

# CALIFORNIA LAW REVISION COMMISSION

## TENTATIVE RECOMMENDATION

### Nonsubstantive Reorganization of Deadly Weapon Statutes

February 2009

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

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

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

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## SUMMARY OF TENTATIVE RECOMMENDATION

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

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

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

NONSUBSTANTIVE REORGANIZATION OF  
DEADLY WEAPON STATUTES

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

## 7 SCOPE OF STUDY

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

### 13 **Type of Weapons**

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

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

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

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

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

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

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

1 **Relevant Code Sections**

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

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

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

20 **Sentence Enhancements**

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

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

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

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

7. Sections 12022.6-12022.95.

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

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

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

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

## 13 STUDY OBJECTIVES

### 14 **Improve Accessibility of the Law**

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

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

24 ....

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

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

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

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

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

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

#### 8 **Nonsubstantive Reform**

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

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

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

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

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

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

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

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

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

5 ***Commission Comments***

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

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

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

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

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

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

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

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

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

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



1 Commission materials to construe statutes enacted on Commission  
2 recommendation.<sup>20</sup>

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

5 *Statements of Legislative Intent*

6 The proposed law would be known as the Deadly Weapons Recodification Act  
7 of 2012.<sup>21</sup> It would include a number of codified provisions making clear that the  
8 proposed law would continue existing law without any substantive change. That  
9 general point would be stated in proposed Section 16005:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

3 ***Legislative Process***

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

12 **DRAFTING APPROACH**

13 **Structure of Proposed Law**

14 The proposed law would relocate most of the provisions of existing Title 2 of  
15 Part 4 of the Penal Code to a new Part 6 of the Penal Code, commencing with  
16 proposed Section 16000.<sup>22</sup>

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

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

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

30 **Short, Simple Sections**

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

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

23. ACR 73.

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

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

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

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

16 For all of the reasons discussed above, the proposed law would divide lengthy  
17 sections into shorter and simpler provisions. The number of sections would almost  
18 quadruple, but there would be relatively little change in the word count of the  
19 governing law.<sup>29</sup>

## 20 **Definition of Terms**

21 Under existing law, many definitions are scattered throughout Title 2 of Part 4  
22 of the Penal Code. Some terms are used with different definitions in different  
23 contexts,<sup>30</sup> or are defined for some uses but not others. This can create uncertainty

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

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

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

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

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

29. Title 2 of Part 4 of the Penal Code consists of 230 sections, with about 95,000 words of text. The proposed legislation (including all material derived from Title 2 of Part 4, whether placed in the title on “Sentence Enhancements,” in proposed Part 6, or elsewhere) would consist of 857 sections, with about 115,000 words of text. The increase in word count is due to the addition of headings, paragraph labels, guidepost provisions, statements of legislative intent, and provisions needed for drafting convenience, and the repetition of exceptions and other material formerly consolidated in Sections 12020, 12028, 12029, and 12078 (see discussion of “Substantive Organization” *infra*).

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

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

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

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

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

22 Where an existing definition applies to some but not all uses of a term in Title 2  
23 of Part 4, the proposed law would limit the definition to the same uses as under  
24 current law. For example, Section 12126 defines "semiautomatic pistol" for  
25 purposes of that section. The term is also used without definition elsewhere in  
26 Title 2 of Part 4.<sup>32</sup> To avoid creating a risk of a substantive change, the definition  
27 of "semiautomatic pistol" in the proposed law would apply only to the provisions  
28 that would continue the substance of Section 12126.<sup>33</sup>

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

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

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

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

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

34. See Section 12552.

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

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

### 9 **Substantive Organization**

10 Proposed Part 6 of the Penal Code would be divided into four different titles.  
11 Title 1, entitled “Preliminary Provisions,” would include the statements of

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

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

The provisions defining “.50 BMG cartridge” (proposed Section 30525) and “.50 BMG rifle” (proposed Section 30530) do not mix definitions with substantive rules. The Commission placed them in the chapter on assault weapons and .50 BMG rifles because it might be confusing to have the provisions defining “assault weapon” in that chapter without also including the definitions of “.50 BMG cartridge” and “.50 BMG rifle.”

37. See proposed Sections 16100 (“.50 BMG cartridge” guidepost provision), 16110 (“.50 BMG rifle” guidepost provision), 16200 (“assault weapon” guidepost provision), 16440 (“dealer” guidepost provision), 16500 (“drop safety requirement for handguns” guidepost provision), 16560 (“firing requirement for handguns” guidepost provision), 16820 (“licensee” guidepost provision), 16980 (“person licensed pursuant to Sections 26700 to 26915, inclusive” guidepost provision), 17111 (guidepost provision for “secure facility” for firearm storage by manufacturer), 17220 (“SKS rifle” guidepost provision), 17300 (“unsafe handgun” guidepost provision) *infra*.

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

1 legislative intent described above.<sup>38</sup> Title 1 would also include the definitions for  
2 new Part 6, in alphabetical order.

3 Title 2, entitled “Weapons Generally,” would include substantive provisions that  
4 apply to all types of deadly weapons, such as the rules pertaining to seizure of a  
5 deadly weapon at the scene of domestic violence. Title 2 would also include other  
6 laws that relate to both firearms and non-firearms. For example, it would include  
7 the provisions governing a “destructive device,” which is defined to include some  
8 items that would be classified as a firearm and others that would not.<sup>39</sup>

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

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

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

- 25 • Section 12020
- 26 • Sections 12028 and 12029
- 27 • Section 12078

28 The treatment of these provisions is described below.

29 ***Section 12020***

30 Section 12020 is an extremely long provision that generally prohibits the  
31 manufacture, import, sale, gift, loan, or possession of a panoply of weapons and  
32 associated equipment. The provision includes numerous exemptions, some of  
33 which relate to a broad range of weapons, while others relate to only one specific  
34 type of weapon.<sup>40</sup> Thus, a person interested in the rules applicable to a particular

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

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

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

1 type of weapon may have to read much irrelevant material before finding the  
2 relevant portions of Section 12020.

3 To make it easier for persons to find the relevant rules, the Commission divided  
4 up the substance of Section 12020 according to the type of weapon or equipment  
5 to which it pertains. For example, the rules relating to short-barreled rifles and  
6 short-barreled shotguns would be placed in a chapter with other provisions relating  
7 to those types of weapons.<sup>41</sup> Similarly, the many rules relating to large capacity  
8 magazines would be placed in a chapter on large-capacity magazines.<sup>42</sup>

9 Some of the exemptions in Section 12020 are broad. They pertain to more than  
10 one type of weapon or equipment, and do not clearly specify which items are  
11 within their scope.<sup>43</sup>

12 Ideally, it would be possible to determine which items are covered by a broad  
13 exemption, and to state the exemption in the division, chapter, or article for each  
14 item covered. Because it is not entirely clear which items are covered, however,  
15 the broad exemptions could not be treated in that manner without creating a risk of  
16 a substantive change.<sup>44</sup>

17 Instead, the proposed law would place the broad exemptions in a chapter within  
18 the title on “Weapons Generally.”<sup>45</sup> The entire chapter (as opposed to specific  
19 provisions within the chapter) would be cross-referenced in every section  
20 prohibiting the manufacture, import, sale, gift, loan, or possession of a type of

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

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

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

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

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

....

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

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

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

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

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



1 weapon or equipment that was covered by Section 12020.<sup>46</sup> That would draw  
2 attention to the broad exemptions, without taking a position on whether a  
3 particular exemption pertains to a particular type of weapon or equipment.<sup>47</sup>

4 **Sections 12028 and 12029**

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

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

18 **Section 12078**

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

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46. For example, proposed Section 20610 would state:

20610. *Except as provided in Chapter 1 (commencing with Section 17700) of Division 2 of Title 2, any person in this state who manufactures or causes to be manufactured, imports into the state, keeps for sale, or offers or exposes for sale, or who gives, lends, or possesses any lipstick case knife is punishable by imprisonment in a county jail not exceeding one year or in the state prison.*

(Emphasis added.)

47. The possibility of relocating these provisions could be explored in the future, as a separate law reform project. See discussion of “Minor Clean-up Issues for Possible Future Legislative Attention” *infra* and Appendix B (Item # 80) *infra*.

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

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

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

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

(Emphasis added.)

1 To make the substance of Section 12078 more readily understandable, the  
2 proposed legislation would divide it up, such that each exception is stated in close  
3 proximity to each substantive rule that it modifies. For example, subdivision (e) of  
4 Section 12078 creates an exception relating to gunsmiths: “Section 12071,  
5 subdivisions (c) and (d) of Section 12072, and subdivision (b) of Section 12801  
6 shall not apply to the delivery of a firearm to a gunsmith for service or repair, or to  
7 the return of the firearm to its owner by the gunsmith.” In the proposed legislation,  
8 that exception for gunsmith transactions would be stated in close proximity to (1)  
9 the provisions that would continue Section 12071,<sup>51</sup> (2) the provision that would  
10 continue Section 12072(c),<sup>52</sup> (3) the provision that would continue Section  
11 12072(d),<sup>53</sup> and (4) the provision that would continue Section 12801(b).<sup>54</sup> This  
12 would make it more easily apparent which substantive rules are modified by the  
13 exception.

#### 14 **Unnecessary Cross-References**

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

19 One type of cross-reference that can often be eliminated without affecting the  
20 substance of the law is a cross-reference to an applicable definition. As discussed  
21 above, the proposed law would group most definitions together near the beginning  
22 of proposed Part 6 of the Penal Code, with clear statements indicating the  
23 application of each definition. Each section that uses a defined term would have a  
24 Commission Comment directing the reader to the applicable definition. This

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

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

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

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

1 obviates the need to include a statutory cross-reference whenever a defined term is  
2 used.<sup>55</sup>

### 3 **Conforming Cross-References**

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

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

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

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

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

56. See "Commission Comments" *supra*.

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

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

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

1 addressing such situations, as by providing background information or an  
2 explanation in the Comment to assist readers.<sup>60</sup> Here, as elsewhere, the overriding  
3 principle and intent was to preserve the substance of existing law without  
4 substantive change.<sup>61</sup>

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

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

#### 16 **Provisions That Might Be Obsolete**

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

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

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

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

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

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

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

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

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

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

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

#### 8 **Other Drafting Techniques**

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

### 17 **DISPOSITION TABLE**

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

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

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

30 In conducting this study, the Commission identified a number of minor  
31 problems within Title 2 of Part 4 of the Penal Code, which could not be addressed

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

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

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

1 without potentially raising concerns about a substantive change. Because this  
2 study is strictly nonsubstantive, the proposed law does not include any language to  
3 address those problems.

4 Instead, the Commission has prepared a list of “Minor Clean-up Issues for  
5 Possible Future Legislative Attention.” The proposed law includes an uncodified  
6 provision that would authorize the Commission to study the problems noted in the  
7 list and recommend legislation to correct them. No other authority would be  
8 granted under that provision.

9 The minor clean-up issues are listed in Appendix B. As far as the Commission is  
10 aware, these issues are unlikely to involve significant controversy.

#### 11 DEFERRED OPERATIVE DATE

12 Because of the breadth of the organizational changes that would be made by the  
13 proposed law, the Commission recommends that it be given a deferred operative  
14 date. The proposed law includes an uncodified provision to that effect, delaying  
15 the operation of the proposed law by one year.<sup>70</sup>

16 This deferred operation will provide time for those who work closely with the  
17 affected statutes, including legal publishers, to adjust to the new organization  
18 before it takes effect.

#### 19 REQUEST FOR COMMENTS

20 The Commission solicits comments on this tentative recommendation, in any  
21 format and by whatever means of delivery is most convenient for the person or  
22 organization submitting comments. The Commission recognizes that the tentative  
23 recommendation is lengthy and will be time-consuming to review. Comments of  
24 any nature are encouraged: A single sentence evaluation of the concept of the  
25 proposed reform, a detailed section-by-section analysis of the proposed legislation,  
26 or any other expression of views on the tentative recommendation. It is just as  
27 important to provide positive comments as negative comments. The Commission  
28 considers each comment submitted, and may substantially revise its proposal in  
29 light of the input received.

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70. The proposed section authorizing the Commission to study the minor clean-up issues would not have a deferred operative date.

## APPENDIX A: CORRECTED CROSS-REFERENCES

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

7 Those instances are described in detail below:

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

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

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

3. See proposed Section 26015 *infra*.

4. See proposed Section 26030 *infra*.

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

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5. See proposed Section 26510 *infra*.

6. Emphasis added.

7. See proposed Section 27555 *infra*.

8. See proposed Section 27920 *infra*.

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

10. See proposed Section 29520 *infra*.

11. See 1990 Cal. Stat. ch. 9, § 14.

12. See proposed Section 29700 *infra*.



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

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13. See proposed Section 29705 *infra*.

14. See proposed Section 32110 *infra*.

15. See proposed Section 30520 *infra*.

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

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

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

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

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

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19. See proposed Section 30310 *infra*.

20. See 1995 Cal. Stat. ch. 437, § 6.

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

22. See 1995 Cal. Stat. ch. 437, § 6.

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

24. See proposed Section 22835 *infra*.

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

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

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

10 “Application to purchase”<sup>1</sup>

11 “Assault weapon”<sup>2</sup>

12 “Capacity to accept more than 10 rounds”<sup>3</sup>

13 “Deadly weapon”<sup>4</sup>

14 “Destructive device”<sup>5</sup>

15 “Explosive”<sup>6</sup>

16 “Firearm safety device”<sup>7</sup>

17 “Licensed premises”<sup>8</sup>

18 “Locked container”<sup>9</sup>

19 “Rifle”<sup>10</sup>

20 “Semiautomatic pistol”<sup>11</sup>

21 “Short-barreled rifle”<sup>12</sup>

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

- 1 (11) Penal Code Section 12316(a) defines “bona fide evidence of majority and  
2 identity.” Penal Code Section 12071(c)(1) defines “clear evidence of his or  
3 her identity and age.” The two definitions are different. Consider whether it  
4 is necessary to use two distinct terms with differing definitions.<sup>25</sup>
- 5 (12) Consider whether to revise the definition of “department” to say: “As used  
6 in this part, unless otherwise apparent from the context, ‘department’ means  
7 the Department of Justice.”<sup>26</sup>
- 8 (13) Consider whether to provide separate definitions of the terms “pistol” and  
9 “revolver.”<sup>27</sup>
- 10 (14) Consider whether the definition of “unsafe handgun” should be revised to  
11 improve clarity and readability.<sup>28</sup>
- 12 (15) Consider whether the same definition of “furnishes” should be used in the  
13 provisions relating to (1) furnishing tear gas or a tear gas weapon to a minor,  
14 (2) furnishing a stun gun to a minor, and (3) furnishing a BB device to a  
15 minor.<sup>29</sup>
- 16 (16) Consider whether and, if so, how, to define “.50 BMG Rifle” for purposes of  
17 Penal Code Section 12022.5.<sup>30</sup>
- 18 (17) Consider whether to revise the definition of “agent.”<sup>31</sup>
- 19 (18) It is unclear which definition of “imitation firearm” applies in Penal Code  
20 Section 12553(b).<sup>32</sup> Consider how to eliminate this ambiguity.
- 21 (19) It is unclear whether the definition of “imitation firearm” in Penal Code  
22 Section 12550(c) is meant to apply to Penal Code Section 12555 to any  
23 extent.<sup>33</sup> Consider how to eliminate this ambiguity.
- 24 (20) Consider whether to clarify which definition of “licensee” applies to Penal  
25 Code Section 12086.<sup>34</sup>
- 26 (21) Consider whether to clarify the intended scope of the definition of “secured”  
27 now found in Penal Code Section 12071(b)(20)(G)(ii).<sup>35</sup>

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

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

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

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

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

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

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

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

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

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

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

- 1 (22) Consider whether the definition of “ammunition” in Penal Code Section  
2 12316(b)(2) should be extended to apply to Penal Code Section 12316(d),  
3 and perhaps elsewhere.<sup>36</sup>
- 4 (23) Consider whether Welfare and Institutions Code Section 676(a)(24) should  
5 be revised to refer to the definition of “assault weapon” now found in Penal  
6 Code Section 12276.1, as well as the definition of “assault weapon” now  
7 found in Penal Code Section 12276.<sup>37</sup>
- 8 (24) Consider whether Welfare and Institutions Code Section 8104 should be  
9 revised to refer to the definition of “assault weapon” now found in Penal  
10 Code Section 12276.1, as well as the definition of “assault weapon” now  
11 found in Penal Code Section 12276.<sup>38</sup>
- 12 (25) Consider whether to rename the “certificate of eligibility” referred to in  
13 Penal Code Section 12071.1 and the “certificate of eligibility” referred to in  
14 Penal Code Section 12071(a), to prevent confusion.<sup>39</sup>
- 15 (26) Consider whether to standardize the references to “facilities manager” and  
16 “facility’s manager” in Penal Code Section 12071.1.<sup>40</sup>
- 17 (27) Consider whether to standardize the references to “applied orally” and  
18 “administered orally” in Penal Code Section 12804(c).<sup>41</sup>
- 19 (28) The second sentence of Penal Code Section 12028.5(g) refers to a “family  
20 violence incident,” not a “domestic violence incident.” Consider whether to  
21 replace “family violence incident” with “domestic violence incident.”<sup>42</sup>
- 22 (29) Article 8 of Chapter 6 of Title 2 of Part 4 (i.e., Penal Code §§ 12800-12809)  
23 is sloppy in referring to instructors.<sup>43</sup> Consider whether and, if so, how, to  
24 address this problem.
- 25 (30) In Title 2 of Part 4 of the Penal Code, the usage of “dealer,” “licensee,” and  
26 similar terms is potentially confusing.<sup>44</sup> Consider whether and, if so, how, to  
27 address this problem.
- 28 (31) Consider, on a case-by-case basis, whether references to “pistol, revolver, or  
29 firearm capable of being concealed upon the person” should be replaced  
30 with the term “handgun.”<sup>45</sup>

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

- 1 (43) Consider whether Penal Code Sections 12132(c) and (g) are unnecessarily  
2 redundant to some extent.<sup>57</sup>
- 3 (44) Consider whether Penal Code Sections 12021.3(a)(1)(G) and 12021.3(a)(3)  
4 are unnecessarily redundant to some extent, and whether one or both of  
5 these provisions should be revised to improve clarity.<sup>58</sup>
- 6 (45) Consider whether the language now in Penal Code Sections 12280(n), (o),  
7 and (p) contains redundancies, and whether that language could be improved  
8 to make it more readily understandable.<sup>59</sup>
- 9 (46) Consider whether the language now in Penal Code Section 12021.3(a)(2)  
10 contains a redundancy, and whether to correct the grammatical structure of  
11 that provision.<sup>60</sup>
- 12 (47) Consider whether Penal Code Section 12021.3(a)(2) and (i)(1) are  
13 unnecessarily redundant to some extent.<sup>61</sup>
- 14 (48) Consider whether Penal Code Section 12021.3(b)(3) and (i)(2) are  
15 unnecessarily redundant to some extent.<sup>62</sup>
- 16 (49) Consider whether Penal Code Section 12021.3(j)(2)(D) and (3) are  
17 unnecessarily redundant to some extent.<sup>63</sup>
- 18 (50) Consider whether the language now found in Penal Code Section  
19 12021.3(i)(4) should be deleted because it is redundant with the language  
20 now found in Penal Code Section 12078(j).<sup>64</sup>
- 21 (51) Consider whether the language now found in Penal Code Section  
22 12807(b)(2) should be revised to eliminate an accidental phrase repetition.<sup>65</sup>
- 23 (52) Consider whether it is necessary to refer to the “successor” of 27 C.F.R. §  
24 478.11 in Penal Code Section 12078(t)(1) & (2).<sup>66</sup>
- 25 (53) Consider whether it is necessary to refer to the “successor” of 27 C.F.R. §  
26 478.100 in Penal Code Sections 12071(e)(3)(C) and 12071(b)(1)(B).<sup>67</sup>

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56. See Commission Staff Memorandum 2009-15, pp. 7-8.

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

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

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

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

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

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

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

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

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

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

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



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

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

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

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

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

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

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

74. Emphasis added.

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

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

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

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

- 1 (65) Consider whether to revise the language now found in Penal Code Section  
2 12130(b), to improve clarity.<sup>79</sup>
- 3 (66) Consider whether to revise the language now found in Penal Code Section  
4 12301(a)(3), to improve clarity.<sup>80</sup>
- 5 (67) Consider whether to replace “those firearms” with “handguns” in what is  
6 now Penal Code Section 12800, to improve clarity.<sup>81</sup>
- 7 (68) Consider whether to revise the language now found in Penal Code Section  
8 12804(e), to improve clarity.<sup>82</sup>
- 9 (69) Consider whether the language now found in Penal Code Section 12001.1(b)  
10 could be simplified without any change in meaning.<sup>83</sup>
- 11 (70) Consider whether the language now found in Penal Code Section 12088.5  
12 should be reworded to improve readability without any change in meaning.<sup>84</sup>
- 13 (71) Consider whether the language now found in Penal Code Section  
14 12071.4(i)-(j) should be revised to improve clarity and readability.<sup>85</sup>
- 15 (72) Consider whether Penal Code Section 12101(a)(2)(A) should refer to “the  
16 use of a firearm” instead of “this use of a firearm.” Also consider whether to  
17 simplify Penal Code Section 12101(a)(2)(A)-(D) without changing the  
18 substance.<sup>86</sup>
- 19 (73) Penal Code Section 12027(c) refers to “those weapons.” Consider whether  
20 to replace that phrase with a more precise phrase.<sup>87</sup>
- 21 (74) Consider whether the language now in Penal Code Section 12050(f)(4)(B)  
22 should be revised to better reflect its intent.<sup>88</sup>
- 23 (75) Consider whether the language now in the first sentence of Penal Code  
24 Section 12071(b)(14) should be revised to better reflect its intent.<sup>89</sup>
- 25 (76) Consider whether the language now found in Penal Code Section  
26 12076(d)(2), relating to use of the NICS system, should be revised so that  
27 the provision better reflects its intent.<sup>90</sup>

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

- 1 (86) Consider why the first sentence of Penal Code Section 12071.4(h) refers to  
2 the grandparent of a person under age 18, but the second sentence does  
3 not.<sup>100</sup>
- 4 (87) Consider whether Penal Code Section 12078(a)(8) should refer to an  
5 “authorized law enforcement representative” instead of “an authorized law  
6 enforcement agency.”<sup>101</sup>
- 7 (88) Consider whether Penal Code Section 12078(i)(2)(A) should refer to “report  
8 forms” instead of “reports.”<sup>102</sup>
- 9 (89) Penal Code Section 12071(b)(3)(D) refers to a person “prohibited by state or  
10 federal law from processing, owning, purchasing, or receiving a firearm.”  
11 Consider whether the phrase “processing, owning, purchasing, or receiving”  
12 should be replaced with “possessing, receiving, owning, or purchasing.”<sup>103</sup>
- 13 (90) Consider whether Penal Code Sections 12101(a)(2), (b)(2), and (c)(1)  
14 should be revised to replace “one of the following” with “any of the  
15 following.”<sup>104</sup>
- 16 (91) Consider whether the introduction to Penal Code Section 12276.1 should be  
17 revised to replace “either of the following” with “any of the following.”<sup>105</sup>
- 18 (92) Consider whether to delete “in Sacramento” from Penal Code Section  
19 12076(b)(3) & (c)(2), to fix a chaptering out problem.<sup>106</sup>
- 20 (93) Consider how to designate the unlabeled paragraph now found in Penal  
21 Code Section 12370(b), and how to conform the references to “this  
22 paragraph.”<sup>107</sup>
- 23 (94) Some of the provisions in Title 2 of Part 4 of the Penal Code apply in the  
24 probate context, but do not apply to other types of at-death transfers.<sup>108</sup>  
25 Consider whether to extend some or all of these provisions to all types of at-  
26 death transfers.<sup>109</sup>

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

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

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

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

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

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

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

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

108. See, e.g., Penal Code §§ 12020(b)(7)-(8), 12070(b)(3), 12280(i), 12281(f)(2), 12285(b)(1) & (3).

109. See Commission Staff Memorandum 2009-4, Attachment pp. 16-17, 28, 30; Commission Staff Memorandum 2008-49, Attachment p. 7.

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## PROPOSED LEGISLATION

**Note.** All of the proposed provisions would be located in the Penal Code. All references are to the Penal Code unless otherwise noted.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

6 TITLE 2. SENTENCE ENHANCEMENTS

7 **§ 12001. “Firearm”**

8 12001. As used in this title, “firearm” has the meaning provided in subdivision  
9 (a) of Section 16520.

10 **Comment.** Section 12001 continues the definition of “firearm” provided in former Section  
11 12001(b), without substantive change.

12 **§ 12003. Severability of provisions**

13 12003. If any section, subsection, sentence, clause or phrase of this title or any  
14 other provision listed in Section 16580 is for any reason held to be  
15 unconstitutional, that decision shall not affect the validity of the remaining  
16 portions of this title or any other provision listed in Section 16580. The Legislature  
17 hereby declares that it would have passed this title and any other provision listed  
18 in Section 16580, and each section, subsection, sentence, clause and phrase  
19 thereof, irrespective of the fact that any one or more other sections, subsections,  
20 sentences, clauses or phrases be declared unconstitutional.

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

22 **§ 12021.5. Weapon enhancement for street gang crime**

23 12021.5. (a) Every person who carries a loaded or unloaded firearm on his or her  
24 person, or in a vehicle, during the commission or attempted commission of any  
25 street gang crimes described in subdivision (a) or (b) of Section 186.22, shall,  
26 upon conviction of the felony or attempted felony, be punished by an additional  
27 term of imprisonment in the state prison for one, two, or three years in the court’s  
28 discretion. The court shall impose the middle term unless there are circumstances  
29 in aggravation or mitigation. The court shall state the reasons for its enhancement  
30 choice on the record at the time of sentence.

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



1 court shall state the reasons for its enhancement choice on the record at the time of  
2 sentence.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

37 **§ 12022. Armed with firearm or personal use of deadly or dangerous weapon**

38 12022. (a)(1) Except as provided in subdivisions (c) and (d), any person who is  
39 armed with a firearm in the commission of a felony or attempted felony shall be  
40 punished by an additional and consecutive term of imprisonment in the state  
41 prison for one year, unless the arming is an element of that offense. This additional  
42 term shall apply to any person who is a principal in the commission of a felony or

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

3 (2) Except as provided in subdivision (c), and notwithstanding subdivision (d), if  
4 the firearm is an assault weapon, as defined in Section 30510 or Section 30515, or  
5 a machinegun, as defined in Section 16880, or a .50 BMG rifle, as defined in  
6 Section 30530, the additional and consecutive term described in this subdivision  
7 shall be three years whether or not the arming is an element of the offense of  
8 which the person was convicted. The additional term provided in this paragraph  
9 shall apply to any person who is a principal in the commission of a felony or  
10 attempted felony if one or more of the principals is armed with an assault weapon  
11 or machinegun, or a .50 BMG rifle, whether or not the person is personally armed  
12 with an assault weapon or machinegun, or a .50 BMG rifle.

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

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

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

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

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

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

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

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

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

6 **§ 12022.1. Secondary offense**

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

1    **§ 12022.4. Furnishing firearm**

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

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

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

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

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

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

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

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

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

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

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

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

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

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

6 (1) Section 187 (murder).

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

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

9 (4) Section 211 (robbery).

10 (5) Section 215 (carjacking).

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

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

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

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

16 (10) Section 286 (sodomy).

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

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

19 (13) Section 289 (sexual penetration).

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

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

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

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

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

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

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

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

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

1 (A) The person violated subdivision (b) of Section 186.22.

2 (B) Any principal in the offense committed any act specified in subdivision (b),  
3 (c), or (d).

4 (2) An enhancement for participation in a criminal street gang pursuant to  
5 Chapter 11 (commencing with Section 186.20) of Title 7 of Part 1 shall not be  
6 imposed on a person in addition to an enhancement imposed pursuant to this  
7 subdivision, unless the person personally used or personally discharged a firearm  
8 in the commission of the offense.

9 (f) Only one additional term of imprisonment under this section shall be  
10 imposed per person for each crime. If more than one enhancement per person is  
11 found true under this section, the court shall impose upon that person the  
12 enhancement that provides the longest term of imprisonment. An enhancement  
13 involving a firearm specified in Section 12021.5, 12022, 12022.3, 12022.4,  
14 12022.5, or 12022.55 shall not be imposed on a person in addition to an  
15 enhancement imposed pursuant to this section. An enhancement for great bodily  
16 injury as defined in Section 12022.7, 12022.8, or 12022.9 shall not be imposed on  
17 a person in addition to an enhancement imposed pursuant to subdivision (d).

18 (g) Notwithstanding any other provision of law, probation shall not be granted  
19 to, nor shall the execution or imposition of sentence be suspended for, any person  
20 found to come within the provisions of this section.

21 (h) Notwithstanding Section 1385 or any other provision of law, the court shall  
22 not strike an allegation under this section or a finding bringing a person within the  
23 provisions of this section.

24 (i) The total amount of credits awarded pursuant to Article 2.5 (commencing  
25 with Section 2930) of Chapter 7 of Title 1 of Part 3 or pursuant to Section 4019 or  
26 any other provision of law shall not exceed 15 percent of the total term of  
27 imprisonment imposed on a defendant upon whom a sentence is imposed pursuant  
28 to this section.

29 (j) For the penalties in this section to apply, the existence of any fact required  
30 under subdivision (b), (c), or (d) shall be alleged in the accusatory pleading and  
31 either admitted by the defendant in open court or found to be true by the trier of  
32 fact. When an enhancement specified in this section has been admitted or found to  
33 be true, the court shall impose punishment for that enhancement pursuant to this  
34 section rather than imposing punishment authorized under any other provision of  
35 law, unless another enhancement provides for a greater penalty or a longer term of  
36 imprisonment.

37 (k) When a person is found to have used or discharged a firearm in the  
38 commission of an offense that includes an allegation pursuant to this section and  
39 the firearm is owned by that person, a coparticipant, or a coconspirator, the court  
40 shall order that the firearm be deemed a nuisance and disposed of in the manner  
41 provided in Sections 18000 and 18005.

42 (l) The enhancements specified in this section shall not apply to the lawful use  
43 or discharge of a firearm by a public officer, as provided in Section 196, or by any

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

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

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

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

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

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

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

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

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

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

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

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

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

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



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

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

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

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

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

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

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

25 **§ 12022.7. Great bodily injury**

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

16 (1) Rape in violation of Section 261.

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

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

20 (4) Sodomy in violation of Section 286.

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

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

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

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

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

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

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

38 **§ 12022.95. Injury to child**

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

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

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

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

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

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

15 **TITLE 1. PRELIMINARY PROVISIONS**

16 **DIVISION 1. GENERAL PROVISIONS**

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

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

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

25 **§ 16005. Nonsubstantive reform**

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

1 § 16025. **Constitutionality**

2 16025. (a) A judicial decision determining the constitutionality of a previously  
3 existing provision is relevant in determining the constitutionality of a provision of  
4 this part that restates and continues that previously existing provision.

5 (b) However, in enacting the Deadly Weapons Recodification Act of 2012, the  
6 Legislature has not evaluated the constitutionality of any provision affected by the  
7 act, or the correctness of any judicial decision determining the constitutionality of  
8 any provision affected by the act.

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

12 **Comment.** Subdivision (a) of Section 16025 makes clear that case law determining the  
13 constitutionality of a predecessor provision is relevant in determining the constitutionality of its  
14 successor in this part.

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

17 DIVISION 2. DEFINITIONS

18 § 16100. **“.50 BMG cartridge”**

19 16100. Use of the term “.50 BMG cartridge” is governed by Section 30525.

20 **Comment.** Section 16100 is new. It is intended to help persons locate the definition of “.50  
21 BMG cartridge.”

22 § 16110. **“.50 BMG rifle”**

23 16110. Use of the term “.50 BMG rifle” is governed by Section 30530.

24 **Comment.** Section 16110 is new. It is intended to help persons locate the definition of “.50  
25 BMG rifle.”

26 § 16120. **“Abuse”**

27 16120. As used in this part, “abuse” means any of the following:

28 (a) Intentionally or recklessly to cause or attempt to cause bodily injury.

29 (b) Sexual assault.

30 (c) To place a person in reasonable apprehension of imminent serious bodily  
31 injury to that person or to another.

32 (d) To molest, attack, strike, stalk, destroy personal property, or violate the  
33 terms of a domestic violence protective order issued pursuant to Part 4  
34 (commencing with Section 6300) of Division 10 of the Family Code.

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

36 § 16130. **“Agent”**

37 16130. As used in Section 26915, “agent” means an employee of the licensee.

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

1    **§ 16140. “Air gauge knife”**

2       16140. As used in this part, “air gauge knife” means a device that appears to be  
3    an air gauge but has concealed within it a pointed, metallic shaft that is designed to  
4    be a stabbing instrument which is exposed by mechanical action or gravity which  
5    locks into place when extended.

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

7    **§ 16150. “Ammunition”**

8       16150. (a) As used in Section 30300, “ammunition” means handgun ammunition  
9    as defined in Section 16650.

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

14     **Comment.** Subdivision (a) of Section 16150 continues the second sentence of former Section  
15    12316(a)(1)(B) without substantive change.

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

17    **§ 16160. “Antique cannon”**

18     16160. As used in this part, “antique cannon” means any cannon manufactured  
19    before January 1, 1899, which has been rendered incapable of firing or for which  
20    ammunition is no longer manufactured in the United States and is not readily  
21    available in the ordinary channels of commercial trade.

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

24    **§ 16170. “Antique firearm”**

25     16170. (a) As used in Sections 30515 and 30530, “antique firearm” means any  
26    firearm manufactured before January 1, 1899.

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

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

32       (1) Any firearm not designed or redesigned for using rimfire or conventional  
33    center fire ignition with fixed ammunition and manufactured in or before 1898.  
34    This includes any matchlock, flintlock, percussion cap, or similar type of ignition  
35    system or replica thereof, whether actually manufactured before or after the year  
36    1898.

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

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

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

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

5 See Section 16520 (“firearm”).

6 **§ 16180. “Antique rifle”**

7 16180. As used in this part, “antique rifle” means a firearm conforming to the  
8 definition of an “antique firearm” in Section 479.11 of Title 27 of the Code of  
9 Federal Regulations.

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

12 See Section 16520 (“firearm”).

13 **§ 16190. “Application to purchase”**

14 16190. As used in Article 1 (commencing with Section 26700) and Article 2  
15 (commencing with Section 26800) of Chapter 2 of Division 6 of Title 4, and in  
16 Article 1 (commencing with Section 27500) of Chapter 4 of Division 6 of Title 4,  
17 “application to purchase” means either of the following:

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

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

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

24 See Section 16520 (“firearm”).

25 **§ 16200. “Assault weapon”**

26 16200. Use of the term “assault weapon” is governed by Sections 30510 and  
27 30515.

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

30 **§ 16220. “Ballistic knife”**

31 16220. As used in this part, “ballistic knife” means a device that propels a  
32 knifelike blade as a projectile by means of a coil spring, elastic material, or  
33 compressed gas. Ballistic knife does not include any device that propels an arrow  
34 or a bolt by means of any common bow, compound bow, crossbow, or underwater  
35 speargun.

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

37 **§ 16230. “Ballistics identification system”**

38 16230. As used in this part, “ballistics identification system” includes, but is not  
39 limited to, any automated image analysis system that is capable of storing firearm  
40 ballistic markings and tracing those markings to the firearm that produced them.



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

2       **§ 16240. “Basic firearms safety certificate”**

3       16240. As used in this part, “basic firearms safety certificate” means a certificate  
4 issued by the Department of Justice pursuant to former Article 8 (commencing  
5 with Section 12800) of Chapter 6 of Title 2 of Part 4, before January 1, 2003.

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

7       **§ 16250. “BB device”**

8       16250. As used in this part, “BB device” means any instrument that expels a  
9 projectile, such as a BB or a pellet, not exceeding 6mm caliber, through the force  
10 of air pressure, gas pressure, or spring action, or any spot marker gun.

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

13       **§ 16260. “Belt buckle knife”**

14       16260. As used in this part, “belt buckle knife” is a knife which is made an  
15 integral part of a belt buckle and consists of a blade with a length of at least 2½  
16 inches.

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

18       **§ 16270. “Blowgun”**

19       16270. As used in this part, “blowgun” means a hollow tube designed and  
20 intended to be used as a tube through which a dart is propelled by the force of the  
21 breath of the user.

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

23       **§ 16280. “Blowgun ammunition”**

24       16280. As used in this part, “blowgun ammunition” means a dart designed and  
25 intended for use in a blowgun.

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

28       **§ 16290. “Body vest” or “body shield”**

29       16290. As used in this part, “body vest” or “body shield” means any bullet-  
30 resistant material intended to provide ballistic and trauma protection for the wearer  
31 or holder.

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

33       **§ 16300. “Bona fide evidence of majority and identity”**

34       16300. As used in this part, “bona fide evidence of majority and identity” means  
35 a document issued by a federal, state, county, or municipal government, or  
36 subdivision or agency thereof, including, but not limited to, a motor vehicle  
37 operator’s license, California state identification card, identification card issued to

1 a member of the armed forces, or other form of identification that bears the name,  
2 date of birth, description, and picture of the person.

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

5 **§ 16310. “Boobytrap”**

6 16310. As used in this part, “boobytrap” means any concealed or camouflaged  
7 device designed to cause great bodily injury when triggered by an action of any  
8 unsuspecting person coming across the device. Boobytraps may include, but are  
9 not limited to, guns, ammunition, or explosive devices attached to trip wires or  
10 other triggering mechanisms, sharpened stakes, and lines or wire with hooks  
11 attached.

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

13 **§ 16320. “Camouflaging firearm container”**

14 16320. (a) As used in this part, “camouflaging firearm container” means a  
15 container that meets all of the following criteria:

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

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

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

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

23 **Comment.** Section 16320 continues former Section 12020(c)(9) without substantive change.

24 See Section 16520 (“firearm”).

25 **§ 16330. “Cane gun”**

26 16330. As used in this part, “cane gun” means any firearm mounted or enclosed  
27 in a stick, staff, rod, crutch, or similar device, designed to be, or capable of being  
28 used as, an aid in walking, if the firearm may be fired while mounted or enclosed  
29 therein.

30 **Comment.** Section 16330 continues former Section 12020(c)(5) without substantive change.

31 See Section 16520 (“firearm”).

32 **§ 16340. “Cane sword”**

33 16340. As used in this part, “cane sword” means a cane, swagger stick, stick,  
34 staff, rod, pole, umbrella, or similar device, having concealed within it a blade that  
35 may be used as a sword or stiletto.

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

37 **§ 16350. “Capacity to accept more than 10 rounds”**

38 16350. As used in 30515, “capacity to accept more than 10 rounds” means  
39 capable of accommodating more than 10 rounds. The term does not apply to a

1 feeding device that has been permanently altered so that it cannot accommodate  
2 more than 10 rounds.

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

4 **§ 16360. “CCW”**

5 16360. As used in this part, “CCW” means “carry concealed weapons.”

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

8 **§ 16370. “Certified instructor” or “DOJ Certified Instructor”**

9 16370. As used in Sections 31610 to 31700, inclusive, “certified instructor” or  
10 “DOJ Certified Instructor” means a person designated as a handgun safety  
11 instructor by the Department of Justice pursuant to subdivision (a) of Section  
12 31635.

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

14 **§ 16380. “Chamber load indicator”**

15 16380. As used in this part, “chamber load indicator” means a device that  
16 plainly indicates that a cartridge is in the firing chamber. A device satisfies this  
17 definition if it is readily visible, has incorporated or adjacent explanatory text or  
18 graphics, or both, and is designed and intended to indicate to a reasonably  
19 foreseeable adult user of the pistol, without requiring the user to refer to a user’s  
20 manual or any other resource other than the pistol itself, whether a cartridge is in  
21 the firing chamber.

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

24 **§ 16400. “Clear evidence of the person’s identity and age”**

25 16400. As used in this part, “clear evidence of the person’s identity and age”  
26 means either of the following:

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

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

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

31 **§ 16410. “Consultant-evaluator”**

32 16410. As used in this part, “consultant-evaluator” means a consultant or  
33 evaluator who, in the course of that person’s profession is loaned firearms from a  
34 person licensed pursuant to Chapter 44 (commencing with Section 921) of Title 18  
35 of the United States Code and the regulations issued pursuant thereto, for research  
36 or evaluation, and has a current certificate of eligibility issued pursuant to Section  
37 26710.

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

1    **§ 16420. “Dagger”**

2       16420. Use of the term “dagger” is governed by Section 16470.

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

5    **§ 16430. “Deadly weapon”**

6       16430. As used in Division 4 (commencing with Section 18250) of Title 2,  
7       “deadly weapon” means any weapon, the possession or concealed carrying of  
8       which is prohibited by any provision listed in Section 16590.

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

10   **§ 16440. “Dealer”**

11       16440. Use of the term “dealer” is governed by Section 26700.

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

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

15   **§ 16450. “Department”**

16       16450. As used in Sections 31610 to 31700, inclusive, and in Chapter 2  
17       (commencing with Section 29030) of Division 7 of Title 4, “department” means  
18       the Department of Justice.

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

21   **§ 16460. “Destructive device”**

22       16460. (a) As used in Sections 16510, 16520, and 16780, and in Chapter 1  
23       (commencing with Section 18710) of Division 5 of Title 2, “destructive device”  
24       includes any of the following weapons:

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

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

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

36       (4) Any rocket, rocket-propelled projectile, or similar device of a diameter  
37       greater than 0.60 inch, or any launching device therefor, and any rocket, rocket-  
38       propelled projectile, or similar device containing any explosive or incendiary  
39       material or any other chemical substance, other than the propellant for that device,

1 except those devices as are designed primarily for emergency or distress signaling  
2 purposes.

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

7 (6) Any sealed device containing dry ice (CO<sub>2</sub>) or other chemically reactive  
8 substances assembled for the purpose of causing an explosion by a chemical  
9 reaction.

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

12 **Comment.** Subdivision (a) of Section 16460 continues former Section 12301(a)(1)-(2) & (4)-  
13 (6) without substantive change. Subdivision (a) also continues the first sentence of former Section  
14 12301(a)(3) without substantive change. See also former Section 12601(b)(6) and the first  
15 sentence of former Section 12030(d), which used the same definition of “destructive device.”

16 Subdivision (b) continues the second sentence of the second paragraph of former Section  
17 12020(a)(4) without substantive change.

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

19 **§ 16470. “Dirk” or “dagger”**

20 16470. As used in this part, “dirk” or “dagger” means a knife or other instrument  
21 with or without a handguard that is capable of ready use as a stabbing weapon that  
22 may inflict great bodily injury or death. A nonlocking folding knife, a folding  
23 knife that is not prohibited by Section 21510, or a pocketknife is capable of ready  
24 use as a stabbing weapon that may inflict great bodily injury or death only if the  
25 blade of the knife is exposed and locked into position.

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

28 **§ 16480. “DOJ Certified Instructor”**

29 16480. Use of the term “DOJ Certified Instructor” is governed by Section  
30 16370.

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

33 **§ 16490. “Domestic violence”**

34 16490. As used in this part, “domestic violence” means abuse perpetrated  
35 against any of the following persons:

36 (a) A spouse or former spouse.

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

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

41 (d) A person with whom the respondent has had a child, where the presumption  
42 applies that the male parent is the father of the child of the female parent under the

1 Uniform Parentage Act (Part 3 (commencing with Section 7600) of Division 12 of  
2 the Family Code).

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

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

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

9 **§ 16500. “Drop safety requirement for handguns”**

10 16500. Use of the phrase “drop safety requirement for handguns” is governed by  
11 Section 31900.

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

14 **§ 16510. “Explosive”**

15 16510. As used in Section 16460 and Chapter 1 (commencing with Section  
16 18710) of Division 5 of Title 2, “explosive” means any substance, or combination  
17 of substances, the primary or common purpose of which is detonation or rapid  
18 combustion, and which is capable of a relatively instantaneous or rapid release of  
19 gas and heat, or any substance, the primary purpose of which, when combined  
20 with others, is to form a substance capable of a relatively instantaneous or rapid  
21 release of gas and heat. “Explosive” includes, but is not limited to, any explosive  
22 as defined in Section 841 of Title 18 of the United States Code and published  
23 pursuant to Section 555.23 of Title 27 of the Code of Federal Regulations, and any  
24 of the following:

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

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

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

32 (d) Any material designated as an explosive by the State Fire Marshal. The  
33 designation shall be made pursuant to the classification standards established by  
34 the United States Department of Transportation. The State Fire Marshal shall  
35 adopt regulations in accordance with the Government Code to establish procedures  
36 for the classification and designation of explosive materials or explosive devices  
37 that are not under the jurisdiction of the United States Department of  
38 Transportation pursuant to provisions of Section 841 of Title 18 of the United  
39 States Code and published pursuant to Section 555.23 of Title 27 of the Code of  
40 Federal Regulations that define explosives.

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

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

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

13 See Section 16460 (“destructive device”).

14 **§ 16520. “Firearm”**

15 16520. (a) As used in this part, “firearm” means any device, designed to be used  
16 as a weapon, from which is expelled through a barrel, a projectile by the force of  
17 any explosion or other form of combustion.

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

20 (1) Section 16550.

21 (2) Section 16730.

22 (3) Section 16960.

23 (4) Section 16990.

24 (5) Section 17070.

25 (6) Section 17310.

26 (7) Sections 26500 to 26585, inclusive.

27 (8) Sections 26600 to 27140, inclusive.

28 (9) Sections 27400 to 28000, inclusive.

29 (10) Section 28100.

30 (11) Sections 28400 to 28415, inclusive.

31 (12) Sections 29010 to 29150, inclusive.

32 (13) Sections 29610 to 29750, inclusive.

33 (14) Sections 29800 to 29905, inclusive.

34 (15) Sections 30150 to 30165, inclusive.

35 (16) Section 31615.

36 (17) Sections 31705 to 31830, inclusive.

37 (18) Sections 34355 to 34370, inclusive.

38 (19) Sections 8100, 8101, and 8103 of the Welfare and Institutions Code.

39 (c) As used in the following provisions, “firearm” also includes any rocket,  
40 rocket propelled projectile launcher, or similar device containing any explosive or  
41 incendiary material whether or not the device is designed for emergency or  
42 distress signaling purposes:

43 (1) Section 16750.

- 1 (2) Subdivision (b) of Section 16840.
- 2 (3) Section 25400.
- 3 (4) Sections 25850 to 26025, inclusive.
- 4 (5) Subdivisions (a), (b), and (c) of Section 26030.
- 5 (6) Sections 26035 to 26055, inclusive.
- 6 (d) As used in the following provisions, “firearm” does not include an unloaded
- 7 antique firearm:
  - 8 (1) Subdivisions (a) and (c) of Section 16730.
  - 9 (2) Section 16550.
  - 10 (3) Section 16960.
  - 11 (4) Section 17310.
  - 12 (5) Sections 26500 to 26585, inclusive.
  - 13 (6) Sections 26700 to 26915, inclusive.
  - 14 (7) Section 27510.
  - 15 (8) Section 27530.
  - 16 (9) Section 27540.
  - 17 (10) Section 27545.
  - 18 (11) Sections 27555 to 27570, inclusive.
  - 19 (12) Sections 29010 to 29150, inclusive.
- 20 (e) As used in Sections 34005 and 34010, “firearm” does not include a
- 21 destructive device.
- 22 (f) As used in Sections 17280 and 24680, “firearm” has the same meaning as in
- 23 Section 922 of Title 18 of the United States Code.
- 24 (g) As used in Sections 29010 to 29150, inclusive, “firearm” includes the
- 25 unfinished frame or receiver of a weapon that can be readily converted to the
- 26 functional condition of a finished frame or receiver.
- 27 **Comment.** Subdivision (a) of Section 16520 continues former Sections 12001(b) and 12550(b)
- 28 without substantive change, for purposes of “Part 6. Control of Deadly Weapons.” See also
- 29 Section 12001, which continues former Section 12001(b) without substantive change, for
- 30 purposes of “Title 2. Sentencing Enhancements” of “Part 4. Prevention of Crimes and
- 31 Apprehension of Criminals.”
- 32 Subdivision (b) continues former Section 12001(c) and former Section 12085(e)(1) without
- 33 substantive change.
- 34 Subdivision (c) continues former Section 12001(d) without substantive change.
- 35 Subdivision (d) continues former Section 12001(e) and former Section 12085(e)(3) without
- 36 substantive change. See Section 16170 (“antique firearm”).
- 37 Subdivision (e) continues the fourth sentence of former Section 12030(d) without substantive
- 38 change. See Section 16460 (“destructive device”).
- 39 With respect to the definition of “firearm,” subdivision (f) continues the first paragraph of
- 40 former Section 12020(c)(22)(C) without substantive change.
- 41 Subdivision (g) continues former Section 12085(e)(2) without substantive change.

42 **§ 16530. “Firearm capable of being concealed upon the person,” “pistol,” and “revolver”**

43 16530. (a) As used in this part, the terms “firearm capable of being concealed

44 upon the person,” “pistol,” and “revolver” apply to and include any device

45 designed to be used as a weapon, from which is expelled a projectile by the force



1 of any explosion, or other form of combustion, and that has a barrel less than 16  
2 inches in length. These terms also include any device that has a barrel 16 inches or  
3 more in length which is designed to be interchanged with a barrel less than 16  
4 inches in length.

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

8 **Comment.** Subdivision (a) of Section 16530 continues former Section 12001(a)(1) without  
9 substantive change. See also former Sections 12126(e), 12323(a), and 12601(b)(1), and the  
10 introductory clause of former Section 12126, all of which referred to the definition in Section  
11 12001.

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

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

18 **§ 16540. “Firearm safety device”**

19 16540. As used in Division 2 (commencing with Section 23620) of Title 4,  
20 “firearm safety device” means a device other than a gun safe that locks and is  
21 designed to prevent children and unauthorized users from firing a firearm. The  
22 device may be installed on a firearm, be incorporated into the design of the  
23 firearm, or prevent access to the firearm.

24 **Comment.** Section 16540 continues former Section 12087.6(a) without substantive change.  
25 See Sections 16520 (“firearm”), 16610 (“gun safe”).

26 **§ 16550. “Firearm transaction record”**

27 16550. As used in this part, “firearm transaction record” is a record containing  
28 the same information referred to in subdivision (a) of Section 478.124, Section  
29 478.124a, and subdivision (e) of Section 478.125 of Title 27 of the Code of  
30 Federal Regulations.

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

33 **§ 16560. “Firing requirement for handguns”**

34 16560. Use of the phrase “firing requirement for handguns” is governed by  
35 Section 31905.

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

38 **§ 16570. “Flechette dart”**

39 16570. As used in this part, “flechette dart” means a dart, capable of being fired  
40 from a firearm, that measures approximately one inch in length, with tail fins that  
41 take up approximately five-sixteenths of an inch of the body.

42 **Comment.** Section 16570 continues former Section 12020(c)(6) without substantive change.

1 See Section 16520 (“firearm”).

2 **§ 16575. “Former Article 4 of Chapter 1 provisions”**

3 16575. (a) Except as stated in subdivision (c), the following provisions were  
4 formerly included in Article 4 (commencing with Section 12070) of Chapter 1 of  
5 Title 2 of Part 4, which was entitled “Licenses to Sell Firearms”:

6 (1) Section 16130.

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

9 (3) Section 16400.

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

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

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

15 (7) Section 16550.

16 (8) Section 16620.

17 (9) Section 16720.

18 (10) Section 16730.

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

21 (12) Section 16800.

22 (13) Section 16810.

23 (14) Section 16960.

24 (15) Section 16990.

25 (16) Section 17110.

26 (17) Section 17310.

27 (18) Sections 26500 to 26585, inclusive.

28 (19) Sections 26600 to 28940, inclusive.

29 (20) Chapter 2 (commencing with Section 29030) of Division 7 of Title 4.

30 (21) Chapter 2 (commencing with Section 29500) of Division 8 of Title 4.

31 (22) Section 29010.

32 (23) Section 30105.

33 (24) Sections 30150 to 30165, inclusive.

34 (25) Sections 31705 to 31830, inclusive.

35 (26) Section 32315.

36 (27) Section 34205.

37 (28) Sections 34350 to 34370, inclusive.

38 (b) Except as stated in subdivision (c), the provisions listed in subdivision (a)  
39 may be referred to as “former Article 4 of Chapter 1 provisions.”

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

1       **Comment.** Section 16575 is new. It provides a convenient means of referring to former  
2 Sections 12070-12086.

3       For a disposition table showing where each provision in former Sections 12070-12086 was  
4 recodified, see *Nonsubstantive Reorganization of Deadly Weapon Statutes*, \_\_\_ Cal. L. Revision  
5 Comm'n Reports \_\_\_ (2009).

