

AMENDED IN SENATE MAY 31, 1995  
AMENDED IN SENATE MAY 11, 1995  
AMENDED IN SENATE APRIL 26, 1995  
AMENDED IN SENATE APRIL 19, 1995  
AMENDED IN SENATE MARCH 21, 1995  
AMENDED IN SENATE FEBRUARY 27, 1995

**SENATE BILL**

**No. 357**

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

February 10, 1995

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An act to amend Sections 12071, 12072, 12080, and 12316 of, and to add ~~Sections 12004 and 12071.5~~ *Section 12004* to, 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.

(1) 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.

~~(2) Existing law regulates the licensing of persons involved in the sale, delivery, or transfer of firearms.~~

~~This bill would prohibit a person from selling, delivering, or transferring ammunition unless he or she has a valid federal firearms license and a valid certificate of eligibility issued pursuant to state law. The bill also would make it unlawful to deliver, sell, transfer, purchase, or obtain delivery of ammunition through the mails, a licensed delivery service, or any other common carrier unless the purchaser, transferee, or person being loaned the ammunition has a valid federal firearms license, except as specified. The bill would make a violation of these provisions punishable by a fine of up to \$10,000 for each offense, thereby imposing a state-mandated local program by creating new crimes.~~

~~This bill would provide that no provision of the Dangerous Weapons Control Law shall be construed to limit or preempt the authority of cities, counties, or cities and counties to regulate ammunition.~~

~~(3) Existing law prohibits a person holding any of certain specified licenses to sell firearms from delivering a pistol, revolver, or other firearm capable of being concealed upon the person to a minor. A violation of this prohibition is a misdemeanor or felony.~~

~~Existing~~ Existing law also prohibits a person, corporation, or firm from selling, loaning, or transferring a pistol, revolver, or



other firearm capable of being concealed upon the person to a minor. A violation of ~~this prohibition~~ *these prohibitions* is punishable by imprisonment in the state prison or in a county jail not to exceed one year, or by a fine not to exceed \$1,000, or by both that fine and imprisonment.

This bill instead would make a violation of these prohibitions punishable by imprisonment in the state prison for 2, 3, or 4 years. By increasing the punishment for existing crimes, the bill would impose a state-mandated local program.

~~(4)~~

*(3) Under existing law, a person who is prohibited from owning or possessing a firearm under specified provisions of law is also prohibited from owning, possessing, or having under his or her custody or control, any ammunition or reloaded ammunition. A violation of this provision is punishable as a misdemeanor or felony.*

*This bill would clarify these punishment provisions.*

(4) 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 12004 is added to the Penal
- 2 Code, to read:
- 3 12004. ~~No provision of this chapter or~~ Section 8101 of
- 4 the Welfare and Institutions Code shall *not* be construed
- 5 to make paragraph (3) of subdivision (b) of Section 12071,
- 6 paragraph (1) of subdivision (c) of Section 12072, or
- 7 subdivision (d) of Section 12072 applicable to any person,
- 8 corporation, or firm that supplies, delivers, sells, or gives
- 9 possession or control of ammunition to any person in
- 10 order to supply, deliver, sell, or transfer that ammunition.
- 11 SEC. 2. Section 12071 of the Penal Code is amended
- 12 to read:



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

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

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

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

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

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

38 (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) Commencing April 1, 1994, no pistol, revolver, or  
28 other firearm capable of being concealed upon the  
29 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 (9) Commencing July 1, 1992, the licensee shall offer  
33 to provide the purchaser or transferee of a firearm or  
34 ammunition, or person being loaned a firearm or  
35 ammunition, with a copy of the pamphlet described in  
36 Section 12080 and may add the cost of the pamphlet, if  
37 any, to the sales price of the firearm or ammunition.

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



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

3 (A) All charges required by governmental agencies  
4 for processing firearm transfers required by Sections  
5 12076, 12082, and 12806.

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

8 (12) The licensee shall not misstate the amount of fees  
9 charged by a governmental agency pursuant to Sections  
10 12076, 12082, and 12806.

