

AMENDED IN ASSEMBLY APRIL 28, 1999

AMENDED IN ASSEMBLY APRIL 15, 1999

CALIFORNIA LEGISLATURE—1999–2000 REGULAR SESSION

ASSEMBLY BILL

No. 295

Introduced by Assembly Member Corbett
(Principal coauthor: Assembly Member Romero)

February 8, 1999

An act to amend Sections 12070, 12071, and 12071.1 of the Penal Code, relating to firearms.

LEGISLATIVE COUNSEL'S DIGEST

AB 295, as amended, Corbett. Firearms: gun show promoters.

(1) Existing law provides for the regulation of gun shows or events, and requires that no person shall produce, sponsor, operate, or otherwise organize a gun show or event unless that person possesses a valid certificate of eligibility from the Department of Justice. Existing law requires gun show promoters to make a complete and accurate list of all persons and entities that have leased or rented tables or space at the gun show or event, and to provide local law enforcement with this list upon request no later than 24 hours prior to the commencement of the gun show or event, or thereafter upon request as specified. Existing law provides that the Department of Justice shall adopt regulations to administer this certification program and shall recover the costs of the program in fees assessed on applicants for certificates.

Existing law also provides that a knowing violation of these provisions shall be a misdemeanor and shall make the violator ineligible for a certificate for one year from the date of the violation or conviction, whichever is later.

This bill would expand these provisions to create a gun show promoter licensing program administered by the department, and would provide that no person shall produce, promote, sponsor, operate, or otherwise organize a gun show or event without a gun show promoter license, which would be valid for up to 2 years. The bill would require licensees to submit, no later than ~~14~~ 30 days in advance of the event, written security plans to local law enforcement for approval, upon which the local law enforcement agency would be required to provide specified policing services at the licensee's expense, including a minimum ratio of uniformed patrol officers and on-site review of firearm transfer and sales records. ~~The bill would also require the licensee to notify the Federal Bureau of Alcohol, Tobacco, and Firearms and the California Department of Justice of the event 14 days in advance, as specified.~~ This bill would make the promoter of a gun show or event responsible for informing prospective gun show vendors of statutory requirements surrounding the control of deadly weapons, and for ensuring that all vendors and their employees have obtained a dealer's license or any other permit, license, or certificate required by federal, state, or local law. The bill would provide that if a vendor fails to cooperate with a promoter or fails to comply with these requirements, that vendor shall not be allowed to participate in that show or event, and if a promoter fails to provide this information to, or fails to ensure the ultimate compliance of, a vendor, the gun show or event shall be closed down until these requirements are met. The bill would also require the Department of Justice to provide special training for officers on the applicable federal, state, and local laws impacting firearm sales at gun show or events. *A violation of these provisions would be a misdemeanor punishable by a fine not exceeding \$2,000, and would render a promoter ineligible for a gun show promoter license for 2 years from the date of the violation.* Because this bill would expand the scope of an existing crime, and would impose new duties on local law

enforcement agencies, it would impose a state-mandated local program.

~~(2) Existing law incorporates a definition of gun show or event found in a specified provision of federal law.~~

~~This bill would additionally provide that a gun show or event is any event, including a flea market or other venue outside of a licensed firearms retail establishment, that is open to the public and where there are 2 or more licensed firearms dealers conducting business or where there are 20 or more firearms are offered or exhibited for sale, transfer, or exchange.~~

~~(3)~~

(2) Existing law provides that no person shall sell, lease, or transfer firearms unless he or she has been issued a specified license, but exempts from this requirement the infrequent sale, lease, or transfer of firearms. Existing law provides that in the context of pistols, revolvers, and other firearms capable of being concealed upon the person, “infrequent” means less than 6 transactions per calendar year, and that “transaction” means a single sale, lease, or transfer of any number of pistols, revolvers, or other firearms capable of being concealed upon the person.

This bill would provide that “transaction” in this context instead means, as to the sale or other transfer of title of concealable firearms, each firearm sold or whose title is otherwise transferred, shall be considered a separate transaction and, as to leases of concealable firearms, any lease at one time of any number of these firearms shall be considered one transaction.

~~(4)~~

(3) 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 specified reasons.

