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AMENDED IN ASSEMBLY APRIL 28, 1999
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CALIFORNIA LEGISLATURE—1999–2000 REGULAR SESSION

ASSEMBLY BILL

No. 295

Introduced by Assembly Member Corbett
(Principal coauthor: Assembly Member Romero)
(Coauthors: Assembly Members Aroner, Knox, Kuehl, Scott,
Shelley, and Steinberg)

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 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, as specified.~~ *The bill would provide that approval of the security plan would not be a basis for imposing liability of the local law enforcement agency or local government entity.* 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 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.

(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.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

36 (18) The delivery of an unloaded firearm that is a curio
37 or relic, as defined in Section 178.11 of Title 27 of the Code
38 of Federal Regulations, by a person licensed as a collector
39 pursuant to Chapter 44 (commencing with Section 921)
40 of Title 18 of the United States Code and the regulations

1 issued pursuant thereto with a current certificate of
2 eligibility issued pursuant to Section 12071 to a dealer.

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

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

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

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

18 (B) For firearms other than pistols, revolvers, or other
19 firearms capable of being concealed upon the person,
20 ~~occasional~~ *occasionally* and without regularity.

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

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

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

29 (C) A levying officer, as defined in Section 481.140,
30 511.060, or 680.260 of the Code of Civil Procedure.

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

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

35 (F) An assignee for the benefit of creditors performing
36 his or her functions as an assignee, if the assignment
37 includes firearms.

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

1 (H) Firearms received by the family of a police officer
2 or deputy sheriff from a local agency pursuant to Section
3 50081 of the Government Code.

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

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

11 12071. (a) (1) As used in this chapter, the term
12 “licensee,” “person licensed pursuant to Section 12071,”
13 or “dealer” means a person who has all of the following:

14 (A) A valid federal firearms license.

15 (B) Any regulatory or business license, or licenses,
16 required by local government.

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

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

21 (E) A license issued in the format prescribed by
22 paragraph (6).

23 (F) Is among those recorded in the centralized list
24 specified in subdivision (e).

25 (2) The duly constituted licensing authority of a city,
26 county, or a city and county shall accept applications for,
27 and may grant licenses permitting, licensees to sell
28 firearms at retail within the city, county, or city and
29 county. The duly constituted licensing authority shall
30 inform applicants who are denied licenses of the reasons
31 for the denial in writing.

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

37 (4) A person may request a certificate of eligibility
38 from the Department of Justice and the Department of
39 Justice shall issue a certificate to an applicant if the

1 department's records indicate that the applicant is not a
2 person who is prohibited from possessing firearms.

3 (5) The department shall adopt regulations to
4 administer the certificate of eligibility program and shall
5 recover the full costs of administering the program by
6 imposing fees assessed to applicants who apply for those
7 certificates.

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

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

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

16 (C) A letter from the duly constituted licensing
17 authority having primary jurisdiction for the applicant's
18 intended business location stating that the jurisdiction
19 does not require any form of regulatory or business
20 license or does not otherwise restrict or regulate the sale
21 of firearms.

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

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

27 (1) (A) Except as provided in subparagraphs (B) and
28 (C), the business shall be conducted only in the buildings
29 designated in the license.

30 (B) A person licensed pursuant to subdivision (a) may
31 take possession of firearms and commence preparation of
32 registers for the sale, delivery, or transfer of firearms at
33 gun shows or events, as defined in Section 178.100 of Title
34 27 of the Code of Federal Regulations, or its successor, if
35 the gun show or event is not conducted from any
36 motorized or towed vehicle. A person conducting
37 business pursuant to this subparagraph shall be entitled
38 to conduct business as authorized herein at any gun show
39 or event in the state without regard to the jurisdiction
40 within this state that issued the license pursuant to

1 subdivision (a), provided the person complies with (i) all
2 applicable laws, including, but not limited to, the waiting
3 period specified in subparagraph (A) of paragraph (3),
4 and (ii) all applicable local laws, regulations, and fees, if
5 any.

6 A person conducting business pursuant to this
7 subparagraph shall publicly display his or her license
8 issued pursuant to subdivision (a), or a facsimile thereof,
9 at any gun show or event, as specified in this
10 subparagraph.

11 (C) A person licensed pursuant to subdivision (a) may
12 engage in the sale and transfer of firearms other than
13 pistols, revolvers, or other firearms capable of being
14 concealed upon the person, at events specified in
15 subdivision (g) of Section 12078, subject to the
16 prohibitions and restrictions contained in that
17 subdivision.

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

25 (D) The firearm may be delivered to the purchaser,
26 transferee, or person being loaned the firearm at one of
27 the following places:

28 (i) The building designated in the license.

