section 25250 is, for a third or
18 subsequent violation, guilty of a misdemeanor, punishable by
19 imprisonment in a county jail not exceeding six months, or by a
20 fine not exceeding one thousand dollars (\$1,000), or by both that
21 fine and imprisonment.

22 25270. Every person reporting a lost or stolen firearm pursuant
23 to Section 25250 shall report the make, model, and serial number
24 of the firearm, if known by the person.

25 ~~25275. It is unlawful to report to a local law enforcement~~
26 ~~agency that a firearm has been lost or stolen, knowing the report~~
27 ~~to be false. A violation of this section is an infraction, punishable~~
28 ~~by a fine not exceeding two hundred fifty dollars (\$250) for a first~~
29 ~~offense, and by a fine not exceeding one thousand dollars (\$1,000)~~
30 ~~for a second or subsequent offense.~~

31 25280. This division does not preclude or preempt a local
32 ordinance that imposes additional penalties or requirements in
33 regard to reporting the theft or loss of a firearm.

34 SEC. 3. Section 26835 of the Penal Code is amended to read:

35 26835. A licensee shall post conspicuously within the licensed
36 premises the following warnings in block letters not less than one
37 inch in height:

38

39 (a) "IF YOU KEEP A LOADED FIREARM WITHIN ANY
40 PREMISES UNDER YOUR CUSTODY OR CONTROL, AND

1 A PERSON UNDER 18 YEARS OF AGE OBTAINS IT AND
2 USES IT, RESULTING IN INJURY OR DEATH, OR CARRIES
3 IT TO A PUBLIC PLACE, YOU MAY BE GUILTY OF A
4 MISDEMEANOR OR A FELONY UNLESS YOU STORED
5 THE FIREARM IN A LOCKED CONTAINER OR LOCKED
6 THE FIREARM WITH A LOCKING DEVICE, TO KEEP IT
7 FROM TEMPORARILY FUNCTIONING.”

8 (b) “IF YOU KEEP A PISTOL, REVOLVER, OR OTHER
9 FIREARM CAPABLE OF BEING CONCEALED UPON THE
10 PERSON, WITHIN ANY PREMISES UNDER YOUR CUSTODY
11 OR CONTROL, AND A PERSON UNDER 18 YEARS OF AGE
12 GAINS ACCESS TO THE FIREARM, AND CARRIES IT
13 OFF-PREMISES, YOU MAY BE GUILTY OF A
14 MISDEMEANOR, UNLESS YOU STORED THE FIREARM IN
15 A LOCKED CONTAINER, OR LOCKED THE FIREARM WITH
16 A LOCKING DEVICE, TO KEEP IT FROM TEMPORARILY
17 FUNCTIONING.”

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

27 (d) “IF YOU NEGLIGENTLY STORE OR LEAVE A
28 LOADED FIREARM WITHIN ANY PREMISES UNDER YOUR
29 CUSTODY OR CONTROL, WHERE A PERSON UNDER 18
30 YEARS OF AGE IS LIKELY TO ACCESS IT, YOU MAY BE
31 GUILTY OF A MISDEMEANOR, INCLUDING A FINE OF UP
32 TO ONE THOUSAND DOLLARS (\$1,000), UNLESS YOU
33 STORED THE FIREARM IN A LOCKED CONTAINER, OR
34 LOCKED THE FIREARM WITH A LOCKING DEVICE.”

35 (e) “DISCHARGING FIREARMS IN POORLY VENTILATED
36 AREAS, CLEANING FIREARMS, OR HANDLING
37 AMMUNITION MAY RESULT IN EXPOSURE TO LEAD, A
38 SUBSTANCE KNOWN TO CAUSE BIRTH DEFECTS,
39 REPRODUCTIVE HARM, AND OTHER SERIOUS PHYSICAL

1 INJURY. HAVE ADEQUATE VENTILATION AT ALL TIMES.
2 WASH HANDS THOROUGHLY AFTER EXPOSURE.”

3 (f) “FEDERAL REGULATIONS PROVIDE THAT IF YOU
4 DO NOT TAKE PHYSICAL POSSESSION OF THE FIREARM
5 THAT YOU ARE ACQUIRING OWNERSHIP OF WITHIN 30
6 DAYS AFTER YOU COMPLETE THE INITIAL
7 BACKGROUND CHECK PAPERWORK, THEN YOU HAVE
8 TO GO THROUGH THE BACKGROUND CHECK PROCESS
9 A SECOND TIME IN ORDER TO TAKE PHYSICAL
10 POSSESSION OF THAT FIREARM.”

