

AMENDED IN ASSEMBLY AUGUST 19, 2016

AMENDED IN ASSEMBLY AUGUST 15, 2016

AMENDED IN ASSEMBLY AUGUST 1, 2016

AMENDED IN SENATE MAY 31, 2016

AMENDED IN SENATE APRIL 12, 2016

**SENATE BILL**

**No. 1332**

---

---

**Introduced by Senator Mendoza**

February 19, 2016

---

---

An act to amend Sections 11106, 17060, 26600, 27050, 27600, 28300, and 31705 of, and to add ~~Sections 27881~~ and *Section 27882* to, the Penal Code, relating to firearms.

LEGISLATIVE COUNSEL'S DIGEST

SB 1332, as amended, Mendoza. Firearms.

Existing law requires the Attorney General to maintain a registry of all firearm owners consisting of the name, address, identification of, place of birth, complete telephone number, occupation, sex, description, and all legal names and aliases used by the owner of a particular firearm as listed on the ~~Dealer's~~ *Dealers'* Record of Sale or other specified reports.

Existing law establishes the Firearms Safety and Enforcement Special Fund and makes the revenue deposited into that fund available for expenditure by the department upon appropriation by the Legislature for purposes relating to the regulation of firearms.

This bill would, commencing January 1, 2019, require the Department of Justice to modify its registration form so that both spouses or both domestic partners may register as the owners of the firearm and would

require the department to maintain both names on the firearms registry. The bill would additionally make the revenue in the Firearms Safety and Enforcement Special Fund available for the purpose of implementing this registration process.

Existing law also requires the Attorney General to maintain information regarding firearms from certain other reports pertaining to firearms transactions and authorizes specified officers, including peace officers, to disseminate information from specified reports if certain conditions are satisfied, including if the subject of the record has been arraigned for a crime.

This bill would additionally require the Attorney General to maintain the information supplied to the Department of Justice in certain forms submitted by persons who take possession of a firearm pursuant to a specified exception to the general requirement that firearms transactions be completed through a licensed firearms dealer and would authorize information in those forms to be disseminated pursuant to the above provisions.

Existing law requires the loan of a firearm to be conducted through a licensed firearms dealer. Existing law makes a violation of this requirement a crime.

The bill would create exceptions to the dealer requirement for a loan of a firearm ~~that occurs at the individual receiving the firearm and lender's shared residence or private property and for a loan in which the firearm is being stored in the receiver's residence or in an enclosed structure on the receiver's private property, if certain criteria are met.~~

This bill would incorporate changes to Section 11106 of the Penal Code proposed by both this bill and AB 857, which would become operative only if both bills are enacted and become effective on or before January 1, 2017, and this bill is chaptered last.

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

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

- 1 SECTION 1. (a) The Legislature finds and declares all of the
- 2 following:
- 3 (1) Under current state procedures, the initial acquisition process
- 4 to acquire a firearm includes, among other requirements, a
- 5 background check, a firearm safety certificate, and, upon
- 6 completion of the process, registration of that firearm to that person

1 in the ~~Centralized Registry~~ *centralized registry* as set forth in  
2 Section 11106 of the Penal Code.

3 (2) The current background check and registration process  
4 allows only one person to initially acquire and be the registered  
5 owner of that firearm.

6 (3) The California Constitution provides that property owned  
7 before marriage or acquired during marriage by gift, will, or  
8 inheritance is separate property.

9 (4) Community property rights are protected through the Due  
10 Process Clause and other clauses of the California Constitution.

11 (5) On July 20, 2015, the California Supreme Court in the case  
12 *In re Marriage of Davis* (2015) 61 Cal.4th 846 confirmed that  
13 Section 760 of the Family Code specifically allows property  
14 acquired by the spouses during the marriage not to be treated as  
15 community property where otherwise provided by statute.

16 (6) Allowing property acquired by spouses during the marriage  
17 not to be treated as community property where otherwise provided  
18 by statute was foreshadowed by the decision of the Court of  
19 Appeals in *Crosby v. H.L.C. Properties LTD* (2014) 223  
20 Cal.App.4th 597, 609, fn. 10.

