

Introduced by Senator AllenFebruary 12, 2016

An act to add Section 648 to the Evidence Code, to amend Section 5343.5 of the Food and Agricultural Code, to amend Sections 11106, 23635, 23690, 25560, 26405, 26825, 26880, 26885, 27520, 27570, 27590, 28000, 28160, 28200, 31700, and 32110 of, to add Article 3.5 (commencing with Section 28270) to Chapter 6 of Division 6 of Title 4 of Part 6 of, and to repeal and add Section 26379 of, the Penal Code, relating to firearms.

LEGISLATIVE COUNSEL'S DIGEST

SB 1037, as introduced, Allen. Return of firearms: special procedures.

Existing law establishes various presumptions pertaining to the burden of producing evidence under various circumstances.

This bill would establish a presumption that a person who is listed in the registry that records firearm ownership maintained by the Department of Justice or who is listed in the Consolidated Firearms Information System, as the owner of a firearm, an assault weapon, or a .50 BMG rifle, is in possession of that firearm until the department is notified to the contrary.

Existing law requires the director of the Department of Food and Agriculture to maintain quarantine inspection stations. Existing law requires that a sign be conspicuously posted at any inspection station maintained at or near the California border stating that the Federal Gun Control Act may prohibit persons from bringing firearms into the state that were acquired outside of the state.

The bill would require that these inspection station signs also state that California law may prohibit a person from bringing a firearm into the state that was acquired outside of the state.

Existing law generally regulates the sale and transfer of firearms. Existing law requires a firearms transaction conducted by a firearms dealer to include, among other things, a background check of the purchaser, and certain personal information about the purchaser to be submitted to the department. Existing law requires a firearm transfer between 2 persons, neither of whom are a firearms dealer, to be conducted through a dealer. Similarly, existing law requires a person who imports or transports a firearm into this state that was obtained outside of the state to have the firearm delivered to a dealer for delivery to that person.

This bill would provide a return process for firearms obtained under the circumstances described above and in violation of the requirement that a firearms dealer conduct the transfer. The bill would require the owner of the firearm to deliver the firearm to a firearms dealer, who would report taking possession of the firearm to the department, and would require the firearm to be returned to the prior owner after a background check and other requirements that apply to a firearms transaction conducted by a dealer have been met. A violation of these provisions by a dealer would be a misdemeanor. By creating a new crime, this bill would impose a state-mandated local program.

The bill would make conforming changes to other provisions of law relating to records of firearms transactions kept by the department and a firearms dealer. The bill would, for firearms complying with those return provisions, make conforming changes to other provisions of law that provide exceptions from various prohibitions, including, among others, exceptions to the prohibition against carrying a concealed firearm, to the prohibition against openly carrying a firearm, and to carrying a firearm that is not a handgun in public. The bill would, for firearms returned pursuant to the return provisions, also make exceptions to other provisions of law requiring firearm safety devices, firearm safety certificates, and regulating unsafe handguns.

Existing law requires reports of ownership be filed within certain grace periods for firearms brought or imported into the state by a personal firearms importer or licensed collector. Existing law makes a violation of these provisions a misdemeanor. Existing law provides that failure to submit those reports within the grace period is not a continuing offense.

This bill would provide that those violations committed on or after January 1, 2017, would be a continuing offense. The bill would make

a violation of those provisions, in the case of a handgun, punishable as a misdemeanor or a felony.

By increasing the penalty for an existing offense, this bill would impose a state-mandated local program.

The bill would provide that the violations of failing to process a firearms transaction through a dealer when neither party to the transaction is a dealer, and of importing a firearm without it going to a dealer for delivery to the importer would be a continuing offense if committed on or after January 1, 2017. The bill would also provide that those violations would not apply if the only evidence of the violation arises because of information supplied to the Department of Justice in connection with the return process described above.

Existing law prohibits a person, corporation, or dealer from acquiring a firearm for the purpose of selling, loaning, or transferring the firearm if the dealer has the intent to transfer the firearm to a minor or to evade specified requirements on the transfer of firearms, or in the case of a person, if the person intends to violate the requirement that the transaction be conducted through a licensed firearms dealer. A violation of these provisions is punishable as a misdemeanor or a felony.

This bill would similarly prohibit a person, corporation, or dealer from transporting a firearm or bringing a firearm into this state for the purpose of selling, loaning, or transferring the firearm with the intent specified above. By expanding the definition of a crime, this bill would impose a state-mandated local program.

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 648 is added to the Evidence Code, to
- 2 read:
- 3 648. A person who is listed in the registry maintained by the
- 4 Department of Justice pursuant to Section 11106 of the Penal Code,
- 5 or who is listed in the Consolidated Firearms Information System,
- 6 as the owner of a firearm, an assault weapon, or a .50 BMG rifle

1 is presumed to be in possession of that firearm until the department
2 is notified to the contrary pursuant to procedures adopted by the
3 department pursuant to Section 28000 of the Penal Code.

4 SEC. 2. Section 5343.5 of the Food and Agricultural Code is
5 amended to read:

6 5343.5. At any inspection station maintained at or near the
7 California border by the director pursuant to Section 5341, the
8 following sign shall be conspicuously posted in block letters not
9 less than four inches in height:

10 “NOTICE: IF YOU ARE A CALIFORNIA RESIDENT,
11 CALIFORNIA LAW AND THE FEDERAL GUN CONTROL ACT
12 MAY PROHIBIT YOU FROM BRINGING WITH YOU INTO
13 THIS STATE FIREARMS THAT YOU ACQUIRED OUTSIDE
14 OF THIS STATE.

15 IN ADDITION, IF YOU ARE A NEW CALIFORNIA
16 RESIDENT, STATE LAW REGULATES YOUR BRINGING
17 INTO CALIFORNIA HANDGUNS AND OTHER DESIGNATED
18 FIREARMS AND MANDATES THAT SPECIFIC
19 PROCEDURES BE FOLLOWED.

20 IF YOU HAVE ANY QUESTIONS ABOUT THE
21 PROCEDURES TO BE FOLLOWED IN BRINGING FIREARMS
22 INTO CALIFORNIA OR TRANSFERRING FIREARMS
23 WITHIN CALIFORNIA, YOU SHOULD CONTACT THE
24 CALIFORNIA DEPARTMENT OF JUSTICE OR A LOCAL
25 CALIFORNIA LAW ENFORCEMENT AGENCY.”

