

**Introduced by Senator Margett**February 14, 2008

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An act to amend Sections 3130, 3425, 3448, and 17505 of the Family Code, to amend Sections 15029 and 15155 of the Government Code, to repeal Section 11648 of the Health and Safety Code, to amend Sections 290.3, 830.2, 1298, 11102.1, 11112.5, 11167.5, 12020, 12076, 12082, 13825.3, and 14204 of, and to repeal Section 12091 of, the Penal Code, and to amend Section 10652 of the Vehicle Code, relating to public safety.

## LEGISLATIVE COUNSEL'S DIGEST

SB 1241, as introduced, Margett. Public safety.

(1) Existing law provides procedures for the enforcement of child custody orders and support obligations.

This bill would make technical, nonsubstantive changes to those provisions.

(2) Existing law requires state, county, and local agencies to cooperate with the local child support agency in the enforcement of any child support obligation and spousal support orders, and in the location of parents or putative parents. Existing law also requires those agencies to cooperate with the district attorney in implementing related laws concerning the location, seizure, and recovery of abducted, concealed, or detained minor children.

This bill would require those agencies to cooperate with the district attorney in implementing related laws concerning the location, seizure, recovery, and return of any missing, taken, abducted, concealed, or detained minor child and the location of any person in possession of a missing, taken, abducted, concealed, or detained minor child, and the enforcement of custody or visitation orders. By requiring county and

local agencies to provide additional services, this bill would impose a state-mandated local program.

(3) On request, existing law requires all state, county, and local agencies to supply the local child support agency of any county in this state or the California Parent Locator Service with all information on hand relative to the location, income, or property of any parents, putative parents, spouses, or former spouses, notwithstanding any other provision of law making the information confidential, and with all information on hand relative to the location and prosecution of any person who has, by means of false statement or representation or by impersonation or other fraudulent device, obtained aid for a child, as specified.

This bill would require, on request, all state, county, and local agencies to supply the district attorney of any county in this state with all information on hand relative to the location of any missing, taken, abducted, concealed, or detained minor child and the location of any person in possession of that child, and with all information on hand relative to the location and prosecution of any person who has taken, abducted, concealed, or detained a minor child or maliciously taken, enticed away, kept, withheld, or concealed a minor child or maliciously deprived a lawful custodian of a right to custody or visitation, notwithstanding any other provision of law making the information confidential. By requiring county and local agencies to provide additional services, this bill would impose a state-mandated local program.

(4) Existing law requires the Department of Justice to annually report on its activities and accomplishments to the Legislature and to federal, state, and local law enforcement agencies, as well as to other interested groups. Existing law requires that report to include a separate report on the activities of the Crack Down Task Force Program, which has the responsibility for establishing, conducting, supporting, and coordinating crack down task forces composed of state and local law enforcement agencies targeting the investigation and apprehension of the Colombian cartel-street gang cocaine networks.

This bill would delete the requirement that the Department of Justice's annual report include a separate report on the activities of the Crack Down Task Force Program.

(5) Existing law directs the Attorney General to appoint an advisory committee, with specified members, on the California Law Enforcement Telecommunications System to advise and assist him or her in the

management of the system with respect to operating policies, service evaluation, and system discipline.

This bill would require that committee to include one representative from the Chief Probation Officers of California.

(6) Existing law requires the Department of Justice to establish a Clandestine Laboratory Enforcement Program to assist state and local law enforcement and prosecutorial agencies in apprehending and prosecuting persons involved in the unlawful manufacture of controlled substances. Existing law also requires the Department of Justice to report annually on its activities and on the accomplishments of the Clandestine Laboratory Program to the Legislature and to federal, state, and local law enforcement agencies, as well as to other interested groups.

This bill would delete provisions that require the Department of Justice to make those annual reports.

(7) Existing law, enacted by initiative statute, requires sex offenders, as defined, to pay a fine, as specified. Existing law transfers \$100 for each of those fines imposed in excess of \$100 to the Department of Corrections and Rehabilitation to defray the cost of the global positioning system used to monitor sex offender parolees.

Existing law permits the Legislature to amend those provisions by a statute passed in each house by rollcall vote entered in the journal,  $\frac{2}{3}$  of the members of each house concurring, or by a statute that becomes effective only when approved by the voters.

This bill would instead transfer  $\frac{1}{3}$  of every first conviction fine collected and  $\frac{1}{5}$  of the second and subsequent conviction fine for that purpose.

(8) Existing law grants specified peace officers authority that extends to any place in the state, including any member of the Law Enforcement and Investigations Unit of the Department of Corrections, as specified.

This bill would extend that authority to any member of the Office of Correctional Safety of the Department of Corrections and Rehabilitation, as specified.

(9) Existing law authorizes the imprisonment of a person who manufactures, imports, sells, or possesses specified weapons. Existing law exempts from that provision the sale to, purchase by, or possession of, short-barreled shotguns or short-barreled rifles by police departments, sheriffs' offices, marshals' offices, the California Highway Patrol, the Department of Justice, or the military or naval forces, as specified.

This bill would specify, in addition, the sale to, purchase by, or possession of, short-barreled shotguns or short-barreled rifles by the

Department of Corrections and Rehabilitation, as specified, is not punishable by imprisonment.

(10) Existing law declares the possession of any pistol or revolver upon which the name of the maker, model, manufacturer’s number or other mark of identification has been changed, altered, removed, or obliterated, to be presumptive evidence that the possessor has changed, altered, removed, or obliterated the same.

This bill would repeal that provision.

(11) Existing law requires the Department of Justice to prepare and submit an annual report to the Legislature regarding the California Gang, Crime, and Violence Prevention Partnership Program, as specified.

This bill would require the department to file that report only in years in which the program receives funds.

(12) Existing law requires the Corrections Standards Authority to provide for the presentation of training to peace officers which will enable them to more efficiently handle, on the local level, the tracing of missing persons and victims of violent crimes.

This bill would instead require the Commission on Peace Officer Standards and Training to provide that training.

(13) This bill would also make other related, conforming changes.

(14) 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:  $\frac{2}{3}$ . 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 3130 of the Family Code is amended to  
2 read:

3 3130. If a petition to determine custody of a child has been  
4 filed in a court of competent jurisdiction, or if a temporary order  
5 pending determination of custody has been entered in accordance  
6 with Chapter 3 (commencing with Section 3060), and the  
7 whereabouts of a party in possession of the child are not known,

1 or there is reason to believe that the party may not appear in the  
2 proceedings although ordered to appear personally with the child  
3 pursuant to Section ~~3411~~ 3430, the district attorney shall take all  
4 actions necessary to locate the party and the child and to procure  
5 compliance with the order to appear with the child for purposes  
6 of adjudication of custody. The petition to determine custody may  
7 be filed by the district attorney.

8 SEC. 2. Section 3425 of the Family Code is amended to read:

9 3425. (a) Before a child custody determination is made under  
10 this part, notice and an opportunity to be heard in accordance with  
11 the standards of Section ~~3428~~ 3408 must be given to all persons  
12 entitled to notice under the law of this state as in child custody  
13 proceedings between residents of this state, any parent whose  
14 parental rights have not been previously terminated, and any person  
15 having physical custody of the child.

16 (b) This part does not govern the enforceability of a child  
17 custody determination made without notice or an opportunity to  
18 be heard.

19 (c) The obligation to join a party and the right to intervene as a  
20 party in a child custody proceeding under this part are governed  
21 by the law of this state as in child custody proceedings between  
22 residents of this state.

23 SEC. 3. Section 3448 of the Family Code is amended to read:

24 3448. (a) A petition under this chapter must be verified.  
25 Certified copies of all orders sought to be enforced and of any  
26 order confirming registration must be attached to the petition. A  
27 copy of a certified copy of an order may be attached instead of the  
28 original.

29 (b) A petition for enforcement of a child custody determination  
30 must state all of the following:

31 (1) Whether the court that issued the determination identified  
32 the jurisdictional basis it relied upon in exercising jurisdiction and,  
33 if so, what the basis was.

34 (2) Whether the determination for which enforcement is sought  
35 has been vacated, stayed, or modified by a court whose decision  
36 must be enforced under this part and, if so, identify the court, the  
37 case number, and the nature of the proceeding.

38 (3) Whether any proceeding has been commenced that could  
39 affect the current proceeding, including proceedings relating to  
40 domestic violence, protective orders, termination of parental rights,

1 and adoptions and, if so, identify the court, the case number, and  
2 the nature of the proceeding.

3 (4) The present physical address of the child and the respondent,  
4 if known.

5 (5) Whether relief in addition to the immediate physical custody  
6 of the child and attorney’s fees is sought, including a request for  
7 assistance from law enforcement officials and, if so, the relief  
8 sought.

9 (6) If the child custody determination has been registered and  
10 confirmed under Section 3445, the date and place of registration.

11 (c) Upon the filing of a petition, the court shall issue an order  
12 directing the respondent to appear in person with or without the  
13 child at a hearing and may enter any order necessary to ensure the  
14 safety of the parties and the child. The hearing must be held on  
15 the next judicial day after service of the order unless that date is  
16 impossible. In that event, the court shall hold the hearing on the  
17 first judicial day possible. The court may extend the date of hearing  
18 at the request of the petitioner.

19 (d) An order issued under subdivision (c) must state the time  
20 and place of the hearing and advise the respondent that, at the  
21 hearing, the court will order that the petitioner may take immediate  
22 physical custody of the child and the payment of fees, costs, and  
23 expenses under Section 3452, and may schedule a hearing to  
24 determine whether further relief is appropriate, unless the  
25 respondent appears and establishes either of the following:

26 (1) That the child custody determination has not been registered  
27 and confirmed under Section 3445 and all of the following are  
28 true:

29 (A) The issuing court did not have jurisdiction under Chapter  
30 2 (commencing with Section 3421).

31 (B) The child custody determination for which enforcement is  
32 sought has been vacated, stayed, or modified by a court having  
33 jurisdiction to do so under Chapter 2 (commencing with Section  
34 3421).

35 (C) The respondent was entitled to notice, but notice was not  
36 given in accordance with the standards of Section 3408, in the  
37 proceedings before the court that issued the order for which  
38 enforcement is sought.

39 (2) That the child custody determination for which enforcement  
40 is sought was registered and confirmed under Section ~~3444~~ 3445,

1 but has been vacated, stayed, or modified by a court of a state  
2 having jurisdiction to do so under Chapter 2 (commencing with  
3 Section 3421).