6       **§ 16580. “Former Chapter 1 provisions”**

7       16580. (a) Except as stated in subdivision (c), the following provisions were  
8 formerly included in Chapter 1 (commencing with Section 12000) of Title 2 of  
9 Part 4, which was entitled “Firearms”:

- 10       (1) Sections 12001 to 12022.95, inclusive.
- 11       (2) Sections 16120 to 16140, inclusive.
- 12       (3) Subdivision (b) of Section 16170, to the extent it continues former Sections  
13 12001, 12078, 12085, and 12088.8.
- 14       (4) Subdivision (c) of Section 16170.
- 15       (5) Section 16190.
- 16       (6) Sections 16220 to 16240, inclusive.
- 17       (7) Section 16250, to the extent it continues to former Section 12001.
- 18       (8) Section 16260.
- 19       (9) Sections 16320 to 16340, inclusive.
- 20       (10) Section 16360.
- 21       (11) Sections 16400 and 16410.
- 22       (12) Section 16430.
- 23       (13) Section 16450, to the extent it continues former Section 12086.
- 24       (14) Subdivision (b) of Section 16460.
- 25       (15) Section 16470.
- 26       (16) Section 16490.
- 27       (17) Subdivision (a) of Section 16520, to the extent it continues former Section  
28 12001.
- 29       (18) Subdivisions (b) to (g), inclusive, of Section 16520.
- 30       (19) Sections 16530 to 16550, inclusive.
- 31       (20) Section 16570.
- 32       (21) Sections 16600 to 16640, inclusive.
- 33       (22) Sections 16670 to 16690, inclusive.
- 34       (23) Sections 16720 to 16760, inclusive.
- 35       (24) Sections 16800 and 16810.
- 36       (25) Sections 16830 to 16870, inclusive.
- 37       (26) Sections 16920 to 16960, inclusive.
- 38       (27) Sections 16990 and 17000.
- 39       (28) Sections 17020 to 17070, inclusive.
- 40       (29) Section 17090, to the extent it continues former Section 12020.
- 41       (30) Section 17110.
- 42       (31) Section 17125.
- 43       (32) Section 17160.

1 (33) Sections 17170 to 17200, inclusive.

2 (34) Sections 17270 to 17290, inclusive.

3 (35) Section 17310.

4 (36) Sections 17330 to 17505, inclusive.

5 (37) Sections 17515 to 18500, inclusive.

6 (38) Sections 19100 to 19290, inclusive.

7 (39) Sections 20200 to 21390, inclusive.

8 (40) Sections 21590 to 22490, inclusive.

9 (41) Sections 23500 to 30290, inclusive.

10 (42) Sections 31500 to 31590, inclusive.

11 (43) Sections 31705 to 31830, inclusive.

12 (44) Sections 32310 to 32450, inclusive.

13 (45) Sections 32900 to 33320, inclusive.

14 (46) Sections 33600 to 34370, inclusive.

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

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

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

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

25 **§ 16585. “Former Section 12078 provisions”**

26 16585. (a) Except as stated in subdivision (e), the following provisions were  
27 included in former Section 12078, as that section read in Section 20 of Chapter  
28 698 of the Statutes of 2008:

29 (1) Subdivision (b) of Section 16170, as it pertains to former Section 12078.

30 (2) Section 16720.

31 (3) Subdivision (a) of Section 16730, as it pertains to former Section 12078.

32 (4) Subdivision (b) of Section 16730.

33 (5) Section 16990.

34 (6) Sections 26600 to 26615, inclusive.

35 (7) Sections 26950 to 27140, inclusive.

36 (8) Sections 27400 to 27415, inclusive.

37 (9) Sections 27600 to 28000, inclusive.

38 (10) Sections 28400 to 28415, inclusive.

39 (11) Sections 30150 to 30165, inclusive.

40 (12) Sections 31705 to 31830, inclusive.

41 (13) Sections 34355 to 34370, inclusive.

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

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

4 (1) Sections 26600 to 26615, inclusive.

5 (2) Sections 27050 to 27065, inclusive.

6 (3) Sections 27400 to 27415, inclusive.

7 (4) Sections 27600 to 27615, inclusive.

8 (5) Sections 28400 to 28415, inclusive.

9 (6) Sections 30150 to 30165, inclusive.

10 (7) Sections 31705 to 31720, inclusive.

11 (8) Sections 34355 to 34370, inclusive.

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

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

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

19 For a disposition table showing where each provision in former Section 12078 was recodified,  
20 see *Nonsubstantive Recodification of Deadly Weapon Statutes*, \_\_ Cal. L. Revision Comm’n  
21 Reports \_\_ (2009).

22 **§ 16590. “Generally prohibited weapon”**

23 16590. As used in this part, “generally prohibited weapon” means any of the  
24 following:

25 (a) An air gauge knife, as prohibited by Section 20310.

26 (b) Ammunition that contains or consists of a flechette dart, as prohibited by  
27 Section 30210.

28 (c) A ballistic knife, as prohibited by Section 21110.

29 (d) A belt buckle knife, as prohibited by Section 20410.

30 (e) A bullet containing or carrying an explosive agent, as prohibited by Section  
31 30210.

32 (f) A camouflaging firearm container, as prohibited by Section 24310.

33 (g) A cane gun, as prohibited by Section 24410.

34 (h) A cane sword, as prohibited by Section 20510.

35 (i) A concealed dirk or dagger, as prohibited by Section 21310.

36 (j) A concealed explosive substance, other than fixed ammunition, as prohibited  
37 by Section 19100.

38 (k) A firearm that is not immediately recognizable as a firearm, as prohibited by  
39 Section 24510.

40 (l) A large-capacity magazine, as prohibited by Section 32310.

41 (m) A leaded cane or an instrument or weapon of the kind commonly known as  
42 a billy, blackjack, sandbag, sandclub, sap, or slungshot, as prohibited by Section  
43 22210.

- 1 (n) A lipstick case knife, as prohibited by Section 20610.
- 2 (o) Metal knuckles, as prohibited by Section 21810.
- 3 (p) A metal military practice handgrenade or a metal replica handgrenade, as
- 4 prohibited by Section 19200.
- 5 (q) A multiburst trigger activator, as prohibited by Section 32900.
- 6 (r) A nunchaku, as prohibited by Section 22010.
- 7 (s) A shobi-zue, as prohibited by Section 20710.
- 8 (t) A short-barreled rifle or short-barreled shotgun, as prohibited by Section
- 9 33215.
- 10 (u) A shuriken, as prohibited by Section 22410.
- 11 (v) An unconventional pistol, as prohibited by Section 31500.
- 12 (w) An undetectable firearm, as prohibited by Section 24610.
- 13 (x) A wallet gun, as prohibited by Section 24710.
- 14 (y) A writing pen knife, as prohibited by Section 20910.
- 15 (z) A zip gun, as prohibited by Section 33600.

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

19 See Sections 16140 (“air gauge knife”), 16220 (“ballistic knife”), 16260 (“belt buckle knife”),  
20 16320 (“camouflaging firearm container”), 16330 (“cane gun”), 16340 (“cane sword”), 16470  
21 (“dirk” or “dagger”), 16510 (“explosive”), 16520 (“firearm”), 16570 (“flechette dart”), 16740  
22 (“large-capacity magazine”), 16760 (“leaded cane”), 16830 (“lipstick case knife”), 16920 (“metal  
23 knuckles”), 16930 (“multiburst trigger activator”), 16940 (“nunchaku”), 17160 (“shobi-zue”),  
24 17170 (“short-barreled rifle”), 17180 (“short-barreled shotgun”), 17200 (“shuriken”), 17270  
25 (“unconventional pistol”), 17280 (“undetectable firearm”), 17330 (“wallet gun”), 17350 (“writing  
26 pen knife”), 17360 (“zip gun”).

27 **§ 16600. “Great bodily injury”**

28 16600. As used in Chapter 2 (commencing with Section 25100) of Division 4 of  
29 Title 4, “great bodily injury” means a significant or substantial physical injury.

30 **Comment.** Section 16600 continues former Section 12035(a)(4) without substantive change.  
31 To make the provision more easily understandable, the definition of “great bodily injury” in  
32 Section 12022.7 is repeated in Section 16600, rather than incorporated by reference as it was in  
33 the past. Case law construing the definition in Section 12022.7 is relevant in construing Section  
34 16600.

35 **§ 16610. “Gun safe”**

36 16610. As used in this part, “gun safe” means a locking container that fully  
37 contains and secures one or more firearms, and that meets the standards for gun  
38 safes adopted pursuant to Section 23650.

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

41 **§ 16620. “Gun Show Trader”**

42 16620. As used in this part, “Gun Show Trader” means a person described in  
43 Section 26525.

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

3 **§ 16630. “Gunsmith”**

4 16630. As used in this part, “gunsmith” means any person who is licensed as a  
5 dealer pursuant to Chapter 44 (commencing with Section 921) of Title 18 of the  
6 United States Code and the regulations issued pursuant thereto, who is engaged  
7 primarily in the business of repairing firearms, or making or fitting special barrels,  
8 stocks, or trigger mechanisms to firearms, or the agent or employee of that person.

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

11 **§ 16640. “Handgun”**

12 16640. (a) As used in this part, “handgun” means any pistol, revolver, or firearm  
13 capable of being concealed upon the person.

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

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

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

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

24 **§ 16650. “Handgun ammunition”**

25 16650. As used in this part, “handgun ammunition” means ammunition  
26 principally for use in pistols, revolvers, and other firearms capable of being  
27 concealed upon the person, notwithstanding that the ammunition may also be used  
28 in some rifles.

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

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

32 **§ 16660. “Handgun ammunition designed primarily to penetrate metal or armor”**

33 16660. As used in this part, “handgun ammunition designed primarily to  
34 penetrate metal or armor” means any ammunition, except a shotgun shell or  
35 ammunition primarily designed for use in a rifle, that is designed primarily to  
36 penetrate a body vest or body shield, and has either of the following  
37 characteristics:

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

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

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

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

10 **§ 16670. “Handgun safety certificate”**

11 16670. As used in this part, “handgun safety certificate” means a certificate  
12 issued by the Department of Justice pursuant to Sections 31610 to 31700,  
13 inclusive, or pursuant to former Article 8 (commencing with Section 12800) of  
14 Chapter 6 of Title 2 of Part 4, as that article was operative on or after January 1,  
15 2003.

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

17 See Section 16640 (“handgun”).

18 **§ 16680. “Hard plastic knuckles” or “hard wooden knuckles”**

19 16680. As used in this part, “hard plastic knuckles” or “hard wooden knuckles”  
20 means any device or instrument made wholly or partially of plastic or of wood,  
21 composite, or paper materials that is not metal knuckles, that is worn for purposes  
22 of offense or defense in or on the hand, and that either protects the wearer’s hand  
23 while striking a blow or increases the force of impact from the blow or injury to  
24 the individual receiving the blow. The plastic, wood, composite, or paper products  
25 contained in the device may help support the hand or fist, provide a shield to  
26 protect it, or consist of projections or studs that would contact the individual  
27 receiving a blow.

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

30 See Section 16920 (“metal knuckles”).

31 **§ 16690. “Honorably retired”**

32 16690. As used in Sections 25650 and 26020, Article 2 (commencing with  
33 Section 25450) of Chapter 2 of Division 5 of Title 4, and Article 3 (commencing  
34 with Section 25900) of Chapter 3 of Division 5 of Title 4, “honorably retired”  
35 includes any peace officer who has qualified for, and has accepted, a service or  
36 disability retirement. As used in those provisions, “honorably retired” does not  
37 include an officer who has agreed to a service retirement in lieu of termination.

38 **Comment.** Section 16690 continues the fourth and fifth sentences of former Section  
39 12027(a)(1)(A) without substantive change.



1 § 16700. “Imitation firearm”

2 16700. (a) As used in this part, “imitation firearm” means any BB device, toy  
3 gun, replica of a firearm, or other device that is so substantially similar in  
4 coloration and overall appearance to an existing firearm as to lead a reasonable  
5 person to perceive that the device is a firearm.

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

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

10 (2) A BB device.

11 (3) A device where the entire exterior surface of the device is white, bright red,  
12 bright orange, bright yellow, bright green, bright blue, bright pink, or bright  
13 purple, either singly or as the predominant color in combination with other colors  
14 in any pattern, as provided by federal regulations governing imitation firearms, or  
15 where the entire device is constructed of transparent or translucent materials which  
16 permits unmistakable observation of the device’s complete contents, as provided  
17 by federal regulations governing imitation firearms.

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

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

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

22 § 16720. “Immediate family member”

23 16720. As used in this part, “immediate family member” means either of the  
24 following relationships:

25 (a) Parent and child.

26 (b) Grandparent and grandchild.

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

28 § 16730. “Infrequent”

29 16730. (a) As used in Section 31815 and in Division 6 (commencing with  
30 Section 26500) of Title 4, “infrequent” means:

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

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

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

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

4 **Comment.** Subdivision (a) of Section 16730 continues the first sentence of former Section  
5 12070(c)(1)(A), former Section 12070(c)(1)(B), and former Section 12078(u)(1) without  
6 substantive change.

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

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

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

13 **§ 16740. “Large-capacity magazine”**

14 16740. As used in this part, “large-capacity magazine” means any ammunition  
15 feeding device with the capacity to accept more than 10 rounds, but shall not be  
16 construed to include any of the following:

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

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

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

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

23 **§ 16750. “Lawful possession of the firearm”**

24 16750. (a) As used in Section 25400, “lawful possession of the firearm” means  
25 that the person who has possession or custody of the firearm either lawfully owns  
26 the firearm or has the permission of the lawful owner or a person who otherwise  
27 has apparent authority to possess or have custody of the firearm. A person who  
28 takes a firearm without the permission of the lawful owner or without the  
29 permission of a person who has lawful custody of the firearm does not have lawful  
30 possession of the firearm.

31 (b) As used in Article 2 (commencing with Section 25850), Article 3  
32 (commencing with Section 25900), and Article 4 (commencing with Section  
33 26000) of Chapter 3 of Division 5 of Title 4, “lawful possession of the firearm”  
34 means that the person who has possession or custody of the firearm either lawfully  
35 acquired and lawfully owns the firearm or has the permission of the lawful owner  
36 or person who otherwise has apparent authority to possess or have custody of the  
37 firearm. A person who takes a firearm without the permission of the lawful owner  
38 or without the permission of a person who has lawful custody of the firearm does  
39 not have lawful possession of the firearm.

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

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

43 See Section 16520 (“firearm”).

1    **§ 16760. “Leaded cane”**

2       16760. As used in this part, a “leaded cane” means a staff, crutch, stick, rod,  
3 pole, or similar device, unnaturally weighted with lead.

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

5    **§ 16770. “Less lethal ammunition”**

6       16770. As used in this part, “less lethal ammunition” means any ammunition  
7 that satisfies both of the following requirements:

8       (a) It is designed to be used in any less lethal weapon or any other kind of  
9 weapon (including, but not limited to, any firearm, pistol, revolver, shotgun, rifle,  
10 or spring, compressed air, or compressed gas weapon).

11       (b) When used in a less lethal weapon or other weapon, it is designed to  
12 immobilize, incapacitate, or stun a human being through the infliction of any less  
13 than lethal impairment of physical condition, function, or senses, including  
14 physical pain or discomfort.

15       **Comment.** Section 16770 continues former Section 12601(c) without substantive change.

16       See Sections 16520 (“firearm”), 16780 (“less lethal weapon”), 17010 (“pistol”), 17080  
17 (“revolver”).

18    **§ 16780. “Less lethal weapon”**

19       16780. As used in this part,

20       (a) “Less lethal weapon” means any device that is designed to or that has been  
21 converted to expel or propel less lethal ammunition by any action, mechanism, or  
22 process for the purpose of incapacitating, immobilizing, or stunning a human  
23 being through the infliction of any less than lethal impairment of physical  
24 condition, function, or senses, including physical pain or discomfort. It is not  
25 necessary that a weapon leave any lasting or permanent incapacitation, discomfort,  
26 pain, or other injury or disability in order to qualify as a less lethal weapon.

27       (b) Less lethal weapon includes the frame or receiver of any weapon described  
28 in subdivision (a), but does not include any of the following unless the part or  
29 weapon has been converted as described in subdivision (a):

30       (1) Pistol, revolver, or firearm.

31       (2) Machinegun.

32       (3) Rifle or shotgun using fixed ammunition consisting of standard primer and  
33 powder and not capable of being concealed upon the person.

34       (4) A pistol, rifle, or shotgun that is a firearm having a barrel less than 0.18  
35 inches in diameter and that is designed to expel a projectile by any mechanical  
36 means or by compressed air or gas.

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

40       (6) A destructive device.

41       (7) A tear gas weapon.

42       (8) A bow or crossbow designed to shoot arrows.

1 (9) A device commonly known as a slingshot.

2 (10) A device designed for the firing of stud cartridges, explosive rivets, or  
3 similar industrial ammunition.

4 (11) A device designed for signaling, illumination, or safety.

5 (12) An assault weapon.

6 **Comment.** Section 16780 continues former Section 12601(a)-(b) without substantive change.

7 See Sections 16460 (“destructive device”), 16520 (“firearm”), 16880 (“machinegun”), 17010  
8 (“pistol”), 17080 (“revolver”), 17250 (“tear gas weapon”), 30510 (“assault weapon”), 30515  
9 (further clarification of “assault weapon”).

10 **§ 16790. “Licensed gun dealer”**

11 16790. As used in Article 5 (commencing with Section 30900) and Article 7  
12 (commencing with Section 31050) of Chapter 2 of Division 10 of Title 4,  
13 “licensed gun dealer” means a person who is licensed pursuant to Sections 26700  
14 to 26915, inclusive, and who has a permit to sell assault weapons or .50 BMG  
15 rifles pursuant to Section 31005.

16 **Comment.** Section 16790 continues former Section 12290(c) without substantive change. See  
17 also former Section 12285(b)-(c), which used the same definition of “licensed gun dealer.”

18 See Sections 16970 (“person”), 30510 (“assault weapon”), 30515 (further clarification of  
19 “assault weapon”), 30530 (“.50 BMG rifle”).

20 See also Section 26700 (“dealer,” “licensee,” or “person licensed pursuant to Sections 26700 to  
21 26915, inclusive”).

22 **§ 16800. “Licensed gun show producer”**

23 16800. As used in this part, “licensed gun show producer” means a person who  
24 has been issued a certificate of eligibility by the Department of Justice pursuant to  
25 Section 27200. No regulations shall be required to implement this section.

26 **Comment.** Section 16800 continues former Section 12071.1(c) without substantive change.

27 **§ 16810. “Licensed premises,” “licensee’s business premises,” and “licensee’s place of  
28 business”**

29 16810. As used in Section 17110 and in Article 1 (commencing with Section  
30 26700) and Article 2 (commencing with Section 26800) of Chapter 2 of Division 6  
31 of Title 4, “licensed premises,” “licensee’s business premises,” or “licensee’s  
32 place of business” means the building designated in the license.

33 **Comment.** Section 16810 continues former Section 12071(c)(3) without substantive change.

34 **§ 16820. “Licensee”**

35 16820. (a) For purposes of the provisions listed in Section 16580, use of the  
36 term “licensee” is governed by Section 26700.

37 (b) For purposes of Chapter 2 (commencing with Section 29030) of Division 7  
38 of Title 4, use of the term “licensee” is governed by Section 29030.

39 **Comment.** Subdivision (a) of Section 16820 is new. It is intended to help persons locate the  
40 definition of “licensee” that relates to firearms dealing and applies for purposes of the specified  
41 provisions.

1 Subdivision (b) is new. It is intended to help persons locate the definition of “licensee” that  
2 relates to firearms manufacturing and applies for purposes of key provisions relating to such  
3 manufacturing.

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

5 **§ 16822. “Licensee’s business premises”**

6 16822. Use of the term “licensee’s business premises” is governed by Section  
7 16810.

8 **Comment.** Section 16822 is new. It is intended to help persons locate the definition of  
9 “licensee’s business premises, which is the same as the definition of “licensed premises” in  
10 Section 16810.

11 **§ 16824. “Licensee’s place of business”**

12 16824. Use of the term “licensee’s place of business” is governed by Section  
13 16810.

14 **Comment.** Section 16824 is new. It is intended to help persons locate the definition of  
15 “licensee’s place of business, which is the same as the definition of “licensed premises” in  
16 Section 16810.

17 **§ 16830. “Lipstick case knife”**

18 16830. As used in this part, a “lipstick case knife” means a knife enclosed within  
19 and made an integral part of a lipstick case.

20 **Comment.** Section 16830 continues former Section 12020(c)(14) without substantive change.

21 **§ 16840. “Loaded” and “loaded firearm”**

22 16840. (a) As used in Section 25800, a firearm shall be deemed to be “loaded”  
23 whenever both the firearm and the unexpended ammunition capable of being  
24 discharged from the firearm are in the immediate possession of the same person.

25 (b) As used in Chapter 2 (commencing with Section 25100) of Division 4 of  
26 Title 4, in subparagraph (A) of paragraph (6) of subdivision (c) of Section 25400,  
27 and in Sections 25850 to 26060, inclusive,

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

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

35 **Comment.** Subdivision (a) of Section 16840 continues former Section 12001(j) without  
36 substantive change.

37 Subdivision (b) continues former Sections 12031(g) and 12035(a)(2) without substantive  
38 change. See also former Section 12025(b)(6)(A), which used the same definition of “loaded.”

39 See Section 16520 (“firearm”).

1    **§ 16850. “Locked container”**

2    16850. As used in Sections 17740, 23925, 25105, 25205, and 25610, and in  
3    Article 2 (commencing with Section 25500) of Chapter 2 of Division 5 of Title 4,  
4    “locked container” means a secure container that is fully enclosed and locked by a  
5    padlock, keylock, combination lock, or similar locking device. The term “locked  
6    container” does not include the utility or glove compartment of a motor vehicle.

7    **Comment.** Section 16850 continues former Sections 12026.2(d), 12035(a)(5), and 12036(a)(4)  
8    without substantive change. See also former Sections 12020(b)(17)(E) and 12094(b)(4)(E), which  
9    used the same definition of “locked container.” Section 16850 also continues the combined effect  
10   of subdivision (c) and the last phrase of paragraph (a)(1) (“other than the utility or glove  
11   compartment”) of former Section 12026.1 without substantive change.

12    See Section 16520 (“firearm”).

13   **§ 16860. “Locking device” for firearm**

14   16860. As used in Sections 16850, 25105, and 25205, “locking device” means a  
15   device that is designed to prevent a firearm from functioning and, when applied to  
16   the firearm, renders the firearm inoperable.

17   **Comment.** Section 16860 continues former Sections 12035(a)(1) and 12036(a)(1) without  
18   substantive change.

19    See Section 16520 (“firearm”).

20   **§ 16870. “Long-gun safe”**

21   16870. As used in this part, “long-gun safe” means a locking container designed  
22   to fully contain and secure a rifle or shotgun, which has a locking system  
23   consisting of either a mechanical combination lock or an electronic combination  
24   lock that has at least 1,000 possible unique combinations consisting of a minimum  
25   of three numbers, letters, or symbols per combination, and is not listed on the  
26   roster maintained pursuant to Section 23655.

27   **Comment.** Section 16870 continues former Section 12087.6(c) without substantive change.  
28   See also former Section 12071(b)(20)(G)(ii)(II), which used the same definition of “long-gun  
29   safe.”

30    See Sections 17090 (“rifle”), 17190 (“shotgun”).

31   **§ 16880. “Machinegun”**

32   16880. (a) As used in this part, “machinegun” means any weapon that shoots, is  
33   designed to shoot, or can readily be restored to shoot, automatically more than one  
34   shot, without manual reloading, by a single function of the trigger.

35   (b) The term “machinegun” also includes the frame or receiver of any weapon  
36   described in subdivision (a), any part designed and intended solely and  
37   exclusively, or combination of parts designed and intended, for use in converting a  
38   weapon into a machinegun, and any combination of parts from which a  
39   machinegun can be assembled if those parts are in the possession or under the  
40   control of a person.

41   (c) The term “machinegun” also includes any weapon deemed by the federal  
42   Bureau of Alcohol, Tobacco, and Firearms as readily convertible to a machinegun

1 under Chapter 53 (commencing with Section 5801) of Title 26 of the United States  
2 Code.

3 **Comment.** Section 16880 continues former Section 12200 without substantive change. See  
4 also former Sections 12001(n)(12), 12072(f)(1)(A), 12278(a), and 12601(b)(2), which used the  
5 same definition of “machinegun.”

6 **§ 16890. “Magazine”**

7 16890. As used in Section 30515, “magazine” means any ammunition feeding  
8 device.

9 **Comment.** Section 16890 continues former Section 12276.1(d)(1) without substantive change.

10 **§ 16900. “Magazine disconnect mechanism”**

11 16900. As used in this part, “magazine disconnect mechanism” means a  
12 mechanism that prevents a semiautomatic pistol that has a detachable magazine  
13 from operating to strike the primer of ammunition in the firing chamber when a  
14 detachable magazine is not inserted in the semiautomatic pistol.

15 **Comment.** Section 16900 continues former Section 12126(d) without substantive change. See  
16 also former Section 12130(d)(1)-(3), which used the same definition of “magazine disconnect  
17 mechanism.”

18 See Sections 16530 (“firearm capable of being concealed upon the person,” “pistol,” and  
19 “revolver”), 17140 (“semiautomatic pistol”).

20 **§ 16920. “Metal knuckles”**

21 16920. As used in this part, “metal knuckles” means any device or instrument  
22 made wholly or partially of metal that is worn for purposes of offense or defense  
23 in or on the hand and that either protects the wearer’s hand while striking a blow  
24 or increases the force of impact from the blow or injury to the individual receiving  
25 the blow. The metal contained in the device may help support the hand or fist,  
26 provide a shield to protect it, or consist of projections or studs which would  
27 contact the individual receiving a blow.

28 **Comment.** Section 16920 continues former Section 12020(c)(7) without substantive change.  
29 See also former Sections 12020.1 and 12029, which referred to former Section 12020.

30 **§ 16930. “Multiburst trigger activator”**

31 16930. As used in this part, a “multiburst trigger activator” means either of the  
32 following:

33 (a) A device designed or redesigned to be attached to a semiautomatic firearm,  
34 which allows the firearm to discharge two or more shots in a burst by activating  
35 the device.

36 (b) A manual or power-driven trigger activating device constructed and designed  
37 so that when attached to a semiautomatic firearm it increases the rate of fire of that  
38 firearm.

39 **Comment.** Section 16930 continues former Section 12020(c)(23) without substantive change.  
40 See Section 16520 (“firearm”).

1 § 16940. “Nunchaku”

2 16940. As used in this part, “nunchaku” means an instrument consisting of two  
3 or more sticks, clubs, bars or rods to be used as handles, connected by a rope,  
4 cord, wire, or chain, in the design of a weapon used in connection with the practice  
5 of a system of self-defense such as karate.

6 **Comment.** Section 16940 continues former Section 12020(c)(3) without substantive change.  
7 See also former Section 12029, which referred to former Section 12020.

8 § 16960. “Operation of law”

9 16960. As used in Article 1 (commencing with Section 26500) of Chapter 1 of  
10 Division 6 of Title 4, “operation of law” includes, but is not limited to, any of the  
11 following:

12 (a) The executor or administrator of an estate, if the estate includes a firearm.

13 (b) A secured creditor or an agent or employee of a secured creditor when a  
14 firearm is possessed as collateral for, or as a result of, a default under a security  
15 agreement under the Commercial Code.

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

18 (d) A receiver performing the functions of a receiver, if the receivership estate  
19 includes a firearm.

20 (e) A trustee in bankruptcy performing the duties of a trustee, if the bankruptcy  
21 estate includes a firearm.

22 (f) An assignee for the benefit of creditors performing the functions of an  
23 assignee, if the assignment includes a firearm.

24 (g) A transmutation of property between spouses pursuant to Section 850 of the  
25 Family Code.

26 (h) A firearm received by the family of a police officer or deputy sheriff from a  
27 local agency pursuant to Section 50081 of the Government Code.

28 (i) The transfer of a firearm by a law enforcement agency to the person who  
29 found the firearm where the delivery is to the person as the finder of the firearm  
30 pursuant to Article 1 (commencing with Section 2080) of Chapter 4 of Division 3  
31 of the Civil Code.

32 **Comment.** Section 16960 continues former Section 12070(c)(2) without substantive change.

33 § 16965. “Passenger’s or driver’s area”

34 16965. As used in this part, “passenger’s or driver’s area” means that part of a  
35 motor vehicle which is designed to carry the driver and passengers, including any  
36 interior compartment or space therein.

37 **Comment.** Section 16965 continues the third paragraph of former Section 653k without  
38 substantive change.

39 § 16970. “Person”

40 16970. As used in Sections 16790 and 17505 and in Chapter 2 (commencing  
41 with Section 30500) of Division 10 of Title 4, “person” means an individual,



1 partnership, corporation, limited liability company, association, or any other group  
2 or entity, regardless of how it was created.

3 **Comment.** Section 16970 continues former Section 12277 without substantive change. See  
4 also former Section 12020.5, which used the same definition of “person.”

5 See Section 7 (“the word ‘person’ includes a corporation as well as a natural person”).

6 **§ 16980. “Person licensed pursuant to Sections 26700 to 26915, inclusive”**

7 16980. Use of the term “person licensed pursuant to Sections 26700 to 26915,  
8 inclusive” is governed by Section 26700.

9 **Comment.** Section 16980 is new. It is intended to help persons locate the definition of “person  
10 licensed pursuant to Sections 26700 to 26915, inclusive.”

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

12 **§ 16990. “Person taking title or possession of a firearm by operation of law”**

13 16990. As used in any provision listed in Section 16585, the phrase “a person  
14 taking title or possession of a firearm by operation of law” includes, but is not  
15 limited to, any of the following instances in which an individual receives title to,  
16 or possession of, a firearm:

17 (a) The executor or administrator of an estate, if the estate includes a firearm.

18 (b) A secured creditor or an agent or employee of a secured creditor when the  
19 firearm is possessed as collateral for, or as a result of, a default under a security  
20 agreement under the Commercial Code.

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

23 (d) A receiver performing the functions of a receiver, if the receivership estate  
24 includes a firearm.

25 (e) A trustee in bankruptcy performing the duties of a trustee, if the bankruptcy  
26 estate includes a firearm.

27 (f) An assignee for the benefit of creditors performing the functions of an  
28 assignee, if the assignment includes a firearm.

29 (g) A transmutation of property consisting of a firearm pursuant to Section 850  
30 of the Family Code.

31 (h) A firearm passing to a surviving spouse pursuant to Chapter 1 (commencing  
32 with Section 13500) of Part 2 of Division 8 of the Probate Code.

33 (i) A firearm received by the family of a police officer or deputy sheriff from a  
34 local agency pursuant to Section 50081 of the Government Code.

35 (j) The transfer of a firearm by a law enforcement agency to the person who  
36 found the firearm where the delivery is to the person as the finder of the firearm  
37 pursuant to Article 1 (commencing with Section 2080) of Chapter 4 of Division 3  
38 of the Civil Code.

39 **Comment.** Section 16990 continues former Section 12078(u)(2) without substantive change.

1 § 17000. “Personal handgun importer”

2 17000. (a) As used in this part, “personal handgun importer” means an  
3 individual who meets all of the following criteria:

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

6 (2) The individual is not a licensed manufacturer of firearms pursuant to Chapter  
7 44 (commencing with Section 921) of Title 18 of the United States Code.

8 (3) The individual is not a licensed importer of firearms pursuant to Chapter 44  
9 (commencing with Section 921) of Title 18 of the United States Code and the  
10 regulations issued pursuant thereto.

11 (4) The individual is the owner of a handgun.

12 (5) The individual acquired that handgun outside of California.

13 (6) The individual moved into this state on or after January 1, 1998, as a resident  
14 of this state.

15 (7) The individual intends to possess that handgun within this state on or after  
16 January 1, 1998.

17 (8) The handgun was not delivered to the individual by a person licensed  
18 pursuant to Sections 26700 to 26915, inclusive, who delivered that firearm  
19 following the procedures set forth in Section 27540 and Sections 26700 to 26915,  
20 inclusive.

21 (9) The individual, while a resident of this state, had not previously reported  
22 ownership of that handgun to the Department of Justice in a manner prescribed by  
23 the department that included information concerning the individual and a  
24 description of the firearm.

25 (10) The handgun is not a firearm that is prohibited by any provision listed in  
26 Section 16590.

27 (11) The handgun is not an assault weapon.

28 (12) The handgun is not a machinegun.

29 (13) The person is 18 years of age or older.

30 (b) For purposes of paragraph (6) of subdivision (a):

31 (1) Except as provided in paragraph (2), residency shall be determined in the  
32 same manner as is the case for establishing residency pursuant to Section 12505 of  
33 the Vehicle Code.

34 (2) In the case of a member of the Armed Forces of the United States, residency  
35 shall be deemed to be established when the individual was discharged from active  
36 service in this state.

37 **Comment.** Subdivision (a) of Section 17000 continues former Section 12001(n) without  
38 substantive change. For guidance on what constitutes an assault weapon, see Sections 30510  
39 (“assault weapon”) and 30515 (further clarification of “assault weapon”). For guidance on what  
40 constitutes a machinegun, see Section 16880 (“machinegun”).

41 Subdivision (b) continues former Section 12001(o) without substantive change.

42 See Sections 16520 (“firearm”), 16640 (“handgun”).

1    **§ 17010. “Pistol”**

2       17010. Use of the term “pistol” is governed by Section 16530.

3       **Comment.** Section 17010 is new. It is intended to help persons locate key rules relating to use  
4 of the term “pistol.”

5    **§ 17020. “Principal place of employment or business”**

6       17020. For purposes of this part, a city or county may be considered an  
7 applicant’s “principal place of employment or business” only if the applicant is  
8 physically present in the jurisdiction during a substantial part of the applicant’s  
9 working hours for purposes of that employment or business.

10      **Comment.** Section 17020 continues former Section 12050(a)(3) without substantive change.

11   **§ 17030. “Prohibited area”**

12      17030. As used in this part, “prohibited area” means any place where it is  
13 unlawful to discharge a weapon.

14      **Comment.** Section 17030 continues former Section 12031(f) without substantive change.

15   **§ 17070. “Responsible adult”**

16      17070. As used in this part, “responsible adult” means a person at least 21 years  
17 of age who is not prohibited by state or federal law from possessing, receiving,  
18 owning, or purchasing a firearm.

19      **Comment.** Section 17070 continues former Section 12101(e) without substantive change.

20   **§ 17080. “Revolver”**

21      17080. Use of the term “revolver” is governed by Section 16530.

22      **Comment.** Section 17080 is new. It is intended to help persons locate key rules relating to use  
23 of the term “revolver.”

24   **§ 17090. “Rifle”**

25      17090. As used in Sections 16530, 16640, 16650, 16660, 16870, and 17170,  
26 Sections 17720 to 17730, inclusive, Section 17740, subdivision (f) of Section  
27 27555, Article 2 (commencing with Section 30300) of Chapter 1 of Division 10 of  
28 Title 4, and Article 1 (commencing with Section 33210) of Chapter 8 of Division  
29 10 of Title 4, “rifle” means a weapon designed or redesigned, made or remade,  
30 and intended to be fired from the shoulder and designed or redesigned and made or  
31 remade to use the energy of the explosive in a fixed cartridge to fire only a single  
32 projectile through a rifled bore for each single pull of the trigger.

33      **Comment.** Section 17090 continues former Sections 12020(c)(20) and 12323(d) without  
34 substantive change. See also former Sections 12001(f), 12001.5, 12029, 12072(f)(1)(A), and  
35 12087.6(c), which referred to former Section 12020.

36   **§ 17110. “Secure facility” for firearm storage by dealer**

37      17110. As used in Section 26890, “secure facility” means a building that meets  
38 all of the following specifications:

1 (a) All perimeter doorways shall meet one of the following:

2 (1) A windowless steel security door equipped with both a dead bolt and a  
3 doorknob lock.

4 (2) A windowed metal door that is equipped with both a dead bolt and a  
5 doorknob lock. If the window has an opening of five inches or more measured in  
6 any direction, the window shall be covered with steel bars of at least ½-inch  
7 diameter or metal grating of at least 9 gauge affixed to the exterior or interior of  
8 the door.

9 (3) A metal grate that is padlocked and affixed to the licensee's premises  
10 independent of the door and doorframe.

11 (b) All windows are covered with steel bars.

12 (c) Heating, ventilating, air-conditioning, and service openings are secured with  
13 steel bars, metal grating, or an alarm system.

14 (d) Any metal grates have spaces no larger than six inches wide measured in any  
15 direction.

16 (e) Any metal screens have spaces no larger than three inches wide measured in  
17 any direction.

18 (f) All steel bars shall be no further than six inches apart.

19 **Comment.** Section 17110 continues former Section 12071(c)(2) without substantive change.

20 See also Sections 29141 ("secure facility" for firearm storage by manufacturer), 29142 (special  
21 definition of "secure facility" for firearm storage by manufacturer producing fewer than 500  
22 firearms per calendar year).

23 **§ 17111. "Secure facility" for firearm storage by manufacturer**

24 17111. For purposes of Chapter 2 (commencing with Section 29030) of Division  
25 7 of Title 4, use of the term "secure facility" is governed by Sections 29141 and  
26 29142.

27 **Comment.** Section 17111 is new. It is intended to help persons locate the standard definition  
28 of "secure facility" that applies to firearm storage by a manufacturer, and the special definition of  
29 "secure facility" that applies to firearm storage by a manufacturer producing fewer than 500  
30 firearms per calendar year.

31 **§ 17125. "Security Exemplar"**

32 17125. As used in this part, "Security Exemplar" has the same meaning as in  
33 Section 922 of Title 18 of the United States Code.

34 **Comment.** With respect to the definition of "Security Exemplar," Section 17125 continues the  
35 first paragraph of former Section 12020(c)(22)(C) without substantive change.

36 **§ 17140. "Semiautomatic pistol"**

37 17140. As used in Sections 16900 and 31910, "semiautomatic pistol" means a  
38 pistol with an operating mode that uses the energy of the explosive in a fixed  
39 cartridge to extract a fired cartridge and chamber a fresh cartridge with each single  
40 pull of the trigger.

41 **Comment.** Section 17140 continues former Section 12126(e) without substantive change.

1 See Sections 16530 (“firearm capable of being concealed upon the person,” “pistol,” and  
2 “revolver”), 17010 (“pistol”).

3 **§ 17160. “Shobi-zue”**

4 17160. As used in this part, a “shobi-zue” means a staff, crutch, stick, rod, or  
5 pole concealing a knife or blade within it, which may be exposed by a flip of the  
6 wrist or by a mechanical action.

7 **Comment.** Section 17160 continues former Section 12020(c)(16) without substantive change.

8 **§ 17170. “Short-barreled rifle”**

9 17170. As used in Sections 16530 and 16640, Sections 17720 to 17730,  
10 inclusive, Section 17740, Article 1 (commencing with Section 27500) of Chapter  
11 4 of Division 6 of Title 4, and Article 1 (commencing with Section 33210) of  
12 Chapter 8 of Division 10 of Title 4, “short-barreled rifle” means any of the  
13 following:

14 (a) A rifle having a barrel or barrels of less than 16 inches in length.

15 (b) A rifle with an overall length of less than 26 inches.

16 (c) Any weapon made from a rifle (whether by alteration, modification, or  
17 otherwise) if that weapon, as modified, has an overall length of less than 26 inches  
18 or a barrel or barrels of less than 16 inches in length.

19 (d) Any device that may be readily restored to fire a fixed cartridge which, when  
20 so restored, is a device defined in subdivisions (a) to (c), inclusive.

21 (e) Any part, or combination of parts, designed and intended to convert a device  
22 into a device defined in subdivisions (a) to (c), inclusive, or any combination of  
23 parts from which a device defined in subdivisions (a) to (c), inclusive, may be  
24 readily assembled if those parts are in the possession or under the control of the  
25 same person.

26 **Comment.** Section 17170 continues former Section 12020(c)(2) without substantive change.  
27 See also former Sections 12001(f), 12001.5, 12029, and 12072(f)(1)(A), which used the same  
28 definition of “short-barreled rifle.”

29 See Section 17090 (“rifle”).

30 **§ 17180. “Short-barreled shotgun”**

31 17180. As used in Sections 16530 and 16640, Sections 17720 to 17730,  
32 inclusive, Section 17740, Article 1 (commencing with Section 27500) of Chapter  
33 4 of Division 6 of Title 4, and Article 1 (commencing with Section 33210) of  
34 Chapter 8 of Division 10 of Title 4, “short-barreled shotgun” means any of the  
35 following:

36 (a) A firearm that is designed or redesigned to fire a fixed shotgun shell and has  
37 a barrel or barrels of less than 18 inches in length.

38 (b) A firearm that has an overall length of less than 26 inches and that is  
39 designed or redesigned to fire a fixed shotgun shell.

1 (c) Any weapon made from a shotgun (whether by alteration, modification, or  
2 otherwise) if that weapon, as modified, has an overall length of less than 26 inches  
3 or a barrel or barrels of less than 18 inches in length.

4 (d) Any device that may be readily restored to fire a fixed shotgun shell which,  
5 when so restored, is a device defined in subdivisions (a) to (c), inclusive.

6 (e) Any part, or combination of parts, designed and intended to convert a device  
7 into a device defined in subdivisions (a) to (c), inclusive, or any combination of  
8 parts from which a device defined in subdivisions (a) to (c), inclusive, can be  
9 readily assembled if those parts are in the possession or under the control of the  
10 same person.

11 **Comment.** Section 17180 continues former Section 12020(c)(1) without substantive change.  
12 See also former Sections 12001(f), 12001.5, 12029, and 12072(f)(1)(A), which used the same  
13 definition of “short-barreled shotgun.”

14 See Sections 16520 (“firearm”), 17190 (“shotgun”).

15 **§ 17190. “Shotgun”**

16 17190. As used in Sections 16530, 16640, 16870, and 17180, Sections 17720 to  
17 17730, inclusive, Section 17740, subdivision (f) of Section 27555, and Article 1  
18 (commencing with Section 33210) of Chapter 8 of Division 10 of Title 4,  
19 “shotgun” means a weapon designed or redesigned, made or remade, and intended  
20 to be fired from the shoulder and designed or redesigned and made or remade to  
21 use the energy of the explosive in a fixed shotgun shell to fire through a smooth  
22 bore either a number of projectiles (ball shot) or a single projectile for each pull of  
23 the trigger.

24 **Comment.** Section 17190 continues former Section 12020(c)(21) without substantive change.  
25 See also former Sections 12001(f), 12001.5, 12029, 12072(f)(1)(A), and 12087.6(c), which  
26 referred to former Section 12020.

27 **§ 17200. “Shuriken”**

28 17200. As used in this part, a “shuriken” means any instrument, without handles,  
29 consisting of a metal plate having three or more radiating points with one or more  
30 sharp edges and designed in the shape of a polygon, trefoil, cross, star, diamond,  
31 or other geometric shape, for use as a weapon for throwing.

32 **Comment.** Section 17200 continues former Section 12020(c)(11) without substantive change.

33 **§ 17210. “Silencer”**

34 17210. As used in Chapter 9 (commencing with Section 33410) of Division 10  
35 of Title 4, “silencer” means any device or attachment of any kind designed, used,  
36 or intended for use in silencing, diminishing, or muffling the report of a firearm.  
37 The term “silencer” also includes any combination of parts, designed or  
38 redesigned, and intended for use in assembling a silencer or fabricating a silencer  
39 and any part intended only for use in assembly or fabrication of a silencer.

40 **Comment.** Section 17210 continues former Section 12500 without substantive change.

1 § 17220. “SKS rifle”

2 17220. Use of the term “SKS rifle” is governed by Section 30710.

3 **Comment.** Section 17220 is new. It is intended to help persons locate the definition of “SKS  
4 rifle.”

5 § 17230. “Stun gun”

6 17230. As used in this part, “stun gun” includes any item, except a taser, used or  
7 intended to be used as either an offensive or defensive weapon capable of  
8 temporarily immobilizing a person by the infliction of an electrical charge.

9 **Comment.** Section 17230 continues former Section 12650 without substantive change.

10 § 17235. “Switchblade knife”

11 17235. As used in this part, “switchblade knife” means a knife having the  
12 appearance of a pocketknife and includes a spring-blade knife, snap-blade knife,  
13 gravity knife, or any other similar type knife, the blade or blades of which are two  
14 or more inches in length and which can be released automatically by a flick of a  
15 button, pressure on the handle, flip of the wrist or other mechanical device, or is  
16 released by the weight of the blade or by any type of mechanism whatsoever.  
17 “Switchblade knife” does not include a knife that opens with one hand utilizing  
18 thumb pressure applied solely to the blade of the knife or a thumb stud attached to  
19 the blade, provided that the knife has a detent or other mechanism that provides  
20 resistance that must be overcome in opening the blade, or that biases the blade  
21 back toward its closed position.

22 **Comment.** Section 17235 continues the second paragraph of former Section 653k without  
23 substantive change.

24 § 17240. “Tear gas”

25 17240. (a) As used in this part, “tear gas” applies to and includes any liquid,  
26 gaseous or solid substance intended to produce temporary physical discomfort or  
27 permanent injury through being vaporized or otherwise dispersed in the air.

28 (b) Notwithstanding subdivision (a), “tear gas” does not apply to, and does not  
29 include, any substance registered as an economic poison as provided in Chapter 2  
30 (commencing with Section 12751) of Division 7 of the Food and Agricultural  
31 Code, provided that the substance is not intended to be used to produce discomfort  
32 or injury to human beings.

33 **Comment.** Section 17240 continues former Section 12401 without substantive change.

34 § 17250. “Tear gas weapon”

35 17250. As used in this part, “tear gas weapon” applies to and includes:

36 (a) Any shell, cartridge, or bomb capable of being discharged or exploded, when  
37 the discharge or explosion will cause or permit the release or emission of tear gas.

38 (b) Any revolver, pistol, fountain pen gun, billy, or other form of device,  
39 portable or fixed, intended for the projection or release of tear gas, except those  
40 regularly manufactured and sold for use with firearm ammunition.

1       **Comment.** Section 17250 continues former Section 12402 without substantive change. See  
2 also former Section 12601(b)(7), which used the same definition of “tear gas weapon.”

3       **§ 17270. “Unconventional pistol”**

4       17270. As used in this part, an “unconventional pistol” means a firearm with  
5 both of the following characteristics:

6       (a) It does not have a rifled bore.

7       (b) It has a barrel or barrels of less than 18 inches in length or has an overall  
8 length of less than 26 inches.

9       **Comment.** Section 17270 continues former Section 12020(c)(12) without substantive change.  
10 See Sections 16520 (“firearm”), 17010 (“pistol”).

11       **§ 17280. “Undetectable firearm”**

12       17280. As used in this part, “undetectable firearm” means any weapon that  
13 meets either of the following requirements:

14       (a) After removal of grips, stocks, and magazines, the weapon is not as  
15 detectable as the Security Exemplar, by a walk-through metal detector calibrated  
16 and operated to detect the Security Exemplar.

17       (b) Any major component of the weapon, as defined in Section 922 of Title 18  
18 of the United States Code, when subjected to inspection by the types of X-ray  
19 machines commonly used at airports, does not generate an image that accurately  
20 depicts the shape of the component. Barium sulfate or other compounds may be  
21 used in the fabrication of the component.

22       **Comment.** Section 17280 continues former Section 12020(c)(22)(A)-(B) without substantive  
23 change. With respect to the definition of “major component,” Section 17280 also continues  
24 former Section 12020(c)(22)(C) without substantive change.

25       See Sections 16520(a) & (f) (“firearm”), 17125 (“Security Exemplar”).

26       **§ 17290. “Undetectable knife”**

27       17290. As used in this part, “undetectable knife” means any knife or other  
28 instrument, with or without a handguard, that satisfies all of the following  
29 requirements:

30       (a) It is capable of ready use as a stabbing weapon that may inflict great bodily  
31 injury or death.

32       (b) It is commercially manufactured to be used as a weapon.

33       (c) It is not detectable by a metal detector or magnetometer, either handheld or  
34 otherwise, which is set at standard calibration.

35       **Comment.** Section 17290 continues the second sentence of former Section 12001.1(a) without  
36 substantive change.

37       **§ 17300. “Unsafe handgun”**

38       17300. Use of the phrase “unsafe handgun” is governed by Section 31910.

39       **Comment.** Section 17300 is new. It is intended to help persons locate the definition of “unsafe  
40 handgun.”



1 § 17310. “Used firearm”

2 17310. As used in this part, “used firearm” means a firearm that has been sold  
3 previously at retail and is more than three years old.

4 **Comment.** Section 17310 continues the fourth paragraph of former Section 12070(b)(5)  
5 without substantive change.

6 See Section 16520 (“firearm”).

7 § 17320. “Violent felony”

8 17320. For purposes of Section 31360 only, “violent felony” refers to the  
9 specific crimes listed in subdivision (c) of Section 667.5, and to crimes defined  
10 under the applicable laws of the United States or any other state, government, or  
11 country that are reasonably equivalent to the crimes listed in subdivision (c) of  
12 Section 667.5.

13 **Comment.** Section 17320 continues former Section 12370(e) without substantive change.

14 § 17330. “Wallet gun”

15 17330. As used in this part, “wallet gun” means any firearm mounted or  
16 enclosed in a case, resembling a wallet, designed to be or capable of being carried  
17 in a pocket or purse, if the firearm may be fired while mounted or enclosed in the  
18 case.

19 **Comment.** Section 17330 continues former Section 12020(c)(4) without substantive change.

20 See Section 16520 (“firearm”).

21 § 17340. “Wholesaler”

22 17340. (a) As used in this part, “wholesaler” means any person who is licensed  
23 as a dealer pursuant to Chapter 44 (commencing with Section 921) of Title 18 of  
24 the United States Code and the regulations issued pursuant thereto, who sells,  
25 transfers, or assigns firearms, or parts of firearms, to persons who are licensed as  
26 manufacturers, importers, or gunsmiths pursuant to Chapter 44 (commencing with  
27 Section 921) of Title 18 of the United States Code, or persons licensed pursuant to  
28 Sections 26700 to 26915, inclusive, and includes persons who receive finished  
29 parts of firearms and assemble them into completed or partially completed  
30 firearms in furtherance of that purpose.

31 (b) “Wholesaler” shall not include a manufacturer, importer, or gunsmith who is  
32 licensed to engage in those activities pursuant to Chapter 44 (commencing with  
33 Section 921) of Title 18 of the United States Code or a person licensed pursuant to  
34 Sections 26700 to 26915, inclusive, and the regulations issued pursuant thereto. A  
35 wholesaler also does not include a person dealing exclusively in grips, stocks, and  
36 other parts of firearms that are not frames or receivers thereof.

37 **Comment.** Section 17340 continues former Section 12001(h) without substantive change.

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

1 § 17350. “Writing pen knife”

2 17350. As used in this part, “writing pen knife” means a device that appears to  
3 be a writing pen but has concealed within it a pointed, metallic shaft that is  
4 designed to be a stabbing instrument which is exposed by mechanical action or  
5 gravity which locks into place when extended or the pointed, metallic shaft is  
6 exposed by the removal of the cap or cover on the device.

7 **Comment.** Section 17350 continues former Section 12020(c)(19) without substantive change.

8 § 17360. “Zip gun”

9 17360. As used in this part, “zip gun” means any weapon or device that meets  
10 all of the following criteria:

11 (a) It was not imported as a firearm by an importer licensed pursuant to Chapter  
12 44 (commencing with Section 921) of Title 18 of the United States Code and the  
13 regulations issued pursuant thereto.

14 (b) It was not originally designed to be a firearm by a manufacturer licensed  
15 pursuant to Chapter 44 (commencing with Section 921) of Title 18 of the United  
16 States Code and the regulations issued pursuant thereto.

17 (c) No tax was paid on the weapon or device nor was an exemption from paying  
18 tax on that weapon or device granted under Section 4181 and Subchapters F  
19 (commencing with Section 4216) and G (commencing with Section 4221) of  
20 Chapter 32 of Title 26 of the United States Code, as amended, and the regulations  
21 issued pursuant thereto.

22 (d) It is made or altered to expel a projectile by the force of an explosion or  
23 other form of combustion.

24 **Comment.** Section 17360 continues former Section 12020(c)(10) without substantive change.  
25 See Section 16520 (“firearm”).

26 TITLE 2. WEAPONS GENERALLY

27 DIVISION 1. MISCELLANEOUS RULES RELATING TO WEAPONS

28 GENERALLY

29 § 17500. Bearing deadly weapon with intent to assault

30 17500. Every person having upon the person any deadly weapon, with intent to  
31 assault another, is guilty of a misdemeanor.

32 **Comment.** Section 17500 continues former Section 12024 without substantive change.

