

Memorandum 2009-10

**Nonsubstantive Reorganization of Deadly Weapon Statutes:
Staff Draft Tentative Recommendation
(Without Conforming Revisions)**

Attached for review is a staff draft of a tentative recommendation proposing to reorganize the deadly weapon statutes to make them more user-friendly, without changing their substance. The Commission has previously reviewed and tentatively approved virtually all of the material in the attached draft. As noted on the last page of the "Proposed Legislation," additional material will be inserted from Memoranda 2009-4, 2009-5, 2009-6, 2009-7, 2009-8, and 2009-9, as approved by the Commission at the upcoming meeting.

The deadline for the Commission's final report to the Legislature is July 1, 2009. Because of that deadline, **it is essential that the Commission approve a tentative recommendation at the upcoming meeting.** The due date for comments on the tentative recommendation would be May 1, 2009, approximately two months after the staff would finalize and distribute the tentative recommendation (assuming it is approved at the upcoming meeting). That will give the staff time to analyze and present the comments for the meeting scheduled on June 17, 2009, which is less than two weeks before the due date for the Commission's final report.

The attached draft differs in the following respects from the material previously reviewed by the Commission:

- The staff has incorporated the revisions approved at the December meeting. See Minutes (Dec. 2008), pp. 4-7.
- In the preliminary part, the staff has made a few minor revisions and filled in almost all of the blanks (we will complete the blanks in footnote 29 after the Commission approves a tentative recommendation). As recommended at pages 4-5 of Memorandum 2009-4, we have also added a paragraph on the drafting difficulties relating to the material on assault weapons and .50 BMG rifles. See the fourth paragraph in the discussion of "Conforming Cross-References."

Any California Law Revision Commission document referred to in this memorandum can be obtained from the Commission. Recent materials can be downloaded from the Commission's website (www.clrc.ca.gov). Other materials can be obtained by contacting the Commission's staff, through the website or otherwise.

- In “Appendix A: Corrected Cross-References,” we have added the bulletpoints relating to Penal Code Sections 11106, 12132, 12276.5, and 12280(u)(3).
- We have reformatted the Commission’s list of “Minor Clean-up Issues for Possible Future Legislative Attention,” as shown in Appendix B. The substance of the list is the same as before, except we have added the following items: #23, #24, #27, #38, ##43-49, #53, #54, #58, ##62-67, #90, #92. These items are discussed in staff memoranda prepared for this meeting, which are cited in the footnotes as appropriate.
- In the “Proposed Legislation,” the staff has conformed numerous cross-references to reflect the proposed reorganization of the deadly weapon statutes. We have also made some formatting changes and minor corrections. As discussed in the Staff Notes to proposed Penal Code Sections 26875 and 26880, we did not know how to conform three cross-references to Penal Code Section 12806. We have added this matter to the Commission’s list of “Minor Clean-up Issues for Possible Future Legislative Attention.” See Appendix B (Item #58).
- For drafting convenience, we have added proposed Penal Code Section 16585 (“former Section 12078 provisions”). This provision is helpful in conforming some of the existing cross-references to Penal Code Section 12078.
- As discussed at pages 20-21 of the attachment to Memorandum 2009-4, the staff recommends that the definition of “SKS rifle” be moved to the chapter on assault weapons and .50 BMG rifles. Consistent with that recommendation, proposed Section 17220 (“SKS rifle”) has been converted into a guidepost provision.
- As recommended at page 2 of Memorandum 2009-8, the Comments to proposed Penal Code Sections 18000-18010 and 18250-18420 have been revised to cross-refer to proposed Penal Code Sections 33800-34010 (firearm in custody of court or law enforcement agency or similar situation) and similar provisions. This will help make the proposed law more user-friendly.
- As discussed at page 11 of the attachment to Memorandum 2009-8, the staff recommends that the substance of existing Penal Code Section 12021.3(i)(3) be recodified as proposed Penal Code Section 26590, instead of being placed in Division 11 of new Part 6 of the Penal Code. Consistent with that recommendation, proposed Section 26590 is included in the attached draft.
- The Comment to proposed Penal Code Section 28250 has been revised. We have added a sentence that states: “An erroneous reference to “the register” has been replaced with a reference to “the electronic or telephonic transfer.” This is consistent with the text of the provision and the previously approved discussion of this point in the preliminary part.

- At the end of proposed Penal Code Section 29300(a), we have added the phrase “and is subject to Sections 18000 and 18005.” This parallels the treatment of similar parts of Penal Code Section 12028, and is consistent with the discussion of that section at page 15 of the preliminary part.
- In proposed Penal Code Section 29535, we have added a cross-reference to proposed Penal Code Section 29515, as discussed at the December meeting. See Minutes (Dec. 2008), p. 6.
- As discussed at the December meeting, we have added an uncodified provision that would give the Commission authority to study the issues in its list of “Minor Clean-up Issues for Possible Future Legislative Attention.” We have also excluded this provision from the deferred operative date. See the last page of the “Proposed Legislation.”

The Commission needs to decide **whether to make any revisions in the attached draft and the drafts attached to Memoranda 2009-4, 2009-5, 2009-6, 2009-7, 2009-8, and 2009-9.** After resolving that matter, the Commission needs to decide **whether to approve a tentative recommendation,** to be posted to the Commission’s website and distributed for comment.

Respectfully submitted,

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CALIFORNIA LAW REVISION COMMISSION

STAFF DRAFT

TENTATIVE RECOMMENDATION

Nonsubstantive Reorganization of Deadly Weapon Statutes

December 2008

The purpose of this tentative recommendation is to solicit public comment on the Commission's tentative conclusions. A comment submitted to the Commission will be part of the public record. The Commission will consider the comment at a public meeting when the Commission determines what, if any, recommendation it will make to the Legislature. It is just as important to advise the Commission that you approve the tentative recommendation as it is to advise the Commission that you believe revisions should be made to it.

COMMENTS ON THIS TENTATIVE RECOMMENDATION SHOULD BE RECEIVED BY THE COMMISSION NOT LATER THAN **May 1, 2009.**

The Commission will often substantially revise a proposal in response to comment it receives. Thus, this tentative recommendation is not necessarily the recommendation the Commission will submit to the Legislature.

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SUMMARY OF TENTATIVE RECOMMENDATION

The Legislature has directed the Law Revision Commission to “study, report on, and prepare recommended legislation by July 1, 2009, concerning the revision of the portions of the Penal Code relating to the control of deadly weapons....” 2006 Cal. Stat. res. ch. 128. The general purpose of the study is to improve the organization and accessibility of the deadly weapons statutes, without making any change to criminal liability under those statutes.

This tentative recommendation was prepared pursuant to that direction. In drafting the proposed law, the Commission took extreme care to ensure that it would not cause any substantive change in the law.

The Law Revision Commission invites public review and comment. In particular, the Commission invites comment on whether any provision of the proposed law would cause any substantive change in the law.

NONSUBSTANTIVE REORGANIZATION OF
DEADLY WEAPON STATUTES

1 In 2006, the Legislature enacted Assembly Concurrent Resolution 73
2 (McCarthy) (hereafter “ACR 73”), which directed the Law Revision Commission
3 to “study, report on, and prepare recommended legislation by July 1, 2009,
4 concerning the revision of the portions of the Penal Code relating to the control of
5 deadly weapons” The resolution states:

6 WHEREAS, Title 2 (commencing with Section 12000) of Part 4 of the Penal
7 Code, relating to the control of deadly weapons, is lengthy and complex, and
8 could be simplified; and

9 WHEREAS, It is the intent of the Legislature that the firearms laws be
10 simplified and reorganized; now, therefore, be it

11 *Resolved by the Assembly of the State of California, the Senate thereof*
12 *concurring*, That the Legislature authorizes and requests that the California Law
13 Revision Commission study, report on, and prepare recommended legislation by
14 July 1, 2009, concerning the revision of the portions of the Penal Code relating to
15 the control of deadly weapons, and that this legislation shall accomplish the
16 following objectives:

17 (a) Reduce the length and complexity of current sections.

18 (b) Avoid unnecessary use of cross-references.

19 (c) Neither expand nor contract the scope of criminal liability under current
20 provisions. In the event that the commission’s draft changes the scope of criminal
21 liability under the current provisions, this shall be made explicit in the
22 commission’s draft or any commentary related to the draft.

23 (d) To the extent compatible with objective (c), use common definitions of
24 terms.

25 (e) Organize existing provisions in such a way that similar provisions are
26 located in close proximity to each other.

27 (f) Eliminate duplicative provisions; and be it further

28 *Resolved*, That nothing in this resolution shall be construed to prevent the
29 Legislature, prior to receipt of the commission’s recommendations, from enacting
30 any measure related to the Penal Code sections under review by the California
31 Law Revision Commission; and be it further

32 *Resolved*, That the Chief Clerk of the Assembly transmit copies of this
33 resolution to the California Law Revision Commission and to the author for
34 appropriate distribution.¹

35 The impetus for this study appears to have been a veto message by Governor
36 Schwarzenegger, in which he stated:

37 Before a government exercises its power to take away one’s liberty, it should be
38 clear to every person what actions will cause them to forfeit their freedom. Instead
39 of adding to the lengthy and complex area of firearm laws, a reorganization of the

1. ACR 73 (McCarthy); 2006 Cal. Stat. res. ch. 128 (emphasis in original).

1 current laws should be undertaken to ensure that statutes that impose criminal
2 penalties are easily understandable.²

3 This tentative recommendation presents draft legislation consistent with the
4 direction provided in ACR 73. The objectives of the proposed law and the
5 methods used in preparing it are discussed more fully below. The Commission
6 invites public review and comment on this tentative recommendation.

7 SCOPE OF STUDY

8 ACR 73 directs the Commission to study, report on, and prepare legislation
9 “concerning the revision of the portions of the Penal Code relating to the control
10 of deadly weapons ...” By itself, this directive seems clear, but reading it together
11 with other portions of ACR 73 raises some issues regarding the intended scope of
12 the Commission’s study. Those issues are discussed below.

13 **Type of Weapons**

14 An initial issue is whether the Commission’s study should focus exclusively on
15 provisions relating to firearms, or should also encompass provisions relating to
16 other types of deadly weapons.

17 The preamble to ACR 73 states that it “is the intent of the Legislature that the
18 firearms laws be simplified and reorganized.” However, the preamble further
19 states that “Title 2 (commencing with Section 12000) of Part 4 of the Penal Code,
20 relating to the control of deadly weapons, is lengthy and complex, and could be
21 simplified ...” These statements are arguably in conflict, but ACR 73 specifically
22 directs the Commission to study, report on, and prepare legislation “concerning
23 the revision of the portions of the Penal Code relating to the control of deadly
24 weapons”

25 As introduced, ACR 73 referred only to “firearms.”³ Significantly, the resolution
26 was later revised to refer to “deadly weapons.”⁴

27 In light of the language of the resolution and its history, the Commission
28 believes that the study should encompass all deadly weapons. That is the scope of
29 the legislation proposed in this tentative recommendation.

2. As introduced on June 13, 2005, ACR 73 cited the Governor’s statement as a basis for the resolution. The cited language is from the Governor’s veto message on SB 1140 (Scott) (2004), which would have made changes to provisions regulating the storage of firearms. See also Senate Committee on Judiciary Analysis of ACR 73 (August 24, 2006).

3. See ACR 73 (McCarthy) (as introduced on June 13, 2005).

4. *Id.* (as amended July 12, 2005).

1 **Relevant Code Sections**

2 A second issue is whether the Commission’s study should focus on a specific
3 portion of the Penal Code, or instead encompass any Penal Code provision that
4 relates to the “control of deadly weapons.”

5 The preamble to ACR 73 refers specifically to “Title 2 (commencing with
6 Section 12000) of Part 4 of the Penal Code, relating to the control of deadly
7 weapons” The resolution then directs the Commission to study “the portions of
8 the Penal Code relating to the control of deadly weapons” It is unclear whether
9 this directive refers back to Title 2, or is meant to include all provisions in the
10 Penal Code relating to the control of deadly weapons, regardless of where they are
11 located.

12 To determine the intent, the Commission examined the analyses and different
13 versions of ACR 73, and discussed the matter with legislative staff. Although
14 other interpretations are possible, the Commission concluded that this study
15 should focus on Title 2 of Part 4 of the Penal Code.⁵ The language of ACR 73 is
16 broad enough to permit revision of other provisions relating to deadly weapons if
17 needed, but the bulk of such provisions are in Title 2 and these appear to be the
18 provisions that the Legislature considered in need of attention. That is the
19 approach taken in the proposed law.⁶

20 **Sentence Enhancements**

21 There are some provisions in Title 2 of Part 4 of the Penal Code that do not
22 relate directly to the control of deadly weapons. These provisions establish
23 “sentence enhancements.”⁷ A sentence enhancement is a provision that imposes an
24 additional and consecutive term to the base term of punishment for a crime when
25 specified conditions are met.

26 Many of the sentence enhancements in Title 2 of Part 4 of the Penal Code do not
27 involve deadly weapons at all.⁸ Others include the use or possession of a deadly

5. Penal Code §§ 12000-12809. Unless otherwise indicated, all further statutory references are to the Penal Code.

6. There is one exception. Section 653k, which is located outside of Title 2, is included within the scope of the proposed law. Section 653k regulates the ownership, sale, and transfer of switchblade knives. It is currently located in a chapter on miscellaneous offenses, which contains a variety of unrelated provisions. ACR 73 directs the Commission to: “Organize existing provisions in such a way that similar provisions are located in close proximity to each other.” In accord with that direction, the proposed law would move the substance of Section 653k to the same location as other provisions regulating knives. See proposed Sections 16965, 17235, 21510 *infra*.

7. Sections 12022.6-12022.95.

8. See Sections 12022.1 (secondary offense), 12022.6 (taking or damaging property), 12022.7 (great bodily injury), 12022.75 (administration of controlled substance), 12022.8 (infliction of great bodily injury in committing sexual offense), 12022.85 (sexual offense by person with AIDS), 12022.9 (crime causing termination of pregnancy), 12022.95 (injury to child).

1 weapon as a condition for imposing a sentence enhancement, but do not relate to
2 the ownership, transfer, sale, or storage of deadly weapons.⁹

3 The proposed law would leave these sentence enhancement provisions
4 unchanged, in their current location in the Penal Code.¹⁰ They would not be
5 included within the reorganized body of statutes governing the control of deadly
6 weapons.

7 There are two reasons for this approach. First, the sentence enhancement
8 provisions do not primarily concern the control of deadly weapons. Second, it is
9 preferable not to change the section numbers of provisions that are used in
10 calculating criminal sentences. Judges and attorneys rely on a number of tools to
11 assist in calculating sentences. Those tools would need to be updated if the section
12 numbers of the sentence enhancement provisions were changed.

13 STUDY OBJECTIVES

14 **Improve Accessibility of the Law**

15 The primary purpose of this study is to simplify and improve the organization of
16 the statutes governing control of deadly weapons, to make them more
17 understandable and useable, without making any substantive changes to that law.
18 The author of ACR 73, Assembly Member Kevin McCarthy, described the need
19 for simplification of the law as follows:

20 These areas of the law are not for legal experts only. Firearms owners, licensed
21 dealers, and law enforcement need to be able to interpret these provisions in order
22 to comply with the law and avoid criminal liability. Ambiguity and confusion do
23 not promote the public policy goals that those laws were designed to accomplish.

24

25 Gun owners shouldn't have to consult an attorney specializing in firearms law
26 just to find out what they need to do to avoid committing a crime. Law
27 enforcement should have clear, bright line, easily understandable guidelines on
28 how to enforce these laws. This resolution is offered in the hope that an
29 independent, expert body of legal experts can offer up some helpful suggestions
30 on ways that these laws can be clarified so that our citizens will be able to

9. See Sections 12021.5 (street gang crimes), 12022 (possession or use of firearm or dangerous weapon), 12022.2 (armor piercing ammunition or body vest), 12022.3 (sexual offenses), 12022.4 (furnishing firearm used in crime), 12022.5(a) (personal use of firearm in commission of felony), 12022.53 (personal use or discharge of firearm), 12022.55 (discharge of firearm from vehicle causing great bodily injury).

A few provisions in Title 2 of Part 4 of the Penal Code provide sentence enhancements that are specific to crimes involving the control of deadly weapons. See Sections 12072(g)(4), 12280(a)(2) & (d). These provisions are closely tied to the substance of the sections in which they are located. They would therefore be moved to proposed Part 6, and kept in close proximity to the same substantive material as at present. See proposed Sections 27590, 30600, 30615 *infra*.

10. See proposed Sections 12001-12022.95 ("Title 2. Sentence Enhancements") *infra*.

1 determine, with relative ease, what the law requires and prohibits in the area of
2 firearms regulation.¹¹

3 In addition to the benefits described by Assembly Member McCarthy,
4 improvement of the clarity and organization of the deadly weapon statutes would
5 also facilitate the future development of the law, by making it easier for the
6 Legislature to assess the state of existing law and thereby avoid redundancy or
7 inconsistency in enacting new provisions.

8 **Nonsubstantive Reform**

9 The proposed law would improve the organizational clarity of the deadly
10 weapons statutes, as intended. However, there is an important limit on the extent
11 to which the Commission can make that law clearer, simpler, or better organized.
12 ACR 73 requires that any reform proposed by the Commission “[n]either expand
13 nor contract the scope of criminal liability under current provisions.”

14 That limitation has been the controlling principle in the preparation of the
15 proposed law. The Commission has exercised extreme care to ensure that the
16 proposed law would not result in any substantive change in outcome under the
17 affected statutes.

18 Specific measures taken by the Commission to avoid making any substantive
19 change in the law are described below.

20 ***Objective and Participatory Study Process***

21 The Commission’s study process is well-suited to the development of a
22 nonsubstantive reform of the deadly weapon statutes, for the following reasons:

- 23 • The Commission is neutral and objective, with no special interest in the
24 subject of deadly weapons. The Commission has no motivation to introduce
25 substantive changes into the deadly weapon statutes.
- 26 • The Commission has prior experience in drafting legislation to recodify
27 complex bodies of law without making any substantive change.¹²
- 28 • The Commission’s work is transparent. All materials are publicly
29 distributed. All deliberations are conducted at open public meetings.
- 30 • The Commission actively solicits input from affected interest groups.
31 Interim drafts of the proposed law are provided to those groups for review.
32 Any objection that a change would have a substantive effect is carefully
33 analyzed and addressed by the Commission. This tentative recommendation
34 furthers that process.
- 35 • In proposing legislative reform, the Commission prepares a thorough
36 explanatory report (similar to this tentative recommendation) that explains

11. Senate Floor Analysis of ACR 73 (Aug. 26, 2006), pp. 4-5.

12. For example, the Commission recently recommended the nonsubstantive recodification of the civil discovery statutes, an important and sensitive body of law. See *Civil Discovery: Nonsubstantive Reform*, 33 Cal. L. Revision Comm’n Reports 789 (2003); enacted as 2004 Cal. Stat. ch. 182.

1 the purpose and effect of the proposed law, and sets out a complete draft of
2 the proposed legislation, with a detailed table of contents and a table
3 showing the disposition of every affected section. This report facilitates
4 public review of the proposed law.

5 ***Commission Comments***

6 In preparing a recommendation, the Commission drafts an explanatory
7 “Comment” for every section that is added, amended, or repealed.¹³ A Comment
8 indicates the derivation of a section and often explains its purpose, its relation to
9 other law, and potential issues concerning its meaning or application.

10 The Comments in this recommendation state expressly, for each affected
11 section, that the proposed law is not intended to make any change to the substance
12 of the affected provision.

13 On completion of a final recommendation, the full recommendation, including
14 the proposed legislation and the Comments, will be presented to the Legislature
15 and the Governor. If legislation is introduced to effectuate the proposed law, the
16 full recommendation will be provided to each member of every policy committee
17 that reviews the legislation.

18 Commission materials that have been placed before and considered by the
19 Legislature are considered evidence of legislative intent,¹⁴ and are entitled to great
20 weight in construing statutes.¹⁵ The materials are a key interpretive aid for
21 practitioners as well as courts,¹⁶ and courts may judicially notice and rely on
22 them.¹⁷ Courts at all levels of the state¹⁸ and federal¹⁹ judicial systems use

13. The Comments follow each section of the proposed legislation *infra*.

14. See, e.g., *Fair v. Bakhtiari*, 40 Cal. 4th 189, 195, 147 P.3d 653, 657, 51 Cal. Rptr. 3d 871, 875 (2006) (“The Commission’s official comments are deemed to express the Legislature’s intent.”); *People v. Williams*, 16 Cal. 3d 663, 667-68, 547 P.2d 1000, 128 Cal. Rptr. 888 (1976) (“The official comments of the California Law Revision Commission on the various sections of the Evidence Code are declarative of the intent not only of the draft[ers] of the code but also of the legislators who subsequently enacted it. [Citation]”).

15. See, e.g., *Dep’t of Alcoholic Beverage Control v. Alcoholic Beverage Control Appeals Bd.*, 40 Cal. 4th 1, 13 n.9, 145 P.3d 462, 469 n.9, 50 Cal. Rptr. 3d. 585, 593 n.9 (2006) (Commission’s official comments are persuasive evidence of Legislature’s intent); *Hale v. Southern Cal. IPA Med. Group, Inc.*, 86 Cal. App. 4th 919, 927, 103 Cal. Rptr. 2d 773, 778 (2001):

In an effort to discern legislative intent, an appellate court is entitled to take judicial notice of the various legislative materials, including committee reports, underlying the enactment of a statute. (*Kern v. County of Imperial* (1990) 226 Cal. App. 3d 391, 400, fn. 8 [276 Cal. Rptr. 524]; *Coopers & Lybrand v. Superior Court* (1989) 212 Cal. App. 3d 524, 535, fn. 7 [260 Cal. Rptr. 713].) In particular, reports and interpretive opinions of the Law Revision Commission are entitled to great weight. (*Schmidt v. Southern Cal. Rapid Transit Dist.* (1993) 14 Cal. App. 4th 23, 30, fn. 10 [17 Cal. Rptr. 2d 340].)

16. *Cf.* 7 B. Witkin, *Summary of California Law Constitutional Law* § 123, at 230 (10th ed. 2005) (Commission reports as aid to construction); Gaylord, *An Approach to Statutory Construction*, 5 Sw. U. L. Rev. 349, 384 (1973).

17. See, e.g., *Kaufman & Broad Communities, Inc. v. Performance Plastering, Inc.*, 133 Cal. App. 4th 26, 34 Cal. Rptr. 3d 520 (2005) (providing overview of materials that may be judicially noticed in

1 Commission materials to construe statutes enacted on Commission
2 recommendation.²⁰

3 The Commission's Comments will make clear that the proposed law should be
4 construed as an entirely nonsubstantive reorganization of the law.

5 *Statements of Legislative Intent*

6 The proposed law would be known as the Deadly Weapons Recodification Act
7 of 2012.²¹ It would include a number of codified provisions making clear that the
8 proposed law would continue existing law without any substantive change. That
9 general point would be stated in proposed Section 16005:

10 16005. Nothing in the Deadly Weapons Recodification Act of 2012 is intended
11 to substantively change the law relating to deadly weapons. The act is intended to
12 be entirely nonsubstantive in effect. Every provision of the act, including, without
13 limitation, every cross-reference in every provision of the act, shall be interpreted
14 consistent with the nonsubstantive intent of the act.

15 In addition, proposed Section 16010 would make clear that a provision of the
16 proposed law is intended as a restatement and continuation of the provision that it
17 restates, and that any reference to a restated provision is deemed to include a
18 reference to the section that restates it (and vice versa):

determining legislative intent); *Hale*, 86 Cal. App. 4th at 927, *supra* note 15; *Barkley v. City of Blue Lake*, 18 Cal. App. 4th 1745, 1751 n.3, 23 Cal. Rptr. 2d 315, 318-19 n.3 (1993).

18. See, e.g., *Sullivan v. Delta Air Lines, Inc.*, 15 Cal. 4th 288, 935 P.2d 781, 63 Cal. Rptr. 2d 74 (1997) (California Supreme Court); *Administrative Management Services, Inc. v. Fidelity & Deposit Co.*, 129 Cal. App. 3d 484, 181 Cal. Rptr. 141 (1982) (court of appeal); *Rossetto v. Barross*, 90 Cal. App. 4th Supp. 1, 110 Cal. Rptr. 2d 255 (2001) (appellate division of superior court).

19. See, e.g., *California v. Green*, 399 U.S. 149 (1970) (United States Supreme Court); *Southern Cal. Bank v. Zimmerman (In re Hilde)*, 120 F.3d 950 (9th Cir. 1997) (federal court of appeal); *Williams v. Townsend*, 283 F. Supp. 580 (C.D. Cal. 1968) (federal district court); *Ford Consumer Fin. Co. v. McDonell (In re McDonell)*, 204 B.R. 976 (B.A.P. 9th Cir. 1996) (bankruptcy appellate panel); *In re Garrido*, 43 B.R. 289 (Bankr. S.D. Cal. 1984) (bankruptcy court).

20. See, e.g., *Jevne v. Superior Court*, 35 Cal. 4th 935, 947, 11 P.3d 954, 962, 28 Cal. Rptr. 3d 685, 694-95 (2005) (Commission report entitled to substantial weight in construing statute); *Collection Bureau of San Jose v. Rumsey*, 24 Cal. 4th 301, 308 & n.6, 6 P.3d 713, 718 & n.6, 99 Cal. Rptr. 2d 792, 797 & n.6 (2000) (Comments to reenacted statute reiterate the clear understanding and intent of original enactment); *Brian W. v. Superior Court*, 20 Cal. 3d 618, 623, 574 P.2d 788, 791, 143 Cal. Rptr. 717, 720 (1978) (Comments persuasive evidence of Legislature's intent); *Volkswagen Pac., Inc. v. City of Los Angeles*, 7 Cal. 3d 48, 61-63, 496 P.2d 1237, 1247-48, 101 Cal. Rptr. 869, 879-80 (1972) (Comments evidence clear legislative intent of law); *Van Arsdale v. Hollinger*, 68 Cal. 2d 245, 249-50, 437 P.2d 508, 511, 66 Cal. Rptr. 20, 23 (1968) (Comments entitled to substantial weight); *County of Los Angeles v. Superior Court*, 62 Cal. 2d 839, 843-44, 402 P.2d 868, 870-71, 44 Cal. Rptr. 796, 798-99 (1965) (statutes reflect policy recommended by Commission).

21. See proposed Section 16000 *infra*. In selecting this title, the Commission assumed that because of its magnitude the proposed legislation would not be introduced until the first year of the 2011-2012 legislative session, and would not be enacted until the following year. The Commission solicits comments on this timing of bill introduction.

1 16010. (a) A provision of this part, insofar as it is substantially the same as a
2 previously existing provision relating to the same subject matter, shall be
3 considered as a restatement and continuation thereof and not as a new enactment.

4 (b) A reference in a statute to a previously existing provision that is restated and
5 continued in this part shall, unless a contrary intent appears, be deemed a
6 reference to the restatement and continuation.

7 (c) A reference in a statute to a provision of this part that is substantially the
8 same as a previously existing provision shall, unless a contrary intent appears, be
9 deemed to include a reference to the previously existing provision.

10 The Commission has taken special care to avoid any ambiguity with respect to
11 the operation of provisions that concern repeat offenses. Proposed Section 16015
12 would expressly state that a conviction under a restated section is also deemed to
13 be a conviction under the section that restates it:

14 16015. If a previously existing provision is restated and continued in this part, a
15 conviction under that previously existing provision shall, unless a contrary intent
16 appears, be treated as a prior conviction under the restatement and continuation of
17 that provision.

18 Finally, proposed Sections 16020 and 16025 would make clear that restatement
19 of a provision is not intended to have any effect, positive or negative, on a judicial
20 interpretation of the restated provision or a judicial holding that the provision is
21 unconstitutional:

22 16020. (a) A judicial decision interpreting a previously existing provision is
23 relevant in interpreting a provision of this part that restates and continues that
24 previously existing provision.

25 (b) However, in enacting the Deadly Weapons Recodification Act of 2012, the
26 Legislature has not evaluated the correctness of any judicial decision interpreting
27 a provision affected by the act.

28 (c) The Deadly Weapons Recodification Act of 2012 is not intended to, and
29 does not, reflect any assessment of any judicial decision interpreting any
30 provision affected by the act.

31 16025. (a) A judicial decision determining the constitutionality of a previously
32 existing provision is relevant in determining the constitutionality of a provision of
33 this part that restates and continues that previously existing provision.

34 (b) However, in enacting the Deadly Weapons Recodification Act of 2012, the
35 Legislature has not evaluated the constitutionality of any provision affected by the
36 act, or the correctness of any judicial decision determining the constitutionality of
37 any provision affected by the act.

38 (c) The Deadly Weapons Recodification Act of 2012 is not intended to, and
39 does not, reflect any determination of the constitutionality of any provision
40 affected by the act.

41 By their terms, the provisions discussed above would apply to the entire body of
42 recodified deadly weapon statutes. The Commission invites comment on whether
43 there are any other general statements of legislative intent that would be helpful to

1 include in the proposed law, to avoid any implication that the proposed law would
2 have a substantive effect.

3 ***Legislative Process***

4 After the Commission completes its study process and issues a final
5 recommendation, the proposed law would be scrutinized carefully in the
6 legislative process. This would serve as a final safeguard against any unintended
7 substantive change in the law. To facilitate careful legislative review of the
8 proposed law, the Commission intends to request that a joint informational hearing
9 be held by the Public Safety Committees of the Senate and Assembly, to invite
10 further public review and comment on the proposed law, before the introduction of
11 any legislation.

12 **DRAFTING APPROACH**

13 **Structure of Proposed Law**

14 The proposed law would relocate most of the provisions of existing Title 2 of
15 Part 4 of the Penal Code to a new Part 6 of the Penal Code, commencing with
16 proposed Section 16000.²²

17 The provisions of existing Title 2 are organized into two levels: chapters and
18 articles. That provides little organizational flexibility, making it difficult to group
19 similar provisions together unless they are combined into an excessively long
20 section.

21 By contrast, proposed Part 6 would be organized into four levels: Titles,
22 divisions, chapters, and articles. This provides much greater latitude to group
23 similar provisions together, and then combine similar groupings into a logical
24 hierarchical structure.

25 This approach complies with the Legislature’s directive to “[o]rganize existing
26 provisions in such a way that similar provisions are located in close proximity to
27 each other.”²³ It allows for a more coherent and intuitive organizational structure,
28 which should make it easier for a reader to find relevant provisions within the
29 statute.

30 **Short, Simple Sections**

31 One of the common complaints about existing Title 2 of Part 4 of the Penal
32 Code is that many of its sections are excessively long. For example, Assembly

22. A number of sentence enhancement provisions would not be relocated to new Part 6. See discussion under “Sentence Enhancements” *supra*. The portion of Section 12590 relating to picketing in the uniform of a peace officer would be placed in “Chapter 4.5. Peace Officers” of Title 3 of Part 2 of the Penal Code. See proposed Section 830.95 *infra*.

23. ACR 73.

1 Member McCarthy noted that “Penal Code Section 12078 is 5,880 words long and
2 occupies 11 pages....”²⁴

3 Excessively long sections can obscure relevant details of law, especially if a
4 single section addresses several different subjects.

5 A better approach is to divide the law into a larger number of smaller sections,
6 with each section limited to a single subject. Short sections have numerous
7 advantages. They enhance readability and understanding of the law, and make it
8 easier to locate and refer to pertinent material. In contrast to a long section, a short
9 section can be amended without undue technical difficulties and new material can
10 be inserted where logically appropriate, facilitating sound development of the law.
11 The use of short sections is the preferred drafting technique of the California Code
12 Commission,²⁵ the Legislature,²⁶ the Legislative Counsel,²⁷ and the Law Revision
13 Commission.²⁸

14 Moreover, ACR 73 specifically directs the Commission to “[r]educe the length
15 and complexity of current sections.”

16 For all of the reasons discussed above, the proposed law would divide lengthy
17 sections into shorter and simpler provisions. The result would be a significant
18 increase in the number of sections, but not much change in the word count of the
19 governing law.²⁹

20 Definition of Terms

21 Under existing law, many definitions are scattered throughout Title 2 of Part 4
22 of the Penal Code. Some terms are used with different definitions in different
23 contexts,³⁰ or are defined for some uses but not others. This can create uncertainty
24 as to whether any given term is subject to a statutory definition. That may lead to

24. Senate Committee on Judiciary Analysis of ACR 73 (August 24, 2006), p. 4.

25. California Code Commission, *Drafting Rules and Principles for Use of California Code Commission Draftsmen*, 1947-48 Report, app. G, at 4.

26. Senate & Assembly Joint Rule 8 (Jan. 9, 2007).

27. Legislative Counsel of California, *Legislative Drafting Manual* 26-28 (1975).

28. Commission Staff Memorandum 76-24 (Feb. 17, 1976); First Supplement to Commission Staff Memorandum 85-64 (May 31, 1985).

29. Title 2 of Part 4 of the Penal Code consists of 230 sections, with ___ words of text. The proposed legislation (including all material derived from Title 2 of Part 4, whether placed in the title on “Sentence Enhancements,” in proposed Part 6, or elsewhere) would consist of ___ sections, with ___ words of text. The increase in word count is primarily due to the addition of statements of legislative intent (see discussion of “Statements of Legislative Intent” *supra*) and the repetition of exceptions formerly consolidated in Section 12078 (see discussion of “Section 12078” *infra*).

Proposed Part 6 would commence with proposed Section 16000 *infra*. The Commission deliberately left numbering gaps in proposed Part 6. This will allow for future changes in the law, without resort to decimal numbering.

30. For example, the term “antique firearm” has three different definitions as applied in different contexts. See Sections 12001(e), 12020(b)(5), 12078(p)(6)(B), 12085(e)(3), 12088.8(a), 12276.1(d)(3), 12278(d), 12801(b).

1 misunderstanding of the law. It may also lead to unintended consequences, if the
2 Legislature uses a defined term without realizing that it would be subject to an
3 already existing definition.

4 The proposed law would group most of the definitions in a separate division
5 near the beginning of the proposed law, in alphabetical order. The Commission’s
6 Comments to sections that use a defined term would include a cross-reference to
7 the applicable definition. This approach would make it easier for members of the
8 public, attorneys, judges, and the Legislature to quickly determine whether a term
9 is subject to a statutory definition. It will also make it easier for the Legislature to
10 identify and review cases where a single term has multiple definitions that are
11 similar but not identical, or is defined for some purposes but not for others. That
12 would facilitate future simplification of the law.³¹

13 In drafting the definition provisions, the Commission was careful neither to
14 expand nor contract the existing scope of application of any definition. Where an
15 existing definition applies to every use of a term in Title 2 of Part 4 of the Penal
16 Code, the proposed law would provide that the definition applies to every use of
17 that term in proposed Part 6 of the Penal Code. That statement of general
18 application will facilitate the use of uniform definitions in the future. It will allow
19 the Legislature to use a term in its defined sense without the need to draft a new
20 definition provision.

21 Where an existing definition applies to some but not all uses of a term in Title 2
22 of Part 4, the proposed law would limit the definition to the same uses as under
23 current law. For example, Section 12126 defines “semiautomatic pistol” for
24 purposes of that section. The term is also used without definition elsewhere in
25 Title 2 of Part 4.³² To avoid creating a risk of a substantive change, the definition
26 of “semiautomatic pistol” in the proposed law would apply only to the provisions
27 that would continue the substance of Section 12126.³³

28 In two cases, the proposed law deviates from the general approach of grouping
29 all definitions together near the beginning of proposed Part 6 of the Penal Code.

30 First, some existing provisions include common terms that are given special
31 definitions (e.g., “furnishes”³⁴). It may not be immediately obvious to a reader of
32 such a provision that the common term has a special definition. That could lead to

31. In conducting this strictly nonsubstantive study, the Commission has identified some instances in which simplification or standardization of a definition or other terminology might be possible in a future reform. See Appendix B (Items #1-#34) *infra*; see also discussion of “Minor Clean-up Issues for Possible Future Legislative Attention” *infra*.

32. See Sections 12071(b)(8)(D)(i), 12130(d)(1)-(3), 12132(i), 12276.1(a)(4)-(5).

33. See proposed Section 17140 *infra* (defining “semiautomatic pistol” as used in proposed Sections 16900 and 31910).

34. See Section 12552.

1 misunderstanding of the law. In those cases, the definition is located near the
2 provision that uses the defined term.³⁵

3 Second, some existing provisions mix definitions with substantive rules in
4 complex ways. Rather than separate those definitions from the related substantive
5 rules, the provisions are left largely unchanged and located with other provisions
6 addressing the same substance.³⁶ In order to help readers find those definitions, the
7 proposed law includes “guidepost” provisions in the definitions division, which
8 refer to those definitions located elsewhere.³⁷

9 **Substantive Organization**

10 Proposed Part 6 of the Penal Code would be divided into four different titles.
11 Title 1, entitled “Preliminary Provisions,” would include the statements of
12 legislative intent described above.³⁸ Title 1 would also include the definitions for
13 new Part 6, in alphabetical order.

14 Title 2, entitled “Weapons Generally,” would include substantive provisions that
15 apply to all types of deadly weapons, such as the rules pertaining to seizure of a
16 deadly weapon at the scene of domestic violence. Title 2 would also include other

35. See proposed Sections 16730(c) (“transaction”), 17280(b) (“major component”), 19915(b) (“furnishes”), 20170(b) (“public place”), 25000 (“child”), 25200(d) (“off-premises”), 26045(c) (“immediate”), 26915(g) (“secured”), 27550 (“collusion”), 28150(a)-(b) (“purchase,” “purchaser”), 28150(c) (“sale”), 28170(e) (“transaction”), 28200(a)-(b) (“purchase,” “purchaser”), 28200(c)-(d) (“sale,” “seller”), 30510(f) (“series”), 31905(e) (“malfunction”) *infra*.

36. See proposed Sections 26700 (“dealer,” “licensee,” or “person licensed pursuant to Sections 26700 to 26915, inclusive”), 29030 (“licensee”), 29141 (“secure facility” for firearm storage by manufacturer), 29142 (special definition of “secure facility” for firearm storage by manufacturer producing fewer than 500 firearms per calendar year), 30510 (“assault weapon”), 30515 (further clarification of “assault weapon”), 30710 (“SKS rifle”), 31900 (“drop safety requirement for handguns”), 31905 (“firing requirement for handguns”), 31910 (“unsafe handgun”) *infra*.

37. See proposed Sections 16200 (“assault weapon” guidepost provision), 16440 (“dealer” guidepost provision), 16500 (“drop safety requirement for handguns” guidepost provision), 16560 (“firing requirement for handguns” guidepost provision), 16820 (“licensee” guidepost provision), 16980 (“person licensed pursuant to Sections 26700 to 26915, inclusive” guidepost provision), 17111 (guidepost provision for “secure facility” for firearm storage by manufacturer), 17220 (“SKS rifle” guidepost provision), 17300 (“unsafe handgun” guidepost provision) *infra*.

The proposed law also includes “guidepost” provisions to help readers when several terms are defined synonymously. For example, proposed Section 16370 would define “certified instructor” and “DOJ Certified Instructor” synonymously, and would be located with other definitions that begin with the letter “C”. A guidepost provision for “DOJ Certified Instructor” would be located with the definitions that begin with the letter “D,” and would state that “[u]se of the term ‘DOJ Certified Instructor’ is governed by Section 16370.” See proposed Section 16480 *infra*. For additional examples, see proposed Sections 16420 (“dagger” guidepost provision), 16470 (“dirk” or “dagger”), 16530 (“firearm capable of being concealed upon the person,” “pistol,” and “revolver”), 16810 (“licensed premises,” “licensee’s business premises,” and “licensee’s place of business”), 16822 (“licensee’s business premises” guidepost provision), 16824 (“licensee’s place of business” guidepost provision), 17010 (“pistol” guidepost provision), 17080 (“revolver” guidepost provision).

38. See discussion of “Statements of Intent” *supra*.

1 laws that relate to both firearms and non-firearms. For example, it would include
2 the provisions governing a “destructive device,” which is defined to include some
3 items that would be classified as a firearm and others that would not.³⁹

4 Title 3, entitled “Weapons and Devices Other Than Firearms,” would include
5 laws governing control of such deadly weapons as imitation firearms, knives,
6 knuckles, nunchakus, and other non-firearms. The title would be divided into
7 divisions, each of which would cover a different type of deadly weapon. The
8 divisions would be arranged in alphabetical order, starting with “BB Devices” and
9 ending with “Tear Gas and Tear Gas Weapons.”

10 Title 4, entitled “Firearms,” would contain the extensive provisions relating to
11 control of firearms. It would consist of a number of different divisions, including
12 one entitled “Special Rules Relating to Particular Types of Firearms or Firearm
13 Equipment.” Within that division, there would be several different chapters, each
14 of which would cover a different type of firearm or firearm equipment. The
15 chapters would be arranged in alphabetical order, starting with “Ammunition” and
16 ending with “Zip Guns.”

17 In reorganizing existing law in this manner, the Commission made a few
18 drafting decisions that are particularly noteworthy. These decisions relate to the
19 following provisions:

- 20 • Section 12020
- 21 • Sections 12028 and 12029
- 22 • Section 12078

23 The treatment of these provisions is described below.

24 ***Section 12020***

25 Section 12020 is an extremely long provision that generally prohibits the
26 manufacture, import, sale, gift, loan, or possession of a panoply of weapons and
27 associated equipment. The provision includes numerous exemptions, some of
28 which relate to a broad range of weapons, while others relate to only one specific
29 type of weapon.⁴⁰ Thus, a person interested in the rules applicable to a particular
30 type of weapon may have to read much irrelevant material before finding the
31 relevant portions of Section 12020.

32 To make it easier for persons to find the relevant rules, the Commission divided
33 up the substance of Section 12020 according to the type of weapon or equipment
34 to which it pertains. For example, the rules relating to short-barreled rifles and
35 short-barreled shotguns would be placed in a chapter with other provisions relating

39. See proposed Section 16460 *infra*, which would continue the definition of “destructive device” currently found in Section 12301(a).

40. See Section 12020(b)(1)-(32).

1 to those types of weapons.⁴¹ Similarly, the many rules relating to large capacity
2 magazines would be placed in a chapter on large-capacity magazines.⁴²

3 Some of the exemptions in Section 12020 are broad. They pertain to more than
4 one type of weapon or equipment, and do not clearly specify which items are
5 within their scope.⁴³

6 Ideally, it would be possible to determine which items are covered by a broad
7 exemption, and to state the exemption in the division, chapter, or article for each
8 item covered. Because it is not entirely clear which items are covered, however,
9 the broad exemptions could not be treated in that manner without creating a risk of
10 a substantive change.⁴⁴

11 Instead, the proposed law would place the broad exemptions in a chapter within
12 the title on “Weapons Generally.”⁴⁵ The entire chapter (as opposed to specific
13 provisions within the chapter) would be cross-referenced in every section
14 prohibiting the manufacture, import, sale, gift, loan, or possession of a type of
15 weapon or equipment that was covered by Section 12020.⁴⁶ That would draw

41. See proposed Sections 33215-33225 *infra*.

42. See proposed Sections 32310, 32400-32450 *infra*.

For a list of all of the provisions that would continue the substance of the weapon prohibitions in Section 12020(a), see proposed Section 16590 *infra*, which would define the term “generally prohibited weapon” to include all of the items now covered by Section 12020(a).

43. For example, paragraph (b)(9) creates an exemption for an instrument or device possessed by a historical society, museum, or institutional collection:

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

....

(9) Instruments or devices that are possessed by federal, state, and local historical societies, museums, and institutional collections which are open to the public, provided that these instruments or devices are properly housed, secured from unauthorized handling, and, if the instrument or device is a firearm, unloaded.

Other broad exemptions are stated in paragraphs (b)(5), (b)(7)-(8), (b)(10)-(13), and (b)(16)-(18).

44. For example, it is unclear whether the exemption for “an instrument or device” possessed by a historical society, museum, or institutional collection (paragraph (b)(9)) would extend to a flechette dart, which is a type of ammunition. A court might consider that exemption inapplicable to a flechette dart, because some of the other exemptions in Section 12020 specifically refer to “ammunition,” not just to “an instrument or device.” But such an interpretation is not a foregone conclusion.

The Commission could try to predict which interpretation a court would adopt, and then either include or omit the exemption from the portion of the code relating to flechette darts, in accordance with its prediction. That would necessarily entail a risk of a substantive change, however, because the Commission’s prediction might be incorrect.

45. See proposed Sections 17700-17745 *infra*.

46. For example, proposed Section 20610 would state:

20610. *Except as provided in Chapter 1 (commencing with Section 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 lipstick case knife is punishable by imprisonment in a county jail not exceeding one year or in the state prison.

(Emphasis added.)

1 attention to the broad exemptions, without taking a position on whether a
2 particular exemption pertains to a particular type of weapon or equipment.⁴⁷

3 **Sections 12028 and 12029**

4 Section 12028 is another provision that pertains to a variety of weapons. It states
5 that certain weapons constitute a nuisance under specified circumstances. The
6 section also provides procedures for surrender and disposal of those weapons.
7 Section 12029 is quite similar, except it classifies different weapons as a nuisance
8 and the procedures for surrender and disposal of those weapons are much less
9 detailed.

10 The Commission treated these two provisions the same way as Section 12020,
11 dividing up their substance according to the type of weapon or equipment to which
12 it pertains.⁴⁸ The generally applicable procedures for surrender and disposal of
13 weapons would be placed in the title on “Weapons Generally,”⁴⁹ and cross-
14 referenced in each weapon-specific provision derived from the same section.⁵⁰ The
15 cross-reference would help a reader find the procedures for surrender and disposal
16 of the weapon in question.

17 **Section 12078**

18 Section 12078 is an enormous provision that consists of 48 different exceptions,
19 each of which relates to one or more enumerated code sections. As so drafted, the
20 meaning of each exception is difficult to grasp without careful study.

21 To make the substance of Section 12078 more readily understandable, the
22 proposed legislation would divide it up, such that each exception is stated in close
23 proximity to each substantive rule that it modifies. For example, subdivision (e) of
24 Section 12078 creates an exception relating to gunsmiths: “Section 12071,
25 subdivisions (c) and (d) of Section 12072, and subdivision (b) of Section 12801
26 shall not apply to the delivery of a firearm to a gunsmith for service or repair, or to
27 the return of the firearm to its owner by the gunsmith.” In the proposed legislation,

47. The possibility of relocating these provisions could be explored in the future, as a separate law reform project. See discussion of “Minor Clean-up Issues for Possible Future Legislative Attention” *infra* and Appendix B (Item # 79) *infra*.

48. For example, the substance of Section 12028 relating to a switchblade knife would be continued in a chapter on switchblade knives. See proposed Section 21590 *infra*.

49. See proposed Sections 18000 and 18005, which would continue the surrender and disposal rules from Section 12028, and proposed Section 18010, which would continue the surrender and disposal rules from Section 12029.

50. For example, the provision on switchblade knives constituting a nuisance (proposed Section 21590 *infra*) would cross-refer to proposed Sections 18000 and 18005, which would continue the surrender and disposal rules from Section 12028:

21590. The unlawful possession and carrying of any switchblade knife, as provided in Section 21510, is a nuisance *and is subject to Sections 18000 and 18005*.

(Emphasis added.)

1 that exception for gunsmith transactions would be stated in close proximity to (1)
2 the provisions that would continue Section 12071,⁵¹ (2) the provision that would
3 continue Section 12072(c),⁵² (3) the provision that would continue Section
4 12072(d),⁵³ and (4) the provision that would continue Section 12801(b).⁵⁴ This
5 would make it more easily apparent which substantive rules are modified by the
6 exception.

7 Unnecessary Cross-References

8 ACR 73 directs the Commission to “[a]void unnecessary use of cross-
9 references.” Consistent with that direction, the proposed law would eliminate
10 cross-references where doing so would not affect the meaning of a provision or
11 make it more difficult to understand.

12 One type of cross-reference that can often be eliminated without affecting the
13 substance of the law is a cross-reference to an applicable definition. As discussed
14 above, the proposed law would group most definitions together near the beginning
15 of proposed Part 6 of the Penal Code, with clear statements indicating the
16 application of each definition. Each section that uses a defined term would have a
17 Commission Comment directing the reader to the applicable definition. This
18 obviates the need to include a statutory cross-reference whenever a defined term is
19 used.⁵⁵

51. The substance of Section 12071 (other than definitions) would be continued in proposed Sections 26700-26915 *infra*. The exception for gunsmith transactions would be stated nearby, in proposed Section 27105 *infra*. For convenient reference, it would be located with other exceptions to proposed Sections 26700-26915, and those exceptions would be cross-referenced in the Comments to proposed Sections 26700-26915.

52. The substance of Section 12072(c) would be continued in proposed Section 27540 *infra*. The exception for gunsmith transactions would be stated nearby, in proposed Section 27705 *infra*. For convenient reference, it would be located with other exceptions to proposed Section 27540, and those exceptions would be cross-referenced in the Comment to proposed Section 27540.

53. The substance of Section 12072(d) would be continued in proposed Section 27545 *infra*. The exception for gunsmith transactions would be stated nearby, in proposed Section 27890 *infra*. For convenient reference, it would be located with other exceptions to proposed Section 27545, and those exceptions would be cross-referenced in the Comment to proposed Section 27545.

54. The substance of Section 12801(b) would be continued in proposed Section 31615(a) *infra* (except the definition of “antique firearm”). The exception for gunsmith transactions would be stated nearby, in proposed Section 31755 *infra*. For convenient reference, it would be located with other exceptions to proposed Section 31615(a), and those exceptions would be cross-referenced in the Comment to proposed Section 31615.

55. However, there are some instances where a cross-reference to a definition has been preserved, where the definition is particularly important, potentially confusing, or likely to be overlooked. See, e.g., proposed Sections 17505, 17740, 23925, 25105, 25205, 27820, 27870, 27875, 27880, 27995, 27965 *infra*.

1 **Conforming Cross-References**

2 Title 2 of Part 4 of the Penal Code contains many provisions that cross-refer to
3 other statutes. As material is reorganized in new Part 6 of the Penal Code, each
4 such cross-reference must be conformed to the new numbering scheme.

5 Often, an existing cross-reference can simply be replaced by a cross-reference to
6 a new provision containing the exact same material as the previously cross-
7 referenced provision.

8 In some instances, however, that is not the best approach. For example, the
9 cross-referenced provision may have been reorganized into a series of smaller
10 provisions, some of which are not relevant to the purpose of the cross-reference. If
11 all of the smaller provisions were cited in place of the original cross-reference,
12 readers would unnecessarily be forced to review irrelevant material. In such cases,
13 it is necessary to exercise some judgment to properly conform the cross-reference
14 in a way that is consistent with its original purpose. In making such changes, the
15 Commission carefully examined the substance of the provisions in question and
16 determined that there would be no substantive change. The Commission's
17 Comments would state as much, and would be official legislative history.⁵⁶ In
18 addition, proposed Section 16005 would state expressly that changes to cross-
19 references should be construed as nonsubstantive.

20 Conforming the cross-references required particular attention where the existing
21 statutory text relates to events that occurred in the past, such as registration periods
22 that have ended or procedures that no longer apply.⁵⁷ For example, suppose a
23 provision refers to a "firearm declared by the court pursuant to Section 12276.5 to
24 be an assault weapon,"⁵⁸ but Section 12276.5 no longer establishes a procedure for
25 a court to declare a firearm to be an assault weapon.⁵⁹ In recodifying the provision
26 that refers to Section 12276.5, it may not be appropriate to replace the cross-
27 reference to Section 12276.5 with a cross-reference to the proposed new provision
28 that would continue the current substance of Section 12276.5. Instead, it may be
29 better to cross-refer to "former Section 12276.5." The Commission used care in
30 addressing such situations, as by providing background information or an
31 explanation in the Comment to assist readers.⁶⁰ Here, as elsewhere, the overriding

56. See "Commission Comments" *supra*.

57. There are a number of examples of this type of situation in the provisions relating to assault weapons and .50 BMG rifles (Sections 12275-12290). For an explanation of why the Commission preserved such statutory material instead of deleting it as obsolete, see discussion of "Provisions That Might Be Obsolete" *infra*.

58. See, e.g., Section 12276(d).

59. That procedure was discontinued as of January 1, 2007. See 2006 Cal. Stat. ch. 793, § 1.

60. See, e.g., proposed Section 30510 Comment *infra*.

1 principle and intent was to preserve the substance of existing law without
2 substantive change.⁶¹

3 There are also a few provisions that contain one or more cross-references that
4 are plainly erroneous. Where the proper cross-reference is obvious, the
5 Commission has corrected the cross-reference, rather than perpetuating the error.
6 These corrections are listed and explained in Appendix A.⁶² Where the proper
7 cross-reference is not altogether obvious, the Commission has left it alone, so as
8 not to create a risk of a substantive change. These situations could be addressed in
9 a future reform.⁶³

10 Finally, there are a large number of statutory provisions that are located outside
11 of Title 2, which include cross-references to provisions located within Title 2. The
12 Commission has prepared a separate tentative recommendation, which would
13 correct those cross-references to reflect the new organization.⁶⁴

14 Provisions That Might Be Obsolete

15 Some of the provisions in Title 2 of Part 4 of the Penal Code contain language
16 that might be obsolete, such as rules that no longer apply,⁶⁵ deadlines that have
17 long since passed,⁶⁶ and procedures for programs that have ended.⁶⁷ In drafting the

61. Again, that intent would be clearly expressed in proposed Section 16005 (nonsubstantive reform) *infra*.

In determining how to conform the numerous cross-references in the deadly weapons statutes, the Commission also relied in part on proposed Section 16010 (continuation of existing law) *infra*. Where this provision appeared particularly relevant, the Commission included a citation to it in the Comment. See, e.g., proposed Section 30520 Comment *infra*.

62. The Commission also corrected an obvious drafting error in Section 12076(c). That provision governs electronic or telephonic transfer of applicant information for a firearm transaction. Section 12076(b) is a parallel provision, which governs use of a register for submitting applicant information to the Department of Justice for a firearm transaction. Much of the wording of these provisions is similar, except Section 12076(c) refers to “the electronic or telephonic transfer” and Section 12076(b) refers to “the register.”

In one place, however, Section 12076(c)(1) refers to “the register,” not “the electronic or telephonic transfer.” That reference is misplaced in a provision on electronic or telephonic transfer. The reference to “the register” should be replaced with a reference to “the electronic or telephonic transfer.” The Commission has made this correction. See proposed Section 28250 & Comment *infra*.

63. See discussion of “Minor Clean-up Issues for Possible Future Legislative Attention” *infra*.

64. See Tentative Recommendation on *Nonsubstantive Reorganization of Deadly Weapon Statutes: Conforming Revisions* (Feb. 2009).

65. See, e.g., Section 12076(a)(1), which says that “[b]efore January 1, 1998, the Department of Justice shall determine the method by which a dealer shall submit firearm purchaser information to the department and the information shall be in one of the following formats” (Emphasis added.)

66. See, e.g., Section 12021(i), which calls for development of a protocol that “shall be completed on or before January 1, 2005.”

67. See, e.g., subdivision (f) of Section 12281, which requires relinquishment or disposal of an SKS rifle in a specified manner “on or before January 1, 2000,” and subdivision (h) of the same section, which establishes a purchase program for SKS rifles relinquished pursuant to subdivision (f).

1 proposed legislation, the Commission preserved almost all of that language. The
2 Commission took this cautious approach because deleting such language might
3 raise concerns about a possible substantive change, and because the apparently
4 obsolete language might remain useful for reference purposes, such as deciding
5 what crimes can be charged for conduct that occurred in the past. In a number of
6 instances, the Commission suggests studying whether future clean-up to eliminate
7 or otherwise revise obsolete language would be appropriate.⁶⁸

8 **Other Drafting Techniques**

9 In reorganizing the provisions on control of deadly weapons, the Commission
10 used a few other drafting techniques, which it regularly employs. In particular, the
11 Commission (1) replaced gender-specific with gender neutral language, (2)
12 primarily used the singular form instead of the plural, because the singular form
13 tends to be more clear,⁶⁹ and (3) eliminated awkward phrases such as “he or she,”
14 “himself or herself,” “his or hers,” and “him or her” when possible. The
15 Commission only used these drafting techniques where there appeared to be no
16 risk of a substantive change.

17 **DISPOSITION TABLE**

18 This recommendation concludes with a disposition table showing, for every
19 provision of Title 2 of Part 4 of the Penal Code, the new provision that would
20 continue it. This table will be part of the Commission’s final recommendation and
21 will assist the public and the Legislature in reviewing the proposed law.

22 If legislation enacting this recommendation is enacted, the disposition table will
23 be provided to legal publishers, who would typically make the table available as
24 part of the print and online versions of the Penal Code. The table would then help
25 to correlate a court decision or other document that cites an existing provision,
26 with the new provision that would continue the existing provision. This would
27 ease the transition from existing law to the new law.

28 **MINOR CLEAN-UP ISSUES FOR POSSIBLE** 29 **FUTURE LEGISLATIVE ATTENTION**

30 In conducting this study, the Commission identified a number of minor
31 problems within Title 2 of Part 4 of the Penal Code, which could not be addressed
32 without potentially raising concerns about a substantive change. Because this
33 study is strictly nonsubstantive, the proposed law does not include any language to
34 address those problems.

68. See discussion of “Minor Clean-up Issues for Possible Future Legislative Attention” *infra* and Appendix B (Items #35-#39) *infra*.

69. A change from plural form to singular form (or vice versa) does not affect the meaning of a provision. See Section 7 (“the singular number includes the plural, and the plural the singular”).

APPENDIX A: CORRECTED CROSS-REFERENCES

1 In reorganizing the provisions on control of deadly weapons, the Law Revision
2 Commission found some provisions that contain one or more incomplete or
3 incorrect cross-references. Where the proper cross-reference is obvious, the
4 Commission corrected the cross-reference in drafting its proposed legislation. That
5 approach seemed more sensible than perpetuating a plainly incorrect cross-
6 reference.

7 Those instances are described in detail below:

- 8 • Section 11106 refers to “a firearms transaction record, as defined in
9 paragraph (5) of subdivision (c) of Section 12071.” There no longer is a
10 “paragraph (5) of subdivision (c) of Section 12071.” It was relabeled as
11 Section 12071(c)(4)(A).¹ The proposed law would correct this problem by
12 replacing the cross-reference to “paragraph (5) of subdivision (c) of Section
13 12071” with a cross-reference to the provision that would continue the
14 substance of Section 12071(c)(4)(A).²
- 15 • Section 12031(b)(7) refers to armored vehicle guards “as defined in Section
16 7521 of the Business and Professions Code” The cross-reference to
17 Business and Professions Code Section 7521 is incorrect. That section used
18 to define “armored vehicle guard,” but now it only defines “private
19 investigator.” The definition of “armored vehicle guard” has been relocated
20 to Business and Professions Code Section 7582.1(d). The proposed law
21 would correct this erroneous cross-reference.³
- 22 • Section 12031(d)(3) refers to private investigators and private patrol
23 operators “who are licensed pursuant to Chapter 11.5 (commencing with
24 Section 7512) of Division 3 of the Business and Professions Code”
25 Similarly, Section 12031(d)(6) refers to uniformed employees of “private
26 patrol operators and private investigators licensed pursuant to Chapter 11.5
27 (commencing with Section 7512) of Division 3 of the Business and
28 Professions Code” These cross-references are incorrect. Private
29 investigators are now licensed pursuant to Chapter 11.3 (commencing with
30 Section 7512) of Division 3 of the Business and Professions Code. Private
31 patrol operators are licensed pursuant to Chapter 11.5 (commencing with
32 Section 7580) of Division 3 of the Business and Professions Code. The
33 proposed law would correct these erroneous cross-references.⁴

1. Compare 1999 Cal. Stat. ch. 128, § 1, with 2001 Cal. Stat. ch. 944, § 5.1.

2. See proposed amendment to Section 11106, which is in the separate tentative recommendation on *Nonsubstantive Reorganization of Deadly Weapon Statutes: Conforming Revisions* (Feb. 2009).

3. See proposed Section 26015 *infra*.

4. See proposed Section 26030 *infra*.

- 1 • Section 12070(b)(2) refers to “a person acting pursuant to subdivision (e) of
2 Section 186.22a.” The cross-reference to subdivision (e) of Section 186.22a
3 does not make sense, because that provision simply says: “Nothing in this
4 chapter shall preclude any aggrieved person from seeking any other remedy
5 provided by law.” The correct cross-reference is to subdivision (f) of the
6 same section, which concerns confiscation of firearms, ammunition, and
7 deadly weapons as a nuisance, and disposal of the items following
8 confiscation. It was formerly labeled as subdivision (e). The proposed law
9 would correct this erroneous cross-reference.⁵
- 10 • Section 12072(f)(1)(B) says: “For every identification number request
11 received pursuant to this section, the department shall determine whether the
12 intended recipient is on the centralized list of firearms dealers *pursuant to*
13 *this section ...*”⁶ The italicized cross-reference is incorrect, because Section
14 12072 does not provide for a centralized list of firearms dealers. That is
15 done in Section 12071(e). The proposed law would correct this erroneous
16 cross-reference.⁷
- 17 • Section 12078(i)(2)(A) refers to “a levying officer as defined in Section
18 481.140, 511.060, or 680.210 of the Code of Civil Procedure.” The
19 reference to Code of Civil Procedure Section 680.210 is incorrect. That
20 provision defines “general intangibles,” not “levying officer.” The definition
21 of “levying officer” is in Code of Civil Procedure Section 680.260 instead.
22 The proposed law would correct this erroneous cross-reference.⁸
- 23 • Section 12081(b)(5) says: “The Department of Justice shall review
24 subsequent arrests ... to determine the continuing validity of the permit as
25 specified in subdivision (d) for all entertainment firearms permit holders.”
26 The cross-reference to subdivision (d) is obviously incorrect, because
27 subdivision (d) does not relate to the continuing validity of an entertainment
28 firearms permit. The correct cross-reference is to subdivision (f), which was
29 originally labeled as subdivision (d) in the bill enacting Section 12081.⁹
30 Apparently due to inadvertence, the cross-reference was not adjusted when
31 the bill was amended and the subdivisions were relabeled. The proposed law
32 would correct this erroneous cross-reference.¹⁰
- 33 • Section 12101(c)(1)(B) cross-refers to Section 12560. That provision existed
34 when Section 12101 was added to the codes in 1988, but it has since been
35 repealed.¹¹ Consequently, there is no need to continue the cross-reference.
36 The proposed law would delete this obsolete cross-reference.¹²

5. See proposed Section 26510 *infra*.

6. Emphasis added.

7. See proposed Section 27555 *infra*.

8. See proposed Section 27920 *infra*.

9. See SB 231 (Scott & Murray), as amended Aug. 9, 2004.

10. See proposed Section 29520 *infra*.

11. See 1990 Cal. Stat. ch. 9, § 14.

12. See proposed Section 29700 *infra*.

- 1 • Section 12101(d) cross-refers to “Article 14 (commencing with Section 601)
2 of Chapter 2 of Part 1 of the Welfare and Institutions Code.” That cross-
3 reference is incomplete. The correct cross-reference is to “Article 1
4 (commencing with Section 601) of Chapter 2 of Part 1 of *Division 2* of the
5 Welfare and Institutions Code.” The proposed law would correct this
6 incomplete cross-reference.¹³
- 7 • Section 12132(g) refers to “a curio or relic, as defined in Section 178.11 of
8 the Code of Federal Regulations.” The reference to Section 178.11 of the
9 Code of Federal Regulations is incorrect. There is no such provision. The
10 cross-reference should be to Section 478.11 of Title 27 of the Code of
11 Federal Regulations, which contains a definition of “curio or relic.” The
12 proposed law would correct the cross-reference.¹⁴
- 13 • Section 12276.5 cross-refers to “Chapter 3.5 (commencing with Section
14 11340) of Division 3 of Title 2 of the Government Code.” That cross-
15 reference is incomplete. The correct cross-reference is to “Chapter 3.5
16 (commencing with Section 11340) of *Part 1* of Division 3 of Title 2 of the
17 Government Code. The proposed law would correct this incomplete cross-
18 reference.¹⁵
- 19 • Section 12280(u)(3) refers to the “operative date of Section 12276.1, as
20 specified in subdivision (d) of that section.” The cross-reference to
21 subdivision (d) is incorrect. The operative date of January 1, 2000, was
22 originally stated in subdivision (d), but it is now stated in subdivision (e)
23 instead. The proposed law would correct this mistake by referring directly to
24 the operative date of January 1, 2000.¹⁶
- 25 • Section 12305 contains two references to a permit granted or issued
26 pursuant to “this article.” Section 12305 is not part of an article. It is located
27 in a chapter that is not divided into articles. The references to “this article”
28 are plainly erroneous. Under existing law, the correct reference is to “this
29 section,” because Section 12305 is the only section in its chapter that relates
30 to the granting or issuance of a permit. In the proposed law, however, the
31 substance of Section 12305 would be continued in an article.¹⁷ The
32 references to “this article” would therefore be left intact, because they would
33 no longer be erroneous.¹⁸
- 34 • Section 12316(c) refers to “an armored vehicle guard, who is engaged in the
35 performance of his or her duties, as defined in subdivision (e) of Section
36 7521 of the Business and Professions Code ...” The cross-reference to
37 Business and Professions Code Section 7521(e) is incorrect. That section

13. See proposed Section 29705 *infra*.

14. See proposed Section 32110 *infra*.

15. See proposed Section 30520 *infra*.

16. See proposed Section 30620(c) *infra*.

17. See proposed Article 3 (commencing with Section 18900) of Chapter 1 of Division 5 of Title 2 of Part 6 *infra*.

18. See proposed Sections 18905, 18910 *infra*.

1 used to define “armored vehicle guard,” but now it only defines “private
2 investigator.” The definition of “armored vehicle guard” has been relocated
3 to Business and Professions Code Section 7582.1(d). The proposed law
4 would correct this erroneous cross-reference.¹⁹

- 5 • Section 12403.8(a) refers to “paragraph (4) of subdivision (a) of Section
6 12403.7,” which does not exist. The obvious intent is to refer to subdivision
7 (d) of Section 12403.7, which used to be paragraph (4) of subdivision (a).²⁰
8 The proposed law would correct that error.²¹
- 9 • Section 12403.8(b) refers to “paragraph (3) of subdivision (a) of Section
10 12403.7,” which does not exist. The obvious intent is to refer to subdivision
11 (c) of Section 12403.7, which used to be paragraph (3) of subdivision (a).²²
12 The proposed law would correct that error.²³
- 13 • Section 12403.5 refers to a “person holding a license as a private
14 investigator or private patrol operator issued pursuant to Chapter 11
15 (commencing with Section 7500), Division 3 of the Business and
16 Professions Code.” However, Chapter 11 (commencing with Section 7500)
17 of Division 3 of the Business and Professions Code no longer relates to
18 private investigators and private patrol operators. Instead, it relates to
19 repossessioners. The provisions governing private investigators are now located
20 in Chapter 11.3 (commencing with Section 7512) of Division 3 of the
21 Business and Professions Code. The provisions governing private patrol
22 operators are now located in Chapter 11.5 (commencing with Section 7580)
23 of the same division. The proposed law would correct the erroneous cross-
24 reference.²⁴

19. See proposed Section 30310 *infra*.

20. See 1995 Cal. Stat. ch. 437, § 6.

21. See proposed Section 22815(a) *infra*.

22. See 1995 Cal. Stat. ch. 437, § 6.

23. See proposed Section 22815(b) *infra*.

24. See proposed Section 22835 *infra*.

APPENDIX B:
MINOR CLEAN-UP ISSUES FOR POSSIBLE
FUTURE LEGISLATIVE ATTENTION

1 In conducting this strictly nonsubstantive study, the Commission identified a
2 number of minor problems within Title 2 of Part 4 of the Penal Code, which could
3 not be addressed without potentially raising concerns about a substantive change.
4 Those issues are listed here. As far as the Commission is aware, this list consists
5 of relatively noncontroversial clean-up issues, not issues involving substantial
6 controversy. If any of the issues listed below appears likely to involve substantial
7 controversy, please notify the Commission.

- 8 (1) Consider whether to expand the following definitions to the entirety of new
9 Part 6 of the Penal Code:

10 "Application to purchase"¹

11 "Assault weapon"²

12 "Capacity to accept more than 10 rounds"³

13 "Deadly weapon"⁴

14 "Destructive device"⁵

15 "Explosive"⁶

16 "Firearm safety device"⁷

17 "Licensed premises"⁸

18 "Locked container"⁹

19 "Rifle"¹⁰

20 "Semiautomatic pistol"¹¹

21 "Short-barreled rifle"¹²

1. See Commission Staff Memorandum 2007-20, Attachment p. 1. Any Commission Staff Memorandum referred to in this appendix can be obtained from the Commission, through its website (www.clrc.ca.gov) or otherwise.

2. See Commission Staff Memorandum 2007-33, Attachment pp. 7-8.

3. See Commission Staff Memorandum 2007-33, Attachment p. 15.

4. See First Supplement to Commission Staff Memorandum 2007-20, p. 1 & Attachment p. 1.

5. See Commission Staff Memorandum 2007-33, Attachment p. 22.

6. See Commission Staff Memorandum 2007-33, Attachment p. 26.

7. See Commission Staff Memorandum 2007-33, Attachment p. 26.

8. See Commission Staff Memorandum 2008-17, Attachment pp. 29-30.

9. See Commission Staff Memorandum 2008-17, Attachment pp. 31-32.

10. See Commission Staff Memorandum 2008-17, Attachment pp. 42-43.

11. See Commission Staff Memorandum 2008-17, Attachment p. 47.

12. See Commission Staff Memorandum 2007-33, Attachment pp. 44-45.

- 1 “Short-barreled shotgun”¹³
2 “Shotgun”¹⁴
3 “Silencer”¹⁵
- 4 (2) Consider whether it is really necessary to have multiple definitions of the
5 term “antique firearm.”¹⁶
- 6 (3) Consider whether a single definition of “honorably retired” could be applied
7 to the entirety of new Part 6 of the Penal Code.¹⁷
- 8 (4) Consider whether a single definition of “person” could be applied to the
9 entirety of new Part 6 of the Penal Code.¹⁸
- 10 (5) Consider whether the references to “person, parent, or guardian” now found
11 in Penal Code Section 12403.8(c) should be replaced with “parent, guardian,
12 or other person.”¹⁹
- 13 (6) Consider whether a single definition of “lawful possession of the firearm”
14 could be applied to the entirety of new Part 6 of the Penal Code.²⁰
- 15 (7) Consider whether to conform the definitions of “operation of law” and “A
16 person taking title or possession of firearms by operation of law,” and
17 whether to extend a single definition to the entirety of new Part 6 of the
18 Penal Code.²¹
- 19 (8) Consider whether the definition of “loaded” given in Penal Code Sections
20 12031(g) and 12035(a)(2) should be extended more broadly.²²
- 21 (9) Consider whether the definition of “magazine” given in Penal Code Section
22 12276.1(d)(1) should be extended more broadly.²³
- 23 (10) Consider whether the definition of “locking device” for firearm should be
24 extended more broadly, particularly to the provision that would continue
25 Penal Code Section 12071(b)(7).²⁴

13. See Commission Staff Memorandum 2007-33, Attachment p. 44.

14. See Commission Staff Memorandum 2008-17, Attachment pp. 49-50.

15. See Commission Staff Memorandum 2008-17, Attachment p. 50.

16. See Commission Staff Memorandum 2007-21, Attachment pp. 4-5.

17. See Commission Staff Memorandum 2007-33, Attachment p. 36.

18. See Commission Staff Memorandum 2008-17, Attachment pp. 37-38.

19. See Commission Staff Memorandum 2008-25, Attachment p. 24.

20. See Commission Staff Memorandum 2008-17, Attachment p. 26.

21. See Commission Staff Memorandum 2007-33, Attachment pp. 41-42; Commission Staff Memorandum 2008-17, Attachment pp. 36-37.

22. See Commission Staff Memorandum 2008-17, Attachment p. 31.

23. See Commission Staff Memorandum 2008-17, Attachment p. 34.

24. See Commission Staff Memorandum 2008-17, Attachment p. 32; Commission Staff Memorandum 2008-23, p. 5.

- 1 (11) Penal Code Section 12316(a) defines “bona fide evidence of majority and
2 identity.” Penal Code Section 12071(c)(1) defines “clear evidence of his or
3 her identity and age.” The two definitions are different. Consider whether it
4 is necessary to use two distinct terms with differing definitions.²⁵
- 5 (12) Consider whether to revise the definition of “department” to say: “As used
6 in this part, unless otherwise apparent from the context, ‘department’ means
7 the Department of Justice.”²⁶
- 8 (13) Consider whether to provide separate definitions of the terms “pistol” and
9 “revolver.”²⁷
- 10 (14) Consider whether the definition of “unsafe handgun” should be revised to
11 improve clarity and readability.²⁸
- 12 (15) Consider whether the same definition of “furnishes” should be used in the
13 provisions relating to (1) furnishing tear gas or a tear gas weapon to a minor,
14 (2) furnishing a stun gun to a minor, and (3) furnishing a BB device to a
15 minor.²⁹
- 16 (16) Consider whether and, if so, how, to define “.50 BMG Rifle” for purposes of
17 Penal Code Section 12022.5.³⁰
- 18 (17) Consider whether to revise the definition of “agent.”³¹
- 19 (18) It is unclear which definition of “imitation firearm” applies in Penal Code
20 Section 12553(b).³² Consider how to eliminate this ambiguity.
- 21 (19) It is unclear whether the definition of “imitation firearm” in Penal Code
22 Section 12550(c) is meant to apply to Penal Code Section 12555 to any
23 extent.³³ Consider how to eliminate this ambiguity.
- 24 (20) Consider whether to clarify which definition of “licensee” applies to Penal
25 Code Section 12086.³⁴
- 26 (21) Consider whether to clarify the intended scope of the definition of “secured”
27 now found in Penal Code Section 12071(b)(20)(G)(ii).³⁵

25. See Commission Staff Memorandum 2007-33, Attachment pp. 13, 17-18.

26. See Commission Staff Memorandum 2007-33, Attachment p. 21.

27. See Commission Minutes (April 2008), pp. 6-7.

28. See Commission Staff Memorandum 2008-17, Attachment pp. 56-57.

29. See Commission Staff Memorandum 2007-33, Attachment p. 31.

30. See Commission Staff Memorandum 2008-53, Attachment p. 8.

31. See Commission Staff Memorandum 2008-27, pp. 1-2.

32. See Commission Staff Memorandum 2008-26, Attachment p. 18.

33. See Commission Staff Memorandum 2008-42, pp. 15-19.

34. See Commission Staff Memorandum 2008-49, Attachment p. 4.

35. See Commission Staff Memorandum 2008-49, Attachment pp. 30-32.

- 1 (22) Consider whether the definition of “ammunition” in Penal Code Section
2 12316(b)(2) should be extended to apply to Penal Code Section 12316(d),
3 and perhaps elsewhere.³⁶
- 4 (23) Consider whether Welfare and Institutions Code Section 676(a)(24) should
5 be revised to refer to the definition of “assault weapon” now found in Penal
6 Code Section 12276.1, as well as the definition of “assault weapon” now
7 found in Penal Code Section 12276.³⁷
- 8 (24) Consider whether Welfare and Institutions Code Section 8104 should be
9 revised to refer to the definition of “assault weapon” now found in Penal
10 Code Section 12276.1, as well as the definition of “assault weapon” now
11 found in Penal Code Section 12276.³⁸
- 12 (25) Consider whether to rename the “certificate of eligibility” referred to in
13 Penal Code Section 12071.1 and the “certificate of eligibility” referred to in
14 Penal Code Section 12071(a), to prevent confusion.³⁹
- 15 (26) Consider whether to standardize the references to “facilities manager” and
16 “facility’s manager” in Penal Code Section 12071.1.⁴⁰
- 17 (27) Consider whether to standardize the references to “applied orally” and
18 “administered orally” in Penal Code Section 12804(c).⁴¹
- 19 (28) The second sentence of Penal Code Section 12028.5(g) refers to a “family
20 violence incident,” not a “domestic violence incident.” Consider whether to
21 replace “family violence incident” with “domestic violence incident.”⁴²
- 22 (29) Article 8 of Chapter 6 of Title 2 of Part 4 (i.e., Penal Code §§ 12800-12809)
23 is sloppy in referring to instructors.⁴³ Consider whether and, if so, how, to
24 address this problem.
- 25 (30) In Title 2 of Part 4 of the Penal Code, the usage of “dealer,” “licensee,” and
26 similar terms is potentially confusing.⁴⁴ Consider whether and, if so, how, to
27 address this problem.
- 28 (31) Consider, on a case-by-case basis, whether references to “pistol, revolver, or
29 firearm capable of being concealed upon the person” should be replaced
30 with the term “handgun.”⁴⁵

36. See Commission Staff Memorandum 2008-59, Attachment pp. 35-36.

37. See Commission Staff Memorandum 2009-11, Attachment p. 143.

38. See Commission Staff Memorandum 2009-11, Attachment pp. 169-70.

39. See Commission Staff Memorandum 2008-49, Attachment p. 47.

40. See Commission Staff Memorandum 2008-49, Attachment p. 49.

41. See Commission Staff Memorandum 2009-5, Attachment p. 11.

42. See Commission Staff Memorandum 2007-21, Attachment p. 17.

43. See Commission Staff Memorandum 2007-33, Attachment p. 16.

44. See Commission Staff Memorandum 2007-33, Attachment p. 20.

- 1 (32) Consider whether to revise the references to “gun show producer license”
2 and “producer’s certificate of eligibility” now found in Penal Code Section
3 12071.1(e).⁴⁶
- 4 (33) Consider whether to conform the references to “magnetic strip” and
5 “magnetic stripe” in Penal Code Section 12077(f).⁴⁷
- 6 (34) Consider whether statutory references to “Dealer Record of Sale Account”
7 and “Dealers’ Record of Sale Special Account” should be conformed.⁴⁸
- 8 (35) The first clause of Penal Code Section 12027(a)(1)(C) states a general rule.
9 The remainder of Penal Code Section 12027(a)(1)(C) states an exception to
10 that general rule. Consider whether the exception is obsolete.⁴⁹
- 11 (36) The first clause of the third paragraph of Penal Code Section 12031(b)(1)
12 states a general rule. The remainder of that paragraph states an exception to
13 the general rule. Consider whether the exception is obsolete.⁵⁰
- 14 (37) Consider whether the statutes governing the recordkeeping process for a
15 firearm transaction should be revised to delete, segregate, or otherwise
16 modify material relating to recordkeeping methods that are no longer in
17 use.⁵¹
- 18 (38) Consider whether the statutes relating to SKS rifles should be revised to
19 delete, segregate, or otherwise modify outdated material.⁵²
- 20 (39) Consider whether Penal Code Section 12101(f) is obsolete and can be
21 deleted from the codes.⁵³
- 22 (40) Consider whether the language now in Penal Code Section 12035(h) is
23 unnecessary and redundant.⁵⁴
- 24 (41) Consider whether Penal Code Sections 12070(b)(2) and 12078(b)(8) are
25 unnecessarily redundant to some extent.⁵⁵
- 26 (42) Consider whether Penal Code Sections 12070(b)(13) and 12070(b)(14) are
27 unnecessarily redundant to some extent.⁵⁶

45. See, e.g., Commission Staff Memorandum 2008-17, Attachment pp. 21-22 (proposed §§ 16650, 16660), 24-25 (proposed § 16730), 52-53 (proposed § 17260), 54-57 (proposed § 17300), 60-61 (proposed § 17510).

46. See Commission Staff Memorandum 2008-49, Attachment pp. 51-52.

47. See Commission Staff Memorandum 2008-49, Attachment p. 107.

48. See Commission Staff Memorandum 2008-59, Attachment p. 10.

49. See Commission Staff Memorandum 2008-39, Attachment p. 19.

50. See Commission Staff Memorandum 2008-39, Attachment p. 38.

51. See Commission Staff Memorandum 2008-49, Attachment pp. 99-100.

52. See Commission Staff Memorandum 2009-4, Attachment pp. 19-20.

53. See Commission Staff Memorandum 2008-59, Attachment pp. 17-18.

54. See Commission Staff Memorandum 2008-39, Attachment p. 9.

55. See Commission Staff Memorandum 2008-49, Attachment pp. 6-7.

- 1 (43) Consider whether Penal Code Sections 12021.3(a)(1)(G) and 12021.3(a)(3)
2 are unnecessarily redundant to some extent, and whether one or both of
3 these provisions should be revised to improve clarity.⁵⁷
- 4 (44) Consider whether the language now in Penal Code Sections 12280(n), (o),
5 and (p) contains redundancies, and whether that language could be improved
6 to make it more readily understandable.⁵⁸
- 7 (45) Consider whether the language now in Penal Code Section 12021.3(a)(2)
8 contains a redundancy, and whether to correct the grammatical structure of
9 that provision.⁵⁹
- 10 (46) Consider whether Penal Code Section 12021.3(a)(2) and (i)(1) are
11 unnecessarily redundant to some extent.⁶⁰
- 12 (47) Consider whether Penal Code Section 12021.3(b)(3) and (i)(2) are
13 unnecessarily redundant to some extent.⁶¹
- 14 (48) Consider whether Penal Code Section 12021.3(j)(2)(D) and (3) are
15 unnecessarily redundant to some extent.⁶²
- 16 (49) Consider whether the language now found in Penal Code Section
17 12021.3(i)(4) should be deleted because it is redundant with the language
18 now found in Penal Code Section 12078(j).⁶³
- 19 (50) Consider whether the language now found in Penal Code Section
20 12807(b)(2) should be revised to eliminate an accidental phrase repetition.⁶⁴
- 21 (51) Consider whether it is necessary to refer to the “successor” of 27 C.F.R. §
22 478.11 in Penal Code Section 12078(t)(1) & (2).⁶⁵
- 23 (52) Consider whether it is necessary to refer to the “successor” of 27 C.F.R. §
24 478.100 in Penal Code Sections 12071(e)(3)(C) and 12071(b)(1)(B).⁶⁶
- 25 (53) Consider whether the exception to Penal Code Section 12801(b) that is now
26 found in Penal Code Section 12078(k)(1) is necessary.⁶⁷

56. See Commission Staff Memorandum 2008-49, Attachment p. 10.

57. See Commission Staff Memorandum 2009-8, Attachment pp. 3-4.

58. See Commission Staff Memorandum 2009-4, Attachment p. 19.

59. See Commission Staff Memorandum 2009-4, Attachment p. 19.

60. See Commission Staff Memorandum 2009-8, Attachment pp. 4-5.

61. See Commission Staff Memorandum 2009-8, Attachment p. 6.

62. See Commission Staff Memorandum 2009-8, Attachment pp. 9-10.

63. See Commission Staff Memorandum 2009-8, Attachment pp. 10-11.

64. See Commission Staff Memorandum 2008-25, Attachment p. 8.

65. See Commission Staff Memorandum 2008-49, Attachment pp. 38, 77, 84-85.

66. See Commission Staff Memorandum 2008-49, Attachment pp. 16-17, 20.

67. See Commission Staff Memorandum 2009-5, Attachment p. 22.

- 1 (54) Consider whether the exception to Penal Code Section 12801(b) that is now
2 found in Penal Code Section 12078(k)(5) is necessary.⁶⁸
- 3 (55) Consider whether the cross-reference to Penal Code Section 12025 in Penal
4 Code Section 12031(j)(2) is incorrect and should be fixed.⁶⁹
- 5 (56) Consider whether the cross-reference at the beginning of Penal Code
6 Section 12071(e)(1) should be expanded to encompass Penal Code Section
7 12071(e)(2).⁷⁰
- 8 (57) Consider how to correct the erroneous cross-reference to Family Code
9 Section 6385(a) in Penal Code Section 12076(e).⁷¹
- 10 (58) Consider how to correct the erroneous cross-references to Penal Code
11 Section 12806 that are now found in Penal Code Sections 12071(b)(11) and
12 (12).⁷²
- 13 (59) Penal Code Section 12101(c)(1) says: “*Except as provided in subdivision (a)*
14 *or paragraph (2) of this subdivision*, any person who has been convicted of
15 a misdemeanor violation of”⁷³ Consider whether the italicized clause
16 should refer to paragraph (3) in addition to paragraph (2).⁷⁴
- 17 (60) Consider whether the reference in Penal Code Section 12071(h) to
18 “Paragraph (14) *or* (15) of subdivision (b)” should be replaced with a
19 reference to “Paragraphs (14) *and* (15) of subdivision (b).”⁷⁵
- 20 (61) Consider whether the references to “this paragraph” and “this section” in
21 Penal Code Section 12072(f)(2)(C) are correct, or should be made parallel.⁷⁶
- 22 (62) Consider whether to revise the language now found in the first paragraph of
23 Penal Code Section 12032, to improve clarity.⁷⁷
- 24 (63) Consider whether to revise the language now found in Penal Code Section
25 12079(a), to improve clarity.⁷⁸
- 26 (64) Consider whether to revise the language now found in Penal Code Section
27 12130(b), to improve clarity.⁷⁹

68. See Commission Staff Memorandum 2009-5, Attachment pp. 23-24.

69. See Commission Staff Memorandum 2008-39, Attachment p. 45.

70. See Commission Staff Memorandum 2008-49, Attachment p. 17.

71. See Commission Staff Memorandum 2008-49, Attachment pp. 113-14; Commission Minutes (Oct. 2008), p. 8; 2002 Cal. Stat. ch. 265 (SB 1627 (Kuehl)).

72. See Commission Staff Memorandum 2009-10, Attachment pp. 174-75.

73. Emphasis added.

74. See Commission Staff Memorandum 2008-59, Attachment pp. 21-22.

75. See Commission Staff Memorandum 2008-49, Attachment p. 32.

76. See Commission Staff Memorandum 2008-49, Attachment pp. 69-70.

77. See Commission Staff Memorandum 2009-6, Attachment p. 2.

78. See Commission Staff Memorandum 2009-6, Attachment p. 12.

- 1 (65) Consider whether to revise the language now found in Penal Code Section
2 12301(a)(3), to improve clarity.⁸⁰
- 3 (66) Consider whether to replace “those firearms” with “handguns” in what is
4 now Penal Code Section 12800, to improve clarity.⁸¹
- 5 (67) Consider whether to revise the language now found in Penal Code Section
6 12804(e), to improve clarity.⁸²
- 7 (68) Consider whether the language now found in Penal Code Section 12001.1(b)
8 could be simplified without any change in meaning.⁸³
- 9 (69) Consider whether the language now found in Penal Code Section 12088.5
10 should be reworded to improve readability without any change in meaning.⁸⁴
- 11 (70) Consider whether the language now found in Penal Code Section
12 12071.4(i)-(j) should be revised to improve clarity and readability.⁸⁵
- 13 (71) Consider whether Penal Code Section 12101(a)(2)(A) should refer to “the
14 use of a firearm” instead of “this use of a firearm.” Also consider whether to
15 simplify Penal Code Section 12101(a)(2)(A)-(D) without changing the
16 substance.⁸⁶
- 17 (72) Penal Code Section 12027(c) refers to “those weapons.” Consider whether
18 to replace that phrase with a more precise phrase.⁸⁷
- 19 (73) Consider whether the language now in Penal Code Section 12050(f)(4)(B)
20 should be revised to better reflect its intent.⁸⁸
- 21 (74) Consider whether the language now in the first sentence of Penal Code
22 Section 12071(b)(14) should be revised to better reflect its intent.⁸⁹
- 23 (75) Consider whether the language now found in Penal Code Section
24 12076(d)(2), relating to use of the NICS system, should be revised so that
25 the provision better reflects its intent.⁹⁰

79. See Commission Staff Memorandum 2009-5, Attachment pp. 33-34.

80. See Commission Staff Memorandum 2009-5, Attachment p. 15.

81. See Commission Staff Memorandum 2009-5, Attachment p. 7.

82. See Commission Staff Memorandum 2009-5, Attachment p. 11.

83. See Commission Staff Memorandum 2008-25, Attachment p. 8.

84. See Commission Staff Memorandum 2008-26, Attachment pp. 12-13.

85. See Commission Staff Memorandum 2008-49, Attachment p. 55.

86. See Commission Staff Memorandum 2008-59, Attachment pp. 14-15.

87. See Commission Staff Memorandum 2008-39, Attachment p. 29.

88. See Commission Staff Memorandum 2008-39, Attachment pp. 54-55.

89. See Commission Staff Memorandum 2008-49, Attachment p. 30.

90. See Commission Staff Memorandum 2008-49, Attachment p. 112.

- 1 (76) Penal Code Section 12020.3 criminalizes possession of a bright orange or
2 bright green gun. Consider whether the purpose of this provision would be
3 better served by expanding the scope of the provision.⁹¹
- 4 (77) Penal Code Section 12088.1 addresses three distinct subjects: (a) the firearm
5 safety device requirement and exemptions from that requirement, (b) the
6 warning requirement for a long-gun safe that does not comply with the
7 standards for gun safes, and (c) the warning requirement of Penal Code
8 Section 12088.3. Consider the possibility of dividing this material into
9 several code sections.⁹²
- 10 (78) Consider whether to reorganize the provisions relating to identification
11 certificates for retired peace officers and endorsements on those certificates
12 authorizing officers to carry a concealed firearm, carry a loaded firearm, or
13 carry a concealed and loaded firearm.⁹³
- 14 (79) Consider which exemptions listed in Penal Code Section 12020 apply to
15 which weapons and equipment, and then consider whether to place each of
16 those exemptions in proximity to the provisions governing the weapons or
17 equipment to which it applies.⁹⁴
- 18 (80) Consider whether to relocate the substance of Penal Code Section 12316(c)
19 to the chapter on “Schools” (Penal Code §§ 626-626.11).⁹⁵
- 20 (81) Consider whether any of the provisions in new Part 6 of the Penal Code
21 should be redrafted to use the singular form instead of the plural form.⁹⁶
- 22 (82) Read literally, Penal Code Section 12028.5(c) only requires delivery of a
23 firearm, not other deadly weapons. Consider whether this is due to an
24 oversight that should be corrected.⁹⁷
- 25 (83) In some places, Penal Code Section 12028.5 refers to “the owner or person
26 who possessed the firearm” or to “the owner or person who was in lawful
27 possession.” In other places, the provision refers only to “the owner” or to
28 “the lawful owner.” These references should be reviewed to determine
29 whether they are appropriate as is, or should be revised to achieve greater
30 consistency.⁹⁸
- 31 (84) Consider why the first sentence of Penal Code Section 12078(t) refers to a
32 “loan,” while the second sentence does not.⁹⁹

91. See Commission Staff Memorandum 2008-26, Attachment p. 14.

92. See Commission Staff Memorandum 2008-26, Attachment pp. 5-8.

93. See Commission Staff Memorandum 2008-39, Attachment pp. 17, 35-36, 57.

94. See Commission Staff Memorandum 2007-33, Attachment p. 48.

95. See Commission Staff Memorandum 2008-59, pp. 36-37.

96. See Commission Staff Memorandum 2008-39, pp. 1-2.

97. See Commission Staff Memorandum 2007-21, Attachment p. 14.

98. See Commission Staff Memorandum 2007-21, Attachment p. 13.

99. See Commission Staff Memorandum 2008-49, Attachment p. 38, 77.

- 1 (85) Consider why the first sentence of Penal Code Section 12071.4(h) refers to
2 the grandparent of a person under age 18, but the second sentence does
3 not.¹⁰⁰
- 4 (86) Consider whether Penal Code Section 12078(a)(8) should refer to an
5 “authorized law enforcement representative” instead of “an authorized law
6 enforcement agency.”¹⁰¹
- 7 (87) Consider whether Penal Code Section 12078(i)(2)(A) should refer to “report
8 forms” instead of “reports.”¹⁰²
- 9 (88) Penal Code Section 12071(b)(3)(D) refers to a person “prohibited by state or
10 federal law from processing, owning, purchasing, or receiving a firearm.”
11 Consider whether the phrase “processing, owning, purchasing, or receiving”
12 should be replaced with “possessing, receiving, owning, or purchasing.”¹⁰³
- 13 (89) Consider whether Penal Code Sections 12101(a)(2), (b)(2), and (c)(1)
14 should be revised to replace “one of the following” with “any of the
15 following.”¹⁰⁴
- 16 (90) Consider whether the introduction to Penal Code Section 12276.1 should be
17 revised to replace “either of the following” with “any of the following.”¹⁰⁵
- 18 (91) Consider whether to delete “in Sacramento” from Penal Code Section
19 12076(b)(3) & (c)(2), to fix a chaptering out problem.¹⁰⁶
- 20 (92) Consider how to designate the unlabeled paragraph now found in Penal
21 Code Section 12370(b), and how to conform the references to “this
22 paragraph.”¹⁰⁷

100. See Commission Staff Memorandum 2008-49, Attachment p. 54.

101. See Commission Staff Memorandum 2008-49, Attachment p. 87.

102. See Commission Staff Memorandum 2008-49, Attachment p. 92.

103. See Commission Staff Memorandum 2008-58, Attachment p. 20.

104. See Commission Staff Memorandum 2008-59, Attachment pp. 15, 16.

105. See Commission Staff Memorandum 2009-4, Attachment p. 7.

106. See Commission Staff Memorandum 2008-61, p. 2.

107. See Commission Staff Memorandum 2009-5, Attachment p. 5.

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PROPOSED LEGISLATION

Note. This is a work in progress. The material shown below may be changed.
All of the proposed provisions would be located in the Penal Code. All references are to the Penal Code unless otherwise noted.

