

## First Supplement to Memorandum 2009-41

**Nonsubstantive Reorganization of Deadly Weapon Statutes:  
Senate Bill 175 (Aanestad)**

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Memorandum 2009-41 discusses nine of the ten recently enacted bills that need to be incorporated into the Commission's recommendation on *Nonsubstantive Reorganization of Deadly Weapon Statutes*. The remaining bill is Senate Bill 175 (Aanestad). This supplement discusses how to revise the Commission's proposal to reflect the enactment of that bill.

SB 175 amended four lengthy provisions in Title 2 of Part 4 of the Penal Code: Sections 12070, 12072, 12078, and 12083. Each amendment is discussed separately below.

For each amendment, the staff recommends corresponding changes to the Commission's proposal. Only the key changes are presented below. **It will also be necessary to conform the disposition table, the Comments, and the remainder of the Commission's proposal to reflect these key changes.**

Commissioners, stakeholders, and other interested persons should **review the changes recommended in this supplement and determine whether they are acceptable**. As in Memorandum 2009-41, the staff stuck closely to the language used in the newly enacted bills, to avoid any risk of a substantive change.

The staff does not plan to individually discuss each of the revisions suggested in this supplement. **If you have a concern about a particular revision, please plan to raise the point at the meeting, or bring it to the Commission's attention in writing.**

Unless otherwise noted, all further statutory references in this memorandum are to the Penal Code.

## AMENDMENT OF SECTION 12070

SB 175 makes the following changes in Section 12070:

- (1) It revises the introductory clause of subdivision (b).

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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](http://www.clrc.ca.gov)). Other materials can be obtained by contacting the Commission's staff, through the website or otherwise.

- (2) In some places, it replaces the phrase “pistols, revolvers, and other firearms capable of being concealed upon the person” with the word “handguns.”
- (3) It adds two new exceptions to the list of exceptions in subdivision (b).

Each of these revisions is discussed below.

### **Revision of Introductory Clause**

SB 175 amends the introductory clause of subdivision (b) of Section 12070 as follows:

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

To reflect this change, **proposed Section 26505 in the Commission’s recommendation should be revised as follows:**

**§ 26505. Exception when person liquidates personal firearm collection or acts pursuant to operation of law, court order, or Enforcement of Judgments Law**

26505. Section 26500 does not ~~include~~ apply to the sale, lease, or transfer of any firearm by any of the following:

- (a) A person acting pursuant to operation of law.
- (b) A person acting pursuant to a court order.
- (c) A person acting pursuant to the Enforcement of Judgments Law (Title 9 (commencing with Section 680.010) of Part 2 of the Code of Civil Procedure).
- (d) A person who liquidates a personal firearm collection to satisfy a court judgment.

**Comment.** Section 26505 continues former Section 12070(b)(1) without substantive change.

See Sections 16520 (“firearm”), 16960 (“operation of law”).

**Similar revisions should be made in proposed Sections 26510-26585.**

### **Replacement of “Pistols, Revolvers, and Other Firearms Capable of Being Concealed Upon the Person” with “Handguns”**

In several places, SB 175 amends Section 12070(b)(5) to replace the phrase “pistols, revolvers, and other firearms capable of being concealed upon the person” with the word “handguns.” The corresponding provision in the Commission’s proposal is proposed Section 26525. To reflect the changes made by SB 175, **proposed Section 26525 should be revised as follows:**

**§ 26525. Exception for sale, lease, or transfer of certain used firearms at gun shows, with program to be administered by Department of Justice**

26525. (a) Section 26500 does not ~~include~~ apply to the sale, lease, or transfer of used firearms, other than ~~pistols, revolvers, or other firearms capable of being concealed upon the person~~ handguns, at gun shows or events, as specified in Article 1 (commencing with Section 26700) and Article 2 (commencing with Section 26800) of Chapter 2, by a person other than a licensee or dealer, provided the person has a valid federal firearms license and a current certificate of eligibility issued by the Department of Justice, as specified in Section 26710, and provided all the sales, leases, or transfers fully comply with Section 27545. However, the person shall not engage in the sale, lease, or transfer of used firearms other than ~~pistols, revolvers, or other firearms capable of being concealed upon the person~~ handguns at more than 12 gun shows or events in any calendar year and shall not sell, lease, or transfer more than 15 used firearms other than ~~pistols, revolvers, or other firearms capable of being concealed upon the person~~ handguns at any single gun show or event. In no event shall the person sell more than 75 used firearms other than ~~pistols, revolvers, or other firearms capable of being concealed upon the person~~ handguns in any calendar year.

