

AMENDED IN SENATE APRIL 5, 2010

SENATE BILL

No. 1312

Introduced by Senator Maldonado

February 19, 2010

An act to amend ~~Section~~ *Sections 12026.2, 12070, 12076, and 12078* of the Penal Code, relating to firearms.

LEGISLATIVE COUNSEL'S DIGEST

SB 1312, as amended, Maldonado. Firearms: loans: private guard companies.

Existing law provides, subject to exceptions, that where neither party to a firearm transaction holds a firearms dealer's license, the parties to the transaction shall complete the sale, loan, or transfer of that firearm through a licensed firearms dealer, as specified. *Existing law, subject to exceptions, generally prohibits a person from transferring firearms unless the person is a licensed firearms dealer.*

This bill would provide ~~an exception to that requirement for private security guards and others who are authorized to carry loaded firearms for their employment, where the employer owns the firearm and loans the firearm to the employee~~ *exceptions to those provisions for transfers of firearms to private patrol operators under specified circumstances, and for loans of firearms by private patrol operators to their employees for purposes of use by the employee while acting within the scope and course of the employee's employment, as specified. The bill would make other conforming changes.*

Existing law authorizes the Department of Justice to impose a fee for each firearm purchased, as specified. Existing law also provides that only a single fee may be charged for certain single transactions occurring on a single day involving multiple firearms.

This bill would provide that transfers of multiple firearms to private patrol operators under specified circumstances would be subject to the single transaction fee.

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

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

1 *SECTION 1. Section 12026.2 of the Penal Code is amended*
2 *to read:*

3 12026.2. (a) Section 12025 does not apply to, or affect, any
4 of the following:

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

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

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

19 (4) The transportation of a firearm by a person listed in Section
20 12026 directly between any of the places mentioned in Section
21 12026.

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

26 (6) The transportation of a firearm by a person listed in Section
27 12026 when going directly from the place where that person
28 lawfully received that firearm to that person's place of residence
29 or place of business or to private property owned or lawfully
30 possessed by that person.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

22 (21) *The transportation of a firearm by a person for the purpose*
23 *of paragraph (3) of subdivision (d) of Section 12078.*

24 (b) In order for a firearm to be exempted under subdivision (a),
25 while being transported to or from a place, the firearm shall be
26 unloaded, kept in a locked container, as defined in subdivision (d),
27 and the course of travel shall include only those deviations between
28 authorized locations as are reasonably necessary under the
29 circumstances.

30 (c) This section does not prohibit or limit the otherwise lawful
31 carrying or transportation of any ~~pistol, revolver, or other firearm~~
32 ~~capable of being concealed upon the person~~ *handgun* in accordance
33 with this chapter.

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

39 *SEC. 2. Section 12070 of the Penal Code is amended to read:*

1 12070. (a) No person shall sell, lease, or transfer firearms
2 unless he or she has been issued a license pursuant to Section
3 12071. Any person violating this section is guilty of a
4 misdemeanor.

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

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

12 (2) A person acting pursuant to subdivision (e) of Section
13 186.22a or subdivision (c) of Section 12028.

14 (3) The sale, lease, or transfer of a firearm by a person who
15 obtains title to the firearm by intestate succession or by bequest
16 or as a surviving spouse pursuant to Chapter 1 (commencing with
17 Section 13500) of Part 2 of Division 8 of the Probate Code,
18 provided the person disposes of the firearm within 60 days of
19 receipt of the firearm.

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

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

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

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

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

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

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

13 (8) Deliveries and transfers of firearms made pursuant to Section
14 12028, 12028.5, or 12030.

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

22 (10) Sales, deliveries, or transfers of firearms by manufacturers,
23 importers, or wholesalers licensed pursuant to Chapter 44
24 (commencing with Section 921) of Title 18 of the United States
25 Code and the regulations issued pursuant thereto to persons who
26 reside outside this state who are licensed pursuant to Chapter 44
27 (commencing with Section 921) of Title 18 of the United States
28 Code and the regulations issued pursuant thereto, if the sale,
29 delivery, or transfer is in accordance with Chapter 44 (commencing
30 with Section 921) of Title 18 of the United States Code and the
31 regulations issued pursuant thereto.

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

1 (12) Sales, deliveries, or transfers of firearms by wholesalers
2 to dealers.

3 (13) Sales, deliveries, or transfers of firearms by persons who
4 reside outside this state to persons licensed pursuant to Section
5 12071, if the sale, delivery, or transfer is in accordance with
6 Chapter 44 (commencing with Section 921) of Title 18 of the
7 United States Code, and the regulations issued pursuant thereto.