1 **Penal Code § 626.91 (added). Ammunition on school grounds**

2 SECTION 1. Section 626.91 is added to the Penal Code, to read:

3 626.91. Possession of ammunition on school grounds is governed by Section
4 30310.

5 **Comment.** Section 626.91 is new. It is intended to help persons locate key rules relating to
6 possession of ammunition on school grounds. This provision is for informational purposes only
7 and has no substantive effect. It shall not be read to imply that Section 30310 is the only
8 provision governing possession of ammunition on school grounds.

9 **Penal Code § 653k (repealed). Switchblade knife**

10 SEC. 2. Section 653k of the Penal Code is repealed.

11 **Comment.** The first paragraph of former Section 653k is continued without substantive change
12 in Section 21510 (restrictions relating to switchblade knife).

13 The second paragraph of former Section 653k is continued without substantive change in
14 Section 17235 (“switchblade knife”).

15 The third paragraph of former Section 653k is continued without substantive change in Section
16 16965 (“passenger’s or driver’s area”).

17 **Penal Code § 830.95 (added). Picketing in uniform of peace officer**

18 SEC. 3. Section 830.95 is added to the Penal Code, to read:

19 830.95. (a) Any person who wears the uniform of a peace officer while engaged
20 in picketing, or other informational activities in a public place relating to a
21 concerted refusal to work, is guilty of a misdemeanor, whether or not the person is
22 a peace officer.

23 (b) This section shall not be construed to authorize or ratify any picketing or
24 other informational activities not otherwise authorized by law.

25 **Comment.** Subdivision (a) of Section 830.95 continues former Section 12590(a)(4) without
26 substantive change.

27 With respect to picketing in the uniform of a peace officer, subdivision (b) continues former
28 Section 12590(b) without substantive change. See also Section 17510(b), which continues former
29 Section 12590(b) with respect to certain other acts.

30 **Penal Code §§ 12000-12809 (repealed). Control of Deadly Weapons**

31 SEC. 4. Title 2 (commencing with Section 12000) of Part 4 of the Penal Code is
32 repealed.

33 **Comment.** The provisions of the repealed title are continued without substantive change, as
34 follows:

35 (1) The repealed provisions that relate to sentence enhancements are continued without
36 substantive change in new Title 2 (commencing with Section 12001), entitled “Sentence
37 Enhancements.”

1 (2) The portions of former Section 12590 relating to picketing in the uniform of a peace officer
2 are continued in new Section 830.95.

3 (3) All other repealed provisions are continued without substantive change in new Part 6
4 (commencing with Section 16000), entitled “Control of Deadly Weapons.”

5 **Penal Code §§ 12001-12022.95 (added). Sentence enhancements**

6 SEC. 5. Title 2 (commencing with Section 12001) is added to Part 4 of the Penal
7 Code, to read:

8 TITLE 2. SENTENCE ENHANCEMENTS

9 **§ 12001. “Firearm”**

10 12001. As used in this title, “firearm” has the meaning provided in subdivision
11 (a) of Section 16520.

12 **Comment.** Section 12001 continues the definition of “firearm” provided in former Section
13 12001(b), without substantive change.

14 **§ 12003. Severability of provisions**

15 12003. If any section, subsection, sentence, clause or phrase of this title or any
16 other provision listed in Section 16580 is for any reason held to be
17 unconstitutional, that decision shall not affect the validity of the remaining
18 portions of this title or any other provision listed in Section 16580. The Legislature
19 hereby declares that it would have passed this title and any other provision listed
20 in Section 16580, and each section, subsection, sentence, clause and phrase
21 thereof, irrespective of the fact that any one or more other sections, subsections,
22 sentences, clauses or phrases be declared unconstitutional.

23 **Comment.** Section 12003 continues former Section 12003 without substantive change.

24 **§ 12021.5. Weapon enhancement for street gang crime**

25 12021.5. (a) Every person who carries a loaded or unloaded firearm on his or her
26 person, or in a vehicle, during the commission or attempted commission of any
27 street gang crimes described in subdivision (a) or (b) of Section 186.22, shall,
28 upon conviction of the felony or attempted felony, be punished by an additional
29 term of imprisonment in the state prison for one, two, or three years in the court’s
30 discretion. The court shall impose the middle term unless there are circumstances
31 in aggravation or mitigation. The court shall state the reasons for its enhancement
32 choice on the record at the time of sentence.

33 (b) Every person who carries a loaded or unloaded firearm together with a
34 detachable shotgun magazine, a detachable pistol magazine, a detachable
35 magazine, or a belt-feeding device on his or her person, or in a vehicle, during the
36 commission or attempted commission of any street gang crimes described in
37 subdivision (a) or (b) of Section 186.22, shall, upon conviction of the felony or
38 attempted felony, be punished by an additional term of imprisonment in the state
39 prison for two, three, or four years in the court’s discretion. The court shall impose

1 the middle term unless there are circumstances in aggravation or mitigation. The
2 court shall state the reasons for its enhancement choice on the record at the time of
3 sentence.

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

5 (1) “Detachable magazine” means a device that is designed or redesigned to do
6 all of the following:

7 (A) To be attached to a rifle that is designed or redesigned to fire ammunition.

8 (B) To be attached to, and detached from, a rifle that is designed or redesigned
9 to fire ammunition.

10 (C) To feed ammunition continuously and directly into the loading mechanism
11 of a rifle that is designed or redesigned to fire ammunition.

12 (2) “Detachable pistol magazine” means a device that is designed or redesigned
13 to do all of the following:

14 (A) To be attached to a semiautomatic firearm that is not a rifle or shotgun that
15 is designed or redesigned to fire ammunition.

16 (B) To be attached to, and detached from, a firearm that is not a rifle or shotgun
17 that is designed or redesigned to fire ammunition.

18 (C) To feed ammunition continuously and directly into the loading mechanism
19 of a firearm that is not a rifle or a shotgun that is designed or redesigned to fire
20 ammunition.

21 (3) “Detachable shotgun magazine” means a device that is designed or
22 redesigned to do all of the following:

23 (A) To be attached to a firearm that is designed or redesigned to fire a fixed
24 shotgun shell through a smooth or rifled bore.

25 (B) To be attached to, and detached from, a firearm that is designed or
26 redesigned to fire a fixed shotgun shell through a smooth bore.

27 (C) To feed fixed shotgun shells continuously and directly into the loading
28 mechanism of a firearm that is designed or redesigned to fire a fixed shotgun shell.

29 (4) “Belt-feeding device” means a device that is designed or redesigned to
30 continuously feed ammunition into the loading mechanism of a machinegun or a
31 semiautomatic firearm.

32 (5) “Rifle” shall have the same meaning as specified in Section 17090.

33 (6) “Shotgun” shall have the same meaning as specified in Section 17190.

34 **Comment.** Section 12021.5 continues former Section 12021.5 without change, except that
35 subdivisions (c)(5)-(6) are revised to correct cross-references to the definitions of “rifle” and
36 “shotgun.”

37 See also Section 12001 (“firearm” defined).

38 **§ 12022. Armed with firearm or personal use of deadly or dangerous weapon**

39 12022. (a)(1) Except as provided in subdivisions (c) and (d), any person who is
40 armed with a firearm in the commission of a felony or attempted felony shall be
41 punished by an additional and consecutive term of imprisonment in the state
42 prison for one year, unless the arming is an element of that offense. This additional
43 term shall apply to any person who is a principal in the commission of a felony or

1 attempted felony if one or more of the principals is armed with a firearm, whether
2 or not the person is personally armed with a firearm.

3 (2) Except as provided in subdivision (c), and notwithstanding subdivision (d), if
4 the firearm is an assault weapon, as defined in Section 30510 or Section 30515, or
5 a machinegun, as defined in Section 16880, or a .50 BMG rifle, as defined in
6 Section 16110, the additional and consecutive term described in this subdivision
7 shall be three years whether or not the arming is an element of the offense of
8 which the person was convicted. The additional term provided in this paragraph
9 shall apply to any person who is a principal in the commission of a felony or
10 attempted felony if one or more of the principals is armed with an assault weapon
11 or machinegun, or a .50 BMG rifle, whether or not the person is personally armed
12 with an assault weapon or machinegun, or a .50 BMG rifle.

13 (b)(1) Any person who personally uses a deadly or dangerous weapon in the
14 commission of a felony or attempted felony shall be punished by an additional and
15 consecutive term of imprisonment in the state prison for one year, unless use of a
16 deadly or dangerous weapon is an element of that offense.

17 (2) If the person described in paragraph (1) has been convicted of carjacking or
18 attempted carjacking, the additional term shall be one, two, or three years.

19 (3) When a person is found to have personally used a deadly or dangerous
20 weapon in the commission of a felony or attempted felony as provided in this
21 subdivision and the weapon is owned by that person, the court shall order that the
22 weapon be deemed a nuisance and disposed of in the manner provided in Sections
23 18000 and 18005.

24 (c) Notwithstanding the enhancement set forth in subdivision (a), any person
25 who is personally armed with a firearm in the commission of a violation or
26 attempted violation of Section 11351, 11351.5, 11352, 11366.5, 11366.6, 11378,
27 11378.5, 11379, 11379.5, or 11379.6 of the Health and Safety Code, shall be
28 punished by an additional and consecutive term of imprisonment in the state
29 prison for three, four, or five years.

30 (d) Notwithstanding the enhancement set forth in subdivision (a), any person
31 who is not personally armed with a firearm who, knowing that another principal is
32 personally armed with a firearm, is a principal in the commission of an offense or
33 attempted offense specified in subdivision (c), shall be punished by an additional
34 and consecutive term of imprisonment in the state prison for one, two, or three
35 years.

36 (e) For purposes of imposing an enhancement under Section 1170.1, the
37 enhancements under this section shall count as one, single enhancement.

38 (f) Notwithstanding any other provision of law, the court may strike the
39 additional punishment for the enhancements provided in subdivision (c) or (d) in
40 an unusual case where the interests of justice would best be served, if the court
41 specifies on the record and enters into the minutes the circumstances indicating
42 that the interests of justice would best be served by that disposition.

1 **Comment.** Section 12022 continues former Section 12022 without change, except that
2 subdivision (a)(2) is revised to correct cross-references to the definitions of “.50 BMG Rifle,”
3 “assault weapon,” and “machinegun,” and subdivision (b)(3) is revised to correct a cross
4 reference to former Section 12028.

5 See also Section 12001 (“firearm” defined).

6 **§ 12022.1. Secondary offense**

7 12022.1. (a) For the purposes of this section only:

8 (1) “Primary offense” means a felony offense for which a person has been
9 released from custody on bail or on his or her own recognizance prior to the
10 judgment becoming final, including the disposition of any appeal, or for which
11 release on bail or his or her own recognizance has been revoked. In cases where
12 the court has granted a stay of execution of a county jail commitment or state
13 prison commitment, “primary offense” also means a felony offense for which a
14 person is out of custody during the period of time between the pronouncement of
15 judgment and the time the person actually surrenders into custody or is otherwise
16 returned to custody.

17 (2) “Secondary offense” means a felony offense alleged to have been committed
18 while the person is released from custody for a primary offense.

19 (b) Any person arrested for a secondary offense which was alleged to have been
20 committed while that person was released from custody on a primary offense shall
21 be subject to a penalty enhancement of an additional two years in state prison
22 which shall be served consecutive to any other term imposed by the court.

23 (c) The enhancement allegation provided in subdivision (b) shall be pleaded in
24 the information or indictment which alleges the secondary offense, or in the
25 information or indictment of the primary offense if a conviction has already
26 occurred in the secondary offense, and shall be proved as provided by law. The
27 enhancement allegation may be pleaded in a complaint but need not be proved at
28 the preliminary hearing or grand jury hearing.

29 (d) Whenever there is a conviction for the secondary offense and the
30 enhancement is proved, and the person is sentenced on the secondary offense prior
31 to the conviction of the primary offense, the imposition of the enhancement shall
32 be stayed pending imposition of the sentence for the primary offense. The stay
33 shall be lifted by the court hearing the primary offense at the time of sentencing
34 for that offense and shall be recorded in the abstract of judgment. If the person is
35 acquitted of the primary offense the stay shall be permanent.

36 (e) If the person is convicted of a felony for the primary offense, is sentenced to
37 state prison for the primary offense, and is convicted of a felony for the secondary
38 offense, any state prison sentence for the secondary offense shall be consecutive to
39 the primary sentence.

40 (f) If the person is convicted of a felony for the primary offense, is granted
41 probation for the primary offense, and is convicted of a felony for the secondary
42 offense, any state prison sentence for the secondary offense shall be enhanced as
43 provided in subdivision (b).

1 (g) If the primary offense conviction is reversed on appeal, the enhancement
2 shall be suspended pending retrial of that felony. Upon retrial and reconviction,
3 the enhancement shall be reimposed. If the person is no longer in custody for the
4 secondary offense upon reconviction of the primary offense, the court may, at its
5 discretion, reimpose the enhancement and order him or her recommitted to
6 custody.

7 **Comment.** Section 12022.1 continues former Section 12022.1 without change.

8 **§ 12022.2. Possession of armor penetrating ammunition or wearing of body vest**

9 12022.2. (a) Any person who, while armed with a firearm in the commission or
10 attempted commission of any felony, has in his or her immediate possession
11 ammunition for the firearm designed primarily to penetrate metal or armor, shall
12 upon conviction of that felony or attempted felony, in addition and consecutive to
13 the punishment prescribed for the felony or attempted felony, be punished by an
14 additional term of 3, 4, or 10 years. The court shall order the middle term unless
15 there are circumstances in aggravation or mitigation. The court shall state the
16 reasons for its enhancement choice on the record at the time of the sentence.

17 (b) Any person who wears a body vest in the commission or attempted
18 commission of a violent offense, as defined in Section 29905, shall, upon
19 conviction of that felony or attempted felony, in addition and consecutive to the
20 punishment prescribed for the felony or attempted felony of which he or she has
21 been convicted, be punished by an additional term of one, two, or five years. The
22 court shall order the middle term unless there are circumstances in aggravation or
23 mitigation. The court shall state the reasons for its enhancement choice on the
24 record at the time of the sentence.

25 (c) As used in this section, “body vest” means any bullet-resistant material
26 intended to provide ballistic and trauma protection for the wearer.

27 **Comment.** Section 12022.2 continues former Section 12022.2 without change, except that
28 subdivision (b) is revised to correct a cross-reference to the definition of “violent offense.”

29 See also Section 12001 (“firearm” defined).

30 **§ 12022.3. Weapon enhancement for sexual offense**

31 12022.3. For each violation of Section 220 involving a specified sexual offense,
32 or for each violation or attempted violation of Section 261, 262, 264.1, 286, 288,
33 288a, or 289, and in addition to the sentence provided, any person shall receive the
34 following:

35 (a) A 3-, 4-, or 10-year enhancement if the person uses a firearm or a deadly
36 weapon in the commission of the violation.

37 (b) A one-, two-, or five-year enhancement if the person is armed with a firearm
38 or a deadly weapon.

39 **Comment.** Section 12022.3 continues former Section 12022.3 without change.

40 See also Section 12001 (“firearm” defined).

1 **§ 12022.4. Furnishing firearm**

2 12022.4. Any person who, during the commission or attempted commission of a
3 felony, furnishes or offers to furnish a firearm to another for the purpose of aiding,
4 abetting, or enabling that person or any other person to commit a felony shall, in
5 addition and consecutive to the punishment prescribed by the felony or attempted
6 felony of which the person has been convicted, be punished by an additional term
7 of one, two, or three years in the state prison. The court shall order the middle
8 term unless there are circumstances in aggravation or mitigation. The court shall
9 state the reasons for its enhancement choice on the record at the time of the
10 sentence. The additional term provided in this section shall not be imposed unless
11 the fact of the furnishing is charged in the accusatory pleading and admitted or
12 found to be true by the trier of fact.

13 **Comment.** Section 12022.4 continues former Section 12022.4 without change.
14 See also Section 12001 (“firearm” defined).

15 **§ 12022.5. Personal use of firearm**

16 12022.5. (a) Except as provided in subdivision (b), any person who personally
17 uses a firearm in the commission of a felony or attempted felony shall be punished
18 by an additional and consecutive term of imprisonment in the state prison for 3, 4,
19 or 10 years, unless use of a firearm is an element of that offense.

20 (b) Notwithstanding subdivision (a), any person who personally uses an assault
21 weapon, as specified in Section 30510 or Section 30515, or a machinegun, as
22 defined in Section 16880, in the commission of a felony or attempted felony, shall
23 be punished by an additional and consecutive term of imprisonment in the state
24 prison for 5, 6, or 10 years.

25 (c) Notwithstanding Section 1385 or any other provisions of law, the court shall
26 not strike an allegation under this section or a finding bringing a person within the
27 provisions of this section.

28 (d) Notwithstanding the limitation in subdivision (a) relating to being an element
29 of the offense, the additional term provided by this section shall be imposed for
30 any violation of Section 245 if a firearm is used, or for murder if the killing is
31 perpetrated by means of shooting a firearm from a motor vehicle, intentionally at
32 another person outside of the vehicle with the intent to inflict great bodily injury or
33 death.

34 (e) When a person is found to have personally used a firearm, an assault
35 weapon, a machinegun, or a .50 BMG rifle, in the commission of a felony or
36 attempted felony as provided in this section and the firearm, assault weapon,
37 machinegun, or a .50 BMG rifle, is owned by that person, the court shall order that
38 the firearm be deemed a nuisance and disposed of in the manner provided in
39 Sections 18000 and 18005.

40 (f) For purposes of imposing an enhancement under Section 1170.1, the
41 enhancements under this section shall count as one, single enhancement.

42 **Comment.** Section 12022.5 continues former Section 12022.5 without change, except that
43 subdivision (b) is revised to correct cross-references to the definitions of “assault weapon” and

1 “machinegun” and subdivision (e) is amended to correct a cross reference to former Section
2 12028.

3 See also Section 12001 (“firearm” defined).

4 **§ 12022.53. Personal use or discharge of firearm**

5 12022.53. (a) This section applies to the following felonies:

6 (1) Section 187 (murder).

7 (2) Section 203 or 205 (mayhem).

8 (3) Section 207, 209, or 209.5 (kidnapping).

9 (4) Section 211 (robbery).

10 (5) Section 215 (carjacking).

11 (6) Section 220 (assault with intent to commit a specified felony).

12 (7) Subdivision (d) of Section 245 (assault with a firearm on a peace officer or
13 firefighter).

14 (8) Section 261 or 262 (rape).

15 (9) Section 264.1 (rape or sexual penetration in concert).

16 (10) Section 286 (sodomy).

17 (11) Section 288 or 288.5 (lewd act on a child).

18 (12) Section 288a (oral copulation).

19 (13) Section 289 (sexual penetration).

20 (14) Section 4500 (assault by a life prisoner).

21 (15) Section 4501 (assault by a prisoner).

22 (16) Section 4503 (holding a hostage by a prisoner).

23 (17) Any felony punishable by death or imprisonment in the state prison for life.

24 (18) Any attempt to commit a crime listed in this subdivision other than an
25 assault.

26 (b) Notwithstanding any other provision of law, any person who, in the
27 commission of a felony specified in subdivision (a), personally uses a firearm,
28 shall be punished by an additional and consecutive term of imprisonment in the
29 state prison for 10 years. The firearm need not be operable or loaded for this
30 enhancement to apply.

31 (c) Notwithstanding any other provision of law, any person who, in the
32 commission of a felony specified in subdivision (a), personally and intentionally
33 discharges a firearm, shall be punished by an additional and consecutive term of
34 imprisonment in the state prison for 20 years.

35 (d) Notwithstanding any other provision of law, any person who, in the
36 commission of a felony specified in subdivision (a), Section 246, or subdivision
37 (c) or (d) of Section 26100, personally and intentionally discharges a firearm and
38 proximately causes great bodily injury, as defined in Section 12022.7, or death, to
39 any person other than an accomplice, shall be punished by an additional and
40 consecutive term of imprisonment in the state prison for 25 years to life.

41 (e)(1) The enhancements provided in this section shall apply to any person who
42 is a principal in the commission of an offense if both of the following are pled and
43 proved:

- 1 (A) The person violated subdivision (b) of Section 186.22.
- 2 (B) Any principal in the offense committed any act specified in subdivision (b),
3 (c), or (d).
- 4 (2) An enhancement for participation in a criminal street gang pursuant to
5 Chapter 11 (commencing with Section 186.20) of Title 7 of Part 1 shall not be
6 imposed on a person in addition to an enhancement imposed pursuant to this
7 subdivision, unless the person personally used or personally discharged a firearm
8 in the commission of the offense.
- 9 (f) Only one additional term of imprisonment under this section shall be
10 imposed per person for each crime. If more than one enhancement per person is
11 found true under this section, the court shall impose upon that person the
12 enhancement that provides the longest term of imprisonment. An enhancement
13 involving a firearm specified in Section 12021.5, 12022, 12022.3, 12022.4,
14 12022.5, or 12022.55 shall not be imposed on a person in addition to an
15 enhancement imposed pursuant to this section. An enhancement for great bodily
16 injury as defined in Section 12022.7, 12022.8, or 12022.9 shall not be imposed on
17 a person in addition to an enhancement imposed pursuant to subdivision (d).
- 18 (g) Notwithstanding any other provision of law, probation shall not be granted
19 to, nor shall the execution or imposition of sentence be suspended for, any person
20 found to come within the provisions of this section.
- 21 (h) Notwithstanding Section 1385 or any other provision of law, the court shall
22 not strike an allegation under this section or a finding bringing a person within the
23 provisions of this section.
- 24 (i) The total amount of credits awarded pursuant to Article 2.5 (commencing
25 with Section 2930) of Chapter 7 of Title 1 of Part 3 or pursuant to Section 4019 or
26 any other provision of law shall not exceed 15 percent of the total term of
27 imprisonment imposed on a defendant upon whom a sentence is imposed pursuant
28 to this section.
- 29 (j) For the penalties in this section to apply, the existence of any fact required
30 under subdivision (b), (c), or (d) shall be alleged in the accusatory pleading and
31 either admitted by the defendant in open court or found to be true by the trier of
32 fact. When an enhancement specified in this section has been admitted or found to
33 be true, the court shall impose punishment for that enhancement pursuant to this
34 section rather than imposing punishment authorized under any other provision of
35 law, unless another enhancement provides for a greater penalty or a longer term of
36 imprisonment.
- 37 (k) When a person is found to have used or discharged a firearm in the
38 commission of an offense that includes an allegation pursuant to this section and
39 the firearm is owned by that person, a coparticipant, or a coconspirator, the court
40 shall order that the firearm be deemed a nuisance and disposed of in the manner
41 provided in Sections 18000 and 18005.
- 42 (l) The enhancements specified in this section shall not apply to the lawful use
43 or discharge of a firearm by a public officer, as provided in Section 196, or by any

1 person in lawful self-defense, lawful defense of another, or lawful defense of
2 property, as provided in Sections 197, 198, and 198.5.

3 **Comment.** Section 12022.53 continues former Section 12022.53 without change, except that
4 subdivision (d) is revised to correct a cross-reference to former Section 12034(c)-(d) and
5 subdivision (k) is revised to correct a cross-reference to former Section 12028.

6 See also Section 12001 (“firearm” defined).

7 **§ 12022.55. Discharge of firearm from motor vehicle causing great bodily injury or death**

8 12022.55. Notwithstanding Section 12022.5, any person who, with the intent to
9 inflict great bodily injury or death, inflicts great bodily injury, as defined in
10 Section 12022.7, or causes the death of a person, other than an occupant of a
11 motor vehicle, as a result of discharging a firearm from a motor vehicle in the
12 commission of a felony or attempted felony, shall be punished by an additional
13 and consecutive term of imprisonment in the state prison for 5, 6, or 10 years.

14 **Comment.** Section 12022.55 continues former Section 12022.55 without change.

15 See also Section 12001 (“firearm” defined).

16 **§ 12022.6. Taking, damaging, or destroying property**

17 12022.6. (a) When any person takes, damages, or destroys any property in the
18 commission or attempted commission of a felony, with the intent to cause that
19 taking, damage, or destruction, the court shall impose an additional term as
20 follows:

21 (1) If the loss exceeds sixty-five thousand dollars (\$65,000), the court, in
22 addition and consecutive to the punishment prescribed for the felony or attempted
23 felony of which the defendant has been convicted, shall impose an additional term
24 of one year.

25 (2) If the loss exceeds two hundred thousand dollars (\$200,000), the court, in
26 addition and consecutive to the punishment prescribed for the felony or attempted
27 felony of which the defendant has been convicted, shall impose an additional term
28 of two years.

29 (3) If the loss exceeds one million three hundred thousand dollars (\$1,300,000),
30 the court, in addition and consecutive to the punishment prescribed for the felony
31 or attempted felony of which the defendant has been convicted, shall impose an
32 additional term of three years.

33 (4) If the loss exceeds three million two hundred thousand dollars (\$3,200,000),
34 the court, in addition and consecutive to the punishment prescribed for the felony
35 or attempted felony of which the defendant has been convicted, shall impose an
36 additional term of four years.

37 (b) In any accusatory pleading involving multiple charges of taking, damage, or
38 destruction, the additional terms provided in this section may be imposed if the
39 aggregate losses to the victims from all felonies exceed the amounts specified in
40 this section and arise from a common scheme or plan. All pleadings under this
41 section shall remain subject to the rules of joinder and severance stated in Section
42 954.

1 (c) The additional terms provided in this section shall not be imposed unless the
2 facts of the taking, damage, or destruction in excess of the amounts provided in
3 this section are charged in the accusatory pleading and admitted or found to be
4 true by the trier of fact.

5 (d) This section applies to, but is not limited to, property taken, damaged, or
6 destroyed in violation of Section 502 or subdivision (b) of Section 502.7. This
7 section shall also apply to applicable prosecutions for a violation of Section 350,
8 653h, 653s, or 653w.

9 (e) For the purposes of this section, the term “loss” has the following meanings:

10 (1) When counterfeit items of computer software are manufactured or possessed
11 for sale, the “loss” from the counterfeiting of those items shall be equivalent to the
12 retail price or fair market value of the true items that are counterfeited.

13 (2) When counterfeited but unassembled components of computer software
14 packages are recovered, including, but not limited to, counterfeited computer
15 diskettes, instruction manuals, or licensing envelopes, the “loss” from the
16 counterfeiting of those components of computer software packages shall be
17 equivalent to the retail price or fair market value of the number of completed
18 computer software packages that could have been made from those components.

19 (f) It is the intent of the Legislature that the provisions of this section be
20 reviewed within 10 years to consider the effects of inflation on the additional
21 terms imposed. For that reason this section shall remain in effect only until
22 January 1, 2018, and as of that date is repealed unless a later enacted statute,
23 which is enacted before January 1, 2018, deletes or extends that date.

24 **Comment.** Section 12022.6 continues former Section 12022.6 without change.

25 **§ 12022.7. Great bodily injury**

26 12022.7. (a) Any person who personally inflicts great bodily injury on any
27 person other than an accomplice in the commission of a felony or attempted felony
28 shall be punished by an additional and consecutive term of imprisonment in the
29 state prison for three years.

30 (b) Any person who personally inflicts great bodily injury on any person other
31 than an accomplice in the commission of a felony or attempted felony which
32 causes the victim to become comatose due to brain injury or to suffer paralysis of
33 a permanent nature, shall be punished by an additional and consecutive term of
34 imprisonment in the state prison for five years. As used in this subdivision,
35 “paralysis” means a major or complete loss of motor function resulting from injury
36 to the nervous system or to a muscular mechanism.

37 (c) Any person who personally inflicts great bodily injury on a person who is 70
38 years of age or older, other than an accomplice, in the commission of a felony or
39 attempted felony shall be punished by an additional and consecutive term of
40 imprisonment in the state prison for five years.

41 (d) Any person who personally inflicts great bodily injury on a child under the
42 age of five years in the commission of a felony or attempted felony shall be

1 punished by an additional and consecutive term of imprisonment in the state
2 prison for four, five, or six years.

3 (e) Any person who personally inflicts great bodily injury under circumstances
4 involving domestic violence in the commission of a felony or attempted felony
5 shall be punished by an additional and consecutive term of imprisonment in the
6 state prison for three, four, or five years. As used in this subdivision, “domestic
7 violence” has the meaning provided in subdivision (b) of Section 13700.

8 (f) As used in this section, “great bodily injury” means a significant or
9 substantial physical injury.

10 (g) This section shall not apply to murder or manslaughter or a violation of
11 Section 451 or 452. Subdivisions (a), (b), (c), and (d) shall not apply if infliction
12 of great bodily injury is an element of the offense.

13 (h) The court shall impose the additional terms of imprisonment under either
14 subdivision (a), (b), (c), or (d), but may not impose more than one of those terms
15 for the same offense.

16 **Comment.** Section 12022.7 continues former Section 12022.7 without change.

17 **§ 12022.75. Administration of controlled substance**

18 12022.75. (a) Except as provided in subdivision (b), any person who, for the
19 purpose of committing a felony, administers by injection, inhalation, ingestion, or
20 any other means, any controlled substance listed in Section 11054, 11055, 11056,
21 11057, or 11058 of the Health and Safety Code, against the victim’s will by means
22 of force, violence, or fear of immediate and unlawful bodily injury to the victim or
23 another person, shall, in addition and consecutive to the penalty provided for the
24 felony or attempted felony of which he or she has been convicted, be punished by
25 an additional term of three years.

26 (b)(1) Any person who, in the commission or attempted commission of any
27 offense specified in paragraph (2), administers any controlled substance listed in
28 Section 11054, 11055, 11056, 11057, or 11058 of the Health and Safety Code to
29 the victim shall be punished by an additional and consecutive term of
30 imprisonment in the state prison for five years.

31 (2) This subdivision shall apply to the following offenses:

32 (A) Rape, in violation of paragraph (3) or (4) of subdivision (a) of Section 261.

33 (B) Sodomy, in violation of subdivision (f) or (i) of Section 286.

34 (C) Oral copulation, in violation of subdivision (f) or (i) of Section 288a.

35 (D) Sexual penetration, in violation of subdivision (d) or (e) of Section 289.

36 (E) Any offense specified in subdivision (c) of Section 667.61.

37 **Comment.** Section 12022.75 continues former Section 12022.75 without change.

38 **§ 12022.8. Infliction of great bodily injury in committing sexual offense**

39 12022.8. Any person who inflicts great bodily injury, as defined in Section
40 12022.7, on any victim in a violation of Section 220 involving a specified sexual
41 offense, or a violation or attempted violation of paragraph (2), (3), or (6) of

1 subdivision (a) of Section 261, paragraph (1) or (4) of subdivision (a) of Section
2 262, Section 264.1, subdivision (b) of Section 288, subdivision (a) of Section 289,
3 or sodomy or oral copulation by force, violence, duress, menace, or fear of
4 immediate and unlawful bodily injury on the victim or another person as provided
5 in Section 286 or 288a shall receive a five-year enhancement for each violation in
6 addition to the sentence provided for the felony conviction.

7 **Comment.** Section 12022.8 continues former Section 12022.8 without change.

8 **§ 12022.85. Sexual offense by person with knowledge that the person has AIDS**

9 12022.85. (a) Any person who violates one or more of the offenses listed in
10 subdivision (b) with knowledge that he or she has acquired immune deficiency
11 syndrome (AIDS) or with the knowledge that he or she carries antibodies of the
12 human immunodeficiency virus at the time of the commission of those offenses,
13 shall receive a three-year enhancement for each violation in addition to the
14 sentence provided under those sections.

15 (b) Subdivision (a) applies to the following crimes:

16 (1) Rape in violation of Section 261.

17 (2) Unlawful intercourse with a person under 18 years of age in violation of
18 Section 261.5.

19 (3) Rape of a spouse in violation of Section 262.

20 (4) Sodomy in violation of Section 286.

21 (5) Oral copulation in violation of Section 288a.

22 (c) For purposes of proving the knowledge requirement of this section, the
23 prosecuting attorney may use test results received under subdivision (c) of Section
24 1202.1 or subdivision (g) of Section 1202.6.

25 **Comment.** Section 12022.85 continues former Section 12022.85 without change.

26 **§ 12022.9. Termination of pregnancy of victim known to be pregnant**

27 12022.9. Any person who, during the commission of a felony or attempted
28 felony, knows or reasonably should know that the victim is pregnant, and who,
29 with intent to inflict injury, and without the consent of the woman, personally
30 inflicts injury upon a pregnant woman that results in the termination of the
31 pregnancy shall be punished by an additional and consecutive term of
32 imprisonment in the state prison for five years. The additional term provided in
33 this subdivision shall not be imposed unless the fact of that injury is charged in the
34 accusatory pleading and admitted or found to be true by the trier of fact.

35 Nothing in this section shall be construed as affecting the applicability of
36 subdivision (a) of Section 187.

37 **Comment.** Section 12022.9 continues former Section 12022.9 without change.

38 **§ 12022.95. Injury to child**

39 12022.95. Any person convicted of a violation of Section 273a, who under
40 circumstances or conditions likely to produce great bodily harm or death, willfully

1 causes or permits any child to suffer, or inflicts thereon unjustifiable physical pain
2 or injury that results in death, or having the care or custody of any child, under
3 circumstances likely to produce great bodily harm or death, willfully causes or
4 permits that child to be injured or harmed, and that injury or harm results in death,
5 shall receive a four-year enhancement for each violation, in addition to the
6 sentence provided for that conviction. Nothing in this paragraph shall be construed
7 as affecting the applicability of subdivision (a) of Section 187 or Section 192. This
8 section shall not apply unless the allegation is included within an accusatory
9 pleading and admitted by the defendant or found to be true by the trier of fact.

10 **Comment.** Section 12022.95 continues former Section 12022.95 without change.

11 **Penal Code §§ 16000-34730 (added). Control of deadly weapons**

12 SEC. 6. Part 6 (commencing with Section 16000) is added to the Penal Code, to
13 read:

14 **PART 6. CONTROL OF DEADLY WEAPONS**

15 **TITLE 1. PRELIMINARY PROVISIONS**

16 **DIVISION 1. GENERAL PROVISIONS**

17 **§ 16000. Deadly Weapons Recodification Act of 2012**

18 16000. This act recodifies the provisions of former Title 2 (commencing with
19 Section 12000) of Part 4, which was entitled “Control of Deadly Weapons.” The
20 act shall be known and may be cited as the “Deadly Weapons Recodification Act
21 of 2012.”

22 **Comment.** Section 16000 provides a convenient means of referring to the recodification of
23 former Sections 12000-12809. For background, see *Nonsubstantive Reorganization of Deadly*
24 *Weapon Statutes*, __ Cal. L. Revision Comm’n Reports __ (2009).

25 **§ 16005. Nonsubstantive reform**

26 16005. Nothing in the Deadly Weapons Recodification Act of 2012 is intended
27 to substantively change the law relating to deadly weapons. The act is intended to
28 be entirely nonsubstantive in effect. Every provision of the act, including, without
29 limitation, every cross-reference in every provision of the act, shall be interpreted
30 consistent with the nonsubstantive intent of the act.

31 **Comment.** Section 16005 makes clear that the Deadly Weapons Recodification Act of 2012
32 has no substantive impact. The act is intended solely to make the provisions governing control of
33 deadly weapons more user-friendly. For background, see *Nonsubstantive Reorganization of*
34 *Deadly Weapon Statutes*, __ Cal. L. Revision Comm’n Reports __ (2009).

1 **§ 16010. Continuation of existing law**

2 16010. (a) A provision of this part, insofar as it is substantially the same as a
3 previously existing provision relating to the same subject matter, shall be
4 considered as a restatement and continuation thereof and not as a new enactment.

5 (b) A reference in a statute to a previously existing provision that is restated and
6 continued in this part shall, unless a contrary intent appears, be deemed a reference
7 to the restatement and continuation.

8 (c) A reference in a statute to a provision of this part that is substantially the
9 same as a previously existing provision shall, unless a contrary intent appears, be
10 deemed to include a reference to the previously existing provision.

11 **Comment.** Subdivision (a) of Section 16010 is similar to Section 5, which is a standard
12 provision found in many codes. See, e.g., Bus. & Prof. Code § 2; Corp. Code § 2; Fam. Code § 2;
13 Prob. Code § 2(a); Veh. Code § 2.

14 Subdivision (b) is drawn from Government Code Section 9604.

15 Subdivision (c) is drawn from Family Code Section 2. For a specific illustration of the general
16 principle stated in this subdivision, see Section 16015 (determining existence of prior conviction).

17 **§ 16015. Determining existence of prior conviction**

18 16015. If a previously existing provision is restated and continued in this part, a
19 conviction under that previously existing provision shall, unless a contrary intent
20 appears, be treated as a prior conviction under the restatement and continuation of
21 that provision.

22 **Comment.** Section 16015 makes clear that in determining the existence of a prior conviction
23 that affects the severity of punishment for an offense, a conviction under a former provision that
24 has been restated and continued in this part counts as a prior conviction under the corresponding
25 new provision.

26 For example, Section 20170 prohibits open display of an imitation firearm in a public place. A
27 first violation of that provision is punishable by a \$100 fine, and a second violation is punishable
28 by a \$300 fine. See Section 20180. In determining whether to impose a \$100 fine or a \$300 fine, a
29 violation of the predecessor of Section 20170 (former Section 12256(a)) counts as a prior
30 violation of Section 20170.

31 **§ 16020. Judicial decision interpreting former law**

32 16020. (a) A judicial decision interpreting a previously existing provision is
33 relevant in interpreting a provision of this part that restates and continues that
34 previously existing provision.

35 (b) However, in enacting the Deadly Weapons Recodification Act of 2012, the
36 Legislature has not evaluated the correctness of any judicial decision interpreting a
37 provision affected by the act.

38 (c) The Deadly Weapons Recodification Act of 2012 is not intended to, and does
39 not, reflect any assessment of any judicial decision interpreting any provision
40 affected by the act.

41 **Comment.** Subdivision (a) of Section 16020 makes clear that case law construing a
42 predecessor provision is relevant in construing its successor in this part.

43 Subdivisions (b) and (c) make clear that in recodifying former Sections 12000-12809, the
44 Legislature has not taken any position on any case interpreting any of those provisions.

- 1 (a) Intentionally or recklessly to cause or attempt to cause bodily injury.
2 (b) Sexual assault.
3 (c) To place a person in reasonable apprehension of imminent serious bodily
4 injury to that person or to another.
5 (d) To molest, attack, strike, stalk, destroy personal property, or violate the
6 terms of a domestic violence protective order issued pursuant to Part 4
7 (commencing with Section 6300) of Division 10 of the Family Code.

8 **Comment.** Section 16120 continues former Section 12028.5(a)(1) without substantive change.

9 **§ 16130. “Agent”**

10 16130. As used in Section 26915, “agent” means an employee of the licensee.

11 **Comment.** Section 16130 continues former Section 12071(b)(20)(G)(i) without substantive
12 change.

13 **§ 16140. “Air gauge knife”**

14 16140. As used in this part, “air gauge knife” means a device that appears to be
15 an air gauge but has concealed within it a pointed, metallic shaft that is designed to
16 be a stabbing instrument which is exposed by mechanical action or gravity which
17 locks into place when extended.

18 **Comment.** Section 16140 continues former Section 12020(c)(18) without substantive change.

19 **§ 16150. “Ammunition”**

20 16150. (a) As used in Section 30300, “ammunition” means handgun ammunition
21 as defined in Section 16650.

22 (b) As used in subdivisions (a) and (b) of Section 30305, “ammunition”
23 includes, but is not limited to, any bullet, cartridge, magazine, clip, speed loader,
24 autoloader, or projectile capable of being fired from a firearm with a deadly
25 consequence.

26 **Comment.** Subdivision (a) of Section 16150 continues the second sentence of former Section
27 12316(a)(1)(B) without substantive change.

28 Subdivision (b) continues former Section 12316(b)(2) without substantive change.

29 **§ 16160. “Antique cannon”**

30 16160. As used in this part, “antique cannon” means any cannon manufactured
31 before January 1, 1899, which has been rendered incapable of firing or for which
32 ammunition is no longer manufactured in the United States and is not readily
33 available in the ordinary channels of commercial trade.

34 **Comment.** Section 16160 continues the second sentence of former Section 12301(a)(3)
35 without substantive change.

36 **§ 16170. “Antique firearm”**

37 16170. (a) As used in Sections 16110 and 30515, “antique firearm” means any
38 firearm manufactured before January 1, 1899.

1 (b) As used in Section 16520, subdivision (a) of Section 23630, paragraph (1) of
2 subdivision (b) of Section 27505, and subdivision (a) of Section 31615, “antique
3 firearm” has the same meaning as in Section 921(a)(16) of Title 18 of the United
4 States Code.

5 (c) As used in Section 17700, “antique firearm” means either of the following:

6 (1) Any firearm not designed or redesigned for using rimfire or conventional
7 center fire ignition with fixed ammunition and manufactured in or before 1898.
8 This includes any matchlock, flintlock, percussion cap, or similar type of ignition
9 system or replica thereof, whether actually manufactured before or after the year
10 1898.

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

14 **Comment.** Subdivision (a) of Section 16170 continues former Section 12276.1(d)(3) and
15 former Section 12278(d) without substantive change.

16 Subdivision (b) continues without substantive change the definition of “antique firearm” that
17 was used in former Sections 12001(e), 12078(p)(6)(B), 12085(e)(3), 12088.8(a), and 12801(b).

18 Subdivision (c) continues the second sentence of former Section 12020(b)(5) without
19 substantive change.

20 See Section 16520 (“firearm”).

21 **§ 16180. “Antique rifle”**

22 16180. As used in this part, “antique rifle” means a firearm conforming to the
23 definition of an “antique firearm” in Section 479.11 of Title 27 of the Code of
24 Federal Regulations.

25 **Comment.** Section 16180 continues the third sentence of former Section 12301(a)(3) without
26 substantive change.

27 See Section 16520 (“firearm”).

28 **§ 16190. “Application to purchase”**

29 16190. As used in Article 1 (commencing with Section 26700) and Article 2
30 (commencing with Section 26800) of Chapter 2 of Division 6 of Title 4, and in
31 Article 1 (commencing with Section 27500) of Chapter 4 of Division 6 of Title 4,
32 “application to purchase” means either of the following:

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

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

38 **Comment.** Section 16190 continues former Section 12001(i) without substantive change.

39 See Section 16520 (“firearm”).

40 **§ 16200. “Assault weapon”**

41 16200. Use of the term “assault weapon” is governed by Sections 30510 and
42 30515.

1 **Comment.** Section 16200 is new. It is intended to help persons locate the provisions defining
2 “assault weapon.”

3 **§ 16220. “Ballistic knife”**

4 16220. As used in this part, “ballistic knife” means a device that propels a
5 knifelike blade as a projectile by means of a coil spring, elastic material, or
6 compressed gas. Ballistic knife does not include any device that propels an arrow
7 or a bolt by means of any common bow, compound bow, crossbow, or underwater
8 speargun.

9 **Comment.** Section 16220 continues former Section 12020(c)(8) without substantive change.

10 **§ 16230. “Ballistics identification system”**

11 16230. As used in this part, “ballistics identification system” includes, but is not
12 limited to, any automated image analysis system that is capable of storing firearm
13 ballistic markings and tracing those markings to the firearm that produced them.

14 **Comment.** Section 16230 continues former Section 12072.5(a) without substantive change.

15 **§ 16240. “Basic firearms safety certificate”**

16 16240. As used in this part, “basic firearms safety certificate” means a certificate
17 issued by the Department of Justice pursuant to former Article 8 (commencing
18 with Section 12800) of Chapter 6 of Title 2 of Part 4, before January 1, 2003.

19 **Comment.** Section 16240 continues former Section 12001(p) without substantive change.

20 **§ 16250. “BB device”**

21 16250. As used in this part, “BB device” means any instrument that expels a
22 projectile, such as a BB or a pellet, not exceeding 6mm caliber, through the force
23 of air pressure, gas pressure, or spring action, or any spot marker gun.

24 **Comment.** Section 16250 continues former Sections 12001(g) and 12550(a) without
25 substantive change.

26 **§ 16260. “Belt buckle knife”**

27 16260. As used in this part, “belt buckle knife” is a knife which is made an
28 integral part of a belt buckle and consists of a blade with a length of at least 2-1/2
29 inches.

30 **Comment.** Section 16260 continues former Section 12020(c)(13) without substantive change.

31 **§ 16270. “Blowgun”**

32 16270. As used in this part, “blowgun” means a hollow tube designed and
33 intended to be used as a tube through which a dart is propelled by the force of the
34 breath of the user.

35 **Comment.** Section 16270 continues former Section 12580 without substantive change.

1 **§ 16280. “Blowgun ammunition”**

2 16280. As used in this part, “blowgun ammunition” means a dart designed and
3 intended for use in a blowgun.

4 **Comment.** Section 16280 continues former Section 12581 without substantive change.
5 See Section 16270 (“blowgun”).

6 **§ 16290. “Body vest” or “body shield”**

7 16290. As used in this part, “body vest” or “body shield” means any bullet-
8 resistant material intended to provide ballistic and trauma protection for the wearer
9 or holder.

10 **Comment.** Section 16290 continues former Section 12323(c) without substantive change.

11 **§ 16300. “Bona fide evidence of majority and identity”**

12 16300. As used in this part, “bona fide evidence of majority and identity” means
13 a document issued by a federal, state, county, or municipal government, or
14 subdivision or agency thereof, including, but not limited to, a motor vehicle
15 operator’s license, California state identification card, identification card issued to
16 a member of the armed forces, or other form of identification that bears the name,
17 date of birth, description, and picture of the person.

18 **Comment.** Section 16300 continues the second sentence of former Section 12316(a)(2)
19 without substantive change.

20 **§ 16310. “Boobytrap”**

21 16310. As used in this part, “boobytrap” means any concealed or camouflaged
22 device designed to cause great bodily injury when triggered by an action of any
23 unsuspecting person coming across the device. Boobytraps may include, but are
24 not limited to, guns, ammunition, or explosive devices attached to trip wires or
25 other triggering mechanisms, sharpened stakes, and lines or wire with hooks
26 attached.

27 **Comment.** Section 16310 continues former Section 12355(c) without substantive change.

28 **§ 16320. “Camouflaging firearm container”**

29 16320. (a) As used in this part, “camouflaging firearm container” means a
30 container that meets all of the following criteria:

31 (1) It is designed and intended to enclose a firearm.

32 (2) It is designed and intended to allow the firing of the enclosed firearm by
33 external controls while the firearm is in the container.

34 (3) It is not readily recognizable as containing a firearm.

35 (b) “Camouflaging firearm container” does not include any camouflaging
36 covering used while engaged in lawful hunting or while going to or returning from
37 a lawful hunting expedition.

38 **Comment.** Section 16320 continues former Section 12020(c)(9) without substantive change.
39 See Section 16520 (“firearm”).

1 **§ 16330. “Cane gun”**

2 16330. As used in this part, “cane gun” means any firearm mounted or enclosed
3 in a stick, staff, rod, crutch, or similar device, designed to be, or capable of being
4 used as, an aid in walking, if the firearm may be fired while mounted or enclosed
5 therein.

6 **Comment.** Section 16330 continues former Section 12020(c)(5) without substantive change.
7 See Section 16520 (“firearm”).

8 **§ 16340. “Cane sword”**

9 16340. As used in this part, “cane sword” means a cane, swagger stick, stick,
10 staff, rod, pole, umbrella, or similar device, having concealed within it a blade that
11 may be used as a sword or stiletto.

12 **Comment.** Section 16340 continues former Section 12020(c)(15) without substantive change.

13 **§ 16350. “Capacity to accept more than 10 rounds”**

14 16350. As used in 30515, “capacity to accept more than 10 rounds” means
15 capable of accommodating more than 10 rounds. The term does not apply to a
16 feeding device that has been permanently altered so that it cannot accommodate
17 more than 10 rounds.

18 **Comment.** Section 16350 continues former Section 12276.1(d)(2) without substantive change.

19 **§ 16360. “CCW”**

20 16360. As used in this part, “CCW” means “carry concealed weapons.”

21 **Comment.** Section 16360 continues former Section 12027(a)(1)(E) without substantive
22 change.

23 **§ 16370. “Certified instructor” or “DOJ Certified Instructor”**

24 16370. As used in Sections 31610 to 31700, inclusive, “certified instructor” or
25 “DOJ Certified Instructor” means a person designated as a handgun safety
26 instructor by the Department of Justice pursuant to subdivision (a) of Section
27 31635.

28 **Comment.** Section 16370 continues former Section 12801(a)(2) without substantive change.

29 **§ 16380. “Chamber load indicator”**

30 16380. As used in this part, “chamber load indicator” means a device that
31 plainly indicates that a cartridge is in the firing chamber. A device satisfies this
32 definition if it is readily visible, has incorporated or adjacent explanatory text or
33 graphics, or both, and is designed and intended to indicate to a reasonably
34 foreseeable adult user of the pistol, without requiring the user to refer to a user’s
35 manual or any other resource other than the pistol itself, whether a cartridge is in
36 the firing chamber.

37 **Comment.** Section 16380 continues former Section 12126(c) without substantive change. See
38 also former Section 12130(d)-(2), which used the same definition of “chamber load indicator.”

1 **§ 16400. “Clear evidence of the person’s identity and age”**

2 16400. As used in this part, “clear evidence of the person’s identity and age”
3 means either of the following:

4 (a) A valid California driver’s license.

5 (b) A valid California identification card issued by the Department of Motor
6 Vehicles.

7 **Comment.** Section 16400 continues former Section 12071(c)(1) without substantive change.

8 **§ 16410. “Consultant-evaluator”**

9 16410. As used in this part, “consultant-evaluator” means a consultant or
10 evaluator who, in the course of that person’s profession is loaned firearms from a
11 person licensed pursuant to Chapter 44 (commencing with Section 921) of Title 18
12 of the United States Code and the regulations issued pursuant thereto, for research
13 or evaluation, and has a current certificate of eligibility issued pursuant to Section
14 26710.

15 **Comment.** Section 16410 continues former Section 12001(s) without substantive change.

16 **§ 16420. “Dagger”**

17 16420. Use of the term “dagger” is governed by Section 16470.

18 **Comment.** Section 16420 is new. It is intended to help persons locate the definition of
19 “dagger,” which is the same as the definition of “dirk.”

21 **§ 16430. “Deadly weapon”**

22 16430. As used in Division 4 (commencing with Section 18250) of Title 2,
23 “deadly weapon” means any weapon, the possession or concealed carrying of
24 which is prohibited by any provision listed in Section 16590.

25 **Comment.** Section 16430 continues former Section 12028.5(a)(3) without substantive change.

26 **§ 16440. “Dealer”**

27 16440. Use of the term “dealer” is governed by Section 26700.

28 **Comment.** Section 16440 is new. It is intended to help persons locate the definition of
29 “dealer.”

30 See also Section 16790 (“licensed gun dealer”).

31 **§ 16450. “Department”**

32 16450. As used in Sections 31610 to 31700, inclusive, and in Chapter 2
33 (commencing with Section 29030) of Division 7 of Title 4, “department” means
34 the Department of Justice.

35 **Comment.** Section 16450 continues former Sections 12086(a)(2) and 12801(a)(1) without
36 substantive change.

1 **§ 16460. “Destructive device”**

2 16460. (a) As used in Sections 16510, 16520, and 16780, and in Chapter 1
3 (commencing with Section 18710) of Division 5 of Title 2, “destructive device”
4 includes any of the following weapons:

5 (1) Any projectile containing any explosive or incendiary material or any other
6 chemical substance, including, but not limited to, that which is commonly known
7 as tracer or incendiary ammunition, except tracer ammunition manufactured for
8 use in shotguns.

9 (2) Any bomb, grenade, explosive missile, or similar device or any launching
10 device therefor.

11 (3) Any weapon of a caliber greater than 0.60 caliber which fires fixed
12 ammunition, or any ammunition therefor, other than a shotgun (smooth or rifled
13 bore) conforming to the definition of a “destructive device” found in subsection
14 (b) of Section 479.11 of Title 27 of the Code of Federal Regulations, shotgun
15 ammunition (single projectile or shot), antique rifle, or an antique cannon.

16 (4) Any rocket, rocket-propelled projectile, or similar device of a diameter
17 greater than 0.60 inch, or any launching device therefor, and any rocket, rocket-
18 propelled projectile, or similar device containing any explosive or incendiary
19 material or any other chemical substance, other than the propellant for that device,
20 except those devices as are designed primarily for emergency or distress signaling
21 purposes.

22 (5) Any breakable container that contains a flammable liquid with a flashpoint
23 of 150 degrees Fahrenheit or less and has a wick or similar device capable of
24 being ignited, other than a device which is commercially manufactured primarily
25 for the purpose of illumination.

26 (6) Any sealed device containing dry ice (CO₂) or other chemically reactive
27 substances assembled for the purpose of causing an explosion by a chemical
28 reaction.

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

31 **Comment.** Subdivision (a) of Section 16460 continues former Section 12301(a)(1)-(2) & (4)-
32 (6) without substantive change. Subdivision (a) also continues the first sentence of former Section
33 12301(a)(3) without substantive change. See also former Section 12601(b)(6) and the first
34 sentence of former Section 12030(d), which used the same definition of “destructive device.”

35 Subdivision (b) continues the second sentence of the second paragraph of former Section
36 12020(a)(4) without substantive change.

37 See Sections 16160 (“antique cannon”), 16180 (“antique rifle”).

38 **§ 16470. “Dirk” or “dagger”**

39 16470. As used in this part, “dirk” or “dagger” means a knife or other instrument
40 with or without a handguard that is capable of ready use as a stabbing weapon that
41 may inflict great bodily injury or death. A nonlocking folding knife, a folding
42 knife that is not prohibited by Section 21510, or a pocketknife is capable of ready

1 use as a stabbing weapon that may inflict great bodily injury or death only if the
2 blade of the knife is exposed and locked into position.

3 **Comment.** Section 16470 continues former Section 12020(c)(24) without substantive change.
4 See also former Section 12028(a), which referred to former Section 12020.

5 **§ 16480. “DOJ Certified Instructor”**

6 16480. Use of the term “DOJ Certified Instructor” is governed by Section
7 16370.

8 **Comment.** Section 16480 is new. It is intended to help persons locate the definition of “DOJ
9 Certified Instructor,” which is the same as the definition of “certified instructor.”

10 **§ 16490. “Domestic violence”**

11 16490. As used in this part, “domestic violence” means abuse perpetrated
12 against any of the following persons:

13 (a) A spouse or former spouse.

14 (b) A cohabitant or former cohabitant, as defined in Section 6209 of the Family
15 Code.

16 (c) A person with whom the respondent is having or has had a dating or
17 engagement relationship.

18 (d) A person with whom the respondent has had a child, where the presumption
19 applies that the male parent is the father of the child of the female parent under the
20 Uniform Parentage Act (Part 3 (commencing with Section 7600) of Division 12 of
21 the Family Code).

22 (e) A child of a party or a child who is the subject of an action under the
23 Uniform Parentage Act, where the presumption applies that the male parent is the
24 father of the child to be protected.

25 (f) Any other person related by consanguinity or affinity within the second
26 degree.

27 **Comment.** Section 16490 continues former Section 12028.5(a)(2) without substantive change.

28 **§ 16500. “Drop safety requirement for handguns”**

29 16500. Use of the phrase “drop safety requirement for handguns” is governed by
30 Section 31900.

31 **Comment.** Section 16500 is new. It is intended to help persons locate the definition of “drop
32 safety requirement for handguns.”

33 **§ 16510. “Explosive”**

34 16510. As used in Section 16460 and Chapter 1 (commencing with Section
35 18710) of Division 5 of Title 2, “explosive” means any substance, or combination
36 of substances, the primary or common purpose of which is detonation or rapid
37 combustion, and which is capable of a relatively instantaneous or rapid release of
38 gas and heat, or any substance, the primary purpose of which, when combined
39 with others, is to form a substance capable of a relatively instantaneous or rapid
40 release of gas and heat. “Explosive” includes, but is not limited to, any explosive

1 as defined in Section 841 of Title 18 of the United States Code and published
2 pursuant to Section 555.23 of Title 27 of the Code of Federal Regulations, and any
3 of the following:

4 (a) Dynamite, nitroglycerine, picric acid, lead azide, fulminate of mercury, black
5 powder, smokeless powder, propellant explosives, detonating primers, blasting
6 caps, or commercial boosters.

7 (b) Substances determined to be division 1.1, 1.2, 1.3, or 1.6 explosives as
8 classified by the United States Department of Transportation.

9 (c) Nitro carbo nitrate substances (blasting agent) classified as division 1.5
10 explosives by the United States Department of Transportation.

11 (d) Any material designated as an explosive by the State Fire Marshal. The
12 designation shall be made pursuant to the classification standards established by
13 the United States Department of Transportation. The State Fire Marshal shall
14 adopt regulations in accordance with the Government Code to establish procedures
15 for the classification and designation of explosive materials or explosive devices
16 that are not under the jurisdiction of the United States Department of
17 Transportation pursuant to provisions of Section 841 of Title 18 of the United
18 States Code and published pursuant to Section 555.23 of Title 27 of the Code of
19 Federal Regulations that define explosives.

20 (e) Certain division 1.4 explosives as designated by the United States
21 Department of Transportation when listed in regulations adopted by the State Fire
22 Marshal.

23 (f) As used in Section 16460 and Chapter 1 (commencing with Section 18710)
24 of Division 5 of Title 2, “explosive” does not include any destructive device, nor
25 does it include ammunition or small arms primers manufactured for use in
26 shotguns, rifles, and pistols.

27 **Comment.** Section 16510 continues former Section 12301(b) without substantive change. To
28 make the provision more easily understandable, the definition of “explosive” in Health and Safety
29 Code Section 12000 is repeated in Section 16510, rather than incorporated by reference as it was
30 in the past. Case law construing the definition in Health and Safety Code Section 12000 is
31 relevant in construing Section 16510.

32 See Section 16460 (“destructive device”).

33 **§ 16520. “Firearm”**

34 16520. (a) As used in this part, “firearm” means any device, designed to be used
35 as a weapon, from which is expelled through a barrel, a projectile by the force of
36 any explosion or other form of combustion.

37 (b) As used in the following provisions, “firearm” includes the frame or receiver
38 of the weapon:

39 (1) Section 16550.

40 (2) Section 16730.

41 (3) Section 16960.

42 (4) Section 16990.

43 (5) Section 17070.

- 1 (6) Section 17310.
- 2 (7) Sections 26500 to 27140, inclusive.
- 3 (8) Sections 27400 to 28000, inclusive.
- 4 (9) Section 28100.
- 5 (10) Sections 28400 to 28415, inclusive.
- 6 (11) Sections 29010 to 29150, inclusive.
- 7 (12) Sections 29610 to 29750, inclusive.
- 8 (13) Sections 29800 to 29905, inclusive.
- 9 (14) Sections 30150 to 30165, inclusive.
- 10 (15) Section 31615.
- 11 (16) Sections 31705 to 31830, inclusive.
- 12 (17) Sections 34355 to 34370, inclusive.
- 13 (18) Sections 8100, 8101, and 8103 of the Welfare and Institutions Code.
- 14 (c) As used in the following provisions, “firearm” also includes any rocket,
15 rocket propelled projectile launcher, or similar device containing any explosive or
16 incendiary material whether or not the device is designed for emergency or
17 distress signaling purposes:
 - 18 (1) Section 16750.
 - 19 (2) Subdivision (b) of Section 16840.
 - 20 (3) Section 25400.
 - 21 (4) Sections 25850 to 26025, inclusive.
 - 22 (5) Subdivisions (a), (b), and (c) of Section 26030.
 - 23 (6) Sections 26035 to 26055, inclusive.
- 24 (d) As used in the following provisions, “firearm” does not include an unloaded
25 antique firearm:
 - 26 (1) Subdivisions (a) and (c) of Section 16730.
 - 27 (2) Section 16550.
 - 28 (3) Section 16960.
 - 29 (4) Section 17310.
 - 30 (5) Sections 26500 to 26585, inclusive.
 - 31 (6) Sections 26700 to 26915, inclusive.
 - 32 (7) Section 27510.
 - 33 (8) Section 27530.
 - 34 (9) Section 27540.
 - 35 (10) Section 27545.
 - 36 (11) Sections 27555 to 27570, inclusive.
 - 37 (12) Sections 29010 to 29150, inclusive.
- 38 (e) As used in Sections 34005 and 34010, “firearm” does not include a
39 destructive device.
- 40 (f) As used in Sections 17280 and 24680, “firearm” has the same meaning as in
41 Section 922 of Title 18 of the United States Code.

1 (g) As used in Sections 29010 to 29150, inclusive, “firearm” includes the
2 unfinished frame or receiver of a weapon that can be readily converted to the
3 functional condition of a finished frame or receiver.

4 **Comment.** Subdivision (a) of Section 16520 continues former Section 12001(b) and 12550(b)
5 without substantive change, for purposes of “Part 6. Control of Deadly Weapons.” See also
6 Section 12001, which continues former Section 12001(b) without substantive change, for
7 purposes of “Title 2. Sentencing Enhancements” of “Part 4. Prevention of Crimes and
8 Apprehension of Criminals.”

9 Subdivision (b) continues former Section 12001(c) and former Section 12085(e)(1) without
10 substantive change.

11 Subdivision (c) continues former Section 12001(d) without substantive change.

12 Subdivision (d) continues former Section 12001(e) and former Section 12085(e)(3) without
13 substantive change. See Section 16170 (“antique firearm”).

14 Subdivision (e) continues the fourth sentence of former Section 12030(d) without substantive
15 change. See Section 16460 (“destructive device”).

16 With respect to the definition of “firearm,” subdivision (f) continues the first paragraph of
17 former Section 12020(c)(22)(C) without substantive change.

18 Subdivision (g) continues former Section 12085(e)(2) without substantive change.

19 **§ 16530. “Firearm capable of being concealed upon the person,” “pistol,” and “revolver”**

20 16530. (a) As used in this part, the terms “firearm capable of being concealed
21 upon the person,” “pistol,” and “revolver” apply to and include any device
22 designed to be used as a weapon, from which is expelled a projectile by the force
23 of any explosion, or other form of combustion, and that has a barrel less than 16
24 inches in length. These terms also include any device that has a barrel 16 inches or
25 more in length which is designed to be interchanged with a barrel less than 16
26 inches in length.

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

30 **Comment.** Subdivision (a) of Section 16530 continues former Section 12001(a)(1) without
31 substantive change. See also former Sections 12126(e), 12323(a), and 12601(b)(1), and the
32 introductory clause of former Section 12126, all of which referred to the definition in Section
33 12001.

34 With respect to a “firearm capable of being concealed upon the person,” “pistol,” and
35 “revolver,” subdivision (b) continues former Section 12001(f) without substantive change. See
36 also Section 16640(b), which continues former Section 12001(f) with respect to a “handgun.”

37 See Sections 16520 (“firearm”), 17170 (“short-barreled rifle”), 17180 (“short-barreled
38 shotgun”). See also Section 16640 (“handgun” means “any pistol, revolver, or firearm capable of
39 being concealed upon the person”).

40 **§ 16540. “Firearm safety device”**

41 16540. As used in Division 2 (commencing with Section 23620) of Title 4,
42 “firearm safety device” means a device other than a gun safe that locks and is
43 designed to prevent children and unauthorized users from firing a firearm. The
44 device may be installed on a firearm, be incorporated into the design of the
45 firearm, or prevent access to the firearm.

46 **Comment.** Section 16540 continues former Section 12087.6(a) without substantive change.

1 See Sections 16520 (“firearm”), 16610 (“gun safe”).

2 **§ 16550. “Firearm transaction record”**

3 16550. As used in this part, “firearm transaction record” is a record containing
4 the same information referred to in subdivision (a) of Section 478.124, Section
5 478.124a, and subdivision (e) of Section 478.125 of Title 27 of the Code of
6 Federal Regulations.

7 **Comment.** Section 16550 continues former Section 12071(c)(4)(A) without substantive
8 change.

9 **§ 16560. “Firing requirement for handguns”**

10 16560. Use of the phrase “firing requirement for handguns” is governed by
11 Section 31905.

12 **Comment.** Section 16560 is new. It is intended to help persons locate the definition of “firing
13 requirement for handguns.”

14 **§ 16570. “Flechette dart”**

15 16570. As used in this part, “flechette dart” means a dart, capable of being fired
16 from a firearm, that measures approximately one inch in length, with tail fins that
17 take up approximately five-sixteenths of an inch of the body.

18 **Comment.** Section 16570 continues former Section 12020(c)(6) without substantive change.
19 See Section 16520 (“firearm”).

20 **§ 16575. “Former Article 4 of Chapter 1 provisions”**

21 16575. (a) Except as stated in subdivision (c), the following provisions were
22 formerly included in Article 4 (commencing with Section 12070) of Chapter 1 of
23 Title 2 of Part 4, which was entitled “Licenses to Sell Firearms”:

24 (1) Section 16130.

25 (2) Subdivision (b) of Section 16170, to the extent that it continues subdivision
26 (e) of former Section 12085.

27 (3) Section 16400.

28 (4) Section 16450, to the extent that it continues subdivision (a) of former
29 Section 12086.

30 (5) Subdivisions (b) and (d) of Section 16520, to the extent that they continue
31 subdivision (e) of former Section 12085.

32 (6) Subdivision (g) of Section 16520.

33 (7) Section 16550.

34 (8) Section 16620.

35 (9) Section 16720.

36 (10) Section 16730.

37 (11) Section 16740, to the extent that it continues subdivision (b) of former
38 Section 12079.

39 (12) Section 16800.

40 (13) Section 16810.

- 1 (14) Section 16960.
- 2 (15) Section 16990.
- 3 (16) Section 17110.
- 4 (17) Section 17310.
- 5 (18) Division 6 (commencing with Section 26500) of Title 4.
- 6 (19) Chapter 2 (commencing with Section 29030) of Division 7 of Title 4.
- 7 (20) Chapter 2 (commencing with Section 29500) of Division 8 of Title 4.
- 8 (21) Section 29010.
- 9 (22) Section 30105.
- 10 (23) Sections 30150 to 30165, inclusive.
- 11 (24) Sections 31705 to 31830, inclusive.
- 12 (25) Section 32315.
- 13 (26) Section 34205.
- 14 (27) Sections 34350 to 34370, inclusive.
- 15 (b) Except as stated in subdivision (c), the provisions listed in subdivision (a)
- 16 may be referred to as “former Article 4 of Chapter 1 provisions.”
- 17 (c) Subdivision (a) does not include any section that is first codified in one of
- 18 the specified numerical ranges after the effective date of the Deadly Weapons
- 19 Recodification Act of 2012.

20 **Comment.** Section 16575 is new. It provides a convenient means of referring to former

21 Sections 12070-12086.
22 For a disposition table showing where each provision in former Sections 12070-12086 was
23 recodified, see *Nonsubstantive Reorganization of Deadly Weapon Statutes*, __ Cal. L. Revision
24 Comm’n Reports __ (2009).

25 **§ 16580. “Former Chapter 1 provisions”**

26 16580. (a) Except as stated in subdivision (c), the following provisions were
27 formerly included in Chapter 1 (commencing with Section 12000) of Title 2 of
28 Part 4, which was entitled “Firearms”:

- 29 (1) Sections 12001 to 12022.95, inclusive.
- 30 (2) Sections 16120 to 16140, inclusive.
- 31 (3) Subdivision (b) of Section 16170, to the extent it continues former Sections
- 32 12001, 12078, 12085, and 12088.8.
- 33 (4) Subdivision (c) of Section 16170.
- 34 (5) Section 16190.
- 35 (6) Sections 16220 to 16240, inclusive.
- 36 (7) Section 16250, to the extent it continues to former Section 12001.
- 37 (8) Section 16260.
- 38 (9) Sections 16320 to 16340, inclusive.
- 39 (10) Section 16360.
- 40 (11) Sections 16400 and 16410.
- 41 (12) Section 16430.
- 42 (13) Section 16450, to the extent it continues former Section 12086.
- 43 (14) Subdivision (b) of Section 16460.

- 1 (15) Section 16470.
- 2 (16) Section 16490.
- 3 (17) Subdivision (a) of Section 16520, to the extent it continues former Section
- 4 12001.
- 5 (18) Subdivisions (b) to (g), inclusive, of Section 16520.
- 6 (19) Sections 16530 to 16550, inclusive.
- 7 (20) Section 16570.
- 8 (21) Sections 16600 to 16640, inclusive.
- 9 (22) Sections 16670 to 16690, inclusive.
- 10 (23) Sections 16720 to 16760, inclusive.
- 11 (24) Sections 16800 and 16810.
- 12 (25) Sections 16830 to 16870, inclusive.
- 13 (26) Sections 16920 to 16960, inclusive.
- 14 (27) Sections 16990 and 17000.
- 15 (28) Sections 17020 to 17070, inclusive.
- 16 (29) Section 17090, to the extent it continues former Section 12020.
- 17 (30) Section 17110.
- 18 (31) Section 17125.
- 19 (32) Section 17160.
- 20 (33) Sections 17170 to 17200, inclusive.
- 21 (34) Sections 17270 to 17290, inclusive.
- 22 (35) Section 17310.
- 23 (36) Sections 17330 to 17505, inclusive.
- 24 (37) Sections 17515 to 18500, inclusive.
- 25 (38) Sections 19100 to 19290, inclusive.
- 26 (39) Sections 20200 to 21390, inclusive.
- 27 (40) Sections 21590 to 22490, inclusive.
- 28 (41) Sections 23500 to 30290, inclusive.
- 29 (42) Sections 31500 to 31590, inclusive.
- 30 (43) Sections 31705 to 31830, inclusive.
- 31 (44) Sections 32310 to 32450, inclusive.
- 32 (45) Sections 32900 to 33320, inclusive.
- 33 (46) Sections 33600 to 34370, inclusive.

34 (b) Except as stated in subdivision (c), the provisions listed in subdivision (a)
35 may be referred to as “former Chapter 1 provisions.”

36 (c) Subdivision (a) does not include any section that is first codified in one of
37 the specified numerical ranges after the effective date of the Deadly Weapons
38 Recodification Act of 2012.

39 **Comment.** Section 16580 is new. It provides a convenient means of referring to former
40 Sections 12000-12101.

41 For a disposition table showing where each provision in former Sections 12000-12101 was
42 recodified, see *Nonsubstantive Reorganization of Deadly Weapon Statutes*, __ Cal. L. Revision
43 Comm’n Reports __ (2009).

1 **§ 16585. “Former Section 12078 provisions”**

2 16585. (a) Except as stated in subdivision (e), the following provisions were
3 included in former Section 12078, as that section read in Section 20 of Chapter
4 698 of the Statutes of 2008:

- 5 (1) Subdivision (b) of Section 16170, as it pertains to former Section 12078.
- 6 (2) Section 16720.
- 7 (3) Subdivision (a) of Section 16730, as it pertains to former Section 12078.
- 8 (4) Subdivision (b) of Section 16730.
- 9 (5) Section 16990.
- 10 (6) Sections 26600 to 26615, inclusive.
- 11 (7) Sections 26950 to 27140, inclusive.
- 12 (8) Sections 27400 to 27415, inclusive.
- 13 (9) Sections 27600 to 28000, inclusive.
- 14 (10) Sections 28400 to 28415, inclusive.
- 15 (11) Sections 30150 to 30165, inclusive.
- 16 (12) Sections 31705 to 31830, inclusive.
- 17 (13) Sections 34355 to 34370, inclusive.

18 (b) Except as stated in subdivision (e), the provisions listed in subdivision (a)
19 may be referred to as “former Section 12078 provisions.”

20 (c) Except as stated in subdivision (e), the following provisions were included in
21 subdivision (a) of former Section 12078, as that section read in Section 20 of
22 Chapter 698 of the Statutes of 2008:

- 23 (1) Sections 26600 to 26615, inclusive.
- 24 (2) Sections 27050 to 27065, inclusive.
- 25 (3) Sections 27400 to 27415, inclusive.
- 26 (4) Sections 27600 to 27615, inclusive.
- 27 (5) Sections 28400 to 28415, inclusive.
- 28 (6) Sections 30150 to 30165, inclusive.
- 29 (7) Sections 31705 to 31720, inclusive.
- 30 (8) Sections 34355 to 34370, inclusive.

31 (d) Except as stated in subdivision (e), the provisions listed in subdivision (c)
32 may be referred to as “former Section 12078(a) provisions.”

33 (d) Subdivisions (a) and (c) do not include any section that is first codified in
34 one of the specified numerical ranges after the effective date of the Deadly
35 Weapons Recodification Act of 2012.

36 **Comment.** Section 16585 is new. It provides a convenient means of referring to the provisions
37 that comprised former Section 12078.

38 For a disposition table showing where each provision in former Section 12078 was recodified,
39 see *Nonsubstantive Recodification of Deadly Weapon Statutes*, __ Cal. L. Revision Comm’n
40 Reports __ (2009).

41 **§ 16590. “Generally prohibited weapon”**

42 16590. As used in this part, “generally prohibited weapon” means any of the
43 following:

- 1 (a) An air gauge knife, as prohibited by Section 20310.
- 2 (b) Ammunition that contains or consists of a flechette dart, as prohibited by
- 3 Section 30210.
- 4 (c) A ballistic knife, as prohibited by Section 21110.
- 5 (d) A belt buckle knife, as prohibited by Section 20410.
- 6 (e) A bullet containing or carrying an explosive agent, as prohibited by Section
- 7 30210.
- 8 (f) A camouflaging firearm container, as prohibited by Section 24310.
- 9 (g) A cane gun, as prohibited by Section 24410.
- 10 (h) A cane sword, as prohibited by Section 20510.
- 11 (i) A concealed dirk or dagger, as prohibited by Section 21310.
- 12 (j) A concealed explosive substance, other than fixed ammunition, as prohibited
- 13 by Section 19100.
- 14 (k) A firearm that is not immediately recognizable as a firearm, as prohibited by
- 15 Section 24510.
- 16 (l) A large-capacity magazine, as prohibited by Section 32310.
- 17 (m) A leaded cane or an instrument or weapon of the kind commonly known as
- 18 a billy, blackjack, sandbag, sandclub, sap, or slungshot, as prohibited by Section
- 19 22210.
- 20 (n) A lipstick case knife, as prohibited by Section 20610.
- 21 (o) Metal knuckles, as prohibited by Section 21810.
- 22 (p) A metal military practice handgrenade or a metal replica handgrenade, as
- 23 prohibited by Section 19200.
- 24 (q) A multiburst trigger activator, as prohibited by Section 32900.
- 25 (r) A nunchaku, as prohibited by Section 22010.
- 26 (s) A shobi-zue, as prohibited by Section 20710.
- 27 (t) A short-barreled rifle or short-barreled shotgun, as prohibited by Section
- 28 33215.
- 29 (u) A shuriken, as prohibited by Section 22410.
- 30 (v) An unconventional pistol, as prohibited by Section 31500.
- 31 (w) An undetectable firearm, as prohibited by Section 24610.
- 32 (x) A wallet gun, as prohibited by Section 24710.
- 33 (y) A writing pen knife, as prohibited by Section 20910.
- 34 (z) A zip gun, as prohibited by Section 33600.

35 **Comment.** Section 16590 is new. It defines the term “generally prohibited weapon” for
36 drafting convenience. Each of the items listed in this section was formerly listed in subdivision
37 (a) of former Section 12020.

38 See Sections 16140 (“air gauge knife”), 16220 (“ballistic knife”), 16260 (“belt buckle knife”),
39 16320 (“camouflaging firearm container”), 16330 (“cane gun”), 16340 (“cane sword”), 16470
40 (“dirk” or “dagger”), 16510 (“explosive”), 16520 (“firearm”), 16570 (“flechette dart”), 16740
41 (“large-capacity magazine”), 16760 (“leaded cane”), 16830 (“lipstick case knife”), 16920 (“metal
42 knuckles”), 16930 (“multiburst trigger activator”), 16940 (“nunchaku”), 17160 (“shobi-zue”),
43 17170 (“short-barreled rifle”), 17180 (“short-barreled shotgun”), 17200 (“shuriken”), 17270
44 (“unconventional pistol”), 17280 (“undetectable firearm”), 17330 (“wallet gun”), 17350 (“writing
45 pen knife”), 17360 (“zip gun”).

1 **§ 16600. “Great bodily injury”**

2 16600. As used in Chapter 2 (commencing with Section 25100) of Division 4 of
3 Title 4, “great bodily injury” means a significant or substantial physical injury.

4 **Comment.** Section 16600 continues former Section 12035(a)(4) without substantive change.
5 To make the provision more easily understandable, the definition of “great bodily injury” in
6 Section 12022.7 is repeated in Section 16600, rather than incorporated by reference as it was in
7 the past. Case law construing the definition in Section 12022.7 is relevant in construing Section
8 16600.

9 **§ 16610. “Gun safe”**

10 16610. As used in this part, “gun safe” means a locking container that fully
11 contains and secures one or more firearms, and that meets the standards for gun
12 safes adopted pursuant to Section 23650.

13 **Comment.** Section 16610 continues former Section 12087.6(b) without substantive change.
14 See Section 16520 (“firearm”).

15 **§ 16620. “Gun Show Trader”**

16 16620. As used in this part, “Gun Show Trader” means a person described in
17 Section 26525.

18 **Comment.** Section 16620 continues the second paragraph of former Section 12070(b)(5)
19 without substantive change.

20 **§ 16630. “Gunsmith”**

21 16630. As used in this part, “gunsmith” means any person who is licensed as a
22 dealer pursuant to Chapter 44 (commencing with Section 921) of Title 18 of the
23 United States Code and the regulations issued pursuant thereto, who is engaged
24 primarily in the business of repairing firearms, or making or fitting special barrels,
25 stocks, or trigger mechanisms to firearms, or the agent or employee of that person.

26 **Comment.** Section 16630 continues former Section 12001(r) without substantive change.
27 See Section 16520 (“firearm”).

28 **§ 16640. “Handgun”**

29 16640. (a) As used in this part, “handgun” means any pistol, revolver, or firearm
30 capable of being concealed upon the person.

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

33 **Comment.** Subdivision (a) of Section 16640 continues former Section 12001(a)(2) without
34 substantive change. See Sections 16520 (“firearm”), 16530 (“firearm capable of being concealed
35 upon the person,” “pistol,” and “revolver”).

36 With respect to a “handgun,” subdivision (b) continues former Section 12001(f) without
37 substantive change. See also Section 16530(b), which continues former Section 12001(f) with
38 respect to a “firearm capable of being concealed upon the person,” “pistol,” and “revolver.”

39 See Sections 16520 (“firearm”), 16530 (“firearm capable of being concealed upon the person,”
40 “pistol,” and “revolver”), 17170 (“short-barreled rifle”), 17180 (“short-barreled shotgun”).

1 **§ 16650. “Handgun ammunition”**

2 16650. As used in this part, “handgun ammunition” means ammunition
3 principally for use in pistols, revolvers, and other firearms capable of being
4 concealed upon the person, notwithstanding that the ammunition may also be used
5 in some rifles.

6 **Comment.** Section 16650 continues former Section 12323(a) without substantive change.

7 See Sections 16520 (“firearm”), 16530 (“firearm capable of being concealed upon the person,”
8 “pistol,” and “revolver”).

9 **§ 16660. “Handgun ammunition designed primarily to penetrate metal or armor”**

10 16660. As used in this part, “handgun ammunition designed primarily to
11 penetrate metal or armor” means any ammunition, except a shotgun shell or
12 ammunition primarily designed for use in a rifle, that is designed primarily to
13 penetrate a body vest or body shield, and has either of the following
14 characteristics:

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

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

24 **Comment.** Section 16660 continues former Section 12323(b) without substantive change.

25 See Sections 16290 (“body vest” or “body shield”), 16520 (“firearm”), 16530 (“firearm
26 capable of being concealed upon the person,” “pistol,” and “revolver”), 16650 (“handgun
27 ammunition”).

28 **§ 16670. “Handgun safety certificate”**

29 16670. As used in this part, “handgun safety certificate” means a certificate
30 issued by the Department of Justice pursuant to Sections 31610 to 31700,
31 inclusive, or pursuant to former Article 8 (commencing with Section 12800) of
32 Chapter 6 of Title 2 of Part 4, as that article was operative on or after January 1,
33 2003.

34 **Comment.** Section 16670 continues former Section 12001(q) without substantive change.

35 See Section 16640 (“handgun”).

36 **§ 16680. “Hard plastic knuckles” or “hard wooden knuckles”**

37 16680. As used in this part, “hard plastic knuckles” or “hard wooden knuckles”
38 means any device or instrument made wholly or partially of plastic or of wood,
39 composite, or paper materials that is not metal knuckles, that is worn for purposes
40 of offense or defense in or on the hand, and that either protects the wearer’s hand
41 while striking a blow or increases the force of impact from the blow or injury to

1 the individual receiving the blow. The plastic, wood, composite, or paper products
2 contained in the device may help support the hand or fist, provide a shield to
3 protect it, or consist of projections or studs that would contact the individual
4 receiving a blow.

5 **Comment.** Section 16680 continues the second and third sentences of former Section 12020.1
6 without substantive change.

7 See Section 16920 (“metal knuckles”).

8 **§ 16690. “Honorably retired”**

9 16690. As used in Sections 25650 and 26020, Article 2 (commencing with
10 Section 25450) of Chapter 2 of Division 5 of Title 4, and Article 3 (commencing
11 with Section 25900) of Chapter 3 of Division 5 of Title 4, “honorably retired”
12 includes any peace officer who has qualified for, and has accepted, a service or
13 disability retirement. As used in those provisions, “honorably retired” does not
14 include an officer who has agreed to a service retirement in lieu of termination.

15 **Comment.** Section 16690 continues the fourth and fifth sentences of former Section
16 12027(a)(1)(A) without substantive change.

17 **§ 16700. “Imitation firearm”**

18 16700. (a) As used in this part, “imitation firearm” means any BB device, toy
19 gun, replica of a firearm, or other device that is so substantially similar in
20 coloration and overall appearance to an existing firearm as to lead a reasonable
21 person to perceive that the device is a firearm.

22 (b) As used in Section 20165, “imitation firearm” does not include any of the
23 following:

24 (1) A nonfiring collector’s replica that is historically significant, and is offered
25 for sale in conjunction with a wall plaque or presentation case.

26 (2) A BB device.

27 (3) A device where the entire exterior surface of the device is white, bright red,
28 bright orange, bright yellow, bright green, bright blue, bright pink, or bright
29 purple, either singly or as the predominant color in combination with other colors
30 in any pattern, as provided by federal regulations governing imitation firearms, or
31 where the entire device is constructed of transparent or translucent materials which
32 permits unmistakable observation of the device’s complete contents, as provided
33 by federal regulations governing imitation firearms.

34 **Comment.** Subdivision (a) of Section 16700 continues former Section 12550(c) without
35 substantive change.

36 Subdivision (b) continues former Section 12555(c) without substantive change.

37 See Sections 16250 (“BB device”), 16520 (“firearm”).

38 **§ 16720. “Immediate family member”**

39 16720. As used in this part, “immediate family member” means either of the
40 following relationships:

41 (a) Parent and child.

1 (b) Grandparent and grandchild.

2 **Comment.** Section 16720 continues former Section 12078(c)(3) without substantive change.

3 **§ 16730. “Infrequent”**

4 16730. (a) As used in Section 31815 and in Division 6 (commencing with
5 Section 26500) of Title 4, “infrequent” means:

6 (1) For pistols, revolvers, and other firearms capable of being concealed upon
7 the person, less than six transactions per calendar year.

8 (2) For firearms other than pistols, revolvers, or other firearms capable of being
9 concealed upon the person, occasional and without regularity.

10 (b) As used in Section 27900, the term “infrequent” shall not be construed to
11 prohibit different local chapters of the same nonprofit corporation from conducting
12 auctions or similar events, provided the individual local chapter conducts the
13 auctions or similar events infrequently. It is the intent of the Legislature that
14 different local chapters, representing different localities, be entitled to invoke the
15 exemption created by Section 27900, notwithstanding the frequency with which
16 other chapters of the same nonprofit corporation may conduct auctions or similar
17 events.

18 (c) As used in this section, “transaction” means a single sale, lease, or transfer of
19 any number of pistols, revolvers, or other firearms capable of being concealed
20 upon the person.

21 **Comment.** Subdivision (a) of Section 16730 continues the first sentence of former Section
22 12070(c)(1)(A), former Section 12070(c)(1)(B), and former Section 12078(u)(1) without
23 substantive change.

24 Subdivision (b) continues the second paragraph of former Section 12078(g)(1) without
25 substantive change.

26 Subdivision (c) continues the second sentence of former Section 12070(c)(1)(A) without
27 substantive change.

28 See Sections 16520 (“firearm”), 16530 (“firearm capable of being concealed upon the person,”
29 “pistol,” and “revolver”).

30 **§ 16740. “Large-capacity magazine”**

31 16740. As used in this part, “large-capacity magazine” means any ammunition
32 feeding device with the capacity to accept more than 10 rounds, but shall not be
33 construed to include any of the following:

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

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

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

38 **Comment.** Section 16740 continues former Sections 12020(c)(25) and 12079(b) without
39 substantive change.

40 **§ 16750. “Lawful possession of the firearm”**

41 16750. (a) As used in Section 25400, “lawful possession of the firearm” means
42 that the person who has possession or custody of the firearm either lawfully owns

1 the firearm or has the permission of the lawful owner or a person who otherwise
2 has apparent authority to possess or have custody of the firearm. A person who
3 takes a firearm without the permission of the lawful owner or without the
4 permission of a person who has lawful custody of the firearm does not have lawful
5 possession of the firearm.

6 (b) As used in Article 2 (commencing with Section 25850), Article 3
7 (commencing with Section 25900), and Article 4 (commencing with Section
8 26000) of Chapter 3 of Division 5 of Title 4, “lawful possession of the firearm”
9 means that the person who has possession or custody of the firearm either lawfully
10 acquired and lawfully owns the firearm or has the permission of the lawful owner
11 or person who otherwise has apparent authority to possess or have custody of the
12 firearm. A person who takes a firearm without the permission of the lawful owner
13 or without the permission of a person who has lawful custody of the firearm does
14 not have lawful possession of the firearm.

15 **Comment.** Subdivision (a) of Section 16750 continues former Section 12025(g) without
16 substantive change.

17 Subdivision (b) continues former Section 12031(a)(3) without substantive change.

18 See Section 16520 (“firearm”).

19 **§ 16760. “Leaded cane”**

20 16760. As used in this part, a “leaded cane” means a staff, crutch, stick, rod,
21 pole, or similar device, unnaturally weighted with lead.

22 **Comment.** Section 16760 continues former Section 12020(c)(17) without substantive change.

23 **§ 16770. “Less lethal ammunition”**

24 16770. As used in this part, “less lethal ammunition” means any ammunition
25 that satisfies both of the following requirements:

26 (a) It is designed to be used in any less lethal weapon or any other kind of
27 weapon (including, but not limited to, any firearm, pistol, revolver, shotgun, rifle,
28 or spring, compressed air, or compressed gas weapon).

29 (b) When used in a less lethal weapon or other weapon, it is designed to
30 immobilize, incapacitate, or stun a human being through the infliction of any less
31 than lethal impairment of physical condition, function, or senses, including
32 physical pain or discomfort.

33 **Comment.** Section 16770 continues former Section 12601(c) without substantive change.

34 See Sections 16520 (“firearm”), 16780 (“less lethal weapon”), 17010 (“pistol”), 17080
35 (“revolver”).

36 **§ 16780. “Less lethal weapon”**

37 16780. As used in this part,

38 (a) “Less lethal weapon” means any device that is designed to or that has been
39 converted to expel or propel less lethal ammunition by any action, mechanism, or
40 process for the purpose of incapacitating, immobilizing, or stunning a human
41 being through the infliction of any less than lethal impairment of physical

1 condition, function, or senses, including physical pain or discomfort. It is not
2 necessary that a weapon leave any lasting or permanent incapacitation, discomfort,
3 pain, or other injury or disability in order to qualify as a less lethal weapon.

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

7 (1) Pistol, revolver, or firearm.

8 (2) Machinegun.

9 (3) Rifle or shotgun using fixed ammunition consisting of standard primer and
10 powder and not capable of being concealed upon the person.

11 (4) A pistol, rifle, or shotgun that is a firearm having a barrel less than 0.18
12 inches in diameter and that is designed to expel a projectile by any mechanical
13 means or by compressed air or gas.

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

17 (6) A destructive device.

18 (7) A tear gas weapon.

19 (8) A bow or crossbow designed to shoot arrows.

20 (9) A device commonly known as a slingshot.

21 (10) A device designed for the firing of stud cartridges, explosive rivets, or
22 similar industrial ammunition.

23 (11) A device designed for signaling, illumination, or safety.

24 (12) An assault weapon.

25 **Comment.** Section 16780 continues former Section 12601(a)-(b) without substantive change.

26 See Sections 16460 (“destructive device”), 16520 (“firearm”), 16880 (“machinegun”), 17010
27 (“pistol”), 17080 (“revolver”), 17250 (“tear gas weapon”), 30510 (“assault weapon”), 30515
28 (further clarification of “assault weapon”).

29 **§ 16790. “Licensed gun dealer”**

30 16790. As used in Article 5 (commencing with Section 30900) and Article 7
31 (commencing with Section 31050) of Chapter 2 of Division 10 of Title 4,
32 “licensed gun dealer” means a person who is licensed pursuant to Sections 26700
33 to 26915, inclusive, and who has a permit to sell assault weapons or .50 BMG
34 rifles pursuant to Section 31005.

35 **Comment.** Section 16790 continues former Section 12290(c) without substantive change. See
36 also former Section 12285(b)-(c), which used the same definition of “licensed gun dealer.”

37 See Sections 16110 (“.50 BMG rifle”), 16970 (“person”), 30510 (“assault weapon”), 30515
38 (further clarification of “assault weapon”).

39 See also Section 26700 (“dealer,” “licensee,” or “person licensed pursuant to Sections 26700 to
40 26915, inclusive”).

1 **§ 16800. “Licensed gun show producer”**

2 16800. As used in this part, “licensed gun show producer” means a person who
3 has been issued a certificate of eligibility by the Department of Justice pursuant to
4 Section 27200. No regulations shall be required to implement this section.

5 **Comment.** Section 16800 continues former Section 12071.1(c) without substantive change.

6 **§ 16810. “Licensed premises,” “licensee’s business premises,” and “licensee’s place of**
7 **business”**

8 16810. As used in Section 17110 and in Article 1 (commencing with Section
9 26700) and Article 2 (commencing with Section 26800) of Chapter 2 of Division 6
10 of Title 4, “licensed premises,” “licensee’s business premises,” or “licensee’s
11 place of business” means the building designated in the license.

12 **Comment.** Section 16810 continues former Section 12071(c)(3) without substantive change.

13 **§ 16820. “Licensee”**

14 16820. (a) For purposes of the provisions listed in Section 16580, use of the
15 term “licensee” is governed by Section 26700.

16 (b) For purposes of Chapter 2 (commencing with Section 29030) of Division 7
17 of Title 4, use of the term “licensee” is governed by Section 29030.

18 **Comment.** Subdivision (a) of Section 16820 is new. It is intended to help persons locate the
19 definition of “licensee” that relates to firearms dealing and applies for purposes of the specified
20 provisions.

21 Subdivision (b) is new. It is intended to help persons locate the definition of “licensee” that
22 relates to firearms manufacturing and applies for purposes of key provisions relating to such
23 manufacturing.

24 See also Section 16790 (“licensed gun dealer”).

25 **§ 16822. “Licensee’s business premises”**

26 16822. Use of the term “licensee’s business premises” is governed by Section
27 16810.

28 **Comment.** Section 16822 is new. It is intended to help persons locate the definition of
29 “licensee’s business premises, which is the same as the definition of “licensed premises” in
30 Section 16810.

31 **§ 16824. “Licensee’s place of business”**

32 16824. Use of the term “licensee’s place of business” is governed by Section
33 16810.

34 **Comment.** Section 16824 is new. It is intended to help persons locate the definition of
35 “licensee’s place of business, which is the same as the definition of “licensed premises” in
36 Section 16810.

37 **§ 16830. “Lipstick case knife”**

38 16830. As used in this part, a “lipstick case knife” means a knife enclosed within
39 and made an integral part of a lipstick case.

40 **Comment.** Section 16830 continues former Section 12020(c)(14) without substantive change.

1 **§ 16840. “Loaded” and “loaded firearm”**

2 16840. (a) As used in Section 25800, a firearm shall be deemed to be “loaded”
3 whenever both the firearm and the unexpended ammunition capable of being
4 discharged from the firearm are in the immediate possession of the same person.

5 (b) As used in Chapter 2 (commencing with Section 25100) of Division 4 of
6 Title 4, in subparagraph (A) of paragraph (6) of subdivision (c) of Section 25400,
7 and in Sections 25850 to 26060, inclusive,

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

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

15 **Comment.** Subdivision (a) of Section 16840 continues former Section 12001(j) without
16 substantive change.

17 Subdivision (b) continues former Sections 12031(g) and 12035(a)(2) without substantive
18 change. See also former Section 12025(b)(6)(A), which used the same definition of “loaded.”

19 See Section 16520 (“firearm”).

20 **§ 16850. “Locked container”**

21 16850. As used in Sections 17740, 23925, 25105, 25205, and 25610, and in
22 Article 2 (commencing with Section 25500) of Chapter 2 of Division 5 of Title 4,
23 “locked container” means a secure container that is fully enclosed and locked by a
24 padlock, keylock, combination lock, or similar locking device. The term “locked
25 container” does not include the utility or glove compartment of a motor vehicle.

