

AMENDED IN ASSEMBLY APRIL 6, 2010

CALIFORNIA LEGISLATURE—2009—10 REGULAR SESSION

ASSEMBLY BILL

No. 1934

Introduced by Assembly Member Saldana

February 17, 2010

An act to amend ~~Section 12075~~ of Sections 7574.14 and 7582.2 of the Business and Professions Code, and to amend Sections 626.9, 12001, 12025, 12026, 12026.2, and 12590 of, and to add Section 12037 to, the Penal Code, relating to firearms.

LEGISLATIVE COUNSEL'S DIGEST

AB 1934, as amended, Saldana. Firearms.

Existing law, subject to exceptions, makes it an offense to carry a concealed handgun on the person or in a vehicle, as specified. Existing law provides that firearms carried openly in belt holsters are not concealed within the meaning of those provisions.

This bill would delete the exception pertaining to firearms carried openly in belt holsters. The bill would also establish an exemption to the offense for transportation of a firearm by members of specified organizations going directly to or from official parade duty or ceremonial occasions, as specified.

By expanding the scope of an existing offense, this bill would impose a state-mandated local program.

Existing law, subject to exceptions, makes it an offense to carry a loaded firearm in specified public areas.

The bill would, subject to exceptions, make it a misdemeanor, punishable as specified, to openly carry an unloaded handgun on the person in specified public areas.

By creating a new offense, this bill would impose a state-mandated local program.

The bill would make conforming and nonsubstantive technical changes.

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.

~~Existing law generally regulates firearms transfers, including the use of a register in connection with sales, as specified.~~

~~This bill would make a technical, nonsubstantive change to those provisions.~~

Vote: majority. Appropriation: no. Fiscal committee: ~~no~~-yes.
State-mandated local program: ~~no~~-yes.

The people of the State of California do enact as follows:

- 1 SECTION 1. Section 7574.14 of the Business and Professions
- 2 Code is amended to read:
- 3 7574.14. This chapter shall not apply to the following:
- 4 (a) An officer or employee of the United States of America, or
- 5 of this state or a political subdivision thereof, while the officer or
- 6 employee is engaged in the performance of his or her official
- 7 duties, including uniformed peace officers employed part time by
- 8 a public agency pursuant to a written agreement between a chief
- 9 of police or sheriff and the public agency, provided the part-time
- 10 employment does not exceed 50 hours in any calendar month.
- 11 (b) A person engaged exclusively in the business of obtaining
- 12 and furnishing information as to the financial rating of persons.
- 13 (c) A charitable philanthropic society or association incorporated
- 14 under the laws of this state that is organized and duly maintained
- 15 for the public good and not for private profit.
- 16 (d) Patrol special police officers appointed by the police
- 17 commission of any city, county, or city and county under the
- 18 express terms of its charter who also under the express terms of
- 19 the charter (1) are subject to suspension or dismissal after a hearing
- 20 on charges duly filed with the commission after a fair and impartial
- 21 trial, (2) must be not less than 18 years of age nor more than 40

1 years of age, (3) must possess physical qualifications prescribed
2 by the commission, and (4) are designated by the police
3 commission as the owners of a certain beat or territory as may be
4 fixed from time to time by the police commission.

5 (e) An attorney at law in performing his or her duties as an
6 attorney at law.

7 (f) A collection agency or an employee thereof while acting
8 within the scope of his or her employment, while making an
9 investigation incidental to the business of the agency, including
10 an investigation of the location of a debtor or his or her property
11 where the contract with an assignor creditor is for the collection
12 of claims owed or due or asserted to be owed or due or the
13 equivalent thereof.

14 (g) Admitted insurers and agents and insurance brokers licensed
15 by the state, performing duties in connection with insurance
16 transacted by them.

17 (h) Any bank subject to the jurisdiction of the Commissioner
18 of Financial Institutions of the State of California under Division
19 1 (commencing with Section 99) of the Financial Code or the
20 Comptroller of Currency of the United States.

21 (i) A person engaged solely in the business of securing
22 information about persons or property from public records.

23 (j) A peace officer of this state or a political subdivision thereof
24 while the peace officer is employed by a private employer to
25 engage in off-duty employment in accordance with Section 1126
26 of the Government Code. However, nothing herein shall exempt
27 such a peace officer who either contracts for his or her services or
28 the services of others as a private patrol operator or contracts for
29 his or her services as or is employed as an armed private security
30 officer. For purposes of this subdivision, "armed security officer"
31 means an individual who carries or uses a firearm in the course
32 and scope of that contract or employment.

33 (k) A retired peace officer of the state or political subdivision
34 thereof when the retired peace officer is employed by a private
35 employer in employment approved by the chief law enforcement
36 officer of the jurisdiction where the employment takes place,
37 provided that the retired officer is in a uniform of a public law
38 enforcement agency, has registered with the bureau on a form
39 approved by the director, and has met any training requirements
40 or their equivalent as established for security personnel under

1 Section 7583.5. This officer may not carry *an unloaded and*
2 *exposed handgun unless exempted by Section 12037 of the Penal*
3 *Code, or a loaded or concealed firearm unless he or she is exempted*
4 *under the provisions of subdivision (a) of Section 12027 of the*
5 *Penal Code or paragraph (1) of subdivision (b) of Section 12031*
6 *of the Penal Code or has met the requirements set forth in Section*
7 *12033 of the Penal Code. However, nothing herein shall exempt*
8 *the retired peace officer who contracts for his or her services or*
9 *the services of others as a private patrol operator.*

10 (l) A licensed insurance adjuster in performing his or her duties
11 within the scope of his or her license as an insurance adjuster.

12 (m) Any savings association subject to the jurisdiction of the
13 Commissioner of Financial Institutions or the Office of Thrift
14 Supervision.

15 (n) Any secured creditor engaged in the repossession of the
16 creditor's collateral and any lessor engaged in the repossession of
17 leased property in which it claims an interest.