(b) The Department of Justice shall adopt regulations to administer this program and shall recover the full costs of administration from fees assessed applicants.

**Comment.** Subdivision (a) of Section 26525 continues the first paragraph of former Section 12070(b)(5) without substantive change. A person who meets the description in subdivision (a) is known as a Gun Show Trader. See Section 16620 (“Gun Show Trader”).

Subdivision (b) continues the third paragraph of former Section 12070(b)(5) without substantive change.

See Sections 16520 (“firearm”), 16530 (~~“firearm capable of being concealed upon the person,” “pistol,” and “revolver”~~) 16640 (“handgun”), 17310 (“used firearm”), 26700 (“dealer,” “licensee,” or “person licensed pursuant to Sections 26700 to 26915, inclusive”).

SB 175 makes a similar change to the definition of “infrequent” in Section 12070(c)(1). In three places, the bill replaces the phrase “pistols, revolvers, and other firearms capable of being concealed upon the person” with the word “handguns.” **The corresponding provision in the Commission’s recommendation (proposed Section 16730) should be revised as follows to reflect those changes:**

### § 16730. “Infrequent”

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

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

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

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

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

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

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

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

See Sections 16520 (“firearm”), 16530 (~~“firearm capable of being concealed upon the person,” “pistol,” and “revolver”~~) 16640 (“handgun”).

### New Exceptions

SB 175 also adds two new exceptions — (b)(18) and (b)(19) — to the already lengthy list of exceptions in Section 12070. To reflect the addition of these exceptions, **two new provisions should be added to the Commission’s proposal, along the following lines:**

#### § 26592. Exception for loan to gunsmith for service or repair, and return by gunsmith

26592. Section 26500 does not apply to either of the following:

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

**Comment.** Section 26592 continues former Section 12070(b)(18) without substantive change.

See Sections 16520 (“firearm”), 16630 (“gunsmith”).

**§ 26595. Exception for sale, delivery, transfer, or return of firearm by permit holder in accordance with permit**

26595. Section 26500 does not apply to any of the following:

(a) The sale, delivery, transfer, or return of a firearm regulated pursuant to Chapter 1 (commencing with Section 18710) of Division 5 of Title 2 by a person who holds a permit issued pursuant to Article 3 (commencing with Section 18900) of that chapter, if the sale, delivery, transfer, or return is conducted in accordance with the terms and conditions of the permit.

(b) The sale, delivery, transfer, or return of a firearm regulated pursuant to Chapter 2 (commencing with Section 30500) of Division 10 by a person who holds a permit issued pursuant to Section 31005, if the sale, delivery, transfer, or return is conducted in accordance with the terms and conditions of the permit.

(c) The sale, delivery, transfer, or return of a firearm regulated pursuant to Chapter 6 (commencing with Section 32610) of Division 10 by a person who holds a permit issued pursuant to Section 32650, if the sale, delivery, transfer, or return is conducted in accordance with the terms and conditions of the permit.

(d) The sale, delivery, transfer, or return of a firearm regulated pursuant to Article 2 (commencing with Section 33300) of Chapter 8 of Division 10 by a person who holds a permit issued pursuant to Section 33300, if the sale, delivery, transfer, or return is conducted in accordance with the terms and conditions of the permit.

**Comment.** Section 26595 continues former Section 12070(b)(19) without substantive change.

See Section 16520 (“firearm”).

AMENDMENT OF SECTION 12072

SB 175 makes a number of revisions of Section 12072, which is another long provision that would be divided into several different sections in the Commission’s proposal.

**Replacement of “Pistol, Revolver, or Other Firearm Capable of Being Concealed Upon the Person” with “Handgun”**

In many places in Section 12072, the bill replaces the phrase “pistol, revolver, or other firearm capable of being concealed upon the person” with the word “handgun.” These provisions and their counterparts in the Commission’s proposal are listed below:

<u>Existing provision</u>	<u>Proposed provision</u>
§ 12072(a)(8)	§ 27530
§ 12072(a)(9)(A)	§ 27535(a)
§ 12072(a)(9)(B)(x)	§ 27535(b)(10)
§ 12072(a)(9)(B)(xi)-twice	§ 27535(b)(11)-twice
§ 12072(a)(9)(B)(xii)	§ 27535(b)(12)
§ 12072(b)	§ 27510
§ 12072(c)(5)(A)	§ 27540(e)(1)
§ 12072(c)(6)-twice	§ 27540(f)
§ 12072(f)(2)(A)	§ 27560(a)
§ 12072(f)(2)(B)	§ 27560(b)(1)
§ 12072(f)(2)(D)(ii)(IV)-twice	§ 27560(e)(4)-twice
§ 12072(f)(3)	§ 27565
§ 12072(f)(4)(B)	§ 27570
§ 12072(g)(3)(B)	§ 27590(c)(2)
§ 12072(g)(3)(C)	§ 27590(c)(3)
§ 12072(g)(3)(E)	§ 27590(c)(5)
§ 12072(g)(5)(D)	§ 27590(e)(4)

**In each of the proposed provisions listed, the phrase “pistol, revolver, or other firearm capable of being concealed upon the person” should be replaced with the word “handgun.”**

Interestingly, the phrase “pistol, revolver, or other firearm capable of being concealed upon the person” was left intact in Section 12072(g)(3)(D), which corresponds to proposed Section 27590(c)(4). The staff does not know whether this was done inadvertently or on purpose. In any case, **the Commission should not change proposed Section 27590(c)(4).**

### **New Exception**

As amended by SB 175, Section 12072(a)(9)(A) says that “[n]o person shall make an application to purchase more than one handgun within any 30-day period.” Section 12072(a)(9)(B) states a number of exceptions to this rule.

SB 175 adds a new exception, which relates to community colleges. See Section 12072(a)(9)(B)(xiii). This new exception originated in Assembly Bill 1286 (Huber), 2009 Cal. Stat. ch. 144, which was chaptered out by SB 175. To reflect the addition of this new exception, **proposed Section 27535 should be revised as follows:**

**§ 27535. Purchasing more than one firearm in 30-day period**

27535. (a) No person shall make an application to purchase more than one pistol, revolver, or other firearm capable of being concealed upon the person within any 30-day period.

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

....

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

**Verification Number for Sale, Delivery, or Transfer of a Firearm**

Section 12072(f)(1) prescribes a process for obtaining a verification number from the Department of Justice for a sale, delivery, or transfer of a firearm. SB 175 revises this provision in a number of respects.

In the Commission's recommendation, the provision that would continue Section 12072(f)(1) is proposed Section 27555. To reflect the revisions made by SB 175, **proposed Section 27555 should be revised as shown below:**

**§ 27555. Obtaining verification number**

27555. (a)(1) Commencing July 1, 2008, a person who is licensed pursuant to Chapter 44 (commencing with Section 921) of Title 18 of the United States Code may not sell, deliver, or transfer a firearm to a person in California who is licensed pursuant to Chapter 44 (commencing with Section 921) of Title 18 of the United States Code unless, prior to delivery, the person intending to sell, deliver, or transfer the firearm obtains a verification number via the Internet for the intended sale, delivery, or transfer, from the Department of Justice.

(2) If Internet service is unavailable to either the department or the licensee due to a technical or other malfunction, or a federal firearms licensee who is located outside of California does not possess a computer or have Internet access, alternate means of communication, including facsimile or telephone, shall be made available for a licensee to obtain a verification number in order to comply with this section.

(b) For every ~~identification~~ verification number request received pursuant to this section, the department shall determine whether the intended recipient is on the centralized list of firearms dealers pursuant to Section 26715, or the centralized list of exempted federal firearms licensees pursuant to Section 28450, or the centralized list of firearms manufacturers pursuant to Section 29060.

(c)(1) If the department finds after the reviews specified in subdivision (b) that the intended recipient is on one of these lists authorized to receive the firearm shipment, the department shall

issue to the inquiring party, a unique ~~identification~~ verification number for the intended sale, delivery, or transfer. One verification number shall be issued for each sale, delivery, or transfer, which may involve multiple firearms.

(2) In addition to the unique verification number, the department may provide to the inquiring party information necessary for determining the eligibility of the intended recipient to receive the firearm.

(3) The person intending to sell, deliver, or transfer the firearm shall provide the unique verification number to the recipient along with the firearm upon delivery, in a manner to be determined by the department.

(d) If the department finds after the reviews specified in subdivision (b) that the intended recipient is not ~~on one of these lists~~ authorized to receive the firearm shipment, the department shall notify the inquiring party that the intended recipient is ineligible to receive the firearm shipment.