26 **Comment.** Section 16850 continues former Sections 12026.2(d), 12035(a)(5), and 12036(a)(4)
27 without substantive change. See also former Sections 12020(b)(17)(E) and 12094(b)(4)(E), which
28 used the same definition of “locked container.” Section 16850 also continues the combined effect
29 of subdivision (c) and the last phrase of paragraph (a)(1) (“other than the utility or glove
30 compartment”) of former Section 12026.1 without substantive change.

31 See Section 16520 (“firearm”).

32 **§ 16860. “Locking device” for firearm**

33 16860. As used in Sections 16850, 25105, and 25205, “locking device” means a
34 device that is designed to prevent a firearm from functioning and, when applied to
35 the firearm, renders the firearm inoperable.

36 **Comment.** Section 16860 continues former Sections 12035(a)(1) and 12036(a)(1) without
37 substantive change.

38 See Section 16520 (“firearm”).

39 **§ 16870. “Long-gun safe”**

40 16870. As used in this part, “long-gun safe” means a locking container designed
41 to fully contain and secure a rifle or shotgun, which has a locking system
42 consisting of either a mechanical combination lock or an electronic combination

1 lock that has at least 1,000 possible unique combinations consisting of a minimum
2 of three numbers, letters, or symbols per combination, and is not listed on the
3 roster maintained pursuant to Section 23655.

4 **Comment.** Section 16870 continues former Section 12087.6(c) without substantive change.
5 See also former Section 12071(b)(20)(G)(ii)(II), which used the same definition of “long-gun
6 safe.”

7 See Sections 17090 (“rifle”), 17190 (“shotgun”).

8 **§ 16880. “Machinegun”**

9 16880. (a) As used in this part, “machinegun” means any weapon that shoots, is
10 designed to shoot, or can readily be restored to shoot, automatically more than one
11 shot, without manual reloading, by a single function of the trigger.

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

18 (c) The term “machinegun” also includes any weapon deemed by the federal
19 Bureau of Alcohol, Tobacco, and Firearms as readily convertible to a machinegun
20 under Chapter 53 (commencing with Section 5801) of Title 26 of the United States
21 Code.

22 **Comment.** Section 16880 continues former Section 12200 without substantive change. See
23 also former Sections 12001(n)(12), 12072(f)(1)(A), 12278(a), and 12601(b)(2), which used the
24 same definition of “machinegun.”

25 **§ 16890. “Magazine”**

26 16890. As used in Section 30515, “magazine” means any ammunition feeding
27 device.

28 **Comment.** Section 16890 continues former Section 12276.1(d)(1) without substantive change.

29 **§ 16900. “Magazine disconnect mechanism”**

30 16900. As used in this part, “magazine disconnect mechanism” means a
31 mechanism that prevents a semiautomatic pistol that has a detachable magazine
32 from operating to strike the primer of ammunition in the firing chamber when a
33 detachable magazine is not inserted in the semiautomatic pistol.

34 **Comment.** Section 16900 continues former Section 12126(d) without substantive change. See
35 also former Section 12130(d)(1)-(3), which used the same definition of “magazine disconnect
36 mechanism.”

37 See Sections 16530 (“firearm capable of being concealed upon the person,” “pistol,” and
38 “revolver”), 17140 (“semiautomatic pistol”).

39 **§ 16920. “Metal knuckles”**

40 16920. As used in this part, “metal knuckles” means any device or instrument
41 made wholly or partially of metal that is worn for purposes of offense or defense

1 in or on the hand and that either protects the wearer’s hand while striking a blow
2 or increases the force of impact from the blow or injury to the individual receiving
3 the blow. The metal contained in the device may help support the hand or fist,
4 provide a shield to protect it, or consist of projections or studs which would
5 contact the individual receiving a blow.

6 **Comment.** Section 16920 continues former Section 12020(c)(7) without substantive change.
7 See also former Sections 12020.1 and 12029, which referred to former Section 12020.

8 **§ 16930. “Multiburst trigger activator”**

9 16930. As used in this part, a “multiburst trigger activator” means either of the
10 following:

11 (a) A device designed or redesigned to be attached to a semiautomatic firearm,
12 which allows the firearm to discharge two or more shots in a burst by activating
13 the device.

14 (b) A manual or power-driven trigger activating device constructed and designed
15 so that when attached to a semiautomatic firearm it increases the rate of fire of that
16 firearm.

17 **Comment.** Section 16930 continues former Section 12020(c)(23) without substantive change.
18 See Section 16520 (“firearm”).

19 **§ 16940. “Nunchaku”**

20 16940. As used in this part, “nunchaku” means an instrument consisting of two
21 or more sticks, clubs, bars or rods to be used as handles, connected by a rope,
22 cord, wire, or chain, in the design of a weapon used in connection with the practice
23 of a system of self-defense such as karate.

24 **Comment.** Section 16940 continues former Section 12020(c)(3) without substantive change.
25 See also former Section 12029, which referred to former Section 12020.

26 **§ 16960. “Operation of law”**

27 16960. As used in Article 1 (commencing with Section 26500) of Chapter 1 of
28 Division 1 of Title 4, “operation of law” includes, but is not limited to, any of the
29 following:

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

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

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

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

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

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

1 (g) A transmutation of property between spouses pursuant to Section 850 of the
2 Family Code.

3 (h) A firearm received by the family of a police officer or deputy sheriff from a
4 local agency pursuant to Section 50081 of the Government Code.

5 (i) The transfer of a firearm by a law enforcement agency to the person who
6 found the firearm where the delivery is to the person as the finder of the firearm
7 pursuant to Article 1 (commencing with Section 2080) of Chapter 4 of Division 3
8 of the Civil Code.

9 **Comment.** Section 16960 continues former Section 12070(c)(2) without substantive change.

10 **§ 16965. “Passenger’s or driver’s area”**

11 16965. As used in this part, “passenger’s or driver’s area” means that part of a
12 motor vehicle which is designed to carry the driver and passengers, including any
13 interior compartment or space therein.

14 **Comment.** Section 16965 continues the third paragraph of former Section 653k without
15 substantive change.

16 **§ 16970. “Person”**

17 16970. As used in Sections 16790 and 17505 and in Chapter 2 (commencing
18 with Section 30500) of Division 10 of Title 4, “person” means an individual,
19 partnership, corporation, limited liability company, association, or any other group
20 or entity, regardless of how it was created.

21 **Comment.** Section 16970 continues former Section 12277 without substantive change. See
22 also former Section 12020.5, which used the same definition of “person.”

23 See Section 7 (“the word ‘person’ includes a corporation as well as a natural person”).

24 **§ 16980. “Person licensed pursuant to Sections 26700 to 26915, inclusive”**

25 16980. Use of the term “person licensed pursuant to Sections 26700 to 26915,
26 inclusive” is governed by Section 26700.

27 **Comment.** Section 16980 is new. It is intended to help persons locate the definition of “person
28 licensed pursuant to Sections 26700 to 26915, inclusive.”

29 See also Section 16790 (“licensed gun dealer”).

30 **§ 16990. “Person taking title or possession of a firearm by operation of law”**

31 16990. As used in any provision listed in Section 16585, the phrase “a person
32 taking title or possession of a firearm by operation of law” includes, but is not
33 limited to, any of the following instances in which an individual receives title to,
34 or possession of, a firearm:

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

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

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

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

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

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

7 (g) A transmutation of property consisting of a firearm pursuant to Section 850
8 of the Family Code.

9 (h) A firearm passing to a surviving spouse pursuant to Chapter 1 (commencing
10 with Section 13500) of Part 2 of Division 8 of the Probate Code.

11 (i) A firearm received by the family of a police officer or deputy sheriff from a
12 local agency pursuant to Section 50081 of the Government Code.

13 (j) The transfer of a firearm by a law enforcement agency to the person who
14 found the firearm where the delivery is to the person as the finder of the firearm
15 pursuant to Article 1 (commencing with Section 2080) of Chapter 4 of Division 3
16 of the Civil Code.

17 **Comment.** Section 16990 continues former Section 12078(u)(2) without substantive change.

18 **§ 17000. “Personal handgun importer”**

19 17000. (a) As used in this part, “personal handgun importer” means an
20 individual who meets all of the following criteria:

21 (1) The individual is not a person licensed pursuant to Sections 26700 to 26915,
22 inclusive.

23 (2) The individual is not a licensed manufacturer of firearms pursuant to Chapter
24 44 (commencing with Section 921) of Title 18 of the United States Code.

25 (3) The individual is not a licensed importer of firearms pursuant to Chapter 44
26 (commencing with Section 921) of Title 18 of the United States Code and the
27 regulations issued pursuant thereto.

28 (4) The individual is the owner of a handgun.

29 (5) The individual acquired that handgun outside of California.

30 (6) The individual moved into this state on or after January 1, 1998, as a resident
31 of this state.

32 (7) The individual intends to possess that handgun within this state on or after
33 January 1, 1998.

34 (8) The handgun was not delivered to the individual by a person licensed
35 pursuant to Sections 26700 to 26915, inclusive, who delivered that firearm
36 following the procedures set forth in Section 27540 and Sections 26700 to 26915,
37 inclusive.

38 (9) The individual, while a resident of this state, had not previously reported
39 ownership of that handgun to the Department of Justice in a manner prescribed by
40 the department that included information concerning the individual and a
41 description of the firearm.

1 (10) The handgun is not a firearm that is prohibited by any provision listed in
2 Section 16590.

3 (11) The handgun is not an assault weapon.

4 (12) The handgun is not a machinegun.

5 (13) The person is 18 years of age or older.

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

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

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

13 **Comment.** Subdivision (a) of Section 17000 continues former Section 12001(n) without
14 substantive change. For guidance on what constitutes an assault weapon, see Sections 30510
15 (“assault weapon”) and 30515 (further clarification of “assault weapon”). For guidance on what
16 constitutes a machinegun, see Section 16880 (“machinegun”).

17 Subdivision (b) continues former Section 12001(o) without substantive change.

18 See Sections 16520 (“firearm”), 16640 (“handgun”).

19 **§ 17010. “Pistol”**

20 17010. Use of the term “pistol” is governed by Section 16530.

21 **Comment.** Section 17010 is new. It is intended to help persons locate key rules relating to use
22 of the term “pistol.”

23 **§ 17020. “Principal place of employment or business”**

24 17020. For purposes of this part, a city or county may be considered an
25 applicant’s “principal place of employment or business” only if the applicant is
26 physically present in the jurisdiction during a substantial part of the applicant’s
27 working hours for purposes of that employment or business.

28 **Comment.** Section 17020 continues former Section 12050(a)(3) without substantive change.

29 **§ 17030. “Prohibited area”**

30 17030. As used in this part, “prohibited area” means any place where it is
31 unlawful to discharge a weapon.

32 **Comment.** Section 17030 continues former Section 12031(f) without substantive change.

33 **§ 17070. “Responsible adult”**

34 17070. As used in this part, “responsible adult” means a person at least 21 years
35 of age who is not prohibited by state or federal law from possessing, receiving,
36 owning, or purchasing a firearm.

37 **Comment.** Section 17070 continues former Section 12101(e) without substantive change.

38 **§ 17080. “Revolver”**

39 17080. Use of the term “revolver” is governed by Section 16530.

1 **Comment.** Section 17080 is new. It is intended to help persons locate key rules relating to use
2 of the term “revolver.”

3 **§ 17090. “Rifle”**

4 17090. As used in Sections 16530, 16640, 16650, 16660, 16870, and 17170,
5 Sections 17720 to 17730, inclusive, Section 17740, subdivision (f) of Section
6 27555, Article 2 (commencing with Section 30300) of Chapter 1 of Division 10 of
7 Title 4, and Article 1 (commencing with Section 33210) of Chapter 8 of Division
8 10 of Title 4, “rifle” means a weapon designed or redesigned, made or remade,
9 and intended to be fired from the shoulder and designed or redesigned and made or
10 remade to use the energy of the explosive in a fixed cartridge to fire only a single
11 projectile through a rifled bore for each single pull of the trigger.

12 **Comment.** Section 17090 continues former Sections 12020(c)(20) and 12323(d) without
13 substantive change. See also former Sections 12001(f), 12001.5, 12029, 12072(f)(1)(A), and
14 12087.6(c), which referred to former Section 12020.

15 **§ 17110. “Secure facility” for firearm storage by dealer**

16 17110. As used in Section 26890, “secure facility” means a building that meets
17 all of the following specifications:

18 (a) All perimeter doorways shall meet one of the following:

19 (1) A windowless steel security door equipped with both a dead bolt and a
20 doorknob lock.

21 (2) A windowed metal door that is equipped with both a dead bolt and a
22 doorknob lock. If the window has an opening of five inches or more measured in
23 any direction, the window shall be covered with steel bars of at least 1/2-inch
24 diameter or metal grating of at least 9 gauge affixed to the exterior or interior of
25 the door.

26 (3) A metal grate that is padlocked and affixed to the licensee’s premises
27 independent of the door and doorframe.

28 (b) All windows are covered with steel bars.

29 (c) Heating, ventilating, air-conditioning, and service openings are secured with
30 steel bars, metal grating, or an alarm system.

31 (d) Any metal grates have spaces no larger than six inches wide measured in any
32 direction.

33 (e) Any metal screens have spaces no larger than three inches wide measured in
34 any direction.

35 (f) All steel bars shall be no further than six inches apart.

36 **Comment.** Section 17110 continues former Section 12071(c)(2) without substantive change.

37 See also Sections 29141 (“secure facility” for firearm storage by manufacturer), 29142 (special
38 definition of “secure facility” for firearm storage by manufacturer producing fewer than 500
39 firearms per calendar year).

1 **§ 17111. “Secure facility” for firearm storage by manufacturer**

2 17111. For purposes of Chapter 2 (commencing with Section 29030) of Division
3 7 of Title 4, use of the term “secure facility” is governed by Sections 29141 and
4 29142.

5 **Comment.** Section 17111 is new. It is intended to help persons locate the standard definition
6 of “secure facility” that applies to firearm storage by a manufacturer, and the special definition of
7 “secure facility” that applies to firearm storage by a manufacturer producing fewer than 500
8 firearms per calendar year.

9 **§ 17125. “Security Exemplar”**

10 17125. As used in this part, “Security Exemplar” has the same meaning as in
11 Section 922 of Title 18 of the United States Code.

12 **Comment.** With respect to the definition of “Security Exemplar,” Section 17125 continues the
13 first paragraph of former Section 12020(c)(22)(C) without substantive change.

14 **§ 17140. “Semiautomatic pistol”**

15 17140. As used in Sections 16900 and 31910, “semiautomatic pistol” means a
16 pistol with an operating mode that uses the energy of the explosive in a fixed
17 cartridge to extract a fired cartridge and chamber a fresh cartridge with each single
18 pull of the trigger.

19 **Comment.** Section 17140 continues former Section 12126(e) without substantive change.

20 See Sections 16530 (“firearm capable of being concealed upon the person,” “pistol,” and
21 “revolver”), 17010 (“pistol”).

22 **§ 17160. “Shobi-zue”**

23 17160. As used in this part, a “shobi-zue” means a staff, crutch, stick, rod, or
24 pole concealing a knife or blade within it, which may be exposed by a flip of the
25 wrist or by a mechanical action.

26 **Comment.** Section 17160 continues former Section 12020(c)(16) without substantive change.

27 **§ 17170. “Short-barreled rifle”**

28 17170. As used in Sections 16530 and 16640, Sections 17720 to 17730,
29 inclusive, Section 17740, Article 1 (commencing with Section 27500) of Chapter
30 4 of Division 6 of Title 4, and Article 1 (commencing with Section 33210) of
31 Chapter 8 of Division 10 of Title 4, “short-barreled rifle” means any of the
32 following:

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

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

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

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

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

6 **Comment.** Section 17170 continues former Section 12020(c)(2) without substantive change.
7 See also former Sections 12001(f), 12001.5, 12029, and 12072(f)(1)(A), which used the same
8 definition of “short-barreled rifle.”

9 See Section 17090 (“rifle”).

10 **§ 17180. “Short-barreled shotgun”**

11 17180. As used in Sections 16530 and 16640, Sections 17720 to 17730,
12 inclusive, Section 17740, Article 1 (commencing with Section 27500) of Chapter
13 4 of Division 6 of Title 4, and Article 1 (commencing with Section 33210) of
14 Chapter 8 of Division 10 of Title 4, “short-barreled shotgun” means any of the
15 following:

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

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

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

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

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

30 **Comment.** Section 17180 continues former Section 12020(c)(1) without substantive change.
31 See also former Sections 12001(f), 12001.5, 12029, and 12072(f)(1)(A), which used the same
32 definition of “short-barreled shotgun.”

33 See Sections 16520 (“firearm”), 17190 (“shotgun”).

34 **§ 17190. “Shotgun”**

35 17190. As used in Sections 16530, 16640, 16870, and 17180, Sections 17720 to
36 17730, inclusive, Section 17740, subdivision (f) of Section 27555, and Article 1
37 (commencing with Section 33210) of Chapter 8 of Division 10 of Title 4,
38 “shotgun” means a weapon designed or redesigned, made or remade, and intended
39 to be fired from the shoulder and designed or redesigned and made or remade to
40 use the energy of the explosive in a fixed shotgun shell to fire through a smooth
41 bore either a number of projectiles (ball shot) or a single projectile for each pull of
42 the trigger.

1 **Comment.** Section 17190 continues former Section 12020(c)(21) without substantive change.
2 See also former Sections 12001(f), 12001.5, 12029, 12072(f)(1)(A), and 12087.6(c), which
3 referred to former Section 12020.

4 **§ 17200. “Shuriken”**

5 17200. As used in this part, a “shuriken” means any instrument, without handles,
6 consisting of a metal plate having three or more radiating points with one or more
7 sharp edges and designed in the shape of a polygon, trefoil, cross, star, diamond,
8 or other geometric shape, for use as a weapon for throwing.

9 **Comment.** Section 17200 continues former Section 12020(c)(11) without substantive change.

10 **§ 17210. “Silencer”**

11 17210. As used in Chapter 9 (commencing with Section 33410) of Division 10
12 of Title 4, “silencer” means any device or attachment of any kind designed, used,
13 or intended for use in silencing, diminishing, or muffling the report of a firearm.
14 The term “silencer” also includes any combination of parts, designed or
15 redesigned, and intended for use in assembling a silencer or fabricating a silencer
16 and any part intended only for use in assembly or fabrication of a silencer.

17 **Comment.** Section 17210 continues former Section 12500 without substantive change.

18 **§ 17220. “SKS rifle”**

19 17220. Use of the term “SKS rifle” is governed by Section 30710.

20 **Comment.** Section 17220 is new. It is intended to help persons locate the definition of “SKS
21 rifle.”

22 ☞ **Staff Note.** As discussed at pages 20-21 of the attachment to Memorandum 2009-4, the staff
23 recommends that the definition of “SKS rifle” be moved to the article on SKS rifles (proposed
24 Sections 30710-30735). The staff further recommends that a guidepost provision be included in
25 the “Definitions” portion of new Part 6, as shown above.

26 **§ 17230. “Stun gun”**

27 17230. As used in this part, “stun gun” includes any item, except a taser, used or
28 intended to be used as either an offensive or defensive weapon capable of
29 temporarily immobilizing a person by the infliction of an electrical charge.

30 **Comment.** Section 17230 continues former Section 12650 without substantive change.

31 **§ 17235. “Switchblade knife”**

32 17235. As used in this part, “switchblade knife” means a knife having the
33 appearance of a pocketknife and includes a spring-blade knife, snap-blade knife,
34 gravity knife, or any other similar type knife, the blade or blades of which are two
35 or more inches in length and which can be released automatically by a flick of a
36 button, pressure on the handle, flip of the wrist or other mechanical device, or is
37 released by the weight of the blade or by any type of mechanism whatsoever.
38 “Switchblade knife” does not include a knife that opens with one hand utilizing
39 thumb pressure applied solely to the blade of the knife or a thumb stud attached to

1 the blade, provided that the knife has a detent or other mechanism that provides
2 resistance that must be overcome in opening the blade, or that biases the blade
3 back toward its closed position.

4 **Comment.** Section 17235 continues the second paragraph of former Section 653k without
5 substantive change.

6 **§ 17240. “Tear gas”**

7 17240. (a) As used in this part, “tear gas” applies to and includes any liquid,
8 gaseous or solid substance intended to produce temporary physical discomfort or
9 permanent injury through being vaporized or otherwise dispersed in the air.

10 (b) Notwithstanding subdivision (a), “tear gas” does not apply to, and does not
11 include, any substance registered as an economic poison as provided in Chapter 2
12 (commencing with Section 12751) of Division 7 of the Food and Agricultural
13 Code, provided that the substance is not intended to be used to produce discomfort
14 or injury to human beings.

15 **Comment.** Section 17240 continues former Section 12401 without substantive change.

16 **§ 17250. “Tear gas weapon”**

17 17250. As used in this part, “tear gas weapon” applies to and includes:

18 (a) Any shell, cartridge, or bomb capable of being discharged or exploded, when
19 the discharge or explosion will cause or permit the release or emission of tear gas.

20 (b) Any revolver, pistol, fountain pen gun, billy, or other form of device,
21 portable or fixed, intended for the projection or release of tear gas, except those
22 regularly manufactured and sold for use with firearm ammunition.

23 **Comment.** Section 17250 continues former Section 12402 without substantive change. See
24 also former Section 12601(b)(7), which used the same definition of “tear gas weapon.”

25 **§ 17270. “Unconventional pistol”**

26 17270. As used in this part, an “unconventional pistol” means a firearm with
27 both of the following characteristics:

28 (a) It does not have a rifled bore.

29 (b) It has a barrel or barrels of less than 18 inches in length or has an overall
30 length of less than 26 inches.

31 **Comment.** Section 17270 continues former Section 12020(c)(12) without substantive change.
32 See Sections 16520 (“firearm”), 17010 (“pistol”).

33 **§ 17280. “Undetectable firearm”**

34 17280. As used in this part, “undetectable firearm” means any weapon that
35 meets either of the following requirements:

36 (a) After removal of grips, stocks, and magazines, the weapon is not as
37 detectable as the Security Exemplar, by a walk-through metal detector calibrated
38 and operated to detect the Security Exemplar.

39 (b) Any major component of the weapon, as defined in Section 922 of Title 18
40 of the United States Code, when subjected to inspection by the types of X-ray

1 machines commonly used at airports, does not generate an image that accurately
2 depicts the shape of the component. Barium sulfate or other compounds may be
3 used in the fabrication of the component.

4 **Comment.** Section 17280 continues former Section 12020(c)(22)(A)-(B) without substantive
5 change. With respect to the definition of “major component,” Section 17280 also continues
6 former Section 12020(c)(22)(C) without substantive change.

7 See Sections 16520(a) & (f) (“firearm”), 17125 (“Security Exemplar”).

8 **§ 17290. “Undetectable knife”**

9 17290. As used in this part, “undetectable knife” means any knife or other
10 instrument, with or without a handguard, that satisfies all of the following
11 requirements:

12 (a) It is capable of ready use as a stabbing weapon that may inflict great bodily
13 injury or death.

14 (b) It is commercially manufactured to be used as a weapon.

15 (c) It is not detectable by a metal detector or magnetometer, either handheld or
16 otherwise, which is set at standard calibration.

17 **Comment.** Section 17290 continues the second sentence of former Section 12001.1(a) without
18 substantive change.

19 **§ 17300. “Unsafe handgun”**

20 17300. Use of the phrase “unsafe handgun” is governed by Section 31910.

21 **Comment.** Section 17300 is new. It is intended to help persons locate the definition of “unsafe
22 handgun.”

23 **§ 17310. “Used firearm”**

24 17310. As used in this part, “used firearm” means a firearm that has been sold
25 previously at retail and is more than three years old.

26 **Comment.** Section 17310 continues the fourth paragraph of former Section 12070(b)(5)
27 without substantive change.

28 See Section 16520 (“firearm”).

29 **§ 17320. “Violent felony”**

30 17320. For purposes of Section 31360 only, “violent felony” refers to the
31 specific crimes listed in subdivision (c) of Section 667.5, and to crimes defined
32 under the applicable laws of the United States or any other state, government, or
33 country that are reasonably equivalent to the crimes listed in subdivision (c) of
34 Section 667.5.

35 **Comment.** Section 17320 continues former Section 12370(e) without substantive change.

36 **§ 17330. “Wallet gun”**

37 17330. As used in this part, “wallet gun” means any firearm mounted or
38 enclosed in a case, resembling a wallet, designed to be or capable of being carried
39 in a pocket or purse, if the firearm may be fired while mounted or enclosed in the
40 case.

1 **Comment.** Section 17330 continues former Section 12020(c)(4) without substantive change.
2 See Section 16520 (“firearm”).

3 **§ 17340. “Wholesaler”**

4 17340. (a) As used in this part, “wholesaler” means any person who is licensed
5 as a dealer pursuant to Chapter 44 (commencing with Section 921) of Title 18 of
6 the United States Code and the regulations issued pursuant thereto, who sells,
7 transfers, or assigns firearms, or parts of firearms, to persons who are licensed as
8 manufacturers, importers, or gunsmiths pursuant to Chapter 44 (commencing with
9 Section 921) of Title 18 of the United States Code, or persons licensed pursuant to
10 Sections 26700 to 26915, inclusive, and includes persons who receive finished
11 parts of firearms and assemble them into completed or partially completed
12 firearms in furtherance of that purpose.

13 (b) “Wholesaler” shall not include a manufacturer, importer, or gunsmith who is
14 licensed to engage in those activities pursuant to Chapter 44 (commencing with
15 Section 921) of Title 18 of the United States Code or a person licensed pursuant to
16 Sections 26700 to 26915, inclusive, and the regulations issued pursuant thereto. A
17 wholesaler also does not include a person dealing exclusively in grips, stocks, and
18 other parts of firearms that are not frames or receivers thereof.

19 **Comment.** Section 17340 continues former Section 12001(h) without substantive change.
20 See Sections 16520 (“firearm”), 16630 (“gunsmith”).

21 **§ 17350. “Writing pen knife”**

22 17350. As used in this part, “writing pen knife” means a device that appears to
23 be a writing pen but has concealed within it a pointed, metallic shaft that is
24 designed to be a stabbing instrument which is exposed by mechanical action or
25 gravity which locks into place when extended or the pointed, metallic shaft is
26 exposed by the removal of the cap or cover on the device.

27 **Comment.** Section 17350 continues former Section 12020(c)(19) without substantive change.

28 **§ 17360. “Zip gun”**

29 17360. As used in this part, “zip gun” means any weapon or device that meets
30 all of the following criteria:

31 (a) It was not imported as a firearm by an importer licensed pursuant to Chapter
32 44 (commencing with Section 921) of Title 18 of the United States Code and the
33 regulations issued pursuant thereto.

34 (b) It was not originally designed to be a firearm by a manufacturer licensed
35 pursuant to Chapter 44 (commencing with Section 921) of Title 18 of the United
36 States Code and the regulations issued pursuant thereto.

37 (c) No tax was paid on the weapon or device nor was an exemption from paying
38 tax on that weapon or device granted under Section 4181 and Subchapters F
39 (commencing with Section 4216) and G (commencing with Section 4221) of
40 Chapter 32 of Title 26 of the United States Code, as amended, and the regulations
41 issued pursuant thereto.

1 (d) It is made or altered to expel a projectile by the force of an explosion or
2 other form of combustion.

3 **Comment.** Section 17360 continues former Section 12020(c)(10) without substantive change.
4 See Section 16520 (“firearm”).

5 TITLE 2. WEAPONS GENERALLY

6 DIVISION 1. MISCELLANEOUS RULES RELATING TO WEAPONS
7 GENERALLY

8 **§ 17500. Bearing deadly weapon with intent to assault**

9 17500. Every person having upon the person any deadly weapon, with intent to
10 assault another, is guilty of a misdemeanor.

11 **Comment.** Section 17500 continues former Section 12024 without substantive change.

12 **§ 17505. Advertising sale of prohibited weapon or device**

13 17505. It shall be unlawful for any person, as defined in Section 16970, to
14 advertise the sale of any weapon or device, the possession of which is prohibited
15 by Section 18710, 20110, 30315, 30320, 32625, or 33410, by Article 2
16 (commencing with Section 30600) of Chapter 2 of Division 10 of Title 4, or by
17 any provision listed in Section 16590, in any newspaper, magazine, circular, form
18 letter, or open publication that is published, distributed, or circulated in this state,
19 or on any billboard, card, label, or other advertising medium, or by means of any
20 other advertising device.

21 **Comment.** Section 17505 continues former Section 12020.5 without substantive change.

22 **§ 17510. Picketing with deadly weapon**

23 17510. (a) Any person who does any of the following acts while engaged in
24 picketing, or other informational activities in a public place relating to a concerted
25 refusal to work, is guilty of a misdemeanor:

26 (1) Carries concealed upon the person, or within any vehicle which is under the
27 person’s control or direction, any pistol, revolver, or other firearm capable of
28 being concealed upon the person.

29 (2) Carries a loaded firearm upon the person or within any vehicle that is under
30 the person’s control or direction.

31 (3) Carries a deadly weapon.

32 (b) This section shall not be construed to authorize or ratify any picketing or
33 other informational activities not otherwise authorized by law.

34 (c) The following provisions shall not be construed to authorize any conduct
35 described in paragraph (1) of subdivision (a):

36 (1) Article 2 (commencing with Section 25450) of Chapter 2 of Division 5.

37 (2) Sections 25615 to 25655, inclusive.

1 (d) Sections 25900 to 26020, inclusive, shall not be construed to authorize any
2 conduct described in paragraph (2) of subdivision (a).

3 **Comment.** Subdivision (a) of Section 17510 continues former Section 12590(a)(1)-(3) without
4 substantive change.

5 With respect to the acts enumerated in subdivision (a), subdivision (b) continues former
6 Section 12590(b) without substantive change. See also Section 830.95(b), which continues former
7 Section 12590(b) with respect to picketing in the uniform of a peace officer.

8 Subdivisions (c) and (d) continue former Section 12590(c) without substantive change.

9 See Sections 16520 (“firearm”), 16530 (“firearm capable of being concealed upon the person,”
10 “pistol,” and “revolver”).

11 **§ 17515. Officer carrying equipment authorized for enforcement of law or ordinance**

12 17515. Nothing in any provision listed in Section 16580 prohibits a police
13 officer, special police officer, peace officer, or law enforcement officer from
14 carrying any equipment authorized for the enforcement of law or ordinance in any
15 city or county.

16 **Comment.** With respect to “any equipment authorized for the enforcement of law or ordinance
17 in any city or county,” Section 17515 continues former Section 12002(a) without substantive
18 change. The remainder of former Section 12002(a) is continued in Section 22295(a) without
19 substantive change.

20 **DIVISION 2. GENERALLY PROHIBITED WEAPONS**

21 **CHAPTER 1. EXEMPTIONS**

22 **§ 17700. Exemption for antique firearm**

23 17700. The provisions listed in Section 16590 do not apply to any antique
24 firearm.

25 **Comment.** Section 17700 continues the first sentence of former Section 12020(b)(5) without
26 substantive change.

27 See Section 16170 (“antique firearm”).

28 **§ 17705. Exemption for firearm or ammunition constituting curio or relic**

29 17705. (a) The provisions listed in Section 16590 do not apply to any firearm or
30 ammunition that is a curio or relic as defined in Section 478.11 of Title 27 of the
31 Code of Federal Regulations and that is in the possession of a person permitted to
32 possess the items under Chapter 44 (commencing with Section 921) of Title 18 of
33 the United States Code and the regulations issued pursuant thereto.

34 (b) Any person prohibited by Chapter 1 (commencing with Section 29610),
35 Chapter 2 (commencing with Section 29800), or Chapter 3 (commencing with
36 Section 29900) of Division 9 of Title 4 of this part, or Section 8100 or 8103 of the
37 Welfare and Institutions Code, from possessing firearms or ammunition who
38 obtains title to these items by bequest or intestate succession may retain title for
39 not more than one year, but actual possession of these items at any time is
40 punishable under Chapter 1 (commencing with Section 29610), Chapter 2

1 (commencing with Section 29800), or Chapter 3 (commencing with Section
2 29900) of Division 9 of Title 4 of this part, or Section 8100 or 8103 of the Welfare
3 and Institutions Code. Within the year, the person shall transfer title to the
4 firearms or ammunition by sale, gift, or other disposition. Any person who violates
5 this section is in violation of the applicable provision listed in Section 16590.

6 **Comment.** Section 17705 continues former Section 12020(b)(7) without substantive change.
7 See Section 16520 (“firearm”).

8 **§ 17710. Exemption for “any other weapon” in possession of person permitted to possess it**
9 **under federal Gun Control Act of 1968**

10 17710. (a) The provisions listed in Section 16590 do not apply to “any other
11 weapon” as defined in subsection (e) of Section 5845 of Title 26 of the United
12 States Code, which is in the possession of a person permitted to possess the
13 weapons under the federal Gun Control Act of 1968 (Public Law 90-618), as
14 amended, and the regulations issued pursuant thereto.

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

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

28 **Comment.** Section 17710 continues former Section 12020(b)(8) without substantive change.

29 **§ 17715. Exemption for historical society, museum, or institutional collection**

30 17715. The provisions listed in Section 16590 do not apply to any instrument or
31 device that is possessed by a federal, state, or local historical society, museum, or
32 institutional collection that is open to the public if all of the following conditions
33 are satisfied:

34 (a) The instrument or device is properly housed.

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

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

37 **Comment.** Section 17715 continues former Section 12020(b)(9) without substantive change.
38 See Section 16520 (“firearm”).

39 **§ 17720. Exemption for motion picture, television, video production, or entertainment event**

40 17720. The provisions listed in Section 16590 do not apply to any instrument or
41 device, other than a short-barreled rifle or a short-barreled shotgun, which is

1 possessed or used during the course of a motion picture, television, or video
2 production or entertainment event by an authorized participant therein in the
3 course of making that production or event or by an authorized employee or agent
4 of the entity producing that production or event.

5 **Comment.** Section 17720 continues former Section 12020(b)(10) without substantive change.
6 See Sections 17170 (“short-barreled rifle”), 17180 (“short-barreled shotgun”).

7 **§ 17725. Exemption for person who sells to historical society, museum, or institutional**
8 **collection, or for purposes of entertainment event**

9 17725. The provisions listed in Section 16590 do not apply to any instrument or
10 device, other than a short-barreled rifle or a short-barreled shotgun, which is sold
11 by, manufactured by, exposed or kept for sale by, possessed by, imported by, or
12 lent by a person who is in the business of selling instruments or devices listed in
13 Section 16590 solely to the entities referred to in Sections 17715 and 17720 when
14 engaging in transactions with those entities.

15 **Comment.** Section 17725 continues former Section 12020(b)(11) without substantive change.
16 See Sections 17170 (“short-barreled rifle”), 17180 (“short-barreled shotgun”).

17 **§ 17730. Exemption for law enforcement or person who sells to law enforcement**

18 17730. The provisions listed in Section 16590 do not apply to any of the
19 following:

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

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

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

35 **Comment.** Subdivisions (a) and (b) of Section 17730 continue former Section 12020(b)(12)
36 without substantive change.

37 Subdivision (c) continues former Section 12020(b)(13) without substantive change.

38 See Sections 17170 (“short-barreled rifle”), 17180 (“short-barreled shotgun”).

1 **§ 17735. Exemption for transportation of non-firearm to law enforcement for disposition**
2 **according to law**

3 17735. The provisions listed in Section 16590 do not apply to any instrument,
4 ammunition, weapon, or device that is not a firearm and is found and possessed by
5 a person who meets all of the following:

6 (a) The person is not prohibited from possessing firearms or ammunition under
7 subdivision (a) of Section 30305 or Chapter 2 (commencing with Section 29800)
8 or 3 (commencing with Section 29900) of Division 9 of Title 4 of this part, or
9 Section 8100 or 8103 of the Welfare and Institutions Code.

10 (b) The person possessed the instrument, ammunition, weapon, or device no
11 longer than was necessary to deliver or transport it to a law enforcement agency
12 for that agency's disposition according to law.

13 (c) If the person is transporting the item, the person is transporting it to a law
14 enforcement agency for disposition according to law.

15 **Comment.** Section 17735 continues former Section 12020(b)(16) without substantive change.
16 See Section 16520 ("firearm").

17 **§ 17740. Exemption for transportation of firearm to law enforcement for disposition**
18 **according to law**

19 17740. The provisions listed in Section 16590 do not apply to any firearm, other
20 than a short-barreled rifle or short-barreled shotgun, which is found and possessed
21 by a person who meets all of the following:

22 (a) The person is not prohibited from possessing firearms or ammunition under
23 subdivision (a) of Section 30305 or Chapter 2 (commencing with Section 29800)
24 or 3 (commencing with Section 29900) of Division 9 of Title 4 of this part, or
25 Section 8100 or 8103 of the Welfare and Institutions Code.

26 (b) The person possessed the firearm no longer than was necessary to deliver or
27 transport it to a law enforcement agency for that agency's disposition according to
28 law.

29 (c) If the person is transporting the firearm, the person is transporting it to a law
30 enforcement agency for disposition according to law.

31 (d) Before transporting the firearm to a law enforcement agency, the person has
32 given prior notice to that law enforcement agency that the person is transporting
33 the firearm to that law enforcement agency for disposition according to law.

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

35 **Comment.** Section 17740 continues former Section 12020(b)(17) without substantive change.
36 See Sections 16520 ("firearm"), 17170 ("short-barreled rifle"), 17180 ("short-barreled
37 shotgun").

38 **§ 17745. Exemption for possession by forensic laboratory**

39 17745. The provisions listed in Section 16590 do not apply to the possession of
40 any weapon, device, or ammunition by a forensic laboratory or by any authorized
41 agent or employee thereof in the course and scope of the person's authorized
42 activities.

1 **§ 18005. Disposal of weapons constituting nuisance**

2 18005. (a) An officer to whom weapons are surrendered under Section 18000,
3 except upon the certificate of a judge of a court of record, or of the district
4 attorney of the county, that the retention thereof is necessary or proper to the ends
5 of justice, may annually, between the 1st and 10th days of July, in each year, offer
6 the weapons, which the officer in charge of them considers to have value with
7 respect to sporting, recreational, or collection purposes, for sale at public auction
8 to persons licensed pursuant to Sections 26700 to 26915, inclusive, to engage in
9 businesses involving any weapon purchased.

10 (b) If any weapon has been stolen and is thereafter recovered from the thief or
11 the thief's transferee, or is used in a manner as to constitute a nuisance under
12 Section 19190, 21390, 21590, or 29300, or subdivision (a) of Section 25700
13 without the prior knowledge of its lawful owner that it would be so used, it shall
14 not be offered for sale under subdivision (a) but shall be restored to the lawful
15 owner, as soon as its use as evidence has been served, upon the lawful owner's
16 identification of the weapon and proof of ownership, and after the law
17 enforcement agency has complied with Chapter 2 (commencing with Section
18 33850) of Division 11 of Title 4.

19 (c) If, under this section, a weapon is not of the type that can be sold to the
20 public, generally, or is not sold under subdivision (b), the weapon, in the month of
21 July, next succeeding, or sooner, if necessary to conserve local resources,
22 including space and utilization of personnel who maintain files and security of
23 those weapons, shall be destroyed so that it can no longer be used as a weapon
24 subject to surrender under Section 18000, except upon the certificate of a judge of
25 a court of record, or of the district attorney of the county, that the retention of it is
26 necessary or proper to the ends of justice.

27 (d) No stolen weapon shall be sold or destroyed pursuant to subdivision (b) or
28 (c) unless reasonable notice is given to its lawful owner, if the lawful owner's
29 identity and address can be reasonably ascertained.

30 **Comment.** Subdivision (a) of Section 18005 continues the third sentence of former Section
31 12028(c) without substantive change.

32 Subdivision (b) continues the fourth sentence of former Section 12028(c) without substantive
33 change.

34 Subdivision (c) continues former Section 12028(d) without substantive change.

35 Subdivision (d) continues former Section 12028(f) without substantive change.

36 For additional guidance on disposal of weapons taken into custody by a court or law
37 enforcement agency, see Sections 18010 (treatment of other weapons constituting nuisance),
38 18250-18500 (seizure of firearm or other deadly weapon at scene of domestic violence), 33800-
39 34010 (firearm in custody of court or law enforcement agency or similar situation).

40 **§ 18010. Treatment of other weapons constituting nuisance**

41 18010. (a) The Attorney General, district attorney, or city attorney may bring an
42 action to enjoin the manufacture of, importation of, keeping for sale of, offering or
43 exposing for sale, giving, lending, or possession of, any item that constitutes a
44 nuisance under any of the following provisions:

- 1 (1) Section 19290, relating to metal handgrenades.
- 2 (2) Section 20390, relating to an air gauge knife.
- 3 (3) Section 20490, relating to a belt buckle knife.
- 4 (4) Section 20590, relating to a cane sword.
- 5 (5) Section 20690, relating to a lipstick case knife.
- 6 (6) Section 20790, relating to a shobi-zue.
- 7 (7) Section 20990, relating to a writing pen knife.
- 8 (8) Section 21190, relating to a ballistic knife.
- 9 (9) Section 21890, relating to metal knuckles.
- 10 (10) Section 22090, relating to a nunchaku.
- 11 (11) Section 22290, relating to a blackjack, billy, leaded cane, sandclub,
- 12 sandbag, sap, and slungshot.
- 13 (12) Section 22490, relating to a shuriken.
- 14 (13) Section 24390, relating to a camouflaging firearm container.
- 15 (14) Section 24490, relating to a cane gun.
- 16 (15) Section 24590, relating to a firearm not immediately recognizable as a
- 17 firearm.
- 18 (16) Section 24690, relating to an undetectable firearm.
- 19 (17) Section 24790, relating to a wallet gun.
- 20 (18) Section 30290, relating to flechette dart ammunition and to a bullet with an
- 21 explosive agent.
- 22 (19) Section 31590, relating to an unconventional pistol.
- 23 (20) Section 32390, relating to a large-capacity magazine.
- 24 (21) Section 32990, relating to a multiburst trigger activator.
- 25 (22) Section 33290, relating to a short-barreled rifle or a short-barreled shotgun.
- 26 (23) Section 33690, relating to a zip gun.
- 27 (b) These weapons shall be subject to confiscation and summary destruction
- 28 whenever found within the state.
- 29 (c) These weapons shall be destroyed in the same manner described in Section
- 30 18005, except that upon the certification of a judge or of the district attorney that
- 31 the ends of justice will be served thereby, the weapon shall be preserved until the
- 32 necessity for its use ceases.
- 33 **Comment.** Subdivision (a) of Section 18010 continues the end of the first sentence of former
- 34 Section 12029 without substantive change.
- 35 Subdivision (b) continues the second sentence of former Section 12029 without substantive
- 36 change.
- 37 Subdivision (c) continues the third sentence of former Section 12029 without substantive
- 38 change.
- 39 For additional guidance on surrender and disposal of weapons, see Sections 18000 (surrender
- 40 of specified weapons constituting nuisance), 18005 (disposal of weapons constituting nuisance),
- 41 18250-18500 (seizure of firearm or other deadly weapon at scene of domestic violence), 33800-
- 42 34010 (firearm in custody of court or law enforcement agency or similar situation).

1 DIVISION 4. SEIZURE OF FIREARM OR OTHER DEADLY
2 WEAPON AT SCENE OF DOMESTIC VIOLENCE

3 CHAPTER 1. SEIZURE AND SUBSEQUENT PROCEDURES

4 **§ 18250. Seizure of firearm or other deadly weapon at scene of domestic violence**

5 18250. If any of the following persons is at the scene of a domestic violence
6 incident involving a threat to human life or a physical assault, that person shall
7 take temporary custody of any firearm or other deadly weapon in plain sight or
8 discovered pursuant to a consensual or other lawful search as necessary for the
9 protection of the peace officer or other persons present:

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

12 (b) A peace officer of the Department of the California Highway Patrol, as
13 defined in subdivision (a) of Section 830.2.

14 (c) A member of the University of California Police Department, as defined in
15 subdivision (b) of Section 830.2.

16 (d) An officer listed in Section 830.6, while acting in the course and scope of the
17 officer's employment as a peace officer.

18 (e) A member of a California State University Police Department, as defined in
19 subdivision (c) of Section 830.2.

20 (f) A peace officer of the Department of Parks and Recreation, as defined in
21 subdivision (f) of Section 830.2.

22 (g) A peace officer, as defined in subdivision (d) of Section 830.31.

23 (h) A peace officer, as defined in subdivisions (a) and (b) of Section 830.32.

24 (i) A peace officer, as defined in Section 830.5.

25 **Comment.** Section 18250 continues the first sentence of former Section 12028.5(b) without
26 substantive change.

27 For what constitutes a domestic violence incident, see Sections 16120 ("abuse"), 16490
28 ("domestic violence"). For what constitutes a deadly weapon, see Section 16430 ("deadly
29 weapon"); see also Section 16520 ("firearm").

30 See Sections 18255 (receipt for weapon), 18260 (delivery of deadly weapon seized by peace
31 officer for community college or school district), 18265 (holding period), 18270 (return of stolen
32 weapon), 18275 (sale or destruction of deadly weapon held longer than one year), 18500 (no
33 liability for act in good faith under this division). For procedures applicable when a law
34 enforcement agency has reasonable cause to believe that return of a weapon would endanger the
35 victim of a domestic violence incident or a person who reported the incident, see Sections 18400-
36 18420.

37 For additional guidance on surrender and disposal of weapons, see Sections 18000 (surrender
38 of specified weapons constituting nuisance), 18005 (disposal of weapons constituting nuisance),
39 18010 (treatment of other weapons constituting nuisance), 33800-34010 (firearm in custody of
40 court or law enforcement agency or similar situation).

1 **§ 18255. Receipt for weapon**

2 18255. (a) Upon taking custody of a firearm or other deadly weapon pursuant to
3 this division, the officer shall give the owner or person who possessed the firearm
4 a receipt.

5 (b) The receipt shall describe the firearm or other deadly weapon and list any
6 identification or serial number on the firearm.

7 (c) The receipt shall indicate where the firearm or other deadly weapon can be
8 recovered, the time limit for recovery as required by this division, and the date
9 after which the owner or possessor can recover the firearm or other deadly
10 weapon.

11 **Comment.** Subdivision (a) of Section 18255 continues the second sentence of former Section
12 12028.5(b) without substantive change.

13 Subdivision (b) continues the third sentence of former Section 12028.5(b) without substantive
14 change.

15 Subdivision (c) continues the fourth sentence of former Section 12028.5(b) without substantive
16 change.

17 For what constitutes a deadly weapon, see Section 16430 (“deadly weapon”). See also Section
18 16520 (“firearm”).

19 See Sections 18250 (seizure of firearm or other deadly weapon at scene of domestic violence),
20 18260 (delivery of deadly weapon seized by peace officer for community college or school
21 district), 18265 (holding period), 18270 (return of stolen weapon), 18275 (sale or destruction of
22 deadly weapon held longer than one year), 18500 (no liability for act in good faith under this
23 division). For procedures applicable when a law enforcement agency has reasonable cause to
24 believe that return of a weapon would endanger the victim of a domestic violence incident or a
25 person who reported the incident, see Sections 18400-18420.

26 For additional guidance on surrender and disposal of weapons, see Sections 18000 (surrender
27 of specified weapons constituting nuisance), 18005 (disposal of weapons constituting nuisance),
28 18010 (treatment of other weapons constituting nuisance), 33800-34010 (firearm in custody of
29 court or law enforcement agency or similar situation).

30 **§ 18260. Delivery of deadly weapon seized by peace officer for community college or school**
31 **district**

32 18260. Any peace officer, as defined in subdivisions (a) and (b) of Section
33 830.32, who takes custody of a firearm or deadly weapon pursuant to this division,
34 shall deliver the firearm within 24 hours to the city police department or county
35 sheriff’s office in the jurisdiction where the college or school is located.

36 **Comment.** Section 18260 continues former Section 12028.5(c) without substantive change.

37 For what constitutes a deadly weapon, see Section 16430 (“deadly weapon”). See also Section
38 16520 (“firearm”).

39 See Sections 18250 (seizure of firearm or other deadly weapon at scene of domestic violence),
40 18255 (receipt for weapon), 18265 (holding period), 18270 (return of stolen weapon), 18275 (sale
41 or destruction of deadly weapon held longer than one year), 18500 (no liability for act in good
42 faith under this division). For procedures applicable when a law enforcement agency has
43 reasonable cause to believe that return of a weapon would endanger the victim of a domestic
44 violence incident or a person who reported the incident, see Sections 18400-18420.

45 For additional guidance on surrender and disposal of weapons, see Sections 18000 (surrender
46 of specified weapons constituting nuisance), 18005 (disposal of weapons constituting nuisance),
47 18010 (treatment of other weapons constituting nuisance), 33800-34010 (firearm in custody of
48 court or law enforcement agency or similar situation).

1 **§ 18265. Holding period**

2 18265. (a) No firearm or other deadly weapon taken into custody pursuant to
3 this division shall be held less than 48 hours.

4 (b) Except as provided in 18400, if a firearm or other deadly weapon is not
5 retained for use as evidence related to criminal charges brought as a result of the
6 domestic violence incident or is not retained because it was illegally possessed, the
7 firearm or other deadly weapon shall be made available to the owner or person
8 who was in lawful possession 48 hours after the seizure, or as soon thereafter as
9 possible, but no later than five business days after the owner or person who was in
10 lawful possession demonstrates compliance with Chapter 2 (commencing with
11 Section 33850) of Division 11 of Title 4.

12 (c) In any civil action or proceeding for the return of firearms or ammunition or
13 other deadly weapon seized by any state or local law enforcement agency and not
14 returned within five business days after the initial seizure, except as provided in
15 Section 18270, the court shall allow reasonable attorney's fees to the prevailing
16 party.

17 **Comment.** Subdivision (a) of Section 18265 continues the fifth sentence of former Section
18 12028.5(b) without substantive change.

19 Subdivision (b) continues the sixth sentence of former Section 12028.5(b) without substantive
20 change.

21 Subdivision (c) continues the seventh sentence of former Section 12028.5(b) without
22 substantive change.

23 For what constitutes a domestic violence incident, see Sections 16120 (“abuse”), 16490
24 (“domestic violence”). For what constitutes a deadly weapon, see Section 16430 (“deadly
25 weapon”); see also Section 16520 (“firearm”).

26 See Sections 18250 (seizure of firearm or other deadly weapon at scene of domestic violence),
27 18255 (receipt for weapon), 18260 (delivery of deadly weapon seized by peace officer for
28 community college or school district), 18270 (return of stolen weapon), 18275 (sale or
29 destruction of deadly weapon held longer than one year), 18500 (no liability for act in good faith
30 under this division). For procedures applicable when a law enforcement agency has reasonable
31 cause to believe that return of a weapon would endanger the victim of a domestic violence
32 incident or a person who reported the incident, see Sections 18400-18420.

33 For additional guidance on surrender and disposal of weapons, see Sections 18000 (surrender
34 of specified weapons constituting nuisance), 18005 (disposal of weapons constituting nuisance),
35 18010 (treatment of other weapons constituting nuisance), 33800-34010 (firearm in custody of
36 court or law enforcement agency or similar situation).

37 **§ 18270. Return of stolen weapon**

38 18270. If a firearm or other deadly weapon has been stolen and has been taken
39 into custody pursuant to this division, it shall be restored to the lawful owner upon
40 satisfaction of all of the following conditions:

41 (a) Its use for evidence has been served.

42 (b) The owner identifies the firearm or other deadly weapon and provides proof
43 of ownership.

44 (c) The law enforcement agency has complied with Chapter 2 (commencing
45 with Section 33850) of Division 11 of Title 4.

46 **Comment.** Section 18270 continues former Section 12028.5(d) without substantive change.

1 For what constitutes a deadly weapon, see Section 16430 (“deadly weapon”); see also Section
2 16520 (“firearm”).

3 See Sections 18250 (seizure of firearm or other deadly weapon at scene of domestic violence),
4 18255 (receipt for weapon), 18260 (delivery of deadly weapon seized by peace officer for
5 community college or school district), 18265 (holding period), 18275 (sale or destruction of
6 deadly weapon held longer than one year), 18500 (no liability for act in good faith under this
7 division). For procedures applicable when a law enforcement agency has reasonable cause to
8 believe that return of a weapon would endanger the victim of a domestic violence incident or a
9 person who reported the incident, see Sections 18400-18420.

10 For additional guidance on surrender and disposal of weapons, see Sections 18000 (surrender
11 of specified weapons constituting nuisance), 18005 (disposal of weapons constituting nuisance),
12 18010 (treatment of other weapons constituting nuisance), 33800-34010 (firearm in custody of
13 court or law enforcement agency or similar situation).

14 **§ 18275. Sale or destruction of deadly weapon held longer than one year**

15 18275. (a) Any firearm or other deadly weapon that has been taken into custody
16 and held by any of the following law enforcement authorities for longer than 12
17 months, and has not been recovered by the owner or person who had lawful
18 possession at the time it was taken into custody, shall be considered a nuisance
19 and sold or destroyed as provided in Section 18005:

20 (1) A police, university police, or sheriff’s department.

21 (2) A marshal’s office.

22 (3) A peace officer of the Department of the California Highway Patrol, as
23 defined in subdivision (a) of Section 830.2.

24 (4) A peace officer of the Department of Parks and Recreation, as defined in
25 subdivision (f) of Section 830.2.

26 (5) A peace officer, as defined in subdivision (d) of Section 830.31.

27 (6) A peace officer, as defined in Section 830.5.

28 (b) If a firearm or other deadly weapon is not recovered within 12 months due to
29 an extended hearing process as provided in Section 18420, it is not subject to
30 destruction until the court issues a decision, and then only if the court does not
31 order the return of the firearm or other deadly weapon to the owner.

32 **Comment.** Section 18275 continues former Section 12028.5(e) without substantive change.

33 For what constitutes a deadly weapon, see Section 16430 (“deadly weapon”); see also Section
34 16520 (“firearm”).

35 See Sections 18250 (seizure of firearm or other deadly weapon at scene of domestic violence),
36 18255 (receipt for weapon), 18260 (delivery of deadly weapon seized by peace officer for
37 community college or school district), 18265 (holding period), 18270 (return of stolen weapon),
38 18500 (no liability for act in good faith under this division). For procedures applicable when a
39 law enforcement agency has reasonable cause to believe that return of a weapon would endanger
40 the victim of a domestic violence incident or a person who reported the incident, see Sections
41 18400-18420.

42 For additional guidance on surrender and disposal of weapons, see Sections 18000 (surrender
43 of specified weapons constituting nuisance), 18005 (disposal of weapons constituting nuisance),
44 18010 (treatment of other weapons constituting nuisance), 33800-34010 (firearm in custody of
45 court or law enforcement agency or similar situation).

1 CHAPTER 2. PROCEDURE WHERE AGENCY BELIEVES RETURN OF
2 WEAPON WOULD CREATE DANGER

3 **§ 18400. Petition to determine whether weapon should be returned**

4 18400. (a) When a law enforcement agency has reasonable cause to believe that
5 the return of a firearm or other deadly weapon seized under this division would be
6 likely to result in endangering the victim or the person who reported the assault or
7 threat, the agency shall so advise the owner of the firearm or other deadly weapon,
8 and within 60 days of the date of seizure, initiate a petition in superior court to
9 determine if the firearm or other deadly weapon should be returned.

10 (b) The law enforcement agency may make an ex parte application stating good
11 cause for an order extending the time to file a petition.

12 (c) Including any extension of time granted in response to an ex parte request, a
13 petition must be filed within 90 days of the date of seizure of the firearm or other
14 deadly weapon.

15 **Comment.** Section 18400 continues former Section 12028.5(f) without substantive change.

16 For what constitutes a deadly weapon, see Section 16430 (“deadly weapon”); see also Section
17 16520 (“firearm”).

18 See Sections 18405 (notice of petition), 18410 (hearing on petition), 18415 (order of default),
19 18420 (petition for second hearing).

20 See also Sections 18250 (seizure of firearm or other deadly weapon at scene of domestic
21 violence), 18255 (receipt for weapon), 18260 (delivery of deadly weapon seized by peace officer
22 for community college or school district), 18265 (holding period), 18270 (return of stolen
23 weapon), 18275 (sale or destruction of deadly weapon held longer than one year), 18500 (no
24 liability for act in good faith under this division).

25 For additional guidance on surrender and disposal of weapons, see Sections 18000 (surrender
26 of specified weapons constituting nuisance), 18005 (disposal of weapons constituting nuisance),
27 18010 (treatment of other weapons constituting nuisance), 33800-34010 (firearm in custody of
28 court or law enforcement agency or similar situation).

29 **§ 18405. Notice of petition**

30 18405. (a) If a petition is filed under Section 18400, the law enforcement agency
31 shall inform the owner or person who had lawful possession of the firearm or other
32 deadly weapon, at that person’s last known address, by registered mail, return
33 receipt requested, that the person has 30 days from the date of receipt of the notice
34 to respond to the court clerk to confirm the person’s desire for a hearing, and that
35 the failure to respond shall result in a default order forfeiting the confiscated
36 firearm or other deadly weapon.

37 (b) For purposes of this section, the person’s last known address shall be
38 presumed to be the address provided to the law enforcement officer by that person
39 at the time of the family violence incident.

40 (c) In the event the person whose firearm or other deadly weapon was seized
41 does not reside at the last address provided to the agency, the agency shall make a
42 diligent, good faith effort to learn the whereabouts of the person and to comply
43 with these notification requirements.

1 **Comment.** Section 18405 continues former Section 12028.5(g) without substantive change.
2 For what constitutes a deadly weapon, see Section 16430 (“deadly weapon”); see also Section
3 16520 (“firearm”).

4 See Sections 18400 (petition to determine whether weapon should be returned), 18410 (hearing
5 on petition), 18415 (order of default), 18420 (petition for second hearing).

6 See also Sections 16120 (“abuse”), 16490 (“domestic violence”), 18250 (seizure of firearm or
7 other deadly weapon at scene of domestic violence), 18255 (receipt for weapon), 18260 (delivery
8 of deadly weapon seized by peace officer for community college or school district), 18265
9 (holding period), 18270 (return of stolen weapon), 18275 (sale or destruction of deadly weapon
10 held longer than one year), 18500 (no liability for act in good faith under this division).

11 For additional guidance on surrender and disposal of weapons, see Sections 18000 (surrender
12 of specified weapons constituting nuisance), 18005 (disposal of weapons constituting nuisance),
13 18010 (treatment of other weapons constituting nuisance), 33800-34010 (firearm in custody of
14 court or law enforcement agency or similar situation).

15 **§ 18410. Hearing on petition**

16 18410. (a) If the person who receives a petition under Section 18405 requests a
17 hearing, the court clerk shall set a hearing no later than 30 days from receipt of
18 that request.

19 (b) The court clerk shall notify the person, the law enforcement agency
20 involved, and the district attorney of the date, time, and place of the hearing.

21 (c) Unless it is shown by a preponderance of the evidence that the return of the
22 firearm or other deadly weapon would result in endangering the victim or the
23 person reporting the assault or threat, the court shall order the return of the firearm
24 or other deadly weapon and shall award reasonable attorney’s fees to the
25 prevailing party.

26 **Comment.** Section 18410 continues former Section 12028.5(h) without substantive change.

27 For what constitutes a deadly weapon, see Section 16430 (“deadly weapon”); see also Section
28 16520 (“firearm”).

29 See Sections 18400 (petition to determine whether weapon should be returned), 18405 (notice
30 of petition), 18415 (order of default), 18420 (petition for second hearing).

31 See also Sections 16120 (“abuse”), 16490 (“domestic violence”), 18250 (seizure of firearm or
32 other deadly weapon at scene of domestic violence), 18255 (receipt for weapon), 18260 (delivery
33 of deadly weapon seized by peace officer for community college or school district), 18265
34 (holding period), 18270 (return of stolen weapon), 18275 (sale or destruction of deadly weapon
35 held longer than one year), 18500 (no liability for act in good faith under this division).

36 For additional guidance on surrender and disposal of weapons, see Sections 18000 (surrender
37 of specified weapons constituting nuisance), 18005 (disposal of weapons constituting nuisance),
38 18010 (treatment of other weapons constituting nuisance), 33800-34010 (firearm in custody of
39 court or law enforcement agency or similar situation).

40 **§ 18415. Order of default**

41 18415. If the person who receives a petition under Section 18405 does not
42 request a hearing or does not otherwise respond within 30 days of the receipt of
43 the notice, the law enforcement agency may file a petition for an order of default
44 and may dispose of the firearm or other deadly weapon as provided in Section
45 18005.

46 **Comment.** Section 18415 continues former Section 12028.5(i) without substantive change.

1 For what constitutes a deadly weapon, see Section 16430 (“deadly weapon”); see also Section
2 16520 (“firearm”).

3 See Sections 18400 (petition to determine whether weapon should be returned), 18405 (notice
4 of petition), 18410 (hearing on petition), 18420 (petition for second hearing).

5 See also Sections 16120 (“abuse”), 16490 (“domestic violence”), 18250 (seizure of firearm or
6 other deadly weapon at scene of domestic violence), 18255 (receipt for weapon), 18260 (delivery
7 of deadly weapon seized by peace officer for community college or school district), 18265
8 (holding period), 18270 (return of stolen weapon), 18275 (sale or destruction of deadly weapon
9 held longer than one year), 18500 (no liability for act in good faith under this division).

10 For additional guidance on surrender and disposal of weapons, see Sections 18000 (surrender
11 of specified weapons constituting nuisance), 18005 (disposal of weapons constituting nuisance),
12 18010 (treatment of other weapons constituting nuisance), 33800-34010 (firearm in custody of
13 court or law enforcement agency or similar situation).

14 **§ 18420. Petition for second hearing**

15 18420. (a) If, at a hearing under Section 18410, the court does not order the
16 return of the firearm or other deadly weapon to the owner or person who had
17 lawful possession, that person may petition the court for a second hearing within
18 12 months from the date of the initial hearing.

19 (b) If there is a petition for a second hearing, unless it is shown by clear and
20 convincing evidence that the return of the firearm or other deadly weapon would
21 result in endangering the victim or the person reporting the assault or threat, the
22 court shall order the return of the firearm or other deadly weapon and shall award
23 reasonable attorney’s fees to the prevailing party.

24 (c) If the owner or person who had lawful possession does not petition the court
25 within this 12-month period for a second hearing or is unsuccessful at the second
26 hearing in gaining return of the firearm or other deadly weapon, the firearm or
27 other deadly weapon may be disposed of as provided in Section 18005.

28 **Comment.** Section 18420 continues former Section 12028.5(j) without substantive change.

29 For what constitutes a deadly weapon, see Section 16430 (“deadly weapon”); see also Section
30 16520 (“firearm”).

31 See Sections 18400 (petition to determine whether weapon should be returned), 18405 (notice
32 of petition), 18410 (hearing on petition), 18415 (order of default).

33 See also Sections 18250 (seizure of firearm or other deadly weapon at scene of domestic
34 violence), 18255 (receipt for weapon), 18260 (delivery of deadly weapon seized by peace officer
35 for community college or school district), 18265 (holding period), 18270 (return of stolen
36 weapon), 18275 (sale or destruction of deadly weapon held longer than one year), 18500 (no
37 liability for act in good faith under this division).

38 For additional guidance on surrender and disposal of weapons, see Sections 18000 (surrender
39 of specified weapons constituting nuisance), 18005 (disposal of weapons constituting nuisance),
40 18010 (treatment of other weapons constituting nuisance), 33800-34010 (firearm in custody of
41 court or law enforcement agency or similar situation).

42 **CHAPTER 3. LIABILITY**

43 **§ 18500. No liability for act in good faith under this division**

44 18500. The law enforcement agency, or the individual law enforcement officer,
45 shall not be liable for any act in the good faith exercise of this division.

1 **Comment.** Section 18500 continues former Section 12028.5(k) without substantive change.

2 DIVISION 5. DESTRUCTIVE DEVICES, EXPLOSIVES, AND
3 SIMILAR WEAPONS

4 CHAPTER 1. DESTRUCTIVE DEVICES AND EXPLOSIVES GENERALLY

5 Article 1. Prohibited Acts

6 **§ 18710. Unlawful possession of destructive device other than fixed ammunition greater**
7 **than .60 caliber**

8 18710. (a) Except as provided by this chapter, any person, firm, or corporation
9 who, within this state, possesses any destructive device, other than fixed
10 ammunition of a caliber greater than .60 caliber, is guilty of a public offense.

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

15 **Comment.** Section 18710 continues former Section 12303 without substantive change.
16 See Section 16460 (“destructive device”).

17 **§ 18715. Reckless or malicious possession of destructive device or explosive in public place**

18 18715. (a) Every person who recklessly or maliciously has in possession any
19 destructive device or any explosive in any of the following places is guilty of a
20 felony:

21 (1) On a public street or highway.

22 (2) In or near any theater, hall, school, college, church, hotel, or other public
23 building.

24 (3) In or near any private habitation.

25 (4) In, on, or near any aircraft, railway passenger train, car, cable road, cable car,
26 or vessel engaged in carrying passengers for hire.

27 (5) In, on, or near any other public place ordinarily passed by human beings.

28 (b) An offense under subdivision (a) is punishable by imprisonment in the state
29 prison for a period of two, four, or six years.

30 **Comment.** Section 18715 continues former Section 12303.2 without substantive change.
31 See Sections 16460 (“destructive device”), 16510 (“explosive”).

32 **§ 18720. Possession of materials with intent to create destructive device or explosive**

33 18720. Every person who possesses any substance, material, or any combination
34 of substances or materials, with the intent to make any destructive device or any
35 explosive without first obtaining a valid permit to make that destructive device or
36 explosive, is guilty of a felony, and is punishable by imprisonment in the state
37 prison for two, three, or four years.

1 **Comment.** Section 18720 continues former Section 12312 without substantive change.
2 See Sections 16460 (“destructive device”), 16510 (“explosive”).

3 **§ 18725. Destructive device or explosive on vessel, aircraft, or other vehicle**

4 18725. Every person who willfully does any of the following is guilty of a
5 felony and is punishable by imprisonment in the state prison for two, four, or six
6 years:

7 (a) Carries any destructive device or any explosive on any vessel, aircraft, car, or
8 other vehicle that transports passengers for hire.

9 (b) While on board any vessel, aircraft, car, or other vehicle that transports
10 passengers for hire, places or carries any destructive device or any explosive in
11 any hand baggage, roll, or other container.

12 (c) Places any destructive device or any explosive in any baggage that is later
13 checked with any common carrier.

14 **Comment.** Section 18725 continues former Section 12303.1 without substantive change.
15 See Sections 16460 (“destructive device”), 16510 (“explosive”).

16 **§ 18730. Sale or transportation of destructive device other than fixed ammunition greater**
17 **than .60 caliber**

18 18730. Except as provided by this chapter, any person, firm, or corporation who,
19 within this state, sells, offers for sale, or knowingly transports any destructive
20 device, other than fixed ammunition of a caliber greater than .60 caliber, is guilty
21 of a felony and is punishable by imprisonment in the state prison for two, three, or
22 four years.

23 **Comment.** Section 18730 continues former Section 12303.6 without substantive change.
24 See Section 16460 (“destructive device”).

25 **§ 18735. Sale, possession, or transport of fixed ammunition greater than .60 caliber**

26 18735. (a) Except as provided by this chapter, any person, firm, or corporation
27 who, within this state, sells, offers for sale, possesses or knowingly transports any
28 fixed ammunition of a caliber greater than .60 caliber is guilty of a public offense.

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

33 (c) A second or subsequent conviction shall be punished by imprisonment in the
34 county jail for a term not to exceed one year, or by imprisonment in the state
35 prison, or by a fine not to exceed three thousand dollars (\$3,000), or by both this
36 fine and imprisonment.

37 **Comment.** Section 18735 continues former Section 12304 without substantive change.
38 A conviction under former Section 12304 counts as a prior conviction in determining the
39 appropriate punishment under this section. See Section 16015 (determining existence of prior
40 conviction).

1 **§ 18740. Use or attempted use of destructive device or explosive with intent to cause fear or**
2 **harm**

3 18740. Every person who possesses, explodes, ignites, or attempts to explode or
4 ignite any destructive device or any explosive with intent to injure, intimidate, or
5 terrify any person, or with intent to wrongfully injure or destroy any property, is
6 guilty of a felony, and shall be punished by imprisonment in the state prison for a
7 period of three, five, or seven years.

8 **Comment.** Section 18740 continues former Section 12303.3 without substantive change.
9 See Sections 16460 (“destructive device”), 16510 (“explosive”).

10 **§ 18745. Use or attempted use of destructive device or explosive with intent to commit**
11 **murder**

12 18745. Every person who explodes, ignites, or attempts to explode or ignite any
13 destructive device or any explosive with intent to commit murder is guilty of a
14 felony, and shall be punished by imprisonment in the state prison for life with the
15 possibility of parole.

16 **Comment.** Section 18745 continues former Section 12308 without substantive change.
17 See Sections 16460 (“destructive device”), 16510 (“explosive”).

18 **§ 18750. Willful and malicious use of destructive device or explosive resulting in bodily**
19 **injury**

20 18750. Every person who willfully and maliciously explodes or ignites any
21 destructive device or any explosive that causes bodily injury to a person is guilty
22 of a felony, and shall be punished by imprisonment in the state prison for a period
23 of five, seven, or nine years.

24 **Comment.** Section 18750 continues former Section 12309 without substantive change.
25 See Sections 16460 (“destructive device”), 16510 (“explosive”).

26 **§ 18755. Willful and malicious use of destructive device or explosive resulting in death,**
27 **mayhem, or great bodily injury**

28 18755. (a) Every person who willfully and maliciously explodes or ignites any
29 destructive device or any explosive that causes the death of any person is guilty of
30 a felony, and shall be punished by imprisonment in the state prison for life without
31 the possibility of parole.

32 (b) Every person who willfully and maliciously explodes or ignites any
33 destructive device or any explosive that causes mayhem or great bodily injury to
34 any person is guilty of a felony, and shall be punished by imprisonment in the state
35 prison for life.

36 **Comment.** Section 18755 continues former Section 12310 without substantive change.
37 See Sections 16460 (“destructive device”), 16510 (“explosive”).

38 **§ 18780. No probation or suspension of sentence**

39 18780. A person convicted of a violation of this chapter shall not be granted
40 probation, and the execution of the sentence imposed upon that person shall not be
41 suspended by the court.

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

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

5 **Comment.** Subdivision (a) of Section 18900 continues former Section 12305(a) without
6 substantive change.

7 Subdivision (b) continues former Section 12305(b) without substantive change.

8 Subdivision (c) continues former Section 12305(c) without substantive change.

9 Subdivision (d) continues former Section 12305(d) without substantive change.

10 See Section 16460 (“destructive device”).

11 **§ 18905. Permit fees and renewal process**

12 18905. (a) Each applicant for a permit under this article shall pay at the time of
13 filing the application a fee not to exceed the application processing costs of the
14 Department of Justice.

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

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

22 **Comment.** Section 18905 continues former Section 12305(e) without substantive change.

23 **§ 18910. Inspection by Department of Justice**

24 18910. (a) Except as provided in subdivision (b), the Department of Justice
25 shall, for every person, firm, or corporation to whom a permit is issued under this
26 article, annually conduct an inspection for security and safe storage purposes, and
27 to reconcile the inventory of destructive devices.

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

32 **Comment.** Section 18910 continues former Section 12305(f)-(g) without substantive change.

33 See Section 16460 (“destructive device”).

34 **Article 4. Destructive Device Constituting Nuisance**

35 **§ 19000. Destructive device constituting nuisance**

36 19000. (a) Possession of any destructive device in violation of this chapter is a
37 public nuisance.

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

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

9 **Comment.** Section 19000 continues former Section 12307 without substantive change.
10 See Section 16460 (“destructive device”).

11 CHAPTER 2. EXPLOSIVE SUBSTANCE OTHER THAN FIXED AMMUNITION

12 **§ 19100. Carrying concealed explosive substance other than fixed ammunition**

13 19100. Except as provided in Chapter 1 (commencing with Section 17700) of
14 Division 2, any person in this state who carries concealed upon the person any
15 explosive substance, other than fixed ammunition, is punishable by imprisonment
16 in a county jail not exceeding one year or in the state prison.

17 **Comment.** Section 19100 continues former Section 12020(a)(3) without substantive change.

18 For circumstances in which this section is inapplicable, see Sections 16590 (“generally
19 prohibited weapon”), 17700-17745 (exemptions relating to generally prohibited weapons).

20 See also Sections 17800 (distinct and separate offense), 19190 (concealed explosive substance
21 constituting nuisance).

22 **§ 19190. Concealed explosive substance constituting nuisance**

23 19190. The unlawful concealed carrying upon the person of any explosive
24 substance other than fixed ammunition, as provided in Section 19100, is a
25 nuisance and is subject to Sections 18000 and 18005.

26 **Comment.** With respect to an explosive substance other than fixed ammunition, Section 19190
27 continues former Section 12028(a) without substantive change.

28 CHAPTER 3. HANDGRENADES

29 **§ 19200. Prohibition on manufacture, import, sale, gift, loan, or possession of metal military
30 practice handgrenade or metal replica handgrenade**

31 19200. (a) Except as provided in Section 19205 and Chapter 1 (commencing
32 with Section 17700) of Division 2, any person in this state who manufactures or
33 causes to be manufactured, imports into the state, keeps for sale, or offers or
34 exposes for sale, or who gives, lends, or possesses any metal military practice
35 handgrenade or metal replica handgrenade is punishable by imprisonment in a
36 county jail not exceeding one year or in the state prison.

37 (b) Notwithstanding subdivision (a), a first offense involving any metal military
38 practice handgrenade or metal replica handgrenade shall be punishable only as an

1 infraction unless the offender is an active participant in a criminal street gang as
2 defined in the Street Terrorism and Enforcement and Prevention Act (Chapter 11
3 (commencing with Section 186.20) of Title 7 of Part 1).

4 **Comment.** With respect to a metal military practice handgrenade or metal replica
5 handgrenade, subdivision (a) of Section 19200 continues former Section 12020(a)(1) without
6 substantive change.

7 Subdivision (b) continues the first sentence of the second paragraph of former Section
8 12020(a)(4) without substantive change.

9 For circumstances in which this section is inapplicable, see Sections 16590 (“generally
10 prohibited weapon”), 17700-17745 (exemptions relating to generally prohibited weapons), 19205
11 (toy or permanently inoperative handgrenade).

12 See also Sections 17800 (distinct and separate offense), 19290 (metal military practice
13 handgrenade or metal replica handgrenade constituting nuisance).

14 **§ 19205. Toy or permanently inoperative handgrenade**

15 19205. Section 19200 does not apply to any plastic toy handgrenade, or any
16 metal military practice handgrenade or metal replica handgrenade that is a relic,
17 curio, memorabilia, or display item, that is filled with a permanent inert substance,
18 or that is otherwise permanently altered in a manner that prevents ready
19 modification for use as a grenade.

20 **Comment.** Section 19205 continues former Section 12020(b)(15) without substantive change.

21 For additional circumstances in which Section 19200 is inapplicable, see Sections 16590
22 (“generally prohibited weapon”), 17700-17745 (exemptions relating to generally prohibited
23 weapons).

24 **§ 19290. Metal military practice handgrenade or metal replica handgrenade constituting**
25 **nuisance**

26 19290. Except as provided in Section 19205 and in Chapter 1 (commencing with
27 Section 17700) of Division 2, any metal military practice handgrenade or metal
28 replica handgrenade is a nuisance and is subject to Section 18010.

29 **Comment.** With respect to a metal military practice handgrenade or metal replica
30 handgrenade, Section 19290 continues the first part of the first sentence of former Section 12029
31 without substantive change.

32 **DIVISION 6. LESS LETHAL WEAPONS**

33 **§ 19400. Less lethal weapon or ammunition for official use by peace officer or custodial**
34 **officer**

35 19400. A person who is a peace officer or a custodial officer, as defined in
36 Chapter 4.5 (commencing with Section 830) of Title 3 of Part 2, may, if
37 authorized by and under the terms and conditions as are specified by the person’s
38 employing agency, purchase, possess, or transport any less lethal weapon or
39 ammunition for any less lethal weapon, for official use in the discharge of the
40 person’s duties.

41 **Comment.** Section 19400 continues former Section 12600 without substantive change.

42 See Section 16780 (“less lethal weapon”).

1 **§ 19405. Punishment for sale of less lethal weapon to person under age 18**

2 19405. Any person who sells a less lethal weapon, as defined in Section 12601,
3 to a person under the age of 18 years is guilty of a misdemeanor, punishable by
4 imprisonment in the county jail for up to six months or by a fine of not more than
5 one thousand dollars (\$1,000), or by both that imprisonment and fine.

6 **Comment.** Section 19405 continues former Section 12655 without substantive change.
7 See Section 16780 (“less lethal weapon”).

8 **TITLE 3. WEAPONS AND DEVICES**
9 **OTHER THAN FIREARMS**

10 **DIVISION 1. BB DEVICES**

11 **§ 19910. Sale of BB device to minor**

12 19910. Every person who sells any BB device to a minor is guilty of a
13 misdemeanor.

14 **Comment.** Section 19910 continues former Section 12551 without substantive change.
15 See Section 16250 (“BB device”).

16 **§ 19915. Furnishing BB device to minor without parental permission**

17 19915. (a) Every person who furnishes any BB device to any minor, without the
18 express or implied permission of a parent or legal guardian of the minor, is guilty
19 of a misdemeanor.

20 (b) As used in this section, “furnishes” means any of the following:

21 (1) A loan.

22 (2) A transfer that does not involve a sale.

23 **Comment.** Section 19915 continues former Section 12552 without substantive change.
24 See Section 16250 (“BB device”).

25 **DIVISION 2. BLOWGUNS**

26 **§ 20010 . Unlawful acts relating to blowguns or blowgun ammunition**

27 20010. Any person who knowingly manufactures, sells, offers for sale,
28 possesses, or uses a blowgun or blowgun ammunition in this state is guilty of a
29 misdemeanor.

30 **Comment.** Section 20010 continues former Section 12582 without substantive change.

31 For circumstances in which this section is inapplicable, see Section 20015 (use of blowgun or
32 blowgun ammunition by veterinarian or animal control professional).

33 See Sections 16270 (“blowgun”), 16280 (“blowgun ammunition”).

1 **§ 20155. Failure to comply with federal law or regulation on marking of toy, look-alike, or**
2 **imitation firearm**

3 20155. Any manufacturer, importer, or distributor of imitation firearms that fails
4 to comply with any applicable federal law or regulation governing the marking of
5 a toy, look-alike, or imitation firearm, as defined by federal law or regulation, is
6 guilty of a misdemeanor.

7 **Comment.** Section 20155 continues former Section 12553(b) without substantive change.
8 See Section 16700 (“imitation firearm”).

9 **§ 20160. Advisory requirement for imitation firearm**

10 20160. (a) Any imitation firearm manufactured after July 1, 2005, shall, at the
11 time of offer for sale in this state, be accompanied by a conspicuous advisory in
12 writing as part of the packaging, but not necessarily affixed to the imitation
13 firearm, to the effect that the product may be mistaken for a firearm by law
14 enforcement officers or others, that altering the coloration or markings required by
15 state or federal law or regulations so as to make the product look more like a
16 firearm is dangerous, and may be a crime, and that brandishing or displaying the
17 product in public may cause confusion and may be a crime.

18 (b) Any manufacturer, importer, or distributor that fails to comply with this
19 advisory for any imitation firearm manufactured after July 1, 2005, shall be liable
20 for a civil fine for each action brought by a city attorney or district attorney of not
21 more than one thousand dollars (\$1,000) for the first action, five thousand dollars
22 (\$5,000) for the second action, and ten thousand dollars (\$10,000) for the third
23 action and each subsequent action.

24 **Comment.** Section 20160 continues former Section 12554 without substantive change.

25 In applying subdivision (b), an action under former Section 12554 counts as a prior action
26 under this section. See Section 16010 & Comment (continuation of existing law); see also Section
27 16015 (determining existence of prior conviction).

28 See Sections 16520 (“firearm”), 16700 (“imitation firearm”).

29 **§ 20165. Unlawful commercial activities relating to imitation firearms**

30 20165. (a) Any person who, for commercial purposes, purchases, sells,
31 manufactures, ships, transports, distributes, or receives, by mail order or in any
32 other manner, an imitation firearm, except as authorized by this section, is liable
33 for a civil fine in an action brought by the city attorney or the district attorney of
34 not more than ten thousand dollars (\$10,000) for each violation.

35 (b) The manufacture, purchase, sale, shipping, transport, distribution, or receipt,
36 by mail or in any other manner, of an imitation firearm is authorized if the device
37 is manufactured, purchased, sold, shipped, transported, distributed, or received for
38 any of the following purposes:

39 (1) Solely for export in interstate or foreign commerce.

40 (2) Solely for lawful use in theatrical productions, including motion picture,
41 television, and stage productions.

42 (3) For use in a certified or regulated sporting event or competition.

1 (4) For use in military or civil defense activities, or ceremonial activities.

2 (5) For public displays authorized by public or private schools.

3 **Comment.** Section 20165 continues former Section 12555(a)-(b) without substantive change.

4 See Section 16700 (“imitation firearm”), which includes special guidance for interpreting that
5 term in the context of this section.

6 **§ 20170. Display of imitation firearm in public place**

7 20170. (a) No person may openly display or expose any imitation firearm in a
8 public place.

9 (b) As used in this section, “public place” means an area open to the public and
10 includes any of the following:

11 (1) A street.

12 (2) A sidewalk.

13 (3) A bridge.

14 (4) An alley.

15 (5) A plaza.

16 (6) A park.

17 (7) A driveway.

18 (8) A front yard.

19 (9) A parking lot.

20 (10) An automobile, whether moving or not.

21 (11) A building open to the general public, including one that serves food or
22 drink, or provides entertainment.

23 (12) A doorway or entrance to a building or dwelling.

24 (13) A public school.

25 (14) A public or private college or university.

26 **Comment.** Subdivision (a) of Section 20170 continues former Section 12556(a) without
27 substantive change.

28 For circumstances in which this section is inapplicable, see Section 20175 (exemptions). For
29 consequences of violating this section, see Section 20180 (punishment).

30 Subdivision (b) continues former Section 12556(e) without substantive change.

31 See Section 16700 (“imitation firearm”).

32 **§ 20175. Exemptions**

33 20175. Section 20170 does not apply in any of the following circumstances:

34 (a) The imitation firearm is packaged or concealed so that it is not subject to
35 public viewing.

36 (b) The imitation firearm is displayed or exposed in the course of commerce,
37 including a commercial film or video production, or for service, repair, or
38 restoration of the imitation firearm.

39 (c) The imitation firearm is used in a theatrical production, a motion picture,
40 video, television, or stage production.

41 (d) The imitation firearm is used in conjunction with a certified or regulated
42 sporting event or competition.

1 (e) The imitation firearm is used in conjunction with lawful hunting, or a lawful
2 pest control activity.

3 (f) The imitation firearm is used or possessed at a certified or regulated public or
4 private shooting range.

5 (g) The imitation firearm is used at a fair, exhibition, exposition, or other similar
6 activity for which a permit has been obtained from a local or state government.

7 (h) The imitation firearm is used in a military, civil defense, or civic activity,
8 including a flag ceremony, color guard, parade, award presentation, historical
9 reenactment, or memorial.

10 (i) The imitation firearm is used for a public display authorized by a public or
11 private school or a display that is part of a museum collection.

12 (j) The imitation firearm is used in a parade, ceremony, or other similar activity
13 for which a permit has been obtained from a local or state government.

14 (k) The imitation firearm is displayed on a wall plaque or in a presentation case.

15 (l) The imitation firearm is used in an area where the discharge of a firearm is
16 lawful.

17 (m) The entire exterior surface of the imitation firearm is white, bright red,
18 bright orange, bright yellow, bright green, bright blue, bright pink, or bright
19 purple, either singly or as the predominant color in combination with other colors
20 in any pattern, or the entire device is constructed of transparent or translucent
21 material that permits unmistakable observation of the device's complete contents.
22 Merely having an orange tip as provided in federal law and regulations does not
23 satisfy this requirement. The entire surface must be colored or transparent or
24 translucent.

25 **Comment.** Section 20175 continues former Section 12556(d) without substantive change.

26 See Section 16700 ("imitation firearm").

27 **§ 20180. Punishment**

28 20180. (a) Except as provided in subdivision (b), violation of Section 20170 is
29 an infraction punishable by a fine of one hundred dollars (\$100) for the first
30 offense, and three hundred dollars (\$300) for a second offense.

31 (b) A third or subsequent violation of Section 20170 is punishable as a
32 misdemeanor.

33 (c) Nothing in Sections 20170, 20175, or this section shall be construed to
34 preclude prosecution for a violation of Section 171b, 171.5, or 626.10.

35 **Comment.** Subdivision (a) of Section 20180 continues former Section 12556(b) without
36 substantive change.

37 Subdivision (b) continues former Section 12556(c) without substantive change.

38 Subdivision (c) continues former Section 12556 (f) without substantive change.

39 A violation of the predecessor of Section 20170 (former Section 12556(a)) counts as a prior
40 offense in determining the appropriate punishment under this section. See Section 16015
41 (determining existence of prior conviction).

1

DIVISION 5. KNIVES AND SIMILAR WEAPONS

2

CHAPTER 1. GENERAL PROVISIONS

3 **§ 20200. Circumstances in which knife is not deemed “concealed”**

4 20200. A knife carried in a sheath that is worn openly suspended from the waist
5 of the wearer is not concealed within the meaning of Section 16140, 16340,
6 17350, or 21310.

7 **Comment.** Section 20200 continues former Section 12020(d) without substantive change.

8

CHAPTER 2. DISGUISED OR MISLEADING APPEARANCE

9

Article 1. Air Gauge Knife

10 **§ 20310. Prohibition on manufacture, import, sale, gift, loan, or possession of air gauge**
11 **knife**

12 20310. Except as provided in Chapter 1 (commencing with Section 17700) of
13 Division 2 of Title 2, any person in this state who manufactures or causes to be
14 manufactured, imports into the state, keeps for sale, or offers or exposes for sale,
15 or who gives, lends, or possesses any air gauge knife is punishable by
16 imprisonment in a county jail not exceeding one year or in the state prison.

17 **Comment.** With respect to an air gauge knife, Section 20310 continues former Section
18 12020(a)(1) without substantive change.

19 For circumstances in which this section is inapplicable, see Sections 16590 (“generally
20 prohibited weapon”), 17700-17745 (exemptions relating to generally prohibited weapons).

21 See Section 16140 (“air gauge knife”). See also Sections 17800 (distinct and separate offense),
22 20390 (air gauge knife constituting nuisance).

23 **§ 20390. Air gauge knife constituting nuisance**

24 20390. Except as provided in Chapter 1 (commencing with Section 17700) of
25 Division 2 of Title 2, any air gauge knife is a nuisance and is subject to Section
26 18010.

27 **Comment.** With respect to an air gauge knife, Section 20390 continues the first part of the first
28 sentence of former Section 12029 without substantive change.

29 See Section 16140 (“air gauge knife”).

30

Article 2. Belt Buckle Knife

31 **§ 20410. Prohibition on manufacture, import, sale, gift, loan, or possession of belt buckle**
32 **knife**

33 20410. Except as provided in Chapter 1 (commencing with Section 17700) of
34 Division 2 of Title 2, any person in this state who manufactures or causes to be
35 manufactured, imports into the state, keeps for sale, or offers or exposes for sale,

1 or who gives, lends, or possesses any belt buckle knife is punishable by
2 imprisonment in a county jail not exceeding one year or in the state prison.

3 **Comment.** With respect to a belt buckle knife, Section 20410 continues former Section
4 12020(a)(1) without substantive change.

5 For circumstances in which this section is inapplicable, see Sections 16590 (“generally
6 prohibited weapon”), 17700-17745 (exemptions relating to generally prohibited weapons).

7 See Section 16260 (“belt buckle knife”). See also Sections 17800 (distinct and separate
8 offense), 20490 (belt buckle knife constituting nuisance).

9 **§ 20490. Belt buckle knife constituting nuisance**

10 20490. Except as provided in Chapter 1 (commencing with Section 17700) of
11 Division 2 of Title 2, any belt buckle knife is a nuisance and is subject to Section
12 18010.

13 **Comment.** With respect to a belt buckle knife, Section 20490 continues the first part of the
14 first sentence of former Section 12029 without substantive change.

15 See Section 16260 (“belt buckle knife”).

16 **Article 3. Cane Sword**

17 **§ 20510. Prohibition on manufacture, import, sale, gift, loan, or possession of cane sword**

18 20510. Except as provided in Chapter 1 (commencing with Section 17700) of
19 Division 2 of Title 2, any person in this state who manufactures or causes to be
20 manufactured, imports into the state, keeps for sale, or offers or exposes for sale,
21 or who gives, lends, or possesses any cane sword is punishable by imprisonment
22 in a county jail not exceeding one year or in the state prison.

23 **Comment.** With respect to a cane sword, Section 20510 continues former Section 12020(a)(1)
24 without substantive change.

25 For circumstances in which this section is inapplicable, see Sections 16590 (“generally
26 prohibited weapon”), 17700-17745 (exemptions relating to generally prohibited weapons).

27 See Section 16340 (“cane sword”). See also Sections 17800 (distinct and separate offense),
28 20590 (cane sword constituting nuisance).

29 **§ 20590. Cane sword constituting nuisance**

30 20590. Except as provided in Chapter 1 (commencing with Section 17700) of
31 Division 2 of Title 2, any cane sword is a nuisance and is subject to Section 18010.

32 **Comment.** With respect to a cane sword, Section 20590 continues the first part of the first
33 sentence of former Section 12029 without substantive change.

34 See Section 16340 (“cane sword”).

35 **Article 4. Lipstick Case Knife**

36 **§ 20610. Prohibition on manufacture, import, sale, gift, loan, or possession of lipstick case**
37 **knife**

38 20610. Except as provided in Chapter 1 (commencing with Section 17700) of
39 Division 2 of Title 2, any person in this state who manufactures or causes to be
40 manufactured, imports into the state, keeps for sale, or offers or exposes for sale,

1 or who gives, lends, or possesses any lipstick case knife is punishable by
2 imprisonment in a county jail not exceeding one year or in the state prison.

3 **Comment.** With respect to a lipstick case knife, Section 20610 continues former Section
4 12020(a)(1) without substantive change.

5 For circumstances in which this section is inapplicable, see Sections 16590 (“generally
6 prohibited weapon”), 17700-17745 (exemptions relating to generally prohibited weapons).

7 See Section 16830 (“lipstick case knife”). See also Sections 17800 (distinct and separate
8 offense), 20690 (lipstick case knife constituting nuisance).

9 **§ 20690. Lipstick case knife constituting nuisance**

10 20690. Except as provided in Chapter 1 (commencing with Section 17700) of
11 Division 2 of Title 2, any lipstick case knife is a nuisance and is subject to Section
12 18010.

13 **Comment.** With respect to a lipstick case knife, Section 20690 continues the first part of the
14 first sentence of former Section 12029 without substantive change.

15 See Section 16830 (“lipstick case knife”).

16 Article 5. Shobi-zue

17 **§ 20710. Prohibition on manufacture, import, sale, gift, loan, or possession of shobi-zue**

18 20710. Except as provided in Chapter 1 (commencing with Section 17700) of
19 Division 2 of Title 2, any person in this state who manufactures or causes to be
20 manufactured, imports into the state, keeps for sale, or offers or exposes for sale,
21 or who gives, lends, or possesses any shobi-zue is punishable by imprisonment in
22 a county jail not exceeding one year or in the state prison.

23 **Comment.** With respect to a shobi-zue, Section 20710 continues former Section 12020(a)(1)
24 without substantive change.

25 For circumstances in which this section is inapplicable, see Sections 16590 (“generally
26 prohibited weapon”), 17700-17745 (exemptions relating to generally prohibited weapons).

27 See Section 17160 (“shobi-zue”). See also Sections 17800 (distinct and separate offense),
28 20790 (shobi-zue constituting nuisance).

29 **§ 20790. Shobi-zue constituting nuisance**

30 20790. Except as provided in Chapter 1 (commencing with Section 17700) of
31 Division 2 of Title 2, any shobi-zue is a nuisance and is subject to Section 18010.

32 **Comment.** With respect to a shobi-zue, Section 20790 continues the first part of the first
33 sentence of former Section 12029 without substantive change.

34 See Section 17160 (“shobi-zue”).

35 Article 6. Undetectable Knife

36 **§ 20810. Restrictions relating to undetectable knife**

37 20810. (a) Any person in this state who commercially manufactures or causes to
38 be commercially manufactured, or who knowingly imports into the state for
39 commercial sale, or who knowingly exports out of this state for commercial,
40 dealer, wholesaler, or distributor sale, or who keeps for commercial sale, or offers

1 or exposes for commercial, dealer, wholesaler, or distributor sale, any undetectable
2 knife is guilty of a misdemeanor.

3 (b) Notwithstanding any other provision of law, commencing January 1, 2000,
4 all knives or other instrument with or without a handguard that is capable of ready
5 use as a stabbing weapon that may inflict great bodily injury or death that are
6 commercially manufactured in this state that utilize materials that are not
7 detectable by a metal detector or magnetometer, shall be manufactured to include
8 materials that will ensure they are detectable by a metal detector or magnetometer,
9 either handheld or otherwise, that is set at standard calibration.

