

AMENDED IN SENATE FEBRUARY 27, 1995

**SENATE BILL**

**No. 357**

**Introduced by Senator Polanco**  
(Coauthor: Assembly Member Villaraigosa)

February 10, 1995

---

---

An act to amend Sections ~~12021, 12021.1, 12021.3, 12022.4, 12071, 12072, 12078, 12080, and 12082~~ of the Penal Code, *12071, 12072, 12080, 12081, and 12316 of the Penal Code*, and to amend Section 8101 of the Welfare and Institutions Code, relating to firearms.

LEGISLATIVE COUNSEL'S DIGEST

SB 357, as amended, Polanco. Firearms: ammunition: possession: sale.

~~Existing law subjects persons who own or possess any firearm to a variety of punishments depending upon whether these persons prohibits any person, corporation, or firm from knowingly supplying, delivering, selling, or giving possession or control of a firearm to persons who have prior convictions for a felony, specified misdemeanors within a certain number of years, a domestic violence offense, or specified offenses subject to the juvenile court law. Existing law also provides specified punishments for every person, or to any person who purchases or receives, or attempts to purchase or receive, a firearm knowing that he or she is subject to a protective order, a temporary restraining order, or an injunction, or to any person who is receiving treatment for, or has been adjudicated by a court of any state to be a danger to others as a result of, a specified mental disorder or mental illness.~~

This bill would ~~include in these provisions the owning or possessing, and purchasing or receiving,~~ *apply this prohibition* to ammunition for a firearm, including, but not limited to, any bullet, cartridge, magazine, clip, speedloader, autoloader, or projectile capable of being fired from a firearm with deadly consequence.

The bill would make a number of related changes in connection with firearm offenses involving the use, sale, delivery, or loan of ammunition. The bill also would make a number of conforming changes.

By expanding the scope of existing crimes, 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 12021 of the Penal Code is~~  
 2     ~~amended to read:~~  
 3     ~~12021. (a) (1) Any person who has been convicted~~  
 4     ~~of a felony under the laws of the United States, of the State~~  
 5     ~~of California, or any other state, government, or country,~~  
 6     ~~or of an offense enumerated in subdivision (a), (b), or (d)~~  
 7     ~~of Section 12001.6, or who is addicted to the use of any~~  
 8     ~~narcotic drug, who owns or has in his or her possession or~~  
 9     ~~under his or her custody or control any firearm, or~~  
 10    ~~ammunition for a firearm, including, but not limited to,~~  
 11    ~~any bullet, cartridge, magazine, clip, speedloader,~~  
 12    ~~autoloader, or projectile capable of being fired from a~~  
 13    ~~firearm with deadly consequence, is guilty of a felony.~~  
 14    ~~(2) Any person who has two or more convictions for~~  
 15    ~~violating paragraph (2) of subdivision (a) of Section 417~~  
 16    ~~and who owns or has in his or her possession or under his~~  
 17    ~~or her custody or control any firearm, or ammunition for~~



1 a firearm, including, but not limited to, any bullet,  
2 cartridge, magazine, clip, speedloader, autoloader, or  
3 projectile capable of being fired from a firearm with  
4 deadly consequence, is guilty of a felony.

5 (b) Notwithstanding subdivision (a), any person who  
6 has been convicted of a felony or of an offense  
7 enumerated in Section 12001.6, when that conviction  
8 results from certification by the juvenile court for  
9 prosecution as an adult in an adult court under Section  
10 707 of the Welfare and Institutions Code, who owns or has  
11 in his or her possession or under his or her custody or  
12 control any firearm, or ammunition for a firearm,  
13 including, but not limited to, any bullet, cartridge,  
14 magazine, clip, speedloader, autoloader, or projectile  
15 capable of being fired from a firearm with deadly  
16 consequence, is guilty of a felony.

17 (e) (1) Except as provided in subdivision (a) or  
18 paragraph (2) of this subdivision, any person who has  
19 been convicted of a misdemeanor violation of Section 71,  
20 76, 136.5, or 140, subdivision (d) of Section 148, Section  
21 171b, 171e, 171d, 186.28, 240, 241, 242, 243, 244.5, 245, 245.5,  
22 246, 246.3, 247, 273.5, 273.6, 417, 417.1, 417.2, 417.6, 626.9,  
23 646.9, or 12023, subdivision (b) or (d) of Section 12034,  
24 Section 12040, subdivision (b) of Section 12072,  
25 subdivision (a) of former Section 12100, Section 12320 or  
26 12590, or Section 8101 of the Welfare and Institutions  
27 Code, any firearm-related offense pursuant to Sections  
28 871.5 and 1001.5 of the Welfare and Institutions Code, or  
29 of the conduct punished in paragraph (3) of subdivision  
30 (g) of Section 12072, and who, within 10 years of the  
31 conviction, owns, or has in his or her possession or under  
32 his or her custody or control, any firearm, or ammunition  
33 for a firearm, including, but not limited to, any bullet,  
34 cartridge, magazine, clip, speedloader, autoloader, or  
35 projectile capable of being fired from a firearm with  
36 deadly consequence, is guilty of a public offense, which  
37 shall be punishable by imprisonment in the state prison  
38 or in a county jail not exceeding one year, by a fine not  
39 exceeding one thousand dollars (\$1,000), or by both that  
40 imprisonment and fine. The court, on forms prescribed



1 by the Department of Justice, shall notify the department  
2 of persons subject to this subdivision. However, the  
3 prohibition in this paragraph may be reduced,  
4 eliminated, or conditioned as provided in paragraph (2)  
5 or (3).

6 (2) Any person employed as a peace officer described  
7 in Section 830.1, 830.2, 830.31, 830.32, 830.33, or 830.5  
8 whose employment or livelihood is dependent on the  
9 ability to legally possess a firearm, or ammunition for a  
10 firearm, including, but not limited to, any bullet,  
11 cartridge, magazine, clip, speedloader, autoloader, or  
12 projectile capable of being fired from a firearm with  
13 deadly consequence, who is subject to the prohibition  
14 imposed by this subdivision because of a conviction under  
15 Section 273.5, 273.6, or 646.9, may petition the court only  
16 once for relief from this prohibition. The petition shall be  
17 filed with the court in which the petitioner was  
18 sentenced. If possible, the matter shall be heard before  
19 the same judge that sentenced the petitioner. Upon filing  
20 the petition, the clerk of the court shall set the hearing  
21 date and shall notify the petitioner and the prosecuting  
22 attorney of the date of the hearing. Upon making each of  
23 the following findings, the court may reduce or eliminate  
24 the prohibition, impose conditions on reduction or  
25 elimination of the prohibition, or otherwise grant relief  
26 from the prohibition as the court deems appropriate:

27 (A) Finds by a preponderance of the evidence that the  
28 petitioner is likely to use a firearm in a safe and lawful  
29 manner.

30 (B) Finds that the petitioner is not within a prohibited  
31 class as specified in subdivision (a), (b), (d), (e), or (g)  
32 or Section 12021.1, and the court is not presented with any  
33 credible evidence that the petitioner is a person  
34 described in Section 8100 or 8103 of the Welfare and  
35 Institutions Code.

36 (C) Finds that the petitioner does not have a previous  
37 conviction under this subdivision no matter when the  
38 prior conviction occurred.

39 In making its decision, the court shall consider the  
40 petitioner's continued employment, the interest of



1 justice, any relevant evidence, and the totality of the  
2 circumstances. The court shall require, as a condition of  
3 granting relief from the prohibition under this section,  
4 that the petitioner agree to participate in counseling as  
5 deemed appropriate by the court. Relief from the  
6 prohibition shall not relieve any other person or entity  
7 from any liability that might otherwise be imposed. It is  
8 the intent of the Legislature that courts exercise broad  
9 discretion in fashioning appropriate relief under this  
10 paragraph in cases in which relief is warranted. However,  
11 nothing in this paragraph shall be construed to require  
12 courts to grant relief to any particular petitioner. It is the  
13 intent of the Legislature to permit persons who were  
14 convicted of an offense specified in Section 273.5, 273.6,  
15 or 646.9 to seek relief from the prohibition imposed by this  
16 subdivision.

17 (3) Any person who is subject to the prohibition  
18 imposed by this subdivision because of a conviction prior  
19 to January 1, 1991, may petition the court only once for  
20 relief from this prohibition. The petition shall be filed  
21 with the court in which the petitioner was sentenced. If  
22 possible, the matter shall be heard before the same judge  
23 that sentenced the petitioner. Upon filing the petition,  
24 the clerk of the court shall set the hearing date and notify  
25 the petitioner and the prosecuting attorney of the date of  
26 the hearing. Upon making each of the following findings,  
27 the court may reduce or eliminate the prohibition;  
28 impose conditions on reduction or elimination of the  
29 prohibition, or otherwise grant relief from the prohibition  
30 as the court deems appropriate:

31 (A) Finds by a preponderance of the evidence that the  
32 petitioner is likely to use a firearm in a safe and lawful  
33 manner.

34 (B) Finds that the petitioner is not within a prohibited  
35 class as specified in subdivision (a), (b), (d), (e), or (g)  
36 or Section 12021.1, and the court is not presented with any  
37 credible evidence that the petitioner is a person  
38 described in Section 8100 or 8103 of the Welfare and  
39 Institutions Code.



1 ~~(C) Finds that the petitioner does not have a previous~~  
2 ~~conviction under this subdivision, no matter when the~~  
3 ~~prior conviction occurred.~~

4 ~~In making its decision, the court may consider the~~  
5 ~~interest of justice, any relevant evidence, and the totality~~  
6 ~~of the circumstances. It is the intent of the Legislature~~  
7 ~~that courts exercise broad discretion in fashioning~~  
8 ~~appropriate relief under this paragraph in cases in which~~  
9 ~~relief is warranted. However, nothing in this paragraph~~  
10 ~~shall be construed to require courts to grant relief to any~~  
11 ~~particular petitioner.~~

12 ~~(4) Law enforcement officials who enforce the~~  
13 ~~prohibition specified in this subdivision against a person~~  
14 ~~who has been granted relief pursuant to paragraph (2) or~~  
15 ~~(3), shall be immune from any liability for false arrest~~  
16 ~~arising from the enforcement of this subdivision unless~~  
17 ~~the person has in his or her possession a certified copy of~~  
18 ~~the court order that granted the person relief from the~~  
19 ~~prohibition. This immunity from liability shall not relieve~~  
20 ~~any person or entity from any other liability that might~~  
21 ~~otherwise be imposed.~~

22 ~~(d) Any person who, as an express condition of~~  
23 ~~probation, is prohibited or restricted from owning,~~  
24 ~~possessing, controlling, receiving, or purchasing a firearm~~  
25 ~~and who owns, or has in his or her possession or under his~~  
26 ~~or her custody or control, any firearm but who is not~~  
27 ~~subject to subdivision (a) or (e) is guilty of a public~~  
28 ~~offense, which shall be punishable by imprisonment in~~  
29 ~~the state prison or in a county jail not exceeding one year,~~  
30 ~~by a fine not exceeding one thousand dollars (\$1,000), or~~  
31 ~~by both that imprisonment and fine. The court, on forms~~  
32 ~~provided by the Department of Justice, shall notify the~~  
33 ~~department of persons subject to this subdivision. The~~  
34 ~~notice shall include a copy of the order of probation and~~  
35 ~~a copy of any minute order or abstract reflecting the~~  
36 ~~order and conditions of probation.~~

37 ~~(e) Any person who (1) is alleged to have committed~~  
38 ~~an offense listed in subdivision (b) of Section 707 of the~~  
39 ~~Welfare and Institutions Code, an offense described in~~  
40 ~~subdivision (b) of Section 1203.073, or any offense~~



1 enumerated in paragraph (1) of subdivision (e), (2) is  
2 found to be a fit and proper subject to be dealt with under  
3 the juvenile court law, and (3) is subsequently adjudged  
4 a ward of the juvenile court within the meaning of Section  
5 602 of the Welfare and Institutions Code because the  
6 person committed an offense listed in subdivision (b) of  
7 Section 707 of the Welfare and Institutions Code, an  
8 offense described in subdivision (b) of Section 1203.073,  
9 or any offense enumerated in paragraph (1) of  
10 subdivision (e) shall not own, or have in his or her  
11 possession or under his or her custody or control, any  
12 firearm, or ammunition for a firearm, including, but not  
13 limited to, any bullet, cartridge, magazine, clip,  
14 speedloader, autoloader, or projectile capable of being  
15 fired from a firearm with deadly consequence, until the  
16 age of 30 years. A violation of this subdivision shall be  
17 punishable by imprisonment in the state prison or in a  
18 county jail not exceeding one year, by a fine not  
19 exceeding one thousand dollars (\$1,000), or by both that  
20 imprisonment and fine. The juvenile court, on forms  
21 prescribed by the Department of Justice, shall notify the  
22 department of persons subject to this subdivision.  
23 Notwithstanding any other law, the forms required to be  
24 submitted to the department pursuant to this subdivision  
25 may be used to determine eligibility to acquire a firearm.

