

AMENDED IN SENATE JANUARY 24, 2000

AMENDED IN SENATE JANUARY 13, 2000

AMENDED IN SENATE JANUARY 3, 2000

AMENDED IN SENATE JANUARY 19, 1999

SENATE BILL

No. 31

Introduced by 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, 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.

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

(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.

(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.

(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
22 the Penal Code. If the respondent is not present at the
23 hearing, the respondent shall relinquish the firearm
24 within 48 hours after being served with the order. A
25 person ordered to relinquish any firearm pursuant to this
26 subdivision shall file with the court a receipt showing the
27 firearm was surrendered to the local law enforcement
28 agency or sold to a licensed gun dealer within 72 hours
29 after receiving the order. In the event that it is necessary
30 to continue the date of any hearing due to a request for
31 a relinquishment order pursuant to this section, the court
32 shall ensure that all applicable protective orders
33 described in Section 6218 remain in effect or bifurcate the
34 issues and grant the permanent restraining order
35 pending the date of the hearing.

36 (d) If the respondent declines to relinquish possession
37 of any firearm based upon the assertion of the right
38 against self-incrimination, as provided by the Fifth

1 Amendment to the United States Constitution and
2 Section 15 of Article I of the California Constitution, the
3 court may grant use immunity for the act of relinquishing
4 the firearm required under this section.

5 (e) A local law enforcement agency may charge the
6 respondent a fee for the storage of any firearm pursuant
7 to this section. This fee shall not exceed the actual cost
8 incurred by the local law enforcement agency for the
9 storage of the firearm. For purposes of this subdivision,
10 “actual cost” means expenses directly related to taking
11 possession of a firearm, storing the firearm, and
12 surrendering possession of the firearm to a licensed
13 dealer as defined in Section 12071 of the Penal Code or to
14 the respondent.

15 (f) The restraining order requiring a person to
16 relinquish a firearm pursuant to subdivision (c) shall state
17 on its face that the respondent is prohibited from owning,
18 possessing, purchasing, or receiving a firearm while the
19 protective order is in effect and that the firearm shall be
20 relinquished to the local law enforcement agency for that
21 jurisdiction or sold to a licensed gun dealer, and that proof
22 of surrender or sale shall be filed with the court within a
23 specified period of receipt of the order. The order shall
24 also state on its face the expiration date for
25 relinquishment. Nothing in this section shall limit a
26 respondent’s right under existing law to petition the court
27 at a later date for modification of the order.

28 (g) (1) The restraining order requiring a person to
29 relinquish a firearm pursuant to subdivision (c) shall
30 prohibit the person from possessing or controlling any
31 firearm for the duration of the order. At the expiration of
32 the order, the local law enforcement agency shall return
33 possession of any surrendered firearm to the respondent,
34 within five days after the expiration of the
35 relinquishment order, unless the local law enforcement
36 agency determines that (1) the firearm has been stolen,
37 (2) the respondent is prohibited from possessing a
38 firearm because the respondent is in any prohibited class
39 for the possession of firearms, as defined in Sections 12021
40 and 12021.1 of the Penal Code and Sections 8100 and 8103

1 of the Welfare and Institutions Code, or (3) another
2 successive restraining order is used against the
3 respondent under this section. If the local law
4 enforcement agency determines that the respondent is
5 the legal owner of any firearm deposited with the local
6 law enforcement agency and is prohibited from
7 possessing any firearm, the respondent shall be entitled
8 to sell or transfer the firearm to a licensed dealer as
9 defined in Section 12071 of the Penal Code. If the firearm
10 has been stolen, the firearm shall be restored to the lawful
11 owner upon his or her identification of the firearm and
12 proof of ownership.

13 (2) Within 10 days of the date that a firearm is sold,
14 delivered, returned, or transferred by a local law
15 enforcement agency pursuant to this section, if the
16 firearm is a pistol, revolver, or other firearm capable of
17 being concealed upon the person, the name of the agency
18 delivering the firearm, and the make, model, serial
19 number, and other identifying characteristics of the
20 firearm being returned, sold, transferred, or delivered
21 shall be entered into the Automated Firearms System
22 (AFS) via the California Law Enforcement
23 Telecommunications Systems (CLETS) by the law
24 enforcement or state agency that sold, transferred,
25 returned, or delivered the firearm. Those agencies
26 without access to AFS shall arrange with the sheriff of the
27 county in which the agency is located to input this
28 information into that system.

29 (h) The court may, as part of the relinquishment
30 order, grant an exemption from the relinquishment
31 requirements of this section for a particular firearm if the
32 respondent can show that a particular firearm is
33 necessary as a condition of continued employment and
34 that the current employer is unable to reassign the
35 respondent to another position where a firearm is
36 unnecessary. If an exemption is granted pursuant to this
37 subdivision, the order shall provide that the firearm shall
38 be in the physical possession of the respondent only
39 during scheduled work hours and during travel to and
40 from his or her place of employment. In any case



1 involving a peace officer who as a condition of
2 employment and whose personal safety depends on the
3 ability to carry a firearm, a court may allow the peace
4 officer to continue to carry a firearm, either on duty or off
5 duty, if the court finds by a preponderance of the
6 evidence that the officer does not pose a threat of harm.
7 Prior to making this finding, the court shall require a
8 mandatory psychological evaluation of the peace officer
9 and may require the peace officer to enter into
10 counseling or other remedial treatment program to deal
11 with any propensity for domestic violence.

12 (i) During the period of the relinquishment order, a
13 respondent is entitled to make one sale of all firearms that
14 are in the possession of a local law enforcement agency
15 pursuant to this section. A licensed gun dealer, who
16 presents a local law enforcement agency with a bill of sale
17 indicating that all firearms owned by the respondent that
18 are in the possession of the local law enforcement agency
19 have been sold by the respondent to the licensed gun
20 dealer, shall be given possession of those firearms, at the
21 location where a respondent's firearms are stored, within
22 five days of presenting the local law enforcement agency
23 with a bill of sale.

24 (j) The disposition of any unclaimed property under
25 this section shall be made pursuant to Section 1413 of the
26 Penal Code.

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

30 (2) The delivery of a firearm to a local law
31 enforcement agency person pursuant to this section shall
32 not be subject to the requirements of subdivision (d) of
33 Section 12072 of the Penal Code.

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

38 (l) If the respondent notifies the court that he or she
39 owns a firearm that is not in his or her immediate
40 possession, the court may limit the order to exclude that



1 firearm if the judge is satisfied the respondent is unable
2 to gain access to that firearm while the protective order
3 is in effect.

4 (m) Any respondent to a protective order who violates
5 any order issued pursuant to this section shall be punished
6 under the provisions of subdivision (g) of Section 12021
7 of the Penal Code.

8 (n) Any respondent to a protective order who
9 complies with the provisions of this section shall be
10 exempt from the provisions of subdivision (g) of Section
11 12021 of the Penal Code.

