

AMENDED IN SENATE MARCH 21, 1995
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 12022.4, 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 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, 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 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 12022.4 of the Penal Code is
 2 amended to read:
 3 12022.4. Any person who, during the commission or
 4 attempted commission of a felony, furnishes or offers to
 5 furnish a firearm, or ammunition for a firearm, including,
 6 but not limited to, any bullet, cartridge, magazine, clip,
 7 speedloader, autoloader, or projectile capable of being
 8 fired from a firearm with deadly consequence, to another
 9 for the purpose of aiding, abetting, or enabling that
 10 person or any other person to commit a felony shall, in
 11 addition and consecutive to the punishment prescribed
 12 by the felony or attempted felony of which the person has
 13 been convicted, be punished by an additional term of one,
 14 two, or three years in the state prison. The court shall
 15 order the middle term unless there are circumstances in
 16 aggravation or mitigation. The court shall state the
 17 reasons for its enhancement choice on the record at the
 18 time of the sentence. The additional term provided in this
 19 section shall not be imposed unless the fact of the
 20 furnishing is charged in the accusatory pleading and
 21 admitted or found to be true by the trier of fact.



1 SEC. 2. Section 12071 of the Penal Code is amended
2 to read:

3 12071. (a) (1) As used in this chapter, the term
4 “licensee,” “person licensed pursuant to Section 12071,”
5 or “dealer” means a person who (A) has a valid federal
6 firearms license, (B) has any regulatory or business
7 license, or licenses, required by local government, (C)
8 has a valid seller’s permit issued by the State Board of
9 Equalization, (D) has a certificate of eligibility issued by
10 the Department of Justice pursuant to paragraph (4), (E)
11 has a license issued in the format prescribed by paragraph
12 (6), and (F) is among those recorded in the centralized
13 list specified in subdivision (e).

14 (2) The duly constituted licensing authority of a city,
15 county, or a city and county shall accept applications for,
16 and may grant licenses permitting, licensees to sell
17 firearms at retail within the city, county, or city and
18 county. The duly constituted licensing authority shall
19 inform applicants who are denied licenses of the reasons
20 for the denial in writing.

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

26 (4) A person may request a certificate of eligibility
27 from the Department of Justice and the Department of
28 Justice shall issue a certificate to an applicant if the
29 department’s records indicate that the applicant is not a
30 person who is prohibited from possessing firearms.

31 (5) The department shall adopt regulations to
32 administer the certificate of eligibility program and shall
33 recover the full costs of administering the program by
34 imposing fees assessed to applicants who apply for those
35 certificates.

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

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



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

4 (C) A letter from the duly constituted licensing
5 authority having primary jurisdiction for the applicant’s
6 intended business location stating that the jurisdiction
7 does not require any form of regulatory or business
8 license or does not otherwise restrict or regulate the sale
9 of firearms.

10 (7) Local licensing authorities may assess fees to
11 recover their full costs of processing applications for
12 licenses.

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

15 (1) (A) Except as provided in subparagraphs (B) and
16 (C), the business shall be conducted only in the buildings
17 designated in the license.

18 (B) A person licensed pursuant to subdivision (a) may
19 take possession of firearms and commence preparation of
20 registers for the sale, delivery, or transfer of firearms at
21 gun shows or events, as defined in Section 178.100 of Title
22 27 of the Code of Federal Regulations, or its successor, if
23 the gun show or event is not conducted from any
24 motorized or towed vehicle. A person conducting
25 business pursuant to this subparagraph shall be entitled
26 to conduct business as authorized herein at any gun show
27 or event in the state without regard to the jurisdiction
28 within this state that issued the license pursuant to
29 subdivision (a), provided the person complies with (i) all
30 applicable laws, including, but not limited to, the 15-day
31 waiting period specified in subparagraph (A) of
32 paragraph (3), and (ii) all applicable local laws,
33 regulations, and fees, if any.