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 12070 of the Penal Code is
2 amended to read:

3 12070. (a) No person shall sell, lease, or transfer
4 firearms unless he or she has been issued a license
5 pursuant to Section 12071. Any person violating this
6 section is guilty of a misdemeanor.

7 (b) Subdivision (a) does not include any of the
8 following:

9 (1) The sale, lease, or transfer of any firearm by a
10 person acting pursuant to operation of law, a court order,
11 or pursuant to the Enforcement of Judgments Law (Title
12 9 (commencing with Section 680.010) of Part 2 of the
13 Code of Civil Procedure), or by a person who liquidates
14 a personal firearm collection to satisfy a court judgment.

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

17 (3) The sale, lease, or transfer of a firearm by a person
18 who obtains title to the firearm by intestate succession or
19 by bequest or as a surviving spouse pursuant to Chapter
20 1 (commencing with Section 13500) of Part 2 of Division
21 8 of the Probate Code, provided the person disposes of the
22 firearm within 60 days of receipt of the firearm.

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

24 (5) The sale, lease, or transfer of used firearms other
25 than pistols, revolvers, or other firearms capable of being
26 concealed upon the person, at gun shows or events, as
27 specified in subparagraph (B) of paragraph (1) of
28 subdivision (b) of Section 12071, by a person other than
29 a licensee or dealer, provided the person has a valid
30 federal firearms license and a current certificate of
31 eligibility issued by the Department of Justice, as
32 specified in Section 12071, and provided all the sales,
33 leases, or transfers fully comply with subdivision (d) of
34 Section 12072. However, the person shall not engage in
35 the sale, lease, or transfer of used firearms other than
36 pistols, revolvers, or other firearms capable of being
37 concealed upon the person at more than 12 gun shows or
38 events in any calendar year and shall not sell, lease, or

1 transfer more than 15 used firearms other than pistols,
2 revolvers, or other firearms capable of being concealed
3 upon the person at any single gun show or event. In no
4 event shall the person sell more than 75 used firearms
5 other than pistols, revolvers, or other firearms capable of
6 being concealed upon the person in any calendar year.

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

9 The Department of Justice shall adopt regulations to
10 administer this program and shall recover the full costs of
11 administration from fees assessed applicants.

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

15 (6) The activities of a law enforcement agency
16 pursuant to Section 12084.

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

22 (8) The sale, delivery, or transfer of firearms by
23 manufacturers or importers licensed pursuant to Chapter
24 44 (commencing with Section 921) of Title 18 of the
25 United States Code and the regulations issued pursuant
26 thereto to dealers or wholesalers.

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

29 (10) The loan of a firearm for the purposes of shooting
30 at targets, if the loan occurs on the premises of a target
31 facility which holds a business or regulatory license or on
32 the premises of any club or organization organized for the
33 purposes of practicing shooting at targets upon
34 established ranges, whether public or private, if the
35 firearm is at all times kept within the premises of the
36 target range or on the premises of the club or
37 organization.

38 (11) Sales, deliveries, or transfers of firearms by
39 manufacturers, importers, or wholesalers licensed
40 pursuant to Chapter 44 (commencing with Section 921)

1 of Title 18 of the United States Code and the regulations
2 issued pursuant thereto to persons who reside outside this
3 state who are licensed pursuant to Chapter 44
4 (commencing with Section 921) of Title 18 of the United
5 States Code and the regulations issued pursuant thereto,
6 if the sale, delivery, or transfer is in accordance with
7 Chapter 44 (commencing with Section 921) of Title 18 of
8 the United States Code and the regulations issued
9 pursuant thereto.

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

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

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

27 (15) Sales, deliveries, or transfers of firearms by
28 persons who reside outside this state and are licensed
29 pursuant to Chapter 44 (commencing with Section 921)
30 of Title 18 of the United States Code and the regulations
31 issued pursuant thereto to dealers, if the sale, delivery, or
32 transfer is in accordance with Chapter 44 (commencing
33 with Section 921) of Title 18 of the United States Code and
34 the regulations issued pursuant thereto.

35 (16) The delivery, sale, or transfer of an unloaded
36 firearm by one wholesaler to another wholesaler if that
37 firearm is intended as merchandise in the receiving
38 wholesaler's business.

