

AMENDED IN ASSEMBLY APRIL 6, 1999  
AMENDED IN ASSEMBLY MARCH 10, 1999  
AMENDED IN ASSEMBLY MARCH 8, 1999

CALIFORNIA LEGISLATURE—1999–2000 REGULAR SESSION

**ASSEMBLY BILL**

**No. 202**

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**Introduced by Assembly Member Knox**  
**(Principal coauthors: Assembly Members Hertzberg and**  
**Steinberg)**  
*(Coauthors: Assembly Members Kuehl, Longville, Romero,*  
*Shelley, Wesson, and Wiggins)*

January 21, 1999

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An act to amend Sections 12071, 12072, 12076, and 12077 of the Penal Code, relating to firearms.

LEGISLATIVE COUNSEL'S DIGEST

AB 202, as amended, Knox. Firearms.

Existing law regulates the sale of firearms and prohibits the sale of certain specified firearms, but does not otherwise limit the number of firearms that a qualified person may purchase.

This bill would make it a misdemeanor for any dealer to deliver a pistol, revolver, or other firearm capable of being concealed upon the person following notice from the Department of Justice that, within the preceding 30-day period, the purchaser ~~made an~~ *has made another* application to purchase that concealable firearm. The bill also would provide that, except as specified, any person who makes an application to purchase more than one concealable firearm

within any 30-day period is guilty of either an infraction or misdemeanor depending upon the number of violations committed by that person. By creating new crimes, this bill would impose a state-mandated local program.

This bill also would make conforming changes to other provisions of law.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

Vote: majority. Appropriation: no. Fiscal committee: yes. State-mandated local program: yes.

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

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

3 12071. (a) (1) As used in this chapter, the term  
4 “licensee,” “person licensed pursuant to Section 12071,”  
5 or “dealer” means a person who has all of the following:

- 6 (A) A valid federal firearms license.
- 7 (B) Any regulatory or business license, or licenses,  
8 required by local government.
- 9 (C) A valid seller’s permit issued by the State Board of  
10 Equalization.
- 11 (D) A certificate of eligibility issued by the  
12 Department of Justice pursuant to paragraph (4).
- 13 (E) A license issued in the format prescribed by  
14 paragraph (6).

15 (F) Is among those recorded in the centralized list  
16 specified in subdivision (e).

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



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

6 (4) A person may request a certificate of eligibility  
7 from the Department of Justice and the Department of  
8 Justice shall issue a certificate to an applicant if the  
9 department's records indicate that the applicant is not a  
10 person who is prohibited from possessing firearms.

11 (5) The department shall adopt regulations to  
12 administer the certificate of eligibility program and shall  
13 recover the full costs of administering the program by  
14 imposing fees assessed to applicants who apply for those  
15 certificates.

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

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

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

24 (C) A letter from the duly constituted licensing  
25 authority having primary jurisdiction for the applicant's  
26 intended business location stating that the jurisdiction  
27 does not require any form of regulatory or business  
28 license or does not otherwise restrict or regulate the sale  
29 of firearms.

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

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

35 (1) (A) Except as provided in subparagraphs (B) and  
36 (C), the business shall be conducted only in the buildings  
37 designated in the license.

38 (B) A person licensed pursuant to subdivision (a) may  
39 take possession of firearms and commence preparation of  
40 registers for the sale, delivery, or transfer of firearms at



1 gun shows or events, as defined in Section 178.100 of Title  
2 27 of the Code of Federal Regulations, or its successor, if  
3 the gun show or event is not conducted from any  
4 motorized or towed vehicle. A person conducting  
5 business pursuant to this subparagraph shall be entitled  
6 to conduct business as authorized herein at any gun show  
7 or event in the state without regard to the jurisdiction  
8 within this state that issued the license pursuant to  
9 subdivision (a), provided the person complies with (i) all  
10 applicable laws, including, but not limited to, the waiting  
11 period specified in subparagraph (A) of paragraph (3),  
12 and (ii) all applicable local laws, regulations, and fees, if  
13 any.

14 A person conducting business pursuant to this  
15 subparagraph shall publicly display his or her license  
16 issued pursuant to subdivision (a), or a facsimile thereof,  
17 at any gun show or event, as specified in this  
18 subparagraph.

19 (C) A person licensed pursuant to subdivision (a) may  
20 engage in the sale and transfer of firearms other than  
21 pistols, revolvers, or other firearms capable of being  
22 concealed upon the person, at events specified in  
23 subdivision (g) of Section 12078, subject to the  
24 prohibitions and restrictions contained in that  
25 subdivision.

26 A person licensed pursuant to subdivision (a) also may  
27 accept delivery of firearms other than pistols, revolvers,  
28 or other firearms capable of being concealed upon the  
29 person, outside the building designated in the license,  
30 provided the firearm is being donated for the purpose of  
31 sale or transfer at an auction or similar event specified in  
32 subdivision (g) of Section 12078.

33 (D) The firearm may be delivered to the purchaser,  
34 transferee, or person being loaned the firearm at one of  
35 the following places:

- 36 (i) The building designated in the license.
- 37 (ii) The places specified in subparagraph (B) or (C).
- 38 (iii) The place of residence of, the fixed place of  
39 business of, or on private property owned or lawfully



1 possessed by, the purchaser, transferee, or person being  
2 loaned the firearm.

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

6 (3) No firearm shall be delivered:

7 (A) Within 10 days of the application to purchase, or,  
8 after notice by the department pursuant to subdivision  
9 (d) of Section 12076, within 10 days of the submission to  
10 the department of any correction to the application, or  
11 within 10 days of the submission to the department of any  
12 fee required pursuant to subdivision (e) of Section 12076,  
13 whichever is later.

14 (B) Unless unloaded and securely wrapped or  
15 unloaded and in a locked container.

