

AMENDED IN ASSEMBLY MAY 6, 1999
AMENDED IN ASSEMBLY APRIL 22, 1999
AMENDED IN ASSEMBLY APRIL 14, 1999
AMENDED IN ASSEMBLY APRIL 12, 1999

CALIFORNIA LEGISLATURE—1999–2000 REGULAR SESSION

ASSEMBLY BILL

No. 1097

Introduced by Assembly Member Romero
(Principal coauthor: Assembly Member Corbett)
(Coauthors: Assembly Members Keeley, Longville Aroner,
Keeley, Knox, Kuehl, and Scott)
(Coauthor: Senator Ortiz)

February 25, 1999

An act to amend ~~Sections 12071.1 and 12077~~ of *Section 12071.1* of, and to add *Section 12071.2* to, the Penal Code, relating to firearms.

LEGISLATIVE COUNSEL'S DIGEST

AB 1097, as amended, Romero. Firearms: gun shows.

Existing law generally regulates gun shows and firearms sales. Existing law requires gun show promoters to obtain a Certificate of Eligibility and to comply with various procedures in connection with gun shows. Violation of those provisions is a misdemeanor.

This bill would impose various notification duties upon gun show promoters in connection with operating a gun show or event, and would require vendors at a gun show or event to

secure their firearms, as specified. Violation of these provisions would be a misdemeanor. By adding a new crime, this bill would impose a state-mandated local program.

This bill would also establish within the Department of Justice, a ~~Gun~~ Firearm Law Enforcement Unit for the purpose of investigating gun law violations and assisting local law enforcement agencies, as specified. This bill would provide that the above-described unit would be implemented to the extent that funds are appropriated in the Budget Act. The bill would also require the department to make annual reports to the Legislature regarding gun sales at gun shows, as specified.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

~~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, including the creation of a State Mandates Claims Fund to pay the costs of mandates that do not exceed \$1,000,000 statewide and other procedures for claims whose statewide costs exceed \$1,000,000.~~

~~This bill would provide that with regard to certain mandates no reimbursement is required by this act for a specified reason.~~

~~With regard to any other mandates, this bill would provide that, if the Commission on State Mandates determines that the bill contains costs so mandated by the state, reimbursement for those costs shall be made pursuant to the statutory provisions noted above.~~

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

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

1 SECTION 1. Section 12071.1 of the Penal Code is
2 amended to read:



1 12071.1. (a) No person shall produce, promote,
2 sponsor, operate, or otherwise organize a gun show or
3 event, as specified in subparagraph (B) of paragraph (1)
4 of subdivision (b) of Section 12071, unless that person
5 possesses a valid certificate of eligibility from the
6 Department of Justice. A certificate of eligibility shall be
7 issued by the department to an applicant unless the
8 department's records indicate that the applicant is a
9 person prohibited from possessing firearms.

10 (b) The Department of Justice shall adopt regulations
11 to administer the certificate of eligibility program under
12 this section and shall recover the full costs of
13 administering the program by fees assessed applicants
14 who apply for certificates.

15 (c) (1) Not later than 30 days before commencement
16 of the gun show or event, the promoter shall notify the
17 local law enforcement agency, the Department of Justice
18 and the Bureau of Alcohol, Tobacco, and Firearms of the
19 gun show or event, including the date, time, duration, and
20 location of the gun show or event.

21 (2) (A) Not later than 15 days prior to the
22 commencement of the gun show or event, the promoter
23 shall submit to the department and local law enforcement
24 a list of vendors that the promoter knows, or reasonably
25 should know, will be renting tables, space, or otherwise
26 participating in the gun show or event. ~~The producer~~
27 *promoter* shall thereafter, upon request, for every day the
28 gun show or event operates, make available within 24
29 hours, or a later specified time, to the local law
30 enforcement agency, an accurate, complete and current
31 list of the persons, entities, and organizations that have
32 leased or rented, or are known to the producer to intend
33 to lease or rent, any table, display space, or area at the gun
34 show or event for the purpose of selling, leasing, or
35 transferring firearms.

36 This subdivision applies to persons, entities, and
37 organizations whether or not they participate in the
38 entire gun show or event, or only a portion thereof.



1 (B) ~~The~~—*Not later than 15 days before the*
2 *commencement of the gun show or event, the promoter*
3 *shall also provide the following:*

4 (i) The name, address, and ~~phone~~ *telephone* number
5 of the promoter, a copy of the promoter's Certificate of
6 Eligibility, and the promoter's registration number.

7 (ii) The date, time, and address of the gun show or
8 event.

9 (iii) The estimated number of tables being rented or
10 leased at the gun show or event.

11 (iv) The estimated number ~~of~~ *of* visitors per day
12 attending the gun show or event.