33 § 17505. Advertising sale of prohibited weapon or device

34 17505. It shall be unlawful for any person, as defined in Section 16970, to  
35 advertise the sale of any weapon or device, the possession of which is prohibited  
36 by Section 18710, 20110, 30315, 30320, 32625, or 33410, by Article 2  
37 (commencing with Section 30600) of Chapter 2 of Division 10 of Title 4, or by

1 any provision listed in Section 16590, in any newspaper, magazine, circular, form  
2 letter, or open publication that is published, distributed, or circulated in this state,  
3 or on any billboard, card, label, or other advertising medium, or by means of any  
4 other advertising device.

5 **Comment.** Section 17505 continues former Section 12020.5 without substantive change.

6 **§ 17510. Picketing with deadly weapon**

7 17510. (a) Any person who does any of the following acts while engaged in  
8 picketing, or other informational activities in a public place relating to a concerted  
9 refusal to work, is guilty of a misdemeanor:

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

13 (2) Carries a loaded firearm upon the person or within any vehicle that is under  
14 the person's control or direction.

15 (3) Carries a deadly weapon.

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

18 (c) The following provisions shall not be construed to authorize any conduct  
19 described in paragraph (1) of subdivision (a):

20 (1) Article 2 (commencing with Section 25450) of Chapter 2 of Division 5.

21 (2) Sections 25615 to 25655, inclusive.

22 (d) Sections 25900 to 26020, inclusive, shall not be construed to authorize any  
23 conduct described in paragraph (2) of subdivision (a).

24 **Comment.** Subdivision (a) of Section 17510 continues former Section 12590(a)(1)-(3) without  
25 substantive change.

26 With respect to the acts enumerated in subdivision (a), subdivision (b) continues former  
27 Section 12590(b) without substantive change. See also Section 830.95(b), which continues former  
28 Section 12590(b) with respect to picketing in the uniform of a peace officer.

29 Subdivisions (c) and (d) continue former Section 12590(c) without substantive change.

30 See Sections 16520 ("firearm"), 16530 ("firearm capable of being concealed upon the person,"  
31 "pistol," and "revolver").

32 **§ 17515. Officer carrying equipment authorized for enforcement of law or ordinance**

33 17515. Nothing in any provision listed in Section 16580 prohibits a police  
34 officer, special police officer, peace officer, or law enforcement officer from  
35 carrying any equipment authorized for the enforcement of law or ordinance in any  
36 city or county.

37 **Comment.** With respect to "any equipment authorized for the enforcement of law or ordinance  
38 in any city or county," Section 17515 continues former Section 12002(a) without substantive  
39 change. The remainder of former Section 12002(a) is continued in Section 22295(a) without  
40 substantive change.

DIVISION 2. GENERALLY PROHIBITED WEAPONS

CHAPTER 1. EXEMPTIONS

§ 17700. Exemption for antique firearm

17700. The provisions listed in Section 16590 do not apply to any antique firearm.

**Comment.** Section 17700 continues the first sentence of former Section 12020(b)(5) without substantive change.

See Section 16170 (“antique firearm”).

§ 17705. Exemption for firearm or ammunition constituting curio or relic

17705. (a) The provisions listed in Section 16590 do not apply to any firearm or ammunition that is a curio or relic as defined in Section 478.11 of Title 27 of the Code of Federal Regulations and that is in the possession of a person permitted to possess the items under Chapter 44 (commencing with Section 921) of Title 18 of the United States Code and the regulations issued pursuant thereto.

(b) Any person prohibited by Chapter 1 (commencing with Section 29610), Chapter 2 (commencing with Section 29800), or Chapter 3 (commencing with Section 29900) of Division 9 of Title 4 of this part, or Section 8100 or 8103 of the Welfare and Institutions Code, from possessing firearms or ammunition who obtains title to these items by bequest or intestate succession may retain title for not more than one year, but actual possession of these items at any time is punishable under Chapter 1 (commencing with Section 29610), Chapter 2 (commencing with Section 29800), or Chapter 3 (commencing with Section 29900) of Division 9 of Title 4 of this part, or Section 8100 or 8103 of the Welfare and Institutions Code. Within the year, the person shall transfer title to the firearms or ammunition by sale, gift, or other disposition. Any person who violates this section is in violation of the applicable provision listed in Section 16590.

**Comment.** Section 17705 continues former Section 12020(b)(7) without substantive change.

See Section 16520 (“firearm”).

§ 17710. Exemption for “any other weapon” in possession of person permitted to possess it under federal Gun Control Act of 1968

17710. (a) The provisions listed in Section 16590 do not apply to “any other weapon” as defined in subsection (e) of Section 5845 of Title 26 of the United States Code, which is in the possession of a person permitted to possess the weapons under the federal Gun Control Act of 1968 (Public Law 90-618), as amended, and the regulations issued pursuant thereto.

(b) Any person prohibited by Chapter 1 (commencing with Section 29610), Chapter 2 (commencing with Section 29800), or Chapter 3 (commencing with Section 29900) of Division 9 of Title 4 of this part, or Section 8100 or 8103 of the Welfare and Institutions Code, from possessing these weapons who obtains title to

1 these weapons by bequest or intestate succession may retain title for not more than  
2 one year, but actual possession of these weapons at any time is punishable under  
3 Chapter 1 (commencing with Section 29610), Chapter 2 (commencing with  
4 Section 29800), or Chapter 3 (commencing with Section 29900) of Division 9 of  
5 Title 4 of this part, or Section 8100 or 8103 of the Welfare and Institutions Code.  
6 Within the year, the person shall transfer title to the weapons by sale, gift, or other  
7 disposition. Any person who violates this section is in violation of the applicable  
8 provision listed in Section 16590.

9 (c) The exemption provided by this section does not apply to a pen gun.

10 **Comment.** Section 17710 continues former Section 12020(b)(8) without substantive change.

11 **§ 17715. Exemption for historical society, museum, or institutional collection**

12 17715. The provisions listed in Section 16590 do not apply to any instrument or  
13 device that is possessed by a federal, state, or local historical society, museum, or  
14 institutional collection that is open to the public if all of the following conditions  
15 are satisfied:

16 (a) The instrument or device is properly housed.

17 (b) The instrument or device is secured from unauthorized handling.

18 (c) If the instrument or device is a firearm, it is unloaded.

19 **Comment.** Section 17715 continues former Section 12020(b)(9) without substantive change.  
20 See Section 16520 (“firearm”).

21 **§ 17720. Exemption for motion picture, television, video production, or entertainment event**

22 17720. The provisions listed in Section 16590 do not apply to any instrument or  
23 device, other than a short-barreled rifle or a short-barreled shotgun, which is  
24 possessed or used during the course of a motion picture, television, or video  
25 production or entertainment event by an authorized participant therein in the  
26 course of making that production or event or by an authorized employee or agent  
27 of the entity producing that production or event.

28 **Comment.** Section 17720 continues former Section 12020(b)(10) without substantive change.  
29 See Sections 17170 (“short-barreled rifle”), 17180 (“short-barreled shotgun”).

30 **§ 17725. Exemption for person who sells to historical society, museum, or institutional**  
31 **collection, or for purposes of entertainment event**

32 17725. The provisions listed in Section 16590 do not apply to any instrument or  
33 device, other than a short-barreled rifle or a short-barreled shotgun, which is sold  
34 by, manufactured by, exposed or kept for sale by, possessed by, imported by, or  
35 lent by a person who is in the business of selling instruments or devices listed in  
36 Section 16590 solely to the entities referred to in Sections 17715 and 17720 when  
37 engaging in transactions with those entities.

38 **Comment.** Section 17725 continues former Section 12020(b)(11) without substantive change.  
39 See Sections 17170 (“short-barreled rifle”), 17180 (“short-barreled shotgun”).

1 **§ 17730. Exemption for law enforcement or person who sells to law enforcement**

2 17730. The provisions listed in Section 16590 do not apply to any of the  
3 following:

4 (a) The sale to, possession of, or purchase of any weapon, device, or  
5 ammunition, other than a short-barreled rifle or a short-barreled shotgun, by any  
6 federal, state, county, city and county, or city agency that is charged with the  
7 enforcement of any law for use in the discharge of its official duties.

8 (b) The possession of any weapon, device, or ammunition, other than a short-  
9 barreled rifle or short-barreled shotgun, by any peace officer of any federal, state,  
10 county, city and county, or city agency that is charged with the enforcement of any  
11 law, when the officer is on duty and the use is authorized by the agency and is  
12 within the course and scope of the officer's duties.

13 (c) Any weapon, device, or ammunition, other than a short-barreled rifle or a  
14 short-barreled shotgun, that is sold by, manufactured by, exposed or kept for sale  
15 by, possessed by, imported by, or lent by, any person who is in the business of  
16 selling weapons, devices, and ammunition listed in Section 16590 solely to the  
17 entities referred to in subdivision (a) when engaging in transactions with those  
18 entities.

19 **Comment.** Subdivisions (a) and (b) of Section 17730 continue former Section 12020(b)(12)  
20 without substantive change.

21 Subdivision (c) continues former Section 12020(b)(13) without substantive change.

22 See Sections 17170 ("short-barreled rifle"), 17180 ("short-barreled shotgun").

23 **§ 17735. Exemption for transportation of non-firearm to law enforcement for disposition**  
24 **according to law**

25 17735. The provisions listed in Section 16590 do not apply to any instrument,  
26 ammunition, weapon, or device that is not a firearm and is found and possessed by  
27 a person who meets all of the following:

28 (a) The person is not prohibited from possessing firearms or ammunition under  
29 subdivision (a) of Section 30305 or Chapter 2 (commencing with Section 29800)  
30 or 3 (commencing with Section 29900) of Division 9 of Title 4 of this part, or  
31 Section 8100 or 8103 of the Welfare and Institutions Code.

32 (b) The person possessed the instrument, ammunition, weapon, or device no  
33 longer than was necessary to deliver or transport it to a law enforcement agency  
34 for that agency's disposition according to law.

35 (c) If the person is transporting the item, the person is transporting it to a law  
36 enforcement agency for disposition according to law.

37 **Comment.** Section 17735 continues former Section 12020(b)(16) without substantive change.

38 See Section 16520 ("firearm").

1 **§ 17740. Exemption for transportation of firearm to law enforcement for disposition**  
2 **according to law**

3 17740. The provisions listed in Section 16590 do not apply to any firearm, other  
4 than a short-barreled rifle or short-barreled shotgun, which is found and possessed  
5 by a person who meets all of the following:

6 (a) The person is not prohibited from possessing firearms or ammunition under  
7 subdivision (a) of Section 30305 or Chapter 2 (commencing with Section 29800)  
8 or 3 (commencing with Section 29900) of Division 9 of Title 4 of this part, or  
9 Section 8100 or 8103 of the Welfare and Institutions Code.

10 (b) The person possessed the firearm no longer than was necessary to deliver or  
11 transport it to a law enforcement agency for that agency's disposition according to  
12 law.

13 (c) If the person is transporting the firearm, the person is transporting it to a law  
14 enforcement agency for disposition according to law.

15 (d) Before transporting the firearm to a law enforcement agency, the person has  
16 given prior notice to that law enforcement agency that the person is transporting  
17 the firearm to that law enforcement agency for disposition according to law.

18 (e) The firearm is transported in a locked container as defined in Section 16850.

19 **Comment.** Section 17740 continues former Section 12020(b)(17) without substantive change.  
20 See Sections 16520 ("firearm"), 17170 ("short-barreled rifle"), 17180 ("short-barreled  
21 shotgun").

22 **§ 17745. Exemption for possession by forensic laboratory**

23 17745. The provisions listed in Section 16590 do not apply to the possession of  
24 any weapon, device, or ammunition by a forensic laboratory or by any authorized  
25 agent or employee thereof in the course and scope of the person's authorized  
26 activities.

27 **Comment.** Section 17745 continues former Section 12020(b)(18) without substantive change.

28 **CHAPTER 2. MISCELLANEOUS PROVISIONS**

29 **§ 17800. Distinct and separate offense**

30 17800. For purposes of the provisions listed in Section 16590, a violation as to  
31 each firearm, weapon, or device enumerated in any of those provisions shall  
32 constitute a distinct and separate offense.

33 **Comment.** Section 17800 continues former Section 12001(l) without substantive change.  
34 See Section 16520 ("firearm").

DIVISION 3. SURRENDER, DISPOSAL, AND ENJOINING OF  
WEAPONS CONSTITUTING A NUISANCE

**§ 18000. Surrender of specified weapons constituting nuisance**

18000. (a) Any weapon described in Section 19190, 21390, 21590, or 25700, or, upon conviction of the defendant or upon a juvenile court finding that an offense that would be a misdemeanor or felony if committed by an adult was committed or attempted by the juvenile with the use of a firearm, any weapon described in Section 29300, shall be surrendered to one of the following:

(1) The sheriff of a county.

(2) The chief of police or other head of a municipal police department of any city or city and county.

(3) The chief of police of any campus of the University of California or the California State University.

(4) The Commissioner of the California Highway Patrol.

(b) For purposes of this section, the Commissioner of the California Highway Patrol shall receive only weapons that were confiscated by a member of the California Highway Patrol.

(c) A finding that the defendant was guilty of the offense but was insane at the time the offense was committed is a conviction for the purposes of this section.

**Comment.** Subdivision (a) of Section 18000 continues the first sentence of former Section 12028(c) without substantive change.

Subdivision (b) continues the second sentence of former Section 12028(c) without substantive change.

In combination with Section 29300(b), subdivision (c) continues the second sentence of former Section 12028(b)(1) without substantive change.

For guidance on disposal of weapons surrendered pursuant to this section, see Section 18005 (disposal of weapons constituting nuisance). For additional guidance on surrender of deadly weapons, see Sections 18010 (treatment of other weapons constituting nuisance), 18250-18500 (seizure of firearm or other deadly weapon at scene of domestic violence), 33800 (receipt for firearm taken into custody by law enforcement officer).

See Section 16520 (“firearm”).

**§ 18005. Disposal of weapons constituting nuisance**

18005. (a) An officer to whom weapons are surrendered under Section 18000, except upon the certificate of a judge of a court of record, or of the district attorney of the county, that the retention thereof is necessary or proper to the ends of justice, may annually, between the 1st and 10th days of July, in each year, offer the weapons, which the officer in charge of them considers to have value with respect to sporting, recreational, or collection purposes, for sale at public auction to persons licensed pursuant to Sections 26700 to 26915, inclusive, to engage in businesses involving any weapon purchased.

(b) If any weapon has been stolen and is thereafter recovered from the thief or the thief’s transferee, or is used in a manner as to constitute a nuisance under Section 19190, 21390, 21590, or 29300, or subdivision (a) of Section 25700



1 without the prior knowledge of its lawful owner that it would be so used, it shall  
2 not be offered for sale under subdivision (a) but shall be restored to the lawful  
3 owner, as soon as its use as evidence has been served, upon the lawful owner's  
4 identification of the weapon and proof of ownership, and after the law  
5 enforcement agency has complied with Chapter 2 (commencing with Section  
6 33850) of Division 11 of Title 4.

7 (c) If, under this section, a weapon is not of the type that can be sold to the  
8 public, generally, or is not sold under subdivision (b), the weapon, in the month of  
9 July, next succeeding, or sooner, if necessary to conserve local resources,  
10 including space and utilization of personnel who maintain files and security of  
11 those weapons, shall be destroyed so that it can no longer be used as a weapon  
12 subject to surrender under Section 18000, except upon the certificate of a judge of  
13 a court of record, or of the district attorney of the county, that the retention of it is  
14 necessary or proper to the ends of justice.

15 (d) No stolen weapon shall be sold or destroyed pursuant to subdivision (b) or  
16 (c) unless reasonable notice is given to its lawful owner, if the lawful owner's  
17 identity and address can be reasonably ascertained.

18 **Comment.** Subdivision (a) of Section 18005 continues the third sentence of former Section  
19 12028(c) without substantive change.

20 Subdivision (b) continues the fourth sentence of former Section 12028(c) without substantive  
21 change.

22 Subdivision (c) continues former Section 12028(d) without substantive change.

23 Subdivision (d) continues former Section 12028(f) without substantive change.

24 For additional guidance on disposal of weapons taken into custody by a court or law  
25 enforcement agency, see Sections 18010 (treatment of other weapons constituting nuisance),  
26 18250-18500 (seizure of firearm or other deadly weapon at scene of domestic violence), 33800-  
27 34010 (firearm in custody of court or law enforcement agency or similar situation).

## 28 § 18010. Treatment of other weapons constituting nuisance

29 18010. (a) The Attorney General, district attorney, or city attorney may bring an  
30 action to enjoin the manufacture of, importation of, keeping for sale of, offering or  
31 exposing for sale, giving, lending, or possession of, any item that constitutes a  
32 nuisance under any of the following provisions:

33 (1) Section 19290, relating to metal handgrenades.

34 (2) Section 20390, relating to an air gauge knife.

35 (3) Section 20490, relating to a belt buckle knife.

36 (4) Section 20590, relating to a cane sword.

37 (5) Section 20690, relating to a lipstick case knife.

38 (6) Section 20790, relating to a shobi-zue.

39 (7) Section 20990, relating to a writing pen knife.

40 (8) Section 21190, relating to a ballistic knife.

41 (9) Section 21890, relating to metal knuckles.

42 (10) Section 22090, relating to a nunchaku.

43 (11) Section 22290, relating to a blackjack, billy, leaded cane, sandclub,  
44 sandbag, sap, and slungshot.

- 1 (12) Section 22490, relating to a shuriken.  
2 (13) Section 24390, relating to a camouflaging firearm container.  
3 (14) Section 24490, relating to a cane gun.  
4 (15) Section 24590, relating to a firearm not immediately recognizable as a  
5 firearm.  
6 (16) Section 24690, relating to an undetectable firearm.  
7 (17) Section 24790, relating to a wallet gun.  
8 (18) Section 30290, relating to flechette dart ammunition and to a bullet with an  
9 explosive agent.  
10 (19) Section 31590, relating to an unconventional pistol.  
11 (20) Section 32390, relating to a large-capacity magazine.  
12 (21) Section 32990, relating to a multiburst trigger activator.  
13 (22) Section 33290, relating to a short-barreled rifle or a short-barreled shotgun.  
14 (23) Section 33690, relating to a zip gun.  
15 (b) These weapons shall be subject to confiscation and summary destruction  
16 whenever found within the state.  
17 (c) These weapons shall be destroyed in the same manner described in Section  
18 18005, except that upon the certification of a judge or of the district attorney that  
19 the ends of justice will be served thereby, the weapon shall be preserved until the  
20 necessity for its use ceases.  
21 **Comment.** Subdivision (a) of Section 18010 continues the end of the first sentence of former  
22 Section 12029 without substantive change.  
23 Subdivision (b) continues the second sentence of former Section 12029 without substantive  
24 change.  
25 Subdivision (c) continues the third sentence of former Section 12029 without substantive  
26 change.  
27 For additional guidance on surrender and disposal of weapons, see Sections 18000 (surrender  
28 of specified weapons constituting nuisance), 18005 (disposal of weapons constituting nuisance),  
29 18250-18500 (seizure of firearm or other deadly weapon at scene of domestic violence), 33800-  
30 34010 (firearm in custody of court or law enforcement agency or similar situation).

31 DIVISION 4. SEIZURE OF FIREARM OR OTHER DEADLY  
32 WEAPON AT SCENE OF DOMESTIC VIOLENCE

33 CHAPTER 1. SEIZURE AND SUBSEQUENT PROCEDURES

34 **§ 18250. Seizure of firearm or other deadly weapon at scene of domestic violence**

35 18250. If any of the following persons is at the scene of a domestic violence  
36 incident involving a threat to human life or a physical assault, that person shall  
37 take temporary custody of any firearm or other deadly weapon in plain sight or  
38 discovered pursuant to a consensual or other lawful search as necessary for the  
39 protection of the peace officer or other persons present:

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

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

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

5 (d) An officer listed in Section 830.6, while acting in the course and scope of the  
6 officer's employment as a peace officer.

7 (e) A member of a California State University Police Department, as defined in  
8 subdivision (c) of Section 830.2.

9 (f) A peace officer of the Department of Parks and Recreation, as defined in  
10 subdivision (f) of Section 830.2.

11 (g) A peace officer, as defined in subdivision (d) of Section 830.31.

12 (h) A peace officer, as defined in subdivisions (a) and (b) of Section 830.32.

13 (i) A peace officer, as defined in Section 830.5.

14 **Comment.** Section 18250 continues the first sentence of former Section 12028.5(b) without  
15 substantive change.

16 For what constitutes a domestic violence incident, see Sections 16120 ("abuse"), 16490  
17 ("domestic violence"). For what constitutes a deadly weapon, see Section 16430 ("deadly  
18 weapon"); see also Section 16520 ("firearm").

19 See Sections 18255 (receipt for weapon), 18260 (delivery of deadly weapon seized by peace  
20 officer for community college or school district), 18265 (holding period), 18270 (return of stolen  
21 weapon), 18275 (sale or destruction of deadly weapon held longer than one year), 18500 (no  
22 liability for act in good faith under this division). For procedures applicable when a law  
23 enforcement agency has reasonable cause to believe that return of a weapon would endanger the  
24 victim of a domestic violence incident or a person who reported the incident, see Sections 18400-  
25 18420.

26 For additional guidance on surrender and disposal of weapons, see Sections 18000 (surrender  
27 of specified weapons constituting nuisance), 18005 (disposal of weapons constituting nuisance),  
28 18010 (treatment of other weapons constituting nuisance), 33800-34010 (firearm in custody of  
29 court or law enforcement agency or similar situation).

### 30 § 18255. Receipt for weapon

31 18255. (a) Upon taking custody of a firearm or other deadly weapon pursuant to  
32 this division, the officer shall give the owner or person who possessed the firearm  
33 a receipt.

34 (b) The receipt shall describe the firearm or other deadly weapon and list any  
35 identification or serial number on the firearm.

36 (c) The receipt shall indicate where the firearm or other deadly weapon can be  
37 recovered, the time limit for recovery as required by this division, and the date  
38 after which the owner or possessor can recover the firearm or other deadly  
39 weapon.

40 **Comment.** Subdivision (a) of Section 18255 continues the second sentence of former Section  
41 12028.5(b) without substantive change.

42 Subdivision (b) continues the third sentence of former Section 12028.5(b) without substantive  
43 change.

44 Subdivision (c) continues the fourth sentence of former Section 12028.5(b) without substantive  
45 change.

46 For what constitutes a deadly weapon, see Section 16430 ("deadly weapon"). See also Section  
47 16520 ("firearm").

1 See Sections 18250 (seizure of firearm or other deadly weapon at scene of domestic violence),  
2 18260 (delivery of deadly weapon seized by peace officer for community college or school  
3 district), 18265 (holding period), 18270 (return of stolen weapon), 18275 (sale or destruction of  
4 deadly weapon held longer than one year), 18500 (no liability for act in good faith under this  
5 division). For procedures applicable when a law enforcement agency has reasonable cause to  
6 believe that return of a weapon would endanger the victim of a domestic violence incident or a  
7 person who reported the incident, see Sections 18400-18420.

8 For additional guidance on surrender and disposal of weapons, see Sections 18000 (surrender  
9 of specified weapons constituting nuisance), 18005 (disposal of weapons constituting nuisance),  
10 18010 (treatment of other weapons constituting nuisance), 33800-34010 (firearm in custody of  
11 court or law enforcement agency or similar situation).

12 **§ 18260. Delivery of deadly weapon seized by peace officer for community college or school**  
13 **district**

14 18260. Any peace officer, as defined in subdivisions (a) and (b) of Section  
15 830.32, who takes custody of a firearm or deadly weapon pursuant to this division,  
16 shall deliver the firearm within 24 hours to the city police department or county  
17 sheriff's office in the jurisdiction where the college or school is located.

18 **Comment.** Section 18260 continues former Section 12028.5(c) without substantive change.

19 For what constitutes a deadly weapon, see Section 16430 ("deadly weapon"). See also Section  
20 16520 ("firearm").

21 See Sections 18250 (seizure of firearm or other deadly weapon at scene of domestic violence),  
22 18255 (receipt for weapon), 18265 (holding period), 18270 (return of stolen weapon), 18275 (sale  
23 or destruction of deadly weapon held longer than one year), 18500 (no liability for act in good  
24 faith under this division). For procedures applicable when a law enforcement agency has  
25 reasonable cause to believe that return of a weapon would endanger the victim of a domestic  
26 violence incident or a person who reported the incident, see Sections 18400-18420.

27 For additional guidance on surrender and disposal of weapons, see Sections 18000 (surrender  
28 of specified weapons constituting nuisance), 18005 (disposal of weapons constituting nuisance),  
29 18010 (treatment of other weapons constituting nuisance), 33800-34010 (firearm in custody of  
30 court or law enforcement agency or similar situation).

31 **§ 18265. Holding period**

32 18265. (a) No firearm or other deadly weapon taken into custody pursuant to  
33 this division shall be held less than 48 hours.

34 (b) Except as provided in 18400, if a firearm or other deadly weapon is not  
35 retained for use as evidence related to criminal charges brought as a result of the  
36 domestic violence incident or is not retained because it was illegally possessed, the  
37 firearm or other deadly weapon shall be made available to the owner or person  
38 who was in lawful possession 48 hours after the seizure, or as soon thereafter as  
39 possible, but no later than five business days after the owner or person who was in  
40 lawful possession demonstrates compliance with Chapter 2 (commencing with  
41 Section 33850) of Division 11 of Title 4.

42 (c) In any civil action or proceeding for the return of firearms or ammunition or  
43 other deadly weapon seized by any state or local law enforcement agency and not  
44 returned within five business days after the initial seizure, except as provided in  
45 Section 18270, the court shall allow reasonable attorney's fees to the prevailing  
46 party.

1       **Comment.** Subdivision (a) of Section 18265 continues the fifth sentence of former Section  
2 12028.5(b) without substantive change.

3       Subdivision (b) continues the sixth sentence of former Section 12028.5(b) without substantive  
4 change.

5       Subdivision (c) continues the seventh sentence of former Section 12028.5(b) without  
6 substantive change.

7       For what constitutes a domestic violence incident, see Sections 16120 (“abuse”), 16490  
8 (“domestic violence”). For what constitutes a deadly weapon, see Section 16430 (“deadly  
9 weapon”); see also Section 16520 (“firearm”).

10       See Sections 18250 (seizure of firearm or other deadly weapon at scene of domestic violence),  
11 18255 (receipt for weapon), 18260 (delivery of deadly weapon seized by peace officer for  
12 community college or school district), 18270 (return of stolen weapon), 18275 (sale or  
13 destruction of deadly weapon held longer than one year), 18500 (no liability for act in good faith  
14 under this division). For procedures applicable when a law enforcement agency has reasonable  
15 cause to believe that return of a weapon would endanger the victim of a domestic violence  
16 incident or a person who reported the incident, see Sections 18400-18420.

17       For additional guidance on surrender and disposal of weapons, see Sections 18000 (surrender  
18 of specified weapons constituting nuisance), 18005 (disposal of weapons constituting nuisance),  
19 18010 (treatment of other weapons constituting nuisance), 33800-34010 (firearm in custody of  
20 court or law enforcement agency or similar situation).

21       **§ 18270. Return of stolen weapon**

22       18270. If a firearm or other deadly weapon has been stolen and has been taken  
23 into custody pursuant to this division, it shall be restored to the lawful owner upon  
24 satisfaction of all of the following conditions:

25       (a) Its use for evidence has been served.

26       (b) The owner identifies the firearm or other deadly weapon and provides proof  
27 of ownership.

28       (c) The law enforcement agency has complied with Chapter 2 (commencing  
29 with Section 33850) of Division 11 of Title 4.

30       **Comment.** Section 18270 continues former Section 12028.5(d) without substantive change.

31       For what constitutes a deadly weapon, see Section 16430 (“deadly weapon”); see also Section  
32 16520 (“firearm”).

33       See Sections 18250 (seizure of firearm or other deadly weapon at scene of domestic violence),  
34 18255 (receipt for weapon), 18260 (delivery of deadly weapon seized by peace officer for  
35 community college or school district), 18265 (holding period), 18275 (sale or destruction of  
36 deadly weapon held longer than one year), 18500 (no liability for act in good faith under this  
37 division). For procedures applicable when a law enforcement agency has reasonable cause to  
38 believe that return of a weapon would endanger the victim of a domestic violence incident or a  
39 person who reported the incident, see Sections 18400-18420.

40       For additional guidance on surrender and disposal of weapons, see Sections 18000 (surrender  
41 of specified weapons constituting nuisance), 18005 (disposal of weapons constituting nuisance),  
42 18010 (treatment of other weapons constituting nuisance), 33800-34010 (firearm in custody of  
43 court or law enforcement agency or similar situation).

44       **§ 18275. Sale or destruction of deadly weapon held longer than one year**

45       18275. (a) Any firearm or other deadly weapon that has been taken into custody  
46 and held by any of the following law enforcement authorities for longer than 12  
47 months, and has not been recovered by the owner or person who had lawful

1 possession at the time it was taken into custody, shall be considered a nuisance  
2 and sold or destroyed as provided in Section 18005:

3 (1) A police, university police, or sheriff's department.

4 (2) A marshal's office.

5 (3) A peace officer of the Department of the California Highway Patrol, as  
6 defined in subdivision (a) of Section 830.2.

7 (4) A peace officer of the Department of Parks and Recreation, as defined in  
8 subdivision (f) of Section 830.2.

9 (5) A peace officer, as defined in subdivision (d) of Section 830.31.

10 (6) A peace officer, as defined in Section 830.5.

11 (b) If a firearm or other deadly weapon is not recovered within 12 months due to  
12 an extended hearing process as provided in Section 18420, it is not subject to  
13 destruction until the court issues a decision, and then only if the court does not  
14 order the return of the firearm or other deadly weapon to the owner.

15 **Comment.** Section 18275 continues former Section 12028.5(e) without substantive change.

16 For what constitutes a deadly weapon, see Section 16430 ("deadly weapon"); see also Section  
17 16520 ("firearm").

18 See Sections 18250 (seizure of firearm or other deadly weapon at scene of domestic violence),  
19 18255 (receipt for weapon), 18260 (delivery of deadly weapon seized by peace officer for  
20 community college or school district), 18265 (holding period), 18270 (return of stolen weapon),  
21 18500 (no liability for act in good faith under this division). For procedures applicable when a  
22 law enforcement agency has reasonable cause to believe that return of a weapon would endanger  
23 the victim of a domestic violence incident or a person who reported the incident, see Sections  
24 18400-18420.

25 For additional guidance on surrender and disposal of weapons, see Sections 18000 (surrender  
26 of specified weapons constituting nuisance), 18005 (disposal of weapons constituting nuisance),  
27 18010 (treatment of other weapons constituting nuisance), 33800-34010 (firearm in custody of  
28 court or law enforcement agency or similar situation).

29 CHAPTER 2. PROCEDURE WHERE AGENCY BELIEVES RETURN OF  
30 WEAPON WOULD CREATE DANGER

31 **§ 18400. Petition to determine whether weapon should be returned**

32 18400. (a) When a law enforcement agency has reasonable cause to believe that  
33 the return of a firearm or other deadly weapon seized under this division would be  
34 likely to result in endangering the victim or the person who reported the assault or  
35 threat, the agency shall so advise the owner of the firearm or other deadly weapon,  
36 and within 60 days of the date of seizure, initiate a petition in superior court to  
37 determine if the firearm or other deadly weapon should be returned.

38 (b) The law enforcement agency may make an ex parte application stating good  
39 cause for an order extending the time to file a petition.

40 (c) Including any extension of time granted in response to an ex parte request, a  
41 petition must be filed within 90 days of the date of seizure of the firearm or other  
42 deadly weapon.

43 **Comment.** Section 18400 continues former Section 12028.5(f) without substantive change.

1 For what constitutes a deadly weapon, see Section 16430 (“deadly weapon”); see also Section  
2 16520 (“firearm”).

3 See Sections 18405 (notice of petition), 18410 (hearing on petition), 18415 (order of default),  
4 18420 (petition for second hearing).

5 See also Sections 18250 (seizure of firearm or other deadly weapon at scene of domestic  
6 violence), 18255 (receipt for weapon), 18260 (delivery of deadly weapon seized by peace officer  
7 for community college or school district), 18265 (holding period), 18270 (return of stolen  
8 weapon), 18275 (sale or destruction of deadly weapon held longer than one year), 18500 (no  
9 liability for act in good faith under this division).

10 For additional guidance on surrender and disposal of weapons, see Sections 18000 (surrender  
11 of specified weapons constituting nuisance), 18005 (disposal of weapons constituting nuisance),  
12 18010 (treatment of other weapons constituting nuisance), 33800-34010 (firearm in custody of  
13 court or law enforcement agency or similar situation).

#### 14 § 18405. Notice of petition

15 18405. (a) If a petition is filed under Section 18400, the law enforcement agency  
16 shall inform the owner or person who had lawful possession of the firearm or other  
17 deadly weapon, at that person’s last known address, by registered mail, return  
18 receipt requested, that the person has 30 days from the date of receipt of the notice  
19 to respond to the court clerk to confirm the person’s desire for a hearing, and that  
20 the failure to respond shall result in a default order forfeiting the confiscated  
21 firearm or other deadly weapon.

22 (b) For purposes of this section, the person’s last known address shall be  
23 presumed to be the address provided to the law enforcement officer by that person  
24 at the time of the family violence incident.

25 (c) In the event the person whose firearm or other deadly weapon was seized  
26 does not reside at the last address provided to the agency, the agency shall make a  
27 diligent, good faith effort to learn the whereabouts of the person and to comply  
28 with these notification requirements.

29 **Comment.** Section 18405 continues former Section 12028.5(g) without substantive change.

30 For what constitutes a deadly weapon, see Section 16430 (“deadly weapon”); see also Section  
31 16520 (“firearm”).

32 See Sections 18400 (petition to determine whether weapon should be returned), 18410 (hearing  
33 on petition), 18415 (order of default), 18420 (petition for second hearing).

34 See also Sections 16120 (“abuse”), 16490 (“domestic violence”), 18250 (seizure of firearm or  
35 other deadly weapon at scene of domestic violence), 18255 (receipt for weapon), 18260 (delivery  
36 of deadly weapon seized by peace officer for community college or school district), 18265  
37 (holding period), 18270 (return of stolen weapon), 18275 (sale or destruction of deadly weapon  
38 held longer than one year), 18500 (no liability for act in good faith under this division).

39 For additional guidance on surrender and disposal of weapons, see Sections 18000 (surrender  
40 of specified weapons constituting nuisance), 18005 (disposal of weapons constituting nuisance),  
41 18010 (treatment of other weapons constituting nuisance), 33800-34010 (firearm in custody of  
42 court or law enforcement agency or similar situation).

#### 43 § 18410. Hearing on petition

44 18410. (a) If the person who receives a petition under Section 18405 requests a  
45 hearing, the court clerk shall set a hearing no later than 30 days from receipt of  
46 that request.

1 (b) The court clerk shall notify the person, the law enforcement agency  
2 involved, and the district attorney of the date, time, and place of the hearing.

3 (c) Unless it is shown by a preponderance of the evidence that the return of the  
4 firearm or other deadly weapon would result in endangering the victim or the  
5 person reporting the assault or threat, the court shall order the return of the firearm  
6 or other deadly weapon and shall award reasonable attorney's fees to the  
7 prevailing party.

8 **Comment.** Section 18410 continues former Section 12028.5(h) without substantive change.

9 For what constitutes a deadly weapon, see Section 16430 ("deadly weapon"); see also Section  
10 16520 ("firearm").

11 See Sections 18400 (petition to determine whether weapon should be returned), 18405 (notice  
12 of petition), 18415 (order of default), 18420 (petition for second hearing).

13 See also Sections 16120 ("abuse"), 16490 ("domestic violence"), 18250 (seizure of firearm or  
14 other deadly weapon at scene of domestic violence), 18255 (receipt for weapon), 18260 (delivery  
15 of deadly weapon seized by peace officer for community college or school district), 18265  
16 (holding period), 18270 (return of stolen weapon), 18275 (sale or destruction of deadly weapon  
17 held longer than one year), 18500 (no liability for act in good faith under this division).

18 For additional guidance on surrender and disposal of weapons, see Sections 18000 (surrender  
19 of specified weapons constituting nuisance), 18005 (disposal of weapons constituting nuisance),  
20 18010 (treatment of other weapons constituting nuisance), 33800-34010 (firearm in custody of  
21 court or law enforcement agency or similar situation).

#### 22 § 18415. Order of default

23 18415. If the person who receives a petition under Section 18405 does not  
24 request a hearing or does not otherwise respond within 30 days of the receipt of  
25 the notice, the law enforcement agency may file a petition for an order of default  
26 and may dispose of the firearm or other deadly weapon as provided in Section  
27 18005.

28 **Comment.** Section 18415 continues former Section 12028.5(i) without substantive change.

29 For what constitutes a deadly weapon, see Section 16430 ("deadly weapon"); see also Section  
30 16520 ("firearm").

31 See Sections 18400 (petition to determine whether weapon should be returned), 18405 (notice  
32 of petition), 18410 (hearing on petition), 18420 (petition for second hearing).

33 See also Sections 16120 ("abuse"), 16490 ("domestic violence"), 18250 (seizure of firearm or  
34 other deadly weapon at scene of domestic violence), 18255 (receipt for weapon), 18260 (delivery  
35 of deadly weapon seized by peace officer for community college or school district), 18265  
36 (holding period), 18270 (return of stolen weapon), 18275 (sale or destruction of deadly weapon  
37 held longer than one year), 18500 (no liability for act in good faith under this division).

38 For additional guidance on surrender and disposal of weapons, see Sections 18000 (surrender  
39 of specified weapons constituting nuisance), 18005 (disposal of weapons constituting nuisance),  
40 18010 (treatment of other weapons constituting nuisance), 33800-34010 (firearm in custody of  
41 court or law enforcement agency or similar situation).

#### 42 § 18420. Petition for second hearing

43 18420. (a) If, at a hearing under Section 18410, the court does not order the  
44 return of the firearm or other deadly weapon to the owner or person who had  
45 lawful possession, that person may petition the court for a second hearing within  
46 12 months from the date of the initial hearing.



1 (b) If there is a petition for a second hearing, unless it is shown by clear and  
2 convincing evidence that the return of the firearm or other deadly weapon would  
3 result in endangering the victim or the person reporting the assault or threat, the  
4 court shall order the return of the firearm or other deadly weapon and shall award  
5 reasonable attorney’s fees to the prevailing party.

6 (c) If the owner or person who had lawful possession does not petition the court  
7 within this 12-month period for a second hearing or is unsuccessful at the second  
8 hearing in gaining return of the firearm or other deadly weapon, the firearm or  
9 other deadly weapon may be disposed of as provided in Section 18005.

10 **Comment.** Section 18420 continues former Section 12028.5(j) without substantive change.

11 For what constitutes a deadly weapon, see Section 16430 (“deadly weapon”); see also Section  
12 16520 (“firearm”).

13 See Sections 18400 (petition to determine whether weapon should be returned), 18405 (notice  
14 of petition), 18410 (hearing on petition), 18415 (order of default).

15 See also Sections 18250 (seizure of firearm or other deadly weapon at scene of domestic  
16 violence), 18255 (receipt for weapon), 18260 (delivery of deadly weapon seized by peace officer  
17 for community college or school district), 18265 (holding period), 18270 (return of stolen  
18 weapon), 18275 (sale or destruction of deadly weapon held longer than one year), 18500 (no  
19 liability for act in good faith under this division).

20 For additional guidance on surrender and disposal of weapons, see Sections 18000 (surrender  
21 of specified weapons constituting nuisance), 18005 (disposal of weapons constituting nuisance),  
22 18010 (treatment of other weapons constituting nuisance), 33800-34010 (firearm in custody of  
23 court or law enforcement agency or similar situation).

24 CHAPTER 3. LIABILITY

25 **§ 18500. No liability for act in good faith under this division**

26 18500. The law enforcement agency, or the individual law enforcement officer,  
27 shall not be liable for any act in the good faith exercise of this division.

28 **Comment.** Section 18500 continues former Section 12028.5(k) without substantive change.

29 DIVISION 5. DESTRUCTIVE DEVICES, EXPLOSIVES, AND  
30 SIMILAR WEAPONS

31 CHAPTER 1. DESTRUCTIVE DEVICES AND EXPLOSIVES GENERALLY

32 Article 1. Prohibited Acts

33 **§ 18710. Unlawful possession of destructive device other than fixed ammunition greater  
34 than .60 caliber**

35 18710. (a) Except as provided by this chapter, any person, firm, or corporation  
36 who, within this state, possesses any destructive device, other than fixed  
37 ammunition of a caliber greater than .60 caliber, is guilty of a public offense.

1 (b) A person, firm, or corporation who is convicted of an offense under  
2 subdivision (a) shall be punished by imprisonment in the county jail for a term not  
3 to exceed one year, or in state prison, or by a fine not to exceed ten thousand  
4 dollars (\$10,000), or by both this fine and imprisonment.

5 **Comment.** Section 18710 continues former Section 12303 without substantive change.  
6 See Section 16460 (“destructive device”).

7 **§ 18715. Reckless or malicious possession of destructive device or explosive in public place**

8 18715. (a) Every person who recklessly or maliciously has in possession any  
9 destructive device or any explosive in any of the following places is guilty of a  
10 felony:

11 (1) On a public street or highway.

12 (2) In or near any theater, hall, school, college, church, hotel, or other public  
13 building.

14 (3) In or near any private habitation.

15 (4) In, on, or near any aircraft, railway passenger train, car, cable road, cable car,  
16 or vessel engaged in carrying passengers for hire.

17 (5) In, on, or near any other public place ordinarily passed by human beings.

18 (b) An offense under subdivision (a) is punishable by imprisonment in the state  
19 prison for a period of two, four, or six years.

20 **Comment.** Section 18715 continues former Section 12303.2 without substantive change.  
21 See Sections 16460 (“destructive device”), 16510 (“explosive”).

22 **§ 18720. Possession of materials with intent to create destructive device or explosive**

23 18720. Every person who possesses any substance, material, or any combination  
24 of substances or materials, with the intent to make any destructive device or any  
25 explosive without first obtaining a valid permit to make that destructive device or  
26 explosive, is guilty of a felony, and is punishable by imprisonment in the state  
27 prison for two, three, or four years.

28 **Comment.** Section 18720 continues former Section 12312 without substantive change.  
29 See Sections 16460 (“destructive device”), 16510 (“explosive”).

30 **§ 18725. Destructive device or explosive on vessel, aircraft, or other vehicle**

31 18725. Every person who willfully does any of the following is guilty of a  
32 felony and is punishable by imprisonment in the state prison for two, four, or six  
33 years:

34 (a) Carries any destructive device or any explosive on any vessel, aircraft, car, or  
35 other vehicle that transports passengers for hire.

36 (b) While on board any vessel, aircraft, car, or other vehicle that transports  
37 passengers for hire, places or carries any destructive device or any explosive in  
38 any hand baggage, roll, or other container.

39 (c) Places any destructive device or any explosive in any baggage that is later  
40 checked with any common carrier.

41 **Comment.** Section 18725 continues former Section 12303.1 without substantive change.

1 See Sections 16460 (“destructive device”), 16510 (“explosive”).

2 **§ 18730. Sale or transportation of destructive device other than fixed ammunition greater**  
3 **than .60 caliber**

4 18730. Except as provided by this chapter, any person, firm, or corporation who,  
5 within this state, sells, offers for sale, or knowingly transports any destructive  
6 device, other than fixed ammunition of a caliber greater than .60 caliber, is guilty  
7 of a felony and is punishable by imprisonment in the state prison for two, three, or  
8 four years.

9 **Comment.** Section 18730 continues former Section 12303.6 without substantive change.  
10 See Section 16460 (“destructive device”).

11 **§ 18735. Sale, possession, or transport of fixed ammunition greater than .60 caliber**

12 18735. (a) Except as provided by this chapter, any person, firm, or corporation  
13 who, within this state, sells, offers for sale, possesses or knowingly transports any  
14 fixed ammunition of a caliber greater than .60 caliber is guilty of a public offense.

15 (b) Upon conviction of an offense under subdivision (a), a person, firm, or  
16 corporation shall be punished by imprisonment in the county jail for a term not to  
17 exceed six months or by a fine not to exceed one thousand dollars (\$1,000), or by  
18 both this fine and imprisonment.

19 (c) A second or subsequent conviction shall be punished by imprisonment in the  
20 county jail for a term not to exceed one year, or by imprisonment in the state  
21 prison, or by a fine not to exceed three thousand dollars (\$3,000), or by both this  
22 fine and imprisonment.

23 **Comment.** Section 18735 continues former Section 12304 without substantive change.  
24 A conviction under former Section 12304 counts as a prior conviction in determining the  
25 appropriate punishment under this section. See Section 16015 (determining existence of prior  
26 conviction).

27 **§ 18740. Use or attempted use of destructive device or explosive with intent to cause fear or**  
28 **harm**

29 18740. Every person who possesses, explodes, ignites, or attempts to explode or  
30 ignite any destructive device or any explosive with intent to injure, intimidate, or  
31 terrify any person, or with intent to wrongfully injure or destroy any property, is  
32 guilty of a felony, and shall be punished by imprisonment in the state prison for a  
33 period of three, five, or seven years.

34 **Comment.** Section 18740 continues former Section 12303.3 without substantive change.  
35 See Sections 16460 (“destructive device”), 16510 (“explosive”).

36 **§ 18745. Use or attempted use of destructive device or explosive with intent to commit**  
37 **murder**

38 18745. Every person who explodes, ignites, or attempts to explode or ignite any  
39 destructive device or any explosive with intent to commit murder is guilty of a  
40 felony, and shall be punished by imprisonment in the state prison for life with the  
41 possibility of parole.

1 **Comment.** Section 18745 continues former Section 12308 without substantive change.  
2 See Sections 16460 (“destructive device”), 16510 (“explosive”).

3 **§ 18750. Willful and malicious use of destructive device or explosive resulting in bodily**  
4 **injury**

5 18750. Every person who willfully and maliciously explodes or ignites any  
6 destructive device or any explosive that causes bodily injury to a person is guilty  
7 of a felony, and shall be punished by imprisonment in the state prison for a period  
8 of five, seven, or nine years.

9 **Comment.** Section 18750 continues former Section 12309 without substantive change.  
10 See Sections 16460 (“destructive device”), 16510 (“explosive”).

11 **§ 18755. Willful and malicious use of destructive device or explosive resulting in death,**  
12 **mayhem, or great bodily injury**

13 18755. (a) Every person who willfully and maliciously explodes or ignites any  
14 destructive device or any explosive that causes the death of any person is guilty of  
15 a felony, and shall be punished by imprisonment in the state prison for life without  
16 the possibility of parole.

17 (b) Every person who willfully and maliciously explodes or ignites any  
18 destructive device or any explosive that causes mayhem or great bodily injury to  
19 any person is guilty of a felony, and shall be punished by imprisonment in the state  
20 prison for life.

21 **Comment.** Section 18755 continues former Section 12310 without substantive change.  
22 See Sections 16460 (“destructive device”), 16510 (“explosive”).

23 **§ 18780. No probation or suspension of sentence**

24 18780. A person convicted of a violation of this chapter shall not be granted  
25 probation, and the execution of the sentence imposed upon that person shall not be  
26 suspended by the court.

27 **Comment.** Section 18780 continues former Section 12311 without substantive change.

28 **Article 2. Exemptions**

29 **§ 18800. Use of destructive device or explosive by law enforcement, military, or firefighter**

30 18800. (a) Nothing in this chapter prohibits the sale to, purchase by, or  
31 possession, transportation, storage, or use of, a destructive device or explosive by  
32 any of the following:

33 (1) Any peace officer listed in Section 830.1 or 830.2, or any peace officer in the  
34 Department of Justice authorized by the Attorney General, while on duty and  
35 acting within the scope and course of employment.

36 (2) Any member of the Army, Navy, Air Force, or Marine Corps of the United  
37 States, or the National Guard, while on duty and acting within the scope and  
38 course of employment.

1 (b) Nothing in this chapter prohibits the sale to, or the purchase, possession,  
2 transportation, storage, or use by any person who is a regularly employed and paid  
3 officer, employee, or member of a fire department or fire protection or firefighting  
4 agency of the federal government, the State of California, a city, county, city and  
5 county, district, or other public or municipal corporation or political subdivision of  
6 this state, while on duty and acting within the scope and course of employment, of  
7 any equipment used by that department or agency in the course of fire suppression.

8 **Comment.** Section 18800 continues former Section 12302 without substantive change.  
9 See Sections 16460 (“destructive device”), 16510 (“explosive”).

### 10 Article 3. Permit and Inspection

#### 11 § 18900. Permit for destructive device

12 18900. (a) Every dealer, manufacturer, importer, and exporter of any destructive  
13 device, or any motion picture or television studio using destructive devices in the  
14 conduct of its business, shall obtain a permit for the conduct of that business from  
15 the Department of Justice.

16 (b) Any person, firm, or corporation not mentioned in subdivision (a) shall  
17 obtain a permit from the Department of Justice in order to possess or transport any  
18 destructive device. No permit shall be issued to any person who meets any of the  
19 following criteria:

20 (1) Has been convicted of any felony.

21 (2) Is addicted to the use of any narcotic drug.

22 (3) Is prohibited by state or federal law from possessing, receiving, owning, or  
23 purchasing a firearm.

24 (c) An application for a permit shall comply with all of the following:

25 (1) It shall be filed in writing.

26 (2) It shall be signed by the applicant if an individual, or by a member or officer  
27 qualified to sign if the applicant is a firm or corporation.

28 (3) It shall state the name, business in which engaged, business address, and a  
29 full description of the use to which the destructive devices are to be put.

30 (d) Applications and permits shall be uniform throughout the state on forms  
31 prescribed by the Department of Justice.

32 **Comment.** Subdivision (a) of Section 18900 continues former Section 12305(a) without  
33 substantive change.

34 Subdivision (b) continues former Section 12305(b) without substantive change.

35 Subdivision (c) continues former Section 12305(c) without substantive change.

36 Subdivision (d) continues former Section 12305(d) without substantive change.

37 See Section 16460 (“destructive device”).

#### 38 § 18905. Permit fees and renewal process

39 18905. (a) Each applicant for a permit under this article shall pay at the time of  
40 filing the application a fee not to exceed the application processing costs of the  
41 Department of Justice.

1 (b) A permit granted under this article may be renewed one year from the date of  
2 issuance, and annually thereafter, upon the filing of a renewal application and the  
3 payment of a permit renewal fee not to exceed the application processing costs of  
4 the Department of Justice.

5 (c) After the department establishes fees sufficient in amount to cover  
6 processing costs, the amount of the fees shall only increase at a rate not to exceed  
7 the legislatively approved cost-of-living adjustment for the department.

8 **Comment.** Section 18905 continues former Section 12305(e) without substantive change.

9 **§ 18910. Inspection by Department of Justice**

10 18910. (a) Except as provided in subdivision (b), the Department of Justice  
11 shall, for every person, firm, or corporation to whom a permit is issued under this  
12 article, annually conduct an inspection for security and safe storage purposes, and  
13 to reconcile the inventory of destructive devices.

14 (b) A person, firm, or corporation with an inventory of fewer than five devices  
15 that require any Department of Justice permit shall be subject to an inspection for  
16 security and safe storage purposes, and to reconcile inventory, once every five  
17 years, or more frequently if determined by the department.

18 **Comment.** Section 18910 continues former Section 12305(f)-(g) without substantive change.  
19 See Section 16460 (“destructive device”).

20 **Article 4. Destructive Device Constituting Nuisance**

21 **§ 19000. Destructive device constituting nuisance**

22 19000. (a) Possession of any destructive device in violation of this chapter is a  
23 public nuisance.

24 (b) The Attorney General or district attorney of any city, county, or city and  
25 county may bring an action in the superior court to enjoin the possession of any  
26 destructive device.

27 (c) Any destructive device found to be in violation of this chapter shall be  
28 surrendered to the Department of Justice, or to the sheriff or chief of police, if the  
29 sheriff or chief of police has elected to perform the services required by this  
30 section. The department, sheriff, or chief of police shall destroy the destructive  
31 device so as to render it unusable and unrepairable as a destructive device, except  
32 upon the filing of a certificate with the department by a judge or district attorney  
33 stating that the preservation of the destructive device is necessary to serve the ends  
34 of justice.

35 **Comment.** Section 19000 continues former Section 12307 without substantive change.  
36 See Section 16460 (“destructive device”).

1 CHAPTER 2. EXPLOSIVE SUBSTANCE OTHER THAN FIXED AMMUNITION

2 **§ 19100. Carrying concealed explosive substance other than fixed ammunition**

3 19100. Except as provided in Chapter 1 (commencing with Section 17700) of  
4 Division 2, any person in this state who carries concealed upon the person any  
5 explosive substance, other than fixed ammunition, is punishable by imprisonment  
6 in a county jail not exceeding one year or in the state prison.