26 SEC. 3. Section 11106 of the Penal Code is amended to read:

27 11106. (a) (1) In order to assist in the investigation of crime,
28 the prosecution of civil actions by city attorneys pursuant to
29 paragraph (3) of subdivision (b), the arrest and prosecution of
30 criminals, and the recovery of lost, stolen, or found property, the
31 Attorney General shall keep and properly file a complete record
32 of all of the following:

33 (A) All copies of fingerprints.

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

36 (C) Information reported to the Department of Justice pursuant
37 to Section 26225, 27875, 27920, 28270, or 29830.

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

- 1 (E) Reports provided pursuant to Article 1 (commencing with
2 Section 27500) of Chapter 4 of Division 6 of Title 4 of Part 6, or
3 pursuant to any provision listed in subdivision (a) of Section 16585.
- 4 (F) Forms provided pursuant to Section 12084, as that section
5 read prior to being repealed on January 1, 2006.
- 6 (G) Reports provided pursuant to Article 1 (commencing with
7 Section 26700) and Article 2 (commencing with Section 26800)
8 of Chapter 2 of Division 6 of Title 4 of Part 6, that are not dealers’
9 records of sales of firearms.
- 10 (H) Information provided pursuant to Section 28255.
- 11 (I) Reports of stolen, lost, found, pledged, or pawned property
12 in any city or county of this state.
- 13 (2) The Attorney General shall, upon proper application therefor,
14 furnish the information to the officers referred to in Section 11105.
- 15 (b) (1) The Attorney General shall permanently keep and
16 properly file and maintain all information reported to the
17 Department of Justice pursuant to the following provisions as to
18 firearms and maintain a registry thereof:
- 19 (A) Article 1 (commencing with Section 26700) and Article 2
20 (commencing with Section 26800) of Chapter 2 of Division 6 of
21 Title 4 of Part 6.
- 22 (B) Article 1 (commencing with Section 27500) of Chapter 4
23 of Division 6 of Title 4 of Part 6.
- 24 (C) Chapter 5 (commencing with Section 28050) of Division 6
25 of Title 4 of Part 6.
- 26 (D) Any provision listed in subdivision (a) of Section 16585.
- 27 (E) Former Section 12084.
- 28 (F) Section 28255.
- 29 (G) Any other law.
- 30 (2) The registry shall consist of all of the following:
- 31 (A) The name, address, identification of, place of birth (state
32 or country), complete telephone number, occupation, sex,
33 description, and all legal names and aliases ever used by the owner
34 or person being loaned the particular firearm as listed on the
35 information provided to the department on the Dealers’ Record of
36 Sale, the Law Enforcement Firearms Transfer (LEFT), as defined
37 in former Section 12084, or reports made to the department
38 pursuant to any provision listed in subdivision (a) of Section 16585,
39 Section 28255, or any other law.

1 (B) The name and address of, and other information about, any
2 person (whether a dealer or a private party) from whom the owner
3 acquired or the person being loaned the particular firearm and
4 when the firearm was acquired or loaned as listed on the
5 information provided to the department on the Dealers' Record of
6 Sale, the LEFT, or reports made to the department pursuant to any
7 provision listed in subdivision (a) of Section 16585 or any other
8 law.

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

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

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

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

35 (c) (1) If the conditions specified in paragraph (2) are met, any
36 officer referred to in paragraphs (1) to (6), inclusive, of subdivision
37 (b) of Section 11105 may disseminate the name of the subject of
38 the record, the number of the firearms listed in the record, and the
39 description of any firearm, including the make, model, and caliber,
40 from the record relating to any firearm's sale, transfer, registration,

1 or license record, or any information reported to the Department
2 of Justice pursuant to any of the following:

3 (A) Section 26225, 27875, ~~or 27920~~ 27920, or 28270.

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

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

9 (D) Chapter 5 (commencing with Section 28050) of Division
10 6 of Title 4 of Part 6.

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

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

15 (G) Chapter 2 (commencing with Section 33850) of Division
16 11 of Title 4 of Part 6.

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

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

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

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

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

39 (3) The victim or person to whom information is disseminated
40 pursuant to this subdivision may disclose it as he or she deems

1 necessary to protect himself or herself or another person from
2 bodily harm by the person who is the subject of the record.

3 SEC. 4. Section 23635 of the Penal Code is amended to read:

4 23635. (a) Any firearm sold or transferred in this state by a
5 licensed firearms dealer, including a private transfer through a
6 dealer, *a firearm returned to its owner by a dealer pursuant to*
7 *Section 28270*, and any firearm manufactured in this state, shall
8 include or be accompanied by a firearm safety device that is listed
9 on the Department of Justice's roster of approved firearm safety
10 devices and that is identified as appropriate for that firearm by
11 reference to either the manufacturer and model of the firearm, or
12 to the physical characteristics of the firearm that match those listed
13 on the roster for use with the device.

14 (b) The sale or transfer of a ~~firearm~~ *firearm, or the return of a*
15 *firearm to its owner pursuant to Section 28270*, shall be exempt
16 from subdivision (a) if both of the following apply:

17 (1) The ~~purchaser or transferee~~ *purchaser, transferee, or owner*
18 owns a gun safe that meets the standards set forth in Section 23650.
19 Gun safes shall not be required to be tested, and therefore may
20 meet the standards without appearing on the Department of Justice
21 roster.

22 (2) The ~~purchaser or transferee~~ *purchaser, transferee, or owner*
23 presents an original receipt for purchase of the gun safe, or other
24 proof of purchase or ownership of the gun safe as authorized by
25 the Attorney General, to the firearms dealer. The dealer shall
26 maintain a copy of this receipt or proof of purchase with the
27 dealer's record of sales of firearms.

28 (c) The sale or transfer of a ~~firearm~~ *firearm, or the return of a*
29 *firearm to its owner pursuant to Section 28270*, shall be exempt
30 from subdivision (a) if all of the following apply:

31 (1) The ~~purchaser or transferee~~ *purchaser, transferee, or owner*
32 purchases an approved safety device no more than 30 days prior
33 to the day the purchaser or transferee takes possession of the
34 firearm.

