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**Acronyms**
CLETS – California Law Enforcement Telecommunications System
CFR – Code of Federal Regulations
AFS – Automated Firearms System

CALIFORNIA Penal Code
PART 1. Of Crimes and Punishments
TITLE 15. Miscellaneous Crimes
Chapter 1. Schools

### 626.9. Gun-Free School Zone Act.
**a** This section shall be known, and may be cited, as the Gun-Free School Zone Act of 1995.
**b** Any person who possesses a firearm in a place that the person knows, or reasonably should know, is a school zone, as defined in paragraph (1) of subdivision (e), unless it is with the written permission of the school district superintendent, his or her designee, or equivalent school authority, shall be punished as specified in subdivision (f).
**c** Subdivision (b) does not apply to the possession of a firearm under any of the following circumstances:
1. Within a place of residence or place of business or on private property, if the place of residence, place of business, or private property is not part of the school grounds and the possession of the firearm is otherwise lawful.
2. When the firearm is an unloaded pistol, revolver, or other firearm capable of being concealed on the person and is in a locked container or within the locked trunk of a motor vehicle.
   This section does not prohibit or limit the otherwise lawful transportation of any other firearm, other than a pistol, revolver, or other firearm capable of being concealed on the person, in accordance with state law.
(3) When the person possessing the firearm reasonably believes that he or she is in grave danger because of circumstances forming the basis of a current restraining order issued by a court against another person or persons who has or have been found to pose a threat to his or her life or safety. This subdivision may not apply when the circumstances involve a mutual restraining order issued pursuant to Division 10 (commencing with § 6200) of the Family Code absent a factual finding of a specific threat to the person's life or safety. Upon a trial for violating subdivision (b), the trier of fact shall determine whether the defendant was acting out of a reasonable belief that he or she was in grave danger.

(4) When the person is exempt from the prohibition against carrying a concealed firearm pursuant to § 25615, 25625, 25630, or 25645.

(5) When the person holds a valid license to carry the firearm pursuant to Chapter 4 (commencing with § 26150) of Division 5 of Title 4 of Part 6, who is carrying that firearm in an area that is not in, or on the grounds of, a public or private school providing instruction in kindergarten or grades 1 to 12, inclusive, but within a distance of 1,000 feet from the grounds of the public or private school.

(d) Except as provided in subdivision (b), it shall be unlawful for any person, with reckless disregard for the safety of another, to discharge, or attempt to discharge, a firearm in a school zone, as defined in paragraph (1) of subdivision (e). The prohibition contained in this subdivision does not apply to the discharge of a firearm to the extent that the conditions of paragraph (1) of subdivision (c) are satisfied.

(e) As used in this section, the following definitions shall apply:

(1) “Concealed firearm” has the same meaning as that term is given in §§ 25400 and 25610.

(2) “Firearm” has the same meaning as that term is given in subdivisions (a) to (d), inclusive, of § 16520.

(3) “Locked container” has the same meaning as that term is given in § 16850.

(4) “School zone” means an area in, or on the grounds of, a public or private school providing instruction in kindergarten or grades 1 to 12, inclusive, or within a distance of 1,000 feet from the grounds of the public or private school.

(f) (1) Any person who violates subdivision (b) by possessing a firearm in, or on the grounds of, a public or private school providing instruction in kindergarten or grades 1 to 12, inclusive, shall be punished by imprisonment pursuant to subdivision (h) of § 1170 for 2, 3, or 5 years.

(2) Any person who violates subdivision (b) by possessing a firearm within a distance of 1,000 feet from the grounds of a public or private school providing instruction in kindergarten or grades 1 to 12, inclusive, shall be punished as follows:

(A) By imprisonment pursuant to subdivision (h) of § 1170 for 2, 3, or 5 years, if any of the following circumstances apply:

(i) If the person previously has been convicted of any felony, or of any crime made punishable by any provision listed in § 16580.

(ii) If the person is within a class of persons prohibited from possessing or acquiring a firearm pursuant to Chapter 2 (commencing with § 29800) or Chapter 3 (commencing with § 29900) of Division 9 of Title 4 of Part 6 of this code or § 8100 or 8103 of the Welfare and Institutions Code.

(iii) If the firearm is any pistol, revolver, or other firearm capable of being concealed upon the person and the offense is punished as a felony pursuant to § 25400.

(B) By imprisonment in a county jail for not more than one year or by imprisonment pursuant to subdivision (h) of § 1170 for 2, 3, or 5 years, in all cases other than those specified in subparagraph (A).

(3) Any person who violates subdivision (d) shall be punished by imprisonment pursuant to subdivision (h) of § 1170 for 3, 5, or 7 years.

(g) (1) Every person convicted under this section for a misdemeanor violation of subdivision (b) who has been convicted previously of a misdemeanor offense enumerated in § 23515 shall be punished by imprisonment in a county jail for not less than 3 months, or if probation is granted or if the execution of sentence is suspended, it shall be a condition thereof that he or she be imprisoned in a county jail for not less than 3 months.

(2) Every person convicted under this section for a felony violation of subdivision (b) or (d) who has been convicted previously of a misdemeanor offense enumerated in § 23515, if probation is granted or if the execution of sentence is suspended, it shall be a condition thereof that he or she be imprisoned in a county jail for not less than 3 months.

(3) Every person convicted under this section for a felony violation of subdivision (b) or (d) who has been convicted previously of any felony, or of any crime made punishable by any provision listed in § 16580, if probation is granted or if the execution or imposition of sentence is suspended, it shall be a condition thereof that he or she be imprisoned in a county jail for not less than 3 months.

(4) The court shall apply the 3-month minimum sentence specified in this subdivision, except in unusual cases where the interests of justice would best be served by granting probation or suspending the execution or imposition of sentence without the minimum imprisonment required in this subdivision or by granting probation or suspending the execution or imposition of sentence with conditions other than those set forth in this subdivision, in which case the court shall specify on the record and shall enter on the minutes the circumstances indicating that the interests of justice would best be served by this disposition.

(h) Notwithstanding § 25605, any person who brings or possesses a loaded firearm upon the grounds of a campus of, or buildings owned or operated for student housing, teaching, research, or administration by, a public or private university or college, that are contiguous or are clearly marked university property, unless it is with the written permission of the university or college president, his or her designee, or equivalent university or college authority, shall be punished by
imprisonment pursuant to subdivision (h) of § 1170 for 2, 3, or 4 years. Notwithstanding subdivision (k), a university or college shall post a prominent notice at primary entrances on noncontiguous property stating that firearms are prohibited on that property pursuant to this subdivision.

(i) Notwithstanding § 25605, any person who brings or possesses a firearm upon the grounds of a campus of, or buildings owned or operated for student housing, teaching, research, or administration by, a public or private university or college, that are contiguous or are clearly marked university property, unless it is with the written permission of the university or college president, his or her designee, or equivalent university or college authority, shall be punished by imprisonment pursuant to subdivision (h) of § 1170 for one, 2, or 3 years. Notwithstanding subdivision (k), a university or college shall post a prominent notice at primary entrances on noncontiguous property stating that firearms are prohibited on that property pursuant to this subdivision.

(j) For purposes of this section, a firearm shall be deemed to be loaded when there is an unexpended cartridge or shell, consisting of a case that holds a charge of powder and a bullet or shot, in, or attached in any manner to, the firearm, including, but not limited to, in the firing chamber, magazine, or clip thereof attached to the firearm. A muzzle-loader firearm shall be deemed to be loaded when it is capped or primed and has a powder charge and ball or shot in the barrel or cylinder.

(k) This section does not require that notice be posted regarding the proscribed conduct.

(l) This section does not apply to a duly appointed peace officer as defined in Chapter 4.5 (commencing with § 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 California, any person summoned by any of these officers to assist in making arrests or preserving the peace while he or she is actually engaged in assisting the officer, a member of the military forces of this state or of the United States who is engaged in the performance of his or her duties, or an armored vehicle guard, engaged in the performance of his or her duties, as defined in subdivision (d) of § 7582.1 of the Business and Professions Code.

(m) This section does not apply to a security guard authorized to carry a loaded firearm pursuant to Article 4 (commencing with § 26000) of Chapter 3 of Division 5 of Title 4 of Part 6.

(n) This section does not apply to an existing shooting range at a public or private school or university or college campus.

(o) This section does not apply to an honorably retired peace officer authorized to carry a concealed or loaded firearm pursuant to any of the following:

1. Article 2 (commencing with § 25450) of Chapter 2 of Division 5 of Title 4 of Part 6.
2. Section 25650.
3. Sections 25900 to 25910, inclusive.
4. Section 26020.
5. Paragraph (2) of subdivision (c) of § 26300.

(p) This section does not apply to a peace officer appointed pursuant to § 830.6 who is authorized to carry a firearm by the appointing agency.

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

626.92. 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.

626.95.

(a) Any person who is in violation of paragraph (2) of subdivision (a), or subdivision (b), of § 417, or § 25400 or 25850, upon the grounds of or within a playground, or a public or private youth center during hours in which the facility is open for business, classes, or school-related programs, or at any time when minors are using the facility, knowing that he or she is on or within those grounds, shall be punished by imprisonment pursuant to subdivision (h) of § 1170 for one, 2, or 3 years, or in a county jail not exceeding one year.

(b) State and local authorities are encouraged to cause signs to be posted around playgrounds and youth centers giving warning of prohibition of the possession of firearms upon the grounds of or within playgrounds or youth centers.

(c) For purposes of this section, the following definitions shall apply:

1. "Playground" means any park or recreational area specifically designed to be used by children that has play equipment installed, including public grounds designed for athletic activities such as baseball, football, soccer, or basketball, or any similar facility located on public or private school grounds, or on city or county parks.

2. "Youth center" means any public or private facility that is used to host recreational or social activities for minors while minors are present.

(d) It is the Legislature’s intent that only an actual conviction of a felony of one of the offenses specified in this section would subject the person to firearms disabilities under the federal Gun Control Act of 1968.
PART 6. Control of Deadly Weapons  
TITLE 1. Preliminary Provisions  
Division 1. General Provisions  

§ 16000. Recodification of former Title 2; Act citation. This act recodifies the provisions of former Title 2 (commencing with § 12000) of Part 4, which was entitled "Control of Deadly Weapons." The act shall be known and may be cited as the "Deadly Weapons Recodification Act of 2010."

§ 16005. Recodification nonsubstantive in effect. Nothing in the Deadly Weapons Recodification Act of 2010 is intended to substantively change the law relating to deadly weapons. The act is intended to be entirely nonsubstantive in effect. Every provision of this part, of Title 2 (commencing with § 12001) of Part 4, and every other provision of this act, including, without limitation, every cross-reference in every provision of the act, shall be interpreted consistent with the nonsubstantive intent of the act.

§ 16015. Conviction under previously existing provision treated as prior conviction under this Title. If a previously existing provision is restated and continued in this part, or in Title 2 (commencing with § 12001) of Part 4, or in any other provision of the Deadly Weapons Recodification Act of 2010, a conviction under that previously existing provision shall, unless a contrary intent appears, be treated as a prior conviction under the restatement and continuation of that provision.

§ 16020. Relevance of judicial decisions interpreting previously existing provisions; No assessment of judicial decisions interpreting provisions affected by Deadly Weapons Recodification Act of 2010.  
(a) A judicial decision interpreting a previously existing provision is relevant in interpreting any provision of this part, of Title 2 (commencing with § 12001) of Part 4, or any other provision of the Deadly Weapons Recodification Act of 2010, which restates and continues that previously existing provision.  
(b) However, in enacting the Deadly Weapons Recodification Act of 2010, the Legislature has not evaluated the correctness of any judicial decision interpreting a provision affected by the act.  
(c) The Deadly Weapons Recodification Act of 2010 is not intended to, and does not, reflect any assessment of any judicial decision interpreting any provision affected by the act.

Division 2. Definitions

§ 16100. ".50 BMG cartridge." Use of the term ".50 BMG cartridge" is governed by § 30525  
§ 16110. ".50 BMG rifle." Use of the term ".50 BMG rifle" is governed by § 30530.

§ 16150. "Ammunition."  
(a) As used in § 30300, "ammunition" means handgun ammunition as defined in § 16650.  
(b) As used in subdivision (a) of § 30305 and in § 30306, "ammunition" includes, but is not limited to, any bullet, cartridge, magazine, clip, speed loader, autoloader, or projectile capable of being fired from a firearm with a deadly consequence. "Ammunition" does not include blanks.

§ 16151. “Ammunition vendor.” Commencing January 1, 2018, as used in this part, “ammunition vendor” means any person, firm, corporation, dealer, or any other business that has a current ammunition vendor license issued pursuant to § 30345.

§ 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.

§ 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 § 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 1898. This 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 1898, for which ammunition is no longer manufactured in the United States and is not readily available in the ordinary channels of commercial trade.

§ 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.

§ 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.
§ 16200. "Assault weapon." Use of the term "assault weapon" is governed by §§ 30510 and 30515.

§ 16230. "Ballistics identification system." As used in this part, "ballistics identification system" includes, but is not limited to, any automated image analysis system that is capable of storing firearm ballistic markings and tracing those markings to the firearm that produced them.

§ 16240. "Basic firearms safety certificate." As used in this part, "basic firearms safety certificate" means a certificate issued before January 1, 2003, by the Department of Justice pursuant to former Article 8 (commencing with § 12800) of Chapter 6 of Title 2 of Part 4, as that article read at any time from when it became operative on January 1, 1992, to when it was repealed on January 1, 2003.

§ 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.

§ 16320. "Camouflaging firearm container." (a) As used in this part, "camouflaging firearm container" means a container that meets all of the following criteria:
   (1) It is designed and intended to enclose a firearm.
   (2) It is designed and intended to allow the firing of the enclosed firearm by external controls while the firearm is in the container.
   (3) It is not readily recognizable as containing a firearm.
   (b) "Camouflaging firearm container" does not include any camouflaging covering used while engaged in lawful hunting or while going to or returning from a lawful hunting expedition.

§ 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.

§ 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.

§ 16360. "CCW." As used in this part, "CCW" means "carry concealed weapons."

§ 16370. "Certified instructor"; "DOJ Certified Instructor." As used in §§ 31610 to 31700, inclusive, "certified instructor" or "DOJ Certified Instructor" means a person designated as a handgun safety instructor by the Department of Justice pursuant to subdivision (a) of § 31635.

§ 16380. "Chamber load indicator." As used in this part, "chamber load indicator" means a device that plainly indicates that a cartridge is in the firing chamber. A device satisfies this definition if it is readily visible, has incorporated or adjacent explanatory text or graphics, or both, and is designed and intended to indicate to a reasonably foreseeable adult user of the pistol, without requiring the user to refer to a user's manual or any other resource other than the pistol itself, whether a cartridge is in the firing chamber.

§ 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.

§ 16440. "Dealer." Use of the term "dealer" is governed by § 26700.

§ 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 ofillumination.
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).

§ 16500. "Drop safety requirement for handguns." Use of the phrase "drop safety requirement for handguns" is governed by § 31900.

§ 16520. "Firearm."
(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. Sections 29610 to 29750, inclusive.
14. Sections 29800 to 29905, inclusive.
15. Sections 30150 to 30165, inclusive.
16. Section 31615.
17. Sections 31705 to 31830, inclusive.
18. Sections 34355 to 34370, inclusive.

(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. Subdivisions (a) and (c) of § 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.

(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.

§ 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.

§ 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.

§ 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.

§ 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.

§ 16560. "Firing requirement for handguns." Use of the phrase "firing requirement for handguns" is governed by § 31905.

§ 16575. Continuation of provisions included in former Part 4, Title 2, Chapter 1, Article 4 "License to Sell Firearms."
(a) Except as stated in subdivision (c), the following provisions are continuations of provisions that were included in former Article 4 (commencing with § 12070) of Chapter 1 of Title 2 of Part 4, entitled "Licenses to Sell Firearms," when that article was repealed by the Deadly Weapons Recodification Act of 2010:
(2) Subdivision (b) of § 16170, to the extent that it continues former §§ 12078 and 12085, as those sections read when they were repealed by the Deadly Weapons Recodification Act of 2010.
(5) Section 16450, to the extent that it continues subdivision (a) of former § 12086, as that subdivision read when it was repealed by the Deadly Weapons Recodification Act of 2010.
(6) Subdivisions (b) and (d) of § 16520, to the extent that they continue subdivision (e) of former § 12085, as that subdivision read when it was repealed by the Deadly Weapons Recodification Act of 2010.
(12) Section 16740, to the extent that it continues subdivision (b) of former § 12079, as that subdivision read when it was repealed by the Deadly Weapons Recodification Act of 2010.
(b) Except as stated in subdivision (c), the provisions listed in subdivision (a) may be referred to as "former Article 4 of Chapter 1 provisions."
(c) Subdivision (a) does 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.

§ 16580. Continuation of provisions included in former Part 4, Title 2, Chapter 1 "Firearms."
(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:
(b) Except as stated in subdivision (c), the provisions listed in subdivision (a) may be referred to as "former Article of Chapter 1 provisions."
(c) Subdivision (a) does 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.

§ 16585. Continuation of provisions included in former Section 12078.
(a) Except as stated in subdivision (c), 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.
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.

§ 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.

§ 16620. "Gun Show Trader." As used in this part, "Gun Show Trader" means a person described in § 26525.

§ 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.

§ 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.

§ 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.

§ 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.

§ 16690. "Honorably retired." As used in §§ 25650 and 26020, Article 2 (commencing with § 25450) of Chapter 2 of Division 5 of Title 4, and Article 3 (commencing with § 25900) of Chapter 3 of Division 5 of Title 4, "honorably retired" includes any peace officer who has qualified for, and has accepted, a service or disability retirement. As used in those provisions, "honorably retired" does not include an officer who has agreed to a service retirement in lieu of termination.

§ 16700. "Imitation firearm." (a) As used in this part, "imitation firearm" means any BB device, toy gun, replica of a firearm, or other device that is so substantially similar in coloration and overall appearance to an existing firearm as to lead a reasonable person to perceive that the device is a firearm. (b) As used in § 20165, "imitation firearm" does not include any of the following: (1) A nonfiring collector's replica that is historically significant, and is offered for sale in conjunction with a wall plaque or presentation case. (2) A spot marker gun which expels a projectile that is greater than 10mm caliber. (3) A BB device that expels a projectile, such as a BB or pellet, that is other than 6mm or 8mm caliber.
(4) A BB device that is an airsoft gun that expels a projectile, such as a BB or pellet, that is 6mm or 8mm caliber which meets the following:

(A) If the airsoft gun is configured as a handgun, in addition to the blaze orange ring on the barrel required by federal law, the airsoft gun has a trigger guard that has fluorescent coloration over the entire guard, and there is a 2 centimeter wide adhesive band around the circumference of the protruding pistol grip that has fluorescent coloration.

(B) If the airsoft gun is configured as a rifle or long gun, in addition to the blaze orange ring on the barrel required by federal law, the airsoft gun has a trigger guard that has fluorescent coloration over the entire guard, and there is a 2 centimeter wide adhesive band with fluorescent coloring around the circumference of any 2 of the following:

(i) The protruding pistol grip.
(ii) The buttstock.
(iii) A protruding ammunition magazine or clip.

(5) A device where the entire exterior surface of the device is white, bright red, bright orange, bright yellow, bright green, bright blue, bright pink, or bright purple, either singly or as the predominant color in combination with other colors in any pattern, or where the entire device is constructed of transparent or translucent materials which permits unmistakable observation of the device’s complete contents.

(c) The adhesive bands described in paragraph (4) of subdivision (b) shall be applied in a manner not intended for removal, and shall be in place on the airsoft gun prior to sale to a customer.

§ 16740. "Large-capacity magazine." As used in this part, "large-capacity magazine" means any ammunition feeding device with the capacity to accept more than 10 rounds, but shall not be construed to include any of the following:

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

(b) A .22 caliber tube ammunition feeding device.

(c) A tubular magazine that is contained in a lever-action firearm.

§ 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.

§ 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.

§ 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.

(5) When used as designed or intended by the manufacturer, any weapon that is commonly regarded as a toy gun, and that as a toy gun is incapable of inflicting any impairment of physical condition, function, or senses.

(6) A destructive device.

(7) A tear gas weapon.
(8) A bow or crossbow designed to shoot arrows.
(9) A device commonly known as a slingshot.
(10) A device designed for the firing of stud cartridges, explosive rivets, or similar industrial ammunition.
(11) A device designed for signaling, illumination, or safety.
(12) An assault weapon.

§ 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.

§ 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.

§ 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.

§ 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.

§ 16822. "Licensee's business premises." Use of the term "licensee's business premises" is governed by § 16810.

§ 16824. "Licensee's place of business." Use of the term "licensee's place of business" is governed by § 16810.

§ 16840. "Loaded." (a) As used in § 25800, a firearm shall be deemed to be "loaded" whenever both the firearm and the unexpended ammunition capable of being discharged from the firearm are in the immediate possession of the same person. (b) As used in Chapter 2 (commencing with § 25100) of Division 4 of Title 4, in subparagraph (A) of paragraph (6) of subdivision (c) of § 25400, and in §§ 25850 to 26055, inclusive,

1. A firearm shall be deemed to be "loaded" when there is an unexpended cartridge or shell, consisting of a case that holds a charge of powder and a bullet or shot, in, or attached in any manner to, the firearm, including, but not limited to, in the firing chamber, magazine, or clip thereof attached to the firearm.

2. Notwithstanding paragraph (1), a muzzle-loader firearm shall be deemed to be loaded when it is capped or primed and has a powder charge and ball or shot in the barrel or cylinder.

§ 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.

§ 16865. "Long gun." As used in § 26860, "long gun" means any firearm that is not a handgun or a machinegun.

§ 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.

§ 16890. "Magazine." As used in § 30515, "magazine" means any ammunition feeding device.

§ 16930. "Multiburst trigger activator." As used in this part, a "multiburst trigger activator" means either of the following:
(a) A device designed or redesigned to be attached to a semiautomatic firearm, which allows the firearm to discharge 2 or more shots in a burst by activating the device.
(b) A manual or power-driven trigger activating device constructed and designed so that when attached to a semiautomatic firearm it increases the rate of fire of that firearm.

§ 16950. When handgun deemed to be carried openly or exposed. As used in Chapter 6 (commencing with § 26350) of Division 5 of Title 4, a handgun shall be deemed to be carried openly or exposed if the handgun is not carried concealed within the meaning of § 25400.

§ 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 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 Division 3 of the Civil Code.

§ 17000. "Personal firearm importer"; "Personal handgun 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.

§ 17010. "Pistol" Use of the term "pistol" is governed by § 16530.

§ 17080. "Revolver" Use of the term "revolver" is governed by § 16530.

§ 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.
§ 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.

§ 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.

§ 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.

§ 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.

§ 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.

§ 17220. "SKS rifle" Use of the term "SKS rifle" is governed by § 30710.

§ 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.

§ 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 walkthrough 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.

§ 17295. When handgun and non-handgun firearm deemed "unloaded"
(a) For purposes of Chapter 6 (commencing with § 26350) of Division 5 of Title 4, a handgun shall be deemed "unloaded" if it is not "loaded" within the meaning of subdivision (b) of § 16840.
(b) For purposes of Chapter 7 (commencing with § 26400) of Division 5 of Title 4, a firearm that is not a handgun shall be deemed "unloaded" if it is not "loaded" within the meaning of subdivision (b) of § 16840.

§ 17300. "Unsafe handgun" Use of the phrase "unsafe handgun" is governed by § 31910.

§ 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.
§ 17315 “Vendor” As used in Article 2 (commencing with § 30300), Article 3 (commencing with § 30345), Article 4 (commencing with § 30355), and Article 5 (commencing with § 30360) of Chapter 1 of Division 10 of Title 4, “vendor” means an ammunition vendor.

§ 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.

§ 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 1. Miscellaneous Rules Relating to Weapons Generally
§ 17500. Possession of deadly weapon with intent to commit assault. Every person having upon the person any deadly weapon, with intent to assault another, is guilty of a misdemeanor.

§ 17505. Advertising unlawful weapons. It shall be unlawful for any person, as defined in § 16970, to advertise the sale of any weapon or device, the possession of which is prohibited by § 18710, 20110, 30315, 30320, 32625, or 33410, by Article 2 (commencing with § 30600) of Chapter 10 of Title 4, or by any provision listed in § 16590, in any newspaper, magazine, circular, form letter, or open publication that is published, distributed, or circulated in this state, or on any billboard, card, label, or other advertising medium, or by means of any other advertising device.

§ 17510. Carrying weapons while picketing
(a) Any person who does any of the following acts while engaged in picketing, or other informational activities in a public place relating to a concerted refusal to work, is guilty of a misdemeanor:
   (1) Carries concealed upon the person, or within any vehicle which is under the person's control or direction, any pistol, revolver, or other firearm capable of being concealed upon the person.
   (2) Carries a loaded firearm upon the person or within any vehicle that is under the person's control or direction.
   (3) Carries a deadly weapon.
(b) This section shall not be construed to authorize or ratify any picketing or other informational activities not otherwise authorized by law.
(c) The following provisions shall not be construed to authorize any conduct described in paragraph (1) of subdivision (a):
   (1) Article 2 (commencing with § 25450) of Chapter 5 of Title 4.
   (2) Sections 25615 to 25655, inclusive.
(d) Sections 25900 to 26020, inclusive, shall not be construed to authorize any conduct described in paragraph (2) of subdivision (a).

§ 17512. Firearm in vehicle; Misdemeanor. It is a misdemeanor for a driver of any motor vehicle or the owner of any motor vehicle, whether or not the owner of the vehicle is occupying the vehicle, to knowingly permit any other person to carry into or bring into the vehicle a firearm in violation of § 26350.

§ 17515. Law enforcement officer carrying authorized equipment. Nothing in any provision listed in § 16580 prohibits a police officer, special police officer, peace officer, or law enforcement officer from carrying any equipment authorized for the enforcement of law or ordinance in any city or county.

Division 2. Generally Prohibited Weapons
Chapter 1. Exemptions
§ 17700. Exemption for antique firearm. The provisions listed in § 16590 do not apply to any antique firearm.

§ 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.
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.

§ 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 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.

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

§ 17730. Exemption for use in 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. 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.
(b) 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. 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.

§ 17735. Exemption for transport to law enforcement. 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 § 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. 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.
(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.

§ 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.

§ 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.


§ 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. Surrender, Disposal, and Enjoining of Weapons Constituting a Nuisance

§ 18000. Disposition of weapon upon conviction.
(a) Any weapon described in §§ 19190, 21390, 21590, or 25700, or, upon conviction of the defendant or upon a juvenile court finding that an offense that would be a misdemeanor or felony if committed by an adult was committed or attempted by the juvenile with the use of a firearm, any weapon described in § 29300, shall be surrendered to one of the following:
(1) The sheriff of a county.
(2) The chief of police or other head of a municipal police department of any city or city and county.
(3) The chief of police of any campus of the University of California or the California State University.
(4) The Commissioner of the California Highway Patrol.
(b) For purposes of this section, the Commissioner of the California Highway Patrol shall receive only weapons that were confiscated by a member of the California Highway Patrol.
(c) 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.

§ 18005. Sale or destruction of surrendered weapon.
(a) Any officer to whom weapons are surrendered under § 18000, except upon the certificate of a judge of a court of record, or of the district attorney of the county, that the retention thereof is necessary or proper to the ends of justice, may annually, between the 1st and 10th days of July, in each year, offer the weapons, which the officer in charge of them considers to have value with respect to sporting, recreational, or collection purposes, for sale at public auction to persons licensed pursuant to §§ 26700 to 26915, inclusive, to engage in businesses involving any weapon purchased.
(b) If any weapon has been stolen and is thereafter recovered from the thief or the thief's transferee, or is used in a manner as to constitute a nuisance under § 19190, 21390, 21590, or 29300, or subdivision (a) of § 25700 without the prior knowledge of its lawful owner that it would be so used, it shall not be offered for sale under subdivision (a) but 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 § 33850) of Division 11 of Title 4.
(c) If, under this section, a weapon is not of the type that can be sold to the public, generally, or is not sold under subdivision (a), the weapon, in the month of July, next succeeding, or sooner, if necessary to conserve local resources, including space and utilization of personnel who maintain files and security of those weapons, shall be destroyed so that it can no longer be used as a weapon subject to surrender under § 18000, except upon the certificate of a judge of a court of record, or of the district attorney of the county, that the retention of it is necessary or proper to the ends of justice.
(d) No stolen weapon shall be sold or destroyed pursuant to subdivision (a) or (c) unless reasonable notice is given to its lawful owner, if the lawful owner's identity and address can be reasonably ascertained.

§ 18010. Weapons constituting nuisances; Confiscation, destruction; Enjoinment of manufacture.
(a) The Attorney General, district attorney, or city attorney may bring an action to enjoin the manufacture of, importation of, keeping for sale of, offering or exposing for sale, giving, lending, or possession of, any item that constitutes a nuisance under any of the following provisions:
(13) Section 24390, relating to a camouflaging firearm container.
(14) Section 24490, relating to a cane gun.
(15) Section 24590, relating to a firearm not immediately recognizable as a firearm.
(16) Section 24690, relating to an undetectable firearm.
pursuant to this section is entitled to sell any firearms or ammunition to a licensed firearms dealer or transfer any firearms or ammunition to a licensed firearms dealer in accordance with § 29830, provided that 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 ammunition to a licensed firearms dealer in accordance with § 29830. The law enforcement officer or licensed firearms dealer taking possession of any 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. A person ordered to surrender all firearms and ammunition or both at the time of surrender 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. A law enforcement officer serving a gun violence restraining order that indicates that the restrained person possesses or owns pursuant to paragraph (2). 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 agency or officer concludes, after investigation, that the criteria for issuance of a gun violence restraining order are not satisfied. Failure to timely file a receipt shall constitute a violation of the restraining order.

Divison 3.2. Gun Violence Restraining Orders

Chapter 1. General

§ 18100. Purpose of order. 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.

§ 18105. Forms and rules of court by Judicial Council. The Judicial Council shall prescribe the form of the petitions and orders and any other documents, and shall promulgate any rules of court, necessary to implement this division.

§ 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.

§ 18109. Limitation on interpretation. Nothing in this division shall be interpreted to 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.

§ 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 in his or her 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 paragraph (2).

(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. Alternatively, 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 the 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 § 29830. The law enforcement officer or licensed firearms dealer taking possession of any 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. 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 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), any 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 any gun violence restraining order that has been issued against the restrained person. Upon expiration of any order, any firearms or ammunition shall be returned to the restrained person in accordance with the provisions of Chapter 2 (commencing with § 33850) of Division 11 of Title 4. Firearms or ammunition that are not claimed are subject to the requirements of § 34000.

(2) A restrained person who owns any firearms or ammunition that are in the custody of a law enforcement agency pursuant to this section is entitled to sell any firearms or ammunition to a licensed firearms dealer or transfer any firearms or ammunition to a licensed firearms dealer in accordance with § 29830, provided that 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
Chapter 2. Temporary Emergency Gun Violence Restraining Order

§ 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.

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.

§ 18130. Validity of 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.

§ 18135. Contents of order. A temporary emergency gun violence restraining order issued under this chapter shall include all of the following:
(a) A statement of the grounds supporting the issuance of the order.
(b) The date and time the order expires.
(c) The address of the superior court for the county in which the restrained party resides.
(d) 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 and ammunition 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 a firearm or ammunition, 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."

§ 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 order is obtained orally, 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 after issuance.
(d) Have the order entered into the computer database system for protective and restraining orders maintained by the Department of Justice.

§ 18145. Petition; Designation of judge to issue orders.
(a) (1) Except as provided in paragraph (2), the petition for a temporary emergency gun violence restraining order shall be obtained by submitting a written petition to the court.

(2) If time and circumstances do not permit the submission of a written petition, a temporary emergency gun violence restraining order may be issued in accordance with the procedures for obtaining an oral search warrant described in § 1526.

(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.

Chapter 3. Ex Parte Gun Violence Restraining Order

§ 18150. Petition; Grounds for issuance; Supporting affidavit; Issuance or denial on same day petition filed.
(a) (1) An immediate family member of a person or a law enforcement officer 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 his or her custody or control, owning, purchasing, possessing, or receiving a firearm or ammunition.