7 **Comment.** Section 19100 continues former Section 12020(a)(3) without substantive change.

8 For circumstances in which this section is inapplicable, see Sections 16590 (“generally  
9 prohibited weapon”), 17700-17745 (exemptions relating to generally prohibited weapons).

10 See also Sections 17800 (distinct and separate offense), 19190 (concealed explosive substance  
11 constituting nuisance).

12 **§ 19190. Concealed explosive substance constituting nuisance**

13 19190. The unlawful concealed carrying upon the person of any explosive  
14 substance other than fixed ammunition, as provided in Section 19100, is a  
15 nuisance and is subject to Sections 18000 and 18005.

16 **Comment.** With respect to an explosive substance other than fixed ammunition, Section 19190  
17 continues former Section 12028(a) without substantive change.

18 CHAPTER 3. HANDGRENADES

19 **§ 19200. Prohibition on manufacture, import, sale, gift, loan, or possession of metal military  
20 practice handgrenade or metal replica handgrenade**

21 19200. (a) Except as provided in Section 19205 and Chapter 1 (commencing  
22 with Section 17700) of Division 2, any person in this state who manufactures or  
23 causes to be manufactured, imports into the state, keeps for sale, or offers or  
24 exposes for sale, or who gives, lends, or possesses any metal military practice  
25 handgrenade or metal replica handgrenade is punishable by imprisonment in a  
26 county jail not exceeding one year or in the state prison.

27 (b) Notwithstanding subdivision (a), a first offense involving any metal military  
28 practice handgrenade or metal replica handgrenade shall be punishable only as an  
29 infraction unless the offender is an active participant in a criminal street gang as  
30 defined in the Street Terrorism and Enforcement and Prevention Act (Chapter 11  
31 (commencing with Section 186.20) of Title 7 of Part 1).

32 **Comment.** With respect to a metal military practice handgrenade or metal replica  
33 handgrenade, subdivision (a) of Section 19200 continues former Section 12020(a)(1) without  
34 substantive change.

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

37 For circumstances in which this section is inapplicable, see Sections 16590 (“generally  
38 prohibited weapon”), 17700-17745 (exemptions relating to generally prohibited weapons), 19205  
39 (toy or permanently inoperative handgrenade).

40 See also Sections 17800 (distinct and separate offense), 19290 (metal military practice  
41 handgrenade or metal replica handgrenade constituting nuisance).

1    **§ 19205. Toy or permanently inoperative handgrenade**

2    19205. Section 19200 does not apply to any plastic toy handgrenade, or any  
3    metal military practice handgrenade or metal replica handgrenade that is a relic,  
4    curio, memorabilia, or display item, that is filled with a permanent inert substance,  
5    or that is otherwise permanently altered in a manner that prevents ready  
6    modification for use as a grenade.

7    **Comment.** Section 19205 continues former Section 12020(b)(15) without substantive change.  
8    For additional circumstances in which Section 19200 is inapplicable, see Sections 16590  
9    (“generally prohibited weapon”), 17700-17745 (exemptions relating to generally prohibited  
10    weapons).

11   **§ 19290. Metal military practice handgrenade or metal replica handgrenade constituting**  
12    **nuisance**

13    19290. Except as provided in Section 19205 and in Chapter 1 (commencing with  
14    Section 17700) of Division 2, any metal military practice handgrenade or metal  
15    replica handgrenade is a nuisance and is subject to Section 18010.

16    **Comment.** With respect to a metal military practice handgrenade or metal replica  
17    handgrenade, Section 19290 continues the first part of the first sentence of former Section 12029  
18    without substantive change.

19                                    DIVISION 6. LESS LETHAL WEAPONS

20   **§ 19400. Less lethal weapon or ammunition for official use by peace officer or custodial**  
21    **officer**

22    19400. A person who is a peace officer or a custodial officer, as defined in  
23    Chapter 4.5 (commencing with Section 830) of Title 3 of Part 2, may, if  
24    authorized by and under the terms and conditions as are specified by the person’s  
25    employing agency, purchase, possess, or transport any less lethal weapon or  
26    ammunition for any less lethal weapon, for official use in the discharge of the  
27    person’s duties.

28    **Comment.** Section 19400 continues former Section 12600 without substantive change.  
29    See Section 16780 (“less lethal weapon”).

30   **§ 19405. Punishment for sale of less lethal weapon to person under age 18**

31    19405. Any person who sells a less lethal weapon, as defined in Section 12601,  
32    to a person under the age of 18 years is guilty of a misdemeanor, punishable by  
33    imprisonment in the county jail for up to six months or by a fine of not more than  
34    one thousand dollars (\$1,000), or by both that imprisonment and fine.

35    **Comment.** Section 19405 continues former Section 12655 without substantive change.  
36    See Section 16780 (“less lethal weapon”).



1 TITLE 3. WEAPONS AND DEVICES  
2 OTHER THAN FIREARMS

3 DIVISION 1. BB DEVICES

4 § 19910. Sale of BB device to minor

5 19910. Every person who sells any BB device to a minor is guilty of a  
6 misdemeanor.

7 **Comment.** Section 19910 continues former Section 12551 without substantive change.  
8 See Section 16250 (“BB device”).

9 § 19915. Furnishing BB device to minor without parental permission

10 19915. (a) Every person who furnishes any BB device to any minor, without the  
11 express or implied permission of a parent or legal guardian of the minor, is guilty  
12 of a misdemeanor.

13 (b) As used in this section, “furnishes” means any of the following:

14 (1) A loan.

15 (2) A transfer that does not involve a sale.

16 **Comment.** Section 19915 continues former Section 12552 without substantive change.  
17 See Section 16250 (“BB device”).

18 DIVISION 2. BLOWGUNS

19 § 20010 . Unlawful acts relating to blowguns or blowgun ammunition

20 20010. Any person who knowingly manufactures, sells, offers for sale,  
21 possesses, or uses a blowgun or blowgun ammunition in this state is guilty of a  
22 misdemeanor.

23 **Comment.** Section 20010 continues former Section 12582 without substantive change.

24 For circumstances in which this section is inapplicable, see Section 20015 (use of blowgun or  
25 blowgun ammunition by veterinarian or animal control professional).

26 See Sections 16270 (“blowgun”), 16280 (“blowgun ammunition”).

27 § 20015. Use of blowgun or blowgun ammunition by veterinarian or animal control  
28 professional

29 20015. Nothing in this division shall prohibit the sale to, purchase by,  
30 possession of, or use of any blowgun or blowgun ammunition by zookeepers,  
31 animal control officers, Department of Fish and Game personnel, humane officers  
32 whose names are maintained in the county record of humane officers pursuant to  
33 Section 14502 of the Corporations Code, or veterinarians in the course and scope  
34 of their business in order to administer medicine to animals.

35 **Comment.** Section 20015 continues former Section 12583 without substantive change.  
36 See Sections 16270 (“blowgun”), 16280 (“blowgun ammunition”).

DIVISION 3. BOOBYTRAP

§ 20110. Boobytrap

20110. (a) Except as provided in Chapter 1 (commencing with Section 18710) of Division 5 of Title 2, any person who assembles, maintains, places, or causes to be placed a boobytrap device is guilty of a felony punishable by imprisonment in the state prison for two, three, or five years.

(b) Possession of any device with the intent to use the device as a boobytrap is punishable by imprisonment in state prison, or in a county jail not exceeding one year, or by a fine not exceeding five thousand dollars (\$5,000), or by both that fine and imprisonment.

**Comment.** Section 20110 continues subdivisions (a) and (b) of former Section 12355 without substantive change.

See Section 16310 (“boobytrap”).

DIVISION 4. IMITATION FIREARMS

§ 20150. Consequences of making imitation firearm or specified device look more like firearm

20150. (a) Any person who changes, alters, removes, or obliterates any coloration or markings that are required by any applicable state or federal law or regulation, for any imitation firearm, or any device described in subdivision (b) of Section 16700, in a way that makes the imitation firearm or device look more like a firearm, is guilty of a misdemeanor.

(b) This section does not apply to a manufacturer, importer, or distributor of imitation firearms.

(c) This section does not apply to lawful use in theatrical productions, including motion pictures, television, and stage productions.

**Comment.** Section 20150 continues former Section 12553(a) without substantive change.

See Sections 16520 (“firearm”), 16700 (“imitation firearm”).

§ 20155. Failure to comply with federal law or regulation on marking of toy, look-alike, or imitation firearm

20155. Any manufacturer, importer, or distributor of imitation firearms that fails to comply with any applicable federal law or regulation governing the marking of a toy, look-alike, or imitation firearm, as defined by federal law or regulation, is guilty of a misdemeanor.

**Comment.** Section 20155 continues former Section 12553(b) without substantive change.

See Section 16700 (“imitation firearm”).

§ 20160. Advisory requirement for imitation firearm

20160. (a) Any imitation firearm manufactured after July 1, 2005, shall, at the time of offer for sale in this state, be accompanied by a conspicuous advisory in

1 writing as part of the packaging, but not necessarily affixed to the imitation  
2 firearm, to the effect that the product may be mistaken for a firearm by law  
3 enforcement officers or others, that altering the coloration or markings required by  
4 state or federal law or regulations so as to make the product look more like a  
5 firearm is dangerous, and may be a crime, and that brandishing or displaying the  
6 product in public may cause confusion and may be a crime.

7 (b) Any manufacturer, importer, or distributor that fails to comply with this  
8 advisory for any imitation firearm manufactured after July 1, 2005, shall be liable  
9 for a civil fine for each action brought by a city attorney or district attorney of not  
10 more than one thousand dollars (\$1,000) for the first action, five thousand dollars  
11 (\$5,000) for the second action, and ten thousand dollars (\$10,000) for the third  
12 action and each subsequent action.

13 **Comment.** Section 20160 continues former Section 12554 without substantive change.

14 In applying subdivision (b), an action under former Section 12554 counts as a prior action  
15 under this section. See Section 16010 & Comment (continuation of existing law); see also Section  
16 16015 (determining existence of prior conviction).

17 See Sections 16520 (“firearm”), 16700 (“imitation firearm”).

18 **§ 20165. Unlawful commercial activities relating to imitation firearms**

19 20165. (a) Any person who, for commercial purposes, purchases, sells,  
20 manufactures, ships, transports, distributes, or receives, by mail order or in any  
21 other manner, an imitation firearm, except as authorized by this section, is liable  
22 for a civil fine in an action brought by the city attorney or the district attorney of  
23 not more than ten thousand dollars (\$10,000) for each violation.

24 (b) The manufacture, purchase, sale, shipping, transport, distribution, or receipt,  
25 by mail or in any other manner, of an imitation firearm is authorized if the device  
26 is manufactured, purchased, sold, shipped, transported, distributed, or received for  
27 any of the following purposes:

28 (1) Solely for export in interstate or foreign commerce.

29 (2) Solely for lawful use in theatrical productions, including motion picture,  
30 television, and stage productions.

31 (3) For use in a certified or regulated sporting event or competition.

32 (4) For use in military or civil defense activities, or ceremonial activities.

33 (5) For public displays authorized by public or private schools.

34 **Comment.** Section 20165 continues former Section 12555(a)-(b) without substantive change.

35 See Section 16700 (“imitation firearm”), which includes special guidance for interpreting that  
36 term in the context of this section.

37 **§ 20170. Display of imitation firearm in public place**

38 20170. (a) No person may openly display or expose any imitation firearm in a  
39 public place.

40 (b) As used in this section, “public place” means an area open to the public and  
41 includes any of the following:

42 (1) A street.

- 1 (2) A sidewalk.
- 2 (3) A bridge.
- 3 (4) An alley.
- 4 (5) A plaza.
- 5 (6) A park.
- 6 (7) A driveway.
- 7 (8) A front yard.
- 8 (9) A parking lot.
- 9 (10) An automobile, whether moving or not.
- 10 (11) A building open to the general public, including one that serves food or
- 11 drink, or provides entertainment.
- 12 (12) A doorway or entrance to a building or dwelling.
- 13 (13) A public school.
- 14 (14) A public or private college or university.
- 15 **Comment.** Subdivision (a) of Section 20170 continues former Section 12556(a) without
- 16 substantive change.
- 17 For circumstances in which this section is inapplicable, see Section 20175 (exemptions). For
- 18 consequences of violating this section, see Section 20180 (punishment).
- 19 Subdivision (b) continues former Section 12556(e) without substantive change.
- 20 See Section 16700 (“imitation firearm”).

21 **§ 20175. Exemptions**

22 20175. Section 20170 does not apply in any of the following circumstances:

- 23 (a) The imitation firearm is packaged or concealed so that it is not subject to
- 24 public viewing.
- 25 (b) The imitation firearm is displayed or exposed in the course of commerce,
- 26 including a commercial film or video production, or for service, repair, or
- 27 restoration of the imitation firearm.
- 28 (c) The imitation firearm is used in a theatrical production, a motion picture,
- 29 video, television, or stage production.
- 30 (d) The imitation firearm is used in conjunction with a certified or regulated
- 31 sporting event or competition.
- 32 (e) The imitation firearm is used in conjunction with lawful hunting, or a lawful
- 33 pest control activity.
- 34 (f) The imitation firearm is used or possessed at a certified or regulated public or
- 35 private shooting range.
- 36 (g) The imitation firearm is used at a fair, exhibition, exposition, or other similar
- 37 activity for which a permit has been obtained from a local or state government.
- 38 (h) The imitation firearm is used in a military, civil defense, or civic activity,
- 39 including a flag ceremony, color guard, parade, award presentation, historical
- 40 reenactment, or memorial.
- 41 (i) The imitation firearm is used for a public display authorized by a public or
- 42 private school or a display that is part of a museum collection.

1 (j) The imitation firearm is used in a parade, ceremony, or other similar activity  
2 for which a permit has been obtained from a local or state government.

3 (k) The imitation firearm is displayed on a wall plaque or in a presentation case.

4 (l) The imitation firearm is used in an area where the discharge of a firearm is  
5 lawful.

6 (m) The entire exterior surface of the imitation firearm is white, bright red,  
7 bright orange, bright yellow, bright green, bright blue, bright pink, or bright  
8 purple, either singly or as the predominant color in combination with other colors  
9 in any pattern, or the entire device is constructed of transparent or translucent  
10 material that permits unmistakable observation of the device's complete contents.  
11 Merely having an orange tip as provided in federal law and regulations does not  
12 satisfy this requirement. The entire surface must be colored or transparent or  
13 translucent.

14 **Comment.** Section 20175 continues former Section 12556(d) without substantive change.  
15 See Section 16700 ("imitation firearm").

#### 16 § 20180. Punishment

17 20180. (a) Except as provided in subdivision (b), violation of Section 20170 is  
18 an infraction punishable by a fine of one hundred dollars (\$100) for the first  
19 offense, and three hundred dollars (\$300) for a second offense.

20 (b) A third or subsequent violation of Section 20170 is punishable as a  
21 misdemeanor.

22 (c) Nothing in Sections 20170, 20175, or this section shall be construed to  
23 preclude prosecution for a violation of Section 171b, 171.5, or 626.10.

24 **Comment.** Subdivision (a) of Section 20180 continues former Section 12556(b) without  
25 substantive change.

26 Subdivision (b) continues former Section 12556(c) without substantive change.

27 Subdivision (c) continues former Section 12556 (f) without substantive change.

28 A violation of the predecessor of Section 20170 (former Section 12556(a)) counts as a prior  
29 offense in determining the appropriate punishment under this section. See Section 16015  
30 (determining existence of prior conviction).

## 31 DIVISION 5. KNIVES AND SIMILAR WEAPONS

### 32 CHAPTER 1. GENERAL PROVISIONS

#### 33 § 20200. Circumstances in which knife is not deemed "concealed"

34 20200. A knife carried in a sheath that is worn openly suspended from the waist  
35 of the wearer is not concealed within the meaning of Section 16140, 16340,  
36 17350, or 21310.

37 **Comment.** Section 20200 continues former Section 12020(d) without substantive change.

CHAPTER 2. DISGUISED OR MISLEADING APPEARANCE

Article 1. Air Gauge Knife

**§ 20310. Prohibition on manufacture, import, sale, gift, loan, or possession of air gauge knife**

20310. Except as provided in Chapter 1 (commencing with Section 17700) of Division 2 of Title 2, any person in this state who manufactures or causes to be manufactured, imports into the state, keeps for sale, or offers or exposes for sale, or who gives, lends, or possesses any air gauge knife is punishable by imprisonment in a county jail not exceeding one year or in the state prison.

**Comment.** With respect to an air gauge knife, Section 20310 continues former Section 12020(a)(1) without substantive change.

For circumstances in which this section is inapplicable, see Sections 16590 (“generally prohibited weapon”), 17700-17745 (exemptions relating to generally prohibited weapons).

See Section 16140 (“air gauge knife”). See also Sections 17800 (distinct and separate offense), 20390 (air gauge knife constituting nuisance).

**§ 20390. Air gauge knife constituting nuisance**

20390. Except as provided in Chapter 1 (commencing with Section 17700) of Division 2 of Title 2, any air gauge knife is a nuisance and is subject to Section 18010.

**Comment.** With respect to an air gauge knife, Section 20390 continues the first part of the first sentence of former Section 12029 without substantive change.

See Section 16140 (“air gauge knife”).

Article 2. Belt Buckle Knife

**§ 20410. Prohibition on manufacture, import, sale, gift, loan, or possession of belt buckle knife**

20410. Except as provided in Chapter 1 (commencing with Section 17700) of Division 2 of Title 2, any person in this state who manufactures or causes to be manufactured, imports into the state, keeps for sale, or offers or exposes for sale, or who gives, lends, or possesses any belt buckle knife is punishable by imprisonment in a county jail not exceeding one year or in the state prison.

**Comment.** With respect to a belt buckle knife, Section 20410 continues former Section 12020(a)(1) without substantive change.

For circumstances in which this section is inapplicable, see Sections 16590 (“generally prohibited weapon”), 17700-17745 (exemptions relating to generally prohibited weapons).

See Section 16260 (“belt buckle knife”). See also Sections 17800 (distinct and separate offense), 20490 (belt buckle knife constituting nuisance).

1 § 20490. Belt buckle knife constituting nuisance

2 20490. Except as provided in Chapter 1 (commencing with Section 17700) of  
3 Division 2 of Title 2, any belt buckle knife is a nuisance and is subject to Section  
4 18010.

5 **Comment.** With respect to a belt buckle knife, Section 20490 continues the first part of the  
6 first sentence of former Section 12029 without substantive change.

7 See Section 16260 (“belt buckle knife”).

8 Article 3. Cane Sword

9 § 20510. Prohibition on manufacture, import, sale, gift, loan, or possession of cane sword

10 20510. Except as provided in Chapter 1 (commencing with Section 17700) of  
11 Division 2 of Title 2, any person in this state who manufactures or causes to be  
12 manufactured, imports into the state, keeps for sale, or offers or exposes for sale,  
13 or who gives, lends, or possesses any cane sword is punishable by imprisonment  
14 in a county jail not exceeding one year or in the state prison.

15 **Comment.** With respect to a cane sword, Section 20510 continues former Section 12020(a)(1)  
16 without substantive change.

17 For circumstances in which this section is inapplicable, see Sections 16590 (“generally  
18 prohibited weapon”), 17700-17745 (exemptions relating to generally prohibited weapons).

19 See Section 16340 (“cane sword”). See also Sections 17800 (distinct and separate offense),  
20 20590 (cane sword constituting nuisance).

21 § 20590. Cane sword constituting nuisance

22 20590. Except as provided in Chapter 1 (commencing with Section 17700) of  
23 Division 2 of Title 2, any cane sword is a nuisance and is subject to Section 18010.

24 **Comment.** With respect to a cane sword, Section 20590 continues the first part of the first  
25 sentence of former Section 12029 without substantive change.

26 See Section 16340 (“cane sword”).

27 Article 4. Lipstick Case Knife

28 § 20610. Prohibition on manufacture, import, sale, gift, loan, or possession of lipstick case  
29 knife

30 20610. Except as provided in Chapter 1 (commencing with Section 17700) of  
31 Division 2 of Title 2, any person in this state who manufactures or causes to be  
32 manufactured, imports into the state, keeps for sale, or offers or exposes for sale,  
33 or who gives, lends, or possesses any lipstick case knife is punishable by  
34 imprisonment in a county jail not exceeding one year or in the state prison.

35 **Comment.** With respect to a lipstick case knife, Section 20610 continues former Section  
36 12020(a)(1) without substantive change.

37 For circumstances in which this section is inapplicable, see Sections 16590 (“generally  
38 prohibited weapon”), 17700-17745 (exemptions relating to generally prohibited weapons).

39 See Section 16830 (“lipstick case knife”). See also Sections 17800 (distinct and separate  
40 offense), 20690 (lipstick case knife constituting nuisance).





1 materials that will ensure they are detectable by a metal detector or magnetometer,  
2 either handheld or otherwise, that is set at standard calibration.

3 **Comment.** Subdivision (a) of Section 20810 continues the first sentence of former Section  
4 12001.1(a) without change.

5 Subdivision (b) continues former Section 12001.1(b) without change.

6 For circumstances in which this section is inapplicable, see Sections 20815 (undetectable knife  
7 for law enforcement or military entity), 20820 (undetectable knife for historical society, museum,  
8 or institutional collection open to public).

9 See Section 17290 (“undetectable knife”).

10 **§ 20815. Undetectable knife for law enforcement or military entity**

11 20815. Section 20810 does not apply to the manufacture or importation of any  
12 undetectable knife for sale to a law enforcement or military entity with a valid  
13 agency, department, or unit purchase order, nor does Section 20810 apply to the  
14 subsequent sale of any undetectable knife to a law enforcement or military entity.

15 **Comment.** Section 20815 continues former Section 12001.1(c) without substantive change.

16 See Section 17290 (“undetectable knife”).

17 **§ 20820. Undetectable knife for historical society, museum, or institutional collection open**  
18 **to public**

19 20820. Section 20810 does not apply to the manufacture or importation of any  
20 undetectable knife for sale to a federal, state, or local historical society, museum,  
21 or institutional collection that is open to the public, provided that the undetectable  
22 knife is properly housed and secured from unauthorized handling, nor does  
23 Section 20810 apply to the subsequent sale of the knife to any of these entities.

24 **Comment.** Section 20820 continues former Section 12001.1(d) without substantive change.

25 See Section 17290 (“undetectable knife”).

26 **Article 7. Writing Pen Knife**

27 **§ 20910. Prohibition on manufacture, import, sale, gift, loan, or possession of writing pen**  
28 **knife**

29 20910. Except as provided in Chapter 1 (commencing with Section 17700) of  
30 Division 2 of Title 2, any person in this state who manufactures or causes to be  
31 manufactured, imports into the state, keeps for sale, or offers or exposes for sale,  
32 or who gives, lends, or possesses any writing pen knife is punishable by  
33 imprisonment in a county jail not exceeding one year or in the state prison.

34 **Comment.** With respect to a writing pen knife, Section 20910 continues former Section  
35 12020(a)(1) without substantive change.

36 For circumstances in which this section is inapplicable, see Sections 16590 (“generally  
37 prohibited weapon”), 17700-17745 (exemptions relating to generally prohibited weapons).

38 See Section 17350 (“writing pen knife”). See also Sections 17800 (distinct and separate  
39 offense), 20990 (writing pen knife constituting nuisance).

1 **§ 20990. Writing pen knife constituting nuisance**

2 20990. Except as provided in Chapter 1 (commencing with Section 17700) of  
3 Division 2 of Title 2, any writing pen knife is a nuisance and is subject to Section  
4 18010.

5 **Comment.** With respect to a writing pen knife, Section 20990 continues the first part of the  
6 first sentence of former Section 12029 without substantive change.

7 See Section 17350 (“writing pen knife”).

8 CHAPTER 3. BALLISTIC KNIFE

9 **§ 21110. Prohibition on manufacture, import, sale, gift, loan, or possession of ballistic knife**

10 21110. Except as provided in Chapter 1 (commencing with Section 17700) of  
11 Division 2 of Title 2, any person in this state who manufactures or causes to be  
12 manufactured, imports into the state, keeps for sale, or offers or exposes for sale,  
13 or who gives, lends, or possesses any ballistic knife is punishable by imprisonment  
14 in a county jail not exceeding one year or in the state prison.

15 **Comment.** With respect to a ballistic knife, Section 21110 continues former Section  
16 12020(a)(1) without substantive change.

17 For circumstances in which this section is inapplicable, see Sections 16590 (“generally  
18 prohibited weapon”), 17700-17745 (exemptions relating to generally prohibited weapons).

19 See Section 16220 (“ballistic knife”). See also Sections 17800 (distinct and separate offense),  
20 21190 (ballistic knife constituting nuisance).

21 **§ 21190. Ballistic knife constituting nuisance**

22 21190. Except as provided in Chapter 1 (commencing with Section 17700) of  
23 Division 2 of Title 2, any ballistic knife is a nuisance and is subject to Section  
24 18010.

25 **Comment.** With respect to a ballistic knife, Section 21190 continues the first part of the first  
26 sentence of former Section 12029 without substantive change.

27 See Section 16220 (“ballistic knife”).

28 CHAPTER 4. DIRK OR DAGGER

29 **§ 21310. Carrying concealed dirk or dagger**

30 21310. Except as provided in Chapter 1 (commencing with Section 17700) of  
31 Division 2 of Title 2, any person in this state who carries concealed upon the  
32 person any dirk or dagger is punishable by imprisonment in a county jail not  
33 exceeding one year or in the state prison.

34 **Comment.** Section 21310 continues the first paragraph of former Section 12020(a)(4) without  
35 substantive change.

36 For circumstances in which this section is inapplicable, see Sections 16590 (“generally  
37 prohibited weapon”), 17700-17745 (exemptions relating to generally prohibited weapons), 20200  
38 (circumstances in which knife is not deemed “concealed”).

39 See Section 16470 (“dirk” or “dagger”). See also Sections 17800 (distinct and separate  
40 offense), 21390 (concealed dirk or dagger constituting nuisance).

1 **§ 21390. Concealed dirk or dagger constituting nuisance**

2 21390. The unlawful concealed carrying upon the person of any dirk or dagger,  
3 as provided in Section 21310, is a nuisance and is subject to Sections 18000 and  
4 18005.

5 **Comment.** With respect to a dirk or dagger, Section 21390 continues former Section 12028(a)  
6 without substantive change.

7 See Section 16470 (“dirk” or “dagger”).

8 CHAPTER 5. SWITCHBLADE KNIFE

9 **§ 21510. Restrictions relating to switchblade knife**

10 21510. Every person who does any of the following with a switchblade knife  
11 having a blade two or more inches in length is guilty of a misdemeanor:

12 (a) Possesses the knife in the passenger’s or driver’s area of any motor vehicle in  
13 any public place or place open to the public.

14 (b) Carries the knife upon the person.

15 (c) Sells, offers for sale, exposes for sale, loans, transfers, or gives the knife to  
16 any other person.

17 **Comment.** Section 21510 continues the first paragraph of former Section 653k without  
18 substantive change.

19 See Sections 16965 (“passenger’s or driver’s area”), 17235 (“switchblade knife”).

20 **§ 21590. Switchblade knife constituting nuisance**

21 21590. The unlawful possession or carrying of any switchblade knife, as  
22 provided in Section 21510, is a nuisance and is subject to Sections 18000 and  
23 18005.

24 **Comment.** With respect to a switchblade knife, Section 21590 continues former Section  
25 12028(a) without substantive change.

26 See Section 17235 (“switchblade knife”).

27 DIVISION 6. KNUCKLES

28 CHAPTER 1. HARD PLASTIC KNUCKLES OR HARD WOODEN KNUCKLES

29 **§ 21710. Restrictions relating to hard plastic knuckles and hard wooden knuckles**

30 21710. Any person in this state who commercially manufactures or causes to be  
31 commercially manufactured, or who knowingly imports into the state for  
32 commercial sale, keeps for commercial sale, or offers or exposes for commercial  
33 sale, any hard plastic knuckles or hard wooden knuckles is guilty of a  
34 misdemeanor.

35 **Comment.** Section 21710 continues the first sentence of former Section 12020.1 without  
36 substantive change.

37 See Section 16680 (“hard plastic knuckles”), 16680 (“hard wooden knuckles”).

CHAPTER 2. METAL KNUCKLES

**§ 21810. Prohibition on manufacture, import, sale, gift, loan, or possession of metal knuckles**

21810. Except as provided in Chapter 1 (commencing with Section 17700) of Division 2 of Title 2, any person in this state who manufactures or causes to be manufactured, imports into the state, keeps for sale, or offers or exposes for sale, or who gives, lends, or possesses any metal knuckles is punishable by imprisonment in a county jail not exceeding one year or in the state prison.

**Comment.** With respect to metal knuckles, Section 21810 continues former Section 12020(a)(1) without substantive change.

For circumstances in which this section is inapplicable, see Sections 16590 (“generally prohibited weapon”), 17700-17745 (exemptions relating to generally prohibited weapons).

See Section 16920 (“metal knuckles”). See also Sections 17800 (distinct and separate offense), 21890 (metal knuckles constituting nuisance).

**§ 21890. Metal knuckles constituting nuisance**

21890. Except as provided in Chapter 1 (commencing with Section 17700) of Division 2 of Title 2, metal knuckles are a nuisance and are subject to Section 18010.

**Comment.** With respect to metal knuckles, Section 21890 continues the first part of the first sentence of former Section 12029 without substantive change.

See Section 16920 (“metal knuckles”).

DIVISION 7. NUNCHAKU

**§ 22010. Prohibition on manufacture, import, sale, gift, loan, or possession of nunchaku**

22010. Except as provided in Section 22015 and Chapter 1 (commencing with Section 17700) of Division 2 of Title 2, any person in this state who manufactures or causes to be manufactured, imports into the state, keeps for sale, or offers or exposes for sale, or who gives, lends, or possesses any nunchaku is punishable by imprisonment in a county jail not exceeding one year or in the state prison.

**Comment.** With respect to a nunchaku, Section 22010 continues former Section 12020(a)(1) without substantive change.

For circumstances in which this section is inapplicable, see Sections 16590 (“generally prohibited weapon”), 17700-17745 (exemptions relating to generally prohibited weapons), 22015 (nunchaku for school teaching arts of self-defense).

See Section 16940 (“nunchaku”). See also Sections 17800 (distinct and separate offense), 22090 (nunchaku constituting nuisance).

**§ 22015. Nunchaku for school teaching arts of self-defense**

22015. Section 22010 does not apply to either of the following:

(a) The possession of a nunchaku on the premises of a school that holds a regulatory or business license and teaches the arts of self-defense.

1 (b) The manufacture of a nunchaku for sale to, or the sale of a nunchaku to, a  
2 school that holds a regulatory or business license and teaches the arts of self-  
3 defense.

4 **Comment.** Subdivision (a) of Section 22015 continues former Section 12020(b)(3) without  
5 substantive change.

6 Subdivision (b) continues former Section 12020(b)(4) without substantive change.

7 For additional circumstances in which Section 16910 is inapplicable, see Sections 16590  
8 (“generally prohibited weapon”), 17700-17745 (exemptions relating to generally prohibited  
9 weapons).

10 See Section 16940 (“nunchaku”).

11 **§ 22090. Nunchaku constituting nuisance**

12 22090. Except as provided in Section 22015 and in Chapter 1 (commencing with  
13 Section 17700) of Division 2 of Title 2, any nunchaku is a nuisance and is subject  
14 to Section 18010.

15 **Comment.** With respect to a nunchaku, Section 22090 continues the first part of the first  
16 sentence of former Section 12029 without substantive change.

17 See Section 16940 (“nunchaku”).

18 **DIVISION 8. SAPS AND SIMILAR WEAPONS**

19 **§ 22210. Prohibition on manufacture, import, sale, gift, loan, or possession of leaded cane,**  
20 **blackjack, slungshot, billy, sandclub, sap, or sandbag**

21 22210. Except as provided in Section 22215 and Chapter 1 (commencing with  
22 Section 17700) of Division 2 of Title 2, any person in this state who manufactures  
23 or causes to be manufactured, imports into the state, keeps for sale, or offers or  
24 exposes for sale, or who gives, lends, or possesses any leaded cane, or any  
25 instrument or weapon of the kind commonly known as a blackjack, slungshot,  
26 billy, sandclub, sap, or sandbag, is punishable by imprisonment in a county jail not  
27 exceeding one year or in the state prison.

28 **Comment.** With respect to a leaded cane or “any instrument or weapon of the kind commonly  
29 known as a blackjack, slungshot, billy, sandclub, sap, or sandbag,” Section 22210 continues  
30 former Section 12020(a)(1) without substantive change.

31 For circumstances in which this section is inapplicable, see Sections 16590 (“generally  
32 prohibited weapon”), 17700-17745 (exemptions relating to generally prohibited weapons).

33 See Section 16760 (“leaded cane”). See also Sections 17800 (distinct and separate offense),  
34 22290 (leaded cane, blackjack, slungshot, billy, sandclub, sap, or sandbag constituting nuisance).

35 **§ 22215. Exemption relating to wooden clubs or batons for special police officers or**  
36 **uniformed security guards**

37 22215. Section 22210 does not apply to the manufacture for, sale to, exposing or  
38 keeping for sale to, importation of, or lending of wooden clubs or batons to special  
39 police officers or uniformed security guards authorized to carry any wooden club  
40 or baton pursuant to Section 22295 by entities that are in the business of selling  
41 wooden clubs or batons to special police officers and uniformed security guards  
42 when engaging in transactions with those persons.

1       **Comment.** Section 22215 continues former Section 12020(b)(14) without substantive change.  
2       For additional circumstances in which Section 22210 is inapplicable, see Sections 16590  
3 (“generally prohibited weapon”), 17700-17745 (exemptions relating to generally prohibited  
4 weapons).

5       **§ 22290. Ledged cane, blackjack, slungshot, billy, sandclub, sap, or sandbag constituting**  
6       **nuisance**

7       22290. Except as provided in Section 22210 and in Chapter 1 (commencing with  
8 Section 17700) of Division 2 of Title 2, any ledged cane or any instrument or  
9 weapon of the kind commonly known as a blackjack, slungshot, billy, sandclub,  
10 sap, or sandbag is a nuisance and is subject to Section 18010.

11       **Comment.** With respect to a ledged cane or “any instrument or weapon of the kind commonly  
12 known as a blackjack, slungshot, billy, sandclub, sap, or sandbag,” Section 22290 continues the  
13 first part of the first sentence of former Section 12029 without substantive change.

14       See Section 16760 (“ledged cane”).

15       **§ 22295. Wooden club or baton for law enforcement purposes**

16       22295. (a) Nothing in any provision listed in Section 16580 prohibits any police  
17 officer, special police officer, peace officer, or law enforcement officer from  
18 carrying any wooden club or baton.

19       (b) Nothing in any provision listed in Section 16580 prohibits a uniformed  
20 security guard, regularly employed and compensated by a person engaged in any  
21 lawful business, while actually employed and engaged in protecting and  
22 preserving property or life within the scope of employment, from carrying any  
23 wooden club or baton if the uniformed security guard has satisfactorily completed  
24 a course of instruction certified by the Department of Consumer Affairs in the  
25 carrying and use of the club or baton. The training institution certified by the  
26 Department of Consumer Affairs to present this course, whether public or private,  
27 is authorized to charge a fee covering the cost of the training.

28       (c) The Department of Consumer Affairs, in cooperation with the Commission  
29 on Peace Officer Standards and Training, shall develop standards for a course in  
30 the carrying and use of a club or baton.

31       (d) Any uniformed security guard who successfully completes a course of  
32 instruction under this section is entitled to receive a permit to carry and use a club  
33 or baton within the scope of employment, issued by the Department of Consumer  
34 Affairs. The department may authorize a certified training institution to issue  
35 permits to carry and use a club or baton. A fee in the amount provided by law shall  
36 be charged by the Department of Consumer Affairs to offset the costs incurred by  
37 the department in course certification, quality control activities associated with the  
38 course, and issuance of the permit.

39       (e) Any person who has received a permit or certificate that indicates  
40 satisfactory completion of a club or baton training course approved by the  
41 Commission on Peace Officer Standards and Training prior to January 1, 1983,  
42 shall not be required to obtain a club or baton permit or complete a course certified  
43 by the Department of Consumer Affairs.

1 (f) Any person employed as a county sheriff's or police security officer, as  
2 defined in Section 831.4, shall not be required to obtain a club or baton permit or  
3 to complete a course certified by the Department of Consumer Affairs in the  
4 carrying and use of a club or baton, provided that the person completes a course  
5 approved by the Commission on Peace Officer Standards and Training in the  
6 carrying and use of the club or baton, within 90 days of employment.

7 (g) Nothing in any provision listed in Section 16580 prohibits an animal control  
8 officer, as described in Section 830.9, or an illegal dumping enforcement officer,  
9 as described in Section 830.7, from carrying any wooden club or baton if the  
10 animal control officer or illegal dumping enforcement officer has satisfactorily  
11 completed a course of instruction certified by the Department of Consumer Affairs  
12 in the carrying and use of the club or baton. The training institution certified by the  
13 Department of Consumer Affairs to present this course, whether public or private,  
14 is authorized to charge a fee covering the cost of the training.

15 **Comment.** With respect to a wooden club or baton, subdivision (a) of Section 22295 continues  
16 former Section 12002(a) without substantive change. The remainder of former Section 12002(a)  
17 is continued in Section 17515 without substantive change.

18 Subdivisions (b)-(g) continue former Section 12002(b)-(g) without substantive change.

## 19 DIVISION 9. SHURIKEN

### 20 § 22410. Prohibition on manufacture, import, sale, gift, loan, or possession of shuriken

21 22410. Except as provided in Chapter 1 (commencing with Section 17700) of  
22 Division 2 of Title 2, any person in this state who manufactures or causes to be  
23 manufactured, imports into the state, keeps for sale, or offers or exposes for sale,  
24 or who gives, lends, or possesses any shuriken is punishable by imprisonment in a  
25 county jail not exceeding one year or in the state prison.

26 **Comment.** With respect to a shuriken, Section 22410 continues former Section 12020(a)(1)  
27 without substantive change.

28 For circumstances in which this section is inapplicable, see Sections 16590 ("generally  
29 prohibited weapon"), 17700-17745 (exemptions relating to generally prohibited weapons).

30 See Section 17200 ("shuriken"). See also Sections 17800 (distinct and separate offense), 22490  
31 (shuriken constituting nuisance).

### 32 § 22490. Shuriken constituting nuisance

33 22490. Except as provided in Chapter 1 (commencing with Section 17700) of  
34 Division 2 of Title 2, any shuriken is a nuisance and is subject to Section 18010.

35 **Comment.** With respect to a shuriken, Section 22490 continues the first part of the first  
36 sentence of former Section 12029 without substantive change.

37 See Section 17200 ("shuriken").

DIVISION 10. STUN GUN

§ 22610. Unlawful acts relating to stun gun

22610. Notwithstanding any other provision of law, any person may purchase, possess, or use a stun gun, subject to the following requirements:

(a) No person convicted of a felony or any crime involving an assault under the laws of the United States, the State of California, or any other state, government, or country, or convicted of misuse of a stun gun under Section 244.5, shall purchase, possess, or use any stun gun.

(b) No person addicted to any narcotic drug shall purchase, possess, or use a stun gun.

(c)(1) No person shall sell or furnish any stun gun to a minor unless the minor is at least 16 years of age and has the written consent of the minor's parent or legal guardian.

(2) Violation of this subdivision shall be a public offense punishable by a fifty dollar (\$50) fine for the first offense. Any subsequent violation of this subdivision is a misdemeanor.

(d) No minor shall possess any stun gun unless the minor is at least 16 years of age and has the written consent of the minor's parent or legal guardian.

**Comment.** Section 22610 continues former Section 12651 without substantive change.

A violation of the predecessor of subdivision (c) (former Section 12651(c)) counts as a prior conviction in determining the appropriate punishment for a violation of that subdivision. See Section 16015 (determining existence of prior conviction).

See Section 17230 ("stun gun"). See also Section 22620 (violation punishable as misdemeanor).

§ 22615. Serial number and name of manufacturer

22615. Each stun gun sold shall contain both of the following:

(a) The name of the manufacturer stamped on the stun gun.

(b) The serial number applied by the manufacturer.

**Comment.** Section 22615 continues former Section 12652 without substantive change.

See Section 17230 ("stun gun"). See also Section 22620 (violation punishable as misdemeanor).

§ 22620. Violation punishable as misdemeanor

22620. Unless otherwise specified, any violation of this division is a misdemeanor.

**Comment.** Section 22620 continues former Section 12653 without substantive change.

§ 22625. Instruction booklet for stun gun

22625. (a) Each stun gun sold in this state shall be accompanied by an instruction booklet.

(b) Violation of this section shall be a public offense punishable by a fifty dollar (\$50) fine for each weapon sold without the booklet.



1 **Comment.** Section 22625 continues former Section 12654 without substantive change.  
2 See Section 17230 (“stun gun”).

3 DIVISION 11. TEAR GAS AND TEAR GAS WEAPONS

4 CHAPTER 1. GENERAL PROVISIONS

5 **§ 22810. Lawful and unlawful acts relating to tear gas and tear gas weapons**

6 22810. Notwithstanding any other provision of law, any person may purchase,  
7 possess, or use tear gas or any tear gas weapon for the projection or release of tear  
8 gas if the tear gas or tear gas weapon is used solely for self-defense purposes,  
9 subject to the following requirements:

10 (a) No person convicted of a felony or any crime involving an assault under the  
11 laws of the United States, the State of California, or any other state, government,  
12 or country, or convicted of misuse of tear gas under subdivision (g), shall  
13 purchase, possess, or use tear gas or any tear gas weapon.

14 (b) No person addicted to any narcotic drug shall purchase, possess, or use tear  
15 gas or any tear gas weapon.

16 (c) No person shall sell or furnish any tear gas or tear gas weapon to a minor.

17 (d) No minor shall purchase, possess, or use tear gas or any tear gas weapon.

18 (e)(1) No person shall purchase, possess, or use any tear gas weapon that expels  
19 a projectile, or that expels the tear gas by any method other than an aerosol spray,  
20 or that contains more than 2.5 ounces net weight of aerosol spray.

21 (2) Every tear gas container and tear gas weapon that may be lawfully  
22 purchased, possessed, and used pursuant to this section shall have a label that  
23 states: “WARNING: The use of this substance or device for any purpose other  
24 than self-defense is a crime under the law. The contents are dangerous — use with  
25 care.”

26 (3) After January 1, 1984, every tear gas container and tear gas weapon that may  
27 be lawfully purchased, possessed, and used pursuant to this section shall have a  
28 label that discloses the date on which the useful life of the tear gas weapon  
29 expires.

30 (4) Every tear gas container and tear gas weapon that may be lawfully purchased  
31 pursuant to this section shall be accompanied at the time of purchase by printed  
32 instructions for use.

33 (f) Effective March 1, 1994, every tear gas container and tear gas weapon that  
34 may be lawfully purchased, possessed, and used pursuant to this section shall be  
35 accompanied by an insert including directions for use, first aid information, safety  
36 and storage information, and explanation of the legal ramifications of improper  
37 use of the tear gas container or tear gas product.

38 (g)(1) Except as provided in paragraph (2), any person who uses tear gas or any  
39 tear gas weapon except in self-defense is guilty of a public offense and is  
40 punishable by imprisonment in a state prison for 16 months, or two or three years

1 or in a county jail not to exceed one year or by a fine not to exceed one thousand  
2 dollars (\$1,000), or by both the fine and imprisonment.

3 (2) If the use is against a peace officer, as defined in Chapter 4.5 (commencing  
4 with Section 830) of Title 3 of Part 2, engaged in the performance of official  
5 duties and the person committing the offense knows or reasonably should know  
6 that the victim is a peace officer, the offense is punishable by imprisonment in a  
7 state prison for 16 months or two or three years or by a fine of one thousand  
8 dollars (\$1,000), or by both the fine and imprisonment.

9 **Comment.** Section 22810 continues former Section 12403.7 without substantive change.  
10 See Sections 17240 (“tear gas”), 17250 (“tear gas weapon”).

11 **§ 22815. Minor age 16 or older**

12 22815. (a) Notwithstanding subdivision (d) of Section 22810, a minor who has  
13 attained the age of 16 years may purchase and possess tear gas or a tear gas  
14 weapon pursuant to this division if the minor is accompanied by a parent or  
15 guardian, or has the written consent of a parent or guardian.

16 (b) Notwithstanding subdivision (c) of Section 22810, a person may sell or  
17 furnish tear gas or a tear gas weapon to a minor who has attained the age of 16  
18 years and who is accompanied by a parent or guardian, or who presents a  
19 statement of consent signed by the minor’s parent or guardian.

20 (c) Any civil liability of a minor arising out of the minor’s use of tear gas or a  
21 tear gas weapon other than for self-defense is imposed upon the person, parent, or  
22 guardian who signed the statement of consent specified in subdivision (b). That  
23 person, parent, or guardian shall be jointly and severally liable with the minor for  
24 any damages proximately resulting from the negligent or wrongful act or omission  
25 of the minor in the use of the tear gas or a tear gas weapon.

26 **Comment.** Section 22815 continues former Section 12403.8 without substantive change.

27 An erroneous cross-reference to former Section 12403.7(a)(4) has been replaced with a cross-  
28 reference to Section 22810(d), which continues the substance of former Section 12403.7(d). An  
29 erroneous cross-reference to former Section 12403.7(a)(3) has been replaced with a cross-  
30 reference to Section 22810(c), which continues the substance of former Section 12403.7(c).

31 See Sections 17240 (“tear gas”), 17250 (“tear gas weapon”).

32 **§ 22820. Peace officer trained in use of tear gas**

33 22820. Nothing in this division prohibits any person who is a peace officer, as  
34 defined in Chapter 4.5 (commencing with Section 830) of Title 3 of Part 2, from  
35 purchasing, possessing, transporting, or using any tear gas or tear gas weapon if  
36 the person has satisfactorily completed a course of instruction approved by the  
37 Commission on Peace Officer Standards and Training in the use of tear gas.

38 **Comment.** Section 22820 continues former Section 12403 without substantive change.

39 See Sections 17240 (“tear gas”), 17250 (“tear gas weapon”).

1    **§ 22825. Custodial officer of county**

2       22825. A custodial officer of a county may carry a tear gas weapon pursuant to  
3 Section 22820 only while on duty. A custodial officer of a county may carry a tear  
4 gas weapon while off duty only in accordance with all other laws.

5       **Comment.** Section 22825 continues former Section 12403.9 without substantive change.  
6       See Sections 17240 (“tear gas”), 17250 (“tear gas weapon”).

7    **§ 22830. Member of military or federal law enforcement officer**

8       22830. Nothing in this division prohibits any member of the military or naval  
9 forces of this state or of the United States or any federal law enforcement officer  
10 from purchasing, possessing, or transporting any tear gas or tear gas weapon for  
11 official use in the discharge of duties.

12       **Comment.** Section 22830 continues former Section 12403.1 without substantive change.  
13       See Sections 17240 (“tear gas”), 17250 (“tear gas weapon”).

14    **§ 22835. Private investigator or private patrol operator or employee**

15       22835. Notwithstanding any other provision of law, a person holding a license  
16 as a private investigator pursuant to Chapter 11.3 (commencing with Section  
17 7512) of Division 3 of the Business and Professions Code, or private patrol  
18 operator pursuant to Chapter 11.5 (commencing with Section 7580) of Division 3  
19 of the Business and Professions Code, or a uniformed patrolperson employee of a  
20 private patrol operator, may purchase, possess, or transport any tear gas weapon, if  
21 it is used solely for defensive purposes in the course of the activity for which the  
22 license was issued and if the person has satisfactorily completed a course of  
23 instruction approved by the Department of Consumer Affairs in the use of tear gas.

24       **Comment.** Section 22835 continues former Section 12403.5 without substantive change.

25       An erroneous cross-reference to “Chapter 11 (commencing with Section 7500), Division 3 of  
26 the Business and Professions Code” has been corrected by replacing it with cross-references to  
27 “Chapter 11.3 (commencing with Section 7512) of Division 3 of the Business and Professions  
28 Code” and “Chapter 11.5 (commencing with Section 7580) of Division 3 of the Business and  
29 Professions Code.”

30       See Sections 17240 (“tear gas”), 17250 (“tear gas weapon”).

31    **§ 22840. Tear gas or tear gas weapons in prison, jail, or similar institution**

32       22840. Nothing in this division authorizes the possession of tear gas or a tear gas  
33 weapon in any institution described in Section 4574, or within the grounds  
34 belonging or adjacent to any institution described in Section 4574, except where  
35 authorized by the person in charge of the institution.

36       **Comment.** Section 22840 continues former Section 12404 without substantive change.

37       See Sections 17240 (“tear gas”), 17250 (“tear gas weapon”).

1 CHAPTER 2. UNLAWFUL POSSESSION, SALE, OR TRANSPORTATION

2 **§ 22900. Unlawful sale, possession, or transportation of tear gas or tear gas weapon**

3 22900. Any person, firm, or corporation who within this state knowingly sells or  
4 offers for sale, possesses, or transports any tear gas or tear gas weapon, except as  
5 permitted under the provisions of this division, is guilty of a public offense and  
6 upon conviction thereof shall be punishable by imprisonment in the county jail for  
7 not exceeding one year or by a fine not to exceed two thousand dollars (\$2,000),  
8 or by both.

9 **Comment.** Section 22900 continues former Section 12420 without substantive change.  
10 See Sections 17240 (“tear gas”), 17250 (“tear gas weapon”).

11 **§ 22905. Affixation of serial number and name of manufacturer**

12 22905. Each tear gas weapon sold, transported or possessed under the authority  
13 of this division shall bear the name of the manufacturer and a serial number  
14 applied by the manufacturer.

15 **Comment.** Section 22905 continues former Section 12421 without substantive change.  
16 See Sections 17240 (“tear gas”), 17250 (“tear gas weapon”).

17 **§ 22910. Obliteration of serial number, name of manufacturer, or other identification mark**

18 22910. (a) Any person who changes, alters, removes or obliterates the name of  
19 the manufacturer, the serial number, or any other mark of identification on any  
20 tear gas weapon is guilty of a public offense and, upon conviction, shall be  
21 punished by imprisonment in the state prison or by a fine of not more than two  
22 thousand dollars (\$2,000) or by both.

23 (b) Possession of any such weapon upon which the same shall have been  
24 changed, altered, removed, or obliterated, shall be presumptive evidence that such  
25 possessor has changed, altered, removed, or obliterated the same.

26 **Comment.** Subdivision (a) of Section 22910 continues the first paragraph of former Section  
27 12422 without substantive change.

28 Subdivision (b) continues the second paragraph of former Section 12422 without change.  
29 Continuation of this material is not intended to reflect any determination regarding its  
30 constitutionality. See Section 16025. For a case discussing the constitutionality of a similar  
31 provision, see *In re Christopher K.*, 91 Cal. App. 4th 853, 110 Cal. Rptr. 914 (2001).

32 See Sections 17240 (“tear gas”), 17250 (“tear gas weapon”).

33 CHAPTER 3. PERMITS

34 **§ 23000. Permit issued by Department of Justice**

35 23000. The Department of Justice may issue a permit for the possession and  
36 transportation of tear gas or a tear gas weapon that is not intended or certified for  
37 personal self-defense purposes, upon proof that good cause exists for issuance of  
38 the permit to the applicant. The permit may also allow the applicant to install,  
39 maintain, and operate a protective system involving the use of tear gas or a tear

1 gas weapon in any place that is accurately and completely described in the permit  
2 application.

3 **Comment.** Section 23000 continues former Section 12423 without substantive change.  
4 See Sections 17240 (“tear gas”), 17250 (“tear gas weapon”).

5 **§ 23005. Permit application**

6 23005. (a) An application for a permit shall satisfy all of the following  
7 requirements:

8 (1) It shall be filed in writing.

9 (2) It shall be signed by the applicant if an individual, or by a member or officer  
10 qualified to sign if the applicant is a firm or corporation.

11 (3) It shall state the applicant’s name, business in which engaged, business  
12 address, and a full description of the place or vehicle in which the tear gas or tear  
13 gas weapon is to be transported, kept, installed, or maintained.

14 (b) If the tear gas or tear gas weapon is to be used in connection with, or to  
15 constitute, a protective system, the application shall also contain the name of the  
16 person who is to install the protective system.

17 (c) Applications and permits shall be uniform throughout the state upon forms  
18 prescribed by the Department of Justice.

19 **Comment.** Section 23005 continues the first three paragraphs of former Section 12424 without  
20 substantive change.

21 See Sections 17240 (“tear gas”), 17250 (“tear gas weapon”).

22 **§ 23010. Permit fees and renewal process**

23 23010. (a) Each applicant for a permit shall pay, at the time of filing the  
24 application, a fee determined by the Department of Justice, not to exceed the  
25 application processing costs of the Department of Justice.