34 A person conducting business pursuant to this
35 subparagraph shall publicly display his or her license
36 issued pursuant to subdivision (a), or a facsimile thereof,
37 at any gun show or event, as specified in this
38 subparagraph.

39 (C) A person licensed pursuant to subdivision (a) may
40 engage in the sale and transfer of firearms other than



1 pistols, revolvers, or other firearms capable of being
2 concealed upon the person, at events specified in
3 subdivision (g) of Section 12078, subject to the
4 prohibitions and restrictions contained in that
5 subdivision.

6 A person licensed pursuant to subdivision (a) also may
7 accept delivery of firearms other than pistols, revolvers,
8 or other firearms capable of being concealed upon the
9 person, outside the building designated in the license,
10 provided the firearm is being donated for the purpose of
11 sale or transfer at an auction or similar event specified in
12 subdivision (g) of Section 12078.

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

16 (3) No firearm shall be delivered:

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



1 (B) Unless unloaded and securely wrapped or
2 unloaded and in a locked container.

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

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

10 (4) No pistol, revolver, or other firearm or imitation
11 thereof capable of being concealed upon the person, or
12 placard advertising the sale or other transfer thereof, shall
13 be displayed in any part of the premises where it can
14 readily be seen from the outside.

15 (5) The licensee shall agree to and shall act properly
16 and promptly in processing firearms transactions
17 pursuant to Section 12082.

18 (6) The licensee shall comply with Sections 12073,
19 12076, and 12077, subdivisions (a) and (b) of Section
20 12072, and subdivision (a) of Section 12316.

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

24 "IF YOU LEAVE A LOADED FIREARM WHERE A
25 CHILD OBTAINS AND IMPROPERLY USES IT, YOU
26 MAY BE FINED OR SENT TO PRISON."

27 (8) (A) Commencing April 1, 1994, no pistol,
28 revolver, or other firearm capable of being concealed
29 upon the person shall be delivered unless the purchaser,
30 transferee, or person being loaned the firearm presents
31 to the dealer a basic firearm safety certificate.

32 (B) No ammunition designed primarily for use in a
33 pistol, revolver, or other firearm capable of being
34 concealed upon the person, including, but not limited to,
35 any bullet, cartridge, magazine, clip, speedloader,
36 autoloader, or projectile capable of being fired from these
37 firearms with deadly consequence, shall be delivered
38 unless the purchaser, transferee, or person being loaned
39 the ammunition presents to the dealer a basic firearm
40 safety certificate.



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

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

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

11 (A) All charges required by governmental agencies
12 for processing firearm transfers required by Sections
13 12076, 12082, and 12806.

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

16 (12) The licensee shall not misstate the amount of fees
17 charged by a governmental agency pursuant to Sections
18 12076, 12082, and 12806.

19 (13) The licensee shall report the loss or theft of any
20 firearm that is merchandise of the licensee, any firearm
21 that the licensee takes possession of pursuant to Section
22 12082, or any firearm kept at the licensee's place of
23 business within 48 hours of discovery to the appropriate
24 law enforcement agency in the city, county, or city and
25 county where the licensee's business premises are
26 located.

27 (14) In a city and county, or in the unincorporated
28 area of a county with a population of 200,000 persons or
29 more according to the most recent federal decennial
30 census or within a city with a population of 50,000 persons
31 or more according to the most recent federal decennial
32 census, any time the licensee is not open for business, the
33 licensee shall store all firearms kept in his or her licensed
34 place of business using one of the following methods as to
35 each particular firearm:

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

38 (B) Secure the firearm with a hardened steel rod or
39 cable of at least one-eighth inch in diameter through the
40 trigger guard of the firearm. The steel rod or cable shall



1 be secured with a hardened steel lock that has a shackle.
2 The lock and shackle shall be protected or shielded from
3 the use of a bolt cutter and the rod or cable shall be
4 anchored in a manner that prevents the removal of the
5 firearm from the premises.