11 (13) The licensee shall report the loss or theft of any  
12 firearm that is merchandise of the licensee, any firearm  
13 that the licensee takes possession of pursuant to Section  
14 12082, or any firearm kept at the licensee's place of  
15 business within 48 hours of discovery to the appropriate  
16 law enforcement agency in the city, county, or city and  
17 county where the licensee's business premises are  
18 located.

19 (14) In a city and county, or in the unincorporated  
20 area of a county with a population of 200,000 persons or  
21 more according to the most recent federal decennial  
22 census or within a city with a population of 50,000 persons  
23 or more according to the most recent federal decennial  
24 census, any time the licensee is not open for business, the  
25 licensee shall store all firearms kept in his or her licensed  
26 place of business using one of the following methods as to  
27 each particular firearm:

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

30 (B) Secure the firearm with a hardened steel rod or  
31 cable of at least one-eighth inch in diameter through the  
32 trigger guard of the firearm. The steel rod or cable shall  
33 be secured with a hardened steel lock that has a shackle.  
34 The lock and shackle shall be protected or shielded from  
35 the use of a bolt cutter and the rod or cable shall be  
36 anchored in a manner that prevents the removal of the  
37 firearm from the premises.

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



1 (15) The licensing authority in an unincorporated area  
2 of a county with a population less than 200,000 persons  
3 according to the most recent federal decennial census or  
4 within a city with a population of less than 50,000 persons  
5 according to the most recent federal decennial census  
6 may impose the requirements specified in paragraph  
7 (14).

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

11 (17) The licensee shall maintain and make available  
12 for inspection during business hours to any peace officer,  
13 authorized local law enforcement employee, or  
14 Department of Justice employee designated by the  
15 Attorney General, upon the presentation of proper  
16 identification, a firearms transaction record.

17 (18) (A) On the date of receipt, the licensee shall  
18 report to the Department of Justice in a format  
19 prescribed by the department the acquisition by the  
20 licensee of the ownership of a pistol, revolver, or other  
21 firearm capable of being concealed upon the person.

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

24 (i) A transaction subject to the provisions of  
25 subdivision (n) of Section 12078.

26 (ii) The dealer acquired the firearm from a  
27 wholesaler.

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

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

37 (v) The dealer acquired the firearm from a person  
38 who resides outside this state who is licensed pursuant to  
39 Chapter 44 (commencing with Section 921) of Title 18 of



1 the United States Code and any regulations issued  
2 pursuant thereto.

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

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

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

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

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

15 (A) All perimeter doorways shall meet one of the  
16 following:

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

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

25 (iii) A metal grate that is padlocked and affixed to the  
26 licensee’s premises independent of the door and  
27 doorframe.

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

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

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

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

36 (F) All steel bars shall be no further than six inches  
37 apart.

38 (4) As used in this section, “licensed premises,”  
39 “licensed place of business,” “licensee’s place of



1 business,” or “licensee’s business premises” means the  
2 building designated in the license.

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

4 (A) A “firearms transaction record” is a record  
5 containing the same information referred to in Section  
6 178.124a and subdivision (e) of Section 178.125 of Title 27  
7 of the Code of Federal Regulations.

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

18 (6) As used in this section, “ammunition” means any  
19 bullet, cartridge, magazine, clip, speedloader,  
20 autoloader, or projectile capable of being fired from a  
21 firearm with deadly consequence.

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

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



1 (1) For law enforcement purposes.

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

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

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

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

36 (1) The nonprofit public benefit or mutual benefit  
37 corporation obtained the dealer's license solely and  
38 exclusively to assist that corporation or local chapters of  
39 that corporation in conducting auctions or similar events  
40 at which firearms are auctioned off to fund the activities



1 of that corporation or the local chapters of the  
2 corporation.

