

AMENDED IN ASSEMBLY MAY 31, 2016

AMENDED IN ASSEMBLY APRIL 6, 2016

CALIFORNIA LEGISLATURE—2015–16 REGULAR SESSION

**ASSEMBLY BILL**

**No. 1674**

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**Introduced by Assembly Member Santiago**

**(~~Coauthor: Assembly Member Chiu~~)**

**(Coauthors: Assembly Members Bonta, Chiu, Gipson, Levine,  
McCarty, and Ting)**

**(Coauthor: Senator Leno)**

January 19, 2016

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An act to amend Sections ~~11106, 26835, 27535, 27540, 27585, 27590,~~  
and ~~27875~~ of, and to add Section ~~27877~~ to, and ~~27590~~ of the Penal  
Code, relating to firearms.

LEGISLATIVE COUNSEL'S DIGEST

AB 1674, as amended, Santiago. Firearms: transfers.

Existing law, subject to exceptions, prohibits a person from making more than one application to purchase a handgun within any 30-day period. Violation of that prohibition is a crime. Existing law exempts from that prohibition a firearms transaction where neither of the parties is a firearms dealer if the transaction is completed through a dealer. Existing law prohibits a firearms dealer from delivering a handgun to a person 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 that does not fall within an exception to the 30-day prohibition. A violation of that delivery prohibition by the dealer is a crime.

This bill would make the 30-day prohibition and the dealer delivery prohibition described above applicable to all types of firearms. The bill would delete the private party transaction exemption to the 30-day ~~prohibition~~. *prohibition and instead would exempt from that prohibition the transfer of a firearm conducted through a licensed firearms dealer if the firearm is being transferred by bequest or intestate succession.* The bill would make additional conforming changes and technical, nonsubstantive changes.

By expanding the scope of existing crimes, this bill would impose a state-mandated local program.

Existing law, if certain requirements are met, ~~exempts certain transfers of firearms, including, among others, the inheritance of a firearm by a surviving spouse and the transfer resulting from a bequest between immediate family members, from the requirement of being processed by a firearms dealer and from being subject to certain restrictions on the importation of firearms.~~

~~This bill would recast some of those provisions to exempt from that requirement and those restrictions, any person acquiring ownership of firearms by bequest or intestate succession, if certain requirements are met. The bill would make additional conforming changes.~~

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

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

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

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

- 1 SECTION 1. ~~Section 11106 of the Penal Code is amended to~~
- 2 ~~read:~~
- 3 11106. (a) (1) ~~In order to assist in the investigation of crime,~~
- 4 ~~the prosecution of civil actions by city attorneys pursuant to~~
- 5 ~~paragraph (3) of subdivision (b), the arrest and prosecution of~~
- 6 ~~criminals, and the recovery of lost, stolen, or found property, the~~
- 7 ~~Attorney General shall keep and properly file a complete record~~
- 8 ~~of all of the following:~~
- 9 (A) ~~All copies of fingerprints.~~

