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AMENDED IN ASSEMBLY MAY 14, 1998
AMENDED IN ASSEMBLY APRIL 23, 1998
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AMENDED IN SENATE JANUARY 21, 1998
AMENDED IN SENATE JANUARY 5, 1998
AMENDED IN SENATE APRIL 2, 1997

SENATE BILL

No. 63

Introduced by Senator Peace
(Coauthor: Assembly Member Perata)

December 10, 1996

An act to amend Sections ~~12020, 12022, 12022.5,~~ 12070, 12071, 12072, 12077, and 12078 of, and to amend, repeal, and add Sections ~~12275.5, 12276, 12276.5, 12280, 12285, 12286, and 12289~~ of, 12072, and 12078 of the Penal Code, relating to firearms.

LEGISLATIVE COUNSEL'S DIGEST

SB 63, as amended, Peace. Firearms: pistol-revolver delivery record.

~~(1) Existing law makes it a felony punishable by imprisonment in a county jail not exceeding one year or in the state prison to the manufacture, import, sale, gift, loan, or possession of various weapons and related products, except that a first offense involving any metal military practice handgrenade or metal replica handgrenade is punishable as an infraction unless the offender is an active participant in a criminal street gang.~~

~~This bill would revise and recast this prohibition to include among the prohibited weapons and firearm accessories, commencing January 1, 2000, any detachable rifle magazine, any detachable shotgun magazine, any detachable pistol magazine, or any belt feeding device. The bill also would provide definitions and specified exemptions for these accessories. By expanding the scope of an existing crime, this bill would impose a state-mandated local program.~~

~~(2) Existing law provides an additional term of 3 years for any person who is armed with an assault weapon or machinegun in the commission or attempted commission of a felony whether or not the arming is an element of the offense. This additional term applies to any person who is a principal in the commission or attempted commission of the felony if one or more of the principals is armed with an assault weapon or machinegun whether or not the person is personally armed with an assault weapon.~~

~~Existing law additionally provides that any person who personally uses an assault weapon, or a machinegun in the commission or attempted commission of a felony, shall, upon conviction of that felony or attempted felony, in addition and consecutive to the punishment prescribed for the felony or attempted felony, be punished by an additional prison term of 5, 6, or 10 years.~~

~~This bill would include an excess capacity firearm, as defined, in these provisions. By expanding the scope of an existing enhancement, this bill would create a state-mandated local program.~~

~~(3) Existing law prohibits the sale, lease, or transfer of firearms without a license, with certain exceptions, including the sale, lease, or transfer of any firearm by a person acting pursuant to “operation of law,” as defined.~~



This bill would add to the definition of “operation of law” the transfer of a firearm by a law enforcement agency to a person who found the firearm where the delivery is to the person as the finder of the firearm pursuant to specified provisions of existing law.

(4)

(2) Under existing law, a license to sell firearms is subject to forfeiture for a breach of any of specified prohibitions and requirements. Existing law likewise, with respect to the delivery of a firearm, imposes prohibitions, including a 10-day waiting period. Existing law also requires specified procedures for processing the purchase of a firearm.

This bill would require a firearms dealer to forward specified information relating to any concealable firearm that is not delivered within a specified period.

(5)

(3) Existing law requires that a transaction involving the sale, loan, or transfer of a firearm be completed by a licensed dealer or a law enforcement agency if neither party to the transaction holds a dealer’s license. This requirement does not apply to a person who takes title or possession of firearms by operation of law if specified conditions are met, including the condition that a person not fall within the class of persons prohibited from owning or possessing a firearm.

This bill would revise and recast this exemption to include separate exemptions for a firearm that is not capable of being concealed upon the person and a firearm that is capable of being concealed upon the person. The former exemption would apply if the person seeking the exemption is not part of the prohibited class described above. The latter exemption would apply if the person seeking the exemption is not part of the prohibited class and met the conditions specified in existing law that would be revised to include all of the following requirements:

(a) If the person taking title or possession of the firearm is not, among others, a person receiving firearms as a member of the family of a specified police officer or deputy sheriff nor a person who is delivered a firearm as the finder of the firearm by a law enforcement agency, that person, within 30 days of taking possession, shall submit to the Department of Justice a



report containing information concerning the individual taking possession of the firearm, how title or possession was obtained and from whom, and a description of the firearm.

(b) If the person taking title or possession is receiving the firearm pursuant to a transmutation of property between spouses, that person shall, among other things, submit the report described in (a) above.

(c) Where the person receiving title or possession of the firearm is a member of the family of a specified police officer or deputy sheriff, on the date that the person is delivered the firearm the information described in (a) above shall be entered into the Automated Firearms System (AFS) via the California Law Enforcement Telecommunications System (CLETS) by the law enforcement agency that transferred or delivered the firearm.

(d) Where the person receiving title or possession of the firearm is a person who is delivered the firearm as the finder of the firearm by a law enforcement agency, on the date that the person is delivered the firearm the information described in (a) above shall be entered into the AFS via the CLETS by the law enforcement agency that transferred or delivered the firearm except that the agency shall not deliver the firearm unless the person presents proof to the agency that he or she is the holder of a basic firearms safety certificate or is exempt from obtaining that certificate.

By imposing new duties on local law enforcement agencies with respect to the transfer of firearms, this bill would impose a state-mandated local program.

~~(6)~~

(4) Existing law exempts from the waiting period requirements imposed for the delivery, sale, or transfer of firearms certain transactions including the loan of a firearm that is not a pistol, revolver, or other firearm capable of being concealed upon the person to a licensed hunter for a period not to exceed the duration of the hunting season for which that firearm is to be used.

This bill would include among these exemptions, ~~only if AB 23 is enacted and becomes effective on or before January 1, 1999,~~ the sale, delivery, loan, or transfer of a firearm that is not a pistol, revolver, or other firearm that is capable of being



concealed upon the person, by a dealer through a law enforcement agency to a person who is currently licensed as a hunter pursuant to specified statutory and regulatory provisions and who has a current certificate of eligibility issued to him or her by the Department of Justice. This bill also would require that this exemption be included in the information contained in the register or record of electronic or telephonic transfer by which purchaser information is transmitted to the department, ~~also to become operative only if AB 23 is enacted and becomes effective on or before January 1, 1999.~~

~~(7) Existing law expresses the intent of the Legislature to place restrictions on the use of assault weapons and to establish a registration and permit procedure for their lawful sale and possession. Existing law additionally specifies that it is not the intent of the Legislature to place restrictions on the use of those weapons that are primarily designed and intended for hunting, target practice, or other legitimate sports or recreational activities.~~

~~This bill would repeal this provision as of the earlier of 2 specified dates, and would provide a revised version of the provision, to become operative on the earlier of those dates, that includes a statement declaring that the original intent of the Legislature in enacting the 1989 ban on assault weapons was to ban all assault weapons regardless of their name, model number, or manufacturer. The bill would further declare that its purpose is to effectively achieve the Legislature's intent to prohibit all assault weapons.~~

~~(8) Existing law, the Roberti-Roos Assault Weapons Control Act of 1989, sets forth prohibitions and restrictions with regard to assault weapons, which are defined to include specified semiautomatic firearms. A violation of these prohibitions and restrictions is a felony.~~

~~This bill would repeal this definition as of the earlier of 2 specified dates, and provide a revised version of the provision, to become operative on the earlier of those dates, that includes an enumerated series of semiautomatic rifles, semiautomatic pistols, semiautomatic shotguns, and other firearms with specified characteristics. By expanding the~~



~~scope of an existing crime, the bill would impose a state-mandated local program.~~

~~(9) Existing law establishes a procedure whereby, upon request of the Attorney General, a superior court in a county containing a population of 1,000,000 or more is granted the power to issue temporary suspension and a permanent declaration that a firearm is an assault weapon.~~

~~This bill would repeal this provision as of the earlier of 2 specified dates, and provide a revised version of the provision, to become operative as of the earlier of those dates, that, with a specified exception, declares that an assault weapon, as defined, is a nuisance and authorize the Attorney General or district attorney to bring an action to enjoin the manufacture, importation, sale, giving, lending, or possession of any assault weapon. Any assault weapon covered by this provision would be subject to confiscation and summary destruction. Because this bill would create a new crime, it would impose a state-mandated local program.~~

~~(10) Under existing law, it is a felony punishable by imprisonment in the state prison for 4, 6, or 8 years for any person to manufacture, distribute, transport, or import into this state, sell, give, or lend any assault weapon. Existing law also provides that any person who possesses an assault weapon, except as specified, shall be punished by imprisonment in a county jail not exceeding one year or in the state prison. Under existing law, the foregoing provisions do not apply to certain transactions or individuals, including the sale to law enforcement agencies or manufacture by persons who possess lawfully obtained permits.~~

~~This bill would repeal these provisions as of the earlier of 2 specified dates, and provide revised versions of the provisions that would become operative as of the earlier of those dates and include a revision of the provision that reduces the punishment for possession to an infraction for a first-time violation. The bill also would add retired law enforcement officers, as specified, persons acting in accordance with specified provisions of law, specified types of firearms, the lawful return of a firearm, and the manufacture of an assault weapon pursuant to specified procedures to the exemptions carried over from the prior versions.~~



~~By increasing the punishment for an existing crime, this bill would impose a state-mandated local program.~~

~~(11) Existing law requires any person who lawfully possesses an assault weapon prior to the date it was specified as an assault weapon to register the firearm within 90 days, with the Department of Justice pursuant to procedures that the department may establish.~~

~~This bill would repeal this provision as of the earlier of 2 specified dates, and provide a revised version of the provision, to become operative on the earlier of those dates, which specifies that any person who registered a firearm as an assault weapon pursuant to the provisions of law in effect prior to January 1, 2000, where the assault weapon is thereafter generically classified to be an assault weapon pursuant to specified definitions, shall be deemed to have registered the weapon and need not reregister it.~~

~~The bill would specify that a curio or relic rifle, a firearm that has been rendered permanently inoperable, a semiautomatic shotgun that has been permanently altered so that it has a fixed magazine capacity of no greater than five rounds, and a slug shotgun need not be registered pursuant to the above provisions.~~

~~(12) Under existing law, any person who lawfully acquired an assault weapon before June 1, 1989, and wishes to use it in a manner different than specified, any person who lawfully acquired an assault weapon between June 1, 1989, and January 1, 1990, and wishes to keep it after January 1, 1990, or any person who wishes to acquire an assault weapon after January 1, 1990, is required to obtain a permit from the Department of Justice, as specified.~~

~~This bill would repeal this provision as of the earlier of 2 specified dates, and would provide a revised version of the provision that would become operative as of the earlier of those dates and impose the permit requirement on any person who is the registered owner of an assault weapon and wishes to use it in a manner different than specified or any person who wishes to acquire an assault weapon.~~

~~(13) Existing law requires the Department of Justice to conduct a public education and notification program regarding the registration of assault weapons to ensure~~



~~maximum publicity during the forgiveness period provided pursuant to a specified requirement.~~

~~This bill would repeal this provision as of the earlier of 2 specified dates, and would provide a revised version of the provision that would become operative as of the earlier of those dates and specify that the program ensure maximum publicity of all registration requirements.~~

~~(14)~~

(5) The bill would provide that its provisions are severable.

~~(15)~~

(6) This bill also would make conforming and nonsubstantive changes.

~~(16)~~

(7) This bill would incorporate additional changes in Section 12071 of the Penal Code proposed by AB 1871, to be operative if AB 1871 and this bill are both enacted and become effective on or before January 1, 1999, and this bill is enacted last.

(8) 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, including the creation of a State Mandates Claims Fund to pay the costs of mandates that do not exceed \$1,000,000 statewide and other procedures for claims whose statewide costs exceed \$1,000,000.

This bill would provide that, if the Commission on State Mandates determines that the bill contains costs mandated by the state, reimbursement for those costs shall be made pursuant to these statutory provisions.

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 12020 of the Penal Code is~~
~~2 amended to read:~~

~~3 12020. (a) (1) Any person in this state who does any~~
~~4 of the following is punishable by imprisonment in a~~
~~5 county jail not exceeding one year or in the state prison:~~



1 ~~(A) Manufactures or causes to be manufactured,~~
2 ~~imports into the state, keeps for sale, or offers or exposes~~
3 ~~for sale, or who gives, lends, or possesses any cane gun or~~
4 ~~wallet gun, any undetectable firearm, any firearm which~~
5 ~~is not immediately recognizable as a firearm, any~~
6 ~~camouflaging firearm container, any ammunition which~~
7 ~~contains or consists of any fléchette dart, any bullet~~
8 ~~containing or carrying an explosive agent, any ballistic~~
9 ~~knife, any multiburst trigger activator, any nunchaku,~~
10 ~~any short-barreled shotgun, any short-barreled rifle, any~~
11 ~~metal knuckles, any belt buckle knife, any leaded cane,~~
12 ~~any zip gun, any shuriken, any unconventional pistol, any~~
13 ~~lipstick case knife, any cane sword, any shobi-zue, any air~~
14 ~~guage knife, any writing pen knife, or any instrument or~~
15 ~~weapon of the kind commonly known as a blackjack,~~
16 ~~slungshot, billy, sandclub, sap, or sandbag.~~

17 ~~(B) Commencing January 1, 2000, manufactures or~~
18 ~~causes to be manufactured, imports into the state, keeps~~
19 ~~for sale, or offers or exposes for sale, or who gives, or lends~~
20 ~~any detachable rifle magazine, any detachable shotgun~~
21 ~~magazine, any detachable pistol magazine, or any~~
22 ~~belt-feeding device.~~

23 ~~(C) Carries concealed upon his or her person any~~
24 ~~explosive substance, other than fixed ammunition.~~

25 ~~(D) Carries concealed upon his or her person any dirk~~
26 ~~or dagger.~~

27 ~~(E) Manufactures or causes to be manufactured,~~
28 ~~imports into the state, keeps for sale, or offers or exposes~~
29 ~~for sale, or who gives, lends, or possesses any metal~~
30 ~~military practice handgrenade or metal replica~~
31 ~~handgrenade where the offender is an active participant~~
32 ~~in a criminal street gang as defined in the Street~~
33 ~~Terrorism and Enforcement and Prevention Act~~
34 ~~(Chapter 11 (commencing with Section 186.20) of Title~~
35 ~~7 of Part 1).~~

36 ~~(F) Manufactures or causes to be manufactured,~~
37 ~~imports into the state, keeps for sale, or offers or exposes~~
38 ~~for sale, or who gives, lends, or possesses any metal~~
39 ~~military practice handgrenade or metal replica~~



1 ~~handgrenade where the offender has previously been~~
2 ~~convicted of violating this section.~~

3 ~~(2) Any person in this state who manufactures or~~
4 ~~causes to be manufactured, imports into the state, keeps~~
5 ~~for sale, or offers or exposes for sale, or who gives, lends,~~
6 ~~or possesses any metal military practice handgrenade or~~
7 ~~metal replica handgrenade commits an infraction.~~

8 ~~(3) A bullet containing or carrying an explosive agent~~
9 ~~is not a destructive device as that term is used in Section~~
10 ~~12301.~~

11 ~~(b) Subdivision (a) does not apply to any of the~~
12 ~~following:~~

13 ~~(1) The sale to, purchase by, or possession of~~
14 ~~short-barreled shotguns or short-barreled rifles by police~~
15 ~~departments, sheriffs' offices, marshals' offices, the~~
16 ~~California Highway Patrol, the Department of Justice, or~~
17 ~~the military or naval forces of this state or of the United~~
18 ~~States for use in the discharge of their official duties or the~~
19 ~~possession of short-barreled shotguns and short-barreled~~
20 ~~rifles by regular, salaried, full-time members of a police~~
21 ~~department, sheriff's office, marshal's office, the~~
22 ~~California Highway Patrol, or the Department of Justice~~
23 ~~when on duty and the use is authorized by the agency and~~
24 ~~is within the course and scope of their duties.~~

25 ~~(2) The manufacture, possession, transportation or~~
26 ~~sale of short-barreled shotguns or short-barreled rifles~~
27 ~~when authorized by the Department of Justice pursuant~~
28 ~~to Article 6 (commencing with Section 12095) of this~~
29 ~~chapter and not in violation of federal law.~~

30 ~~(3) The possession of a nunchaku on the premises of a~~
31 ~~school which holds a regulatory or business license and~~
32 ~~teaches the arts of self-defense.~~

33 ~~(4) The manufacture of a nunchaku for sale to, or the~~
34 ~~sale of a nunchaku to, a school which holds a regulatory~~
35 ~~or business license and teaches the arts of self-defense.~~

36 ~~(5) Any antique firearm. For purposes of this section,~~
37 ~~"antique firearm" means any firearm not designed or~~
38 ~~redesigned for using rimfire or conventional centerfire~~
39 ~~ignition with fixed ammunition and manufactured in or~~
40 ~~before 1898 (including any matchlock, flintlock,~~



1 ~~percussion cap, or similar type of ignition system or~~
2 ~~replica thereof, whether actually manufactured before or~~
3 ~~after the year 1898) and also any firearm using fixed~~
4 ~~ammunition manufactured in or before 1898, for which~~
5 ~~ammunition is no longer manufactured in the United~~
6 ~~States and is not readily available in the ordinary channels~~
7 ~~of commercial trade.~~

8 ~~(6) Tracer ammunition manufactured for use in~~
9 ~~shotguns.~~

10 ~~(7) Any firearm or ammunition which is a curio or relic~~
11 ~~as defined in Section 178.11 of Title 27 of the Code of~~
12 ~~Federal Regulations and which is in the possession of a~~
13 ~~person permitted to possess the items pursuant to~~
14 ~~Chapter 44 (commencing with Section 921) of Title 18 of~~
15 ~~the United States Code and the regulations issued~~
16 ~~pursuant thereto. Any person prohibited by Section~~
17 ~~12021, 12021.1, or 12101 of this code or Section 8100 or 8103~~
18 ~~of the Welfare and Institutions Code from possessing~~
19 ~~firearms or ammunition who obtains title to these items~~
20 ~~by bequest or intestate succession may retain title for not~~
21 ~~more than one year, but actual possession of these items~~
22 ~~at any time is punishable pursuant to Section 12021,~~
23 ~~12021.1, or 12101 of this code or Section 8100 or 8103 of the~~
24 ~~Welfare and Institutions Code. Within the year the~~
25 ~~person shall transfer title to the firearms or ammunition~~
26 ~~by sale, gift, or other disposition. Any person who violates~~
27 ~~this paragraph is in violation of subdivision (a).~~

28 ~~(8) Any other weapon as defined in subsection (c) of~~
29 ~~Section 5845 of Title 26 of the United States Code and~~
30 ~~which is in the possession of a person permitted to possess~~
31 ~~the weapons pursuant to the federal Gun Control Act of~~
32 ~~1968 (Public Law 90-618), as amended, and the~~
33 ~~regulations issued pursuant thereto. Any person~~
34 ~~prohibited by Section 12021, 12021.1, or 12101 of this code~~
35 ~~or Section 8100 or 8103 of the Welfare and Institutions~~
36 ~~Code from possessing these weapons who obtains title to~~
37 ~~these weapons by bequest or intestate succession may~~
38 ~~retain title for not more than one year, but actual~~
39 ~~possession of these weapons at any time is punishable~~
40 ~~pursuant to Section 12021, 12021.1, or 12101 of this code or~~



1 ~~Section 8100 or 8103 of the Welfare and Institutions Code.~~
2 ~~Within the year, the person shall transfer title to the~~
3 ~~weapons by sale, gift, or other disposition. Any person~~
4 ~~who violates this paragraph is in violation of subdivision~~
5 ~~(a). The exemption provided in this subdivision does not~~
6 ~~apply to pen guns.~~

7 ~~(9) Instruments or devices that are possessed by~~
8 ~~federal, state, and local historical societies, museums, and~~
9 ~~institutional collections which are open to the public,~~
10 ~~provided that these instruments or devices are properly~~
11 ~~housed, secured from unauthorized handling, and, if the~~
12 ~~instrument or device is a firearm, unloaded.~~

13 ~~(10) Instruments or devices, other than short barreled~~
14 ~~shotguns, short barreled rifles, any detachable rifle~~
15 ~~magazine, any detachable shotgun magazine, any~~
16 ~~detachable pistol magazine, or any belt-feeding device,~~
17 ~~that are possessed or utilized during the course of a~~
18 ~~motion picture, television, or video production or~~
19 ~~entertainment event by an authorized participant~~
20 ~~therein in the course of making that production or event~~
21 ~~or by an authorized employee or agent of the entity~~
22 ~~producing that production or event.~~

23 ~~(11) Instruments or devices, other than short barreled~~
24 ~~shotguns, any short barreled rifles, detachable rifle~~
25 ~~magazines, any detachable shotgun magazines,~~
26 ~~detachable pistol magazines, or any belt-feeding device,~~
27 ~~that are sold by, manufactured by, exposed or kept for sale~~
28 ~~by, possessed by, imported by, or lent by persons who are~~
29 ~~in the business of selling instruments or devices listed in~~
30 ~~subdivision (a) solely to the entities referred in~~
31 ~~paragraphs (9) and (10) when engaging in transactions~~
32 ~~with those entities.~~

33 ~~(12) The sale to, possession of, or purchase of any~~
34 ~~weapon, device, or ammunition, other than a~~
35 ~~short barreled rifle or short barreled shotgun, by any~~
36 ~~federal, state, county, city and county, or city agency that~~
37 ~~is charged with the enforcement of any law for use in the~~
38 ~~discharge of their official duties, or the possession of any~~
39 ~~weapon, device, or ammunition, other than a~~
40 ~~short barreled rifle or short barreled shotgun, by peace~~



1 ~~officers thereof when on duty and the use is authorized~~
2 ~~by the agency and is within the course and scope of their~~
3 ~~duties.~~

4 ~~(13) Weapons, devices, and ammunition, other than a~~
5 ~~short-barreled rifle or short-barreled shotgun, that are~~
6 ~~sold by, manufactured by, exposed, or kept for sale by,~~
7 ~~possessed by, imported by, or lent by, persons who are in~~
8 ~~the business of selling weapons, devices, and ammunition~~
9 ~~listed in subdivision (a) solely to the entities referred to~~
10 ~~in paragraph (12) when engaging in transactions with~~
11 ~~those entities.~~

12 ~~(14) The manufacture for, sale to, exposing or keeping~~
13 ~~for sale to, importation of, or lending of wooden clubs or~~
14 ~~batons to special police officers or uniformed security~~
15 ~~guards authorized to carry any wooden club or baton~~
16 ~~pursuant to Section 12002 by entities that are in the~~
17 ~~business of selling wooden batons or clubs to special police~~
18 ~~officers and uniformed security guards when engaging in~~
19 ~~transactions with those persons.~~

20 ~~(15) Any plastic toy handgrenade, or any metal~~
21 ~~military practice handgrenade or metal replica~~
22 ~~handgrenade that is a relic, curio, memorabilia, or display~~
23 ~~item, that is filled with a permanent inert substance or~~
24 ~~that is otherwise permanently altered in a manner that~~
25 ~~prevents ready modification for use as a grenade.~~

26 ~~(16) Any instrument, ammunition, weapon, or device~~
27 ~~listed in subdivision (a) that is not a firearm that is found~~
28 ~~and possessed by a person who meets all of the following:~~

29 ~~(A) The person is not prohibited from possessing~~
30 ~~firearms or ammunition pursuant to Section 12021 or~~
31 ~~12021.1 or paragraph (1) of subdivision (b) of Section~~
32 ~~12316 of this code or Section 8100 or 8103 of the Welfare~~
33 ~~and Institutions Code.~~

34 ~~(B) The person possessed the instrument,~~
35 ~~ammunition, weapon, or device no longer than was~~
36 ~~necessary to deliver or transport the same to a law~~
37 ~~enforcement agency for that agency's disposition~~
38 ~~according to law.~~



1 ~~(C) If the person is transporting the listed item, he or~~
2 ~~she is transporting the listed item to a law enforcement~~
3 ~~agency for disposition according to law.~~

4 ~~(17) Any firearm, other than a short-barreled rifle or~~
5 ~~short-barreled shotgun, that is found and possessed by a~~
6 ~~person who meets all of the following:~~

7 ~~(A) The person is not prohibited from possessing~~
8 ~~firearms or ammunition pursuant to Section 12021 or~~
9 ~~12021.1 or paragraph (1) of subdivision (b) of Section~~
10 ~~12316 of this code or Section 8100 or 8103 of the Welfare~~
11 ~~and Institutions Code.~~

12 ~~(B) The person possessed the firearm no longer than~~
13 ~~was necessary to deliver or transport the same to a law~~
14 ~~enforcement agency for that agency's disposition~~
15 ~~according to law.~~

16 ~~(C) If the person is transporting the firearm, he or she~~
17 ~~is transporting the firearm to a law enforcement agency~~
18 ~~for disposition according to law.~~

19 ~~(D) Prior to transporting the firearm to a law~~
20 ~~enforcement agency, he or she has given prior notice to~~
21 ~~that law enforcement agency that he or she is~~
22 ~~transporting the firearm to that law enforcement agency~~
23 ~~for disposition according to law.~~

24 ~~(E) The firearm is transported in a locked container as~~
25 ~~defined in subdivision (d) of Section 12026.2.~~

26 ~~(18) The possession of any weapon, device, or~~
27 ~~ammunition, by a forensic laboratory or any authorized~~
28 ~~agent or employee thereof in the course and scope of his~~
29 ~~or her authorized activities.~~

30 ~~(e) (1) As used in this section, a "short-barreled~~
31 ~~shotgun" means any of the following:~~

32 ~~(A) A firearm which is designed or redesigned to fire~~
33 ~~a fixed shotgun shell and having a barrel or barrels of less~~
34 ~~than 18 inches in length.~~

35 ~~(B) A firearm which has an overall length of less than~~
36 ~~26 inches and which is designed or redesigned to fire a~~
37 ~~fixed shotgun shell.~~

38 ~~(C) Any weapon made from a shotgun (whether by~~
39 ~~alteration, modification, or otherwise) if that weapon, as~~



1 ~~modified, has an overall length of less than 26 inches or a~~
2 ~~barrel or barrels of less than 18 inches in length.~~

3 ~~(D) Any device which may be readily restored to fire~~
4 ~~a fixed shotgun shell which, when so restored, is a device~~
5 ~~defined in subparagraphs (A) to (C), inclusive.~~

6 ~~(E) Any part, or combination of parts, designed and~~
7 ~~intended to convert a device into a device defined in~~
8 ~~subparagraphs (A) to (C), inclusive, or any combination~~
9 ~~of parts from which a device defined in subparagraphs~~
10 ~~(A) to (C), inclusive, can be readily assembled if those~~
11 ~~parts are in the possession or under the control of the~~
12 ~~same person.~~

13 ~~(2) As used in this section, a “short barreled rifle”~~
14 ~~means any of the following:~~

15 ~~(A) A rifle having a barrel or barrels of less than 16~~
16 ~~inches in length.~~

17 ~~(B) A rifle with an overall length of less than 26 inches.~~

18 ~~(C) Any weapon made from a rifle (whether by~~
19 ~~alteration, modification, or otherwise) if that weapon as~~
20 ~~modified has an overall length of less than 26 inches or a~~
21 ~~barrel or barrels of less than 16 inches in length.~~

22 ~~(D) Any device which may be readily restored to fire~~
23 ~~a fixed cartridge which, when so restored, is a device~~
24 ~~defined in subparagraphs (A) to (C), inclusive.~~

25 ~~(E) Any part, or combination of parts, designed and~~
26 ~~intended to convert a device into a device defined in~~
27 ~~subparagraphs (A) to (C), inclusive, or any combination~~
28 ~~of parts from which a device defined in subparagraphs~~
29 ~~(A) to (C), inclusive, may be readily assembled if those~~
30 ~~parts are in the possession or under the control of the~~
31 ~~same person.~~

32 ~~(3) As used in this section, a “nunchaku” means an~~
33 ~~instrument consisting of two or more sticks, clubs, bars or~~
34 ~~rods to be used as handles, connected by a rope, cord,~~
35 ~~wire, or chain, in the design of a weapon used in~~
36 ~~connection with the practice of a system of self-defense~~
37 ~~such as karate.~~