12 SEC. 2. Section 11106 of the Penal Code is amended
13 to read:

14 11106. (a) In order to assist in the investigation of
15 crime, the arrest and prosecution of criminals, and the
16 recovery of lost, stolen, or found property, the Attorney
17 General shall keep and properly file a complete record of
18 all copies of fingerprints, copies of applications for
19 licenses to carry firearms issued pursuant to Section
20 12050, information reported to the Department of Justice
21 pursuant to Section 12053, dealers' records of sales of
22 firearms, reports provided pursuant to Section 12072 or
23 12078, forms provided pursuant to Section 12084, reports
24 provided pursuant to Section 12071 that are not dealers'
25 records of sales of firearms, and reports of stolen, lost,
26 found, pledged, or pawned property in any city or county
27 of this state, and shall, upon proper application therefor,
28 furnish to the officers mentioned in Section 11105, hard
29 copy printouts of those records as photographic,
30 photostatic, and nonerasable optically stored
31 reproductions.

32 (b) (1) Notwithstanding subdivision (a), the
33 Attorney General shall not retain or compile any
34 information from reports filed pursuant to subdivision (a)
35 of Section 12078 for firearms that are not pistols,
36 revolvers, or other firearms capable of being concealed
37 upon the person, from forms submitted pursuant to
38 Section 12084 for firearms that are not pistols, revolvers,
39 or other firearms capable of being concealed upon the
40 person, or from dealers' records of sales for firearms that



1 are not pistols, revolvers, or other firearms capable of
2 being concealed upon the person. All copies of the forms
3 submitted, or any information received in electronic
4 form, pursuant to Section 12084 for firearms that are not
5 pistols, revolvers, or other firearms capable of being
6 concealed upon the person, or of the dealers' records of
7 sales for firearms that are not pistols, revolvers, or other
8 firearms capable of being concealed upon the person shall
9 be destroyed within five days of the clearance by the
10 Attorney General, unless the purchaser or transferor is
11 ineligible to take possession of the firearm. All copies of
12 the reports filed, or any information received in
13 electronic form, pursuant to subdivision (a) of Section
14 12078 for firearms that are not pistols, revolvers, or other
15 firearms capable of being concealed upon the person shall
16 be destroyed within five days of the receipt by the
17 Attorney General, unless retention is necessary for use in
18 a criminal prosecution.

19 (2) A peace officer, the Attorney General, a
20 Department of Justice employee designated by the
21 Attorney General, or any authorized local law
22 enforcement employee shall not retain or compile any
23 information from a firearms transaction record, as
24 defined in paragraph (5) of subdivision (c) of Section
25 12071, for firearms that are not pistols, revolvers, or other
26 firearms capable of being concealed upon the person
27 unless retention or compilation is necessary for use in a
28 criminal prosecution or in a proceeding to revoke a
29 license issued pursuant to Section 12071.

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

31 (c) (1) The Attorney General shall permanently keep
32 and properly file and maintain all information reported
33 to the Department of Justice pursuant to Sections 12071,
34 12072, 12078, 12082, and 12084 or any other law, as to
35 pistols, revolvers, or other firearms capable of being
36 concealed upon the person and maintain a registry
37 thereof.

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

39 (A) The name, address, identification of, place of birth
40 (state or country), complete telephone number,

1 occupation, sex, description, and all legal names and
2 aliases ever used by the owner or person being loaned the
3 particular pistol, revolver, or other firearm capable of
4 being concealed upon the person as listed on the
5 information provided to the department on the Dealers'
6 Record of Sale, the Law Enforcement Firearms Transfer
7 (LEFT), as defined in Section 12084, or reports made to
8 the department pursuant to Section 12053, 12078, or any
9 other law.

10 (B) The name and address of, and other information
11 about, any person (whether a dealer or a private party)
12 from whom the owner acquired or the person being
13 loaned the particular pistol, revolver, or other firearm
14 capable of being concealed upon the person and when
15 the firearm was acquired or loaned as listed on the
16 information provided to the department on the Dealers'
17 Record of Sale, the LEFT, or reports made to the
18 department pursuant to Section 12078 or any other law.

19 (C) Any waiting period exemption applicable to the
20 transaction which resulted in the owner of or the person
21 being loaned the particular pistol, revolver, or other
22 firearm capable of being concealed upon the person
23 acquiring or being loaned that firearm.

24 (D) The manufacturer's name if stamped on the
25 firearm; model name or number if stamped on the
26 firearm; and, if applicable, the serial number, other
27 number (if more than one serial number is stamped on
28 the firearm), caliber, type of firearm, if the firearm is new
29 or used, barrel length, and color of the firearm.

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

32 (F) Information provided pursuant to paragraph (8)
33 of subdivision (d) of Section 12084.

34 (3) Information in the registry referred to in this
35 subdivision shall, upon proper application therefor, be
36 furnished to the officers referred to in Section 11105 or to
37 the person listed in the registry as the owner or person
38 who is listed as being loaned the particular pistol,
39 revolver, or other firearm capable of being concealed
40 upon the person in the form of hard copy printouts of that

1 information as photographic, photostatic, and
2 nonerasable optically stored reproductions.

3 (4) If any person is listed in the registry as the owner
4 of a firearm through a Dealers' Record of Sale prior to
5 1979, and the person listed in the registry requests by
6 letter that the Attorney General store and keep the
7 record electronically, as well as in the record's existing
8 photographic, photostatic, or nonerasable optically
9 stored form, the Attorney General shall do so within three
10 working days of receipt of the request. The Attorney
11 General shall, in writing, and as soon as practicable, notify
12 the person requesting electronic storage of the record
13 that the request has been honored as required by this
14 paragraph.

15 SEC. 3. Section 12001 of the Penal Code is amended
16 to read:

17 12001. (a) As used in this title, the terms "pistol,"
18 "revolver," and "firearm capable of being concealed
19 upon the person" shall apply to and include any device
20 designed to be used as a weapon, from which is expelled
21 a projectile by the force of any explosion, or other form
22 of combustion, and which has a barrel less than 16 inches
23 in length. These terms also include any device which has
24 a barrel 16 inches or more in length which is designed to
25 be interchanged with a barrel less than 16 inches in
26 length.

27 (b) As used in this title, "firearm" means any device,
28 designed to be used as a weapon, from which is expelled
29 through a barrel a projectile by the force of any explosion
30 or other form of combustion.

31 (c) As used in Sections 12021, 12021.1, 12070, 12071,
32 12072, 12073, 12078, and 12101 of this code, and Sections
33 8100, 8101, and 8103 of the Welfare and Institutions Code,
34 the term "firearm" includes the frame or receiver of the
35 weapon.

36 (d) For the purposes of Sections 12025 and 12031, the
37 term "firearm" also shall include any rocket, rocket
38 propelled projectile launcher, or similar device
39 containing any explosive or incendiary material whether



1 or not the device is designed for emergency or distress
2 signaling purposes.