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

8 (15) The licensing authority in an unincorporated area
9 of a county with a population less than 200,000 persons
10 according to the most recent federal decennial census or
11 within a city with a population of less than 50,000 persons
12 according to the most recent federal decennial census
13 may impose the requirements specified in paragraph
14 (14).

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

18 (17) The licensee shall maintain and make available
19 for inspection during business hours to any peace officer,
20 authorized local law enforcement employee, or
21 Department of Justice employee designated by the
22 Attorney General, upon the presentation of proper
23 identification, a firearms transaction record.

24 (18) (A) On the date of receipt, the licensee shall
25 report to the Department of Justice in a format
26 prescribed by the department the acquisition by the
27 licensee of the ownership of a pistol, revolver, or other
28 firearm capable of being concealed upon the person.

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

31 (i) A transaction subject to the provisions of
32 subdivision (n) of Section 12078.

33 (ii) The dealer acquired the firearm from a
34 wholesaler.

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

39 (iv) The dealer acquired the firearm from a person
40 who is licensed as a manufacturer or importer to engage



1 in those activities pursuant to Chapter 44 (commencing
2 with Section 921) of Title 18 of the United States Code and
3 any regulations issued pursuant thereto.

4 (v) The dealer acquired the firearm from a person
5 who resides outside this state who is licensed pursuant to
6 Chapter 44 (commencing with Section 921) of Title 18 of
7 the United States Code and any regulations issued
8 pursuant thereto.

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

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

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

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

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

21 (A) All perimeter doorways shall meet one of the
22 following:

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

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

31 (iii) A metal grate that is padlocked and affixed to the
32 licensee’s premises independent of the door and
33 doorframe.

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

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

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



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

3 (F) All steel bars shall be no further than six inches
4 apart.

5 (4) As used in this section, “licensed premises,”
6 “licensed place of business,” “licensee’s place of
7 business,” or “licensee’s business premises” means the
8 building designated in the license.

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

10 (A) A “firearms transaction record” is a record
11 containing the same information referred to in Section
12 178.124a and subdivision (e) of Section 178.125 of Title 27
13 of the Code of Federal Regulations.

14 (B) A licensee shall be in compliance with the
15 provisions of paragraph (17) of subdivision (b) if he or she
16 maintains and makes available for inspection during
17 business hours to any peace officer, authorized local law
18 enforcement employee, or Department of Justice
19 employee designated by the Attorney General, upon the
20 presentation of proper identification, the bound book
21 containing the same information referred to in Section
22 178.124a and subdivision (e) of Section 178.125 of Title 27
23 of the Code of Federal Regulations.

24 (d) Upon written request from a licensee, the
25 licensing authority may grant an exemption from
26 compliance with the requirements of paragraph (14) of
27 subdivision (b) if the licensee is unable to comply with
28 those requirements because of local ordinances,
29 covenants, lease conditions, or similar circumstances not
30 under the control of the licensee.

31 (e) Except as otherwise provided in this subdivision,
32 the Department of Justice shall keep a centralized list of
33 all persons licensed pursuant to subparagraphs (A) to
34 (E), inclusive, of paragraph (1) of subdivision (a). The
35 department may remove from this list any person who
36 knowingly or with gross negligence violates this article.
37 Upon removal of a dealer from this list, notification shall
38 be provided to local law enforcement and licensing
39 authorities in the jurisdiction where the dealer’s business
40 is located. The department shall make information about



1 an individual dealer available, upon request, for one of
2 the following purposes only:

3 (1) For law enforcement purposes.

4 (2) When the information is requested by a person
5 licensed pursuant to Chapter 44 (commencing with
6 Section 921) of Title 18 of the United States Code for
7 determining the validity of the license for firearm
8 shipments.

9 (f) The Department of Justice may inspect dealers to
10 ensure compliance with this article. The department may
11 assess an annual fee, not to exceed eighty-five dollars
12 (\$85), to cover the reasonable cost of maintaining the list
13 described in subdivision (e), including the cost of
14 inspections. Dealers whose place of business is in a
15 jurisdiction that has adopted an inspection program to
16 ensure compliance with firearms law shall be exempt
17 from that portion of the department's fee that relates to
18 the cost of inspections. The applicant is responsible for
19 providing evidence to the department that the
20 jurisdiction in which the business is located has the
21 inspection program.