4 SEC. 4. Section 17505 of the Family Code is amended to read:

5 17505. (a) All state, county, and local agencies shall cooperate  
6 with the local child support agency (1) in the enforcement of any  
7 child support obligation or to the extent required under the state  
8 plan under *Section 17604 and Chapter 6* (commencing with Section  
9 4900) of Part 5 of Division 9 *of this code, and Section 270 of the*  
10 *Penal Code, and Section 17604*, and (2) the enforcement of spousal  
11 support orders and in the location of parents or putative parents.  
12 The local child support agency may enter into an agreement with  
13 and shall secure from a municipal, county, or state law enforcement  
14 agency, pursuant to that agreement, state summary criminal record  
15 information through the California Law Enforcement  
16 Telecommunications System. This subdivision applies irrespective  
17 of whether the children are or are not receiving aid to families with  
18 dependent children. All state, county, and local agencies shall  
19 cooperate with the district attorney in implementing Chapter 8  
20 (commencing with Section 3130) of Part 2 of Division 8 *and*  
21 *Chapter 1 (commencing with Section 3400) of Part 3 of Division*  
22 *8 of this code, and Chapter 4 (commencing with Section 277) of*  
23 *Title 9 of Part 1 of the Penal Code* concerning the location, seizure,  
24 ~~and~~ recovery, ~~and return of any missing, taken, abducted,~~  
25 ~~concealed, or detained minor children~~ *child and the location of*  
26 *any person in possession of a missing, taken, abducted, concealed,*  
27 *or detained minor child, and the enforcement of custody or*  
28 *visitation orders.*

29 (b) On request, all state, county, and local agencies shall supply  
30 the local child support agency of any county in this state or the  
31 California Parent Locator Service with all information on hand  
32 relative to the location, income, or property of any parents, putative  
33 parents, spouses, or former spouses, notwithstanding any other  
34 provision of law making the information confidential, and with all  
35 information on hand relative to the location and prosecution of  
36 any person who has, by means of false statement or representation  
37 or by impersonation or other fraudulent device, obtained aid for a  
38 child under this chapter. *On request, all state, county, and local*  
39 *agencies shall supply the district attorney of any county in this*  
40 *state with all information on hand relative to the location of any*

1 *missing, taken, abducted, concealed, or detained minor child and*  
2 *the location of any person in possession of that child, and with all*  
3 *information on hand relative to the location and prosecution of*  
4 *any person who has taken, abducted, concealed, or detained a*  
5 *minor child or maliciously taken, enticed away, kept, withheld, or*  
6 *concealed a minor child or maliciously deprived a lawful custodian*  
7 *of a right to custody or visitation, notwithstanding any other*  
8 *provision of law making the information confidential.*

9 (c) The California Child Support Automation System, or its  
10 replacement, shall be entitled to the same cooperation and  
11 information provided to the California Parent Locator Service, to  
12 the extent allowed by law. The California Child Support  
13 Automation System, or its replacement, shall be allowed access  
14 to criminal offender record information only to the extent that  
15 access is allowed by law.

16 (d) Information exchanged between the California Parent  
17 Locator Service or the California Child Support Automation  
18 System, or its replacement, and state, county, or local agencies as  
19 specified in Section 666(c)(1)(D) of Title 42 of the United State  
20 Code shall be through automated processes to the maximum extent  
21 feasible.

22 SEC. 5. Section 15029 of the Government Code is amended  
23 to read:

24 15029. (a) The Crack Down Task Force Program is hereby  
25 created within the Department of Justice with responsibility for  
26 establishing, conducting, supporting, and coordinating crack down  
27 task forces composed of state and local law enforcement agencies  
28 targeting the investigation and apprehension of the Colombian  
29 cartel-street gang cocaine networks.

30 (b) The department shall coordinate all investigations undertaken  
31 by task forces operating under the Crack Down Task Force  
32 Program with all local agencies having law enforcement  
33 responsibilities within the jurisdictions involved. The department  
34 shall also solicit participation by appropriate federal agencies with  
35 task force investigations whenever possible.

36 The department's Bureau of Narcotic Enforcement, Bureau of  
37 Forensic Services, and Bureau of Investigations shall provide  
38 staffing and logistical support for the crackdown task forces,  
39 supplying special agents, criminal intelligence analysts, forensic

1 experts, financial auditors, equipment, and funding to the task  
2 forces as needed.

3 (c) Local law enforcement agencies participating in the Crack  
4 Down Task Force Program shall be reimbursed by the department  
5 for personnel overtime costs and equipment or supplies required  
6 for task force activities.

7 ~~(d) Beginning January 1, 1991, the report required pursuant to  
8 Section 15028 shall include a separate report on the activities of  
9 the Crack Down Task Force Program.~~

10 SEC. 6. Section 15155 of the Government Code is amended  
11 to read:

12 15155. The committee shall consist of representatives from  
13 the following organizations:

14 (1) Two representatives from the Peace Officers' Association  
15 of the State of California.

16 (2) One representative from the California State Sheriffs'  
17 Association.

18 (3) One representative from the League of California Cities.

19 (4) One representative from the County Supervisors Association  
20 of California.

21 (5) One representative from the Department of Justice.

22 (6) One representative from the Department of Motor Vehicles.

23 (7) One representative from the Department of General Services.

24 (8) One representative from the California Highway Patrol.

25 (9) One representative from the California Police Chiefs  
26 Association.

27 *(10) One representative from the Chief Probation Officers of  
28 California.*

29 SEC. 7. Section 11648 of the Health and Safety Code is  
30 repealed.

31 ~~11648. The department shall report annually on its activities  
32 and on the accomplishments of the Clandestine Laboratory Program  
33 to the Legislature and to federal, state, and local law enforcement  
34 agencies, as well as to other interested groups. The first report to  
35 the Legislature shall be submitted no later than April 1, 1991, and  
36 it shall specify the way in which the department's organization and  
37 positions relate to the investigation, seizure, and cleanup of  
38 clandestine laboratories as of that date. The report shall also include  
39 a detailed account of program expenditures.~~

40 SEC. 8. Section 290.3 of the Penal Code is amended to read:

1 290.3. (a) Every person who is convicted of any offense  
2 specified in subdivision (c) of Section 290 shall, in addition to any  
3 imprisonment or fine, or both, imposed for commission of the  
4 underlying offense, be punished by a fine of three hundred dollars  
5 (\$300) upon the first conviction or a fine of five hundred dollars  
6 (\$500) upon the second and each subsequent conviction, unless  
7 the court determines that the defendant does not have the ability  
8 to pay the fine.

9 An amount equal to all fines collected pursuant to this  
10 subdivision during the preceding month upon conviction of, or  
11 upon the forfeiture of bail by, any person arrested for, or convicted  
12 of, committing an offense specified in subdivision (c) of Section  
13 290, shall be transferred once a month by the county treasurer to  
14 the Controller for deposit in the General Fund. Moneys deposited  
15 in the General Fund pursuant to this subdivision shall be transferred  
16 by the Controller as provided in subdivision (b).

17 (b) Except as provided in subdivision (d), out of the moneys  
18 deposited pursuant to subdivision (a) as a result of second and  
19 subsequent convictions of Section 290, one-third shall first be  
20 transferred to the Department of Justice Sexual Habitual Offender  
21 Fund, as provided in paragraph (1) of this subdivision. Out of the  
22 remainder of all moneys deposited pursuant to subdivision (a), 50  
23 percent shall be transferred to the Department of Justice Sexual  
24 Habitual Offender Fund, as provided in paragraph (1), 25 percent  
25 shall be transferred to the ~~Department of Justice DNA Testing~~  
26 ~~Fund, as provided in paragraph (2), DNA Identification Fund, as~~  
27 ~~established by Section 76104.6 of the Government Code, and 25~~  
28 percent shall be allocated equally to counties that maintain a local  
29 DNA testing laboratory, as provided in paragraph ~~(3)~~ (2).

30 (1) Those moneys so designated shall be transferred to the  
31 Department of Justice Sexual Habitual Offender Fund created  
32 pursuant to paragraph (5) of subdivision (b) of Section 11170 and,  
33 when appropriated by the Legislature, shall be used for the  
34 purposes of Chapter 9.5 (commencing with Section 13885) and  
35 Chapter 10 (commencing with Section 13890) of Title 6 of Part 4  
36 for the purpose of monitoring, apprehending, and prosecuting  
37 sexual habitual offenders.

38 ~~(2) Those moneys so designated shall be directed to the~~  
39 ~~Department of Justice and transferred to the Department of Justice~~  
40 ~~DNA Testing Fund, which is hereby created, for the exclusive~~

1 purpose of testing deoxyribonucleic acid (DNA) samples for law  
2 enforcement purposes. The moneys in that fund shall be available  
3 for expenditure upon appropriation by the Legislature.

4 (3)

5 (2) Those moneys so designated shall be allocated equally and  
6 distributed quarterly to counties that maintain a local DNA testing  
7 laboratory. Before making any allocations under this paragraph,  
8 the Controller shall deduct the estimated costs that will be incurred  
9 to set up and administer the payment of these funds to the counties.  
10 Any funds allocated to a county pursuant to this paragraph shall  
11 be used by that county for the exclusive purpose of testing DNA  
12 samples for law enforcement purposes.

13 (c) Notwithstanding any other provision of this section, the  
14 Department of Corrections and Rehabilitation may collect a fine  
15 imposed pursuant to this section from a person convicted of a  
16 violation of any offense listed in subdivision (c) of Section 290,  
17 that results in incarceration in a facility under the jurisdiction of  
18 the Department of Corrections and Rehabilitation. All moneys  
19 collected by the Department of Corrections and Rehabilitation  
20 under this subdivision shall be transferred, once a month, to the  
21 Controller for deposit in the General Fund, as provided in  
22 subdivision (a), for transfer by the Controller, as provided in  
23 subdivision (b).

24 (d) ~~An amount equal to one hundred dollars (\$100) for every~~  
25 ~~fine imposed pursuant to subdivision (a) in excess of one hundred~~  
26 ~~dollars (\$100) shall be transferred to the Department of Corrections~~  
27 ~~and Rehabilitation to defray the cost of the global positioning~~  
28 ~~system used to monitor sex offender parolees. *An amount equal*~~  
29 ~~*to one-third of every first conviction fine collected and one-fifth*~~  
30 ~~*of every second conviction fine collected pursuant to subdivision*~~  
31 ~~*(a) shall be transferred to the Department of Corrections and*~~  
32 ~~*Rehabilitation to help defray the cost of the global positioning*~~  
33 ~~*system used to monitor sex offender parolees.*~~

34 SEC. 9. Section 830.2 of the Penal Code is amended to read:

35 830.2. The following persons are peace officers whose authority  
36 extends to any place in the state:

37 (a) Any member of the Department of the California Highway  
38 Patrol including those members designated under subdivision (a)  
39 of Section 2250.1 of the Vehicle Code, provided that the primary  
40 duty of the peace officer is the enforcement of any law relating to

1 the use or operation of vehicles upon the highways, or laws  
2 pertaining to the provision of police services for the protection of  
3 state officers, state properties, and the occupants of state properties,  
4 or both, as set forth in the Vehicle Code and Government Code.