38 ~~(4) As used in this section, a “wallet gun” means any~~
39 ~~firearm mounted or enclosed in a case, resembling a~~
40 ~~wallet, designed to be or capable of being carried in a~~



1 ~~pocket or purse, if the firearm may be fired while~~
2 ~~mounted or enclosed in the case.~~

3 ~~(5) As used in this section, a “cane gun” means any~~
4 ~~firearm mounted or enclosed in a stick, staff, rod, crutch,~~
5 ~~or similar device, designed to be, or capable of being used~~
6 ~~as, an aid in walking, if the firearm may be fired while~~
7 ~~mounted or enclosed therein.~~

8 ~~(6) As used in this section, a “fléchette dart” means a~~
9 ~~dart, capable of being fired from a firearm, which~~
10 ~~measures approximately one inch in length, with tail fins~~
11 ~~which take up five sixteenths of an inch of the body.~~

12 ~~(7) As used in this section, “metal knuckles” means~~
13 ~~any device or instrument made wholly or partially of~~
14 ~~metal which is worn for purposes of offense or defense in~~
15 ~~or on the hand and which either protects the wearer’s~~
16 ~~hand while striking a blow or increases the force of impact~~
17 ~~from the blow or injury to the individual receiving the~~
18 ~~blow. The metal contained in the device may help~~
19 ~~support the hand or fist, provide a shield to protect it, or~~
20 ~~consist of projections or studs which would contact the~~
21 ~~individual receiving a blow.~~

22 ~~(8) As used in this section, a “ballistic knife” means a~~
23 ~~device that propels a knifelike blade as a projectile by~~
24 ~~means of a coil spring, elastic material, or compressed gas.~~
25 ~~Ballistic knife does not include any device which propels~~
26 ~~an arrow or a bolt by means of any common bow,~~
27 ~~compound bow, crossbow, or underwater spear gun.~~

28 ~~(9) As used in this section, a “camouflaging firearm~~
29 ~~container” means a container which meets all of the~~
30 ~~following criteria:~~

31 ~~(A) It is designed and intended to enclose a firearm.~~

32 ~~(B) It is designed and intended to allow the firing of~~
33 ~~the enclosed firearm by external controls while the~~
34 ~~firearm is in the container.~~

35 ~~(C) It is not readily recognizable as containing a~~
36 ~~firearm.~~

37 ~~“Camouflaging firearm container” does not include~~
38 ~~any camouflaging covering used while engaged in lawful~~
39 ~~hunting or while going to or returning from a lawful~~
40 ~~hunting expedition.~~



1 ~~(10) As used in this section, a “zip gun” means any~~
2 ~~weapon or device which meets all of the following~~
3 ~~criteria:~~

4 ~~(A) It was not imported as a firearm by an importer~~
5 ~~licensed pursuant to Chapter 44 (commencing with~~
6 ~~Section 921) of Title 18 of the United States Code and the~~
7 ~~regulations issued pursuant thereto.~~

8 ~~(B) It was not originally designed to be a firearm by a~~
9 ~~manufacturer licensed pursuant to Chapter 44~~
10 ~~(commencing with Section 921) of Title 18 of the United~~
11 ~~States Code and the regulations issued pursuant thereto.~~

12 ~~(C) No tax was paid on the weapon or device nor was~~
13 ~~an exemption from paying tax on that weapon or device~~
14 ~~granted under Section 4181 and subchapters F~~
15 ~~(commencing with Section 4216) and G (commencing~~
16 ~~with Section 4221) of Chapter 32 of Title 26 of the United~~
17 ~~States Code, as amended, and the regulations issued~~
18 ~~pursuant thereto.~~

19 ~~(D) It is made or altered to expel a projectile by the~~
20 ~~force of an explosion or other form of combustion.~~

21 ~~(11) As used in this section, a “shuriken” means any~~
22 ~~instrument, without handles, consisting of a metal plate~~
23 ~~having three or more radiating points with one or more~~
24 ~~sharp edges and designed in the shape of a polygon,~~
25 ~~trefoil, cross, star, diamond, or other geometric shape for~~
26 ~~use as a weapon for throwing.~~

27 ~~(12) As used in this section, an “unconventional pistol”~~
28 ~~means a firearm that does not have a rifled bore and has~~
29 ~~a barrel or barrels of less than 18 inches in length or has~~
30 ~~an overall length of less than 26 inches.~~

31 ~~(13) As used in this section, a “belt buckle knife” is a~~
32 ~~knife which is made an integral part of a belt buckle and~~
33 ~~consists of a blade with a length of at least 2¹/₂ inches.~~

34 ~~(14) As used in this section, a “lipstick case knife”~~
35 ~~means a knife enclosed within and made an integral part~~
36 ~~of a lipstick case.~~

37 ~~(15) As used in this section, a “cane sword” means a~~
38 ~~cane, swagger stick, stick, staff, rod, pole, umbrella, or~~
39 ~~similar device, having concealed within it a blade that~~
40 ~~may be used as a sword or stiletto.~~



1 ~~(16) As used in this section, a “shobi-zue” means a staff,~~
2 ~~crutch, stick, rod, or pole concealing a knife or blade~~
3 ~~within it which may be exposed by a flip of the wrist or~~
4 ~~by a mechanical action.~~

5 ~~(17) As used in this section, a “leaded cane” means a~~
6 ~~staff, crutch, stick, rod, pole, or similar device,~~
7 ~~unnaturally weighted with lead.~~

8 ~~(18) As used in this section, an “air gauge knife” means~~
9 ~~a device that appears to be an air gauge but has concealed~~
10 ~~within it a pointed, metallic shaft that is designed to be a~~
11 ~~stabbing instrument which is exposed by mechanical~~
12 ~~action or gravity which locks into place when extended.~~

13 ~~(19) As used in this section, a “writing pen knife”~~
14 ~~means a device that appears to be a writing pen but has~~
15 ~~concealed within it a pointed, metallic shaft that is~~
16 ~~designed to be a stabbing instrument which is exposed by~~
17 ~~mechanical action or gravity which locks into place when~~
18 ~~extended or the pointed, metallic shaft is exposed by the~~
19 ~~removal of the cap or cover on the device.~~

20 ~~(20) As used in this section, a “rifle” means a weapon~~
21 ~~designed or redesigned, made or remade, and intended~~
22 ~~to be fired from the shoulder and designed or redesigned~~
23 ~~and made or remade to use the energy of the explosive in~~
24 ~~a fixed cartridge to fire only a single projectile through a~~
25 ~~rifled bore for each single pull of the trigger.~~

26 ~~(21) As used in this section, a “shotgun” means a~~
27 ~~weapon designed or redesigned, made or remade, and~~
28 ~~intended to be fired from the shoulder and designed or~~
29 ~~redesigned and made or remade to use the energy of the~~
30 ~~explosive in a fixed shotgun shell to fire through a smooth~~
31 ~~bore either a number of projectiles (ball shot) or a single~~
32 ~~projectile for each pull of the trigger.~~

33 ~~(22) As used in this section, an “undetectable firearm”~~
34 ~~means any weapon which meets one of the following~~
35 ~~requirements:~~

36 ~~(A) When, after removal of grips, stocks, and~~
37 ~~magazines, it is not as detectable as the Security~~
38 ~~Exemplar, by walk through metal detectors calibrated~~
39 ~~and operated to detect the Security Exemplar.~~



1 ~~(B) When any major component of which, when~~
2 ~~subjected to inspection by the types of X-ray machines~~
3 ~~commonly used at airports, does not generate an image~~
4 ~~that accurately depicts the shape of the component.~~
5 ~~Barium sulfate or other compounds may be used in the~~
6 ~~fabrication of the component.~~

7 ~~(C) For purposes of this paragraph, the terms~~
8 ~~“firearm,” “major component,” and “Security Exemplar”~~
9 ~~have the same meanings as those terms are defined in~~
10 ~~Section 922 of Title 18 of the United States Code.~~

11 ~~All firearm detection equipment newly installed in~~
12 ~~nonfederal public buildings in this state shall be of a type~~
13 ~~identified by either the United States Attorney General,~~
14 ~~the Secretary of Transportation, or the Secretary of the~~
15 ~~Treasury, as appropriate, as available state-of-the-art~~
16 ~~equipment capable of detecting an undetectable firearm,~~
17 ~~as defined, while distinguishing innocuous metal objects~~
18 ~~likely to be carried on one’s person sufficient for~~
19 ~~reasonable passage of the public.~~

20 ~~(23) As used in this section, a “multiburst trigger~~
21 ~~activator” means one of the following devices:~~

22 ~~(A) A device designed or redesigned to be attached~~
23 ~~to a semiautomatic firearm which allows the firearm to~~
24 ~~discharge two or more shots in a burst by activating the~~
25 ~~device.~~

26 ~~(B) A manual or power-driven trigger activating~~
27 ~~device constructed and designed so that when attached~~
28 ~~to a semiautomatic firearm it increases the rate of fire of~~
29 ~~that firearm.~~

30 ~~(24) As used in this section, a “dirk” or “dagger” means~~
31 ~~a knife or other instrument with or without a handguard~~
32 ~~that is capable of ready use as a stabbing weapon that may~~
33 ~~inflict great bodily injury or death. A nonlocking folding~~
34 ~~knife, a folding knife that is not prohibited by Section~~
35 ~~653k, or a pocketknife is capable of ready use as a stabbing~~
36 ~~weapon that may inflict great bodily injury or death only~~
37 ~~if the blade of the knife is exposed and locked into~~
38 ~~position.~~



1 ~~(25) As used in this section, a “detachable rifle~~
2 ~~magazine” means a device that is designed or redesigned~~
3 ~~to do all of the following:~~

4 ~~(A) To be attached to, and detached from, a rifle that~~
5 ~~is designed or redesigned to fire centerfire ammunition.~~

6 ~~(B) To hold more than 10 centerfire cartridges.~~

7 ~~(C) To feed ammunition continuously and directly~~
8 ~~into the loading mechanism of a rifle.~~

9 ~~(26) As used in this section, a “detachable pistol~~
10 ~~magazine” means a device that is designed or redesigned~~
11 ~~to do all of the following:~~

12 ~~(A) To be attached to a semiautomatic firearm that is~~
13 ~~not a rifle or shotgun that is designed or redesigned to fire~~
14 ~~ammunition.~~

15 ~~(B) To be attached to, and detached from, a firearm~~
16 ~~that is not a rifle or shotgun that is designed or redesigned~~
17 ~~to fire ammunition.~~

18 ~~(C) To hold more than 19 cartridges.~~

19 ~~(D) To feed ammunition continuously and directly~~
20 ~~into the loading mechanism of a firearm that is not a rifle~~
21 ~~or shotgun that is designed or redesigned to fire~~
22 ~~ammunition.~~

23 ~~(27) As used in this section, a “detachable shotgun~~
24 ~~magazine” means a device that is designed or redesigned~~
25 ~~to do all of the following:~~

26 ~~(A) To be attached to a firearm that is designed or~~
27 ~~redesigned to fire a fixed shotgun shell through a smooth~~
28 ~~or rifled bore.~~

29 ~~(B) To be attached to, and detached from, a firearm~~
30 ~~that is designed or redesigned to fire a fixed shotgun shell~~
31 ~~through a smooth bore.~~

32 ~~(C) To hold six or more fixed shotgun shells.~~

33 ~~(D) To feed fixed shotgun shells continuously and~~
34 ~~directly into the loading mechanism of a firearm that is~~
35 ~~designed or redesigned to fire a fixed shotgun shell.~~

36 ~~(28) As used in this section, a “belt-feeding device”~~
37 ~~means a device that is designed or redesigned to do both~~
38 ~~of the following:~~

39 ~~(A) To continuously feed ammunition into the loading~~
40 ~~mechanism of a machinegun or a semiautomatic firearm.~~



1 ~~(B) To hold more than 10 cartridges.~~

2 ~~(d) Knives carried in sheaths which are worn openly~~
3 ~~suspended from the waist of the wearer are not concealed~~
4 ~~within the meaning of this section.~~

5 ~~SEC. 2. Section 12022 of the Penal Code is amended~~
6 ~~to read:~~

7 ~~12022. (a) (1) Except as provided in subdivisions (c)~~
8 ~~and (d), any person who is armed with a firearm in the~~
9 ~~commission or attempted commission of a felony shall,~~
10 ~~upon conviction of that felony or attempted felony, in~~
11 ~~addition and consecutive to the punishment prescribed~~
12 ~~for the felony or attempted felony of which he or she has~~
13 ~~been convicted, be punished by an additional term of one~~
14 ~~year, unless the arming is an element of the offense of~~
15 ~~which he or she was convicted. This additional term shall~~
16 ~~apply to any person who is a principal in the commission~~
17 ~~or attempted commission of a felony if one or more of the~~
18 ~~principals is armed with a firearm, whether or not the~~
19 ~~person is personally armed with a firearm.~~

20 ~~(2) Except as provided in subdivision (c), and~~
21 ~~notwithstanding subdivision (d), if the firearm is an~~
22 ~~assault weapon, as defined in Section 12276, an excess~~
23 ~~capacity firearm, or a machinegun, as defined in Section~~
24 ~~12200, the additional term described in this subdivision~~
25 ~~shall be three years whether or not the arming is an~~
26 ~~element of the offense of which he or she was convicted.~~
27 ~~The additional term provided in this paragraph shall~~
28 ~~apply to any person who is a principal in the commission~~
29 ~~or attempted commission of a felony if one or more of the~~
30 ~~principals is armed with an assault weapon, excess~~
31 ~~capacity firearm, or machinegun whether or not the~~
32 ~~person is personally armed with an assault weapon, excess~~
33 ~~capacity firearm, or machinegun.~~

34 ~~(b) (1) Any person who personally uses a deadly or~~
35 ~~dangerous weapon in the commission or attempted~~
36 ~~commission of a felony shall, upon conviction of that~~
37 ~~felony or attempted felony, in addition and consecutive~~
38 ~~to the punishment prescribed for the felony or attempted~~
39 ~~felony of which he or she has been convicted, be punished~~
40 ~~by an additional term of one year, unless use of a deadly~~



1 ~~or dangerous weapon is an element of the offense of~~
2 ~~which he or she was convicted.~~

3 ~~(2) If the person described in paragraph (1) has been~~
4 ~~convicted of carjacking or attempted carjacking, the~~
5 ~~additional term shall be one, two, or three years.~~

6 ~~(3) When a person is found to have personally used a~~
7 ~~deadly or dangerous weapon in the commission or~~
8 ~~attempted commission of a felony as provided in this~~
9 ~~subdivision and the weapon is owned by that person, the~~
10 ~~court shall order that the weapon be deemed a nuisance~~
11 ~~and disposed of in the manner provided in Section 12028.~~

12 ~~(e) Notwithstanding the enhancement set forth in~~
13 ~~subdivision (a), any person who is personally armed with~~
14 ~~a firearm in the commission or attempted commission of~~
15 ~~a violation of Section 11351, 11351.5, 11352, 11366.5,~~
16 ~~11366.6, 11378, 11378.5, 11379, 11379.5, or 11379.6 of the~~
17 ~~Health and Safety Code, shall, upon conviction of that~~
18 ~~offense and in addition and consecutive to the~~
19 ~~punishment prescribed for that offense of which he or she~~
20 ~~has been convicted, be punished by an additional term of~~
21 ~~imprisonment in the state prison for three, four, or five~~
22 ~~years in the court's discretion. The court shall order the~~
23 ~~middle term unless there are circumstances in~~
24 ~~aggravation or mitigation. The court shall state the~~
25 ~~reasons for its enhancement choice on the record at the~~
26 ~~time of the sentence.~~

27 ~~(d) Notwithstanding the enhancement set forth in~~
28 ~~subdivision (a), any person who is not personally armed~~
29 ~~with a firearm who, knowing that another principal is~~
30 ~~personally armed with a firearm, is a principal in the~~
31 ~~commission or attempted commission of an offense~~
32 ~~specified in subdivision (e), shall, upon conviction of that~~
33 ~~offense, be punished by an additional term of one, two, or~~
34 ~~three years in the court's discretion. The court shall order~~
35 ~~the middle term unless there are circumstances in~~
36 ~~aggravation or mitigation. The court shall state the~~
37 ~~reasons for its enhancement choice on the record at the~~
38 ~~time of the sentence.~~



1 ~~(e) For purposes of imposing an enhancement under~~
2 ~~Section 1170.1, the enhancements under this section shall~~
3 ~~count as one, single enhancement.~~

4 ~~(f) Notwithstanding any other provision of law, the~~
5 ~~court may strike the additional punishment for the~~
6 ~~enhancements provided in subdivision (e) or (d) in an~~
7 ~~unusual case where the interests of justice would best be~~
8 ~~served, if the court specifies on the record and enters into~~
9 ~~the minutes the circumstances indicating that the~~
10 ~~interests of justice would best be served by that~~
11 ~~disposition.~~

12 ~~(g) As used in this section, an “excess capacity~~
13 ~~firearm” means any of the following:~~

14 ~~(1) A semiautomatic centerfire rifle that has attached~~
15 ~~to it a detachable magazine that has the capacity to accept~~
16 ~~more than 10 rounds.~~

17 ~~(2) A semiautomatic rifle with a fixed magazine that~~
18 ~~has the capacity to accept more than 10 rounds.~~

19 ~~(3) A semiautomatic shotgun that has attached to it a~~
20 ~~detachable magazine that has the capacity to accept six~~
21 ~~or more rounds.~~

22 ~~(4) A semiautomatic shotgun that has a fixed magazine~~
23 ~~that has the capacity to accept six or more rounds.~~

24 ~~(5) A semiautomatic pistol that has attached to it a~~
25 ~~detachable magazine that has the capacity to accept~~
26 ~~more than 19 rounds.~~

27 ~~(6) A semiautomatic pistol with a fixed magazine that~~
28 ~~has the capacity to accept more than 19 rounds.~~

29 ~~(h) As used in this section, the following definitions~~
30 ~~shall apply:~~

31 ~~(i) “Detachable magazine” means a device that is~~
32 ~~designed or redesigned to do all of the following:~~

33 ~~(A) To be attached to a rifle that is designed or~~
34 ~~redesigned to fire ammunition.~~

35 ~~(B) To be attached to, and detached from, a rifle that~~
36 ~~is designed or redesigned to fire ammunition.~~

37 ~~(C) To feed ammunition continuously and directly~~
38 ~~into the loading mechanism of a rifle that is designed or~~
39 ~~redesigned to fire ammunition.~~



1 ~~(2) “Detachable pistol magazine” means a device that~~
2 ~~is designed or redesigned to do all of the following:~~

3 ~~(A) To be attached to a semiautomatic firearm that is~~
4 ~~not a rifle or shotgun that is designed or redesigned to fire~~
5 ~~ammunition.~~

6 ~~(B) To be attached to, and detached from, a firearm~~
7 ~~that is not a rifle or shotgun that is designed or redesigned~~
8 ~~to fire ammunition.~~

9 ~~(C) To feed ammunition continuously and directly~~
10 ~~into the loading mechanism of a firearm that is not a rifle~~
11 ~~or a shotgun that is designed or redesigned to fire~~
12 ~~ammunition.~~

13 ~~(3) “Detachable shotgun magazine” means a device~~
14 ~~that is designed or redesigned to do all of the following:~~

15 ~~(A) To be attached to a firearm that is designed or~~
16 ~~redesigned to fire a fixed shotgun shell through a smooth~~
17 ~~or rifled bore.~~

18 ~~(B) To be attached to, and detached from, a firearm~~
19 ~~that is designed or redesigned to fire a fixed shotgun shell~~
20 ~~through a smooth bore.~~

21 ~~(C) To feed ammunition continuously and directly~~
22 ~~into the loading mechanism of a firearm that is designed~~
23 ~~or redesigned to fire a fixed shotgun shell.~~

24 ~~(4) “Rifle” shall have the same meaning as specified in~~
25 ~~paragraph (20) of subdivision (e) of Section 12020.~~

26 ~~(5) “Shotgun” shall have the same meaning as~~
27 ~~specified in paragraph (21) of subdivision (e) of Section~~
28 ~~12020.~~

29 ~~SEC. 3. Section 12022.5 of the Penal Code is amended~~
30 ~~to read:~~

31 ~~12022.5. (a) (1) Except as provided in subdivisions~~
32 ~~(b) and (c), any person who personally uses a firearm in~~
33 ~~the commission or attempted commission of a felony~~
34 ~~shall, upon conviction of that felony or attempted felony,~~
35 ~~in addition and consecutive to the punishment~~
36 ~~prescribed for the felony or attempted felony of which he~~
37 ~~or she has been convicted, be punished by an additional~~
38 ~~term of imprisonment in the state prison for 3, 4, or 10~~
39 ~~years, unless use of a firearm is an element of the offense~~
40 ~~of which he or she was convicted.~~



1 ~~(2) If the person described in paragraph (1) has been~~
2 ~~convicted of carjacking or attempted carjacking, the~~
3 ~~additional term shall be 4, 5, or 10 years. The court shall~~
4 ~~order imposition of the middle term unless there are~~
5 ~~circumstances in aggravation or mitigation. The court~~
6 ~~shall state its reasons for its enhancement choice on the~~
7 ~~record at the time of sentencing.~~

8 ~~(b) (1) Notwithstanding subdivision (a), any person~~
9 ~~who is convicted of a felony or an attempt to commit a~~
10 ~~felony, including murder or attempted murder, in which~~
11 ~~that person discharged a firearm at an occupied motor~~
12 ~~vehicle which caused great bodily injury or death to the~~
13 ~~person of another, shall, upon conviction of that felony or~~
14 ~~attempted felony, in addition and consecutive to the~~
15 ~~sentence prescribed for the felony or attempted felony,~~
16 ~~be punished by an additional term of imprisonment in the~~
17 ~~state prison for 5, 6, or 10 years.~~

18 ~~(2) Notwithstanding subdivision (a), any person who~~
19 ~~personally uses an assault weapon, as specified in Section~~
20 ~~12276, excess capacity firearm, or a machinegun, as~~
21 ~~defined in Section 12200, in the commission or attempted~~
22 ~~commission of a felony, shall, upon conviction of that~~
23 ~~felony or attempted felony, in addition and consecutive~~
24 ~~to the sentence prescribed for the felony or attempted~~
25 ~~felony, be punished by an additional term of~~
26 ~~imprisonment in the state prison for 5, 6, or 10 years.~~

27 ~~(c) Notwithstanding the enhancement set forth in~~
28 ~~subdivision (a), any person who personally uses a firearm~~
29 ~~in the commission or attempted commission of a violation~~
30 ~~of Section 11351, 11351.5, 11352, 11366.5, 11366.6, 11378,~~
31 ~~11378.5, 11379, 11379.5, or 11379.6 of the Health and Safety~~
32 ~~Code, shall, upon conviction of that offense and in~~
33 ~~addition and consecutive to the punishment prescribed~~
34 ~~for the offense of which he or she has been convicted, be~~
35 ~~punished by an additional term of imprisonment in the~~
36 ~~state prison for 3, 4, or 10 years in the court's discretion.~~
37 ~~The court shall order the imposition of the middle term~~
38 ~~unless there are circumstances in aggravation or~~
39 ~~mitigation. The court shall state the reasons for its~~
40 ~~enhancement choice on the record.~~



1 ~~(d) The additional term provided by this section may~~
2 ~~be imposed in cases of assault with a firearm under~~
3 ~~paragraph (2) of subdivision (a) of Section 245, or assault~~
4 ~~with a deadly weapon which is a firearm under Section~~
5 ~~245, or murder if the killing was perpetrated by means of~~
6 ~~shooting a firearm from a motor vehicle, intentionally at~~
7 ~~another person outside of the vehicle with the intent to~~
8 ~~inflict great bodily injury or death.~~

9 ~~(e) When a person is found to have personally used a~~
10 ~~firearm, an assault weapon, or a machinegun in the~~
11 ~~commission or attempted commission of a felony as~~
12 ~~provided in this section and the firearm, assault weapon,~~
13 ~~or machinegun is owned by that person, the court shall~~
14 ~~order that the firearm be deemed a nuisance and~~
15 ~~disposed of in the manner provided in Section 12028.~~

16 ~~(f) For purposes of imposing an enhancement under~~
17 ~~Section 1170.1, the enhancements under this section shall~~
18 ~~count as one, single enhancement.~~

19 ~~(g) As used in this section, an “excess capacity~~
20 ~~firearm” means any of the following:~~

21 ~~(1) A semiautomatic centerfire rifle that has attached~~
22 ~~to it a detachable magazine that contains more than 10~~
23 ~~rounds.~~

24 ~~(2) A semiautomatic shotgun that has affixed to it a~~
25 ~~detachable magazine.~~

26 ~~(3) A semiautomatic shotgun that has a fixed magazine~~
27 ~~capacity of six or more rounds.~~

28 ~~(4) A semiautomatic centerfire rifle with a fixed~~
29 ~~magazine capacity of more than 10 rounds.~~

30 ~~(5) A semiautomatic pistol with a fixed magazine~~
31 ~~capacity of more than 19 rounds.~~

32 ~~(6) A semiautomatic pistol that has attached to it a~~
33 ~~detachable magazine that contains more than 19 rounds.~~

34 ~~(h) As used in this section, the following definitions~~
35 ~~shall apply:~~

36 ~~(i) “Detachable magazine” means a device that is~~
37 ~~designed or redesigned to do all of the following:~~

38 ~~(A) To be attached to a rifle that is designed or~~
39 ~~redesigned to fire ammunition.~~



1 ~~(B) To be attached to, and detached from, a rifle that~~
2 ~~is designed or redesigned to fire ammunition.~~

3 ~~(C) To feed ammunition continuously and directly~~
4 ~~into the loading mechanism of a rifle that is designed or~~
5 ~~redesigned to fire centerfire ammunition.~~

6 ~~(2) “Detachable pistol magazine” means a device that~~
7 ~~is designed or redesigned to do all of the following:~~

8 ~~(A) To be attached to a semiautomatic firearm that is~~
9 ~~not a rifle or shotgun that is designed or redesigned to fire~~
10 ~~ammunition.~~

11 ~~(B) To be attached to, and detached from, a firearm~~
12 ~~that is not a rifle or a shotgun that is designed or~~
13 ~~redesigned to fire ammunition.~~

14 ~~(C) To feed ammunition continuously and directly~~
15 ~~into the loading mechanism of a firearm that is not a rifle~~
16 ~~or a shotgun that is designed or redesigned to fire~~
17 ~~centerfire ammunition.~~

18 ~~(3) “Detachable shotgun magazine” means a device~~
19 ~~that is designed or redesigned to do all of the following:~~

20 ~~(A) To be attached to a firearm that is designed or~~
21 ~~redesigned to fire a fixed shotgun shell through a smooth~~
22 ~~or rifled bore.~~

23 ~~(B) To be attached to, and detached from, a firearm~~
24 ~~that is designed or redesigned to fire a fixed shotgun shell~~
25 ~~through a smooth bore.~~

26 ~~(C) To feed fixed shotgun shells continuously and~~
27 ~~directly into the loading mechanism of a firearm that is~~
28 ~~designed or redesigned to fire a fixed shotgun shell.~~

29 ~~(4) “Rifle” shall have the same meaning as specified in~~
30 ~~paragraph (20) of subdivision (e) of Section 12020.~~

31 ~~(5) “Shotgun” shall have the same meaning as~~
32 ~~specified in paragraph (21) of subdivision (e) of Section~~
33 ~~12020.~~

34 ~~SEC. 4.~~

35 *SECTION 1.* Section 12070 of the Penal Code is
36 amended to read:

37 12070. (a) No person shall sell, lease, or transfer
38 firearms unless he or she has been issued a license
39 pursuant to Section 12071. Any person violating this
40 section is guilty of a misdemeanor.



1 (b) Subdivision (a) does not include any of the
2 following:

3 (1) The sale, lease, or transfer of any firearm by a
4 person acting pursuant to operation of law, a court order,
5 or pursuant to the Enforcement of Judgments Law (Title
6 9 (commencing with Section 680.010) of Part 2 of the
7 Code of Civil Procedure), or by a person who liquidates
8 a personal firearm collection to satisfy a court judgment.