10 **Comment.** Subdivision (a) of Section 20810 continues the first sentence of former Section
11 12001.1(a) without change.

12 Subdivision (b) continues former Section 12001.1(b) without change.

13 For circumstances in which this section is inapplicable, see Sections 20815 (undetectable knife
14 for law enforcement or military entity), 20820 (undetectable knife for historical society, museum,
15 or institutional collection open to public).

16 See Section 17290 (“undetectable knife”).

17 **§ 20815. Undetectable knife for law enforcement or military entity**

18 20815. Section 20810 does not apply to the manufacture or importation of any
19 undetectable knife for sale to a law enforcement or military entity with a valid
20 agency, department, or unit purchase order, nor does Section 20810 apply to the
21 subsequent sale of any undetectable knife to a law enforcement or military entity.

22 **Comment.** Section 20815 continues former Section 12001.1(c) without substantive change.

23 See Section 17290 (“undetectable knife”).

24 **§ 20820. Undetectable knife for historical society, museum, or institutional collection open**
25 **to public**

26 20820. Section 20810 does not apply to the manufacture or importation of any
27 undetectable knife for sale to a federal, state, or local historical society, museum,
28 or institutional collection that is open to the public, provided that the undetectable
29 knife is properly housed and secured from unauthorized handling, nor does
30 Section 20810 apply to the subsequent sale of the knife to any of these entities.

31 **Comment.** Section 20820 continues former Section 12001.1(d) without substantive change.

32 See Section 17290 (“undetectable knife”).

33 **Article 7. Writing Pen Knife**

34 **§ 20910. Prohibition on manufacture, import, sale, gift, loan, or possession of writing pen**
35 **knife**

36 20910. Except as provided in Chapter 1 (commencing with Section 17700) of
37 Division 2 of Title 2, any person in this state who manufactures or causes to be
38 manufactured, imports into the state, keeps for sale, or offers or exposes for sale,
39 or who gives, lends, or possesses any writing pen knife is punishable by
40 imprisonment in a county jail not exceeding one year or in the state prison.

1

DIVISION 6. KNUCKLES

2

CHAPTER 1. HARD PLASTIC KNUCKLES OR HARD WOODEN KNUCKLES

3

§ 21710. Restrictions relating to hard plastic knuckles and hard wooden knuckles

4

21710. Any person in this state who commercially manufactures or causes to be commercially manufactured, or who knowingly imports into the state for commercial sale, keeps for commercial sale, or offers or exposes for commercial sale, any hard plastic knuckles or hard wooden knuckles is guilty of a misdemeanor.

9

Comment. Section 21710 continues the first sentence of former Section 12020.1 without substantive change.

10

11

See Section 16680 (“hard plastic knuckles”), 16680 (“hard wooden knuckles”).

12

CHAPTER 2. METAL KNUCKLES

13

§ 21810. Prohibition on manufacture, import, sale, gift, loan, or possession of metal knuckles

14

15

21810. Except as provided in Chapter 1 (commencing with Section 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 metal knuckles is punishable by imprisonment in a county jail not exceeding one year or in the state prison.

20

Comment. With respect to metal knuckles, Section 21810 continues former Section 12020(a)(1) without substantive change.

21

22

For circumstances in which this section is inapplicable, see Sections 16590 (“generally prohibited weapon”), 17700-17745 (exemptions relating to generally prohibited weapons).

23

24

See Section 16920 (“metal knuckles”). See also Sections 17800 (distinct and separate offense), 21890 (metal knuckles constituting nuisance).

25

26

§ 21890. Metal knuckles constituting nuisance

27

21890. Except as provided in Chapter 1 (commencing with Section 17700) of Division 2 of Title 2, metal knuckles are a nuisance and are subject to Section 18010.

30

Comment. With respect to metal knuckles, Section 21890 continues the first part of the first sentence of former Section 12029 without substantive change.

31

32

See Section 16920 (“metal knuckles”).

33

DIVISION 7. NUNCHAKU

34

§ 22010. Prohibition on manufacture, import, sale, gift, loan, or possession of nunchaku

35

22010. Except as provided in Section 22015 and Chapter 1 (commencing with Section 17700) of Division 2 of Title 2, any person in this state who manufactures

36

1 or causes to be manufactured, imports into the state, keeps for sale, or offers or
2 exposes for sale, or who gives, lends, or possesses any nunchaku is punishable by
3 imprisonment in a county jail not exceeding one year or in the state prison.

4 **Comment.** With respect to a nunchaku, Section 22010 continues former Section 12020(a)(1)
5 without substantive change.

6 For circumstances in which this section is inapplicable, see Sections 16590 (“generally
7 prohibited weapon”), 17700-17745 (exemptions relating to generally prohibited weapons), 22015
8 (nunchaku for school teaching arts of self-defense).

9 See Section 16940 (“nunchaku”). See also Sections 17800 (distinct and separate offense),
10 22090 (nunchaku constituting nuisance).

11 **§ 22015. Nunchaku for school teaching arts of self-defense**

12 22015. Section 22010 does not apply to either of the following:

13 (a) The possession of a nunchaku on the premises of a school that holds a
14 regulatory or business license and teaches the arts of self-defense.

15 (b) The manufacture of a nunchaku for sale to, or the sale of a nunchaku to, a
16 school that holds a regulatory or business license and teaches the arts of self-
17 defense.

18 **Comment.** Subdivision (a) of Section 22015 continues former Section 12020(b)(3) without
19 substantive change.

20 Subdivision (b) continues former Section 12020(b)(4) without substantive change.

21 For additional circumstances in which Section 16910 is inapplicable, see Sections 16590
22 (“generally prohibited weapon”), 17700-17745 (exemptions relating to generally prohibited
23 weapons).

24 See Section 16940 (“nunchaku”).

25 **§ 22090. Nunchaku constituting nuisance**

26 22090. Except as provided in Section 22015 and in Chapter 1 (commencing with
27 Section 17700) of Division 2 of Title 2, any nunchaku is a nuisance and is subject
28 to Section 18010.

29 **Comment.** With respect to a nunchaku, Section 22090 continues the first part of the first
30 sentence of former Section 12029 without substantive change.

31 See Section 16940 (“nunchaku”).

32 **DIVISION 8. SAPS AND SIMILAR WEAPONS**

33 **§ 22210. Prohibition on manufacture, import, sale, gift, loan, or possession of leaded cane,
34 blackjack, slungshot, billy, sandclub, sap, or sandbag**

35 22210. Except as provided in Section 22215 and Chapter 1 (commencing with
36 Section 17700) of Division 2 of Title 2, any person in this state who manufactures
37 or causes to be manufactured, imports into the state, keeps for sale, or offers or
38 exposes for sale, or who gives, lends, or possesses any leaded cane, or any
39 instrument or weapon of the kind commonly known as a blackjack, slungshot,
40 billy, sandclub, sap, or sandbag, is punishable by imprisonment in a county jail not
41 exceeding one year or in the state prison.

1 **Comment.** With respect to a leaded cane or “any instrument or weapon of the kind commonly
2 known as a blackjack, slungshot, billy, sandclub, sap, or sandbag,” Section 22210 continues
3 former Section 12020(a)(1) without substantive change.

4 For circumstances in which this section is inapplicable, see Sections 16590 (“generally
5 prohibited weapon”), 17700-17745 (exemptions relating to generally prohibited weapons).

6 See Section 16760 (“leaded cane”). See also Sections 17800 (distinct and separate offense),
7 22290 (leaded cane, blackjack, slungshot, billy, sandclub, sap, or sandbag constituting nuisance).

8 **§ 22215. Exemption relating to wooden clubs or batons for special police officers or**
9 **uniformed security guards**

10 22215. Section 22210 does not apply to the manufacture for, sale to, exposing or
11 keeping for sale to, importation of, or lending of wooden clubs or batons to special
12 police officers or uniformed security guards authorized to carry any wooden club
13 or baton pursuant to Section 22295 by entities that are in the business of selling
14 wooden clubs or batons to special police officers and uniformed security guards
15 when engaging in transactions with those persons.

16 **Comment.** Section 22215 continues former Section 12020(b)(14) without substantive change.

17 For additional circumstances in which Section 22210 is inapplicable, see Sections 16590
18 (“generally prohibited weapon”), 17700-17745 (exemptions relating to generally prohibited
19 weapons).

20 **§ 22290. Leaded cane, blackjack, slungshot, billy, sandclub, sap, or sandbag constituting**
21 **nuisance**

22 22290. Except as provided in Section 22210 and in Chapter 1 (commencing with
23 Section 17700) of Division 2 of Title 2, any leaded cane or any instrument or
24 weapon of the kind commonly known as a blackjack, slungshot, billy, sandclub,
25 sap, or sandbag is a nuisance and is subject to Section 18010.

26 **Comment.** With respect to a leaded cane or “any instrument or weapon of the kind commonly
27 known as a blackjack, slungshot, billy, sandclub, sap, or sandbag,” Section 22290 continues the
28 first part of the first sentence of former Section 12029 without substantive change.

29 See Section 16760 (“leaded cane”).

30 **§ 22295. Wooden club or baton for law enforcement purposes**

31 § 22295. (a) Nothing in any provision listed in Section 16580 prohibits any
32 police officer, special police officer, peace officer, or law enforcement officer
33 from carrying any wooden club or baton.

34 (b) Nothing in any provision listed in Section 16580 prohibits a uniformed
35 security guard, regularly employed and compensated by a person engaged in any
36 lawful business, while actually employed and engaged in protecting and
37 preserving property or life within the scope of employment, from carrying any
38 wooden club or baton if the uniformed security guard has satisfactorily completed
39 a course of instruction certified by the Department of Consumer Affairs in the
40 carrying and use of the club or baton. The training institution certified by the
41 Department of Consumer Affairs to present this course, whether public or private,
42 is authorized to charge a fee covering the cost of the training.

1 (c) The Department of Consumer Affairs, in cooperation with the Commission
2 on Peace Officer Standards and Training, shall develop standards for a course in
3 the carrying and use of a club or baton.

4 (d) Any uniformed security guard who successfully completes a course of
5 instruction under this section is entitled to receive a permit to carry and use a club
6 or baton within the scope of employment, issued by the Department of Consumer
7 Affairs. The department may authorize a certified training institution to issue
8 permits to carry and use a club or baton. A fee in the amount provided by law shall
9 be charged by the Department of Consumer Affairs to offset the costs incurred by
10 the department in course certification, quality control activities associated with the
11 course, and issuance of the permit.

12 (e) Any person who has received a permit or certificate that indicates
13 satisfactory completion of a club or baton training course approved by the
14 Commission on Peace Officer Standards and Training prior to January 1, 1983,
15 shall not be required to obtain a club or baton permit or complete a course certified
16 by the Department of Consumer Affairs.

17 (f) Any person employed as a county sheriff's or police security officer, as
18 defined in Section 831.4, shall not be required to obtain a club or baton permit or
19 to complete a course certified by the Department of Consumer Affairs in the
20 carrying and use of a club or baton, provided that the person completes a course
21 approved by the Commission on Peace Officer Standards and Training in the
22 carrying and use of the club or baton, within 90 days of employment.

23 (g) Nothing in any provision listed in Section 16580 prohibits an animal control
24 officer, as described in Section 830.9, or an illegal dumping enforcement officer,
25 as described in Section 830.7, from carrying any wooden club or baton if the
26 animal control officer or illegal dumping enforcement officer has satisfactorily
27 completed a course of instruction certified by the Department of Consumer Affairs
28 in the carrying and use of the club or baton. The training institution certified by the
29 Department of Consumer Affairs to present this course, whether public or private,
30 is authorized to charge a fee covering the cost of the training.

31 **Comment.** With respect to a wooden club or baton, subdivision (a) of Section 22295 continues
32 former Section 12002(a) without substantive change. The remainder of former Section 12002(a)
33 is continued in Section 17515 without substantive change.

34 Subdivisions (b)-(g) continue former Section 12002(b)-(g) without substantive change.

35 **DIVISION 9. SHURIKEN**

36 **§ 22410. Prohibition on manufacture, import, sale, gift, loan, or possession of shuriken**

37 22410. Except as provided in Chapter 1 (commencing with Section 17700) of
38 Division 2 of Title 2, any person in this state who manufactures or causes to be
39 manufactured, imports into the state, keeps for sale, or offers or exposes for sale,
40 or who gives, lends, or possesses any shuriken is punishable by imprisonment in a
41 county jail not exceeding one year or in the state prison.

1 **Comment.** With respect to a shuriken, Section 22410 continues former Section 12020(a)(1)
2 without substantive change.

3 For circumstances in which this section is inapplicable, see Sections 16590 (“generally
4 prohibited weapon”), 17700-17745 (exemptions relating to generally prohibited weapons).

5 See Section 17200 (“shuriken”). See also Sections 17800 (distinct and separate offense), 22490
6 (shuriken constituting nuisance).

7 **§ 22490. Shuriken constituting nuisance**

8 22490. Except as provided in Chapter 1 (commencing with Section 17700) of
9 Division 2 of Title 2, any shuriken is a nuisance and is subject to Section 18010.

10 **Comment.** With respect to a shuriken, Section 22490 continues the first part of the first
11 sentence of former Section 12029 without substantive change.

12 See Section 17200 (“shuriken”).

13 **DIVISION 10. STUN GUN**

14 **§ 22610. Unlawful acts relating to stun gun**

15 22610. Notwithstanding any other provision of law, any person may purchase,
16 possess, or use a stun gun, subject to the following requirements:

17 (a) No person convicted of a felony or any crime involving an assault under the
18 laws of the United States, the State of California, or any other state, government,
19 or country, or convicted of misuse of a stun gun under Section 244.5, shall
20 purchase, possess, or use any stun gun.

21 (b) No person addicted to any narcotic drug shall purchase, possess, or use a
22 stun gun.

23 (c)(1) No person shall sell or furnish any stun gun to a minor unless the minor is
24 at least 16 years of age and has the written consent of the minor’s parent or legal
25 guardian.

26 (2) Violation of this subdivision shall be a public offense punishable by a fifty
27 dollar (\$50) fine for the first offense. Any subsequent violation of this subdivision
28 is a misdemeanor.

29 (d) No minor shall possess any stun gun unless the minor is at least 16 years of
30 age and has the written consent of the minor’s parent or legal guardian.

31 **Comment.** Section 22610 continues former Section 12651 without substantive change.

32 A violation of the predecessor of subdivision (c) (former Section 12651(c)) counts as a prior
33 conviction in determining the appropriate punishment for a violation of that subdivision. See
34 Section 16015 (determining existence of prior conviction).

35 See Section 17230 (“stun gun”). See also Section 22620 (violation punishable as
36 misdemeanor).

37 **§ 22615. Serial number and name of manufacturer**

38 22615. Each stun gun sold shall contain both of the following:

39 (a) The name of the manufacturer stamped on the stun gun.

40 (b) The serial number applied by the manufacturer.

41 **Comment.** Section 22615 continues former Section 12652 without substantive change.

1 See Section 17230 (“stun gun”). See also Section 22620 (violation punishable as
2 misdemeanor).

3 **§ 22620. Violation punishable as misdemeanor**

4 22620. Unless otherwise specified, any violation of this division is a
5 misdemeanor.

6 **Comment.** Section 22620 continues former Section 12653 without substantive change.

7 **§ 22625. Instruction booklet for stun gun**

8 22625. (a) Each stun gun sold in this state shall be accompanied by an
9 instruction booklet.

10 (b) Violation of this section shall be a public offense punishable by a fifty dollar
11 (\$50) fine for each weapon sold without the booklet.

12 **Comment.** Section 22625 continues former Section 12654 without substantive change.
13 See Section 17230 (“stun gun”).

14 **DIVISION 11. TEAR GAS AND TEAR GAS WEAPONS**

15 **CHAPTER 1. GENERAL PROVISIONS**

16 **§ 22810. Lawful and unlawful acts relating to tear gas and tear gas weapons**

17 22810. Notwithstanding any other provision of law, any person may purchase,
18 possess, or use tear gas or any tear gas weapon for the projection or release of tear
19 gas if the tear gas or tear gas weapon is used solely for self-defense purposes,
20 subject to the following requirements:

21 (a) No person convicted of a felony or any crime involving an assault under the
22 laws of the United States, the State of California, or any other state, government,
23 or country, or convicted of misuse of tear gas under subdivision (g), shall
24 purchase, possess, or use tear gas or any tear gas weapon.

25 (b) No person addicted to any narcotic drug shall purchase, possess, or use tear
26 gas or any tear gas weapon.

27 (c) No person shall sell or furnish any tear gas or tear gas weapon to a minor.

28 (d) No minor shall purchase, possess, or use tear gas or any tear gas weapon.

29 (e)(1) No person shall purchase, possess, or use any tear gas weapon that expels
30 a projectile, or that expels the tear gas by any method other than an aerosol spray,
31 or that contains more than 2.5 ounces net weight of aerosol spray.

32 (2) Every tear gas container and tear gas weapon that may be lawfully
33 purchased, possessed, and used pursuant to this section shall have a label that
34 states: “WARNING: The use of this substance or device for any purpose other
35 than self-defense is a crime under the law. The contents are dangerous — use with
36 care.”

37 (3) After January 1, 1984, every tear gas container and tear gas weapon that may
38 be lawfully purchased, possessed, and used pursuant to this section shall have a

1 label that discloses the date on which the useful life of the tear gas weapon
2 expires.

3 (4) Every tear gas container and tear gas weapon that may be lawfully purchased
4 pursuant to this section shall be accompanied at the time of purchase by printed
5 instructions for use.

6 (f) Effective March 1, 1994, every tear gas container and tear gas weapon that
7 may be lawfully purchased, possessed, and used pursuant to this section shall be
8 accompanied by an insert including directions for use, first aid information, safety
9 and storage information, and explanation of the legal ramifications of improper
10 use of the tear gas container or tear gas product.

11 (g)(1) Except as provided in paragraph (2), any person who uses tear gas or any
12 tear gas weapon except in self-defense is guilty of a public offense and is
13 punishable by imprisonment in a state prison for 16 months, or two or three years
14 or in a county jail not to exceed one year or by a fine not to exceed one thousand
15 dollars (\$1,000), or by both the fine and imprisonment.

16 (2) If the use is against a peace officer, as defined in Chapter 4.5 (commencing
17 with Section 830) of Title 3 of Part 2, engaged in the performance of official
18 duties and the person committing the offense knows or reasonably should know
19 that the victim is a peace officer, the offense is punishable by imprisonment in a
20 state prison for 16 months or two or three years or by a fine of one thousand
21 dollars (\$1,000), or by both the fine and imprisonment.

22 **Comment.** Section 22810 continues former Section 12403.7 without substantive change.
23 See Sections 17240 (“tear gas”), 17250 (“tear gas weapon”).

24 **§ 22815. Minor age 16 or older**

25 22815. (a) Notwithstanding subdivision (d) of Section 22810, a minor who has
26 attained the age of 16 years may purchase and possess tear gas or a tear gas
27 weapon pursuant to this division if the minor is accompanied by a parent or
28 guardian, or has the written consent of a parent or guardian.

29 (b) Notwithstanding subdivision (c) of Section 22810, a person may sell or
30 furnish tear gas or a tear gas weapon to a minor who has attained the age of 16
31 years and who is accompanied by a parent or guardian, or who presents a
32 statement of consent signed by the minor’s parent or guardian.

33 (c) Any civil liability of a minor arising out of the minor’s use of tear gas or a
34 tear gas weapon other than for self-defense is imposed upon the person, parent, or
35 guardian who signed the statement of consent specified in subdivision (b). That
36 person, parent, or guardian shall be jointly and severally liable with the minor for
37 any damages proximately resulting from the negligent or wrongful act or omission
38 of the minor in the use of the tear gas or a tear gas weapon.

39 **Comment.** Section 22815 continues former Section 12403.8 without substantive change.

40 An erroneous cross-reference to former Section 12403.7(a)(4) has been replaced with a cross-
41 reference to Section 22810(d), which continues the substance of former Section 12403.7(d). An
42 erroneous cross-reference to former Section 12403.7(a)(3) has been replaced with a cross-
43 reference to Section 22810(c), which continues the substance of former Section 12403.7(c).

1 See Sections 17240 (“tear gas”), 17250 (“tear gas weapon”).

2 **§ 22820. Peace officer trained in use of tear gas**

3 22820. Nothing in this division prohibits any person who is a peace officer, as
4 defined in Chapter 4.5 (commencing with Section 830) of Title 3 of Part 2, from
5 purchasing, possessing, transporting, or using any tear gas or tear gas weapon if
6 the person has satisfactorily completed a course of instruction approved by the
7 Commission on Peace Officer Standards and Training in the use of tear gas.

8 **Comment.** Section 22820 continues former Section 12403 without substantive change.
9 See Sections 17240 (“tear gas”), 17250 (“tear gas weapon”).

10 **§ 22825. Custodial officer of county**

11 22825. A custodial officer of a county may carry a tear gas weapon pursuant to
12 Section 22820 only while on duty. A custodial officer of a county may carry a tear
13 gas weapon while off duty only in accordance with all other laws.

14 **Comment.** Section 22825 continues former Section 12403.9 without substantive change.
15 See Sections 17240 (“tear gas”), 17250 (“tear gas weapon”).

16 **§ 22830. Member of military or federal law enforcement officer**

17 22830. Nothing in this division prohibits any member of the military or naval
18 forces of this state or of the United States or any federal law enforcement officer
19 from purchasing, possessing, or transporting any tear gas or tear gas weapon for
20 official use in the discharge of duties.

21 **Comment.** Section 22830 continues former Section 12403.1 without substantive change.
22 See Sections 17240 (“tear gas”), 17250 (“tear gas weapon”).

23 **§ 22835. Private investigator or private patrol operator or employee**

24 22835. Notwithstanding any other provision of law, a person holding a license
25 as a private investigator pursuant to Chapter 11.3 (commencing with Section
26 7512) of Division 3 of the Business and Professions Code, or private patrol
27 operator pursuant to Chapter 11.5 (commencing with Section 7580) of Division 3
28 of the Business and Professions Code, or a uniformed patrolperson employee of a
29 private patrol operator, may purchase, possess, or transport any tear gas weapon, if
30 it is used solely for defensive purposes in the course of the activity for which the
31 license was issued and if the person has satisfactorily completed a course of
32 instruction approved by the Department of Consumer Affairs in the use of tear gas.

33 **Comment.** Section 22835 continues former Section 12403.5 without substantive change.

34 An erroneous cross-reference to “Chapter 11 (commencing with Section 7500), Division 3 of
35 the Business and Professions Code” has been corrected by replacing it with cross-references to
36 “Chapter 11.3 (commencing with Section 7512) of Division 3 of the Business and Professions
37 Code” and “Chapter 11.5 (commencing with Section 7580) of Division 3 of the Business and
38 Professions Code.”

39 See Sections 17240 (“tear gas”), 17250 (“tear gas weapon”).

1 **§ 22840. Tear gas or tear gas weapons in prison, jail, or similar institution**

2 22840. Nothing in this division authorizes the possession of tear gas or a tear gas
3 weapon in any institution described in Section 4574, or within the grounds
4 belonging or adjacent to any institution described in Section 4574, except where
5 authorized by the person in charge of the institution.

6 **Comment.** Section 22840 continues former Section 12404 without substantive change.
7 See Sections 17240 (“tear gas”), 17250 (“tear gas weapon”).

8 CHAPTER 2. UNLAWFUL POSSESSION, SALE, OR TRANSPORTATION

9 **§ 22900. Unlawful sale, possession, or transportation of tear gas or tear gas weapon**

10 22900. Any person, firm, or corporation who within this state knowingly sells or
11 offers for sale, possesses, or transports any tear gas or tear gas weapon, except as
12 permitted under the provisions of this division, is guilty of a public offense and
13 upon conviction thereof shall be punishable by imprisonment in the county jail for
14 not exceeding one year or by a fine not to exceed two thousand dollars (\$2,000),
15 or by both.

16 **Comment.** Section 22900 continues former Section 12420 without substantive change.
17 See Sections 17240 (“tear gas”), 17250 (“tear gas weapon”).

18 **§ 22905. Affixation of serial number and name of manufacturer**

19 22905. Each tear gas weapon sold, transported or possessed under the authority
20 of this division shall bear the name of the manufacturer and a serial number
21 applied by the manufacturer.

22 **Comment.** Section 22905 continues former Section 12421 without substantive change.
23 See Sections 17240 (“tear gas”), 17250 (“tear gas weapon”).

24 **§ 22910. Obliteration of serial number, name of manufacturer, or other identification mark**

25 22910. (a) Any person who changes, alters, removes or obliterates the name of
26 the manufacturer, the serial number, or any other mark of identification on any
27 tear gas weapon is guilty of a public offense and, upon conviction, shall be
28 punished by imprisonment in the state prison or by a fine of not more than two
29 thousand dollars (\$2,000) or by both.

30 (b) Possession of any such weapon upon which the same shall have been
31 changed, altered, removed, or obliterated, shall be presumptive evidence that such
32 possessor has changed, altered, removed, or obliterated the same.

33 **Comment.** Subdivision (a) of Section 22910 continues the first paragraph of former Section
34 12422 without substantive change.

35 Subdivision (b) continues the second paragraph of former Section 12422 without change.
36 Continuation of this material is not intended to reflect any determination regarding its
37 constitutionality. See Section 16025. For a case discussing the constitutionality of a similar
38 provision, see *In re Christopher K.*, 91 Cal. App. 4th 853, 110 Cal. Rptr. 914 (2001).

39 See Sections 17240 (“tear gas”), 17250 (“tear gas weapon”).

1 CHAPTER 3. PERMITS

2 **§ 23000. Permit issued by Department of Justice**

3 23000. The Department of Justice may issue a permit for the possession and
4 transportation of tear gas or a tear gas weapon that is not intended or certified for
5 personal self-defense purposes, upon proof that good cause exists for issuance of
6 the permit to the applicant. The permit may also allow the applicant to install,
7 maintain, and operate a protective system involving the use of tear gas or a tear
8 gas weapon in any place that is accurately and completely described in the permit
9 application.

10 **Comment.** Section 23000 continues former Section 12423 without substantive change.
11 See Sections 17240 (“tear gas”), 17250 (“tear gas weapon”).

12 **§ 23005. Permit application**

13 23005. (a) An application for a permit shall satisfy all of the following
14 requirements:

15 (1) It shall be filed in writing.

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

18 (3) It shall state the applicant’s name, business in which engaged, business
19 address, and a full description of the place or vehicle in which the tear gas or tear
20 gas weapon is to be transported, kept, installed, or maintained.

21 (b) If the tear gas or tear gas weapon is to be used in connection with, or to
22 constitute, a protective system, the application shall also contain the name of the
23 person who is to install the protective system.

24 (c) Applications and permits shall be uniform throughout the state upon forms
25 prescribed by the Department of Justice.

26 **Comment.** Section 23005 continues the first three paragraphs of former Section 12424 without
27 substantive change.

28 See Sections 17240 (“tear gas”), 17250 (“tear gas weapon”).

29 **§ 23010. Permit fees and renewal process**

30 23010. (a) Each applicant for a permit shall pay, at the time of filing the
31 application, a fee determined by the Department of Justice, not to exceed the
32 application processing costs of the Department of Justice.

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

37 (c) After the department establishes fees sufficient to reimburse the department
38 for processing costs, fees charged shall increase at a rate not to exceed the
39 legislatively approved annual cost-of-living adjustments for the department’s
40 budget.

1 **Comment.** Section 23500 continues former Section 12000 without substantive change.

2 **§ 23505. Severability**

3 23505. If any section, subsection, sentence, clause, or phrase of any provision
4 listed in Section 16580 is for any reason held unconstitutional, that decision does
5 not affect the validity of any other provision listed in Section 16580. The
6 Legislature hereby declares that it would have passed the provisions listed in
7 Section 16580 and each section, subsection, sentence, clause, and phrase of it,
8 irrespective of the fact that any one or more other sections, subsections, sentences,
9 clauses, or phrases be declared unconstitutional.

10 **Comment.** Section 23505 continues former Section 12003 without substantive change.
11 See also Section 12003, to the same effect as this provision.

12 **§ 23510. Distinct and separate offense despite reference to “any firearm”**

13 23510. For purposes of Sections 25400 and 26500, Sections 27500 to 27590,
14 inclusive, Section 28100, Sections 29610 to 29750, inclusive, Sections 29800 to
15 29905, inclusive, and Sections 31610 to 31700, inclusive, of this code, and any
16 provision listed in subdivision (a) of Section 16585 of this code, and Sections
17 8100, 8101, and 8103 of the Welfare and Institutions Code, notwithstanding the
18 fact that the term “any firearm” may be used in those sections, each firearm or the
19 frame or receiver of each firearm constitutes a distinct and separate offense under
20 those sections.

21 **Comment.** Section 23510 continues former Section 12001(k) without substantive change.
22 See Section 16520 (“firearm”).

23 **§ 23515. Violent use of firearm**

24 23515. As used in the provisions listed in Section 16580, an offense that
25 involves the violent use of a firearm includes any of the following:

26 (a) A violation of paragraph (2) or (3) of subdivision (a) of Section 245 or a
27 violation of subdivision (d) of Section 245.

28 (b) A violation of Section 246.

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

30 (d) A violation of subdivision (c) of Section 417.

31 **Comment.** Section 23515 continues former Section 12001.6 without substantive change.
32 See Section 16520 (“firearm”).

33 **§ 23520. Fingerprint requirement**

34 23520. Each application that requires any firearms eligibility determination
35 involving the issuance of any license, permit, or certificate pursuant to this part
36 shall include two copies of the applicant’s fingerprints on forms prescribed by the
37 Department of Justice. One copy of the fingerprints may be submitted to the
38 United States Federal Bureau of Investigation.

39 **Comment.** Section 23520 continues former Section 12001(m) without substantive change.
40 See Section 16520 (“firearm”).

1 (g) Currently, firearms are the only products manufactured in the United States
2 that are not subject to minimum safety standards.

3 (h) A 1997 public opinion poll conducted by the National Opinion Research
4 Center at the University of Chicago in conjunction with the Johns Hopkins Center
5 for Gun Policy and Research found that 74 percent of Americans support safety
6 regulation of the firearms industry.

7 (i) Some currently available trigger locks and other similar devices are
8 inadequate to prevent the accidental discharge of the firearms to which they are
9 attached, or to prevent children from gaining access to the firearm.

10 **Comment.** Section 23625 continues former Section 12087.5 without substantive change.
11 See Sections 16520 (“firearm”), 16640 (“handgun”).

12 **§ 23630. Limitations on application**

13 23630. (a) This division does not apply to the commerce of any antique firearm.

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

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

21 **Comment.** In combination with Section 16170(b) (“antique firearm”), Section 23630 continues
22 former Section 12088.8 without substantive change.

23 See Sections 16520 (“firearm”), 16540 (“firearm safety device”), 16610 (“gun safe”).

24 **§ 23635. Firearm safety device requirement, warning requirement for noncomplying long-**
25 **gun safe, and warning described in Section 23640**

26 23635. (a) Any firearm sold or transferred in this state by a licensed firearms
27 dealer, including a private transfer through a dealer, and any firearm manufactured
28 in this state, shall include or be accompanied by a firearm safety device that is
29 listed on the Department of Justice’s roster of approved firearm safety devices and
30 that is identified as appropriate for that firearm by reference to either the
31 manufacturer and model of the firearm, or to the physical characteristics of the
32 firearm that match those listed on the roster for use with the device.

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

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

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

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

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

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

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

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

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

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

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

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

28 (3) This warning shall be displayed in both English and Spanish, in conspicuous
29 and legible type in contrast by typography, layout, or color with other printed
30 matter on the package or descriptive materials, in a manner consistent with Part
31 1500.121 of Title 16 of the Code of Federal Regulations, or successor regulations
32 thereto.

33 (e) Any firearm sold or transferred in this state by a licensed firearms dealer,
34 including a private transfer through a dealer, and any firearm manufactured in this
35 state, shall be accompanied by warning language or a label as described in Section
36 23640.

37 **Comment.** Subdivision (a) of Section 23635 continues former Section 12088.1(a) without
38 substantive change.

39 Subdivision (b) continues former Section 12088.1(d) without substantive change.

40 Subdivision (c) continues former Section 12088.1(e) without substantive change.

41 Subdivision (d) continues former Section 12088.1(c) without substantive change.

42 Subdivision (e) continues former Section 12088.1(b) without substantive change.

43 See Sections 16520 ("firearm"), 16540 ("firearm safety device"), 16610 ("gun safe"), 16870
44 ("long-gun safe"), 26700 ("dealer," "licensee," or "person licensed pursuant to Sections 26700 to
45 26915, inclusive").

1 **§ 23640. Warning label**

2 23640. (a) The packaging of any firearm and any descriptive materials that
3 accompany any firearm sold or transferred in this state, or delivered for sale in this
4 state, by any licensed manufacturer, or licensed dealer, shall bear a label
5 containing the following warning statement:

6 **WARNING**

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

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

13 A yellow triangle containing an exclamation mark shall appear immediately before
14 the word “Warning” on the label.

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

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

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

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

26 **Comment.** Section 23640 continues former Section 12088.3 without substantive change.
27 See Section 16520 (“firearm”).

28 **§ 23645. Punishment for violation of Section 23635 or 23640**

29 23645. (a) Any violation of Section 23635 or Section 23640 is punishable by a
30 fine of one thousand dollars (\$1,000).

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

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

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

39 **Comment.** Section 23645 continues former Section 12088.6 without substantive change.

1 A violation of the predecessor of Section 23635 (former Section 12088.1) or the predecessor of
2 Section 23640 (former Section 12088.3) counts as a prior violation in determining the appropriate
3 punishment under this section. See Section 16015 (determining existence of prior conviction).

4 See Sections 16520 (“firearm”), 26700 (“dealer,” “licensee,” or “person licensed pursuant to
5 Sections 26700 to 26915, inclusive”).

6 **§ 23650. Minimum safety standard for firearm safety devices and gun safes**

7 23650. (a) The Attorney General shall develop regulations to implement a
8 minimum safety standard for firearm safety devices and gun safes to significantly
9 reduce the risk of firearm-related injuries to children 17 years of age and younger.
10 The final standard shall do all of the following:

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

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

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

20 (4) Include additional provisions as appropriate.

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

29 (c) The Attorney General shall commence development of regulations under this
30 section no later than January 1, 2000. The Attorney General shall adopt and issue
31 regulations implementing a final standard no later than January 1, 2001. The
32 Attorney General shall report to the Legislature on these standards by January 1,
33 2001. The final standard shall be effective January 1, 2002.

34 **Comment.** Section 23650 continues former Section 12088.2 without substantive change.

35 See Sections 16520 (“firearm”), 16540 (“firearm safety device”), 16610 (“gun safe”).

36 **§ 23655. Testing of firearm safety devices**

37 23655. (a) The Department of Justice shall certify laboratories to verify
38 compliance with standards for firearm safety devices set forth in Section 23650.

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

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

7 (d) Commencing on July 1, 2001, the Department of Justice shall compile,
8 publish, and maintain a roster listing all of the firearm safety devices that have
9 been tested by a certified testing laboratory, have been determined to meet the
10 department's standards for firearm safety devices, and may be sold in this state.

11 (e) The roster shall list, for each firearm safety device, the manufacturer, model
12 number, and model name.

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

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

19 **Comment.** Section 23655 continues former Section 12088 without substantive change.

20 See Sections 16520 ("firearm"), 16540 ("firearm safety device"), 26700 ("dealer," "licensee,"
21 or "person licensed pursuant to Sections 26700 to 26915, inclusive").

22 **§ 23660. Sale, distribution, or manufacture of unlisted or noncomplying firearm safety**
23 **device**

24 23660. (a) No person shall keep for commercial sale, offer, or expose for
25 commercial sale, or commercially sell any firearm safety device that is not listed
26 on the roster maintained pursuant to subdivision (d) of Section 23655, or that does
27 not comply with the standards for firearm safety devices adopted pursuant to
28 Section 23650.

29 (b) No person may distribute as part of an organized firearm safety program,
30 with or without consideration, any firearm safety device that is not listed on the
31 roster maintained pursuant to subdivision (d) of Section 23655, or that does not
32 comply with the standards for firearm safety devices adopted pursuant to Section
33 23650.

34 **Comment.** Subdivision (a) of Section 23660 continues former Section 12088.15(a) without
35 substantive change.

36 Subdivision (b) continues former Section 12088.15(b) without substantive change.

37 See Sections 16520 ("firearm"), 16540 ("firearm safety device").

38 **§ 23665. Sale or manufacture of noncomplying long-gun safe**

39 23665. (a) No long-gun safe may be manufactured in this state for sale in this
40 state that does not comply with the standards for gun safes adopted pursuant to
41 Section 23650, unless the long-gun safe is labeled by the manufacturer consistent
42 with the requirements of Section 23635.

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

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

14 **Comment.** Subdivision (a) of Section 23665 continues former Section 12088.15(c) without
15 substantive change.

16 Subdivision (b) continues former Section 12088.15(d) without substantive change.

17 See Sections 16610 (“gun safe”), 16870 (“long-gun safe”).

18 **§ 23670. Punishment for violation of Section 23660 or 23665**

19 23670. (a)(1) A violation of Section 23660 or 23665 is punishable by a civil fine
20 of up to five hundred dollars (\$500).

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

25 (3) A third or subsequent violation that occurs within five years of two or more
26 previous offenses is punishable by a civil fine of up to five thousand dollars
27 (\$5,000) and, if the violation is committed by a licensed firearms dealer, the
28 firearms dealer shall be permanently ineligible to sell firearms in this state.

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

31 **Comment.** Subdivision (a) of Section 23670 continues former Section 12088.15(e) without
32 substantive change.

33 Subdivision (b) continues former Section 12088.15(f) without substantive change.

34 A violation of the predecessor of Section 23660 (former Section 12088.15(a)) or the
35 predecessor of Section 23665 (former Section 12088.15(c)-(d)) counts as a prior violation in
36 determining the appropriate punishment under this section. See Section 16015 (determining
37 existence of prior conviction).

38 See Sections 16520 (“firearm”), 26700 (“dealer,” “licensee,” or “person licensed pursuant to
39 Sections 26700 to 26915, inclusive”).

40 **§ 23675. Effect of compliance**

41 23675. Compliance with the requirements set forth in this division does not
42 relieve any person from liability to any other person as may be imposed pursuant
43 to common law, statutory law, or local ordinance.

1 **Comment.** Section 23675 continues former Section 12088.7 without substantive change.

2 **§ 23680. Recall, replacement, or correction of nonconforming device**

3 23680. (a) If at any time the Attorney General determines that a gun safe or
4 firearm safety device subject to the provisions of this division and sold after
5 January 1, 2002, does not conform with the standards required by subdivision (a)
6 of Section 23635 or Section 23650, the Attorney General may order the recall and
7 replacement of the gun safe or firearm safety device, or order that the gun safe or
8 firearm safety device be brought into conformity with those requirements.

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

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

16 **Comment.** Section 23680 continues former Section 12088.4 without substantive change.

17 See Sections 16520 (“firearm”), 16540 (“firearm safety device”), 16610 (“gun safe”), 26700
18 (“dealer,” “licensee,” or “person licensed pursuant to Sections 26700 to 26915, inclusive”).

19 **§ 23685. Report of incident in which child suffers unintentional or self-inflicted gunshot**
20 **wound**

21 23685. Each lead law enforcement agency investigating an incident shall report
22 to the State Department of Health Services any information obtained that
23 reasonably supports the conclusion that:

24 (a) A child 18 years of age or younger suffered an unintentional or self-inflicted
25 gunshot wound inflicted by a firearm that was sold or transferred in this state, or
26 manufactured in this state.

27 (b) Whether as a result of that incident the child died, suffered serious injury, or
28 was treated for an injury by a medical professional.

29 **Comment.** Section 23685 continues former Section 12088.5 without change.

30 See Section 16520 (“firearm”).

31 **§ 23690. Fee**

32 23690. (a)(1) The Department of Justice may require each dealer to charge each
33 firearm purchaser or transferee a fee not to exceed one dollar (\$1) for each firearm
34 transaction.

35 (2) The fee shall be for the purpose of supporting department program costs
36 related to this act, including the establishment, maintenance, and upgrading of
37 related database systems and public rosters.

38 (b)(1) There is hereby created within the General Fund the Firearm Safety
39 Account.

1 (2) Revenue from the fee imposed by subdivision (a) shall be deposited into the
2 Firearm Safety Account and shall be available for expenditure by the Department
3 of Justice upon appropriation by the Legislature.

4 (3) Expenditures from the Firearm Safety Account shall be limited to program
5 expenditures as defined by subdivision (a).

6 **Comment.** Section 23690 continues former Section 12088.9 without substantive change.

7 See Sections 16520 (“firearm”), 26700 (“dealer,” “licensee,” or “person licensed pursuant to
8 Sections 26700 to 26915, inclusive”).

9 DIVISION 3. DISGUISED OR MISLEADING APPEARANCE

10 CHAPTER 1. MISCELLANEOUS PROVISIONS

11 **§ 23800. Bright orange or bright green firearm**

12 23800. Any person who, for commercial purposes, purchases, sells,
13 manufactures, ships, transports, distributes, or receives a firearm, where the
14 coloration of the entire exterior surface of the firearm is bright orange or bright
15 green, either singly, in combination, or as the predominant color in combination
16 with other colors in any pattern, is liable for a civil fine in an action brought by the
17 city attorney of the city, or the district attorney for the county, of not more than ten
18 thousand dollars (\$10,000).

19 **Comment.** Section 23800 continues former Section 12020.3 without substantive change.

20 See Section 16520 (“firearm”).

21 CHAPTER 2. OBLITERATION OF IDENTIFICATION MARKS

22 **§ 23900. Obliteration of firearm identification marks prohibited**

23 23900. Any person who changes, alters, removes, or obliterates the name of the
24 maker, model, manufacturer’s number, or other mark of identification, including
25 any distinguishing number or mark assigned by the Department of Justice, on any
26 pistol, revolver, or any other firearm, without first having secured written
27 permission from the department to make that change, alteration, or removal shall
28 be punished by imprisonment in the state prison.

29 **Comment.** Section 23900 continues former Section 12090 without substantive change.

30 See Sections 16520 (“firearm”), 16530 (“firearm capable of being concealed upon the person,”
31 “pistol,” and “revolver”).

32 **§ 23910. Assignment of number or mark when firearm lacks one**

33 23910. The Department of Justice upon request may assign a distinguishing
34 number or mark of identification to any firearm whenever the firearm lacks a
35 manufacturer’s number or other mark of identification, or whenever the
36 manufacturer’s number or other mark of identification or a distinguishing number
37 or mark assigned by the department has been destroyed or obliterated.

1 **Comment.** Section 23910 continues former Section 12092 without substantive change.
2 See Section 16520 (“firearm”).

3 **§ 23915. Additional number or identifying indicium**

4 23915. (a) Any person may place or stamp on any pistol, revolver, or other
5 firearm any number or identifying indicium, provided the number or identifying
6 indicium does not change, alter, remove, or obliterate the manufacturer’s name,
7 number, model, or other mark of identification.

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

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

14 **Comment.** Section 23915 continues former Section 12093 without substantive change.
15 See Sections 16520 (“firearm”), 16530 (“firearm capable of being concealed upon the person,”
16 “pistol,” and “revolver”).

17 **§ 23920. Possession, sale, or purchase of firearm with knowledge of obliteration of**
18 **identifying number or mark**

19 23920. Except as provided in Section 23925, any person who, with knowledge
20 of any change, alteration, removal, or obliteration described in this section, buys,
21 receives, disposes of, sells, offers for sale, or has in possession any pistol,
22 revolver, or other firearm that has had the name of the maker or model, or the
23 manufacturer’s number or other mark of identification, including any
24 distinguishing number or mark assigned by the Department of Justice, changed,
25 altered, removed, or obliterated, is guilty of a misdemeanor.

26 **Comment.** Section 23920 continues former Section 12094(a) without substantive change.
27 For circumstances in which this section is inapplicable, see Section 23925 (exemptions).
28 See Sections 16520 (“firearm”), 16530 (“firearm capable of being concealed upon the person,”
29 “pistol,” and “revolver”).

30 **§ 23925. Exemptions**

31 23925. Section 23920 does not apply to any of the following:

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

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

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

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

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

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

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

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

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

12 **Comment.** Section 23925 continues former Section 12094(b) without substantive change.
13 See Section 16520 ("firearm").

14 CHAPTER 3. CAMOUFLAGING FIREARM CONTAINER

15 **§ 24310. Prohibition on manufacture, import, sale, gift, loan, or possession of camouflaging**
16 **firearm container**

17 24310. Except as provided in Chapter 1 (commencing with Section 17700) of
18 Division 2 of Title 2, any person in this state who manufactures or causes to be
19 manufactured, imports into the state, keeps for sale, or offers or exposes for sale,
20 or who gives, lends, or possesses any camouflaging firearm container is
21 punishable by imprisonment in a county jail not exceeding one year or in the state
22 prison.

23 **Comment.** With respect to a camouflaging firearm container, Section 24310 continues former
24 Section 12020(a)(1) without substantive change.

25 For circumstances in which this section is inapplicable, see Sections 16590 ("generally
26 prohibited weapon"), 17700-17745 (exemptions relating to generally prohibited weapons).

27 See Section 16320 ("camouflaging firearm container"). See also Sections 17800 (distinct and
28 separate offense), 24390 (camouflaging firearm container constituting nuisance).

29 **§ 24390. Camouflaging firearm container constituting nuisance**

30 24390. Except as provided in Chapter 1 (commencing with Section 17700) of
31 Division 2 of Title 2, any camouflaging firearm container is a nuisance and is
32 subject to Section 18010.

33 **Comment.** With respect to a camouflaging firearm container, Section 24390 continues the first
34 part of the first sentence of former Section 12029 without substantive change.

35 See Section 16320 ("camouflaging firearm container").

36 CHAPTER 4. CANE GUN

37 **§ 24410. Prohibition on manufacture, import, sale, gift, loan, or possession of cane gun**

38 24410. Except as provided in Chapter 1 (commencing with Section 17700) of
39 Division 2 of Title 2, any person in this state who manufactures or causes to be

1 manufactured, imports into the state, keeps for sale, or offers or exposes for sale,
2 or who gives, lends, or possesses any cane gun is punishable by imprisonment in a
3 county jail not exceeding one year or in the state prison.

4 **Comment.** With respect to a cane gun, Section 24410 continues former Section 12020(a)(1)
5 without substantive change.

6 For circumstances in which this section is inapplicable, see Sections 16590 (“generally
7 prohibited weapon”), 17700-17745 (exemptions relating to generally prohibited weapons).

8 See Section 16330 (“cane gun”). See also Sections 17800 (distinct and separate offense),
9 24490 (cane gun constituting nuisance).

10 **§ 24490. Cane gun constituting nuisance**

11 24490. Except as provided in Chapter 1 (commencing with Section 17700) of
12 Division 2 of Title 2, any cane gun is a nuisance and is subject to Section 18010.

13 **Comment.** With respect to a cane gun, Section 24490 continues the first part of the first
14 sentence of former Section 12029 without substantive change.

15 See Section 16330 (“cane gun”).

16 CHAPTER 5. FIREARM NOT IMMEDIATELY RECOGNIZABLE AS A FIREARM

17 **§ 24510. Prohibition on manufacture, import, sale, gift, loan, or possession of firearm not**
18 **immediately recognizable as firearm**

19 24510. Except as provided in Chapter 1 (commencing with Section 17700) of
20 Division 2 of Title 2, any person in this state who manufactures or causes to be
21 manufactured, imports into the state, keeps for sale, or offers or exposes for sale,
22 or who gives, lends, or possesses any firearm not immediately recognizable as a
23 firearm is punishable by imprisonment in a county jail not exceeding one year or
24 in the state prison.

25 **Comment.** With respect to a firearm that is not immediately recognizable as a firearm, Section
26 24510 continues former Section 12020(a)(1) without substantive change.

27 For circumstances in which this section is inapplicable, see Sections 16590 (“generally
28 prohibited weapon”), 17700-17745 (exemptions relating to generally prohibited weapons).

29 See Section 16520 (“firearm”). See also Sections 17800 (distinct and separate offense), 24590
30 (firearm not immediately recognizable as such constitutes nuisance).

31 **§ 24590. Firearm not immediately recognizable as such constitutes nuisance**

32 24590. Except as provided in Chapter 1 (commencing with Section 17700) of
33 Division 2 of Title 2, any firearm not immediately recognizable as a firearm is a
34 nuisance and is subject to Section 18010.

35 **Comment.** With respect to a firearm that is not immediately recognizable as a firearm, Section
36 24590 continues the first part of the first sentence of former Section 12029 without substantive
37 change.

38 See Section 16520 (“firearm”).

1 CHAPTER 6. UNDETECTABLE FIREARM AND
2 FIREARM DETECTION EQUIPMENT

3 **§ 24610. Prohibition on manufacture, import, sale, gift, loan, or possession of undetectable**
4 **firearm**

5 24610. Except as provided in Chapter 1 (commencing with Section 17700) of
6 Division 2 of Title 2, any person in this state who manufactures or causes to be
7 manufactured, imports into the state, keeps for sale, or offers or exposes for sale,
8 or who gives, lends, or possesses any undetectable firearm is punishable by
9 imprisonment in a county jail not exceeding one year or in the state prison.

10 **Comment.** With respect to an undetectable firearm, Section 24610 continues former Section
11 12020(a)(1) without substantive change.

12 For circumstances in which this section is inapplicable, see Sections 16590 (“generally
13 prohibited weapon”), 17700-17745 (exemptions relating to generally prohibited weapons).

14 See Section 17280 (“undetectable firearm”). See also Sections 17800 (distinct and separate
15 offense), 24690 (undetectable firearm constituting nuisance).

16 **§ 24680. Firearm detection equipment**

17 24680. Any firearm detection equipment newly installed in a nonfederal public
18 building in this state shall be of a type identified by either the United States
19 Attorney General, the Secretary of Transportation, or the Secretary of the
20 Treasury, as appropriate, as available state-of-the-art equipment capable of
21 detecting an undetectable firearm, while distinguishing innocuous metal objects
22 likely to be carried on one’s person sufficient for reasonable passage of the public.

23 **Comment.** Section 24680 continues the second paragraph of former Section 12020(c)(22)(C)
24 without substantive change.

25 See Sections 16520 (“firearm”), 17280 (“undetectable firearm”).

26 **§ 24690. Undetectable firearm constituting nuisance**

27 24690. Except as provided in Chapter 1 (commencing with Section 17700) of
28 Division 2 of Title 2, any undetectable firearm is a nuisance and is subject to
29 Section 18010.

30 **Comment.** With respect to an undetectable firearm, Section 24690 continues the first part of
31 the first sentence of former Section 12029 without substantive change.

32 See Section 17280 (“undetectable firearm”).

33 CHAPTER 7. WALLET GUN

34 **§ 24710. Prohibition on manufacture, import, sale, gift, loan, or possession of wallet gun**

35 24710. Except as provided in Chapter 1 (commencing with Section 17700) of
36 Division 2 of Title 2, any person in this state who manufactures or causes to be
37 manufactured, imports into the state, keeps for sale, or offers or exposes for sale,
38 or who gives, lends, or possesses any wallet gun is punishable by imprisonment in
39 a county jail not exceeding one year or in the state prison.

1 (3) The child obtains access to the firearm and thereby causes injury, other than
2 great bodily injury, to the child or any other person, or carries the firearm either to
3 a public place or in violation of Section 417.

4 **Comment.** Subdivision (a) of Section 25100 continues former Section 12035(b)(1) without
5 substantive change.

6 Subdivision (b) continues former Section 12035(b)(2) without substantive change.

7 For a provision requiring a firearms dealer to post a notice with warnings about firearm
8 storage, see Section 26835.

9 See Sections 16520 (“firearm”), 16600 (“great bodily injury”), 16840 (“loaded” and “loaded
10 firearm”), 25000 (“child”).

11 **§ 25105. Exceptions**

12 25105. Section 25100 does not apply whenever any of the following occurs:

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

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

17 (c) The firearm is carried on the person or within close enough proximity thereto
18 that the individual can readily retrieve and use the firearm as if carried on the
19 person.

20 (d) The firearm is locked with a locking device, as defined in Section 16860,
21 which has rendered the firearm inoperable.

22 (e) The person is a peace officer or a member of the armed forces or the
23 National Guard and the child obtains the firearm during, or incidental to, the
24 performance of the person’s duties.

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

27 (g) The person who keeps a loaded firearm on any premise that is under the
28 person’s custody or control has no reasonable expectation, based on objective facts
29 and circumstances, that a child is likely to be present on the premises.

30 **Comment.** Section 25105 continues former Section 12035(c) without substantive change.

31 See Sections 16520 (“firearm”), 16840 (“loaded” and “loaded firearm”), 16850 (“locked
32 container”), 25000 (“child”).

33 **§ 25110. Punishment**

34 25110. (a) Criminal storage of a firearm in the first degree is punishable by
35 imprisonment in the state prison for 16 months, or two or three years, by a fine not
36 exceeding ten thousand dollars (\$10,000), or by both that imprisonment and fine;
37 or by imprisonment in a county jail not exceeding one year, by a fine not
38 exceeding one thousand dollars (\$1,000), or by both that imprisonment and fine.

39 (b) Criminal storage of a firearm in the second degree is punishable by
40 imprisonment in a county jail not exceeding one year, by a fine not exceeding one
41 thousand dollars (\$1,000), or by both that imprisonment and fine.

42 **Comment.** Section 25110 continues former Section 12035(d) without substantive change.

43 See Section 25100 (criminal storage of firearm).

1 **§ 25115. Prosecution of parent or guardian**

2 25115. If a person who allegedly violated Section 25100 is the parent or
3 guardian of a child who is injured or who dies as the result of an accidental
4 shooting, the district attorney shall consider, among other factors, the impact of
5 the injury or death on the person alleged to have violated Section 25100 when
6 deciding whether to prosecute the alleged violation. It is the Legislature’s intent
7 that a parent or guardian of a child who is injured or who dies as the result of an
8 accidental shooting shall be prosecuted only in those instances in which the parent
9 or guardian behaved in a grossly negligent manner or where similarly egregious
10 circumstances exist. This section shall not otherwise restrict, in any manner, the
11 factors that a district attorney may consider when deciding whether to prosecute an
12 alleged violation of Section 25100.

13 **Comment.** Section 25115 continues former Section 12035(e) without substantive change.
14 See Section 25000 (“child”).

15 **§ 25120. Timing of prosecution of parent or guardian**

16 25120. (a) If a person who allegedly violated Section 25100 is the parent or
17 guardian of a child who was injured or who died as the result of an accidental
18 shooting, no arrest of the person for the alleged violation of Section 25100 shall
19 occur until at least seven days after the date upon which the accidental shooting
20 occurred.

21 (b) In addition to the limitation stated in subdivision (a), before arresting a
22 person for a violation of Section 25100, a law enforcement officer shall consider
23 the health status of a child who suffered great bodily injury as the result of an
24 accidental shooting, if the person to be arrested is the parent or guardian of the
25 injured child. The intent of this section is to encourage law enforcement officials
26 to delay the arrest of a parent or guardian of a seriously injured child while the
27 child remains on life-support equipment or is in a similarly critical medical
28 condition.

29 **Comment.** Section 25120 continues former Section 12035(f) without substantive change.
30 See Sections 16600 (“great bodily injury”), 25000 (“child”).

31 **§ 25125. Impact of attending firearm safety training course**

32 25125. (a) The fact that a person who allegedly violated Section 25100 attended
33 a firearm safety training course prior to the purchase of the firearm that was
34 obtained by a child in violation of Section 25100 shall be considered a mitigating
35 factor by a district attorney when deciding whether to prosecute the alleged
36 violation.

37 (b) In any action or trial commenced under Section 25100, the fact that the
38 person who allegedly violated Section 25100 attended a firearm safety training
39 course prior to the purchase of the firearm that was obtained by a child in violation
40 of Section 25100 is admissible.

41 **Comment.** Section 25125 continues former Section 12035(g) without substantive change.
42 See Sections 16520 (“firearm”), 25000 (“child”).

1 Subdivision (c) continues former Section 12036(d) without substantive change.
2 Subdivision (d) continues former Section 12036(a)(3) without substantive change.
3 For circumstances in which this section does not apply, see Section 25205. For a provision
4 requiring a firearms dealer to post a notice with warnings about firearm storage, see Section
5 26835.
6 See Sections 16520 (“firearm”), 16530 (“firearm capable of being concealed upon the person,”
7 “pistol,” and “revolver”), 25000 (“child”).

8 **§ 25205. Exceptions**

9 25205. Section 25200 does not apply if any of the following are true:
10 (a) The child obtains the firearm as a result of an illegal entry into any premises
11 by any person.
12 (b) The firearm is kept in a locked container or in a location that a reasonable
13 person would believe to be secure.
14 (c) The firearm is locked with a locking device, as defined in Section 16860,
15 which has rendered the firearm inoperable.
16 (d) The firearm is carried on the person within close enough range that the
17 individual can readily retrieve and use the firearm as if carried on the person.
18 (e) The person is a peace officer or a member of the Armed Forces or National
19 Guard and the child obtains the firearm during, or incidental to, the performance
20 of the person’s duties.
21 (f) The child obtains, or obtains and discharges, the firearm in a lawful act of
22 self-defense or defense of another person.
23 (g) The person who keeps a firearm has no reasonable expectation, based on
24 objective facts and circumstances, that a child is likely to be present on the
25 premises.

26 **Comment.** Section 25205 continues former Section 12036(e) without substantive change.
27 See Sections 16520 (“firearm”), 16850 (“locked container”), 25000 (“child”).

28 **§ 25210. Prosecution of parent or guardian**

29 25210. If a person who allegedly violated Section 25200 is the parent or
30 guardian of a child who is injured or who dies as the result of an accidental
31 shooting, the district attorney shall consider, among other factors, the impact of
32 the injury or death on the person alleged to have violated Section 25200 when
33 deciding whether to prosecute the alleged violation. It is the Legislature’s intent
34 that a parent or guardian of a child who is injured or who dies as the result of an
35 accidental shooting shall be prosecuted only in those instances in which the parent
36 or guardian behaved in a grossly negligent manner or where similarly egregious
37 circumstances exist. This section shall not otherwise restrict, in any manner, the
38 factors that a district attorney may consider when deciding whether to prosecute
39 alleged violations of Section 25200.

40 **Comment.** Section 25210 continues former Section 12036(f) without substantive change.
41 See Section 25000 (“child”).

1 **§ 25215. Timing of prosecution of parent or guardian**

2 25215. (a) If a person who allegedly violated Section 25200 is the parent or
3 guardian of a child who was injured or who died as the result of an accidental
4 shooting, no arrest of the person for the alleged violation of Section 25200 shall
5 occur until at least seven days after the date upon which the accidental shooting
6 occurred.

7 (b) In addition to the limitation contained in subdivision (a), before arresting a
8 person for a violation of Section 25200, a law enforcement officer shall consider
9 the health status of a child who suffers great bodily injury as the result of an
10 accidental shooting, if the person to be arrested is the parent or guardian of the
11 injured child. The intent of this section is to encourage law enforcement officials
12 to delay the arrest of a parent or guardian of a seriously injured child while the
13 child remains on life-support equipment or is in a similarly critical medical
14 condition.

15 **Comment.** Section 25215 continues former Section 12036(g) without substantive change.
16 See Sections 16600 (“great bodily injury”), 25000 (“child”).

17 **§ 25220. Impact of attending firearm safety training course**

18 25220. (a) The fact that the person who allegedly violated Section 25200
19 attended a firearm safety training course prior to the purchase of the firearm that is
20 obtained by a child in violation of Section 25200 shall be considered a mitigating
21 factor by a district attorney when deciding whether to prosecute the alleged
22 violation.

23 (b) In any action or trial commenced under Section 25200, the fact that the
24 person who allegedly violated Section 25200 attended a firearm safety training
25 course prior to the purchase of the firearm that was obtained by a child in violation
26 of Section 25200 is admissible.

27 **Comment.** Section 25220 continues former Section 12036(h) without substantive change.
28 See Sections 16520 (“firearm”), 25000 (“child”).

29 **§ 25225. Posting of required notice**

30 25225. Every person licensed under Sections 26700 to 26915, inclusive, shall
31 post within the licensed premises the notice required by Section 26835, disclosing
32 the duty imposed by this chapter upon any person who keeps any firearm.

33 **Comment.** Section 25225 continues former Section 12036(i) without substantive change.
34 See Section 16520 (“firearm”).

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DIVISION 5. CARRYING FIREARMS

CHAPTER 1. MISCELLANEOUS RULES RELATING TO CARRYING FIREARMS

§ 25300. Carrying firearm in public while masked to hide identity

25300. (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 in the state prison or by imprisonment in a county jail not to exceed one 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.

Comment. Section 25300 continues former Section 12040 without substantive change. See Section 16520 (“firearm”).

CHAPTER 2. CARRYING A CONCEALED FIREARM

Article 1. Crime of Carrying a Concealed Firearm

§ 25400. Crime of carrying concealed firearm

25400. (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.

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

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

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

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

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

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

16 (4) If the person is not in lawful possession of the firearm or the person is within
17 a class of persons prohibited from possessing or acquiring a firearm pursuant to
18 Chapter 2 (commencing with Section 29800) or 3 (commencing with Section
19 29900) of Division 9 of this title, or Section 8100 or 8103 of the Welfare and
20 Institutions Code, as a felony.

21 (5) If the person has been convicted of a crime against a person or property, or
22 of a narcotics or dangerous drug violation, by imprisonment in the state prison, or
23 by imprisonment in a county jail not to exceed one year, by a fine not to exceed
24 one thousand dollars (\$1,000), or by both that imprisonment and fine.

25 (6) If both of the following conditions are met, by imprisonment in the state
26 prison, or by imprisonment in a county jail not to exceed one year, by a fine not to
27 exceed one thousand dollars (\$1,000), or by both that fine and imprisonment:

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

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

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

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

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

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

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

20 **Comment.** Subdivision (a) of Section 25400 continues former Section 12025(a) without
21 substantive change.

22 Subdivision (b) continues former Section 12025(f) without substantive change.

23 Subdivision (c) continues former Section 12025(b) without substantive change. Subdivision (d)
24 continues former Section 12025(d) without substantive change. For guidance in applying
25 paragraphs (c)(1) and (d)(2), see Section 16015 (determining existence of prior conviction).

26 Subdivision (e) continues former Section 12025(e) without substantive change.

27 Subdivision (f) continues former Section 12025(c) without substantive change.

28 Former Section 12025(g) is continued in Section 16750 (“lawful possession of the firearm”).

29 Former Section 12025(h) was repealed by its own terms on January 1, 2005, so it is not
30 continued. See 1999 Cal. Stat. ch. 571, § 2.

31 See Sections 16520 (“firearm”), 16530 (“firearm capable of being concealed upon the person,”
32 “pistol,” and “revolver”), 16750 (“lawful possession of the firearm”), 16840 (“loaded” and
33 “loaded firearm”).

34 Article 2. Peace Officer Exemption

35 § 25450. Peace officer exemption

36 25450. As provided in this article, Section 25400 does not apply to, or affect,
37 any of the following:

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

40 (b) Any other duly appointed peace officer.

41 (c) Any honorably retired peace officer listed in subdivision (c) of Section
42 830.5.

43 (d) Any other honorably retired peace officer who during the course and scope
44 of employment as a peace officer was authorized to, and did, carry a firearm.

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

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

5 **Comment.** Section 25450 continues the first sentence of former Section 12027(a)(1)(A)
6 without substantive change.

7 For an exemption relating to honorably retired federal officers and agents, see Section 25650.

8 For guidance on a retired peace officer carrying a loaded firearm, see Sections 25900-25925.
9 For guidance on a retired peace officer carrying a concealed and loaded firearm, see Sections
10 26300-26325.

11 See Sections 16520 (“firearm”), 16690 (“honorably retired”).

12 **§ 25455. Identification certificate for honorably retired peace officer**

13 25455. (a) Any peace officer described in Section 25450 who has been
14 honorably retired shall be issued an identification certificate by the law
15 enforcement agency from which the officer retired.

16 (b) The issuing agency may charge a fee necessary to cover any reasonable
17 expenses incurred by the agency in issuing certificates pursuant to this article.

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

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

26 **Comment.** Subdivision (a) of Section 25455 continues the second sentence of former Section
27 12027(a)(1)(A) without substantive change.

28 Subdivision (b) continues the third sentence of former Section 12027(a)(1)(A) without
29 substantive change.

30 Subdivision (c) continues former Section 12027(a)(1)(B) without substantive change.

31 Subdivision (d) continues the second sentence of former Section 12027(a)(2) without
32 substantive change.

33 For guidance on a retired peace officer carrying a loaded firearm, see Sections 25900-25925.
34 For guidance on a retired peace officer carrying a concealed and loaded firearm, see Sections
35 26300-26325.

36 See Sections 16520 (“firearm”), 16690 (“honorably retired”).

37 **§ 25460. Format of endorsement on identification certificate**

38 25460. (a) Except as provided in subdivision (b), no endorsement or renewal
39 endorsement issued pursuant to Section 25465 shall be effective unless it is in the
40 format set forth in subdivision (c).

41 (b) Any peace officer listed in subdivision (f) of Section 830.2 or in subdivision
42 (c) of Section 830.5, who retired between January 2, 1981, and on or before
43 December 31, 1988, and who is authorized to carry a concealed firearm pursuant
44 to this article, shall not be required to have an endorsement in the format set forth

1 in subdivision (c) until the time of the issuance, on or after January 1, 1989, of a
2 renewal endorsement pursuant to Section 25465.

3 (c) A certificate issued pursuant to Section 25455 for any person who is not
4 listed in Section 830.1 or 830.2, subdivision (a) of Section 830.33, or subdivision
5 (c) of Section 830.5, or for any person retiring after January 1, 1981, shall be in
6 the following format: it shall be on a 2x3 inch card, bear the photograph of the
7 retiree, include the retiree's name, date of birth, the date that the retiree retired,
8 and the name and address of the agency from which the retiree retired, and have
9 stamped on it the endorsement "CCW Approved" and the date the endorsement is
10 to be renewed. A certificate issued pursuant to Section 25455 shall not be valid as
11 identification for the sale, purchase, or transfer of a firearm.

12 **Comment.** Subdivisions (a) and (b) of Section 25460 continue former Section 12027(a)(1)(C)
13 without substantive change.

14 Subdivision (c) continues former Section 12027(a)(1)(D) without substantive change.

15 See Sections 16360 ("CCW"), 16520 ("firearm").

16 **§ 25465. Renewal of privilege to carry concealed firearm**

17 25465. Every five years, a retired peace officer, except an officer listed in
18 Section 830.1 or 830.2, subdivision (a) of Section 830.33, or subdivision (c) of
19 Section 830.5 who retired prior to January 1, 1981, shall petition the issuing
20 agency for renewal of the officer's privilege to carry a concealed firearm.

21 **Comment.** Section 25465 continues the first sentence of former Section 12027(a)(2) without
22 substantive change.

23 See Section 16520 ("firearm").

24 **§ 25470. Denial or revocation of privilege to carry concealed firearm**

25 25470. (a) The agency from which a peace officer is honorably retired may,
26 upon initial retirement of that peace officer, or at any time subsequent thereto,
27 deny or revoke for good cause the retired officer's privilege to carry a concealed
28 firearm.

29 (b) A peace officer who is listed in Section 830.1 or 830.2, subdivision (a) of
30 Section 830.33, or subdivision (c) of Section 830.5 who retired prior to January 1,
31 1981, shall have the privilege to carry a concealed firearm denied or revoked by
32 having the agency from which the officer retired stamp on the officer's
33 identification certificate "No CCW privilege."

34 **Comment.** Subdivision (a) of Section 25470 continues the third sentence of former Section
35 12027(a)(2) without substantive change.

36 Subdivision (b) continues the fourth sentence of former Section 12027(a)(2) without
37 substantive change.

38 See Sections 16360 ("CCW"), 16520 ("firearm"), 16690 ("honorably retired").

39 **§ 25475. Maintaining privilege to carry concealed firearm**

40 25475. (a) An honorably retired peace officer who is listed in subdivision (c) of
41 Section 830.5 and authorized to carry a concealed firearm by this article shall meet

1 the training requirements of Section 832 and shall qualify with the firearm at least
2 annually.

3 (b) The individual retired peace officer shall be responsible for maintaining
4 eligibility to carry a concealed firearm.

5 (c) The Department of Justice shall provide subsequent arrest notification
6 pursuant to Section 11105.2 regarding honorably retired peace officers listed in
7 subdivision (c) of Section 830.5 to the agency from which the officer has retired.

8 **Comment.** Section 25475 continues former Section 12027(a)(3) without substantive change.
9 See Sections 16520 (“firearm”), 16690 (“honorably retired”).

10 Article 3. Conditional Exemptions

11 § 25500. Effect of article

12 25500. This article does not prohibit or limit the otherwise lawful carrying or
13 transportation of any pistol, revolver, or other firearm capable of being concealed
14 upon the person in accordance with the provisions listed in Section 16580.

15 **Comment.** Section 25500 continues former Section 12026.2(c) without substantive change.
16 See Section 16530 (“firearm capable of being concealed upon the person,” “pistol,” and
17 “revolver”).

18 § 25505. Conditions for exemption to apply

19 25505. In order for a firearm to be exempted under this article, while being
20 transported to or from a place, the firearm shall be unloaded and kept in a locked
21 container, and the course of travel shall include only those deviations between
22 authorized locations as are reasonably necessary under the circumstances.

23 **Comment.** Section 25505 continues former Section 12026.2(b) without substantive change.
24 For another provision on transporting a firearm in a locked container, see Section 25610
25 (carrying firearm in locked container).
26 See Sections 16520 (“firearm”), 16850 (“locked container”).

27 § 25510. Motion picture, television, video production, or entertainment event

28 25510. Section 25400 does not apply to, or affect, any of the following:

29 (a) The possession of a firearm by an authorized participant in a motion picture,
30 television, or video production, or an entertainment event, when the participant
31 lawfully uses the firearm as part of that production or event, or while going
32 directly to, or coming directly from, that production or event.

33 (b) The transportation of a firearm by an authorized employee or agent of a
34 supplier of firearms when going directly to, or coming directly from, a motion
35 picture, television, or video production, or an entertainment event, for the purpose
36 of providing that firearm to an authorized participant to lawfully use as a part of
37 that production or event.

38 **Comment.** Subdivision (a) of Section 25510 continues former Section 12026.2(a)(1) without
39 substantive change.

40 Subdivision (b) continues former Section 12026.2(a)(8) without substantive change.

41 For conditions on invoking these exemptions, see Section 25505.

1 See Section 16520 (“firearm”).

2 **§ 25515. Club or organization for lawfully collecting and displaying firearms**

3 25515. Section 25400 does not apply to, or affect, the possession of a firearm in
4 a locked container by a member of any club or organization, organized for the
5 purpose of lawfully collecting and lawfully displaying pistols, revolvers, or other
6 firearms, while the member is at a meeting of the club or organization or while
7 going directly to, and coming directly from, a meeting of the club or organization.

8 **Comment.** Section 25515 continues former Section 12026.2(a)(2) without substantive change.
9 For conditions on invoking this exemption, see Section 25505. For an exemption relating to
10 transportation of a curio or relic brought into the state by licensed collector, see Section 25580.

11 See Sections 16520 (“firearm”), 16530 (“firearm capable of being concealed upon the person,”
12 “pistol,” and “revolver”), 16850 (“locked container”).

13 **§ 25520. Recognized sporting event or safety or hunter safety class**

14 25520. Section 25400 does not apply to, or affect, the transportation of a firearm
15 by a participant when going directly to, or coming directly from, a recognized
16 safety or hunter safety class, or a recognized sporting event involving that firearm.

17 **Comment.** Section 25520 continues former Section 12026.2(a)(3) without substantive change.
18 For conditions on invoking this exemption, see Section 25505. For another exemption relating
19 to hunting, see Section 25640 (licensed hunters or fishermen).

20 See Section 16520 (“firearm”).

21 **§ 25525. Transportation of firearm by owner or person in lawful possession to place of**
22 **residence, place of business, or other private property of that person**

23 25525. (a) Section 25400 does not apply to, or affect, the transportation of a
24 firearm by any citizen of the United States or legal resident over the age of 18
25 years who resides or is temporarily within this state, and who is not within the
26 excepted classes prescribed by Chapter 2 (commencing with Section 29800) or 3
27 (commencing with Section 29900) of Division 9 of this title, or Section 8100 or
28 8103 of the Welfare and Institutions Code, directly between any of the following
29 places:

30 (1) The person’s place of residence.

31 (2) The person’s place of business.

32 (3) Private property owned or lawfully possessed by the person.

33 (b) Section 25400 does not apply to, or affect, the transportation of a firearm by
34 a person listed in subdivision (a) when going directly from the place where that
35 person lawfully received that firearm to that person’s place of residence or place
36 of business or to private property owned or lawfully possessed by that person.

37 **Comment.** Subdivision (a) of Section 25525 continues former Section 12026.2(a)(4) without
38 substantive change.

39 Subdivision (b) continues former Section 12026.2(a)(6) without substantive change.

40 For conditions on invoking these exemptions, see Section 25505. For an exemption relating to
41 carrying or possession of a firearm at one’s place of residence, place of business, or other private
42 property, see Section 25605.

43 See Section 16520 (“firearm”).

1 **§ 25530. Repair, transfer, sale, or loan of firearm**

2 25530. Section 25400 does not apply to, or affect, the transportation of a firearm
3 by a person when going directly to, or coming directly from, a fixed place of
4 business or private residential property for the purpose of the lawful repair or the
5 lawful transfer, sale, or loan of that firearm.

6 **Comment.** Section 25530 continues former Section 12026.2(a)(5) without substantive change.
7 For conditions on invoking this exemption, see Section 25505.
8 See Section 16520 (“firearm”).

9 **§ 25535. Gun show, swap meet, or similar event**

10 25535. Section 25400 does not apply to, or affect, any of the following:

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

14 (b) The transportation of a firearm by a person when going directly to, or
15 coming directly from, a gun show or event, as defined in Section 478.100 of Title
16 27 of the Code of Federal Regulations, for the purpose of lawfully transferring,
17 selling, or loaning that firearm in accordance with Section 27545.

18 **Comment.** Subdivision (a) of Section 25535 continues former Section 12026.2(a)(7) without
19 substantive change.

20 Subdivision (b) continues former Section 12026.2(a)(14) without substantive change.

21 For conditions on invoking these exemptions, see Section 25505.

22 See Section 16520 (“firearm”).

23 **§ 25540. Target range**

24 25540. Section 25400 does not apply to, or affect, the transportation of a firearm
25 by a person when going directly to, or coming directly from, a target range, which
26 holds a regulatory or business license, for the purposes of practicing shooting at
27 targets with that firearm at that target range.

28 **Comment.** Section 25540 continues former Section 12026.2(a)(9) without substantive change.

29 For conditions on invoking this exemption, see Section 25505. For another exemption relating
30 to practicing at a target range, see Section 25635 (member of club or organization for purpose of
31 practicing at established target ranges).

32 See Section 16520 (“firearm”).

33 **§ 25545. Transportation to place designated by person authorized to issue license to carry**
34 **firearm**

35 25545. Section 25400 does not apply to, or affect, the transportation of a firearm
36 by a person when going directly to, or coming directly from, a place designated by
37 a person authorized to issue licenses pursuant to Section 26150, 26155, or 26170,
38 when done at the request of the issuing agency so that the issuing agency can
39 determine whether or not a license should be issued to that person to carry that
40 firearm.

41 **Comment.** Section 25545 continues former Section 12026.2(a)(10) without substantive
42 change.

1 For conditions on invoking this exemption, see Section 25505. For an exemption relating to a
2 person with a license to carry a concealed pistol, revolver, or other firearm capable of being
3 concealed upon the person, see Section 25655.

4 See Section 16520 (“firearm”).

5 **§ 25550. Camping**

6 25550. (a) Section 25400 does not apply to, or affect, the transportation of a
7 firearm by a person when going directly to, or coming directly from, a lawful
8 camping activity for the purpose of having that firearm available for lawful
9 personal protection while at the lawful campsite.

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

14 **Comment.** Section 25550 continues former Section 12026.2(a)(11) without substantive
15 change.

16 For conditions on invoking this exemption, see Section 25505.

17 See Section 16520 (“firearm”).

18 **§ 25555. Person taking title or possession of firearm by operation of law, or person receiving**
19 **firearm by gift, bequest, intestate succession, or other means from immediate family**
20 **member**

21 25555. Section 25400 does not apply to, or affect, the transportation of a firearm
22 by a person in order to comply with Section 27870, 27875, 27915, 27920, or
23 27925, as it pertains to that firearm.

24 **Comment.** Section 25555 continues former Section 12026.2(a)(12) without substantive
25 change.

26 For conditions on invoking this exemption, see Section 25505.

27 See Section 16520 (“firearm”).

28 **§ 25560. Transportation of firearm to utilize Section 28000**

29 25560. Section 25400 does not apply to, or affect, the transportation of a firearm
30 by a person in order to utilize Section 28000 as it pertains to that firearm.

31 **Comment.** Section 25560 continues former Section 12026.2(a)(13) without substantive
32 change.

33 For conditions on invoking this exemption, see Section 25505.

34 See Section 16520 (“firearm”).

35 **§ 25565. Sale, delivery, or transfer of firearm to governmental entity as part of program**
36 **where entity is buying or receiving weapons from private individuals**

37 25565. Section 25400 does not apply to, or affect, the transportation of a firearm
38 by a person in order to sell, deliver, or transfer the firearm as specified in Section
39 27850 or 31725 to an authorized representative of a city, city and county, county,
40 or state or federal government that is acquiring the weapon as part of an
41 authorized, voluntary program in which the entity is buying or receiving weapons
42 from private individuals.

1 **Comment.** Section 25565 continues former Section 12026.2(a)(15) without substantive
2 change.

3 For conditions on invoking this exemption, see Section 25505.

4 See Section 16520 (“firearm”).

5 **§ 25570. Transportation of firearm by finder to law enforcement agency**

6 25570. Section 25400 does not apply to, or affect, any of the following:

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

13 (b) The transportation of a firearm by a person who finds the firearm and is
14 transporting it to a law enforcement agency for disposition according to law, if the
15 person gives prior notice to the law enforcement agency that the person is
16 transporting the firearm to the law enforcement agency for disposition according
17 to law.

18 **Comment.** Subdivision (a) of Section 25570 continues former Section 12026.2(a)(16) without
19 substantive change.

20 Subdivision (b) continues former Section 12026.2(a)(18) without substantive change.

21 For conditions on invoking these exemptions, see Section 25505.

22 See Section 16520 (“firearm”).

23 **§ 25575. Compliance with restrictions relating to importation of handgun by personal**
24 **handgun importer**

25 25575. Section 25400 does not apply to, or affect, the transportation of a firearm
26 by a person in order to comply with Section 27560 as it pertains to that firearm.

27 **Comment.** Section 25575 continues former Section 12026.2(a)(17) without substantive
28 change.

29 For conditions on invoking this exemption, see Section 25505. For an exemption relating to
30 transportation of unloaded handguns by a licensed manufacturer, importer, wholesaler, repairer,
31 or dealer, see Section 25615.

32 See Section 16520 (“firearm”).

33 **§ 25580. Transportation of curio or relic brought into state by licensed collector**

34 25580. Section 25400 does not apply to, or affect, the transportation of a firearm
35 that is a curio or relic, as defined in Section 478.11 of Title 27 of the Code of
36 Federal Regulations, by a person in order to comply with Section 27565 as it
37 pertains to that firearm.

38 **Comment.** Section 25580 continues former Section 12026.2(a)(19) without substantive
39 change.

40 For conditions on invoking this exemption, see Section 25505. For an exemption relating to a
41 club or organization for lawfully collecting and displaying firearms, see Section 25515.

42 See Section 16520 (“firearm”).

1 Section 29800) or 3 (commencing with Section 29900) of Division 9 of this title,
2 or Section 8100 or 8103 of the Welfare and Institutions Code, to purchase, own,
3 possess, keep, or carry, either openly or concealed, a pistol, revolver, or other
4 firearm capable of being concealed upon the person within the citizen's or legal
5 resident's place of residence, place of business, or on private property owned or
6 lawfully possessed by the citizen or legal resident.

7 (c) Nothing in this section shall be construed as affecting the application of
8 Sections 25850 to 26055, inclusive.

9 **Comment.** Section 25605 continues former Section 12026 without substantive change.

10 For an exemption relating to transportation of a firearm by the owner or a person in lawful
11 possession of the firearm to that person's place of residence, place of business, or other private
12 property, see Section 25525.

13 See Section 16530 ("firearm capable of being concealed upon the person," "pistol," and
14 "revolver").

15 **§ 25610. Carrying firearm in locked container**

16 25610. (a) Section 25400 shall not be construed to prohibit any citizen of the
17 United States over the age of 18 years who resides or is temporarily within this
18 state, and who is not prohibited by state or federal law from possessing, receiving,
19 owning, or purchasing a firearm, from transporting or carrying any pistol,
20 revolver, or other firearm capable of being concealed upon the person, provided
21 that the following applies to the firearm:

22 (1) The firearm is within a motor vehicle and it is locked in the vehicle's trunk
23 or in a locked container in the vehicle.

24 (2) The firearm is carried by the person directly to or from any motor vehicle for
25 any lawful purpose and, while carrying the firearm, the firearm is contained within
26 a locked container.

27 (b) The provisions of this section do not prohibit or limit the otherwise lawful
28 carrying or transportation of any pistol, revolver, or other firearm capable of being
29 concealed upon the person in accordance with the provisions listed in Section
30 16580.

31 **Comment.** Subdivision (a) of Section 25610 continues former Section 12026.1(a) without
32 substantive change, except for the last phrase of paragraph (a)(1) ("other than the utility or glove
33 compartment"). That phrase and former Section 12026.1(c) are continued in Section 16850
34 ("locked container").

35 Subdivision (b) continues former Section 12026.1(b) without substantive change.

36 For another provision on transporting a firearm in a locked container, see Section 25505
37 (conditions for Article 3 exemptions to apply).

38 See Sections 16520 ("firearm"), 16530 ("firearm capable of being concealed upon the person,"
39 "pistol," and "revolver"), 16850 ("locked container").

40 **§ 25615. Transportation of unloaded handguns by licensed manufacturer, importer,
41 wholesaler, repairer, or dealer**

42 25615. Section 25400 does not apply to, or affect, the possession or
43 transportation of unloaded pistols, revolvers, or other firearms capable of being
44 concealed upon the person as merchandise by a person who is engaged in the

1 business of manufacturing, importing, wholesaling, repairing, or dealing in
2 firearms and who is licensed to engage in that business, or the authorized
3 representative or authorized agent of that person, while engaged in the lawful
4 course of the business.

5 **Comment.** Section 25615 continues former Section 12027(b) without substantive change.

6 For an exemption relating to compliance with restrictions on importation of handguns by a
7 personal handgun importer, see Section 25575.

8 See Section 16530 (“firearm capable of being concealed upon the person,” “pistol,” and
9 “revolver”).

10 **§ 25620. Member of military on duty or organization authorized by law to purchase or**
11 **receive weapons**

12 25620. Section 25400 does not apply to, or affect, any member of the Army,
13 Navy, Air Force, Coast Guard, or Marine Corps of the United States, or the
14 National Guard, when on duty, or any organization that is by law authorized to
15 purchase or receive those weapons from the United States or this state.

16 **Comment.** Section 25620 continues former Section 12027(c) without substantive change.

17 For an exemption relating to parading by a duly authorized military or civil organization, or
18 traveling to a meeting of such an organization, see Section 25625.

19 **§ 25625. Parading by, or traveling to meeting of, duly authorized military or civil**
20 **organization**

21 25625. Section 25400 does not apply to, or affect, the carrying of unloaded
22 pistols, revolvers, or other firearms capable of being concealed upon the person by
23 duly authorized military or civil organizations while parading, or the members
24 thereof when going to and from the places of meeting of their respective
25 organizations.

26 **Comment.** Section 25625 continues former Section 12027(d) without substantive change.

27 For an exemption relating to a member of the military on duty or an organization authorized by
28 law to purchase or receive weapons, see Section 25620.

29 See Section 16530 (“firearm capable of being concealed upon the person,” “pistol,” and
30 “revolver”).

31 **§ 25630. Guard or messenger of common carrier, bank, or financial institution, when**
32 **involved in shipping, transporting, or delivering money or other thing of value**

33 25630. Section 25400 does not apply to, or affect, any guard or messenger of
34 any common carrier, bank, or other financial institution, while actually employed
35 in and about the shipment, transportation, or delivery of any money, treasure,
36 bullion, bonds, or other thing of value within this state.

37 **Comment.** Section 25630 continues former Section 12027(e) without substantive change.

38 For another exemption relating to common carriers, see Section 25645 (transportation of
39 unloaded firearms by person operating licensed common carrier).

1 **§ 25635. Member of club or organization for purpose of practicing at established target**
2 **ranges**

3 25635. Section 25400 does not apply to, or affect, members of any club or
4 organization organized for the purpose of practicing shooting at targets upon
5 established target ranges, whether public or private, while the members are using
6 pistols, revolvers, or other firearms capable of being concealed upon the person
7 upon the target ranges, or transporting these firearms unloaded when going to and
8 from the ranges.

9 **Comment.** Section 25635 continues former Section 12027(f) without substantive change.

10 For another exemption relating to practicing at a target range, see Section 25540 (target range).

11 See Section 16530 (“firearm capable of being concealed upon the person,” “pistol,” and
12 “revolver”).

13 **§ 25640. Licensed hunters or fishermen**

14 25640. Section 25400 does not apply to, or affect, licensed hunters or fishermen
15 carrying pistols, revolvers, or other firearms capable of being concealed upon the
16 person while engaged in hunting or fishing, or transporting those firearms
17 unloaded when going to or returning from the hunting or fishing expedition.

18 **Comment.** Section 25640 continues former Section 12027(g) without substantive change.

19 For another exemption relating to hunting, see Section 25520 (recognized sporting event or
20 safety or hunter safety class).

21 See Section 16530 (“firearm capable of being concealed upon the person,” “pistol,” and
22 “revolver”).

23 **§ 25645. Transportation of unloaded firearms by person operating licensed common carrier**

24 25645. Section 25400 does not apply to, or affect, the transportation of unloaded
25 firearms by a person operating a licensed common carrier or an authorized agent
26 or employee thereof when the firearms are transported in conformance with
27 applicable federal law.

28 **Comment.** Section 25645 continues former Section 12027(h) without substantive change.

29 For another exemption relating to common carriers, see Section 25630 (guard or messenger of
30 common carrier, bank, or financial institution, when involved in shipping, transporting, or
31 delivering money or other thing of value).

32 See Section 16520 (“firearm”).

33 **§ 25650. Honorably retired federal officer or agent**

34 25650. (a) Upon approval of the sheriff of the county in which the retiree
35 resides, Section 25400 does not apply to, or affect, any honorably retired federal
36 officer or agent of any federal law enforcement agency, including, but not limited
37 to, the Federal Bureau of Investigation, the Secret Service, the United States
38 Customs Service, the Federal Bureau of Alcohol, Tobacco, and Firearms, the
39 Federal Bureau of Narcotics, the Drug Enforcement Administration, the United
40 States Border Patrol, and any officer or agent of the Internal Revenue Service who
41 was authorized to carry weapons while on duty, who was assigned to duty within
42 the state for a period of not less than one year, or who retired from active service
43 in the state.

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

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

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

15 **Comment.** Section 25650 continues former Section 12027(i) without substantive change.

16 For an exemption relating to honorably retired peace officers, see Section 25450 (peace officer
17 exemption).

18 For an honorably retired federal officer or agent carrying a loaded firearm, see Section 26020.

19 See Section 16520 ("firearm").

20 **§ 25655. Person licensed to carry concealed pistol, revolver, or other firearm capable of**
21 **being concealed upon the person**

22 25655. Section 25400 does not apply to, or affect, the carrying of a pistol,
23 revolver, or other firearm capable of being concealed upon the person by a person
24 who is authorized to carry that weapon in a concealed manner pursuant to Chapter
25 4 (commencing with Section 26150).

26 **Comment.** Section 25655 continues former Section 12027(j) without substantive change.

27 For an exemption relating to transportation of a firearm to a place designated by a person who
28 is authorized to issue licenses to carry firearms, see Section 25545.

29 See Section 16530 ("firearm capable of being concealed upon the person," "pistol," and
30 "revolver").

31 Article 5. Concealed Carrying of Firearm as a Nuisance

32 **§ 25700. Unlawful concealed carrying of handgun as nuisance**

33 25700. (a) The unlawful carrying of any handgun in violation of Section 25400
34 is a nuisance and is subject to Sections 18000 and 18005.

35 (b) This section does not apply to any of the following:

36 (1) Any firearm in the possession of the Department of Fish and Game.

37 (2) Any firearm that was used in the violation of any provision of the Fish and
38 Game Code or any regulation adopted pursuant thereto.

39 (3) Any firearm that is forfeited pursuant to Section 5008.6 of the Public
40 Resources Code.

41 **Comment.** With respect to unlawful concealed carrying of a handgun, subdivision (a) of
42 Section 25700 continues former Section 12028(a) without substantive change.

1 With respect to unlawful concealed carrying of a handgun, subdivision (b) continues former
2 Section 12028(e) without substantive change.

3 See Sections 16520 (“firearm”), 16640 (“handgun”).

CHAPTER 3. CARRYING A LOADED FIREARM

Article 1. Armed Criminal Action

§ 25800. Armed criminal action

6 25800. (a) Every person who carries a loaded firearm with the intent to commit
7 a felony is guilty of armed criminal action.

8 (b) Armed criminal action is punishable by imprisonment in a county jail not
9 exceeding one year, or in the state prison.

10 **Comment.** Section 25800 continues former Section 12023 without substantive change.

11 The definition of “loaded” for armed criminal action differs from the definition of “loaded” for
12 the crime of carrying a loaded firearm in public. See Section 16840 (“loaded” and “loaded
13 firearm”).

14 See also Section 16520 (“firearm”).

Article 2. Crime of Carrying a Loaded Firearm in Public

§ 25850. Crime of carrying loaded firearm in public

17 25850. (a) A person is guilty of carrying a loaded firearm when the person
18 carries a loaded firearm on the person or in a vehicle while in any public place or
19 on any public street in an incorporated city or in any public place or on any public
20 street in a prohibited area of unincorporated territory.

21 (b) In order to determine whether or not a firearm is loaded for the purpose of
22 enforcing this section, peace officers are authorized to examine any firearm carried
23 by anyone on the person or in a vehicle while in any public place or on any public
24 street in an incorporated city or prohibited area of an unincorporated territory.
25 Refusal to allow a peace officer to inspect a firearm pursuant to this section
26 constitutes probable cause for arrest for violation of this section.

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

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

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

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

37 (4) Where the person is not in lawful possession of the firearm, or is within a
38 class of persons prohibited from possessing or acquiring a firearm pursuant to

1 Chapter 2 (commencing with Section 29800) or 3 (commencing with Section
2 29900) of Division 9 of this title, or Section 8100 or 8103 of the Welfare and
3 Institutions Code, as a felony.

4 (5) Where the person has been convicted of a crime against a person or property,
5 or of a narcotics or dangerous drug violation, by imprisonment in the state prison,
6 or by imprisonment in a county jail not to exceed one year, by a fine not to exceed
7 one thousand dollars (\$1,000), or by both that imprisonment and fine.

8 (6) Where the person is not listed with the Department of Justice pursuant to
9 Section 11106 as the registered owner of the pistol, revolver, or other firearm
10 capable of being concealed upon the person, by imprisonment in the state prison,
11 or by imprisonment in a county jail not to exceed one year, or by a fine not to
12 exceed one thousand dollars (\$1,000), or both that fine and imprisonment.

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

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

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

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

36 (f) Nothing in this section, or in Article 3 (commencing with Section 25900) or
37 Article 4 (commencing with Section 26000), shall preclude prosecution under
38 Chapter 2 (commencing with Section 29800) or 3 (commencing with Section
39 29900) of Division 9 of this title, Section 8100 or 8103 of the Welfare and
40 Institutions Code, or any other law with a greater penalty than this section.

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

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

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

6 (h) A peace officer may arrest a person for a violation of paragraph (6) of
7 subdivision (c), if the peace officer has probable cause to believe that the person is
8 carrying a loaded pistol, revolver, or other firearm capable of being concealed
9 upon the person in violation of this section and that person is not listed with the
10 Department of Justice pursuant to paragraph (1) of subdivision (c) of Section
11 11106 as the registered owner of that pistol, revolver, or other firearm capable of
12 being concealed upon the person.

13 **Comment.** Subdivision (a) of Section 25850 continues former Section 12031(a)(1) without
14 substantive change.

15 Subdivision (b) continues former Section 12031(e) without substantive change.

16 Subdivision (c) continues former Section 12031(a)(2) without substantive change. Subdivision
17 (d) continues former Section 12031(a)(6) without substantive change. For guidance in applying
18 paragraphs (c)(1) and (d)(1), see Section 16015 (determining existing of prior conviction).

