

AMENDED IN SENATE JANUARY 13, 2000

AMENDED IN SENATE JANUARY 3, 2000

AMENDED IN SENATE JANUARY 19, 1999

SENATE BILL

No. 31

Introduced by ~~Senator Peace~~ *Senators Peace and Perata*

December 7, 1998

An act to amend Section 6389 of the Family Code, and to amend Sections 11106, 12001, 12026.2, 12070, 12071, ~~12072, 12073, 12076, 12077, 12078, 12082, and 12084 of, and to add Section 12083 to, 12072, 12073, 12076, 12078, and 12084 of,~~ the Penal Code, relating to firearms.

LEGISLATIVE COUNSEL'S DIGEST

SB 31, as amended, Peace. Firearms: delivery and transfer: registration card.

(1) Existing law prohibits a person subject to a specified protective order from owning, possessing, purchasing, or receiving a firearm while the order is in effect, and requires the restrained person to relinquish any firearm in the person's immediate possession or control, as specified. Existing law provides for the return of the relinquished weapon, or sale or other transfer by law enforcement if return is not permitted for specified reasons. Existing law also provides for the restrained person to sell firearms to a law enforcement agency, as specified.

This bill would, in addition, require that when the law enforcement agency is required to sell or transfer a relinquished pistol, revolver, or other firearm capable of

being concealed upon the person, the agency enter specified information regarding the firearm into the Automated Firearms System, as specified. This bill would also provide that when a restrained person sells firearms to a law enforcement agency, as specified by existing law, that the delivery and sale or transfer shall be exempt from specified provisions of law regarding delivery and transfer of firearms through licensed firearms dealers. This bill would also provide that these provisions are declarative of existing law.

(2) Existing law requires the Attorney General to maintain a registry of information reported to the Department of Justice regarding the licensing of firearms dealers and including various transactions involving pistols, revolvers, or other firearms capable of being concealed upon the person.

This bill would additionally require this registry to include the date and time that the firearm was delivered. ~~The bill would also provide, upon request and payment of a fee, for the issuance of a registration card to the owner of a registered firearm containing information regarding the firearm, the owner, and the registration, as specified.~~

(3) Existing law prohibits a person from carrying a concealed firearm under specified circumstances. Existing law also exempts from this prohibition certain persons under specified conditions.

This bill would add to the list of exemptions the transportation of a firearm for specified purposes.

(4) Existing law provides that, with exceptions, no person may sell, lease or transfer firearms without a license, as specified.

This bill would create additional exceptions to those prohibitions.

(5) Existing law, with specified exceptions, requires firearm licensees to record certain information regarding firearm transactions. Existing law also provides that the failure to comply with specified requirements in connection with the transfer and delivery of firearms is punishable as a misdemeanor or a felony.

This bill would create additional exceptions to those requirements. This bill would also require licensees to record and submit additional information regarding firearms

transfers to the Department of Justice, as specified. Failure to record and submit that information would be punishable as a misdemeanor or a felony. By changing the definition of an existing crime, this bill would impose a state-mandated local program.

(6) Existing law, with specified exceptions, provides certain prohibitions and requirements with regard to the circumstances under which firearms may be sold or transferred.

This bill would create additional exceptions to those prohibitions and requirements. This bill would also impose additional requirements upon local law enforcement agencies in connection with firearms acquired by law enforcement agencies, as specified. By imposing additional duties on local law enforcement agencies, this bill would impose a state-mandated local program.

~~(7) Existing law generally provides under what circumstances a person is prohibited from possessing a firearm.~~

~~This bill would create a procedure for disposing of a firearm in the circumstance where a person becomes ineligible to possess a firearm, so that if the procedure is followed, the person would not be in violation of those provisions of law that would otherwise prohibit the person from possessing a firearm.~~

~~(8)~~

(7) This bill would make a technical, nonsubstantive change to a related provision.

~~(9)~~

(8) This bill would also provide that Chapter 1180 of the Statutes of 1988 shall be known, and may be cited, as the Klehs Safe and Responsible Firearms Transfer Act of 1988.

~~(10)~~

(9) This bill would provide that Chapter 462 of the Statutes of 1997 shall be known, and may be cited as the Shelley-Alpert-Ducheny Pistol-Revolver Registration Parity Act of 1997.

~~(11)~~

(10) The California Constitution requires the state to reimburse local agencies and school districts for certain costs



mandated by the state. Statutory provisions establish procedures for making that reimbursement, including the creation of a State Mandates Claims Fund to pay the costs of mandates that do not exceed \$1,000,000 statewide and other procedures for claims whose statewide costs exceed \$1,000,000.

This bill would provide that with regard to certain mandates no reimbursement is required by this act for a specified reason.

With regard to any other mandates, this bill would provide that, if the Commission on State Mandates determines that the bill contains costs so mandated by the state, reimbursement for those costs shall be made pursuant to the statutory provisions noted above.

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 6389 of the Family Code is
2 amended to read:

3 6389. (a) A person subject to a protective order, as
4 defined in Section 6218, shall not own, possess, purchase,
5 or receive a firearm while that protective order is in
6 effect.

7 (b) The Judicial Council shall provide a notice on all
8 forms requesting a protective order that, at the hearing
9 for a protective order, the respondent shall be ordered to
10 relinquish possession or control of any firearms and not to
11 purchase or receive or attempt to purchase or receive any
12 firearms for a period not to exceed the duration of the
13 restraining order.

14 (c) If the respondent is present in court at a duly
15 noticed hearing, the court shall order the respondent to
16 relinquish any firearm in that person's immediate
17 possession or control, or subject to that person's
18 immediate possession or control, within 24 hours of the
19 order, by either surrendering the firearm to the control
20 of local law enforcement officials, or by selling the firearm
21 to a licensed gun dealer, as specified in Section 12071 of



1 the Penal Code. If the respondent is not present at the
2 hearing, the respondent shall relinquish the firearm
3 within 48 hours after being served with the order. A
4 person ordered to relinquish any firearm pursuant to this
5 subdivision shall file with the court a receipt showing the
6 firearm was surrendered to the local law enforcement
7 agency or sold to a licensed gun dealer within 72 hours
8 after receiving the order. In the event that it is necessary
9 to continue the date of any hearing due to a request for
10 a relinquishment order pursuant to this section, the court
11 shall ensure that all applicable protective orders
12 described in Section 6218 remain in effect or bifurcate the
13 issues and grant the permanent restraining order
14 pending the date of the hearing.

15 (d) If the respondent declines to relinquish possession
16 of any firearm based upon the assertion of the right
17 against self-incrimination, as provided by the Fifth
18 Amendment to the United States Constitution and
19 Section 15 of Article I of the California Constitution, the
20 court may grant use immunity for the act of relinquishing
21 the firearm required under this section.

22 (e) A local law enforcement agency may charge the
23 respondent a fee for the storage of any firearm pursuant
24 to this section. This fee shall not exceed the actual cost
25 incurred by the local law enforcement agency for the
26 storage of the firearm. For purposes of this subdivision,
27 “actual cost” means expenses directly related to taking
28 possession of a firearm, storing the firearm, and
29 surrendering possession of the firearm to a licensed
30 dealer as defined in Section 12071 of the Penal Code or to
31 the respondent.

32 (f) The restraining order requiring a person to
33 relinquish a firearm pursuant to subdivision (c) shall state
34 on its face that the respondent is prohibited from owning,
35 possessing, purchasing, or receiving a firearm while the
36 protective order is in effect and that the firearm shall be
37 relinquished to the local law enforcement agency for that
38 jurisdiction or sold to a licensed gun dealer, and that proof
39 of surrender or sale shall be filed with the court within a
40 specified period of receipt of the order. The order shall

1 also state on its face the expiration date for
2 relinquishment. Nothing in this section shall limit a
3 respondent's right under existing law to petition the court
4 at a later date for modification of the order.

5 (g) (1) The restraining order requiring a person to
6 relinquish a firearm pursuant to subdivision (c) shall
7 prohibit the person from possessing or controlling any
8 firearm for the duration of the order. At the expiration of
9 the order, the local law enforcement agency shall return
10 possession of any surrendered firearm to the respondent,
11 within five days after the expiration of the
12 relinquishment order, unless the local law enforcement
13 agency determines that (1) the firearm has been stolen,
14 (2) the respondent is prohibited from possessing a
15 firearm because the respondent is in any prohibited class
16 for the possession of firearms, as defined in Sections 12021
17 and 12021.1 of the Penal Code and Sections 8100 and 8103
18 of the Welfare and Institutions Code, or (3) another
19 successive restraining order is used against the
20 respondent under this section. If the local law
21 enforcement agency determines that the respondent is
22 the legal owner of any firearm deposited with the local
23 law enforcement agency and is prohibited from
24 possessing any firearm, the respondent shall be entitled
25 to sell or transfer the firearm to a licensed dealer as
26 defined in Section 12071 of the Penal Code. If the firearm
27 has been stolen, the firearm shall be restored to the lawful
28 owner upon his or her identification of the firearm and
29 proof of ownership.

30 (2) Within 10 days of the date that a firearm is sold,
31 delivered, returned, or transferred by a local law
32 enforcement agency pursuant to this section, if the
33 firearm is a pistol, revolver, or other firearm capable of
34 being concealed upon the person, the name of the agency
35 delivering the firearm, and the make, model, serial
36 number, and other identifying characteristics of the
37 firearm being returned, sold, transferred, or delivered
38 shall be entered into the Automated Firearms System
39 (AFS) via the California Law Enforcement
40 Telecommunications Systems (CLETS) by the law

1 enforcement or state agency that sold, transferred,
2 returned, or delivered the firearm. Those agencies
3 without access to AFS shall arrange with the sheriff of the
4 county in which the agency is located to input this
5 information into that system.

6 (h) The court may, as part of the relinquishment
7 order, grant an exemption from the relinquishment
8 requirements of this section for a particular firearm if the
9 respondent can show that a particular firearm is
10 necessary as a condition of continued employment and
11 that the current employer is unable to reassign the
12 respondent to another position where a firearm is
13 unnecessary. If an exemption is granted pursuant to this
14 subdivision, the order shall provide that the firearm shall
15 be in the physical possession of the respondent only
16 during scheduled work hours and during travel to and
17 from his or her place of employment. In any case
18 involving a peace officer who as a condition of
19 employment and whose personal safety depends on the
20 ability to carry a firearm, a court may allow the peace
21 officer to continue to carry a firearm, either on duty or off
22 duty, if the court finds by a preponderance of the
23 evidence that the officer does not pose a threat of harm.
24 Prior to making this finding, the court shall require a
25 mandatory psychological evaluation of the peace officer
26 and may require the peace officer to enter into
27 counseling or other remedial treatment program to deal
28 with any propensity for domestic violence.

29 (i) During the period of the relinquishment order, a
30 respondent is entitled to make one sale of all firearms that
31 are in the possession of a local law enforcement agency
32 pursuant to this section. A licensed gun dealer, who
33 presents a local law enforcement agency with a bill of sale
34 indicating that all firearms owned by the respondent that
35 are in the possession of the local law enforcement agency
36 have been sold by the respondent to the licensed gun
37 dealer, shall be given possession of those firearms, at the
38 location where a respondent's firearms are stored, within
39 five days of presenting the local law enforcement agency
40 with a bill of sale.

1 (j) The disposition of any unclaimed property under
2 this section shall be made pursuant to Section 1413 of the
3 Penal Code.

4 (k) (1) The return of a firearm to any person pursuant
5 to subdivision (g) shall not be subject to the requirements
6 of subdivision (d) of Section 12072 of the Penal Code.

7 (2) The delivery of a firearm to a local law
8 enforcement agency person pursuant to this section shall
9 not be subject to the requirements of subdivision (d) of
10 Section 12072 of the Penal Code.

11 (3) The sale, delivery, or transfer of a firearm to a local
12 law enforcement agency pursuant to this section shall not
13 be subject to the requirements of subdivision (a) of
14 Section 12070 of the Penal Code.

15 (l) If the respondent notifies the court that he or she
16 owns a firearm that is not in his or her immediate
17 possession, the court may limit the order to exclude that
18 firearm if the judge is satisfied the respondent is unable
19 to gain access to that firearm while the protective order
20 is in effect.

21 (m) Any respondent to a protective order who violates
22 any order issued pursuant to this section shall be punished
23 under the provisions of subdivision (g) of Section 12021
24 of the Penal Code.

25 (n) Any respondent to a protective order who
26 complies with the provisions of this section shall be
27 exempt from the provisions of subdivision (g) of Section
28 12021 of the Penal Code.

29 SEC. 2. Section 11106 of the Penal Code is amended
30 to read:

31 11106. (a) In order to assist in the investigation of
32 crime, the arrest and prosecution of criminals, and the
33 recovery of lost, stolen, or found property, the Attorney
34 General shall keep and properly file a complete record of
35 all copies of fingerprints, copies of applications for
36 licenses to carry firearms issued pursuant to Section
37 12050, information reported to the Department of Justice
38 pursuant to Section 12053, dealers' records of sales of
39 firearms, reports provided pursuant to Section 12072 or
40 12078, forms provided pursuant to Section 12084, reports

1 provided pursuant to Section 12071 that are not dealers'
2 records of sales of firearms, and reports of stolen, lost,
3 found, pledged, or pawned property in any city or county
4 of this state, and shall, upon proper application therefor,
5 furnish to the officers mentioned in Section 11105, hard
6 copy printouts of those records as photographic,
7 photostatic, and nonerasable optically stored
8 reproductions.

9 (b) (1) Notwithstanding subdivision (a), the
10 Attorney General shall not retain or compile any
11 information from reports filed pursuant to subdivision (a)
12 of Section 12078 for firearms that are not pistols,
13 revolvers, or other firearms capable of being concealed
14 upon the person, from forms submitted pursuant to
15 Section 12084 for firearms that are not pistols, revolvers,
16 or other firearms capable of being concealed upon the
17 person, or from dealers' records of sales for firearms that
18 are not pistols, revolvers, or other firearms capable of
19 being concealed upon the person. All copies of the forms
20 submitted, or any information received in electronic
21 form, pursuant to Section 12084 for firearms that are not
22 pistols, revolvers, or other firearms capable of being
23 concealed upon the person, or of the dealers' records of
24 sales for firearms that are not pistols, revolvers, or other
25 firearms capable of being concealed upon the person shall
26 be destroyed within five days of the clearance by the
27 Attorney General, unless the purchaser or transferor is
28 ineligible to take possession of the firearm. All copies of
29 the reports filed, or any information received in
30 electronic form, pursuant to subdivision (a) of Section
31 12078 for firearms that are not pistols, revolvers, or other
32 firearms capable of being concealed upon the person shall
33 be destroyed within five days of the receipt by the
34 Attorney General, unless retention is necessary for use in
35 a criminal prosecution.