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

30 (iii) The place of residence of, the fixed place of
31 business of, or on private property owned or lawfully
32 possessed by, the purchaser, transferee, or person being
33 loaned the firearm.

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

37 (3) No firearm shall be delivered:

38 (A) Within 10 days of the application to purchase, or,
39 after notice by the department pursuant to subdivision
40 (d) of Section 12076, within 10 days of the submission to

1 the department of any correction to the application, or
2 within 10 days of the submission to the department of any
3 fee required pursuant to subdivision (e) of Section 12076,
4 whichever is later.

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

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

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

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

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

22 (6) The licensee shall comply with Sections 12073,
23 12076, and 12077, subdivisions (a) and (b) of Section
24 12072, and subdivision (a) of Section 12316.

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

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

31 (B) "IF YOU KEEP A LOADED FIREARM, OR A
32 PISTOL, REVOLVER, OR OTHER FIREARM
33 CAPABLE OF BEING CONCEALED UPON THE
34 PERSON, WITHIN ANY PREMISES UNDER YOUR
35 CUSTODY OR CONTROL, AND A PERSON UNDER
36 16 YEARS OF AGE GAINS ACCESS TO THE
37 FIREARM, YOU MAY BE GUILTY OF A
38 MISDEMEANOR OR A FELONY, UNLESS YOU
39 STORED THE FIREARM IN A LOCKED CONTAINER,
40 OR LOCKED THE FIREARM WITH A LOCKING

1 DEVICE, TO KEEP IT FROM TEMPORARILY
2 FUNCTIONING.”

3 (C) “DISCHARGING FIREARMS IN POORLY
4 VENTILATED AREAS, CLEANING FIREARMS, OR
5 HANDLING AMMUNITION MAY RESULT IN
6 EXPOSURE TO LEAD, A SUBSTANCE KNOWN TO
7 CAUSE BIRTH DEFECTS, REPRODUCTIVE HARM,
8 AND OTHER SERIOUS PHYSICAL INJURY. HAVE
9 ADEQUATE VENTILATION AT ALL TIMES. WASH
10 HANDS THOROUGHLY AFTER EXPOSURE.”

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

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

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

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

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

35 (A) All charges required by governmental agencies
36 for processing firearm transfers required by Sections
37 12076, 12082, and 12806.

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

1 (12) The licensee shall not misstate the amount of fees
2 charged by a governmental agency pursuant to Sections
3 12076, 12082, and 12806.

4 (13) The licensee shall report the loss or theft of any
5 firearm that is merchandise of the licensee, any firearm
6 that the licensee takes possession of pursuant to Section
7 12082, or any firearm kept at the licensee's place of
8 business within 48 hours of discovery to the appropriate
9 law enforcement agency in the city, county, or city and
10 county where the licensee's business premises are
11 located.

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

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

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

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

33 (15) The licensing authority in an unincorporated area
34 of a county with a population less than 200,000 persons
35 according to the most recent federal decennial census or
36 within a city with a population of less than 50,000 persons
37 according to the most recent federal decennial census
38 may impose the requirements specified in paragraph
39 (14).

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

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

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

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

17 (i) A transaction subject to the provisions of
18 subdivision (n) of Section 12078.

19 (ii) The dealer acquired the firearm from a
20 wholesaler.

21 (iii) The dealer is also licensed as a secondhand dealer
22 pursuant to Article 4 (commencing with Section 21625)
23 of Chapter 9 of Division 8 of the Business and Professions
24 Code.

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

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

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

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

(A) A valid California driver’s license.

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

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

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

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

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

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

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

(B) All windows are covered with steel bars.

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

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

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

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

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

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

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

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

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

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

37 (1) For law enforcement purposes.

38 (2) When the information is requested by a person
39 licensed pursuant to Chapter 44 (commencing with
40 Section 921) of Title 18 of the United States Code for

1 determining the validity of the license for firearm
2 shipments.

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

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

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

38 (h) Paragraph (14) or (15) of subdivision (b) shall not
39 apply to a licensee organized as a nonprofit public benefit
40 or mutual benefit corporation organized pursuant to Part

1 2 (commencing with Section 5110) or Part 3
2 (commencing with Section 7110) of Division 2 of the
3 Corporations Code, if both of the following conditions are
4 satisfied:

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

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

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

16 12071.1. (a) No person shall produce, promote,
17 sponsor, operate, or otherwise organize a gun show or
18 event, as specified in subparagraph (B) of paragraph (1)
19 of subdivision (b) of Section 12071, unless that person
20 possesses a valid gun show promoter license issued by the
21 Department of Justice. A gun show promoter license shall
22 be issued by the department to an applicant unless the
23 department's records indicate that the applicant is a
24 person prohibited from possessing firearms. Gun show
25 promoter licenses shall be valid for two years from the
26 date of issuance.