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

(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) A temporary emergency gun violence restraining order may be issued in accordance with the procedures for obtaining an oral search warrant described in § 33850) of Division 11 of Title 4.

(2) If a person other than the restrained person claims title to any firearms or ammunition surrendered pursuant to this section, and he or she 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 him or her pursuant to Chapter 2 (commencing with § 33850) of Division 11 of Title 4.
§ 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 or 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, receiving, or attempting to purchase or receive, a firearm or ammunition, and expires no later than 21 days from the date of the order.

§ 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 and ammunition 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 a firearm or ammunition, 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.

§ 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

§ 18170. Petition.
(a) An immediate family member of a person or a law enforcement officer 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 his or her custody or control, owning, purchasing, possessing, or receiving a firearm or ammunition for a period of one year.

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

§ 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 an ex parte gun violence restraining order, as applicable, poses a significant 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 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 in his or her custody or control, owning, purchasing, possessing, or receiving, or attempting to purchase or receive, a firearm or ammunition.

(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) A gun violence restraining order issued under this chapter has a duration of one year, subject to termination by further order of the court at a hearing held pursuant to § 18185 and renewal by further order of the court pursuant to § 18190.

§ 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 and ammunition 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 or ammunition, 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.

§ 18197. Service of order. 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 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
Chapter 5. Offenses

§ 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.

§ 18205. Ownership or possession of firearm or ammunition by person subject to order. Every person who owns or possesses a firearm or ammunition with knowledge that he or she is 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), or a gun violence restraining order issued after notice and a hearing pursuant to Chapter 4 (commencing with § 18170), is guilty of a misdemeanor and shall be prohibited from having in his or her custody or control, 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.

Division 4. Seizure of Firearm or Other Deadly Weapon at Scene of Domestic Violence
Chapter 1. Seizure and Subsequent Procedures

§ 18250. Authority of peace officer to take temporary custody of firearm at scene of domestic violence. (a) If any of the following persons is at the scene of a domestic violence incident involving a threat to human life or a physical assault, is serving a protective order as defined in § 6218 of the Family Code, or is serving a gun violence restraining order issued pursuant to Division 3.2 (commencing with § 18100), that person shall take temporary custody of any firearm or other deadly weapon in plain sight or discovered pursuant to a consensual or other lawful search as necessary for the protection of the peace officer or other persons present:

(1) A sheriff, undersheriff, deputy sheriff, marshal, deputy marshal, or police officer of a city, as defined in subdivision (a) of § 830.1.

(2) A peace officer of the Department of the California Highway Patrol, as defined in subdivision (a) of § 830.2.

(3) A member of the University of California Police Department, as defined in subdivision (b) of § 830.2.

(4) An officer listed in § 830.6, while acting in the course and scope of the officer's employment as a peace officer.

(5) A member of a California State University Police Department, as defined in subdivision (c) of § 830.2.

(6) A peace officer of the Department of Parks and Recreation, as defined in subdivision (f) of § 830.2.

(7) A peace officer, as defined in subdivision (d) of § 830.31.

(8) A peace officer, as defined in subdivisions (a) and (b) of § 830.32.

(9) A peace officer, as defined in § 830.5.

(10) A sworn member of the Department of Justice who is a peace officer, as defined in § 830.1.

(11) A member of the San Francisco Bay Area Rapid Transit District Police Department, as defined in subdivision (a) of § 830.33.

§ 18255. Receipt for firearm taken into custody. (a) Upon taking custody of a firearm or other deadly weapon pursuant to this division, the officer shall give the owner or person who possessed the firearm a receipt. (b) The receipt shall describe the firearm or other deadly weapon and list any identification or serial number on the firearm. (c) The receipt shall indicate where the firearm or other deadly weapon can be recovered, the time limit for recovery as required by this division, and the date after which the owner or possessor can recover the firearm or other deadly weapon.

§ 18265. Minimum term of temporary custody. (a) No firearm or other deadly weapon taken into custody pursuant to this division shall be held less than 48 hours. (b) Except as provided in § 18400, if a firearm or other deadly weapon is not retained for use as evidence related to criminal charges brought as a result of the domestic violence incident or is not retained because it was illegally possessed, the firearm or other deadly weapon shall be made available to the owner or person who was in lawful possession 48 hours after the seizure, or as soon thereafter as possible, but no later than 5 business days after the owner or person who was in lawful possession demonstrates compliance with Chapter 2 (commencing with § 33850) of Division 11 of Title 4. (c) In any civil action or proceeding for the return of any firearm, ammunition, or other deadly weapon seized by any state or local law enforcement agency and not returned within 5 business days after the initial seizure, except as provided in § 18270, the court shall allow reasonable attorney's fees to the prevailing party.

§ 18270. Return of stolen firearm from temporary custody. If a firearm or other deadly weapon has been stolen and has been taken into custody pursuant to this division, it shall be restored to the lawful owner upon satisfaction of all of the following conditions: (a) Its use for evidence has been served.
(b) The owner identifies the firearm or other deadly weapon and provides proof of ownership.
(c) The law enforcement agency has complied with Chapter 2 (commencing with § 33850) of Division 11 of Title 4.

§ 18275. Sale or destruction of firearm taken into temporary custody after designated period of time.
(a) Any firearm or other deadly weapon that has been taken into custody and held by any of the following law enforcement authorities for longer than 12 months, and has not been recovered by the owner or person who had lawful possession at the time it was taken into custody, shall be considered a nuisance and sold or destroyed as provided in subdivisions (a) and (b) of § 18000 and subdivisions (a) and (b) of § 18005:
(1) A police, university police, or sheriff's department.
(2) A marshal's office.
(3) A peace officer of the Department of the California Highway Patrol, as defined in subdivision (a) of § 830.2.
(4) A peace officer of the Department of Parks and Recreation, as defined in subdivision (f) of § 830.2.
(5) A peace officer, as defined in subdivision (d) of § 830.31.
(6) A peace officer, as defined in § 830.5.
(b) If a firearm or other deadly weapon is not recovered within 12 months due to an extended hearing process as provided in § 18420, it is not subject to destruction until the court issues a decision, and then only if the court does not order the return of the firearm or other deadly weapon to the owner.

Chapter 2. Procedure Where Agency Believes Return of Weapon Would Create Danger

§ 18400. Initiation of petition to prevent return of firearm.
(a) When a law enforcement agency has reasonable cause to believe that the return of a firearm or other deadly weapon seized under this division would be likely to result in endangering the victim or the person who reported the assault or threat, the agency shall so advise the owner of the firearm or other deadly weapon, and within 60 days of the date of seizure, initiate a petition in superior court to determine if the firearm or other deadly weapon should be returned.
(b) The law enforcement agency may make an ex parte application stating good cause for an order extending the time to file a petition.
(c) Including any extension of time granted in response to an ex parte request, a petition must be filed within 90 days of the date of seizure of the firearm or other deadly weapon.

§ 18405. Notification of owner of petition opposing return of firearm.
(a) If a petition is filed under § 18400, the law enforcement agency shall inform the owner or person who had lawful possession of the firearm or other deadly weapon, at that person's last known address, by registered mail, return receipt requested, that the person has 30 days from the date of receipt of the notice to respond to the court clerk to confirm the person's desire for a hearing, and that the failure to respond shall result in a default order forfeiting the confiscated firearm or other deadly weapon.
(b) For purposes of this section, the person's last known address shall be presumed to be the address provided to the law enforcement officer by that person at the time of the family violence incident.
(c) In the event the person whose firearm or other deadly weapon was seized does not reside at the last address provided to the agency, the agency shall make a diligent, good faith effort to learn the whereabouts of the person and to comply with these notification requirements.

§ 18410. Hearing on return of firearm.
(a) If the person who receives a petition under § 18405 requests a hearing, the court clerk shall set a hearing no later than 30 days from receipt of that request.
(b) The court clerk shall notify the person, the law enforcement agency involved, and the district attorney of the date, time, and place of the hearing.
(c) Unless it is shown by a preponderance of the evidence that the return of the firearm or other deadly weapon would result in endangering the victim or the person reporting the assault or threat, the court shall order the return of the firearm or other deadly weapon and shall award reasonable attorney's fees to the prevailing party.

§ 18415. Order of default. If the person who receives a petition under § 18405 does not request a hearing or does not otherwise respond within 30 days of the receipt of the notice, the law enforcement agency may file a petition for an order of default and may dispose of the firearm or other deadly weapon as provided in §§ 18000 and 18005.

§ 18420. Second hearing; Order of return.
(a) If, at a hearing under § 18410, the court does not order the return of the firearm or other deadly weapon to the owner or person who had lawful possession, that person may petition the court for a second hearing within 12 months from the date of the initial hearing.
(b) If there is a petition for a second hearing, unless it is shown by clear and convincing evidence that the return of the firearm or other deadly weapon would result in endangering the victim or the person reporting the assault or threat, the court shall order the return of the firearm or other deadly weapon and shall award reasonable attorney's fees to the prevailing party.
(c) If the owner or person who had lawful possession does not petition the court within this 12-month period for a second
hearing or is unsuccessful at the second hearing in gaining return of the firearm or other deadly weapon, the firearm or
other deadly weapon may be disposed of as provided in §§ 18000 and 18005.

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

§ 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.

§ 18720. Possession of materials with intent to make destructive device or explosive; Punishment. Every person
who possesses any substance, material, or any combination of substances or materials, with the intent to make any
destructive device or any explosive without first obtaining a valid permit to make that destructive device or explosive, is
guilty of a felony, and is punishable by imprisonment pursuant to subdivision (h) of § 1170 for 2, 3, or 4 years.

§ 18730. Sale or transportation of destructive device; 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.

§ 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, 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.

§ 18745. Exploding destructive device with intent to commit murder. Every person who explodes, ignites, or
attempts to explode or ignite any destructive device or any explosive with intent to commit murder is guilty of a felony, and
shall be punished by imprisonment in the state prison for life with the possibility of parole.

Article 2. Exemptions

§ 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

§ 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.

§ 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.

§ 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

§ 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.

Title 2. Weapons Generally
Division 6. Less Lethal Weapons

§ 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.

§ 19405. Sale to person under 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.

Part 6. Control of Deadly Weapons
Title 4. Firearms
Division 1. Preliminary Provisions

§ 23500. "The Dangerous Weapons Control Law."

§ 23505. Severability of provisions of Section 16580. If any section, subdivision, paragraph, subparagraph, sentence, clause, or phrase of any provision listed in § 16580 is for any reason held unconstitutional, that decision does not affect the validity of any other provision listed in § 16580. The Legislature hereby declares that it would have passed the provisions listed in § 16580 and each section, subdivision, paragraph, subparagraph, sentence, clause, and phrase of those provisions, irrespective of the fact that any one or more other sections, subdivisions, paragraphs, subparagraphs, sentences, clauses, or phrases be declared unconstitutional.

§ 23510. Each firearm as distinct and separate offense in specified sections.

(a) For purposes of §§ 25400 and 26500, §§ 27500 to 27590, inclusive, § 28100, §§ 29610 to 29750, inclusive, §§ 29800
to 29905, inclusive, and § 31615 of this code, and any provision listed in subdivision (a) of § 16585 of this code, and §§ 8100, 8101, and 8103 of the Welfare and Institutions Code, notwithstanding the fact that the term "any firearm" may be used in those sections, each firearm or the frame or receiver of each firearm constitutes a distinct and separate offense under those sections.

(b) For purposes of § 25135, notwithstanding the fact that the term "any firearm" may be used in that section, each firearm constitutes a distinct and separate offense under that section.

§ 23515. Violent use of firearm. As used in the provisions listed in § 16580, an offense that involves the violent use of a firearm includes any of the following:

(a) A violation of paragraph (2) or (3) of subdivision (a) of § 245 or a violation of subdivision (d) of § 245.

(b) A violation of § 246.

(c) A violation of paragraph (2) of subdivision (a) of § 417.

(d) A violation of subdivision (c) of § 417.

§ 23520. Fingerprinting of applicants for license, permit, or certificate. Each application that requires any firearms eligibility determination involving the issuance of any license, permit, or certificate pursuant to this part shall include 2 copies of the applicant's fingerprints on forms prescribed by the Department of Justice. One copy of the fingerprints may be submitted to the United States Federal Bureau of Investigation.

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

§ 23620. Citation of division and specified sections. This division and §§ 16540, 16610, and 16870 shall be known and may be cited as the "Aroner-Scott-Hayden Firearms Safety Act of 1999."

§ 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.

§ 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 all 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.
§ 23640. Warning labels.
(a) 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

Children are attracted to and can operate firearms that can cause severe injuries or death.

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.

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 Part 1500.121 of Title 16 of the CFR, or successor regulations thereto.

§ 23645. Fines and other sanctions for violations.
(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.

§ 23650. Regulations to implement minimum safety standard.
(a) The Attorney General shall develop regulations to implement a minimum safety standard for firearm safety devices and gun safes to significantly reduce the risk of firearm-related injuries to children 17 years of age and younger. The final standard shall do all of the following:

(1) Address the risk of injury from unintentional gunshot wounds.

(2) Address the risk of injury from self-inflicted gunshot wounds by unauthorized users.

(3) Include provisions to ensure that all firearm safety devices and gun safes are reusable and of adequate quality and construction to prevent children and unauthorized users from firing the firearm and to ensure that these devices cannot be readily removed from the firearm or that the firearm cannot be readily removed from the gun safe except by an authorized user utilizing the key, combination, or other method of access intended by the manufacturer of the device.

(4) Include additional provisions as appropriate.

(b) The Attorney General may consult, for the purposes of guidance in development of the standards, test protocols such as those described in Title 16 (commencing with Part 1700) of the CFR, relating to poison prevention packaging standards. These protocols may be consulted to provide suggestions for potential methods to utilize in developing standards and shall serve as guidance only. The Attorney General shall also give appropriate consideration to the use of devices that are not detachable, but are permanently installed and incorporated into the design of a firearm.

(c) The Attorney General shall adopt and issue regulations implementing a final standard no later than January 1, 2001. The final standard shall be effective January 1, 2002.

§ 23655. Certification of laboratories to test compliance; Roster of safety devices found to meet standards; Random retesting to ensure compliance.
(a) The Department of Justice shall certify laboratories to verify compliance with standards for firearm safety devices set forth in § 23650.

(b) The Department of Justice may charge any laboratory that is seeking certification to test firearm safety devices a fee not exceeding the costs of certification, including costs associated with the development and approval of regulations and standards pursuant to § 23650.

(c) The certified laboratory shall, at the manufacturer's or dealer's expense, test a firearm safety device and submit a copy of the final test report directly to the Department of Justice, along with the firearm safety device. The department shall notify the manufacturer or dealer of its receipt of the final test report and the department's determination as to whether the firearm safety device tested may be sold in this state.

(d) The Department of Justice shall compile, publish, and maintain a roster listing all of the firearm safety devices that have been tested by a certified testing laboratory, have been determined to meet the department's standards for firearm safety devices, and may be sold in this state.
The roster shall list, for each firearm safety device, the manufacturer, model number, and model name.

(f) The department may randomly retest samples obtained from sources other than directly from the manufacturer of the firearm safety device listed on the roster to ensure compliance with the requirements of this division.

(g) Firearm safety devices used for random sample testing and obtained from sources other than the manufacturer shall be in new, unused condition, and still in the manufacturer's original and unopened package.

§ 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.

§ 23665. Requirement of safety device upon sale or transfer of long-gun safe.
(a) No long-gun safe may be manufactured in this state for sale in this state that does not comply with the standards for gun safes adopted pursuant to § 23650, unless the long-gun safe is labeled by the manufacturer consistent with the requirements of § 23635.

(b) (1) Any person who keeps for commercial sale, offers, or exposes for commercial sale, or who commercially sells a long-gun safe that does not comply with the standards for gun safes adopted pursuant to § 23650, and who knows or has reason to know, that the long-gun safe in question does not meet the standards for gun safes adopted pursuant to § 23650, is in violation of this section, and is punishable as provided in § 23670, unless the long-gun safe is labeled pursuant to § 23635.

(2) Any person who keeps for commercial sale, offers, or exposes for commercial sale, or who commercially sells a long-gun safe that does not comply with the standards for gun safes adopted pursuant to § 23650, and who removes or causes to be removed, from the long-gun safe, the label required pursuant to § 23635, is in violation of this section, and is punishable as provided in § 23670.

§ 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.

§ 23675. Effect of compliance on liability under other statutes or ordinances. Compliance with the requirements set forth in this division does not relieve any person from liability to any other person as may be imposed pursuant to common law, statutory law, or local ordinance.

§ 23680. Nonconformity of gun safe or firearm safety device with required standards.
(a) If at any time the Attorney General determines that a gun safe or firearm safety device subject to the provisions of this division and sold after January 1, 2002, does not conform with the standards required by subdivision (a) of § 23635 or § 23650, the Attorney General may order the recall and replacement of the gun safe or firearm safety device, or order that the gun safe or firearm safety device be brought into conformity with those requirements.

(b) If the firearm safety device can be separated and reattached to the firearm without damaging the firearm, the licensed manufacturer or licensed firearms dealer shall immediately provide a conforming replacement as instructed by the Attorney General.

(c) If the firearm safety device cannot be separated from the firearm without damaging the firearm, the Attorney General may order the recall and replacement of the firearm.

§ 23690. Transaction fee to support specified program costs; Firearm Safety Account.
(a) (1) The Department of Justice may require each dealer to charge each firearm purchaser or transferee a fee not to exceed $1 for each firearm transaction, except that the Department of Justice may increase the fee at a rate not to exceed any increase in the California Consumer Price Index, as compiled and reported by the Department of Industrial Relations, and not to exceed the reasonable cost of regulation to the Department of Justice.
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

§ 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.

§ 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, or 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.

§ 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 of Justice. (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.

§ 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.

§ 23925. Exceptions to possession or disposition of pistol, revolver, or other firearm without correct identification mark. Section 23920 does not apply to any of the following:
   (a) The acquisition or possession of a firearm described in § 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.
   (b) The acquisition or possession of a firearm described in § 23920 by any peace officer described in Chapter 4.5 (commencing with § 830) of Title 3 of Part 2, while on duty and acting within the scope and course of employment.
   (c) The acquisition or possession of a firearm described in § 23920 by any employee of a forensic laboratory, while on duty and acting within the scope and course of employment.
   (d) The possession and disposition of a firearm described in § 23920 by a person who meets all of the following:
      (1) The person is not prohibited by state or federal law from possessing, receiving, owning, or purchasing a firearm.
      (2) 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.
      (3) 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.
      (4) 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.
      (5) The firearm is transported in a locked container as defined in § 16850.

Chapter 3. Camouflaging Firearm Container

§ 24310. Camouflaging firearm container; 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 camouflaging firearm container is punishable by imprisonment in a county jail not exceeding one year or imprisonment pursuant to subdivision (h) of § 1170.

§ 24390. Camouflaging firearm container as nuisance. Except as provided in Chapter 1 (commencing with § 17700) of Division 2 of Title 2, any camouflaging firearm container is a nuisance and is subject to § 18010.

Chapter 4. Cane Gun

§ 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.
§ 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

§ 24510. 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.

§ 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

§ 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.

§ 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

§ 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.

§ 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.

TITLE 4. Firearms
Division 4. Storage of Firearms
Chapter 1. Preliminary Provisions

§ 25000. "Child." As used in this division, "child" means a person under 18 years of age.

Chapter 2. Criminal Storage of Firearm

§ 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 loaded 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 himself or herself 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 loaded 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 himself or herself 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 loaded firearm within any premises that are under the person's custody or control and negligently stores or leaves a loaded 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.

§ 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 loaded 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.

§ 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.

§ 25115. Injury or death of child due to accidental shooting; Punishment of parent or guardian. If a person who allegedly violated § 25100 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 § 25100 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 an alleged violation of § 25100.

§ 25120. Arrest after injury or death of child due to accidental shooting.
(a) If a person who allegedly violated § 25100 is the parent or guardian of a child who was injured or who died as the result of an accidental shooting, no arrest of the person for the alleged violation of § 25100 shall occur until at least 7 days after the date upon which the accidental shooting occurred.
(b) In addition to the limitation stated in subdivision (a), before arresting a person for a violation of § 25100, a law enforcement officer shall consider the health status of a child who suffered great bodily injury as the result of an accidental shooting, if the person to be arrested is the parent or guardian of the injured child. The intent of this section is to encourage law enforcement officials to delay the arrest of a parent or guardian of a seriously injured child while the child remains on life-support equipment or is in a similarly critical medical condition.

§ 25125. Attendance at firearm safety course as mitigating factor.
(a) The fact that a person who allegedly violated § 25100 attended a firearm safety training course prior to the purchase of the firearm that was obtained by a child in violation of § 25100 shall be considered a mitigating factor by a district attorney when deciding whether to prosecute the alleged violation.
(b) In any action or trial commenced under § 25100, the fact that the person who allegedly violated § 25100 attended a firearm safety training course prior to the purchase of the firearm that was obtained by a child in violation of § 25100 is admissible.

§ 25130. 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 a loaded firearm.

§ 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

§ 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 pistol, revolver, or other firearm capable of being concealed upon the person, 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.

(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.

(c) The child or the prohibited person obtains access to that firearm and thereafter carries that firearm off-premises.

(d) A pistol, revolver, or other firearm capable of being concealed upon the person 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 a 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.

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

§ 25205. Inapplicability of Section 25200 under certain circumstances. Section 25200 does not apply if any of the following are true:

(a) The person keeps 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.

§ 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.

§ 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 5. Carrying Firearms

Chapter 1. Miscellaneous Rules Relating to Carrying Firearms

§ 25300. Criminal possession of firearm while masked; Punishment.

(a) A person commits criminal possession of a firearm when the person carries a firearm in a public place or on any public
street while masked so as to hide the person's identity.

(b) Criminal possession of a firearm is punishable by imprisonment pursuant to subdivision (h) of § 1170 or by imprisonment in a county jail not to exceed 1 year.

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

(1) A peace officer in performance of the officer's duties.

(2) A full-time paid peace officer of another state or the federal government who is carrying out official duties while in this state.

(3) Any person summoned by any of the officers enumerated in paragraph (1) or (2) to assist in making an arrest or preserving the peace while that person is actually engaged in assisting that officer.

(4) The possession of an unloaded firearm or a firearm loaded with blank ammunition by an authorized participant in, or while rehearsing for, a motion picture, television, video production, entertainment event, entertainment activity, or lawfully organized and conducted activity when the participant lawfully uses the firearm as part of that production, event, or activity.

(5) The possession of a firearm by a licensed hunter while actually engaged in lawful hunting, or while going directly to or returning directly from the hunting expedition.

Chapter 2. Carrying a Concealed Firearm

Article 1. Crime of Carrying a Concealed Firearm

§ 25400. Carrying concealed firearm; Carrying firearm openly in belt holster; Punishment.

(a) A person is guilty of carrying a concealed firearm when the person does any of the following:

(1) Carries concealed within any vehicle that is under the person's control or direction any pistol, revolver, or other firearm capable of being concealed upon the person.

(2) Carries concealed upon the person any pistol, revolver, or other firearm capable of being concealed upon the person.

(3) Causes to be carried concealed within any vehicle in which the person is an occupant any pistol, revolver, or other firearm capable of being concealed upon the person.

(b) A firearm carried openly in a belt holster is not concealed within the meaning of this section.

(c) Carrying a concealed firearm in violation of this section is punishable as follows:

(1) If the person previously has been convicted of any felony, or of any crime made punishable by a provision listed in § 16580, as a felony.

(2) If the firearm is stolen and the person knew or had reasonable cause to believe that it was stolen, as a felony.

(3) If the person is an active participant in a criminal street gang, as defined in subdivision (a) of § 186.22, under the Street Terrorism Enforcement and Prevention Act (Chapter 11 (commencing with § 186.20) of Title 7 of Part 1), as a felony.

(4) If the person is not in lawful possession of the firearm or the person is within a class of persons prohibited from possessing or acquiring 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, as a felony.

(5) If the person has been convicted of a crime against a person or property, or of a narcotics or dangerous drug violation, by imprisonment pursuant to subdivision (h) of § 1170, or by imprisonment in a county jail not to exceed 1 year, by a fine not to exceed $1,000, or by both that imprisonment and fine.

(6) If both of the following conditions are met, by imprisonment pursuant to subdivision (h) of § 1170, or by imprisonment in a county jail not to exceed 1 year, by a fine not to exceed $1,000, or by both that fine and imprisonment:

(A) The pistol, revolver, or other firearm capable of being concealed upon the person is loaded, or both it and the unexpended ammunition capable of being discharged from it are in the immediate possession of the person or readily accessible to that person.

(B) The person is not listed with the Department of Justice pursuant to paragraph (1) of subdivision (c) of § 11106 as the registered owner of that pistol, revolver, or other firearm capable of being concealed upon the person.

(7) In all cases other than those specified in paragraphs (1) to (6), inclusive, by imprisonment in a county jail not to exceed 1 year, by a fine not to exceed $1,000, or by both that imprisonment and fine.

(d) (1) Every person convicted under this section who previously has been convicted of a misdemeanor offense enumerated in § 23515 shall be punished by imprisonment in a county jail for at least 3 months and not exceeding 6 months, or, if granted probation, or if the execution or imposition of sentence is suspended, it shall be a condition thereof that the person be imprisoned in a county jail for at least 3 months.

(2) Every person convicted under this section who has previously been convicted of any felony, or of any crime made punishable by a provision listed in § 16580, if probation is granted, or if the execution or imposition of sentence is suspended, it shall be a condition thereof that the person be imprisoned in a county jail for not less than 3 months.

(e) The court shall apply the 3-month minimum sentence as specified in subdivision (d), except in unusual cases where the interests of justice would best be served by granting probation or suspending the imposition or execution of sentence without the minimum imprisonment required in subdivision (d) or by granting probation or suspending the imposition or execution of sentence with conditions other than those set forth in subdivision (d), in which case, the court shall specify on the record and shall enter on the minutes the circumstances indicating that the interests of justice would best be served by
that disposition.

(f) A peace officer may arrest a person for a violation of paragraph (6) of subdivision (c) if the peace officer has probable cause to believe that the person is not listed with the Department of Justice pursuant to paragraph (1) of subdivision (c) of § 11106 as the registered owner of the pistol, revolver, or other firearm capable of being concealed upon the person, and one or more of the conditions in subparagraph (A) of paragraph (6) of subdivision (c) is met.

Article 2. Peace Officer Exemption

§ 25450. Peace officers exempted from crime. As provided in this article, § 25400 does not apply to, or affect, any of the following:
(a) Any peace officer, listed in § 830.1 or 830.2, or subdivision (a) of § 830.33, whether active or honorably retired.
(b) Any other duly appointed peace officer.
(c) Any honorably retired peace officer listed in subdivision (c) of § 830.5.
(d) 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.
(e) Any full-time paid peace officer of another state or the federal government who is carrying out official duties while in California.
(f) Any person summoned by any of these officers to assist in making arrests or preserving the peace while the person is actually engaged in assisting that officer.

§ 25455. Identification certificate for honorably retired peace officer.
(a) Any peace officer described in § 25450 who has been honorably retired shall be issued an identification certificate by the law enforcement agency from which the officer retired.
(b) The issuing agency may charge a fee necessary to cover any reasonable expenses incurred by the agency in issuing certificates pursuant to this article.
(c) Any officer, except an officer listed in § 830.1 or 830.2, subdivision (a) of § 830.33, or subdivision (c) of § 830.5 who retired prior to January 1, 1981, shall have an endorsement on the identification certificate stating that the issuing agency approves the officer's carrying of a concealed firearm.
(d) An honorably retired peace officer listed in § 830.1 or 830.2, subdivision (a) of § 830.33, or subdivision (c) of § 830.5 who retired prior to January 1, 1981, shall not be required to obtain an endorsement from the issuing agency to carry a concealed firearm.

Article 3. Conditional Exemptions

§ 25505. Qualifications for exemption. In order for a firearm to be exempted under this article, while being transported to or from a place, the firearm shall be unloaded and kept in a locked container, and the course of travel shall include only those deviations between authorized locations as are reasonably necessary under the circumstances.

§ 25510. Exemptions to carrying concealed firearm. Section 25400 does not apply to, or affect, any of the following:
(a) The possession of a firearm by an authorized participant in a motion picture, television, or video production, or an entertainment event, when the participant lawfully uses the firearm as part of that production or event, or while going directly to, or coming directly from, that production or event.
(b) The transportation of a firearm by an authorized employee or agent of a supplier of firearms when going directly to, or coming directly from, a motion picture, television, or video production, or an entertainment event, for the purpose of providing that firearm to an authorized participant to lawfully use as a part of that production or event.

§ 25515. Possession of firearm in locked container. Section 25400 does not apply to, or affect, the possession of a firearm in a locked container by a member of any club or organization, organized for the purpose of lawfully collecting and lawfully displaying pistols, revolvers, or other firearms, while the member is at a meeting of the club or organization or while going directly to, and coming directly from, a meeting of the club or organization.

§ 25520. Transportation to or from recognized safety or hunter safety class or recognized sporting event. Section 25400 does not apply to, or affect, the transportation of a firearm by a participant when going directly to, or coming directly from, a recognized safety or hunter safety class, or a recognized sporting event involving that firearm.

§ 25525. Transportation between specified places.
(a) Section 25400 does not apply to, or affect, the transportation of a firearm by any citizen of the United States or legal resident over the age of 18 years who resides or is temporarily within this state, and who is not within the excepted classes prescribed 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, directly between any of the following places:
   (1) The person's place of residence.
   (2) The person's place of business.
   (3) Private property owned or lawfully possessed by the person.

(b) Section 25400 does not apply to, or affect, the transportation of a firearm by a person listed in subdivision (a) when
The transportation of a firearm by a person if done directly between any of the places set forth below:

§ 25590. Transportation of firearm; Application of Section 25400.

(a) of § 25400.

or affect, the transportation of a firearm by a person for the purpose of obtaining an identification number or mark assigned to that firearm from the Department of Justice pursuant to § 23910.

§ 25585. Transportation for purpose of obtaining identification number or mark.

is a curio or relic, as defined in § 478.11 of Title 27 of the CFR, by a person in order to comply with § 27565 as it pertains to that firearm.

§ 25580. Transportation of curio or relic.

of a firearm by a person in order to comply with § 27560 as it pertains to that firearm.

§ 25575. Transportation to comply with Division 3 of the Civil Code as it pertains to that firearm.

(a) The transportation of a firearm by a person when going directly to, or coming directly from, a gun show, swap meet, or similar event to which the public is invited, for the purpose of displaying that firearm in a lawful manner.

(b) The transportation of a firearm by a person when going directly to, or coming directly from, a gun show or event, as defined in § 478.100 of Title 27 of the CFR, for the purpose of lawfully transferring, selling, or loaning that firearm in accordance with § 27545.

§ 25540. Transportation to or from target range. Section 25400 does not apply to, or affect, the transportation of a firearm by a person when going directly to, or coming directly from, a target range, which holds a regulatory or business license, for the purposes of practicing shooting at targets with that firearm at that target range.

§ 25545. Transportation to or from licensing agency at request of agency. Section 25400 does not apply to, or affect, the transportation of a firearm by a person when going directly to, or coming directly from, a place designated by a person authorized to issue licenses pursuant to § 26150, 26155, 26170, or 26215, when done at the request of the issuing agency so that the issuing agency can determine whether or not a license should be issued to that person to carry that firearm.

§ 25550. Transportation to or from lawful camping activity.

(a) Section 25400 does not apply to, or affect, the transportation of a firearm by a person when going directly to, or coming directly from, a lawful camping activity for the purpose of having that firearm available for lawful personal protection while at the lawful campsite.

(b) This section shall not be construed to override the statutory authority granted to the Department of Parks and Recreation or any other state or local governmental agencies to promulgate rules and regulations governing the administration of parks and campgrounds.

§ 25555. Transportation to comply with certain sections of Penal Code. Section 25400 does not apply to, or affect, the transportation of a firearm by a person in order to comply with § 27870, 27875, 27915, 27920, or 27925, as it pertains to that firearm.