36 (2) A peace officer, the Attorney General, a
37 Department of Justice employee designated by the
38 Attorney General, or any authorized local law
39 enforcement employee shall not retain or compile any
40 information from a firearms transaction record, as

1 defined in paragraph (5) of subdivision (c) of Section
2 12071, for firearms that are not pistols, revolvers, or other
3 firearms capable of being concealed upon the person
4 unless retention or compilation is necessary for use in a
5 criminal prosecution or in a proceeding to revoke a
6 license issued pursuant to Section 12071.

7 (3) A violation of this subdivision is a misdemeanor.

8 (c) (1) The Attorney General shall permanently keep
9 and properly file and maintain all information reported
10 to the Department of Justice pursuant to Sections 12071,
11 12072, 12078, 12082, and 12084 or any other law, as to
12 pistols, revolvers, or other firearms capable of being
13 concealed upon the person and maintain a registry
14 thereof.

15 (2) The registry shall consist of all of the following:

16 (A) The name, address, identification of, place of birth
17 (state or country), complete telephone number,
18 occupation, sex, description, and all legal names and
19 aliases ever used by the owner or person being loaned the
20 particular pistol, revolver, or other firearm capable of
21 being concealed upon the person as listed on the
22 information provided to the department on the Dealers'
23 Record of Sale, the Law Enforcement Firearms Transfer
24 (LEFT), as defined in Section 12084, or reports made to
25 the department pursuant to Section 12053, 12078, or any
26 other law.

27 (B) The name and address of, and other information
28 about, any person (whether a dealer or a private party)
29 from whom the owner acquired or the person being
30 loaned the particular pistol, revolver, or other firearm
31 capable of being concealed upon the person and when
32 the firearm was acquired or loaned as listed on the
33 information provided to the department on the Dealers'
34 Record of Sale, the LEFT, or reports made to the
35 department pursuant to Section 12078 or any other law.

36 (C) Any waiting period exemption applicable to the
37 transaction which resulted in the owner of or the person
38 being loaned the particular pistol, revolver, or other
39 firearm capable of being concealed upon the person
40 acquiring or being loaned that firearm.

1 (D) The manufacturer's name if stamped on the
2 firearm; model name or number if stamped on the
3 firearm; and, if applicable, the serial number, other
4 number (if more than one serial number is stamped on
5 the firearm), caliber, type of firearm, if the firearm is new
6 or used, barrel length, and color of the firearm.

7 (E) Information provided pursuant to paragraphs
8 (19) and (20) of subdivision (b) of Section 12071.

9 (F) Information provided pursuant to paragraph (8)
10 of subdivision (d) of Section 12084.

11 (3) Information in the registry referred to in this
12 subdivision shall, upon proper application therefor, be
13 furnished to the officers referred to in Section 11105 or to
14 the person listed in the registry as the owner or person
15 who is listed as being loaned the particular pistol,
16 revolver, or other firearm capable of being concealed
17 upon the person in the form of hard copy printouts of that
18 information as photographic, photostatic, and
19 nonerasable optically stored reproductions.

20 (4) If any person is listed in the registry as the owner
21 of a firearm through a Dealers' Record of Sale prior to
22 1979, and the person listed in the registry requests by
23 letter that the Attorney General store and keep the
24 record electronically, as well as in the record's existing
25 photographic, photostatic, or nonerasable optically
26 stored form, the Attorney General shall do so within three
27 working days of receipt of the request. The Attorney
28 General shall, in writing, and as soon as practicable, notify
29 the person requesting electronic storage of the record
30 that the request has been honored as required by this
31 paragraph.

32 ~~(d) Whenever a pistol, revolver, or other firearm~~
33 ~~capable of being concealed upon the person is stated as~~
34 ~~being owned by a person listed in the registry created by~~
35 ~~subdivision (c), it shall be deemed to be registered to that~~
36 ~~person as of one of the following applicable dates:~~

37 ~~(1) If the firearm was delivered to the person pursuant~~
38 ~~to an application to purchase and the delivery of the~~
39 ~~firearm was not exempted from the waiting period set~~

1 ~~forth in Section 12071, 12072, or 12084, the firearm shall be~~
2 ~~deemed to be registered to the person as follows:~~

3 ~~(A) If the firearm was delivered prior to the~~
4 ~~implementation of paragraph (20) of subdivision (b) of~~
5 ~~Section 12071 or paragraph (8) of subdivision (d) of~~
6 ~~Section 12084, and prior to the effective date of paragraph~~
7 ~~(19) of subdivision (b) of Section 12071, the firearm shall~~
8 ~~be deemed registered to that person, unless the~~
9 ~~department is notified that the application to purchase~~
10 ~~that firearm was canceled, on the date that the waiting~~
11 ~~period set forth in Section 12071, 12072, or 12084 on the~~
12 ~~application to purchase that firearm elapsed.~~

13 ~~(B) If the firearm was delivered prior to the~~
14 ~~implementation of paragraph (20) of subdivision (b) of~~
15 ~~Section 12071 or paragraph (8) of subdivision (d) of~~
16 ~~Section 12084, and after the effective date of paragraph~~
17 ~~(19) of subdivision (b) of Section 12071, the firearm shall~~
18 ~~be deemed registered to that person, unless the~~
19 ~~department is notified that the application to purchase~~
20 ~~that firearm was canceled, on the date that the waiting~~
21 ~~period set forth in Section 12017, 12072, or 12084 on the~~
22 ~~application to purchase that firearm which is utilized in~~
23 ~~order to comply with paragraph (19) of subdivision (b)~~
24 ~~of Section 12071 in respect to that firearm has elapsed.~~

25 ~~(C) If the firearm was delivered after the~~
26 ~~implementation of paragraph (20) of subdivision (b) of~~
27 ~~Section 12071 or paragraph (8) of subdivision (d) of~~
28 ~~Section 12084, the firearm shall be deemed registered to~~
29 ~~that person as of the date and time that the department~~
30 ~~is notified that the firearm referred to in the application~~
31 ~~to purchase was delivered to that person.~~

32 ~~(2) If the firearm was delivered to a person pursuant~~
33 ~~to an application to purchase and the delivery of the~~
34 ~~firearm was exempted from the waiting period set forth~~
35 ~~in Section 12071, 12072, or 12084, the firearm shall be~~
36 ~~deemed to be registered to the person at the time the~~
37 ~~firearm was delivered to the person as reported to the~~
38 ~~department on the application to purchase.~~

39 ~~(3) If the firearm was reported to be owned by a~~
40 ~~person pursuant to paragraph (18) of subdivision (b) of~~

1 ~~Section 12071, the firearm shall be deemed to be~~
2 ~~registered to the person at the time the person indicates~~
3 ~~he or she took possession of the firearm.~~

4 ~~(4) If the firearm was reported to be owned by a~~
5 ~~person pursuant to subdivision (c) of Section 12078, the~~
6 ~~firearm shall be deemed to be registered to the person at~~
7 ~~the time the person indicates he or she took possession of~~
8 ~~the firearm.~~

9 ~~(5) If the firearm was reported to be owned by a~~
10 ~~person pursuant to subparagraph (A) of paragraph (2) of~~
11 ~~subdivision (i) of Section 12078, the firearm shall be~~
12 ~~deemed to be registered to the person at the time the~~
13 ~~person indicates he or she took possession of the firearm.~~

14 ~~(6) If the firearm was reported to be owned by a~~
15 ~~person pursuant to subparagraph (B) of paragraph (2) of~~
16 ~~subdivision (i) of Section 12078, the firearm shall be~~
17 ~~deemed to be registered to the person at the time the~~
18 ~~person indicates he or she took possession of the firearm.~~

19 ~~(7) If the firearm was reported to be owned by a~~
20 ~~person pursuant to subparagraph (C) of paragraph (2) of~~
21 ~~subdivision (i) of Section 12078, the firearm shall be~~
22 ~~deemed to be registered to the person at the time the~~
23 ~~agency delivered the firearm to the person.~~

24 ~~(8) If the firearm was reported to be owned by a~~
25 ~~person pursuant to subparagraph (D) of paragraph (2) of~~
26 ~~subdivision (i) of Section 12078, the firearm shall be~~
27 ~~deemed to be registered to the person at the time the~~
28 ~~agency delivered the firearm to the person.~~

29 ~~(9) If the firearm was reported to be owned by a~~
30 ~~person pursuant to subdivision (l) of Section 12078, the~~
31 ~~firearm shall be deemed to be registered to the person at~~
32 ~~the time the person indicates that the firearm was~~
33 ~~acquired by him or her.~~

34 ~~(10) If the firearm was reported to be owned by a~~
35 ~~person pursuant to paragraph (4) or (5) of subdivision~~
36 ~~(a) of Section 12078, the firearm shall be deemed to be~~
37 ~~registered to the person at the time the agency delivering~~
38 ~~the firearm reports the date of delivery.~~

39 ~~(11) If the firearm was reported as being owned by a~~
40 ~~person pursuant to Section 12053, as part of an application~~

~~1 to be licensed to carry that firearm pursuant to Section
2 12050, and the ownership of the firearm was not otherwise
3 previously reported to the Department of Justice, the
4 firearm shall be deemed to be registered to the person on
5 the date that he or she submits an application for a license
6 to carry the firearm pursuant to Section 12050.~~

~~7 (12) If the firearm was reported as being owned by a
8 person pursuant to Section 12053, as part of an application
9 for an amendment to a license to carry the particular
10 firearm pursuant to Section 12050, and the ownership of
11 the firearm was not otherwise previously reported to the
12 Department of Justice, the firearm shall be deemed to be
13 registered to the person on the date the he or she submits
14 an application for an amendment to a license to carry the
15 particular firearm issued pursuant to Section 12050.~~

~~16 (13) If the firearm was reported as being owned by a
17 person pursuant to clause (i) of subparagraph (A) of
18 paragraph (2) of subdivision (f) of Section 12072, the
19 firearm shall be deemed registered to that person as of
20 the date that he or she submits the report of the same to
21 the Department of Justice.~~

~~22 (14) If the firearm was reported as being owned by a
23 person pursuant to paragraph (3) of subdivision (f) of
24 Section 12072, the firearm shall be deemed registered to
25 that person as of the date that he or she submits the report
26 of the same to the Department of Justice.~~

~~27 (e) (1) If requested by the owner, the Department of
28 Justice upon registering a pistol, revolver, or other
29 firearm capable of being concealed upon the person shall
30 issue a registration card to the owner after payment of a
31 fee to cover the estimated actual costs associated with the
32 processing and mailing or delivery of the registration
33 card. The fee shall not in any event exceed fourteen
34 dollars (\$14), except that the fee may be increased at a
35 rate not to exceed any increase in the California
36 Consumer Price Index as compiled and reported by the
37 California Department of Industrial Relations.~~

~~38 (2) The registration card referred to in paragraph (1)
39 shall contain upon its face the date issued, the name and
40 residence or business address of the registrant, the date~~

1 ~~of birth of the registrant, clear evidence of the age and~~
2 ~~identity of the registrant, as defined in Section 12071, the~~
3 ~~name of the manufacturer of the registered firearm, the~~
4 ~~serial number of the registered firearm, and the caliber~~
5 ~~of the registered firearm, and any other information that~~
6 ~~the department deems appropriate.~~

7 SEC. 3. Section 12001 of the Penal Code is amended
8 to read:

9 12001. (a) As used in this title, the terms “pistol,”
10 “revolver,” and “firearm capable of being concealed
11 upon the person” shall apply to and include any device
12 designed to be used as a weapon, from which is expelled
13 a projectile by the force of any explosion, or other form
14 of combustion, and which has a barrel less than 16 inches
15 in length. These terms also include any device which has
16 a barrel 16 inches or more in length which is designed to
17 be interchanged with a barrel less than 16 inches in
18 length.

19 (b) As used in this title, “firearm” means any device,
20 designed to be used as a weapon, from which is expelled
21 through a barrel a projectile by the force of any explosion
22 or other form of combustion.

23 (c) As used in Sections 12021, 12021.1, 12070, 12071,
24 12072, 12073, 12078, and 12101 of this code, and Sections
25 8100, 8101, and 8103 of the Welfare and Institutions Code,
26 the term “firearm” includes the frame or receiver of the
27 weapon.

28 (d) For the purposes of Sections 12025 and 12031, the
29 term “firearm” also shall include any rocket, rocket
30 propelled projectile launcher, or similar device
31 containing any explosive or incendiary material whether
32 or not the device is designed for emergency or distress
33 signaling purposes.

34 (e) For purposes of Sections 12070, 12071, and
35 paragraph (8) of subdivision (a), and subdivisions (b),
36 (c), (d), and (f) of Section 12072, the term “firearm” does
37 not include an unloaded firearm which is defined as an
38 “antique firearm” in Section 921(a)(16) of Title 18 of the
39 United States Code.

1 (f) Nothing shall prevent a device defined as a
2 “pistol,” “revolver,” or “firearm capable of being
3 concealed upon the person” from also being found to be
4 a short-barreled shotgun or a short-barreled rifle, as
5 defined in Section 12020.

6 (g) For purposes of Sections 12551 and 12552, the term
7 “BB device” means any instrument which expels a
8 metallic projectile, such as a BB or a pellet, through the
9 force of air pressure, CO₂ pressure, or spring action, or
10 any spot marker gun.

11 (h) As used in this title, “wholesaler” means any
12 person who is licensed as a dealer pursuant to Chapter 44
13 (commencing with Section 921) of Title 18 of the United
14 States Code and the regulations issued pursuant thereto
15 who sells, transfers, or assigns firearms, or parts of
16 firearms, to persons who are licensed as manufacturers,
17 importers, or gunsmiths pursuant to Chapter 44
18 (commencing with Section 921) of Title 18 of the United
19 States Code, or persons licensed pursuant to Section
20 12071, and includes persons who receive finished parts of
21 firearms and assemble them into completed or partially
22 completed firearms in furtherance of that purpose.

23 “Wholesaler” shall not include a manufacturer,
24 importer, or gunsmith who is licensed to engage in those
25 activities pursuant to Chapter 44 (commencing with
26 Section 921) of Title 18 of the United States Code or a
27 person licensed pursuant to Section 12071 and the
28 regulations issued pursuant thereto. A wholesaler also
29 does not include those persons dealing exclusively in
30 grips, stocks, and other parts of firearms that are not
31 frames or receivers thereof.

32 (i) As used in Section 12071, 12072, or 12084,
33 “application to purchase” means any of the following:

34 (1) The initial completion of the register by the
35 purchaser, transferee, or person being loaned the firearm
36 as required by subdivision (b) of Section 12076.

37 (2) The initial completion of the LEFT by the
38 purchaser, transferee, or person being loaned the firearm
39 as required by subdivision (d) of Section 12084.

(3) The initial completion and transmission to the department of the record of electronic or telephonic transfer by the dealer on the purchaser, transferee, or person being loaned the firearm as required by subdivision (c) of Section 12076.