22 (g) The Department of Justice shall maintain and
23 make available upon request information concerning the
24 number of inspections conducted and the amount of fees
25 collected pursuant to subdivision (f), a listing of
26 exempted jurisdictions, as defined in subdivision (f), the
27 number of dealers removed from the centralized list
28 defined in subdivision (e), and the number of dealers
29 found to have violated this article with knowledge or
30 gross negligence.

31 (h) Paragraph (14) or (15) of subdivision (b) shall not
32 apply to a licensee organized as a nonprofit public benefit
33 or mutual benefit corporation organized pursuant to Part
34 2 (commencing with Section 5110) or Part 3
35 (commencing with Section 7110) of Division 2 of the
36 Corporations Code, if both of the following conditions are
37 satisfied:

38 (1) The nonprofit public benefit or mutual benefit
39 corporation obtained the dealer's license solely and
40 exclusively to assist that corporation or local chapters of



1 that corporation in conducting auctions or similar events
2 at which firearms are auctioned off to fund the activities
3 of that corporation or the local chapters of the
4 corporation.

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

7 SEC. 3. Section 12072 of the Penal Code is amended
8 to read:

9 12072. (a) (1) No person, corporation, or firm shall
10 knowingly supply, deliver, sell, or give possession or
11 control of a firearm or ammunition to any person within
12 any of the classes prohibited by Section 12021 or 12021.1.

13 (2) No person, corporation, or dealer shall sell, supply,
14 deliver, or give possession or control of a firearm or
15 ammunition to any person whom he or she has cause to
16 believe to be within any of the classes prohibited by
17 Section 12021 or 12021.1 of this code or Section 8100 or
18 8103 of the Welfare and Institutions Code.

19 (3) (A) No person, corporation, or firm shall sell, loan,
20 or transfer a firearm to a minor.

21 (B) Subparagraph (A) shall not apply to or affect those
22 circumstances set forth in subdivision (p) of Section
23 12078.

24 (4) No person, corporation, or dealer shall sell, loan, or
25 transfer a firearm to any person whom he or she knows
26 or has cause to believe is not the actual purchaser or
27 transferee of the firearm, or to any person who is not the
28 person actually being loaned the firearm, if the person,
29 corporation, or dealer has either of the following:

30 (A) Knowledge that the firearm is to be subsequently
31 loaned, sold, or transferred to avoid the provisions of
32 subdivision (d).

33 (B) Knowledge that the firearm is to be subsequently
34 loaned, sold, or transferred to avoid the requirements of
35 any exemption to the provisions of subdivision (d).

36 (5) No person, corporation, or dealer shall acquire a
37 firearm for the purpose of selling, transferring, or loaning
38 the firearm, if the person, corporation, or dealer has
39 either of the following:



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

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

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

6 (ii) The requirements of any exemption to the
7 provisions of subdivision (d).

8 (b) No person licensed under Section 12071 shall
9 supply, sell, deliver, or give possession or control of a
10 pistol, revolver, or firearm capable of being concealed
11 upon the person to any person under the age of 21 years
12 or any other firearm to a person under the age of 18 years.

13 (c) No dealer, whether or not acting pursuant to
14 Section 12082, shall deliver a firearm to a person, as
15 follows:

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

39 (2) Unless unloaded and securely wrapped or
40 unloaded and in a locked container.



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

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

9 (5) Commencing April 1, 1994, no pistol, revolver, or
10 other firearm capable of being concealed upon the
11 person shall be delivered unless the purchaser,
12 transferee, or person being loaned the firearm presents
13 to the dealer a basic firearm safety certificate.