26 (f) Subdivision (a) shall not apply to a person who has  
27 been convicted of a felony under the laws of the United  
28 States unless either of the following criteria is satisfied:

29 (1) Conviction of a like offense under California law  
30 can only result in imposition of felony punishment.

31 (2) The defendant was sentenced to a federal  
32 correctional facility for more than 30 days, or received a  
33 fine of more than one thousand dollars (\$1,000), or  
34 received both punishments.

35 (g) Every person who purchases or receives, or  
36 attempts to purchase or receive, a firearm, or  
37 ammunition for a firearm, including, but not limited to,  
38 any bullet, cartridge, magazine, clip, speedloader,  
39 autoloader, or projectile capable of being fired from a  
40 firearm with deadly consequence, knowing that he or she



1 is subject to a protective order as defined in Section 6218  
2 of the Family Code, or a temporary restraining order or  
3 injunction issued pursuant to Section 527.6 or 527.8 of the  
4 Code of Civil Procedure, is guilty of a public offense,  
5 which shall be punishable by imprisonment in the state  
6 prison or in a county jail not exceeding one year, by a fine  
7 not exceeding one thousand dollars (\$1,000), or both that  
8 imprisonment and fine. This subdivision does not apply  
9 unless the copy of the restraining order personally served  
10 on the person against whom the restraining order is  
11 issued contains a notice in bold print stating (1) that the  
12 person is prohibited from purchasing or receiving, or  
13 attempting to purchase or receive, a firearm, or  
14 ammunition for a firearm, including, but not limited to,  
15 any bullet, cartridge, magazine, clip, speedloader,  
16 autoloader, or projectile capable of being fired from a  
17 firearm with deadly consequence, and (2) specifying the  
18 penalties for violating this subdivision, or a court has  
19 provided actual verbal notice of the firearm and  
20 ammunition prohibition and penalty as provided in  
21 Section 6304 of the Family Code. However, this  
22 subdivision does not apply if a firearm, or ammunition for  
23 a firearm, including, but not limited to, any bullet,  
24 cartridge, magazine, clip, speedloader, autoloader, or  
25 projectile capable of being fired from a firearm with  
26 deadly consequence, is received as part of the disposition  
27 of community property pursuant to Division 7  
28 (commencing with Section 2500) of the Family Code.

29 SEC. 2. Section 12021.1 of the Penal Code is amended  
30 to read:

31 12021.1. (a) Notwithstanding subdivision (a) of  
32 Section 12021, any person who has been previously  
33 convicted of any of the offenses listed in subdivision (b)  
34 and who owns or has in his or her possession or under his  
35 or her custody or control any firearm, or ammunition for  
36 a firearm, including, but not limited to, any bullet,  
37 cartridge, magazine, clip, speedloader, autoloader, or  
38 projectile capable of being fired from a firearm with  
39 deadly consequence, is guilty of a felony. A dismissal of an  
40 accusatory pleading pursuant to Section 1203.4a involving



1 ~~an offense set forth in subdivision (b) does not affect the~~  
2 ~~finding of a previous conviction. If probation is granted,~~  
3 ~~or if the imposition or execution of sentence is suspended,~~  
4 ~~it shall be a condition of the probation or suspension that~~  
5 ~~the defendant serve at least six months in a county jail.~~

6 ~~(b) As used in this section, a violent offense includes~~  
7 ~~any of the following:~~

8 ~~(1) Murder or voluntary manslaughter.~~

9 ~~(2) Mayhem.~~

10 ~~(3) Rape.~~

11 ~~(4) Sodomy by force, violence, duress, menace, or~~  
12 ~~threat of great bodily harm.~~

13 ~~(5) Oral copulation by force, violence, duress, menace,~~  
14 ~~or threat of great bodily harm.~~

15 ~~(6) Lewd acts on a child under the age of 14 years.~~

16 ~~(7) Any felony punishable by death or imprisonment~~  
17 ~~in the state prison for life.~~

18 ~~(8) Any other felony in which the defendant inflicts~~  
19 ~~great bodily injury on any person, other than an~~  
20 ~~accomplice, that has been charged and proven, or any~~  
21 ~~felony in which the defendant uses a firearm which use~~  
22 ~~has been charged and proven.~~

23 ~~(9) Attempted murder.~~

24 ~~(10) Assault with intent to commit rape or robbery.~~

25 ~~(11) Assault with a deadly weapon or instrument on a~~  
26 ~~peace officer.~~

27 ~~(12) Assault by a life prisoner on a noninmate.~~

28 ~~(13) Assault with a deadly weapon by an inmate.~~

29 ~~(14) Arson.~~

30 ~~(15) Exploding a destructive device or any explosive~~  
31 ~~with intent to injure.~~

32 ~~(16) Exploding a destructive device or any explosive~~  
33 ~~causing great bodily injury.~~

34 ~~(17) Exploding a destructive device or any explosive~~  
35 ~~with intent to murder.~~

36 ~~(18) Robbery.~~

37 ~~(19) Kidnapping.~~

38 ~~(20) Taking of a hostage by an inmate of a state prison.~~

39 ~~(21) Attempt to commit a felony punishable by death~~  
40 ~~or imprisonment in the state prison for life.~~



- 1     ~~(22) Any felony in which the defendant personally~~  
2     ~~used a dangerous or deadly weapon.~~
- 3     ~~(23) Escape from a state prison by use of force or~~  
4     ~~violence.~~
- 5     ~~(24) Assault with a deadly weapon or force likely to~~  
6     ~~produce great bodily injury.~~
- 7     ~~(25) Any felony violation of Section 186.22.~~
- 8     ~~(26) Any attempt to commit a crime listed in this~~  
9     ~~subdivision other than an assault.~~
- 10    ~~(27) Any offense enumerated in subdivision (a), (b),~~  
11    ~~or (d) of Section 12001.6.~~
- 12    ~~(28) Carjacking.~~
- 13    ~~(29) Any offense enumerated in subdivision (c) of~~  
14    ~~Section 12001.6 if the person has two or more convictions~~  
15    ~~for violating paragraph (2) of subdivision (a) of Section~~  
16    ~~417.~~
- 17    ~~(e) Any person previously convicted of any of the~~  
18    ~~offenses listed in subdivision (b) which conviction results~~  
19    ~~from certification by the juvenile court for prosecution as~~  
20    ~~an adult in adult court under the provisions of Section 707~~  
21    ~~of the Welfare and Institutions Code, who owns or has in~~  
22    ~~his or her possession or under his or her custody or control~~  
23    ~~any firearm, or ammunition for a firearm, including, but~~  
24    ~~not limited to, any bullet, cartridge, magazine, clip,~~  
25    ~~speedloader, autoloader, or projectile capable of being~~  
26    ~~fired from a firearm with deadly consequence, is guilty of~~  
27    ~~a felony. If probation is granted, or if the imposition or~~  
28    ~~execution of sentence is suspended, it shall be a condition~~  
29    ~~of the probation or suspension that the defendant serve~~  
30    ~~at least six months in a county jail.~~
- 31    ~~(d) The court shall apply the minimum sentence as~~  
32    ~~specified in subdivisions (a) and (c) except in unusual~~  
33    ~~cases where the interests of justice would best be served~~  
34    ~~by granting probation or suspending the imposition or~~  
35    ~~execution of sentence without the imprisonment~~  
36    ~~required by subdivisions (a) and (c), or by granting~~  
37    ~~probation or suspending the imposition or execution of~~  
38    ~~sentence with conditions other than those set forth in~~  
39    ~~subdivisions (a) and (c), in which case the court shall~~  
40    ~~specify on the record and shall enter on the minutes the~~



1 ~~circumstances indicating that the interests of justice~~  
2 ~~would best be served by the disposition.~~

3 ~~SEC. 3. Section 12021.3 of the Penal Code is amended~~  
4 ~~to read:~~

5 ~~12021.3. Except as provided in subdivision (a) of~~  
6 ~~Section 12021 or paragraph (2) of subdivision (c) of~~  
7 ~~Section 12021, any person who has been convicted of a~~  
8 ~~misdemeanor violation of Section 76 and who, within 10~~  
9 ~~years of the conviction, owns, or has in his or her~~  
10 ~~possession or under his or her custody or control, any~~  
11 ~~firearm, or ammunition for a firearm, including, but not~~  
12 ~~limited to, any bullet, cartridge, magazine, clip,~~  
13 ~~speedloader, autoloader, or projectile capable of being~~  
14 ~~fired from a firearm with deadly consequence, is guilty of~~  
15 ~~a public offense, which shall be punishable by~~  
16 ~~imprisonment in the state prison or in a county jail not~~  
17 ~~exceeding one year, by a fine not exceeding one thousand~~  
18 ~~dollars (\$1,000), or by both that imprisonment and fine.~~  
19 ~~The court, on forms prescribed by the Department of~~  
20 ~~Justice, shall notify the department of persons subject to~~  
21 ~~this section. However, the prohibition in this section may~~  
22 ~~be reduced, eliminated, or conditioned as provided in~~  
23 ~~paragraph (3) of subdivision (c) of Section 12021.~~

24 ~~SEC. 4.~~

25 ~~SECTION 1. Section 12022.4 of the Penal Code is~~  
26 ~~amended to read:~~

27 ~~12022.4. Any person who, during the commission or~~  
28 ~~attempted commission of a felony, furnishes or offers to~~  
29 ~~furnish a firearm, or ammunition for a firearm, including,~~  
30 ~~but not limited to, any bullet, cartridge, magazine, clip,~~  
31 ~~speedloader, autoloader, or projectile capable of being~~  
32 ~~fired from a firearm with deadly consequence, to another~~  
33 ~~person or any other person to commit a felony shall, in~~  
34 ~~addition and consecutive to the punishment prescribed~~  
35 ~~by the felony or attempted felony of which the person has~~  
36 ~~been convicted, be punished by an additional term of one,~~  
37 ~~two, or three years in the state prison. The court shall~~  
38 ~~order the middle term unless there are circumstances in~~  
39 ~~aggravation or mitigation. The court shall state the~~  
40



1 reasons for its enhancement choice on the record at the  
2 time of the sentence. The additional term provided in this  
3 section shall not be imposed unless the fact of the  
4 furnishing is charged in the accusatory pleading and  
5 admitted or found to be true by the trier of fact.