9 (2) A person acting pursuant to subdivision (e) of
10 Section 186.22a or subdivision (c) of Section 12028.

11 (3) The sale, lease, or transfer of a firearm by a person
12 who obtains title to the firearm by intestate succession or
13 by bequest or as a surviving spouse pursuant to Chapter
14 1 (commencing with Section 13500) of Part 2 of Division
15 8 of the Probate Code, provided the person disposes of the
16 firearm within 60 days of receipt of the firearm.

17 (4) The infrequent sale, lease, or transfer of firearms.

18 (5) The sale, lease, or transfer of used firearms other
19 than pistols, revolvers, or other firearms capable of being
20 concealed upon the person, at gun shows or events, as
21 specified in subparagraph (B) of paragraph (1) of
22 subdivision (b) of Section 12071, by a person other than
23 a licensee or dealer, provided the person has a valid
24 federal firearms license and a current certificate of
25 eligibility issued by the Department of Justice, as
26 specified in Section 12071, and provided all the sales,
27 leases, or transfers fully comply with subdivision (d) of
28 Section 12072. However, the person shall not engage in
29 the sale, lease, or transfer of used firearms other than
30 pistols, revolvers, or other firearms capable of being
31 concealed upon the person at more than 12 gun shows or
32 events in any calendar year and shall not sell, lease, or
33 transfer more than 15 used firearms other than pistols,
34 revolvers, or other firearms capable of being concealed
35 upon the person at any single gun show or event. In no
36 event shall the person sell more than 75 used firearms
37 other than pistols, revolvers, or other firearms capable of
38 being concealed upon the person in any calendar year.

39 A person described in this paragraph shall be known as
40 a “Gun Show Trader.”



1 The Department of Justice shall adopt regulations to
2 administer this program and shall recover the full costs of
3 administration from fees assessed applicants.

4 As used in this paragraph, the term “used firearm”
5 means a firearm that has been sold previously at retail and
6 is more than three years old.

7 (6) The activities of a law enforcement agency
8 pursuant to Section 12084.

9 (7) Deliveries, sales, or transfers of firearms between
10 or to importers and manufacturers of firearms licensed to
11 engage in business pursuant to Chapter 44 (commencing
12 with Section 921) of Title 18 of the United States Code and
13 the regulations issued pursuant thereto.

14 (8) The sale, delivery, or transfer of firearms by
15 manufacturers or importers licensed pursuant to Chapter
16 44 (commencing with Section 921) of Title 18 of the
17 United States Code and the regulations issued pursuant
18 thereto to dealers or wholesalers.

19 (9) Deliveries and transfers of firearms made pursuant
20 to Section 12028, 12028.5, or 12030.

21 (10) The loan of a firearm for the purposes of shooting
22 at targets, if the loan occurs on the premises of a target
23 facility which holds a business or regulatory license or on
24 the premises of any club or organization organized for the
25 purposes of practicing shooting at targets upon
26 established ranges, whether public or private, if the
27 firearm is at all times kept within the premises of the
28 target range or on the premises of the club or
29 organization.

30 (11) Sales, deliveries, or transfers of firearms by
31 manufacturers, importers, or wholesalers licensed
32 pursuant to Chapter 44 (commencing with Section 921)
33 of Title 18 of the United States Code and the regulations
34 issued pursuant thereto to persons who reside outside this
35 state who are licensed pursuant to Chapter 44
36 (commencing with Section 921) of Title 18 of the United
37 States Code and the regulations issued pursuant thereto,
38 if the sale, delivery, or transfer is in accordance with
39 Chapter 44 (commencing with Section 921) of Title 18 of



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

3 (12) Sales, deliveries, or transfers of firearms by
4 persons who reside outside this state and are licensed
5 outside this state pursuant to Chapter 44 (commencing
6 with Section 921) of Title 18 of the United States Code and
7 the regulations issued pursuant thereto to wholesalers,
8 manufacturers, or importers, if the sale, delivery, or
9 transfer is in accordance with Chapter 44 (commencing
10 with Section 921) of Title 18 of the United States Code and
11 the regulations issued pursuant thereto.

12 (13) Sales, deliveries, or transfers of firearms by
13 wholesalers to dealers.

14 (14) Sales, deliveries, or transfers of firearms by
15 persons who reside outside this state to persons licensed
16 pursuant to Section 12071, if the sale, delivery, or transfer
17 is in accordance with Chapter 44 (commencing with
18 Section 921) of Title 18 of the United States Code and the
19 regulations issued pursuant thereto.

20 (15) Sales, deliveries, or transfers of firearms by
21 persons who reside outside this state and are licensed
22 pursuant to Chapter 44 (commencing with Section 921)
23 of Title 18 of the United States Code and the regulations
24 issued pursuant thereto to dealers, if the sale, delivery, or
25 transfer is in accordance with Chapter 44 (commencing
26 with Section 921) of Title 18 of the United States Code and
27 the regulations issued pursuant thereto.

28 (16) The delivery, sale, or transfer of an unloaded
29 firearm by one wholesaler to another wholesaler if that
30 firearm is intended as merchandise in the receiving
31 wholesaler's business.

32 (17) The loan of an unloaded firearm or the loan of a
33 firearm loaded with blank cartridges for use solely as a
34 prop for a motion picture, television, or video production
35 or entertainment or theatrical event.

36 (18) The delivery of an unloaded pistol, revolver, or
37 other firearm capable of being concealed upon the
38 person which is a curio or relic, as defined in Section
39 178.11 of Title 27 of the Code of Federal Regulations, by
40 a person licensed as a collector pursuant to Chapter 44



1 (commencing with Section 921) of Title 18 of the United
2 States Code and the regulations issued pursuant thereto
3 with a current certificate of eligibility issued pursuant to
4 Section 12071 to a dealer.

5 (c) (1) As used in this section, “infrequent” means:

6 (A) For pistols, revolvers, and other firearms capable
7 of being concealed upon the person, less than six
8 transactions per calendar year. For this purpose,
9 “transaction” means a single sale, lease, or transfer of any
10 number of pistols, revolvers, or other firearms capable of
11 being concealed upon the person.

12 (B) For firearms other than pistols, revolvers, or other
13 firearms capable of being concealed upon the person,
14 occasional and without regularity.

15 (2) As used in this section, “operation of law” includes,
16 but is not limited to, any of the following:

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

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

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

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

27 (E) A trustee in bankruptcy performing his or her
28 duties, if the bankruptcy estate includes firearms.

29 (F) An assignee for the benefit of creditors performing
30 his or her functions as an assignee, if the assignment
31 includes firearms.

32 (G) A transmutation of property between spouses
33 pursuant to Section 850 of the Family Code.

34 (H) Firearms received by the family of a police officer
35 or deputy sheriff from a local agency pursuant to Section
36 50081 of the Government Code.

37 (I) The transfer of a firearm by a law enforcement
38 agency to the person who found the firearm where the
39 delivery is to the person as the finder of the firearm



1 pursuant to Article 1 (commencing with Section 2080) of
2 Chapter 4 of Division 3 of the Civil Code.

3 ~~SEC. 5.~~

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

6 12071. (a) (1) As used in this chapter, the term
7 “licensee,” “person licensed pursuant to Section 12071,”
8 or “dealer” means a person who has all of the following:

9 (A) A valid federal firearms license.

10 (B) Any regulatory or business license, or licenses,
11 required by local government.

12 (C) A valid seller’s permit issued by the State Board of
13 Equalization.

14 (D) A certificate of eligibility issued by the
15 Department of Justice pursuant to paragraph (4).

16 (E) A license issued in the format prescribed by
17 paragraph (6).

18 (F) Is among those recorded in the centralized list
19 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 waiting
38 period specified in subparagraph (A) of paragraph (3),
39 and (ii) all applicable local laws, regulations, and fees, if
40 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 (D) The firearm may be delivered to the purchaser,
21 transferee, or person being loaned the firearm at one of
22 the following places:

- 23 (i) The building designated in the license.
24 (ii) The places specified in subparagraph (B) or (C).
25 (iii) The place of residence of, the fixed place of
26 business of, or on private property owned or lawfully
27 possessed by, the purchaser, transferee, or person being
28 loaned the firearm.

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

32 (3) No firearm shall be delivered:

33 (A) Within 10 days of the application to purchase, or,
34 after notice by the department pursuant to subdivision
35 (d) of Section 12076, within 10 days of the submission to
36 the department of any correction to the application, or
37 within 10 days of the submission to the department of any
38 fee required pursuant to subdivision (e) of Section 12076,
39 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 warnings in block letters
23 not less than one inch in height:

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

27 (B) "IF YOU KEEP A LOADED FIREARM, OR A
28 PISTOL, REVOLVER, OR OTHER FIREARM
29 CAPABLE OF BEING CONCEALED UPON THE
30 PERSON, WITHIN ANY PREMISES UNDER YOUR
31 CUSTODY OR CONTROL, AND A PERSON UNDER 16
32 GAINS ACCESS TO THE FIREARM, YOU MAY BE
33 GUILTY OF A MISDEMEANOR OR A FELONY,
34 UNLESS YOU STORED THE FIREARM IN A LOCKED
35 CONTAINER, OR LOCKED THE FIREARM WITH A
36 LOCKING DEVICE, TO KEEP IT FROM
37 TEMPORARILY FUNCTIONING."

38 (C) "DISCHARGING FIREARMS IN POORLY
39 VENTILATED AREAS, CLEANING FIREARMS, OR
40 HANDLING AMMUNITION MAY RESULT IN



1 EXPOSURE TO LEAD, A SUBSTANCE KNOWN TO
2 CAUSE BIRTH DEFECTS, REPRODUCTIVE HARM,
3 AND OTHER SERIOUS PHYSICAL INJURY. HAVE
4 ADEQUATE VENTILATION AT ALL TIMES. WASH
5 HANDS THOROUGHLY AFTER EXPOSURE.”

6 (D) “FEDERAL REGULATIONS PROVIDE THAT
7 IF YOU DO NOT TAKE PHYSICAL POSSESSION OF
8 THE FIREARM THAT YOU ARE ACQUIRING
9 OWNERSHIP OF WITHIN 30 DAYS AFTER YOU
10 COMPLETE THE INITIAL BACKGROUND CHECK
11 PAPERWORK, THEN YOU HAVE TO GO THROUGH
12 THE BACKGROUND CHECK PROCESS A SECOND
13 TIME IN ORDER TO TAKE PHYSICAL POSSESSION
14 OF THAT FIREARM.”

15 (8) Commencing April 1, 1994, no pistol, revolver, or
16 other firearm capable of being concealed upon the
17 person shall be delivered unless the purchaser,
18 transferee, or person being loaned the firearm presents
19 to the dealer a basic firearms safety certificate.

20 (9) Commencing July 1, 1992, the licensee shall offer
21 to provide the purchaser or transferee of a firearm, or
22 person being loaned a firearm, with a copy of the
23 pamphlet described in Section 12080 and may add the
24 cost of the pamphlet, if any, to the sales price of the
25 firearm.

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

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

30 (A) All charges required by governmental agencies
31 for processing firearm transfers required by Sections
32 12076, 12082, and 12806.

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

35 (12) The licensee shall not misstate the amount of fees
36 charged by a governmental agency pursuant to Sections
37 12076, 12082, and 12806.

38 (13) The licensee shall report the loss or theft of any
39 firearm that is merchandise of the licensee, any firearm
40 that the licensee takes possession of pursuant to Section



1 12082, or any firearm kept at the licensee's place of
2 business within 48 hours of discovery to the appropriate
3 law enforcement agency in the city, county, or city and
4 county where the licensee's business premises are
5 located.

6 (14) In a city and county, or in the unincorporated
7 area of a county with a population of 200,000 persons or
8 more according to the most recent federal decennial
9 census or within a city with a population of 50,000 persons
10 or more according to the most recent federal decennial
11 census, any time the licensee is not open for business, the
12 licensee shall store all firearms kept in his or her licensed
13 place of business using one of the following methods as to
14 each particular firearm:

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

17 (B) Secure the firearm with a hardened steel rod or
18 cable of at least one-eighth inch in diameter through the
19 trigger guard of the firearm. The steel rod or cable shall
20 be secured with a hardened steel lock that has a shackle.
21 The lock and shackle shall be protected or shielded from
22 the use of a bolt cutter and the rod or cable shall be
23 anchored in a manner that prevents the removal of the
24 firearm from the premises.

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

27 (15) The licensing authority in an unincorporated area
28 of a county with a population less than 200,000 persons
29 according to the most recent federal decennial census or
30 within a city with a population of less than 50,000 persons
31 according to the most recent federal decennial census
32 may impose the requirements specified in paragraph
33 (14).

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

37 (17) The licensee shall maintain and make available
38 for inspection during business hours to any peace officer,
39 authorized local law enforcement employee, or
40 Department of Justice employee designated by the



1 Attorney General, upon the presentation of proper
2 identification, a firearms transaction record.

3 (18) (A) On the date of receipt, the licensee shall
4 report to the Department of Justice in a format
5 prescribed by the department the acquisition by the
6 licensee of the ownership of a pistol, revolver, or other
7 firearm capable of being concealed upon the person.

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

10 (i) A transaction subject to the provisions of
11 subdivision (n) of Section 12078.

12 (ii) The dealer acquired the firearm from a
13 wholesaler.

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

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

23 (v) The dealer acquired the firearm from a person
24 who resides outside this state who is licensed pursuant to
25 Chapter 44 (commencing with Section 921) of Title 18 of
26 the United States Code and any regulations issued
27 pursuant thereto.

28 (19) The licensee shall forward in a format prescribed
29 by the Department of Justice, information as required by
30 the department on any firearm that is not delivered
31 within the time period set forth in Section 178.102 (c) of
32 Title 27 of the Code of Federal Regulations.

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

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

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

38 (2) As used in this article, a “basic firearms safety
39 certificate” means a basic firearms certificate issued to
40 the purchaser, transferee, or person being loaned the



1 firearm by the Department of Justice pursuant to Article
2 8 (commencing with Section 12800) of Chapter 6.

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

5 (A) All perimeter doorways shall meet one of the
6 following:

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

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

15 (iii) A metal grate that is padlocked and affixed to the
16 licensee’s premises independent of the door and
17 doorframe.

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

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

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

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

26 (F) All steel bars shall be no further than six inches
27 apart.

28 (4) As used in this section, “licensed premises,”
29 “licensed place of business,” “licensee’s place of
30 business,” or “licensee’s business premises” means the
31 building designated in the license.

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

33 (A) A “firearms transaction record” is a record
34 containing the same information referred to in
35 subdivision (a) of Section 178.124, Section 178.124a, and
36 subdivision (e) of Section 178.125 of Title 27 of the Code
37 of Federal Regulations.

38 (B) A licensee shall be in compliance with the
39 provisions of paragraph (17) of subdivision (b) if he or she
40 maintains and makes available for inspection during



1 business hours to any peace officer, authorized local law
2 enforcement employee, or Department of Justice
3 employee designated by the Attorney General, upon the
4 presentation of proper identification, the bound book
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 and the records
8 referred to in subdivision (a) of Section 178.124 of Title
9 27 of the Code of Federal Regulations.

10 (d) Upon written request from a licensee, the
11 licensing authority may grant an exemption from
12 compliance with the requirements of paragraph (14) of
13 subdivision (b) if the licensee is unable to comply with
14 those requirements because of local ordinances,
15 covenants, lease conditions, or similar circumstances not
16 under the control of the licensee.

17 (e) Except as otherwise provided in this subdivision,
18 the Department of Justice shall keep a centralized list of
19 all persons licensed pursuant to subparagraphs (A) to
20 (E), inclusive, of paragraph (1) of subdivision (a). The
21 department may remove from this list any person who
22 knowingly or with gross negligence violates this article.
23 Upon removal of a dealer from this list, notification shall
24 be provided to local law enforcement and licensing
25 authorities in the jurisdiction where the dealer's business
26 is located. The department shall make information about
27 an individual dealer available, upon request, for one of
28 the following purposes only:

29 (1) For law enforcement purposes.

30 (2) When the information is requested by a person
31 licensed pursuant to Chapter 44 (commencing with
32 Section 921) of Title 18 of the United States Code for
33 determining the validity of the license for firearm
34 shipments.

35 (f) The Department of Justice may inspect dealers to
36 ensure compliance with this article. The department may
37 assess an annual fee, not to exceed eighty-five dollars
38 (\$85), to cover the reasonable cost of maintaining the list
39 described in subdivision (e), including the cost of
40 inspections. Dealers whose place of business is in a



1 jurisdiction that has adopted an inspection program to
2 ensure compliance with firearms law shall be exempt
3 from that portion of the department's fee that relates to
4 the cost of inspections. The applicant is responsible for
5 providing evidence to the department that the
6 jurisdiction in which the business is located has the
7 inspection program.

8 (g) The Department of Justice shall maintain and
9 make available upon request information concerning the
10 number of inspections conducted and the amount of fees
11 collected pursuant to subdivision (f), a listing of
12 exempted jurisdictions, as defined in subdivision (f), the
13 number of dealers removed from the centralized list
14 defined in subdivision (e), and the number of dealers
15 found to have violated this article with knowledge or
16 gross negligence.

17 (h) Paragraph (14) or (15) of subdivision (b) shall not
18 apply to a licensee organized as a nonprofit public benefit
19 or mutual benefit corporation organized pursuant to Part
20 2 (commencing with Section 5110) or Part 3
21 (commencing with Section 7110) of Division 2 of the
22 Corporations Code, if both of the following conditions are
23 satisfied:

24 (1) The nonprofit public benefit or mutual benefit
25 corporation obtained the dealer's license solely and
26 exclusively to assist that corporation or local chapters of
27 that corporation in conducting auctions or similar events
28 at which firearms are auctioned off to fund the activities
29 of that corporation or the local chapters of the
30 corporation.

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

33 ~~SEC. 6.~~

34 *SEC. 2.5. Section 12071 of the Penal Code is amended*
35 *to read:*

36 12071. (a) (1) As used in this chapter, the term
37 "licensee," "person licensed pursuant to Section 12071,"
38 or "dealer" means a person who has all of the following:

39 (A) A valid federal firearms license.



1 (B) Any regulatory or business license, or licenses,
2 required by local government.

3 (C) A valid seller's permit issued by the State Board of
4 Equalization.

5 (D) A certificate of eligibility issued by the
6 Department of Justice pursuant to paragraph (4).

7 (E) A license issued in the format prescribed by
8 paragraph (6).

9 (F) Is among those recorded in the centralized list
10 specified in subdivision (e).

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

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

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

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

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

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

38 (B) A regulatory or business license that states on its
39 face "Valid for Retail Sales of Firearms" and is endorsed
40 by the signature of the issuing authority.



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

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

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

12 (1) (A) Except as provided in subparagraphs (B) and
13 (C), the business shall be conducted only in the buildings
14 designated in the license.

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

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

36 (C) A person licensed pursuant to subdivision (a) may
37 engage in the sale and transfer of firearms other than
38 pistols, revolvers, or other firearms capable of being
39 concealed upon the person, at events specified in
40 subdivision (g) of Section 12078, subject to the



1 prohibitions and restrictions contained in that
2 subdivision.

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

10 (D) The firearm may be delivered to the purchaser,
11 transferee, or person being loaned the firearm at one of
12 the following places:

13 (i) The building designated in the license.

14 (ii) The places specified in subparagraph (B) or (C).

15 (iii) The place of residence of, the fixed place of
16 business of, or on private property owned or lawfully
17 possessed by, the purchaser, transferee, or person being
18 loaned the firearm.

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

22 (3) No firearm shall be delivered:

23 ~~(A) Prior to April 1, 1997, within 15 days of the~~
24 ~~application to purchase a pistol, revolver, or other firearm~~
25 ~~capable of being concealed upon the person, or, after~~
26 ~~notice by the department pursuant to subdivision (d) of~~
27 ~~Section 12076, within 15 days of the submission to the~~
28 ~~department of any correction to the application, or within~~
29 ~~15 days of the submission to the department of any fee~~
30 ~~required pursuant to subdivision (e) of Section 12076,~~
31 ~~whichever is later. Prior to April 1, 1997, within 10 days~~
32 *Within 10 days* of the application to purchase, or, after
33 notice by the department pursuant to subdivision (d) of
34 Section 12076, within 10 days of the submission to the
35 department of any correction to the application, or within
36 10 days of the submission to the department of any fee
37 required pursuant to subdivision (e) of Section 12076,
38 whichever is later.

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



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

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

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

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

16 (6) The licensee shall comply with Sections 12073,
17 12076, and 12077, subdivisions (a) and (b) of Section
18 12072, and subdivision (a) of Section 12316.

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

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

25 (B) "IF YOU KEEP A LOADED FIREARM, OR A
26 ~~FIREARM—CONCEALABLE~~ PISTOL, REVOLVER, OR
27 OTHER FIREARM CAPABLE OF BEING
28 CONCEALED UPON THE PERSON, WITHIN ANY
29 PREMISES UNDER YOUR CUSTODY OR CONTROL,
30 AND A PERSON UNDER 16 GAINS ACCESS TO THE
31 FIREARM, YOU MAY BE GUILTY OF A
32 MISDEMEANOR OR A FELONY, UNLESS YOU
33 STORED THE FIREARM IN A LOCKED CONTAINER,
34 OR LOCKED THE FIREARM WITH A LOCKING
35 DEVICE, TO KEEP IT FROM TEMPORARILY
36 FUNCTIONING."

37 (C) "DISCHARGING FIREARMS IN POORLY
38 VENTILATED AREAS, CLEANING FIREARMS, OR
39 HANDLING AMMUNITION MAY RESULT IN
40 EXPOSURE TO LEAD, A SUBSTANCE KNOWN TO



1 CAUSE BIRTH DEFECTS, REPRODUCTIVE HARM,
2 AND OTHER SERIOUS PHYSICAL INJURY. HAVE
3 ADEQUATE VENTILATION AT ALL TIMES. WASH
4 HANDS THOROUGHLY AFTER EXPOSURE.”

5 (D) “FEDERAL REGULATIONS PROVIDE THAT
6 IF YOU DO NOT TAKE PHYSICAL POSSESSION OF
7 THE FIREARM THAT YOU ARE ACQUIRING
8 OWNERSHIP OF WITHIN 30 DAYS AFTER YOU
9 COMPLETE THE INITIAL BACKGROUND CHECK
10 PAPERWORK, THEN YOU HAVE TO GO THROUGH
11 THE BACKGROUND CHECK PROCESS A SECOND
12 TIME IN ORDER TO TAKE PHYSICAL POSSESSION
13 OF THAT FIREARM.”

14 (8) Commencing April 1, 1994, no pistol, revolver, or
15 other firearm capable of being concealed upon the
16 person shall be delivered unless the purchaser,
17 transferee, or person being loaned the firearm presents
18 to the dealer a basic firearms safety certificate.

19 (9) Commencing July 1, 1992, the licensee shall offer
20 to provide the purchaser or transferee of a firearm, or
21 person being loaned a firearm, with a copy of the
22 pamphlet described in Section 12080 and may add the
23 cost of the pamphlet, if any, to the sales price of the
24 firearm.

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

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

29 (A) All charges required by governmental agencies
30 for processing firearm transfers required by Sections
31 12076, 12082, and 12806.

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

34 (12) The licensee shall not misstate the amount of fees
35 charged by a governmental agency pursuant to Sections
36 12076, 12082, and 12806.

37 (13) The licensee shall report the loss or theft of any
38 firearm that is merchandise of the licensee, any firearm
39 that the licensee takes possession of pursuant to Section
40 12082, or any firearm kept at the licensee’s place of



1 business within 48 hours of discovery to the appropriate
2 law enforcement agency in the city, county, or city and
3 county where the licensee's business premises are
4 located.

5 (14) In a city and county, or in the unincorporated
6 area of a county with a population of 200,000 persons or
7 more according to the most recent federal decennial
8 census or within a city with a population of 50,000 persons
9 or more according to the most recent federal decennial
10 census, any time the licensee is not open for business, the
11 licensee shall store all firearms kept in his or her licensed
12 place of business using one of the following methods as to
13 each particular firearm:

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

16 (B) Secure the firearm with a hardened steel rod or
17 cable of at least one-eighth inch in diameter through the
18 trigger guard of the firearm. The steel rod or cable shall
19 be secured with a hardened steel lock that has a shackle.
20 The lock and shackle shall be protected or shielded from
21 the use of a bolt cutter and the rod or cable shall be
22 anchored in a manner that prevents the removal of the
23 firearm from the premises.

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

26 (15) The licensing authority in an unincorporated area
27 of a county with a population less than 200,000 persons
28 according to the most recent federal decennial census or
29 within a city with a population of less than 50,000 persons
30 according to the most recent federal decennial census
31 may impose the requirements specified in paragraph
32 (14).

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

36 (17) The licensee shall maintain and make available
37 for inspection during business hours to any peace officer,
38 authorized local law enforcement employee, or
39 Department of Justice employee designated by the



1 Attorney General, upon the presentation of proper
2 identification, a firearms transaction record.

3 (18) (A) On the date of receipt, the licensee shall
4 report to the Department of Justice in a format
5 prescribed by the department the acquisition by the
6 licensee of the ownership of a pistol, revolver, or other
7 firearm capable of being concealed upon the person.

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

10 (i) A transaction subject to the provisions of
11 subdivision (n) of Section 12078.

12 (ii) The dealer acquired the firearm from a
13 wholesaler.

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

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

23 (v) The dealer acquired the firearm from a person
24 who resides outside this state who is licensed pursuant to
25 Chapter 44 (commencing with Section 921) of Title 18 of
26 the United States Code and any regulations issued
27 pursuant thereto.

28 *(19) The licensee shall forward in a format prescribed*
29 *by the Department of Justice, information as required by*
30 *the department on any firearm that is not delivered*
31 *within the time period set forth in Section 178.102 (c) of*
32 *Title 27 of the Code of Federal Regulations.*

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

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

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

38 (2) As used in this article, a “basic firearms safety
39 certificate” means a basic firearms certificate issued to
40 the purchaser, transferee, or person being loaned the



1 firearm by the Department of Justice pursuant to Article
2 8 (commencing with Section 12800) of Chapter 6.

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

5 (A) All perimeter doorways shall meet one of the
6 following:

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

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

15 (iii) A metal grate that is padlocked and affixed to the
16 licensee’s premises independent of the door and
17 doorframe.

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

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

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

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

26 (F) All steel bars shall be no further than six inches
27 apart.

28 (4) As used in this section, “licensed premises,”
29 “licensed place of business,” “licensee’s place of
30 business,” or “licensee’s business premises” means the
31 building designated in the license.

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

33 (A) A “firearms transaction record” is a record
34 containing the same information referred to in
35 *subdivision (a) of Section 178.124*, Section 178.124a, and
36 subdivision (e) of Section 178.125 of Title 27 of the Code
37 of Federal Regulations.

38 (B) A licensee shall be in compliance with the
39 provisions of paragraph (17) of subdivision (b) if he or she
40 maintains and makes available for inspection during



1 business hours to any peace officer, authorized local law
2 enforcement employee, or Department of Justice
3 employee designated by the Attorney General, upon the
4 presentation of proper identification, the bound book
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 and the records*
8 *referred to in subdivision (a) of Section 178.124 of Title*
9 *27 of the Code of Federal Regulations.*

10 (d) Upon written request from a licensee, the
11 licensing authority may grant an exemption from
12 compliance with the requirements of paragraph (14) of
13 subdivision (b) if the licensee is unable to comply with
14 those requirements because of local ordinances,
15 covenants, lease conditions, or similar circumstances not
16 under the control of the licensee.

17 (e) Except as otherwise provided in this subdivision,
18 the Department of Justice shall keep a centralized list of
19 all persons licensed pursuant to subparagraphs (A) to
20 (E), inclusive, of paragraph (1) of subdivision (a). The
21 department may remove from this list any person who
22 knowingly or with gross negligence violates this article.
23 Upon removal of a dealer from this list, notification shall
24 be provided to local law enforcement and licensing
25 authorities in the jurisdiction where the dealer's business
26 is located. The department shall make information about
27 an individual dealer available, upon request, for one of
28 the following purposes only:

29 (1) For law enforcement purposes.