(j) For purposes of Section 12023, a firearm shall be deemed to be “loaded” whenever both the firearm and the unexpended ammunition capable of being discharged from the firearm are in the immediate possession of the same person.

(k) For purposes of Sections 12021, 12021.1, 12025, 12070, 12072, 12073, 12078, and 12101 of this code, and Sections 8100, 8101, and 8103 of the Welfare and Institutions Code, notwithstanding the fact that the term “any firearm” may be used in those sections, each firearm or the frame or receiver of the same shall constitute a distinct and separate offense under those sections.

(l) For purposes of Section 12020, a violation of that section as to each firearm, weapon, or device enumerated therein shall constitute a distinct and separate offense.

(m) Each application that requires any firearms eligibility determination involving the issuance of any license, permit, or certificate pursuant to this title shall include two copies of the applicant’s fingerprints on forms prescribed by the Department of Justice. One copy of the fingerprints may be submitted to the United States Federal Bureau of Investigation.

(n) As used in this chapter, a “personal handgun importer” means an individual who meets all of the following criteria:

(1) He or she is not a person licensed pursuant to Section 12071.

(2) He or she is not a licensed manufacturer of firearms pursuant to Chapter 44 (commencing with Section 921) of Title 18 of the United States Code.

(3) He or she is not a licensed importer of firearms pursuant to Chapter 44 (commencing with Section 921) of Title 18 of the United States Code and the regulations issued pursuant thereto.

1 (4) He or she is the owner of a pistol, revolver, or other
2 firearm capable of being concealed upon the person.

3 (5) He or she acquired that pistol, revolver, or other
4 firearm capable of being concealed upon the person
5 outside of California.

6 (6) He or she moves into this state on or after January
7 1, 1998, as a resident of this state.

8 (7) He or she intends to possess that pistol, revolver, or
9 other firearm capable of being concealed upon the
10 person within this state on or after January 1, 1998.

11 (8) The pistol, revolver, or other firearm capable of
12 being concealed upon the person was not delivered to
13 him or her by a person licensed pursuant to Section 12071
14 who delivered that firearm following the procedures set
15 forth in Section 12071 and subdivision (c) of Section
16 12072.

17 (9) He or she, while a resident of this state, had not
18 previously reported his or her ownership of that pistol,
19 revolver, or other firearm capable of being concealed
20 upon the person to the Department of Justice in a manner
21 prescribed by the department that included information
22 concerning him or her and a description of the firearm.

23 (10) The pistol, revolver, or other firearm capable of
24 being concealed upon the person is not a firearm that is
25 prohibited by subdivision (a) of Section 12020.

26 (11) The pistol, revolver, or other firearm capable of
27 being concealed upon the person is not an assault
28 weapon, as defined in Section 12276.

29 (12) The pistol, revolver, or other firearm capable of
30 being concealed upon the person is not a machinegun, as
31 defined in Section 12200.

32 (13) The person is 18 years of age or older.

33 (o) For purposes of paragraph (6) of subdivision (n):

34 (1) Except as provided in paragraph (2), residency
35 shall be determined in the same manner as is the case for
36 establishing residency pursuant to Section 12505 of the
37 Vehicle Code.

38 (2) In the case of members of the armed forces of the
39 United States, residency shall be deemed to be

1 established when he or she was discharged from active
2 service in this state.

3 SEC. 4. Section 12026.2 of the Penal Code is amended
4 to read:

5 12026.2. (a) Section 12025 does not apply to, or affect,
6 any of the following:

7 (1) The possession of a firearm by an authorized
8 participant in a motion picture, television, or video
9 production or entertainment event when the participant
10 lawfully uses the firearm as part of that production or
11 event or while going directly to, or coming directly from,
12 that production or event.

13 (2) The possession of a firearm in a locked container by
14 a member of any club or organization, organized for the
15 purpose of lawfully collecting and lawfully displaying
16 pistols, revolvers, or other firearms, while the member is
17 at meetings of the clubs or organizations or while going
18 directly to, and coming directly from, those meetings.

19 (3) The transportation of a firearm by a participant
20 when going directly to, or coming directly from, a
21 recognized safety or hunter safety class, or a recognized
22 sporting event involving that firearm.

23 (4) The transportation of a firearm by a person listed
24 in Section 12026 directly between any of the places
25 mentioned in Section 12026.

26 (5) The transportation of a firearm by a person when
27 going directly to, or coming directly from, a fixed place
28 of business or private residential property for the purpose
29 of the lawful repair or the lawful transfer, sale, or loan of
30 that firearm.

31 (6) The transportation of a firearm by a person listed
32 in Section 12026 when going directly from the place
33 where that person lawfully received that firearm to that
34 person's place of residence or place of business or to
35 private property owned or lawfully possessed by that
36 person.

37 (7) The transportation of a firearm by a person when
38 going directly to, or coming directly from, a gun show,
39 swap meet, or similar event to which the public is invited,

1 for the purpose of displaying that firearm in a lawful
2 manner.

3 (8) The transportation of a firearm by an authorized
4 employee or agent of a supplier of firearms when going
5 directly to, or coming directly from, a motion picture,
6 television, or video production or entertainment event
7 for the purpose of providing that firearm to an authorized
8 participant to lawfully use as a part of that production or
9 event.

10 (9) The transportation of a firearm by a person when
11 going directly to, or coming directly from, a target range,
12 which holds a regulatory or business license, for the
13 purposes of practicing shooting at targets with that
14 firearm at that target range.

15 (10) The transportation of a firearm by a person when
16 going directly to, or coming directly from, a place
17 designated by a person authorized to issue licenses
18 pursuant to Section 12050 when done at the request of the
19 issuing agency so that the issuing agency can determine
20 whether or not a license should be issued to that person
21 to carry that firearm.

22 (11) The transportation of a firearm by a person when
23 going directly to, or coming directly from, a law
24 enforcement agency for the purpose of a lawful transfer,
25 sale, or loan of that firearm pursuant to Section 12084.

26 (12) The transportation of a firearm by a person when
27 going directly to, or coming directly from, a lawful
28 camping activity for the purpose of having that firearm
29 available for lawful personal protection while at the
30 lawful campsite. This paragraph shall not be construed to
31 override the statutory authority granted to the
32 Department of Parks and Recreation or any other state
33 or local governmental agencies to promulgate rules and
34 regulations governing the administration of parks and
35 campgrounds.

36 (13) The transportation of a firearm by a person in
37 order to comply with subdivision (c) or (i) of Section
38 12078 as it pertains to that firearm.



1 (14) The transportation of a firearm by a person in
2 order to utilize subdivision (l) of Section 12078 as it
3 pertains to that firearm.

4 (15) The transportation of a firearm by a person when
5 going directly to, or coming directly from, a gun show or
6 event, as defined in Section 178.100 of Title 27 of the Code
7 of Federal Regulations, for the purpose of lawfully
8 transferring, selling, or loaning that firearm in
9 accordance with subdivision (d) of Section 12072.

10 (16) The transportation of a firearm by a person in
11 order to utilize paragraphs (6), (7), (9), (10), and (11) of
12 subdivision (a) of Section 12078 as it pertains to that
13 firearm.

14 (17) The transportation of a firearm by a person who
15 finds the firearm in order to comply with Article 1
16 (commencing with Section 2080) of Chapter 4 of Division
17 3 of the Civil Code as it pertains to that firearm and if that
18 firearm is being transported to a law enforcement
19 agency, the person gives prior notice to the law
20 enforcement agency that he or she is transporting the
21 firearm to the law enforcement agency.

22 (18) The transportation of a firearm by a person who
23 finds the firearm or took it from a person committing a
24 crime against him or her and is transporting it to a law
25 enforcement agency for disposition according to law, if he
26 or she gives prior notice to the law enforcement agency
27 that he or she is transporting the firearm to the law
28 enforcement agency for disposition according to law.

29 (19) The transportation of a firearm by a person in
30 order to comply with paragraph (2) of subdivision (f) of
31 Section 12072 as it pertains to that firearm.

32 (20) The transportation of a firearm by a person in
33 order to comply with paragraph (3) of subdivision (f) of
34 Section 12072 as it pertains to that firearm.

35 (21) The transportation of a firearm by a person for the
36 purpose of obtaining an identification number or mark
37 assigned for that firearm from the Department of Justice
38 pursuant to Section 12092.

39 ~~(22) The transportation of a firearm by a person for the~~
40 ~~purpose of complying with the requirements of Section~~

~~12083, provided that if the firearm is being transported to a law enforcement agency for disposition pursuant to Section 12083, he or she gives prior notice to the law enforcement agency that he or she is transporting the firearm to the law enforcement agency for disposition according to Section 12083.~~

~~(23)~~

(22) The transportation of a firearm by a person for the purpose of complying with the requirements of Section 6389 of the Family Code, provided that if the firearm is being transported to a law enforcement agency for disposition pursuant to Section 6389 of the Family Code, he or she gives prior notice to the law enforcement agency that he or she is transporting the firearm to the law enforcement agency for disposition according to Section 6389 of the Family Code.

~~(24)~~

(23) The transportation of a firearm by a person to whom the firearm is being returned pursuant to law to a place where it may legally be kept pursuant to Section 12026.

(b) In order for a firearm to be exempted under subdivision (a), while being transported to or from a place, the firearm shall be unloaded, kept in a locked container, as defined in subdivision (d), and the course of travel shall include only those deviations between authorized locations as are reasonably necessary under the circumstances.

(c) This section does not prohibit or limit the otherwise lawful carrying or transportation of any pistol, revolver, or other firearm capable of being concealed upon the person in accordance with this chapter.

(d) As used in this section, “locked container” means a secure container that is fully enclosed and locked by a padlock, key lock, combination lock, or similar locking device. The term “locked container” does not include the utility or glove compartment of a motor vehicle.

SEC. 5. Section 12070 of the Penal Code is amended to read:

1 12070. (a) No person shall sell, lease, or transfer
2 firearms unless he or she has been issued a license
3 pursuant to Section 12071. Any person violating this
4 section is guilty of a misdemeanor.

5 (b) Subdivision (a) does not include any of the
6 following:

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

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

15 (3) The sale, lease, or transfer of a firearm by a person
16 who obtains title to the firearm by intestate succession or
17 by bequest, provided the person disposes of the firearm
18 within 60 days of receipt of the firearm.

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

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

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

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

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

9 (6) The activities of a law enforcement agency
10 pursuant to Section ~~12083~~ or 12084.

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

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

21 (9) Deliveries and transfers of firearms made pursuant
22 to Section 12028, 12028.5, 12030, or 12032.

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

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

1 Chapter 44 (commencing with Section 921) of Title 18 of
2 the United States Code and the regulations issued
3 pursuant thereto.

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

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

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

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

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

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

37 (18) The delivery of an unloaded firearm that is a curio
38 or relic, as defined in Section 178.11 of Title 27 of the Code
39 of Federal Regulations, by a person licensed as a collector
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 with a current certificate of
3 eligibility issued pursuant to Section 12071 to a dealer.

4 (19) The loan of a firearm made by a licensed private
5 investigator licensed pursuant to Chapter 11.3
6 (commencing with Section 7512) of Division 3 of the
7 Business and Professions Code to an employee thereof
8 who has a permit or license to carry a firearm issued to
9 him or her by the Department of Consumer Affairs to
10 carry a firearm in the course and scope of his or her
11 employment.

12 (20) The loan of a firearm made by a private patrol
13 operator licensed pursuant to Chapter 11.5 (commencing
14 with Section 7580) of Division 3 of the Business and
15 Professions Code to an employee thereof who has a
16 permit or license to carry a firearm issued to him or her
17 by the Department of Consumer Affairs to carry a
18 firearm in the course and scope of his or her employment.

19 (21) The loan of a firearm made by an alarm company
20 operator licensed pursuant to Chapter 11.6 (commencing
21 with Section 7590) of Division 3 of the Business and
22 Professions Code to an employee thereof who has a
23 permit or license to carry a firearm issued to him or her
24 by the Department of Consumer Affairs to carry a
25 firearm in the course and scope of his or her employment.

26 (22) Sales, deliveries, or transfers of firearms by a law
27 enforcement agency to a wholesaler.

28 (23) Sales, deliveries, or transfers of firearms by a law
29 enforcement agency to persons who are licensed as
30 manufacturers or importers pursuant to Chapter 44
31 (commencing with Section 921) of Title 18 of the United
32 States Code and the regulations issued pursuant thereto.

33 (24) The delivery of a firearm to a law enforcement
34 agency by a person who takes possession of a firearm after
35 finding that firearm or who took the firearm from a
36 person who was committing a crime against him or her.

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

38 (A) For pistols, revolvers, and other firearms capable
39 of being concealed upon the person, less than six
40 transactions per calendar year. For this purpose,



1 “transaction” means a single sale, lease, or transfer of any
2 number of pistols, revolvers, or other firearms capable of
3 being concealed upon the person.

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

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

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

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

15 (C) A levying officer, as defined in Section 481.140,
16 511.060, or 680.260 of the Code of Civil Procedure.

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

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

21 (F) An assignee for the benefit of creditors performing
22 his or her functions as an assignee, if the assignment
23 includes firearms.

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

26 (H) Firearms received by the family of a police officer
27 or deputy sheriff from a local agency pursuant to Section
28 50081 of the Government Code.

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

34 (J) The sale, delivery, or transfer of firearms by a
35 person who initially obtained title to those firearms as a
36 surviving spouse pursuant to Chapter 1 (commencing
37 with Section 13500) of Part 2 of Division 8 of the Probate
38 Code.

39 ~~(K) The sale, delivery, or transfer of firearms that are~~
40 ~~disposed of pursuant to Section 12083.~~

1 SEC. 6. Section 12071 of the Penal Code is amended
2 to read:

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

6 (A) A valid federal firearms license.

7 (B) Any regulatory or business license, or licenses,
8 required by local government.

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

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

13 (E) A license issued in the format prescribed by
14 paragraph (6).

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

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

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

29 (4) A person may request a certificate of eligibility
30 from the Department of Justice and the Department of
31 Justice shall issue a certificate to an applicant if the
32 department’s records indicate that the applicant is not a
33 person who is prohibited from possessing firearms.

34 (5) The department shall adopt regulations to
35 administer the certificate of eligibility program and shall
36 recover the full costs of administering the program by
37 imposing fees assessed to applicants who apply for those
38 certificates.

39 (6) A license granted by the duly constituted licensing
40 authority of any city, county, or city and county, shall be

1 valid for not more than one year from the date of issuance
2 and shall be in one of the following forms:

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

4 (B) A regulatory or business license that states on its
5 face “Valid for Retail Sales of Firearms” and is endorsed
6 by the signature of the issuing authority.

7 (C) A letter from the duly constituted licensing
8 authority having primary jurisdiction for the applicant’s
9 intended business location stating that the jurisdiction
10 does not require any form of regulatory or business
11 license or does not otherwise restrict or regulate the sale
12 of firearms.