6 ~~SEC. 5.~~

7 *SEC. 2.* Section 12071 of the Penal Code is amended  
8 to read:

9 12071. (a) (1) As used in this chapter, the term  
10 “licensee,” “person licensed pursuant to Section 12071,”  
11 or “dealer” means a person who (A) has a valid federal  
12 firearms license, (B) has any regulatory or business  
13 license, or licenses, required by local government, (C)  
14 has a valid seller’s permit issued by the State Board of  
15 Equalization, (D) has a certificate of eligibility issued by  
16 the Department of Justice pursuant to paragraph (4), (E)  
17 has a license issued in the format prescribed by paragraph  
18 (6), and (F) is among those recorded in the centralized  
19 list specified in subdivision (e).

20 (2) The duly constituted licensing authority of a city,  
21 county, or a city and county shall accept applications for,  
22 and may grant licenses permitting, licensees to sell  
23 firearms at retail within the city, county, or city and  
24 county. The duly constituted licensing authority shall  
25 inform applicants who are denied licenses of the reasons  
26 for the denial in writing.

27 (3) No license shall be granted to any applicant who  
28 fails to provide a copy of his or her valid federal firearms  
29 license, valid seller’s permit issued by the State Board of  
30 Equalization, and the certificate of eligibility described in  
31 paragraph (4).

32 (4) A person may request a certificate of eligibility  
33 from the Department of Justice and the Department of  
34 Justice shall issue a certificate to an applicant if the  
35 department’s records indicate that the applicant is not a  
36 person who is prohibited from possessing firearms.

37 (5) The department shall adopt regulations to  
38 administer the certificate of eligibility program and shall  
39 recover the full costs of administering the program by



1 imposing fees assessed to applicants who apply for those  
2 certificates.

3 (6) A license granted by the duly constituted licensing  
4 authority of any city, county, or city and county, shall be  
5 valid for not more than one year from the date of issuance  
6 and shall be in one of the following forms:

7 (A) In the form prescribed by the Attorney General.

8 (B) A regulatory or business license that states on its  
9 face “Valid for Retail Sales of Firearms” and is endorsed  
10 by the signature of the issuing authority.

11 (C) A letter from the duly constituted licensing  
12 authority having primary jurisdiction for the applicant’s  
13 intended business location stating that the jurisdiction  
14 does not require any form of regulatory or business  
15 license or does not otherwise restrict or regulate the sale  
16 of firearms.

17 (7) Local licensing authorities may assess fees to  
18 recover their full costs of processing applications for  
19 licenses.

20 (b) A license is subject to forfeiture for a breach of any  
21 of the following prohibitions and requirements:

22 (1) (A) Except as provided in subparagraphs (B) and  
23 (C), the business shall be conducted only in the buildings  
24 designated in the license.

25 (B) A person licensed pursuant to subdivision (a) may  
26 take possession of firearms and commence preparation of  
27 registers for the sale, delivery, or transfer of firearms at  
28 gun shows or events, as defined in Section 178.100 of Title  
29 27 of the Code of Federal Regulations, or its successor, if  
30 the gun show or event is not conducted from any  
31 motorized or towed vehicle. A person conducting  
32 business pursuant to this subparagraph shall be entitled  
33 to conduct business as authorized herein at any gun show  
34 or event in the state without regard to the jurisdiction  
35 within this state that issued the license pursuant to  
36 subdivision (a), provided the person complies with (i) all  
37 applicable laws, including, but not limited to, the 15-day  
38 waiting period specified in subparagraph (A) of  
39 paragraph (3), and (ii) all applicable local laws,  
40 regulations, and fees, if any.



1 A person conducting business pursuant to this  
2 subparagraph shall publicly display his or her license  
3 issued pursuant to subdivision (a), or a facsimile thereof,  
4 at any gun show or event, as specified in this  
5 subparagraph.

6 (C) A person licensed pursuant to subdivision (a) may  
7 engage in the sale and transfer of firearms other than  
8 pistols, revolvers, or other firearms capable of being  
9 concealed upon the person, at events specified in  
10 subdivision (g) of Section 12078, subject to the  
11 prohibitions and restrictions contained in that  
12 subdivision.

13 A person licensed pursuant to subdivision (a) also may  
14 accept delivery of firearms other than pistols, revolvers,  
15 or other firearms capable of being concealed upon the  
16 person, outside the building designated in the license,  
17 provided the firearm is being donated for the purpose of  
18 sale or transfer at an auction or similar event specified in  
19 subdivision (g) of Section 12078.

20 (2) The license or a copy thereof, certified by the  
21 issuing authority, shall be displayed on the premises  
22 where it can easily be seen.

23 (3) No firearm shall be delivered:

24 (A) Prior to January 1, 1996, within 15 days of the  
25 application for the purchase, or, after notice by the  
26 department pursuant to subdivision (c) of Section 12076,  
27 within 15 days of the submission to the department of  
28 corrected copies of the register, or within 15 days of the  
29 submission to the department of any fee required  
30 pursuant to subdivision (d) of Section 12076, whichever  
31 is later. On or after January 1, 1996, within 15 days of the  
32 application for the purchase of a pistol, revolver, or other  
33 firearm capable of being concealed upon the person, or,  
34 after notice by the department pursuant to subdivision  
35 (c) of Section 12076, within 15 days of the submission to  
36 the department of corrected copies of the register, or  
37 within 15 days of the submission to the department of any  
38 fee required pursuant to subdivision (d) of Section 12076,  
39 whichever is later. On or after January 1, 1996, within 10  
40 days of the application for the purchase of any other



1 firearm, or, after notice by the department pursuant to  
2 subdivision (c) of Section 12076, within 10 days of the  
3 submission to the department of corrected copies of the  
4 register, or within 10 days of the submission to the  
5 department of any fee required pursuant to subdivision  
6 (d) of Section 12076, whichever is later.

7 (B) Unless unloaded and securely wrapped or  
8 unloaded and in a locked container.

9 (C) Unless the purchaser, transferee, or person being  
10 loaned the firearm presents clear evidence of his or her  
11 identity and age to the dealer.

12 (D) Whenever the dealer is notified by the  
13 Department of Justice that the person is in a prohibited  
14 class described in Section 12021 or 12021.1 of this code or  
15 Section 8100 or 8103 of the Welfare and Institutions Code.

16 (4) No pistol, revolver, or other firearm or imitation  
17 thereof capable of being concealed upon the person, or  
18 placard advertising the sale or other transfer thereof, shall  
19 be displayed in any part of the premises where it can  
20 readily be seen from the outside.

21 (5) The licensee shall agree to and shall act properly  
22 and promptly in processing firearms transactions  
23 pursuant to Section 12082.

24 (6) The licensee shall comply with Sections 12073,  
25 12076, and 12077, subdivisions (a) and (b) of Section  
26 12072, and subdivision (a) of Section 12316.

27 (7) The licensee shall post conspicuously within the  
28 licensed premises the following warning in block letters  
29 not less than one inch in height:

30 "IF YOU LEAVE A LOADED FIREARM WHERE A  
31 CHILD OBTAINS AND IMPROPERLY USES IT, YOU  
32 MAY BE FINED OR SENT TO PRISON."

33 (8) (A) Commencing April 1, 1994, no pistol,  
34 revolver, or other firearm capable of being concealed  
35 upon the person shall be delivered unless the purchaser,  
36 transferee, or person being loaned the firearm presents  
37 to the dealer a basic firearm safety certificate.

38 (B) No ammunition ~~for a firearm~~ *designed primarily*  
39 *for use in a pistol, revolver, or other firearm capable of*  
40 *being concealed upon the person*, including, but not



1 limited to, any bullet, cartridge, magazine, clip,  
2 speedloader, autoloader, or projectile capable of being  
3 fired from a ~~firearm~~ *these firearms* with deadly  
4 consequence, shall be delivered unless the purchaser,  
5 transferee, or person being loaned the ammunition  
6 presents to the dealer a basic firearm safety certificate.

7 (9) Commencing July 1, 1992, the licensee shall offer  
8 to provide the purchaser or transferee of a firearm or  
9 ammunition, or person being loaned a firearm or  
10 ammunition, with a copy of the pamphlet described in  
11 Section 12080 and may add the cost of the pamphlet, if  
12 any, to the sales price of the firearm or ammunition.

13 (10) The licensee shall not commit an act of collusion  
14 as defined in Section 12072.

15 (11) The licensee shall post conspicuously within the  
16 licensed premises a detailed list of each of the following:

17 (A) All charges required by governmental agencies  
18 for processing firearm transfers required by Sections  
19 12076, 12082, and 12806.

20 (B) All fees that the licensee charges pursuant to  
21 Sections 12082 and 12806.

22 (12) The licensee shall not misstate the amount of fees  
23 charged by a governmental agency pursuant to Sections  
24 12076, 12082, and 12806.

25 (13) The licensee shall report the loss or theft of any  
26 firearm that is merchandise of the licensee, any firearm  
27 that the licensee takes possession of pursuant to Section  
28 12082, or any firearm kept at the licensee's place of  
29 business within 48 hours of discovery to the appropriate  
30 law enforcement agency in the city, county, or city and  
31 county where the licensee's business premises are  
32 located.

33 (14) In a city and county, or in the unincorporated  
34 area of a county with a population of 200,000 persons or  
35 more according to the most recent federal decennial  
36 census or within a city with a population of 50,000 persons  
37 or more according to the most recent federal decennial  
38 census, any time the licensee is not open for business, the  
39 licensee shall store all firearms kept in his or her licensed



1 place of business using one of the following methods as to  
2 each particular firearm:

3 (A) Store the firearm in a secure facility that is a part  
4 of, or that constitutes, the licensee's business premises.

5 (B) Secure the firearm with a hardened steel rod or  
6 cable of at least one-eighth inch in diameter through the  
7 trigger guard of the firearm. The steel rod or cable shall  
8 be secured with a hardened steel lock that has a shackle.  
9 The lock and shackle shall be protected or shielded from  
10 the use of a bolt cutter and the rod or cable shall be  
11 anchored in a manner that prevents the removal of the  
12 firearm from the premises.

13 (C) Store the firearm in a locked fireproof safe or vault  
14 in the licensee's business premises.

15 (15) The licensing authority in an unincorporated area  
16 of a county with a population less than 200,000 persons  
17 according to the most recent federal decennial census or  
18 within a city with a population of less than 50,000 persons  
19 according to the most recent federal decennial census  
20 may impose the requirements specified in paragraph  
21 (14).

22 (16) Commencing January 1, 1994, the licensee shall,  
23 upon the issuance or renewal of a license, submit a copy  
24 of the same to the Department of Justice.

25 (17) The licensee shall maintain and make available  
26 for inspection during business hours to any peace officer,  
27 authorized local law enforcement employee, or  
28 Department of Justice employee designated by the  
29 Attorney General, upon the presentation of proper  
30 identification, a firearms transaction record.

31 (18) (A) On the date of receipt, the licensee shall  
32 report to the Department of Justice in a format  
33 prescribed by the department the acquisition by the  
34 licensee of the ownership of a pistol, revolver, or other  
35 firearm capable of being concealed upon the person.

36 (B) The provisions of this paragraph shall not apply to  
37 any of the following transactions:

38 (i) A transaction subject to the provisions of  
39 subdivision (n) of Section 12078.



1 (ii) The dealer acquired the firearm from a  
2 wholesaler.

3 (iii) The dealer is also licensed as a secondhand dealer  
4 pursuant to Article 4 (commencing with Section 21625)  
5 of Chapter 9 of Division 8 of the Business and Professions  
6 Code.

