AMENDED IN SENATE MAY 20, 2021

SENATE BILL No. 715

Introduced by Senator Portantino
(Coauthor: Assembly Member McCarty)

February 19, 2021

An act to amend Section 12525.3 of the Government Code, and to amend Sections 11106, *11108.2, 26406,* 27505, *27570,* 27875, 28050, 28055, 28100, 28210, 28215, 28220, 28230, 29610, 29615, 29700, *29750,* 31700, and 31740 of, to amend the heading of Article 1 (commencing with Section 29610) of Chapter 1 of Division 9 of Title 4 of Part 6 of, to add Sections 16685, 26537, 26553, 27870, 27963, and 31833 to, and to repeal and add Section 27945 of, the Penal Code, relating to criminal law.

LEGISLATIVE COUNSEL'S DIGEST

SB 715, as amended, Portantino. Criminal law.

Existing law authorizes the state prosecutor to investigate and gather facts in an incident involving a shooting by a peace officer that results in the death of an unarmed civilian. Existing law defines the Attorney General as the state prosecutor.

This bill would also authorize the state prosecutor to investigate and gather facts in an incident involving a shooting by a peace officer that results in the death of a civilian if there is a reasonable dispute as to whether the civilian was armed.

Existing law requires the sale, transfer, or loan of a firearm to be processed, as specified, through a licensed firearm dealer.

This bill would exempt from these provisions any licensed common carrier involved in the delivery of a firearm, as specified. This bill would

also exempt from these provisions a licensed manufacturer of ammunition, as specified.

Existing law prohibits the transfer of a firearm to a minor, except as specified.

This bill amends those exceptions to include, among other things, the infrequent gifting of a firearm, other than a handgun or semiautomatic centerfire rifle, to a minor 16 years of age or older, with a hunting license, as ~~specified.~~ *specified, and new requirements for loans based upon the type of firearm and the age of the minor.*

Existing law requires a dealer who is unable to process the sale, transfer, or loan of a firearm, to return the firearm to the person making the sale, transfer, or loan.

This bill would additionally prohibit the dealer from returning a firearm to the person making the sale, transfer, or loan, if that person is prohibited from obtaining a firearm and would, in those cases, provide a procedure by which that person could transfer the firearm *to a law enforcement agency or* to a third party, as specified. The bill would authorize the dealer to charge a fee for any firearm stored by the dealer pursuant to this procedure.

Existing law requires, with certain exceptions, a person who purchases or receives a firearm to possess a valid firearm safety certificate.

This bill would extend the exceptions to include any licensed common carrier involved in the delivery of a firearm, a manufacturer of ammunition, as specified, and *certain* transfers to minors, as specified.

Existing law prohibits the sale or transfer of a firearm to any person who does not have a firearm safety certificate, as specified. Existing law also prohibits the sale or transfer of a firearm by a licensed firearm dealer to a person under 21 years of age. Existing law exempts from these provisions the sale, transfer, purchase, or receipt of a firearm, other than a handgun, to or by a person without a firearm safety certificate, but in possession of a valid, unexpired hunting license, as specified. Existing law also exempts the sale or transfer of a firearm, other than a handgun or semiautomatic centerfire rifle, to a person 18 years of age or older who possesses a valid, unexpired hunting license, as specified.

This bill would, for purposes of these provisions, define a valid and unexpired hunting license.

Existing law, subject to exceptions, imposes a 10-day waiting period for delivery of a firearm, during which time a background check is conducted by the Department of Justice to determine if the proposed

recipient of the firearm is prohibited from owning or possessing a firearm.

This bill would require the department, commencing July 1, 2023, for sales of firearms to persons under 21 years of age who are eligible to purchase a firearm based upon their possession of a hunting license, to confirm the validity of the hunting license as part of the background check.

Existing law permits the Department of Justice to charge a fee sufficient to reimburse it for specified costs related to the sale or transfer of firearms, such as the preparation, sale, processing, and filing of required reports and costs associated with the submission of a Dealers' Record of Sale (DROS), as specified. Existing law requires that firearm purchaser information be provided to the department exclusively by electronic means. Existing law directs the department to electronically approve the purchase or transfer of ammunition through a vendor at the time of purchase or transfer and prior to the purchaser taking possession of the ammunition, and permits the department to collect certain fees for these purposes. Existing law, commencing on July 1, 2022, directs the department to electronically approve the purchase or transfer of firearm precursor parts through a vendor at the time of purchase or transfer and before the purchaser taking possession of the firearm precursor part, and permits the department to collect certain fees for these purposes.

This bill would delete obsolete provisions relating to the department's authority to impose fees for nonelectronic transfers of firearm purchaser information to the department.

Existing law prohibits the possession of a handgun by a minor.

This bill would additionally prohibit the possession of a firearm, other than a handgun, by a minor, with certain exceptions.

This bill would make other conforming changes.

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

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

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

This bill would declare that certain of its provisions are declaratory of existing law.

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

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

SECTION 1. The Legislature hereby finds and declares that the purpose of the amendments made by this act to Sections 11106, 28050, 28100, and 28230 of the Penal Code is to ensure, consistent with the decision of the United States Supreme Court in Henderson v. United States, 575 U.S. 622 (2015), that if a firearm dealer is unable to complete a private party transaction and is also unable to return the firearm to the person selling, loaning, or transferring the firearm, that there is a procedure in place to transfer the firearm to a third party after that party undergoes a background check to determine that they are not prohibited from acquiring the firearm, and appropriate records are maintained of the transaction and disposition of the firearm.

SEC. 2. Section 12525.3 of the Government Code is amended to read:

12525.3. (a) For purposes of this subdivision, the following definitions apply:

(1) "Deadly weapon" includes, but it not limited to, any loaded weapon from which a shot, readily capable of producing death or other serious physical injury, may be discharged, or a switchblade knife, pilum ballistic knife, metal knuckle knife, dagger, billy, blackjack, plastic knuckles, or metal knuckles.

(2) "Unarmed civilian" includes anyone who is not in possession of a deadly weapon.

(b) (1) A state prosecutor shall investigate incidents of an officer-involved shooting resulting in the death of an unarmed civilian. The Attorney General is the state prosecutor unless otherwise specified or named.

(2) The state prosecutor is authorized to do all of the following:

(A) Investigate and gather facts in an incident involving a shooting by a peace officer that results in the death of a civilian if the civilian was unarmed or if there is a reasonable dispute as to whether the civilian was armed.