- 1 ~~(B) Copies of licenses to carry firearms issued pursuant to~~
- 2 ~~Section 26150, 26155, 26170, or 26215.~~
- 3 ~~(C) Information reported to the Department of Justice pursuant~~
- 4 ~~to Section 26225, 27875, 27877, 27920, or 29830.~~
- 5 ~~(D) Dealers' records of sales of firearms.~~
- 6 ~~(E) Reports provided pursuant to Article 1 (commencing with~~
- 7 ~~Section 27500) of Chapter 4 of Division 6 of Title 4 of Part 6, or~~
- 8 ~~pursuant to any provision listed in subdivision (a) of Section 16585.~~
- 9 ~~(F) Forms provided pursuant to Section 12084, as that section~~
- 10 ~~read prior to being repealed on January 1, 2006.~~
- 11 ~~(G) Reports provided pursuant to Article 1 (commencing with~~
- 12 ~~Section 26700) and Article 2 (commencing with Section 26800)~~
- 13 ~~of Chapter 2 of Division 6 of Title 4 of Part 6, that are not dealers'~~
- 14 ~~records of sales of firearms.~~
- 15 ~~(H) Information provided pursuant to Section 28255.~~
- 16 ~~(I) Reports of stolen, lost, found, pledged, or pawned property~~
- 17 ~~in any city or county of this state.~~
- 18 ~~(2) The Attorney General shall, upon proper application therefor,~~
- 19 ~~furnish the information to the officers referred to in Section 11105.~~
- 20 ~~(b) (1) The Attorney General shall permanently keep and~~
- 21 ~~properly file and maintain all information reported to the~~
- 22 ~~Department of Justice pursuant to the following provisions as to~~
- 23 ~~firearms and maintain a registry thereof:~~
- 24 ~~(A) Article 1 (commencing with Section 26700) and Article 2~~
- 25 ~~(commencing with Section 26800) of Chapter 2 of Division 6 of~~
- 26 ~~Title 4 of Part 6.~~
- 27 ~~(B) Article 1 (commencing with Section 27500) of Chapter 4~~
- 28 ~~of Division 6 of Title 4 of Part 6.~~
- 29 ~~(C) Chapter 5 (commencing with Section 28050) of Division 6~~
- 30 ~~of Title 4 of Part 6.~~
- 31 ~~(D) Any provision listed in subdivision (a) of Section 16585.~~
- 32 ~~(E) Former Section 12084.~~
- 33 ~~(F) Section 28255.~~
- 34 ~~(G) Any other law.~~
- 35 ~~(2) The registry shall consist of all of the following:~~
- 36 ~~(A) The name, address, identification of, place of birth (state~~
- 37 ~~or country), complete telephone number, occupation, sex,~~
- 38 ~~description, and all legal names and aliases ever used by the owner~~
- 39 ~~or person being loaned the particular firearm as listed on the~~
- 40 ~~information provided to the department on the Dealers' Record of~~

1 Sale, the Law Enforcement Firearms Transfer (LEFT), as defined  
2 in former Section 12084, or reports made to the department  
3 pursuant to any provision listed in subdivision (a) of Section 16585,  
4 Section 28255, or any other law.

5 (B) The name and address of, and other information about, any  
6 person (whether a dealer or a private party) from whom the owner  
7 acquired or the person being loaned the particular firearm and  
8 when the firearm was acquired or loaned as listed on the  
9 information provided to the department on the Dealers' Record of  
10 Sale, the LEFT, or reports made to the department pursuant to any  
11 provision listed in subdivision (a) of Section 16585 or any other  
12 law.

13 (C) Any waiting period exemption applicable to the transaction  
14 which resulted in the owner of or the person being loaned the  
15 particular firearm acquiring or being loaned that firearm.

16 (D) The manufacturer's name if stamped on the firearm, model  
17 name or number if stamped on the firearm, and, if applicable, the  
18 serial number, other number (if more than one serial number is  
19 stamped on the firearm), caliber, type of firearm, if the firearm is  
20 new or used, barrel length, and color of the firearm, or, if the  
21 firearm is not a handgun and does not have a serial number or any  
22 identification number or mark assigned to it, that shall be noted.

23 (3) Information in the registry referred to in this subdivision  
24 shall, upon proper application therefor, be furnished to the officers  
25 referred to in Section 11105, to a city attorney prosecuting a civil  
26 action, solely for use in prosecuting that civil action and not for  
27 any other purpose, or to the person listed in the registry as the  
28 owner or person who is listed as being loaned the particular firearm.

29 (4) If any person is listed in the registry as the owner of a firearm  
30 through a Dealers' Record of Sale prior to 1979, and the person  
31 listed in the registry requests by letter that the Attorney General  
32 store and keep the record electronically, as well as in the record's  
33 existing photographic, photostatic, or nonerasable optically stored  
34 form, the Attorney General shall do so within three working days  
35 of receipt of the request. The Attorney General shall, in writing,  
36 and as soon as practicable, notify the person requesting electronic  
37 storage of the record that the request has been honored as required  
38 by this paragraph.