35 (2) The ~~purchaser or transferee~~ *purchaser, transferee, or owner*
36 presents the approved safety device to the firearms dealer when
37 picking up the firearm.

38 (3) The ~~purchaser or transferee~~ *purchaser, transferee, or owner*
39 presents an original receipt to the firearms dealer, which shows

1 the date of purchase, the name, and the model number of the safety
2 device.

3 (4) The firearms dealer verifies that the requirements in
4 paragraphs (1) to (3), inclusive, have been satisfied.

5 (5) The firearms dealer maintains a copy of the receipt along
6 with the dealer’s record of sales of firearms.

7 (d) (1) Any long-gun safe commercially sold or transferred in
8 this state, or manufactured in this state for sale in this state, that
9 does not meet the standards for gun safes adopted pursuant to
10 Section 23650 shall be accompanied by the following warning:

11 “WARNING: This gun safe does not meet the safety standards
12 for gun safes specified in California Penal Code Section 23650. It
13 does not satisfy the requirements of Penal Code Section 23635,
14 which mandates that all firearms sold in California be accompanied
15 by a firearm safety device or proof of ownership, as required by
16 law, of a gun safe that meets the Section 23650 minimum safety
17 standards developed by the California Attorney General.”

18 (2) This warning shall be conspicuously displayed in its entirety
19 on the principal display panel of the gun safe’s package, on any
20 descriptive materials that accompany the gun safe, and on a label
21 affixed to the front of the gun safe.

22 (3) This warning shall be displayed in both English and Spanish,
23 in conspicuous and legible type in contrast by typography, layout,
24 or color with other printed matter on the package or descriptive
25 materials, in a manner consistent with Part 1500.121 of Title 16
26 of the Code of Federal Regulations, or successor regulations
27 thereto.

28 (e) Any firearm sold or transferred in this state by a licensed
29 firearms dealer, including a private transfer through a dealer, *a*
30 *firearm returned to its owner by a dealer pursuant to Section*
31 *28270*, and any firearm manufactured in this state, shall be
32 accompanied by warning language or a label as described in
33 Section 23640.

34 SEC. 5. Section 23690 of the Penal Code is amended to read:

35 23690. (a) (1) The Department of Justice may require each
36 dealer to charge each firearm ~~purchaser or transferee~~ *purchaser,*
37 *transferee, or owner where a firearm is returned to its owner by*
38 *a dealer pursuant to Section 28270*, a fee not to exceed one dollar
39 (\$1) for each firearm ~~transaction.~~ *transaction or return.*

1 (2) The fee shall be for the purpose of supporting department
2 program costs related to this act, including the establishment,
3 maintenance, and upgrading of related database systems and public
4 rosters.

5 (b) (1) There is hereby created within the General Fund the
6 Firearm Safety Account.

7 (2) Revenue from the fee imposed by subdivision (a) shall be
8 deposited into the Firearm Safety Account and shall be available
9 for expenditure by the Department of Justice upon appropriation
10 by the Legislature.

11 (3) Expenditures from the Firearm Safety Account shall be
12 limited to program expenditures as defined by subdivision (a).

13 SEC. 6. Section 25560 of the Penal Code is amended to read:
14 25560. Section 25400 does not apply to, or affect, the
15 transportation of a firearm by a person in order to utilize Section
16 28000 *or* 28270 as it pertains to that firearm.

17 SEC. 7. Section 26379 of the Penal Code is repealed.

18 ~~26379. Paragraph (1) of subdivision (a) of Section 26350 does~~
19 ~~not apply to, or affect, the open carrying of an unloaded handgun~~
20 ~~incident to any of the following:~~

21 ~~(a) Complying with Section 27560 or 27565, as it pertains to~~
22 ~~that handgun.~~

23 ~~(b) Section 28000, as it pertains to that handgun.~~

24 ~~(c) Section 27850 or 31725, as it pertains to that handgun.~~

25 ~~(d) Complying with Section 27870 or 27875, as it pertains to~~
26 ~~that handgun.~~

27 ~~(e) Complying with Section 27915, 27920, or 27925, as it~~
28 ~~pertains to that handgun.~~

29 SEC. 8. Section 26379 is added to the Penal Code, to read:

30 26379. Paragraph (1) of subdivision (a) of Section 26350 does
31 not apply to, or affect, the open carrying of an unloaded handgun
32 incident to complying with Section 27560, 27565, 27850, 27875,
33 27920, 27925, 28000, 28270, or 31725, as those sections pertain
34 to that handgun.

35 SEC. 9. Section 26405 of the Penal Code is amended to read:

36 26405. Section 26400 does not apply to, or affect, the carrying
37 of an unloaded firearm that is not a handgun in any of the following
38 circumstances:

39 (a) By a person when carried within a place of business, a place
40 of residence, or on private real property, if that person, by virtue

1 of subdivision (a) of Section 25605, may carry a firearm within
2 that place of business, place of residence, or on that private real
3 property owned or lawfully occupied by that person.

4 (b) By a person when carried within a place of business, a place
5 of residence, or on private real property, if done with the
6 permission of a person who, by virtue of subdivision (a) of Section
7 25605, may carry a firearm within that place of business, place of
8 residence, or on that private real property owned or lawfully
9 occupied by that person.

10 (c) When the firearm is either in a locked container or encased
11 and it is being transported directly between places where a person
12 is not prohibited from possessing that firearm and the course of
13 travel shall include only those deviations between authorized
14 locations as are reasonably necessary under the circumstances.

15 (d) If the person possessing the firearm reasonably believes that
16 he or she is in grave danger because of circumstances forming the
17 basis of a current restraining order issued by a court against another
18 person or persons who has or have been found to pose a threat to
19 his or her life or safety. This subdivision may not apply when the
20 circumstances involve a mutual restraining order issued pursuant
21 to Division 10 (commencing with Section 6200) of the Family
22 Code absent a factual finding of a specific threat to the person's
23 life or safety. Upon a trial for violating Section 26400, the trier of
24 fact shall determine whether the defendant was acting out of a
25 reasonable belief that he or she was in grave danger.

26 (e) By a peace officer or an honorably retired peace officer if
27 that officer may carry a concealed firearm pursuant to Article 2
28 (commencing with Section 25450) of Chapter 2, or a loaded firearm
29 pursuant to Article 3 (commencing with Section 25900) of Chapter
30 3.