26 (b) A permit granted pursuant to this chapter may be renewed one year from the  
27 date of issuance, and annually thereafter, upon the filing of a renewal application  
28 and the payment of a permit renewal fee, not to exceed the application processing  
29 costs of the Department of Justice.

30 (c) After the department establishes fees sufficient to reimburse the department  
31 for processing costs, fees charged shall increase at a rate not to exceed the  
32 legislatively approved annual cost-of-living adjustments for the department’s  
33 budget.

34 **Comment.** Section 23010 continues the fourth paragraph of former Section 12424 without  
35 substantive change.

36 See Sections 17240 (“tear gas”), 17250 (“tear gas weapon”).

37 **§ 23015. Permit for bank or other financial institution**

38 23015. (a) Notwithstanding Section 23000, a bank, a savings and loan  
39 association, a credit union, or an industrial loan company that maintains more than  
40 one office or branch may make a single annual application for a permit.

1 (b) In addition to the requirements set forth in this chapter, an application under  
2 this section shall separately state the business address and a full description of  
3 each office or branch in which the tear gas or tear gas weapon is to be kept,  
4 installed, or maintained. Any location addition or deletion as to an office or branch  
5 shall be reported to the department within 60 days of the change.

6 (c) A single permit issued under this section shall allow for the possession,  
7 operation, and maintenance of tear gas at each office or branch named in the  
8 application, including any location change.

9 **Comment.** Section 20315 continues former Section 12424.5 without substantive change.  
10 See Sections 17240 (“tear gas”), 17250 (“tear gas weapon”).

11 **§ 23020. Storage of permit**

12 23020. Every person, firm or corporation to whom a permit is issued shall either  
13 carry the permit upon the person or keep it in the place described in the permit.  
14 The permit shall be open to inspection by any peace officer or other person  
15 designated by the authority issuing the permit.

16 **Comment.** Section 23020 continues former Section 12425 without substantive change.

17 **§ 23025. Revocation or suspension of permit**

18 23025. A permit issued in accordance with this chapter may be revoked or  
19 suspended by the issuing authority at any time when it appears that the need for  
20 the possession or transportation of the tear gas or tear gas weapon or protective  
21 system involving the use thereof, has ceased, or that the holder of the permit has  
22 engaged in an unlawful business or occupation or has wrongfully made use of the  
23 tear gas or tear gas weapon or the permit issued.

24 **Comment.** Section 23025 continues former Section 12426 without substantive change.  
25 See Sections 17240 (“tear gas”), 17250 (“tear gas weapon”).

26 TITLE 4. FIREARMS

27 DIVISION 1. PRELIMINARY PROVISIONS

28 **§ 23500. Dangerous Weapons Control Law**

29 23500. The provisions listed in Section 16580 shall be known and may be cited  
30 as “The Dangerous Weapons Control Law.”

31 **Comment.** Section 23500 continues former Section 12000 without substantive change.

32 **§ 23505. Severability**

33 23505. If any section, subsection, sentence, clause, or phrase of any provision  
34 listed in Section 16580 is for any reason held unconstitutional, that decision does  
35 not affect the validity of any other provision listed in Section 16580. The  
36 Legislature hereby declares that it would have passed the provisions listed in  
37 Section 16580 and each section, subsection, sentence, clause, and phrase of it,

1 irrespective of the fact that any one or more other sections, subsections, sentences,  
2 clauses, or phrases be declared unconstitutional.

3 **Comment.** Section 23505 continues former Section 12003 without substantive change.  
4 See also Section 12003, to the same effect as this provision.

5 **§ 23510. Distinct and separate offense despite reference to “any firearm”**

6 23510. For purposes of Sections 25400 and 26500, Sections 27500 to 27590,  
7 inclusive, Section 28100, Sections 29610 to 29750, inclusive, Sections 29800 to  
8 29905, inclusive, and Sections 31610 to 31700, inclusive, of this code, and any  
9 provision listed in subdivision (a) of Section 16585 of this code, and Sections  
10 8100, 8101, and 8103 of the Welfare and Institutions Code, notwithstanding the  
11 fact that the term “any firearm” may be used in those sections, each firearm or the  
12 frame or receiver of each firearm constitutes a distinct and separate offense under  
13 those sections.

14 **Comment.** Section 23510 continues former Section 12001(k) without substantive change.  
15 See Section 16520 (“firearm”).

16 **§ 23515. Violent use of firearm**

17 23515. As used in the provisions listed in Section 16580, an offense that  
18 involves the violent use of a firearm includes any of the following:

- 19 (a) A violation of paragraph (2) or (3) of subdivision (a) of Section 245 or a  
20 violation of subdivision (d) of Section 245.  
21 (b) A violation of Section 246.  
22 (c) A violation of paragraph (2) of subdivision (a) of Section 417.  
23 (d) A violation of subdivision (c) of Section 417.

24 **Comment.** Section 23515 continues former Section 12001.6 without substantive change.  
25 See Section 16520 (“firearm”).

26 **§ 23520. Fingerprint requirement**

27 23520. Each application that requires any firearms eligibility determination  
28 involving the issuance of any license, permit, or certificate pursuant to this part  
29 shall include two copies of the applicant’s fingerprints on forms prescribed by the  
30 Department of Justice. One copy of the fingerprints may be submitted to the  
31 United States Federal Bureau of Investigation.

32 **Comment.** Section 23520 continues former Section 12001(m) without substantive change.  
33 See Section 16520 (“firearm”).

34 **DIVISION 2. FIREARM SAFETY DEVICES, GUN SAFES, AND**  
35 **RELATED WARNINGS**

36 **§ 23620. Aroner-Scott-Hayden Firearms Safety Act of 1999**

37 23620. This division and Sections 16540, 16610, and 16870 shall be known and  
38 may be cited as the “Aroner-Scott-Hayden Firearms Safety Act of 1999.”

1       **Comment.** Section 23620 continues former Section 12087 without substantive change.

2       **§ 23625. Legislative findings**

3       23625. The Legislature makes the following findings:

4       (a) In the years 1987 to 1996, nearly 2,200 children in the United States under  
5 the age of 15 years died in unintentional shootings. In 1996 alone, 138 children  
6 were shot and killed unintentionally. Thus, more than 11 children every month, or  
7 one child every three days, were shot or killed unintentionally in firearms-related  
8 incidents.

9       (b) The United States leads the industrialized world in the rates of children and  
10 youth lost to unintentional, firearms-related deaths. A 1997 study from the federal  
11 Centers for Disease Control and Prevention reveals that for unintentional firearm-  
12 related deaths for children under the age of 15, the rate in the United States was  
13 nine times higher than in 25 other industrialized countries combined.

14       (c) While the number of unintentional deaths from firearms is an unacceptable  
15 toll on America's children, nearly eight times that number are treated in U.S.  
16 hospital emergency rooms each year for nonfatal unintentional gunshot wounds.

17       (d) A study of unintentional firearm deaths among children in California found  
18 that unintentional gunshot wounds most often involve handguns.

19       (e) A study in the December 1995 issue of the Archives of Pediatric and  
20 Adolescent Medicine found that children as young as three years old are strong  
21 enough to fire most commercially available handguns. The study revealed that 25  
22 percent of three to four year olds and 70 percent of five to six year olds had  
23 sufficient finger strength to fire 59 (92 percent) of the 64 commonly available  
24 handguns referenced in the study.

25       (f) The Government Accounting Office (GAO), in its March 1991 study,  
26 "Accidental Shootings: Many Deaths and Injuries Caused by Firearms Could be  
27 Prevented," estimates that 31 percent of accidental deaths caused by firearms  
28 might be prevented by the addition of two safety devices: a child-resistant safety  
29 device that automatically engages and a device that indicates whether the gun is  
30 loaded. According to the study results, of the 107 unintentional firearms-related  
31 fatalities the GAO examined for the calendar years 1988 and 1989, 8 percent could  
32 have been prevented had the firearm been equipped with a child-resistant safety  
33 device. This 8 percent represents instances in which children under the age of six  
34 unintentionally shot and killed themselves or other persons.

35       (g) Currently, firearms are the only products manufactured in the United States  
36 that are not subject to minimum safety standards.

37       (h) A 1997 public opinion poll conducted by the National Opinion Research  
38 Center at the University of Chicago in conjunction with the Johns Hopkins Center  
39 for Gun Policy and Research found that 74 percent of Americans support safety  
40 regulation of the firearms industry.



1 (i) Some currently available trigger locks and other similar devices are  
2 inadequate to prevent the accidental discharge of the firearms to which they are  
3 attached, or to prevent children from gaining access to the firearm.

4 **Comment.** Section 23625 continues former Section 12087.5 without substantive change.  
5 See Sections 16520 (“firearm”), 16640 (“handgun”).

6 **§ 23630. Limitations on application**

7 23630. (a) This division does not apply to the commerce of any antique firearm.

8 (b)(1) This division does not apply to the commerce of any firearm intended to  
9 be used by a salaried, full-time peace officer, as defined in Chapter 4.5  
10 (commencing with Section 830) of Title 3 of Part 2, for purposes of law  
11 enforcement.

12 (2) Nothing in this division precludes a local government, local agency, or state  
13 law enforcement agency from requiring its peace officers to store their firearms in  
14 gun safes or attach firearm safety devices to those firearms.

15 **Comment.** In combination with Section 16170(b) (“antique firearm”), Section 23630 continues  
16 former Section 12088.8 without substantive change.

17 See Sections 16520 (“firearm”), 16540 (“firearm safety device”), 16610 (“gun safe”).

18 **§ 23635. Firearm safety device requirement, warning requirement for noncomplying long-**  
19 **gun safe, and warning described in Section 23640**

20 23635. (a) Any firearm sold or transferred in this state by a licensed firearms  
21 dealer, including a private transfer through a dealer, and any firearm manufactured  
22 in this state, shall include or be accompanied by a firearm safety device that is  
23 listed on the Department of Justice’s roster of approved firearm safety devices and  
24 that is identified as appropriate for that firearm by reference to either the  
25 manufacturer and model of the firearm, or to the physical characteristics of the  
26 firearm that match those listed on the roster for use with the device.

27 (b) The sale or transfer of a firearm shall be exempt from subdivision (a) if both  
28 of the following apply:

29 (1) The purchaser or transferee owns a gun safe that meets the standards set  
30 forth in Section 23650. Gun safes shall not be required to be tested, and therefore  
31 may meet the standards without appearing on the Department of Justice roster.

32 (2) The purchaser or transferee presents an original receipt for purchase of the  
33 gun safe, or other proof of purchase or ownership of the gun safe as authorized by  
34 the Attorney General, to the firearms dealer. The dealer shall maintain a copy of  
35 this receipt or proof of purchase with the dealer’s record of sales of firearms.

36 (c) The sale or transfer of a firearm shall be exempt from subdivision (a) if all of  
37 the following apply:

38 (1) The purchaser or transferee purchases an approved safety device no more  
39 than 30 days prior to the day the purchaser or transferee takes possession of the  
40 firearm.

41 (2) The purchaser or transferee presents the approved safety device to the  
42 firearms dealer when picking up the firearm.

1 (3) The purchaser or transferee presents an original receipt to the firearms  
2 dealer, which shows the date of purchase, the name, and the model number of the  
3 safety device.

4 (4) The firearms dealer verifies that the requirements in paragraphs (1) to (3),  
5 inclusive, have been satisfied.

6 (5) The firearms dealer maintains a copy of the receipt along with the dealer's  
7 record of sales of firearms.

8 (d)(1) Any long-gun safe commercially sold or transferred in this state, or  
9 manufactured in this state for sale in this state, that does not meet the standards for  
10 gun safes adopted pursuant to Section 23650 shall be accompanied by the  
11 following warning:

12 "WARNING: This gun safe does not meet the safety standards for gun safes  
13 specified in California Penal Code Section 23650. It does not satisfy the  
14 requirements of Penal Code Section 23635, which mandates that all firearms sold  
15 in California be accompanied by a firearm safety device or proof of ownership, as  
16 required by law, of a gun safe that meets the Section 23650 minimum safety  
17 standards developed by the California Attorney General."

18 (2) This warning shall be conspicuously displayed in its entirety on the principal  
19 display panel of the gun safe's package, on any descriptive materials that  
20 accompany the gun safe, and on a label affixed to the front of the gun safe.

21 (3) This warning shall be displayed in both English and Spanish, in conspicuous  
22 and legible type in contrast by typography, layout, or color with other printed  
23 matter on the package or descriptive materials, in a manner consistent with Part  
24 1500.121 of Title 16 of the Code of Federal Regulations, or successor regulations  
25 thereto.

26 (e) Any firearm sold or transferred in this state by a licensed firearms dealer,  
27 including a private transfer through a dealer, and any firearm manufactured in this  
28 state, shall be accompanied by warning language or a label as described in Section  
29 23640.

30 **Comment.** Subdivision (a) of Section 23635 continues former Section 12088.1(a) without  
31 substantive change.

32 Subdivision (b) continues former Section 12088.1(d) without substantive change.

33 Subdivision (c) continues former Section 12088.1(e) without substantive change.

34 Subdivision (d) continues former Section 12088.1(c) without substantive change.

35 Subdivision (e) continues former Section 12088.1(b) without substantive change.

36 See Sections 16520 ("firearm"), 16540 ("firearm safety device"), 16610 ("gun safe"), 16870  
37 ("long-gun safe"), 26700 ("dealer," "licensee," or "person licensed pursuant to Sections 26700 to  
38 26915, inclusive").

39 **§ 23640. Warning label**

40 23640. (a) The packaging of any firearm and any descriptive materials that  
41 accompany any firearm sold or transferred in this state, or delivered for sale in this  
42 state, by any licensed manufacturer, or licensed dealer, shall bear a label  
43 containing the following warning statement:

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WARNING

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

Prevent child access by always keeping guns locked  
away and unloaded when not in use. If you keep a  
loaded firearm where a child obtains and improperly  
uses it, you may be fined or sent to prison.

A yellow triangle containing an exclamation mark shall appear immediately before  
the word “Warning” on the label.

(b) If the firearm is sold or transferred without accompanying packaging, the  
warning label or notice shall be affixed to the firearm itself by a method to be  
prescribed by regulation of the Attorney General.

(c) The warning statement required under subdivisions (a) and (b) shall satisfy  
both of the following requirements:

(1) It shall be displayed in its entirety on the principal display panel of the  
firearm’s package, and on any descriptive materials that accompany the firearm.

(2) It shall be displayed in both English and Spanish, in conspicuous and legible  
type in contrast by typography, layout, or color with other printed matter on that  
package or descriptive materials, in a manner consistent with Part 1500.121 of  
Title 16, of the Code of Federal Regulations, or successor regulations thereto.

**Comment.** Section 23640 continues former Section 12088.3 without substantive change.  
See Section 16520 (“firearm”).

**§ 23645. Punishment for violation of Section 23635 or 23640**

23645. (a) Any violation of Section 23635 or Section 23640 is punishable by a  
fine of one thousand dollars (\$1,000).

(b) On a second violation of any of those sections, a licensed firearm  
manufacturer shall be ineligible to manufacture, or a licensed firearm dealer shall  
be ineligible to sell, firearms in this state for 30 days, and shall be punished by a  
fine of one thousand dollars (\$1,000).

(c)(1) On a third violation of any of those sections, a firearm manufacturer shall  
be permanently ineligible to manufacture firearms in this state.

(2) On a third violation of any of those sections, a licensed firearm dealer shall  
be permanently ineligible to sell firearms in this state.

**Comment.** Section 23645 continues former Section 12088.6 without substantive change.  
A violation of the predecessor of Section 23635 (former Section 12088.1) or the predecessor of  
Section 23640 (former Section 12088.3) counts as a prior violation in determining the appropriate  
punishment under this section. See Section 16015 (determining existence of prior conviction).  
See Sections 16520 (“firearm”), 26700 (“dealer,” “licensee,” or “person licensed pursuant to  
Sections 26700 to 26915, inclusive”).

1    **§ 23650. Minimum safety standard for firearm safety devices and gun safes**

2       23650. (a) The Attorney General shall develop regulations to implement a  
3       minimum safety standard for firearm safety devices and gun safes to significantly  
4       reduce the risk of firearm-related injuries to children 17 years of age and younger.  
5       The final standard shall do all of the following:

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

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

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

15       (4) Include additional provisions as appropriate.

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

24       (c) The Attorney General shall commence development of regulations under this  
25       section no later than January 1, 2000. The Attorney General shall adopt and issue  
26       regulations implementing a final standard no later than January 1, 2001. The  
27       Attorney General shall report to the Legislature on these standards by January 1,  
28       2001. The final standard shall be effective January 1, 2002.

29       **Comment.** Section 23650 continues former Section 12088.2 without substantive change.  
30       See Sections 16520 (“firearm”), 16540 (“firearm safety device”), 16610 (“gun safe”).

31    **§ 23655. Testing of firearm safety devices**

32       23655. (a) The Department of Justice shall certify laboratories to verify  
33       compliance with standards for firearm safety devices set forth in Section 23650.

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

38       (c) The certified laboratory shall, at the manufacturer’s or dealer’s expense, test  
39       a firearm safety device and submit a copy of the final test report directly to the  
40       Department of Justice, along with the firearm safety device. The department shall  
41       notify the manufacturer or dealer of its receipt of the final test report and the

1 department's determination as to whether the firearm safety device tested may be  
2 sold in this state.

3 (d) Commencing on July 1, 2001, the Department of Justice shall compile,  
4 publish, and maintain a roster listing all of the firearm safety devices that have  
5 been tested by a certified testing laboratory, have been determined to meet the  
6 department's standards for firearm safety devices, and may be sold in this state.

7 (e) The roster shall list, for each firearm safety device, the manufacturer, model  
8 number, and model name.

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

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

15 **Comment.** Section 23655 continues former Section 12088 without substantive change.

16 See Sections 16520 ("firearm"), 16540 ("firearm safety device"), 26700 ("dealer," "licensee,"  
17 or "person licensed pursuant to Sections 26700 to 26915, inclusive").

18 **§ 23660. Sale, distribution, or manufacture of unlisted or noncomplying firearm safety**  
19 **device**

20 23660. (a) No person shall keep for commercial sale, offer, or expose for  
21 commercial sale, or commercially sell any firearm safety device that is not listed  
22 on the roster maintained pursuant to subdivision (d) of Section 23655, or that does  
23 not comply with the standards for firearm safety devices adopted pursuant to  
24 Section 23650.

25 (b) No person may distribute as part of an organized firearm safety program,  
26 with or without consideration, any firearm safety device that is not listed on the  
27 roster maintained pursuant to subdivision (d) of Section 23655, or that does not  
28 comply with the standards for firearm safety devices adopted pursuant to Section  
29 23650.

30 **Comment.** Subdivision (a) of Section 23660 continues former Section 12088.15(a) without  
31 substantive change.

32 Subdivision (b) continues former Section 12088.15(b) without substantive change.

33 See Sections 16520 ("firearm"), 16540 ("firearm safety device").

34 **§ 23665. Sale or manufacture of noncomplying long-gun safe**

35 23665. (a) No long-gun safe may be manufactured in this state for sale in this  
36 state that does not comply with the standards for gun safes adopted pursuant to  
37 Section 23650, unless the long-gun safe is labeled by the manufacturer consistent  
38 with the requirements of Section 23635.

39 (b)(1) Any person who keeps for commercial sale, offers, or exposes for  
40 commercial sale, or who commercially sells a long-gun safe that does not comply  
41 with the standards for gun safes adopted pursuant to Section 23650, and who  
42 knows or has reason to know, that the long-gun safe in question does not meet the

1 standards for gun safes adopted pursuant to Section 23650, is in violation of this  
2 section, and is punishable as provided in Section 23670, unless the long-gun safe  
3 is labeled pursuant to Section 23635.

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

10 **Comment.** Subdivision (a) of Section 23665 continues former Section 12088.15(c) without  
11 substantive change.

12 Subdivision (b) continues former Section 12088.15(d) without substantive change.

13 See Sections 16610 (“gun safe”), 16870 (“long-gun safe”).

14 **§ 23670. Punishment for violation of Section 23660 or 23665**

15 23670. (a)(1) A violation of Section 23660 or 23665 is punishable by a civil fine  
16 of up to five hundred dollars (\$500).

17 (2) A second violation of any of those sections, which occurs within five years  
18 of the date of a previous offense, is punishable by a civil fine of up to one  
19 thousand dollars (\$1,000) and, if the violation is committed by a licensed firearms  
20 dealer, the dealer shall be ineligible to sell firearms in this state for 30 days.

21 (3) A third or subsequent violation that occurs within five years of two or more  
22 previous offenses is punishable by a civil fine of up to five thousand dollars  
23 (\$5,000) and, if the violation is committed by a licensed firearms dealer, the  
24 firearms dealer shall be permanently ineligible to sell firearms in this state.

25 (b) The Attorney General, a district attorney, or a city attorney may bring a civil  
26 action for a violation of Section 23660 or 23665.

27 **Comment.** Subdivision (a) of Section 23670 continues former Section 12088.15(e) without  
28 substantive change.

29 Subdivision (b) continues former Section 12088.15(f) without substantive change.

30 A violation of the predecessor of Section 23660 (former Section 12088.15(a)) or the  
31 predecessor of Section 23665 (former Section 12088.15(c)-(d)) counts as a prior violation in  
32 determining the appropriate punishment under this section. See Section 16015 (determining  
33 existence of prior conviction).

34 See Sections 16520 (“firearm”), 26700 (“dealer,” “licensee,” or “person licensed pursuant to  
35 Sections 26700 to 26915, inclusive”).

36 **§ 23675. Effect of compliance**

37 23675. Compliance with the requirements set forth in this division does not  
38 relieve any person from liability to any other person as may be imposed pursuant  
39 to common law, statutory law, or local ordinance.

40 **Comment.** Section 23675 continues former Section 12088.7 without substantive change.

1    **§ 23680. Recall, replacement, or correction of nonconforming device**

2       23680. (a) If at any time the Attorney General determines that a gun safe or  
3 firearm safety device subject to the provisions of this division and sold after  
4 January 1, 2002, does not conform with the standards required by subdivision (a)  
5 of Section 23635 or Section 23650, the Attorney General may order the recall and  
6 replacement of the gun safe or firearm safety device, or order that the gun safe or  
7 firearm safety device be brought into conformity with those requirements.

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

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

15       **Comment.** Section 23680 continues former Section 12088.4 without substantive change.

16       See Sections 16520 (“firearm”), 16540 (“firearm safety device”), 16610 (“gun safe”), 26700  
17 (“dealer,” “licensee,” or “person licensed pursuant to Sections 26700 to 26915, inclusive”).

18    **§ 23685. Report of incident in which child suffers unintentional or self-inflicted gunshot**  
19       **wound**

20       23685. Each lead law enforcement agency investigating an incident shall report  
21 to the State Department of Health Services any information obtained that  
22 reasonably supports the conclusion that:

23       (a) A child 18 years of age or younger suffered an unintentional or self-inflicted  
24 gunshot wound inflicted by a firearm that was sold or transferred in this state, or  
25 manufactured in this state.

26       (b) Whether as a result of that incident the child died, suffered serious injury, or  
27 was treated for an injury by a medical professional.

28       **Comment.** Section 23685 continues former Section 12088.5 without change.

29       See Section 16520 (“firearm”).

30    **§ 23690. Fee**

31       23690. (a)(1) The Department of Justice may require each dealer to charge each  
32 firearm purchaser or transferee a fee not to exceed one dollar (\$1) for each firearm  
33 transaction.

34       (2) The fee shall be for the purpose of supporting department program costs  
35 related to this act, including the establishment, maintenance, and upgrading of  
36 related database systems and public rosters.

37       (b)(1) There is hereby created within the General Fund the Firearm Safety  
38 Account.

39       (2) Revenue from the fee imposed by subdivision (a) shall be deposited into the  
40 Firearm Safety Account and shall be available for expenditure by the Department  
41 of Justice upon appropriation by the Legislature.

1 (3) Expenditures from the Firearm Safety Account shall be limited to program  
2 expenditures as defined by subdivision (a).

3 **Comment.** Section 23690 continues former Section 12088.9 without substantive change.

4 See Sections 16520 (“firearm”), 26700 (“dealer,” “licensee,” or “person licensed pursuant to  
5 Sections 26700 to 26915, inclusive”).

## 6 DIVISION 3. DISGUISED OR MISLEADING APPEARANCE

### 7 CHAPTER 1. MISCELLANEOUS PROVISIONS

#### 8 § 23800. Bright orange or bright green firearm

9 23800. Any person who, for commercial purposes, purchases, sells,  
10 manufactures, ships, transports, distributes, or receives a firearm, where the  
11 coloration of the entire exterior surface of the firearm is bright orange or bright  
12 green, either singly, in combination, or as the predominant color in combination  
13 with other colors in any pattern, is liable for a civil fine in an action brought by the  
14 city attorney of the city, or the district attorney for the county, of not more than ten  
15 thousand dollars (\$10,000).

16 **Comment.** Section 23800 continues former Section 12020.3 without substantive change.

17 See Section 16520 (“firearm”).

### 18 CHAPTER 2. OBLITERATION OF IDENTIFICATION MARKS

#### 19 § 23900. Obliteration of firearm identification marks prohibited

20 23900. Any person who changes, alters, removes, or obliterates the name of the  
21 maker, model, manufacturer’s number, or other mark of identification, including  
22 any distinguishing number or mark assigned by the Department of Justice, on any  
23 pistol, revolver, or any other firearm, without first having secured written  
24 permission from the department to make that change, alteration, or removal shall  
25 be punished by imprisonment in the state prison.

26 **Comment.** Section 23900 continues former Section 12090 without substantive change.

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

#### 29 § 23910. Assignment of number or mark when firearm lacks one

30 23910. The Department of Justice upon request may assign a distinguishing  
31 number or mark of identification to any firearm whenever the firearm lacks a  
32 manufacturer’s number or other mark of identification, or whenever the  
33 manufacturer’s number or other mark of identification or a distinguishing number  
34 or mark assigned by the department has been destroyed or obliterated.

35 **Comment.** Section 23910 continues former Section 12092 without substantive change.

36 See Section 16520 (“firearm”).



1 **§ 23915. Additional number or identifying indicium**

2 23915. (a) Any person may place or stamp on any pistol, revolver, or other  
3 firearm any number or identifying indicium, provided the number or identifying  
4 indicium does not change, alter, remove, or obliterate the manufacturer's name,  
5 number, model, or other mark of identification.

6 (b) This section does not prohibit restoration by the owner of the name of the  
7 maker or model, or of the original manufacturer's number or other mark of  
8 identification, when that restoration is authorized by the department.

9 (c) This section does not prevent any manufacturer from placing in the ordinary  
10 course of business the name of the maker, model, manufacturer's number, or other  
11 mark of identification upon a new firearm.

12 **Comment.** Section 23915 continues former Section 12093 without substantive change.  
13 See Sections 16520 ("firearm"), 16530 ("firearm capable of being concealed upon the person,"  
14 "pistol," and "revolver").

15 **§ 23920. Possession, sale, or purchase of firearm with knowledge of obliteration of**  
16 **identifying number or mark**

17 23920. Except as provided in Section 23925, any person who, with knowledge  
18 of any change, alteration, removal, or obliteration described in this section, buys,  
19 receives, disposes of, sells, offers for sale, or has in possession any pistol,  
20 revolver, or other firearm that has had the name of the maker or model, or the  
21 manufacturer's number or other mark of identification, including any  
22 distinguishing number or mark assigned by the Department of Justice, changed,  
23 altered, removed, or obliterated, is guilty of a misdemeanor.

24 **Comment.** Section 23920 continues former Section 12094(a) without substantive change.  
25 For circumstances in which this section is inapplicable, see Section 23925 (exemptions).  
26 See Sections 16520 ("firearm"), 16530 ("firearm capable of being concealed upon the person,"  
27 "pistol," and "revolver").

28 **§ 23925. Exemptions**

29 23925. Section 23920 does not apply to any of the following:

30 (a) The acquisition or possession of a firearm described in Section 23920 by any  
31 member of the military forces of this state or of the United States, while on duty  
32 and acting within the scope and course of employment.

33 (b) The acquisition or possession of a firearm described in Section 23920 by any  
34 peace officer described in Chapter 4.5 (commencing with Section 830) of Title 3  
35 of Part 2, while on duty and acting within the scope and course of employment.

36 (c) The acquisition or possession of a firearm described in Section 23920 by any  
37 employee of a forensic laboratory, while on duty and acting within the scope and  
38 course of employment.

39 (d) The possession and disposition of a firearm described in Section 23920 by a  
40 person who meets all of the following:

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

1 (2) The person possessed the firearm no longer than was necessary to deliver it  
2 to a law enforcement agency for that agency's disposition according to law.

3 (3) If the person is transporting the firearm, the person is transporting it to a law  
4 enforcement agency in order to deliver it to the agency for the agency's  
5 disposition according to law.

6 (4) If the person is transporting the firearm to a law enforcement agency, the  
7 person has given prior notice to the agency that the person is transporting the  
8 firearm to that agency for the agency's disposition according to law.

9 (5) The firearm is transported in a locked container as defined in Section 16850.

10 **Comment.** Section 23925 continues former Section 12094(b) without substantive change.  
11 See Section 16520 ("firearm").

### 12 CHAPTER 3. CAMOUFLAGING FIREARM CONTAINER

#### 13 § 24310. Prohibition on manufacture, import, sale, gift, loan, or possession of camouflaging 14 firearm container

15 24310. Except as provided in Chapter 1 (commencing with Section 17700) of  
16 Division 2 of Title 2, any person in this state who manufactures or causes to be  
17 manufactured, imports into the state, keeps for sale, or offers or exposes for sale,  
18 or who gives, lends, or possesses any camouflaging firearm container is  
19 punishable by imprisonment in a county jail not exceeding one year or in the state  
20 prison.

21 **Comment.** With respect to a camouflaging firearm container, Section 24310 continues former  
22 Section 12020(a)(1) without substantive change.

23 For circumstances in which this section is inapplicable, see Sections 16590 ("generally  
24 prohibited weapon"), 17700-17745 (exemptions relating to generally prohibited weapons).

25 See Section 16320 ("camouflaging firearm container"). See also Sections 17800 (distinct and  
26 separate offense), 24390 (camouflaging firearm container constituting nuisance).

#### 27 § 24390. Camouflaging firearm container constituting nuisance

28 24390. Except as provided in Chapter 1 (commencing with Section 17700) of  
29 Division 2 of Title 2, any camouflaging firearm container is a nuisance and is  
30 subject to Section 18010.

31 **Comment.** With respect to a camouflaging firearm container, Section 24390 continues the first  
32 part of the first sentence of former Section 12029 without substantive change.

33 See Section 16320 ("camouflaging firearm container").

### 34 CHAPTER 4. CANE GUN

#### 35 § 24410. Prohibition on manufacture, import, sale, gift, loan, or possession of cane gun

36 24410. Except as provided in Chapter 1 (commencing with Section 17700) of  
37 Division 2 of Title 2, any person in this state who manufactures or causes to be  
38 manufactured, imports into the state, keeps for sale, or offers or exposes for sale,

1 or who gives, lends, or possesses any cane gun is punishable by imprisonment in a  
2 county jail not exceeding one year or in the state prison.

3 **Comment.** With respect to a cane gun, Section 24410 continues former Section 12020(a)(1)  
4 without substantive change.

5 For circumstances in which this section is inapplicable, see Sections 16590 (“generally  
6 prohibited weapon”), 17700-17745 (exemptions relating to generally prohibited weapons).

7 See Section 16330 (“cane gun”). See also Sections 17800 (distinct and separate offense),  
8 24490 (cane gun constituting nuisance).

9 **§ 24490. Cane gun constituting nuisance**

10 24490. Except as provided in Chapter 1 (commencing with Section 17700) of  
11 Division 2 of Title 2, any cane gun is a nuisance and is subject to Section 18010.

12 **Comment.** With respect to a cane gun, Section 24490 continues the first part of the first  
13 sentence of former Section 12029 without substantive change.

14 See Section 16330 (“cane gun”).

15 CHAPTER 5. FIREARM NOT IMMEDIATELY RECOGNIZABLE AS A FIREARM

16 **§ 24510. Prohibition on manufacture, import, sale, gift, loan, or possession of firearm not**  
17 **immediately recognizable as firearm**

18 24510. Except as provided in Chapter 1 (commencing with Section 17700) of  
19 Division 2 of Title 2, any person in this state who manufactures or causes to be  
20 manufactured, imports into the state, keeps for sale, or offers or exposes for sale,  
21 or who gives, lends, or possesses any firearm not immediately recognizable as a  
22 firearm is punishable by imprisonment in a county jail not exceeding one year or  
23 in the state prison.

24 **Comment.** With respect to a firearm that is not immediately recognizable as a firearm, Section  
25 24510 continues former Section 12020(a)(1) without substantive change.

26 For circumstances in which this section is inapplicable, see Sections 16590 (“generally  
27 prohibited weapon”), 17700-17745 (exemptions relating to generally prohibited weapons).

28 See Section 16520 (“firearm”). See also Sections 17800 (distinct and separate offense), 24590  
29 (firearm not immediately recognizable as such constitutes nuisance).

30 **§ 24590. Firearm not immediately recognizable as such constitutes nuisance**

31 24590. Except as provided in Chapter 1 (commencing with Section 17700) of  
32 Division 2 of Title 2, any firearm not immediately recognizable as a firearm is a  
33 nuisance and is subject to Section 18010.

34 **Comment.** With respect to a firearm that is not immediately recognizable as a firearm, Section  
35 24590 continues the first part of the first sentence of former Section 12029 without substantive  
36 change.

37 See Section 16520 (“firearm”).

CHAPTER 6. UNDETECTABLE FIREARM AND  
FIREARM DETECTION EQUIPMENT

§ 24610. Prohibition on manufacture, import, sale, gift, loan, or possession of undetectable firearm

24610. Except as provided in Chapter 1 (commencing with Section 17700) of Division 2 of Title 2, any person in this state who manufactures or causes to be manufactured, imports into the state, keeps for sale, or offers or exposes for sale, or who gives, lends, or possesses any undetectable firearm is punishable by imprisonment in a county jail not exceeding one year or in the state prison.

**Comment.** With respect to an undetectable firearm, Section 24610 continues former Section 12020(a)(1) without substantive change.

For circumstances in which this section is inapplicable, see Sections 16590 (“generally prohibited weapon”), 17700-17745 (exemptions relating to generally prohibited weapons).

See Section 17280 (“undetectable firearm”). See also Sections 17800 (distinct and separate offense), 24690 (undetectable firearm constituting nuisance).

§ 24680. Firearm detection equipment

24680. Any firearm detection equipment newly installed in a nonfederal public building in this state shall be of a type identified by either the United States Attorney General, the Secretary of Transportation, or the Secretary of the Treasury, as appropriate, as available state-of-the-art equipment capable of detecting an undetectable firearm, while distinguishing innocuous metal objects likely to be carried on one’s person sufficient for reasonable passage of the public.

**Comment.** Section 24680 continues the second paragraph of former Section 12020(c)(22)(C) without substantive change.

See Sections 16520 (“firearm”), 17280 (“undetectable firearm”).

§ 24690. Undetectable firearm constituting nuisance

24690. Except as provided in Chapter 1 (commencing with Section 17700) of Division 2 of Title 2, any undetectable firearm is a nuisance and is subject to Section 18010.

**Comment.** With respect to an undetectable firearm, Section 24690 continues the first part of the first sentence of former Section 12029 without substantive change.

See Section 17280 (“undetectable firearm”).

CHAPTER 7. WALLET GUN

§ 24710. Prohibition on manufacture, import, sale, gift, loan, or possession of wallet gun

24710. Except as provided in Chapter 1 (commencing with Section 17700) of Division 2 of Title 2, any person in this state who manufactures or causes to be manufactured, imports into the state, keeps for sale, or offers or exposes for sale, or who gives, lends, or possesses any wallet gun is punishable by imprisonment in a county jail not exceeding one year or in the state prison.

1 **Comment.** With respect to a wallet gun, Section 24710 continues former Section 12020(a)(1)  
2 without substantive change.

3 For circumstances in which this section is inapplicable, see Sections 16590 (“generally  
4 prohibited weapon”), 17700-17745 (exemptions relating to generally prohibited weapons).

5 See Section 17330 (“wallet gun”). See also Sections 17800 (distinct and separate offense),  
6 24790 (wallet gun constituting nuisance).

7 **§ 24790. Wallet gun constituting nuisance**

8 24790. Except as provided in Chapter 1 (commencing with Section 17700) of  
9 Division 2 of Title 2, any wallet gun is a nuisance and is subject to Section 18010.

10 **Comment.** With respect to a wallet gun, Section 24790 continues the first part of the first  
11 sentence of former Section 12029 without substantive change.

12 See Section 17330 (“wallet gun”).

13 **DIVISION 4. STORAGE OF FIREARMS**

14 **CHAPTER 1. PRELIMINARY PROVISIONS**

15 **§ 25000. “Child”**

16 25000. As used in this division, “child” means a person under 18 years of age.

17 **Comment.** Section 25000 continues former Sections 12035(a)(3) and 12036(a)(2) without  
18 substantive change.

19 **CHAPTER 2. CRIMINAL STORAGE OF FIREARM**

20 **§ 25100. Criminal storage of firearm**

21 25100. (a) Except as provided in Section 25105, a person commits the crime of  
22 “criminal storage of a firearm of the first degree” if all of the following conditions  
23 are satisfied:

24 (1) The person keeps any loaded firearm within any premises that are under the  
25 person’s custody or control.

26 (2) The person knows or reasonably should know that a child is likely to gain  
27 access to the firearm without the permission of the child’s parent or legal guardian.

28 (3) The child obtains access to the firearm and thereby causes death or great  
29 bodily injury to the child or any other person.

30 (b) Except as provided in Section 25105, a person commits the crime of  
31 “criminal storage of a firearm of the second degree” if all of the following  
32 conditions are satisfied:

33 (1) The person keeps any loaded firearm within any premises that are under the  
34 person’s custody or control.

35 (2) The person knows or reasonably should know that a child is likely to gain  
36 access to the firearm without the permission of the child’s parent or legal guardian.

1 (3) The child obtains access to the firearm and thereby causes injury, other than  
2 great bodily injury, to the child or any other person, or carries the firearm either to  
3 a public place or in violation of Section 417.

4 **Comment.** Subdivision (a) of Section 25100 continues former Section 12035(b)(1) without  
5 substantive change.

6 Subdivision (b) continues former Section 12035(b)(2) without substantive change.

7 For a provision requiring a firearms dealer to post a notice with warnings about firearm  
8 storage, see Section 26835.

9 See Sections 16520 (“firearm”), 16600 (“great bodily injury”), 16840 (“loaded” and “loaded  
10 firearm”), 25000 (“child”).

### 11 § 25105. Exceptions

12 25105. Section 25100 does not apply whenever any of the following occurs:

13 (a) The child obtains the firearm as a result of an illegal entry to any premises by  
14 any person.

15 (b) The firearm is kept in a locked container or in a location that a reasonable  
16 person would believe to be secure.

17 (c) The firearm is carried on the person or within close enough proximity thereto  
18 that the individual can readily retrieve and use the firearm as if carried on the  
19 person.

20 (d) The firearm is locked with a locking device, as defined in Section 16860,  
21 which has rendered the firearm inoperable.

22 (e) The person is a peace officer or a member of the armed forces or the  
23 National Guard and the child obtains the firearm during, or incidental to, the  
24 performance of the person’s duties.

25 (f) The child obtains, or obtains and discharges, the firearm in a lawful act of  
26 self-defense or defense of another person.

27 (g) The person who keeps a loaded firearm on any premise that is under the  
28 person’s custody or control has no reasonable expectation, based on objective facts  
29 and circumstances, that a child is likely to be present on the premises.

30 **Comment.** Section 25105 continues former Section 12035(c) without substantive change.

31 See Sections 16520 (“firearm”), 16840 (“loaded” and “loaded firearm”), 16850 (“locked  
32 container”), 25000 (“child”).

### 33 § 25110. Punishment

34 25110. (a) Criminal storage of a firearm in the first degree is punishable by  
35 imprisonment in the state prison for 16 months, or two or three years, by a fine not  
36 exceeding ten thousand dollars (\$10,000), or by both that imprisonment and fine;  
37 or by imprisonment in a county jail not exceeding one year, by a fine not  
38 exceeding one thousand dollars (\$1,000), or by both that imprisonment and fine.

39 (b) Criminal storage of a firearm in the second degree is punishable by  
40 imprisonment in a county jail not exceeding one year, by a fine not exceeding one  
41 thousand dollars (\$1,000), or by both that imprisonment and fine.

42 **Comment.** Section 25110 continues former Section 12035(d) without substantive change.

43 See Section 25100 (criminal storage of firearm).

1    **§ 25115. Prosecution of parent or guardian**

2    25115. If a person who allegedly violated Section 25100 is the parent or  
3 guardian of a child who is injured or who dies as the result of an accidental  
4 shooting, the district attorney shall consider, among other factors, the impact of  
5 the injury or death on the person alleged to have violated Section 25100 when  
6 deciding whether to prosecute the alleged violation. It is the Legislature’s intent  
7 that a parent or guardian of a child who is injured or who dies as the result of an  
8 accidental shooting shall be prosecuted only in those instances in which the parent  
9 or guardian behaved in a grossly negligent manner or where similarly egregious  
10 circumstances exist. This section shall not otherwise restrict, in any manner, the  
11 factors that a district attorney may consider when deciding whether to prosecute an  
12 alleged violation of Section 25100.

13    **Comment.** Section 25115 continues former Section 12035(e) without substantive change.  
14    See Section 25000 (“child”).

15    **§ 25120. Timing of prosecution of parent or guardian**

16    25120. (a) If a person who allegedly violated Section 25100 is the parent or  
17 guardian of a child who was injured or who died as the result of an accidental  
18 shooting, no arrest of the person for the alleged violation of Section 25100 shall  
19 occur until at least seven days after the date upon which the accidental shooting  
20 occurred.

21    (b) In addition to the limitation stated in subdivision (a), before arresting a  
22 person for a violation of Section 25100, a law enforcement officer shall consider  
23 the health status of a child who suffered great bodily injury as the result of an  
24 accidental shooting, if the person to be arrested is the parent or guardian of the  
25 injured child. The intent of this section is to encourage law enforcement officials  
26 to delay the arrest of a parent or guardian of a seriously injured child while the  
27 child remains on life-support equipment or is in a similarly critical medical  
28 condition.

29    **Comment.** Section 25120 continues former Section 12035(f) without substantive change.  
30    See Sections 16600 (“great bodily injury”), 25000 (“child”).

31    **§ 25125. Impact of attending firearm safety training course**

32    25125. (a) The fact that a person who allegedly violated Section 25100 attended  
33 a firearm safety training course prior to the purchase of the firearm that was  
34 obtained by a child in violation of Section 25100 shall be considered a mitigating  
35 factor by a district attorney when deciding whether to prosecute the alleged  
36 violation.

37    (b) In any action or trial commenced under Section 25100, the fact that the  
38 person who allegedly violated Section 25100 attended a firearm safety training  
39 course prior to the purchase of the firearm that was obtained by a child in violation  
40 of Section 25100 is admissible.

41    **Comment.** Section 25125 continues former Section 12035(g) without substantive change.  
42    See Sections 16520 (“firearm”), 25000 (“child”).

1    **§ 25130. Posting of required notice**

2       25130. Every person licensed under Sections 26700 to 26915, inclusive, shall  
3 post within the licensed premises the notice required by Section 26835, disclosing  
4 the duty imposed by this chapter upon any person who keeps a loaded firearm.

5       **Comment.** Section 25130 continues former Section 12035(h) without substantive change.  
6 See Sections 16520 (“firearm”), 16840 (“loaded” and “loaded firearm”).

7                   CHAPTER 3. STORAGE OF FIREARM WHERE CHILD OBTAINS ACCESS AND  
8                   CARRIES FIREARM OFF-PREMISES

9    **§ 25200. Storage of firearm where child obtains access and carries firearm off-premises**

10       25200. (a) If all of the following conditions are satisfied, a person shall be  
11 punished by imprisonment in a county jail not exceeding one year, by a fine not  
12 exceeding one thousand dollars (\$1,000), or by both that imprisonment and fine:

13       (1) The person keeps a pistol, revolver, or other firearm capable of being  
14 concealed upon the person, loaded or unloaded, within any premises that are under  
15 the person’s custody or control.

16       (2) The person knows or reasonably should know that a child is likely to gain  
17 access to that firearm without the permission of the child’s parent or legal  
18 guardian.

19       (3) The child obtains access to that firearm and thereafter carries that firearm  
20 off-premises.

21       (b) If all of the following conditions are satisfied, a person shall be punished by  
22 imprisonment in a county jail not exceeding one year, by a fine not exceeding five  
23 thousand dollars (\$5,000), or by both that imprisonment and fine:

24       (1) The person keeps any firearm within any premises that are under the  
25 person’s custody or control.

26       (2) The person knows or reasonably should know that a child is likely to gain  
27 access to the firearm without the permission of the child’s parent or legal guardian.

28       (3) The child obtains access to the firearm and thereafter carries that firearm off-  
29 premises to any public or private preschool, elementary school, middle school,  
30 high school, or to any school-sponsored event, activity, or performance, whether  
31 occurring on school grounds or elsewhere.

32       (c) A pistol, revolver, or other firearm capable of being concealed upon the  
33 person that a child gains access to and carries off-premises in violation of this  
34 section shall be deemed “used in the commission of any misdemeanor as provided  
35 in this code or any felony” for the purpose of Section 29300 regarding the  
36 authority to confiscate firearms and other deadly weapons as a nuisance.

37       (d) As used in this section, “off-premises” means premises other than the  
38 premises where the firearm was stored.

39       **Comment.** Subdivision (a) of Section 25200 continues former Section 12036(b) without  
40 substantive change.

41       Subdivision (b) continues former Section 12036(c) without substantive change.



1 Subdivision (c) continues former Section 12036(d) without substantive change.  
2 Subdivision (d) continues former Section 12036(a)(3) without substantive change.  
3 For circumstances in which this section does not apply, see Section 25205. For a provision  
4 requiring a firearms dealer to post a notice with warnings about firearm storage, see Section  
5 26835.  
6 See Sections 16520 (“firearm”), 16530 (“firearm capable of being concealed upon the person,”  
7 “pistol,” and “revolver”), 25000 (“child”).

8 **§ 25205. Exceptions**

9 25205. Section 25200 does not apply if any of the following are true:  
10 (a) The child obtains the firearm as a result of an illegal entry into any premises  
11 by any person.  
12 (b) The firearm is kept in a locked container or in a location that a reasonable  
13 person would believe to be secure.  
14 (c) The firearm is locked with a locking device, as defined in Section 16860,  
15 which has rendered the firearm inoperable.  
16 (d) The firearm is carried on the person within close enough range that the  
17 individual can readily retrieve and use the firearm as if carried on the person.  
18 (e) The person is a peace officer or a member of the Armed Forces or National  
19 Guard and the child obtains the firearm during, or incidental to, the performance  
20 of the person’s duties.  
21 (f) The child obtains, or obtains and discharges, the firearm in a lawful act of  
22 self-defense or defense of another person.  
23 (g) The person who keeps a firearm has no reasonable expectation, based on  
24 objective facts and circumstances, that a child is likely to be present on the  
25 premises.

26 **Comment.** Section 25205 continues former Section 12036(e) without substantive change.  
27 See Sections 16520 (“firearm”), 16850 (“locked container”), 25000 (“child”).

28 **§ 25210. Prosecution of parent or guardian**

29 25210. If a person who allegedly violated Section 25200 is the parent or  
30 guardian of a child who is injured or who dies as the result of an accidental  
31 shooting, the district attorney shall consider, among other factors, the impact of  
32 the injury or death on the person alleged to have violated Section 25200 when  
33 deciding whether to prosecute the alleged violation. It is the Legislature’s intent  
34 that a parent or guardian of a child who is injured or who dies as the result of an  
35 accidental shooting shall be prosecuted only in those instances in which the parent  
36 or guardian behaved in a grossly negligent manner or where similarly egregious  
37 circumstances exist. This section shall not otherwise restrict, in any manner, the  
38 factors that a district attorney may consider when deciding whether to prosecute  
39 alleged violations of Section 25200.

40 **Comment.** Section 25210 continues former Section 12036(f) without substantive change.  
41 See Section 25000 (“child”).

1    **§ 25215. Timing of prosecution of parent or guardian**

2       25215. (a) If a person who allegedly violated Section 25200 is the parent or  
3 guardian of a child who was injured or who died as the result of an accidental  
4 shooting, no arrest of the person for the alleged violation of Section 25200 shall  
5 occur until at least seven days after the date upon which the accidental shooting  
6 occurred.

7       (b) In addition to the limitation contained in subdivision (a), before arresting a  
8 person for a violation of Section 25200, a law enforcement officer shall consider  
9 the health status of a child who suffers great bodily injury as the result of an  
10 accidental shooting, if the person to be arrested is the parent or guardian of the  
11 injured child. The intent of this section is to encourage law enforcement officials  
12 to delay the arrest of a parent or guardian of a seriously injured child while the  
13 child remains on life-support equipment or is in a similarly critical medical  
14 condition.

15       **Comment.** Section 25215 continues former Section 12036(g) without substantive change.  
16       See Sections 16600 (“great bodily injury”), 25000 (“child”).

17    **§ 25220. Impact of attending firearm safety training course**

18       25220. (a) The fact that the person who allegedly violated Section 25200  
19 attended a firearm safety training course prior to the purchase of the firearm that is  
20 obtained by a child in violation of Section 25200 shall be considered a mitigating  
21 factor by a district attorney when deciding whether to prosecute the alleged  
22 violation.

23       (b) In any action or trial commenced under Section 25200, the fact that the  
24 person who allegedly violated Section 25200 attended a firearm safety training  
25 course prior to the purchase of the firearm that was obtained by a child in violation  
26 of Section 25200 is admissible.

27       **Comment.** Section 25220 continues former Section 12036(h) without substantive change.  
28       See Sections 16520 (“firearm”), 25000 (“child”).

29    **§ 25225. Posting of required notice**

30       25225. Every person licensed under Sections 26700 to 26915, inclusive, shall  
31 post within the licensed premises the notice required by Section 26835, disclosing  
32 the duty imposed by this chapter upon any person who keeps any firearm.

33       **Comment.** Section 25225 continues former Section 12036(i) without substantive change.  
34       See Section 16520 (“firearm”).

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DIVISION 5. CARRYING FIREARMS

CHAPTER 1. MISCELLANEOUS RULES RELATING TO CARRYING FIREARMS

**§ 25300. Carrying firearm in public while masked to hide identity**

25300. (a) A person commits criminal possession of a firearm when the person carries a firearm in a public place or on any public street while masked so as to hide the person’s identity.

(b) Criminal possession of a firearm is punishable by imprisonment in the state prison or by imprisonment in a county jail not to exceed one year.

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

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

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

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

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

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

**Comment.** Section 25300 continues former Section 12040 without substantive change. See Section 16520 (“firearm”).

CHAPTER 2. CARRYING A CONCEALED FIREARM

Article 1. Crime of Carrying a Concealed Firearm

**§ 25400. Crime of carrying concealed firearm**

25400. (a) A person is guilty of carrying a concealed firearm when the person does any of the following:

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

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

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

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

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

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

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

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

16 (4) If the person is not in lawful possession of the firearm or the person is within  
17 a class of persons prohibited from possessing or acquiring a firearm pursuant to  
18 Chapter 2 (commencing with Section 29800) or 3 (commencing with Section  
19 29900) of Division 9 of this title, or Section 8100 or 8103 of the Welfare and  
20 Institutions Code, as a felony.

21 (5) If the person has been convicted of a crime against a person or property, or  
22 of a narcotics or dangerous drug violation, by imprisonment in the state prison, or  
23 by imprisonment in a county jail not to exceed one year, by a fine not to exceed  
24 one thousand dollars (\$1,000), or by both that imprisonment and fine.

25 (6) If both of the following conditions are met, by imprisonment in the state  
26 prison, or by imprisonment in a county jail not to exceed one year, by a fine not to  
27 exceed one thousand dollars (\$1,000), or by both that fine and imprisonment:

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

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

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

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

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

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

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

20 **Comment.** Subdivision (a) of Section 25400 continues former Section 12025(a) without  
21 substantive change.

22 Subdivision (b) continues former Section 12025(f) without substantive change.

23 Subdivision (c) continues former Section 12025(b) without substantive change. Subdivision (d)  
24 continues former Section 12025(d) without substantive change. For guidance in applying  
25 paragraphs (c)(1) and (d)(2), see Section 16015 (determining existence of prior conviction).