39 (e) (1) If the conditions specified in paragraph (2) are met, any  
40 officer referred to in paragraphs (1) to (6), inclusive, of subdivision

1 ~~(b) of Section 11105 may disseminate the name of the subject of~~  
2 ~~the record, the number of the firearms listed in the record, and the~~  
3 ~~description of any firearm, including the make, model, and caliber,~~  
4 ~~from the record relating to any firearm's sale, transfer, registration,~~  
5 ~~or license record, or any information reported to the Department~~  
6 ~~of Justice pursuant to any of the following:~~  
7 ~~(A) Section 26225, 27875, 27877, or 27920.~~  
8 ~~(B) Article 1 (commencing with Section 26700) and Article 2~~  
9 ~~(commencing with Section 26800) of Chapter 2 of Division 6 of~~  
10 ~~Title 4 of Part 6.~~  
11 ~~(C) Article 1 (commencing with Section 27500) of Chapter 4~~  
12 ~~of Division 6 of Title 4 of Part 6.~~  
13 ~~(D) Chapter 5 (commencing with Section 28050) of Division~~  
14 ~~6 of Title 4 of Part 6.~~  
15 ~~(E) Article 2 (commencing with Section 28150) of Chapter 6~~  
16 ~~of Division 6 of Title 4 of Part 6.~~  
17 ~~(F) Article 5 (commencing with Section 30900) of Chapter 2~~  
18 ~~of Division 10 of Title 4 of Part 6.~~  
19 ~~(G) Chapter 2 (commencing with Section 33850) of Division~~  
20 ~~11 of Title 4 of Part 6.~~  
21 ~~(H) Any provision listed in subdivision (a) of Section 16585.~~  
22 ~~(2) Information may be disseminated pursuant to paragraph (1)~~  
23 ~~only if all of the following conditions are satisfied:~~  
24 ~~(A) The subject of the record has been arraigned for a crime in~~  
25 ~~which the victim is a person described in subdivisions (a) to (f),~~  
26 ~~inclusive, of Section 6211 of the Family Code and is being~~  
27 ~~prosecuted or is serving a sentence for the crime, or the subject of~~  
28 ~~the record is the subject of an emergency protective order, a~~  
29 ~~temporary restraining order, or an order after hearing, which is in~~  
30 ~~effect and has been issued by a family court under the Domestic~~  
31 ~~Violence Protection Act set forth in Division 10 (commencing~~  
32 ~~with Section 6200) of the Family Code.~~  
33 ~~(B) The information is disseminated only to the victim of the~~  
34 ~~crime or to the person who has obtained the emergency protective~~  
35 ~~order, the temporary restraining order, or the order after hearing~~  
36 ~~issued by the family court.~~  
37 ~~(C) Whenever a law enforcement officer disseminates the~~  
38 ~~information authorized by this subdivision, that officer or another~~  
39 ~~officer assigned to the case shall immediately provide the victim~~  
40 ~~of the crime with a "Victims of Domestic Violence" card, as~~

1 specified in subparagraph (H) of paragraph (9) of subdivision (e)  
2 of Section 13701.

3 ~~(3) The victim or person to whom information is disseminated~~  
4 ~~pursuant to this subdivision may disclose it as he or she deems~~  
5 ~~necessary to protect himself or herself or another person from~~  
6 ~~bodily harm by the person who is the subject of the record.~~

7 ~~SEC. 2.~~

8 *SECTION 1.* Section 26835 of the Penal Code is amended to  
9 read:

10 26835. A licensee shall post conspicuously within the licensed  
11 premises the following warnings in block letters not less than one  
12 inch in height:

13  
14 (a) “IF YOU KEEP A LOADED FIREARM WITHIN ANY  
15 PREMISES UNDER YOUR CUSTODY OR CONTROL, AND  
16 A PERSON UNDER 18 YEARS OF AGE OBTAINS IT AND  
17 USES IT, RESULTING IN INJURY OR DEATH, OR CARRIES  
18 IT TO A PUBLIC PLACE, YOU MAY BE GUILTY OF A  
19 MISDEMEANOR OR A FELONY UNLESS YOU STORED  
20 THE FIREARM IN A LOCKED CONTAINER OR LOCKED  
21 THE FIREARM WITH A LOCKING DEVICE, TO KEEP IT  
22 FROM TEMPORARILY FUNCTIONING.”