(B) For all investigations conducted, prepare and submit a written report. The written report shall include, at a minimum, the following information:

(i) A statement of the facts.

(ii) A detailed analysis and conclusion for each investigatory issue.

(iii) Recommendations to modify the policies and practices of the law enforcement agency, as applicable.

(C) If criminal charges against the involved officer are found to be warranted, initiate and prosecute a criminal action against the officer.

(3) The state prosecutor shall post and maintain on a public internet website each written report prepared by the state prosecutor pursuant to this subdivision, appropriately redacting any information in the report that is required by law to be kept confidential.

(c) (1) Commencing on July 1, 2023, the Attorney General shall operate a Police Practices Division within the Department of Justice to, upon request of a local law enforcement agency, review the use of deadly force policies of that law enforcement agency.

(2) The program described in paragraph (1) shall make specific and customized recommendations to any law enforcement agency that requests a review pursuant to paragraph (1), based on those policies identified as recommended best practices.

(d) This section does not limit the Attorney General's authority under the California Constitution or any applicable state law.

(e) Subject to an appropriation for this purpose by the Legislature, the department shall implement this section.

SEC. 3. Section 11106 of the Penal Code~~, as amended by Section 1 of Chapter 289 of the Statutes of 2020,~~ is amended to read:

11106. (a) (1) In order to assist in the investigation of crime, the prosecution of civil actions by city attorneys pursuant to paragraph (3) of subdivision (b), the arrest and prosecution of criminals, and the recovery of lost, stolen, or found property, the Attorney General shall keep and properly file a complete record of all of the following:

(A) All copies of fingerprints.

(B) Copies of licenses to carry firearms issued pursuant to Section 26150, 26155, 26170, or 26215.

(C) Information reported to the Department of Justice pursuant to subdivision (e) of Section 18120, Section 26225, 26556, 27875,

27920, 27966, ~~subdivision (e) of Section~~ 28050, ~~Section~~ 29180, 29830, or paragraph (2) of subdivision (e) of Section 32000.

(D) Dealers' Records of Sale of firearms.

(E) Reports provided pursuant to Article 1 (commencing with Section 27500) of Chapter 4 of Division 6 of Title 4 of Part 6, or pursuant to any provision listed in subdivision (a) of Section 16585.

(F) Forms provided pursuant to Section 12084, as that section read prior to being repealed on January 1, 2006.

(G) Reports provided pursuant to Article 1 (commencing with Section 26700) and Article 2 (commencing with Section 26800) of Chapter 2 of Division 6 of Title 4 of Part 6, that are not Dealers' Records of Sale of firearms.

(H) Information provided pursuant to Section 28255.

(I) Reports of stolen, lost, found, pledged, or pawned property in any city or county of this state.

(2) The Attorney General shall, upon proper application therefor, furnish the information to the officers referred to in Section 11105.

(b) (1) The Attorney General shall permanently keep and properly file and maintain all information reported to the Department of Justice pursuant to the following provisions as to firearms and maintain a registry thereof:

(A) Article 1 (commencing with Section 26700) and Article 2 (commencing with Section 26800) of Chapter 2 of Division 6 of Title 4 of Part 6.

(B) Article 1 (commencing with Section 27500) of Chapter 4 of Division 6 of Title 4 of Part 6.

(C) Chapter 5 (commencing with Section 28050) of Division 6 of Title 4 of Part 6.

(D) Any provision listed in subdivision (a) of Section 16585.

(E) Former Section 12084.

(F) Section 28255.

(G) Section 29180.

(H) Paragraph (2) of subdivision (e) of Section 32000.

(I) Any other law.

(2) The registry shall consist of all of the following:

(A) The name, address, identification of, place of birth (state or country), complete telephone number, occupation, sex, description, and all legal names and aliases ever used by the owner or person being loaned the particular firearm as listed on the information provided to the department on the Dealers' Record of

Sale, the Law Enforcement Firearms Transfer (LEFT), as defined in former Section 12084, or reports made to the department pursuant to any provision listed in subdivision (a) of Section 16585, Section 28255 or 29180, or any other law.

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

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

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

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

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

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

(b) of Section 11105 may disseminate the name of the subject of the record, the number of the firearms listed in the record, and the description of any firearm, including the make, model, and caliber, from the record relating to any firearm's sale, transfer, registration, or license record, or any information reported to the Department of Justice pursuant to any of the following:

(A) Section 26225, 26556, 27875, 27920, 27966, or 29180.

(B) Article 1 (commencing with Section 26700) and Article 2 (commencing with Section 26800) of Chapter 2 of Division 6 of Title 4 of Part 6.

(C) Article 1 (commencing with Section 27500) of Chapter 4 of Division 6 of Title 4 of Part 6.

(D) Chapter 5 (commencing with Section 28050) of Division 6 of Title 4 of Part 6.

(E) Article 2 (commencing with Section 28150) of Chapter 6 of Division 6 of Title 4 of Part 6.

(F) Article 5 (commencing with Section 30900) of Chapter 2 of Division 10 of Title 4 of Part 6.

(G) Chapter 2 (commencing with Section 33850) of Division 11 of Title 4 of Part 6.

(H) Any provision listed in subdivision (a) of Section 16585.

(I) Paragraph (2) of subdivision (e) of Section 32000.

(2) Information may be disseminated pursuant to paragraph (1) only if all of the following conditions are satisfied:

(A) The subject of the record has been arraigned for a crime in which the victim is a person described in subdivisions (a) to (f), inclusive, of Section 6211 of the Family Code and is being prosecuted or is serving a sentence for the crime, or the subject of the record is the subject of an emergency protective order, a temporary restraining order, or an order after hearing, which is in effect and has been issued by a family court under the Domestic Violence Prevention Act set forth in Division 10 (commencing with Section 6200) of the Family Code.

(B) The information is disseminated only to the victim of the crime or to the person who has obtained the emergency protective order, the temporary restraining order, or the order after hearing issued by the family court.

(C) Whenever a law enforcement officer disseminates the information authorized by this subdivision, that officer or another officer assigned to the case shall immediately provide the victim

of the crime with a "Victims of Domestic Violence" card, as specified in subparagraph (H) of paragraph (9) of subdivision (c) of Section 13701.

(3) The victim or person to whom information is disseminated pursuant to this subdivision may disclose it as they deem necessary to protect themselves or another person from bodily harm by the person who is the subject of the record.