7 (iv) The dealer acquired the firearm from a person  
8 who is licensed as a manufacturer or importer to engage  
9 in those activities pursuant to Chapter 44 (commencing  
10 with Section 921) of Title 18 of the United States Code and  
11 any regulations issued pursuant thereto.

12 (v) The dealer acquired the firearm from a person  
13 who resides outside this state who is licensed pursuant to  
14 Chapter 44 (commencing with Section 921) of Title 18 of  
15 the United States Code and any regulations issued  
16 pursuant thereto.

17 (c) (1) As used in this article, “clear evidence of his or  
18 her identity and age” means either of the following:

19 (A) A valid California driver’s license.

20 (B) A valid California identification card issued by the  
21 Department of Motor Vehicles.

22 (2) As used in this article, a “basic firearm safety  
23 certificate” means a basic firearm certificate issued to the  
24 purchaser, transferee, or person being loaned the firearm  
25 by the Department of Justice pursuant to Article 8  
26 (commencing with Section 12800) of Chapter 6.

27 (3) As used in this section, a “secure facility” means a  
28 building that meets all of the following specifications:

29 (A) All perimeter doorways shall meet one of the  
30 following:

31 (i) A windowless steel security door equipped with  
32 both a dead bolt and a doorknob lock.

33 (ii) A windowed metal door that is equipped with both  
34 a dead bolt and a doorknob lock. If the window has an  
35 opening of five inches or more measured in any direction,  
36 the window shall be covered with steel bars of at least  
37 one-half inch diameter or metal grating of at least nine  
38 gauge affixed to the exterior or interior of the door.



1 (iii) A metal grate that is padlocked and affixed to the  
2 licensee's premises independent of the door and  
3 doorframe.

4 (B) All windows are covered with steel bars.

5 (C) Heating, ventilating, air-conditioning, and service  
6 openings are secured with steel bars, metal grating, or an  
7 alarm system.

8 (D) Any metal grates have spaces no larger than six  
9 inches wide measured in any direction.

10 (E) Any metal screens have spaces no larger than  
11 three inches wide measured in any direction.

12 (F) All steel bars shall be no further than six inches  
13 apart.

14 (4) As used in this section, "licensed premises,"  
15 "licensed place of business," "licensee's place of  
16 business," or "licensee's business premises" means the  
17 building designated in the license.

18 (5) For purposes of paragraph (17) of subdivision (b):

19 (A) A "firearms transaction record" is a record  
20 containing the same information referred to in Section  
21 178.124a and subdivision (e) of Section 178.125 of Title 27  
22 of the Code of Federal Regulations.

23 (B) A licensee shall be in compliance with the  
24 provisions of paragraph (17) of subdivision (b) if he or she  
25 maintains and makes available for inspection during  
26 business hours to any peace officer, authorized local law  
27 enforcement employee, or Department of Justice  
28 employee designated by the Attorney General, upon the  
29 presentation of proper identification, the bound book  
30 containing the same information referred to in Section  
31 178.124a and subdivision (e) of Section 178.125 of Title 27  
32 of the Code of Federal Regulations.

33 (d) Upon written request from a licensee, the  
34 licensing authority may grant an exemption from  
35 compliance with the requirements of paragraph (14) of  
36 subdivision (b) if the licensee is unable to comply with  
37 those requirements because of local ordinances,  
38 covenants, lease conditions, or similar circumstances not  
39 under the control of the licensee.



1 (e) Except as otherwise provided in this subdivision,  
2 the Department of Justice shall keep a centralized list of  
3 all persons licensed pursuant to subparagraphs (A) to  
4 (E), inclusive, of paragraph (1) of subdivision (a). The  
5 department may remove from this list any person who  
6 knowingly or with gross negligence violates this article.  
7 Upon removal of a dealer from this list, notification shall  
8 be provided to local law enforcement and licensing  
9 authorities in the jurisdiction where the dealer's business  
10 is located. The department shall make information about  
11 an individual dealer available, upon request, for one of  
12 the following purposes only:

13 (1) For law enforcement purposes.

14 (2) When the information is requested by a person  
15 licensed pursuant to Chapter 44 (commencing with  
16 Section 921) of Title 18 of the United States Code for  
17 determining the validity of the license for firearm  
18 shipments.

19 (f) The Department of Justice may inspect dealers to  
20 ensure compliance with this article. The department may  
21 assess an annual fee, not to exceed eighty-five dollars  
22 (\$85), to cover the reasonable cost of maintaining the list  
23 described in subdivision (e), including the cost of  
24 inspections. Dealers whose place of business is in a  
25 jurisdiction that has adopted an inspection program to  
26 ensure compliance with firearms law shall be exempt  
27 from that portion of the department's fee that relates to  
28 the cost of inspections. The applicant is responsible for  
29 providing evidence to the department that the  
30 jurisdiction in which the business is located has the  
31 inspection program.

32 (g) The Department of Justice shall maintain and  
33 make available upon request information concerning the  
34 number of inspections conducted and the amount of fees  
35 collected pursuant to subdivision (f), a listing of  
36 exempted jurisdictions, as defined in subdivision (f), the  
37 number of dealers removed from the centralized list  
38 defined in subdivision (e), and the number of dealers  
39 found to have violated this article with knowledge or  
40 gross negligence.



1 (h) Paragraph (14) or (15) of subdivision (b) shall not  
2 apply to a licensee organized as a nonprofit public benefit  
3 or mutual benefit corporation organized pursuant to Part  
4 2 (commencing with Section 5110) or Part 3  
5 (commencing with Section 7110) of Division 2 of the  
6 Corporations Code, if both of the following conditions are  
7 satisfied:

8 (1) The nonprofit public benefit or mutual benefit  
9 corporation obtained the dealer's license solely and  
10 exclusively to assist that corporation or local chapters of  
11 that corporation in conducting auctions or similar events  
12 at which firearms are auctioned off to fund the activities  
13 of that corporation or the local chapters of the  
14 corporation.

15 (2) The firearms are not pistols, revolvers, or other  
16 firearms capable of being concealed upon the person.

17 ~~SEC. 6.~~

18 *SEC. 3.* Section 12072 of the Penal Code is amended  
19 to read:

20 12072. (a) (1) No person, corporation, or firm shall  
21 knowingly supply, deliver, sell, or give possession or  
22 control of a firearm or ammunition to any person within  
23 any of the classes prohibited by Section 12021 or 12021.1.

24 (2) No person, corporation, or dealer shall sell, supply,  
25 deliver, or give possession or control of a firearm or  
26 ammunition to any person whom he or she has cause to  
27 believe to be within any of the classes prohibited by  
28 Section 12021 or 12021.1 of this code or Section 8100 or  
29 8103 of the Welfare and Institutions Code.

30 (3) (A) No person, corporation, or firm shall sell, loan,  
31 or transfer a firearm ~~or ammunition~~ to a minor.

32 (B) Subparagraph (A) shall not apply to or affect those  
33 circumstances set forth in subdivision (p) of Section 12078  
34 ~~that are exempt from the prohibitions set forth in~~  
35 ~~subparagraph (A).~~

36 (4) No person, corporation, or dealer shall sell, loan, or  
37 transfer a firearm ~~or ammunition~~ to any person whom he  
38 or she knows or has cause to believe is not the actual  
39 purchaser or transferee of the firearm ~~or ammunition~~, or  
40 to any person who is not the person actually being loaned



1 the firearm ~~or ammunition~~, if the person, corporation, or  
2 dealer has either of the following:

3 (A) Knowledge that the firearm ~~or ammunition~~ is to  
4 be subsequently loaned, sold, or transferred to avoid the  
5 provisions of subdivision (d).

6 (B) Knowledge that the firearm ~~or ammunition~~ is to  
7 be subsequently loaned, sold, or transferred to avoid the  
8 requirements of any exemption to the provisions of  
9 subdivision (d).

10 (5) No person, corporation, or dealer shall acquire a  
11 firearm ~~or ammunition~~ for the purpose of selling,  
12 transferring, or loaning the firearm ~~or ammunition~~, if the  
13 person, corporation, or dealer has either of the following:

14 (A) In the case of a dealer, intent to violate subdivision  
15 (b) or (c).

16 (B) In any other case, intent to avoid either of the  
17 following:

18 (i) The provisions of subdivision (d).

19 (ii) The requirements of any exemption to the  
20 provisions of subdivision (d).

21 (b) No person licensed under Section 12071 shall  
22 supply, sell, deliver, or give possession or control of a  
23 pistol, revolver, or firearm capable of being concealed  
24 upon the person to any person under the age of 21 years  
25 or any other firearm ~~or ammunition~~ to a person under the  
26 age of 18 years.

27 (c) No dealer, whether or not acting pursuant to  
28 Section 12082, shall deliver a firearm to a person, as  
29 follows:

30 (1) Prior to January 1, 1996, within 15 days of the  
31 application for the purchase, or, after notice by the  
32 department pursuant to subdivision (c) of Section 12076,  
33 within 15 days of the submission to the department of  
34 corrected copies of the register, or within 15 days of the  
35 submission to the department of any fee required  
36 pursuant to subdivision (d) of Section 12076, whichever  
37 is later. On or after January 1, 1996, within 15 days of the  
38 application for the purchase of a pistol, revolver, or other  
39 firearm capable of being concealed upon the person, or,  
40 after notice by the department pursuant to subdivision



1 (c) of Section 12076, within 15 days of the submission to  
2 the department of corrected copies of the register, or  
3 within 15 days of the submission to the department of any  
4 fee required pursuant to subdivision (d) of Section 12076,  
5 whichever is later. On or after January 1, 1996, within 10  
6 days of the application for the purchase of any other  
7 firearm, or, after notice by the department pursuant to  
8 subdivision (c) of Section 12076, within 10 days of the  
9 submission to the department of corrected copies of the  
10 register, or within 10 days of the submission to the  
11 department of any fee required pursuant to subdivision  
12 (d) of Section 12076, whichever is later.

13 (2) Unless unloaded and securely wrapped or  
14 unloaded and in a locked container.

15 (3) Unless the purchaser, transferee, or person being  
16 loaned the firearm presents clear evidence of his or her  
17 identity and age, as defined in Section 12071, to the  
18 dealer.

19 (4) Whenever the dealer is notified by the  
20 Department of Justice that the person is in a prohibited  
21 class described in Section 12021 or 12021.1 of this code or  
22 Section 8100 or 8103 of the Welfare and Institutions Code.

23 (5) Commencing April 1, 1994, no pistol, revolver, or  
24 other firearm capable of being concealed upon the  
25 person shall be delivered unless the purchaser,  
26 transferee, or person being loaned the firearm presents  
27 to the dealer a basic firearm safety certificate.

28 ~~(d) No dealer, whether or not acting pursuant to~~  
29 ~~Section 12082, shall deliver any ammunition as defined in~~  
30 ~~subdivision (i) to any person as follows:~~

31 ~~(1) Unless the purchaser, transferee, or person being~~  
32 ~~loaned the ammunition presents clear evidence of his or~~  
33 ~~her identity and age, as defined in Section 12071, to the~~  
34 ~~dealer.~~

35 ~~(2) Whenever the dealer is notified by the~~  
36 ~~Department of Justice that the person is in a prohibited~~  
37 ~~class described in Section 12021 or 12021.1 of this code or~~  
38 ~~Section 8100 or 8103 of the Welfare and Institutions Code.~~



1 ~~(3) Unless the purchaser, transferee, or person being~~  
2 ~~loaned the ammunition presents to the dealer a basic~~  
3 ~~firearm safety certificate.~~

4 ~~(e)~~

5 (d) Where neither party to the transaction holds a  
6 dealer's license issued pursuant to Section 12071, the  
7 parties to the transaction shall complete the sale, loan, or  
8 transfer of that firearm ~~or ammunition~~ through either of  
9 the following:

10 (1) A licensed dealer pursuant to Section 12082.