14 (d) Where neither party to the transaction holds a
15 dealer's license issued pursuant to Section 12071, the
16 parties to the transaction shall complete the sale, loan, or
17 transfer of that firearm through either of the following:

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

19 (2) A law enforcement agency pursuant to Section
20 12084.

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

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

27 (2) Knowingly grading the examination falsely.

28 (3) Providing an advance copy of the test to an
29 applicant.

30 (4) Taking or allowing another person to take the basic
31 firearms safety course for one who is the applicant for the
32 basic firearms safety certificate.

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

35 (6) Allowing others to give unauthorized assistance
36 during the examination.

37 (7) Reference to materials during the examination
38 and cheating by the applicant.



1 (8) Providing originals or photocopies of the objective
2 test, or any version thereof, to any person other than as
3 specified in subdivision (f) of Section 12805.

4 (f) (1) No person who is licensed pursuant to Chapter
5 44 (commencing with Section 921) of Title 18 of the
6 United States Code shall deliver, sell, or transfer a firearm
7 to a person who is licensed pursuant to Chapter 44
8 (commencing with Section 921) of Title 18 of the United
9 States Code and whose licensed premises are located in
10 this state unless one of the following conditions is met:

11 (A) The person presents proof of licensure pursuant to
12 Section 12071 to that person.

13 (B) The person presents proof that he or she is exempt
14 from licensure under Section 12071 to that person, in
15 which case the person also shall present proof that the
16 transaction is also exempt from the provisions of
17 subdivision (d).

18 (2) No ~~dealer~~ *person who has any regulatory or*
19 *business license, or licenses, required by local*
20 *government, or who has a valid seller's permit issued by*
21 *the State Board of Equalization,* shall deliver any
22 ammunition designed primarily for use in a pistol,
23 revolver, or other firearm capable of being concealed
24 upon the person to a purchaser, transferee, or person
25 being loaned the ammunition unless that person presents
26 to the dealer a basic firearm safety certificate.

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

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

32 (A) If the violation is of paragraph (1) of subdivision
33 (a).

34 (B) If the defendant has a prior conviction of violating
35 this section or former Section 12100 of this code or Section
36 8101 of the Welfare and Institutions Code.

37 (C) If the defendant has a prior conviction of violating
38 any offense specified in subdivision (b) of Section 12021.1
39 or of a violation of Section 12020, 12220, or 12520, or of
40 former Section 12560.



1 (D) If the defendant is in a prohibited class described
2 in Section 12021 or 12021.1 of this code or Section 8100 or
3 8103 of the Welfare and Institutions Code.

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

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

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

13 (B) A violation of paragraph (3) of subdivision (a)
14 involving the sale, loan, or transfer of a pistol, revolver, or
15 other firearm capable of being concealed upon the
16 person to a minor.

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

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

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

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

25 (G) A violation of subdivision (d) involving a pistol,
26 revolver, or other firearm capable of being concealed
27 upon the person.

28 (H) A violation of subdivision (e).

29 (h) As used in this section, “ammunition” means any
30 ammunition for a firearm, including, but not limited to,
31 any bullet, cartridge, magazine, clip, speedloader,
32 autoloader, or projectile capable of being fired from a
33 firearm with deadly consequence.

34 SEC. 4. Section 12080 of the Penal Code is amended
35 to read:

36 12080. (a) The Department of Justice shall prepare a
37 pamphlet which summarizes California firearms or
38 ammunition laws as they pertain to persons other than
39 law enforcement officers or members of the armed
40 services.



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

2 (1) Lawful possession.

3 (2) Licensing procedures.

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

5 (4) Acquisition of hunting licenses.

6 (5) The safe handling and use of firearms or
7 ammunition.

8 (6) Various methods of safe storage and child proofing
9 of firearms or ammunition.

10 (7) The availability of firearms safety programs and
11 devices.

12 (8) The responsibilities of firearms ownership.

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

14 (10) The lawful use of deadly force.

