

ASSEMBLY BILL

No. 2155

Introduced by Assembly Member Logue

February 18, 2010

An act to amend Section 12078 of the Penal Code, relating to firearms.

LEGISLATIVE COUNSEL'S DIGEST

AB 2155, as introduced, Logue. Firearms: voluntary surrender.

Existing law provides exceptions to certain firearms transaction requirements in the case of government entities that obtain firearms as part of an authorized, voluntary program where the entity is buying or receiving weapons from private individuals.

This bill would additionally require in connection with those transactions, that a private individual who surrenders, gives, or transfers a firearm to a law enforcement agency or government entity pursuant to a voluntary program shall deliver a completed form, as specified, to the law enforcement agency or government entity at the time the firearm is surrendered. The bill would require the law enforcement agency or government entity to take the individual's thumbprint and to complete an online check of the Department of Justice's lost or stolen firearms registry at the time of surrender to determine if the surrendered firearm is lost or stolen and to file the completed form with the Department of Justice.

By imposing additional duties on local government entities in connection with specified firearms surrender provisions, this bill would impose a state-mandated local program.

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, if the Commission on State Mandates determines that the bill contains costs mandated by the state, reimbursement for those costs shall be made pursuant to these statutory provisions.

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 12078 of the Penal Code is amended to
2 read:

3 12078. (a) (1) The waiting periods described in Sections 12071
4 and 12072 shall not apply to the deliveries, transfers, or sales of
5 firearms made to persons properly identified as full-time paid peace
6 officers as defined in Chapter 4.5 (commencing with Section 830)
7 of Title 3 of Part 2, provided that the peace officers are authorized
8 by their employer to carry firearms while in the performance of
9 their duties. Proper identification is defined as verifiable written
10 certification from the head of the agency by which the purchaser
11 or transferee is employed, identifying the purchaser or transferee
12 as a peace officer who is authorized to carry firearms while in the
13 performance of his or her duties, and authorizing the purchase or
14 transfer. The certification shall be delivered to the dealer at the
15 time of purchase or transfer and the purchaser or transferee shall
16 identify himself or herself as the person authorized in the
17 certification. The dealer shall keep the certification with the record
18 of sale. On the date that the delivery, sale, or transfer is made, the
19 dealer delivering the firearm shall transmit to the Department of
20 Justice an electronic or telephonic report of the transaction as is
21 indicated in subdivision (b) or (c) of Section 12077.

22 (2) Subdivision (b) of Section 12801 and the preceding
23 provisions of this article do not apply to deliveries, transfers, or
24 sales of firearms made to authorized law enforcement
25 representatives of cities, counties, cities and counties, or state or
26 federal governments for exclusive use by those governmental
27 agencies if, prior to the delivery, transfer, or sale of these firearms,
28 written authorization from the head of the agency authorizing the

1 transaction is presented to the person from whom the purchase,
2 delivery, or transfer is being made. Proper written authorization
3 is defined as verifiable written certification from the head of the
4 agency by which the purchaser or transferee is employed,
5 identifying the employee as an individual authorized to conduct
6 the transaction, and authorizing the transaction for the exclusive
7 use of the agency by which he or she is employed. Within 10 days
8 of the date a handgun is acquired by the agency, a record of the
9 same shall be entered as an institutional weapon into the Automated
10 Firearms System (AFS) via the California Law Enforcement
11 Telecommunications System (CLETS) by the law enforcement or
12 state agency. Those agencies without access to AFS shall arrange
13 with the sheriff of the county in which the agency is located to
14 input this information via this system.

15 (3) Subdivision (b) of Section 12801 and the preceding
16 provisions of this article do not apply to the loan of a firearm made
17 by an authorized law enforcement representative of a city, county,
18 or city and county, or the state or federal government to a peace
19 officer employed by that agency and authorized to carry a firearm
20 for the carrying and use of that firearm by that peace officer in the
21 course and scope of his or her duties.