11 (2) A law enforcement agency pursuant to Section  
12 12084.

13 ~~(f)~~

14 (e) No person may commit an act of collusion relating  
15 to Article 8 (commencing with Section 12800) of Chapter  
16 6. For purposes of this section and Section 12071, collusion  
17 may be proven by any one of the following factors:

18 (1) Answering a test applicant's questions during an  
19 objective test relating to basic firearms safety.

20 (2) Knowingly grading the examination falsely.

21 (3) Providing an advance copy of the test to an  
22 applicant.

23 (4) Taking or allowing another person to take the basic  
24 firearms safety course for one who is the applicant for the  
25 basic firearms safety certificate.

26 (5) Allowing another to take the objective test for the  
27 applicant, purchaser, or transferee.

28 (6) Allowing others to give unauthorized assistance  
29 during the examination.

30 (7) Reference to materials during the examination  
31 and cheating by the applicant.

32 (8) Providing originals or photocopies of the objective  
33 test, or any version thereof, to any person other than as  
34 specified in subdivision ~~(g)~~ (f) of Section 12805.

35 ~~(g)~~

36 (f) (1) No person who is licensed pursuant to Chapter  
37 44 (commencing with Section 921) of Title 18 of the  
38 United States Code shall deliver, sell, or transfer a firearm  
39 ~~or ammunition~~ to a person who is licensed pursuant to  
40 Chapter 44 (commencing with Section 921) of Title 18 of



1 the United States Code and whose licensed premises are  
2 located in this state unless one of the following conditions  
3 is met:

4 ~~(1)~~

5 (A) The person presents proof of licensure pursuant to  
6 Section 12071 to that person.

7 ~~(2)~~

8 (B) The person presents proof that he or she is exempt  
9 from licensure under Section 12071 to that person, in  
10 which case the person also shall present proof that the  
11 transaction is also exempt from the provisions of  
12 subdivision ~~(e)~~.

13 ~~(H)~~ (d).

14 (2) *No dealer shall deliver any ammunition designed*  
15 *primarily for use in a pistol, revolver, or other firearm*  
16 *capable of being concealed upon the person to a*  
17 *purchaser, transferee, or person being loaned the*  
18 *ammunition unless that person presents to the dealer a*  
19 *basic firearm safety certificate.*

20 (g) (1) Except as provided in paragraph (2) or (3), a  
21 violation of this section is a misdemeanor.

22 (2) If any of the following circumstances apply, a  
23 violation of this section is punishable by imprisonment in  
24 the state prison for two, three, or four years.

25 (A) If the violation is of paragraph (1) of subdivision  
26 (a).

27 (B) If the defendant has a prior conviction of violating  
28 this section or former Section 12100 of this code or Section  
29 8101 of the Welfare and Institutions Code.

30 (C) If the defendant has a prior conviction of violating  
31 any offense specified in subdivision (b) of Section 12021.1  
32 or of a violation of Section 12020, 12220, or 12520, or of  
33 former Section 12560.

34 (D) If the defendant is in a prohibited class described  
35 in Section 12021 or 12021.1 of this code or Section ~~8101~~  
36 *8100 or 8103* of the Welfare and Institutions Code.

37 (E) A violation of this section by a person who actively  
38 participates in a “criminal street gang” as defined in  
39 Section 186.22.



1 (3) If any of the following circumstances apply, a  
 2 violation of this section shall be punished by  
 3 imprisonment in the state prison or in a county jail not to  
 4 exceed one year, or by a fine not to exceed one thousand  
 5 dollars (\$1,000), or by both the fine and imprisonment.

6 (A) A violation of paragraph (2) of subdivision (a).

7 (B) A violation of paragraph (3) of subdivision (a)  
 8 involving the sale, loan, or transfer of a pistol, revolver, or  
 9 other firearm capable of being concealed upon the  
 10 person to a minor.

11 (C) A violation of paragraph (4) of subdivision (a).

12 (D) A violation of paragraph (5) of subdivision (a).

13 (E) A violation of subdivision (b) involving the  
 14 delivery of a pistol, revolver, or other firearm capable of  
 15 being concealed upon the person.

16 (F) A violation of paragraph (1), (3), (4), or (5) of  
 17 subdivision (c) involving a pistol, revolver, or other  
 18 firearm capable of being concealed upon the person.

19 (G) A violation of subdivision ~~(e)~~ (d) involving a  
 20 pistol, revolver, or other firearm capable of being  
 21 concealed upon the person.

22 (H) A violation of subdivision ~~(f)~~:

23 ~~(i)~~ (e).

24 (h) As used in this section, “ammunition” means any  
 25 ammunition for a firearm, including, but not limited to,  
 26 any bullet, cartridge, magazine, clip, speedloader,  
 27 autoloader, or projectile capable of being fired from a  
 28 firearm with deadly consequence.

29 ~~SEC. 7. Section 12078 of the Penal Code is amended~~  
 30 ~~to read:~~

31 ~~12078. (a) (1) The preceding provisions of this~~  
 32 ~~article, except subdivision (c) of Section 12076, do not~~  
 33 ~~apply to deliveries, transfers, or sales of firearms made to~~  
 34 ~~persons properly identified as full-time paid peace~~  
 35 ~~officers as defined in Chapter 4.5 (commencing with~~  
 36 ~~Section 830) of Title 3 of Part 2, provided that the peace~~  
 37 ~~officers are authorized by their employer to carry~~  
 38 ~~firearms while in the performance of their duties, nor to~~  
 39 ~~deliveries, transfers, or sales of firearms made to~~  
 40 ~~authorized representatives of cities, cities and counties;~~



1 ~~counties, state or federal governments for use by those~~  
2 ~~governmental agencies. Proper identification is defined~~  
3 ~~as verifiable written certification from the head of the~~  
4 ~~agency by which the purchaser or transferee is employed,~~  
5 ~~identifying the purchaser or transferee as a peace officer~~  
6 ~~who is authorized to carry firearms while in the~~  
7 ~~performance of his or her duties, and authorizing the~~  
8 ~~purchase or transfer. The certification shall be delivered~~  
9 ~~to the seller or transferor at the time of purchase or~~  
10 ~~transfer and the purchaser or transferee shall identify~~  
11 ~~himself or herself as the person authorized in the~~  
12 ~~certification. On the day the sale, delivery, or transfer is~~  
13 ~~made, where a peace officer is receiving the firearm, and~~  
14 ~~either a dealer is not the seller or transferor, or is not~~  
15 ~~otherwise the person responsible for the delivery of the~~  
16 ~~firearm, or the transfer or sale is not conducted through~~  
17 ~~a law enforcement agency pursuant to Section 12084, the~~  
18 ~~peace officer shall forward by prepaid mail to the~~  
19 ~~Department of Justice a report of the same and the type~~  
20 ~~of information concerning the seller or transferor, the~~  
21 ~~buyer or transferee, the firearm as is indicated in Section~~  
22 ~~12077, together with the original certification. On the day~~  
23 ~~the sale, delivery, or transfer is made, where a dealer is~~  
24 ~~the seller, transferor, or otherwise responsible for~~  
25 ~~delivery of the firearm, the dealer shall forward by~~  
26 ~~prepaid mail to the Department of Justice a report of the~~  
27 ~~same and the type of information concerning the buyer~~  
28 ~~or transferee and the firearm as is indicated in Section~~  
29 ~~12077, together with the original certification. On the day~~  
30 ~~the sale, delivery, or transfer is made, where the transfer~~  
31 ~~is conducted pursuant to Section 12084, the law~~  
32 ~~enforcement agency shall forward by prepaid mail to the~~  
33 ~~Department of Justice a report of the same and the type~~  
34 ~~of information concerning the buyer or transferee and~~  
35 ~~the firearm as is indicated in Section 12084, together with~~  
36 ~~the original certification. The reports which peace~~  
37 ~~officers shall complete shall be provided to them by the~~  
38 ~~department. No report need be submitted to the~~  
39 ~~Department of Justice where a peace officer receiving~~  
40 ~~the firearm received it from his or her employer in~~



1 accordance with the applicable rules, regulations, or  
2 procedures of the employer.

3 (2) The preceding provisions of this article, except  
4 subdivision (e) of Section 12076, do not apply to  
5 deliveries, transfers, or sales of firearms made to peace  
6 officers as defined in Chapter 4.5 (commencing with  
7 Section 830) of Title 3 of Part 2 made pursuant to Section  
8 10334 of the Public Contract Code. On the day the sale,  
9 delivery, or transfer is made, and a dealer is not the  
10 person responsible for the delivery of the firearm or the  
11 transfer or sale is not conducted through a law  
12 enforcement agency pursuant to Section 12084, the peace  
13 officer receiving the firearm shall forward by prepaid  
14 mail to the Department of Justice a report of the same and  
15 the type of information concerning the seller or  
16 transferor, the buyer or transferee, and the firearm as is  
17 indicated in Section 12077. On the day the sale, delivery,  
18 or transfer is made, where a dealer is responsible for  
19 delivery of the firearm, the dealer shall forward by  
20 prepaid mail to the Department of Justice a report of the  
21 same and the type of information concerning the buyer  
22 or transferee and the firearm as is indicated in Section  
23 12077. On the day the sale, delivery, or transfer is made  
24 where the transfer is conducted pursuant to Section  
25 12084, the law enforcement agency shall forward by  
26 prepaid mail to the Department of Justice a report of the  
27 same and the type of information concerning the buyer  
28 or transferee and the firearm as is indicated in Section  
29 12084. The reports which peace officers shall complete  
30 shall be the same as those set forth in paragraph (1) of this  
31 subdivision and shall be provided to them by the  
32 department.

33 (3) Subdivision (e) of Section 12072 does not apply to  
34 sales, deliveries, or transfers of firearms to authorized  
35 representatives of cities, cities and counties, counties, or  
36 state or federal governments for those governmental  
37 agencies where the entity is acquiring the weapon as part  
38 of an authorized, voluntary program where the entity is  
39 buying or receiving weapons from private individuals.  
40 Any weapons acquired pursuant to this subdivision shall



1 ~~be disposed of pursuant to the applicable provisions of~~  
2 ~~Section 12028 or 12032.~~

3 ~~(b) Section 12071 and subdivisions (c) and (c) of~~  
4 ~~Section 12072 shall not apply to deliveries, sales, or~~  
5 ~~transfers of firearms between or to importers and~~  
6 ~~manufacturers of firearms licensed to engage in that~~  
7 ~~business pursuant to Chapter 44 (commencing with~~  
8 ~~Section 921) of Title 18 of the United States Code and the~~  
9 ~~regulations issued pursuant thereto.~~

10 ~~(e) (1) Subdivisions (d) and (e) of Section 12072 shall~~  
11 ~~not apply to the infrequent transfer of ammunition or a~~  
12 ~~firearm that is not a pistol, revolver, or other firearm~~  
13 ~~capable of being concealed upon the person by gift,~~  
14 ~~bequest, intestate succession, or other means by one~~  
15 ~~individual to another if both individuals are members of~~  
16 ~~the same immediate family.~~

17 ~~(2) Subdivision (e) of Section 12072 shall not apply to~~  
18 ~~the infrequent transfer of a pistol, revolver, or other~~  
19 ~~firearm capable of being concealed upon the person by~~  
20 ~~gift, bequest, intestate succession, or other means by one~~  
21 ~~individual to another if both individuals are members of~~  
22 ~~the same immediate family and both of the following~~  
23 ~~conditions are met:~~