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

30 (d) The Department of Justice or any other public
31 entity shall be immune from any liability arising from the
32 drafting, publication, or dissemination of the pamphlet or
33 any reliance upon it. All receipts from the sale of these
34 pamphlets shall be deposited as reimbursements to the
35 support appropriation for the Department of Justice.

36 SEC. 5. Section 12081 of the Penal Code is amended
37 to read:

38 12081. A basic firearms safety certificate shall not be
39 required for any of the following transactions:



1 (a) The delivery, sale, or transfer of a pistol, revolver,
2 or other firearm capable of being concealed upon the
3 person or pistol ammunition to a dealer.

4 (b) The delivery, sale, or transfer of a pistol, revolver,
5 or other firearm capable of being concealed upon the
6 person or pistol ammunition between or to importers and
7 manufacturers of firearms licensed to engage in that
8 business pursuant to Chapter 44 (commencing with
9 Section 921) of Title 18 of the United States Code and the
10 regulations issued pursuant thereto.

11 (c) The delivery, sale, or transfer of a pistol, revolver,
12 or other firearm capable of being concealed upon the
13 person or pistol ammunition to an active member of the
14 United States Armed Forces, the National Guard, the Air
15 National Guard, and the active reserve components of
16 the United States, who is properly identified. For
17 purposes of this subdivision, proper identification
18 includes the Armed Forces Identification Card, or other
19 written documents certifying that the person is an active
20 member of the United States Armed Forces, the National
21 Guard, the Air National Guard, or the active reserve
22 components of the United States.

23 (d) The delivery, sale, or transfer of a pistol, revolver,
24 or other firearm capable of being concealed upon the
25 person or pistol ammunition to any person honorably
26 discharged from the United States Armed Forces, the
27 National Guard, the Air National Guard, or active reserve
28 components of the United States who is properly
29 identified. For purposes of this subdivision, proper
30 identification includes a Retired Armed Forces
31 Identification Card, or other written document certifying
32 the person as being honorably discharged.

33 (e) The delivery, sale, or transfer of a pistol, revolver,
34 or other firearm capable of being concealed upon the
35 person or pistol ammunition to any of the following
36 persons who are properly identified:

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

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



1 (3) Any honorably retired federal officers or agents
2 who were authorized to, and did, carry firearms in the
3 course and scope of their duties and are authorized to
4 carry firearms pursuant to subdivision (i) of Section
5 12027.

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

10 (5) Any persons who have a certificate of competency
11 or a certificate of completion in hunter safety as provided
12 in Article 2.5 (commencing with Section 3049) of Chapter
13 1 of Part 1 of Division 4 of the Fish and Game Code, which
14 bears a hunter safety instruction validation stamp affixed
15 thereto.

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

18 (7) Any person who is authorized to carry loaded
19 firearms pursuant to subdivision (c) or (d) of Section
20 12031.

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

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

25 (10) Persons who are properly identified as authorized
26 participants in shooting matches approved by the
27 Director of Civilian Marksmanship pursuant to the
28 applicable provisions of Title 10 of the United States
29 Code.

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

32 (f) The delivery, sale, or transfer of pistol ammunition
33 by a dealer who also operates a target facility that holds
34 a business or regulatory license on the premises of the
35 building designated in the license or whose building
36 designated in the license is on the premises of any club or
37 organization organized for the purposes of practicing
38 shooting at targets upon established ranges, whether
39 public or private, to a person for use at that target facility
40 or that club or organization, if the firearm and



1 ammunition are at all times kept within the premises of
2 the target range or on the premises of the club or
3 organization.

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

5 (h) As used in this section:

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

9 (2) "Ammunition" includes, but is not limited to, any
10 bullet, cartridge, magazine, clip, speedloader,
11 autoloader, or projectile capable of being fired from a
12 firearm with deadly consequence.

13 SEC. 6. Section 12316 of the Penal Code is amended
14 to read:

15 12316. (a) Any person, corporation, or dealer who
16 sells ammunition or reloaded ammunition to a person
17 knowing that person to be a minor under 18 years of age
18 shall be punished by imprisonment in a county jail for a
19 term not to exceed six months, or by a fine not to exceed
20 one thousand dollars (\$1,000), or by both the
21 imprisonment and fine.