(e) The department shall prescribe the manner in which the verification numbers may be requested via the Internet, or by alternate means of communication, such as by facsimile or telephone, including all required enrollment information and procedures.

~~(f) This section does not apply to the sale, delivery, or transfer of an assault weapon, a machinegun, a short barreled rifle, or a short barreled shotgun.~~

**Comment.** Section 27555 continues former Section 12072(f)(1) without substantive change. An erroneous reference to “this section” in former Section 12072(f)(1)(B) has been replaced with a reference to Section 26715, which continues former Section 12071(e).

For exceptions to this provision, see Article 2 (commencing with Section 27600) and Article 5 (commencing with Section 27800).

For the consequences of violating this section, see Section 27590 (punishment for violation of article).

See Sections 16520 (“firearm”), ~~16880 (“machinegun”), 17170 (“short barreled rifle”), 17180 (“short barreled shotgun”),~~ 26700 (“dealer,” “licensee,” or “person licensed pursuant to Sections 26700 to 26915, inclusive”), ~~30510 (“assault weapon”), 30515 (further clarification of “assault weapon”).~~

#### AMENDMENT OF SECTION 12078

Section 12078 is a mammoth provision consisting of numerous exceptions to other provisions. To make this material more user-friendly, the Commission’s proposal would divide up the substance of Section 12078 such that each exception would be stated in close proximity to the substantive rule it modifies.



SB 175 revises Section 12078 in a number of respects. These include a few stylistic changes that have already been made in the Commission's recommendation. *Compare* Section 12078(a)(8)(E) *with* proposed Sections 27860, 31735; *compare* Section 12078(t)(1) *with* proposed Sections 26970, 27670.

The other changes made by SB 175 require corresponding revisions of the Commission's recommendation, as discussed below.

### **Gunsmith Exception**

Section 12078 includes an exception relating to gunsmiths. SB 175 revises that exception as follows:

(e)(1) Section 12071, subdivisions (c) and (d) and paragraph (1) of subdivision (f) of Section 12072, and subdivision (b) of Section 12801 shall not apply to the delivery of a firearm to a gunsmith for service or repair, or to the return of the firearm to its owner by the gunsmith, or to the delivery of a firearm by a gunsmith to a person licensed pursuant to Chapter 44 (commencing with Section 921) of Title 18 of the United States Code for service or repair and the return of the firearm to the gunsmith.

To reflect these revisions, **proposed Section 27105 should be revised as follows:**

#### **§ 27105. Exception for service or repair by gunsmith**

27105. Article 1 (commencing with Section 26700) and Article 2 (commencing with Section 26800) do not apply to the delivery of a firearm to a gunsmith for service or repair, or to the return of the firearm to its owner by the gunsmith, or to the delivery of a firearm by a gunsmith to a person licensed pursuant to Chapter 44 (commencing with Section 921) of Title 18 of the United States Code for service or repair and the return of the firearm to the gunsmith.

**Comment.** Section 27105 continues former Section 12078(e)(1) without substantive change, as that provision applied to former Section 12071.

See Sections 16520 ("firearm"), 16630 ("gunsmith").

**Proposed Sections 27705, 27890, and 31755 should be revised in the same manner.**

In addition, a new provision should be added to the Commission's recommendation, because the gunsmith exception now applies to Section 12072(f)(1), which establishes the requirement of obtaining a verification number for a firearms transaction. **The new provision should be placed with the other exceptions to that requirement, as proposed Section 27825, and should state:**

**§ 27825. Exception for service or repair by gunsmith**

27825. Section 27555 does not apply to the delivery of a firearm to a gunsmith for service or repair, or to the return of the firearm to its owner by the gunsmith, or to the delivery of a firearm by a gunsmith to a person licensed pursuant to Chapter 44 (commencing with Section 921) of Title 18 of the United States Code for service or repair and the return of the firearm to the gunsmith.

**Comment.** Section 27825 continues former Section 12078(e)(1) without substantive change, as that provision applied to former Section 12072(f)(1).

See Sections 16520 (“firearm”), 16630 (“gunsmith”).