24 ~~(A) The person to whom the firearm is transferred~~  
25 ~~shall, within 30 days of taking possession of the firearm,~~  
26 ~~forward by prepaid mail or deliver in person to the~~  
27 ~~Department of Justice, a report that includes information~~  
28 ~~concerning the individual taking possession of the~~  
29 ~~firearm, how title was obtained and from whom, and a~~  
30 ~~description of the firearm in question. The report forms~~  
31 ~~that individuals complete pursuant to this paragraph shall~~  
32 ~~be provided to them by the Department of Justice.~~

33 ~~(B) Prior to taking possession of the firearm, the~~  
34 ~~person taking title to the firearm shall obtain a basic~~  
35 ~~firearm safety certificate.~~

36 ~~(3) As used in this subdivision, immediate family~~  
37 ~~member means any one of the following relationships:~~

38 ~~(A) Parent and child.~~

39 ~~(B) Grandparent and grandchild.~~



1 ~~(d) Subdivisions (d) and (e) of Section 12072 shall not~~  
2 ~~apply to the infrequent loan of firearms between persons~~  
3 ~~who are personally known to each other for any lawful~~  
4 ~~purpose, if the loan does not exceed 30 days in duration.~~

5 ~~(e) Section 12071 and subdivisions (e) and (e) of~~  
6 ~~Section 12072 shall not apply to the delivery of a firearm~~  
7 ~~to a gunsmith for service or repair.~~

8 ~~(f) Subdivision (e) of Section 12072 shall not apply to~~  
9 ~~the sale, delivery, or transfer of firearms by persons who~~  
10 ~~reside in this state to persons who reside outside this state~~  
11 ~~who are licensed pursuant to Chapter 44 (commencing~~  
12 ~~with Section 921) of Title 18 of the United States Code and~~  
13 ~~the regulations issued pursuant thereto, if the sale,~~  
14 ~~delivery, or transfer is in accordance with Chapter 44~~  
15 ~~(commencing with Section 921) of Title 18 of the United~~  
16 ~~States Code and the regulations issued pursuant thereto.~~

17 ~~(g) (1) Subdivision (e) of Section 12072 shall not~~  
18 ~~apply to the infrequent sale or transfer of a firearm, other~~  
19 ~~than a pistol, revolver, or other firearm capable of being~~  
20 ~~concealed upon the person, at auctions or similar events~~  
21 ~~conducted by nonprofit mutual or public benefit~~  
22 ~~corporations organized pursuant to the Corporations~~  
23 ~~Code.~~

24 ~~As used in this paragraph, the term “infrequent” shall~~  
25 ~~not be construed to prohibit different local chapters of~~  
26 ~~the same nonprofit corporation from conducting auctions~~  
27 ~~or similar events, provided the individual local chapter~~  
28 ~~conducts the auctions or similar events infrequently. It is~~  
29 ~~the intent of the Legislature that different local chapters,~~  
30 ~~representing different localities, be entitled to invoke the~~  
31 ~~exemption created by this paragraph, notwithstanding~~  
32 ~~the frequency with which other chapters of the same~~  
33 ~~nonprofit corporation may conduct auctions or similar~~  
34 ~~events.~~

35 ~~(2) Subdivision (e) of Section 12072 shall not apply to~~  
36 ~~the transfer of a firearm other than a pistol, revolver, or~~  
37 ~~other firearm capable of being concealed upon the~~  
38 ~~person, if the firearm is donated for an auction or similar~~  
39 ~~event described in paragraph (1) and the firearm is~~  
40 ~~delivered to the nonprofit corporation immediately~~



1 preceding, or contemporaneous with, the auction or  
2 similar event.

3 (3) The waiting period described in Sections 12071 and  
4 12072 shall not apply to a dealer who delivers a firearm  
5 other than a pistol, revolver, or other firearm capable of  
6 being concealed upon the person, at an auction or similar  
7 event described in paragraph (1), as authorized by  
8 subparagraph (C) of paragraph (1) of subdivision (b) of  
9 Section 12071. Within 48 hours of the sale, delivery, or  
10 transfer, the dealer shall forward by prepaid mail to the  
11 Department of Justice a report of the same as is indicated  
12 in paragraph (3) of subdivision (a) of Section 12077.

13 (h) Subdivisions (d) and (e) of Section 12072 shall not  
14 apply to the loan of a firearm or ammunition for the  
15 purposes of shooting at targets if the loan occurs on the  
16 premises of a target facility which holds a business or  
17 regulatory license or on the premises of any club or  
18 organization organized for the purposes of practicing  
19 shooting at targets upon established ranges, whether  
20 public or private, if the firearm is at all times kept within  
21 the premises of the target range or on the premises of the  
22 club or organization.

23 (i) (1) Subdivision (e) of Section 12072 shall not apply  
24 to a person who takes title or possession of firearms by  
25 operation of law if all the following conditions are met:

26 (A) The person is not prohibited by Section 12021 or  
27 12021.1 of this code or Section 8100 or 8103 of the Welfare  
28 and Institutions Code from possessing firearms.

29 (B) If the firearms are pistols, revolvers, or other  
30 firearms capable of being concealed upon the person, and  
31 the person is not a levying officer as defined in Section  
32 481.140, 511.060, or 680.210 of the Code of Civil Procedure,  
33 the person shall, within 30 days of taking possession,  
34 forward by prepaid mail or deliver in person to the  
35 Department of Justice, a report of the same and the type  
36 of information concerning the individual taking  
37 possession of the firearm, how title or possession was  
38 obtained and from whom, and a description of the firearm  
39 in question. The reports which individuals complete



1 ~~pursuant to this paragraph shall be provided to them by~~  
2 ~~the Department of Justice.~~

3 ~~(C) In the case of a transmutation of property~~  
4 ~~between spouses made in accordance with Section 850 of~~  
5 ~~the Family Code consisting of a pistol, revolver, or other~~  
6 ~~firearm capable of being concealed upon the person, or~~  
7 ~~of ammunition as defined in Section 12072, taking place~~  
8 ~~on or after April 1, 1994, a basic firearm safety certificate~~  
9 ~~shall be required prior to taking possession of the firearm~~  
10 ~~or ammunition.~~

11 ~~(2) Subdivisions (d) and (e) of Section 12072 shall not~~  
12 ~~apply to a person who takes possession of a firearm or~~  
13 ~~ammunition by operation of law in a representative~~  
14 ~~capacity who transfers ownership of the firearm or~~  
15 ~~ammunition to himself or herself in his or her individual~~  
16 ~~capacity. In the case of ammunition, a pistol, revolver, or~~  
17 ~~other firearm capable of being concealed upon the~~  
18 ~~person, on and after April 1, 1994, that individual shall~~  
19 ~~have a basic firearm safety certificate in order for the~~  
20 ~~exemption set forth in this paragraph to apply.~~

21 ~~(j) Subdivision (e) of Section 12072 shall not apply to~~  
22 ~~deliveries, transfers, or returns of firearms made pursuant~~  
23 ~~to Section 12028, 12028.5, or 12030.~~

24 ~~(k) Section 12071 and subdivision (e) of Section 12072~~  
25 ~~shall not apply to:~~

26 ~~(1) The delivery, sale, or transfer of unloaded firearms~~  
27 ~~that are not pistols, revolvers, or other firearms capable~~  
28 ~~of being concealed upon the person by a dealer to another~~  
29 ~~dealer upon proof that the person receiving the firearm~~  
30 ~~is licensed pursuant to Section 12071.~~

31 ~~(2) The delivery, sale, or transfer of unloaded firearms~~  
32 ~~by dealers to persons who reside outside this state who are~~  
33 ~~licensed pursuant to Chapter 44 (commencing with~~  
34 ~~Section 921) of Title 18 of the United States Code and the~~  
35 ~~regulations issued pursuant thereto.~~

36 ~~(3) The delivery, sale, or transfer of unloaded firearms~~  
37 ~~to a wholesaler if the firearms are being returned to the~~  
38 ~~wholesaler and are intended as merchandise in the~~  
39 ~~wholesaler's business.~~



1 ~~(4) The delivery, sale, or transfer of unloaded firearms~~  
2 ~~by one dealer to another dealer if the firearms are~~  
3 ~~intended as merchandise in the receiving dealer's~~  
4 ~~business upon proof that the person receiving the firearm~~  
5 ~~is licensed pursuant to Section 12071.~~

6 ~~(5) The delivery, sale, or transfer of an unloaded~~  
7 ~~firearm that is not a pistol, revolver, or other firearm~~  
8 ~~capable of being concealed upon the person by a dealer~~  
9 ~~to himself or herself.~~

10 ~~(6) The loan of an unloaded firearm by a dealer who~~  
11 ~~also operates a target facility that holds a business or~~  
12 ~~regulatory license on the premises of the building~~  
13 ~~designated in the license or whose building designated in~~  
14 ~~the license is on the premises of any club or organization~~  
15 ~~organized for the purposes of practicing shooting at~~  
16 ~~targets upon established ranges, whether public or~~  
17 ~~private, to a person at that target facility or that club or~~  
18 ~~organization, if the firearm is at all times kept within the~~  
19 ~~premises of the target range or on the premises of the club~~  
20 ~~or organization.~~

21 ~~(l) A person who is exempt from subdivision (e) of~~  
22 ~~Section 12072 or is otherwise not required by law to report~~  
23 ~~his or her acquisition, ownership, or disposal of a pistol,~~  
24 ~~revolver, or other firearm capable of being concealed~~  
25 ~~upon the person or who moves out of this state with his~~  
26 ~~or her pistol, revolver, or other firearm capable of being~~  
27 ~~concealed upon the person may submit a report of the~~  
28 ~~same to the Department of Justice in a format prescribed~~  
29 ~~by the department.~~

30 ~~(m) Subdivision (e) of Section 12072 shall not apply to~~  
31 ~~the delivery, sale, or transfer of unloaded firearms to a~~  
32 ~~wholesaler as merchandise in the wholesaler's business by~~  
33 ~~manufacturers or importers licensed to engage in that~~  
34 ~~business pursuant to Chapter 44 (commencing with~~  
35 ~~Section 921) of Title 18 of the United States Code and the~~  
36 ~~regulations issued pursuant thereto, or by another~~  
37 ~~wholesaler, if the delivery, sale, or transfer is made in~~  
38 ~~accordance with Chapter 44 (commencing with Section~~  
39 ~~921) of Title 18 of the United States Code.~~



1 ~~(n) (1) The waiting period described in Section 12071~~  
2 ~~or 12072 shall not apply to the delivery, sale, or transfer~~  
3 ~~of a pistol, revolver, or other firearm capable of being~~  
4 ~~concealed upon the person by a dealer in either of the~~  
5 ~~following situations:~~

6 ~~(A) The dealer is delivering the firearm to another~~  
7 ~~dealer and it is not intended as merchandise in the~~  
8 ~~receiving dealer's business.~~

9 ~~(B) The dealer is delivering the firearm to himself or~~  
10 ~~herself and it is not intended as merchandise in his or her~~  
11 ~~business.~~

12 ~~(2) In order for this subdivision to apply, both of the~~  
13 ~~following shall occur:~~

14 ~~(A) If the dealer is receiving the firearm from another~~  
15 ~~dealer, the dealer receiving the firearm shall present~~  
16 ~~proof to the dealer delivering the firearm that he or she~~  
17 ~~is licensed pursuant to Section 12071.~~