23 (b) “IF YOU KEEP A PISTOL, REVOLVER, OR OTHER  
24 FIREARM CAPABLE OF BEING CONCEALED UPON THE  
25 PERSON, WITHIN ANY PREMISES UNDER YOUR CUSTODY  
26 OR CONTROL, AND A PERSON UNDER 18 YEARS OF AGE  
27 GAINS ACCESS TO THE FIREARM, AND CARRIES IT  
28 OFF-PREMISES, YOU MAY BE GUILTY OF A  
29 MISDEMEANOR, UNLESS YOU STORED THE FIREARM IN  
30 A LOCKED CONTAINER, OR LOCKED THE FIREARM WITH  
31 A LOCKING DEVICE, TO KEEP IT FROM TEMPORARILY  
32 FUNCTIONING.”

33 (c) “IF YOU KEEP ANY FIREARM WITHIN ANY  
34 PREMISES UNDER YOUR CUSTODY OR CONTROL, AND  
35 A PERSON UNDER 18 YEARS OF AGE GAINS ACCESS TO  
36 THE FIREARM, AND CARRIES IT OFF-PREMISES TO A  
37 SCHOOL OR SCHOOL-SPONSORED EVENT, YOU MAY BE  
38 GUILTY OF A MISDEMEANOR, INCLUDING A FINE OF UP  
39 TO FIVE THOUSAND DOLLARS (\$5,000), UNLESS YOU

1 STORED THE FIREARM IN A LOCKED CONTAINER, OR  
2 LOCKED THE FIREARM WITH A LOCKING DEVICE.”

3 (d) “IF YOU NEGLIGENTLY STORE OR LEAVE A  
4 LOADED FIREARM WITHIN ANY PREMISES UNDER YOUR  
5 CUSTODY OR CONTROL, WHERE A PERSON UNDER 18  
6 YEARS OF AGE IS LIKELY TO ACCESS IT, YOU MAY BE  
7 GUILTY OF A MISDEMEANOR, INCLUDING A FINE OF UP  
8 TO ONE THOUSAND DOLLARS (\$1,000), UNLESS YOU  
9 STORED THE FIREARM IN A LOCKED CONTAINER, OR  
10 LOCKED THE FIREARM WITH A LOCKING DEVICE.”

11 (e) “DISCHARGING FIREARMS IN POORLY VENTILATED  
12 AREAS, CLEANING FIREARMS, OR HANDLING  
13 AMMUNITION MAY RESULT IN EXPOSURE TO LEAD, A  
14 SUBSTANCE KNOWN TO CAUSE BIRTH DEFECTS,  
15 REPRODUCTIVE HARM, AND OTHER SERIOUS PHYSICAL  
16 INJURY. HAVE ADEQUATE VENTILATION AT ALL TIMES.  
17 WASH HANDS THOROUGHLY AFTER EXPOSURE.”

18 (f) “FEDERAL REGULATIONS PROVIDE THAT IF YOU  
19 DO NOT TAKE PHYSICAL POSSESSION OF THE FIREARM  
20 THAT YOU ARE ACQUIRING OWNERSHIP OF WITHIN 30  
21 DAYS AFTER YOU COMPLETE THE INITIAL  
22 BACKGROUND CHECK PAPERWORK, THEN YOU HAVE  
23 TO GO THROUGH THE BACKGROUND CHECK PROCESS  
24 A SECOND TIME IN ORDER TO TAKE PHYSICAL  
25 POSSESSION OF THAT FIREARM.”

26 (g) “NO PERSON SHALL MAKE AN APPLICATION TO  
27 PURCHASE MORE THAN ONE FIREARM WITHIN ANY  
28 30-DAY PERIOD AND NO DELIVERY SHALL BE MADE TO  
29 ANY PERSON WHO HAS MADE AN APPLICATION TO  
30 PURCHASE MORE THAN ONE FIREARM WITHIN ANY  
31 30-DAY PERIOD.”

32

33 ~~SEC. 3.~~

34 *SEC. 2.* Section 27535 of the Penal Code is amended to read:

35 27535. (a) A person shall not make an application to purchase  
36 more than one firearm within any 30-day period.

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

38 (1) Any law enforcement agency.

39 (2) Any agency duly authorized to perform law enforcement  
40 duties.

1 (3) Any state or local correctional facility.

2 (4) Any private security company licensed to do business in  
3 California.