**Other New Exceptions to the Requirement of Obtaining a Verification Number**

SB 175 also adds two other new exceptions to the requirement of obtaining a verification number for a firearms transaction. See Section 12078(e)(2). Accordingly, two more new provisions should be added to the Commission’s recommendation, as follows:

**§ 27830. Exception for transfer to self**

27830. Section 27555 does not apply where the transferor and the transferee are the same person or corporation.

**Comment.** Section 27830 continues former Section 12078(e)(2)(A) without substantive change.

**§ 27835. Exception for transfer of firearm used solely as prop**

27835. Section 27555 does not apply where the transfer is to or from a person who has a valid entertainment firearms permit and the transfer involves the loan or return of a firearm used solely as a prop in a television, film, or theatrical production.

**Comment.** Section 27835 continues former Section 12078(e)(2)(B) without substantive change.

For the provisions governing issuance of an entertainment firearms permit, see Sections 29500-29535.

**Stylistic Changes to Section 12078(i)(2)**

SB 175 deletes the comma after the phrase “other identifying characteristics” in Section 12078(i)(2)(C). The bill makes a similar change in Section 12078(i)(2)(D).

The corresponding provisions in the Commission’s recommendation are subdivisions (c) and (d) of proposed Section 27920. To reflect the enactment of SB 175, those provisions should be revised to delete the comma after the phrase “other identifying characteristics.”

## Revisions of Section 12078(o)

SB 175 revises Section 12078(o) as follows:

(o) Section 12071 and subdivisions (c), and (d), and paragraph (1) of subdivision (f) of Section 12072 shall not apply to the delivery, sale, or transfer of ~~firearms~~ a firearm regulated pursuant to Section 12020, Chapter 2 (commencing with Section 12200), ~~or Chapter 2.3 (commencing with Section 12275), or Chapter 2.5 (commencing with Section 12301)~~, if the delivery, sale, or transfer of that firearm is conducted in accordance with the applicable provisions of Section 12020, Chapter 2 (commencing with Section 12200), ~~or Chapter 2.3 (commencing with Section 12275), or Chapter 2.5 (commencing with Section 12301)~~.

To reflect these revisions, **proposed Section 27140 should be revised as follows:**

### **§ 27140. Exception for sale, delivery, or transfer of firearms regulated pursuant to specified statutes, if sale, delivery, or transfer complies with applicable statutory provisions**

27140. Article 1 (commencing with Section 26700) and Article 2 (commencing with Section 26800) do not apply to the sale, delivery, or transfer of ~~firearms~~ a firearm regulated pursuant to any of the following statutes, if the sale, delivery, or transfer of that firearm is conducted in accordance with the applicable provisions of the statute:

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

~~(a)~~ (b) Section 24410, relating to cane guns, and the exemptions in Chapter 1 (commencing with Section 17700) of Title 2, as they relate to cane guns.

~~(b)~~ (c) Section 24510, relating to firearms that are not immediately recognizable as firearms, and the exemptions in Chapter 1 (commencing with Section 17700) of Title 2, as they relate to firearms that are not immediately recognizable as firearms.

~~(c)~~ (d) Sections 24610 and 24680, relating to undetectable firearms, and the exemptions in Chapter 1 (commencing with Section 17700) of Title 2, as they relate to undetectable firearms.

~~(d)~~ (e) Section 24710, relating to wallet guns, and the exemptions in Chapter 1 (commencing with Section 17700) of Title 2, as they relate to wallet guns.

~~(e)~~ (f) Chapter 2 (commencing with Section 30500) of Division 10, relating to assault weapons.

~~(f)~~ (g) Section 31500, relating to unconventional pistols, and the exemptions in Chapter 1 (commencing with Section 17700) of Title 2, as they relate to unconventional pistols.

~~(g)~~ (h) Sections 33215 to 33225, inclusive, relating to short-barreled rifles and short-barreled shotguns, and the exemptions in

Chapter 1 (commencing with Section 17700) of Title 2, as they relate to short-barreled rifles and short-barreled shotguns.

~~(h)~~ (i) Chapter 6 (commencing with Section 32610) of Division 10, relating to machineguns.

~~(i)~~ (j) Section 33600, relating to zip guns, and the exemptions in Chapter 1 (commencing with Section 17700) of Title 2, as they relate to zip guns.

**Comment.** Section 27140 continues former Section 12078(o) without substantive change, as that provision applied to former Section 12071.

See Sections 16330 (“cane gun”), 16460 (“destructive device”), 16510 (“explosive”), 16520 (“firearm”), 16880 (“machinegun”), 17170 (“short-barreled rifle”), 17180 (“short-barreled shotgun”), 17270 (“unconventional pistol”), 17280 (“undetected firearm”), 17330 (“wallet gun”), 17360 (“zip gun”), 30510 (“assault weapon”), 30515 (further clarification of “assault weapon”).