31 (f) By a person to the extent that person may openly carry a
32 loaded firearm that is not a handgun pursuant to Article 4
33 (commencing with Section 26000) of Chapter 3.

34 (g) As merchandise by a person who is engaged in the business
35 of manufacturing, importing, wholesaling, repairing, or dealing in
36 firearms and who is licensed to engage in that business, or the
37 authorized representative or authorized agent of that person, while
38 engaged in the lawful course of the business.

1 (h) By a duly authorized military or civil organization, or the
2 members thereof, while parading or while rehearsing or practicing
3 parading, when at the meeting place of the organization.

4 (i) By a member of a club or organization organized for the
5 purpose of practicing shooting at targets upon established target
6 ranges, whether public or private, while the members are using
7 firearms that are not handguns upon the target ranges or incident
8 to the use of a firearm that is not a handgun at that target range.

9 (j) By a licensed hunter while engaged in hunting or while
10 transporting that firearm when going to or returning from that
11 hunting expedition.

12 (k) Incident to transportation of a handgun by a person operating
13 a licensed common carrier, or by an authorized agent or employee
14 thereof, when transported in conformance with applicable federal
15 law.

16 (l) By a member of an organization chartered by the Congress
17 of the United States or a nonprofit mutual or public benefit
18 corporation organized and recognized as a nonprofit tax-exempt
19 organization by the Internal Revenue Service while on official
20 parade duty or ceremonial occasions of that organization or while
21 rehearsing or practicing for official parade duty or ceremonial
22 occasions.

23 (m) Within a gun show conducted pursuant to Article 1
24 (commencing with Section 27200) and Article 2 (commencing
25 with Section 27300) of Chapter 3 of Division 6.

26 (n) Within a school zone, as defined in Section 626.9, with the
27 written permission of the school district superintendent, the
28 superintendent's designee, or equivalent school authority.

29 (o) When in accordance with the provisions of Section 171b.

30 (p) By a person while engaged in the act of making or attempting
31 to make a lawful arrest.

32 (q) By a person engaged in firearms-related activities, while on
33 the premises of a fixed place of business that is licensed to conduct
34 and conducts, as a regular course of its business, activities related
35 to the sale, making, repair, transfer, pawn, or the use of firearms,
36 or related to firearms training.

37 (r) By an authorized participant in, or an authorized employee
38 or agent of a supplier of firearms for, a motion picture, television,
39 or video production or entertainment event, when the participant
40 lawfully uses that firearm as part of that production or event, as

1 part of rehearsing or practicing for participation in that production
2 or event, or while the participant or authorized employee or agent
3 is at that production or event, or rehearsal or practice for that
4 production or event.

5 (s) Incident to obtaining an identification number or mark
6 assigned for that firearm from the Department of Justice pursuant
7 to Section 23910.

8 (t) At an established public target range while the person is
9 using that firearm upon that target range.

10 (u) By a person when that person is summoned by a peace
11 officer to assist in making arrests or preserving the peace, while
12 the person is actually engaged in assisting that officer.

13 ~~(v) Incident to any of the following:~~

14 ~~(1) Complying with Section 27560 or 27565, as it pertains to~~
15 ~~that firearm.~~

16 ~~(2) Section 28000, as it pertains to that firearm.~~

17 ~~(3) Section 27850 or 31725, as it pertains to that firearm.~~

18 ~~(4) Complying with Section 27870 or 27875, as it pertains to~~
19 ~~that firearm.~~

20 ~~(5) Complying with Section 27915, 27920, or 27925, as it~~
21 ~~pertains to that firearm.~~

22 *(v) Incident to complying with Section 27560, 27565, 27850,*
23 *27875, 27920, 27925, 28000, 28270, or 31725, as those sections*
24 *pertain to that handgun.*

25 (w) Incident to, and in the course and scope of, training of, or
26 by an individual to become a sworn peace officer as part of a course
27 of study approved by the Commission on Peace Officer Standards
28 and Training.

29 (x) Incident to, and in the course and scope of, training of, or
30 by an individual to become licensed pursuant to Chapter 4
31 (commencing with Section 26150) as part of a course of study
32 necessary or authorized by the person authorized to issue the
33 license pursuant to that chapter.

34 (y) Incident to and at the request of a sheriff, chief, or other
35 head of a municipal police department.

36 (z) If all of the following conditions are satisfied:

37 (1) The open carrying occurs at an auction or similar event of
38 a nonprofit public benefit or mutual benefit corporation at which
39 firearms are auctioned or otherwise sold to fund the activities of
40 that corporation or the local chapters of that corporation.

1 (2) The unloaded firearm that is not a handgun is to be auctioned
2 or otherwise sold for that nonprofit public benefit or mutual benefit
3 corporation.

4 (3) The unloaded firearm that is not a handgun is to be delivered
5 by a person licensed pursuant to, and operating in accordance with,
6 Sections 26700 to 26915, inclusive.

7 (aa) Pursuant to paragraph (3) of subdivision (b) of Section
8 171c.

9 (ab) Pursuant to Section 171d.

10 (ac) Pursuant to subparagraph (F) of paragraph (1) of subdivision
11 (c) of Section 171.7.

12 (ad) On publicly owned land, if the possession and use of an
13 unloaded firearm that is not a handgun is specifically permitted
14 by the managing agency of the land and the person carrying that
15 firearm is in lawful possession of that firearm.

16 (ae) By any of the following:

17 (1) The carrying of an unloaded firearm that is not a handgun
18 that is regulated pursuant to Chapter 1 (commencing with Section
19 18710) of Division 5 of Title 2 by a person who holds a permit
20 issued pursuant to Article 3 (commencing with Section 18900) of
21 that chapter, if the carrying of that firearm is conducted in
22 accordance with the terms and conditions of the permit.

23 (2) The carrying of an unloaded firearm that is not a handgun
24 that is regulated pursuant to Chapter 2 (commencing with Section
25 30500) of Division 10 by a person who holds a permit issued
26 pursuant to Section 31005, if the carrying of that firearm is
27 conducted in accordance with the terms and conditions of the
28 permit.