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

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

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

22 (17) The delivery of an unloaded firearm that is a curio or relic,
23 as defined in Section 478.11 of Title 27 of the Code of Federal
24 Regulations, by a person licensed as a collector pursuant to Chapter
25 44 (commencing with Section 921) of Title 18 of the United States
26 Code and the regulations issued pursuant thereto with a current
27 certificate of eligibility issued pursuant to Section 12071 to a
28 dealer.

29 (18) Loans or returns of firearms to or from a gunsmith for
30 service or repair.

31 (19) The delivery, sale, return, or transfer of a firearm regulated
32 pursuant to Article 6 (commencing with Section 12095) of Chapter
33 1, Chapter 2 (commencing with Section 12200), Chapter 2.3
34 (commencing with Section 12275), or Chapter 2.5 (commencing
35 with Section 12301) by a person who holds a permit issued
36 pursuant to Section 12095, 12230, 12287, or 12305, if the delivery,
37 sale, return, or transfer is conducted in accordance with the terms
38 and conditions of the permit.

39 (20) (A) *The transfer of ownership of a firearm by a qualified*
40 *manager of a licensed private patrol operator, as that term used*

1 *in Chapter 11.5 (commencing with Section 7580) of Division 3 of*
2 *the Business and Professions Code, or the designee of that*
3 *manager, to the private patrol operator.*

4 (B) *The loan of any firearm owned by a licensed private patrol*
5 *operator to an employee who is authorized to carry a loaded*
6 *firearm pursuant to subdivision (d) of Section 12031 for use in the*
7 *course and scope of employment, and the return of that firearm.*

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

9 (A) For handguns, less than six transactions per calendar year.
10 For this purpose, “transaction” means a single sale, lease, or
11 transfer of any number of handguns.

12 (B) For firearms other than handguns, occasional and without
13 regularity.

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

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

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

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

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

25 (E) A trustee in bankruptcy performing his or her duties, if the
26 bankruptcy estate includes firearms.

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

29 (G) A transmutation of property between spouses pursuant to
30 Section 850 of the Family Code.

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

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

39 *SEC. 3. Section 12076 of the Penal Code is amended to read:*

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

- 5 (A) Submission of the register described in Section 12077.
- 6 (B) Electronic or telephonic transfer of the information contained
7 in the register described in Section 12077.

8 (2) On or after January 1, 1998, electronic or telephonic transfer,
9 including voice or facsimile transmission, shall be the exclusive
10 means by which purchaser information is transmitted to the
11 department.

12 (3) On or after January 1, 2003, except as permitted by the
13 department, electronic transfer shall be the exclusive means by
14 which information is transmitted to the department. Telephonic
15 transfer shall not be permitted for information regarding sales of
16 any firearms.

17 (b) (1) Where the register is used, the purchaser of any firearm
18 shall be required to present clear evidence of his or her identity
19 and age, as defined in Section 12071, to the dealer, and the dealer
20 shall require him or her to sign his or her current legal name and
21 affix his or her residence address and date of birth to the register
22 in quadruplicate. The salesperson shall affix his or her signature
23 to the register in quadruplicate as a witness to the signature and
24 identification of the purchaser. Any person furnishing a fictitious
25 name or address or knowingly furnishing any incorrect information
26 or knowingly omitting any information required to be provided
27 for the register and any person violating any provision of this
28 section is guilty of a misdemeanor, provided however, that any
29 person who is prohibited from obtaining a firearm pursuant to
30 Section 12021 or 12021.1 of this code, or Section 8100 or 8103
31 of the Welfare and Institutions Code who knowingly furnishes a
32 fictitious name or address or knowingly furnishes any incorrect
33 information or knowingly omits any information required to be
34 provided for the register shall be punished by imprisonment in a
35 county jail not exceeding one year or imprisonment in the state
36 prison for a term of 8, 12, or 18 months.

37 (2) The original of the register shall be retained by the dealer
38 in consecutive order. Each book of 50 originals shall become the
39 permanent register of transactions that shall be retained for not
40 less than three years from the date of the last transaction and shall

1 be available for the inspection of any peace officer, Department
2 of Justice employee designated by the Attorney General, or agent
3 of the federal Bureau of Alcohol, Tobacco, Firearms and
4 Explosives upon the presentation of proper identification, but no
5 information shall be compiled therefrom regarding the purchasers
6 or other transferees of firearms that are not ~~pistols, revolvers, or~~
7 ~~other firearms capable of being concealed upon the person~~
8 *handguns*.