**Proposed Sections 27740 and 27940 should be revised in the same manner.**

In addition, **proposed Section 27800 should be deleted from the Commission’s recommendation.** That provision is no longer necessary, because the exception stated in Section 12078(o) no longer applies to Section 12072(f)(1), which establishes the requirement of obtaining a verification number for a firearms transaction.

#### **Insertion of Parenthetical after References to Chapter 44**

Before it was amended by SB 175, Section 12078(s)(1) referred to “Chapter 44 of Title 18 of the United States Code.” Section 12078(s)(2) contained a similar reference.

In each place, SB 175 inserts a parenthetical after the reference to Chapter 44, as follows: “Chapter 44 (commencing with Section 921) of Title 18 of the United States Code.” **The same change should be made in the provisions that would continue Section 12078(s)(1) (proposed Sections 27955 and 31815), and in the provisions that would continue Section 12078(s)(2) (proposed Sections 27810, 27960, 31820).**

#### AMENDMENT OF SECTION 12083

Finally, SB 175 amends Section 12083, which requires the Department of Justice to keep a centralized list of exempted federal firearms licensees. To reflect this amendment of Section 12083, **the following provisions in the Commission’s recommendation should be revised as shown below:**

**§ 28450. Centralized list of exempted federal firearms licensees**

28450. (a) Commencing January 1, 2008, the Department of Justice shall keep a centralized list of persons who identify themselves as being licensed pursuant to Chapter 44 (commencing with Section 921) of Title 18 of the United States Code as a dealer, ~~pawnbroker~~, importer, or manufacturer of firearms whose licensed premises are within this state and who declare to the department an exemption from the firearms dealer licensing requirements of Section 26500.

(b) The list shall be known as the centralized list of exempted federal firearms licensees.

(c) To qualify for placement on the centralized list, an applicant shall do all of the following:

(1) Possess a valid federal firearms license pursuant to Chapter 44 (commencing with Section 921) of Title 18 of the United States Code as a dealer, ~~pawnbroker~~, importer, or manufacturer of firearms.

(2) ~~Maintain eligibility under California law to possess firearms by possessing~~ Possess a current, valid certificate of eligibility pursuant to Section 26710.

(3) Maintain with the department a signed declaration enumerating the applicant's statutory exemptions from licensing requirements of Section 26500.

**§ 28460. Fee**

28460. (a) Commencing January 1, 2008, the department shall assess an annual fee of one hundred fifteen dollars (\$115) to cover its costs of maintaining the centralized list of exempted federal firearms licensees prescribed by Section 28450, conducting inspections in accordance with this article, and for the cost of maintaining the firearm shipment verification number system described in Section 27555.

(b) The department may increase the fee at a rate not to exceed the increase in the California Consumer Price Index as compiled and reported by the Department of Industrial Relations.

(c) The fees collected shall be deposited in the Dealers' Record of Sale Special Account.

(d) A person who satisfies all of the following conditions shall not be charged a fee:

(1) The person is not licensed pursuant to Sections 26700 to 26915, inclusive.

(2) The person has been issued a permit pursuant to Section 31005, 32650, or 33300, or pursuant to Article 3 (commencing with Section 18900) of Chapter 1 of Division 5 of Title 2.

(3) The person is placed on the centralized list of exempted federal firearms licensees.

**§ 28465. Restriction on importing or receiving firearms**

28465. (a) Any person licensed pursuant to Chapter 44 (commencing with Section 921) of Title 18 of the United States Code as a dealer, ~~pawnbroker~~, importer, or manufacturer of firearms whose licensed premises are within this state shall not import or receive firearms from any source unless listed on the centralized list of firearms dealers pursuant to Section 26715, or the centralized list of exempted federal firearms licensees pursuant to Section 28450, or the centralized list of firearms manufacturers pursuant to Section 29060.

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

**§ 28475. Use of information from centralized list of exempted federal firearms licensees**

28475. Information compiled from the list described in Section 28450 shall be made available for the following purposes:

(a) Requests from local, state, and federal law ~~enforcing~~ enforcement agencies and the duly constituted city, county, and city and county licensing authorities.

(b) When the information is requested by a person licensed pursuant to Chapter 44 (commencing with Section 921) of Title 18 of the United States Code for determining the validity of the license for firearm shipments.

Respectfully submitted,

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