29 (3) The carrying of an unloaded firearm that is not a handgun
30 that is regulated pursuant to Chapter 6 (commencing with Section
31 32610) of Division 10 by a person who holds a permit issued
32 pursuant to Section 32650, if the carrying of that firearm is
33 conducted in accordance with the terms and conditions of the
34 permit.

35 (4) The carrying of an unloaded firearm that is not a handgun
36 that is regulated pursuant to Article 2 (commencing with Section
37 33300) of Chapter 8 of Division 10 by a person who holds a permit
38 issued pursuant to Section 33300, if the carrying of that firearm is
39 conducted in accordance with the terms and conditions of the
40 permit.

1 (af) By a licensed hunter while actually engaged in training a
2 dog for the purpose of using the dog in hunting that is not
3 prohibited by law, or while transporting the firearm while going
4 to or returning from that training.

5 (ag) Pursuant to the provisions of subdivision (d) of Section
6 171.5.

7 (ah) By a person who is engaged in the business of
8 manufacturing ammunition and who is licensed to engage in that
9 business, or the authorized representative or authorized agent of
10 that person, while the firearm is being used in the lawful course
11 and scope of the licensee's activities as a person licensed pursuant
12 to Chapter 44 (commencing with Section 921) of Title 18 of the
13 United States Code and regulations issued pursuant thereto.

14 (ai) On the navigable waters of this state that are held in public
15 trust, if the possession and use of an unloaded firearm that is not
16 a handgun is not prohibited by the managing agency thereof and
17 the person carrying the firearm is in lawful possession of the
18 firearm.

19 SEC. 10. Section 26825 of the Penal Code is amended to read:
20 26825. A licensee shall agree to and shall act properly and
21 promptly in processing firearms transactions pursuant to Chapter
22 5 (commencing with Section 28050) *and Section 28270*.

23 SEC. 11. Section 26880 of the Penal Code is amended to read:
24 26880. A licensee shall not misstate the amount of fees charged
25 by a governmental agency pursuant to Section 12806, Chapter 5
26 (commencing with Section 28050), ~~and~~ Article 3 (commencing
27 with Section 28200) of Chapter ~~6~~ 6, *and Section 28270*.

28 SEC. 12. Section 26885 of the Penal Code is amended to read:
29 26885. (a) Except as provided in subdivisions (b) and (c) of
30 Section 26805, all firearms that are in the inventory of a licensee
31 shall be kept within the licensed location.

32 (b) Within 48 hours of discovery, a licensee shall report the loss
33 or theft of any of the following items to the appropriate law
34 enforcement agency in the city, county, or city and county where
35 the licensee's business premises are located:

- 36 (1) Any firearm that is merchandise of the licensee.
- 37 (2) Any firearm that the licensee takes possession of pursuant
38 to Chapter 5 (commencing with Section 28050) *or Section 28270*.
- 39 (3) Any firearm kept at the licensee's place of business.

40 SEC. 13. Section 27520 of the Penal Code is amended to read:

1 27520. ~~No~~-(a) A person, corporation, or dealer shall *not*
 2 acquire *within this state or bring into this state* a firearm for the
 3 purpose of selling, loaning, or transferring the firearm; if the
 4 person, corporation, or dealer has either of the following:

5 ~~(a)~~

6 (1) In the case of a dealer, intent to violate Section 27510 or
 7 27540.

8 ~~(b)~~

9 (2) In any other case, intent to avoid either of the following:

10 ~~(1)~~

11 (A) The provisions of Section 27545.

12 ~~(2)~~

13 (B) The requirements of any exemption to the provisions of
 14 Section 27545.

15 (b) *The provisions of this section are cumulative and shall not*
 16 *be construed as restricting the application of any other law.*
 17 *However, an act or omission punishable in different ways by*
 18 *different provisions of this code shall not be punished under more*
 19 *than one provision.*

20 SEC. 14. Section 27570 of the Penal Code is amended to read:

21 27570. (a) It is the intent of the Legislature that a violation of
 22 Section 27560 or 27565 *committed on or after January 1, 2017,*
 23 ~~shall not~~ constitute a “continuing offense” and the statute of
 24 limitations for commencing a prosecution for a violation of Section
 25 27560 or 27565 commences on the date that the applicable grace
 26 period specified in Section 27560 or 27565 expires.

27 (b) Sections 27560 and 27565 shall not apply to a person who
 28 reports ownership of a ~~handgun~~ *firearm* after the applicable grace
 29 period specified in Section 27560 or 27565 expires if evidence of
 30 that violation arises only as the result of the person submitting the
 31 report described in Section 27560 or 27565.

32 (c) *It is the intent of the Legislature that a violation of Section*
 33 *27545 committed on or after January 1, 2017, shall constitute a*
 34 *“continuing offense” and a prosecution may be brought any time*
 35 *after the violation of Section 27545 is committed or the applicable*
 36 *grace period as part of an exemption to Section 27545 expires.*

37 (d) *Section 27545 shall not apply to a person who transfers a*
 38 *firearm to or receives a firearm from a dealer if the only evidence*
 39 *of violating that section arises as the result of information provided*
 40 *to the Department of Justice pursuant to Section 28270.*

1 (e) Section 27545 shall not apply to a person who reports
2 ownership of a firearm after the applicable grace period specified
3 in Article 2 (commencing with Section 27600) or Article 6
4 (commencing with Section 2785) expires if the only evidence of
5 violating that section arises as the result of the person submitting
6 the report described in Article 2 (commencing with Section 27600)
7 or Article 6 (commencing with Section 27850).

8 (f) It is the intent of the Legislature that a violation of Section
9 27585 shall constitute a “continuing offense” and a prosecution
10 may be brought any time after the violation of Section 27585 is
11 committed or the applicable grace period as part of an exemption
12 to Section 27585 expires.

13 (g) Section 27585 shall not apply to a person who transfers a
14 firearm to or receives a firearm from a dealer if the only evidence
15 of violating that section arises as the result of information provided
16 to the Department of Justice pursuant to Section 28270.

17 (h) Sections 27585 shall not apply to a person who reports
18 ownership of a firearm after the applicable grace period for an
19 exemption from Section 27585 expires if the only evidence of
20 violating that section arises as the result of the person submitting
21 the report that is subject to the grace period.