§ 25565. Transportation in order to sell, deliver, or transfer to authorized representative of government. Section 25400 does not apply to, or affect, the transportation of a firearm by a person in order to sell, deliver, or transfer the firearm as specified in § 27850 or 31725 to an authorized representative of a city, city and county, county, or state or federal government that is acquiring the weapon as part of an authorized, voluntary program in which the entity is buying or receiving weapons from private individuals.

§ 25570. Transportation to law enforcement agency by finder. Section 25400 does not apply to, or affect, any of the following:

(a) The transportation of a firearm by a person who finds the firearm, if the person is transporting the firearm in order to comply with Article 1 (commencing with § 2080) of Chapter 4 of Division 3 of the Civil Code as it pertains to that firearm, and, if the person is transporting the firearm to a law enforcement agency, the person gives prior notice to the law enforcement agency that the person is transporting the firearm to the law enforcement agency.

(b) The transportation of a firearm by a person who finds the firearm and is transporting it to a law enforcement agency for disposition according to law, if 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.

§ 25575. Transportation to comply with Section 27560. Section 25400 does not apply to, or affect, the transportation of a firearm by a person in order to comply with § 27560 as it pertains to that firearm.

§ 25580. Transportation of curio or relic. Section 25400 does not apply to, or affect, the transportation of a firearm that is a curio or relic, as defined in § 478.11 of Title 27 of the CFR, by a person in order to comply with § 27565 as it pertains to that firearm.

§ 25585. Transportation for purpose of obtaining identification number or mark. Section 25400 does not apply to, or affect, the transportation of a firearm by a person for the purpose of obtaining an identification number or mark assigned to that firearm from the Department of Justice pursuant to § 23910.

§ 25590. Transportation of firearm; Application of Section 25400. Section 25400 does not apply to, or affect, the transportation of a firearm by a person if done directly between any of the places set forth below:

(a) A place where the person may carry that firearm pursuant to an exemption from the prohibition set forth in subdivision (a) of § 25400.
(b) A place where that person may carry that firearm pursuant to an exemption from the prohibition set forth in subdivision (a) of § 25850, or a place where the prohibition set forth in subdivision (a) of § 25850 does not apply.  
(c) A place where that person may carry a firearm pursuant to an exemption from the prohibition set forth in subdivision (a) of § 26350, or a place where the prohibition set forth in subdivision (a) of § 26350 does not apply.

§ 25595. Limitations of article. This article does not prohibit or limit the otherwise lawful carrying or transportation of any handgun in accordance with the provisions listed in § 16580.

Article 4. Other Exemptions

§ 25600. Justifiable violation due to reasonable belief of grave danger; Determination of fact.  
(a) A violation of § 25400 is justifiable when a person who possesses a firearm reasonably believes that person is in grave danger because of circumstances forming the basis of a current restraining order issued by a court against another person who has been found to pose a threat to the life or safety of the person who possesses the firearm. This section may not apply when the circumstances involve a mutual restraining order issued pursuant to Division 10 (commencing with § 6200) of the Family Code absent a factual finding of a specific threat to the person’s life or safety. It is not the intent of the Legislature to limit, restrict, or narrow the application of current statutory or judicial authority to apply this or other justifications to a defendant charged with violating § 25400 or committing another similar offense.  
(b) Upon trial for violating § 25400, the trier of fact shall determine whether the defendant was acting out of a reasonable belief that the defendant was in grave danger.

§ 25605. Inapplicability of prohibition against carrying concealed firearms or unloaded handgun at place of residence, business, or lawfully possessed private property in specified circumstances.  
(a) Section 25400 and Chapter 6 (commencing with § 26350) of Division 5 shall not apply to or affect any citizen of the United States or legal resident over the age of 18 years who resides or is temporarily within this state, and who is not within the excepted classes prescribed 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, who carries, either openly or concealed, anywhere within the citizen’s or legal resident’s place of residence, place of business, or on private property owned or lawfully possessed by the citizen or legal resident, any handgun.  
(b) No permit or license to purchase, own, possess, keep, or carry, either openly or concealed, shall be required of any citizen of the United States or legal resident over the age of 18 years who resides or is temporarily within this state, and who is not within the excepted classes prescribed 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, to purchase, own, possess, keep, or carry, either openly or concealed, a handgun within the citizen’s or legal resident’s place of residence, place of business, or on private property owned or lawfully possessed by the citizen or legal resident.  
(c) Nothing in this section shall be construed as affecting the application of §§ 25850 to 26055, inclusive.

§ 25610. Transportation in locked container.  
(a) Section 25400 shall not be construed to prohibit any citizen of the United States over the age of 18 years who resides or is temporarily within this state, and who is not prohibited by state or federal law from possessing, receiving, owning, or purchasing a firearm, from transporting or carrying any pistol, revolver, or other firearm capable of being concealed upon the person, provided that the following applies to the firearm:  
(1) The firearm is within a motor vehicle and it is locked in the vehicle’s trunk or in a locked container in the vehicle.  
(2) The firearm is carried by the person directly to or from any motor vehicle for any lawful purpose and, while carrying the firearm, the firearm is contained within a locked container.  
(b) The provisions of this section do not prohibit or limit the otherwise lawful carrying or transportation of any pistol, revolver, or other firearm capable of being concealed upon the person in accordance with the provisions listed in § 16580.

§ 25615. Transportation of unload pistols, revolvers, or firearms by licensed person engaged in business of manufacturing, importing, wholesaling, repairing, or dealing in firearms. Section 25400 does not apply to, or affect, the possession or transportation of unloaded pistols, revolvers, or other firearms capable of being concealed upon the person as merchandise by a person who is engaged in the business of manufacturing, importing, wholesaling, repairing, or dealing in firearms and who is licensed to engage in that business, or the authorized representative or authorized agent of that person, while engaged in the lawful course of the business.

§ 25620. Member of Armed Forces. Section 25400 does not apply to, or affect, any member of the Army, Navy, Air Force, Coast Guard, or Marine Corps of the United States, or the National Guard, when on duty, or any organization that is by law authorized to purchase or receive those weapons from the United States or this state.

§ 25625. Military or civil organizations while parading. Section 25400 does not apply to, or affect, the carrying of unloaded pistols, revolvers, or other firearms capable of being concealed upon the person by duly authorized military or civil organizations while parading, or the members thereof when going to and from the places of meeting of their respective organizations.

§ 25630. Guard or messenger of common carrier, bank, or financial institution while employed in shipment, transportation, or delivery. Section 25400 does not apply to, or affect, any guard or messenger of any common carrier,
bank, or other financial institution, while actually employed in and about the shipment, transportation, or delivery of any
money, treasure, bullion, bonds, or other thing of value within this state.

§ 25635. Transportation of firearms to or from and use on target ranges. Section 25400 does not apply to, or affect,
members of any club or organization organized for the purpose of practicing shooting at targets upon established target
ranges, whether public or private, while the members are using pistols, revolvers, or other firearms capable of being
concealed upon the person upon the target ranges, or transporting these firearms unloaded when going to and from the
ranges.

§ 25640. Licensed hunters or fishermen while engaged in hunting or fishing. Section 25400 does not apply to, or affect,
licensed hunters or fishermen carrying pistols, revolvers, or other firearms capable of being concealed upon the
person while engaged in hunting or fishing, or transporting those firearms unloaded when going to or returning from the
hunting or fishing expedition.

§ 25645. Transportation of unloaded firearms by common carrier. Section 25400 does not apply to, or affect, the
transportation of unloaded firearms by a person operating a licensed common carrier or an authorized agent or employee
thereof when the firearms are transported in conformance with applicable federal law.

§ 25650. Federal officer or honorably retired federal officer.
(a) Upon approval of the sheriff of the county in which the retiree resides, § 25400 does not apply to, or affect, any
honorably retired federal officer or agent of any federal law enforcement agency, including, but not limited to, the Federal
Bureau of Investigation, the United States Secret Service, the United States Customs Service, the federal Bureau of
Alcohol, Tobacco, Firearms and Explosives, the Federal Bureau of Narcotics, the United States Drug Enforcement
Administration, the United States Border Patrol, and any officer or agent of the Internal Revenue Service who was
authorized to carry weapons while on duty, who was assigned to duty within the state for a period of not less than 1 year,
or who retired from active service in the state.
(b) A retired federal officer or agent shall provide the sheriff with certification from the agency from which the officer or
agent retired certifying that person's service in the state, stating the nature of that person's retirement, and indicating the
agency's concurrence that the retired federal officer or agent should be accorded the privilege of carrying a concealed
firearm.
(c) Upon that approval, the sheriff shall issue a permit to the retired federal officer or agent indicating that the retiree may
carry a concealed firearm in accordance with this section. The permit shall be valid for a period not exceeding 5 years,
shall be carried by the retiree while carrying a concealed firearm, and may be revoked for good cause.
(d) The sheriff of the county in which the retired federal officer or agent resides may require recertification prior to a permit
renewal, and may suspend the privilege for cause. The sheriff may charge a fee necessary to cover any reasonable
expenses incurred by the county.

§ 25655. Person authorized to carry concealed weapon. Section 25400 does not apply to, or affect, the carrying of a
pistol, revolver, or other firearm capable of being concealed upon the person by a person who is authorized to carry that
weapon in a concealed manner pursuant to Chapter 4 (commencing with § 26150).

Article 5. Concealed Carrying of Firearm as a Nuisance

§ 25700. Unlawful carrying of concealed weapon as nuisance.
(a) The unlawful carrying of any handgun in violation of § 25400 is a nuisance and is subject to §§ 18000 and 18005.
(b) 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 3. Carrying a Loaded Firearm

§ 25800. Armed criminal action.
(a) Every person who carries a loaded firearm with the intent to commit a felony is guilty of armed criminal action.
(b) Armed criminal action is punishable by imprisonment in a county jail not exceeding one year, or in the state prison.

Article 2. Crime of Carrying a Loaded Firearm in Public

§ 25850. Carrying loaded firearm in public; Punishment; Previous conviction; Prosecution under other section;
Arrest without warrant.
(a) A person is guilty of carrying a loaded firearm when the person carries a loaded firearm on the person or in a vehicle
while in any public place or on any public street in an incorporated city or in any public place or on any public street in a
prohibited area of unincorporated territory.
(b) In order to determine whether or not a firearm is loaded for the purpose of enforcing this section, peace officers are
authorized to examine any firearm carried by anyone on the person or in a vehicle while in any public place or on any
public street in an incorporated city or prohibited area of an unincorporated territory. Refusal to allow a peace officer to
inspect a firearm pursuant to this section constitutes probable cause for arrest for violation of this section.

(c) Carrying a loaded firearm in violation of this section is punishable, as follows:

1. Where the person previously has been convicted of any felony, or of any crime made punishable by a provision
listed in § 16580, as a felony.

2. Where the firearm is stolen and the person knew or had reasonable cause to believe that it was stolen, as a felony.

3. Where the person is an active participant in a criminal street gang, as defined in subdivision (a) of § 186.22, under
the Street Terrorism Enforcement and Prevention Act (Chapter 11 (commencing with § 186.20) of Title 7 of Part 1), as a
felony.

4. Where the person is not in lawful possession of the firearm, or is within a class of persons prohibited from
possessing or acquiring 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, as a felony.

5. Where the person has been convicted of a crime against a person or property, or of a narcotics or dangerous drug
violation, by imprisonment pursuant to subdivision (h) of § 1170, or by imprisonment in a county jail not to exceed 1 year,
by a fine not to exceed $1,000, or by both that imprisonment and fine.

6. Where the person is not listed with the Department of Justice pursuant to § 11106 as the registered owner of the
handgun, by imprisonment pursuant to subdivision (h) of § 1170, or by imprisonment in a county jail not to exceed 1 year,
or by a fine not to exceed $1,000, or both that fine and imprisonment.

7. In all cases other than those specified in paragraphs (1) to (6), inclusive, as a misdemeanor, punishable by
imprisonment in a county jail not to exceed 1 year, by a fine not to exceed $1,000, or by both that imprisonment and fine.

(d) (1) Every person convicted under this section who has previously been convicted of an offense enumerated in §
23515, or of any crime made punishable under a provision listed in § 16580, shall serve a term of at least 3 months in a
county jail, or, if granted probation or if the execution or imposition of sentence is suspended, it shall be a condition
thereof that the person be imprisoned for a period of at least 3 months.

(2) The court shall apply the 3-month minimum sentence except in unusual cases where the interests of justice would
best be served by granting probation or suspending the imposition or execution of sentence without the minimum
imprisonment required in this section or by granting probation or suspending the imposition or execution of sentence with
conditions other than those set forth in this section, in which case, the court shall specify on the record and shall enter on
the minutes the circumstances indicating that the interests of justice would best be served by that disposition.

(e) A violation of this section that is punished by imprisonment in a county jail not exceeding 1 year shall not constitute a
conviction of a crime punishable by imprisonment for a term exceeding 1 year for the purposes of determining federal
firearms eligibility under § 922(g)(1) of Title 18 of the United States Code.

(f) Nothing in this section, or in Article 3 (commencing with § 25900) or Article 4 (commencing with § 26000), shall
preclude prosecution under Chapter 2 (commencing with § 29800) or Chapter 3 (commencing with § 29900) of Division 9
of this title, § 8100 or 8103 of the Welfare and Institutions Code, or any other law with a greater penalty than this section.

(g) Notwithstanding paragraphs (2) and (3) of subdivision (a) of § 836, a peace officer may make an arrest without a
warrant:

1. When the person arrested has violated this section, although not in the officer's presence.

2. Whenever the officer has reasonable cause to believe that the person to be arrested has violated this section,
whether or not this section has, in fact, been violated.

(h) A peace officer may arrest a person for a violation of paragraph (6) of subdivision (c), if the peace officer has probable
cause to believe that the person is carrying a handgun in violation of this section and that person is not listed with the
Department of Justice pursuant to paragraph (1) of subdivision (c) of § 11106 as the registered owner of that handgun.

Article 3. Peace Officer Exemption to the Crime of Carrying a Loaded Firearm in Public

§ 25900. Peace officers exempted from crime. As provided in this article, § 25850 does not apply to any of the
following:

(a) Any peace officer, listed in § 830.1 or 830.2, or subdivision (a) of § 830.33, whether active or honorably retired.

(b) Any other duly appointed peace officer.

(c) Any honorably retired peace officer listed in subdivision (c) of § 830.5.

(d) 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.

(e) Any full-time paid peace officer of another state or the federal government who is carrying out official duties while in
California.

(f) Any person summoned by any of these officers to assist in making arrests or preserving the peace while the person is
actually engaged in assisting that officer.

§ 25905. Identification certificate for honorably retired peace officer.

(a) (1) Any peace officer described in § 25900 who has been honorably retired shall be issued an identification certificate
by the law enforcement agency from which the officer has retired.
(2) If the agency from which the officer has retired is no longer providing law enforcement services or the relevant governmental body is dissolved, the agency that subsequently provides law enforcement services for that jurisdiction shall issue the identification certificate to that peace officer. This paragraph shall apply only if the following conditions are met:

(A) The successor agency is in possession of the retired officer's complete personnel records or can otherwise verify the retired officer's honorably retired status.

(B) The retired officer is in compliance with all the requirements of the successor agency for the issuance of a retirement identification card and concealed weapon endorsement.

(b) The issuing agency may charge a fee necessary to cover any reasonable expenses incurred by the agency in issuing certificates pursuant to §§ 25900, 25910, 25925, and this section.

(c) Any officer, except an officer listed in § 830.1 or 830.2, subdivision (a) of § 830.33, or subdivision (c) of § 830.5 who retired prior to January 1, 1981, shall have an endorsement on the identification certificate stating that the issuing agency approves the officer's carrying of a loaded firearm.

(d) An honorably retired peace officer listed in § 830.1 or 830.2, subdivision (a) of § 830.33, or subdivision (c) of § 830.5 who retired prior to January 1, 1981, shall not be required to obtain an endorsement from the issuing agency to carry a loaded firearm.

§ 25910. Endorsement or renewal endorsement; Form of certificate.

(a) Except as provided in subdivision (b), no endorsement or renewal endorsement issued pursuant to § 25915 shall be effective unless it is in the format set forth in subdivision (c) of § 25460.

(b) Any peace officer listed in subdivision (f) of § 830.2 or in subdivision (c) of § 830.5, who is retired between January 2, 1981, and on or before December 31, 1988, and who is authorized to carry a loaded firearm pursuant to this article, shall not be required to have an endorsement in the format set forth in subdivision (c) of § 25460 until the time of the issuance, on or after January 1, 1989, of a renewal endorsement pursuant to § 25915.

Article 4. Other Exemptions to the Crime of Carrying a Loaded Firearm in Public

§ 26000. Exemption for military forces. Section 25850 does not apply to members of the military forces of this state or of the United States engaged in the performance of their duties.

§ 26005. Exemption for target ranges and hunting clubs. Section 25850 does not apply to either of the following:

(a) Persons who are using target ranges for the purpose of practice shooting with a firearm.

(b) Members of shooting clubs while hunting on the premises of those clubs.

§ 26010. Exemption for persons licensed to carry concealed weapons. Section 25850 does not apply to the carrying of any handgun by any person as authorized pursuant to Chapter 4 (commencing with § 26150) of Division 5.

§ 26015. Exemption for armored vehicle guard. Section 25850 does not apply to any armored vehicle guard, as defined in § 7582.1 of the Business and Professions Code, if either of the following conditions is satisfied:

(a) The guard was hired prior to January 1, 1977, and is acting within the course and scope of employment.

(b) The guard was hired or after January 1, 1977, has received a firearms qualification card from the Department of Consumer Affairs, and is acting within the course and scope of employment.

§ 26020. Exemption for honorably retired federal officer or agent of federal law enforcement agency.

(a) Upon approval of the sheriff of the county in which the retiree resides, § 25850 does not apply to any honorably retired federal officer or agent of any federal law enforcement agency, including, but not limited to, the Federal Bureau of Investigation, the United States Secret Service, the United States Customs Service, the federal Bureau of Alcohol, Tobacco, Firearms and Explosives, the Federal Bureau of Narcotics, the United States Drug Enforcement Administration, the United States Border Patrol, and any officer or agent of the Internal Revenue Service who was authorized to carry weapons while on duty, who was assigned to duty within the state for a period of not less than one year, or who retired from active service in the state.

(b) A retired federal officer or agent shall provide the sheriff with certification from the agency from which the officer or agent retired certifying that person's service in the state, stating the nature of that person's retirement, and indicating the agency's concurrence that the retired federal officer or agent should be accorded the privilege of carrying a loaded firearm.

(c) Upon approval, the sheriff shall issue a permit to the retired federal officer or agent indicating that the retiree may carry a loaded firearm in accordance with this section. The permit shall be valid for a period not exceeding 5 years, shall be carried by the retiree while carrying a loaded firearm, and may be revoked for good cause.

(d) The sheriff of the county in which the retired federal officer or agent resides may require recertification prior to a permit renewal, and may suspend the privilege for cause. The sheriff may charge a fee necessary to cover any reasonable expenses incurred by the county.

§ 26025. Exemption for persons who complete course in firearms training. Section 25850 does not apply to any of the following who have completed a regular course in firearms training approved by the Commission on Peace Officer Standards and Training:
(a) Patrol special police officers appointed by the police commission of any city, county, or city and county under the express terms of its charter who also, under the express terms of the charter, satisfy all of the following requirements:

1. They are subject to suspension or dismissal after a hearing on charges duly filed with the commission after a fair and impartial trial.
2. They are not less than 18 years of age or more than 40 years of age.
3. They possess physical qualifications prescribed by the commission.
4. They are designated by the police commission as the owners of a certain beat or territory as may be fixed from time to time by the police commission.

(b) Animal control officers or zookeepers, regularly compensated in that capacity by a governmental agency, when carrying weapons while acting in the course and scope of their employment and when designated by a local ordinance or, if the governmental agency is not authorized to act by ordinance, by a resolution, either individually or by class, to carry the weapons.

(c) Persons who are authorized to carry the weapons pursuant to § 14502 of the Corporations Code, while actually engaged in the performance of their duties pursuant to that section.

(d) Harbor police officers designated pursuant to § 663.5 of the Harbors and Navigation Code.

§ 26030. Certificate holders as specified.

(a) Section 25850 does not apply to any of the following who have been issued a certificate pursuant to subdivision (d):

1. Guards of contract carriers operating armored vehicles pursuant to California Highway Patrol and Public Utilities Commission authority, if they were hired prior to January 1, 1977.
2. Guards of contract carriers operating armored vehicles pursuant to California Highway Patrol and Public Utilities Commission authority, if they were hired on or after January 1, 1977, and they have completed a course in the carrying and use of firearms that meets the standards prescribed by the Department of Consumer Affairs.
3. Private investigators licensed pursuant to Chapter 11.3 (commencing with § 7512) of Division 3 of the Business and Professions Code, while acting within the course and scope of their employment.
4. Uniformed employees of private patrol operators licensed pursuant to Chapter 11.5 (commencing with § 7580) of Division 3 of the Business and Professions Code, while acting within the course and scope of their employment.
5. Uniformed security guards or night watch persons employed by any public agency, while acting within the scope and course of their employment.
6. Uniformed security guards regularly employed and compensated in that capacity by persons engaged in any lawful business, and uniformed alarm agents employed by an alarm company operator, while actually engaged in protecting and preserving the property of their employers, or on duty or en route to or from their residences or their places of employment, and security guards and alarm agents en route to or from their residences or employer-required range training.

(b) Anything in paragraph (10) of subdivision (a) shall be construed to prohibit cities and counties from enacting ordinances requiring alarm agents to register their names.

(c) A certificate under this section shall not be required of any person who is a peace officer, who has completed all training required by law for the exercise of the person's power as a peace officer, and who is employed while not on duty as a peace officer.

(d) The Department of Consumer Affairs may issue a certificate to any person referred to in this section, upon notification by the school where the course was completed, that the person has successfully completed a course in the carrying and use of firearms and a course of training in the exercise of the powers of arrest, which meet the standards prescribed by the department pursuant to § 7583.5 of the Business and Professions Code.

§ 26035. Place of business; Lawful possession of private property. Nothing in § 25850 shall prevent any person engaged in any lawful business, including a nonprofit organization, or any officer, employee, or agent authorized by that person for lawful purposes connected with that business, from having a loaded firearm within the person's place of business, or any person in lawful possession of private property from having a loaded firearm on that property.

§ 26040. Hunting within incorporated city. Nothing in § 25850 shall prevent any person from carrying a loaded firearm in an area within an incorporated city while engaged in hunting, provided that the hunting at that place and time is not prohibited by the city council.

§ 26045. Immediate, grave danger exception; Violation; Finding of fact.

(a) Nothing in § 25850 is intended to preclude the carrying of any loaded firearm, under circumstances where it would
Article 5. Loaded Firearm in a Motor Vehicle

§ 26100. Possession of firearm in motor vehicle; Punishment; Discharge at person not in motor vehicle.

(a) It is a misdemeanor for a driver of any motor vehicle or the owner of any motor vehicle, whether or not the owner of the vehicle is occupying the vehicle, knowingly to permit any other person to carry into or bring into the vehicle a firearm in violation of § 25850 of this code or § 2006 of the Fish and Game Code.

(b) Any driver or owner of any vehicle, whether or not the owner of the vehicle is occupying the vehicle, who knowingly permits any other person to discharge any firearm from the vehicle is punishable by imprisonment in the county jail for not more than 1 year or in state prison for 16 months or 2 or 3 years.

(c) Any person who willfully and maliciously discharges a firearm from a motor vehicle at another person other than an occupant of a motor vehicle is guilty of a felony punishable by imprisonment in state prison for 3, 5, or 7 years.

(d) Except as provided in § 3002 of the Fish and Game Code, any person who willfully and maliciously discharges a firearm from a motor vehicle is guilty of a public offense punishable by imprisonment in the county jail for not more than 1 year or in the state prison.

Chapter 4. License to Carry a Pistol, Revolver, or Other Firearm Capable of Being Concealed Upon the Person

§ 26150. License to carry concealed weapon; Issuance by sheriff.

(a) When a person applies for a license to carry a pistol, revolver, or other firearm capable of being concealed upon the person, the sheriff of a county may issue a license to that person upon proof of all of the following:

(1) The applicant is of good moral character.
(2) Good cause exists for issuance of the license.
(3) The applicant is a resident of the county or a city within the county, or the applicant's principal place of employment or business is in the county or a city within the county and the applicant spends a substantial period of time in that place of employment or business.

(4) The applicant has completed a course of training as described in § 26165.

(b) The sheriff may issue a license under subdivision (a) in either of the following formats:

(1) A license to carry concealed a pistol, revolver, or other firearm capable of being concealed upon the person.

(2) Where the population of the county is less than 200,000 persons according to the most recent federal decennial census, a license to carry loaded and exposed in only that county a pistol, revolver, or other firearm capable of being concealed upon the person.

(c) (1) Nothing in this chapter shall preclude the sheriff of the county from entering into an agreement with the chief or other head of a municipal police department of a city to process all applications for licenses, renewals of licenses, or amendments to licenses pursuant to this chapter, in lieu of the sheriff.

(2) This subdivision shall only apply to applicants who reside within the city in which the chief or other head of the municipal police department has agreed to process applications for licenses, renewals of licenses, and amendments to licenses, pursuant to this chapter.
§ 26155. License to carry concealed weapon; Issuance by chief of police.

(a) When a person applies for a license to carry a pistol, revolver, or other firearm capable of being concealed upon the person, the chief or other head of a municipal police department of any city or city and county may issue a license to that person upon proof of all of the following:

1. The applicant is of good moral character.
2. Good cause exists for issuance of the license.
3. The applicant has completed a course of training as described in § 26165.
4. The applicant is a resident of that city.

(b) The chief or other head of a municipal police department may issue a license under subdivision (a) in either of the following formats:

1. A license to carry a concealed pistol, revolver, or other firearm capable of being concealed upon the person.
2. Where the population of the county in which the city is located is less than 200,000 persons according to the most recent federal decennial census, a license to carry loaded and exposed in only that county a pistol, revolver, or other firearm capable of being concealed upon the person.

(c) Nothing in this chapter shall preclude the chief or other head of a municipal police department of any city from entering an agreement with the sheriff of the county in which the city is located for the sheriff to process all applications for licenses, renewals of licenses, and amendments to licenses, pursuant to this chapter.

§ 26160. Written policy on issuing licenses. Each licensing authority shall publish and make available a written policy summarizing the provisions of § 26150 and subdivisions (a) and (b) of § 26155.

§ 26165. Course of training contents.

(a) For new license applicants, the course of training for issuance of a license under § 26150 or 26155 may be any course acceptable to the licensing authority, shall not exceed 16 hours, and shall include instruction on at least firearm safety and the law regarding the permissible use of a firearm.

(b) Notwithstanding subdivision (a), the licensing authority may require a community college course certified by the Commission on Peace Officer Standards and Training, up to a maximum of 24 hours, but only if required uniformly of all license applicants without exception.

(c) For license renewal applicants, the course of training may be any course acceptable to the licensing authority, shall be no less than 4 hours, and shall include instruction on at least firearm safety and the law regarding the permissible use of a firearm. No course of training shall be required for any person certified by the licensing authority as a trainer for purposes of this section, in order for that person to renew a license issued pursuant to this article.

(d) The applicant shall not be required to pay for any training courses prior to the determination of good cause being made pursuant to § 26202.

§ 26170. License to carry concealed weapon for deputized persons.

(a) Upon proof of all of the following, the sheriff of a county, or the chief or other head of a municipal police department of any city or city and county, may issue to an applicant a license to carry a concealed pistol, revolver, or other firearm capable of being concealed upon the person:

1. The applicant is of good moral character.
2. Good cause exists for issuance of the license.
3. The applicant has been deputized or appointed as a peace officer pursuant to subdivision (a) or (b) of § 830.6 by that sheriff or that chief of police or other head of a municipal police department.

(b) Direct or indirect fees for the issuance of a license pursuant to this section may be waived.

(c) The fact that an applicant for a license to carry a pistol, revolver, or other firearm capable of being concealed upon the person has been deputized or appointed as a peace officer pursuant to subdivision (a) or (b) of § 830.6 shall be considered only for the purpose of issuing a license pursuant to this section, and shall not be considered for the purpose of issuing a license pursuant to § 26150 or 26155.

§ 26175. Requirements of application.

(a) (1) Applications for licenses, applications for amendments to licenses, amendments to licenses, and licenses under this article shall be uniform throughout the state, upon forms to be prescribed by the Attorney General.

2. The Attorney General shall convene a committee composed of one representative of the California State Sheriffs' Association, one representative of the California Police Chiefs Association, and one representative of the Department of Justice to review, and as deemed appropriate, revise the standard application form for licenses. The committee shall meet for this purpose if 2 of the committee's members deem that necessary.

(b) The application shall include a section summarizing the statutory provisions of state law that result in the automatic denial of a license.

(c) The standard application form for licenses described in subdivision (a) shall require information from the applicant, including, but not limited to, the name, occupation, residence, and business address of the applicant, the applicant's age, height, weight, color of eyes and hair, and reason for desiring a license to carry the weapon.

(d) Applications for licenses shall be filed in writing and signed by the applicant.

(e) Applications for amendments to licenses shall be filed in writing and signed by the applicant, and shall state what type of amendment is sought pursuant to § 26215 and the reason for desiring the amendment.
(f) The forms shall contain a provision whereby the applicant attests to the truth of statements contained in the application.

(g) An applicant shall not be required to complete any additional application or form for a license, or to provide any information other than that necessary to complete the standard application form described in subdivision (a), except to clarify or interpret information provided by the applicant on the standard application form.

(h) The standard application form described in subdivision (a) is deemed to be a local form expressly exempt from the requirements of the Administrative Procedures Act (Chapter 3.5 (commencing with § 11340) of Part 1 of Division 3 of Title 2 of the Government Code).

(i) Any license issued upon the application shall set forth the licensee’s name, occupation, residence and business address, the licensee's age, height, weight, color of eyes and hair, and the reason for desiring a license to carry the weapon, and shall, in addition, contain a description of the weapon or weapons authorized to be carried, giving the name of the manufacturer, the serial number, and the caliber. The license issued to the licensee may be laminated.

§ 26180. False statements on application.

(a) Any person who files an application required by § 26175 knowing that any statement contained therein is false is guilty of a misdemeanor.

(b) Any person who knowingly makes a false statement on the application regarding any of the following is guilty of a felony:

1. The denial or revocation of a license, or the denial of an amendment to a license, issued pursuant to this article.
2. A criminal conviction.
3. A finding of not guilty by reason of insanity.
4. The use of a controlled substance.
5. A dishonorable discharge from military service.
6. A commitment to a mental institution.
7. A renunciation of United States citizenship.

§ 26185. Fingerprints upon application.

(a) (1) The fingerprints of each applicant shall be taken and 2 copies on forms prescribed by the Department of Justice shall be forwarded to the department.

2. Upon receipt of the fingerprints and the fee as prescribed in § 26190, the department shall promptly furnish the forwarding licensing authority a report of all data and information pertaining to any applicant of which there is a record in its office, including information as to whether the person is prohibited by state or federal law from possessing, receiving, owning, or purchasing a firearm.

3. No license shall be issued by any licensing authority until after receipt of the report from the department.

(b) Notwithstanding subdivision (a), if the license applicant has previously applied to the same licensing authority for a license to carry firearms pursuant to this article and the applicant's fingerprints and fee have been previously forwarded to the Department of Justice, as provided by this section, the licensing authority shall note the previous identification numbers and other data that would provide positive identification in the files of the Department of Justice on the copy of any subsequent license submitted to the department in conformance with § 26225 and no additional application form or fingerprints shall be required.

(c) If the license applicant has a license issued pursuant to this article and the applicant’s fingerprints have been previously forwarded to the Department of Justice, as provided in this section, the licensing authority shall note the previous identification numbers and other data that would provide positive identification in the files of the Department of Justice on the copy of any subsequent license submitted to the department in conformance with § 26225 and no additional fingerprints shall be required.

§ 26190. Fee.

(a) (1) Each applicant for a new license or for the renewal of a license 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 for the direct costs of furnishing the report required by § 26185.

2. 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.

3. The officer receiving the application and the fee shall transmit the fee, with the fingerprints if required, to the Department of Justice.