30 (2) When the information is requested by a person
31 licensed pursuant to Chapter 44 (commencing with
32 Section 921) of Title 18 of the United States Code for
33 determining the validity of the license for firearm
34 shipments.

35 (3) *When information is requested by a person*
36 *promoting, sponsoring, operating, or otherwise*
37 *organizing a show or event as defined in Section 178.100*
38 *of Title 27 of the Code of Federal Regulations, or its*
39 *successor, who possesses a valid certificate of eligibility*
40 *issued pursuant to Section 12071.1, if that information is*



1 requested by the person to determine the eligibility of a
2 prospective participant in a gun show or event to conduct
3 transactions as a firearms dealer pursuant to
4 subparagraph (B) of paragraph (1) of subdivision (b).
5 Information provided pursuant to this paragraph shall be
6 limited to information necessary to corroborate an
7 individual's current license status.

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

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

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

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



1 at which firearms are auctioned off to fund the activities
2 of that corporation or the local chapters of the
3 corporation.

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

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

8 12072. (a) (1) No person, corporation, or firm shall
9 knowingly supply, deliver, sell, or give possession or
10 control of a firearm to any person within any of the classes
11 prohibited by Section 12021 or 12021.1.

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

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

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

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

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

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

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

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



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

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

4 (ii) The requirements of any exemption to the
5 provisions of subdivision (d).

6 (6) The dealer shall comply with the provisions of
7 paragraph (18) of subdivision (b) of Section 12071.

8 (7) The dealer shall comply with the provisions of
9 paragraph (19) of subdivision (b) of Section 12071.

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

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

18 (1) Within 10 days of the application to purchase, or,
19 after notice by the department pursuant to subdivision
20 (d) of Section 12076, within 10 days of the submission to
21 the department of any correction to the application, or
22 within 10 days of the submission to the department of any
23 fee required pursuant to subdivision (e) of Section 12076,
24 whichever is later.

25 (2) Unless unloaded and securely wrapped or
26 unloaded and in a locked container.

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

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

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



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

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

6 (2) A law enforcement agency pursuant to Section
7 12084.

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

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

14 (2) Knowingly grading the examination falsely.

15 (3) Providing an advance copy of the test to an
16 applicant.

17 (4) Taking or allowing another person to take the basic
18 firearms safety course for one who is the applicant for the
19 basic firearms safety certificate.

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

22 (6) Allowing others to give unauthorized assistance
23 during the examination.

24 (7) Reference to materials during the examination
25 and cheating by the applicant.

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

29 (f) (1) No person who is licensed pursuant to Chapter
30 44 (commencing with Section 921) of Title 18 of the
31 United States Code shall deliver, sell, or transfer a firearm
32 to a person who is licensed pursuant to Chapter 44
33 (commencing with Section 921) of Title 18 of the United
34 States Code and whose licensed premises are located in
35 this state unless one of the following conditions is met:

36 (A) The person presents proof of licensure pursuant to
37 Section 12071 to that person.

38 (B) The person presents proof that he or she is exempt
39 from licensure under Section 12071 to that person, in
40 which case the person also shall present proof that the



1 transaction is also exempt from the provisions of
2 subdivision (d).

3 (2) (A) On or after January 1, 1998, within 60 days of
4 bringing a pistol, revolver, or other firearm capable of
5 being concealed upon the person into this state, a
6 personal handgun importer shall do one of the following:

7 (i) Forward by prepaid mail or deliver in person to the
8 Department of Justice, a report prescribed by the
9 department including information concerning that
10 individual and a description of the firearm in question.

11 (ii) Sell or transfer the firearm in accordance with the
12 provisions of subdivision (d) or in accordance with the
13 provisions of an exemption from subdivision (d).

14 (iii) Sell or transfer the firearm to a dealer licensed
15 pursuant to Section 12071.

16 (iv) Sell or transfer the firearm to a sheriff or police
17 department.

18 (B) If the personal handgun importer sells or transfers
19 the pistol, revolver, or other firearm capable of being
20 concealed upon the person pursuant to subdivision (d) of
21 Section 12072 and the sale or transfer cannot be
22 completed by the dealer to the purchaser or transferee,
23 and the firearm can be returned to the personal handgun
24 importer, the personal handgun importer shall have
25 complied with the provisions of this paragraph.

26 (C) The provisions of this paragraph are cumulative
27 and shall not be construed as restricting the application
28 of any other law. However, an act or omission punishable
29 in different ways by this section and different provisions
30 of the Penal Code shall not be punished under more than
31 one provision.

32 (D) (i) On and after January 1, 1998, the department
33 shall conduct a public education and notification program
34 regarding this paragraph to ensure a high degree of
35 publicity of the provisions of this paragraph.

36 (ii) As part of the public education and notification
37 program described in this subparagraph, the department
38 shall do all of the following:

39 (I) Work in conjunction with the Department of
40 Motor Vehicles to ensure that any person who is subject



1 to this paragraph is advised of the provisions of this
2 paragraph, and provided with blank copies of the report
3 described in clause (i) of subparagraph (A) at the time
4 that person applies for a California driver's license or
5 registers his or her motor vehicle in accordance with the
6 Vehicle Code.

7 (II) Make the reports referred to in clause (i) of
8 subparagraph (A) available to dealers licensed pursuant
9 to Section 12071.

10 (III) Make the reports referred to in clause (i) of
11 subparagraph (A) available to law enforcement agencies.

12 (IV) Make persons subject to the provisions of this
13 paragraph aware of the fact that reports referred to in
14 clause (i) of subparagraph (A) may be completed at
15 either the licensed premises of dealers licensed pursuant
16 to Section 12071 or at law enforcement agencies, that it
17 is advisable to do so for the sake of accuracy and
18 completeness of the reports, that prior to transporting a
19 pistol, revolver, or other firearm capable of being
20 concealed upon the person to a law enforcement agency
21 in order to comply with subparagraph (A), the person
22 should give prior notice to the law enforcement agency
23 that he or she is doing so, and that in any event, the pistol,
24 revolver, or other firearm capable of being concealed
25 upon the person should be transported unloaded and in
26 a locked container.

27 (iii) Any costs incurred by the department to
28 implement this paragraph shall be absorbed by the
29 department within its existing budget and the fees in the
30 Dealers' Record of Sale Special Account allocated for
31 implementation of this subparagraph pursuant to Section
32 12076.

33 (3) Where a person who is licensed as a collector
34 pursuant to Chapter 44 (commencing with Section 921)
35 of Title 18 of the United States Code and the regulations
36 issued pursuant thereto, whose licensed premises are
37 within this state, acquires a pistol, revolver, or other
38 firearm capable of being concealed upon the person that
39 is a curio or relic, as defined in Section 178.11 of Title 27
40 of the Code of Federal Regulations, outside of this state,



1 takes actual possession of that firearm outside of this state
2 pursuant to the provisions of subsection (j) of Section 923
3 of Title 18 of the United States Code, as amended by
4 Public Law 104-208, and transports that firearm into this
5 state, within five days of that licensed collector
6 transporting that firearm into this state, he or she shall
7 report to the department in a format prescribed by the
8 department his or her acquisition of that firearm.

9 (4) (A) It is the intent of the Legislature that a
10 violation of paragraph (2) or (3) shall not constitute a
11 “continuing offense” and the statute of limitations for
12 commencing a prosecution for a violation of paragraph
13 (2) or (3) commences on the date that the applicable
14 grace period specified in paragraph (2) or (3) expires.

15 (B) Paragraphs (2) and (3) shall not apply to a person
16 who reports his or her ownership of a pistol, revolver, or
17 other firearm capable of being concealed upon the
18 person after the applicable grace period specified in
19 paragraph (2) or (3) expires if evidence of that violation
20 arises only as the result of the person submitting the
21 report described in paragraph (2) or (3).

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

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

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

29 (B) If the defendant has a prior conviction of violating
30 this section or former Section 12100 of this code or Section
31 8101 of the Welfare and Institutions Code.

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

36 (D) If the defendant is in a prohibited class described
37 in Section 12021 or 12021.1 of this code or Section 8100 or
38 8103 of the Welfare and Institutions Code.



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

4 (F) A violation of subdivision (b) involving the
5 delivery of any firearm to a person who the dealer knows,
6 or should know, is a minor.

7 (3) If any of the following circumstances apply, a
8 violation of this section shall be punished by
9 imprisonment in a county jail not exceeding one year or
10 in the state prison, 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 (4) If both of the following circumstances apply, an
30 additional term of imprisonment in the state prison for
31 one, two, or three years shall be imposed in addition and
32 consecutive to the sentence prescribed:

33 (A) A violation of paragraph (2) of subdivision (a) or
34 subdivision (b).

35 (B) The firearm transferred in violation of paragraph
36 (2) of subdivision (a) or subdivision (b) is used in the
37 subsequent commission of a felony for which a conviction
38 is obtained and the prescribed sentence is imposed.

39 ~~SEC. 7. Section 12077 of the Penal Code is amended~~
40 ~~to read:~~



1 ~~12077. (a) The Department of Justice shall prescribe~~
2 ~~the form of the register and the record of electronic or~~
3 ~~telephonic transfer pursuant to Section 12074.~~
4 ~~(b) For pistols, revolvers, and other firearms capable~~
5 ~~of being concealed upon the person, information~~
6 ~~contained in the register or record of electronic or~~
7 ~~telephonic transfer shall be the date and time of sale,~~
8 ~~make of firearm, peace officer exemption status pursuant~~
9 ~~to subdivision (a) of Section 12078 and the agency name,~~
10 ~~dealer waiting period exemption pursuant to subdivision~~
11 ~~(n) of Section 12078, dangerous weapons permit holder~~
12 ~~waiting period exemption pursuant to subdivision (r) of~~
13 ~~Section 12078, curio and relic waiting period exemption~~
14 ~~pursuant to subdivision (t) of Section 12078, California~~
15 ~~Firearms Dealer number issued pursuant to Section~~
16 ~~12071, purchaser's basic firearms safety certificate~~
17 ~~number issued pursuant to Sections 12805 and 12809,~~
18 ~~manufacturer's name if stamped on the firearm, model~~
19 ~~name or number, if stamped on the firearm, if applicable,~~
20 ~~serial number, other number (if more than one serial~~
21 ~~number is stamped on the firearm), caliber, type of~~
22 ~~firearm, if the firearm is new or used, barrel length, color~~
23 ~~of the firearm, full name of purchaser, purchaser's~~
24 ~~complete date of birth, purchaser's local address, if~~
25 ~~current address is temporary, complete permanent~~
26 ~~address of purchaser, identification of purchaser,~~
27 ~~purchaser's place of birth (state or country), purchaser's~~
28 ~~complete telephone number, purchaser's occupation,~~
29 ~~purchaser's sex, purchaser's physical description, all legal~~
30 ~~names and aliases ever used by the purchaser, yes or no~~
31 ~~answer to questions that prohibit purchase including, but~~
32 ~~not limited to, conviction of a felony as described in~~
33 ~~Section 12021 or an offense described in Section 12021.1,~~
34 ~~the purchaser's status as a person described in Section~~
35 ~~8100 of the Welfare and Institutions Code, whether the~~
36 ~~purchaser is a person who has been adjudicated by a court~~
37 ~~to be a danger to others or found not guilty by reason of~~
38 ~~insanity, whether the purchaser is a person who has been~~
39 ~~found incompetent to stand trial or placed under~~
40 ~~conservatorship by a court pursuant to Section 8103 of the~~



1 ~~Welfare and Institutions Code, signature of purchaser,~~
2 ~~signature of salesperson (as a witness to the purchaser's~~
3 ~~signature), name and complete address of the dealer or~~
4 ~~firm selling the firearm as shown on the dealer's license,~~
5 ~~the establishment number, if assigned, the dealer's~~
6 ~~complete business telephone number, any information~~
7 ~~required by Section 12082, and a statement of the~~
8 ~~penalties for any person signing a fictitious name or~~
9 ~~address or for knowingly furnishing any incorrect~~
10 ~~information or for knowingly omitting any information~~
11 ~~required to be provided for the register.~~

12 ~~(e) For firearms other than pistols, revolvers, or other~~
13 ~~firearms capable of being concealed upon the person,~~
14 ~~information contained in the register or record of~~
15 ~~electronic or telephonic transfer shall be the date and~~
16 ~~time of sale, peace officer exemption status pursuant to~~
17 ~~subdivision (a) of Section 12078 and the agency name,~~
18 ~~auction or event waiting period exemption pursuant to~~
19 ~~subdivision (g) of Section 12078, licensed hunter waiting~~
20 ~~period exemption pursuant to subdivision (u) of Section~~
21 ~~12078, California Firearms Dealer number issued~~
22 ~~pursuant to Section 12071, dangerous weapons~~
23 ~~permitholder waiting period exemption pursuant to~~
24 ~~subdivision (r) of Section 12078, full name of purchaser,~~
25 ~~purchaser's complete date of birth, purchaser's local~~
26 ~~address, if current address is temporary, complete~~
27 ~~permanent address of purchaser, identification of~~
28 ~~purchaser, purchaser's place of birth (state or country),~~
29 ~~purchaser's complete telephone number, purchaser's~~
30 ~~occupation, purchaser's sex, purchaser's physical~~
31 ~~description, all legal names and aliases ever used by the~~
32 ~~purchaser, yes or no answer to questions that prohibit~~
33 ~~purchase, including, but not limited to, conviction of a~~
34 ~~felony as described in Section 12021 or an offense~~
35 ~~described in Section 12021.1, the purchaser's status as a~~
36 ~~person described in Section 8100 of the Welfare and~~
37 ~~Institutions Code, whether the purchaser is a person who~~
38 ~~has been adjudicated by a court to be a danger to others~~
39 ~~or found not guilty by reason of insanity, whether the~~
40 ~~purchaser is a person who has been found incompetent to~~



1 ~~stand trial or placed under conservatorship by a court~~
2 ~~pursuant to Section 8103 of the Welfare and Institutions~~
3 ~~Code, signature of purchaser, signature of salesperson (as~~
4 ~~a witness to the purchaser's signature), name and~~
5 ~~complete address of the dealer or firm selling the firearm~~
6 ~~as shown on the dealer's license, the establishment~~
7 ~~number, if assigned, the dealer's complete business~~
8 ~~telephone number, any information required by Section~~
9 ~~12082, and a statement of the penalties for any person~~
10 ~~signing a fictitious name or address or for knowingly~~
11 ~~furnishing any incorrect information or for knowingly~~
12 ~~omitting any information required to be provided for the~~
13 ~~register.~~

14 ~~(d) Where the register is used, the following shall~~
15 ~~apply:~~

16 ~~(1) Dealers shall use ink to complete each document.~~

17 ~~(2) The dealer or salesperson making a sale shall~~
18 ~~ensure that all information is provided legibly. The dealer~~
19 ~~and salespersons shall be informed that incomplete or~~
20 ~~illegible information will delay sales.~~

21 ~~(3) Each dealer shall be provided instructions~~
22 ~~regarding the procedure for completion of the form and~~
23 ~~routing of the form. Dealers shall comply with these~~
24 ~~instructions which shall include the information set forth~~
25 ~~in this subdivision.~~

26 ~~(4) One firearm transaction shall be reported on each~~
27 ~~record of sale document. For purposes of this subdivision,~~
28 ~~a "transaction" means a single sale, loan, or transfer of any~~
29 ~~number of firearms that are not pistols, revolvers, or other~~
30 ~~firearms capable of being concealed upon the person.~~

31 ~~(e) The dealer or salesperson making a sale shall~~
32 ~~ensure that all required information has been obtained~~
33 ~~from the purchaser. The dealer and all salespersons shall~~
34 ~~be informed that incomplete information will delay sales.~~

35 ~~(f) As used in this section, the following definitions~~
36 ~~shall control:~~

37 ~~(1) "Purchaser" means the purchaser or transferee of~~
38 ~~a firearm or the person being loaned a firearm.~~

39 ~~(2) "Purchase" means the purchase, loan, or transfer~~
40 ~~of a firearm.~~



1 ~~(3) "Sale" means the sale, loan, or transfer of a firearm.~~

2 ~~SEC. 8.~~

3 SEC. 4. Section 12078 of the Penal Code is amended
4 to read:

5 12078. (a) (1) The waiting periods described in
6 Sections 12071, 12072, and 12084 shall not apply to
7 deliveries, transfers, or sales of firearms made to persons
8 properly identified as full-time paid peace officers as
9 defined in Chapter 4.5 (commencing with Section 830) of
10 Title 3 of Part 2, provided that the peace officers are
11 authorized by their employer to carry firearms while in
12 the performance of their duties. Proper identification is
13 defined as verifiable written certification from the head
14 of the agency by which the purchaser or transferee is
15 employed, identifying the purchaser or transferee as a
16 peace officer who is authorized to carry firearms while in
17 the performance of his or her duties, and authorizing the
18 purchase or transfer. The certification shall be delivered
19 to the dealer or local law enforcement agency acting
20 pursuant to Section 12084 at the time of purchase or
21 transfer and the purchaser or transferee shall identify
22 himself or herself as the person authorized in the
23 certification. The dealer or local law enforcement agency
24 shall keep the certification with the record of sale, or
25 LEFT, as the case may be. On the date that the delivery,
26 sale, or transfer is made, the dealer delivering the firearm
27 or the law enforcement agency processing the
28 transaction pursuant to Section 12084 shall forward by
29 prepaid mail to the Department of Justice a report of the
30 transaction pursuant to subdivision (b) or (c) of Section
31 12077 or Section 12084. If electronic or telephonic transfer
32 of applicant information is used, on the date that the
33 application to purchase is completed, the dealer
34 delivering the firearm shall transmit to the Department
35 of Justice an electronic or telephonic report of the
36 transaction as is indicated in subdivision (b) or (c) of
37 Section 12077.

38 (2) The preceding provisions of this article do not
39 apply to deliveries, transfers, or sales of firearms made to
40 authorized law enforcement representatives of cities,



1 counties, cities and counties, or state or federal
2 governments for exclusive use by those governmental
3 agencies if, prior to the delivery, transfer, or sale of these
4 firearms, written authorization from the head of the
5 agency authorizing the transaction is presented to the
6 person from whom the purchase, delivery, or transfer is
7 being made. Proper written authorization is defined as
8 verifiable written certification from the head of the
9 agency by which the purchaser or transferee is employed,
10 identifying the employee as an individual authorized to
11 conduct the transaction, and authorizing the transaction
12 for the exclusive use of the agency by which he or she is
13 employed. Within 10 days of the date a pistol, revolver, or
14 other firearm capable of being concealed upon the
15 person is acquired by the agency, a record of the same
16 shall be entered as an institutional weapon into the
17 Automated Firearms System (AFS) via the California
18 Law Enforcement Telecommunications System
19 (CLETS) by the law enforcement or state agency. Those
20 agencies without access to AFS shall arrange with the
21 sheriff of the county in which the agency is located to
22 input this information via this system.

23 (3) The preceding provisions of this article do not
24 apply to the loan of a firearm made by an authorized law
25 enforcement representative of a city, county, or city and
26 county, or the state or federal government to a peace
27 officer employed by that agency and authorized to carry
28 a firearm for the carrying and use of that firearm by that
29 peace officer in the course and scope of his or her duties.

30 (4) The preceding provisions of this article do not
31 apply to the delivery, sale, or transfer of a firearm by a law
32 enforcement agency to a peace officer pursuant to
33 Section 10334 of the Public Contract Code. Within 10 days
34 of the date that a pistol, revolver, or other firearm capable
35 of being concealed upon the person is sold, delivered, or
36 transferred pursuant to Section 10334 of the Public
37 Contract Code to that peace officer, the name of the
38 officer and the make, model, serial number, and other
39 identifying characteristics of the firearm being sold,
40 transferred, or delivered shall be entered into the



1 Automated Firearms System (AFS) via the California
2 Law Enforcement Telecommunications System
3 (CLETS) by the law enforcement or state agency that
4 sold, transferred, or delivered the firearm. Those
5 agencies without access to AFS shall arrange with the
6 sheriff of the county in which the agency is located to
7 input this information via this system.

8 (5) The preceding provisions of this article do not
9 apply to the delivery, sale, or transfer of a firearm by a law
10 enforcement agency to a retiring peace officer who is
11 authorized to carry a firearm pursuant to Section 12027.1.
12 Within 10 days of the date that a pistol, revolver, or other
13 firearm capable of being concealed upon the person is
14 sold, delivered, or transferred to that retiring peace
15 officer, the name of the officer and the make, model,
16 serial number, and other identifying characteristics of the
17 firearm being sold, transferred, or delivered shall be
18 entered into the Automated Firearms System (AFS) via
19 the California Law Enforcement Telecommunications
20 System (CLETS) by the law enforcement or state agency
21 that sold, transferred, or delivered the firearm. Those
22 agencies without access to AFS shall arrange with the
23 sheriff of the county in which the agency is located to
24 input this information via this system.

25 (6) Subdivision (d) of Section 12072 does not apply to
26 sales, deliveries, or transfers of firearms to authorized
27 representatives of cities, cities and counties, counties, or
28 state or federal governments for those governmental
29 agencies where the entity is acquiring the weapon as part
30 of an authorized, voluntary program where the entity is
31 buying or receiving weapons from private individuals.
32 Any weapons acquired pursuant to this subdivision shall
33 be disposed of pursuant to the applicable provisions of
34 Section 12028 or 12032.

35 (b) Section 12071 and subdivisions (c) and (d) of
36 Section 12072 shall not apply to deliveries, sales, or
37 transfers of firearms between or to importers and
38 manufacturers of firearms licensed to engage in that
39 business pursuant to Chapter 44 (commencing with



1 Section 921) of Title 18 of the United States Code and the
2 regulations issued pursuant thereto.

3 (c) (1) Subdivision (d) of Section 12072 shall not
4 apply to the infrequent transfer of a firearm that is not a
5 pistol, revolver, or other firearm capable of being
6 concealed upon the person by gift, bequest, intestate
7 succession, or other means by one individual to another
8 if both individuals are members of the same immediate
9 family.

10 (2) Subdivision (d) of Section 12072 shall not apply to
11 the infrequent transfer of a pistol, revolver, or other
12 firearm capable of being concealed upon the person by
13 gift, bequest, intestate succession, or other means by one
14 individual to another if both individuals are members of
15 the same immediate family and both of the following
16 conditions are met:

17 (A) The person to whom the firearm is transferred
18 shall, within 30 days of taking possession of the firearm,
19 forward by prepaid mail or deliver in person to the
20 Department of Justice, a report that includes information
21 concerning the individual taking possession of the
22 firearm, how title was obtained and from whom, and a
23 description of the firearm in question. The report forms
24 that individuals complete pursuant to this paragraph shall
25 be provided to them by the Department of Justice.

26 (B) Prior to taking possession of the firearm, the
27 person taking title to the firearm shall obtain a basic
28 firearm safety certificate.

29 (3) As used in this subdivision, “immediate family
30 member” means any one of the following relationships:

31 (A) Parent and child.

32 (B) Grandparent and grandchild.

33 (d) Subdivision (d) of Section 12072 shall not apply to
34 the infrequent loan of firearms between persons who are
35 personally known to each other for any lawful purpose, if
36 the loan does not exceed 30 days in duration.

37 (e) Section 12071 and subdivisions (c) and (d) of
38 Section 12072 shall not apply to the delivery of a firearm
39 to a gunsmith for service or repair.



1 (f) Subdivision (d) of Section 12072 shall not apply to
2 the sale, delivery, or transfer of firearms by persons who
3 reside in this state to persons who reside outside this state
4 who are licensed pursuant to Chapter 44 (commencing
5 with Section 921) of Title 18 of the United States Code and
6 the regulations issued pursuant thereto, if the sale,
7 delivery, or transfer is in accordance with Chapter 44
8 (commencing with Section 921) of Title 18 of the United
9 States Code and the regulations issued pursuant thereto.

10 (g) (1) Subdivision (d) of Section 12072 shall not
11 apply to the infrequent sale or transfer of a firearm, other
12 than a pistol, revolver, or other firearm capable of being
13 concealed upon the person, at auctions or similar events
14 conducted by nonprofit mutual or public benefit
15 corporations organized pursuant to the Corporations
16 Code.

17 As used in this paragraph, the term “infrequent” shall
18 not be construed to prohibit different local chapters of
19 the same nonprofit corporation from conducting auctions
20 or similar events, provided the individual local chapter
21 conducts the auctions or similar events infrequently. It is
22 the intent of the Legislature that different local chapters,
23 representing different localities, be entitled to invoke the
24 exemption created by this paragraph, notwithstanding
25 the frequency with which other chapters of the same
26 nonprofit corporation may conduct auctions or similar
27 events.

28 (2) Subdivision (d) of Section 12072 shall not apply to
29 the transfer of a firearm other than a pistol, revolver, or
30 other firearm capable of being concealed upon the
31 person, if the firearm is donated for an auction or similar
32 event described in paragraph (1) and the firearm is
33 delivered to the nonprofit corporation immediately
34 preceding, or contemporaneous with, the auction or
35 similar event.

36 (3) The waiting period described in Sections 12071 and
37 12072 shall not apply to a dealer who delivers a firearm
38 other than a pistol, revolver, or other firearm capable of
39 being concealed upon the person, at an auction or similar
40 event described in paragraph (1), as authorized by



1 subparagraph (C) of paragraph (1) of subdivision (b) of
2 Section 12071. Within two business days of completion of
3 the application to purchase, the dealer shall forward by
4 prepaid mail to the Department of Justice a report of the
5 same as is indicated in subdivision (c) of Section 12077. If
6 the electronic or telephonic transfer of applicant
7 information is used, within two business days of
8 completion of the application to purchase, the dealer
9 delivering the firearm shall transmit to the Department
10 of Justice an electronic or telephonic report of the same
11 as is indicated in subdivision (c) of Section 12077.

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

21 (i) (1) Subdivision (d) of Section 12072 shall not apply
22 to a person who takes title or possession of a firearm that
23 is not a pistol, revolver, or other firearm capable of being
24 concealed upon the person by operation of law if the
25 person is not prohibited by Section 12021 or 12021.1 of this
26 code or Section 8100 or 8103 of the Welfare and
27 Institutions Code from possessing firearms.

28 (2) Subdivision (d) of Section 12072 shall not apply to
29 a person who takes title or possession of a pistol, revolver,
30 or other firearm capable of being concealed upon the
31 person by operation of law if the person is not prohibited
32 by Section 12021 or 12021.1 of this code or Section 8100 or
33 8103 of the Welfare and Institutions Code from possessing
34 firearms and all of the following conditions are met:

35 (A) If the person taking title or possession is neither a
36 levying officer as defined in Section 481.140, 511.060, or
37 680.210 of the Code of Civil Procedure nor a person who
38 is receiving that firearm pursuant to subparagraph (G),
39 (I), or (J) of paragraph (2) of subdivision ~~(v)~~ (u), the
40 person shall, within 30 days of taking possession, forward



1 by prepaid mail or deliver in person to the Department
2 of Justice, a report of information concerning the
3 individual taking possession of the firearm, how title or
4 possession was obtained and from whom, and a
5 description of the firearm in question. The reports that
6 individuals complete pursuant to this paragraph shall be
7 provided to them by the department.

8 (B) If the person taking title or possession is receiving
9 the firearm pursuant to subparagraph (G) of paragraph
10 (2) of subdivision ~~(v)~~ (u), the person shall do both of the
11 following:

12 (i) Within 30 days of taking possession, forward by
13 prepaid mail or deliver in person to the department, a
14 report of information concerning the individual taking
15 possession of the firearm, how title or possession was
16 obtained and from whom, and a description of the firearm
17 in question. The reports that individuals complete
18 pursuant to this paragraph shall be provided to them by
19 the department.

20 (ii) Prior to taking possession of the firearm, the
21 person shall either obtain a basic firearms safety
22 certificate or be exempt from obtaining a basic firearms
23 safety certificate pursuant to Section 12081.