18 (o) A peace officer in his or her official police uniform acting
19 in accordance with subdivisions (c) and (d) of Section 70 of the
20 Penal Code.

21 (p) An unarmed, uniformed security person employed
22 exclusively and regularly by a motion picture studio facility
23 employer who does not provide contract security services for other
24 entities or persons in connection with the affairs of that employer
25 only and where there exists an employer-employee relationship if
26 that person at no time carries or uses any deadly weapon, as defined
27 in subdivision (a), in the performance of his or her duties, which
28 may include, but are not limited to, the following business
29 purposes:

30 (1) The screening and monitoring access of employees of the
31 same employer.

32 (2) The screening and monitoring access of prearranged and
33 preauthorized invited guests.

34 (3) The screening and monitoring of vendors and suppliers.

35 (4) Patrolling the private property facilities for the safety and
36 welfare of all who have been legitimately authorized to have access
37 to the facility.

38 (q) An armored contract carrier operating armored vehicles
39 pursuant to the authority of the Department of the California

1 Highway Patrol or the Public Utilities Commission, or an armored
2 vehicle guard employed by an armored contract carrier.

3 *SEC. 2. Section 7582.2 of the Business and Professions Code*
4 *is amended to read:*

5 7582.2. This chapter does not apply to the following:

6 (a) A person who does not meet the requirements to be a
7 proprietary private security officer, as defined in Section 7574.1,
8 and is employed exclusively and regularly by any employer who
9 does not provide contract security services for other entities or
10 persons, in connection with the affairs of the employer only and
11 where there exists an employer-employee relationship if that person
12 at no time carries or uses any deadly weapon in the performance
13 of his or her duties. For purposes of this subdivision, “deadly
14 weapon” is defined to include any instrument or weapon of the
15 kind commonly known as a blackjack, slingshot, billy, sandclub,
16 sandbag, metal knuckles, any dirk, dagger, pistol, revolver, or any
17 other firearm, any knife having a blade longer than five inches,
18 any razor with an unguarded blade and any metal pipe or bar used
19 or intended to be used as a club.

20 (b) An officer or employee of the United States of America, or
21 of this state or a political subdivision thereof, while the officer or
22 employee is engaged in the performance of his or her official
23 duties, including uniformed peace officers employed part time by
24 a public agency pursuant to a written agreement between a chief
25 of police or sheriff and the public agency, provided the part-time
26 employment does not exceed 50 hours in any calendar month.

27 (c) A person engaged exclusively in the business of obtaining
28 and furnishing information as to the financial rating of persons.

29 (d) A charitable philanthropic society or association duly
30 incorporated under the laws of this state that is organized and
31 maintained for the public good and not for private profit.

32 (e) Patrol special police officers appointed by the police
33 commission of any city, county, or city and county under the
34 express terms of its charter who also under the express terms of
35 the charter (1) are subject to suspension or dismissal after a hearing
36 on charges duly filed with the commission after a fair and impartial
37 trial, (2) must be not less than 18 years of age nor more than 40
38 years of age, (3) must possess physical qualifications prescribed
39 by the commission, and (4) are designated by the police

1 commission as the owners of a certain beat or territory as may be
2 fixed from time to time by the police commission.

3 (f) An attorney at law in performing his or her duties as an
4 attorney at law.

5 (g) A collection agency or an employee thereof while acting
6 within the scope of his or her employment, while making an
7 investigation incidental to the business of the agency, including
8 an investigation of the location of a debtor or his or her property
9 where the contract with an assignor creditor is for the collection
10 of claims owed or due or asserted to be owed or due or the
11 equivalent thereof.

12 (h) Admitted insurers and agents and insurance brokers licensed
13 by the state, performing duties in connection with insurance
14 transacted by them.

15 (i) Any bank subject to the jurisdiction of the Commissioner of
16 Financial Institutions of the State of California under Division 1
17 (commencing with Section 99) of the Financial Code or the
18 Comptroller of Currency of the United States.

19 (j) A person engaged solely in the business of securing
20 information about persons or property from public records.

21 (k) A peace officer of this state or a political subdivision thereof
22 while the peace officer is employed by a private employer to
23 engage in off-duty employment in accordance with Section 1126
24 of the Government Code. However, nothing herein shall exempt
25 such peace officer who either contracts for his or her services or
26 the services of others as a private patrol operator or contracts for
27 his or her services as or is employed as an armed private security
28 officer. For purposes of this subdivision, "armed security officer"
29 means an individual who carries or uses a firearm in the course
30 and scope of that contract or employment.

31 (l) A retired peace officer of the state or political subdivision
32 thereof when the retired peace officer is employed by a private
33 employer in employment approved by the chief law enforcement
34 officer of the jurisdiction where the employment takes place,
35 provided that the retired officer is in a uniform of a public law
36 enforcement agency, has registered with the bureau on a form
37 approved by the director, and has met any training requirements
38 or their equivalent as established for security personnel under
39 Section 7583.5. This officer may not carry *an unloaded and*
40 *exposed handgun unless exempted by Section 12037 of the Penal*

1 *Code*, or a loaded or concealed firearm unless he or she is exempted
2 under the provisions of subdivision (a) of Section 12027 of the
3 Penal Code or paragraph (1) of subdivision (b) of Section 12031
4 of the Penal Code or has met the requirements set forth in Section
5 12033 of the Penal Code. However, nothing herein shall exempt
6 the retired peace officer who contracts for his or her services or
7 the services of others as a private patrol operator.

8 (m) A licensed insurance adjuster in performing his or her duties
9 within the scope of his or her license as an insurance adjuster.

10 (n) Any savings association subject to the jurisdiction of the
11 Commissioner of Financial Institutions or the Office of Thrift
12 Supervision.

13 (o) Any secured creditor engaged in the repossession of the
14 creditor's collateral and any lessor engaged in the repossession of
15 leased property in which it claims an interest.