18 ~~(B) Whether the dealer is delivering, selling, or~~  
19 ~~transferring the firearm to himself or herself or to another~~  
20 ~~dealer, on the date that the delivery, sale, or transfer is~~  
21 ~~made, the dealer delivering the firearm shall forward by~~  
22 ~~prepaid mail to the Department of Justice a report of the~~  
23 ~~same and the type of information concerning the~~  
24 ~~purchaser or transferee as is indicated in paragraph (2)~~  
25 ~~of subdivision (a) of Section 12077.~~

26 ~~(o) Section 12071 and subdivisions (c) and (c) of~~  
27 ~~Section 12072 shall not apply to the delivery, sale, or~~  
28 ~~transfer of firearms regulated pursuant to Section 12020,~~  
29 ~~Chapter 2 (commencing with Section 12200), or Chapter~~  
30 ~~2.3 (commencing with Section 12275), if the delivery,~~  
31 ~~sale, or transfer is conducted in accordance with the~~  
32 ~~applicable provisions of Section 12020, Chapter 2~~  
33 ~~(commencing with Section 12200), or Chapter 2.3~~  
34 ~~(commencing with Section 12275).~~

35 ~~(p) (1) Paragraph (3) of subdivision (a) and~~  
36 ~~subdivision (e) of Section 12072 shall not apply to the loan~~  
37 ~~of a firearm that is not a pistol, revolver, or other firearm~~  
38 ~~capable of being concealed upon the person to a minor,~~  
39 ~~with the express permission of the parent or legal~~



1 ~~guardian of the minor, if the loan does not exceed 30 days~~  
2 ~~in duration and is for a lawful purpose.~~

3 ~~(2) Paragraph (3) of subdivision (a) and subdivisions~~  
4 ~~(d) and (e) of Section 12072 shall not apply to the loan of~~  
5 ~~ammunition, a pistol, revolver, or other firearm capable~~  
6 ~~of being concealed upon the person to a minor by a~~  
7 ~~person who is not the parent or legal guardian of the~~  
8 ~~minor if all of the following circumstances exist:~~

9 ~~(A) The minor has the written consent of his or her~~  
10 ~~parent or legal guardian that is presented at the time of,~~  
11 ~~or prior to the time of, the loan, or is accompanied by his~~  
12 ~~or her parent or legal guardian at the time the loan is~~  
13 ~~made.~~

14 ~~(B) The minor is being loaned the firearm or~~  
15 ~~ammunition for the purpose of engaging in a lawful,~~  
16 ~~recreational sport, including, but not limited to,~~  
17 ~~competitive shooting, or agricultural, ranching, or~~  
18 ~~hunting activity, or a motion picture, television, or video~~  
19 ~~production, or entertainment or theatrical event, the~~  
20 ~~nature of which involves the use of a firearm or~~  
21 ~~ammunition.~~

22 ~~(C) The duration of the loan does not exceed the~~  
23 ~~amount of time that is reasonably necessary to engage in~~  
24 ~~the lawful, recreational sport, including, but not limited~~  
25 ~~to, competitive shooting, or agricultural, ranching, or~~  
26 ~~hunting activity, or a motion picture, television, or video~~  
27 ~~production, or entertainment or theatrical event, the~~  
28 ~~nature of which involves the use of a firearm or~~  
29 ~~ammunition.~~

30 ~~(D) The duration of the loan does not, in any event,~~  
31 ~~exceed 10 days.~~

32 ~~(3) Paragraph (3) of subdivision (a) and of~~  
33 ~~subdivisions (d) and (e) of Section 12072 shall not apply~~  
34 ~~to the loan of ammunition, a pistol, revolver, or other~~  
35 ~~firearm capable of being concealed upon the person to a~~  
36 ~~minor by his or her parent or legal guardian if both of the~~  
37 ~~following circumstances exist:~~

38 ~~(A) The minor is being loaned the firearm or~~  
39 ~~ammunition for the purposes of engaging in a lawful,~~  
40 ~~recreational sport, including, but not limited to,~~



1 ~~competitive shooting, or agricultural, ranching, or~~  
2 ~~hunting activity, or a motion picture, television, or video~~  
3 ~~production, or entertainment or theatrical event, the~~  
4 ~~nature of which involves the use of a firearm or~~  
5 ~~ammunition.~~

6 ~~(B) The duration of the loan does not exceed the~~  
7 ~~amount of time that is reasonably necessary to engage in~~  
8 ~~the lawful, recreational sport, including, but not limited~~  
9 ~~to, competitive shooting, or agricultural, ranching, or~~  
10 ~~hunting activity, or a motion picture, television, or video~~  
11 ~~production, or entertainment, or theatrical event, the~~  
12 ~~nature of which involves the use of a firearm or~~  
13 ~~ammunition.~~

14 ~~(4) Paragraph (3) of subdivision (a) of Section 12072~~  
15 ~~shall not apply to the transfer or loan of a firearm that is~~  
16 ~~not a pistol, revolver, or other firearm capable of being~~  
17 ~~concealed upon the person to a minor by his or her parent~~  
18 ~~or legal guardian.~~

19 ~~(5) Paragraph (3) of subdivision (a) of Section 12072~~  
20 ~~shall not apply to the transfer or loan of a firearm that is~~  
21 ~~not a pistol, revolver, or other firearm capable of being~~  
22 ~~concealed upon the person to a minor by his or her~~  
23 ~~grandparent who is not the legal guardian of the minor~~  
24 ~~if the transfer is done with the express permission of the~~  
25 ~~parent or legal guardian of the minor.~~

26 ~~(q) Subdivisions (d) and (e) of Section 12072 shall not~~  
27 ~~apply to the loan of ammunition or a firearm that is not~~  
28 ~~a pistol, revolver, or other firearm capable of being~~  
29 ~~concealed upon the person to a licensed hunter for use by~~  
30 ~~that licensed hunter for a period of time not to exceed the~~  
31 ~~duration of the hunting season for which that firearm or~~  
32 ~~ammunition is to be used.~~

33 ~~(r) The waiting period described in Section 12071,~~  
34 ~~12072, or 12084 shall not apply to the delivery, sale, or~~  
35 ~~transfer of a firearm to the holder of a special weapons~~  
36 ~~permit issued by the Department of Justice issued~~  
37 ~~pursuant to Section 12095, 12230, 12250, or 12305. On the~~  
38 ~~date that the delivery, sale, or transfer is made, the dealer~~  
39 ~~delivering the firearm or the law enforcement agency~~  
40 ~~processing the transaction pursuant to Section 12084, shall~~



1 forward by prepaid mail to the Department of Justice a  
2 report of the information concerning the purchaser or  
3 transferee as described in subdivision (a) of Section 12077  
4 or Section 12084.

5 (s) Subdivisions (d) and (e) of Section 12072 shall not  
6 apply to the loan of an unloaded firearm or the loan of  
7 blank cartridges or the loan of a firearm loaded with blank  
8 cartridges for use solely as a prop for a motion picture,  
9 television, or video production or an entertainment or  
10 theatrical event.

11 (t) As used in this section:

12 (1) "Infrequent" has the same meaning as in  
13 paragraph (1) of subdivision (c) of Section 12070.

14 (2) "A person taking title or possession of firearms or  
15 ammunition by operation of law" includes, but is not  
16 limited to, any of the following instances wherein an  
17 individual receives title to, or possession of, firearms:

18 (A) The executor or administrator of an estate if the  
19 estate includes firearms or ammunition.

20 (B) A secured creditor or an agent or employee  
21 thereof when the firearms or ammunition are possessed  
22 as collateral for, or as a result of, a default under a security  
23 agreement under the Commercial Code.

24 (C) A levying officer, as defined in Section 481.140,  
25 511.060, or 680.260 of the Code of Civil Procedure.

26 (D) A receiver performing his or her functions as a  
27 receiver if the receivership estate includes firearms or  
28 ammunition.

29 (E) A trustee in bankruptcy performing his or her  
30 duties if the bankruptcy estate includes firearms or  
31 ammunition.

32 (F) An assignee for the benefit of creditors performing  
33 his or her functions as an assignee, if the assignment  
34 includes firearms or ammunition.

35 (G) A transmutation of property consisting of firearms  
36 or ammunition pursuant to Section 850 of the Family  
37 Code.

38 (H) Firearms or ammunition passing to a surviving  
39 spouse pursuant to Chapter 1 (commencing with Section  
40 13500) of Part 2 of Division 8 of the Probate Code.



1 ~~SEC. 8.~~

2 *SEC. 4.* Section 12080 of the Penal Code is amended  
3 to read:

4 12080. (a) The Department of Justice shall prepare a  
5 pamphlet which summarizes California firearms or  
6 ammunition laws as they pertain to persons other than  
7 law enforcement officers or members of the armed  
8 services.

9 (b) The pamphlet shall include the following matters:

10 (1) Lawful possession.

11 (2) Licensing procedures.

12 (3) Transportation and use of firearms or ammunition.

13 (4) Acquisition of hunting licenses.

14 (5) The safe handling and use of firearms or  
15 ammunition.

16 (6) Various methods of safe storage and child proofing  
17 of firearms or ammunition.

18 (7) The availability of firearms safety programs and  
19 devices.

20 (8) The responsibilities of firearms ownership.

21 (9) The operation of various types of firearms.

22 (10) The lawful use of deadly force.

23 (c) The department shall offer copies of the pamphlet  
24 at actual cost to firearms dealers licensed pursuant to  
25 Section 12071 who shall have copies of the most current  
26 version available for sale to retail purchasers or  
27 transferees of firearms and ammunition. The cost of the  
28 pamphlet, if any, may be added to the sale price of the  
29 firearm or ammunition. Other interested parties may  
30 purchase copies directly from the Department of General  
31 Services. The pamphlet shall declare that it is merely  
32 intended to provide a general summary of laws applicable  
33 to firearms and ammunition and is not designed to  
34 provide individual guidance for specific areas.  
35 Individuals having specific questions shall be directed to  
36 contact their local law enforcement agency or private  
37 counsel.

38 (d) The Department of Justice or any other public  
39 entity shall be immune from any liability arising from the  
40 drafting, publication, or dissemination of the pamphlet or



1 any reliance upon it. All receipts from the sale of these  
2 pamphlets shall be deposited as reimbursements to the  
3 support appropriation for the Department of Justice.