SEC. 4. Section 11108.2 of the Penal Code is amended to read:

11108.2. (a) A law enforcement agency shall enter or cause to be entered into the Department of Justice Automated Firearms System each firearm that has been reported stolen, lost, found, recovered, held for safekeeping, *surrendered pursuant to Section 28050,* or under observation, within seven calendar days after being notified of the precipitating event.

(b) Information about a firearm entered into the automated system for firearms shall remain in the system until the reported firearm has been found, recovered, is no longer under observation, or the record is determined to have been entered in error.

(c) Any costs incurred by the Department of Justice to implement subdivision (b) shall be reimbursed from funds other than fees charged and collected pursuant to Sections 28225, 28230, and 28233.

(d) As used in this section, "law enforcement agency" means a police or sheriff's department, or any department or agency of the state or any political subdivision thereof that employs any peace officer as defined in Section 830, including, but not limited to, the Department of the California Highway Patrol, the Department of Fish and Wildlife, the University of California or California State University Police Departments, and the police department of any school district, transit district, airport, and harbor, port, or housing authority.

~~SEC. 4.~~

SEC. 5. Section 16685 is added to the Penal Code, to read:

16685. As used in ~~the~~ *this* part, a valid and unexpired "hunting license" means a hunting license issued by the Department of Fish and Wildlife pursuant to Article 2 (commencing with Section 3031) of Chapter 1 of Part 1 of Division 4 of the Fish and Game Code, for which the time period authorized for the taking of birds or mammals has commenced but not expired.

SEC. 6. Section 26406 of the Penal Code is amended to read:

26406. Section 26400 does not apply to, or affect, the carrying of an unloaded firearm that is not a handgun in any of the following circumstances:

(a) By a person who finds that firearm, if the person is carrying the firearm in order to comply with Article 1 (commencing with Section 2080) of Chapter 4 of Title 6 of Part 4 of Division 3 of the Civil Code as it pertains to that firearm, and, if the person is transporting the firearm to a law enforcement agency, the person gives prior notice to the law enforcement agency that the person is transporting the ~~handgun~~ *firearm* to the law enforcement agency.

(b) By a person who finds that ~~handgun~~ *firearm* and is transporting it to a law enforcement agency for disposition according to law, if the person gives prior notice to the law enforcement agency that the person is transporting the firearm to the law enforcement agency for disposition according to law.

(c) By a person who took the firearm from a person who was committing a crime against the person and is transporting it to a law enforcement agency for disposition according to law, if the person gives prior notice to the law enforcement agency that the person is transporting the firearm to the law enforcement agency for disposition according to law.

~~SEC. 5.~~

SEC. 7. Section 26537 is added to the Penal Code, to read:

26537. (a) Section 26500 does not apply to the sale, delivery, or transfer of firearms that satisfies both of the following conditions:

(1) The sale, delivery, or transfer is made by a manufacturer of ammunition licensed pursuant to Chapter 44 (commencing with Section 921) of Title 18 of the United States Code and the regulations issued pursuant thereto.

(2) The sale, delivery, or transfer is made to a dealer or wholesaler.

(b) Section 26500 does not apply to the sale, delivery, or transfer of firearms between or to manufacturers of ammunition licensed to engage in that business pursuant to Chapter 44 (commencing with Section 921) of Title 18 of the United States Code and the regulations issued pursuant thereto, where those firearms are to be used in the course and scope of the licensee's activities as a person licensed pursuant to Chapter 44 (commencing with Section

921) of Title 18 of the United States Code and the regulations issued pursuant thereto.

~~SEC. 6.~~

SEC. 8. Section 26553 is added to the Penal Code, to read:

26553. (a) Section 26500 does not apply to the delivery of a firearm to a person operating a licensed common carrier, or by an authorized agent or employee of a licensed common carrier, when acting in the course and scope of duties incident to the delivery of that firearm in accordance with federal law.

(b) Section 26500 does not apply to the delivery of a firearm by a person operating a licensed common carrier, or by an authorized agent or employee of a licensed common carrier, when acting in the course and scope of duties incident to the delivery of that firearm in accordance with federal law.

~~SEC. 7.~~

SEC. 9. Section 27505 of the Penal Code is amended to read:

27505. (a) No person, corporation, or firm shall sell, loan, or transfer a firearm to a minor, nor sell a handgun to an individual under 21 years of age.

(b) Subdivision (a) shall not apply to or affect the following circumstances:

(1) The sale of a handgun, if the handgun is an antique firearm and the sale is to a person at least 18 years of age.

(2) The transfer of a firearm to a minor that complies with subdivision (c) of Section 27875.

~~(2)~~

(3) The loan of a firearm to a minor by the minor's parent or legal guardian, if both of the following requirements are satisfied:

(A) The minor is being loaned the firearm for the purposes of engaging in a lawful, recreational sport, including, but not limited to, competitive shooting, or agricultural, ranching, or hunting activity or hunting education, or a motion picture, television, or video production, or entertainment or theatrical event, the nature of which involves the use of a firearm.

(B) The duration of the loan does not exceed the amount of time that is reasonably necessary to engage in the lawful, recreational sport, including, but not limited to, competitive shooting, or agricultural, ranching, or hunting activity or hunting education, or a motion picture, television, or video production, or entertainment

or theatrical event, the nature of which involves the use of a firearm.

~~(3)~~

(4) The loan of a ~~firearm~~ *semiautomatic centerfire rifle or handgun* to a minor by a person who is not the minor's parent or legal guardian, if all of the following requirements are satisfied:

(A) The minor is accompanied by the minor's parent or legal guardian when the loan is made, or the minor has the written consent of the minor's parent or legal guardian, which is presented at the time of the loan, or earlier.

(B) The minor is being loaned the firearm for the purpose of engaging in a lawful, recreational sport, including, but not limited to, competitive shooting, or agricultural, ranching, or hunting ~~activity,~~ *activity or hunting education,* or a motion picture, television, or video production, or entertainment or theatrical event, the nature of which involves the use of a firearm.

(C) The duration of the loan does not exceed the amount of time that is reasonably necessary to engage in the lawful, recreational sport, including, but not limited to, competitive shooting, or agricultural, ranching, or hunting ~~activity,~~ *activity or hunting education,* or a motion picture, television, or video production, or entertainment or theatrical event, the nature of which involves the use of a firearm.

(D) The duration of the loan does not, in any event, exceed 10 days.