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

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

14 (5) If the transaction is a private party transfer conducted
15 pursuant to Section 12082, a photocopy of the original shall be
16 provided to the seller or purchaser by the dealer, upon request.
17 The dealer shall redact all of the purchaser's personal information,
18 as required pursuant to paragraph (1) of subdivision (b) and
19 paragraph (1) of subdivision (c) of Section 12077, from the seller's
20 copy, and the seller's personal information from the purchaser's
21 copy.

22 (c) (1) Where the electronic or telephonic transfer of applicant
23 information is used, the purchaser shall be required to present clear
24 evidence of his or her identity and age, as defined in Section 12071,
25 to the dealer, and the dealer shall require him or her to sign his or
26 her current legal name to the record of electronic or telephonic
27 transfer. The salesperson shall affix his or her signature to the
28 record of electronic or telephonic transfer as a witness to the
29 signature and identification of the purchaser. Any person furnishing
30 a fictitious name or address or knowingly furnishing any incorrect
31 information or knowingly omitting any information required to be
32 provided for the electronic or telephonic transfer and any person
33 violating any provision of this section is guilty of a misdemeanor,
34 provided however, that any person who is prohibited from
35 obtaining a firearm pursuant to Section 12021 or 12021.1 of this
36 code, or Section 8100 or 8103 of the Welfare and Institutions Code
37 who knowingly furnishes a fictitious name or address or knowingly
38 furnishes any incorrect information or knowingly omits any
39 information required to be provided for the register shall be
40 punished by imprisonment in a county jail not exceeding one year

1 or imprisonment in the state prison for a term of 8, 12, or 18
2 months.

3 (2) The record of applicant information shall be transmitted to
4 the Department of Justice by electronic or telephonic transfer on
5 the date of the application to purchase.

6 (3) The original of each record of electronic or telephonic
7 transfer shall be retained by the dealer in consecutive order. Each
8 original shall become the permanent record of the transaction that
9 shall be retained for not less than three years from the date of the
10 last transaction and shall be provided for the inspection of any
11 peace officer, Department of Justice employee designated by the
12 Attorney General, or agent of the federal Bureau of Alcohol,
13 Tobacco, Firearms and Explosives upon the presentation of proper
14 identification, but no information shall be compiled therefrom
15 regarding the purchasers or other transferees of firearms that are
16 not ~~pistols, revolvers, or other firearms capable of being concealed~~
17 ~~upon the person~~ *handguns*.

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

20 (5) If the transaction is a private party transfer conducted
21 pursuant to Section 12082, a copy shall be provided to the seller
22 or purchaser by the dealer, upon request. The dealer shall redact
23 all of the purchaser's personal information, as required pursuant
24 to paragraph (1) of subdivision (b) and paragraph (1) of subdivision
25 (c) of Section 12077, from the seller's copy, and the seller's
26 personal information from the purchaser's copy.

27 (d) (1) The department shall examine its records, as well as
28 those records that it is authorized to request from the State
29 Department of Mental Health pursuant to Section 8104 of the
30 Welfare and Institutions Code, in order to determine if the
31 purchaser is a person described in subparagraph (A) of paragraph
32 (9) of subdivision (a) of Section 12072, or is prohibited by state
33 or federal law from possessing, receiving, owning, or purchasing
34 a firearm.

35 (2) To the extent that funding is available, the Department of
36 Justice may participate in the National Instant Criminal Background
37 Check System (NICS), as described in subsection (t) of Section
38 922 of Title 18 of the United States Code, and, if that participation
39 is implemented, shall notify the dealer and the chief of the police
40 department of the city or city and county in which the sale was

1 made, or if the sale was made in a district in which there is no
2 municipal police department, the sheriff of the county in which
3 the sale was made, that the purchaser is a person prohibited from
4 acquiring a firearm under federal law.

5 (3) If the department determines that the purchaser is prohibited
6 by state or federal law from possessing, receiving, owning, or
7 purchasing a firearm or is a person described in subparagraph (A)
8 of paragraph (9) of subdivision (a) of Section 12072, it shall
9 immediately notify the dealer and the chief of the police department
10 of the city or city and county in which the sale was made, or if the
11 sale was made in a district in which there is no municipal police
12 department, the sheriff of the county in which the sale was made,
13 of that fact.