39 (17) The loan of an unloaded firearm or the loan of a
40 firearm loaded with blank cartridges for use solely as a

prop for a motion picture, television, or video production or entertainment or theatrical event.

(18) The delivery of an unloaded firearm that is a curio or relic, as defined in Section 178.11 of Title 27 of the Code of Federal Regulations, by a person licensed as a collector pursuant to Chapter 44 (commencing with Section 921) of Title 18 of the United States Code and the regulations issued pursuant thereto with a current certificate of eligibility issued pursuant to Section 12071 to a dealer.

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

(A) For pistols, revolvers, and other firearms capable of being concealed upon the person, less than six transactions per calendar year. For purposes of this section, “transaction” means the following:

(i) As to the sale or other transfer of title of pistols, revolvers, or other firearms capable of being concealed upon the person, each firearm sold or whose title is otherwise transferred, shall be considered a separate transaction.

(ii) As to leases of pistols, revolvers, or other firearms capable of being concealed upon the person, any lease at one time of any number of pistol, revolvers, or other firearms capable of being concealed upon the person shall be considered one transaction.

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

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

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

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

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

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

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

3 (F) An assignee for the benefit of creditors performing
4 his or her functions as an assignee, if the assignment
5 includes firearms.

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

8 (H) Firearms received by the family of a police officer
9 or deputy sheriff from a local agency pursuant to Section
10 50081 of the Government Code.

11 (I) The transfer of a firearm by a law enforcement
12 agency to the person who found the firearm where the
13 delivery is to the person as the finder of the firearm
14 pursuant to Article 1 (commencing with Section 2080) of
15 Chapter 4 of Division 3 of the Civil Code.

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

18 12071. (a) (1) As used in this chapter, the term
19 “licensee,” “person licensed pursuant to Section 12071,”
20 or “dealer” means a person who has all of the following:

21 (A) A valid federal firearms license.

22 (B) Any regulatory or business license, or licenses,
23 required by local government.

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

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

28 (E) A license issued in the format prescribed by
29 paragraph (6).

30 (F) Is among those recorded in the centralized list
31 specified in subdivision (e).

32 (2) The duly constituted licensing authority of a city,
33 county, or a city and county shall accept applications for,
34 and may grant licenses permitting, licensees to sell
35 firearms at retail within the city, county, or city and
36 county. The duly constituted licensing authority shall
37 inform applicants who are denied licenses of the reasons
38 for the denial in writing.

39 (3) No license shall be granted to any applicant who
40 fails to provide a copy of his or her valid federal firearms

1 license, valid seller's permit issued by the State Board of
2 Equalization, and the certificate of eligibility described in
3 paragraph (4).

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

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

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

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

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

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

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

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

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

36 (B) A person licensed pursuant to subdivision (a) may
37 take possession of firearms and commence preparation of
38 registers for the sale, delivery, or transfer of firearms at
39 gun shows or events, *as defined in Section 178.100 of Title*
40 *27 of the Code of Federal Regulations, or its successor, if*

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

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

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

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

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

34 (i) The building designated in the license.

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

36 (iii) The place of residence of, the fixed place of
37 business of, or on private property owned or lawfully
38 possessed by, the purchaser, transferee, or person being
39 loaned the firearm.

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

(3) No firearm shall be delivered:

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

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

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

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

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

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

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

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

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

(B) "IF YOU KEEP A LOADED FIREARM, OR A PISTOL, REVOLVER, OR OTHER FIREARM CAPABLE OF BEING CONCEALED UPON THE

1 PERSON, WITHIN ANY PREMISES UNDER YOUR
2 CUSTODY OR CONTROL, AND A PERSON UNDER 16
3 GAINS ACCESS TO THE FIREARM, YOU MAY BE
4 GUILTY OF A MISDEMEANOR OR A FELONY,
5 UNLESS YOU STORED THE FIREARM IN A LOCKED
6 CONTAINER, OR LOCKED THE FIREARM WITH A
7 LOCKING DEVICE, TO KEEP IT FROM
8 TEMPORARILY FUNCTIONING.”

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

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

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

31 (9) Commencing July 1, 1992, the licensee shall offer
32 to provide the purchaser or transferee of a firearm, or
33 person being loaned a firearm, with a copy of the
34 pamphlet described in Section 12080 and may add the
35 cost of the pamphlet, if any, to the sales price of the
36 firearm.