22 (4) Subdivision (b) of Section 12801 and the preceding
23 provisions of this article do not apply to the delivery, sale, or
24 transfer of a firearm by a law enforcement agency to a peace officer
25 pursuant to Section 10334 of the Public Contract Code. Within 10
26 days of the date that a handgun is sold, delivered, or transferred
27 pursuant to Section 10334 of the Public Contract Code to that
28 peace officer, the name of the officer and the make, model, serial
29 number, and other identifying characteristics of the firearm being
30 sold, transferred, or delivered shall be entered into the Automated
31 Firearms System (AFS) via the California Law Enforcement
32 Telecommunications System (CLETS) by the law enforcement or
33 state agency that sold, transferred, or delivered the firearm. Those
34 agencies without access to AFS shall arrange with the sheriff of
35 the county in which the agency is located to input this information
36 via this system.

37 (5) Subdivision (b) of Section 12801 and the preceding
38 provisions of this article do not apply to the delivery, sale, or
39 transfer of a firearm by a law enforcement agency to a retiring
40 peace officer who is authorized to carry a firearm pursuant to

1 Section 12027.1. Within 10 days of the date that a handgun is sold,
2 delivered, or transferred to that retiring peace officer, the name of
3 the officer and the make, model, serial number, and other
4 identifying characteristics of the firearm being sold, transferred,
5 or delivered shall be entered into the Automated Firearms System
6 (AFS) via the California Law Enforcement Telecommunications
7 System (CLETS) by the law enforcement or state agency that sold,
8 transferred, or delivered the firearm. Those agencies without access
9 to AFS shall arrange with the sheriff of the county in which the
10 agency is located to input this information via this system.

11 (6) Subdivision (d) of Section 12072 and subdivision (b) of
12 Section 12801 do not apply to sales, deliveries, or transfers of
13 firearms to authorized representatives of cities, cities and counties,
14 counties, or state or federal governments for those governmental
15 agencies where the entity is acquiring the weapon as part of an
16 authorized, voluntary program where the entity is buying or
17 receiving weapons from private individuals. *Any private individual*
18 *who surrenders, gives, or transfers a firearm to a law enforcement*
19 *agency or government entity pursuant to a voluntary program*
20 *shall deliver a completed form to the law enforcement agency or*
21 *government entity at the time the firearm is surrendered. The form,*
22 *which shall provide a record of the disposition of the firearm, shall*
23 *be in a format prescribed by the Department of Justice. The law*
24 *enforcement agency or government entity shall take the individual's*
25 *thumbprint and shall complete an online check of the Department*
26 *of Justice's lost or stolen firearms registry at the time of surrender*
27 *to determine if the surrendered firearm is lost or stolen. Any lost*
28 *or stolen firearm shall be confiscated for purposes of returning it*
29 *to its rightful owner. The form, which shall provide a record of*
30 *the disposition of the form, shall be in a format prescribed by the*
31 *Department of Justice. The law enforcement agency or government*
32 *entity shall file the completed form with the Department of Justice.*
33 Any weapons acquired pursuant to this paragraph shall be disposed
34 of pursuant to the applicable provisions of Section 12028 or 12032.
35 (7) Subdivision (d) of Section 12072 and subdivision (b) of
36 Section 12801 shall not apply to the sale, loan, delivery, or transfer
37 of a firearm made by an authorized law enforcement representative
38 of a city, county, city and county, state, or the federal government
39 to any public or private nonprofit historical society, museum, or
40 institutional collection or the purchase or receipt of that firearm

1 by that public or private nonprofit historical society, museum, or
2 institutional collection if all of the following conditions are met:

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

4 (B) The firearm prior to delivery is deactivated or rendered
5 inoperable.

6 (C) The firearm is not subject to Section 12028, 12028.5, 12030,
7 or 12032.

8 (D) The firearm is not prohibited by other provisions of law
9 from being sold, delivered, or transferred to the public at large.

10 (E) Prior to delivery, the entity receiving the firearm submits a
11 written statement to the law enforcement representative stating
12 that the firearm will not be restored to operating condition, and
13 will either remain with that entity, or if subsequently disposed of,
14 will be transferred in accordance with the applicable provisions
15 of this article and, if applicable, Section 12801.