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

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

18 (1) (A) Except as provided in subparagraphs (B) and
19 (C), the business shall be conducted only in the buildings
20 designated in the license.

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

37 A person conducting business pursuant to this
38 subparagraph shall publicly display his or her license
39 issued pursuant to subdivision (a), or a facsimile thereof,

1 at any gun show or event, as specified in this
2 subparagraph.

3 (C) A person licensed pursuant to subdivision (a) may
4 engage in the sale and transfer of firearms other than
5 pistols, revolvers, or other firearms capable of being
6 concealed upon the person, at events specified in
7 subdivision (g) of Section 12078, subject to the
8 prohibitions and restrictions contained in that
9 subdivision.

10 A person licensed pursuant to subdivision (a) also may
11 accept delivery of firearms other than pistols, revolvers,
12 or other firearms capable of being concealed upon the
13 person, outside the building designated in the license,
14 provided the firearm is being donated for the purpose of
15 sale or transfer at an auction or similar event specified in
16 subdivision (g) of Section 12078.

17 (D) The firearm may be delivered to the purchaser,
18 transferee, or person being loaned the firearm at one of
19 the following places:

20 (i) The building designated in the license.

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

22 (iii) The place of residence of, the fixed place of
23 business of, or on private property owned or lawfully
24 possessed by, the purchaser, transferee, or person being
25 loaned the firearm.

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

29 (3) No firearm shall be delivered:

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

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



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

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

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

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

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

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

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

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

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

1 AND OTHER SERIOUS PHYSICAL INJURY. HAVE
2 ADEQUATE VENTILATION AT ALL TIMES. WASH
3 HANDS THOROUGHLY AFTER EXPOSURE.”

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

13 (E) “NO PERSON SHALL MAKE AN
14 APPLICATION TO PURCHASE MORE THAN ONE
15 PISTOL, REVOLVER, OR OTHER FIREARM
16 CAPABLE OF BEING CONCEALED UPON THE
17 PERSON WITHIN ANY 30-DAY PERIOD AND NO
18 DELIVERY SHALL BE MADE TO ANY PERSON WHO
19 HAS MADE AN APPLICATION TO PURCHASE MORE
20 THAN ONE PISTOL, REVOLVER, OR OTHER
21 FIREARM CAPABLE OF BEING CONCEALED UPON
22 THE PERSON WITHIN ANY 30-DAY PERIOD.”

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

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

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

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

38 (A) All charges required by governmental agencies
39 for processing firearm transfers required by Sections
40 12076, 12082, and 12806.



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

3 (12) The licensee shall not misstate the amount of fees
4 charged by a governmental agency pursuant to Sections
5 12076, 12082, and 12806.

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

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

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

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

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

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

1 may impose the requirements specified in paragraph
2 (14).

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

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

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

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

19 (i) A transaction subject to the provisions of
20 subdivision (n) of Section 12078.

21 (ii) The dealer acquired the firearm from a
22 wholesaler.

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

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

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

37 (19) The licensee shall forward in a format prescribed
38 by the Department of Justice, information as required by
39 the department on any firearm that is not delivered

1 within the time period set forth in Section 178.102 (c) of
2 Title 27 of the Code of Federal Regulations.

3 (20) (A) Until July 1, 2003, if required by the
4 Department of Justice, the licensee shall report in a
5 manner and format prescribed by the department the
6 date and time that the licensee delivered a pistol,
7 revolver, or other firearm capable of being concealed
8 upon the person to the purchaser or transferee of that
9 firearm or the person being loaned the firearm.

10 (B) Commencing July 1, 2003, the licensee shall report
11 in a manner and format prescribed by the Department of
12 Justice to the department the date and time that the
13 licensee delivered a pistol, revolver, or other firearm
14 capable of being concealed upon the person to the
15 purchaser or transferee of that firearm or the person
16 being loaned the firearm.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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



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

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

15 (1) For law enforcement purposes.

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

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

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

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

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

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

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

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

32 SEC. 7. Section 12072 of the Penal Code is amended
33 to read:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

1 (A) The name of the manufacturer, the
2 manufacturer's make or model, and a manufacturer's
3 serial number assigned to that firearm.

4 (B) The identification number or mark assigned to the
5 firearm by the Department of Justice pursuant to Section
6 12092.

7 (9) (A) No person shall make an application to
8 purchase more than one pistol, revolver, or other firearm
9 capable of being concealed upon the person within any
10 30-day period.

11 (B) Subparagraph (A) shall not apply to any of the
12 following:

13 (i) Any law enforcement agency.

14 (ii) Any agency duly authorized to perform law
15 enforcement duties.

16 (iii) Any state or local correctional facility.

17 (iv) Any private security company licensed to do
18 business in California.

19 (v) Any person who is properly identified as a full-time
20 paid peace officer, as defined in Chapter 4.5
21 (commencing with Section 830) of Title 3 of Part 2, and
22 who is authorized to, and does carry a firearm during the
23 course and scope of his or her employment as a peace
24 officer.

25 (vi) Any motion picture, television, or video
26 production company or entertainment or theatrical
27 company whose production by its nature involves the use
28 of a firearm.

29 (vii) Any person who may, pursuant to Section 12078,
30 claim an exemption from the waiting period set forth in
31 subdivision (c) of this section.

32 (viii) Any transaction conducted through a licensed
33 dealer pursuant to Section 12082.

34 (ix) Any transaction conducted through a law
35 enforcement agency pursuant to Section 12084.

36 (x) Any person who is licensed as a collector pursuant
37 to Chapter 44 (commencing with Section 921) of Title 18
38 of the United States Code and the regulations issued
39 pursuant thereto and who has a current certificate of

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

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

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

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

20 (10) The dealer shall comply with paragraph (20) of
21 subdivision (b) of Section 12071.

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

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

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

37 (2) Unless unloaded and securely wrapped or
38 unloaded and in a locked container.

39 (3) Unless the purchaser, transferee, or person being
40 loaned the firearm presents clear evidence of his or her

1 identity and age, as defined in Section 12071, to the
2 dealer.

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

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

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

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

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

27 (2) A law enforcement agency pursuant to Section
28 12084.

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

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

35 (2) Knowingly grading the examination falsely.

36 (3) Providing an advance copy of the test to an
37 applicant.

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



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

3 (6) Allowing others to give unauthorized assistance
4 during the examination.

5 (7) Reference to materials during the examination
6 and cheating by the applicant.

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

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

17 (A) The person presents proof of licensure pursuant to
18 Section 12071 to that person.

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

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

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

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

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

37 (iv) Sell or transfer the firearm to a sheriff or police
38 department.

39 (B) If the personal handgun importer sells or transfers
40 the pistol, revolver, or other firearm capable of being

1 concealed upon the person pursuant to subdivision (d) of
2 Section 12072 and the sale or transfer cannot be
3 completed by the dealer to the purchaser or transferee,
4 and the firearm can be returned to the personal handgun
5 importer, the personal handgun importer shall have
6 complied with the provisions of this paragraph.

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

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

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

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

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

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

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

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

8 (iii) Any costs incurred by the department to
9 implement this paragraph shall be absorbed by the
10 department within its existing budget and the fees in the
11 Dealers' Record of Sale Special Account allocated for
12 implementation of this subparagraph pursuant to Section
13 12076.

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

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

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

1 arises only as the result of the person submitting the
2 report described in paragraph (2) or (3).

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

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

8 (A) If the violation is of paragraph (1) of subdivision
9 (a).

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

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

18 (D) If the defendant is in a prohibited class described
19 in Section 12021 or 12021.1 of this code or Section 8100 or
20 8103 of the Welfare and Institutions Code.

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

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

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

32 (A) A violation of paragraph (2), (4), or (5), of
33 subdivision (a).

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

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



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

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

(F) A violation of subdivision (e).

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

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

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

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

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

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

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

SEC. 8. Section 12073 of the Penal Code is amended to read:

12073. (a) As required by the Department of Justice, every dealer shall keep a register or record of electronic or telephonic transfer in which shall be entered the information prescribed in Section 12077.

(b) This section shall not apply to any of the following transactions:

(1) The delivery, sale, or transfer of an unloaded firearm that is not a pistol, revolver, or other firearm

1 capable of being concealed upon the person by a dealer
2 to another dealer upon proof that the person receiving
3 the firearm is licensed pursuant to Section 12071.

4 (2) The delivery, sale, or transfer of an unloaded
5 firearm by a dealer to another dealer if that firearm is
6 intended as merchandise in the receiving dealer's
7 business upon proof that the person receiving the firearm
8 is licensed pursuant to Section 12071.

9 (3) The delivery, sale, or transfer of an unloaded
10 firearm by a dealer to a person licensed as an importer or
11 manufacturer pursuant to Chapter 44 (commencing with
12 Section 921) of Title 18 of the United States Code and any
13 regulations issued pursuant thereto.

14 (4) The delivery, sale, or transfer of an unloaded
15 firearm by a dealer who sells, transfers, or delivers the
16 firearm to a person who resides outside this state who is
17 licensed pursuant to Chapter 44 (commencing with
18 Section 921) of Title 18 of the United States Code and any
19 regulations issued pursuant thereto.

20 (5) The delivery, sale, or transfer of an unloaded
21 firearm by a dealer to a wholesaler if that firearm is being
22 returned to the wholesaler and is intended as
23 merchandise in the wholesaler's business.

24 (6) The delivery, sale, or transfer of an unloaded
25 firearm that is not a pistol, revolver, or other firearm
26 capable of being concealed upon the person by a dealer
27 to himself or herself.

28 (7) The loan of an unloaded firearm by a dealer who
29 also operates a target facility which holds a business or
30 regulatory license on the premises of the building
31 designated in the license or whose building designated in
32 the license is on the premises of any club or organization
33 organized for the purpose of practicing shooting at
34 targets upon established ranges, whether public or
35 private, to a person at that target facility or club or
36 organization, if the firearm is kept at all times within the
37 premises of the target range or on the premises of the club
38 or organization.

39 (8) The delivery of an unloaded firearm by a dealer to
40 a gunsmith for service or repair.

1 (9) The delivery, sale, or transfer of an unloaded
2 firearm by a person licensed pursuant to Section 12071, to
3 an authorized representative of a city, city and county,
4 county, the state, or the federal government for those
5 governmental agencies where the government entity is
6 acquiring the weapon as part of an authorized, voluntary
7 program where the entity is buying or receiving weapons
8 from a private individual, or a person licensed pursuant
9 to Section 12071.

10 (c) A violation of this section is a misdemeanor.

11 SEC. 9. Section 12076 of the Penal Code is amended
12 to read:

13 12076. (a) (1) Before January 1, 1998, the
14 department shall determine the method by which a
15 dealer shall submit firearm purchaser information to the
16 department and the information shall be in one of the
17 following formats:

18 (A) Submission of the register described in Section
19 12077.

20 (B) Electronic or telephonic transfer of the
21 information contained in the register described in
22 Section 12077.

23 (2) On or after January 1, 1998, electronic or
24 telephonic transfer, including voice or facsimile
25 transmission, shall be the exclusive means by which
26 purchaser information is transmitted to the department.

27 (b) (1) Where the register is used, the purchaser of
28 any firearm shall be required to present clear evidence of
29 his or her identity and age, as defined in Section 12071, to
30 the dealer, and the dealer shall require him or her to sign
31 his or her current legal name and affix his or her residence
32 address and date of birth to the register in quadruplicate.
33 The salesperson shall affix his or her signature to the
34 register in quadruplicate as a witness to the signature and
35 identification of the purchaser. Any person furnishing a
36 fictitious name or address or knowingly furnishing any
37 incorrect information or knowingly omitting any
38 information required to be provided for the register and
39 any person violating any provision of this section is guilty
40 of a misdemeanor.

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

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

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

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

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

(2) The record of applicant information shall be transmitted to the Department of Justice in Sacramento

1 by electronic or telephonic transfer on the date of the
2 application to purchase.

3 (3) The original of each record of electronic or
4 telephonic transfer shall be retained by the dealer in
5 consecutive order. Each original shall become the
6 permanent record of the transaction that shall be
7 retained for not less than three years from the date of the
8 last transaction and shall be provided for the inspection
9 of any peace officer, Department of Justice employee
10 designated by the Attorney General, or agent of the
11 federal Bureau of Alcohol, Tobacco, and Firearms, upon
12 the presentation of proper identification, but no
13 information shall be compiled therefrom regarding the
14 purchasers or other transferees of firearms that are not
15 pistols, revolvers, or other firearms capable of being
16 concealed upon the person.

17 (4) If requested, a copy of the record of electronic or
18 telephonic transfer shall be provided to the purchaser by
19 the dealer.

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

23 (d) (1) The department shall examine its records, as
24 well as those records that it is authorized to request from
25 the State Department of Mental Health pursuant to
26 Section 8104 of the Welfare and Institutions Code, in
27 order to determine if the purchaser is a person described
28 in Section 12021, 12021.1, or subparagraph (A) of
29 paragraph (9) of subdivision (a) of Section 12072 of this
30 code or Section 8100 or 8103 of the Welfare and
31 Institutions Code.

32 (2) To the extent that funding is available, the
33 Department of Justice may participate in the National
34 Instant Criminal Background Check System (NICS), as
35 described in subsection (t) of Section 922 of Title 18 of the
36 United States Code, and, if that participation is
37 implemented, shall notify the dealer and the chief of the
38 police department of the city or city and county in which
39 the sale was made, or if the sale was made in a district in
40 which there is no municipal police department, the

1 sheriff of the county in which the sale was made, that the
2 purchaser is a person prohibited from acquiring a firearm
3 under federal law.

4 (3) If the department determines that the purchaser
5 is a person described in Section 12021, 12021.1, or
6 subparagraph (A) of paragraph (9) of subdivision (a) of
7 Section 12072 of this code or Section 8100 or 8103 of the
8 Welfare and Institutions Code, it shall immediately notify
9 the dealer and the chief of the police department of the
10 city or city and county in which the sale was made, or if
11 the sale was made in a district in which there is no
12 municipal police department, the sheriff of the county in
13 which the sale was made, of that fact.

14 (4) If the department determines that the copies of
15 the register submitted to it pursuant to paragraph (3) of
16 subdivision (b) contain any blank spaces or inaccurate,
17 illegible, or incomplete information, preventing
18 identification of the purchaser or the pistol, revolver, or
19 other firearm to be purchased, or if any fee required
20 pursuant to subdivision (e) is not submitted by the dealer
21 in conjunction with submission of copies of the register,
22 the department may notify the dealer of that fact. Upon
23 notification by the department, the dealer shall submit
24 corrected copies of the register to the department, or
25 shall submit any fee required pursuant to subdivision (e),
26 or both, as appropriate and, if notification by the
27 department is received by the dealer at any time prior to
28 delivery of the firearm to be purchased, the dealer shall
29 withhold delivery until the conclusion of the waiting
30 period described in Sections 12071 and 12072.

