

**Introduced by Senator Hayden**

December 22, 1998

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An act to add Section 12071.05 to the Penal Code, relating to firearms.

LEGISLATIVE COUNSEL'S DIGEST

SB 130, as introduced, Hayden. Firearms: firearm use-limitation devices.

Existing law prohibits a licensed firearms dealer from, among other things, delivering a firearm to a purchaser or transferee unless the firearm is unloaded and securely wrapped or unloaded and in a locked container, the purchaser, transferee, or person being loaned the firearm presents to the dealer a basic firearms safety certificate and clear evidence of his or her identity and age, and specified waiting periods are satisfied. A violation of these provisions is punishable as a misdemeanor or a felony, and is a basis for which the dealer's license is subject to forfeiture.

This bill would, commencing July 1, 2000, require any firearm that is sold or transferred by a licensed firearms dealer to include or be accompanied by a firearm use-limitation device, as defined, appropriate for that firearm, if the firearm use-limitation devices are commercially available. This bill would make any violation of those provisions punishable by a fine of not less than \$250, and not exceeding \$1,000. By creating a new crime, the bill would impose a state-mandated local program.

This bill would declare that the provisions of the bill do not alter the responsibilities of firearm manufacturers at common

law. This bill also would declare the provisions of the bill do not prohibit any local ordinance which places more stringent requirements upon firearms dealers regarding firearm use-limitation devices.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

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 12071.05 is added to the Penal  
2 Code, to read:

3 12071.05. (a) Commencing July 1, 2000, any firearm  
4 sold or transferred by a person licensed under Section  
5 12071 shall include or be accompanied by a firearm  
6 use-limitation device appropriate for that firearm, if the  
7 firearm use-limitation devices are commercially  
8 available.

9 (b) For the purposes of this section, "firearm  
10 use-limitation device" means a safety mechanism that is  
11 designed to hinder the use of a firearm by unauthorized  
12 users, and includes, but is not limited to, trigger locks,  
13 combination handle locks, gun safes, and solenoid  
14 use-limitation devices. Firearm use-limitation devices  
15 shall meet the following conditions:

16 (1) Be reusable.

17 (2) Require, except in the case of a gun safe, (A) a  
18 series of multiple motions in order to fire the firearm, in  
19 addition to the release of a safety catch and the  
20 movement of a trigger; or (B) a detachable part, such as  
21 a key or an electronic signal transmitter, be placed in or  
22 near the firearm use-limitation device in order to remove  
23 or disable it; or (C) a combination of no less than three  
24 numbers, or letters of the alphabet, which combination



1 must be set on the firearm use-limitation device before  
2 the firearm can be operated.

3 (c) Each violation of this section is punishable by a fine  
4 of not less than two hundred fifty dollars (\$250) and not  
5 exceeding one thousand dollars (\$1,000).

6 (d) Nothing in this section shall alter the  
7 responsibilities of firearm manufacturers at common law.

8 (e) Nothing in this section shall require or prohibit any  
9 local ordinance which places more stringent  
10 requirements upon firearms dealers regarding firearm  
11 use-limitation devices.

12 (f) Nothing in this section shall be construed to amend  
13 Section 53071 of the Government Code.

14 SEC. 2. No reimbursement is required by this act  
15 pursuant to Section 6 of Article XIII B of the California  
16 Constitution because the only costs that may be incurred  
17 by a local agency or school district will be incurred  
18 because this act creates a new crime or infraction,  
19 eliminates a crime or infraction, or changes the penalty  
20 for a crime or infraction, within the meaning of Section  
21 17556 of the Government Code, or changes the definition  
22 of a crime within the meaning of Section 6 of Article  
23 XIII B of the California Constitution.

24 Notwithstanding Section 17580 of the Government  
25 Code, unless otherwise specified, the provisions of this act  
26 shall become operative on the same date that the act  
27 takes effect pursuant to the California Constitution.