16 (p) A peace officer in his or her official police uniform acting
17 in accordance with subdivisions (c) and (d) of Section 70 of the
18 Penal Code.

19 (q) An unarmed, uniformed security person employed
20 exclusively and regularly by a motion picture studio facility
21 employer who does not provide contract security services for other
22 entities or persons in connection with the affairs of that employer
23 only and where there exists an employer-employee relationship if
24 that person at no time carries or uses any deadly weapon, as defined
25 in subdivision (a), in the performance of his or her duties, which
26 may include, but are not limited to, the following business
27 purposes:

28 (1) The screening and monitoring access of employees of the
29 same employer.

30 (2) The screening and monitoring access of prearranged and
31 preauthorized invited guests.

32 (3) The screening and monitoring of vendors and suppliers.

33 (4) Patrolling the private property facilities for the safety and
34 welfare of all who have been legitimately authorized to have access
35 to the facility.

36 (r) The changes made to this section by the act adding this
37 subdivision during the 2005-06 Regular Session of the Legislature
38 shall apply as follows:

39 (1) On and after July 1, 2006, to a person hired as a security
40 officer on and after January 1, 2006.

(2) On and after January 1, 2007, to a person hired as a security officer before January 1, 2006.

SEC. 3. Section 626.9 of the Penal Code is amended to read:

626.9. (a) This section shall be known, and may be cited, as the Gun-Free School Zone Act of 1995.

(b) Any person who possesses a firearm in a place that the person knows, or reasonably should know, is a school zone, as defined in paragraph (1) of subdivision (e), unless it is with the written permission of the school district superintendent, his or her designee, or equivalent school authority, shall be punished as specified in subdivision (f).

(c) Subdivision (b) does not apply to the possession of a firearm under any of the following circumstances:

(1) Within a place of residence or place of business or on private property, if the place of residence, place of business, or private property is not part of the school grounds and the possession of the firearm is otherwise lawful.

(2) When the firearm is an unloaded ~~pistol, revolver, or other firearm capable of being concealed on the person~~ handgun and is in a locked container or within the locked trunk of a motor vehicle.

This section does not prohibit or limit the otherwise lawful transportation of any other firearm, other than a ~~pistol, revolver, or other firearm capable of being concealed on the person~~ handgun, in accordance with state law.

(3) When the person possessing the firearm reasonably believes that he or she is in grave danger because of circumstances forming the basis of a current restraining order issued by a court against another person or persons who has or have been found to pose a threat to his or her life or safety. This subdivision may not apply when the circumstances involve a mutual restraining order issued pursuant to Division 10 (commencing with Section 6200) of the Family Code absent a factual finding of a specific threat to the person's life or safety. Upon a trial for violating subdivision (b), the trier of a fact shall determine whether the defendant was acting out of a reasonable belief that he or she was in grave danger.

(4) When the person is exempt from the prohibition against carrying a concealed firearm pursuant to subdivision (b), (d), (e), or (h) of Section 12027.

(d) Except as provided in subdivision (b), it shall be unlawful for any person, with reckless disregard for the safety of another,

1 to discharge, or attempt to discharge, a firearm in a school zone,
2 as defined in paragraph (1) of subdivision (e).

3 The prohibition contained in this subdivision does not apply to
4 the discharge of a firearm to the extent that the conditions of
5 paragraph (1) of subdivision (c) are satisfied.

6 (e) As used in this section, the following definitions shall apply:

7 (1) "School zone" means an area in, or on the grounds of, a
8 public or private school providing instruction in kindergarten or
9 grades 1 to 12, inclusive, or within a distance of 1,000 feet from
10 the grounds of the public or private school.

11 (2) "Firearm" has the same meaning as that term is given in
12 Section 12001.

13 (3) "Locked container" has the same meaning as that term is
14 given in subdivision (c) of Section 12026.1.

15 (4) "Concealed firearm" has the same meaning as that term is
16 given in Sections 12025 and 12026.1.

17 (f) (1) Any person who violates subdivision (b) by possessing
18 a firearm in, or on the grounds of, a public or private school
19 providing instruction in kindergarten or grades 1 to 12, inclusive,
20 shall be punished by imprisonment in the state prison for two,
21 three, or five years.

22 (2) Any person who violates subdivision (b) by possessing a
23 firearm within a distance of 1,000 feet from the grounds of a public
24 or private school providing instruction in kindergarten or grades
25 1 to 12, inclusive, shall be punished as follows:

26 (A) By imprisonment in the state prison for two, three, or five
27 years, if any of the following circumstances apply:

28 (i) If the person previously has been convicted of any felony,
29 or of any crime made punishable by Chapter 1 (commencing with
30 Section 12000) of Title 2 of Part 4.

31 (ii) If the person is within a class of persons prohibited from
32 possessing or acquiring a firearm pursuant to Section 12021 or
33 12021.1 of this code or Section 8100 or 8103 of the Welfare and
34 Institutions Code.

35 (iii) If the firearm is any ~~pistol, revolver, or other firearm capable~~
36 ~~of being concealed upon the person~~ *handgun* and the offense is
37 punished as a felony pursuant to Section 12025.

38 (B) By imprisonment in a county jail for not more than one year
39 or by imprisonment in the state prison for two, three, or five years,
40 in all cases other than those specified in subparagraph (A).

(3) Any person who violates subdivision (d) shall be punished by imprisonment in the state prison for three, five, or seven years.

(g) (1) Every person convicted under this section for a misdemeanor violation of subdivision (b) who has been convicted previously of a misdemeanor offense enumerated in Section 12001.6 shall be punished by imprisonment in a county jail for not less than three months, or if probation is granted or if the execution or imposition of sentence is suspended, it shall be a condition thereof that he or she be imprisoned in a county jail for not less than three months.