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

9 (f) Nothing shall prevent a device defined as a
10 “pistol,” “revolver,” or “firearm capable of being
11 concealed upon the person” from also being found to be
12 a short-barreled shotgun or a short-barreled rifle, as
13 defined in Section 12020.

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

19 (h) As used in this title, “wholesaler” means any
20 person who is licensed as a dealer pursuant to Chapter 44
21 (commencing with Section 921) of Title 18 of the United
22 States Code and the regulations issued pursuant thereto
23 who sells, transfers, or assigns firearms, or parts of
24 firearms, to persons who are licensed as manufacturers,
25 importers, or gunsmiths pursuant to Chapter 44
26 (commencing with Section 921) of Title 18 of the United
27 States Code, or persons licensed pursuant to Section
28 12071, and includes persons who receive finished parts of
29 firearms and assemble them into completed or partially
30 completed firearms in furtherance of that purpose.

31 “Wholesaler” shall not include a manufacturer,
32 importer, or gunsmith who is licensed to engage in those
33 activities pursuant to Chapter 44 (commencing with
34 Section 921) of Title 18 of the United States Code or a
35 person licensed pursuant to Section 12071 and the
36 regulations issued pursuant thereto. A wholesaler also
37 does not include those persons dealing exclusively in
38 grips, stocks, and other parts of firearms that are not
39 frames or receivers thereof.



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

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

(2) The initial completion of the LEFT by the purchaser, transferee, or person being loaned the firearm 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.

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

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

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

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

13 (6) He or she moves into this state on or after January
14 1, 1998, as a resident of this state.

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

18 (8) The pistol, revolver, or other firearm capable of
19 being concealed upon the person was not delivered to
20 him or her by a person licensed pursuant to Section 12071
21 who delivered that firearm following the procedures set
22 forth in Section 12071 and subdivision (c) of Section
23 12072.

24 (9) He or she, while a resident of this state, had not
25 previously reported his or her ownership of that pistol,
26 revolver, or other firearm capable of being concealed
27 upon the person to the Department of Justice in a manner
28 prescribed by the department that included information
29 concerning him or her and a description of the firearm.

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

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

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

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

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



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

(2) In the case of members of the armed forces of the United States, residency shall be deemed to be established when he or she was discharged from active service in this state.

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

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

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

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

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

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

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

(6) The transportation of a firearm by a person listed in Section 12026 when going directly from the place where that person lawfully received that firearm to that person's place of residence or place of business or to

1 private property owned or lawfully possessed by that
2 person.

3 (7) The transportation of a firearm by a person when
4 going directly to, or coming directly from, a gun show,
5 swap meet, or similar event to which the public is invited,
6 for the purpose of displaying that firearm in a lawful
7 manner.

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

15 (9) The transportation of a firearm by a person when
16 going directly to, or coming directly from, a target range,
17 which holds a regulatory or business license, for the
18 purposes of practicing shooting at targets with that
19 firearm at that target range.

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

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

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



1 (13) The transportation of a firearm by a person in
2 order to comply with subdivision (c) or (i) of Section
3 12078 as it pertains to that firearm.

4 (14) The transportation of a firearm by a person in
5 order to utilize subdivision (l) of Section 12078 as it
6 pertains to that firearm.

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

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

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

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

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

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

38 (21) The transportation of a firearm by a person for the
39 purpose of obtaining an identification number or mark

1 assigned for that firearm from the Department of Justice
2 pursuant to Section 12092.

3 (22) The transportation of a firearm by a person for the
4 purpose of complying with the requirements of Section
5 6389 of the Family Code, provided that if the firearm is
6 being transported to a law enforcement agency for
7 disposition pursuant to Section 6389 of the Family Code,
8 he or she gives prior notice to the law enforcement
9 agency that he or she is transporting the firearm to the
10 law enforcement agency for disposition according to
11 Section 6389 of the Family Code.

12 (23) The transportation of a firearm by a person to
13 whom the firearm is being returned pursuant to law to a
14 place where it may legally be kept pursuant to Section
15 12026.

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

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

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

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

34 12070. (a) No person shall sell, lease, or transfer
35 firearms unless he or she has been issued a license
36 pursuant to Section 12071. Any person violating this
37 section is guilty of a misdemeanor.

38 (b) Subdivision (a) does not include any of the
39 following:

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

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

9 (3) The sale, lease, or transfer of a firearm by a person
10 who obtains title to the firearm by intestate succession or
11 by bequest, provided the person disposes of the firearm
12 within 60 days of receipt of the firearm.

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

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

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

37 The Department of Justice shall adopt regulations to
38 administer this program and shall recover the full costs of
39 administration from fees assessed applicants.

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

4 (6) The activities of a law enforcement agency
5 pursuant to Section 12084.

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

11 (8) The sale, delivery, or transfer of firearms by
12 manufacturers or importers licensed pursuant to Chapter
13 44 (commencing with Section 921) of Title 18 of the
14 United States Code and the regulations issued pursuant
15 thereto to dealers or wholesalers.

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

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

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

39 (12) Sales, deliveries, or transfers of firearms by
40 persons who reside outside this state and are licensed



outside this state pursuant to Chapter 44 (commencing with Section 921) of Title 18 of the United States Code and the regulations issued pursuant thereto to wholesalers, manufacturers, or importers, if the sale, delivery, or transfer is in accordance with Chapter 44 (commencing with Section 921) of Title 18 of the United States Code and the regulations issued pursuant thereto.

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

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

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

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

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

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

(19) The loan of a firearm made by a licensed private investigator licensed pursuant to Chapter 11.3

1 (commencing with Section 7512) of Division 3 of the
2 Business and Professions Code to an employee thereof
3 who has a permit or license to carry a firearm issued to
4 him or her by the Department of Consumer Affairs to
5 carry a firearm in the course and scope of his or her
6 employment.

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

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

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

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

28 (24) The delivery of a firearm to a law enforcement
29 agency by a person who takes possession of a firearm after
30 finding that firearm or who took the firearm from a
31 person who was committing a crime against him or her.

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

33 (A) For pistols, revolvers, and other firearms capable
34 of being concealed upon the person, less than six
35 transactions per calendar year. For this purpose,
36 “transaction” means a single sale, lease, or transfer of any
37 number of pistols, revolvers, or other firearms capable of
38 being concealed upon the person.



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

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

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

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

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

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

(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 between spouses pursuant to Section 850 of the Family Code.

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

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

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

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

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

1 (A) A valid federal firearms license.

2 (B) Any regulatory or business license, or licenses,
3 required by local government.

4 (C) A valid seller's permit issued by the State Board of
5 Equalization.

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

8 (E) A license issued in the format prescribed by
9 paragraph (6).

10 (F) Is among those recorded in the centralized list
11 specified in subdivision (e).

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

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

24 (4) A person may request a certificate of eligibility
25 from the Department of Justice and the Department of
26 Justice shall issue a certificate to an applicant if the
27 department's records indicate that the applicant is not a
28 person who is prohibited from possessing firearms.

