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AMENDED IN SENATE JUNE 24, 1999
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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)
(Coauthors: Assembly Members Aroner, Knox, Kuehl,
Machado, 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 72 hours later, if the request is made* no later than 24 hours prior to the commencement of the gun show or event, or thereafter ~~upon request within 24 hours~~, 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. Under the bill, gun show promoters would be required to provide the list of persons or entities that have leased or rented tables or space at gun shows to local law enforcement ~~no later than 15 days~~ *48 hours after request, if the request is made* prior to the gun show ~~rather than 30 days~~. The bill would also require licensees to submit, no later than 15 days in advance of the event, written security plans to local law enforcement for approval, upon which the local law enforcement agency of the Department of Justice would be required to provide policing services, except as specified. The bill would permit local law enforcement to request, and require the promoter to provide upon request, specified documents for applicable individuals including specified licenses and permits. 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. The bill would provide that a minor may not attend a gun show or event unless accompanied by a parent or legal guardian. A violation of these provisions would be a misdemeanor punishable by a fine not exceeding \$2,000, as specified, 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.

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

1 pistols, revolvers, or other firearms capable of being
2 concealed upon the person at more than 12 gun shows or
3 events in any calendar year and shall not sell, lease, or
4 transfer more than 15 used firearms other than pistols,
5 revolvers, or other firearms capable of being concealed
6 upon the person at any single gun show or event. In no
7 event shall the person sell more than 75 used firearms
8 other than pistols, revolvers, or other firearms capable of
9 being concealed upon the person in any calendar year.

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

12 The Department of Justice shall adopt regulations to
13 administer this program and shall recover the full costs of
14 administration from fees assessed applicants.

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

18 (6) The activities of a law enforcement agency
19 pursuant to Section 12084.

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

25 (8) The sale, delivery, or transfer of firearms by
26 manufacturers or importers licensed pursuant to Chapter
27 44 (commencing with Section 921) of Title 18 of the
28 United States Code and the regulations issued pursuant
29 thereto to dealers or wholesalers.

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

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

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

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

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

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

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

38 (16) The delivery, sale, or transfer of an unloaded
39 firearm by one wholesaler to another wholesaler if that



1 firearm is intended as merchandise in the receiving
2 wholesaler's business.

3 (17) The loan of an unloaded firearm or the loan of a
4 firearm loaded with blank cartridges for use solely as a
5 prop for a motion picture, television, or video production
6 or entertainment or theatrical event.

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

14 (c) (1) As used in this section, "infrequent" means:

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

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

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

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

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

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

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

1 (C) A levying officer, as defined in Section 481.140,
2 511.060, or 680.260 of the Code of Civil Procedure.

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

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

7 (F) An assignee for the benefit of creditors performing
8 his or her functions as an assignee, if the assignment
9 includes firearms.

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

12 (H) Firearms received by the family of a police officer
13 or deputy sheriff from a local agency pursuant to Section
14 50081 of the Government Code.

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

20 SEC. 2. Section 12071 of the Penal Code is amended
21 to read:

22 12071. (a) (1) As used in this chapter, the term
23 “licensee,” “person licensed pursuant to Section 12071,”
24 or “dealer” means a person who has all of the following:

25 (A) A valid federal firearms license.

26 (B) Any regulatory or business license, or licenses,
27 required by local government.

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

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

32 (E) A license issued in the format prescribed by
33 paragraph (6).

34 (F) Is among those recorded in the centralized list
35 specified in subdivision (e).

36 (2) The duly constituted licensing authority of a city,
37 county, or a city and county shall accept applications for,
38 and may grant licenses permitting, licensees to sell
39 firearms at retail within the city, county, or city and
40 county. The duly constituted licensing authority shall

1 inform applicants who are denied licenses of the reasons
2 for the denial in writing.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

36 (D) The firearm may be delivered to the purchaser,
37 transferee, or person being loaned the firearm at one of
38 the following places:

- 39 (i) The building designated in the license.
40 (ii) The places specified in subparagraph (B) or (C).

1 (iii) The place of residence of, the fixed place of
2 business of, or on private property owned or lawfully
3 possessed by, the purchaser, transferee, or person being
4 loaned the firearm.