(2) Every person convicted under this section of a felony violation of subdivision (b) or (d) who has been convicted previously of a misdemeanor offense enumerated in Section 12001.6, if probation is granted or if the execution of sentence is suspended, it shall be a condition thereof that he or she be imprisoned in a county jail for not less than three months.

(3) Every person convicted under this section for a felony violation of subdivision (b) or (d) who has been convicted previously of any felony, or of any crime made punishable by Chapter 1 (commencing with Section 12000) of Title 2 of Part 4, if probation is granted or if the execution or imposition of sentence is suspended, it shall be a condition thereof that he or she be imprisoned in a county jail for not less than three months.

(4) The court shall apply the three-month minimum sentence specified in this subdivision, except in unusual cases where the interests of justice would best be served by granting probation or suspending the execution or imposition of sentence without the minimum imprisonment required in this subdivision or by granting probation or suspending the execution or imposition of sentence with conditions other than those set forth in this subdivision, in which case the court shall specify on the record and shall enter on the minutes the circumstances indicating that the interests of justice would best be served by this disposition.

(h) Notwithstanding Section 12026, any person who brings or possesses a loaded firearm upon the grounds of a campus of, or buildings owned or operated for student housing, teaching, research, or administration by, a public or private university or college, that are contiguous or are clearly marked university property, unless it is with the written permission of the university or college president, his or her designee, or equivalent university

1 or college authority, shall be punished by imprisonment in the state
2 prison for two, three, or four years. Notwithstanding subdivision
3 (k), a university or college shall post a prominent notice at primary
4 entrances on noncontiguous property stating that firearms are
5 prohibited on that property pursuant to this subdivision.

6 (i) Notwithstanding Section 12026, any person who brings or
7 possesses a firearm upon the grounds of a campus of, or buildings
8 owned or operated for student housing, teaching, research, or
9 administration by, a public or private university or college, that
10 are contiguous or are clearly marked university property, unless
11 it is with the written permission of the university or college
12 president, his or her designee, or equivalent university or college
13 authority, shall be punished by imprisonment in the state prison
14 for one, two, or three years. Notwithstanding subdivision (k), a
15 university or college shall post a prominent notice at primary
16 entrances on noncontiguous property stating that firearms are
17 prohibited on that property pursuant to this subdivision.

18 (j) For purposes of this section, a firearm shall be deemed to be
19 loaded when there is an unexpended cartridge or shell, consisting
20 of a case that holds a charge of powder and a bullet or shot, in, or
21 attached in any manner to, the firearm, including, but not limited
22 to, in the firing chamber, magazine, or clip thereof attached to the
23 firearm. A muzzle-loader firearm shall be deemed to be loaded
24 when it is capped or primed and has a powder charge and ball or
25 shot in the barrel or cylinder.

26 (k) This section does not require that notice be posted regarding
27 the proscribed conduct.

28 (l) This section does not apply to a duly appointed peace officer
29 as defined in Chapter 4.5 (commencing with Section 830) of Title
30 3 of Part 2, a full-time paid peace officer of another state or the
31 federal government who is carrying out official duties while in
32 California, any person summoned by any of these officers to assist
33 in making arrests or preserving the peace while he or she is actually
34 engaged in assisting the officer, a member of the military forces
35 of this state or of the United States who is engaged in the
36 performance of his or her duties, a person holding a valid license
37 to carry the firearm pursuant to Article 3 (commencing with Section
38 12050) of Chapter 1 of Title 2 of Part 4, or an armored vehicle
39 guard, engaged in the performance of his or her duties, as defined

1 in subdivision ~~(e)~~ of Section ~~7521~~ (d) of Section 7582.1 of the
2 Business and Professions Code.

3 (m) This section does not apply to a security guard authorized
4 to carry a loaded firearm pursuant to Section 12031 *or to openly*
5 *carry an unloaded handgun pursuant to Section 12037.*

6 (n) This section does not apply to an existing shooting range at
7 a public or private school or university or college campus.

8 (o) This section does not apply to an honorably retired peace
9 officer authorized to carry a concealed or loaded firearm pursuant
10 to subdivision (a) or (i) of Section 12027 or paragraph (1) or (8)
11 of subdivision (b) of Section 12031 *or to openly carry an unloaded*
12 *handgun pursuant to Section 12037.*

13 SEC. 4. Section 12001 of the Penal Code is amended to read:

14 12001. (a) (1) As used in this title, the terms “pistol,”
15 “revolver,” and “firearm capable of being concealed upon the
16 person” shall apply to and include any device designed to be used
17 as a weapon, from which is expelled a projectile by the force of
18 any explosion, or other form of combustion, and that has a barrel
19 less than 16 inches in length. These terms also include any device
20 that has a barrel 16 inches or more in length which is designed to
21 be interchanged with a barrel less than 16 inches in length.

22 (2) As used in this title, the term “handgun” means any “pistol,”
23 “revolver,” or “firearm capable of being concealed upon the
24 person.”

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

29 (c) As used in Sections 12021, 12021.1, 12070, 12071, 12072,
30 12073, 12078, 12101, and 12801 of this code, and Sections 8100,
31 8101, and 8103 of the Welfare and Institutions Code, the term
32 “firearm” includes the frame or receiver of the weapon.

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

38 (e) For purposes of Sections 12037, 12070, 12071, and
39 paragraph (8) of subdivision (a), and subdivisions (b), (c), (d), and
40 (f) of Section 12072, the term “firearm” does not include an

1 unloaded firearm that is defined as an “antique firearm” in Section
2 921(a)(16) of Title 18 of the United States Code.

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

7 (g) For purposes of Sections 12551 and 12552, the term “BB
8 device” means any instrument that expels a projectile, such as a
9 BB or a pellet, not exceeding 6mm caliber, through the force of
10 air pressure, gas pressure, or spring action, or any spot marker gun.