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

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

23 (4) No pistol, revolver, or other firearm or imitation  
24 thereof capable of being concealed upon the person, or  
25 placard advertising the sale or other transfer thereof, shall  
26 be displayed in any part of the premises where it can  
27 readily be seen from the outside.

28 (5) The licensee shall agree to and shall act properly  
29 and promptly in processing firearms transactions  
30 pursuant to Section 12082.

31 (6) The licensee shall comply with Sections 12073,  
32 12076, and 12077, subdivisions (a) and (b) of Section  
33 12072, and subdivision (a) of Section 12316.

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

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



1 (B) "IF YOU KEEP A LOADED FIREARM, OR A  
2 PISTOL, REVOLVER, OR OTHER FIREARM  
3 CAPABLE OF BEING CONCEALED UPON THE  
4 PERSON, WITHIN ANY PREMISES UNDER YOUR  
5 CUSTODY OR CONTROL, AND A PERSON UNDER 16  
6 GAINS ACCESS TO THE FIREARM, YOU MAY BE  
7 GUILTY OF A MISDEMEANOR OR A FELONY,  
8 UNLESS YOU STORED THE FIREARM IN A LOCKED  
9 CONTAINER, OR LOCKED THE FIREARM WITH A  
10 LOCKING DEVICE, TO KEEP IT FROM  
11 TEMPORARILY FUNCTIONING."

12 (C) "DISCHARGING FIREARMS IN POORLY  
13 VENTILATED AREAS, CLEANING FIREARMS, OR  
14 HANDLING AMMUNITION MAY RESULT IN  
15 EXPOSURE TO LEAD, A SUBSTANCE KNOWN TO  
16 CAUSE BIRTH DEFECTS, REPRODUCTIVE HARM,  
17 AND OTHER SERIOUS PHYSICAL INJURY. HAVE  
18 ADEQUATE VENTILATION AT ALL TIMES. WASH  
19 HANDS THOROUGHLY AFTER EXPOSURE."

20 (D) "FEDERAL REGULATIONS PROVIDE THAT  
21 IF YOU DO NOT TAKE PHYSICAL POSSESSION OF  
22 THE FIREARM THAT YOU ARE ACQUIRING  
23 OWNERSHIP OF WITHIN 30 DAYS AFTER YOU  
24 COMPLETE THE INITIAL BACKGROUND CHECK  
25 PAPERWORK, THEN YOU HAVE TO GO THROUGH  
26 THE BACKGROUND CHECK PROCESS A SECOND  
27 TIME IN ORDER TO TAKE PHYSICAL POSSESSION  
28 OF THAT FIREARM."

29 (E) "NO PERSON SHALL MAKE AN  
30 APPLICATION TO PURCHASE MORE THAN ONE  
31 PISTOL, REVOLVER, OR OTHER FIREARM  
32 CAPABLE OF BEING CONCEALED UPON THE  
33 PERSON WITHIN ANY 30-DAY PERIOD AND NO  
34 DELIVERY SHALL BE MADE TO ANY PERSON WHO  
35 HAS MADE AN APPLICATION TO PURCHASE MORE  
36 THAN ONE PISTOL, REVOLVER, OR OTHER  
37 FIREARM CAPABLE OF BEING CONCEALED UPON  
38 THE PERSON WITHIN ANY 30-DAY PERIOD."

39 (8) Commencing April 1, 1994, no pistol, revolver, or  
40 other firearm capable of being concealed upon the



1 person shall be delivered unless the purchaser,  
2 transferee, or person being loaned the firearm presents  
3 to the dealer a basic firearms safety certificate.

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

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

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

14 (A) All charges required by governmental agencies  
15 for processing firearm transfers required by Sections  
16 12076, 12082, and 12806.

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

19 (12) The licensee shall not misstate the amount of fees  
20 charged by a governmental agency pursuant to Sections  
21 12076, 12082, and 12806.

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

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

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



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

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

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

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

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

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

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

34 (i) A transaction subject to the provisions of  
35 subdivision (n) of Section 12078.

36 (ii) The dealer acquired the firearm from a  
37 wholesaler.

38 (iii) The dealer is also licensed as a secondhand dealer  
39 pursuant to Article 4 (commencing with Section 21625)



1 of Chapter 9 of Division 8 of the Business and Professions  
2 Code.

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

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

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

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

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

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

23 (2) As used in this article, a “basic firearms safety  
24 certificate” means a basic firearms certificate issued to  
25 the purchaser, transferee, or person being loaned the  
26 firearm by the Department of Justice pursuant to Article  
27 8 (commencing with Section 12800) of Chapter 6.

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

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

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

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



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

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

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

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

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

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

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

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

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

24 (B) A licensee shall be in compliance with the  
25 provisions of paragraph (17) of subdivision (b) if he or she  
26 maintains and makes available for inspection during  
27 business hours to any peace officer, authorized local law  
28 enforcement employee, or Department of Justice  
29 employee designated by the Attorney General, upon the  
30 presentation of proper identification, the bound book  
31 containing the same information referred to in Section  
32 178.124a and subdivision (e) of Section 178.125 of Title 27  
33 of the Code of Federal Regulations and the records  
34 referred to in subdivision (a) of Section 178.124 of Title  
35 27 of the Code of Federal Regulations.

36 (d) Upon written request from a licensee, the  
37 licensing authority may grant an exemption from  
38 compliance with the requirements of paragraph (14) of  
39 subdivision (b) if the licensee is unable to comply with  
40 those requirements because of local ordinances,



1 covenants, lease conditions, or similar circumstances not  
2 under the control of the licensee.

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

15 (1) For law enforcement purposes.

