

## Assembly Bill No. 2645

### CHAPTER 734

An act to amend Sections 7583.32, 7588, 7596.7, and 7599.70 of the Business and Professions Code, and to amend Section 12001 of the Penal Code, relating to security services.

[Approved by Governor September 21, 1996. Filed  
with Secretary of State September 23, 1996.]

#### LEGISLATIVE COUNSEL'S DIGEST

AB 2645, 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 provide that the firearms qualification card expires after 2 years rather than one year. The bill would increase the firearms qualification and requalification fees to reflect the longer period before the expiration of the qualification card.

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. The bill would also incorporate changes in Section 12001 of the Penal Code made by Chapter 128 of the Statutes of 1996.

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

SECTION 1. Section 7583.32 of the Business and Professions Code is amended to read:

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

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

(1) The cardholder has filed with the bureau a completed application for renewal of a firearms qualification card, on a form

prescribed by the director, dated and signed by the applicant under penalty of perjury certifying that the information on the application is true and correct.

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

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

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

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

SEC. 2. The first Section 7588 of the Business and Professions Code, as added by Section 6 of Chapter 1285 of the Statutes of 1994, is amended to read:

7588. The fees prescribed by this chapter are as follows:

(a) The application and examination fee for an original license for a private patrol operator is two hundred dollars (\$200).

(b) The application fee for an original branch office certificate for a private patrol operator is seventy-five dollars (\$75).

(c) The fee for an original license for a private patrol operator is five hundred dollars (\$500).

(d) The renewal fee is as follows:

(1) For a license as a private patrol operator, five hundred dollars (\$500).

(2) For a combination license as a private investigator under Chapter 11.3 (commencing with Section 7512) and private patrol operator, AC or DC prefix, six hundred dollars (\$600).

(3) For a branch office certificate for a combination private investigator under Chapter 11.3 (commencing with Section 7512) and private patrol operator, forty dollars (\$40), and for a private patrol operator, seventy-five dollars (\$75).



(e) The delinquency fee is 50 percent of the renewal fee in effect on the date of expiration.

(f) A reinstatement fee is equal to the amount of the renewal fee plus the regular delinquency fee.

(g) The fee for reexamination of an applicant or his or her manager is twenty dollars (\$20).

(h) Registration fees pursuant to this chapter are as follows:

(1) A registration fee for a security guard is twenty-five dollars (\$25).

(2) A security guard registration renewal fee of twenty-five dollars (\$25).

(i) Fees to carry out other provisions of this chapter are as follows:

(1) A firearms qualification fee of eighty dollars (\$80).

(2) A firearms requalification fee of sixty dollars (\$60).

(3) An initial baton certification fee of fifty dollars (\$50).

(4) An application fee and renewal fee for certification as a firearms training facility or a baton training facility of five hundred dollars (\$500).

(5) An application fee and renewal fee for certification as a firearms training instructor or a baton training instructor of two hundred fifty dollars (\$250).

(j) This section shall remain in effect only until January 1, 1998, and as of that date is repealed, unless a later enacted statute, which is enacted before January 1, 1998, deletes or extends that date.

SEC. 3. The second Section 7588 of the Business and Professions Code, as added by Section 6 of Chapter 1285 of the Statutes of 1994, is amended to read:

7588. The fees prescribed by this chapter are as follows:

(a) The application and examination fee for an original license for a private patrol operator is one hundred dollars (\$100).

(b) The application fee for an original branch office certificate for a private patrol operator is fifty dollars (\$50).

(c) The fee for an original license for a private patrol operator is three hundred fifty dollars (\$350).

(d) The renewal fee is as follows:

(1) For a license as a private patrol operator, three hundred fifty dollars (\$350).

(2) For a combination license as a private investigator under Chapter 11.3 (commencing with Section 7512) and private patrol operator, AC or DC prefix, four hundred dollars (\$400).

(3) For a branch office certificate for a combination private investigator under Chapter 11.3 (commencing with Section 7512) and private patrol operator, twenty dollars (\$20), and for a private patrol operator, fifty dollars (\$50).

(e) The delinquency fee is 50 percent of the renewal fee in effect on the date of expiration.



(f) A reinstatement fee is equal to the amount of the renewal fee plus the regular delinquency fee.

(g) The fee for reexamination of an applicant or his or her manager is ten dollars (\$10).

(h) Registration fees pursuant to this chapter are as follows:

(1) A registration fee for a security guard is eighteen dollars (\$18).

(2) A security guard registration renewal fee of eighteen dollars (\$18).

(i) Fees to carry out other provisions of this chapter are as follows:

(1) A firearms qualification fee of fifty dollars (\$50).

(2) A firearms requalification fee of forty dollars (\$40).

(3) An initial baton certification fee of twenty dollars (\$20).

(4) An application fee and renewal fee for certification as a firearms training facility or a baton training facility of one hundred dollars (\$100).

(5) An application fee and renewal fee for certification as a firearms training instructor or a baton training instructor of fifty dollars (\$50).

(j) This section shall become operative January 1, 1998.