11 (g) “NO PERSON SHALL MAKE AN APPLICATION TO
12 PURCHASE MORE THAN ONE PISTOL, REVOLVER, OR
13 OTHER FIREARM CAPABLE OF BEING CONCEALED UPON
14 THE PERSON WITHIN ANY 30-DAY PERIOD AND NO
15 DELIVERY SHALL BE MADE TO ANY PERSON WHO HAS
16 MADE AN APPLICATION TO PURCHASE MORE THAN ONE
17 PISTOL, REVOLVER, OR OTHER FIREARM CAPABLE OF
18 BEING CONCEALED UPON THE PERSON WITHIN ANY
19 30-DAY PERIOD.”

20 (h) “IF A FIREARM YOU OWN OR POSSESS IS LOST OR
21 STOLEN, YOU MUST REPORT THE LOSS OR THEFT TO A
22 LOCAL LAW ENFORCEMENT AGENCY WHERE THE LOSS
23 OR THEFT OCCURRED WITHIN FIVE DAYS OF THE TIME
24 YOU KNEW OR REASONABLY SHOULD HAVE KNOWN
25 THAT THE FIREARM HAD BEEN LOST OR STOLEN.”

26 *SEC. 3.5. Section 26835 of the Penal Code is amended to read:*
27 26835. A licensee shall post conspicuously within the licensed
28 premises the following warnings in block letters not less than one
29 inch in height:

30
31 (a) “IF YOU KEEP A LOADED FIREARM WITHIN ANY
32 PREMISES UNDER YOUR CUSTODY OR CONTROL, AND
33 A PERSON UNDER 18 YEARS OF AGE OBTAINS IT AND
34 USES IT, RESULTING IN INJURY OR DEATH, OR CARRIES
35 IT TO A PUBLIC PLACE, YOU MAY BE GUILTY OF A
36 MISDEMEANOR OR A FELONY UNLESS YOU STORED
37 THE FIREARM IN A LOCKED CONTAINER OR LOCKED
38 THE FIREARM WITH A LOCKING DEVICE, TO KEEP IT
39 FROM TEMPORARILY FUNCTIONING.”

1 (b) “IF YOU KEEP A PISTOL, REVOLVER, OR OTHER
2 FIREARM CAPABLE OF BEING CONCEALED UPON THE
3 PERSON, WITHIN ANY PREMISES UNDER YOUR CUSTODY
4 OR CONTROL, AND A PERSON UNDER 18 YEARS OF AGE
5 GAINS ACCESS TO THE FIREARM, AND CARRIES IT
6 OFF-PREMISES, YOU MAY BE GUILTY OF A
7 MISDEMEANOR, UNLESS YOU STORED THE FIREARM IN
8 A LOCKED CONTAINER, OR LOCKED THE FIREARM WITH
9 A LOCKING DEVICE, TO KEEP IT FROM TEMPORARILY
10 FUNCTIONING.”

11 (c) “IF YOU KEEP ANY FIREARM WITHIN ANY
12 PREMISES UNDER YOUR CUSTODY OR CONTROL, AND
13 A PERSON UNDER 18 YEARS OF AGE GAINS ACCESS TO
14 THE FIREARM, AND CARRIES IT OFF-PREMISES TO A
15 SCHOOL OR SCHOOL-SPONSORED EVENT, YOU MAY BE
16 GUILTY OF A MISDEMEANOR, INCLUDING A FINE OF UP
17 TO FIVE THOUSAND DOLLARS (\$5,000), UNLESS YOU
18 STORED THE FIREARM IN A LOCKED CONTAINER, OR
19 LOCKED THE FIREARM WITH A LOCKING DEVICE.”

20 (d) “IF YOU NEGLIGENTLY STORE OR LEAVE A
21 LOADED FIREARM WITHIN ANY PREMISES UNDER YOUR
22 CUSTODY OR CONTROL, WHERE A PERSON UNDER 18
23 YEARS OF AGE IS LIKELY TO ACCESS IT, YOU MAY BE
24 GUILTY OF A MISDEMEANOR, INCLUDING A FINE OF UP
25 TO ONE THOUSAND DOLLARS (\$1,000), UNLESS YOU
26 STORED THE FIREARM IN A LOCKED CONTAINER, OR
27 LOCKED THE FIREARM WITH A LOCKING DEVICE.”

28 (e) “DISCHARGING FIREARMS IN POORLY VENTILATED
29 AREAS, CLEANING FIREARMS, OR HANDLING
30 AMMUNITION MAY RESULT IN EXPOSURE TO LEAD, A
31 SUBSTANCE KNOWN TO CAUSE BIRTH DEFECTS,
32 REPRODUCTIVE HARM, AND OTHER SERIOUS PHYSICAL
33 INJURY. HAVE ADEQUATE VENTILATION AT ALL TIMES.
34 WASH HANDS THOROUGHLY AFTER EXPOSURE.”