16 (F) Within 10 days of the date that the firearm is sold, loaned,
17 delivered, or transferred to that entity, the name of the government
18 entity delivering the firearm, and the make, model, serial number,
19 and other identifying characteristics of the firearm and the name
20 of the person authorized by the entity to take possession of the
21 firearm shall be reported to the department in a manner prescribed
22 by the department.

23 (G) In the event of a change in the status of the designated
24 representative, the entity shall notify the department of a new
25 representative within 30 days.

26 (8) Subdivision (d) of Section 12072 and subdivision (b) of
27 Section 12801 shall not apply to the sale, loan, delivery, or transfer
28 of a firearm made by any person other than a representative of an
29 authorized law enforcement agency to any public or private
30 nonprofit historical society, museum, or institutional collection if
31 all of the following conditions are met:

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

33 (B) The firearm is deactivated or rendered inoperable prior to
34 delivery.

35 (C) The firearm is not of a type prohibited from being sold,
36 delivered, or transferred to the public.

37 (D) Prior to delivery, the entity receiving the firearm submits a
38 written statement to the person selling, loaning, or transferring the
39 firearm stating that the firearm will not be restored to operating
40 condition, and will either remain with that entity, or if subsequently

1 disposed of, will be transferred in accordance with the applicable
2 provisions of this article and, if applicable, Section 12801.

3 (E) If title to a handgun is being transferred to the public or
4 private nonprofit historical society, museum, or institutional
5 collection, then the designated representative of that public or
6 private historical society, museum, or institutional collection,
7 within 30 days of taking possession of that handgun, shall forward
8 by prepaid mail or deliver in person to the Department of Justice,
9 a single report signed by both parties to the transaction, that
10 includes information identifying the person representing that public
11 or private historical society, museum, or institutional collection,
12 how title was obtained and from whom, and a description of the
13 firearm in question, along with a copy of the written statement
14 referred to in subparagraph (D). The report forms that are to be
15 completed pursuant to this paragraph shall be provided by the
16 Department of Justice.

17 (F) In the event of a change in the status of the designated
18 representative, the entity shall notify the department of a new
19 representative within 30 days.

20 (b) (1) Section 12071, subdivisions (c) and (d) of Section 12072,
21 and subdivision (b) of Section 12801 shall not apply to deliveries,
22 sales, or transfers of firearms between or to importers and
23 manufacturers of firearms licensed to engage in that business
24 pursuant to Chapter 44 (commencing with Section 921) of Title
25 18 of the United States Code and the regulations issued pursuant
26 thereto.

27 (2) Subdivision (b) of Section 12801 shall not apply to the
28 delivery, sale, or transfer of a handgun to a person licensed pursuant
29 to Section 12071, where the licensee is receiving the handgun in
30 the course and scope of his or her activities as a person licensed
31 pursuant to Section 12071.

32 (c) (1) Subdivision (d) of Section 12072 shall not apply to the
33 infrequent transfer of a firearm that is not a handgun by gift,
34 bequest, intestate succession, or other means by one individual to
35 another if both individuals are members of the same immediate
36 family.

37 (2) Subdivision (d) of Section 12072 shall not apply to the
38 infrequent transfer of a handgun by gift, bequest, intestate
39 succession, or other means by one individual to another if both

1 individuals are members of the same immediate family and all of
2 the following conditions are met:

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

11 (B) The person taking title to the firearm shall first obtain a
12 handgun safety certificate.

13 (C) The person receiving the firearm is 18 years of age or older.

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

16 (A) Parent and child.

17 (B) Grandparent and grandchild.

18 (d) (1) Subdivision (d) of Section 12072 shall not apply to the
19 infrequent loan of firearms between persons who are personally
20 known to each other for any lawful purpose, if the loan does not
21 exceed 30 days in duration and, when the firearm is a handgun,
22 commencing January 1, 2003, the individual being loaned the
23 handgun has a valid handgun safety certificate.

24 (2) Subdivision (d) of Section 12072, and subdivision (b) of
25 Section 12801 shall not apply to the loan of a firearm where all of
26 the following conditions exist:

27 (A) The person loaning the firearm is at all times within the
28 presence of the person being loaned the firearm.