26 Subdivision (e) continues former Section 12025(e) without substantive change.

27 Subdivision (f) continues former Section 12025(c) without substantive change.

28 Former Section 12025(g) is continued in Section 16750 (“lawful possession of the firearm”).

29 Former Section 12025(h) was repealed by its own terms on January 1, 2005, so it is not  
30 continued. See 1999 Cal. Stat. ch. 571, § 2.

31 See Sections 16520 (“firearm”), 16530 (“firearm capable of being concealed upon the person,”  
32 “pistol,” and “revolver”), 16750 (“lawful possession of the firearm”), 16840 (“loaded” and  
33 “loaded firearm”).

## 34 Article 2. Peace Officer Exemption

### 35 § 25450. Peace officer exemption

36 25450. As provided in this article, Section 25400 does not apply to, or affect,  
37 any of the following:

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

40 (b) Any other duly appointed peace officer.

41 (c) Any honorably retired peace officer listed in subdivision (c) of Section  
42 830.5.

43 (d) Any other honorably retired peace officer who during the course and scope  
44 of employment as a peace officer was authorized to, and did, carry a firearm.

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

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

5 **Comment.** Section 25450 continues the first sentence of former Section 12027(a)(1)(A)  
6 without substantive change.

7 For an exemption relating to honorably retired federal officers and agents, see Section 25650.

8 For guidance on a retired peace officer carrying a loaded firearm, see Sections 25900-25925.  
9 For guidance on a retired peace officer carrying a concealed and loaded firearm, see Sections  
10 26300-26325.

11 See Sections 16520 (“firearm”), 16690 (“honorably retired”).

12 **§ 25455. Identification certificate for honorably retired peace officer**

13 25455. (a) Any peace officer described in Section 25450 who has been  
14 honorably retired shall be issued an identification certificate by the law  
15 enforcement agency from which the officer retired.

16 (b) The issuing agency may charge a fee necessary to cover any reasonable  
17 expenses incurred by the agency in issuing certificates pursuant to this article.

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

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

26 **Comment.** Subdivision (a) of Section 25455 continues the second sentence of former Section  
27 12027(a)(1)(A) without substantive change.

28 Subdivision (b) continues the third sentence of former Section 12027(a)(1)(A) without  
29 substantive change.

30 Subdivision (c) continues former Section 12027(a)(1)(B) without substantive change.

31 Subdivision (d) continues the second sentence of former Section 12027(a)(2) without  
32 substantive change.

33 For guidance on a retired peace officer carrying a loaded firearm, see Sections 25900-25925.  
34 For guidance on a retired peace officer carrying a concealed and loaded firearm, see Sections  
35 26300-26325.

36 See Sections 16520 (“firearm”), 16690 (“honorably retired”).

37 **§ 25460. Format of endorsement on identification certificate**

38 25460. (a) Except as provided in subdivision (b), no endorsement or renewal  
39 endorsement issued pursuant to Section 25465 shall be effective unless it is in the  
40 format set forth in subdivision (c).

41 (b) Any peace officer listed in subdivision (f) of Section 830.2 or in subdivision  
42 (c) of Section 830.5, who retired between January 2, 1981, and on or before  
43 December 31, 1988, and who is authorized to carry a concealed firearm pursuant  
44 to this article, shall not be required to have an endorsement in the format set forth

1 in subdivision (c) until the time of the issuance, on or after January 1, 1989, of a  
2 renewal endorsement pursuant to Section 25465.

3 (c) A certificate issued pursuant to Section 25455 for any person who is not  
4 listed in Section 830.1 or 830.2, subdivision (a) of Section 830.33, or subdivision  
5 (c) of Section 830.5, or for any person retiring after January 1, 1981, shall be in  
6 the following format: it shall be on a 2x3 inch card, bear the photograph of the  
7 retiree, include the retiree's name, date of birth, the date that the retiree retired,  
8 and the name and address of the agency from which the retiree retired, and have  
9 stamped on it the endorsement "CCW Approved" and the date the endorsement is  
10 to be renewed. A certificate issued pursuant to Section 25455 shall not be valid as  
11 identification for the sale, purchase, or transfer of a firearm.

12 **Comment.** Subdivisions (a) and (b) of Section 25460 continue former Section 12027(a)(1)(C)  
13 without substantive change.

14 Subdivision (c) continues former Section 12027(a)(1)(D) without substantive change.

15 See Sections 16360 ("CCW"), 16520 ("firearm").

16 **§ 25465. Renewal of privilege to carry concealed firearm**

17 25465. Every five years, a retired peace officer, except an officer listed in  
18 Section 830.1 or 830.2, subdivision (a) of Section 830.33, or subdivision (c) of  
19 Section 830.5 who retired prior to January 1, 1981, shall petition the issuing  
20 agency for renewal of the officer's privilege to carry a concealed firearm.

21 **Comment.** Section 25465 continues the first sentence of former Section 12027(a)(2) without  
22 substantive change.

23 See Section 16520 ("firearm").

24 **§ 25470. Denial or revocation of privilege to carry concealed firearm**

25 25470. (a) The agency from which a peace officer is honorably retired may,  
26 upon initial retirement of that peace officer, or at any time subsequent thereto,  
27 deny or revoke for good cause the retired officer's privilege to carry a concealed  
28 firearm.

29 (b) A peace officer who is listed in Section 830.1 or 830.2, subdivision (a) of  
30 Section 830.33, or subdivision (c) of Section 830.5 who retired prior to January 1,  
31 1981, shall have the privilege to carry a concealed firearm denied or revoked by  
32 having the agency from which the officer retired stamp on the officer's  
33 identification certificate "No CCW privilege."

34 **Comment.** Subdivision (a) of Section 25470 continues the third sentence of former Section  
35 12027(a)(2) without substantive change.

36 Subdivision (b) continues the fourth sentence of former Section 12027(a)(2) without  
37 substantive change.

38 See Sections 16360 ("CCW"), 16520 ("firearm"), 16690 ("honorably retired").

39 **§ 25475. Maintaining privilege to carry concealed firearm**

40 25475. (a) An honorably retired peace officer who is listed in subdivision (c) of  
41 Section 830.5 and authorized to carry a concealed firearm by this article shall meet

1 the training requirements of Section 832 and shall qualify with the firearm at least  
2 annually.

3 (b) The individual retired peace officer shall be responsible for maintaining  
4 eligibility to carry a concealed firearm.

5 (c) The Department of Justice shall provide subsequent arrest notification  
6 pursuant to Section 11105.2 regarding honorably retired peace officers listed in  
7 subdivision (c) of Section 830.5 to the agency from which the officer has retired.

8 **Comment.** Section 25475 continues former Section 12027(a)(3) without substantive change.  
9 See Sections 16520 (“firearm”), 16690 (“honorably retired”).

### 10 Article 3. Conditional Exemptions

#### 11 § 25500. Effect of article

12 25500. This article does not prohibit or limit the otherwise lawful carrying or  
13 transportation of any pistol, revolver, or other firearm capable of being concealed  
14 upon the person in accordance with the provisions listed in Section 16580.

15 **Comment.** Section 25500 continues former Section 12026.2(c) without substantive change.  
16 See Section 16530 (“firearm capable of being concealed upon the person,” “pistol,” and  
17 “revolver”).

#### 18 § 25505. Conditions for exemption to apply

19 25505. In order for a firearm to be exempted under this article, while being  
20 transported to or from a place, the firearm shall be unloaded and kept in a locked  
21 container, and the course of travel shall include only those deviations between  
22 authorized locations as are reasonably necessary under the circumstances.

23 **Comment.** Section 25505 continues former Section 12026.2(b) without substantive change.  
24 For another provision on transporting a firearm in a locked container, see Section 25610  
25 (carrying firearm in locked container).  
26 See Sections 16520 (“firearm”), 16850 (“locked container”).

#### 27 § 25510. Motion picture, television, video production, or entertainment event

28 25510. Section 25400 does not apply to, or affect, any of the following:

29 (a) The possession of a firearm by an authorized participant in a motion picture,  
30 television, or video production, or an entertainment event, when the participant  
31 lawfully uses the firearm as part of that production or event, or while going  
32 directly to, or coming directly from, that production or event.

33 (b) The transportation of a firearm by an authorized employee or agent of a  
34 supplier of firearms when going directly to, or coming directly from, a motion  
35 picture, television, or video production, or an entertainment event, for the purpose  
36 of providing that firearm to an authorized participant to lawfully use as a part of  
37 that production or event.

38 **Comment.** Subdivision (a) of Section 25510 continues former Section 12026.2(a)(1) without  
39 substantive change.

40 Subdivision (b) continues former Section 12026.2(a)(8) without substantive change.

41 For conditions on invoking these exemptions, see Section 25505.



1 See Section 16520 (“firearm”).

2 **§ 25515. Club or organization for lawfully collecting and displaying firearms**

3 25515. Section 25400 does not apply to, or affect, the possession of a firearm in  
4 a locked container by a member of any club or organization, organized for the  
5 purpose of lawfully collecting and lawfully displaying pistols, revolvers, or other  
6 firearms, while the member is at a meeting of the club or organization or while  
7 going directly to, and coming directly from, a meeting of the club or organization.

8 **Comment.** Section 25515 continues former Section 12026.2(a)(2) without substantive change.  
9 For conditions on invoking this exemption, see Section 25505. For an exemption relating to  
10 transportation of a curio or relic brought into the state by licensed collector, see Section 25580.

11 See Sections 16520 (“firearm”), 16530 (“firearm capable of being concealed upon the person,”  
12 “pistol,” and “revolver”), 16850 (“locked container”).

13 **§ 25520. Recognized sporting event or safety or hunter safety class**

14 25520. Section 25400 does not apply to, or affect, the transportation of a firearm  
15 by a participant when going directly to, or coming directly from, a recognized  
16 safety or hunter safety class, or a recognized sporting event involving that firearm.

17 **Comment.** Section 25520 continues former Section 12026.2(a)(3) without substantive change.  
18 For conditions on invoking this exemption, see Section 25505. For another exemption relating  
19 to hunting, see Section 25640 (licensed hunters or fishermen).

20 See Section 16520 (“firearm”).

21 **§ 25525. Transportation of firearm by owner or person in lawful possession to place of**  
22 **residence, place of business, or other private property of that person**

23 25525. (a) Section 25400 does not apply to, or affect, the transportation of a  
24 firearm by any citizen of the United States or legal resident over the age of 18  
25 years who resides or is temporarily within this state, and who is not within the  
26 excepted classes prescribed by Chapter 2 (commencing with Section 29800) or 3  
27 (commencing with Section 29900) of Division 9 of this title, or Section 8100 or  
28 8103 of the Welfare and Institutions Code, directly between any of the following  
29 places:

30 (1) The person’s place of residence.

31 (2) The person’s place of business.

32 (3) Private property owned or lawfully possessed by the person.

33 (b) Section 25400 does not apply to, or affect, the transportation of a firearm by  
34 a person listed in subdivision (a) when going directly from the place where that  
35 person lawfully received that firearm to that person’s place of residence or place  
36 of business or to private property owned or lawfully possessed by that person.

37 **Comment.** Subdivision (a) of Section 25525 continues former Section 12026.2(a)(4) without  
38 substantive change.

39 Subdivision (b) continues former Section 12026.2(a)(6) without substantive change.

40 For conditions on invoking these exemptions, see Section 25505. For an exemption relating to  
41 carrying or possession of a firearm at one’s place of residence, place of business, or other private  
42 property, see Section 25605.

43 See Section 16520 (“firearm”).

1    **§ 25530. Repair, transfer, sale, or loan of firearm**

2    25530. Section 25400 does not apply to, or affect, the transportation of a firearm  
3 by a person when going directly to, or coming directly from, a fixed place of  
4 business or private residential property for the purpose of the lawful repair or the  
5 lawful transfer, sale, or loan of that firearm.

6    **Comment.** Section 25530 continues former Section 12026.2(a)(5) without substantive change.  
7 For conditions on invoking this exemption, see Section 25505.  
8 See Section 16520 (“firearm”).

9    **§ 25535. Gun show, swap meet, or similar event**

10   25535. Section 25400 does not apply to, or affect, any of the following:

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

14   (b) The transportation of a firearm by a person when going directly to, or  
15 coming directly from, a gun show or event, as defined in Section 478.100 of Title  
16 27 of the Code of Federal Regulations, for the purpose of lawfully transferring,  
17 selling, or loaning that firearm in accordance with Section 27545.

18   **Comment.** Subdivision (a) of Section 25535 continues former Section 12026.2(a)(7) without  
19 substantive change.

20   Subdivision (b) continues former Section 12026.2(a)(14) without substantive change.

21   For conditions on invoking these exemptions, see Section 25505.

22   See Section 16520 (“firearm”).

23   **§ 25540. Target range**

24   25540. Section 25400 does not apply to, or affect, the transportation of a firearm  
25 by a person when going directly to, or coming directly from, a target range, which  
26 holds a regulatory or business license, for the purposes of practicing shooting at  
27 targets with that firearm at that target range.

28   **Comment.** Section 25540 continues former Section 12026.2(a)(9) without substantive change.

29   For conditions on invoking this exemption, see Section 25505. For another exemption relating  
30 to practicing at a target range, see Section 25635 (member of club or organization for purpose of  
31 practicing at established target ranges).

32   See Section 16520 (“firearm”).

33   **§ 25545. Transportation to place designated by person authorized to issue license to carry**  
34   **firearm**

35   25545. Section 25400 does not apply to, or affect, the transportation of a firearm  
36 by a person when going directly to, or coming directly from, a place designated by  
37 a person authorized to issue licenses pursuant to Section 26150, 26155, or 26170,  
38 when done at the request of the issuing agency so that the issuing agency can  
39 determine whether or not a license should be issued to that person to carry that  
40 firearm.

41   **Comment.** Section 25545 continues former Section 12026.2(a)(10) without substantive  
42 change.

1 For conditions on invoking this exemption, see Section 25505. For an exemption relating to a  
2 person with a license to carry a concealed pistol, revolver, or other firearm capable of being  
3 concealed upon the person, see Section 25655.

4 See Section 16520 (“firearm”).

5 **§ 25550. Camping**

6 25550. (a) Section 25400 does not apply to, or affect, the transportation of a  
7 firearm by a person when going directly to, or coming directly from, a lawful  
8 camping activity for the purpose of having that firearm available for lawful  
9 personal protection while at the lawful campsite.

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

14 **Comment.** Section 25550 continues former Section 12026.2(a)(11) without substantive  
15 change.

16 For conditions on invoking this exemption, see Section 25505.

17 See Section 16520 (“firearm”).

18 **§ 25555. Person taking title or possession of firearm by operation of law, or person receiving**  
19 **firearm by gift, bequest, intestate succession, or other means from immediate family**  
20 **member**

21 25555. Section 25400 does not apply to, or affect, the transportation of a firearm  
22 by a person in order to comply with Section 27870, 27875, 27915, 27920, or  
23 27925, as it pertains to that firearm.

24 **Comment.** Section 25555 continues former Section 12026.2(a)(12) without substantive  
25 change.

26 For conditions on invoking this exemption, see Section 25505.

27 See Section 16520 (“firearm”).

28 **§ 25560. Transportation of firearm to utilize Section 28000**

29 25560. Section 25400 does not apply to, or affect, the transportation of a firearm  
30 by a person in order to utilize Section 28000 as it pertains to that firearm.

31 **Comment.** Section 25560 continues former Section 12026.2(a)(13) without substantive  
32 change.

33 For conditions on invoking this exemption, see Section 25505.

34 See Section 16520 (“firearm”).

35 **§ 25565. Sale, delivery, or transfer of firearm to governmental entity as part of program**  
36 **where entity is buying or receiving weapons from private individuals**

37 25565. Section 25400 does not apply to, or affect, the transportation of a firearm  
38 by a person in order to sell, deliver, or transfer the firearm as specified in Section  
39 27850 or 31725 to an authorized representative of a city, city and county, county,  
40 or state or federal government that is acquiring the weapon as part of an  
41 authorized, voluntary program in which the entity is buying or receiving weapons  
42 from private individuals.

1 **Comment.** Section 25565 continues former Section 12026.2(a)(15) without substantive  
2 change.

3 For conditions on invoking this exemption, see Section 25505.

4 See Section 16520 (“firearm”).

5 **§ 25570. Transportation of firearm by finder to law enforcement agency**

6 25570. Section 25400 does not apply to, or affect, any of the following:

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

13 (b) The transportation of a firearm by a person who finds the firearm and is  
14 transporting it to a law enforcement agency for disposition according to law, if the  
15 person gives prior notice to the law enforcement agency that the person is  
16 transporting the firearm to the law enforcement agency for disposition according  
17 to law.

18 **Comment.** Subdivision (a) of Section 25570 continues former Section 12026.2(a)(16) without  
19 substantive change.

20 Subdivision (b) continues former Section 12026.2(a)(18) without substantive change.

21 For conditions on invoking these exemptions, see Section 25505.

22 See Section 16520 (“firearm”).

23 **§ 25575. Compliance with restrictions relating to importation of handgun by personal**  
24 **handgun importer**

25 25575. Section 25400 does not apply to, or affect, the transportation of a firearm  
26 by a person in order to comply with Section 27560 as it pertains to that firearm.

27 **Comment.** Section 25575 continues former Section 12026.2(a)(17) without substantive  
28 change.

29 For conditions on invoking this exemption, see Section 25505. For an exemption relating to  
30 transportation of unloaded handguns by a licensed manufacturer, importer, wholesaler, repairer,  
31 or dealer, see Section 25615.

32 See Section 16520 (“firearm”).

33 **§ 25580. Transportation of curio or relic brought into state by licensed collector**

34 25580. Section 25400 does not apply to, or affect, the transportation of a firearm  
35 that is a curio or relic, as defined in Section 478.11 of Title 27 of the Code of  
36 Federal Regulations, by a person in order to comply with Section 27565 as it  
37 pertains to that firearm.

38 **Comment.** Section 25580 continues former Section 12026.2(a)(19) without substantive  
39 change.

40 For conditions on invoking this exemption, see Section 25505. For an exemption relating to a  
41 club or organization for lawfully collecting and displaying firearms, see Section 25515.

42 See Section 16520 (“firearm”).

1 **§ 25585. Transportation of firearm to obtain identification number or mark**

2 25585. Section 25400 does not apply to, or affect, the transportation of a firearm  
3 by a person for the purpose of obtaining an identification number or mark assigned  
4 to that firearm from the Department of Justice pursuant to Section 23910.

5 **Comment.** Section 25585 continues former Section 12026.2(a)(20) without substantive  
6 change.

7 For conditions on invoking this exemption, see Section 25505.

8 See Section 16520 (“firearm”).

9 Article 4. Other Exemptions

10 **§ 25600. Carrying concealed firearm when in reasonable belief of grave danger to self**

11 25600. (a) A violation of Section 25400 is justifiable when a person who  
12 possesses a firearm reasonably believes that person is in grave danger because of  
13 circumstances forming the basis of a current restraining order issued by a court  
14 against another person who has been found to pose a threat to the life or safety of  
15 the person who possesses the firearm. This section may not apply when the  
16 circumstances involve a mutual restraining order issued pursuant to Division 10  
17 (commencing with Section 6200) of the Family Code absent a factual finding of a  
18 specific threat to the person’s life or safety. It is not the intent of the Legislature to  
19 limit, restrict, or narrow the application of current statutory or judicial authority to  
20 apply this or other justifications to a defendant charged with violating Section  
21 25400 or committing another similar offense.

22 (b) Upon trial for violating Section 25400, the trier of fact shall determine  
23 whether the defendant was acting out of a reasonable belief that the defendant was  
24 in grave danger.

25 **Comment.** Section 25600 continues former Section 12025.5 without substantive change.

26 See Section 16520 (“firearm”).

27 **§ 25605. Carrying or possession of firearm at one’s place of residence, place of business, or**  
28 **other private property**

29 25605. (a) Section 25400 shall not apply to or affect any citizen of the United  
30 States or legal resident over the age of 18 years who resides or is temporarily  
31 within this state, and who is not within the excepted classes prescribed by Chapter  
32 2 (commencing with Section 29800) or 3 (commencing with Section 29900) of  
33 Division 9 of this title, or Section 8100 or 8103 of the Welfare and Institutions  
34 Code, who carries, either openly or concealed, anywhere within the citizen’s or  
35 legal resident’s place of residence, place of business, or on private property owned  
36 or lawfully possessed by the citizen or legal resident, any pistol, revolver, or other  
37 firearm capable of being concealed upon the person.

38 (b) No permit or license to purchase, own, possess, keep, or carry, either openly  
39 or concealed, shall be required of any citizen of the United States or legal resident  
40 over the age of 18 years who resides or is temporarily within this state, and who is  
41 not within the excepted classes prescribed by Chapter 2 (commencing with

1 Section 29800) or 3 (commencing with Section 29900) of Division 9 of this title,  
2 or Section 8100 or 8103 of the Welfare and Institutions Code, to purchase, own,  
3 possess, keep, or carry, either openly or concealed, a pistol, revolver, or other  
4 firearm capable of being concealed upon the person within the citizen's or legal  
5 resident's place of residence, place of business, or on private property owned or  
6 lawfully possessed by the citizen or legal resident.

7 (c) Nothing in this section shall be construed as affecting the application of  
8 Sections 25850 to 26055, inclusive.

9 **Comment.** Section 25605 continues former Section 12026 without substantive change.

10 For an exemption relating to transportation of a firearm by the owner or a person in lawful  
11 possession of the firearm to that person's place of residence, place of business, or other private  
12 property, see Section 25525.

13 See Section 16530 ("firearm capable of being concealed upon the person," "pistol," and  
14 "revolver").

15 **§ 25610. Carrying firearm in locked container**

16 25610. (a) Section 25400 shall not be construed to prohibit any citizen of the  
17 United States over the age of 18 years who resides or is temporarily within this  
18 state, and who is not prohibited by state or federal law from possessing, receiving,  
19 owning, or purchasing a firearm, from transporting or carrying any pistol,  
20 revolver, or other firearm capable of being concealed upon the person, provided  
21 that the following applies to the firearm:

22 (1) The firearm is within a motor vehicle and it is locked in the vehicle's trunk  
23 or in a locked container in the vehicle.

24 (2) The firearm is carried by the person directly to or from any motor vehicle for  
25 any lawful purpose and, while carrying the firearm, the firearm is contained within  
26 a locked container.

27 (b) The provisions of this section do not prohibit or limit the otherwise lawful  
28 carrying or transportation of any pistol, revolver, or other firearm capable of being  
29 concealed upon the person in accordance with the provisions listed in Section  
30 16580.

31 **Comment.** Subdivision (a) of Section 25610 continues former Section 12026.1(a) without  
32 substantive change, except for the last phrase of paragraph (a)(1) ("other than the utility or glove  
33 compartment"). That phrase and former Section 12026.1(c) are continued in Section 16850  
34 ("locked container").

35 Subdivision (b) continues former Section 12026.1(b) without substantive change.

36 For another provision on transporting a firearm in a locked container, see Section 25505  
37 (conditions for Article 3 exemptions to apply).

38 See Sections 16520 ("firearm"), 16530 ("firearm capable of being concealed upon the person,"  
39 "pistol," and "revolver"), 16850 ("locked container").

40 **§ 25615. Transportation of unloaded handguns by licensed manufacturer, importer,  
41 wholesaler, repairer, or dealer**

42 25615. Section 25400 does not apply to, or affect, the possession or  
43 transportation of unloaded pistols, revolvers, or other firearms capable of being  
44 concealed upon the person as merchandise by a person who is engaged in the

1 business of manufacturing, importing, wholesaling, repairing, or dealing in  
2 firearms and who is licensed to engage in that business, or the authorized  
3 representative or authorized agent of that person, while engaged in the lawful  
4 course of the business.

5 **Comment.** Section 25615 continues former Section 12027(b) without substantive change.

6 For an exemption relating to compliance with restrictions on importation of handguns by a  
7 personal handgun importer, see Section 25575.

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

10 **§ 25620. Member of military on duty or organization authorized by law to purchase or**  
11 **receive weapons**

12 25620. Section 25400 does not apply to, or affect, any member of the Army,  
13 Navy, Air Force, Coast Guard, or Marine Corps of the United States, or the  
14 National Guard, when on duty, or any organization that is by law authorized to  
15 purchase or receive those weapons from the United States or this state.

16 **Comment.** Section 25620 continues former Section 12027(c) without substantive change.

17 For an exemption relating to parading by a duly authorized military or civil organization, or  
18 traveling to a meeting of such an organization, see Section 25625.

19 **§ 25625. Parading by, or traveling to meeting of, duly authorized military or civil**  
20 **organization**

21 25625. Section 25400 does not apply to, or affect, the carrying of unloaded  
22 pistols, revolvers, or other firearms capable of being concealed upon the person by  
23 duly authorized military or civil organizations while parading, or the members  
24 thereof when going to and from the places of meeting of their respective  
25 organizations.

26 **Comment.** Section 25625 continues former Section 12027(d) without substantive change.

27 For an exemption relating to a member of the military on duty or an organization authorized by  
28 law to purchase or receive weapons, see Section 25620.

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

31 **§ 25630. Guard or messenger of common carrier, bank, or financial institution, when**  
32 **involved in shipping, transporting, or delivering money or other thing of value**

33 25630. Section 25400 does not apply to, or affect, any guard or messenger of  
34 any common carrier, bank, or other financial institution, while actually employed  
35 in and about the shipment, transportation, or delivery of any money, treasure,  
36 bullion, bonds, or other thing of value within this state.

37 **Comment.** Section 25630 continues former Section 12027(e) without substantive change.

38 For another exemption relating to common carriers, see Section 25645 (transportation of  
39 unloaded firearms by person operating licensed common carrier).

1 **§ 25635. Member of club or organization for purpose of practicing at established target**  
2 **ranges**

3 25635. Section 25400 does not apply to, or affect, members of any club or  
4 organization organized for the purpose of practicing shooting at targets upon  
5 established target ranges, whether public or private, while the members are using  
6 pistols, revolvers, or other firearms capable of being concealed upon the person  
7 upon the target ranges, or transporting these firearms unloaded when going to and  
8 from the ranges.

9 **Comment.** Section 25635 continues former Section 12027(f) without substantive change.

10 For another exemption relating to practicing at a target range, see Section 25540 (target range).

11 See Section 16530 (“firearm capable of being concealed upon the person,” “pistol,” and  
12 “revolver”).

13 **§ 25640. Licensed hunters or fishermen**

14 25640. Section 25400 does not apply to, or affect, licensed hunters or fishermen  
15 carrying pistols, revolvers, or other firearms capable of being concealed upon the  
16 person while engaged in hunting or fishing, or transporting those firearms  
17 unloaded when going to or returning from the hunting or fishing expedition.

18 **Comment.** Section 25640 continues former Section 12027(g) without substantive change.

19 For another exemption relating to hunting, see Section 25520 (recognized sporting event or  
20 safety or hunter safety class).

21 See Section 16530 (“firearm capable of being concealed upon the person,” “pistol,” and  
22 “revolver”).

23 **§ 25645. Transportation of unloaded firearms by person operating licensed common carrier**

24 25645. Section 25400 does not apply to, or affect, the transportation of unloaded  
25 firearms by a person operating a licensed common carrier or an authorized agent  
26 or employee thereof when the firearms are transported in conformance with  
27 applicable federal law.

28 **Comment.** Section 25645 continues former Section 12027(h) without substantive change.

29 For another exemption relating to common carriers, see Section 25630 (guard or messenger of  
30 common carrier, bank, or financial institution, when involved in shipping, transporting, or  
31 delivering money or other thing of value).

32 See Section 16520 (“firearm”).

33 **§ 25650. Honorably retired federal officer or agent**

34 25650. (a) Upon approval of the sheriff of the county in which the retiree  
35 resides, Section 25400 does not apply to, or affect, any honorably retired federal  
36 officer or agent of any federal law enforcement agency, including, but not limited  
37 to, the Federal Bureau of Investigation, the Secret Service, the United States  
38 Customs Service, the Federal Bureau of Alcohol, Tobacco, and Firearms, the  
39 Federal Bureau of Narcotics, the Drug Enforcement Administration, the United  
40 States Border Patrol, and any officer or agent of the Internal Revenue Service who  
41 was authorized to carry weapons while on duty, who was assigned to duty within  
42 the state for a period of not less than one year, or who retired from active service  
43 in the state.



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

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

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

15 **Comment.** Section 25650 continues former Section 12027(i) without substantive change.

16 For an exemption relating to honorably retired peace officers, see Section 25450 (peace officer  
17 exemption).

18 For an honorably retired federal officer or agent carrying a loaded firearm, see Section 26020.

19 See Section 16520 ("firearm").

20 **§ 25655. Person licensed to carry concealed pistol, revolver, or other firearm capable of**  
21 **being concealed upon the person**

22 25655. Section 25400 does not apply to, or affect, the carrying of a pistol,  
23 revolver, or other firearm capable of being concealed upon the person by a person  
24 who is authorized to carry that weapon in a concealed manner pursuant to Chapter  
25 4 (commencing with Section 26150).

26 **Comment.** Section 25655 continues former Section 12027(j) without substantive change.

27 For an exemption relating to transportation of a firearm to a place designated by a person who  
28 is authorized to issue licenses to carry firearms, see Section 25545.

29 See Section 16530 ("firearm capable of being concealed upon the person," "pistol," and  
30 "revolver").

31 Article 5. Concealed Carrying of Firearm as a Nuisance

32 **§ 25700. Unlawful concealed carrying of handgun as nuisance**

33 25700. (a) The unlawful carrying of any handgun in violation of Section 25400  
34 is a nuisance and is subject to Sections 18000 and 18005.

35 (b) This section does not apply to any of the following:

36 (1) Any firearm in the possession of the Department of Fish and Game.

37 (2) Any firearm that was used in the violation of any provision of the Fish and  
38 Game Code or any regulation adopted pursuant thereto.

39 (3) Any firearm that is forfeited pursuant to Section 5008.6 of the Public  
40 Resources Code.

41 **Comment.** With respect to unlawful concealed carrying of a handgun, subdivision (a) of  
42 Section 25700 continues former Section 12028(a) without substantive change.

1 With respect to unlawful concealed carrying of a handgun, subdivision (b) continues former  
2 Section 12028(e) without substantive change.

3 See Sections 16520 (“firearm”), 16640 (“handgun”).

### CHAPTER 3. CARRYING A LOADED FIREARM

#### 4 Article 1. Armed Criminal Action

##### 5 § 25800. Armed criminal action

6 25800. (a) Every person who carries a loaded firearm with the intent to commit  
7 a felony is guilty of armed criminal action.

8 (b) Armed criminal action is punishable by imprisonment in a county jail not  
9 exceeding one year, or in the state prison.

10 **Comment.** Section 25800 continues former Section 12023 without substantive change.

11 The definition of “loaded” for armed criminal action differs from the definition of “loaded” for  
12 the crime of carrying a loaded firearm in public. See Section 16840 (“loaded” and “loaded  
13 firearm”).

14 See also Section 16520 (“firearm”).

#### 15 Article 2. Crime of Carrying a Loaded Firearm in Public

##### 16 § 25850. Crime of carrying loaded firearm in public

17 25850. (a) A person is guilty of carrying a loaded firearm when the person  
18 carries a loaded firearm on the person or in a vehicle while in any public place or  
19 on any public street in an incorporated city or in any public place or on any public  
20 street in a prohibited area of unincorporated territory.

21 (b) In order to determine whether or not a firearm is loaded for the purpose of  
22 enforcing this section, peace officers are authorized to examine any firearm carried  
23 by anyone on the person or in a vehicle while in any public place or on any public  
24 street in an incorporated city or prohibited area of an unincorporated territory.  
25 Refusal to allow a peace officer to inspect a firearm pursuant to this section  
26 constitutes probable cause for arrest for violation of this section.

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

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

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

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

37 (4) Where the person is not in lawful possession of the firearm, or is within a  
38 class of persons prohibited from possessing or acquiring a firearm pursuant to

1 Chapter 2 (commencing with Section 29800) or 3 (commencing with Section  
2 29900) of Division 9 of this title, or Section 8100 or 8103 of the Welfare and  
3 Institutions Code, as a felony.

4 (5) Where the person has been convicted of a crime against a person or property,  
5 or of a narcotics or dangerous drug violation, by imprisonment in the state prison,  
6 or by imprisonment in a county jail not to exceed one year, by a fine not to exceed  
7 one thousand dollars (\$1,000), or by both that imprisonment and fine.

8 (6) Where the person is not listed with the Department of Justice pursuant to  
9 Section 11106 as the registered owner of the pistol, revolver, or other firearm  
10 capable of being concealed upon the person, by imprisonment in the state prison,  
11 or by imprisonment in a county jail not to exceed one year, or by a fine not to  
12 exceed one thousand dollars (\$1,000), or both that fine and imprisonment.

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

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

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

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

36 (f) Nothing in this section, or in Article 3 (commencing with Section 25900) or  
37 Article 4 (commencing with Section 26000), shall preclude prosecution under  
38 Chapter 2 (commencing with Section 29800) or 3 (commencing with Section  
39 29900) of Division 9 of this title, Section 8100 or 8103 of the Welfare and  
40 Institutions Code, or any other law with a greater penalty than this section.

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

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

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

6 (h) A peace officer may arrest a person for a violation of paragraph (6) of  
7 subdivision (c), if the peace officer has probable cause to believe that the person is  
8 carrying a loaded pistol, revolver, or other firearm capable of being concealed  
9 upon the person in violation of this section and that person is not listed with the  
10 Department of Justice pursuant to paragraph (1) of subdivision (c) of Section  
11 11106 as the registered owner of that pistol, revolver, or other firearm capable of  
12 being concealed upon the person.

13 **Comment.** Subdivision (a) of Section 25850 continues former Section 12031(a)(1) without  
14 substantive change.

15 Subdivision (b) continues former Section 12031(e) without substantive change.

16 Subdivision (c) continues former Section 12031(a)(2) without substantive change. Subdivision  
17 (d) continues former Section 12031(a)(6) without substantive change. For guidance in applying  
18 paragraphs (c)(1) and (d)(1), see Section 16015 (determining existing of prior conviction).

19 Subdivision (e) continues former Section 12031(a)(7) without substantive change.

20 Subdivision (f) continues former Section 12031(a)(4) without substantive change.

21 Subdivision (g) continues former Section 12031(a)(5)(A) without substantive change.

22 Subdivision (h) continues former Section 12031(a)(5)(B) without substantive change.

23 For a provision that required preparation of reports on the race, age, gender, and ethnicity of  
24 persons charged with violating the predecessor of this section, see former Section 12031(m)  
25 (1999 Cal. Stat. ch. 571, § 3). That provision is not continued, because by its terms it ceased to be  
26 operative on January 1, 2005.

27 The definition of "loaded" for the crime of carrying a loaded firearm in public differs from the  
28 definition of "loaded" for armed criminal action. See Section 16840 ("loaded" and "loaded  
29 firearm").

30 See also Sections 16520 ("firearm"), 16530 ("firearm capable of being concealed upon the  
31 person," "pistol," and "revolver"), 16750 ("lawful possession of the firearm"), 17030 ("prohibited  
32 area").

### 33 Article 3. Peace Office Exemption to the Crime 34 of Carrying a Loaded Firearm in Public

#### 35 § 25900. Peace officer exemption

36 25900. As provided in this article, Section 25850 does not apply to any of the  
37 following:

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

40 (b) Any other duly appointed peace officer.

41 (c) Any honorably retired peace officer listed in subdivision (c) of Section  
42 830.5.

43 (d) Any other honorably retired peace officer who during the course and scope  
44 of employment as a peace officer was authorized to, and did, carry a firearm.

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

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

5 **Comment.** Section 25900 continues the first sentence of the first paragraph of former Section  
6 12031(b)(1) without substantive change.

7 For an exemption relating to honorably retired federal officers and agents, see Section 16020.

8 For guidance on a retired peace officer carrying a concealed firearm, see Sections 25450-  
9 25475. For guidance on a retired peace officer carrying a concealed and loaded firearm, see  
10 Sections 26300-26325.

11 See Sections 16520 (“firearm”), 16690 (“honorably retired”).

12 **§ 25905. Identification certificate for honorably retired peace officer**

13 25905. (a) Any peace officer described in Section 25900 who has been  
14 honorably retired shall be issued an identification certificate by the law  
15 enforcement agency from which the officer has retired.

16 (b) The issuing agency may charge a fee necessary to cover any reasonable  
17 expenses incurred by the agency in issuing certificates pursuant to Sections 25900,  
18 25910, 25925, and this section.

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

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

27 **Comment.** Subdivision (a) of Section 25905 continues the second sentence of the first  
28 paragraph of former Section 12031(b)(1) without substantive change.

29 Subdivision (b) continues the third sentence of the first paragraph of former Section  
30 12031(b)(1) without substantive change.

31 Subdivision (c) continues the second paragraph of former Section 12031(b)(1) without  
32 substantive change.

33 Subdivision (d) continues the second sentence of former Section 12031(b)(2) without  
34 substantive change.

35 For guidance on a retired peace officer carrying a concealed firearm, see Sections 25450-  
36 25475. For guidance on a retired peace officer carrying a concealed and loaded firearm, see  
37 Sections 26300-26325.

38 See Sections 16520 (“firearm”), 16690 (“honorably retired”), 16840 (“loaded” and “loaded  
39 firearm”).

40 **§ 25910. Format of endorsement on identification certificate**

41 25910. (a) Except as provided in subdivision (b), no endorsement or renewal  
42 endorsement issued pursuant to Section 25915 shall be effective unless it is in the  
43 format set forth in subdivision (c) of Section 25460.

44 (b) Any peace officer listed in subdivision (f) of Section 830.2 or in subdivision  
45 (c) of Section 830.5, who is retired between January 2, 1981, and on or before

1 December 31, 1988, and who is authorized to carry a loaded firearm pursuant to  
2 this article, shall not be required to have an endorsement in the format set forth in  
3 subdivision (c) of Section 25460 until the time of the issuance, on or after January  
4 1, 1989, of a renewal endorsement pursuant to 25915.

5 **Comment.** Section 25910 continues the third paragraph of former Section 12031(b)(1) without  
6 substantive change.

7 See Sections 16520 (“firearm”), 16840 (“loaded” and “loaded firearm”).

8 **§ 25915. Renewal of privilege to carry loaded firearm**

9 25915. Every five years, a retired peace officer, except an officer listed in  
10 Section 830.1 or 830.2, subdivision (a) of Section 830.33, or subdivision (c) of  
11 Section 830.5 who retired prior to January 1, 1981, shall petition the issuing  
12 agency for renewal of the privilege to carry a loaded firearm.

13 **Comment.** Section 25915 continues the first sentence of former Section 12031(b)(2) without  
14 substantive change.

15 See Sections 16520 (“firearm”), 16840 (“loaded” and “loaded firearm”).

16 **§ 25920. Denial or revocation of privilege to carry loaded firearm**

17 25920. (a) The agency from which a peace officer is honorably retired may,  
18 upon initial retirement of the peace officer, or at any time subsequent thereto, deny  
19 or revoke for good cause the retired officer’s privilege to carry a loaded firearm.

20 (b) A peace officer who is listed in Section 830.1 or 830.2, subdivision (a) of  
21 Section 830.33, or subdivision (c) of Section 830.5 who is retired prior to January  
22 1, 1981, shall have the privilege to carry a loaded firearm denied or revoked by  
23 having the agency from which the officer retired stamp on the officer’s  
24 identification certificate “No CCW privilege.”

25 **Comment.** Subdivision (a) of Section 25920 continues the third sentence of former Section  
26 12031(b)(2) without substantive change.

27 Subdivision (b) continues the fourth sentence of former Section 12031(b)(2) without  
28 substantive change.

29 See Sections 16360 (“CCW”), 16520 (“firearm”), 16690 (“honorably retired”), 16840  
30 (“loaded” and “loaded firearm”).

31 **§ 25925. Maintaining privilege to carry loaded firearm**

32 25925. (a) An honorably retired peace officer who is listed in subdivision (c) of  
33 Section 830.5 and authorized to carry a loaded firearm by this article shall meet  
34 the training requirements of Section 832 and shall qualify with the firearm at least  
35 annually.

36 (b) The individual retired peace officer shall be responsible for eligibility to  
37 carry a loaded firearm.

38 (c) The Department of Justice shall provide subsequent arrest notification  
39 pursuant to Section 11105.2 regarding honorably retired peace officers listed in  
40 subdivision (c) of Section 830.5 to the agency from which the officer has retired.

41 **Comment.** Section 25925 continues former Section 12031(b)(3) without substantive change.

1 See Sections 16520 (“firearm”), 16690 (“honorably retired”), 16840 (“loaded” and “loaded  
2 firearm”).

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

5 **§ 26000. Members of military on duty**

6 26000. Section 25850 does not apply to members of the military forces of this  
7 state or of the United States engaged in the performance of their duties.

8 **Comment.** Section 26000 continues former Section 12031(b)(4) without substantive change.

9 **§ 26005. Target range or shooting club**

10 26005. Section 25850 does not apply to either of the following:

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

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

14 **Comment.** Section 26005 continues former Section 12031(b)(5) without substantive change.  
15 See Section 16520 (“firearm”).

16 **§ 26010. Person licensed to carry concealed pistol, revolver, or other firearm capable of  
17 being concealed upon the person**

18 26010. Section 25850 does not apply to the carrying of any pistol, revolver, or  
19 other firearm capable of being concealed upon the person by any person who is  
20 authorized to carry that weapon pursuant to Chapter 4 (commencing with Section  
21 26150) of Division 5.

22 **Comment.** Section 26010 continues former Section 12031(b)(6) without substantive change.

23 See Section 16530 (“firearm capable of being concealed upon the person,” “pistol,” and  
24 “revolver.”)

25 **§ 26015. Armored vehicle guard**

26 26015. Section 25850 does not apply to any armored vehicle guard, as defined  
27 in Section 7582.1 of the Business and Professions Code, if either of the following  
28 conditions is satisfied:

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

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

34 **Comment.** Section 26015 continues former Section 12031(b)(7) without substantive change.  
35 An erroneous cross-reference to Business and Professions Code Section 7521 has been corrected.

36 **§ 26020. Honorably retired federal officer or agent**

37 26020. (a) Upon approval of the sheriff of the county in which the retiree  
38 resides, Section 25850 does not apply to any honorably retired federal officer or

1 agent of any federal law enforcement agency, including, but not limited to, the  
2 Federal Bureau of Investigation, the Secret Service, the United States Customs  
3 Service, the Federal Bureau of Alcohol, Tobacco, and Firearms, the Federal  
4 Bureau of Narcotics, the Drug Enforcement Administration, the United States  
5 Border Patrol, and any officer or agent of the Internal Revenue Service who was  
6 authorized to carry weapons while on duty, who was assigned to duty within the  
7 state for a period of not less than one year, or who retired from active service in  
8 the state.

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

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

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

23 **Comment.** Section 26020 continues former Section 12031(b)(8) without substantive change.

24 For an exemption relating to honorably retired peace officers, see Section 25900 (peace officer  
25 exemption).

26 For an honorably retired federal officer or agent carrying a concealed firearm, see Section  
27 25650.

28 See Sections 16520 ("firearm"), 16840 ("loaded" and "loaded firearm").

29 **§ 26025. Patrol special police officers, animal control officers, zookeepers, humane officers,**  
30 **and harbor police officers**

31 26025. Section 25850 does not apply to any of the following who have  
32 completed a regular course in firearms training approved by the Commission on  
33 Peace Officer Standards and Training:

34 (a) Patrol special police officers appointed by the police commission of any city,  
35 county, or city and county under the express terms of its charter who also, under  
36 the express terms of the charter, satisfy all of the following requirements:

37 (1) They are subject to suspension or dismissal after a hearing on charges duly  
38 filed with the commission after a fair and impartial trial.

39 (2) They are not less than 18 years of age or more than 40 years of age.

40 (3) They possess physical qualifications prescribed by the commission.

41 (4) They are designated by the police commission as the owners of a certain beat  
42 or territory as may be fixed from time to time by the police commission.



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

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

9 (c) Harbor police officers designated pursuant to Section 663.5 of the Harbors  
10 and Navigation Code.

11 **Comment.** Section 26025 continues former Section 12031(c) without substantive change.

12 **§ 26030. Guards, messengers, private investigators, private patrol operators, and alarm**  
13 **company operators**

14 26030. (a) Section 25850 does not apply to any of the following who have been  
15 issued a certificate pursuant to subdivision (d):

16 (1) Guards or messengers of common carriers, banks, and other financial  
17 institutions, while actually employed in and about the shipment, transportation, or  
18 delivery of any money, treasure, bullion, bonds, or other thing of value within this  
19 state.

20 (2) Guards of contract carriers operating armored vehicles pursuant to California  
21 Highway Patrol and Public Utilities Commission authority, if they were hired prior  
22 to January 1, 1977.

23 (3) Guards of contract carriers operating armored vehicles pursuant to California  
24 Highway Patrol and Public Utilities Commission authority, if they were hired on  
25 or after January 1, 1977, and they have completed a course in the carrying and use  
26 of firearms that meets the standards prescribed by the Department of Consumer  
27 Affairs.

28 (4) Private investigators licensed pursuant to Chapter 11.3 (commencing with  
29 Section 7512) of Division 3 of the Business and Professions Code, while acting  
30 within the course and scope of their employment.

31 (5) Uniformed employees of private investigators licensed pursuant to Chapter  
32 11.3 (commencing with Section 7512) of Division 3 of the Business and  
33 Professions Code, while acting within the course and scope of their employment.

34 (6) Private patrol operators licensed pursuant to Chapter 11.5 (commencing with  
35 Section 7580) of Division 3 of the Business and Professions Code, while acting  
36 within the course and scope of their employment.

37 (7) Uniformed employees of private patrol operators licensed pursuant to  
38 Chapter 11.5 (commencing with Section 7580) of Division 3 of the Business and  
39 Professions Code, while acting within the course and scope of their employment.

40 (8) Alarm company operators licensed pursuant to Chapter 11.6 (commencing  
41 with Section 7590) of Division 3 of the Business and Professions Code, while  
42 acting within the course and scope of their employment.

1 (9) Uniformed security guards or night watch persons employed by any public  
2 agency, while acting within the scope and course of their employment.

3 (10) Uniformed security guards, regularly employed and compensated in that  
4 capacity by persons engaged in any lawful business, and uniformed alarm agents  
5 employed by an alarm company operator, while actually engaged in protecting and  
6 preserving the property of their employers, or on duty or en route to or from their  
7 residences or their places of employment, and security guards and alarm agents en  
8 route to or from their residences or employer-required range training.

9 (b) Nothing in paragraph (10) of subdivision (a) shall be construed to prohibit  
10 cities and counties from enacting ordinances requiring alarm agents to register  
11 their names.

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

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

22 **Comment.** The introductory clause of subdivision (a) of Section 26030 continues the first  
23 sentence of the introductory paragraph of former Section 12031(d) without substantive change.

24 Subdivision (a)(1) continues former Section 12031(d)(1) without substantive change.

25 Subdivision (a)(2)-(3) continues former Section 12031(d)(2) without substantive change.

26 With respect to licensed private investigators, subdivision (a)(4) continues former Section  
27 12031(d)(3) without substantive change. An erroneous cross-reference to "Chapter 11.5  
28 (commencing with Section 7512) of Division 3 of the Business and Professions Code" has been  
29 corrected.

30 With respect to uniformed employees of licensed private investigators, subdivision (a)(5)  
31 continues former Section 12031(d)(6) without substantive change. An erroneous cross-reference  
32 to "Chapter 11.5 (commencing with Section 7512) of Division 3 of the Business and Professions  
33 Code" has been corrected.

34 With respect to licensed private patrol operators, subdivision (a)(6) continues former Section  
35 12031(d)(3) without substantive change. An erroneous cross-reference to "Chapter 11.5  
36 (commencing with Section 7512) of Division 3 of the Business and Professions Code" has been  
37 corrected.

38 With respect to uniformed employees of licensed private patrol operators, subdivision (a)(7)  
39 continues former Section 12031(d)(6) without substantive change. An erroneous cross-reference  
40 to "Chapter 11.5 (commencing with Section 7512) of Division 3 of the Business and Professions  
41 Code" has been corrected.

42 With respect to licensed alarm company operators, subdivision (a)(8) continues former Section  
43 12031(d)(3) without substantive change.

44 Subdivision (a)(9) continues former Section 12031(d)(4) without substantive change.

45 Subdivision (a)(10) continues the first sentence of former Section 12031(d)(5) without  
46 substantive change.

47 Subdivision (b) continues the second sentence of former Section 12031(d)(5) without  
48 substantive change.

1 Subdivision (c) continues the second sentence of the introductory paragraph of former Section  
2 12031(d) without substantive change.

3 Subdivision (d) continues former Section 12033 without substantive change.

4 See Section 16520 (“firearm”).

5 **§ 26035. Loaded firearm at one’s place of business or own private property**

6 26035. Nothing in Section 25850 shall prevent any person engaged in any  
7 lawful business, including a nonprofit organization, or any officer, employee, or  
8 agent authorized by that person for lawful purposes connected with that business,  
9 from having a loaded firearm within the person’s place of business, or any person  
10 in lawful possession of private property from having a loaded firearm on that  
11 property.

12 **Comment.** Section 26035 continues former Section 12031(h) without substantive change.

13 See Sections 16520 (“firearm”), 16840 (“loaded” and “loaded firearm”).

14 **§ 26040. Hunting**

15 26040. Nothing in Section 25850 shall prevent any person from carrying a  
16 loaded firearm in an area within an incorporated city while engaged in hunting,  
17 provided that the hunting at that place and time is not prohibited by the city  
18 council.

19 **Comment.** Section 26040 continues former Section 12031(i) without substantive change.

20 See Sections 16520 (“firearm”), 16840 (“loaded” and “loaded firearm”).

21 **§ 26045. Reasonable belief of immediate, grave danger to person or property**

22 26045. (a) Nothing in Section 25850 is intended to preclude the carrying of any  
23 loaded firearm, under circumstances where it would otherwise be lawful, by a  
24 person who reasonably believes that any person or the property of any person is in  
25 immediate, grave danger and that the carrying of the weapon is necessary for the  
26 preservation of that person or property.

27 (b) A violation of Section 25850 is justifiable when a person who possesses a  
28 firearm reasonably believes that person is in grave danger because of  
29 circumstances forming the basis of a current restraining order issued by a court  
30 against another person who has been found to pose a threat to the life or safety of  
31 the person who possesses the firearm. This paragraph may not apply when the  
32 circumstances involve a mutual restraining order issued pursuant to Division 10  
33 (commencing with Section 6200) of the Family Code absent a factual finding of a  
34 specific threat to the person’s life or safety. It is not the intent of the Legislature to  
35 limit, restrict, or narrow the application of current statutory or judicial authority to  
36 apply this or other justifications to a defendant charged with violating Section  
37 25400 or committing another similar offense. Upon trial for violating Section  
38 25850, the trier of fact shall determine whether the defendant was acting out of a  
39 reasonable belief that the defendant was in grave danger.

1 (c) As used in this section, “immediate” means the brief interval before and after  
2 the local law enforcement agency, when reasonably possible, has been notified of  
3 the danger and before the arrival of its assistance.

4 **Comment.** Subdivision (a) of Section 26045 continues the first sentence of former Section  
5 12031(j)(1) without substantive change.

6 Subdivision (b) continues former Section 12031(j)(2) without substantive change.

7 Subdivision (c) continues the second sentence of former Section 12031(j)(1) without  
8 substantive change.

9 See Sections 16520 (“firearm”), 16840 (“loaded” and “loaded firearm”).

#### 10 § 26050. Making lawful arrest

11 26050. Nothing in Section 25850 is intended to preclude the carrying of a loaded  
12 firearm by any person while engaged in the act of making or attempting to make a  
13 lawful arrest.

14 **Comment.** Section 26050 continues former Section 12031(k) without substantive change.

15 See Sections 16520 (“firearm”), 16840 (“loaded” and “loaded firearm”).

#### 16 § 26055. Place of residence, including campsite

17 26055. Nothing in Section 25850 shall prevent any person from having a loaded  
18 weapon, if it is otherwise lawful, at the person’s place of residence, including any  
19 temporary residence or campsite.

20 **Comment.** Section 26055 continues former Section 12031(l) without substantive change.

21 See Section 16840 (“loaded” and “loaded firearm”).

#### 22 § 26060. Rocket or other emergency or distress signaling device

23 26060. Nothing in Section 25850 shall prevent any person from storing aboard  
24 any vessel or aircraft any loaded or unloaded rocket, rocket propelled projectile  
25 launcher, or similar device designed primarily for emergency or distress signaling  
26 purposes, or from possessing that type of a device while in a permitted hunting  
27 area or traveling to or from a permitted hunting area and carrying a valid  
28 California permit or license to hunt.

29 **Comment.** Section 26060 continues former Section 12031.1 without substantive change.