29 (5) The department shall adopt regulations to
30 administer the certificate of eligibility program and shall
31 recover the full costs of administering the program by
32 imposing fees assessed to applicants who apply for those
33 certificates.

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

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



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

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

10 (7) Local licensing authorities may assess fees to
11 recover their full costs of processing applications for
12 licenses.

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

15 (1) (A) Except as provided in subparagraphs (B) and
16 (C), the business shall be conducted only in the buildings
17 designated in the license.

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

34 A person conducting business pursuant to this
35 subparagraph shall publicly display his or her license
36 issued pursuant to subdivision (a), or a facsimile thereof,
37 at any gun show or event, as specified in this
38 subparagraph.

39 (C) A person licensed pursuant to subdivision (a) may
40 engage in the sale and transfer of firearms other than

1 pistols, revolvers, or other firearms capable of being
2 concealed upon the person, at events specified in
3 subdivision (g) of Section 12078, subject to the
4 prohibitions and restrictions contained in that
5 subdivision.

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

13 (D) The firearm may be delivered to the purchaser,
14 transferee, or person being loaned the firearm at one of
15 the following places:

16 (i) The building designated in the license.

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

18 (iii) The place of residence of, the fixed place of
19 business of, or on private property owned or lawfully
20 possessed by, the purchaser, transferee, or person being
21 loaned the firearm.

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

25 (3) No firearm shall be delivered:

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

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

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

38 (D) Whenever the dealer is notified by the
39 Department of Justice that the person is in a prohibited

1 class described in Section 12021 or 12021.1 of this code or
2 Section 8100 or 8103 of the Welfare and Institutions Code.

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

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

11 (6) The licensee shall comply with Sections 12073,
12 12076, and 12077, subdivisions (a) and (b) of Section
13 12072, and subdivision (a) of Section 12316.

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

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

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

31 (C) "DISCHARGING FIREARMS IN POORLY
32 VENTILATED AREAS, CLEANING FIREARMS, OR
33 HANDLING AMMUNITION MAY RESULT IN
34 EXPOSURE TO LEAD, A SUBSTANCE KNOWN TO
35 CAUSE BIRTH DEFECTS, REPRODUCTIVE HARM,
36 AND OTHER SERIOUS PHYSICAL INJURY. HAVE
37 ADEQUATE VENTILATION AT ALL TIMES. WASH
38 HANDS THOROUGHLY AFTER EXPOSURE."

39 (D) "FEDERAL REGULATIONS PROVIDE THAT
40 IF YOU DO NOT TAKE PHYSICAL POSSESSION OF

1 THE FIREARM THAT YOU ARE ACQUIRING
2 OWNERSHIP OF WITHIN 30 DAYS AFTER YOU
3 COMPLETE THE INITIAL BACKGROUND CHECK
4 PAPERWORK, THEN YOU HAVE TO GO THROUGH
5 THE BACKGROUND CHECK PROCESS A SECOND
6 TIME IN ORDER TO TAKE PHYSICAL POSSESSION
7 OF THAT FIREARM.”

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

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

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

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

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

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

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

38 (12) The licensee shall not misstate the amount of fees
39 charged by a governmental agency pursuant to Sections
40 12076, 12082, and 12806.

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

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

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

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

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

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

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

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

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

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

14 (i) A transaction subject to the provisions of
15 subdivision (n) of Section 12078.

16 (ii) The dealer acquired the firearm from a
17 wholesaler.

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

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

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

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

37 (20) (A) Until July 1, 2003, if required by the
38 Department of Justice, the licensee shall report in a
39 manner and format prescribed by the department the
40 date and time that the licensee delivered a pistol,

1 revolver, or other firearm capable of being concealed
2 upon the person to the purchaser or transferee of that
3 firearm or the person being loaned the firearm.

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

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

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

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

16 (2) As used in this article, a “basic firearms safety
17 certificate” means a basic firearms certificate issued to
18 the purchaser, transferee, or person being loaned the
19 firearm by the Department of Justice pursuant to Article
20 8 (commencing with Section 12800) of Chapter 6.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

8 (1) For law enforcement purposes.

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

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

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

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

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

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

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

26 SEC. 7. Section 12072 of the Penal Code is amended
27 to read:

28 12072. (a) (1) No person, corporation, or firm shall
29 knowingly supply, deliver, sell, or give possession or
30 control of a firearm to any person within any of the classes
31 prohibited by Section 12021 or 12021.1.

32 (2) No person, corporation, or dealer shall sell, supply,
33 deliver, or give possession or control of a firearm to any
34 person whom he or she has cause to believe to be within
35 any of the classes prohibited by Section 12021 or 12021.1
36 of this code or Section 8100 or 8103 of the Welfare and
37 Institutions Code.

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

1 (B) Subparagraph (A) shall not apply to or affect those
2 circumstances set forth in subdivision (p) of Section
3 12078.

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

10 (A) Knowledge that the firearm is to be subsequently
11 loaned, sold, or transferred to avoid the provisions of
12 subdivision (c) or (d).

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

16 (5) No person, corporation, or dealer shall acquire a
17 firearm for the purpose of selling, transferring, or loaning
18 the firearm, if the person, corporation, or dealer has
19 either of the following:

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

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

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

25 (ii) The requirements of any exemption to the
26 provisions of subdivision (d).

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

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

31 (8) No person shall sell or otherwise transfer his or her
32 ownership in a pistol, revolver, or other firearm capable
33 of being concealed upon the person unless the firearm
34 bears either:

35 (A) The name of the manufacturer, the
36 manufacturer's make or model, and a manufacturer's
37 serial number assigned to that firearm.

38 (B) The identification number or mark assigned to the
39 firearm by the Department of Justice pursuant to Section
40 12092.

1 (9) (A) No person shall make an application to
2 purchase more than one pistol, revolver, or other firearm
3 capable of being concealed upon the person within any
4 30-day period.

5 (B) Subparagraph (A) shall not apply to any of the
6 following:

7 (i) Any law enforcement agency.

8 (ii) Any agency duly authorized to perform law
9 enforcement duties.

10 (iii) Any state or local correctional facility.

11 (iv) Any private security company licensed to do
12 business in California.

13 (v) Any person who is properly identified as a full-time
14 paid peace officer, as defined in Chapter 4.5
15 (commencing with Section 830) of Title 3 of Part 2, and
16 who is authorized to, and does carry a firearm during the
17 course and scope of his or her employment as a peace
18 officer.

19 (vi) Any motion picture, television, or video
20 production company or entertainment or theatrical
21 company whose production by its nature involves the use
22 of a firearm.

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

26 (viii) Any transaction conducted through a licensed
27 dealer pursuant to Section 12082.

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

30 (x) Any person who is licensed as a collector pursuant
31 to Chapter 44 (commencing with Section 921) of Title 18
32 of the United States Code and the regulations issued
33 pursuant thereto and who has a current certificate of
34 eligibility issued to him or her by the Department of
35 Justice pursuant to Section 12071.