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

5 ~~SEC. 3. Section 12071.5 is added to the Penal Code, to~~  
6 ~~read:~~

7 ~~12071.5. (a) (1) (A) No person shall sell, deliver, or~~  
8 ~~transfer ammunition unless he or she has a valid federal~~  
9 ~~firearms license and a valid certificate of eligibility issued~~  
10 ~~pursuant to Section 12071.~~

11 ~~(B) Subparagraph (A) shall not apply to the delivery,~~  
12 ~~sale, or transfer of ammunition by an operator of a target~~  
13 ~~facility that holds a business or regulatory license on the~~  
14 ~~premises or on the premises of any club or organization~~  
15 ~~organized for the purpose of practicing shooting at~~  
16 ~~targets upon established ranges, whether public or~~  
17 ~~private, to a person for use at that target facility or that~~  
18 ~~club or organization, if the ammunition is at all times kept~~  
19 ~~within the premises of the target range or on the premises~~  
20 ~~of the club or organization.~~

21 ~~(C) Subparagraph (A) shall not apply to the delivery,~~  
22 ~~sale, or transfer of ammunition by one licensed hunter to~~  
23 ~~another licensed hunter for use during lawful hunting~~  
24 ~~activities.~~

25 ~~(2) (A) It shall be unlawful to deliver, sell, or transfer~~  
26 ~~ammunition to anyone through the mails, a licensed~~  
27 ~~delivery service, or any other common carrier unless the~~  
28 ~~purchaser, transferee, or person being loaned the~~  
29 ~~ammunition has a valid federal firearms license.~~

30 ~~(B) The deliverer, seller, or transferor of ammunition~~  
31 ~~through the mails shall be required to record the license~~  
32 ~~number of the purchaser, transferee, or person being~~  
33 ~~loaned the ammunition, the person's county of residence,~~  
34 ~~and the date of the purchase, transfer, or loan to~~  
35 ~~document that the purchaser, transferee, or person being~~  
36 ~~loaned the ammunition has a valid federal firearms~~  
37 ~~license.~~

38 ~~(3) (A) It shall be unlawful to purchase or obtain~~  
39 ~~delivery of ammunition through the mails, a licensed~~  
40 ~~delivery service, or any other common carrier, unless the~~



1 purchaser, transferee, or person being loaned the  
2 ammunition has a valid federal firearms license.

3 (B) Subparagraph (A) shall not apply to the purchase  
4 or acquisition of ammunition by any person from an  
5 operator of a target facility that holds a business or  
6 regulatory license on the premises or on the premises of  
7 any club or organization organized for the purpose of  
8 practice shooting at targets upon established ranges;  
9 whether public or private, for use at the target facility,  
10 club, or organization, if the ammunition is at all times  
11 kept on the premises of the target range or on the  
12 premises of the club or organization.

13 (4) As used in this section, “ammunition” means any  
14 bullet, cartridge, magazine, clip, speedloader,  
15 autoloader, or projectile capable of being fired from a  
16 firearm with deadly consequence.

17 (5) A violation of this section is punishable by a fine of  
18 up to ten thousand dollars (\$10,000) for each offense.

19 (b) Subdivision (a) does not apply to a county with a  
20 population of less than 500,000 based on the most recent  
21 federal decennial census.

22 (c) Nothing in this chapter shall be construed to limit  
23 or preempt the authority of cities, counties, or cities and  
24 counties to regulate ammunition.

25 ~~SEC. 4.—~~

26 *SEC. 3.* Section 12072 of the Penal Code is amended  
27 to read:

28 12072. (a) (1) No person, corporation, or firm shall  
29 knowingly supply, deliver, sell, or give possession or  
30 control of a firearm or ammunition to any person within  
31 any of the classes prohibited by Section 12021 or 12021.1.

32 (2) No person, corporation, or dealer shall sell, supply,  
33 deliver, or give possession or control of a firearm or  
34 ammunition to any person whom he or she has cause to  
35 believe to be within any of the classes prohibited by  
36 Section 12021 or 12021.1 of this code or Section 8100 or  
37 8103 of the Welfare and Institutions Code.

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



1 (B) Subparagraph (A) shall not apply to or affect those  
2 circumstances set forth in subdivision (p) of Section  
3 12078.

