

State Laws and Published Ordinances - California

Current through Chapter 175 of the 2022 Regular Session.

Attorney General's Office
California Department of Justice
Attention: Public Inquiry Unit
Post Office Box 944255
Sacramento, CA 94244-2550
Voice: (916) 210-6276
<https://oag.ca.gov/>



Los Angeles Field Division
550 North Brand Blvd, Suite 800
Glendale, CA 91203
Voice: (818) 265-2500
<https://www.atf.gov/los-angeles-field-division>



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San Francisco Field Division
5601 Arnold Road, Suite 400
Dublin, CA 94568
Voice: (925) 557-2800
<https://www.atf.gov/san-francisco-field-division>

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Section 30675. Exception for person with permit and registration.
Section 30680. Applicability of Section 30605 to person in possession prior to January 1, 2017. (First of two)
Section 30680. Applicability of Section 30605 to person in possession prior to January 1, 2017. (Second of two)

Article 3 – SKS Rifles

Section 30710. "SKS rifle".
Section 30715. Manufacture, distribution, sale or possession of SKS rifle.
Section 30725. Exemption from assault weapon prohibitions.
Section 30730. Purchase of relinquished SKS rifle.

Article 4 – Assault Weapon or .50 BMG Rifle Constituting Nuisance

Section 30800. Possession of assault weapon or .50 BMG rifle as nuisance.

Article 5 – Registration of Assault Weapons and .50 BMG Rifles and Related Rules

Section 30900. Registration of assault weapon.
Section 30905. Registration of .50 BMG rifle.
Section 30910. Sale or transfer of assault weapon on or after January 1, 1990.
Section 30915. Obtaining assault weapon by bequest or intestate succession.
Section 30920. Possession of firearm subsequently declared to be an assault weapon.
Section 30925. Possession of assault weapon by person moving into state.
Section 30930. Sale or transfer of .50 BMG rifle on or after January 1, 2005.
Section 30935. Obtaining .50 BMG rifle by bequest or intestate succession.
Section 30940. Possession of .50 BMG rifle by person moving into state.
Section 30945. Possession of .50 BMG rifle without permit.
Section 30950. Possession or registration of assault weapon or .50 BMG rifle by minor, person prohibited by state or federal law.
Section 30955. Joint registration allowed.
Section 30965. Registration prior to January 1, 2000.

Article 6 – Permits for Assault Weapons and .50 BMG Rifles

Section 31000. Permit for assault weapon or .50 BMG rifle.
Section 31005. Entities eligible for permits.

Article 7 – Licensed Gun Dealers

Section 31050. Possession of assault weapon or .50 BMG rifle by licensed gun dealer.
Section 31055. Permissible activities by licensed gun dealer who lawfully possesses assault weapon or .50 BMG rifle.

Article 8 – Miscellaneous Provisions

Section 31100. Relinquishing assault weapon or .50 BMG rifle.
Section 31105. Broadcasting information regarding registration or permit to possess assault weapon or .50 BMG rifle.

Chapter 4 – Handguns and Firearm Safety

Article 1 – Unconventional Pistol

Section 31500. Punishment for unconventional pistol.
Section 31590. Unconventional pistol as nuisance.

Article 2 – Handgun Safety Certificate

Section 31615. Transactions without valid firearm safety certificate prohibited.
Section 31620. Prohibited acts.

Article 3 – Exceptions to Firearm Safety Certificate Requirement

Section 31700. Persons exempted from firearm safety certificate requirement.
Section 31705. Transactions without valid firearm or handgun safety certificate prohibited.
Section 31710. Exception for loan without valid handgun safety certificate by law enforcement official.
Section 31715. Exception for transfer without valid firearm or handgun safety certificate to peace officer.
Section 31720. Exception for transfer without valid firearm or handgun safety certificate to retiring peace officer.

Section 31725. Exception for transfer without valid handgun safety certificate to authorized representative of governmental agency for buying or receiving and disposing.
Section 31730. Exception for transfer without valid handgun safety certificate by authorized law enforcement agency to historical society or collection.
Section 31735. Exception for transfer without valid firearm or handgun safety certificate by others to historical society or collection.
Section 31740. Exception for transfer without valid handgun safety certificate between importers and manufacturers.
Section 31745. Exception for transfer without valid handgun safety certificate in course and scope of licensee's activities.
Section 31750. Exception for loan without valid handgun safety certificate.
Section 31755. Exception for delivery to and from gunsmith.
Section 31760. Exception for transfer to out-of-state resident.
Section 31765. Exception for loan at target facility for use at target facility.
Section 31770. Exception for specified deliveries and transfers.
Section 31780. Exception for transfer from dealer to out-of-state resident.
Section 31785. Exception for transfer to wholesaler.
Section 31790. Exception for transfer between dealers as merchandise.
Section 31800. Exception for loan by dealer as target facility for use at target facility.
Section 31805. Exception for transfer to wholesaler as merchandise.
Section 31810. Exception for loan to minor by parent or legal guardian.
Section 31815. Exception for loan as prop.
Section 31820. Exception for loan to possessor of valid entertainment firearms permit.
Section 31825. Exception for loan to possessor of valid entertainment firearms permit for use as prop.
Section 31830. Exception for loan to consultant-evaluator.
Section 31835. Section 31615 not applicable to some sales or transfers.

Article 5 – Rules Governing Unsafe Handguns

Section 32000. Punishment for manufacture, import, sale, gift, or loan of unsafe handgun; Exceptions.
Section 32005. Certification by manufacturers and sellers that firearms are not unsafe.

Article 6 – Exceptions to Rules Governing Unsafe Handguns

Section 32110. Exception for certain sales, loans and transfers.

Chapter 6 – Machineguns

Article 1 – General Provisions

Section 32610. Exceptions to application of chapter

Article 2 – Unlawful Acts Relating to Machineguns

Section 32625. Possession, sale, manufacture, and conversion.

Article 4 – Licenses to Sell Machineguns

Section 32700. Grant of license.

Section 32705. Application.

Section 32710. Term.

Section 32715. Renewal.

Section 32720. Revocation.

Article 5 – Machinegun Constituting Nuisance

Section 32750. Machinegun as nuisance.

Chapter 7 – Multiburst Trigger Activator

Section 32900. Multiburst trigger activator; Punishment.

Section 32990. Multiburst trigger activator as nuisance.

Chapter 8 – Short-Barreled Rifle or Short-barreled Shotgun

Article 1 – Restrictions Relating to Short-Barreled Rifle or Short-Barreled Shotgun

Section 33210. Possession, manufacture, import, sale, give, or loaning of short-barreled rifle or short-barreled shotgun.

Section 33215. Short-barreled rifle or short-barreled shotgun; Punishment.

Section 33220. Exception to punishment.

Section 33225. Exception when authorized by Department of Justice and not in violation of federal law.

Section 33290. Short-barreled rifle and short-barreled shotgun as nuisance.

Article 2 – Permit for Short-Barreled Rifle or Short-Barreled Shotgun

Section 33300. Permit for manufacture, possession, importation, transportation, or sale.

Section 33305. Application; Fee; Renewal.

Section 33310. Keeping; Inspection.

Section 33315. Revocation.

Chapter 9 – Silencers

Section 33410. Possession of silencer.

Section 33415. Exception to punishment.

Chapter 10 – Zip Guns

Section 33600. Zip gun; Punishment.

Section 33690. Zip guns as nuisance.

Welfare and Institutions Code

Division 8 – Miscellaneous

Chapter 3 – Firearms

Section 8100. Possession of firearm by patient with mental disorder; Waiting period; Burden of proof.

Section 8101. Giving deadly weapon to mental patient; Punishment.

Section 8102. Confiscation of firearm in possession of mental patient; Procedure for return of firearm; Hearing; Destroying of firearm.

Section 8103. Certificate required for possession by specified persons; Prohibition against possession for specified persons; Restoration of privilege in specified cases; Punishment for violation. [Effective until January 1, 2020; Repealed effective January 1, 2020]

Section 8103. Firearms; Mental health. [Operative January 1, 2020]

Acronyms

CLETS – California Law Enforcement Telecommunications System

CFR – Code of Federal Regulations

AFS – Automated Firearms System

Penal Code
Part 1 – Of Crimes and Punishments
Title 15 – Miscellaneous Crimes
Chapter 1 – Schools

Section 626.10 Bringing or possessing weapons on school grounds; exceptions.

(a)(1) Any person, except a duly appointed peace officer as defined in Chapter 4.5 (commencing with Section 830) of Title 3, of Part 2, a full-time paid peace officer of another state or the federal government who is carrying out official duties while in this state, a person summoned by an officer to assist in making arrests or preserving the peace while the person is actually engaged in assisting any officer, or a member of the military forces of this state or the United States who is engaged in the performance of his or her duties, who brings or possesses any dirk, dagger, ice pick, knife having a blade longer than 2 ½ inches, folding knife with a blade that locks into place, razor with an unguarded blade, taser, or stun gun, as defined in subdivision (a) of Section 244.5, any instrument that expels a metallic projectile, such as a BB or a pellet, through the force of air pressure, CO2 pressure, or spring action, or any spot marker gun, upon the grounds of, or within any public or private school providing instruction in kindergarten or any of grades 1 to 12, inclusive, is guilty of a public offense, punishable by imprisonment in a county jail not exceeding one year, or by imprisonment pursuant to subdivision (h) of Section 1170.

(2) Any person, except a duly appointed peace officer as defined in Chapter 4.5 (commencing with Section 830) of Title , of Part 2, a full-time paid peace officer of another state or the federal government who is carrying out official duties while in this state, a person summoned by any officer to assist in making arrests or preserving the peace while the person is actually engaged in assisting any officer, or a member of the military forces of this state or the United States who is engaged in the performance of his or her duties, who brings or possesses a razor bade or a box cutter upon the grounds of, or within, any public or private school providing instruction in kindergarten or any of grades 1 to 12, inclusive, is guilty of a public offense, punishable by imprisonment in a county jail not exceeding one year.

(b) Any person, except a duly appointed peace officer as defined in Chapter 4.5 (commencing with Section 830) of Title 3 of Part 2, a full-time paid peace officer of another state or the federal government who is carrying out official duties while in this state, a person summoned by any officer to assist in making arrests or preserving the peace while the person is actually engaged in assisting an officer, or a member of the military forces of this state or the United States who is engaged in the performance of his or her duties, who brings or possesses any dirk, dagger, ice pick, or knife having a fixed blade longer than 2 ½ inches upon the grounds of, or within, any private university, the University of California, the California State University, or the California Community Colleges is guilty of a public offense, punishable by imprisonment in a county jail not exceeding one year, or by imprisonment pursuant to subdivision (h) of Section 1170.

(f) Subdivision **(a)** does not apply to any person who brings an instrument that expels a metallic projectile, such as a BB or a pellet, through the force of air pressure, CO2 pressure, or spring action, or any spot marker gun, or any razor blade or box cutter upon the grounds of, or within, a public or private school providing instruction in kindergarten or any of grades 1 to 12, inclusive, if the person has the written permission of the school principal or his or her designee.

(g) Any certified or classified employee or peace officer of a public or private school providing instruction in kindergarten or any of grades 1 to 12, inclusive, may seize any of the weapons described in subdivision **(a)**, and any certificated or classified employee or school peace officer of any private university, state university, or community college may seize any of the weapons described in subdivision **(b)**, from the possession of any person upon the grounds of, or within, the school if he or she knows, or has reasonable cause to know, the person is prohibited from bringing or possessing the weapon on the grounds of, or within, the school.

(i) Any person who, without the written permission of the college or university president or chancellor or his or her designee, brings or possesses a less lethal weapon, as defined in Section 16780, or a stun gun, as defined in Section 17230, upon the grounds of, or within a public or private college or university campus is guilty of a misdemeanor.

Section 626.91. Possession of ammunition on school grounds; governing provisions.

Possession of ammunition on school grounds is governed by § 30310.

Section 626.92. Person authorized to openly carry unloaded handgun; application of Section 626.9.

Section 626.9 does not apply to or affect any of the following:

(a) A security guard authorized to openly carry an unloaded handgun pursuant to Chapter 6 (commencing with § 26350) of Division 5 of Title 4 of Part 6.

(b) An honorably retired peace officer authorized to openly carry an unloaded handgun pursuant to § 26361.

(c) A security guard authorized to openly carry an unloaded firearm that is not a handgun pursuant to Chapter 7 (commencing with § 26400) of Division 5 of Title 4 of Part 6.

(d) An honorably retired peace officer authorized to openly carry an unloaded firearm that is not a handgun pursuant to § 26405.

Part 6 – Control of Deadly Weapons
Title 1 – Preliminary Provisions
Division 2 – Definitions

Section 16100. ".50 BMG cartridge."

Use of the term ".50 BMG cartridge" is governed by § 30525

Section 16110. ".50 BMG rifle."

Use of the term ".50 BMG rifle" is governed by § 30530.

Section 16150. "Ammunition"

(a) As used in this part, except in subdivision (a) of Section 30305 and in Section 30306, "ammunition" means one or more loaded cartridges consisting of a primed case, propellant, and with one or more projectiles. "Ammunition" does not include blanks.

(b) As used in subdivision (a) of Section 30305 and in Section 30306, "ammunition" includes, but is not limited to, any bullet, cartridge, magazine, clip, speed loader, autoloader, ammunition feeding device, or projectile capable of being fired from a firearm with a deadly consequence. "Ammunition" does not include blanks.

(c) This section shall become operative on July 1, 2020.

Section 16151. "Ammunition vendor."

(a) As used in this part, commencing January 1, 2018, "ammunition vendor" means any person, firm, corporation, or other business enterprise that holds a current ammunition vendor license issued pursuant to Section 30385.

(b) Commencing January 1, 2018, a firearms dealer licensed pursuant to Sections 26700 to 26915, inclusive, shall automatically be deemed a licensed ammunition vendor, provided the dealer complies with the requirements of Articles 2 (commencing with Section 30300) and 3 (commencing with Section 30342) of Chapter 1 of Division 10 of Title 4.

Section 16160. "Antique cannon."

As used in this part, "antique cannon" means any cannon manufactured before January 1, 1899, which has been rendered incapable of firing or for which ammunition is no longer manufactured in the United States and is not readily available in the ordinary channels of commercial trade.

Section 16170. "Antique firearm."

(a) As used in §§ 30515 and 30530, "antique firearm" means any firearm manufactured before January 1, 1899.

(b) As used in § 16520, § 16650, subdivision (a) of § 23630, paragraph (1) of subdivision (b) of § 27505, and subdivision (a) of § 31615, "antique firearm" has the same meaning as in § 921(a)(16) of Title 18 of the United States Code.

(c) As used in §§ 16531 and 17700, "antique firearm" means either of the following:

(1) Any firearm not designed or redesigned for using rimfire or conventional center fire ignition with fixed ammunition and manufactured in or before the year 1898. This type of firearm includes any matchlock, flintlock, percussion cap, or similar type of ignition system or replica thereof, whether actually manufactured before or after the year 1898.

(2) Any firearm using fixed ammunition manufactured in or before the year 1898, for which ammunition is no longer manufactured in the United States and is not readily available in the ordinary channels of commercial trade.

Section 16180. "Antique rifle."

As used in this part, "antique rifle" means a firearm conforming to the definition of an "antique firearm" in § 479.11 of Title 27 of the CFR.

Section 16190. "Application to purchase."

As used in this part, "application to purchase" means either of the following:

(a) The initial completion of the register by the purchaser, transferee, or person being loaned a firearm, as required by § 28210.

(b) The initial completion and transmission to the Department of Justice of the record of electronic or telephonic transfer by the dealer on the purchaser, transferee, or person being loaned a firearm, as required by § 28215.

Section 16200. "Assault weapon."

Use of the term "assault weapon" is governed by §§ 30510 and 30515.

Section 16300. "Bona fide evidence of identity"; "Bona fide evidence of majority and identity."

As used in this part, "bona fide evidence of identity" or "bona fide evidence of majority and identity" means a document issued by a federal, state, county, or municipal government, or subdivision or agency thereof, including, but not limited to, a motor vehicle operator's license, state identification card, identification card issued to a member of the armed forces, or other form of identification that bears the name, date of birth, description, and picture of the person.

Section 16330. "Cane gun."

As used in this part, "cane gun" means any firearm mounted or enclosed in a stick, staff, rod, crutch, or similar device, designed to be, or capable of being used as, an aid in walking, if the firearm may be fired while mounted or enclosed therein.

Section 16350. "Capacity to accept more than 10 rounds."

As used in § 30515, "capacity to accept more than 10 rounds" means capable of accommodating more than 10 rounds. The term does not apply to a feeding device that has been permanently altered so that it cannot accommodate more than 10 rounds.

Section 16400. "Clear evidence of the person's identity and age"

As used in this part, "clear evidence of the person's identity and age" means either of the following:

- (a) A valid California driver's license.
- (b) A valid California identification card issued by the Department of Motor Vehicles.

Section 16410. "Consultant-evaluator"

As used in this part, "consultant-evaluator" means a consultant or evaluator who, in the course of that person's profession is loaned firearms from a person licensed pursuant to Chapter 44 (commencing with Section 921) of Title 18 of the United States Code and the regulations issued pursuant thereto, for research or evaluation, and has a current certificate of eligibility issued pursuant to Section 26710.

Section 16430. "Deadly weapon."

As used in Division 4 (commencing with § 18250) of Title 2, "deadly weapon" means any weapon, the possession or concealed carrying of which is prohibited by any provision listed in § 16590.

Section 16440. "Dealer."

Use of the term "dealer" is governed by § 26700.

Section 16460. "Destructive device."

(a) As used in §§ 16510, 16520, and 16780, and in Chapter 1 (commencing with § 18710) of Division 5 of Title 2, "destructive device" includes any of the following weapons:

- (1) Any projectile containing any explosive or incendiary material or any other chemical substance, including, but not limited to, that which is commonly known as tracer or incendiary ammunition, except tracer ammunition manufactured for use in shotguns.
- (2) Any bomb, grenade, explosive missile, or similar device or any launching device therefor.
- (3) Any weapon of a caliber greater than 0.60 caliber which fires fixed ammunition, or any ammunition therefor, other than a shotgun (smooth or rifled bore) conforming to the definition of a "destructive device" found in subsection (b) of § 479.11 of Title 27 of the CFR, shotgun ammunition (single projectile or shot), antique rifle, or an antique cannon.
- (4) Any rocket, rocket-propelled projectile, or similar device of a diameter greater than 0.60 inch, or any launching device therefor, and any rocket, rocket-propelled projectile, or similar device containing any explosive or incendiary material or any other chemical substance, other than the propellant for that device, except those devices as are designed primarily for emergency or distress signaling purposes.
- (5) Any breakable container that contains a flammable liquid with a flashpoint of 150 degrees Fahrenheit or less and has a wick or similar device capable of being ignited, other than a device which is commercially manufactured primarily for the purpose of illumination.
- (6) Any sealed device containing dry ice (CO₂) or other chemically reactive substances assembled for the purpose of causing an explosion by a chemical reaction.

- (b) A bullet containing or carrying an explosive agent is not a destructive device as that term is used in subdivision (a).

Section 16520. "Firearm." [Effective until January 1, 2023; Inoperative July 1, 2022; Repealed effective January 1, 2023]

(a) As used in this part, "firearm" means a device, designed to be used as a weapon, from which is expelled through a barrel, a projectile by the force of an explosion or other form of combustion.

(b) As used in the following provisions, "firearm" includes the frame or receiver of the weapon:

- (1)** Section 16550.
- (2)** Section 16730.
- (3)** Section 16960.
- (4)** Section 16990.
- (5)** Section 17070.
- (6)** Section 17310.
- (7)** Sections 26500 to 26588, inclusive.
- (8)** Sections 26600 to 27140, inclusive.
- (9)** Sections 27400 to 28000, inclusive.
- (10)** Section 28100.
- (11)** Sections 28400 to 28415, inclusive.
- (12)** Sections 29010 to 29150, inclusive.
- (13)** Section 29180
- (14)** Sections 29610 to 29750, inclusive.
- (15)** Sections 29800 to 29905, inclusive.
- (16)** Sections 30150 to 30165, inclusive.
- (17)** Section 31615.
- (18)** Sections 31705 to 31830, inclusive.
- (19)** Sections 34355 to 34370, inclusive.
- (20)** Sections 8100, 8101, and 8103 of the Welfare and Institutions Code.

(c) As used in the following provisions, "firearm" also includes a rocket, rocket propelled projectile launcher, or similar device containing an explosive or incendiary material, whether or not the device is designed for emergency or distress signaling purposes:

- (1)** Section 16750.
- (2)** Subdivision (b) of § 16840.
- (3)** Section 25400.
- (4)** Sections 25850 to 26025, inclusive.
- (5)** Subdivisions (a), (b), and (c) of § 26030.
- (6)** Sections 26035 to 26055, inclusive.

(d) As used in the following provisions, "firearm" does not include an unloaded antique firearm:

- (1)** Section 16730.
- (2)** Section 16550.
- (3)** Section 16960.
- (4)** Section 17310.
- (5)** Chapter 6 (commencing with § 26350) of Division 5 of Title 4.
- (6)** Chapter 7 (commencing with § 26400) of Division 5 of Title 4.
- (7)** Sections 26500 to 26588, inclusive.

(8) Sections 26700 to 26915, inclusive.

(9) Section 27510.

(10) Section 27530.

(11) Section 27540.

(12) Section 27545.

(13) Sections 27555 to 27585, inclusive.

(14) Sections 29010 to 29150, inclusive.

(15) Section 25135.

(16) Section 29180

(e) As used in §§ 34005 and 34010, "firearm" does not include a destructive device.

(f) As used in §§ 17280 and 24680, "firearm" has the same meaning as in § 922 of Title 18 of the United States Code.

(g) As used in §§ 29010 to 29150, inclusive, "firearm" includes the unfinished frame or receiver of a weapon that can be readily converted to the functional condition of a finished frame or receiver.

(h) This section shall become inoperative on July 1, 2022, and, as of January 1, 2023, is repealed.

Section 16530. "Firearm capable of being concealed upon the person"; "Pistol"; "Revolver."

(a) As used in this part, the terms "firearm capable of being concealed upon the person," "pistol," and "revolver" apply to and include any device designed to be used as a weapon, from which is expelled a projectile by the force of any explosion, or other form of combustion, and that has a barrel less than 16 inches in length. These terms also include any device that has a barrel 16 inches or more in length which is designed to be interchanged with a barrel less than 16 inches in length.

(b) Nothing shall prevent a device defined as a "firearm capable of being concealed upon the person," "pistol," or "revolver" from also being found to be a short-barreled rifle or a short-barreled shotgun.

Section 16535. "Firearm safety certificate."

(a) As used in this part, "firearm safety certificate" means a certificate issued by the Department of Justice pursuant to §§ 31610 to 31700, inclusive, or pursuant to former Article 8 (commencing with § 12800) of Chapter 6 of Title 2 of Part 4, as that article was operative at any time from January 1, 2003, until it was repealed by the Deadly Weapons Recodification Act of 2010.

(b) This section shall become operative on January 1, 2015.

Section 16540. "Firearm safety device."

As used in this part, "firearm safety device" means a device other than a gun safe that locks and is designed to prevent children and unauthorized users from firing a firearm. The device may be installed on a firearm, be incorporated into the design of the firearm, or prevent access to the firearm.

Section 16550. "Firearm transaction record."

As used in this part, "firearm transaction record" is a record containing the same information referred to in subdivision (a) of § 478.124, § 478.124a, and subdivision (e) of § 478.125 of Title 27 of the CFR.

Section 16570. "Flechette dart"

As used in this part, "flechette dart" means a dart, capable of being fired from a firearm, that measures approximately one inch in length, with tail fins that take up approximately five-sixteenths of an inch of the body.

Section 16580. Continuation of prior law; former Chapter 1 provisions."

(a) Except as stated in subdivision (c), the following provisions are continuations of provisions that were included in former Chapter 1 (commencing with § 12000) of Title 2 of Part 4, entitled "Firearms," when that chapter was repealed by the Deadly Weapons Recodification Act of 2010:

Section 16585. Continuation of prior law; former Section 12708 provisions.

(a) Except as stated in subdivision (d), the following provisions are continuations of provisions that were included in former § 12078, as that section read when it was repealed by the Deadly Weapons Recodification Act of 2010:

(1) Subdivision (b) of § 16170, as it pertains to former § 12078, as that section read when it was repealed by the Deadly Weapons Recodification Act of 2010.

(2) Section 16720.

(3) Subdivision (a) of § 16730, as it pertains to former § 12078, as that section read when it was repealed by the Deadly Weapons Recodification Act of 2010.

(4) Subdivision (b) of § 16730.

(5) Section 16990.

(6) Sections 26600 to 26615, inclusive.

(7) Sections 26950 to 27140, inclusive.

(8) Sections 27400 to 27415, inclusive.

(9) Subdivision (b) of § 27505, as it pertains to former § 12078, as that section read when it was repealed by the Deadly Weapons Recodification Act of 2010.

(10) Sections 27600 to 28000, inclusive.

(11) Sections 28400 to 28415, inclusive.

(12) Sections 30150 to 30165, inclusive.

(13) Sections 31705 to 31830, inclusive.

(14) Sections 34355 to 34370, inclusive.

(b) Except as stated in subdivision (d), the provisions listed in subdivision (a) may be referred to as "former § 12078 provisions."

(c) Except as stated in subdivision (d), the following provisions are continuations of provisions that were included in subdivision (a) of former § 12078, as that subdivision read when it was repealed by the Deadly Weapons Recodification Act of 2010:

(1) Sections 26600 to 26615, inclusive.

(2) Section 26950.

(3) Sections 27050 to 27065, inclusive.

(4) Sections 27400 to 27415, inclusive.

(5) Sections 27600 to 27615, inclusive.

(6) Section 27650.

(7) Sections 27850 to 27860, inclusive.

(8) Sections 28400 to 28415, inclusive.

(9) Sections 30150 to 30165, inclusive.

(10) Sections 31705 to 31735, inclusive.

(11) Sections 34355 to 34370, inclusive.

(d) Subdivisions (a) and (c) do not include any provision that was first codified in one of the specified numerical ranges after the effective date of the Deadly Weapons Recodification Act of 2010.

Section 16590. "Generally prohibited weapon"

As used in this part, "generally prohibited weapon" means any of the following:

(b) Ammunition that contains or consists of a flechette dart, as prohibited by Section 30210.

(e) A bullet containing or carrying an explosive agent, as prohibited by Section 30210.

(g) A cane gun, as prohibited by Section 24410.

(j) A concealed explosive substance, other than fixed ammunition, as prohibited by Section 19100.

(k) A firearm that is not immediately recognizable as a firearm, as prohibited by Section 24510.

(l) A large-capacity magazine, as prohibited by Section 32310.

(q) A multiburst trigger activator, as prohibited by Section 32900.

(s) A short-barreled rifle or short-barreled shotgun, as prohibited by Section 33215.

(u) An unconventional pistol, as prohibited by Section 31500.

(v) An undetectable firearm, as prohibited by Section 24610.

(w) A wallet gun, as prohibited by Section 24710.

(y) A zip gun, as prohibited by Section 33600.

Section 16610. "Gun safe."

As used in this part, "gun safe" means a locking container that fully contains and secures one or more firearms, and that meets the standards for gun safes adopted pursuant to § 23650.

Section 16620. "Gun Show Trader."

As used in this part, "Gun Show Trader" means a person described in § 26525.

Section 16630. "Gunsmith."

As used in this part, "gunsmith" means any person who is licensed as a dealer pursuant to Chapter 44 (commencing with § 921) of Title 18 of the United States Code and the regulations issued pursuant thereto, who is engaged primarily in the business of repairing firearms, or making or fitting special barrels, stocks, or trigger mechanisms to firearms, or the agent or employee of that person.

Section 16640. "Handgun."

(a) As used in this part, "handgun" means any pistol, revolver, or firearm capable of being concealed upon the person.

(b) Nothing shall prevent a device defined as a "handgun" from also being found to be a short-barreled rifle or a short-barreled shotgun.

Section 16660. "Handgun ammunition designed primarily to penetrate metal or armor."

As used in this part, "handgun ammunition designed primarily to penetrate metal or armor" means any ammunition, except a shotgun shell or ammunition primarily designed for use in a rifle, that is designed primarily to penetrate a body vest or body shield, and has either of the following characteristics:

(a) Has projectile or projectile core constructed entirely, excluding the presence of traces of other substances, from one or a combination of tungsten alloys, steel, iron, brass, beryllium copper, or depleted uranium, or any equivalent material of similar density or hardness.

(b) Is primarily manufactured or designed, by virtue of its shape, cross-sectional density, or any coating applied thereto, including, but not limited to, ammunition commonly known as "KTW ammunition," to breach or penetrate a body vest or body shield when fired from a pistol, revolver, or other firearm capable of being concealed upon the person.

Section 16670. "Handgun safety certificate."

As used in this part, "handgun safety certificate" means a certificate issued by the Department of Justice pursuant to §§ 31610 to 31700, inclusive, or pursuant to former Article 8 (commencing with § 12800) of Chapter 6 of Title 2 of Part 4, as that article was operative at any time from January 1, 2003, until it was repealed by the Deadly Weapons Recodification Act of 2010.

Section 16730. "Infrequent; transaction"

(a) As used in Section 31815 and in Division 6 (commencing with Section 26500) of Title 4, "infrequent" means both of the following are true:

(1) The person conducts less than six transactions per calendar year.

(2) The person sells, leases, or transfers no more than 50 total firearms per calendar year.

(b) As used in this section, "transaction" means a single sale, lease, or transfer of any number of firearms.

Section 16750. "Lawful possession of the firearm."

(a) As used in § 25400, "lawful possession of the firearm" means that the person who has possession or custody of the firearm either lawfully owns the firearm or has the permission of the lawful owner or a person who otherwise has apparent authority to possess or have custody of the firearm. A person who takes a firearm without the permission of the lawful owner or without the permission of a person who has lawful custody of the firearm does not have lawful possession of the firearm.

(b) As used in Article 2 (commencing with § 25850), Article 3 (commencing with § 25900), and Article 4 (commencing with § 26000) of Chapter 3 of Division 5 of Title 4, Chapter 6 (commencing with § 26350) of Division 5 of Title 4, and Chapter 7

(commencing with § 26400) of Division 5 of Title 4, "lawful possession of the firearm" means that the person who has possession or custody of the firearm either lawfully acquired and lawfully owns the firearm or has the permission of the lawful owner or person who otherwise has apparent authority to possess or have custody of the firearm. A person who takes a firearm without the permission of the lawful owner or without the permission of a person who has lawful custody of the firearm does not have lawful possession of the firearm.

Section 16770. "Less lethal ammunition."

As used in this part, "less lethal ammunition" means any ammunition that satisfies both of the following requirements:

- (a) It is designed to be used in any less lethal weapon or any other kind of weapon (including, but not limited to, any firearm, pistol, revolver, shotgun, rifle, or spring, compressed air, or compressed gas weapon).
- (b) When used in a less lethal weapon or other weapon, it is designed to immobilize, incapacitate, or stun a human being through the infliction of any less than lethal impairment of physical condition, function, or senses, including physical pain or discomfort.

Section 16780. "Less lethal weapon."

As used in this part:

(a) "Less lethal weapon" means any device that is designed to or that has been converted to expel or propel less lethal ammunition by any action, mechanism, or process for the purpose of incapacitating, immobilizing, or stunning a human being through the infliction of any less than lethal impairment of physical condition, function, or senses, including physical pain or discomfort. It is not necessary that a weapon leave any lasting or permanent incapacitation, discomfort, pain, or other injury or disability in order to qualify as a less lethal weapon.

(b) Less lethal weapon includes the frame or receiver of any weapon described in subdivision (a), but does not include any of the following unless the part or weapon has been converted as described in subdivision (a):

- (1) Pistol, revolver, or firearm.
- (2) Machinegun.
- (3) Rifle or shotgun using fixed ammunition consisting of standard primer and powder and not capable of being concealed upon the person.
- (4) A pistol, rifle, or shotgun that is a firearm having a barrel less than 0.18 inches in diameter and that is designed to expel a projectile by any mechanical means or by compressed air or gas.
- (6) A destructive device.
- (7) A tear gas weapon.
- (10) A device designed for the firing of stud cartridges, explosive rivets, or similar industrial ammunition.
- (12) An assault weapon.

Section 16790. "Licensed gun dealer."

As used in Article 5 (commencing with § 30900) and Article 7 (commencing with § 31050) of Chapter 2 of Division 10 of Title 4, "licensed gun dealer" means a person who is licensed pursuant to §§ 26700 to 26915, inclusive, and who has a permit to sell assault weapons or .50 BMG rifles pursuant to § 31005.

Section 16800. "Licensed gun show producer."

As used in this part, "licensed gun show producer" means a person who has been issued a certificate of eligibility by the Department of Justice pursuant to § 27200. No regulations shall be required to implement this section.

Section 16810. "Licensed premises"; "Licensee's business premises"; "Licensee's place of business."

As used in Article 1 (commencing with § 26700) and Article 2 (commencing with § 26800) of Chapter 2 of Division 6 of Title 4, "licensed premises," "licensee's business premises," or "licensee's place of business" means the building designated in the license.

Section 16820. "Licensee."

- (a) For purposes of the provisions listed in § 16580, use of the term "licensee" is governed by § 26700.
- (b) For purposes of Chapter 2 (commencing with § 29030) of Division 7 of Title 4, use of the term "licensee" is governed by § 29030.

Section 16822. "Licensee's business premises."

Use of the term "licensee's business premises" is governed by § 16810.

Section 16824. "Licensee's place of business."

Use of the term "licensee's place of business" is governed by § 16810.

Section 16860. "Locking device."

As used in §§ 16850, 25105, and 25205, "locking device" means a device that is designed to prevent a firearm from functioning and, when applied to the firearm, renders the firearm inoperable.

Section 16865. "Long gun."

As used in § 26860, "long gun" means any firearm that is not a handgun or a machinegun.

Section 16880. "Machinegun."

(a) As used in this part, "machinegun" means any weapon that shoots, is designed to shoot, or can readily be restored to shoot, automatically more than one shot, without manual reloading, by a single function of the trigger.

(b) The term "machinegun" also includes the frame or receiver of any weapon described in subdivision (a), any part designed and intended solely and exclusively, or combination of parts designed and intended, for use in converting a weapon into a machinegun, and any combination of parts from which a machinegun can be assembled if those parts are in the possession or under the control of a person.

(c) The term "machinegun" also includes any weapon deemed by the federal Bureau of Alcohol, Tobacco, Firearms and Explosives as readily convertible to a machinegun under Chapter 53 (commencing with § 5801) of Title 26 of the United States Code.

Section 16890. "Magazine."

As used in § 30515, "magazine" means any ammunition feeding device.

Section 16930. "Multiburst trigger activator."

(a) As used in this part, a "multiburst trigger activator" means either of the following:

(1) A device designed or redesigned to be attached to, built into, or in conjunction with, a semiautomatic firearm, which allows the firearm to discharge 2 or more shots in a burst by activating the device.

(2) A manual or power-driven trigger activating device constructed and designed so that when attached to, built into, or used in conjunction with, a semiautomatic firearm it increases the rate of fire of that firearm.

(b) "Multiburst trigger activator" includes, but is not limited to, any of the following devices:

(1) A device that uses a spring, piston, or similar mechanism to push back against the recoil of a firearm, thereby moving the firearm in a back-and-forth motion and facilitating the rapid reset and activation of the trigger by a stationary finger. These devices are commonly known as bump stocks, bump fire stocks, or bump fire stock attachments.

(2) A device placed within the trigger guard of a firearm that uses a spring to push back against the recoil of the firearm causing the finger in the trigger guard to move back and forth and rapidly activate the trigger. These devices are commonly known as burst triggers.

(3) A mechanical device that activates the trigger of the firearm in rapid succession by turning a crank. These devices are commonly known as trigger cranks, gat cranks, gat triggers, or trigger actuators.

(4) Any aftermarket trigger or trigger system that, if installed, allows more than one round to be fired with a single depression of the trigger.

Section 16990. "A person taking title or possession of a firearm by operation of law."

As used in any provision listed in subdivision (a) of § 16585, the phrase "a person taking title or possession of a firearm by operation of law" includes, but is not limited to, any of the following instances in which an individual receives title to, or possession of, a firearm:

(a) The executor, personal representative, or administrator of an estate, if the estate includes a firearm.

(b) A secured creditor or an agent or employee of a secured creditor when the firearm is possessed as collateral for, or as a result of, a default under a security agreement under the Commercial Code.

(c) A levying officer, as defined in § 481.140, 511.060, or 680.260 of the Code of Civil Procedure.

(d) A receiver performing the functions of a receiver, if the receivership estate includes a firearm.

(e) A trustee in bankruptcy performing the duties of a trustee, if the bankruptcy estate includes a firearm.

(f) An assignee for the benefit of creditors performing the functions of an assignee, if the assignment includes a firearm.

- (g) A transmutation of property consisting of a firearm pursuant to § 850 of the Family Code.
- (h) A firearm passing to a surviving spouse pursuant to Chapter 1 (commencing with § 13500) of Part 2 of Division 8 of the Probate Code.
- (i) A firearm received by the family of a police officer or deputy sheriff from a local agency pursuant to § 50081 of the Government Code.
- (j) The transfer of a firearm by a law enforcement agency to the person who found the firearm where the delivery is to the person as the finder of the firearm pursuant to Article 1 (commencing with § 2080) of Chapter 4 of Title 6 of Part 4 of Division 3 of the Civil Code.
- (k) The trustee of a trust that includes a firearm and that was part of a will that created the trust.
- (l) a firearm passed to a decedent's successor pursuant to Part 1 (commencing with § 13000) of Division 8 of the Probate Code.
- (m) A person acting pursuant to the person's power of attorney in accordance with Division 4.5 (commencing with § 4000) of the Probate Code.
- (n) A limited or general conservator appointed by a court pursuant to the Probate Code or Welfare and Institutions Code.
- (o) A guardian ad litem appointed by a court pursuant to § 372 of the Code of Civil Procedure.
- (p) The trustee of a trust that includes a firearm that is under court supervision.
- (q) The trustee of a trust that is not referenced in subdivisions (k) or (p).
- (r) A special administrator appointed by a court pursuant to § 8540 of the Probate Code.
- (s) A guardian appointed by a court pursuant to § 1500 of the Probate Code.

Section 17000. "Personal firearm importer and personal firearm importer."

(a) As used in this part, until January 1, 2014, any reference to the term "personal firearm importer" shall be deemed to mean "personal handgun importer" and, on and after January 1, 2014, any reference to the term "personal handgun importer" shall be deemed to mean "personal firearm importer." A "personal handgun importer," until January 1, 2014, and commencing January 1, 2014, a "personal firearm importer" means an individual who meets all of the following criteria:

- (1) The individual is not a person licensed pursuant to Article 1 (commencing with § 26700) and Article 2 (commencing with § 26800) of Chapter 2 of Division 6 of Title 4.
- (2) The individual is not a licensed manufacturer of firearms pursuant to Chapter 44 (commencing with § 921) of Title 18 of the United States Code.
- (3) The individual is not a licensed importer of firearms pursuant to Chapter 44 (commencing with § 921) of Title 18 of the United States Code and the regulations issued pursuant thereto.
- (4) The individual is the owner of a firearm.
- (5) The individual acquired that firearm outside of California.
- (6) The individual moved into this state on or after January 1, 1998, in the case of a handgun, or in the case of a firearm that is not a handgun, on or after January 1, 2014, as a resident of this state.
- (7) The individual intends to possess that handgun within this state on or after January 1, 1998, or in the case of a firearm that is not a handgun, he or she intends to possess that firearm within this state on or after January 1, 2014.
- (8) The firearm was not delivered to the individual by a person licensed pursuant to Article 1 (commencing with § 26700) and Article 2 (commencing with § 26800) of Chapter 2 of Division 6 of Title 4, who delivered that firearm following the procedures set forth in § 27540 and Article 1 (commencing with § 26700) and Article 2 (commencing with § 26800) of Chapter 2 of Division 6 of Title 4.
- (9) The individual, while a resident of this state, had not previously reported ownership of that firearm to the Department of Justice in a manner prescribed by the department that included information concerning the individual and a description of the firearm.
- (10) The firearm is not a firearm that is prohibited by any provision listed in § 16590.
- (11) The firearm is not an assault weapon.
- (12) The firearm is not a machinegun.
- (13) The person is 18 years of age or older.
- (14) The firearm is not a .50 BMG rifle.

(15) The firearm is not a destructive device.

(b) For purposes of paragraph (6) of subdivision (a):

(1) Except as provided in paragraph (2), residency shall be determined in the same manner as is the case for establishing residency pursuant to § 12505 of the Vehicle Code.

(2) In the case of a member of the Armed Forces of the United States, residency shall be deemed to be established when the individual was discharged from active service in this state.

Section 17010. "Pistol"

Use of the term "pistol" is governed by § 16530.

Section 17080. "Revolver"

Use of the term "revolver" is governed by § 16530.

Section 17090. "Rifle"

As used in §§ 16530, 16640, 16650, 16660, 16870, and 17170, §§ 17720 to 17730, inclusive, § 17740, subdivision (f) of § 27555, Article 2 (commencing with § 30300) of Chapter 1 of Division 10 of Title 4, and Article 1 (commencing with § 33210) of Chapter 8 of Division 10 of Title 4, "rifle" means a weapon designed or redesigned, made or remade, and intended to be fired from the shoulder and designed or redesigned and made or remade to use the energy of the explosive in a fixed cartridge to fire only a single projectile through a rifled bore for each single pull of the trigger.

Section 17140. "Semiautomatic pistol"

As used in §§ 16900 and 31910, "semiautomatic pistol" means a pistol with an operating mode that uses the energy of the explosive in a fixed cartridge to extract a fired cartridge and chamber a fresh cartridge with each single pull of the trigger.

Section 17170. "Short-barreled rifle"

As used in this part, "short-barreled rifle" means any of the following:

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

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

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

(d) Any device that may be readily restored to fire a fixed cartridge which, when so restored, is a device defined in subdivisions (a) to (c), inclusive.

(e) Any part, or combination of parts, designed and intended to convert a device into a device defined in subdivisions (a) to (c), inclusive, or any combination of parts from which a device defined in subdivisions (a) to (c), inclusive, may be readily assembled if those parts are in the possession or under the control of the same person.

Section 17180. "Short-barreled shotgun"

As used in this part, "short-barreled shotgun" means any of the following:

(a) A firearm that is designed or redesigned to fire a fixed shotgun shell and has a barrel or barrels of less than 18 inches in length.

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

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

(d) Any device that may be readily restored to fire a fixed shotgun shell which, when so restored, is a device defined in subdivisions (a) to (c), inclusive.

(e) Any part, or combination of parts, designed and intended to convert a device into a device defined in subdivisions (a) to (c), inclusive, or any combination of parts from which a device defined in subdivisions (a) to (c), inclusive, can be readily assembled if those parts are in the possession or under the control of the same person.

Section 17190. "Shotgun"

As used in §§ 16530, 16640, 16870, and 17180, §§ 17720 to 17730, inclusive, § 17740, § 30215, and Article 1 (commencing with § 33210) of Chapter 8 of Division 10 of Title 4, "shotgun" means a weapon designed or redesigned, made or remade, and intended to be fired from the shoulder and designed or redesigned and made or remade to use the

energy of the explosive in a fixed shotgun shell to fire through a smooth bore either a number of projectiles (ball shot) or a single projectile for each pull of the trigger.

Section 17210. "Silencer"

As used in Chapter 9 (commencing with § 33410) of Division 10 of Title 4, "silencer" means any device or attachment of any kind designed, used, or intended for use in silencing, diminishing, or muffling the report of a firearm. The term "silencer" also includes any combination of parts, designed or redesigned, and intended for use in assembling a silencer or fabricating a silencer and any part intended only for use in assembly or fabrication of a silencer.

Section 17220. "SKS rifle"

Use of the term "SKS rifle" is governed by § 30710.

Section 17270. "Unconventional pistol"

As used in this part, an "unconventional pistol" means a firearm with both of the following characteristics:

- (a) It does not have a rifled bore.
- (b) It has a barrel or barrels of less than 18 inches in length or has an overall length of less than 26 inches.

Section 17280. "Undetectable firearm"

As used in this part, "undetectable firearm" means any weapon that meets either of the following requirements:

- (a) After removal of grips, stocks, and magazines, the weapon is not as detectable as the Security Exemplar, by a walk-through metal detector calibrated and operated to detect the Security Exemplar.
- (b) Any major component of the weapon, as defined in § 922 of Title 18 of the United States Code, when subjected to inspection by the types of X-ray machines commonly used at airports, does not generate an image that accurately depicts the shape of the component. Barium sulfate or other compounds may be used in the fabrication of the component.

Section 17310. "Used firearm"

As used in this part, "used firearm" means a firearm that has been sold previously at retail and is more than 3 years old.

Section 17315. "Vendor"

As used in Articles 2 through 5 of Chapter 1 of Division 10 of Title 4, "vendor" means an ammunition vendor.

Section 17330. "Wallet gun"

As used in this part, "wallet gun" means any firearm mounted or enclosed in a case, resembling a wallet, designed to be or capable of being carried in a pocket or purse, if the firearm may be fired while mounted or enclosed in the case.

Section 17360. "Zip gun"

As used in this part, "zip gun" means any weapon or device that meets all of the following criteria:

- (a) It was not imported as a firearm by an importer licensed pursuant to Chapter 44 (commencing with § 921) of Title 18 of the United States Code and the regulations issued pursuant thereto.
- (b) It was not originally designed to be a firearm by a manufacturer licensed pursuant to Chapter 44 (commencing with § 921) of Title 18 of the United States Code and the regulations issued pursuant thereto.
- (c) No tax was paid on the weapon or device nor was an exemption from paying tax on that weapon or device granted under § 4181 and Subchapters F (commencing with § 4216) and G (commencing with § 4221) of Chapter 32 of Title 26 of the United States Code, as amended, and the regulations issued pursuant thereto.
- (d) It is made or altered to expel a projectile by the force of an explosion or other form of combustion.

**Title 2 – Weapons Generally
Division 2 Generally Prohibited Weapons
Chapter 1 – Exemptions**

Section 17700. Exemption for antique firearm.

The provisions listed in § 16590 do not apply to any antique firearm.

Section 17705. Exemption for curio or relic.

(a) The provisions listed in § 16590 do not apply to any firearm or ammunition that is a curio or relic as defined in § 478.11 of Title 27 of the CFR and that is in the possession of a person permitted to possess the items under Chapter 44 (commencing with § 921) of Title 18 of the United States Code and the regulations issued pursuant thereto.

(b) Any person prohibited by Chapter 1 (commencing with § 29610), Chapter 2 (commencing with § 29800), or Chapter 3 (commencing with § 29900) of Division 9 of Title 4 of this part, or § 8100 or 8103 of the Welfare and Institutions Code, from possessing firearms or ammunition who obtains title to these items by bequest or intestate succession may retain title for not more than one year, but actual possession of these items at any time is punishable under Chapter 1 (commencing with § 29610), Chapter 2 (commencing with § 29800), or Chapter 3 (commencing with § 29900) of Division 9 of Title 4 of this part, or § 8100 or 8103 of the Welfare and Institutions Code. Within the year, the person shall transfer title to the firearms or ammunition by sale, gift, or other disposition. Any person who violates this section is in violation of the applicable provision listed in § 16590.

Section 17710. Exemption for “any other weapon”.

(a) The provisions listed in § 16590 do not apply to "any other weapon" as defined in subsection (e) of § 5845 of Title 26 of the United States Code, which is in the possession of a person permitted to possess the weapons under the federal Gun Control Act of 1968 (Public Law 90-618), as amended, and the regulations issued pursuant thereto.

(b) Any person prohibited by Chapter 1 (commencing with § 29610), Chapter 2 (commencing with § 29800), or Chapter 3 (commencing with § 29900) of Division 9 of Title 4 of this part, or § 8100 or 8103 of the Welfare and Institutions Code, from possessing these weapons who obtains title to these weapons by bequest or intestate succession may retain title for not more than one year, but actual possession of these weapons at any time is punishable under Chapter 1 (commencing with § 29610), Chapter 2 (commencing with § 29800), or Chapter 3 (commencing with § 29900) of Division 9 of Title 4 of this part, or § 8100 or 8103 of the Welfare and Institutions Code. Within the year, the person shall transfer title to the weapons by sale, gift, or other disposition. Any person who violates this section is in violation of the applicable provision listed in § 16590.

(c) The exemption provided by this section does not apply to a pen gun.

Section 17715 Exemption for historical society, museum or institutional collection.

The provisions listed in § 16590 do not apply to any instrument or device that is possessed by a federal, state, or local historical society, museum, or institutional collection that is open to the public if all of the following conditions are satisfied:

(a) The instrument or device is properly housed.

(b) The instrument or device is secured from unauthorized handling.

(c) If the instrument or device is a firearm, it is unloaded.

Section 17720. Exemption for entertainment event or production.

The provisions listed in § 16590 do not apply to any instrument or device, other than a short-barreled rifle or a short-barreled shotgun, which is possessed or used during the course of a motion picture, television, or video production or entertainment event by an authorized participant therein in the course of making that production or event or by an authorized employee or agent of the entity producing that production or event.

Section 17725. Exemption for person in business of selling instruments.

The provisions listed in § 16590 do not apply to any instrument or device, other than a short-barreled rifle or a short-barreled shotgun, which is sold by, manufactured by, exposed or kept for sale by, possessed by, imported by, or lent by a person who is in the business of selling instruments or devices listed in § 16590 solely to the entities referred to in §§ 17715 and 17720 when engaging in transactions with those entities.

Section 17730. Exemption for use in law enforcement.

The provisions listed in § 16590 do not apply to any of the following:

(a) The sale to, possession of, or purchase of any weapon, device, or ammunition, other than a short-barreled rifle or a short-barreled shotgun, by any federal, state, county, city and county, or city agency that is charged with the enforcement of any law for use in the discharge of its official duties.

(b) The possession of any weapon, device, or ammunition, other than a short-barreled rifle or short-barreled shotgun, by any peace officer of any federal, state, county, city and county, or city agency that is charged with the enforcement of any law, when the officer is on duty and the use is authorized by the agency and is within the course and scope of the officer's duties.

(c) Any weapon, device, or ammunition, other than a short-barreled rifle or a short-barreled shotgun, that is sold by, manufactured by, exposed or kept for sale by, possessed by, imported by, or lent by, any person who is in the business of selling weapons, devices, and ammunition listed in § 16590 solely to the entities referred to in subdivision (a) when engaging in transactions with those entities.

Section 17735. Exemption for transport to law enforcement.

The provisions listed in § 16590 do not apply to any instrument, ammunition, weapon, or device that is not a firearm and is found and possessed by a person who meets all of the following:

- (a) The person is not prohibited from possessing firearms or ammunition under subdivision (a) of § 30305 or Chapter 2 (commencing with § 29800) or Chapter 3 (commencing with § 29900) of Division 9 of Title 4 of this part, or § 8100 or 8103 of the Welfare and Institutions Code.
- (b) The person possessed the instrument, ammunition, weapon, or device no longer than was necessary to deliver or transport it to a law enforcement agency for that agency's disposition according to law.
- (c) If the person is transporting the item, the person is transporting it to a law enforcement agency for disposition according to law.

Section 17740. Exemption for device that is not firearm for transport to law enforcement for disposition.

The provisions listed in § 16590 do not apply to any firearm, other than a short-barreled rifle or short-barreled shotgun, which is found and possessed by a person who meets all of the following:

- (a) The person is not prohibited from possessing firearms or ammunition under subdivision (a) of § 30305 or Chapter 2 (commencing with § 29800) or Chapter 3 (commencing with § 29900) of Division 9 of Title 4 of this part, or § 8100 or 8103 of the Welfare and Institutions Code.
- (b) The person possessed the firearm no longer than was necessary to deliver or transport it to a law enforcement agency for that agency's disposition according to law.
- (c) If the person is transporting the firearm, the person is transporting it to a law enforcement agency for disposition according to law.
- (d) Before transporting the firearm to a law enforcement agency, the person has given prior notice to that law enforcement agency that the person is transporting the firearm to that law enforcement agency for disposition according to law.
- (e) The firearm is transported in a locked container as defined in § 16850.

Section 17745. Exemption for forensic laboratory.

The provisions listed in § 16590 do not apply to the possession of any weapon, device, or ammunition by a forensic laboratory or by any authorized agent or employee thereof in the course and scope of the person's authorized activities.

Chapter 2 – Miscellaneous Provisions

Section 17800. Violation for each firearm as separate offense.

For purposes of the provisions listed in § 16590, a violation as to each firearm, weapon, or device enumerated in any of those provisions shall constitute a distinct and separate offense.

**Division 3.2 – Gun Violence Restraining Orders
Chapter 1 – General**

Section 18100. Purpose of order.

- (a) A gun violence restraining order is an order, in writing, signed by the court, prohibiting and enjoining a named person from having in his or her custody or control, owning, purchasing, possessing, or receiving any firearms or ammunition. This division establishes a civil restraining order process to accomplish that purpose.
- (b) For purposes of this chapter, the term “ammunition” includes a “magazine” as defined in Section 16890.

Section 18107. Specified description of firearms and ammunition in petition.

A petition for a gun violence restraining order shall describe the number, types, and locations of any firearms and ammunition presently believed by the petitioner to be possessed or controlled by the subject of the petition.

Section 18109. Limitation on interpretation; Petition.

- (a) This division does not require a law enforcement agency or a law enforcement officer to seek a gun violence restraining order in any case, including, but not limited to, in a case in which the agency or officer concludes, after investigation, that the criteria for issuance of a gun violence restraining order are not satisfied.
- (b) A petition brought by a law enforcement officer may be made in the name of the law enforcement agency in which the officer is employed.
- (c) This section shall become operative on September 1, 2020.

Section 18120. Effect of order; Surrender of firearms and ammunition.

(a) A person subject to a gun violence restraining order issued pursuant to this division shall not have the person's custody or control, own, purchase, possess, or receive any firearms or ammunition while that order is in effect.

(b)

(1) Upon issuance of a gun violence restraining order issued pursuant to this division, the court shall order the restrained person to surrender all firearms and ammunition in the restrained person's custody or control, or which the restrained person possesses or owns pursuant to this subdivision.

(2) The surrender ordered pursuant to paragraph (1) shall occur by immediately surrendering all firearms and ammunition in a safe manner, upon request of any law enforcement officer, to the control of the officer, after being served with the restraining order. A law enforcement officer serving a gun violence restraining order that indicates that the restrained person possesses any firearms or ammunition shall request that all firearms and ammunition be immediately surrendered.

(3) If the gun violence restraining order is issued as an ex parte order or order after notice and hearing, and is served by a person other than a law enforcement officer, and if no request is made by a law enforcement officer, the surrender shall occur within 24 hours of being served with the order, by surrendering all firearms and ammunition in a safe manner to the control of a local law enforcement agency, selling all firearms and ammunition to a licensed firearms dealer, or transferring all firearms and ammunition to a licensed firearms dealer in accordance with Section 29830.

(4) The law enforcement officer or licensed firearms dealer taking possession of firearms or ammunition pursuant to this subdivision shall issue a receipt to the person surrendering the firearm or firearms or ammunition or both at the time of surrender.

(5) A person ordered to surrender all firearms and ammunition pursuant to this subdivision shall, within 48 hours after being served with the order, do both of the following:

(A) File with the court that issued the gun violence restraining order the original receipt showing all firearms and ammunition have been surrendered to a local law enforcement agency or sold or transferred to a licensed firearms dealer. Failure to timely file a receipt shall constitute a violation of the restraining order.

(B) File a copy of the receipt described in subparagraph (A) with the law enforcement agency, if any, that served the gun violence restraining order. Failure to timely file a copy of the receipt shall constitute a violation of the restraining order.

(c)

(1) Except as provided in paragraph (2), firearms or ammunition surrendered to a law enforcement officer or law enforcement agency pursuant to this section shall be retained by the law enforcement agency until the expiration of a gun violence restraining order that has been issued against the restrained person. Upon expiration of an order, the firearms or ammunition shall be returned to the restrained person in accordance with the provisions of Chapter 2 (commencing with Section 33850) of Division 11 of Title 4. Firearms or ammunition that are not claimed are subject to the requirements of Section 34000.

(2) A restrained person who owns firearms or ammunition that are in the custody of a law enforcement agency pursuant to this section is entitled to sell the firearms or ammunition to a licensed firearms dealer or transfer the firearms or ammunition to a licensed firearms dealer in accordance with Section 29830 if the firearm or firearms or ammunition are otherwise legal to own or possess and the restrained person otherwise has right to title of the firearm or firearms or ammunition.

(d) If a person other than the restrained person claims title to firearms or ammunition surrendered pursuant to this section, and the person is determined by the law enforcement agency to be the lawful owner of the firearm or firearms or ammunition, the firearm or firearms or ammunition shall be returned to the person pursuant to Chapter 2 (commencing with Section 33850) of Division 11 of Title 4.

(e) Within one business day of receiving the receipt referred to in paragraph (4) of subdivision (b), the court that issued the order shall transmit a copy of the receipt to the Department of Justice in a manner and pursuant to a process prescribed by the department.

(f) This section shall become operative on September 1, 2020.

Chapter 2 – Temporary Emergency Gun Violence Restraining Order

Section 18125. Limitation on ex parte order; Effect of order.

(a) A temporary emergency gun violence restraining order may be issued on an ex parte basis only if a law enforcement officer asserts, and a judicial officer finds, that there is reasonable cause to believe both of the following:

(1) The subject of the petition poses an immediate and present danger of causing personal injury to himself, herself, or another by having in his or her custody or control, owning, purchasing, possessing, or receiving a firearm or ammunition.

(2) A temporary emergency gun violence restraining order is necessary to prevent personal injury to the subject of the petition or another because less restrictive alternatives either have been tried and found to be ineffective, or have been determined to be inadequate or inappropriate for the circumstances of the subject of the petition.

(b) A temporary emergency gun violence restraining order issued pursuant to this chapter shall prohibit the subject of the petition from having in his or her custody or control, owning, purchasing, possessing, or receiving, or attempting to purchase or receive, a firearm or ammunition, and shall expire 21 days from the date the order is issued.

Section 18130. Validity of temporary order.

A temporary emergency gun violence restraining order is valid only if it is issued by a judicial officer after making the findings required by § 18125 and pursuant to a specific request by a law enforcement officer.

Section 18135. Contents of order.

(a) A temporary emergency gun violence restraining order issued under this chapter shall include all of the following:

(1) A statement of the grounds supporting the issuance of the order.