35 (f) “FEDERAL REGULATIONS PROVIDE THAT IF YOU
36 DO NOT TAKE PHYSICAL POSSESSION OF THE FIREARM
37 THAT YOU ARE ACQUIRING OWNERSHIP OF WITHIN 30
38 DAYS AFTER YOU COMPLETE THE INITIAL
39 BACKGROUND CHECK PAPERWORK, THEN YOU HAVE
40 TO GO THROUGH THE BACKGROUND CHECK PROCESS

1 A SECOND TIME IN ORDER TO TAKE PHYSICAL
2 POSSESSION OF THAT FIREARM.”

3 (g) “NO PERSON SHALL MAKE AN APPLICATION TO
4 PURCHASE MORE THAN ONE ~~PISTOL, REVOLVER, OR~~
5 ~~OTHER FIREARM CAPABLE OF BEING CONCEALED UPON~~
6 ~~THE PERSON FIREARM~~ WITHIN ANY 30-DAY PERIOD AND
7 NO DELIVERY SHALL BE MADE TO ANY PERSON WHO
8 HAS MADE AN APPLICATION TO PURCHASE MORE THAN
9 ONE ~~PISTOL, REVOLVER, OR OTHER FIREARM CAPABLE~~
10 ~~OF BEING CONCEALED UPON THE PERSON FIREARM~~
11 WITHIN ANY 30-DAY PERIOD.”

12 (h) “*IF A FIREARM YOU OWN OR POSSESS IS LOST OR*
13 *STOLEN, YOU MUST REPORT THE LOSS OR THEFT TO A*
14 *LOCAL LAW ENFORCEMENT AGENCY WHERE THE LOSS*
15 *OR THEFT OCCURRED WITHIN FIVE DAYS OF THE TIME*
16 *YOU KNEW OR REASONABLY SHOULD HAVE KNOWN THAT*
17 *THE FIREARM HAD BEEN LOST OR STOLEN.*”

18
19 SEC. 4. Section 27535 of the Penal Code is amended to read:

20 27535. (a) No person shall make an application to purchase
21 more than one handgun within any 30-day period.

22 (b) Subdivision (a) shall not apply to any of the following:

23 (1) Any law enforcement agency.

24 (2) Any agency duly authorized to perform law enforcement
25 duties.

26 (3) Any state or local correctional facility.

27 (4) Any private security company licensed to do business in
28 California.

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

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

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

1 (8) Any transaction conducted through a licensed firearms dealer
2 pursuant to Chapter 5 (commencing with Section 28050).

3 (9) Any person who is licensed as a collector pursuant to Chapter
4 44 (commencing with Section 921) of Title 18 of the United States
5 Code and the regulations issued pursuant thereto, and has a current
6 certificate of eligibility issued by the Department of Justice
7 pursuant to Article 1 (commencing with Section 26700) of Chapter
8 2.

9 (10) The exchange of a handgun where the dealer purchased
10 that firearm from the person seeking the exchange within the
11 30-day period immediately preceding the date of exchange or
12 replacement.

13 (11) The replacement of a handgun when the person’s handgun
14 was lost or stolen, and the person reported that firearm lost or
15 stolen pursuant to Section 25250 prior to the completion of the
16 application to purchase the replacement handgun.

17 (12) The return of any handgun to its owner.

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

22 *SEC. 4.5. Section 27535 of the Penal Code is amended to read:*

23 27535. (a) ~~No~~ A person shall *not* make an application to
24 purchase more than one ~~handgun~~ *firearm* within any 30-day period.

25 (b) Subdivision (a) ~~shall~~ *does* not apply to any of the following:

26 (1) Any law enforcement agency.

27 (2) Any agency duly authorized to perform law enforcement
28 duties.

29 (3) Any state or local correctional facility.

30 (4) Any private security company licensed to do business in
31 California.