21 (7) Under current law, a person who is licensed to carry a  
22 handgun in public is licensed to carry a specific handgun, and in  
23 many jurisdictions licensing authorities license both spouses to  
24 carry the same handgun, but in other jurisdictions licenses to carry  
25 will not be issued unless the handgun is first registered to the  
26 applicant.

27 (8) Because carry license information is reported to the  
28 Department of Justice and is required to be included in the  
29 ~~Centralized Registry~~, *centralized registry*, joint registration is  
30 occurring today, albeit under the carry license system.

31 (9) Joint family firearm registration is expressly allowed for  
32 assault weapons and .50 BMG rifles.

33 (10) Joint spousal firearm registration exists in Hawaii,  
34 Maryland, and New York.

35 (11) Firearms initially constituting separate property may be  
36 jointly registered to a spouse via the transmutation process and via  
37 the operation of law procedures set forth in subdivision (g) of  
38 Section 16990 and paragraph (2) of subdivision (a) of Section  
39 27920 of the Penal Code, without being processed through a  
40 state-licensed firearms dealer. The clear intent of those provisions

1 is to allow joint spousal registration via that process but not to  
2 otherwise permit joint registration. The amendments to Section  
3 11106 of the Penal Code made by the act that added this section,  
4 insofar as relevant, are designed to effectuate that intent.

5 (12) Also via the operation of law process, separate property of  
6 one spouse may be transmuted to another spouse as separate  
7 property.

8 (13) Firearms brought into this state by new residents which  
9 were acquired outside of this state by such persons when residents  
10 of that other state are being allowed to be jointly registered in  
11 effect to both spouses pursuant to the procedures set forth in  
12 Section 27560 of the Penal Code, without being processed through  
13 a state-licensed firearms dealer. The amendments made to Section  
14 11106 of the Penal Code by the act that added this section, insofar  
15 as relevant, are designed to allow that to continue if it is occurring  
16 now.

17 (14) The Department of Justice, pursuant to Section 28000 of  
18 the Penal Code, allows a person to deregister a firearm if certain  
19 conditions are met, including, among other conditions, providing  
20 the department with official documentation that the firearm has,  
21 in fact, been disposed of. The amendments made to Section 11106  
22 of the Penal Code by the act that added this section, insofar as  
23 relevant, are designed to allow that to continue if it is occurring  
24 now.

25 (15) The process of deregistering a firearm by filing a form  
26 pursuant to Section 28000 of the Penal Code detailing the disposal  
27 of a firearm because the firearm was transferred to another requires  
28 submission to the department of a formal department-generated  
29 document stating that the firearm was reregistered. If the  
30 disposition form is not submitted pursuant to Section 28000 of the  
31 Penal Code, then a firearm may in effect be technically listed as  
32 being registered to both parties involved in the transfer.

33 (16) There are legitimate concerns that if joint firearm  
34 registration is explicitly allowed by virtue of the amendments made  
35 to Section 11106 of the Penal Code by the act that added this  
36 section, it may create a number of issues regarding third-party  
37 rights when the time comes to dispose of those jointly registered  
38 firearms. Those concerns exist now as to jointly registered .50  
39 BMG rifles and assault weapons.

1 (b) It is the intent of the Legislature, if joint firearm registration  
2 does not occur pursuant to the amendments made to Section 11106  
3 of the Penal Code by the act that added this section, to enact  
4 legislation that will go into effect prior to January 1, 2019, to  
5 implement an explicit joint firearm registration system in a  
6 user-friendly manner that protects public safety and does not  
7 complicate the disposition of firearms that are jointly registered.

8 (c) It is also the intent of the Legislature that the Department of  
9 Justice make available on its Internet Web site, in an editable public  
10 display format, the form referred to in Section 27882 of the Penal  
11 Code.

12 SEC. 2. Section 11106 of the Penal Code is amended to read:

13 11106. (a) (1) In order to assist in the investigation of crime,  
14 the prosecution of civil actions by city attorneys pursuant to  
15 paragraph (3) of subdivision (b), the arrest and prosecution of  
16 criminals, and the recovery of lost, stolen, or found property, the  
17 Attorney General shall keep and properly file a complete record  
18 of all of the following:

19 (A) All copies of fingerprints.