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

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

1 any time prior to delivery of the firearm to be purchased, the dealer
2 shall withhold delivery until the conclusion of the waiting period
3 described in Sections 12071 and 12072.

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

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

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

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

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

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

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

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

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

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

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

39 (10) The department for the costs associated with funding
40 Department of Justice firearms-related regulatory and enforcement

1 activities related to the sale, purchase, loan, or transfer of firearms
2 pursuant to this chapter.

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

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

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

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

38 (C) For the actual costs associated with the preparation, sale,
39 processing, and filing of reports utilized pursuant to subdivision
40 (l) of Section 12078 or paragraph (18) of subdivision (b) of Section

1 12071, or clause (i) of subparagraph (A) of paragraph (2) of
2 subdivision (f) of Section 12072, or paragraph (3) of subdivision
3 (f) of Section 12072.

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

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

10 (3) Any costs incurred by the Department of Justice to
11 implement this subdivision shall be reimbursed from fees collected
12 and charged pursuant to this subdivision. No fees shall be charged
13 to the dealer pursuant to subdivision (e) for implementing this
14 subdivision.

15 (g) All money received by the department pursuant to this
16 section shall be deposited in the Dealers' Record of Sale Special
17 Account of the General Fund, which is hereby created, to be
18 available, upon appropriation by the Legislature, for expenditure
19 by the department to offset the costs incurred pursuant to this
20 section, paragraph (1) and subparagraph (D) of paragraph (2) of
21 subdivision (f) of Section 12072, Sections 12083 and 12099,
22 subdivision (c) of Section 12131, Sections 12234, 12289, and
23 12289.5, and subdivisions (f) and (g) of Section 12305.

24 (h) Where the electronic or telephonic transfer of applicant
25 information is used, the department shall establish a system to be
26 used for the submission of the fees described in subdivision (e) to
27 the department.

28 (i) (1) Only one fee shall be charged pursuant to this section
29 for a single transaction on the same date for the sale of any number
30 of firearms that are not ~~pistols, revolvers, or other firearms capable~~
31 ~~of being concealed upon the person~~ *handguns* or for the taking of
32 possession of those firearms.

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

38 (j) Only one fee shall be charged pursuant to this section for a
39 single transaction on the same date for taking title or possession
40 of any number of firearms pursuant to paragraph (18) of

1 subdivision (b) of Section 12071, or *subparagraph (A) of*
2 *paragraph (3) of subdivision (d) of*, or subdivision (c) or (i) of,
3 Section 12078.

4 (k) Whenever the Department of Justice acts pursuant to this
5 section as it pertains to firearms other than ~~pistols, revolvers, or~~
6 ~~other firearms capable of being concealed upon the person~~
7 *handguns*, the department's acts or omissions shall be deemed to
8 be discretionary within the meaning of the California Tort Claims
9 Act pursuant to Division 3.6 (commencing with Section 810) of
10 Title 1 of the Government Code.

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

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

14 (2) "Purchase" means the purchase, loan, or transfer of a firearm.

15 (3) "Sale" means the sale, loan, or transfer of a firearm.

16 (4) "Seller" means, if the transaction is being conducted pursuant
17 to Section 12082, the person selling, loaning, or transferring the
18 firearm.

19 **SECTION 1.**

20 *SEC. 4.* Section 12078 of the Penal Code is amended to read:

21 12078. (a) (1) The waiting periods described in Sections 12071
22 and 12072 shall not apply to the deliveries, transfers, or sales of
23 firearms made to persons properly identified as full-time paid peace
24 officers as defined in Chapter 4.5 (commencing with Section 830)
25 of Title 3 of Part 2, provided that the peace officers are authorized
26 by their employer to carry firearms while in the performance of
27 their duties. Proper identification is defined as verifiable written
28 certification from the head of the agency by which the purchaser
29 or transferee is employed, identifying the purchaser or transferee
30 as a peace officer who is authorized to carry firearms while in the
31 performance of his or her duties, and authorizing the purchase or
32 transfer. The certification shall be delivered to the dealer at the
33 time of purchase or transfer and the purchaser or transferee shall
34 identify himself or herself as the person authorized in the
35 certification. The dealer shall keep the certification with the record
36 of sale. On the date that the delivery, sale, or transfer is made, the
37 dealer delivering the firearm shall transmit to the Department of
38 Justice an electronic or telephonic report of the transaction as is
39 indicated in subdivision (b) or (c) of Section 12077.