36 (xi) The exchange of a pistol, revolver, or other
37 firearm capable of being concealed upon the person
38 where the dealer purchased that firearm from the person
39 seeking the exchange within the 30-day period



1 immediately preceding the date of exchange or
2 replacement.

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

11 (xiii) The return of any pistol, revolver, or other
12 firearm capable of being concealed upon the person to its
13 owner.

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

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

21 (c) No dealer, whether or not acting pursuant to
22 Section 12082, shall deliver a firearm to a person, as
23 follows:

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

31 (2) Unless unloaded and securely wrapped or
32 unloaded and in a locked container.

33 (3) Unless the purchaser, transferee, or person being
34 loaned the firearm presents clear evidence of his or her
35 identity and age, as defined in Section 12071, to the
36 dealer.

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



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

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

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

(1) A licensed dealer pursuant to Section 12082.

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

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

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

(2) Knowingly grading the examination falsely.

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

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

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

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

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

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

4 (f) (1) No person who is licensed pursuant to Chapter
5 44 (commencing with Section 921) of Title 18 of the
6 United States Code shall deliver, sell, or transfer a firearm
7 to a person who is licensed pursuant to Chapter 44
8 (commencing with Section 921) of Title 18 of the United
9 States Code and whose licensed premises are located in
10 this state unless one of the following conditions is met:

11 (A) The person presents proof of licensure pursuant to
12 Section 12071 to that person.

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

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

22 (i) Forward by prepaid mail or deliver in person to the
23 Department of Justice, a report prescribed by the
24 department including information concerning that
25 individual and a description of the firearm in question.

26 (ii) Sell or transfer the firearm in accordance with the
27 provisions of subdivision (d) or in accordance with the
28 provisions of an exemption from subdivision (d).

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

31 (iv) Sell or transfer the firearm to a sheriff or police
32 department.

33 (B) If the personal handgun importer sells or transfers
34 the pistol, revolver, or other firearm capable of being
35 concealed upon the person pursuant to subdivision (d) of
36 Section 12072 and the sale or transfer cannot be
37 completed by the dealer to the purchaser or transferee,
38 and the firearm can be returned to the personal handgun
39 importer, the personal handgun importer shall have
40 complied with the provisions of this paragraph.

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

7 (D) (i) On and after January 1, 1998, the department
8 shall conduct a public education and notification program
9 regarding this paragraph to ensure a high degree of
10 publicity of the provisions of this paragraph.

11 (ii) As part of the public education and notification
12 program described in this subparagraph, the department
13 shall do all of the following:

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

22 (II) Make the reports referred to in clause (i) of
23 subparagraph (A) available to dealers licensed pursuant
24 to Section 12071.

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

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

1 upon the person should be transported unloaded and in
2 a locked container.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(C) A violation of subdivision (b) involving the delivery of a pistol, revolver, or other firearm capable of 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.

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

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

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

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

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

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

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

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

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

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

30 12073. (a) As required by the Department of Justice,
31 every dealer shall keep a register or record of electronic
32 or telephonic transfer in which shall be entered the
33 information prescribed in Section 12077.

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

36 (1) The delivery, sale, or transfer of an unloaded
37 firearm that is not a pistol, revolver, or other firearm
38 capable of being concealed upon the person by a dealer
39 to another dealer upon proof that the person receiving
40 the firearm is licensed pursuant to Section 12071.

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

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

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

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

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

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

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

38 (9) The delivery, sale, or transfer of an unloaded
39 firearm by a person licensed pursuant to Section 12071, to
40 an authorized representative of a city, city and county,

1 county, the state, or the federal government for those
2 governmental agencies where the government entity is
3 acquiring the weapon as part of an authorized, voluntary
4 program where the entity is buying or receiving weapons
5 from a private individual, or a person licensed pursuant
6 to Section 12071.

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

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

10 12076. (a) (1) Before January 1, 1998, the
11 department shall determine the method by which a
12 dealer shall submit firearm purchaser information to the
13 department and the information shall be in one of the
14 following formats:

15 (A) Submission of the register described in Section
16 12077.

17 (B) Electronic or telephonic transfer of the
18 information contained in the register described in
19 Section 12077.

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

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

38 (2) The original of the register shall be retained by the
39 dealer in consecutive order. Each book of 50 originals
40 shall become the permanent register of transactions that

1 shall be retained for not less than three years from the
2 date of the last transaction and shall be available for the
3 inspection of any peace officer, Department of Justice
4 employee designated by the Attorney General, or agent
5 of the federal Bureau of Alcohol, Tobacco, and Firearms
6 upon the presentation of proper identification, but no
7 information shall be compiled therefrom regarding the
8 purchasers or other transferees of firearms that are not
9 pistols, revolvers, or other firearms capable of being
10 concealed upon the person.

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

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

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

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

35 (2) The record of applicant information shall be
36 transmitted to the Department of Justice in Sacramento
37 by electronic or telephonic transfer on the date of the
38 application to purchase.

39 (3) The original of each record of electronic or
40 telephonic transfer shall be retained by the dealer in



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

13 (4) If requested, a copy of the record of electronic or
14 telephonic transfer shall be provided to the purchaser by
15 the dealer.

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

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

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

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

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

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



(e), or both, as appropriate, and if notification by the department is received by the dealer at any time prior to delivery of the firearm to be purchased, the dealer shall withhold delivery until the conclusion of the waiting period described in Sections 12071 and 12072.

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

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

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

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

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

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

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

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

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

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

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

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

36 (f) (1) The Department of Justice may charge a fee
37 sufficient to reimburse it for each of the following but not
38 to exceed fourteen dollars (\$14), except that the fee may
39 be increased at a rate not to exceed any increase in the
40 California Consumer Price Index as compiled and

1 reported by the California Department of Industrial
2 Relations:

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

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

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

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

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

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

31 *(E) For the actual costs associated with all of the*
32 *following:*

33 *(i) The development of a system to report information*
34 *pursuant to paragraph (20) of subdivision (b) of Section*
35 *12071.*

36 *(ii) The administration of a system to report*
37 *information pursuant to paragraph (20) of subdivision*
38 *(b) of Section 12071.*

39 *(iii) The system to report information pursuant to*
40 *paragraph (20) of subdivision (b) of Section 12071.*

1 (F) For the actual costs associated with all of the
2 following:

3 (i) The development of a system to report information
4 pursuant to paragraph (8) of subdivision (d) of Section
5 12084.

6 (ii) The administration of a system to report
7 information pursuant to paragraph (8) of subdivision (d)
8 of Section 12084.

9 (iii) The system to report information pursuant to
10 paragraph (8) of subdivision (d) of Section 12084.

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

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

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

30 (h) Where the electronic or telephonic transfer of
31 applicant information is used, the department shall
32 establish a system to be used for the submission of the fees
33 described in subdivision (e) to the department.

