

AMENDED IN ASSEMBLY MAY 14, 1996
AMENDED IN ASSEMBLY APRIL 29, 1996

CALIFORNIA LEGISLATURE—1995–96 REGULAR SESSION

ASSEMBLY BILL

No. 2645

Introduced by Assembly Member Morrissey

February 21, 1996

An act to amend Sections 7583.23, 7583.24, ~~7596.3~~ 7583.32, 7596.3, 7596.7, and 7596.8 of, and to repeal Sections 7583.25, 7583.26, 7596.81, and 7596.82 of, the Business and Professions Code, and to amend Section 12001 of the Penal Code, relating to security services.

LEGISLATIVE COUNSEL'S DIGEST

AB 2645, as amended, Morrissey. Security services: firearms.

Existing law requires the licensure of persons acting as private patrol operators and alarm companies. Existing law requires licensees, security guards, and patrol persons, and persons licensed, registered, or designated under the law relating to alarm companies, who carry firearms in the course of business or employment, to complete a course of training and be issued a firearms permit. Existing law requires investigation and screening as a condition of issuance or renewal. *Existing law provides that the firearms qualification card issued to these persons expires after one year.*

This bill would delete requirements of investigation, and would, instead require the application to be accompanied by

an unexpired certificate of eligibility issued by the Department of Justice pursuant to the certificate of eligibility program, except as specified. *This bill would provide that the firearms qualification card expires after 2 years rather than one year.*

The bill would provide that a firearms eligibility determination may include the submission of the applicant’s fingerprints to the United States Federal Bureau of Investigation.

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. Section 7583.23 of the Business and
2 Professions Code is amended to read:

3 7583.23. The bureau shall issue a firearms permit
4 when all of the following conditions are satisfied:

5 (a) The applicant is a licensee, a qualified manager of
6 a licensee, or a registered uniformed security guard.

7 (b) A certified firearms training instructor has
8 certified that the applicant has successfully completed a
9 written examination prepared by the bureau and training
10 course in the carrying and use of firearms approved by
11 the bureau.

12 (c) The applicant has filed with the bureau a
13 completed application for a firearms permit on a form
14 prescribed by the director, dated and signed by the
15 applicant, certifying under penalty of perjury that the
16 information in the application is true and correct.

17 (d) The bureau has determined that the carrying and
18 use of a firearm by the applicant, in the course of his or
19 her duties, presents no apparent threat to the public
20 safety, or that the carrying and use of a firearm by the
21 applicant is not in violation of the Penal Code.

22 (e) The applicant has produced evidence to the
23 firearm training facility that he or she is a citizen of the
24 United States or has permanent legal alien status in the
25 United States. Evidence of citizenship or permanent legal
26 alien status shall be that deemed sufficient by the bureau



1 to ensure compliance with federal laws prohibiting
2 possession of firearms by persons unlawfully in the United
3 States and may include, but not be limited to,
4 Department of Justice, Immigration and Naturalization
5 Service Form I-151 or I-551, Alien Registration Receipt
6 Card, naturalization documents, or birth certificates
7 evidencing lawful residence or status in the United States.

8 (f) The application is accompanied by the application
9 fees prescribed in this chapter.

10 (g) Except as otherwise permitted by subdivision (h),
11 the application is accompanied by an unexpired
12 certificate of eligibility issued by the Department of
13 Justice pursuant to the certificate of eligibility program
14 provided for in Section 12071 of the Penal Code.

15 (h) If the applicant is a retired peace officer, as defined
16 in Section 830.1 or subdivision (a) of Section 830.2 of the
17 Penal Code, and he or she is authorized pursuant to
18 Section 12027 of the Penal Code to carry a firearm capable
19 of being concealed, his or her application shall be
20 accompanied by a certificate of eligibility pursuant to
21 subdivision (g) or, if he or she has not obtained a
22 certificate of eligibility, the bureau shall verify with the
23 Department of Justice that the applicant is not within a
24 class of persons prohibited from carrying a firearm as
25 described in Section 12021 or 12021.1 of the Penal Code
26 or Section 8100 or 8103 of the Welfare and Institutions
27 Code.

28 SEC. 2. Section 7583.24 of the Business and
29 Professions Code is amended to read:

30 7583.24. (a) The bureau shall not issue a firearm
31 permit if the applicant is prohibited from possessing,
32 receiving, owning, or purchasing a firearm.