1 (2) Subdivision (b) of Section 12801 and the preceding
2 provisions of this article do not apply to deliveries, transfers, or
3 sales of firearms made to authorized law enforcement
4 representatives of cities, counties, cities and counties, or state or
5 federal governments for exclusive use by those governmental
6 agencies if, prior to the delivery, transfer, or sale of these firearms,
7 written authorization from the head of the agency authorizing the
8 transaction is presented to the person from whom the purchase,
9 delivery, or transfer is being made. Proper written authorization
10 is defined as verifiable written certification from the head of the
11 agency by which the purchaser or transferee is employed,
12 identifying the employee as an individual authorized to conduct
13 the transaction, and authorizing the transaction for the exclusive
14 use of the agency by which he or she is employed. Within 10 days
15 of the date a handgun is acquired by the agency, a record of the
16 same shall be entered as an institutional weapon into the Automated
17 Firearms System (AFS) via the California Law Enforcement
18 Telecommunications System (CLETS) by the law enforcement or
19 state agency. Those agencies without access to AFS shall arrange
20 with the sheriff of the county in which the agency is located to
21 input this information via this system.

22 (3) Subdivision (b) of Section 12801 and the preceding
23 provisions of this article do not apply to the loan of a firearm made
24 by an authorized law enforcement representative of a city, county,
25 or city and county, or the state or federal government to a peace
26 officer employed by that agency and authorized to carry a firearm
27 for the carrying and use of that firearm by that peace officer in the
28 course and scope of his or her duties.

29 (4) Subdivision (b) of Section 12801 and the preceding
30 provisions of this article do not apply to the delivery, sale, or
31 transfer of a firearm by a law enforcement agency to a peace officer
32 pursuant to Section 10334 of the Public Contract Code. Within 10
33 days of the date that a handgun is sold, delivered, or transferred
34 pursuant to Section 10334 of the Public Contract Code to that
35 peace officer, the name of the officer and the make, model, serial
36 number, and other identifying characteristics of the firearm being
37 sold, transferred, or delivered shall be entered into the Automated
38 Firearms System (AFS) via the California Law Enforcement
39 Telecommunications System (CLETS) by the law enforcement or
40 state agency that sold, transferred, or delivered the firearm. Those

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

4 (5) Subdivision (b) of Section 12801 and the preceding
5 provisions of this article do not apply to the delivery, sale, or
6 transfer of a firearm by a law enforcement agency to a retiring
7 peace officer who is authorized to carry a firearm pursuant to
8 Section 12027.1. Within 10 days of the date that a handgun is sold,
9 delivered, or transferred to that retiring peace officer, the name of
10 the officer and the make, model, serial number, and other
11 identifying characteristics of the firearm being sold, transferred,
12 or delivered shall be entered into the Automated Firearms System
13 (AFS) via the California Law Enforcement Telecommunications
14 System (CLETS) by the law enforcement or state agency that sold,
15 transferred, or delivered the firearm. Those agencies without access
16 to AFS shall arrange with the sheriff of the county in which the
17 agency is located to input this information via this system.

18 (6) Subdivision (d) of Section 12072 and subdivision (b) of
19 Section 12801 do not apply to sales, deliveries, or transfers of
20 firearms to authorized representatives of cities, cities and counties,
21 counties, or state or federal governments for those governmental
22 agencies where the entity is acquiring the weapon as part of an
23 authorized, voluntary program where the entity is buying or
24 receiving weapons from private individuals. Any weapons acquired
25 pursuant to this paragraph shall be disposed of pursuant to the
26 applicable provisions of Section 12028 or 12032.

27 (7) Subdivision (d) of Section 12072 and subdivision (b) of
28 Section 12801 shall not apply to the sale, loan, delivery, or transfer
29 of a firearm made by an authorized law enforcement representative
30 of a city, county, city and county, state, or the federal government
31 to any public or private nonprofit historical society, museum, or
32 institutional collection or the purchase or receipt of that firearm
33 by that public or private nonprofit historical society, museum, or
34 institutional collection if all of the following conditions are met:

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

36 (B) The firearm prior to delivery is deactivated or rendered
37 inoperable.

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

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

3 (E) Prior to delivery, the entity receiving the firearm submits a
4 written statement to the law enforcement representative stating
5 that the firearm will not be restored to operating condition, and
6 will either remain with that entity, or if subsequently disposed of,
7 will be transferred in accordance with the applicable provisions
8 of this article and, if applicable, Section 12801.