(2) The date and time the order expires.

(3) The address of the superior court for the county in which the restrained party resides.

(4) The following statement:

"To the restrained person: This order will last until the date and time noted above. You are required to surrender all firearms, ammunition, and magazines that you own or possess in accordance with § 18120 of the Penal Code and you may not have in your custody or control, own, purchase, possess, or receive, or attempt to purchase or receive any firearm, ammunition, or magazine while this order is in effect. However, a more permanent gun violence restraining order may be obtained from the court. You may seek the advice of an attorney as to any matter connected with the order. The attorney should be consulted promptly so that the attorney may assist you in any matter connected with the order."

(b) When serving a temporary emergency gun violence restraining order, a law enforcement officer shall verbally ask the restrained person if he or she has any firearm, ammunition, or magazine in his or her possession or under his or her custody or control.

Section 18140. Requirements for law enforcement officer seeking order.

A law enforcement officer who requests a temporary emergency gun violence restraining order shall do all of the following:

(a) If the request is made orally, sign a declaration under penalty of perjury reciting the oral statements provided to the judicial officer and memorialize the order of the court on the form approved by the Judicial Council.

(b) Serve the order on the restrained person, if the restrained person can reasonably be located.

(c) File a copy of the order with the court as soon as practicable, but not later than three court days, after issuance.

(d) Have the order entered into the computer database system for protective and restraining orders maintained by the Department of Justice.

Section 18145. Petition; Designation of judge to issue orders.

(a)

(1) A judicial officer may issue a temporary emergency gun violence restraining order orally based on the statements of a law enforcement officer made in accordance with subdivision (a) of Section 18140.

(2) If time and circumstances permit, a temporary emergency gun violence restraining order may be obtained in writing and based on a declaration signed under penalty of perjury.

(b) The presiding judge of the superior court of each county shall designate at least 1 judge, commissioner, or referee who shall be reasonably available to issue temporary emergency gun violence restraining orders when the court is not in session.

Section 18148. Hearing to determine if gun violence restraining order should be issued

Within 21 days after the date on the order, the court that issued the order or another court in the same jurisdiction, shall hold a hearing pursuant to Section 18175 to determine if a gun violence restraining order should be issued pursuant to Chapter 4 (commencing with Section 18170) after notice and hearing.

Chapter 3 – Ex Parte Gun Violence Restraining Order

Section 18150. Petition; Grounds for issuance; Supporting affidavit; Issuance or denial on same day petition filed.

(a)

(1) Any of the following individuals may file a petition requesting that the court issue an ex parte gun violence restraining order enjoining the subject of the petition from having in their custody or control, owning, purchasing, possessing, or receiving a firearm or ammunition:

(A) An immediate family member of the subject of the petition.

(B) An employer of the subject of the petition.

(C) A coworker of the subject of the petition, if they have had substantial and regular interactions with the subject for at least one year and have obtained the approval of the employer.

(D) An employee or teacher of a secondary or postsecondary school that the subject has attended in the last six months, if the employee or teacher has obtained the approval of a school administrator or a school administration staff member with a supervisory role.

(E) A law enforcement officer.

(2) For purposes of this subdivision, "immediate family member" has the same meaning as in paragraph (3) of subdivision (b) of § 422.4.

(3) This chapter does not require a person described in paragraph (1) to seek a gun violence restraining order.

(b) A court may issue an ex parte gun violence restraining order if the petition, supported by an affidavit made in writing and signed by the petitioner under oath, or an oral statement taken pursuant to subdivision (a) of § 18155, and any additional information provided to the court shows that there is a substantial likelihood that both of the following are true:

(1) The subject of the petition poses a significant danger, in the near future, of causing personal injury to himself, herself, or another by having in his or her custody or control, owning, purchasing, possessing, or receiving a firearm as determined by considering the factors listed in § 18155.

(2) An ex parte gun violence restraining order is necessary to prevent personal injury to the subject of the petition or another because less restrictive alternatives either have been tried and found to be ineffective, or are inadequate or inappropriate for the circumstances of the subject of the petition.

(c) An affidavit supporting a petition for the issuance of an ex parte gun violence restraining order shall set forth the facts tending to establish the grounds of the petition, or the reason for believing that they exist.

(d) An ex parte order under this chapter shall be issued or denied on the same day that the petition is submitted to the court, unless the petition is filed too late in the day to permit effective review, in which case the order shall be issued or denied on the next day of judicial business in sufficient time for the order to be filed that day with the clerk of the court.

(e) This section shall become operative on September 1, 2020.

Section 18155. Examination or affidavit of petitioner and witnesses; Evidence; Effect of order.

(a)

(1) The court, before issuing an ex parte gun violence restraining order, shall examine on oath, the petitioner and any witness the petitioner may produce.

(2) In lieu of examining the petitioner and any witness the petitioner may produce, the court may require the petitioner and any witness to submit a written affidavit signed under oath.

(b)

(1) In determining whether grounds for a gun violence restraining order exist, the court shall consider all evidence of the following:

- (A) A recent threat of violence or act of violence by the subject of the petition directed toward another.
- (B) A recent threat of violence or act of violence by the subject of the petition directed toward himself or herself.
- (C) A violation of an emergency protective order issued pursuant to § 646.91 or Part 3 (commencing with § 6240) of Division 10 of the Family Code that is in effect at the time the court is considering the petition.
- (D) A recent violation of an unexpired protective order issued pursuant to Part 4 (commencing with § 6300) of Division 10 of the Family Code, § 136.2, § 527.6 of the Code of Civil Procedure, or § 213.5 or 15657.03 of the Welfare and Institutions Code.
- (E) A conviction for any offense listed in § 29805.
- (F) A pattern of violent acts or violent threats within the past 12 months, including, but not limited to, threats of violence or acts of violence by the subject of the petition directed toward himself, herself, or another.

(2) In determining whether grounds for a gun violence restraining order exist, the court may consider any other evidence of an increased risk for violence, including, but not limited to, evidence of any of the following:

- (A) The unlawful and reckless use, display, or brandishing of a firearm by the subject of the petition.
- (B) The history of use, attempted use, or threatened use of physical force by the subject of the petition against another person.
- (C) A prior arrest of the subject of the petition for a felony offense.
- (D) A history of a violation by the subject of the petition of an emergency protective order issued pursuant to § 646.91 or Part 3 (commencing with § 6240) of Division 10 of the Family Code.
- (E) A history of a violation by the subject of the petition of a protective order issued pursuant to Part 4 (commencing with § 6300) of Division 10 of the Family Code, § 136.2, § 527.6 of the Code of Civil Procedure, or § 213.5 or 15657.03 of the Welfare and Institutions Code.
- (F) Documentary evidence, including, but not limited to, police reports and records of convictions, of either recent criminal offenses by the subject of the petition that involve controlled substances or alcohol or ongoing abuse of controlled substances or alcohol by the subject of the petition.
- (G) Evidence of recent acquisition of firearms, ammunition, or other deadly weapons.

(3) For the purposes of this subdivision, "**recent**" means within the 6 months prior to the date the petition was filed.

(c) If the court determines that the grounds to issue an ex parte gun violence restraining order exist, it shall issue an ex parte gun violence restraining order that prohibits the subject of the petition from having in his or her custody or control, owning, purchasing, possessing, or receiving, or attempting to purchase or receive, a firearm or ammunition, and expires no later than 21 days from the date of the order.

Section 18160. Contents of order; Service.

(a) An ex parte gun violence restraining order issued under this chapter shall include all of the following:

- (1) A statement of the grounds supporting the issuance of the order.
- (2) The date and time the order expires.
- (3) The address of the superior court in which any responsive pleading should be filed.
- (4) The date and time of the scheduled hearing.
- (5) The following statement:

"To the restrained person: This order is valid until the expiration date and time noted above. You are required to surrender all firearms, ammunition, and magazines that you own or possess in accordance with § 18120 of the Penal Code and you may not have in your custody or control, own, purchase, possess, or receive, or attempt to purchase or receive any firearm, ammunition, or magazine while this order is in effect. A hearing will be held on the date and at the time noted above to determine if a more permanent gun violence restraining order should be issued. Failure to appear at that hearing may result in a court making an order against you that is valid for a year. You may seek the advice of an attorney as to any matter connected with the order. The attorney should be consulted promptly so that the attorney may assist you in any matter connected with the order."

(b)

(1) An ex parte gun violence restraining order shall be personally served on the restrained person by a law enforcement officer, or any person who is at least 18 years of age and not a party to the action, as provided in § 414.10 of the Code of Civil Procedure, if the restrained person can reasonably be located.

(2) When serving a gun violence restraining order, a law enforcement officer shall inform the restrained person of the hearing scheduled pursuant to § 18165.

(3) When serving a gun violence restraining order, a law enforcement officer shall verbally ask the restrained person if he or she has any firearm, ammunition, or magazine in his or her possession or under his or her custody or control.

(c) This section shall become operative on September 1, 2020.

Section 18165. Hearing after issuance of order.

Within 21 days after the date on the order, before the court that issued the order or another court in the same jurisdiction, the court shall hold a hearing pursuant to § 18175 to determine if a gun violence restraining order should be issued under Chapter 4 (commencing with § 18170).

Chapter 4 – Gun Violence Restraining Order Issued After Notice and Hearing

Section 18170. Petition.

(a)

(1) Any of the following individuals may request that a court, after notice and a hearing, issue a gun violence restraining order enjoining the subject of the petition from having in their custody or control, owning, purchasing, possessing, or receiving a firearm or ammunition for a period of time between one to five years:

(A) An immediate family member of the subject of the petition.

(B) An employer of the subject of the petition.

(C) A coworker of the subject of the petition, if they have had substantial and regular interactions with the subject for at least one year and have obtained the approval of the employer.

(D) An employee or teacher of a secondary or postsecondary school that the subject has attended in the last six months, if the employee or teacher has obtained the approval of a school administrator or a school administration staff member with a supervisory role.

(E) A law enforcement officer.

(2) This chapter does not require a person described in paragraph (1) to seek a gun violence restraining order.

(b) For purposes of this section, “immediate family member” has the same meaning as in paragraph (3) of subdivision (b) of Section 422.4.

(c) This section shall become operative on September 1, 2020.

Section 18175. Evidence; Grounds for issuance; Burden of Proof; Effect of issuance or denial of order; Duration of order.

(a) In determining whether to issue a gun violence restraining order under this chapter, the court shall consider evidence of the facts identified in paragraph (1) of subdivision (b) of § 18155 and may consider any other evidence of an increased risk for violence, including, but not limited to, evidence of the facts identified in paragraph (2) of subdivision (b) of § 18155.

(b) At the hearing, the petitioner shall have the burden of proving, by clear and convincing evidence, that both of the following are true:

(1) The subject of the petition, or a person subject to a temporary emergency gun violence restraining order or an ex parte gun violence restraining order, as applicable, poses a significant danger of causing personal injury to themselves or another by having in the subject’s or person’s custody or control, owning, purchasing, possessing, or receiving a firearm, ammunition or magazine.

(2) A gun violence restraining order is necessary to prevent personal injury to the subject of the petition, or the person subject to an ex parte gun violence restraining order, as applicable, or another because less restrictive alternatives either have been tried and found to be ineffective, or are inadequate or inappropriate for the circumstances of the subject of the petition, or the person subject to an ex parte gun violence restraining order, as applicable.

(c)

(1) If the court finds that there is clear and convincing evidence to issue a gun violence restraining order, the court shall issue a gun violence restraining order that prohibits the subject of the petition from having the subject’s custody or control, owning, purchasing, possessing, or receiving, or attempting to purchase or receive, a firearm, ammunition or magazine.

(2) If the court finds that there is not clear and convincing evidence to support the issuance of a gun violence restraining order, the court shall dissolve any temporary emergency or ex parte gun violence restraining order then in effect.

(d)

(1) The subject of the petition may file a form with the court relinquishing the subject's firearm rights for the duration specified on the petition or, if not stated in the petition, for one year from the date of the proposed hearing, and stating that the subject is not contesting the petition.

(2) If the subject of the petition files a form pursuant to paragraph (1), the court shall issue, without any hearing, the gun violence restraining order at least five court days before the scheduled hearing. If the subject files the form within five court days before the scheduled hearing, the court shall issue, without any hearing, the gun violence restraining order as soon as possible. The court shall provide notice of the order to all parties.

(3) If the subject of the petition files a form pursuant to paragraph (1) and has not already surrendered all firearms, ammunition, and magazines in the subject's custody or control or those that the subject possesses or owns, the subject shall follow the procedures in Section 18120 but shall surrender the firearms, ammunition, and magazines within 48 hours of filing the form relinquishing firearm rights.

(e)

(1) The court shall issue a gun violence restraining order under this chapter for a period of time of one to five years, subject to termination by further order of the court at a hearing held pursuant to Section 18185 and renewal by further order of the court pursuant to Section 18190.

(2) In determining the duration of the gun violence restraining order pursuant to paragraph (1), the court shall consider the length of time that the circumstances set forth in subdivision (b) are likely to continue, and shall issue the order based on that determination.

(f) This section shall become operative on September 1, 2020.

Section 18180. Contents of order; Form to request hearing to terminate order.

(a) A gun violence restraining order issued pursuant to this chapter shall include all of the following:

(1) A statement of the grounds supporting the issuance of the order.

(2) The date and time the order expires.

(3) The address of the superior court for the county in which the restrained party resides.

(4) The following statement:

"To the restrained person: This order will last until the date and time noted above. If you have not done so already, you must surrender all firearms, ammunition, and magazines that you own or possess in accordance with § 18120 of the Penal Code. You may not have in your custody or control, own, purchase, possess, or receive, or attempt to purchase or receive a firearm, ammunition, or magazine while this order is in effect. Pursuant to § 18185, you have the right to request one hearing to terminate this order at any time during its effective period. You may seek the advice of an attorney as to any matter connected with the order."

(b) When the court issues a gun violence restraining order under this chapter, the court shall inform the restrained person that he or she is entitled to one hearing to request a termination of the order, pursuant to § 18185, and shall provide the restrained person with a form to request a hearing.

(c) This section shall become operative on September 1, 2020.

Section 18185. Written request for hearing to terminate order.

(a) A person subject to a gun violence restraining order issued under this chapter may submit one written request at any time during the effective period of the order for a hearing to terminate the order.

(b) If the court finds after the hearing that there is no longer clear and convincing evidence to believe that paragraphs (1) and (2) of subdivision (b) of Section 18175 are true, the court shall terminate the order.

(c) This section shall become operative on September 1, 2020.

Section 18190. Renewal of order; Duration of renewed order; Contents of renewed order.

(a)

(1) Any of the following people may request a renewal of a gun violence restraining order at any time within the three months before the expiration of a gun violence restraining order:

(A) An immediate family member of the subject of the petition.

(B) An employer of the subject of the petition.

(C) A coworker of the subject of the petition, if they have had substantial and regular interactions with the subject for at least one year and have obtained the approval of the employer.

(D) An employee or teacher of a secondary or postsecondary school that the subject has attended in the last six months, if the employee or teacher has obtained the approval of a school administrator or a school administration staff member with a supervisory role.

(E) A law enforcement officer.

(2) For purposes of this subdivision, “**immediate family member**” has the same meaning as in paragraph (3) of subdivision (b) of Section 422.4.

(3) This chapter does not require a person described in paragraph (1) to seek a gun violence restraining order.

(b) A court may, after notice and a hearing, renew a gun violence restraining order issued under this chapter if the petitioner proves, by clear and convincing evidence, that paragraphs (1) and (2) of subdivision (b) of Section 18175 continue to be true.

(c) In determining whether to renew a gun violence restraining order issued under this chapter, the court shall consider evidence of the facts identified in paragraph (1) of subdivision (b) of Section 18155 and any other evidence of an increased risk for violence, including, but not limited to, evidence of any of the facts identified in paragraph (2) of subdivision (b) of Section 18155.

(d) At the hearing, the petitioner shall have the burden of proving, by clear and convincing evidence, that paragraphs (1) and (2) of subdivision (b) of Section 18175 are true.

(e) If the renewal petition is supported by clear and convincing evidence, the court shall renew the gun violence restraining order issued under this chapter.

(f)

(1) The renewal of a gun violence restraining order issued pursuant to this section shall have a duration of between one to five years, subject to termination by further order of the court at a hearing held pursuant to Section 18185 and further renewal by further order of the court pursuant to this section.

(2) In determining the duration of the gun violence restraining order pursuant to paragraph (1), the court shall consider the length of time that the circumstances set forth in subdivision (b) of Section 18175 are likely to continue, and shall issue the order based on that determination.(g) A gun violence restraining order renewed pursuant to this section shall include the information identified in subdivision (a) of Section 18180.

(h) This section shall become operative on September 1, 2020.

Section 18195. Continuance of hearing for good cause

Any hearing held pursuant to this chapter may be continued upon a showing of good cause. Any existing order issued pursuant to this division shall remain in full force and effect during the period of continuance.

Section 18197. Service of order.

(a) If a person subject to a gun violence restraining order issued or renewed pursuant to this chapter was not present in court at the time the order was issued or renewed, the gun violence restraining order shall be personally served on the restrained person by a law enforcement officer or by a person as provided in Section 414.10 of the Code of Civil Procedure, if the restrained person can reasonably be located.

(b) This section shall become operative on September 1, 2020.

Chapter 5 – Offenses

Section 18200. Filing petition knowing information false or with intent to harass.

Every person who files a petition for an ex parte gun violence restraining order pursuant to Chapter 3 (commencing with § 18150) or a gun violence restraining order issued after notice and a hearing pursuant to Chapter 4 (commencing with § 18170), knowing the information in the petition to be false or with the intent to harass, is guilty of a misdemeanor.

Section 18205. Ownership or possession of firearm or ammunition by person subject to order.

(a) Every person who owns or possesses a firearm or ammunition with knowledge that they are prohibited from doing so by a temporary emergency gun violence restraining order issued pursuant to Chapter 2 (commencing with § 18125), an ex parte gun violence restraining order issued pursuant to Chapter 3 (commencing with § 18150), a gun violence restraining order issued after notice and a hearing issued pursuant to Chapter 4 (commencing with § 18170), or by a valid order issued by an out-of-state jurisdiction that is similar or equivalent to a gun violence restraining order described in this division, is guilty of a misdemeanor and shall be prohibited from having custody or control of, owning, purchasing,

possessing, or receiving, or attempting to purchase or receive, a firearm or ammunition for a 5-year period, to commence upon the expiration of the existing gun violence restraining order.

(b) For purposes of this section, a valid order issued by an out-of-state jurisdiction that is similar or equivalent to a gun violence restraining order described in this section must be issued upon a showing by clear and convincing evidence that the person poses a significant danger of causing personal injury to themselves or another because of owning or possessing a firearm or ammunition.

Division 5 – Destructive Devices, Explosives, and Similar Weapons
Chapter 1 – Destructive Devices and Explosives Generally
Article 1 – Prohibited Acts

Section 18710. Possession of destructive device; punishment.

(a) Except as provided by this chapter, any person, firm, or corporation who, within this state, possesses any destructive device, other than fixed ammunition of a caliber greater than .60 caliber, is guilty of a public offense.

(b) A person, firm, or corporation who is convicted of an offense under subdivision (a) shall be punished by imprisonment in the county jail for a term not to exceed 1 year, or in state prison, or by a fine not to exceed \$10,000, or by both this fine and imprisonment.

Section 18730. Sale or transportation of destructive devices; punishment.

Except as provided by this chapter, any person, firm, or corporation who, within this state, sells, offers for sale, or knowingly transports any destructive device, other than fixed ammunition of a caliber greater than .60 caliber, is guilty of a felony and is punishable by imprisonment pursuant to subdivision (h) of § 1170 for 2, 3, or 4 years.

Section 18735. Sale, possession, or transportation of fixed ammunition; Punishment.

(a) Except as provided by this chapter, any person, firm, or corporation who, within this state, sells, offers for sale, possesses or knowingly transports any fixed ammunition of a caliber greater than .60 caliber is guilty of a public offense.

(b) Upon conviction of an offense under subdivision (a), a person, firm, or corporation shall be punished by imprisonment in the county jail for a term not to exceed 6 months or by a fine not to exceed \$1,000, or by both this fine and imprisonment.

(c) A second or subsequent conviction shall be punished by imprisonment in the county jail for a term not to exceed 1 year, or by imprisonment pursuant to subdivision (h) of § 1170, or by a fine not to exceed \$3,000, or by both this fine and imprisonment.

Article 2 – Exemptions

Section 18800. Sale to, or purchase, possession, transportation, storage, or use of, by, law enforcement officers, military personnel, or firefighters.

(a) Nothing in this chapter prohibits the sale to, purchase by, or possession, transportation, storage, or use of, a destructive device or explosive by any of the following:

(1) Any peace officer listed in § 830.1 or 830.2, or any peace officer in the Department of Justice authorized by the Attorney General, while on duty and acting within the scope and course of employment.

(2) Any member of the Army, Navy, Air Force, or Marine Corps of the United States, or the National Guard, while on duty and acting within the scope and course of employment.

(b) Nothing in this chapter prohibits the sale to, or the purchase, possession, transportation, storage, or use by any person who is a regularly employed and paid officer, employee, or member of a fire department or fire protection or firefighting agency of the federal government, the State of California, a city, county, city and county, district, or other public or municipal corporation or political subdivision of this state, while on duty and acting within the scope and course of employment, of any equipment used by that department or agency in the course of fire suppression.

Article 3 – Permit and Inspection

Section 18900. Permit for manufacture, sale or use of destructive device.

(a) Every dealer, manufacturer, importer, and exporter of any destructive device, or any motion picture or television studio using destructive devices in the conduct of its business, shall obtain a permit for the conduct of that business from the Department of Justice.

(b) Any person, firm, or corporation not mentioned in subdivision (a) shall obtain a permit from the Department of Justice in order to possess or transport any destructive device. No permit shall be issued to any person who meets any of the following criteria:

(1) Has been convicted of any felony.

(2) Is addicted to the use of any narcotic drug.

(3) Is prohibited by state or federal law from possessing, receiving, owning, or purchasing a firearm.

(c) An application for a permit shall comply with all of the following:

(1) It shall be filed in writing.

(2) It shall be signed by the applicant if an individual, or by a member or officer qualified to sign if the applicant is a firm or corporation.

(3) It shall state the name, business in which engaged, business address, and a full description of the use to which the destructive devices are to be put.

(d) Applications and permits shall be uniform throughout the state on forms prescribed by the Department of Justice.

Section 18905. Fee for permit for manufacture, sale or use of destructive device; Renewal.

(a) Each applicant for a permit under this article shall pay at the time of filing the application a fee not to exceed the application processing costs of the Department of Justice.

(b) A permit granted under this article may be renewed one year from the date of issuance, and annually thereafter, upon the filing of a renewal application and the payment of a permit renewal fee not to exceed the application processing costs of the Department of Justice.

(c) After the department establishes fees sufficient in amount to cover processing costs, the amount of the fees shall only increase at a rate not to exceed the legislatively approved cost-of-living adjustment for the department.

Section 18910. Inspection for security, safe storage, inventory of destructive devices.

(a) Except as provided in subdivision (b), the Department of Justice shall, for every person, firm, or corporation to whom a permit is issued under this article, annually conduct an inspection for security and safe storage purposes, and to reconcile the inventory of destructive devices.

(b) A person, firm, or corporation with an inventory of fewer than 5 devices that require any Department of Justice permit shall be subject to an inspection for security and safe storage purposes, and to reconcile inventory, once every 5 years, or more frequently if determined by the department.

Article 4 – Destructive Device Constituting Nuisance

Section 19000. Nuisances; Injunction; Surrender and destruction of device.

(a) Possession of any destructive device in violation of this chapter is a public nuisance.

(b) The Attorney General or district attorney of any city, county, or city and county may bring an action in the superior court to enjoin the possession of any destructive device.

(c) Any destructive device found to be in violation of this chapter shall be surrendered to the Department of Justice, or to the sheriff or chief of police, if the sheriff or chief of police has elected to perform the services required by this section. The department, sheriff, or chief of police shall destroy the destructive device so as to render it unusable and unrepairable as a destructive device, except upon the filing of a certificate with the department by a judge or district attorney stating that the preservation of the destructive device is necessary to serve the ends of justice.

Division 6 – Less Lethal Weapons

Section 19400. Purchase, sale and transfer for official use.

A person who is a peace officer or a custodial officer, as defined in Chapter 4.5 (commencing with § 830) of Title 3 of Part 2, may, if authorized by and under the terms and conditions as are specified by the person's employing agency, purchase, possess, or transport any less lethal weapon or ammunition for any less lethal weapon, for official use in the discharge of the person's duties.

Section 19405. Sale to person under the age of 18 years.

Any person who sells a less lethal weapon to a person under the age of 18 years is guilty of a misdemeanor, punishable by imprisonment in the county jail for up to 6 months or by a fine of not more than \$1,000, or by both that imprisonment and fine.

Title 4 – Firearms

Division 2 – Firearm Safety Devices, Gun Safes, and Related Warnings

Section 23630. Inapplicability of division in specified circumstances.

(a) This division does not apply to the commerce of any antique firearm.

(b)

(1) This division does not apply to the commerce of any firearm intended to be used by a salaried, full-time peace officer, as defined in Chapter 4.5 (commencing with § 830) of Title 3 of Part 2, for purposes of law enforcement.

(2) Nothing in this division precludes a local government, local agency, or state law enforcement agency from requiring its peace officers to store their firearms in gun safes or attach firearm safety devices to those firearms.

Section 23635. Requirement of safety device upon sale or transfer; Exemptions; Requirement of warning language or labels.

(a) Any firearm sold or transferred in this state by a licensed firearms dealer, including a private transfer through a dealer, and any firearm manufactured in this state, shall include or be accompanied by a firearm safety device that is listed on the Department of Justice's roster of approved firearm safety devices and that is identified as appropriate for that firearm by reference to either the manufacturer and model of the firearm, or to the physical characteristics of the firearm that match those listed on the roster for use with the device.

(b) The sale or transfer of a firearm shall be exempt from subdivision (a) if both of the following apply:

(1) The purchaser or transferee owns a gun safe that meets the standards set forth in § 23650. Gun safes shall not be required to be tested, and therefore may meet the standards without appearing on the Department of Justice roster.

(2) The purchaser or transferee presents an original receipt for purchase of the gun safe, or other proof of purchase or ownership of the gun safe as authorized by the Attorney General, to the firearms dealer. The dealer shall maintain a copy of this receipt or proof of purchase with the dealer's record of sales of firearms.

(c) The sale or transfer of a firearm shall be exempt from subdivision (a) if all of the following apply:

(1) The purchaser or transferee purchases an approved safety device no more than 30 days prior to the day the purchaser or transferee takes possession of the firearm.

(2) The purchaser or transferee presents the approved safety device to the firearms dealer when picking up the firearm.

(3) The purchaser or transferee presents an original receipt to the firearms dealer, which shows the date of purchase, the name, and the model number of the safety device.

(4) The firearms dealer verifies that the requirements in paragraphs (1) to (3), inclusive, have been satisfied.

(5) The firearms dealer maintains a copy of the receipt along with the dealer's record of sales of firearms.

(d)

(1) Any long-gun safe commercially sold or transferred in this state, or manufactured in this state for sale in this state, that does not meet the standards for gun safes adopted pursuant to § 23650 shall be accompanied by the following warning:

"WARNING: This gun safe does not meet the safety standards for gun safes specified in California Penal Code § 23650. It does not satisfy the requirements of Penal Code § 23635, which mandates that all firearms sold in California be accompanied by a firearm safety device or proof of ownership, as required by law, of a gun safe that meets the § 23650 minimum safety standards developed by the California Attorney General."

(2) This warning shall be conspicuously displayed in its entirety on the principal display panel of the gun safe's package, on any descriptive materials that accompany the gun safe, and on a label affixed to the front of the gun safe.

(3) This warning shall be displayed in both English and Spanish, in conspicuous and legible type in contrast by typography, layout, or color with other printed matter on the package or descriptive materials, in a manner consistent with Part 1500.121 of Title 16 of the CFR, or successor regulations thereto.

(e) Any firearm sold or transferred in this state by a licensed firearms dealer, including a private transfer through a dealer, and any firearm manufactured in this state, shall be accompanied by warning language or a label as described in § 23640.

Section 23640. Warning label; Warning statement requirements.

(a)(1) the packaging of any firearm and any descriptive materials that accompany any firearm sold or transferred in this state, or delivered for sale in this state, by any licensed manufacturer or licensed dealer, shall bear a label containing the following warning statement:

"WARNING: Firearms must be handled responsibly and securely stored to prevent access by children and other unauthorized users. California has strict laws pertaining to firearms, and you may be fined or imprisoned if you fail to comply with them. Visit the website of the California Attorney General at <https://oag.ca.gov/firearms> for information on firearm laws applicable to you and how you can comply.

Prevent child access by always keeping guns locked away and unloaded when not in use. If you keep a loaded firearm where a child obtains and improperly uses it, you may be fined or sent to prison.

If you or someone you know is contemplating suicide, please call the national suicide prevention lifeline at 1-800-273-TALK (8255).”

(2) A yellow triangle containing an exclamation mark shall appear immediately before the word “Warning” on the label.

(b) If the firearm is sold or transferred without accompanying packaging, the warning label or notice shall be affixed to the firearm itself by a method to be prescribed by regulation of the Attorney General.

(c) The warning statement required under subdivisions (a) and (b) shall satisfy both of the following requirements:

(1) It shall be displayed in its entirety on the principal display panel of the firearm’s package, and on any descriptive materials that accompany the firearm.

(2) It shall be displayed in both English and Spanish, in conspicuous and legible type in contrast by typography, layout, or color with other printed matter on that package or descriptive materials, in a manner consistent with Section 1500.121 of Title 16 of the CFR, or successor regulations thereto.

(3) This section shall become operative on June 1, 2020.

Section 23645. Fines and other sanctions for violation.

(a) Any violation of § 23635 or § 23640 is punishable by a fine of \$1,000.

(b) On a second violation of any of those sections, a licensed firearm manufacturer shall be ineligible to manufacture, or a licensed firearm dealer shall be ineligible to sell, firearms in this state for 30 days, and shall be punished by a fine of \$1,000.

(c)

(1) On a third violation of any of those sections, a firearm manufacturer shall be permanently ineligible to manufacture firearms in this state.

(2) On a third violation of any of those sections, a licensed firearm dealer shall be permanently ineligible to sell firearms in this state.

Section 23660. Requirement of safety device upon sale or transfer.

(a) No person shall keep for commercial sale, offer, or expose for commercial sale, or commercially sell any firearm safety device that is not listed on the roster maintained pursuant to subdivision (d) of § 23655, or that does not comply with the standards for firearm safety devices adopted pursuant to § 23650.

(b) No person may distribute as part of an organized firearm safety program, with or without consideration, any firearm safety device that is not listed on the roster maintained pursuant to subdivision (d) of § 23655, or that does not comply with the standards for firearm safety devices adopted pursuant to § 23650.

Section 23670. Penalties for violation of Sections 23660, 23665.

(a)

(1) A violation of § 23660 or 23665 is punishable by a civil fine of up to \$500.

(2) A second violation of any of those sections, which occurs within 5 years of the date of a previous offense, is punishable by a civil fine of up to \$1,000 and, if the violation is committed by a licensed firearms dealer, the dealer shall be ineligible to sell firearms in this state for 30 days.

(3) A third or subsequent violation that occurs within 5 years of 2 or more previous offenses is punishable by a civil fine of up to \$5,000 and, if the violation is committed by a licensed firearms dealer, the firearms dealer shall be permanently ineligible to sell firearms in this state.

(b) The Attorney General, a district attorney, or a city attorney may bring a civil action for a violation of § 23660 or 23665.

**Division 3 – Disguised or Misleading Appearance
Chapter 1 – Miscellaneous Provisions**

Section 23800. Fines based on color of firearm.

Any person who, for commercial purposes, purchases, sells, manufactures, ships, transports, distributes, or receives a firearm, where the coloration of the entire exterior surface of the firearm is bright orange or bright green, either singly, in combination, or as the predominant color in combination with other colors in any pattern, is liable for a civil fine in an action brought by the city attorney of the city, or the district attorney for the county, of not more than \$10,000.

Chapter 2 – Obliteration of Identification Marks

Section 23900. Unauthorized change; Punishment.

Any person who changes, alters, removes, or obliterates the name of the maker, model, manufacturer's number, or other mark of identification, including any distinguishing number or mark assigned by the Department of Justice, on any pistol, revolver, or any other firearm, without first having secured written permission from the department to make that change, alteration, or removal shall be punished by imprisonment pursuant to subdivision (h) of § 1170.

Section 23910. Assigning number or mark; Restoration of number or mark.

The Department of Justice, upon request may assign a distinguishing number or mark of identification to any firearm whenever the firearm lacks a manufacturer's number or other mark of identification. Whenever the manufacturer's number or other mark of identification or a distinguishing number or mark assigned by the department has been destroyed or obliterated, the Department Of Justice, upon request, shall assign a distinguishing number or mark of identification to any firearm in accordance with section 29182.

Section 23915. Placing number or mark on pistol or revolver.

(a) Any person may place or stamp on any pistol, revolver, or other firearm any number or identifying indicium, provided the number or identifying indicium does not change, alter, remove, or obliterate the manufacturer's name, number, model, or other mark of identification.

(b) This section does not prohibit restoration by the owner of the name of the maker or model, or of the original manufacturer's number or other mark of identification, when that restoration is authorized by the department.

(c) This section does not prevent any manufacturer from placing in the ordinary course of business the name of the maker, model, manufacturer's number, or other mark of identification upon a new firearm.

Section 23920. Possession or disposition of pistol, revolver, or other firearm without correct identification mark.

Except as provided in § 23925, any person who, with knowledge of any change, alteration, removal, or obliteration described in this section, buys, receives, disposes of, sells, offers for sale, or has in possession any pistol, revolver, or other firearm that has had the name of the maker or model, or the manufacturer's number or other mark of identification, including any distinguishing number or mark assigned by the Department of Justice, changed, altered, removed, or obliterated, is guilty of a misdemeanor.

Section 23925. Exceptions to prohibition against purchase, sale, possession, or transfer of unmarked firearms.

(a) Section 23920 does not apply to any of the following:

(1) The acquisition or possession of a firearm described in Section 23920 by any member of the military forces of this state or of the United States, while on duty and acting within the scope and course of employment.

(2) The acquisition or possession of a firearm described in Section 23920 by any peace officer described in Chapter 4.5 (commencing with Section 830) of Title 3 of Part 2, while on duty and acting within the scope and course of employment.

(3) The acquisition or possession of a firearm described in Section 23920 by any employee of a forensic laboratory, while on duty and acting within the scope and course of employment.

(4) The possession and disposition of a firearm described in Section 23920 by a person who meets all of the following:

(A) The person is not prohibited by state or federal law from possessing, receiving, owning, or purchasing a firearm.

(B) The person possessed the firearm no longer than was necessary to deliver it to a law enforcement agency for that agency's disposition according to law.

(C) If the person is transporting the firearm, the person is transporting it to a law enforcement agency in order to deliver it to the agency for the agency's disposition according to law.

(D) If the person is transporting the firearm to a law enforcement agency, the person has given prior notice to the agency that the person is transporting the firearm to that agency for the agency's disposition according to law.

(E) The firearm is transported in a locked container as defined in Section 16850.

(b) Subdivision (b) of Section 23920 does not apply to any of the following:

(1) The possession of a firearm that was made or assembled prior to December 16, 1968, and is not a handgun.

(2) The possession of a firearm that has been entered, before July 1, 2018, into the centralized registry set forth in Section 11106, as being owned by a specific individual or entity, if that firearm has assigned to it a distinguishing number or mark of identification because the department accepted entry of that firearm into the centralized registry.

(3) The possession of a firearm that is a curio or relic, or an antique firearm, as those terms are defined in Section 479.11 of Title 27 of the Code of Federal Regulations.

(4) The possession of a firearm by a federally licensed firearms manufacturer or importer, or any other federal licensee authorized to serialize firearms.

(5) The possession of a firearm by a person who, before January 1, 2024, has applied to the Department of Justice for a unique serial number or mark of identification, pursuant to Section 29180, and fully complies with the provisions of that section, including imprinting the serial number or mark of identification onto the firearm within 10 days after receiving the serial number or mark of identification from the department.

(6)

(A) The possession of a firearm by a new resident who, pursuant to Section 29180, applies for a unique serial number or other mark of identification from the Department of Justice within 60 days after arrival in the state, for any firearm the resident wishes to legally possess in the state that does not have a valid state or federal serial number or mark of identification, and who fully complies with the provisions of that section, including imprinting the serial number or mark of identification onto the firearm within 10 days after receiving the serial number or mark of identification from the department.

(B) The good faith effort by a new resident to apply for a unique serial number or other mark of identification after the expiration of the 60-day period specified in this paragraph, or any other person's good faith effort to apply for a unique serial number or mark of identification for a firearm that does not have a valid state or federal serial number or other mark of identification, shall not constitute probable cause for a violation of Section 23920.

(7) The possession of a firearm by a nonresident of this state who is traveling with a firearm in this state in accordance with the provisions of Section 926A of Title 18 of the United States Code, or who possesses or imports a firearm into this state exclusively for use in an organized sport shooting event or competition.

Chapter 4 – Cane Gun

Section 24410. Cane gun; Punishment.

Except as provided in Chapter 1 (commencing with § 17700) of Division 2 of Title 2, any person in this state who manufactures or causes to be manufactured, imports into the state, keeps for sale, or offers or exposes for sale, or who gives, lends, or possesses any cane gun is punishable by imprisonment in a county jail not exceeding 1 year or imprisonment pursuant to subdivision (h) of § 1170.

Section 24490. Cane gun as nuisance.

Except as provided in Chapter 1 (commencing with § 17700) of Division 2 of Title 2, any cane gun is a nuisance and is subject to § 18010.

Chapter 5 – Firearm Not Immediately Recognizable as a Firearm; Punishment

Section 24510. Manufacture, import, sale, supply or possession of firearm not immediately recognizable as firearm; punishment.

Except as provided in Chapter 1 (commencing with § 17700) of Division 2 of Title 2, any person in this state who manufactures or causes to be manufactured, imports into the state, keeps for sale, or offers or exposes for sale, or who gives, lends, or possesses any firearm not immediately recognizable as a firearm is punishable by imprisonment in a county jail not exceeding 1 year or imprisonment pursuant to subdivision (h) of § 1170.

Section 24590. Firearm not immediately recognizable as firearm as nuisance.

Except as provided in Chapter 1 (commencing with § 17700) of Division 2 of Title 2, any firearm not immediately recognizable as a firearm is a nuisance and is subject to § 18010.

Chapter 6 – Undetectable Firearm and Firearm Detection Equipment

Section 24610. Undetectable firearm; Punishment.

Except as provided in Chapter 1 (commencing with § 17700) of Division 2 of Title 2, any person in this state who manufactures or causes to be manufactured, imports into the state, keeps for sale, or offers or exposes for sale, or who gives, lends, or possesses any undetectable firearm is punishable by imprisonment in a county jail not exceeding 1 year or imprisonment pursuant to subdivision (h) of § 1170.

Section 24690. Undetectable firearm as nuisance.

Except as provided in Chapter 1 (commencing with § 17700) of Division 2 of Title 2, any undetectable firearm is a nuisance and is subject to § 18010.

Chapter 7 – Wallet Gun

Section 24710. Wallet gun; Punishment.

Except as provided in Chapter 1 (commencing with § 17700) of Division 2 of Title 2, any person in this state who manufactures or causes to be manufactured, imports into the state, keeps for sale, or offers or exposes for sale, or who gives, lends, or possesses any wallet gun is punishable by imprisonment in a county jail not exceeding 1 year or imprisonment pursuant to subdivision (h) of § 1170.

Section 24790. Wallet gun as nuisance.

Except as provided in Chapter 1 (commencing with § 17700) of Division 2 of Title 2, any wallet gun is a nuisance and is subject to § 18010.

**Division 4 – Storage of Firearms
Chapter 1 – Preliminary Provisions**

Section 25000. "Child."

As used in this division, "child" means a person under 18 years of age.

Chapter 2 – Criminal Storage of Firearm

Section 25100. "Criminal storage of a firearm."

(a) Except as provided in § 25105, a person commits the crime of "criminal storage of a firearm in the first degree" if all of the following conditions are satisfied:

- (1) The person keeps any firearm within any premises that are under the person's custody or control.
- (2) The person knows or reasonably should know that a child is likely to gain access to the firearm without the permission of the child's parent or legal guardian, or that a person prohibited from possessing a firearm or deadly weapon pursuant to state or federal law is likely to gain access to the firearm.
- (3) The child obtains access to the firearm and thereby causes death or great bodily injury to the child or any other person, or the person prohibited from possessing a firearm or deadly weapon pursuant to state or federal law obtains access to the firearm and thereby causes death or great bodily injury to themselves or any other person.

(b) Except as provided in § 25105, a person commits the crime of "criminal storage of a firearm in the second degree" if all of the following conditions are satisfied:

- (1) The person keeps any firearm within any premises that are under the person's custody or control.
- (2) The person knows or reasonably should know that a child is likely to gain access to the firearm without the permission of the child's parent or legal guardian, or that a person prohibited from possessing a firearm or deadly weapon pursuant to state or federal law is likely to gain access to the firearm.
- (3) The child obtains access to the firearm and thereby causes injury, other than great bodily injury, to the child or any other person, or carries the firearm either to a public place or in violation of § 417, or the person prohibited from possessing a firearm or deadly weapon pursuant to state or federal law obtains access to the firearm and thereby causes injury, other than great bodily injury, to themselves or any other person, or carries the firearm either to a public place or in violation of § 417.

(c) Except as provided in § 25105, a person commits the crime of "criminal storage of a firearm in the third degree" if the person keeps any firearm within any premises that are under the person's custody or control and negligently stores or leaves a firearm in a location where the person knows, or reasonably should know, that a child is likely to gain access to the firearm without the permission of the child's parent or legal guardian, unless reasonable action is taken by the person to secure the firearm against access by the child.

Section 25105. Child access to firearms.

Section 25100 does not apply whenever any of the following occurs:

- (a) The child obtains the firearm as a result of an illegal entry to any premises by any person.
- (b) The firearm is kept in a locked container or in a location that a reasonable person would believe to be secure.
- (c) The firearm is carried on the person or within close enough proximity thereto that the individual can readily retrieve and use the firearm as if carried on the person.

- (d) The firearm is locked with a locking device, as defined in § 16860, which has rendered the firearm inoperable.
- (e) The person is a peace officer or a member of the Armed Forces or the National Guard and the child obtains the firearm during, or incidental to, the performance of the person's duties.
- (f) The child obtains, or obtains and discharges, the firearm in a lawful act of self-defense or defense of another person.
- (g) The person who keeps a firearm on premises that are under the person's custody or control has no reasonable expectation, based on objective facts and circumstances, that a child is likely to be present on the premises.

Section 25110. Punishment for criminal storage of firearm.

- (a) Criminal storage of a firearm in the first degree is punishable by imprisonment pursuant to subdivision (h) of § 1170 for 16 months, or 2 or 3 years, by a fine not exceeding \$10,000, or by both that imprisonment and fine; or by imprisonment in a county jail not exceeding 1 year, by a fine not exceeding \$1,000, or by both that imprisonment and fine.
- (b) Criminal storage of a firearm in the second degree is punishable by imprisonment in a county jail not exceeding 1 year, by a fine not exceeding \$1,000, or by both that imprisonment and fine.
- (c) **Criminal storage of a firearm in the third degree is punishable as a misdemeanor.**

Section 25130. Licensed dealers required to post notice of duties regarding storage of firearms accessible to children.

Every person licensed under §§ 26700 to 26915, inclusive, shall post within the licensed premises the notice required by § 26835, disclosing the duty imposed by this chapter upon any person who keeps a loaded firearm.

Section 25135. Gun security rules for gun owner living with person prohibited from owning a firearm.

(a) A person who is 18 years of age or older, and who is the owner, lessee, renter, or other legal occupant of a residence, who owns a firearm and who knows or has reason to know that another person also residing therein is prohibited by state or federal law from possessing, receiving, owning, or purchasing a firearm shall not keep in that residence any firearm that he or she owns unless one of the following applies:

- (1) The firearm is maintained within a locked container.
- (2) The firearm is disabled by a firearm safety device.
- (3) The firearm is maintained within a locked gun safe.
- (4) The firearm is maintained within a locked trunk.
- (5) The firearm is locked with a locking device as described in § 16860, which has rendered the firearm inoperable.
- (6) The firearm is carried on the person or within close enough proximity thereto that the individual can readily retrieve and use the firearm as if carried on the person.

(b) A violation of this section is a misdemeanor.

(c) The provisions of this section are cumulative, and do not restrict the application of any other law. However, an act or omission punishable in different ways by different provisions of law shall not be punished under more than one provision.

Chapter 3 – Storage of Firearm Where Child Obtains Access and Carries Firearm Off-Premises

Section 25200. Punishment for child access to firearm

(a) If all of the following conditions are satisfied, a person shall be punished by imprisonment in a county jail not exceeding 1 year, by a fine not exceeding \$1,000, or by both that imprisonment and fine:

- (1) The person keeps a firearm, loaded or unloaded, within any premises that are under the person's custody or control.
- (2) The person knows or reasonably should know that a child is likely to gain access to that firearm without the permission of the child's parent or legal guardian, or that a person prohibited from possessing a firearm or deadly weapon pursuant to state or federal law is likely to gain access to the firearm.
- (3) The child or the prohibited person obtains access to that firearm and thereafter carries that firearm off-premises.

(b) If all of the following conditions are satisfied, a person shall be punished by imprisonment in a county jail not exceeding one year, by a fine not exceeding \$5,000, or by both that imprisonment and fine:

- (1) The person keeps any firearm within any premises that are under the person's custody or control.
- (2) The person knows or reasonably should know that a child is likely to gain access to the firearm without the permission of the child's parent or legal guardian, or that a person prohibited from possessing a firearm or deadly weapon pursuant to state or federal law is likely to gain access to the firearm.

(3) The child or the prohibited person obtains access to the firearm and thereafter carries that firearm off-premises to any public or private preschool, elementary school, middle school, high school, or to any school-sponsored event, activity, or performance, whether occurring on school grounds or elsewhere.

(c) A firearm that a child or prohibited person gains access to and carries off-premises in violation of this section shall be deemed "used in the commission of any misdemeanor as provided in this code or any felony" for the purpose of § 29300 regarding the authority to confiscate firearms and other deadly weapons as a nuisance.

(d) As used in this section, "**off-premises**" means premises other than the premises where the firearm was stored.

Section 25205. Inapplicability of Section 25200 under certain circumstances.

Section 25200 does not apply if any of the following are true:

(a) The child obtains the firearm as a result of an illegal entry into any premises by any person.

(b) The firearm is kept in a locked container or in a location that a reasonable person would believe to be secure.

(c) The firearm is locked with a locking device, as defined in § 16860, which has rendered the firearm inoperable.

(d) The firearm is carried on the person within close enough range that the individual can readily retrieve and use the firearm as if carried on the person.

(e) The person is a peace officer or a member of the Armed Forces or National Guard and the child obtains the firearm during, or incidental to, the performance of the person's duties.

(f) The child obtains, or obtains and discharges, the firearm in a lawful act of self-defense or defense of another person.

(g) The person who keeps a firearm has no reasonable expectation, based on objective facts and circumstances, that a child is likely to be present on the premises.

Section 25210. Punishment of parent or guardian who allegedly violated Section 25200.

If a person who allegedly violated § 25200 is the parent or guardian of a child who is injured or who dies as the result of an accidental shooting, the district attorney shall consider, among other factors, the impact of the injury or death on the person alleged to have violated § 25200 when deciding whether to prosecute the alleged violation. It is the Legislature's intent that a parent or guardian of a child who is injured or who dies as the result of an accidental shooting shall be prosecuted only in those instances in which the parent or guardian behaved in a grossly negligent manner or where similarly egregious circumstances exist. This section shall not otherwise restrict, in any manner, the factors that a district attorney may consider when deciding whether to prosecute alleged violations of § 25200.

Section 25225. Duties of licensed persons.

Every person licensed under §§ 26700 to 26915, inclusive, shall post within the licensed premises the notice required by § 26835, disclosing the duty imposed by this chapter upon any person who keeps any firearm.

**Division 6 – Sale, Lease, or Transfer of Firearms
Chapter 1 – License Requirement for Sale, Lease, or Transfer of Firearms
Article 1 – License Requirement and Miscellaneous Exceptions**

Section 26500. License required for sale, lease, or transfer of firearms; Misdemeanor.

(a) No person shall sell, lease, or transfer firearms unless the person has been issued a license pursuant to Article 1 (commencing with § 26700) and Article 2 (commencing with § 26800) of Chapter 2.

(b) Any person violating this article is guilty of a misdemeanor.

Section 26505. Exceptions to license requirement.

Section 26500 does not apply to the sale, lease, or transfer of any firearm by any of the following:

(a) A person acting pursuant to operation of law.

(b) A person acting pursuant to a court order.

(c) A person acting pursuant to the Enforcement of Judgments Law (Title 9 (commencing with § 680.010) of Part 2 of the Code of Civil Procedure).

(d) A person who liquidates a personal firearm collection to satisfy a court judgment.

Section 26515. Exceptions for firearms received by intestate succession or bequest, beneficiary, surviving spouse, or as decedent's successor.

Section 26500 does not apply to the sale, lease, or transfer of a firearm if both of the following conditions are satisfied:

(a) The sale, lease, or transfer of a firearm if both of the following conditions are satisfied:

- (1) Intestate succession or bequest.
 - (2) As the beneficiary of a trust that includes a firearm.
 - (3) As a surviving spouse pursuant to Chapter 1 (commencing with Section 13500) of Part 2 of Division 8 of the Probate Code.
 - (4) As decedent's successor pursuant to Part 1 (commencing with Section 13000) of Division 8 of the Probate Code.
- (b) The person disposes of the firearm within 60 days of receipt of the firearm.

Section 26520. Infrequent transfers.

- (a) Section 26500 does not apply to the infrequent sale, lease, or transfer of firearms.
- (b) As used in this section, "infrequent" has the meaning provided in § 16730.

Section 26525. Transfers of used firearms at gun shows or events; Regulations.

- (a) Section 26500 does not apply to the sale, lease, or transfer of used firearms, other than handguns, at gun shows or events, as specified in Article 1 (commencing with § 26700) and Article 2 (commencing with § 26800) of Chapter 2, by a person other than a licensee or dealer, provided the person has a valid federal firearms license and a current certificate of eligibility issued by the Department of Justice, as specified in § 26710, and provided all the sales, leases, or transfers fully comply with § 27545. However, the person shall not engage in the sale, lease, or transfer of used firearms other than handguns at more than 12 gun shows or events in any calendar year and shall not sell, lease, or transfer more than 15 used firearms other than handguns at any single gun show or event. In no event shall the person sell more than 75 used firearms other than handguns in any calendar year.
- (b) The Department of Justice shall adopt regulations to administer this program and shall recover the full costs of administration from fees assessed applicants.

Section 26530 Sales, deliveries or transfers between importers and manufacturers.

Section 26500 does not apply to sales, deliveries, or transfers of firearms between or to importers and manufacturers of firearms licensed to engage in that business pursuant to Chapter 44 (commencing with § 921) of Title 18 of the United States Code and the regulations issued pursuant thereto.

Section 26535. Sale, delivery, or transfer by federally licensed importer or manufacturer or to dealer or wholesaler.

Section 26500 does not apply to any sale, delivery, or transfer of firearms that satisfies both of the following conditions:

- (a) It is made by an importer or manufacturer licensed pursuant to Chapter 44 (commencing with § 921) of Title 18 of the United States Code and the regulations issued pursuant thereto.
- (b) It is made to a dealer or wholesaler.

Section 26540. Other exceptions.

(a) Section 26500 does not apply to sales, deliveries, transfers, or returns of firearms made pursuant to any of the following:

- (1) Sections 18000 and 18005.
- (2) Division 4 (commencing with Section 18250) of Title 2.
- (3) Section 29810.
- (4) Chapter 2 (commencing with Section 33850) of Division 11.
- (5) Sections 34005 and 34010.

(b) Section 26500 does not apply to the sale, delivery, or transfer of a firearm to a dealer to comply with Section 6389 of the Family Code.

Section 26545. Exception for loan for target shooting at target facility.

Section 26500 does not apply to the loan of a firearm for the purposes of shooting at targets, if the loan occurs on the premises of a target facility that holds a business or regulatory license or on the premises of any club or organization organized for the purposes of practicing shooting at targets upon established ranges, whether public or private, if the firearm is at all times kept within the premises of the target range or on the premises of the club or organization.

Section 26550. Exception for transfers out-of-state that meet federal restrictions.

Section 26500 does not apply to any sale, delivery, or transfer of firearms that satisfies all of the following requirements:

(a) It is made by a manufacturer, importer, or wholesaler licensed pursuant to Chapter 44 (commencing with § 921) of Title 18 of the United States Code and the regulations issued pursuant thereto.

(b) It is made to a person who resides outside this state and is licensed pursuant to Chapter 44 (commencing with § 921) of Title 18 of the United States Code and the regulations issued pursuant thereto.

(c) It is made in accordance with Chapter 44 (commencing with § 921) of Title 18 of the United States Code and the regulations issued pursuant thereto.

Section 26555. Exception for transfers from out-of-state to manufacturer, importer or wholesaler.

Section 26500 does not apply to any sale, delivery, or transfer of firearms that satisfies all of the following requirements:

(a) It is made by a person who resides outside this state and is licensed outside this state pursuant to Chapter 44 (commencing with § 921) of Title 18 of the United States Code and the regulations issued pursuant thereto.

(b) It is made to a manufacturer, importer, or wholesaler.

(c) It is made in accordance with Chapter 44 (commencing with § 921) of Title 18 of the United States Code and the regulations issued pursuant thereto.

Section 26556. Exception for transfers by former dealer.

Section 26500 does not apply to the sale, delivery, or transfer of a firearm that satisfies all of the following requirements:

(a) It is made by a person who has ceased operations as a dealer.

(b) It is made to a dealer, a manufacturer, importer, or wholesaler.

(c) It is made in accordance with Chapter 44 (commencing with Section 921) of Title 18 of the United States Code and the regulations issued pursuant thereto.

(d) The transaction is reported to the Department of Justice in a manner and format prescribed by the department.

Section 26560. Exception for transfers by wholesaler or dealer.

Section 26500 does not apply to any sale, delivery, or transfer of firearms by a wholesaler to a dealer.

Section 26565. Exception for transfers from out-of-state resident to licensed person.

Section 26500 does not apply to any sale, delivery, or transfer of firearms that satisfies all of the following conditions:

(a) It is made by a person who resides outside this state.

(b) It is made to a person licensed pursuant to §§ 26700 to 26915, inclusive.

(c) It is made in accordance with Chapter 44 (commencing with § 921) of Title 18 of the United States Code and the regulations issued pursuant thereto.

Section 26570. Exception for transfers from out-of-state resident to dealer.

Section 26500 does not apply to any sale, delivery, or transfer of firearms that satisfies all of the following conditions:

(a) It is made by a person who resides outside this state and is licensed pursuant to Chapter 44 (commencing with § 921) of Title 18 of the United States Code and the regulations issued pursuant thereto.

(b) It is made to a dealer.

(c) It is made in accordance with Chapter 44 (commencing with § 921) of Title 18 of the United States Code and the regulations issued pursuant thereto.

Section 26575. Exception for transfers between wholesalers as part of business.

Section 26500 does not apply to the sale, delivery, or transfer of an unloaded firearm by one wholesaler to another wholesaler if that firearm is intended as merchandise in the receiving wholesaler's business.

Section 26576. Exception for transfers to authorized representative for government entity.

(a) Section 26500 does not apply to a sale, delivery, or transfer of firearms if both of the following requirements are satisfied:

(1) The sale, delivery, or transfer is to an authorized representative of a city, city and county, county, or state government, or of the federal government, and is for the governmental entity.

(2) The entity is acquiring the firearm as part of an authorized, voluntary program in which the entity is buying or receiving firearms from private individuals.

(b) Any weapons acquired pursuant to subdivision (a) of this section shall be disposed of pursuant to the applicable provisions of Section 34000 or Sections 18000 and 18005.

Section 26577. Exception for transfers to dealer for storage.

Section 26500 does not apply to a delivery or transfer of firearms made to a dealer pursuant to Section 29830 for storage by that dealer.

Section 26580. Exception for loan to entertainment production.

Section 26500 does not apply to the loan of an unloaded firearm or the loan of a firearm loaded with blank cartridges for use solely as a prop for a motion picture, television, or video production or entertainment or theatrical event.

Section 26581. Exception for transfers to dealer for auction or similar event by nonprofit public benefit or mutual benefit corporation.

Section 26500 does not apply to the delivery, sale, or transfer of an unloaded firearm that is not a handgun to a dealer if the delivery, sale, or transfer satisfies both of the following conditions:

- (a) The delivery, sale, or transfer is made by a nonprofit public benefit or mutual benefit corporation, including a local chapter of the same nonprofit corporation, organized pursuant to the Corporations Code.
- (b) The sale or other transfer of ownership of that firearm is to occur as part of an auction, raffle, or similar event conducted by that nonprofit public benefit or mutual benefit corporation organized pursuant to the Corporations Code.

Section 26582. Exception for transfer to law enforcement agency.

Section 26500 does not apply to delivery or transfer of a firearm to a law enforcement agency made in accordance with Section 27922.

Section 26585. Exception for delivery of unloaded curio or relic.

Section 26500 does not apply to the delivery of an unloaded firearm that is a curio or relic, as defined in § 478.11 of Title 27 of the CFR, if the delivery satisfies all of the following conditions:

- (a) It is made by a person licensed as a collector pursuant to Chapter 44 (commencing with § 921) of Title 18 of the United States Code and the regulations issued pursuant thereto.
- (b) It is made by a person with a current certificate of eligibility issued pursuant to § 26710.
- (c) It is made to a dealer.

Section 26587. Exception for service or repair by gunsmith.

Section 26500 does not apply to either of the following:

- (a) A loan of a firearm to a gunsmith for service or repair.
- (b) The return of the firearm by the gunsmith.

Section 26588. Exception for specified sale, delivery, transfer, or return of firearm.