~~(4) The transfer of a firearm to a minor that complies with subdivision (c) of Section 27875.~~

(5) The loan of a firearm other than a semiautomatic centerfire rifle or a handgun to a minor who is 16 years of age or older, by a person who is not the minor's parent or legal guardian, if all of the following conditions apply:

(A) The loan is with the express permission of the minor's parent or legal guardian.

(B) The minor is being loaned the firearm for the purpose of engaging in a lawful, recreational sport, including, but not limited to, competitive shooting, or agricultural, ranching, or hunting activity or hunting education, the nature of which involves the use of a firearm.

(C) The duration of the loan does not exceed the amount of time that is reasonably necessary to engage in the lawful, recreational

sport, including, but not limited to, competitive shooting, or agricultural, ranching, or hunting activity or hunting education, the nature of which involves the use of a firearm.

(D) The duration of the loan does not, in any event, exceed 5 days, unless express permission is provided in the manner described in subparagraph (A) of paragraph (4), in which case the duration of the loan shall not, in any event, exceed 10 days.

(6) The loan of a firearm other than a semiautomatic centerfire rifle or a handgun to a minor under 16 years of age by a person who is not the minor's parent or legal guardian, if all of the following conditions apply:

(A) The loan is with the express permission of the minor's parent or legal guardian.

(B) The minor is being loaned the firearm for the purpose of engaging in a lawful, recreational sport, including, but not limited to, competitive shooting, or agricultural, ranching, or hunting activity or hunting education, the nature of which involves the use of a firearm.

(C) The duration of the loan does not exceed the amount of time that is reasonably necessary to engage in the lawful, recreational sport, including, but not limited to, competitive shooting, or agricultural, ranching, or hunting activity or hunting education, the nature of which involves the use of a firearm.

(D) The minor accompanied at all times by a responsible adult.

(E) The duration of the loan does not, in any event, exceed 5 days, unless express permission is provided in the manner described in subparagraph (A) of paragraph (4), in which case the duration of the loan shall not, in any event, exceed 10 days.

SEC. 10. Section 27570 of the Penal Code is amended to read:

27570. (a) It is the intent of the Legislature that a violation of Section 27560 or 27565 shall not constitute a "continuing offense" and the statute of limitations for commencing a prosecution for a violation of Section 27560 or 27565 commences on the date that the applicable grace period specified in Section 27560 or 27565 expires.

(b) Sections 27560 and 27565 shall not apply to a person who reports ownership of a ~~handgun~~ *firearm* after the applicable grace period specified in Section 27560 or 27565 expires if evidence of that violation arises only as the result of the person submitting the report described in Section 27560 or 27565.

~~SEC. 8.~~

SEC. 11. Section 27870 is added to the Penal Code, to read:

27870. Section 27545 does not apply to the delivery of a firearm to or the receipt of a firearm by as person operating a licensed common carrier, or by an authorized agent or employee of a licensed common carrier, when acting in the course and scope of duties incident to the delivery or receipt of that firearm in accordance with federal law.

~~SEC. 9.~~

SEC. 12. Section 27875 of the Penal Code is amended to read:

27875. (a) Section 27545 does not apply to the transfer of a firearm by gift, bequest, intestate succession, or other means from one individual to another, if all of the following requirements are met:

(1) The transfer is infrequent, as defined in Section 16730.

(2) The transfer is between members of the same immediate family.

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

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

(5) The person receiving the firearm is 18 years of age or older.

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

(1) The person acquires ownership of the firearm from an immediate family member by bequest or intestate succession.

(2) The person has obtained a valid firearm safety certificate, except that in the case of a handgun, a valid unexpired handgun safety certificate may be used.

(3) The receipt of any firearm by the individual by bequest or intestate succession is infrequent, as defined in Section 16730.

(4) The person acquiring ownership of the firearm by bequest or intestate succession is 18 years of age or older.

(5) Within 30 days of that person taking possession of the firearm and importing, bringing, or transporting it into this state, the person shall submit a report to the Department of Justice, in a manner prescribed by the department, that includes information concerning the individual taking possession of the firearm, how title was obtained and from whom, and a description of the firearm in question. The reports that individuals complete pursuant to this subdivision shall be made available to them in a format prescribed by the department.

(c) Section 27545 does not apply to the transfer of a firearm by gift to a minor, if all of the following requirements are met:

(1) The transfer is infrequent, as defined in Section 16730.

(2) The transfer is by the parent or legal guardian of the minor.

(3) The minor is 16 years of age or older at the time of receiving the firearm.

(4) The firearm being transferred is not a handgun or a semiautomatic centerfire rifle.

(5) The minor has been issued a valid hunting license that is unexpired.

(6) The minor receiving the firearm is not prohibited by state or federal law from possessing a firearm.

(7) Within ~~48 hours~~ *30 days* after delivering possession of the firearm to the minor, the parent or legal guardian of the minor submits a report to the Department of Justice, in a manner and format prescribed by the department, that includes information concerning the individual taking possession of the firearm, how title was obtained and from whom, and a description of the firearm.

~~SEC. 10.~~

SEC. 13. Section 27945 of the Penal Code is repealed.

~~SEC. 11.~~

SEC. 14. Section 27945 is added to the Penal Code, to read:

27945. Section 27545 does not apply to the loan of a firearm to a minor in compliance with the applicable exemptions set forth in Section 27505.

~~SEC. 12.~~

SEC. 15. Section 27963 is added to the Penal Code, to read:

27963. Section 27545 does not apply to the sale, delivery, or transfer of firearms between or to manufacturers of ammunition licensed to engage in that business pursuant to Chapter 44 (commencing with Section 921) of Title 18 of the United States Code and the regulations issued pursuant thereto where those firearms are to be used in the course and scope of the licensee's activities as a person licensed pursuant to Chapter 44 (commencing with Section 921) of Title 18 of the United States Code and the regulations issued pursuant thereto.

~~SEC. 13.~~

SEC. 16. Section 28050 of the Penal Code is amended to read:

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.

(e) Until July 1, 2023, 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 18005 and 34000.

~~(e) If~~

(f) If Commencing July 1, 2023, if the dealer cannot legally return the firearm to the seller, transferor, or person loaning the firearm, then the following procedure shall apply:

(1) The seller, transferor, or person loaning the firearm may request, and the dealer shall grant, that the dealer retain possession of the firearm for a period of up to 45 days so that the transferor or seller or the person loaning the firearm may designate a person to take possession of that firearm in accordance with Section 27540. This 45-day period shall be in addition to the waiting period described in Sections 26815 and 27540, and any time necessary to process a transaction.