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

21 (3) When information is requested by a person  
22 promoting, sponsoring, operating, or otherwise  
23 organizing a show or event as defined in Section 178.100  
24 of Title 27 of the Code of Federal Regulations, or its  
25 successor, who possesses a valid certificate of eligibility  
26 issued pursuant to Section 12071.1, if that information is  
27 requested by the person to determine the eligibility of a  
28 prospective participant in a gun show or event to conduct  
29 transactions as a firearms dealer pursuant to  
30 subparagraph (B) of paragraph (1) of subdivision (b).  
31 Information provided pursuant to this paragraph shall be  
32 limited to information necessary to corroborate an  
33 individual's current license status.

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



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

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

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

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

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

32 SEC. 2. Section 12072 of the Penal Code is amended  
33 to read:

34 12072. (a) (1) No person, corporation, or firm shall  
35 knowingly supply, deliver, sell, or give possession or  
36 control of a firearm to any person within any of the classes  
37 prohibited by Section 12021 or 12021.1.

38 (2) No person, corporation, or dealer shall sell, supply,  
39 deliver, or give possession or control of a firearm to any  
40 person whom he or she has cause to believe to be within



1 any of the classes prohibited by Section 12021 or 12021.1  
2 of this code or Section 8100 or 8103 of the Welfare and  
3 Institutions Code.

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

6 (B) Subparagraph (A) shall not apply to or affect those  
7 circumstances set forth in subdivision (p) of Section  
8 12078.

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

15 (A) Knowledge that the firearm is to be subsequently  
16 loaned, sold, or transferred to avoid the provisions of  
17 subdivision (c) or (d).

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

21 (5) No person, corporation, or dealer shall acquire a  
22 firearm for the purpose of selling, transferring, or loaning  
23 the firearm, if the person, corporation, or dealer has  
24 either of the following:

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

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

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

30 (ii) The requirements of any exemption to the  
31 provisions of subdivision (d).

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

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

36 (8) No person shall sell or otherwise transfer his or her  
37 ownership in a pistol, revolver, or other firearm capable  
38 of being concealed upon the person unless the firearm  
39 bears either:



1 (A) The name of the manufacturer, the  
2 manufacturer's make or model, and a manufacturer's  
3 serial number assigned to that firearm.  
4 (B) The identification number or mark assigned to the  
5 firearm by the Department of Justice pursuant to Section  
6 12092.  
7 (9) (A) No person shall make an application to  
8 purchase more than one pistol, revolver, or other firearm  
9 capable of being concealed upon the person within any  
10 30-day period.  
11 (B) Subparagraph (A) shall not apply to any of the  
12 following:  
13 (i) Any law enforcement agency.  
14 (ii) Any agency duly authorized to perform law  
15 enforcement duties.  
16 (iii) Any state or local correctional facility.  
17 (iv) Any private security company licensed to do  
18 business in California.  
19 (v) Any person who is properly identified as a full-time  
20 paid peace officer, as defined in Chapter 4.5  
21 (commencing with Section 830) of Title 3 of Part 2, and  
22 who is authorized to, and does carry a firearm during the  
23 course and scope of his or her employment as a peace  
24 officer.  
25 (vi) Any motion picture, television, or video  
26 production company or entertainment or theatrical  
27 company whose production by its nature involves the use  
28 of a firearm.  
29 (vii) Any person who may, pursuant to Section 12078,  
30 claim an exemption from the waiting period set forth in  
31 subdivision (c) of this section.  
32 (viii) Any transaction conducted through a licensed  
33 dealer pursuant to Section 12082.  
34 (ix) Any transaction conducted through a law  
35 enforcement agency pursuant to Section 12084.  
36 (x) Any person who is licensed as a collector pursuant  
37 to Chapter 44 (commencing with Section 921) of Title 18  
38 of the United States Code and the regulations issued  
39 pursuant thereto and who has a current certificate of



1 eligibility issued to him or her by the Department of  
2 Justice pursuant to Section 12071.

3 (xi) The exchange of a pistol, revolver, or other  
4 firearm capable of being concealed upon the person  
5 where the dealer purchased that firearm from the person  
6 seeking the exchange within the 30-day period  
7 immediately preceding the date of exchange or  
8 replacement.

9 (xii) The replacement of a pistol, revolver, or other  
10 firearm capable of being concealed upon the person  
11 when the person's pistol, revolver, or other firearm  
12 capable of being concealed upon the person was lost or  
13 stolen, and the person reported that firearm lost or stolen  
14 prior to the completion of the application to purchase to  
15 any local law enforcement agency of the city, county, or  
16 city and county in which he or she resides.

17 (xiii) The return of any pistol, revolver, or other  
18 firearm capable of being concealed upon the person to its  
19 owner.

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

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

28 (1) Within 10 days of the application to purchase, or,  
29 after notice by the department pursuant to subdivision  
30 (d) of Section 12076, within 10 days of the submission to  
31 the department of any correction to the application, or  
32 within 10 days of the submission to the department of any  
33 fee required pursuant to subdivision (e) of Section 12076,  
34 whichever is later.

35 (2) Unless unloaded and securely wrapped or  
36 unloaded and in a locked container.

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



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

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

10 (6) No pistol, revolver, or other firearm capable of  
11 being concealed upon the person shall be delivered  
12 whenever the dealer is notified by the Department of  
13 Justice that within the preceding 30-day period the  
14 purchaser ~~made an~~ *has made another* application to  
15 purchase a pistol, revolver, or other firearm capable of  
16 being concealed upon the person and that the previous  
17 application to purchase involved none of the entities  
18 specified in subparagraph (B) of paragraph (9) of  
19 subdivision (a).

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

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

25 (2) A law enforcement agency pursuant to Section  
26 12084.

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

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

33 (2) Knowingly grading the examination falsely.

34 (3) Providing an advance copy of the test to an  
35 applicant.

36 (4) Taking or allowing another person to take the basic  
37 firearms safety course for one who is the applicant for the  
38 basic firearms safety certificate.

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



1 (6) Allowing others to give unauthorized assistance  
2 during the examination.

3 (7) Reference to materials during the examination  
4 and cheating by the applicant.