9 (F) Within 10 days of the date that the firearm is sold, loaned,
10 delivered, or transferred to that entity, the name of the government
11 entity delivering the firearm, and the make, model, serial number,
12 and other identifying characteristics of the firearm and the name
13 of the person authorized by the entity to take possession of the
14 firearm shall be reported to the department in a manner prescribed
15 by the department.

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

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

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

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

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

30 (D) Prior to delivery, the entity receiving the firearm submits a
31 written statement to the person selling, loaning, or transferring the
32 firearm stating that the firearm will not be restored to operating
33 condition, and will either remain with that entity, or if subsequently
34 disposed of, will be transferred in accordance with the applicable
35 provisions of this article and, if applicable, Section 12801.

36 (E) If title to a handgun is being transferred to the public or
37 private nonprofit historical society, museum, or institutional
38 collection, then the designated representative of that public or
39 private historical society, museum, or institutional collection,
40 within 30 days of taking possession of that handgun, shall forward

1 by prepaid mail or deliver in person to the Department of Justice,
2 a single report signed by both parties to the transaction, that
3 includes information identifying the person representing that public
4 or private historical society, museum, or institutional collection,
5 how title was obtained and from whom, and a description of the
6 firearm in question, along with a copy of the written statement
7 referred to in subparagraph (D). The report forms that are to be
8 completed pursuant to this paragraph shall be provided by the
9 Department of Justice.

10 (F) In the event of a change in the status of the designated
11 representative, the entity shall notify the department of a new
12 representative within 30 days.

13 (b) (1) Section 12071, subdivisions (c) and (d) of Section 12072,
14 and subdivision (b) of Section 12801 shall not apply to deliveries,
15 sales, or transfers of firearms between or to importers and
16 manufacturers of firearms licensed to engage in that business
17 pursuant to Chapter 44 (commencing with Section 921) of Title
18 18 of the United States Code and the regulations issued pursuant
19 thereto.

20 (2) Subdivision (b) of Section 12801 shall not apply to the
21 delivery, sale, or transfer of a handgun to a person licensed pursuant
22 to Section 12071, where the licensee is receiving the handgun in
23 the course and scope of his or her activities as a person licensed
24 pursuant to Section 12071.

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

30 (2) Subdivision (d) of Section 12072 shall not apply to the
31 infrequent transfer of a handgun by gift, bequest, intestate
32 succession, or other means by one individual to another if both
33 individuals are members of the same immediate family and all of
34 the following conditions are met:

35 (A) The person to whom the firearm is transferred shall, within
36 30 days of taking possession of the firearm, forward by prepaid
37 mail or deliver in person to the Department of Justice, a report that
38 includes information concerning the individual taking possession
39 of the firearm, how title was obtained and from whom, and a
40 description of the firearm in question. The report forms that

1 individuals complete pursuant to this paragraph shall be provided
2 to them by the Department of Justice.

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

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

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

8 (A) Parent and child.

9 (B) Grandparent and grandchild.

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

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

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

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

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

23 (D) The individual receiving the firearm is not prohibited by
24 state or federal law from possessing, receiving, owning, or
25 purchasing a firearm.

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

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

29 ~~(3) Subdivision (d) of Section 12072 shall not apply to any~~
30 ~~person authorized to carry a loaded firearm pursuant to subdivision~~
31 ~~(d) of Section 12031, where the employer of that person owns the~~
32 ~~firearm, and loans the firearm to the employee for use by the~~
33 ~~employee while acting within the scope and course of the~~
34 ~~employee’s employment.~~

35 (3) (A) *Subdivision (d) of Section 12072 and subdivision (b) of*
36 *Section 12081 shall not apply to the transfer of ownership of a*
37 *firearm by a qualified manager of a licensed private patrol*
38 *operator, or the designee of that manager, to the private patrol*
39 *operator. Any designee shall meet the requirements of Section*
40 *7583.12 of the Business and Professions Code.*

1 (B) *The private patrol operator shall, within two business days*
2 *of the date that the firearm is transferred to the private patrol*
3 *operator, report to the Department of Justice, in a manner*
4 *prescribed by the department, the name of the qualified manager*
5 *or designee, the name of the person taking possession of the firearm*
6 *for the private patrol operator, and the make, model, serial number,*
7 *and other identifying characteristics of the firearm.*