Section 26500 does not apply to any of the following:

- (a) The sale, delivery, transfer, or return of a firearm regulated pursuant to Chapter 1 (commencing with § 18710) of Division 5 of Title 2 by a person who holds a permit issued pursuant to Article 3 (commencing with § 18900) of that chapter, if the sale, delivery, transfer, or return is conducted in accordance with the terms and conditions of the permit.
- (b) The sale, delivery, transfer, or return of a firearm regulated pursuant to Chapter 2 (commencing with § 30500) of Division 10 by a person who holds a permit issued pursuant to § 31005, if the sale, delivery, transfer, or return is conducted in accordance with the terms and conditions of the permit.
- (c) The sale, delivery, transfer, or return of a firearm regulated pursuant to Chapter 6 (commencing with § 32610) of Division 10 by a person who holds a permit issued pursuant to § 32650, if the sale, delivery, transfer, or return is conducted in accordance with the terms and conditions of the permit.
- (d) The sale, delivery, transfer, or return of a firearm regulated pursuant to Article 2 (commencing with § 33300) of Chapter 8 of Division 10 by a person who holds a permit issued pursuant to § 33300, if the sale, delivery, transfer, or return is conducted in accordance with the terms and conditions of the permit.

Section 26590. Exception for transfers by courts or law enforcement agencies.

Section 26500 does not apply to deliveries, transfers, or returns of firearms made by a court or a law enforcement agency pursuant to Chapter 2 (commencing with § 33850) of Division 11.

Article 2 – Exceptions Relating to Law Enforcement

Section 26600. Exception for transfers to authorized law enforcement representative for specified use

(a) Section 26500 does not apply to any sale, delivery, or transfer of firearms made to an authorized law enforcement representative of any city, county, city and county, or state, or of the federal government, for exclusive use by that governmental agency if, prior to the sale, delivery, or transfer of these firearms, written authorization from the head of the agency authorizing the transaction is presented to the person from whom the purchase, delivery, or transfer is being made.

(b) Proper written authorization is defined as verifiable written certification from the head of the agency by which the purchaser or transferee is employed, identifying the employee as an individual authorized to conduct the transaction, and authorizing the transaction for the exclusive use of the agency by which that person is employed.

(c) Within 10 days of the date a handgun, and commencing January 1, 2014, any firearm, is acquired by the agency, a record of the same shall be entered as an institutional weapon into the Automated Firearms System (AFS) via the California Law Enforcement Telecommunications System (CLETS) by the law enforcement or state agency. Any agency without access to AFS shall arrange with the sheriff of the county in which the agency is located to input this information via this system.

Section 26605. Exception for loan of firearm for use in course and scope of duties.

Section 26500 does not apply to the loan of a firearm if all of the following conditions are satisfied:

(a) The loan is made by an authorized law enforcement representative of a city, county, or city and county, or of the state or federal government.

(b) The loan is made to a peace officer employed by that agency and authorized to carry a firearm.

(c) The loan is made for the carrying and use of that firearm by that peace officer in the course and scope of the officer's duties.

Section 26610. Exception for sale, loan or delivery by law enforcement agency to peace officer.

(a) Section 26500 does not apply to the sale, delivery, or transfer of a firearm by a law enforcement agency to a peace officer pursuant to § 10334 of the Public Contract Code.

(b) Within 10 days of the date that a handgun, and commencing January 1, 2014, any firearm, is sold, delivered, or transferred pursuant to § 10334 of the Public Contract Code to that peace officer, the name of the officer and the make, model, serial number, and other identifying characteristics of the firearm being sold, delivered, or transferred shall be entered into the AFS via the CLETS by the law enforcement or state agency that sold, delivered, or transferred the firearm, provided, however, that if the firearm is not a handgun and does not have a serial number, identification number, or identification mark assigned to it, that fact shall be noted in AFS. Any agency without access to AFS shall arrange with the sheriff of the county in which the agency is located to input this information via this system.

Section 26613. Delivery of firearm by law enforcement agency to dealer.

Section 26500 does not apply to the delivery of a firearm by a law enforcement agency to a dealer in order for that dealer to deliver the firearm to the spouse or domestic partner of a peace officer who died in the line of duty if the sale of that firearm to the spouse or domestic partner is made in accordance with subdivision (d) of § 10334 of the Public Contract Code.

Section 26615. Exception for sale, loan or delivery by law enforcement agency to retiring peace officer.

(a) Section 26500 does not apply to the sale, delivery, or transfer of a firearm by a law enforcement agency to a retiring peace officer who is authorized to carry a firearm pursuant to Chapter 5 (commencing with § 26300) of Division 5.

(b) Within 10 days of the date that a handgun, and commencing January 1, 2014, any firearm, is sold, delivered, or transferred to that retiring peace officer, the name of the officer and the make, model, serial number, and other identifying characteristics of the firearm being sold, delivered, or transferred shall be entered into the AFS via the CLETS by the law enforcement or state agency that sold, delivered, or transferred the firearm, provided, however, that if the firearm is not a handgun and does not have a serial number, identification number, or identification mark assigned to it, that fact shall be noted in AFS. Any agency without access to AFS shall arrange with the sheriff of the county in which the agency is located to input this information via this system.

Section 26620. Section 26500 not applicable to some sales or transfers.

Section 26500 does not apply to the sale, delivery, or transfer of a firearm when made by an authorized law enforcement representative of a city, county, city and county, or of the state or federal government, if all of the following requirements are met:

(a) The sale, delivery, or transfer is made to one of the following:

(1) A person licensed pursuant to §§ 26700 to 26915, inclusive.

(2) A wholesaler.

(3) A manufacturer or importer of firearms or ammunition licensed to engage in that business pursuant to Chapter 44 (commencing with § 921) of Title 18 of the United States Code and the regulations issued pursuant thereto.

(b) The sale, delivery, or transfer of the firearm is not subject to the procedures set forth in § 18000, 18005, 34000, or 34005.

(c) If the authorized law enforcement representative sells, delivers, or transfers a firearm that the governmental agency owns to a person licensed pursuant to §§ 26700 to 26915, inclusive, within 10 days of the date that the firearm is delivered to that licensee pursuant to this section by that agency, the agency has entered a record of the delivery into the AFS via the CLETS. Any agency without access to the AFS shall arrange with the sheriff of the county in which the agency is located to input this information via this system.

Section 26625. Applicability of license requirement to loan of firearm for peace officer basic training.

Section 26500 does not apply to the loan of a firearm if the loan of the firearm is to a person enrolled in the course of basic training prescribed by the Commission on Peace Officer Standards and Training, or any other course certified by the commission, for purposes of participation in the course.

Chapter 2 – Issuance, Forfeiture, and Conditions of License to Sell, Lease, or Transfer Firearms at Retail

Article – 1 License to Sell, Lease, or Transfer Firearms at Retail

Section 26700. “Dealer”; “Licensee”; “Person licensed pursuant to Sections 26700 to 26915, inclusive”.

As used in this division, and in any other provision listed in § 16580, "dealer," "licensee," or "person licensed pursuant to §§ 26700 to 26915, inclusive" means a person who satisfies all of the following requirements:

(a) Has a valid federal firearms license.

(b) Has any regulatory or business license, or licenses, required by local government.

(c) Has a valid seller's permit issued by the State Board of Equalization.

(d) Has a certificate of eligibility issued by the Department of Justice pursuant to § 26710.

(e) Has a license issued in the format prescribed by subdivision (c) of § 26705.

(f) Is among those recorded in the centralized list specified in § 26715.

Section 26705. License to sell firearms at retail.

(a) The duly constituted licensing authority of a city, county, or a city and county shall accept applications for, and may grant licenses permitting, licensees to sell firearms at retail within the city, county, or city and county. The duly constituted licensing authority shall inform applicants who are denied licenses of the reasons for the denial in writing.

(b) No license shall be granted to any applicant who fails to provide a copy of the applicant's valid federal firearms license, valid seller's permit issued by the State Board of Equalization, and the certificate of eligibility described in § 26710.

(c) A license granted by the duly constituted licensing authority of any city, county, or city and county, shall be valid for not more than one year from the date of issuance and shall be in one of the following forms:

(1) In the form prescribed by the Attorney General.

(2) A regulatory or business license that states on its face "Valid for Retail Sales of Firearms" and is endorsed by the signature of the issuing authority.

(3) A letter from the duly constituted licensing authority having primary jurisdiction for the applicant's intended business location stating that the jurisdiction does not require any form of regulatory or business license or does not otherwise restrict or regulate the sale of firearms.

(d) Local licensing authorities may assess fees to recover their full costs of processing applications for licenses.

Section 26710. Certificate of eligibility.

(a) A person may request a certificate of eligibility from the Department of Justice.

(b) The Department of Justice shall examine its records and records available to the department in the National Instant Criminal Background Check System in order to determine if the applicant is prohibited by state or federal law from possessing, receiving, owning, or purchasing a firearm.

(c) The department shall issue a certificate to an applicant if the department's records indicate that the applicant is not a person who is prohibited by state or federal law from possessing firearms.

(d) The department shall adopt regulations to administer the certificate of eligibility program and shall recover the full costs of administering the program by imposing fees assessed to applicants who apply for those certificates.

Article 2 – Grounds for Forfeiture of License

Section 26800. Grounds for forfeiture of license [Operative July 1, 2022].

(a) A license under this chapter is subject to forfeiture for a violation of any of the prohibitions and requirements of this article, except those stated in the following provisions:

- (1) Subdivision (c) of Section 26890.
- (2) Subdivision (d) of Section 26890.
- (3) Subdivision (b) of Section 26900.

(b) The department may assess a civil fine against a licensee, in an amount not to exceed one thousand dollars (\$1,000), for any breach of a prohibition or requirement of this article that subjects the license to forfeiture under subdivision (a). The department may assess a civil fine, in an amount not to exceed three thousand dollars (\$3,000), for a violation of a prohibition or requirement of this article that subjects the license to forfeiture under subdivision (a), for either of the following:

- (1) The licensee has received written notification from the department regarding the violation and subsequently failed to take corrective action in a timely manner.
- (2) The licensee is otherwise determined by the department to have knowingly or with gross negligence violated the prohibition or requirement.

(c) The department may adopt regulations setting fine amounts and providing a process for a licensee to appeal a fine assessed pursuant to subdivision (b).

(d) Moneys received by the department pursuant to this section shall be deposited into the Dealers' Record of Sale Special Account of the General Fund, to be available, upon appropriation, for expenditure by the department to offset the reasonable costs of firearms-related regulatory and enforcement activities related to the sale, purchase, manufacturing, lawful or unlawful possession, loan, or transfer of firearms pursuant to any provision listed in Section 16580.

(e) This section shall become operative on July 1, 2022.

Section 26810. Display of license.

A person's license under this chapter, or a copy thereof certified by the issuing authority, shall be displayed on the premises where it can easily be seen.

Section 26815. Restrictions on delivery of firearm; Waiting period.

No firearm shall be delivered:

(a) Within 10 days of the application to purchase, or, after notice by the department pursuant to § 28220, within 10 days of the submission to the department of any correction to the application, or within 10 days of the submission to the department of any fee required pursuant to § 28225, whichever is later.

(b) Unless unloaded and securely wrapped or unloaded and in a locked container.

(c) Unless the purchaser, transferee, or person being loaned the firearm presents clear evidence of the person's identity and age to the dealer.

(d) Whenever the dealer is notified by the Department of Justice that the person is prohibited by state or federal law from processing, owning, purchasing, or receiving a firearm. The dealer shall make available to the person in the prohibited class a prohibited notice and transfer form, provided by the department, stating that the person is prohibited from owning or possessing a firearm, and that the person may obtain from the department the reason for the prohibition.

Section 26825. Processing firearm transactions.

A licensee shall agree to and shall act properly and promptly in processing firearms transactions pursuant to Chapter 5 (commencing with § 28050).

Section 26830. Requirements of licensee.

A licensee shall comply with all of the following:

- (a) Sections 27500 to 27535, inclusive.
- (b) Section 27555.
- (c) Section 28100.

(d) Article 2 (commencing with § 28150) of Chapter 6.

(e) Article 3 (commencing with § 28200) of Chapter 6.

(f) Section 30300.

Section 26835. Display of warnings [Repealed].

Section 26835. Display of warnings [Repealed effective January 1, 2024].

(a) A licensee shall conspicuously post within the licensed premises the following warnings in block letters not less than one inch in height:

(1) "Firearms must be handled responsibly and securely stored to prevent access by children and other unauthorized users. California has strict laws pertaining to firearms, and you May be fined or imprisoned if you fail to comply with them. Visit the website of the California attorney general at <https://oag.ca.gov/firearms> for information on firearm laws applicable to you and how you can comply."

(2) "If you keep a firearm within any premises under your custody or control, and a person under 18 years of age obtains it and uses it, resulting in injury or death, or carries it to a public place, you May be guilty of a misdemeanor or a felony unless you stored the firearm in a locked container or locked the firearm with a locking device to keep it from temporarily functioning."

(3) "Children May be unable to distinguish firearms from toys and May operate firearms, causing severe injuries or death. If you keep a firearm within any premises under your custody or control, and a person under 18 years of age gains access to the firearm and carries it off-premises, you May be guilty of a misdemeanor, unless you stored the firearm in a locked container, or locked the firearm with a locking device to keep it from temporarily functioning."

(4) "You May be guilty of a misdemeanor, including a significant fine or imprisonment, if you keep a firearm where a minor is likely to access it or if a minor obtains and improperly uses it, or carries it off of the premises to a school or school-sponsored event, unless you stored the firearm in a locked container or locked the firearm with a locking device."

(5) "If you negligently store or leave a firearm within any premises under your custody or control where a person under 18 years of age is likely to access it, you May be guilty of a misdemeanor, including a significant fine, unless you stored the firearm in a locked container or locked the firearm with a locking device."

(6) "Discharging firearms in poorly ventilated areas, cleaning firearms, or handling ammunition May result in exposure to lead, a substance known to cause birth defects, reproductive harm, and other serious physical injury. Have adequate ventilation at all times. Wash hands thoroughly after exposure."

(7) "Federal regulations provide that if you do not take physical possession of the firearm that you are acquiring ownership of within 30 days after you complete the initial background check paperwork, then you have to go through the background check process a second time in order to take physical possession of that firearm."

(8) "No person shall make an application to purchase more than one handgun or semiautomatic centerfire rifle within any 30-day period and no delivery shall be made to any person who has made an application to purchase more than one handgun or semiautomatic centerfire rifle within any 30-day period."

(9) "If a firearm you own or possess is lost or stolen, you must report the loss or theft to a local law enforcement agency where the loss or theft occurred within five days of the time you knew or reasonably should have known that the firearm had been lost or stolen."

(b) In addition to the notice required by subdivision (a), a licensee shall post conspicuously within the licensed premises, in block letters not less than one inch in height, an additional notice, including, but not limited to, a notice provided by a suicide prevention program, containing the following statement:

"If you or someone you know is contemplating suicide, please call the national suicide prevention lifeline at 1-800-273-talk (8255)."

(c) This section shall remain in effect until January 1, 2024, and as of that date is repealed.

Section 26835. Display of warnings [Operative January 1, 2024].

(a) A licensee shall conspicuously post within the licensed premises the following warnings in block letters not less than one inch in height:

(1) "Firearms must be handled responsibly and securely stored to prevent access by children and other unauthorized users. California has strict laws pertaining to firearms, and you May be fined or imprisoned if you fail

to comply with them. Visit the website of the California attorney general at <https://oag.ca.gov/firearms> for information on firearm laws applicable to you and how you can comply.”

(2) “If you keep a firearm within any premises under your custody or control, and a person under 18 years of age obtains it and uses it, resulting in injury or death, or carries it to a public place, you May be guilty of a misdemeanor or a felony unless you stored the firearm in a locked container or locked the firearm with a locking device to keep it from temporarily functioning.”

(3) “Children May be unable to distinguish firearms from toys and May operate firearms, causing severe injuries or death. If you keep a firearm within any premises under your custody or control, and a person under 18 years of age gains access to the firearm and carries it off-premises, you May be guilty of a misdemeanor, unless you stored the firearm in a locked container, or locked the firearm with a locking device to keep it from temporarily functioning.”

(4) “You May be guilty of a misdemeanor, including a significant fine or imprisonment, if you keep a firearm where a minor is likely to access it or if a minor obtains and improperly uses it, or carries it off of the premises to a school or school-sponsored event, unless you stored the firearm in a locked container or locked the firearm with a locking device.”

(5) “If you negligently store or leave a firearm within any premises under your custody or control where a person under 18 years of age is likely to access it, you May be guilty of a misdemeanor, including a significant fine, unless you stored the firearm in a locked container or locked the firearm with a locking device.”

(6) “Discharging firearms in poorly ventilated areas, cleaning firearms, or handling ammunition May result in exposure to lead, a substance known to cause birth defects, reproductive harm, and other serious physical injury. Have adequate ventilation at all times. Wash hands thoroughly after exposure.”

(7) “Federal regulations provide that if you do not take physical possession of the firearm that you are acquiring ownership of within 30 days after you complete the initial background check paperwork, then you have to go through the background check process a second time in order to take physical possession of that firearm.”

(8) “No person shall make an application to purchase more than one firearm within any 30-day period and no delivery shall be made to any person who has made an application to purchase more than one firearm within any 30-day period.”

(9) “If a firearm you own or possess is lost or stolen, you must report the loss or theft to a local law enforcement agency where the loss or theft occurred within five days of the time you knew or reasonably should have known that the firearm had been lost or stolen.”

(b) In addition to the notice required by subdivision (a), a licensee shall post conspicuously within the licensed premises, in block letters not less than one inch in height, an additional notice, including, but not limited to, a notice provided by a suicide prevention program, containing the following statement:

“If you or someone you know is contemplating suicide, please call the national suicide prevention lifeline at 1-800-273-talk (8255).”

(c) This section shall become operative on January 1, 2024.

Section 26845. Determination of California residency.

(a) No handgun may be delivered unless the purchaser, transferee, or person being loaned the firearm presents documentation indicating that the person is a California resident.

(b) Satisfactory documentation shall include a utility bill from within the last 3 months, a residential lease, a property deed, or military permanent duty station orders indicating assignment within this state, or other evidence of residency as permitted by the Department of Justice.

(c) The firearms dealer shall retain a photocopy of the documentation as proof of compliance with this requirement.

Section 26850. Safe handling demonstration of handgun.

(a) Except as authorized by the department, no firearms dealer may deliver a handgun unless the recipient performs a safe handling demonstration with that handgun.

(d) The firearms dealer shall sign and date an affidavit stating that the requirements of subdivisions (a) and (b) have been met. The firearms dealer shall additionally obtain the signature of the handgun purchaser on the same affidavit. The firearms dealer shall retain the original affidavit as proof of compliance with this requirement.

(f) No demonstration shall be required if the dealer is returning the handgun to the owner of the handgun.

Section 26870. Collusion.

A licensee shall not commit an act of collusion as defined in § 27550.

Section 26885. Holding of inventory of licensee.

(a) Except as provided in subdivisions (b) and (c) of § 26805, all firearms that are in the inventory of a licensee shall be kept within the licensed location.

(b) Within 48 hours of discovery, a licensee shall report the loss or theft of any of the following items to the appropriate law enforcement agency in the city, county, or city and county where the licensee's business premises are located:

- (1) Any firearm that is merchandise of the licensee.
- (2) Any firearm that the licensee takes possession of pursuant to Chapter 5 (commencing with § 28050).
- (3) Any firearm kept at the licensee's place of business.

Section 26890. Securing of inventory of licensee.

(a) Except as provided in subdivisions (b) and (c) of § 26805, any time when the licensee is not open for business, all inventory firearms shall be stored in the licensed location. All firearms shall be secured using one of the following methods as to each particular firearm:

- (1) Store the firearm in a secure facility that is a part of, or that constitutes, the licensee's business premises.
- (2) Secure the firearm with a hardened steel rod or cable of at least 1/8 inch in diameter through the trigger guard of the firearm. The steel rod or cable shall be secured with a hardened steel lock that has a shackle. The lock and shackle shall be protected or shielded from the use of a boltcutter and the rod or cable shall be anchored in a manner that prevents the removal of the firearm from the premises.
- (3) Store the firearm in a locked fireproof safe or vault in the licensee's business premises.

(b) The licensing authority in an unincorporated area of a county or within a city may impose security requirements that are more strict or are at a higher standard than those specified in subdivision (a).

(c) Upon written request from a licensee, the licensing authority may grant an exemption from compliance with the requirements of subdivision (a) if the licensee is unable to comply with those requirements because of local ordinances, covenants, lease conditions, or similar circumstances not under the control of the licensee.

(d) Subdivision (a) and (b) shall not apply to a licensee organized as a nonprofit public benefit corporation pursuant to Part 2 (commencing with § 5110) of Division 2 of Title 1 of the Corporations Code, or as a mutual benefit corporation pursuant to Part 3 (commencing with § 7110) of Division 2 of Title 1 of the Corporations Code, if both of the following conditions are satisfied:

- (1) The nonprofit public benefit or mutual benefit corporation obtained the dealer's license solely and exclusively to assist that corporation or local chapters of that corporation in conducting auctions or similar events at which firearms are auctioned off to fund the activities of that corporation or the local chapters of the corporation.
- (2) The firearms are not handguns.

Section 26900. Firearm transaction record.

(a) A licensee shall maintain and make available for inspection during business hours to any peace officer, authorized local law enforcement employee, or Department of Justice employee designated by the Attorney General, upon the presentation of proper identification, a firearm transaction record, as defined in § 16550.

(b) A licensee shall be in compliance with the provisions of subdivision (a) if the licensee maintains and makes available for inspection during business hours to any peace officer, authorized local law enforcement employee, or Department of Justice employee designated by the Attorney General, upon the presentation of proper identification, the bound book containing the same information referred to in § 478.124a and subdivision (e) of § 478.125 of Title 27 of the CFR and the records referred to in subdivision (a) of § 478.124 of Title 27 of the CFR.

Section 26905. Report of acquisition of firearm.

(a) On the date of receipt, a licensee shall report to the Department of Justice, in a format prescribed by the department, the acquisition by the licensee of the ownership of a handgun, and commencing January 1, 2014, of any firearm.

(b) The provisions of this section shall not apply to any of the following transactions:

- (1) A transaction subject to the provisions of §§ 26960 and 27660.
- (2) The dealer acquired the firearm from a wholesaler.

(3) The dealer acquired the firearm from a person who is licensed as a manufacturer or importer to engage in those activities pursuant to Chapter 44 (commencing with § 921) of Title 18 of the United States Code and any regulations issued pursuant thereto.

(4) The dealer acquired the firearm from a person who resides outside this state who is licensed pursuant to Chapter 44 (commencing with § 921) of Title 18 of the United States Code and any regulations issued pursuant thereto.

(5) The dealer is also licensed as a secondhand dealer pursuant to Article 4 (commencing with § 21625) of Chapter 9 of Division 8 of the Business and Professions Code, acquires a handgun, and, commencing January 1, 2014, any firearm, and reports its acquisition pursuant to § 21628.2 of the Business and Professions Code.

Section 26910. Forwarding of information.

A licensee shall forward, in a format prescribed by the Department of Justice, information as required by the department on any firearm that is not delivered within the time period set forth in § 478.102(c) of Title 27 of the CFR.

Article 3 – Exceptions Extending Only to Waiting Period

Section 26950. Exception to waiting period.

(a) The waiting period described in § 26815 does not apply to the sale, delivery, or transfer of firearms made to any person who satisfies both of the following requirements:

(1) The person is properly identified as a full-time paid peace officer, as defined in Chapter 4.5 (commencing with § 830) of Title 3 of Part 2.

(2) The officer's employer has authorized the officer to carry firearms while in the performance of duties.

(b)

(1) Proper identification is defined as verifiable written certification from the head of the agency by which the purchaser or transferee is employed, identifying the purchaser or transferee as a peace officer who is authorized to carry firearms while in the performance of duties, and authorizing the purchase or transfer.

(2) The certification shall be delivered to the dealer at the time of purchase or transfer and the purchaser or transferee shall identify himself or herself as the person authorized in the certification.

(3) The dealer shall keep the certification with the record of sale.

(4) On the date that the sale, delivery, or transfer is made, the dealer delivering the firearm shall transmit to the Department of Justice an electronic or telephonic report of the transaction as is indicated in § 28160 or 28165.

Section 26955. Exception to waiting period at auction [Repealed]

Section 26960. Exception to waiting period for dealers.

(a) The waiting period described in § 26815 does not apply to the sale, delivery, or transfer of a handgun, and commencing January 1, 2014, a firearm that is not a handgun, by a dealer in either of the following situations:

(1) The dealer is delivering the firearm to another dealer, the firearm is not intended as merchandise in the receiving dealer's business, and the requirements of subdivisions (b) and (c) are satisfied.

(2) The dealer is delivering the firearm to himself or herself, the firearm is not intended as merchandise in the dealer's business, and the requirements of subdivision (c) are satisfied.

(b) If the dealer is receiving the firearm from another dealer, the dealer receiving the firearm shall present proof to the dealer delivering the firearm that the receiving dealer is licensed pursuant to Article 1 (commencing with § 26700) and Article 2 (commencing with § 26800). This shall be done by complying with § 27555.

(c)

(1) Regardless of whether the dealer is selling, delivering, or transferring the firearm to another dealer or to himself or herself, on the date that the application to purchase is completed, the dealer delivering the firearm shall forward by prepaid mail to the Department of Justice a report of the application and the type of information concerning the purchaser or transferee as is indicated in § 28160.

(2) Where electronic or telephonic transfer of applicant information is used, on the date that the application to purchase is completed, the dealer delivering the firearm shall transmit an electronic or telephonic report of the application and the type of information concerning the purchaser or transferee as is indicated in § 28160.

Section 26965. Exception to waiting period for holder of special weapons permit.

(a) The waiting period described in § 26815 does not apply to the sale, delivery, or transfer of a firearm to the holder of a special weapons permit issued by the Department of Justice pursuant to § 32650 or 33300, pursuant to Article 3

(commencing with § 18900) of Chapter 1 of Division 5 of Title 2, or pursuant to Article 4 (commencing with § 32700) of Chapter 6 of Division 10.

(b) On the date that the application to purchase is completed, the dealer delivering the firearm shall transmit to the Department of Justice an electronic or telephonic report of the application as is indicated in § 28160 or 28165, as applicable.

Section 26970. Exception to waiting period under specified conditions.

(a) The waiting period described in § 26815 does not apply to the sale, delivery, loan, or transfer of a firearm if all of the following conditions are satisfied:

- (1) The firearm is a curio or relic, as defined in § 478.11 of Title 27 of the CFR, or its successor.
- (2) The sale, delivery, loan, or transfer is made by a dealer.
- (3) The sale, delivery, loan, or transfer is made to a person who is licensed as a collector pursuant to Chapter 44 (commencing with § 921) of Title 18 of the United States Code and the regulations issued pursuant thereto.
- (4) The licensed collector has a current certificate of eligibility issued by the Department of Justice pursuant to § 26710.

(b) On the date that the sale, delivery, or transfer is made, the dealer delivering the firearm shall transmit to the Department of Justice an electronic or telephonic report of the transaction as is indicated in § 28160 or 28165.

Article 4 – Exceptions Extending Only to Grounds for Forfeiture of License

Section 27000. Exception for forfeiture for loan to entertainment productions.

(a) Article 2 (commencing with § 26800) does not apply to the loan of a firearm if all of the following conditions are satisfied:

- (1) The firearm is unloaded.
- (2) The loan is made by a dealer.
- (3) The loan is made to a person who possesses a valid entertainment firearms permit issued pursuant to Chapter 2 (commencing with § 29500) of Division 8.
- (4) The firearm is loaned solely for use as a prop in a motion picture, television, video, theatrical, or other entertainment production or event.

(b) The dealer shall retain a photocopy of the entertainment firearms permit as proof of compliance with this requirement.

Section 27005. Loan of unloaded firearm to consultant-evaluator; application of Article 2.

(a) Article 2 (commencing with § 26800) does not apply to the loan of an unloaded firearm to a consultant-evaluator by a person licensed pursuant to §§ 26700 to 26915, inclusive, if the loan does not exceed 45 days from the date of delivery.

(b) At the time of the loan, the consultant-evaluator shall provide the following information, which the dealer shall retain for 2 years:

- (1) A photocopy of a valid, current, government-issued identification to determine the consultant-evaluator's identity, including, but not limited to, a California driver's license, identification card, or passport.
- (2) A photocopy of the consultant-evaluator's valid, current certificate of eligibility.
- (3) A letter from the person licensed as an importer, manufacturer, or dealer pursuant to Chapter 44 (commencing with § 921) of Title 18 of the United States Code, with whom the consultant-evaluator has a bona fide business relationship. The letter shall detail the bona fide business purposes for which the firearm is being loaned and confirm that the consultant-evaluator is being loaned the firearm as part of a bona fide business relationship.
- (4) The signature of the consultant-evaluator on a form indicating the date the firearm is loaned and the last day the firearm may be returned.

Article 5 – Exceptions Relating to Law Enforcement

Section 27050. Exception for transfer to authorized law enforcement representative.

(a) Article 1 (commencing with § 26700) and Article 2 (commencing with § 26800) do not apply to any sale, delivery, or transfer of firearms made to an authorized law enforcement representative of any city, county, city and county, or state, or of the federal government, for exclusive use by that governmental agency if, prior to the sale, delivery, or transfer of these firearms, written authorization from the head of the agency authorizing the transaction is presented to the person from whom the purchase, delivery, or transfer is being made.

(b) Proper written authorization is defined as verifiable written certification from the head of the agency by which the purchaser or transferee is employed, identifying the employee as an individual authorized to conduct the transaction, and authorizing the transaction for the exclusive use of the agency by which that person is employed.

(c) Within 10 days of the date a handgun, and commencing January 1, 2014, any firearm, is acquired by the agency, a record of the same shall be entered as an institutional weapon into the AFS via the CLETS by the law enforcement or state agency. Any agency without access to AFS shall arrange with the sheriff of the county in which the agency is located to input this information via this system.

Section 27055. Exception for loan by authorized law enforcement representative.

Article 1 (commencing with § 26700) and Article 2 (commencing with § 26800) do not apply to the loan of a firearm if all of the following conditions are satisfied:

(a) The loan is made by an authorized law enforcement representative of a city, county, or city and county, or of the state or federal government.

(b) The loan is made to a peace officer employed by that agency and authorized to carry a firearm.

(c) The loan is made for the carrying and use of that firearm by that peace officer in the course and scope of the officer's duties.

Section 27060. Exception for sale by law enforcement agency to peace officer.

(a) Article 1 (commencing with § 26700) and Article 2 (commencing with § 26800) do not apply to the sale, delivery, or transfer of a firearm by a law enforcement agency to a peace officer pursuant to § 10334 of the Public Contract Code.

(b) Within 10 days of the date that a handgun, and commencing January 1, 2014, any firearm, is sold, delivered, or transferred pursuant to § 10334 of the Public Contract Code to that peace officer, the name of the officer and the make, model, serial number, and other identifying characteristics of the firearm being sold, delivered, or transferred shall be entered into the AFS via the CLETS by the law enforcement or state agency that sold, delivered, or transferred the firearm, provided, however, that if the firearm is not a handgun and does not have a serial number, identification number, or identification mark assigned to it, that fact shall be noted in AFS. Any agency without access to AFS shall arrange with the sheriff of the county in which the agency is located to input this information via this system.

Section 27065. Exception for sale by law enforcement agency to retiring peace officer.

(a) Article 1 (commencing with § 26700) and Article 2 (commencing with § 26800) do not apply to the sale, delivery, or transfer of a firearm by a law enforcement agency to a retiring peace officer who is authorized to carry a firearm pursuant to Chapter 5 (commencing with § 26300) of Division 5.

(b) Within 10 days of the date that a handgun, and commencing January 1, 2014, any firearm, is sold, delivered, or transferred to that retiring peace officer, the name of the officer and the make, model, serial number, and other identifying characteristics of the firearm being sold, delivered, or transferred shall be entered into the AFS via the CLETS by the law enforcement or state agency that sold, delivered, or transferred the firearm, provided, however, that if the firearm is not a handgun and does not have a serial number, identification number, or identification mark assigned to it, that fact shall be noted in AFS. Any agency without access to AFS shall arrange with the sheriff of the county in which the agency is located to input this information via this system.

Article 6 – Other Exceptions

Section 27100. Exception for transfer between licensed importers and manufacturers.

Article 1 (commencing with § 26700) and Article 2 (commencing with § 26800) do not apply to sales, deliveries, or transfers of firearms between or to importers and manufacturers of firearms licensed to engage in that business pursuant to Chapter 44 (commencing with § 921) of Title 18 of the United States Code and the regulations issued pursuant thereto.

Section 27105. Exception for delivery to gunsmith for repair.

Article 1 (commencing with § 26700) and Article 2 (commencing with § 26800) do not apply to the delivery of a firearm to a gunsmith for service or repair, or to the return of the firearm to its owner by the gunsmith, or to the delivery of a firearm by a gunsmith to a person licensed pursuant to Chapter 44 (commencing with § 921) of Title 18 of the United States Code for service or repair and the return of the firearm to the gunsmith.

Section 27115. Exception for delivery to licensed person who resides outside state.

Article 1 (commencing with § 26700) and Article 2 (commencing with § 26800) do not apply to the sale, delivery, or transfer of unloaded firearms by a dealer to a person who resides outside this state and is licensed pursuant to Chapter 44 (commencing with § 921) of Title 18 of the United States Code and the regulations issued pursuant thereto.

Section 27120. Exception for transfer to wholesaler for use as merchandise.

Article 1 (commencing with § 26700) and Article 2 (commencing with § 26800) do not apply to the sale, delivery, or transfer of unloaded firearms to a wholesaler if the firearms are being returned to the wholesaler and are intended as merchandise in the wholesaler's business.

Section 27125. Exception for transfer between dealers for use as merchandise.

Article 1 (commencing with § 26700) and Article 2 (commencing with § 26800) do not apply to the sale, delivery, or transfer of firearms if all of the following conditions are satisfied:

- (a) The firearms are unloaded.
- (b) The sale, delivery, or transfer is made by one dealer to another dealer, upon proof of compliance with the requirements of § 27555.
- (c) The firearms are intended as merchandise in the receiving dealer's business.

Section 27130. Exception for transfer from dealer to self.

Until January 1, 2014, Article 1 (commencing with § 26700) and Article 2 (commencing with § 26800) do not apply to the sale, delivery, or transfer of an unloaded firearm, other than a handgun, by a dealer to himself or herself.

Section 27135. Exception for loan at target facility.

Article 1 (commencing with § 26700) and Article 2 (commencing with § 26800) do not apply to the loan of an unloaded firearm by a dealer who also operates a target facility that holds a business or regulatory license on the premises of the building designated in the license or whose building designated in the license is on the premises of any club or organization organized for the purposes of practicing shooting at targets upon established ranges, whether public or private, to a person at that target facility or that club or organization, if the firearm is at all times kept within the premises of the target range or on the premises of the club or organization.

Section 27140. Exception for complying transfers of specified weapons.

Article 1 (commencing with § 26700) and Article 2 (commencing with § 26800) do not apply to the sale, delivery, or transfer of a firearm regulated pursuant to any of the following statutes, if the sale, delivery, or transfer of that firearm is conducted in accordance with the applicable provisions of the statute:

- (a) Chapter 1 (commencing with § 18710) of Division 5 of Title 2, relating to destructive devices and explosives.
- (b) Section 24410, relating to cane guns, and the exemptions in Chapter 1 (commencing with § 17700) of Title 2, as they relate to cane guns.
- (c) Section 24510, relating to firearms that are not immediately recognizable as firearms, and the exemptions in Chapter 1 (commencing with § 17700) of Title 2, as they relate to firearms that are not immediately recognizable as firearms.
- (d) Sections 24610 and 24680, relating to undetectable firearms, and the exemptions in Chapter 1 (commencing with § 17700) of Title 2, as they relate to undetectable firearms.
- (e) Section 24710, relating to wallet guns, and the exemptions in Chapter 1 (commencing with § 17700) of Title 2, as they relate to wallet guns.
- (f) Chapter 2 (commencing with § 30500) of Division 10, relating to assault weapons.
- (g) Section 31500, relating to unconventional pistols, and the exemptions in Chapter 1 (commencing with § 17700) of Title 2, as they relate to unconventional pistols.
- (h) Sections 33215 to 33225, inclusive, relating to short-barreled rifles and short-barreled shotguns, and the exemptions in Chapter 1 (commencing with § 17700) of Title 2, as they relate to short-barreled rifles and short-barreled shotguns.
- (i) Chapter 6 (commencing with § 32610) of Division 10, relating to machineguns.
- (j) Section 33600, relating to zip guns, and the exemptions in Chapter 1 (commencing with § 17700) of Title 2, as they relate to zip guns.

**Chapter 3 – Gun Show or Event
Article 1 – Gun Show or Event**

Section 27200. Requirement of certificate of eligibility to organize gun show.

(a) No person shall produce, promote, sponsor, operate, or otherwise organize a gun show or event, as specified in subdivision (b) of § 26805, unless that person possesses a valid certificate of eligibility from the Department of Justice.

(b) Unless the department's records indicate that the applicant is a person prohibited from possessing firearms, a certificate of eligibility shall be issued by the Department of Justice to an applicant provided the applicant does all of the following:

(1) Certifies that the applicant is familiar with the provisions of this article and Article 2 (commencing with § 27300).

(2) Ensures that liability insurance is in effect for the duration of an event or show in an amount of not less than \$1,000,000.

(3) Provides an annual list of the gun shows or events that the applicant plans to promote, produce, sponsor, operate, or otherwise organize during the year for which the certificate of eligibility is issued, including the date, time, and location of the gun shows or events.

(c) If during that year the information required by paragraph (3) of subdivision (b) changes, or additional gun shows or events will be promoted, produced, sponsored, operated, or otherwise organized by the applicant, the producer shall notify the Department of Justice no later than 30 days prior to the gun show or event.

(d) The Department of Justice shall adopt regulations to administer the certificate of eligibility program under this section.

(e) The Department of Justice shall recover the full costs of administering the certificate of eligibility program by fees assessed applicants who apply for certificates. A licensed gun show producer shall be assessed an annual fee of \$85 by the department.

(f) It is the intent of the Legislature that the certificate of eligibility program established pursuant to this section be incorporated into the certificate of eligibility program established pursuant to § 26710 to the maximum extent practicable.

Section 27205. List of entities renting or intending to rent space at gun show or event.

(a) Before commencement of a gun show or event, the producer thereof shall, upon written request from a law enforcement agency with jurisdiction over the facility, make available to that agency, within 48 hours or a later time specified by the agency, a complete and accurate list of all persons, entities, and organizations that have leased or rented, or are known to the producer to intend to lease or rent, any table, display space, or area at the gun show or event for the purpose of selling, leasing, or transferring firearms or processing the sale or transfer of ammunition.

(b) The producer shall thereafter, upon written request, for every day the gun show or event operates, within 24 hours or a later time specified by the requesting law enforcement agency, make available to that agency an accurate, complete, and current list of the persons, entities, and organizations that have leased or rented, or are known to the producer to intend to lease or rent, any table, display space, or area at the gun show or event for the purpose of selling, leasing, or transferring firearms or processing the sale or transfer of ammunition.

(c) Subdivisions (a) and (b) apply to any person, entity, or organization, regardless of whether that person, entity, or organization participates in the entire gun show or event, or only a portion thereof.

(d) The information that may be requested by the law enforcement agency with jurisdiction over the facility, and that shall be provided by the producer upon request, includes, but is not limited to, the following information relative to a vendor who offers for sale any firearms manufactured after December 31, 1898 or any ammunition:

(1) The vendor's complete name.

(2) A driver's license or identification card number.

Section 27210. Event and security plan and schedule.

(a) The producer and facility's manager of a gun show or event shall prepare an annual event and security plan and schedule that shall include, at a minimum, the following information for each show or event:

(1) The type of show or event, including, but not limited to, antique or general firearms.

(2) The estimated number of vendors offering firearms for sale or display.

(3) The estimated number of attendees.

(4) The number of entrances and exits at the gun show or event site.

(5) The location, dates, and times of the show or event.

(6) The contact person and telephone number for both the producer and the facility.

(7) The number of sworn peace officers employed by the producer or the facility's manager who will be present at the show or event.

(8) The number of nonsworn security personnel employed by the producer or the facility's manager who will be present at the show or event.

(b) The annual event and security plan shall be submitted by either the producer or the facility's manager to the Department of Justice and the law enforcement agency with jurisdiction over the facility.

(c) If significant changes have been made since the annual plan was submitted, the producer shall, not later than 15 days before commencement of the gun show or event, submit to the department, the law enforcement agency with jurisdiction over the facility site, and the facility's manager, a revised event and security plan, including a revised list of vendors that the producer knows, or reasonably should know, will be renting tables, space, or otherwise participating in the gun show or event.

(d) The event and security plan shall be approved by the facility's manager before the event or show, after consultation with the law enforcement agency with jurisdiction over the facility.

(e) A gun show or event shall not commence unless the requirements of subdivisions (b), (c), and (d) are met.

Section 27215. Notification to vendors.

The producer of a gun show or event shall be responsible for informing prospective gun show vendors of the requirements of this article and of Article 2 (commencing with § 27300) that apply to vendors.

Section 27220. Submission of prospective vendor and designated firearms transfer agent lists.

(a) Within 7 calendar days of the commencement of a gun show or event, but not later than noon on Friday for a show or event held on a weekend, the producer shall submit a list of all prospective vendors and designated firearms transfer agents who are licensed firearms dealers or ammunition vendors to the Department of Justice for the purpose of determining whether these prospective vendors and designated firearms transfer agents possess valid licenses and are thus eligible to participate as licensed dealers or ammunition vendors at the show or event.

(b) The department shall examine its records and if it determines that a dealer's or vendor's license is not valid, it shall notify the show or event producer of that fact before the show or event commences.

Section 27225. Failure to cooperate by vendor.

If a licensed firearms dealer or ammunition vendor fails to cooperate with a producer of a gun show or event, or fails to comply with the applicable requirements of this article or Article 2 (commencing with Section 27300), that person shall not be allowed to participate in that show or event.

Section 27230. Failure to cooperate by producer.

If a producer fails to comply with § 27215 or 27220, the gun show or event shall not commence until those requirements are met.

Section 27235. Written contracts required.

Every producer of a gun show or event shall have a written contract with each gun show vendor selling firearms or ammunition at the show or event.

Section 27240. Posting of signs required.

(a) The producer of a gun show or event shall require that signs be posted in a readily visible location at each public entrance to the show containing, but not limited to, the following notices:

(1) This gun show follows all federal, state, and local firearms, ammunition and weapons laws, without exception.

(2) Any firearm carried onto the premises by any member of the public will be checked, cleared of any ammunition, and secured in a manner that prevents it from being operated, and an identification tag or sticker will be attached to the firearm before the person is allowed admittance to the show.

(3) No member of the public under the age of 18 years shall be admitted to the show unless accompanied by a parent, grandparent, or legal guardian.

(4) All firearms transfers between private parties at the show shall be conducted through a licensed dealer in accordance with applicable state and federal laws.

(5) Persons possessing firearms or ammunition at this facility shall have in their immediate possession government-issued photo identification, and display it upon request to any security officer or any peace officer, as defined in § 830.

(6) All ammunition transfers between private parties at the show shall be conducted through a licensed dealer or ammunition vendor in accordance with applicable state and federal laws.

(b) The show producer shall post, in a readily visible location at each entrance to the parking lot at the show, signage that states: "The transfer of firearms or ammunition on the parking lot of this facility is a crime."

Section 27245. Willful failure to comply; Penalty.

(a) A willful failure by a gun show producer to comply with any of the requirements of this article, except for the posting of required signs, shall be a misdemeanor punishable by a fine not to exceed \$2,000, and shall render the producer ineligible for a gun show producer license for one year from the date of the conviction.

(b) A willful failure of a gun show producer to post signs as required by this article shall be a misdemeanor punishable by a fine not to exceed \$1,000 for the first offense and not to exceed \$2,000 for the second or subsequent offense, and with respect to the second or subsequent offense, shall render the producer ineligible for a gun show producer license for one year from the date of the conviction.

(c) Multiple violations charged pursuant to subdivision (a) arising from more than one gun show or event shall be grounds for suspension of a producer's certificate of eligibility pending adjudication of the violations.

Article 2 – Gun Show Enforcement and Security Act of 2000

Section 27305. Written certification by vendors.

All gun show or event vendors shall certify in writing to the producer that they:

(a) Will not display, possess, or offer for sale any firearms, ammunition, knives, or weapons for which possession or sale is prohibited.

(b) Acknowledge that they are responsible for knowing and complying with all applicable federal, state, and local laws dealing with the possession and transfer of firearms or ammunition.

(c) Will not engage in activities that incite or encourage hate crimes.

(d) Will process all transfers of firearms through licensed firearms dealers as required by state law.

(e) Will process all sales or transfers of ammunition through licensed firearms dealers or ammunition vendors as required by state law. (f) Will verify that all firearms in their possession at the show or event will be unloaded, and that the firearms will be secured in a manner that prevents them from being operated except for brief periods when the mechanical condition of a firearm is being demonstrated to a prospective buyer.

(g) Have complied with the requirements of § 27320.

(h) Will not display or possess black powder, or offer it for sale.

Section 27310. Firearm and ammunition transfer or sale requirements.

(a) All firearms and ammunition transfers or sales at a gun show or event shall be conducted in accordance with applicable state and federal laws.

(b) Commencing July 1, 2022, the Department of Justice may inspect any firearm dealers, ammunition vendors, or manufacturers participating in a gun show or event in order to ensure compliance with subdivision (a). The department may adopt regulations to administer the application and enforcement provisions of this chapter.

Section 27315. Sales of ammunition.

Sales of ammunition at a gun show or event shall comply with all applicable laws, including Sections 30347, 30348, 30350, 30352, and 30360.

Section 27320. Information required from vendor.

(a) Before commencement of a gun show or event, each vendor who will offer for sale any firearms manufactured after December 31, 1898, or any ammunition, shall provide to the producer all of the following information relative to the vendor, the vendor's employees, and other persons, compensated or not, who will be working or otherwise providing services to the public at the vendor's display space:

(1) The person's complete name.

(2) The person's driver's license or state-issued identification card number.

(3) The person's date of birth.

(4) The person's certificate of eligibility number pursuant to Section 26915 or 30347 of the Penal Code.

(b) The producer shall keep the information at the onsite headquarters of the show or event for the duration of the show or event, and at the producer's regular place of business for 2 weeks after the conclusion of the show or event. The producer shall make the information available upon request to any sworn peace officer for purposes of the officer's official law enforcement duties.

Section 27330. Possession of firearm and ammunition at same time prohibited; Exemption.

No person at a gun show or event, other than security personnel or sworn peace officers, shall possess at the same time both a firearm and ammunition that is designed to be fired in the firearm. Vendors having those items at the show for sale or exhibition are exempt from this prohibition.

Section 27335. Minors prohibited unless accompanied by parent or guardian.

No member of the public who is under the age of 18 years shall be admitted to, or be permitted to remain at, a gun show or event unless accompanied by a parent or legal guardian. Any member of the public who is under the age of 18 years shall be accompanied by that person's parent, grandparent, or legal guardian while at the show or event.

Section 27340. Persons bringing firearms or ammunition to gun show or event.

(a) Persons other than show or event security personnel, sworn peace officers, or vendors, who bring any firearm or any ammunition that is separate from a firearm onto the gun show or event premises shall sign in ink the tag or sticker that is attached to the firearm prior to being allowed admittance to the show or event, as provided for in subdivision (b) and (c).

(b) All firearms carried onto the premises of a gun show or event by members of the public shall be checked, cleared of any ammunition, secured in a manner that prevents them from being operated, and an identification tag or sticker shall be attached to the firearm, prior to the person being allowed admittance to the show. The identification tag or sticker shall state that all firearms transfers between private parties at the show or event shall be conducted through a licensed dealer in accordance with applicable state and federal laws. The person possessing the firearm shall complete the following information on the tag before it is attached to the firearm:

- (1) The gun owner's signature.
- (2) The gun owner's printed name.
- (3) The identification number from the gun owner's government-issued photo identification.

(c) Any ammunition carried onto the premises of a gun show or event by members of the public shall be checked and secured in a manner that prevents the ammunition from being discharged. An identification tag or sticker shall be attached to the ammunition prior to the person being allowed admittance to the show. The identification tag or sticker shall state that all ammunition transfers between private parties at the show or event shall be conducted through a licensed dealer or ammunition vendor in accordance with applicable state and federal laws. The person possessing the ammunition shall complete the following information on the tag before it is attached to the ammunition:

- (1) The ammunition owner's signature.
- (2) The ammunition owner's printed name.
- (3) The identification number from the ammunition owner's government-issued photo identification.

Section 27345. Persons possessing firearms or ammunition carrying identification.

Any person who possesses a firearm or ammunition at a gun show or event shall have government-issued photo identification in immediate possession, and shall display it upon request to any security officer or peace officer.

Section 27350. Violations of Article.

- (a) Unless otherwise specified, a first violation of this article is an infraction.
- (b) Any second or subsequent violation of this article is a misdemeanor.
- (c) Any person who commits an act the person knows to be a violation of this article is guilty of a misdemeanor for a first offense.

Article 3 – Exceptions Relating to Law Enforcement

Section 27400. Exceptions for transfers to authorized law enforcement representative.

(a) Article 1 (commencing with § 27200) and Article 2 (commencing with § 27300) do not apply to any sale, delivery, or transfer of firearms made to an authorized law enforcement representative of any city, county, city and county, or state, or of the federal government, for exclusive use by that governmental agency if, prior to the sale, delivery, or transfer of these firearms, written authorization from the head of the agency authorizing the transaction is presented to the person from whom the purchase, delivery, or transfer is being made.

(b) Proper written authorization is defined as verifiable written certification from the head of the agency by which the purchaser or transferee is employed, identifying the employee as an individual authorized to conduct the transaction, and authorizing the transaction for the exclusive use of the agency by which that person is employed.

(c) Within 10 days of the date a handgun, and commencing January 1, 2014, any firearm, is acquired by the agency, a record of the same shall be entered as an institutional weapon into the AFS via the CLETS by the law enforcement or state agency. Any agency without access to AFS shall arrange with the sheriff of the county in which the agency is located to input this information via this system.

Section 27405. Exceptions for loans of firearms in specified circumstances.

Article 1 (commencing with § 27200) and Article 2 (commencing with § 27300) do not apply to the loan of a firearm if all of the following conditions are satisfied:

- (a) The loan is made by an authorized law enforcement representative of a city, county, or city and county, or of the state or federal government.
- (b) The loan is made to a peace officer employed by that agency and authorized to carry a firearm.
- (c) The loan is made for the carrying and use of that firearm by that peace officer in the course and scope of the officer's duties.

Section 27410. Exceptions for transfer of firearms from law enforcement agency to peace officer.

(a) Article 1 (commencing with § 27200) and Article 2 (commencing with § 27300) do not apply to the sale, delivery, or transfer of a firearm by a law enforcement agency to a peace officer pursuant to § 10334 of the Public Contract Code.

(b) Within 10 days of the date that a handgun, and commencing January 1, 2014, any firearm, is sold, delivered, or transferred pursuant to § 10334 of the Public Contract Code to that peace officer, the name of the officer and the make, model, serial number, and other identifying characteristics of the firearm being sold, delivered, or transferred shall be entered into the AFS via the CLETS by the law enforcement or state agency that sold, delivered, or transferred the firearm, provided, however, that if the firearm is not a handgun and does not have a serial number, identification number, or identification mark assigned to it, that fact shall be noted in AFS. Any agency without access to AFS shall arrange with the sheriff of the county in which the agency is located to input this information via this system.

Section 27415. Exceptions for transfers of firearms from law enforcement agency to retiring peace officer.

(a) Article 1 (commencing with § 27200) and Article 2 (commencing with § 27300) do not apply to the sale, delivery, or transfer of a firearm by a law enforcement agency to a retiring peace officer who is authorized to carry a firearm pursuant to Chapter 5 (commencing with § 26300) of Division 5.

(b) Within 10 days of the date that a handgun, and commencing January 1, 2014, any firearm, is sold, delivered, or transferred to that retiring peace officer, the name of the officer and the make, model, serial number, and other identifying characteristics of the firearm being sold, delivered, or transferred shall be entered into the AFS via the CLETS by the law enforcement or state agency that sold, delivered, or transferred the firearm, provided, however, that if the firearm is not a handgun and does not have a serial number, identification number, or identification mark assigned to it, that fact shall be noted in AFS. Any agency without access to AFS shall arrange with the sheriff of the county in which the agency is located to input this information via this system.

**Chapter 4 – Crimes Relating to Sale, Lease, or Transfer of Firearms
Article 1 – Crimes Relating to Sale, Lease, or Transfer of Firearms**

Section 27500. Firearms to person convicted of felony or violent offense prohibited.

(a) No person, corporation, or firm shall knowingly sell, supply, deliver, or give possession or control of a firearm to any person within any of the classes prohibited by Chapter 2 (commencing with § 29800) or Chapter 3 (commencing with § 29900) of Division 9.

(b) No person, corporation, or dealer shall sell, supply, deliver, or give possession or control of a firearm to anyone whom the person, corporation, or dealer has cause to believe is within any of the classes prohibited by Chapter 2 (commencing with § 29800) or Chapter 3 (commencing with § 29900) of Division 9 of this title, or § 8100 or 8103 of the Welfare and Institutions Code.

Section 27505. Firearms or handguns to person under 21 years of age; Exceptions.

(a) No person, corporation, or firm shall sell, loan, or transfer a firearm to a minor, nor sell a handgun to an individual under 21 years of age.

(b) Subdivision (a) shall not apply to or affect the following circumstances:

(1) The sale of a handgun, if the handgun is an antique firearm and the sale is to a person at least 18 years of age.

(2) The loan of a firearm to a minor by the minor's parent or legal guardian, if both of the following requirements are satisfied:

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

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

(3) The loan of a semiautomatic centerfire rifle or handgun to a minor by a person who is not the minor's parent or legal guardian, if all of the following requirements are satisfied:

(A) The minor is accompanied by the minor's parent or legal guardian when the loan is made, or the minor has the written consent of the minor's parent or legal guardian, which is presented at the time of the loan, or earlier.

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

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

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

(4) The loan of a firearm other than a semiautomatic centerfire rifle or a handgun to a minor who is 16 years of age or older, by a person who is not the minor's parent or legal guardian, if all of the following conditions apply:

(A) The loan is with the express permission of the minor's parent or legal guardian.

(B) The minor is being loaned the firearm for the purpose of engaging in a lawful, recreational sport, including, but not limited to, competitive shooting, or agricultural, ranching, or hunting activity or hunting education, the nature of which involves the use of a firearm.

(C) The duration of the loan does not exceed the amount of time that is reasonably necessary to engage in the lawful, recreational sport, including, but not limited to, competitive shooting, or agricultural, ranching, or hunting activity or hunting education, the nature of which involves the use of a firearm.

(D) The duration of the loan does not, in any event, exceed 5 days, unless express permission is provided in the manner described in subparagraph (A) of paragraph (3), in which case the duration of the loan shall not, in any event, exceed 10 days.

(5) The loan of a firearm other than a semiautomatic centerfire rifle or a handgun to a minor under 16 years of age by a person who is not the minor's parent or legal guardian, if all of the following conditions apply:

(A) The loan is with the express permission of the minor's parent or legal guardian.

(B) The minor is being loaned the firearm for the purpose of engaging in a lawful, recreational sport, including, but not limited to, competitive shooting, or agricultural, ranching, or hunting activity or hunting education, the nature of which involves the use of a firearm.

(C) The duration of the loan does not exceed the amount of time that is reasonably necessary to engage in the lawful, recreational sport, including, but not limited to, competitive shooting, or agricultural, ranching, or hunting activity or hunting education, the nature of which involves the use of a firearm.

(D) The minor accompanied at all times by a responsible adult.

(E) The duration of the loan does not, in any event, exceed 5 days, unless express permission is provided in the manner described in subparagraph (A) of paragraph (3), in which case the duration of the loan shall not, in any event, exceed 10 days.

Section 27510. Firearms to person under 21 years of age.

(a) A person licensed under Sections 26700 to 26915, inclusive, shall not sell, supply, deliver, or give possession or control of a firearm to any person under 21 years of age.

(b)

(1) Subdivision (a) does not apply to or affect the sale, supplying, delivery, or giving possession or control of a firearm that is not a handgun, semiautomatic centerfire rifle, completed frame or receiver, or firearm precursor part to a person 18 years of age or older who possesses a valid, unexpired hunting license issued by the Department of Fish and Wildlife.

(2) Subdivision (a) does not apply to or affect the sale, supplying, delivery, or giving possession or control of a firearm that is not a handgun or a semiautomatic centerfire rifle to a person who is 18 years of age or older and provides proper identification of being an honorably discharged member of the United States Armed Forces, the National Guard, the Air National Guard, or the active reserve components of the United States. For purposes of this subparagraph, proper identification includes an Armed Forces Identification Card or other written documentation certifying that the individual is an honorably discharged member.

(3) Subdivision (a) does not apply to or affect the sale, supplying, delivery, or giving possession or control of a firearm that is not a handgun a semiautomatic centerfire rifle to any of the following persons who are 18 years of age or older:

(A) An active peace officer, as described in Chapter 4.5 (commencing with Section 830) of Title 3 of Part 2, who is authorized to carry a firearm in the course and scope of his or her employment.

(B) An active federal officer or law enforcement agent who is authorized to carry a firearm in the course and scope of his or her employment.

(C) A reserve peace officer, as defined in Section 832.6, who is authorized to carry a firearm in the course and scope of his or her employment as a reserve peace officer.

(D) A person who provides proper identification of his or her active membership in the United States Armed Forces, the National Guard, the Air National Guard, or active reserve components of the United States. For purposes of this subparagraph, proper identification includes an Armed Forces Identification Card or other written documentation certifying that the individual is an active member.

Section 27515. Firearms to person who is not actual purchaser or transferee.

No person, corporation, or dealer shall sell, loan, or transfer a firearm to anyone whom the person, corporation, or dealer knows or has cause to believe is not the actual purchaser or transferee of the firearm, or to anyone who is not the one actually being loaned the firearm, if the person, corporation, or dealer has either of the following:

(a) Knowledge that the firearm is to be subsequently sold, loaned, or transferred to avoid the provisions of § 27540 or 27545.

(b) Knowledge that the firearm is to be subsequently sold, loaned, or transferred to avoid the requirements of any exemption to the provisions of § 27540 or 27545.

Section 27520. Intent to violate certain provisions of law.

No person, corporation, or dealer shall acquire a firearm for the purpose of selling, loaning, or transferring the firearm, if the person, corporation, or dealer has either of the following:

(a) In the case of a dealer, intent to violate § 27510 or 27540.