### 30 Article 5. Loaded Firearm in Motor Vehicle

#### 31 § 26100. Loaded firearm in motor vehicle

32 26100. (a) It is a misdemeanor for a driver of any motor vehicle or the owner of  
33 any motor vehicle, whether or not the owner of the vehicle is occupying the  
34 vehicle, knowingly to permit any other person to carry into or bring into the  
35 vehicle a firearm in violation of Section 25850 of this code or Section 2006 of the  
36 Fish and Game Code.

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

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

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

8 **Comment.** Section 26100 continues former Section 12034 without substantive change.  
9 See Section 16520 (“firearm”).

10 CHAPTER 4. LICENSE TO CARRY PISTOL, REVOLVER, OR OTHER FIREARM  
11 CAPABLE OF BEING CONCEALED UPON THE PERSON

12 **§ 26150. Issuance of license by sheriff**

13 26150. (a) When a person applies for a license to carry a pistol, revolver, or  
14 other firearm capable of being concealed upon the person, the sheriff of a county  
15 may issue a license to that person upon proof of all of the following:

16 (1) The applicant is of good moral character.

17 (2) Good cause exists for issuance of the license.

18 (3) The applicant is a resident of the county or a city within the county, or the  
19 applicant’s principal place of employment or business is in the county or a city  
20 within the county and the applicant spends a substantial period of time in that  
21 place of employment or business.

22 (4) The applicant has completed a course of training as described in Section  
23 26165.

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

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

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

32 **Comment.** Section 26150 continues former Section 12050(a)(1)(A) & (D) without substantive  
33 change.

34 See Sections 16520 (“firearm”), 16530 (“firearm capable of being concealed upon the person,”  
35 “pistol,” and “revolver”), 17020 (“principal place of employment or business”).

36 **§ 26155. Issuance of license by head of municipal police department**

37 26155. (a) When a person applies for a license to carry a pistol, revolver, or  
38 other firearm capable of being concealed upon the person, the chief or other head  
39 of a municipal police department of any city or city and county may issue a license  
40 to that person upon proof of all of the following:

- 1 (1) The applicant is of good moral character.
- 2 (2) Good cause exists for issuance of the license.
- 3 (3) The applicant is a resident of that city.
- 4 (4) The applicant has completed a course of training as described in Section
- 5 26165.

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

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

10 (2) Where the population of the county in which the city is located is less than  
11 200,000 persons according to the most recent federal decennial census, a license to  
12 carry loaded and exposed in that county a pistol, revolver, or other firearm capable  
13 of being concealed upon the person.

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

19 **Comment.** Subdivisions (a) and (b) of Section 26155 continue former Section 12050(a)(1)(B)  
20 without substantive change.

21 Subdivision (c) continues former Section 12050(g) without substantive change.

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

#### 24 § 26160. Written policy

25 26160. Each licensing authority shall publish and make available a written  
26 policy summarizing the provisions of Section 26150 and subdivisions (a) and (b)  
27 of Section 26155.

28 **Comment.** Section 26160 continues former Section 12050.2 without substantive change.

#### 29 § 26165. Training course

30 26165. (a) For new license applicants, the course of training for issuance of a  
31 license under Section 26150 or 26155 may be any course acceptable to the  
32 licensing authority, shall not exceed 16 hours, and shall include instruction on at  
33 least firearm safety and the law regarding the permissible use of a firearm.

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

38 (c) For license renewal applicants, the course of training may be any course  
39 acceptable to the licensing authority, shall be no less than four hours, and shall  
40 include instruction on at least firearm safety and the law regarding the permissible  
41 use of a firearm. No course of training shall be required for any person certified by

1 the licensing authority as a trainer for purposes of this section, in order for that  
2 person to renew a license issued pursuant to this article.

3 **Comment.** Section 26165 continues former Section 12050(a)(1)(E) without substantive  
4 change.

5 See Section 16520 (“firearm”).

6 **§ 26170. Issuance of license to person deputized or appointed as peace officer**

7 26170. (a) Upon proof of all of the following, the sheriff of a county, or the  
8 chief or other head of a municipal police department of any city or city and  
9 county, may issue to an applicant a license to carry concealed a pistol, revolver, or  
10 other firearm capable of being concealed upon the person:

11 (1) The applicant is of good moral character.

12 (2) Good cause exists for issuance of the license.

13 (3) The applicant has been deputized or appointed as a peace officer pursuant to  
14 subdivision (a) or (b) of Section 830.6 by that sheriff or that chief of police or  
15 other head of a municipal police department.

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

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

24 **Comment.** Section 26170 continues former Section 12050(a)(1)(C) without substantive  
25 change.

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

28 **§ 26175. License application**

29 26175. (a)(1) Applications for licenses, applications for amendments to licenses,  
30 amendments to licenses, and licenses under this article shall be uniform  
31 throughout the state, upon forms to be prescribed by the Attorney General.

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

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

40 (c) The standard application form for licenses described in subdivision (a) shall  
41 require information from the applicant including, but not limited to, the name,  
42 occupation, residence and business address of the applicant, the applicant’s age,

1 height, weight, color of eyes and hair, and reason for desiring a license to carry the  
2 weapon.

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

5 (e) Applications for amendments to licenses shall be filed in writing and signed  
6 by the applicant, and shall state what type of amendment is sought pursuant to  
7 Section 26215 and the reason for desiring the amendment.

8 (f) The forms shall contain a provision whereby the applicant attests to the truth  
9 of statements contained in the application.

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

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

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

25 **Comment.** Subdivision (a) of Section 26175 continues the first, second, and third sentences of  
26 former Section 12051(a)(3)(A) without substantive change.

27 Subdivision (b) continues the fourth sentence of former Section 12051(a)(3)(A) without  
28 substantive change.

29 Subdivision (c) continues the first sentence of former Section 12051(a)(1) without substantive  
30 change.

31 Subdivision (d) continues the second sentence of former Section 12051(a)(1) without  
32 substantive change.

33 Subdivision (e) continues former Section 12051(a)(2) without substantive change.

34 Subdivision (f) continues former Section 12051(a)(3)(B) without substantive change.

35 Subdivision (g) continues former Section 12051(a)(3)(C) without substantive change.

36 Subdivision (h) continues former Section 12051(a)(3)(D) without substantive change.

37 Subdivision (i) continues the third and fourth sentences of former Section 12051(a)(1) without  
38 substantive change.

39 **§ 26180. False statement on application form**

40 26180. (a) Any person who files an application required by Section 26175  
41 knowing that any statement contained therein is false is guilty of a misdemeanor.

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

44 (1) The denial or revocation of a license, or the denial of an amendment to a  
45 license, issued pursuant to this article.



- 1 (2) A criminal conviction.
- 2 (3) A finding of not guilty by reason of insanity.
- 3 (4) The use of a controlled substance.
- 4 (5) A dishonorable discharge from military service.
- 5 (6) A commitment to a mental institution.
- 6 (7) A renunciation of United States citizenship.

7 **Comment.** Subdivision (a) of Section 26180 continues former Section 12051(b) without  
8 substantive change.

9 Subdivision (b) continues former Section 12051(c) without substantive change.

10 **§ 26185. Fingerprinting and Department of Justice report**

11 26185. (a)(1) The fingerprints of each applicant shall be taken and two copies on  
12 forms prescribed by the Department of Justice shall be forwarded to the  
13 department.

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

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

21 (b) Notwithstanding subdivision (a), if the license applicant has previously  
22 applied to the same licensing authority for a license to carry firearms pursuant to  
23 this article and the applicant's fingerprints and fee have been previously forwarded  
24 to the Department of Justice, as provided by this section, the licensing authority  
25 shall note the previous identification numbers and other data that would provide  
26 positive identification in the files of the Department of Justice on the copy of any  
27 subsequent license submitted to the department in conformance with Section  
28 26225 and no additional application form or fingerprints shall be required.

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

36 **Comment.** Section 26185 continues former Section 12052 without substantive change.

37 See Section 16520 ("firearm").

38 **§ 26190. Application fees**

39 26190. (a)(1) Each applicant for a new license or for the renewal of a license  
40 shall pay at the time of filing the application a fee determined by the Department  
41 of Justice. The fee shall not exceed the application processing costs of the

1 Department of Justice for the direct costs of furnishing the report required by  
2 Section 26185.

3 (2) After the department establishes fees sufficient to reimburse the department  
4 for processing costs, fees charged shall increase at a rate not to exceed the  
5 legislatively approved annual cost-of-living adjustments for the department's  
6 budget.

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

9 (b)(1) The licensing authority of any city, city and county, or county may charge  
10 an additional fee in an amount equal to the actual costs for processing the  
11 application for a new license, excluding fingerprint and training costs, but in no  
12 case to exceed one hundred dollars (\$100), and shall transmit the additional fee, if  
13 any, to the city, city and county, or county treasury.

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

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

20 (d) These local fees may be increased at a rate not to exceed any increase in the  
21 California Consumer Price Index as compiled and reported by the California  
22 Department of Industrial Relations.

23 (e)(1) In the case of an amended license pursuant to Section 26215, the licensing  
24 authority of any city, city and county, or county may charge a fee, not to exceed  
25 ten dollars (\$10), for processing the amended license.

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

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

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

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

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

1 **Comment.** Subdivision (a) of Section 26190 continues the first, second, and third sentences of  
2 the first paragraph of former Section 12054(a) without substantive change.

3 Subdivision (b) continues the fourth, fifth, and sixth sentences of the first paragraph of former  
4 Section 12054(a) without substantive change.

5 Subdivision (c) continues the first sentence of the second paragraph of former Section 12054(a)  
6 without substantive change.

7 Subdivision (d) continues the second sentence of the second paragraph of former Section  
8 12054(a) without substantive change.

9 Subdivision (e) continues former Section 12054(b) without substantive change.

10 Subdivision (f) continues former Section 12054(c) without substantive change.

11 Subdivision (g) continues former Section 12054(d) without substantive change.

12 **§ 26195. No license for person prohibited from possessing, receiving, owning, or purchasing**  
13 **firearm**

14 26195. (a) A license under this article shall not be issued if the Department of  
15 Justice determines that the person is prohibited by state or federal law from  
16 possessing, receiving, owning, or purchasing a firearm.

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

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

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

30 **Comment.** Subdivision (a) of Section 26195 continues former Section 12050(d) without  
31 substantive change.

32 Subdivision (b) continues former Section 12050(e) without substantive change.

33 **§ 26200. Restrictions or conditions on license**

34 26200. (a) A license issued pursuant to this article may include any reasonable  
35 restrictions or conditions that the issuing authority deems warranted, including  
36 restrictions as to the time, place, manner, and circumstances under which the  
37 licensee may carry a pistol, revolver, or other firearm capable of being concealed  
38 upon the person.

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

41 **Comment.** Subdivision (a) of Section 26200 continues former Section 12050(b) without  
42 substantive change.

43 Subdivision (b) continues former Section 12050(c) without substantive change.

44 See Section 16530 (“firearm capable of being concealed upon the person,” “pistol,” and  
45 “revolver”).

1    **§ 26205. Notification of applicant**

2    26205. The licensing authority shall give written notice to the applicant  
3    indicating if the license under this article is approved or denied. The licensing  
4    authority shall give this notice within 90 days of the initial application for a new  
5    license or a license renewal, or 30 days after receipt of the applicant’s criminal  
6    background check from the Department of Justice, whichever is later.

7    **Comment.** Section 26205 continues former Section 12052.5 without substantive change.

8    **§ 26210. Change of licensee’s address**

9    26210. (a) When a licensee under this article has a change of address, the license  
10   shall be amended to reflect the new address and a new license shall be issued  
11   pursuant to subdivision (b) of Section 26215.

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

14   (c) If the license is one to carry concealed a pistol, revolver, or other firearm  
15   capable of being concealed upon the person, then it may not be revoked solely  
16   because the licensee changes his or her place of residence to another county if the  
17   licensee has not breached any conditions or restrictions set forth in the license or  
18   has not become prohibited by state or federal law from possessing, receiving,  
19   owning, or purchasing a firearm. However, any license issued pursuant to Section  
20   26150 or 26155 shall expire 90 days after the licensee moves from the county of  
21   issuance if the licensee’s place of residence was the basis for issuance of the  
22   license.

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

26   **Comment.** Subdivision (a) of Section 26210 continues former Section 12050(f)(2) without  
27   substantive change.

28   Subdivision (b) continues former Section 12050(f)(4)(A) without substantive change.

29   Subdivision (c) continues former Section 12050(f)(4)(B) without substantive change.

30   Subdivision (d) continues former Section 12050(f)(4)(C) without substantive change.

31   See Section 16530 (“firearm capable of being concealed upon the person,” “pistol,” and  
32   “revolver”).

33   **§ 26215. Amendment of license**

34   26215. (a) A person issued a license pursuant to this article may apply to the  
35   licensing authority for an amendment to the license to do one or more of the  
36   following:

37   (1) Add or delete authority to carry a particular pistol, revolver, or other firearm  
38   capable of being concealed upon the person.

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

41   (3) If the population of the county is less than 200,000 persons according to the  
42   most recent federal decennial census, authorize the licensee to carry loaded and

1 exposed in that county a pistol, revolver, or other firearm capable of being  
2 concealed upon the person.

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

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

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

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

13 **Comment.** Subdivision (a) of Section 26215 continues former Section 12050(f)(1) without  
14 substantive change.

15 Subdivision (b) continues former Section 12050(f)(3) without substantive change.

16 Subdivision (c) continues former Section 12050(f)(5) without substantive change.

17 Subdivision (d) continues former Section 12050(f)(6) without substantive change.

18 See Section 16530 (“firearm capable of being concealed upon the person,” “pistol,” and  
19 “revolver”).

20 **§ 26220. Duration of license**

21 26220. (a) Except as otherwise provided in this section and in subdivision (c) of  
22 Section 26210, a license issued pursuant to Section 26150 or 26155 is valid for  
23 any period of time not to exceed two years from the date of the license.

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

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

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

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

41 (3) A judge of a federal court.

42 (4) A magistrate of a federal court.

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

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

14 **Comment.** Subdivision (a) of Section 26220 continues former Section 12050(a)(2)(A)(i)  
15 without substantive change.

16 Subdivision (b) continues former Section 12050(a)(2)(A)(ii) without substantive change.

17 Subdivision (c) continues former Section 12050(a)(2)(C) without substantive change.

18 Subdivision (d) continues former Section 12050(a)(2)(D) without substantive change.

19 Subdivision (e) continues former Section 12050(a)(2)(B) without substantive change.

20 **§ 26225. Duties of licensing authority and Attorney General**

21 26225. (a) A record of the following shall be maintained in the office of the  
22 licensing authority:

- 23 (1) The denial of a license.
- 24 (2) The denial of an amendment to a license.
- 25 (3) The issuance of a license.
- 26 (4) The amendment of a license.
- 27 (5) The revocation of a license.

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

- 30 (1) The denial of a license.
- 31 (2) The denial of an amendment to a license.
- 32 (3) The issuance of a license.
- 33 (4) The amendment of a license.
- 34 (5) The revocation of a license.

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

39 (2) The Attorney General shall collect and record the information submitted  
40 pursuant to this subdivision by county and licensing authority.

41 **Comment.** Section 26225 continues former Section 12053 without substantive change.

CHAPTER 5. RETIRED PEACE OFFICER CARRYING  
CONCEALED AND LOADED FIREARM

§ 26300. Requirements for retired peace officer to carry concealed and loaded firearm

26300. (a) Any peace officer listed in Section 830.1 or 830.2 or subdivision (c) of Section 830.5 who retired prior to January 1, 1981, is authorized to carry a concealed and loaded firearm if the agency issued the officer an identification certificate and the certificate has not been stamped as specified in Section 25470.

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

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

**Comment.** Subdivision (a) of Section 26300 continues former Section 12027.1(a)(1)(A)(ii) without substantive change.

Subdivision (b) continues former Section 12027.1(a)(1)(A)(i) without substantive change.

Subdivision (c) continues former Section 12027.1(a)(1)(A)(iii) without substantive change.

Section 26300 and the other provisions in this article provide guidance on a retired peace officer carrying a concealed and loaded firearm. For guidance on a retired peace officer carrying a concealed firearm, see Sections 25450-25475. For guidance on a retired peace officer carrying a loaded firearm, see Sections 25900-25925.

See Section 16520 ("firearm").

§ 26305. Grounds for revocation or denial of privilege to carry concealed and loaded firearm

26305. (a) No peace officer who is retired after January 1, 1989, because of a psychological disability shall be issued an endorsement to carry a concealed and loaded firearm pursuant to this article.

(b) A retired peace officer may have the privilege to carry a concealed and loaded firearm revoked or denied by violating any departmental rule, or state or federal law that, if violated by an officer on active duty, would result in that officer's arrest, suspension, or removal from the agency.

(c) An identification certificate authorizing the officer to carry a concealed and loaded firearm or an endorsement may be revoked or denied by the issuing agency only upon a showing of good cause. Good cause shall be determined at a hearing, as specified in Section 26320.

**Comment.** Subdivision (a) of Section 26305 continues former Section 12027.1(e) without substantive change.

Subdivision (b) continues former Section 12027.1(a)(2) without substantive change.

Subdivision (c) continues former Section 12027.1(a)(1)(B) & (b)(1) without substantive change.

1 See Section 16520 (“firearm”).

2 **§ 26310. Procedure for denial of privilege to carry concealed and loaded firearm**

3 26310. (a) An identification certificate authorizing the officer to carry a  
4 concealed and loaded firearm or an endorsement may be denied prior to a hearing.

5 (b) If a hearing is not conducted prior to the denial of an endorsement, a retired  
6 peace officer, within 15 days of the denial, shall have the right to request a  
7 hearing. A retired peace officer who fails to request a hearing pursuant to this  
8 section shall forfeit the right to a hearing.

9 **Comment.** Section 26310 continues former Section 12027.1(b)(3) without substantive change.  
10 See Section 16520 (“firearm”).

11 **§ 26315. Procedure for revocation of privilege to carry concealed and loaded firearm**

12 26315. (a) An identification certificate authorizing the officer to carry a  
13 concealed and loaded firearm or an endorsement may be revoked only after a  
14 hearing, as specified in Section 26320.

15 (b) Any retired peace officer whose identification certificate authorizing the  
16 officer to carry a concealed and loaded firearm or an endorsement is to be revoked  
17 shall receive notice of the hearing. Notice of the hearing shall be served either  
18 personally on the retiree or sent by first-class mail, postage prepaid, return receipt  
19 requested to the retiree’s last known place of residence.

20 (c) Upon the date the agency receives the signed registered receipt or upon the  
21 date the notice is served personally on the retiree, the retiree shall have 15 days to  
22 respond to the notification. A retired peace officer who fails to respond to the  
23 notice of the hearing shall forfeit the right to respond.

24 **Comment.** Section 26315 continues former Section 12027.1(b)(2) without substantive change.  
25 See Section 16520 (“firearm”).

26 **§ 26320. Hearing**

27 26320. (a) Any hearing conducted under this article shall be held before a three-  
28 member hearing board. One member of the board shall be selected by the agency  
29 and one member shall be selected by the retired peace officer or his or her  
30 employee organization. The third member shall be selected jointly by the agency  
31 and the retired peace officer or his or her employee organization.

32 (b) Any decision by the board shall be binding on the agency and the retired  
33 peace officer.

34 **Comment.** Section 26320 continues former Section 12027.1(d) without substantive change.

35 **§ 26325. Procedure when privilege to carry concealed and loaded firearm is revoked**

36 26325. (a) A retired peace officer, when notified of the revocation of the  
37 privilege to carry a concealed and loaded firearm, after the hearing, or upon  
38 forfeiting the right to a hearing, shall immediately surrender to the issuing agency  
39 the officer’s identification certificate.



1 (b) The issuing agency shall reissue a new identification certificate without an  
2 endorsement.

3 (c) Notwithstanding subdivision (b), if the peace officer retired prior to January  
4 1, 1981, and was at the time of retirement a peace officer listed in Section 830.1 or  
5 830.2 or subdivision (c) of Section 830.5, the issuing agency shall stamp on the  
6 identification certificate “No CCW privilege.”

7 **Comment.** Section 26325 continues former Section 12027.1(c) without substantive change.  
8 See Sections 16360 (“CCW”), 16520 (“firearm”).

9 DIVISION 6. SALE, LEASE, OR TRANSFER OF FIREARMS

10 CHAPTER 1. LICENSE REQUIREMENT FOR SALE, LEASE,  
11 OR TRANSFER OF FIREARMS

12 Article 1. License Requirement and Miscellaneous Exceptions

13 § 26500. License requirement

14 26500. (a) No person shall sell, lease, or transfer firearms unless the person has  
15 been issued a license pursuant to Article 1 (commencing with Section 26700) and  
16 Article 2 (commencing with Section 26800) of Chapter 2.

17 (b) Any person violating this article is guilty of a misdemeanor.

18 **Comment.** Section 26500 continues former Section 12070(a) without substantive change.  
19 See Section 16520 (“firearm”).

20 § 26505. Exception when person liquidates personal firearm collection or acts pursuant to  
21 operation of law, court order, or Enforcement of Judgments Law

22 26505. Section 26500 does not include the sale, lease, or transfer of any firearm  
23 by any of the following:

24 (a) A person acting pursuant to operation of law.

25 (b) A person acting pursuant to a court order.

26 (c) A person acting pursuant to the Enforcement of Judgments Law (Title 9  
27 (commencing with Section 680.010) of Part 2 of the Code of Civil Procedure).

28 (d) A person who liquidates a personal firearm collection to satisfy a court  
29 judgment.

30 **Comment.** Section 26505 continues former Section 12070(b)(1) without substantive change.  
31 See Sections 16520 (“firearm”), 16960 (“operation of law”).

32 § 26510. Exception for person acting pursuant to nuisance law

33 26510. Section 26500 does not include a person acting pursuant to subdivision  
34 (f) of Section 186.22a or Section 18000 or 18005.

35 **Comment.** Section 26510 continues former Section 12070(b)(2) without substantive change.  
36 An erroneous cross-reference to Section 186.22a(e) has been corrected by replacing it with a  
37 cross-reference to Section 186.22a(f).

1 § 26515. Exception for person who obtains title to firearm as surviving spouse or by  
2 intestate succession or bequest

3 26515. Section 26500 does not include the sale, lease, or transfer of a firearm if  
4 both of the following conditions are satisfied:

5 (a) The sale, lease, or transfer is made by a person who obtains title to the  
6 firearm by intestate succession or bequest, or as a surviving spouse pursuant to  
7 Chapter 1 (commencing with Section 13500) of Part 2 of Division 8 of the Probate  
8 Code.

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

10 **Comment.** Section 26515 continues former Section 12070(b)(3) without substantive change.  
11 See Section 16520 (“firearm”).

12 § 26520. Exception for infrequent sale, lease, or transfer of firearms

13 26520. (a) Section 26500 does not include the infrequent sale, lease, or transfer  
14 of firearms.

15 (b) As used in this section, “infrequent” has the meaning provided in Section  
16 16730.

17 **Comment.** Section 26520 continues former Section 12070(b)(4) without substantive change.  
18 See Section 16520 (“firearm”).

19 § 26525. Exception for sale, lease, or transfer of certain used firearms at gun shows, with  
20 program to be administered by Department of Justice

21 26525. (a) Section 26500 does not include the sale, lease, or transfer of used  
22 firearms, other than pistols, revolvers, or other firearms capable of being  
23 concealed upon the person, at gun shows or events, as specified in Article 1  
24 (commencing with Section 26700) and Article 2 (commencing with Section  
25 26800) of Chapter 2, by a person other than a licensee or dealer, provided the  
26 person has a valid federal firearms license and a current certificate of eligibility  
27 issued by the Department of Justice, as specified in Section 26710, and provided  
28 all the sales, leases, or transfers fully comply with Section 27545. However, the  
29 person shall not engage in the sale, lease, or transfer of used firearms other than  
30 pistols, revolvers, or other firearms capable of being concealed upon the person at  
31 more than 12 gun shows or events in any calendar year and shall not sell, lease, or  
32 transfer more than 15 used firearms other than pistols, revolvers, or other firearms  
33 capable of being concealed upon the person at any single gun show or event. In no  
34 event shall the person sell more than 75 used firearms other than pistols, revolvers,  
35 or other firearms capable of being concealed upon the person in any calendar year.

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

38 **Comment.** Subdivision (a) of Section 26525 continues the first paragraph of former Section  
39 12070(b)(5) without substantive change. A person who meets the description in subdivision (a) is  
40 known as a Gun Show Trader. See Section 16620 (“Gun Show Trader”).

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

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

4 **§ 26530. Exception for sales, deliveries, or transfers of firearms between or to licensed  
5 importers and manufacturers**

6 26530. Section 26500 does not include sales, deliveries, or transfers of firearms  
7 between or to importers and manufacturers of firearms licensed to engage in that  
8 business pursuant to Chapter 44 (commencing with Section 921) of Title 18 of the  
9 United States Code and the regulations issued pursuant thereto.

10 **Comment.** Section 26530 continues former Section 12070(b)(6) without substantive change.  
11 See Section 16520 (“firearm”).

12 **§ 26535. Exception for sale, delivery, or transfer by licensed importer or manufacturer to  
13 dealer or wholesaler**

14 26535. Section 26500 does not include any sale, delivery, or transfer of firearms  
15 that satisfies both of the following conditions:

16 (a) It is made by an importer or manufacturer licensed pursuant to Chapter 44  
17 (commencing with Section 921) of Title 18 of the United States Code and the  
18 regulations issued pursuant thereto.

19 (b) It is made to a dealer or wholesaler.

20 **Comment.** Section 26535 continues former Section 12070(b)(7) without substantive change.

21 See Sections 16520 (“firearm”), 17340 (“wholesaler”), 26700 (“dealer,” “licensee,” or “person  
22 licensed pursuant to Sections 26700 to 26915, inclusive”).

23 **§ 26540. Exception for deliveries and transfers made pursuant to specified laws relating to  
24 weapons surrendered to, seized by, or in custody of law enforcement**

25 26540. Section 26500 does not include deliveries and transfers of firearms made  
26 pursuant to Sections 18000 and 18005, pursuant to Division 4 (commencing with  
27 Section 18250) of Title 2, or pursuant to Chapter 11 (commencing with Section  
28 34000) of Division 11 of this title.

29 **Comment.** Section 26540 continues former Section 12070(b)(8) without substantive change.  
30 See Section 16520 (“firearm”).

31 **§ 26545. Exception for loan made for purpose of target shooting**

32 26545. Section 26500 does not include the loan of a firearm for the purposes of  
33 shooting at targets, if either of the following conditions is satisfied:

34 (a) The loan occurs on the premises of a target facility that holds a business or  
35 regulatory license, or on the premises of any club or organization organized for the  
36 purposes of practicing shooting at targets upon established ranges, whether public  
37 or private.

38 (b) The firearm is at all times kept within the premises of the target range, or on  
39 the premises of the club or organization.

40 **Comment.** Section 26545 continues former Section 12070(b)(9) without substantive change.  
41 See Section 16520 (“firearm”).

1 **§ 26550. Exception for sale, delivery, or transfer by licensed manufacturer, importer, or**  
2 **wholesaler to licensed person residing outside California**

3 26550. Section 26500 does not include any sale, delivery, or transfer of firearms  
4 that satisfies all of the following requirements:

5 (a) It is made by a manufacturer, importer, or wholesaler licensed pursuant to  
6 Chapter 44 (commencing with Section 921) of Title 18 of the United States Code  
7 and the regulations issued pursuant thereto.

8 (b) It is made to a person who resides outside this state and is licensed pursuant  
9 to Chapter 44 (commencing with Section 921) of Title 18 of the United States  
10 Code and the regulations issued pursuant thereto.

11 (c) It is made in accordance with Chapter 44 (commencing with Section 921) of  
12 Title 18 of the United States Code and the regulations issued pursuant thereto.

13 **Comment.** Section 26550 continues former Section 12070(b)(10) without substantive change.  
14 See Sections 16520 (“firearm”), 17340 (“wholesaler”).

15 **§ 26555. Exception for sale, delivery, or transfer by licensed person residing outside**  
16 **California to manufacturer, importer, or wholesaler**

17 26555. Section 26500 does not include any sale, delivery, or transfer of firearms  
18 that satisfies all of the following requirements:

19 (a) It is made by a person who resides outside this state and is licensed outside  
20 this state pursuant to Chapter 44 (commencing with Section 921) of Title 18 of the  
21 United States Code and the regulations issued pursuant thereto.

22 (b) It is made to a manufacturer, importer, or wholesaler.

23 (c) It is made in accordance with Chapter 44 (commencing with Section 921) of  
24 Title 18 of the United States Code and the regulations issued pursuant thereto.

25 **Comment.** Section 26555 continues former Section 12070(b)(11) without substantive change.  
26 See Sections 16520 (“firearm”), 17340 (“wholesaler”).

27 **§ 26560. Exception for sale, delivery, or transfer by wholesaler to dealer**

28 26560. Section 26500 does not include any sale, delivery, or transfer of firearms  
29 by a wholesaler to a dealer.

30 **Comment.** Section 26560 continues former Section 12070(b)(12) without substantive change.

31 See Sections 16520 (“firearm”), 17340 (“wholesaler”), 26700 (“dealer,” “licensee,” or “person  
32 licensed pursuant to Sections 26700 to 26915, inclusive”).

33 **§ 26565. Exception for sale, delivery, or transfer by nonresident to licensed dealer**

34 26565. Section 26500 does not include any sale, delivery, or transfer of firearms  
35 that satisfies all of the following conditions:

36 (a) It is made by a person who resides outside this state.

37 (b) It is made to a person licensed pursuant to Sections 26700 to 26915,  
38 inclusive.

39 (c) It is made in accordance with Chapter 44 (commencing with Section 921) of  
40 Title 18 of the United States Code, and the regulations issued pursuant thereto.

41 **Comment.** Section 26565 continues former Section 12070(b)(13) without substantive change.

1 See Sections 16520 (“firearm”), 26700 (“dealer,” “licensee,” or “person licensed pursuant to  
2 Sections 26700 to 26915, inclusive”).

3 **§ 26570. Exception for sale, delivery, or transfer by licensed nonresident to dealer**

4 26570. Section 26500 does not include any sale, delivery, or transfer of firearms  
5 that satisfies all of the following conditions:

6 (a) It is made by a person who resides outside this state and is licensed pursuant  
7 to Chapter 44 (commencing with Section 921) of Title 18 of the United States  
8 Code and the regulations issued pursuant thereto.

9 (b) It is made to a dealer.

10 (c) It is made in accordance with Chapter 44 (commencing with Section 921) of  
11 Title 18 of the United States Code and the regulations issued pursuant thereto.

12 **Comment.** Section 26570 continues former Section 12070(b)(14) without substantive change.

13 See Sections 16520 (“firearm”), 26700 (“dealer,” “licensee,” or “person licensed pursuant to  
14 Sections 26700 to 26915, inclusive”).

15 **§ 26575. Exception for sale, delivery, or transfer of unloaded firearm between wholesalers**

16 26575. Section 26500 does not include the sale, delivery, or transfer of an  
17 unloaded firearm by one wholesaler to another wholesaler if that firearm is  
18 intended as merchandise in the receiving wholesaler’s business.

19 **Comment.** Section 26575 continues former Section 12070(b)(15) without substantive change.

20 See Sections 16520 (“firearm”), 17340 (“wholesaler”).

21 **§ 26580. Exception for firearm used solely as prop**

22 26580. Section 26500 does not include the loan of an unloaded firearm or the  
23 loan of a firearm loaded with blank cartridges for use solely as a prop for a motion  
24 picture, television, or video production or entertainment or theatrical event.

25 **Comment.** Section 26580 continues former Section 12070(b)(16) without substantive change.

26 See Section 16520 (“firearm”).

27 **§ 26585. Exception for delivery of unloaded curio or relic by licensed collector to dealer**

28 26585. Section 26500 does not include the delivery of an unloaded firearm that  
29 is a curio or relic, as defined in Section 478.11 of Title 27 of the Code of Federal  
30 Regulations, if the delivery satisfies all of the following conditions:

31 (a) It is made by a person licensed as a collector pursuant to Chapter 44  
32 (commencing with Section 921) of Title 18 of the United States Code and the  
33 regulations issued pursuant thereto.

34 (b) It is made by a person with a current certificate of eligibility issued pursuant  
35 to Section 26710.

36 (c) It is made to a dealer.

37 **Comment.** Section 26585 continues former Section 12070(b)(17) without substantive change.

38 See Section 16520 (“firearm”).

1 **§ 26590. Exception for delivery, transfer, or return of firearm made by court or law**  
2 **enforcement agency pursuant to Chapter 2 of Division 11**

3 26590. Section 26500 does not apply to deliveries, transfers, or returns of  
4 firearms made by a court or a law enforcement agency pursuant to Chapter 2  
5 (commencing with Section 33850) of Division 11.

6 **Comment.** Section 26590 continues former Section 12021.3(i)(3) without substantive change.  
7 See Section 16520 (“firearm”).

8 Article 2. Exceptions Relating to Law Enforcement

9 **§ 26600. Exception for sale, delivery, or transfer to authorized law enforcement**  
10 **representative of city, county, city and county, or state or federal government**

11 26600. (a) Section 26500 does not apply to any sale, delivery, or transfer of  
12 firearms made to an authorized law enforcement representative of any city,  
13 county, city and county, or state, or of the federal government, for exclusive use  
14 by that governmental agency if, prior to the sale, delivery, or transfer of these  
15 firearms, written authorization from the head of the agency authorizing the  
16 transaction is presented to the person from whom the purchase, delivery, or  
17 transfer is being made.

18 (b) Proper written authorization is defined as verifiable written certification from  
19 the head of the agency by which the purchaser or transferee is employed,  
20 identifying the employee as an individual authorized to conduct the transaction,  
21 and authorizing the transaction for the exclusive use of the agency by which that  
22 person is employed.

23 (c) Within 10 days of the date a handgun is acquired by the agency, a record of  
24 the same shall be entered as an institutional weapon into the Automated Firearms  
25 System (AFS) via the California Law Enforcement Telecommunications System  
26 (CLETS) by the law enforcement or state agency. Any agency without access to  
27 AFS shall arrange with the sheriff of the county in which the agency is located to  
28 input this information via this system.

29 **Comment.** Section 26600 continues former Section 12078(a)(2) without substantive change, as  
30 that provision applied to former Section 12070 (through its reference to “the preceding provisions  
31 of this article”).

32 See Sections 16520 (“firearm”), 16640 (“handgun”).

33 **§ 26605. Exception for loan of firearm to peace officer employee for use in performing**  
34 **official duties**

35 26605. Section 26500 does not apply to the loan of a firearm if all of the  
36 following conditions are satisfied:

37 (a) The loan is made by an authorized law enforcement representative of a city,  
38 county, or city and county, or of the state or federal government.

39 (b) The loan is made to a peace officer employed by that agency and authorized  
40 to carry a firearm.

1 (c) The loan is made for the carrying and use of that firearm by that peace  
2 officer in the course and scope of the officer's duties.

3 **Comment.** Section 26605 continues former Section 12078(a)(3) without substantive change, as  
4 that provision applied to former Section 12070 (through its reference to "the preceding provisions  
5 of this article").

6 See Section 16520 ("firearm").

7 **§ 26610. Exception for sale, delivery, or transfer by law enforcement agency to peace officer**  
8 **pursuant to Public Contract Code**

9 26610. (a) Section 26500 does not apply to the sale, delivery, or transfer of a  
10 firearm by a law enforcement agency to a peace officer pursuant to Section 10334  
11 of the Public Contract Code.

12 (b) Within 10 days of the date that a handgun is sold, delivered, or transferred  
13 pursuant to Section 10334 of the Public Contract Code to that peace officer, the  
14 name of the officer and the make, model, serial number, and other identifying  
15 characteristics of the firearm being sold, delivered, or transferred shall be entered  
16 into the Automated Firearms System (AFS) via the California Law Enforcement  
17 Telecommunications System (CLETS) by the law enforcement or state agency that  
18 sold, delivered, or transferred the firearm. Any agency without access to AFS shall  
19 arrange with the sheriff of the county in which the agency is located to input this  
20 information via this system.

21 **Comment.** Section 26610 continues former Section 12078(a)(4) without substantive change, as  
22 that provision applied to former Section 12070 (through its reference to "the preceding provisions  
23 of this article").

24 See Sections 16520 ("firearm"), 16640 ("handgun").

25 **§ 26615. Exception for sale, delivery, or transfer by law enforcement agency to retiring**  
26 **peace officer authorized to carry concealed and loaded firearm**

27 26615. (a) Section 26500 does not apply to the sale, delivery, or transfer of a  
28 firearm by a law enforcement agency to a retiring peace officer who is authorized  
29 to carry a firearm pursuant to Chapter 5 (commencing with Section 26300) of  
30 Division 5.

31 (b) Within 10 days of the date that a handgun is sold, delivered, or transferred to  
32 that retiring peace officer, the name of the officer and the make, model, serial  
33 number, and other identifying characteristics of the firearm being sold, delivered,  
34 or transferred shall be entered into the Automated Firearms System (AFS) via the  
35 California Law Enforcement Telecommunications System (CLETS) by the law  
36 enforcement or state agency that sold, delivered, or transferred the firearm. Any  
37 agency without access to AFS shall arrange with the sheriff of the county in which  
38 the agency is located to input this information via this system.

39 **Comment.** Section 26615 continues former Section 12078(a)(5) without substantive change, as  
40 that provision applied to former Section 12070 (through its reference to "the preceding provisions  
41 of this article").

42 See Sections 16520 ("firearm"), 16640 ("handgun").

1 CHAPTER 2. ISSUANCE, FORFEITURE, AND CONDITIONS OF LICENSE TO SELL,  
2 LEASE, OR TRANSFER FIREARMS AT RETAIL

3 Article 1. License to Sell, Lease, or Transfer Firearms at Retail

4 § 26700. “Dealer,” “licensee,” or “person licensed pursuant to Sections 26700 to 26915,  
5 inclusive”

6 26700. As used in this division, and in any other provision listed in Section  
7 16580, “dealer,” “licensee,” or “person licensed pursuant to Sections 26700 to  
8 26915, inclusive” means a person who satisfies all of the following requirements:

9 (a) Has a valid federal firearms license.

10 (b) Has any regulatory or business license, or licenses, required by local  
11 government.

12 (c) Has a valid seller’s permit issued by the State Board of Equalization.

13 (d) Has a certificate of eligibility issued by the Department of Justice pursuant to  
14 Section 26710.

15 (e) Has a license issued in the format prescribed by subdivision (c) of Section  
16 26705.

17 (f) Is among those recorded in the centralized list specified in Section 26715.

18 **Comment.** Section 26700 continues former Section 12071(a)(1) without substantive change.  
19 See also Section 16790 (“licensed gun dealer”).

20 § 26705. Issuance of license to sell firearms at retail

21 26705. (a) The duly constituted licensing authority of a city, county, or a city  
22 and county shall accept applications for, and may grant licenses permitting,  
23 licensees to sell firearms at retail within the city, county, or city and county. The  
24 duly constituted licensing authority shall inform applicants who are denied  
25 licenses of the reasons for the denial in writing.

26 (b) No license shall be granted to any applicant who fails to provide a copy of  
27 the applicant’s valid federal firearms license, valid seller’s permit issued by the  
28 State Board of Equalization, and the certificate of eligibility described in Section  
29 26710.

30 (c) A license granted by the duly constituted licensing authority of any city,  
31 county, or city and county, shall be valid for not more than one year from the date  
32 of issuance and shall be in one of the following forms:

33 (1) In the form prescribed by the Attorney General.

34 (2) A regulatory or business license that states on its face “Valid for Retail Sales  
35 of Firearms” and is endorsed by the signature of the issuing authority.

36 (3) A letter from the duly constituted licensing authority having primary  
37 jurisdiction for the applicant’s intended business location stating that the  
38 jurisdiction does not require any form of regulatory or business license or does not  
39 otherwise restrict or regulate the sale of firearms.



1 (d) Local licensing authorities may assess fees to recover their full costs of  
2 processing applications for licenses.

3 **Comment.** Subdivision (a) of Section 26705 continues former Section 12071(a)(2) without  
4 substantive change.

5 Subdivision (b) continues former Section 12071(a)(3) without substantive change.

6 Subdivision (c) continues former Section 12071(a)(6) without substantive change.

7 Subdivision (d) continues former Section 12071(a)(7) without substantive change.

8 For exceptions to this provision, see Article 5 (commencing with Section 27050) and Article 6  
9 (commencing with Section 27100).

10 See Section 16520 (“firearm”).

11 **§ 26710. Certificate of eligibility**

12 26710. (a) A person may request a certificate of eligibility from the Department  
13 of Justice.

14 (b) The Department of Justice shall examine its records and records available to  
15 the department in the National Instant Criminal Background Check System in  
16 order to determine if the applicant is prohibited by state or federal law from  
17 possessing, receiving, owning, or purchasing a firearm.

18 (c) The department shall issue a certificate to an applicant if the department’s  
19 records indicate that the applicant is not a person who is prohibited by state or  
20 federal law from possessing firearms.

21 (d) The department shall adopt regulations to administer the certificate of  
22 eligibility program and shall recover the full costs of administering the program by  
23 imposing fees assessed to applicants who apply for those certificates.

24 **Comment.** Subdivisions (a)-(c) of Section 26710 continue former Section 12071(a)(4) without  
25 substantive change.

26 Subdivision (d) continues former Section 12071(a)(5) without substantive change.

27 For exceptions to this provision, see Article 5 (commencing with Section 27050) and Article 6  
28 (commencing with Section 27100).

29 See Section 16520 (“firearm”).

30 **§ 26715. Centralized list of persons licensed pursuant to Section 26700(a)-(e)**

31 26715. (a) Except as otherwise provided in paragraphs 1 and 3 of subdivision  
32 (b), the Department of Justice shall keep a centralized list of all persons licensed  
33 pursuant to subdivisions (a) to (e), inclusive, of Section 26700.

34 (b)(1) The department may remove from this list any person who knowingly or  
35 with gross negligence violates a provision listed in Section 16575.

36 (2) The department shall remove from the centralized list any person whose  
37 federal firearms license has expired or has been revoked.

38 (3) Upon removal of a dealer from this list, notification shall be provided to  
39 local law enforcement and licensing authorities in the jurisdiction where the  
40 dealer’s business is located.

41 (c) Information compiled from the list shall be made available, upon request, for  
42 the following purposes only:

43 (1) For law enforcement purposes.

1 (2) When the information is requested by a person licensed pursuant to Chapter  
2 44 (commencing with Section 921) of Title 18 of the United States Code for  
3 determining the validity of the license for firearm shipments.

4 (3) When information is requested by a person promoting, sponsoring,  
5 operating, or otherwise organizing a show or event as defined in Section 478.100  
6 of Title 27 of the Code of Federal Regulations, or its successor, who possesses a  
7 valid certificate of eligibility issued pursuant to Article 1 (commencing with  
8 Section 27200) of Chapter 3, if that information is requested by the person to  
9 determine the eligibility of a prospective participant in a gun show or event to  
10 conduct transactions as a firearms dealer pursuant to subdivision (b) of Section  
11 26805.

12 (d) Information provided pursuant to subdivision (c) shall be limited to  
13 information necessary to corroborate an individual's current license status as being  
14 one of the following:

15 (1) A person licensed pursuant to subdivisions (a) to (e), inclusive, of Section  
16 26700.

17 (2) A person who is licensed pursuant to Chapter 44 (commencing with Section  
18 921) of Title 18 of the United States Code, and who is not subject to the  
19 requirement of being licensed pursuant to subdivisions (a) to (e), inclusive, of  
20 Section 26700.

21 **Comment.** Subdivision (a) of Section 26715 continues the first sentence of former Section  
22 12071(e)(1) without substantive change.

23 Subdivision (b)(1) continues the second sentence of former Section 12071(e)(1) without  
24 substantive change.

25 Subdivision (b)(2) continues former Section 12071(e)(2) without substantive change.

26 Subdivision (b)(3) continues the third sentence of former Section 12071(e)(1) without  
27 substantive change.

28 Subdivision (c) continues former Section 12071(e)(3) without substantive change.

29 Subdivision (d) continues former Section 12071(e)(4) without substantive change.

30 For exceptions to this provision, see Article 5 (commencing with Section 27050) and Article 6  
31 (commencing with Section 27100).

32 See Section 16520 ("firearm").

33 **§ 26720. Inspections by Department of Justice**

34 26720. (a) The Department of Justice may inspect dealers to ensure compliance  
35 with the provisions listed in Section 16575.

36 (b) The department may assess an annual fee, not to exceed one hundred fifteen  
37 dollars (\$115), to cover the reasonable cost of maintaining the list described in  
38 Section 26715, including the cost of inspections.

39 (c) Dealers whose place of business is in a jurisdiction that has adopted an  
40 inspection program to ensure compliance with firearms law shall be exempt from  
41 that portion of the department's fee that relates to the cost of inspections. The  
42 applicant is responsible for providing evidence to the department that the  
43 jurisdiction in which the business is located has the inspection program.

44 **Comment.** Section 26720 continues former Section 12071(f) without substantive change.

1 For exceptions to this provision, see Article 5 (commencing with Section 27050) and Article 6  
2 (commencing with Section 27100).

3 See Sections 16520 (“firearm”), 26700 (“dealer,” “licensee,” or “person licensed pursuant to  
4 Sections 26700 to 26915, inclusive”).

5 **§ 26725. Information to be maintained and made available by Department of Justice**

6 26725. The Department of Justice shall maintain and make available upon  
7 request information concerning all of the following:

8 (a) The number of inspections conducted and the amount of fees collected  
9 pursuant to Section 26720.

10 (b) A listing of exempted jurisdictions, as defined in Section 26720.

11 (c) The number of dealers removed from the centralized list defined in 26715.

12 (d) The number of dealers found to have violated a provision listed in Section  
13 16575 with knowledge or gross negligence.

14 **Comment.** Section 26725 continues former Section 12071(g) without substantive change.

15 For exceptions to this provision, see Article 5 (commencing with Section 27050) and Article 6  
16 (commencing with Section 27100).

17 See Section 26700 (“dealer,” “licensee,” or “person licensed pursuant to Sections 26700 to  
18 26915, inclusive”).

19 **Article 2. Grounds for Forfeiture of License**

20 **§ 26800. Forfeiture of license**

21 26800. A license under this chapter is subject to forfeiture for a breach of any of  
22 the prohibitions and requirements of this article, except those stated in the  
23 following provisions:

24 (a) Subdivision (c) of Section 26890.

25 (b) Subdivision (d) of Section 26890.

26 (c) Subdivision (b) of Section 26900.

27 **Comment.** Section 26800 continues the introductory clause of former Section 12071(b)  
28 without substantive change.

29 **§ 26805. Place of conducting business**

30 26805. (a) Except as provided in subdivisions (b) and (c), the business of a  
31 licensee shall be conducted only in the buildings designated in the license.

32 (b)(1) A person licensed pursuant to Sections 26700 and 26705 may take  
33 possession of firearms and commence preparation of registers for the sale,  
34 delivery, or transfer of firearms at any gun show or event, as defined in Section  
35 478.100 of Title 27 of the Code of Federal Regulations, or its successor, if the gun  
36 show or event is not conducted from any motorized or towed vehicle. A person  
37 conducting business pursuant to this subdivision shall be entitled to conduct  
38 business as authorized herein at any gun show or event in the state, without regard  
39 to the jurisdiction within this state that issued the license pursuant to Sections  
40 26700 and 26705, provided the person complies with (i) all applicable laws,

1 including, but not limited to, the waiting period specified in subdivision (a) of  
2 Section 26815, and (ii) all applicable local laws, regulations, and fees, if any.

3 (2) A person conducting business pursuant to this subdivision shall publicly  
4 display the person's license issued pursuant to Sections 26700 and 26705, or a  
5 facsimile thereof, at any gun show or event, as specified in this subdivision.

6 (c)(1) A person licensed pursuant to Sections 26700 and 26705 may engage in  
7 the sale and transfer of firearms other than pistols, revolvers, or other firearms  
8 capable of being concealed upon the person, at events specified in Sections 27655,  
9 27900, 27905, and 27955, subject to the prohibitions and restrictions contained in  
10 those sections.

11 (2) A person licensed pursuant to Sections 26700 and 26705 may also accept  
12 delivery of firearms other than pistols, revolvers, or other firearms capable of  
13 being concealed upon the person, outside the building designated in the license,  
14 provided the firearm is being donated for the purpose of sale or transfer at an  
15 auction or similar event specified in Section 27900.

16 (d) The firearm may be delivered to the purchaser, transferee, or person being  
17 loaned the firearm at one of the following places:

18 (1) The building designated in the license.

19 (2) The places specified in subdivision (b) or (c).

20 (3) The place of residence of, the fixed place of business of, or on private  
21 property owned or lawfully possessed by, the purchaser, transferee, or person  
22 being loaned the firearm.

23 **Comment.** Section 26805 continues former Section 12071(b)(1) without substantive change.

24 For exceptions to this provision, see Article 4 (commencing with Section 27000), Article 5  
25 (commencing with Section 27050), and Article 6 (commencing with Section 27100).

26 For the consequences of violating this section, see Section 26800 (forfeiture of license).

27 See Sections 16520 ("firearm"), 16530 ("firearm capable of being concealed upon the person,"  
28 "pistol," and "revolver"), 26700 ("dealer," "licensee," or "person licensed pursuant to Sections  
29 26700 to 26915, inclusive").

### 30 § 26810. Display of license

31 26810. A person's license under this chapter, or a copy thereof certified by the  
32 issuing authority, shall be displayed on the premises where it can easily be seen.

33 **Comment.** Section 26810 continues former Section 12071(b)(2) without substantive change.

34 For exceptions to this provision, see Article 4 (commencing with Section 27000), Article 5  
35 (commencing with Section 27050), and Article 6 (commencing with Section 27100).

36 For the consequences of violating this section, see Section 26800 (forfeiture of license).

### 37 § 26815. Waiting period and other delivery restrictions

38 26815. No firearm shall be delivered:

39 (a) Within 10 days of the application to purchase, or, after notice by the  
40 department pursuant to Section 28220, within 10 days of the submission to the  
41 department of any correction to the application, or within 10 days of the  
42 submission to the department of any fee required pursuant to Section 28220,  
43 whichever is later.

1 (b) Unless unloaded and securely wrapped or unloaded and in a locked  
2 container.

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

5 (d) Whenever the dealer is notified by the Department of Justice that the person  
6 is prohibited by state or federal law from processing, owning, purchasing, or  
7 receiving a firearm. The dealer shall make available to the person in the prohibited  
8 class a prohibited notice and transfer form, provided by the department, stating  
9 that the person is prohibited from owning or possessing a firearm, and that the  
10 person may obtain from the department the reason for the prohibition.

11 **Comment.** Section 26815 continues former Section 12071(b)(3) without substantive change.

12 For exceptions to this provision, see Article 3 (commencing with Section 26950), Article 4  
13 (commencing with Section 27000), Article 5 (commencing with Section 27050), and Article 6  
14 (commencing with Section 27100).

15 For the consequences of violating this section, see Section 26800 (forfeiture of license).

16 See Sections 16190 ("application to purchase"), 16400 ("clear evidence of the person's identity  
17 and age"), 16520 ("firearm"), 26700 ("dealer," "licensee," or "person licensed pursuant to  
18 Sections 26700 to 26915, inclusive").

19 **§ 26820. Display of handgun or imitation or placard advertising handgun**

20 26820. No pistol, revolver, or other firearm or imitation thereof capable of being  
21 concealed upon the person, or placard advertising the sale or other transfer thereof,  
22 shall be displayed in any part of the premises where it can readily be seen from the  
23 outside.

24 **Comment.** Section 26820 continues former Section 12071(b)(4) without substantive change.

25 For exceptions to this provision, see Article 4 (commencing with Section 27000), Article 5  
26 (commencing with Section 27050), and Article 6 (commencing with Section 27100).

27 For the consequences of violating this section, see Section 26800 (forfeiture of license).

28 See Section 16530 ("firearm capable of being concealed upon the person," "pistol," and  
29 "revolver").

30 **§ 26825. Prompt and proper processing of private party firearms transactions**

31 26825. A licensee shall agree to and shall act properly and promptly in  
32 processing firearms transactions pursuant to Chapter 5 (commencing with Section  
33 28050).

34 **Comment.** Section 26825 continues former Section 12071(b)(5) without substantive change.

35 For exceptions to this provision, see Article 4 (commencing with Section 27000), Article 5  
36 (commencing with Section 27050), and Article 6 (commencing with Section 27100).

37 For the consequences of violating this section, see Section 26800 (forfeiture of license).

38 See Sections 16520 ("firearm"), 26700 ("dealer," "licensee," or "person licensed pursuant to  
39 Sections 26700 to 26915, inclusive").