(2) If, before the end of the 45-day period, the seller, transferor, or person loaning the firearm designates a person to receive the firearm and that person completes an application to purchase, the dealer shall process the transaction in accordance with the provisions of Section 27540.

(3) If the seller, transferor, or person loaning the firearm, does not request that the firearm be held by the dealer pursuant to this subdivision, or the firearm cannot be delivered to the designated person, 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, where the dealership is located, who shall then dispose of the firearm in the manner provided by Sections 18000, 18005, and 34000.

~~(f)~~

(g) (1) If a dealer retains possession of a firearm pursuant to subdivision ~~(e),~~ *(f),* the dealer shall within 72 hours after retaining possession of the firearm, notify the Department of Justice in a manner and format prescribed by the department.

(2) If a dealer delivers possession a firearm to a law enforcement agency pursuant to ~~paragraph (3) of subdivision (e),~~ *subdivision (e) or (f),* the dealer shall notify the Department of Justice within 72 hours after the delivery of the firearm in a manner and format prescribed by the department.

~~SEC. 14.~~

SEC. 17. Section 28055 of the Penal Code is amended to read:

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) For temporary storage of a firearm pursuant to subdivision ~~(e)~~ *(f)* of Section 28050, the seller, transferor, or person loaning a firearm may be required by the dealer to pay a fee not to exceed ten dollars ($10) per firearm.

(c) No other fee may be charged by the dealer for a sale, loan, or transfer of a firearm conducted pursuant to this chapter, except for the applicable fees that may be charged pursuant to Sections 23690 and 28300 and Article 3 (commencing with Section 28200) of Chapter 6 and forwarded to the Department of Justice, and the fees set forth in Section 31650.

(d) The dealer may not charge any additional fees.

(e) Nothing in these provisions shall prevent a dealer from charging a smaller fee.

~~SEC. 15.~~

SEC. 18. Section 28100 of the Penal Code is amended to read:

28100. (a) As required by the Department of Justice, every dealer shall keep a register or record of electronic or telephonic transfer in which shall be entered the information prescribed in Article 2 (commencing with Section 28150).

(b) This section shall not apply to any of the following transactions:

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

(2) The delivery of an unloaded firearm by a dealer to a gunsmith for service or repair.

(3) Until January 1, 2014, the sale, delivery, or transfer of an unloaded firearm, other than a handgun, by a dealer to another dealer, upon proof of compliance with the requirements of Section 27555.

(4) The sale, delivery, or transfer of an unloaded firearm by a dealer who sells, delivers, or transfers the firearm to a person who resides outside this state and is licensed pursuant to Chapter 44 (commencing with Section 921) of Title 18 of the United States Code and any regulations issued pursuant thereto.

(5) The sale, delivery, or transfer of an unloaded firearm by a dealer to a wholesaler if that firearm is being returned to the

wholesaler and is intended as merchandise in the wholesaler's business.

(6) The sale, delivery, or transfer of an unloaded firearm by a dealer to another dealer, upon proof of compliance with the requirements of Section 27555, if the firearm is intended as merchandise in the receiving dealer's business.

(7) Until January 1, 2014, the sale, delivery, or transfer of an unloaded firearm, other than a handgun, by a dealer to themselves.

(8) The loan of an unloaded firearm by a dealer who also operates a target facility which holds a business or regulatory license on the premises of the building designated in the license or whose building designated in the license is on the premises of any club or organization organized for the purpose of practicing shooting at targets upon established ranges, whether public or private, to a person at that target facility or club or organization, if the firearm is kept at all times within the premises of the target range or on the premises of the club or organization.

(9) The loan of an unloaded firearm by a dealer to a consultant-evaluator, if the loan does not exceed 45 days from the date of delivery of the firearm by the dealer to the consultant-evaluator.

(10) The return of an unloaded firearm to the owner of that firearm by a dealer, if the owner initially delivered the firearm to the dealer for service or repair.

(11) The sale, delivery, or transfer of an unloaded firearm by a dealer to a person licensed as an importer or manufacturer pursuant to Chapter 44 (commencing with Section 921) of Title 18 of the United States Code and any regulations issued pursuant thereto.

(12) The delivery of an unloaded firearm to a law enforcement agency pursuant to subdivision (e) *or (f)* of Section 28050.

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

~~SEC. 16.~~

SEC. 19. Section 28210 of the Penal Code is amended to read:

28210. (a) (1) Where the register is used, the purchaser of any firearm shall be required to present to the dealer clear evidence of the person's identity and age.

(2) The dealer shall require the purchaser to sign the purchaser's current legal name and affix the purchaser's residence address and date of birth to the register in quadruplicate.

(3) For the sale or transfer of a firearm to a person under 21 years of age pursuant to subdivision (b) of Section 27510, the salesperson shall visually inspect the hunting license to confirm that it is valid and unexpired and shall record the document number, GO ID, and dates valid.

(4) The salesperson shall sign the register in quadruplicate, as a witness to the signature and identification of the purchaser.

(b) Any person furnishing a fictitious name or address, knowingly furnishing any incorrect information, or knowingly omitting any information required to be provided for the register shall be punished as provided in Section 28250.

(c) (1) The original of the register shall be retained by the dealer in consecutive order.

(2) Each book of 50 originals shall become the permanent register of transactions, which shall be retained for not less than three years from the date of the last transaction.

(3) Upon presentation of proper identification, the permanent register of transactions shall be available for inspection by any peace officer, Department of Justice employee designated by the Attorney General, or agent of the federal Bureau of Alcohol, Tobacco, Firearms and Explosives. Until January 1, 2014, no information shall be compiled therefrom regarding the purchasers or other transferees of firearms that are not handguns.

(d) On the date of the application to purchase, two copies of the original sheet of the register shall be placed in the mail, postage prepaid, and properly addressed to the Department of Justice.

(e) (1) A photocopy of the register shall be provided to the purchaser by the dealer at the time of delivery of the firearm and after the dealer notes the date of delivery and the dealer's signature indicating delivery of the firearm, and the purchaser acknowledges the receipt of the firearm.

(2) The requirements of this subdivision apply if a dealer is delivering a firearm pursuant to Section 27540 or Chapter 5 (commencing with Section 28050).