(b) In any other case, intent to avoid either of the following:

(1) The provisions of § 27545.

(2) The requirements of any exemption to the provisions of § 27545.

Section 27525. Compliance with reporting requirements.

(a) A dealer shall comply with § 26905.

(b) A dealer shall comply with § 26910.

Section 27530. Firearm requirements for transfer.

(a) No person shall sell or otherwise transfer ownership of a firearm that is not imprinted with a serial number imprinted by a federal licensee authorized to serialize firearms.

(b) This section does not apply to any of the following:

(1) A firearm made or assembled prior to December 16, 1968, that is not a handgun.

(2) A firearm that is a curio or relic, or an antique firearm, as those terms are defined in Section 479.11 of Title 27 of the Code of Federal Regulations.

(3) A firearm that has been entered, before July 1, 2018, into the centralized registry set forth in Section 11106, as being owned by a specific individual or entity, if that firearm has assigned to it a distinguishing number or mark of identification because the department accepted entry of that firearm into the centralized registry.

(4) The transfer, surrender, or sale of a firearm to a law enforcement agency.

(5) The sale or transfer of ownership of a firearm to a federally licensed firearms manufacturer or importer, or any other federal licensee authorized to serialize firearms.

Section 27535. Application to purchase handgun; Limitations; Exceptions [Repealed].

Section 27535. Application to purchase handgun; Limitations; Exceptions [Repealed effective January 1, 2024].

(a) A person shall not make an application to purchase more than one handgun or semiautomatic centerfire rifle within any 30-day period. This subdivision does not authorize a person to make an application to purchase both a handgun and semiautomatic centerfire rifle within the same 30-day period.

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

(1) Any law enforcement agency.

(2) Any agency duly authorized to perform law enforcement duties.

(3) Any state or local correctional facility.

(4) Any private security company licensed to do business in California.

(5) Any person who is properly identified as a full-time paid peace officer, as defined in Chapter 4.5 (commencing with Section 830) of Title 3 of Part 2, and who is authorized to, and does carry a firearm during the course and scope of employment as a peace officer.

(6) Any motion picture, television, or video production company or entertainment or theatrical company whose production by its nature involves the use of a firearm.

(7) Any person who may, pursuant to Article 2 (commencing with Section 27600), Article 3 (commencing with Section 27650), or Article 4 (commencing with Section 27700), claim an exemption from the waiting period set forth in Section 27540.

(8) Any transaction conducted through a licensed firearms dealer pursuant to Chapter 5 (commencing with Section 28050).

(9) Any person who is licensed as a collector pursuant to Chapter 44 (commencing with Section 921) of Title 18 of the United States Code and the regulations issued pursuant thereto, and has a current certificate of eligibility issued by the Department of Justice pursuant to Article 1 (commencing with Section 26700) of Chapter 2.

(10) The exchange of a handgun or semiautomatic centerfire rifle where the dealer purchased that firearm from the person seeking the exchange within the 30-day period immediately preceding the date of exchange or replacement.

(11) The replacement of a handgun or semiautomatic centerfire rifle when the person's firearm was lost or stolen, and the person reported that firearm lost or stolen pursuant to Section 25250 prior to the completion of the application to purchase the replacement.

(12) The return of any handgun or semiautomatic centerfire rifle to its owner.

(13) A community college that is certified by the Commission on Peace Officer Standards and Training to present the law enforcement academy basic course or other commission-certified law enforcement training.

(c) This section shall remain in effect until January 1, 2024, and as of that date is repealed.

Section 27535. Application to purchase handgun; Limitations; Exceptions [Operative January 1, 2024].

(a) A person shall not make an application to purchase more than one firearm within any 30-day period. This subdivision does not authorize a person to make an application to purchase a combination of firearms, completed frames or receivers, or firearm precursor parts within the same 30-day period.

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

(1) Any law enforcement agency.

(2) Any agency duly authorized to perform law enforcement duties.

(3) Any state or local correctional facility.

(4) Any private security company licensed to do business in California.

(5) Any person who is properly identified as a full-time paid peace officer, as defined in Chapter 4.5 (commencing with Section 830) of Title 3 of Part 2, and who is authorized to, and does carry a firearm during the course and scope of employment as a peace officer.

(6) Any motion picture, television, or video production company or entertainment or theatrical company whose production by its nature involves the use of a firearm.

(7) Any person who may, pursuant to Article 2 (commencing with Section 27600), Article 3 (commencing with Section 27650), or Article 4 (commencing with Section 27700), claim an exemption from the waiting period set forth in Section 27540.

(8) Any transaction conducted through a licensed firearms dealer pursuant to Chapter 5 (commencing with Section 28050).

(9) Any person who is licensed as a collector pursuant to Chapter 44 (commencing with Section 921) of Title 18 of the United States Code and the regulations issued pursuant thereto, and has a current certificate of eligibility issued by the Department of Justice pursuant to Article 1 (commencing with Section 26700) of Chapter 2.

(10) The exchange of a firearm where the dealer purchased that firearm from the person seeking the exchange within the 30-day period immediately preceding the date of exchange or replacement.

(11) The replacement of a firearm when the person's firearm was lost or stolen, and the person reported that firearm lost or stolen pursuant to Section 25250 prior to the completion of the application to purchase the replacement.

(12) The return of any firearm to its owner.

(13) A community college that is certified by the Commission on Peace Officer Standards and Training to present the law enforcement academy basic course or other commission-certified law enforcement training.

(c) This section shall become operative on January 1, 2024.

Section 27540. Requirements for delivery of firearm [Repealed effective].

A dealer, whether or not acting pursuant to Chapter 5 (commencing with § 28050), shall not deliver a firearm to a person, as follows:

(a) Within 10 days of the application to purchase, or, after notice by the department pursuant to § 28220, within 10 days of the submission to the department of any correction to the application, or within 10 days of the submission to the department of any fee required pursuant to § 28225, whichever is later.

(b) Unless unloaded and securely wrapped or unloaded and in a locked container.

(c) Unless the purchaser, transferee, or person being loaned the firearm presents clear evidence of the person's identity and age to the dealer.

(d) Whenever the dealer is notified by the Department of Justice that the person is prohibited by state or federal law from possessing, receiving, owning, or purchasing a firearm.

(e) A firearm, including a handgun, shall not be delivered unless the purchaser, transferee, or person being loaned the firearm presents a firearm safety certificate to the dealer, except that in the case of a handgun, an unexpired handgun safety certificate may be presented.

(f) Until July 1, 2021, a handgun shall not be delivered whenever the dealer is notified by the Department of Justice that within the preceding 30-day period the purchaser has made another application to purchase a handgun and that the previous application to purchase did not involve any of the entities or circumstances specified in subdivision (b) of § 27535.

(g) Commencing July 1, 2021, a handgun or semiautomatic centerfire rifle shall not be delivered whenever the dealer is notified by the Department of Justice that within the preceding 30-day period, the purchaser has made another application to purchase either a handgun or semiautomatic centerfire rifle and that the previous application to purchase did not involve any of the entities or circumstances specified in subdivision (b) of Section 27535.

Section 27540. Requirements for delivery of firearm [Repealed effective January 1, 2024].

A dealer, whether or not acting pursuant to Chapter 5 (commencing with Section 28050), shall not deliver a firearm to a person, as follows:

- (a) Within 10 days of the application to purchase, or, after notice by the department pursuant to Section 28220, within 10 days of the submission to the department of any correction to the application, or within 10 days of the submission to the department of any fee required pursuant to Section 28225, whichever is later.
- (b) Unless unloaded and securely wrapped or unloaded and in a locked container.
- (c) Unless the purchaser, transferee, or person being loaned the firearm presents clear evidence of the person's identity and age to the dealer.
- (d) Whenever the dealer is notified by the Department of Justice that the person is prohibited by state or federal law from possessing, receiving, owning, or purchasing a firearm.
- (e) A firearm, including a handgun, shall not be delivered unless the purchaser, transferee, or person being loaned the firearm presents a firearm safety certificate to the dealer, except that in the case of a handgun, an unexpired handgun safety certificate may be presented.
- (f) Until July 1, 2021, a handgun shall not be delivered whenever the dealer is notified by the Department of Justice that within the preceding 30-day period the purchaser has made another application to purchase a handgun and that the previous application to purchase did not involve any of the entities or circumstances specified in subdivision (b) of Section 27535.
- (g) A handgun or semiautomatic centerfire rifle shall not be delivered whenever the dealer is notified by the Department of Justice that within the preceding 30-day period, the purchaser has made another application to purchase either a handgun or semiautomatic centerfire rifle and that the previous application to purchase did not involve any of the entities or circumstances specified in subdivision (b) of Section 27535.
- (h) This section shall remain in effect until January 1, 2024, and as of that date is repealed.

Section 27540. Requirements for delivery of firearm [Operative January 1, 2024].

A dealer, whether or not acting pursuant to Chapter 5 (commencing with Section 28050), shall not deliver a firearm to a person, as follows:

- (a) Within 10 days of the application to purchase, or, after notice by the department pursuant to Section 28220, within 10 days of the submission to the department of any correction to the application, or within 10 days of the submission to the department of any fee required pursuant to Section 28225, whichever is later.
- (b) Unless unloaded and securely wrapped or unloaded and in a locked container.
- (c) Unless the purchaser, transferee, or person being loaned the firearm presents clear evidence of the person's identity and age to the dealer.
- (d) Whenever the dealer is notified by the Department of Justice that the person is prohibited by state or federal law from possessing, receiving, owning, or purchasing a firearm.
- (e) A firearm, including a handgun, shall not be delivered unless the purchaser, transferee, or person being loaned the firearm presents a firearm safety certificate to the dealer, except that in the case of a handgun, an unexpired handgun safety certificate may be presented.
- (f) A firearm shall not be delivered whenever the dealer is notified by the Department of Justice that within the preceding 30-day period, the purchaser has made another application to purchase a handgun, semiautomatic centerfire rifle, completed frame or receiver, or firearm precursor part, and that the previous application to purchase did not involve any of the entities or circumstances specified in subdivision (b) of Section 27535.
- (g) This section shall become operative on January 1, 2024.

Section 27545. Transaction where neither party holds a dealer's license.

Where neither party to the transaction holds a dealer's license issued pursuant to §§ 26700 to 26915, inclusive, the parties to the transaction shall complete the sale, loan, or transfer of that firearm through a licensed firearms dealer pursuant to Chapter 5 (commencing with § 28050).

Section 27550. Collusion prohibited.

- (a) No person may commit an act of collusion relating to §§ 31610 to 31700, inclusive.
- (b) For purposes of this section and § 26870, collusion may be proven by any one of the following factors:
 - (1) Answering a test applicant's questions during an objective test relating to firearms safety.

- (2) Knowingly grading the examination falsely.
- (3) Providing an advance copy of the test to an applicant.
- (4) Taking or allowing another person to take the basic firearms safety course for one who is the applicant for a basic firearms safety certificate or a handgun safety certificate.
- (5) Allowing another to take the objective test for the applicant, purchaser, or transferee.
- (6) Using or allowing another to use one's identification, proof of residency, or thumbprint.
- (7) Allowing others to give unauthorized assistance during the examination.
- (8) Reference to unauthorized materials during the examination and cheating by the applicant.
- (9) Providing originals or photocopies of the objective test, or any version thereof, to any person other than as authorized by the department.

Section 27555. Transfer for purpose of sale via Internet prohibited.

(a)

(1) Commencing July 1, 2008, a person who is licensed pursuant to Chapter 44 (commencing with § 921) of Title 18 of the United States Code may not sell, deliver, or transfer a firearm to a person in California who is licensed pursuant to Chapter 44 (commencing with § 921) of Title 18 of the United States Code unless, prior to delivery, the person intending to sell, deliver, or transfer the firearm obtains a verification number via the Internet for the intended sale, delivery, or transfer, from the Department of Justice.

(2) If Internet service is unavailable to either the department or the licensee due to a technical or other malfunction, or a federal firearms licensee who is located outside of California does not possess a computer or have Internet access, alternate means of communication, including facsimile or telephone, shall be made available for a licensee to obtain a verification number in order to comply with this section.

(b) For every verification number request received pursuant to this section, the department shall determine whether the intended recipient is on the centralized list of firearms dealers pursuant to § 26715, or the centralized list of exempted federal firearms licensees pursuant to § 28450, or the centralized list of firearms manufacturers pursuant to § 29060.

(c)

(1) If the department finds after the reviews specified in subdivision (b) that the intended recipient is authorized to receive the firearm shipment, the department shall issue to the inquiring party, a unique verification number for the intended sale, delivery, or transfer. One verification number shall be issued for each sale, delivery, or transfer, which may involve multiple firearms.

(2) In addition to the unique verification number, the department may provide to the inquiring party information necessary for determining the eligibility of the intended recipient to receive the firearm.

(3) The person intending to sell, deliver, or transfer the firearm shall provide the unique verification number to the recipient along with the firearm upon delivery, in a manner to be determined by the department.

(d) If the department finds after the reviews specified in subdivision (b) that the intended recipient is not authorized to receive the firearm shipment, the department shall notify the inquiring party that the intended recipient is ineligible to receive the shipment.

(e) The department shall prescribe the manner in which the verification numbers may be requested via the Internet, or by alternate means of communication, such as by facsimile or telephone, including all required enrollment information and procedures.

Section 27560. Requirements of personal firearm importer; Public education and notification program; Duties of department; Costs.

(a) Within 60 days of bringing a handgun, and commencing January 1, 2014, any firearm, into this state, a personal firearm importer shall do one of the following:

(1) Forward by prepaid mail or deliver in person to the Department of Justice, a report prescribed by the department including information concerning that individual and a description of the firearm in question.

(2) Sell or transfer the firearm in accordance with the provisions of § 27545 or in accordance with the provisions of an exemption from § 27545.

(3) Sell or transfer the firearm to a dealer licensed pursuant to Article 1 (commencing with § 26700) and Article 2 (commencing with § 26800) of Chapter 2.

(4) Sell or transfer the firearm to a sheriff or police department.

(b) If all of the following requirements are satisfied, the personal firearm importer shall have complied with the provisions of this section:

- (1)** The personal firearm importer sells or transfers the firearm pursuant to § 27545.
- (2)** The sale or transfer cannot be completed by the dealer to the purchaser or transferee.
- (3)** The firearm can be returned to the personal firearm importer.

(c)

- (1)** The provisions of this section are cumulative and shall not be construed as restricting the application of any other law.
- (2)** However, an act or omission punishable in different ways by this article and different provisions of the Penal Code shall not be punished under more than one provision.

(d) The department shall conduct a public education and notification program regarding this section to ensure a high degree of publicity of the provisions of this section.

(e) As part of the public education and notification program described in this section, the department shall do all of the following:

- (1)** Work in conjunction with the Department of Motor Vehicles to ensure that any person who is subject to this section is advised of the provisions of this section, and provided with blank copies of the report described in paragraph (1) of subdivision (a), at the time when that person applies for a California driver's license or registers a motor vehicle in accordance with the Vehicle Code.
- (2)** Make the reports referred to in paragraph (1) of subdivision (a) available to dealers licensed pursuant to Article 1 (commencing with § 26700) and Article 2 (commencing with § 26800) of Chapter 2.
- (3)** Make the reports referred to in paragraph (1) of subdivision (a) available to law enforcement agencies.
- (4)** Make persons subject to the provisions of this section aware of all of the following:
 - (A)** The report referred to in paragraph (1) of subdivision (a) may be completed at either a law enforcement agency or the licensed premises of a dealer licensed pursuant to Article 1 (commencing with § 26700) and Article 2 (commencing with § 26800) of Chapter 2.
 - (B)** It is advisable to do so for the sake of accuracy and completeness of the report.
 - (C)** Before transporting a firearm to a law enforcement agency to comply with subdivision (a), the person should give notice to the law enforcement agency that the person is doing so.
 - (D)** In any event, the handgun should be transported unloaded and in a locked container and a firearm that is not a handgun should be transported unloaded.

(f) Any costs incurred by the department to implement this section shall be absorbed by the department within its existing budget and the fees in the Dealers' Record of Sale Special Account allocated for implementation of subdivisions (d) and

(e) of this section pursuant to § 28235.

Section 27565. Requirements of licensed collector of curios or relics upon importing firearms.

(a) This section applies in the following circumstances:

- (1)** A person is licensed as a collector pursuant to Chapter 44 (commencing with § 921) of Title 18 of the United States Code and the regulations issued pursuant thereto.
- (2)** The licensed premises of that person are within this state.
- (3)** The licensed collector acquires, outside of this state, a handgun, and commencing January 1, 2014, any firearm.
- (4)** The licensed collector takes actual possession of that firearm outside of this state pursuant to the provisions of subsection (j) of § 923 of Title 18 of the United States Code, as amended by Public Law 104-208, and transports the firearm into this state.
- (5)** The firearm is a curio or relic, as defined in § 478.11 of Title 27 of the CFR.

(b) Within 5 days of transporting a firearm into this state under the circumstances described in subdivision (a), the licensed collector shall report the acquisition of that firearm to the department in a format prescribed by the department.

Section 27570. Importing not as “continuing offense”; Violation discovered through submission of report.

(a) It is the intent of the Legislature that a violation of § 27560 or 27565 shall not constitute a "continuing offense" and the statute of limitations for commencing a prosecution for a violation of § 27560 or 27565 commences on the date that the applicable grace period specified in § 27560 or 27565 expires.

(b) Sections 27560 and 27565 shall not apply to a person who reports ownership of a firearm after the applicable grace period specified in § 27560 or 27565 expires if evidence of that violation arises only as the result of the person submitting the report described in § 27560 or 27565.

Section 27585. Importation of firearm by resident prohibited; Exceptions.

(a) Commencing January 1, 2015, a resident of this state shall not import into this state, bring into this state, or transport into this state, any firearm that he or she purchased or otherwise obtained on or after January 1, 2015, from outside of this state unless he or she first has that firearm delivered to a dealer in this state for delivery to that resident pursuant to the procedures set forth in § 27540 and Article 1 (commencing with § 26700) and Article 2 (commencing with § 26800) of Chapter 2.

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

(1) A licensed collector who is subject to and complies with § 27565.

(2) A dealer, if the dealer is acting in the course and scope of his or her activities as a dealer.

(3) A wholesaler, if the wholesaler is acting in the course and scope of his or her activities as a wholesaler.

(4) A person licensed as an importer of firearms or ammunition or licensed as a manufacturer of firearms or ammunition, pursuant to § 921 et seq. of Title 18 of the United States Code and the regulations issued pursuant thereto if the importer or manufacturer is acting in the course and scope of their activities as a licensed importer or manufacturer.

(5) A personal firearm importer who is subject to and complies with § 27560.

(6) A person who complies with subdivision (b) of § 27875.

(7) A person who complies with subdivision (b), (c), or (d) of § 27920.

(8) A person who is on the centralized list of exempted federal firearms licensees pursuant to § 28450 if that person is acting in the course and scope of his or her activities as a licensee.

(9) A firearm regulated pursuant to Chapter 1 (commencing with § 18710) of Division 5 of Title 2 acquired by a person who holds a permit issued pursuant to Article 3 (commencing with § 18900) of Chapter 1 of Division 5 of Title 2, if that person is acting within the course and scope of their activities as a licensee and in accordance with the terms and conditions of the permit.

(10) A firearm regulated pursuant to Chapter 2 (commencing with § 30500) of Division 10 acquired by a person who holds a permit issued pursuant to § 31005, if that person is acting within the course and scope of their activities as a licensee and in accordance with the terms and conditions of the permit.

(11) A firearm regulated pursuant to Chapter 6 (commencing with § 32610) of Division 10 acquired by a person who holds a permit issued pursuant to § 32650, if that person is acting within the course and scope of their activities as a licensee and in accordance with the terms and conditions of the permit.

(12) A firearm regulated pursuant to Article 2 (commencing with § 33300) of Chapter 8 of Division 10 acquired by a person who holds a permit issued pursuant to § 33300, if that person is acting within the course and scope of their activities as a licensee and in accordance with the terms and conditions of the permit.

(13) The importation of a firearm into the state, bringing a firearm into the state, or transportation of a firearm into the state, that is regulated by any of the following statutes, if the acquisition of that firearm occurred outside of California and is conducted in accordance with the applicable provisions of the following statutes:

(A) Chapter 1 (commencing with § 18710) of Division 5 of Title 2, relating to destructive devices and explosives.

(B) Section 24410, relating to cane guns.

(C) Section 24510, relating to firearms that are not immediately recognizable as firearms.

(D) Sections 24610 and 24680, relating to undetectable firearms.

(E) Section 24710, relating to wallet guns.

(F) Chapter 2 (commencing with § 30500) of Division 10, relating to assault weapons.

(G) Section 31500, relating to unconventional pistols.

(H) Sections 33215 to 33225, inclusive, relating to short-barreled rifles and short-barreled shotguns.

(I) Chapter 6 (commencing with § 32610) of Division 10, relating to machineguns.

(J) Section 33600, relating to zip guns, and the exemptions in Chapter 1 (commencing with § 17700) of Division 2 of Title 2, as they relate to zip guns.

(14) The importation, transportation, or bringing of a firearm into the state by a person who meets any of the following criteria:

(A) The person is listed in the registry set forth in Section 11106 as the owner of the firearm.

(B) The person has been issued documentation by the Department of Justice pursuant to subdivision (b) of Section 11106 that indicates the person is listed in the centralized registry as owning that firearm.

(C) The person has a copy of a Dealer's Record of Sale that shows that the person received that firearm from the dealer listed in that Dealer's Record of Sale and is listed as the owner of the firearm.

(D) If the firearm is a handgun, the person has a license to carry that handgun pursuant to Chapter 4 (commencing with Section 26150) of Division 5 and the person is licensed to carry that handgun.

(15) A licensed common carrier or an authorized agent or employee of a licensed common carrier, when acting in the course and scope of duties incident to the delivery of or receipt of that firearm in accordance with federal law.

(c) The provisions of this section are cumulative and do not restrict the application of any other law. However, an act or omission punishable in different ways by this section and different provisions of this code shall not be punished under more than one provision.

Section 27590. Punishment for violation of article.

(a) Except as provided in subdivision (b), (c), or (e), a violation of this article is a misdemeanor.

(b) If any of the following circumstances apply, a violation of this article is punishable by imprisonment pursuant to subdivision (h) of § 1170 for 2, 3, or 4 years:

(1) If the violation is of subdivision (a) of § 27500.

(2) If the defendant has a prior conviction of violating the provisions, other than § 27535, § 27560 involving a firearm that is not a handgun, or § 27565 involving a firearm that is not a handgun, of this article or former § 12100 of this code, as § 12100 read at any time from when it was enacted by § 3 of Chapter 1386 of the Statutes of 1988 to when it was repealed by § 18 of Chapter 23 of the Statutes of 1994, or § 8101 of the Welfare and Institutions Code.

(3) If the defendant has a prior conviction of violating any offense specified in § 29905 or of a violation of § 32625 or 33410, or of former § 12560, as that section read at any time from when it was enacted by § 4 of Chapter 931 of the Statutes of 1965 to when it was repealed by § 14 of Chapter 9 of the Statutes of 1990, or of any provision listed in § 16590.

(4) If the defendant is in a prohibited class described in Chapter 2 (commencing with § 29800) or Chapter 3 (commencing with § 29900) of Division 9 of this title, or § 8100 or 8103 of the Welfare and Institutions Code.

(5) A violation of this article by a person who actively participates in a "criminal street gang" as defined in § 186.22.

(6) A violation of § 27510 involving the delivery of any firearm to a person who the dealer knows, or should know, is a minor.

(c) If any of the following circumstances apply, a violation of this article shall be punished by imprisonment in a county jail not exceeding 1 year or pursuant to subdivision (h) of § 1170, or by a fine not to exceed \$1,000, or by both that fine and imprisonment:

(1) A violation of § 27515, 27520, or subdivision (b) of § 27500.

(2) A violation of § 27505 involving the sale, loan, or transfer of a handgun to a minor.

(3) A violation of § 27510 involving the delivery of a handgun.

(4) A violation of subdivision (a), (c), (d), (e), or (f) of § 27540 involving a handgun.

(5) A violation of § 27545 involving a handgun.

(6) A violation of § 27550.

(7) A violation of § 27585 involving a handgun.

(d) If both of the following circumstances apply, an additional term of imprisonment pursuant to subdivision (h) of § 1170 for 1, 2, or 3 years shall be imposed in addition and consecutive to the sentence prescribed:

(1) A violation of § 27510 or subdivision (b) of § 27500.

(2) The firearm transferred in violation of § 27510 or subdivision (b) of § 27500 is used in the subsequent commission of a felony for which a conviction is obtained and the prescribed sentence is imposed.

(e)

(1) A first violation of § 27535 is an infraction punishable by a fine of \$50.

(2) A second violation of § 27535 is an infraction punishable by a fine of \$100.

(3) A third or subsequent violation of § 27535 is a misdemeanor.

(4)

(A) Until July 1, 2021, for purposes of this subdivision, each application to purchase a handgun in violation of § 27535 is a separate offense.

(B) Commencing July 1, 2021, for purposes of this subdivision, each application to purchase a handgun or semiautomatic centerfire rifle in violation of Section 27535 is a separate offense.

Article 2 – Exceptions Relating to Law Enforcement

Section 27600. Exception for transfer to authorized law enforcement representative; Destruction of institutional weapon.

(a) Article 1 (commencing with § 27500) does not apply to any sale, delivery, or transfer of firearms made to, or the importation of firearms by, an authorized law enforcement representative of any city, county, city and county, or state, or of the federal government, for exclusive use by that governmental agency if, prior to the sale, delivery, transfer, or importation of these firearms, written authorization from the head of the agency authorizing the transaction is presented to the person from whom the purchase, delivery, or transfer is being made or from whom the firearm is being imported.

(b) Proper written authorization is defined as verifiable written certification from the head of the agency by which the purchaser or transferee is employed, identifying the employee as an individual authorized to conduct the transaction, and authorizing the transaction for the exclusive use of the agency by which that person is employed.

(c) Within 10 days of the date a firearm is acquired by the agency, a record of the same shall be entered as an institutional weapon into the AFS via the CLETS by the law enforcement or state agency. Any agency without access to the AFS shall arrange with the sheriff of the county in which the agency is located to input this information via this system.

(d) Any agency that is the registered owner of an institutional weapon in accordance with subdivision (c) that subsequently destroys that weapon shall enter information that the weapon has been destroyed into the AFS via the CLETS within 10 days of the destruction in accordance with procedures prescribed by the Department of Justice. Any agency without access to the AFS shall arrange with the sheriff of the county in which the agency is located to input this information via this system.

Section 27605. Loan of firearm by law enforcement representative to peace officer; application of Article 1.

Article 1 (commencing with § 27500) does not apply to the loan of a firearm if all of the following conditions are satisfied:

(a) The loan is made by an authorized law enforcement representative of a city, county, or city and county, or of the state or federal government.

(b) The loan is made to a peace officer employed by that agency and authorized to carry a firearm.

(c) The loan is made for the carrying and use of that firearm by that peace officer in the course and scope of the officer's duties.

Section 27610. Exception for transfer by law enforcement agency to peace officer.

(a) Article 1 (commencing with § 27500) does not apply to the sale, delivery, or transfer of a firearm by a law enforcement agency to a peace officer pursuant to § 10334 of the Public Contract Code.

(b) Within 10 days of the date that a handgun, and commencing January 1, 2014, any firearm, is sold, delivered, or transferred pursuant to § 10334 of the Public Contract Code to that peace officer, the name of the officer and the make, model, serial number, and other identifying characteristics of the firearm being sold, delivered, or transferred shall be entered into the AFS via the CLETS by the law enforcement or state agency that sold, delivered, or transferred the firearm, provided, however, that if the firearm is not a handgun and does not have a serial number, identification number, or identification mark assigned to it, that fact shall be noted in AFS. Any agency without access to AFS shall arrange with the sheriff of the county in which the agency is located to input this information via this system.

Section 27615. Sale, delivery, or transfer of firearm by law enforcement agency to retiring peace officer; application of Article 1; entry into Automated Firearms System..

(a) Article 1 (commencing with § 27500) does not apply to the sale, delivery, or transfer of a firearm by a law enforcement agency to a retiring peace officer who is authorized to carry a firearm pursuant to Chapter 5 (commencing with § 26300) of Division 5.

(b) Within 10 days of the date that a handgun, and commencing January 1, 2014, any firearm, is sold, delivered, or transferred to that retiring peace officer, the name of the officer and the make, model, serial number, and other identifying characteristics of the firearm being sold, delivered, or transferred shall be entered into the AFS via the CLETS by the law enforcement or state agency that sold, delivered, or transferred the firearm, provided, however, that if the firearm is not a handgun and does not have a serial number, identification number, or identification mark assigned to it, that fact shall be noted in AFS. Any agency without access to AFS shall arrange with the sheriff of the county in which the agency is located to input this information via this system.

Section 27620. Section 27545 not applicable to some sales or transfers.

Section 27545 does not apply to the sale, delivery, or transfer of a firearm when made by an authorized law enforcement representative of a city, county, city and county, or of the state or federal government, if all of the following conditions are met:

(a) The sale, delivery, or transfer is made to one of the following:

(1) A wholesaler.

(2) A manufacturer or importer of firearms or ammunition licensed to engage in that business pursuant to Chapter 44 (commencing with § 921) of Title 18 of the United States Code and the regulations issued pursuant thereto.

(b) The sale, delivery, or transfer of the firearm is not subject to the procedures set forth in § 18000, 18005, 34000, or 34005.

(c) Within 10 days of the date that any firearm is delivered pursuant to this section, the governmental agency has entered a record of the delivery into the AFS via the CLETS. Any agency without access to the AFS shall arrange with the sheriff of the county in which the agency is located to input this information via this system.

Article 3 – Exceptions Extending Only to Waiting Period

Section 27650. Exception to waiting period for transfer to peace officer.

(a) The waiting period described in § 27540 does not apply to the sale, delivery, or transfer of firearms made to any person who satisfies both of the following requirements:

(1) The person is properly identified as a full-time paid peace officer, as defined in Chapter 4.5 (commencing with § 830) of Title 3 of Part 2.

(2) The officer's employer has authorized the officer to carry firearms while in the performance of duties.

(b)

(1) Proper identification is defined as verifiable written certification from the head of the agency by which the purchaser or transferee is employed, identifying the purchaser or transferee as a peace officer who is authorized to carry firearms while in the performance of duties, and authorizing the purchase or transfer.

(2) The certification shall be delivered to the dealer at the time of purchase or transfer and the purchaser or transferee shall identify himself or herself as the person authorized in the certification.

(3) The dealer shall keep the certification with the record of sale.

(4) On the date that the sale, delivery, or transfer is made, the dealer delivering the firearm shall transmit to the Department of Justice an electronic or telephonic report of the transaction as is indicated in § 28160 or 28165.

Section 27655. Exception to waiting period for transfer of firearm other than handgun at auction or similar event [Repealed]

Section 27660. Exception to waiting period for transfer by dealer.

(a) The waiting period described in § 27540 does not apply to the sale, delivery, or transfer of a handgun, and commencing January 1, 2014, any firearm, by a dealer in either of the following situations:

(1) The dealer is delivering the firearm to another dealer, the firearm is not intended as merchandise in the receiving dealer's business, and the requirements of subdivisions (b) and (c) are satisfied.

(2) The dealer is delivering the firearm to himself or herself, the firearm is not intended as merchandise in the dealer's business, and the requirements of subdivision (c) are satisfied.\

(b) If the dealer is receiving the firearm from another dealer, the dealer receiving the firearm shall present proof to the dealer delivering the firearm that the receiving dealer is licensed pursuant to Article 1 (commencing with § 26700) and Article 2 (commencing with § 26800). This shall be done by complying with § 27555.

(c)

(1) Regardless of whether the dealer is selling, delivering, or transferring the firearm to another dealer or to himself or herself, on the date that the application to purchase is completed, the dealer delivering the firearm shall forward by prepaid mail to the Department of Justice a report of the application and the type of information concerning the purchaser or transferee as is indicated in § 28160.

(2) Where electronic or telephonic transfer of applicant information is used, on the date that the application to purchase is completed, the dealer delivering the firearm shall transmit an electronic or telephonic report of the application and the type of information concerning the purchaser or transferee as is indicated in § 28160.

Section 27665. Exception to waiting period for transfer to holder of special weapons permit.

(a) The waiting period described in § 27540 does not apply to the sale, delivery, or transfer of a firearm to the holder of a special weapons permit issued by the Department of Justice pursuant to § 32650 or 33300, pursuant to Article 3 (commencing with § 18900) of Chapter 1 of Division 5 of Title 2, or pursuant to Article 4 (commencing with § 32700) of Chapter 6 of Division 10.

(b) On the date that the application to purchase is completed, the dealer delivering the firearm shall transmit to the Department of Justice an electronic or telephonic report of the application as is indicated in § 28160 or 28165, as applicable.

Section 27670. Exception to waiting period for transfer of curio or relic.

(a) The waiting period described in § 27540 does not apply to the sale, delivery, loan, or transfer of a firearm if all of the following conditions are satisfied:

(1) The firearm is a curio or relic, as defined in § 478.11 of Title 27 of the CFR, or its successor.

(2) The sale, delivery, loan, or transfer is made by a dealer.

(3) The sale, delivery, loan, or transfer is made to a person who is licensed as a collector pursuant to Chapter 44 (commencing with § 921) of Title 18 of the United States Code and the regulations issued pursuant thereto.

(4) The licensed collector has a current certificate of eligibility issued by the Department of Justice pursuant to § 26710.

(b) On the date that the sale, delivery, or transfer is made, the dealer delivering the firearm shall transmit to the Department of Justice an electronic or telephonic report of the transaction as is indicated in § 28160 or 28165.

Article 4 – Exceptions to Restrictions on Delivery of a Firearm

Section 27700. Exception for transfer between licensed importers or manufacturers.

Section 27540 does not apply to sales, deliveries, or transfers of firearms between or to importers and manufacturers of firearms licensed to engage in that business pursuant to Chapter 44 (commencing with § 921) of Title 18 of the United States Code and the regulations issued pursuant thereto.

Section 27705. Exception for delivery to gunsmith for repair.

Section 27540 does not apply to the delivery of a firearm to a gunsmith for service or repair, or to the return of the firearm to its owner by the gunsmith, or to the delivery of a firearm by a gunsmith to a person licensed pursuant to Chapter 44 (commencing with § 921) of Title 18 of the United States Code for service or repair and the return of the firearm to the gunsmith.

Section 27715. Exception for delivery of unloaded firearm to out-of-state resident.

Section 27540 does not apply to the sale, delivery, or transfer of unloaded firearms by a dealer to a person who resides outside this state and is licensed pursuant to Chapter 44 (commencing with § 921) of Title 18 of the United States Code and the regulations issued pursuant thereto.

Section 27720. Exception for delivery of unloaded firearm to out-of-state resident.

Section 27540 does not apply to the sale, delivery, or transfer of unloaded firearms to a wholesaler if the firearms are being returned to the wholesaler and are intended as merchandise in the wholesaler's business.

Section 27725. Exception for delivery of unloaded firearm between dealers intended as merchandise.

Section 27540 does not apply to the sale, delivery, or transfer of firearms if all of the following conditions are satisfied:

(a) The firearms are unloaded.

(b) The sale, delivery, or transfer is made by one dealer to another dealer, upon proof of compliance with the requirements of § 27555.

(c) The firearms are intended as merchandise in the receiving dealer's business.

Section 27730. Exception for delivery of unloaded firearm other than handgun from dealer to self.

Until January 1, 2014, § 27540 does not apply to the sale, delivery, or transfer of an unloaded firearm, other than a handgun, by a dealer to himself or herself.

Section 27735. Exception for loan from dealer who operates target facility for use at that facility.

Section 27540 does not apply to the loan of an unloaded firearm by a dealer who also operates a target facility that holds a business or regulatory license on the premises of the building designated in the license or whose building designated in the license is on the premises of any club or organization organized for the purposes of practicing shooting at targets upon established ranges, whether public or private, to a person at that target facility or that club or organization, if the firearm is at all times kept within the premises of the target range or on the premises of the club or organization.

Section 27740. Exception for transfer that complies with requirements for specified weapons.

Section 27540 does not apply to the sale, delivery, or transfer of a firearm regulated pursuant to any of the following statutes, if the sale, delivery, or transfer of that firearm is conducted in accordance with the applicable provisions of the statute:

(a) Chapter 1 (commencing with § 18710) of Division 5 of Title 2, relating to destructive devices and explosives.

(b) Section 24410, relating to cane guns, and the exemptions in Chapter 1 (commencing with § 17700) of Title 2, as they relate to cane guns.

(c) Section 24510, relating to firearms that are not immediately recognizable as firearms, and the exemptions in Chapter 1 (commencing with § 17700) of Title 2, as they relate to firearms that are not immediately recognizable as firearms.

(d) Sections 24610 and 24680, relating to undetectable firearms, and the exemptions in Chapter 1 (commencing with § 17700) of Title 2, as they relate to undetectable firearms.

(e) Section 24710, relating to wallet guns, and the exemptions in Chapter 1 (commencing with § 17700) of Title 2, as they relate to wallet guns.

(f) Chapter 2 (commencing with § 30500) of Division 10, relating to assault weapons.

(g) Section 31500, relating to unconventional pistols, and the exemptions in Chapter 1 (commencing with § 17700) of Title 2, as they relate to unconventional pistols.

(h) Sections 33215 to 33225, inclusive, relating to short-barreled rifles and short-barreled shotguns, and the exemptions in Chapter 1 (commencing with § 17700) of Title 2, as they relate to short-barreled rifles and short-barreled shotguns.

(i) Chapter 6 (commencing with § 32610) of Division 10, relating to machineguns.

(j) Section 33600, relating to zip guns, and the exemptions in Chapter 1 (commencing with § 17700) of Title 2, as they relate to zip guns.

Section 27745. Exception for loan by dealer to holder of entertainment firearms permit.

(a) Section 27540 does not apply to the loan of a firearm if all of the following conditions are satisfied:

(1) The firearm is unloaded.

(2) The loan is made by a dealer.

(3) The loan is made to a person who possesses a valid entertainment firearms permit issued pursuant to Chapter 2 (commencing with § 29500) of Division 8.

(4) The firearm is loaned solely for use as a prop in a motion picture, television, video, theatrical, or other entertainment production or event.

(b) The dealer shall retain a photocopy of the entertainment firearms permit as proof of compliance with this requirement.

Section 27750. Exception for loan to consultant-evaluator.

(a) Section 27540 does not apply to the loan of an unloaded firearm to a consultant-evaluator by a person licensed pursuant to §§ 26700 to 26915, inclusive, if the loan does not exceed 45 days from the date of delivery.

(b) At the time of the loan, the consultant-evaluator shall provide the following information, which the dealer shall retain for 2 years:

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

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

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

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

Article 5 – Exceptions to the Requirement of Obtaining a Verification Number

Section 27805. Exception for loan as prop to holder of entertainment firearms permit.

(a) Section 27555 does not apply to the loan of a firearm if all of the following conditions are satisfied:

(1) The firearm is unloaded.

(2) The loan is made by a dealer.

(3) The loan is made to a person who possesses a valid entertainment firearms permit issued pursuant to Chapter 2 (commencing with § 29500) of Division 8.

(4) The firearm is loaned solely for use as a prop in a motion picture, television, video, theatrical, or other entertainment production or event.

(b) The dealer shall retain a photocopy of the entertainment firearms permit as proof of compliance with this requirement.

Section 27810. Exception for loan as prop to federal firearms licensee.

(a) Section 27555 does not apply to the loan of a firearm if all of the following requirements are satisfied:

(1) The firearm is unloaded.

(2) The loan is made by a person who is not a dealer but is a federal firearms licensee pursuant to Chapter 44 of Title 18 (commencing with § 921) of the United States Code.

(3) The loan is made to a person who possesses a valid entertainment firearms permit issued pursuant to Chapter 2 (commencing with § 29500) of Division 8.

(4) The firearm is loaned for use solely as a prop in a motion picture, television, video, theatrical, or other entertainment production or event.

(b) The person loaning the firearm pursuant to this section shall retain a photocopy of the entertainment firearms permit as proof of compliance with this requirement.

Section 27815. Exception for loan to consultant-evaluator.

(a) Section 27555 does not apply to the loan of an unloaded firearm to a consultant-evaluator by a person licensed pursuant to §§ 26700 to 26915, inclusive, if the loan does not exceed 45 days from the date of delivery.

(b) At the time of the loan, the consultant-evaluator shall provide the following information, which the dealer shall retain for 2 years:

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

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

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

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

Section 27820. Exception for transfers to licensed collector or importer or manufacturer of ammunition.

(a) Section 27555 does not apply to the sale, loan, or transfer of a firearm by or to a person who is licensed as a collector pursuant to Chapter 44 (commencing with Section 921) of Title 18 of the United States Code and the regulations issued pursuant thereto who is not otherwise licensed as a dealer, manufacturer, or importer of firearms licensed to engage in

that business pursuant to Chapter 44 (commencing with Section 921) of Title 18 of the United States Code and the regulations issued pursuant thereto.

(b) Section 27555 does not apply to the sale, loan, or transfer of a firearm if both of the following conditions apply:

(1) The sale, loan, or transfer is by or to a person who is licensed as an importer or manufacturer of ammunition licensed to engage in business pursuant to Chapter 44 (commencing with Section 921) of Title 18 of the United States Code and the regulations issued pursuant thereto.

(2) The person selling, loaning, or transferring the firearm or purchasing that firearm, being transferred that firearm, or being loaned that firearm is not also licensed as an importer or manufacturer of firearms who is licensed to engage in business pursuant to Chapter 44 (commencing with Section 921) of Title 18 of the United States Code and the regulations issued pursuant thereto.

Section 27825. Exception for transfer to gunsmith for repair.

Section 27555 does not apply to the delivery of a firearm to a gunsmith for service or repair, or to the return of the firearm to its owner by the gunsmith, or to the delivery of a firearm by a gunsmith to a person licensed pursuant to Chapter 44 (commencing with § 921) of Title 18 of the United States Code for service or repair and the return of the firearm to the gunsmith.

Section 27830. Exception where transferor and transferee are same person or corporation.

Section 27555 does not apply where the transferor and the transferee are the same person or corporation.

Section 27835. Exception for transfer to entertainment permit holder for use as prop.

Section 27555 does not apply where the transfer is to or from a person who has a valid entertainment firearms permit and the transfer involves the loan or return of a firearm used solely as a prop in a television, film, or theatrical production.

Article 6 – Exceptions to the Requirement of Using a Dealer for a Private Party Firearms Transaction

Section 27850. Exception for transfer to authorized representative of government for government disposal.

(a) Section 27545 does not apply to a sale, delivery, or transfer of firearms if both of the following requirements are satisfied:

(1) The sale, delivery, or transfer is to an authorized representative of a city, city and county, county, or state government, or of the federal government, and is for the governmental entity.

(2) The entity is acquiring the weapon as part of an authorized, voluntary program in which the entity is buying or receiving weapons from private individuals.

(b) Any weapons acquired pursuant to this section shall be disposed of pursuant to the applicable provisions of § 34000 or §§ 18000 and 18005.

Section 27855. Exception for transfer by authorized representative of government to historical collection.

Section 27545 does not apply to the sale, delivery, loan, or transfer of a firearm made by an authorized law enforcement representative of a city, county, city and county, or state, or of the federal government, to any public or private nonprofit historical society, museum, or institutional collection, or the purchase or receipt of that firearm by that public or private nonprofit historical society, museum, or institutional collection, if all of the following conditions are met:

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

(b) The firearm prior to delivery is deactivated or rendered inoperable.

(c) The firearm is not subject to any of the following:

(1) Sections 18000 and 18005.

(2) Division 4 (commencing with § 18250) of Title 2.

(3) Section 34000.

(4) Sections 34005 and 34010.

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

(e) Prior to delivery, the entity receiving the firearm submits a written statement to the law enforcement representative stating that the firearm will not be restored to operating condition, and will either remain with that entity, or if subsequently disposed of, will be transferred in accordance with the applicable provisions listed in § 16575 and, if applicable, with § 31615.

(f) Within 10 days of the date that the firearm is sold, loaned, delivered, or transferred to that entity, all of the following information shall be reported to the department in a manner prescribed by the department:

- (1) The name of the government entity delivering the firearm.
- (2) The make, model, serial number, and other identifying characteristics of the firearm.
- (3) The name of the person authorized by the entity to take possession of the firearm.

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

Section 27860. Additional exception for transfer by authorized representative of government to historical collection.

Section 27545 does not apply to the sale, delivery, loan, or transfer of a firearm made by any person other than a representative of an authorized law enforcement agency to any public or private nonprofit historical society, museum, or institutional collection, if all of the following conditions are met:

- (a) The entity receiving the firearm is open to the public.
- (b) The firearm is deactivated or rendered inoperable prior to delivery.
- (c) The firearm is not of a type prohibited from being sold, delivered, or transferred to the public.
- (d) Prior to delivery, the entity receiving the firearm submits a written statement to the person selling, loaning, or transferring the firearm stating that the firearm will not be restored to operating condition, and will either remain with that entity, or if subsequently disposed of, will be transferred in accordance with the applicable provisions listed in § 16575 and, if applicable, with § 31615.
- (e) If title to a handgun, and commencing January 1, 2014, any firearm, is being transferred to the public or private nonprofit historical society, museum, or institutional collection, then the designated representative of that entity shall, within 30 days of taking possession of that firearm, forward by prepaid mail or deliver in person to the Department of Justice, a single report signed by both parties to the transaction, which includes all of the following information:

- (1) Information identifying the person representing the public or private historical society, museum, or institutional collection.
- (2) Information on how title was obtained and from whom.
- (3) A description of the firearm in question.
- (4) A copy of the written statement referred to in subdivision (d).

(f) The report forms that are to be completed pursuant to this section shall be provided by the Department of Justice.

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

Section 27865. Sale, delivery, or transfer of firearms between or to importers or manufacturers; application of Section 27545.

Section 27545 does not apply to sales, deliveries, or transfers of firearms between or to importers and manufacturers of firearms licensed to engage in that business pursuant to Chapter 44 (commencing with § 921) of Title 18 of the United States Code and the regulations issued pursuant thereto.

Section 27875. Additional exception for transfer between immediate family members by gift, bequest, intestate succession or similar.

(a) Section 27545 does not apply to the transfer of a firearm by gift, bequest, intestate succession, or other means from one individual to another, if all of the following requirements are met:

- (1) The transfer is infrequent, as defined in § 16730.
- (2) The transfer is between members of the same immediate family.
- (3) Within 30 days of taking possession of the firearm, the person to whom it is transferred shall submit a report to the Department of Justice, in a manner prescribed by the department, that includes information concerning the individual taking possession of the firearm, how title was obtained and from whom, and a description of the firearm in question. The reports that individuals complete pursuant to this subdivision shall be made available to them in a format prescribed by the department.

(4) Until January 1, 2015, the person taking title to the firearm shall first obtain a valid handgun safety certificate if the firearm is a handgun, and commencing January 1, 2015, a valid firearm safety certificate for any firearm, except that in the case of a handgun, a valid unexpired handgun safety certificate may be used.

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

(b) Subdivision (a) of § 27585 does not apply to a person who imports a firearm into this state, brings a firearm into this state, or transports a firearm into this state if all of the following requirements are met:

(1) The person acquires ownership of the firearm from an immediate family member by bequest or intestate succession.

(2) The person has obtained a valid firearm safety certificate, except that in the case of a handgun, a valid unexpired handgun safety certificate may be used.

(3) The receipt of any firearm by the individual by bequest or intestate succession is infrequent, as defined in § 16730.

(4) The person acquiring ownership of the firearm by bequest or intestate succession is 18 years of age or older.

(5) Within 30 days of that person taking possession of the firearm and importing, bringing, or transporting it into this state, the person shall submit a report to the Department of Justice, in a manner prescribed by the department, that includes information concerning the individual taking possession of the firearm, how title was obtained and from whom, and a description of the firearm in question. The reports that individuals complete pursuant to this subdivision shall be made available to them in a format prescribed by the department.

Section 27880. Exception for loan to spouse, registered domestic partner, or specified relation.

Section 27545 does not apply to the loan of a firearm, if all of the following requirements are satisfied:

(a) The loan is to a spouse, registered domestic partner, or any of the following relations, whether by consanguinity, adoption, or steprelation:

(1) Parent.

(2) Child.

(3) Sibling.

(4) Grandparent.

(5) Grandchild.

(b) The loan is infrequent, as defined in § 16730.

(c) The loan is for any lawful purpose.

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

(e) Until January 1, 2015, if the firearm is a handgun, the individual being loaned the firearm shall have a valid handgun safety certificate. Commencing January 1, 2015, for any firearm, the individual being loaned the firearm shall have a valid firearm safety certificate, except that in the case of a handgun, an unexpired handgun safety certificate may be used.

(f) If the firearm being loaned is a handgun, the handgun is registered to the person making the loan pursuant to section 11106.

Section 27885. Exception for loan between individuals under specified circumstances.

Section 27545 does not apply to the loan of a firearm if all of the following conditions exist:

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

(b) The loan is for a lawful purpose.

(c) The loan does not exceed 3 days in duration.

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

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

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

Section 27890. Exception for transfer for repair.

Section 27545 does not apply to the delivery of a firearm to a gunsmith for service or repair, or to the return of the firearm to its owner by the gunsmith, or to the delivery of a firearm by a gunsmith to a person licensed pursuant to Chapter 44

(commencing with § 921) of Title 18 of the United States Code for service or repair and the return of the firearm to the gunsmith.

Section 27895. Sale, delivery, or transfer of firearms by person in state to person outside of state; application of Section 27545.

Section 27545 does not apply to the sale, delivery, or transfer of firearms if all of the following requirements are satisfied:

- (a) The sale, delivery, or transfer is made by a person who resides in this state.
- (b) The sale, delivery, or transfer is made to a person who resides outside this state and is licensed pursuant to Chapter 44 (commencing with Section 921) of Title 18 of the United States Code and the regulations issued pursuant thereto.
- (c) The sale, delivery, or transfer is in accordance with Chapter 44 (commencing with Section 921) of Title 18 of the United States Code and the regulations issued pursuant thereto.

Section 27900. Loan of firearm other than handgun at certain auctions, raffles, or similar events; application of Section 27545.

Section 27545 does not apply to the loan of a firearm other than a handgun at an auction, raffle, or similar event conducted by a nonprofit public benefit or mutual benefit corporation organized pursuant to the Corporations Code if all of the following apply:

- (a) The firearm at all times remains on the premises where the auction, raffle, or similar event occurs.
- (b) The firearm is to be auctioned, raffled, or otherwise sold for the benefit of that nonprofit public benefit or mutual benefit corporation.
- (c) The firearm, when sold or otherwise transferred, is delivered to a person licensed pursuant to, and operating in accordance with, Sections 26700 to 26915, inclusive, for sale or other transfer to the person who purchased or otherwise acquired ownership of the firearm.

Section 27905. Exception for transfer for auction or similar event.

Section 27545 does not apply to the transfer of a firearm if all of the following requirements are satisfied:

- (a) The firearm is not a handgun.
- (b) The firearm is donated for an auction or similar event described in § 27900.
- (c) The firearm is delivered to the nonprofit corporation immediately preceding, or contemporaneous with, the auction or similar event.

Section 27910. Exception for loan at target facility for use at target facility.

Section 27545 does not apply to the loan of a firearm to a person 18 years of age or older for the purposes of shooting at targets if the loan occurs on the premises of a target facility that holds a business or regulatory license or on the premises of any club or organization organized for the purposes of practicing shooting at targets upon established ranges, whether public or private, if the firearm is at all times kept within the premises of the target range or on the premises of the club or organization.

Section 27920. Exception for taking possession of firearm by operation of law.

(a) Section 27545 does not apply to a person who takes title or possession of a firearm by operation of law if the person is not prohibited by state or federal law from possessing, receiving, owning, or purchasing a firearm and all of the following conditions are met:

(1) If the person taking title or possession is neither a levying officer as defined in § 481.140, 511.060, or 680.260 of the Code of Civil Procedure, nor a person who is receiving that firearm pursuant to subdivision (g), (h), (i), (j), (j), (l), or (q) of § 16990, the person shall, within 30 days of taking possession, submit a report to the Department of Justice, in a manner prescribed by the department, that includes information concerning the individual taking possession of the firearm, how title or possession was obtained and from whom, and a description of the firearm in question.

(2) If the person taking title or possession is receiving the firearm pursuant to subdivision (g) (h), (l), or (q) of § 16990, the person shall do both of the following:

(A) Within 30 days of taking possession, submit a report to the Department of Justice, in a manner prescribed by the department, that includes information concerning the individual taking possession of the firearm, how title or possession was obtained and from whom, and a description of the firearm in question.

(B) Prior to taking title or possession of the firearm, the person shall obtain a valid firearm safety certificate, except that in the case of a handgun, a valid unexpired handgun safety certificate may be presented.

(3) Where the person receiving title or possession of the firearm is a person described in subdivision (i) of § 16990, on the date that the person is delivered the firearm, the name and other information concerning the person taking possession of the firearm, how title or possession of the firearm was obtained and from whom, and a description of the firearm by make, model, serial number, and other identifying characteristics shall be entered into the AFS via the CLETS by the law enforcement or state agency that transferred or delivered the firearm, provided, however, that if the firearm is not a handgun and does not have a serial number, identification number, or identification mark assigned to it, that fact shall be noted in AFS. An agency without access to AFS shall arrange with the sheriff of the county in which the agency is located to input this information via this system.

(4) Where the person receiving title or possession of the firearm is a person described in subdivision (j) of § 16990, on the date that the person is delivered the firearm, the name and other information concerning the person taking possession of the firearm, how title or possession of the firearm was obtained and from whom, and a description of the firearm by make, model, serial number, and other identifying characteristics shall be entered into the AFS via the CLETS by the law enforcement or state agency that transferred or delivered the firearm, provided, however, that if the firearm is not a handgun and does not have a serial number, identification number, or identification mark assigned to it, that fact shall be noted in AFS. An agency without access to AFS shall arrange with the sheriff of the county in which the agency is located to input this information via this system. In addition, that law enforcement agency shall not deliver the firearm to the person referred to in this subdivision unless, prior to the delivery of the firearm, the person presents proof to the agency that the person is the holder of a valid firearm safety certificate, except that in the case of a handgun, a valid unexpired handgun safety certificate may be presented.

(b) Subdivision (a) of § 27585 does not apply to a person who imports a firearm into this state, brings a firearm into this state, or transports a firearm into this state if all of the following requirements are met:

(1) The person acquires ownership of the firearm as an executor, personal representative, or administrator of an estate, or as the trustee of a trust that includes a firearm and that was part of a will that created the trust.

(2) If acquisition of the firearm had occurred within this state, the receipt of the firearm by the executor, personal representative, trustee, or administrator would be exempt from the provisions of § 27545 pursuant to paragraph (1) of subdivision (a).

(3) Within 30 days of taking possession of the firearm and importing, bringing, or transporting it into this state, the person shall submit a report to the Department of Justice, in a manner prescribed by the department, that includes information concerning the individual taking possession of the firearm, how title was obtained and from whom, and a description of the firearm in question.

(4) If the executor, personal representative, trustee, or administrator subsequently acquires ownership of that firearm in an individual capacity, prior to transferring ownership to themselves, they shall obtain a valid firearm safety certificate, except that in the case of a handgun, a valid unexpired handgun safety certificate may be used.

(5) The executor, personal representative, trustee, or administrator is 18 years of age or older.

(c) Subdivision (a) of § 27585 does not apply to a person who imports a firearm into this state, brings a firearm into this state, or transports a firearm into this state if all of the following requirements are met:

(1) The person acquires ownership of the firearm by bequest or intestate succession as a surviving spouse or as the surviving registered domestic partner of the decedent who owned that firearm.

(2) If acquisition of the firearm had occurred within this state, the receipt of the firearm by the surviving spouse or registered domestic partner would be exempt from the provisions of § 27545 pursuant to paragraph (2) of subdivision (a) by virtue of subdivision (h) of § 16990.

(3) Within 30 days of taking possession of the firearm and importing, bringing, or transporting it into this state, the person shall submit a report to the Department of Justice, in a manner prescribed by the department, that includes information concerning the individual taking possession of the firearm, how title was obtained and from whom, and a description of the firearm in question.

(4) The person has obtained a valid firearm safety certificate, except that in the case of a handgun, a valid unexpired handgun safety certificate may be used.

(d) Subdivision (a) of § 27585 does not apply to a person who imports a firearm into this state, brings a firearm into this state, or transports a firearm into this state if all of the following requirements are met:

(1) The firearm is imported into this country pursuant to provisions of § 925(a)(4) of Title 18 of the United States Code.

(2) The person is not subject to the requirements of § 27560.

(3) The firearm is not a firearm that is prohibited by any provision listed in § 16590.

(4) The firearm is not an assault weapon.

(5) The firearm is not a machinegun.

(6) The firearm is not a 50 BMG rifle.

(7) The firearm is not a destructive device.

(8) The person is 18 years of age or older.

(9) Within 30 days of that person taking possession of the firearm and importing, bringing, or transporting it into this state, the person shall submit a report to the Department of Justice, in a manner prescribed by the department, that includes information concerning the individual taking possession of the firearm, how title was obtained and from whom, and a description of the firearm in question.

(e) The reports that individuals complete pursuant to this section shall be made available to them in a format prescribed by the Department of Justice.

Section 27922. Exception for delivery to law enforcement agency.

(a) Section 27545 does not apply to a person who takes possession of a firearm and subsequently delivers that firearm to a law enforcement agency if all of the following requirements are met:

(1) The person found the firearm or took the firearm from a person who was committing a crime against the person who took the firearm.

(2) The person taking possession of that firearm subsequently delivers the firearm to a law enforcement agency.

(3) The person gives prior notice to the law enforcement agency that the person is transporting the firearm to the law enforcement agency for disposition according to law.

(b) Except as provided in paragraph (4) of subdivision (a) of Section 27920, any firearms that are delivered to a law enforcement agency pursuant to this section that are not subject to the applicable provisions of Sections 18000, 18005, or 34000, shall, if the person has requested the firearm and is eligible to receive it, be returned to that person in accordance with Chapter 2 (commencing with Section 33850) of Division 11.

Section 27925. Exception for taking possession by operation of law and subsequent transfer to self.

(a) Section 27545 does not apply to a person who takes possession of a firearm by operation of law in a representative capacity who subsequently transfers ownership of the firearm to himself or herself in an individual capacity.