13 ~~(v) A list of exits from the facility available for~~
14 ~~evacuation in case of emergency.~~

15 ~~(vi) Information on any local gun control laws, and an~~
16 ~~explanation of how the promoter will ensure vendor~~
17 ~~knowledge of, and compliance with, those laws.~~

18 (3) The promoter shall comply with all applicable
19 federal, state, and local laws or ordinances. The promoter
20 shall also notify, in writing, all firearms dealers who will
21 be participating in the gun show or event of their
22 obligation to comply with all applicable federal, state, and
23 local laws or ordinances. Vendors shall acknowledge in
24 writing, prior to the commencement of the gun show or
25 event, that they have been so notified by the promoter.

26 ~~(e)~~

27 (d) Every person, entity, or organization participating
28 as a vendor in the gun show or event for the purpose of
29 selling or transferring firearms shall secure all of the
30 vendor's firearms at the gun show or event with a device
31 that, when installed on the firearm, is designed to prevent
32 the firearm from being operated without first
33 deactivating or removing the device, or, a device
34 incorporated into the design of the firearm that is
35 designed to prevent the firearm from being operated
36 without first deactivating or removing the device.

37 ~~(f)~~

38 (e) A knowing violation of subdivision (a) or ~~(d)~~ (c)
39 by any person who produces, promotes, sponsors,
40 operates, or otherwise organizes a gun show or event is a



1 misdemeanor, *punishable by a fine not to exceed \$2,000*,
2 and shall render that person ineligible for a certificate of
3 eligibility and for registration pursuant to this section for
4 a period of one year from the violation. A knowing
5 violation of subdivision—(e) (d) of this section by a vendor
6 at a gun show or event is a misdemeanor, *punishable by*
7 *a fine not to exceed \$2,000*.

8 ~~(g)~~

9 (f) It is the intent of the Legislature that the certificate
10 of eligibility program established pursuant to this section
11 be incorporated into the certificate of eligibility program
12 established pursuant to Section 12071 to the maximum
13 extent practicable.

14 ~~(h)~~

15 (g) The Department of Justice shall report to the
16 Legislature annually the number of gun shows or events
17 that occur in this state, the number of guns sold at gun
18 shows or events each year, and the number of guns sold
19 at gun shows that are booked into evidence by law
20 enforcement each year.

21 ~~SEC. 3.~~

22 *SEC. 2.* Section 12071.2 is added to the Penal Code, to
23 read:

24 12071.2. There is hereby created within the
25 Department of Justice a ~~Gun~~ *Firearm* Law Enforcement
26 Unit whose purpose is to investigate gun law violations
27 and assist in the gathering of evidence and in prosecution
28 by local government of gun law violations. This
29 subdivision shall be implemented only to the extent that
30 funds are appropriated for its purposes in the Budget Act.

31 ~~SEC. 4.~~ ~~Section 12077 of the Penal Code is amended~~
32 ~~to read:~~

33 ~~12077.~~ (a) ~~The Department of Justice shall prescribe~~
34 ~~the form of the register and the record of electronic or~~
35 ~~telephonic transfer pursuant to Section 12074.~~

36 (b) ~~For pistols, revolvers, and other firearms capable~~
37 ~~of being concealed upon the person, information~~
38 ~~contained in the register or record of electronic or~~
39 ~~telephonic transfer shall be the date and time of sale,~~
40 ~~make of firearm, peace officer exemption status pursuant~~



1 to subdivision (a) of Section 12078 and the agency name,
2 dealer waiting period exemption pursuant to subdivision
3 (n) of Section 12078, dangerous weapons permitholder
4 waiting period exemption pursuant to subdivision (r) of
5 Section 12078, curio and relic waiting period exemption
6 pursuant to subdivision (t) of Section 12078, California
7 Firearms Dealer number issued pursuant to Section
8 12071, purchaser's basic firearms safety certificate
9 number issued pursuant to Sections 12805 and 12809,
10 manufacturer's name if stamped on the firearm, model
11 name or number, if stamped on the firearm, if applicable,
12 serial number, other number (if more than one serial
13 number is stamped on the firearm), any identification
14 number or mark assigned to the firearm pursuant to
15 Section 12092, caliber, type of firearm, if the firearm is
16 new or used, barrel length, color of the firearm, full name
17 of purchaser, purchaser's complete date of birth,
18 purchaser's local address, if current address is temporary,
19 complete permanent address of purchaser, identification
20 of purchaser, purchaser's place of birth (state or
21 country), purchaser's complete telephone number,
22 purchaser's occupation, purchaser's sex, purchaser's
23 physical description, all legal names and aliases ever used
24 by the purchaser, yes or no answer to questions that
25 prohibit purchase including, but not limited to,
26 conviction of a felony as described in Section 12021 or an
27 offense described in Section 12021.1, the purchaser's
28 status as a person described in Section 8100 of the Welfare
29 and Institutions Code, whether the purchaser is a person
30 who has been adjudicated by a court to be a danger to
31 others or found not guilty by reason of insanity, whether
32 the purchaser is a person who has been found
33 incompetent to stand trial or placed under
34 conservatorship by a court pursuant to Section 8103 of the
35 Welfare and Institutions Code, signature of purchaser,
36 signature of salesperson (as a witness to the purchaser's
37 signature), name and complete address of the dealer or
38 firm selling the firearm as shown on the dealer's license,
39 the establishment number, if assigned, the dealer's
40 complete business telephone number, any information



1 required by Section 12082, information indicating if the
2 firearm was sold at a gun show or event, a dealer's place
3 of business, or at another location, and specifying the
4 location in each case, and a statement of the penalties for
5 any person signing a fictitious name or address or for
6 knowingly furnishing any incorrect information or for
7 knowingly omitting any information required to be
8 provided for the register.