24 (C) Where the person receiving title or possession of
25 the pistol, revolver, or other firearm capable of being
26 concealed upon the person is a person described in
27 subparagraph (I) of paragraph (2) of subdivision ~~(v)~~ (u),
28 on the date that the person is delivered the firearm, the
29 name and other information concerning the person
30 taking possession of the firearm, how title or possession of
31 the firearm was obtained and from whom, and a
32 description of the firearm by make, model, serial number,
33 and other identifying characteristics, shall be entered
34 into the Automated Firearms System (AFS) via the
35 California Law Enforcement Telecommunications
36 System (CLETS) by the law enforcement or state agency
37 that transferred or delivered the firearm. Those agencies
38 without access to AFS shall arrange with the sheriff of the
39 county in which the agency is located to input this
40 information via this system.



1 (D) Where the person receiving title or possession of
2 the pistol, revolver, or other firearm capable of being
3 concealed upon the person is a person described in
4 subparagraph (J) of paragraph (2) of subdivision ~~(v)~~ (u),
5 on the date that the person is delivered the firearm, the
6 name and other information concerning the person
7 taking possession of the firearm, how title or possession of
8 the firearm was obtained and from whom, and a
9 description of the firearm by make, model, serial number,
10 and other identifying characteristics, shall be entered
11 into the AFS via the CLETS by the law enforcement or
12 state agency that transferred or delivered the firearm.
13 Those agencies without access to AFS shall arrange with
14 the sheriff of the county in which the agency is located to
15 input this information via this system. In addition, that
16 law enforcement agency shall not deliver that pistol,
17 revolver, or other firearm capable of being concealed
18 upon the person to the person referred to in this
19 subparagraph unless prior to the delivery of the same the
20 person presents proof to the agency that he or she is the
21 holder of a basic firearms safety certificate or is exempt
22 from obtaining a basic firearms safety certificate pursuant
23 to Section 12081.

24 (3) Subdivision (d) of Section 12072 shall not apply to
25 a person who takes possession of a firearm by operation
26 of law in a representative capacity who subsequently
27 transfers ownership of the firearm to himself or herself in
28 his or her individual capacity. In the case of a pistol,
29 revolver, or other firearm capable of being concealed
30 upon the person, on and after April 1, 1994, that individual
31 shall have a basic firearms safety certificate in order for
32 the exemption set forth in this paragraph to apply.

33 (j) Subdivision (d) of Section 12072 shall not apply to
34 deliveries, transfers, or returns of firearms made pursuant
35 to Section 12028, 12028.5, or 12030.

36 (k) Section 12071 and subdivision (c) of Section 12072
37 shall not apply to any of the following:

38 (1) The delivery, sale, or transfer of unloaded firearms
39 that are not pistols, revolvers, or other firearms capable
40 of being concealed upon the person by a dealer to another



1 dealer upon proof that the person receiving the firearm
2 is licensed pursuant to Section 12071.

3 (2) The delivery, sale, or transfer of unloaded firearms
4 by dealers to persons who reside outside this state who are
5 licensed pursuant to Chapter 44 (commencing with
6 Section 921) of Title 18 of the United States Code and the
7 regulations issued pursuant thereto.

8 (3) The delivery, sale, or transfer of unloaded firearms
9 to a wholesaler if the firearms are being returned to the
10 wholesaler and are intended as merchandise in the
11 wholesaler's business.

12 (4) The delivery, sale, or transfer of unloaded firearms
13 by one dealer to another dealer if the firearms are
14 intended as merchandise in the receiving dealer's
15 business upon proof that the person receiving the firearm
16 is licensed pursuant to Section 12071.

17 (5) The delivery, sale, or transfer of an unloaded
18 firearm that is not a pistol, revolver, or other firearm
19 capable of being concealed upon the person by a dealer
20 to himself or herself.

21 (6) The loan of an unloaded firearm by a dealer who
22 also operates a target facility that holds a business or
23 regulatory license on the premises of the building
24 designated in the license or whose building designated in
25 the license is on the premises of any club or organization
26 organized for the purposes of practicing shooting at
27 targets upon established ranges, whether public or
28 private, to a person at that target facility or that club or
29 organization, if the firearm is at all times kept within the
30 premises of the target range or on the premises of the club
31 or organization.

32 (l) A person who is exempt from subdivision (d) of
33 Section 12072 or is otherwise not required by law to report
34 his or her acquisition, ownership, or disposal of a pistol,
35 revolver, or other firearm capable of being concealed
36 upon the person or who moves out of this state with his
37 or her pistol, revolver, or other firearm capable of being
38 concealed upon the person may submit a report of the
39 same to the Department of Justice in a format prescribed
40 by the department.



1 (m) Subdivision (d) of Section 12072 shall not apply to
2 the delivery, sale, or transfer of unloaded firearms to a
3 wholesaler as merchandise in the wholesaler's business by
4 manufacturers or importers licensed to engage in that
5 business pursuant to Chapter 44 (commencing with
6 Section 921) of Title 18 of the United States Code and the
7 regulations issued pursuant thereto, or by another
8 wholesaler, if the delivery, sale, or transfer is made in
9 accordance with Chapter 44 (commencing with Section
10 921) of Title 18 of the United States Code.

11 (n) (1) The waiting period described in Section 12071
12 or 12072 shall not apply to the delivery, sale, or transfer
13 of a pistol, revolver, or other firearm capable of being
14 concealed upon the person by a dealer in either of the
15 following situations:

16 (A) The dealer is delivering the firearm to another
17 dealer and it is not intended as merchandise in the
18 receiving dealer's business.

19 (B) The dealer is delivering the firearm to himself or
20 herself and it is not intended as merchandise in his or her
21 business.

22 (2) In order for this subdivision to apply, both of the
23 following shall occur:

24 (A) If the dealer is receiving the firearm from another
25 dealer, the dealer receiving the firearm shall present
26 proof to the dealer delivering the firearm that he or she
27 is licensed pursuant to Section 12071.

28 (B) Whether the dealer is delivering, selling, or
29 transferring the firearm to himself or herself or to another
30 dealer, on the date that the application to purchase is
31 completed, the dealer delivering the firearm shall
32 forward by prepaid mail to the Department of Justice a
33 report of the type of information concerning the
34 purchaser or transferee as is indicated in subdivision (b)
35 of Section 12077. Where the electronic or telephonic
36 transfer of applicant information is used, on the date that
37 the application to purchase is completed, the dealer
38 delivering the firearm shall transmit an electronic or
39 telephonic report of the same and the type of information



1 concerning the purchaser or transferee as is indicated in
2 subdivision (b) of Section 12077.

3 (o) Section 12071 and subdivisions (c) and (d) of
4 Section 12072 shall not apply to the delivery, sale, or
5 transfer of firearms regulated pursuant to Section 12020,
6 Chapter 2 (commencing with Section 12200), or Chapter
7 2.3 (commencing with Section 12275), if the delivery,
8 sale, or transfer is conducted in accordance with the
9 applicable provisions of Section 12020, Chapter 2
10 (commencing with Section 12200), or Chapter 2.3
11 (commencing with Section 12275).

12 (p) (1) Paragraph (3) of subdivision (a) and
13 subdivision (d) of Section 12072 shall not apply to the loan
14 of a firearm that is not a pistol, revolver, or other firearm
15 capable of being concealed upon the person to a minor,
16 with the express permission of the parent or legal
17 guardian of the minor, if the loan does not exceed 30 days
18 in duration and is for a lawful purpose.

19 (2) Paragraph (3) of subdivision (a) and subdivision
20 (d) of Section 12072 shall not apply to the loan of a pistol,
21 revolver, or other firearm capable of being concealed
22 upon the person to a minor by a person who is not the
23 parent or legal guardian of the minor if all of the following
24 circumstances exist:

25 (A) The minor has the written consent of his or her
26 parent or legal guardian that is presented at the time of,
27 or prior to the time of, the loan, or is accompanied by his
28 or her parent or legal guardian at the time the loan is
29 made.

30 (B) The minor is being loaned the firearm for the
31 purpose of engaging in a lawful, recreational sport,
32 including, but not limited to, competitive shooting, or
33 agricultural, ranching, or hunting activity, or a motion
34 picture, television, or video production, or entertainment
35 or theatrical event, the nature of which involves the use
36 of a firearm.

37 (C) The duration of the loan does not exceed the
38 amount of time that is reasonably necessary to engage in
39 the lawful, recreational sport, including, but not limited
40 to, competitive shooting, or agricultural, ranching, or



1 hunting activity, or a motion picture, television, or video
2 production, or entertainment or theatrical event, the
3 nature of which involves the use of a firearm.

4 (D) The duration of the loan does not, in any event,
5 exceed 10 days.

6 (3) Paragraph (3) of subdivision (a) and subdivision
7 (d) of Section 12072 shall not apply to the loan of a pistol,
8 revolver, or other firearm capable of being concealed
9 upon the person to a minor by his or her parent or legal
10 guardian if both of the following circumstances exist:

11 (A) The minor is being loaned the firearm for the
12 purposes of engaging in a lawful, recreational sport,
13 including, but not limited to, competitive shooting, or
14 agricultural, ranching, or hunting activity, or a motion
15 picture, television, or video production, or entertainment
16 or theatrical event, the nature of which involves the use
17 of a firearm.

18 (B) The duration of the loan does not exceed the
19 amount of time that is reasonably necessary to engage in
20 the lawful, recreational sport, including, but not limited
21 to, competitive shooting, or agricultural, ranching, or
22 hunting activity, or a motion picture, television, or video
23 production, or entertainment or theatrical event, the
24 nature of which involves the use of a firearm.

25 (4) Paragraph (3) of subdivision (a) of Section 12072
26 shall not apply to the transfer or loan of a firearm that is
27 not a pistol, revolver, or other firearm capable of being
28 concealed upon the person to a minor by his or her parent
29 or legal guardian.

30 (5) Paragraph (3) of subdivision (a) of Section 12072
31 shall not apply to the transfer or loan of a firearm that is
32 not a pistol, revolver, or other firearm capable of being
33 concealed upon the person to a minor by his or her
34 grandparent who is not the legal guardian of the minor
35 if the transfer is done with the express permission of the
36 parent or legal guardian of the minor.

37 (q) Subdivision (d) of Section 12072 shall not apply to
38 the loan of a firearm that is not a pistol, revolver, or other
39 firearm capable of being concealed upon the person to a
40 licensed hunter for use by that licensed hunter for a



1 period of time not to exceed the duration of the hunting
2 season for which that firearm is to be used.

3 (r) The waiting period described in Section 12071,
4 12072, or 12084 shall not apply to the delivery, sale, or
5 transfer of a firearm to the holder of a special weapons
6 permit issued by the Department of Justice issued
7 pursuant to Section 12095, 12230, 12250, or 12305. On the
8 date that the application to purchase is completed, the
9 dealer delivering the firearm or the law enforcement
10 agency processing the transaction pursuant to Section
11 12084, shall forward by prepaid mail to the Department
12 of Justice a report of the same as described in subdivision
13 (b) or (c) of Section 12077 or Section 12084. If the
14 electronic or telephonic transfer of applicant information
15 is used, on the date that the application to purchase is
16 completed, the dealer delivering the firearm shall
17 transmit to the Department of Justice an electronic or
18 telephonic report of the same as is indicated in
19 subdivision (b) or (c) of Section 12077.

20 (s) Subdivision (d) of Section 12072 shall not apply to
21 the loan of an unloaded firearm or the loan of a firearm
22 loaded with blank cartridges for use solely as a prop for
23 a motion picture, television, or video production or an
24 entertainment or theatrical event.

25 (t) The waiting period described in Sections 12071,
26 12072, and 12084 shall not apply to the sale, delivery, loan,
27 or transfer of a pistol, revolver, or other firearm capable
28 of being concealed upon the person, which is a curio or
29 relic, as defined in Section 178.11 of Title 27 of the Code
30 of Federal Regulations, by a dealer or through a law
31 enforcement agency to a person who is licensed as a
32 collector pursuant to Chapter 44 (commencing with
33 Section 921) of Title 18 of the United States Code and the
34 regulations issued pursuant thereto who has a current
35 certificate of eligibility issued to him or her by the
36 Department of Justice pursuant to Section 12071. On the
37 date that the delivery, sale, or transfer is made, the dealer
38 delivering the firearm or the law enforcement agency
39 processing the transaction pursuant to Section 12084, shall
40 forward by prepaid mail to the Department of Justice a



1 report of the transaction pursuant to subdivision (b) of
2 Section 12077 or Section 12084. If the electronic or
3 telephonic transfer of applicant information is used, on
4 the date that the application to purchase is completed,
5 the dealer delivering the firearm shall transmit to the
6 Department of Justice an electronic or telephonic report
7 of the transaction as is indicated in subdivision (b) of
8 Section 12077.

9 (u) As used in this section:

10 (1) “Infrequent” has the same meaning as in
11 paragraph (1) of subdivision (c) of Section 12070.

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

16 (A) The executor or administrator of an estate if the
17 estate includes firearms.

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

22 (C) A levying officer, as defined in Section 481.140,
23 511.060, or 680.260 of the Code of Civil Procedure.

24 (D) A receiver performing his or her functions as a
25 receiver if the receivership estate includes firearms.

26 (E) A trustee in bankruptcy performing his or her
27 duties if the bankruptcy estate includes firearms.

28 (F) An assignee for the benefit of creditors performing
29 his or her functions as an assignee, if the assignment
30 includes firearms.

31 (G) A transmutation of property consisting of firearms
32 pursuant to Section 850 of the Family Code.

33 (H) Firearms passing to a surviving spouse pursuant to
34 Chapter 1 (commencing with Section 13500) of Part 2 of
35 Division 8 of the Probate Code.

36 (I) Firearms received by the family of a police officer
37 or deputy sheriff from a local agency pursuant to Section
38 50081 of the Government Code.

39 (J) The transfer of a firearm by a law enforcement
40 agency to the person who found the firearm where the



1 delivery is to the person as the finder of the firearm
2 pursuant to Article 1 (commencing with Section 2080) of
3 Chapter 4 of Division 3 of the Civil Code.

4 ~~SEC. 8.1. Section 12078 of the Penal Code is amended~~
5 ~~to read:~~

6 ~~12078. (a) (1) The waiting periods described in~~
7 ~~Sections 12071, 12072, and 12084 shall not apply to~~
8 ~~deliveries, transfers, or sales of firearms made to persons~~
9 ~~properly identified as full-time paid peace officers as~~
10 ~~defined in Chapter 4.5 (commencing with Section 830) of~~
11 ~~Title 3 of Part 2, provided that the peace officers are~~
12 ~~authorized by their employer to carry firearms while in~~
13 ~~the performance of their duties. Proper identification is~~
14 ~~defined as verifiable written certification from the head~~
15 ~~of the agency by which the purchaser or transferee is~~
16 ~~employed, identifying the purchaser or transferee as a~~
17 ~~peace officer who is authorized to carry firearms while in~~
18 ~~the performance of his or her duties, and authorizing the~~
19 ~~purchase or transfer. The certification shall be delivered~~
20 ~~to the dealer or local law enforcement agency acting~~
21 ~~pursuant to Section 12084 at the time of purchase or~~
22 ~~transfer and the purchaser or transferee shall identify~~
23 ~~himself or herself as the person authorized in the~~
24 ~~certification. The dealer or local law enforcement agency~~
25 ~~shall keep the certification with the record of sale, or~~
26 ~~LEFT, as the case may be. On the date that the delivery,~~
27 ~~sale, or transfer is made, the dealer delivering the firearm~~
28 ~~or the law enforcement agency processing the~~
29 ~~transaction pursuant to Section 12084 shall forward by~~
30 ~~prepaid mail to the Department of Justice a report of the~~
31 ~~transaction pursuant to subdivision (b) or (c) of Section~~
32 ~~12077 or Section 12084. If electronic or telephonic transfer~~
33 ~~of applicant information is used, on the date that the~~
34 ~~application to purchase is completed, the dealer~~
35 ~~delivering the firearm shall transmit to the Department~~
36 ~~of Justice an electronic or telephonic report of the~~
37 ~~transaction as is indicated in subdivision (b) or (c) of~~
38 ~~Section 12077.~~

39 ~~(2) The preceding provisions of this article do not~~
40 ~~apply to deliveries, transfers, or sales of firearms made to~~



1 ~~authorized law enforcement representatives of cities,~~
2 ~~counties, cities and counties, or state or federal~~
3 ~~governments for exclusive use by those governmental~~
4 ~~agencies if, prior to the delivery, transfer, or sale of these~~
5 ~~firearms, written authorization from the head of the~~
6 ~~agency authorizing the transaction is presented to the~~
7 ~~person from whom the purchase, delivery, or transfer is~~
8 ~~being made. Proper written authorization is defined as~~
9 ~~verifiable written certification from the head of the~~
10 ~~agency by which the purchaser or transferee is employed,~~
11 ~~identifying the employee as an individual authorized to~~
12 ~~conduct the transaction, and authorizing the transaction~~
13 ~~for the exclusive use of the agency by which he or she is~~
14 ~~employed. Within 10 days of the date a pistol, revolver, or~~
15 ~~other firearm capable of being concealed upon the~~
16 ~~person is acquired by the agency, a record of the same~~
17 ~~shall be entered as an institutional weapon into the~~
18 ~~Automated Firearms System (AFS) via the California~~
19 ~~Law Enforcement Telecommunications System~~
20 ~~(CLETS) by the law enforcement or state agency. Those~~
21 ~~agencies without access to AFS shall arrange with the~~
22 ~~sheriff of the county in which the agency is located to~~
23 ~~input this information via this system.~~

24 (3) ~~The preceding provisions of this article do not~~
25 ~~apply to the loan of a firearm made by an authorized law~~
26 ~~enforcement representative of a city, county, or city and~~
27 ~~county, or the state or federal government to a peace~~
28 ~~officer employed by that agency and authorized to carry~~
29 ~~a firearm for the carrying and use of that firearm by that~~
30 ~~peace officer in the course and scope of his or her duties.~~

31 (4) ~~The preceding provisions of this article do not~~
32 ~~apply to the delivery, sale, or transfer of a firearm by a law~~
33 ~~enforcement agency to a peace officer pursuant to~~
34 ~~Section 10334 of the Public Contract Code. Within 10 days~~
35 ~~of the date that a pistol, revolver, or other firearm capable~~
36 ~~of being concealed upon the person is sold, delivered, or~~
37 ~~transferred pursuant to Section 10334 of the Public~~
38 ~~Contract Code to that peace officer, the name of the~~
39 ~~officer and the make, model, serial number, and other~~
40 ~~identifying characteristics of the firearm being sold,~~



~~1 transferred, or delivered shall be entered into the
2 Automated Firearms System (AFS) via the California
3 Law Enforcement Telecommunications System
4 (CLETS) by the law enforcement or state agency that
5 sold, transferred, or delivered the firearm. Those
6 agencies without access to AFS shall arrange with the
7 sheriff of the county in which the agency is located to
8 input this information via this system.~~

~~9 (5) The preceding provisions of this article do not
10 apply to the delivery, sale, or transfer of a firearm by a law
11 enforcement agency to a retiring peace officer who is
12 authorized to carry a firearm pursuant to Section 12027.1.
13 Within 10 days of the date that a pistol, revolver, or other
14 firearm capable of being concealed upon the person is
15 sold, delivered, or transferred to that retiring peace
16 officer, the name of the officer and the make, model,
17 serial number, and other identifying characteristics of the
18 firearm being sold, transferred, or delivered shall be
19 entered into the Automated Firearms System (AFS) via
20 the California Law Enforcement Telecommunications
21 System (CLETS) by the law enforcement or state agency
22 that sold, transferred, or delivered the firearm. Those
23 agencies without access to AFS shall arrange with the
24 sheriff of the county in which the agency is located to
25 input this information via this system.~~

~~26 (6) Subdivision (d) of Section 12072 does not apply to
27 sales, deliveries, or transfers of firearms to authorized
28 representatives of cities, cities and counties, counties, or
29 state or federal governments for those governmental
30 agencies where the entity is acquiring the weapon as part
31 of an authorized, voluntary program where the entity is
32 buying or receiving weapons from private individuals.
33 Any weapons acquired pursuant to this subdivision shall
34 be disposed of pursuant to the applicable provisions of
35 Section 12028 or 12032.~~

~~36 (b) Section 12071 and subdivisions (c) and (d) of
37 Section 12072 shall not apply to deliveries, sales, or
38 transfers of firearms between or to importers and
39 manufacturers of firearms licensed to engage in that
40 business pursuant to Chapter 44 (commencing with~~



1 ~~Section 921) of Title 18 of the United States Code and the~~
2 ~~regulations issued pursuant thereto.~~

3 ~~(e) (1) Subdivision (d) of Section 12072 shall not~~
4 ~~apply to the infrequent transfer of a firearm that is not a~~
5 ~~pistol, revolver, or other firearm capable of being~~
6 ~~concealed upon the person by gift, bequest, intestate~~
7 ~~succession, or other means by one individual to another~~
8 ~~if both individuals are members of the same immediate~~
9 ~~family.~~

10 ~~(2) Subdivision (d) of Section 12072 shall not apply to~~
11 ~~the infrequent transfer of a pistol, revolver, or other~~
12 ~~firearm capable of being concealed upon the person by~~
13 ~~gift, bequest, intestate succession, or other means by one~~
14 ~~individual to another if both individuals are members of~~
15 ~~the same immediate family and both of the following~~
16 ~~conditions are met:~~

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

26 ~~(B) Prior to taking possession of the firearm, the~~
27 ~~person taking title to the firearm shall obtain a basic~~
28 ~~firearm safety certificate.~~

29 ~~(3) As used in this subdivision, “immediate family~~
30 ~~member” means any one of the following relationships:~~

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

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

33 ~~(d) Subdivision (d) of Section 12072 shall not apply to~~
34 ~~the infrequent loan of firearms between persons who are~~
35 ~~personally known to each other for any lawful purpose, if~~
36 ~~the loan does not exceed 30 days in duration.~~

37 ~~(e) Section 12071 and subdivisions (e) and (d) of~~
38 ~~Section 12072 shall not apply to the delivery of a firearm~~
39 ~~to a gunsmith for service or repair.~~



1 ~~(f) Subdivision (d) of Section 12072 shall not apply to~~
2 ~~the sale, delivery, or transfer of firearms by persons who~~
3 ~~reside in this state to persons who reside outside this state~~
4 ~~who are licensed pursuant to Chapter 44 (commencing~~
5 ~~with Section 921) of Title 18 of the United States Code and~~
6 ~~the regulations issued pursuant thereto, if the sale,~~
7 ~~delivery, or transfer is in accordance with Chapter 44~~
8 ~~(commencing with Section 921) of Title 18 of the United~~
9 ~~States Code and the regulations issued pursuant thereto.~~

10 ~~(g) (1) Subdivision (d) of Section 12072 shall not~~
11 ~~apply to the infrequent sale or transfer of a firearm, other~~
12 ~~than a pistol, revolver, or other firearm capable of being~~
13 ~~concealed upon the person, at auctions or similar events~~
14 ~~conducted by nonprofit mutual or public benefit~~
15 ~~corporations organized pursuant to the Corporations~~
16 ~~Code.~~

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

28 ~~(2) Subdivision (d) of Section 12072 shall not apply to~~
29 ~~the transfer of a firearm other than a pistol, revolver, or~~
30 ~~other firearm capable of being concealed upon the~~
31 ~~person, if the firearm is donated for an auction or similar~~
32 ~~event described in paragraph (1) and the firearm is~~
33 ~~delivered to the nonprofit corporation immediately~~
34 ~~preceding, or contemporaneous with, the auction or~~
35 ~~similar event.~~

36 ~~(3) The waiting period described in Sections 12071 and~~
37 ~~12072 shall not apply to a dealer who delivers a firearm~~
38 ~~other than a pistol, revolver, or other firearm capable of~~
39 ~~being concealed upon the person, at an auction or similar~~
40 ~~event described in paragraph (1), as authorized by~~



1 ~~subparagraph (C) of paragraph (1) of subdivision (b) of~~
2 ~~Section 12071. Within two business days of completion of~~
3 ~~the application to purchase, the dealer shall forward by~~
4 ~~prepaid mail to the Department of Justice a report of the~~
5 ~~same as is indicated in subdivision (e) of Section 12077. If~~
6 ~~the electronic or telephonic transfer of applicant~~
7 ~~information is used, within two business days of~~
8 ~~completion of the application to purchase, the dealer~~
9 ~~delivering the firearm shall transmit to the Department~~
10 ~~of Justice an electronic or telephonic report of the same~~
11 ~~as is indicated in subdivision (e) of Section 12077.~~

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

21 ~~(i) (1) Subdivision (d) of Section 12072 shall not apply~~
22 ~~to a person who takes title or possession of a firearm that~~
23 ~~is not a pistol, revolver, or other firearm capable of being~~
24 ~~concealed upon the person by operation of law if the~~
25 ~~person is not prohibited by Section 12021 or 12021.1 of this~~
26 ~~code or Section 8100 or 8103 of the Welfare and~~
27 ~~Institutions Code from possessing firearms.~~

28 ~~(2) Subdivision (d) of Section 12072 shall not apply to~~
29 ~~a person who takes title or possession of a pistol, revolver,~~
30 ~~or other firearm capable of being concealed upon the~~
31 ~~person, by operation of law if the person is not prohibited~~
32 ~~by Section 12021 or 12021.1 of this code or Section 8100 or~~
33 ~~8103 of the Welfare and Institutions Code from possessing~~
34 ~~firearms and all of the following conditions are met:~~

35 ~~(A) If the person taking title or possession is neither a~~
36 ~~levying officer as defined in Section 481.140, 511.060, or~~
37 ~~680.210 of the Code of Civil Procedure nor a person who~~
38 ~~is receiving that firearm pursuant to subparagraph (G),~~
39 ~~(I), or (J) of paragraph (2) of subdivision (v), the person~~
40 ~~shall, within 30 days of taking possession, forward by~~



1 ~~prepaid mail or deliver in person to the Department of~~
2 ~~Justice, a report of information concerning the individual~~
3 ~~taking possession of the firearm, how title or possession~~
4 ~~was obtained and from whom, and a description of the~~
5 ~~firearm in question. The reports that individuals~~
6 ~~complete pursuant to this paragraph shall be provided to~~
7 ~~them by the department.~~

8 (B) ~~If the person taking title or possession is receiving~~
9 ~~the firearm pursuant to subparagraph (G) of paragraph~~
10 ~~(2) of subdivision (v), the person shall do both of the~~
11 ~~following:~~

12 (i) ~~Within 30 days of taking possession, forward by~~
13 ~~prepaid mail or deliver in person to the department, a~~
14 ~~report of information concerning the individual taking~~
15 ~~possession of the firearm, how title or possession was~~
16 ~~obtained and from whom, and a description of the firearm~~
17 ~~in question. The reports that individuals complete~~
18 ~~pursuant to this paragraph shall be provided to them by~~
19 ~~the department.~~

20 (ii) ~~Prior to taking possession of the firearm, the~~
21 ~~person shall either obtain a basic firearms safety~~
22 ~~certificate or be exempt from obtaining a basic firearm~~
23 ~~safety certificate pursuant to Section 12081.~~

24 (C) ~~Where the person receiving title or possession of~~
25 ~~the pistol, revolver, or other firearm capable of being~~
26 ~~concealed upon the person is a person described in~~
27 ~~subparagraph (I) of paragraph (2) of subdivision (v), on~~
28 ~~the date that the person is delivered the firearm, the~~
29 ~~name and other information concerning the person~~
30 ~~taking possession of the firearm, how title or possession of~~
31 ~~the firearm was obtained and from whom, and a~~
32 ~~description of the firearm by make, model, serial number,~~
33 ~~and other identifying characteristics, shall be entered~~
34 ~~into the Automated Firearms System (AFS) via the~~
35 ~~California Law Enforcement Telecommunications~~
36 ~~System (CLETS) by the law enforcement or state agency~~
37 ~~that transferred, or delivered the firearm. Those agencies~~
38 ~~without access to AFS shall arrange with the sheriff of the~~
39 ~~county in which the agency is located to input this~~
40 ~~information via this system.~~



1 ~~(D) Where the person receiving title or possession of~~
2 ~~the pistol, revolver, or other firearm capable of being~~
3 ~~concealed upon the person is a person described in~~
4 ~~subparagraph (J) of paragraph (2) of subdivision (v), on~~
5 ~~the date that the person is delivered the firearm, the~~
6 ~~name and other information concerning the person~~
7 ~~taking possession of the firearm, how title or possession of~~
8 ~~the firearm was obtained and from whom, and a~~
9 ~~description of the firearm by make, model, serial number,~~
10 ~~and other identifying characteristics, shall be entered~~
11 ~~into the AFS via the CLETS by the law enforcement or~~
12 ~~state agency that transferred, or delivered the firearm.~~
13 ~~Those agencies without access to AFS shall arrange with~~
14 ~~the sheriff of the county in which the agency is located to~~
15 ~~input this information via this system. In addition, that~~
16 ~~law enforcement agency shall not deliver that pistol,~~
17 ~~revolver, or other firearm capable of being concealed~~
18 ~~upon the person, to the person referred to in this~~
19 ~~subparagraph unless prior to the delivery of the same the~~
20 ~~person presents proof to the agency that he or she is the~~
21 ~~holder of a basic firearms safety certificate or is exempt~~
22 ~~from obtaining a basic firearm safety certificate pursuant~~
23 ~~to Section 12081.~~

24 ~~(3) Subdivision (d) of Section 12072 shall not apply to~~
25 ~~a person who takes possession of a firearm by operation~~
26 ~~of law in a representative capacity who subsequently~~
27 ~~transfers ownership of the firearm to himself or herself in~~
28 ~~his or her individual capacity. In the case of a pistol,~~
29 ~~revolver, or other firearm capable of being concealed~~
30 ~~upon the person, on and after April 1, 1994, that individual~~
31 ~~shall have a basic firearms safety certificate in order for~~
32 ~~the exemption set forth in this paragraph to apply.~~

33 ~~(j) Subdivision (d) of Section 12072 shall not apply to~~
34 ~~deliveries, transfers, or returns of firearms made pursuant~~
35 ~~to Section 12028, 12028.5, or 12030.~~

36 ~~(k) Section 12071 and subdivision (e) of Section 12072~~
37 ~~shall not apply to any of the following:~~

38 ~~(1) The delivery, sale, or transfer of unloaded firearms~~
39 ~~that are not pistols, revolvers, or other firearms capable~~
40 ~~of being concealed upon the person by a dealer to another~~



1 dealer upon proof that the person receiving the firearm
2 is licensed pursuant to Section 12071.