(b) Until January 1, 2015, in the case of a handgun, the individual shall obtain a handgun safety certificate prior to transferring ownership to himself or herself, or taking possession of a handgun in an individual capacity. Beginning January 1, 2015, the individual shall obtain a firearm safety certificate prior to transferring ownership to himself or herself, or taking possession of a firearm in an individual capacity, except that in the case of a handgun, an unexpired handgun safety certificate may be used.

Section 27930. Exception for transfer upon conviction, upon taking temporary custody at scene of domestic violence, of firearm returned from custody or control of court or law enforcement, of unclaimed or abandoned firearm.

Section 27545 does not apply to deliveries, transfers, or returns of firearms made pursuant to any of the following:

(a) Sections 18000 and 18005.

(b) Division 4 (commencing with § 18250) of Title 2.

(c) Chapter 2 (commencing with § 33850) of Division 11.

(d) Sections 34005 and 34010.

(e) Section 29810.

Section 27935. Exception for transfer as merchandise to licensed wholesaler by licensed manufacturer or importer.

Section 27545 does not apply to the sale, delivery, or transfer of unloaded firearms to a wholesaler as merchandise in the wholesaler's business by a manufacturer or importer licensed to engage in that business pursuant to Chapter 44 (commencing with § 921) of Title 18 of the United States Code and the regulations issued pursuant thereto, or by another wholesaler, if the sale, delivery, or transfer is made in accordance with Chapter 44 (commencing with § 921) of Title 18 of the United States Code.

Section 27937. Exception for transfer pursuant to Section 26556.

Section 27545 does not apply to sales, deliveries, or transfers of firearms made pursuant to Section 26556.

Section 27940. Exception for transfer pursuant to provisions dealing with specified weapon.

Section 27545 does not apply to the sale, delivery, or transfer of a firearm regulated pursuant to any of the following statutes, if the sale, delivery, or transfer of that firearm is conducted in accordance with the applicable provisions of the statute:

- (a) Chapter 1 (commencing with § 18710) of Division 5 of Title 2, relating to destructive devices and explosives.
- (b) Section 24410, relating to cane guns, and the exemptions in Chapter 1 (commencing with § 17700) of Title 2, as they relate to cane guns.
- (c) Section 24510, relating to firearms that are not immediately recognizable as firearms, and the exemptions in Chapter 1 (commencing with § 17700) of Title 2, as they relate to firearms that are not immediately recognizable as firearms.
- (d) Sections 24610 and 24680, relating to undetectable firearms, and the exemptions in Chapter 1 (commencing with § 17700) of Title 2, as they relate to undetectable firearms.
- (e) Section 24710, relating to wallet guns, and the exemptions in Chapter 1 (commencing with § 17700) of Title 2, as they relate to wallet guns.
- (f) Chapter 2 (commencing with § 30500) of Division 10, relating to assault weapons.
- (g) Section 31500, relating to unconventional pistols, and the exemptions in Chapter 1 (commencing with § 17700) of Title 2, as they relate to unconventional pistols.
- (h) Sections 33215 to 33225, inclusive, relating to short-barreled rifles and short-barreled shotguns, and the exemptions in Chapter 1 (commencing with § 17700) of Title 2, as they relate to short-barreled rifles and short-barreled shotguns.
- (i) Chapter 6 (commencing with § 32610) of Division 10, relating to machineguns.
- (j) Section 33600, relating to zip guns, and the exemptions in Chapter 1 (commencing with § 17700) of Title 2, as they relate to zip guns.

Section 27945. Loan of firearm to minor in compliance with exemptions in Section 27505.

Section 27545 does not apply to the loan of a firearm to a minor in compliance with the applicable exemptions set forth in Section 27505.

Section 27950. Exception for transfer to licensed hunter.

Section 27545 does not apply to the loan of a firearm, other than a handgun, to a licensed hunter for use by that hunter for a period of time not to exceed the duration of the hunting season for which the firearm is to be used.

Section 27955. Exception for loan as prop.

Section 27545 does not apply to the loan of a firearm if all of the following requirements are satisfied:

- (a) The loan is infrequent, as defined in § 16730.
- (b) The firearm is unloaded.
- (c) The loan is made by a person who is neither a dealer nor a federal firearms licensee pursuant to Chapter 44 (commencing with § 921) of Title 18 of the United States Code.
- (d) The loan is made to a person 18 years of age or older.
- (e) The loan is for use solely as a prop in a motion picture, television, video, theatrical, or other entertainment production or event.

Section 27960. Exception for loan as prop to holder of valid entertainment licens.

(a) Section 27545 does not apply to the loan of a firearm if all of the following requirements are satisfied:

- (1) The firearm is unloaded.
- (2) The loan is made by a person who is not a dealer but is a federal firearms licensee pursuant to Chapter 44 (commencing with § 921) of Title 18 of the United States Code.
- (3) The loan is made to a person who possesses a valid entertainment firearms permit issued pursuant to Chapter 2 (commencing with § 29500) of Division 8.
- (4) The firearm is loaned for use solely as a prop in a motion picture, television, video, theatrical, or other entertainment production or event.

(b) The person loaning the firearm pursuant to this section shall retain a photocopy of the entertainment firearms permit as proof of compliance with this requirement.

Section 27966. Exception for transfers of firearms; Non-handgun; Curio or relic; Person receiving firearm has certificate of eligibility or is licensed as a collector; Report required.

If all of the following requirements are satisfied, § 27545 shall not apply to the sale, loan, or transfer of a firearm:

- (a) The firearm is not a handgun.
- (b) The firearm is a curio or relic, as defined in § 478.11 of Title 27 of the CFR, or its successor.
- (c) The person receiving the firearm has a current certificate of eligibility issued pursuant to § 26710.
- (d) The person receiving the firearm is licensed as a collector pursuant to Chapter 44 of Title 18 of the United States Code and the regulations issued thereto.
- (e) Within 30 days of taking possession of the firearm, the person to whom it is transferred shall forward by prepaid mail, or deliver in person to the Department of Justice, a report that includes information concerning the individual taking possession of the firearm, how title was obtained and from whom, and a description of the firearm in question. The report forms that individuals complete pursuant to this section shall be provided to them by the department.

Section 27970. Applicability of requirement for loan transaction without dealer's licenses to loan of firearm for peace officer basic training.

Section 27545 does not apply to the loan of a firearm if the loan of the firearm is to a person enrolled in the course of basic training prescribed by the Commission on Peace Officer Standards and Training, or any other course certified by the commission, for purposes of participation in the course.

Chapter 4.1 – Registration and Assignment of Firearms by Private Patrol Operators

Section 28010. Findings and declarations regarding registration and assignment of firearms by private patrol operators; Legislative intent; Definitions.

- (a) The Legislature finds and declares that current practices and statutes authorize the purchase, registration, and ownership of firearms by an individual, but not by a business entity.
- (b) It is the intent of the Legislature in enacting this chapter to allow business ownership and registration of firearms in the case of licensed Private Patrol Operators (PPOs) who are actively providing armed private contract security services. It is further the intent of the Legislature to establish procedures whereby a PPO may assign firearms it owns to its employees who are licensed to carry firearms and that assignment of a firearm by a PPO to that employee would not constitute a loan, sale, or transfer of a firearm.

Chapter 5 – Procedure for a Private Party Firearms Transaction

Section 28050. Private party firearms transaction.

- (a) A person shall complete any sale, loan, or transfer of a firearm through a person licensed pursuant to §§ 26700 to 26915, inclusive, in accordance with this chapter in order to comply with § 27545.
- (b) The seller or transferor or the person loaning the firearm shall deliver the firearm to the dealer who shall retain possession of that firearm.
- (c) The dealer shall then deliver the firearm to the purchaser or transferee or the person being loaned the firearm, if it is not prohibited, in accordance with § 27540.
- (d) If the dealer cannot legally deliver the firearm to the purchaser or transferee or the person being loaned the firearm, the dealer shall forthwith, without waiting for the conclusion of the waiting period described in §§ 26815 and 27540, return the firearm to the transferor or seller or the person loaning the firearm. The dealer shall not return the firearm to the seller or transferor or the person loaning the firearm when to do so would constitute a violation of § 27500, 27505, 27515, 27520, 27525, 27530, or 27535. If the dealer cannot legally return the firearm to the transferor or seller or the person loaning the firearm, then the dealer shall forthwith deliver the firearm to the sheriff of the county or the chief of police or other head of a municipal police department of any city or county, who shall then dispose of the firearm in the manner provided by §§ 18000, 18005, and 34000.

Section 28055. Dealer fee.

- (a) For a sale, loan, or transfer conducted pursuant to this chapter, the purchaser or transferee or person being loaned the firearm may be required by the dealer to pay a fee not to exceed ten dollars (\$10) per firearm.
- (b) For temporary storage of a firearm pursuant to subdivision (f) of Section 28050, the seller, transferor, or person loaning a firearm may be required by the dealer to pay a fee not to exceed ten dollars (\$10) per firearm.
- (c) No other fee may be charged by the dealer for a sale, loan, or transfer of a firearm conducted pursuant to this chapter, except for the applicable fees that may be charged pursuant to Sections 23690 and 28300 and Article 3 (commencing with Section 28200) of Chapter 6 and forwarded to the Department of Justice, and the fees set forth in Section 31650.

- (d) The dealer may not charge any additional fees.
- (e) Nothing in these provisions shall prevent a dealer from charging a smaller fee.

Section 28060. Regulations governing private transaction.

The Attorney General shall adopt regulations under this chapter to do all of the following:

- (a) Allow the seller or transferor or the person loaning the firearm, and the purchaser or transferee or the person being loaned the firearm, to complete a sale, loan, or transfer through a dealer, and to allow those persons and the dealer to preserve the confidentiality of those records and to comply with the requirements of this chapter and all of the following:
 - (1) Article 1 (commencing with § 26700) and Article 2 (commencing with § 26800) of Chapter 2.
 - (2) Article 1 (commencing with § 27500) of Chapter 4.
 - (3) Article 2 (commencing with § 28150) of Chapter 6.
 - (4) Article 3 (commencing with § 28200) of Chapter 6.
- (b) Record sufficient information for purposes of § 11106 in the instance where a firearm is returned to a personal firearm importer because a sale or transfer of that firearm by the personal firearm importer could not be completed.
- (c) Ensure that the register or record of electronic transfer shall state all of the following:
 - (1) The name and address of the seller or transferor of the firearm or the person loaning the firearm.
 - (2) Whether or not the person is a personal firearm importer.
 - (3) Any other information required by Article 2 (commencing with § 28150) of Chapter 6.

Section 28065. Dealer who does not deal in handguns.

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

Section 28070. Violation as misdemeanor.

A violation of this chapter by a dealer is a misdemeanor.

**Chapter 6 – Recordkeeping, Background Checks, and Fees Relating to Sale, Lease, or Transfer of Firearms
Article 1 – General Provisions Relating to the Register or the Record of Electronic or Telephonic Transfer**

Section 28100. Dealers required to keep register or record of electronic or telephonic transfer; Violation a misdemeanor.

- (a) As required by the Department of Justice, every dealer shall keep a register or record of electronic or telephonic transfer in which shall be entered the information prescribed in Article 2 (commencing with § 28150).
- (b) This section shall not apply to any of the following transactions:
 - (1) The loan of an unloaded firearm by a dealer to a person who possesses a valid entertainment firearms permit issued pursuant to Chapter 2 (commencing with § 29500) of Division 8, for use solely as a prop in a motion picture, television, video, theatrical, or other entertainment production or event.
 - (2) The delivery of an unloaded firearm by a dealer to a gunsmith for service or repair.
 - (3) Until January 1, 2014, the sale, delivery, or transfer of an unloaded firearm, other than a handgun, by a dealer to another dealer, upon proof of compliance with the requirements of § 27555.
 - (4) The sale, delivery, or transfer of an unloaded firearm by a dealer who sells, delivers, or transfers the firearm to a person who resides outside this state and is licensed pursuant to Chapter 44 (commencing with § 921) of Title 18 of the United States Code and any regulations issued pursuant thereto.
 - (5) The sale, delivery, or transfer of an unloaded firearm by a dealer to a wholesaler if that firearm is being returned to the wholesaler and is intended as merchandise in the wholesaler's business.
 - (6) The sale, delivery, or transfer of an unloaded firearm by a dealer to another dealer, upon proof of compliance with the requirements of § 27555, if the firearm is intended as merchandise in the receiving dealer's business.
 - (7) Until January 1, 2014, the sale, delivery, or transfer of an unloaded firearm, other than a handgun, by a dealer to themselves.
 - (8) The loan of an unloaded firearm by a dealer who also operates a target facility which holds a business or regulatory license on the premises of the building designated in the license or whose building designated in the license is on the premises of any club or organization organized for the purpose of practicing shooting at targets upon

established ranges, whether public or private, to a person at that target facility or club or organization, if the firearm is kept at all times within the premises of the target range or on the premises of the club or organization.

(9) The loan of an unloaded firearm by a dealer to a consultant-evaluator, if the loan does not exceed 45 days from the date of delivery of the firearm by the dealer to the consultant-evaluator.

(10) The return of an unloaded firearm to the owner of that firearm by a dealer, if the owner initially delivered the firearm to the dealer for service or repair.

(11) The sale, delivery, or transfer of an unloaded firearm by a dealer to a person licensed as an importer or manufacturer pursuant to Chapter 44 (commencing with § 921) of Title 18 of the United States Code and any regulations issued pursuant thereto.

(12) The delivery of an unloaded firearm to a law enforcement agency pursuant to subdivision (e) or (f) of Section 28050.

(c) A violation of this section is a misdemeanor.

Article 3 – Submission of Fees and Firearm Purchaser Information to the Department of Justice

Section 28200. Definitions.

As used in this article, the following words have the following meanings:

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

(b) **"Purchaser"** means the purchaser or transferee of a firearm or the person being loaned a firearm.

(c) **"Sale"** means the sale, loan, or transfer of a firearm.

(d) **"Seller"** means, if the transaction is being conducted pursuant to Chapter 5 (commencing with § 28050), the person selling, loaning, or transferring the firearm.

Section 28205. Method of submission of information.

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

Section 28210. Use and contents of register.

(a)

(1) Where the register is used, the purchaser of any firearm shall be required to present to the dealer clear evidence of the person's identity and age.

(2) The dealer shall require the purchaser to sign the purchaser's current legal name and affix the purchaser's residence address and date of birth to the register in quadruplicate.

(3) The salesperson shall sign the register in quadruplicate, as a witness to the signature and identification of the purchaser.

(b) Any person furnishing a fictitious name or address, knowingly furnishing any incorrect information, or knowingly omitting any information required to be provided for the register shall be punished as provided in § 28250.

(c)

(1) The original of the register shall be retained by the dealer in consecutive order.

(2) Each book of 50 originals shall become the permanent register of transactions, which shall be retained for not less than 3 years from the date of the last transaction.

(3) For the sale or transfer of a firearm to a person under 21 years of age pursuant to subdivision (b) of Section 27510, the salesperson shall visually inspect the hunting license to confirm that it is valid and unexpired and shall record the document number, GO ID, and dates valid.

(4) Upon presentation of proper identification, the permanent register of transactions shall be available for inspection by any peace officer, Department of Justice employee designated by the Attorney General, or agent of the federal Bureau of Alcohol, Tobacco, Firearms and Explosives. Until January 1, 2014, no information shall be compiled therefrom regarding the purchasers or other transferees of firearms that are not handguns.

(d) On the date of the application to purchase, 2 copies of the original sheet of the register shall be placed in the mail, postage prepaid, and properly addressed to the Department of Justice.

(e)

(1) A photocopy of the register shall be provided to the purchaser by the dealer at the time of delivery of the firearm and after the dealer notes the date of delivery and the dealer's signature indicating delivery of the firearm, and the purchaser acknowledges the receipt of the firearm.

(2) The requirements of this subdivision apply if a dealer is delivering a firearm pursuant to § 27540 or Chapter 5 (commencing with § 28050).

(f) If the transaction is a private party transfer conducted pursuant to Chapter 5 (commencing with § 28050), a photocopy of the original shall be provided to the seller by the dealer at the time the register is signed by the seller. The dealer shall redact all of the purchaser's personal information, as required pursuant to subdivision (a) of § 28160 and subdivision (a) of § 28165, from the seller's copy, and the seller's personal information from the purchaser's copy.

Section 28215. Use and contents of electronic or telephonic transfer record.

(a)

(1) Where the electronic or telephonic transfer of applicant information is used, the purchaser shall be required to present to the dealer clear evidence of the person's identity and age.

(2) The dealer shall require the purchaser to sign the purchaser's current legal name to the record of electronic or telephonic transfer.

(3) The salesperson shall sign the record of electronic or telephonic transfer, as a witness to the signature and identification of the purchaser.

(4) For the sale or transfer of a firearm to a person under 21 years of age pursuant to subdivision (b) of Section 27510, the salesperson shall visually inspect the hunting license to confirm that it is valid and unexpired and shall record the document number, GO ID, and dates valid.

(5) For the sale or transfer of a firearm to a person under 21 years of age pursuant to subdivision (b) of Section 27510, or to a person without a valid firearm safety certificate pursuant to subdivision (c) of Section 31700, if the dealer or salesperson, upon visual inspection of the hunting license, is unable to confirm that it is valid and unexpired, they shall not deliver the firearm.

(b) Any person furnishing a fictitious name or address, knowingly furnishing any incorrect information, or knowingly omitting any information required to be provided for the electronic or telephonic transfer shall be punished as provided in § 28250.

(c)

(1) The original of each record of electronic or telephonic transfer shall be retained by the dealer in consecutive order.

(2) Each original shall become the permanent record of the transaction, which shall be retained for not less than 3 years from the date of the last transaction.

(3) Upon presentation of proper identification, the permanent record of the transaction shall be provided for inspection by any peace officer, Department of Justice employee designated by the Attorney General, or agent of the federal Bureau of Alcohol, Tobacco, Firearms and Explosives.

(d) On the date of the application to purchase, the record of applicant information shall be transmitted to the Department of Justice by electronic or telephonic transfer.

(e)

(1) A copy of the record of electronic or telephonic transfer shall be provided to the purchaser by the dealer at the time of delivery of the firearm and after the dealer notes the date of delivery and the dealer's signature indicating delivery of the firearm, and the purchaser acknowledges the receipt of the firearm.

(2) The requirements of this subdivision apply if a dealer is delivering a firearm pursuant to § 27540 or Chapter 5 (commencing with § 28050).

(f) If the transaction is a private party transfer conducted pursuant to Chapter 5 (commencing with § 28050), a copy shall be provided to the seller by the dealer at the time the record of electronic or telephonic transfer is signed by the seller. The dealer shall redact all of the purchaser's personal information, as required pursuant to subdivision (a) of § 28160 and subdivision (a) of § 28165, from the seller's copy, and the seller's personal information from the purchaser's copy.

Section 28250. Penalties for violation of article.

(a) Any person who does any of the following is guilty of a misdemeanor:

(1) Furnishing a fictitious name or address for the register under § 28210 or the electronic or telephonic transfer under § 28215.

(2) Knowingly furnishing any incorrect information for the register under § 28210 or the electronic or telephonic transfer under § 28215.

(3) Knowingly omitting any information required to be provided for the register under § 28210 or the electronic or telephonic transfer under § 28215.

(4) Violating any provision of this article.

(b) Notwithstanding subdivision (a), any person who is prohibited from obtaining a firearm pursuant to Chapter 2 (commencing with § 29800) or Chapter 3 (commencing with § 29900) of Division 9 of this title, or § 8100 or 8103 of the Welfare and Institutions Code, who does any of the following shall be punished by imprisonment in a county jail not exceeding one year or imprisonment pursuant to subdivision (h) of § 1170 for a term of 8, 12, or 18 months:

(1) Knowingly furnishes a fictitious name or address for the register under § 28210 or the electronic or telephonic transfer under § 28215.

(2) Knowingly furnishes any incorrect information for the register under § 28210 or the electronic or telephonic transfer under § 28215.

(3) Knowingly omits any information required to be provided for the register under § 28210 or the electronic or telephonic transfer under § 28215.

Article 5 – Exceptions Relating to Law Enforcement

Section 28400. Exceptions for transfer to authorized law enforcement representative for use by governmental agency.

(a) Article 1 (commencing with § 28100), Article 2 (commencing with § 28150), Article 3 (commencing with § 28200), and Article 4 (commencing with § 28300) do not apply to any sale, delivery, or transfer of firearms made to an authorized law enforcement representative of any city, county, city and county, or state, or of the federal government, for exclusive use by that governmental agency if, prior to the sale, delivery, or transfer of these firearms, written authorization from the head of the agency authorizing the transaction is presented to the person from whom the purchase, delivery, or transfer is being made.

(b) Proper written authorization is defined as verifiable written certification from the head of the agency by which the purchaser or transferee is employed, identifying the employee as an individual authorized to conduct the transaction, and authorizing the transaction for the exclusive use of the agency by which that person is employed.

(c) Within 10 days of the date a handgun, and commencing January 1, 2014, any firearm, is acquired by the agency, a record of the same shall be entered as an institutional weapon into the AFS via the CLETS by the law enforcement or state agency. Any agency without access to AFS shall arrange with the sheriff of the county in which the agency is located to input this information via this system.

Section 28405. Exceptions for loan to peace officer.

Article 1 (commencing with § 28100), Article 2 (commencing with § 28150), Article 3 (commencing with § 28200), and Article 4 (commencing with § 28300) do not apply to the loan of a firearm if all of the following conditions are satisfied:

(a) The loan is made by an authorized law enforcement representative of a city, county, or city and county, or of the state or federal government.

(b) The loan is made to a peace officer employed by that agency and authorized to carry a firearm.

(c) The loan is made for the carrying and use of that firearm by that peace officer in the course and scope of the officer's duties.

Section 28410. Exceptions for transfer to peace officer.

(a) Article 1 (commencing with § 28100), Article 2 (commencing with § 28150), Article 3 (commencing with § 28200), and Article 4 (commencing with § 28300) do not apply to the sale, delivery, or transfer of a firearm by a law enforcement agency to a peace officer pursuant to § 10334 of the Public Contract Code.

(b) Within 10 days of the date that a handgun, and commencing January 1, 2014, any firearm, is sold, delivered, or transferred pursuant to § 10334 of the Public Contract Code to that peace officer, the name of the officer and the make, model, serial number, and other identifying characteristics of the firearm being sold, delivered, or transferred shall be entered into the AFS via the CLETS by the law enforcement or state agency that sold, delivered, or transferred the firearm, provided, however, that if the firearm is not a handgun and does not have a serial number, identification number, or identification mark assigned to it, that fact shall be noted in AFS. Any agency without access to AFS shall arrange with the sheriff of the county in which the agency is located to input this information via this system.

Section 28415. Exceptions for transfer to retiring peace officer.

(a) Article 1 (commencing with § 28100), Article 2 (commencing with § 28150), Article 3 (commencing with § 28200), and Article 4 (commencing with § 28300) do not apply to the sale, delivery, or transfer of a firearm by a law enforcement agency to a retiring peace officer who is authorized to carry a firearm pursuant to Chapter 5 (commencing with § 26300) of Division 5.

(b) Within 10 days of the date that a handgun, and commencing January 1, 2014, any firearm, is sold, delivered, or transferred to that retiring peace officer, the name of the officer and the make, model, serial number, and other identifying characteristics of the firearm being sold, delivered, or transferred shall be entered into the AFS via the CLETS by the law enforcement or state agency that sold, delivered, or transferred the firearm, provided, however, that if the firearm is not a handgun and does not have a serial number, identification number, or identification mark assigned to it, that fact shall be noted in AFS. Any agency without access to AFS shall arrange with the sheriff of the county in which the agency is located to input this information via this system.

Article 6 – Centralized List of Exempted Federal Firearms Licensees

Section 28450. Centralized list of exempted federal firearms licensees.

(a) Commencing January 1, 2008, the Department of Justice shall keep a centralized list of persons who identify themselves as being licensed pursuant to Chapter 44 (commencing with § 921) of Title 18 of the United States Code as a dealer, importer, or manufacturer of firearms whose licensed premises are within this state and who declare to the department an exemption from the firearms dealer licensing requirements of § 26500.

(b) The list shall be known as the centralized list of exempted federal firearms licensees.

(c) To qualify for placement on the centralized list, an applicant shall do all of the following:

- (1) Possess a valid federal firearms license pursuant to Chapter 44 (commencing with § 921) of Title 18 of the United States Code as a dealer, importer, or manufacturer of firearms.
- (2) Possess a current, valid certificate of eligibility pursuant to § 26710.
- (3) Maintain with the department a signed declaration enumerating the applicant's statutory exemptions from licensing requirements of § 26500.

Section 28455. Knowingly furnishing false information as misdemeanor.

Any person furnishing a fictitious name, knowingly furnishing any incorrect information, or knowingly omitting any information for the declaration under paragraph (3) of subdivision (c) of § 28450 shall be guilty of a misdemeanor.

Section 28465. Dealer, importer, or manufacturer to receive only from specified sources; Violation as misdemeanor.

(a) Any person licensed pursuant to Chapter 44 (commencing with § 921) of Title 18 of the United States Code as a dealer, importer, or manufacturer of firearms whose licensed premises are within this state shall not import or receive firearms from any source unless listed on the centralized list of firearms dealers pursuant to § 26715, or the centralized list of exempted federal firearms licensees pursuant to § 28450, or the centralized list of firearms manufacturers pursuant to § 29060.

(b) A violation of this section is a misdemeanor.

Section 28470. Keeping and filing of verification numbers.

(a) All persons on the centralized list of exempted federal firearms licensees prescribed by § 28450 shall record and keep on file for 3 years, the verification number that shall accompany firearms received from other federal firearms licensees pursuant to § 27555.

(b) A violation of this section is cause for immediate removal from the centralized list.

Section 28485. Removal from centralized list.

The department may remove from the centralized list described in § 28450 any person who violates a provision listed in § 16575.

**Division 7 – Manufacture of Firearms
Chapter 1 – License Requirement for Manufacture of Firearms**

Section 29010. License to manufacture firearms [Effective until January 1, 2023].

(a) A person, firm, or corporation licensed to manufacture firearms pursuant to Chapter 44 (commencing with § 921) of Title 18 of the United States Code shall not manufacture firearms within this state unless that person, firm, or corporation is licensed pursuant to Chapter 2 (commencing with § 29030).

(b) Subdivision (a) does not apply to a person licensed to manufacture firearms pursuant to Chapter 44 (commencing with § 921) of Title 18 of the United States Code who manufactures fewer than 50 firearms in a calendar year within this state.

(c) If a person, firm, or corporation required to be licensed pursuant to Chapter 2 (commencing with § 29030) ceases operations, then the records required pursuant to § 29130 and subdivision (b) of § 29115 shall be forwarded to the federal Bureau of Alcohol, Tobacco, Firearms and Explosives within 3 days of the closure of business.

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

Section 29010. License to manufacture firearms [Effective January 1, 2023].

(a) A person, firm, or corporation shall not manufacture more than three firearms within this state in a calendar year unless that person, firm, or corporation is licensed pursuant to Chapter 2 (commencing with Section 29030).

(b) A person, firm, or corporation shall not use a three-dimensional printer to manufacture any firearm, including a frame or receiver, or any firearm precursor part, unless that person, firm, or corporation is licensed pursuant to Chapter 2 (commencing with Section 29030). As used in this section, "three-dimensional printer" means a computer-aided manufacturing device capable of producing a three-dimensional object from a three-dimensional digital model through an additive manufacturing process that involves the layering of two-dimensional cross sections formed of a resin or similar material that are fused together to form a three-dimensional object.

(c) If a person, firm, or corporation required to be licensed pursuant to Chapter 2 (commencing with Section 29030) ceases operations, then the records required pursuant to Section 29130 and subdivision (b) of Section 29115 shall be forwarded to the federal Bureau of Alcohol, Tobacco, Firearms and Explosives within three days of the closure of business.

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

Chapter 2 – Issuance, Forfeiture, and Conditions of License to Manufacture Firearms

Article – 1 Preliminary Provisions

Section 29030. "Licensee."

In this chapter, "licensee" means a person, firm, or corporation that satisfies both of the following:

(a) Has a license issued pursuant to subdivision (b) of § 29050.

(b) Is among those recorded in the centralized list specified in § 29060.

Article 2 – Licensing Process

Section 29050. License; Requirements; Term; Denial.

(a) The Department of Justice shall accept applications for, and shall grant licenses permitting, the manufacture of firearms within this state.

(b) No license shall be granted by the department unless and until the applicant presents proof that the applicant has all of the following:

(1) A valid license to manufacture firearms issued pursuant to Chapter 44 (commencing with § 921) of Title 18 of the United States Code.

(2) Any regulatory or business license required by local government.

(3) A valid seller's permit or resale certificate issued by the State Board of Equalization, if applicable.

(4) A certificate of eligibility issued by the Department of Justice pursuant to § 26710.

(c) A license granted by the department shall be valid for no more than one year from the date of issuance and shall be in the form prescribed by the Attorney General.

(d) The department shall inform applicants who are denied licenses of the reasons for the denial in writing.

Section 29055. Regulations; Fee.

(a) The department shall adopt regulations to administer this chapter and Chapter 1 (commencing with § 29010).

(b) The department shall recover the full costs of administering the program by collecting fees from license applicants. Recoverable costs shall include, but not be limited to, the costs of inspections and maintaining a centralized list of licensed firearm manufacturers.

(c) The fee for licensed manufacturers who produce fewer than 500 firearms in a calendar year within this state shall not exceed \$250 per year or the actual costs of inspections and maintaining a centralized list of firearm manufacturers and any other duties of the department required pursuant to this chapter and Chapter 1 (commencing with § 29010), whichever is less.

Section 29065. Revocation of license.

(a) Except as provided in subdivision (b), the license of any licensee who violates this chapter may be revoked.

(b) The license of any licensee who knowingly or with gross negligence violates this chapter or violates this chapter 3 times shall be revoked, and that person, firm, or corporation shall become permanently ineligible to obtain a license pursuant to this chapter.

(c) Upon the revocation of the license, notification shall be provided to local law enforcement authorities in the jurisdiction where the licensee's business is located and to the federal Bureau of Alcohol, Tobacco, Firearms and Explosives.

Article 3 Prohibitions and Requirements Applicable to Licensee

Section 29100. Compliance with prohibitions and requirements.

A licensee shall comply with the prohibitions and requirements described in this article.

Section 29105. Licensee business in buildings designated.

The business of a licensee shall be conducted only in the buildings designated in the license.

Section 29110. Display of license.

A licensee shall display the license or a copy thereof, certified by the department, on the premises where it can easily be seen.

Section 29115. Missing or stolen firearms.

(a) Whenever a licensee discovers that a firearm has been stolen or is missing from the licensee's premises, the licensee shall report the loss or theft within 48 hours of the discovery to all of the following:

- (1) The Department of Justice, in a manner prescribed by the department.
- (2) The federal Bureau of Alcohol, Tobacco, Firearms and Explosives.
- (3) The police department in the city or city and county where the building designated in the license is located.
- (4) If there is no police department in the city or city and county where the building designated in the license is located, the sheriff of the county where the building designated in the license is located.

(b) For at least 10 years, the licensee shall maintain records of all firearms that are lost or stolen, as prescribed by the Department of Justice.

Section 29120. Certificate of eligibility.

(a) A licensee shall require that each employee obtain a certificate of eligibility pursuant to § 26710, which shall be renewed annually, before being allowed to come into contact with any firearm.

(b) A licensee shall prohibit any employee who the licensee knows or reasonably should know is prohibited by state or federal law from possessing, receiving, owning, or purchasing a firearm from coming into contact with any firearm.

Section 29125. Serial number.

(a) Each firearm a licensee manufactures in this state shall be identified with a unique serial number stamped onto the firearm utilizing the method of compression stamping.

(b) Licensed manufacturers who produce fewer than 500 firearms in a calendar year within this state may serialize long guns only by utilizing a method of compression stamping or by engraving the serial number onto the firearm.

(c) The licensee shall stamp the serial number onto the firearm within one business day of the time the frame or receiver is manufactured.

(d) The licensee shall not use the same serial number for more than 1 firearm.

Section 29130. Information recording, maintenance, and backup.

(a) A licensee shall record the type, model, caliber, or gauge, and serial number of each firearm manufactured or acquired, and the date of the manufacture or acquisition, within one business day of the manufacture or acquisition.

(b) The licensee shall maintain permanently within the building designated in the license the records required pursuant to subdivision (a).

(c) Backup copies of the records described in subdivision (a), whether electronic or hard copy, shall be made at least once a month. These backup records shall be maintained in a facility separate from the one in which the primary records are stored.

Section 29135. Inspection.

- (a)** A licensee shall allow the department to inspect the building designated in the license to ensure compliance with the requirements of this chapter.
- (b)** A licensee shall allow any peace officer, authorized law enforcement employee, or Department of Justice employee designated by the Attorney General, upon the presentation of proper identification, to inspect facilities and records during business hours to ensure compliance with the requirements of this chapter.

Section 29140. Firearm storage.

A licensee shall store in a secure facility all firearms manufactured and all barrels for firearms manufactured.

Section 29141. "Secure facility."

Except as otherwise provided in § 29142, as used in this chapter, "**secure facility**" means that the facility satisfies all of the following:

- (a)** The facility is equipped with a burglar alarm with central monitoring.
- (b)** All perimeter entries to areas in which firearms are stored other than doors, including windows and skylights, are secured with steel window guards or an audible, silent, or sonic alarm to detect entry.
- (c)** All perimeter doorways are designed in one of the following ways:
 - (1)** A windowless steel security door equipped with both a deadbolt and a doorknob lock.
 - (2)** A windowed metal door equipped with both a deadbolt and a doorknob lock. If the window has an opening of 5 inches or more measured in any direction, the window is covered with steel bars of at least one-half inch diameter or metal grating of at least 9 gauge affixed to the exterior or interior of the door.
 - (3)** A metal grate that is padlocked and affixed to the licensee's premises independent of the door and doorframe.
 - (4)** Hinges and hasps attached to doors by welding, riveting, or bolting with nuts on the inside of the door.
 - (5)** Hinges and hasps installed so that they cannot be removed when the doors are closed and locked.
- (d)** Heating, ventilating, air-conditioning, and service openings are secured with steel bars, metal grating, or an alarm system.
- (e)** No perimeter metal grates are capable of being entered by any person.
- (f)** Steel bars used to satisfy the requirements of this section are not capable of being entered by any person.
- (g)** Perimeter walls of rooms in which firearms are stored are constructed of concrete or at least 10-gauge expanded steel wire mesh utilized along with typical wood frame and drywall construction. If firearms are not stored in a vault, the facility shall use an exterior security-type door along with a high security, single-key deadbolt, or other door that is more secure. All firearms shall be stored in a separate room away from any general living area or work area. Any door to the storage facility shall be locked while unattended.
- (h)** Perimeter doorways, including the loading dock area, are locked at all times when not attended by paid employees or contracted employees, including security guards.
- (i)** Except when a firearm is currently being tested, any ammunition on the premises is removed from all manufactured guns and stored in a separate and locked room, cabinet, or box away from the storage area for the firearms. Ammunition may be stored with a weapon only in a locked safe.

Section 29142. Manufacturer of fewer than 500 firearms in calendar year.

- (a)** For purposes of this chapter, any licensed manufacturer who produces fewer than 500 firearms in a calendar year within this state may maintain a "secure facility" by complying with all of the requirements described in § 29141, or may design a security plan that is approved by the Department of Justice or the federal Bureau of Alcohol, Tobacco, Firearms and Explosives.
- (b)** If a security plan is approved by the federal Bureau of Alcohol, Tobacco, Firearms and Explosives, the approved plan, along with proof of approval, shall be filed with the Department of Justice and the local police department. If there is no police department, the filing shall be with the county sheriff's office.
- (c)** If a security plan is approved by the Department of Justice, the approved plan, along with proof of approval, shall be filed with the local police department. If there is no police department, the filing shall be with the county sheriff's office.

Section 29150. Notification of police or sheriff.

(a) A licensee shall notify the chief of police or other head of the municipal police department in the city or city and county where the building designated in the license is located that the licensee is manufacturing firearms within that city or city and county and the location of the licensed premises.

(b) If there is no police department in the city or city and county where the building designated in the license is located, the licensee shall notify the sheriff of the county where the building designated in the license is located that the licensee is manufacturing firearms within that county and the location of the licensed premises.

Chapter 3 Assembly of Firearms

Section 29180. Required number or mark for manufacturing or assembling firearm; Required number or mark for firearms owned as of specified date; Prohibition against sale or transfer of manufactured or assembled firearm; Aiding or abetting manufacture or assembly by specified persons; New resident application for unique serial number or mark of identification; Punishment.

(a) For purposes of this chapter, “manufacturing” or “assembling” a firearm means to fabricate or construct a firearm, including through additive, subtractive, or other processes, or to fit together the component parts of a firearm to construct a firearm.

(b) Before manufacturing or assembling a firearm, a person manufacturing or assembling the firearm shall, for any firearm that does not have a valid state or federal serial number or mark of identification imprinted on the frame or receiver, do all of the following:

(1)

(A) Apply to the Department of Justice for a unique serial number or other mark of identification pursuant to Section 29182.

(B) Each application shall contain a description of the firearm that the applicant intends to assemble, the applicant’s full name, address, date of birth, and any other information that the department may deem appropriate.

(2)

(A) Within 10 days of manufacturing or assembling a firearm in accordance with paragraph (1), the unique serial number or other mark of identification provided by the department shall be engraved or permanently affixed to the firearm in a manner that meets or exceeds the requirements imposed on licensed importers and licensed manufacturers of firearms pursuant to subsection (i) of Section 923 of Title 18 of the United States Code and regulations issued pursuant thereto.

(B) If the firearm is manufactured or assembled from polymer plastic, 3.7 ounces of material type 17-4 PH stainless steel shall be embedded within the plastic upon fabrication or construction with the unique serial number engraved or otherwise permanently affixed in a manner that meets or exceeds the requirements imposed on licensed importers and licensed manufacturers of firearms pursuant to subsection (i) of Section 923 of Title 18 of the United States Code and regulations issued pursuant thereto.

(3) After the serial number provided by the department is engraved or otherwise permanently affixed to the firearm, the person shall notify the department of that fact in a manner and within a time period specified by the department, and with sufficient information to identify the owner of the firearm, the unique serial number or mark of identification provided by the department, and the firearm in a manner prescribed by the department.

(c) Any person who owns a firearm or firearm precursor part that does not bear a valid state or federal serial number or mark of identification shall be deemed to be in compliance with subdivision (b) of Section 23920 if they comply with all of the following:

(1)

(A) By no later than January 1, 2024, or if a new resident of the state, within 60 days after arriving in the state with a firearm that does not have a valid state or federal serial number or mark of identification, apply to the Department of Justice for a unique serial number or other mark of identification pursuant to Section 29182.

(B) An application to the department for a serial number or mark of identification for a firearm precursor part shall include, in a manner prescribed by the department, information identifying the applicant and a description of the firearm that the applicant intends to manufacture or assemble with the firearm precursor part, and any other information that the department may deem appropriate.

(2) Within 10 days of receiving a unique serial number or other mark of identification from the department, engrave or permanently affix that serial number or mark of identification to the firearm in accordance with

regulations prescribed by the department pursuant to Section 29182 and in a manner that meets or exceeds the requirements imposed on licensed importers and licensed manufacturers of firearms pursuant to subsection (i) of Section 923 of Title 18 of the United States Code and regulations issued pursuant thereto. If the firearm is manufactured or assembled from polymer plastic, 3.7 ounces of material type 17-4 PH stainless steel shall be embedded within the plastic upon fabrication or construction.

(3) After the serial number provided by the department is engraved or otherwise permanently affixed to the firearm, notify the department of that fact in a manner and within a time period specified by the department and with sufficient information to identify the owner of the firearm, the unique serial number or mark of identification provided by the department, and the firearm in a manner prescribed by the department.

(d)

(1) Except by operation of law, a person, corporation, or firm that is not a federally licensed firearms manufacturer shall not sell or transfer ownership of a firearm, as defined in subdivision (g) of Section 16520, if any of the following are true:

(A) That person, corporation, or firm manufactured or assembled the firearm.

(B) That person, corporation, or firm knowingly caused the firearm to be manufactured or assembled by a person, corporation, or firm that is not a federally licensed firearms manufacturer.

(C) That person, corporation, or firm is aware that the firearm was manufactured or assembled by a person, corporation, or firm that is not a federally licensed firearms manufacturer.

(2) Paragraph (1) does not apply to the transfer, surrender, or sale of a firearm to a law enforcement agency.

(3) Any firearms confiscated by law enforcement that do not bear an engraved serial number or other mark of identification pursuant to subdivision (b) or (c), or a firearm surrendered, transferred, or sold to a law enforcement agency pursuant to paragraph (2) shall be destroyed as provided in Section 18005.

(4) Sections 26500 and 27545, and subdivision (a) of Section 31615, do not apply to the transfer, sale, or surrender of firearms to a law enforcement agency pursuant to paragraph (2).

(e) A person, corporation, or firm shall not knowingly allow, facilitate, aid, or abet the manufacture or assembling of a firearm by a person who is within any of the classes identified by Chapter 2 (commencing with Section 29800) or Chapter 3 (commencing with Section 29900) of Division 9 of this code, or Section 8100 or 8103 of the Welfare and Institutions Code.

(f) A person, corporation, or firm shall not knowingly manufacture or assemble, or knowingly cause, allow, facilitate, aid, or abet the manufacture or assembling of, a firearm that is not imprinted with a valid state or federal serial number or mark of identification.

(g) If the firearm is a handgun, a violation of this section is punishable by imprisonment in a county jail not to exceed one year, or by a fine not to exceed one thousand dollars (\$1,000), or by both that fine and imprisonment. For all other firearms, a violation of this section is punishable by imprisonment in a county jail not to exceed six months, or by a fine not to exceed one thousand dollars (\$1,000), or by both that fine and imprisonment. Each firearm found to be in violation of this section constitutes a distinct and separate offense. This section does not preclude prosecution under any other law providing for a greater penalty.

Section 29182. Application for number or mark by persons manufacturing, assembling, or owning firearm; Criteria; Adoption of regulations.

(a)

(1) The Department of Justice shall accept applications from, and shall grant applications in the form of serial numbers pursuant to Section 23910 to, persons who wish to manufacture or assemble firearms pursuant to subdivision (b) of Section 29180.

(2) The Department of Justice shall accept applications from, and shall grant applications in the form of serial numbers pursuant to Section 23910 to, persons who wish to own a firearm described in subdivision (c) of Section 29180.

(b) An application made pursuant to subdivision (a) shall only be granted by the department if the applicant does all of the following:

(1) For each transaction, completes a firearms eligibility check pursuant to Section 28220 demonstrating that the applicant is not prohibited by state or federal law from possessing, receiving, owning, or purchasing a firearm.

(2)

(A) Presents proof of age and identity as specified in Section 16400. Except as provided in subparagraph (B), the applicant shall be 21 years of age or older to obtain a unique serial number or mark of identification for a firearm.

(B) The department shall grant an application to an applicant who is at least 18 years of age, but less than 21 years of age, for a serial number for a firearm that is not a handgun, if that application is made before February 1, 2019.

(3) Provides a description of the firearm that he or she owns or intends to manufacture or assemble, in a manner prescribed by the department.

(4) Has a valid firearm safety certificate or handgun safety certificate.

(c) The department shall inform applicants who are denied an application of the reasons for the denial in writing.

(d) All applications shall be granted or denied within 15 calendar days of the receipt of the application by the department.

(e)

(1) This chapter does not authorize a person to manufacture, assemble, or possess a weapon prohibited under Section 16590, an assault weapon as defined in Section 30510 or 30515, a machinegun as defined in Section 16880, a .50 BMG rifle as defined in Section 30530, or a destructive device as defined in Section 16460.

(2) This chapter does not authorize a person, on or after July 1, 2018, to manufacture or assemble an unsafe handgun, as defined in Section 31910.

(f) The department shall adopt regulations to administer this chapter.

Section 29182. Application for number or mark by persons seeking to own, manufacture or assemble firearm or firearm precursor part; Criteria; Adoption of regulations.

(a)

The Department of Justice may accept applications from, and may grant applications in the form of serial numbers pursuant to 23910 and 29180 to, persons who wish to own a firearm or firearm precursor part that does not have a valid state or federal serial number or mark of identification.

(b) An application made pursuant to subdivision (a) shall only be granted by the department if the applicant does all of the following:

(1) For each transaction, completes a firearms eligibility check pursuant to Section 28220 demonstrating that the applicant is not prohibited by state or federal law from possessing, receiving, owning, or purchasing a firearm.

(2)

Presents proof of age and identity as specified in Section 16400 demonstrating that person is 21 years of age or older.

(3) Provides a description of the firearm that the applicant owns or intends to manufacture or assemble, in a manner prescribed by the department.

(4) Has a valid firearm safety certificate.

(c) The department shall inform applicants who are denied an application of the reasons for the denial in writing. The reason for denial may include, without limitation, any of the following:

(1) Based on a firearm eligibility check conducted pursuant to Section 28220, the department has determined that the applicant is prohibited by state or federal law from possessing, receiving, owning, or purchasing a firearm.

(2) Based on a firearm eligibility check conducted pursuant to Section 28220, the department is unable to ascertain the disposition of an arrest or criminal charge, is unable to ascertain the outcome of a mental health evaluation or treatment, or otherwise is unable to conclusively determine that the applicant is not ineligible.

(3) The applicant's description of the firearm that the applicant owns or intends to manufacture or assemble indicates that the firearm would be considered any of the following:

(A) An unsafe handgun.

(B) An assault weapon, as defined in Section 30510 or 30515.

(C) A machinegun.

(D) A .50 BMG rifle.

(E) A destructive device, as defined in Section 16460.

(F) A short-barreled rifle or short-barreled shotgun.

(G) An unconventional pistol.

(H) Any other firearm prohibited by this part.

(d)

(1) All applications received on or after January 1, 2024, shall be granted or denied within 90 calendar days after the receipt of the application by the department.

(2) Any application received before January 1, 2024, may be granted or denied within a period of time prescribed by the department.

(e)

(1) This chapter does not authorize a person to manufacture, assemble, or possess a weapon prohibited under Section 16590, an assault weapon as defined in Section 30510 or 30515, a machinegun as defined in Section 16880, a .50 BMG rifle as defined in Section 30530, or a destructive device as defined in Section 16460.

(2) This chapter does not authorize a person to manufacture or assemble an unsafe handgun, as defined in Section 31910.

(f) The department shall adopt regulations to administer this chapter.

Division 8 – Miscellaneous Rules Relating to Firearms Generally

Chapter 1 – Miscellaneous Provisions

Section 29300. Owning, possessing or use of firearm as nuisance in specified circumstances; Exceptions.

(a) Except as provided in subdivision (c), a firearm of any nature owned or possessed in violation of Chapter 1 (commencing with § 29610), Chapter 2 (commencing with § 29800), or Chapter 3 (commencing with § 29900) of Division 9 of this title, or Chapter 3 (commencing with § 8100) of Division 5 of the Welfare and Institutions Code, or used in the commission of any misdemeanor as provided in this code, any felony, or an attempt to commit any misdemeanor as provided in this code or any felony, is, upon a conviction of the defendant or upon a juvenile court finding that an offense which would be a misdemeanor or felony if committed by an adult was committed or attempted by the juvenile with the use of a firearm, a nuisance, and is subject to §§ 18000 and 18005.

(b) A finding that the defendant was guilty of the offense but was insane at the time the offense was committed is a conviction for the purposes of this section.

(c) A firearm is not a nuisance pursuant to this section if the firearm owner disposes of the firearm pursuant to § 29810.

(d) This section does not apply to any of the following:

(1) Any firearm in the possession of the Department of Fish and Game.

(2) Any firearm that was used in the violation of any provision of the Fish and Game Code or any regulation adopted pursuant thereto.

(3) Any firearm that is forfeited pursuant to § 5008.6 of the Public Resources Code.

Chapter 2 – Entertainment Firearms Permit

Section 29500. Entertainment firearms permit.

Any person who is at least 21 years of age may apply for an entertainment firearms permit from the Department of Justice. An entertainment firearms permit authorizes the permitholder to possess firearms loaned to the permitholder for use solely as a prop in a motion picture, television, video, theatrical, or other entertainment production or event.

Section 29505. Entertainment firearms permit requests; contents; fee.

(a) Requests for entertainment firearms permits shall be made on application forms prescribed by the Department of Justice that require applicant information, including, but not limited to, the following:

(1) Complete name.

(2) Residential and mailing address.

(3) Telephone number.

(4) Date of birth.

(5) Place of birth.

(6) Country of citizenship and, if other than United States, alien number or admission number.

(7) Valid driver's license number or valid identification card number issued by the California Department of Motor Vehicles.

(8) Social security number.

(9) Signature.

(b) All applications must be submitted with the appropriate fee as specified in § 29510.

Section 29510. Application fee.

(a) The Department of Justice shall recover the full costs of administering the entertainment firearms permit program by assessing the following application fees:

(1) For the initial application: \$104. Of this sum, \$56 shall be deposited into the Fingerprint Fee Account, and \$48 shall be deposited into the Dealers' Record of Sale Special Account.

(2) For each annual renewal application: \$29, which shall be deposited into the Dealers' Record of Sale Special Account.

(b) The department shall annually review and shall adjust the fees specified in subdivision (a), if necessary, to fully fund, but not to exceed the actual costs of, the permit program provided for by this chapter, including enforcement of the program.

Section 29515. Examination of records upon application.

(a) Upon receipt of an initial or renewal application submitted as specified in §§ 29505, 29520, and 29525, the department shall examine its records, records the department is authorized to request from the State Department of State Hospitals pursuant to § 8104 of the Welfare and Institutions Code, and records of the National Instant Criminal Background Check System as described in subsection (t) of § 922 of Title 18 of the United States Code, in order to determine if the applicant is prohibited from possessing or receiving firearms.

(b) The department shall issue an entertainment firearms permit only if the records indicate that the applicant is not prohibited from possessing or receiving firearms pursuant to any federal, state, or local law.

Section 29520. Entertainment firearms permits; initial applications; fingerprints; review of criminal offender records.

(a) An initial application for an entertainment firearms permit shall require the submission of fingerprint images and related information in a manner prescribed by the department, for the purpose of obtaining information as to the existence and nature of a record of state or federal level convictions and state or federal level arrests for which the department establishes that the individual was released on bail or on the individual's own recognizance pending trial as needed to determine whether the applicant may be issued the permit. Requests for federal level criminal offender record information received by the Department of Justice pursuant to this chapter shall be forwarded by the department to the Federal Bureau of Investigation.

(b) The Department of Justice shall review the criminal offender record information specified in subdivision (l) of § 11105 for entertainment firearms permit applicants.

(c) The Department of Justice shall review subsequent arrests, pursuant to § 11105.2, to determine the continuing validity of the permit as specified in § 29530 for all entertainment firearms permit holders.

Section 29525. Knowingly furnishing incorrect information; Omitting required information; Misdemeanor.

Any person who furnishes a fictitious name or address or knowingly furnishes any incorrect information or knowingly omits any information required to be provided on an application for an entertainment firearms permit is guilty of a misdemeanor.

Section 29530. Term.

(a) An entertainment firearms permit issued by the Department of Justice shall be valid for one year from the date of issuance.

(b) If at any time during that year the permit holder becomes prohibited from possessing or receiving firearms pursuant to any federal, state, or local law, the entertainment firearms permit shall be no longer valid.

Division 9 – Special Firearm Rules Relating to Particular Persons

Chapter 1 – Juvenile

Article 1 – Possession of Handgun

Section 29610. Possession of handgun, semiautomatic centerfire rifle, or any firearm by minor prohibited.

(a) A minor shall not possess a handgun.

(b) A minor shall not possess a semiautomatic centerfire rifle.

(c) Commencing July 1, 2023, a minor shall not possess any firearm.

(d) The provisions of this section are cumulative, and shall not be construed as restricting the application of any other law. However, an act or omission punishable in different ways by different provisions of this code shall not be punished under more than one provision.

Section 29615. Exceptions.

Section 29610 shall not apply if one of the following circumstances exists:

- (a) The minor is accompanied by a parent or legal guardian, and the minor is actively engaged in, or is in direct transit to or from, a lawful, recreational sport, including, but not limited to, competitive shooting, or agricultural, ranching, or hunting activity or hunting education, or a motion picture, television, or video production, or entertainment or theatrical event, the nature of which involves this use of a firearm.
- (b) The minor is accompanied by a responsible adult, the minor has the prior written consent of a parent or legal guardian, and the minor is actively engaged in, or is in direct transit to or from, a lawful, recreational sport, including, but not limited to, competitive shooting, or agricultural, ranching, or hunting activity or hunting education, or a motion picture, television, or video production, or entertainment or theatrical event, the nature of which involves the use of a firearm.
- (c) The minor is at least 16 years of age, the minor has the prior written consent of a parent or legal guardian, and the minor is actively engaged in, or is in direct transit to or from, a lawful recreational sport, including, but not limited to, competitive shooting, or agricultural, ranching, or hunting activity or hunting education, or a motion picture, television, or video production, or entertainment or theatrical event, the nature of which involves the use of a firearm.
- (d) The minor has the prior written consent of a parent or legal guardian, the minor is on lands owned or lawfully possessed by the parent or legal guardian, and the minor is actively engaged in, or is in direct transit to or from, a lawful, recreational sport, including, but not limited to, competitive shooting, or agricultural, ranching, or hunting activity, or a motion picture, television, or video production, or entertainment or theatrical event, the nature of which involves the use of a firearm.
- (e) The minor possesses, with the express permission of their parent or legal guardian, a firearm, other than a handgun or semiautomatic centerfire rifle, and both of the following are true:
 - (1) The minor is actively engaged in, or in direct transit to or from, a lawful, recreational sport, including, but not limited to, competitive shooting, or an agricultural, ranching, or hunting activity or hunting education, the nature of which involves the use of a firearm.
 - (2) The minor is 16 years of age or older or is accompanied by a responsible adult at all times while the minor is possessing the firearm.

Article 2 – Possession of Live Ammunition

Section 29650. Possession of live ammunition by minor prohibited.

A minor shall not possess live ammunition.

Section 29655. Exceptions to prohibition on possession of live ammunition by a minor.

Section 29650 shall not apply if one of the following circumstances exists:

- (a) The minor has the written consent of a parent or legal guardian to possess live ammunition.
- (b) The minor is accompanied by a parent or legal guardian.
- (c) The minor is actively engaged in, or is going to or from, a lawful, recreational sport, including, but not limited to, competitive shooting, or agricultural, ranching, or hunting activity, the nature of which involves the use of a firearm.

Article 3 – Punishment

Section 29700. Punishment for violation of chapter.

Every minor who violates this chapter shall be punished as follows:

- (a) By imprisonment pursuant to subdivision (h) of § 1170 or in a county jail if one of the following applies:
 - (1) The minor has been found guilty previously of violating this chapter.
 - (2) The minor has been found guilty previously of an offense specified in § 29905, 32625, or 33410, or an offense specified in any provision listed in § 16590.
 - (3) The minor has been found guilty of possessing a handgun in violation of § 29610.
- (b) Violations of this chapter other than those violations specified in subdivision (a) shall be punishable as a misdemeanor.

Chapter 2 – Person Convicted of Specified Offense, Addicted to Narcotic, or Subject to Court Order
Article 1 – Prohibitions on Firearm Access

Section 29800. Person convicted of felony owning, purchasing, receiving or possessing firearm.

(a)

(1) Any person who has been convicted of a felony under the laws of the United States, the State of California, or any other state, government, or country, or of an offense enumerated in subdivision (a), (b), or (d) of § 23515, or who is addicted to the use of any narcotic drug, and who owns, purchases, receives, or has in possession or under custody or control any firearm is guilty of a felony.

(2) Any person who has 2 or more convictions for violating paragraph (2) of subdivision (a) of § 417 and who owns, purchases, receives, or has in possession or under custody or control any firearm is guilty of a felony.

(3) Any person who has an outstanding warrant for any offense listed in this subdivision and who has knowledge of the outstanding warrant, and who owns, purchases, receives, or has in possession or under custody or control any firearm is guilty of a felony.

(b) Notwithstanding subdivision (a), any person who has been convicted of a felony or of an offense enumerated in § 23515, when that conviction results from certification by the juvenile court for prosecution as an adult in an adult court under § 707 of the Welfare and Institutions Code, and who owns or has in possession or under custody or control any firearm is guilty of a felony.

(c) Subdivision (a) shall not apply to a conviction or warrant for a felony under the laws of the United States unless either of the following criteria, as applicable, is satisfied:

(1) Conviction of a like offense under California law can only result in imposition of felony punishment.

(2) The defendant was sentenced to a federal correctional facility for more than 30 days, or received a fine of more than \$1,000, or received both punishments.

Section 29805. Person convicted of specified misdemeanor owning, purchasing, receiving, or possessing firearm; Notification of Department of Justice of persons subject to section.

(a)

(1) Except as provided in Section 29855, subdivision (a) of Section 29800, or subdivision (b), any person who has been convicted of a misdemeanor violation of Section 71, 76, 136.1, 136.5, or 140, subdivision (d) of Section 148, subdivision (f) of Section 148.5, Section 171b, paragraph (1) of subdivision (a) of Section 171c, Section 171d, 186.28, 240, 241, 242, 243, 243.4, 244.5, 245, 245.5, 246.3, 247, 273.5, 273.6, 417, 417.6, 422, 422.6, 626.9, 646.9, 830.95, 17500, 17510, 25300, 25800, 30315, or 32625, subdivision (b) or (d) of Section 26100, or Section 27510, or Section 8100, 8101, or 8103 of the Welfare and Institutions Code, any firearm-related offense pursuant to Sections 871.5 and 1001.5 of the Welfare and Institutions Code, Section 487 if the property taken was a firearm, or of the conduct punished in subdivision (c) of Section 27590, and who, within 10 years of the conviction, owns, purchases, receives, or has in possession or under custody or control, any firearm is guilty of a public offense, punishable by imprisonment in a county jail not exceeding one year or in the state prison, by a fine not exceeding one thousand dollars (\$1,000), or by both that imprisonment and fine.

(2) Any person who has an outstanding warrant for any misdemeanor offense described in this subdivision, and who has knowledge of the outstanding warrant, and who owns, purchases, receives, or has in possession or under custody or control any firearm is guilty of a public offense, punishable by imprisonment in a county jail not exceeding one year or in the state prison, by a fine not exceeding one thousand dollars (\$1,000), or by both that imprisonment and fine.