33 (b) An applicant who has been denied a firearm
34 permit based upon subdivision (a) may reapply for the
35 permit after the prohibition expires. The bureau shall
36 treat this application as an initial application.

37 SEC. 3. Section 7583.25 of the Business and
38 Professions Code is repealed.

39 SEC. 4. Section 7583.26 of the Business and
40 Professions Code is repealed.



1 SEC. 5. *Section 7583.32 of the Business and*
2 *Professions Code is amended to read:*

3 7583.32. (a) A firearms qualification card expires ~~one~~
4 ~~year~~ *two years* from the date of issuance, if not renewed.
5 A person who wishes to renew a firearms qualification
6 card may file an application for renewal within 60 days
7 prior to the card's expiration. A person whose card has
8 expired shall not carry a firearm until he or she has been
9 issued a renewal card by the bureau.

10 (b) The bureau shall not renew a firearms
11 qualification card unless all of the following conditions are
12 satisfied:

13 (1) The cardholder has filed with the bureau a
14 completed application for renewal of a firearms
15 qualification card, on a form prescribed by the director,
16 dated and signed by the applicant under penalty of
17 perjury certifying that the information on the application
18 is true and correct.

19 (2) The applicant has requalified on the range and has
20 successfully passed a written examination based on course
21 content as specified in the firearms training manual
22 approved by the department and taught at a training
23 facility approved by the bureau.

24 (3) The application is accompanied by a firearms
25 requalification fee as prescribed in this chapter.

26 (4) The applicant has produced evidence to the
27 firearm training facility either upon receiving his or her
28 original qualification card or upon filing for renewal of
29 that card that he or she is a citizen of the United States or
30 has permanent legal alien status in the United States.
31 Evidence of citizenship or permanent legal alien status
32 shall be that deemed sufficient by the bureau to ensure
33 compliance with federal laws prohibiting possession of
34 firearms by persons unlawfully in the United States and
35 may include, but not be limited to, Department of Justice,
36 Immigration and Naturalization Service Form I-151 or
37 I-551, Alien Registration Receipt Card, naturalization
38 documents, or birth certificates evidencing lawful
39 residence or status in the United States.



1 (c) An expired firearms qualification card may not be
2 renewed. A person with an expired registration is
3 required to apply for a new firearms qualification in the
4 manner required of persons not previously registered. A
5 person whose card has expired shall not carry a firearm
6 until he or she has been issued a new firearms
7 qualification card by the bureau.

8 *SEC. 6.* Section 7596.3 of the Business and Professions
9 Code is amended to read:

10 7596.3. The director shall issue a firearms permit
11 when all of the following conditions exist:

12 (a) The applicant is a licensee, a qualified manager of
13 a licensee, a designated branch office manager of a
14 licensee, or a registered alarm agent.

15 (b) The applicant has filed with the bureau a
16 completed application for a firearms permit on a form
17 prescribed by the director, dated and signed by the
18 applicant, certifying under penalty of perjury that the
19 information in the application is true and correct.

20 (c) A certified firearms training instructor certifies
21 that the applicant has successfully completed the
22 bureau-approved training course in the carrying and use
23 of firearms.

24 (d) The applicant has provided the bureau with
25 evidence that the applicant has completed a course in the
26 exercise of the powers to arrest.

27 (e) The bureau has determined that the carrying and
28 use of a firearm by the applicant, in the course of his or
29 her duties, presents no apparent threat to the public
30 safety, or the carrying and use of a firearm by the
31 applicant is not in violation of the Penal Code.

32 (f) The applicant has produced evidence to the
33 firearm training facility that he or she is a citizen of the
34 United States or has permanent legal alien status in the
35 United States. Evidence of citizenship or permanent legal
36 alien status shall be that deemed sufficient by the bureau
37 to ensure compliance with federal laws prohibiting
38 possession of firearms by persons unlawfully in the United
39 States and may include, but not be limited to,
40 Department of Justice, Immigration and Naturalization



1 Service Form I-151 or I-551, Alien Registration Receipt
2 Card, naturalization documents, or birth certificates
3 evidencing lawful residence or status in the United States.

4 (g) The application is accompanied by the fee
5 prescribed in this chapter.

6 (h) Except as otherwise provided by subdivision (h),
7 the application is accompanied by an unexpired
8 certificate of eligibility issued by the Department of
9 Justice pursuant to the certificate of eligibility program
10 provided for in Section 12071 of the Penal Code.