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

22 (C) Information reported to the Department of Justice pursuant  
23 to Section 26225, 27875, 27920, 27966, or 29830.

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

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

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

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

34 (H) Information provided pursuant to Section 28255.

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

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

39 (b) (1) The Attorney General shall permanently keep and  
40 properly file and maintain all information reported to the

1 Department of Justice pursuant to the following provisions as to  
2 firearms and maintain a registry thereof:

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

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

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

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

11 (E) Former Section 12084.

12 (F) Section 28255.

13 (G) Any other law.

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

15 (A) The name, address, identification of, place of birth (state  
16 or country), complete telephone number, occupation, sex,  
17 description, and all legal names and aliases ever used by the owner  
18 or person being loaned the particular firearm as listed on the  
19 information provided to the department on the Dealers' Record of  
20 Sale, the Law Enforcement Firearms Transfer (LEFT), as defined  
21 in former Section 12084, or reports made to the department  
22 pursuant to any provision listed in subdivision (a) of Section 16585,  
23 Section 28255, or any other law.

24 (B) The name and address of, and other information about, any  
25 person (whether a dealer or a private party) from whom the owner  
26 acquired or the person being loaned the particular firearm and  
27 when the firearm was acquired or loaned as listed on the  
28 information provided to the department on the Dealers' Record of  
29 Sale, the LEFT, or reports made to the department pursuant to any  
30 provision listed in subdivision (a) of Section 16585 or any other  
31 law.

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

35 (D) The manufacturer's name if stamped on the firearm, model  
36 name or number if stamped on the firearm, and, if applicable, the  
37 serial number, other number (if more than one serial number is  
38 stamped on the firearm), caliber, type of firearm, if the firearm is  
39 new or used, barrel length, and color of the firearm, or, if the

1 firearm is not a handgun and does not have a serial number or any  
2 identification number or mark assigned to it, that shall be noted.

3 (E) Commencing January 1, 2019, the name of the person and  
4 his or her spouse or domestic partner if the firearm is registered  
5 to both persons. The department shall modify its registration forms  
6 to the extent necessary, if it has not already done so, so that both  
7 spouses or both domestic partners may register as the owners of  
8 the firearm. This subparagraph shall not require the department to  
9 change the ~~Dealer's~~ Dealers' Record of Sale form.

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

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

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

34 (A) Section 26225, 27875, 27920, or 27966.

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

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

1 (D) Chapter 5 (commencing with Section 28050) of Division  
2 6 of Title 4 of Part 6.

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

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

7 (G) Chapter 2 (commencing with Section 33850) of Division  
8 11 of Title 4 of Part 6.

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

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

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

21 (B) The information is disseminated only to the victim of the  
22 crime or to the person who has obtained the emergency protective  
23 order, the temporary restraining order, or the order after hearing  
24 issued by the family court.

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

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

35 SEC. 2.5. Section 11106 of the Penal Code is amended to read:

36 11106. (a) (1) In order to assist in the investigation of crime,  
37 the prosecution of civil actions by city attorneys pursuant to  
38 paragraph (3) of subdivision (b), the arrest and prosecution of  
39 criminals, and the recovery of lost, stolen, or found property, the

1 Attorney General shall keep and properly file a complete record  
2 of all of the following:

3 (A) All copies of fingerprints.

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

6 (C) Information reported to the Department of Justice pursuant  
7 to Section 26225, 27875, 27920, 27966, 29180, or 29830.

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

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

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

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

18 (H) Information provided pursuant to Section 28255.

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

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

23 (b) (1) The Attorney General shall permanently keep and  
24 properly file and maintain all information reported to the  
25 Department of Justice pursuant to the following provisions as to  
26 firearms and maintain a registry thereof:

27 (A) Article 1 (commencing with Section 26700) and Article 2  
28 (commencing with Section 26800) of Chapter 2 of Division 6 of  
29 Title 4 of Part 6.

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

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

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

35 (E) Former Section 12084.

36 (F) Section 28255.

37 (G) Section 29180.

38 (H) Any other law.