8 (C) *Subdivision (d) of Section 12072 shall not apply to the loan*
9 *of any firearm owned by a licensed private patrol operator, for*
10 *use in the course and scope of employment, to an employee who*
11 *meets the requirements of Section 7583.12 of the Business and*
12 *Professions Code and is authorized to carry a loaded firearm*
13 *pursuant to subdivision (d) of Section 12031.*

14 (D) *At the time of the loan authorized in subparagraph (C), the*
15 *qualified manager or designee and the employee receiving the*
16 *loaned firearm shall complete a form in a format prescribed by*
17 *the department that includes all of the information required by*
18 *subparagraph (B) and describes the terms and conditions of the*
19 *loan and the name of the employee receiving the loaned firearm.*

20 (E) *The form shall be retained for a period of five years*
21 *following termination of employment of the employee receiving*
22 *the loaned firearm. A copy of the form shall be available for*
23 *inspection at any time during normal business hours by any peace*
24 *officer employed by a sheriff, city police department, district*
25 *attorney, or the Department of Justice, or by an authorized*
26 *employee of the Department of Consumer Affairs, or the*
27 *Department of Justice, for purposes of ensuring compliance with*
28 *applicable provisions of the Business and Professions Code, or*
29 *applicable laws pertaining to firearms and ammunition or persons*
30 *prohibited from possessing firearms or ammunition. Copies of the*
31 *forms may be removed from the premises for purposes of copying*
32 *or other investigatory or enforcement purposes by persons*
33 *authorized to inspect the forms.*

34 (F) *For purposes of this paragraph, “qualified manager of a*
35 *private patrol operator” and “private patrol operator” shall have*
36 *the same meanings as those terms have in Chapter 11.5*
37 *(commencing with Section 7580) of Division 3 of the Business and*
38 *Professions Code.*

39 (e) (1) *Section 12071, subdivisions (c) and (d) and paragraph*
40 *(1) of subdivision (f) of Section 12072, and subdivision (b) of*

1 Section 12801 shall not apply to the delivery of a firearm to a
2 gunsmith for service or repair, or to the return of the firearm to its
3 owner by the gunsmith, or to the delivery of a firearm by a
4 gunsmith to a person licensed pursuant to Chapter 44 (commencing
5 with Section 921) of Title 18 of the United States Code for service
6 or repair and the return of the firearm to the gunsmith.

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

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

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

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

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

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

38 (2) Subdivision (d) of Section 12072 shall not apply to the
39 transfer of a firearm other than a handgun, if the firearm is donated
40 for an auction or similar event described in paragraph (1) and the

1 firearm is delivered to the nonprofit corporation immediately
2 preceding, or contemporaneous with, the auction or similar event.

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

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

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

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

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

1 Department of Justice, a report of information concerning the
2 individual taking possession of the firearm, how title or possession
3 was obtained and from whom, and a description of the firearm in
4 question. The reports that individuals complete pursuant to this
5 paragraph shall be provided to them by the department.

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

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

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

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

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

1 the sheriff of the county in which the agency is located to input
2 this information via this system. In addition, that law enforcement
3 agency shall not deliver that handgun to the person referred to in
4 this subparagraph unless, prior to the delivery of the same, the
5 person presents proof to the agency that he or she is the holder of
6 a handgun safety certificate.

7 (3) Subdivision (d) of Section 12072 shall not apply to a person
8 who takes possession of a firearm by operation of law in a
9 representative capacity who subsequently transfers ownership of
10 the firearm to himself or herself in his or her individual capacity.

11 In the case of a handgun, the individual shall obtain a handgun
12 safety certificate prior to transferring ownership to himself or
13 herself, or taking possession of a handgun in an individual capacity.

14 (j) Subdivision (d) of Section 12072 and subdivision (b) of
15 Section 12801 shall not apply to deliveries, transfers, or returns
16 of firearms made pursuant to Section 12021.3, 12028, 12028.5, or
17 12030.

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

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

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

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

32 (4) The delivery, sale, or transfer of unloaded firearms by one
33 dealer to another dealer if the firearms are intended as merchandise
34 in the receiving dealer's business upon proof of compliance with
35 the requirements of paragraph (1) of subdivision (f) of Section
36 12072.

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

39 (6) The loan of an unloaded firearm by a dealer who also
40 operates a target facility that holds a business or regulatory license

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

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

14 (m) Subdivision (d) of Section 12072 and subdivision (b) of
15 Section 12801 shall not apply to the delivery, sale, or transfer of
16 unloaded firearms to a wholesaler as merchandise in the
17 wholesaler's business by manufacturers or importers licensed to
18 engage in that business pursuant to Chapter 44 (commencing with
19 Section 921) of Title 18 of the United States Code and the
20 regulations issued pursuant thereto, or by another wholesaler, if
21 the delivery, sale, or transfer is made in accordance with Chapter
22 44 (commencing with Section 921) of Title 18 of the United States
23 Code.