(b) Any person who is convicted, on or after January 1, 2019, of a misdemeanor violation of Section 273.5, and who subsequently owns, purchases, receives, or has in possession or under custody or control, any firearm is guilty of a public offense, punishable by imprisonment in a county jail not exceeding one year or in the state prison, by a fine not exceeding one thousand dollars (\$1,000), or by both that imprisonment and fine.

(c) Except as provided in Section 29855, any person who is convicted on or after January 1, 2020, of a misdemeanor violation of Section 25100, 25135, or 25200, and who, within 10 years of the conviction owns, purchases, receives, or has in possession or under custody or control, any firearm is guilty of a public offense, punishable by imprisonment in a county jail not exceeding one year or in the state prison, by a fine not exceeding one thousand dollars (\$1,000), or by both that fine and imprisonment.

(d) The court, on forms prescribed by the Department of Justice, shall notify the department of persons subject to this section. However, the prohibition in this section may be reduced, eliminated, or conditioned as provided in Section 29855 or 29860.

Section 29805. Person convicted of specified misdemeanor owning, purchasing, receiving, or possessing firearm; Notification of Department of Justice of persons subject to section [Effective January 1, 2023].

(a)

(1) Except as provided in Section 29855, subdivision (a) of Section 29800, or subdivision (b), any person who has been convicted of a misdemeanor violation of Section 71, 76, 136.1, 136.5, or 140, subdivision (d) of Section 148, subdivision (f) of Section 148.5, Section 171b, paragraph (1) of subdivision (a) of Section 171c, Section 171d, 186.28, 240, 241, 242, 243, 243.4, 244.5, 245, 245.5, 246.3, 247, 273.5, 273.6, 417, 417.6, 422, 422.6, 626.9, 646.9, 830.95, 17500, 17510, 25300, 25800, 30315, or 32625, subdivision (b) or (d) of Section 26100, or Section 27510, or Section 8100, 8101, or 8103 of the Welfare and Institutions Code, any firearm-related offense pursuant to Sections 871.5 and 1001.1001.5 of the Welfare and Institutions Code Sections 871.5 and 1001.5 of the Welfare and Institutions Code Section 487 if the property taken was a firearm, or of the conduct punished in subdivision (c) of Section 27590, and who, within 10 years of the conviction, owns, purchases, receives, or has in possession or under custody or control, any firearm is guilty of a public offense, punishable by imprisonment in a county jail not exceeding one year or in the state prison, by a fine not exceeding one thousand dollars (\$1,000), or by both that imprisonment and fine.

(2) Any person who has an outstanding warrant for any misdemeanor offense described in this subdivision, and who has knowledge of the outstanding warrant, and who owns, purchases, receives, or has in possession or under custody or control any firearm is guilty of a public offense, punishable by imprisonment in a county jail not exceeding one year or in the state prison, by a fine not exceeding one thousand dollars (\$1,000), or by both that imprisonment and fine.

(b) Any person who is convicted, on or after January 1, 2019, of a misdemeanor violation of Section 273.5, and who subsequently owns, purchases, receives, or has in possession or under custody or control, any firearm is guilty of a public offense, punishable by imprisonment in a county jail not exceeding one year or in the state prison, by a fine not exceeding one thousand dollars (\$1,000), or by both that imprisonment and fine.

(c) Any person who is convicted on or after January 1, 2020, of a misdemeanor violation of Section 25100, 25135, or 25200, and who, within 10 years of the conviction owns, purchases, receives, or has in possession or under custody or control, any firearm is guilty of a public offense, punishable by imprisonment in a county jail not exceeding one year or in the state prison, by a fine not exceeding one thousand dollars (\$1,000), or by both that fine and imprisonment.

(d) Any person who is convicted on or after January 1, 2023, of a misdemeanor violation of Section 273a, subdivision (b), (c), or (f) of Section 368, or subdivision (e) or (f) of Section 29180, and who, within 10 years of the conviction owns, purchases, receives, or has in possession or under custody or control, any firearm is guilty of a public offense, punishable by imprisonment in a county jail not exceeding one year or in the state prison, by a fine not exceeding one thousand dollars (\$1,000), or by both that fine and imprisonment. .

(e) The court, on forms prescribed by the Department of Justice, shall notify the department of persons subject to this section. However, the prohibition in this section may be reduced, eliminated, or conditioned as provided in Section 29855 or 29860.

Section 29810. Relinquishment of firearm by convicted person subject to Section 29800 or 29805; Procedure.

(a)

(1) Upon conviction of any offense that renders a person subject to Section 29800 or Section 29805, the person shall relinquish all firearms he or she owns, possesses, or has under his or her custody or control in the manner provided in this section.

(2) The court shall, upon conviction of a defendant for an offense described in subdivision (a), instruct the defendant that he or she is prohibited from owning, purchasing, receiving, possessing, or having under his or her custody or control, any firearms, ammunition, and ammunition feeding devices, including but not limited to magazines, and shall order the defendant to relinquish all firearms in the manner provided in this section. The court shall also provide the defendant with a Prohibited Persons Relinquishment Form developed by the Department of Justice.

(3) Using the Prohibited Persons Relinquishment Form, the defendant shall name a designee and grant the designee power of attorney for the purpose of transferring or disposing of any firearms. The designee shall be either a local law enforcement agency or a consenting third party who is not prohibited from possessing firearms under state or federal law. The designee shall, within the time periods specified in subdivisions (d) and (e), surrender the firearms to the control of a local law enforcement agency, sell the firearms to a licensed firearms dealer, or transfer the firearms for storage to a firearms dealer pursuant to Section 29830.

(b) The Prohibited Persons Relinquishment Form shall do all of the following:

(1) Inform the defendant that he or she is prohibited from owning, purchasing, receiving, possessing, or having under his or her custody or control, any firearms, ammunition, and ammunition feeding devices, including but not limited to

magazines, and that he or she shall relinquish all firearms through a designee within the time periods set forth in subdivision (d) or (e) by surrendering the firearms to the control of a local law enforcement agency, selling the firearms to a licensed firearms dealer, or transferring the firearms for storage to a firearms dealer pursuant to Section 29830.

(2) Inform the defendant that any cohabitant of the defendant who owns firearms must store those firearms in accordance with Section 25135.

(3) Require the defendant to declare any firearms that he or she owned, possessed, or had under his or her custody or control at the time of his or her conviction, and require the defendant to describe the firearms and provide all reasonably available information about the location of the firearms to enable a designee or law enforcement officials to locate the firearms.

(4) Require the defendant to name a designee, if the defendant declares that he or she owned, possessed, or had under his or her custody or control any firearms at the time of his or her conviction, and grant the designee power of attorney for the purpose of transferring or disposing of all firearms.

(5) Require the designee to indicate his or her consent to the designation and, except a designee that is a law enforcement agency, to declare under penalty of perjury that he or she is not prohibited from possessing any firearms under state or federal law.

(6) Require the designee to state the date each firearm was relinquished and the name of the party to whom it was relinquished, and to attach receipts from the law enforcement officer or licensed firearms dealer who took possession of the relinquished firearms.

(7) Inform the defendant and the designee of the obligation to submit the completed Prohibited Persons Relinquishment Form to the assigned probation officer within the time periods specified in subdivisions (d) and (e).

(c)

(1) When a defendant is convicted of an offense described in subdivision (a), the court shall immediately assign the matter to a probation officer to investigate whether the Automated Firearms System or other credible information, such as a police report, reveals that the defendant owns, possesses, or has under his or her custody or control any firearms. The assigned probation officer shall receive the Prohibited Persons Relinquishment Form from the defendant or the defendant's designee, as applicable, and ensure that the Automated Firearms System has been properly updated to indicate that the defendant has relinquished those firearms.

(2) Prior to final disposition or sentencing in the case, the assigned probation officer shall report to the court whether the defendant has properly complied with the requirements of this section by relinquishing all firearms identified by the probation officer's investigation or declared by the defendant on the Prohibited Persons Relinquishment Form, and by timely submitting a completed Prohibited Persons Relinquishment Form. The probation officer shall also report to the Department of Justice on a form to be developed by the department whether the Automated Firearms System has been updated to indicate which firearms have been relinquished by the defendant.

(3) Prior to final disposition or sentencing in the case, the court shall make findings concerning whether the probation officer's report indicates that the defendant has relinquished all firearms as required, and whether the court has received a completed Prohibited Persons Relinquishment Form, along with the receipts described in paragraph (1) of subdivision (d) or paragraph (1) of subdivision (e). The court shall ensure that these findings are included in the abstract of judgment. If necessary to avoid a delay in sentencing, the court may make and enter these findings within 14 days of sentencing.

(4) If the court finds probable cause that the defendant has failed to relinquish any firearms as required, the court shall order the search for and removal of any firearms at any location where the judge has probable cause to believe the defendant's firearms are located. The court shall state with specificity the reasons for and scope of the search and seizure authorized by the order.

(5) Failure by a defendant to timely file the completed Prohibited Persons Relinquishment Form with the assigned probation officer shall constitute an infraction punishable by a fine not exceeding one hundred dollars (\$100).

(d) The following procedures shall apply to any defendant who is a prohibited person within the meaning of paragraph (1) of subdivision (a) who does not remain in custody at any time within the five-day period following conviction:

(1) The designee shall dispose of any firearms the defendant owns, possesses, or has under his or her custody or control within five days of the conviction by surrendering the firearms to the control of a local law enforcement agency, selling the firearms to a licensed firearms dealer, or transferring the firearms for storage to a firearms dealer pursuant to Section 29830, in accordance with the wishes of the defendant. Any proceeds from the sale of the firearms shall become the property of the defendant. The law enforcement officer or licensed dealer taking possession of any firearms pursuant to this subdivision shall issue a receipt to the designee describing the firearms and listing any serial number or other identification on the firearms at the time of surrender.

(2) If the defendant owns, possesses, or has under his or her custody or control any firearms to relinquish, the defendant's designee shall submit the completed Prohibited Persons Relinquishment Form to the assigned probation officer within five days following the conviction, along with the receipts described in paragraph (1) of subdivision (d) showing the defendant's firearms were surrendered to a local law enforcement agency or sold or transferred to a licensed firearms dealer.

(3) If the defendant does not own, possess, or have under his or her custody or control any firearms to relinquish, he or she shall, within five days following conviction, submit the completed Prohibited Persons Relinquishment Form to the assigned probation officer, with a statement affirming that he or she has no firearms to be relinquished.

(e) The following procedures shall apply to any defendant who is a prohibited person within the meaning of paragraph (1) of subdivision (a) who is in custody at any point within the five-day period following conviction:

(1) The designee shall dispose of any firearms the defendant owns, possesses, or has under his or her custody or control within 14 days of the conviction by surrendering the firearms to the control of a local law enforcement agency, selling the firearms to a licensed firearms dealer, or transferring the firearms for storage to a firearms dealer pursuant to Section 29830, in accordance with the wishes of the defendant. Any proceeds from the sale of the firearms shall become the property of the defendant. The law enforcement officer or licensed dealer taking possession of any firearms pursuant to this subdivision shall issue a receipt to the designee describing the firearms and listing any serial number or other identification on the firearms at the time of surrender.

(2) If the defendant owns, possesses, or has under his or her custody or control any firearms to relinquish, the defendant's designee shall submit the completed Prohibited Persons Relinquishment Form to the assigned probation officer, within 14 days following conviction, along with the receipts described in paragraph (1) of subdivision (e) showing the defendant's firearms were surrendered to a local law enforcement agency or sold or transferred to a licensed firearms dealer.

(3) If the defendant does not own, possess, or have under his or her custody or control any firearms to relinquish, he or she shall, within 14 days following conviction, submit the completed Prohibited Persons Relinquishment Form to the assigned probation officer, with a statement affirming that he or she has no firearms to be relinquished.

(4) If the defendant is released from custody during the 14 days following conviction and a designee has not yet taken temporary possession of each firearm to be relinquished as described above, the defendant shall, within five days following his or her release, relinquish each firearm required to be relinquished pursuant to paragraph (1) of subdivision (d).

(f) For good cause, the court may shorten or enlarge the time periods specified in subdivisions (d) and (e), enlarge the time period specified in paragraph (3) of subdivision (c), or allow an alternative method of relinquishment.

(g) The defendant shall not be subject to prosecution for unlawful possession of any firearms declared on the Prohibited Persons Relinquishment Form if the firearms are relinquished as required.

(h) Any firearms that would otherwise be subject to relinquishment by a defendant under this section, but which are lawfully owned by a cohabitant of the defendant, shall be exempt from relinquishment, provided the defendant is notified that the cohabitant must store the firearm in accordance with Section 25135.

(i) A law enforcement agency shall update the Automated Firearms System to reflect any firearms that were relinquished to the agency pursuant to this section. A law enforcement agency shall retain a firearm that was relinquished to the agency pursuant to this section for 30 days after the date the firearm was relinquished. After the 30-day period has expired, the firearm is subject to destruction, retention, sale or other transfer by the agency, except upon the certificate of a judge of a court of record, or of the district attorney of the county, that the retention of the firearm is necessary or proper to the ends of justice, or if the defendant provides written notice of an intent to appeal a conviction for an offense described in subdivision (a), or if the Automated Firearms System indicates that the firearm was reported lost or stolen by the lawful owner. If the firearm was reported lost or stolen, the firearm shall be restored to the lawful owner, as soon as its use as evidence has been served, upon the lawful owner's identification of the weapon and proof of ownership, and after the law enforcement agency has complied with Chapter 2 (commencing with Section 33850) of Division 11 of Title 4. The agency shall notify the Department of Justice of the disposition of relinquished firearms pursuant to Section 34010.

(j) A city, county, or city and county, or a state agency may adopt a regulation, ordinance, or resolution imposing a charge equal to its administrative costs relating to the seizure, impounding, storage, or release of a firearm pursuant to Section 33880.

(k) This section shall become operative on January 1, 2018.

Section 29815. Person with probation condition prohibited from owning, possessing, controlling, receiving or purchasing firearm.

(a) Any person who, as an express condition of probation, is prohibited or restricted from owning, possessing, controlling, receiving, or purchasing a firearm and who owns, purchases, receives, or has in possession or under custody or control,

any firearm, but who is not subject to § 29805 or subdivision (a) of § 29800, is guilty of a public offense, which shall be punishable by imprisonment in a county jail not exceeding one year or in the state prison, by a fine not exceeding \$1,000, or by both that imprisonment and fine.

(b) The court, on forms provided by the Department of Justice, shall notify the department of persons subject to this section. The notice shall include a copy of the order of probation and a copy of any minute order or abstract reflecting the order and conditions of probation.

Section 29825. Person prohibited from purchasing or receiving firearm by temporary restraining order, injunction, protective order. =

(a) A person who purchases or receives, or attempts to purchase or receive, a firearm knowing that the person is prohibited from doing so in any jurisdiction by a temporary restraining order or injunction issued pursuant to § 527.6, 527.8, or 527.85 of the Code of Civil Procedure, a protective order as defined in § 6218 of the Family Code, a protective order issued pursuant to § 136.2 or 646.91 of this code, a protective order issued pursuant to § 15657.03 of the Welfare and Institutions Code, or by a valid order issued by an out-of-state jurisdiction that is similar or equivalent to a temporary restraining order, injunction, or protective order specified in this subdivision, that includes a prohibition from owning or possessing a firearm, is guilty of a public offense, punishable by imprisonment in a county jail not exceeding one year or in the state prison, by a fine not exceeding \$1,000, or by both that imprisonment and fine.

(b) A person who owns or possesses a firearm knowing that the person is prohibited from doing so in any jurisdiction by a temporary restraining order or injunction issued pursuant to § 527.6, 527.8, or 527.85 of the Code of Civil Procedure, a protective order as defined in § 6218 of the Family Code, a protective order issued pursuant to § 136.2 or 646.91 of this code, a protective order issued pursuant to § 15657.03 of the Welfare and Institutions Code, or by a valid order issued by an out-of-state jurisdiction that is similar or equivalent to a temporary restraining order, injunction, or protective order specified in this subdivision, that includes a prohibition from owning or possessing a firearm, is guilty of a public offense, punishable by imprisonment in a county jail not exceeding one year, by a fine not exceeding \$1,000, or by both that imprisonment and fine.

(c) If probation is granted upon conviction of a violation of this section, the court shall impose probation consistent with § 1203.097.

(d) The Judicial Council shall provide notice on all protective orders issued within the state that the respondent is prohibited from owning, possessing, purchasing, receiving, or attempting to purchase or receive a firearm while the protective order is in effect. The order shall also state that a firearm owned or possessed by the person shall be relinquished to the local law enforcement agency for that jurisdiction, sold to a licensed firearms dealer, or transferred to a licensed firearms dealer pursuant to § 29830 for the duration of the period that the protective order is in effect, and that proof of surrender or sale shall be filed within a specified time of receipt of the order. The order shall state the penalties for a violation of the prohibition. The order shall also state on its face the expiration date for relinquishment.

Section 29830. Transfer of firearms, ammunition feeding device, or ammunition to firearms dealer or ammunition vendor during ownership prohibition.

(a) A person who is prohibited from owning or possessing a firearm, ammunition feeding device, or ammunition pursuant to any law, may transfer or cause to be transferred, any firearm, ammunition feeding device, or ammunition in his or her possession, or of which he or she is the owner, to a firearms dealer licensed pursuant to Sections 26700 to 26915, inclusive, or may transfer ammunition to an ammunition vendor, licensed pursuant to Sections 30385 to 30395, inclusive, for storage during the duration of the prohibition, if the prohibition on owning or possessing the firearm, ammunition feeding device, or ammunition will expire on a specific ascertainable date, whether or not specified in the court order, or pursuant to Section 29800, 29805, or 29810.

(b) A firearms dealer or ammunition vendor who stores a firearm, ammunition feeding device, or ammunition pursuant to subdivision (a), may charge the owner a reasonable fee for the storage of the firearm, ammunition feeding device, or ammunition.

(c) A firearms dealer or ammunition vendor who stores a firearm, ammunition feeding device, or ammunition pursuant to subdivision (a) shall notify the Department of Justice of the date that the firearms dealer or ammunition vendor has taken possession of the firearm, ammunition feeding device, or ammunition.

(d) Any firearm that is returned by a dealer to the owner of the firearm pursuant to this section shall be returned in accordance with the procedures set forth in Section 27540 and Article 1 (commencing with Section 26700) and Article 2 (commencing with Section 26800) of Chapter 2 of Division 6.

(e) Any ammunition that is returned by a firearms dealer or ammunition vendor to the owner of the ammunition pursuant to this section shall be returned in accordance with the procedures set forth in Article 4 (commencing with Section 30370) of Chapter 1 of Division 10.

(f) This section shall become operative on July 1, 2020.

Article 2 Exemption or Petition for Relief

Section 29850. Justifiable violation of firearm access prohibitions.

(a) A violation of § 29800, 29805, 29815, or 29820 is justifiable where all of the following conditions are met:

(1) The person found the firearm or took the firearm from a person who was committing a crime against the person who found or took the firearm.

(2) The person possessed the firearm no longer than was necessary to deliver or transport the firearm to a law enforcement agency for that agency's disposition according to law or to a licensed firearms dealer for transfer or for storage pursuant to § 29830.

(3) If the firearm was transported to a law enforcement agency or to a licensed firearms dealer, it was transported in accordance with subdivision (b) of § 25570.

(4) If the firearm is being transported to a law enforcement agency or to a licensed firearms dealer, the person transporting the firearm has given prior notice to the law enforcement agency or to the licensed firearms dealer that the person is transporting the firearm to the law enforcement agency or the licensed firearms dealer for disposition according to law.

(b) Upon the trial for violating § 29800, 29805, 29815, or 29820, the trier of fact shall determine whether the defendant was acting within the provisions of the exemption created by this section.

(c) The defendant has the burden of proving by a preponderance of the evidence that the defendant comes within the provisions of the exemption created by this section.

Section 29855. Person employed as peace officer and prohibited under Section 29805; Petition.

(a) Any person employed as a peace officer described in § 830.1, 830.2, 830.31, 830.32, 830.33, or 830.5 whose employment or livelihood is dependent on the ability to legally possess a firearm, who is subject to the prohibition imposed by § 29805 because of a conviction under § 273.5, 273.6, or 646.9, may petition the court only once for relief from this prohibition.

(b) The petition shall be filed with the court in which the petitioner was sentenced. If possible, the matter shall be heard before the same judge who sentenced the petitioner.

(c) Upon filing the petition, the clerk of the court shall set the hearing date and shall notify the petitioner and the prosecuting attorney of the date of the hearing.

(d) Upon making each of the following findings, the court may reduce or eliminate the prohibition, impose conditions on reduction or elimination of the prohibition, or otherwise grant relief from the prohibition as the court deems appropriate:

(1) Finds by a preponderance of the evidence that the petitioner is likely to use a firearm in a safe and lawful manner.

(2) Finds that the petitioner is not within a prohibited class as specified in § 29815, 29820, 29825, or 29900, or subdivision (a) or (b) of § 29800, and the court is not presented with any credible evidence that the petitioner is a person described in § 8100 or 8103 of the Welfare and Institutions Code.

(3) Finds that the petitioner does not have a previous conviction under § 29805, no matter when the prior conviction occurred.

(e) In making its decision, the court shall consider the petitioner's continued employment, the interest of justice, any relevant evidence, and the totality of the circumstances. The court shall require, as a condition of granting relief from the prohibition under § 29805, that the petitioner agree to participate in counseling as deemed appropriate by the court. Relief from the prohibition shall not relieve any other person or entity from any liability that might otherwise be imposed. It is the intent of the Legislature that courts exercise broad discretion in fashioning appropriate relief under this section in cases in which relief is warranted. However, nothing in this section shall be construed to require courts to grant relief to any particular petitioner. It is the intent of the Legislature to permit persons who were convicted of an offense specified in § 273.5, 273.6, or 646.9 to seek relief from the prohibition imposed by § 29805.

Section 29860. Person subject to prohibition imposed by Section 29805; Petition.

(a) Any person who is subject to the prohibition imposed by § 29805 because of a conviction of an offense prior to that offense being added to § 29805 may petition the court only once for relief from this prohibition.

(b) The petition shall be filed with the court in which the petitioner was sentenced. If possible, the matter shall be heard before the same judge that sentenced the petitioner.

(c) Upon filing the petition, the clerk of the court shall set the hearing date and notify the petitioner and the prosecuting attorney of the date of the hearing.

(d) Upon making each of the following findings, the court may reduce or eliminate the prohibition, impose conditions on reduction or elimination of the prohibition, or otherwise grant relief from the prohibition as the court deems appropriate:

- (1)** Finds by a preponderance of the evidence that the petitioner is likely to use a firearm in a safe and lawful manner.
- (2)** Finds that the petitioner is not within a prohibited class as specified in § 29815, 29820, 29825, or 29900, or subdivision (a) or (b) of § 29800, and the court is not presented with any credible evidence that the petitioner is a person described in § 8100 or 8103 of the Welfare and Institutions Code.
- (3)** Finds that the petitioner does not have a previous conviction under § 29805, no matter when the prior conviction occurred.

(e) In making its decision, the court may consider the interest of justice, any relevant evidence, and the totality of the circumstances. It is the intent of the Legislature that courts exercise broad discretion in fashioning appropriate relief under this section in cases in which relief is warranted. However, nothing in this section shall be construed to require courts to grant relief to any particular petitioner.

Chapter 3 Person Convicted of Violent Offense

Section 29900. Person convicted of violent offense owning or possessing firearm; Felony.

(a)

- (1)** Notwithstanding subdivision (a) of § 29800, any person who has been previously convicted of any of the offenses listed in § 29905 and who owns or has in possession or under custody or control any firearm is guilty of a felony.
- (2)** A dismissal of an accusatory pleading pursuant to § 1203.4a involving an offense set forth in § 29905 does not affect the finding of a previous conviction.

Section 29905. Violent offense.

(a) As used in this chapter, a violent offense includes any of the following:

- (1)** Murder or voluntary manslaughter.
- (2)** Mayhem.
- (3)** Rape.
- (4)** Sodomy by force, violence, duress, menace, or threat of great bodily harm.
- (5)** Oral copulation by force, violence, duress, menace, or threat of great bodily harm.
- (6)** Lewd acts on a child under the age of 14 years.
- (7)** Any felony punishable by death or imprisonment in the state prison for life.
- (8)** Any other felony in which the defendant inflicts great bodily injury on any person, other than an accomplice, that has been charged and proven, or any felony in which the defendant uses a firearm which use has been charged and proven.
- (9)** Attempted murder.
- (10)** Assault with intent to commit rape or robbery.
- (11)** Assault with a deadly weapon or instrument on a peace officer.
- (12)** Assault by a life prisoner on a noninmate.
- (13)** Assault with a deadly weapon by an inmate.
- (14)** Arson.
- (15)** Exploding a destructive device or any explosive with intent to injure.
- (16)** Exploding a destructive device or any explosive causing great bodily injury.
- (17)** Exploding a destructive device or any explosive with intent to murder.
- (18)** Robbery.
- (19)** Kidnapping.
- (20)** Taking of a hostage by an inmate of a state prison.
- (21)** Attempt to commit a felony punishable by death or imprisonment in the state prison for life.
- (22)** Any felony in which the defendant personally used a dangerous or deadly weapon.

(23) Escape from a state prison by use of force or violence.

(24) Assault with a deadly weapon or force likely to produce great bodily injury.

(25) Any felony violation of § 186.22.

(26) Any offense enumerated in subdivision (a), (b), or (d) of § 23515.

(27) Carjacking.

(28) Any offense enumerated in subdivision (c) of § 23515 if the person has 2 or more convictions for violating paragraph (2) of subdivision (a) of § 417.

(b) As used in this chapter, a violent offense also includes any attempt to commit a crime listed in subdivision (a) other than an assault.

Division 10 – Special Rules Relating to Particular Types of Firearms or Firearm Equipment

Chapter 1 – Ammunition

Article 1 – Flechette Dart Ammunition or Bullet Containing or Carrying an Explosive Agent

Section 30210. Ammunition containing flechette dart; Bullet containing explosive agent; Punishment.

Except as provided in § 30215 and Chapter 1 (commencing with § 17700) of Division 2 of Title 2, any person in this state who manufactures or causes to be manufactured, imports into the state, keeps for sale, or offers or exposes for sale, or who gives, lends, or possesses either of the following is punishable by imprisonment in a county jail not exceeding one year or imprisonment pursuant to subdivision (h) of § 1170:

(a) Any ammunition that contains or consists of any flechette dart.

(b) Any bullet containing or carrying an explosive agent.

Section 30215. Tracer ammunition; application of Section 30210.

Section 30210 does not apply to tracer ammunition manufactured for use in a shotgun.

Section 30290. Flechette dart, bullet containing explosive agent as nuisance.

Except as provided in § 30215 and in Chapter 1 (commencing with § 17700) of Division 2 of Title 2, any ammunition that contains or consists of any flechette dart, or any bullet containing or carrying an explosive agent, is a nuisance and is subject to § 18010.

Article 2 – Other Restrictions Relating to Ammunition

Section 30300. Prohibited actions related to ammunition; Punishment.

(a) Any person, corporation, or dealer who does any of the following shall be punished by imprisonment in a county jail for a term not to exceed 6 months, or by a fine not to exceed \$1,000, or by both the imprisonment and fine:

- (1)** Sells any ammunition or reloaded ammunition to a person under 18 years of age.
- (2)** Sells any ammunition or reloaded ammunition designed and intended for use in a handgun to a person under 21 years of age. Where ammunition or reloaded ammunition may be used in both a rifle and a handgun, it may be sold to a person who is at least 18 years of age, but less than 21 years of age, if the vendor reasonably believes that the ammunition is being acquired for use in a rifle and not a handgun.
- (3)** Supplies, delivers, or gives possession of any ammunition to any minor who the person, corporation, or dealer knows, or using reasonable care should know, is prohibited from possessing that ammunition at that time pursuant to Chapter 1 (commencing with § 29610) of Division 9 of Title 4 of Part 6.

(b) Proof that a person, corporation, or dealer, or his or her agent or employee, demanded, was shown, and acted in reasonable reliance upon, bona fide evidence of majority and identity shall be a defense to any criminal prosecution under this section.

Section 30305. Persons prohibited from owning or possessing firearm prohibited from owning, possessing, or controlling ammunition.

(a)

(1) No person prohibited from owning or possessing a firearm under Chapter 2 (commencing with § 29800) or Chapter 3 (commencing with § 29900) of Division 9 of this title, or § 8100 or 8103 of the Welfare and Institutions Code, shall own, possess, or have under custody or control, any ammunition or reloaded ammunition.

(2) A violation of this subdivision is punishable by imprisonment in a county jail not to exceed one year or in the state prison, by a fine not to exceed \$1,000, or by both the fine and imprisonment.

(b)

(1) A person who is not prohibited by subdivision (a) from owning, possessing, or having under the person's custody or control, any ammunition or reloaded ammunition, but who is enjoined from engaging in activity pursuant to an injunction issued pursuant to § 3479 of the Civil Code against that person as a member of a criminal street gang, as defined in § 186.22, may not own, possess, or have under the person's custody or control, any ammunition or reloaded ammunition.

(2) A violation of this subdivision is a misdemeanor.

(c) A violation of subdivision (a) or (b) is justifiable where all of the following conditions are met:

(1) The person found the ammunition or reloaded ammunition or took the ammunition or reloaded ammunition from a person who was committing a crime against the person who found or took the ammunition or reloaded ammunition.

(2) The person possessed the ammunition or reloaded ammunition no longer than was necessary to deliver or transport the ammunition or reloaded ammunition to a law enforcement agency for that agency's disposition according to law.

(3) The person is prohibited from possessing any ammunition or reloaded ammunition solely because that person is prohibited from owning or possessing a firearm only by virtue of Chapter 2 (commencing with § 29800) of Division 9 or ammunition or reloaded ammunition because of subdivision (b).

(d) Upon the trial for violating subdivision (a) or (b), the trier of fact shall determine whether the defendant is subject to the exemption created by subdivision (c). The defendant has the burden of proving by a preponderance of the evidence that the defendant is subject to the exemption provided by subdivision (c).

Section 30306. Providing ammunition to person prohibited from having; Provision to person subsequently selling or transferring to prohibited person; Acts cumulative.

(a) Any person, corporation, firm, or other business enterprise who supplies, delivers, sells, or gives possession or control of, any ammunition to any person who he or she knows or using reasonable care should know is prohibited from owning, possessing, or having under custody or control, any ammunition or reloaded ammunition pursuant to subdivision (a) or (b) of § 30305, is guilty of a misdemeanor, punishable by imprisonment in a county jail not exceeding one year, or a fine not exceeding \$1,000, or by both that fine and imprisonment.

(b) Any person, corporation, firm, or other business enterprise who supplies, delivers, sells, or gives possession or control of ammunition to a person who the person, corporation, firm, or other business enterprise knows or has cause to believe

is not the actual purchaser or transferee of the ammunition, with knowledge or cause to believe that the ammunition is to be subsequently sold or transferred to a person who is prohibited from owning, possessing, or having under custody or control any ammunition or reloaded ammunition pursuant to subdivision (a) or (b) of § 30305, is guilty of a misdemeanor, punishable by imprisonment in a county jail not exceeding one year or a fine not exceeding \$1,000, or by both that fine and imprisonment.

(c) The provisions of this section are cumulative and shall not be construed as restricting the application of any other law. However, an act or omission punishable in different ways by this section and another provision of law shall not be punished under more than one provision.

Section 30310. Ammunition on school grounds.

(a) Unless it is with the written permission of the school district superintendent, the superintendent's designee, or equivalent school authority, no person shall carry ammunition or reloaded ammunition onto school grounds, except sworn law enforcement officers acting within the scope of their duties.

(b) This section shall not apply to any of the following:

(1) A duly appointed peace officer as defined in Chapter 4.5 (commencing with § 830) of Title 3 of Part 2.

(2) A full-time paid peace officer of another state or the federal government who is carrying out official duties while in California.

(3) Any person summoned by any of these officers to assist in making an arrest or preserving the peace while that person is actually engaged in assisting the officer.

(4) A member of the military forces of this state or of the United States who is engaged in the performance of that person's duties.

(5) An armored vehicle guard, who is engaged in the performance of that person's duties, as defined in subdivision (d) of § 7582.1 of the Business and Professions Code.

(6) Any peace officer, listed in § 830.1 or 830.2, or subdivision (a) of § 830.33, whether active or honorably retired.

(7) Any other duly appointed peace officer.

(8) Any honorably retired peace officer listed in subdivision (c) of § 830.5.

(9) Any other honorably retired peace officer who during the course and scope of his or her appointment as a peace officer was authorized to, and did, carry a firearm.

(10)

(A) A person carrying ammunition or reloaded ammunition onto school grounds that is in a motor vehicle at all times and is within a locked container or within the locked trunk of the vehicle.

(B) For purposes of this paragraph, the term "**locked container**" has the same meaning as set forth in § 16850.

(c) A violation of this section is punishable by imprisonment in a county jail for a term not to exceed 6 months, a fine not to exceed \$1,000, or both the imprisonment and fine.

Section 30312. Sale, delivery, or transfer of ammunition; Exception.

(a)

(1) Commencing January 1, 2018, the sale of ammunition by any party shall be conducted by or processed through a licensed ammunition vendor.

(2) When neither party to an ammunition sale is a licensed ammunition vendor, the seller shall deliver the ammunition to a vendor to process the transaction. The ammunition vendor shall promptly and properly deliver the ammunition to the purchaser, if the sale is not prohibited, as if the ammunition were the vendor's own merchandise. If the ammunition vendor cannot legally deliver the ammunition to the purchaser, the vendor shall forthwith return the ammunition to the seller. The ammunition vendor may charge the purchaser an administrative fee to process the transaction, in an amount to be set by the Department of Justice, in addition to any applicable fees that may be charged pursuant to the provisions of this title.

(b) Commencing January 1, 2018, the sale, delivery, or transfer of ownership of ammunition by any party may only occur in a face-to-face transaction with the seller, deliverer, or transferor, provided, however, that ammunition may be purchased or acquired over the Internet or through other means of remote ordering if a licensed ammunition vendor initially receives the ammunition and processes the transaction in compliance with this section and Article 3 (commencing with Section 30342) of Chapter 1 of Division 10 of Title 4 of this part.

(c) Subdivisions (a) and (b) shall not apply to the sale, delivery, or transfer of ammunition to any of the following:

(1) An authorized law enforcement representative of a city, county, city and county, or state or federal government, if the sale, delivery, or transfer is for exclusive use by that government agency and, prior to the sale, delivery, or transfer of the ammunition, written authorization from the head of the agency employing the purchaser or transferee is obtained, identifying the employee as an individual authorized to conduct the transaction, and authorizing the transaction for the exclusive use of the agency employing the individual.

(2) A sworn peace officer, as defined in Chapter 4.5 (commencing with Section 830) of Title 3 of Part 2, or sworn federal law enforcement officer, who is authorized to carry a firearm in the course and scope of the officer's duties.

(3) An importer or manufacturer of ammunition or firearms who is licensed to engage in business pursuant to Chapter 44 (commencing with Section 921) of Title 18 of the United States Code and the regulations issued pursuant thereto.

(4) A person who is on the centralized list of exempted federal firearms licensees maintained by the Department of Justice pursuant to Article 6 (commencing with Section 28450) of Chapter 6 of Division 6 of this title.

(5) A person whose licensed premises are outside this state and who is licensed as a dealer or collector of firearms pursuant to Chapter 44 (commencing with Section 921) of Title 18 of the United States Code and the regulations issued pursuant thereto.

(6) A person who is licensed as a collector of firearms pursuant to Chapter 44 (commencing with Section 921) of Title 18 of the United States Code and the regulations issued pursuant thereto, whose licensed premises are within this state, and who has a current certificate of eligibility issued by the Department of Justice pursuant to Section 26710.

(7) An ammunition vendor.

(8) A consultant-evaluator.

(9) A person who purchases or receives ammunition at a target facility holding a business or other regulatory license, provided that the ammunition is at all times kept within the facility's premises.

(10) A person who purchases or receives ammunition from a spouse, registered domestic partner, or immediate family member as defined in Section 16720.

(11) A person enrolled in the basic training academy for peace officers or any other course certified by the Commission on Peace Officer Standards and Training, an instructor of the academy or course, or a staff member of the academy or entity providing the course, who is purchasing the ammunition for the purpose of participation or use in the course.

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

Section 30314. Ammunition purchased outside of state; Licensed ammunition vendor requirement.

(a) Commencing January 1, 2018, a resident of this state shall not bring or transport into this state any ammunition that he or she purchased or otherwise obtained from outside of this state unless he or she first has that ammunition delivered to a licensed ammunition vendor for delivery to that resident pursuant to the procedures set forth in Section 30312.

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

(1) An ammunition vendor.

(2) A sworn peace officer, as defined in Chapter 4.5 (commencing with Section 830) of Title 3 of Part 2, or sworn federal law enforcement officer, who is authorized to carry a firearm in the course and scope of the officer's duties.

(3) An importer or manufacturer of ammunition or firearms who is licensed to engage in business pursuant to Chapter 44 (commencing with Section 921) of Title 18 of the United States Code and the regulations issued pursuant thereto.

(4) A person who is on the centralized list of exempted federal firearms licensees maintained by the Department of Justice pursuant to Article 6 (commencing with Section 28450) of Chapter 6 of Division 6.

(5) A person who is licensed as a collector of firearms pursuant to Chapter 44 (commencing with Section 921) of Title 18 of the United States Code and the regulations issued pursuant thereto, whose licensed premises are within this state, and who has a current certificate of eligibility issued by the Department of Justice pursuant to Section 26710.

(6) A person who acquired the ammunition from a spouse, registered domestic partner, or immediate family member as defined in Section 16720.

(c) A violation of this section is an infraction for any first time offense, and either an infraction or a misdemeanor for any subsequent offense.

Section 30315. Possession of handgun ammunition designed to penetrate metal or armor.

Any person, firm, or corporation who, within this state knowingly possesses any handgun ammunition designed primarily to penetrate metal or armor is guilty of a public offense and upon conviction thereof shall be punished by imprisonment

pursuant to subdivision (h) of § 1170, or in the county jail for a term not to exceed one year, or by a fine not to exceed \$5,000, or by both that fine and imprisonment.

Section 30320. Manufacture, importation, sale or knowing transport of handgun ammunition designed to penetrate metal or armor.

Any person, firm, or corporation who, within this state, manufactures, imports, sells, offers to sell, or knowingly transports any handgun ammunition designed primarily to penetrate metal or armor is guilty of a felony and upon conviction thereof shall be punished by imprisonment in state prison, or by a fine not to exceed \$5,000, or by both that fine and imprisonment.

Section 30325. Transport of handgun ammunition designed to penetrate metal or armor for disposition according to law.

Nothing in this article shall apply to or affect the possession of handgun ammunition designed primarily to penetrate metal or armor by a person who found the ammunition, if that person is not prohibited from possessing firearms or ammunition pursuant to subdivision (a) of § 30305, Chapter 2 (commencing with § 29800) or Chapter 3 (commencing with § 29900) of Division 9 of this title, or § 8100 or 8103 of the Welfare and Institutions Code, and the person is transporting the ammunition to a law enforcement agency for disposition according to law.

Section 30330. Exception for armed forces; police agency, forensic laboratory, or valid permit holder.

Nothing in this article shall apply to or affect the sale to, purchase by, possession of, or use of any ammunition by any member of the Army, Navy, Air Force, or Marine Corps of the United States, or the National Guard, while on duty and acting within the scope and course of employment, or any police agency or forensic laboratory or any person who is the holder of a valid permit issued pursuant to Article 3 (commencing with § 18900) of Chapter 1 of Division 5 of Title 2.

Section 30335. Transportation of ammunition when propellant removed and primer permanently deactivated.

Nothing in this article shall prohibit the possession, importation, sale, attempted sale, or transport of ammunition from which the propellant has been removed and the primer has been permanently deactivated.

Section 30340. Manufacture of ammunition under contracts approved by state or federal government.

Nothing in this article shall prohibit the manufacture of ammunition under contracts approved by agencies of the state or federal government.

Article 3 – Ammunition Vendors

Section 30342. Sale of more than 500 rounds of ammunition in 30-day period; Ammunition vendor license requirement.

- (a) Commencing January 1, 2018, a valid ammunition vendor license shall be required for any person, firm, corporation, or other business enterprise to sell more than 500 rounds of ammunition in any 30-day period.
- (b) Subdivision (a) does not apply to, or affect the sale of, ammunition to a person who holds a valid ammunition vendor license by a person in order to comply with Section 6389 of the Family Code.
- (c) A violation of this section is a misdemeanor.

Section 30345. Compliance by vendor.

- (a) A vendor shall comply with all of the conditions, requirements, and prohibitions stated in this article.
- (b) Commencing July 1, 2022, the Department of Justice may inspect ammunition vendors to ensure compliance with subdivision (a) and any other applicable state or federal firearms laws. The department may adopt regulations to administer the application and enforcement provisions of this chapter.

Section 30347. Ammunition vendor's agents and employees; Certificate of eligibility from Department of Justice; Limitation on scope of employment for specified persons.

- (a) An ammunition vendor shall require any agent or employee who handles, sells, delivers, or has under his or her custody or control any ammunition, to obtain and provide to the vendor a certificate of eligibility from the Department of Justice issued pursuant to Section 26710. On the application for the certificate, the agent or employee shall provide the name and address of the ammunition vendor with whom the person is employed, or the name and California firearms dealer number of the ammunition vendor if applicable.
- (b) The department shall notify the ammunition vendor in the event that the agent or employee who has a certificate of eligibility is or becomes prohibited from possessing ammunition under subdivision (a) of Section 30305 or federal law.
- (c) An ammunition vendor shall not permit any agent or employee who the vendor knows or reasonably should know is a person described in Chapter 2 (commencing with Section 29800) or Chapter 3 (commencing with Section 29900) of

Division 9 of this title or Section 8100 or 8103 of the Welfare and Institutions Code to handle, sell, deliver, or have under his or her custody or control, any ammunition in the course and scope of employment.

Section 30348. Sale of ammunition by licensed vendor; Licensed premises requirement; Gun shows and events.

(a) Except as provided in subdivision (b), the sale of ammunition by a licensed vendor shall be conducted at the location specified in the license.

(b) A vendor may sell ammunition at a gun show or event if the gun show or event is not conducted from any motorized or towed vehicle.

(c) For purposes of this section, "gun show or event" means a function sponsored by any national, state, or local organization, devoted to the collection, competitive use, or other sporting use of firearms, or an organization or association that sponsors functions devoted to the collection, competitive use, or other sporting use of firearms in the community.

(d) Sales of ammunition at a gun show or event shall comply with all applicable laws including Sections 30347, 30350, 30352, and 30360.

Section 30350. Transfer of ammunition without assistance of vendor or employee.

An ammunition vendor shall not sell or otherwise transfer ownership of, offer for sale or otherwise offer to transfer ownership of, or display for sale or display for transfer of ownership of any ammunition in a manner that allows that ammunition to be accessible to a purchaser or transferee without the assistance of the vendor or an employee of the vendor.

Section 30352. Information necessary for transfer of ammunition.

(a) Commencing July 1, 2019, an ammunition vendor shall not sell or otherwise transfer ownership of any ammunition without, at the time of delivery, legibly recording the following information on a form to be prescribed by the Department of Justice:

- (1) The date of the sale or other transfer.
- (2) The purchaser's or transferee's driver's license or other identification number and the state in which it was issued.
- (3) The brand, type, and amount of ammunition sold or otherwise transferred.
- (4) The purchaser's or transferee's full name and signature.
- (5) The name of the salesperson who processed the sale or other transaction.
- (6) The purchaser's or transferee's full residential address and telephone number.
- (7) The purchaser's or transferee's date of birth.

(b)

(1) Commencing July 1, 2019, an ammunition vendor shall electronically submit to the department the information required by subdivision (a) for all sales and transfers of ownership of ammunition. The department shall retain this information in a database to be known as the Ammunition Purchase Records File. This information shall remain confidential and may be used by the department and those entities specified in, and pursuant to, subdivision (b) or (c) of § 11105, through the California Law Enforcement Telecommunications System, only for law enforcement purposes. The ammunition vendor shall not use, sell, disclose, or share the information for any other purpose other than the submission required by this subdivision without the express written consent of the purchaser or transferee.

(2) The information collected by the department as provided in paragraph (1) shall be available to researchers affiliated with the California Firearm Violence Research Center at UC Davis following approval by the institution's governing institutional review board, when required. At the department's discretion, and subject to Section 14240, the data may be provided to any other nonprofit bona fide research institution accredited by the United States Department of Education or the Council for Higher Education Accreditation for the study of the prevention of violence, following approval by the institution's governing institutional review board or human subjects committee, when required, for academic and policy research purposes. Material identifying individuals shall only be provided for research or statistical activities and shall not be transferred, revealed, or used for purposes other than research or statistical activities, and reports or publications derived therefrom shall not identify specific individuals. Reasonable costs to the department associated with the department's processing of that data may be billed to the researcher. If a request for data or letter of support for research using the data is denied, the department shall provide a written statement of the specific reasons for the denial.

(c) Commencing on July 1, 2019, only those persons listed in this subdivision, or those persons or entities listed in subdivision (e), shall be authorized to purchase ammunition. Prior to delivering any ammunition, an ammunition vendor

shall require bona fide evidence of identity to verify that the person who is receiving delivery of the ammunition is a person or entity listed in subdivision (e) or one of the following:

(1) A person authorized to purchase ammunition pursuant to § 30370.

(2) A person who was approved by the department to receive a firearm from the ammunition vendor, pursuant to § 28220, if that vendor is a licensed firearms dealer, and the ammunition is delivered to the person in the same transaction as the firearm.

(d) Commencing July 1, 2019, the ammunition vendor shall verify with the department, in a manner prescribed by the department, that the person is authorized to purchase ammunition. If the person is not listed as an authorized ammunition purchaser, the vendor shall deny the sale or transfer.

(e) Subdivisions (a) and (d) shall not apply to sales or other transfers of ownership of ammunition by ammunition vendors to any of the following, if properly identified:

(1) An ammunition vendor.

(2) A person who is on the centralized list of exempted federal firearms licensees maintained by the department pursuant to Article 6 (commencing with § 28450) of Chapter 6 of Division 6.

(3) A person who purchases or receives ammunition at a target facility holding a business or other regulatory license, provided that the ammunition is at all times kept within the facility's premises.

(4) A gunsmith.

(5) A wholesaler.

(6) A manufacturer or importer of firearms or ammunition licensed pursuant to Chapter 44 (commencing with § 921) of Title 18 of the United States Code, and the regulations issued pursuant thereto.

(7) An authorized law enforcement representative of a city, county, city and county, or state or federal government, if the sale or other transfer of ownership is for exclusive use by that government agency, and, prior to the sale, delivery, or transfer of the handgun ammunition, written authorization from the head of the agency authorizing the transaction is presented to the person from whom the purchase, delivery, or transfer is being made. Proper written authorization is defined as verifiable written certification from the head of the agency by which the purchaser, transferee, or person otherwise acquiring ownership is employed, identifying the employee as an individual authorized to conduct the transaction, and authorizing the transaction for the exclusive use of the agency by which that individual is employed.

(8)

(A) A properly identified sworn peace officer, as defined in Chapter 4.5 (commencing with § 830) of Title 3 of Part 2, or properly identified sworn federal law enforcement officer, who is authorized to carry a firearm in the course and scope of the officer's duties.

(B)

(i) Proper identification is defined as verifiable written certification from the head of the agency by which the purchaser or transferee is employed, identifying the purchaser or transferee as a full-time paid peace officer who is authorized to carry a firearm in the course and scope of the officer's duties.

(ii) The certification shall be delivered to the vendor at the time of purchase or transfer and the purchaser or transferee shall provide bona fide evidence of identity to verify that he or she is the person authorized in the certification.

(iii) The vendor shall keep the certification with the record of sale and submit the certification to the department.

(f) The department is authorized to adopt regulations to implement the provisions of this section.

Section 30355. Maintenance of records.

Commencing February 1, 2011, the records required by this article shall be maintained on the premises of the vendor for a period of not less than five years from the date of the recorded transfer.

Section 30357. Inspection of records.

(a) Commencing February 1, 2011, the records referred to in § 30352 shall be subject to inspection at any time during normal business hours by any peace officer employed by a sheriff, city police department, or district attorney as provided in subdivision (a) of § 830.1, or employed by the department as provided in subdivision (b) of § 830.1, provided that the officer is conducting an investigation where access to those records is or may be relevant, is seeking information about persons prohibited from owning a firearm or ammunition, or is engaged in ensuring compliance with the Dangerous Weapons Control Law, as defined in § 23500, or any other laws pertaining to firearms or ammunition.

(b) The records referred to in § 30352 shall also be subject to inspection at any time during normal business hours by any other employee of the department, provided that the employee is conducting an investigation where access to those records is or may be relevant, is seeking information about persons prohibited from owning a firearm or ammunition, or is engaged in ensuring compliance with the Dangerous Weapons Control Law, as defined in § 23500, or any other laws pertaining to firearms or ammunition.

Section 30360. False entries in records.

Commencing February 1, 2011, a vendor shall not knowingly make a false entry in, fail to make a required entry in, fail to obtain the required thumbprint, or otherwise fail to maintain in the required manner, records prepared in accordance with Section 30352. If the right thumbprint is not available, then the vendor shall have the purchaser or transferee use the left thumb, or any available finger, and shall so indicate on the form.

Section 30362. Refusal to permit inspection.

(a) Commencing February 1, 2011, no vendor shall, during any inspection conducted pursuant to this article, refuse to permit a person authorized under Section 30357 to examine any record prepared in accordance with this article.

(b) Commencing February 1, 2011, no vendor shall refuse to permit the use of any record or information by a person authorized under Section 30357.

Section 30363. Loss or theft of ammunition; Reporting requirements for licensed ammunition vendors.

Within 48 hours of discovery, an ammunition vendor shall report the loss or theft of any of the following items to the appropriate law enforcement agency in the city, county, or city and county where the vendor's business premises are located:

- (1)** Any ammunition that is merchandise of the vendor.
- (2)** Any ammunition that the vendor takes possession of pursuant to Section 30312.
- (3)** Any ammunition kept at the vendor's place of business.

Section 30365. Violation as misdemeanor; Provisions cumulative.

(a) A violation of Section 30352, 30355, 30360, or 30362 is a misdemeanor.

(b) The provisions of this section are cumulative, and shall not be construed as restricting the application of any other law. However, an act or omission punishable in different ways by different provisions of law shall not be punished under more than one provision.

Article 4 – Ammunition Purchase Authorizations

Section 30370. Determination of eligibility to purchase; Electronic approval; AFS cross-reference; Fee; Exceptions.

(a) Commencing July 1, 2019, the department shall electronically approve the purchase or transfer of ammunition through a vendor, as defined in § 16151, except as otherwise specified. This approval shall occur at the time of purchase or transfer, prior to the purchaser or transferee taking possession of the ammunition. Pursuant to the authorization specified in paragraph (1) of subdivision (c) of § 30352, the following persons are authorized to purchase ammunition:

- (1)** A purchaser or transferee whose information matches an entry in the AFS and who is eligible to possess ammunition as specified in subdivision (b).
- (2)** A purchaser or transferee who has a current certificate of eligibility issued by the department pursuant to § 26710.
- (3)** A purchaser or transferee who is not prohibited from purchasing or possessing ammunition in a single ammunition transaction or purchase made pursuant to the procedure developed pursuant to subdivision (c).

(b) To determine if the purchaser or transferee is eligible to purchase or possess ammunition pursuant to paragraph (1) of subdivision (a), the department shall cross-reference the ammunition purchaser's or transferee's name, date of birth, current address, and driver's license or other government identification number, as described in § 28180, with the information maintained in the AFS. If the purchaser's or transferee's information does not match an AFS entry, the transaction shall be denied. If the purchaser's or transferee's information matches an AFS entry, the department shall determine if the purchaser or transferee falls within a class of persons who are prohibited from owning or possessing ammunition by cross-referencing with the Prohibited Armed Persons File. If the purchaser or transferee is prohibited from owning or possessing a firearm, the transaction shall be denied.

(c) The department shall develop a procedure in which a person who is not prohibited from purchasing or possessing ammunition may be approved for a single ammunition transaction or purchase. The department shall recover the cost of processing and regulatory and enforcement activities related to this section by charging the ammunition transaction or

purchase applicant a fee not to exceed the fee charged for the department's Dealers' Record of Sale (DROS) process, as described in § 28225 and not to exceed the department's reasonable costs.

(d) A vendor is prohibited from providing a purchaser or transferee ammunition without department approval. If a vendor cannot electronically verify a person's eligibility to purchase or possess ammunition via an Internet connection, the department shall provide a telephone line to verify eligibility. This option is available to ammunition vendors who can demonstrate legitimate geographical and telecommunications limitations in submitting the information electronically and who are approved by the department to use the telephone line verification.

(e) The department shall recover the reasonable cost of regulatory and enforcement activities related to this article by charging ammunition purchasers and transferees a per transaction fee not to exceed \$1, provided, however, that the fee may be increased at a rate not to exceed any increases in the California Consumer Price Index as compiled and reported by the Department of Industrial Relations, not to exceed the reasonable regulatory and enforcement costs.

(g) The Department of Justice is authorized to adopt regulations to implement this section.

Article 5 – Ammunition Vendor Licenses

Section 30385. Issuance of license by Department of Justice.

(a) The Department of Justice is authorized to issue ammunition vendor licenses pursuant to this article. The department shall, commencing July 1, 2017, commence accepting applications for ammunition vendor licenses. If an application is denied, the department shall inform the applicant of the reason for denial in writing.

(b) The ammunition vendor license shall be issued in a form prescribed by the department and shall be valid for a period of one year. The department may adopt regulations to administer the application and enforcement provisions of this article. The license shall allow the licensee to sell ammunition at the location specified in the license or at a gun show or event as set forth in Section 30348.

(c)

(1) In the case of an entity other than a natural person, the department shall issue the license to the entity, but shall require a responsible person to pass the background check pursuant to Section 30395.

(2) For purposes of this article, "**responsible person**" means a person having the power to direct the management, policies, and practices of the entity as it pertains to ammunition.

(d) Commencing January 1, 2018, a firearms dealer licensed pursuant to Sections 26700 to 26915, inclusive, shall automatically be deemed a licensed ammunition vendor, provided the dealer complies with the requirements of Article 2 (commencing with Section 30300) and Article 3 (commencing with Section 30342).

Section 30395. Determination of eligibility for license.

(a) The Department of Justice is authorized to issue ammunition vendor licenses to applicants who the department has determined, either as an individual or a responsible person, are not prohibited from possessing, receiving, owning, or purchasing ammunition under subdivision (a) of Section 30305 or federal law, and who provide a copy of any regulatory or business license required by local government, a valid seller's permit issued by the State Board of Equalization, a federal firearms license if the person is federally licensed, and a certificate of eligibility issued by the department.

(b) The department shall keep a registry of all licensed ammunition vendors. Law enforcement agencies shall be provided access to the registry for law enforcement purposes.

(c) An ammunition vendor license is subject to forfeiture for a breach of any of the prohibitions and requirements of Article 2 (commencing with Section 30300) or Article 3 (commencing with Section 30342).

Chapter 2 – Assault Weapons and .50 BMG Rifles

Article 1 – General Provisions

Section 30510. "Assault weapon".

As used in this chapter and in §§ 16780, 17000, and 27555, "**assault weapon**" means the following designated semiautomatic firearms:

(a) All of the following specified rifles:

(1) All AK series including, but not limited to, the models identified as follows:

(A) Made in China AK, AKM, AKS, AK47, AK47S, 56, 56S, 84S, and 86S.

(B) Norinco 56, 56S, 84S, and 86S.

(C) Poly Technologies AKS and AK47.

(D) MAADI AK47 and ARM.

- (2)** UZI and Galil.
 - (3)** Beretta AR-70.
 - (4)** CETME Sporter.
 - (5)** Colt AR-15 series.
 - (6)** Daewoo K-1, K-2, Max 1, Max 2, AR 100, and AR 110C.
 - (7)** Fabrique Nationale FAL, LAR, FNC, 308 Match, and Sporter.
 - (8)** MAS 223.
 - (9)** HK-91, HK-93, HK-94, and HK-PSG-1.
 - (10)** The following MAC types:
 - (A)** RPB Industries Inc. sM10 and sM11.
 - (B)** SWD Incorporated M11.
 - (11)** SKS with detachable magazine.
 - (12)** SIG AMT, PE-57, SG 550, and SG 551.
 - (13)** Springfield Armory BM59 and SAR-48.
 - (14)** Sterling MK-6.
 - (15)** Steyer AUG.
 - (16)** Valmet M62S, M71S, and M78S.
 - (17)** Armalite AR-180.
 - (18)** Bushmaster Assault Rifle.
 - (19)** Calico M-900.
 - (20)** J&R ENG M-68.
 - (21)** Weaver Arms Nighthawk.
- (b)** All of the following specified pistols:
- (1)** UZI.
 - (2)** Encom MP-9 and MP-45.
 - (3)** The following MAC types:
 - (A)** RPB Industries Inc. sM10 and sM11.
 - (B)** SWD Incorporated M-11.
 - (C)** Advance Armament Inc. M-11.
 - (D)** Military Armament Corp. Ingram M-11.
 - (4)** Intratec TEC-9.
 - (5)** Sites Spectre.
 - (6)** Sterling MK-7.
 - (7)** Calico M-950.
 - (8)** Bushmaster Pistol.
- (c)** All of the following specified shotguns:
- (1)** Franchi SPAS 12 and LAW 12.
 - (2)** Striker 12.
 - (3)** The Streetsweeper type S/S Inc. SS/12.
- (d)** Any firearm declared to be an assault weapon by the court pursuant to former § 12276.5, as it read in § 3 of Chapter 19 of the Statutes of 1989, § 1 of Chapter 874 of the Statutes of 1990, or § 3 of Chapter 954 of the Statutes of 1991,

which is specified as an assault weapon in a list promulgated pursuant to former § 12276.5, as it read in § 3 of Chapter 954 of the Statutes of 1991.

(e) This section is declaratory of existing law and a clarification of the law and the Legislature's intent which bans the weapons enumerated in this section, the weapons included in the list promulgated by the Attorney General pursuant to former § 12276.5, as it read in § 3 of Chapter 954 of the Statutes of 1991, and any other models that are only variations of those weapons with minor differences, regardless of the manufacturer. The Legislature has defined assault weapons as the types, series, and models listed in this section because it was the most effective way to identify and restrict a specific class of semiautomatic weapons.