(b) (1) The licensing authority of any city, city and county, or county may charge an additional fee in an amount equal to the actual costs for processing the application for a new license, including any required notices, excluding fingerprint and training costs, but in no case to exceed $100, and shall transmit the additional fee, if any, to the city, city and county, or county treasury.

2. The first 20 percent of this additional local fee may be collected upon filing of the initial application. The balance of the fee shall be collected only upon issuance of the license.

(c) The licensing authority may charge an additional fee, not to exceed $25, for processing the application for a license renewal, and shall transmit an additional fee, if any, to the city, city and county, or county treasury.

(d) These local fees may be increased at a rate not to exceed any increase in the California Consumer Price Index as compiled and reported by the Department of Industrial Relations.
(e) (1) In the case of an amended license pursuant to § 26215, the licensing authority of any city, city and county, or county may charge a fee, not to exceed $10, for processing the amended license.

(2) This fee may be increased at a rate not to exceed any increase in the California Consumer Price Index as compiled and reported by the Department of Industrial Relations.

(3) The licensing authority shall transmit the fee to the city, city and county, or county treasury.

(f) (1) If psychological testing on the initial application is required by the licensing authority, the license applicant shall be referred to a licensed psychologist used by the licensing authority for the psychological testing of its own employees. The applicant may be charged for the actual cost of the testing in an amount not to exceed $150.

(2) Additional psychological testing of an applicant seeking license renewal shall be required only if there is compelling evidence to indicate that a test is necessary. The cost to the applicant for this additional testing shall not exceed $150.

(g) Except as authorized pursuant to this section, no requirement, charge, assessment, fee, or condition that requires the payment of any additional funds by the applicant, or requires the to obtain liability insurance, may be imposed by any licensing authority as a condition of the application for a license.

§ 26195. Denial or revocation of license.

(a) A license under this article shall not be issued if the Department of Justice determines that the person is prohibited by state or federal law from possessing, receiving, owning, or purchasing a firearm.

(b) (1) A license under this article shall be revoked by the local licensing authority if at any time either the local licensing authority is notified by the Department of Justice that a licensee is prohibited by state or federal law from owning or purchasing firearms, or the local licensing authority determines that the person is prohibited by state or federal law from possessing, receiving, owning, or purchasing a firearm.

(2) If at any time the Department of Justice determines that a license is prohibited by state or federal law from possessing, receiving, owning, or purchasing a firearm, the department shall immediately notify the local licensing authority of the determination.

(3) If the local licensing authority revokes the license, the Department of Justice shall be notified of the revocation pursuant to § 26225. The licensee shall also be immediately notified of the revocation in writing.

§ 26200. Restrictions on license.

(a) A license issued pursuant to this article may include any reasonable restrictions or conditions that the issuing authority deems warranted, including restrictions as to the time, place, manner, and circumstances under which the licensee may carry a pistol, revolver, or other firearm capable of being concealed upon the person.

(b) Any restrictions imposed pursuant to subdivision (a) shall be indicated on any license issued.

§ 26202. Determinations of good cause; Written notice. Upon making the determination of good cause pursuant to § 26150 or 26155, the licensing authority shall give written notice to the applicant of the licensing authority's determination. If the licensing authority determines that good cause exists, the notice shall inform the applicants to proceed with the training requirements specified in § 26165. If the licensing authority determines that good cause does not exist, the notice shall inform the applicant that the request for a license has been denied and shall state the reason from the department's published policy, described in § 26160, as to why the determination was made.

§ 26205. Notice of decision on granting license. The licensing authority shall give written notice to the applicant indicating if the license under this article is approved or denied. The licensing authority shall give this notice within 90 days of the initial application for a new license or a license renewal, or 30 days after receipt of the applicant's criminal background check from the Department of Justice, whichever is later. If the license is denied, the notice shall state which requirement was not satisfied.

§ 26210. Change of address of licensee.

(a) When a licensee under this article has a change of address, the license shall be amended to reflect the new address and a new license shall be issued pursuant to subdivision (b) of § 26215.

(b) The licensee shall notify the licensing authority in writing within 10 days of any change in the licensee's place of residence.

(c) If both of the following conditions are satisfied, a license to carry a concealed handgun may not be revoked solely because the licensee's place of residence has changed to another county:

(1) The licensee has not breached any of the conditions or restrictions set forth in the license.

(2) The licensee has not become prohibited by state or federal law from possessing, receiving, owning, or purchasing a firearm.

(d) Notwithstanding subdivision (c), if a licensee's place of residence was the basis for issuance of a license, any license issued pursuant to § 26150 or 26155 shall expire 90 days after the licensee moves from the county of issuance.

(e) If the license is one to carry loaded and exposed a pistol, revolver, or other firearm capable of being concealed upon the person, the license shall be revoked immediately upon a change of the licensee's place of residence to another county.

§ 26215. Amendment of license.

(a) A person issued a license pursuant to this article may apply to the licensing authority for an amendment to the license to do one or more of the following:
(1) Add or delete authority to carry a particular pistol, revolver, or other firearm capable of being concealed upon the person.

(2) Authorize the licensee to carry concealed a pistol, revolver, or other firearm capable of being concealed upon the person.

(3) If the population of the county is less than 200,000 persons according to the most recent federal decennial census, authorize the licensee to carry loaded and exposed in only that county a pistol, revolver, or other firearm capable of being concealed upon the person.

(4) Change any restrictions or conditions on the license, including restrictions as to the time, place, manner, and circumstances under which the person may carry a pistol, revolver, or other firearm capable of being concealed upon the person.

(b) If the licensing authority amends the license, a new license shall be issued to the licensee reflecting the amendments.

(c) An amendment to the license does not extend the original expiration date of the license and the license shall be subject to renewal at the same time as if the license had not been amended.

(d) An application to amend a license does not constitute an application for renewal of the license.

§ 26220. Time limit for license.

(a) Except as otherwise provided in this section and in subdivision (c) of § 26210, a license issued pursuant to § 26150 or 26155 is valid for any period of time not to exceed 2 years from the date of the license.

(b) If the licensee's place of employment or business was the basis for issuance of a license pursuant to § 26150, the license is valid for any period of time not to exceed 90 days from the date of the license. The license shall be valid only in the county in which the license was originally issued. The licensee shall give a copy of this license to the licensing authority of the city, county, or city and county in which the licensee resides. The licensing authority that originally issued the license shall inform the licensee verbally and in writing in at least 16-point type of this obligation to give a copy of the license to the licensing authority of the city, county, or city and county of residence. Any application to renew or extend the validity of, or reissue, the license may be granted only upon the concurrence of the licensing authority that originally issued the license and the licensing authority of the city, county, or city and county in which the licensee resides.

(c) A license issued pursuant to § 26150 or 26155 is valid for any period of time not to exceed 3 years from the date of the license if the license is issued to any of the following individuals:

(1) A judge of a California court of record.

(2) A full-time court commissioner of a California court of record.

(3) A judge of a federal court.

(4) A magistrate of a federal court.

(d) A license issued pursuant to § 26150 or 26155 is valid for any period of time not to exceed 4 years from the date of the license if the license is issued to a custodial officer who is an employee of the sheriff as provided in § 831.5, except that the license shall be invalid upon the conclusion of the person's employment pursuant to § 831.5 if the 4-year period has not otherwise expired or any other condition imposed pursuant to this article does not limit the validity of the license to a shorter time period.

(e) A license issued pursuant to § 26170 to a peace officer appointed pursuant to § 830.6 is valid for any period of time not to exceed 4 years from the date of the license, except that the license shall be invalid upon the conclusion of the person's appointment pursuant to § 830.6 if the 4-year period has not otherwise expired or any other condition imposed pursuant to this article does not limit the validity of the license to a shorter time period.

§ 26225. Maintenance of records regarding licenses.

(a) A record of the following shall be maintained in the office of the licensing authority:

(1) The denial of a license.

(2) The denial of an amendment to a license.

(3) The issuance of a license.

(4) The amendment of a license.

(5) The revocation of a license.

(b) Copies of each of the following shall be filed immediately by the issuing officer or authority with the Department of Justice:

(1) The denial of a license.

(2) The denial of an amendment to a license.

(3) The issuance of a license.

(4) The amendment of a license.

(5) The revocation of a license.

(c) (1) Commencing on or before January 1, 2000, and annually thereafter, each licensing authority shall submit to the Attorney General the total number of licenses issued to peace officers pursuant to § 26170, and to judges pursuant to § 26150 or 26155.

(2) The Attorney General shall collect and record the information submitted pursuant to this subdivision by county and licensing authority.
Chapter 5. Retired Peace Officer Carrying a Concealed and Loaded Firearm

§ 26300. Retired peace officer authorized to carry concealed and loaded firearm; Applicability to retired reserve officer.

(a) Any peace officer listed in § 830.1 or 830.2 or subdivision (c) of § 830.5 who retired prior to January 1, 1981, is authorized to carry a concealed and loaded firearm if the agency issued the officer an identification certificate and the certificate has not been stamped as specified in § 25470.

(b) Any peace officer employed by an agency and listed in § 830.1 or 830.2 or subdivision (c) of § 830.5 who retired after January 1, 1981, shall have an endorsement on the officer's identification certificate stating that the issuing agency approves the officer's carrying of a concealed and loaded firearm.

(c) (1) Any peace officer not listed in subdivision (a) or (b) who was authorized to, and did, carry a firearm during the course and scope of his or her appointment as a peace officer shall have an endorsement on the officer's identification certificate stating that the issuing agency approves the officer's carrying of a concealed and loaded firearm.

(2) This subdivision applies to a retired reserve officer if the retired reserve officer satisfies the requirements of paragraph (1), was a level I reserve officer as described in paragraph (1) of subdivision (a) of § 832.6, and he or she served in the aggregate the minimum amount of time as specified by the retiree's agency's policy as a level I reserve officer, provided that the policy shall not set an aggregate term requirement that is less than 10 years or more than 20 years. Service as a reserve officer, other than a level I reserve officer prior to January 1, 1997, shall not count toward the accrual of time required by this section. A law enforcement agency shall have the discretion to revoke or deny an endorsement issued under this subdivision pursuant to § 26305.

Chapter 6. Openly Carrying an Unloaded Handgun

Article 1. Crime of Openly Carrying an Unloaded Handgun

§ 26350. Crime of openly carrying an unloaded handgun; Application.

(a) (1) A person is guilty of openly carrying an unloaded handgun when that person carries upon his or her person an exposed and unloaded handgun outside a vehicle while in or on any of the following:

(A) A public place or public street in an incorporated city or city and county.

(B) A public street in a prohibited area of an unincorporated area of a county or city and county.

(C) A public place in a prohibited area of a county or city and county.

(2) A person is guilty of openly carrying an unloaded handgun when that person carries an exposed and unloaded handgun inside or on a vehicle, whether or not on his or her person, while in or on any of the following:

(A) A public place or public street in an incorporated city or city and county.

(B) A public street in a prohibited area of an unincorporated area of a county or city and county.

(C) A public place in a prohibited area of a county or city and county.

(b) (1) Except as specified in paragraph (2), a violation of this section is a misdemeanor.

(2) A violation of subparagraph (A) of paragraph (1) of subdivision (a) is punishable by imprisonment in a county jail not exceeding 1 year, or by a fine not to exceed $1,000, or by both that fine and imprisonment, if both of the following conditions exist:

(A) The handgun and unexpended ammunition capable of being discharged from that handgun are in the immediate possession of that person.

(B) The person is not in lawful possession of that handgun.

(c) (1) Nothing in this section shall preclude prosecution under Chapter 2 (commencing with § 29800) or Chapter 3 (commencing with § 29900) of Division 9, § 8100 or 8103 of the Welfare and Institutions Code, or any other law with a penalty greater than is set forth in this section.

(2) 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.

(d) Notwithstanding the fact that the term "an unloaded handgun" is used in this section, each handgun shall constitute a distinct and separate offense under this section.

Article 2. Exemptions

§ 26361. Peace officer exception. Section 26350 does not apply to, or affect, the open carrying of an unloaded handgun by any peace officer or any honorably retired peace officer if that officer may carry a concealed firearm pursuant to Article 2 (commencing with § 25450) of Chapter 2, or a loaded firearm pursuant to Article 3 (commencing with § 25900) of Chapter 3.

§ 26363. Merchandise exemption. Section 26350 does not apply to, or affect, the open carrying of an unloaded handgun as merchandise by a person who is engaged in the business of manufacturing, importing, wholesaling, repairing, or dealing in firearms and who is licensed to engage in that business, or the authorized representative or authorized agent of that person, while engaged in the lawful course of the business.
§ 26364. Military or civil organization exception. Section 26350 does not apply to, or affect, the open carrying of an unloaded handgun by a duly authorized military or civil organization, or the members thereof, while parading or while rehearsing or practicing parading, when at the meeting place of the organization.

§ 26365. Target club or organization exception. Paragraph (1) of subdivision (a) of § 26350 does not apply to, or affect, the open carrying of an unloaded handgun by a member of any club or organization organized for the purpose of practicing shooting at targets upon established target ranges, whether public or private, while the members are using handguns upon the target ranges or incident to the use of a handgun at that target range.

§ 26366. Licensed hunter exception. Section 26350 does not apply to, or affect, the open carrying of an unloaded handgun by a licensed hunter while engaged in hunting or while transporting that handgun when going to or returning from that hunting expedition.

§ 26366.5. Licensed hunter dog training exception. Section 26350 does not apply to, or affect, the open carrying of an unloaded handgun by a licensed hunter while actually engaged in training a dog for the purpose of using the dog in hunting that is not prohibited by law, or while transporting the firearm while going to or returning from that training.

§ 26367. Licensed common carrier exception. Section 26350 does not apply to, or affect, the open carrying of an unloaded handgun incident to transportation of a handgun by a person operating a licensed common carrier, or by an authorized agent or employee thereof, when transported in conformance with applicable federal law.

§ 26369. Gun show exception. Paragraph (1) of subdivision (a) of § 26350 does not apply to, or affect, the open carrying of an unloaded handgun within a gun show conducted pursuant to Article 1 (commencing with § 27200) and Article 2 (commencing with § 27300) of Chapter 3 of Division 6.

§ 26370. Permission within school zone exception. Section 26350 does not apply to, or affect, the open carrying of an unloaded handgun within a school zone, as defined in § 626.9, with the written permission of the school district superintendent, the superintendent's designee, or equivalent school authority.

§ 26372. Lawful arrest exception. Section 26350 does not apply to, or affect, the open carrying of an unloaded handgun by any person while engaged in the act of making or attempting to make a lawful arrest.

§ 26373. Loaning, selling, or transferring exception. Section 26350 does not apply to, or affect, the open carrying of an unloaded handgun incident to loaning, selling, or transferring that handgun in accordance with Article 1 (commencing with § 27500) of Chapter 4 of Division 6, or in accordance with any of the exemptions from § 27545, so long as that handgun is possessed within private property and the possession and carrying is with the permission of the owner or lessee of that private property.

§ 26374. Firearms activities at firearms business exception. Section 26350 does not apply to, or affect, the open carrying of an unloaded handgun by a person engaged in firearms-related activities, while on the premises of a fixed place of business that is licensed to conduct and conducts, as a regular course of its business, activities related to the sale, making, repair, transfer, pawn, or the use of firearms, or related to firearms training.

§ 26375. Entertainment Production or event exception. Section 26350 does not apply to, or affect, the open carrying of an unloaded handgun by an authorized participant in, or an authorized employee or agent of a supplier of firearms for, a motion picture, television or video production, or entertainment event, when the participant lawfully uses the handgun as part of that production or event, as part of rehearsing or practicing for participation in that production or event, or while the participant or authorized employee or agent is at that production or event, or rehearsal or practice for that production or event.

§ 26376. Obtaining identification exception. Paragraph (1) of subdivision (a) of § 26350 does not apply to, or affect, the open carrying of an unloaded handgun incident to obtaining an identification number or mark assigned for that handgun from the Department of Justice pursuant to § 23910.

§ 26377. Target range exception. Paragraph (1) of subdivision (a) of § 26350 does not apply to, or affect, the open carrying of an unloaded handgun at any established target range, whether public or private, while the person is using the handgun upon the target range.

§ 26378. Assisting peace officer exception. Section 26350 does not apply to, or affect, the open carrying of an unloaded handgun by a person when that person is summoned by a peace officer to assist in making arrests or preserving the peace, while the person is actually engaged in assisting that officer.

§ 26379. Compliance with statute exceptions. Paragraph (1) of subdivision (a) of § 26350 does not apply to, or affect, the open carrying of an unloaded handgun incident to any of the following:
(a) Complying with § 27560 or 27565, as it pertains to that handgun.
(b) Section 28000, as it pertains to that handgun.
(c) Section 27850 or 31725, as it pertains to that handgun.
(d) Complying with § 27870 or 27875, as it pertains to that handgun.
(e) Complying with § 27915, 27920, or 27925, as it pertains to that handgun.
§ 26380. Peace officer training exception. Section 26350 does not apply to, or affect, the open carrying of an unloaded handgun incident to, and in the course and scope of, training of or by an individual to become a sworn peace officer as part of a course of study approved by the Commission on Peace Officer Standards and Training.

§ 26381. License training exception. Section 26350 does not apply to, or affect, the open carrying of an unloaded handgun incident to, and in the course and scope of, training of or by an individual to become licensed pursuant to Chapter 4 (commencing with § 26150) as part of a course of study necessary or authorized by the person authorized to issue the license pursuant to that chapter.

§ 26382. Request of police exception. Section 26350 does not apply to, or affect, the open carrying of an unloaded handgun incident to and at the request of a sheriff or chief or other head of a municipal police department.

§ 26383. Private property, business, and residence exception. Paragraph (1) of subdivision (a) of § 26350 does not apply to, or affect, the open carrying of an unloaded handgun by a person when done within a place of business, a place of residence, or on private property, if done with the permission of a person who, by virtue of subdivision (a) of § 25605, may carry openly an unloaded handgun within that place of business, place of residence, or on that private property owned or lawfully possessed by that person.

§ 26384. Auction and delivery exception. Paragraph (1) of subdivision (a) of § 26350 does not apply to, or affect, the open carrying of an unloaded handgun if all of the following conditions are satisfied:
   (a) The open carrying occurs at an auction or similar event of a nonprofit public benefit or mutual benefit corporation, at which firearms are auctioned or otherwise sold to fund the activities of that corporation or the local chapters of that corporation.
   (b) The unloaded handgun is to be auctioned or otherwise sold for that nonprofit public benefit or mutual benefit corporation.
   (c) The unloaded handgun is to be delivered by a person licensed pursuant to, and operating in accordance with, §§ 26700 to 26915, inclusive.

§ 26388. Publicly owned land with permission exception. Section 26350 does not apply to, or affect, the open carrying of an unloaded handgun on publicly owned land, if the possession and use of a handgun is specifically permitted by the managing agency of the land and the person carrying that handgun is in lawful possession of that handgun.

§ 26389. Locked trunk or container exception. Section 26350 does not apply to, or affect, the carrying of an unloaded handgun if the handgun is carried either in the locked trunk of a motor vehicle or in a locked container.

§ 26390. Unloaded handgun regulated elsewhere exception. Section 26350 does not apply to, or affect, the open carrying of an unloaded handgun in any of the following circumstances:
   (a) The open carrying of an unloaded handgun that is 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 carrying of that handgun is conducted in accordance with the terms and conditions of the permit.
   (b) The open carrying of an unloaded handgun that is regulated pursuant to Chapter 2 (commencing with § 30500) of Division 5 of Title 2 by a person who holds a permit issued pursuant to § 31005, if the carrying of that handgun is conducted in accordance with the terms and conditions of the permit.
   (c) The open carrying of an unloaded handgun that is regulated pursuant to Chapter 6 (commencing with § 32610) of Division 10 by a person who holds a permit issued pursuant to § 31005, if the carrying of that handgun is conducted in accordance with the terms and conditions of the permit.
   (d) The open carrying of an unloaded handgun that is regulated pursuant to Article 2 (commencing with § 33600) of Chapter 8 of Division 10 by a person who holds a permit issued pursuant to § 33300, if the carrying of that handgun is conducted in accordance with the terms and conditions of the permit.

Chapter 7. Carrying an Unloaded Firearm That is not a Handgun in an Incorporated City or City and County

Article 1. Crime of Carrying an Unloaded Firearm that is not a Handgun in an Incorporated City or City and County

§ 26400. Carrying an unloaded non-handgun firearm in incorporated city or city and county.
   (a) A person is guilty of carrying an unloaded firearm that is not a handgun in an incorporated city or city and county when that person carries upon his or her person an unloaded firearm that is not a handgun outside a vehicle while in the incorporated city or city and county.
   (b) (1) Except as specified in paragraph (2), a violation of this section is a misdemeanor.
      (2) A violation of subdivision (a) is punishable by imprisonment in a county jail not exceeding 1 year, or by a fine not to exceed $1,000, or by both that fine and imprisonment, if the firearm and unexpended ammunition capable of being discharged from that firearm are in the immediate possession of the person and the person is not in lawful possession of that firearm.
   (c) (1) Nothing in this section shall preclude prosecution under Chapter 2 (commencing with § 29800) or Chapter 3 (commencing with § 29900) of Division 9, § 8100 or 8103 of the Welfare and Institutions Code, or any other law with a penalty greater than is set forth in this section.
(2) 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.
(d) Notwithstanding the fact that the term "an unloaded firearm that is not a handgun" is used in this section, each individual firearm shall constitute a distinct and separate offense under this section.

Article 2. Exemptions

§ 26405. Exemptions to Section 26400. Section 26400 does not apply to, or affect, the carrying of an unloaded firearm that is not a handgun in any of the following circumstances:
(a) By a person when carried within a place of business, a place of residence, or on private real property, if that person, by virtue of subdivision (a) of § 25605, may carry a firearm within that place of business, place of residence, or on that private real property owned or lawfully occupied by that person.
(b) By a person when carried within a place of business, a place of residence, or on private real property, if done with the permission of a person who, by virtue of subdivision (a) of § 25605, may carry a firearm within that place of business, place of residence, or on that private real property owned or lawfully occupied by that person.
(c) When the firearm is either in a locked container or encased and it is being transported directly between places where a person is not prohibited from possessing that firearm and the course of travel shall include only those deviations between authorized locations as are reasonably necessary under the circumstances.
(d) If the person possessing the firearm reasonably believes that he or she is in grave danger because of circumstances forming the basis of a current restraining order issued by a court against another person or persons who has or have been found to pose a threat to his or her life or safety. This subdivision may not apply when the circumstances involve a mutual restraining order issued pursuant to Division 10 (commencing with § 6200) of the Family Code absent a factual finding of a specific threat to the person's life or safety. Upon a trial for violating § 26400, the trier of fact shall determine whether the defendant was acting out of a reasonable belief that he or she was in grave danger.
(e) By a peace officer or an honorably retired peace officer if that officer may carry a concealed firearm pursuant to Article 2 (commencing with § 25450) of Chapter 2, or a loaded firearm pursuant to Article 3 (commencing with § 25900) of Chapter 3.
(f) By a person to the extent that person may openly carry a loaded firearm that is not a handgun pursuant to Article 4 (commencing with § 26000) of Chapter 3.
(g) As merchandise by a person who is engaged in the business of manufacturing, importing, wholesaling, repairing, or dealing in firearms and who is licensed to engage in that business, or the authorized representative or authorized agent of that person, while engaged in the lawful course of the business.
(h) By a duly authorized military or civil organization, or the members thereof, while parading or while rehearsing or practicing parading, when at the meeting place of the organization.
(i) By a member of a club or organization organized for the purpose of practicing shooting at targets upon established target ranges, whether public or private, while the members are using firearms that are not handguns upon the target ranges or incident to the use of a firearm that is not a handgun at that target range.
(j) By a licensed hunter while engaged in hunting or while transporting that firearm when going to or returning from that hunting expedition.
(k) Incident to transportation of a handgun by a person operating a licensed common carrier, or by an authorized agent or employee thereof, when transported in conformance with applicable federal law.
(l) By a member of an organization chartered by the Congress of the United States or a nonprofit mutual or public benefit corporation organized and recognized as a nonprofit tax-exempt organization by the Internal Revenue Service while on official parade duty or ceremonial occasions of that organization or while rehearsing or practicing for official parade duty or ceremonial occasions.
(m) Within a gun show conducted pursuant to Article 1 (commencing with § 27200) and Article 2 (commencing with § 27300) of Chapter 3 of Division 6.
(n) Within a school zone, as defined in § 626.9, with the written permission of the school district superintendent, the superintendent's designee, or equivalent school authority.
(o) When in accordance with the provisions of § 171b.
(p) By a person while engaged in the act of making or attempting to make a lawful arrest.
(q) By a person engaged in firearms-related activities, while on the premises of a fixed place of business that is licensed to conduct and conducts, as a regular course of its business, activities related to the sale, making, repair, transfer, pawn, or the use of firearms, or related to firearms training.
(r) By an authorized participant in, or an authorized employee or agent of a supplier of firearms for, a motion picture, television, or video production or entertainment event, when the participant lawfully uses that firearm as part of that production or event, as part of rehearsing or practicing for participation in that production or event, or while the participant or authorized employee or agent is at that production or event, or rehearsal or practice for that production or event.
(s) Incident to obtaining an identification number or mark assigned for that firearm from the Department of Justice pursuant to § 23910.
(t) At an established public target range while the person is using that firearm upon that target range.
(u) By a person when that person is summoned by a peace officer to assist in making arrests or preserving the peace, while the person is actually engaged in assisting that officer.

(v) Incident to any of the following:
   (1) Complying with § 27560 or 27565, as it pertains to that firearm.
   (2) Section 28000, as it pertains to that firearm.
   (3) Section 27850 or 31725, as it pertains to that firearm.
   (4) Complying with § 27870 or 27875, as it pertains to that firearm.
   (5) Complying with § 27915, 27920, or 27925, as it pertains to that firearm.

(w) Incident to, and in the course and scope of, training of, or by an individual to become a sworn peace officer as part of a course of study approved by the Commission on Peace Officer Standards and Training.

(x) Incident to, and in the course and scope of, training of, or by an individual to become licensed pursuant to Chapter 4 (commencing with § 26150) as part of a course of study necessary or authorized by the person authorized to issue the license pursuant to that chapter.

(y) Incident to and at the request of a sheriff, chief, or other head of a municipal police department.

(z) If all of the following conditions are satisfied:
   (1) The open carrying occurs at an auction or similar event of a nonprofit public benefit or mutual benefit corporation at which firearms are auctioned or otherwise sold to fund the activities of that corporation or the local chapters of that corporation.
   (2) The unloaded firearm that is not a handgun is to be auctioned or otherwise sold for that nonprofit public benefit or mutual benefit corporation.
   (3) The unloaded firearm that is not a handgun is to be delivered by a person licensed pursuant to, and operating in accordance with, §§ 26700 to 26915, inclusive.
   (aa) Pursuant to paragraph (3) of subdivision (b) of § 171c.
   (ab) Pursuant to § 171d.
   (ac) Pursuant to subparagraph (F) of paragraph (1) of subdivision (c) of § 171.7.
   (ad) On publicly owned land, if the possession and use of an unloaded firearm that is not a handgun is specifically permitted by the managing agency of the land and the person carrying that firearm is in lawful possession of that firearm.

(ae) By any of the following:
   (1) The carrying of an unloaded firearm that is not a handgun that is 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 carrying of that firearm is conducted in accordance with the terms and conditions of the permit.
   (2) The carrying of an unloaded firearm that is not a handgun that is regulated pursuant to Chapter 2 (commencing with § 30500) of Division 10 by a person who holds a permit issued pursuant to § 31005, if the carrying of that firearm is conducted in accordance with the terms and conditions of the permit.
   (3) The carrying of an unloaded firearm that is not a handgun that is regulated pursuant to Chapter 6 (commencing with § 32610) of Division 10 by a person who holds a permit issued pursuant to § 32650, if the carrying of that firearm is conducted in accordance with the terms and conditions of the permit.
   (4) The carrying of an unloaded firearm that is not a handgun that is 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 carrying of that firearm is conducted in accordance with the terms and conditions of the permit.
   (af) By a licensed hunter while actually engaged in training a dog for the purpose of using the dog in hunting that is not prohibited by law, or while transporting the firearm while going to or returning from that training.
   (ag) Pursuant to the provisions of subdivision (d) of § 171.5.
   (ah) By a person who is engaged in the business of manufacturing ammunition and who is licensed to engage in that business, or the authorized representative or authorized agent of that person, while the firearm is being used in the lawful course and scope of the licensee's activities as a person licensed pursuant to Chapter 44 (commencing with § 921) of Title 18 of the United States Code and regulations issued pursuant thereto.
   (ai) On the navigable waters of this state that are held in public trust, if the possession and use of an unloaded firearm that is not a handgun is not prohibited by the managing agency thereof and the person carrying the firearm is in lawful possession of the 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

§ 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.

§ 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.
A person acting pursuant to a court order.

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).

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

§ 26515. Exceptions for firearms received by intestate succession or bequest, or as surviving spouse. 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 is made by a person who obtains title to the firearm by intestate succession or bequest, or as a surviving spouse pursuant to Chapter 1 (commencing with § 13500) of Part 2 of Division 8 of the Probate Code.

(b) The person disposes of the firearm within 60 days of receipt of the firearm.

§ 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.

§ 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.

§ 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.

§ 26535. Other exceptions. 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.

§ 26540. Other exceptions. Section 26500 does not apply to deliveries and transfers of firearms made pursuant to §§ 18000 and 18005, pursuant to Division 4 (commencing with § 18250) of Title 2, or pursuant to §§ 34005 and 34010.

§ 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.

§ 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.

§ 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.

§ 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.
§ 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.

§ 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.

§ 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.

§ 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.

§ 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.

§ 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.

§ 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.

§ 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

§ 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.

§ 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.

§ 26610. Exception for sale, loan or delivery by law enforcement agency to dealer.
(a) Section 26500 does not apply to the sale, delivery, or transfer 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.

(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.

§ 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.

§ 26615. 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.

§ 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.

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

§ 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.

§ 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.

§ 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.

§ 26715. Centralized list of licensees; Removal from list; Availability of information.
(a) Except as otherwise provided in paragraphs (1) and (3) of subdivision (b), the Department of Justice shall keep a centralized list of all persons licensed pursuant to subdivisions (a) to (e), inclusive, of § 26700.
(b) (1) The department may remove from this list any person who knowingly or with gross negligence violates a provision listed in § 16575.
   (2) The department shall remove from the centralized list any person whose federal firearms license has expired or has been revoked.
   (3) Upon removal of a dealer from this list, notification shall be provided to local law enforcement and licensing authorities in the jurisdiction where the dealer's business is located.
(c) Information compiled from the list shall be made available, upon request, for the following purposes only:
   (1) For law enforcement purposes.
   (2) When the information is requested by a person licensed pursuant to Chapter 44 (commencing with § 921) of Title 18 of the United States Code for determining the validity of the license for firearm shipments.
   (3) When information is requested by a person promoting, sponsoring, operating, or otherwise organizing a show or event as defined in § 478.100 of Title 27 of the CFR, or its successor, who possesses a valid certificate of eligibility issued pursuant to Article 1 (commencing with § 27200) of Chapter 3, if that information is requested by the person to determine the eligibility of a prospective participant in a gun show or event to conduct transactions as a firearms dealer pursuant to subdivision (b) of § 26805.
(d) Information provided pursuant to subdivision (c) shall be limited to information necessary to corroborate an individual's current license status as being one of the following:
   (1) A person licensed pursuant to subdivisions (a) to (e), inclusive, of § 26700.
   (2) A person who is licensed pursuant to Chapter 44 (commencing with § 921) of Title 18 of the United States Code, and who is not subject to the requirement of being licensed pursuant to subdivisions (a) to (e), inclusive, of § 26700.

§ 26720. Inspection; Fee; Inspection program.
(a) The Department of Justice may inspect dealers to ensure compliance with the provisions listed in § 16575.
(b) The department may assess an annual fee, not to exceed $115, to cover the reasonable cost of maintaining the list described in § 26715, including the cost of inspections.
(c) Dealers whose place of business is in a jurisdiction that has adopted an inspection program to ensure compliance with firearms law shall be exempt from that portion of the department's fee that relates to the cost of inspections. The applicant is responsible for providing evidence to the department that the jurisdiction in which the business is located has the inspection program.