31 (5) If the department determines that the information
32 transmitted to it pursuant to subdivision (c) contains
33 inaccurate or incomplete information preventing
34 identification of the purchaser or the pistol, revolver, or
35 other firearm capable of being concealed upon the
36 person to be purchased, or if the fee required pursuant to
37 subdivision (e) is not transmitted by the dealer in
38 conjunction with transmission of the electronic or
39 telephonic record, the department may notify the dealer
40 of that fact. Upon notification by the department, the

1 dealer shall transmit corrections to the record of
2 electronic or telephonic transfer to the department, or
3 shall transmit any fee required pursuant to subdivision
4 (e), or both, as appropriate, and if notification by the
5 department is received by the dealer at any time prior to
6 delivery of the firearm to be purchased, the dealer shall
7 withhold delivery until the conclusion of the waiting
8 period described in Sections 12071 and 12072.

9 (e) The Department of Justice may require the dealer
10 to charge each firearm purchaser a fee not to exceed
11 fourteen dollars (\$14), except that the fee may be
12 increased at a rate not to exceed any increase in the
13 California Consumer Price Index as compiled and
14 reported by the California Department of Industrial
15 Relations. The fee shall be no more than is sufficient to
16 reimburse all of the following, and is not to be used to
17 directly fund or as a loan to fund any other program:

18 (1) (A) The department for the cost of furnishing this
19 information.

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

23 (2) Local mental health facilities for state-mandated
24 local costs resulting from the reporting requirements
25 imposed by Section 8103 of the Welfare and Institutions
26 Code.

27 (3) The State Department of Mental Health for the
28 costs resulting from the requirements imposed by Section
29 8104 of the Welfare and Institutions Code.

30 (4) Local mental hospitals, sanitariums, and
31 institutions for state-mandated local costs resulting from
32 the reporting requirements imposed by Section 8105 of
33 the Welfare and Institutions Code.

34 (5) Local law enforcement agencies for
35 state-mandated local costs resulting from the notification
36 requirements set forth in subdivision (a) of Section 6385
37 of the Family Code.

38 (6) Local law enforcement agencies for
39 state-mandated local costs resulting from the notification

1 requirements set forth in subdivision (c) of Section 8105
2 of the Welfare and Institutions Code.

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

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

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

12 The fee established pursuant to this subdivision shall
13 not exceed the sum of the actual processing costs of the
14 department, the estimated reasonable costs of the local
15 mental health facilities for complying with the reporting
16 requirements imposed by paragraph (2) of this
17 subdivision, the costs of the State Department of Mental
18 Health for complying with the requirements imposed by
19 paragraph (3) of this subdivision, the estimated
20 reasonable costs of local mental hospitals, sanitariums,
21 and institutions for complying with the reporting
22 requirements imposed by paragraph (4) of this
23 subdivision, the estimated reasonable costs of local law
24 enforcement agencies for complying with the
25 notification requirements set forth in subdivision (a) of
26 Section 6385 of the Family Code, the estimated
27 reasonable costs of local law enforcement agencies for
28 complying with the notification requirements set forth in
29 subdivision (c) of Section 8105 of the Welfare and
30 Institutions Code imposed by paragraph (6) of this
31 subdivision, the estimated reasonable costs of the
32 Department of Food and Agriculture for the costs
33 resulting from the notification provisions set forth in
34 Section 5343.5 of the Food and Agricultural Code, and the
35 estimated reasonable costs of the department for the costs
36 associated with subparagraph (D) of paragraph (2) of
37 subdivision (f) of Section 12072.

38 (f) (1) The Department of Justice may charge a fee
39 sufficient to reimburse it for each of the following but not
40 to exceed fourteen dollars (\$14), except that the fee may

1 be increased at a rate not to exceed any increase in the
2 California Consumer Price Index as compiled and
3 reported by the California Department of Industrial
4 Relations:

5 (A) For the actual costs associated with the
6 preparation, sale, processing, and filing of forms or
7 reports required or utilized pursuant to Section 12078 if
8 neither a dealer nor a law enforcement agency acting
9 pursuant to Section 12084 is filing the form or report.

10 (B) For the actual processing costs associated with the
11 submission of a Dealers' Record of Sale to the department
12 by a dealer or of the submission of a LEFT to the
13 department by a law enforcement agency acting
14 pursuant to Section 12084 if the waiting period described
15 in Sections 12071, 12072, and 12084 does not apply.

16 (C) For the actual costs associated with the
17 preparation, sale, processing, and filing of reports utilized
18 pursuant to paragraph (10) of subdivision (a) or
19 subdivision (l) of Section 12078 or paragraph (18) of
20 subdivision (b) of Section 12071, or clause (i) of
21 subparagraph (A) of paragraph (2) of subdivision (f) of
22 Section 12072, or paragraph (3) of subdivision (f) of
23 Section 12072.

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

27 (E) For the actual costs associated with reporting
28 information pursuant to paragraph (20) of subdivision
29 (b) of Section 12071.

30 (F) For the actual costs associated with reporting
31 information pursuant to paragraph (8) of subdivision (d)
32 of Section 12084.

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

37 (3) Any costs incurred by the Department of Justice to
38 implement this subdivision shall be reimbursed from fees
39 collected and charged pursuant to this subdivision. No
40 fees shall be charged to the dealer pursuant to subdivision

1 (e) or to a law enforcement agency acting pursuant to
2 paragraph (6) of subdivision (d) of Section 12084 for costs
3 incurred for implementing this subdivision.

4 (g) All money received by the department pursuant to
5 this section shall be deposited in the Dealers' Record of
6 Sale Special Account of the General Fund, which is
7 hereby created, to be available, upon appropriation by
8 the Legislature, for expenditure by the department to
9 offset the costs incurred pursuant to this section,
10 subparagraph (D) of paragraph (2) of subdivision (f) of
11 Section 12072, and Sections 12289 and 12809.

12 (h) Where the electronic or telephonic transfer of
13 applicant information is used, the department shall
14 establish a system to be used for the submission of the fees
15 described in subdivision (e) to the department.

16 (i) (1) Only one fee shall be charged pursuant to this
17 section for a single transaction on the same date for the
18 sale of any number of firearms that are not pistols,
19 revolvers, or other firearms capable of being concealed
20 upon the person or for the taking of possession of those
21 firearms.

22 (2) In a single transaction on the same date for the
23 delivery of any number of firearms that are pistols,
24 revolvers, or other firearms capable of being concealed
25 upon the person, the department shall charge a reduced
26 fee pursuant to this section for the second and subsequent
27 firearms that are part of that transaction.

28 (j) Only one fee shall be charged pursuant to this
29 section for a single transaction on the same date for taking
30 title or possession of any number of firearms pursuant to
31 paragraph (18) of subdivision (b) of Section 12071 or
32 subdivision (c) or (i) of Section 12078.

33 (k) Whenever the Department of Justice acts
34 pursuant to this section as it pertains to firearms other
35 than pistols, revolvers, or other firearms capable of being
36 concealed upon the person, the department's acts or
37 omissions shall be deemed to be discretionary within the
38 meaning of the California Tort Claims Act pursuant to
39 Division 3.6 (commencing with Section 810) of Title 1 of
40 the Government Code.

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

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

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

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

(4) “Seller” means, if the transaction is being conducted pursuant to Section 12082, the person selling, loaning, or transferring the firearm.

~~SEC. 10. Section 12077 of the Penal Code is amended to read:~~

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

~~(b) For pistols, revolvers, and other firearms capable of being concealed upon the person, information contained in the register or record of electronic or telephonic transfer shall be the date and time of sale, make of firearm, peace officer exemption status pursuant to subdivision (a) of Section 12078 and the agency name, dealer waiting period exemption pursuant to subdivision (n) of Section 12078, dangerous weapons permitholder waiting period exemption pursuant to subdivision (r) of Section 12078, curio and relic waiting period exemption pursuant to subdivision (t) of Section 12078, any information required for the purposes of complying with Section 12083, California Firearms Dealer number issued pursuant to Section 12071, purchaser’s basic firearms safety certificate number issued pursuant to Sections 12805 and 12809, manufacturer’s name if stamped on the firearm, model name or number, if stamped on the firearm, if applicable, serial number, other number (if more than one serial number is stamped on the firearm), any identification number or mark assigned to the firearm pursuant to Section 12092, caliber, type of firearm, if the firearm is new or used, barrel length, color of the firearm, full name of purchaser, purchaser’s complete date of birth, purchaser’s local address, if current address is temporary, complete permanent~~

1 address of purchaser, identification of purchaser,
2 purchaser's place of birth (state or country), purchaser's
3 complete telephone number, purchaser's occupation,
4 purchaser's sex, purchaser's physical description, all legal
5 names and aliases ever used by the purchaser, yes or no
6 answer to questions that prohibit purchase including, but
7 not limited to, conviction of a felony as described in
8 Section 12021 or an offense described in Section 12021.1,
9 the purchaser's status as a person described in Section
10 8100 of the Welfare and Institutions Code, whether the
11 purchaser is a person who has been adjudicated by a court
12 to be a danger to others or found not guilty by reason of
13 insanity, whether the purchaser is a person who has been
14 found incompetent to stand trial or placed under
15 conservatorship by a court pursuant to Section 8103 of the
16 Welfare and Institutions Code, signature of purchaser,
17 signature of salesperson (as a witness to the purchaser's
18 signature), name and complete address of the dealer or
19 firm selling the firearm as shown on the dealer's license,
20 the establishment number, if assigned, the dealer's
21 complete business telephone number, any information
22 required by Section 12082, any information required to
23 determine whether or not paragraph (6) of subdivision
24 (e) of Section 12072 applies, whether or not the purchaser
25 desires a registration card issued pursuant to subdivision
26 (e) of Section 11106 to be issued to him or her, and a
27 statement of the penalties for any person signing a
28 fictitious name or address or for knowingly furnishing any
29 incorrect information or for knowingly omitting any
30 information required to be provided for the register.

31 (e) For firearms other than pistols, revolvers, or other
32 firearms capable of being concealed upon the person,
33 information contained in the register or record of
34 electronic or telephonic transfer shall be the date and
35 time of sale, peace officer exemption status pursuant to
36 subdivision (a) of Section 12078 and the agency name,
37 auction or event waiting period exemption pursuant to
38 subdivision (g) of Section 12078, California Firearms
39 Dealer number issued pursuant to Section 12071,
40 dangerous weapons permitholder waiting period

1 exemption pursuant to subdivision (r) of Section 12078,
2 curio and relic waiting period exemption pursuant to
3 paragraph (1) of subdivision (t) of Section 12078, any
4 information required for the purposes of complying with
5 Section 12083, full name of purchaser, purchaser's
6 complete date of birth, purchaser's local address, if
7 current address is temporary, complete permanent
8 address of purchaser, identification of purchaser,
9 purchaser's place of birth (state or country), purchaser's
10 complete telephone number, purchaser's occupation,
11 purchaser's sex, purchaser's physical description, all legal
12 names and aliases ever used by the purchaser, yes or no
13 answer to questions that prohibit purchase, including, but
14 not limited to, conviction of a felony as described in
15 Section 12021 or an offense described in Section 12021.1,
16 the purchaser's status as a person described in Section
17 8100 of the Welfare and Institutions Code, whether the
18 purchaser is a person who has been adjudicated by a court
19 to be a danger to others or found not guilty by reason of
20 insanity, whether the purchaser is a person who has been
21 found incompetent to stand trial or placed under
22 conservatorship by a court pursuant to Section 8103 of the
23 Welfare and Institutions Code, signature of purchaser,
24 signature of salesperson (as a witness to the purchaser's
25 signature), name and complete address of the dealer or
26 firm selling the firearm as shown on the dealer's license,
27 the establishment number, if assigned, the dealer's
28 complete business telephone number, any information
29 required by Section 12082, and a statement of the
30 penalties for any person signing a fictitious name or
31 address or for knowingly furnishing any incorrect
32 information or for knowingly omitting any information
33 required to be provided for the register.

34 (d) Where the register is used, the following shall
35 apply:

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

37 (2) The dealer or salesperson making a sale shall
38 ensure that all information is provided legibly. The dealer
39 and salespersons shall be informed that incomplete or
40 illegible information will delay sales.

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

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

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

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

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

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

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

~~SEC. 11.~~

SEC. 10. Section 12078 of the Penal Code is amended to read:

12078. (a) (1) The waiting periods described in Sections 12071, 12072, and 12084 shall not apply to deliveries, transfers, or sales of firearms made to persons properly identified as full-time paid peace officers as defined in Chapter 4.5 (commencing with Section 830) of Title 3 of Part 2, provided that the peace officers are authorized by their employer to carry firearms while in the performance of their duties. Proper identification is defined as verifiable written certification from the head of the agency by which the purchaser or transferee is employed, identifying the purchaser or transferee as a peace officer who is authorized to carry firearms while in the performance of his or her duties, and authorizing the purchase or transfer. The certification shall be delivered to the dealer or local law enforcement agency acting pursuant to Section 12084 at the time of purchase or

1 transfer and the purchaser or transferee shall identify
2 himself or herself as the person authorized in the
3 certification. The dealer or local law enforcement agency
4 shall keep the certification with the record of sale, or
5 LEFT, as the case may be. On the date that the delivery,
6 sale, or transfer is made, the dealer delivering the firearm
7 or the law enforcement agency processing the
8 transaction pursuant to Section 12084 shall forward by
9 prepaid mail to the Department of Justice a report of the
10 transaction pursuant to subdivision (b) or (c) of Section
11 12077 or Section 12084. If electronic or telephonic transfer
12 of applicant information is used, on the date that the
13 application to purchase is completed, the dealer
14 delivering the firearm shall transmit to the Department
15 of Justice an electronic or telephonic report of the
16 transaction as is indicated in subdivision (b) or (c) of
17 Section 12077.

18 (2) The preceding provisions of this article do not
19 apply to deliveries, transfers, or sales of firearms made to
20 authorized law enforcement representatives of cities,
21 counties, cities and counties, or state or federal
22 governments for exclusive use by those governmental
23 agencies if, prior to the delivery, transfer, or sale of these
24 firearms, written authorization from the head of the
25 agency authorizing the transaction is presented to the
26 person from whom the purchase, delivery, or transfer is
27 being made. Proper written authorization is defined as
28 verifiable written certification from the head of the
29 agency by which the purchaser or transferee is employed,
30 identifying the employee as an individual authorized to
31 conduct the transaction, and authorizing the transaction
32 for the exclusive use of the agency by which he or she is
33 employed. Within 10 days of the date a pistol, revolver, or
34 other firearm capable of being concealed upon the
35 person is acquired by the agency, a record of the same
36 shall be entered as an institutional weapon into the
37 Automated Firearms System (AFS) via the California
38 Law Enforcement Telecommunications System
39 (CLETS) by the law enforcement or state agency. Those
40 agencies without access to AFS shall arrange with the



1 sheriff of the county in which the agency is located to
2 input this information via this system.