5 (b) A member of the University of California Police Department  
6 appointed pursuant to Section 92600 of the Education Code,  
7 provided that the primary duty of the peace officer shall be the  
8 enforcement of the law within the area specified in Section 92600  
9 of the Education Code.

10 (c) A member of the California State University Police  
11 Departments appointed pursuant to Section 89560 of the Education  
12 Code, provided that the primary duty of the peace officer shall be  
13 the enforcement of the law within the area specified in Section  
14 89560 of the Education Code.

15 (d) (1) Any member of the ~~Law Enforcement and Investigations~~  
16 ~~Unit~~ *Office of Correctional Safety* of the Department of Corrections  
17 *and Rehabilitation*, provided that the primary duties of the peace  
18 officer shall be the investigation or apprehension of parolees, parole  
19 violators, or escapees from state institutions, the transportation of  
20 those persons, and the coordination of those activities with other  
21 criminal justice agencies.

22 (2) Any member of the Office of Internal Affairs of the  
23 Department of Corrections *and Rehabilitation*, provided that the  
24 primary duties shall be criminal investigations of Department of  
25 Corrections *and Rehabilitation* personnel and the coordination of  
26 those activities with other criminal justice agencies. For purposes  
27 of this subdivision, the member of the Office of Internal Affairs  
28 shall possess certification from the Commission on Peace Officer  
29 Standards and Training for investigators, or have completed  
30 training pursuant to Section 6126.1 of the Penal Code.

31 (e) Employees of the Department of Fish and Game designated  
32 by the director, provided that the primary duty of those peace  
33 officers shall be the enforcement of the law as set forth in Section  
34 856 of the Fish and Game Code.

35 (f) Employees of the Department of Parks and Recreation  
36 designated by the director pursuant to Section 5008 of the Public  
37 Resources Code, provided that the primary duty of the peace officer  
38 shall be the enforcement of the law as set forth in Section 5008 of  
39 the Public Resources Code.

1 (g) The Director of Forestry and Fire Protection and employees  
2 or classes of employees of the Department of Forestry and Fire  
3 Protection designated by the director pursuant to Section 4156 of  
4 the Public Resources Code, provided that the primary duty of the  
5 peace officer shall be the enforcement of the law as that duty is  
6 set forth in Section 4156 of the Public Resources Code.

7 (h) Persons employed by the Department of Alcoholic Beverage  
8 Control for the enforcement of Division 9 (commencing with  
9 Section 23000) of the Business and Professions Code and  
10 designated by the Director of Alcoholic Beverage Control, provided  
11 that the primary duty of any of these peace officers shall be the  
12 enforcement of the laws relating to alcoholic beverages, as that  
13 duty is set forth in Section 25755 of the Business and Professions  
14 Code.

15 (i) Marshals and police appointed by the Board of Directors of  
16 the California Exposition and State Fair pursuant to Section 3332  
17 of the Food and Agricultural Code, provided that the primary duty  
18 of the peace officers shall be the enforcement of the law as  
19 prescribed in that section.

20 (j) The Inspector General, pursuant to Section 6125, and the  
21 Chief Deputy Inspector General In Charge, the Senior Deputy  
22 Inspector General, the Deputy Inspector General, and those  
23 employees of the Inspector General as designated by the Inspector  
24 General, are peace officers, provided that the primary duty of these  
25 peace officers shall be conducting audits of investigatory practices  
26 and other audits, as well as conducting investigations, of the  
27 Department of Corrections, ~~the Department of the Youth Authority,~~  
28 ~~the Board of Prison Terms, the Youthful Offender Parole Board,~~  
29 ~~or the Board of Corrections and Rehabilitation, Division of Juvenile~~  
30 *Justice and the Board of Parole Hearings.*

31 SEC. 10. Section 1298 of the Penal Code is amended to read:

32 1298. In lieu of a deposit of money, the defendant or any other  
33 person may deposit bonds of the United States or of the State of  
34 California of the face value of the cash deposit required, and these  
35 bonds shall be treated in the same manner as a deposit of money  
36 or the defendant or any other person may give as security any  
37 equity in real property which he or she owns, provided that no  
38 charge is made to the defendant or any other person for the giving  
39 as security of any equity in real property. A hearing, at which  
40 witnesses may be called or examined, shall be held before the

1 magistrate to determine the value of the equity and if the magistrate  
 2 finds that the value of the equity is equal to twice the amount of  
 3 the cash deposit required he or she shall allow the bail. The clerk  
 4 shall, under order of the court, when occasion arises therefor, sell  
 5 the bonds or the equity and apply the proceeds of the sale in the  
 6 manner that a deposit of cash may be required to be applied.

7 ~~The county treasurer shall, upon request of the judge, keep the~~  
 8 ~~deposit and return it to the clerk on order of the judge.~~

9 SEC. 11. Section 11102.1 of the Penal Code is amended to  
 10 read:

11 11102.1. (a) (1) Notwithstanding any other law, the  
 12 Department of Justice shall establish, implement, and maintain a  
 13 certification program to process fingerprint-based criminal  
 14 background clearances on individuals who roll fingerprint  
 15 impressions, manually or electronically, for non-law-enforcement  
 16 purposes. Except as provided in paragraph (2), no person shall roll  
 17 fingerprints for non-law-enforcement purposes unless certified.

18 (2) The following persons shall be exempt from this section if  
 19 they have received training pertaining to applicant fingerprint  
 20 rolling and have undergone a criminal offender record information  
 21 background investigation:

- 22 (A) Law enforcement personnel and state employees.
- 23 (B) Employees of a tribal gaming agency or a tribal gaming  
 24 operation, provided that the fingerprints are rolled and submitted  
 25 to the Department of Justice for purposes of compliance with a  
 26 tribal-state compact.

27 (3) The department shall not accept fingerprint impressions for  
 28 non-law-enforcement purposes unless they were rolled by an  
 29 individual certified or exempted pursuant to this section.

30 (b) Individuals who roll fingerprint impressions, either manually  
 31 or electronically, for non-law-enforcement purposes, must submit  
 32 to the Department of Justice fingerprint images and related  
 33 information, along with the appropriate fees and documentation.  
 34 The department shall retain one copy of the fingerprint impressions  
 35 to process a state level criminal background clearance, and it shall  
 36 submit one copy of the fingerprint impressions to the Federal  
 37 Bureau of Investigation to process a federal level criminal  
 38 background clearance.

39 (c) The department shall retain the fingerprint impressions for  
 40 subsequent arrest notification pursuant to Section 11105.2.

1 (d) Every individual certified as a fingerprint roller shall meet  
2 the following criteria:

3 (1) Be a legal resident of this state at the time of certification.

4 (2) Be at least 18 years of age.

5 (3) Have satisfactorily completed a notarized written application  
6 prescribed by the department to determine the fitness of the person  
7 to exercise the functions of a fingerprint roller.

8 (e) Prior to granting a certificate as a fingerprint roller, the  
9 department shall determine that the applicant possesses the required  
10 honesty, credibility, truthfulness, and integrity to fulfill the  
11 responsibilities of the position.

12 (f) (1) The department shall refuse to certify any individual as  
13 a fingerprint roller, and shall revoke the certification of any  
14 fingerprint roller, upon either of the following:

15 (A) Conviction of a felony offense.

16 (B) Conviction of any other offense that both involves moral  
17 turpitude, dishonesty, or fraud, and bears on the applicant's ability  
18 to perform the duties or responsibilities of a fingerprint roller.

19 (2) A conviction after a plea of nolo contendere is deemed to  
20 be a conviction for purposes of this subdivision.

21 (g) In addition to subdivision (f), the department may refuse to  
22 certify any individual as a fingerprint roller, and may revoke or  
23 suspend the certification of any fingerprint roller upon any of the  
24 following:

25 (1) Substantial and material misstatement or omission in the  
26 application submitted to the department.

27 (2) Arrest pending adjudication for a felony.

28 (3) Arrest pending adjudication for a lesser offense that both  
29 involves moral turpitude, dishonesty, or fraud, and bears on the  
30 applicant's ability to perform the duties or responsibilities of a  
31 fingerprint roller.

32 (4) Revocation, suspension, restriction, or denial of a  
33 professional license, if the revocation, suspension, restriction, or  
34 denial was for misconduct, dishonesty, or for any cause  
35 substantially related to the duties or responsibilities of a fingerprint  
36 roller.

37 (5) Failure to discharge fully and faithfully any of the duties or  
38 responsibilities required of a fingerprint roller.

39 (6) When adjudged liable for damages in any suit grounded in  
40 fraud, misrepresentation, or in violation of the state regulatory

1 laws, or in any suit based upon a failure to discharge fully and  
2 faithfully the duties of a fingerprint roller.

3 (7) Use of false or misleading advertising in which the  
4 fingerprint roller has represented that he or she has duties, rights,  
5 or privileges that he or she does not possess by law.

6 (8) Commission of any act involving dishonesty, fraud, or deceit  
7 with the intent to substantially benefit the fingerprint roller or  
8 another, or to substantially injure another.

9 (9) Failure to submit any remittance payable upon demand by  
10 the department ~~under this section~~ or failure to satisfy any court  
11 ordered money judgment, including restitution.

12 (h) The Department of Justice shall work with applicant  
13 regulatory entities to improve and make more efficient the criminal  
14 offender record information request process related to employment,  
15 licensing, and certification background investigations.

16 (i) The Department of Justice may adopt regulations as necessary  
17 to implement the provisions of this section.

18 (j) The department shall charge a fee sufficient to cover its costs  
19 under this section.

20 SEC. 12. Section 11112.5 of the Penal Code is amended to  
21 read:

22 11112.5. (a) Costs for equipment purchases based upon the  
23 master plan approved by the Attorney General, including state  
24 sales tax, freight, insurance, and installation, shall be prorated  
25 between the state and local governmental entity. The state’s share  
26 shall be 70 percent. The local government’s share shall be 30  
27 percent, paid in legal tender. Purchases may be made under the  
28 existing Cal-ID contract through the Department of General  
29 Services.

30 (b) Alternatively, at the discretion of the local board, an  
31 independent competitive procurement may be initiated under the  
32 following conditions:

33 (1) Prior to submitting a bid in an independent procurement,  
34 any prospective bidder must demonstrate the ability to meet or  
35 exceed performance levels established in the existing Cal-ID  
36 contract and demonstrate the ability to interface with Cal-ID and  
37 meet or exceed performance levels established in the existing  
38 Cal-ID contract without degrading the performance of the Cal-ID  
39 system.

1 (2) Both qualifying benchmarks will be at the prospective  
2 bidder's expense and will be conducted by the Department of  
3 Justice.