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

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

15 (A) The person presents proof of licensure pursuant to  
16 Section 12071 to that person.

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

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

26 (i) Forward by prepaid mail or deliver in person to the  
27 Department of Justice, a report prescribed by the  
28 department including information concerning that  
29 individual and a description of the firearm in question.

30 (ii) Sell or transfer the firearm in accordance with the  
31 provisions of subdivision (d) or in accordance with the  
32 provisions of an exemption from subdivision (d).

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

35 (iv) Sell or transfer the firearm to a sheriff or police  
36 department.

37 (B) If the personal handgun importer sells or transfers  
38 the pistol, revolver, or other firearm capable of being  
39 concealed upon the person pursuant to subdivision (d) of  
40 Section 12072 and the sale or transfer cannot be



1 completed by the dealer to the purchaser or transferee,  
2 and the firearm can be returned to the personal handgun  
3 importer, the personal handgun importer shall have  
4 complied with the provisions of this paragraph.

5 (C) The provisions of this paragraph are cumulative  
6 and shall not be construed as restricting the application  
7 of any other law. However, an act or omission punishable  
8 in different ways by this section and different provisions  
9 of the Penal Code shall not be punished under more than  
10 one provision.

11 (D) (i) On and after January 1, 1998, the department  
12 shall conduct a public education and notification program  
13 regarding this paragraph to ensure a high degree of  
14 publicity of the provisions of this paragraph.

15 (ii) As part of the public education and notification  
16 program described in this subparagraph, the department  
17 shall do all of the following:

18 (I) Work in conjunction with the Department of  
19 Motor Vehicles to ensure that any person who is subject  
20 to this paragraph is advised of the provisions of this  
21 paragraph, and provided with blank copies of the report  
22 described in clause (i) of subparagraph (A) at the time  
23 that person applies for a California driver's license or  
24 registers his or her motor vehicle in accordance with the  
25 Vehicle Code.

26 (II) Make the reports referred to in clause (i) of  
27 subparagraph (A) available to dealers licensed pursuant  
28 to Section 12071.

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

31 (IV) Make persons subject to the provisions of this  
32 paragraph aware of the fact that reports referred to in  
33 clause (i) of subparagraph (A) may be completed at  
34 either the licensed premises of dealers licensed pursuant  
35 to Section 12071 or at law enforcement agencies, that it  
36 is advisable to do so for the sake of accuracy and  
37 completeness of the reports, that prior to transporting a  
38 pistol, revolver, or other firearm capable of being  
39 concealed upon the person to a law enforcement agency  
40 in order to comply with subparagraph (A), the person



1 should give prior notice to the law enforcement agency  
2 that he or she is doing so, and that in any event, the pistol,  
3 revolver, or other firearm capable of being concealed  
4 upon the person should be transported unloaded and in  
5 a locked container.

6 (iii) Any costs incurred by the department to  
7 implement this paragraph shall be absorbed by the  
8 department within its existing budget and the fees in the  
9 Dealers' Record of Sale Special Account allocated for  
10 implementation of this subparagraph pursuant to Section  
11 12076.

12 (3) Where a person who is licensed as a collector  
13 pursuant to Chapter 44 (commencing with Section 921)  
14 of Title 18 of the United States Code and the regulations  
15 issued pursuant thereto, whose licensed premises are  
16 within this state, acquires a pistol, revolver, or other  
17 firearm capable of being concealed upon the person that  
18 is a curio or relic, as defined in Section 178.11 of Title 27  
19 of the Code of Federal Regulations, outside of this state,  
20 takes actual possession of that firearm outside of this state  
21 pursuant to the provisions of subsection (j) of Section 923  
22 of Title 18 of the United States Code, as amended by  
23 Public Law 104-208, and transports that firearm into this  
24 state, within five days of that licensed collector  
25 transporting that firearm into this state, he or she shall  
26 report to the department in a format prescribed by the  
27 department his or her acquisition of that firearm.

28 (4) (A) It is the intent of the Legislature that a  
29 violation of paragraph (2) or (3) shall not constitute a  
30 "continuing offense" and the statute of limitations for  
31 commencing a prosecution for a violation of paragraph  
32 (2) or (3) commences on the date that the applicable  
33 grace period specified in paragraph (2) or (3) expires.

34 (B) Paragraphs (2) and (3) shall not apply to a person  
35 who reports his or her ownership of a pistol, revolver, or  
36 other firearm capable of being concealed upon the  
37 person after the applicable grace period specified in  
38 paragraph (2) or (3) expires if evidence of that violation  
39 arises only as the result of the person submitting the  
40 report described in paragraph (2) or (3).



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

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

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

8 (B) If the defendant has a prior conviction of violating  
9 the provisions, other than paragraph (9) of subdivision  
10 (a), of this section or former Section 12100 of this code or  
11 Section 8101 of the Welfare and Institutions Code.

12 (C) If the defendant has a prior conviction of violating  
13 any offense specified in subdivision (b) of Section 12021.1  
14 or of a violation of Section 12020, 12220, or 12520, or of  
15 former Section 12560.

16 (D) If the defendant is in a prohibited class described  
17 in Section 12021 or 12021.1 of this code or Section 8100 or  
18 8103 of the Welfare and Institutions Code.

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

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

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

30 (A) A violation of paragraph (2), (4), or (5), of  
31 subdivision (a).

32 (B) A violation of paragraph (3) of subdivision (a)  
33 involving the sale, loan, or transfer of a pistol, revolver, or  
34 other firearm capable of being concealed upon the  
35 person to a minor.

36 (C) A violation of subdivision (b) involving the  
37 delivery of a pistol, revolver, or other firearm capable of  
38 being concealed upon the person.



1 (D) A violation of paragraph (1), (3), (4), (5), or (6)  
2 of subdivision (c) involving a pistol, revolver, or other  
3 firearm capable of being concealed upon the person.