3 (3) The preceding provisions of this article do not
4 apply to the loan of a firearm made by an authorized law
5 enforcement representative of a city, county, or city and
6 county, or the state or federal government to a peace
7 officer employed by that agency and authorized to carry
8 a firearm for the carrying and use of that firearm by that
9 peace officer in the course and scope of his or her duties.

10 (4) The preceding provisions of this article do not
11 apply to the delivery, sale, or transfer of a firearm by a law
12 enforcement agency to a peace officer pursuant to
13 Section 10334 of the Public Contract Code. Within 10 days
14 of the date that a pistol, revolver, or other firearm capable
15 of being concealed upon the person is sold, delivered, or
16 transferred pursuant to Section 10334 of the Public
17 Contract Code to that peace officer, the name of the
18 officer and the make, model, serial number, and other
19 identifying characteristics of the firearm being sold,
20 transferred, or delivered shall be entered into the
21 Automated Firearms System (AFS) via the California
22 Law Enforcement Telecommunications System
23 (CLETS) by the law enforcement or state agency that
24 sold, transferred, or delivered the firearm. Those
25 agencies without access to AFS shall arrange with the
26 sheriff of the county in which the agency is located to
27 input this information via this system.

28 (5) The preceding provisions of this article do not
29 apply to the delivery, sale, or transfer of a firearm by a law
30 enforcement agency to a retiring peace officer who is
31 authorized to carry a firearm pursuant to Section 12027.1.
32 Within 10 days of the date that a pistol, revolver, or other
33 firearm capable of being concealed upon the person is
34 sold, delivered, or transferred to that retiring peace
35 officer, the name of the officer and the make, model,
36 serial number, and other identifying characteristics of the
37 firearm being sold, transferred, or delivered shall be
38 entered into the Automated Firearms System (AFS) via
39 the California Law Enforcement Telecommunications
40 System (CLETS) by the law enforcement or state agency

1 that sold, transferred, or delivered the firearm. Those
2 agencies without access to AFS shall arrange with the
3 sheriff of the county in which the agency is located to
4 input this information via this system.

5 (6) Subdivision (d) of Section 12072 does not apply to
6 sales, deliveries, or transfers of firearms to authorized
7 representatives of cities, cities and counties, counties, or
8 state or federal governments for those governmental
9 agencies where the entity is acquiring the weapon as part
10 of an authorized, voluntary program where the entity is
11 buying or receiving weapons from private individuals.
12 Any weapons acquired pursuant to this paragraph shall be
13 disposed of pursuant to the applicable provisions of
14 Section 12028 or 12032.

15 (7) (A) The preceding provisions of this article do not
16 apply to the acquisition of, receipt of, or disposition of a
17 firearm by a duly authorized peace officer while
18 investigating violations of law in performance of his or her
19 official duties so long as that peace officer complies with
20 subparagraph (C).

21 (B) The preceding provisions of this article do not
22 apply to the acquisition of, receipt of or disposition of a
23 firearm by any person working under the immediate
24 direction, supervision, or instruction of a duly authorized
25 peace officer investigating violations of law in
26 performance of his or her official duties so long as that
27 person turns over the firearm as soon as practicable to the
28 peace officer.

29 (C) Unless the employing agency's regulations set a
30 shorter period of time, within 24 hours of a peace officer
31 coming into possession of a firearm pursuant to
32 subparagraph (A), the officer shall cause that firearm to
33 be delivered to his or her employing agency, unless that
34 officer must by law immediately return the same to the
35 person who he or she took the firearm from.

36 (D) An agency that receives possession of a firearm
37 pursuant to subparagraph (C) shall comply with the
38 applicable provisions in Sections 11108 and 11108.3.

39 (E) All firearms acquired by a law enforcement
40 agency pursuant to this paragraph shall be disposed of

1 pursuant to the applicable provisions of Section 12028,
2 12028.5, 12030, or 12032.

3 (8) Subdivision (d) of Section 12072 shall not apply to
4 a person who meets all of the following:

5 (A) He or she takes possession of a firearm after
6 finding that firearm or who took the firearm from a
7 person committing a crime against him or her.

8 (B) He or she promptly transfers the firearm to a law
9 enforcement agency and gives prior notice to the law
10 enforcement agency that he or she is doing so.

11 (9) Subdivision (d) of Section 12072 shall not apply to
12 the sale, loan, delivery, or transfer of a firearm made by
13 an authorized law enforcement representative of a city,
14 county, city and county, or state or federal government
15 to any public or private nonprofit historical society,
16 museum, or institutional collection if all of the following
17 conditions are met:

18 (A) The entity receiving the firearm is open to the
19 public.

20 (B) The firearm prior to delivery is deactivated or
21 rendered inoperable.

22 (C) The firearm is not required by other provisions of
23 law to be dealt with as provided in Section 12028, 12028.5,
24 12030, or 12032.

25 (D) The firearm may by other provisions of law be
26 sold, delivered, or transferred to the public at large.

27 (E) Prior to delivery, the entity receiving the firearm
28 agrees in writing that the firearm will not be restored to
29 operating condition, and will either remain with that
30 entity, or if subsequently disposed of, will be transferred,
31 in accordance with the provisions of this article.

32 (F) Within 10 days of the date that the firearm is sold,
33 delivered, or transferred to that entity, if the firearm is a
34 pistol, revolver, or other firearm capable of being
35 concealed upon the person, the name of the agency
36 delivering the firearm, and the make, model, serial
37 number, and other identifying characteristics of the
38 firearm being sold, transferred, or delivered shall be
39 entered into the Automated Firearms System (AFS) via
40 the California Law Enforcement Telecommunications

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

6 (10) Subdivision (d) of Section 12072 shall not apply to
7 the sale, loan, delivery, or transfer of a firearm made by
8 any person other than a representative of an authorized
9 law enforcement agency, to any public or private
10 nonprofit historical society, museum, or institutional
11 collection if all of the following conditions are met:

12 (A) The entity receiving the firearm is open to the
13 public.

14 (B) The firearm prior to delivery is deactivated or
15 rendered inoperable.

16 (C) Prior to delivery, the entity receiving the firearm
17 agrees in writing that the firearm will not be restored to
18 operating condition, and will either remain with that
19 entity, or if subsequently disposed of, will be transferred,
20 in accordance with the provisions of this article.

21 (D) On the date that the firearm is sold, delivered, or
22 transferred to that entity, if the firearm is a pistol,
23 revolver, or other firearm capable of being concealed
24 upon the person or entity, the parties to the transaction
25 shall forward by prepaid mail or deliver in person to the
26 Department of Justice, a single report signed by both
27 parties to the transaction, that includes information
28 concerning the entity taking possession of the firearm,
29 how title was obtained and from whom, and a description
30 of the firearm in question. The report forms that are to be
31 completed pursuant to this paragraph shall be provided
32 to them by the Department of Justice.

33 (11) Subdivision (d) of Section 12072 does not apply to
34 deliveries, transfers, or sales of firearms made by
35 authorized law enforcement representatives of cities,
36 counties, cities and counties, or state or federal
37 governments to wholesalers where all of the following
38 conditions are met:

39 (A) Prior to the delivery, transfer, or sale of these
40 firearms, written authorization from the head of the

1 agency authorizing the transaction is presented to the
2 wholesaler. Proper written authorization is defined as
3 verifiable written certification from the head of the
4 agency that employs the purchaser or transferee,
5 identifying the employee as an individual authorized to
6 conduct the transaction.

7 (B) In the case of an authorized law enforcement
8 representative of a city, county, city and county, or of the
9 state, the firearms are not firearms that are to be dealt
10 with pursuant to Section 12028, 12028.5, 12030, or 12032.

11 (C) The firearms are part of a transaction involving a
12 trade or exchange of firearms wherein that agency is
13 receiving other firearms pursuant to paragraph (2) or
14 where the firearms are being returned to that wholesaler.

15 (D) If the firearm is a pistol, revolver, or other firearm
16 capable of being concealed upon the person, within 10
17 days of the date that the firearm is sold, exchanged,
18 returned, transferred, or delivered to that wholesaler, the
19 name of the wholesaler, and the make, model, serial
20 number, and other identifying characteristics of the
21 firearm being sold, transferred, or delivered shall be
22 entered into the Automated Firearms System (AFS) via
23 the California Law Enforcement Telecommunications
24 System (CLETS) by the law enforcement or state agency
25 that sold, transferred, returned, exchanged, or delivered
26 the firearm. Those agencies without access to AFS shall
27 arrange with the sheriff of the county in which the agency
28 is located to input this information into this system. A
29 record of the same shall be entered into the Automated
30 Firearms System (AFS) via the California Law
31 Enforcement Telecommunications System (CLETS) by
32 the law enforcement or state agency. Those agencies
33 without access to AFS shall arrange with the sheriff of the
34 county in which the agency is located to input this
35 information into this system.

36 (E) The transaction complies with Chapter 44
37 (commencing with Section 921) of Title 18 of the United
38 States Code and the regulations issued pursuant to that
39 chapter.

1 (12) (A) In any case where a law enforcement agency
2 in accordance with the provisions of this article transfers
3 its ownership of a pistol, revolver, or other firearm
4 capable of being concealed upon the person that is not a
5 nuisance weapon subject to the provisions of Section
6 12028, 12028.5, 12030, or 12032, and the firearm is not
7 being transferred by that agency pursuant to paragraph
8 (2), (4), (5), (9), or (11) of this subdivision or subdivision
9 (i), within 10 days of the date that the pistol, revolver, or
10 other firearm capable of being concealed upon the
11 person is sold, delivered, or transferred, the name of the
12 agency that sold, transferred, or delivered the firearm
13 and to whom it was sold, delivered, or transferred, as well
14 as the make, model, serial number, and other identifying
15 characteristics of the firearm being sold, transferred, or
16 delivered shall be entered into the Automated Firearms
17 System (AFS) via the California Law Enforcement
18 Telecommunications System (CLETS) by the law
19 enforcement or state agency that sold, transferred, or
20 delivered the firearm. Those agencies without access to
21 AFS shall arrange with the sheriff of the county in which
22 the agency is located to input this information via CLETS.

23 (B) In any case where a law enforcement agency
24 destroys any pistol, revolver, or other firearm capable of
25 being concealed upon the person that is not a nuisance
26 weapon subject to the provisions of Section 12028, 12028.5,
27 12030, or 12032, within 10 days of the same shall notify the
28 department of the same. This notification shall consist of
29 a complete description of each firearm, including the
30 name of the manufacturer or brand name, model, caliber,
31 and serial number. That information shall be entered into
32 the Automated Firearms System (AFS) via the California
33 Law Enforcement Telecommunications System
34 (CLETS) by the law enforcement or state agency that
35 destroyed the firearm. Those agencies without access to
36 AFS shall arrange with the sheriff of the county in which
37 the agency is located to input this information via CLETS.

38 (b) Section 12071 and subdivisions (c) and (d) of
39 Section 12072 shall not apply to deliveries, sales, or
40 transfers of firearms between or to importers and

1 manufacturers of firearms licensed to engage in that
2 business pursuant to Chapter 44 (commencing with
3 Section 921) of Title 18 of the United States Code and the
4 regulations issued pursuant thereto.

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

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

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

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

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

33 (A) Parent and child.

34 (B) Grandparent and grandchild.

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

39 (e) Section 12071 and subdivisions (c) and (d) of
40 Section 12072 shall not apply to the delivery of a firearm

1 to a gunsmith for service or repair or the return of a
2 firearm to its owner by a gunsmith who has serviced or
3 repaired that firearm.

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

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

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

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

39 (3) The waiting period described in Sections 12071 and
40 12072 shall not apply to a dealer who delivers a firearm

1 other than a pistol, revolver, or other firearm capable of
2 being concealed upon the person, at an auction or similar
3 event described in paragraph (1), as authorized by
4 subparagraph (C) of paragraph (1) of subdivision (b) of
5 Section 12071. Within two business days of completion of
6 the application to purchase, the dealer shall forward by
7 prepaid mail to the Department of Justice a report of the
8 same as is indicated in subdivision (c) of Section 12077. If
9 the electronic or telephonic transfer of applicant
10 information is used, within two business days of
11 completion of the application to purchase, the dealer
12 delivering the firearm shall transmit to the Department
13 of Justice an electronic or telephonic report of the same
14 as is indicated in subdivision (c) of Section 12077.

15 (h) (1) Subdivision (d) of Section 12072 shall not
16 apply to the loan of a firearm for the purposes of shooting
17 at targets if the loan occurs on the premises of a target
18 facility that holds a business or regulatory license or on the
19 premises of any club or organization organized for the
20 purposes of practicing shooting at targets upon
21 established ranges, whether public or private, if the
22 firearm is at all times kept within the premises of the
23 target range or on the premises of the club or
24 organization.

25 (2) Subdivision (d) of Section 12072 shall not apply to
26 the loan of a firearm made by a licensed private
27 investigator licensed pursuant to Chapter 11.3
28 (commencing with Section 7512) of Division 3 of the
29 Business and Professions Code to an employee thereof
30 who has a permit or license to carry a firearm issued to
31 him or her by the Department of Consumer Affairs to
32 carry a firearm in the course and scope of his or her
33 employment.

34 (3) Subdivision (d) of Section 12072 shall not apply to
35 the loan of a firearm made by a private patrol operator
36 licensed pursuant to Chapter 11.5 (commencing with
37 Section 7580) of Division 3 of the Business and Professions
38 Code to an employee thereof who has a permit or license
39 to carry a firearm issued to him or her by the Department



1 of Consumer Affairs to carry a firearm in the course and
2 scope of his or her employment.

3 (4) Subdivision (d) of Section 12072 shall not apply to
4 the loan of a firearm made by an alarm company operator
5 licensed pursuant to Chapter 11.6 (commencing with
6 Section 7590) of Division 3 of the Business and Professions
7 Code to an employee thereof who has a permit or license
8 to carry a firearm issued to him or her by the Department
9 of Consumer Affairs to carry a firearm in the course and
10 scope of his or her employment.

11 (i) (1) Subdivision (d) of Section 12072 shall not apply
12 to a person who takes title or possession of a firearm that
13 is not a pistol, revolver, or other firearm capable of being
14 concealed upon the person by operation of law if the
15 person is not prohibited by Section 12021 or 12021.1 of this
16 code or Section 8100 or 8103 of the Welfare and
17 Institutions Code from possessing firearms.

18 (2) Subdivision (d) of Section 12072 shall not apply to
19 a person who takes title or possession of a pistol, revolver,
20 or other firearm capable of being concealed upon the
21 person by operation of law if the person is not prohibited
22 by Section 12021 or 12021.1 of this code or Section 8100 or
23 8103 of the Welfare and Institutions Code from possessing
24 firearms and all of the following conditions are met:

25 (A) If the person taking title or possession is neither a
26 levying officer as defined in Section 481.140, 511.060, or
27 680.210 of the Code of Civil Procedure, nor a person who
28 is receiving that firearm pursuant to subparagraph (G),
29 (I), or (J) of paragraph (2) of subdivision (u), the person
30 shall, within 30 days of taking possession, forward by
31 prepaid mail or deliver in person to the Department of
32 Justice, a report of information concerning the individual
33 taking possession of the firearm, how title or possession
34 was obtained and from whom, and a description of the
35 firearm in question. The reports that individuals
36 complete pursuant to this paragraph shall be provided to
37 them by the department.