11 (h) If the applicant is a retired peace officer, as defined
12 in Section 830.1 or subdivision (a) of Section 830.2 of the
13 Penal Code, and he or she is authorized pursuant to
14 Section 12027 of the Penal Code to carry a firearm capable
15 of being concealed, his or her application shall be
16 accompanied by a certificate of eligibility pursuant to
17 subdivision (g) or, if he or she has not obtained a
18 certificate of eligibility, the bureau shall verify with the
19 Department of Justice that the applicant is not within a
20 class of persons prohibited from carrying a firearm as
21 described in Section 12021 or 12021.1 of the Penal Code
22 or Section 8100 or 8103 of the Welfare and Institutions
23 Code.

24 ~~SEC. 6.—~~

25 *SEC. 7. Section 7596.7 of the Business and Professions*
26 *Code is amended to read:*

27 *7596.7. A firearms qualification card expires ~~one year~~*
28 *two years* from the date of issuance, if not renewed. A
29 person who wishes to renew a firearms qualification card
30 may file an application for renewal within 60 days prior
31 to the card's expiration. A person whose card has expired
32 shall not carry a firearm until he or she has been issued a
33 renewal card by the bureau.

34 The director shall not renew a firearms qualification
35 card unless all of the following conditions exist:

36 (a) The cardholder has filed with the bureau a
37 completed application for renewal of a firearms
38 qualification card, on a form prescribed by the director,
39 dated and signed by the applicant under penalty of



1 perjury certifying that the information on the application
2 is true and correct.

3 (b) The application is accompanied by a firearms
4 requalification fee as prescribed in this chapter.

5 (c) The applicant has requalified on the range and has
6 successfully passed a written examination based on course
7 content as specified in the firearms training manual
8 approved by the department and taught at a training
9 facility approved by the bureau.

10 (d) During calendar year 1985, the applicant has
11 produced evidence to the firearm training facility either
12 upon receiving his or her original qualification card or
13 upon filing for renewal of that card that he or she is a
14 citizen of the United States or has permanent legal alien
15 status in the United States. Such evidence of citizenship
16 or permanent legal alien status shall be that deemed
17 sufficient by the bureau to ensure compliance with
18 federal laws prohibiting possession of firearms by persons
19 unlawfully in the United States and may include, but not
20 be limited to, Department of Justice, Immigration and
21 Naturalization Service Form I-151 or I-551, Alien
22 Registration Receipt Card, naturalization documents, or
23 birth certificates evidencing lawful residence or status in
24 the United States.

25 (e) An expired firearms qualification card may not be
26 renewed. A person with an expired firearms qualification
27 card is required to apply for a new card in the manner
28 required of persons not previously registered. A person
29 whose card has expired shall not carry a firearm until he
30 or she has been issued a new firearms qualification card
31 by the bureau.

32 *SEC. 8.* Section 7596.8 of the Business and Professions
33 Code is amended to read:

34 7596.8. (a) Effective October 1, 1993, the bureau
35 shall not issue a firearm permit if the applicant is
36 prohibited from possessing, receiving, owning, or
37 purchasing a firearm.

38 (b) An applicant who has been denied a firearm
39 permit based upon subdivision (a) may reapply for the



1 permit after the prohibition expires. The bureau shall
2 treat this application as an initial application.

3 ~~SEC. 7.—~~

4 *SEC. 9.* Section 7596.81 of the Business and
5 Professions Code is repealed.

6 ~~SEC. 8.—~~

7 *SEC. 10.* Section 7596.82 of the Business and
8 Professions Code is repealed.

9 ~~SEC. 9.—~~

10 *SEC. 11.* Section 12001 of the Penal Code is amended
11 to read:

12 12001. (a) As used in this title, the terms “pistol,”
13 “revolver,” and “firearm capable of being concealed
14 upon the person” shall apply to and include any device
15 designed to be used as a weapon, from which is expelled
16 a projectile by the force of any explosion, or other form
17 of combustion, and which has a barrel less than 16 inches
18 in length. These terms also include any device which has
19 a barrel 16 inches or more in length which is designed to
20 be interchanged with a barrel less than 16 inches in
21 length.

22 (b) As used in this title, “firearm” means any device,
23 designed to be used as a weapon, from which is expelled
24 through a barrel a projectile by the force of any explosion
25 or other form of combustion.