4 (5) Any person who is properly identified as a full-time paid  
5 peace officer, as defined in Chapter 4.5 (commencing with Section  
6 830) of Title 3 of Part 2, and who is authorized to, and does, carry  
7 a firearm during the course and scope of employment as a peace  
8 officer.

9 (6) Any motion picture, television, or video production company  
10 or entertainment or theatrical company whose production by its  
11 nature involves the use of a firearm.

12 (7) Any person who may, pursuant to Article 2 (commencing  
13 with Section 27600), Article 3 (commencing with Section 27650),  
14 or Article 4 (commencing with Section 27700), claim an exemption  
15 from the waiting period set forth in Section 27540.

16 (8) Any person who is licensed as a collector pursuant to Chapter  
17 44 (commencing with Section 921) of Title 18 of the United States  
18 Code and the regulations issued pursuant thereto, and has a current  
19 certificate of eligibility issued by the Department of Justice  
20 pursuant to Article 1 (commencing with Section 26700) of Chapter  
21 2.

22 (9) The exchange of a firearm where the dealer purchased that  
23 firearm from the person seeking the exchange within the 30-day  
24 period immediately preceding the date of exchange or replacement.

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

30 (11) The return of any firearm to its owner.

31 (12) A community college that is certified by the Commission  
32 on Peace Officer Standards and Training to present the law  
33 enforcement academy basic course or other commission-certified  
34 law enforcement training.

35 (13) *A transaction completed through a licensed firearms dealer*  
36 *pursuant to Chapter 5 (commencing with Section 28050) if both*  
37 *of the following conditions apply:*

38 (A) *The transferor is an executor or administrator of an estate.*

39 (B) *The transferee is a person acquiring ownership of the*  
40 *firearm by bequest or intestate succession from the estate.*



1 ~~SEC. 4.~~

2 *SEC. 3.* Section 27540 of the Penal Code is amended to read:

3 27540. A dealer, whether or not acting pursuant to Chapter 5  
4 (commencing with Section 28050), shall not deliver a firearm to  
5 a person, as follows:

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

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

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

16 (d) Whenever the dealer is notified by the Department of Justice  
17 that the person is prohibited by state or federal law from possessing,  
18 receiving, owning, or purchasing a firearm.

19 (e) A handgun shall not be delivered unless the purchaser,  
20 transferee, or person being loaned the handgun presents a handgun  
21 safety certificate. Commencing January 1, 2015, any firearm,  
22 including a handgun, shall not be delivered unless the purchaser,  
23 transferee, or person being loaned the firearm presents a firearm  
24 safety certificate to the dealer, ~~except that~~ *that*, in the case of a  
25 handgun, an unexpired handgun safety certificate may be presented.

26 (f) A firearm shall not be delivered whenever the dealer is  
27 notified by the Department of Justice that within the preceding  
28 30-day period the purchaser has made another application to  
29 purchase a firearm and that the previous application to purchase  
30 did not involve any of the entities or circumstances specified in  
31 subdivision (b) of Section 27535.

32 ~~SEC. 5.~~ Section 27585 of the Penal Code is amended to read:

33 ~~27585.~~ (a) ~~Commencing January 1, 2015, a resident of this~~  
34 ~~state shall not import into this state, bring into this state, or~~  
35 ~~transport into this state, any firearm that he or she purchased or~~  
36 ~~otherwise obtained on or after January 1, 2015, from outside of~~  
37 ~~this state unless he or she first has that firearm delivered to a dealer~~  
38 ~~in this state for delivery to that resident pursuant to the procedures~~  
39 ~~set forth in Section 27540 and Article 1 (commencing with Section~~

1 26700) and Article 2 (commencing with Section 26800) of Chapter  
2 2.