4 (E) A violation of subdivision (d) involving a pistol,  
5 revolver, or other firearm capable of being concealed  
6 upon the person.

7 (F) A violation of subdivision (e).

8 (4) If both of the following circumstances apply, an  
9 additional term of imprisonment in the state prison for  
10 one, two, or three years shall be imposed in addition and  
11 consecutive to the sentence prescribed.

12 (A) A violation of paragraph (2) of subdivision (a) or  
13 subdivision (b).

14 (B) The firearm transferred in violation of paragraph  
15 (2) of subdivision (a) or subdivision (b) is used in the  
16 subsequent commission of a felony for which a conviction  
17 is obtained and the prescribed sentence is imposed.

18 (5) (A) A first violation of paragraph (9) of  
19 subdivision (a) is an infraction punishable by a fine of fifty  
20 dollars (\$50).

21 (B) A second violation of paragraph (9) of subdivision  
22 (a) is an infraction punishable by a fine of one hundred  
23 dollars (\$100).

24 (C) A third or subsequent violation of paragraph (9)  
25 of subdivision (a) is a misdemeanor.

26 (D) For purposes of this paragraph each application to  
27 purchase a pistol, revolver, or other firearm capable of  
28 being concealed upon the person in violation of  
29 paragraph (9) of subdivision (a) shall be deemed a  
30 separate offense.

31 SEC. 3. Section 12076 of the Penal Code is amended  
32 to read:

33 12076. (a) (1) Before January 1, 1998, the  
34 department shall determine the method by which a  
35 dealer shall submit firearm purchaser information to the  
36 department and the information shall be in one of the  
37 following formats:

38 (A) Submission of the register described in Section  
39 12077.



1 (B) Electronic or telephonic transfer of the  
2 information contained in the register described in  
3 Section 12077.

4 (2) On or after January 1, 1998, electronic or  
5 telephonic transfer, including voice or facsimile  
6 transmission, shall be the exclusive means by which  
7 purchaser information is transmitted to the department.

8 (b) (1) Where the register is used, the purchaser of  
9 any firearm shall be required to present clear evidence of  
10 his or her identity and age, as defined in Section 12071, to  
11 the dealer, and the dealer shall require him or her to sign  
12 his or her current legal name and affix his or her residence  
13 address and date of birth to the register in quadruplicate.  
14 The salesperson shall affix his or her signature to the  
15 register in quadruplicate as a witness to the signature and  
16 identification of the purchaser. Any person furnishing a  
17 fictitious name or address or knowingly furnishing any  
18 incorrect information or knowingly omitting any  
19 information required to be provided for the register and  
20 any person violating any provision of this section is guilty  
21 of a misdemeanor.

22 (2) The original of the register shall be retained by the  
23 dealer in consecutive order. Each book of 50 originals  
24 shall become the permanent register of transactions that  
25 shall be retained for not less than three years from the  
26 date of the last transaction and shall be available for the  
27 inspection of any peace officer, Department of Justice  
28 employee designated by the Attorney General, or agent  
29 of the federal Bureau of Alcohol, Tobacco, and Firearms  
30 upon the presentation of proper identification, but no  
31 information shall be compiled therefrom regarding the  
32 purchasers or other transferees of firearms that are not  
33 pistols, revolvers, or other firearms capable of being  
34 concealed upon the person.

35 (3) Two copies of the original sheet of the register, on  
36 the date of the application to purchase, shall be placed in  
37 the mail, postage prepaid, and properly addressed to the  
38 Department of Justice in Sacramento.

39 (4) If requested, a photocopy of the original shall be  
40 provided to the purchaser by the dealer.



1 (5) If the transaction is one conducted pursuant to  
2 Section 12082, a photocopy of the original shall be  
3 provided to the seller by the dealer, upon request.

4 (c) (1) Where the electronic or telephonic transfer of  
5 applicant information is used, the purchaser shall be  
6 required to present clear evidence of his or her identity  
7 and age, as defined in Section 12071, to the dealer, and the  
8 dealer shall require him or her to sign his or her current  
9 legal name to the record of electronic or telephonic  
10 transfer. The salesperson shall affix his or her signature to  
11 the record of electronic or telephonic transfer as a witness  
12 to the signature and identification of the purchaser. Any  
13 person furnishing a fictitious name or address or  
14 knowingly furnishing any incorrect information or  
15 knowingly omitting any information required to be  
16 provided for the electronic or telephone transfer and any  
17 person violating any provision of this section is guilty of  
18 a misdemeanor.

19 (2) The record of applicant information shall be  
20 transmitted to the Department of Justice in Sacramento  
21 by electronic or telephonic transfer on the date of the  
22 application to purchase.

23 (3) The original of each record of electronic or  
24 telephonic transfer shall be retained by the dealer in  
25 consecutive order. Each original shall become the  
26 permanent record of the transaction that shall be  
27 retained for not less than three years from the date of the  
28 last transaction and shall be provided for the inspection  
29 of any peace officer, Department of Justice employee  
30 designated by the Attorney General, or agent of the  
31 federal Bureau of Alcohol, Tobacco, and Firearms, upon  
32 the presentation of proper identification, but no  
33 information shall be compiled therefrom regarding the  
34 purchasers or other transferees of firearms that are not  
35 pistols, revolvers, or other firearms capable of being  
36 concealed upon the person.

37 (4) If requested, a copy of the record of electronic or  
38 telephonic transfer shall be provided to the purchaser by  
39 the dealer.

1 (5) If the transaction is one conducted pursuant to  
2 Section 12082, a copy shall be provided to the seller by the  
3 dealer, upon request.

4 (d) (1) The department shall examine its records, as  
5 well as those records that it is authorized to request from  
6 the State Department of Mental Health pursuant to  
7 Section 8104 of the Welfare and Institutions Code, in  
8 order to determine if the purchaser is a person described  
9 in Section 12021, 12021.1, or subparagraph (A) of  
10 paragraph (9) of subdivision (a) of Section 12072 of this  
11 code or Section 8100 or 8103 of the Welfare and  
12 Institutions Code.