4 (4) No person, corporation, or dealer shall sell, loan, or  
5 transfer a firearm to any person whom he or she knows  
6 or has cause to believe is not the actual purchaser or  
7 transferee of the firearm, or to any person who is not the  
8 person actually being loaned the firearm, if the person,  
9 corporation, or dealer has either of the following:

10 (A) Knowledge that the firearm is to be subsequently  
11 loaned, sold, or transferred to avoid the provisions of  
12 subdivision (d).

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

16 (5) No person, corporation, or dealer shall acquire a  
17 firearm for the purpose of selling, transferring, or loaning  
18 the firearm, if the person, corporation, or dealer has  
19 either of the following:

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

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

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

25 (ii) The requirements of any exemption to the  
26 provisions of subdivision (d).

27 (b) No person licensed under Section 12071 shall  
28 supply, sell, deliver, or give possession or control of a  
29 pistol, revolver, or firearm capable of being concealed  
30 upon the person to any person under the age of 21 years  
31 or any other firearm to a person under the age of 18 years.

32 (c) No dealer, whether or not acting pursuant to  
33 Section 12082, shall deliver a firearm to a person, as  
34 follows:

35 (1) Prior to January 1, 1996, within 15 days of the  
36 application for the purchase, or, after notice by the  
37 department pursuant to subdivision (c) of Section 12076,  
38 within 15 days of the submission to the department of  
39 corrected copies of the register, or within 15 days of the  
40 submission to the department of any fee required



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

18 (2) Unless unloaded and securely wrapped or  
19 unloaded and in a locked container.

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

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

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

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

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

38 (2) A law enforcement agency pursuant to Section  
39 12084.



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

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

7 (2) Knowingly grading the examination falsely.

8 (3) Providing an advance copy of the test to an  
9 applicant.

10 (4) Taking or allowing another person to take the basic  
11 firearms safety course for one who is the applicant for the  
12 basic firearms safety certificate.

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

15 (6) Allowing others to give unauthorized assistance  
16 during the examination.

17 (7) Reference to materials during the examination  
18 and cheating by the applicant.

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

22 (f) No person who is licensed pursuant to Chapter 44  
23 (commencing with Section 921) of Title 18 of the United  
24 States Code shall deliver, sell, or transfer a firearm to a  
25 person who is licensed pursuant to Chapter 44  
26 (commencing with Section 921) of Title 18 of the United  
27 States Code and whose licensed premises are located in  
28 this state unless one of the following conditions is met:

29 (1) The person presents proof of licensure pursuant to  
30 Section 12071 to that person.

31 (2) The person presents proof that he or she is exempt  
32 from licensure under Section 12071 to that person, in  
33 which case the person also shall present proof that the  
34 transaction is also exempt from the provisions of  
35 subdivision (d).

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

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



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

3 (B) If the defendant has a prior conviction of violating  
4 this section or former Section 12100 of this code or Section  
5 8101 of the Welfare and Institutions Code.

6 (C) If the defendant has a prior conviction of violating  
7 any offense specified in subdivision (b) of Section 12021.1  
8 or of a violation of Section 12020, 12220, or 12520, or of  
9 former Section 12560.

10 (D) If the defendant is in a prohibited class described  
11 in Section 12021 or 12021.1 of this code or Section 8100 or  
12 8103 of the Welfare and Institutions Code.

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

16 (F) A violation of subdivision (b) involving the  
17 delivery of a pistol, revolver, or other firearm capable of  
18 being concealed upon the person to a minor.

19 (G) A violation of paragraph (3) of subdivision (a)  
20 involving the sale, loan, or transfer of a pistol, revolver, or  
21 other firearm capable of being concealed upon the  
22 person to a minor.

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

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

29 (B) A violation of paragraph (4) of subdivision (a).

30 (C) A violation of paragraph (5) of subdivision (a).

31 (D) A violation of subdivision (b) involving the  
32 delivery of a pistol, revolver, or other firearm capable of  
33 being concealed upon the person. ~~This subparagraph~~  
34 ~~shall not apply to any violation of subdivision (b) that is~~  
35 ~~subject to subparagraph (F) of paragraph (2): to an~~  
36 *individual who is not a minor.*

37 (E) A violation of paragraph (1), (3), (4), or (5) of  
38 subdivision (c) involving a pistol, revolver, or other  
39 firearm capable of being concealed upon the person.