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

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

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

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

33 (A) If the dealer is receiving the firearm from another dealer,
34 the dealer receiving the firearm shall present proof to the dealer
35 delivering the firearm that he or she is licensed pursuant to Section
36 12071 by complying with paragraph (1) of subdivision (f) of
37 Section 12072.

38 (B) Whether the dealer is delivering, selling, or transferring the
39 firearm to himself or herself or to another dealer, on the date that
40 the application to purchase is completed, the dealer delivering the

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

10 (o) Section 12071 and subdivisions (c) and (d) of Section 12072
11 shall not apply to the delivery, sale, or transfer of a firearm
12 regulated pursuant to Section 12020, Chapter 2 (commencing with
13 Section 12200), Chapter 2.3 (commencing with Section 12275),
14 or Chapter 2.5 (commencing with Section 12301), if the delivery,
15 sale, or transfer of that firearm is conducted in accordance with
16 the applicable provisions of Section 12020, Chapter 2 (commencing
17 with Section 12200), Chapter 2.3 (commencing with Section
18 12275), or Chapter 2.5 (commencing with Section 12301).

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

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

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

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

39 (C) The duration of the loan does not exceed the amount of time
40 that is reasonably necessary to engage in the lawful, recreational

1 sport, including, but not limited to, competitive shooting, or
2 agricultural, ranching, or hunting activity, or a motion picture,
3 television, or video production, or entertainment or theatrical event,
4 the nature of which involves the use of a firearm.

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

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

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

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

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

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

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

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

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

39 (q) Subdivision (d) of Section 12072 shall not apply to the loan
40 of a firearm that is not a handgun to a licensed hunter for use by

1 that licensed hunter for a period of time not to exceed the duration
2 of the hunting season for which that firearm is to be used.

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

11 (s) (1) Subdivision (d) of Section 12072 and subdivision (b) of
12 Section 12801 shall not apply to the infrequent loan of an unloaded
13 firearm by a person who is neither a dealer as defined in Section
14 12071 nor a federal firearms licensee pursuant to Chapter 44
15 (commencing with Section 921) of Title 18 of the United States
16 Code, to a person 18 years of age or older for use solely as a prop
17 in a motion picture, television, video, theatrical, or other
18 entertainment production or event.

19 (2) Subdivision (d), and paragraph (1) of subdivision (f), of
20 Section 12072, and subdivision (b) of Section 12801 shall not
21 apply to the loan of an unloaded firearm by a person who is not a
22 dealer as defined in Section 12071 but who is a federal firearms
23 licensee pursuant to Chapter 44 (commencing with Section 921)
24 of Title 18 of the United States Code, to a person who possesses
25 a valid entertainment firearms permit issued pursuant to Section
26 12081, for use solely as a prop in a motion picture, television,
27 video, theatrical, or other entertainment production or event. The
28 person loaning the firearm pursuant to this paragraph shall retain
29 a photocopy of the entertainment firearms permit as proof of
30 compliance with this requirement.

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

1 (4) Subdivision (b) of Section 12071, subdivision (c) and
2 paragraph (1) of subdivision (f) of Section 12072, and subdivision
3 (b) of Section 12801 shall not apply to the loan of an unloaded
4 firearm to a consultant-evaluator by a person licensed pursuant to
5 Section 12071 if the loan does not exceed 45 days from the date
6 of delivery. At the time of the loan, the consultant-evaluator shall
7 provide the following information, which the dealer shall retain
8 for two years:

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

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

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

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

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

39 (2) Subdivision (d) and paragraph (1) of subdivision (f) of
40 Section 12072 shall not apply to the infrequent sale, loan, or

1 transfer of a firearm that is not a handgun, which is a curio or relic
2 manufactured at least 50 years prior to the current date, but not
3 including replicas thereof, as defined in Section 478.11 of Title
4 27 of the Code of Federal Regulations, or its successor.

5 (u) As used in this section:

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

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

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

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

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

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

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

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

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

27 (H) Firearms passing to a surviving spouse pursuant to Chapter
28 1 (commencing with Section 13500) of Part 2 of Division 8 of the
29 Probate Code.

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

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

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