4 (3) In the event that no vendor other than the existing contract  
5 vendor qualifies to bid, purchases shall be made by the Department  
6 of General Services on behalf of local agencies pursuant to the  
7 existing Cal-ID contract.

8 (c) Competitive local procurements must adhere to the following  
9 guidelines:

10 (1) Administrative requirements contained within Section 5200  
11 of the State Administrative Manual shall be met.

12 (2) Local procurements shall not increase the costs the state  
13 would otherwise be obligated to pay.

14 (3) Final bids submitted in an independent procurement shall  
15 contain a signed contract that represents an irrevocable offer that  
16 does not materially deviate from the terms and conditions of the  
17 existing Cal-ID contract.

18 (4) The selected vendor shall post a performance bond in an  
19 amount equal to 25 percent of the local equipment costs. The bond  
20 shall remain in effect until the local acceptance test has been  
21 successfully completed.

22 (5) Requests for tender, including contract language, shall be  
23 approved by the Department of General Services prior to release.  
24 The Department of General Services and the Department of Justice  
25 shall be represented on the evaluation and selection team.

26 (d) The local government agency shall be responsible for all  
27 costs related to conducting a local bid, site preparation, equipment  
28 maintenance, ongoing operational costs, file conversion over and  
29 above those records that are available on magnetic media from the  
30 Department of Justice, and equipment enhancements or systems  
31 design which exceed the basic design specifications of the  
32 Department of Justice. The state shall provide sufficient circuitry  
33 ~~from Sacramento~~ to each county, or group of counties to handle  
34 all fingerprint data traffic. The state shall provide for annual  
35 maintenance of that line.

36 SEC. 13. Section 11167.5 of the Penal Code is amended to  
37 read:

38 11167.5. (a) The reports required by Sections 11166 and  
39 11166.2, or authorized by Section 11166.05, and child abuse or  
40 neglect investigative reports that result in a summary report being

1 filed with the Department of Justice pursuant to subdivision (a) of  
2 Section 11169 shall be confidential and may be disclosed only as  
3 provided in subdivision (b). Any violation of the confidentiality  
4 provided by this article is a misdemeanor punishable by  
5 imprisonment in a county jail not to exceed six months, by a fine  
6 of five hundred dollars (\$500), or by both that imprisonment and  
7 fine.

8 (b) Reports of suspected child abuse or neglect and information  
9 contained therein may be disclosed only to the following:

10 (1) Persons or agencies to whom disclosure of the identity of  
11 the reporting party is permitted under Section 11167.

12 (2) Persons or agencies to whom disclosure of information is  
13 permitted under subdivision (b) of Section 11170 or subdivision  
14 (a) of Section 11170.5.

15 (3) Persons or agencies with whom investigations of child abuse  
16 or neglect are coordinated under the regulations promulgated under  
17 Section 11174.

18 (4) Multidisciplinary personnel teams as defined in subdivision  
19 (d) of Section 18951 of the Welfare and Institutions Code.

20 (5) Persons or agencies responsible for the licensing of facilities  
21 which care for children, as specified in Section 11165.7.

22 (6) The State Department of Social Services or any county  
23 licensing agency which has contracted with the state, as specified  
24 in paragraph (4) of subdivision (b) of Section 11170, when an  
25 individual has applied for a community care license or child day  
26 care license, or for employment in an out-of-home care facility,  
27 or when a complaint alleges child abuse or neglect by an operator  
28 or employee of an out-of-home care facility.

29 (7) Hospital scan teams. As used in this paragraph, “hospital  
30 scan team” means a team of three or more persons established by  
31 a hospital, or two or more hospitals in the same county, consisting  
32 of health care professionals and representatives of law enforcement  
33 and child protective services, the members of which are engaged  
34 in the identification of child abuse or neglect. The disclosure  
35 authorized by this section includes disclosure among all hospital  
36 scan teams.

37 (8) Coroners and medical examiners when conducting a post  
38 mortem examination of a child.

39 (9) The Board of Parole Hearings, ~~who~~ *which* may subpoena  
40 an employee of a county welfare department who can provide

1 relevant evidence and reports that both (A) are not unfounded,  
2 pursuant to Section 11165.12, and (B) concern only the current  
3 incidents upon which parole revocation proceedings are pending  
4 against a parolee charged with child abuse or neglect. The reports  
5 and information shall be confidential pursuant to subdivision (d)  
6 of Section 11167.

7 (10) Personnel from an agency responsible for making a  
8 placement of a child pursuant to Section 361.3 of, and Article 7  
9 (commencing with Section 305) of Chapter 2 of Part 1 of Division  
10 2 of, the Welfare and Institutions Code.

11 (11) Persons who have been identified by the Department of  
12 Justice as listed in the Child Abuse Central Index pursuant to  
13 paragraph ~~(6)~~ (7) of subdivision (b) of Section 11170 or subdivision  
14 (c) of Section 11170, or persons who have verified with the  
15 Department of Justice that they are listed in the Child Abuse  
16 Central Index as provided in subdivision ~~(e)~~ (f) of Section 11170.  
17 Disclosure under this paragraph is required notwithstanding the  
18 California Public Records Act, Chapter 3.5 (commencing with  
19 Section 6250) of Division 7 of Title 1 of the Government Code.  
20 Nothing in this paragraph shall preclude a submitting agency prior  
21 to disclosure from redacting any information necessary to maintain  
22 confidentiality as required by law.

23 (12) Out-of-state law enforcement agencies conducting an  
24 investigation of child abuse or neglect only when an agency makes  
25 the request for reports of suspected child abuse or neglect in writing  
26 and on official letterhead, or as designated by the Department of  
27 Justice, identifying the suspected abuser or victim by name and  
28 date of birth or approximate age. The request shall be signed by  
29 the department supervisor of the requesting law enforcement  
30 agency. The written request shall cite the out-of-state statute or  
31 interstate compact provision that requires that the information  
32 contained within these reports is to be disclosed only to law  
33 enforcement, prosecutorial entities, or multidisciplinary  
34 investigative teams, and shall cite the criminal penalties for  
35 unlawful disclosure provided by the requesting state or the  
36 applicable interstate compact provision. In the absence of both (A)  
37 a specific out-of-state statute or interstate compact provision that  
38 requires that the information contained within these reports be  
39 disclosed only to law enforcement, prosecutorial entities, or  
40 multidisciplinary investigative teams, and (B) criminal penalties

1 equivalent to the penalties in California for unlawful disclosure,  
2 access shall be denied.

3 (13) Out-of-state agencies responsible for approving prospective  
4 foster or adoptive parents or relative caregivers for placement of  
5 a child only when the agency makes the request for information  
6 in writing on official letterhead, transmitted by mail, fax, or  
7 electronic transmission, or as designated by the Department of  
8 Justice. The request shall identify the prospective foster or adoptive  
9 parent or relative caregiver, and any other adult living in the home,  
10 by name and date of birth or approximate age. The request shall  
11 be signed by the department supervisor of the requesting agency.  
12 The request shall cite the out-of-state statute or interstate compact  
13 provision that requires that the information contained in the reports  
14 shall be disclosed and used for no purpose other than conducting  
15 background checks in foster or adoptive cases. The request shall  
16 also cite the criminal penalties for unlawful disclosure provided  
17 by the requesting state or the applicable interstate compact  
18 provision. In the absence of an out-of-state statute or interstate  
19 compact provision that requires that the information contained  
20 within the reports be disclosed and used for no purpose other than  
21 conducting background checks in foster or adoptive cases, and  
22 criminal penalties equivalent to the penalties in California for  
23 unlawful disclosure, access shall be denied.

24 (14) Each chairperson of a county child death review team, or  
25 his or her designee, to whom disclosure of information is permitted  
26 under this article, relating to the death of one or more children and  
27 any prior child abuse or neglect investigation reports maintained  
28 involving the same victim, siblings, or suspects. Local child death  
29 review teams may share any relevant information regarding case  
30 reviews involving child death with other child death review teams.

31 (c) Authorized persons within county health departments shall  
32 be permitted to receive copies of any reports made by health  
33 practitioners, as defined in paragraphs (21) to (28), inclusive, of  
34 subdivision (a) of Section 11165.7, and pursuant to Section  
35 11165.13, and copies of assessments completed pursuant to  
36 Sections 123600 and 123605 of the Health and Safety Code, to  
37 the extent permitted by federal law. Any information received  
38 pursuant to this subdivision is protected by subdivision (e).

39 (d) Nothing in this section requires the Department of Justice  
40 to disclose information contained in records maintained under

1 Section 11170 or under the regulations promulgated pursuant to  
2 Section 11174, except as otherwise provided in this article.

3 (e) This section shall not be interpreted to allow disclosure of  
4 any reports or records relevant to the reports of child abuse or  
5 neglect if the disclosure would be prohibited by any other  
6 provisions of state or federal law applicable to the reports or records  
7 relevant to the reports of child abuse or neglect.

8 SEC. 14. Section 12020 of the Penal Code is amended to read:

9 12020. (a) Any person in this state who does any of the  
10 following is punishable by imprisonment in a county jail not  
11 exceeding one year or in the state prison:

12 (1) Manufactures or causes to be manufactured, imports into  
13 the state, keeps for sale, or offers or exposes for sale, or who gives,  
14 lends, or possesses any cane gun or wallet gun, any undetectable  
15 firearm, any firearm which is not immediately recognizable as a  
16 firearm, any camouflaging firearm container, any ammunition  
17 which contains or consists of any fléchette dart, any bullet  
18 containing or carrying an explosive agent, any ballistic knife, any  
19 multiburst trigger activator, any nunchaku, any short-barreled  
20 shotgun, any short-barreled rifle, any metal knuckles, any belt  
21 buckle knife, any leaded cane, any zip gun, any shuriken, any  
22 unconventional pistol, any lipstick case knife, any cane sword, any  
23 shobi-zue, any air gauge knife, any writing pen knife, any metal  
24 military practice handgrenade or metal replica handgrenade, or  
25 any instrument or weapon of the kind commonly known as a  
26 blackjack, slungshot, billy, sandclub, sap, or sandbag.

27 (2) Commencing January 1, 2000, manufactures or causes to  
28 be manufactured, imports into the state, keeps for sale, or offers  
29 or exposes for sale, or who gives, or lends, any large-capacity  
30 magazine.

31 (3) Carries concealed upon his or her person any explosive  
32 substance, other than fixed ammunition.

33 (4) Carries concealed upon his or her person any dirk or dagger.  
34 However, a first offense involving any metal military practice  
35 handgrenade or metal replica handgrenade shall be punishable  
36 only as an infraction unless the offender is an active participant in  
37 a criminal street gang as defined in the Street Terrorism and  
38 Enforcement and Prevention Act (Chapter 11 (commencing with  
39 Section 186.20) of Title 7 of Part 1). A bullet containing or carrying

1 an explosive agent is not a destructive device as that term is used  
2 in Section 12301.