(f) If the transaction is a private party transfer conducted pursuant to Chapter 5 (commencing with Section 28050), a photocopy of the original shall be provided to the seller by the dealer at the time the register is signed by the seller. The dealer shall redact all of the purchaser's personal information, as required pursuant to subdivision (a) of Section 28160 and subdivision (a)

of Section 28165, from the seller's copy, and the seller's personal information from the purchaser's copy.

~~SEC. 17.~~

SEC. 20. Section 28215 of the Penal Code is amended to read:

28215. (a) (1) Where the electronic or telephonic transfer of applicant information is used, the purchaser shall be required to present to the dealer clear evidence of the person's identity and age.

(2) The dealer shall require the purchaser to sign the purchaser's current legal name to the record of electronic or telephonic transfer.

(3) The salesperson shall sign the record of electronic or telephonic transfer, as a witness to the signature and identification of the purchaser.

(4) For the sale or transfer of a firearm to a person under 21 years of age pursuant to subdivision (b) of Section 27510, the salesperson shall visually inspect the hunting license to confirm that it is valid and unexpired and shall record the document number, GO ID, and dates valid.

(b) Any person furnishing a fictitious name or address, knowingly furnishing any incorrect information, or knowingly omitting any information required to be provided for the electronic or telephonic transfer shall be punished as provided in Section 28250.

(c) (1) The original of each record of electronic or telephonic transfer shall be retained by the dealer in consecutive order.

(2) Each original shall become the permanent record of the transaction, which shall be retained for not less than three years from the date of the last transaction.

(3) Upon presentation of proper identification, the permanent record of the transaction shall be provided for inspection by any peace officer, Department of Justice employee designated by the Attorney General, or agent of the federal Bureau of Alcohol, Tobacco, Firearms and Explosives.

(d) On the date of the application to purchase, the record of applicant information shall be transmitted to the Department of Justice by electronic or telephonic transfer.

(e) (1) A copy of the record of electronic or telephonic transfer shall be provided to the purchaser by the dealer at the time of delivery of the firearm and after the dealer notes the date of

delivery and the dealer's signature indicating delivery of the firearm, and the purchaser acknowledges the receipt of the firearm.

(2) The requirements of this subdivision apply if a dealer is delivering a firearm pursuant to Section 27540 or Chapter 5 (commencing with Section 28050).

(f) If the transaction is a private party transfer conducted pursuant to Chapter 5 (commencing with Section 28050), a copy shall be provided to the seller by the dealer at the time the record of electronic or telephonic transfer is signed by the seller. The dealer shall redact all of the purchaser's personal information, as required pursuant to subdivision (a) of Section 28160 and subdivision (a) of Section 28165, from the seller's copy, and the seller's personal information from the purchaser's copy.

~~SEC. 18.~~

SEC. 21. Section 28220 of the Penal Code is amended to read:

28220. (a) (1) Upon submission of firearm purchaser information, the Department of Justice shall examine its records, as well as those records that it is authorized to request from the State Department of State Hospitals pursuant to Section 8104 of the Welfare and Institutions Code, in order to determine if the purchaser is a person described in subdivision (a) of Section 27535, or is prohibited by state or federal law from possessing, receiving, owning, or purchasing a firearm.

(2) Commencing July 1, 2023, for the sale or transfer of a firearm to a person under 21 years of age pursuant to subdivision (b) of Section 27510, the Department of Justice shall verify the validity of the purchaser's hunting license with the Department of Fish and Wildlife.

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

(c) If the department determines that the purchaser is prohibited by state or federal law from possessing, receiving, owning, or purchasing a firearm or is a person described in subdivision (a) of

Section 27535, it shall immediately notify the dealer and the chief of the police department of the city or city and county in which the sale was made, or if the sale was made in a district in which there is no municipal police department, the sheriff of the county in which the sale was made, of that fact.

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

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

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

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

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

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

(B) The dealer shall provide the purchaser with information about the manner in which the department may be contacted regarding the delay described in subparagraph (A).

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

(3) If the department ascertains the final disposition of the arrest or criminal charge, or the outcome of the mental health treatment or evaluation, or the purchaser's eligibility to purchase a firearm, as described in paragraph (1), after the waiting period described in Sections 26815 and 27540, but within 30 days of the dealer's original submission of the purchaser information to the department pursuant to this section, the department shall do the following:

(A) If the purchaser is not a person described in subdivision (a) of Section 27535, and is not prohibited by state or federal law,

including, but not limited to, Section 8100 or 8103 of the Welfare and Institutions Code, from possessing, receiving, owning, or purchasing a firearm, the department shall immediately notify the dealer of that fact and the dealer may then immediately transfer the firearm to the purchaser, upon the dealer's recording on the register or record of electronic transfer the date that the firearm is transferred, the dealer signing the register or record of electronic transfer indicating delivery of the firearm to that purchaser, and the purchaser signing the register or record of electronic transfer acknowledging the receipt of the firearm on the date that the firearm is delivered to the purchaser

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

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

(5) Commencing July 1, 2023, if the department is unable to ascertain the validity of a hunting license required pursuant to Section 27510, the department shall immediately notify the dealer to cancel the sale of the firearm. The department shall notify the purchaser by mail that the hunting license was not valid and

unexpired or the Department of Fish and Wildlife was unable to verify the license based upon the information provided.

(g) Commencing July 1, 2017, upon receipt of information demonstrating that a person is prohibited from possessing a firearm pursuant to federal or state law, the department shall submit the name, date of birth, and physical description of the person to the National Instant Criminal Background Check System Index, Denied Persons Files. The information provided shall remain privileged and confidential, and shall not be disclosed, except for the purpose of enforcing federal or state firearms laws.

~~SEC. 19.~~

SEC. 22. Section 28230 of the Penal Code, as amended by Section 4 of Chapter 289 of the Statutes of 2020, is amended to read:

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

(1) For the actual costs associated with the preparation, sale, processing, and filing of forms or reports required or utilized pursuant to any provision listed in subdivision (a) of Section 16585.

(2) For the actual costs associated with the preparation, sale, processing, and filing of reports utilized pursuant to Section 26556, 26905, 27565, 27875, 27966, or 28000, paragraph (1) of subdivision (a) of Section 27560, or paragraphs (1) and (2) of subdivision (a) of, or subdivisions (b), (c), and (d) of, Section 27920, Section 28050, or paragraph (2) of subdivision (e) of Section 32000.