19 Subdivision (e) continues former Section 12031(a)(7) without substantive change.

20 Subdivision (f) continues former Section 12031(a)(4) without substantive change.

21 Subdivision (g) continues former Section 12031(a)(5)(A) without substantive change.

22 Subdivision (h) continues former Section 12031(a)(5)(B) without substantive change.

23 For a provision that required preparation of reports on the race, age, gender, and ethnicity of
24 persons charged with violating the predecessor of this section, see former Section 12031(m)
25 (1999 Cal. Stat. ch. 571, § 3). That provision is not continued, because by its terms it ceased to be
26 operative on January 1, 2005.

27 The definition of "loaded" for the crime of carrying a loaded firearm in public differs from the
28 definition of "loaded" for armed criminal action. See Section 16840 ("loaded" and "loaded
29 firearm").

30 See also Sections 16520 ("firearm"), 16530 ("firearm capable of being concealed upon the
31 person," "pistol," and "revolver"), 16750 ("lawful possession of the firearm"), 17030 ("prohibited
32 area").

33 **Article 3. Peace Office Exemption to the Crime**
34 **of Carrying a Loaded Firearm in Public**

35 **§ 25900. Peace officer exemption**

36 25900. As provided in this article, Section 25850 does not apply to any of the
37 following:

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

40 (b) Any other duly appointed peace officer.

41 (c) Any honorably retired peace officer listed in subdivision (c) of Section
42 830.5.

43 (d) Any other honorably retired peace officer who during the course and scope
44 of employment as a peace officer was authorized to, and did, carry a firearm.

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

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

5 **Comment.** Section 25900 continues the first sentence of the first paragraph of former Section
6 12031(b)(1) without substantive change.

7 For an exemption relating to honorably retired federal officers and agents, see Section 16020.

8 For guidance on a retired peace officer carrying a concealed firearm, see Sections 25450-
9 25475. For guidance on a retired peace officer carrying a concealed and loaded firearm, see
10 Sections 26300-26325.

11 See Sections 16520 (“firearm”), 16690 (“honorably retired”).

12 **§ 25905. Identification certificate for honorably retired peace officer**

13 25905. (a) Any peace officer described in Section 25900 who has been
14 honorably retired shall be issued an identification certificate by the law
15 enforcement agency from which the officer has retired.

16 (b) The issuing agency may charge a fee necessary to cover any reasonable
17 expenses incurred by the agency in issuing certificates pursuant to Sections 25900,
18 25910, 25925, and this section.

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

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

27 **Comment.** Subdivision (a) of Section 25905 continues the second sentence of the first
28 paragraph of former Section 12031(b)(1) without substantive change.

29 Subdivision (b) continues the third sentence of the first paragraph of former Section
30 12031(b)(1) without substantive change.

31 Subdivision (c) continues the second paragraph of former Section 12031(b)(1) without
32 substantive change.

33 Subdivision (d) continues the second sentence of former Section 12031(b)(2) without
34 substantive change.

35 For guidance on a retired peace officer carrying a concealed firearm, see Sections 25450-
36 25475. For guidance on a retired peace officer carrying a concealed and loaded firearm, see
37 Sections 26300-26325.

38 See Sections 16520 (“firearm”), 16690 (“honorably retired”), 16840 (“loaded” and “loaded
39 firearm”).

40 **§ 25910. Format of endorsement on identification certificate**

41 25910. (a) Except as provided in subdivision (b), no endorsement or renewal
42 endorsement issued pursuant to Section 25915 shall be effective unless it is in the
43 format set forth in subdivision (c) of Section 25460.

44 (b) Any peace officer listed in subdivision (f) of Section 830.2 or in subdivision
45 (c) of Section 830.5, who is retired between January 2, 1981, and on or before

1 December 31, 1988, and who is authorized to carry a loaded firearm pursuant to
2 this article, shall not be required to have an endorsement in the format set forth in
3 subdivision (c) of Section 25460 until the time of the issuance, on or after January
4 1, 1989, of a renewal endorsement pursuant to 25915.

5 **Comment.** Section 25910 continues the third paragraph of former Section 12031(b)(1) without
6 substantive change.

7 See Sections 16520 (“firearm”), 16840 (“loaded” and “loaded firearm”).

8 **§ 25915. Renewal of privilege to carry loaded firearm**

9 25915. Every five years, a retired peace officer, except an officer listed in
10 Section 830.1 or 830.2, subdivision (a) of Section 830.33, or subdivision (c) of
11 Section 830.5 who retired prior to January 1, 1981, shall petition the issuing
12 agency for renewal of the privilege to carry a loaded firearm.

13 **Comment.** Section 25915 continues the first sentence of former Section 12031(b)(2) without
14 substantive change.

15 See Sections 16520 (“firearm”), 16840 (“loaded” and “loaded firearm”).

16 **§ 25920. Denial or revocation of privilege to carry loaded firearm**

17 25920. (a) The agency from which a peace officer is honorably retired may,
18 upon initial retirement of the peace officer, or at any time subsequent thereto, deny
19 or revoke for good cause the retired officer’s privilege to carry a loaded firearm.

20 (b) A peace officer who is listed in Section 830.1 or 830.2, subdivision (a) of
21 Section 830.33, or subdivision (c) of Section 830.5 who is retired prior to January
22 1, 1981, shall have the privilege to carry a loaded firearm denied or revoked by
23 having the agency from which the officer retired stamp on the officer’s
24 identification certificate “No CCW privilege.”

25 **Comment.** Subdivision (a) of Section 25920 continues the third sentence of former Section
26 12031(b)(2) without substantive change.

27 Subdivision (b) continues the fourth sentence of former Section 12031(b)(2) without
28 substantive change.

29 See Sections 16360 (“CCW”), 16520 (“firearm”), 16690 (“honorably retired”), 16840
30 (“loaded” and “loaded firearm”).

31 **§ 25925. Maintaining privilege to carry loaded firearm**

32 25925. (a) An honorably retired peace officer who is listed in subdivision (c) of
33 Section 830.5 and authorized to carry a loaded firearm by this article shall meet
34 the training requirements of Section 832 and shall qualify with the firearm at least
35 annually.

36 (b) The individual retired peace officer shall be responsible for eligibility to
37 carry a loaded firearm.

38 (c) The Department of Justice shall provide subsequent arrest notification
39 pursuant to Section 11105.2 regarding honorably retired peace officers listed in
40 subdivision (c) of Section 830.5 to the agency from which the officer has retired.

41 **Comment.** Section 25925 continues former Section 12031(b)(3) without substantive change.

1 See Sections 16520 (“firearm”), 16690 (“honorably retired”), 16840 (“loaded” and “loaded
2 firearm”).

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

5 § 26000. Members of military on duty

6 26000. Section 25850 does not apply to members of the military forces of this
7 state or of the United States engaged in the performance of their duties.

8 **Comment.** Section 26000 continues former Section 12031(b)(4) without substantive change.

9 § 26005. Target range or shooting club

10 26005. Section 25850 does not apply to either of the following:

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

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

14 **Comment.** Section 26005 continues former Section 12031(b)(5) without substantive change.
15 See Section 16520 (“firearm”).

16 § 26010. Person licensed to carry concealed pistol, revolver, or other firearm capable of
17 being concealed upon the person

18 26010. Section 25850 does not apply to the carrying of any pistol, revolver, or
19 other firearm capable of being concealed upon the person by any person who is
20 authorized to carry that weapon pursuant to Chapter 4 (commencing with Section
21 26150) of Division 5.

22 **Comment.** Section 26010 continues former Section 12031(b)(6) without substantive change.

23 See Section 16530 (“firearm capable of being concealed upon the person,” “pistol,” and
24 “revolver.”)

25 § 26015. Armored vehicle guard

26 26015. Section 25850 does not apply to any armored vehicle guard, as defined
27 in Section 7582.1 of the Business and Professions Code, if either of the following
28 conditions is satisfied:

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

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

34 **Comment.** Section 26015 continues former Section 12031(b)(7) without substantive change.
35 An erroneous cross-reference to Business and Professions Code Section 7521 has been corrected.

36 § 26020. Honorably retired federal officer or agent

37 26020. (a) Upon approval of the sheriff of the county in which the retiree
38 resides, Section 25850 does not apply to any honorably retired federal officer or

1 agent of any federal law enforcement agency, including, but not limited to, the
2 Federal Bureau of Investigation, the Secret Service, the United States Customs
3 Service, the Federal Bureau of Alcohol, Tobacco, and Firearms, the Federal
4 Bureau of Narcotics, the Drug Enforcement Administration, the United States
5 Border Patrol, and any officer or agent of the Internal Revenue Service who was
6 authorized to carry weapons while on duty, who was assigned to duty within the
7 state for a period of not less than one year, or who retired from active service in
8 the state.

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

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

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

23 **Comment.** Section 26020 continues former Section 12031(b)(8) without substantive change.

24 For an exemption relating to honorably retired peace officers, see Section 25900 (peace officer
25 exemption).

26 For an honorably retired federal officer or agent carrying a concealed firearm, see Section
27 25650.

28 See Sections 16520 ("firearm"), 16840 ("loaded" and "loaded firearm").

29 **§ 26025. Patrol special police officers, animal control officers, zookeepers, humane officers,**
30 **and harbor police officers**

31 26025. Section 25850 does not apply to any of the following who have
32 completed a regular course in firearms training approved by the Commission on
33 Peace Officer Standards and Training:

34 (a) Patrol special police officers appointed by the police commission of any city,
35 county, or city and county under the express terms of its charter who also, under
36 the express terms of the charter, satisfy all of the following requirements:

37 (1) They are subject to suspension or dismissal after a hearing on charges duly
38 filed with the commission after a fair and impartial trial.

39 (2) They are not less than 18 years of age or more than 40 years of age.

40 (3) They possess physical qualifications prescribed by the commission.

41 (4) They are designated by the police commission as the owners of a certain beat
42 or territory as may be fixed from time to time by the police commission.

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

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

9 (c) Harbor police officers designated pursuant to Section 663.5 of the Harbors
10 and Navigation Code.

11 **Comment.** Section 26025 continues former Section 12031(c) without substantive change.

12 **§ 26030. Guards, messengers, private investigators, private patrol operators, and alarm**
13 **company operators**

14 26030. (a) Section 25850 does not apply to any of the following who have been
15 issued a certificate pursuant to subdivision (d):

16 (1) Guards or messengers of common carriers, banks, and other financial
17 institutions, while actually employed in and about the shipment, transportation, or
18 delivery of any money, treasure, bullion, bonds, or other thing of value within this
19 state.

20 (2) Guards of contract carriers operating armored vehicles pursuant to California
21 Highway Patrol and Public Utilities Commission authority, if they were hired prior
22 to January 1, 1977.

23 (3) Guards of contract carriers operating armored vehicles pursuant to California
24 Highway Patrol and Public Utilities Commission authority, if they were hired on
25 or after January 1, 1977, and they have completed a course in the carrying and use
26 of firearms that meets the standards prescribed by the Department of Consumer
27 Affairs.

28 (4) Private investigators licensed pursuant to Chapter 11.3 (commencing with
29 Section 7512) of Division 3 of the Business and Professions Code, while acting
30 within the course and scope of their employment.

31 (5) Uniformed employees of private investigators licensed pursuant to Chapter
32 11.3 (commencing with Section 7512) of Division 3 of the Business and
33 Professions Code, while acting within the course and scope of their employment.

34 (6) Private patrol operators licensed pursuant to Chapter 11.5 (commencing with
35 Section 7580) of Division 3 of the Business and Professions Code, while acting
36 within the course and scope of their employment.

37 (7) Uniformed employees of private patrol operators licensed pursuant to
38 Chapter 11.5 (commencing with Section 7580) of Division 3 of the Business and
39 Professions Code, while acting within the course and scope of their employment.

40 (8) Alarm company operators licensed pursuant to Chapter 11.6 (commencing
41 with Section 7590) of Division 3 of the Business and Professions Code, while
42 acting within the course and scope of their employment.

1 (9) Uniformed security guards or night watch persons employed by any public
2 agency, while acting within the scope and course of their employment.

3 (10) Uniformed security guards, regularly employed and compensated in that
4 capacity by persons engaged in any lawful business, and uniformed alarm agents
5 employed by an alarm company operator, while actually engaged in protecting and
6 preserving the property of their employers, or on duty or en route to or from their
7 residences or their places of employment, and security guards and alarm agents en
8 route to or from their residences or employer-required range training.

9 (b) Nothing in paragraph (10) of subdivision (a) shall be construed to prohibit
10 cities and counties from enacting ordinances requiring alarm agents to register
11 their names.

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

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

22 **Comment.** The introductory clause of subdivision (a) of Section 26030 continues the first
23 sentence of the introductory paragraph of former Section 12031(d) without substantive change.

24 Subdivision (a)(1) continues former Section 12031(d)(1) without substantive change.

25 Subdivision (a)(2)-(3) continues former Section 12031(d)(2) without substantive change.

26 With respect to licensed private investigators, subdivision (a)(4) continues former Section
27 12031(d)(3) without substantive change. An erroneous cross-reference to "Chapter 11.5
28 (commencing with Section 7512) of Division 3 of the Business and Professions Code" has been
29 corrected.

30 With respect to uniformed employees of licensed private investigators, subdivision (a)(5)
31 continues former Section 12031(d)(6) without substantive change. An erroneous cross-reference
32 to "Chapter 11.5 (commencing with Section 7512) of Division 3 of the Business and Professions
33 Code" has been corrected.

34 With respect to licensed private patrol operators, subdivision (a)(6) continues former Section
35 12031(d)(3) without substantive change. An erroneous cross-reference to "Chapter 11.5
36 (commencing with Section 7512) of Division 3 of the Business and Professions Code" has been
37 corrected.

38 With respect to uniformed employees of licensed private patrol operators, subdivision (a)(7)
39 continues former Section 12031(d)(6) without substantive change. An erroneous cross-reference
40 to "Chapter 11.5 (commencing with Section 7512) of Division 3 of the Business and Professions
41 Code" has been corrected.

42 With respect to licensed alarm company operators, subdivision (a)(8) continues former Section
43 12031(d)(3) without substantive change.

44 Subdivision (a)(9) continues former Section 12031(d)(4) without substantive change.

45 Subdivision (a)(10) continues the first sentence of former Section 12031(d)(5) without
46 substantive change.

47 Subdivision (b) continues the second sentence of former Section 12031(d)(5) without
48 substantive change.

1 Subdivision (c) continues the second sentence of the introductory paragraph of former Section
2 12031(d) without substantive change.

3 Subdivision (d) continues former Section 12033 without substantive change.

4 See Section 16520 (“firearm”).

5 **§ 26035. Loaded firearm at one’s place of business or own private property**

6 26035. Nothing in Section 25850 shall prevent any person engaged in any
7 lawful business, including a nonprofit organization, or any officer, employee, or
8 agent authorized by that person for lawful purposes connected with that business,
9 from having a loaded firearm within the person’s place of business, or any person
10 in lawful possession of private property from having a loaded firearm on that
11 property.

12 **Comment.** Section 26035 continues former Section 12031(h) without substantive change.

13 See Sections 16520 (“firearm”), 16840 (“loaded” and “loaded firearm”).

14 **§ 26040. Hunting**

15 26040. Nothing in Section 25850 shall prevent any person from carrying a
16 loaded firearm in an area within an incorporated city while engaged in hunting,
17 provided that the hunting at that place and time is not prohibited by the city
18 council.

19 **Comment.** Section 26040 continues former Section 12031(i) without substantive change.

20 See Sections 16520 (“firearm”), 16840 (“loaded” and “loaded firearm”).

21 **§ 26045. Reasonable belief of immediate, grave danger to person or property**

22 26045. (a) Nothing in Section 25850 is intended to preclude the carrying of any
23 loaded firearm, under circumstances where it would otherwise be lawful, by a
24 person who reasonably believes that any person or the property of any person is in
25 immediate, grave danger and that the carrying of the weapon is necessary for the
26 preservation of that person or property.

27 (b) A violation of Section 25850 is justifiable when a person who possesses a
28 firearm reasonably believes that person is in grave danger because of
29 circumstances forming the basis of a current restraining order issued by a court
30 against another person who has been found to pose a threat to the life or safety of
31 the person who possesses the firearm. This paragraph may not apply when the
32 circumstances involve a mutual restraining order issued pursuant to Division 10
33 (commencing with Section 6200) of the Family Code absent a factual finding of a
34 specific threat to the person’s life or safety. It is not the intent of the Legislature to
35 limit, restrict, or narrow the application of current statutory or judicial authority to
36 apply this or other justifications to a defendant charged with violating Section
37 25400 or committing another similar offense. Upon trial for violating Section
38 25850, the trier of fact shall determine whether the defendant was acting out of a
39 reasonable belief that the defendant was in grave danger.

1 (c) As used in this section, “immediate” means the brief interval before and after
2 the local law enforcement agency, when reasonably possible, has been notified of
3 the danger and before the arrival of its assistance.

4 **Comment.** Subdivision (a) of Section 26045 continues the first sentence of former Section
5 12031(j)(1) without substantive change.

6 Subdivision (b) continues former Section 12031(j)(2) without substantive change.

7 Subdivision (c) continues the second sentence of former Section 12031(j)(1) without
8 substantive change.

9 See Sections 16520 (“firearm”), 16840 (“loaded” and “loaded firearm”).

10 **§ 26050. Making lawful arrest**

11 26050. Nothing in Section 25850 is intended to preclude the carrying of a loaded
12 firearm by any person while engaged in the act of making or attempting to make a
13 lawful arrest.

14 **Comment.** Section 26050 continues former Section 12031(k) without substantive change.

15 See Sections 16520 (“firearm”), 16840 (“loaded” and “loaded firearm”).

16 **§ 26055. Place of residence, including campsite**

17 26055. Nothing in Section 25850 shall prevent any person from having a loaded
18 weapon, if it is otherwise lawful, at the person’s place of residence, including any
19 temporary residence or campsite.

20 **Comment.** Section 26055 continues former Section 12031(l) without substantive change.

21 See Section 16840 (“loaded” and “loaded firearm”).

22 **§ 26060. Rocket or other emergency or distress signaling device**

23 26060. Nothing in Section 25850 shall prevent any person from storing aboard
24 any vessel or aircraft any loaded or unloaded rocket, rocket propelled projectile
25 launcher, or similar device designed primarily for emergency or distress signaling
26 purposes, or from possessing that type of a device while in a permitted hunting
27 area or traveling to or from a permitted hunting area and carrying a valid
28 California permit or license to hunt.

29 **Comment.** Section 26060 continues former Section 12031.1 without substantive change.

30 **Article 5. Loaded Firearm in Motor Vehicle**

31 **§ 26100. Loaded firearm in motor vehicle**

32 26100. (a) It is a misdemeanor for a driver of any motor vehicle or the owner of
33 any motor vehicle, whether or not the owner of the vehicle is occupying the
34 vehicle, knowingly to permit any other person to carry into or bring into the
35 vehicle a firearm in violation of Section 25850 of this code or Section 2006 of the
36 Fish and Game Code.

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

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

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

8 **Comment.** Section 26100 continues former Section 12034 without substantive change.
9 See Section 16520 (“firearm”).

10 CHAPTER 4. LICENSE TO CARRY PISTOL, REVOLVER, OR OTHER FIREARM
11 CAPABLE OF BEING CONCEALED UPON THE PERSON

12 **§ 26150. Issuance of license by sheriff**

13 26150. (a) When a person applies for a license to carry a pistol, revolver, or
14 other firearm capable of being concealed upon the person, the sheriff of a county
15 may issue a license to that person upon proof of all of the following:

16 (1) The applicant is of good moral character.

17 (2) Good cause exists for issuance of the license.

18 (3) The applicant is a resident of the county or a city within the county, or the
19 applicant’s principal place of employment or business is in the county or a city
20 within the county and the applicant spends a substantial period of time in that
21 place of employment or business.

22 (4) The applicant has completed a course of training as described in Section
23 26165.

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

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

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

32 **Comment.** Section 26150 continues former Section 12050(a)(1)(A) & (D) without substantive
33 change.

34 See Sections 16520 (“firearm”), 16530 (“firearm capable of being concealed upon the person,”
35 “pistol,” and “revolver”), 17020 (“principal place of employment or business”).

36 **§ 26155. Issuance of license by head of municipal police department**

37 26155. (a) When a person applies for a license to carry a pistol, revolver, or
38 other firearm capable of being concealed upon the person, the chief or other head
39 of a municipal police department of any city or city and county may issue a license
40 to that person upon proof of all of the following:

- 1 (1) The applicant is of good moral character.
- 2 (2) Good cause exists for issuance of the license.
- 3 (3) The applicant is a resident of that city.
- 4 (4) The applicant has completed a course of training as described in Section
- 5 26165.

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

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

10 (2) Where the population of the county in which the city is located is less than
11 200,000 persons according to the most recent federal decennial census, a license to
12 carry loaded and exposed in that county a pistol, revolver, or other firearm capable
13 of being concealed upon the person.

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

19 **Comment.** Subdivisions (a) and (b) of Section 26155 continue former Section 12050(a)(1)(B)
20 without substantive change.

21 Subdivision (c) continues former Section 12050(g) without substantive change.

22 See Sections 16520 (“firearm”), 16530 (“firearm capable of being concealed upon the person,”
23 “pistol,” and “revolver”).

24 **§ 26160. Written policy**

25 26160. Each licensing authority shall publish and make available a written
26 policy summarizing the provisions of Section 26150 and subdivisions (a) and (b)
27 of Section 26155.

28 **Comment.** Section 26160 continues former Section 12050.2 without substantive change.

29 **§ 26165. Training course**

30 26165. (a) For new license applicants, the course of training for issuance of a
31 license under Section 26150 or 26155 may be any course acceptable to the
32 licensing authority, shall not exceed 16 hours, and shall include instruction on at
33 least firearm safety and the law regarding the permissible use of a firearm.

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

38 (c) For license renewal applicants, the course of training may be any course
39 acceptable to the licensing authority, shall be no less than four hours, and shall
40 include instruction on at least firearm safety and the law regarding the permissible
41 use of a firearm. No course of training shall be required for any person certified by

1 the licensing authority as a trainer for purposes of this section, in order for that
2 person to renew a license issued pursuant to this article.

3 **Comment.** Section 26165 continues former Section 12050(a)(1)(E) without substantive
4 change.

5 See Section 16520 (“firearm”).

6 **§ 26170. Issuance of license to person deputized or appointed as peace officer**

7 26170. (a) Upon proof of all of the following, the sheriff of a county, or the
8 chief or other head of a municipal police department of any city or city and
9 county, may issue to an applicant a license to carry concealed a pistol, revolver, or
10 other firearm capable of being concealed upon the person:

11 (1) The applicant is of good moral character.

12 (2) Good cause exists for issuance of the license.

13 (3) The applicant has been deputized or appointed as a peace officer pursuant to
14 subdivision (a) or (b) of Section 830.6 by that sheriff or that chief of police or
15 other head of a municipal police department.

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

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

24 **Comment.** Section 26170 continues former Section 12050(a)(1)(C) without substantive
25 change.

26 See Sections 16520 (“firearm”), 16530 (“firearm capable of being concealed upon the person,”
27 “pistol,” and “revolver”).

28 **§ 26175. License application**

29 26175. (a)(1) Applications for licenses, applications for amendments to licenses,
30 amendments to licenses, and licenses under this article shall be uniform
31 throughout the state, upon forms to be prescribed by the Attorney General.

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

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

40 (c) The standard application form for licenses described in subdivision (a) shall
41 require information from the applicant including, but not limited to, the name,
42 occupation, residence and business address of the applicant, the applicant’s age,

1 height, weight, color of eyes and hair, and reason for desiring a license to carry the
2 weapon.

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

5 (e) Applications for amendments to licenses shall be filed in writing and signed
6 by the applicant, and shall state what type of amendment is sought pursuant to
7 Section 26215 and the reason for desiring the amendment.

8 (f) The forms shall contain a provision whereby the applicant attests to the truth
9 of statements contained in the application.

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

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

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

25 **Comment.** Subdivision (a) of Section 26175 continues the first, second, and third sentences of
26 former Section 12051(a)(3)(A) without substantive change.

27 Subdivision (b) continues the fourth sentence of former Section 12051(a)(3)(A) without
28 substantive change.

29 Subdivision (c) continues the first sentence of former Section 12051(a)(1) without substantive
30 change.

31 Subdivision (d) continues the second sentence of former Section 12051(a)(1) without
32 substantive change.

33 Subdivision (e) continues former Section 12051(a)(2) without substantive change.

34 Subdivision (f) continues former Section 12051(a)(3)(B) without substantive change.

35 Subdivision (g) continues former Section 12051(a)(3)(C) without substantive change.

36 Subdivision (h) continues former Section 12051(a)(3)(D) without substantive change.

37 Subdivision (i) continues the third and fourth sentences of former Section 12051(a)(1) without
38 substantive change.

39 **§ 26180. False statement on application form**

40 26180. (a) Any person who files an application required by Section 26175
41 knowing that any statement contained therein is false is guilty of a misdemeanor.

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

44 (1) The denial or revocation of a license, or the denial of an amendment to a
45 license, issued pursuant to this article.

1 (2) A criminal conviction.

2 (3) A finding of not guilty by reason of insanity.

3 (4) The use of a controlled substance.

4 (5) A dishonorable discharge from military service.

5 (6) A commitment to a mental institution.

6 (7) A renunciation of United States citizenship.

7 **Comment.** Subdivision (a) of Section 26180 continues former Section 12051(b) without
8 substantive change.

9 Subdivision (b) continues former Section 12051(c) without substantive change.

10 **§ 26185. Fingerprinting and Department of Justice report**

11 26185. (a)(1) The fingerprints of each applicant shall be taken and two copies on
12 forms prescribed by the Department of Justice shall be forwarded to the
13 department.

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

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

21 (b) Notwithstanding subdivision (a), if the license applicant has previously
22 applied to the same licensing authority for a license to carry firearms pursuant to
23 this article and the applicant's fingerprints and fee have been previously forwarded
24 to the Department of Justice, as provided by this section, the licensing authority
25 shall note the previous identification numbers and other data that would provide
26 positive identification in the files of the Department of Justice on the copy of any
27 subsequent license submitted to the department in conformance with Section
28 26225 and no additional application form or fingerprints shall be required.

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

36 **Comment.** Section 26185 continues former Section 12052 without substantive change.

37 See Section 16520 ("firearm").

38 **§ 26190. Application fees**

39 26190. (a)(1) Each applicant for a new license or for the renewal of a license
40 shall pay at the time of filing the application a fee determined by the Department
41 of Justice. The fee shall not exceed the application processing costs of the

1 Department of Justice for the direct costs of furnishing the report required by
2 Section 26185.

3 (2) After the department establishes fees sufficient to reimburse the department
4 for processing costs, fees charged shall increase at a rate not to exceed the
5 legislatively approved annual cost-of-living adjustments for the department's
6 budget.

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

9 (b)(1) The licensing authority of any city, city and county, or county may charge
10 an additional fee in an amount equal to the actual costs for processing the
11 application for a new license, excluding fingerprint and training costs, but in no
12 case to exceed one hundred dollars (\$100), and shall transmit the additional fee, if
13 any, to the city, city and county, or county treasury.

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

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

20 (d) These local fees may be increased at a rate not to exceed any increase in the
21 California Consumer Price Index as compiled and reported by the California
22 Department of Industrial Relations.

23 (e)(1) In the case of an amended license pursuant to Section 26215, the licensing
24 authority of any city, city and county, or county may charge a fee, not to exceed
25 ten dollars (\$10), for processing the amended license.

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

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

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

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

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

1 **Comment.** Subdivision (a) of Section 26190 continues the first, second, and third sentences of
2 the first paragraph of former Section 12054(a) without substantive change.

3 Subdivision (b) continues the fourth, fifth, and sixth sentences of the first paragraph of former
4 Section 12054(a) without substantive change.

5 Subdivision (c) continues the first sentence of the second paragraph of former Section 12054(a)
6 without substantive change.

7 Subdivision (d) continues the second sentence of the second paragraph of former Section
8 12054(a) without substantive change.

9 Subdivision (e) continues former Section 12054(b) without substantive change.

10 Subdivision (f) continues former Section 12054(c) without substantive change.

11 Subdivision (g) continues former Section 12054(d) without substantive change.

12 **§ 26195. No license for person prohibited from possessing, receiving, owning, or purchasing**
13 **firearm**

14 26195. (a) A license under this article shall not be issued if the Department of
15 Justice determines that the person is prohibited by state or federal law from
16 possessing, receiving, owning, or purchasing a firearm.

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

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

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

30 **Comment.** Subdivision (a) of Section 26195 continues former Section 12050(d) without
31 substantive change.

32 Subdivision (b) continues former Section 12050(e) without substantive change.

33 **§ 26200. Restrictions or conditions on license**

34 26200. (a) A license issued pursuant to this article may include any reasonable
35 restrictions or conditions that the issuing authority deems warranted, including
36 restrictions as to the time, place, manner, and circumstances under which the
37 licensee may carry a pistol, revolver, or other firearm capable of being concealed
38 upon the person.

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

41 **Comment.** Subdivision (a) of Section 26200 continues former Section 12050(b) without
42 substantive change.

43 Subdivision (b) continues former Section 12050(c) without substantive change.

44 See Section 16530 (“firearm capable of being concealed upon the person,” “pistol,” and
45 “revolver”).

1 **§ 26205. Notification of applicant**

2 26205. The licensing authority shall give written notice to the applicant
3 indicating if the license under this article is approved or denied. The licensing
4 authority shall give this notice within 90 days of the initial application for a new
5 license or a license renewal, or 30 days after receipt of the applicant’s criminal
6 background check from the Department of Justice, whichever is later.

7 **Comment.** Section 26205 continues former Section 12052.5 without substantive change.

8 **§ 26210. Change of licensee’s address**

9 26210. (a) When a licensee under this article has a change of address, the license
10 shall be amended to reflect the new address and a new license shall be issued
11 pursuant to subdivision (b) of Section 26215.

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

14 (c) If the license is one to carry concealed a pistol, revolver, or other firearm
15 capable of being concealed upon the person, then it may not be revoked solely
16 because the licensee changes his or her place of residence to another county if the
17 licensee has not breached any conditions or restrictions set forth in the license or
18 has not become prohibited by state or federal law from possessing, receiving,
19 owning, or purchasing a firearm. However, any license issued pursuant to Section
20 26150 or 26155 shall expire 90 days after the licensee moves from the county of
21 issuance if the licensee’s place of residence was the basis for issuance of the
22 license.

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

26 **Comment.** Subdivision (a) of Section 26210 continues former Section 12050(f)(2) without
27 substantive change.

28 Subdivision (b) continues former Section 12050(f)(4)(A) without substantive change.

29 Subdivision (c) continues former Section 12050(f)(4)(B) without substantive change.

30 Subdivision (d) continues former Section 12050(f)(4)(C) without substantive change.

31 See Section 16530 (“firearm capable of being concealed upon the person,” “pistol,” and
32 “revolver”).

33 **§ 26215. Amendment of license**

34 26215. (a) A person issued a license pursuant to this article may apply to the
35 licensing authority for an amendment to the license to do one or more of the
36 following:

37 (1) Add or delete authority to carry a particular pistol, revolver, or other firearm
38 capable of being concealed upon the person.

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

41 (3) If the population of the county is less than 200,000 persons according to the
42 most recent federal decennial census, authorize the licensee to carry loaded and

1 exposed in that county a pistol, revolver, or other firearm capable of being
2 concealed upon the person.

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

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

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

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

13 **Comment.** Subdivision (a) of Section 26215 continues former Section 12050(f)(1) without
14 substantive change.

15 Subdivision (b) continues former Section 12050(f)(3) without substantive change.

16 Subdivision (c) continues former Section 12050(f)(5) without substantive change.

17 Subdivision (d) continues former Section 12050(f)(6) without substantive change.

18 See Section 16530 (“firearm capable of being concealed upon the person,” “pistol,” and
19 “revolver”).

20 **§ 26220. Duration of license**

21 26220. (a) Except as otherwise provided in this section and in subdivision (c) of
22 Section 26210, a license issued pursuant to Section 26150 or 26155 is valid for
23 any period of time not to exceed two years from the date of the license.

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

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

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

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

41 (3) A judge of a federal court.

42 (4) A magistrate of a federal court.

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

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

14 **Comment.** Subdivision (a) of Section 26220 continues former Section 12050(a)(2)(A)(i)
15 without substantive change.

16 Subdivision (b) continues former Section 12050(a)(2)(A)(ii) without substantive change.

17 Subdivision (c) continues former Section 12050(a)(2)(C) without substantive change.

18 Subdivision (d) continues former Section 12050(a)(2)(D) without substantive change.

19 Subdivision (e) continues former Section 12050(a)(2)(B) without substantive change.

20 **§ 26225. Duties of licensing authority and Attorney General**

21 26225. (a) A record of the following shall be maintained in the office of the
22 licensing authority:

- 23 (1) The denial of a license.
- 24 (2) The denial of an amendment to a license.
- 25 (3) The issuance of a license.
- 26 (4) The amendment of a license.
- 27 (5) The revocation of a license.

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

- 30 (1) The denial of a license.
- 31 (2) The denial of an amendment to a license.
- 32 (3) The issuance of a license.
- 33 (4) The amendment of a license.
- 34 (5) The revocation of a license.

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

39 (2) The Attorney General shall collect and record the information submitted
40 pursuant to this subdivision by county and licensing authority.

41 **Comment.** Section 26225 continues former Section 12053 without substantive change.

CHAPTER 5. RETIRED PEACE OFFICER CARRYING
CONCEALED AND LOADED FIREARM

§ 26300. Requirements for retired peace officer to carry concealed and loaded firearm

26300. (a) Any peace officer listed in Section 830.1 or 830.2 or subdivision (c) of Section 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 Section 25470.

(b) Any peace officer employed by an agency and listed in Section 830.1 or 830.2 or subdivision (c) of Section 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) 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 employment 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.

Comment. Subdivision (a) of Section 26300 continues former Section 12027.1(a)(1)(A)(ii) without substantive change.

Subdivision (b) continues former Section 12027.1(a)(1)(A)(i) without substantive change.

Subdivision (c) continues former Section 12027.1(a)(1)(A)(iii) without substantive change.

Section 26300 and the other provisions in this article provide guidance on a retired peace officer carrying a concealed and loaded firearm. For guidance on a retired peace officer carrying a concealed firearm, see Sections 25450-25475. For guidance on a retired peace officer carrying a loaded firearm, see Sections 25900-25925.

See Section 16520 ("firearm").

§ 26305. Grounds for revocation or denial of privilege to carry concealed and loaded firearm

26305. (a) No peace officer who is retired after January 1, 1989, because of a psychological disability shall be issued an endorsement to carry a concealed and loaded firearm pursuant to this article.

(b) A retired peace officer may have the privilege to carry a concealed and loaded firearm revoked or denied by violating any departmental rule, or state or federal law that, if violated by an officer on active duty, would result in that officer's arrest, suspension, or removal from the agency.

(c) An identification certificate authorizing the officer to carry a concealed and loaded firearm or an endorsement may be revoked or denied by the issuing agency only upon a showing of good cause. Good cause shall be determined at a hearing, as specified in Section 26320.

Comment. Subdivision (a) of Section 26305 continues former Section 12027.1(e) without substantive change.

Subdivision (b) continues former Section 12027.1(a)(2) without substantive change.

Subdivision (c) continues former Section 12027.1(a)(1)(B) & (b)(1) without substantive change.

1 See Section 16520 (“firearm”).

2 **§ 26310. Procedure for denial of privilege to carry concealed and loaded firearm**

3 26310. (a) An identification certificate authorizing the officer to carry a
4 concealed and loaded firearm or an endorsement may be denied prior to a hearing.

5 (b) If a hearing is not conducted prior to the denial of an endorsement, a retired
6 peace officer, within 15 days of the denial, shall have the right to request a
7 hearing. A retired peace officer who fails to request a hearing pursuant to this
8 section shall forfeit the right to a hearing.

9 **Comment.** Section 26310 continues former Section 12027.1(b)(3) without substantive change.
10 See Section 16520 (“firearm”).

11 **§ 26315. Procedure for revocation of privilege to carry concealed and loaded firearm**

12 26315. (a) An identification certificate authorizing the officer to carry a
13 concealed and loaded firearm or an endorsement may be revoked only after a
14 hearing, as specified in Section 26320.

15 (b) Any retired peace officer whose identification certificate authorizing the
16 officer to carry a concealed and loaded firearm or an endorsement is to be revoked
17 shall receive notice of the hearing. Notice of the hearing shall be served either
18 personally on the retiree or sent by first-class mail, postage prepaid, return receipt
19 requested to the retiree’s last known place of residence.

20 (c) Upon the date the agency receives the signed registered receipt or upon the
21 date the notice is served personally on the retiree, the retiree shall have 15 days to
22 respond to the notification. A retired peace officer who fails to respond to the
23 notice of the hearing shall forfeit the right to respond.

24 **Comment.** Section 26315 continues former Section 12027.1(b)(2) without substantive change.
25 See Section 16520 (“firearm”).

26 **§ 26320. Hearing**

27 26320. (a) Any hearing conducted under this article shall be held before a three-
28 member hearing board. One member of the board shall be selected by the agency
29 and one member shall be selected by the retired peace officer or his or her
30 employee organization. The third member shall be selected jointly by the agency
31 and the retired peace officer or his or her employee organization.

32 (b) Any decision by the board shall be binding on the agency and the retired
33 peace officer.

34 **Comment.** Section 26320 continues former Section 12027.1(d) without substantive change.

35 **§ 26325. Procedure when privilege to carry concealed and loaded firearm is revoked**

36 26325. (a) A retired peace officer, when notified of the revocation of the
37 privilege to carry a concealed and loaded firearm, after the hearing, or upon
38 forfeiting the right to a hearing, shall immediately surrender to the issuing agency
39 the officer’s identification certificate.

1 (b) The issuing agency shall reissue a new identification certificate without an
2 endorsement.

3 (c) Notwithstanding subdivision (b), if the peace officer retired prior to January
4 1, 1981, and was at the time of retirement a peace officer listed in Section 830.1 or
5 830.2 or subdivision (c) of Section 830.5, the issuing agency shall stamp on the
6 identification certificate “No CCW privilege.”

7 **Comment.** Section 26325 continues former Section 12027.1(c) without substantive change.
8 See Sections 16360 (“CCW”), 16520 (“firearm”).

9 DIVISION 6. SALE, LEASE, OR TRANSFER OF FIREARMS

10 CHAPTER 1. LICENSE REQUIREMENT FOR SALE, LEASE,
11 OR TRANSFER OF FIREARMS

12 Article 1. License Requirement and Miscellaneous Exceptions

13 § 26500. License requirement

14 26500. (a) No person shall sell, lease, or transfer firearms unless the person has
15 been issued a license pursuant to Article 1 (commencing with Section 26700) and
16 Article 2 (commencing with Section 26800) of Chapter 2.

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

18 **Comment.** Section 26500 continues former Section 12070(a) without substantive change.
19 See Section 16520 (“firearm”).

20 § 26505. Exception when person liquidates personal firearm collection or acts pursuant to
21 operation of law, court order, or Enforcement of Judgments Law

22 26505. Section 26500 does not include the sale, lease, or transfer of any firearm
23 by any of the following:

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

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

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

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

30 **Comment.** Section 26505 continues former Section 12070(b)(1) without substantive change.
31 See Sections 16520 (“firearm”), 16960 (“operation of law”).

32 § 26510. Exception for person acting pursuant to nuisance law

33 26510. Section 26500 does not include a person acting pursuant to subdivision
34 (f) of Section 186.22a or Section 18000 or 18005.

35 **Comment.** Section 26510 continues former Section 12070(b)(2) without substantive change.
36 An erroneous cross-reference to Section 186.22a(e) has been corrected by replacing it with a
37 cross-reference to Section 186.22a(f).

1 **§ 26515. Exception for person who obtains title to firearm as surviving spouse or by**
2 **intestate succession or bequest**

3 26515. Section 26500 does not include the sale, lease, or transfer of a firearm if
4 both of the following conditions are satisfied:

5 (a) The sale, lease, or transfer is made by a person who obtains title to the
6 firearm by intestate succession or bequest, or as a surviving spouse pursuant to
7 Chapter 1 (commencing with Section 13500) of Part 2 of Division 8 of the Probate
8 Code.

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

10 **Comment.** Section 26515 continues former Section 12070(b)(3) without substantive change.
11 See Section 16520 (“firearm”).

12 **§ 26520. Exception for infrequent sale, lease, or transfer of firearms**

13 26520. (a) Section 26500 does not include the infrequent sale, lease, or transfer
14 of firearms.

15 (b) As used in this section, “infrequent” has the meaning provided in Section
16 16730.

17 **Comment.** Section 26520 continues former Section 12070(b)(4) without substantive change.
18 See Section 16520 (“firearm”).

19 **§ 26525. Exception for sale, lease, or transfer of certain used firearms at gun shows, with**
20 **program to be administered by Department of Justice**

21 26525. (a) Section 26500 does not include the sale, lease, or transfer of used
22 firearms, other than pistols, revolvers, or other firearms capable of being
23 concealed upon the person, at gun shows or events, as specified in Article 1
24 (commencing with Section 26700) and Article 2 (commencing with Section
25 26800) of Chapter 2, by a person other than a licensee or dealer, provided the
26 person has a valid federal firearms license and a current certificate of eligibility
27 issued by the Department of Justice, as specified in Section 26710, and provided
28 all the sales, leases, or transfers fully comply with Section 27545. However, the
29 person shall not engage in the sale, lease, or transfer of used firearms other than
30 pistols, revolvers, or other firearms capable of being concealed upon the person at
31 more than 12 gun shows or events in any calendar year and shall not sell, lease, or
32 transfer more than 15 used firearms other than pistols, revolvers, or other firearms
33 capable of being concealed upon the person at any single gun show or event. In no
34 event shall the person sell more than 75 used firearms other than pistols, revolvers,
35 or other firearms capable of being concealed upon the person in any calendar year.

36 (b) The Department of Justice shall adopt regulations to administer this program
37 and shall recover the full costs of administration from fees assessed applicants.

38 **Comment.** Subdivision (a) of Section 26525 continues the first paragraph of former Section
39 12070(b)(5) without substantive change. A person who meets the description in subdivision (a) is
40 known as a Gun Show Trader. See Section 16620 (“Gun Show Trader”).

41 Subdivision (b) continues the third paragraph of former Section 12070(b)(5) without
42 substantive change.

1 See Sections 16520 (“firearm”), 16530 (“firearm capable of being concealed upon the person,”
2 “pistol,” and “revolver”), 17310 (“used firearm”), 26700 (“dealer,” “licensee,” or “person
3 licensed pursuant to Sections 26700 to 26915, inclusive”).

4 **§ 26530. Exception for sales, deliveries, or transfers of firearms between or to licensed**
5 **importers and manufacturers**

6 26530. Section 26500 does not include sales, deliveries, or transfers of firearms
7 between or to importers and manufacturers of firearms licensed to engage in that
8 business pursuant to Chapter 44 (commencing with Section 921) of Title 18 of the
9 United States Code and the regulations issued pursuant thereto.

10 **Comment.** Section 26530 continues former Section 12070(b)(6) without substantive change.
11 See Section 16520 (“firearm”).

12 **§ 26535. Exception for sale, delivery, or transfer by licensed importer or manufacturer to**
13 **dealer or wholesaler**

14 26535. Section 26500 does not include any sale, delivery, or transfer of firearms
15 that satisfies both of the following conditions:

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

19 (b) It is made to a dealer or wholesaler.

20 **Comment.** Section 26535 continues former Section 12070(b)(7) without substantive change.
21 See Sections 16520 (“firearm”), 17340 (“wholesaler”), 26700 (“dealer,” “licensee,” or “person
22 licensed pursuant to Sections 26700 to 26915, inclusive”).

23 **§ 26540. Exception for deliveries and transfers made pursuant to specified laws relating to**
24 **weapons surrendered to, seized by, or in custody of law enforcement**

25 26540. Section 26500 does not include deliveries and transfers of firearms made
26 pursuant to Sections 18000 and 18005, pursuant to Division 4 (commencing with
27 Section 18250) of Title 2, or pursuant to Chapter 11 (commencing with Section
28 34000) of Division 11 of this title.

29 **Comment.** Section 26540 continues former Section 12070(b)(8) without substantive change.
30 See Section 16520 (“firearm”).

31 **§ 26545. Exception for loan made for purpose of target shooting**

32 26545. Section 26500 does not include the loan of a firearm for the purposes of
33 shooting at targets, if either of the following conditions is satisfied:

34 (a) The loan occurs on the premises of a target facility that holds a business or
35 regulatory license, or on the premises of any club or organization organized for the
36 purposes of practicing shooting at targets upon established ranges, whether public
37 or private.

38 (b) The firearm is at all times kept within the premises of the target range, or on
39 the premises of the club or organization.

40 **Comment.** Section 26545 continues former Section 12070(b)(9) without substantive change.
41 See Section 16520 (“firearm”).

1 **§ 26550. Exception for sale, delivery, or transfer by licensed manufacturer, importer, or**
2 **wholesaler to licensed person residing outside California**

3 26550. Section 26500 does not include any sale, delivery, or transfer of firearms
4 that satisfies all of the following requirements:

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

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

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

13 **Comment.** Section 26550 continues former Section 12070(b)(10) without substantive change.
14 See Sections 16520 (“firearm”), 17340 (“wholesaler”).

15 **§ 26555. Exception for sale, delivery, or transfer by licensed person residing outside**
16 **California to manufacturer, importer, or wholesaler**

17 26555. Section 26500 does not include any sale, delivery, or transfer of firearms
18 that satisfies all of the following requirements:

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

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

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

25 **Comment.** Section 26555 continues former Section 12070(b)(11) without substantive change.
26 See Sections 16520 (“firearm”), 17340 (“wholesaler”).

27 **§ 26560. Exception for sale, delivery, or transfer by wholesaler to dealer**

28 26560. Section 26500 does not include any sale, delivery, or transfer of firearms
29 by a wholesaler to a dealer.

30 **Comment.** Section 26560 continues former Section 12070(b)(12) without substantive change.

31 See Sections 16520 (“firearm”), 17340 (“wholesaler”), 26700 (“dealer,” “licensee,” or “person
32 licensed pursuant to Sections 26700 to 26915, inclusive”).

33 **§ 26565. Exception for sale, delivery, or transfer by nonresident to licensed dealer**

34 26565. Section 26500 does not include any sale, delivery, or transfer of firearms
35 that satisfies all of the following conditions:

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

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

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

41 **Comment.** Section 26565 continues former Section 12070(b)(13) without substantive change.

1 See Sections 16520 (“firearm”), 26700 (“dealer,” “licensee,” or “person licensed pursuant to
2 Sections 26700 to 26915, inclusive”).

3 **§ 26570. Exception for sale, delivery, or transfer by licensed nonresident to dealer**

4 26570. Section 26500 does not include any sale, delivery, or transfer of firearms
5 that satisfies all of the following conditions:

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

9 (b) It is made to a dealer.

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

12 **Comment.** Section 26570 continues former Section 12070(b)(14) without substantive change.

13 See Sections 16520 (“firearm”), 26700 (“dealer,” “licensee,” or “person licensed pursuant to
14 Sections 26700 to 26915, inclusive”).

15 **§ 26575. Exception for sale, delivery, or transfer of unloaded firearm between wholesalers**

16 26575. Section 26500 does not include the sale, delivery, or transfer of an
17 unloaded firearm by one wholesaler to another wholesaler if that firearm is
18 intended as merchandise in the receiving wholesaler’s business.

19 **Comment.** Section 26575 continues former Section 12070(b)(15) without substantive change.

20 See Sections 16520 (“firearm”), 17340 (“wholesaler”).

21 **§ 26580. Exception for firearm used solely as prop**

22 26580. Section 26500 does not include the loan of an unloaded firearm or the
23 loan of a firearm loaded with blank cartridges for use solely as a prop for a motion
24 picture, television, or video production or entertainment or theatrical event.

25 **Comment.** Section 26580 continues former Section 12070(b)(16) without substantive change.

26 See Section 16520 (“firearm”).

27 **§ 26585. Exception for delivery of unloaded curio or relic by licensed collector to dealer**

28 26585. Section 26500 does not include the delivery of an unloaded firearm that
29 is a curio or relic, as defined in Section 478.11 of Title 27 of the Code of Federal
30 Regulations, if the delivery satisfies all of the following conditions:

31 (a) It is made by a person licensed as a collector pursuant to Chapter 44
32 (commencing with Section 921) of Title 18 of the United States Code and the
33 regulations issued pursuant thereto.

34 (b) It is made by a person with a current certificate of eligibility issued pursuant
35 to Section 26710.

36 (c) It is made to a dealer.

37 **Comment.** Section 26585 continues former Section 12070(b)(17) without substantive change.

38 See Section 16520 (“firearm”).

1 **§ 26590. Exception for delivery, transfer, or return of firearm made by court or law**
2 **enforcement agency pursuant to Chapter 2 of Division 11**

3 26590. Section 26500 does not apply to deliveries, transfers, or returns of
4 firearms made by a court or a law enforcement agency pursuant to Chapter 2
5 (commencing with Section 33850) of Division 11.

6 **Comment.** Section 26590 continues former Section 12021.3(i)(3) without substantive change.
7 See Section 16520 (“firearm”).

8 **Staff Note.** The Commission’s outline for new Part 6 of the Penal Code tentatively placed the
9 entirety of existing Section 12021.3, including the exception stated in paragraph (i)(3), in
10 “Division 11. Firearm in Custody of Court or Law Enforcement Agency or Similar Situation.” As
11 discussed at page 11 of the attachment to Memorandum 2009-8, the staff recommends that the
12 exception stated in paragraph (i)(3) be moved out of Division 11 and consolidated with the other
13 exceptions to Section 26500. Under that approach, the exception would become proposed Section
14 26590, as shown above.

15 **Article 2. Exceptions Relating to Law Enforcement**

16 **§ 26600. Exception for sale, delivery, or transfer to authorized law enforcement**
17 **representative of city, county, city and county, or state or federal government**

18 26600. (a) Section 26500 does not apply to any sale, delivery, or transfer of
19 firearms made to an authorized law enforcement representative of any city,
20 county, city and county, or state, or of the federal government, for exclusive use
21 by that governmental agency if, prior to the sale, delivery, or transfer of these
22 firearms, written authorization from the head of the agency authorizing the
23 transaction is presented to the person from whom the purchase, delivery, or
24 transfer is being made.

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

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

36 **Comment.** Section 26600 continues former Section 12078(a)(2) without substantive change, as
37 that provision applied to former Section 12070 (through its reference to “the preceding provisions
38 of this article”).

39 See Sections 16520 (“firearm”), 16640 (“handgun”).

1 **§ 26605. Exception for loan of firearm to peace officer employee for use in performing**
2 **official duties**

3 26605. Section 26500 does not apply to the loan of a firearm if all of the
4 following conditions are satisfied:

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

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

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

11 **Comment.** Section 26605 continues former Section 12078(a)(3) without substantive change, as
12 that provision applied to former Section 12070 (through its reference to "the preceding provisions
13 of this article").

14 See Section 16520 ("firearm").

15 **§ 26610. Exception for sale, delivery, or transfer by law enforcement agency to peace officer**
16 **pursuant to Public Contract Code**

17 26610. (a) Section 26500 does not apply to the sale, delivery, or transfer of a
18 firearm by a law enforcement agency to a peace officer pursuant to Section 10334
19 of the Public Contract Code.

20 (b) Within 10 days of the date that a handgun is sold, delivered, or transferred
21 pursuant to Section 10334 of the Public Contract Code to that peace officer, the
22 name of the officer and the make, model, serial number, and other identifying
23 characteristics of the firearm being sold, delivered, or transferred shall be entered
24 into the Automated Firearms System (AFS) via the California Law Enforcement
25 Telecommunications System (CLETS) by the law enforcement or state agency that
26 sold, delivered, or transferred the firearm. Any agency without access to AFS shall
27 arrange with the sheriff of the county in which the agency is located to input this
28 information via this system.

29 **Comment.** Section 26610 continues former Section 12078(a)(4) without substantive change, as
30 that provision applied to former Section 12070 (through its reference to "the preceding provisions
31 of this article").

32 See Sections 16520 ("firearm"), 16640 ("handgun").

33 **§ 26615. Exception for sale, delivery, or transfer by law enforcement agency to retiring**
34 **peace officer authorized to carry concealed and loaded firearm**

35 26615. (a) Section 26500 does not apply to the sale, delivery, or transfer of a
36 firearm by a law enforcement agency to a retiring peace officer who is authorized
37 to carry a firearm pursuant to Chapter 5 (commencing with Section 26300) of
38 Division 5.

39 (b) Within 10 days of the date that a handgun is sold, delivered, or transferred to
40 that retiring peace officer, the name of the officer and the make, model, serial
41 number, and other identifying characteristics of the firearm being sold, delivered,
42 or transferred shall be entered into the Automated Firearms System (AFS) via the
43 California Law Enforcement Telecommunications System (CLETS) by the law

1 enforcement or state agency that sold, delivered, or transferred the firearm. Any
2 agency without access to AFS shall arrange with the sheriff of the county in which
3 the agency is located to input this information via this system.

4 **Comment.** Section 26615 continues former Section 12078(a)(5) without substantive change, as
5 that provision applied to former Section 12070 (through its reference to “the preceding provisions
6 of this article”).

7 See Sections 16520 (“firearm”), 16640 (“handgun”).

8 CHAPTER 2. ISSUANCE, FORFEITURE, AND CONDITIONS OF LICENSE TO SELL,
9 LEASE, OR TRANSFER FIREARMS AT RETAIL

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

11 **§ 26700. “Dealer,” “licensee,” or “person licensed pursuant to Sections 26700 to 26915,**
12 **inclusive”**

13 26700. As used in this division, and in any other provision listed in Section
14 16580, “dealer,” “licensee,” or “person licensed pursuant to Sections 26700 to
15 26915, inclusive” means a person who satisfies all of the following requirements:

16 (a) Has a valid federal firearms license.

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

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

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

22 (e) Has a license issued in the format prescribed by subdivision (c) of Section
23 26705.

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

25 **Comment.** Section 26700 continues former Section 12071(a)(1) without substantive change.
26 See also Section 16790 (“licensed gun dealer”).

27 **§ 26705. Issuance of license to sell firearms at retail**

28 26705. (a) The duly constituted licensing authority of a city, county, or a city
29 and county shall accept applications for, and may grant licenses permitting,
30 licensees to sell firearms at retail within the city, county, or city and county. The
31 duly constituted licensing authority shall inform applicants who are denied
32 licenses of the reasons for the denial in writing.

33 (b) No license shall be granted to any applicant who fails to provide a copy of
34 the applicant’s valid federal firearms license, valid seller’s permit issued by the
35 State Board of Equalization, and the certificate of eligibility described in Section
36 26710.

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

- 1 (1) In the form prescribed by the Attorney General.
2 (2) A regulatory or business license that states on its face “Valid for Retail Sales
3 of Firearms” and is endorsed by the signature of the issuing authority.
4 (3) A letter from the duly constituted licensing authority having primary
5 jurisdiction for the applicant’s intended business location stating that the
6 jurisdiction does not require any form of regulatory or business license or does not
7 otherwise restrict or regulate the sale of firearms.
8 (d) Local licensing authorities may assess fees to recover their full costs of
9 processing applications for licenses.

10 **Comment.** Subdivision (a) of Section 26705 continues former Section 12071(a)(2) without
11 substantive change.

12 Subdivision (b) continues former Section 12071(a)(3) without substantive change.

13 Subdivision (c) continues former Section 12071(a)(6) without substantive change.

14 Subdivision (d) continues former Section 12071(a)(7) without substantive change.

15 For exceptions to this provision, see Article 5 (commencing with Section 27050) and Article 6
16 (commencing with Section 27100).

17 See Section 16520 (“firearm”).

18 **§ 26710. Certificate of eligibility**

19 26710. (a) A person may request a certificate of eligibility from the Department
20 of Justice.

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

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

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

31 **Comment.** Subdivisions (a)-(c) of Section 26710 continue former Section 12071(a)(4) without
32 substantive change.

33 Subdivision (d) continues former Section 12071(a)(5) without substantive change.

34 For exceptions to this provision, see Article 5 (commencing with Section 27050) and Article 6
35 (commencing with Section 27100).

36 See Section 16520 (“firearm”).

37 **§ 26715. Centralized list of persons licensed pursuant to Section 26700(a)-(e)**

38 26715. (a) Except as otherwise provided in paragraphs 1 and 3 of subdivision
39 (b), the Department of Justice shall keep a centralized list of all persons licensed
40 pursuant to subdivisions (a) to (e), inclusive, of Section 26700.

41 (b)(1) The department may remove from this list any person who knowingly or
42 with gross negligence violates a provision listed in Section 16575.

43 (2) The department shall remove from the centralized list any person whose
44 federal firearms license has expired or has been revoked.

1 (3) Upon removal of a dealer from this list, notification shall be provided to
2 local law enforcement and licensing authorities in the jurisdiction where the
3 dealer's business is located.

4 (c) Information compiled from the list shall be made available, upon request, for
5 the following purposes only:

6 (1) For law enforcement purposes.

7 (2) When the information is requested by a person licensed pursuant to Chapter
8 44 (commencing with Section 921) of Title 18 of the United States Code for
9 determining the validity of the license for firearm shipments.

10 (3) When information is requested by a person promoting, sponsoring,
11 operating, or otherwise organizing a show or event as defined in Section 478.100
12 of Title 27 of the Code of Federal Regulations, or its successor, who possesses a
13 valid certificate of eligibility issued pursuant to Article 1 (commencing with
14 Section 27200) of Chapter 3, if that information is requested by the person to
15 determine the eligibility of a prospective participant in a gun show or event to
16 conduct transactions as a firearms dealer pursuant to subdivision (b) of Section
17 26805.

18 (d) Information provided pursuant to subdivision (c) shall be limited to
19 information necessary to corroborate an individual's current license status as being
20 one of the following:

21 (1) A person licensed pursuant to subdivisions (a) to (e), inclusive, of Section
22 26700.

23 (2) A person who is licensed pursuant to Chapter 44 (commencing with Section
24 921) of Title 18 of the United States Code, and who is not subject to the
25 requirement of being licensed pursuant to subdivisions (a) to (e), inclusive, of
26 Section 26700.

27 **Comment.** Subdivision (a) of Section 26715 continues the first sentence of former Section
28 12071(e)(1) without substantive change.

29 Subdivision (b)(1) continues the second sentence of former Section 12071(e)(1) without
30 substantive change.

31 Subdivision (b)(2) continues former Section 12071(e)(2) without substantive change.

32 Subdivision (b)(3) continues the third sentence of former Section 12071(e)(1) without
33 substantive change.

34 Subdivision (c) continues former Section 12071(e)(3) without substantive change.

35 Subdivision (d) continues former Section 12071(e)(4) without substantive change.

36 For exceptions to this provision, see Article 5 (commencing with Section 27050) and Article 6
37 (commencing with Section 27100).

38 See Section 16520 ("firearm").

39 **§ 26720. Inspections by Department of Justice**

40 26720. (a) The Department of Justice may inspect dealers to ensure compliance
41 with the provisions listed in Section 16575.

42 (b) The department may assess an annual fee, not to exceed one hundred fifteen
43 dollars (\$115), to cover the reasonable cost of maintaining the list described in
44 Section 26715, including the cost of inspections.

1 (c) Dealers whose place of business is in a jurisdiction that has adopted an
2 inspection program to ensure compliance with firearms law shall be exempt from
3 that portion of the department's fee that relates to the cost of inspections. The
4 applicant is responsible for providing evidence to the department that the
5 jurisdiction in which the business is located has the inspection program.

6 **Comment.** Section 26720 continues former Section 12071(f) without substantive change.

7 For exceptions to this provision, see Article 5 (commencing with Section 27050) and Article 6
8 (commencing with Section 27100).

9 See Sections 16520 ("firearm"), 26700 ("dealer," "licensee," or "person licensed pursuant to
10 Sections 26700 to 26915, inclusive").

11 **§ 26725. Information to be maintained and made available by Department of Justice**

12 26725. The Department of Justice shall maintain and make available upon
13 request information concerning all of the following:

14 (a) The number of inspections conducted and the amount of fees collected
15 pursuant to Section 26720.

16 (b) A listing of exempted jurisdictions, as defined in Section 26720.

17 (c) The number of dealers removed from the centralized list defined in 26715.

18 (d) The number of dealers found to have violated a provision listed in Section
19 16575 with knowledge or gross negligence.

20 **Comment.** Section 26725 continues former Section 12071(g) without substantive change.

21 For exceptions to this provision, see Article 5 (commencing with Section 27050) and Article 6
22 (commencing with Section 27100).

23 See Section 26700 ("dealer," "licensee," or "person licensed pursuant to Sections 26700 to
24 26915, inclusive").

25 **Article 2. Grounds for Forfeiture of License**

26 **§ 26800. Forfeiture of license**

27 26800. A license under this chapter is subject to forfeiture for a breach of any of
28 the prohibitions and requirements of this article, except those stated in the
29 following provisions:

30 (a) Subdivision (c) of Section 26890.

31 (b) Subdivision (d) of Section 26890.

32 (c) Subdivision (b) of Section 26900.

33 **Comment.** Section 26800 continues the introductory clause of former Section 12071(b)
34 without substantive change.

35 **§ 26805. Place of conducting business**

36 26805. (a) Except as provided in subdivisions (b) and (c), the business of a
37 licensee shall be conducted only in the buildings designated in the license.

38 (b)(1) A person licensed pursuant to Sections 26700 and 26705 may take
39 possession of firearms and commence preparation of registers for the sale,
40 delivery, or transfer of firearms at any gun show or event, as defined in Section
41 478.100 of Title 27 of the Code of Federal Regulations, or its successor, if the gun

1 show or event is not conducted from any motorized or towed vehicle. A person
2 conducting business pursuant to this subdivision shall be entitled to conduct
3 business as authorized herein at any gun show or event in the state, without regard
4 to the jurisdiction within this state that issued the license pursuant to Sections
5 26700 and 26705, provided the person complies with (i) all applicable laws,
6 including, but not limited to, the waiting period specified in subdivision (a) of
7 Section 26815, and (ii) all applicable local laws, regulations, and fees, if any.

8 (2) A person conducting business pursuant to this subdivision shall publicly
9 display the person's license issued pursuant to Sections 26700 and 26705, or a
10 facsimile thereof, at any gun show or event, as specified in this subdivision.

11 (c)(1) A person licensed pursuant to Sections 26700 and 26705 may engage in
12 the sale and transfer of firearms other than pistols, revolvers, or other firearms
13 capable of being concealed upon the person, at events specified in Sections 27655,
14 27900, 27905, and 27955, subject to the prohibitions and restrictions contained in
15 those sections.

16 (2) A person licensed pursuant to Sections 26700 and 26705 may also accept
17 delivery of firearms other than pistols, revolvers, or other firearms capable of
18 being concealed upon the person, outside the building designated in the license,
19 provided the firearm is being donated for the purpose of sale or transfer at an
20 auction or similar event specified in Section 27900.

21 (d) The firearm may be delivered to the purchaser, transferee, or person being
22 loaned the firearm at one of the following places:

23 (1) The building designated in the license.

24 (2) The places specified in subdivision (b) or (c).

25 (3) The place of residence of, the fixed place of business of, or on private
26 property owned or lawfully possessed by, the purchaser, transferee, or person
27 being loaned the firearm.

28 **Comment.** Section 26805 continues former Section 12071(b)(1) without substantive change.

29 For exceptions to this provision, see Article 4 (commencing with Section 27000), Article 5
30 (commencing with Section 27050), and Article 6 (commencing with Section 27100).

31 For the consequences of violating this section, see Section 26800 (forfeiture of license).

32 See Sections 16520 ("firearm"), 16530 ("firearm capable of being concealed upon the person,"
33 "pistol," and "revolver"), 26700 ("dealer," "licensee," or "person licensed pursuant to Sections
34 26700 to 26915, inclusive").

35 § 26810. Display of license

36 26810. A person's license under this chapter, or a copy thereof certified by the
37 issuing authority, shall be displayed on the premises where it can easily be seen.

38 **Comment.** Section 26810 continues former Section 12071(b)(2) without substantive change.

39 For exceptions to this provision, see Article 4 (commencing with Section 27000), Article 5
40 (commencing with Section 27050), and Article 6 (commencing with Section 27100).

41 For the consequences of violating this section, see Section 26800 (forfeiture of license).

42 § 26815. Waiting period and other delivery restrictions

43 26815. No firearm shall be delivered:

1 (a) Within 10 days of the application to purchase, or, after notice by the
2 department pursuant to Section 28220, within 10 days of the submission to the
3 department of any correction to the application, or within 10 days of the
4 submission to the department of any fee required pursuant to Section 28220,
5 whichever is later.

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

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

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

16 **Comment.** Section 26815 continues former Section 12071(b)(3) without substantive change.

17 For exceptions to this provision, see Article 3 (commencing with Section 26950), Article 4
18 (commencing with Section 27000), Article 5 (commencing with Section 27050), and Article 6
19 (commencing with Section 27100).

20 For the consequences of violating this section, see Section 26800 (forfeiture of license).

21 See Sections 16190 ("application to purchase"), 16400 ("clear evidence of the person's identity
22 and age"), 16520 ("firearm"), 26700 ("dealer," "licensee," or "person licensed pursuant to
23 Sections 26700 to 26915, inclusive").

24 **§ 26820. Display of handgun or imitation or placard advertising handgun**

25 26820. No pistol, revolver, or other firearm or imitation thereof capable of being
26 concealed upon the person, or placard advertising the sale or other transfer thereof,
27 shall be displayed in any part of the premises where it can readily be seen from the
28 outside.

29 **Comment.** Section 26820 continues former Section 12071(b)(4) without substantive change.

30 For exceptions to this provision, see Article 4 (commencing with Section 27000), Article 5
31 (commencing with Section 27050), and Article 6 (commencing with Section 27100).

32 For the consequences of violating this section, see Section 26800 (forfeiture of license).

33 See Section 16530 ("firearm capable of being concealed upon the person," "pistol," and
34 "revolver").

35 **§ 26825. Prompt and proper processing of private party firearms transactions**

36 26825. A licensee shall agree to and shall act properly and promptly in
37 processing firearms transactions pursuant to Chapter 5 (commencing with Section
38 28050).

39 **Comment.** Section 26825 continues former Section 12071(b)(5) without substantive change.

40 For exceptions to this provision, see Article 4 (commencing with Section 27000), Article 5
41 (commencing with Section 27050), and Article 6 (commencing with Section 27100).

42 For the consequences of violating this section, see Section 26800 (forfeiture of license).

43 See Sections 16520 ("firearm"), 26700 ("dealer," "licensee," or "person licensed pursuant to
44 Sections 26700 to 26915, inclusive").

1 **§ 26830. Compliance with specified laws**

2 26830. A licensee shall comply with all of the following:

3 (a) Section 27500.

4 (b) Section 27505.

5 (c) Section 27510.

6 (d) Section 27515.

7 (e) Section 27520.

8 (f) Section 27525.

9 (g) Section 27530.

10 (h) Section 27535.

11 (i) Section 27555.

12 (j) Section 28100.

13 (k) Article 2 (commencing with Section 28150) of Chapter 6.

14 (l) Article 3 (commencing with Section 28200) of Chapter 6.

15 (m) Section 30300.

16 **Comment.** Section 26830 continues former Section 12071(b)(6) without substantive change.

17 For exceptions to this provision, see Article 4 (commencing with Section 27000), Article 5
18 (commencing with Section 27050), and Article 6 (commencing with Section 27100).

19 For the consequences of violating this section, see Section 26800 (forfeiture of license).

20 See Section 26700 (“dealer,” “licensee,” or “person licensed pursuant to Sections 26700 to
21 26915, inclusive”).

22 **§ 26835. Posting of warnings**

23 26835. A licensee shall post conspicuously within the licensed premises the
24 following warnings in block letters not less than one inch in height:

25 (a) “IF YOU KEEP A LOADED FIREARM WITHIN ANY PREMISES
26 UNDER YOUR CUSTODY OR CONTROL, AND A PERSON UNDER 18
27 YEARS OF AGE OBTAINS IT AND USES IT, RESULTING IN INJURY OR
28 DEATH, OR CARRIES IT TO A PUBLIC PLACE, YOU MAY BE GUILTY OF
29 A MISDEMEANOR OR A FELONY UNLESS YOU STORED THE FIREARM
30 IN A LOCKED CONTAINER OR LOCKED THE FIREARM WITH A
31 LOCKING DEVICE, TO KEEP IT FROM TEMPORARILY FUNCTIONING.”

32 (b) “IF YOU KEEP A PISTOL, REVOLVER, OR OTHER FIREARM
33 CAPABLE OF BEING CONCEALED UPON THE PERSON, WITHIN ANY
34 PREMISES UNDER YOUR CUSTODY OR CONTROL, AND A PERSON
35 UNDER 18 YEARS OF AGE GAINS ACCESS TO THE FIREARM, AND
36 CARRIES IT OFF-PREMISES, YOU MAY BE GUILTY OF A
37 MISDEMEANOR, UNLESS YOU STORED THE FIREARM IN A LOCKED
38 CONTAINER, OR LOCKED THE FIREARM WITH A LOCKING DEVICE, TO
39 KEEP IT FROM TEMPORARILY FUNCTIONING.”

40 (c) “IF YOU KEEP ANY FIREARM WITHIN ANY PREMISES UNDER
41 YOUR CUSTODY OR CONTROL, AND A PERSON UNDER 18 YEARS OF
42 AGE GAINS ACCESS TO THE FIREARM, AND CARRIES IT OFF-
43 PREMISES TO A SCHOOL OR SCHOOL-SPONSORED EVENT, YOU MAY

1 BE GUILTY OF A MISDEMEANOR, INCLUDING A FINE OF UP TO FIVE
2 THOUSAND DOLLARS (\$5,000), UNLESS YOU STORED THE FIREARM IN
3 A LOCKED CONTAINER, OR LOCKED THE FIREARM WITH A LOCKING
4 DEVICE.”

5 (d) “DISCHARGING FIREARMS IN POORLY VENTILATED AREAS,
6 CLEANING FIREARMS, OR HANDLING AMMUNITION MAY RESULT IN
7 EXPOSURE TO LEAD, A SUBSTANCE KNOWN TO CAUSE BIRTH
8 DEFECTS, REPRODUCTIVE HARM, AND OTHER SERIOUS PHYSICAL
9 INJURY. HAVE ADEQUATE VENTILATION AT ALL TIMES. WASH
10 HANDS THOROUGHLY AFTER EXPOSURE.”

11 (e) “FEDERAL REGULATIONS PROVIDE THAT IF YOU DO NOT TAKE
12 PHYSICAL POSSESSION OF THE FIREARM THAT YOU ARE ACQUIRING
13 OWNERSHIP OF WITHIN 30 DAYS AFTER YOU COMPLETE THE INITIAL
14 BACKGROUND CHECK PAPERWORK, THEN YOU HAVE TO GO
15 THROUGH THE BACKGROUND CHECK PROCESS A SECOND TIME IN
16 ORDER TO TAKE PHYSICAL POSSESSION OF THAT FIREARM.”

17 (f) “NO PERSON SHALL MAKE AN APPLICATION TO PURCHASE
18 MORE THAN ONE PISTOL, REVOLVER, OR OTHER FIREARM CAPABLE
19 OF BEING CONCEALED UPON THE PERSON WITHIN ANY 30-DAY
20 PERIOD AND NO DELIVERY SHALL BE MADE TO ANY PERSON WHO
21 HAS MADE AN APPLICATION TO PURCHASE MORE THAN ONE PISTOL,
22 REVOLVER, OR OTHER FIREARM CAPABLE OF BEING CONCEALED
23 UPON THE PERSON WITHIN ANY 30-DAY PERIOD.”

24 **Comment.** Section 26835 continues former Section 12071(b)(7) without substantive change.

25 For exceptions to this provision, see Article 4 (commencing with Section 27000), Article 5
26 (commencing with Section 27050), and Article 6 (commencing with Section 27100).

27 For the consequences of violating this section, see Section 26800 (forfeiture of license).

28 See Sections 16190 (“application to purchase”), 16520 (“firearm”), 16530 (“firearm capable of
29 being concealed upon the person,” “pistol,” and “revolver”), 16810 (“licensed premises,”
30 “licensee’s business premises,” and “licensee’s place of business”), 26700 (“dealer,” “licensee,”
31 or “person licensed pursuant to Sections 26700 to 26915, inclusive”).

32 **§ 26840. Presentation of basic firearms safety certificate or handgun safety certificate to**
33 **dealer**

34 26840. (a) Commencing April 1, 1994, and until January 1, 2003, no pistol,
35 revolver, or other firearm capable of being concealed upon the person shall be
36 delivered unless the purchaser, transferee, or person being loaned the firearm
37 presents to the dealer a basic firearms safety certificate.

38 (b) Commencing January 1, 2003, no dealer may deliver a handgun unless the
39 person receiving the handgun presents to the dealer a valid handgun safety
40 certificate. The firearms dealer shall retain a photocopy of the handgun safety
41 certificate as proof of compliance with this requirement.

42 **Comment.** Subdivision (a) of Section 26840 continues former Section 12071(b)(8)(A) without
43 change.

44 Subdivision (b) continues former Section 12071(b)(8)(B) without change.

1 For exceptions to this provision, see Article 4 (commencing with Section 27000), Article 5
2 (commencing with Section 27050), and Article 6 (commencing with Section 27100).

3 For the consequences of violating this section, see Section 26800 (forfeiture of license).

4 See Sections 16240 (“basic firearms safety certificate”), 16520 (“firearm”), 16530 (“firearm
5 capable of being concealed upon the person,” “pistol,” and “revolver”), 16640 (“handgun”),
6 16670 (“handgun safety certificate”), 26700 (“dealer,” “licensee,” or “person licensed pursuant to
7 Sections 26700 to 26915, inclusive”).

8 **§ 26845. No handgun delivery without proof of California residency**

9 26845. (a) Commencing January 1, 2003, no handgun may be delivered unless
10 the purchaser, transferee, or person being loaned the firearm presents
11 documentation indicating that the person is a California resident.

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

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

18 **Comment.** Section 26845 continues former Section 12071(b)(8)(C) without substantive
19 change.

20 For exceptions to this provision, see Article 4 (commencing with Section 27000), Article 5
21 (commencing with Section 27050), and Article 6 (commencing with Section 27100).

22 For the consequences of violating this section, see Section 26800 (forfeiture of license).

23 See Sections 16520 (“firearm”), 16640 (“handgun”), 26700 (“dealer,” “licensee,” or “person
24 licensed pursuant to Sections 26700 to 26915, inclusive”).

25 **§ 26850. Safe handling demonstration with handgun**

26 26850. (a) Commencing January 1, 2003, except as authorized by the
27 department, no firearms dealer may deliver a handgun unless the recipient
28 performs a safe handling demonstration with that handgun.

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

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

37 (2) If the handgun is a double-action revolver, the steps listed in Section 26856.

38 (3) If the handgun is a single-action revolver, the steps listed in Section 26859.

39 (c) The recipient shall receive instruction regarding how to render that handgun
40 safe in the event of a jam.

41 (d) The firearms dealer shall sign and date an affidavit stating that the
42 requirements of subdivisions (a) and (b) have been met. The firearms dealer shall
43 additionally obtain the signature of the handgun purchaser on the same affidavit.

1 The firearms dealer shall retain the original affidavit as proof of compliance with
2 this requirement.

3 (e) The recipient shall perform the safe handling demonstration for a
4 department-certified instructor.

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

7 (g) Department-certified instructors who may administer the safe handling
8 demonstration shall meet the requirements set forth in subdivision (b) of Section
9 31635.

10 (h) The persons who are exempt from the requirements of subdivision (a) of
11 Section 31615, pursuant to Section 31700, are also exempt from performing the
12 safe handling demonstration.

13 **Comment.** Subdivisions (a) and (b) of Section 26850, in combination with Sections 26853,
14 26856, and 26859, continue former Section 12071(b)(8)(D) without substantive change.

15 Subdivision (c) continues former Section 12071(b)(8)(E) without substantive change.

16 Subdivision (d) continues former Section 12071(b)(8)(F) without substantive change.

17 Subdivision (e) continues former Section 12071(b)(8)(G) without substantive change.

18 Subdivision (f) continues former Section 12071(b)(8)(H) without substantive change.

19 Subdivision (g) continues former Section 12071(b)(8)(I) without substantive change.

20 Subdivision (h) continues former Section 12071(b)(8)(J) without substantive change.

21 For exceptions to this provision, see Article 4 (commencing with Section 27000), Article 5
22 (commencing with Section 27050), and Article 6 (commencing with Section 27100).

23 For the consequences of violating this section, see Section 26800 (forfeiture of license).

24 See Sections 16520 (“firearm”), 16530 (“firearm capable of being concealed upon the person,”
25 “pistol,” and “revolver”), 16640 (“handgun”), 26700 (“dealer,” “licensee,” or “person licensed
26 pursuant to Sections 26700 to 26915, inclusive”).

27 **§ 26853. Steps in safe handling demonstration for semiautomatic pistol**

28 26853. To comply with Section 26850, a safe handling demonstration for a
29 semiautomatic pistol shall include all of the following steps:

30 (a) Remove the magazine.

31 (b) Lock the slide back. If the model of firearm does not allow the slide to be
32 locked back, pull the slide back, visually and physically check the chamber to
33 ensure that it is clear.

34 (c) Visually and physically inspect the chamber, to ensure that the handgun is
35 unloaded.

36 (d) Remove the firearm safety device, if applicable. If the firearm safety device
37 prevents any of the previous steps, remove the firearm safety device during the
38 appropriate step.

39 (e) Load one bright orange, red, or other readily identifiable dummy round into
40 the magazine. If no readily identifiable dummy round is available, an empty
41 cartridge casing with an empty primer pocket may be used.

42 (f) Insert the magazine into the magazine well of the firearm.

43 (g) Manipulate the slide release or pull back and release the slide.

44 (h) Remove the magazine.

1 (i) Visually inspect the chamber to reveal that a round can be chambered with
2 the magazine removed.

3 (j) Lock the slide back to eject the bright orange, red, or other readily
4 identifiable dummy round. If the handgun is of a model that does not allow the
5 slide to be locked back, pull the slide back and physically check the chamber to
6 ensure that the chamber is clear. If no readily identifiable dummy round is
7 available, an empty cartridge casing with an empty primer pocket may be used.

8 (k) Apply the safety, if applicable.

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

14 **Comment.** In combination with Section 26850(a)-(b), Section 26853 continues former Section
15 12071(b)(8)(D) without substantive change, as it pertained to a semiautomatic pistol.

16 For exceptions to this provision, see Article 4 (commencing with Section 27000), Article 5
17 (commencing with Section 27050), and Article 6 (commencing with Section 27100).

18 For the consequences of violating this section, see Section 26800 (forfeiture of license).

19 See Sections 16520 (“firearm”), 16530 (“firearm capable of being concealed upon the person,”
20 “pistol,” and “revolver”), 16640 (“handgun”).

21 **§ 26856. Steps in safe handling demonstration for double-action revolver**

22 26856. To comply with Section 26850, a safe handling demonstration for a
23 double-action revolver shall include all of the following steps:

24 (a) Open the cylinder.

25 (b) Visually and physically inspect each chamber, to ensure that the revolver is
26 unloaded.

27 (c) Remove the firearm safety device. If the firearm safety device prevents any
28 of the previous steps, remove the firearm safety device during the appropriate step.

29 (d) While maintaining muzzle awareness and trigger discipline, load one bright
30 orange, red, or other readily identifiable dummy round into a chamber of the
31 cylinder and rotate the cylinder so that the round is in the next-to-fire position. If
32 no readily identifiable dummy round is available, an empty cartridge casing with
33 an empty primer pocket may be used.

34 (e) Close the cylinder.

35 (f) Open the cylinder and eject the round.

36 (g) Visually and physically inspect each chamber to ensure that the revolver is
37 unloaded.

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

43 **Comment.** In combination with Section 26850(a)-(b), Section 26856 continues former Section
44 12071(b)(8)(D) without substantive change, as it pertained to a double-action revolver.

1 For exceptions to this provision, see Article 4 (commencing with Section 27000), Article 5
2 (commencing with Section 27050), and Article 6 (commencing with Section 27100).

3 For the consequences of violating this section, see Section 26800 (forfeiture of license).

4 See Section 16530 (“firearm capable of being concealed upon the person,” “pistol,” and
5 “revolver”).

6 **§ 26859. Steps in safe handling demonstration for single-action revolver**

7 26859. To comply with Section 26850, a safe handling demonstration for a
8 single-action revolver shall include all of the following steps:

9 (a) Open the loading gate.

10 (b) Visually and physically inspect each chamber, to ensure that the revolver is
11 unloaded.

12 (c) Remove the firearm safety device required to be sold with the handgun. If
13 the firearm safety device prevents any of the previous steps, remove the firearm
14 safety device during the appropriate step.

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

19 (e) Open the loading gate and unload the revolver.

20 (f) Visually and physically inspect each chamber to ensure that the revolver is
21 unloaded.

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

27 **Comment.** In combination with Section 26850(a)-(b), Section 26859 continues former Section
28 12071(b)(8)(D) without substantive change, as it pertained to a single-action revolver.

29 For exceptions to this provision, see Article 4 (commencing with Section 27000), Article 5
30 (commencing with Section 27050), and Article 6 (commencing with Section 27100).

31 For the consequences of violating this section, see Section 26800 (forfeiture of license).

32 See Sections 16530 (“firearm capable of being concealed upon the person,” “pistol,” and
33 “revolver”), 16640 (“handgun”).

34 **§ 26865. Providing Department of Justice pamphlet to purchaser, transferee, or lessee of**
35 **firearm**

36 26865. Commencing July 1, 1992, a licensee shall offer to provide the purchaser
37 or transferee of a firearm, or person being loaned a firearm, with a copy of the
38 pamphlet described in Section 34205, and may add the cost of the pamphlet, if
39 any, to the sales price of the firearm.

40 **Comment.** Section 26865 continues former Section 12071(b)(9) without substantive change.

41 For exceptions to this provision, see Article 4 (commencing with Section 27000), Article 5
42 (commencing with Section 27050), and Article 6 (commencing with Section 27100).

43 For the consequences of violating this section, see Section 26800 (forfeiture of license).

44 See Sections 16520 (“firearm”), 26700 (“dealer,” “licensee,” or “person licensed pursuant to
45 Sections 26700 to 26915, inclusive”).

1 § 26870. No collusion

2 26870. A licensee shall not commit an act of collusion as defined in Section
3 27550.

4 **Comment.** Section 26870 continues former Section 12071(b)(10) without substantive change.
5 For exceptions to this provision, see Article 4 (commencing with Section 27000), Article 5
6 (commencing with Section 27050), and Article 6 (commencing with Section 27100).
7 For the consequences of violating this section, see Section 26800 (forfeiture of license).
8 See Section 26700 (“dealer,” “licensee,” or “person licensed pursuant to Sections 26700 to
9 26915, inclusive”).

10 § 26875. Posting of charges and fees

11 26875. A licensee shall post conspicuously within the licensed premises a
12 detailed list of each of the following:

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

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

18 **Comment.** Section 26875 continues former Section 12071(b)(11) without substantive change.
19 For exceptions to this provision, see Article 4 (commencing with Section 27000), Article 5
20 (commencing with Section 27050), and Article 6 (commencing with Section 27100).
21 For the consequences of violating this section, see Section 26800 (forfeiture of license).
22 See Sections 16520 (“firearm”), 16810 (“licensed premises,” “licensee’s business premises,”
23 and “licensee’s place of business”), 26700 (“dealer,” “licensee,” or “person licensed pursuant to
24 Sections 26700 to 26915, inclusive”).

25  **Staff Note.** Existing Section 12071(b)(11) says:

26 (11) The licensee shall post conspicuously within the licensed premises a detailed list of
27 each of the following:

28 (A) All charges required by governmental agencies for processing firearm transfers
29 required by Sections 12076, 12082, and 12806.

30 (B) All fees that the licensee charges pursuant to Sections 12082 and 12806.

31 (Emphasis added.)

32 The two cross-references to Section 12806 appear to be a mistake. The current version of
33 Section 12806 has nothing to do with fees or charges; it concerns the content of a handgun safety
34 certificate.

35 In the past, however, there was a different Section 12806, which provided:

36 12806. (a) A fee to cover the costs of giving the basic firearms safety course instruction
37 and issuance of the basic firearm safety certificate may be charged by the instructor to each
38 person participating and receiving instruction in basic firearms safety. The department may
39 impose a charge not to exceed ten dollars (\$10) for each person participating and receiving
40 instruction in the basic firearms safety course to cover the department’s cost in carrying out
41 this article as determined annually by the department. The instructor of the course shall
42 collect and submit the charge to the department to be deposited into the Firearms Safety
43 Training Fund Special Account as provided in subdivision (b).

44 (b) All money received by the department pursuant to this article shall be deposited in the
45 Firearms Safety Training Fund Special Account, which is hereby created in the General Fund
46 and continuously appropriated for expenditure by the department for the costs incurred
47 pursuant to this article.

1 1991 Cal. Stat. ch. 950, § 20. That provision was repealed. See 2001 Cal. Stat. ch. 942, § 11
2 (operative Jan. 1, 2003).

3 The cross-references to Section 12806 in Section 12071(b)(11) predate the repeal of the
4 provision quoted above. Apparently, they were never updated to reflect that repeal.

5 There is no existing provision closely comparable to former Section 12806. Although existing
6 Section 12805 relates to fees, it differs significantly from former Section 12806.

7 The staff is thus unsure how to handle the cross-references to Section 12806 in Section
8 12071(b)(11). We would appreciate comments on this point.

9 Unless someone suggests a better solution, we are inclined to leave those cross-references
10 intact in the provision that would continue Section 12071(b)(11) (proposed Section 26875), as
11 shown above. We also recommend that the Commission add this issue to its list of “Minor Clean-
12 up Issues for Possible Future Legislative Attention.”

13 § 26880. Misrepresentation regarding amount of fees charged by governmental agency

14 26880. A licensee shall not misstate the amount of fees charged by a
15 governmental agency pursuant to Section 12806, Chapter 5 (commencing with
16 Section 28050), and Article 3 (commencing with Section 28200) of Chapter 6.

17 **Comment.** Section 26880 continues former Section 12071(b)(12) without substantive change.

18 For exceptions to this provision, see Article 4 (commencing with Section 27000), Article 5
19 (commencing with Section 27050), and Article 6 (commencing with Section 27100).

20 For the consequences of violating this section, see Section 26800 (forfeiture of license).

21 See Section 26700 (“dealer,” “licensee,” or “person licensed pursuant to Sections 26700 to
22 26915, inclusive”).

23 **Note.** Existing Section 12071(b)(12) says:

24 (12) The licensee shall not misstate the amount of fees charged by a governmental agency
25 pursuant to Sections 12076, 12082, and 12806.

26 (Emphasis added.)

27 Again, the cross-reference to Section 12806 appears to be a mistake. Unless someone suggests
28 a better solution, we are inclined to treat this cross-reference to Section 12806 the same way as
29 the similar cross-references discussed in the Staff Note on proposed Section 26875.

30 § 26885. Location of inventory and reporting of loss or theft of firearm

31 26885. (a) Except as provided in subdivisions (b) and (c) of Section 26805, all
32 firearms that are in the inventory of a licensee shall be kept within the licensed
33 location.

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

37 (1) Any firearm that is merchandise of the licensee.

38 (2) Any firearm that the licensee takes possession of pursuant to Chapter 5
39 (commencing with Section 28050).

40 (3) Any firearm kept at the licensee’s place of business.

41 **Comment.** Section 26885 continues former Section 12071(b)(13) without substantive change.

42 For exceptions to this provision, see Article 4 (commencing with Section 27000), Article 5
43 (commencing with Section 27050), and Article 6 (commencing with Section 27100).

44 For the consequences of violating this section, see Section 26800 (forfeiture of license).

1 See Sections 16520 (“firearm”), 16810 (“licensed premises,” “licensee’s business premises,”
2 and “licensee’s place of business”), 26700 (“dealer,” “licensee,” or “person licensed pursuant to
3 Sections 26700 to 26915, inclusive”).

4 **§ 26890. Storage and securing of inventory firearms**

5 26890. (a) Except as provided in subdivisions (b) and (c) of Section 26805, any
6 time when the licensee is not open for business, all inventory firearms shall be
7 stored in the licensed location. All firearms shall be secured using one of the
8 following methods as to each particular firearm:

9 (1) Store the firearm in a secure facility that is a part of, or that constitutes, the
10 licensee’s business premises.

11 (2) Secure the firearm with a hardened steel rod or cable of at least one-eighth
12 inch in diameter through the trigger guard of the firearm. The steel rod or cable
13 shall be secured with a hardened steel lock that has a shackle. The lock and
14 shackle shall be protected or shielded from the use of a boltcutter and the rod or
15 cable shall be anchored in a manner that prevents the removal of the firearm from
16 the premises.

17 (3) Store the firearm in a locked fireproof safe or vault in the licensee’s business
18 premises.

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

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

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

31 (1) The nonprofit public benefit or mutual benefit corporation obtained the
32 dealer’s license solely and exclusively to assist that corporation or local chapters
33 of that corporation in conducting auctions or similar events at which firearms are
34 auctioned off to fund the activities of that corporation or the local chapters of the
35 corporation.

36 (2) The firearms are not pistols, revolvers, or other firearms capable of being
37 concealed upon the person.

38 **Comment.** Subdivision (a) of Section 26890 continues former Section 12071(b)(14) without
39 substantive change.

40 Subdivision (b) continues former Section 12071(b)(15) without substantive change.

41 Subdivision (c) continues former Section 12071(d) without substantive change.

42 Subdivision (d) continues former Section 12071(h) without substantive change.

43 For exceptions to this provision, see Article 4 (commencing with Section 27000), Article 5
44 (commencing with Section 27050), and Article 6 (commencing with Section 27100).

1 For the consequences of violating this section, see Section 26800 (forfeiture of license).
2 See Sections 16520 (“firearm”), 16530 (“firearm capable of being concealed upon the person,”
3 “pistol,” and “revolver”). 16810 (“licensed premises,” “licensee’s business premises,” and
4 “licensee’s place of business”), 17110 (“secure facility” for firearm storage by dealer), 26700
5 (“dealer,” “licensee,” or “person licensed pursuant to Sections 26700 to 26915, inclusive”).

6 **§ 26895. Providing copy of license to Department of Justice**

7 26895. Commencing January 1, 1994, a licensee shall, upon the issuance or
8 renewal of a license, submit a copy of it to the Department of Justice.

9 **Comment.** Section 26895 continues former Section 12071(b)(16) without substantive change.
10 For exceptions to this provision, see Article 4 (commencing with Section 27000), Article 5
11 (commencing with Section 27050), and Article 6 (commencing with Section 27100).

12 For the consequences of violating this section, see Section 26800 (forfeiture of license).
13 See Section 26700 (“dealer,” “licensee,” or “person licensed pursuant to Sections 26700 to
14 26915, inclusive”).

15 **§ 26900. Maintenance and inspection of firearm transaction record**

16 26900. (a) A licensee shall maintain and make available for inspection during
17 business hours to any peace officer, authorized local law enforcement employee,
18 or Department of Justice employee designated by the Attorney General, upon the
19 presentation of proper identification, a firearm transaction record, as defined in
20 Section 16550.

21 (b) A licensee shall be in compliance with the provisions of subdivision (a) if the
22 licensee maintains and makes available for inspection during business hours to any
23 peace officer, authorized local law enforcement employee, or Department of
24 Justice employee designated by the Attorney General, upon the presentation of
25 proper identification, the bound book containing the same information referred to
26 in Section 478.124a and subdivision (e) of Section 478.125 of Title 27 of the Code
27 of Federal Regulations and the records referred to in subdivision (a) of Section
28 478.124 of Title 27 of the Code of Federal Regulations.

29 **Comment.** Subdivision (a) of Section 26900 continues former Section 12071(b)(17) without
30 substantive change.

31 Subdivision (b) continues former Section 12071(c)(4)(B) without substantive change.
32 For exceptions to this provision, see Article 4 (commencing with Section 27000), Article 5
33 (commencing with Section 27050), and Article 6 (commencing with Section 27100).

34 For the consequences of violating this section, see Section 26800 (forfeiture of license).
35 See Section 26700 (“dealer,” “licensee,” or “person licensed pursuant to Sections 26700 to
36 26915, inclusive”).

37 **§ 26905. Reporting of handgun acquisitions**

38 26905. (a) On the date of receipt, a licensee shall report to the Department of
39 Justice, in a format prescribed by the department, the acquisition by the licensee of
40 the ownership of a pistol, revolver, or other firearm capable of being concealed
41 upon the person.

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

- 44 (1) A transaction subject to the provisions of Sections 26960 and 27660.

1 (2) The dealer acquired the firearm from a wholesaler.

2 (3) The dealer is also licensed as a secondhand dealer pursuant to Article 4
3 (commencing with Section 21625) of Chapter 9 of Division 8 of the Business and
4 Professions Code.

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

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

12 **Comment.** Section 26905 continues former Section 12071(b)(18) without substantive change.

13 For exceptions to this provision, see Article 4 (commencing with Section 27000), Article 5
14 (commencing with Section 27050), and Article 6 (commencing with Section 27100).

15 For the consequences of violating this section, see Section 26800 (forfeiture of license).

16 See Sections 16520 (“firearm”), 16530 (“firearm capable of being concealed upon the person,”
17 “pistol,” and “revolver”), 17340 (“wholesaler”), 26700 (“dealer,” “licensee,” or “person licensed
18 pursuant to Sections 26700 to 26915, inclusive”).