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

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

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

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

1 of the agency by which the purchaser or transferee is
2 employed, identifying the purchaser or transferee as a
3 peace officer who is authorized to carry firearms while in
4 the performance of his or her duties, and authorizing the
5 purchase or transfer. The certification shall be delivered
6 to the dealer or local law enforcement agency acting
7 pursuant to Section 12084 at the time of purchase or
8 transfer and the purchaser or transferee shall identify
9 himself or herself as the person authorized in the
10 certification. The dealer or local law enforcement agency
11 shall keep the certification with the record of sale, or
12 LEFT, as the case may be. On the date that the delivery,
13 sale, or transfer is made, the dealer delivering the firearm
14 or the law enforcement agency processing the
15 transaction pursuant to Section 12084 shall forward by
16 prepaid mail to the Department of Justice a report of the
17 transaction pursuant to subdivision (b) or (c) of Section
18 12077 or Section 12084. If electronic or telephonic transfer
19 of applicant information is used, on the date that the
20 application to purchase is completed, the dealer
21 delivering the firearm shall transmit to the Department
22 of Justice an electronic or telephonic report of the
23 transaction as is indicated in subdivision (b) or (c) of
24 Section 12077.

25 (2) The preceding provisions of this article do not
26 apply to deliveries, transfers, or sales of firearms made to
27 authorized law enforcement representatives of cities,
28 counties, cities and counties, or state or federal
29 governments for exclusive use by those governmental
30 agencies if, prior to the delivery, transfer, or sale of these
31 firearms, written authorization from the head of the
32 agency authorizing the transaction is presented to the
33 person from whom the purchase, delivery, or transfer is
34 being made. Proper written authorization is defined as
35 verifiable written certification from the head of the
36 agency by which the purchaser or transferee is employed,
37 identifying the employee as an individual authorized to
38 conduct the transaction, and authorizing the transaction
39 for the exclusive use of the agency by which he or she is
40 employed. Within 10 days of the date a pistol, revolver, or

1 other firearm capable of being concealed upon the
2 person is acquired by the agency, a record of the same
3 shall be entered as an institutional weapon into the
4 Automated Firearms System (AFS) via the California
5 Law Enforcement Telecommunications System
6 (CLETS) by the law enforcement or state agency. Those
7 agencies without access to AFS shall arrange with the
8 sheriff of the county in which the agency is located to
9 input this information via this system.

10 (3) The preceding provisions of this article do not
11 apply to the loan of a firearm made by an authorized law
12 enforcement representative of a city, county, or city and
13 county, or the state or federal government to a peace
14 officer employed by that agency and authorized to carry
15 a firearm for the carrying and use of that firearm by that
16 peace officer in the course and scope of his or her duties.

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

35 (5) The preceding provisions of this article do not
36 apply to the delivery, sale, or transfer of a firearm by a law
37 enforcement agency to a retiring peace officer who is
38 authorized to carry a firearm pursuant to Section 12027.1.
39 Within 10 days of the date that a pistol, revolver, or other
40 firearm capable of being concealed upon the person is



1 sold, delivered, or transferred to that retiring peace
2 officer, the name of the officer and the make, model,
3 serial number, and other identifying characteristics of the
4 firearm being sold, transferred, or delivered shall be
5 entered into the Automated Firearms System (AFS) via
6 the California Law Enforcement Telecommunications
7 System (CLETS) by the law enforcement or state agency
8 that sold, transferred, or delivered the firearm. Those
9 agencies without access to AFS shall arrange with the
10 sheriff of the county in which the agency is located to
11 input this information via this system.

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

22 (7) (A) The preceding provisions of this article do not
23 apply to the acquisition of, receipt of, or disposition of a
24 firearm by a duly authorized peace officer while
25 investigating violations of law in performance of his or her
26 official duties so long as that peace officer complies with
27 subparagraph (C).

28 (B) The preceding provisions of this article do not
29 apply to the acquisition of, receipt of or disposition of a
30 firearm by any person working under the immediate
31 direction, supervision, or instruction of a duly authorized
32 peace officer investigating violations of law in
33 performance of his or her official duties so long as that
34 person turns over the firearm as soon as practicable to the
35 peace officer.

36 (C) Unless the employing agency's regulations set a
37 shorter period of time, within 24 hours of a peace officer
38 coming into possession of a firearm pursuant to
39 subparagraph (A), the officer shall cause that firearm to
40 be delivered to his or her employing agency, unless that



1 officer must by law immediately return the same to the
2 person who he or she took the firearm from.

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

6 (E) All firearms acquired by a law enforcement
7 agency pursuant to this paragraph shall be disposed of
8 pursuant to the applicable provisions of Section 12028,
9 12028.5, 12030, or 12032.

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

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

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

18 (9) Subdivision (d) of Section 12072 shall not apply to
19 the sale, loan, delivery, or transfer of a firearm made by
20 an authorized law enforcement representative of a city,
21 county, city and county, or state or federal government
22 to any public or private nonprofit historical society,
23 museum, or institutional collection if all of the following
24 conditions are met:

25 (A) The entity receiving the firearm is open to the
26 public.

27 (B) The firearm prior to delivery is deactivated or
28 rendered inoperable.

29 (C) The firearm is not required by other provisions of
30 law to be dealt with as provided in Section 12028, 12028.5,
31 12030, or 12032.

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

34 (E) Prior to delivery, the entity receiving the firearm
35 agrees in writing that the firearm will not be restored to
36 operating condition, and will either remain with that
37 entity, or if subsequently disposed of, will be transferred,
38 in accordance with the provisions of this article.

39 (F) Within 10 days of the date that the firearm is sold,
40 delivered, or transferred to that entity, if the firearm is a

1 pistol, revolver, or other firearm capable of being
2 concealed upon the person, the name of the agency
3 delivering the firearm, and the make, model, serial
4 number, and other identifying characteristics of the
5 firearm being sold, transferred, or delivered shall be
6 entered into the Automated Firearms System (AFS) via
7 the California Law Enforcement Telecommunications
8 System (CLETS) by the law enforcement or state agency
9 that sold, transferred, or delivered the firearm. Those
10 agencies without access to AFS shall arrange with the
11 sheriff of the county in which the agency is located to
12 input this information into that system.

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

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

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

23 (C) Prior to delivery, the entity receiving the firearm
24 agrees in writing that the firearm will not be restored to
25 operating condition, and will either remain with that
26 entity, or if subsequently disposed of, will be transferred,
27 in accordance with the provisions of this article.

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



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

(A) Prior to the delivery, transfer, or sale of these firearms, written authorization from the head of the agency authorizing the transaction is presented to the wholesaler. Proper written authorization is defined as verifiable written certification from the head of the agency that employs the purchaser or transferee, identifying the employee as an individual authorized to conduct the transaction.