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

1 (A) The name, address, identification of, place of birth (state  
2 or country), complete telephone number, occupation, sex,  
3 description, and all legal names and aliases ever used by the owner  
4 or person being loaned the particular firearm as listed on the  
5 information provided to the department on the Dealers' Record of  
6 Sale, the Law Enforcement Firearms Transfer (LEFT), as defined  
7 in former Section 12084, or reports made to the department  
8 pursuant to any provision listed in subdivision (a) of Section 16585,  
9 Section 28255 or 29180, or any other law.

10 (B) The name and address of, and other information about, any  
11 person (whether a dealer or a private party) from whom the owner  
12 acquired or the person being loaned the particular firearm and  
13 when the firearm was acquired or loaned as listed on the  
14 information provided to the department on the Dealers' Record of  
15 Sale, the LEFT, or reports made to the department pursuant to any  
16 provision listed in subdivision (a) of Section 16585 or any other  
17 law.

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

21 (D) The manufacturer's name if stamped on the firearm, model  
22 name or number if stamped on the firearm, and, if applicable, the  
23 serial number, other number (if more than one serial number is  
24 stamped on the firearm), caliber, type of firearm, if the firearm is  
25 new or used, barrel length, and color of the firearm, or, if the  
26 firearm is not a handgun and does not have a serial number or any  
27 identification number or mark assigned to it, that shall be noted.

28 (E) Commencing January 1, 2019, the name of the person and  
29 his or her spouse or domestic partner if the firearm is registered  
30 to both persons. The department shall modify its registration forms  
31 to the extent necessary, if it has not already done so, so that both  
32 spouses or both domestic partners may register as the owners of  
33 the firearm. This subparagraph shall not require the department to  
34 change the ~~Dealer's~~ Dealers' Record of Sale form.

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

1 (4) If any person is listed in the registry as the owner of a firearm  
2 through a Dealers' Record of Sale prior to 1979, and the person  
3 listed in the registry requests by letter that the Attorney General  
4 store and keep the record electronically, as well as in the record's  
5 existing photographic, photostatic, or nonerasable optically stored  
6 form, the Attorney General shall do so within three working days  
7 of receipt of the request. The Attorney General shall, in writing,  
8 and as soon as practicable, notify the person requesting electronic  
9 storage of the record that the request has been honored as required  
10 by this paragraph.

11 (c) (1) If the conditions specified in paragraph (2) are met, any  
12 officer referred to in paragraphs (1) to (6), inclusive, of subdivision  
13 (b) of Section 11105 may disseminate the name of the subject of  
14 the record, the number of the firearms listed in the record, and the  
15 description of any firearm, including the make, model, and caliber,  
16 from the record relating to any firearm's sale, transfer, registration,  
17 or license record, or any information reported to the Department  
18 of Justice pursuant to any of the following:

19 (A) Section 26225, 27875, 27920, or 27966.

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

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

25 (D) Chapter 5 (commencing with Section 28050) of Division  
26 6 of Title 4 of Part 6.

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

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

31 (G) Chapter 2 (commencing with Section 33850) of Division  
32 11 of Title 4 of Part 6.

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

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

36 (A) The subject of the record has been arraigned for a crime in  
37 which the victim is a person described in Section 6211 of the  
38 Family Code and is being prosecuted or is serving a sentence for  
39 the crime, or the subject of the record is the subject of an  
40 emergency protective order, a temporary restraining order, or an

1 order after hearing, which is in effect and has been issued by a  
2 family court under the Domestic Violence Protection Act set forth  
3 in Division 10 (commencing with Section 6200) of the Family  
4 Code.

5 (B) The information is disseminated only to the victim of the  
6 crime or to the person who has obtained the emergency protective  
7 order, the temporary restraining order, or the order after hearing  
8 issued by the family court.

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

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

19 SEC. 3. Section 17060 of the Penal Code is amended to read:

20 17060. (a) As used in Section 25135, “residence” means any  
21 structure intended or used for human habitation, including, but not  
22 limited to, houses, condominiums, rooms, motels, hotels,  
23 time-shares, and recreational or other vehicles where human  
24 habitation occurs.