19 **§ 26910. Reporting of information on firearm that is not timely delivered**

20 26910. A licensee shall forward, in a format prescribed by the Department of
21 Justice, information as required by the department on any firearm that is not
22 delivered within the time period set forth in Section 478.102(c) of Title 27 of the
23 Code of Federal Regulations.

24 **Comment.** Section 26910 continues former Section 12071(b)(19) without substantive change.

25 For exceptions to this provision, see Article 4 (commencing with Section 27000), Article 5
26 (commencing with Section 27050), and Article 6 (commencing with Section 27100).

27 For the consequences of violating this section, see Section 26800 (forfeiture of license).

28 See Sections 16520 (“firearm”), 26700 (“dealer,” “licensee,” or “person licensed pursuant to
29 Sections 26700 to 26915, inclusive”).

30 **§ 26915. Agent who handles, sells, or delivers firearms**

31 26915. (a) A firearms dealer may require any agent who handles, sells, or
32 delivers firearms to obtain and provide to the dealer a certificate of eligibility from
33 the Department of Justice pursuant to Section 26710. On the application for the
34 certificate, the agent or employee shall provide the name and California firearms
35 dealer number of the firearms dealer with whom the person is employed.

36 (b) The department shall notify the firearms dealer in the event that the agent or
37 employee who has a certificate of eligibility is or becomes prohibited from
38 possessing firearms.

39 (c) If the local jurisdiction requires a background check of the agents or
40 employees of a firearms dealer, the agent or employee shall obtain a certificate of
41 eligibility pursuant to subdivision (a).

1 (d)(1) Nothing in this section shall be construed to preclude a local jurisdiction
2 from conducting an additional background check pursuant to Section 11105. The
3 local jurisdiction may not charge a fee for the additional criminal history check.

4 (2) Nothing in this section shall be construed to preclude a local jurisdiction
5 from prohibiting employment based on criminal history that does not appear as
6 part of obtaining a certificate of eligibility.

7 (e) The licensee shall prohibit any agent who the licensee knows or reasonably
8 should know is within a class of persons prohibited from possessing firearms
9 pursuant to Chapter 2 (commencing with Section 29800) or 3 (commencing with
10 Section 29900) of Division 9 of this title, or Section 8100 or 8103 of the Welfare
11 and Institutions Code, from coming into contact with any firearm that is not
12 secured and from accessing any key, combination, code, or other means to open
13 any of the locking devices described in subdivision (g).

14 (f) Nothing in this section shall be construed as preventing a local government
15 from enacting an ordinance imposing additional conditions on licensees with
16 regard to agents.

17 (g) For purposes of this article, “secured” means a firearm that is made
18 inoperable in one or more of the following ways:

19 (1) The firearm is inoperable because it is secured by a firearm safety device
20 listed on the department’s roster of approved firearm safety devices pursuant to
21 subdivision (d) of Section 23655.

22 (2) The firearm is stored in a locked gun safe or long-gun safe that meets the
23 standards for department-approved gun safes set forth in Section 23650.

24 (3) The firearm is stored in a distinct locked room or area in the building that is
25 used to store firearms, which can only be unlocked by a key, a combination, or
26 similar means.

27 (4) The firearm is secured with a hardened steel rod or cable that is at least one-
28 eighth of an inch in diameter through the trigger guard of the firearm. The steel
29 rod or cable shall be secured with a hardened steel lock that has a shackle. The
30 lock and shackle shall be protected or shielded from the use of a boltcutter and the
31 rod or cable shall be anchored in a manner that prevents the removal of the firearm
32 from the premises.

33 **Comment.** Subdivisions (a) through (f) of Section 26915 continue former Section
34 12071(b)(20)(A)-(F) without substantive change.

35 Subdivision (g) continues former Section 12071(b)(20)(G)(ii) without substantive change.

36 For exceptions to this provision, see Article 4 (commencing with Section 27000), Article 5
37 (commencing with Section 27050), and Article 6 (commencing with Section 27100).

38 For the consequences of violating this section, see Section 26800 (forfeiture of license).

39 See Sections 16130 (“agent”), 16520 (“firearm”), 16610 (“gun safe”), 16870 (“long-gun safe”),
40 26700 (“dealer,” “licensee,” or “person licensed pursuant to Sections 26700 to 26915, inclusive”).

Article 3. Exceptions Extending Only to Waiting Period

§ 26950. Waiting period exception for sale, delivery, or transfer to full-time paid peace officer authorized to carry firearms in performance of duties

26950. (a) The waiting period described in Section 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 Section 830) of Title 3 of Part 2.

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

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

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

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

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

Comment. Section 26950 continues former Section 12078(a)(1) without substantive change, as that provision applied to the waiting period in former Section 12071.

For other exceptions relating to law enforcement, see Sections 27050-27065.

See Sections 16520 ("firearm"), 26700 ("dealer," "licensee," or "person licensed pursuant to Sections 26700 to 26915, inclusive").

§ 26955. Waiting period exception for dealer who delivers firearm other than handgun at auction or similar event conducted by nonprofit mutual or public benefit corporation

26955. (a) The waiting period described in Section 26815 does not apply to a dealer who delivers a firearm, other than a handgun, at an auction or similar event described in Section 27900, as authorized by subdivision (c) of Section 26805.

(b) Within two 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 Section 28165.

(c) If the electronic or telephonic transfer of applicant information is used, within two 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 Section 28165.

Comment. Section 26955 continues former Section 12078(g)(3) without substantive change, as that provision applied to the waiting period in former Section 12071.

See Sections 16190 ("application to purchase"), 16520 ("firearm"), 16640 ("handgun"), 26700 ("dealer," "licensee," or "person licensed pursuant to Sections 26700 to 26915, inclusive").

1 **§ 26960. Waiting period exception for sale, delivery, or transfer of handgun, not intended as**
2 **merchandise, by dealer to self or another dealer**

3 26960. (a) The waiting period described in Section 26815 does not apply to the
4 sale, delivery, or transfer of a handgun by a dealer in either of the following
5 situations:

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

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

12 (b) If the dealer is receiving the firearm from another dealer, the dealer receiving
13 the firearm shall present proof to the dealer delivering the firearm that the
14 receiving dealer is licensed pursuant to Article 1 (commencing with Section
15 26700) and Article 2 (commencing with Section 26800). This shall be done by
16 complying with Section 27555.

17 (c)(1) Regardless of whether the dealer is selling, delivering, or transferring the
18 firearm to another dealer or to himself or herself, on the date that the application to
19 purchase is completed, the dealer delivering the firearm shall forward by prepaid
20 mail to the Department of Justice a report of the application and the type of
21 information concerning the purchaser or transferee as is indicated in Section
22 28160.

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

28 **Comment.** Section 26960 continues former Section 12078(n) without substantive change, as
29 that provision applied to the waiting period in former Section 12071.

30 See Sections 16190 ("application to purchase"), 16520 ("firearm"), 16640 ("handgun"), 26700
31 ("dealer," "licensee," or "person licensed pursuant to Sections 26700 to 26915, inclusive").

32 **§ 26965. Waiting period exception for sale, delivery, or transfer to holder of special weapons**
33 **permit**

34 26965. (a) The waiting period described in Section 26815 does not apply to the
35 sale, delivery, or transfer of a firearm to the holder of a special weapons permit
36 issued by the Department of Justice pursuant to Section 32650 or 33300, pursuant
37 to Article 3 (commencing with Section 18900) of Chapter 1 of Division 5 of Title
38 2, or pursuant to Article 4 (commencing with Section 32700) of Chapter 6 of
39 Division 10 of this title.

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

1 **Comment.** Section 26965 continues former Section 12078(r) without substantive change, as
2 that provision applied to the waiting period in former Section 12071.

3 See Sections 16190 (“application to purchase”), 16520 (“firearm”), 26700 (“dealer,”
4 “licensee,” or “person licensed pursuant to Sections 26700 to 26915, inclusive”).

5 **§ 26970. Waiting period exception for sale, delivery, loan, or transfer of curio or relic by**
6 **dealer to licensed collector**

7 26970. (a) The waiting period described in Section 26815 does not apply to the
8 sale, delivery, loan, or transfer of a firearm if all of the following conditions are
9 satisfied:

10 (1) The firearm is a curio or relic, as defined in Section 478.11 of Title 27 of the
11 Code of Federal Regulations, or its successor.

12 (2) The sale, delivery, loan, or transfer is made by a dealer.

13 (3) The sale, delivery, loan, or transfer is made to a person who is licensed as a
14 collector pursuant to Chapter 44 (commencing with Section 921) of Title 18 of the
15 United States Code and the regulations issued pursuant thereto.

16 (4) The licensed collector has a current certificate of eligibility issued by the
17 Department of Justice pursuant to Section 26710.

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

21 **Comment.** Section 26970 continues former Section 12078(t)(1) without substantive change, as
22 that provision applied to the waiting period in former Section 12071.

23 See Sections 16520 (“firearm”), 26700 (“dealer,” “licensee,” or “person licensed pursuant to
24 Sections 26700 to 26915, inclusive”).

25 **Article 4. Exceptions Extending Only to Grounds for Forfeiture of License**

26 **§ 27000. License forfeiture exception for loan of unloaded firearm, for use solely as prop, by**
27 **dealer to person with entertainment firearms permit**

28 27000. (a) Article 2 (commencing with Section 26800) does not apply to the
29 loan of a firearm if all of the following conditions are satisfied:

30 (1) The firearm is unloaded.

31 (2) The loan is made by a dealer.

32 (3) The loan is made to a person who possesses a valid entertainment firearms
33 permit issued pursuant to Chapter 2 (commencing with Section 29500) of Division
34 8.

35 (4) The firearm is loaned solely for use as a prop in a motion picture, television,
36 video, theatrical, or other entertainment production or event.

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

39 **Comment.** Section 27000 continues former Section 12078(s)(3) without substantive change, as
40 that provision applied to former Section 12071(b).

41 See Sections 16520 (“firearm”), 26700 (“dealer,” “licensee,” or “person licensed pursuant to
42 Sections 26700 to 26915, inclusive”).

1 **§ 27005. License forfeiture exception for short-term loan of unloaded firearm by dealer to**
2 **consultant-evaluator**

3 27005. (a) Article 2 (commencing with Section 26800) does not apply to the
4 loan of an unloaded firearm to a consultant-evaluator by a person licensed
5 pursuant to Sections 26700 to 26915, inclusive, if the loan does not exceed 45
6 days from the date of delivery.

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

9 (1) A photocopy of a valid, current, government-issued identification to
10 determine the consultant-evaluator’s identity, including, but not limited to, a
11 California driver’s license, identification card, or passport.

12 (2) A photocopy of the consultant-evaluator’s valid, current certificate of
13 eligibility.

14 (3) A letter from the person licensed as an importer, manufacturer, or dealer
15 pursuant to Chapter 44 (commencing with Section 921) of Title 18 of the United
16 States Code, with whom the consultant-evaluator has a bona fide business
17 relationship. The letter shall detail the bona fide business purposes for which the
18 firearm is being loaned and confirm that the consultant-evaluator is being loaned
19 the firearm as part of a bona fide business relationship.

20 (4) The signature of the consultant-evaluator on a form indicating the date the
21 firearm is loaned and the last day the firearm may be returned.

22 **Comment.** Section 27005 continues former Section 12078(s)(4) without substantive change, as
23 that provision applied to former Section 12071(b).

24 See Sections 16410 (“consultant-evaluator”), 16520 (“firearm”), 26700 (“dealer,” “licensee,”
25 or “person licensed pursuant to Sections 26700 to 26915, inclusive”).

26 Article 5. Exceptions Relating to Law Enforcement

27 **§ 27050. Exception for sale, delivery, or transfer to authorized law enforcement**
28 **representative of city, county, city and county, or state or federal government**

29 27050. (a) Article 1 (commencing with Section 26700) and Article 2
30 (commencing with Section 26800) do not apply to any sale, delivery, or transfer of
31 firearms made to an authorized law enforcement representative of any city,
32 county, city and county, or state, or of the federal government, for exclusive use
33 by that governmental agency if, prior to the sale, delivery, or transfer of these
34 firearms, written authorization from the head of the agency authorizing the
35 transaction is presented to the person from whom the purchase, delivery, or
36 transfer is being made.

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

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

7 **Comment.** Section 27050 continues former Section 12078(a)(2) without substantive change, as
8 that provision applied to former Section 12071 (through its reference to “the preceding provisions
9 of this article”).

10 For other exceptions relating to law enforcement, see Sections 26950, 27055-27065.

11 See Sections 16520 (“firearm”), 16640 (“handgun”).

12 **§ 27055. Exception for loan of firearm to peace officer employee for use in performing**
13 **official duties**

14 27055. Article 1 (commencing with Section 26700) and Article 2 (commencing
15 with Section 26800) do not apply to the loan of a firearm if all of the following
16 conditions are satisfied:

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

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

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

23 **Comment.** Section 27055 continues former Section 12078(a)(3) without substantive change, as
24 that provision applied to former Section 12071 (through its reference to “the preceding provisions
25 of this article”).

26 For other exceptions relating to law enforcement, see Sections 26950, 27050, 27060-27065.

27 See Section 16520 (“firearm”).

28 **§ 27060. Exception for sale, delivery, or transfer by law enforcement agency to peace officer**
29 **pursuant to Public Contract Code**

30 27060. (a) Article 1 (commencing with Section 26700) and Article 2
31 (commencing with Section 26800) do not apply to the sale, delivery, or transfer of
32 a firearm by a law enforcement agency to a peace officer pursuant to Section
33 10334 of the Public Contract Code.

34 (b) Within 10 days of the date that a handgun is sold, delivered, or transferred
35 pursuant to Section 10334 of the Public Contract Code to that peace officer, the
36 name of the officer and the make, model, serial number, and other identifying
37 characteristics of the firearm being sold, delivered, or transferred shall be entered
38 into the Automated Firearms System (AFS) via the California Law Enforcement
39 Telecommunications System (CLETS) by the law enforcement or state agency that
40 sold, delivered, or transferred the firearm. Any agency without access to AFS shall
41 arrange with the sheriff of the county in which the agency is located to input this
42 information via this system.

1 See Sections 16520 (“firearm”), 16630 (“gunsmith”).

2 **§ 27110. Exception for sale, delivery, or transfer of unloaded firearms, other than**
3 **handguns, by dealer to another dealer**

4 27110. Article 1 (commencing with Section 26700) and Article 2 (commencing
5 with Section 26800) do not apply to the sale, delivery, or transfer of firearms if all
6 of the following conditions are satisfied:

7 (a) The firearms are unloaded.

8 (b) The firearms are not handguns.

9 (c) The sale, delivery, or transfer is made by a dealer to another dealer, upon
10 proof of compliance with the requirements of Section 27555.

11 **Comment.** Section 27110 continues former Section 12078(k)(1) without substantive change,
12 as that provision applied to former Section 12071.

13 See Sections 16520 (“firearm”), 16640 (“handgun”), 26700 (“dealer,” “licensee,” or “person
14 licensed pursuant to Sections 26700 to 26915, inclusive”).

15 **§ 27115. Exception for sale, delivery, or transfer of unloaded firearms by dealer to licensed**
16 **nonresident**

17 27115. Article 1 (commencing with Section 26700) and Article 2 (commencing
18 with Section 26800) do not apply to the sale, delivery, or transfer of unloaded
19 firearms by a dealer to a person who resides outside this state and is licensed
20 pursuant to Chapter 44 (commencing with Section 921) of Title 18 of the United
21 States Code and the regulations issued pursuant thereto.

22 **Comment.** Section 27115 continues former Section 12078(k)(2) without substantive change,
23 as that provision applied to former Section 12071.

24 See Sections 16520 (“firearm”), 26700 (“dealer,” “licensee,” or “person licensed pursuant to
25 Sections 26700 to 26915, inclusive”).

26 **§ 27120. Exception for return of unloaded firearms to wholesaler to treat as merchandise**

27 27120. Article 1 (commencing with Section 26700) and Article 2 (commencing
28 with Section 26800) do not apply to the sale, delivery, or transfer of unloaded
29 firearms to a wholesaler if the firearms are being returned to the wholesaler and
30 are intended as merchandise in the wholesaler’s business.

31 **Comment.** Section 27120 continues former Section 12078(k)(3) without substantive change,
32 as that provision applied to former Section 12071.

33 See Sections 16520 (“firearm”), 26700 (“dealer,” “licensee,” or “person licensed pursuant to
34 Sections 26700 to 26915, inclusive”), 17340 (“wholesaler”).

35 **§ 27125. Exception for sale, delivery, or transfer of unloaded firearms by dealer to another**
36 **dealer to treat as merchandise**

37 27125. Article 1 (commencing with Section 26700) and Article 2 (commencing
38 with Section 26800) do not apply to the sale, delivery, or transfer of firearms if all
39 of the following conditions are satisfied:

40 (a) The firearms are unloaded.

41 (b) The sale, delivery, or transfer is made by one dealer to another dealer, upon
42 proof of compliance with the requirements of Section 27555.

1 (c) The firearms are intended as merchandise in the receiving dealer’s business

2 **Comment.** Section 27125 continues former Section 12078(k)(4) without substantive change,
3 as that provision applied to former Section 12071.

4 See Sections 16520 (“firearm”), 26700 (“dealer,” “licensee,” or “person licensed pursuant to
5 Sections 26700 to 26915, inclusive”).

6 **§ 27130. Exception for sale, delivery, or transfer of unloaded firearm, other than handgun,
7 by dealer to self**

8 27130. Article 1 (commencing with Section 26700) and Article 2 (commencing
9 with Section 26800) do not apply to the sale, delivery, or transfer of an unloaded
10 firearm, other than a handgun, by a dealer to himself or herself.

11 **Comment.** Section 27130 continues former Section 12078(k)(5) without substantive change,
12 as that provision applied to former Section 12071.

13 See Sections 16520 (“firearm”), 16640 (“handgun”), 26700 (“dealer,” “licensee,” or “person
14 licensed pursuant to Sections 26700 to 26915, inclusive”).

15 **§ 27135. Exception for loan of unloaded firearm under specified circumstances by dealer to
16 person at target facility or at premises of target shooting club or organization**

17 27135. (a) Article 1 (commencing with Section 26700) and Article 2
18 (commencing with Section 26800) do not apply to the loan of an unloaded firearm
19 if all of the following conditions are satisfied:

20 (1) The loan is made by a dealer who also operates a target facility that holds a
21 business or regulatory license on the premises of the building designated in the
22 license.

23 (2) The loan is made to a person at that target facility.

24 (3) The firearm is at all times kept within the premises of the target facility.

25 (b) Article 1 (commencing with Section 26700) and Article 2 (commencing with
26 Section 26800) do not apply to the loan of an unloaded firearm if all of the
27 following conditions are satisfied:

28 (1) The loan is made by a dealer whose building designated in the license is on
29 the premises of any club or organization organized for the purposes of practicing
30 shooting at targets upon established ranges, whether public or private.

31 (2) The loan is made to a person at that club or organization.

32 (3) The firearm is at all times kept within the premises of the club or
33 organization.

34 **Comment.** Section 27135 continues former Section 12078(k)(6) without substantive change,
35 as that provision applied to former Section 12071.

36 See Sections 16520 (“firearm”), 26700 (“dealer,” “licensee,” or “person licensed pursuant to
37 Sections 26700 to 26915, inclusive”).

38 **§ 27140. Exception for sale, delivery, or transfer of firearms regulated pursuant to specified
39 statutes, if sale, delivery, or transfer complies with applicable statutory provisions**

40 27140. Article 1 (commencing with Section 26700) and Article 2 (commencing
41 with Section 26800) do not apply to the sale, delivery, or transfer of firearms

1 regulated pursuant to any of the following statutes, if the sale, delivery, or transfer
2 is conducted in accordance with the applicable provisions of the statute:

3 (a) Section 24410, relating to cane guns, and the exemptions in Chapter 1
4 (commencing with Section 17700) of Title 2, as they relate to cane guns.

5 (b) Section 24510, relating to firearms that are not immediately recognizable as
6 firearms, and the exemptions in Chapter 1 (commencing with Section 17700) of
7 Title 2, as they relate to firearms that are not immediately recognizable as
8 firearms.

9 (c) Sections 24610 and 24680, relating to undetectable firearms, and the
10 exemptions in Chapter 1 (commencing with Section 17700) of Title 2, as they
11 relate to undetectable firearms.

12 (d) Section 24710, relating to wallet guns, and the exemptions in Chapter 1
13 (commencing with Section 17700) of Title 2, as they relate to wallet guns.

14 (e) Chapter 2 (commencing with Section 30500) of Division 10, relating to
15 assault weapons.

16 (f) Section 31500, relating to unconventional pistols, and the exemptions in
17 Chapter 1 (commencing with Section 17700) of Title 2, as they relate to
18 unconventional pistols.

19 (g) Sections 33215 to 33225, inclusive, relating to short-barreled rifles and
20 short-barreled shotguns, and the exemptions in Chapter 1 (commencing with
21 Section 17700) of Title 2, as they relate to short-barreled rifles and short-barreled
22 shotguns.

23 (h) Chapter 6 (commencing with Section 32610) of Division 10, relating to
24 machineguns.

25 (i) Section 33600, relating to zip guns, and the exemptions in Chapter 1
26 (commencing with Section 17700) of Title 2, as they relate to zip guns.

27 **Comment.** Section 27140 continues former Section 12078(o) without substantive change, as
28 that provision applied to former Section 12071.

29 See Sections 16330 (“cane gun”), 16520 (“firearm”), 16880 (“machinegun”), 17170 (“short-
30 barreled rifle”), 17180 (“short-barreled shotgun”), 17270 (“unconventional pistol”), 17280
31 (“undetectable firearm”), 17330 (“wallet gun”), 17360 (“zip gun”) 30510 (“assault weapon”),
32 30515 (further clarification of “assault weapon”).

33 CHAPTER 3. GUN SHOW OR EVENT

34 Article 1. Gun Show or Event

35 **§ 27200. Certificate of eligibility for organizing gun show or event**

36 27200. (a) No person shall produce, promote, sponsor, operate, or otherwise
37 organize a gun show or event, as specified in subdivision (b) of Section 26805,
38 unless that person possesses a valid certificate of eligibility from the Department
39 of Justice.

40 (b) Unless the department’s records indicate that the applicant is a person
41 prohibited from possessing firearms, a certificate of eligibility shall be issued by

1 the Department of Justice to an applicant provided the applicant does all of the
2 following:

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

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

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

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

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

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

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

25 **Comment.** Subdivision (a) of Section 27200 continues the first sentence of former Section
26 12071.1(a) without substantive change.

27 Subdivision (b) continues the second sentence of former Section 12071.1(a) without
28 substantive change.

29 Subdivision (c) continues former Section 12071.1(b) without substantive change.

30 Subdivisions (d) and (e) continue former Section 12071.1(d) without substantive change.

31 Subdivision (f) continues former Section 12071.1(q) without substantive change.

32 For exceptions to provisions in this article and Article 2 (commencing with Section 27300), see
33 Article 3 (commencing with Section 27400).

34 For the consequences of violating this article, see Section 27245 (punishment).

35 See Sections 16520 (“firearm”), 16800 (“licensed gun show producer”).

36 **§ 27205. List of participants in gun show or event**

37 27205. (a) Before commencement of a gun show or event, the producer thereof
38 shall, upon written request from a law enforcement agency with jurisdiction over
39 the facility, make available to that agency, within 48 hours or a later time specified
40 by the agency, a complete and accurate list of all persons, entities, and
41 organizations that have leased or rented, or are known to the producer to intend to
42 lease or rent, any table, display space, or area at the gun show or event for the
43 purpose of selling, leasing, or transferring firearms.

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

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

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

15 (1) The vendor's complete name.

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

17 **Comment.** Subdivision (a) of Section 27205 continues the first paragraph of former Section
18 12071.1(f) without substantive change.

19 Subdivision (b) continues the second paragraph of former Section 12071.1(f) without
20 substantive change.

21 Subdivision (c) continues the third paragraph of former Section 12071.1(f) without substantive
22 change.

23 Subdivision (d) continues former Section 12071.1(g) without substantive change.

24 For exceptions to provisions in this article and Article 2 (commencing with Section 27300), see
25 Article 3 (commencing with Section 27400).

26 For the consequences of violating this article, see Section 27245 (punishment).

27 See Section 16520 ("firearm").

28 **Note.** Proposed Section 27205(d) refers to "a vendor who offers for sale firearms
29 manufactured after December 31, 1898." (Emphasis added.) The reference to "1898" is not a
30 mistake. See existing Section 12071.1(g).

31 **§ 27210. Annual event and security plan and schedule**

32 27210. (a) The producer and facility manager of a gun show or event shall
33 prepare an annual event and security plan and schedule that shall include, at a
34 minimum, the following information for each show or event:

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

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

38 (3) The estimated number of attendees.

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

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

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

43 (7) The number of sworn peace officers employed by the producer or the
44 facilities manager who will be present at the show or event.

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

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

6 (c) If significant changes have been made since the annual plan was submitted,
7 the producer shall, not later than 15 days before commencement of the gun show
8 or event, submit to the department, the law enforcement agency with jurisdiction
9 over the facility site, and the facility's manager, a revised event and security plan,
10 including a revised list of vendors that the producer knows, or reasonably should
11 know, will be renting tables, space, or otherwise participating in the gun show or
12 event.

13 (d) The event and security plan shall be approved by the facility's manager
14 before the event or show, after consultation with the law enforcement agency with
15 jurisdiction over the facility.

16 (e) No gun show or event shall commence unless the requirements of
17 subdivisions (b), (c), and (d) are met.

18 **Comment.** Subdivision (a) of Section 27210 continues former Section 12071.1(h) without
19 substantive change.

20 Subdivision (b) continues the first sentence of former Section 12071.1(i) without substantive
21 change.

22 Subdivision (c) continues the second sentence of former Section 12071.1(i) without substantive
23 change.

24 Subdivision (d) continues the third sentence of former Section 12071.1(i) without substantive
25 change.

26 Subdivision (e) continues the fourth sentence of former Section 12071.1(i) without substantive
27 change.

28 For exceptions to provisions in this article and Article 2 (commencing with Section 27300), see
29 Article 3 (commencing with Section 27400).

30 For the consequences of violating this article, see Section 27245 (punishment).

31 See Section 16520 ("firearm").

32 **§ 27215. Producer's duty to inform vendor of legal requirements**

33 27215. The producer of a gun show or event shall be responsible for informing
34 prospective gun show vendors of the requirements of this article and of Article 2
35 (commencing with Section 27300) that apply to vendors.

36 **Comment.** Section 27215 continues former Section 12071.1(j) without substantive change.

37 For exceptions to provisions in this article and Article 2 (commencing with Section 27300), see
38 Article 3 (commencing with Section 27400).

39 For the consequences of violating this article, see Section 27245 (punishment).

40 **§ 27220. Participation of licensed firearms dealer in gun show or event**

41 27220. (a) Within seven calendar days of the commencement of a gun show or
42 event, but not later than noon on Friday for a show or event held on a weekend,
43 the producer shall submit a list of all prospective vendors and designated firearms
44 transfer agents who are licensed firearms dealers to the Department of Justice for

1 the purpose of determining whether these prospective vendors and designated
2 firearms transfer agents possess valid licenses and are thus eligible to participate
3 as licensed dealers at the show or event.

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

7 **Comment.** Subdivision (a) of Section 27220 continues the first sentence of former Section
8 12071.1(k) without substantive change.

9 Subdivision (b) continues the second sentence of former Section 12071.1(k) without
10 substantive change.

11 For exceptions to provisions in this article and Article 2 (commencing with Section 27300), see
12 Article 3 (commencing with Section 27400).

13 For the consequences of violating this article, see Section 27245 (punishment).

14 See Sections 16520 ("firearm"), 26700 ("dealer," "licensee," or "person licensed pursuant to
15 Sections 26700 to 26915, inclusive").

16 **§ 27225. Cooperation of licensed firearms dealer**

17 27225. If a licensed firearms dealer fails to cooperate with a producer of a gun
18 show or event, or fails to comply with the applicable requirements of this article or
19 Article 2 (commencing with Section 27300), that person shall not be allowed to
20 participate in that show or event.

21 **Comment.** Section 27225 continues former Section 12071.1(l) without substantive change.

22 For exceptions to provisions in this article and Article 2 (commencing with Section 27300), see
23 Article 3 (commencing with Section 27400).

24 For the consequences of violating this article, see Section 27245 (punishment).

25 See Sections 16520 ("firearm"), 26700 ("dealer," "licensee," or "person licensed pursuant to
26 Sections 26700 to 26915, inclusive").

27 **§ 27230. Producer's failure to comply with Section 27215 or 27220**

28 27230. If a producer fails to comply with Section 27215 or 27220, the gun show
29 or event shall not commence until those requirements are met.

30 **Comment.** Section 27230 continues former Section 12071.1(m) without substantive change.

31 For exceptions to provisions in this article and Article 2 (commencing with Section 27300), see
32 Article 3 (commencing with Section 27400).

33 For the consequences of violating this article, see Section 27245 (punishment).

34 **§ 27235. Written contract between producer and vendor**

35 27235. The producer of a gun show or event shall have a written contract with
36 each gun show vendor selling firearms at the show or event.

37 **Comment.** Section 27235 continues former Section 12071.1(n) without substantive change.

38 For exceptions to provisions in this article and Article 2 (commencing with Section 27300), see
39 Article 3 (commencing with Section 27400).

40 For the consequences of violating this article, see Section 27245 (punishment).

41 See Section 16520 ("firearm").

1 **§ 27240. Posting of signs**

2 27240. (a) The producer of a gun show or event shall require that signs be
3 posted in a readily visible location at each public entrance to the show containing,
4 but not limited to, the following notices:

5 (1) This gun show follows all federal, state, and local firearms and weapons
6 laws, without exception.

7 (2) Any firearm carried onto the premises by any member of the public will be
8 checked, cleared of any ammunition, and secured in a manner that prevents it from
9 being operated, and an identification tag or sticker will be attached to the firearm
10 before the person is allowed admittance to the show.

11 (3) No member of the public under the age of 18 years shall be admitted to the
12 show unless accompanied by a parent, grandparent, or legal guardian.

13 (4) All firearms transfers between private parties at the show shall be conducted
14 through a licensed dealer in accordance with applicable state and federal laws.

15 (5) Persons possessing firearms at this facility must have in their immediate
16 possession government-issued photo identification, and display it upon request to
17 any security officer or any peace officer, as defined in Section 830.

18 (b) The show producer shall post, in a readily visible location at each entrance to
19 the parking lot at the show, signage that states: “The transfer of firearms on the
20 parking lot of this facility is a crime.”

21 **Comment.** Subdivision (a) of Section 27240 continues former Section 12071.1(o) without
22 substantive change.

23 Subdivision (b) continues former Section 12071.1(p) without substantive change.

24 For exceptions to provisions in this article and Article 2 (commencing with Section 27300), see
25 Article 3 (commencing with Section 27400).

26 For the consequences of violating this article, see Section 27245 (punishment).

27 See Sections 16520 (“firearm”), 26700 (“dealer,” “licensee,” or “person licensed pursuant to
28 Sections 26700 to 26915, inclusive”).

29 **§ 27245. Punishment**

30 27245. (a) A willful failure by a gun show producer to comply with any of the
31 requirements of this article, except for the posting of required signs, shall be a
32 misdemeanor punishable by a fine not to exceed two thousand dollars (\$2,000),
33 and shall render the producer ineligible for a gun show producer license for one
34 year from the date of the conviction.

35 (b) A willful failure of a gun show producer to post signs as required by this
36 article shall be a misdemeanor punishable by a fine not to exceed one thousand
37 dollars (\$1,000) for the first offense and not to exceed two thousand dollars
38 (\$2,000) for the second or subsequent offense, and with respect to the second or
39 subsequent offense, shall render the producer ineligible for a gun show producer
40 license for one year from the date of the conviction.

41 (c) Multiple violations charged pursuant to subdivision (a) arising from more
42 than one gun show or event shall be grounds for suspension of a producer’s
43 certificate of eligibility pending adjudication of the violations.

1 **Comment.** Subdivision (a) of Section 27245 continues former Section 12071.1(e)(1) without
2 substantive change.

3 Subdivision (b) continues former Section 12071.1(e)(2) without substantive change.

4 Subdivision (c) continues former Section 12071.1(e)(3) without substantive change.

5 A violation of the predecessor of this article (former Section 12071.1) counts as a prior offense
6 in determining the appropriate punishment under this section. See Section 16015 (determining
7 existence of prior conviction).

8 For exceptions to provisions in this article and Article 2 (commencing with Section 27300), see
9 Article 3 (commencing with Section 27400).

10 Article 2. Gun Show Enforcement and Security Act of 2000

11 **§ 27300. Title of act**

12 27300. This article shall be known, and may be cited as, the Gun Show
13 Enforcement and Security Act of 2000.

14 **Comment.** Section 27300 continues former Section 12071.4(a) without substantive change.

15 **§ 27305. Vendor certification to producer**

16 27305. All gun show or event vendors shall certify in writing to the producer
17 that they:

18 (a) Will not display, possess, or offer for sale any firearms, knives, or weapons
19 for which possession or sale is prohibited.

20 (b) Acknowledge that they are responsible for knowing and complying with all
21 applicable federal, state, and local laws dealing with the possession and transfer of
22 firearms.

23 (c) Will not engage in activities that incite or encourage hate crimes.

24 (d) Will process all transfers of firearms through licensed firearms dealers as
25 required by state law.

26 (e) Will verify that all firearms in their possession at the show or event will be
27 unloaded, and that the firearms will be secured in a manner that prevents them
28 from being operated except for brief periods when the mechanical condition of a
29 firearm is being demonstrated to a prospective buyer.

30 (f) Have complied with the requirements of Section 27320.

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

32 **Comment.** Section 27305 continues former Section 12071.4(b) without substantive change.

33 For exceptions to provisions in this article and Article 1 (commencing with Section 27200), see
34 Article 3 (commencing with Section 27400).

35 For the consequences of violating this article, see Section 27350 (punishment).

36 See Sections 16520 (“firearm”), 26700 (“dealer,” “licensee,” or “person licensed pursuant to
37 Sections 26700 to 26915, inclusive”).

38 **§ 27310. Compliance with federal and state laws**

39 27310. All firearms transfers at a gun show or event shall be in accordance with
40 applicable state and federal laws.

41 **Comment.** Section 27310 continues former Section 12071.4(c) without substantive change.

1 For exceptions to provisions in this article and Article 1 (commencing with Section 27200), see
2 Article 3 (commencing with Section 27400).

3 For the consequences of violating this article, see Section 27350 (punishment).

4 See Section 16520 (“firearm”).

5 **§ 27315. Display of ammunition**

6 27315. Except for purposes of showing ammunition to a prospective buyer,
7 ammunition at a gun show or event may be displayed only in closed original
8 factory boxes or other closed containers.

9 **Comment.** Section 27315 continues former Section 12071.4(d) without substantive change.

10 For exceptions to provisions in this article and Article 1 (commencing with Section 27200), see
11 Article 3 (commencing with Section 27400).

12 For the consequences of violating this article, see Section 27350 (punishment).

13 **§ 27320. Information to be provided by vendor**

14 27320. (a) Before commencement of a gun show or event, each vendor who will
15 offer for sale firearms manufactured after December 31, 1898, shall provide to the
16 producer all of the following information relative to the vendor, the vendor’s
17 employees, and other persons, compensated or not, who will be working or
18 otherwise providing services to the public at the vendor’s display space:

19 (1) The person’s complete name.

20 (2) The person’s driver’s license or state-issued identification card number.

21 (3) The person’s date of birth.

22 (b) The producer shall keep the information at the onsite headquarters of the
23 show or event for the duration of the show or event, and at the producer’s regular
24 place of business for two weeks after the conclusion of the show or event. The
25 producer shall make the information available upon request to any sworn peace
26 officer for purposes of the officer’s official law enforcement duties.

27 **Comment.** Section 27320 continues former Section 12071.4(e) without substantive change.

28 For exceptions to provisions in this article and Article 1 (commencing with Section 27200), see
29 Article 3 (commencing with Section 27400).

30 For the consequences of violating this article, see Section 27350 (punishment).

31 See Section 16520 (“firearm”).

32 **Note.** Proposed Section 27320(a) refers to “each vendor who will offer for sale firearms
33 manufactured after December 31, 1898 ...” (Emphasis added.) The reference to “1898” is not a
34 mistake. See existing Section 12071.4(e).

35 **§ 27325. Nametag requirement**

36 27325. At any gun show or event, each vendor and each employee of a vendor
37 shall wear a name tag indicating first and last name.

38 **Comment.** Section 27325 continues former Section 12071.4(f) without substantive change.

39 For exceptions to provisions in this article and Article 1 (commencing with Section 27200), see
40 Article 3 (commencing with Section 27400).

41 For the consequences of violating this article, see Section 27350 (punishment).

1 § 27330. Simultaneous possession of firearm and ammunition designed for that firearm

2 27330. No person at a gun show or event, other than security personnel or sworn
3 peace officers, shall possess at the same time both a firearm and ammunition that
4 is designed to be fired in the firearm. Vendors having those items at the show for
5 sale or exhibition are exempt from this prohibition.

6 **Comment.** Section 27330 continues former Section 12071.4(g) without substantive change.

7 For exceptions to provisions in this article and Article 1 (commencing with Section 27200), see
8 Article 3 (commencing with Section 27400).

9 For the consequences of violating this article, see Section 27350 (punishment).

10 See Section 16520 (“firearm”).

11 § 27335. Attendance by person under 18

12 27335. No member of the public who is under the age of 18 years shall be
13 admitted to, or be permitted to remain at, a gun show or event unless accompanied
14 by a parent or legal guardian. Any member of the public who is under the age of
15 18 shall be accompanied by that person’s parent, grandparent, or legal guardian
16 while at the show or event.

17 **Comment.** Section 27335 continues former Section 12071.4(h) without substantive change.

18 For exceptions to provisions in this article and Article 1 (commencing with Section 27200), see
19 Article 3 (commencing with Section 27400).

20 For the consequences of violating this article, see Section 27350 (punishment).

21 § 27340. Firearm brought to gun show by member of public

22 27340. (a) Persons other than show or event security personnel, sworn peace
23 officers, or vendors, who bring firearms onto the gun show or event premises shall
24 sign in ink the tag or sticker that is attached to the firearm prior to being allowed
25 admittance to the show or event, as provided for in subdivision (b).

26 (b) All firearms carried onto the premises of a gun show or event by members of
27 the public shall be checked, cleared of any ammunition, secured in a manner that
28 prevents them from being operated, and an identification tag or sticker shall be
29 attached to the firearm, prior to the person being allowed admittance to the show.
30 The identification tag or sticker shall state that all firearms transfers between
31 private parties at the show or event shall be conducted through a licensed dealer in
32 accordance with applicable state and federal laws. The person possessing the
33 firearm shall complete the following information on the tag before it is attached to
34 the firearm:

35 (1) The gun owner’s signature.

36 (2) The gun owner’s printed name.

37 (3) The identification number from the gun owner’s government-issued photo
38 identification.

39 **Comment.** Subdivision (a) of Section 27340 continues former Section 12071.4(i) without
40 substantive change.

41 Subdivision (b) continues former Section 12071.4(j) without substantive change.

42 See Section 16520 (“firearm”).

43 For exceptions to provisions in this article and Article 1 (commencing with Section 27200), see
44 Article 3 (commencing with Section 27400).

1 For the consequences of violating this article, see Section 27350 (punishment).

2 **§ 27345. Government-issued photo identification**

3 27345. Any person who possesses a firearm at a gun show or event shall have
4 government-issued photo identification in immediate possession, and shall display
5 it upon request to any security officer or peace officer.

6 **Comment.** Section 27345 continues former Section 12071.4(k) without substantive change.

7 For exceptions to provisions in this article and Article 1 (commencing with Section 27200), see
8 Article 3 (commencing with Section 27400).

9 For the consequences of violating this article, see Section 27350 (punishment).

10 See Section 16520 (“firearm”).

11 **§ 27350. Punishment**

12 27350. (a) Unless otherwise specified, a first violation of this article is an
13 infraction.

14 (b) Any second or subsequent violation of this article is a misdemeanor.

15 (c) Any person who commits an act the person knows to be a violation of this
16 article is guilty of a misdemeanor for a first offense.

17 **Comment.** Section 27350 continues former Section 12071.4(l) without substantive change.

18 A violation of the predecessor of this article (former Section 12071.4(k)) counts as a prior
19 offense in determining the appropriate punishment under this section. See Section 16015
20 (determining existence of prior conviction).

21 For exceptions to provisions in this article and Article 1 (commencing with Section 27200), see
22 Article 3 (commencing with Section 27400).

23 **Article 3. Exceptions Relating to Law Enforcement**

24 **§ 27400. Exception for sale, delivery, or transfer to authorized law enforcement**
25 **representative of city, county, city and county, or state or federal government**

26 27400. (a) Article 1 (commencing with Section 27200) and Article 2
27 (commencing with Section 27300) do not apply to any sale, delivery, or transfer of
28 firearms made to an authorized law enforcement representative of any city,
29 county, city and county, or state, or of the federal government, for exclusive use
30 by that governmental agency if, prior to the sale, delivery, or transfer of these
31 firearms, written authorization from the head of the agency authorizing the
32 transaction is presented to the person from whom the purchase, delivery, or
33 transfer is being made.

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

39 (c) Within 10 days of the date a handgun is acquired by the agency, a record of
40 the same shall be entered as an institutional weapon into the Automated Firearms
41 System (AFS) via the California Law Enforcement Telecommunications System

1 (CLETS) by the law enforcement or state agency. Any agency without access to
2 AFS shall arrange with the sheriff of the county in which the agency is located to
3 input this information via this system.

4 **Comment.** Section 27400 continues former Section 12078(a)(2) without substantive change, as
5 that provision applied to former Sections 12071.1 and 12071.4 (through its reference to “the
6 preceding provisions of this article”).

7 See Sections 16520 (“firearm”), 16640 (“handgun”).

8 **§ 27405. Exception for loan of firearm to peace officer employee for use in performing**
9 **official duties**

10 27405. Article 1 (commencing with Section 27200) and Article 2 (commencing
11 with Section 27300) do not apply to the loan of a firearm if all of the following
12 conditions are satisfied:

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

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

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

19 **Comment.** Section 27405 continues former Section 12078(a)(3) without substantive change, as
20 that provision applied to former Sections 12071.1 and 12071.4 (through its reference to “the
21 preceding provisions of this article”).

22 See Section 16520 (“firearm”).

23 **§ 27410. Exception for sale, delivery, or transfer by law enforcement agency to peace officer**
24 **pursuant to Public Contract Code**

25 27410. (a) Article 1 (commencing with Section 27200) and Article 2
26 (commencing with Section 27300) do not apply to the sale, delivery, or transfer of
27 a firearm by a law enforcement agency to a peace officer pursuant to Section
28 10334 of the Public Contract Code.

29 (b) Within 10 days of the date that a handgun is sold, delivered, or transferred
30 pursuant to Section 10334 of the Public Contract Code to that peace officer, the
31 name of the officer and the make, model, serial number, and other identifying
32 characteristics of the firearm being sold, delivered, or transferred shall be entered
33 into the Automated Firearms System (AFS) via the California Law Enforcement
34 Telecommunications System (CLETS) by the law enforcement or state agency that
35 sold, delivered, or transferred the firearm. Any agency without access to AFS shall
36 arrange with the sheriff of the county in which the agency is located to input this
37 information via this system.

38 **Comment.** Section 27410 continues former Section 12078(a)(4) without substantive change, as
39 that provision applied to former Sections 12071.1 and 12071.4 (through its reference to “the
40 preceding provisions of this article”).

41 See Sections 16520 (“firearm”), 16640 (“handgun”).

1 **§ 27415. Exception for sale, delivery, or transfer by law enforcement agency to retiring**
2 **peace officer authorized to carry concealed and loaded firearm**

3 27415. (a) Article 1 (commencing with Section 27200) and Article 2
4 (commencing with Section 27300) do not apply to the sale, delivery, or transfer of
5 a firearm by a law enforcement agency to a retiring peace officer who is
6 authorized to carry a firearm pursuant to Chapter 5 (commencing with Section
7 26300) of Division 5.

8 (b) Within 10 days of the date that a handgun is sold, delivered, or transferred to
9 that retiring peace officer, the name of the officer and the make, model, serial
10 number, and other identifying characteristics of the firearm being sold, delivered,
11 or transferred shall be entered into the Automated Firearms System (AFS) via the
12 California Law Enforcement Telecommunications System (CLETS) by the law
13 enforcement or state agency that sold, delivered, or transferred the firearm. Any
14 agency without access to AFS shall arrange with the sheriff of the county in which
15 the agency is located to input this information via this system.

16 **Comment.** Section 27415 continues former Section 12078(a)(5) without substantive change, as
17 that provision applied to former Sections 12071.1 and 12071.4 (through its reference to “the
18 preceding provisions of this article”).

19 See Sections 16520 (“firearm”), 16640 (“handgun”).

20 CHAPTER 4. CRIMES RELATING TO SALE, LEASE, OR TRANSFER OF FIREARMS

21 Article 1. Crimes Relating to Sale, Lease, or Transfer of Firearms

22 **§ 27500. Providing firearm to person in prohibited class**

23 27500. (a) No person, corporation, or firm shall knowingly supply, deliver, sell,
24 or give possession or control of a firearm to any person within any of the classes
25 prohibited by Chapter 2 (commencing with Section 29800) or 3 (commencing
26 with Section 29900) of Division 9.

27 (b) No person, corporation, or dealer shall sell, supply, deliver, or give
28 possession or control of a firearm to anyone whom the person, corporation, or
29 dealer has cause to believe is within any of the classes prohibited by Chapter 2
30 (commencing with Section 29800) or 3 (commencing with Section 29900) of
31 Division 9 of this title, or Section 8100 or 8103 of the Welfare and Institutions
32 Code.

33 **Comment.** Subdivision (a) of Section 27500 continues former Section 12072(a)(1) without
34 substantive change.

35 Subdivision (b) continues former Section 12072(a)(2) without substantive change.

36 For exceptions to this provision, see Article 2 (commencing with Section 27600).

37 For the consequences of violating this section, see Section 27590 (punishment for violation of
38 article).

39 See Sections 16520 (“firearm”), 26700 (“dealer,” “licensee,” or “person licensed pursuant to
40 Sections 26700 to 26915, inclusive”).

1 **§ 27505. Person, corporation, or firm that sells, loans, or transfers firearm to minor or**
2 **handgun to person under age 21**

3 27505. (a) No person, corporation, or firm shall sell, loan, or transfer a firearm
4 to a minor, nor sell a handgun to an individual under 21 years of age.

5 (b) Subdivision (a) shall not apply to or affect the following circumstances:

6 (1) The sale of a handgun, if the handgun is an antique firearm and the sale is to
7 a person at least 18 years of age.

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

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

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

16 (5) The loan of a handgun to a minor by the minor's parent or legal guardian, if
17 both of the following requirements are satisfied:

18 (A) The minor is being loaned the firearm for the purposes of engaging in a
19 lawful, recreational sport, including, but not limited to, competitive shooting, or
20 agricultural, ranching, or hunting activity, or a motion picture, television, or video
21 production, or entertainment or theatrical event, the nature of which involves the
22 use of a firearm.

23 (B) The duration of the loan does not exceed the amount of time that is
24 reasonably necessary to engage in the lawful, recreational sport, including, but not
25 limited to, competitive shooting, or agricultural, ranching, or hunting activity, or a
26 motion picture, television, or video production, or entertainment or theatrical
27 event, the nature of which involves the use of a firearm.

28 (6) The loan of a handgun to a minor by a person who is not the minor's parent
29 or legal guardian, if all of the following requirements are satisfied:

30 (A) The minor is accompanied by the minor's parent or legal guardian when the
31 loan is made, or the minor has the written consent of the minor's parent or legal
32 guardian, which is presented at the time of the loan, or earlier.

33 (B) The minor is being loaned the firearm for the purpose of engaging in a
34 lawful, recreational sport, including, but not limited to, competitive shooting, or
35 agricultural, ranching, or hunting activity, or a motion picture, television, or video
36 production, or entertainment or theatrical event, the nature of which involves the
37 use of a firearm.

38 (C) The duration of the loan does not exceed the amount of time that is
39 reasonably necessary to engage in the lawful, recreational sport, including, but not
40 limited to, competitive shooting, or agricultural, ranching, or hunting activity, or a
41 motion picture, television, or video production, or entertainment or theatrical
42 event, the nature of which involves the use of a firearm.

43 (D) The duration of the loan does not, in any event, exceed 10 days.

1 **Comment.** Subdivision (a) of Section 27505 continues former Section 12072(a)(3)(A) without
2 substantive change.

3 Subdivision (b) continues without substantive change former Section 12072(a)(3)(B) and
4 former Section 12078(p), as it pertained to former Section 12072(a)(3). See Section 16170
5 (“antique firearm”).

6 For exceptions to this provision, see Article 2 (commencing with Section 27600).

7 For the consequences of violating this section, see Section 27590 (punishment for violation of
8 article).

9 See also Sections 16520 (“firearm”), 16640 (“handgun”).

10 **§ 27510. Dealer that supplies, delivers, or gives possession or control of firearm to minor or**
11 **handgun to person under age 21**

12 27510. No person licensed under Sections 26700 to 26915, inclusive, shall
13 supply, sell, deliver, or give possession or control of a pistol, revolver, or firearm
14 capable of being concealed upon the person to any person under the age of 21
15 years, or any other firearm to a person under the age of 18 years.

16 **Comment.** Section 27510 continues former Section 12072(b) without substantive change.

17 For exceptions to this provision, see Article 2 (commencing with Section 27600).

18 For the consequences of violating this section, see Section 27590 (punishment for violation of
19 article).

20 See Sections 16520 “firearm,” 16530 (“firearm capable of being concealed upon the person,”
21 “pistol,” and “revolver.”

22 **§ 27515. Providing firearm to sham recipient**

23 27515. No person, corporation, or dealer shall sell, loan, or transfer a firearm to
24 anyone whom the person, corporation, or dealer has cause to believe is not the
25 actual purchaser or transferee of the firearm, or to anyone who is not the one
26 actually being loaned the firearm, if the person, corporation, or dealer has either of
27 the following:

28 (a) Knowledge that the firearm is to be subsequently loaned, sold, or transferred
29 to avoid the provisions of Section 27540 or 27545.

30 (b) Knowledge that the firearm is to be subsequently loaned, sold, or transferred
31 to avoid the requirements of any exemption to the provisions of Section 27540 or
32 27545.

33 **Comment.** Section 27515 continues former Section 12072(a)(4) without substantive change.

34 For exceptions to this provision, see Article 2 (commencing with Section 27600).

35 For the consequences of violating this section, see Section 27590 (punishment for violation of
36 article).

37 See Sections 16520 (“firearm”), 26700 (“dealer,” “licensee,” or “person licensed pursuant to
38 Sections 26700 to 26915, inclusive”).

39 **§ 27520. Acquiring firearm with intent to violate certain restrictions**

40 27520. No person, corporation, or dealer shall acquire a firearm for the purpose
41 of selling, transferring, or loaning the firearm, if the person, corporation, or dealer
42 has either of the following:

43 (a) In the case of a dealer, intent to violate Section 27510 or 27540.

44 (b) In any other case, intent to avoid either of the following:

1 (1) The provisions of Section 27545.

2 (2) The requirements of any exemption to the provisions of Section 27545.

3 **Comment.** Section 27520 continues former Section 12072(a)(5) without substantive change.

4 For exceptions to this provision, see Article 2 (commencing with Section 27600).

5 For the consequences of violating this section, see Section 27590 (punishment for violation of
6 article).

7 See Sections 16520 (“firearm”), 26700 (“dealer,” “licensee,” or “person licensed pursuant to
8 Sections 26700 to 26915, inclusive”).

9 **§ 27525. Compliance with reporting requirements**

10 27525. (a) A dealer shall comply with Section 26905.

11 (b) A dealer shall comply with Section 26910.

12 **Comment.** Subdivision (a) of Section 27525 continues former Section 12072(a)(6), relating to
13 reporting of handgun acquisitions, without substantive change.

14 Subdivision (b) continues former Section 12072(a)(7), relating to reporting of information on a
15 firearm that is not timely delivered, without substantive change.

16 For exceptions to this provision, see Article 2 (commencing with Section 27600).

17 For the consequences of violating this section, see Section 27590 (punishment for violation of
18 article).

19 See Sections 16520 (“firearm”), 16640 (“handgun”), 26700 (“dealer,” “licensee,” or “person
20 licensed pursuant to Sections 26700 to 26915, inclusive”).

21 **§ 27530. Transfer of handgun that lacks identifying information**

22 27530. No person shall sell or otherwise transfer ownership in a pistol, revolver,
23 or other firearm capable of being concealed upon the person unless the firearm
24 bears either:

25 (a) The name of the manufacturer, the manufacturer’s make or model, and a
26 manufacturer’s serial number assigned to that firearm.

27 (b) The identification number or mark assigned to the firearm by the Department
28 of Justice pursuant to Section 23910.

29 **Comment.** Section 27530 continues former Section 12072(a)(8) without substantive change.

30 For exceptions to this provision, see Article 2 (commencing with Section 27600).

31 For the consequences of violating this section, see Section 27590 (punishment for violation of
32 article).

33 See Sections 16520 (“firearm”), 16530 (“firearm capable of being concealed upon the person,”
34 “pistol,” and “revolver”), 16640 (“handgun”).

35 **§ 27535. Purchasing more than one firearm in 30-day period**

36 27535. (a) No person shall make an application to purchase more than one
37 pistol, revolver, or other firearm capable of being concealed upon the person
38 within any 30-day period.

39 (b) Subdivision (a) shall not apply to any of the following:

40 (1) Any law enforcement agency.

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

42 (3) Any state or local correctional facility.

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

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

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

8 (7) Any person who may, pursuant to Article 2 (commencing with Section
9 27600), 3 (commencing with Section 27650), or 4 (commencing with Section
10 27700), claim an exemption from the waiting period set forth in Section 27540.

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

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

18 (10) The exchange of a pistol, revolver, or other firearm capable of being
19 concealed upon the person where the dealer purchased that firearm from the
20 person seeking the exchange within the 30-day period immediately preceding the
21 date of exchange or replacement.

22 (11) The replacement of a pistol, revolver, or other firearm capable of being
23 concealed upon the person when the person's pistol, revolver, or other firearm
24 capable of being concealed upon the person was lost or stolen, and the person
25 reported that firearm lost or stolen prior to the completion of the application to
26 purchase to any local law enforcement agency of the city, county, or city and
27 county in which the person resides.

28 (12) The return of any pistol, revolver, or other firearm capable of being
29 concealed upon the person to its owner.

30 **Comment.** Section 27535 continues former Section 12072(a)(9) without substantive change.

31 For exceptions to this provision, see Article 2 (commencing with Section 27600).

32 For the consequences of violating this section, see Section 27590 (punishment for violation of
33 article).

34 See Sections 16520 ("firearm"), 16530 ("firearm capable of being concealed upon the person,"
35 "pistol," and "revolver"), 26700 ("dealer," "licensee," or "person licensed pursuant to Sections
36 26700 to 26915, inclusive").

37 **§ 27540. Waiting period and other delivery restrictions**

38 27540. No dealer, whether or not acting pursuant to Chapter 5 (commencing
39 with Section 28050), shall deliver a firearm to a person, as follows:

40 (a) Within 10 days of the application to purchase, or, after notice by the
41 department pursuant to Section 28220, within 10 days of the submission to the
42 department of any correction to the application, or within 10 days of the

1 submission to the department of any fee required pursuant to Section 28225,
2 whichever is later.

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

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

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

10 (e)(1) Commencing April 1, 1994, and until January 1, 2003, no pistol, revolver,
11 or other firearm capable of being concealed upon the person shall be delivered
12 unless the purchaser, transferee, or person being loaned the firearm presents to the
13 dealer a basic firearms safety certificate.

14 (2) Commencing January 1, 2003, no handgun shall be delivered unless the
15 purchaser, transferee, or person being loaned the handgun presents a handgun
16 safety certificate to the dealer.

17 (f) No pistol, revolver, or other firearm capable of being concealed upon the
18 person shall be delivered whenever the dealer is notified by the Department of
19 Justice that within the preceding 30-day period the purchaser has made another
20 application to purchase a pistol, revolver, or other firearm capable of being
21 concealed upon the person and that the previous application to purchase involved
22 none of the entities specified in subdivision (b) of Section 27535.

23 **Comment.** Section 27540 continues former Section 12072(c) without substantive change.

24 For exceptions to this provision, see Article 2 (commencing with Section 27600), Article 3
25 (commencing with Section 27650), and Article 4 (commencing with Section 27700).

26 For the consequences of violating this section, see Section 27590 (punishment for violation of
27 article).

28 See Sections 16190 ("application to purchase"), 16240 ("basic firearms safety certificate"),
29 16400 ("clear evidence of the person's identity and age"), 16520 ("firearm"), 16530 ("firearm
30 capable of being concealed upon the person," "pistol," and "revolver"), 16670 ("handgun safety
31 certificate"), 26700 ("dealer," "licensee," or "person licensed pursuant to Sections 26700 to
32 26915, inclusive").

33 **§ 27545. Use of dealer for private party firearms transaction**

34 27545. Where neither party to the transaction holds a dealer's license issued
35 pursuant to Sections 26700 to 26915, inclusive, the parties to the transaction shall
36 complete the sale, loan, or transfer of that firearm through a licensed firearms
37 dealer pursuant to Chapter 5 (commencing with Section 28050).

38 **Comment.** Section 27545 continues former Section 12072(d) without substantive change.

39 For exceptions to this provision, see Article 2 (commencing with Section 27600) and Article 6
40 (commencing with Section 27850). See also Section 28000 (circumstances that may be reported
41 to Department of Justice in prescribed format).

42 For the consequences of violating this section, see Section 27590 (punishment for violation of
43 article).

44 See Sections 16520 ("firearm"), 26700 ("dealer," "licensee," or "person licensed pursuant to
45 Sections 26700 to 26915, inclusive").

1 **§ 27550. No collusion**

2 27550. (a) No person may commit an act of collusion relating to Sections 31610
3 to 31700, inclusive.

4 (b) For purposes of this section and Section 26870, collusion may be proven by
5 any one of the following factors:

6 (1) Answering a test applicant's questions during an objective test relating to
7 firearms safety.

8 (2) Knowingly grading the examination falsely.

9 (3) Providing an advance copy of the test to an applicant.

10 (4) Taking or allowing another person to take the basic firearms safety course
11 for one who is the applicant for a basic firearms safety certificate or a handgun
12 safety certificate.

13 (5) Allowing another to take the objective test for the applicant, purchaser, or
14 transferee.

15 (6) Using or allowing another to use one's identification, proof of residency, or
16 thumbprint.

17 (7) Allowing others to give unauthorized assistance during the examination.

18 (8) Reference to unauthorized materials during the examination and cheating by
19 the applicant.

20 (9) Providing originals or photocopies of the objective test, or any version
21 thereof, to any person other than as authorized by the department.

22 **Comment.** Section 27550 continues former Section 12072(e) without substantive change.

23 For exceptions to this provision, see Article 2 (commencing with Section 27600).

24 For the consequences of violating this section, see Section 27590 (punishment for violation of
25 article).

26 See Sections 16240 ("basic firearms safety certificate"), 16520 ("firearm"), 16670 ("handgun
27 safety certificate").

28 **§ 27555. Obtaining verification number**

29 27555. (a)(1) Commencing July 1, 2008, a person who is licensed pursuant to
30 Chapter 44 (commencing with Section 921) of Title 18 of the United States Code
31 may not sell, deliver, or transfer a firearm to a person in California who is licensed
32 pursuant to Chapter 44 (commencing with Section 921) of Title 18 of the United
33 States Code unless, prior to delivery, the person intending to sell, deliver, or
34 transfer the firearm obtains a verification number via the Internet for the intended
35 sale, delivery, or transfer, from the Department of Justice.

36 (2) If Internet service is unavailable to either the department or the licensee due
37 to a technical or other malfunction, or a federal firearms licensee who is located
38 outside of California does not possess a computer or have Internet access, alternate
39 means of communication, including facsimile or telephone, shall be made
40 available for a licensee to obtain a verification number in order to comply with this
41 section.

42 (b) For every identification number request received pursuant to this section, the
43 department shall determine whether the intended recipient is on the centralized list

1 of firearms dealers pursuant to Section 26715, or the centralized list of exempted
2 federal firearms licensees pursuant to Section 28450, or the centralized list of
3 firearms manufacturers pursuant to Section 29060.

4 (c)(1) If the department finds that the intended recipient is on one of these lists,
5 the department shall issue to the inquiring party, a unique identification number
6 for the intended sale, delivery, or transfer.

7 (2) In addition to the unique verification number, the department may provide to
8 the inquiring party information necessary for determining the eligibility of the
9 intended recipient to receive the firearm.

10 (3) The person intending to sell, deliver, or transfer the firearm shall provide the
11 unique verification number to the recipient along with the firearm upon delivery,
12 in a manner to be determined by the department.

13 (d) If the department finds that the intended recipient is not on one of these lists,
14 the department shall notify the inquiring party that the intended recipient is
15 ineligible to receive the firearm.

16 (e) The department shall prescribe the manner in which the verification numbers
17 may be requested via the Internet, or by alternate means of communication, such
18 as by facsimile or telephone, including all required enrollment information and
19 procedures.

20 (f) This section does not apply to the sale, delivery, or transfer of an assault
21 weapon, a machinegun, a short-barreled rifle, or a short-barreled shotgun.

22 **Comment.** Section 27555 continues former Section 12072(f)(1) without substantive change.
23 An erroneous reference to “this section” in former Section 12072(f)(1)(B) has been replaced with
24 a reference to Section 26715, which continues former Section 12071(e).

25 For exceptions to this provision, see Article 2 (commencing with Section 27600) and Article 5
26 (commencing with Section 27800).

27 For the consequences of violating this section, see Section 27590 (punishment for violation of
28 article).

29 See Sections 16520 (“firearm”), 16880 (“machinegun”), 17170 (“short-barreled rifle”), 17180
30 (“short-barreled shotgun”), 26700 (“dealer,” “licensee,” or “person licensed pursuant to Sections
31 26700 to 26915, inclusive”), 30510 (“assault weapon”), 30515 (further clarification of “assault
32 weapon”).

33 **§ 27560. Restrictions on personal handgun importer**

34 27560. (a) On or after January 1, 1998, within 60 days of bringing a pistol,
35 revolver, or other firearm capable of being concealed upon the person into this
36 state, a personal handgun importer shall do one of the following:

37 (1) Forward by prepaid mail or deliver in person to the Department of Justice, a
38 report prescribed by the department including information concerning that
39 individual and a description of the firearm in question.

40 (2) Sell or transfer the firearm in accordance with the provisions of Section
41 27545 or in accordance with the provisions of an exemption from Section 27545.

42 (3) Sell or transfer the firearm to a dealer licensed pursuant to Sections 26700 to
43 26915, inclusive.

44 (4) Sell or transfer the firearm to a sheriff or police department.

1 (b) If all of the following requirements are satisfied, the personal handgun
2 importer shall have complied with the provisions of this section:

3 (1) The personal handgun importer sells or transfers the pistol, revolver, or other
4 firearm capable of being concealed upon the person pursuant to Section 27545.

5 (2) The sale or transfer cannot be completed by the dealer to the purchaser or
6 transferee.

7 (3) The firearm can be returned to the personal handgun importer,

8 (c)(1) The provisions of this section are cumulative and shall not be construed as
9 restricting the application of any other law.

10 (2) However, an act or omission punishable in different ways by this article and
11 different provisions of the Penal Code shall not be punished under more than one
12 provision.

13 (d) On and after January 1, 1998, the department shall conduct a public
14 education and notification program regarding this section to ensure a high degree
15 of publicity of the provisions of this section.

16 (e) As part of the public education and notification program described in this
17 section, the department shall do all of the following:

18 (1) Work in conjunction with the Department of Motor Vehicles to ensure that
19 any person who is subject to this section is advised of the provisions of this
20 section, and provided with blank copies of the report described in paragraph (1) of
21 subdivision (a), at the time when that person applies for a California driver's
22 license or registers a motor vehicle in accordance with the Vehicle Code.

23 (2) Make the reports referred to in paragraph (1) of subdivision (a) available to
24 dealers licensed pursuant to Sections 26700 to 26915, inclusive.

25 (3) Make the reports referred to in paragraph (1) of subdivision (a) available to
26 law enforcement agencies.

27 (4) Make persons subject to the provisions of this section aware that (i) the
28 report referred to in paragraph (1) of subdivision (a) may be completed at either a
29 law enforcement agency or the licensed premises of a dealer licensed pursuant to
30 Sections 26700 to 26915, inclusive, (ii) it is advisable to do so for the sake of
31 accuracy and completeness of the report, (iii) before transporting a pistol, revolver,
32 or other firearm capable of being concealed upon the person to a law enforcement
33 agency to comply with subdivision (a), the person should give notice to the law
34 enforcement agency that the person is doing so, and (iv) in any event, the pistol,
35 revolver, or other firearm capable of being concealed upon the person should be
36 transported unloaded and in a locked container.

37 (f) Any costs incurred by the department to implement this section shall be
38 absorbed by the department within its existing budget and the fees in the Dealers'
39 Record of Sale Special Account allocated for implementation of subdivisions (d)
40 and (e) of this section pursuant to Section 28235.

41 **Comment.** Section 27560 continues former Section 12072(f)(2) without substantive change.

42 For guidance in applying this section, see Section 27570 (rules for applying Sections 27560
43 and 27565).

44 For exceptions to this provision, see Article 2 (commencing with Section 27600).

1 For the consequences of violating this section, see Section 27590 (punishment for violation of
2 article).

3 See Sections 16520 (“firearm”), 16530 (“firearm capable of being concealed upon the person,”
4 “pistol,” and “revolver”), 17000 (“personal handgun importer”), 26700 (“dealer,” “licensee,” or
5 “person licensed pursuant to Sections 26700 to 26915, inclusive”).

6 **§ 27565. Handgun that is curio or relic, transported into California by licensed collector**

7 27565. (a) This section applies in the following circumstances:

8 (1) A person is licensed as a collector pursuant to Chapter 44 (commencing with
9 Section 921) of Title 18 of the United States Code and the regulations issued
10 pursuant thereto.

11 (2) The licensed premises of that person are within this state.

12 (3) The licensed collector acquires, outside of this state, a pistol, revolver, or
13 other firearm capable of being concealed upon the person.

14 (4) The licensed collector takes actual possession of that firearm outside of this
15 state pursuant to the provisions of subsection (j) of Section 923 of Title 18 of the
16 United States Code, as amended by Public Law 104-208, and transports the
17 firearm into this state.

18 (5) The firearm is a curio or relic, as defined in Section 478.11 of Title 27 of the
19 Code of Federal Regulations.

20 (b) Within five days of transporting a firearm into this state under the
21 circumstances described in subdivision (a), the licensed collector shall report the
22 acquisition of that firearm to the department in a format prescribed by the
23 department.

24 **Comment.** Section 27565 continues former Section 12072(f)(3) without substantive change.

25 For guidance in applying this section, see Section 27570 (rules for applying Sections 27560
26 and 27565).

27 For exceptions to this provision, see Article 2 (commencing with Section 27600).

28 For the consequences of violating this section, see Section 27590 (punishment for violation of
29 article).

30 See Sections 16520 (“firearm”), 16530 (“firearm capable of being concealed upon the person,”
31 “pistol,” and “revolver”).

32 **§ 27570. Rules for applying Sections 27560 and 27565**

33 27570. (a) It is the intent of the Legislature that a violation of Section 27560 or
34 27565 shall not constitute a “continuing offense” and the statute of limitations for
35 commencing a prosecution for a violation of Section 27560 or 27565 commences
36 on the date that the applicable grace period specified in Section 27560 or 27565
37 expires.

38 (b) Sections 27560 and 27565 shall not apply to a person who reports ownership
39 of a pistol, revolver, or other firearm capable of being concealed upon the person
40 after the applicable grace period specified in Section 27560 or 27565 expires if
41 evidence of that violation arises only as the result of the person submitting the
42 report described in Section 27560 or 27565.

43 **Comment.** Section 27570 continues former Section 12072(f)(4) without substantive change.

1 See Section 16530 (“firearm capable of being concealed upon the person,” “pistol,” and
2 “revolver”).

3 **§ 27590. Punishment for violation of article**

4 27590. (a) Except as provided in subdivision (b), (c), or (e), a violation of this
5 article is a misdemeanor.

6 (b) If any of the following circumstances apply, a violation of this article is
7 punishable by imprisonment in the state prison for two, three, or four years.

8 (1) If the violation is of subdivision (a) of Section 27500.

9 (2) If the defendant has a prior conviction of violating the provisions, other than
10 Section 27535, of this article or former Section 12100 of this code or Section 8101
11 of the Welfare and Institutions Code.

12 (3) If the defendant has a prior conviction of violating any offense specified in
13 Section 29905 or of a violation of Section 32625 or 33410, or of former Section
14 12560, or of any provision listed in Section 16590.

15 (4) If the defendant is in a prohibited class described in Chapter 2 (commencing
16 with Section 29800) or 3 (commencing with Section 29900) of Division 9 of this
17 title, or Section 8100 or 8103 of the Welfare and Institutions Code.

18 (5) A violation of this article by a person who actively participates in a “criminal
19 street gang” as defined in Section 186.22.

20 (6) A violation of Section 27510 involving the delivery of any firearm to a
21 person who the dealer knows, or should know, is a minor.

22 (c) If any of the following circumstances apply, a violation of this article shall
23 be punished by imprisonment in a county jail not exceeding one year or in the
24 state prison, or by a fine not to exceed one thousand dollars (\$1,000), or by both
25 that fine and imprisonment.

26 (1) A violation of Section 27525, 27520, or subdivision (b) of Section 27500.

27 (2) A violation of Section 27505 involving the sale, loan, or transfer of a pistol,
28 revolver, or other firearm capable of being concealed upon the person, to a minor.

29 (3) A violation of Section 27510 involving the delivery of a pistol, revolver, or
30 other firearm capable of being concealed upon the person.

31 (4) A violation of subdivision (a), (c), (d), (e), or (f) of Section 27540 involving
32 a pistol, revolver, or other firearm capable of being concealed upon the person.

33 (5) A violation of Section 27545 involving a pistol, revolver, or other firearm
34 capable of being concealed upon the person.

35 (6) A violation of Section 27550.

36 (d) If both of the following circumstances apply, an additional term of
37 imprisonment in the state prison for one, two, or three years shall be imposed in
38 addition and consecutive to the sentence prescribed.

39 (1) A violation of Section 27510 or subdivision (a) of Section 27500.

40 (2) The firearm transferred in violation of Section 27510 or subdivision (a) of
41 Section 27500 is used in the subsequent commission of a felony for which a
42 conviction is obtained and the prescribed sentence is imposed.

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

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

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

6 (4) For purposes of this subdivision each application to purchase a pistol,
7 revolver, or other firearm capable of being concealed upon the person in violation
8 of Section 27535 shall be deemed a separate offense.

9 **Comment.** Section 27590 continues former Section 12072(g) without substantive change.

10 For guidance in applying paragraphs (b)(1), (b)(2), (e)(2), and (e)(3), see Section 16015
11 (determining existence of prior conviction).

12 See Sections 16520 (“firearm”), 16530 (“firearm capable of being concealed upon the person,”
13 “pistol,” and “revolver”).

14 Article 2. Exceptions Relating to Law Enforcement

15 § 27600. Exception for sale, delivery, or transfer to authorized law enforcement 16 representative of city, county, city and county, or state or federal government

17 27600. (a) Article 1 (commencing with Section 27500) does not apply to any
18 sale, delivery, or transfer of firearms made to an authorized law enforcement
19 representative of any city, county, city and county, or state, or of the federal
20 government, for exclusive use by that governmental agency if, prior to the sale,
21 delivery, or transfer of these firearms, written authorization from the head of the
22 agency authorizing the transaction is presented to the person from whom the
23 purchase, delivery, or transfer is being made.

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

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

35 **Comment.** Section 27600 continues former Section 12078(a)(2) without substantive change, as
36 that provision applied to former Section 12072 (through its reference to “the preceding provisions
37 of this article”).

38 See Sections 16520 (“firearm”), 16640 (“handgun”).

39 § 27605. Exception for loan of firearm to peace officer employee for use in performing 40 official duties

41 27605. Article 1 (commencing with Section 27500) does not apply to the loan of
42 a firearm if all of the following conditions are satisfied:

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

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

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

7 **Comment.** Section 27605 continues former Section 12078(a)(3) without substantive change, as
8 that provision applied to former Section 12072 (through its reference to "the preceding provisions
9 of this article").

10 See Section 16520 ("firearm").

11 **§ 27610. Exception for sale, delivery, or transfer by law enforcement agency to peace officer**
12 **pursuant to Public Contract Code**

13 27610. (a) Article 1 (commencing with Section 27500) does not apply to the
14 sale, delivery, or transfer of a firearm by a law enforcement agency to a peace
15 officer pursuant to Section 10334 of the Public Contract Code.

16 (b) Within 10 days of the date that a handgun is sold, delivered, or transferred
17 pursuant to Section 10334 of the Public Contract Code to that peace officer, the
18 name of the officer and the make, model, serial number, and other identifying
19 characteristics of the firearm being sold, delivered, or transferred shall be entered
20 into the Automated Firearms System (AFS) via the California Law Enforcement
21 Telecommunications System (CLETS) by the law enforcement or state agency that
22 sold, delivered, or transferred the firearm. Any agency without access to AFS shall
23 arrange with the sheriff of the county in which the agency is located to input this
24 information via this system.

25 **Comment.** Section 27610 continues former Section 12078(a)(4) without substantive change, as
26 that provision applied to former Section 12072 (through its reference to "the preceding provisions
27 of this article").

28 See Sections 16520 ("firearm"), 16640 ("handgun").

29 **§ 27615. Exception for sale, delivery, or transfer by law enforcement agency to retiring**
30 **peace officer authorized to carry concealed and loaded firearm**

31 27615. (a) Article 1 (commencing with Section 27500) does not apply to the
32 sale, delivery, or transfer of a firearm by a law enforcement agency to a retiring
33 peace officer who is authorized to carry a firearm pursuant to Chapter 5
34 (commencing with Section 26300) of Division 5.

35 (b) Within 10 days of the date that a handgun is sold, delivered, or transferred to
36 that retiring peace officer, the name of the officer and the make, model, serial
37 number, and other identifying characteristics of the firearm being sold, delivered,
38 or transferred shall be entered into the Automated Firearms System (AFS) via the
39 California Law Enforcement Telecommunications System (CLETS) by the law
40 enforcement or state agency that sold, delivered, or transferred the firearm. Any
41 agency without access to AFS shall arrange with the sheriff of the county in which
42 the agency is located to input this information via this system.

1 **Comment.** Section 27615 continues former Section 12078(a)(5) without substantive change, as
2 that provision applied to former Section 12072 (through its reference to “the preceding provisions
3 of this article”).

4 See Sections 16520 (“firearm”), 16640 (“handgun”).

5 Article 3. Exceptions Extending Only to Waiting Period

6 **§ 27650. Waiting period exception for sale, delivery, or transfer to full-time paid peace
7 officer authorized to carry firearms in performance of duties**

8 27650. (a) The waiting period described in Section 27540 does not apply to the
9 sale, delivery, or transfer of firearms made to any person who satisfies both of the
10 following requirements:

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

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

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

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

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

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

26 **Comment.** Section 27650 continues former Section 12078(a)(1) without substantive change, as
27 that provision applied to the waiting period in former Section 12072.

28 For other exceptions relating to law enforcement, see Sections 27600-27615.

29 See Sections 16520 (“firearm”), 26700 (“dealer,” “licensee,” or “person licensed pursuant to
30 Sections 26700 to 26915, inclusive”).

31 **§ 27655. Waiting period exception for dealer who delivers firearm other than handgun at
32 auction or similar event conducted by nonprofit mutual or public benefit corporation**

33 27655. (a) The waiting period described in Section 27540 does not apply to a
34 dealer who delivers a firearm, other than a handgun, at an auction or similar event
35 described in Section 27900, as authorized by subdivision (c) of Section 26805.

36 (b) Within two business days of completion of the application to purchase, the
37 dealer shall forward by prepaid mail to the Department of Justice a report of the
38 application as is indicated in Section 28165.

39 (c) If the electronic or telephonic transfer of applicant information is used,
40 within two business days of completion of the application to purchase, the dealer
41 delivering the firearm shall transmit to the Department of Justice an electronic or
42 telephonic report of the application as is indicated in Section 28165.

1 **Comment.** Section 27655 continues former Section 12078(g)(3) without substantive change,
2 as that provision applied to the waiting period in former Section 12072.

3 See Sections 16190 (“application to purchase”), 16520 (“firearm”), 16640 (“handgun”), 26700
4 (“dealer,” “licensee,” or “person licensed pursuant to Sections 26700 to 26915, inclusive”).

5 **§ 27660. Waiting period exception for sale, delivery, or transfer of handgun, not intended as**
6 **merchandise, by dealer to self or another dealer**

7 27660. (a) The waiting period described in Section 27540 does not apply to the
8 sale, delivery, or transfer of a handgun by a dealer in either of the following
9 situations:

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

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

16 (b) If the dealer is receiving the firearm from another dealer, the dealer receiving
17 the firearm shall present proof to the dealer delivering the firearm that the
18 receiving dealer is licensed pursuant to Article 1 (commencing with Section
19 26700) and Article 2 (commencing with Section 26800). This shall be done by
20 complying with Section 27555.

21 (c)(1) Regardless of whether the dealer is selling, delivering, or transferring the
22 firearm to another dealer or to himself or herself, on the date that the application to
23 purchase is completed, the dealer delivering the firearm shall forward by prepaid
24 mail to the Department of Justice a report of the application and the type of
25 information concerning the purchaser or transferee as is indicated in Section
26 28160.

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

32 **Comment.** Section 27660 continues former Section 12078(n) without substantive change, as
33 that provision applied to the waiting period in former Section 12072.

34 See Sections 16190 (“application to purchase”), 16520 (“firearm”), 16640 (“handgun”), 26700
35 (“dealer,” “licensee,” or “person licensed pursuant to Sections 26700 to 26915, inclusive”).

36 **§ 27665. Waiting period exception for sale, delivery, or transfer to holder of special weapons**
37 **permit**

38 27665. (a) The waiting period described in Section 27540 does not apply to the
39 sale, delivery, or transfer of a firearm to the holder of a special weapons permit
40 issued by the Department of Justice pursuant to Section 32650 or 33300, pursuant
41 to Article 3 (commencing with Section 18900) of Chapter 1 of Division 5 of Title
42 2, or pursuant to Article 4 (commencing with Section 32700) of Chapter 6 of
43 Division 10 of this title.

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

4 **Comment.** Section 27665 continues former Section 12078(r) without substantive change, as
5 that provision applied to the waiting period in former Section 12072.

6 See Sections 16190 (“application to purchase”), 16520 (“firearm”), 26700 (“dealer,”
7 “licensee,” or “person licensed pursuant to Sections 26700 to 26915, inclusive”).

8 **§ 27670. Waiting period exception for sale, delivery, loan, or transfer of curio or relic by**
9 **dealer to licensed collector**

10 27670. (a) The waiting period described in Section 27540 does not apply to the
11 sale, delivery, loan, or transfer of a firearm if all of the following conditions are
12 satisfied:

13 (1) The firearm is a curio or relic, as defined in Section 478.11 of Title 27 of the
14 Code of Federal Regulations, or its successor.

15 (2) The sale, delivery, loan, or transfer is made by a dealer.

16 (3) The sale, delivery, loan, or transfer is made to a person who is licensed as a
17 collector pursuant to Chapter 44 (commencing with Section 921) of Title 18 of the
18 United States Code and the regulations issued pursuant thereto.

19 (4) The licensed collector has a current certificate of eligibility issued by the
20 Department of Justice pursuant to Section 26710.

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

24 **Comment.** Section 27670 continues former Section 12078(t)(1) without substantive change, as
25 that provision applied to the waiting period in former Section 12072.

26 See Sections 16520 (“firearm”), 26700 (“dealer,” “licensee,” or “person licensed pursuant to
27 Sections 26700 to 26915, inclusive”).

28 Article 4. Exceptions to Restrictions on Delivery of a Firearm

29 **§ 27700. Exception for sales, deliveries, or transfers of firearms between or to licensed**
30 **importers and manufacturers**

31 27700. Section 27540 does not apply to sales, deliveries, or transfers of firearms
32 between or to importers and manufacturers of firearms licensed to engage in that
33 business pursuant to Chapter 44 (commencing with Section 921) of Title 18 of the
34 United States Code and the regulations issued pursuant thereto.

35 **Comment.** Section 27700 continues former Section 12078(b)(1) without substantive change,
36 as that provision applied to former Section 12072(c).

37 See Section 16520 (“firearm”).

38 **§ 27705. Exception for service or repair by gunsmith**

39 27705. Section 27540 does not apply to the delivery of a firearm to a gunsmith
40 for service or repair, or to the return of the firearm to its owner by the gunsmith.

1 **Comment.** Section 27705 continues former Section 12078(e) without substantive change, as
2 that provision applied to former Section 12072(c).

3 See Sections 16520 (“firearm”), 16630 (“gunsmith”).

4 **§ 27710. Exception for sale, delivery, or transfer of unloaded firearms, other than**
5 **handguns, by dealer to another dealer**

6 27710. Section 27540 does not apply to the sale, delivery, or transfer of firearms
7 if all of the following conditions are satisfied:

8 (a) The firearms are unloaded.

9 (b) The firearms are not handguns.

10 (c) The sale, delivery, or transfer is made by a dealer to another dealer, upon
11 proof of compliance with the requirements of Section 27555.

12 **Comment.** Section 27710 continues former Section 12078(k)(1) without substantive change,
13 as that provision applied to former Section 12072(c).

14 See Sections 16520 (“firearm”), 16640 (“handgun”), 26700 (“dealer,” “licensee,” or “person
15 licensed pursuant to Sections 26700 to 26915, inclusive”).

16 **§ 27715. Exception for sale, delivery, or transfer of unloaded firearms by dealer to licensed**
17 **nonresident**

18 27715. Section 27540 does not apply to the sale, delivery, or transfer of
19 unloaded firearms by a dealer to a person who resides outside this state and is
20 licensed pursuant to Chapter 44 (commencing with Section 921) of Title 18 of the
21 United States Code and the regulations issued pursuant thereto.

22 **Comment.** Section 27715 continues former Section 12078(k)(2) without substantive change,
23 as that provision applied to former Section 12072(c).

24 See Sections 16520 (“firearm”), 26700 (“dealer,” “licensee,” or “person licensed pursuant to
25 Sections 26700 to 26915, inclusive”).

26 **§ 27720. Exception for return of unloaded firearms to wholesaler to treat as merchandise**

27 27720. Section 27540 does not apply to the sale, delivery, or transfer of
28 unloaded firearms to a wholesaler if the firearms are being returned to the
29 wholesaler and are intended as merchandise in the wholesaler’s business.

30 **Comment.** Section 27720 continues former Section 12078(k)(3) without substantive change,
31 as that provision applied to former Section 12072(c).

32 See Sections 16520 (“firearm”), 26700 (“dealer,” “licensee,” or “person licensed pursuant to
33 Sections 26700 to 26915, inclusive”), 17340 (“wholesaler”).

34 **§ 27725. Exception for sale, delivery, or transfer of unloaded firearms by dealer to another**
35 **dealer to treat as merchandise**

36 27725. Section 27540 does not apply to the sale, delivery, or transfer of firearms
37 if all of the following conditions are satisfied:

38 (a) The firearms are unloaded.

39 (b) The sale, delivery, or transfer is made by one dealer to another dealer, upon
40 proof of compliance with the requirements of Section 27555.

41 (c) The firearms are intended as merchandise in the receiving dealer’s business.

1 **Comment.** Section 27725 continues former Section 12078(k)(4) without substantive change,
2 as that provision applied to former Section 12072(c).

3 See Sections 16520 (“firearm”), 26700 (“dealer,” “licensee,” or “person licensed pursuant to
4 Sections 26700 to 26915, inclusive”).

5 **§ 27730. Exception for sale, delivery, or transfer of unloaded firearm, other than handgun,
6 by dealer to self**

7 27730. Section 27540 does not apply to the sale, delivery, or transfer of an
8 unloaded firearm, other than a handgun, by a dealer to himself or herself.

9 **Comment.** Section 27730 continues former Section 12078(k)(5) without substantive change,
10 as that provision applied to former Section 12072(c).

11 See Sections 16520 (“firearm”), 16640 (“handgun”), 26700 (“dealer,” “licensee,” or “person
12 licensed pursuant to Sections 26700 to 26915, inclusive”).

13 **§ 27735. Exception for loan of unloaded firearm under specified circumstances by dealer to
14 person at target facility or at premises of target shooting club or organization**

15 27735. (a) Section 27540 does not apply to the loan of an unloaded firearm if all
16 of the following conditions are satisfied:

17 (1) The loan is made by a dealer who also operates a target facility that holds a
18 business or regulatory license on the premises of the building designated in the
19 license.

20 (2) The loan is made to a person at that target facility.

21 (3) The firearm is at all times kept within the premises of the target facility.

22 (b) Section 27540 does not apply to the loan of an unloaded firearm if all of the
23 following conditions are satisfied:

24 (1) The loan is made by a dealer whose building designated in the license is on
25 the premises of any club or organization organized for the purposes of practicing
26 shooting at targets upon established ranges, whether public or private.

27 (2) The loan is made to a person at that club or organization.

28 (3) The firearm is at all times kept within the premises of the club or
29 organization.

30 **Comment.** Section 27735 continues former Section 12078(k)(6) without substantive change,
31 as that provision applied to former Section 12072(c).

32 See Sections 16520 (“firearm”), 26700 (“dealer,” “licensee,” or “person licensed pursuant to
33 Sections 26700 to 26915, inclusive”).

34 **§ 27740. Exception for sale, delivery, or transfer of firearms regulated pursuant to specified
35 statutes, if sale, delivery, or transfer complies with applicable statutory provisions**

36 27740. Section 27540 does not apply to the sale, delivery, or transfer of firearms
37 regulated pursuant to any of the following statutes, if the sale, delivery, or transfer
38 is conducted in accordance with the applicable provisions of the statute:

39 (a) Section 24410, relating to cane guns, and the exemptions in Chapter 1
40 (commencing with Section 17700) of Title 2, as they relate to cane guns.

41 (b) Section 24510, relating to firearms that are not immediately recognizable as
42 firearms, and the exemptions in Chapter 1 (commencing with Section 17700) of

1 Title 2, as they relate to firearms that are not immediately recognizable as
2 firearms.

3 (c) Sections 24610 and 24680, relating to undetectable firearms, and the
4 exemptions in Chapter 1 (commencing with Section 17700) of Title 2, as they
5 relate to undetectable firearms.

6 (d) Section 24710, relating to wallet guns, and the exemptions in Chapter 1
7 (commencing with Section 17700) of Title 2, as they relate to wallet guns.

8 (e) Chapter 2 (commencing with Section 30500) of Division 10, relating to
9 assault weapons.

10 (f) Section 31500, relating to unconventional pistols, and the exemptions in
11 Chapter 1 (commencing with Section 17700) of Title 2, as they relate to
12 unconventional pistols.

13 (g) Sections 33215 to 33225, inclusive, relating to short-barreled rifles and
14 short-barreled shotguns, and the exemptions in Chapter 1 (commencing with
15 Section 17700) of Title 2, as they relate to short-barreled rifles and short-barreled
16 shotguns.

17 (h) Chapter 6 (commencing with Section 32610) of Division 10, relating to
18 machineguns.

19 (i) Section 33600, relating to zip guns, and the exemptions in Chapter 1
20 (commencing with Section 17700) of Title 2, as they relate to zip guns.

21 **Comment.** Section 27740 continues former Section 12078(o) without substantive change, as
22 that provision applied to former Section 12072(c).

23 See Sections 16330 (“cane gun”), 16520 (“firearm”), 16880 (“machinegun”), 17170 (“short-
24 barreled rifle”), 17180 (“short-barreled shotgun”), 17270 (“unconventional pistol”), 17280
25 (“undetectable firearm”), 17330 (“wallet gun”), 17360 (“zip gun”) 30510 (“assault weapon”),
26 30515 (further clarification of “assault weapon”).

27 **§ 27745. Exception for loan of unloaded firearm, for use solely as prop, by dealer to person**
28 **with entertainment firearms permit**

29 27745. (a) Section 27540 does not apply to the loan of a firearm if all of the
30 following conditions are satisfied:

31 (1) The firearm is unloaded.

32 (2) The loan is made by a dealer.

33 (3) The loan is made to a person who possesses a valid entertainment firearms
34 permit issued pursuant to Chapter 2 (commencing with Section 29500) of Division
35 8.

36 (4) The firearm is loaned solely for use as a prop in a motion picture, television,
37 video, theatrical, or other entertainment production or event.

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

40 **Comment.** Section 27745 continues former Section 12078(s)(3) without substantive change, as
41 that provision applied to former Section 12072(c).

42 See Sections 16520 (“firearm”), 26700 (“dealer,” “licensee,” or “person licensed pursuant to
43 Sections 26700 to 26915, inclusive”).

1 (e) Chapter 2 (commencing with Section 30500) of Division 10, relating to
2 assault weapons.

3 (f) Section 31500, relating to unconventional pistols, and the exemptions in
4 Chapter 1 (commencing with Section 17700) of Title 2, as they relate to
5 unconventional pistols.

6 (g) Sections 33215 to 33225, inclusive, relating to short-barreled rifles and
7 short-barreled shotguns, and the exemptions in Chapter 1 (commencing with
8 Section 17700) of Title 2, as they relate to short-barreled rifles and short-barreled
9 shotguns.

10 (h) Chapter 6 (commencing with Section 32610) of Division 10, relating to
11 machineguns.

12 (i) Section 33600, relating to zip guns, and the exemptions in Chapter 1
13 (commencing with Section 17700) of Title 2, as they relate to zip guns.

14 **Comment.** Section 27800 continues former Section 12078(o) without substantive change, as
15 that provision applied to former Section 12072(f)(1).

16 See Sections 16330 (“cane gun”), 16520 (“firearm”), 16880 (“machinegun”), 17170 (“short-
17 barreled rifle”), 17180 (“short-barreled shotgun”), 17270 (“unconventional pistol”), 17280
18 (“undetectable firearm”), 17330 (“wallet gun”), 17360 (“zip gun”) 30510 (“assault weapon”),
19 30515 (further clarification of “assault weapon”).

20 **§ 27805. Exception for loan of unloaded firearm, for use solely as prop, by dealer to person**
21 **with entertainment firearms permit**

22 27805. (a) Section 27555 does not apply to the loan of a firearm if all of the
23 following conditions are satisfied:

24 (1) The firearm is unloaded.

25 (2) The loan is made by a dealer.

26 (3) The loan is made to a person who possesses a valid entertainment firearms
27 permit issued pursuant to Chapter 2 (commencing with Section 29500) of Division
28 8.

29 (4) The firearm is loaned solely for use as a prop in a motion picture, television,
30 video, theatrical, or other entertainment production or event.

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

33 **Comment.** Section 27805 continues former Section 12078(s)(3) without substantive change, as
34 that provision applied to former Section 12072(f)(1).

35 See Sections 16520 (“firearm”), 26700 (“dealer,” “licensee,” or “person licensed pursuant to
36 Sections 26700 to 26915, inclusive”).

37 **§ 27810. Exception for loan of unloaded firearm, for use solely as prop, by federal firearms**
38 **licensee to person with entertainment firearms permit**

39 27810. (a) Section 27555 does not apply to the loan of a firearm if all of the
40 following requirements are satisfied:

41 (1) The firearm is unloaded.

42 (2) The loan is made by a person who is not a dealer but is a federal firearms
43 licensee pursuant to Chapter 44 of Title 18 of the United States Code.

1 (3) The loan is made to a person who possesses a valid entertainment firearms
2 permit issued pursuant to Chapter 2 (commencing with Section 29500) of Division
3 8.

4 (4) The firearm is loaned for use solely as a prop in a motion picture, television,
5 video, theatrical, or other entertainment production or event.

6 (b) The person loaning the firearm pursuant to this section shall retain a
7 photocopy of the entertainment firearms permit as proof of compliance with this
8 requirement.

9 **Comment.** Section 27810 continues former Section 12078(s)(2) without substantive change, as
10 that provision applied to former Section 12072(f)(1).

11 See Sections 16520 (“firearm”), 26700 (“dealer,” “licensee,” or “person licensed pursuant to
12 Sections 26700 to 26915, inclusive”).

13 **§ 27815. Exception for short-term loan of unloaded firearm by dealer to consultant-**
14 **evaluator**

15 27815. (a) Section 27555 does not apply to the loan of an unloaded firearm to a
16 consultant-evaluator by a person licensed pursuant to Sections 26700 to 26915,
17 inclusive, if the loan does not exceed 45 days from the date of delivery.

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

20 (1) A photocopy of a valid, current, government-issued identification to
21 determine the consultant-evaluator’s identity, including, but not limited to, a
22 California driver’s license, identification card, or passport.

23 (2) A photocopy of the consultant-evaluator’s valid, current certificate of
24 eligibility.