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

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

(D) If the firearm is a pistol, revolver, or other firearm capable of being concealed upon the person, within 10 days of the date that the firearm is sold, exchanged, returned, transferred, or delivered to that wholesaler, the name of the wholesaler, and the make, model, serial number, and other identifying characteristics of the firearm being sold, transferred, or delivered shall be entered into the Automated Firearms System (AFS) via the California Law Enforcement Telecommunications System (CLETS) by the law enforcement or state agency that sold, transferred, returned, exchanged, or delivered the firearm. Those agencies without access to AFS shall arrange with the sheriff of the county in which the agency is located to input this information into this system. A record of the same shall be entered into the Automated Firearms System (AFS) via the California Law Enforcement Telecommunications System (CLETS) by the law enforcement or state agency. Those agencies

1 without access to AFS shall arrange with the sheriff of the
2 county in which the agency is located to input this
3 information into this system.

4 (E) The transaction complies with Chapter 44
5 (commencing with Section 921) of Title 18 of the United
6 States Code and the regulations issued pursuant to that
7 chapter.

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

30 (B) In any case where a law enforcement agency
31 destroys any pistol, revolver, or other firearm capable of
32 being concealed upon the person that is not a nuisance
33 weapon subject to the provisions of Section 12028, 12028.5,
34 12030, or 12032, within 10 days of the same shall notify the
35 department of the same. This notification shall consist of
36 a complete description of each firearm, including the
37 name of the manufacturer or brand name, model, caliber,
38 and serial number. That information shall be entered into
39 the Automated Firearms System (AFS) via the California
40 Law Enforcement Telecommunications System



(CLETS) by the law enforcement or state agency that destroyed the firearm. Those agencies without access to AFS shall arrange with the sheriff of the county in which the agency is located to input this information via CLETS.

(b) Section 12071 and subdivisions (c) and (d) of Section 12072 shall not apply to deliveries, sales, or transfers of firearms between or to importers and manufacturers of firearms licensed to engage in that business pursuant to Chapter 44 (commencing with Section 921) of Title 18 of the United States Code and the regulations issued pursuant thereto.

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

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

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

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

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

(A) Parent and child.

1 (B) Grandparent and grandchild.

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

6 (e) Section 12071 and subdivisions (c) and (d) of
7 Section 12072 shall not apply to the delivery of a firearm
8 to a gunsmith for service or repair or the return of a
9 firearm to its owner by a gunsmith who has serviced or
10 repaired that firearm.

11 (f) Subdivision (d) of Section 12072 shall not apply to
12 the sale, delivery, or transfer of firearms by persons who
13 reside in this state to persons who reside outside this state
14 who are licensed pursuant to Chapter 44 (commencing
15 with Section 921) of Title 18 of the United States Code and
16 the regulations issued pursuant thereto, if the sale,
17 delivery, or transfer is in accordance with Chapter 44
18 (commencing with Section 921) of Title 18 of the United
19 States Code and the regulations issued pursuant thereto.

20 (g) (1) Subdivision (d) of Section 12072 shall not
21 apply to the infrequent sale or transfer of a firearm, other
22 than a pistol, revolver, or other firearm capable of being
23 concealed upon the person, at auctions or similar events
24 conducted by nonprofit mutual or public benefit
25 corporations organized pursuant to the Corporations
26 Code.

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

38 (2) Subdivision (d) of Section 12072 shall not apply to
39 the transfer of a firearm other than a pistol, revolver, or
40 other firearm capable of being concealed upon the



1 person, if the firearm is donated for an auction or similar
2 event described in paragraph (1) and the firearm is
3 delivered to the nonprofit corporation immediately
4 preceding, or contemporaneous with, the auction or
5 similar event.

6 (3) The waiting period described in Sections 12071 and
7 12072 shall not apply to a dealer who delivers a firearm
8 other than a pistol, revolver, or other firearm capable of
9 being concealed upon the person, at an auction or similar
10 event described in paragraph (1), as authorized by
11 subparagraph (C) of paragraph (1) of subdivision (b) of
12 Section 12071. Within two business days of completion of
13 the application to purchase, the dealer shall forward by
14 prepaid mail to the Department of Justice a report of the
15 same as is indicated in subdivision (c) of Section 12077. If
16 the electronic or telephonic transfer of applicant
17 information is used, within two business days of
18 completion of the application to purchase, the dealer
19 delivering the firearm shall transmit to the Department
20 of Justice an electronic or telephonic report of the same
21 as is indicated in subdivision (c) of Section 12077.

22 (h) (1) Subdivision (d) of Section 12072 shall not
23 apply to 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 that holds a business or regulatory license or on the
26 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 (2) Subdivision (d) of Section 12072 shall not apply to
33 the loan of a firearm made by a licensed private
34 investigator licensed pursuant to Chapter 11.3
35 (commencing with Section 7512) of Division 3 of the
36 Business and Professions Code to an employee thereof
37 who has a permit or license to carry a firearm issued to
38 him or her by the Department of Consumer Affairs to
39 carry a firearm in the course and scope of his or her
40 employment.



(3) Subdivision (d) of Section 12072 shall not apply to the loan of a firearm made by a private patrol operator licensed pursuant to Chapter 11.5 (commencing with Section 7580) of Division 3 of the Business and Professions Code to an employee thereof who has a permit or license to carry a firearm issued to him or her by the Department of Consumer Affairs to carry a firearm in the course and scope of his or her employment.

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

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

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

(A) If the person taking title or possession is neither a levying officer as defined in Section 481.140, 511.060, or 680.210 of the Code of Civil Procedure, nor a person who is receiving that firearm pursuant to subparagraph (G), (I), or (J) of paragraph (2) of subdivision (u), the person shall, within 30 days of taking possession, forward by prepaid mail or deliver in person to the Department of Justice, a report of information concerning the individual taking possession of the firearm, how title or possession was obtained and from whom, and a description of the

1 firearm in question. The reports that individuals
2 complete pursuant to this paragraph shall be provided to
3 them by the department.

4 (B) If the person taking title or possession is receiving
5 the firearm pursuant to subparagraph (G) of paragraph
6 (2) of subdivision (u), the person shall do both of the
7 following:

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

16 (ii) Prior to taking possession of the firearm, the
17 person shall either obtain a basic firearms safety
18 certificate or be exempt from obtaining a basic firearms
19 safety certificate pursuant to Section 12081.

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

37 (D) Where the person receiving title or possession of
38 the pistol, revolver, or other firearm capable of being
39 concealed upon the person is a person described in
40 subparagraph (J) of paragraph (2) of subdivision (u), on

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

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

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

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

34 (1) The delivery, sale, or transfer of unloaded firearms
35 that are not pistols, revolvers, or other firearms capable
36 of being concealed upon the person by a dealer to another
37 dealer upon proof that the person receiving the firearm
38 is licensed pursuant to Section 12071.

39 (2) The delivery, sale, or transfer of unloaded firearms
40 by dealers to persons who reside outside this state who are

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

4 (3) The delivery, sale, or transfer of unloaded firearms
5 to a wholesaler if the firearms are being returned to the
6 wholesaler and are intended as merchandise in the
7 wholesaler's business.