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

8 (3) No firearm shall be delivered:

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

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

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

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

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

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

33 (6) The licensee shall comply with Sections 12073,
34 12076, and 12077, subdivisions (a) and (b) of Section
35 12072, and subdivision (a) of Section 12316.

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

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

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

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

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

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

37 (9) Commencing July 1, 1992, the licensee shall offer
38 to provide the purchaser or transferee of a firearm, or
39 person being loaned a firearm, with a copy of the
40 pamphlet described in Section 12080 and may add the

1 cost of the pamphlet, if any, to the sales price of the
2 firearm.

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

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

7 (A) All charges required by governmental agencies
8 for processing firearm transfers required by Sections
9 12076, 12082, and 12806.

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

12 (12) The licensee shall not misstate the amount of fees
13 charged by a governmental agency pursuant to Sections
14 12076, 12082, and 12806.

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

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

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

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

1 anchored in a manner that prevents the removal of the
2 firearm from the premises.

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

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

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

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

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

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

28 (i) A transaction subject to the provisions of
29 subdivision (n) of Section 12078.

30 (ii) The dealer acquired the firearm from a
31 wholesaler.

32 (iii) The dealer is also licensed as a secondhand dealer
33 pursuant to Article 4 (commencing with Section 21625)
34 of Chapter 9 of Division 8 of the Business and Professions
35 Code.

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

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

(19) The licensee shall forward in a format prescribed by the Department of Justice, information as required by the department on any firearm that is not delivered within the time period set forth in Section 178.102 (c) of 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.

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

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

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

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

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

12 (A) A “firearms transaction record” is a record
13 containing the same information referred to in
14 subdivision (a) of Section 178.124, Section 178.124a, and
15 subdivision (e) of Section 178.125 of Title 27 of the Code
16 of Federal Regulations.

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

29 (d) Upon written request from a licensee, the
30 licensing authority may grant an exemption from
31 compliance with the requirements of paragraph (14) of
32 subdivision (b) if the licensee is unable to comply with
33 those requirements because of local ordinances,
34 covenants, lease conditions, or similar circumstances not
35 under the control of the licensee.

36 (e) Except as otherwise provided in this subdivision,
37 the Department of Justice shall keep a centralized list of
38 all persons licensed pursuant to subparagraphs (A) to
39 (E), inclusive, of paragraph (1) of subdivision (a). The
40 department may remove from this list any person who

1 knowingly or with gross negligence violates this article.
2 Upon removal of a dealer from this list, notification shall
3 be provided to local law enforcement and licensing
4 authorities in the jurisdiction where the dealer's business
5 is located. The department shall make information about
6 an individual dealer available, upon request, for one of
7 the following purposes only:

8 (1) For law enforcement purposes.

9 (2) When the information is requested by a person
10 licensed pursuant to Chapter 44 (commencing with
11 Section 921) of Title 18 of the United States Code for
12 determining the validity of the license for firearm
13 shipments.

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

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

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

10 (h) Paragraph (14) or (15) of subdivision (b) shall not
11 apply to a licensee organized as a nonprofit public benefit
12 or mutual benefit corporation organized pursuant to Part
13 2 (commencing with Section 5110) or Part 3
14 (commencing with Section 7110) of Division 2 of the
15 Corporations Code, if both of the following conditions are
16 satisfied:

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

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

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

28 12071.1. (a) No person shall produce, promote,
29 sponsor, operate, or otherwise organize a gun show or
30 event, as specified in subparagraph (B) of paragraph (1)
31 of subdivision (b) of Section 12071, unless that person
32 possesses a valid gun show promoter license issued by the
33 Department of Justice. A gun show promoter license shall
34 be issued by the department to an applicant unless the
35 department's records indicate that the applicant is a
36 person prohibited from possessing firearms. Gun show
37 promoter licenses shall be valid for two years from the
38 date of issuance.

39 (b) The Department of Justice shall adopt regulations
40 to administer the gun show promoter licensing program

1 under this section and shall recover the full costs of
2 administering the program by fees assessed applicants
3 who apply for gun show promoter licenses or renewals
4 thereof. As part of this program, the department shall
5 formulate and provide special training for officers on the
6 applicable federal, state, and local laws impacting firearm
7 sales at gun shows or events.