1 (F) A violation of subdivision (d) involving a pistol,  
2 revolver, or other firearm capable of being concealed  
3 upon the person.

4 (G) A violation of subdivision (e).

5 (h) As used in this section, “ammunition” means any  
6 ammunition for a firearm, including, but not limited to,  
7 any bullet, cartridge, magazine, clip, speedloader,  
8 autoloader, or projectile capable of being fired from a  
9 firearm with deadly consequence.

10 ~~SEC. 5.~~

11 *SEC. 4.* Section 12080 of the Penal Code is amended  
12 to read:

13 12080. (a) The Department of Justice shall prepare a  
14 pamphlet which summarizes California firearms or  
15 ammunition laws as they pertain to persons other than  
16 law enforcement officers or members of the armed  
17 services.

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

19 (1) Lawful possession.

20 (2) Licensing procedures.

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

22 (4) Acquisition of hunting licenses.

23 (5) The safe handling and use of firearms or  
24 ammunition.

25 (6) Various methods of safe storage and child proofing  
26 of firearms or ammunition.

27 (7) The availability of firearms safety programs and  
28 devices.

29 (8) The responsibilities of firearms ownership.

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

31 (10) The lawful use of deadly force.

32 (c) The department shall offer copies of the pamphlet  
33 at actual cost to firearms dealers licensed pursuant to  
34 Section 12071 who shall have copies of the most current  
35 version available for sale to retail purchasers or  
36 transferees of firearms and ammunition. The cost of the  
37 pamphlet, if any, may be added to the sale price of the  
38 firearm or ammunition. Other interested parties may  
39 purchase copies directly from the Department of General  
40 Services. The pamphlet shall declare that it is merely



1 intended to provide a general summary of laws applicable  
2 to firearms and ammunition and is not designed to  
3 provide individual guidance for specific areas.  
4 Individuals having specific questions shall be directed to  
5 contact their local law enforcement agency or private  
6 counsel.

7 (d) The Department of Justice or any other public  
8 entity shall be immune from any liability arising from the  
9 drafting, publication, or dissemination of the pamphlet or  
10 any reliance upon it. All receipts from the sale of these  
11 pamphlets shall be deposited as reimbursements to the  
12 support appropriation for the Department of Justice.

13 ~~SEC. 6.—~~

14 *SEC. 5.* Section 12316 of the Penal Code is amended  
15 to read:

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

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

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



1 her custody or control, any ammunition or reloaded  
2 ammunition.

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

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

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

39 ~~SEC. 7.—~~



1    *SEC. 6.* Section 8101 of the Welfare and Institutions  
2 Code is amended to read:

3    8101. (a) Any person who shall knowingly supply,  
4 sell, give, or allow possession or control of a deadly  
5 weapon to any person described in Section 8100 or 8103  
6 shall be punishable by imprisonment in the state prison,  
7 or in a county jail for a period of not exceeding one year,  
8 by a fine of not exceeding one thousand dollars (\$1,000),  
9 or by both the fine and imprisonment.

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

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

17   (d) As used in this section, “ammunition” means any  
18 ammunition for a firearm, including, but not limited to,  
19 any bullet, cartridge, magazine, clip, speedloader,  
20 autoloader, or projectile capable of being fired from a  
21 firearm with deadly consequence.

22   ~~SEC. 8.—~~

23   *SEC. 7.* No reimbursement is required by this act  
24 pursuant to Section 6 of Article XIII B of the California  
25 Constitution because the only costs that may be incurred  
26 by a local agency or school district will be incurred  
27 because this act creates a new crime or infraction,  
28 eliminates a crime or infraction, or changes the penalty  
29 for a crime or infraction, within the meaning of Section  
30 17556 of the Government Code, or changes the definition  
31 of a crime within the meaning of Section 6 of Article  
32 XIII B of the California Constitution.

33   Notwithstanding Section 17580 of the Government  
34 Code, unless otherwise specified, the provisions of this act  
35 shall become operative on the same date that the act  
36 takes effect pursuant to the California Constitution.