§ 26725. Data from inspections. The Department of Justice shall maintain and make available upon request information concerning all of the following:
The number of inspections conducted and the amount of fees collected pursuant to § 26720.
(a) A listing of exempted jurisdictions, as defined in § 26720.
(b) The number of dealers removed from the centralized list defined in § 26715.
(c) The number of dealers found to have violated a provision listed in § 16575 with knowledge or gross negligence.

Article 2. Grounds for Forfeiture of License

§ 26800. Grounds for forfeiture of license. A license under this chapter is subject to forfeiture for a breach of any of the prohibitions and requirements of this article, except those stated in the following provisions:
(a) Subdivision (c) of § 26890.
(b) Subdivision (d) of § 26890.
(c) Subdivision (b) of § 26900.

§ 26805. Business of licensee conducted only in buildings designated on license; Gun show or event or specified events; Delivery.
(a) Except as provided in subdivisions (b) and (c), the business of a licensee shall be conducted only in the buildings designated in the license.
(b) (1) A person licensed pursuant to §§ 26700 and 26705 may take possession of firearms and commence preparation of registers for the sale, delivery, or transfer of firearms at any gun show or event, as defined in § 478.100 of Title 27 of the CFR, or its successor, if the gun show or event is not conducted from any motorized or towed vehicle. A person conducting business pursuant to this subdivision shall be entitled to conduct business as authorized herein at any gun show or event in the state, without regard to the jurisdiction within this state that issued the license pursuant to §§ 26700 and 26705, provided the person complies with all applicable laws, including, but not limited to, the waiting period specified in subdivision (a) of § 26815, and all applicable local laws, regulations, and fees, if any.
   (2) A person conducting business pursuant to this subdivision shall publicly display the person's license issued pursuant to §§ 26700 and 26705, or a facsimile thereof, at any gun show or event, as specified in this subdivision.
(c) (1) A person licensed pursuant to §§ 26700 and 26705 may engage in the sale and transfer of firearms other than handguns, at events specified in §§ 26955, 27655, 27900, and 27905, subject to the prohibitions and restrictions contained in those sections.
   (2) A person licensed pursuant to §§ 26700 and 26705 may also accept delivery of firearms other than handguns, outside the building designated in the license, provided the firearm is being donated for the purpose of sale or transfer at an auction or similar event specified in § 27900.
(d) The firearm may be delivered to the purchaser, transferee, or person being loaned the firearm at one of the following places:
   (1) The building designated in the license.
   (2) The places specified in subdivision (b) or (c).
   (3) The place of residence of, the fixed place of business of, or on private property owned or lawfully possessed by, the purchaser, transferee, or person being loaned the firearm.

§ 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.

§ 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.

§ 26820. Display of handgun or placard advertising sale or other transfer. No handgun or imitation handgun, or placard advertising the sale or other transfer thereof, shall be displayed in any part of the premises where it can readily be seen from the outside.

§ 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).

§ 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.
§ 26835. Display of warnings. A licensee shall post conspicuously within the licensed premises the following warnings in block letters not less than one inch in height:

(a) "IF YOU KEEP A LOADED 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."

(b) "IF YOU KEEP A PISTOL, REVOLVER, OR OTHER FIREARM CAPABLE OF BEING CONCEALED UPON THE PERSON, 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."

(c) "IF YOU KEEP ANY 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 TO A SCHOOL OR SCHOOL-SPONSORED EVENT, YOU MAY BE GUILTY OF A MISDEMEANOR, INCLUDING A FINE OF UP TO $5,000, UNLESS YOU STORED THE FIREARM IN A LOCKED CONTAINER, OR LOCKED THE FIREARM WITH A LOCKING DEVICE."

(d) "IF YOU NEGLIGENCE STORE OR LEAVE A LOADED 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 FINE OF UP TO $1,000, UNLESS YOU STORED THE FIREARM IN A LOCKED CONTAINER, OR LOCKED THE FIREARM WITH A LOCKING DEVICE."

(e) "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."

(f) "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."

(g) "NO PERSON SHALL MAKE AN APPLICATION TO PURCHASE MORE THAN ONE PISTOL, REVOLVER, OR OTHER FIREARM CAPABLE OF BEING CONCEALED UPON THE PERSON WITHIN ANY 30-DAY PERIOD AND NO DELIVERY SHALL BE MADE TO ANY PERSON WHO HAS MADE AN APPLICATION TO PURCHASE MORE THAN ONE PISTOL, REVOLVER, OR OTHER FIREARM CAPABLE OF BEING CONCEALED UPON THE PERSON WITHIN ANY 30-DAY PERIOD."

§ 26840. Presentation of safety certificate.

(a) A dealer shall not deliver a firearm unless the person receiving the firearm presents to the dealer a valid firearm safety certificate, or, in the case of a handgun, an unexpired handgun safety certificate. The firearms dealer shall retain a photocopy of the firearm safety certificate as proof of compliance with this requirement.

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

§ 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.

§ 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.

(b) The safe handling demonstration shall commence with the handgun unloaded and locked with the firearm safety device with which it is required to be delivered, if applicable. While maintaining muzzle awareness, that is, the firearm is pointed in a safe direction, preferably down at the ground, and trigger discipline, that is, the trigger finger is outside of the trigger guard and along side of the handgun frame, at all times, the handgun recipient shall correctly and safely perform the following:

(1) If the handgun is a semiautomatic pistol, the steps listed in § 26853.

(2) If the handgun is a double-action revolver, the steps listed in § 26856.
Visually and physically inspect each chamber to ensure that the revolver is unloaded.

If no readily identifiable dummy round is available, an empty cartridge casing with an empty primer pocket may be used.

Load one bright orange, red, or other readily identifiable dummy round into a chamber of the cylinder, close the cylinder, and rotate the cylinder so that the round is in the next-to-fire position. If no readily identifiable dummy round is available, an empty cartridge casing with an empty primer pocket may be used.

Open the loading gate and unload the revolver.

Apply the firearm safety device, if applicable. This requirement shall not apply to an Olympic competition pistol if no firearm safety device, other than a cable lock that the department has determined would damage the barrel of the pistol, has been approved for the pistol, and the pistol is either listed in subdivision (b) of § 32105 or is subject to subdivision (c) of § 32105.

The recipients who are exempt from the requirements of subdivision (a) of § 31615, pursuant to § 31700, are also exempt from performing the safe handling demonstration.

§ 26853. Elements of safe handling demonstration of handgun. To comply with § 26850, a safe handling demonstration for a semiautomatic pistol shall include all of the following steps:

(a) Remove the magazine.
(b) Visually inspect the chamber to reveal that a round can be chambered with the magazine removed.
(c) Lock the slide back. If the model of firearm does not allow the slide to be locked back, pull the slide back, visually and physically check the chamber to ensure that it is clear.
(d) While maintaining muzzle awareness and trigger discipline, load one bright orange, red, or other readily identifiable dummy round into the magazine. If no readily identifiable dummy round is available, an empty cartridge casing with an empty primer pocket may be used.

(e) Manipulate the slide release or pull back and release the slide.
(f) Insert the magazine into the magazine well of the firearm.
(g) Remove the magazine.
(h) Apply the firearm safety device, if applicable. This requirement shall not apply to an Olympic competition pistol if no firearm safety device, other than a cable lock that the department has determined would damage the barrel of the pistol, has been approved for the pistol, and the pistol is either listed in subdivision (b) of § 32105 or is subject to subdivision (c) of § 32105.

§ 26856. Elements of safe handling demonstration of double-action revolver. To comply with § 26850, a safe handling demonstration for a double-action revolver shall include all of the following steps:

(a) Open the cylinder.
(b) Open the cylinder and-eject the round.
(c) Open the cylinder and eject the round.
(d) Open the cylinder.
(e) Visually inspect each chamber to ensure that the revolver is unloaded.
(f) Apply the firearm safety device, if applicable. This requirement shall not apply to an Olympic competition pistol if no firearm safety device, other than a cable lock that the department has determined would damage the barrel of the pistol, has been approved for the pistol, and the pistol is either listed in subdivision (b) of § 32105 or is subject to subdivision (c) of § 32105.

§ 26859. Elements of safe handling demonstration of single-action revolver. To comply with § 26850, a safe handling demonstration for a single-action revolver shall include all of the following steps:

(a) Open the loading gate.
(b) Visually inspect each chamber to ensure that the revolver is unloaded.
(c) Load one bright orange, red, or other readily identifiable dummy round into a chamber of the cylinder, close the loading gate and rotate the cylinder so that the round is in the next-to-fire position. If no readily identifiable dummy round is available, an empty cartridge casing with an empty primer pocket may be used.

(f) Visually and physically inspect each chamber to ensure that the revolver is unloaded.
(g) Apply the firearm safety device, if applicable. This requirement shall not apply to an Olympic competition pistol if no firearm safety device, other than a cable lock that the department has determined would damage the barrel of the pistol, has been approved for the pistol, and the pistol is either listed in subdivision (b) of § 32105 or is subject to subdivision (c) of § 32105.

§ 26860. Performance of long gun safe handling demonstration required for delivery.
(a) Except as authorized by the department, commencing January 1, 2015, a firearms dealer shall not deliver a long gun unless the recipient performs a safe handling demonstration with that long gun.
(b) The department shall, not later than January 1, 2015, adopt regulations establishing a long gun safe handling demonstration that shall include, at a minimum, loading and unloading the long gun.
(c) The firearms dealer shall sign and date an affidavit stating that the requirements of subdivision (a) and the regulations adopted pursuant to subdivision (b) have been met. The firearms dealer shall additionally obtain the signature of the long gun purchaser on the same affidavit. The firearms dealer shall retain the original affidavit as proof of compliance with this section.
(d) The recipient shall perform the safe handling demonstration for a department-certified instructor.
(e) A demonstration is not required if the dealer is returning the long gun to the owner of the long gun.
(f) Department-certified instructors who may administer the safe handling demonstration shall meet the requirements set forth in subdivision (b) of § 31635.
(g) An individual who is exempt from the requirements of subdivision (a) of § 31615, pursuant to § 31700, is also exempt from performing the safe handling demonstration.

§ 26865. Inclusion of pamphlet summarizing California firearm laws. A licensee shall offer to provide the purchaser or transferee of a firearm, or person being loaned a firearm, with a copy of the pamphlet described in § 34205, and may add the cost of the pamphlet, if any, to the sales price of the firearm.

§ 26870. Collusion. A licensee shall not commit an act of collusion as defined in § 27550.

§ 26875. Posting of charges and fees. A licensee shall post conspicuously within the licensed premises a detailed list of each of the following:
(a) All charges required by governmental agencies for processing firearm transfers required by § 12806, Chapter 5 (commencing with § 28050), and Article 3 (commencing with § 28200) of Chapter 6.
(b) All fees that the licensee charges pursuant to § 12806 and Chapter 5 (commencing with § 28050).

§ 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.

§ 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) or (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.
§ 26895. Submission of license to Department of Justice. Commencing January 1, 1994, a licensee shall, upon the issuance or renewal of a license, submit a copy of it to the Department of Justice.

§ 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.

(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.

§ 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.

§ 26915. Requiring of certificate of eligibility.
(a) A firearms dealer may require any agent who handles, sells, or delivers firearms to obtain and provide to the dealer a certificate of eligibility from the Department of Justice pursuant to § 26710. On the application for the certificate, the agent or employee shall provide the name and California firearms dealer number of the firearms dealer with whom the person is employed.
(b) The department shall notify the firearms dealer in the event that the agent or employee who has a certificate of eligibility is or becomes prohibited from possessing firearms.
(c) If the local jurisdiction requires a background check of the agents or employees of a firearms dealer, the agent or employee shall obtain a certificate of eligibility pursuant to subdivision (a).
(d) (1) Nothing in this section shall be construed to preclude a local jurisdiction from conducting an additional background check pursuant to § 11105. The local jurisdiction may not charge a fee for the additional criminal history check.
   (2) Nothing in this section shall be construed to preclude a local jurisdiction from prohibit[ing] employment based on criminal history that does not appear as part of obtaining a certificate of eligibility.
(e) The licensee shall prohibit any agent who the licensee knows or reasonably should know is within a class of persons prohibited from possessing firearms 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, from coming into contact with any firearm that is not secured and from accessing any key, combination, code, or other means to open any of the locking devices described in subdivision (g).
(f) Nothing in this section shall be construed as preventing a local government from enacting an ordinance imposing additional conditions on licensees with regard to agents.
(g) For purposes of this article, "secured" means a firearm that is made inoperable in one or more of the following ways:
   (1) The firearm is inoperable because it is secured by a firearm safety device listed on the department's roster of approved firearm safety devices pursuant to subdivision (d) of § 23655.
   (2) The firearm is stored in a locked gun safe or long-gun safe that meets the standards for department-approved gun safes set forth in § 23650.
   (3) The firearm is stored in a distinct locked room or area in the building that is used to store firearms, which can only be unlocked by a key, a combination, or similar means.
   (4) The firearm is secured with a hardened steel rod or cable that is at least 1/8 of an 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.
Article 3. Exceptions Extending Only to Waiting Period

§ 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) 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.

§ 26955. Exception to waiting period at auction.
(a) The waiting period described in § 26815 does not apply to a dealer who delivers a firearm, other than a handgun, at an auction or similar event described in § 27900, as authorized by subdivision (c) of § 26805.
(b) Within 2 business days of completion of the application to purchase, the dealer shall forward by prepaid mail to the Department of Justice a report of the application as is indicated in § 28160 or 28165, as applicable.
(c) If the electronic or telephonic transfer of applicant information is used, within 2 business days of completion of the application to purchase, 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.

§ 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.

§ 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 3330, 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.

§ 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

§ 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.

§ 27005. Exception for forfeiture for loan for consultant-evaluator.  
(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

§ 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.

§ 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.

§ 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.

§ 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

§ 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.

§ 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.

§ 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.

§ 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.

§ 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.

§ 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.

§ 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.

§ 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

§ 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.

§ 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.
(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.
(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, may include, but is not limited to, the following information relative to a vendor who offers for sale firearms manufactured after December 31, 1898:
(1) The vendor's complete name.
(2) A driver's license or identification card number.

§ 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.
§ 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.

§ 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 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 at the show or event.

(b) The department shall examine its records and if it determines that a dealer's license is not valid, it shall notify the show or event producer of that fact before the show or event commences.

§ 272230. 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.

§ 272235. Written contracts required. Every producer of a gun show or event shall have a written contract with each gun show vendor selling firearms at the show or event.

§ 272240. 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 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 at this facility must 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.

(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 on the parking lot of this facility is a crime."

§ 272245. 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

§ 27300. Citation of article. This article shall be known, and may be cited as, the Gun Show Enforcement and Security Act of 2000.

§ 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, 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.

(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 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.

(f) Have complied with the requirements of § 27320.

(g) Will not display or possess black powder, or offer it for sale.

§ 27310. Firearm transfer requirements. All firearms transfers at a gun show or event shall be in accordance with applicable state and federal laws.

§ 27315. Display of ammunition. Except for purposes of showing ammunition to a prospective buyer, ammunition at a gun show or event may be displayed only in closed original factory boxes or other closed containers.

§ 27320. Information required from vendor.

(a) Before commencement of a gun show or event, each vendor who will offer for sale firearms manufactured after December 31, 1898, 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.

(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.

§ 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.

§ 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.

§ 27340. Persons bringing firearms to gun show or event.

(a) Persons other than show or event security personnel, sworn peace officers, or vendors, who bring firearms 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).

(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.

§ 27345. Persons possessing firearms carrying identification. Any person who possesses a firearm 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.

§ 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

§ 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.

§ 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.

§ 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.

§ 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

§ 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.

§ 27505. Firearms 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 transfer or loan of a firearm, other than a handgun, to a minor by the minor's parent or legal guardian.
(3) The transfer or loan of a firearm, other than a handgun, to a minor by a grandparent who is not the legal guardian of the minor, if the transfer is done with the express permission of the minor's parent or legal guardian.

(4) The loan of a firearm, other than a handgun, to a minor, with the express permission of the minor's parent or legal guardian, if the loan does not exceed 30 days in duration and is for a lawful purpose.

(5) The loan of a handgun 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 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 a motion picture, television, or video production, or entertainment or theatrical event, the nature of which involves the use of a firearm.

(6) The loan of a 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 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 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.

§ 27510. Firearms to person under 21 or 18 years of age. No person licensed under §§ 26700 to 26915, inclusive, shall sell, supply, deliver, or give possession or control of a handgun to any person under the age of 21 years, or any other firearm to a person under the age of 18 years.

§ 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.

§ 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.

§ 27525. Compliance with reporting requirements.
   (a) A dealer shall comply with § 26905.
   (b) A dealer shall comply with § 26910.

§ 27530. Firearm requirements for transfer. No person shall sell or otherwise transfer ownership in a handgun unless the firearm bears either:
   (a) The name of the manufacturer, the manufacturer's make or model, and a manufacturer's serial number assigned to that firearm.
   (b) The identification number or mark assigned to the firearm by the Department of Justice pursuant to § 23910.

§ 27535. Application to purchase handgun; Limitations; Exceptions.
   (a) No person shall make an application to purchase more than one handgun within any 30-day period.
   (b) Subdivision (a) shall 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 § 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 § 27600), Article 3 (commencing with § 27650), or Article 4 (commencing with § 27700), claim an exemption from the waiting period set forth in § 27540.

(8) Any transaction conducted through a licensed firearms dealer pursuant to Chapter 5 (commencing with § 28050).

(9) Any 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, and has a current certificate of eligibility issued by the Department of Justice pursuant to Article 1 (commencing with § 26700) of Chapter 2.

(10) The exchange of a handgun 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 when the person's handgun was lost or stolen, and the person reported that firearm lost or stolen prior to the completion of the application to purchase to any local law enforcement agency of the city, county, or city and county in which the person resides.

(12) The return of any handgun 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.

§ 27540. Requirements for delivery of firearm. 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 handgun shall not be delivered unless the purchaser, transferee, or person being loaned the handgun presents a handgun safety certificate. Commencing January 1, 2015, any 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 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 involved none of the entities specified in subdivision (b) of § 27535.

§ 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).

§ 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.

§ 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 notify 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.

(d) 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.

(e) 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.

(f) 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.

§ 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.

(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.

§ 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 acquires, outside of this state, a handgun, and commencing January 1, 2014, any firearm.
(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.

§ 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 handgun 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.

§ 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 § 27560.
(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 his or her activities as a licensee.
(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 his or her 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 his or her 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 his or her 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 his or her 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.
§ 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) For purposes of this subdivision each application to purchase a handgun in violation of § 27535 shall be deemed a separate offense.

Article 2. Exceptions Relating to Law Enforcement

§ 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.

§ 27605. Exception for loan by authorized law enforcement representative to peace officer.
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.

§ 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.

§ 27615. Exception for transfer by law enforcement agency to retiring 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 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.

§ 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

§ 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) 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.
   (1) 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.
   (2) 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.

§ 27655. Exception to waiting period for transfer of firearm other than handgun at auction or similar event.
(a) The waiting period described in § 27540 does not apply to a dealer who delivers a firearm, other than a handgun, at an auction or similar event described in § 27900, as authorized by subdivision (c) of § 26805.
(b) Within 2 business days of completion of the application to purchase, the dealer shall forward by prepaid mail to the Department of Justice a report of the application as is indicated in § 28160 or 28165, as applicable.
(c) If the electronic or telephonic transfer of applicant information is used, within 2 business days of completion of the application to purchase, 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.

§ 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.

§ 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.

§ 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

§ 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.

§ 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.

§ 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.

§ 27720. Exception for delivery of unloaded firearm to wholesaler intended as merchandise. 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.

§ 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.

§ 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.

§ 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.

§ 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.

§ 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.

§ 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.
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.

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

§ 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.

§ 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.

§ 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.

§ 27820. Exception for transfer of non-handgun curio or relic. If all of the following requirements are satisfied, § 27555 does not apply to the sale, loan, or transfer of a firearm:
(a) The sale, loan, or transfer is infrequent, as defined in § 16730.
(b) The firearm is not a handgun.
(c) The firearm is a curio or relic manufactured at least 50 years prior to the current date but is not a replica, as defined in § 478.11 of Title 27 of the CFR, or its successor.

§ 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.

§ 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.

§ 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

§ 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.

§ 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.

§ 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.

§ 27865. Exception for transfer between licensed importers and manufacturers. 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
§ 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.

§ 27880. Exception for loan between persons personally known. Section 27545 does not apply to the loan of a firearm between persons who are personally known to each other, if all of the following requirements are satisfied:
(a) The loan is infrequent, as defined in § 16730.
(b) The loan is for any lawful purpose.
(c) The loan does not exceed 30 days in duration.
(d) 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.

§ 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.

§ 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.

§ 27900. Exception for transfer pursuant to auction.
(a) Section 27545 does not apply to the infrequent sale or transfer of a firearm other than a handgun at an auction or similar event conducted by a nonprofit mutual or public benefit corporation organized pursuant to the Corporations Code.
(b) As used in this section, "infrequent" has the meaning provided in § 16730.

§ 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.

§ 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.

§ 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), or (j) 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 of the firearm 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) or (h) 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 of the firearm was obtained and from whom, and a description of the firearm in question.

(B) Until January 1, 2015, prior to taking title or possession of the firearm, the person shall obtain a valid firearm safety certificate, if the firearm is a handgun. Commencing January 1, 2015, prior to taking title or possession of the firearm, the person shall obtain a valid firearm safety certificate for any firearm, 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 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 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 or administrator of an estate.

(2) If acquisition of the firearm had occurred within this state, the receipt of the firearm by the executor 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 or administrator subsequently acquires ownership of that firearm in an individual capacity, prior to transferring ownership to himself or herself, he or she 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 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.

§ 27930. Exception for transfer upon conviction, upon taking temporary custody at scene of domestic violence, 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.

§ 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.

§ 27940. Exception for transfer pursuant to provisions dealing with specified weapons. 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.
§ 27945. Exception for transfer or loan within immediate family. Section 27545 does not apply to or affect the following circumstances:

(a) The transfer or loan of a firearm, other than a handgun, to a minor by the minor's parent or legal guardian.

(b) The transfer or loan of a firearm, other than a handgun, to a minor by a grandparent who is not the legal guardian of the minor, if the transfer is done with the express permission of the minor's parent or legal guardian.

(c) The loan of a firearm, other than a handgun, to a minor, with the express permission of the minor's parent or legal guardian, if the loan does not exceed 30 days in duration and is for a lawful purpose.

(d) The loan of a handgun 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 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 a motion picture, television, or video production, or entertainment or theatrical event, the nature of which involves the use of a firearm.

(e) The loan of a 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:

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 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 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.

§ 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.

§ 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.

§ 27960. Exception for loan as prop to holder of valid entertainment license.

(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.

§ 27966. Exception for infrequent sale, loan, or transfer; Non-handgun; Curio or relic; Person receiving firearm has certificate of eligibility or is licensed as a collector; Report required. Commencing January 1, 2014, if all of the following requirements are satisfied, § 27545 shall not apply to the sale, loan, or transfer of a firearm:

(a) The sale, loan, or transfer is infrequent, as defined in § 16730.

(b) The firearm is not a handgun.

(c) The firearm is a curio or relic, as defined in § 478.11 of Title 27 of the CFR, or its successor.

(d) The person receiving the firearm has a current certificate of eligibility issued pursuant to § 26710.

(e) 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.
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.

Article 7. Report to Department of Justice

§ 28000. Report by person not required to report. A person who is exempt from § 27545 or is otherwise not required by law to report acquisition, ownership, destruction, or disposal of a firearm, or who moves out of this state with the person's firearm, may report that information to the Department of Justice in a format prescribed by the department.

Division 6. Sale, Lease, or Transfer of Firearms

Chapter 4.1. Registration and Assignment of Firearms by Private Patrol Operators (Operative July 1, 2016)

§ 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.

(c) It is the intent of the Legislature to require notification of the Bureau of Security and Investigative Services any time a security guard is listed on the Prohibited Armed Persons File so that the bureau may proceed with appropriate action regarding the licensing of the employee.

(d) For purposes of this chapter, the following definitions apply:

1. "Bureau" means the Bureau of Security and Investigative Services within the Department of Consumer Affairs.
2. "Department" means the Department of Justice.
3. "Director" means the Director of the Department of Consumer Affairs.
4. "Private patrol operator" or "PPO" means a private patrol operator licensed pursuant to Chapter 11.5 (commencing with § 7580) of Division 3 of the Business and Professions Code whose license is not suspended, revoked, expired, inactive, delinquent, or canceled.
5. "Security guard" means a security guard registered pursuant to Chapter 11.5 (commencing with § 7580) of Division 3 of the Business and Professions Code whose registration is not suspended, revoked, expired, inactive, delinquent, or canceled.

§ 28012. Registration required of private patrol operator to own firearm; Modification of department's form; Certificate of Assignment.

(a) A PPO may be the registered owner of a firearm if the PPO is registered with the department pursuant to procedures established by the department.

(b) The department shall modify the department's Dealers' Record of Sale (DROS) form to allow a PPO to be listed as the purchaser and registered owner of a firearm. The form shall also require the PPO to identify its type of business formation and to include any tax identification number or other identifying number of the PPO that may be required by the department.

(c) (1) The department shall modify the department's DROS form to require the PPO to designate a "firearms custodian" for the firearm owned by the PPO that is listed in the DROS. A firearms custodian shall possess a valid firearms qualification permit issued by the bureau. A firearms custodian is responsible for the tracking, safekeeping, and inventory of those firearms of the PPO for which the custodian is designated, and shall serve as a point of contact for the department regarding the firearms for which the custodian is designated.

(2) If a firearms custodian is no longer employed by the PPO in that capacity, or otherwise becomes ineligible to be the firearms custodian, the PPO shall notify the department of that fact within 7 days in a manner prescribed by the department, and the PPO shall notify the department of the designated replacement firearms custodian within 20 days of the original notice.

(d) A security guard shall possess a valid firearm qualification permit issued by the bureau prior to receiving a firearm from a PPO pursuant to a Certificate of Assignment (COA). A firearm shall be assigned by a PPO to a security guard who is employed to work for the PPO only when that employment requires the security guard to be armed.

(e) (1) The department shall prescribe a "Certificate of Assignment" or "COA." The COA may include fields that are in the DROS form, and shall be used to identify the employee of the PPO who has been assigned a PPO-owned firearm by the PPO pursuant to this chapter.

(B) The COA shall also be used to identify an employee of the PPO who will use his or her own firearm in the course of his or her duties as a security guard. The COA shall not require specific information regarding an employee-owned firearm.
§ 28014. Fee authorized. The department shall charge a fee not to exceed the reasonable costs to the department for filing and processing a COA, and for the costs incurred in the implementation and administration of this chapter, including, but not limited to, entering information obtained pursuant to this chapter into the Automated Firearms System and other databases as deemed necessary by the department. The fee shall be deposited in the Dealers' Record of Sale Special Account.

§ 28016. Cessation of business or cessation of possession of valid license. (a) If the PPO ceases to do business, ceases to possess a valid PPO license issued by the bureau that is not suspended, revoked, expired, inactive, delinquent, or canceled, ceases as a business entity, or changes its type of business formation, the PPO shall, within 30 days and unless otherwise prohibited by law, lawfully sell or transfer all PPO-owned firearms.

(b) A PPO shall notify the department of the sale or transfer of a PPO-owned firearm within 5 business days of the transaction in a manner prescribed by the department. This subdivision shall not apply if the sale or transfer was made to or through a licensed firearms dealer pursuant to Chapter 5 (commencing with § 28050).

§ 28018. Character of assignment. Notwithstanding any other law, an assignment of a firearm pursuant to this chapter shall not constitute a loan, sale, or transfer of a firearm.

§ 28020. Return of firearm; Failure to comply. (a) Within 48 hours of the PPO's request, for any reason, or within 48 hours of separation of employment or revocation of the firearm qualification card, the security guard shall return to the PPO the firearm owned by the PPO and listed on a COA.

(b) The failure of a security guard to comply with subdivision (a) is a misdemeanor.

(c) If a security guard employed by a PPO does not comply with subdivision (a), the PPO shall notify the bureau within 7 business days from the date that the security guard was required to return the firearm to the PPO.

(d) This chapter does not limit the right of a security guard to use, possess, or otherwise lawfully carry a firearm owned by that security guard.

§ 28022. Administrative fine authorized for willful violation. (a) The director, through his or her designee, may assess an administrative fine of up to $1,000 against a PPO or a security guard for each willful violation of this chapter. All fines collected pursuant to this chapter shall be deposited in the Private Security Services Fund.

(b) An assessment imposed pursuant to this section may be appealed pursuant to § 7581.3 of the Business and Professions Code.

Chapter 5. Procedure for a Private Party Firearms Transaction

§ 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
§ 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 $10 per firearm.  
(b) 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 §§ 23690 and 28300 and Article 3 (commencing with § 28200) of Chapter 6 and forwarded to the Department of Justice, and the fees set forth in § 31650.  
(c) The dealer may not charge any additional fees.  
(d) Nothing in these provisions shall prevent a dealer from charging a smaller fee.  

§ 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.  

§ 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.  

§ 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  

§ 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 himself or herself.  
(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.
(c) A violation of this section is a misdemeanor.

§ 28105. Register.
(a) (1) The register required by § 28100 shall be prepared by and obtained from the State Printer.
(2) The State Printer shall furnish the register only to dealers on application, at a cost to be determined by the Department of General Services.
(3) The Department of General Services shall determine the cost for each 100 leaves in quadruplicate, one original and 3 duplicates for the making of carbon copies.
(4) The original and duplicate copies shall differ in color, and shall be in the form provided by this chapter.
(b) Where the electronic transfer of applicant information is used, the Department of Justice shall develop the standards for all appropriate electronic equipment and telephone numbers to effect the transfer of information to the department.

§ 28110. Requirements from State Printer.
(a) The State Printer upon issuing a register shall forward to the Department of Justice both of the following:
(1) The name and business address of the dealer.
(2) The series and sheet numbers of the register.
(b) The register shall not be transferable.
(c) If the dealer moves the business to a different location, the dealer shall notify the department of that fact in writing within 48 hours.

Article 2. Form of the Register or the Record of Electronic Transfer

§ 28150. 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.

§ 28160. Contents of register or record of electronic transfer for firearms.
(a) For all firearms, the register or record of electronic transfer shall include all of the following information:
(1) The date and time of sale.
(2) The make of firearm.
(3) Peace officer exemption status pursuant to the provisions listed in subdivision (c) of § 16585, and the agency name.
(4) Any applicable waiting period exemption information.
(5) California Firearms Dealer number issued pursuant to Article 1 (commencing with § 26700) of Chapter 2.
(6) For transactions occurring on or after January 1, 2003, the purchaser's handgun safety certificate number issued pursuant to Article 2 (commencing with § 31610) of Chapter 4 of Division 10 of this title, or pursuant to former Article 8 (commencing with § 12800) of Chapter 6 of Title 2 of Part 4, as that article read at any time from when it became operative on January 1, 2003, to when it was repealed by the Deadly Weapons Recodification Act of 2010.
(7) Manufacturer's name if stamped on the firearm.
(8) Model name or number, if stamped on the firearm.
(9) Serial number, if applicable.
(10) Other number, if more than one serial number is stamped on the firearm.
(11) Any identification number or mark assigned to the firearm pursuant to § 23910.
(12) If the firearm is not a handgun and does not have a serial number, identification number, or mark assigned to it, a notation as to that fact.
(13) Caliber.
(14) Type of firearm.
(15) If the firearm is new or used.
(16) Barrel length.
(17) Color of the firearm.
(18) Full name of purchaser.
(19) Purchaser's complete date of birth.
(20) Purchaser's local address.
(21) If current address is temporary, complete permanent address of purchaser.
(22) Identification of purchaser.
(23) Purchaser's place of birth (state or country).
(24) Purchaser's complete telephone number.
(25) Purchaser's occupation.
(26) Purchaser's gender.
Article 3. Submission of Fees and Firearm Purchaser Information to the Department of Justice

§ 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.