25 ~~(b) As used in Section 27881, “resides within the same~~  
26 ~~residence” means that the individuals reside within the same~~  
27 ~~structure intended or used for human habitation, including, but not~~  
28 ~~limited to, houses, condominiums, and rooms, where human~~  
29 ~~habitation occurs, but does not mean individuals who reside within~~  
30 ~~discrete units of an apartment building, apartment complex, duplex,~~  
31 ~~or other similar complex.~~

32 (e)

33 (b) As used in Section 27882, “residence” means any structure  
34 intended or used for human habitation, including, but not limited  
35 to, houses, condominiums, rooms, motels, hotels, and time-shares,  
36 but does not include a recreational or other vehicle where human  
37 habitation occurs.

38 SEC. 4. Section 26600 of the Penal Code is amended to read:

39 26600. (a) Section 26500 does not apply to any sale, delivery,  
40 transfer, or loan of firearms made to an authorized law enforcement

1 representative of any city, county, city and county, or state, or of  
2 the federal government, for exclusive use by that governmental  
3 agency if, prior to the sale, delivery, transfer, or loan of these  
4 firearms, written authorization from the head of the agency  
5 authorizing the transaction is presented to the person from whom  
6 the purchase, delivery, transfer, or loan is being made.

7 (b) Proper written authorization is defined as verifiable written  
8 certification from the head of the agency by which the purchaser  
9 or transferee is employed, identifying the employee as an individual  
10 authorized to conduct the transaction, and authorizing the  
11 transaction for the exclusive use of the agency by which that person  
12 is employed.

13 (c) Within 10 days of the date a firearm is acquired or received  
14 by the agency pursuant to this section, a record of the same shall  
15 be entered as an institutional weapon into the Automated Firearms  
16 System (AFS) via the California Law Enforcement  
17 Telecommunications System (CLETS) by the law enforcement or  
18 state agency. Any agency without access to AFS shall arrange with  
19 the sheriff of the county in which the agency is located to input  
20 this information via this system.

21 SEC. 5. Section 27050 of the Penal Code is amended to read:

22 27050. (a) Article 1 (commencing with Section 26700) and  
23 Article 2 (commencing with Section 26800) do not apply to any  
24 sale, delivery, transfer, or loan of firearms made to an authorized  
25 law enforcement representative of any city, county, city and county,  
26 or state, or of the federal government, for exclusive use by that  
27 governmental agency if, prior to the sale, delivery, transfer, or loan  
28 of these firearms, written authorization from the head of the agency  
29 authorizing the transaction is presented to the person from whom  
30 the purchase, delivery, transfer, or loan is being made.

31 (b) Proper written authorization is defined as verifiable written  
32 certification from the head of the agency by which the purchaser,  
33 recipient, or transferee is employed, identifying the employee as  
34 an individual authorized to conduct the transaction, and authorizing  
35 the transaction for the exclusive use of the agency by which that  
36 person is employed.

37 (c) Within 10 days of the date a firearm is acquired or received  
38 by the agency pursuant to this section, a record of the same shall  
39 be entered as an institutional weapon into the Automated Firearms  
40 System (AFS) via the California Law Enforcement

1 Telecommunications System (CLETS) by the law enforcement or  
2 state agency. Any agency without access to AFS shall arrange with  
3 the sheriff of the county in which the agency is located to input  
4 this information via this system.

5 SEC. 6. Section 27600 of the Penal Code is amended to read:

6 27600. (a) Article 1 (commencing with Section 27500) does  
7 not apply to any sale, delivery, transfer, or loan of firearms made  
8 to, or the importation of firearms by, an authorized law enforcement  
9 representative of any city, county, city and county, or state, or of  
10 the federal government, for exclusive use by that governmental  
11 agency if, prior to the sale, delivery, transfer, loan, or importation  
12 of these firearms, written authorization from the head of the agency  
13 authorizing the transaction is presented to the person from whom  
14 the purchase, delivery, transfer, or loan is being made or from  
15 whom the firearm is being imported.

16 (b) Proper written authorization is defined as verifiable written  
17 certification from the head of the agency by which the purchaser,  
18 recipient, or transferee is employed, identifying the employee as  
19 an individual authorized to conduct the transaction, and authorizing  
20 the transaction for the exclusive use of the agency by which that  
21 person is employed.