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

36 (c) A knowing failure by a gun show promoter to
37 comply with any of the requirements of this section shall
38 be a misdemeanor punishable by a fine not to exceed two
39 thousand dollars (\$2,000), and shall render the promoter
40 ineligible for a gun show promoter license for two years

1 from the date of the violation. A violation of this section
2 by a vendor shall be a misdemeanor, punishable by a fine
3 not to exceed two thousand dollars (\$2,000).

4 (d) (1) Not later than 30 days before commencement
5 of the gun show or event, the promoter shall notify the
6 local law enforcement agency, the Department of Justice,
7 and the Bureau of Alcohol, Tobacco, and Firearms of the
8 gun show or event, including the date, time, duration, and
9 location of the gun show or event.

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

25 (e) The promoter shall ~~contract with local law~~
26 ~~enforcement to provide security for the gun show or~~
27 ~~event, and to ensure applicable laws are enforced at the~~
28 ~~gun show or event. The local law enforcement agency~~
29 ~~shall be reimbursed for services, that shall be provided at~~
30 ~~a level determined by the sheriff or head of a municipal~~
31 ~~law enforcement agency. consult with the sheriff or chief~~
32 ~~of police on the security plan for approval of the plan. The~~
33 ~~sheriff or chief of police may require the presence of an~~
34 ~~officer of his or her respective agency at each gun show~~
35 ~~or event. The promoter shall contract with the local law~~
36 ~~enforcement agency to provide, at the promoter's~~
37 ~~expense, the required law enforcement officers at the~~
38 ~~gun show or event. In the event that the local law~~
39 ~~enforcement agency is unable to adequately provide~~
40 ~~policing services at the gun show or event, an agent or~~

1 agents from the Department of Justice shall be requested
2 by the sheriff or chief of police. If the Department of
3 Justice provides an agent or agents at the gun show or
4 event, the promoter shall contract with the department
5 to provide, at the promoter's expense, the services of the
6 agent or agents. Approval of the security plan by the local
7 law enforcement agency shall not be a basis for imposing
8 liability upon the local law enforcement agency or local
9 government entity in the jurisdiction where the gun show
10 or event takes place.

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

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

17 ~~(2) The plan shall identify the number and location of~~
18 ~~other officers patrolling the gun show or event. There~~
19 ~~shall be at least one uniformed officer for each 25 tables~~
20 ~~selling firearms, ammunition, or firearms accessories, not~~
21 ~~to exceed 20 officers unless authorized by a local law~~
22 ~~enforcement official. Officers assigned to the show shall,~~
23 ~~prior to the commencement of the show, check inventory~~
24 ~~against actual merchandise to be sold, and during and~~
25 ~~after the show shall review firearm transfer registry forms~~
26 ~~and sales receipts for accuracy.~~

27 ~~(3)~~

28 (2) The plan shall provide a complete and accurate list
29 of all persons, entities, and organizations that have leased
30 or rented, or are known to the producer to intend to lease
31 or rent, any table, display space, or area at the gun show
32 or event for the purpose of selling, leasing, or transferring
33 firearms.

34 The producer shall thereafter, upon request, for every
35 day the gun show or event operates, make available to the
36 local law enforcement agency, an accurate, complete,
37 and current list of the persons, entities, and organizations
38 that have leased or rented, or are known to the producer
39 to intend to lease or rent, any table, display space, or area

1 at the gun show or event for the purpose of selling,
2 leasing, or transferring firearms.

3 (g) The licensee shall be responsible for informing
4 prospective gun show vendors of the requirements of this
5 chapter, and shall ensure that all vendors and their
6 employees have obtained a dealer's license or any other
7 permit, license, or certificate required by federal, state,
8 or local law. If a vendor fails to cooperate with a promoter
9 or fails to comply with these requirements, that vendor
10 shall not be allowed to participate in that show or event.
11 If the promoter fails to provide information required by
12 this subdivision, or fails to ensure that all of the vendors
13 possess all required permits, licenses, or certificates, the
14 gun show or event shall be closed down by local law
15 enforcement until these requirements are met.

16 (h) It is the intent of the Legislature that the gun show
17 promoter licensing program established pursuant to this
18 section be incorporated into the certificate of eligibility
19 program established pursuant to Section 12071 to the
20 maximum extent practicable.

21 SEC. 4. No reimbursement is required by this act
22 pursuant to Section 6 of Article XIII B of the California
23 Constitution because the only costs that may be incurred
24 by a local agency or school district will be incurred
25 because this act creates a new crime or infraction,
26 eliminates a crime or infraction, or changes the penalty
27 for a crime or infraction, within the meaning of Section
28 17556 of the Government Code, or changes the definition
29 of a crime within the meaning of Section 6 of Article
30 XIII B of the California Constitution.

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

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