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

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

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

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

37 (m) Subdivision (d) of Section 12072 shall not apply to
38 the delivery, sale, or transfer of unloaded firearms to a
39 wholesaler as merchandise in the wholesaler's business by
40 manufacturers or importers licensed to engage in that

1 business pursuant to Chapter 44 (commencing with
2 Section 921) of Title 18 of the United States Code and the
3 regulations issued pursuant thereto, or by another
4 wholesaler, if the delivery, sale, or transfer is made in
5 accordance with Chapter 44 (commencing with Section
6 921) of Title 18 of the United States Code.

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

12 (A) The dealer is delivering the firearm to another
13 dealer and it is not intended as merchandise in the
14 receiving dealer's business.

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

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

20 (A) If the dealer is receiving the firearm from another
21 dealer, the dealer receiving the firearm shall present
22 proof to the dealer delivering the firearm that he or she
23 is licensed pursuant to Section 12071.

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

38 (o) Section 12071 and subdivisions (c) and (d) of
39 Section 12072 shall not apply to the delivery, sale, or
40 transfer of firearms regulated pursuant to Section 12020,



Chapter 2 (commencing with Section 12200), or Chapter 2.3 (commencing with Section 12275), if the delivery, sale, or transfer is conducted in accordance with the applicable provisions of Section 12020, Chapter 2 (commencing with Section 12200), or Chapter 2.3 (commencing with Section 12275).

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

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

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

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

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

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

(3) Paragraph (3) of subdivision (a) and subdivision (d) of Section 12072 shall not apply to the loan of a pistol, revolver, or other firearm capable of being concealed upon the person to a minor by his or her parent or legal guardian if both of the following circumstances exist:

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

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

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

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

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

(r) The waiting period described in Section 12071, 12072, or 12084 shall not apply to the delivery, sale, or transfer of a firearm to the holder of a special weapons

1 permit issued by the Department of Justice issued
2 pursuant to Section 12095, 12230, 12250, or 12305. On the
3 date that the application to purchase is completed, the
4 dealer delivering the firearm or the law enforcement
5 agency processing the transaction pursuant to Section
6 12084, shall forward by prepaid mail to the Department
7 of Justice a report of the same as described in subdivision
8 (b) or (c) of Section 12077 or Section 12084. If the
9 electronic or telephonic transfer of applicant information
10 is used, on the date that the application to purchase is
11 completed, the dealer delivering the firearm shall
12 transmit to the Department of Justice an electronic or
13 telephonic report of the same as is indicated in
14 subdivision (b) or (c) of Section 12077.

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

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

1 of the transaction as is indicated in subdivision (b) or (c)
2 of Section 12077.

3 (2) Subdivision (d) of Section 12072 shall not apply to
4 the infrequent sale, loan, or transfer of a firearm that is
5 not a pistol, revolver, or other firearm capable of being
6 concealed upon the person, which is a curio or relic
7 manufactured at least 50 years prior to the current date,
8 but not including replicas thereof, as defined in Section
9 178.11 of Title 27 of the Code of Federal Regulations.

10 (u) As used in this section:

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

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

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

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

23 (C) A levying officer, as defined in Section 481.140,
24 511.060, or 680.260 of the Code of Civil Procedure.

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

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

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

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

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

37 (I) Firearms received by the family of a police officer
38 or deputy sheriff from a local agency pursuant to Section
39 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 pursuant to Article 1 (commencing with Section 2080) of Chapter 4 of Division 3 of the Civil Code.

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.

1 (2) The department shall prescribe the form of the
2 LEFT. It shall be in the same exact format set forth in
3 Sections 12077 and 12082, with the same distinct formats
4 for firearms that are pistols, revolvers, and other firearms
5 capable of being concealed upon the person and for
6 firearms that are not pistols, revolvers, and other firearms
7 capable of being concealed upon the person, except that,
8 instead of the listing of information concerning a dealer,
9 the LEFT shall contain the name, telephone number, and
10 address of the law enforcement agency.

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

20 (4) Ink shall be used to complete each LEFT. The
21 agency shall ensure that all information is provided
22 legibly. The purchaser and seller shall be informed that
23 incomplete or illegible information delays purchases.

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

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

35 (d) The following procedures shall be followed in
36 processing the purchase:

37 (1) Without waiting for the conclusion of any waiting
38 period to elapse, the seller shall immediately deliver the
39 firearm to the agency solely to complete the LEFT. Upon
40 completion of the LEFT, the firearm shall be

1 immediately returned by the agency to the seller without
2 waiting for the waiting period to elapse.

3 (2) The purchaser shall be required to present clear
4 evidence of his or her identity and age, as defined in
5 Section 12071, to the agency. The agency shall require the
6 purchaser to complete the original and one copy of the
7 LEFT. An employee of the agency shall then affix his or
8 her signature as a witness to the signature and
9 identification of the purchaser.

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

15 (4) The department shall examine its records, as well
16 as those records that it is authorized to request from the
17 State Department of Mental Health pursuant to Section
18 8104 of the Welfare and Institutions Code, in order to
19 determine if the purchaser is a person described in
20 Section 12021 or 12021.1 of this code or Section 8100 or
21 8103 of the Welfare and Institutions Code.

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

1 (6) (A) The agency may charge a fee, not to exceed
2 actual cost, sufficient to reimburse the agency for
3 processing the transfer.

4 (B) The department may charge a fee, not to exceed
5 actual cost, sufficient to reimburse the department for
6 providing the information. The department shall charge
7 the same fee that it would charge a dealer pursuant to
8 Section 12082.

9 (7) The firearm shall not be delivered to the purchaser
10 as follows:

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

34 (B) Unless unloaded.

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

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



1 (E) Whenever the agency is notified by the
2 department that the person is in a prohibited class
3 described in Section 12021 or 12021.1, or Section 8100 or
4 8103 of the Welfare and Institutions Code.

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

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

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

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

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

27 (e) The action of a law enforcement agency acting
28 pursuant to Section 12084 shall be deemed to be a
29 discretionary act within the meaning of the California
30 Tort Claims Act pursuant to Division 3.6 (commencing
31 with Section 810) of Title 1 of the Government Code.

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

39 (g) Any person furnishing a fictitious name or address
40 or knowingly furnishing any incorrect information or

1 knowingly omitting any information required to be
2 provided for the LEFT is guilty of a misdemeanor.

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

6 SEC. 12. Chapter 1180 of the Statutes of 1988 shall be
7 known, and may be cited as, the Klehs Safe and
8 Responsible Firearms Transfer Act of 1988.

9 SEC. 13. Chapter 462 of the Statutes of 1997 shall be
10 known as, and may be cited as, the
11 Shelley-Alpert-Ducheny Pistol-Revolver Registration
12 Parity Act of 1997.

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

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

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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