29 (B) The loan is for a lawful purpose.

30 (C) The loan does not exceed three days in duration.

31 (D) The individual receiving the firearm is not prohibited by
32 state or federal law from possessing, receiving, owning, or
33 purchasing a firearm.

34 (E) The person loaning the firearm is 18 years of age or older.

35 (F) The person being loaned the firearm is 18 years of age or
36 older.

37 (e) (1) Section 12071, subdivisions (c) and (d) and paragraph
38 (1) of subdivision (f) of Section 12072, and subdivision (b) of
39 Section 12801 shall not apply to the delivery of a firearm to a
40 gunsmith for service or repair, or to the return of the firearm to its

owner by the gunsmith, or to the delivery of a firearm by a gunsmith to a person licensed pursuant to Chapter 44 (commencing with Section 921) of Title 18 of the United States Code for service or repair and the return of the firearm to the gunsmith.

(2) Paragraph (1) of subdivision (f) of Section 12072 shall not apply to the delivery, sale, or transfer of any firearm in any of the following circumstances:

(A) Where the transferor and the transferee are the same person or corporation.

(B) Where the transfer is to or from a person who has a valid entertainment firearms permit under Section 12081 and the transfer involves the loan or return of firearms used solely as props in television, film, or theatrical productions.

(f) Subdivision (d) of Section 12072 and subdivision (b) of Section 12801 shall not apply to the sale, delivery, or transfer of firearms by persons who reside in this state to persons who reside outside this state who are licensed pursuant to Chapter 44 (commencing with Section 921) of Title 18 of the United States Code and the regulations issued pursuant thereto, 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.

(g) (1) Subdivision (d) of Section 12072 shall not apply to the infrequent sale or transfer of a firearm, other than a handgun, at auctions or similar events conducted by nonprofit mutual or public benefit corporations organized pursuant to the Corporations Code.

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

(2) Subdivision (d) of Section 12072 shall not apply to the transfer of a firearm other than a handgun, if the firearm is donated for an auction or similar event described in paragraph (1) and the firearm is delivered to the nonprofit corporation immediately preceding, or contemporaneous with, the auction or similar event.

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

14 (h) Subdivision (d) of Section 12072 and subdivision (b) of
15 Section 12801 shall not apply to the loan of a firearm to a person
16 18 years of age or older for the purposes of shooting at targets if
17 the loan occurs on the premises of a target facility that holds a
18 business or regulatory license or on the premises of any club or
19 organization organized for the purposes of practicing shooting at
20 targets upon established ranges, whether public or private, if the
21 firearm is at all times kept within the premises of the target range
22 or on the premises of the club or organization.

23 (i) (1) Subdivision (d) of Section 12072 shall not apply to a
24 person who takes title or possession of a firearm that is not a
25 handgun by operation of law if the person is not prohibited by state
26 or federal law from possessing, receiving, owning, or purchasing
27 a firearm.

28 (2) Subdivision (d) of Section 12072 shall not apply to a person
29 who takes title or possession of a handgun by operation of law if
30 the person is not prohibited by state or federal law from possessing,
31 receiving, owning, or purchasing a firearm and all of the following
32 conditions are met:

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

1 was obtained and from whom, and a description of the firearm in
2 question. The reports that individuals complete pursuant to this
3 paragraph shall be provided to them by the department.

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

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

14 (ii) Prior to taking title or possession of the firearm, the person
15 shall obtain a handgun safety certificate.

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

29 (D) Where the person receiving title or possession of the
30 handgun is a person described in subparagraph (J) of paragraph
31 (2) of subdivision (u), on the date that the person is delivered the
32 firearm, the name and other information concerning the person
33 taking possession of the firearm, how title or possession of the
34 firearm was obtained and from whom, and a description of the
35 firearm by make, model, serial number, and other identifying
36 characteristics shall be entered into the AFS via the CLETS by the
37 law enforcement or state agency that transferred or delivered the
38 firearm. Those agencies without access to AFS shall arrange with
39 the sheriff of the county in which the agency is located to input
40 this information via this system. In addition, that law enforcement

1 agency shall not deliver that handgun to the person referred to in
2 this subparagraph unless, prior to the delivery of the same, the
3 person presents proof to the agency that he or she is the holder of
4 a handgun safety certificate.