(27) Purchaser's physical description.

(28) All legal names and aliases ever used by the purchaser.

(29) Yes or no answer to questions that prohibit purchase, including, but not limited to, conviction of a felony as described in Chapter 2 (commencing with § 29800) or an offense described in Chapter 3 (commencing with § 29900) of Division 9 of this title, the purchaser's status as a person described in § 8100 of the Welfare and Institutions Code, whether the purchaser is a person who has been adjudicated by a court to be a danger to others or found not guilty by reason of insanity, and whether the purchaser is a person who has been found incompetent to stand trial or placed under conservatorship by a court pursuant to § 8103 of the Welfare and Institutions Code.

(30) Signature of purchaser.

(31) Signature of salesperson, as a witness to the purchaser's signature.

(32) Salesperson's certificate of eligibility number, if the salesperson has obtained a certificate of eligibility.

(33) Name and complete address of the dealer or firm selling the firearm as shown on the dealer's license.

(34) The establishment number, if assigned.

(35) The dealer's complete business telephone number.

(36) Any information required by Chapter 5 (commencing with § 28050).

(37) Any information required to determine whether subdivision (f) of § 27540 applies.

(38) A statement of the penalties for signing a fictitious name or address, knowingly furnishing any incorrect information, or knowingly omitting any information required to be provided for the register.

(39) A statement informing the purchaser, after his or her ownership of a firearm, of all of the following:

(A) Upon his or her application, the Department of Justice shall furnish him or her any information reported to the department as it relates to his or her ownership of that firearm.

(B) The purchaser is entitled to file a report of his or her acquisition, disposition, or ownership of a firearm with the department pursuant to § 28000.

(C) Instructions for accessing the department's Internet Web site for more information.

(40) For transactions on and after January 1, 2015, the purchaser's firearm safety certificate number, except that in the case of a handgun, the number from an unexpired handgun safety certificate may be used.

(b) The purchaser shall provide the purchaser's right thumbprint on the register in a manner prescribed by the department. No exception to this requirement shall be permitted except by regulations adopted by the department.

(c) The firearms dealer shall record on the register or record of electronic transfer the date that the firearm is delivered, together with the firearm dealer's signature indicating delivery of the firearm.

(d) The purchaser shall sign the register or the record of electronic transfer on the date that the firearm is delivered to him or her.
§ 28205. Method of submission of information.
(a) Until January 1, 1998, the Department of Justice shall determine the method by which a dealer shall submit firearm purchaser information to the department. The information shall be in one of the following formats:
   (1) Submission of the register described in Article 2 (commencing with § 28150).
   (2) Electronic or telephonic transfer of the information contained in the register described in Article 2 (commencing with § 28150).
(b) On or after January 1, 1998, electronic or telephonic transfer, including voice or facsimile transmission, shall be the exclusive means by which purchaser information is transmitted to the department.
(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.

§ 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) 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.

§ 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.
(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.

§ 28220. Actions of Department of Justice upon receipt of firearm purchaser information.

(a) Upon submission of firearm purchaser information, the Department of Justice shall examine its records, as well as those records that it is authorized to request from the State Department of State Hospitals pursuant to § 8104 of the Welfare and Institutions Code, in order to determine if the purchaser is a person described in subdivision (a) of § 27535, or is prohibited by state or federal law from possessing, receiving, owning, or purchasing a firearm.

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

(c) If the department determines that the purchaser is prohibited by state or federal law from possessing, receiving, owning, or purchasing a firearm or is a person described in subdivision (a) of § 27535, it shall immediately notify the dealer and the chief of the police department of the city or city and county in which the sale was made, or if the sale was made in a district in which there is no municipal police department, the sheriff of the county in which the sale was made, of that fact.

(d) If the department determines that the copies of the register submitted to it pursuant to subdivision (d) of § 28210 contain any blank spaces or inaccurate, illegible, or incomplete information, preventing identification of the purchaser or the handgun or other firearm to be purchased, or if any fee required pursuant to § 28225 is not submitted by the dealer in conjunction with submission of copies of the register, the department may notify the dealer of that fact. Upon notification by the department, the dealer shall submit corrected copies of the register to the department, or shall submit any fee required pursuant to § 28225, or both, as appropriate and, if notification by the department is received by the dealer at any time prior to delivery of the firearm to be purchased, the dealer shall withhold delivery until the conclusion of the waiting period described in §§ 26815 and 27540.

(e) If the department determines that the information transmitted to it pursuant to § 28215 contains inaccurate or incomplete information preventing identification of the purchaser or the handgun or other firearm to be purchased, or if the fee required pursuant to § 28225 is not transmitted by the dealer in conjunction with transmission of the electronic or telephonic record, the department may notify the dealer of that fact. Upon notification by the department, the dealer shall transmit corrections to the record of electronic or telephonic transfer to the department, or shall transmit any fee required pursuant to § 28225, or both, as appropriate and, if notification by the department is received by the dealer at any time prior to delivery of the firearm to be purchased, the dealer shall withhold delivery until the conclusion of the waiting period described in §§ 26815 and 27540.

(f) (1) (A) The department shall immediately notify the dealer to delay the transfer of the firearm to the purchaser if the records of the department, or the records available to the department in the National Instant Criminal Background Check System, indicate one of the following:

(i) The purchaser has been taken into custody and placed in a facility for mental health treatment or evaluation and may be a person described in § 8100 or 8103 of the Welfare and Institutions Code and the department is unable to ascertain whether the purchaser is a person who is prohibited from possessing, receiving, owning, or purchasing a firearm, pursuant to § 8100 or 8103 of the Welfare and Institutions Code, prior to the conclusion of the waiting period described in §§ 26815 and 27540.

(ii) The purchaser has been arrested for, or charged with, a crime that would make him or her, if convicted, a person who is prohibited by state or federal law from possessing, receiving, owning, or purchasing a firearm, and the department is unable to ascertain whether the purchaser was convicted of that offense prior to the conclusion of the waiting period described in §§ 26815 and 27540.

(iii) The purchaser may be a person described in subdivision (a) of § 27535, and the department is unable to ascertain whether the purchaser, in fact, is a person described in subdivision (a) of § 27535, prior to the conclusion of the waiting period described in §§ 26815 and 27540.

(B) The dealer shall provide the purchaser with information about the manner in which he or she may contact the department regarding the delay described in subparagraph (A).

(2) The department shall notify the purchaser by mail regarding the delay and explain the process by which the purchaser may obtain a copy of the criminal or mental health record the department has on file for the purchaser. Upon receipt of that criminal or mental health record, the purchaser shall report any inaccuracies or incompleteness to the department on an approved form.

(3) If the department ascertains the final disposition of the arrest or criminal charge, or the outcome of the mental health treatment or evaluation, or the purchaser's eligibility to purchase a firearm, as described in paragraph (1), after the waiting
(A) If the purchaser is not a person described in subdivision (a) of § 27535, and is not prohibited by state or federal law, including, but not limited to, § 8100 or 8103 of the Welfare and Institutions Code, from possessing, receiving, owning, or purchasing a firearm, the department shall immediately notify the dealer of that fact and the dealer may then immediately transfer the firearm to the purchaser, upon the dealer's recording on the register or record of electronic transfer the date that the firearm is transferred, the dealer signing the register or record of electronic transfer indicating delivery of the firearm to that purchaser, and the purchaser signing the register or record of electronic transfer acknowledging the receipt of the firearm on the date that the firearm is delivered to him or her.

(B) If the purchaser is a person described in subdivision (a) of § 27535, or is prohibited by state or federal law, including, but not limited to, § 8100 or 8103 of the Welfare and Institutions Code, from possessing, receiving, owning, or purchasing a firearm, the department shall immediately notify the dealer and the chief of the police department in the city or city and county in which the sale was made, or if the sale was made in a district in which there is no municipal police department, the sheriff of the county in which the sale was made, of that fact in compliance with subdivision (c) of § 28220.

(4) If the department is unable to ascertain the final disposition of the arrest or criminal charge, or the outcome of the mental health treatment or evaluation, or the purchaser's eligibility to purchase a firearm, as described in paragraph (1), within 30 days of the dealer's original submission of purchaser information to the department pursuant to this section, the department shall immediately notify the dealer and the dealer may then immediately transfer the firearm to the purchaser, upon the dealer's recording on the register or record of electronic transfer the date that the firearm is transferred, the dealer signing the register or record of electronic transfer indicating delivery of the firearm to that purchaser, and the purchaser signing the register or record of electronic transfer acknowledging the receipt of the firearm on the date that the firearm is delivered to him or her.

§ 28225. Fee to dealer for provision of information.
(a) The Department of Justice may require the dealer to charge each firearm purchaser a fee not to exceed $14, except that the fee may be increased at a rate not to exceed any increase in the California Consumer Price Index as compiled and reported by the Department of Industrial Relations.
(b) The fee under subdivision (a) shall be no more than is necessary to fund the following:
(1) The department for the cost of furnishing this information.
(2) The department for the cost of meeting its obligations under paragraph (2) of subdivision (b) of § 8100 of the Welfare and Institutions Code.
(3) Local mental health facilities for state-mandated local costs resulting from the reporting requirements imposed by § 8103 of the Welfare and Institutions Code.
(4) The State Department of State Hospitals for the costs resulting from the requirements imposed by § 8104 of the Welfare and Institutions Code.
(5) Local mental hospitals, sanitariums, and institutions for state-mandated local costs resulting from the reporting requirements imposed by § 8105 of the Welfare and Institutions Code.
(6) Local law enforcement agencies for state-mandated local costs resulting from the notification requirements set forth in subdivision (a) of § 6385 of the Family Code.
(7) Local law enforcement agencies for state-mandated local costs resulting from the notification requirements set forth in subdivision (c) of § 8105 of the Welfare and Institutions Code.
(8) For the actual costs associated with the electronic or telephonic transfer of information pursuant to § 28215.
(9) The Department of Food and Agriculture for the costs resulting from the notification provisions set forth in § 5343.5 of the Food and Agricultural Code.
(10) The department for the costs associated with subdivisions (d) and (e) of § 27560.
(11) The department for the costs associated with funding Department of Justice firearms-related regulatory and enforcement activities related to the sale, purchase, possession, loan, or transfer of firearms pursuant to any provision listed in § 16580.
(c) The fee established pursuant to this section shall not exceed the sum of the actual processing costs of the department, the estimated reasonable costs of the local mental health facilities for complying with the reporting requirements imposed by paragraph (3) of subdivision (b), the costs of the State Department of State Hospitals for complying with the requirements imposed by paragraph (4) of subdivision (b), the estimated reasonable costs of local mental hospitals, sanitariums, and institutions for complying with the reporting requirements imposed by paragraph (5) of subdivision (b), the estimated reasonable costs of local law enforcement agencies for complying with the notification requirements set forth in subdivision (a) of § 6385 of the Family Code, the estimated reasonable costs of local law enforcement agencies for complying with the notification requirements set forth in subdivision (c) of § 8105 of the Welfare and Institutions Code imposed by paragraph (7) of subdivision (b), the estimated reasonable costs of the Department of Food and Agriculture for the costs resulting from the notification provisions set forth in § 5343.5 of the Food and Agricultural Code, the estimated reasonable costs of the department for the costs associated with subdivisions (d) and (e) of § 27560, and the estimated reasonable costs of department firearms-related regulatory and enforcement activities related to the sale, purchase, possession, loan, or transfer of firearms pursuant to any provision listed in § 16580.
(d) Where the electronic or telephonic transfer of applicant information is used, the department shall establish a system to be used for the submission of the fees described in this section to the department.

§ 28230. Fee charged by Department of Justice.
(a) The Department of Justice may charge a fee sufficient to reimburse it for each of the following but not to exceed $14, except that the fee may be increased at a rate not to exceed any increase in the California Consumer Price Index as compiled and reported by the Department of Industrial Relations:

(1) For the actual costs associated with the preparation, sale, processing, and filing of forms or reports required or utilized pursuant to any provision listed in subdivision (a) of § 16585.
(2) For the actual processing costs associated with the submission of a Dealers' Record of Sale to the department.
(3) For the actual costs associated with the preparation, sale, processing, and filing of reports utilized pursuant to § 26905, 27565, 27875, 27966, or 28000, paragraph (1) of subdivision (a) of § 27560, or paragraphs (1) and (2) of subdivision (a) of, and subdivisions (b), (c), and (d) of, § 27920.
(4) For the actual costs associated with the electronic or telephonic transfer of information pursuant to § 28215.

(b) If the department charges a fee pursuant to paragraph (2) of subdivision (a), it shall be charged in the same amount to all categories of transaction that are within that paragraph.

(c) Any costs incurred by the Department of Justice to implement this section shall be reimbursed from fees collected and charged pursuant to this section. No fees shall be charged to the dealer pursuant to § 28225 for implementing this section.

§ 28235. Dealers' Record of Sale Special Account. All moneys received by the department pursuant to this article shall be deposited in the Dealers' Record of Sale Special Account of the General Fund, which is hereby created, to be available, upon appropriation by the Legislature, for expenditure by the department to offset the costs incurred pursuant to any of the following:

(a) This article.
(b) Section 18910.
(c) Section 27555.
(d) Subdivisions (d) and (e) of § 27560.
(e) Chapter 4.1 (commencing with § 28010).
(f) Article 6 (commencing with § 28450).
(g) Section 31110.
(h) Section 31115.
(i) Subdivision (a) of § 32020.
(j) Section 32670.
(k) Section 33320.

§ 28240. Fee per transaction.

(a) Until January 1, 2014, only one fee shall be charged pursuant to this article for a single transaction on the same date for the sale of any number of firearms that are not handguns, or for the taking of possession of those firearms.

(b) Beginning January 1, 2014, only one fee shall be charged pursuant to this article for a single transaction on the same date for taking title or possession of any number of firearms.

§ 28245. Omissions by Department of Justice deemed discretionary. Whenever the Department of Justice acts pursuant to this article as it pertains to firearms other than handguns, the department's acts or omissions shall be deemed to be discretionary within the meaning of the Government Claims Act pursuant to Division 3.6 (commencing with § 810) of Title 1 of the Government Code.

§ 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.

§ 28255. Dealer's notification of sale. Commencing January 1, 2014, if after the conclusion of the waiting period described in §§ 26815 and 27540, the individual named in the application as the purchaser of the firearm takes possession of the firearm set forth in the application to purchase, the dealer shall notify the Department of Justice of that fact in a manner and within a time period specified by the department, and with sufficient information to identify the purchaser and the firearm that the purchaser took possession of.

Article 4. Firearms Safety and Enforcement Special Fund

§ 28300. Firearms Safety and Enforcement Special Fund; Transaction fee.
(a) The Firearms Safety and Enforcement Special Fund is hereby established in the State Treasury and shall be administered by the Department of Justice.
(b) The Department of Justice may require firearms dealers to charge each person who obtains a firearm a fee not to exceed $5 for each transaction, except that the fee may be increased at a rate not to exceed any increase in the California Consumer Price Index as compiled and reported by the Department of Industrial Relations, and not to exceed the reasonable cost of regulation to the department. Revenues from this fee shall be deposited in the Firearms Safety and Enforcement Special Fund.
(c) Revenue deposited into the Firearms Safety and Enforcement Special Fund shall be available for expenditure by the Department of Justice upon appropriation by the Legislature for the purpose of implementing and enforcing the provisions of Article 2 (commencing with § 31610) of Chapter 4 of Division 10, enforcing § 830.95, Title 2 (commencing with § 12001) of Part 4, §§ 16000 to 16960, inclusive, §§ 16970 to 17230, inclusive, §§ 17240 to 21390, inclusive, and §§ 21590 to 34370, inclusive, and for the establishment, maintenance, and upgrading of equipment and services necessary for firearms dealers to comply with Article 2 (commencing with § 28150).

Article 5. Exceptions Relating to Law Enforcement

§ 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.

§ 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.

§ 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.
§ 28415. Exception 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

§ 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.

§ 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.

§ 28460. Fee.
(a) The department shall assess an annual fee of $115 to cover its costs of maintaining the centralized list of exempted federal firearms licensees prescribed by § 28450, conducting inspections in accordance with this article, and for the cost of maintaining the firearm shipment verification number system described in § 27555.
(b) The department may increase the fee at a rate not to exceed the increase in the California Consumer Price Index as compiled and reported by the Department of Industrial Relations.
(c) The fees collected shall be deposited in the Dealers' Record of Sale Special Account.
(d) A person who satisfies all of the following conditions shall not be charged a fee:
   (1) The person is not licensed pursuant to §§ 26700 to 26915, inclusive.
   (2) The person has been issued a permit pursuant to § 31005, 32650, or 33300, or pursuant to Article 3 (commencing with § 18900) of Chapter 1 of Division 5 of Title 2.
   (3) The person is placed on the centralized list of exempted federal firearms licensees.

§ 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.

§ 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.

§ 28475. Compiled information available for specified purposes. Information compiled from the list described in § 28450 shall be made available for the following purposes:
(a) Requests from local, state, and federal law enforcement agencies and the duly constituted city, county, and city and county licensing authorities.
(b) When the information is requested by a person licensed pursuant to Chapter 44 (commencing with § 921) of Title 18 of the United States Code for determining the validity of the license for firearm shipments.
§ 28480. Onsite inspections.
(a) The department may conduct onsite inspections at the business premises of a person on the centralized list described in § 28450 to determine compliance with firearms laws pursuant to the provisions listed in § 16575.
(b) The department shall work in consultation with the federal Bureau of Alcohol, Tobacco, Firearms and Explosives to ensure that licensees are not subject to duplicative inspections.
(c) During the inspection the following firearm records shall be made available for review:
   (1) Federal records referred to in subdivision (a) of § 478.125 of Title 27 of the CFR and the bound book containing the same information referred to in § 478.124a and subdivision (e) of § 478.125 of Title 27 of the CFR.
   (2) Verification numbers issued pursuant to § 27555.
   (3) Any other records requested by the department to determine compliance with the provisions listed in § 16575.

§ 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.

§ 28490. Regulations. The department may adopt regulations as necessary to carry out the provisions of this article, Article 1 (commencing with § 26700) and Article 2 (commencing with § 26800) of Chapter 2, and §§ 27555 to 27570, inclusive. The department shall work in consultation with the federal Bureau of Alcohol, Tobacco, Firearms and Explosives to ensure that state regulations are not duplicative of federal regulations.

Division 7. Manufacture of Firearms
Chapter 1. License Requirement for Manufacture of Firearms

§ 29010. License to manufacture firearms.  
(a) Commencing July 1, 1999, no person, firm, or corporation licensed to manufacture firearms pursuant to Chapter 44 (commencing with § 921) of Title 18 of the United States Code may 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 100 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.

Chapter 2. Issuance, Forfeiture, and Conditions of License to Manufacture Firearms


§ 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

§ 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.

§ 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.

§ 29060. Centralized list of licensed persons.
(a) Except as otherwise provided in subdivisions (a) and (b) of § 20965, the Department of Justice shall maintain a centralized list of all persons licensed pursuant to subdivision (b) of § 29050.
(b) The centralized list shall be provided annually to each police department and county sheriff within the state.

§ 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.

§ 29070. Information of licensee.
(a) The department shall make information concerning the location and name of a licensee available, upon request, for the following purposes only:
   (1) Law enforcement.
   (2) When the information is requested by a person licensed pursuant to Chapter 44 (commencing with § 921) of Title 18 of the United States Code for determining the validity of the license for firearm shipments.
(b) Notwithstanding subdivision (a), the department shall make the name and business address of a licensee available to any person upon written request.

§ 29075. Aggregate information of licensees. The Department of Justice shall maintain and make available upon request information concerning all of the following:
(a) The number of inspections conducted and the amount of fees collected pursuant to § 29055.
(b) The number of licensees removed from the centralized list described in §§ 29060 and 29065.
(c) The number of licensees found to have violated this chapter.

Article 3. Prohibitions and Requirements Applicable to Licensee

§ 29100. Compliance with prohibitions and requirements. A licensee shall comply with the prohibitions and requirements described in this article.

§ 29105. Licensee business in buildings designated. The business of a licensee shall be conducted only in the buildings designated in the license.

§ 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.

§ 29115. Missing or stolen firearm.
(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.

§ 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.

§ 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.
§ 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.

§ 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.

§ 29140. Firearm storage. A licensee shall store in a secure facility all firearms manufactured and all barrels for firearms manufactured.

§ 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.

§ 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.

§ 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.
§ 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

§ 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.

§ 29505. Requests for entertainment firearms permit.
(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.

§ 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.

§ 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.

§ 29520. Fingerprint submission.
(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.

§ 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.

§ 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

§ 29610.  Possession of pistol, revolver, or other firearm capable of being concealed upon person by minor prohibited.  A minor shall not possess a pistol, revolver, or other firearm capable of being concealed upon the person.

§ 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 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 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 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.

Article 2.  Possession of Live Ammunition

§ 29650.  Possession of live ammunition by minor prohibited.  A minor shall not possess live ammunition.

§ 29655.  Exceptions.  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

§ 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 a violation of § 29610.
(b) Violations of this chapter other than those violations specified in subdivision (a) shall be punishable as a misdemeanor.

§ 29705. Requirement of custodial parent or legal guardian to participate in parenting education classes.
In a proceeding to enforce this chapter brought pursuant to Article 14 (commencing with § 601) of Chapter 2 of Part 1 of Division 2 of the Welfare and Institutions Code, the court may require the custodial parent or legal guardian of a minor who violates this chapter to participate in classes on parenting education that meet the requirements established in § 16507.7 of the Welfare and Institutions Code.

Chapter 2. Person Convicted of Specified Offense, Addicted to Narcotic, or Subject to Court Order
Article 1. Prohibitions on Firearm Access

§ 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.
(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 person who has been convicted of a felony under the laws of the United States unless either of the following criteria 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.

§ 29805. Person convicted of specified misdemeanor owning, purchasing, receiving or possessing firearm.
Except as provided in § 29855 or subdivision (a) of § 29800, any person who has been convicted of a misdemeanor violation of § 71, 76, 136.1, 136.5, or 140, subdivision (d) of § 148, § 171b, paragraph (1) of subdivision (a) of § 171c, 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, 626.9, 646.9, or 830.95, subdivision (a) of former § 12100, as that section 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, § 17500, 17510, 25300, 25800, 30315, or 32625, subdivision (b) or (d) of § 26100, or § 27510, or § 8100, 8101, or 8103 of the Welfare and Institutions Code, any firearm-related offense pursuant to §§ 871.5 and 1001.5 of the Welfare and Institutions Code, or of the conduct punished in subdivision (c) of § 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, 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. 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 § 29855 or 29860.

§ 29810. Notice to person subject to Section 29800 or 29805.
(a) For any person who is subject to § 29800 or 29805, the court shall, at the time judgment is imposed, provide on a form supplied by the Department of Justice, a notice to the defendant prohibited by this chapter from owning, purchasing, receiving, possessing, or having under custody or control, any firearm. The notice shall inform the defendant of the prohibition regarding firearms and include a form to facilitate the transfer of firearms. If the prohibition on owning or possessing a firearm will expire on a date specified in the court order, the form shall inform the defendant that he or she may elect to have his or her firearm transferred to a firearms dealer licensed pursuant to § 29830.
(b) Failure to provide the notice described in subdivision (a) is not a defense to a violation of this chapter.

§ 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.
§ 29820. Person committing specified offense and adjudged ward of court.

(a) This section applies to any person who satisfies both of the following requirements:
   (1) The person is alleged to have committed an offense listed in subdivision (b) of § 707 of the Welfare and Institutions Code, an offense described in subdivision (b) of § 1203.073, any offense enumerated in § 29805, or any offense described in § 25850, subdivision (a) of § 25400, or subdivision (a) of § 26100.
   (2) The person is subsequently adjudged a ward of the juvenile court within the meaning of § 602 of the Welfare and Institutions Code because the person committed an offense listed in subdivision (b) of § 707 of the Welfare and Institutions Code, an offense described in subdivision (b) of § 1203.073, any offense enumerated in § 29805, or any offense described in § 25850, subdivision (a) of § 25400, or subdivision (a) of § 26100.

(b) Any person described in subdivision (a) shall not own, or have in possession or under custody or control, any firearm until the age of 30 years.

(c) A violation of this section 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.

(d) The juvenile court, on forms prescribed by the Department of Justice, shall notify the department of persons subject to this section. Notwithstanding any other law, the forms required to be submitted to the department pursuant to this section may be used to determine eligibility to acquire a firearm.

§ 29825. Person prohibited from purchasing or receiving firearm by temporary restraining order, injunction, protective order.

(a) Every person who purchases or receives, or attempts to purchase or receive, a firearm knowing that the person is prohibited from doing so 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, or a protective order issued pursuant to § 15657.03 of the Welfare and Institutions Code, 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) Every person who owns or possesses a firearm knowing that the person is prohibited from doing so 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, or a protective order issued pursuant to § 15657.03 of the Welfare and Institutions Code, is guilty of a public offense, which shall be 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 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.

§ 29830. Transfer of firearm or ammunition to dealer during ownership prohibition.

(a) Any person who is prohibited from owning or possessing a firearm or ammunition pursuant to this article, or who is prohibited from owning or possessing a firearm or ammunition pursuant to any other law, may transfer or cause to be transferred, any firearm or firearms or ammunition in his or her possession, or of which he or she is the owner, to a firearms dealer licensed pursuant to § 26700 to 26915, inclusive, for storage during the duration of the prohibition, if the prohibition on owning or possessing the firearm will expire on a date specified in the court order.

(b) A firearms dealer who stores a firearm or firearms or ammunition pursuant to subdivision (a), may charge the owner a reasonable fee for the storage of the firearm or firearms or ammunition.

(c) A firearms dealer who stores a firearm or firearms or ammunition pursuant to subdivision (a) shall notify the Department of Justice of the date that the firearms dealer has taken possession of the firearm or firearms 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 § 27540 and Article 1 (commencing with § 26700) and Article 2 (commencing with § 26800) of Chapter 2 of Division 6.

Article 2. Exemption or Petition for Relief

§ 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.
Subject to available funding, the Attorney General, working with the Judicial Council, the California Alliance Against
§ 29875. Protocol regarding possession of firearm by convicted felon or other specified persons.

this section in cases in which relief is warranted. However, nothing in this section shall be construed to requi
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§ 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.

§ 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.


§ 29875. Protocol regarding possession of firearm by convicted felon or other specified persons.

Subject to available funding, the Attorney General, working with the Judicial Council, the California Alliance Against
Domestic Violence, prosecutors, and law enforcement, probation, and parole officers, shall develop a protocol for the implementation of the provisions of § 12021, as it reads in § 2 of Chapter 830 of the Statutes of 2002, and as later amended at any time before completion of the protocol. The protocol shall be designed to facilitate the enforcement of restrictions on firearm ownership, including provisions for giving notice to defendants who are restricted, provisions for informing those defendants of the procedures by which defendants shall dispose of firearms when required to do so, provisions explaining how defendants shall provide proof of the lawful disposition of firearms, and provisions explaining how defendants may obtain possession of seized firearms when legally permitted to do so pursuant to any provision of law. The protocol shall be completed on or before January 1, 2005.

Chapter 3. Person Convicted of Violent Offense

§ 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.
   (3) If probation is granted, or if the imposition or execution of sentence is suspended, it shall be a condition of the probation or suspension that the defendant serve at least 6 months in a county jail.
(b) (1) Any person previously convicted of any of the offenses listed in § 29905 which conviction results from certification by the juvenile court for prosecution as an adult in adult court under the provisions of § 707 of the Welfare and Institutions Code, who owns or has in possession or under custody or control any firearm, is guilty of a felony.
   (2) If probation is granted, or if the imposition or execution of sentence is suspended, it shall be a condition of the probation or suspension that the defendant serve at least 6 months in a county jail.

§ 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 non-inmate.
   (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.

Chapter 4. Prohibited Armed Persons File

§ 30000. Prohibited Armed Persons File.
(a) The Attorney General shall establish and maintain an online database to be known as the Prohibited Armed Persons...
§ 30005. Prohibited Armed Persons File database. The Prohibited Armed Persons File database shall function as follows:

(a) Upon entry into the Automated Criminal History System of a disposition for a conviction of any felony, a conviction for any firearms-prohibiting charge specified in Chapter 2 (commencing with § 29800), a conviction for an offense described in Chapter 3 (commencing with § 29900), a firearms possession pursuant to § 8100 or 8103 of the Welfare and Institutions Code, or any firearms possession prohibited identified by the federal National Instant Criminal Background Check System, the Department of Justice shall determine if the subject has an entry in the Consolidated Firearms Information System indicating ownership or possession of a firearm on or after January 1, 1996, or an assault weapon registration, or a .50 BMG rifle registration.

(b) Upon an entry into any department automated information system that is used for the identification of persons who are prohibited by state or federal law from acquiring, owning, or possessing firearms, the department shall determine if the subject has an entry in the Consolidated Firearms Information System indicating ownership or possession of a firearm on or after January 1, 1996, or an assault weapon registration, or a .50 BMG rifle registration.

(c) If the department determines that, pursuant to subdivision (a) or (b), the subject has an entry in the Consolidated Firearms Information System indicating possession or ownership of a firearm on or after January 1, 1996, or an assault weapon registration, or a .50 BMG rifle registration, the following information shall be entered into the Prohibited Armed Persons File:

A description of all firearms owned or possessed by the subject, as reflected by the Consolidated Firearms Information System.

Chapter 5. Firearms Eligibility Check

Article 1. Firearms Eligibility Check

§ 30105. Firearms eligibility check.

(a) An individual may request that the Department of Justice perform a firearms eligibility check for that individual. The applicant requesting the eligibility check shall provide the personal information required by § 28160 or 28165, as applicable, but not any information regarding any firearm, to the department, in an application specified by the department.

(b) The department shall charge a fee of $20 for performing the eligibility check authorized by this section, but not to exceed the actual processing costs of the department. After the department establishes fees sufficient to reimburse the department for processing costs, fees charged may increase at a rate not to exceed the legislatively approved cost-of-living adjustment for the department's budget or as otherwise increased through the Budget Act.

(c) An applicant for the eligibility check pursuant to subdivision (a) shall complete the application, have it notarized by any licensed California Notary Public, and submit it by mail to the department.

(d) Upon receipt of a notarized application and fee, the department shall do all of the following:

(1) Examine its records, and the records it is authorized to request from the State Department of State Hospitals pursuant to § 8104 of the Welfare and Institutions Code, to determine if the purchaser is prohibited by state or federal law from possessing, receiving, owning, or purchasing a firearm.

(2) Notify the applicant by mail of its determination of whether the applicant is prohibited by state or federal law from possessing, receiving, owning, or purchasing a firearm. The department's notification shall state either "eligible to possess firearms as of the date the check was completed" or "ineligible to possess firearms as of the date the check was completed."

(e) If the department determines that the information submitted to it in the application contains any blank spaces, or inaccurate, illegible, or incomplete information, creating identification of the applicant, or if the required fee is not submitted, the department shall not be required to perform the firearms eligibility check.

(f) The department shall make applications to conduct a firearms eligibility check as described in this section available to licensed firearms dealers and on the department's Internet Web site.

(g) The department shall be immune from any liability arising out of the performance of the firearms eligibility check, or any reliance upon the firearms eligibility check.
No person or agency may require or request another person to obtain a firearms eligibility check or notification of a firearms eligibility check pursuant to this section. A violation of this subdivision is a misdemeanor.

The department shall include on the application specified in subdivision (a) and the notification of eligibility specified in subdivision (d) the following statements:

"No person or agency may require or request another person to obtain a firearms eligibility check or notification of firearms eligibility check pursuant to § 30105 of the Penal Code. A violation of these provisions is a misdemeanor."

"If the applicant for a firearms eligibility check purchases, transfers, or receives a firearm through a licensed dealer as required by law, a waiting period and background check are both required."

Article 2. Exceptions Relating to Law Enforcement

§ 30150. Inapplicability of check to sale, deliver, transfer to authorized law enforcement representative for governmental use.

(a) Section 30105 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.

§ 30155. Inapplicability of check to loan by authorized law enforcement representative to peace officer.

Section 30105 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.

§ 30160. Inapplicability of eligibility check to transfer by authorized law enforcement representative to peace officer.

(a) Section 30105 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.