26 (c) As used in Sections 12021, 12021.1, 12070, 12071,
27 12072, 12073, 12078, and 12101 of this code, and Sections
28 8100, 8101, and 8103 of the Welfare and Institutions Code,
29 the term “firearm” includes the frame or receiver of the
30 weapon.

31 (d) For the purposes of Sections 12025 and 12031, the
32 term “firearm” also shall include any rocket, rocket
33 propelled projectile launcher, or similar device
34 containing any explosive or incendiary material whether
35 or not the device is designed for emergency or distress
36 signaling purposes.

37 (e) (1) For purposes of Sections 12070, 12071, and
38 subdivisions (b), (c), and (d) of Section 12072, the term
39 “firearm” does not include an unloaded firearm which is



1 defined as an “antique firearm” in Section 921(a)(16) of
2 Title 18 of the United States Code.

3 (2) For purposes of Sections 12070, 12071, and
4 subdivisions (b), (c), and (d) of Section 12072, the term
5 “firearm” does not include an unloaded firearm that
6 meets both of the following:

7 (A) It is not a pistol, revolver, or other firearm capable
8 of being concealed upon the person.

9 (B) It is a curio or relic, as defined in Section 178.11 of
10 Title 27 of the Code of Federal Regulations.

11 (f) Nothing shall prevent a device defined as a
12 “pistol,” “revolver,” or “firearm capable of being
13 concealed upon the person” from also being found to be
14 a short-barreled shotgun or a short-barreled rifle, as
15 defined in Section 12020.

16 (g) For purposes of Sections 12551 and 12552, the term
17 “BB device” means any instrument which expels a
18 metallic projectile, such as a BB or a pellet, through the
19 force of air pressure, CO₂ pressure, or spring action, or
20 any spot marker gun.

21 (h) As used in this title, “wholesaler” means any
22 person who is licensed as a dealer pursuant to Chapter 44
23 (commencing with Section 921) of Title 18 of the United
24 States Code and the regulations issued pursuant thereto
25 who sells, transfers, or assigns firearms, or parts of
26 firearms, to persons who are licensed as manufacturers,
27 importers, or gunsmiths pursuant to Chapter 44
28 (commencing with Section 921) of Title 18 of the United
29 States Code, or persons licensed pursuant to Section
30 12071, and includes persons who receive finished parts of
31 firearms and assemble them into completed or partially
32 completed firearms in furtherance of that purpose.

33 “Wholesaler” shall not include a manufacturer,
34 importer, or gunsmith who is licensed to engage in those
35 activities pursuant to Chapter 44 (commencing with
36 Section 921) of Title 18 of the United States Code or a
37 person licensed pursuant to Section 12071 and the
38 regulations issued pursuant thereto. A wholesaler also
39 does not include those persons dealing exclusively in



1 grips, stocks, and other parts of firearms that are not
2 frames or receivers thereof.

3 (i) As used in Section 12071, 12072, or 12084,
4 “application to purchase” means either of the following:

5 (1) The initial completion of the register by the
6 purchaser, transferee, or person being loaned the firearm
7 as required by subdivision (a) of Section 12076.

8 (2) The initial completion of the LEFT by the
9 purchaser, transferee, or person being loaned the firearm
10 as required by subdivision (d) of Section 12084.

11 (j) For purposes of Section 12023, a firearm shall be
12 deemed to be “loaded” whenever both the firearm and
13 the unexpended ammunition capable of being
14 discharged from the firearm are in the immediate
15 possession of the same person.

16 (k) For purposes of Sections 12021, 12021.1, 12025,
17 12070, 12072, 12073, 12078, and 12101 of this code, and
18 Sections 8100, 8101, and 8103 of the Welfare and
19 Institutions Code, notwithstanding the fact that the term
20 “any firearm” may be used in those sections, each firearm
21 or the frame or receiver of the same shall constitute a
22 distinct and separate offense under those sections.

23 (l) For purposes of Section 12020, a violation of that
24 section as to each firearm, weapon, or device enumerated
25 therein shall constitute a distinct and separate offense.

26 (m) Pursuant to this title, any firearms eligibility
27 determination involving the issuance of any license,
28 permit, or certificate may include the submission of the
29 applicant’s fingerprints to the United States Federal
30 Bureau of Investigation.