38 (B) If the person taking title or possession is receiving
39 the firearm pursuant to subparagraph (G) of paragraph



1 (2) of subdivision (u), the person shall do both of the
2 following:

3 (i) Within 30 days of taking possession, forward by
4 prepaid mail or deliver in person to the department, a
5 report of information concerning the individual taking
6 possession of the firearm, how title or possession was
7 obtained and from whom, and a description of the firearm
8 in question. The reports that individuals complete
9 pursuant to this paragraph shall be provided to them by
10 the department.

11 (ii) Prior to taking possession of the firearm, the
12 person shall either obtain a basic firearms safety
13 certificate or be exempt from obtaining a basic firearms
14 safety certificate pursuant to Section 12081.

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

32 (D) Where the person receiving title or possession of
33 the pistol, revolver, or other firearm capable of being
34 concealed upon the person is a person described in
35 subparagraph (J) of paragraph (2) of subdivision (u), on
36 the date that the person is delivered the firearm, the
37 name and other information concerning the person
38 taking possession of the firearm, how title or possession of
39 the firearm was obtained and from whom, and a
40 description of the firearm by make, model, serial number,



1 and other identifying characteristics, shall be entered
2 into the AFS via the CLETS by the law enforcement or
3 state agency that transferred or delivered the firearm.
4 Those agencies without access to AFS shall arrange with
5 the sheriff of the county in which the agency is located to
6 input this information via this system. In addition, that
7 law enforcement agency shall not deliver that pistol,
8 revolver, or other firearm capable of being concealed
9 upon the person to the person referred to in this
10 subparagraph unless prior to the delivery of the same the
11 person presents proof to the agency that he or she is the
12 holder of a basic firearms safety certificate or is exempt
13 from obtaining a basic firearms safety certificate pursuant
14 to Section 12081.

15 (3) Subdivision (d) of Section 12072 shall not apply to
16 a person who takes possession of a firearm by operation
17 of law in a representative capacity who subsequently
18 transfers ownership of the firearm to himself or herself in
19 his or her individual capacity. In the case of a pistol,
20 revolver, or other firearm capable of being concealed
21 upon the person, on and after April 1, 1994, that individual
22 shall have a basic firearms safety certificate in order for
23 the exemption set forth in this paragraph to apply.

24 (j) Subdivision (d) of Section 12072 shall not apply to
25 deliveries, transfers, or returns of firearms made pursuant
26 to Section 12028, 12028.5, 12030, or 12032.

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

29 (1) The delivery, sale, or transfer of unloaded firearms
30 that are not pistols, revolvers, or other firearms capable
31 of being concealed upon the person by a dealer to another
32 dealer upon proof that the person receiving the firearm
33 is licensed pursuant to Section 12071.

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

39 (3) The delivery, sale, or transfer of unloaded firearms
40 to a wholesaler if the firearms are being returned to the

1 wholesaler and are intended as merchandise in the
2 wholesaler's business.

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

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

12 (6) The loan of an unloaded firearm by a dealer who
13 also operates a target facility that holds a business or
14 regulatory license on the premises of the building
15 designated in the license or whose building designated in
16 the license is on the premises of any club or organization
17 organized for the purposes of practicing shooting at
18 targets upon established ranges, whether public or
19 private, to a person at that target facility or that club or
20 organization, if the firearm is at all times kept within the
21 premises of the target range or on the premises of the club
22 or organization.

23 (l) A person who is exempt from subdivision (d) of
24 Section 12072 or is otherwise not required by law to report
25 his or her acquisition, ownership, or disposal of a pistol,
26 revolver, or other firearm capable of being concealed
27 upon the person or who moves out of this state with his
28 or her pistol, revolver, or other firearm capable of being
29 concealed upon the person may submit a report of the
30 same to the Department of Justice in a format prescribed
31 by the department.

32 (m) Subdivision (d) of Section 12072 shall not apply to
33 the delivery, sale, or transfer of unloaded firearms to a
34 wholesaler as merchandise in the wholesaler's business by
35 manufacturers or importers licensed to engage in that
36 business pursuant to Chapter 44 (commencing with
37 Section 921) of Title 18 of the United States Code and the
38 regulations issued pursuant thereto, or by another
39 wholesaler, if the delivery, sale, or transfer is made in



1 accordance with Chapter 44 (commencing with Section
2 921) of Title 18 of the United States Code.

3 (n) (1) The waiting period described in Section 12071
4 or 12072 shall not apply to the delivery, sale, or transfer
5 of a pistol, revolver, or other firearm capable of being
6 concealed upon the person by a dealer in either of the
7 following situations:

8 (A) The dealer is delivering the firearm to another
9 dealer and it is not intended as merchandise in the
10 receiving dealer's business.

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

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

16 (A) If the dealer is receiving the firearm from another
17 dealer, the dealer receiving the firearm shall present
18 proof to the dealer delivering the firearm that he or she
19 is licensed pursuant to Section 12071.

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

34 (o) Section 12071 and subdivisions (c) and (d) of
35 Section 12072 shall not apply to the delivery, sale, or
36 transfer of firearms regulated pursuant to Section 12020,
37 Chapter 2 (commencing with Section 12200), or Chapter
38 2.3 (commencing with Section 12275), if the delivery,
39 sale, or transfer is conducted in accordance with the
40 applicable provisions of Section 12020, Chapter 2

1 (commencing with Section 12200), or Chapter 2.3
2 (commencing with Section 12275).

3 (p) (1) Paragraph (3) of subdivision (a) and
4 subdivision (d) of Section 12072 shall not apply to the loan
5 of a firearm that is not a pistol, revolver, or other firearm
6 capable of being concealed upon the person to a minor,
7 with the express permission of the parent or legal
8 guardian of the minor, if the loan does not exceed 30 days
9 in duration and is for a lawful purpose.

10 (2) Paragraph (3) of subdivision (a) and subdivision
11 (d) of Section 12072 shall not apply to the loan of a pistol,
12 revolver, or other firearm capable of being concealed
13 upon the person to a minor by a person who is not the
14 parent or legal guardian of the minor if all of the following
15 circumstances exist:

16 (A) The minor has the written consent of his or her
17 parent or legal guardian that is presented at the time of,
18 or prior to the time of, the loan, or is accompanied by his
19 or her parent or legal guardian at the time the loan is
20 made.

21 (B) The minor is being loaned the firearm for the
22 purpose of engaging in a lawful, recreational sport,
23 including, but not limited to, competitive shooting, or
24 agricultural, ranching, or hunting activity, or a motion
25 picture, television, or video production, or entertainment
26 or theatrical event, the nature of which involves the use
27 of a firearm.

28 (C) The duration of the loan does not exceed the
29 amount of time that is reasonably necessary to engage in
30 the lawful, recreational sport, including, but not limited
31 to, competitive shooting, or agricultural, ranching, or
32 hunting activity, or a motion picture, television, or video
33 production, or entertainment or theatrical event, the
34 nature of which involves the use of a firearm.

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

37 (3) Paragraph (3) of subdivision (a) and subdivision
38 (d) of Section 12072 shall not apply to the loan of a pistol,
39 revolver, or other firearm capable of being concealed



1 upon the person to a minor by his or her parent or legal
2 guardian if both of the following circumstances exist:

3 (A) The minor is being loaned the firearm for the
4 purposes of engaging in a lawful, recreational sport,
5 including, but not limited to, competitive shooting, or
6 agricultural, ranching, or hunting activity, or a motion
7 picture, television, or video production, or entertainment
8 or theatrical event, the nature of which involves the use
9 of a firearm.

10 (B) The duration of the loan does not exceed the
11 amount of time that is reasonably necessary to engage in
12 the lawful, recreational sport, including, but not limited
13 to, competitive shooting, or agricultural, ranching, or
14 hunting activity, or a motion picture, television, or video
15 production, or entertainment or theatrical event, the
16 nature of which involves the use of a firearm.

17 (4) Paragraph (3) of subdivision (a) of Section 12072
18 shall not apply to the transfer or loan of a firearm that is
19 not a pistol, revolver, or other firearm capable of being
20 concealed upon the person to a minor by his or her parent
21 or legal guardian.

22 (5) Paragraph (3) of subdivision (a) of Section 12072
23 shall not apply to the transfer or loan of a firearm that is
24 not a pistol, revolver, or other firearm capable of being
25 concealed upon the person to a minor by his or her
26 grandparent who is not the legal guardian of the minor
27 if the transfer is done with the express permission of the
28 parent or legal guardian of the minor.

29 (q) Subdivision (d) of Section 12072 shall not apply to
30 the loan of a firearm that is not a pistol, revolver, or other
31 firearm capable of being concealed upon the person to a
32 licensed hunter for use by that licensed hunter for a
33 period of time not to exceed the duration of the hunting
34 season for which that firearm is to be used.

35 (r) The waiting period described in Section 12071,
36 12072, or 12084 shall not apply to the delivery, sale, or
37 transfer of a firearm to the holder of a special weapons
38 permit issued by the Department of Justice issued
39 pursuant to Section 12095, 12230, 12250, or 12305. On the
40 date that the application to purchase is completed, the

1 dealer delivering the firearm or the law enforcement
2 agency processing the transaction pursuant to Section
3 12084, shall forward by prepaid mail to the Department
4 of Justice a report of the same as described in subdivision
5 (b) or (c) of Section 12077 or Section 12084. If the
6 electronic or telephonic transfer of applicant information
7 is used, on the date that the application to purchase is
8 completed, the dealer delivering the firearm shall
9 transmit to the Department of Justice an electronic or
10 telephonic report of the same as is indicated in
11 subdivision (b) or (c) of Section 12077.

12 (s) Subdivision (d) of Section 12072 shall not apply to
13 the loan of an unloaded firearm or the loan of a firearm
14 loaded with blank cartridges for use solely as a prop for
15 a motion picture, television, or video production or an
16 entertainment or theatrical event.

17 (t) (1) The waiting period described in Sections
18 12071, 12072, and 12084 shall not apply to the sale,
19 delivery, loan, or transfer of a firearm that is a curio or
20 relic, as defined in Section 178.11 of Title 27 of the Code
21 of Federal Regulations, by a dealer or through a law
22 enforcement agency to a person who is licensed as a
23 collector pursuant to Chapter 44 (commencing with
24 Section 921) of Title 18 of the United States Code and the
25 regulations issued pursuant thereto who has a current
26 certificate of eligibility issued to him or her by the
27 Department of Justice pursuant to Section 12071. On the
28 date that the delivery, sale, or transfer is made, the dealer
29 delivering the firearm or the law enforcement agency
30 processing the transaction pursuant to Section 12084, shall
31 forward by prepaid mail to the Department of Justice a
32 report of the transaction pursuant to subdivision (b) of
33 Section 12077 or Section 12084. If the electronic or
34 telephonic transfer of applicant information is used, on
35 the date that the application to purchase is completed,
36 the dealer delivering the firearm shall transmit to the
37 Department of Justice an electronic or telephonic report
38 of the transaction as is indicated in subdivision (b) or (c)
39 of Section 12077.



(2) Subdivision (d) of Section 12072 shall not apply to the infrequent sale, loan, or transfer of a firearm that is not a pistol, revolver, or other firearm capable of being concealed upon the person, which is a curio or relic manufactured at least 50 years prior to the current date, but not including replicas thereof, as defined in Section 178.11 of Title 27 of the Code of Federal Regulations.

(u) As used in this section:

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

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

(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.

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

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

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

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

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

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

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

3 ~~(K) Firearms that are received by a person, other than~~
4 ~~the authorized representative of a law enforcement~~
5 ~~agency, acting as the designee of a person who is utilizing~~
6 ~~Section 12083 to avoid another applicable prohibition on~~
7 ~~possessing a firearm.~~

8 SEC. 12. ~~Section 12082 of the Penal Code is amended~~
9 ~~to read:~~

10 ~~12082. (a) A person shall complete any sale, loan, or~~
11 ~~transfer of a firearm through a person licensed pursuant~~
12 ~~to Section 12071 in accordance with this section in order~~
13 ~~to comply with subdivision (d) of Section 12072. The~~
14 ~~seller or transferor or the person loaning the firearm shall~~
15 ~~deliver the firearm to the dealer who shall retain~~
16 ~~possession of that firearm. The dealer shall then deliver~~
17 ~~the firearm to the purchaser or transferee or the person~~
18 ~~being loaned the firearm, if it is not prohibited, in~~
19 ~~accordance with subdivision (c) of Section 12072. If the~~
20 ~~dealer cannot legally deliver the firearm to the purchaser~~
21 ~~or transferee or the person being loaned the firearm, the~~
22 ~~dealer shall forthwith, without waiting for the conclusion~~
23 ~~of the waiting period described in Sections 12071 and~~
24 ~~12072, return the firearm to the transferor or seller or the~~
25 ~~person loaning the firearm. The dealer shall not return~~
26 ~~the firearm to the seller or transferor or the person~~
27 ~~loaning the firearm when to do so would constitute a~~
28 ~~violation of subdivision (a) of Section 12072. If the dealer~~
29 ~~cannot legally return the firearm to the transferor or~~
30 ~~seller or the person loaning the firearm, then the dealer~~
31 ~~shall forthwith deliver the firearm to the sheriff of the~~
32 ~~county or the chief of police or other head of a municipal~~
33 ~~police department of any city or city and county who shall~~
34 ~~then dispose of the firearm in the manner provided by~~
35 ~~Sections 12028 and 12032. The purchaser or transferee or~~
36 ~~person being loaned the firearm may be required by the~~
37 ~~dealer to pay a fee not to exceed ten dollars (\$10) per~~
38 ~~firearm, plus the applicable fee that the Department of~~
39 ~~Justice may charge pursuant to Section 12076. Nothing in~~
40 ~~these provisions shall prevent a dealer from charging a~~

1 smaller fee. The fee that the department may charge is
2 the fee that would be applicable pursuant to Section
3 12076, if the dealer was selling, transferring, or delivering
4 a firearm to a purchaser or transferee or person being
5 loaned a firearm, without any other parties being
6 involved in the transaction.

7 (b) The Attorney General shall adopt regulations
8 under this section to do all of the following:

9 (1) Allow the seller or transferor of the person loaning
10 the firearm, and the purchaser or transferee or the person
11 being loaned the firearm, to complete a sale, loan, or
12 transfer through a dealer, and to allow those persons and
13 the dealer to comply with the requirements of this section
14 and Sections 12071, 12072, 12076, 12077, and 12083 and to
15 preserve the confidentiality of those records.