§ 30165. Inapplicability of eligibility check to transfer by authorized law enforcement representative to retiring peace officer.

(a) Section 30105 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.

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

§ 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.

§ 30215. Tracer ammunition. Section 30210 does not apply to tracer ammunition manufactured for use in a shotgun.

§ 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

§ 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.

§ 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).

§ 30306. Providing ammunition to person prohibited from having; Standard; 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.
§ 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.

§ 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.

§ 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.

§ 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.

§ 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 5 of Title 2.

§ 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.

§ 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. Handgun Ammunition Vendors

§ 30345. Compliance by vendor.
(a) Commencing January 1, 2018, only an ammunition vendor who is licensed by the Department of Justice shall be authorized to sell ammunition in this state, except as provided by Article 5 (commencing with § 30360).
(b) Subdivision (a) does not apply to the sale of ammunition by any of the following:
(1) A commercial hunting club, as defined in § 3240.5 of the Fish and Game Code, provided the ammunition is used and consumed on the licensed premises while engaged in lawful hunting activity.

(2) A domesticated game bird hunting club, pursuant to § 3270 of the Fish and Game Code, provided the ammunition is used and consumed on the licensed premises while engaged in lawful hunting activity.

(3) A domesticated migratory game bird shooting club, pursuant to Article 4 (commencing with § 3300) of Chapter 2 of Part 1 of Division 4 of the Fish and Game Code, provided the ammunition is used and consumed on the licensed premises while engaged in lawful hunting activity.

(4) A nonprofit mutual or public benefit corporation organized pursuant to the Corporations Code that engages in recreational shooting and lawful hunting activity provided that the ammunition is used and consumed during the shooting or hunting event conducted by that nonprofit or public benefit corporation.

(5) A target facility that holds a business or regulatory license provided that the ammunition is at all times kept within the facility’s premises and used on the premises.

(6) A person who sells no more than 100 rounds of ammunition to one vendor in one month or cumulatively sells no more than 250 rounds per year to vendors in this state.

(c) The Department of Justice is authorized to issue ammunition vendor licenses pursuant to this article. The department shall, commencing July 1, 2017, accept applications for ammunition vendor licenses. The department shall issue a license or deny the application for a license within 60 days of receipt of the application in the first 2 years of implementation, and within 30 days thereafter. If the application is denied, the department shall inform the applicant of the reason for denial in writing.

(d) The ammunition vendor license shall be issued in a form prescribed by the Attorney General and shall be valid for a period of one year. The license shall allow the licensee to sell ammunition from a fixed location and at any place set forth in subdivision (b) of § 30365.

§ 30346. [Fees].

(a) The department may charge ammunition vendor license applicants a fee sufficient to cover the reasonable costs of issuing a certificate of eligibility, as described, except for those persons or entities described in subdivision (d) of § 30347.

(b) The fees received by the department pursuant to this article shall be deposited in the Ammunition Special Account, which is hereby created. The revenue in the fund shall be available, upon appropriation by the Legislature, for use by the Department of Justice for the purpose of implementing and enforcing the provisions of this article, Article 4 (commencing with § 30355) and Article 5 (commencing with § 30360).

§ 30347. [Ammunition vendor license].

(a) The department is authorized to issue ammunition vendor licenses to ammunition vendors who the department has determined are not prohibited by state or federal law from possessing, receiving, owning, or purchasing a firearm and who have a certificate of eligibility issued by the department.

(b) The department shall require any agent or employee of a vendor who handles, sells, or delivers ammunition to obtain and provide to the ammunition vendor a certificate of eligibility from the Department of Justice pursuant to § 26710. On the application for the certificate, the agent or employee shall provide the name and California ammunition vendor number of the vendor with whom the person is employed.

(c) In the case of an entity other than a natural person, the department shall issue the license to the business entity, pursuant to the requirements in subdivisions (a) and (b).

(d) The department shall, upon request and in a manner prescribed by the department, issue ammunition vendor licenses to the following:

(1) A firearms dealer licensed pursuant to §§ 26700 to 26915, inclusive.
(2) A person who is on the centralized list of federal firearms licensees maintained by the department pursuant to Article 6 (commencing with § 28450) of Chapter 6 of Division 6.
(3) A gunsmith as defined in § 16630.
(4) A wholesaler as defined in § 17340.
(5) 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.
(6) The department shall keep a registry of all licensed ammunition vendors.

(e) The department shall revoke the license of any ammunition vendor who violates this article, Article 4 (commencing with § 30355), or Article 5 (commencing with § 30360) in any combination 3 times. The ammunition vendor shall thereafter be permanently ineligible for an ammunition vendor license.

§ 30350. Transfer of ammunition without assistance of vendor or employee. A 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 handgun 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.

§ 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:
§ 30357. Inspection of records.

(a) Any person who violates any provision of this article 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) The provisions of this article 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.

§ 30355. Maintenance of records.

(a) Any person who violates any provision of this article 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) The provisions of this article 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.

§ 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.

§ 30360. False entries in records.

(a) Any person who violates any provision of this article 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) The provisions of this article 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.

30362. [Limitation on vendor's employees]. A vendor shall not permit any employee who the vendor knows or reasonably should know is a person 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, to handle, sell, or deliver ammunition or to deliver or have under his or her custody or control ammunition in the course and scope of employment.

30363. A vendor shall not sell or otherwise transfer ownership of, offer for sale, or otherwise offer to transfer ownership of, display for sale, or display for transfer 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.

30364. (a) The sale, delivery, or transfer of ammunition may only occur in a face-to-face transaction with the seller, deliverer, or transferee being provided bona fide evidence of identity from the purchaser or other transferee, provided, however, that ammunition may be purchased over the Internet or through other means of remote ordering if an ammunition vendor in this state initially receives the ammunition and processes the transfer in compliance with this article, Article 3 (commencing with § 30345), and Article 4 (commencing with § 30355). An ammunition vendor is required to promptly and properly process those transactions. An ammunition vendor may charge a fee to process the transfer not to exceed $10 per transaction. An ammunition vendor is not required to house ammunition orders longer than 30 days.

(b) Subdivision (a) shall not apply to or affect the sale, delivery, or transfer of ammunition to any of the following:

1. A firearms dealer licensed pursuant to §§ 26700 to 26915, inclusive.
2. A person who is on the centralized list of federal firearms licensees maintained by the Department of Justice pursuant to Article 6 (commencing with § 28450) of Chapter 6 of Division 6.
3. A gunsmith as defined in § 16630.
4. A wholesaler as defined in § 17340.
5. 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.
6. An ammunition vendor.
7. 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 § 921) of Title 18 of the United States Code and the regulations issued pursuant thereto.
8. A person who is licensed as a collector of firearms pursuant to Chapter 44 (commencing with § 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 § 26710.
9. An authorized law enforcement representative of a city, county, city and county, or state or federal government, if the sale, delivery, or other transfer is for exclusive use by that government agency and, prior to the sale, delivery, or transfer of the ammunition, written authorization is received from the head of the agency, or designee, 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 employing the individual.
10. 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 member of a federal law enforcement agency who is authorized to carry a firearm in the course and scope of the officer's duties.
11. A target facility holding a business or other regulatory license.
12. A commercial hunting club, as defined in § 3240.5 of the Fish and Game Code.
13. A domesticated game bird hunting club, pursuant to § 3270 of the Fish and Game Code.
14. A domesticated migratory game bird shooting club, pursuant to Article 4 (commencing with § 3300) of Chapter 2 of Part 1 of Division 4 of the Fish and Game Code.
(15) A nonprofit mutual or public benefit corporation organized pursuant to the Corporations Code that engages in recreational shooting and lawful hunting activity.
(16) A consultant-evaluator.
(17) A contract or common carrier or an authorized agent or employee thereof, when acting in conformance with applicable federal law.

30365.
(a) Except as provided in subdivision (b), the sale of ammunition shall be conducted at the location specified in the license.
(b) A vendor may sell ammunition at a gun show or event, as described in Chapter 3 (commencing with § 27200) of Division 6, if the gun show or event is not conducted from any motorized or towed vehicle.
(c) Sales of ammunition at a gun show or event shall comply with §§ 30345, 30356, 30369, and 30370.

30366.
(a) When neither party in an ammunition sale is a vendor, the following shall apply:
(1) The seller shall deliver the ammunition to a vendor to process the transaction.
(2) The vendor shall then 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.
(3) If the vendor cannot legally deliver the ammunition to the purchaser, the vendor shall forthwith return the ammunition to the seller. This return is not subject to § 30356.
(b) The vendor may charge the purchaser an administrative fee to process the transaction, not to exceed $10 per transaction processed.
(c) A person selling ammunition pursuant to this section is exempt from the requirement to be licensed pursuant to § 30345.
(d) This section does not apply to a person whose premises are outside of this state when directly selling and shipping ammunition to a law enforcement agency within this state.

30367.
(a) Notwithstanding §§ 30345 and 30366, the sale of ammunition between the following is authorized so long as it does not exceed 50 rounds per month:
(1) The sale of ammunition between licensed hunters while engaged in lawful hunting activity.
(2) The sale of ammunition between immediate family members, spouses, or registered domestic partners.
(b) Notwithstanding §§ 30345 and 30366, the sale of ammunition by a private individual to an authorized representative of a city, city and county, county, state, or the federal government, as part of a voluntary program is authorized.
(c) Ammunition acquired pursuant to subdivision (b) shall be disposed of in the same manner as set forth for firearms in § 18000, 18005, or 34000.

30368.
(a) Commencing July 1, 2019, a resident of this state shall not bring or transport into this state any ammunition that he or she purchased from outside of this state unless he or she first has that ammunition delivered to an ammunition vendor in this state for delivery to that resident pursuant to the procedures set forth in § 30366.
(b) Subdivision (a) does not apply to any of the following bringing or transporting into this state any ammunition:
(1) A firearms dealer licensed pursuant to §§ 26700 to 26915, inclusive.
(2) A person who is on the centralized list of federal firearms licensees maintained by the department pursuant to Article 6 (commencing with § 28450) of Chapter 6 of Division 6.
(3) A gunsmith as defined in § 16630.
(4) A wholesaler as defined in § 17340.
(5) 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.
(6) An ammunition vendor.
(7) A person who is licensed as a collector of firearms pursuant to Chapter 44 (commencing with § 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 § 26710.
(8) Authorized law enforcement representatives of cities, counties, cities and counties, or state or federal governments for exclusive use by those government agencies if, prior to the importation, the person has written authorization from the head of the agency authorizing the acquisition of that ammunition. Proper written authorization is defined as verifiable written certification from the head of the agency, or designee, by which the person is employed, identifying the employee as an individual authorized to acquire and import ammunition, and authorizing the transaction for the exclusive use of the agency by which he or she is employed.
(9) 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 member of a federal law enforcement agency who is authorized to carry a firearm in the course and scope of the officer’s duties.
(10) A contract or common carrier or an authorized agent or employee thereof, when acting in conformity with applicable federal law.
(11) A person who purchases the ammunition from an immediate family member, spouse, or registered domestic partner if the person brings or transports into this state no more than 50 rounds.

(12) The executor or administrator of an estate that includes ammunition.

(13) A person that at the time he or she acquired the ammunition was not a resident of this state.

(14) Ammunition that is imported into this country pursuant to provisions of § 925(a)(4) of Title 18 of the United States Code.

(15) A licensed hunter who purchased the ammunition outside of this state for use in a lawful hunting activity that occurred outside of this state if the person brings or imports no more than 50 rounds into this state and the ammunition is designed and intended for use in the firearm the hunter used in that hunting activity.

(16) A person who attended and participated in an organized competitive match or league competition that involves the use of firearms in a match or competition 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, and the person brings or imports into this state no more than 50 rounds of ammunition designed and intended to be used in the firearm the person used in the match or competition.

30369.

(a) Commencing July 1, 2019, a vendor shall not sell or otherwise transfer ownership of any ammunition without, at the time of delivery, legibly recording the following information:

(1) The purchaser's or transferee's date of birth.

(2) The purchaser's or transferee's driver's license or other identification number and the state in which it was issued.

(3) The date of the sale or other transaction.

(4) The brand, type, and amount of ammunition sold or otherwise transferred.

(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) Commencing July 1, 2019, the vendor shall electronically submit to the department the information required by subdivision (a) in a format and a manner prescribed by the department for all sales or other transfers of ammunition. The department shall retain this information for 2 years in a database to be known as the Ammunition Purchase Records File for the sole purpose of aiding and assisting local and state law enforcement agencies in an active investigation. The vendor shall not share any of the information required by subdivision (a) for any reason other than for authorized law enforcement purposes. The information in the Ammunition Purchase Records File may be accessed by a state or local law enforcement agency only if the department is provided a case number or other sufficient information as determined by the department that indicates an active investigation and the information sought is for the investigation or prosecution of that case.

(c) In the case that a vendor cannot submit the information required by subdivision (a) electronically via an Internet connection, the department shall provide a telephone line to submit the information if the vendor can demonstrate legitimate geographic and telecommunications limitations to submitting the information electronically, and the department approves the vendor's use of the telephone line.

(d) This section shall not apply to or affect sales or other transfers of ammunition by ammunition vendors to any of the following, if properly identified:

(1) 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 and used on the premises.

(2) A target facility that holds a business or regulatory license.

(3) A person who purchases or receives ammunition from an immediate family member, spouse, or registered domestic partner if the person brings or transports into this state no more than 50 rounds.

(4) A person that at the time he or she acquired the ammunition was not a resident of this state.

(5) A person who purchased the ammunition from an immediate family member, spouse, or registered domestic partner if the person brings or transports into this state no more than 50 rounds.

(6) An ammunition vendor.

(7) An authorized law enforcement representative of a city, county, city and county, or state or federal government, if the sale or other 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, or designee, 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, or designee, 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 properly identified sworn peace officer, as defined in Chapter 4.5 (commencing with § 830) of Title 3 of Part 2, or properly identified sworn member of a federal law enforcement agency who is authorized to carry a firearm in the course and scope of the officer's duties.

(9) A target facility that holds a business or regulatory license.

(10) 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 and used on the premises.

(11) A commercial hunting club, as defined in § 3240.5 of the Fish and Game Code.

(12) A domesticated game bird hunting club, pursuant to § 3270 of the Fish and Game Code.
§ 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.
   (E) Made in China and Poly Technologies AKS.

(2) UZI and Galil.
(3) Beretta AR-70.
(4) CETME Sporter.
(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.
(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.

§ 30515. Further definition of "assault weapon."
(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 has the ability to accept a detachable magazine.
(8) Any shotgun with a revolving cylinder.
(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.

§ 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.

§ 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.

§ 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

§ 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.

§ 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 to be 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.

§ 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.

§ 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.

§ 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, 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.

§ 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 enacted 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.

§ 30635. Exception during 90-day period specified as assault weapon. Section 30605 shall not apply to the possession of an assault weapon during the 90-day period immediately after the date it was specified as an assault weapon pursuant to former § 12276.5, as that section 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, or during the one-year period after the date it was 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, 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 the particular assault weapon.
(b) The person lawfully possessed the particular assault weapon prior to the date it was specified as an assault weapon pursuant to former § 12276.5, or prior to the date it was defined as an assault weapon pursuant to former § 12276.1.
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.

§ 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.

§ 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.

§ 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.

§ 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 theprobate court.

§ 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:
   - While on a target range that holds a regulatory or business license for the purpose of practicing shooting at that target range.
   - 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.
   - 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).
§ 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.

§ 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.

§ 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.

§ 30680. 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.

Article 3. SKS Rifles

§ 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.

§ 30715. Manufacture, distribution, sale or possession of SKS rifle.
(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
(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.

(a) Any person, firm, company, or corporation that is in possession of an SKS rifle shall do one of the following on or before January 1, 2000:
   (1) Relinquish the SKS rifle to the Department of Justice pursuant to subdivision (h) of former § 12281.
   (2) Relinquish the SKS rifle to a law enforcement agency pursuant to former § 12288, as added by § 3 of Chapter 19 of the Statutes of 1989.
   (3) Dispose of the SKS rifle as permitted by former § 12285, as it read in § 20 of Chapter 23 of the Statutes of 1994.
(b) Any person who has obtained title to an SKS rifle by bequest or intestate succession shall be required to comply with paragraph (1) or (2) of subdivision (a) unless that person otherwise complies with paragraph (1) of subdivision (b) of former § 12285, as it read in § 20 of Chapter 23 of the Statutes of 1994, or as subsequently amended.
(c) Any SKS rifle relinquished to the department pursuant to this section shall be in a manner prescribed by the department.

§ 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.

§ 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

§ 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 possession of the assault weapon or .50 BMG rifle that is a public nuisance.
(b) Upon motion of the Attorney General, district attorney, or city attorney, a superior court may impose a civil fine not to exceed $300 for the first assault weapon or .50 BMG rifle deemed a public nuisance pursuant to subdivision (a) and up to $100 for each additional assault weapon or .50 BMG rifle deemed 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

§ 30900. Registration of assault weapon.
(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 January 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).

§ 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.

§ 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.

§ 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.
§ 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.

§ 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.

§ 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.

§ 30935. Obtaining .50 BMG rifle by bequest or intestate succession. 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.

§ 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.

§ 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,
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.

§ 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.

§ 30955. Joint registration allowed. 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.

§ 30960. Forgiveness period for registration of assault weapon.
(a) For 90 days following January 1, 1992, a forgiveness period shall exist to allow any person specified in subdivision (b) of former § 12280, as it reads in § 4.5 of Chapter 954 of the Statutes of 1991, to register with the Department of Justice any assault weapon that the person lawfully possessed prior to June 1, 1989.

(b) (1) Any person who registers an assault weapon during the 90-day forgiveness period described in subdivision (a), and any person whose registration form was received by the Department of Justice after January 1, 1991, and who was issued a temporary registration prior to the end of the forgiveness period, shall not be charged with a violation of subdivision (b) of former § 12280, as added by § 3 of Chapter 19 of the Statutes of 1989 or as subsequently amended, if law enforcement becomes aware of that violation only as a result of the registration of the assault weapon.

(2) This section shall have no effect upon any person charged prior to January 1, 1992, with a violation of subdivision (b) of former § 12280 as added by § 3 of Chapter 19 of the Statutes of 1989 or as subsequently amended, provided that law enforcement was aware of the violation before the weapon was registered.

§ 30965. Registration prior to January 1, 2000.
(a) Any person who registered a firearm as an assault weapon prior 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

§ 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.

§ 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) Law enforcement and military agencies.

(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

§ 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.

§ 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.


§ 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.

§ 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.

§ 31110. Annual inspection for security and safe storage by Department of Justice.
(a) Except as provided in subdivision (b), the Department of Justice shall, for every person to whom a permit is issued pursuant to this article, annually conduct an inspection for security and safe storage purposes, and to reconcile the inventory of assault weapons.
(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.

Division 10. Special Rules Relating to Particular Types of Firearms or Firearm Equipment
Chapter 4. Handguns and Firearm Safety
Article 1. Unconventional Pistol

§ 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.
§ 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

§ 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.

§ 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.

§ 31625. Certificate requirements.
(a) A certified instructor shall not issue a firearm safety certificate to any person who has not complied with this article. Proof of compliance shall be forwarded to the department by certified instructors as frequently as the department may determine.
(b) A certified instructor shall not issue a firearm safety certificate to any person who is under 18 years of age.
(c) A violation of this section shall be grounds for the department to revoke the instructor's certification to issue firearm safety certificates.

§ 31640. Written test.
(a) The department shall develop a written objective test, in English and in Spanish, and prescribe its content, form, and manner, to be administered by an instructor certified by the department.
(b) If the person taking the test is unable to read, the examination shall be administered orally. If the person taking the test is unable to read English or Spanish, the test may be applied orally by a translator.
(c) The test shall cover, but not be limited to, all of the following:
   (1) The laws applicable to carrying and handling firearms, particularly handguns.
   (2) The responsibilities of ownership of firearms, particularly handguns.
   (3) Current law as it relates to the private sale and transfer of firearms.
   (4) Current law as it relates to the permissible use of lethal force.
   (5) What constitutes safe firearm storage.
   (6) Issues associated with bringing a firearm into the home.
   (7) Prevention strategies to address issues associated with bringing firearms into the home.
(d) The department shall update test materials related to this article every 5 years.
(e) If a dealer licensed pursuant to §§ 26700 to 26915, inclusive, or his or her employee, or where the managing officer or partner is certified as an instructor pursuant to this article, he or she shall also designate a separate room or partitioned area for a person to take the objective test, and maintain adequate supervision to ensure that no acts of collusion occur while the objective test is being administered.

§ 31645. Passing objective test.
(a) An applicant for a firearm safety certificate shall successfully pass the objective test referred to in § 31640, with a passing grade of at least 75 percent. Any person receiving a passing grade on the objective test shall immediately be issued a firearm safety certificate by the instructor.
(b) An applicant who fails to pass the objective test upon the first attempt shall be offered additional instructional materials by the instructor, such as a videotape or booklet. The person may not retake the objective test under any circumstances until 24 hours have elapsed after the failure to pass the objective test upon the first attempt. The person failing the test on the first attempt shall take another version of the test upon the second attempt. All tests shall be taken from the same instructor except upon permission by the department, which shall be granted only for good cause shown. The instructor shall make himself or herself available to the applicant during regular business hours in order to retake the test.

§ 31650. Fees.
(a) The certified instructor may charge a fee of $25, $15 of which is to be paid to the department pursuant to subdivision (c).
(b) An applicant to renew a firearm safety certificate shall be required to pass the objective test. The certified instructor may charge a fee of $25, $15 of which is to be forwarded to the department pursuant to subdivision (c).
(c) The department may charge the certified instructor up to $15 for each firearm safety certificate issued by that instructor.
to cover the department’s cost in carrying out and enforcing this article, and enforcing the provisions listed in subdivision (e), as determined annually by the department.

§ 31655. Firearm safety certificate.
(a) The department shall develop firearm safety certificates to be issued by instructors certified by the department to those persons who have complied with this article.
(b) A firearm safety certificate shall include, but not be limited to, the following information:
(1) A unique firearm safety certificate identification number.
(2) The holder’s full name.
(3) The holder’s date of birth.
(4) The holder’s driver’s license or identification number.
(5) The holder’s signature.
(6) The signature of the issuing instructor.
(7) The date of issuance.
(c) The firearm safety certificate shall expire 5 years after the date that it was issued by the certified instructor.

§ 31660. Loss or destruction of certificate.
(a) In the case of loss or destruction of a firearm safety certificate, the issuing instructor shall issue a duplicate certificate upon request and proof of identification to the certificate holder.
(b) In the case of loss or destruction of a handgun safety certificate, the issuing instructor shall issue a duplicate certificate upon request and proof of identification to the certificate holder, which shall be valid only for the balance of the unexpired term of the original certificate.
(c) The department may authorize the issuing instructor to charge a fee, not to exceed $15, for a duplicate certificate. Revenues from this fee shall be deposited in the Firearms Safety and Enforcement Special Fund created pursuant to § 28300.

Article 3. Exceptions to Firearm Safety Certificate Requirement

§ 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) 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 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, 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 levy 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.
An assignee for the benefit of creditors performing the functions of an assignee.

(c) A person, validly identified, who has been issued a valid hunting license that is unexpired or that was issued for the hunting season immediately preceding the calendar year in which the person takes title of possession of a firearm is exempt from the firearm safety certificate requirement in subdivision (a) of § 31615, except as to handguns.

§ 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.

§ 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.

§ 31715. Exception for transfer without valid firearm or handgun safety certificate to peace officer.

(a) Subdivision (a) of § 31615 does not apply to any 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.

§ 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.

§ 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.

§ 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
The person being loaned the firearm is 18 years of age or older.

The individual receiving the firearm is not prohibited by state or federal law from possessing, receiving, owning, or purchasing a firearm.

Loan of a firearm if all of the following conditions exist:

§ 31750. Exception for loan without valid handgun safety certificate.

- The person loaning the firearm is 18 years of age or older.
- The loan does not exceed 3 days in duration.
- The loan is for a lawful purpose.
- The loan does not exceed 3 days in duration.
- The individual receiving the firearm is not prohibited by state or federal law from possessing, receiving, owning, or purchasing a firearm.
- The person being loaned the firearm is 18 years of age or older.

§ 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:

- The entity receiving the firearm is open to the public.
- The firearm prior to delivery is deactivated or rendered inoperable.
- The firearm prior to delivery is deactivated or rendered inoperable prior to delivery.
- The firearm is not subject to any of the following:
  - Sections 18000 and 18005.
  - Division 4 (commencing with § 18250) of Title 2.
  - Section 34000.
  - Sections 34005 and 34010.
- The firearm is not prohibited by other provisions of law from being sold, delivered, or transferred to the public at large.
- 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.
- 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.
  4. A copy of the written statement referred to in subdivision (d).
- 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.

§ 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.

§ 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.

§ 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:

- The person loaning the firearm is at all times within the presence of the person being loaned the firearm.
- The loan is for a lawful purpose.
- The loan does not exceed 3 days in duration.
- The individual receiving the firearm is not prohibited by state or federal law from possessing, receiving, owning, or purchasing a firearm.
- The person loaning the firearm is 18 years of age or older.
- The person being loaned the firearm is 18 years of age or older.
§ 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.

§ 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.

§ 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.

§ 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.

§ 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.

§ 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.

§ 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.

§ 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.

§ 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.

§ 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.

§ 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.

§ 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.

§ 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.

§ 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.

§ 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
The sale, delivery, or transfer of the firearm follows the procedures set forth in subdivision (c) of § 26620.

Chapter 4. "Unsafe Handgun" and Related Definitions

§ 31900. "Drop safety requirement for handguns." As used in this part, the "drop safety requirement for handguns" means that at the conclusion of the firing requirements for handguns described in § 31905, the same certified independent testing laboratory shall subject the same 3 handguns of the make and model for which certification is sought, to the following test:

(a) A primed case (no powder or projectile) shall be inserted into the chamber. For a pistol, the slide shall be released, allowing it to move forward under the impetus of the recoil spring, and an empty magazine shall be inserted. For both a pistol and a revolver, the weapon shall be placed in a drop fixture capable of dropping the pistol from a drop height of 1m + 1cm (39.4 + 0.4 in.) onto the largest side of a slab of solid concrete having minimum dimensions of 7.5 x 15 x 15 cm (3 x 6 x 6 in.). The drop distance shall be measured from the lowermost portion of the weapon to the top surface of the slab. The weapon shall be dropped from a fixture and not from the hand. The weapon shall be dropped in the condition that it would be in if it were dropped from a hand (cocked with no manual safety applied). If the pistol is designed so that upon leaving the hand a "safety" is automatically applied by the pistol, this feature shall not be defeated. An approved drop fixture is a short piece of string with the weapon attached at one end and the other end held in an air vise until the drop is initiated.

(b) The following 6 drops shall be performed:
   (1) Normal firing position with barrel horizontal.
   (2) Upside down with barrel horizontal.
   (3) On grip with barrel vertical.
   (4) On muzzle with barrel vertical.
   (5) On either side with barrel horizontal.
   (6) If there is an exposed hammer or striker, on the rearmost point of that device, otherwise on the rearmost point of the weapon.

(c) The primer shall be examined for indentations after each drop. If indentations are present, a fresh primed case shall be used for the next drop.

(d) The handgun shall pass this test if each of the 3 test guns does not fire the primer.

§ 31905. "Firing requirement for handguns."

(a) As used in this part, "firing requirement for handguns" means a test in which the manufacturer provides 3 handguns of the make and model for which certification is sought to an independent testing laboratory certified by the Attorney General pursuant to § 32010. These handguns may not be refined or modified in any way from those that would be made available for retail sale if certification is granted. The magazines of a tested pistol shall be identical to those that would be provided with the pistol to a retail customer.

(b) The test shall be conducted as follows:
   (1) The laboratory shall fire 600 rounds from each gun, stopping after each series of 50 rounds has been fired for 5 to 10 minutes to allow the weapon to cool, stopping after each series of 100 rounds has been fired to tighten any loose screws and clean the gun in accordance with the manufacturer's instructions, and stopping as needed to refill the empty magazine or cylinder to capacity before continuing.

   (2) The ammunition used shall be of the type recommended by the handgun manufacturer in the user manual, or if none is recommended, any standard ammunition of the correct caliber in new condition that is commercially available.

(c) A handgun shall pass this test if each of the 3 test guns meets both of the following:
   (1) Fires the first 20 rounds without a malfunction that is not due to ammunition that fails to detonate.
   (2) Fires the full 600 rounds with no more than 6 malfunctions that are not due to ammunition that fails to detonate and without any crack or breakage of an operating part of the handgun that increases the risk of injury to the user.

(d) If a pistol or revolver fails the requirements of either paragraph (1) or (2) of subdivision (c) due to ammunition that fails to detonate, the pistol or revolver shall be retested from the beginning of the "firing requirement for handguns" test. A new model of the pistol or revolver that failed due to ammunition that fails to detonate may be submitted for the test to replace the pistol or revolver that failed.

(e) As used in this section, "malfunction" means a failure to properly feed, fire, or eject a round, or failure of a pistol to accept or eject the magazine, or failure of a pistol's slide to remain open after the magazine has been expended.

§ 31910. "Unsafe handgun." As used in this part, "unsafe handgun" means any pistol, revolver, or other firearm capable of being concealed upon the person, for which any of the following is true:

(a) For a revolver:
   (1) It does not have a safety device that, either automatically in the case of a double-action firing mechanism, or by manual operation in the case of a single-action firing mechanism, causes the hammer to retract to a point where the firing pin does not rest upon the primer of the cartridge.
   (2) It does not meet the firing requirement for handguns.
(3) It does not meet the drop safety requirement for handguns.

(b) For a pistol:
(1) It does not have a positive manually operated safety device, as determined by standards relating to imported guns promulgated by the federal Bureau of Alcohol, Tobacco, Firearms and Explosives.
(2) It does not meet the firing requirement for handguns.
(3) It does not meet the drop safety requirement for handguns.
(4) Commencing January 1, 2006, for a center fire semiautomatic pistol that is not already listed on the roster pursuant to § 32015, it does not have either a chamber load indicator, or a magazine disconnect mechanism.
(5) Commencing January 1, 2007, for all center fire semiautomatic pistols that are not already listed on the roster pursuant to § 32015, it does not have both a chamber load indicator and if it has a detachable magazine, a magazine disconnect mechanism.
(6) Commencing January 1, 2006, for all rimfire semiautomatic pistols that are not already listed on the roster pursuant to § 32015, it does not have a magazine disconnect mechanism, if it has a detachable magazine.
(7) (A) Commencing January 1, 2010, for all semiautomatic pistols that are not already listed on the roster pursuant to § 32015, it is not designed and equipped with a microscopic array of characters that identify the make, model, and serial number of the pistol, etched or otherwise imprinted in 2 or more places on the interior surface or internal working parts of the pistol, and that are transferred by imprinting on each cartridge case when the firearm is fired, provided that the Department of Justice certifies that the technology used to create the imprint is available to more than one manufacturer unencumbered by any patent restrictions.
(B) The Attorney General may also approve a method of equal or greater reliability and effectiveness in identifying the specific serial number of a firearm from spent cartridge casings discharged by that firearm than that which is set forth in this paragraph, to be thereafter required as otherwise set forth by this paragraph where the Attorney General certifies that this new method is also unencumbered by any patent restrictions. Approval by the Attorney General shall include notice of that fact via regulations adopted by the Attorney General for purposes of implementing that method for purposes of this paragraph.
(C) The microscopic array of characters required by this section shall not be considered 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, within the meaning of §§ 23900 and 23920.

Article 5. Rules Governing Unsafe Handguns

§ 32000. Punishment for manufacture, import, sale, gift, or loan of unsafe handgun; Exceptions.
(a) 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.
(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.
(c) 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.

§ 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
§ 32010. Testing requirement; Certification of laboratories; Test report; Requirements for center-fire semiautomatic pistols and rimfire semiautomatic pistols.

(a) Any pistol, revolver, or other firearm capable of being concealed upon the person manufactured in this state, imported into the state for sale, kept for sale, or offered or exposed for sale, shall be tested within a reasonable period of time by an independent laboratory certified pursuant to subdivision (b) to determine whether that pistol, revolver, or other firearm capable of being concealed upon the person meets or exceeds the standards defined in § 31910.