3 (b) Subdivision (a) does not apply to any of the following:

4 (1) The sale to, purchase by, or possession of short-barreled  
5 shotguns or short-barreled rifles by police departments, sheriffs'  
6 offices, marshals' offices, the California Highway Patrol, the  
7 Department of Justice, *the Department of Corrections and*  
8 *Rehabilitation*, or the military or naval forces of this state or of  
9 the United States for use in the discharge of their official duties  
10 or the possession of short-barreled shotguns and short-barreled  
11 rifles by peace officer members of a police department, sheriff's  
12 office, marshal's office, the California Highway Patrol, ~~or~~ the  
13 Department of Justice, *or the Department of Corrections and*  
14 *Rehabilitation*, when on duty and the use is authorized by the  
15 agency and is within the course and scope of their duties and the  
16 peace officer has completed a training course in the use of these  
17 weapons certified by the Commission on Peace Officer Standards  
18 and Training.

19 (2) The manufacture, possession, transportation or sale of  
20 short-barreled shotguns or short-barreled rifles when authorized  
21 by the Department of Justice pursuant to Article 6 (commencing  
22 with Section 12095) ~~of this chapter~~ and not in violation of federal  
23 law.

24 (3) The possession of a nunchaku on the premises of a school  
25 which holds a regulatory or business license and teaches the arts  
26 of self-defense.

27 (4) The manufacture of a nunchaku for sale to, or the sale of a  
28 nunchaku to, a school which holds a regulatory or business license  
29 and teaches the arts of self-defense.

30 (5) Any antique firearm. For purposes of this section, "antique  
31 firearm" means any firearm not designed or redesigned for using  
32 rimfire or conventional center fire ignition with fixed ammunition  
33 and manufactured in or before 1898 (including any matchlock,  
34 flintlock, percussion cap, or similar type of ignition system or  
35 replica thereof, whether actually manufactured before or after the  
36 year 1898) and also any firearm using fixed ammunition  
37 manufactured in or before 1898, for which ammunition is no longer  
38 manufactured in the United States and is not readily available in  
39 the ordinary channels of commercial trade.

40 (6) Tracer ammunition manufactured for use in shotguns.

1 (7) Any firearm or ammunition that is a curio or relic as defined  
2 in Section 478.11 of Title 27 of the Code of Federal Regulations  
3 and which is in the possession of a person permitted to possess the  
4 items pursuant to Chapter 44 (commencing with Section 921) of  
5 Title 18 of the United States Code and the regulations issued  
6 pursuant thereto. Any person prohibited by Section 12021, 12021.1,  
7 or 12101 of this code or Section 8100 or 8103 of the Welfare and  
8 Institutions Code from possessing firearms or ammunition who  
9 obtains title to these items by bequest or intestate succession may  
10 retain title for not more than one year, but actual possession of  
11 these items at any time is punishable pursuant to Section 12021,  
12 12021.1, or 12101 of this code or Section 8100 or 8103 of the  
13 Welfare and Institutions Code. Within the year, the person shall  
14 transfer title to the firearms or ammunition by sale, gift, or other  
15 disposition. Any person who violates this paragraph is in violation  
16 of subdivision (a).

17 (8) Any other weapon as defined in subsection (e) of Section  
18 5845 of Title 26 of the United States Code and which is in the  
19 possession of a person permitted to possess the weapons pursuant  
20 to the federal Gun Control Act of 1968 (Public Law 90-618), as  
21 amended, and the regulations issued pursuant thereto. Any person  
22 prohibited by Section 12021, 12021.1, or 12101 of this code or  
23 Section 8100 or 8103 of the Welfare and Institutions Code from  
24 possessing these weapons who obtains title to these weapons by  
25 bequest or intestate succession may retain title for not more than  
26 one year, but actual possession of these weapons at any time is  
27 punishable pursuant to Section 12021, 12021.1, or 12101 of this  
28 code or Section 8100 or 8103 of the Welfare and Institutions Code.  
29 Within the year, the person shall transfer title to the weapons by  
30 sale, gift, or other disposition. Any person who violates this  
31 paragraph is in violation of subdivision (a). The exemption  
32 provided in this subdivision does not apply to pen guns.

33 (9) Instruments or devices that are possessed by federal, state,  
34 and local historical societies, museums, and institutional collections  
35 which are open to the public, provided that these instruments or  
36 devices are properly housed, secured from unauthorized handling,  
37 and, if the instrument or device is a firearm, unloaded.

38 (10) Instruments or devices, other than short-barreled shotguns  
39 or short-barreled rifles, that are possessed or utilized during the  
40 course of a motion picture, television, or video production or

1 entertainment event by an authorized participant therein in the  
2 course of making that production or event or by an authorized  
3 employee or agent of the entity producing that production or event.

4 (11) Instruments or devices, other than short-barreled shotguns  
5 or short-barreled rifles, that are sold by, manufactured by, exposed  
6 or kept for sale by, possessed by, imported by, or lent by persons  
7 who are in the business of selling instruments or devices listed in  
8 subdivision (a) solely to the entities referred to in paragraphs (9)  
9 and (10) when engaging in transactions with those entities.

10 (12) The sale to, possession of, or purchase of any weapon,  
11 device, or ammunition, other than a short-barreled rifle or  
12 short-barreled shotgun, by any federal, state, county, city and  
13 county, or city agency that is charged with the enforcement of any  
14 law for use in the discharge of their official duties, or the  
15 possession of any weapon, device, or ammunition, other than a  
16 short-barreled rifle or short-barreled shotgun, by peace officers  
17 thereof when on duty and the use is authorized by the agency and  
18 is within the course and scope of their duties.

19 (13) Weapons, devices, and ammunition, other than a  
20 short-barreled rifle or short-barreled shotgun, that are sold by,  
21 manufactured by, exposed or kept for sale by, possessed by,  
22 imported by, or lent by, persons who are in the business of selling  
23 weapons, devices, and ammunition listed in subdivision (a) solely  
24 to the entities referred to in paragraph (12) when engaging in  
25 transactions with those entities.

26 (14) The manufacture for, sale to, exposing or keeping for sale  
27 to, importation of, or lending of wooden clubs or batons to special  
28 police officers or uniformed security guards authorized to carry  
29 any wooden club or baton pursuant to Section 12002 by entities  
30 that are in the business of selling wooden batons or clubs to special  
31 police officers and uniformed security guards when engaging in  
32 transactions with those persons.

33 (15) Any plastic toy handgrenade, or any metal military practice  
34 handgrenade or metal replica handgrenade that is a relic, curio,  
35 memorabilia, or display item, that is filled with a permanent inert  
36 substance or that is otherwise permanently altered in a manner that  
37 prevents ready modification for use as a grenade.

38 (16) Any instrument, ammunition, weapon, or device listed in  
39 subdivision (a) that is not a firearm that is found and possessed by  
40 a person who meets all of the following:

1 (A) The person is not prohibited from possessing firearms or  
2 ammunition pursuant to Section 12021 or 12021.1 or paragraph  
3 (1) of subdivision (b) of Section 12316 of this code or Section  
4 8100 or 8103 of the Welfare and Institutions Code.

5 (B) The person possessed the instrument, ammunition, weapon,  
6 or device no longer than was necessary to deliver or transport the  
7 same to a law enforcement agency for that agency's disposition  
8 according to law.

9 (C) If the person is transporting the listed item, he or she is  
10 transporting the listed item to a law enforcement agency for  
11 disposition according to law.

12 (17) Any firearm, other than a short-barreled rifle or  
13 short-barreled shotgun, that is found and possessed by a person  
14 who meets all of the following:

15 (A) The person is not prohibited from possessing firearms or  
16 ammunition pursuant to Section 12021 or 12021.1 or paragraph  
17 (1) of subdivision (b) of Section 12316 of this code or Section  
18 8100 or 8103 of the Welfare and Institutions Code.

19 (B) The person possessed the firearm no longer than was  
20 necessary to deliver or transport the same to a law enforcement  
21 agency for that agency's disposition according to law.

22 (C) If the person is transporting the firearm, he or she is  
23 transporting the firearm to a law enforcement agency for  
24 disposition according to law.

25 (D) Prior to transporting the firearm to a law enforcement  
26 agency, he or she has given prior notice to that law enforcement  
27 agency that he or she is transporting the firearm to that law  
28 enforcement agency for disposition according to law.

29 (E) The firearm is transported in a locked container as defined  
30 in subdivision (d) of Section 12026.2.

31 (18) The possession of any weapon, device, or ammunition, by  
32 a forensic laboratory or any authorized agent or employee thereof  
33 in the course and scope of his or her authorized activities.

34 (19) The sale of, giving of, lending of, importation into this state  
35 of, or purchase of, any large-capacity magazine to or by any  
36 federal, state, county, city and county, or city agency that is charged  
37 with the enforcement of any law, for use by agency employees in  
38 the discharge of their official duties whether on or off duty, and  
39 where the use is authorized by the agency and is within the course  
40 and scope of their duties.

1 (20) The sale to, lending to, transfer to, purchase by, receipt of,  
2 or importation into this state of, a large-capacity magazine by a  
3 sworn peace officer as defined in Chapter 4.5 (commencing with  
4 Section 830) of Title 3 of Part 2 who is authorized to carry a  
5 firearm in the course and scope of his or her duties.

6 (21) The sale or purchase of any large-capacity magazine to or  
7 by a person licensed pursuant to Section 12071.

8 (22) The loan of a lawfully possessed large-capacity magazine  
9 between two individuals if all of the following conditions are met:

10 (A) The person being loaned the large-capacity magazine is not  
11 prohibited by Section 12021, 12021.1, or 12101 of this code or  
12 Section 8100 or 8103 of the Welfare and Institutions Code from  
13 possessing firearms or ammunition.

14 (B) The loan of the large-capacity magazine occurs at a place  
15 or location where the possession of the large-capacity magazine  
16 is not otherwise prohibited and the person who lends the  
17 large-capacity magazine remains in the accessible vicinity of the  
18 person to whom the large-capacity magazine is loaned.

19 (23) The importation of a large-capacity magazine by a person  
20 who lawfully possessed the large-capacity magazine in the state  
21 prior to January 1, 2000, lawfully took it out of the state, and is  
22 returning to the state with the large-capacity magazine previously  
23 lawfully possessed in the state.

24 (24) The lending or giving of any large-capacity magazine to a  
25 person licensed pursuant to Section 12071, or to a gunsmith, for  
26 the purposes of maintenance, repair, or modification of that  
27 large-capacity magazine.

28 (25) The return to its owner of any large-capacity magazine by  
29 a person specified in paragraph (24).