22 SEC. 15. Section 27590 of the Penal Code is amended to read:

23 27590. (a) Except as provided in subdivision (b), (c), or (e),
24 a violation of this article is a misdemeanor.

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

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

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

37 (3) If the defendant has a prior conviction of violating any
38 offense specified in Section 29905 or of a violation of Section
39 32625 or 33410, or of former Section 12560, as that section read
40 at any time from when it was enacted by Section 4 of Chapter 931

1 of the Statutes of 1965 to when it was repealed by Section 14 of
 2 Chapter 9 of the Statutes of 1990, or of any provision listed in
 3 Section 16590.

4 (4) If the defendant is in a prohibited class described in Chapter
 5 2 (commencing with Section 29800) or Chapter 3 (commencing
 6 with Section 29900) of Division 9 of this title, or Section 8100 or
 7 8103 of the Welfare and Institutions Code.

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

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

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

18 (1) A violation of Section 27515, 27520, or subdivision (b) of
 19 Section 27500.

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

22 (3) A violation of Section 27510 involving the delivery of a
 23 handgun.

24 (4) A violation of subdivision (a), (c), (d), (e), or (f) of Section
 25 27540 involving a handgun.

26 (5) A violation of Section 27545 involving a ~~handgun~~. *handgun*
 27 *or a centerfire semiautomatic rifle.*

28 (6) A violation of Section 27550.

29 (7) *A violation of Section 27560 committed on or after January*
 30 *1, 2017, involving a handgun or a centerfire semiautomatic rifle.*

31 (8) *A violation of Section 27565 committed on or after January*
 32 *1, 2017, involving a handgun or a centerfire semiautomatic rifle.*

33 (7)

34 (9) A violation of Section 27585 involving a ~~handgun~~. *handgun*
 35 *or a centerfire semiautomatic rifle.*

36 (d) If both of the following circumstances apply, an additional
 37 term of imprisonment pursuant to subdivision (h) of Section 1170
 38 for one, two, or three years shall be imposed in addition and
 39 consecutive to the sentence prescribed.

1 (1) A violation of Section 27510 or subdivision (b) of Section
2 27500.

3 (2) The firearm transferred in violation of Section 27510 or
4 subdivision (b) of Section 27500 is used in the subsequent
5 commission of a felony for which a conviction is obtained and the
6 prescribed sentence is imposed.

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

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

11 (3) A third or subsequent violation of Section 27535 is a
12 misdemeanor.

13 (4) For purposes of this subdivision each application to purchase
14 a handgun in violation of Section 27535 shall be deemed a separate
15 offense.

16 SEC. 16. Section 28000 of the Penal Code is amended to read:

17 28000. (a) A person who is exempt from Section 27545 or is
18 otherwise not required by law to report acquisition, ownership,
19 destruction, or disposal of a firearm, or who moves out of this state
20 with the person's firearm, may report that information to the
21 Department of Justice in a format prescribed by the department.

22 (b) *A firearm that is reported pursuant to subdivision (a) shall*
23 *not be entered into the registry specified in Section 11106 as being*
24 *registered to the person making the report if any of the following*
25 *apply:*

26 (1) *The person is prohibited by state or federal law from*
27 *possessing, receiving, owning, or purchasing a firearm.*

28 (2) *All fees required by paragraph (3) of subdivision (a) of*
29 *Section 28230 have not been paid.*

30 (3) *The firearm is any of the following:*

31 (A) *Prohibited by Section 16590.*

32 (B) *An assault weapon as defined in Section 30510 or 30515.*

33 (C) *A machinegun as defined in Section 16880.*

34 (D) *A .50 BMG rifle as defined in Section 30530.*

35 (E) *A destructive device as defined in Section 16460.*

36 (4) *The person is a minor.*

37 (5) *The firearm has been reported lost or stolen pursuant to*
38 *Section 11108.*

39 SEC. 17. Section 28160 of the Penal Code is amended to read:

- 1 28160. (a) For all firearms, the register or record of electronic
2 transfer shall include all of the following information:
- 3 (1) The date and time of sale.
 - 4 (2) The make of firearm.
 - 5 (3) Peace officer exemption status pursuant to the provisions
6 listed in subdivision (c) of Section 16585, and the agency name.
 - 7 (4) Any applicable waiting period exemption information.
 - 8 (5) California Firearms Dealer number issued pursuant to Article
9 1 (commencing with Section 26700) of Chapter 2.
 - 10 (6) For transactions occurring on or after January 1, 2003, the
11 purchaser's handgun safety certificate number issued pursuant to
12 Article 2 (commencing with Section 31610) of Chapter 4 of
13 Division 10 of this title, or pursuant to former Article 8
14 (commencing with Section 12800) of Chapter 6 of Title 2 of Part
15 4, as that article read at any time from when it became operative
16 on January 1, 2003, to when it was repealed by the Deadly
17 Weapons Recodification Act of 2010.
 - 18 (7) Manufacturer's name if stamped on the firearm.
 - 19 (8) Model name or number, if stamped on the firearm.
 - 20 (9) Serial number, if applicable.
 - 21 (10) Other number, if more than one serial number is stamped
22 on the firearm.
 - 23 (11) Any identification number or mark assigned to the firearm
24 pursuant to Section 23910.
 - 25 (12) If the firearm is not a handgun and does not have a serial
26 number, identification number, or mark assigned to it, a notation
27 as to that fact.
 - 28 (13) Caliber.
 - 29 (14) Type of firearm.
 - 30 (15) If the firearm is new or used.
 - 31 (16) Barrel length.
 - 32 (17) Color of the firearm.
 - 33 (18) Full name of purchaser.
 - 34 (19) Purchaser's complete date of birth.
 - 35 (20) Purchaser's local address.
 - 36 (21) If current address is temporary, complete permanent address
37 of purchaser.
 - 38 (22) Identification of purchaser.
 - 39 (23) Purchaser's place of birth (state or country).
 - 40 (24) Purchaser's complete telephone number.