9 (c) For firearms other than pistols, revolvers, or other
10 firearms capable of being concealed upon the person,
11 information contained in the register or record of
12 electronic or telephonic transfer shall be the date and
13 time of sale, peace officer exemption status pursuant to
14 subdivision (a) of Section 12078 and the agency name,
15 auction or event waiting period exemption pursuant to
16 subdivision (g) of Section 12078, California Firearms
17 Dealer number issued pursuant to Section 12071,
18 dangerous weapons permitholder waiting period
19 exemption pursuant to subdivision (r) of Section 12078,
20 curio and relic waiting period exemption pursuant to
21 paragraph (1) of subdivision (t) of Section 12078, full
22 name of purchaser, purchaser's complete date of birth,
23 purchaser's local address, if current address is temporary,
24 complete permanent address of purchaser, identification
25 of purchaser, purchaser's place of birth (state or
26 country), purchaser's complete telephone number,
27 purchaser's occupation, purchaser's sex, purchaser's
28 physical description, all legal names and aliases ever used
29 by the purchaser, yes or no answer to questions that
30 prohibit purchase, including, but not limited to,
31 conviction of a felony as described in Section 12021 or an
32 offense described in Section 12021.1, the purchaser's
33 status as a person described in Section 8100 of the Welfare
34 and Institutions Code, whether the purchaser is a person
35 who has been adjudicated by a court to be a danger to
36 others or found not guilty by reason of insanity, whether
37 the purchaser is a person who has been found
38 incompetent to stand trial or placed under
39 conservatorship by a court pursuant to Section 8103 of the
40 Welfare and Institutions Code, signature of purchaser,



1 ~~signature of salesperson (as a witness to the purchaser's~~
2 ~~signature), name and complete address of the dealer or~~
3 ~~firm selling the firearm as shown on the dealer's license,~~
4 ~~the establishment number, if assigned, the dealer's~~
5 ~~complete business telephone number, any information~~
6 ~~required by Section 12082, information indicating if the~~
7 ~~firearm was sold at a gun show or event, a dealer's place~~
8 ~~of business, or at another location, and specifying the~~
9 ~~location in each case, and a statement of the penalties for~~
10 ~~any person signing a fictitious name or address or for~~
11 ~~knowingly furnishing any incorrect information or for~~
12 ~~knowingly omitting any information required to be~~
13 ~~provided for the register.~~

14 ~~(d) Where the register is used, the following shall~~
15 ~~apply:~~

16 ~~(1) Dealers shall use ink to complete each document.~~

17 ~~(2) The dealer or salesperson making a sale shall~~
18 ~~ensure that all information is provided legibly. The dealer~~
19 ~~and salespersons shall be informed that incomplete or~~
20 ~~illegible information will delay sales.~~

21 ~~(3) Each dealer shall be provided instructions~~
22 ~~regarding the procedure for completion of the form and~~
23 ~~routing of the form. Dealers shall comply with these~~
24 ~~instructions which shall include the information set forth~~
25 ~~in this subdivision.~~

26 ~~(4) One firearm transaction shall be reported on each~~
27 ~~record of sale document. For purposes of this subdivision,~~
28 ~~a "transaction" means a single sale, loan, or transfer of any~~
29 ~~number of firearms that are not pistols, revolvers, or other~~
30 ~~firearms capable of being concealed upon the person.~~

31 ~~(e) The dealer or salesperson making a sale shall~~
32 ~~ensure that all required information has been obtained~~
33 ~~from the purchaser. The dealer and all salespersons shall~~
34 ~~be informed that incomplete information will delay sales.~~

35 ~~(f) As used in this section, the following definitions~~
36 ~~shall control:~~

37 ~~(1) "Purchaser" means the purchaser or transferee of~~
38 ~~a firearm or the person being loaned a firearm.~~

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



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

2 ~~SEC. 5.~~

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

13 ~~However, notwithstanding Section 17610 of the~~
14 ~~Government Code, if the Commission on State Mandates~~
15 ~~determines that this act contains other costs mandated by~~
16 ~~the state, reimbursement to local agencies and school~~
17 ~~districts for those costs shall be made pursuant to Part 7~~
18 ~~(commencing with Section 17500) of Division 4 of Title~~
19 ~~2 of the Government Code. If the statewide cost of the~~
20 ~~claim for reimbursement does not exceed one million~~
21 ~~dollars (\$1,000,000), reimbursement shall be made from~~
22 ~~the State Mandates Claims Fund.~~