30 (26) The importation into this state of, or sale of, any  
31 large-capacity magazine by a person who has been issued a permit  
32 to engage in those activities pursuant to Section 12079, when those  
33 activities are in accordance with the terms and conditions of that  
34 permit.

35 (27) The sale of, giving of, lending of, importation into this state  
36 of, or purchase of, any large-capacity magazine, to or by entities  
37 that operate armored vehicle businesses pursuant to the laws of  
38 this state.

39 (28) The lending of large-capacity magazines by the entities  
40 specified in paragraph (27) to their authorized employees, while

1 in the course and scope of their employment for purposes that  
2 pertain to the entity’s armored vehicle business.

3 (29) The return of those large-capacity magazines to those  
4 entities specified in paragraph (27) by those employees specified  
5 in paragraph (28).

6 (30) (A) The manufacture of a large-capacity magazine for any  
7 federal, state, county, city and county, or city agency that is charged  
8 with the enforcement of any law, for use by agency employees in  
9 the discharge of their official duties whether on or off duty, and  
10 where the use is authorized by the agency and is within the course  
11 and scope of their duties.

12 (B) The manufacture of a large-capacity magazine for use by a  
13 sworn peace officer as defined in Chapter 4.5 (commencing with  
14 Section 830) of Title 3 of Part 2 who is authorized to carry a  
15 firearm in the course and scope of his or her duties.

16 (C) The manufacture of a large-capacity magazine for export  
17 or for sale to government agencies or the military pursuant to  
18 applicable federal regulations.

19 (31) The loan of a large-capacity magazine for use solely as a  
20 prop for a motion picture, television, or video production.

21 (32) The purchase of a large-capacity magazine by the holder  
22 of a special weapons permit issued pursuant to Section 12095,  
23 12230, 12250, 12286, or 12305, for any of the following purposes:

24 (A) For use solely as a prop for a motion picture, television, or  
25 video production.

26 (B) For export pursuant to federal regulations.

27 (C) For resale to law enforcement agencies, government  
28 agencies, or the military, pursuant to applicable federal regulations.

29 (c) (1) As used in this section, a “short-barreled shotgun” means  
30 any of the following:

31 (A) A firearm which is designed or redesigned to fire a fixed  
32 shotgun shell and having a barrel or barrels of less than 18 inches  
33 in length.

34 (B) A firearm which has an overall length of less than 26 inches  
35 and which is designed or redesigned to fire a fixed shotgun shell.

36 (C) Any weapon made from a shotgun (whether by alteration,  
37 modification, or otherwise) if that weapon, as modified, has an  
38 overall length of less than 26 inches or a barrel or barrels of less  
39 than 18 inches in length.

1 (D) Any device which may be readily restored to fire a fixed  
2 shotgun shell which, when so restored, is a device defined in  
3 subparagraphs (A) to (C), inclusive.

4 (E) Any part, or combination of parts, designed and intended  
5 to convert a device into a device defined in subparagraphs (A) to  
6 (C), inclusive, or any combination of parts from which a device  
7 defined in subparagraphs (A) to (C), inclusive, can be readily  
8 assembled if those parts are in the possession or under the control  
9 of the same person.

10 (2) As used in this section, a “short-barreled rifle” means any  
11 of the following:

12 (A) A rifle having a barrel or barrels of less than 16 inches in  
13 length.

14 (B) A rifle with an overall length of less than 26 inches.

15 (C) Any weapon made from a rifle (whether by alteration,  
16 modification, or otherwise) if that weapon, as modified, has an  
17 overall length of less than 26 inches or a barrel or barrels of less  
18 than 16 inches in length.

19 (D) Any device which may be readily restored to fire a fixed  
20 cartridge which, when so restored, is a device defined in  
21 subparagraphs (A) to (C), inclusive.

22 (E) Any part, or combination of parts, designed and intended  
23 to convert a device into a device defined in subparagraphs (A) to  
24 (C), inclusive, or any combination of parts from which a device  
25 defined in subparagraphs (A) to (C), inclusive, may be readily  
26 assembled if those parts are in the possession or under the control  
27 of the same person.

28 (3) As used in this section, a “nunchaku” means an instrument  
29 consisting of two or more sticks, clubs, bars or rods to be used as  
30 handles, connected by a rope, cord, wire, or chain, in the design  
31 of a weapon used in connection with the practice of a system of  
32 self-defense such as karate.

33 (4) As used in this section, a “wallet gun” means any firearm  
34 mounted or enclosed in a case, resembling a wallet, designed to  
35 be or capable of being carried in a pocket or purse, if the firearm  
36 may be fired while mounted or enclosed in the case.

37 (5) As used in this section, a “cane gun” means any firearm  
38 mounted or enclosed in a stick, staff, rod, crutch, or similar device,  
39 designed to be, or capable of being used as, an aid in walking, if  
40 the firearm may be fired while mounted or enclosed therein.

1 (6) As used in this section, a “fléchette dart” means a dart,  
2 capable of being fired from a firearm, that measures approximately  
3 one inch in length, with tail fins that take up approximately  
4 five-sixteenths of an inch of the body.

5 (7) As used in this section, “metal knuckles” means any device  
6 or instrument made wholly or partially of metal which is worn for  
7 purposes of offense or defense in or on the hand and which either  
8 protects the wearer’s hand while striking a blow or increases the  
9 force of impact from the blow or injury to the individual receiving  
10 the blow. The metal contained in the device may help support the  
11 hand or fist, provide a shield to protect it, or consist of projections  
12 or studs which would contact the individual receiving a blow.

13 (8) As used in this section, a “ballistic knife” means a device  
14 that propels a knifelike blade as a projectile by means of a coil  
15 spring, elastic material, or compressed gas. Ballistic knife does  
16 not include any device which propels an arrow or a bolt by means  
17 of any common bow, compound bow, crossbow, or underwater  
18 speargun.

19 (9) As used in this section, a “camouflaging firearm container”  
20 means a container which meets all of the following criteria:

21 (A) It is designed and intended to enclose a firearm.

22 (B) It is designed and intended to allow the firing of the enclosed  
23 firearm by external controls while the firearm is in the container.

24 (C) It is not readily recognizable as containing a firearm.

25 “Camouflaging firearm container” does not include any  
26 camouflaging covering used while engaged in lawful hunting or  
27 while going to or returning from a lawful hunting expedition.

28 (10) As used in this section, a “zip gun” means any weapon or  
29 device which meets all of the following criteria:

30 (A) It was not imported as a firearm by an importer licensed  
31 pursuant to Chapter 44 (commencing with Section 921) of Title  
32 18 of the United States Code and the regulations issued pursuant  
33 thereto.

34 (B) It was not originally designed to be a firearm by a  
35 manufacturer licensed pursuant to Chapter 44 (commencing with  
36 Section 921) of Title 18 of the United States Code and the  
37 regulations issued pursuant thereto.

38 (C) No tax was paid on the weapon or device nor was an  
39 exemption from paying tax on that weapon or device granted under  
40 Section 4181 and Subchapters F (commencing with Section 4216)

1 and G (commencing with Section 4221) of Chapter 32 of Title 26  
2 of the United States Code, as amended, and the regulations issued  
3 pursuant thereto.

4 (D) It is made or altered to expel a projectile by the force of an  
5 explosion or other form of combustion.

6 (11) As used in this section, a “shuriken” means any instrument,  
7 without handles, consisting of a metal plate having three or more  
8 radiating points with one or more sharp edges and designed in the  
9 shape of a polygon, trefoil, cross, star, diamond, or other geometric  
10 shape for use as a weapon for throwing.

11 (12) As used in this section, an “unconventional pistol” means  
12 a firearm that does not have a rifled bore and has a barrel or barrels  
13 of less than 18 inches in length or has an overall length of less than  
14 26 inches.

15 (13) As used in this section, a “belt buckle knife” is a knife  
16 which is made an integral part of a belt buckle and consists of a  
17 blade with a length of at least 2½ inches.

18 (14) As used in this section, a “lipstick case knife” means a  
19 knife enclosed within and made an integral part of a lipstick case.

20 (15) As used in this section, a “cane sword” means a cane,  
21 swagger stick, stick, staff, rod, pole, umbrella, or similar device,  
22 having concealed within it a blade that may be used as a sword or  
23 stiletto.

24 (16) As used in this section, a “shobi-zue” means a staff, crutch,  
25 stick, rod, or pole concealing a knife or blade within it which may  
26 be exposed by a flip of the wrist or by a mechanical action.

27 (17) As used in this section, a “leaded cane” means a staff,  
28 crutch, stick, rod, pole, or similar device, unnaturally weighted  
29 with lead.

30 (18) As used in this section, an “air gauge knife” means a device  
31 that appears to be an air gauge but has concealed within it a  
32 pointed, metallic shaft that is designed to be a stabbing instrument  
33 which is exposed by mechanical action or gravity which locks into  
34 place when extended.

35 (19) As used in this section, a “writing pen knife” means a  
36 device that appears to be a writing pen but has concealed within  
37 it a pointed, metallic shaft that is designed to be a stabbing  
38 instrument which is exposed by mechanical action or gravity which  
39 locks into place when extended or the pointed, metallic shaft is  
40 exposed by the removal of the cap or cover on the device.

1 (20) As used in this section, a “rifle” means a weapon designed  
2 or redesigned, made or remade, and intended to be fired from the  
3 shoulder and designed or redesigned and made or remade to use  
4 the energy of the explosive in a fixed cartridge to fire only a single  
5 projectile through a rifled bore for each single pull of the trigger.

6 (21) As used in this section, a “shotgun” means a weapon  
7 designed or redesigned, made or remade, and intended to be fired  
8 from the shoulder and designed or redesigned and made or remade  
9 to use the energy of the explosive in a fixed shotgun shell to fire  
10 through a smooth bore either a number of projectiles (ball shot)  
11 or a single projectile for each pull of the trigger.

12 (22) As used in this section, an “undetectable firearm” means  
13 any weapon which meets one of the following requirements:

14 (A) When, after removal of grips, stocks, and magazines, it is  
15 not as detectable as the Security Exemplar, by walk-through metal  
16 detectors calibrated and operated to detect the Security Exemplar.

17 (B) When any major component of which, when subjected to  
18 inspection by the types of X-ray machines commonly used at  
19 airports, does not generate an image that accurately depicts the  
20 shape of the component. Barium sulfate or other compounds may  
21 be used in the fabrication of the component.

22 (C) For purposes of this paragraph, the terms “firearm,” “major  
23 component,” and “Security Exemplar” have the same meanings  
24 as those terms are defined in Section 922 of Title 18 of the United  
25 States Code.