8 (c) A knowing failure by a gun show promoter to
9 comply with any of the requirements of this section,
10 except for the required documentation requirements,
11 shall be a misdemeanor punishable by a fine not to exceed
12 two thousand dollars (\$2,000), and shall render the
13 promoter ineligible for a gun show promoter license for
14 two years from the date of the violation. The failure of a
15 gun show promoter to provide any documentation
16 required by this section in a timely manner shall be a
17 misdemeanor punishable by a fine of one thousand dollars
18 (\$1,000) for the first offense and two thousand dollars
19 (\$2,000) for the second or subsequent offense, and with
20 respect to the second or subsequent offense, shall render
21 the promoter ineligible for a gun show promoter license
22 for two years from the date of the violation. A violation of
23 this section by a vendor, except for the required
24 documentation requirements, shall be a misdemeanor,
25 punishable by a fine not to exceed two thousand dollars
26 (\$2,000). The failure of a vendor to provide any
27 documentation required by this section in a timely
28 manner shall be a misdemeanor punishable by a fine of
29 one thousand dollars (\$1,000) for the first offense and two
30 thousand dollars (\$2,000) for the second or subsequent
31 offense.

32 (d) (1) (A) ~~No later than 15 days prior~~ Prior to the
33 commencement of a gun show or event, the producer or
34 promoter thereof shall, upon request, make available
35 within ~~72~~ 48 hours, or a later specified time, to the local
36 law enforcement agency a complete and accurate list of
37 all persons, entities, and organizations that have leased or
38 rented, or are known to the producer to intend to lease
39 or rent, any table, display space, or area at the gun show

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

3 (B) The producer shall thereafter, upon request, for
4 every day the gun show or event operates, make available
5 within 24 hours, or a later specified time, to the ~~local~~
6 *requesting* law enforcement agency, an accurate,
7 complete, and current list of the persons, entities, and
8 organizations that have leased or rented, or are known to
9 the producer to intend to lease or rent, any table, display
10 space, or area at the gun show or event for the purpose
11 of selling, leasing, or transferring firearms.

12 (C) This subdivision applies to persons, entities, and
13 organizations whether or not they participate in the
14 entire gun show or event, or only a portion thereof.

15 (D) The information that may be requested by the
16 local law enforcement agency, and that shall be provided
17 by the promoter upon request, may include, but is not
18 limited to, the following: driver's license or identification
19 card number, federal firearms license, certificate of
20 eligibility, state sellers permit, local firearm dealer
21 permit, and business license. In addition, a photo
22 identification shall be required for each *vendor and*
23 employee of a vendor, and each ~~employee shall be~~
24 ~~required to display~~ *vendor and employee shall, during*
25 *the gun show or event, wear an official vendor badge,*
26 *indicating that person's first and last name.* Any
27 additional information required by the law enforcement
28 agency shall be provided by the vendor up to and
29 including the day of the gun show or event.

30 (2) When a promoter applies to the Department of
31 Justice for a gun show promoter license, the promoter
32 shall provide with the application, a list of the gun shows
33 or events that the promoter plans to promote, produce,
34 sponsor, operate or otherwise organize during the ~~year~~
35 *years* for which the license will be issued, including the
36 date, time, and location of the gun shows or events. The
37 promoter shall also notify the Bureau of Alcohol, Tobacco,
38 and Firearms. If, during ~~that year~~ *those years* the
39 information changes, or additional gun shows or events
40 will be promoted, produced, sponsored, operated or

1 otherwise organized by the promoter, the promoter shall
2 notify the Department of Justice no later than 30 days
3 prior to the gun show or event.