25 (3) A letter from the person licensed as an importer, manufacturer, or dealer
26 pursuant to Chapter 44 (commencing with Section 921) of Title 18 of the United
27 States Code, with whom the consultant-evaluator has a bona fide business
28 relationship. The letter shall detail the bona fide business purposes for which the
29 firearm is being loaned and confirm that the consultant-evaluator is being loaned
30 the firearm as part of a bona fide business relationship.

31 (4) The signature of the consultant-evaluator on a form indicating the date the
32 firearm is loaned and the last day the firearm may be returned.

33 **Comment.** Section 27815 continues former Section 12078(s)(4) without substantive change, as
34 that provision applied to former Section 12072(f)(1).

35 See Sections 16410 (“consultant-evaluator”), 16520 (“firearm”), 26700 (“dealer,” “licensee,”
36 or “person licensed pursuant to Sections 26700 to 26915, inclusive”).

37 **§ 27820. Exception for infrequent sale, loan, or transfer of curio or relic manufactured at**
38 **least 50 years ago, which is not handgun**

39 27820. If all of the following requirements are satisfied, Section 27555 does not
40 apply to the sale, loan, or transfer of a firearm:

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

42 (b) The firearm is not a handgun.

1 (c) The firearm is a curio or relic manufactured at least 50 years prior to the
2 current date but is not a replica, as defined in Section 478.11 of Title 27 of the
3 Code of Federal Regulations, or its successor.

4 **Comment.** Section 27820 continues former Section 12078(t)(2) without substantive change, as
5 that provision applied to former Section 12072(f)(1).

6 See Sections 16520 (“firearm”), 16640 (“handgun”).

7 Article 6. Exceptions to the Requirement of Using a Dealer for a
8 Private Party Firearms Transaction

9 **§ 27850. Exception for sale, delivery, or transfer to governmental entity as part of program**
10 **in which entity is acquiring weapons from private individuals**

11 27850. (a) Section 27545 does not apply to a sale, delivery, or transfer of
12 firearms if both of the following requirements are satisfied:

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

16 (2) The entity is acquiring the weapon as part of an authorized, voluntary
17 program in which the entity is buying or receiving weapons from private
18 individuals.

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

21 **Comment.** Section 27850 continues former Section 12078(a)(6) without substantive change, as
22 that provision applied to former Section 12072(d).

23 See Section 16520 (“firearm”).

24 **§ 27855. Exception for sale, delivery, loan, or transfer by law enforcement representative to**
25 **nonprofit historical society, museum, or institutional collection**

26 27855. Section 27545 does not apply to the sale, delivery, loan, or transfer of a
27 firearm made by an authorized law enforcement representative of a city, county,
28 city and county, or state, or of the federal government, to any public or private
29 nonprofit historical society, museum, or institutional collection, or the purchase or
30 receipt of that firearm by that public or private nonprofit historical society,
31 museum, or institutional collection, if all of the following conditions are met:

32 (a) The entity receiving the firearm is open to the public.

33 (b) The firearm prior to delivery is deactivated or rendered inoperable.

34 (c) The firearm is not subject to any of the following:

35 (1) Sections 18000 and 18005.

36 (2) Division 4 (commencing with Section 18250) of Title 2.

37 (3) Section 34000.

38 (4) Sections 34005 and 34010.

39 (d) The firearm is not prohibited by other provisions of law from being sold,
40 delivered, or transferred to the public at large.

1 (e) Prior to delivery, the entity receiving the firearm submits a written statement
2 to the law enforcement representative stating that the firearm will not be restored
3 to operating condition, and will either remain with that entity, or if subsequently
4 disposed of, will be transferred in accordance with the applicable provisions listed
5 in Section 16575 and, if applicable, with Section 31615.

6 (f) Within 10 days of the date that the firearm is sold, loaned, delivered, or
7 transferred to that entity, all of the following information shall be reported to the
8 department in a manner prescribed by the department:

9 (1) The name of the government entity delivering the firearm.

10 (2) The make, model, serial number, and other identifying characteristics of the
11 firearm.

12 (3) The name of the person authorized by the entity to take possession of the
13 firearm.

14 (g) In the event of a change in the status of the designated representative, the
15 entity shall notify the department of a new representative within 30 days.

16 **Comment.** Section 27855 continues former Section 12078(a)(7) without substantive change, as
17 that provision applied to former Section 12072(d).

18 See Section 16520 (“firearm”).

19 **§ 27860. Exception for sale, delivery, loan, or transfer by person other than law**
20 **enforcement representative to nonprofit historical society, museum, or institutional**
21 **collection**

22 27860. Section 27545 does not apply to the sale, delivery, loan, or transfer of a
23 firearm made by any person other than a representative of an authorized law
24 enforcement agency to any public or private nonprofit historical society, museum,
25 or institutional collection, if all of the following conditions are met:

26 (a) The entity receiving the firearm is open to the public.

27 (b) The firearm is deactivated or rendered inoperable prior to delivery.

28 (c) The firearm is not of a type prohibited from being sold, delivered, or
29 transferred to the public.

30 (d) Prior to delivery, the entity receiving the firearm submits a written statement
31 to the person selling, loaning, or transferring the firearm stating that the firearm
32 will not be restored to operating condition, and will either remain with that entity,
33 or if subsequently disposed of, will be transferred in accordance with the
34 applicable provisions listed in Section 16575 and, if applicable, with Section
35 31615.

36 (e) If title to a handgun is being transferred to the public or private nonprofit
37 historical society, museum, or institutional collection, then the designated
38 representative of that entity shall, within 30 days of taking possession of that
39 handgun, forward by prepaid mail or deliver in person to the Department of
40 Justice, a single report signed by both parties to the transaction, which includes all
41 of the following information:

42 (1) Information identifying the person representing the public or private
43 historical society, museum, or institutional collection.

1 (2) Information on how title was obtained and from whom.

2 (3) A description of the firearm in question.

3 (4) A copy of the written statement referred to in subdivision (d).

4 (f) The report forms that are to be completed pursuant to this section shall be
5 provided by the Department of Justice.

6 (g) In the event of a change in the status of the designated representative, the
7 entity shall notify the department of a new representative within 30 days.

8 **Comment.** Section 27860 continues former Section 12078(a)(8) without substantive change, as
9 that provision applied to former Section 12072(d).

10 See Sections 16520 (“firearm”), 16640 (“handgun”).

11 **§ 27865. Exception for sales, deliveries, or transfers of firearms between or to licensed**
12 **importers and manufacturers**

13 27865. Section 27545 does not apply to sales, deliveries, or transfers of firearms
14 between or to importers and manufacturers of firearms licensed to engage in that
15 business pursuant to Chapter 44 (commencing with Section 921) of Title 18 of the
16 United States Code and the regulations issued pursuant thereto.

17 **Comment.** Section 27865 continues former Section 12078(b)(1) without substantive change,
18 as that provision applied to former Section 12072(d).

19 See Section 16520 (“firearm”).

20 **§ 27870. Exception for infrequent transfer of firearm, other than handgun, between**
21 **members of same immediate family**

22 27870. Section 27545 does not apply to the transfer of a firearm, other than a
23 handgun, by gift, bequest, intestate succession, or other means from one individual
24 to another, if both of the following requirements are satisfied:

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

26 (b) The transfer is between members of the same immediate family.

27 **Comment.** Section 27870 continues former Section 12078(c)(1) without substantive change.

28 See Sections 16520 (“firearm”), 16640 (“handgun”), 16720 (“immediate family member”).

29 **§ 27875. Exception for infrequent transfer of handgun between members of same**
30 **immediate family**

31 27875. Section 27545 does not apply to the transfer of a handgun by gift,
32 bequest, intestate succession, or other means from one individual to another, if all
33 of the following requirements are met:

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

35 (b) The transfer is between members of the same immediate family.

36 (c) Within 30 days of taking possession of the firearm, the person to whom it is
37 transferred shall forward by prepaid mail, or deliver in person to the Department
38 of Justice, a report that includes information concerning the individual taking
39 possession of the firearm, how title was obtained and from whom, and a
40 description of the firearm in question. The report forms that individuals complete
41 pursuant to this section shall be provided to them by the Department of Justice.

1 (d) The person taking title to the firearm shall first obtain a handgun safety
2 certificate.

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

4 **Comment.** Section 27875 continues former Section 12078(c)(2) without substantive change.
5 See Sections 16520 (“firearm”), 16640 (“handgun”), 16670 (“handgun safety certificate”),
6 16720 (“immediate family member”).

7 **§ 27880. Exception for infrequent loan of firearm between persons who are personally**
8 **known to each other**

9 27880. Section 27545 does not apply to the loan of a firearm between persons
10 who are personally known to each other, if all of the following requirements are
11 satisfied:

12 (a) The loan is infrequent, as defined in Section 16730.

13 (b) The loan is for any lawful purpose.

14 (c) The loan does not exceed 30 days in duration.

15 (d) Commencing January 1, 2003, if the firearm is a handgun, the individual
16 being loaned the handgun shall have a valid handgun safety certificate.

17 **Comment.** Section 27880 continues former Section 12078(d)(1) without substantive change.
18 See Sections 16520 (“firearm”), 16640 (“handgun”), 16670 (“handgun safety certificate”).

19 **§ 27885. Exception for loan of firearm if lender is constantly in presence of recipient, loan is**
20 **for 3 days or less, and other requirements are met**

21 27885. Section 27545 does not apply to the loan of a firearm if all of the
22 following conditions exist:

23 (a) The person loaning the firearm is at all times within the presence of the
24 person being loaned the firearm.

25 (b) The loan is for a lawful purpose.

26 (c) The loan does not exceed three days in duration.

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

29 (e) The person loaning the firearm is 18 years of age or older.

30 (f) The person being loaned the firearm is 18 years of age or older.

31 **Comment.** Section 27885 continues former Section 12078(d)(2) without substantive change,
32 as that provision applied to former Section 12072(d).

33 See Section 16520 (“firearm”).

34 **§ 27890. Exception for service or repair by gunsmith**

35 27890. Section 27545 does not apply to the delivery of a firearm to a gunsmith
36 for service or repair, or to the return of the firearm to its owner by the gunsmith.

37 **Comment.** Section 27890 continues former Section 12078(e) without substantive change, as
38 that provision applied to former Section 12072(d).

39 See Sections 16520 (“firearm”), 16630 (“gunsmith”).

1 **§ 27895. Exception for sale, delivery, or transfer by resident to licensed nonresident**

2 27895. Section 27545 does not apply to the sale, delivery, or transfer of firearms
3 if all of the following requirements are satisfied:

4 (a) The sale, delivery, or transfer is made by a person who resides in this state.

5 (b) The sale, delivery, or transfer is made to a person who resides outside this
6 state and is licensed pursuant to Chapter 44 (commencing with Section 921) of
7 Title 18 of the United States Code and the regulations issued pursuant thereto.

8 (c) The sale, delivery, or transfer is in accordance with Chapter 44 (commencing
9 with Section 921) of Title 18 of the United States Code and the regulations issued
10 pursuant thereto.

11 **Comment.** Section 27895 continues former Section 12078(f) without substantive change, as
12 that provision applied to former Section 12072(d).

13 See Section 16520 (“firearm”).

14 **§ 27900. Exception for infrequent sale or transfer of firearm, other than handgun, at**
15 **auction or similar event conducted by nonprofit mutual or public benefit corporation**

16 27900. (a) Section 27545 does not apply to the infrequent sale or transfer of a
17 firearm other than a handgun at an auction or similar event conducted by a
18 nonprofit mutual or public benefit corporation organized pursuant to the
19 Corporations Code.

20 (b) As used in this section, “infrequent” has the meaning provided in Section
21 16730.

22 **Comment.** Section 27900 continues the first paragraph of former Section 12078(g)(1) without
23 substantive change.

24 See Sections 16520 (“firearm”), 16640 (“handgun”).

25 **§ 27905. Exception for donation of firearm, other than handgun, for auction or similar**
26 **event conducted by nonprofit mutual or public benefit corporation**

27 27905. Section 27545 does not apply to the transfer of a firearm if all of the
28 following requirements are satisfied:

29 (a) The firearm is not a handgun.

30 (b) The firearm is donated for an auction or similar event described in Section
31 27900.

32 (c) The firearm is delivered to the nonprofit corporation immediately preceding,
33 or contemporaneous with, the auction or similar event.

34 **Comment.** Section 27905 continues former Section 12078(g)(2) without substantive change.

35 See Sections 16520 (“firearm”), 16640 (“handgun”).

36 **§ 27910. Exception for loan of firearm to person 18 or older for target shooting under**
37 **specified circumstances**

38 27910. (a) Section 27545 does not apply to the loan of a firearm to a person 18
39 years of age or older for the purposes of shooting at targets if either of the
40 following conditions is satisfied:

1 (a) The loan occurs on the premises of a target facility that holds a business or
2 regulatory license and the firearm is at all times kept within the premises of the
3 target range.

4 (b) The loan occurs on the premises of any club or organization organized for
5 the purposes of practicing shooting at targets upon established ranges, whether
6 public or private, and the firearm is at all times kept on the premises of the club or
7 organization.

8 **Comment.** Section 27910 continues former Section 12078(h) without substantive change, as
9 that provision applied to former Section 12072(d).

10 See Section 16520 (“firearm”).

11 **§ 27915. Exception for person who takes title or possession of firearm, other than handgun,**
12 **by operation of law**

13 27915. Section 27545 does not apply to a person who takes title or possession of
14 a firearm by operation of law if both of the following requirements are satisfied:

15 (a) The firearm is not a handgun.

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

18 **Comment.** Section 27915 continues former Section 12078(i)(1) without substantive change.

19 See Sections 16520 (“firearm”), 16640 (“handgun”), 16990 (“person taking title or possession
20 of a firearm by operation of law”).

21 **§ 27920. Exception for person who takes title or possession of handgun by operation of law**

22 27920. Section 27545 does not apply to a person who takes title or possession of
23 a handgun by operation of law if the person is not prohibited by state or federal
24 law from possessing, receiving, owning, or purchasing a firearm and all of the
25 following conditions are met:

26 (a) If the person taking title or possession is neither a levying officer as defined
27 in Section 481.140, 511.060, or 680.260 of the Code of Civil Procedure, nor a
28 person who is receiving that firearm pursuant to subdivision (g), (i), or (j) of
29 Section 16990, the person shall, within 30 days of taking possession, forward by
30 prepaid mail or deliver in person to the Department of Justice, a report of
31 information concerning the individual taking possession of the firearm, how title
32 or possession was obtained and from whom, and a description of the firearm in
33 question.

34 (b) If the person taking title or possession is receiving the firearm pursuant to
35 subdivision (g) of Section 16990, the person shall do both of the following:

36 (1) Within 30 days of taking possession, forward by prepaid mail or deliver in
37 person to the department, a report of information concerning the individual taking
38 possession of the firearm, how title or possession was obtained and from whom,
39 and a description of the firearm in question.

40 (2) Prior to taking title or possession of the firearm, the person shall obtain a
41 handgun safety certificate.

1 (c) Where the person receiving title or possession of the handgun is a person
2 described in subdivision (i) of Section 16990, on the date that the person is
3 delivered the firearm, the name and other information concerning the person
4 taking possession of the firearm, how title or possession of the firearm was
5 obtained and from whom, and a description of the firearm by make, model, serial
6 number, and other identifying characteristics, shall be entered into the Automated
7 Firearms System (AFS) via the California Law Enforcement Telecommunications
8 System (CLETS) by the law enforcement or state agency that transferred or
9 delivered the firearm. An agency without access to AFS shall arrange with the
10 sheriff of the county in which the agency is located to input this information via
11 this system.

12 (d) Where the person receiving title or possession of the handgun is a person
13 described in subdivision (g) of Section 16990, on the date that the person is
14 delivered the firearm, the name and other information concerning the person
15 taking possession of the firearm, how title or possession of the firearm was
16 obtained and from whom, and a description of the firearm by make, model, serial
17 number, and other identifying characteristics, shall be entered into the AFS via the
18 CLETS by the law enforcement or state agency that transferred or delivered the
19 firearm. An agency without access to AFS shall arrange with the sheriff of the
20 county in which the agency is located to input this information via this system. In
21 addition, that law enforcement agency shall not deliver that handgun to the person
22 referred to in this subdivision unless, prior to the delivery of the handgun, the
23 person presents proof to the agency that the person is the holder of a handgun
24 safety certificate.

25 (e) The reports that individuals complete pursuant to this section shall be
26 provided to them by the Department of Justice.

27 **Comment.** Section 27920 continues former Section 12078(i)(2) without substantive change.
28 An erroneous cross-reference to Code of Civil Procedure Section 680.210 has been corrected by
29 replacing it with a cross-reference to Code of Civil Procedure Section 680.260.

30 See Sections 16520 (“firearm”), 16640 (“handgun”), 16990 (“person taking title or possession
31 of a firearm by operation of law”).

32 **§ 27925. Exception for person who takes possession of firearm by operation of law in**
33 **representative capacity and then transfers firearm to self in individual capacity**

34 27925. (a) Section 27545 does not apply to a person who takes possession of a
35 firearm by operation of law in a representative capacity who subsequently
36 transfers ownership of the firearm to himself or herself in an individual capacity.

37 (b) In the case of a handgun, the individual shall obtain a handgun safety
38 certificate prior to transferring ownership to himself or herself, or taking
39 possession of a handgun in an individual capacity.

40 **Comment.** Section 27925 continues former Section 12078(i)(3) without substantive change.

41 See Sections 16520 (“firearm”), 16640 (“handgun”), 16670 (“handgun safety certificate”),
42 16990 (“person taking title or possession of a firearm by operation of law”).

1 **§ 27930. Exception for deliveries, transfers, or returns made pursuant to certain statutes**

2 27930. Section 27545 does not apply to deliveries, transfers, or returns of
3 firearms made pursuant to any of the following:

4 (a) Sections 18000 and 18005.

5 (b) Division 4 (commencing with Section 18250) of Title 2.

6 (c) Chapter 2 (commencing with Section 33850) of Division 11.

7 (d) Sections 34005 and 34010.

8 **Comment.** Section 27930 continues former Section 12078(j) without substantive change, as
9 that provision applied to former Section 12072(d).

10 See Section 16520 (“firearm”).

11 **§ 27935. Exception for sale, delivery, or transfer of unloaded firearms to wholesaler by**
12 **another wholesaler or by licensed manufacturer or importer**

13 27935. Section 27545 does not apply to the sale, delivery, or transfer of
14 unloaded firearms to a wholesaler as merchandise in the wholesaler’s business by
15 a manufacturer or importer licensed to engage in that business pursuant to Chapter
16 44 (commencing with Section 921) of Title 18 of the United States Code and the
17 regulations issued pursuant thereto, or by another wholesaler, if the sale, delivery,
18 or transfer is made in accordance with Chapter 44 (commencing with Section 921)
19 of Title 18 of the United States Code.

20 **Comment.** Section 27935 continues former Section 12078(m) without substantive change, as
21 that provision applied to former Section 12072(d).

22 See Sections 16520 (“firearm”), 17340 (“wholesaler”).

23 **§ 27940. Exception for sale, delivery, or transfer of firearms regulated pursuant to specified**
24 **statutes, if sale, delivery, or transfer complies with applicable statutory provisions**

25 27940. Section 27545 does not apply to the sale, delivery, or transfer of firearms
26 regulated pursuant to any of the following statutes, if the sale, delivery, or transfer
27 is conducted in accordance with the applicable provisions of the statute:

28 (a) Section 24410, relating to cane guns, and the exemptions in Chapter 1
29 (commencing with Section 17700) of Title 2, as they relate to cane guns.

30 (b) Section 24510, relating to firearms that are not immediately recognizable as
31 firearms, and the exemptions in Chapter 1 (commencing with Section 17700) of
32 Title 2, as they relate to firearms that are not immediately recognizable as
33 firearms.

34 (c) Sections 24610 and 24680, relating to undetectable firearms, and the
35 exemptions in Chapter 1 (commencing with Section 17700) of Title 2, as they
36 relate to undetectable firearms.

37 (d) Section 24710, relating to wallet guns, and the exemptions in Chapter 1
38 (commencing with Section 17700) of Title 2, as they relate to wallet guns.

39 (e) Chapter 2 (commencing with Section 30500) of Division 10, relating to
40 assault weapons.

1 (f) Section 31500, relating to unconventional pistols, and the exemptions in
2 Chapter 1 (commencing with Section 17700) of Title 2, as they relate to
3 unconventional pistols.

4 (g) Sections 33215 to 33225, inclusive, relating to short-barreled rifles and
5 short-barreled shotguns, and the exemptions in Chapter 1 (commencing with
6 Section 17700) of Title 2, as they relate to short-barreled rifles and short-barreled
7 shotguns.

8 (h) Chapter 6 (commencing with Section 32610) of Division 10, relating to
9 machineguns.

10 (i) Section 33600, relating to zip guns, and the exemptions in Chapter 1
11 (commencing with Section 17700) of Title 2, as they relate to zip guns.

12 **Comment.** Section 27940 continues former Section 12078(o) without substantive change, as
13 that provision applied to former Section 12072(d).

14 See Sections 16330 (“cane gun”), 16520 (“firearm”), 16880 (“machinegun”), 17170 (“short-
15 barreled rifle”), 17180 (“short-barreled shotgun”), 17270 (“unconventional pistol”), 17280
16 (“undetectable firearm”), 17330 (“wallet gun”), 17360 (“zip gun”) 30510 (“assault weapon”),
17 30515 (further clarification of “assault weapon”).

18 **§ 27945. Exception for certain situations involving minor**

19 27945. Section 27545 does not apply to or affect the following circumstances:

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

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

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

28 (d) The loan of a handgun to a minor by the minor’s parent or legal guardian, if
29 both of the following requirements are satisfied:

30 (1) The minor is being loaned the firearm for the purposes of engaging in a
31 lawful, recreational sport, including, but not limited to, competitive shooting, or
32 agricultural, ranching, or hunting activity, or a motion picture, television, or video
33 production, or entertainment or theatrical event, the nature of which involves the
34 use of a firearm.

35 (2) The duration of the loan does not exceed the amount of time that is
36 reasonably necessary to engage in the lawful, recreational sport, including, but not
37 limited to, competitive shooting, or agricultural, ranching, or hunting activity, or a
38 motion picture, television, or video production, or entertainment or theatrical
39 event, the nature of which involves the use of a firearm.

40 (e) The loan of a handgun to a minor by a person who is not the minor’s parent
41 or legal guardian, if all of the following requirements are satisfied:

1 (1) The minor is accompanied by the minor’s parent or legal guardian when the
2 loan is made, or the minor has the written consent of the minor’s parent or legal
3 guardian, which is presented at the time of the loan, or earlier.

4 (2) The minor is being loaned the firearm for the purpose of engaging in a
5 lawful, recreational sport, including, but not limited to, competitive shooting, or
6 agricultural, ranching, or hunting activity, or a motion picture, television, or video
7 production, or entertainment or theatrical event, the nature of which involves the
8 use of a firearm.

9 (3) The duration of the loan does not exceed the amount of time that is
10 reasonably necessary to engage in the lawful, recreational sport, including, but not
11 limited to, competitive shooting, or agricultural, ranching, or hunting activity, or a
12 motion picture, television, or video production, or entertainment or theatrical
13 event, the nature of which involves the use of a firearm.

14 (4) The duration of the loan does not, in any event, exceed 10 days.

15 **Comment.** Subdivision (a) of Section 27945 continues former Section 12078(p)(4) without
16 substantive change, as that provision applied to former Section 12072(d).

17 Subdivision (b) continues former Section 12078(p)(5) without substantive change, as that
18 provision applied to former Section 12072(d).

19 Subdivision (c) continues former Section 12078(p)(1) without substantive change, as that
20 provision applied to former Section 12072(d).

21 Subdivision (d) continues former Section 12078(p)(3) without substantive change, as that
22 provision applied to former Section 12072(d).

23 Subdivision (e) continues former Section 12078(p)(2) without substantive change, as that
24 provision applied to former Section 12072(d).

25 See Sections 16520 (“firearm”), 16640 (“handgun”).

26 **§ 27950. Exception for loan of firearm, other than handgun, to licensed hunter for use in**
27 **hunting season**

28 27950. Section 27545 does not apply to the loan of a firearm, other than a
29 handgun, to a licensed hunter for use by that hunter for a period of time not to
30 exceed the duration of the hunting season for which the firearm is to be used.

31 **Comment.** Section 27950 continues former Section 12078(q) without substantive change.

32 See Sections 16520 (“firearm”), 16640 (“handgun”).

33 **§ 27955. Exception for infrequent loan of unloaded firearm for use solely as prop**

34 27955. Section 27545 does not apply to the loan of a firearm if all of the
35 following requirements are satisfied:

36 (a) The loan is infrequent, as defined in Section 16730.

37 (b) The firearm is unloaded.

38 (c) The loan is made by a person who is neither a dealer nor a federal firearms
39 licensee pursuant to Chapter 44 of Title 18 of the United States Code.

40 (d) The loan is made to a person 18 years of age or older.

41 (e) The loan is for use solely as a prop in a motion picture, television, video,
42 theatrical, or other entertainment production or event.

43 **Comment.** Section 27955 continues former Section 12078(s)(1) without substantive change, as
44 that provision applied to former Section 12072(d).

1 See Sections 16520 (“firearm”), 26700 (“dealer,” “licensee,” or “person licensed pursuant to
2 Sections 26700 to 26915, inclusive”).

3 **§ 27960. Exception loan of unloaded firearm, for use solely as prop, by federal firearms**
4 **licensee to person with entertainment firearms permit**

5 27960. (a) Section 27545 does not apply to the loan of a firearm if all of the
6 following requirements are satisfied:

7 (1) The firearm is unloaded.

8 (2) The loan is made by a person who is not a dealer but is a federal firearms
9 licensee pursuant to Chapter 44 of Title 18 of the United States Code.

10 (3) The loan is made to a person who possesses a valid entertainment firearms
11 permit issued pursuant to Chapter 2 (commencing with Section 29500) of Division
12 8.

13 (4) The firearm is loaned for use solely as a prop in a motion picture, television,
14 video, theatrical, or other entertainment production or event.

15 (b) The person loaning the firearm pursuant to this section shall retain a
16 photocopy of the entertainment firearms permit as proof of compliance with this
17 requirement.

18 **Comment.** Section 27960 continues former Section 12078(s)(2) without substantive change, as
19 that provision applied to former Section 12072(d).

20 See Sections 16520 (“firearm”), 26700 (“dealer,” “licensee,” or “person licensed pursuant to
21 Sections 26700 to 26915, inclusive”).

22 **§ 27965. Exception for infrequent sale, loan, or transfer of curio or relic manufactured at**
23 **least 50 years ago, which is not handgun**

24 27965. If all of the following requirements are satisfied, Section 27545 does not
25 apply to the sale, loan, or transfer of a firearm:

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

27 (b) The firearm is not a handgun.

28 (c) The firearm is a curio or relic manufactured at least 50 years prior to the
29 current date but is not a replica, as defined in Section 478.11 of Title 27 of the
30 Code of Federal Regulations, or its successor.

31 **Comment.** Section 27965 continues former Section 12078(t)(2) without substantive change, as
32 that provision applied to former Section 12072(d).

33 See Sections 16520 (“firearm”), 16640 (“handgun”).

34 **Article 7. Report to Department of Justice**

35 **§ 28000. Circumstances that may be reported to Department of Justice in prescribed format**

36 28000. A person who is exempt from Section 27545 or is otherwise not required
37 by law to report acquisition, ownership, or disposal of a handgun or who moves
38 out of this state with the person’s handgun may report that to the Department of
39 Justice in a format prescribed by the department.

40 **Comment.** Section 28000 continues former Section 12078(l) without substantive change.

41 See Section 16640 (“handgun”).

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CHAPTER 5. PROCEDURE FOR A PRIVATE PARTY FIREARMS TRANSACTION

§ 28050. Basic procedure

28050. (a) A person shall complete any sale, loan, or transfer of a firearm through a person licensed pursuant to Sections 26700 to 26915, inclusive, in accordance with this chapter in order to comply with Section 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 Section 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 Sections 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 Section 27500, 27505, 27515, 27520, 27525, 27530, or 27535. If the dealer cannot legally return the firearm to the transferor or seller or the person loaning the firearm, then the dealer shall forthwith deliver the firearm to the sheriff of the county or the chief of police or other head of a municipal police department of any city or city and county, who shall then dispose of the firearm in the manner provided by Sections 18000, 18005, and 34000.

Comment. Section 28050 continues the first six sentences of former Section 12082(a) without substantive change.

See Sections 16520 (“firearm”), 26700 (“dealer,” “licensee,” or “person licensed pursuant to Sections 26700 to 26915, inclusive”).

§ 28055. Fees

28055. (a) For a sale, loan, or transfer conducted pursuant to this chapter, the purchaser or transferee or person being loaned the firearm may be required by the dealer to pay a fee not to exceed ten dollars (\$10) per firearm.

(b) No other fee may be charged by the dealer for a sale, loan, or transfer of a firearm conducted pursuant to this chapter, except for the applicable fees that may be charged pursuant to Sections 23690 and 28300 and Article 3 (commencing with Section 28100) of Chapter 6 and forwarded to the Department of Justice, and the fees set forth in Section 31650.

(c) The dealer may not charge any additional fees.

(d) Nothing in these provisions shall prevent a dealer from charging a smaller fee.

Comment. Subdivisions (a) and (b) of Section 28055 continue the seventh sentence of former Section 12082(a) without substantive change.

Subdivision (c) continues the ninth sentence of former Section 12082(a) without substantive change.

1 Subdivision (d) continues the eighth sentence of former Section 12082(a) without substantive
2 change.

3 See Sections 16520 (“firearm”), 26700 (“dealer,” “licensee,” or “person licensed pursuant to
4 Sections 26700 to 26915, inclusive”).

5 **§ 28060. Regulations**

6 28060. The Attorney General shall adopt regulations under this chapter to do all
7 of the following:

8 (a) Allow the seller or transferor or the person loaning the firearm, and the
9 purchaser or transferee or the person being loaned the firearm, to complete a sale,
10 loan, or transfer through a dealer, and to allow those persons and the dealer to
11 preserve the confidentiality of those records and to comply with the requirements
12 of this chapter and all of the following:

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

15 (2) Article 1 (commencing with Section 27500) of Chapter 4.

16 (3) Article 2 (commencing with Section 28150) of Chapter 6.

17 (4) Article 3 (commencing with Section 28200) of Chapter 6.

18 (b) Where a personal handgun importer is selling or transferring a pistol,
19 revolver, or other firearm capable of being concealed upon the person to comply
20 with paragraph (2) of subdivision (a) of Section 27560, to allow a personal
21 handgun importer’s ownership of the pistol, revolver, or other firearm capable of
22 being concealed upon the person being sold or transferred to be recorded in a
23 manner that if the firearm is returned to that personal handgun importer because
24 the sale or transfer cannot be completed, the Department of Justice will have
25 sufficient information about that personal handgun importer so that a record of the
26 importer’s ownership can be maintained in the registry provided by subdivision (c)
27 of Section 11106.

28 (c) Ensure that the register or record of electronic transfer shall state all of the
29 following:

30 (1) The name and address of the seller or transferor of the firearm or the person
31 loaning the firearm.

32 (2) Whether or not the person is a personal handgun importer.

33 (3) Any other information required by Article 2 (commencing with Section
34 28150) of Chapter 6.

35 **Comment.** Section 28060 continues former Section 12082(b) without substantive change.

36 See Sections 16520 (“firearm”), 16530 (“firearm capable of being concealed upon the person,”
37 “pistol,” and “revolver”), 17000 (“personal handgun importer”), 26700 (“dealer,” “licensee,” or
38 “person licensed pursuant to Sections 26700 to 26915, inclusive”).

39 **§ 28065. Dealer who does not sell, transfer, or keep inventory of handguns**

40 28065. Notwithstanding any other provision of law, a dealer who does not sell,
41 transfer, or keep an inventory of handguns is not required to process private party
42 transfers of handguns.

43 **Comment.** Section 28065 continues former Section 12082(c) without substantive change.

1 See Sections 16640 (“handgun”), 26700 (“dealer,” “licensee,” or “person licensed pursuant to
2 Sections 26700 to 26915, inclusive”).

3 **§ 28070. Punishment**

4 28070. A violation of this chapter by a dealer is a misdemeanor.

5 **Comment.** Section 28070 continues former Section 12082(d) without substantive change.

6 See Section 26700 (“dealer,” “licensee,” or “person licensed pursuant to Sections 26700 to
7 26915, inclusive”).

8 CHAPTER 6. RECORDKEEPING, BACKGROUND CHECKS, AND FEES RELATING TO
9 SALE, LEASE, OR TRANSFER OF FIREARMS

10 Article 1. General Provisions Relating to the Register or the
11 Record of Electronic or Telephonic Transfer

12 **§ 28100. Register or record of electronic or telephonic transfer**

13 28100. (a) As required by the Department of Justice, every dealer shall keep a
14 register or record of electronic or telephonic transfer in which shall be entered the
15 information prescribed in Article 2 (commencing with Section 28150).

16 (b) This section shall not apply to any of the following transactions:

17 (1) The loan of an unloaded firearm by a dealer to a person who possesses a
18 valid entertainment firearms permit issued pursuant to Chapter 2 (commencing
19 with Section 29500) of Division 8, for use solely as a prop in a motion picture,
20 television, video, theatrical, or other entertainment production or event.

21 (2) The delivery of an unloaded firearm by a dealer to a gunsmith for service or
22 repair.

23 (3) The sale, delivery, or transfer of an unloaded firearm, other than a handgun,
24 by a dealer to another dealer, upon proof of compliance with the requirements of
25 Section 27555.

26 (4) The sale, delivery, or transfer of an unloaded firearm by a dealer who sells,
27 delivers, or transfers the firearm to a person who resides outside this state and is
28 licensed pursuant to Chapter 44 (commencing with Section 921) of Title 18 of the
29 United States Code and any regulations issued pursuant thereto.

30 (5) The sale, delivery, or transfer of an unloaded firearm by a dealer to a
31 wholesaler if that firearm is being returned to the wholesaler and is intended as
32 merchandise in the wholesaler’s business.

33 (6) The sale, delivery, or transfer of an unloaded firearm by a dealer to another
34 dealer, upon proof of compliance with the requirements of Section 27555, if the
35 firearm is intended as merchandise in the receiving dealer’s business.

36 (7) The sale, delivery, or transfer of an unloaded firearm, other than a handgun,
37 by a dealer to himself or herself.

38 (8) The loan of an unloaded firearm by a dealer, if the dealer also operates a
39 target facility that holds a business or regulatory license on the premises of the

1 building designated in the license, the loan is made to a person at that target
2 facility, and the firearm is kept at all times within the premises of the target range.

3 (9) The loan of an unloaded firearm by a dealer, if the building designated in the
4 license is on the premises of any club or organization organized for the purpose of
5 practicing shooting at targets upon established public or private ranges, the loan is
6 made to a person at that club or organization, and the firearm is kept at all times
7 within the premises of the club or organization.

8 (10) The loan of an unloaded firearm by a dealer to a consultant-evaluator, if the
9 loan does not exceed 45 days from the date of delivery of the firearm by the dealer
10 to the consultant-evaluator.

11 (11) The return of an unloaded firearm to the owner of that firearm by a dealer,
12 if the owner initially delivered the firearm to the dealer for service or repair.

13 (12) The sale, delivery, or transfer of an unloaded firearm by a dealer to a person
14 licensed as an importer or manufacturer pursuant to Chapter 44 (commencing with
15 Section 921) of Title 18 of the United States Code and any regulations issued
16 pursuant thereto.

17 (c) A violation of this section is a misdemeanor.

18 **Comment.** Section 28100 continues former Section 12073 without substantive change.

19 For exceptions to provisions in this article and in Article 2 (commencing with Section 28150),
20 Article 3 (commencing with Section 28200), and Article 4 (commencing with Section 28300), see
21 Article 5 (commencing with Section 28400).

22 See Sections 16410 (“consultant-evaluator”), 16520 (“firearm”), 16630 (“gunsmith”), 16640
23 (“handgun”), 17340 (“wholesaler”), 26700 (“dealer,” “licensee,” or “person licensed pursuant to
24 Sections 26700 to 26915, inclusive”).

25 **§ 28105. Requirements for preparation of register or record**

26 28105. (a)(1) The register required by Section 28100 shall be prepared by and
27 obtained from the State Printer.

28 (2) The State Printer shall furnish the register only to dealers on application, at a
29 cost to be determined by the Department of General Services.

30 (3) The Department of General Services shall determine the cost for each 100
31 leaves in quadruplicate, one original and three duplicates for the making of carbon
32 copies.

33 (4) The original and duplicate copies shall differ in color, and shall be in the
34 form provided by this chapter.

35 (b) Where the electronic transfer of applicant information is used, the
36 Department of Justice shall develop the standards for all appropriate electronic
37 equipment and telephone numbers to effect the transfer of information to the
38 department.

39 **Comment.** Section 28105 continues former Section 12074 without substantive change.

40 For exceptions to provisions in this article and in Article 2 (commencing with Section 28150),
41 Article 3 (commencing with Section 28200), and Article 4 (commencing with Section 28300), see
42 Article 5 (commencing with Section 28400).

43 See Section 26700 (“dealer,” “licensee,” or “person licensed pursuant to Sections 26700 to
44 26915, inclusive”).

1 **§ 28110. Duties relating to register**

2 28110. (a) The State Printer upon issuing a register shall forward to the
3 Department of Justice both of the following:

4 (1) The name and business address of the dealer.

5 (2) The series and sheet numbers of the register.

6 (b) The register shall not be transferable.

7 (c) If the dealer moves the business to a different location, the dealer shall notify
8 the department of that fact in writing within 48 hours.

9 **Comment.** Section 28110 continues former Section 12075 without substantive change.

10 For exceptions to provisions in this article and in Article 2 (commencing with Section 28150),
11 Article 3 (commencing with Section 28200), and Article 4 (commencing with Section 28300), see
12 Article 5 (commencing with Section 28400).

13 See Section 26700 (“dealer,” “licensee,” or “person licensed pursuant to Sections 26700 to
14 26915, inclusive”).

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

16 **§ 28150. “Purchase,” “purchaser,” and “sale”**

17 28150. As used in this article,

18 (a) “Purchase” means the purchase, loan, or transfer of a firearm.

19 (b) “Purchaser” means the purchaser or transferee of a firearm or the person
20 being loaned a firearm.

21 (c) “Sale” means the sale, loan, or transfer of a firearm.

22 **Comment.** Section 28150 continues former Section 12077(g) without substantive change.

23 See Section 16520 (“firearm”).

24 **§ 28155. Department of Justice to prescribe form of register and record of electronic**
25 **transfer**

26 28155. The Department of Justice shall prescribe the form of the register and the
27 record of electronic transfer pursuant to Section 28105.

28 **Comment.** Section 28155 continues former Section 12077(a) without substantive change.

29 **§ 28160. Form for handgun**

30 28160. (a) For handguns, the register or record of electronic transfer shall
31 include all of the following information:

32 (1) The date and time of sale.

33 (2) The make of firearm.

34 (3) Peace officer exemption status pursuant to the provisions listed in
35 subdivision (c) of Section 16585, and the agency name.

36 (4) Dealer waiting period exemption pursuant to Sections 26900 and 27760.

37 (5) Dangerous weapons permit holder waiting period exemption pursuant to
38 Sections 26965 and 27665.

39 (6) Curio and relic waiting period exemption pursuant to Sections 26970 and
40 27670.

1 (7) Curio and relic waiting period exemption pursuant to Sections 27820 and
2 27965.

3 (8) California Firearms Dealer number issued pursuant to Article 1
4 (commencing with Section 26700) of Chapter 2.

5 (9) For transactions occurring prior to January 1, 2003, the purchaser's basic
6 firearms safety certificate number issued pursuant to former Sections 12805 and
7 12809.

8 (10) For transactions occurring on or after January 1, 2003, the purchaser's
9 handgun safety certificate number issued pursuant to Article 2 (commencing with
10 Section 31610) of Chapter 4 of Division 10 of this title, or pursuant to former
11 Article 8 (commencing with Section 12800) of Chapter 6 of Title 2 of Part 4.

12 (11) Manufacturer's name if stamped on the firearm.

13 (12) Model name or number, if stamped on the firearm.

14 (13) Serial number, if applicable.

15 (14) Other number, if more than one serial number is stamped on the firearm.

16 (15) Any identification number or mark assigned to the firearm pursuant to
17 Section 23910.

18 (16) Caliber.

19 (17) Type of firearm.

20 (18) If the firearm is new or used.

21 (19) Barrel length.

22 (20) Color of the firearm.

23 (21) Full name of purchaser.

24 (22) Purchaser's complete date of birth.

25 (23) Purchaser's local address.

26 (24) If current address is temporary, complete permanent address of purchaser.

27 (25) Identification of purchaser.

28 (26) Purchaser's place of birth (state or country).

29 (27) Purchaser's complete telephone number.

30 (28) Purchaser's occupation.

31 (29) Purchaser's sex.

32 (30) Purchaser's physical description.

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

34 (32) Yes or no answer to questions that prohibit purchase including, but not
35 limited to, conviction of a felony as described in Chapter 2 (commencing with
36 Section 29800) or an offense described in Chapter 3 (commencing with Section
37 29900) of Division 9 of this title, the purchaser's status as a person described in
38 Section 8100 of the Welfare and Institutions Code, whether the purchaser is a
39 person who has been adjudicated by a court to be a danger to others or found not
40 guilty by reason of insanity, and whether the purchaser is a person who has been
41 found incompetent to stand trial or placed under conservatorship by a court
42 pursuant to Section 8103 of the Welfare and Institutions Code.

43 (33) Signature of purchaser.

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

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

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

6 (37) The establishment number, if assigned.

7 (38) The dealer's complete business telephone number.

8 (39) Any information required by Chapter 5 (commencing with Section 28050).

9 (40) Any information required to determine whether subdivision (f) of Section
10 27540 applies.

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

14 (b) Effective January 1, 2003, the purchaser shall provide the purchaser's right
15 thumbprint on the register in a manner prescribed by the department. No exception
16 to this requirement shall be permitted except by regulations adopted by the
17 department.

18 (c) The firearms dealer shall record on the register or record of electronic
19 transfer the date that the handgun is delivered.

20 **Comment.** Section 28160 continues former Section 12077(b) without substantive change.

21 For exceptions to provisions in this article and in Article 1 (commencing with Section 28100),
22 Article 3 (commencing with Section 28200), and Article 4 (commencing with Section 28300), see
23 Article 5 (commencing with Section 28400).

24 See Sections 16240 ("basic firearms safety certificate"), 16520 ("firearm"), 16640
25 ("handgun"), 16670 ("handgun safety certificate"), 26700 ("dealer," "licensee," or "person
26 licensed pursuant to Sections 26700 to 26915, inclusive"), 28150 ("purchase," "purchaser," and
27 "sale").

28 **§ 28165. Form for firearm other than handgun**

29 28165. (a) For firearms other than handguns, the register or record of electronic
30 transfer shall include all of the following information:

31 (1) The date and time of sale.

32 (2) Peace officer exemption status pursuant to the provisions listed in
33 subdivision (c) of Section 16585, and the agency name.

34 (3) Dangerous weapons permitholder waiting period exemption pursuant to
35 Sections 26965 and 27665.

36 (4) Curio and relic waiting period exemption pursuant to Sections 26970 and
37 27670.

38 (5) Auction or event waiting period exemption pursuant to Sections 26955 and
39 27655.

40 (6) California Firearms Dealer number issued pursuant to Article 1
41 (commencing with Section 26700) of Chapter 2.

42 (7) Full name of purchaser.

43 (8) Purchaser's complete date of birth.

44 (9) Purchaser's local address.

- 1 (10) If current address is temporary, complete permanent address of purchaser.
- 2 (11) Identification of purchaser.
- 3 (12) Purchaser's place of birth (state or country).
- 4 (13) Purchaser's complete telephone number.
- 5 (14) Purchaser's occupation.
- 6 (15) Purchaser's sex.
- 7 (16) Purchaser's physical description.
- 8 (17) All legal names and aliases ever used by the purchaser.
- 9 (18) Yes or no answer to questions that prohibit purchase, including, but not
10 limited to, conviction of a felony as described in Chapter 2 (commencing with
11 Section 29800) or an offense described in Chapter 3 (commencing with Section
12 29900) of Division 9 of this title, the purchaser's status as a person described in
13 Section 8100 of the Welfare and Institutions Code, whether the purchaser is a
14 person who has been adjudicated by a court to be a danger to others or found not
15 guilty by reason of insanity, whether the purchaser is a person who has been found
16 incompetent to stand trial or placed under conservatorship by a court pursuant to
17 Section 8103 of the Welfare and Institutions Code.
- 18 (19) Signature of purchaser.
- 19 (20) Signature of salesperson, as a witness to the purchaser's signature.
- 20 (21) Salesperson's certificate of eligibility number, if the salesperson has
21 obtained a certificate of eligibility.
- 22 (22) Name and complete address of the dealer or firm selling the firearm as
23 shown on the dealer's license.
- 24 (23) The establishment number, if assigned.
- 25 (24) The dealer's complete business telephone number.
- 26 (25) Any information required by Chapter 5 (commencing with Section 28050).
- 27 (26) A statement of the penalties for any person signing a fictitious name or
28 address, knowingly furnishing any incorrect information, or knowingly omitting
29 any information required to be provided for the register.
- 30 (b) Effective January 1, 2003, the purchaser shall provide the purchaser's right
31 thumbprint on the register in a manner prescribed by the department. No exception
32 to this requirement shall be permitted except by regulations adopted by the
33 department.
- 34 (c) The firearms dealer shall record on the register or record of electronic
35 transfer the date that the firearm is delivered.

36 **Comment.** Section 28165 continues former Section 12077(c) without substantive change.

37 For exceptions to provisions in this article and in Article 1 (commencing with Section 28100),
38 Article 3 (commencing with Section 28200), and Article 4 (commencing with Section 28300), see
39 Article 5 (commencing with Section 28400).

40 See Sections 16520 ("firearm"), 16640 ("handgun"), 26700 ("dealer," "licensee," or "person
41 licensed pursuant to Sections 26700 to 26915, inclusive"), 28150 ("purchase," "purchaser," and
42 "sale").

1 **§ 28170. Requirements relating to use of register**

2 28170. Where the register is used, the following shall apply:

3 (a) Dealers shall use ink to complete each document.

4 (b) The dealer or salesperson making a sale shall ensure that all information is
5 provided legibly. The dealer and salespersons shall be informed that incomplete or
6 illegible information will delay sales.

7 (c) Each dealer shall be provided instructions regarding the procedure for
8 completion of the form and routing of the form. Dealers shall comply with these
9 instructions, which shall include the information set forth in this section.

10 (d) One firearm transaction shall be reported on each record of sale document.

11 (e) For purposes of this section, a “transaction” means a single sale, loan, or
12 transfer of any number of firearms that are not handguns.

13 **Comment.** Section 28170 continues former Section 12077(d) without substantive change.

14 For exceptions to provisions in this article and in Article 1 (commencing with Section 28100),
15 Article 3 (commencing with Section 28200), and Article 4 (commencing with Section 28300), see
16 Article 5 (commencing with Section 28400).

17 See Sections 16520 (“firearm”), 16640 (“handgun”), 26700 (“dealer,” “licensee,” or “person
18 licensed pursuant to Sections 26700 to 26915, inclusive”), 28150 (“purchase,” “purchaser,” and
19 “sale”).

20 **§ 28175. Duty of dealer or salesperson to obtain complete information from purchaser**

21 28175. The dealer or salesperson making a sale shall ensure that all required
22 information has been obtained from the purchaser. The dealer and all salespersons
23 shall be informed that incomplete information will delay sales.

24 **Comment.** Section 28175 continues former Section 12077(e) without substantive change.

25 For exceptions to provisions in this article and in Article 1 (commencing with Section 28100),
26 Article 3 (commencing with Section 28200), and Article 4 (commencing with Section 28300), see
27 Article 5 (commencing with Section 28400).

28 See Sections 26700 (“dealer,” “licensee,” or “person licensed pursuant to Sections 26700 to
29 26915, inclusive”), 28150 (“purchase,” “purchaser,” and “sale”).

30 **§ 28180. Use of magnetic strip to obtain purchaser’s name, date of birth, and driver’s
31 license or identification number**

32 28180. (a) Effective January 1, 2003, the purchaser’s name, date of birth, and
33 driver’s license or identification number shall be obtained electronically from the
34 magnetic strip on the purchaser’s driver’s license or identification and shall not be
35 supplied by any other means, except as authorized by the department.

36 (b) The requirement of subdivision (a) shall not apply in either of the following
37 cases:

38 (1) The purchaser’s identification consists of a military identification card.

39 (2) Due to technical limitations, the magnetic stripe reader is unable to obtain
40 the required information from the purchaser’s identification. In those
41 circumstances, the firearms dealer shall obtain a photocopy of the identification as
42 proof of compliance.

1 (c) In the event that the dealer has reported to the department that the dealer's
2 equipment has failed, information pursuant to this section shall be obtained by an
3 alternative method to be determined by the department.

4 **Comment.** Section 28180 continues former Section 12077(f) without substantive change.

5 For exceptions to provisions in this article and in Article 1 (commencing with Section 28100),
6 Article 3 (commencing with Section 28200), and Article 4 (commencing with Section 28300), see
7 Article 5 (commencing with Section 28400).

8 See Sections 16520 ("firearm"), 26700 ("dealer," "licensee," or "person licensed pursuant to
9 Sections 26700 to 26915, inclusive"), 28150 ("purchase," "purchaser," and "sale").

10 Article 3. Submission of Fees and Firearm Purchaser Information to
11 the Department of Justice

12 **§ 28200. "Purchase," "purchaser," "sale," and "seller"**

13 28200. As used in this article,

14 (a) "Purchase" means the purchase, loan, or transfer of a firearm.

15 (b) "Purchaser" means the purchaser or transferee of a firearm or the person
16 being loaned a firearm.

17 (c) "Sale" means the sale, loan, or transfer of a firearm.

18 (d) "Seller" means, if the transaction is being conducted pursuant to Chapter 5
19 (commencing with Section 28050), the person selling, loaning, or transferring the
20 firearm.

21 **Comment.** Section 28200 continues former Section 12076(l) without substantive change.

22 **§ 28205. Means of submitting firearm purchaser information to Department of Justice**

23 28205. (a) Until January 1, 1998, the Department of Justice shall determine the
24 method by which a dealer shall submit firearm purchaser information to the
25 department. The information shall be in one of the following formats:

26 (1) Submission of the register described in Article 2 (commencing with Section
27 28150).

28 (2) Electronic or telephonic transfer of the information contained in the register
29 described in Article 2 (commencing with Section 28150).

30 (b) On or after January 1, 1998, electronic or telephonic transfer, including voice
31 or facsimile transmission, shall be the exclusive means by which purchaser
32 information is transmitted to the department.

33 (c) On or after January 1, 2003, except as permitted by the department,
34 electronic transfer shall be the exclusive means by which information is
35 transmitted to the department. Telephonic transfer shall not be permitted for
36 information regarding sales of any firearms.

37 **Comment.** Section 28205 continues former Section 12076(a) without substantive change.

38 For exceptions to provisions in this article and in Article 1 (commencing with Section 28100),
39 Article 2 (commencing with Section 28150), and Article 4 (commencing with Section 28300), see
40 Article 5 (commencing with Section 28400).

41 For the consequences of violating this article, see Section 28250.

1 See Sections 16520 (“firearm”), 26700 (“dealer,” “licensee,” or “person licensed pursuant to
2 Sections 26700 to 26915, inclusive”), 28200 (“purchase,” “purchaser,” “sale,” and “seller”).

3 **§ 28210. Use of register**

4 28210. (a)(1) Where the register is used, the purchaser of any firearm shall be
5 required to present to the dealer clear evidence of the person’s identity and age.

6 (2) The dealer shall require the purchaser to sign the purchaser’s current legal
7 name and affix the purchaser’s residence address and date of birth to the register in
8 quadruplicate.

9 (3) The salesperson shall sign the register in quadruplicate, as a witness to the
10 signature and identification of the purchaser.

11 (b) Any person furnishing a fictitious name or address, knowingly furnishing
12 any incorrect information, or knowingly omitting any information required to be
13 provided for the register shall be punished as provided in Section 28250.

14 (c)(1) The original of the register shall be retained by the dealer in consecutive
15 order.

16 (2) Each book of 50 originals shall become the permanent register of
17 transactions, which shall be retained for not less than three years from the date of
18 the last transaction.

19 (3) Upon presentation of proper identification, the permanent register of
20 transactions shall be available for inspection by any peace officer, Department of
21 Justice employee designated by the Attorney General, or agent of the federal
22 Bureau of Alcohol, Tobacco, Firearms, and Explosives. No information shall be
23 compiled therefrom regarding the purchasers or other transferees of firearms that
24 are not pistols, revolvers, or other firearms capable of being concealed upon the
25 person.

26 (d) On the date of the application to purchase, two copies of the original sheet of
27 the register shall be placed in the mail, postage prepaid, and properly addressed to
28 the Department of Justice in Sacramento.

29 (e) If requested, a photocopy of the original shall be provided to the purchaser
30 by the dealer.

31 (f) If the transaction is a private party transfer conducted pursuant to Chapter 5
32 (commencing with Section 28050), a photocopy of the original shall be provided
33 to the seller or purchaser by the dealer, upon request. The dealer shall redact all of
34 the purchaser’s personal information, as required pursuant to subdivision (a) of
35 Section 28160 and subdivision (a) of Section 28165, from the seller’s copy, and
36 the seller’s personal information from the purchaser’s copy.

37 **Comment.** Subdivision (a) of Section 28210 continues the first and second sentences of former
38 Section 12076(b)(1) without substantive change.

39 Subdivision (b) cross-refers to Section 28250, which continues the third sentence of former
40 Section 12076(b)(1) and the third sentence of former Section 12076(c)(1) without substantive
41 change.

42 Subdivision (c) continues former Section 12076(b)(2) without substantive change.

43 Subdivision (d) continues former Section 12076(b)(3) without substantive change.

44 Subdivision (e) continues former Section 12076(b)(4) without change.

1 Subdivision (f) continues former Section 12076(b)(5) without substantive change.
2 For exceptions to provisions in this article and in Article 1 (commencing with Section 28100),
3 Article 2 (commencing with Section 28150), and Article 4 (commencing with Section 28300), see
4 Article 5 (commencing with Section 28400).

5 See Sections 16400 (“clear evidence of the person’s identity and age”), 16520 (“firearm”),
6 26700 (“dealer,” “licensee,” or “person licensed pursuant to Sections 26700 to 26915, inclusive”),
7 28200 (“purchase,” “purchaser,” “sale,” and “seller”).

8 **§ 28215. Use of electronic or telephonic transfer**

9 28215. (a)(1) Where the electronic or telephonic transfer of applicant
10 information is used, the purchaser shall be required to present to the dealer clear
11 evidence of the person’s identity and age.

12 (2) The dealer shall require the purchaser to sign the purchaser’s current legal
13 name to the record of electronic or telephonic transfer.

14 (3) The salesperson shall sign the record of electronic or telephonic transfer, as a
15 witness to the signature and identification of the purchaser.

16 (b) Any person furnishing a fictitious name or address, knowingly furnishing
17 any incorrect information, or knowingly omitting any information required to be
18 provided for the electronic or telephonic transfer shall be punished as provided in
19 Section 28250.

20 (c)(1) The original of each record of electronic or telephonic transfer shall be
21 retained by the dealer in consecutive order.

22 (2) Each original shall become the permanent record of the transaction, which
23 shall be retained for not less than three years from the date of the last transaction.

24 (3) Upon presentation of proper identification, the permanent record of the
25 transaction shall be provided for inspection by any peace officer, Department of
26 Justice employee designated by the Attorney General, or agent of the federal
27 Bureau of Alcohol, Tobacco, Firearms, and Explosives. No information shall be
28 compiled therefrom regarding the purchasers or other transferees of firearms that
29 are not pistols, revolvers, or other firearms capable of being concealed upon the
30 person.

31 (d) On the date of the application to purchase, the record of applicant
32 information shall be transmitted to the Department of Justice in Sacramento by
33 electronic or telephonic transfer

34 (e) If requested, a copy of the record of electronic or telephonic transfer shall be
35 provided to the purchaser by the dealer.

36 (f) If the transaction is a private party transfer conducted pursuant to Chapter 5
37 (commencing with Section 28050), a copy shall be provided to the seller or
38 purchaser by the dealer, upon request. The dealer shall redact all of the purchaser’s
39 personal information, as required pursuant to subdivision (a) of Section 28160 and
40 subdivision (a) of Section 28165, from the seller’s copy, and the seller’s personal
41 information from the purchaser’s copy.

42 **Comment.** Subdivision (a) of Section 28215 continues the first and second sentences of former
43 Section 12076(c)(1) without substantive change.

1 Subdivision (b) cross-refers to Section 28250, which continues the third sentence of former
2 Section 12076(b)(1) and the third sentence of former Section 12076(c)(1) without substantive
3 change.

4 Subdivision (c) continues former Section 12076(c)(3) without substantive change.

5 Subdivision (d) continues former Section 12076(c)(2) without substantive change.

6 Subdivision (e) continues former Section 12076(c)(4) without change.

7 Subdivision (f) continues former Section 12076(c)(5) without substantive change.

8 For exceptions to provisions in this article and in Article 1 (commencing with Section 28100),
9 Article 2 (commencing with Section 28150), and Article 4 (commencing with Section 28300), see
10 Article 5 (commencing with Section 28400).

11 See Sections 16400 (“clear evidence of the person’s identity and age”), 16520 (“firearm”),
12 26700 (“dealer,” “licensee,” or “person licensed pursuant to Sections 26700 to 26915, inclusive”),
13 28200 (“purchase,” “purchaser,” “sale,” and “seller”).

14 **§ 28220. Background check by Department of Justice**

15 28220. (a) Upon submission of firearm purchaser information, the Department
16 of Justice shall examine its records, as well as those records that it is authorized to
17 request from the State Department of Mental Health pursuant to Section 8104 of
18 the Welfare and Institutions Code, in order to determine if the purchaser is a
19 person described in subdivision (a) of Section 27535, or is prohibited by state or
20 state or federal law from possessing, receiving, owning, or purchasing a firearm.

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

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

36 (d) If the department determines that the copies of the register submitted to it
37 pursuant to subdivision (d) of Section 28210 contain any blank spaces or
38 inaccurate, illegible, or incomplete information, preventing identification of the
39 purchaser or the pistol, revolver, or other firearm to be purchased, or if any fee
40 required pursuant to Section 28225 is not submitted by the dealer in conjunction
41 with submission of copies of the register, the department may notify the dealer of
42 that fact. Upon notification by the department, the dealer shall submit corrected
43 copies of the register to the department, or shall submit any fee required pursuant
44 to Section 28225, or both, as appropriate and, if notification by the department is
45 received by the dealer at any time prior to delivery of the firearm to be purchased,

1 the dealer shall withhold delivery until the conclusion of the waiting period
2 described in Sections 26815 and 27540.

3 (e) If the department determines that the information transmitted to it pursuant to
4 Section 28215 contains inaccurate or incomplete information preventing
5 identification of the purchaser or the pistol, revolver, or other firearm capable of
6 being concealed upon the person to be purchased, or if the fee required pursuant to
7 Section 28225 is not transmitted by the dealer in conjunction with transmission of
8 the electronic or telephonic record, the department may notify the dealer of that
9 fact. Upon notification by the department, the dealer shall transmit corrections to
10 the record of electronic or telephonic transfer to the department, or shall transmit
11 any fee required pursuant to Section 28225, or both, as appropriate, and if
12 notification by the department is received by the dealer at any time prior to
13 delivery of the firearm to be purchased, the dealer shall withhold delivery until the
14 conclusion of the waiting period described in Sections 26815 and 27540.

15 **Comment.** Section 28220 continues former Section 12076(d) without substantive change.

16 For exceptions to provisions in this article and in Article 1 (commencing with Section 28100),
17 Article 2 (commencing with Section 28150), and Article 4 (commencing with Section 28300), see
18 Article 5 (commencing with Section 28400).

19 For the consequences of violating this article, see Section 28250.

20 See Sections 16520 (“firearm”), 16530 (“firearm capable of being concealed upon the person,”
21 “pistol,” and “revolver”), 26700 (“dealer,” “licensee,” or “person licensed pursuant to Sections
22 26700 to 26915, inclusive”), 28200 (“purchase,” “purchaser,” “sale,” and “seller”).

23 **§ 28225. Fee to be charged by dealer**

24 28225. (a) The Department of Justice may require the dealer to charge each
25 firearm purchaser a fee not to exceed fourteen dollars (\$14), except that the fee
26 may be increased at a rate not to exceed any increase in the California Consumer
27 Price Index as compiled and reported by the California Department of Industrial
28 Relations.

29 (b) The fee under subdivision (a) shall be no more than is necessary to fund the
30 following:

31 (1) The department for the cost of furnishing this information.

32 (2) The department for the cost of meeting its obligations under paragraph (2) of
33 subdivision (b) of Section 8100 of the Welfare and Institutions Code.

34 (3) Local mental health facilities for state-mandated local costs resulting from
35 the reporting requirements imposed by Section 8103 of the Welfare and
36 Institutions Code.

37 (4) The State Department of Mental Health for the costs resulting from the
38 requirements imposed by Section 8104 of the Welfare and Institutions Code.

39 (5) Local mental hospitals, sanitariums, and institutions for state-mandated local
40 costs resulting from the reporting requirements imposed by Section 8105 of the
41 Welfare and Institutions Code.

42 (6) Local law enforcement agencies for state-mandated local costs resulting
43 from the notification requirements set forth in subdivision (a) of Section 6385 of
44 the Family Code.

1 (7) Local law enforcement agencies for state-mandated local costs resulting
2 from the notification requirements set forth in subdivision (c) of Section 8105 of
3 the Welfare and Institutions Code.

4 (8) For the actual costs associated with the electronic or telephonic transfer of
5 information pursuant to Section 28215.1

6 (9) The Department of Food and Agriculture for the costs resulting from the
7 notification provisions set forth in Section 5343.5 of the Food and Agricultural
8 Code.

9 (10) The department for the costs associated with subdivisions (d) and (e) of
10 Section 27560.

11 (11) The department for the costs associated with funding Department of Justice
12 firearms-related regulatory and enforcement activities related to the sale, purchase,
13 loan, or transfer of firearms pursuant to any provision listed in Section 16580.

14 (c) The fee established pursuant to this section shall not exceed the sum of the
15 actual processing costs of the department, the estimated reasonable costs of the
16 local mental health facilities for complying with the reporting requirements
17 imposed by paragraph (3) of subdivision (b), the costs of the State Department of
18 Mental Health for complying with the requirements imposed by paragraph (4) of
19 subdivision (b), the estimated reasonable costs of local mental hospitals,
20 sanitariums, and institutions for complying with the reporting requirements
21 imposed by paragraph (5) of subdivision (b), the estimated reasonable costs of
22 local law enforcement agencies for complying with the notification requirements
23 set forth in subdivision (a) of Section 6385 of the Family Code, the estimated
24 reasonable costs of local law enforcement agencies for complying with the
25 notification requirements set forth in subdivision (c) of Section 8105 of the
26 Welfare and Institutions Code imposed by paragraph (7) of subdivision (b), the
27 estimated reasonable costs of the Department of Food and Agriculture for the costs
28 resulting from the notification provisions set forth in Section 5343.5 of the Food
29 and Agricultural Code, the estimated reasonable costs of the department for the
30 costs associated with subdivisions (d) and (e) of Section 27560, and the estimated
31 reasonable costs of department firearms-related regulatory and enforcement
32 activities related to the sale, purchase, loan, or transfer of firearms pursuant to any
33 provision listed in Section 16580.

34 (d) Where the electronic or telephonic transfer of applicant information is used,
35 the department shall establish a system to be used for the submission of the fees
36 described in this section to the department.

37 **Comment.** Subdivisions (a)-(c) of Section 28225 continue former Section 12076(e) without
38 substantive change.

39 Subdivision (d) continues former Section 12076(h) without substantive change.

40 For exceptions to provisions in this article and in Article 1 (commencing with Section 28100),
41 Article 2 (commencing with Section 28150), and Article 4 (commencing with Section 28300), see
42 Article 5 (commencing with Section 28400).

43 For the consequences of violating this article, see Section 28250.

44 See Sections 16520 (“firearm”), 26700 (“dealer,” “licensee,” or “person licensed pursuant to
45 Sections 26700 to 26915, inclusive”), 28200 (“purchase,” “purchaser,” “sale,” and “seller”).

1 **§ 28230. Fee that may be charged by Department of Justice**

2 28230. (a) The Department of Justice may charge a fee sufficient to reimburse it
3 for each of the following but not to exceed fourteen dollars (\$14), except that the
4 fee may be increased at a rate not to exceed any increase in the California
5 Consumer Price Index as compiled and reported by the California Department of
6 Industrial Relations:

7 (1) For the actual costs associated with the preparation, sale, processing, and
8 filing of forms or reports required or utilized pursuant to any provision listed in
9 subdivision (a) of Section 16585.

10 (2) For the actual processing costs associated with the submission of a Dealers'
11 Record of Sale to the department.

12 (3) For the actual costs associated with the preparation, sale, processing, and
13 filing of reports utilized pursuant to Section 26905, 27565, or 28000, or paragraph
14 (1) of subdivision (a) of Section 27560.

15 (4) For the actual costs associated with the electronic or telephonic transfer of
16 information pursuant to 28215.

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

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

24 **Comment.** Section 28230 continues former Section 12076(f) without substantive change.

25 For exceptions to provisions in this article and in Article 1 (commencing with Section 28100),
26 Article 2 (commencing with Section 28150), and Article 4 (commencing with Section 28300), see
27 Article 5 (commencing with Section 28400).

28 See Sections 26700 ("dealer," "licensee," or "person licensed pursuant to Sections 26700 to
29 26915, inclusive"), 28200 ("purchase," "purchaser," "sale," and "seller").

30 **§ 28235. Dealers' Record of Sale Special Account**

31 28235. All money received by the department pursuant to this article shall be
32 deposited in the Dealers' Record of Sale Special Account of the General Fund,
33 which is hereby created, to be available, upon appropriation by the Legislature, for
34 expenditure by the department to offset the costs incurred pursuant to any of the
35 following:

36 (a) This article.

37 (b) Section 18910.

38 (c) Section 27555.

39 (d) Subdivisions (d) and (e) of Section 27560.

40 (e) Article 6 (commencing with Section 28450).

41 (f) Section 31110.

42 (g) Section 31115.

43 (h) Subdivision (a) of Section 32020.

1 (i) Section 32670.

2 (j) Section 33320.

3 **Comment.** Section 28235 continues former Section 12076(g) without substantive change.

4 **§ 28240. Method of calculating fees**

5 28240. (a) Only one fee shall be charged pursuant to this article for a single
6 transaction on the same date for the sale of any number of firearms that are not
7 pistols, revolvers, or other firearms capable of being concealed upon the person, or
8 for the taking of possession of those firearms.

9 (b) In a single transaction on the same date for the delivery of any number of
10 firearms that are pistols, revolvers, or other firearms capable of being concealed
11 upon the person, the department shall charge a reduced fee pursuant to this article
12 for the second and subsequent firearms that are part of that transaction.

13 (c) Only one fee shall be charged pursuant to this article for a single transaction
14 on the same date for taking title or possession of any number of firearms pursuant
15 to Section 26905, 27870, 27875, 27915, 27920, or 27925.

16 **Comment.** Subdivisions (a) and (b) of Section 28240 continue former Section 12076(i)
17 without substantive change.

18 Subdivision (c) continues former Section 12076(j) without substantive change.

19 For exceptions to provisions in this article and in Article 1 (commencing with Section 28100),
20 Article 2 (commencing with Section 28150), and Article 4 (commencing with Section 28300), see
21 Article 5 (commencing with Section 28400).

22 For the consequences of violating this article, see Section 28250.

23 See Sections 16520 (“firearm”), 16530 (“firearm capable of being concealed upon the person,”
24 “pistol,” and “revolver”), 28200 (“purchase,” “purchaser,” “sale,” and “seller”).

25 **§ 28245. Application of California Tort Claims Act**

26 28245. Whenever the Department of Justice acts pursuant to this article as it
27 pertains to firearms other than pistols, revolvers, or other firearms capable of being
28 concealed upon the person, the department’s acts or omissions shall be deemed to
29 be discretionary within the meaning of the California Tort Claims Act pursuant to
30 Division 3.6 (commencing with Section 810) of Title 1 of the Government Code.

31 **Comment.** Section 28245 continues former Section 12076(k) without substantive change.

32 See Sections 16520 (“firearm”), 16530 (“firearm capable of being concealed upon the person,”
33 “pistol,” and “revolver”).

34 **§ 28250. Punishment for violation of article, providing false information for firearm
35 transaction, or failing to provide necessary information for firearm transaction**

36 28250. (a) Any person who does any of the following is guilty of a
37 misdemeanor:

38 (1) Furnishing a fictitious name or address for the register under Section 28210
39 or the electronic or telephonic transfer under Section 28215.

40 (2) Knowingly furnishing any incorrect information for the register under
41 Section 28210 or the electronic or telephonic transfer under Section 28215.

1 (3) Knowingly omitting any information required to be provided for the register
2 under Section 28210 or the electronic or telephonic transfer under Section 28215.

3 (4) Violating any provision of this article.

4 (b) Notwithstanding subdivision (a), any person who is prohibited from
5 obtaining a firearm pursuant to Chapter 2 (commencing with Section 29800) or 3
6 (commencing with Section 29900) of Division 9 of this title, or Section 8100 or
7 8103 of the Welfare and Institutions Code, who does any of the following shall be
8 punished by imprisonment in a county jail not exceeding one year or
9 imprisonment in the state prison for a term of 8, 12, or 18 months:

10 (1) Knowingly furnishes a fictitious name or address for the register under
11 Section 28210 or the electronic or telephonic transfer under Section 28215.

12 (2) Knowingly furnishes any incorrect information for the register under Section
13 28210 or the electronic or telephonic transfer under Section 28215.

14 (3) Knowingly omits any information required to be provided for the register
15 under Section 28210 or the electronic or telephonic transfer under Section 28215.

16 **Comment.** Section 28250 continues the third sentence of former Section 12076(b)(1) and the
17 third sentence of former Section 12076(c)(1) without substantive change.

18 For exceptions to provisions in this article and in Article 1 (commencing with Section 28100),
19 Article 2 (commencing with Section 28150), and Article 4 (commencing with Section 28300), see
20 Article 5 (commencing with Section 28400).

21 Article 4. Firearms Safety and Enforcement Special Fund

22 § 28300. Firearms Safety and Enforcement Special Fund

23 28300. (a) The Firearms Safety and Enforcement Special Fund is hereby
24 established in the State Treasury and shall be administered by the Department of
25 Justice.

26 (b) Notwithstanding Section 13340 of the Government Code, all moneys in the
27 fund are continuously appropriated to the Department of Justice, without regard to
28 fiscal years, for the purpose of implementing and enforcing the provisions of
29 Article 2 (commencing with Section 31610) of Chapter 4 of Division 10,
30 enforcing Section 830.95, Title 2 (commencing with Section 12001) of Part 4,
31 Sections 16000 to 16960, inclusive, Sections 16970 to 17230, inclusive, Sections
32 17240 to 21390, inclusive, and Sections 21590 to 34370, inclusive, and for the
33 establishment, maintenance and upgrading of equipment and services necessary
34 for firearms dealers to comply with Article 2 (commencing with Section 28150).

35 (c) The Department of Justice may require firearms dealers to charge each
36 person who obtains a firearm a fee not to exceed five dollars (\$5) for each
37 transaction. Revenues from this fee shall be deposited in the Firearms Safety and
38 Enforcement Special Fund.

39 **Comment.** Section 28300 continues former Section 12076.5 without substantive change.

40 For exceptions to provisions in this article and in Article 1 (commencing with Section 28100),
41 Article 2 (commencing with Section 28150), and Article 3 (commencing with Section 28200), see
42 Article 5 (commencing with Section 28400).

1 See Sections 16520 (“firearm”), 26700 (“dealer,” “licensee,” or “person licensed pursuant to
2 Sections 26700 to 26915, inclusive”).

3 Article 5. Exceptions Relating to Law Enforcement

4 **§ 28400. Exception for sale, delivery, or transfer to authorized law enforcement
5 representative of city, county, city and county, or state or federal government**

6 28400. (a) Article 1 (commencing with Section 28100), Article 2 (commencing
7 with Section 28150), Article 3 (commencing with Section 28200), and Article 4
8 (commencing with Section 28300) do not apply to any sale, delivery, or transfer of
9 firearms made to an authorized law enforcement representative of any city,
10 county, city and county, or state, or of the federal government, for exclusive use
11 by that governmental agency if, prior to the sale, delivery, or transfer of these
12 firearms, written authorization from the head of the agency authorizing the
13 transaction is presented to the person from whom the purchase, delivery, or
14 transfer is being made.

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

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

26 **Comment.** Section 28400 continues former Section 12078(a)(2) without substantive change, as
27 that provision applied to former Sections 12073, 12074, 12075, 12076, 12076.5, and 12077
28 (through its reference to “the preceding provisions of this article”).

29 See Sections 16520 (“firearm”), 16640 (“handgun”).

30 **§ 28405. Exception for loan of firearm to peace officer employee for use in performing
31 official duties**

32 28405. Article 1 (commencing with Section 28100), Article 2 (commencing
33 with Section 28150), Article 3 (commencing with Section 28200), and Article 4
34 (commencing with Section 28300) do not apply to the loan of a firearm if all of the
35 following conditions are satisfied:

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

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

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

1 **Comment.** Section 28405 continues former Section 12078(a)(3) without substantive change, as
2 that provision applied to former Sections 12073, 12074, 12075, 12076, 12076.5, and 12077
3 (through its reference to “the preceding provisions of this article”).

4 See Section 16520 (“firearm”).

5 **§ 28410. Exception for sale, delivery, or transfer by law enforcement agency to peace officer**
6 **pursuant to Public Contract Code**

7 28410. (a) Article 1 (commencing with Section 28100), Article 2 (commencing
8 with Section 28150), Article 3 (commencing with Section 28200), and Article 4
9 (commencing with Section 28300) do not apply to the sale, delivery, or transfer of
10 a firearm by a law enforcement agency to a peace officer pursuant to Section
11 10334 of the Public Contract Code.

12 (b) Within 10 days of the date that a handgun is sold, delivered, or transferred
13 pursuant to Section 10334 of the Public Contract Code to that peace officer, the
14 name of the officer and the make, model, serial number, and other identifying
15 characteristics of the firearm being sold, delivered, or transferred shall be entered
16 into the Automated Firearms System (AFS) via the California Law Enforcement
17 Telecommunications System (CLETS) by the law enforcement or state agency that
18 sold, delivered, or transferred the firearm. Any agency without access to AFS shall
19 arrange with the sheriff of the county in which the agency is located to input this
20 information via this system.

21 **Comment.** Section 28410 continues former Section 12078(a)(4) without substantive change, as
22 that provision applied to former Sections 12073, 12074, 12075, 12076, 12076.5, and 12077
23 (through its reference to “the preceding provisions of this article”).

24 See Sections 16520 (“firearm”), 16640 (“handgun”).

25 **§ 28415. Exception for sale, delivery, or transfer by law enforcement agency to retiring**
26 **peace officer authorized to carry concealed and loaded firearm**

27 28415. (a) Article 1 (commencing with Section 28100), Article 2 (commencing
28 with Section 28150), Article 3 (commencing with Section 28200), and Article 4
29 (commencing with Section 28300) do not apply to the sale, delivery, or transfer of
30 a firearm by a law enforcement agency to a retiring peace officer who is
31 authorized to carry a firearm pursuant to Chapter 5 (commencing with Section
32 26300) of Division 5.

33 (b) Within 10 days of the date that a handgun is sold, delivered, or transferred to
34 that retiring peace officer, the name of the officer and the make, model, serial
35 number, and other identifying characteristics of the firearm being sold, delivered,
36 or transferred shall be entered into the Automated Firearms System (AFS) via the
37 California Law Enforcement Telecommunications System (CLETS) by the law
38 enforcement or state agency that sold, delivered, or transferred the firearm. Any
39 agency without access to AFS shall arrange with the sheriff of the county in which
40 the agency is located to input this information via this system.

41 **Comment.** Section 28415 continues former Section 12078(a)(5) without substantive change, as
42 that provision applied to former Sections 12073, 12074, 12075, 12076, 12076.5, and 12077
43 (through its reference to “the preceding provisions of this article”).

1 See Sections 16520 (“firearm”), 16640 (“handgun”).

2 Article 6. Centralized List of Exempted Federal Firearms Licensees

3 **§ 28450. Centralized list of exempted federal firearms licensees**

4 28450. (a) Commencing January 1, 2008, the Department of Justice shall keep a
5 centralized list of persons who identify themselves as being licensed pursuant to
6 Chapter 44 (commencing with Section 921) of Title 18 of the United States Code
7 as a dealer, pawnbroker, importer, or manufacturer of firearms whose licensed
8 premises are within this state and who declare to the department an exemption
9 from the firearms dealer licensing requirements of Section 26500.

10 (b) The list shall be known as the centralized list of exempted federal firearms
11 licensees.

12 (c) To qualify for placement on the centralized list, an applicant shall do all of
13 the following:

14 (1) Possess a valid federal firearms license pursuant to Chapter 44 (commencing
15 with Section 921) of Title 18 of the United States Code as a dealer, pawnbroker,
16 importer, or manufacturer of firearms.

17 (2) Maintain eligibility under California law to possess firearms by possessing a
18 current, valid certificate of eligibility pursuant to Section 26710.

19 (3) Maintain with the department a signed declaration enumerating the
20 applicant’s statutory exemptions from licensing requirements of Section 26500.

21 **Comment.** Section 28450 continues former Section 12083(a) without substantive change,
22 except the second sentence of paragraph (a)(3), which is continued without substantive change in
23 Section 28455.

24 See Sections 16520 (“firearm”), 26700 (“dealer,” “licensee,” or “person licensed pursuant to
25 Sections 26700 to 26915, inclusive”).

26 **§ 28455. Punishment for misconduct in submitting declaration enumerating statutory
27 exemptions from licensing requirements**

28 28455. Any person furnishing a fictitious name, knowingly furnishing any
29 incorrect information, or knowingly omitting any information for the declaration
30 under paragraph (3) of subdivision (c) of Section 28450 shall be guilty of a
31 misdemeanor.

32 **Comment.** Section 28455 continues the second sentence of former Section 12083(a)(3)
33 without substantive change.

34 **§ 28460. Fee**

35 28460. (a) Commencing January 1, 2008, the department shall assess an annual
36 fee of one hundred fifteen dollars (\$115) to cover its costs of maintaining the
37 centralized list of exempted federal firearms licensees prescribed by Section
38 28450, conducting inspections in accordance with this article, and for the cost of
39 maintaining the firearm shipment verification number system described in Section
40 27555.

1 (b) The department may increase the fee at a rate not to exceed the increase in
2 the California Consumer Price Index as compiled and reported by the Department
3 of Industrial Relations.

4 (c) The fees collected shall be deposited in the Dealers' Record of Sale Special
5 Account.

6 **Comment.** Section 28460 continues former Section 12083(b) without substantive change.
7 For the provision establishing the Dealers' Record of Sale Special Account, see Section 28235.
8 See Section 16520 ("firearm").

9 **§ 28465. Restriction on importing or receiving firearms**

10 28465. (a) Any person licensed pursuant to Chapter 44 (commencing with
11 Section 921) of Title 18 of the United States Code as a dealer, pawnbroker,
12 importer, or manufacturer of firearms whose licensed premises are within this state
13 shall not import or receive firearms from any source unless listed on the
14 centralized list of firearms dealers pursuant to Section 26715, or the centralized
15 list of exempted federal firearms licensees pursuant to Section 28450, or the
16 centralized list of firearms manufacturers pursuant to Section 29060.

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

18 **Comment.** Section 28465 continues former Section 12083(c) without substantive change.
19 See Section 16520 ("firearm").

20 **§ 28470. Maintaining record of verification number**

21 28470. (a) All persons on the centralized list of exempted federal firearms
22 licensees prescribed by Section 28450 shall record and keep on file for three years,
23 the verification number that shall accompany firearms received from other federal
24 firearms licensees pursuant to Section 27555.

25 (b) A violation of this section is cause for immediate removal from the
26 centralized list.

27 **Comment.** Section 28470 continues former Section 12083(d) without substantive change.
28 For another provision authorizing removal from the centralized list in specified circumstances,
29 see Section 28485.
30 See Section 16520 ("firearm").

31 **§ 28475. Use of information from centralized list of exempted federal firearms licensees**

32 28475. Information compiled from the list described in Section 28450 shall be
33 made available for the following purposes:

34 (a) Requests from local, state, and federal law enforcing agencies and the duly
35 constituted city, county, and city and county licensing authorities.

36 (b) When the information is requested by a person licensed pursuant to Chapter
37 44 (commencing with Section 921) of Title 18 of the United States Code for
38 determining the validity of the license for firearm shipments.

39 **Comment.** Section 28475 continues former Section 12083(e) without substantive change.
40 See Section 16520 ("firearm").

1 **§ 28480. Inspection of business premises**

2 28480. (a) The department may conduct onsite inspections at the business
3 premises of a person on the centralized list described in Section 28450 to
4 determine compliance with firearms laws pursuant to the provisions listed in
5 Section 16575.

6 (b) The department shall work in consultation with the Bureau of Alcohol,
7 Tobacco, Firearms, and Explosives to ensure that licensees are not subject to
8 duplicative inspections.

9 (c) During the inspection the following firearm records shall be made available
10 for review:

11 (1) Federal records referred to in subdivision (a) of Section 478.125 of Title 27
12 of the Code of Federal Regulations and the bound book containing the same
13 information referred to in Section 478.124a and subdivision (e) of Section 478.125
14 of Title 27 of the Code of Federal Regulations.

15 (2) Verification numbers issued pursuant to Section 27555.

16 (3) Any other records requested by the department to determine compliance with
17 the provisions listed in Section 16575.

18 **Comment.** Section 28480 continues former Section 12083(f) without substantive change.
19 See Section 16520 (“firearm”).

20 **§ 28485. Removal from centralized list of exempted federal firearms licensees**

21 28485. The department may remove from the centralized list described in
22 Section 28450 any person who violates a provision listed in Section 16575.

23 **Comment.** Section 28485 continues former Section 12083(g) without substantive change.

24 See also Section 28470, which requires recording and retention of verification numbers and
25 states that violation of that requirement is cause for immediate removal from the centralized list
26 of exempted federal firearms licensees.

27 **§ 28490. Regulations**

28 28490. The department may adopt regulations as necessary to carry out the
29 provisions of this article, Article 1 (commencing with Section 26700) and Article
30 2 (commencing with Section 26800) of Chapter 2, and Sections 27555 to 27570,
31 inclusive. The department shall work in consultation with the Bureau of Alcohol,
32 Tobacco, Firearms, and Explosives to ensure that state regulations are not
33 duplicative of federal regulations.

34 **Comment.** Section 28490 continues former Section 12083(h) without substantive change.

1 (1) A valid license to manufacture firearms issued pursuant to Chapter 44
2 (commencing with Section 921) of Title 18 of the United States Code.

3 (2) Any regulatory or business license, or licenses, required by local
4 government.

5 (3) A valid seller's permit or resale certificate issued by the State Board of
6 Equalization, if applicable.

7 (4) A certificate of eligibility issued by the Department of Justice pursuant to
8 Section 26710.

9 (c) A license granted by the department shall be valid for no more than one year
10 from the date of issuance and shall be in the form prescribed by the Attorney
11 General.

12 (d) The department shall inform applicants who are denied licenses of the
13 reasons for the denial in writing.

14 **Comment.** Subdivision (a) of Section 29050 continues the first sentence of former Section
15 12086(b)(1) without substantive change.

16 Subdivision (b) continues former Section 12086(b)(2) without substantive change.

17 Subdivision (c) continues former Section 12086(b)(4) without substantive change.

18 Subdivision (d) continues the second sentence of former Section 12086(b)(1) without
19 substantive change.

20 See Sections 16450 ("department"), 16520 ("firearm").

21 **§ 29055. Fees and regulations**

22 29055. (a) The department shall adopt regulations to administer this chapter and
23 Chapter 1 (commencing with Section 29010).

24 (b) The department shall recover the full costs of administering the program by
25 collecting fees from license applicants. Recoverable costs shall include, but not be
26 limited to, the costs of inspections and maintaining a centralized list of licensed
27 firearm manufacturers.

28 (c) The fee for licensed manufacturers who produce fewer than 500 firearms in a
29 calendar year within this state shall not exceed (i) two hundred fifty dollars (\$250)
30 per year or (ii) the actual costs of inspections and maintaining a centralized list of
31 firearm manufacturers and any other duties of the department required pursuant to
32 this chapter and Chapter 1 (commencing with Section 29010), whichever is less.

33 **Comment.** Section 29055 continues former Section 12086(b)(3) without substantive change.

34 See Sections 16450 ("department"), 16520 ("firearm").

35 **§ 29060. Centralized list of persons licensed to manufacture firearms**

36 29060. (a) Except as otherwise provided in subdivisions (a) and (b) of Section
37 20965, the Department of Justice shall maintain a centralized list of all persons
38 licensed pursuant to subdivision (b) of Section 29050.

39 (b) The centralized list shall be provided annually to each police department and
40 county sheriff within the state.

41 **Comment.** Section 29060 continues former Section 12086(f)(1) without substantive change.

1 **§ 29065. Revocation of license**

2 29065. (a) Except as provided in subdivision (b), the license of any licensee who
3 violates this chapter may be revoked.

4 (b) The license of any licensee who knowingly or with gross negligence violates
5 this chapter or violates this chapter three times shall be revoked, and that person,
6 firm, or corporation shall become permanently ineligible to obtain a license
7 pursuant to this chapter.

8 (c) Upon the revocation of the license, notification shall be provided to local law
9 enforcement authorities in the jurisdiction where the licensee’s business is located
10 and to the federal Bureau of Alcohol, Tobacco, and Firearms.

11 **Comment.** Subdivision (a) of Section 29065 continues former Section 12086(f)(2) without
12 substantive change.

13 Subdivision (b) continues former Section 12086(f)(3) without substantive change. For
14 guidance in applying this subdivision, see Section 16010 (continuation of existing law). See also
15 Section 16015 (determining existence of prior conviction).

16 Subdivision (c) continues former Section 12086(g)(1) without substantive change.

17 See Section 29030 (“licensee”).

18 **§ 29070. Release of information about licensees**

19 29070. (a) The department shall make information concerning the location and
20 name of a licensee available, upon request, for the following purposes only:

21 (1) Law enforcement.

22 (2) When the information is requested by a person licensed pursuant to Chapter
23 44 (commencing with Section 921) of Title 18 of the United States Code for
24 determining the validity of the license for firearm shipments.

25 (b) Notwithstanding subdivision (a), the department shall make the name and
26 business address of a licensee available to any person upon written request.

27 **Comment.** Subdivision (a) of Section 29070 continues former Section 12086(g)(2) without
28 substantive change.

29 Subdivision (b) continues former Section 12086(g)(3) without substantive change.

30 See Sections 16450 (“department”), 16520 (“firearm”), 29030 (“licensee”).

31 **§ 29075. Information to be maintained and made available by Department of Justice**

32 29075. The Department of Justice shall maintain and make available upon
33 request information concerning all of the following:

34 (a) The number of inspections conducted and the amount of fees collected
35 pursuant to Section 29055.

36 (b) The number of licensees removed from the centralized list described in
37 Sections 29060 and 29065.

38 (c) The number of licensees found to have violated this chapter.

39 **Comment.** Section 29075 continues former Section 12086(h) without substantive change.

40 See Section 29030 (“licensee”).

1 Article 3. Prohibitions and Requirements Applicable to Licensee

2 **§ 29100. Compliance with prohibitions and requirements**

3 29100. A licensee shall comply with the prohibitions and requirements
4 described in this article.

5 **Comment.** Section 29100 continues the introductory clause of former Section 12086(c)
6 without substantive change.

7 See Section 29030 (“licensee”).

8 **§ 29105. Place of conducting business**

9 29105. The business of a licensee shall be conducted only in the buildings
10 designated in the license.

11 **Comment.** Section 29105 continues former Section 12086(c)(1) without substantive change.

12 See Section 29030 (“licensee”).

13 **§ 29110. Display of license**

14 29110. A licensee shall display the license or a copy thereof, certified by the
15 department, on the premises where it can easily be seen.

16 **Comment.** Section 29110 continues former Section 12086(c)(2) without substantive change.

17 See Sections 16450 (“department”), 29030 (“licensee”).

18 **§ 29115. Lost or stolen firearm**

19 29115. (a) Whenever a licensee discovers that a firearm has been stolen or is
20 missing from the licensee’s premises, the licensee shall report the loss or theft
21 within 48 hours of the discovery to all of the following:

22 (1) The Department of Justice, in a manner prescribed by the department.

23 (2) The federal Bureau of Alcohol, Tobacco, and Firearms.

24 (3) The police department in the city or city and county where the building
25 designated in the license is located.

26 (4) If there is no police department in the city or city and county where the
27 building designated in the license is located, the sheriff of the county where the
28 building designated in the license is located.

29 (b) For at least 10 years, the licensee shall maintain records of all firearms that
30 are lost or stolen, as prescribed by the Department of Justice.

31 **Comment.** Subdivision (a) of Section 29115 continues former Section 12086(c)(3) without
32 substantive change.

33 Subdivision (b) continues former Section 12086(c)(10) without substantive change.

34 See Sections 16520 (“firearm”), 29030 (“licensee”).

35 **§ 29120. Restrictions on employee access to firearms**

36 29120. (a) A licensee shall require that each employee obtain a certificate of
37 eligibility pursuant to Section 26710, which shall be renewed annually, before
38 being allowed to come into contact with any firearm.

39 (b) A licensee shall prohibit any employee who the licensee knows or
40 reasonably should know is prohibited by state or federal law from possessing,

1 receiving, owning, or purchasing a firearm from coming into contact with any
2 firearm.

3 **Comment.** Section 29120 continues former Section 12086(c)(4) without substantive change.
4 See Sections 16520 (“firearm”), 29030 (“licensee”).

5 **§ 29125. Unique serial number on each firearm**

6 29125. (a) Each firearm a licensee manufactures in this state shall be identified
7 with a unique serial number stamped onto the firearm utilizing the method of
8 compression stamping.

9 (b) Licensed manufacturers who produce fewer than 500 firearms in a calendar
10 year within this state may serialize long guns only by utilizing a method of
11 compression stamping or by engraving the serial number onto the firearm.

12 (c) The licensee shall stamp the serial number onto the firearm within one
13 business day of the time the frame or receiver is manufactured.

14 (d) The licensee shall not use the same serial number for more than one firearm.

15 **Comment.** Section 29125 continues former Section 12086(c)(5) without substantive change.
16 See Sections 16520 (“firearm”), 29030 (“licensee”).

17 **§ 29130. Recordkeeping requirements**

18 29130. (a) A licensee shall record the type, model, caliber, or gauge, and serial
19 number of each firearm manufactured or acquired, and the date of the manufacture
20 or acquisition, within one business day of the manufacture or acquisition.

21 (b) The licensee shall maintain permanently within the building designated in
22 the license the records required pursuant to subdivision (a).

23 (c) Backup copies of the records described in subdivision (a), whether electronic
24 or hard copy, shall be made at least once a month. These backup records shall be
25 maintained in a facility separate from the one in which the primary records are
26 stored.

27 **Comment.** Section 29130 continues former Section 12086(c)(6) without substantive change.
28 See Sections 16520 (“firearm”), 29030 (“licensee”).

29 **§ 29135. Inspections**

30 29135. (a) A licensee shall allow the department to inspect the building
31 designated in the license to ensure compliance with the requirements of this
32 chapter.

33 (b) A licensee shall allow any peace officer, authorized law enforcement
34 employee, or Department of Justice employee designated by the Attorney General,
35 upon the presentation of proper identification, to inspect facilities and records
36 during business hours to ensure compliance with the requirements of this chapter.

37 **Comment.** Section 29135 continues former Section 12086(c)(7) without substantive change.
38 See Section 29030 (“licensee”).

1 **§ 29140. Storage of firearms and barrels for firearms in secure facility**

2 29140. A licensee shall store in a secure facility all firearms manufactured and
3 all barrels for firearms manufactured.

4 **Comment.** Section 29140 continues former Section 12086(c)(8) without substantive change.
5 See Sections 16520 (“firearm”), 29141 (“secure facility” for firearm storage by manufacturer),
6 29142 (special definition of “secure facility” for firearm storage by manufacturer producing fewer
7 than 500 firearms per calendar year).