16 (2) Where a personal handgun importer is selling or
17 transferring a pistol, revolver, or other firearm capable of
18 being concealed upon the person to comply with clause
19 (ii) of subparagraph (A) of paragraph (2) of subdivision
20 (f) of Section 12072, to allow a personal handgun
21 importer's ownership of the pistol, revolver, or other
22 firearm capable of being concealed upon the person
23 being sold or transferred to be recorded in a manner that
24 if the firearm is returned to that personal handgun
25 importer because the sale or transfer cannot be
26 completed, the Department of Justice will have sufficient
27 information about that personal handgun importer so
28 that a record of his or her ownership can be maintained
29 in the registry provided by subdivision (c) of Section
30 44106.

31 (3) Ensure that the register or record of electronic or
32 telephonic transfer shall state the name and address of the
33 seller or transferor of the firearm or the person loaning
34 the firearm and whether or not the person is a personal
35 handgun importer in addition to any other information
36 required by Section 12077.

37 (e) A violation of this section by a dealer is a
38 misdemeanor.

39 SEC. 13. Section 12083 is added to the Penal Code, to
40 read:

1 ~~12083. (a) Unless another provision of law specifies a~~
2 ~~different procedure, not later than 30 days after the~~
3 ~~occurrence of any event that renders a person ineligible~~
4 ~~to possess a firearm, that person shall do one of the~~
5 ~~following:~~

6 ~~(1) Cause that firearm to be sold or transferred in~~
7 ~~accordance with the provisions of subdivision (d) of~~
8 ~~Section 12072 or in accordance with the provisions of an~~
9 ~~exemption to subdivision (d) of Section 12072.~~

10 ~~(2) Cause that firearm to be sold or transferred to a~~
11 ~~person licensed pursuant to Section 12071.~~

12 ~~(3) Cause that firearm to be sold or transferred to a law~~
13 ~~enforcement agency, which shall treat that firearm as if~~
14 ~~it was seized as a nuisance weapon and destroy it pursuant~~
15 ~~to Section 12028, utilize it pursuant to Section 12030, or~~
16 ~~dispose of the firearm pursuant to paragraph (4).~~

17 ~~(4) If agreed to by the individual and the law~~
18 ~~enforcement agency, the law enforcement agency shall~~
19 ~~retain possession of the firearm while the individual or his~~
20 ~~or her designated representative arranges the disposition~~
21 ~~of the firearm pursuant this paragraph. The individual or~~
22 ~~his or her designated representative, may, at any time up~~
23 ~~to one year after the delivery or surrender of the firearm~~
24 ~~to the law enforcement agency, transfer the firearm in~~
25 ~~accordance with the provisions of Section 12072 to any~~
26 ~~person eligible to possess that firearm. Upon notification~~
27 ~~in writing of the transaction by the purchaser or~~
28 ~~transferee and the seller or transferor, the law~~
29 ~~enforcement agency shall, within 10 days, deliver the~~
30 ~~firearm to a person who is licensed pursuant to Section~~
31 ~~12071 to process the transaction pursuant to Sections~~
32 ~~12071 and 12072. If, at the end of the one-year period, the~~
33 ~~firearm has not been transferred, the law enforcement~~
34 ~~agency shall cause the firearm to be destroyed pursuant~~
35 ~~to Section 12028 or utilized pursuant to Section 12030.~~

36 ~~(b) Any person who is subject to this section shall not~~
37 ~~be in violation of any section of law that otherwise~~
38 ~~prohibits his or her possession of a firearm, if he or she~~
39 ~~transfers the firearm as provided, and within the time~~
40 ~~period set forth in subdivision (a).~~

~~SEC. 14.~~

SEC. 11. Section 12084 of the Penal Code is amended to read:

12084. (a) As used in this section, the following definitions apply:

(1) “Agency” means a sheriff’s department in a county of less than 200,000 persons, according to the most recent federal decennial census, that elects to process purchases, sales, loans, or transfers of firearms.

(2) “Seller” means the seller or transferor of a firearm or the person loaning the firearm.

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

(4) “Purchase” means the purchase, loan, sale, or transfer of a firearm.

(5) “Department” means the Department of Justice.

(6) “LEFT” means the Law Enforcement Firearms Transfer Form consisting of the transfer form utilized to purchase a firearm in accordance with this section.

(b) As an alternative to completing the sale, transfer, or loan of a firearm through a licensed dealer pursuant to Section 12082, the parties to the purchase of a firearm may complete the transaction through an agency in accordance with this section in order to comply with subdivision (d) of Section 12072.

(c) (1) LEFTs shall be prepared by the State Printer and shall be furnished to agencies on application at a cost to be determined by the Department of General Services for each 100 leaves in quintuplicate, one original and four duplicates for the making of carbon copies. The original and duplicate copies shall differ in color, and shall be in the form provided by this section. The State Printer, upon issuing the LEFT, shall forward to the department the name and address of the agency together with the series and sheet numbers on the LEFT. The LEFT shall not be transferable.

(2) The department shall prescribe the form of the LEFT. It shall be in the same exact format set forth in Sections 12077 and 12082, with the same distinct formats for firearms that are pistols, revolvers, and other firearms

1 capable of being concealed upon the person and for
2 firearms that are not pistols, revolvers, and other firearms
3 capable of being concealed upon the person, except that,
4 instead of the listing of information concerning a dealer,
5 the LEFT shall contain the name, telephone number, and
6 address of the law enforcement agency.

7 (3) The original of each LEFT shall be retained in
8 consecutive order. Each book of 50 originals shall become
9 the permanent record of transactions that shall be
10 retained not less than three years from the date of the last
11 transaction and shall be provided for the inspection of any
12 peace officer, department employee designated by the
13 Attorney General, or agent of the federal Bureau of
14 Alcohol, Tobacco and Firearms upon the presentation of
15 proper identification.

16 (4) Ink shall be used to complete each LEFT. The
17 agency shall ensure that all information is provided
18 legibly. The purchaser and seller shall be informed that
19 incomplete or illegible information delays purchases.

20 (5) Each original LEFT shall contain instructions
21 regarding the procedure for completion of the form and
22 the routing of the form. The agency shall comply with
23 these instructions which shall include the information set
24 forth in this subdivision.

25 (6) One firearm transaction shall be reported on each
26 LEFT. For purposes of this paragraph, a “transaction”
27 means a single sale, loan, or transfer of any number of
28 firearms that are not pistols, revolvers, or other firearms
29 capable of being concealed upon the person between the
30 same two persons.

31 (d) The following procedures shall be followed in
32 processing the purchase:

33 (1) Without waiting for the conclusion of any waiting
34 period to elapse, the seller shall immediately deliver the
35 firearm to the agency solely to complete the LEFT. Upon
36 completion of the LEFT, the firearm shall be
37 immediately returned by the agency to the seller without
38 waiting for the waiting period to elapse.

39 (2) The purchaser shall be required to present clear
40 evidence of his or her identity and age, as defined in

1 Section 12071, to the agency. The agency shall require the
2 purchaser to complete the original and one copy of the
3 LEFT. An employee of the agency shall then affix his or
4 her signature as a witness to the signature and
5 identification of the purchaser.

6 (3) Two copies of the LEFT shall, on that date of
7 purchase, be placed in the mail, postage prepaid to the
8 department at Sacramento. The third copy shall be
9 provided to the purchaser and the fourth copy to the
10 seller.

11 (4) The department shall examine its records, as well
12 as those records that it is authorized to request from the
13 State Department of Mental Health pursuant to Section
14 8104 of the Welfare and Institutions Code, in order to
15 determine if the purchaser is a person described in
16 Section 12021 or 12021.1 of this code or Section 8100 or
17 8103 of the Welfare and Institutions Code.

18 (5) If the department determines that the copies of
19 the LEFT submitted to it pursuant to paragraph (3)
20 contain any blank spaces or inaccurate, illegible, or
21 incomplete information, preventing identification of the
22 purchaser or the firearm to be purchased, or if any fee
23 required pursuant to paragraph (6) is not submitted by
24 the agency in conjunction with submission of the copies
25 of the LEFT, or if the department determines that the
26 person is a person described in Section 12021 or 12021.1
27 of this code or Section 8100 or 8103 of the Welfare and
28 Institutions Code, it shall immediately notify the agency
29 of that fact. Upon notification by the department, the
30 purchaser shall submit any fee required pursuant to
31 paragraph (6), as appropriate, and, if notification by the
32 department is received by the agency at any time prior
33 to delivery of the firearm, the delivery of the firearm shall
34 be withheld until the conclusion of the waiting period
35 described in paragraph (7).

36 (6) (A) The agency may charge a fee, not to exceed
37 actual cost, sufficient to reimburse the agency for
38 processing the transfer.

39 (B) The department may charge a fee, not to exceed
40 actual cost, sufficient to reimburse the department for

1 providing the information. The department shall charge
2 the same fee that it would charge a dealer pursuant to
3 Section 12082.

4 (7) The firearm shall not be delivered to the purchaser
5 as follows:

6 (A) Prior to April 1, 1997, within 15 days of the
7 application to purchase a pistol, revolver, or other firearm
8 capable of being concealed upon the person, or, after
9 notice by the department pursuant to paragraph (5),
10 within 15 days of the submission to the department of any
11 fees required pursuant to this subdivision, or within 15
12 days of the submission to the department of any
13 correction to the LEFT, whichever is later. Prior to April
14 1, 1997, within 10 days of the application to purchase any
15 firearm that is not a pistol, revolver, or other firearm
16 capable of being concealed upon the person, or, after
17 notice by the department pursuant to paragraph (5),
18 within 10 days of the submission to the department of any
19 fees required pursuant to this subdivision, or within 10
20 days of the submission to the department of any
21 correction to the LEFT, whichever is later. On and after
22 April 1, 1997, within 10 days of the application to
23 purchase, or after notice by the department pursuant to
24 paragraph (5), within 10 days of the submission to the
25 department of any fees required pursuant to this
26 subdivision, or within 10 days of the submission to the
27 department of any correction to the LEFT, whichever is
28 later.

29 (B) Unless unloaded.

30 (C) In the case of a pistol, revolver, or other firearm
31 capable of being concealed upon the person, unless
32 securely wrapped or in a locked container.

33 (D) Unless the purchaser presents clear evidence of
34 his or her identity and age to the agency.

35 (E) Whenever the agency is notified by the
36 department that the person is in a prohibited class
37 described in Section 12021 or 12021.1, or Section 8100 or
38 8103 of the Welfare and Institutions Code.

39 (F) Unless done at the agency's premises.

1 (G) In the case of a pistol, revolver, or other firearm
2 capable of being concealed upon the person,
3 commencing April 1, 1994, unless the purchaser presents
4 to the seller a basic firearms safety certificate.

5 (H) Unless the purchaser is at least 18 years of age.

6 (8) (A) Until July 1, 2003, on the date that the seller
7 delivers a pistol, revolver, or other firearm capable of
8 being concealed upon the person to the purchaser, he or
9 she, if required by the Department of Justice, shall report
10 in a manner and format prescribed by the department
11 the date and time he or she delivered that pistol, revolver,
12 or other firearm capable of being concealed upon the
13 person to that purchaser.

14 (B) Commencing July 1, 2003, on the date that the
15 seller delivers a pistol, revolver, or other firearm capable
16 of being concealed upon the person to the purchaser, he
17 or she shall report to the Department of Justice in a
18 manner and format prescribed by the department the
19 date and time he or she delivered that pistol, revolver, or
20 other firearm capable of being concealed upon the
21 person to that purchaser.

22 (e) The action of a law enforcement agency acting
23 pursuant to Section 12084 shall be deemed to be a
24 discretionary act within the meaning of the California
25 Tort Claims Act pursuant to Division 3.6 (commencing
26 with Section 810) of Title 1 of the Government Code.

27 (f) Whenever the Department of Justice acts pursuant
28 to this section as it pertains to firearms other than pistols,
29 revolvers, or other firearms capable of being concealed
30 upon the person, its acts or omissions shall be deemed to
31 be discretionary within the meaning of the California
32 Tort Claims Act pursuant to Division 3.6 (commencing
33 with Section 810) of Title 1 of the Government Code.

34 (g) Any person furnishing a fictitious name or address
35 or knowingly furnishing any incorrect information or
36 knowingly omitting any information required to be
37 provided for the LEFT is guilty of a misdemeanor.

38 (h) All sums received by the department pursuant to
39 this section shall be deposited in the Dealers' Record of
40 Sale Special Account of the General Fund.

1 ~~SEC. 15.~~

2 *SEC. 12.* Chapter 1180 of the Statutes of 1988 shall be
3 known, and may be cited as, the Klehs Safe and
4 Responsible Firearms Transfer Act of 1988.

5 ~~SEC. 16.~~

6 *SEC. 13.* Chapter 462 of the Statutes of 1997 shall be
7 known as, and may be cited as, the
8 Shelley-Alpert-Ducheny Pistol-Revolver Registration
9 Parity Act of 1997.

10 ~~SEC. 17.~~

11 *SEC. 14.* It is not the intent of the Legislature in
12 enacting paragraph (24) of subdivision (b) of Section
13 12070 of the Penal Code and paragraph (8) of subdivision
14 (a) of Section 12078 of the Penal Code to expand or
15 narrow the application of current statutes and judicial
16 decisions in other sections of law regarding the doctrine
17 of “temporary lawful possession” recognized in *People v.*
18 *Mijares* (1971) 6 Cal.3d 415, *People v. Hurtado* (1996) 47
19 ~~Cal.4th~~ *Cal.App.4th* 805, and *People v. Pepper* (1996) 41
20 *Cal.App.4th* 1029.

21 ~~SEC. 18.~~

22 *SEC. 15.* The amendment to subdivision (k) of, and
23 the addition of subdivision (n) to, Section 6389 of the
24 Family Code, made by Section 1 of this act, are
25 declaratory of existing law.

26 ~~SEC. 19.~~

27 *SEC. 16.* No reimbursement is required by this act
28 pursuant to Section 6 of Article XIII B of the California
29 Constitution for certain costs that may be incurred by a
30 local agency or school district because in that regard this
31 act creates a new crime or infraction, eliminates a crime
32 or infraction, or changes the penalty for a crime or
33 infraction, within the meaning of Section 17556 of the
34 Government Code, or changes the definition of a crime
35 within the meaning of Section 6 of Article XIII B of the
36 California Constitution.

37 However, notwithstanding Section 17610 of the
38 Government Code, if the Commission on State Mandates
39 determines that this act contains other costs mandated by
40 the state, reimbursement to local agencies and school

1 districts for those costs shall be made pursuant to Part 7
2 (commencing with Section 17500) of Division 4 of Title
3 2 of the Government Code. If the statewide cost of the
4 claim for reimbursement does not exceed one million
5 dollars (\$1,000,000), reimbursement shall be made from
6 the State Mandates Claims Fund.

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