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

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

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

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

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

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

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

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

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

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

38 (15) The licensing authority in an unincorporated area
39 of a county with a population less than 200,000 persons
40 according to the most recent federal decennial census or

1 within a city with a population of less than 50,000 persons
2 according to the most recent federal decennial census
3 may impose the requirements specified in paragraph
4 (14).

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

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

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

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

21 (i) A transaction subject to the provisions of
22 subdivision (n) of Section 12078.

23 (ii) The dealer acquired the firearm from a
24 wholesaler.

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

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

34 (v) The dealer acquired the firearm from a person
35 who resides outside this state who is licensed pursuant to
36 Chapter 44 (commencing with Section 921) of Title 18 of
37 the United States Code and any regulations issued
38 pursuant thereto.

39 (19) The licensee shall forward in a format prescribed
40 by the Department of Justice, information as required by

1 the department on any firearm that is not delivered
2 within the time period set forth in Section 178.102 (c) of
3 Title 27 of the Code of Federal Regulations.

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

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

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

9 (2) As used in this article, a “basic firearms safety
10 certificate” means a basic firearms certificate issued to
11 the purchaser, transferee, or person being loaned the
12 firearm by the Department of Justice pursuant to Article
13 8 (commencing with Section 12800) of Chapter 6.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

40 (1) For law enforcement purposes.

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

6 (3) When information is requested by a person
7 promoting, sponsoring, operating, or otherwise
8 organizing a show or event as defined in Section 178.100
9 of Title 27 of the Code of Federal Regulations, or its
10 successor, who is licensed pursuant to Section 12071.1, if
11 that information is requested by the person to determine
12 the eligibility of a prospective participant in a gun show
13 or event to conduct transactions as a firearms dealer
14 pursuant to subparagraph (B) of paragraph (1) of
15 subdivision (b). Information provided pursuant to this
16 paragraph shall be limited to information necessary to
17 corroborate an prospective participant's current license
18 status.

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

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

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

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

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

SEC. 3. Section 12071.1 of the Penal Code is amended to read:

12071.1. (a) No person shall produce, promote, sponsor, operate, or otherwise organize a gun show or event, as specified in subparagraph (B) of paragraph (1) of subdivision (b) of Section 12071, unless that person possesses a valid gun show promoter license issued by the Department of Justice. A gun show promoter license shall be issued by the department to an applicant unless the department's records indicate that the applicant is a person prohibited from possessing firearms. Gun show promoter licenses shall be valid for two years from the date of issuance.

(b) The Department of Justice shall adopt regulations to administer the gun show promoter licensing program under this section and shall recover the full costs of administering the program by fees assessed applicants who apply for gun show promoter licenses or renewals thereof. As part of this program, the department shall formulate and provide special training for officers on the applicable federal, state, and local laws impacting firearm sales at gun shows or events.

~~(c) A knowing violation of this section shall be a misdemeanor and make the person ineligible for a gun~~

1 ~~show promoter license for two years from the date of the~~
2 ~~violation or conviction, whichever is later.~~

3 ~~(d) No later than 14 days prior to the commencement~~
4 ~~of a gun show or event, the producer or promoter thereof~~
5 ~~shall~~ A knowing failure by a gun show promoter to
6 comply with any of the requirements of this section shall
7 be a misdemeanor punishable by a fine not to exceed two
8 thousand dollars (\$2,000), and shall render the promoter
9 ineligible for a gun show promoter license for two years
10 from the date of the violation. A violation of this section
11 by a vendor shall be a misdemeanor, punishable by a fine
12 not to exceed two thousand dollars (\$2,000).

13 (d) (1) Not later than 30 days before commencement
14 of the gun show or event, the promoter shall notify the
15 local law enforcement agency, the Department of Justice,
16 and the Bureau of Alcohol, Tobacco, and Firearms of the
17 gun show or event, including the date, time, duration, and
18 location of the gun show or event.