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

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

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

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

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

38 (j) For purposes of Section 12023, a firearm shall be deemed
39 to be “loaded” whenever both the firearm and the unexpended

1 ammunition capable of being discharged from the firearm are in
2 the immediate possession of the same person.

3 (k) For purposes of Sections 12021, 12021.1, 12025, 12070,
4 12072, 12073, 12078, 12101, and 12801 of this code, and Sections
5 8100, 8101, and 8103 of the Welfare and Institutions Code,
6 notwithstanding the fact that the term “any firearm” may be used
7 in those sections, each firearm or the frame or receiver of the same
8 shall constitute a distinct and separate offense under those sections.

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

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

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

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

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

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

27 (4) He or she is the owner of a handgun.

28 (5) He or she acquired that handgun outside of California.

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

31 (7) He or she intends to possess that handgun within this state
32 on or after January 1, 1998.

33 (8) The handgun was not delivered to him or her by a person
34 licensed pursuant to Section 12071 who delivered that ~~firearm~~
35 *handgun* following the procedures set forth in Section 12071 and
36 subdivision (c) of Section 12072.

37 (9) He or she, while a resident of this state, had not previously
38 reported his or her ownership of that handgun to the Department
39 of Justice in a manner prescribed by the department that included
40 information concerning him or her and a description of the firearm.

1 (10) The handgun is not a firearm that is prohibited by
2 subdivision (a) of Section 12020.

3 (11) The handgun is not an assault weapon, as defined in Section
4 12276 or 12276.1.

5 (12) The handgun is not a machinegun, as defined in Section
6 12200.

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

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

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

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

15 (p) As used in this code, “basic firearms safety certificate”
16 means a certificate issued by the Department of Justice pursuant
17 to Article 8 (commencing with Section 12800) of Chapter 6 of
18 Title 2 of Part 4, prior to January 1, 2003.

19 (q) As used in this code, “handgun safety certificate” means a
20 certificate issued by the Department of Justice pursuant to Article
21 8 (commencing with Section 12800) of Chapter 6 of Title 2 of Part
22 4, as that article is operative on or after January 1, 2003.

23 (r) As used in this title, “gunsmith” means any person who is
24 licensed as a dealer pursuant to Chapter 44 (commencing with
25 Section 921) of Title 18 of the United States Code and the
26 regulations issued pursuant thereto, who is engaged primarily in
27 the business of repairing firearms, or making or fitting special
28 barrels, stocks, or trigger mechanisms to firearms, or the agent or
29 employee of that person.

30 (s) As used in this title, “consultant-evaluator” means a
31 consultant or evaluator who, in the course of his or her profession
32 is loaned firearms from a person licensed pursuant to Chapter 44
33 (commencing with Section 921) of Title 18 of the United States
34 Code and the regulations issued pursuant thereto, for his or her
35 research or evaluation, and has a current certificate of eligibility
36 issued to him or her pursuant to Section 12071.

37 *SEC. 5. Section 12025 of the Penal Code is amended to read:*

38 12025. (a) A person is guilty of carrying a concealed firearm
39 when he or she does any of the following:

1 (1) Carries concealed within any vehicle which is under his or
2 her control or direction any ~~pistol, revolver, or other firearm~~
3 ~~capable of being concealed upon the person~~ *handgun*.

4 (2) Carries concealed upon his or her person any ~~pistol, revolver,~~
5 ~~or other firearm capable of being concealed upon the person~~
6 *handgun*.

7 (3) Causes to be carried concealed within any vehicle in which
8 he or she is an occupant any ~~pistol, revolver, or other firearm~~
9 ~~capable of being concealed upon the person~~ *handgun*.

10 (b) Carrying a concealed firearm in violation of this section is
11 punishable, as follows:

12 (1) Where the person previously has been convicted of any
13 felony, or of any crime made punishable by this chapter, as a
14 felony.

15 (2) Where the firearm is stolen and the person knew or had
16 reasonable cause to believe that it was stolen, as a felony.

17 (3) Where the person is an active participant in a criminal street
18 gang, as defined in subdivision (a) of Section 186.22, under the
19 Street Terrorism Enforcement and Prevention Act (Chapter 11
20 (commencing with Section 186.20) of Title 7 of Part 1), as a felony.

21 (4) Where the person is not in lawful possession of the firearm,
22 as defined in this section, or the person is within a class of persons
23 prohibited from possessing or acquiring a firearm pursuant to
24 Section 12021 or 12021.1 of this code or Section 8100 or 8103 of
25 the Welfare and Institutions Code, as a felony.

26 (5) Where the person has been convicted of a crime against a
27 person or property, or of a narcotics or dangerous drug violation,
28 by imprisonment in the state prison, or by imprisonment in a county
29 jail not to exceed one year, by a fine not to exceed one thousand
30 dollars (\$1,000), or by both that imprisonment and fine.

31 (6) By imprisonment in the state prison, or by imprisonment in
32 a county jail not to exceed one year, by a fine not to exceed one
33 thousand dollars (\$1,000), or by both that fine and imprisonment
34 if both of the following conditions are met:

35 (A) Both the ~~pistol, revolver, or other firearm capable of being~~
36 ~~concealed upon the person~~ *handgun* and the unexpended
37 ammunition capable of being discharged from that firearm are
38 either in the immediate possession of the person or readily
39 accessible to that person, or the ~~pistol, revolver, or other firearm~~

1 ~~capable of being concealed upon the person~~ *handgun* is loaded as
2 defined in subdivision (g) of Section 12031.

3 (B) The person is not listed with the Department of Justice
4 pursuant to paragraph (1) of subdivision (c) of Section 11106, as
5 the registered owner of that ~~pistol, revolver, or other firearm~~
6 ~~capable of being concealed upon the person~~ *handgun*.

7 (7) In all cases other than those specified in paragraphs (1) to
8 (6), inclusive, by imprisonment in a county jail not to exceed one
9 year, by a fine not to exceed one thousand dollars (\$1,000), or by
10 both that imprisonment and fine.