5 (3) Subdivision (d) of Section 12072 shall not apply to a person
6 who takes possession of a firearm by operation of law in a
7 representative capacity who subsequently transfers ownership of
8 the firearm to himself or herself in his or her individual capacity.
9 In the case of a handgun, the individual shall obtain a handgun
10 safety certificate prior to transferring ownership to himself or
11 herself, or taking possession of a handgun in an individual capacity.

12 (j) Subdivision (d) of Section 12072 and subdivision (b) of
13 Section 12801 shall not apply to deliveries, transfers, or returns
14 of firearms made pursuant to Section 12021.3, 12028, 12028.5, or
15 12030.

16 (k) Section 12071, subdivision (c) of Section 12072, and
17 subdivision (b) of Section 12801 shall not apply to any of the
18 following:

19 (1) The delivery, sale, or transfer of unloaded firearms that are
20 not handguns by a dealer to another dealer upon proof of
21 compliance with the requirements of paragraph (1) of subdivision
22 (f) of Section 12072.

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

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

30 (4) The delivery, sale, or transfer of unloaded firearms by one
31 dealer to another dealer if the firearms are intended as merchandise
32 in the receiving dealer's business upon proof of compliance with
33 the requirements of paragraph (1) of subdivision (f) of Section
34 12072.

35 (5) The delivery, sale, or transfer of an unloaded firearm that is
36 not a handgun by a dealer to himself or herself.

37 (6) The loan of an unloaded firearm by a dealer who also
38 operates a target facility that holds a business or regulatory license
39 on the premises of the building designated in the license or whose
40 building designated in the license is on the premises of any club

1 or organization organized for the purposes of practicing shooting
2 at targets upon established ranges, whether public or private, to a
3 person at that target facility or that club or organization, if the
4 firearm is at all times kept within the premises of the target range
5 or on the premises of the club or organization.

6 (l) A person who is exempt from subdivision (d) of Section
7 12072 or is otherwise not required by law to report his or her
8 acquisition, ownership, or disposal of a handgun or who moves
9 out of this state with his or her handgun may submit a report of
10 the same to the Department of Justice in a format prescribed by
11 the department.

12 (m) Subdivision (d) of Section 12072 and subdivision (b) of
13 Section 12801 shall not apply to the delivery, sale, or transfer of
14 unloaded firearms to a wholesaler as merchandise in the
15 wholesaler's business by manufacturers or importers licensed to
16 engage in that business pursuant to Chapter 44 (commencing with
17 Section 921) of Title 18 of the United States Code and the
18 regulations issued pursuant thereto, or by another wholesaler, if
19 the delivery, sale, or transfer is made in accordance with Chapter
20 44 (commencing with Section 921) of Title 18 of the United States
21 Code.

22 (n) (1) The waiting period described in Section 12071 or 12072
23 shall not apply to the delivery, sale, or transfer of a handgun by a
24 dealer in either of the following situations:

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

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

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

31 (A) If the dealer is receiving the firearm from another dealer,
32 the dealer receiving the firearm shall present proof to the dealer
33 delivering the firearm that he or she is licensed pursuant to Section
34 12071 by complying with paragraph (1) of subdivision (f) of
35 Section 12072.

36 (B) Whether the dealer is delivering, selling, or transferring the
37 firearm to himself or herself or to another dealer, on the date that
38 the application to purchase is completed, the dealer delivering the
39 firearm shall forward by prepaid mail to the Department of Justice
40 a report of the same and the type of information concerning the

1 purchaser or transferee as is indicated in subdivision (b) of Section
2 12077. Where the electronic or telephonic transfer of applicant
3 information is used, on the date that the application to purchase is
4 completed, the dealer delivering the firearm shall transmit an
5 electronic or telephonic report of the same and the type of
6 information concerning the purchaser or transferee as is indicated
7 in subdivision (b) of Section 12077.