SEC. 4. Section 7596.7 of the Business and Professions Code is amended to read:

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

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

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

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

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

(d) During calendar year 1985, the applicant has produced evidence to the firearm training facility either upon receiving his or her original qualification card or upon filing for renewal of that card that he or she is a citizen of the United States or has permanent legal alien status in the United States. Such evidence of citizenship or permanent legal alien status shall be that deemed sufficient by the bureau to ensure compliance with federal laws prohibiting possession



of firearms by persons unlawfully in the United States and may include, but not be limited to, Department of Justice, Immigration and Naturalization Service Form I-151 or I-551, Alien Registration Receipt Card, naturalization documents, or birth certificates evidencing lawful residence or status in the United States.

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

SEC. 5. Section 7599.70 of the Business and Professions Code, as added by Section 11 of Chapter 1266 of the Statutes of 1993, is amended to read:

7599.70. Effective January 1, 1995, the bureau shall establish and assess fees and penalties for licensure and registration as follows:

- (a) A company license application fee of thirty-five dollars (\$35).
- (b) An original license fee for an alarm company operator license of two hundred eighty dollars (\$280). A renewal fee for an alarm company operator license of three hundred thirty-five dollars (\$335).
- (c) A qualified manager application and examination fee of one hundred five dollars (\$105).
- (d) A renewal fee for a qualified manager of one hundred twenty dollars (\$120).
- (e) An original license fee and renewal fee for a branch office certificate of thirty-five dollars (\$35).
- (f) Notwithstanding Section 163.51, the reinstatement fee as required by Sections 7593.12 and 7598.17 is the amount equal to the renewal fee plus a penalty of 50 percent thereof.
- (g) A fee for reexamination of an applicant for a qualified manager of fourteen dollars (\$14).
- (h) An initial registration fee for an alarm agent of seventeen dollars (\$17).
- (i) A registration renewal fee for an alarm agent of seven dollars (\$7).
- (j) A firearms qualification fee of eighty dollars (\$80) and a firearms requalification fee of sixty dollars (\$60).
- (k) The fingerprint processing fee is that amount charged the bureau by the Department of Justice.
- (l) The processing fee required pursuant to Sections 7593.7 and 7598.14 is the amount equal to the expenses incurred to provide a photo identification card.
- (m) The fee for a "Certificate of Licensure" of fifty dollars (\$50).
- (n) The delinquency fee is 50 percent of the renewal fee in effect on the date of expiration, but not less than twenty-five dollars (\$25).
- (o) This section shall become operative on January 1, 1995 and shall remain in effect only until January 1, 1998, and as of that date



is repealed, unless a later enacted statute, which is enacted before January 1, 1998, deletes or extends that date.

SEC. 6. Section 7599.70 of the Business and Professions Code, as added by Section 11.5 of Chapter 1266 of the Statutes of 1993, is amended to read:

7599.70. The fees prescribed by this chapter are those fixed in the following schedule:

- (a) A company license application fee of twenty-five dollars (\$25).
- (b) An original license and renewal fee for an alarm company operator license of two hundred dollars (\$200).
- (c) A qualified manager application and examination fee of seventy-five dollars (\$75).
- (d) A renewal fee for a qualified manager of seventy-five dollars (\$75).
- (e) An original license fee and renewal fee for a branch office certificate of twenty-five dollars (\$25).
- (f) Notwithstanding Section 163.5, the reinstatement fee as required by Section 7593.12 is the amount equal to the renewal fee plus a penalty of 50 percent thereof.
- (g) A fee for reexamination of an applicant for a qualified manager of ten dollars (\$10).
- (h) An initial registration fee for an alarm agent of twelve dollars (\$12).
- (i) A registration renewal fee for an alarm agent of seven dollars (\$7).
- (j) A firearms qualification fee of fifty dollars (\$50) and a firearms requalification fee of forty dollars (\$40).
- (k) The fingerprint processing fee is that amount charged the bureau by the Department of Justice.
- (l) The processing fee required pursuant to Sections 7593.7 and 7598.14 is the amount equal to the expenses incurred to provide a photo identification card.
- (m) The fee for a "Certificate of Licensure" of twenty-five dollars (\$25).
- (n) This section shall become operative on January 1, 1998.

SEC. 7. Section 12001 of the Penal Code, as amended by Chapter 128 of the Statutes of 1996, is amended to read:

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



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

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

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

(e) (1) For purposes of Sections 12070, 12071, and subdivisions (b), (c), and (d) of Section 12072, the term “firearm” does not include an unloaded firearm which is defined as an “antique firearm” in Section 921(a)(16) of Title 18 of the United States Code.

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

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

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

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

(g) For purposes of Sections 12551 and 12552, the term “BB device” means any instrument which expels a metallic projectile, such as a BB or a pellet, through the force of air pressure, CO<sub>2</sub> pressure, or spring action, or any spot marker gun.

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

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



include those persons dealing exclusively in grips, stocks, and other parts of firearms that are not frames or receivers thereof.

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

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

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

(3) The initial completion and transmission to the department of the record of electronic or telephonic transfer by the dealer on the purchaser, transferee, or person being loaned the firearm as required by subdivision (c) of Section 12076.

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

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

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

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