3 ~~(b) Subdivision (a) does not apply to or affect any of the~~  
4 ~~following:~~

5 ~~(1) A licensed collector who is subject to and complies with~~  
6 ~~Section 27565.~~

7 ~~(2) A dealer, if the dealer is acting in the course and scope of~~  
8 ~~his or her activities as a dealer.~~

9 ~~(3) A wholesaler, if the wholesaler is acting in the course and~~  
10 ~~scope of his or her activities as a wholesaler.~~

11 ~~(4) A person licensed as an importer of firearms or ammunition~~  
12 ~~or licensed as a manufacturer of firearms or ammunition, pursuant~~  
13 ~~to Section 921 et seq. of Title 18 of the United States Code and~~  
14 ~~the regulations issued pursuant thereto if the importer or~~  
15 ~~manufacturer is acting in the course and scope of his or her~~  
16 ~~activities as a licensed importer or manufacturer.~~

17 ~~(5) A personal firearm importer who is subject to and complies~~  
18 ~~with Section 27560.~~

19 ~~(6) A person who complies with subdivision (b) of Section~~  
20 ~~27877.~~

21 ~~(7) A person who complies with subdivision (b), (c), or (d) of~~  
22 ~~Section 27920.~~

23 ~~(8) A person who is on the centralized list of exempted federal~~  
24 ~~firearms licensees pursuant to Section 28450 if that person is acting~~  
25 ~~in the course and scope of his or her activities as a licensee.~~

26 ~~(9) A firearm regulated pursuant to Chapter 1 (commencing~~  
27 ~~with Section 18710) of Division 5 of Title 2 acquired by a person~~  
28 ~~who holds a permit issued pursuant to Article 3 (commencing with~~  
29 ~~Section 18900) of Chapter 1 of Division 5 of Title 2, if that person~~  
30 ~~is acting within the course and scope of his or her activities as a~~  
31 ~~licensee and in accordance with the terms and conditions of the~~  
32 ~~permit.~~

33 ~~(10) A firearm regulated pursuant to Chapter 2 (commencing~~  
34 ~~with Section 30500) of Division 10 acquired by a person who holds~~  
35 ~~a permit issued pursuant to Section 31005, if that person is acting~~  
36 ~~within the course and scope of his or her activities as a licensee~~  
37 ~~and in accordance with the terms and conditions of the permit.~~

38 ~~(11) A firearm regulated pursuant to Chapter 6 (commencing~~  
39 ~~with Section 32610) of Division 10 acquired by a person who holds~~  
40 ~~a permit issued pursuant to Section 32650, if that person is acting~~

1 within the course and scope of his or her activities as a licensee  
2 and in accordance with the terms and conditions of the permit.

3 ~~(12) A firearm regulated pursuant to Article 2 (commencing~~  
4 ~~with Section 33300) of Chapter 8 of Division 10 acquired by a~~  
5 ~~person who holds a permit issued pursuant to Section 33300, if~~  
6 ~~that person is acting within the course and scope of his or her~~  
7 ~~activities as a licensee and in accordance with the terms and~~  
8 ~~conditions of the permit.~~

9 ~~(13) The importation of a firearm into the state, bringing a~~  
10 ~~firearm into the state, or transportation of a firearm into the state,~~  
11 ~~that is regulated by any of the following statutes, if the acquisition~~  
12 ~~of that firearm occurred outside of California and is conducted in~~  
13 ~~accordance with the applicable provisions of the following statutes:~~

14 ~~(A) Chapter 1 (commencing with Section 18710) of Division~~  
15 ~~5 of Title 2, relating to destructive devices and explosives.~~

16 ~~(B) Section 24410, relating to cane guns.~~

17 ~~(C) Section 24510, relating to firearms that are not immediately~~  
18 ~~recognizable as firearms.~~

19 ~~(D) Sections 24610 and 24680, relating to undetectable firearms.~~

20 ~~(E) Section 24710, relating to wallet guns.~~

21 ~~(F) Chapter 2 (commencing with Section 30500) of Division~~  
22 ~~10, relating to assault weapons.~~

23 ~~(G) Section 31500, relating to unconventional pistols.~~

24 ~~(H) Sections 33215 to 33225, inclusive, relating to short-barreled~~  
25 ~~rifles and short-barreled shotguns.~~

26 ~~(I) Chapter 6 (commencing with Section 32610) of Division~~  
27 ~~10, relating to machineguns.~~

28 ~~(J) Section 33600, relating to zip guns, and the exemptions in~~  
29 ~~Chapter 1 (commencing with Section 17700) of Division 2 of Title~~  
30 ~~2, as they relate to zip guns.~~