8 **§ 29141. “Secure facility” for firearm storage by manufacturer**

9 29141. Except as otherwise provided in Section 29142, as used in this chapter,
10 “secure facility” means that the facility satisfies all of the following:

- 11 (a) The facility is equipped with a burglar alarm with central monitoring.
- 12 (b) All perimeter entries to areas in which firearms are stored other than doors,
13 including windows and skylights, are secured with steel window guards or an
14 audible, silent, or sonic alarm to detect entry.
- 15 (c) All perimeter doorways are designed in one of the following ways:
- 16 (1) A windowless steel security door equipped with both a deadbolt and a
17 doorknob lock.
- 18 (2) A windowed metal door equipped with both a deadbolt and a doorknob lock.
19 If the window has an opening of five inches or more measured in any direction,
20 the window is covered with steel bars of at least one-half inch diameter or metal
21 grating of at least nine gauge affixed to the exterior or interior of the door.
- 22 (3) A metal grate that is padlocked and affixed to the licensee’s premises
23 independent of the door and doorframe.
- 24 (4) Hinges and hasps attached to doors by welding, riveting, or bolting with nuts
25 on the inside of the door.
- 26 (5) Hinges and hasps installed so that they cannot be removed when the doors
27 are closed and locked.
- 28 (d) Heating, ventilating, air-conditioning, and service openings are secured with
29 steel bars, metal grating, or an alarm system.
- 30 (e) No perimeter metal grates are capable of being entered by any person.
- 31 (f) Steel bars used to satisfy the requirements of this section are not capable of
32 being entered by any person.
- 33 (g) Perimeter walls of rooms in which firearms are stored are constructed of
34 concrete or at least 10-gauge expanded steel wire mesh utilized along with typical
35 wood frame and drywall construction. If firearms are not stored in a vault, the
36 facility shall use an exterior security-type door along with a high security, single-
37 key deadbolt, or other door that is more secure. All firearms shall be stored in a
38 separate room away from any general living area or work area. Any door to the
39 storage facility shall be locked while unattended.
- 40 (h) Perimeter doorways, including the loading dock area, are locked at all times
41 when not attended by paid employees or contracted employees, including security
42 guards.

1 (i) Except when a firearm is currently being tested, any ammunition on the
2 premises is removed from all manufactured guns and stored in a separate and
3 locked room, cabinet, or box away from the storage area for the firearms.
4 Ammunition may be stored with a weapon only in a locked safe.

5 **Comment.** Section 29141 continues former Section 12086(d) without substantive change.

6 See Section 16520 (“firearm”). See also Sections 17110 (“secure facility” for firearm storage
7 by dealer), 29142 (special definition of “secure facility” for firearm storage by manufacturer
8 producing fewer than 500 firearms per calendar year).

9 **§ 29142. Special definition of “secure facility” for firearm storage by manufacturer**
10 **producing fewer than 500 firearms per calendar year**

11 29142. (a) For purposes of this chapter, any licensed manufacturer who
12 produces fewer than 500 firearms in a calendar year within this state may maintain
13 a “secure facility” by complying with all of the requirements described in Section
14 29141, or may design a security plan that is approved by the Department of Justice
15 or the federal Bureau of Alcohol, Tobacco, and Firearms.

16 (b) If a security plan is approved by the federal Bureau of Alcohol, Tobacco, and
17 Firearms, the approved plan, along with proof of approval, shall be filed with the
18 Department of Justice and the local police department. If there is no police
19 department, the filing shall be with the county sheriff’s office.

20 (c) If a security plan is approved by the Department of Justice, the approved
21 plan, along with proof of approval, shall be filed with the local police department.
22 If there is no police department, the filing shall be with the county sheriff’s office.

23 **Comment.** Section 29142 continues former Section 12086(e) without substantive change.

24 See Section 16520 (“firearm”). See also Sections 17110 (“secure facility” for firearm storage
25 by dealer), 29141 (“secure facility” for firearm storage by manufacturer).

26 **§ 29150. Notification requirement**

27 29150. (a) A licensee shall notify the chief of police or other head of the
28 municipal police department in the city or city and county where the building
29 designated in the license is located that the licensee is manufacturing firearms
30 within that city or city and county and the location of the licensed premises.

31 (b) If there is no police department in the city or city and county where the
32 building designated in the license is located, the licensee shall notify the sheriff of
33 the county where the building designated in the license is located that the licensee
34 is manufacturing firearms within that county and the location of the licensed
35 premises.

36 **Comment.** Section 29150 continues former Section 12086(c)(9) without substantive change.

37 See Sections 16520 (“firearm”), 29030 (“licensee”).

1 DIVISION 8. MISCELLANEOUS RULES RELATING
2 TO FIREARMS GENERALLY

3 CHAPTER 1. MISCELLANEOUS PROVISIONS

4 **§ 29300. Firearm of any nature constitutes nuisance under specified circumstances**

5 29300. (a) Except as provided in subdivision (c), a firearm of any nature owned
6 or possessed in violation of Chapter 1 (commencing with Section 29610), 2
7 (commencing with Section 29800), or 3 (commencing with Section 29900) of
8 Division 9 of this title, or Chapter 3 (commencing with Section 8100) of Division
9 5 of the Welfare and Institutions Code, or used in the commission of any
10 misdemeanor as provided in this code, any felony, or an attempt to commit any
11 misdemeanor as provided in this code or any felony, is, upon a conviction of the
12 defendant or upon a juvenile court finding that an offense which would be a
13 misdemeanor or felony if committed by an adult was committed or attempted by
14 the juvenile with the use of a firearm, a nuisance, and is subject to Sections 18000
15 and 18005.

16 (b) A finding that the defendant was guilty of the offense but was insane at the
17 time the offense was committed is a conviction for the purposes of this section.

18 (c) A firearm is not a nuisance pursuant to this section if the firearm owner
19 disposes of the firearm pursuant to Section 29810.

20 (d) This section does not apply to any of the following:

21 (1) Any firearm in the possession of the Department of Fish and Game.

22 (2) Any firearm that was used in the violation of any provision of the Fish and
23 Game Code or any regulation adopted pursuant thereto.

24 (3) Any firearm that is forfeited pursuant to Section 5008.6 of the Public
25 Resources Code.

26 **Comment.** Subdivision (a) of Section 29300 continues the first sentence of former Section
27 12028(b)(1) without substantive change.

28 In combination with Section 18000(c), subdivision (b) continues the second sentence of former
29 Section 12028(b)(1) without substantive change.

30 Subdivision (c) continues former Section 12028(b)(2) without substantive change.

31 In combination with Section 25700, subdivision (d) continues former Section 12028(e) without
32 substantive change.

33 See Section 16520 (“firearm”).

34 CHAPTER 2. ENTERTAINMENT FIREARMS PERMIT

35 **§ 29500. Entertainment firearms permit**

36 29500. Any person who is at least 21 years of age may apply for an
37 entertainment firearms permit from the Department of Justice. An entertainment
38 firearms permit authorizes the permitholder to possess firearms loaned to the

1 permitholder for use solely as a prop in a motion picture, television, video,
2 theatrical, or other entertainment production or event.

3 **Comment.** Section 29500 continues the first sentence of former Section 12081(a) without
4 substantive change.

5 See Section 16520 (“firearm”).

6 **§ 29505. Application form**

7 29505. (a) Requests for entertainment firearms permits shall be made on
8 application forms prescribed by the Department of Justice that require applicant
9 information, including, but not limited to, the following:

10 (1) Complete name.

11 (2) Residential and mailing address.

12 (3) Telephone number.

13 (4) Date of birth.

14 (5) Place of birth.

15 (6) Country of citizenship and, if other than United States, alien number or
16 admission number.

17 (7) Valid driver’s license number or valid identification card number issued by
18 the California Department of Motor Vehicles.

19 (8) Social security number.

20 (9) Signature.

21 (b) All applications must be submitted with the appropriate fee as specified in
22 Section 29510.

23 **Comment.** Subdivision (a) of Section 29505 continues former Section 12081(b)(1) without
24 substantive change.

25 Subdivision (b) continues former Section 12081(b)(2) without substantive change.

26 **§ 29510. Application fee**

27 29510. (a) The Department of Justice shall recover the full costs of
28 administering the entertainment firearms permit program by assessing the
29 following application fees:

30 (1) For the initial application: one hundred four dollars (\$104). Of this sum,
31 fifty-six dollars (\$56) shall be deposited into the Fingerprint Fee Account, and
32 forty-eight dollars (\$48) shall be deposited into the Dealer Record of Sale
33 Account.

34 (2) For each annual renewal application: twenty-nine dollars (\$29), which shall
35 be deposited into the Dealer Record of Sale Account.

36 (b) The department shall annually review and shall adjust the fees specified in
37 subdivision (a), if necessary, to fully fund, but not to exceed the actual costs of,
38 the permit program provided for by this chapter, including enforcement of the
39 program.

40 **Comment.** Subdivision (a) of Section 29510 continues former Section 12081(c) without
41 substantive change.

42 Subdivision (b) continues former Section 12081(e) without substantive change.

1 **§ 29515. No entertainment firearms permit for person prohibited from possessing or**
2 **receiving firearms**

3 29515. (a) Upon receipt of an initial or renewal application submitted as
4 specified in Sections 29505, 29520, and 29525, the department shall examine its
5 records, records the department is authorized to request from the State Department
6 of Mental Health pursuant to Section 8104 of the Welfare and Institutions Code,
7 and records of the National Instant Criminal Background Check System as
8 described in subsection (t) of Section 922 of Title 18 of the United States Code, in
9 order to determine if the applicant is prohibited from possessing or receiving
10 firearms.

11 (b) The department shall issue an entertainment firearms permit only if the
12 records indicate that the applicant is not prohibited from possessing or receiving
13 firearms pursuant to any federal, state, or local law.

14 **Comment.** Section 29515 continues the second and third sentences of former Section 12081(a)
15 without substantive change.

16 See Section 16520 (“firearm”).

17 **§ 29520. Arrests and convictions of applicant**

18 29520. (a) An initial application for an entertainment firearms permit shall
19 require the submission of fingerprint images and related information in a manner
20 prescribed by the department, for the purpose of obtaining information as to the
21 existence and nature of a record of state or federal level convictions and state or
22 federal level arrests for which the department establishes that the individual was
23 released on bail or on the individual’s own recognizance pending trial as needed to
24 determine whether the applicant may be issued the permit. Requests for federal
25 level criminal offender record information received by the Department of Justice
26 pursuant to this chapter shall be forwarded by the department to the Federal
27 Bureau of Investigation.

28 (b) The Department of Justice shall review the criminal offender record
29 information specified in subdivision (l) of Section 11105 for entertainment
30 firearms permit applicants.

31 (c) The Department of Justice shall review subsequent arrests, pursuant to
32 Section 11105.2, to determine the continuing validity of the permit as specified in
33 Section 29530 for all entertainment firearms permit holders.

34 **Comment.** Subdivision (a) of Section 29520 continues former Section 12081(b)(3) without
35 substantive change.

36 Subdivision (b) continues former Section 12081(b)(4) without substantive change.

37 Subdivision (c) continues former Section 12081(b)(5) without substantive change. An
38 erroneous cross-reference to former Section 12081(d) has been replaced with a cross-reference to
39 Section 29530, which continues the substance of former Section 12081(f).

40 **§ 29525. Furnishing fictitious name, knowingly furnishing incorrect information, or**
41 **knowingly omitting required information on application**

42 29525. Any person who furnishes a fictitious name or address or knowingly
43 furnishes any incorrect information or knowingly omits any information required

1 to be provided on an application for an entertainment firearms permit is guilty of a
2 misdemeanor.

3 **Comment.** Section 29525 continues former Section 12081(b)(6) without substantive change.

4 **§ 29530. Duration of entertainment firearms permit**

5 29530. (a) An entertainment firearms permit issued by the Department of Justice
6 shall be valid for one year from the date of issuance.

7 (b) If at any time during that year the permitholder becomes prohibited from
8 possessing or receiving firearms pursuant to any federal, state, or local law, the
9 entertainment firearms permit shall be no longer valid.

10 **Comment.** Section 29530 continues former Section 12081(f) without substantive change.
11 See Section 16520 (“firearm”).

12 **§ 29535. Exemption from Administrative Procedure Act**

13 29535. The implementation of Sections 29500, 29505, 29515, 29520, and
14 29525, and of subdivision (a) of Section 29510, by the department is exempt from
15 the Administrative Procedure Act (Chapter 3.5 (commencing with Section 11340)
16 of Part 1 of Division 3 of Title 2 of the Government Code).

17 **Comment.** Section 29535 continues former Section 12081(d) without substantive change.

18 DIVISION 9. SPECIAL FIREARM RULES RELATING TO
19 PARTICULAR PERSONS

20 CHAPTER 1. JUVENILE

21 Article 1. Possession of Handgun

22 **§ 29610. Prohibition on possession of handgun by minor**

23 29610. A minor shall not possess a pistol, revolver, or other firearm capable of
24 being concealed upon the person.

25 **Comment.** Section 29610 continues former Section 12101(a)(1) without substantive change.

26 For exceptions to this provision, see Section 29615 (exceptions). For the consequences of
27 violating this provision, see Sections 29700 (punishment for violation of chapter), 29705
28 (compulsory participation in parenting education).

29 For further guidance on firearm restrictions relating to minors and persons under age 21, see
30 Sections 27505 (person, corporation, or firm that sells, loans, or transfers firearm to minor or
31 handgun to person under age 21), 27510 (dealer that supplies, delivers, or gives possession or
32 control of firearm to minor or handgun to person under age 21), 27945 (exception for certain
33 situations involving minor), 29650 (prohibition on possession of live ammunition by minor),
34 29655 (exceptions).

35 See Section 16530 (“firearm capable of being concealed upon the person,” “pistol,” and
36 “revolver”).

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Article 4. Legislative Intent

§ 29750. Intent of 1994 amendments

29750. In enacting the amendments to former Sections 12078 and 12101 by Section 10 of Chapter 33 of the Statutes of 1994, First Extraordinary Session, it was not the intent of the Legislature to expand or narrow the application of the then-existing statutory and judicial authority as to the rights of minors to be loaned or to possess live ammunition or a firearm for the purpose of self-defense or the defense of others.

Comment. Section 29750 continues former Section 12101(f) without substantive change. See Section 16520 (“firearm”).

CHAPTER 2. PERSON CONVICTED OF SPECIFIED OFFENSE, ADDICTED TO
NARCOTIC, OR SUBJECT TO COURT ORDER

Article 1. Prohibitions on Firearm Access

§ 29800. Firearm access by person convicted of felony, addicted to narcotic drug, or convicted of other specified offense

29800. (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 Section 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 two or more convictions for violating paragraph (2) of subdivision (a) of Section 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 Section 23515, when that conviction results from certification by the juvenile court for prosecution as an adult in an adult court under Section 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 one thousand dollars (\$1,000), or received both punishments.

Comment. Subdivision (a) of Section 29800 continues former Section 12021(a) without substantive change.

1 Subdivision (b) continues former Section 12021(b) without substantive change.
2 For an exemption from the prohibitions in subdivisions (a) and (b), see Section 29850
3 (justifiable violation of Section 29800, 29805, 29815, or 29820). For a notice requirement
4 relating to those prohibitions, see Section 29810 (notice to person who is subject to Section 29800
5 or 29805).

6 Subdivision (c) continues former Section 12021(f) without substantive change.

7 See Section 16520 (“firearm”).

8 **§ 29805. Firearm access by person convicted of misdemeanor violation of certain statutes or**
9 **other specified offense**

10 29805. Except as provided in Section 29800 or 29855, any person who has been
11 convicted of a misdemeanor violation of Section 71, 76, 136.1, 136.5, or 140,
12 subdivision (d) of Section 148, Section 171b, 171c, 171d, 186.28, 240, 241, 242,
13 243, 243.4, 244.5, 245, 245.5, 246.3, 247, 273.5, 273.6, 417, 417.6, 422, 626.9,
14 646.9, or 830.95, subdivision (a) of former Section 12100, Section 17500, 17510,
15 25300, 25800, 30315, or 32625, subdivision (b) or (d) of Section 26100, or
16 Section 27510, or Section 8100, 8101, or 8103 of the Welfare and Institutions
17 Code, any firearm-related offense pursuant to Sections 871.5 and 1001.5 of the
18 Welfare and Institutions Code, or of the conduct punished in subdivision (c) of
19 Section 27590, and who, within 10 years of the conviction, owns, purchases,
20 receives, or has in possession or under custody or control, any firearm is guilty of
21 a public offense, which shall be punishable by imprisonment in a county jail not
22 exceeding one year or in the state prison, by a fine not exceeding one thousand
23 dollars (\$1,000), or by both that imprisonment and fine. The court, on forms
24 prescribed by the Department of Justice, shall notify the department of persons
25 subject to this section. However, the prohibition in this section may be reduced,
26 eliminated, or conditioned as provided in Section 29855 or 29860.

27 **Comment.** Section 29805 continues former Section 12021(c)(1) without substantive change.

28 For an exemption from this provision, see Section 29850 (justifiable violation of Section
29 29800, 29805, 29815, or 29820). For guidance on petitioning for relief from this provision, see
30 Sections 29855 (petition by peace officer for relief from prohibition in Section 29805) and 29860
31 (petition by person who was convicted of offense before that offense was added to Section
32 29805). For guidance on false arrest arising from enforcement of this provision, see Section
33 29865 (immunity from liability for false arrest). For a notice requirement relating to this
34 provision, see Section 29810 (notice to person who is subject to Section 29800 or 29805).

35 See Section 16520 (“firearm”).

36 **§ 29810. Notice to person who is subject to Section 29800 or 29805**

37 29810. (a) For any person who is subject to Section 29800 or 29805, the court
38 shall, at the time judgment is imposed, provide on a form supplied by the
39 Department of Justice, a notice to the defendant prohibited by this chapter from
40 owning, purchasing, receiving, possessing or having under custody or control, any
41 firearm. The notice shall inform the defendant of the prohibition regarding
42 firearms and include a form to facilitate the transfer of firearms.

43 (b) Failure to provide the notice described in subdivision (a) shall not be a
44 defense to a violation of this chapter.

1 **Comment.** Section 29810 continues former Section 12020(d)(2) without substantive change.
2 See Section 16520 (“firearm”).

3 **§ 29815. Firearm access by person subject to firearm restriction as express condition of**
4 **probation**

5 29815. (a) Any person who, as an express condition of probation, is prohibited
6 or restricted from owning, possessing, controlling, receiving, or purchasing a
7 firearm and who owns, purchases, receives, or has in possession or under custody
8 or control, any firearm, but who is not subject to Section 29805 or subdivision (a)
9 of Section 29800, is guilty of a public offense, which shall be punishable by
10 imprisonment in a county jail not exceeding one year or in the state prison, by a
11 fine not exceeding one thousand dollars (\$1,000), or by both that imprisonment
12 and fine.

13 (b) The court, on forms provided by the Department of Justice, shall notify the
14 department of persons subject to this section. The notice shall include a copy of
15 the order of probation and a copy of any minute order or abstract reflecting the
16 order and conditions of probation.

17 **Comment.** Subdivision (a) of Section 29815 continues the first sentence of former Section
18 12021(d)(1) without substantive change. For an exemption from this provision, see Section 29850
19 (justifiable violation of Section 29800, 29805, 29815, or 29820).

20 Subdivision (b) continues the second and third sentences of former Section 12021(d)(1)
21 without substantive change.

22 See Section 16520 (“firearm”).

23 **§ 29820. Firearm access by person adjudged ward of juvenile court, under specified**
24 **circumstances**

25 29820. (a) This section applies to any person who satisfies both of the following
26 requirements:

27 (1) The person is alleged to have committed an offense listed in subdivision (b)
28 of Section 707 of the Welfare and Institutions Code, an offense described in
29 subdivision (b) of Section 1203.073, any offense enumerated in Section 29805, or
30 any offense described in Section 25850, subdivision (a) of Section 25400, or
31 subdivision (a) of Section 26100.

32 (2) The person is subsequently adjudged a ward of the juvenile court within the
33 meaning of Section 602 of the Welfare and Institutions Code because the person
34 committed an offense listed in subdivision (b) of Section 707 of the Welfare and
35 Institutions Code, an offense described in subdivision (b) of Section 1203.073, any
36 offense enumerated in Section 29805, or any offense described in Section 25850,
37 subdivision (a) of Section 25400, or subdivision (a) of Section 26100.

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

40 (c) A violation of this section shall be punishable by imprisonment in a county
41 jail not exceeding one year or in the state prison, by a fine not exceeding one
42 thousand dollars (\$1,000), or by both that imprisonment and fine.

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

5 **Comment.** Subdivisions (a) and (b) of Section 29820 continue the first sentence of former
6 Section 12021(e) without substantive change.

7 Subdivision (c) continues the second sentence of former Section 12021(e) without substantive
8 change.

9 Subdivision (d) continues the third and fourth sentences of former Section 12021(e) without
10 substantive change.

11 For an exemption from this provision, see Section 29850 (justifiable violation of Section
12 29800, 29805, 29815, or 29820).

13 See Section 16520 (“firearm”).

14 **§ 29825. Firearm access by person subject to temporary restraining order, injunction, or**
15 **protective order**

16 29825. (a) Every person who purchases or receives, or attempts to purchase or
17 receive, a firearm knowing that the person is prohibited from doing so by a
18 temporary restraining order or injunction issued pursuant to Section 527.6 or 527.8
19 of the Code of Civil Procedure, a protective order as defined in Section 6218 of
20 the Family Code, a protective order issued pursuant to Section 136.2 or 646.91 of
21 this code, or a protective order issued pursuant to Section 15657.03 of the Welfare
22 and Institutions Code, is guilty of a public offense, which shall be punishable by
23 imprisonment in a county jail not exceeding one year or in the state prison, by a
24 fine not exceeding one thousand dollars (\$1,000), or by both that imprisonment
25 and fine.

26 (b) Every person who owns or possesses a firearm knowing that the person is
27 prohibited from doing so by a temporary restraining order or injunction issued
28 pursuant to Section 527.6 or 527.8 of the Code of Civil Procedure, a protective
29 order as defined in Section 6218 of the Family Code, a protective order issued
30 pursuant to Section 136.2 or 646.91 of this code, or a protective order issued
31 pursuant to Section 15657.03 of the Welfare and Institutions Code, is guilty of a
32 public offense, which shall be punishable by imprisonment in a county jail not
33 exceeding one year, by a fine not exceeding one thousand dollars (\$1,000), or by
34 both that imprisonment and fine.

35 (c) If probation is granted upon conviction of a violation of this section, the
36 court shall impose probation consistent with Section 1203.097.

37 (d) The Judicial Council shall provide notice on all protective orders that the
38 respondent is prohibited from owning, possessing, purchasing, receiving, or
39 attempting to purchase or receive a firearm while the protective order is in effect.
40 The order shall also state that the firearm shall be relinquished to the local law
41 enforcement agency for that jurisdiction or sold to a licensed gun dealer, and that
42 proof of surrender or sale shall be filed within a specified time of receipt of the
43 order. The order shall state the penalties for a violation of the prohibition. The
44 order shall also state on its face the expiration date for relinquishment.

1 (d) Upon making each of the following findings, the court may reduce or
2 eliminate the prohibition, impose conditions on reduction or elimination of the
3 prohibition, or otherwise grant relief from the prohibition as the court deems
4 appropriate:

5 (1) Finds by a preponderance of the evidence that the petitioner is likely to use a
6 firearm in a safe and lawful manner.

7 (2) Finds that the petitioner is not within a prohibited class as specified in
8 Section 29815, 29820, 29825, or 29900, or subdivision (a) or (b) of Section 29800,
9 and the court is not presented with any credible evidence that the petitioner is a
10 person described in Section 8100 or 8103 of the Welfare and Institutions Code.

11 (3) Finds that the petitioner does not have a previous conviction under Section
12 29805 no matter when the prior conviction occurred.

13 (e) In making its decision, the court shall consider the petitioner's continued
14 employment, the interest of justice, any relevant evidence, and the totality of the
15 circumstances. The court shall require, as a condition of granting relief from the
16 prohibition under Section 29805, that the petitioner agree to participate in
17 counseling as deemed appropriate by the court. Relief from the prohibition shall
18 not relieve any other person or entity from any liability that might otherwise be
19 imposed. It is the intent of the Legislature that courts exercise broad discretion in
20 fashioning appropriate relief under this section in cases in which relief is
21 warranted. However, nothing in this section shall be construed to require courts to
22 grant relief to any particular petitioner. It is the intent of the Legislature to permit
23 persons who were convicted of an offense specified in Section 273.5, 273.6, or
24 646.9 to seek relief from the prohibition imposed by Section 29805.

25 **Comment.** Section 29855 continues former Section 12021(c)(2) without substantive change.
26 For guidance on false arrest arising from the enforcement of Section 29805, see Section 29865
27 (immunity from liability for false arrest).
28 See Section 16520 ("firearm").

29 **§ 29860. Petition by person who was convicted of offense before that offense was added to**
30 **Section 29805**

31 29860. (a) Any person who is subject to the prohibition imposed by Section
32 29805 because of a conviction of an offense prior to that offense being added to
33 Section 29805 may petition the court only once for relief from this prohibition.

34 (b) The petition shall be filed with the court in which the petitioner was
35 sentenced. If possible, the matter shall be heard before the same judge that
36 sentenced the petitioner.

37 (c) Upon filing the petition, the clerk of the court shall set the hearing date and
38 notify the petitioner and the prosecuting attorney of the date of the hearing.

39 (d) Upon making each of the following findings, the court may reduce or
40 eliminate the prohibition, impose conditions on reduction or elimination of the
41 prohibition, or otherwise grant relief from the prohibition as the court deems
42 appropriate:

1 (1) Finds by a preponderance of the evidence that the petitioner is likely to use a
2 firearm in a safe and lawful manner.

3 (2) Finds that the petitioner is not within a prohibited class as specified in
4 Section 29815, 29820, 29825, or 29900, or subdivision (a) or (b) of Section 29800,
5 and the court is not presented with any credible evidence that the petitioner is a
6 person described in Section 8100 or 8103 of the Welfare and Institutions Code.

7 (3) Finds that the petitioner does not have a previous conviction under Section
8 29805, no matter when the prior conviction occurred.

9 (e) In making its decision, the court may consider the interest of justice, any
10 relevant evidence, and the totality of the circumstances. It is the intent of the
11 Legislature that courts exercise broad discretion in fashioning appropriate relief
12 under this section in cases in which relief is warranted. However, nothing in this
13 section shall be construed to require courts to grant relief to any particular
14 petitioner.

15 **Comment.** Section 29860 continues former Section 12021(c)(3) without substantive change.

16 For guidance on false arrest arising from enforcement of Section 29805, see Section 29865
17 (immunity from liability for false arrest).

18 See Section 16520 (“firearm”).

19 **§ 29865. Immunity from liability for false arrest**

20 29865. Law enforcement officials who enforce the prohibition specified in
21 Section 29805 against a person who has been granted relief pursuant to Section
22 29855 or 29860 shall be immune from any liability for false arrest arising from the
23 enforcement of Section 29805 unless the person has in possession a certified copy
24 of the court order that granted the person relief from the prohibition. This
25 immunity from liability shall not relieve any person or entity from any other
26 liability that might otherwise be imposed.

27 **Comment.** Section 29865 continues former Section 12021(c)(4) without substantive change.

28 **Article 3. Miscellaneous Provisions**

29 **§ 29875. Protocol for implementation of Section 12021, to be completed by January 1, 2005**

30 29875. Subject to available funding, the Attorney General, working with the
31 Judicial Council, the California Alliance Against Domestic Violence, prosecutors,
32 and law enforcement, probation, and parole officers, shall develop a protocol for
33 the implementation of the provisions of former Section 12021, which is continued
34 in this chapter. The protocol shall be designed to facilitate the enforcement of
35 restrictions on firearm ownership, including provisions for giving notice to
36 defendants who are restricted, provisions for informing those defendants of the
37 procedures by which defendants shall dispose of firearms when required to do so,
38 provisions explaining how defendants shall provide proof of the lawful disposition
39 of firearms, and provisions explaining how defendants may obtain possession of
40 seized firearms when legally permitted to do so pursuant to any provision of law.
41 The protocol shall be completed on or before January 1, 2005.

- 1 (4) Sodomy by force, violence, duress, menace, or threat of great bodily harm.
- 2 (5) Oral copulation by force, violence, duress, menace, or threat of great bodily
- 3 harm.
- 4 (6) Lewd acts on a child under the age of 14 years.
- 5 (7) Any felony punishable by death or imprisonment in the state prison for life.
- 6 (8) Any other felony in which the defendant inflicts great bodily injury on any
- 7 person, other than an accomplice, that has been charged and proven, or any felony
- 8 in which the defendant uses a firearm which use has been charged and proven.
- 9 (9) Attempted murder.
- 10 (10) Assault with intent to commit rape or robbery.
- 11 (11) Assault with a deadly weapon or instrument on a peace
- 12 officer.
- 13 (12) Assault by a life prisoner on a noninmate.
- 14 (13) Assault with a deadly weapon by an inmate.
- 15 (14) Arson.
- 16 (15) Exploding a destructive device or any explosive with intent to injure.
- 17 (16) Exploding a destructive device or any explosive causing great bodily injury.
- 18 (17) Exploding a destructive device or any explosive with intent to murder.
- 19 (18) Robbery.
- 20 (19) Kidnapping.
- 21 (20) Taking of a hostage by an inmate of a state prison.
- 22 (21) Attempt to commit a felony punishable by death or imprisonment in the
- 23 state prison for life.
- 24 (22) Any felony in which the defendant personally used a dangerous or deadly
- 25 weapon.
- 26 (23) Escape from a state prison by use of force or violence.
- 27 (24) Assault with a deadly weapon or force likely to produce great bodily injury.
- 28 (25) Any felony violation of Section 186.22.
- 29 (26) Any offense enumerated in subdivision (a), (b), or (d) of Section 23515.
- 30 (27) Carjacking.
- 31 (28) Any offense enumerated in subdivision (c) of Section 23515 if the person
- 32 has two or more convictions for violating paragraph (2) of subdivision (a) of
- 33 Section 417.
- 34 (b) As used in this chapter, a violent offense also includes any attempt to
- 35 commit a crime listed in subdivision (a) other than an assault.
- 36 **Comment.** Section 29905 continues former Section 12021.1(b) without substantive change.
- 37 See Section 16520 (“firearm”).

38 CHAPTER 4. PROHIBITED ARMED PERSONS FILE

39 § 30000. Prohibited Armed Persons File

40 30000. (a) The Attorney General shall establish and maintain an online database
41 to be known as the Prohibited Armed Persons File. The purpose of the file is to

1 cross-reference persons who have ownership or possession of a firearm on or after
2 January 1, 1991, as indicated by a record in the Consolidated Firearms Information
3 System, and who, subsequent to the date of that ownership or possession of a
4 firearm, fall within a class of persons who are prohibited from owning or
5 possessing a firearm.

6 (b) The information contained in the Prohibited Armed Persons File shall only
7 be available to those entities specified in, and pursuant to, subdivision (b) or (c) of
8 Section 11105, through the California Law Enforcement Telecommunications
9 System, for the purpose of determining if persons are armed and prohibited from
10 possessing firearms.

11 **Comment.** Section 30000 continues former Section 12010 without substantive change.
12 See Section 16520 (“firearm”).

13 **§ 30005. Use of Prohibited Armed Persons File**

14 30005. The Prohibited Armed Persons File database shall function as follows:

15 (a) Upon entry into the Automated Criminal History System of a disposition for
16 a conviction of any felony, a conviction for any firearms-prohibiting charge
17 specified in Chapter 2 (commencing with Section 29800), a conviction for an
18 offense described in Chapter 3 (commencing with Section 29900), a firearms
19 prohibition pursuant to Section 8100 or 8103 of the Welfare and Institutions Code,
20 or any firearms possession prohibition identified by the federal National Instant
21 Check System, the Department of Justice shall determine if the subject has an
22 entry in the Consolidated Firearms Information System indicating possession or
23 ownership of a firearm on or after January 1, 1991, or an assault weapon
24 registration, or a .50 BMG rifle registration.

25 (b) Upon an entry into any department automated information system that is
26 used for the identification of persons who are prohibited by state or federal law
27 from acquiring, owning, or possessing firearms, the department shall determine if
28 the subject has an entry in the Consolidated Firearms Information System
29 indicating ownership or possession of a firearm on or after January 1, 1991, or an
30 assault weapon registration, or a .50 BMG rifle registration.

31 (c) If the department determines that, pursuant to subdivision (a) or (b), the
32 subject has an entry in the Consolidated Firearms Information System indicating
33 possession or ownership of a firearm on or after January 1, 1991, or an assault
34 weapon registration, or a .50 BMG rifle registration, the following information
35 shall be entered into the Prohibited Armed Persons File:

36 (1) The subject’s name.

37 (2) The subject’s date of birth.

38 (3) The subject’s physical description.

39 (4) Any other identifying information regarding the subject that is deemed
40 necessary by the Attorney General.

41 (5) The basis of the firearms possession prohibition.

1 (6) A description of all firearms owned or possessed by the subject, as reflected
2 by the Consolidated Firearms Information System.

3 **Comment.** Section 30005 continues former Section 12011 without substantive change.
4 See Section 16520 (“firearm”).

5 **§ 30010. Assistance by Attorney General**

6 30010. The Attorney General shall provide investigative assistance to local law
7 enforcement agencies to better ensure the investigation of individuals who are
8 armed and prohibited from possessing a firearm.

9 **Comment.** Section 30010 continues former Section 12012 without substantive change.
10 See Section 16520 (“firearm”).

11 CHAPTER 5. FIREARMS ELIGIBILITY CHECK

12 Article 1. Firearms Eligibility Check

13 **§ 30105. Firearms eligibility check**

14 30105. (a) An individual may request that the Department of Justice perform a
15 firearms eligibility check for that individual. The applicant requesting the
16 eligibility check shall provide the information required by Section 28165 to the
17 department, in an application specified by the department.

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

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

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

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

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

38 (e) If the department determines that the information submitted to it in the
39 application contains any blank spaces, or inaccurate, illegible, or incomplete

1 information, preventing identification of the applicant, or if the required fee is not
2 submitted, the department shall not be required to perform the firearms eligibility
3 check.

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

7 (g) The department shall be immune from any liability arising out of the
8 performance of the firearms eligibility check, or any reliance upon the firearms
9 eligibility check.

10 (h) No person or agency may require or request another person to obtain a
11 firearms eligibility check or notification of a firearms eligibility check pursuant to
12 this section. A violation of this subdivision is a misdemeanor.

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

16 "No person or agency may require or request another person to obtain a firearms
17 eligibility check or notification of firearms eligibility check pursuant to Section
18 30105 of the Penal Code. A violation of these provisions is a misdemeanor."

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

22 **Comment.** Section 30105 continues former Section 12077.5 without substantive change.

23 See Sections 16520 ("firearm"), 26700 ("dealer," "licensee," or "person licensed pursuant to
24 Sections 26700 to 26915, inclusive").

25 Article 2. Exceptions Relating to Law Enforcement

26 § 30150. Exception for sale, delivery, or transfer to authorized law enforcement 27 representative of city, county, city and county, or state or federal government

28 30150. (a) Section 30105 does not apply to any sale, delivery, or transfer of
29 firearms made to an authorized law enforcement representative of any city,
30 county, city and county, or state, or of the federal government, for exclusive use
31 by that governmental agency if, prior to the sale, delivery, or transfer of these
32 firearms, written authorization from the head of the agency authorizing the
33 transaction is presented to the person from whom the purchase, delivery, or
34 transfer is being made.

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

40 (c) Within 10 days of the date a handgun is acquired by the agency, a record of
41 the same shall be entered as an institutional weapon into the Automated Firearms
42 System (AFS) via the California Law Enforcement Telecommunications System

1 (CLETS) by the law enforcement or state agency. Any agency without access to
2 AFS shall arrange with the sheriff of the county in which the agency is located to
3 input this information via this system.

4 **Comment.** Section 30150 continues former Section 12078(a)(2) without substantive change, as
5 that provision applied to former Section 12077.5 (through its reference to “the preceding
6 provisions of this article”).

7 For other exceptions relating to law enforcement, see Sections 30155-30165.

8 See Sections 16520 (“firearm”), 16640 (“handgun”).

9 **§ 30155. Exception for loan of firearm to peace officer employee for use in performing**
10 **official duties**

11 30155. Section 30105 does not apply to the loan of a firearm if all of the
12 following conditions are satisfied:

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

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

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

19 **Comment.** Section 30155 continues former Section 12078(a)(3) without substantive change, as
20 that provision applied to former Section 12077.5 (through its reference to “the preceding
21 provisions of this article”).

22 For other exceptions relating to law enforcement, see Sections 30150, 30160-30165.

23 See Section 16520 (“firearm”).

24 **§ 30160. Exception for sale, delivery, or transfer by law enforcement agency to peace officer**
25 **pursuant to Public Contract Code**

26 30160. (a) Section 30105 does not apply to the sale, delivery, or transfer of a
27 firearm by a law enforcement agency to a peace officer pursuant to Section 10334
28 of the Public Contract Code.

29 (b) Within 10 days of the date that a handgun is sold, delivered, or transferred
30 pursuant to Section 10334 of the Public Contract Code to that peace officer, the
31 name of the officer and the make, model, serial number, and other identifying
32 characteristics of the firearm being sold, delivered, or transferred shall be entered
33 into the Automated Firearms System (AFS) via the California Law Enforcement
34 Telecommunications System (CLETS) by the law enforcement or state agency that
35 sold, delivered, or transferred the firearm. Any agency without access to AFS shall
36 arrange with the sheriff of the county in which the agency is located to input this
37 information via this system.

38 **Comment.** Section 30105 continues former Section 12078(a)(4) without substantive change, as
39 that provision applied to former Section 12077.5 (through its reference to “the preceding
40 provisions of this article”).

41 For other exceptions relating to law enforcement, see Sections 30150-30155, 30165.

42 See Sections 16520 (“firearm”), 16640 (“handgun”).

1 **§ 30165. Exception for sale, delivery, or transfer by law enforcement agency to retiring**
2 **peace officer authorized to carry concealed and loaded firearm**

3 30165. (a) Section 30105 does not apply to the sale, delivery, or transfer of a
4 firearm by a law enforcement agency to a retiring peace officer who is authorized
5 to carry a firearm pursuant to Chapter 5 (commencing with Section 26300) of
6 Division 5.

7 (b) Within 10 days of the date that a handgun is sold, delivered, or transferred to
8 that retiring peace officer, the name of the officer and the make, model, serial
9 number, and other identifying characteristics of the firearm being sold, delivered,
10 or transferred shall be entered into the Automated Firearms System (AFS) via the
11 California Law Enforcement Telecommunications System (CLETS) by the law
12 enforcement or state agency that sold, delivered, or transferred the firearm. Any
13 agency without access to AFS shall arrange with the sheriff of the county in which
14 the agency is located to input this information via this system.

15 **Comment.** Section 30165 continues former Section 12078(a)(5) without substantive change, as
16 that provision applied to former Section 12077.5 (through its reference to “the preceding
17 provisions of this article”).

18 For other exceptions relating to law enforcement, see Sections 30150-30160.

19 See Sections 16520 (“firearm”), 16640 (“handgun”).

20 **DIVISION 10. SPECIAL RULES RELATING TO PARTICULAR**
21 **TYPES OF FIREARMS OR FIREARM EQUIPMENT**

22 **CHAPTER 1. AMMUNITION**

23 **Article 1. Flechette Dart Ammunition or Bullet Containing or**
24 **Carrying an Explosive Agent**

25 **§ 30210. Prohibition on manufacture, import, sale, gift, loan, or possession of flechette dart**
26 **ammunition or bullet with explosive agent**

27 30210. Except as provided in Section 30215 and Chapter 1 (commencing with
28 Section 17700) of Division 2 of Title 2, any person in this state who manufactures
29 or causes to be manufactured, imports into the state, keeps for sale, or offers or
30 exposes for sale, or who gives, lends, or possesses either of the following is
31 punishable by imprisonment in a county jail not exceeding one year or in the state
32 prison:

33 (a) Any ammunition that contains or consists of any flechette dart.

34 (b) Any bullet containing or carrying an explosive agent.

35 **Comment.** With respect to “any ammunition that contains or consists of any flechette dart”
36 and “any bullet containing or carrying an explosive agent,” Section 30210 continues former
37 Section 12020(a)(1) without substantive change.

38 For circumstances in which this section is inapplicable, see Sections 16590 (“generally
39 prohibited weapon”), 17700-17745 (exemptions relating to generally prohibited weapons), 30215
40 (exemption for tracer ammunition manufactured for use in shotgun).

1 See Section 16570 (“flechette dart”). See also Sections 16460(b) (bullet with explosive agent is
2 not destructive device), 17800 (distinct and separate offense), 30290 (flechette dart ammunition
3 or bullet with explosive agent constituting nuisance).

4 **§ 30215. Exemption for tracer ammunition manufactured for use in shotgun**

5 30215. Section 30210 does not apply to tracer ammunition manufactured for use
6 in a shotgun.

7 **Comment.** Section 30215 continues former Section 12020(b)(6) without substantive change.

8 For additional circumstances in which Section 30210 is inapplicable, see Sections 16590
9 (“generally prohibited weapon”), 17700-17745 (exemptions relating to generally prohibited
10 weapons).

11 See Section 17190 (“shotgun”).

12 **§ 30290. Flechette dart ammunition or bullet with explosive agent constituting nuisance**

13 30290. Except as provided in Section 30210 and in Chapter 1 (commencing with
14 Section 17700) of Division 2 of Title 2, any ammunition that contains or consists
15 of any flechette dart, or any bullet containing or carrying an explosive agent, is a
16 nuisance and is subject to Section 18010.

17 **Comment.** With respect to “any ammunition that contains or consists of any flechette dart”
18 and “any bullet containing or carrying an explosive agent,” Section 30290 continues the first part
19 of the first sentence of former Section 12029 without substantive change.

20 See Section 16570 (“flechette dart”).

21 **Article 2. Other Restrictions Relating to Ammunition**

22 **§ 30300. Sale of ammunition or reloaded ammunition to minor, or sale of handgun**
23 **ammunition or reloaded handgun ammunition to person under age 21**

24 30300. (a) Any person, corporation, or dealer who does either of the following
25 shall be punished by imprisonment in a county jail for a term not to exceed six
26 months, or by a fine not to exceed one thousand dollars (\$1,000), or by both the
27 imprisonment and fine:

28 (1) Sells any ammunition or reloaded ammunition to a person under 18 years of
29 age.

30 (2) Sells any ammunition or reloaded ammunition designed and intended for use
31 in a handgun to a person under 21 years of age. Where ammunition or reloaded
32 ammunition may be used in both a rifle and a handgun, it may be sold to a person
33 who is at least 18 years of age, but less than 21 years of age, if the vendor
34 reasonably believes that the ammunition is being acquired for use in a rifle and not
35 a handgun.

36 (b) Proof that a person, corporation, or dealer, or his or her agent or employee,
37 demanded, was shown, and acted in reasonable reliance upon, bona fide evidence
38 of majority and identity shall be a defense to any criminal prosecution under this
39 section.

40 **Comment.** Subdivision (a) of Section 30300 continues former Section 12316(a)(1)(A) and the
41 first and third sentences of former Section 12316(a)(1)(B) without substantive change.

1 Subdivision (b) continues the first sentence of former Section 12316(a)(2) without substantive
2 change.

3 For limitations on the effect of this article, see Sections 30330 (effect of article on member of
4 military, police agency, forensic laboratory, or holder of permit for destructive device), 30335
5 (effect of article on permanently deactivated ammunition), 30340 (effect of article on ammunition
6 manufactured under contract approved by government agency).

7 For further guidance on firearm restrictions relating to minors and persons under age 21, see
8 Sections 27505 (person, corporation, or firm that sells, loans, or transfers firearm to minor or
9 handgun to person under age 21), 27510 (dealer that supplies, delivers, or gives possession or
10 control of firearm to minor or handgun to person under age 21), 27945 (exception for certain
11 situations involving minor), and 29610-29705 (juvenile).

12 See Sections 16150 (“ammunition”), 16300 (“bona fide evidence of majority and identity”),
13 16640 (“handgun”), 16650 (“handgun ammunition”), 17090 (“rifle”).

14 **§ 30305. Person prohibited from owning or possessing firearm**

15 30305. (a) No person prohibited from owning or possessing a firearm under
16 Chapter 2 (commencing with Section 29800) or 3 (commencing with Section
17 29900) of Division 9 of this title, or Section 8100 or 8103 of the Welfare and
18 Institutions Code, shall own, possess, or have under custody or control, any
19 ammunition or reloaded ammunition.

20 (b) A violation of this section is punishable by imprisonment in a county jail not
21 to exceed one year or in the state prison, by a fine not to exceed one thousand
22 dollars (\$1,000), or by both the fine and imprisonment.

23 (c) A violation of subdivision (a) is justifiable where all of the following
24 conditions are met:

25 (1) The person found the ammunition or reloaded ammunition or took the
26 ammunition or reloaded ammunition from a person who was committing a crime
27 against the person who found or took the ammunition or reloaded ammunition.

28 (2) The person possessed the ammunition or reloaded ammunition no longer
29 than was necessary to deliver or transport the ammunition or reloaded ammunition
30 to a law enforcement agency for that agency’s disposition according to law.

31 (3) The person is prohibited from possessing any ammunition or reloaded
32 ammunition solely because that person is prohibited from owning or possessing a
33 firearm only by virtue of Chapter 2 (commencing with Section 29800) of Division
34 9.

35 (d) Upon the trial for violating subdivision (a), the trier of fact shall determine
36 whether the defendant is subject to the exemption created by subdivision (c). The
37 defendant has the burden of proving by a preponderance of the evidence that the
38 defendant is subject to the exemption provided by subdivision (c).

39 **Comment.** Subdivision (a) of Section 30305 continues former Section 12316(b)(1) without
40 substantive change.

41 Subdivision (b) continues former Section 12316(b)(3) without substantive change.

42 Subdivision (c) continues former Section 12316(d)(1) without substantive change.

43 Subdivision (d) continues former Section 12316(d)(2)-(3) without substantive change.

44 For limitations on the effect of this article, see Sections 30330 (effect of article on member of
45 military, police agency, forensic laboratory, or holder of permit for destructive device), 30335

1 (effect of article on permanently deactivated ammunition), 30340 (effect of article on ammunition
2 manufactured under contract approved by government agency).

3 See Sections 16150 (“ammunition”), 16520 (“firearm”).

4 **§ 30310. No ammunition or reloaded ammunition on school grounds**

5 30310. (a) Unless it is with the written permission of the school district
6 superintendent, the superintendent’s designee, or equivalent school authority, no
7 person shall carry ammunition or reloaded ammunition onto school grounds,
8 except sworn law enforcement officers acting within the scope of their duties or
9 persons exempted under Section 25450.

10 (b) This section shall not apply to any of the following:

11 (1) A duly appointed peace officer as defined in Chapter 4.5 (commencing with
12 Section 830) of Title 3 of Part 2.

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

15 (3) Any person summoned by any of these officers to assist in making an arrest
16 or preserving the peace while that person is actually engaged in assisting the
17 officer.

18 (4) A member of the military forces of this state or of the United States who is
19 engaged in the performance of duties.

20 (5) A person holding a valid license to carry the firearm pursuant to Chapter 4
21 (commencing with Section 26150) of Division 5.

22 (6) An armored vehicle guard, who is engaged in the performance of duties, as
23 defined in subdivision (d) of Section 7582.1 of the Business and Professions Code.

24 (c) A violation of this section is punishable by imprisonment in a county jail for
25 a term not to exceed six months, a fine not to exceed one thousand dollars
26 (\$1,000), or both the imprisonment and fine.

27 **Comment.** Section 30310 continues former Section 12316(c) without substantive change. An
28 erroneous cross-reference to Business and Professions Code Section 7521(e) has been corrected
29 by replacing it with a cross-reference to Business and Professions Code Section 7582.1(d).

30 For limitations on the effect of this article, see Sections 30330 (effect of article on member of
31 military, police agency, forensic laboratory, or holder of permit for destructive device), 30335
32 (effect of article on permanently deactivated ammunition), 30340 (effect of article on ammunition
33 manufactured under contract approved by government agency).

34 See Section 16520 (“firearm”).

35 **§ 30315. Knowing possession of handgun ammunition designed to penetrate metal or armor**

36 30315. Any person, firm, or corporation who, within this state knowingly
37 possesses any handgun ammunition designed primarily to penetrate metal or armor
38 is guilty of a public offense and upon conviction thereof shall be punished by
39 imprisonment in the state prison, or in the county jail for a term not to exceed one
40 year, or by a fine not to exceed five thousand dollars (\$5,000), or by both such fine
41 and imprisonment.

42 **Comment.** Section 30315 continues former Section 12320 without substantive change.

43 For an exception to this provision, see Section 30325 (transporting handgun ammunition
44 designed primarily to penetrate metal or armor to law enforcement agency).

1 For other limitations on the effect of this article, see Sections 30330 (effect of article on
2 member of military, police agency, forensic laboratory, or holder of permit for destructive
3 device), 30335 (effect of article on permanently deactivated ammunition), 30340 (effect of article
4 on ammunition manufactured under contract approved by government agency).

5 See Section 16660 (“handgun ammunition designed primarily to penetrate metal or armor”).

6 **§ 30320. Manufacturing, importing, selling, offering to sell, or knowingly transporting**
7 **handgun ammunition designed to penetrate metal or armor**

8 30320. Any person, firm, or corporation who, within this state, manufactures,
9 imports, sells, offers to sell, or knowingly transports any handgun ammunition
10 designed primarily to penetrate metal or armor is guilty of a felony and upon
11 conviction thereof shall be punished by imprisonment in state prison, or by a fine
12 not to exceed five thousand dollars (\$5,000), or by both such fine and
13 imprisonment.

14 **Comment.** Section 30320 continues former Section 12321 without substantive change.

15 For an exception to this provision, see Section 30325 (transporting handgun ammunition
16 designed primarily to penetrate metal or armor to law enforcement agency).

17 For other limitations on the effect of this article, see Sections 30330 (effect of article on
18 member of military, police agency, forensic laboratory, or holder of permit for destructive
19 device), 30335 (effect of article on permanently deactivated ammunition), 30340 (effect of article
20 on ammunition manufactured under contract approved by government agency).

21 See Section 16660 (“handgun ammunition designed primarily to penetrate metal or armor”).

22 **§ 30325. Transporting handgun ammunition designed primarily to penetrate metal or**
23 **armor to law enforcement agency**

24 30325. Nothing in this article shall apply to or affect the possession of handgun
25 ammunition designed primarily to penetrate metal or armor by a person who found
26 the ammunition, if that person is not prohibited from possessing firearms or
27 ammunition pursuant to subdivision (a) of Section 30305, Chapter 2 (commencing
28 with Section 29800) or 3 (commencing with Section 29900) of Division 9 of this
29 title, or Section 8100 or 8103 of the Welfare and Institutions Code, and the person
30 is transporting the ammunition to a law enforcement agency for disposition
31 according to law.

32 **Comment.** Section 30325 continues former Section 12322(b) without substantive change.

33 See Section 16660 (“handgun ammunition designed primarily to penetrate metal or armor”).

34 **§ 30330. Effect of article on member of military, police agency, forensic laboratory, or**
35 **holder of permit for destructive device**

36 30330. Nothing in this article shall apply to or affect the sale to, purchase by,
37 possession of, or use of any ammunition by any member of the Army, Navy, Air
38 Force, or Marine Corps of the United States, or the National Guard, while on duty
39 and acting within the scope and course of employment, or any police agency or
40 forensic laboratory or any person who is the holder of a valid permit issued
41 pursuant to Article 3 (commencing with Section 18900) of Chapter 1 of Division 5
42 of Title 2.

43 **Comment.** Section 30330 continues former Section 12322(a) without substantive change.

DISPOSITION OF EXISTING LAW

Note. This table shows the proposed disposition of Penal Code Section 653k and Title 2 of Part 4 of the Penal Code (Penal Code Sections 12000-12809), as the law existed on January 1, 2009. Unless otherwise indicated, all proposed dispositions are to the Penal Code.

Existing Provision	Corresponding New Provision
653k, 1st ¶	21510
653k, 2d ¶	17235
653k, 3d ¶	16965
12000	23500
12001(a)(1)	16530(a)
12001(a)(2)	16640(a)
12001(b)	12001, 16520(a)
12001(c)	16520(b)
12001(d)	16520(c)
12001(e) (all except def. of “antique firearm”)	16520(d)
12001(e) (def. of “antique firearm”)	16170(b)
12001(f) (re “firearm capable of being concealed upon the person,” “pistol,” & “revolver”)	16530(b)
12001(f) (re “handgun”)	16640(b)
12001(g)	16250
12001(h)	17340
12001(i)	16190
12001(j)	16840(a)
12001(k)	23510
12001(l)	17800
12001(m)	23520
12001(n)	17000(a)
12001(o)	17000(b)
12001(p)	16240
12001(q)	16670
12001(r)	16630
12001(s)	16410
12001.1(a), 1st sent.	20810(a)
12001.1(a), 2d sent.	17290
12001.1(b)	20810(b)
12001.1(c)	20815
12001.1(d)	20820
12001.5	33210
12001.6	23515
12002(a) (re equip, authorized for enforcement of law or ordinance in city or county)	17515
12002(a) (other aspects)	22295(a)

12002(b)-(g)	22295(b)-(g)
12003	12003, 23505
12010	30000
12011	30005
12012	30010
12020(a)(1) (re air gauge knife)	20310
12020(a)(1) (re flechette dart)	30210
12020(a)(1) (re ballistic knife)	21110
12020(a)(1) (re belt buckle knife)	20410
12020(a)(1) (re bullet with explosive agent)	30210
12020(a)(1) (re camouflaging firearm container)	24310
12020(a)(1) (re cane gun)	24410
12020(a)(1) (re cane sword)	20510
12020(a)(1) (re firearm not immediately recognizable as firearm)	24510
12020(a)(1) (re leaded cane)	22210
12020(a)(1) (re lipstick case knife)	20610
12020(a)(1) (re metal knuckles)	21810
12020(a)(1) (re certain metal handgrenades)	19200(a)
12020(a)(1) (re multiburst trigger activator)	32900
12020(a)(1) (re nunchaku)	22010
12020(a)(1) (re shobi-zue)	20710
12020(a)(1) (re short-barreled rifle or short-barreled shotgun)	33215
12020(a)(1) (re shuriken)	22410
12020(a)(1) (re unconventional pistol)	31500
12020(a)(1) (re undetectable firearm)	24610
12020(a)(1) (re wallet gun)	24710
12020(a)(1) (re writing pen knife)	20910
12020(a)(1) (re zip gun)	33600
12020(a)(1) (re billy, blackjack, sandbag, sandclub, sap, or slungshot)	22210
12020(a)(2)	32310
12020(a)(3)	19100
12020(a)(4), 1st ¶	21310
12020(a)(4), 2d ¶, 1st sent.	19200(b)
12020(a)(4), 2d ¶, 2d sent.	16460(b)
12020(b)(1)	33220
12020(b)(2)	33225
12020(b)(3)	22015(a)
12020(b)(4)	22015(b)
12020(b)(5), 1st sent.	17700
12020(b)(5), 2d sent.	16170(c)
12020(b)(6)	30215
12020(b)(7)	17705
12020(b)(8)	17710

12020(b)(9)	17715
12020(b)(10)	17720
12020(b)(11)	17725
12020(b)(12)	17730(a)-(b)
12020(b)(13)	17730(c)
12020(b)(14)	22215
12020(b)(15)	19205
12020(b)(16)	17735
12020(b)(17)	17740
12020(b)(18)	17745
12020(b)(19)	32400
12020(b)(20)	32405
12020(b)(21)	32410
12020(b)(22)	32415
12020(b)(23)	32420
12020(b)(24)	32425(a)
12020(b)(25)	32425(b)
12020(b)(26)	32430
12020(b)(27)	32435(a)
12020(b)(28)	32435(b)
12020(b)(29)	32435(c)
12020(b)(30)	32440
12020(b)(31)	32445
12020(b)(32)	32450
12020(c)(1)	17180
12020(c)(2)	17170
12020(c)(3)	16940
12020(c)(4)	17330
12020(c)(5)	16330
12020(c)(6)	16570
12020(c)(7)	16920
12020(c)(8)	16220
12020(c)(9)	16320
12020(c)(10)	17360
12020(c)(11)	17200
12020(c)(12)	17270
12020(c)(13)	16260
12020(c)(14)	16830
12020(c)(15)	16340
12020(c)(16)	17160
12020(c)(17)	16760
12020(c)(18)	16140
12020(c)(19)	17350

12020(c)(20)	17090
12020(c)(21)	17190
12020(c)(22)(A)-(B)	17280
12020(c)(22)(C) (def. of “firearm”)	16520(f)
12020(c)(22)(C) (def. of “major component”)	17280(b)
12020(c)(22)(C), 1st ¶ (def. of “Security Exemplar”)	17125
12020(c)(22)(C), 2d ¶	24680
12020(c)(23)	16930
12020(c)(24)	16470
12020(c)(25)	16740
12020(d)	20200
12020.1, 1st sent.	21710
12020.1, 2d & 3d sent.	16680
12020.3	23800
12020.5	17505
12021(a)	29800(a)
12021(b)	29800(b)
12021(c)(1)	29805
12021(c)(2)	29855
12021(c)(3)	29860
12021(c)(4)	29865
12021(d)(1), 1st sent.	29815(a)
12021(d)(1), 2d & 3d sent.	29815(b)
12021(d)(2)	29810
12021(e), 1st sent.	29820(a)-(b)
12021(e), 2d sent.	29820(c)
12021(e), 3d & 4th sent.	29820(d)
12021(f)	29800(c)
12021(g)(1)	29825(a)
12021(g)(2)	29825(b)
12021(g)(3)	29825(d)
12021(g)(4)	29825(c)
12021(h)	29850
12021(i)	29875
12021.1(a)	29900(a)
12021.1(b)	29905
12021.1(c)	29900(b)
12021.1(d)	29900(c)
12021.3(a)	33850
12021.3(b)	33855
12021.3(c)	33860
12021.3(d)	33865(a)
12021.3(e)(1)	33865(c)

12021.3(e)(2)	33865(d)
12021.3(e)(3)	33865(b)
12021.3(f)	33865(e)
12021.3(g)	33875
12021.3(h)	33890
12021.3(i)(1)	33870(a)
12021.3(i)(2), 1st ¶	33870(b)
12021.3(i)(2), 2d ¶	33870(c)
12021.3(i)(3)	26590 or 33900 (to be decided)
12021.3(i)(4)	33895
12021.3(j)	33880
12021.3(k)	33885
12021.5-12022.95 (sentence enhancements)	left in place
12023	25800
12024	17500
12025(a)	25400(a)
12025(b)	25400(c)
12025(c)	25400(f)
12025(d)	25400(d)
12025(e)	25400(e)
12025(f)	25400(b)
12025(g)	16750(a)
12025(h)	Not continued (repealed 1/1/05)
12025.5	25600
12026	25605
12026.1(a), intro. cl.	25610(a)
12026.1(a)(1), except last phrase	25610(a)
12026.1(a)(1), last phrase	16850
12026.1(a)(2)	25610(a)
12026.1(b)	25610(b)
12026.1(c)	16850
12026.2(a)(1)	25510(a)
12026.2(a)(2)	25515
12026.2(a)(3)	25520
12026.2(a)(4)	25525(a)
12026.2(a)(5)	25530
12026.2(a)(6)	25525(b)
12026.2(a)(7)	25535(a)
12026.2(a)(8)	25510(b)
12026.2(a)(9)	25540
12026.2(a)(10)	25545
12026.2(a)(11)	25550
12026.2(a)(12)	25555

12026.2(a)(13)	25560
12026.2(a)(14)	25535(b)
12026.2(a)(15)	25565
12026.2(a)(16)	25570(a)
12026.2(a)(17)	25575
12026.2(a)(18)	25570(b)
12026.2(a)(19)	25580
12026.2(a)(20)	25585
12026.2(b)	25505
12026.2(c)	25500
12026.2(d)	16850
12027(a)(1)(A), 1st sent.	25450
12027(a)(1)(A), 2d sent.	25455(a)
12027(a)(1)(A), 3d sent.	25455(b)
12027(a)(1)(A), 4th & 5th sent.	16690
12027(a)(1)(B)	25455(c)
12027(a)(1)(C)	25460(a)-(b)
12027(a)(1)(D)	25460(c)
12027(a)(1)(E)	16360
12027(a)(2), 1st sent.	25465
12027(a)(2), 2d sent.	25455(d)
12027(a)(2), 3d sent.	25470(a)
12027(a)(2), 4th sent.	25470(b)
12027(a)(3)	25475
12027(b)	25615
12027(c)	25620
12027(d)	25625
12027(e)	25630
12027(f)	25635
12027(g)	25640
12027(h)	25645
12027(i)	25650
12027(j)	25655
12027.1(a)(1)(A)(i)	26300(b)
12027.1(a)(1)(A)(ii)	26300(a)
12027.1(a)(1)(A)(iii)	26300(c)
12027.1(a)(1)(B)	26305(c)
12027.1(a)(2)	26305(b)
12027.1(b)(1)	26305(c)
12027.1(b)(2)	26315
12027.1(b)(3)	26310
12027.1(c)	26325
12027.1(d)	26320

12027.1(e)	26305(a)
12028(a) (re concealed explosive other than fixed ammunition)	19190
12028(a) (re concealed dirk or dagger)	21390
12028(a) (re unlawful concealed carrying of handgun)	25700(a)
12028(a) (re switchblade knife)	21590
12028(b)(1), 1st sent.	29300(a)
12028(b)(1), 2d sent.	18000(c), 29300(b)
12028(b)(2)	29300(c)
12028(c), 1st sent.	18000(a)
12028(c), 2d sent.	18000(b)
12028(c), 3d sent.	18005(a)
12028(c), 4th sent.	18005(b)
12028(d)	18005(c)
12028(e) (re unlawful concealed carrying of handgun as nuisance)	25700(b)
12028(e) (re firearm of any nature constituting nuisance in specified circumstances)	29300(d)
12028(f)	18005(d)
12028.5(a)(1)	16120
12028.5(a)(2)	16490
12028.5(a)(3)	16430
12028.5(b), 1st sent.	18250
12028.5(b), 2d sent.	18255(a)
12028.5(b), 3d sent.	18255(b)
12028.5(b), 4th sent.	18255(c)
12028.5(b), 5th sent.	18265(a)
12028.5(b), 6th sent.	18265(b)
12028.5(b), 7th sent.	18265(c)
12028.5(c)	18260
12028.5(d)	18270
12028.5(e)	18275
12028.5(f)	18400
12028.5(g)	18405
12028.5(h)	18410
12028.5(i)	18415
12028.5(j)	18420
12028.5(k)	18500
12028.7	33800
12029, 1st sent., 1st-2d cl. (re air gauge knife, through catchall provision)	20390
12029, 1st sent., 1st-2d cl. (re ballistic knife, through catchall provision)	21190
12029, 1st sent., 1st-2d cl. (re belt buckle knife, through catchall provision)	20490
12029, 1st sent., 1st-2d cl. (re blackjack, slungshot, billy, sandclub & sandbag)	22290
12029, 1st sent., 1st-2d cl. (re bullet with explosive agent, through catchall provision)	30290
12029, 1st sent., 1st-2d cl. (re camouflaging firearm container, through catchall)	24390
12029, 1st sent., 1st-2d cl. (re cane gun, through catchall provision)	24490

12029, 1st sent., 1st-2d cl. (re cane sword, through catchall provision)	20590
12029, 1st sent., 1st-2d cl. (re firearm not immediately recognizable as such, through catchall provision)	24590
12029, 1st sent., 1st-2d cl. (re flechette dart ammunition, through catchall provision)	30290
12029, 1st sent., 1st-2d cl. (re large capacity magazine, through catchall provision)	32390
12029, 1st sent., 1st-2d cl. (re leaded cane, through catchall provision)	22290
12029, 1st sent., 1st-2d cl. (re lipstick case knife, through catchall provision)	20690
12029, 1st sent., 1st-2d cl. (re metal knuckles)	21890
12029, 1st sent., 1st-2d cl. (re certain metal handgrenades, through catchall provision)	19290
12029, 1st sent., 1st-2d cl. (re multiburst trigger activator, through catchall provision)	32990
12029, 1st sent., 1st-2d cl. (re nunchaku)	22090
12029, 1st sent., 1st-2d cl. (re sap, through catchall provision)	22290
12029, 1st sent., 1st-2d cl. (re shobi-zue, through catchall provision)	20790
12029, 1st sent., 1st-2d cl. (re short-barreled rifle or short-barreled shotgun)	33290
12029, 1st sent., 1st-2d cl. (re shuriken)	22490
12029, 1st sent., 1st-2d cl. (re unconventional pistol, through catchall provision)	31590
12029, 1st sent., 1st-2d cl. (re undetectable firearm, through catchall provision)	24690
12029, 1st sent., 1st-2d cl. (re wallet gun, through catchall provision)	24790
12029, 1st sent., 1st-2d cl. (re writing pen knife, through catchall provision)	20990
12029, 1st sent., 1st-2d cl. (re zip gun, through catchall provision)	33690
12029, 1st sent., last cl.	18010(a)
12029, 2d sent.	18010(b)
12029, 3d sent.	18010(c)
12030(a)	34005(a)
12030(b)	34005(b)
12030(c)	34005(c)
12030(d), 1st ¶, 1st -3d sent.	34005(d)
12030(d), 1st ¶, 4th sent.	16520(e)
12030(d), 1st ¶, 5th sent.	34005(d)
12030(d), 2d ¶	34005(d)
12030(e)	34010
12031(a)(1)	25850(a)
12031(a)(2)	25850(c)
12031(a)(3)	16750(b)
12031(a)(4)	25850(f)
12031(a)(5)(A)	25850(g)
12031(a)(5)(B)	25850(h)
12031(a)(6)	25850(d)
12031(a)(7)	25850(e)
12031(b)(1), 1st ¶, 1st sent.	25900
12031(b)(1), 1st ¶, 2d sent.	25905(a)
12031(b)(1), 1st ¶, 3d sent.	25905(b)
12031(b)(1), 2d ¶	25905(c)

12031(b)(1), 3d ¶	25910
12031(b)(2), 1st sent.	25915
12031(b)(2), 2d sent.	25905(d)
12031(b)(2), 3d sent.	25920(a)
12031(b)(2), 4th sent.	25920(b)
12031(b)(3)	25925
12031(b)(4)	26000
12031(b)(5)	26005
12031(b)(6)	26010
12031(b)(7)	26015
12031(b)(8)	26020
12031(c)	26025
12031(d), intro. ¶, 1st sent.	26030(a), intro. cl.
12031(d), intro. ¶, 2d sent.	26030(c)
12031(d)(1)	26030(a)(1)
12031(d)(2)	26030(a)(2)-(3)
12031(d)(3) (re licensed private investigators)	26030(a)(4)
12031(d)(3) (re licensed private patrol operators)	26030(a)(6)
12031(d)(3) (re licensed alarm company operators)	26030(a)(8)
12031(d)(4)	26030(a)(9)
12031(d)(5), 1st sent.	26030(a)(10)
12031(d)(5), 2d sent.	26030(b)
12031(d)(6) (re uniformed employees of licensed private investigators)	26030(a)(5)
12031(d)(6) (re uniformed employees of licensed private patrol operators)	26030(a)(7)
12031(e)	25850(b)
12031(f)	17030
12031(g)	16840(b)
12031(h)	26035
12031(i)	26040
12031(j)(1), 1st sent.	26045(a)
12031(j)(1), 2d sent.	26045(c)
12031(j)(2)	26045(b)
12031(k)	26050
12031(l)	26055
12031(m)	Not continued (became inoperative 1/1/05)
12031.1	26060
12032	34000
12033	26030(d)
12034	26100
12035(a)(1)	16860
12035(a)(2)	16840(b)
12035(a)(3)	25000
12035(a)(4)	16600

12035(a)(5)	16850
12035(b)(1)	25100(a)
12035(b)(2)	25100(b)
12035(c)	25105
12035(d)	25110
12035(e)	25115
12035(f)	25120
12035(g)	25125
12035(h)	25130
12036(a)(1)	16860
12036(a)(2)	25000
12036(a)(3)	25200(d)
12036(a)(4)	16850
12036(b)	25200(a)
12036(c)	25200(b)
12036(d)	25200(d)
12036(e)	25205
12036(f)	25210
12036(g)	25215
12036(h)	25220
12036(i)	25225
12039	34200
12040	25300
12050(a)(1)(A)	26150
12050(a)(1)(B)	26155(a)-(b)
12050(a)(1)(C)	26170
12050(a)(1)(D)	26150
12050(a)(1)(E)	26165
12050(a)(2)(A)(i)	26220(a)
12050(a)(2)(A)(ii)	26220(b)
12050(a)(2)(B)	26220(e)
12050(a)(2)(C)	26220(c)
12050(a)(2)(D)	26220(d)
12050(a)(3)	17020
12050(b)	26200(a)
12050(c)	26200(b)
12050(d)	26195(a)
12050(e)	26195(b)
12050(f)(1)	26215(a)
12050(f)(2)	26210(a)
12050(f)(3)	26215(b)
12050(f)(4)(A)	26210(b)
12050(f)(4)(B)	26210(c)

12050(f)(4)(C)	26210(d)
12050(f)(5)	26215(c)
12050(f)(6)	26215(d)
12050(g)	26155(c)
12050.2	26160
12051(a)(1), 1st sent.	26175(c)
12051(a)(1), 2d sent.	26175(d)
12051(a)(1), 3d-4th sent.	26175(i)
12051(a)(2)	26175(e)
12051(a)(3)(A), 1st-3d sent.	26175(a)
12051(a)(3)(A), 4th sent.	26175(b)
12051(a)(3)(B)	26175(f)
12051(a)(3)(C)	26175(g)
12051(a)(3)(D)	26175(h)
12051(b)	26180(a)
12051(c)	26180(b)
12052	26185
12052.5	26205
12053	26225
12054(a), 1st ¶, 1st-3d sent.	26190(a)
12054(a), 1st ¶, 4th-6th sent.	26190(b)
12054(a), 2d ¶, 1st sent.	26190(c)
12054(a), 2d ¶, 2d sent.	26190(d)
12054(b)	26190(e)
12054(c)	26190(f)
12054(d)	26190(g)
12070(a)	26500
12070(b)(1)	26505
12070(b)(2)	26510
12070(b)(3)	26515
12070(b)(4)	26520
12070(b)(5), 1st ¶	26525(a)
12070(b)(5), 2d ¶	16620
12070(b)(5), 3d ¶	26525(b)
12070(b)(5), 4th ¶	17310
12070(b)(6)	26530
12070(b)(7)	26535
12070(b)(8)	26540
12070(b)(9)	26545
12070(b)(10)	26550
12070(b)(11)	26555
12070(b)(12)	26560
12070(b)(13)	26565

12070(b)(14)	26570
12070(b)(15)	26575
12070(b)(16)	26580
12070(b)(17)	26585
12070(c)(1)(A), 1st sent.	16730(a)
12070(c)(1)(A), 2d sent.	16730(c)
12070(c)(1)(B)	16730(a)
12070(c)(2)	16960
12071(a)(1)	26700
12071(a)(2)	26705(a)
12071(a)(3)	26705(b)
12071(a)(4)	26710(a)-(c)
12071(a)(5)	26710(d)
12071(a)(6)	26705(c)
12071(a)(7)	26705(d)
12071(b), intro. cl.	26800
12071(b)(1)	26805
12071(b)(2)	26810
12071(b)(3)	26815
12071(b)(4)	26820
12071(b)(5)	26825
12071(b)(6)	26830
12071(b)(7)	26835
12071(b)(8)(A)	26840(a)
12071(b)(8)(B)	26840(b)
12071(b)(8)(C)	26845
12071(b)(8)(D)	26850(a)-(b), 26853, 26856, 26859
12071(b)(8)(E)	26850(c)
12071(b)(8)(F)	26850(d)
12071(b)(8)(G)	26850(e)
12071(b)(8)(H)	26850(f)
12071(b)(8)(I)	26850(g)
12071(b)(8)(J)	26850(h)
12071(b)(9)	26865
12071(b)(10)	26870
12071(b)(11)	26875
12071(b)(12)	26880
12071(b)(13)	26885
12071(b)(14)	26890(a)
12071(b)(15)	26890(b)
12071(b)(16)	26895
12071(b)(17)	26900(a)
12071(b)(18)	26905

12071(b)(19)	26910
12071(b)(20)(A)	26915(a)
12071(b)(20)(B)	26915(b)
12071(b)(20)(C)	26915(c)
12071(b)(20)(D)	26915(d)
12071(b)(20)(E)	26915(e)
12071(b)(20)(F)	26915(f)
12071(b)(20)(G)(i)	16130
12071(b)(20)(G)(ii)	26915(g)
12071(c)(1)	16400
12071(c)(2)	17110
12071(c)(3)	16810
12071(c)(4)(A)	16550
12071(c)(4)(B)	26900(b)
12071(d)	26890(c)
12071(e)(1), 1st sent.	26715(a)
12071(e)(1), 2d sent.	26715(b)(1)
12071(e)(1), 3d sent.	26715(b)(3)
12071(e)(2)	26715(b)(2)
12071(e)(3)	26715(c)
12071(e)(4)	26715(d)
12071(f)	26720
12071(g)	26725
12071(h)	26890(d)
12071.1(a), 1st sent.	27200(a)
12071.1(a), 2d sent. (incl. (1)-(3))	27200(b)
12071.1(b)	27200(c)
12071.1(c)	16800
12071.1(d)	27200(d)-(e)
12071.1(e)(1)	27245(a)
12071.1(e)(2)	27245(b)
12071.1(e)(3)	27245(c)
12071.1(f), 1st ¶	27205(a)
12071.1(f), 2d ¶	27205(b)
12071.1(f), 3d ¶	27205(c)
12071.1(g)	27205(d)
12071.1(h)	27210(a)
12071.1(i), 1st sent.	27210(b)
12071.1(i), 2d sent.	27210(c)
12071.1(i), 3d sent.	27210(d)
12071.1(i), 4th sent.	27210(e)
12071.1(j)	27215
12071.1(k), 1st sent.	27220(a)

12071.1(k), 2d sent.	27220(b)
12071.1(l)	27225
12071.1(m)	27230
12071.1(n)	27235
12071.1(o)	27240(a)
12071.1(p)	27240(b)
12071.1(q)	27200(f)
12071.4(a)	27300
12071.4(b)	27305
12071.4(c)	27310
12071.4(d)	27315
12071.4(e)	27320
12071.4(f)	27325
12071.4(g)	27330
12071.4(h)	27335
12071.4(i)	27340(a)
12071.4(j)	27340(b)
12071.4(k)	27345
12071.4(l)	27350
12072(a)(1)	27500(a)
12072(a)(2)	27500(b)
12072(a)(3)(A)	27505(a)
12072(a)(3)(B)	27505(b)
12072(a)(4)	27515
12072(a)(5)	27520
12072(a)(6)	27525(a)
12072(a)(7)	27525(b)
12072(a)(8)	27530
12072(a)(9)	27535
12072(b)	27510
12072(c)	27540
12072(d)	27545
12072(e)	27550
12072(f)(1)	27555
12072(f)(2)	27560
12072(f)(3)	27565
12072(f)(4)	27570
12072(g)	27590
12072.5(a)	16230
12072.5(b)-(d)	34350
12073	28100
12074	28105
12075	28110

12076(a)	28205
12076(b)(1), 1st & 2d sent.	28210(a)
12076(b)(1), 3d sent.	28210(b), 28250
12076(b)(2)	28210(c)
12076(b)(3)	28210(d)
12076(b)(4)	28210(e)
12076(b)(5)	28210(f)
12076(c)(1), 1st & 2d sent.	28215(a)
12076(c)(1), 3d sent.	28215(b), 28250
12076(c)(2)	28215(d)
12076(c)(3)	28215(c)
12076(c)(4)	28215(e)
12076(c)(5)	28215(f)
12076(d)	28220
12076(e)	28225(a)-(c)
12076(f)	28230
12076(g)	28235
12076(h)	28225(d)
12076(i)	28240(a)-(b)
12076(j)	28240(c)
12076(k)	28245
12076(l)	28200
12076.5	28300
12077(a)	28155
12077(b)	28160
12077(c)	28165
12077(d)	28170
12077(e)	28175
12077(f)	28180
12077(g)	28150
12077.5	30105
12078(a)(1) (re § 12071 waiting period)	26950
12078(a)(1) (re § 12072 waiting period)	27650
12078(a)(2) (re § 12070)	26600
12078(a)(2) (re § 12071)	27050
12078(a)(2) (re § 12071.1 & 12071.4)	27400
12078(a)(2) (re § 12072)	27600
12078(a)(2) (re § 12072.5)	34355
12078(a)(2) (re § 12073)	28400
12078(a)(2) (re § 12074)	28400
12078(a)(2) (re § 12075)	28400
12078(a)(2) (re § 12076)	28400
12078(a)(2) (re § 12076.5)	28400

12078(a)(2) (re § 12077)	28400
12078(a)(2) (re § 12077.5)	30150
12078(a)(2) (re § 12801(b))	31705
12078(a)(3) (re § 12070)	26605
12078(a)(3) (re § 12071)	27055
12078(a)(3) (re § 12071.1 & 12071.4)	27405
12078(a)(3) (re § 12072)	27605
12078(a)(3) (re § 12072.5)	34360
12078(a)(3) (re § 12073)	28405
12078(a)(3) (re § 12074)	28405
12078(a)(3) (re § 12075)	28405
12078(a)(3) (re § 12076)	28405
12078(a)(3) (re § 12076.5)	28405
12078(a)(3) (re § 12077)	28405
12078(a)(3) (re § 12077.5)	30155
12078(a)(3) (re § 12801(b))	31710
12078(a)(4) (re § 12070)	26610
12078(a)(4) (re § 12071)	27060
12078(a)(4) (re § 12071.1 & 12071.4)	27410
12078(a)(4) (re § 12072)	27610
12078(a)(4) (re § 12072.5)	34365
12078(a)(4) (re § 12073)	28410
12078(a)(4) (re § 12074)	28410
12078(a)(4) (re § 12075)	28410
12078(a)(4) (re § 12076)	28410
12078(a)(4) (re § 12076.5)	28410
12078(a)(4) (re § 12077)	28410
12078(a)(4) (re § 12077.5)	30160
12078(a)(4) (re § 12801(b))	31715
12078(a)(5) (re § 12070)	26615
12078(a)(5) (re § 12071)	27065
12078(a)(5) (re § 12071.1 & 12071.4)	27415
12078(a)(5) (re § 12072)	27615
12078(a)(5) (re § 12072.5)	34370
12078(a)(5) (re § 12073)	28415
12078(a)(5) (re § 12074)	28415
12078(a)(5) (re § 12075)	28415
12078(a)(5) (re § 12076)	28415
12078(a)(5) (re § 12076.5)	28415
12078(a)(5) (re § 12077)	28415
12078(a)(5) (re § 12077.5)	30165
12078(a)(5) (re § 12801(b))	31720
12078(a)(6) (re § 12072(d))	27850

12078(a)(6) (re § 12801(b))	31725
12078(a)(7) (re § 12072(d))	27855
12078(a)(7) (re § 12801(b))	31730
12078(a)(8) (re § 12072(d))	27860
12078(a)(8) (re § 12801(b))	31735
12078(b)(1) (re § 12071)	27100
12078(b)(1) (re § 12072(c))	27700
12078(b)(1) (re § 12072(d))	27865
12078(b)(1) (re § 12801(b))	31740
12078(b)(2)	31745
12078(c)(1)	27870
12078(c)(2)	27875
12078(c)(3)	16720
12078(d)(1)	27880
12078(d)(2) (re § 12072(d))	27885
12078(d)(2) (re § 12801(b))	31750
12078(e) (re § 12071)	27105
12078(e) (re § 12072(c))	27705
12078(e) (re § 12072(d))	27890
12078(e) (re § 12801(b))	31755
12078(f) (re § 12072(d))	27895
12078(f) (re § 12801(b))	31760
12078(g)(1), 1st ¶	27900
12078(g)(1), 2d ¶	16730(b)
12078(g)(2)	27905
12078(g)(3) (re § 12071 waiting period)	26955
12078(g)(3) (re § 12072 waiting period)	27655
12078(h) (re § 12072(d))	27910
12078(h) (re § 12801(b))	31765
12078(i)(1)	27915
12078(i)(2)	27920
12078(i)(3)	27925
12078(j) (re § 12072(d))	27930
12078(j) (re § 12801(b))	31770
12078(k)(1) (re § 12071)	27110
12078(k)(1) (re § 12072(c))	27710
12078(k)(1) (re § 12801(b))	31775
12078(k)(2) (re § 12071)	27115
12078(k)(2) (re § 12072(c))	27715
12078(k)(2) (re § 12801(b))	31780
12078(k)(3) (re § 12071)	27120
12078(k)(3) (re § 12072(c))	27720
12078(k)(3) (re § 12801(b))	31785

12078(k)(4) (re § 12071)	27125
12078(k)(4) (re § 12072(c))	27725
12078(k)(4) (re § 12801(b))	31790
12078(k)(5) (re § 12071)	27130
12078(k)(5) (re § 12072(c))	27730
12078(k)(5) (re § 12801(b))	31795
12078(k)(6) (re § 12071)	27135
12078(k)(6) (re § 12072(c))	27735
12078(k)(6) (re § 12801(b))	31800
12078(l)	28000
12078(m) (re § 12072(d))	27935
12078(m) (re § 12801(b))	31805
12078(n) (re § 12071 waiting period)	26960
12078(n) (re § 12072 waiting period)	27660
12078(o) (re § 12071)	27140
12078(o) (re § 12072(c))	27740
12078(o) (re § 12072(d))	27940
12078(o) (re § 12072(f)(1))	27800
12078(p)(1) (re § 12072(a)(3))	27505(b)(4)
12078(p)(1) (re § 12072(d))	27945(c)
12078(p)(2) (re § 12072(a)(3))	27505(b)(6)
12078(p)(2) (re § 12072(d))	27945(e)
12078(p)(2) (re § 12801(b))	31810(b)
12078(p)(3) (re § 12072(a)(3))	27505(b)(5)
12078(p)(3) (re § 12072(d))	27945(d)
12078(p)(3) (re § 12801(b))	31810(a)
12078(p)(4) (re § 12072(a)(3))	27505(b)(2)
12078(p)(4) (re § 12072(d))	27945(a)
12078(p)(5) (re § 12072(a)(3))	27505(b)(3)
12078(p)(5) (re § 12072(d))	27945(b)
12078(p)(6)(A)	27505(b)(1)
12078(p)(6)(B) (all except def. of “antique firearm”)	27505(b)(1)
12078(p)(6)(B) (def. of “antique firearm”)	16170(b)
12078(q)	27950
12078(r) (re § 12071 waiting period)	26965
12078(r) (re § 12072 waiting period)	27665
12078(s)(1) (re § 12072(d))	27955
12078(s)(1) (re § 12801(b))	31815
12078(s)(2) (re § 12072(d))	27960
12078(s)(2) (re § 12072(f)(1))	27810
12078(s)(2) (re § 12801(b))	31820
12078(s)(3) (re § 12071(b))	27000
12078(s)(3) (re § 12072(c))	27745

12078(s)(3) (re § 12072(f)(1))	27805
12078(s)(3) (re § 12801(b))	31825
12078(s)(4) (re § 12071(b))	27005
12078(s)(4) (re § 12072(c))	27750
12078(s)(4) (re § 12072(f)(1))	27815
12078(s)(4) (re § 12801(b))	31830
12078(t)(1) (re § 12071 waiting period)	26970
12078(t)(1) (re § 12072 waiting period)	27670
12078(t)(2) (re § 12072(d))	27965
12078(t)(2) (re § 12072(f)(1))	27820
12078(u)(1)	16730(a)
12078(u)(2)	16990
12079(a)	32315
12079(b)	16740
12080	34205
12081(a), 1st sent.	29500
12081(a), 2d & 3d sent.	29515
12081(b)(1)	29505(a)
12081(b)(2)	29505(b)
12081(b)(3)	29520(a)
12081(b)(4)	29520(b)
12081(b)(5)	29520(c)
12081(b)(6)	29525
12081(c)	29510(a)
12081(d)	29535
12081(e)	29510(b)
12081(f)	29530
12082(a), 1st-6th sent.	28050
12082(a), 7th sent.	28055(a)-(b)
12082(a), 8th sent.	28055(d)
12082(a), 9th sent.	28055(c)
12082(b)	28060
12082(c)	28065
12082(d)	28070
12083(a) (except 2d sent. of ¶ (a)(3))	28450
12083(a) (2d sent. of ¶ (a)(3))	28455
12083(b)	28460
12083(c)	28465
12083(d)	28470
12083(e)	28475
12083(f)	28480
12083(g)	28485
12083(h)	28490

12085(a)-(d)	29010
12085(e)(1)	16520(b)
12085(e)(2)	16520(g)
12085(e)(3) (all except def. of “antique firearm”)	16520(d)
12085(e)(3) (def. of “antique firearm”)	16170(b)
12086(a)(1)	29030
12086(a)(2)	16450
12086(b)(1), 1st sent.	29050(a)
12086(b)(1), 2d sent.	29050(d)
12086(b)(2)	29050(b)
12086(b)(3)	29055
12086(b)(4)	29050(c)
12086(c), intro. cl.	29100
12086(c)(1)	29105
12086(c)(2)	29110
12086(c)(3)	29115
12086(c)(4)	29120
12086(c)(5)	29125
12086(c)(6)	29130
12086(c)(7)	29135
12086(c)(8)	29140
12086(c)(9)	29145
12086(c)(10)	29115
12086(d)	29141
12086(e)	29142
12086(f)(1)	29060
12086(f)(2)	29065(a)
12086(f)(3)	29065(b)
12086(g)(1)	29065(c)
12086(g)(2)	29070(a)
12086(g)(3)	29070(b)
12086(h)	29075
12087	23620
12087.5	23625
12087.6(a)	16540
12087.6(b)	16610
12087.6(c)	16870
12088	23655
12088.1(a)	23635(a)
12088.1(b)	23635(d)
12088.1(c)	23635(e)
12088.1(d)	23635(c)
12088.1(e)	23635(b)

12088.15(a)	23660(a)
12088.15(b)	23660(b)
12088.15(c)	23665(a)
12088.15(d)	23665(b)
12088.15(e)	23670(a)
12088.15(f)	23670(b)
12088.2	23650
12088.3	23640
12088.4	23680
12088.5	23685
12088.6	23645
12088.7	23675
12088.8 (all except def. of “antique firearm”)	23630
12088.8 (def. of “antique firearm”)	16170(b)
12088.9	23690
12090	23900
12092	23910
12093	23915
12094(a)	23920
12094(b)	23925
12095	33300
12096	33305
12097	33310
12098	33315
12099	33320
12101(a)(1)	29610
12101(a)(2)	29615
12101(b)(1)	29650
12101(b)(2)	29655
12101(c)	29700
12101(d)	29705
12101(e)	17070
12101(f)	29750
12125	32000
12126, intro. cl. & (a)-(b)	31910
12126(c)	16380
12126(d)	16900
12126(e)	17140
12127	31905
12128	31900
12129	32005
12130	32010
12131(a)-(b)	32015

12131(c)-(f)	32020
12131(g)	32025
12131.5	32030
12132(a)-(g)	32110(a)-(g)
12132(h)	32105
12132(i)	32110(h)
12132(j)	32110(i)
12132(k)	32110(j)
12132(l)	32110(k)
12133	32100
12200	16880
12201	32610
12220	32625
12230	32650
12231	32655
12232	32660
12233	32665
12234	32670
12250, intro. cl.	32700, 32710, 32720
12250(a)(1)-(4)	32700
12250(b), 1st ¶	32705
12250(b), 2d ¶	32710
12250(b), 3d ¶	32715
12251	32750
12275	30500
12275.5	30505
12276, intro. cl & (a)-(d)	30510, intro. cl. & (a)-(d)
12276(e)	30510(f)
12276(f)	30510(e)
12276.1(a)-(c)	30515
12276.1(d)(1)	16890
12276.1(d)(2)	16350
12276.1(d)(3)	16170(a)
12276.1(e)	Not continued (obsolete & memorialized in § 30620(c))
12276.5	30520
12277	16970
12278(a)	16110(a)
12278(b)	16100
12278(c)	16110(b)
12278(d)	16170(a)
12280(a)	30600
12280(b)	30605
12280(c)	30610

12280(d)	30615
12280(e)	30625
12280(f)(1)	30630(a)
12280(f)(2)	30630(b)
12280(f)(3)	30630(c)
12280(g)	30635
12280(h)	30645
12280(i)	30655(a)
12280(j)	30655(b)
12280(k)	30660(a)-(b)
12280(l)	30660(c)
12280(m)	30665
12280(n)	30675(a)
12280(o)	30675(b)
12280(p)	30675(c)
12280(q)	30670(a)
12280(r)	30670(b)
12280(s)	30640
12280(t)	30650
12280(u)	30620
12281(a)-(d)	30715
12281(e)	30735(a)-(b)
12281(f)(1)-(3)	30720
12281(f)(4)	30735(c)
12281(g)	30725(a)
12281(h)	30730(a)
12281(i)	17220 or 30710 (to be decided)
12281(j)	30725(b)
12281(k)	30730(b)
12282	30800
12285(a)(1)	30900
12285(a)(2)	30905
12285(b)(1), 1st sent.	30910
12285(b)(1), 2d & 3d sent.	30915, 30920
12285(b)(2)	30925
12285(b)(3), 1st sent.	30930
12285(b)(3), 2d sent.	30935
12285(b)(4)	30940
12285(c)	30945
12285(d)	30950
12285(e)	30955
12285(f)	30960(a)
12285(g)	30965

12285(h)	30960(b)
12286	31000
12287	31005
12288	31100
12288.5	31105
12289	31110
12289.5	31115
12290(a)	31055
12290(b)	31050
12290(c)	16790
12301(a)(1)-(2)	16460(a)
12301(a)(3), 1st sent.	16460(a)
12301(a)(3), 2d sent.	16160
12301(a)(3), 3d sent.	16180
12301(a)(4)-(6)	16460(a)
12301(b)	16510
12302	18800
12303	18710
12303.1	18725
12303.2	18715
12303.3	18740
12303.6	18730
12304	18735
12305(a)	18900(a)
12305(b)	18900(b)
12305(c)	18900(c)
12305(d)	18900(d)
12305(e)	18905
12305(f)-(g)	18910
12307	19000
12308	18745
12309	18750
12310	18755
12311	18780
12312	18720
12316(a)(1)(A)	30300(a)
12316(a)(1)(B), 1st sent.	30300(a)
12316(a)(1)(B), 2d sent.	16150(a)
12316(a)(1)(B), 3d sent.	30300(a)
12316(a)(2), 1st sent.	30300(b)
12316(a)(2), 2d sent.	16300
12316(b)(1)	30305(a)
12316(b)(2)	16150(b)

12316(b)(3)	30305(b)
12316(c)	30310
12316(d)(1)	30305(c)
12316(d)(2)-(3)	30305(d)
12320	30315
12321	30320
12322(a)	30330
12322(b)	30325
12323(a)	16650
12323(b)	16660
12323(c)	16290
12323(d)	17090
12324	30335
12325	30340
12355(a)-(b)	20110
12355(c)	16310
12360	31300
12361	31315
12362	31320
12363	31325
12364	31330
12365	31335
12366	31340
12367	31355
12368	31345
12369	31350
12370(a)-(d)	31360
12370(e)	17320
12401	17240
12402	17250
12403	22820
12403.1	22830
12403.5	22835
12403.7	22810
12403.8	22815
12403.9	22825
12404	22840
12420	22900
12421	22905
12422, 1st ¶	22910(a)
12422, 2d ¶	22910(b)
12423	23000
12424, 1st ¶- 3d ¶	23005

12424, 4th ¶	23010
12424.5	23015
12425	23020
12426	23025
12500	17210
12501	33415
12520	33410
12550(a)	16250
12550(b)	16520(a)
12550(c)	16700(a)
12551	19910
12552	19915
12553(a)	20150
12553(b)	20155
12554	20160
12555(a)-(b)	20165
12555(c)	16700(b)
12556(a)	20170(a)
12556(b)	20180(a)
12556(c)	20180(b)
12556(d)	20175
12556(e)	20170(b)
12556(f)	20180(c)
12580	16270
12581	16280
12582	20010
12583	20015
12590(a)(1)-(3)	17510(a)
12590(a)(4)	830.95(a)
12590(b) (re picketing in uniform of police office)	830.95(b)
12590(b) (re acts other than picketing in uniform of police office)	17510(b)
12590(c)	17510(c)-(d)
12600	19400
12601(a)-(b)	16780
12601(c)	16770
12650	17230
12651	22610
12652	22615
12653	22620
12654	22625
12655	19405
12800	31610
12801(a)(1)	16450

12801(a)(2)	16370
12801(b) (all except def. of “antique firearm”)	31615(a)
12801(b) (def. of “antique firearm”)	16170(b)
12801(c)	31615(b)
12801(d)	31615(c)
12802	31620
12803	31625
12804(a)	31630(a)
12804(b)	31630(b)
12804(c)(1), 1st sent.	31640(a)
12804(c)(1), 2d sent.	31640(b)
12804(c)(1), 3d sent.	31640(c)
12804(c)(2)	31640(b)
12804(d)	31635(a)
12804(e)	31640(e)
12804(f)	31630(c)
12804(g)	31655(a)
12804(h)	31665
12804(i)	31640(d)
12804(j)	31635(b)
12805(a)	31645(a)
12805(b)	31645(b)
12805(c)	31650(a)
12805(d)	31650(b)
12805(e)	31650(c)
12805(f)	31650(d)
12805(g)	31650(e)
12806(a)	31655(b)
12806(b)	31655(c)
12807	31700
12808	31660
12809	31670