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

19 (e) The promoter shall consult with the local law
20 enforcement agency having jurisdiction over the venue
21 site on the security plan for approval of the plan. The
22 *approved plan shall be filed with the local law*
23 *enforcement agency and the Department of Justice. The*
24 *promoter shall prepare an annual event plan and*
25 *schedule that shall include, at a minimum, the following:*

26 (1) *The type of shows, including, but not limited to,*
27 *antique or general firearms.*

28 (2) *The estimated number of vendors offering*
29 *firearms for sale or display.*

30 (3) *The estimated number of attendees.*

31 (4) *The number of entrances and exits at the gun show*
32 *site.*

33 (5) *The location, dates, and times of the shows.*

34 (6) *The contact person and phone number for both*
35 *the producer and the facility.*

36 (7) *The number of security personnel who will be*
37 *present at the show, and whether they are sworn peace*
38 *officers.*

39 *The promoter shall, for purposes of law enforcement,*
40 *file the event plan with the law enforcement agency with*

1 *jurisdiction over the facility and send a copy to the*
2 *Department of Justice.*

3 *Adjustments to the event plan may be made as needed.*
4 *Any substantive changes that impact security shall be*
5 *reported to the above-described authorities.*

6 *The local law enforcement agency having jurisdiction*
7 *over the venue site may require the presence of an officer*
8 *of the agency at each gun show or event. The promoter*
9 *shall contract with the local law enforcement agency to*
10 *provide, at the promoter's expense, the required law*
11 *enforcement officers at the gun show or event. In the*
12 *event that the local law enforcement agency is unable to*
13 *adequately provide policing services at the gun show or*
14 *event, an agent or agents from the Department of Justice*
15 *shall be requested by the local law enforcement agency.*
16 *If the Department of Justice provides an agent or agents*
17 *at the gun show or event, the promoter shall contract with*
18 *the department to provide, at the promoter's expense,*
19 *the services of the agent or agents. Approval of the*
20 *security plan by the local law enforcement agency shall*
21 *not be a basis for imposing liability upon the local law*
22 *enforcement agency or local government entity in the*
23 *jurisdiction where the gun show or event takes place. If*
24 *the local law enforcement agency or the Department of*
25 *Justice does not provide event security, the approval of*
26 *the security plan by the local law enforcement agency*
27 *shall be sufficient to allow the gun show or event to*
28 *proceed.*

29 (f) (1) *If the security plan required by subdivision (d)*
30 *requires a police officer to be in charge of security at a gun*
31 *show or event, that officer shall have received sufficient*
32 *training with respect to applicable gun laws from the*
33 *Department of Justice.*

34 (2) *The security plan required in subdivision (d) shall*
35 *provide a complete and accurate list of all persons,*
36 *entities, and organizations that have leased or rented, or*
37 *are known to the producer to intend to lease or rent, any*
38 *table, display space, or area at the gun show or event for*
39 *the purpose of selling, leasing, or transferring firearms.*

1 (3) The producer shall thereafter, upon request, for
2 every day the gun show or event operates, make available
3 to the local law enforcement agency, an accurate,
4 complete, and current list of the persons, entities, and
5 organizations that have leased or rented, or are known to
6 the producer to intend to lease or rent, any table, display
7 space, or area at the gun show or event for the purpose
8 of selling, leasing, or transferring firearms.

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

22 (h) It is the intent of the Legislature that the gun show
23 promoter licensing program established pursuant to this
24 section be incorporated into the certificate of eligibility
25 program established pursuant to Section 12071 to the
26 maximum extent practicable.

27 (i) No minor shall attend a gun show or event unless
28 accompanied by a parent or legal guardian.

29 (j) No person other than a sworn peace officer or
30 honorably retired peace officer shall be permitted to
31 carry a concealed weapon at a gun show or event.

32 (k) (1) *The show producer shall post, in a readily*
33 *visible location at each entrance to the parking lot at the*
34 *show, signage that states: "The transfer or sale of firearms*
35 *on the parking lot of this facility is a crime."*

36 (2) *Persons possessing firearms at the gun show or*
37 *event shall have in their immediate possession,*
38 *government issued photo identification, and display it*
39 *upon request, to any security officer, or any peace officer.*

1 SEC. 4. No reimbursement is required by this act
2 pursuant to Section 6 of Article XIII B of the California
3 Constitution because the only costs that may be incurred
4 by a local agency or school district will be incurred
5 because this act creates a new crime or infraction,
6 eliminates a crime or infraction, or changes the penalty
7 for a crime or infraction, within the meaning of Section
8 17556 of the Government Code, or changes the definition
9 of a crime within the meaning of Section 6 of Article
10 XIII B of the California Constitution.