8 (o) Section 12071 and subdivisions (c) and (d) of Section 12072
9 shall not apply to the delivery, sale, or transfer of a firearm
10 regulated pursuant to Section 12020, Chapter 2 (commencing with
11 Section 12200), Chapter 2.3 (commencing with Section 12275),
12 or Chapter 2.5 (commencing with Section 12301), if the delivery,
13 sale, or transfer of that firearm is conducted in accordance with
14 the applicable provisions of Section 12020, Chapter 2 (commencing
15 with Section 12200), Chapter 2.3 (commencing with Section
16 12275), or Chapter 2.5 (commencing with Section 12301).

17 (p) (1) Paragraph (3) of subdivision (a) and subdivision (d) of
18 Section 12072 shall not apply to the loan of a firearm that is not a
19 handgun to a minor, with the express permission of the parent or
20 legal guardian of the minor, if the loan does not exceed 30 days
21 in duration and is for a lawful purpose.

22 (2) Paragraph (3) of subdivision (a) of Section 12072,
23 subdivision (d) of Section 12072, and subdivision (b) of Section
24 12801 shall not apply to the loan of a handgun to a minor by a
25 person who is not the parent or legal guardian of the minor if all
26 of the following circumstances exist:

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

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

37 (C) The duration of the loan does not exceed the amount of time
38 that is reasonably necessary to engage in the lawful, recreational
39 sport, including, but not limited to, competitive shooting, or
40 agricultural, ranching, or hunting activity, or a motion picture,

1 television, or video production, or entertainment or theatrical event,
2 the nature of which involves the use of a firearm.

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

5 (3) Paragraph (3) of subdivision (a), and subdivision (d), of
6 Section 12072, and subdivision (b) of Section 12801 shall not
7 apply to the loan of a handgun to a minor by his or her parent or
8 legal guardian if both of the following circumstances exist:

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

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

21 (4) Paragraph (3) of subdivision (a), and subdivision (d), of
22 Section 12072 shall not apply to the transfer or loan of a firearm
23 that is not a handgun to a minor by his or her parent or legal
24 guardian.

25 (5) Paragraph (3) of subdivision (a), and subdivision (d), of
26 Section 12072 shall not apply to the transfer or loan of a firearm
27 that is not a handgun to a minor by his or her grandparent who is
28 not the legal guardian of the minor if the transfer is done with the
29 express permission of the parent or legal guardian of the minor.

30 (6) Subparagraph (A) of paragraph (3) of subdivision (a) of
31 Section 12072 shall not apply to the sale of a handgun if both of
32 the following requirements are satisfied:

33 (A) The sale is to a person who is at least 18 years of age.

34 (B) The firearm is an antique firearm as defined in paragraph
35 (16) of subsection (a) of Section 921 of Title 18 of the United
36 States Code.

37 (q) Subdivision (d) of Section 12072 shall not apply to the loan
38 of a firearm that is not a handgun to a licensed hunter for use by
39 that licensed hunter for a period of time not to exceed the duration
40 of the hunting season for which that firearm is to be used.

(r) The waiting period described in Section 12071 or 12072 shall not apply to the delivery, sale, or transfer of a firearm to the holder of a special weapons permit issued by the Department of Justice issued pursuant to Section 12095, 12230, 12250, or 12305. On the date that the application to purchase is completed, the dealer delivering the firearm shall transmit to the Department of Justice an electronic or telephonic report of the same as is indicated in subdivision (b) or (c) of Section 12077.

(s) (1) Subdivision (d) of Section 12072 and subdivision (b) of Section 12801 shall not apply to the infrequent loan of an unloaded firearm by a person who is neither a dealer as defined in Section 12071 nor a federal firearms licensee pursuant to Chapter 44 (commencing with Section 921) of Title 18 of the United States Code, to a person 18 years of age or older for use solely as a prop in a motion picture, television, video, theatrical, or other entertainment production or event.