3 (2) The delivery, sale, or transfer of unloaded firearms
4 by dealers to persons who reside outside this state who are
5 licensed pursuant to Chapter 44 (commencing with
6 Section 921) of Title 18 of the United States Code and the
7 regulations issued pursuant thereto.

8 (3) The delivery, sale, or transfer of unloaded firearms
9 to a wholesaler if the firearms are being returned to the
10 wholesaler and are intended as merchandise in the
11 wholesaler's business.

12 (4) The delivery, sale, or transfer of unloaded firearms
13 by one dealer to another dealer if the firearms are
14 intended as merchandise in the receiving dealer's
15 business upon proof that the person receiving the firearm
16 is licensed pursuant to Section 12071.

17 (5) The delivery, sale, or transfer of an unloaded
18 firearm that is not a pistol, revolver, or other firearm
19 capable of being concealed upon the person by a dealer
20 to himself or herself.

21 (6) The loan of an unloaded firearm by a dealer who
22 also operates a target facility that holds a business or
23 regulatory license on the premises of the building
24 designated in the license or whose building designated in
25 the license is on the premises of any club or organization
26 organized for the purposes of practicing shooting at
27 targets upon established ranges, whether public or
28 private, to a person at that target facility or that club or
29 organization, if the firearm is at all times kept within the
30 premises of the target range or on the premises of the club
31 or organization.

32 (l) A person who is exempt from subdivision (d) of
33 Section 12072 or is otherwise not required by law to report
34 his or her acquisition, ownership, or disposal of a pistol,
35 revolver, or other firearm capable of being concealed
36 upon the person or who moves out of this state with his
37 or her pistol, revolver, or other firearm capable of being
38 concealed upon the person may submit a report of the
39 same to the Department of Justice in a format prescribed
40 by the department.



1 ~~(m) Subdivision (d) of Section 12072 shall not apply to~~
2 ~~the delivery, sale, or transfer of unloaded firearms to a~~
3 ~~wholesaler as merchandise in the wholesaler's business by~~
4 ~~manufacturers or importers licensed to engage in that~~
5 ~~business pursuant to Chapter 44 (commencing with~~
6 ~~Section 921) of Title 18 of the United States Code and the~~
7 ~~regulations issued pursuant thereto, or by another~~
8 ~~wholesaler, if the delivery, sale, or transfer is made in~~
9 ~~accordance with Chapter 44 (commencing with Section~~
10 ~~921) of Title 18 of the United States Code.~~

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

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

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

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

24 ~~(A) If the dealer is receiving the firearm from another~~
25 ~~dealer, the dealer receiving the firearm shall present~~
26 ~~proof to the dealer delivering the firearm that he or she~~
27 ~~is licensed pursuant to Section 12071.~~

28 ~~(B) Whether the dealer is delivering, selling, or~~
29 ~~transferring the firearm to himself or herself or to another~~
30 ~~dealer, on the date that the application to purchase is~~
31 ~~completed, the dealer delivering the firearm shall~~
32 ~~forward by prepaid mail to the Department of Justice a~~
33 ~~report of the type of information concerning the~~
34 ~~purchaser or transferee as is indicated in subdivision (b)~~
35 ~~of Section 12077. Where the electronic or telephonic~~
36 ~~transfer of applicant information is used, on the date that~~
37 ~~the application to purchase is completed, the dealer~~
38 ~~delivering the firearm shall transmit an electronic or~~
39 ~~telephonic report of the same and the type of information~~



1 ~~concerning the purchaser or transferee as is indicated in~~
2 ~~subdivision (b) of Section 12077.~~

3 ~~(o) Section 12071 and subdivisions (c) and (d) of~~
4 ~~Section 12072 shall not apply to the delivery, sale, or~~
5 ~~transfer of firearms regulated pursuant to Section 12020,~~
6 ~~Chapter 2 (commencing with Section 12200), or Chapter~~
7 ~~2.3 (commencing with Section 12275), if the delivery,~~
8 ~~sale, or transfer is conducted in accordance with the~~
9 ~~applicable provisions of Section 12020, Chapter 2~~
10 ~~(commencing with Section 12200), or Chapter 2.3~~
11 ~~(commencing with Section 12275).~~

12 ~~(p) (1) Paragraph (3) of subdivision (a) and~~
13 ~~subdivision (d) of Section 12072 shall not apply to the loan~~
14 ~~of a firearm that is not a pistol, revolver, or other firearm~~
15 ~~capable of being concealed upon the person to a minor,~~
16 ~~with the express permission of the parent or legal~~
17 ~~guardian of the minor, if the loan does not exceed 30 days~~
18 ~~in duration and is for a lawful purpose.~~

19 ~~(2) Paragraph (3) of subdivision (a) and subdivision~~
20 ~~(d) of Section 12072 shall not apply to the loan of a pistol,~~
21 ~~revolver, or other firearm capable of being concealed~~
22 ~~upon the person to a minor by a person who is not the~~
23 ~~parent or legal guardian of the minor if all of the following~~
24 ~~circumstances exist:~~

25 ~~(A) The minor has the written consent of his or her~~
26 ~~parent or legal guardian that is presented at the time of,~~
27 ~~or prior to the time of, the loan, or is accompanied by his~~
28 ~~or her parent or legal guardian at the time the loan is~~
29 ~~made.~~

30 ~~(B) The minor is being loaned the firearm for the~~
31 ~~purpose of engaging in a lawful, recreational sport,~~
32 ~~including, but not limited to, competitive shooting, or~~
33 ~~agricultural, ranching, or hunting activity, or a motion~~
34 ~~picture, television, or video production, or entertainment~~
35 ~~or theatrical event, the nature of which involves the use~~
36 ~~of a firearm.~~

37 ~~(C) The duration of the loan does not exceed the~~
38 ~~amount of time that is reasonably necessary to engage in~~
39 ~~the lawful, recreational sport, including, but not limited~~
40 ~~to, competitive shooting, or agricultural, ranching, or~~

1 ~~hunting activity, or a motion picture, television, or video~~
2 ~~production, or entertainment or theatrical event, the~~
3 ~~nature of which involves the use of a firearm.~~

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

6 ~~(3) Paragraph (3) of subdivision (a) and subdivision~~
7 ~~(d) of Section 12072 shall not apply to the loan of a pistol,~~
8 ~~revolver, or other firearm capable of being concealed~~
9 ~~upon the person to a minor by his or her parent or legal~~
10 ~~guardian if both of the following circumstances exist:~~

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

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

25 ~~(4) Paragraph (3) of subdivision (a) of Section 12072~~
26 ~~shall not apply to the transfer or loan of a firearm that is~~
27 ~~not a pistol, revolver, or other firearm capable of being~~
28 ~~concealed upon the person to a minor by his or her parent~~
29 ~~or legal guardian.~~

30 ~~(5) Paragraph (3) of subdivision (a) of Section 12072~~
31 ~~shall not apply to the transfer or loan of a firearm that is~~
32 ~~not a pistol, revolver, or other firearm capable of being~~
33 ~~concealed upon the person to a minor by his or her~~
34 ~~grandparent who is not the legal guardian of the minor~~
35 ~~if the transfer is done with the express permission of the~~
36 ~~parent or legal guardian of the minor.~~

37 ~~(q) Subdivision (d) of Section 12072 shall not apply to~~
38 ~~the loan of a firearm that is not a pistol, revolver, or other~~
39 ~~firearm capable of being concealed upon the person to a~~
40 ~~licensed hunter for use by that licensed hunter for a~~



1 period of time not to exceed the duration of the hunting
2 season for which that firearm is to be used.

3 (f) The waiting period described in Section 12071,
4 12072, or 12084 shall not apply to the delivery, sale, or
5 transfer of a firearm to the holder of a special weapons
6 permit issued by the Department of Justice issued
7 pursuant to Section 12095, 12230, 12250, or 12305. On the
8 date that the application to purchase is completed, the
9 dealer delivering the firearm or the law enforcement
10 agency processing the transaction pursuant to Section
11 12084, shall forward by prepaid mail to the Department
12 of Justice a report of the same as described in subdivision
13 (b) or (c) of Section 12077 or Section 12084. If the
14 electronic or telephonic transfer of applicant information
15 is used, on the date that the application to purchase is
16 completed, the dealer delivering the firearm shall
17 transmit to the Department of Justice an electronic or
18 telephonic report of the same as is indicated in
19 subdivision (b) or (c) of Section 12077.

20 (s) Subdivision (d) of Section 12072 shall not apply to
21 the loan of an unloaded firearm or the loan of a firearm
22 loaded with blank cartridges for use solely as a prop for
23 a motion picture, television, or video production or an
24 entertainment or theatrical event.

25 (t) The waiting period described in Sections 12071,
26 12072, and 12084 shall not apply to the sale, delivery, loan,
27 or transfer of a pistol, revolver, or other firearm capable
28 of being concealed upon the person, which is a curio or
29 relic, as defined in Section 178.11 of Title 27 of the Code
30 of Federal Regulations, by a dealer or through a law
31 enforcement agency to a person who is licensed as a
32 collector pursuant to Chapter 44 (commencing with
33 Section 921) of Title 18 of the United States Code and the
34 regulations issued pursuant thereto who has a current
35 certificate of eligibility issued to him or her by the
36 Department of Justice pursuant to Section 12071. On the
37 date that the delivery, sale, or transfer is made, the dealer
38 delivering the firearm or the law enforcement agency
39 processing the transaction pursuant to Section 12084, shall
40 forward by prepaid mail to the Department of Justice a



1 ~~report of the transaction pursuant to subdivision (b) of~~
2 ~~Section 12077 or Section 12084. If the electronic or~~
3 ~~telephonic transfer of applicant information is used, on~~
4 ~~the date that the application to purchase is completed,~~
5 ~~the dealer delivering the firearm shall transmit to the~~
6 ~~Department of Justice an electronic or telephonic report~~
7 ~~of the transaction as is indicated in subdivision (b) of~~
8 ~~Section 12077.~~

9 ~~(u) The waiting period described in Sections 12071,~~
10 ~~12072, and 12084 shall not apply to the sale, delivery, loan,~~
11 ~~or transfer of a firearm that is not a pistol, revolver, or~~
12 ~~other firearm capable of being concealed upon the~~
13 ~~person, by a dealer or through a law enforcement agency~~
14 ~~to a person who is currently licensed as a hunter pursuant~~
15 ~~to the Fish and Game Code and the regulations issued~~
16 ~~pursuant thereto who has a current certificate of~~
17 ~~eligibility issued to him or her by the Department of~~
18 ~~Justice pursuant to Section 12071. On the date that the~~
19 ~~delivery, sale, or transfer is made, the dealer delivering~~
20 ~~the firearm, or the law enforcement agency processing~~
21 ~~the transaction pursuant to Section 12084, shall forward~~
22 ~~by prepaid mail to the Department of Justice a report of~~
23 ~~the transaction pursuant to subdivision (b) of Section~~
24 ~~12077 or Section 12084. If the electronic or telephonic~~
25 ~~transfer of applicant information is used, on the date that~~
26 ~~the application to purchase is completed, the dealer~~
27 ~~delivering the firearm shall transmit to the Department~~
28 ~~of Justice an electronic or telephonic report of the~~
29 ~~transaction as is indicated in subdivision (c) of Section~~
30 ~~12077.~~

31 ~~(v) As used in this section:~~

32 ~~(1) “Infrequent” has the same meaning as in~~
33 ~~paragraph (1) of subdivision (c) of Section 12070.~~

34 ~~(2) “A person taking title or possession of firearms by~~
35 ~~operation of law” includes, but is not limited to, any of the~~
36 ~~following instances wherein an individual receives title~~
37 ~~to, or possession of, firearms:~~

38 ~~(A) The executor or administrator of an estate if the~~
39 ~~estate includes firearms.~~



1 ~~(B) A secured creditor or an agent or employee~~
2 ~~thereof when the firearms are possessed as collateral for,~~
3 ~~or as a result of, a default under a security agreement~~
4 ~~under the Commercial Code.~~

5 ~~(C) A levying officer, as defined in Section 481.140,~~
6 ~~511.060, or 680.260 of the Code of Civil Procedure.~~

7 ~~(D) A receiver performing his or her functions as a~~
8 ~~receiver if the receivership estate includes firearms.~~

9 ~~(E) A trustee in bankruptcy performing his or her~~
10 ~~duties if the bankruptcy estate includes firearms.~~

11 ~~(F) An assignee for the benefit of creditors performing~~
12 ~~his or her functions as an assignee, if the assignment~~
13 ~~includes firearms.~~

14 ~~(G) A transmutation of property consisting of firearms~~
15 ~~pursuant to Section 850 of the Family Code.~~

16 ~~(H) Firearms passing to a surviving spouse pursuant to~~
17 ~~Chapter 1 (commencing with Section 13500) of Part 2 of~~
18 ~~Division 8 of the Probate Code.~~

19 ~~(I) Firearms received by the family of a police officer~~
20 ~~or deputy sheriff from a local agency pursuant to Section~~
21 ~~50081 of the Government Code.~~

22 ~~(J) The transfer of a firearm by a law enforcement~~
23 ~~agency to the person who found the firearm where the~~
24 ~~delivery is to the person as the finder of the firearm~~
25 ~~pursuant to Article 1 (commencing with Section 2080) of~~
26 ~~Chapter 4 of Division 3 of the Civil Code.~~

27 ~~SEC. 9. Section 12275.5 of the Penal Code is amended~~
28 ~~to read:~~

29 ~~12275.5. (a) The Legislature hereby finds and~~
30 ~~declares that the proliferation and use of assault weapons~~
31 ~~poses a threat to the health, safety, and security of all~~
32 ~~citizens of this state. The Legislature has restricted the~~
33 ~~assault weapons specified in Section 12276 based upon~~
34 ~~finding that each firearm has such a high rate of fire and~~
35 ~~capacity for firepower that its function as a legitimate~~
36 ~~sports or recreational firearm is substantially outweighed~~
37 ~~by the danger that it can be used to kill and injure human~~
38 ~~beings. It is the intent of the Legislature in enacting this~~
39 ~~chapter to place restrictions on the use of assault weapons~~
40 ~~and to establish a registration and permit procedure for~~



1 ~~their lawful sale and possession. It is not, however, the~~
2 ~~intent of the Legislature by this chapter to place~~
3 ~~restrictions on the use of those weapons which are~~
4 ~~primarily designed and intended for hunting, target~~
5 ~~practice, or other legitimate sports or recreational~~
6 ~~activities.~~

7 ~~(b) This section shall be repealed on the earlier of the~~
8 ~~two following dates:~~

9 ~~(1) A final determination of the California Supreme~~
10 ~~Court on or after January 1, 1999, that either Section 12276~~
11 ~~or 12276.5 of the Penal Code as either of those sections~~
12 ~~read prior to January 1, 1998, is invalid.~~

13 ~~(2) January 1, 2000.~~

14 ~~SEC. 9.1. Section 12275.5 is added to the Penal Code,~~
15 ~~to read:~~

16 ~~12275.5. (a) The Legislature hereby finds and~~
17 ~~declares that the proliferation and use of assault weapons~~
18 ~~poses a threat to the health, safety, and security of all~~
19 ~~citizens of this state. The Legislature has defined those~~
20 ~~firearms referred to in terms of generic characteristics in~~
21 ~~Section 12276 based upon finding that those firearms have~~
22 ~~such a high rate of fire and capacity for firepower, and in~~
23 ~~the case of rifles or pistols which are defined as assault~~
24 ~~weapons in Section 12276 coupled with their~~
25 ~~concealability and maneuverability, that their function as~~
26 ~~a legitimate sports or recreational firearm is substantially~~
27 ~~outweighed by the danger that they can be used to kill~~
28 ~~and injure human beings. It is the intent of the~~
29 ~~Legislature in enacting this chapter to place restrictions~~
30 ~~on the use of assault weapons and to establish a~~
31 ~~registration and permit procedure for their lawful sale~~
32 ~~and possession. It is not, however, the intent of the~~
33 ~~Legislature by this chapter to place restrictions on the use~~
34 ~~of those weapons which are primarily designed and~~
35 ~~intended for hunting, target practice, or other legitimate~~
36 ~~sports or recreational activities.~~

37 ~~(b) It was the original intent of the Legislature in~~
38 ~~enacting Chapter 19 of the Statutes of 1989 to ban all~~
39 ~~assault weapons, regardless of their name, model number,~~
40 ~~or manufacturer. The purpose of the act that enacts this~~



1 ~~subdivision is to effectively achieve the Legislature's~~
2 ~~intent to prohibit all assault weapons.~~

3 ~~(e) This section shall become operative on the earlier~~
4 ~~of the two following dates:~~

5 ~~(1) A final determination of the California Supreme~~
6 ~~Court on or after January 1, 1999, that either Section 12276~~
7 ~~or 12276.5 of the Penal Code as either of those sections~~
8 ~~read prior to January 1, 1998, is invalid.~~

9 ~~(2) January 1, 2000.~~

10 ~~SEC. 10. Section 12276 of the Penal Code is amended~~
11 ~~to read:~~

12 ~~12276. As used in this chapter, "assault weapon" shall~~
13 ~~mean the following designated semiautomatic firearms:~~

14 ~~(a) All of the following specified rifles:~~

15 ~~(1) All AK series including, but not limited to, the~~
16 ~~models identified as follows:~~

17 ~~(A) Made in China AK, AKM, AKS, AK47, AK47S, 56,~~
18 ~~56S, 84S, and 86S.~~

19 ~~(B) Norinco 56, 56S, 84S, and 86S.~~

20 ~~(C) Poly Technologies AKS and AK47.~~

21 ~~(D) MAADI AK47 and ARM.~~

22 ~~(2) UZI and Galil.~~

23 ~~(3) Beretta AR-70.~~

24 ~~(4) CETME Sporter.~~

25 ~~(5) Colt AR-15 series.~~

26 ~~(6) Daewoo K-1, K-2, Max 1, Max 2, AR 100, and AR~~
27 ~~110C.~~

28 ~~(7) Fabrique Nationale FAL, LAR, FNC, 308 Match,~~
29 ~~and Sporter.~~

30 ~~(8) MAS 223.~~

31 ~~(9) HK 91, HK 93, HK 94, and HK PSG-1.~~

32 ~~(10) The following MAC types:~~

33 ~~(A) RPB Industries Inc. sM10 and sM11.~~

34 ~~(B) SWD Incorporated M11.~~

35 ~~(11) SKS with detachable magazine.~~

36 ~~(12) SIG AMT, PE 57, SG 550, and SG 551.~~

37 ~~(13) Springfield Armory BM59 and SAR-48.~~

38 ~~(14) Sterling MK-6.~~

39 ~~(15) Steyer AUG.~~

40 ~~(16) Valmet M62S, M71S, and M78S.~~



- 1 ~~(17) Armalite AR-180.~~
- 2 ~~(18) Bushmaster Assault Rifle.~~
- 3 ~~(19) Calico M-900.~~
- 4 ~~(20) J&R ENG M-68.~~
- 5 ~~(21) Weaver Arms Nighthawk.~~
- 6 ~~(b) All of the following specified pistols:~~
- 7 ~~(1) UZI.~~
- 8 ~~(2) Encom MP-9 and MP-45.~~
- 9 ~~(3) The following MAC types:~~
- 10 ~~(A) RPB Industries Inc. sM10 and sM11.~~
- 11 ~~(B) SWD Incorporated M-11.~~
- 12 ~~(C) Advance Armament Inc. M-11.~~
- 13 ~~(D) Military Armament Corp. Ingram M-11.~~
- 14 ~~(4) Intratec TEC-9.~~
- 15 ~~(5) Sites Spectre.~~
- 16 ~~(6) Sterling MK-7.~~
- 17 ~~(7) Calico M-950.~~
- 18 ~~(8) Bushmaster Pistol.~~
- 19 ~~(c) All of the following specified shotguns:~~
- 20 ~~(1) Franchi SPAS 12 and LAW 12.~~
- 21 ~~(2) Striker 12.~~
- 22 ~~(3) The Streetsweeper type S/S Inc. SS/12.~~
- 23 ~~(d) Any firearm declared by the court pursuant to~~
- 24 ~~Section 12276.5 to be an assault weapon that is specified~~
- 25 ~~as an assault weapon in a list promulgated pursuant to~~
- 26 ~~Section 12276.5.~~
- 27 ~~(e) The term “series” includes all other models that~~
- 28 ~~are only variations, with minor differences, of those~~
- 29 ~~models listed in subdivision (a), regardless of the~~
- 30 ~~manufacturer.~~
- 31 ~~(f) This section is declaratory of existing law, as~~
- 32 ~~amended, and a clarification of the law and the~~
- 33 ~~Legislature’s intent which bans the weapons enumerated~~
- 34 ~~in this section, the weapons included in the list~~
- 35 ~~promulgated by the Attorney General pursuant to~~
- 36 ~~Section 12276.5, and any other models which are only~~
- 37 ~~variations of those weapons with minor differences,~~
- 38 ~~regardless of the manufacturer. The Legislature has~~
- 39 ~~defined assault weapons as the types, series, and models~~
- 40 ~~listed in this section because it was the most effective way~~



1 to identify and restrict a specific class of semiautomatic
2 weapons.

3 (g) This section shall be repealed on the earlier of the
4 two following dates:

5 (1) A final determination of the California Supreme
6 Court on or after January 1, 1999, that either Section 12276
7 or 12276.5 of the Penal Code as either of those sections
8 read prior to January 1, 1998, is invalid.

9 (2) January 1, 2000.

10 SEC. 10.1. Section 12276 is added to the Penal Code,
11 to read:

12 12276. As used in this chapter, the following
13 definitions shall apply:

14 (a) "Rifle" shall have the same meaning as provided in
15 paragraph (20) of subdivision (e) of Section 12020.

16 (b) "Shotgun" shall have the same meaning as
17 provided in paragraph (21) of subdivision (e) of Section
18 12020.

19 (c) "Pistol" means any firearm that is not a rifle or
20 shotgun.

21 (d) "Assault weapon" shall mean any of the following
22 designated firearms:

23 (1) A semiautomatic, centerfire rifle with two or more
24 of the of the following:

25 (A) A conspicuously protruding pistol grip, or a
26 thumbhole stock or a vertical handgrip.

27 (B) A grenade launcher.

28 (C) A bayonet mount.

29 (D) A threaded barrel designed to accommodate a
30 flash suppressor.

31 (E) A detachable magazine is attached to the firearm
32 which has the capacity to hold in excess of 10 centerfire
33 cartridges.

34 (F) A fixed magazine capacity in excess 10 rounds.

35 (2) A semiautomatic, centerfire rifle with a detachable
36 magazine attached to the firearm which has the capacity
37 to hold in excess of 19 centerfire cartridges.

38 (3) A semiautomatic, centerfire rifle with a fixed
39 magazine which has the capacity to hold in excess of 19
40 centerfire cartridges.