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

36 ~~SEC. 6.~~

37 ~~SEC. 4. Section 27590 of the Penal Code is amended to read:~~

38 ~~27590. (a) Except as provided in subdivision (b), (c), or (e),~~  
39 ~~a violation of this article is a misdemeanor.~~

1 (b) If any of the following circumstances apply, a violation of  
2 this article is punishable by imprisonment pursuant to subdivision  
3 (h) of Section 1170 for two, three, or four years:

- 4 (1) If the violation is of subdivision (a) of Section 27500.
  - 5 (2) If the defendant has a prior conviction of violating the  
6 provisions, other than Section 27535, Section 27560 involving a  
7 firearm that is not a handgun, or Section 27565 involving a firearm  
8 that is not a handgun, of this article or former Section 12100 of  
9 this code, as Section 12100 read at any time from when it was  
10 enacted by Section 3 of Chapter 1386 of the Statutes of 1988 to  
11 when it was repealed by Section 18 of Chapter 23 of the Statutes  
12 of 1994, or Section 8101 of the Welfare and Institutions Code.
  - 13 (3) If the defendant has a prior conviction of violating any  
14 offense specified in Section 29905 or of a violation of Section  
15 32625 or 33410, or of former Section 12560, as that section read  
16 at any time from when it was enacted by Section 4 of Chapter 931  
17 of the Statutes of 1965 to when it was repealed by Section 14 of  
18 Chapter 9 of the Statutes of 1990, or of any provision listed in  
19 Section 16590.
  - 20 (4) If the defendant is in a prohibited class described in Chapter  
21 2 (commencing with Section 29800) or Chapter 3 (commencing  
22 with Section 29900) of Division 9, or Section 8100 or 8103 of the  
23 Welfare and Institutions Code.
  - 24 (5) A violation of this article by a person who actively  
25 participates in a “criminal street gang” as defined in Section 186.22.
  - 26 (6) A violation of Section 27510 involving the delivery of any  
27 firearm to a person who the dealer knows, or should know, is a  
28 minor.
- 29 (c) If any of the following circumstances apply, a violation of  
30 this article shall be punished by imprisonment in a county jail not  
31 exceeding one year or pursuant to subdivision (h) of Section 1170,  
32 or by a fine not to exceed one thousand dollars (\$1,000), or by  
33 both that fine and imprisonment:
- 34 (1) A violation of Section 27515, 27520, or subdivision (b) of  
35 Section 27500.
  - 36 (2) A violation of Section 27505 involving the sale, loan, or  
37 transfer of a handgun to a minor.
  - 38 (3) A violation of Section 27510 involving the delivery of a  
39 handgun.

1 (4) A violation of subdivision (a), (c), (d), (e), or (f) of Section  
2 27540 involving a handgun.

3 (5) A violation of Section 27545 involving a handgun.

4 (6) A violation of Section 27550.

5 (7) A violation of Section 27585 involving a handgun.

6 (d) If both of the following circumstances apply, an additional  
7 term of imprisonment pursuant to subdivision (h) of Section 1170  
8 for one, two, or three years shall be imposed in addition and  
9 consecutive to the sentence prescribed:

10 (1) A violation of Section 27510 or subdivision (b) of Section  
11 27500.

12 (2) The firearm transferred in violation of Section 27510 or  
13 subdivision (b) of Section 27500 is used in the subsequent  
14 commission of a felony for which a conviction is obtained and the  
15 prescribed sentence is imposed.

16 (e) (1) A first violation of Section 27535 is an infraction  
17 punishable by a fine of fifty dollars (\$50).

18 (2) A second violation of Section 27535 is an infraction  
19 punishable by a fine of one hundred dollars (\$100).

20 (3) A third or subsequent violation of Section 27535 is a  
21 misdemeanor.

22 (4) For purposes of this subdivision each application to purchase  
23 a firearm in violation of Section 27535 shall be deemed a separate  
24 offense.