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

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

- 1 (7) Any person who may, pursuant to Article 2 (commencing
2 with Section 27600), Article 3 (commencing with Section 27650),
3 or Article 4 (commencing with Section 27700), claim an exemption
4 from the waiting period set forth in Section 27540.
- 5 ~~(8) Any transaction conducted through a licensed firearms dealer~~
6 ~~pursuant to Chapter 5 (commencing with Section 28050).~~
- 7 ~~(9)~~
- 8 (8) Any person who is licensed as a collector pursuant to Chapter
9 44 (commencing with Section 921) of Title 18 of the United States
10 Code and the regulations issued pursuant thereto, and has a current
11 certificate of eligibility issued by the Department of Justice
12 pursuant to Article 1 (commencing with Section 26700) of Chapter
13 2.
- 14 ~~(10)~~
- 15 (9) The exchange of a ~~handgun~~ *firearm* where the dealer
16 purchased that firearm from the person seeking the exchange within
17 the 30-day period immediately preceding the date of exchange or
18 replacement.
- 19 ~~(11)~~
- 20 (10) The replacement of a ~~handgun~~ *firearm* when the person's
21 ~~handgun~~ *firearm* was lost or stolen, and the person reported that
22 firearm lost or stolen *pursuant to Section 25250* prior to the
23 completion of the application to purchase ~~to any local law~~
24 ~~enforcement agency of the city, county, or city and county in which~~
25 ~~the person resides.~~ *the replacement firearm.*
- 26 ~~(12)~~
- 27 (11) The return of any ~~handgun~~ *firearm* to its owner.
- 28 ~~(13)~~
- 29 (12) A community college that is certified by the Commission
30 on Peace Officer Standards and Training to present the law
31 enforcement academy basic course or other commission-certified
32 law enforcement training.
- 33 (13) *A transaction completed through a licensed firearms dealer*
34 *pursuant to Chapter 5 (commencing with Section 28050) if both*
35 *of the following conditions apply:*
- 36 (A) *The transferor is an executor or administrator of an estate.*
37 (B) *The transferee is a person acquiring ownership of the*
38 *firearm by bequest or intestate succession from the estate.*

1 (14) The purchase of a firearm that is not a handgun or a
2 finished frame or receiver by a person who has been issued a valid
3 hunting license by the state.

4 (15) The purchase of a firearm that is not a handgun acquired
5 at an auction or similar event conducted by a nonprofit public
6 benefit or mutual benefit corporation to fund the activities of that
7 corporation or local chapters of that corporation.

8 SEC. 5. (a) Section 1.1 of this bill incorporates amendments
9 to Section 16520 of the Penal Code proposed by both this bill and
10 Assembly Bill 857. It shall only become operative if (1) both bills
11 are enacted and become effective on or before January 1, 2017,
12 (2) each bill amends Section 16520 of the Penal Code, and (3)
13 Assembly Bill 1673 is not enacted or as enacted does not amend
14 that section, and (4) this bill is enacted after Assembly Bill 857,
15 in which case Sections 1, 1.2, and 1.3 of this bill shall not become
16 operative.

17 (b) Section 1.2 of this bill incorporates amendments to Section
18 16520 of the Penal Code proposed by both this bill and Assembly
19 Bill 1673. It shall only become operative if (1) both bills are
20 enacted and become effective on or before January 1, 2017, (2)
21 each bill amends Section 16520 of the Penal Code, (3) Assembly
22 Bill 857 is not enacted or as enacted does not amend that section,
23 and (4) this bill is enacted after Assembly Bill 1673, in which case
24 Sections 1, 1.1, and 1.3 of this bill shall not become operative.

25 (c) Section 1.3 of this bill incorporates amendments to Section
26 16520 of the Penal Code proposed by this bill, Assembly Bill 857,
27 and Assembly Bill 1673. It shall only become operative if (1) all
28 three bills are enacted and become effective on or before January
29 1, 2017, (2) all three bills amend Section 16520 of the Penal Code,
30 and (3) this bill is enacted after Assembly Bill 857 and Assembly
31 Bill 1673, in which case Sections 1, 1.1, and 1.2 of this bill shall
32 not become operative.

33 SEC. 6. Section 3.5 of this bill incorporates amendments to
34 Section 26835 of the Penal Code proposed by both this bill and
35 Assembly Bill 1674. It shall only become operative if (1) both bills
36 are enacted and become effective on or before January 1, 2017,
37 (2) each bill amends Section 26835 of the Penal Code, and (3) this
38 bill is enacted after Assembly Bill 1674, in which case Section 3
39 of this bill shall not become operative.

1 *SEC. 7. Section 4.5 of this bill incorporates amendments to*
2 *Section 27535 of the Penal Code proposed by both this bill and*
3 *Assembly Bill 1674. It shall only become operative if (1) both bills*
4 *are enacted and become effective on or before January 1, 2017,*
5 *(2) each bill amends Section 27535 of the Penal Code, and (3) this*
6 *bill is enacted after Assembly Bill 1674, in which case Section 4*
7 *of this bill shall not become operative.*

8 ~~SEC. 5.~~

9 *SEC. 8.* No reimbursement is required by this act pursuant to
10 Section 6 of Article XIII B of the California Constitution for certain
11 costs that may be incurred by a local agency or school district
12 because, in that regard, this act creates a new crime or infraction,
13 eliminates a crime or infraction, or changes the penalty for a crime
14 or infraction, within the meaning of Section 17556 of the
15 Government Code, or changes the definition of a crime within the
16 meaning of Section 6 of Article XIII B of the California
17 Constitution.

18 However, if the Commission on State Mandates determines that
19 this act contains other costs mandated by the state, reimbursement
20 to local agencies and school districts for those costs shall be made
21 pursuant to Part 7 (commencing with Section 17500) of Division
22 4 of Title 2 of the Government Code.