(2) Subdivision (d), and paragraph (1) of subdivision (f), of Section 12072, and subdivision (b) of Section 12801 shall not apply to the loan of an unloaded firearm by a person who is not a dealer as defined in Section 12071 but who is a federal firearms licensee pursuant to Chapter 44 (commencing with Section 921) of Title 18 of the United States Code, to a person who possesses a valid entertainment firearms permit issued pursuant to Section 12081, for use solely as a prop in a motion picture, television, video, theatrical, or other entertainment production or event. The person loaning the firearm pursuant to this paragraph shall retain a photocopy of the entertainment firearms permit as proof of compliance with this requirement.

(3) Subdivision (b) of Section 12071, subdivision (c) of, and paragraph (1) of subdivision (f) of, Section 12072, and subdivision (b) of Section 12801 shall not apply to the loan of an unloaded firearm by a dealer as defined in Section 12071, to a person who possesses a valid entertainment firearms permit issued pursuant to Section 12081, for use solely as a prop in a motion picture, television, video, theatrical, or other entertainment production or event. The dealer shall retain a photocopy of the entertainment firearms permit as proof of compliance with this requirement.

(4) Subdivision (b) of Section 12071, subdivision (c) and paragraph (1) of subdivision (f) of Section 12072, and subdivision (b) of Section 12801 shall not apply to the loan of an unloaded

1 firearm to a consultant-evaluator by a person licensed pursuant to
2 Section 12071 if the loan does not exceed 45 days from the date
3 of delivery. At the time of the loan, the consultant-evaluator shall
4 provide the following information, which the dealer shall retain
5 for two years:

6 (A) A photocopy of a valid, current, government-issued
7 identification to determine the consultant-evaluator's identity,
8 including, but not limited to, a California driver's license,
9 identification card, or passport.

10 (B) A photocopy of the consultant-evaluator's valid, current
11 certificate of eligibility.

12 (C) A letter from the person licensed as an importer,
13 manufacturer, or dealer pursuant to Chapter 44 (commencing with
14 Section 921) of Title 18 of the United States Code, with whom the
15 consultant-evaluator has a bona fide business relationship. The
16 letter shall detail the bona fide business purposes for which the
17 firearm is being loaned and confirm that the consultant-evaluator
18 is being loaned the firearm as part of a bona fide business
19 relationship.

20 (D) The signature of the consultant-evaluator on a form
21 indicating the date the firearm is loaned and the last day the firearm
22 may be returned.

23 (t) (1) The waiting periods described in Sections 12071 and
24 12072 shall not apply to the sale, delivery, loan, or transfer of a
25 firearm that is a curio or relic, as defined in Section 478.11 of Title
26 27 of the Code of Federal Regulations, or its successor, by a dealer
27 to a person who is licensed as a collector pursuant to Chapter 44
28 (commencing with Section 921) of Title 18 of the United States
29 Code and the regulations issued pursuant thereto who has a current
30 certificate of eligibility issued to him or her by the Department of
31 Justice pursuant to Section 12071. On the date that the delivery,
32 sale, or transfer is made, the dealer delivering the firearm shall
33 transmit to the Department of Justice an electronic or telephonic
34 report of the transaction as is indicated in subdivision (b) or (c) of
35 Section 12077.

36 (2) Subdivision (d) and paragraph (1) of subdivision (f) of
37 Section 12072 shall not apply to the infrequent sale, loan, or
38 transfer of a firearm that is not a handgun, which is a curio or relic
39 manufactured at least 50 years prior to the current date, but not

1 including replicas thereof, as defined in Section 478.11 of Title
2 27 of the Code of Federal Regulations, or its successor.

3 (u) As used in this section:

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

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

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

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

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

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

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

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

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

25 (H) Firearms passing to a surviving spouse pursuant to Chapter
26 1 (commencing with Section 13500) of Part 2 of Division 8 of the
27 Probate Code.

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

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

36 SEC. 2. If the Commission on State Mandates determines that
37 this act contains costs mandated by the state, reimbursement to
38 local agencies and school districts for those costs shall be made

- 1 pursuant to Part 7 (commencing with Section 17500) of Division
- 2 4 of Title 2 of the Government Code.

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