- 1 (25) Purchaser's occupation.
- 2 (26) Purchaser's gender.
- 3 (27) Purchaser's physical description.
- 4 (28) All legal names and aliases ever used by the purchaser.
- 5 (29) Yes or no answer to questions that prohibit purchase,
6 including, but not limited to, conviction of a felony as described
7 in Chapter 2 (commencing with Section 29800) or an offense
8 described in Chapter 3 (commencing with Section 29900) of
9 Division 9 of this title, the purchaser's status as a person described
10 in Section 8100 of the Welfare and Institutions Code, whether the
11 purchaser is a person who has been adjudicated by a court to be a
12 danger to others or found not guilty by reason of insanity, and
13 whether the purchaser is a person who has been found incompetent
14 to stand trial or placed under conservatorship by a court pursuant
15 to Section 8103 of the Welfare and Institutions Code.
- 16 (30) Signature of purchaser.
- 17 (31) Signature of salesperson, as a witness to the purchaser's
18 signature.
- 19 (32) Salesperson's certificate of eligibility number, if the
20 salesperson has obtained a certificate of eligibility.
- 21 (33) Name and complete address of the dealer or firm selling
22 the firearm as shown on the dealer's license.
- 23 (34) The establishment number, if assigned.
- 24 (35) The dealer's complete business telephone number.
- 25 (36) Any information required by Chapter 5 (commencing with
26 Section ~~28050~~; 28050) or Section 28270 or 29830.
- 27 (37) Any information required to determine whether subdivision
28 (f) of Section 27540 applies.
- 29 (38) A statement of the penalties for signing a fictitious name
30 or address, knowingly furnishing any incorrect information, or
31 knowingly omitting any information required to be provided for
32 the register.
- 33 (39) A statement informing the purchaser, after his or her
34 ownership of a firearm, of all of the following:
 - 35 (A) Upon his or her application, the Department of Justice shall
36 furnish him or her any information reported to the department as
37 it relates to his or her ownership of that firearm.
 - 38 (B) The purchaser is entitled to file a report of his or her
39 acquisition, disposition, or ownership of a firearm with the
40 department pursuant to Section 28000.

1 (C) Instructions for accessing the department's Internet Web
2 site for more information.

3 (40) For transactions on and after January 1, 2015, the
4 purchaser's firearm safety certificate number, except that in the
5 case of a handgun, the number from an unexpired handgun safety
6 certificate may be used.

7 (b) The purchaser shall provide the purchaser's right thumbprint
8 on the register in a manner prescribed by the department. No
9 exception to this requirement shall be permitted except by
10 regulations adopted by the department.

11 (c) The firearms dealer shall record on the register or record of
12 electronic transfer the date that the firearm is delivered, together
13 with the firearm dealer's signature indicating delivery of the
14 firearm.

15 (d) The purchaser shall sign the register or the record of
16 electronic transfer on the date that the firearm is delivered to him
17 or her.

18 SEC. 18. Section 28200 of the Penal Code is amended to read:

19 28200. As used in this article, the following words have the
20 following meanings:

21 (a) "Purchase" means the purchase, loan, ~~or~~ transfer, *or return*
22 of a firearm.

23 (b) "Purchaser" means the purchaser or transferee of a firearm
24 or the person being loaned a ~~firearm~~ *firearm, or to whom a firearm*
25 *is being returned.*

26 (c) "Sale" means the sale, loan, *return*, or transfer of a firearm.

27 (d) "Seller" means, if the transaction is being conducted pursuant
28 to Chapter 5 (commencing with Section 28050), the person selling,
29 loaning, or transferring the firearm.

30 SEC. 19. Article 3.5 (commencing with Section 28270) is
31 added to Chapter 6 of Division 6 of Title 4 of Part 6 of the Penal
32 Code, to read:

33
34 Article 3.5. Specialized Procedures for the Return of Firearms

35
36 28270. (a) This section only applies to the following:

37 (1) A person who acquired ownership of a firearm and the
38 acquisition violated Section 27545.

39 (2) A person who acquired ownership of a firearm and the
40 importation of the firearm into this state violated Section 27585.

1 (b) Any person who is described in subdivision (a) shall deliver
2 the firearm to a firearms dealer who shall take possession of that
3 firearm.

4 (c) A firearms dealer shall notify the Department of Justice of
5 the date of taking possession of the firearm pursuant to subdivision
6 (a).

7 (d) The dealer shall return the firearm or firearms initially
8 delivered to him or her pursuant to subdivision (b) to the prior
9 owner of that firearm in accordance with the procedures set forth
10 in Section 27540 and Article 1 (commencing with Section 26700)
11 and Article 2 (commencing with Section 26800) of Chapter 2.

12 (e) If the dealer is prohibited from lawfully returning the firearm
13 to the prior owner, the dealer shall deliver the firearm to the sheriff
14 of the county or the chief of police or other head of a municipal
15 police department of any city or city and county, who shall then
16 dispose of the firearm in the manner provided by Section 18000,
17 18005, or 34000.

18 (f) The person who utilizes this section may be required by the
19 dealer to pay a fee not to exceed ten dollars (\$10) per firearm.

20 (g) No other fee shall be charged by the dealer for the sale, loan,
21 or transfer of a firearm conducted pursuant to this chapter, except
22 for the applicable fees that may be charged pursuant to Sections
23 23690 and 28300 and Article 3 (commencing with Section 28200)
24 and forwarded to the Department of Justice, and the fees set forth
25 in Section 31650.

26 (h) The dealer shall not charge any fees except for those set
27 forth in subdivisions (f) and (g).

28 (i) Nothing in this section shall prevent a dealer from charging
29 a smaller fee than set forth in subdivision (f).

30 (j) The Attorney General shall adopt regulations under this
31 section that as closely as possible follow the procedure as set forth
32 in Chapter 5 (commencing with Section 28050) and to allow the
33 dealer and the owner of the firearm to comply with the
34 requirements of this section.

35 (k) A dealer who does not sell, transfer, or keep an inventory
36 of handguns is not required to process a transaction for a handgun
37 pursuant to this section.

38 (l) A violation of this section by a dealer is a misdemeanor.

1 28275. (a) Section 27545 does not apply to the receipt,
2 purchase, or other acquisition of ownership of a firearm if both of
3 the following conditions apply:

4 (1) The firearm is reported to the Department of Justice pursuant
5 to subdivision (c) of Section 28270.

6 (2) The firearm is returned pursuant to subdivision (d) of Section
7 28270.