26 All firearm detection equipment newly installed in nonfederal  
27 public buildings in this state shall be of a type identified by either  
28 the United States Attorney General, the Secretary of Transportation,  
29 or the Secretary of the Treasury, as appropriate, as available  
30 state-of-the-art equipment capable of detecting an undetectable  
31 firearm, as defined, while distinguishing innocuous metal objects  
32 likely to be carried on one’s person sufficient for reasonable  
33 passage of the public.

34 (23) As used in this section, a “multiburst trigger activator”  
35 means one of the following devices:

36 (A) A device designed or redesigned to be attached to a  
37 semiautomatic firearm which allows the firearm to discharge two  
38 or more shots in a burst by activating the device.

1 (B) A manual or power-driven trigger activating device  
2 constructed and designed so that when attached to a semiautomatic  
3 firearm it increases the rate of fire of that firearm.

4 (24) As used in this section, a “dirk” or “dagger” means a knife  
5 or other instrument with or without a handguard that is capable of  
6 ready use as a stabbing weapon that may inflict great bodily injury  
7 or death. A nonlocking folding knife, a folding knife that is not  
8 prohibited by Section 653k, or a pocketknife is capable of ready  
9 use as a stabbing weapon that may inflict great bodily injury or  
10 death only if the blade of the knife is exposed and locked into  
11 position.

12 (25) As used in this section, “large-capacity magazine” means  
13 any ammunition feeding device with the capacity to accept more  
14 than 10 rounds, but shall not be construed to include any of the  
15 following:

16 (A) A feeding device that has been permanently altered so that  
17 it cannot accommodate more than 10 rounds.

18 (B) A .22 caliber tube ammunition feeding device.

19 (C) A tubular magazine that is contained in a lever-action  
20 firearm.

21 (d) Knives carried in sheaths which are worn openly suspended  
22 from the waist of the wearer are not concealed within the meaning  
23 of this section.

24 SEC. 15. Section 12076 of the Penal Code is amended to read:

25 12076. (a) (1) Before January 1, 1998, the Department of  
26 Justice shall determine the method by which a dealer shall submit  
27 firearm purchaser information to the department and the  
28 information shall be in one of the following formats:

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

30 (B) Electronic or telephonic transfer of the information contained  
31 in the register described in Section 12077.

32 (2) On or after January 1, 1998, electronic or telephonic transfer,  
33 including voice or facsimile transmission, shall be the exclusive  
34 means by which purchaser information is transmitted to the  
35 department.

36 (3) On or after January 1, 2003, except as permitted by the  
37 department, electronic transfer shall be the exclusive means by  
38 which information is transmitted to the department. Telephonic  
39 transfer shall not be permitted for information regarding sales of  
40 any firearms.

1 (b) (1) Where the register is used, the purchaser of any firearm  
2 shall be required to present clear evidence of his or her identity  
3 and age, as defined in Section 12071, to the dealer, and the dealer  
4 shall require him or her to sign his or her current legal name and  
5 affix his or her residence address and date of birth to the register  
6 in quadruplicate. The salesperson shall affix his or her signature  
7 to the register in quadruplicate as a witness to the signature and  
8 identification of the purchaser. Any person furnishing a fictitious  
9 name or address or knowingly furnishing any incorrect information  
10 or knowingly omitting any information required to be provided  
11 for the register and any person violating any provision of this  
12 section is guilty of a misdemeanor, provided however, that any  
13 person who is prohibited from obtaining a firearm pursuant to  
14 Section 12021 or 12021.1 of this code, or Section 8100 or 8103  
15 of the Welfare and Institutions Code who knowingly furnishes a  
16 fictitious name or address or knowingly furnishes any incorrect  
17 information or knowingly omits any information required to be  
18 provided for the register shall be punished by imprisonment in a  
19 county jail not exceeding one year or imprisonment in the state  
20 prison for a term of 8, 12, or 18 months.

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

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

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

38 (5) If the transaction is a private party transfer conducted  
39 pursuant to Section 12082, a photocopy of the original shall be  
40 provided to the seller or purchaser by the dealer, upon request.

1 The dealer shall redact all of the purchaser's personal information,  
2 as required pursuant to paragraph (1) of subdivision (b) and  
3 paragraph (1) of subdivision (c) of Section 12077, from the seller's  
4 copy, and the seller's personal information from the purchaser's  
5 copy.

6 (c) (1) Where the electronic or telephonic transfer of applicant  
7 information is used, the purchaser shall be required to present clear  
8 evidence of his or her identity and age, as defined in Section 12071,  
9 to the dealer, and the dealer shall require him or her to sign his or  
10 her current legal name to the record of electronic or telephonic  
11 transfer. The salesperson shall affix his or her signature to the  
12 record of electronic or telephonic transfer as a witness to the  
13 signature and identification of the purchaser. Any person furnishing  
14 a fictitious name or address or knowingly furnishing any incorrect  
15 information or knowingly omitting any information required to be  
16 provided for the electronic or telephonic transfer and any person  
17 violating any provision of this section is guilty of a misdemeanor,  
18 provided however, that any person who is prohibited from  
19 obtaining a firearm pursuant to Section 12021 or 12021.1 of this  
20 code, or Section 8100 or 8103 of the Welfare and Institutions Code  
21 who knowingly furnishes a fictitious name or address or knowingly  
22 furnishes any incorrect information or knowingly omits any  
23 information required to be provided for the register shall be  
24 punished by imprisonment in a county jail not exceeding one year  
25 or imprisonment in the state prison for a term of 8, 12, or 18  
26 months.

27 (2) The record of applicant information shall be transmitted to  
28 the Department of Justice ~~in Sacramento~~ by electronic or telephonic  
29 transfer on the date of the application to purchase.

30 (3) The original of each record of electronic or telephonic  
31 transfer shall be retained by the dealer in consecutive order. Each  
32 original shall become the permanent record of the transaction that  
33 shall be retained for not less than three years from the date of the  
34 last transaction and shall be provided for the inspection of any  
35 peace officer, Department of Justice employee designated by the  
36 Attorney General, or agent of the federal Bureau of Alcohol,  
37 Tobacco, Firearms, and Explosives upon the presentation of proper  
38 identification, but no information shall be compiled therefrom  
39 regarding the purchasers or other transferees of firearms that are

1 not pistols, revolvers, or other firearms capable of being concealed  
2 upon the person.

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

5 (5) If the transaction is a private party transfer conducted  
6 pursuant to Section 12082, a copy shall be provided to the seller  
7 or purchaser by the dealer, upon request. The dealer shall redact  
8 all of the purchaser's personal information, as required pursuant  
9 to paragraph (1) of subdivision (b) and paragraph (1) of subdivision  
10 (c) of Section 12077, from the seller's copy, and the seller's  
11 personal information from the purchaser's copy.

12 (d) (1) The department shall examine its records, as well as  
13 those records that it is authorized to request from the State  
14 Department of Mental Health pursuant to Section 8104 of the  
15 Welfare and Institutions Code, in order to determine if the  
16 purchaser is a person described in Section 12021, 12021.1, or  
17 subparagraph (A) of paragraph (9) of subdivision (a) of Section  
18 12072 of this code or Section 8100 or 8103 of the Welfare and  
19 Institutions Code.

20 (2) To the extent that funding is available, the Department of  
21 Justice may participate in the National Instant Criminal Background  
22 Check System (NICS), as described in subsection (t) of Section  
23 922 of Title 18 of the United States Code, and, if that participation  
24 is implemented, shall notify the dealer and the chief of the police  
25 department of the city or city and county in which the sale was  
26 made, or if the sale was made in a district in which there is no  
27 municipal police department, the sheriff of the county in which  
28 the sale was made, that the purchaser is a person prohibited from  
29 acquiring a firearm under federal law.

30 (3) If the department determines that the purchaser is a person  
31 described in Section 12021, 12021.1, or subparagraph (A) of  
32 paragraph (9) of subdivision (a) of Section 12072 of this code or  
33 Section 8100 or 8103 of the Welfare and Institutions Code, it shall  
34 immediately notify the dealer and the chief of the police department  
35 of the city or city and county in which the sale was made, or if the  
36 sale was made in a district in which there is no municipal police  
37 department, the sheriff of the county in which the sale was made,  
38 of that fact.

39 (4) If the department determines that the copies of the register  
40 submitted to it pursuant to paragraph (3) of subdivision (b) contain

1 any blank spaces or inaccurate, illegible, or incomplete information,  
 2 preventing identification of the purchaser or the pistol, revolver,  
 3 or other firearm to be purchased, or if any fee required pursuant  
 4 to subdivision (e) is not submitted by the dealer in conjunction  
 5 with submission of copies of the register, the department may  
 6 notify the dealer of that fact. Upon notification by the department,  
 7 the dealer shall submit corrected copies of the register to the  
 8 department, or shall submit any fee required pursuant to subdivision  
 9 (e), or both, as appropriate and, if notification by the department  
 10 is received by the dealer at any time prior to delivery of the firearm  
 11 to be purchased, the dealer shall withhold delivery until the  
 12 conclusion of the waiting period described in Sections 12071 and  
 13 12072.

14 (5) If the department determines that the information transmitted  
 15 to it pursuant to subdivision (c) contains inaccurate or incomplete  
 16 information preventing identification of the purchaser or the pistol,  
 17 revolver, or other firearm capable of being concealed upon the  
 18 person to be purchased, or if the fee required pursuant to  
 19 subdivision (e) is not transmitted by the dealer in conjunction with  
 20 transmission of the electronic or telephonic record, the department  
 21 may notify the dealer of that fact. Upon notification by the  
 22 department, the dealer shall transmit corrections to the record of  
 23 electronic or telephonic transfer to the department, or shall transmit  
 24 any fee required pursuant to subdivision (e), or both, as appropriate,  
 25 and if notification by the department is received by the dealer at  
 26 any time prior to delivery of the firearm to be purchased, the dealer  
 27 shall withhold delivery until the conclusion of the waiting period  
 28 described in Sections 12071 and 12072.

29 (e) The Department of Justice may require the dealer to charge  
 30 each firearm purchaser a fee not to exceed fourteen dollars (\$14),  
 31 except that the fee may be increased at a rate not to exceed any  
 32 increase in the California Consumer Price Index as compiled and  
 33 reported by the California Department of Industrial Relations. The  
 34 fee shall be no more than is necessary to fund the following:

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

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

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

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

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

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

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

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

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

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

25 (10) The department for the costs associated with funding  
26 Department of Justice firearms-related regulatory and enforcement  
27 activities related to the sale, purchase, loan, or transfer of firearms  
28 pursuant to this chapter.

