

Introduced by Senator AndersonFebruary 16, 2011

An act to amend Sections 26875, 26880, and 31700 of, and to add Section 26817 to, the Penal Code, relating to firearms.

LEGISLATIVE COUNSEL'S DIGEST

SB 404, as introduced, Anderson. Firearms: handgun safety certificates: exemptions.

Existing law requires a firearms dealer to post conspicuously within the licensed premises a detailed list of all charges required by governmental agencies for processing firearms transactions, as required by specified provisions of law. Existing law prohibits the dealer from misstating the amounts of those fees.

This bill would delete from that list a reference to charges pertaining to handgun safety certificates, as specified.

Existing law, subject to exceptions, generally requires a handgun purchaser to possess a handgun safety certificate in connection with the purchase of a handgun. Existing law imposes a variety of requirements on firearms dealers in connection with the transfer and delivery of a firearm.

This bill would require a firearms dealer, at the time of delivery of a handgun to a handgun purchaser who is exempted from possessing a handgun safety certificate, to provide to the purchaser a copy of the instruction manual on handgun safety, published by the Department of Justice.

Existing law exempts certain persons from the requirements of obtaining a handgun safety certificate, including an active, or honorably retired member of the United States Armed Forces, the National Guard,

the Air National Guard, and the active reserve components of the United States, where individuals in those organizations are properly identified.

This bill would recast those provisions to exempt an active or honorably discharged member of the United States Armed Forces, the National Guard, and the Air National Guard, the active reserve components of the United States, where individuals in those organizations are properly identified.

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 26817 is added to the Penal Code, to
2 read:

3 26817. The licensee shall, at the time a firearm is delivered to
4 the purchaser, provide to every handgun purchaser, who is
5 exempted from possessing a handgun safety certificate pursuant
6 to Section 31700, a copy of the instruction manual on handgun
7 safety, published by the Department of Justice pursuant to
8 subdivision (a) of Section 31630.

9 SEC. 2. Section 26875 of the Penal Code is amended to read:
10 26875. A licensee shall post conspicuously within the licensed
11 premises a detailed list of each of the following:

12 (a) All charges required by governmental agencies for processing
13 firearm transfers required by ~~Section 12806~~, Chapter 5
14 (commencing with Section 28050); and Article 3 (commencing
15 with Section 28200) of Chapter 6.

16 (b) All fees that the licensee charges pursuant to ~~Section 12806~~
17 and Chapter 5 (commencing with Section 28050).

18 SEC. 3. Section 26880 of the Penal Code is amended to read:
19 26880. A licensee shall not misstate the amount of fees charged
20 by a governmental agency pursuant to ~~Section 12806~~, Chapter 5
21 (commencing with Section 28050); and Article 3 (commencing
22 with Section 28200) of Chapter 6.

23 SEC. 4. Section 31700 of the Penal Code is amended to read:

24 31700. (a) The following persons, properly identified, are
25 exempted from the handgun safety certificate requirement in
26 subdivision (a) of Section 31615:

27 (1) Any active or honorably retired peace officer, as defined in
28 Chapter 4.5 (commencing with Section 830) of Title 3 of Part 2.

- 1 (2) Any active or honorably retired federal officer or law
2 enforcement agent.
- 3 (3) Any reserve peace officer, as defined in Section 832.6.
- 4 (4) Any person who has successfully completed the course of
5 training specified in Section 832.
- 6 (5) A firearms dealer licensed pursuant to ~~Sections 26700 to~~
7 ~~26915, inclusive, Article 6 (commencing with Section 26700) and~~
8 ~~Article 2 (commencing with Section 26800) of Chapter 2 of~~
9 ~~Division 6~~ who is acting in the course and scope of that person's
10 activities as a person licensed pursuant to Sections 26700 to 26915,
11 inclusive, *Article 6 (commencing with Section 26700) and Article*
12 *2 (commencing with Section 26800) of Chapter 2 of Division 6.*
- 13 (6) A federally licensed collector who is acquiring or being
14 loaned a handgun that is a curio or relic, as defined in Section
15 478.11 of Title 27 of the Code of Federal Regulations, who has a
16 current certificate of eligibility issued by the department pursuant
17 to Section 26710.
- 18 (7) A person to whom a handgun is being returned, where the
19 person receiving the firearm is the owner of the firearm.
- 20 (8) A family member of a peace officer or deputy sheriff from
21 a local agency who receives a firearm pursuant to Section 50081
22 of the Government Code.
- 23 (9) Any individual who has a valid concealed weapons permit
24 issued pursuant to Chapter 4 (commencing with Section 26150)
25 of Division 5.
- 26 (10) An active, or honorably ~~retired~~ *discharged* member of the
27 United States Armed Forces, the National Guard, the Air National
28 Guard, the active reserve components of the United States, where
29 individuals in those organizations are properly identified. For
30 purposes of this section, proper identification includes the Armed
31 Forces Identification Card, or other written documentation
32 certifying that the individual is an active or honorably ~~retired~~
33 *discharged* member.
- 34 (11) Any person who is authorized to carry loaded firearms
35 pursuant to Section 26025 or 26030.
- 36 (12) Persons who are the holders of a special weapons permit
37 issued by the department pursuant to Section 32650 or 33300,
38 pursuant to Article 3 (commencing with Section 18900) of Chapter
39 1 of Division 5 of Title 2, or pursuant to Article 4 (commencing
40 with Section 32700) of Chapter 6 ~~of this division.~~

- 1 (b) The following persons who take title or possession of a
2 handgun by operation of law in a representative capacity, until or
3 unless they transfer title ownership of the handgun to themselves
4 in a personal capacity, are exempted from the handgun safety
5 certificate requirement in subdivision (a) of Section 31615:
- 6 (1) The executor or administrator of an estate.
 - 7 (2) A secured creditor or an agent or employee thereof when
8 the firearms are possessed as collateral for, or as a result of, or an
9 agent or employee thereof when the firearms are possessed as
10 collateral for, or as a result of, a default under a security agreement
11 under the Commercial Code.
 - 12 (3) A levying officer, as defined in Section 481.140, 511.060,
13 or 680.260 of the Code of Civil Procedure.
 - 14 (4) A receiver performing the functions of a receiver.
 - 15 (5) A trustee in bankruptcy performing the duties of a trustee.
 - 16 (6) An assignee for the benefit of creditors performing the
17 functions of an assignee.