19 (2) Not later than 15 days prior to the commencement
20 of the gun show or event, the promoter shall submit to the
21 department and local law enforcement a safety plan and
22 a list of vendors that the promoter knows, or reasonably
23 should know, will be renting tables, space, or otherwise
24 participating in the gun show or event. The gun show
25 promoter shall submit a written security plan to the local
26 law enforcement agency for its approval. If the local law
27 enforcement agency approves this plan, it shall provide
28 policing services as required under subdivision (e). The
29 local law enforcement agency shall prepare a reasonable
30 estimate of the costs of providing these services, and
31 submit this estimate to the licensee for reimbursement
32 within 30 days after the conclusion of the gun show or
33 event.

34 (e) The promoter shall contract with local law
35 enforcement to provide security for the gun show or
36 event, and to ensure applicable laws are enforced at the
37 gun show or event. The local law enforcement agency
38 shall be reimbursed for services, that shall be provided at
39 a level determined by the sheriff or head of a municipal
40 law enforcement agency.

1 (f) The security plan required in subdivision (d) shall,
2 at a minimum, provide for the following:

3 (1) The plan shall specify a police officer in charge of
4 the gun show or event, who has received special training
5 with respect to gun shows or events by the Department
6 of Justice pursuant to subdivision (b).

7 (2) The plan shall identify the number and location of
8 other officers patrolling the gun show or event. There
9 shall be at least one uniformed officer for each 25 tables
10 selling firearms, ammunition, or firearms accessories, not
11 to exceed 20 officers unless authorized by a local law
12 enforcement official. Officers assigned to the show shall,
13 prior to the commencement of the show, check inventory
14 against actual merchandise to be sold, and during and
15 after the show shall review firearm transfer registry forms
16 and sales receipts for accuracy.

17 (3) The plan shall provide a complete and accurate list
18 of all persons, entities, and organizations that have leased
19 or rented, or are known to the producer to intend to lease
20 or rent, any table, display space, or area at the gun show
21 or event for the purpose of selling, leasing, or transferring
22 firearms.

23 The producer shall thereafter, upon request, for every
24 day the gun show or event operates, make available to the
25 local law enforcement agency, an accurate, complete,
26 and current list of the persons, entities, and organizations
27 that have leased or rented, or are known to the producer
28 to intend to lease or rent, any table, display space, or area
29 at the gun show or event for the purpose of selling,
30 leasing, or transferring firearms.

31 ~~(f) No later than 14 days prior to the commencement~~
32 ~~of a gun show or event, the producer or promoter thereof~~
33 ~~shall notify the Federal Bureau of Alcohol, Tobacco, and~~
34 ~~Firearms and the California Department of Justice of the~~
35 ~~dates that the gun show or event will operate. The~~
36 ~~department shall promulgate regulations and forms for~~
37 ~~the purpose of this subdivision.~~

38 (g) The licensee shall be responsible for informing
39 prospective gun show vendors of the requirements of this
40 chapter, and shall ensure that all vendors and their

1 employees have obtained a dealer's license or any other
2 permit, license, or certificate required by federal, state,
3 or local law. If a vendor fails to cooperate with a promoter
4 or fails to comply with these requirements, that vendor
5 shall not be allowed to participate in that show or event.
6 If the promoter fails to provide information required by
7 this subdivision, or fails to ensure that all of the vendors
8 possess all required permits, licenses, or certificates, the
9 gun show or event shall be closed down by local law
10 enforcement until these requirements are met.

11 (h) It is the intent of the Legislature that the gun show
12 promoter licensing program established pursuant to this
13 section be incorporated into the certificate of eligibility
14 program established pursuant to Section 12071 to the
15 maximum extent practicable.

16 SEC. 4. No reimbursement is required by this act
17 pursuant to Section 6 of Article XIII B of the California
18 Constitution because the only costs that may be incurred
19 by a local agency or school district will be incurred
20 because this act creates a new crime or infraction,
21 eliminates a crime or infraction, or changes the penalty
22 for a crime or infraction, within the meaning of Section
23 17556 of the Government Code, or changes the definition
24 of a crime within the meaning of Section 6 of Article
25 XIII B of the California Constitution.

26 With regard to any other state-mandated local
27 programs, no reimbursement is required by this act
28 pursuant to Section 6 of Article XIII B of the California
29 Constitution because a local agency or school district has
30 the authority to levy service charges, fees, or assessments
31 sufficient to pay for the program or level of service
32 mandated by this act, within the meaning of Section 17556
33 of the Government Code.