22 (c) Within 10 days of the date a firearm is acquired or received  
23 by the agency pursuant to this section, a record of the same shall  
24 be entered as an institutional weapon into the Automated Firearms  
25 System (AFS) via the California Law Enforcement  
26 Telecommunications System (CLETS) by the law enforcement or  
27 state agency. Any agency without access to the AFS shall arrange  
28 with the sheriff of the county in which the agency is located to  
29 input this information via this system.

30 (d) Any agency that is the registered owner of an institutional  
31 weapon in accordance with subdivision (c) that subsequently  
32 destroys that weapon shall enter information that the weapon has  
33 been destroyed into the Automated Firearms System (AFS) via  
34 the California Law Enforcement Telecommunications System  
35 (CLETS) within 10 days of the destruction in accordance with  
36 procedures prescribed by the Department of Justice. Any agency  
37 without access to the AFS shall arrange with the sheriff of the  
38 county in which the agency is located to input this information via  
39 this system.

40 ~~SEC. 7. Section 27881 is added to the Penal Code, to read:~~

1 ~~27881. Section 27545 does not apply to the loan of a firearm~~  
2 ~~provided all of the following are met:~~

3 ~~(a) The firearm being loaned is registered to the person making~~  
4 ~~the loan pursuant to Section 11106.~~

5 ~~(b) The loan occurs within the individual receiving the firearm~~  
6 ~~and lender's shared place of residence or private property, which~~  
7 ~~is not zoned for commercial, retail, or industrial activity.~~

8 ~~(c) The firearm at all times stays within the individual receiving~~  
9 ~~the firearm and lender's shared place of residence or private~~  
10 ~~property, which is not zoned for commercial, retail, or industrial~~  
11 ~~activity.~~

12 ~~(d) The individual receiving the firearm is not prohibited by~~  
13 ~~state or federal law from possessing, receiving, owning, or~~  
14 ~~purchasing a firearm.~~

15 ~~(e) The individual receiving the firearm is 18 years of age or~~  
16 ~~older.~~

17 ~~(f) The individual receiving the firearm has a valid firearm safety~~  
18 ~~certificate, except that if the firearm being loaned is a handgun,~~  
19 ~~the individual may instead have an unexpired handgun safety~~  
20 ~~certificate.~~

21 ~~(g) The person being loaned the firearm resides within the same~~  
22 ~~residence as the lender.~~

23 ~~SEC. 8.~~

24 ~~SEC. 7. Section 27882 is added to the Penal Code, to read:~~

25 ~~27882. Section 27545 does not apply to the loan of a firearm~~  
26 ~~provided all of the following are met:~~

27 ~~(a) The firearm being loaned is registered to the person making~~  
28 ~~the loan pursuant to Section 11106.~~

29 ~~(b) The firearm being loaned is stored in the receiver's place of~~  
30 ~~residence or in an enclosed structure on the receiver's private~~  
31 ~~property, which is not zoned for commercial, retail, or industrial~~  
32 ~~activity.~~

33 ~~(c) The firearm at all times stays within the receiver's place of~~  
34 ~~residence or in an enclosed structure on the receiver's private~~  
35 ~~property, which is not zoned for commercial, retail, or industrial~~  
36 ~~activity.~~

37 ~~(d) The individual receiving the firearm is not prohibited by~~  
38 ~~state or federal law from possessing, receiving, owning, or~~  
39 ~~purchasing a firearm.~~

1 (e) The individual receiving the firearm is 18 years of age or  
2 older.

3 (f) The individual receiving the firearm has a valid firearm safety  
4 certificate, except that if the firearm being loaned is a handgun,  
5 the individual may instead have an unexpired handgun safety  
6 certificate.

7 (g) One of the following applies:

8 (1) The firearm is maintained within a locked container.

9 (2) The firearm is disabled by a firearm safety device.

10 (3) The firearm is maintained within a locked gun safe.

11 (4) The firearm is locked with a locking device, as defined in  
12 Section 16860, which has rendered the firearm inoperable.

13 (h) The loan does not exceed 30 days in duration.

14 (i) The loan is made without consideration.