22 Proof that a person, corporation, or dealer, or his or her
23 agent or employee, demanded, was shown, and acted in
24 reliance upon, bona fide evidence of majority and
25 identity shall be a defense to any criminal prosecution
26 under this subdivision. As used in this subdivision, "bona
27 fide evidence of majority and identity" means a
28 document issued by a federal, state, county, or municipal
29 government, or subdivision or agency thereof, including,
30 but not limited to, a motor vehicle operator's license,
31 California state identification card, identification card
32 issued to a member of the armed forces, or other form of
33 identification that bears the name, date of birth,
34 description, and picture of the person.

35 (b) (1) No person prohibited from owning or
36 possessing a firearm under Section 12021 or 12021.1 of this
37 code or Section 8100 or 8103 of the Welfare and
38 Institutions Code shall own, possess, or have under his or
39 her custody or control, any ammunition or reloaded
40 ammunition.



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

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

10 (c) Unless it is with the written permission of the
11 school district superintendent, his or her designee, or
12 equivalent school authority, no person shall carry
13 ammunition or reloaded ammunition onto school
14 grounds, except sworn law enforcement officers acting
15 within the scope of their duties or persons exempted
16 under subparagraph (A) of paragraph (1) of subdivision
17 (a) of Section 12027. This subdivision shall not apply to a
18 duly appointed peace officer as defined in Chapter 4.5
19 (commencing with Section 830) of Title 3 of Part 2, a
20 full-time paid peace officer of another state or the federal
21 government who is carrying out official duties while in
22 California, any person summoned by any of these officers
23 to assist in making an arrest or preserving the peace while
24 he or she is actually engaged in assisting the officer, a
25 member of the military forces of this state or of the United
26 States who is engaged in the performance of his or her
27 duties, a person holding a valid license to carry the
28 firearm pursuant to Article 3 (commencing with Section
29 12050) of Chapter 1 of Title 2 of Part 4, or an armored
30 vehicle guard, who is engaged in the performance of his
31 or her duties, as defined in subdivision (e) of Section 7521
32 of the Business and Professions Code. A violation of this
33 subdivision is punishable by imprisonment in a county jail
34 for a term not to exceed six months, a fine not to exceed
35 one thousand dollars (\$1,000), or both the imprisonment
36 and fine.

37 SEC. 7. Section 8101 of the Welfare and Institutions
38 Code is amended to read:

39 8101. (a) Any person who shall knowingly supply,
40 sell, give, or allow possession or control of a deadly



1 weapon to any person described in Section 8100 or 8103
 2 shall be punishable by imprisonment in the state prison,
 3 or in a county jail for a period of not exceeding one year,
 4 by a fine of not exceeding one thousand dollars (\$1,000),
 5 or by both the fine and imprisonment.

6 (b) Any person who shall knowingly supply, sell, give,
 7 or allow possession or control of a firearm or ammunition
 8 to any person described in Section 8100 or 8103 shall be
 9 punished by imprisonment in the state prison for two,
 10 three, or four years.

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

13 (d) As used in this section, “ammunition” means any
 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.

18 SEC. 8. No reimbursement is required by this act
 19 pursuant to Section 6 of Article XIII B of the California
 20 Constitution because the only costs that may be incurred
 21 by a local agency or school district will be incurred
 22 because this act creates a new crime or infraction,
 23 eliminates a crime or infraction, or changes the penalty
 24 for a crime or infraction, within the meaning of Section
 25 17556 of the Government Code, or changes the definition
 26 of a crime within the meaning of Section 6 of Article
 27 XIII B of the California Constitution.

28 Notwithstanding Section 17580 of the Government
 29 Code, unless otherwise specified, the provisions of this act
 30 shall become operative on the same date that the act
 31 takes effect pursuant to the California Constitution.