11 (c) A peace officer may arrest a person for a violation of
12 paragraph (6) of subdivision (b) if the peace officer has probable
13 cause to believe that the person is not listed with the Department
14 of Justice pursuant to paragraph (1) of subdivision (c) of Section
15 11106 as the registered owner of the ~~pistol, revolver, or other~~
16 ~~firearm capable of being concealed upon the person~~ *handgun*, and
17 one or more of the conditions in subparagraph (A) of paragraph
18 (6) of subdivision (b) is met.

19 (d) (1) Every person convicted under this section who
20 previously has been convicted of a misdemeanor offense
21 enumerated in Section 12001.6 shall be punished by imprisonment
22 in a county jail for at least three months and not exceeding six
23 months, or, if granted probation, or if the execution or imposition
24 of sentence is suspended, it shall be a condition thereof that he or
25 she be imprisoned in a county jail for at least three months.

26 (2) Every person convicted under this section who has
27 previously been convicted of any felony, or of any crime made
28 punishable by this chapter, if probation is granted, or if the
29 execution or imposition of sentence is suspended, it shall be a
30 condition thereof that he or she be imprisoned in a county jail for
31 not less than three months.

32 (e) The court shall apply the three-month minimum sentence
33 as specified in subdivision (d), except in unusual cases where the
34 interests of justice would best be served by granting probation or
35 suspending the imposition or execution of sentence without the
36 minimum imprisonment required in subdivision (d) or by granting
37 probation or suspending the imposition or execution of sentence
38 with conditions other than those set forth in subdivision (d), in
39 which case, the court shall specify on the record and shall enter

1 on the minutes the circumstances indicating that the interests of
2 justice would best be served by that disposition.

3 ~~(f) Firearms carried openly in belt holsters are not concealed~~
4 ~~within the meaning of this section.~~

5 ~~(g)~~

6 ~~(f)~~ For purposes of this section, “lawful possession of the
7 firearm” means that the person who has possession or custody of
8 the firearm either lawfully owns the firearm or has the permission
9 of the lawful owner or a person who otherwise has apparent
10 authority to possess or have custody of the firearm. A person who
11 takes a firearm without the permission of the lawful owner or
12 without the permission of a person who has lawful custody of the
13 firearm does not have lawful possession of the firearm.

14 ~~(h) (1) The district attorney of each county shall submit annually~~
15 ~~a report on or before June 30, to the Attorney General consisting~~
16 ~~of profiles by race, age, gender, and ethnicity of any person charged~~
17 ~~with a felony or a misdemeanor under this section and any other~~
18 ~~offense charged in the same complaint, indictment, or information.~~

19 ~~(2) The Attorney General shall submit annually, a report on or~~
20 ~~before December 31, to the Legislature compiling all of the reports~~
21 ~~submitted pursuant to paragraph (1).~~

22 ~~(3) This subdivision shall remain operative until January 1,~~
23 ~~2005, and as of that date shall be repealed.~~

24 *SEC. 6. Section 12026 of the Penal Code is amended to read:*

25 12026. (a) ~~Section Sections 12025 and 12037~~ shall not apply
26 to or affect any citizen of the United States or legal resident over
27 the age of 18 years who resides or is temporarily within this state,
28 and who is not within the excepted classes prescribed by Section
29 12021 or 12021.1 of this code or Section 8100 or 8103 of the
30 Welfare and Institutions Code, who carries, either openly or
31 concealed, anywhere within the citizen’s or legal resident’s place
32 of residence, place of business, or on private property owned or
33 lawfully possessed by the citizen or legal resident any ~~pistol,~~
34 ~~revolver, or other firearm capable of being concealed upon the~~
35 ~~person handgun.~~

36 (b) No permit or license to purchase, own, possess, keep, or
37 carry, either openly or concealed, shall be required of any citizen
38 of the United States or legal resident over the age of 18 years who
39 resides or is temporarily within this state, and who is not within
40 the excepted classes prescribed by Section 12021 or 12021.1 of

1 this code or Section 8100 or 8103 of the Welfare and Institutions
2 Code, to purchase, own, possess, keep, or carry, either openly or
3 concealed, ~~a pistol, revolver, or other firearm capable of being~~
4 ~~concealed upon the person~~ handgun within the citizen's or legal
5 resident's place of residence, place of business, or on private
6 property owned or lawfully possessed by the citizen or legal
7 resident.

8 (c) Nothing in this section shall be construed as affecting the
9 application of Section 12031.

10 *SEC. 7. Section 12026.2 of the Penal Code is amended to read:*

11 12026.2. (a) Section 12025 does not apply to, or affect, any
12 of the following:

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

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

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

27 (4) The transportation of a firearm by a person listed in Section
28 12026 directly between any of the places mentioned in Section
29 12026.

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

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

39 (7) The transportation of a firearm by a person when going
40 directly to, or coming directly from, a gun show, swap meet, or

1 similar event to which the public is invited, for the purpose of
2 displaying that firearm in a lawful manner.

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

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

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

19 (11) The transportation of a firearm by a person when going
20 directly to, or coming directly from, a lawful camping activity for
21 the purpose of having that firearm available for lawful personal
22 protection while at the lawful campsite. This paragraph shall not
23 be construed to override the statutory authority granted to the
24 Department of Parks and Recreation or any other state or local
25 governmental agencies to promulgate rules and regulations
26 governing the administration of parks and campgrounds.

27 (12) The transportation of a firearm by a person in order to
28 comply with subdivision (c) or (i) of Section 12078 as it pertains
29 to that firearm.

30 (13) The transportation of a firearm by a person in order to
31 utilize subdivision (l) of Section 12078 as it pertains to that firearm.

32 (14) The transportation of a firearm by a person when going
33 directly to, or coming directly from, a gun show or event, as
34 defined in Section 478.100 of Title 27 of the Code of Federal
35 Regulations, for the purpose of lawfully transferring, selling, or
36 loaning that firearm in accordance with subdivision (d) of Section
37 12072.