4 ~~SEC. 9. Section 12082 of the Penal Code is amended~~  
5 ~~to read:~~

6 ~~12082. A person shall complete any sale, loan, or~~  
7 ~~transfer of a firearm through a person licensed pursuant~~  
8 ~~to Section 12071 in accordance with this section in order~~  
9 ~~to comply with subdivision (e) of Section 12072. The~~  
10 ~~Attorney General shall adopt regulations under this~~  
11 ~~section to allow the seller or transferor or the person~~  
12 ~~loaning the firearm and the purchaser or transferee or the~~  
13 ~~person being loaned the firearm to complete a sale, loan,~~  
14 ~~or transfer through a dealer, and to allow those persons~~  
15 ~~and the dealer to comply with the requirements of this~~  
16 ~~section and of Sections 12071, 12072, 12076, and 12077 and~~  
17 ~~to preserve the confidentiality of records. The register~~  
18 ~~shall state the name and address of the seller or transferor~~  
19 ~~of the firearm or the person loaning the firearm in~~  
20 ~~addition to any other information required by Section~~  
21 ~~12077. The seller or transferor or the person loaning the~~  
22 ~~firearm shall deliver the firearm to the dealer who shall~~  
23 ~~retain possession of that firearm. The dealer shall then~~  
24 ~~deliver the firearm to the purchaser or transferee or the~~  
25 ~~person being loaned the firearm, if it is not prohibited, in~~  
26 ~~accordance with subdivision (e) of Section 12072. If the~~  
27 ~~dealer cannot legally deliver the firearm to the purchaser~~  
28 ~~or transferee or the person being loaned the firearm, the~~  
29 ~~dealer shall forthwith, without waiting for the conclusion~~  
30 ~~of the waiting period described in Sections 12071 and~~  
31 ~~12072, return the firearm to the transferor or seller or the~~  
32 ~~person loaning the firearm. The dealer shall not return~~  
33 ~~the firearm to the seller or transferor or the person~~  
34 ~~loaning the firearm when to do so would constitute a~~  
35 ~~violation of subdivision (a) of Section 12072. If the dealer~~  
36 ~~cannot legally return the firearm to the transferor or~~  
37 ~~seller or the person loaning the firearm, then the dealer~~  
38 ~~shall forthwith deliver the firearm to the sheriff of the~~  
39 ~~county or the chief of police or other head of a municipal~~  
40 ~~police department of any city or city and county who shall~~



1 ~~then dispose of the firearm in the manner provided by~~  
2 ~~Sections 12028 and 12032. The purchaser or transferee or~~  
3 ~~person being loaned the firearm may be required by the~~  
4 ~~dealer to pay a fee not to exceed ten dollars (\$10) per~~  
5 ~~firearm, plus the applicable fee that the Department of~~  
6 ~~Justice may charge pursuant to Section 12076. Nothing in~~  
7 ~~these provisions shall prevent a dealer from charging a~~  
8 ~~smaller fee. The fee that the department may charge is~~  
9 ~~the fee that would be applicable pursuant to Section~~  
10 ~~12076, if the dealer was selling, transferring, or delivering~~  
11 ~~a firearm to a purchaser or transferee or person being~~  
12 ~~loaned a firearm, without any other parties being~~  
13 ~~involved in the transaction.~~

14 ~~A violation of this section by a dealer is a misdemeanor.~~

15 ~~SEC. 10.~~

16 *SEC. 5. Section 12081 of the Penal Code is amended*  
17 *to read:*

18 12081. A basic firearms safety certificate shall not be  
19 required for any of the following transactions:

20 (a) The delivery, sale, or transfer of a pistol, revolver,  
21 or other firearm capable of being concealed upon the  
22 person *or pistol ammunition* to a dealer.

23 (b) The delivery, sale, or transfer of a pistol, revolver,  
24 or other firearm capable of being concealed upon the  
25 person *or pistol ammunition* between or to importers and  
26 manufacturers of firearms licensed to engage in that  
27 business pursuant to Chapter 44 (commencing with  
28 Section 921) of Title 18 of the United States Code and the  
29 regulations issued pursuant thereto.

30 (c) The delivery, sale, or transfer of a pistol, revolver,  
31 or other firearm capable of being concealed upon the  
32 person *or pistol ammunition* to an active member of the  
33 United States Armed Forces, the National Guard, the Air  
34 National Guard, and the active reserve components of  
35 the United States, who is properly identified. For  
36 purposes of this subdivision, proper identification  
37 includes the Armed Forces Identification Card, or other  
38 written documents certifying that the person is an active  
39 member of the United States Armed Forces, the National



1 Guard, the Air National Guard, or the active reserve  
2 components of the United States.

3 (d) The delivery, sale, or transfer of a pistol, revolver,  
4 or other firearm capable of being concealed upon the  
5 person *or pistol ammunition* to any person honorably  
6 discharged from the United States Armed Forces, the  
7 National Guard, the Air National Guard, or active reserve  
8 components of the United States who is properly  
9 identified. For purposes of this subdivision, proper  
10 identification includes a Retired Armed Forces  
11 Identification Card, or other written document certifying  
12 the person as being honorably discharged.

13 (e) The delivery, sale, or transfer of a pistol, revolver,  
14 or other firearm capable of being concealed upon the  
15 person *or pistol ammunition* to any of the following  
16 persons who are properly identified:

17 (1) Any California or federal peace officer who is  
18 authorized to carry a firearm while on duty.

19 (2) Any honorably retired peace officer, as defined in  
20 Section 830.1, 830.2, or subdivision (c) of Section 830.5.

21 (3) Any honorably retired federal officers or agents  
22 who were authorized to, and did, carry firearms in the  
23 course and scope of their duties and are authorized to  
24 carry firearms pursuant to subdivision (i) of Section  
25 12027.

26 (4) Any persons who have permits to carry pistols,  
27 revolvers, or other firearms capable of being concealed  
28 upon the person issued pursuant to Article 3  
29 (commencing with Section 12050) of Chapter 1.

30 (5) Any persons who have a certificate of competency  
31 or a certificate of completion in hunter safety as provided  
32 in Article 2.5 (commencing with Section 3049) of Chapter  
33 1 of Part 1 of Division 4 of the Fish and Game Code, which  
34 bears a hunter safety instruction validation stamp affixed  
35 thereto.

36 (6) Any person who holds a valid hunting license  
37 issued by the State of California.

38 (7) Any person who is authorized to carry loaded  
39 firearms pursuant to subdivision (c) or (d) of Section  
40 12031.



1 (8) Any person who has been issued a certificate  
2 pursuant to Section 12033.

3 (9) Any basic firearms safety instructor certified by  
4 the department pursuant to Section 12805.

5 (10) Persons who are properly identified as authorized  
6 participants in shooting matches approved by the  
7 Director of Civilian Marksmanship pursuant to the  
8 applicable provisions of Title 10 of the United States  
9 Code.

10 (11) Persons who have successfully completed the  
11 course of training specified in Section 832.

12 *(f) The delivery, sale, or transfer of pistol ammunition*  
13 *by a dealer who also operates a target facility that holds*  
14 *a business or regulatory license on the premises of the*  
15 *building designated in the license or whose building*  
16 *designated in the license is on the premises of any club or*  
17 *organization organized for the purposes of practicing*  
18 *shooting at targets upon established ranges, whether*  
19 *public or private, to a person for use at that target facility*  
20 *or that club or organization, if the firearm and*  
21 *ammunition are at all times kept within the premises of*  
22 *the target range or on the premises of the club or*  
23 *organization.*

24 *(g) The sale, loan, or transfer of blank cartridges.*

25 *(h) As used in this section:*

26 *(1) "Pistol ammunition" means any ammunition*  
27 *designed primarily for use in a pistol, revolver, or other*  
28 *firearm capable of being concealed upon the person.*

29 *(2) "Ammunition" includes, but is not limited to, any*  
30 *bullet, cartridge, magazine, clip, speedloader,*  
31 *autoloader, or projectile capable of being fired from a*  
32 *firearm with deadly consequence.*

33 *SEC. 6. Section 12316 of the Penal Code is amended*  
34 *to read:*

35 12316. (a) Any person, corporation, or dealer who  
36 sells ammunition or reloaded ammunition to a person  
37 knowing that person to be a minor under 18 years of age  
38 shall be punished by imprisonment in a county jail for a  
39 term not to exceed six months, or by a fine not to exceed



1 one thousand dollars (\$1,000), or by both the  
2 imprisonment and fine.

3 Proof that a person, corporation, or dealer, or his or her  
4 agent or employee, demanded, was shown, and acted in  
5 reliance upon, bona fide evidence of majority and  
6 identity shall be a defense to any criminal prosecution  
7 under this subdivision. As used in this subdivision, “bona  
8 fide evidence of majority and identity” means a  
9 document issued by a federal, state, county, or municipal  
10 government, or subdivision or agency thereof, including,  
11 but not limited to, a motor vehicle operator’s license,  
12 California state identification card, identification card  
13 issued to a member of the armed forces, or other form of  
14 identification that bears the name, date of birth,  
15 description, and picture of the person.

16 (b) (1) No person prohibited from owning or  
17 possessing a firearm under Section 12021 or 12021.1 of this  
18 code or Section 8100 or 8103 of the Welfare and  
19 Institutions Code shall own, possess, or have under his or  
20 her custody or control, any ammunition or reloaded  
21 ammunition. ~~A violation of this subdivision shall be  
22 punishable by up to one year in a county jail, a fine not to  
23 exceed one thousand dollars (\$1,000), or both the  
24 imprisonment and fine.~~

25 (2) For purposes of this subdivision, “ammunition”  
26 shall include, but not be limited to, any bullet, cartridge,  
27 magazine, clip, speed loader, autoloader, or projectile  
28 capable of being fired from a firearm with a deadly  
29 consequence.

30 (3) A violation of this subdivision is punishable by  
31 imprisonment in a county jail not to exceed one year or  
32 in the state prison, by a fine not to exceed one thousand  
33 dollars (\$1,000), or by both the fine and imprisonment.

34 (c) Unless it is with the written permission of the  
35 school district superintendent, his or her designee, or  
36 equivalent school authority, no person shall carry  
37 ammunition or reloaded ammunition onto school  
38 grounds, except sworn law enforcement officers acting  
39 within the scope of their duties or persons exempted  
40 under subparagraph (A) of paragraph (1) of subdivision



1 (a) of Section 12027. This subdivision shall not apply to a  
2 duly appointed peace officer as defined in Chapter 4.5  
3 (commencing with Section 830) of Title 3 of Part 2, a  
4 full-time paid peace officer of another state or the federal  
5 government who is carrying out official duties while in  
6 California, any person summoned by any of these officers  
7 to assist in making an arrest or preserving the peace while  
8 he or she is actually engaged in assisting the officer, a  
9 member of the military forces of this state or of the United  
10 States who is engaged in the performance of his or her  
11 duties, a person holding a valid license to carry the  
12 firearm pursuant to Article 3 (commencing with Section  
13 12050) of Chapter 1 of Title 2 of Part 4, or an armored  
14 vehicle guard, who is engaged in the performance of his  
15 or her duties, as defined in subdivision (e) of Section 7521  
16 of the Business and Professions Code. A violation of this  
17 subdivision is punishable by imprisonment in a county jail  
18 for a term not to exceed six months, a fine not to exceed  
19 one thousand dollars (\$1,000), or both the imprisonment  
20 and fine.

21 *SEC. 7. Section 8101 of the Welfare and Institutions*  
22 *Code is amended to read:*

23 8101. (a) Any person who shall knowingly supply,  
24 sell, give, or allow possession or control of a deadly  
25 weapon to any person described in Section 8100 or 8103  
26 shall be punishable by imprisonment in the state prison,  
27 or in a county jail for a period of not exceeding one year,  
28 by a fine of not exceeding one thousand dollars (\$1,000),  
29 or by both the fine and imprisonment.

30 (b) Any person who shall knowingly supply, sell, give,  
31 or allow possession or control of a firearm *or ammunition*  
32 to any person described in Section 8100 or 8103 shall be  
33 punished by imprisonment in the state prison for two,  
34 three, or four years.

35 (c) “Deadly weapon,” as used in this section has the  
36 meaning prescribed by Section 8100.

37 (d) *As used in this section, “ammunition” means any*  
38 *ammunition for a firearm, including, but not limited to,*  
39 *any bullet, cartridge, magazine, clip, speedloader,*



1 *autoloader, or projectile capable of being fired from a*  
2 *firearm with deadly consequence.*

3 *SEC. 8.* No reimbursement is required by this act  
4 pursuant to Section 6 of Article XIII B of the California  
5 Constitution because the only costs that may be incurred  
6 by a local agency or school district will be incurred  
7 because this act creates a new crime or infraction,  
8 eliminates a crime or infraction, or changes the penalty  
9 for a crime or infraction, within the meaning of Section  
10 17556 of the Government Code, or changes the definition  
11 of a crime within the meaning of Section 6 of Article  
12 XIII B of the California Constitution.

13 Notwithstanding Section 17580 of the Government  
14 Code, unless otherwise specified, the provisions of this act  
15 shall become operative on the same date that the act  
16 takes effect pursuant to the California Constitution.