(f) As used in this section, "**series**" includes all other models that are only variations, with minor differences, of those models listed in subdivision (a), regardless of the manufacturer.

Section 30515. Further definition of "assault weapon"; Exemptions.

(a) Notwithstanding § 30510, "assault weapon" also means any of the following:

(1) A semiautomatic, centerfire rifle that does not have a fixed magazine but has any one of the following:

- (A) A pistol grip that protrudes conspicuously beneath the action of the weapon.
- (B) A thumbhole stock.
- (C) A folding or telescoping stock.
- (D) A grenade launcher or flare launcher.
- (E) A flash suppressor.
- (F) A forward pistol grip.

(2) A semiautomatic, centerfire rifle that has a fixed magazine with the capacity to accept more than 10 rounds.

(3) A semiautomatic, centerfire rifle that has an overall length of less than 30 inches.

(4) A semiautomatic pistol that does not have a fixed magazine but has any one of the following:

- (A) A threaded barrel, capable of accepting a flash suppressor, forward handgrip, or silencer.
- (B) A second handgrip.
- (C) A shroud that is attached to, or partially or completely encircles, the barrel that allows the bearer to fire the weapon without burning the bearer's hand, except a slide that encloses the barrel.
- (D) The capacity to accept a detachable magazine at some location outside of the pistol grip.

(5) A semiautomatic pistol with a fixed magazine that has the capacity to accept more than 10 rounds.

(6) A semiautomatic shotgun that has both of the following:

- (A) A folding or telescoping stock.
- (B) A pistol grip that protrudes conspicuously beneath the action of the weapon, thumbhole stock, or vertical handgrip.

(7) A semiautomatic shotgun that does not have a fixed magazine.

(8) Any shotgun with a revolving cylinder.

(9) A semiautomatic centerfire firearm that is not a rifle, pistol, or shotgun, that does not have a fixed magazine, but that has any one of the following:

- (A) A pistol grip that protrudes conspicuously beneath the action of the weapon.
- (B) A thumbhole stock.
- (C) A folding or telescoping stock.
- (D) A grenade launcher or flare launcher.
- (E) A flash suppressor.
- (F) A forward pistol grip.
- (G) A threaded barrel, capable of accepting a flash suppressor, forward handgrip, or silencer.
- (H) A second handgrip.

(I) A shroud that is attached to, or partially or completely encircles, the barrel that allows the bearer to fire the weapon without burning the bearer's hand, except a slide that encloses the barrel.

(J) The capacity to accept a detachable magazine at some location outside of the pistol grip.

(10) A semiautomatic centerfire firearm that is not a rifle, pistol, or shotgun, that has a fixed magazine with the capacity to accept more than 10 rounds.

(11) A semiautomatic centerfire firearm that is not a rifle, pistol, or shotgun, that has an overall length of less than 30 inches.

(b) For purposes of this section, "fixed magazine" means an ammunition feeding device contained in, or permanently attached to, a firearm in such a manner that the device cannot be removed without disassembly of the firearm action.

(c) The Legislature finds a significant public purpose in exempting from the definition of "assault weapon" pistols that are designed expressly for use in Olympic target shooting events. Therefore, those pistols that are sanctioned by the International Olympic Committee and by USA Shooting, the national governing body for international shooting competition in the United States, and that were used for Olympic target shooting purposes as of January 1, 2001, and that would otherwise fall within the definition of "assault weapon" pursuant to this section are exempt, as provided in subdivision (d).

(d) "Assault weapon" does not include either of the following:

(1) Any antique firearm.

(2) Any of the following pistols, because they are consistent with the significant public purpose expressed in subdivision (c):

Manufacturer	Model	Caliber
Benelli	MP90	.22LR
Benelli	MP90	.32 S&W LONG
Benelli	MP95	.22LR
Benelli	MP95	.32 S&W LONG
Hammerli	280	.22LR
Hammerli	280	.32 S&W LONG
Hammerli	SP20	.22LR
Hammerli	SP20	.32 S&W LONG
Pardini	GPO	.22 SHORT
Pardini	GP-SCHUMANN	.22 SHORT
Pardini	HP	.32 S&W LONG
Pardini	MP	.32 S&W LONG
Pardini	SP	.22LR
Pardini	SPE	.22LR
Walther	GSP	.22LR
Walther	GSP	.32 S&W LONG
Walther	OSP	.22 SHORT
Walther	OSP-2000	.22 SHORT

(3) The Department of Justice shall create a program that is consistent with the purposes stated in subdivision (c) to exempt new models of competitive pistols that would otherwise fall within the definition of "assault weapon" pursuant to this section from being classified as an assault weapon. The exempt competitive pistols may be based on recommendations by USA Shooting consistent with the regulations contained in the USA Shooting Official Rules or may be based on the recommendation or rules of any other organization that the department deems relevant.

(e) The provisions of this section are severable. If any provision of this section or its application is held invalid, that invalidity shall not affect other provisions or applications that can be given effect without the invalid provision or application.

Section 30520. Description of assault weapons for identification purposes; Promulgation of list.

(a) The Attorney General shall prepare a description for identification purposes, including a picture or diagram, of each assault weapon listed in § 30510, and any firearm declared to be an assault weapon pursuant to former § 12276.5, as it read in § 3 of Chapter 19 of the Statutes of 1989, § 1 of Chapter 874 of the Statutes of 1990, or § 3 of Chapter 954 of the Statutes of 1991, and shall distribute the description to all law enforcement agencies responsible for enforcement of this chapter. Those law enforcement agencies shall make the description available to all agency personnel.

(b)

(1) Until January 1, 2007, the Attorney General shall promulgate a list that specifies all firearms designated as assault weapons in former § 12276, as it read in § 2 of Chapter 954 of the Statutes of 1991, § 134 of Chapter 427 of the Statutes of 1992, or § 19 of Chapter 606 of the Statutes of 1993, or declared to be assault weapons pursuant to former § 12276.5, as it read in § 3 of Chapter 19 of the Statutes of 1989, § 1 of Chapter 874 of the Statutes of 1990, or § 3 of Chapter 954 of the Statutes of 1991. The Attorney General shall file that list with the Secretary of State for publication in the California Code of Regulations. Any declaration that a specified firearm is an assault weapon shall be implemented by the Attorney General who, within 90 days, shall promulgate an amended list which shall include the specified firearm declared to be an assault weapon. The Attorney General shall file the amended list with the Secretary of State for publication in the California Code of Regulations. Any firearm declared to be an assault weapon prior to January 1, 2007, shall remain on the list filed with the Secretary of State.

(2) Chapter 3.5 (commencing with § 11340) of Part 1 of Division 3 of Title 2 of the Government Code, pertaining to the adoption of rules and regulations, shall not apply to any list of assault weapons promulgated pursuant to this section.

(c) The Attorney General shall adopt those rules and regulations that may be necessary or proper to carry out the purposes and intent of this chapter.

Section 30525. ".50 BMG cartridge."

As used in this part, **".50 BMG cartridge"** means a cartridge that is designed and intended to be fired from a center fire rifle and that meets all of the following criteria:

(a) It has an overall length of 5.54 inches from the base to the tip of the bullet.

(b) The bullet diameter for the cartridge is from .510 to, and including, .511 inch.

(c) The case base diameter for the cartridge is from .800 inch to, and including, .804 inch.

(d) The cartridge case length is 3.91 inches.

Section 30530. ".50 BMG rifle."

(a) As used in this part, **".50 BMG rifle"** means a center fire rifle that can fire a .50 BMG cartridge and is not already an assault weapon or a machinegun.

(b) A ".50 BMG rifle" does not include any antique firearm, nor any curio or relic as defined in § 478.11 of Title 27 of the CFR.

Article 2 – Unlawful Acts Relating to Assault Weapons and .50 BMG Rifles

Section 30600. Manufacture, distribution, sale or transport of assault weapon or .50 BMG rifle.

(a) Any person who, within this state, manufactures or causes to be manufactured, distributes, transports, or imports into the state, keeps for sale, or offers or exposes for sale, or who gives or lends any assault weapon or any .50 BMG rifle, except as provided by this chapter, is guilty of a felony, and upon conviction shall be punished by imprisonment pursuant to subdivision (h) of § 1170 for 4, 6, or 8 years.

(b) In addition and consecutive to the punishment imposed under subdivision (a), any person who transfers, lends, sells, or gives any assault weapon or any .50 BMG rifle to a minor in violation of subdivision (a) shall receive an enhancement of imprisonment pursuant to subdivision (h) of § 1170 of 1 year.

(c) Except in the case of a first violation involving not more than 2 firearms as provided in §§ 30605 and 30610, for purposes of this article, if more than one assault weapon or .50 BMG rifle is involved in any violation of this article, there shall be a distinct and separate offense for each.

Section 30605. Possession of assault weapon.

(a) Any person who, within this state, possesses any assault weapon, except as provided in this chapter, shall be punished by imprisonment in a county jail for a period not exceeding one year, or by imprisonment pursuant to subdivision (h) of § 1170.

(b) Notwithstanding subdivision (a), a first violation of these provisions is punishable by a fine not exceeding \$500 if the person was found in possession of no more than 2 firearms in compliance with § 30945 and the person meets all of the following conditions:

- (1)** The person proves that he or she lawfully possessed the assault weapon prior to the date it was defined as an assault weapon.
- (2)** The person has not previously been convicted of a violation of this article.
- (3)** The person was found to be in possession of the assault weapon within 1 year following the end of the 1-year registration period established pursuant to § 30900.
- (4)** The person relinquished the firearm pursuant to § 31100, in which case the assault weapon shall be destroyed pursuant to §§ 18000 and 18005.

Section 30610. Possession of .50 BMG rifle.

(a) Any person who, within this state, possesses any .50 BMG rifle, except as provided in this chapter, shall be punished by a fine of \$1,000, imprisonment in a county jail for a period not to exceed 1 year, or by both that fine and imprisonment.

(b) Notwithstanding subdivision (a), a first violation of these provisions is punishable by a fine not exceeding \$500 if the person was found in possession of no more than 2 firearms in compliance with § 30905 and the person satisfies all of the following conditions:

- (1)** The person proves that he or she lawfully possessed the .50 BMG rifle prior to January 1, 2005.
- (2)** The person has not previously been convicted of a violation of this article.
- (3)** The person was found to be in possession of the .50 BMG rifle within one year following the end of the .50 BMG rifle registration period established pursuant to § 30905.

(c) Firearms seized pursuant to this section from persons who meet all of the conditions in paragraphs (1), (2), and (3) of subdivision (b) shall be returned unless the court finds in the interest of public safety, after notice and hearing, that the .50 BMG rifle should be destroyed pursuant to §§ 18000 and 18005. Firearms seized from persons who do not meet the conditions set forth in paragraphs (1), (2), and (3) of subdivision (b) shall be destroyed pursuant to §§ 18000 and 18005.

Section 30620. Date firearm is assault weapon.

As used in this chapter, the date a firearm is an assault weapon is the earliest of the following:

- (a)** The effective date of an amendment to § 30510 or to former § 12276 that adds the designation of the specified firearm.
- (b)** The effective date of the list promulgated pursuant to former § 12276.5, as that section read in § 3 of Chapter 954 of the Statutes of 1991, which adds or changes the designation of the specified firearm.
- (c)** January 1, 2000, which was the operative date of former § 12276.1, as enacted by § 7 of Chapter 129 of the Statutes of 1999.

Section 30625. Exceptions.

Sections 30600, 30605, and 30610 do not apply to the sale of an assault weapon or .50 BMG rifle to, or the purchase, importation, or possession of an assault weapon or a .50 BMG rifle by, the Department of Justice, police departments, sheriffs' offices, marshals' offices, the Department of Corrections and Rehabilitation, the Department of the California Highway Patrol, district attorneys' offices, the Department of Fish and Wildlife, the Department of Parks and Recreation, the Department of Cannabis Control, or the military or naval forces of this state or of the United States, or any federal law enforcement agency for use in the discharge of their official duties.

Section 30630. Use of assault weapon or .50 BMG rifle for law enforcement purposes.

(a) Sections 30605 and 30610 shall not prohibit the possession or use of assault weapons or a .50 BMG rifle by sworn peace officer members of those agencies specified in § 30625 for law enforcement purposes, whether on or off duty.

(b)

(1) Sections 30600, 30605, and 30610 shall not prohibit the sale, delivery, or transfer of an assault weapon or a .50 BMG rifle to, or the possession of an assault weapon or a .50 BMG rifle by, a sworn peace officer member of an agency specified in § 30625 if the peace officer is authorized by the officer's employer to possess or receive the assault weapon or the .50 BMG rifle. Required authorization is defined as verifiable written certification from the head of the agency, identifying the recipient or possessor of the assault weapon as a peace officer and authorizing that person to receive or possess the specific assault weapon.

(2) For this exemption to apply, in the case of a peace officer who possesses or receives the assault weapon prior to January 1, 2002, the officer shall register the assault weapon on or before April 1, 2002, pursuant to former § 12285,

as it read at any time from when it was enacted by § 3 of Chapter 19 of the Statutes of 1989, to and including when it was amended by § 9 of Chapter 129 of the Statutes of 1999. In the case of a peace officer who possesses or receives the assault weapon on or after January 1, 2002, the officer shall, not later than 90 days after possession or receipt, register the assault weapon pursuant to Article 5 (commencing with § 30900), or pursuant to former § 12285, as it read at any time from when it was amended by § 9 of Chapter 129 of the Statutes of 1999 to when it was repealed by the Deadly Weapons Recodification Act of 2010. In the case of a peace officer who possesses or receives a .50 BMG rifle on or before January 1, 2005, the officer shall register the .50 BMG rifle on or before April 30, 2006. In the case of a peace officer who possesses or receives a .50 BMG rifle after January 1, 2005, the officer shall register the .50 BMG rifle not later than one year after possession or receipt.

(3) With the registration, the peace officer shall include a copy of the authorization required pursuant to this subdivision.

(c) Nothing in this article shall be construed to limit or prohibit the sale, delivery, or transfer of an assault weapon or a .50 BMG rifle to, or the possession of an assault weapon or a .50 BMG rifle by, a member of a federal law enforcement agency provided that person is authorized by the employing agency to possess the assault weapon or .50 BMG rifle.

Section. 30640 Exception for .50 BMG rifle.

Section 30610 shall not apply to the possession of a .50 BMG rifle, which was not defined or specified as an assault weapon pursuant to the then-applicable version of the former Chapter 2.3 (commencing with § 12275) of Title 2 of Part 4 that was added to this code by § 3 of Chapter 19 of the Statutes of 1989, by any person prior to May 1, 2006, if all of the following are applicable:

(a) At the time of the possession in question, the person was eligible under the then-applicable version of former Chapter 2.3 (commencing with § 12275) of Title 2 of Part 4 to register that .50 BMG rifle.

(b) The person lawfully possessed the .50 BMG rifle prior to January 1, 2005.

(c) At the time of the possession in question, the person was otherwise in compliance with the then-applicable version of former Chapter 2.3 (commencing with § 12275) of Title 2 of Part 4.

Section 30645. Exception for manufacture by persons issued permit.

Sections 30600, 30605, and 30610 shall not apply to the manufacture by any person who is issued a permit pursuant to § 31005 of assault weapons or .50 BMG rifles for sale to the following:

(a) Exempt entities listed in § 30625.

(b) Entities and persons who have been issued permits pursuant to § 31000 or 31005.

(c) Federal military and law enforcement agencies.

(d) Law enforcement and military agencies of other states.

(e) Foreign governments and agencies approved by the United States State Department.

(f) Entities outside the state who have, in effect, a federal firearms dealer's license solely for the purpose of distribution to an entity listed in subdivisions (c) to (e), inclusive.

Section 30650. Exception for sale by persons issued permit.

Sections 30600, 30605, and 30610 shall not apply to the sale of assault weapons or .50 BMG rifles by persons who are issued permits pursuant to § 31005 to any of the following:

(a) Exempt entities listed in § 30625.

(b) Entities and persons who have been issued permits pursuant to § 31000 or 31005.

(c) Federal military and law enforcement agencies.

(d) Law enforcement and military agencies of other states.

(e) Foreign governments and agencies approved by the United States State Department.

(f) Officers described in § 30630 who are authorized to possess assault weapons or .50 BMG rifles pursuant to § 30630.

Section 30655. Exception for executor or administrator of estate.

(a) Section 30600 shall not apply to a person who is the executor or administrator of an estate that includes an assault weapon or a .50 BMG rifle registered under Article 5 (commencing with § 30900) or that was possessed pursuant to subdivision (a) of § 30630 that is disposed of as authorized by the probate court, if the disposition is otherwise permitted by this chapter.

(b) Sections 30605 and 30610 shall not apply to a person who is the executor or administrator of an estate that includes an assault weapon or a .50 BMG rifle registered under Article 5 (commencing with § 30900) or that was possessed pursuant to subdivision (a) of § 30630, if the assault weapon or .50 BMG rifle is possessed at a place set forth in subdivision (a) of § 30945 or as authorized by the probate court.

Section 30660. Exception for loan by person with lawful possession and registration.

(a) Section 30600 shall not apply to a person who lawfully possesses and has registered an assault weapon or .50 BMG rifle pursuant to this chapter who lends that assault weapon or .50 BMG rifle to another person, if all the following requirements are satisfied:

(1) The person to whom the assault weapon or .50 BMG rifle is lent is 18 years of age or over and is not prohibited by state or federal law from possessing, receiving, owning, or purchasing a firearm.

(2) The person to whom the assault weapon or .50 BMG rifle is lent remains in the presence of the registered possessor of the assault weapon or .50 BMG rifle.

(3) The assault weapon or .50 BMG rifle is possessed at any of the following locations:

(A) While on a target range that holds a regulatory or business license for the purpose of practicing shooting at that target range.

(B) While on the premises of a target range of a public or private club or organization organized for the purpose of practicing shooting at targets.

(C) While attending any exhibition, display, or educational project that is about firearms and that is sponsored by, conducted under the auspices of, or approved by a law enforcement agency or a nationally or state recognized entity that fosters proficiency in, or promotes education about, firearms.

(b) Section 30600 shall not apply to the return of an assault weapon or .50 BMG rifle to the registered possessor, or the lawful possessor, which is lent by that registered or lawful possessor pursuant to subdivision (a).

(c) Sections 30605 and 30610 shall not apply to the possession of an assault weapon or .50 BMG rifle by a person to whom an assault weapon or .50 BMG rifle is lent pursuant to subdivision (a).

Section 30665. Exception for possession and importation.

Sections 30600, 30605, and 30610 shall not apply to the possession and importation of an assault weapon or a .50 BMG rifle into this state by a nonresident if all of the following conditions are met:

(a) The person is attending or going directly to or coming directly from an organized competitive match or league competition that involves the use of an assault weapon or a .50 BMG rifle.

(b) The competition or match is conducted on the premises of one of the following:

(1) A target range that holds a regulatory or business license for the purpose of practicing shooting at that target range.

(2) A target range of a public or private club or organization that is organized for the purpose of practicing shooting at targets.

(c) The match or competition is sponsored by, conducted under the auspices of, or approved by, a law enforcement agency or a nationally or state recognized entity that fosters proficiency in, or promotes education about, firearms.

(d) The assault weapon or .50 BMG rifle is transported in accordance with § 25610 or Article 3 (commencing with § 25505) of Chapter 2 of Division 5.

(e) The person is 18 years of age or over and is not in a class of persons prohibited from possessing firearms by virtue of Chapter 2 (commencing with § 29800) or Chapter 3 (commencing with § 29900) of Division 9 of this code or § 8100 or 8103 of the Welfare and Institutions Code.

Section 30670. Exception for importation and registration.

(a) Section 30600 shall not apply to the importation into this state of an assault weapon or a .50 BMG rifle by the registered owner of that assault weapon or a .50 BMG rifle if it is in accordance with the provisions of § 30945.

(b) Section 30600 shall not apply during the first 180 days of the 2005 calendar year to the importation into this state of a .50 BMG rifle by a person who lawfully possessed that .50 BMG rifle in this state prior to January 1, 2005.

Section 30675. Exception for person with permit and registration.

(a) Sections 30605 and 30610 shall not apply to any of the following persons:

(1) A person acting in accordance with § 31000 or 31005.

(2) A person who has a permit to possess an assault weapon or a .50 BMG rifle issued pursuant to § 31000 or 31005 when that person is acting in accordance with § 31000 or 31005 or Article 5 (commencing with § 30900).

(b) Sections 30600, 30605, and 30610 shall not apply to any of the following persons:

(1) A person acting in accordance with Article 5 (commencing with § 30900).

(2) A person acting in accordance with § 31000, 31005, 31050, or 31055.

(c) Sections 30605 and 30610 shall not apply to the registered owner of an assault weapon or a .50 BMG rifle possessing that firearm in accordance with § 30945.

Section 30680. Applicability of Section 30605 to person in possession prior to January 1, 2017 (First of two).

Section 30605 does not apply to the possession of an assault weapon by a person who has possessed the assault weapon prior to January 1, 2017, if all of the following are applicable:

(a) Prior to January 1, 2017, the person was eligible to register that assault weapon pursuant to subdivision (b) of § 30900.

(b) The person lawfully possessed that assault weapon prior to January 1, 2017.

(c) The person registers the assault weapon by January 1, 2018, in accordance with subdivision (b) of § 30900.

Section 30680. Applicability of Section 30605 to person in possession prior to January 1, 2017 (Second of two).

Section 30605 does not apply to the possession of an assault weapon by a person who has possessed the assault weapon prior to January 1, 2017, if all of the following are applicable:

(a) Prior to January 1, 2017, the person was eligible to register that assault weapon pursuant to subdivision (b) of Section 30900.

(b) The person lawfully possessed that assault weapon prior to January 1, 2017.

(c) The person registers the assault weapon by July 1, 2018, in accordance with subdivision (b) of Section 30900.

Section 30685. Exception for person who possessed assault weapon prior to September 1, 2020.

Section 30605 does not apply to the possession of an assault weapon as defined by paragraph (9), (10), or (11) of subdivision (a) of Section 30515 by a person who has possessed the assault weapon prior to September 1, 2020, if all of the following are applicable:

(a) Prior to September 1, 2020, the person would have been eligible to register that assault weapon pursuant to subdivision (c) of Section 30900.

(b) The person lawfully possessed that assault weapon prior to September 1, 2020.

(c) The person registers the assault weapon by January 1, 2022, in accordance with subdivision (c) of Section 30900.

Article 3 – SKS Rifles

Section 30710. "SKS rifle."

Notwithstanding paragraph (11) of subdivision (a) of § 30510, an "SKS rifle" under this article means all SKS rifles commonly referred to as "SKS Sporter" versions, manufactured to accept a detachable AK-47 magazine and imported into this state and sold by a licensed gun dealer, or otherwise lawfully possessed in this state by a resident of this state who is not a licensed gun dealer, between January 1, 1992, and December 19, 1997.

Section 30715. Immunity from prosecution for persons, firms, companies, or corporations involved in manufacture, distribution, transportation, possession, sale, transfer, gift, or loan of SKS rifles during specified time frames; retroactive application; SKS rifles not subject to seizure; reopening of convictions and withdrawal of pleas of guilty or nolo contendere under prior law for assertion of immunity.

(a)

(1) Any person who, or firm, company, or corporation that operated a retail or other commercial firm, company, or corporation, and manufactured, distributed, transported, imported, possessed, possessed for sale, offered for sale, or transferred, for commercial purpose, an SKS rifle in California between January 1, 1992, and December 19, 1997, shall be immune from criminal prosecution under Article 2 (commencing with § 30600) or former § 12280.

(2) The immunity provided in this subdivision shall apply retroactively to any person who, or firm, company, or corporation that, is or was charged by complaint or indictment with a violation of former § 12280 for conduct related to an SKS rifle, whether or not the case of that person, firm, company, or corporation is final.

(b)

(1) Any person who possessed, gave, loaned, or transferred an SKS rifle in California between January 1, 1992, and December 19, 1997, shall be immune from criminal prosecution under Article 2 (commencing with § 30600) or former § 12280.

(2) The immunity provided in this subdivision shall apply retroactively to any person who was charged by complaint or indictment with a violation of former § 12280 for conduct related to an SKS rifle, whether or not the case of that person is final.

(c) Any SKS rifle in the possession of any person who, or firm, company, or corporation that, is described in subdivision (a) or (b), shall not be subject to seizure by law enforcement for violation of Article 2 (commencing with § 30600) or former § 12280 prior to January 1, 2000.

(d) Any person, firm, company, or corporation, convicted under former § 12280 for conduct relating to an SKS rifle, shall be permitted to withdraw a plea of guilty or nolo contendere, or to reopen the case and assert the immunities provided in this article, if the court determines that the allowance of the immunity is in the interests of justice. The court shall interpret this article liberally to the benefit of the defendant.

(e) For purposes of this section, "former § 12280" refers to former § 12280, as added by § 3 of Chapter 19 of the Statutes of 1989 or as subsequently amended.

Section 30725. Exemption from assault weapon prohibitions.

(a) Any person who complies with § 30720 shall be exempt from the prohibitions set forth in § 30600 or 30605 for those acts by that person associated with complying with the requirements of § 30720.

(b) Failure to comply with § 30720 is a public offense punishable by imprisonment pursuant to subdivision (h) of § 1170, or in a county jail, not exceeding one year.

Section 30730. Purchase of relinquished SKS rifle.

(a)

(1) The department shall purchase any SKS rifle relinquished pursuant to § 30720 from funds appropriated for this purpose by the act amending former § 12281 in the 1997-98 Regular Session of the Legislature or by subsequent budget acts or other legislation.

(2) The department shall adopt regulations for this purchase program that include, but are not limited to, the manner of delivery, the reimbursement to be paid, and the manner in which persons shall be informed of the state purchase program.

(3) Any person who relinquished possession of an SKS rifle to a law enforcement agency pursuant to any version of former § 12288 prior to the effective date of the purchase program set forth in paragraph (1) shall be eligible to be reimbursed from the purchase program. The procedures for reimbursement pursuant to this paragraph shall be part of the regulations adopted by the department pursuant to paragraph (2).

(b) In addition to the regulations required pursuant to subdivision (a), emergency regulations for the purchase program described in subdivision (a) shall be adopted pursuant to Chapter 3.5 (commencing with § 11340) of Part 1 of Division 3 of Title 2 of the Government Code.

Article 4 – Assault Weapon or .50 BMG Rifle Constituting Nuisance

Section 30800. Possession of assault weapon or .50 BMG rifle as nuisance.

(a)

(1) Except as provided in Article 2 (commencing with § 30600), possession of any assault weapon or of any .50 BMG rifle in violation of this chapter is a public nuisance, solely for purposes of this section and subdivision (c) of § 18005.

(2) The Attorney General, any district attorney, or any city attorney, may, in lieu of criminal prosecution, bring a civil action or reach a civil compromise in any superior court to enjoin the manufacture of, importation of, keeping for sale of, offering or exposing for sale, giving, lending, or possession of an assault weapon or .50 BMG rifle that is a public nuisance.

(b)

(1) Upon motion of the Attorney General, district attorney, or city attorney, a superior court may impose a civil fine not to exceed five hundred dollars (\$500) for the manufacture of, importation of, keeping for sale of, offering or exposing for sale, giving, or lending of an assault weapon or .50 BMG rifle that is a public nuisance pursuant to subdivision (a) and up to two hundred dollars (\$200) for each additional assault weapon or .50 BMG that is a public nuisance pursuant to subdivision (a).

(2) Upon motion of the Attorney General, district attorney, or city attorney, a superior court may impose a civil fine not to exceed three hundred dollars (\$300) for the possession of an assault weapon or .50 BMG rifle that is a public nuisance pursuant to subdivision (a) and up to one hundred dollars (\$100) for each additional assault weapon or .50 BMG rifle possessed, that is a public nuisance pursuant to subdivision (a).

(c) Any assault weapon or .50 BMG rifle deemed a public nuisance under subdivision (a) shall be destroyed in a manner so that it may no longer be used, except upon a finding by a court, or a declaration from the Department of Justice, district attorney, or city attorney stating that the preservation of the assault weapon or .50 BMG rifle is in the interest of justice.

(d) Upon conviction of any misdemeanor or felony involving the illegal possession or use of an assault weapon, the assault weapon shall be deemed a public nuisance and disposed of pursuant to subdivision (c) of § 18005.

Article 5 – Registration of Assault Weapons and .50 BMG Rifles and Related Rules

Section 30900. Registration of assault weapon; Contents of application; Application via internet; Fee; Adoption of regulations.

(a)

(1) Any person who, prior to June 1, 1989, lawfully possessed an assault weapon, as defined in former § 12276, as added by § 3 of Chapter 19 of the Statutes of 1989, shall register the firearm by January 1, 1991, and any person who lawfully possessed an assault weapon prior to the date it was specified as an assault weapon pursuant to former § 12276.5, as added by § 3 of Chapter 19 of the Statutes of 1989 or as amended by § 1 of Chapter 874 of the Statutes of 1990 or § 3 of Chapter 954 of the Statutes of 1991, shall register the firearm within 90 days with the Department of Justice pursuant to those procedures that the department may establish.

(2) Except as provided in § 30600, any person who lawfully possessed an assault weapon prior to the date it was defined as an assault weapon pursuant to former § 12276.1, as it read in § 7 of Chapter 129 of the Statutes of 1999, and which was not specified as an assault weapon under former § 12276, as added by § 3 of Chapter 19 of the Statutes of 1989 or as amended at any time before January 1, 2001, or former § 12276.5, as added by § 3 of Chapter 19 of the Statutes of 1989 or as amended at any time before January 1, 2001, shall register the firearm by January 1, 2001, with the department pursuant to those procedures that the department may establish.

(3) The registration shall contain a description of the firearm that identifies it uniquely, including all identification marks, the full name, address, date of birth, and thumbprint of the owner, and any other information that the department may deem appropriate.

(4) The department may charge a fee for registration of up to \$20 per person but not to exceed the reasonable processing costs of the department. After the department establishes fees sufficient to reimburse the department for processing costs, fees charged shall increase at a rate not to exceed the legislatively approved annual cost-of-living adjustment for the department's budget or as otherwise increased through the Budget Act but not to exceed the reasonable costs of the department. The fees shall be deposited into the Dealers' Record of Sale Special Account.

(b)

(1) Any person who, from January 1, 2001, to December 31, 2016, inclusive, lawfully possessed an assault weapon that does not have a fixed magazine, as defined in § 30515, including those weapons with an ammunition feeding device that can be readily removed from the firearm with the use of a tool, shall register the firearm before July 1, 2018, but not before the effective date of the regulations adopted pursuant to paragraph (5), with the department pursuant to those procedures that the department may establish by regulation pursuant to paragraph (5).

(2) Registrations shall be submitted electronically via the Internet utilizing a public-facing application made available by the department.

(3) The registration shall contain a description of the firearm that identifies it uniquely, including all identification marks, the date the firearm was acquired, the name and address of the individual from whom, or business from which, the firearm was acquired, as well as the registrant's full name, address, telephone number, date of birth, sex, height, weight, eye color, hair color, and California driver's license number or California identification card number.

(4) The department may charge a fee in an amount of up to \$15 per person but not to exceed the reasonable processing costs of the department. The fee shall be paid by debit or credit card at the time that the electronic registration is submitted to the department. The fee shall be deposited in the Dealers' Record of Sale Special Account to be used for purposes of this section.

(5) The department shall adopt regulations for the purpose of implementing this subdivision. These regulations are exempt from the Administrative Procedure Act (Chapter 3.5 (commencing with § 11340) of Part 1 of Division 3 of Title 2 of the Government Code).

(c)

(1) Any person who, prior to September 1, 2020, lawfully possessed an assault weapon as defined by paragraph (9), (10), or (11) of subdivision (a) of Section 30515, and is eligible to register an assault weapon as set forth in Section 30950, shall submit an application to register the firearm before January 1, 2022, but not before the effective date of the regulations adopted pursuant to paragraph (5), with the department pursuant to those procedures that the department may establish by regulation pursuant to paragraph (5).

(2) Registration applications shall be submitted in a manner and format to be specified by the department in regulations adopted pursuant to paragraph (5).

(3) The registration application shall contain a description of the firearm that identifies it uniquely, including all identification marks, the date the firearm was acquired, the name and address of the individual from whom, or business from which, the firearm was acquired, as well as the registrant's full name, address, telephone number, date of birth, sex, height, weight, eye color, hair color, and California driver's license number or California identification card number, and any other information that the department may deem appropriate. The registration application shall also contain photographs of the firearm, as specified by the department in regulations adopted pursuant to paragraph (5).

(4) For each registration application, the department may charge a fee that consists of the amount the department is authorized to require a dealer to charge each firearm purchaser under subdivision (a) of Section 28233, not to exceed the reasonable processing costs of the department. For registration applications seeking to register multiple firearms, the fee shall increase by up to five dollars (\$5) for each additional firearm after the first, not to exceed the reasonable processing costs of the department. The fee shall be paid in a manner specified by the department in regulations adopted pursuant to paragraph (5) at the time the registration application is submitted to the department. The fee shall be deposited in the Dealers' Record of Sale Special Account to be used for purposes of this section.

(5) The department shall adopt regulations for the purpose of implementing this subdivision and paragraphs (9), (10), and (11) of subdivision (a) of Section 30515. These regulations are exempt from the Administrative Procedure Act (Chapter 3.5 (commencing with Section 11340) of Part 1 of Division 3 of Title 2 of the Government Code).

Section 30905. Registration of .50 BMG rifle.

(a) Except as provided in § 30600, any person who lawfully possesses any .50 BMG rifle prior to January 1, 2005, that is not specified as an assault weapon under former § 12276, as it reads in § 19 of Chapter 606 of the Statutes of 1993, or former § 12276.5, as it reads in § 3 of Chapter 954 of the Statutes of 1991, or defined as an assault weapon pursuant to former § 12276.1, as it reads in § 3 of Chapter 911 of the Statutes of 2002, shall register the .50 BMG rifle with the department no later than April 30, 2006, pursuant to those procedures that the department may establish.

(b) The registration shall contain a description of the firearm that identifies it uniquely, including all identification marks, the full name, address, date of birth, and thumbprint of the owner, and any other information that the department may deem appropriate.

(c) The department may charge a fee for registration of \$25 per person to cover the actual processing and public education campaign costs of the department. The fees shall be deposited into the Dealers' Record of Sale Special Account. Data-processing costs associated with modifying the department's data system to accommodate .50 caliber BMG rifles shall not be paid from the Dealers' Record of Sale Special Account.

Section 30910. Sale or transfer of assault weapon on or after January 1, 1990.

Except as provided in § 30925, no assault weapon possessed pursuant to this article may be sold or transferred on or after January 1, 1990, to anyone within this state other than to a licensed gun dealer or as provided in § 31100.

Section 30915. Obtaining assault weapon by bequest or intestate succession.

Any person who obtains title to an assault weapon registered under this article or that was possessed pursuant to subdivision (a) of § 30630 by bequest or intestate succession shall, within 90 days, do one or more of the following:

(a) Render the weapon permanently inoperable.

(b) Sell the weapon to a licensed gun dealer.

(c) Obtain a permit from the Department of Justice in the same manner as specified in Article 3 (commencing with § 32650) of Chapter 6.

(d) Remove the weapon from this state.

Section 30920. Possession of firearm subsequently declared to be an assault weapon.

(a) Any person who lawfully possessed a firearm subsequently declared to be an assault weapon pursuant to former § 12276.5, as it reads in § 3 of Chapter 19 of the Statutes of 1989, § 1 of Chapter 874 of the Statutes of 1990, or § 3 of Chapter 954 of the Statutes of 1991, or subsequently defined as an assault weapon pursuant to former § 12276.1, as that section read at any time from when it was enacted by § 7 of Chapter 129 of the Statutes of 1999 to when it was repealed by the Deadly Weapons Recodification Act of 2010, shall, within 90 days, do one or more of the following:

- (1) Render the weapon permanently inoperable.
- (2) Sell the weapon to a licensed gun dealer.
- (3) Obtain a permit from the Department of Justice in the same manner as specified in Article 3 (commencing with § 32650) of Chapter 6.
- (4) Remove the weapon from this state.

(b) Notwithstanding subdivision (a), a person who lawfully possessed a firearm that was subsequently declared to be an assault weapon pursuant to former § 12276.5 may alternatively register the firearm within 90 days of the declaration issued pursuant to subdivision (f) of former § 12276.5, as it reads in § 3 of Chapter 19 of the Statutes of 1989, § 1 of Chapter 874 of the Statutes of 1990, or § 3 of Chapter 954 of the Statutes of 1991.

Section 30925. Possession of assault weapon by person moving into state.

A person moving into this state, otherwise in lawful possession of an assault weapon, shall do one of the following:

- (a) Prior to bringing the assault weapon into this state, that person shall first obtain a permit from the Department of Justice in the same manner as specified in Article 3 (commencing with § 32650) of Chapter 6.
- (b) The person shall cause the assault weapon to be delivered to a licensed gun dealer in this state in accordance with Chapter 44 (commencing with § 921) of Title 18 of the United States Code and the regulations issued pursuant thereto. If the person obtains a permit from the Department of Justice in the same manner as specified in Article 3 (commencing with § 32650) of Chapter 6, the dealer shall redeliver that assault weapon to the person. If the licensed gun dealer is prohibited from delivering the assault weapon to a person pursuant to this section, the dealer shall possess or dispose of the assault weapon as allowed by this chapter.

Section 30930. Sale or transfer of .50 BMG rifle on or after January 1, 2005.

Except as provided in § 30940, no .50 BMG rifle possessed pursuant to this article may be sold or transferred on or after January 1, 2005, to anyone within this state other than to a licensed gun dealer or as provided in § 31100.

Section 30935. Person obtaining title to .50 BMG rifle through bequest or intestate succession; required actions.

Any person who obtains title to a .50 BMG rifle registered under this article or that was possessed pursuant to subdivision (a) of § 30630 by bequest or intestate succession shall, within 180 days of receipt, do one or more of the following:

- (a) Render the weapon permanently inoperable.
- (b) Sell the weapon to a licensed gun dealer.
- (c) Obtain a permit from the Department of Justice in the same manner as specified in Article 3 (commencing with § 32650) of Chapter 6.
- (d) Remove the weapon from this state.

Section 30940. Possession of .50 BMG rifle by person moving into state.

A person moving into this state, otherwise in lawful possession of a .50 BMG rifle, shall do one of the following:

- (a) Prior to bringing the .50 BMG rifle into this state, that person shall first obtain a permit from the Department of Justice in the same manner as specified in Article 3 (commencing with § 32650) of Chapter 6.
- (b) The person shall cause the .50 BMG rifle to be delivered to a licensed gun dealer in this state in accordance with Chapter 44 (commencing with § 921) of Title 18 of the United States Code and the regulations issued pursuant thereto. If the person obtains a permit from the Department of Justice in the same manner as specified in Article 3 (commencing with § 32650) of Chapter 6, the dealer shall redeliver that .50 BMG rifle to the person. If the licensed gun dealer is prohibited from delivering the .50 caliber BMG rifle to a person pursuant to this section, the dealer shall dispose of the .50 BMG rifle as allowed by this chapter.

Section 30945. Possession of .50 BMG rifle without permit.

Unless a permit allowing additional uses is first obtained under § 31000, a person who has registered an assault weapon or registered a .50 BMG rifle under this article may possess it only under any of the following conditions:

- (a) At that person's residence, place of business, or other property owned by that person, or on property owned by another with the owner's express permission.
- (b) While on the premises of a target range of a public or private club or organization organized for the purpose of practicing shooting at targets.
- (c) While on a target range that holds a regulatory or business license for the purpose of practicing shooting at that target range.

(d) While on the premises of a shooting club that is licensed pursuant to the Fish and Game Code.

(e) While attending any exhibition, display, or educational project that is about firearms and that is sponsored by, conducted under the auspices of, or approved by a law enforcement agency or a nationally or state recognized entity that fosters proficiency in, or promotes education about, firearms.

(f) While on publicly owned land, if the possession and use of a firearm described in § 30510, 30515, 30520, or 30530, is specifically permitted by the managing agency of the land.

(g) While transporting the assault weapon or .50 BMG rifle between any of the places mentioned in this section, or to any licensed gun dealer, for servicing or repair pursuant to § 31050, if the assault weapon is transported as required by §§ 16850 and 25610.

Section 30950. Possession or registration of assault weapon or .50 BMG rifle by minor, person prohibited by state or federal law.

No person who is under the age of 18 years, and no person who is prohibited by state or federal law from possessing, receiving, owning, or purchasing a firearm, may register or possess an assault weapon or .50 BMG rifle.

Section 30955. Joint registration.

(a) The department's registration procedures shall provide the option of joint registration for any assault weapon or .50 BMG rifle owned by family members residing in the same household.

(b) Notwithstanding subdivision (a), for registration of assault weapons in accordance with subdivision (c) of Section 30900, joint registration is not permitted.

Section 30965. Registration under prior law deemed effective under current law.

(a) Any person who registered a firearm as an assault weapon pursuant to the provisions of law in effect prior to January 1, 2000, where the assault weapon is thereafter defined as an assault weapon pursuant to § 30515 or former § 12276.1, as that section read at any time from when it was enacted by § 7 of Chapter 129 of the Statutes of 1999 to when it was repealed by the Deadly Weapons Recodification Act of 2010, shall be deemed to have registered the weapon for purposes of this chapter and shall not be required to reregister the weapon pursuant to this article.

(b) Any person who legally registered a firearm as an assault weapon pursuant to the provisions of law in effect prior to January 1, 2005, where the assault weapon is thereafter defined as a .50 caliber BMG rifle pursuant to § 30530 or former § 12278, shall be deemed to have registered the weapon for purposes of this chapter and shall not be required to reregister the weapon pursuant to this article.

Article 6 – Permits for Assault Weapons and .50 BMG Rifles

Section 31000. Permit for assault weapon or .50 BMG rifle.

(a) Any person who lawfully acquired an assault weapon before June 1, 1989, or a .50 BMG rifle before January 1, 2005, and wishes to use it in a manner different than specified in § 30945 shall first obtain a permit from the Department of Justice in the same manner as specified in Article 3 (commencing with § 32650) of Chapter 6.

(b) Any person who lawfully acquired an assault weapon between June 1, 1989, and January 1, 1990, and wishes to keep it after January 1, 1990, shall first obtain a permit from the Department of Justice in the same manner as specified in Article 3 (commencing with § 32650) of Chapter 6.

(c) Any person who wishes to acquire an assault weapon after January 1, 1990, or a .50 BMG rifle after January 1, 2005, shall first obtain a permit from the Department of Justice in the same manner as specified in Article 3 (commencing with § 32650) of Chapter 6.

(d) On and after January 1, 2014, no partnership, corporation, limited liability company, association, or any other group or entity, regardless of how the entity was created, may be issued a permit to possess an assault weapon or a .50 BMG rifle.

Section 31005. Entities eligible for permits.

(a) The Department of Justice may, upon a finding of good cause, issue permits for the manufacture or sale of assault weapons or .50 BMG rifles for the sale to, purchase by, or possession of assault weapons or .50 BMG rifles by, any of the following:

- (1)** The agencies listed in § 30625, and the officers described in § 30630.
- (2)** Entities and persons who have been issued permits pursuant to this section or § 31000.
- (3)** Federal law enforcement and military agencies.
- (4)** Law enforcement and military agencies of other states.
- (5)** Foreign governments and agencies approved by the United States State Department.

(6) Entities outside the state who have, in effect, a federal firearms dealer's license solely for the purpose of distribution to an entity listed in paragraphs (3) to (5), inclusive.

(b) Application for the permits, the keeping and inspection thereof, and the revocation of permits shall be undertaken in the same manner as specified in Article 3 (commencing with § 32650) of Chapter 6.

Article 7 – Licensed Gun Dealers

Section 31050. Possession of assault weapon or .50 BMG rifle by licensed gun dealer.

(a) Any licensed gun dealer may take possession of any assault weapon or .50 BMG rifle for the purposes of servicing or repair from any person to whom it is legally registered or who has been issued a permit to possess it pursuant to this chapter.

(b) Any licensed gun dealer may transfer possession of any assault weapon or .50 BMG rifle received pursuant to subdivision (a), to a gunsmith for purposes of accomplishing service or repair of that weapon. A transfer is permissible only to the following persons:

(1) A gunsmith who is in the dealer's employ.

(2) A gunsmith with whom the dealer has contracted for gunsmithing services.

(c) In order for paragraph (2) of subdivision (b) to apply, the gunsmith receiving the assault weapon or .50 BMG rifle shall hold all of the following:

(1) A dealer's license issued pursuant to Chapter 44 (commencing with § 921) of Title 18 of the United States Code and the regulations issued pursuant thereto.

(2) Any business license required by a state or local governmental entity.

Section 31055. Permissible activities by licensed gun dealer who lawfully possesses assault weapon or .50 BMG rifle.

In addition to the uses allowed in Article 5 (commencing with § 30900), any licensed gun dealer who lawfully possesses an assault weapon or .50 BMG rifle pursuant to Article 5 (commencing with § 30900) may do any of the following:

(a) Transport the firearm between dealers or out of the state if that person is permitted pursuant to the National Firearms Act. Any transporting allowed by this section or § 31050 shall be done as required by §§ 16850 and 25610.

(b) Display the firearm at any gun show licensed by a state or local governmental entity.

(c) Sell the firearm to a resident outside the state.

(d) Sell the firearm to a person who has been issued a permit pursuant to § 31000.

Article 8 – Miscellaneous Provisions

Section 31100. Relinquishing assault weapon or .50 BMG rifle.

Any individual may arrange in advance to relinquish an assault weapon or a .50 BMG rifle to a police or sheriff's department. The assault weapon or .50 BMG rifle shall be transported in accordance with §§ 16850 and 25610.

Section 31105. Broadcasting information regarding registration or permit to possess assault weapon or .50 BMG rifle.

(a) No peace officer or dispatcher shall broadcast over a police radio that an individual has registered, or has obtained a permit to possess, an assault weapon or .50 BMG rifle pursuant to this chapter, unless there exists a reason to believe in good faith that one of the following conditions exist:

(1) The individual has engaged, or may be engaged, in criminal conduct.

(2) The police are responding to a call in which the person allegedly committing a criminal violation may gain access to the assault weapon or .50 BMG rifle.

(3) The victim, witness, or person who reported the alleged criminal violation may be using the assault weapon or .50 BMG rifle to hold the person allegedly committing the criminal violation, or may be using the weapon in defense of self or another person.

(b) This section shall not prohibit a peace officer or dispatcher from broadcasting over a police radio that an individual has not registered, or has not obtained a permit to possess, an assault weapon or .50 BMG rifle pursuant to this chapter.

(c) This section does not limit the transmission of an assault weapon or a .50 BMG rifle ownership status via law enforcement computers or any other medium that is legally accessible only to peace officers or other authorized personnel.

Chapter 4 – Handguns and Firearm Safety
Article 1 – Unconventional Pistol

Section 31500. Punishment for unconventional pistol.

Except as provided in Chapter 1 (commencing with § 17700) of Division 2 of Title 2, any person in this state who manufactures or causes to be manufactured, imports into the state, keeps for sale, or offers or exposes for sale, or who gives, lends, or possesses any unconventional pistol is punishable by imprisonment in a county jail not exceeding 1 year or imprisonment pursuant to subdivision (h) of § 1170.

Section 31590. Unconventional pistol as nuisance.

Except as provided in Chapter 1 (commencing with § 17700) of Division 2 of Title 2, any unconventional pistol is a nuisance and is subject to § 18010.

Article 2 – Handgun Safety Certificate

Section 31615. Transactions without valid firearm safety certificate prohibited.

(a) A person shall not do either of the following:

(1) Purchase or receive any firearm, except an antique firearm, without a valid firearm safety certificate, except that in the case of a handgun, an unexpired handgun safety certificate may be used.

(2) Sell, deliver, loan, or transfer any firearm, except an antique firearm, to any person who does not have a valid firearm safety certificate, except that in the case of a handgun, an unexpired handgun safety certificate may be used.

(b) Any person who violates subdivision (a) is guilty of a misdemeanor.

Section 31620. Prohibited acts.

(a) A person shall not commit an act of collusion as specified in § 27550.

(b) Any person who alters, counterfeits, or falsifies a handgun safety certificate, or who uses or attempts to use any altered, counterfeited, or falsified handgun safety certificate to purchase a handgun, is guilty of a misdemeanor.

(c) Commencing January 1, 2015, any person who alters, counterfeits, or falsifies a firearm safety certificate, or who uses or attempts to use any altered, counterfeited, or falsified firearm safety certificate to purchase a firearm, is guilty of a misdemeanor.

Article 3 – Exceptions to Firearm Safety Certificate Requirement

Section 31700. Persons exempted from firearm safety certificate requirement.

(a) The following persons, properly identified, are exempted from the firearm safety certificate requirement in subdivision (a) of § 31615:

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

(2) Any active or honorably retired federal officer or law enforcement agent.

(3) Any reserve peace officer, as defined in § 832.6.

(4) Any person who has successfully completed the course of training specified in § 832.

(5) A firearms dealer licensed pursuant to §§ 26700 to 26915, inclusive, who is acting in the course and scope of that person's activities as a person licensed pursuant to §§ 26700 to 26915, inclusive.

(6) A federally licensed collector who is acquiring or being loaned a firearm that is a curio or relic, as defined in § 478.11 of Title 27 of the CFR, who has a current certificate of eligibility issued by the department pursuant to § 26710.

(7) Except as provided in subdivision (d), a person to whom a firearm is being returned, where the person receiving the firearm is the owner of the firearm.

(8) A family member of a peace officer or deputy sheriff from a local agency who receives a firearm pursuant to § 50081 of the Government Code.

(9) Any individual who has a valid concealed weapons permit issued pursuant to Chapter 4 (commencing with § 26150) of Division 5.

(10) An active or honorably retired member of the United States Armed Forces, the National Guard, the Air National Guard, or the active reserve components of the United States, where individuals in those organizations are properly identified. For purposes of this section, proper identification includes the Armed Forces Identification Card or other written documentation certifying that the individual is an active or honorably retired member.

(11) Any person who is authorized to carry loaded firearms pursuant to § 26025 or 26030.

(12) Persons who are the holders of a special weapons permit issued by the department pursuant to § 32650 or 33300, pursuant to Article 3 (commencing with § 18900) of Chapter 1 of Division 5 of Title 2, or pursuant to Article 4 (commencing with § 32700) of Chapter 6 of this division.

(b) The following persons who take title or possession of a firearm by operation of law in a representative capacity, until or unless they transfer title ownership of the firearm to themselves in a personal capacity, are exempted from the firearm safety certificate requirement in subdivision (a) of § 31615:

(1) The executor, personal representative, or administrator of an estate.

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

(3) A levying officer, as defined in § 481.140, 511.060, or 680.260 of the Code of Civil Procedure.

(4) A receiver performing the functions of a receiver.

(5) A trustee in bankruptcy performing the duties of a trustee.

(6) An assignee for the benefit of creditors performing the functions of an assignee.

(7) The trustee of a trust that includes a firearm and that was part of a will that created the trust.

(8) A person acting pursuant to the person's power of attorney in accordance with Division 4.5 (commencing with Section 4000) of the Probate Code.

(9) A limited or general conservator appointed by a court pursuant to the Probate Code or Welfare and Institutions Code.

(10) A guardian ad litem appointed by a court pursuant to Section 372 of the Code of Civil Procedure.

(11) The trustee of a trust that includes a firearm that is under court supervision.

(12) A special administrator appointed by a court pursuant to Section 8540 of the Probate Code.

(13) A guardian appointed by a court pursuant to Section 1500 of the Probate Code.

(c) A person, 18 years of age or older, validly identified, who has been issued a valid hunting license that is unexpired is exempt from the firearm safety certificate requirement in subdivision (a) of § 31615, except as to handguns.

(d) A person who takes possession of a firearm and complies with Section 27922 by delivering the firearm to a law enforcement agency is exempted from the firearm safety certificate requirement in subdivision (a) of Section 31615. The exemption set forth in paragraph (7) of subdivision (a) shall not apply to the return of that firearm to that person, if the person has requested the firearm and is eligible to receive it.

(e) The firearm safety certificate requirement in subdivision (a) of Section 31615 shall not apply to a person taking possession of a firearm pursuant to Section 27882 or 27883.

Section 31705. Transactions without valid firearm or handgun safety certificate prohibited.

(a) Subdivision (a) of § 31615 does not apply to any sale, delivery, or transfer of firearms made to an authorized law enforcement representative of any city, county, city and county, or state, or of the federal government, for exclusive use by that governmental agency if, prior to the sale, delivery, or transfer of these firearms, written authorization from the head of the agency authorizing the transaction is presented to the person from whom the purchase, delivery, or transfer is being made.

(b) Proper written authorization is defined as verifiable written certification from the head of the agency by which the purchaser or transferee is employed, identifying the employee as an individual authorized to conduct the transaction, and authorizing the transaction for the exclusive use of the agency by which that person is employed.

(c) Within 10 days of the date a handgun, and commencing January 1, 2014, any firearm, is acquired by the agency, a record of the same shall be entered as an institutional weapon into the AFS via the CLETS by the law enforcement or state agency. Any agency without access to AFS shall arrange with the sheriff of the county in which the agency is located to input this information via this system.

Section 31710. Exception for loan without valid handgun safety certificate by law enforcement official.

Subdivision (a) of § 31615 does not apply to the loan of a firearm if all of the following conditions are satisfied:

(a) The loan is made by an authorized law enforcement representative of a city, county, or city and county, or of the state or federal government.

(b) The loan is made to a peace officer employed by that agency and authorized to carry a firearm.

(c) The loan is made for the carrying and use of that firearm by that peace officer in the course and scope of the officer's duties.

Section 31715. Exception for transfer without valid firearm or handgun safety certificate to peace officer.

(a) Subdivision (a) of § 31615 does not apply to the sale, delivery, or transfer of a firearm by a law enforcement agency to a peace officer pursuant to § 10334 of the Public Contract Code.

(b) Within 10 days of the date that a handgun, and commencing January 1, 2014, any firearm, is sold, delivered, or transferred pursuant to § 10334 of the Public Contract Code to that peace officer, the name of the officer and the make, model, serial number, and other identifying characteristics of the firearm being sold, delivered, or transferred shall be entered into the AFS via the CLETS by the law enforcement or state agency that sold, delivered, or transferred the firearm, provided, however, that if the firearm is not a handgun and does not have a serial number, identification number, or identification mark assigned to it, that fact shall be noted in AFS. Any agency without access to AFS shall arrange with the sheriff of the county in which the agency is located to input this information via this system.

Section 31720. Exception for transfer without valid firearm or handgun safety certificate to retiring peace officer.

(a) Subdivision (a) of § 31615 does not apply to the sale, delivery, or transfer of a firearm by a law enforcement agency to a retiring peace officer who is authorized to carry a firearm pursuant to Chapter 5 (commencing with § 26300) of Division 5.

(b) Within 10 days of the date that a handgun, and commencing January 1, 2014, any firearm, is sold, delivered, or transferred to that retiring peace officer, the name of the officer and the make, model, serial number, and other identifying characteristics of the firearm being sold, delivered, or transferred shall be entered into the AFS via the CLETS by the law enforcement or state agency that sold, delivered, or transferred the firearm, provided, however, that if the firearm is not a handgun and does not have a serial number, identification number, or identification mark assigned to it, that fact shall be noted in AFS. Any agency without access to AFS shall arrange with the sheriff of the county in which the agency is located to input this information via this system.

Section 31725. Exception for transfer without valid handgun safety certificate to authorized representative of governmental agency for buying or receiving and disposing.

(a) Subdivision (a) of § 31615 does not apply to a sale, delivery, or transfer of firearms if both of the following requirements are satisfied:

(1) The sale, delivery, or transfer is to an authorized representative of a city, city and county, county, or state government, or of the federal government, and is for the governmental entity.

(2) The entity is acquiring the weapon as part of an authorized, voluntary program in which the entity is buying or receiving weapons from private individuals.

(b) Any weapons acquired pursuant to this section shall be disposed of pursuant to the applicable provisions of § 34000 or §§ 18000 and 18005.

Section 31730. Exception for transfer without valid handgun safety certificate by authorized law enforcement agency to historical society or collection.

Subdivision (a) of § 31615 does not apply to the sale, delivery, loan, or transfer of a firearm made by an authorized law enforcement representative of a city, county, city and county, or state, or of the federal government, to any public or private nonprofit historical society, museum, or institutional collection, or the purchase or receipt of that firearm by that public or private nonprofit historical society, museum, or institutional collection, if all of the following conditions are met:

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

(b) The firearm prior to delivery is deactivated or rendered inoperable.

(c) The firearm is not subject to any of the following:

(1) Sections 18000 and 18005.

(2) Division 4 (commencing with § 18250) of Title 2.

(3) Section 34000.

(4) Sections 34005 and 34010.

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

(e) Prior to delivery, the entity receiving the firearm submits a written statement to the law enforcement representative stating that the firearm will not be restored to operating condition, and will either remain with that entity, or if subsequently disposed of, will be transferred in accordance with the applicable provisions listed in § 16575 and, if applicable, § 31615.

(f) Within 10 days of the date that the firearm is sold, loaned, delivered, or transferred to that entity, all of the following information shall be reported to the department in a manner prescribed by the department:

- (1) The name of the government entity delivering the firearm.
- (2) The make, model, serial number, and other identifying characteristics of the firearm.
- (3) The name of the person authorized by the entity to take possession of the firearm.

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

Section 31735. Exception for transfer without valid firearm or handgun safety certificate by others to historical society or collection.

Subdivision (a) of § 31615 does not apply to the sale, delivery, loan, or transfer of a firearm made by any person other than a representative of an authorized law enforcement agency to any public or private nonprofit historical society, museum, or institutional collection, if all of the following conditions are met:

- (a) The entity receiving the firearm is open to the public.
- (b) The firearm is deactivated or rendered inoperable prior to delivery.
- (c) The firearm is not of a type prohibited from being sold, delivered, or transferred to the public.
- (d) Prior to delivery, the entity receiving the firearm submits a written statement to the person selling, loaning, or transferring the firearm stating that the firearm will not be restored to operating condition, and will either remain with that entity, or if subsequently disposed of, will be transferred in accordance with the applicable provisions listed in § 16575 and, if applicable, with § 31615.
- (e) If title to a handgun, and commencing January 1, 2014, any firearm, is being transferred to the public or private nonprofit historical society, museum, or institutional collection, then the designated representative of that entity shall, within 30 days of taking possession of that firearm, forward by prepaid mail or deliver in person to the Department of Justice, a single report signed by both parties to the transaction, which includes all of the following information:

- (1) Information identifying the person representing the public or private historical society, museum, or institutional collection.
- (2) Information on how title was obtained and from whom.
- (3) A description of the firearm in question.
- (4) A copy of the written statement referred to in subdivision (d).