(3) For the actual costs associated with the electronic or telephonic transfer of information pursuant to Section 28215.

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

~~SEC. 20.~~

SEC. 23. The heading of Article 1 (commencing with Section 29610) of Chapter 1 of Division 9 of Title 4 of Part 6 of the Penal Code is amended to read:

Article 1. Possession of Firearm

~~SEC. 21.~~

SEC. 24. Section 29610 of the Penal Code is amended to read:

29610. (a) A minor shall not possess a handgun.

(b) A minor shall not possess a firearm other than a handgun.

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

~~SEC. 22.~~

SEC. 25. Section 29615 of the Penal Code is amended to read:

29615. Section 29610 shall not apply if one of the following circumstances exists:

(a) The minor is accompanied by a parent or legal guardian, and the minor is actively engaged in, or is in direct transit to or from, a lawful, recreational sport, including, but not limited to, competitive shooting, or agricultural, ranching, or hunting activity or hunting education, or a motion picture, television, or video production, or entertainment or theatrical event, the nature of which involves this use of a firearm.

(b) The minor is accompanied by a responsible adult, the minor has the prior written consent of a parent or legal guardian, and the minor is actively engaged in, or is in direct transit to or from, a lawful, recreational sport, including, but not limited to, competitive shooting, or agricultural, ranching, or hunting activity or hunting education, or a motion picture, television, or video production, or entertainment or theatrical event, the nature of which involves the use of a firearm.

(c) The minor is at least 16 years of age, the minor has the prior written consent of a parent or legal guardian, and the minor is actively engaged in, or is in direct transit to or from, a lawful recreational sport, including, but not limited to, competitive shooting, or agricultural, ranching, or hunting activity or hunting education, or a motion picture, television, or video production, or entertainment or theatrical event, the nature of which involves the use of a firearm.

(d) The minor has the prior written consent of a parent or legal guardian, the minor is on lands owned or lawfully possessed by

the parent or legal guardian, and the minor is actively engaged in, or is in direct transit to or from, a lawful, recreational sport, including, but not limited to, competitive shooting, or agricultural, ranching, or hunting activity, or a motion picture, television, or video production, or entertainment or theatrical event, the nature of which involves the use of a firearm.

~~(e) The minor possesses a firearm other than a handgun that was received in accordance with subdivision (c) of Section 27875.~~

~~(f) The minor possesses a firearm other than a handgun that was lawfully received before January 1, 2022.~~

(e) The minor possesses a firearm that was received by that minor in accordance with subdivision (c) of Section 27875, and both of the following are true:

(1) The minor meets any of the following requirements:

(A) Is listed as the owner of the firearm in the registry compiled pursuant to Section 11106.

(B) Possesses documentation issued by the Department of Justice that the minor is listed as the owner of the firearm in the registry.

(C) Possesses the firearm during the grace period set forth in subdivision (c) of Section 27875 to report ownership of the firearm.

(2) The minor meets either of the following requirements:

(A) Is actively engaged in, or in direct transit to or from, a lawful, recreational sport, including, but not limited to, competitive shooting, or an agricultural, ranching, or hunting activity or hunting education, the nature of which involves the use of a firearm.

(B) Is on land lawfully owned or possessed by the minor's parent or guardian and the firearm, if not being used, is secured in one of the following manners:

(i) Disabled with a firearm safety device.

(ii) Secured within a locked gun safe.

(iii) Locked with a locking device as described in Section 16860.

(iv) Secured in a locked container.

(f) The minor is 16 years of age or older and possesses, with the express permission of their parent or legal guardian, a firearm, other than a handgun or semiautomatic centerfire rifle, that the minor received within this state before January 1, 2022, in accordance with any applicable exemption to Section 27545 that existed as of January 1, 2021, and either of the following are true:

(1) The minor is actively engaged in, or in direct transit to or from, a lawful, recreational sport, including, but not limited to, competitive shooting, or an agricultural, ranching, or hunting activity or hunting education, the nature of which involves the use of a firearm.

(2) The minor is on land lawfully owned or possessed by the minor's parent or guardian and the firearm, if not being used, is secured in one of the following manners:

(A) Disabled with a firearm safety device.

(B) Secured within a locked gun safe.

(C) Locked with a locking device as described in Section 16860.

(D) Secured in a locked container.

(g) The minor is 16 years of age or older and possesses, with the express permission of their parent or legal guardian, a firearm, other than a handgun or semiautomatic centerfire rifle, and all of the following are true:

(1) The minor received that firearm outside of this state as a resident of another state.

(2) The minor established current California residency prior to January 1, 2022.

(3) The minor possessed that firearm within this state before January 1, 2022 as a California resident.

(4) The receipt of that firearm by the minor was lawful in the state in which it occurred.

(5) The receipt of that firearm, if it were to occur within this state, would be in accordance with any applicable exemption to Section 27545 that existed as of January 1, 2021.

(6) The minor meets either of the following requirements:

(A) Is actively engaged in, or in direct transit to or from, a lawful, recreational sport, including, but not limited to, competitive shooting, or an agricultural, ranching, or hunting activity or hunting education, the nature of which involves the use of a firearm.

(B) On land lawfully owned or possessed by the minor's parent or guardian and the firearm, if not being used, is secured in one of the following manners:

(i) Disabled with a firearm safety device.

(ii) Secured within a locked gun safe.

(iii) Locked with a locking device as described in Section 16860.

(iv) Secured in a locked container.

(h) The minor possesses, with the express permission of their parent or legal guardian, a firearm, other than a handgun or semiautomatic centerfire rifle, and both of the following are true:

(1) The minor is actively engaged in, or in direct transit to or from, a lawful, recreational sport, including, but not limited to, competitive shooting, or an agricultural, ranching, or hunting activity or hunting education, the nature of which involves the use of a firearm.

(2) The minor is accompanied by a responsible adult at all times while the minor is possessing the firearm.

~~SEC. 23.~~

SEC. 26. Section 29700 of the Penal Code is amended to read:

29700. Every minor who violates this chapter shall be punished as follows:

(a) By imprisonment pursuant to subdivision (h) of Section 1170 or in a county jail if one of the following applies:

(1) The minor has been found guilty previously of violating this chapter.

(2) The minor has been found guilty previously of an offense specified in Section 29905, 32625, or 33410, or an offense specified in any provision listed in Section 16590.

(3) The minor has been found guilty of a violation of subdivision (a) of Section 29610.