25 ~~SEC. 7. Section 27875 of the Penal Code is amended to read:~~  
26 ~~27875. Section 27545 does not apply to the transfer of a firearm~~  
27 ~~by gift or other means from one individual to another, if all of the~~  
28 ~~following requirements are met, except as provided in Section~~  
29 ~~27877:~~

30 ~~(a) The transfer is infrequent, as defined in Section 16730.~~

31 ~~(b) The transfer is between members of the same immediate~~  
32 ~~family.~~

33 ~~(c) Within 30 days of taking possession of the firearm, the~~  
34 ~~person to whom it is transferred shall submit a report to the~~  
35 ~~Department of Justice, in a manner prescribed by the department,~~  
36 ~~that includes information concerning the individual taking~~  
37 ~~possession of the firearm, how title was obtained and from whom,~~  
38 ~~and a description of the firearm in question. The reports that~~  
39 ~~individuals complete pursuant to this subdivision shall be made~~  
40 ~~available to them in a format prescribed by the department.~~

1 (d) ~~Until January 1, 2015, the person taking title to the firearm~~  
2 ~~shall first obtain a valid handgun safety certificate if the firearm~~  
3 ~~is a handgun, and commencing January 1, 2015, a valid firearm~~  
4 ~~safety certificate for any firearm, except that in the case of a~~  
5 ~~handgun, a valid unexpired handgun safety certificate may be used.~~

6 (e) ~~The person receiving the firearm is 18 years of age or older.~~

7 ~~SEC. 8.— Section 27877 is added to the Penal Code, to read:~~

8 ~~27877. (a) Section 27545 does not apply to the transfer of a~~  
9 ~~firearm to a person by bequest or intestate succession if all of the~~  
10 ~~following requirements are met:~~

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

13 ~~(2) The transfer is infrequent, as defined in Section 16730.~~

14 ~~(3) The person possesses a valid firearm safety certificate.~~

15 ~~(4) The person is 18 years of age or older.~~

16 ~~(5) The firearm is not prohibited by Section 16590 and is not~~  
17 ~~an assault weapon, .50 BMG rifle, machinegun, or destructive~~  
18 ~~device.~~

19 ~~(6) Within 30 days of taking possession of the firearm, the~~  
20 ~~person submits a report to the Department of Justice, in a manner~~  
21 ~~prescribed by the department, that includes information concerning~~  
22 ~~the person, the manner in which title was obtained and from whom,~~  
23 ~~and a description of the firearm in question. The reports that a~~  
24 ~~person completes pursuant to this subdivision shall be made~~  
25 ~~available to the person in a format prescribed by the department.~~

26 (b) ~~Subdivision (a) of Section 27585 does not apply to a person~~  
27 ~~who imports a firearm into this state, brings a firearm into this~~  
28 ~~state, or transports a firearm into this state if all of the following~~  
29 ~~requirements are met:~~

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

32 ~~(2) The person acquires ownership of the firearm by bequest or~~  
33 ~~intestate succession.~~

34 ~~(3) The person possesses a valid firearm safety certificate.~~

35 ~~(4) The receipt of any firearm by the person by bequest or~~  
36 ~~intestate succession is infrequent, as defined in Section 16730.~~

37 ~~(5) The person 18 years of age or older.~~

38 ~~(6) The firearm is not prohibited by Section 16590 and is not~~  
39 ~~an assault weapon, .50 BMG rifle, machinegun, or destructive~~  
40 ~~device.~~

1 ~~(7) Within 30 days of taking possession of the firearm and~~  
2 ~~importing, bringing, or transporting it into this state, the person~~  
3 ~~submits a report to the Department of Justice, in a manner~~  
4 ~~prescribed by the department, that includes information concerning~~  
5 ~~the person, the manner in which title was obtained and from whom,~~  
6 ~~and a description of the firearm in question. The reports that a~~  
7 ~~person completes pursuant to this subdivision shall be made~~  
8 ~~available to the person in a format prescribed by the department.~~

9 ~~SEC. 9.~~

10 *SEC. 5.* No reimbursement is required by this act pursuant to  
11 Section 6 of Article XIII B of the California Constitution because  
12 the only costs that may be incurred by a local agency or school  
13 district will be incurred because this act creates a new crime or  
14 infraction, eliminates a crime or infraction, or changes the penalty  
15 for a crime or infraction, within the meaning of Section 17556 of  
16 the Government Code, or changes the definition of a crime within  
17 the meaning of Section 6 of Article XIII B of the California  
18 Constitution.