38 (15) The transportation of a firearm by a person in order to
39 utilize paragraph (6) of subdivision (a) of Section 12078 as it
40 pertains to that firearm.

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

8 (17) The transportation of a firearm by a person in order to
9 comply with paragraph (2) or (3) of subdivision (f) of Section
10 12072 as it pertains to that firearm.

11 (18) The transportation of a firearm by a person who finds the
12 firearm and is transporting it to a law enforcement agency for
13 disposition according to law, if he or she gives prior notice to the
14 law enforcement agency that he or she is transporting the firearm
15 to the law enforcement agency for disposition according to law.

16 ~~(19) The transportation of a firearm by a person in order to~~
17 ~~comply with paragraph (3) of subdivision (f) of Section 12072 as~~
18 ~~it pertains to that firearm.~~

19 ~~(20)~~

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

23 (20) *The transportation by a member of an organization of a*
24 *firearm directly to, or directly from, official parade duty or*
25 *ceremonial occasions of that organization, if the organization is*
26 *chartered by the Congress of the United States, or is a nonprofit*
27 *mutual or public benefit corporation organized and recognized as*
28 *a nonprofit tax-exempt organization by the Internal Revenue*
29 *Service.*

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

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

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

SEC. 8. Section 12037 is added to the Penal Code, to read:

12037. (a) A person is guilty of openly carrying an unloaded handgun when that person carries an exposed and unloaded handgun outside a vehicle on his or her person while in any public place or on any public street in an incorporated city or in any public place or on any public street in a prohibited area of an unincorporated territory.

(b) A violation of this section is punishable by imprisonment in a county jail not to exceed six months, by a fine not to exceed one thousand dollars (\$1,000), or by both that fine and imprisonment, provided, however, that a violation of this section is punishable by imprisonment in a county jail not to exceed one year, by a fine not to exceed one thousand dollars (\$1,000), or both that imprisonment and fine, if any of the following circumstances is pled and proved to the trier of fact:

(1) The firearm is stolen and the person knew or had reasonable cause to believe that it was stolen.

(2) The person is an active participant in a criminal street gang, as defined in subdivision (a) of Section 186.22, under the Street Terrorism Enforcement and Prevention Act (Chapter 11 (commencing with Section 186.20) of Title 7 of Part 1).

(3) The person is not in lawful possession of the firearm.

(4) The person has been convicted of a crime against a person or property, or of a narcotics or dangerous drug violation.

(5) Both the handgun and the unexpended ammunition capable of being discharged from that firearm are either in the immediate possession of the person or readily accessible to that person, and the person is not listed with the Department of Justice pursuant to Section 11106 as the registered owner of that handgun.

(c) (1) Every person convicted under this section who has previously been convicted of an offense enumerated in Section 12001.6, or of any crime made punishable under this chapter, shall serve a term of at least three months in a county jail, or, if a person is granted probation or if the execution or imposition of sentence

1 is suspended, it shall be a condition thereof that the person be
2 imprisoned for a period of at least three months.

3 (2) The court shall apply the three-month minimum sentence
4 set forth in paragraph (1) except in unusual cases where the
5 interests of justice would best be served by granting probation or
6 suspending the imposition or execution of sentence without the
7 minimum imprisonment required in this subdivision or by granting
8 probation or suspending the imposition or execution of sentence
9 with conditions other than those set forth in this subdivision, in
10 which case the court shall specify on the record and shall enter
11 on the minutes the circumstances indicating that the interests of
12 justice would best be served by that disposition.

13 (d) (1) Nothing in this section shall preclude prosecution under
14 Sections 12021 and 12021.1 of this code, Section 8100 or 8103 of
15 the Welfare and Institutions Code, or any other law with a penalty
16 greater than is set forth in this section.

17 (2) The provisions of this section are cumulative, and shall not
18 be construed as restricting the application of any other law.
19 However, an act or omission punishable in different ways by
20 different provisions of law shall not be punished under more than
21 one provision.

22 (e) Notwithstanding paragraphs (2) and (3) of subdivision (a)
23 of Section 836, a peace officer may make an arrest without a
24 warrant whenever the officer has reasonable cause to believe that
25 the person to be arrested has violated this section, whether or not
26 this section has been violated.

27 (f) A violation of this section which is punishable by
28 imprisonment in a county jail not exceeding one year shall not
29 constitute a conviction of a crime punishable by imprisonment for
30 a term exceeding one year for the purposes of determining federal
31 firearms eligibility under Section 922(g)(1) of Title 18 of the United
32 States Code.

33 (g) Subdivision (a) does not apply to, or affect, any of the
34 following:

35 (1) The open carrying of an unloaded handgun by any peace
36 officer or any honorably retired peace officer if he or she may
37 carry a concealed firearm pursuant to Section 12027 or a loaded
38 firearm pursuant to Section 12031.

1 (2) *The open carrying of an unloaded handgun by any person*
2 *to the extent that person may carry a loaded firearm pursuant to*
3 *Section 12031.*

4 (3) *The open carrying of an unloaded handgun as merchandise*
5 *by a person who is engaged in the business of manufacturing,*
6 *importing, wholesaling, repairing, or dealing in firearms and who*
7 *is licensed to engage in that business or the authorized*
8 *representative or authorized agent of that person while engaged*
9 *in the lawful course of the business.*

10 (4) *The open carrying of an unloaded handgun by duly*
11 *authorized military or civil organizations while parading, or the*
12 *members thereof when at the meeting places of their respective*
13 *organizations.*

14 (5) *The open carrying of an unloaded handgun by a member of*
15 *any club or organization organized for the purpose of practicing*
16 *shooting at targets upon established target ranges, whether public*
17 *or private, while the members are using handguns upon the target*
18 *ranges or incident to the use of a handgun at that target range.*