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

SEC. 27. Section 29750 of the Penal Code is amended to read:

29750. *(a)* 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.

(b) In enacting the act that adds this subdivision, it is not the intent of the Legislature to expand or narrow the application of 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.

~~SEC. 24.~~

SEC. 28. Section 31700 of the Penal Code is amended to read:

31700. (a) The following persons, properly identified, are exempted from the firearm safety certificate requirement in subdivision (a) of Section 31615:

(1) Any active or honorably retired peace officer, as defined in Chapter 4.5 (commencing with Section 830) of Title 3 of Part 2.

(2) Any active or honorably retired federal officer or law enforcement agent.

(3) Any reserve peace officer, as defined in Section 832.6.

(4) Any person who has successfully completed the course of training specified in Section 832.

(5) A firearms dealer licensed pursuant to Sections 26700 to 26915, inclusive, who is acting in the course and scope of that person's activities as a person licensed pursuant to Sections 26700 to 26915, inclusive.

(6) A federally licensed collector who is acquiring or being loaned a firearm that is a curio or relic, as defined in Section 478.11 of Title 27 of the Code of Federal Regulations, who has a current certificate of eligibility issued by the department pursuant to Section 26710.

(7) Except as provided in subdivision (d), a person to whom a firearm is being returned, where the person receiving the firearm is the owner of the firearm.

(8) A family member of a peace officer or deputy sheriff from a local agency who receives a firearm pursuant to Section 50081 of the Government Code.

(9) Any individual who has a valid concealed weapons permit issued pursuant to Chapter 4 (commencing with Section 26150) of Division 5.

(10) An active or honorably retired member of the United States Armed Forces, the National Guard, the Air National Guard, or the active reserve components of the United States, where individuals in those organizations are properly identified. For purposes of this section, proper identification includes the Armed Forces Identification Card or other written documentation certifying that the individual is an active or honorably retired member.

(11) Any person who is authorized to carry loaded firearms pursuant to Section 26025 or 26030.

(12) Persons who are the holders of a special weapons permit issued by the department pursuant to Section 32650 or 33300, pursuant to Article 3 (commencing with Section 18900) of Chapter

1 of Division 5 of Title 2, or pursuant to Article 4 (commencing with Section 32700) of Chapter 6 of this division.

(b) The following persons who take title or possession of a firearm by operation of law in a representative capacity, until or unless they transfer title ownership of the firearm to themselves in a personal capacity, are exempted from the firearm safety certificate requirement in subdivision (a) of Section 31615:

(1) The executor, personal representative, or administrator of an estate.

(2) A secured creditor or an agent or employee thereof when the firearms are possessed as collateral for, or as a result of, a default under a security agreement under the Commercial Code.

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

(4) A receiver performing the functions of a receiver.

(5) A trustee in bankruptcy performing the duties of a trustee.

(6) An assignee for the benefit of creditors performing the functions of an assignee.

(7) The trustee of a trust that includes a firearm and that was part of a will that created the trust.

(8) A person acting pursuant to the person's power of attorney in accordance with Division 4.5 (commencing with Section 4000) of the Probate Code.

(9) A limited or general conservator appointed by a court pursuant to the Probate Code or Welfare and Institutions Code.

(10) A guardian ad litem appointed by a court pursuant to Section 372 of the Code of Civil Procedure.

(11) The trustee of a trust that includes a firearm that is under court supervision.

(12) A special administrator appointed by a court pursuant to Section 8540 of the Probate Code.

(13) A guardian appointed by a court pursuant to Section 1500 of the Probate Code.

(c) A person, 18 years of age or older, validly identified, who has been issued a valid hunting license that is unexpired or that was issued for the hunting season immediately preceding the calendar year in which the person takes title or possession of a firearm is exempt from the firearm safety certificate requirement in subdivision (a) of Section 31615, except as to handguns.

(d) A person who takes possession of a firearm and complies with Section 27922 by delivering the firearm to a law enforcement agency is exempted from the firearm safety certificate requirement in subdivision (a) of Section 31615. The exemption set forth in paragraph (7) of subdivision (a) shall not apply to the return of that firearm to that person, if the person has requested the firearm and is eligible to receive it.

(e) The firearm safety certificate requirement in subdivision (a) of Section 31615 shall not apply to a person taking possession of a firearm pursuant to Section 27882 or 27883.

(f) Section 31615 does not apply to the delivery of a firearm to or the receipt of a firearm by a person operating a licensed common carrier, or by an authorized agent or employee of a licensed common carrier, when acting in the course and scope of duties incident to the delivery of that firearm in accordance with federal law.

~~SEC. 25.~~

SEC. 29. Section 31740 of the Penal Code is amended to read:

31740. Subdivision (a) of Section 31615 does not apply to sales, deliveries, or transfers of firearms between or to importers and manufacturers of firearms or ammunition licensed to engage in that business pursuant to Chapter 44 (commencing with Section 921) of Title 18 of the United States Code and the regulations issued pursuant thereto.

~~SEC. 26.~~

SEC. 30. Section 31833 is added to the Penal Code, to read:

31833. *(a)* Section 31615 does not apply to the transfer of a firearm that is not a handgun to a minor that complies with all of the conditions set forth in subdivision (c) of Section 27875.

(b) Section 31615 does not apply to the loan of a firearm other than a handgun to a minor that complies with all of the conditions set forth in paragraph (5) of subdivision (b) of Section 27505.

(c) Section 31615 does not apply to the loan of a firearm other than a handgun to a minor that complies with all of the conditions set forth in paragraph (6) of subdivision (b) of Section 27505.

~~SEC. 27.~~

SEC. 31. The following sections of this act do not constitute a change in, but are declaratory of existing law:

(a) The amendments adding Sections ~~26553 and 27870~~ *26537, 26553, 27870, and 27963* to the Penal Code.

(b) The amendments made to Section ~~28110~~ *28100* of the Penal Code.

(c) The amendments made to Section 31700 of the Penal Code.

(d) The amendments made to Section 31740 of the Penal Code.

~~SEC. 28.~~

SEC. 32. No reimbursement is required by this act pursuant to Section 6 of Article XIII B of the California Constitution because the only costs that may be incurred by a local agency or school district will be incurred because this act creates a new crime or infraction, eliminates a crime or infraction, or changes the penalty for a crime or infraction, within the meaning of Section 17556 of the Government Code, or changes the definition of a crime within the meaning of Section 6 of Article XIII B of the California Constitution.

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