13 (2) To the extent that funding is available, the  
14 Department of Justice may participate in the National  
15 Instant Criminal Background Check System (NICS), as  
16 described in subsection (t) of Section 922 of Title 18 of the  
17 United States Code, and, if that participation is  
18 implemented, shall notify the dealer and the chief of the  
19 police department of the city or city and county in which  
20 the sale was made, or if the sale was made in a district in  
21 which there is no municipal police department, the  
22 sheriff of the county in which the sale was made, that the  
23 purchaser is a person prohibited from acquiring a firearm  
24 under federal law.

25 (3) If the department determines that the purchaser  
26 is a person described in Section 12021, 12021.1, or  
27 subparagraph (A) of paragraph (9) of subdivision (a) of  
28 Section 12072 of this code or Section 8100 or 8103 of the  
29 Welfare and Institutions Code, it shall immediately notify  
30 the dealer and the chief of the police department of the  
31 city or city and county in which the sale was made, or if  
32 the sale was made in a district in which there is no  
33 municipal police department, the sheriff of the county in  
34 which the sale was made, of that fact.

35 (4) If the department determines that the copies of  
36 the register submitted to it pursuant to paragraph (3) of  
37 subdivision (b) contain any blank spaces or inaccurate,  
38 illegible, or incomplete information, preventing  
39 identification of the purchaser or the pistol, revolver, or  
40 other firearm to be purchased, or if any fee required



1 pursuant to subdivision (e) is not submitted by the dealer  
2 in conjunction with submission of copies of the register,  
3 the department may notify the dealer of that fact. Upon  
4 notification by the department, the dealer shall submit  
5 corrected copies of the register to the department, or  
6 shall submit any fee required pursuant to subdivision (e),  
7 or both, as appropriate and, if notification by the  
8 department is received by the dealer at any time prior to  
9 delivery of the firearm to be purchased, the dealer shall  
10 withhold delivery until the conclusion of the waiting  
11 period described in Sections 12071 and 12072.

12 (5) If the department determines that the information  
13 transmitted to it pursuant to subdivision (c) contains  
14 inaccurate or incomplete information preventing  
15 identification of the purchaser or the pistol, revolver, or  
16 other firearm capable of being concealed upon the  
17 person to be purchased, or if the fee required pursuant to  
18 subdivision (e) is not transmitted by the dealer in  
19 conjunction with transmission of the electronic or  
20 telephonic record, the department may notify the dealer  
21 of that fact. Upon notification by the department, the  
22 dealer shall transmit corrections to the record of  
23 electronic or telephonic transfer to the department, or  
24 shall transmit any fee required pursuant to subdivision  
25 (e), or both, as appropriate, and if notification by the  
26 department is received by the dealer at any time prior to  
27 delivery of the firearm to be purchased, the dealer shall  
28 withhold delivery until the conclusion of the waiting  
29 period described in Sections 12071 and 12072.

30 (e) The Department of Justice may require the dealer  
31 to charge each firearm purchaser a fee not to exceed  
32 fourteen dollars (\$14), except that the fee may be  
33 increased at a rate not to exceed any increase in the  
34 California Consumer Price Index as compiled and  
35 reported by the California Department of Industrial  
36 Relations. The fee shall be no more than is sufficient to  
37 reimburse all of the following, and is not to be used to  
38 directly fund or as a loan to fund any other program:

39 (1) (A) The department for the cost of furnishing this  
40 information.



1 (B) The department for the cost of meeting its  
 2 obligations under paragraph (2) of subdivision (b) of  
 3 Section 8100 of the Welfare and Institutions Code.

4 (2) Local mental health facilities for state-mandated  
 5 local costs resulting from the reporting requirements  
 6 imposed by Section 8103 of the Welfare and Institutions  
 7 Code.

8 (3) The State Department of Mental Health for the  
 9 costs resulting from the requirements imposed by Section  
 10 8104 of the Welfare and Institutions Code.

11 (4) Local mental hospitals, sanitariums, and  
 12 institutions for state-mandated local costs resulting from  
 13 the reporting requirements imposed by Section 8105 of  
 14 the Welfare and Institutions Code.

15 (5) Local law enforcement agencies for  
 16 state-mandated local costs resulting from the notification  
 17 requirements set forth in subdivision (a) of Section 6385  
 18 of the Family Code.

19 (6) Local law enforcement agencies for  
 20 state-mandated local costs resulting from the notification  
 21 requirements set forth in subdivision (c) of Section 8105  
 22 of the Welfare and Institutions Code.

23 (7) For the actual costs associated with the electronic  
 24 or telephonic transfer of information pursuant to  
 25 subdivision (c).

26 (8) The Department of Food and Agriculture for the  
 27 costs resulting from the notification provisions set forth in  
 28 Section 5343.5 of the Food and Agricultural Code.

29 (9) The department for the costs associated with  
 30 subparagraph (D) of paragraph (2) of subdivision (f) of  
 31 Section 12072.

32 The fee established pursuant to this subdivision shall  
 33 not exceed the sum of the actual processing costs of the  
 34 department, the estimated reasonable costs of the local  
 35 mental health facilities for complying with the reporting  
 36 requirements imposed by paragraph (2) of this  
 37 subdivision, the costs of the State Department of Mental  
 38 Health for complying with the requirements imposed by  
 39 paragraph (3) of this subdivision, the estimated  
 40 reasonable costs of local mental hospitals, sanitariums,



1 and institutions for complying with the reporting  
2 requirements imposed by paragraph (4) of this  
3 subdivision, the estimated reasonable costs of local law  
4 enforcement agencies for complying with the  
5 notification requirements set forth in subdivision (a) of  
6 Section 6385 of the Family Code, the estimated  
7 reasonable costs of local law enforcement agencies for  
8 complying with the notification requirements set forth in  
9 subdivision (c) of Section 8105 of the Welfare and  
10 Institutions Code imposed by paragraph (6) of this  
11 subdivision, the estimated reasonable costs of the  
12 Department of Food and Agriculture for the costs  
13 resulting from the notification provisions set forth in  
14 Section 5343.5 of the Food and Agricultural Code, and the  
15 estimated reasonable costs of the department for the costs  
16 associated with subparagraph (D) of paragraph (2) of  
17 subdivision (f) of Section 12072.