19 (6) *The open carrying of an unloaded handgun by a licensed*
20 *hunter while engaged in lawful hunting.*

21 (7) *The open carrying of an unloaded handgun incident to*
22 *transportation of a handgun by a person operating a licensed*
23 *common carrier or an authorized agent or employee thereof when*
24 *transported in conformance with applicable federal law.*

25 (8) *The open carrying of an unloaded handgun by a member of*
26 *an organization chartered by the Congress of the United States or*
27 *a nonprofit mutual or public benefit corporation organized and*
28 *recognized as a nonprofit tax-exempt organization by the Internal*
29 *Revenue Service while on official parade duty or ceremonial*
30 *occasions of that organization.*

31 (9) *The open carrying of an unloaded handgun within a gun*
32 *show conducted pursuant to Sections 12071.1 and 12071.4.*

33 (10) *The open carrying of an unloaded handgun within a school*
34 *zone, as defined in Section 626.9, with the written permission of*
35 *the school district superintendent, his or her designee, or*
36 *equivalent school authority.*

37 (11) *The open carrying of an unloaded handgun when in*
38 *accordance with the provisions of Section 171b or 171c.*

1 (12) *The open carrying of an unloaded handgun by any person*
2 *while engaged in the act of making or attempting to make a lawful*
3 *arrest.*

4 (13) *The open carrying of an unloaded handgun incident to*
5 *loaning, selling, or transferring the same in accordance with*
6 *Section 12072 or any of the exemptions from subdivision (d) of*
7 *Section 12072 so long as that handgun is possessed within private*
8 *property and the possession and carrying is with the permission*
9 *of the owner or lessee of that private property.*

10 (14) *The open carrying of an unloaded handgun by a person*
11 *engaged in firearms-related activities, while on the premises of a*
12 *fixed place of business which is licensed to conduct and conducts,*
13 *as a regular course of its business, activities related to the sale,*
14 *making, repair, transfer, pawn, or the use of firearms, or related*
15 *to firearms training.*

16 (15) *The open carrying of an unloaded handgun by an*
17 *authorized participant in, or an authorized employee or agent of*
18 *a supplier of firearms for, a motion picture, television, or video*
19 *production or entertainment event when the participant lawfully*
20 *uses the handgun as part of that production or event or while the*
21 *participant or authorized employee or agent is at that production*
22 *or event.*

23 (16) *The open carrying of an unloaded handgun incident to*
24 *obtaining an identification number or mark assigned for that*
25 *handgun from the Department of Justice pursuant to Section 12092.*

26 (17) *The open carrying of an unloaded handgun at established*
27 *target ranges, whether public or private, while the person is using*
28 *the handgun upon the target ranges.*

29 (18) *The open carrying of an unloaded handgun by a person*
30 *when that person is summoned by a peace officer to assist in*
31 *making arrests or preserving the peace while he or she is actually*
32 *engaged in assisting that officer.*

33 (19) *The open carrying of an unloaded handgun incident to:*

34 (A) *Complying with paragraph (2) or (3) of subdivision (f) of*
35 *Section 12072 as it pertains to that handgun.*

36 (B) *Subdivision (l) of Section 12078 as it pertains to that*
37 *handgun.*

38 (C) *Paragraph (6) of subdivision (a) of Section 12078 as it*
39 *pertains to that handgun.*

1 (D) Complying with subdivision (c) or (i) of Section 12078 as
2 it pertains to that handgun.

3 (h) Notwithstanding the fact that the term “an unloaded
4 handgun” is used in this section, each handgun shall constitute a
5 distinct and separate offense under this section.

6 (i) For purposes of this section, the following shall apply:

7 (1) A handgun shall be deemed unloaded if it is not “loaded”
8 within the meaning of subdivision (g) of Section 12031.

9 (2) The term “lawful possession of the firearm” shall have the
10 same meaning as set forth in subdivision (f) of Section 12025.

11 (3) The term “prohibited area” means any place where it is
12 unlawful to discharge a weapon.

13 (4) The term “public place” shall have the same meaning as in
14 Section 12031.

15 SEC. 9. Section 12590 of the Penal Code is amended to read:

16 12590. (a) Any person who does any of the following acts
17 while engaged in picketing, or other informational activities in a
18 public place relating to a concerted refusal to work, is guilty of a
19 misdemeanor:

20 (1) Carries concealed upon his person or within any vehicle
21 which is under his or her control or direction any ~~pistol, revolver,~~
22 ~~or other firearm capable of being concealed upon the person~~
23 ~~handgun.~~

24 (2) Carries a loaded firearm upon his or her person or within
25 any vehicle which is under his or her control or direction.

26 (3) Carries a deadly weapon.

27 (4) Wears the uniform of a peace officer, whether or not the
28 person is a peace officer.

29 (5) Carries an unloaded handgun openly on his or her person
30 outside of a vehicle.

31 (b) This section shall not be construed to authorize or ratify any
32 picketing or other informational activities not otherwise authorized
33 by law.

34 (c) Section 12027 shall not be construed to authorize any
35 conduct described in paragraph (1) of subdivision (a), nor shall
36 subdivision (b) of Section 12031 be construed to authorize any
37 conduct described in paragraph (2) of subdivision (a), *nor shall*
38 *subdivision (g) of Section 12037 be construed to authorize any*
39 *conduct described in paragraph (5) of subdivision (a).*

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

10 ~~SECTION 1. Section 12075 of the Penal Code is amended to~~
11 ~~read:~~

12 ~~12075. The State Printer upon issuing a register shall forward~~
13 ~~to the Department of Justice the name and business address of the~~
14 ~~dealer together with the series and sheet numbers of the register.~~
15 ~~The register shall not be transferable. If the dealer moves his or~~
16 ~~her business to a different location he or she shall notify the~~
17 ~~department of that fact in writing within 48 hours.~~