15 (j) There is writing in a format prescribed by the Department  
16 of Justice that explains the obligations imposed by this section that  
17 is signed by both the party loaning the firearm for storage and the  
18 person receiving the firearm.

19 (k) Both parties to the loan have signed copies of the writing  
20 required by subdivision (j).

21 ~~SEC. 9.~~

22 *SEC. 8.* Section 28300 of the Penal Code is amended to read:

23 28300. (a) The Firearms Safety and Enforcement Special Fund  
24 is hereby established in the State Treasury and shall be  
25 administered by the Department of Justice.

26 (b) The Department of Justice may require firearms dealers to  
27 charge each person who obtains a firearm a fee not to exceed five  
28 dollars (\$5) for each transaction, except that the fee may be  
29 increased at a rate not to exceed any increase in the California  
30 Consumer Price Index as compiled and reported by the Department  
31 of Industrial Relations, and not to exceed the reasonable cost of  
32 regulation to the department. Revenues from this fee shall be  
33 deposited in the Firearms Safety and Enforcement Special Fund.

34 (c) Revenue deposited into the Firearms Safety and Enforcement  
35 Special Fund shall be available for expenditure by the Department  
36 of Justice upon appropriation by the Legislature for all of the  
37 following:

38 (1) Implementing and enforcing the provisions of Article 2  
39 (commencing with Section 31610) of Chapter 4 of Division 10.

40 (2) Enforcing Section 830.95.

1 (3) Implementing subparagraph (E) of paragraph (2) of  
2 subdivision (b) of Section 11106.

3 (4) Enforcing Title 2 (commencing with Section 12001) of Part  
4 4.

5 (5) Enforcing Sections 16000 to 16960, inclusive.

6 (6) Enforcing Sections 16970 to 17230, inclusive.

7 (7) Enforcing Sections 17240 to 21390, inclusive.

8 (8) Enforcing Sections 21590 to 34370, inclusive.

9 (9) The establishment, maintenance, and upgrading of equipment  
10 and services necessary for firearms dealers to comply with Article  
11 2 (commencing with Section 28150).

12 ~~SEC. 10.~~

13 *SEC. 9.* Section 31705 of the Penal Code is amended to read:

14 31705. (a) Subdivision (a) of Section 31615 does not apply  
15 to any sale, delivery, transfer, or loan of firearms made to an  
16 authorized law enforcement representative of any city, county,  
17 city and county, or state, or of the federal government, for exclusive  
18 use by that governmental agency if, prior to the sale, delivery,  
19 transfer, or loan of these firearms, written authorization from the  
20 head of the agency authorizing the transaction is presented to the  
21 person from whom the purchase, delivery, transfer, or loan is being  
22 made.

23 (b) Proper written authorization is defined as verifiable written  
24 certification from the head of the agency by which the purchaser,  
25 recipient, or transferee is employed, identifying the employee as  
26 an individual authorized to conduct the transaction, and authorizing  
27 the transaction for the exclusive use of the agency by which that  
28 person is employed.

29 (c) Within 10 days of the date a firearm is acquired or received  
30 by the agency pursuant to this section, a record of the same shall  
31 be entered as an institutional weapon into the Automated Firearms  
32 System (AFS) via the California Law Enforcement  
33 Telecommunications System (CLETS) by the law enforcement or  
34 state agency. Any agency without access to AFS shall arrange with  
35 the sheriff of the county in which the agency is located to input  
36 this information via this system.

37 ~~SEC. 11.~~

38 *SEC. 10.* The Legislature finds and declares that the  
39 amendments made to Sections 26600, 27050, 27600, and 31705  
40 of the Penal Code by this act are declaratory of existing law.

1     ~~SEC. 12.~~

2     *SEC. 11.* Section 2.5 of this bill incorporates amendments to  
3 Section 11106 of the Penal Code proposed by both this bill and  
4 Assembly Bill 857. It shall only become operative if (1) both bills  
5 are enacted and become effective on or before January 1, 2017,  
6 (2) each bill amends Section 11106 of the Penal Code, and (3) this  
7 bill is enacted after Assembly Bill 857, in which case Section 2 of  
8 this bill shall not become operative.

O