18 (f) (1) The Department of Justice may charge a fee  
19 sufficient to reimburse it for each of the following but not  
20 to exceed fourteen dollars (\$14), except that the fee may  
21 be increased at a rate not to exceed any increase in the  
22 California Consumer Price Index as compiled and  
23 reported by the California Department of Industrial  
24 Relations:

25 (A) For the actual costs associated with the  
26 preparation, sale, processing, and filing of forms or  
27 reports required or utilized pursuant to Section 12078 if  
28 neither a dealer nor a law enforcement agency acting  
29 pursuant to Section 12084 is filing the form or report.

30 (B) For the actual processing costs associated with the  
31 submission of a Dealers' Record of Sale to the department  
32 by a dealer or of the submission of a LEFT to the  
33 department by a law enforcement agency acting  
34 pursuant to Section 12084 if the waiting period described  
35 in Sections 12071, 12072, and 12084 does not apply.

36 (C) For the actual costs associated with the  
37 preparation, sale, processing, and filing of reports utilized  
38 pursuant to subdivision (l) of Section 12078 or paragraph  
39 (18) of subdivision (b) of Section 12071, or clause (i) of  
40 subparagraph (A) of paragraph (2) of subdivision (f) of



1 Section 12072, or paragraph (3) of subdivision (f) of  
2 Section 12072.

3 (D) For the actual costs associated with the electronic  
4 or telephonic transfer of information pursuant to  
5 subdivision (c).

6 (2) If the department charges a fee pursuant to  
7 subparagraph (B) of paragraph (1) of this subdivision, it  
8 shall be charged in the same amount to all categories of  
9 transaction that are within that subparagraph.

10 (3) Any costs incurred by the Department of Justice to  
11 implement this subdivision shall be reimbursed from fees  
12 collected and charged pursuant to this subdivision. No  
13 fees shall be charged to the dealer pursuant to subdivision  
14 (e) or to a law enforcement agency acting pursuant to  
15 paragraph (6) of subdivision (d) of Section 12084 for costs  
16 incurred for implementing this subdivision.

17 (g) All money received by the department pursuant to  
18 this section shall be deposited in the Dealers' Record of  
19 Sale Special Account of the General Fund, which is  
20 hereby created, to be available, upon appropriation by  
21 the Legislature, for expenditure by the department to  
22 offset the costs incurred pursuant to this section,  
23 subparagraph (D) of paragraph (2) of subdivision (f) of  
24 Section 12072, and Sections 12289 and 12809.

25 (h) Where the electronic or telephonic transfer of  
26 applicant information is used, the department shall  
27 establish a system to be used for the submission of the fees  
28 described in subdivision (e) to the department.

29 (i) (1) Only one fee shall be charged pursuant to this  
30 section for a single transaction on the same date for the  
31 sale of any number of firearms that are not pistols,  
32 revolvers, or other firearms capable of being concealed  
33 upon the person or for the taking of possession of those  
34 firearms.

35 (2) In a single transaction on the same date for the  
36 delivery of any number of firearms that are pistols,  
37 revolvers, or other firearms capable of being concealed  
38 upon the person, the department shall charge a reduced  
39 fee pursuant to this section for the second and subsequent  
40 firearms that are part of that transaction.



1 (j) Only one fee shall be charged pursuant to this  
2 section for a single transaction on the same date for taking  
3 title or possession of any number of firearms pursuant to  
4 paragraph (18) of subdivision (b) of Section 12071 or  
5 subdivision (c) or (i) of Section 12078.

6 (k) Whenever the Department of Justice acts  
7 pursuant to this section as it pertains to firearms other  
8 than pistols, revolvers, or other firearms capable of being  
9 concealed upon the person, the department's acts or  
10 omissions shall be deemed to be discretionary within the  
11 meaning of the California Tort Claims Act pursuant to  
12 Division 3.6 (commencing with Section 810) of Title 1 of  
13 the Government Code.

14 (l) As used in this section, the following definitions  
15 apply:

16 (1) "Purchaser" means the purchaser or transferee of  
17 a firearm or a person being loaned a firearm.

18 (2) "Purchase" means the purchase, loan, or transfer  
19 of a firearm.

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

21 (4) "Seller" means, if the transaction is being  
22 conducted pursuant to Section 12082, the person selling,  
23 loaning, or transferring the firearm.

24 SEC. 4. Section 12077 of the Penal Code is amended  
25 to read:

26 12077. (a) The Department of Justice shall prescribe  
27 the form of the register and the record of electronic or  
28 telephonic transfer pursuant to Section 12074.