(b) On or before October 1, 2000, the Department of Justice shall certify laboratories to verify compliance with the standards defined in § 31910. The department may charge any laboratory that is seeking certification to test any pistol, revolver, or other firearm capable of being concealed upon the person pursuant to §§ 31900 to 32110, inclusive, a fee not exceeding the costs of certification.

(c) The certified testing laboratory shall, at the manufacturer's or importer's expense, test the firearm and submit a copy of the final test report directly to the Department of Justice along with a prototype of the weapon to be retained by the department. The department shall notify the manufacturer or importer of its receipt of the final test report and the department's determination as to whether the firearm tested may be sold in this state.

(d)(1) Commencing January 1, 2006, no center-fire semiautomatic pistol may be submitted for testing pursuant to §§ 31900 to 32110, inclusive, if it does not have either a chamber load indicator, or a magazine disconnect mechanism if it has a detachable magazine.

   (2) Commencing January 1, 2007, no center-fire semiautomatic pistol may be submitted for testing pursuant to §§ 31900 to 32110, inclusive, if it does not have both a chamber load indicator and a magazine disconnect mechanism.

   (3) Commencing January 1, 2006, no rimfire semiautomatic pistol may be submitted for testing pursuant to §§ 31900 to 32110, inclusive, if it has a detachable magazine, and does not have a magazine disconnect mechanism.

§ 32015. Roster of firearms determined not to be unsafe; Fee for maintenance of roster.

(a) On and after January 1, 2001, the Department of Justice shall compile, publish, and thereafter maintain a roster listing all of the handguns that have been tested by a certified testing laboratory, have been determined not to be unsafe handguns, and may be sold in this state pursuant to this part. The roster shall list, for each firearm, the manufacturer, model number, and model name.

(b)(1) The department may charge every person in this state who is licensed as a manufacturer of firearms pursuant to Chapter 44 (commencing with § 921) of Title 18 of the United States Code, and any person in this state who manufactures or causes to be manufactured, imports into the state for sale, keeps for sale, or offers or exposes for sale any handgun in this state, an annual fee not exceeding the costs of preparing, publishing, and maintaining the roster pursuant to subdivision (a) and the costs of research and development, report analysis, firearms storage, and other program infrastructure costs necessary to implement §§ 31900 to 32110, inclusive. Commencing January 1, 2015, the annual fee shall be paid on January 1, or the next business day, of every year.

(2) Any handgun that is manufactured by a manufacturer who manufactures or causes to be manufactured, imports into the state for sale, keeps for sale, or offers or exposes for sale any handgun in this state, and who fails to pay any fee required pursuant to paragraph (1), may be excluded from the roster.

(3) If a purchaser has initiated a transfer of a handgun that is listed on the roster as not unsafe, and prior to the completion of the transfer, the handgun is removed from the roster of not unsafe handguns because of failure to pay the fee required to keep that handgun listed on the roster, the handgun shall be deliverable to the purchaser if the purchaser is not otherwise prohibited from purchasing or possessing the handgun. However, if a purchaser has initiated a transfer of a handgun that is listed on the roster as not unsafe, and prior to the completion of the transfer, the handgun is removed from the roster pursuant to subdivision (d) of § 32020, the handgun shall not be deliverable to the purchaser.

§ 32025. Removal of handgun from roster. A handgun model removed from the roster pursuant to subdivision (d) of § 32020 may be reinstated on the roster if all of the following are met:

(a) The manufacturer petitions the Attorney General for reinstatement of the handgun model.

(b) The manufacturer pays the Department of Justice for all of the costs related to the reinstatement testing of the handgun model, including the purchase price of the handguns, prior to reinstatement testing.

(c) The reinstatement testing of the handguns shall be in accordance with subdivisions (b) and (c) of § 32020.

(d) The 3 handgun samples shall be tested only once for reinstatement. If the sample fails it may not be retested.

(e) If the handgun model successfully passes testing for reinstatement, and if the manufacturer of the handgun is otherwise in compliance with §§ 31900 to 32110, inclusive, the Attorney General shall reinstate the handgun model on the roster maintained pursuant to subdivision (a) of § 32015.

(f) The manufacturer shall provide the Attorney General with the complete testing history for the handgun model.

(g) Notwithstanding subdivision (a) of § 32020, the Attorney General may, at any time, further retest any handgun model that has been reinstated to the roster.

§ 32030. Listing of firearms differing only cosmetically from firearms on roster.

(a) A firearm shall be deemed to satisfy the requirements of subdivision (a) of § 32015 if another firearm made by the

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.
same manufacturer is already listed and the unlisted firearm differs from the listed firearm only in one or more of the following features:

1. Finish, including, but not limited to, bluing, chrome-plating, oiling, or engraving.
2. The material from which the grips are made.
3. The shape or texture of the grips, so long as the difference in grip shape or texture does not in any way alter the dimensions, material, linkage, or functioning of the magazine well, the barrel, the chamber, or any of the components of the firing mechanism of the firearm.
4. Any other purely cosmetic feature that does not in any way alter the dimensions, material, linkage, or functioning of the magazine well, the barrel, the chamber, or any of the components of the firing mechanism of the firearm.

(b) Any manufacturer seeking to have a firearm listed under this section shall provide to the Department of Justice all of the following:

1. The model designation of the listed firearm.
2. The model designation of each firearm that the manufacturer seeks to have listed under this section.
3. A statement, under oath, that each unlisted firearm for which listing is sought differs from the listed firearm only in one or more of the ways identified in subdivision (a) and is in all other respects identical to the listed firearm.
(c) The department may, in its discretion and at any time, require a manufacturer to provide to the department any model for which listing is sought under this section, to determine whether the model complies with the requirements of this section.

**Article 6. Exceptions to Rules Governing Unsafe Handguns**

§ 32100. Exceptions for certain single-action revolvers.  
(a) Article 4 (commencing with § 31900) and Article 5 (commencing with § 32000) shall not apply to a single-action revolver that has at least a 5-cartridge capacity with a barrel length of not less than 3 inches, and meets any of the following specifications:

1. Was originally manufactured prior to 1900 and is a curio or relic, as defined in § 478.11 of Title 27 of the CFR.
2. Has an overall length measured parallel to the barrel of at least 7 1/2 inches when the handle, frame or receiver, and barrel are assembled.
3. Has an overall length measured parallel to the barrel of at least 7 1/2 inches when the handle, frame or receiver, and barrel are assembled and that is currently approved for importation into the United States pursuant to the provisions of paragraph (3) of subsection (d) of § 925 of Title 18 of the United States Code.

(b) Article 4 (commencing with § 31900) and Article 5 (commencing with § 32000) shall not apply to a single-shot pistol with a break top or bolt action and a barrel length of not less than 6 inches and that has an overall length of at least 10 1/2 inches when the handle, frame or receiver, and barrel are assembled. However, Article 4 (commencing with § 31900) and Article 5 (commencing with § 32000) shall apply to a semiautomatic pistol that has been temporarily or permanently altered so that it will not fire in a semiautomatic mode.

§ 32105. Legislative finding; Pistols designed for Olympic target shooting.  
(a) The Legislature finds a significant public purpose in exempting 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 fall within the definition of "unsafe handgun" pursuant to paragraph (3) of subdivision (b) of § 31910 shall be exempt, as provided in subdivisions (b) and (c).

(b) Article 4 (commencing with § 31900) and Article 5 (commencing with § 32000) shall not apply to any of the following pistols, because they are consistent with the significant public purpose expressed in subdivision (a):

1. The department shall create a program that is consistent with the purpose stated in subdivision (a) to exempt new models of competitive firearms from Article 4 (commencing with § 31900) and Article 5 (commencing with § 32000). The exempt competitive firearms 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.

§ 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 5. Large-Capacity Magazine
Article 1. Rules Governing Large-Capacity Magazines

§ 32310. Large-capacity magazines; Punishment.
(a) Except as provided in Article 2 (commencing with § 32400) of this chapter 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, buys, or receives any large-capacity magazine is punishable by imprisonment in a county jail not exceeding one year or imprisonment pursuant to subdivision (h) of § 1170.

(b) Except as provided in Article 2 (commencing with § 32400) of this chapter and in Chapter 1 (commencing with § 17700) of Division 2 of Title 2, commencing July 1, 2017, any person in this state who possesses any large-capacity magazine, regardless of the date the magazine was acquired, is guilty of an infraction punishable by a fine not to exceed $100 upon the first offense, by a fine not to exceed $250 upon the second offense, and by a fine not to exceed $500 upon the third or subsequent offense.

(c) A person who, prior to July 1, 2017, legally possesses a large-capacity magazine shall dispose of that magazine by any of the following means:

(1) Remove the large-capacity magazine from the state.

(2) Prior to July 1, 2017, sell the large-capacity magazine to a licensed firearms dealer.

(3) Destroy the large-capacity magazine.

(4) Surrender the large-capacity magazine to a law enforcement agency for destruction.

(d) For purposes of this section, “manufacturing” includes both fabricating a magazine and assembling a magazine from a combination of parts, including, but not limited to, the body, spring, follower, and floor plate or end plate, to be a fully functioning large-capacity magazine.

(e) 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.

§ 32311. Large capacity magazine conversion kit illegal; Penalties.
(a) Except as provided in Article 2 (commencing with § 32400) of this chapter and in Chapter 1 (commencing with § 17700) of Division 2 of Title 2, commencing January 1, 2014, any person in this state who knowingly manufactures or causes to be manufactured, imports into the state, keeps for sale, or offers or exposes for sale, or who gives, lends, buys, or receives any large capacity magazine conversion kit is punishable by a fine of not more than $1,000 or imprisonment in a county jail not to exceed 6 months, or by both that fine and imprisonment. This section does not apply to a fully assembled large-capacity magazine, which is governed by § 32310.

(b) For purposes of this section, a "large capacity magazine conversion kit" is a device or combination of parts of a fully functioning large-capacity magazine, including, but not limited to, the body, spring, follower, and floor plate or end plate, capable of converting an ammunition feeding device into a large-capacity magazine.

§ 32315. Permits for possession, transportation, or sale of large-capacity magazine. Upon a showing that good cause exists, the Department of Justice may issue permits for the possession, transportation, or sale between a person licensed pursuant to §§ 26700 to 26915, inclusive, and an out-of-state client, of large-capacity magazines.

§ 32390. Large-capacity magazine as nuisance. Except as provided in Article 2 (commencing with § 32400) of this chapter and in Chapter 1 (commencing with § 17700) of Division 2 of Title 2, any large-capacity magazine is a nuisance and is subject to § 18010.

Article 2. Exceptions Relating Specifically to Large-Capacity Magazines

§ 32400. Exception for government agency charged with law enforcement. Section 32310 does not apply to the sale of, giving of, lending of, possession of, importation into this state of, or purchase of, any large-capacity magazine to or by
The manufacture of a large-capacity magazine for use by a sworn peace officer, as defined in Chapter 4.5 or off duty, and where the use is authorized by the agency and is within the course and scope of their duties.

§ 32405. Exception for sworn peace officer. Section 32310 does not apply to the sale to, lending to, transfer to, purchase by, receipt of, or importation into this state of, a large-capacity magazine by a sworn peace officer, as defined in Chapter 4.5 (commencing with § 830) of Title 3 of Part 2, who is authorized to carry a firearm in the course and scope of that officer’s duties.

§ 32406. Subdivisions (b) and (c) of § 32310 do not apply to the following:
(a) An individual who honorably retired from being a sworn peace officer, as defined in Chapter 4.5 (commencing with § 830) of Title 3 of Part 2, or an individual who honorably retired from being a sworn federal law enforcement officer, who was authorized to carry a firearm in the course and scope of that officer’s duties. For purposes of this section, “honorably retired” has the same meaning as provided in § 16690.
(b) A federal, state, or local historical society, museum or institutional society, or museum or institutional collection, that is open to the public, provided that the large-capacity magazine is unloaded, properly housed within secured premises, and secured from unauthorized handling.
(c) A person who finds a large-capacity magazine, if the person is not prohibited from possessing firearms or ammunition, and possessed it no longer than necessary to deliver or transport it to the nearest law enforcement agency.
(d) A forensic laboratory, or an authorized agent or employee thereof in the course and scope of his or her authorized activities.
(e) The receipt or disposition of a large-capacity magazine by a trustee of a trust, or an executor or administrator of an estate, including an estate that is subject to probate, that includes a large-capacity magazine.
(f) A person lawfully in possession of a firearm that the person obtained prior to January 1, 2000, if no magazine that holds 10 or fewer rounds of ammunition is compatible with that firearm and the person possesses the large-capacity magazine solely for use with that firearm.

§ 32410. Exception for sale or purchase by licensed person. Section 32310 does not apply to the possession, sale, or purchase of any large-capacity magazine to or by a person licensed pursuant to §§ 26700 to 26915, inclusive.

§ 32415. Exception for loan under specified circumstances. Section 32310 does not apply to the loan of a lawfully possessed large-capacity magazine between 2 individuals if all of the following conditions are met:
(a) The person being loaned the large-capacity magazine is not prohibited by Chapter 1 (commencing with § 29610), 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 from possessing firearms or ammunition.
(b) The loan of the large-capacity magazine occurs at a place or location where the possession of the large-capacity magazine is not otherwise prohibited, and the person who lends the large-capacity magazine remains in the accessible vicinity of the person to whom the large-capacity magazine is loaned.

§ 32420. Exception for importation by person in legal possessions prior to January 1, 2000 [Repealed.]

§ 32425. Exception for delivery to gunsmith. Section 32310 does not apply to either of the following:
(a) The lending or giving of any large-capacity magazine to, or possession of that magazine by, a person licensed pursuant to §§ 26700 to 26915, inclusive, or to a gunsmith, for the purposes of maintenance, repair, or modification of that large-capacity magazine.
(b) The return to its owner of any large-capacity magazine by a person specified in subdivision (a).

§ 32430. Exception for person with permit and registration. Section 32310 does not apply to the possession of, importation into this state of, or sale of, any large-capacity magazine by a person who has been issued a permit to engage in those activities pursuant to § 32315, when those activities are in accordance with the terms and conditions of that permit.

§ 32435. Exception for entity that operates armored vehicle business.
(a) The sale of, giving of, lending of, possession of, importation into this state of, or purchase of, any large-capacity magazine, to or by any entity that operates an armored vehicle business pursuant to the laws of this state.
(b) The lending of large-capacity magazines by an entity specified in subdivision (a) to its authorized employees, and the possession of those large-capacity magazines by those authorized employees, while in the course and scope of employment for purposes that pertain to the entity’s armored vehicle business.
(c) The return of those large-capacity magazines to the entity specified in subdivision (a) by those employees specified in subdivision (b).

§ 32440. Exception for manufacture for government agency. Section 32310 does not apply to any of the following:
(a) The manufacture of a large-capacity magazine for any federal, state, county, city and county, or city agency that is charged with the enforcement of any law, for use by agency employees in the discharge of their official duties, whether on or off duty, and where the use is authorized by the agency and is within the course and scope of their duties.
(b) The manufacture of a large-capacity magazine for use by a sworn peace officer, as defined in Chapter 4.5.
(commencing with § 830) of Title 3 of Part 2, who is authorized to carry a firearm in the course and scope of that officer's duties.  
(c) The manufacture of a large-capacity magazine for export or for sale to government agencies or the military pursuant to applicable federal regulations.

§ 32445. Exception for use as prop. Section 32310 does not apply to the loan of a large-capacity magazine for use solely as a prop for a motion picture, television, or video production.

§ 32450. Exception for purchase for use as prop. Section 32310 does not apply to the purchase or possession of a large-capacity magazine by the holder of a special weapons permit issued pursuant to § 31000, 32650, or 33300, or 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, for any of the following purposes:  
(a) For use solely as a prop for a motion picture, television, or video production.  
(b) For export pursuant to federal regulations.  
(c) For resale to law enforcement agencies, government agencies, or the military, pursuant to applicable federal regulations.

Chapter 6. Machineguns


§ 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 § 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

§ 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 3. Permits

§ 32650. Permits for possession, transportation, or sale of large-capacity magazine.  
(a) The Department of Justice may issue permits for the possession, manufacture, and transportation or possession, manufacture, or transportation of machineguns, upon a satisfactory showing that good cause exists for the issuance of the permit to the applicant. No permit shall be issued to a person who is under 18 years of age.  
(b) A permit for possession issued pursuant to this section may only be issued to an individual, and may not be issued to a partnership, corporation, limited liability company, association, or any other group or entity, regardless of how that entity was created.

§ 32655. 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 firearms 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.

§ 32660. Location of permit; Inspection. 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 firearms are kept. The permit shall be open to inspection by any peace officer or any other person designated by the authority issuing the permit.

§ 32670. Annual inspection for security and safe storage by Department of Justice.
(a) Except as provided in subdivision (b), the Department of Justice shall, for every person, firm, or corporation to whom a permit is issued pursuant to this article, annually conduct an inspection for security and safe storage purposes, and to reconcile the inventory of machineguns.
(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. Licenses to Sell Machineguns
§ 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.

§ 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.

§ 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.

§ 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.

§ 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
§ 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

§ 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.

§ 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

§ 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, or offer for sale, or 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.

§ 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.

§ 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.

§ 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.

§ 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

§ 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.
§ 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.

§ 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.

§ 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.

§ 33320. Annual inspection for security and safe storage by Department of Justice.

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

(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.

Chapter 9. Silencers

§ 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.

§ 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

§ 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.

§ 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.
Chapter 1. Procedure for Taking Firearm Into Custody

§ 33800. Receipt upon taking firearm into custody.
(a) When a firearm is taken into custody by a law enforcement officer, the officer shall issue a receipt describing the firearm, and listing any serial number or other identification on the firearm.
(b) The receipt shall indicate where the firearm may be recovered, any applicable time limit for recovery, and the date after which the owner or possessor may recover the firearm pursuant to Chapter 2 (commencing with § 33850).
(c) Nothing in this section is intended to displace any existing law regarding the seizure or return of firearms.

Chapter 2. Return or Transfer of Firearm in Custody or Control of Court or Law Enforcement Agency

§ 33850. Application for return.
(a) Any person who claims title to any firearm that is in the custody or control of a court or law enforcement agency and who wishes to have the firearm returned shall make application for a determination by the Department of Justice as to whether the applicant is eligible to possess a firearm. The application shall include the following:
   (1) The applicant's name, date and place of birth, gender, telephone number, and complete address.
   (2) Whether the applicant is a United States citizen. If the applicant is not a United States citizen, the application shall also include the applicant's country of citizenship and the applicant’s alien registration or I-94 number.
   (3) If the firearm is a handgun, and commencing January 1, 2014, any firearm, the firearm's make, model, caliber, barrel length, handgun type, country of origin, and serial number, 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, there shall be a place on the application to note that fact.
   (4) For residents of California, the applicant's valid California driver's license number or valid California identification card number issued by the Department of Motor Vehicles. For nonresidents of California, a copy of the applicant's military identification with orders indicating that the individual is stationed in California, or a copy of the applicant's valid driver's license from the applicant's state of residence, or a copy of the applicant's state identification card from the applicant's state of residence. Copies of the documents provided by non-California residents shall be notarized.
   (5) The name of the court or law enforcement agency holding the firearm.
   (6) The signature of the applicant and the date of signature.
   (7) Any person furnishing a fictitious name or address or knowingly furnishing any incorrect information or knowingly omitting any information required to be provided for the application, including any notarized information pursuant to paragraph (4), shall be guilty of a misdemeanor.
(b) A person who owns a firearm that is in the custody of a court or law enforcement agency and who does not wish to obtain possession of the firearm, and the firearm is an otherwise legal firearm, and the person otherwise has right to title of the firearm, shall be entitled to sell or transfer title of the firearm to a licensed dealer.
(c) Any person furnishing a fictitious name or address, or knowingly furnishing any incorrect information or knowingly omitting any information required to be provided for the application, including any notarized information pursuant to paragraph (4) of subdivision (a), is punishable as a misdemeanor.

§ 33855. Requirements for return. No law enforcement agency or court that has taken custody of any firearm may return the firearm to any individual unless the following requirements are satisfied:
(a) The individual presents to the agency or court notification of a determination by the department pursuant to § 33865 that the person is eligible to possess firearms.
(b) If the agency or court has direct access to the Automated Firearms System, the agency or court has verified that the firearm is not listed as stolen pursuant to § 11108, and that the firearm has been recorded in the Automated Firearms System in the name of the individual who seeks its return.
(c) If the firearm has been reported lost or stolen pursuant to § 11108, a law enforcement agency shall notify the owner or person entitled to possession pursuant to § 11108.5. However, that person shall provide proof of eligibility to possess a firearm pursuant to § 33865.
(d) Nothing in this section shall prevent the local law enforcement agency from charging the rightful owner or person entitled to possession of the firearm the fees described in § 33880. However, an individual who is applying for a background check to retrieve a firearm that came into the custody or control of a court or law enforcement agency pursuant to § 33850 shall be exempt from the fees in § 33860, provided that the court or agency determines the firearm was reported stolen to a law enforcement agency prior to the date the firearm came into custody or control of the court or law enforcement agency, or within 5 business days of the firearm being stolen from its owner. The court or agency shall notify the Department of Justice of this fee exemption in a manner prescribed by the department.

§ 33860. Fee per request.
(a) The Department of Justice shall establish a fee of $20 per request for return of a firearm, plus a $3 charge for each additional firearm being processed as part of the request to return a firearm, to cover its costs for processing firearm clearance determinations submitted pursuant to this chapter.
(c) The department may increase the fee by using the California Consumer Price Index as compiled and reported by the
California Department of Industrial Relations to determine an annual rate of increase. Any fee increase shall be rounded to the nearest dollar.

§ 33865. Eligibility check.
(a) When the Department of Justice receives a completed application pursuant to § 33850 accompanied by the fee required pursuant to § 33860, it shall conduct an eligibility check of the applicant to determine whether the applicant is eligible to possess a firearm.
(b) The department shall have 30 days from the date of receipt to complete the background check, unless the background check is delayed by circumstances beyond the control of the department. The applicant may contact the department to inquire about the reason for a delay.
(c) If the department determines that the applicant is eligible to possess the firearm, the department shall provide the applicant with written notification that includes the following:
(1) The identity of the applicant.
(2) A statement that the applicant is eligible to possess a firearm.
(3) A description of the firearm by make, model, and serial number, 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.
(d) If the firearm is a handgun, and commencing January 1, 2014, any firearm, the department shall enter a record of the firearm into the AFS, 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.
(e) If the department denies the application, and the firearm is an otherwise legal firearm, the department shall notify the applicant of the denial and provide a form for the applicant to use to sell or transfer the firearm to a licensed dealer. The applicant may contact the department to inquire about the reason for the denial.

§ 33870. Rights of applicant as legal owner.
(a) If a law enforcement agency determines that the applicant is the legal owner of any firearm deposited with the agency, that the applicant is prohibited from possessing any firearm, and that the firearm is an otherwise legal firearm, the applicant shall be entitled to sell or transfer the firearm to a licensed firearms dealer. If a law enforcement agency determines that the applicant is prohibited from owning or possessing any firearm and the prohibition on owning or possessing the firearm will expire on a date specified in the court order, the applicant shall be entitled to have the firearm stored by a licensed firearms dealer for the duration of the prohibition period pursuant to § 29830.
(b) If the firearm has been lost or stolen, the firearm shall be restored to the lawful owner pursuant to § 11108.5 upon the owner's identification of the firearm, proof of ownership, and proof of eligibility to possess a firearm pursuant to § 33865.
(c) This section does not prevent the local law enforcement agency from charging the rightful owner of the firearm the fees described in § 33880.

§ 33875. Retention of firearm after notification of owner. Notwithstanding any other provision of law, no law enforcement agency or court shall be required to retain a firearm for more than 180 days after the owner of the firearm has been notified by the court or law enforcement agency that the firearm has been made available for return. An unclaimed firearm may be disposed of after the 180-day period has expired.

§ 33880. Fee for seizure, impounding, storage, or release of firearm or ammunition.
(a) 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 or ammunition.
(b) The fee under subdivision (a) shall not exceed the actual costs incurred for the expenses directly related to taking possession of a firearm or ammunition, storing the firearm or ammunition, and surrendering possession of the firearm or ammunition to a licensed firearms dealer or to the owner.
(c) The administrative costs described in subdivisions (a) and (b) may be waived by the local or state agency upon verifiable proof that the firearm or ammunition was reported stolen at the time the firearm came into the custody or control of the law enforcement agency.
(d) The following apply to any charges imposed for administrative costs pursuant to this section:
(1) The charges shall only be imposed on the person claiming title to the firearm or ammunition.
(2) Any charges shall be collected by the local or state authority only from the person claiming title to the firearm or ammunition.
(3) The charges shall be in addition to any other charges authorized or imposed pursuant to this code.
(4) A charge may not be imposed for a hearing or appeal relating to the removal, impound, storage, or release of a firearm or ammunition, unless that hearing or appeal was requested in writing by the legal owner of the firearm or ammunition. In addition, the charge may be imposed only upon the person requesting that hearing or appeal.
(e) Costs for a hearing or appeal related to the release of a firearm or ammunition shall not be charged to the legal owner who redeems the firearm or ammunition, unless the legal owner voluntarily requests the post-storage hearing or appeal. A city, county, city and county, or state agency shall not require a legal owner to request a post-storage hearing as a requirement for release of the firearm or ammunition to the legal owner.
§ 33885. Award of reasonable attorney's fees. In a proceeding for the return of a firearm seized and not returned pursuant to this chapter, where the defendant or cross-defendant is a law enforcement agency, the court shall award reasonable attorney's fees to the prevailing party.

§ 33895. Transactions where neither party holds a dealer's license. Section 27545 does not apply to deliveries, transfers, or returns of firearms made pursuant to this chapter.

Division 12. Miscellaneous Duties of the Department of Justice
Chapter 1. Miscellaneous Reports and Publications

§ 34205. Pamphlet summarizing California firearms laws.
(a) The Department of Justice shall prepare a pamphlet that summarizes California firearms laws as they pertain to persons other than law enforcement officers or members of the armed services.
(b) The pamphlet shall include the following matters:
1. Lawful possession.
2. Licensing procedures.
3. Transportation and use of firearms.
4. Acquisition of hunting licenses.
5. The safe handling and use of firearms.
7. The availability of firearms safety programs and devices.
8. The responsibilities of firearms ownership.
9. The operation of various types of firearms.
10. The lawful use of deadly force.
(c) The department shall offer copies of the pamphlet at actual cost to firearms dealers licensed pursuant to Sections 26700 to 26915, inclusive, who shall have copies of the most current version available for sale to retail purchasers or transferees of firearms. The cost of the pamphlet, if any, may be added to the sale price of the firearm. Other interested parties may purchase copies directly from the Department of General Services.
(d) The pamphlet shall declare that it is merely intended to provide a general summary of laws applicable to firearms and is not designed to provide individual guidance for specific areas. Individuals having specific questions shall be directed to contact their local law enforcement agency or private counsel.

WELFARE AND INSTITUTIONS CODE
Division 8. Miscellaneous
Chapter 3. Firearms

§ 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 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 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 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.

(f) "Discharge," for the purposes of this section, does not include a leave of absence from a facility.

(g) "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.

(h) "Deadly weapon," as used in this section and in §§ 8101, 8102, and 8103, means any weapon, the possession of which is prohibited by any provision listed in § 16590 of the Penal Code.

(i) "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.

(j) 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.

(k) The prohibitions set forth in this section shall be in addition to those set forth in § 8103.

(l) 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.

§ 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 punishable 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.

§ 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.

§ 8103. Certificate required for possession by specified persons; Prohibition against possession for specified persons; Restoration of privilege in specified cases; Punishment for violation.

(a) (1) No 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 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) No person who has been found, pursuant to § 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 § 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 § 451 or 452 of the Penal Code involving a trailer coach, as defined in § 635 of the Vehicle Code, or
any dwelling house, a violation of paragraph (1) or (2) of subdivision (a) of § 262 or paragraph (2) or (3) of subdivision (a)
of § 261 of the Penal Code, a violation of § 459 of the Penal Code in the first degree, assault with intent to commit murder, a
violation of § 220 of the Penal Code in which the victim suffers great bodily injury, a violation of § 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 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) No person who has been found, pursuant to § 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 purchase or
receive, or attempt to purchase or receive, or shall 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 §
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) No person found by a court to be mentally incompetent to stand trial, pursuant to § 1370 or 1370.1 of the Penal
Code or the law of any other state or the United States, shall purchase or receive, or attempt to purchase or receive, or
shall 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 §
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) No person who has been placed under conservatorship by a court, pursuant to § 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 purchase or receive, or attempt to purchase or receive, or shall have in his or her possession, custody,
or control, any firearm or any other deadly weapon while under the conservatorship unless the court of commitment has
found the person to have recovered sanity, pursuant to § 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 placing the 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) No person who has been (A) taken into custody as provided in § 5150 because that person is a danger to himself,
herself, or to others, (B) assessed within the meaning of § 5151, and (C) admitted to a designated facility within the
meaning of §§ 5151 and 5152 because that person is a danger to himself, herself, or others, shall own, possess, control,
receive, or purchase, or attempt to own, possess, control, receive, or purchase any firearm for a period of 5 years after the
person is released from the facility. A person described in the preceding sentence, 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) 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.
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) Commencing July 1, 2012, 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 5 years. 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 form for a request for a hearing. The Department of Justice shall prescribe the form. Where the person requests a hearing at the time of discharge, the facility shall forward the form to the superior court unless the person states that he or she will submit the form to the superior court.

(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 5-year period. 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 evaluated or treated. Within 7 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 30 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 14 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 § 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 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.

(8) Where 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. 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 § 33850) of Division 11 of Title 4 of Part 6 of the Penal Code for the return of any firearms.

(9) Nothing in this subdivision shall 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.

(g)(1) No person who has been certified for intensive treatment under § 5250, 5260, or 5270.15 shall 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.

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) Commencing July 1, 2012, 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 and notify the person, the Department of Justice, and the district attorney. The court may order that the person may own, possess, control, receive, or purchase 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.

(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 § 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 § 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.

§ 8105. Submission of patient's mental health information to Department of Justice.

(a) The Department of Justice shall request each public and private mental hospital, sanitarium, and institution to submit to the department information the department deems necessary to identify those persons who are subject to the prohibition specified by subdivision (a) of § 8100, in order to carry out its duties in relation to firearms, destructive devices, and explosives.

(b) Upon request of the Department of Justice pursuant to subdivision (a), each public and private mental hospital, sanitarium, and institution shall submit to the department information the department deems necessary to identify those persons who are subject to the prohibition specified by subdivision (a) of § 8100, in order to carry out its duties in relation to firearms, destructive devices, and explosives.

(c) A licensed psychotherapist shall report to a local law enforcement agency, within 24 hours, in a manner prescribed by the Department of Justice, the identity of a person subject to the prohibition specified by subdivision (b) of § 8100. Upon receipt of the report, the local law enforcement agency, on a form prescribed by the Department of Justice, shall notify the department electronically, within 24 hours, in a manner prescribed by the department, of the person who is subject to the prohibition specified by subdivision (b) of § 8100.

(d) All information provided to the Department of Justice pursuant to this section shall be kept confidential, separate, and apart from all other records maintained by the department. The information provided to the Department of Justice pursuant to this section shall be used only for any of the following purposes:

(1) By the department to determine eligibility of a person to acquire, carry, or possess firearms, destructive devices, or explosives.
(2) For the purposes of the court proceedings described in subdivision (b) of § 8100, to determine the eligibility of the person who is bringing the petition pursuant to paragraph (3) of subdivision (b) of § 8100.

(3) To determine the eligibility of a person to acquire, carry, or possess firearms, destructive devices, or explosives who is the subject of a criminal investigation, or who is the subject of a petition for the issuance of a gun violence restraining order issued pursuant to Division 3.2 (commencing with § 18100) of Title 2 of Part 6 of the Penal Code, if a part of the investigation involves the acquisition, carrying, or possession of firearms, explosives, or destructive devices by that person.

(e) Reports shall not be required or requested under this section if the same person has been previously reported pursuant to § 8103 or 8104.