29 The fee established pursuant to this subdivision shall not exceed  
30 the sum of the actual processing costs of the department, the  
31 estimated reasonable costs of the local mental health facilities for  
32 complying with the reporting requirements imposed by paragraph  
33 (2) of this subdivision, the costs of the State Department of Mental  
34 Health for complying with the requirements imposed by paragraph  
35 (3) of this subdivision, the estimated reasonable costs of local  
36 mental hospitals, sanitariums, and institutions for complying with  
37 the reporting requirements imposed by paragraph (4) of this  
38 subdivision, the estimated reasonable costs of local law  
39 enforcement agencies for complying with the notification  
40 requirements set forth in subdivision (a) of Section 6385 of the

1 Family Code, the estimated reasonable costs of local law  
2 enforcement agencies for complying with the notification  
3 requirements set forth in subdivision (c) of Section 8105 of the  
4 Welfare and Institutions Code imposed by paragraph (6) of this  
5 subdivision, the estimated reasonable costs of the Department of  
6 Food and Agriculture for the costs resulting from the notification  
7 provisions set forth in Section 5343.5 of the Food and Agricultural  
8 Code, the estimated reasonable costs of the department for the  
9 costs associated with subparagraph (D) of paragraph (2) of  
10 subdivision (f) of Section 12072, and the estimated reasonable  
11 costs of department firearms-related regulatory and enforcement  
12 activities related to the sale, purchase, loan, or transfer of firearms  
13 pursuant to this chapter.

14 (f) (1) The Department of Justice may charge a fee sufficient  
15 to reimburse it for each of the following but not to exceed fourteen  
16 dollars (\$14), except that the fee may be increased at a rate not to  
17 exceed any increase in the California Consumer Price Index as  
18 compiled and reported by the California Department of Industrial  
19 Relations:

20 (A) For the actual costs associated with the preparation, sale,  
21 processing, and filing of forms or reports required or utilized  
22 pursuant to Section 12078.

23 (B) For the actual processing costs associated with the  
24 submission of a Dealers' Record of Sale to the department.

25 (C) For the actual costs associated with the preparation, sale,  
26 processing, and filing of reports utilized pursuant to subdivision  
27 (l) of Section 12078 or paragraph (18) of subdivision (b) of Section  
28 12071, or clause (i) of subparagraph (A) of paragraph (2) of  
29 subdivision (f) of Section 12072, or paragraph (3) of subdivision  
30 (f) of Section 12072.

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

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

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

1 to the dealer pursuant to subdivision (e) for implementing this  
2 subdivision.

3 (g) All money received by the department pursuant to this  
4 section shall be deposited in the Dealers' Record of Sale Special  
5 Account of the General Fund, which is hereby created, to be  
6 available, upon appropriation by the Legislature, for expenditure  
7 by the department to offset the costs incurred pursuant to this  
8 section, paragraph (1) and subparagraph (D) of paragraph (2) of  
9 subdivision (f) of Section 12072, Sections 12083 and 12099,  
10 subdivision (c) of Section 12131, Sections 12234, 12289, and  
11 12289.5, and subdivisions (f) and (g) of Section 12305.

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

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

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

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

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

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

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

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

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

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

6 SEC. 16. Section 12082 of the Penal Code is amended to read:

7 12082. (a) A person shall complete any sale, loan, or transfer  
8 of a firearm through a person licensed pursuant to Section 12071  
9 in accordance with this section in order to comply with subdivision  
10 (d) of Section 12072. The seller or transferor or the person loaning  
11 the firearm shall deliver the firearm to the dealer who shall retain  
12 possession of that firearm. The dealer shall then deliver the firearm  
13 to the purchaser or transferee or the person being loaned the  
14 firearm, if it is not prohibited, in accordance with subdivision (c)  
15 of Section 12072. If the dealer cannot legally deliver the firearm  
16 to the purchaser or transferee or the person being loaned the  
17 firearm, the dealer shall forthwith, without waiting for the  
18 conclusion of the waiting period described in Sections 12071 and  
19 12072, return the firearm to the transferor or seller or the person  
20 loaning the firearm. The dealer shall not return the firearm to the  
21 seller or transferor or the person loaning the firearm when to do  
22 so would constitute a violation of subdivision (a) of Section 12072.  
23 If the dealer cannot legally return the firearm to the transferor or  
24 seller or the person loaning the firearm, then the dealer shall  
25 forthwith deliver the firearm to the sheriff of the county or the  
26 chief of police or other head of a municipal police department of  
27 any city or city and county who shall then dispose of the firearm  
28 in the manner provided by Sections 12028 and 12032. The  
29 purchaser or transferee or person being loaned the firearm may be  
30 required by the dealer to pay a fee not to exceed ten dollars (\$10)  
31 per firearm, and no other fee may be charged by the dealer for a  
32 sale, loan, or transfer of a firearm conducted pursuant to this  
33 section, except for the applicable fee that the Department of Justice  
34 may charge pursuant to Section 12076. Nothing in these provisions  
35 shall prevent a dealer from charging a smaller fee. The fee that the  
36 department may charge is the fee that would be applicable pursuant  
37 to Section 12076, if the dealer was selling, transferring, or  
38 delivering a firearm to a purchaser or transferee or a person being  
39 loaned a firearm, without any other parties being involved in the  
40 transaction. *fees that may be charged pursuant to Sections 12076,*

1 12076.5, and 12088.9 and forwarded to the Department of Justice,  
2 and the fees set forth in Section 12805. Nothing in these provisions  
3 shall prevent a dealer from charging a smaller fee. The dealer  
4 may not charge any additional fees.

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

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

13 (2) Where a personal handgun importer is selling or transferring  
14 a pistol, revolver, or other firearm capable of being concealed upon  
15 the person to comply with clause (ii) of subparagraph (A) of  
16 paragraph (2) of subdivision (f) of Section 12072, to allow a  
17 personal handgun importer's ownership of the pistol, revolver, or  
18 other firearm capable of being concealed upon the person being  
19 sold or transferred to be recorded in a manner that if the firearm  
20 is returned to that personal handgun importer because the sale or  
21 transfer cannot be completed, the Department of Justice will have  
22 sufficient information about that personal handgun importer so  
23 that a record of his or her ownership can be maintained in the  
24 registry provided by subdivision (c) of Section 11106.

25 (3) Ensure that the register or record of electronic transfer shall  
26 state the name and address of the seller or transferor of the firearm  
27 or the person loaning the firearm and whether or not the person is  
28 a personal handgun importer in addition to any other information  
29 required by Section 12077.

30 (c) Notwithstanding any other provision of law, a dealer who  
31 does not sell, transfer, or keep an inventory of handguns is not  
32 required to process private party transfers of handguns.

33 (d) A violation of this section by a dealer is a misdemeanor.

34 SEC. 17. Section 12091 of the Penal Code is repealed.

35 ~~12091. Possession of any pistol or revolver upon which the~~  
36 ~~name of the maker, model, manufacturer's number or other mark~~  
37 ~~of identification has been changed, altered, removed, or obliterated,~~  
38 ~~shall be presumptive evidence that the possessor has changed,~~  
39 ~~altered, removed, or obliterated the same.~~

1 SEC. 18. Section 13825.3 of the Penal Code is amended to  
2 read:

3 13825.3. All funds made available to the Department of Justice  
4 for purposes of this chapter shall be disbursed in accordance with  
5 this chapter to community-based organizations and nonprofit  
6 agencies that comply with the program requirements of Section  
7 13825.4 and the funding criteria of Section 13825.5 of this chapter.

8 (a) Funds disbursed under this chapter may enhance, but shall  
9 not supplant local, state, or federal funds that would, in the absence  
10 of the California Gang, Crime, and Violence Prevention Partnership  
11 Program, be made available for the prevention or intervention of  
12 youth involvement in gangs, crime, or violence.

13 (b) The applicant community-based organization or nonprofit  
14 agency may enter into interagency agreements between it and a  
15 fiscal agent that will allow the fiscal agent to manage the funds  
16 awarded to the community-based organization or nonprofit agency.

17 (c) Before April 15, 1998, the department shall prepare and file  
18 administrative guidelines and procedures for the California Gang,  
19 Crime, and Violence Prevention Partnership Program consistent  
20 with this chapter.

21 (d) Before July 1, 1998, the department shall issue a “request  
22 for funding proposal” that informs applicants of the purposes and  
23 availability of funds to be awarded under this chapter and solicits  
24 proposals from community-based organizations and nonprofit  
25 agencies to provide services consistent with this chapter.

26 (e) The department shall conduct an evaluation of the California  
27 Gang, Crime, and Violence Prevention Partnership Program after  
28 two years of program operation and each year thereafter, for  
29 purposes of identifying the effectiveness and results of the program.  
30 The evaluation shall be conducted by staff or an independent body  
31 that has experience in evaluating programs operated by  
32 community-based organizations or nonprofit agencies.

33 (f) After two years of program operation, and each year  
34 thereafter, the department shall prepare and submit an annual report  
35 to the Legislature describing in detail the operation of the program  
36 and the results obtained from the California Gang, Crime, and  
37 Violence Prevention Partnership Program receiving funds under  
38 this chapter. The report shall also list the full costs applicable to  
39 the department for processing and reviewing applications, and for  
40 administering the California Gang, Crime, and Violence Prevention

1 Partnership Program. *The department shall be required to submit*  
2 *an annual report to the Legislature only in years in which the*  
3 *California Gang, Crime, and Violence Prevention Partnership*  
4 *Program receives funds under this chapter.*

5 SEC. 19. Section 14204 of the Penal Code is amended to read:

6 14204. The Attorney General shall provide training on the  
7 services provided by the center to line personnel, supervisors, and  
8 investigators in the following fields: law enforcement, district  
9 attorneys' offices, the Department of Corrections and  
10 Rehabilitation, probation departments, court mediation services,  
11 and the judiciary. ~~The Corrections Standards Authority Commission~~  
12 *on Peace Officer Standards and Training* shall provide for the  
13 presentation of training to peace officers which will enable them  
14 to more efficiently handle, on the local level, the tracing of missing  
15 persons and victims of violent crimes.

16 SEC. 20. Section 10652 of the Vehicle Code is amended to  
17 read:

18 10652. Whenever any vehicle of a type subject to registration  
19 under this code has been stored in a garage, repair shop, parking  
20 lot, or trailer park for 30 days, the keeper shall report such fact to  
21 the Department of Justice ~~in Sacramento~~ by receipted mail, which  
22 shall at once notify the legal owner as of record. This section shall  
23 not apply to any vehicle stored by a peace officer or employee  
24 designated in Section 22651 pursuant to Article 3 (commencing  
25 with Section 22850) of Chapter 10 of Division 11.

26 SEC. 21. If the Commission on State Mandates determines  
27 that this act contains costs mandated by the state, reimbursement  
28 to local agencies and school districts for those costs shall be made  
29 pursuant to Part 7 (commencing with Section 17500) of Division  
30 4 of Title 2 of the Government Code.