29 (b) For pistols, revolvers, and other firearms capable  
30 of being concealed upon the person, information  
31 contained in the register or record of electronic or  
32 telephonic transfer shall be the date and time of sale,  
33 make of firearm, peace officer exemption status pursuant  
34 to subdivision (a) of Section 12078 and the agency name,  
35 dealer waiting period exemption pursuant to subdivision  
36 (n) of Section 12078, dangerous weapons permitholder  
37 waiting period exemption pursuant to subdivision (r) of  
38 Section 12078, curio and relic waiting period exemption  
39 pursuant to subdivision (t) of Section 12078, California  
40 Firearms Dealer number issued pursuant to Section



1 12071, purchaser's basic firearms safety certificate  
2 number issued pursuant to Sections 12805 and 12809,  
3 manufacturer's name if stamped on the firearm, model  
4 name or number, if stamped on the firearm, if applicable,  
5 serial number, other number (if more than one serial  
6 number is stamped on the firearm), any identification  
7 number or mark assigned to the firearm pursuant to  
8 Section 12092, caliber, type of firearm, if the firearm is  
9 new or used, barrel length, color of the firearm, full name  
10 of purchaser, purchaser's complete date of birth,  
11 purchaser's local address, if current address is temporary,  
12 complete permanent address of purchaser, identification  
13 of purchaser, purchaser's place of birth (state or  
14 country), purchaser's complete telephone number,  
15 purchaser's occupation, purchaser's sex, purchaser's  
16 physical description, all legal names and aliases ever used  
17 by the purchaser, yes or no answer to questions that  
18 prohibit purchase including, but not limited to,  
19 conviction of a felony as described in Section 12021 or an  
20 offense described in Section 12021.1, the purchaser's  
21 status as a person described in Section 8100 of the Welfare  
22 and Institutions Code, whether the purchaser is a person  
23 who has been adjudicated by a court to be a danger to  
24 others or found not guilty by reason of insanity, whether  
25 the purchaser is a person who has been found  
26 incompetent to stand trial or placed under  
27 conservatorship by a court pursuant to Section 8103 of the  
28 Welfare and Institutions Code, signature of purchaser,  
29 signature of salesperson (as a witness to the purchaser's  
30 signature), name and complete address of the dealer or  
31 firm selling the firearm as shown on the dealer's license,  
32 the establishment number, if assigned, the dealer's  
33 complete business telephone number, any information  
34 required by Section 12082, any information required to  
35 determine whether or not paragraph (6) of subdivision  
36 (c) of Section 12072 applies, and a statement of the  
37 penalties for any person signing a fictitious name or  
38 address or for knowingly furnishing any incorrect  
39 information or for knowingly omitting any information  
40 required to be provided for the register.



1 (c) For firearms other than pistols, revolvers, or other  
2 firearms capable of being concealed upon the person,  
3 information contained in the register or record of  
4 electronic or telephonic transfer shall be the date and  
5 time of sale, peace officer exemption status pursuant to  
6 subdivision (a) of Section 12078 and the agency name,  
7 auction or event waiting period exemption pursuant to  
8 subdivision (g) of Section 12078, California Firearms  
9 Dealer number issued pursuant to Section 12071,  
10 dangerous weapons permitholder waiting period  
11 exemption pursuant to subdivision (r) of Section 12078,  
12 curio and relic waiting period exemption pursuant to  
13 paragraph (1) of subdivision (t) of Section 12078, full  
14 name of purchaser, purchaser's complete date of birth,  
15 purchaser's local address, if current address is temporary,  
16 complete permanent address of purchaser, identification  
17 of purchaser, purchaser's place of birth (state or  
18 country), purchaser's complete telephone number,  
19 purchaser's occupation, purchaser's sex, purchaser's  
20 physical description, all legal names and aliases ever used  
21 by the purchaser, yes or no answer to questions that  
22 prohibit purchase, including, but not limited to,  
23 conviction of a felony as described in Section 12021 or an  
24 offense described in Section 12021.1, the purchaser's  
25 status as a person described in Section 8100 of the Welfare  
26 and Institutions Code, whether the purchaser is a person  
27 who has been adjudicated by a court to be a danger to  
28 others or found not guilty by reason of insanity, whether  
29 the purchaser is a person who has been found  
30 incompetent to stand trial or placed under  
31 conservatorship by a court pursuant to Section 8103 of the  
32 Welfare and Institutions Code, signature of purchaser,  
33 signature of salesperson (as a witness to the purchaser's  
34 signature), name and complete address of the dealer or  
35 firm selling the firearm as shown on the dealer's license,  
36 the establishment number, if assigned, the dealer's  
37 complete business telephone number, any information  
38 required by Section 12082, and a statement of the  
39 penalties for any person signing a fictitious name or  
40 address or for knowingly furnishing any incorrect



1 information or for knowingly omitting any information  
2 required to be provided for the register.

3 (d) Where the register is used, the following shall  
4 apply:

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

6 (2) The dealer or salesperson making a sale shall  
7 ensure that all information is provided legibly. The dealer  
8 and salespersons shall be informed that incomplete or  
9 illegible information will delay sales.

10 (3) Each dealer shall be provided instructions  
11 regarding the procedure for completion of the form and  
12 routing of the form. Dealers shall comply with these  
13 instructions which shall include the information set forth  
14 in this subdivision.

15 (4) One firearm transaction shall be reported on each  
16 record of sale document. For purposes of this subdivision,  
17 a “transaction” means a single sale, loan, or transfer of any  
18 number of firearms that are not pistols, revolvers, or other  
19 firearms capable of being concealed upon the person.

20 (e) The dealer or salesperson making a sale shall  
21 ensure that all required information has been obtained  
22 from the purchaser. The dealer and all salespersons shall  
23 be informed that incomplete information will delay sales.

24 (f) As used in this section, the following definitions  
25 shall control:

26 (1) “Purchaser” means the purchaser or transferee of  
27 a firearm or the person being loaned a firearm.

28 (2) “Purchase” means the purchase, loan, or transfer  
29 of a firearm.

30 (3) “Sale” means the sale, loan, or transfer of a firearm.

31 SEC. 5. No reimbursement is required by this act  
32 pursuant to Section 6 of Article XIII B of the California  
33 Constitution because the only costs that may be incurred  
34 by a local agency or school district will be incurred  
35 because this act creates a new crime or infraction,  
36 eliminates a crime or infraction, or changes the penalty  
37 for a crime or infraction, within the meaning of Section  
38 17556 of the Government Code, or changes the definition



1 of a crime within the meaning of Section 6 of Article  
2 XIII B of the California Constitution.

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