8 (b) Subdivision (a) of Section 27585 does not apply to the
9 acquisition of ownership of a firearm where both of the following
10 conditions apply:

11 (1) The firearm is reported to the Department of Justice pursuant
12 to subdivision (c) of Section 28270.

13 (2) The firearm is returned pursuant to subdivision (d) of Section
14 28270.

15 SEC. 20. Section 31700 of the Penal Code is amended to read:

16 31700. (a) The following persons, properly identified, are
17 exempted from the firearm safety certificate requirement in
18 subdivision (a) of Section 31615:

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

21 (2) Any active or honorably retired federal officer or law
22 enforcement agent.

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

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

26 ~~(5) A firearms-dealer licensed pursuant to Sections 26700 to~~
27 ~~26915, inclusive, who is acting in the course and scope of that~~
28 ~~person's activities as a person licensed pursuant to Sections 26700~~
29 ~~to 26915, inclusive: dealer.~~

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

35 (7) ~~Except where the firearm is being returned pursuant to~~
36 ~~Section 28270, a person to whom a firearm is being returned, where~~
37 ~~the person receiving the firearm is the owner of the firearm.~~

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

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

4 (10) An active or honorably retired member of the United States
5 Armed Forces, the National Guard, the Air National Guard, or the
6 active reserve components of the United States, where individuals
7 in those organizations are properly identified. For purposes of this
8 section, proper identification includes the Armed Forces
9 Identification Card or other written documentation certifying that
10 the individual is an active or honorably retired member.

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

13 (12) Persons who are the holders of a special weapons permit
14 issued by the department pursuant to Section 32650 or 33300,
15 pursuant to Article 3 (commencing with Section 18900) of Chapter
16 1 of Division 5 of Title 2, or pursuant to Article 4 (commencing
17 with Section 32700) of Chapter 6 of this division.

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

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

24 (2) A secured creditor or an agent or employee thereof when
25 the firearms are possessed as collateral for, or as a result of, or an
26 agent or employee thereof when the firearms are possessed as
27 collateral for, or as a result of, a default under a security agreement
28 under the Commercial Code.

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

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

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

33 (6) An assignee for the benefit of creditors performing the
34 functions of an assignee.

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

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

2 SEC. 21. Section 32110 of the Penal Code is amended to read:

3 32110. Article 4 (commencing with Section 31900) and Article
4 5 (commencing with Section 32000) shall not apply to any of the
5 following:

6 (a) The sale, loan, or transfer of any firearm pursuant to Chapter
7 5 (commencing with Section 28050) of Division 6 in order to
8 comply with Section 27545.

9 (b) The sale, loan, or transfer of any firearm that is exempt from
10 the provisions of Section 27545 pursuant to any applicable
11 exemption contained in Article 2 (commencing with Section 27600)
12 or Article 6 (commencing with Section 27850) of Chapter 4 of
13 Division 6, if the sale, loan, or transfer complies with the
14 requirements of that applicable exemption to Section 27545.

15 (c) The sale, loan, or transfer of any firearm as described in
16 paragraph (3) of subdivision (b) of Section 32000.

17 (d) The delivery of a ~~pistol, revolver, or other firearm capable~~
18 ~~of being concealed upon the person~~ *handgun* to a ~~person licensed~~
19 ~~pursuant to Sections 26700 to 26915, inclusive,~~ *dealer* for the
20 purposes of the service or repair of that firearm.

21 (e) The return of a ~~pistol, revolver, or other firearm capable of~~
22 ~~being concealed upon the person~~ *handgun* by a ~~person licensed~~
23 ~~pursuant to Sections 26700 to 26915, inclusive,~~ *dealer* to its owner
24 where that firearm was initially delivered in the circumstances set
25 forth in subdivision (a), (d), (f), ~~or (i)~~: *(i), (l), or (m)*.

26 (f) The delivery of a ~~pistol, revolver, or other firearm capable~~
27 ~~of being concealed upon the person~~ *handgun* to a ~~person licensed~~
28 ~~pursuant to Sections 26700 to 26915, inclusive,~~ *dealer* for the
29 purpose of a consignment sale or as collateral for a pawnbroker
30 loan.

31 (g) The sale, loan, or transfer of any ~~pistol, revolver, or other~~
32 ~~firearm capable of being concealed upon the person~~ *handgun* listed
33 as a curio or relic, as defined in Section 478.11 of Title 27 of the
34 Code of Federal Regulations.

35 (h) The sale, loan, or transfer of any semiautomatic pistol that
36 is to be used solely as a prop during the course of a motion picture,
37 television, or video production by an authorized participant therein
38 in the course of making that production or event or by an authorized
39 employee or agent of the entity producing that production or event.

1 (i) The delivery of a ~~pistol, revolver, or other firearm capable~~
2 ~~of being concealed upon the person handgun~~ to a person licensed
3 ~~pursuant to Sections 26700 to 26915, inclusive, dealer~~ where the
4 firearm is being loaned by the ~~licensee dealer~~ to a
5 consultant-evaluator.

6 (j) The delivery of a ~~pistol, revolver, or other firearm capable~~
7 ~~of being concealed upon the person handgun~~ by a person licensed
8 ~~pursuant to Sections 26700 to 26915, inclusive, dealer~~ where the
9 firearm is being loaned by the ~~licensee dealer~~ to a
10 consultant-evaluator.

11 (k) The return of a ~~pistol, revolver, or other firearm capable of~~
12 ~~being concealed upon the person handgun~~ to a person licensed
13 ~~pursuant to Sections 26700 to 26915, inclusive, dealer~~ where it
14 was initially delivered pursuant to subdivision (j).

15 (l) *The delivery of a handgun to a dealer pursuant to Section*
16 *29830.*

17 (m) *The delivery of a handgun to a dealer pursuant to Section*
18 *28270.*

19 SEC. 22. No reimbursement is required by this act pursuant to
20 Section 6 of Article XIII B of the California Constitution because
21 the only costs that may be incurred by a local agency or school
22 district will be incurred because this act creates a new crime or
23 infraction, eliminates a crime or infraction, or changes the penalty
24 for a crime or infraction, within the meaning of Section 17556 of
25 the Government Code, or changes the definition of a crime within
26 the meaning of Section 6 of Article XIII B of the California
27 Constitution.