- 1 ~~(4) A semiautomatic, centerfire rifle with an overall~~
2 ~~length of less than 30 inches.~~
- 3 ~~(5) A semiautomatic centerfire rifle with the capacity~~
4 ~~to fire ammunition greater than .45 caliber.~~
- 5 ~~(6) A semiautomatic pistol that has the capacity to~~
6 ~~accommodate a detachable magazine and two or more of~~
7 ~~the following:~~
- 8 ~~(A) The capacity to accept a magazine at some~~
9 ~~location outside of the pistol grip.~~
- 10 ~~(B) A threaded barrel.~~
- 11 ~~(C) A second vertical handgrip.~~
- 12 ~~(D) A shroud that is attached to, or partially or~~
13 ~~completely encircles, the barrel, excepting a slide that~~
14 ~~encloses the barrel.~~
- 15 ~~(E) The semiautomatic version of an automatic~~
16 ~~firearm.~~
- 17 ~~(F) A total weight of 50 ounces or more.~~
- 18 ~~(7) A semiautomatic pistol with a fixed magazine with~~
19 ~~the capacity to accept in excess of 19 rounds.~~
- 20 ~~(8) A semiautomatic pistol with a detachable~~
21 ~~magazine attached to the firearm which has the capacity~~
22 ~~to hold in excess of 19 rounds.~~
- 23 ~~(9) A semiautomatic shotgun that has both of the~~
24 ~~following:~~
- 25 ~~(A) A folding or telescoping stock.~~
- 26 ~~(B) A conspicuously protruding pistol grip.~~
- 27 ~~(10) A semiautomatic shotgun with a fixed magazine~~
28 ~~that has the capacity to accept more than five rounds.~~
- 29 ~~(11) A semiautomatic shotgun that has the capacity to~~
30 ~~accept a detachable magazine.~~
- 31 ~~(12) Any shotgun that has a revolving cylinder.~~
- 32 ~~(13) Any semiautomatic pistol, which is referred to in~~
33 ~~Section 921(a)(30)(A) of Title 18 of the United States~~
34 ~~Code.~~
- 35 ~~(e) “Slug shotgun” means a semiautomatic shotgun~~
36 ~~greater than .45 caliber that meets all of the following~~
37 ~~criteria:~~
- 38 ~~(1) It has no folding or telescopic stock.~~
- 39 ~~(2) It has no conspicuously protruding pistol grip.~~
- 40 ~~(3) It has no capacity to accept a detachable magazine.~~



1 ~~(4) It has no fixed magazine that has the capacity to~~
2 ~~accept more than five rounds.~~

3 ~~(f) As used in this chapter, the date a firearm is~~
4 ~~“specified as an assault weapon” is the effective date of an~~
5 ~~amendment to this section that specifies a firearm by~~
6 ~~generic characteristics as an assault weapon.~~

7 ~~(g) As used in subparagraph (E) of paragraph (1) of~~
8 ~~subdivision (d), paragraph (2) of subdivision (d), and~~
9 ~~paragraph (8) of subdivision (d), “a detachable magazine~~
10 ~~attached to a firearm” where either of the following~~
11 ~~exists:~~

12 ~~(1) The detachable magazine is affixed to the firearm.~~

13 ~~(2) Both the firearm and the detachable magazine are~~
14 ~~carried by the same individual at the same time on or~~
15 ~~about his or her person.~~

16 ~~(h) This section shall become operative on the earlier~~
17 ~~of the two following dates:~~

18 ~~(1) A final determination of the California Supreme~~
19 ~~Court on or after January 1, 1999, that either Section 12276~~
20 ~~or 12276.5 of the Penal Code as either of those sections~~
21 ~~read prior to January 1, 1998, is invalid.~~

22 ~~(2) January 1, 2000.~~

23 ~~SEC. 11. Section 12276.5 of the Penal Code is~~
24 ~~amended to read:~~

25 ~~12276.5. (a) Upon request by the Attorney General~~
26 ~~filed in a verified petition in a superior court of a county~~
27 ~~with a population of more than 1,000,000, the superior~~
28 ~~court shall issue a declaration of temporary suspension of~~
29 ~~the manufacture, sale, distribution, transportation, or~~
30 ~~importation into the state, or the giving or lending of a~~
31 ~~firearm alleged to be an assault weapon within the~~
32 ~~meaning of Section 12276 because the firearm is either of~~
33 ~~the following:~~

34 ~~(1) Another model by the same manufacturer or a~~
35 ~~copy by another manufacturer of an assault weapon listed~~
36 ~~in subdivision (a), (b), or (c) of Section 12276 which is~~
37 ~~identical to one of the assault weapons listed in those~~
38 ~~subdivisions except for slight modifications or~~
39 ~~enhancements including, but not limited to: a folding or~~
40 ~~retractable stock; adjustable sight; case deflector for~~



1 ~~left-handed shooters; shorter barrel; wooden, plastic or~~
2 ~~metal stock; larger magazine size; different caliber~~
3 ~~provided that the caliber exceeds .22 rimfire; or bayonet~~
4 ~~mount. The court shall strictly construe this paragraph so~~
5 ~~that a firearm which is merely similar in appearance but~~
6 ~~not a prototype or copy cannot be found to be within the~~
7 ~~meaning of this paragraph.~~

8 ~~(2) A firearm first manufactured or sold to the general~~
9 ~~public in California after June 1, 1989, which has been~~
10 ~~redesigned, renamed, or renumbered from one of the~~
11 ~~firearms listed in subdivision (a), (b), or (c) of Section~~
12 ~~12276, or which is manufactured or sold by another~~
13 ~~company under a licensing agreement to manufacture or~~
14 ~~sell one of the firearms listed in subdivision (a), (b), or (c)~~
15 ~~of Section 12276, regardless of the company of production~~
16 ~~or distribution, or the country of origin.~~

17 ~~(b) Upon the issuance of a declaration of temporary~~
18 ~~suspension by the superior court and after the Attorney~~
19 ~~General has completed the notice requirements of~~
20 ~~subdivisions (c) and (d), the provisions of subdivision (a)~~
21 ~~of Section 12280 shall apply with respect to those~~
22 ~~weapons.~~

23 ~~(c) Upon declaration of temporary suspension, the~~
24 ~~Attorney General shall immediately notify all police,~~
25 ~~sheriffs, district attorneys, and those requesting notice~~
26 ~~pursuant to subdivision (d), shall notify industry and~~
27 ~~association publications for those who manufacture, sell,~~
28 ~~or use firearms, and shall publish notice in not less than~~
29 ~~10 newspapers of general circulation in geographically~~
30 ~~diverse sections of the state of the fact that the declaration~~
31 ~~has been issued.~~

32 ~~(d) The Attorney General shall maintain a list of any~~
33 ~~persons who request to receive notice of any declaration~~
34 ~~of temporary suspension and shall furnish notice under~~
35 ~~subdivision (c) to all these persons immediately upon a~~
36 ~~superior court declaration. Notice shall also be furnished~~
37 ~~by the Attorney General by certified mail, return receipt~~
38 ~~requested (or substantial equivalent if the person who is~~
39 ~~to receive the notice resides outside the United States);~~
40 ~~to any known manufacturer and California distributor of~~



1 the weapon which is the subject of the temporary
2 suspension order or their California statutory agent for
3 service. The notice shall be deemed effective upon
4 mailing.

5 (e) After issuing a declaration of temporary
6 suspension under this section, the superior court shall set
7 a date for hearing on a permanent declaration that the
8 weapon is an assault weapon. The hearing shall be set no
9 later than 30 days from the date of issuance of the
10 declaration of temporary suspension. The hearing may be
11 continued for good cause thereafter. Any manufacturer
12 or California distributor of the weapon which is the
13 subject of the temporary suspension order has the right,
14 within 20 days of notification of the issuance of the order,
15 to intervene in the action. Any manufacturer or
16 California distributor who fails to timely exercise its right
17 of intervention, or any other person who manufactures,
18 sells, or owns the assault weapon may, in the court's
19 discretion, thereafter join the action as amicus curiae.

20 (f) At the hearing, the burden of proof is upon the
21 Attorney General to show by a preponderance of
22 evidence that the weapon which is the subject of the
23 declaration of temporary suspension is an assault weapon.
24 If the court finds the weapon to be an assault weapon, it
25 shall issue a declaration that it is an assault weapon under
26 Section 12276. Any party to the matter may appeal the
27 court's decision. A declaration that the weapon is an
28 assault weapon shall remain in effect during the
29 pendency of the appeal unless ordered otherwise by the
30 appellate court.

31 (g) The Attorney General shall prepare a description
32 for identification purposes, including a picture or
33 diagram, of each assault weapon listed in Section 12276,
34 and any firearm declared to be an assault weapon
35 pursuant to this section, and shall distribute the
36 description to all law enforcement agencies responsible
37 for enforcement of this chapter. Those law enforcement
38 agencies shall make the description available to all agency
39 personnel.



1 ~~(h) The Attorney General shall promulgate a list that~~
2 ~~specifies all firearms designated as assault weapons in~~
3 ~~Section 12276 or declared to be assault weapons pursuant~~
4 ~~to this section. The Attorney General shall file that list~~
5 ~~with the Secretary of State for publication in the~~
6 ~~California Code of Regulations. Any declaration that a~~
7 ~~specified firearm is an assault weapon shall be~~
8 ~~implemented by the Attorney General who, within 90~~
9 ~~days, shall promulgate an amended list which shall~~
10 ~~include the specified firearm declared to be an assault~~
11 ~~weapon. The Attorney General shall file the amended list~~
12 ~~with the Secretary of State for publication in the~~
13 ~~California Code of Regulations.~~

14 ~~Chapter 3.5 (commencing with Section 11340) of~~
15 ~~Division 3 of Title 2 of the Government Code, pertaining~~
16 ~~to the adoption of rules and regulations, shall not apply to~~
17 ~~any list of assault weapons promulgated pursuant to this~~
18 ~~section.~~

19 ~~(i) The Attorney General shall adopt those rules and~~
20 ~~regulations that may be necessary or proper to carry out~~
21 ~~the purposes and intent of this chapter.~~

22 ~~(j) This section shall be repealed on the earlier of the~~
23 ~~two following dates:~~

24 ~~(1) A final determination of the California Supreme~~
25 ~~Court on or after January 1, 1999, that either Section 12276~~
26 ~~or 12276.5 of the Penal Code as either of those sections~~
27 ~~read prior to January 1, 1998, is invalid.~~

28 ~~(2) January 1, 2000.~~

29 ~~SEC. 11.1. Section 12276.5 is added to the Penal Code,~~
30 ~~to read:~~

31 ~~12276.5. (a) Except where the manufacture,~~
32 ~~distribution, transportation, or importation into this state,~~
33 ~~or keeping for sale, or offering or exposing for sale, or~~
34 ~~giving or lending of an assault weapon is allowed by this~~
35 ~~chapter, an assault weapon, as defined in Section 12276,~~
36 ~~is a nuisance.~~

37 ~~(b) (1) Except as provided in paragraph (2), an~~
38 ~~assault weapon possessed in violation of this chapter, is a~~
39 ~~nuisance.~~



1 ~~(2) Where a person has his or her conviction reduced~~
2 ~~to an infraction pursuant to paragraph (2) of subdivision~~
3 ~~(b) of Section 12280, the assault weapon shall not be~~
4 ~~deemed to be a nuisance and shall be returned to the~~
5 ~~person unless the court finds, after notice and hearing,~~
6 ~~that in the interests of public safety the firearm should be~~
7 ~~destroyed pursuant to Section 12028. However, if a person~~
8 ~~referred to in subparagraph (B) of paragraph (2) of~~
9 ~~subdivision (b) of Section 12280 does not register the~~
10 ~~firearm with the Department of Justice within the period~~
11 ~~provided by paragraph (2) of subdivision (b) of Section~~
12 ~~12285, the firearm shall be deemed to be a nuisance. The~~
13 ~~person shall be given all the information he or she needs~~
14 ~~by the law enforcement agency that has possession of the~~
15 ~~firearm in order that the person may register the firearm~~
16 ~~pursuant to Section 12285.~~

17 ~~(e) The Attorney General or district attorney may~~
18 ~~bring an action to enjoin the manufacture, importation,~~
19 ~~keeping for sale, offering or exposing for sale, giving,~~
20 ~~lending, or possession of any assault weapon.~~

21 ~~(d) Except as provided in paragraph (2) of subdivision~~
22 ~~(b), an assault weapon shall be subject to confiscation and~~
23 ~~summary destruction whenever found within this state~~
24 ~~and shall be destroyed pursuant to Section 12028 or 12030,~~
25 ~~unless a judge or district attorney certifies that the~~
26 ~~interests of justice would best be served by preserving the~~
27 ~~weapon until the necessity for its use ceases.~~

28 ~~(e) The Attorney General shall adopt those rules and~~
29 ~~regulations that may be necessary or proper to carry out~~
30 ~~the purposes and intent of this chapter.~~

31 ~~(f) This section shall become operative on the earlier~~
32 ~~of the two following dates:~~

33 ~~(1) A final determination of the California Supreme~~
34 ~~Court on or after January 1, 1999, that either Section 12276~~
35 ~~or 12276.5 of the Penal Code as either of those sections~~
36 ~~read prior to January 1, 1998, is invalid.~~

37 ~~(2) January 1, 2000.~~

38 ~~SEC. 12. Section 12280 of the Penal Code is amended~~
39 ~~to read:~~



1 ~~12280. (a) (1) Any person who, within this state,~~
2 ~~manufactures or causes to be manufactured, distributes,~~
3 ~~transports, or imports into the state, keeps for sale, or~~
4 ~~offers or exposes for sale, or who gives or lends any assault~~
5 ~~weapon, except as provided by this chapter, is guilty of a~~
6 ~~felony, and upon conviction shall be punished by~~
7 ~~imprisonment in the state prison for four, six, or eight~~
8 ~~years.~~

9 ~~(2) In addition and consecutive to the punishment~~
10 ~~imposed under paragraph (1), any person who transfers,~~
11 ~~lends, sells, or gives any assault weapon to a minor in~~
12 ~~violation of paragraph (1) shall receive an enhancement~~
13 ~~of one year.~~

14 ~~(b) Except as provided in Section 12288, any person~~
15 ~~who, within this state, possesses any assault weapon,~~
16 ~~except as provided in this chapter, is guilty of a public~~
17 ~~offense and upon conviction shall be punished by~~
18 ~~imprisonment in the state prison, or in a county jail, not~~
19 ~~exceeding one year. However, if the person presents~~
20 ~~proof that he or she lawfully possessed the assault weapon~~
21 ~~prior to June 1, 1989, or prior to the date it was specified~~
22 ~~as an assault weapon, and has since either registered the~~
23 ~~firearm and any other lawfully obtained firearm subject~~
24 ~~to this chapter pursuant to Section 12285 or relinquished~~
25 ~~them pursuant to Section 12288, a first-time violation of~~
26 ~~this subdivision shall be an infraction punishable by a fine~~
27 ~~of up to five hundred dollars (\$500), but not less than~~
28 ~~three hundred fifty dollars (\$350), if the person has~~
29 ~~otherwise possessed the firearm in compliance with~~
30 ~~subdivision (e) of Section 12285. In these cases, the~~
31 ~~firearm shall be returned unless the court finds in the~~
32 ~~interest of public safety, after notice and hearing, that the~~
33 ~~assault weapon should be destroyed pursuant to Section~~
34 ~~12028.~~

35 ~~(c) Notwithstanding Section 654 or any other~~
36 ~~provision of law, any person who commits another crime~~
37 ~~while violating this section may receive an additional,~~
38 ~~consecutive punishment of one year for violating this~~
39 ~~section in addition and consecutive to the punishment,~~



1 including enhancements, which is prescribed for the
2 other crime.

3 (d) Subdivisions (a) and (b) shall not apply to the sale
4 to, purchase by, or possession of assault weapons by the
5 Department of Justice, police departments, sheriffs'
6 offices, marshals' offices, the Department of Corrections,
7 the Department of the California Highway Patrol, district
8 attorneys' offices, or the military or naval forces of this
9 state or of the United States for use in the discharge of
10 their official duties; nor shall anything in this chapter
11 prohibit the possession or use of assault weapons by sworn
12 members of these agencies when on duty and the use is
13 within the scope of their duties.

14 (e) Subdivision (b) shall not apply to the possession of
15 an assault weapon by any person during the 1990 calendar
16 year, or during the 90-day period immediately after the
17 date it was specified as an assault weapon, if all of the
18 following are applicable:

19 (1) The person is eligible under this chapter to register
20 the particular assault weapon.

21 (2) The person lawfully possessed the particular
22 assault weapon described in paragraph (1) prior to June
23 1, 1989, or prior to the date it was specified as an assault
24 weapon.

25 (3) The person is otherwise in compliance with this
26 chapter.

27 (f) Subdivisions (a) and (b) shall not apply to the
28 manufacture by persons who are issued permits pursuant
29 to Section 12287 of assault weapons for sale to the
30 following:

31 (1) Exempt entities listed in subdivision (d).

32 (2) Entities and persons who have been issued permits
33 pursuant to Section 12286.

34 (3) Entities outside the state who have, in effect, a
35 federal firearms dealer's license solely for the purpose of
36 distribution to an entity listed in paragraphs (4) to (6),
37 inclusive.

38 (4) Federal military and law enforcement agencies.

39 (5) Law enforcement and military agencies of other
40 states.



1 ~~(6) Foreign governments and agencies approved by~~
2 ~~the United States State Department.~~

3 ~~(g) Subdivision (a) shall not apply to a person who is~~
4 ~~the executor or administrator of an estate that includes an~~
5 ~~assault weapon registered under Section 12285 which is~~
6 ~~disposed of as authorized by the probate court, if the~~
7 ~~disposition is otherwise permitted by this chapter.~~

8 ~~(h) Subdivision (b) shall not apply to a person who is~~
9 ~~the executor or administrator of an estate that includes an~~
10 ~~assault weapon registered under Section 12285, if the~~
11 ~~assault weapon is possessed at a place set forth in~~
12 ~~paragraph (1) of subdivision (c) of Section 12285 or as~~
13 ~~authorized by the probate court.~~

14 ~~(i) Subdivision (a) shall not apply to:~~

15 ~~(1) A person who lawfully possesses and has registered~~
16 ~~an assault weapon pursuant to this chapter who lends that~~
17 ~~assault weapon to another if all the following apply:~~

18 ~~(A) The person to whom the assault weapon is lent is~~
19 ~~18 years of age or over and is not in a class of persons~~
20 ~~prohibited from possessing firearms by virtue of Section~~
21 ~~12021 or 12021.1 of this code or Section 8100 or 8103 of the~~
22 ~~Welfare and Institutions Code.~~

23 ~~(B) The person to whom the assault weapon is lent~~
24 ~~remains in the presence of the registered possessor of the~~
25 ~~assault weapon.~~

26 ~~(C) The assault weapon is possessed at any of the~~
27 ~~following locations:~~

28 ~~(i) While on a target range that holds a regulatory or~~
29 ~~business license for the purpose of practicing shooting at~~
30 ~~that target range.~~

31 ~~(ii) While on the premises of a target range of a public~~
32 ~~or private club or organization organized for the purpose~~
33 ~~of practicing shooting at targets.~~

34 ~~(iii) While attending any exhibition, display, or~~
35 ~~educational project that is about firearms and that is~~
36 ~~sponsored by, conducted under the auspices of, or~~
37 ~~approved by a law enforcement agency or a nationally or~~
38 ~~state recognized entity that fosters proficiency in, or~~
39 ~~promotes education about, firearms.~~



1 ~~(2) The return of an assault weapon to the registered~~
2 ~~possessor which is lent by the same pursuant to paragraph~~
3 ~~(1):~~

4 ~~(j) Subdivision (b) shall not apply to the possession of~~
5 ~~an assault weapon by a person to whom an assault weapon~~
6 ~~is lent pursuant to subdivision (i):~~

7 ~~(k) Subdivisions (a) and (b) shall not apply to the~~
8 ~~possession and importation of an assault weapon into this~~
9 ~~state by a nonresident if all of the following conditions are~~
10 ~~met:~~

11 ~~(1) The person is attending or going directly to or~~
12 ~~coming directly from an organized competitive match or~~
13 ~~league competition that involves the use of an assault~~
14 ~~weapon:~~

15 ~~(2) The competition or match is conducted on the~~
16 ~~premises of one of the following:~~

17 ~~(i) A target range that holds a regulatory or business~~
18 ~~license for the purpose of practicing shooting at that~~
19 ~~target range:~~

20 ~~(ii) A target range of a public or private club or~~
21 ~~organization that is organized for the purpose of~~
22 ~~practicing shooting at targets:~~

23 ~~(3) The match or competition is sponsored by,~~
24 ~~conducted under the auspices of, or approved by, a law~~
25 ~~enforcement agency or a nationally or state recognized~~
26 ~~entity that fosters proficiency in, or promotes education~~
27 ~~about, firearms:~~

28 ~~(4) The assault weapon is transported in accordance~~
29 ~~with Section 12026.1 or 12026.2:~~

30 ~~(5) The person is 18 years of age or over and is not in~~
31 ~~a class of persons prohibited from possessing firearms by~~
32 ~~virtue of Section 12021 or 12021.1 of this code or Section~~
33 ~~8100 or 8103 of the Welfare and Institutions Code:~~

34 ~~(l) As used in this chapter, the date a firearm is~~
35 ~~“specified as an assault weapon” is the earliest of the~~
36 ~~following:~~

37 ~~(1) The effective date of an amendment to Section~~
38 ~~12276 that adds the designation of the specified firearm:~~



1 ~~(2) The effective date of the list promulgated pursuant~~
2 ~~to Section 12276.5 that adds or changes the designation of~~
3 ~~the specified firearm.~~

4 ~~(m) This section shall be repealed on the earlier of the~~
5 ~~two following dates:~~

6 ~~(1) A final determination of the California Supreme~~
7 ~~Court on or after January 1, 1999, that either Section 12276~~
8 ~~or 12276.5 of the Penal Code as either of those sections~~
9 ~~read prior to January 1, 1998, is invalid.~~

10 ~~(2) January 1, 2000.~~

11 ~~SEC. 12.1. Section 12280 is added to the Penal Code,~~
12 ~~to read:~~

13 ~~12280. (a) (1) Any person who, within this state,~~
14 ~~manufactures or causes to be manufactured, distributes,~~
15 ~~transports, or imports into the state, keeps for sale, or~~
16 ~~offers or exposes for sale, or who gives or lends any assault~~
17 ~~weapon, except as provided by this chapter, is guilty of a~~
18 ~~felony, and upon conviction shall be punished by~~
19 ~~imprisonment in the state prison for four, six, or eight~~
20 ~~years.~~

21 ~~(2) In addition and consecutive to the punishment~~
22 ~~imposed under paragraph (1), any person who transfers,~~
23 ~~lends, sells, or gives any assault weapon to a minor in~~
24 ~~violation of paragraph (1) shall receive an enhancement~~
25 ~~of one year.~~

26 ~~(b) Any person who, within this state, possesses any~~
27 ~~assault weapon is guilty of a public offense and upon~~
28 ~~conviction shall be punished as follows:~~

29 ~~(1) Unless at time of sentencing after conviction that~~
30 ~~the defendant proves by a preponderance of the~~
31 ~~evidence that he or she comes within the provisions of~~
32 ~~paragraph (2), by imprisonment in a county jail not to~~
33 ~~exceed one year or in the state prison.~~

34 ~~(2) An infraction if the person is subject to either of the~~
35 ~~following:~~

36 ~~(A) The person meets all of the following:~~

37 ~~(i) The person is the registered owner of an assault~~
38 ~~weapon, has been issued a permit to possess an assault~~
39 ~~weapon pursuant to Section 12286, or is allowed to possess~~



1 ~~an assault weapon pursuant to paragraph (1) of~~
2 ~~subdivision (e).~~
3 ~~(ii) The person violates the provisions of subdivision~~
4 ~~(e) of Section 12285 or Section 12286, as to where he or she~~
5 ~~may possess the assault weapon.~~
6 ~~(iii) The person has not previously been convicted of~~
7 ~~violating this section.~~
8 ~~(B) The person meets all of the following:~~
9 ~~(i) The person was in lawful possession of no more than~~
10 ~~two assault weapons that are subject to the violation~~
11 ~~charged in the present proceeding prior to the date any~~
12 ~~of the weapons was specified as an assault weapon.~~
13 ~~(ii) The person possessed all of these assault weapons~~
14 ~~in a manner which, if he or she was the registered owner~~
15 ~~of the assault weapons, would be in compliance with~~
16 ~~subdivision (e) of Section 12285.~~
17 ~~(iii) The person has not previously been convicted of~~
18 ~~violating this section.~~
19 ~~(iv) The person did either of the following prior to the~~
20 ~~date he or she was convicted of the offense:~~
21 ~~(I) Registered all of the assault weapons subject to the~~
22 ~~violation charged in the present proceeding pursuant to~~
23 ~~Section 12285 or relinquished possession of the same~~
24 ~~pursuant to Section 12288.~~
25 ~~(H) Registered one of the assault weapons subject to~~
26 ~~the violation charged in the present proceeding pursuant~~
27 ~~to Section 12285 and relinquished possession of the other~~
28 ~~assault weapon pursuant to Section 12288.~~
29 ~~(v) The person is charged in the present proceeding~~
30 ~~with possessing less than three assault weapons.~~
31 ~~(vi) The person violated this subdivision within one~~
32 ~~year and 180 days of the date that the firearm or firearms~~
33 ~~in question were specified as an assault weapon or assault~~
34 ~~weapons.~~
35 ~~(e) Notwithstanding Section 654 or any other~~
36 ~~provision of law, any person who commits another crime~~
37 ~~while violating this section may receive an additional,~~
38 ~~consecutive punishment of one year for violating this~~
39 ~~section in addition and consecutive to the punishment,~~

1 including enhancements, which is prescribed for the
2 other crime.

3 (d) Subdivisions (a) and (b) shall not apply to the sale
4 to, purchase by, or possessions of assault weapons by the
5 Department of Justice, police departments, sheriffs'
6 offices, marshals' offices, the Department of Corrections,
7 the Department of the California Highway Patrol, district
8 attorneys' offices, or the military or naval forces of this
9 state or of the United States for use in the discharge of
10 their official duties; nor shall anything in this chapter
11 prohibit the possession or use of assault weapons by sworn
12 members of these agencies for purposes of law
13 enforcement, whether the officer is on or off duty, or the
14 possession by an individual who is retired from service
15 with a law enforcement agency and is not otherwise
16 prohibited from possessing an assault weapon transferred
17 to the individual by the agency upon his or her
18 retirement.

19 (e) Subdivision (b) shall not apply to the possession of
20 an assault weapon by any of the following persons:

21 (1) An individual who is retired from service with a
22 law enforcement agency and is not otherwise prohibited
23 from receiving firearms transferred to the individual by
24 the agency upon his or her retirement.

25 (2) Any person during the one-year period
26 immediately after the date it was specified as an assault
27 weapon, if all of the following are applicable:

28 (A) The person is eligible under this chapter to
29 register the particular assault weapon.

30 (B) The person lawfully possessed the particular
31 assault weapon described in paragraph (1) prior to June
32 1, 1989, or prior to the date it was specified as an assault
33 weapon.

34 (C) The person is otherwise in compliance with this
35 chapter.

36 (3) A person acting in accordance with Section 12286.

37 (4) A person who is the registered owner of an assault
38 weapon when possessing the weapon pursuant to Section
39 12285 or 12286.