(f) The report forms that are to be completed pursuant to this section shall be provided by the Department of Justice.

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

Section 31740. Exception for transfer without valid handgun safety certificate between importers and manufacturers.

Subdivision (a) of § 31615 does not apply to sales, deliveries, or transfers of firearms between or to importers and manufacturers of firearms licensed to engage in that business pursuant to Chapter 44 (commencing with § 921) of Title 18 of the United States Code and the regulations issued pursuant thereto.

Section 31745. Exception for transfer without valid handgun safety certificate in course and scope of licensee's activities.

Subdivision (a) of § 31615 shall not apply to the sale, delivery, or transfer of a handgun to a person licensed pursuant to §§ 26700 to 26915, inclusive, where the licensee is receiving the handgun in the course and scope of the licensee's activities as a person licensed pursuant to §§ 26700 to 26915, inclusive.

Section 31750. Exception for loan without valid handgun safety certificate.

Subdivision (a) of § 31615 does not apply to the loan of a firearm if all of the following conditions exist:

- (a) The person loaning the firearm is at all times within the presence of the person being loaned the firearm.
- (b) The loan is for a lawful purpose.
- (c) The loan does not exceed 3 days in duration.
- (d) The individual receiving the firearm is not prohibited by state or federal law from possessing, receiving, owning, or purchasing a firearm.

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

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

Section 31755. Exception for delivery to and from gunsmith.

Subdivision (a) of § 31615 does not apply to the delivery of a firearm to a gunsmith for service or repair, or to the return of the firearm to its owner by the gunsmith, or to the delivery of a firearm by a gunsmith to a person licensed pursuant to Chapter 44 (commencing with § 921) of Title 18 of the United States Code for service or repair and the return of the firearm to the gunsmith.

Section 31760. Exception for transfer to out-of-state resident.

Subdivision (a) of § 31615 does not apply to the sale, delivery, or transfer of firearms if all of the following requirements are satisfied:

(a) The sale, delivery, or transfer is made by a person who resides in this state.

(b) The sale, delivery, or transfer is made to a person who resides outside this state and is licensed pursuant to Chapter 44 (commencing with § 921) of Title 18 of the United States Code and the regulations issued pursuant thereto.

(c) The sale, delivery, or transfer is in accordance with Chapter 44 (commencing with § 921) of Title 18 of the United States Code and the regulations issued pursuant thereto.

Section 31765. Exception for loan at target facility for use at target facility.

Subdivision (a) of § 31615 does not apply to the loan of a firearm to a person 18 years of age or older for the purposes of shooting at targets if the loan occurs on the premises of a target facility that holds a business or regulatory license or on the premises of any club or organization organized for the purposes of practicing shooting at targets upon established ranges, whether public or private, if the firearm is at all times kept within the premises of the target range or on the premises of the club or organization.

Section 31770. Exception for specified deliveries and transfers.

Subdivision (a) of § 31615 does not apply to deliveries, transfers, or returns of firearms made pursuant to any of the following:

(a) Sections 18000 and 18005.

(b) Division 4 (commencing with § 18250) of Title 2.

(c) Chapter 2 (commencing with § 33850) of Division 11.

(d) Sections 34005 and 34010.

Section 31780. Exception for transfer from dealer to out-of-state resident.

Subdivision (a) of § 31615 does not apply to the sale, delivery, or transfer of unloaded firearms by a dealer to a person who resides outside this state and is licensed pursuant to Chapter 44 (commencing with § 921) of Title 18 of the United States Code and the regulations issued pursuant thereto.

Section 31785. Exception for transfer to wholesaler.

Subdivision (a) of § 31615 does not apply to the sale, delivery, or transfer of unloaded firearms to a wholesaler if the firearms are being returned to the wholesaler and are intended as merchandise in the wholesaler's business.

Section 31790. Exception for transfer between dealers as merchandise.

Subdivision (a) of § 31615 does not apply to the sale, delivery, or transfer of firearms if all of the following conditions are satisfied:

(a) The firearms are unloaded.

(b) The sale, delivery, or transfer is made by one dealer to another dealer, upon proof of compliance with the requirements of § 27555.

(c) The firearms are intended as merchandise in the receiving dealer's business.

Section 31800. Exception for loan by dealer as target facility for use at target facility.

Subdivision (a) of § 31615 does not apply to the loan of an unloaded firearm by a dealer who also operates a target facility that holds a business or regulatory license on the premises of the building designated in the license or whose building designated in the license is on the premises of any club or organization organized for the purposes of practicing shooting at targets upon established ranges, whether public or private, to a person at that target facility or that club or organization, if the firearm is at all times kept within the premises of the target range or on the premises of the club or organization.

Section 31805. Exception for transfer to wholesaler as merchandise.

Subdivision (a) of § 31615 does not apply to the sale, delivery, or transfer of unloaded firearms to a wholesaler as merchandise in the wholesaler's business by a manufacturer or importer licensed to engage in that business pursuant to Chapter 44 (commencing with § 921) of Title 18 of the United States Code and the regulations issued pursuant thereto, or by another wholesaler, if the sale, delivery, or transfer is made in accordance with Chapter 44 (commencing with § 921) of Title 18 of the United States Code.

Section 31810. Exception for loan to minor by parent or legal guardian.

Subdivision (a) of § 31615 does not apply to or affect the following circumstances:

(a) The loan of a handgun, and commencing January 1, 2015, any firearm, to a minor by the minor's parent or legal guardian, if both of the following requirements are satisfied:

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

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

(b) The loan of a handgun, and commencing January 1, 2015, any firearm, to a minor by a person who is not the minor's parent or legal guardian, if all of the following requirements are satisfied:

(1) The minor is accompanied by the minor's parent or legal guardian when the loan is made, or the minor has the written consent of the minor's parent or legal guardian, which is presented at the time of the loan, or earlier.

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

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

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

Section 31815. Exception for loan as prop.

Subdivision (a) of § 31615 does not apply to the loan of a firearm if all of the following requirements are satisfied:

(a) The loan is infrequent, as defined in § 16730.

(b) The firearm is unloaded.

(c) The loan is made by a person who is neither a dealer nor a federal firearms licensee pursuant to Chapter 44 (commencing with § 921) of Title 18 of the United States Code.

(d) The loan is made to a person 18 years of age or older.

(e) The loan is for use solely as a prop in a motion picture, television, video, theatrical, or other entertainment production or event.

Section 31820. Exception for loan to possessor of valid entertainment firearms permit.

(a) Subdivision (a) of § 31615 does not apply to the loan of a firearm if all of the following requirements are satisfied:

(1) The firearm is unloaded.

(2) The loan is made by a person who is not a dealer but is a federal firearms licensee pursuant to Chapter 44 (commencing with § 921) of Title 18 of the United States Code.

(3) The loan is made to a person who possesses a valid entertainment firearms permit issued pursuant to Chapter 2 (commencing with § 29500) of Division 8.

(4) The firearm is loaned for use solely as a prop in a motion picture, television, video, theatrical, or other entertainment production or event.

(b) The person loaning the firearm pursuant to this section shall retain a photocopy of the entertainment firearms permit as proof of compliance with this requirement.

Section 31825. Exception for loan to possessor of valid entertainment firearms permit for use as prop.

(a) Subdivision (a) of § 31615 does not apply to the loan of a firearm if all of the following conditions are satisfied:

- (1) The firearm is unloaded.
- (2) The loan is made by a dealer.
- (3) The loan is made to a person who possesses a valid entertainment firearms permit issued pursuant to Chapter 2 (commencing with § 29500) of Division 8.
- (4) The firearm is loaned solely for use as a prop in a motion picture, television, video, theatrical, or other entertainment production or event.

(b) The dealer shall retain a photocopy of the entertainment firearms permit as proof of compliance with this requirement.

Section 31830. Exception for loan to consultant-evaluator.

(a) Subdivision (a) of § 31615 does not apply to the loan of an unloaded firearm to a consultant-evaluator by a person licensed pursuant to §§ 26700 to 26915, inclusive, if the loan does not exceed 45 days from the date of delivery.

(b) At the time of the loan, the consultant-evaluator shall provide the following information, which the dealer shall retain for 2 years:

- (1) A photocopy of a valid, current, government-issued identification to determine the consultant-evaluator's identity, including, but not limited to, a California driver's license, identification card, or passport.
- (2) A photocopy of the consultant-evaluator's valid, current certificate of eligibility.
- (3) A letter from the person licensed as an importer, manufacturer, or dealer pursuant to Chapter 44 (commencing with § 921) of Title 18 of the United States Code, with whom the consultant-evaluator has a bona fide business relationship. The letter shall detail the bona fide business purposes for which the firearm is being loaned and confirm that the consultant-evaluator is being loaned the firearm as part of a bona fide business relationship.
- (4) The signature of the consultant-evaluator on a form indicating the date the firearm is loaned and the last day the firearm may be returned.

Section 31835. Section 31615 not applicable to some sales or transfers.

Subdivision (a) of § 31615 does not apply to the delivery, sale, or transfer of firearms when made by authorized law enforcement representatives for cities, counties, cities and counties, or of the state or federal government, if all of the following conditions are met:

- (a) The sale, delivery, or transfer is made to one of the persons or entities identified in subdivision (a) of § 26620.
- (b) The sale, delivery, or transfer of the firearm is not subject to the procedures set forth in § 18000, 18005, 34000, or 34005.
- (c) The sale, delivery, or transfer of the firearm follows the procedures set forth in subdivision (c) of § 26620.

Article 5 – Rules Governing Unsafe Handguns

Section 32000. Punishment for manufacture, import, sale, gift, or loan of unsafe handgun; Exceptions.

(a)

- (1) A person in this state who manufactures or causes to be manufactured, imports into the state for sale, keeps for sale, offers or exposes for sale, gives, or lends an unsafe handgun shall be punished by imprisonment in a county jail not exceeding one year.
- (2) The failure to report to the Department of Justice in accordance with the provisions of paragraph (2) of subdivision (e) the sale or transfer of an unsafe handgun obtained pursuant to paragraph (4), (6), or (7) of subdivision (b) may be subject to a civil penalty not to exceed ten thousand dollars (\$10,000).
- (3) In addition to any criminal penalty provided in paragraph (1), the unlawful sale or transfer of an unsafe handgun obtained pursuant to paragraph (4), (6), or (7) of subdivision (b) may be subject to a civil penalty not to exceed ten thousand dollars (\$10,000).

(b) This section shall not apply to any of the following:

- (1) The manufacture in this state, or importation into this state, of a prototype handgun when the manufacture or importation is for the sole purpose of allowing an independent laboratory certified by the Department of Justice pursuant to § 32010 to conduct an independent test to determine whether that handgun is prohibited by §§ 31900 to 32110, inclusive, and, if not, allowing the department to add the firearm to the roster of handguns that may be sold in this state pursuant to § 32015.

(2) The importation or lending of a handgun by employees or authorized agents of entities determining whether the weapon is prohibited by this section.

(3) Firearms listed as curios or relics, as defined in § 478.11 of Title 27 of the CFR.

(4) The sale or purchase of a handgun, if the handgun is sold to, or purchased by, the Department of Justice, a police department, a sheriff's official, a marshal's office, the Department of Corrections and Rehabilitation, the California Highway Patrol, any district attorney's office, any federal law enforcement agency, or the military or naval forces of this state or of the United States for use in the discharge of their official duties. This section does not prohibit the sale to, or purchase by, sworn members of these agencies of a handgun.

(5) The sale, purchase, or delivery of a handgun, if the sale, purchase, or delivery of the handgun is made pursuant to subdivision (d) of § 10334 of the Public Contract Code.

(6) Subject to the limitations set forth in subdivision (c), the sale or purchase of a handgun for use as a service weapon, if the handgun is sold to, or purchased by, any of the following entities for use by, or sold to or purchased by, sworn members of these entities who have satisfactorily completed the POST basic course or, before January 1, 2021, have satisfactorily completed the firearms portion of a training course prescribed by the Commission on Peace Officer Standards and Training (POST) pursuant to Section 832, and who, as a condition of carrying that handgun, complete a live-fire qualification prescribed by their employing entity at least once every six months:

(A) The Department of Parks and Recreation.

(B) The Department of Alcoholic Beverage Control.

(C) The Division of Investigation of the Department of Consumer Affairs.

(D) The Department of Motor Vehicles.

(E) The Fraud Division of the Department of Insurance.

(F) The State Department of State Hospitals.

(G) The Department of Fish and Wildlife.

(H) The State Department of Developmental Services.

(I) The Department of Forestry and Fire Protection.

(J) A county probation department.

(K) The Los Angeles World Airports, as defined in Section 830.15.

(L) A K–12 public school district for use by a school police officer, as described in Section 830.32.

(M) A municipal water district for use by a park ranger, as described in Section 830.34.

(N) A county for use by a welfare fraud investigator or inspector, as described in Section 830.35.

(O) A county for use by the coroner or the deputy coroner, as described in Section 830.35.

(P) The Supreme Court and the courts of appeal for use by marshals of the Supreme Court and bailiffs of the courts of appeal, and coordinators of security for the judicial branch, as described in Section 830.36.

(Q) A fire department or fire protection agency of a county, city, city and county, district, or the state for use by either of the following:

(i) A member of an arson-investigating unit, regularly paid and employed in that capacity pursuant to Section 830.37.

(ii) A member other than a member of an arson-investigating unit, regularly paid and employed in that capacity pursuant to Section 830.37.

(R) The University of California Police Department, or the California State University Police Departments, as described in Section 830.2.

(S) A California Community College police department, as described in Section 830.32.

(T) A harbor or port district or other entity employing peace officers described in subdivision (b) of Section 830.33, the San Diego Unified Port District Harbor Police, and the Harbor Department of the City of Los Angeles.

(U) A local agency employing park rangers described in subdivision (b) of Section 830.31.

(V) The Department of Cannabis Control.

(7)

(A) Subject to the limitations set forth in subdivision (c), the sale or purchase of a handgun, if the handgun is sold to, or purchased by, any of the following entities for use as a service weapon by the sworn members of these entities who have satisfactorily completed the POST basic course or, before January 1, 2021, have satisfactorily completed the firearms portion of a training course prescribed by the POST pursuant to Section 832, and who, as a condition of carrying that handgun, complete a live-fire qualification prescribed by their employing entity at least once every six months:

- (i)** The California Horse Racing Board.
- (ii)** The State Department of Health Care Services.
- (iii)** The State Department of Public Health.
- (iv)** The State Department of Social Services.
- (v)** The Department of Toxic Substances Control.
- (vi)** The Office of Statewide Health Planning and Development.
- (vii)** The Public Employees' Retirement System.
- (viii)** The Department of Housing and Community Development.
- (ix)** Investigators of the Department of Business Oversight.
- (x)** The Law Enforcement Branch of the Office of Emergency Services.
- (xi)** The California State Lottery.
- (xii)** The Franchise Tax Board.

(B) This paragraph does not authorize the sale to, or purchase by, sworn members of the entities specified in subparagraph (A) in a personal capacity.

(c)

(1) Notwithstanding Section 26825, a person licensed pursuant to Sections 26700 to 26915, inclusive, shall not process the sale or transfer of an unsafe handgun between a person who has obtained an unsafe handgun pursuant to an exemption specified in paragraph (6) or (7) of subdivision (b) and a person who is not exempt from the requirements of this section.

(E) This paragraph does not supersede any local ordinance that regulates the storage of handguns in unattended vehicles if the ordinance was in effect before January 1, 2017.

(d) Violations of subdivision (a) are cumulative with respect to each handgun and shall not be construed as restricting the application of any other law. However, an act or omission punishable in different ways by this section and other provisions of law shall not be punished under more than one provision, but the penalty to be imposed shall be determined as set forth in § 654.

Section 32005. Certification by manufacturers and sellers that firearms are not unsafe.

(a) Every person who is licensed as a manufacturer of firearms pursuant to Chapter 44 (commencing with § 921) of Title 18 of the United States Code and who manufactures firearms in this state shall certify under penalty of perjury and any other remedy provided by law that every model, kind, class, style, or type of pistol, revolver, or other firearm capable of being concealed upon the person that the person manufactures is not an unsafe handgun as prohibited by §§ 31900 to 32110, inclusive.

(b) Every person who imports into the state for sale, keeps for sale, or offers or exposes for sale any firearm shall certify under penalty of perjury and any other remedy provided by law that every model, kind, class, style, or type of pistol, revolver, or other firearm capable of being concealed upon the person that the person imports, keeps, or exposes for sale is not an unsafe handgun as prohibited by §§ 31900 to 32110, inclusive.

Article 6 – Exceptions to Rules Governing Unsafe Handguns

Section 32110. Exception for certain sales, loans and transfers.

Article 4 (commencing with § 31900) and Article 5 (commencing with § 32000) shall not apply to any of the following:

(a) The sale, loan, or transfer of any firearm pursuant to Chapter 5 (commencing with § 28050) of Division 6 in order to comply with § 27545.

(b) The sale, loan, or transfer of any firearm that is exempt from the provisions of § 27545 pursuant to any applicable exemption contained in Article 2 (commencing with § 27600) or Article 6 (commencing with § 27850) of Chapter 4 of Division 6, if the sale, loan, or transfer complies with the requirements of that applicable exemption to § 27545.

- (c) The sale, loan, or transfer of any firearm as described in paragraph (3) of subdivision (b) of § 32000.
- (d) The delivery of a pistol, revolver, or other firearm capable of being concealed upon the person to a person licensed pursuant to §§ 26700 to 26915, inclusive, for the purposes of the service or repair of that firearm.
- (e) The return of a pistol, revolver, or other firearm capable of being concealed upon the person by a person licensed pursuant to §§ 26700 to 26915, inclusive, to its owner where that firearm was initially delivered in the circumstances set forth in subdivision (a), (d), (f), or (i).
- (f) The delivery of a pistol, revolver, or other firearm capable of being concealed upon the person to a person licensed pursuant to §§ 26700 to 26915, inclusive, for the purpose of a consignment sale or as collateral for a pawnbroker loan.
- (g) The sale, loan, or transfer of any pistol, revolver, or other firearm capable of being concealed upon the person listed as a curio or relic, as defined in § 478.11 of Title 27 of the CFR.
- (h) The sale, loan, or transfer of any semiautomatic pistol that is to be used solely as a prop during the course of a motion picture, television, or video production by an authorized participant therein in the course of making that production or event or by an authorized employee or agent of the entity producing that production or event.
- (i) The delivery of a pistol, revolver, or other firearm capable of being concealed upon the person to a person licensed pursuant to §§ 26700 to 26915, inclusive, where the firearm is being loaned by the licensee to a consultant-evaluator.
- (j) The delivery of a pistol, revolver, or other firearm capable of being concealed upon the person by a person licensed pursuant to §§ 26700 to 26915, inclusive, where the firearm is being loaned by the licensee to a consultant-evaluator.
- (k) The return of a pistol, revolver, or other firearm capable of being concealed upon the person to a person licensed pursuant to §§ 26700 to 26915, inclusive, where it was initially delivered pursuant to subdivision (j).

Chapter 6 – Machineguns

Article 1 – General Provisions

Section 32610. Exceptions to application of chapter.

Nothing in this chapter shall affect or apply to any of the following:

- (a) The sale to, purchase by, or possession of machineguns by a police department, a sheriff's office, a marshal's office, a district attorney's office, the California Highway Patrol, the Department of Justice, the Department of Corrections for use by the department's Special Emergency Response Teams and Law Enforcement Liaison/Investigations Unit, or the military or naval forces of this state or of the United States for use in the discharge of their official duties, provided, however, that any sale to these entities be transacted by a person who is permitted pursuant to § 32650 and licensed pursuant to Article 4 (commencing with § 32700).
- (b) The possession of machineguns by regular, salaried, full-time peace officer members of a police department, sheriff's office, marshal's office, district attorney's office, the California Highway Patrol, the Department of Justice, or the Department of Corrections for use by the department's Special Emergency Response Teams and Law Enforcement Liaison/Investigations Unit, when on duty and if the use is within the scope of their duties.

Article 2 – Unlawful Acts Relating to Machineguns

Section 32625. Possession, sale, manufacture, and conversion.

- (a) Any person, firm, or corporation, who within this state possesses or knowingly transports a machinegun, except as authorized by this chapter, is guilty of a public offense and upon conviction thereof shall be punished by imprisonment pursuant to subdivision (h) of § 1170, or by a fine not to exceed \$10,000, or by both that fine and imprisonment.
- (b) Any person, firm, or corporation who within this state intentionally converts a firearm into a machinegun, or who sells, or offers for sale, or knowingly manufactures a machinegun, except as authorized by this chapter, is punishable by imprisonment pursuant to subdivision (h) of § 1170 for 4, 6, or 8 years.

Article 4 – Licenses to Sell Machineguns

Section 32700. Grant of license.

The Department of Justice may grant a license to permit the sale of machineguns at the place specified in the license, subject to all of the following conditions:

- (a) The business shall be carried on only in the place designated in the license.
- (b) The license or a certified copy of the license must be displayed on the premises in a place where it may easily be read.
- (c) No machinegun shall be delivered to any person not authorized to receive the machinegun under the provisions of this chapter.

(d) A complete record must be kept of sales made under the authority of the license, showing the name and address of the purchaser, the descriptions and serial numbers of the weapons purchased, the number and date of issue of the purchaser's permit, if any, and the signature of the purchaser or purchasing agent. This record shall be open to the inspection of any peace officer or other person designated by the Attorney General.

Section 32705. Application.

An application for a license under this article shall satisfy all of the following conditions:

- (a) It shall be filed in writing.
- (b) It shall be signed by the applicant if an individual, or by a member or officer qualified to sign if the applicant is a firm or corporation.
- (c) It shall state the applicant's name.
- (d) It shall state the business in which the applicant is engaged.
- (e) It shall state the applicant's business address.
- (f) It shall include a full description of the use to which the firearms are to be put.

Section 32710. Term.

- (a) Applications and licenses under this article shall be uniform throughout the state, on forms prescribed by the Department of Justice.
- (b) A license under this article shall be effective for not more than one year from the date of issuance.

Section 32715. Renewal.

- (a) Each applicant for a license under this article shall pay at the time of filing the application a fee determined by the Department of Justice. The fee shall not exceed the application processing costs of the Department of Justice.
- (b) A license granted pursuant to this article may be renewed one year from the date of issuance, and annually thereafter, upon the filing of a renewal application and the payment of a license renewal fee, which shall not exceed the application processing costs of the Department of Justice.
- (c) After the department establishes fees sufficient to reimburse the department for processing costs, fees charged shall increase at a rate not to exceed the legislatively approved annual cost-of-living adjustments for the department's budget.

Section 32720. Revocation.

Upon breach of any of the conditions stated in § 32700, a license under this article shall be revoked.

Article 5 – Machinegun Constituting Nuisance

Section 32750. Machinegun as nuisance.

- (a) It shall be a public nuisance to possess any machinegun in violation of this chapter.
- (b) The Attorney General, any district attorney, or any city attorney may bring an action before the superior court to enjoin the possession of any machinegun in violation of this chapter.
- (c) Any machinegun found to be in violation of this chapter shall be surrendered to the Department of Justice. The department shall destroy the machinegun so as to render it unusable and unrepairable as a machinegun, except upon the filing of a certificate with the department by a judge or district attorney stating that the preservation of the machinegun is necessary to serve the ends of justice.

Chapter 7 – Multiburst Trigger Activator

Section 32900. Multiburst trigger activator; Punishment.

Except as provided in Chapter 1 (commencing with § 17700) of Division 2 of Title 2, any person in this state who manufactures or causes to be manufactured, imports into the state, keeps for sale, or offers or exposes for sale, or who gives, lends, or possesses any multiburst trigger activator is punishable by imprisonment in a county jail not exceeding one year or imprisonment pursuant to subdivision (h) of § 1170.

Section 32990. Multiburst trigger activator as nuisance.

Except as provided in Chapter 1 (commencing with § 17700) of Division 2 of Title 2, any multiburst trigger activator is a nuisance and is subject to § 18010.

Chapter 8 – Short-Barreled Rifle or Short-Barreled Shotgun
Article 1 – Restrictions Relating to Short-Barreled Rifle or Short-Barreled Shotgun

Section 33210. Possession, manufacture, import, sale, give, or loaning of short-barreled rifle or short-barreled shotgun.

Except as expressly provided in §§ 33215 to 33225, inclusive, and in Chapter 1 (commencing with § 17700) of Division 2 of Title 2, and solely in accordance with those provisions, no person may manufacture, import into this state, keep for sale, offer for sale, give, lend, or possess any short-barreled rifle or short-barreled shotgun. Nothing else in any provision listed in § 16580 shall be construed as authorizing the manufacture, importation into the state, keeping for sale, offering for sale, or giving, lending, or possession of any short-barreled rifle or short-barreled shotgun.

Section 33215. Short-barreled rifle or short-barreled shotgun; Punishment.

Except as provided in §§ 33220 and 33225 and in Chapter 1 (commencing with § 17700) of Division 2 of Title 2, any person in this state who manufactures or causes to be manufactured, imports into the state, keeps for sale, or offers or exposes for sale, or who gives, lends, or possesses any short-barreled rifle or short-barreled shotgun is punishable by imprisonment in a county jail not exceeding one year or imprisonment pursuant to subdivision (h) of § 1170.

Section 33220. Exception to punishment.

Section 33215 does not apply to either of the following:

(a) The sale to, purchase by, or possession of short-barreled rifles or short-barreled shotguns by a police department, sheriff's office, marshal's office, the California Highway Patrol, the Department of Justice, the Department of Corrections and Rehabilitation, or the military or naval forces of this state or of the United States, for use in the discharge of their official duties.

(b) The possession of short-barreled rifles and short-barreled shotguns by peace officer members of a police department, sheriff's office, marshal's office, the California Highway Patrol, the Department of Justice, or the Department of Corrections and Rehabilitation, when on duty and the use is authorized by the agency and is within the course and scope of their duties, and the officers have completed a training course in the use of these weapons certified by the Commission on Peace Officer Standards and Training.

Section 33225. Exception when authorized by Department of Justice and not in violation of federal law.

Section 33215 does not apply to the manufacture, possession, transportation, or sale of a short-barreled rifle or short-barreled shotgun, when authorized by the Department of Justice pursuant to Article 2 (commencing with § 33300) and not in violation of federal law.

Section 33290. Short-barreled rifle and short-barreled shotgun as nuisance.

Except as provided in §§ 33220 and 33225 and in Chapter 1 (commencing with § 17700) of Division 2 of Title 2, any short-barreled rifle or short-barreled shotgun is a nuisance and is subject to § 18010.

Article 2 Permit for Short-Barreled Rifle or Short-Barreled Shotgun

Section 33300. Permit for manufacture, possession, importation, transportation, or sale.

(a) Upon a showing that good cause exists for issuance of a permit to the applicant, and if the Department of Justice finds that issuance of the permit does not endanger the public safety, the department may issue a permit for the manufacture, possession, importation, transportation, or sale of short-barreled rifles or short-barreled shotguns. The permit shall be initially valid for a period of 1 year, and renewable annually thereafter. No permit shall be issued to a person who is under 18 years of age.

(b) Good cause, for the purposes of this section, shall be limited to only the following:

(1) The permit is sought for the manufacture, possession, importation, or use with blank cartridges, of a short-barreled rifle or short-barreled shotgun, solely as a prop for a motion picture, television, or video production or entertainment event.

(2) The permit is sought for the manufacture of, exposing for sale, keeping for sale, sale of, importation or lending of short-barreled rifles or short-barreled shotguns to the entities listed in § 33220 by persons who are licensed as dealers or manufacturers under the provisions of Chapter 53 (commencing with § 5801) of Title 26 of the United States Code, as amended, and the regulations issued pursuant thereto.

Section 33305. Application; Fee; Renewal.

(a) An application for a permit under this article shall satisfy all of the following conditions:

(1) It shall be filed in writing.

(2) It shall be signed by the applicant if an individual, or by a member or officer qualified to sign if the applicant is a firm or corporation.

(3) It shall state the applicant's name.

(4) It shall state the business in which the applicant is engaged.

(5) It shall state the applicant's business address.

(6) It shall include a full description of the use to which the short-barreled rifles or short-barreled shotguns are to be put.

(b) Applications and permits shall be uniform throughout the state on forms prescribed by the Department of Justice.

(c) Each applicant for a permit shall pay at the time of filing the application a fee determined by the Department of Justice. The fee shall not exceed the application processing costs of the Department of Justice.

(d) A permit granted pursuant to this article may be renewed one year from the date of issuance, and annually thereafter, upon the filing of a renewal application and the payment of a permit renewal fee, which shall not exceed the application processing costs of the Department of Justice.

(e) After the department establishes fees sufficient to reimburse the department for processing costs, fees charged shall increase at a rate not to exceed the legislatively approved annual cost-of-living adjustments for the department's budget.

Section 33310. Keeping; Inspection.

(a) Every person, firm, or corporation to whom a permit is issued under this article shall keep it on the person or at the place where the short-barreled rifles or short-barreled shotguns are kept. The permit shall be open to inspection by any peace officer or any other person designated by the authority issuing the permit.

(b) Every short-barreled rifle or short-barreled shotgun possessed pursuant to the provisions of this article shall bear a unique identifying number. If a weapon does not bear a unique identifying number, the Department of Justice shall assign a number which shall be placed or stamped on that weapon.

Section 33315. Revocation.

A permit issued in accordance with this article may be revoked by the issuing authority at any time, when it appears that the need for the short-barreled rifles or short-barreled shotguns has ceased or that the holder of the permit has used the short-barreled rifles or short-barreled shotguns for purposes other than those allowed by the permit or that the holder of the permit has not exercised great care in retaining custody of any weapons possessed under the permit.

Chapter 9 Silencers

Section 33410. Possession of silencer.

Any person, firm, or corporation who within this state possesses a silencer is guilty of a felony and upon conviction thereof shall be punished by imprisonment pursuant to subdivision (h) of § 1170 or by a fine not to exceed \$10,000, or by both that fine and imprisonment.

Section 33415. Exception to punishment.

Section 33410 shall not apply to, or affect, any of the following:

(a) The sale to, purchase by, or possession of silencers by agencies listed in § 830.1, or the military or naval forces of this state or of the United States, for use in the discharge of their official duties.

(b) The possession of silencers by regular, salaried, full-time peace officers who are employed by an agency listed in § 830.1, or by the military or naval forces of this state or of the United States, when on duty and when the use of silencers is authorized by the agency and is within the course and scope of their duties.

(c) The manufacture, possession, transportation, or sale or other transfer of silencers to an entity described in subdivision (a) by dealers or manufacturers registered under Chapter 53 (commencing with § 5801) of Title 26 of the United States Code and the regulations issued pursuant thereto.

Chapter 10 Zip Guns

Section 33600. Zip gun; Punishment.

Except as provided in Chapter 1 (commencing with § 17700) of Division 2 of Title 2, any person in this state who manufactures or causes to be manufactured, imports into the state, keeps for sale, or offers or exposes for sale, or who gives, lends, or possesses any zip gun is punishable by imprisonment in a county jail not exceeding one year or imprisonment pursuant to subdivision (h) of § 1170.

Section 33690. Zip guns as nuisance.

Except as provided in Chapter 1 (commencing with § 17700) of Division 2 of Title 2, any zip gun is a nuisance and is subject to § 18010.

**Welfare and Institutions Code
Division 8 – Miscellaneous
Chapter 3 – Firearms**

Section 8100. Possession of firearm by patient with mental disorder; Waiting period; Burden of proof.

(a) A person shall not have in his or her possession or under his or her custody or control, or purchase or receive, or attempt to purchase or receive, any firearms whatsoever or any other deadly weapon, if on or after January 1, 1992, he or she has been admitted to a facility and is receiving inpatient treatment and, in the opinion of the attending health professional who is primarily responsible for the patient's treatment of a mental disorder, is a danger to self or others, as specified by § 5150, 5250, or 5300, even though the patient has consented to that treatment. A person is not subject to the prohibition in this subdivision after he or she is discharged from the facility.

(b)

(1) A person shall not have in his or her possession or under his or her custody or control, or purchase or receive, or attempt to purchase or receive, any firearms whatsoever or any other deadly weapon for a period of 5 years if, on or after January 1, 2014, he or she communicates to a licensed psychotherapist, as defined in subdivisions (a) to (e), inclusive, of § 1010 of the Evidence Code, a serious threat of physical violence against a reasonably identifiable victim or victims. The 5-year period shall commence from the date that the licensed psychotherapist reports to the local law enforcement agency the identity of the person making the communication. The prohibition provided for in this subdivision shall not apply unless the licensed psychotherapist notifies a local law enforcement agency of the threat by that person. The person, however, may own, possess, have custody or control over, or receive or purchase any firearm if a superior court, pursuant to paragraph (3) and upon petition of the person, has found, by a preponderance of the evidence, that the person is likely to use firearms or other deadly weapons in a safe and lawful manner.

(2) Upon receipt of the report from the local law enforcement agency pursuant to subdivision (c) of § 8105, the Department of Justice shall notify by certified mail, return receipt requested, a person subject to this subdivision of the following:

(A) That he or she is prohibited from possessing, having custody or control over, receiving, or purchasing any firearm or other deadly weapon for a period of 5 years commencing from the date that the licensed psychotherapist reports to the local law enforcement agency the identity of the person making the communication. The notice shall state the date when the prohibition commences and ends.

(B) That he or she may petition a court, as provided in this subdivision, for an order permitting the person to own, possess, control, receive, or purchase a firearm.

(3)

(A) Any person who is subject to paragraph (1) may petition the superior court of his or her county of residence for an order that he or she may own, possess, have custody or control over, receive, or purchase firearms. At the time the petition is filed, the clerk of the court shall set a hearing date and notify the person, the Department of Justice, and the district attorney. The people of the State of California shall be the respondent in the proceeding and shall be represented by the district attorney. Upon motion of the district attorney, or upon its own motion, the superior court may transfer the petition to the county in which the person resided at the time of the statements, or the county in which the person made the statements. Within 7 days after receiving notice of the petition, the Department of Justice shall file copies of the reports described in § 8105 with the superior court. The reports shall be disclosed upon request to the person and to the district attorney. The district attorney shall be entitled to a continuance of the hearing to a date of not less than 14 days after the district attorney is notified of the hearing date by the clerk of the court. The court, upon motion of the petitioner establishing that confidential information is likely to be discussed during the hearing that would cause harm to the person, shall conduct the hearing in camera with only the relevant parties present, unless the court finds that the public interest would be better served by conducting the hearing in public. Notwithstanding any other provision of law, declarations, police reports, including criminal history information, and any other material and relevant evidence that is not excluded under § 352 of the Evidence Code, shall be admissible at the hearing under this paragraph.

(B) The people shall bear the burden of showing by a preponderance of the evidence that the person would not be likely to use firearms in a safe and lawful manner.

(C) If the court finds at the hearing that the people have not met their burden as set forth in subparagraph (B), the court shall order that the person shall not be subject to the 5-year prohibition in this section on the ownership, control, receipt, possession, or purchase of firearms, and that person shall comply with the procedure described

in Chapter 2 (commencing with § 33850) of Division 11 of Title 4 of Part 6 of the Penal Code for the return of any firearms. A copy of the order shall be submitted to the Department of Justice. Upon receipt of the order, the Department of Justice shall delete any reference to the prohibition against firearms from the person's state mental health firearms prohibition system information.

(D) If the district attorney declines or fails to go forward in the hearing, the court shall order that the person shall not be subject to the 5-year prohibition required by this subdivision on the ownership, control, receipt, possession, or purchase of firearms, and that person shall comply with the procedure described in Chapter 2 (commencing with § 33850) of Division 11 of Title 4 of Part 6 of the Penal Code for the return of any firearms. A copy of the order shall be submitted to the Department of Justice. Upon receipt of the order, the Department of Justice shall, within 15 days, delete any reference to the prohibition against firearms from the person's state mental health firearms prohibition system information.

(E) Nothing in this subdivision shall prohibit the use of reports filed pursuant to this section to determine the eligibility of a person to own, possess, control, receive, or purchase a firearm if the person is the subject of a criminal investigation, a part of which involves the ownership, possession, control, receipt, or purchase of a firearm.

(c) "Discharge," for the purposes of this section, does not include a leave of absence from a facility.

(d) "Attending health care professional," as used in this section, means the licensed health care professional primarily responsible for the person's treatment who is qualified to make the decision that the person has a mental disorder and has probable cause to believe that the person is a danger to self or others.

(e) "Deadly weapon," as used in this section and in §§ 8101, 8102, and 8103, means any weapon, the possession or concealed carrying of which is prohibited by any provision listed in § 16590 of the Penal Code.

(f) "Danger to self," as used in subdivision (a), means a voluntary person who has made a serious threat of, or attempted, suicide with the use of a firearm or other deadly weapon.

(g) A violation of subdivision (a) of, or paragraph (1) of subdivision (b) of, this section shall be a public offense, punishable by imprisonment pursuant to subdivision (h) of § 1170 of the Penal Code, or in a county jail for not more than one year, by a fine not exceeding \$1,000, or by both that imprisonment and fine.

(h) The prohibitions set forth in this section shall be in addition to those set forth in § 8103.

(i) Any person admitted and receiving treatment prior to January 1, 1992, shall be governed by this section, as amended by Chapter 1090 of the Statutes of 1990, until discharged from the facility.

Section 8101. Giving deadly weapon to mental patient; Punishment.

(a) Any person who shall knowingly supply, sell, give, or allow possession or control of a deadly weapon to any person described in § 8100 or 8103 shall be punishable by imprisonment pursuant to subdivision (h) of § 1170 of the Penal Code, or in a county jail for a period of not exceeding 1 year, by a fine of not exceeding \$1,000, or by both the fine and imprisonment.

(b) Any person who shall knowingly supply, sell, give, or allow possession or control of a firearm to any person described in § 8100 or 8103 shall be punished by imprisonment pursuant to subdivision (h) of § 1170 of the Penal Code for 2, 3, or 4 years.

(c) "Deadly weapon," as used in this section has the meaning prescribed by § 8100.

Section 8102. Confiscation of firearm in possession of mental patient; Procedure for return of firearm; Hearing; Destroying of firearm.

(a) Whenever a person, who has been detained or apprehended for examination of his or her mental condition or who is a person described in § 8100 or 8103, is found to own, have in his or her possession or under his or her control, any firearm whatsoever, or any other deadly weapon, the firearm or other deadly weapon shall be confiscated by any law enforcement agency or peace officer, who shall retain custody of the firearm or other deadly weapon.

"Deadly weapon," as used in this section, has the meaning prescribed by § 8100.

(b)

(1) Upon confiscation of any firearm or other deadly weapon from a person who has been detained or apprehended for examination of his or her mental condition, the peace officer or law enforcement agency shall issue a receipt describing the deadly weapon or any firearm and listing any serial number or other identification on the firearm and shall notify the person of the procedure for the return, sale, transfer, or destruction of any firearm or other deadly

weapon which has been confiscated. A peace officer or law enforcement agency that provides the receipt and notification described in § 33800 of the Penal Code satisfies the receipt and notice requirements.

(2) If the person is released, the professional person in charge of the facility, or his or her designee, shall notify the person of the procedure for the return of any firearm or other deadly weapon which may have been confiscated.

(3) Health facility personnel shall notify the confiscating law enforcement agency upon release of the detained person, and shall make a notation to the effect that the facility provided the required notice to the person regarding the procedure to obtain return of any confiscated firearm.

(4) For purposes of this subdivision, the procedure for the return, sale, or transfer of confiscated firearms includes the procedures described in this section and the procedures described in Chapter 2 (commencing with § 33850) of Division 11 of Title 4 of Part 6 of the Penal Code.

(5) In lieu of destroying a firearm that has been confiscated pursuant to this section that is a nuisance, unclaimed, abandoned, or otherwise subject to destruction, a law enforcement agency may retain or transfer the firearm as provided in § 34005 of the Penal Code.

(c) Upon the release of a person as described in subdivision (b), the confiscating law enforcement agency shall have 30 days to initiate a petition in the superior court for a hearing to determine whether the return of a firearm or other deadly weapon would be likely to result in endangering the person or others, and to send a notice advising the person of his or her right to a hearing on this issue. The law enforcement agency may make an ex parte application stating good cause for an order extending the time to file a petition. Including any extension of time granted in response to an ex parte request, a petition shall be filed within 60 days of the release of the person from a health facility.

(d) If the law enforcement agency does not initiate proceedings within the 30-day period, or the period of time authorized by the court in an ex parte order issued pursuant to subdivision (c), it shall make the weapon available for return upon compliance with all applicable requirements, including the requirements specified in Chapter 2 (commencing with § 33850) of Division 11 of Title 4 of Part 6 of the Penal Code.

(e) The law enforcement agency shall inform the person that he or she has 30 days to respond to the court clerk to confirm his or her desire for a hearing, and that the failure to respond will result in a default order forfeiting the confiscated firearm or weapon. For a confiscated firearm, the period of forfeiture is 180 days pursuant to § 33875 of the Penal Code, unless the person contacts the law enforcement agency to facilitate the sale or transfer of the firearm to a licensed dealer pursuant to § 33870 of the Penal Code. For the purpose of this subdivision, the person's last known address shall be the address provided to the law enforcement officer by the person at the time of the person's detention or apprehension.

(f) If the person responds and requests a hearing, the court clerk shall set a hearing, no later than 30 days from receipt of the request. The court clerk shall notify the person and the district attorney of the date, time, and place of the hearing.

(g) If the person does not respond within 30 days of the notice, the law enforcement agency may file a petition for order of default, allowing the law enforcement agency to destroy the firearm in 180 days from the date the court enters default unless the person contacts the law enforcement agency to facilitate the sale or transfer of the firearm to a licensed dealer pursuant to § 33870 of the Penal Code.

(h) If, after a hearing, the court determines that the return of the firearm or other deadly weapon would likely endanger the person or others, the law enforcement agency may destroy the firearm within 180 days from the date that the court makes that determination, unless the person contacts the law enforcement agency to facilitate the sale or transfer of the firearm to a licensed dealer pursuant to § 33870 of the Penal Code.

Section 8103. Firearms; Mental health.

(a)

(1) A person who after October 1, 1955, has been adjudicated by a court of any state to be a danger to others as a result of a mental disorder or mental illness, or who has been adjudicated to be a mentally disordered sex offender, shall not purchase or receive, or attempt to purchase or receive, or have in his or her possession, custody, or control a firearm or any other deadly weapon unless there has been issued to the person a certificate by the court of adjudication upon release from treatment or at a later date stating that the person may possess a firearm or any other deadly weapon without endangering others, and the person has not, subsequent to the issuance of the certificate, again been adjudicated by a court to be a danger to others as a result of a mental disorder or mental illness.

(2) The court shall notify the Department of Justice of the court order finding the individual to be a person described in paragraph (1) as soon as possible, but not later than one court day after issuing the order. The court shall also notify the Department of Justice of any certificate issued as described in paragraph (1) as soon as possible, but not later than one court day after issuing the certificate.

(b)

(1) A person who has been found, pursuant to Section 1026 of the Penal Code or the law of any other state or the United States, not guilty by reason of insanity of murder, mayhem, a violation of Section 207, 209, or 209.5 of the Penal Code in which the victim suffers intentionally inflicted great bodily injury, carjacking or robbery in which the victim suffers great bodily injury, a violation of Section 451 or 452 of the Penal Code involving a trailer coach, as defined in Section 635 of the Vehicle Code, or any dwelling house, a violation of paragraph (1) or (2) of subdivision (a) of Section 262 or paragraph (2) or (3) of subdivision (a) of Section 261 of the Penal Code, a violation of Section 459 of the Penal Code in the first degree, assault with intent to commit murder, a violation of Section 220 of the Penal Code in which the victim suffers great bodily injury, a violation of Section 18715, 18725, 18740, 18745, 18750, or 18755 of the Penal Code, or of a felony involving death, great bodily injury, or an act which poses a serious threat of bodily harm to another person, or a violation of the law of any other state or the United States that includes all the elements of any of the above felonies as defined under California law, shall not purchase or receive, or attempt to purchase or receive, or have in his or her possession or under his or her custody or control any firearm or any other deadly weapon.

(2) The court shall notify the Department of Justice of the court order finding the person to be a person described in paragraph (1) as soon as possible, but not later than one court day after issuing the order.

(c)

(1) A person who has been found, pursuant to Section 1026 of the Penal Code or the law of any other state or the United States, not guilty by reason of insanity of any crime other than those described in subdivision (b) shall not purchase or receive, or attempt to purchase or receive, or have in his or her possession, custody, or control, any firearm or any other deadly weapon unless the court of commitment has found the person to have recovered sanity, pursuant to Section 1026.2 of the Penal Code or the law of any other state or the United States.

(2) The court shall notify the Department of Justice of the court order finding the person to be a person described in paragraph (1) as soon as possible, but not later than one court day after issuing the order. The court shall also notify the Department of Justice when it finds that the person has recovered his or her sanity as soon as possible, but not later than one court day after making the finding.

(d)

(1) A person found by a court to be mentally incompetent to stand trial, pursuant to Section 1370 or 1370.1 of the Penal Code or the law of any other state or the United States, shall not purchase or receive, or attempt to purchase or receive, or have in his or her possession, custody, or control, any firearm or any other deadly weapon, unless there has been a finding with respect to the person of restoration to competence to stand trial by the committing court, pursuant to Section 1372 of the Penal Code or the law of any other state or the United States.

(2) The court shall notify the Department of Justice of the court order finding the person to be mentally incompetent as described in paragraph (1) as soon as possible, but not later than one court day after issuing the order. The court shall also notify the Department of Justice when it finds that the person has recovered his or her competence as soon as possible, but not later than one court day after making the finding.

(e)

(1) A person who has been placed under conservatorship by a court, pursuant to Section 5350 or the law of any other state or the United States, because the person is gravely disabled as a result of a mental disorder or impairment by chronic alcoholism, shall not purchase or receive, or attempt to purchase or receive, or have in his or her possession, custody, or control, any firearm or any other deadly weapon while under the conservatorship if, at the time the conservatorship was ordered or thereafter, the court that imposed the conservatorship found that possession of a firearm or any other deadly weapon by the person would present a danger to the safety of the person or to others. Upon placing a person under conservatorship, and prohibiting firearm or any other deadly weapon possession by the person, the court shall notify the person of this prohibition.

(2) The court shall notify the Department of Justice of the court order placing the person under conservatorship and prohibiting firearm or any other deadly weapon possession by the person as described in paragraph (1) as soon as possible, but not later than one court day after placing the person under conservatorship. The notice shall include the date the conservatorship was imposed and the date the conservatorship is to be terminated. If the conservatorship is subsequently terminated before the date listed in the notice to the Department of Justice or the court subsequently finds that possession of a firearm or any other deadly weapon by the person would no longer present a danger to the safety of the person or others, the court shall notify the Department of Justice as soon as possible, but not later than one court day after terminating the conservatorship.

(3) All information provided to the Department of Justice pursuant to paragraph (2) shall be kept confidential, separate, and apart from all other records maintained by the Department of Justice, and shall be used only to determine eligibility to purchase or possess firearms or other deadly weapons. A person who knowingly furnishes that information for any other purpose is guilty of a misdemeanor. All the information concerning any person shall be

destroyed upon receipt by the Department of Justice of notice of the termination of conservatorship as to that person pursuant to paragraph (2).

(f)

(1)

(A) A person who has been (i) taken into custody as provided in Section 5150 because that person is a danger to himself, herself, or to others, (ii) assessed within the meaning of Section 5151, and (iii) admitted to a designated facility within the meaning of Sections 5151 and 5152 because that person is a danger to himself, herself, or others, shall not own, possess, control, receive, or purchase, or attempt to own, possess, control, receive, or purchase, any firearm for a period of five years after the person is released from the facility.

(B) A person who has been taken into custody, assessed, and admitted as specified in subparagraph (A), and who was previously taken into custody, assessed, and admitted as specified in subparagraph (A) one or more times within a period of one year preceding the most recent admittance, shall not own, possess, control, receive, or purchase, or attempt to own, possess, control, receive, or purchase, any firearm for the remainder of his or her life.

(C) A person described in this paragraph, however, may own, possess, control, receive, or purchase, or attempt to own, possess, control, receive, or purchase any firearm if the superior court has, pursuant to paragraph (5), found that the people of the State of California have not met their burden pursuant to paragraph (6).

(2)

(A)

(i) For each person subject to this subdivision, the facility shall, within 24 hours of the time of admission, submit a report to the Department of Justice, on a form prescribed by the Department of Justice, containing information that includes, but is not limited to, the identity of the person and the legal grounds upon which the person was admitted to the facility.

(ii) Any report submitted pursuant to this paragraph shall be confidential, except for purposes of the court proceedings described in this subdivision and for determining the eligibility of the person to own, possess, control, receive, or purchase a firearm.

(B) Facilities shall submit reports pursuant to this paragraph exclusively by electronic means, in a manner prescribed by the Department of Justice.

(3) Prior to, or concurrent with, the discharge, the facility shall inform a person subject to this subdivision that he or she is prohibited from owning, possessing, controlling, receiving, or purchasing any firearm for a period of five years or, if the person was previously taken into custody, assessed, and admitted to custody for a 72-hour hold because he or she was a danger to himself, herself, or to others during the previous one-year period, for life. Simultaneously, the facility shall inform the person that he or she may request a hearing from a court, as provided in this subdivision, for an order permitting the person to own, possess, control, receive, or purchase a firearm. The facility shall provide the person with a copy of the most recent "Patient Notification of Firearm Prohibition and Right to Hearing Form" prescribed by the Department of Justice. The Department of Justice shall update this form in accordance with the requirements of this section and distribute the updated form to facilities by January 1, 2020. The form shall include information regarding how the person was referred to the facility. The form shall include an authorization for the release of the person's mental health records, upon request, to the appropriate court, solely for use in the hearing conducted pursuant to paragraph (5). A request for the records may be made by mail to the custodian of records at the facility, and shall not require personal service. The facility shall not submit the form on behalf of the person subject to this subdivision.

(4) The Department of Justice shall provide the form upon request to any person described in paragraph (1). The Department of Justice shall also provide the form to the superior court in each county. A person described in paragraph (1) may make a single request for a hearing at any time during the five-year period or period of the lifetime prohibition. The request for hearing shall be made on the form prescribed by the department or in a document that includes equivalent language.

(5) A person who is subject to paragraph (1) who has requested a hearing from the superior court of his or her county of residence for an order that he or she may own, possess, control, receive, or purchase firearms shall be given a hearing. The clerk of the court shall set a hearing date and notify the person, the Department of Justice, and the district attorney. The people of the State of California shall be the plaintiff in the proceeding and shall be represented by the district attorney. Upon motion of the district attorney, or on its own motion, the superior court may transfer the hearing to the county in which the person resided at the time of his or her detention, the county in which the person was detained, or the county in which the person was evaluated or treated. Within seven days after the request for a hearing, the Department of Justice shall file copies of the reports described in this section with the superior court. The

reports shall be disclosed upon request to the person and to the district attorney. The court shall set the hearing within 60 days of receipt of the request for a hearing. Upon showing good cause, the district attorney shall be entitled to a continuance not to exceed 30 days after the district attorney was notified of the hearing date by the clerk of the court. If additional continuances are granted, the total length of time for continuances shall not exceed 60 days. The district attorney may notify the county behavioral health director of the hearing who shall provide information about the detention of the person that may be relevant to the court and shall file that information with the superior court. That information shall be disclosed to the person and to the district attorney. The court, upon motion of the person subject to paragraph (1) establishing that confidential information is likely to be discussed during the hearing that would cause harm to the person, shall conduct the hearing in camera with only the relevant parties present, unless the court finds that the public interest would be better served by conducting the hearing in public. Notwithstanding any other law, declarations, police reports, including criminal history information, and any other material and relevant evidence that is not excluded under Section 352 of the Evidence Code shall be admissible at the hearing under this section.

(6) The people shall bear the burden of showing by a preponderance of the evidence that the person would not be likely to use firearms in a safe and lawful manner.

(7) If the court finds at the hearing set forth in paragraph (5) that the people have not met their burden as set forth in paragraph (6), the court shall order that the person shall not be subject to the five-year prohibition or lifetime prohibition, as appropriate, in this section on the ownership, control, receipt, possession, or purchase of firearms, and that person shall comply with the procedure described in Chapter 2 (commencing with Section 33850) of Division 11 of Title 4 of Part 6 of the Penal Code for the return of any firearms. A copy of the order shall be submitted to the Department of Justice. Upon receipt of the order, the Department of Justice shall delete any reference to the prohibition against firearms from the person's state mental health firearms prohibition system information.

(8) If the district attorney declines or fails to go forward in the hearing, the court shall order that the person shall not be subject to the five-year prohibition or lifetime prohibition required by this subdivision on the ownership, control, receipt, possession, or purchase of firearms. A copy of the order shall be submitted to the Department of Justice. Upon receipt of the order, the Department of Justice shall, within 15 days, delete any reference to the prohibition against firearms from the person's state mental health firearms prohibition system information, and that person shall comply with the procedure described in Chapter 2 (commencing with Section 33850) of Division 11 of Title 4 of Part 6 of the Penal Code for the return of any firearms.

(9) This subdivision does not prohibit the use of reports filed pursuant to this section to determine the eligibility of persons to own, possess, control, receive, or purchase a firearm if the person is the subject of a criminal investigation, a part of which involves the ownership, possession, control, receipt, or purchase of a firearm.

(10) If the court finds that the people have met their burden to show by a preponderance of the evidence that the person would not be likely to use firearms in a safe and lawful manner and the person is subject to a lifetime firearm prohibition because the person had been admitted as specified in subparagraph (A) of paragraph (1) more than once within the previous one-year period, the court shall inform the person of his or her right to file a subsequent petition no sooner than five years from the date of the hearing.

(11) A person subject to a lifetime firearm prohibition is entitled to bring subsequent petitions pursuant to this subdivision. A person shall not be entitled to file a subsequent petition, and shall not be entitled to a subsequent hearing, until five years have passed since the determination on the person's last petition. A hearing on subsequent petitions shall be conducted as described in this subdivision, with the exception that the burden of proof shall be on the petitioner to establish by a preponderance of the evidence that the petitioner can use a firearm in a safe and lawful manner. Subsequent petitions shall be filed in the same court of jurisdiction as the initial petition regarding the lifetime firearm prohibition.

(g)

(1)

(i) A person who has been certified for intensive treatment under Section 5250, 5260, or 5270.15 shall not own, possess, control, receive, or purchase, or attempt to own, possess, control, receive, or purchase, any firearm for a period of five years.

(ii) Any person who meets the criteria contained in subdivision (e) or (f) who is released from intensive treatment shall nevertheless, if applicable, remain subject to the prohibition contained in subdivision (e) or (f).

(2)

(A) For each person certified for intensive treatment under paragraph (1), the facility shall, within 24 hours of the certification, submit a report to the Department of Justice, on a form prescribed by the department, containing information regarding the person, including, but not limited to, the legal identity of the person and the legal grounds upon which the person was certified. A report submitted pursuant to this paragraph shall only be used for the purposes specified in paragraph (2) of subdivision (f).

(B) Facilities shall submit reports pursuant to this paragraph exclusively by electronic means, in a manner prescribed by the Department of Justice.

(3) Prior to, or concurrent with, the discharge of each person certified for intensive treatment under paragraph (1), the facility shall inform the person of that information specified in paragraph (3) of subdivision (f).

(4) A person who is subject to paragraph (1) may petition the superior court of his or her county of residence for an order that he or she may own, possess, control, receive, or purchase firearms. At the time the petition is filed, the clerk of the court shall set a hearing date within 60 days of receipt of the petition and notify the person, the Department of Justice, and the district attorney. The people of the State of California shall be the respondent in the proceeding and shall be represented by the district attorney. Upon motion of the district attorney, or on its own motion, the superior court may transfer the petition to the county in which the person resided at the time of his or her detention, the county in which the person was detained, or the county in which the person was evaluated or treated. Within seven days after receiving notice of the petition, the Department of Justice shall file copies of the reports described in this section with the superior court. The reports shall be disclosed upon request to the person and to the district attorney. The district attorney shall be entitled to a continuance of the hearing to a date of not less than 30 days after the district attorney was notified of the hearing date by the clerk of the court. If additional continuances are granted, the total length of time for continuances shall not exceed 60 days. The district attorney may notify the county behavioral health director of the petition, and the county behavioral health director shall provide information about the detention of the person that may be relevant to the court and shall file that information with the superior court. That information shall be disclosed to the person and to the district attorney. The court, upon motion of the person subject to paragraph (1) establishing that confidential information is likely to be discussed during the hearing that would cause harm to the person, shall conduct the hearing in camera with only the relevant parties present, unless the court finds that the public interest would be better served by conducting the hearing in public. Notwithstanding any other law, any declaration, police reports, including criminal history information, and any other material and relevant evidence that is not excluded under Section 352 of the Evidence Code, shall be admissible at the hearing under this section. If the court finds by a preponderance of the evidence that the person would be likely to use firearms in a safe and lawful manner, the court may order that the person may own, control, receive, possess, or purchase firearms, and that person shall comply with the procedure described in Chapter 2 (commencing with Section 33850) of Division 11 of Title 4 of Part 6 of the Penal Code for the return of any firearms. A copy of the order shall be submitted to the Department of Justice. Upon receipt of the order, the Department of Justice shall delete any reference to the prohibition against firearms from the person's state mental health firearms prohibition system information.

(h)

(1) For all persons identified in subdivisions (f) and (g), facilities shall report to the Department of Justice as specified in those subdivisions, except facilities shall not report persons under subdivision (g) if the same persons previously have been reported under subdivision (f).

(2) Additionally, all facilities shall report to the Department of Justice upon the discharge of persons from whom reports have been submitted pursuant to subdivision (f) or (g). However, a report shall not be filed for persons who are discharged within 31 days after the date of admission.

(i) Every person who owns or possesses or has under his or her custody or control, or purchases or receives, or attempts to purchase or receive, any firearm or any other deadly weapon in violation of this section shall be punished by imprisonment pursuant to subdivision (h) of Section 1170 of the Penal Code or in a county jail for not more than one year.

(j) "**Deadly weapon**," as used in this section, has the meaning prescribed by Section 8100.

(k) Any notice or report required to be submitted to the Department of Justice pursuant to this section shall be submitted in an electronic format, in a manner prescribed by the Department of Justice.

(l) This section shall become operative on January 1, 2020.