1 ~~(5) Any person during the one-year period after he or~~
2 ~~she obtains title to an assault weapon registered under~~
3 ~~Section 12285 by bequest or intestate succession, if the~~
4 ~~person is eligible under this chapter to register the~~
5 ~~particular assault weapon and the assault weapon is~~
6 ~~possessed at a place set forth in paragraph (1) of~~
7 ~~subdivision (c) of Section 12285 or is transported in order~~
8 ~~to comply with paragraph (2) of subdivision (b) of~~
9 ~~Section 12285.~~

10 ~~(6) Any person during the one-year period after he or~~
11 ~~she obtains title to an assault weapon that was possessed~~
12 ~~pursuant to paragraph (1) of subdivision (c) by bequest~~
13 ~~or intestate succession, if the person is eligible under this~~
14 ~~chapter to register the particular assault weapon and the~~
15 ~~assault weapon is possessed at a place set forth in~~
16 ~~paragraph (1) of subdivision (c) of Section 12285 or is~~
17 ~~transported in order to comply with paragraph (2) of~~
18 ~~subdivision (b) of Section 12285.~~

19 ~~(f) Subdivisions (a) and (b) shall not apply to the~~
20 ~~manufacture by persons who are issued permits pursuant~~
21 ~~to Section 12287 of assault weapons for sale to the~~
22 ~~following:~~

23 ~~(1) Exempt entities listed in subdivision (d):~~

24 ~~(2) Entities and persons who have been issued permits~~
25 ~~pursuant to Section 12286.~~

26 ~~(3) Entities outside the state who have, in effect, a~~
27 ~~federal firearms dealer's license solely for the purpose of~~
28 ~~distribution to an entity listed in paragraphs (4) to (6),~~
29 ~~inclusive.~~

30 ~~(4) Federal military and law enforcement agencies.~~

31 ~~(5) Law enforcement and military agencies of other~~
32 ~~states.~~

33 ~~(6) Foreign governments and agencies approved by~~
34 ~~the United States State Department.~~

35 ~~(g) Subdivision (a) shall not apply to a person who is~~
36 ~~the executor or administrator of an estate that includes an~~
37 ~~assault weapon registered under Section 12285 that is~~
38 ~~disposed of as authorized by the probate court, if the~~
39 ~~disposition is otherwise permitted by this chapter.~~



1 ~~(h) Subdivision (b) shall not apply to a person who is~~
2 ~~the executor or administrator of an estate that includes an~~
3 ~~assault weapon registered under Section 12285, if the~~
4 ~~assault weapon is possessed at a place set forth in~~
5 ~~paragraph (1) of subdivision (c) of Section 12285 or as~~
6 ~~authorized by the probate court.~~

7 ~~(i) Subdivision (a) shall not apply to either of the~~
8 ~~following:~~

9 ~~(1) A person who lawfully possesses and has registered~~
10 ~~an assault weapon pursuant to this chapter who lends that~~
11 ~~assault weapon to another if all the following apply:~~

12 ~~(A) The person to whom the assault weapon is lent is~~
13 ~~18 years of age or over and is not in a class of persons~~
14 ~~prohibited from possessing firearms by virtue of Section~~
15 ~~12021 or 12021.1 of this code or Section 8100 or 8103 of the~~
16 ~~Welfare and Institutions Code.~~

17 ~~(B) The person to whom the assault weapon is lent~~
18 ~~remains in the presence of the registered possessor of the~~
19 ~~assault weapon.~~

20 ~~(C) The assault weapon is possessed at any of the~~
21 ~~following locations:~~

22 ~~(i) While on a target range that holds a regulatory or~~
23 ~~business license for the purpose of practicing shooting at~~
24 ~~that target range.~~

25 ~~(ii) While on the premises of a target range of a public~~
26 ~~or private club or organization organized for the purpose~~
27 ~~of practicing shooting at targets.~~

28 ~~(iii) While attending any exhibition, display, or~~
29 ~~educational project that is about firearms and that is~~
30 ~~sponsored by, conducted under the auspices of, or~~
31 ~~approved by a law enforcement agency or a nationally or~~
32 ~~state recognized entity that fosters proficiency in, or~~
33 ~~promotes education about, firearms.~~

34 ~~(2) The return of an assault weapon to the registered~~
35 ~~possessor which is lent by the same pursuant to paragraph~~
36 ~~(1).~~

37 ~~(j) Subdivision (b) shall not apply to the possession of~~
38 ~~an assault weapon by a person to whom an assault weapon~~
39 ~~is lent pursuant to subdivision (i).~~



1 ~~(k) Subdivisions (a) and (b) shall not apply to the~~
2 ~~possession and importation of an assault weapon into this~~
3 ~~state by a nonresident if all of the following conditions are~~
4 ~~met:~~

5 ~~(1) The person is attending or going directly to or~~
6 ~~coming directly from an organized competitive match or~~
7 ~~league competition that involves the use of an assault~~
8 ~~weapon.~~

9 ~~(2) The competition or match is conducted on the~~
10 ~~premises of one of the following:~~

11 ~~(A) A target range that holds a regulatory or business~~
12 ~~license for the purpose of practicing shooting at that~~
13 ~~target range.~~

14 ~~(B) A target range of a public or private club or~~
15 ~~organization that is organized for the purpose of~~
16 ~~practicing shooting at targets.~~

17 ~~(3) The match or competition is sponsored by,~~
18 ~~conducted under the auspices of, or approved by, a law~~
19 ~~enforcement agency or a nationally or state recognized~~
20 ~~entity that fosters proficiency in, or promotes education~~
21 ~~about, firearms.~~

22 ~~(4) The assault weapon is transported in accordance~~
23 ~~with Section 12026.1 or 12026.2.~~

24 ~~(5) The person is 18 years of age or over and is not in~~
25 ~~a class of persons prohibited from possessing firearms by~~
26 ~~virtue of Section 12021 or 12021.1 of this code or Section~~
27 ~~8100 or 8103 of the Welfare and Institutions Code.~~

28 ~~(f) Subdivisions (a) and (b) shall not apply to a person:~~

29 ~~(1) Acting in accordance with subdivision (b) of~~
30 ~~Section 12285.~~

31 ~~(2) Acting in accordance with Section 12288 or 12290.~~

32 ~~(m) Subdivisions (a) and (b) shall not apply to any of~~
33 ~~the following:~~

34 ~~(1) A firearm that has been rendered permanently~~
35 ~~inoperable.~~

36 ~~(2) A semiautomatic shotgun that has been~~
37 ~~permanently altered so that it has a fixed magazine~~
38 ~~capacity of no greater than five rounds.~~

39 ~~(3) A slug shotgun.~~



1 ~~(n) Subdivision (a) shall not apply to the return of an~~
2 ~~assault weapon to a person pursuant to paragraph (2) of~~
3 ~~subdivision (b) of Section 12276.5.~~

4 ~~(o) Subdivision (a) shall not apply to a person who~~
5 ~~makes an assault weapon solely by doing any of the~~
6 ~~following:~~

7 ~~(1) Affixing a detachable magazine to a firearm.~~

8 ~~(2) A person carrying both a firearm and the~~
9 ~~detachable magazine at the same time on or about his or~~
10 ~~her person.~~

11 ~~(p) This section shall become operative on the earlier~~
12 ~~of the two following dates:~~

13 ~~(1) A final determination of the California Supreme~~
14 ~~Court on or after January 1, 1999, that either Section 12276~~
15 ~~or 12276.5 of the Penal Code as either of those sections~~
16 ~~read prior to January 1, 1998, is invalid.~~

17 ~~(2) January 1, 2000.~~

18 ~~SEC. 13. Section 12285 of the Penal Code is amended~~
19 ~~to read:~~

20 ~~12285. (a) Any person who lawfully possesses an~~
21 ~~assault weapon, as defined in Section 12276, prior to June~~
22 ~~1, 1989, shall register the firearm by January 1, 1991, and~~
23 ~~any person who lawfully possessed an assault weapon~~
24 ~~prior to the date it was specified as an assault weapon~~
25 ~~pursuant to Section 12276.5 shall register the firearm~~
26 ~~within 90 days, with the Department of Justice pursuant~~
27 ~~to those procedures that the department may establish.~~
28 ~~The registration shall contain a description of the firearm~~
29 ~~that identifies it uniquely, including all identification~~
30 ~~marks, the full name, address, date of birth, and~~
31 ~~thumbprint of the owner, and any other information that~~
32 ~~the department may deem appropriate. The department~~
33 ~~may charge a fee for registration of up to twenty dollars~~
34 ~~(\$20) per person but not to exceed the actual processing~~
35 ~~costs of the department. After the department establishes~~
36 ~~fees sufficient to reimburse the department for~~
37 ~~processing costs, fees charged shall increase at a rate not~~
38 ~~to exceed the legislatively approved annual cost of living~~
39 ~~adjustment for the department's budget or as otherwise~~
40 ~~increased through the Budget Act.~~



1 ~~(b) (1) Except as provided in paragraph (2), no~~
2 ~~assault weapon possessed pursuant to this section may be~~
3 ~~sold or transferred on or after January 1, 1990, to anyone~~
4 ~~within this state other than to a licensed gun dealer, as~~
5 ~~defined in subdivision (c) of Section 12290, or as provided~~
6 ~~in Section 12288. Any person who (A) obtains title to an~~
7 ~~assault weapon registered under this section by bequest~~
8 ~~or intestate succession, or (B) lawfully possessed a~~
9 ~~firearm subsequently declared to be an assault weapon~~
10 ~~pursuant to Section 12276.5, shall, within 90 days, render~~
11 ~~the weapon permanently inoperable, sell the weapon to~~
12 ~~a licensed gun dealer, obtain a permit from the~~
13 ~~Department of Justice in the same manner as specified in~~
14 ~~Article 3 (commencing with Section 12230) of Chapter 2,~~
15 ~~or remove the weapon from this state. A person who~~
16 ~~lawfully possessed a firearm that was subsequently~~
17 ~~declared to be an assault weapon pursuant to Section~~
18 ~~12276.5 may alternatively register the firearm within 90~~
19 ~~days of the declaration issued pursuant to subdivision (f)~~
20 ~~of Section 12276.5.~~

21 ~~(2) A person moving into this state, otherwise in lawful~~
22 ~~possession of an assault weapon, shall do one of the~~
23 ~~following:~~

24 ~~(A) Prior to bringing the assault weapon into this state,~~
25 ~~that person shall first obtain a permit from the~~
26 ~~Department of Justice in the same manner as specified in~~
27 ~~Article 3 (commencing with Section 12230) of Chapter 2.~~

28 ~~(B) The person shall cause the assault weapon to be~~
29 ~~delivered to a licensed gun dealer, as defined in~~
30 ~~subdivision (c) of Section 12290, in this state in~~
31 ~~accordance with Chapter 44 (commencing with Section~~
32 ~~921) of Title 18 of the United States Code and the~~
33 ~~regulations issued pursuant thereto. If the person obtains~~
34 ~~a permit from the Department of Justice in the same~~
35 ~~manner as specified in Article 3 (commencing with~~
36 ~~Section 12230) of Chapter 2, the dealer shall redeliver~~
37 ~~that assault weapon to the person. If the licensed gun~~
38 ~~dealer, as defined in subdivision (c) of Section 12290, is~~
39 ~~prohibited from delivering the assault weapon to a person~~



1 ~~pursuant to this paragraph, the dealer shall possess or~~
2 ~~dispose of the assault weapon as allowed by this chapter.~~

3 ~~(e) A person who has registered an assault weapon~~
4 ~~under this section may possess it only under any of the~~
5 ~~following conditions unless a permit allowing additional~~
6 ~~uses is first obtained under Section 12286:~~

7 ~~(1) At that person's residence, place of business, or~~
8 ~~other property owned by that person, or on property~~
9 ~~owned by another with the owner's express permission.~~

10 ~~(2) While on the premises of a target range of a public~~
11 ~~or private club or organization organized for the purpose~~
12 ~~of practicing shooting at targets.~~

13 ~~(3) While on a target range that holds a regulatory or~~
14 ~~business license for the purpose of practicing shooting at~~
15 ~~that target range.~~

16 ~~(4) While on the premises of a shooting club which is~~
17 ~~licensed pursuant to the Fish and Game Code.~~

18 ~~(5) While attending any exhibition, display, or~~
19 ~~educational project which is about firearms and which is~~
20 ~~sponsored by, conducted under the auspices of, or~~
21 ~~approved by a law enforcement agency or a nationally or~~
22 ~~state recognized entity that fosters proficiency in, or~~
23 ~~promotes education about, firearms.~~

24 ~~(6) While on publicly owned land if the possession and~~
25 ~~use of a firearm described in Section 12276 is specifically~~
26 ~~permitted by the managing agency of the land.~~

27 ~~(7) While transporting the assault weapon between~~
28 ~~any of the places mentioned in this subdivision, or to any~~
29 ~~licensed gun dealer, as defined in subdivision (e) of~~
30 ~~Section 12290, for servicing or repair pursuant to~~
31 ~~subdivision (b) of Section 12290, if the assault weapon is~~
32 ~~transported as required by Section 12026.1.~~

33 ~~(d) No person who is under the age of 18 years, no~~
34 ~~person who is prohibited from possessing a firearm by~~
35 ~~Section 12021 or 12021.1, and no person described in~~
36 ~~Section 8100 or 8103 of the Welfare and Institutions Code~~
37 ~~may register or possess an assault weapon.~~

38 ~~(e) The department's registration procedures shall~~
39 ~~provide the option of joint registration for assault~~



1 ~~weapons owned by family members residing in the same~~
2 ~~household.~~

3 ~~(f) For 90 days following January 1, 1992, a forgiveness~~
4 ~~period shall exist to allow persons specified in subdivision~~
5 ~~(b) of Section 12280 to register with the Department of~~
6 ~~Justice assault weapons that they lawfully possessed prior~~
7 ~~to June 1, 1989.~~

8 ~~(g) Any person who registers his or her assault weapon~~
9 ~~during the 90 day forgiveness period described in~~
10 ~~subdivision (f), and any person whose registration form~~
11 ~~was received by the Department of Justice after January~~
12 ~~1, 1991, and who was issued a temporary registration prior~~
13 ~~to the end of the forgiveness period, shall not be charged~~
14 ~~with a violation of subdivision (b) of Section 12280, if law~~
15 ~~enforcement becomes aware of that violation only as a~~
16 ~~result of the registration of the assault weapon. This~~
17 ~~subdivision shall have no effect upon persons charged~~
18 ~~with a violation of subdivision (b) of Section 12280 of the~~
19 ~~Penal Code prior to January 1, 1992, provided that law~~
20 ~~enforcement was aware of the violation before the~~
21 ~~weapon was registered.~~

22 ~~(h) This section shall be repealed on the earlier of the~~
23 ~~two following dates:~~

24 ~~(1) A final determination of the California Supreme~~
25 ~~Court on or after January 1, 1999, that either Section 12276~~
26 ~~or 12276.5 of the Penal Code as either of those sections~~
27 ~~read prior to January 1, 1998, is invalid.~~

28 ~~(2) January 1, 2000.~~

29 ~~SEC. 13.1. Section 12285 is added to the Penal Code,~~
30 ~~to read:~~

31 ~~12285. (a) (1) (A) Except as provided in paragraph~~
32 ~~(2), any person who lawfully possesses an assault weapon~~
33 ~~prior to the date it was specified as an assault weapon,~~
34 ~~shall register the firearm within one year thereof, with~~
35 ~~the Department of Justice pursuant to those procedures~~
36 ~~that the department may establish. Those procedures~~
37 ~~shall require proof that the firearm was not acquired in~~
38 ~~violation of the laws of the state wherein the person~~
39 ~~resided when he or she initially acquired the firearm and~~
40 ~~was not in violation of the provisions of Chapter 44~~

1 ~~(commencing with Section 921) of Title 18 of the United~~
2 ~~States Code and the regulations issued pursuant thereto.~~

3 ~~(B) Except as provided in paragraph (2), any person~~
4 ~~who is a person described in paragraph (2) of subdivision~~
5 ~~(b), shall register the firearm within one year thereof,~~
6 ~~with the Department of Justice pursuant to those~~
7 ~~procedures that the department may establish.~~

8 ~~(2) Any person arrested for a violation of subdivision~~
9 ~~(b) of Section 12280 and who qualifies for the reduction~~
10 ~~of the penalty to an infraction pursuant to paragraph (2)~~
11 ~~of subdivision (b) of Section 12280 shall have 30 days after~~
12 ~~the arrest to register the firearm with the department~~
13 ~~pursuant to those procedures that the department may~~
14 ~~establish.~~

15 ~~(3) The registration used pursuant to this section shall~~
16 ~~contain a description of the firearm that identifies it~~
17 ~~uniquely, including all identification marks, the full~~
18 ~~name, address, date of birth, and thumbprint of the~~
19 ~~owner, and any other information that the department~~
20 ~~may deem appropriate. The department may charge a~~
21 ~~fee for registration of up to twenty dollars (\$20) per~~
22 ~~person but not to exceed the actual processing costs of the~~
23 ~~department. After the department establishes fees~~
24 ~~sufficient to reimburse the department for processing~~
25 ~~costs, fees charged shall increase at a rate not to exceed~~
26 ~~the legislatively approved annual cost-of-living~~
27 ~~adjustment for the department's budget or as otherwise~~
28 ~~increased through the Budget Act.~~

29 ~~(b) (1) Except as provided in paragraph (2) or (3), no~~
30 ~~assault weapon registered pursuant to this section or~~
31 ~~possessed in accordance with an exemption set forth in~~
32 ~~Section 12280 or pursuant to Section 12286 may be sold or~~
33 ~~transferred to anyone within this state other than to a~~
34 ~~licensed gun dealer, as defined in subdivision (c) of~~
35 ~~Section 12290, or as provided in Section 12288, or to a~~
36 ~~person who has been issued a permit pursuant to Section~~
37 ~~12286.~~

38 ~~(2) Any person who obtains title to an assault weapon~~
39 ~~registered under this section by bequest or intestate~~
40 ~~succession or possessed pursuant to paragraph (1) of~~



1 ~~subdivision (e) of Section 12280 shall, within one year~~
2 ~~thereof, render the weapon permanently inoperable, sell~~
3 ~~the weapon to a licensed gun dealer, register the firearm~~
4 ~~with the Department of Justice pursuant to subdivision~~
5 ~~(a), or remove the weapon from this state.~~

6 ~~(3) A person moving into this state, otherwise in lawful~~
7 ~~possession of an assault weapon, shall do one of the~~
8 ~~following:~~

9 ~~(A) Prior to bringing the assault weapon into this state,~~
10 ~~that person shall first obtain a permit from the~~
11 ~~Department of Justice in the same manner as specified in~~
12 ~~Article 3 (commencing with Section 12230) of Chapter 2.~~

13 ~~(B) The person shall cause the assault weapon to be~~
14 ~~delivered to a licensed gun dealer, as defined in~~
15 ~~subdivision (e) of Section 12290, in this state in~~
16 ~~accordance with Chapter 44 (commencing with Section~~
17 ~~921) of Title 18 of the United States Code and the~~
18 ~~regulations issued pursuant thereto. If the person obtains~~
19 ~~a permit from the Department of Justice in the same~~
20 ~~manner as specified in Article 3 (commencing with~~
21 ~~Section 12230) of Chapter 2, the dealer shall redeliver~~
22 ~~that assault weapon to the person. If the licensed gun~~
23 ~~dealer, as defined in subdivision (e) of Section 12290, is~~
24 ~~prohibited from delivering the assault weapon to a person~~
25 ~~pursuant to this paragraph, the dealer shall possess or~~
26 ~~dispose of the assault weapon as allowed by this chapter.~~

27 ~~(c) A person who has registered an assault weapon~~
28 ~~under this section, or who has been issued a permit to~~
29 ~~acquire the weapon, may possess it only under any of the~~
30 ~~following conditions unless a permit allowing additional~~
31 ~~uses is first obtained under Section 12286:~~

32 ~~(1) At that person's residence, place of business, or~~
33 ~~other property owned by that person, or on property~~
34 ~~owned by another with the owner's express permission.~~

35 ~~(2) While on the premises of a target range of a public~~
36 ~~or private club or organization organized for the purpose~~
37 ~~of practicing shooting at targets.~~

38 ~~(3) While on target range that holds a regulatory or~~
39 ~~business license for the purpose of practicing shooting at~~
40 ~~that target range.~~



1 ~~(4) While on the premises of a shooting club which is~~
2 ~~licensed pursuant to the Fish and Game Code.~~

3 ~~(5) While attending any exhibition, display, or~~
4 ~~educational project which is about firearms and which is~~
5 ~~sponsored by, conducted under the auspices of, or~~
6 ~~approved by, a law enforcement agency or a nationally or~~
7 ~~state recognized entity that fosters proficiency in, or~~
8 ~~promotes education about, firearms.~~

9 ~~(6) While on publicly owned land if the possession and~~
10 ~~use of a firearm described in Section 12276 is specifically~~
11 ~~permitted by the managing agency of the land.~~

12 ~~(7) At the premises of a law enforcement agency~~
13 ~~incident to reacquiring possession of the firearm as the~~
14 ~~registered owner of the firearm.~~

15 ~~(8) While transporting the assault weapon between~~
16 ~~any of the places mentioned in this subdivision, or to any~~
17 ~~licensed gun dealer, as defined in subdivision (e) of~~
18 ~~Section 12290, for servicing or repair pursuant to~~
19 ~~subdivision (b) of Section 12290, if the assault weapon is~~
20 ~~transported as required by Section 12026.1.~~

21 ~~(9) While transporting an assault weapon acquired~~
22 ~~pursuant to Section 12286 to or between any of the places~~
23 ~~specified in this subdivision, or to any licensed gun dealer,~~
24 ~~as defined in subdivision (e) of Section 12290, for~~
25 ~~servicing or repair pursuant to subdivision (b) of Section~~
26 ~~12290, if the assault weapon is transported as required by~~
27 ~~Section 12026.1.~~

28 ~~(d) No person who is under the age of 18 years, no~~
29 ~~person who is prohibited from possessing a firearm by~~
30 ~~Section 12021 or 12021.1, and no person described in~~
31 ~~Section 8100 or 8103 of the Welfare and Institutions Code~~
32 ~~may register or possess an assault weapon.~~

33 ~~(e) The department's registration procedures shall~~
34 ~~provide the option of joint registration for assault~~
35 ~~weapons owned by family members residing in the same~~
36 ~~household.~~

37 ~~(f) Any person who registered a firearm as an assault~~
38 ~~weapon pursuant to the provisions of law in effect prior~~
39 ~~to January 1, 2000, where the assault weapon is thereafter~~
40 ~~generically classified to be an assault weapon pursuant to~~



1 ~~Section 12276, shall be deemed to have registered the~~
2 ~~weapon for purposes of this chapter and need not~~
3 ~~reregister the weapon pursuant to this section.~~

4 ~~(g) The following firearms need not be registered~~
5 ~~pursuant to this chapter:~~

6 ~~(1) A firearm that has been rendered permanently~~
7 ~~inoperable.~~

8 ~~(2) A semiautomatic shotgun that has been~~
9 ~~permanently altered so that it has a fixed magazine no~~
10 ~~greater than five rounds.~~

11 ~~(3) A slug shotgun.~~

12 ~~(h) This section shall become operative on the earlier~~
13 ~~of the two following dates:~~

14 ~~(1) A final determination of the California Supreme~~
15 ~~Court on or after January 1, 1999, that either Section 12276~~
16 ~~or 12276.5 of the Penal Code as either of those sections~~
17 ~~read prior to January 1, 1998, is invalid.~~

18 ~~(2) January 1, 2000.~~

19 ~~SEC. 14. Section 12286 of the Penal Code is amended~~
20 ~~to read:~~

21 ~~12286. (a) Any person who lawfully acquired an~~
22 ~~assault weapon before June 1, 1989, and wishes to use it in~~
23 ~~a manner different than specified in subdivision (c) of~~
24 ~~Section 12285, any person who lawfully acquired an~~
25 ~~assault weapon between June 1, 1989, and January 1, 1990,~~
26 ~~and wishes to keep it after January 1, 1990, or any person~~
27 ~~who wishes to acquire an assault weapon after January 1,~~
28 ~~1990, shall first obtain a permit from the Department of~~
29 ~~Justice in the same manner as specified in Article 3~~
30 ~~(commencing with Section 12230) of Chapter 2.~~

31 ~~(b) This section shall be repealed on the earlier of the~~
32 ~~two following dates:~~

33 ~~(1) A final determination of the California Supreme~~
34 ~~Court on or after January 1, 1999, that either Section 12276~~
35 ~~or 12276.5 of the Penal Code as either of those sections~~
36 ~~read prior to January 1, 1998, is invalid.~~

37 ~~(2) January 1, 2000.~~

38 ~~SEC. 14.1. Section 12286 is added to the Penal Code,~~
39 ~~to read:~~

1 ~~12286. (a) Any person who is the registered owner of~~
2 ~~an assault weapon and wishes to use it in a manner~~
3 ~~different than specified in subdivision (e) of Section~~
4 ~~12285, or any person who wishes to acquire an assault~~
5 ~~weapon after it was specified to be an assault weapon shall~~
6 ~~first obtain a permit from the Department of Justice in~~
7 ~~the same manner as specified in Article 3 (commencing~~
8 ~~with Section 12230) of Chapter 2.~~

9 ~~(b) Any person who wishes to acquire an assault~~
10 ~~weapon shall first obtain a permit from the Department~~
11 ~~of Justice in the same manner as specified in Article 3~~
12 ~~(commencing with Section 12230) of Chapter 2.~~

13 ~~(c) This section shall become operative on the earlier~~
14 ~~of the two following dates:~~

15 ~~(1) A final determination of the California Supreme~~
16 ~~Court on or after January 1, 1999, that either Section 12276~~
17 ~~or 12276.5 of the Penal Code as either of those sections~~
18 ~~read prior to January 1, 1998, is invalid.~~

19 ~~(2) January 1, 2000.~~

20 ~~SEC. 15. Section 12289 of the Penal Code is amended~~
21 ~~to read:~~

22 ~~12289. (a) The Department of Justice shall conduct a~~
23 ~~public education and notification program regarding the~~
24 ~~registration of assault weapons, including outreach to~~
25 ~~local law enforcement agencies and utilization of public~~
26 ~~service announcements in a variety of media approaches,~~
27 ~~to ensure maximum publicity of the limited forgiveness~~
28 ~~period of the registration requirement specified in~~
29 ~~subdivision (f) of Section 12285 and the consequences of~~
30 ~~nonregistration. The department shall develop posters~~
31 ~~describing gun owners' responsibilities under this~~
32 ~~chapter which shall be posted in a conspicuous place in~~
33 ~~every licensed gun store in the state during the~~
34 ~~forgiveness period.~~

35 ~~(b) Any costs incurred by the Department of Justice~~
36 ~~to implement this section which cannot be absorbed by~~
37 ~~the department shall be funded from the Dealers' Record~~
38 ~~of Sale Special Account, as set forth in subdivision (d) of~~
39 ~~Section 12076, upon appropriation by the Legislature.~~



1 ~~(c) This section shall be repealed on the earlier of the~~
2 ~~two following dates:~~

3 ~~(1) A final determination of the California Supreme~~
4 ~~Court on or after January 1, 1999, that either Section 12276~~
5 ~~or 12276.5 of the Penal Code as either of those sections~~
6 ~~read prior to January 1, 1998, is invalid.~~

7 ~~(2) January 1, 2000.~~

8 ~~SEC. 15.1. Section 12289 is added to the Penal Code,~~
9 ~~to read:~~

10 ~~12289. (a) The Department of Justice shall conduct a~~
11 ~~public education and notification program regarding the~~
12 ~~registration of assault weapons, including outreach to~~
13 ~~local law enforcement agencies and utilization of public~~
14 ~~service announcements in a variety of media approaches,~~
15 ~~to ensure maximum publicity of the registration~~
16 ~~requirements specified in Section 12285 and the~~
17 ~~consequences of nonregistration. The department shall~~
18 ~~develop posters describing gun owners' responsibilities~~
19 ~~under this chapter which shall be posted in a conspicuous~~
20 ~~place in every licensed gun store in the state.~~

21 ~~(b) Any costs incurred by the Department of Justice~~
22 ~~to implement this section which cannot be absorbed by~~
23 ~~the department shall be funded from the Dealers' Record~~
24 ~~of Sale Special Account, as set forth in subdivision (d) of~~
25 ~~Section 12076, upon appropriation by the Legislature.~~

26 ~~(c) This section shall become operative on the earlier~~
27 ~~of the two following dates:~~

28 ~~(1) A final determination of the California Supreme~~
29 ~~Court on or after January 1, 1999, that either Section 12276~~
30 ~~or 12276.5 of the Penal Code as either of those sections~~
31 ~~read prior to January 1, 1998, is invalid.~~

32 ~~(2) January 1, 2000.~~

33 ~~SEC. 15.5. (a) It is the intent of the Legislature in~~
34 ~~enacting Sections 9, 9.1, 10, 10.1, 11, 11.1, 12, 12.1, 13, 13.1,~~
35 ~~14, 14.1, 15, and 15.1 of this act to ban certain categories~~
36 ~~of firearms as assault weapons based upon their generic~~
37 ~~characteristics.~~

38 ~~(b) This act shall not be construed to do any of the~~
39 ~~following:~~



1 ~~(1) Forgive or legalize the making, distribution,~~
2 ~~importation, or possession of any firearm denominated an~~
3 ~~assault weapon by Section 12276 of the Penal Code as that~~
4 ~~section read prior to January 1, 2000.~~

5 ~~(2) Forgive or legalize any conduct prohibited by~~
6 ~~Section 12280 of the Penal Code as that section read prior~~
7 ~~to January 1, 2000.~~

8 ~~(3) Void or make voidable or render invalid any~~
9 ~~conviction for a violation of Section 12280 of the Penal~~
10 ~~Code as that section read prior to January 1, 2000.~~

11 ~~(4) Bar any prosecution for any conduct prohibited by~~
12 ~~Section 12280 of the Penal Code as that section read prior~~
13 ~~to January 1, 2000.~~

14 ~~SEC. 16. Sections 1 to 3, inclusive, Section 7, and~~
15 ~~Sections 9 to 15.1, inclusive, of this act shall become~~
16 ~~operative only if AB 23 is enacted and becomes effective~~
17 ~~on or before January 1, 1999.~~

18 ~~SEC. 17. Section 8.1 of this act shall become operative~~
19 ~~only if AB 23 is enacted and becomes effective on or~~
20 ~~before January 1, 1999, in which case Section 8 of this bill~~
21 ~~shall not become operative.~~

22 ~~SEC. 18.~~

23 *SEC. 5. If any phrase, clause, sentence, section, or*
24 *provision of this act or application thereof to any person*
25 *or circumstance is held invalid, such invalidity shall not*
26 *affect any other phrase, clause, sentence, section,*
27 *provision or application of this act, which can be given*
28 *effect without the invalid phrase, clause, sentence,*
29 *section, provision or application and to this end the*
30 *provisions of this act are declared to be severable.*

31 ~~SEC. 19.~~

32 *SEC. 6. Section 2.5 of this bill incorporates*
33 *amendments to Section 12071 of the Penal Code proposed*
34 *by both this bill and AB 1871. It shall only become*
35 *operative if (1) both bills are enacted and become*
36 *effective on or before January 1, 1999, (2) each bill*
37 *amends Section 12071 of the Penal Code, and (3) this bill*
38 *is enacted after AB 1871, in which case Section 2 of this bill*
39 *shall not become operative.*



1 *SEC.* 7. Notwithstanding Section 17610 of the
2 Government Code, if the Commission on State Mandates
3 determines that this act contains costs mandated by the
4 state, reimbursement to local agencies and school
5 districts for those costs shall be made pursuant to Part 7
6 (commencing with Section 17500) of Division 4 of Title
7 2 of the Government Code. If the statewide cost of the
8 claim for reimbursement does not exceed one million
9 dollars (\$1,000,000), reimbursement shall be made from
10 the State Mandates Claims Fund.

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