40 **§ 26830. Compliance with specified laws**

41 26830. A licensee shall comply with all of the following:

42 (a) Section 27500.

43 (b) Section 27505.

44 (c) Section 27510.

1 (d) Section 27515.

2 (e) Section 27520.

3 (f) Section 27525.

4 (g) Section 27530.

5 (h) Section 27535.

6 (i) Section 27555.

7 (j) Section 28100.

8 (k) Article 2 (commencing with Section 28150) of Chapter 6.

9 (l) Article 3 (commencing with Section 28200) of Chapter 6.

10 (m) Section 30300.

11 **Comment.** Section 26830 continues former Section 12071(b)(6) without substantive change.

12 For exceptions to this provision, see Article 4 (commencing with Section 27000), Article 5  
13 (commencing with Section 27050), and Article 6 (commencing with Section 27100).

14 For the consequences of violating this section, see Section 26800 (forfeiture of license).

15 See Section 26700 (“dealer,” “licensee,” or “person licensed pursuant to Sections 26700 to  
16 26915, inclusive”).

17 **§ 26835. Posting of warnings**

18 26835. A licensee shall post conspicuously within the licensed premises the  
19 following warnings in block letters not less than one inch in height:

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

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

35 (c) “IF YOU KEEP ANY FIREARM WITHIN ANY PREMISES UNDER  
36 YOUR CUSTODY OR CONTROL, AND A PERSON UNDER 18 YEARS OF  
37 AGE GAINS ACCESS TO THE FIREARM, AND CARRIES IT OFF-  
38 PREMISES TO A SCHOOL OR SCHOOL-SPONSORED EVENT, YOU MAY  
39 BE GUILTY OF A MISDEMEANOR, INCLUDING A FINE OF UP TO FIVE  
40 THOUSAND DOLLARS (\$5,000), UNLESS YOU STORED THE FIREARM IN  
41 A LOCKED CONTAINER, OR LOCKED THE FIREARM WITH A LOCKING  
42 DEVICE.”

1 (d) “DISCHARGING FIREARMS IN POORLY VENTILATED AREAS,  
2 CLEANING FIREARMS, OR HANDLING AMMUNITION MAY RESULT IN  
3 EXPOSURE TO LEAD, A SUBSTANCE KNOWN TO CAUSE BIRTH  
4 DEFECTS, REPRODUCTIVE HARM, AND OTHER SERIOUS PHYSICAL  
5 INJURY. HAVE ADEQUATE VENTILATION AT ALL TIMES. WASH  
6 HANDS THOROUGHLY AFTER EXPOSURE.”

7 (e) “FEDERAL REGULATIONS PROVIDE THAT IF YOU DO NOT TAKE  
8 PHYSICAL POSSESSION OF THE FIREARM THAT YOU ARE ACQUIRING  
9 OWNERSHIP OF WITHIN 30 DAYS AFTER YOU COMPLETE THE INITIAL  
10 BACKGROUND CHECK PAPERWORK, THEN YOU HAVE TO GO  
11 THROUGH THE BACKGROUND CHECK PROCESS A SECOND TIME IN  
12 ORDER TO TAKE PHYSICAL POSSESSION OF THAT FIREARM.”

13 (f) “NO PERSON SHALL MAKE AN APPLICATION TO PURCHASE  
14 MORE THAN ONE PISTOL, REVOLVER, OR OTHER FIREARM CAPABLE  
15 OF BEING CONCEALED UPON THE PERSON WITHIN ANY 30-DAY  
16 PERIOD AND NO DELIVERY SHALL BE MADE TO ANY PERSON WHO  
17 HAS MADE AN APPLICATION TO PURCHASE MORE THAN ONE PISTOL,  
18 REVOLVER, OR OTHER FIREARM CAPABLE OF BEING CONCEALED  
19 UPON THE PERSON WITHIN ANY 30-DAY PERIOD.”

20 **Comment.** Section 26835 continues former Section 12071(b)(7) without substantive change.

21 For exceptions to this provision, see Article 4 (commencing with Section 27000), Article 5  
22 (commencing with Section 27050), and Article 6 (commencing with Section 27100).

23 For the consequences of violating this section, see Section 26800 (forfeiture of license).

24 See Sections 16190 (“application to purchase”), 16520 (“firearm”), 16530 (“firearm capable of  
25 being concealed upon the person,” “pistol,” and “revolver”), 16810 (“licensed premises,”  
26 “licensee’s business premises,” and “licensee’s place of business”), 26700 (“dealer,” “licensee,”  
27 or “person licensed pursuant to Sections 26700 to 26915, inclusive”).

28 **§ 26840. Presentation of basic firearms safety certificate or handgun safety certificate to**  
29 **dealer**

30 26840. (a) Commencing April 1, 1994, and until January 1, 2003, no pistol,  
31 revolver, or other firearm capable of being concealed upon the person shall be  
32 delivered unless the purchaser, transferee, or person being loaned the firearm  
33 presents to the dealer a basic firearms safety certificate.

34 (b) Commencing January 1, 2003, no dealer may deliver a handgun unless the  
35 person receiving the handgun presents to the dealer a valid handgun safety  
36 certificate. The firearms dealer shall retain a photocopy of the handgun safety  
37 certificate as proof of compliance with this requirement.

38 **Comment.** Subdivision (a) of Section 26840 continues former Section 12071(b)(8)(A) without  
39 change.

40 Subdivision (b) continues former Section 12071(b)(8)(B) without change.

41 For exceptions to this provision, see Article 4 (commencing with Section 27000), Article 5  
42 (commencing with Section 27050), and Article 6 (commencing with Section 27100).

43 For the consequences of violating this section, see Section 26800 (forfeiture of license).

44 See Sections 16240 (“basic firearms safety certificate”), 16520 (“firearm”), 16530 (“firearm  
45 capable of being concealed upon the person,” “pistol,” and “revolver”), 16640 (“handgun”),

1 16670 (“handgun safety certificate”), 26700 (“dealer,” “licensee,” or “person licensed pursuant to  
2 Sections 26700 to 26915, inclusive”).

3 **§ 26845. No handgun delivery without proof of California residency**

4 26845. (a) Commencing January 1, 2003, no handgun may be delivered unless  
5 the purchaser, transferee, or person being loaned the firearm presents  
6 documentation indicating that the person is a California resident.

7 (b) Satisfactory documentation shall include a utility bill from within the last  
8 three months, a residential lease, a property deed, or military permanent duty  
9 station orders indicating assignment within this state, or other evidence of  
10 residency as permitted by the Department of Justice.

11 (c) The firearms dealer shall retain a photocopy of the documentation as proof of  
12 compliance with this requirement.

13 **Comment.** Section 26845 continues former Section 12071(b)(8)(C) without substantive  
14 change.

15 For exceptions to this provision, see Article 4 (commencing with Section 27000), Article 5  
16 (commencing with Section 27050), and Article 6 (commencing with Section 27100).

17 For the consequences of violating this section, see Section 26800 (forfeiture of license).

18 See Sections 16520 (“firearm”), 16640 (“handgun”), 26700 (“dealer,” “licensee,” or “person  
19 licensed pursuant to Sections 26700 to 26915, inclusive”).

20 **§ 26850. Safe handling demonstration with handgun**

21 26850. (a) Commencing January 1, 2003, except as authorized by the  
22 department, no firearms dealer may deliver a handgun unless the recipient  
23 performs a safe handling demonstration with that handgun.

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

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

32 (2) If the handgun is a double-action revolver, the steps listed in Section 26856.

33 (3) If the handgun is a single-action revolver, the steps listed in Section 26859.

34 (c) The recipient shall receive instruction regarding how to render that handgun  
35 safe in the event of a jam.

36 (d) The firearms dealer shall sign and date an affidavit stating that the  
37 requirements of subdivisions (a) and (b) have been met. The firearms dealer shall  
38 additionally obtain the signature of the handgun purchaser on the same affidavit.  
39 The firearms dealer shall retain the original affidavit as proof of compliance with  
40 this requirement.

41 (e) The recipient shall perform the safe handling demonstration for a  
42 department-certified instructor.



1 (f) No demonstration shall be required if the dealer is returning the handgun to  
2 the owner of the handgun.

3 (g) Department-certified instructors who may administer the safe handling  
4 demonstration shall meet the requirements set forth in subdivision (b) of Section  
5 31635.

6 (h) The persons who are exempt from the requirements of subdivision (a) of  
7 Section 31615, pursuant to Section 31700, are also exempt from performing the  
8 safe handling demonstration.

9 **Comment.** Subdivisions (a) and (b) of Section 26850, in combination with Sections 26853,  
10 26856, and 26859, continue former Section 12071(b)(8)(D) without substantive change.

11 Subdivision (c) continues former Section 12071(b)(8)(E) without substantive change.

12 Subdivision (d) continues former Section 12071(b)(8)(F) without substantive change.

13 Subdivision (e) continues former Section 12071(b)(8)(G) without substantive change.

14 Subdivision (f) continues former Section 12071(b)(8)(H) without substantive change.

15 Subdivision (g) continues former Section 12071(b)(8)(I) without substantive change.

16 Subdivision (h) continues former Section 12071(b)(8)(J) without substantive change.

17 For exceptions to this provision, see Article 4 (commencing with Section 27000), Article 5  
18 (commencing with Section 27050), and Article 6 (commencing with Section 27100).

19 For the consequences of violating this section, see Section 26800 (forfeiture of license).

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

23 **§ 26853. Steps in safe handling demonstration for semiautomatic pistol**

24 26853. To comply with Section 26850, a safe handling demonstration for a  
25 semiautomatic pistol shall include all of the following steps:

26 (a) Remove the magazine.

27 (b) Lock the slide back. If the model of firearm does not allow the slide to be  
28 locked back, pull the slide back, visually and physically check the chamber to  
29 ensure that it is clear.

30 (c) Visually and physically inspect the chamber, to ensure that the handgun is  
31 unloaded.

32 (d) Remove the firearm safety device, if applicable. If the firearm safety device  
33 prevents any of the previous steps, remove the firearm safety device during the  
34 appropriate step.

35 (e) Load one bright orange, red, or other readily identifiable dummy round into  
36 the magazine. If no readily identifiable dummy round is available, an empty  
37 cartridge casing with an empty primer pocket may be used.

38 (f) Insert the magazine into the magazine well of the firearm.

39 (g) Manipulate the slide release or pull back and release the slide.

40 (h) Remove the magazine.

41 (i) Visually inspect the chamber to reveal that a round can be chambered with  
42 the magazine removed.

43 (j) Lock the slide back to eject the bright orange, red, or other readily  
44 identifiable dummy round. If the handgun is of a model that does not allow the  
45 slide to be locked back, pull the slide back and physically check the chamber to

1 ensure that the chamber is clear. If no readily identifiable dummy round is  
2 available, an empty cartridge casing with an empty primer pocket may be used.

3 (k) Apply the safety, if applicable.

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

9 **Comment.** In combination with Section 26850(a)-(b), Section 26853 continues former Section  
10 12071(b)(8)(D) without substantive change, as it pertained to a semiautomatic pistol.

11 For exceptions to this provision, see Article 4 (commencing with Section 27000), Article 5  
12 (commencing with Section 27050), and Article 6 (commencing with Section 27100).

13 For the consequences of violating this section, see Section 26800 (forfeiture of license).

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

16 **§ 26856. Steps in safe handling demonstration for double-action revolver**

17 26856. To comply with Section 26850, a safe handling demonstration for a  
18 double-action revolver shall include all of the following steps:

19 (a) Open the cylinder.

20 (b) Visually and physically inspect each chamber, to ensure that the revolver is  
21 unloaded.

22 (c) Remove the firearm safety device. If the firearm safety device prevents any  
23 of the previous steps, remove the firearm safety device during the appropriate step.

24 (d) While maintaining muzzle awareness and trigger discipline, load one bright  
25 orange, red, or other readily identifiable dummy round into a chamber of the  
26 cylinder and rotate the cylinder so that the round is in the next-to-fire position. If  
27 no readily identifiable dummy round is available, an empty cartridge casing with  
28 an empty primer pocket may be used.

29 (e) Close the cylinder.

30 (f) Open the cylinder and eject the round.

31 (g) Visually and physically inspect each chamber to ensure that the revolver is  
32 unloaded.

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

38 **Comment.** In combination with Section 26850(a)-(b), Section 26856 continues former Section  
39 12071(b)(8)(D) without substantive change, as it pertained to a double-action revolver.

40 For exceptions to this provision, see Article 4 (commencing with Section 27000), Article 5  
41 (commencing with Section 27050), and Article 6 (commencing with Section 27100).

42 For the consequences of violating this section, see Section 26800 (forfeiture of license).

43 See Section 16530 (“firearm capable of being concealed upon the person,” “pistol,” and  
44 “revolver”).

1 **§ 26859. Steps in safe handling demonstration for single-action revolver**

2 26859. To comply with Section 26850, a safe handling demonstration for a  
3 single-action revolver shall include all of the following steps:

4 (a) Open the loading gate.

5 (b) Visually and physically inspect each chamber, to ensure that the revolver is  
6 unloaded.

7 (c) Remove the firearm safety device required to be sold with the handgun. If  
8 the firearm safety device prevents any of the previous steps, remove the firearm  
9 safety device during the appropriate step.

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

14 (e) Open the loading gate and unload the revolver.

15 (f) Visually and physically inspect each chamber to ensure that the revolver is  
16 unloaded.

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

22 **Comment.** In combination with Section 26850(a)-(b), Section 26859 continues former Section  
23 12071(b)(8)(D) without substantive change, as it pertained to a single-action revolver.

24 For exceptions to this provision, see Article 4 (commencing with Section 27000), Article 5  
25 (commencing with Section 27050), and Article 6 (commencing with Section 27100).

26 For the consequences of violating this section, see Section 26800 (forfeiture of license).

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

29 **§ 26865. Providing Department of Justice pamphlet to purchaser, transferee, or lessee of**  
30 **firearm**

31 26865. Commencing July 1, 1992, a licensee shall offer to provide the purchaser  
32 or transferee of a firearm, or person being loaned a firearm, with a copy of the  
33 pamphlet described in Section 34205, and may add the cost of the pamphlet, if  
34 any, to the sales price of the firearm.

35 **Comment.** Section 26865 continues former Section 12071(b)(9) without substantive change.

36 For exceptions to this provision, see Article 4 (commencing with Section 27000), Article 5  
37 (commencing with Section 27050), and Article 6 (commencing with Section 27100).

38 For the consequences of violating this section, see Section 26800 (forfeiture of license).

39 See Sections 16520 (“firearm”), 26700 (“dealer,” “licensee,” or “person licensed pursuant to  
40 Sections 26700 to 26915, inclusive”).

41 **§ 26870. No collusion**

42 26870. A licensee shall not commit an act of collusion as defined in Section  
43 27550.

44 **Comment.** Section 26870 continues former Section 12071(b)(10) without substantive change.

1 For exceptions to this provision, see Article 4 (commencing with Section 27000), Article 5  
2 (commencing with Section 27050), and Article 6 (commencing with Section 27100).

3 For the consequences of violating this section, see Section 26800 (forfeiture of license).

4 See Section 26700 (“dealer,” “licensee,” or “person licensed pursuant to Sections 26700 to  
5 26915, inclusive”).

6 **§ 26875. Posting of charges and fees**

7 26875. A licensee shall post conspicuously within the licensed premises a  
8 detailed list of each of the following:

9 (a) All charges required by governmental agencies for processing firearm  
10 transfers required by Section 12806, Chapter 5 (commencing with Section 28050),  
11 and Article 3 (commencing with Section 28200) of Chapter 6.

12 (b) All fees that the licensee charges pursuant to Section 12806 and Chapter 5  
13 (commencing with Section 28050).

14 **Comment.** Section 26875 continues former Section 12071(b)(11) without substantive change.

15 For exceptions to this provision, see Article 4 (commencing with Section 27000), Article 5  
16 (commencing with Section 27050), and Article 6 (commencing with Section 27100).

17 For the consequences of violating this section, see Section 26800 (forfeiture of license).

18 See Sections 16520 (“firearm”), 16810 (“licensed premises,” “licensee’s business premises,”  
19 and “licensee’s place of business”), 26700 (“dealer,” “licensee,” or “person licensed pursuant to  
20 Sections 26700 to 26915, inclusive”).

21 **§ 26880. Misrepresentation regarding amount of fees charged by governmental agency**

22 26880. A licensee shall not misstate the amount of fees charged by a  
23 governmental agency pursuant to Section 12806, Chapter 5 (commencing with  
24 Section 28050), and Article 3 (commencing with Section 28200) of Chapter 6.

25 **Comment.** Section 26880 continues former Section 12071(b)(12) without substantive change.

26 For exceptions to this provision, see Article 4 (commencing with Section 27000), Article 5  
27 (commencing with Section 27050), and Article 6 (commencing with Section 27100).

28 For the consequences of violating this section, see Section 26800 (forfeiture of license).

29 See Section 26700 (“dealer,” “licensee,” or “person licensed pursuant to Sections 26700 to  
30 26915, inclusive”).

31 **§ 26885. Location of inventory and reporting of loss or theft of firearm**

32 26885. (a) Except as provided in subdivisions (b) and (c) of Section 26805, all  
33 firearms that are in the inventory of a licensee shall be kept within the licensed  
34 location.

35 (b) Within 48 hours of discovery, a licensee shall report the loss or theft of any  
36 of the following items to the appropriate law enforcement agency in the city,  
37 county, or city and county where the licensee’s business premises are located:

38 (1) Any firearm that is merchandise of the licensee.

39 (2) Any firearm that the licensee takes possession of pursuant to Chapter 5  
40 (commencing with Section 28050).

41 (3) Any firearm kept at the licensee’s place of business.

42 **Comment.** Section 26885 continues former Section 12071(b)(13) without substantive change.

43 For exceptions to this provision, see Article 4 (commencing with Section 27000), Article 5  
44 (commencing with Section 27050), and Article 6 (commencing with Section 27100).

1 For the consequences of violating this section, see Section 26800 (forfeiture of license).  
2 See Sections 16520 (“firearm”), 16810 (“licensed premises,” “licensee’s business premises,”  
3 and “licensee’s place of business”), 26700 (“dealer,” “licensee,” or “person licensed pursuant to  
4 Sections 26700 to 26915, inclusive”).

5 **§ 26890. Storage and securing of inventory firearms**

6 26890. (a) Except as provided in subdivisions (b) and (c) of Section 26805, any  
7 time when the licensee is not open for business, all inventory firearms shall be  
8 stored in the licensed location. All firearms shall be secured using one of the  
9 following methods as to each particular firearm:

10 (1) Store the firearm in a secure facility that is a part of, or that constitutes, the  
11 licensee’s business premises.

12 (2) Secure the firearm with a hardened steel rod or cable of at least one-eighth  
13 inch in diameter through the trigger guard of the firearm. The steel rod or cable  
14 shall be secured with a hardened steel lock that has a shackle. The lock and  
15 shackle shall be protected or shielded from the use of a boltcutter and the rod or  
16 cable shall be anchored in a manner that prevents the removal of the firearm from  
17 the premises.

18 (3) Store the firearm in a locked fireproof safe or vault in the licensee’s business  
19 premises.

20 (b) The licensing authority in an unincorporated area of a county or within a city  
21 may impose security requirements that are more strict or are at a higher standard  
22 than those specified in subdivision (a).

23 (c) Upon written request from a licensee, the licensing authority may grant an  
24 exemption from compliance with the requirements of subdivision (a) if the  
25 licensee is unable to comply with those requirements because of local ordinances,  
26 covenants, lease conditions, or similar circumstances not under the control of the  
27 licensee.

28 (d) Subdivision (a) or (b) shall not apply to a licensee organized as a nonprofit  
29 public benefit or mutual benefit corporation pursuant to Part 2 (commencing with  
30 Section 5110) or Part 3 (commencing with Section 7110) of Division 2 of the  
31 Corporations Code, if both of the following conditions are satisfied:

32 (1) The nonprofit public benefit or mutual benefit corporation obtained the  
33 dealer’s license solely and exclusively to assist that corporation or local chapters  
34 of that corporation in conducting auctions or similar events at which firearms are  
35 auctioned off to fund the activities of that corporation or the local chapters of the  
36 corporation.

37 (2) The firearms are not pistols, revolvers, or other firearms capable of being  
38 concealed upon the person.

39 **Comment.** Subdivision (a) of Section 26890 continues former Section 12071(b)(14) without  
40 substantive change.

41 Subdivision (b) continues former Section 12071(b)(15) without substantive change.

42 Subdivision (c) continues former Section 12071(d) without substantive change.

43 Subdivision (d) continues former Section 12071(h) without substantive change.

1 For exceptions to this provision, see Article 4 (commencing with Section 27000), Article 5  
2 (commencing with Section 27050), and Article 6 (commencing with Section 27100).

3 For the consequences of violating this section, see Section 26800 (forfeiture of license).

4 See Sections 16520 (“firearm”), 16530 (“firearm capable of being concealed upon the person,”  
5 “pistol,” and “revolver”). 16810 (“licensed premises,” “licensee’s business premises,” and  
6 “licensee’s place of business”), 17110 (“secure facility” for firearm storage by dealer), 26700  
7 (“dealer,” “licensee,” or “person licensed pursuant to Sections 26700 to 26915, inclusive”).

8 **§ 26895. Providing copy of license to Department of Justice**

9 26895. Commencing January 1, 1994, a licensee shall, upon the issuance or  
10 renewal of a license, submit a copy of it to the Department of Justice.

11 **Comment.** Section 26895 continues former Section 12071(b)(16) without substantive change.

12 For exceptions to this provision, see Article 4 (commencing with Section 27000), Article 5  
13 (commencing with Section 27050), and Article 6 (commencing with Section 27100).

14 For the consequences of violating this section, see Section 26800 (forfeiture of license).

15 See Section 26700 (“dealer,” “licensee,” or “person licensed pursuant to Sections 26700 to  
16 26915, inclusive”).

17 **§ 26900. Maintenance and inspection of firearm transaction record**

18 26900. (a) A licensee shall maintain and make available for inspection during  
19 business hours to any peace officer, authorized local law enforcement employee,  
20 or Department of Justice employee designated by the Attorney General, upon the  
21 presentation of proper identification, a firearm transaction record, as defined in  
22 Section 16550.

23 (b) A licensee shall be in compliance with the provisions of subdivision (a) if the  
24 licensee maintains and makes available for inspection during business hours to any  
25 peace officer, authorized local law enforcement employee, or Department of  
26 Justice employee designated by the Attorney General, upon the presentation of  
27 proper identification, the bound book containing the same information referred to  
28 in Section 478.124a and subdivision (e) of Section 478.125 of Title 27 of the Code  
29 of Federal Regulations and the records referred to in subdivision (a) of Section  
30 478.124 of Title 27 of the Code of Federal Regulations.

31 **Comment.** Subdivision (a) of Section 26900 continues former Section 12071(b)(17) without  
32 substantive change.

33 Subdivision (b) continues former Section 12071(c)(4)(B) without substantive change.

34 For exceptions to this provision, see Article 4 (commencing with Section 27000), Article 5  
35 (commencing with Section 27050), and Article 6 (commencing with Section 27100).

36 For the consequences of violating this section, see Section 26800 (forfeiture of license).

37 See Section 26700 (“dealer,” “licensee,” or “person licensed pursuant to Sections 26700 to  
38 26915, inclusive”).

39 **§ 26905. Reporting of handgun acquisitions**

40 26905. (a) On the date of receipt, a licensee shall report to the Department of  
41 Justice, in a format prescribed by the department, the acquisition by the licensee of  
42 the ownership of a pistol, revolver, or other firearm capable of being concealed  
43 upon the person.

1 (b) The provisions of this section shall not apply to any of the following  
2 transactions:

3 (1) A transaction subject to the provisions of Sections 26960 and 27660.

4 (2) The dealer acquired the firearm from a wholesaler.

5 (3) The dealer is also licensed as a secondhand dealer pursuant to Article 4  
6 (commencing with Section 21625) of Chapter 9 of Division 8 of the Business and  
7 Professions Code.

8 (4) The dealer acquired the firearm from a person who is licensed as a  
9 manufacturer or importer to engage in those activities pursuant to Chapter 44  
10 (commencing with Section 921) of Title 18 of the United States Code and any  
11 regulations issued pursuant thereto.

12 (5) The dealer acquired the firearm from a person who resides outside this state  
13 who is licensed pursuant to Chapter 44 (commencing with Section 921) of Title 18  
14 of the United States Code and any regulations issued pursuant thereto.

15 **Comment.** Section 26905 continues former Section 12071(b)(18) without substantive change.

16 For exceptions to this provision, see Article 4 (commencing with Section 27000), Article 5  
17 (commencing with Section 27050), and Article 6 (commencing with Section 27100).

18 For the consequences of violating this section, see Section 26800 (forfeiture of license).

19 See Sections 16520 (“firearm”), 16530 (“firearm capable of being concealed upon the person,”  
20 “pistol,” and “revolver”), 17340 (“wholesaler”), 26700 (“dealer,” “licensee,” or “person licensed  
21 pursuant to Sections 26700 to 26915, inclusive”).

22 **§ 26910. Reporting of information on firearm that is not timely delivered**

23 26910. A licensee shall forward, in a format prescribed by the Department of  
24 Justice, information as required by the department on any firearm that is not  
25 delivered within the time period set forth in Section 478.102(c) of Title 27 of the  
26 Code of Federal Regulations.

27 **Comment.** Section 26910 continues former Section 12071(b)(19) without substantive change.

28 For exceptions to this provision, see Article 4 (commencing with Section 27000), Article 5  
29 (commencing with Section 27050), and Article 6 (commencing with Section 27100).

30 For the consequences of violating this section, see Section 26800 (forfeiture of license).

31 See Sections 16520 (“firearm”), 26700 (“dealer,” “licensee,” or “person licensed pursuant to  
32 Sections 26700 to 26915, inclusive”).

33 **§ 26915. Agent who handles, sells, or delivers firearms**

34 26915. (a) A firearms dealer may require any agent who handles, sells, or  
35 delivers firearms to obtain and provide to the dealer a certificate of eligibility from  
36 the Department of Justice pursuant to Section 26710. On the application for the  
37 certificate, the agent or employee shall provide the name and California firearms  
38 dealer number of the firearms dealer with whom the person is employed.

39 (b) The department shall notify the firearms dealer in the event that the agent or  
40 employee who has a certificate of eligibility is or becomes prohibited from  
41 possessing firearms.

1 (c) If the local jurisdiction requires a background check of the agents or  
2 employees of a firearms dealer, the agent or employee shall obtain a certificate of  
3 eligibility pursuant to subdivision (a).

4 (d)(1) Nothing in this section shall be construed to preclude a local jurisdiction  
5 from conducting an additional background check pursuant to Section 11105. The  
6 local jurisdiction may not charge a fee for the additional criminal history check.

7 (2) Nothing in this section shall be construed to preclude a local jurisdiction  
8 from prohibiting employment based on criminal history that does not appear as  
9 part of obtaining a certificate of eligibility.

10 (e) The licensee shall prohibit any agent who the licensee knows or reasonably  
11 should know is within a class of persons prohibited from possessing firearms  
12 pursuant to Chapter 2 (commencing with Section 29800) or 3 (commencing with  
13 Section 29900) of Division 9 of this title, or Section 8100 or 8103 of the Welfare  
14 and Institutions Code, from coming into contact with any firearm that is not  
15 secured and from accessing any key, combination, code, or other means to open  
16 any of the locking devices described in subdivision (g).

17 (f) Nothing in this section shall be construed as preventing a local government  
18 from enacting an ordinance imposing additional conditions on licensees with  
19 regard to agents.

20 (g) For purposes of this article, “secured” means a firearm that is made  
21 inoperable in one or more of the following ways:

22 (1) The firearm is inoperable because it is secured by a firearm safety device  
23 listed on the department’s roster of approved firearm safety devices pursuant to  
24 subdivision (d) of Section 23655.

25 (2) The firearm is stored in a locked gun safe or long-gun safe that meets the  
26 standards for department-approved gun safes set forth in Section 23650.

27 (3) The firearm is stored in a distinct locked room or area in the building that is  
28 used to store firearms, which can only be unlocked by a key, a combination, or  
29 similar means.

30 (4) The firearm is secured with a hardened steel rod or cable that is at least one-  
31 eighth of an inch in diameter through the trigger guard of the firearm. The steel  
32 rod or cable shall be secured with a hardened steel lock that has a shackle. The  
33 lock and shackle shall be protected or shielded from the use of a boltcutter and the  
34 rod or cable shall be anchored in a manner that prevents the removal of the firearm  
35 from the premises.

36 **Comment.** Subdivisions (a) through (f) of Section 26915 continue former Section  
37 12071(b)(20)(A)-(F) without substantive change.

38 Subdivision (g) continues former Section 12071(b)(20)(G)(ii) without substantive change.

39 For exceptions to this provision, see Article 4 (commencing with Section 27000), Article 5  
40 (commencing with Section 27050), and Article 6 (commencing with Section 27100).

41 For the consequences of violating this section, see Section 26800 (forfeiture of license).

42 See Sections 16130 (“agent”), 16520 (“firearm”), 16610 (“gun safe”), 16870 (“long-gun safe”),  
43 26700 (“dealer,” “licensee,” or “person licensed pursuant to Sections 26700 to 26915, inclusive”).



Article 3. Exceptions Extending Only to Waiting Period

§ 26950. **Waiting period exception for sale, delivery, or transfer to full-time paid peace officer authorized to carry firearms in performance of duties**

26950. (a) The waiting period described in Section 26815 does not apply to the sale, delivery, or transfer of firearms made to any person who satisfies both of the following requirements:

(1) The person is properly identified as a full-time paid peace officer, as defined in Chapter 4.5 (commencing with Section 830) of Title 3 of Part 2.

(2) The officer's employer has authorized the officer to carry firearms while in the performance of duties.

(b)(1) Proper identification is defined as verifiable written certification from the head of the agency by which the purchaser or transferee is employed, identifying the purchaser or transferee as a peace officer who is authorized to carry firearms while in the performance of duties, and authorizing the purchase or transfer.

(2) The certification shall be delivered to the dealer at the time of purchase or transfer and the purchaser or transferee shall identify himself or herself as the person authorized in the certification.

(3) The dealer shall keep the certification with the record of sale.

(4) On the date that the sale, delivery, or transfer is made, the dealer delivering the firearm shall transmit to the Department of Justice an electronic or telephonic report of the transaction as is indicated in Section 28160 or 28165.

**Comment.** Section 26950 continues former Section 12078(a)(1) without substantive change, as that provision applied to the waiting period in former Section 12071.

For other exceptions relating to law enforcement, see Sections 27050-27065.

See Sections 16520 ("firearm"), 26700 ("dealer," "licensee," or "person licensed pursuant to Sections 26700 to 26915, inclusive").

§ 26955. **Waiting period exception for dealer who delivers firearm other than handgun at auction or similar event conducted by nonprofit mutual or public benefit corporation**

26955. (a) The waiting period described in Section 26815 does not apply to a dealer who delivers a firearm, other than a handgun, at an auction or similar event described in Section 27900, as authorized by subdivision (c) of Section 26805.

(b) Within two business days of completion of the application to purchase, the dealer shall forward by prepaid mail to the Department of Justice a report of the application as is indicated in Section 28165.

(c) If the electronic or telephonic transfer of applicant information is used, within two business days of completion of the application to purchase, the dealer delivering the firearm shall transmit to the Department of Justice an electronic or telephonic report of the application as is indicated in Section 28165.

**Comment.** Section 26955 continues former Section 12078(g)(3) without substantive change, as that provision applied to the waiting period in former Section 12071.

See Sections 16190 ("application to purchase"), 16520 ("firearm"), 16640 ("handgun"), 26700 ("dealer," "licensee," or "person licensed pursuant to Sections 26700 to 26915, inclusive").

1 **§ 26960. Waiting period exception for sale, delivery, or transfer of handgun, not intended as**  
2 **merchandise, by dealer to self or another dealer**

3 26960. (a) The waiting period described in Section 26815 does not apply to the  
4 sale, delivery, or transfer of a handgun by a dealer in either of the following  
5 situations:

6 (1) The dealer is delivering the firearm to another dealer, the firearm is not  
7 intended as merchandise in the receiving dealer's business, and the requirements  
8 of subdivisions (b) and (c) are satisfied.

9 (2) The dealer is delivering the firearm to himself or herself, the firearm is not  
10 intended as merchandise in the dealer's business, and the requirements of  
11 subdivision (c) are satisfied.

12 (b) If the dealer is receiving the firearm from another dealer, the dealer receiving  
13 the firearm shall present proof to the dealer delivering the firearm that the  
14 receiving dealer is licensed pursuant to Article 1 (commencing with Section  
15 26700) and Article 2 (commencing with Section 26800). This shall be done by  
16 complying with Section 27555.

17 (c)(1) Regardless of whether the dealer is selling, delivering, or transferring the  
18 firearm to another dealer or to himself or herself, on the date that the application to  
19 purchase is completed, the dealer delivering the firearm shall forward by prepaid  
20 mail to the Department of Justice a report of the application and the type of  
21 information concerning the purchaser or transferee as is indicated in Section  
22 28160.

23 (2) Where electronic or telephonic transfer of applicant information is used, on  
24 the date that the application to purchase is completed, the dealer delivering the  
25 firearm shall transmit an electronic or telephonic report of the application and the  
26 type of information concerning the purchaser or transferee as is indicated in  
27 Section 28160.

28 **Comment.** Section 26960 continues former Section 12078(n) without substantive change, as  
29 that provision applied to the waiting period in former Section 12071.

30 See Sections 16190 ("application to purchase"), 16520 ("firearm"), 16640 ("handgun"), 26700  
31 ("dealer," "licensee," or "person licensed pursuant to Sections 26700 to 26915, inclusive").

32 **§ 26965. Waiting period exception for sale, delivery, or transfer to holder of special weapons**  
33 **permit**

34 26965. (a) The waiting period described in Section 26815 does not apply to the  
35 sale, delivery, or transfer of a firearm to the holder of a special weapons permit  
36 issued by the Department of Justice pursuant to Section 32650 or 33300, pursuant  
37 to Article 3 (commencing with Section 18900) of Chapter 1 of Division 5 of Title  
38 2, or pursuant to Article 4 (commencing with Section 32700) of Chapter 6 of  
39 Division 10 of this title.

40 (b) On the date that the application to purchase is completed, the dealer  
41 delivering the firearm shall transmit to the Department of Justice an electronic or  
42 telephonic report of the application as is indicated in Section 28160 or 28165.

1 **Comment.** Section 26965 continues former Section 12078(r) without substantive change, as  
2 that provision applied to the waiting period in former Section 12071.

3 See Sections 16190 (“application to purchase”), 16520 (“firearm”), 26700 (“dealer,”  
4 “licensee,” or “person licensed pursuant to Sections 26700 to 26915, inclusive”).

5 **§ 26970. Waiting period exception for sale, delivery, loan, or transfer of curio or relic by**  
6 **dealer to licensed collector**

7 26970. (a) The waiting period described in Section 26815 does not apply to the  
8 sale, delivery, loan, or transfer of a firearm if all of the following conditions are  
9 satisfied:

10 (1) The firearm is a curio or relic, as defined in Section 478.11 of Title 27 of the  
11 Code of Federal Regulations, or its successor.

12 (2) The sale, delivery, loan, or transfer is made by a dealer.

13 (3) The sale, delivery, loan, or transfer is made to a person who is licensed as a  
14 collector pursuant to Chapter 44 (commencing with Section 921) of Title 18 of the  
15 United States Code and the regulations issued pursuant thereto.

16 (4) The licensed collector has a current certificate of eligibility issued by the  
17 Department of Justice pursuant to Section 26710.

18 (b) On the date that the sale, delivery, or transfer is made, the dealer delivering  
19 the firearm shall transmit to the Department of Justice an electronic or telephonic  
20 report of the transaction as is indicated in Section 28160 or 28165.

21 **Comment.** Section 26970 continues former Section 12078(t)(1) without substantive change, as  
22 that provision applied to the waiting period in former Section 12071.

23 See Sections 16520 (“firearm”), 26700 (“dealer,” “licensee,” or “person licensed pursuant to  
24 Sections 26700 to 26915, inclusive”).

25 **Article 4. Exceptions Extending Only to Grounds for Forfeiture of License**

26 **§ 27000. License forfeiture exception for loan of unloaded firearm, for use solely as prop, by**  
27 **dealer to person with entertainment firearms permit**

28 27000. (a) Article 2 (commencing with Section 26800) does not apply to the  
29 loan of a firearm if all of the following conditions are satisfied:

30 (1) The firearm is unloaded.

31 (2) The loan is made by a dealer.

32 (3) The loan is made to a person who possesses a valid entertainment firearms  
33 permit issued pursuant to Chapter 2 (commencing with Section 29500) of Division  
34 8.

35 (4) The firearm is loaned solely for use as a prop in a motion picture, television,  
36 video, theatrical, or other entertainment production or event.

37 (b) The dealer shall retain a photocopy of the entertainment firearms permit as  
38 proof of compliance with this requirement.

39 **Comment.** Section 27000 continues former Section 12078(s)(3) without substantive change, as  
40 that provision applied to former Section 12071(b).

41 See Sections 16520 (“firearm”), 26700 (“dealer,” “licensee,” or “person licensed pursuant to  
42 Sections 26700 to 26915, inclusive”).

1 **§ 27005. License forfeiture exception for short-term loan of unloaded firearm by dealer to**  
2 **consultant-evaluator**

3 27005. (a) Article 2 (commencing with Section 26800) does not apply to the  
4 loan of an unloaded firearm to a consultant-evaluator by a person licensed  
5 pursuant to Sections 26700 to 26915, inclusive, if the loan does not exceed 45  
6 days from the date of delivery.

7 (b) At the time of the loan, the consultant-evaluator shall provide the following  
8 information, which the dealer shall retain for two years:

9 (1) A photocopy of a valid, current, government-issued identification to  
10 determine the consultant-evaluator's identity, including, but not limited to, a  
11 California driver's license, identification card, or passport.

12 (2) A photocopy of the consultant-evaluator's valid, current certificate of  
13 eligibility.

14 (3) A letter from the person licensed as an importer, manufacturer, or dealer  
15 pursuant to Chapter 44 (commencing with Section 921) of Title 18 of the United  
16 States Code, with whom the consultant-evaluator has a bona fide business  
17 relationship. The letter shall detail the bona fide business purposes for which the  
18 firearm is being loaned and confirm that the consultant-evaluator is being loaned  
19 the firearm as part of a bona fide business relationship.

20 (4) The signature of the consultant-evaluator on a form indicating the date the  
21 firearm is loaned and the last day the firearm may be returned.

22 **Comment.** Section 27005 continues former Section 12078(s)(4) without substantive change, as  
23 that provision applied to former Section 12071(b).

24 See Sections 16410 ("consultant-evaluator"), 16520 ("firearm"), 26700 ("dealer," "licensee,"  
25 or "person licensed pursuant to Sections 26700 to 26915, inclusive").

26 Article 5. Exceptions Relating to Law Enforcement

27 **§ 27050. Exception for sale, delivery, or transfer to authorized law enforcement**  
28 **representative of city, county, city and county, or state or federal government**

29 27050. (a) Article 1 (commencing with Section 26700) and Article 2  
30 (commencing with Section 26800) do not apply to any sale, delivery, or transfer of  
31 firearms made to an authorized law enforcement representative of any city,  
32 county, city and county, or state, or of the federal government, for exclusive use  
33 by that governmental agency if, prior to the sale, delivery, or transfer of these  
34 firearms, written authorization from the head of the agency authorizing the  
35 transaction is presented to the person from whom the purchase, delivery, or  
36 transfer is being made.

37 (b) Proper written authorization is defined as verifiable written certification from  
38 the head of the agency by which the purchaser or transferee is employed,  
39 identifying the employee as an individual authorized to conduct the transaction,  
40 and authorizing the transaction for the exclusive use of the agency by which that  
41 person is employed.

1 (c) Within 10 days of the date a handgun is acquired by the agency, a record of  
2 the same shall be entered as an institutional weapon into the Automated Firearms  
3 System (AFS) via the California Law Enforcement Telecommunications System  
4 (CLETS) by the law enforcement or state agency. Any agency without access to  
5 AFS shall arrange with the sheriff of the county in which the agency is located to  
6 input this information via this system.

7 **Comment.** Section 27050 continues former Section 12078(a)(2) without substantive change, as  
8 that provision applied to former Section 12071 (through its reference to “the preceding provisions  
9 of this article”).

10 For other exceptions relating to law enforcement, see Sections 26950, 27055-27065.

11 See Sections 16520 (“firearm”), 16640 (“handgun”).

12 **§ 27055. Exception for loan of firearm to peace officer employee for use in performing**  
13 **official duties**

14 27055. Article 1 (commencing with Section 26700) and Article 2 (commencing  
15 with Section 26800) do not apply to the loan of a firearm if all of the following  
16 conditions are satisfied:

17 (a) The loan is made by an authorized law enforcement representative of a city,  
18 county, or city and county, or of the state or federal government.

19 (b) The loan is made to a peace officer employed by that agency and authorized  
20 to carry a firearm.

21 (c) The loan is made for the carrying and use of that firearm by that peace  
22 officer in the course and scope of the officer’s duties.

23 **Comment.** Section 27055 continues former Section 12078(a)(3) without substantive change, as  
24 that provision applied to former Section 12071 (through its reference to “the preceding provisions  
25 of this article”).

26 For other exceptions relating to law enforcement, see Sections 26950, 27050, 27060-27065.

27 See Section 16520 (“firearm”).

28 **§ 27060. Exception for sale, delivery, or transfer by law enforcement agency to peace officer**  
29 **pursuant to Public Contract Code**

30 27060. (a) Article 1 (commencing with Section 26700) and Article 2  
31 (commencing with Section 26800) do not apply to the sale, delivery, or transfer of  
32 a firearm by a law enforcement agency to a peace officer pursuant to Section  
33 10334 of the Public Contract Code.

34 (b) Within 10 days of the date that a handgun is sold, delivered, or transferred  
35 pursuant to Section 10334 of the Public Contract Code to that peace officer, the  
36 name of the officer and the make, model, serial number, and other identifying  
37 characteristics of the firearm being sold, delivered, or transferred shall be entered  
38 into the Automated Firearms System (AFS) via the California Law Enforcement  
39 Telecommunications System (CLETS) by the law enforcement or state agency that  
40 sold, delivered, or transferred the firearm. Any agency without access to AFS shall  
41 arrange with the sheriff of the county in which the agency is located to input this  
42 information via this system.

1 **Comment.** Section 27060 continues former Section 12078(a)(4) without substantive change, as  
2 that provision applied to former Section 12071 (through its reference to “the preceding provisions  
3 of this article”).

4 For other exceptions relating to law enforcement, see Sections 26950, 27050-27055, 27065.  
5 See Sections 16520 (“firearm”), 16640 (“handgun”).

6 **§ 27065. Exception for sale, delivery, or transfer by law enforcement agency to retiring**  
7 **peace officer authorized to carry concealed and loaded firearm**

8 27065. (a) Article 1 (commencing with Section 26700) and Article 2  
9 (commencing with Section 26800) do not apply to the sale, delivery, or transfer of  
10 a firearm by a law enforcement agency to a retiring peace officer who is  
11 authorized to carry a firearm pursuant to Chapter 5 (commencing with Section  
12 26300) of Division 5.

13 (b) Within 10 days of the date that a handgun is sold, delivered, or transferred to  
14 that retiring peace officer, the name of the officer and the make, model, serial  
15 number, and other identifying characteristics of the firearm being sold, delivered,  
16 or transferred shall be entered into the Automated Firearms System (AFS) via the  
17 California Law Enforcement Telecommunications System (CLETS) by the law  
18 enforcement or state agency that sold, delivered, or transferred the firearm. Any  
19 agency without access to AFS shall arrange with the sheriff of the county in which  
20 the agency is located to input this information via this system.

21 **Comment.** Section 27065 continues former Section 12078(a)(5) without substantive change, as  
22 that provision applied to former Section 12071 (through its reference to “the preceding provisions  
23 of this article”).

24 For other exceptions relating to law enforcement, see Sections 26950, 27050-27060.  
25 See Sections 16520 (“firearm”), 16640 (“handgun”).

26 **Article 6. Other Exceptions**

27 **§ 27100. Exception for sales, deliveries, or transfers of firearms between or to licensed**  
28 **importers and manufacturers**

29 27100. Article 1 (commencing with Section 26700) and Article 2 (commencing  
30 with Section 26800) do not apply to sales, deliveries, or transfers of firearms  
31 between or to importers and manufacturers of firearms licensed to engage in that  
32 business pursuant to Chapter 44 (commencing with Section 921) of Title 18 of the  
33 United States Code and the regulations issued pursuant thereto.

34 **Comment.** Section 27100 continues former Section 12078(b)(1) without substantive change,  
35 as that provision applied to former Section 12071.

36 See Section 16520 (“firearm”).

37 **§ 27105. Exception for service or repair by gunsmith**

38 27105. Article 1 (commencing with Section 26700) and Article 2 (commencing  
39 with Section 26800) do not apply to the delivery of a firearm to a gunsmith for  
40 service or repair, or to the return of the firearm to its owner by the gunsmith.

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

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

2 **§ 27110. Exception for sale, delivery, or transfer of unloaded firearms, other than**  
3 **handguns, by dealer to another dealer**

4 27110. Article 1 (commencing with Section 26700) and Article 2 (commencing  
5 with Section 26800) do not apply to the sale, delivery, or transfer of firearms if all  
6 of the following conditions are satisfied:

7 (a) The firearms are unloaded.

8 (b) The firearms are not handguns.

9 (c) The sale, delivery, or transfer is made by a dealer to another dealer, upon  
10 proof of compliance with the requirements of Section 27555.

11 **Comment.** Section 27110 continues former Section 12078(k)(1) without substantive change,  
12 as that provision applied to former Section 12071.

13 See Sections 16520 (“firearm”), 16640 (“handgun”), 26700 (“dealer,” “licensee,” or “person  
14 licensed pursuant to Sections 26700 to 26915, inclusive”).

15 **§ 27115. Exception for sale, delivery, or transfer of unloaded firearms by dealer to licensed**  
16 **nonresident**

17 27115. Article 1 (commencing with Section 26700) and Article 2 (commencing  
18 with Section 26800) do not apply to the sale, delivery, or transfer of unloaded  
19 firearms by a dealer to a person who resides outside this state and is licensed  
20 pursuant to Chapter 44 (commencing with Section 921) of Title 18 of the United  
21 States Code and the regulations issued pursuant thereto.

22 **Comment.** Section 27115 continues former Section 12078(k)(2) without substantive change,  
23 as that provision applied to former Section 12071.

24 See Sections 16520 (“firearm”), 26700 (“dealer,” “licensee,” or “person licensed pursuant to  
25 Sections 26700 to 26915, inclusive”).

26 **§ 27120. Exception for return of unloaded firearms to wholesaler to treat as merchandise**

27 27120. Article 1 (commencing with Section 26700) and Article 2 (commencing  
28 with Section 26800) do not apply to the sale, delivery, or transfer of unloaded  
29 firearms to a wholesaler if the firearms are being returned to the wholesaler and  
30 are intended as merchandise in the wholesaler’s business.

31 **Comment.** Section 27120 continues former Section 12078(k)(3) without substantive change,  
32 as that provision applied to former Section 12071.

33 See Sections 16520 (“firearm”), 26700 (“dealer,” “licensee,” or “person licensed pursuant to  
34 Sections 26700 to 26915, inclusive”), 17340 (“wholesaler”).

35 **§ 27125. Exception for sale, delivery, or transfer of unloaded firearms by dealer to another**  
36 **dealer to treat as merchandise**

37 27125. Article 1 (commencing with Section 26700) and Article 2 (commencing  
38 with Section 26800) do not apply to the sale, delivery, or transfer of firearms if all  
39 of the following conditions are satisfied:

40 (a) The firearms are unloaded.

41 (b) The sale, delivery, or transfer is made by one dealer to another dealer, upon  
42 proof of compliance with the requirements of Section 27555.

1 (c) The firearms are intended as merchandise in the receiving dealer’s business

2 **Comment.** Section 27125 continues former Section 12078(k)(4) without substantive change,  
3 as that provision applied to former Section 12071.

4 See Sections 16520 (“firearm”), 26700 (“dealer,” “licensee,” or “person licensed pursuant to  
5 Sections 26700 to 26915, inclusive”).

6 **§ 27130. Exception for sale, delivery, or transfer of unloaded firearm, other than handgun,  
7 by dealer to self**

8 27130. Article 1 (commencing with Section 26700) and Article 2 (commencing  
9 with Section 26800) do not apply to the sale, delivery, or transfer of an unloaded  
10 firearm, other than a handgun, by a dealer to himself or herself.

11 **Comment.** Section 27130 continues former Section 12078(k)(5) without substantive change,  
12 as that provision applied to former Section 12071.

13 See Sections 16520 (“firearm”), 16640 (“handgun”), 26700 (“dealer,” “licensee,” or “person  
14 licensed pursuant to Sections 26700 to 26915, inclusive”).

15 **§ 27135. Exception for loan of unloaded firearm under specified circumstances by dealer to  
16 person at target facility or at premises of target shooting club or organization**

17 27135. (a) Article 1 (commencing with Section 26700) and Article 2  
18 (commencing with Section 26800) do not apply to the loan of an unloaded firearm  
19 if all of the following conditions are satisfied:

20 (1) The loan is made by a dealer who also operates a target facility that holds a  
21 business or regulatory license on the premises of the building designated in the  
22 license.

23 (2) The loan is made to a person at that target facility.

24 (3) The firearm is at all times kept within the premises of the target facility.

25 (b) Article 1 (commencing with Section 26700) and Article 2 (commencing with  
26 Section 26800) do not apply to the loan of an unloaded firearm if all of the  
27 following conditions are satisfied:

28 (1) The loan is made by a dealer whose building designated in the license is on  
29 the premises of any club or organization organized for the purposes of practicing  
30 shooting at targets upon established ranges, whether public or private.

31 (2) The loan is made to a person at that club or organization.

32 (3) The firearm is at all times kept within the premises of the club or  
33 organization.

34 **Comment.** Section 27135 continues former Section 12078(k)(6) without substantive change,  
35 as that provision applied to former Section 12071.

36 See Sections 16520 (“firearm”), 26700 (“dealer,” “licensee,” or “person licensed pursuant to  
37 Sections 26700 to 26915, inclusive”).

38 **§ 27140. Exception for sale, delivery, or transfer of firearms regulated pursuant to specified  
39 statutes, if sale, delivery, or transfer complies with applicable statutory provisions**

40 27140. Article 1 (commencing with Section 26700) and Article 2 (commencing  
41 with Section 26800) do not apply to the sale, delivery, or transfer of firearms



1 regulated pursuant to any of the following statutes, if the sale, delivery, or transfer  
2 is conducted in accordance with the applicable provisions of the statute:

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

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

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

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

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

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

19 (g) Sections 33215 to 33225, inclusive, relating to short-barreled rifles and  
20 short-barreled shotguns, and the exemptions in Chapter 1 (commencing with  
21 Section 17700) of Title 2, as they relate to short-barreled rifles and short-barreled  
22 shotguns.

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

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

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

29 See Sections 16330 (“cane gun”), 16520 (“firearm”), 16880 (“machinegun”), 17170 (“short-  
30 barreled rifle”), 17180 (“short-barreled shotgun”), 17270 (“unconventional pistol”), 17280  
31 (“undetectable firearm”), 17330 (“wallet gun”), 17360 (“zip gun”) 30510 (“assault weapon”),  
32 30515 (further clarification of “assault weapon”).

33 CHAPTER 3. GUN SHOW OR EVENT

34 Article 1. Gun Show or Event

35 § 27200. Certificate of eligibility for organizing gun show or event

36 27200. (a) No person shall produce, promote, sponsor, operate, or otherwise  
37 organize a gun show or event, as specified in subdivision (b) of Section 26805,  
38 unless that person possesses a valid certificate of eligibility from the Department  
39 of Justice.

40 (b) Unless the department’s records indicate that the applicant is a person  
41 prohibited from possessing firearms, a certificate of eligibility shall be issued by

1 the Department of Justice to an applicant provided the applicant does all of the  
2 following:

3 (1) Certifies that the applicant is familiar with the provisions of this article and  
4 Article 2 (commencing with Section 27300).

5 (2) Ensures that liability insurance is in effect for the duration of an event or  
6 show in an amount of not less than one million dollars (\$1,000,000).

7 (3) Provides an annual list of the gun shows or events that the applicant plans to  
8 promote, produce, sponsor, operate, or otherwise organize during the year for  
9 which the certificate of eligibility is issued, including the date, time, and location  
10 of the gun shows or events.

11 (c) If during that year the information required by paragraph (3) of subdivision  
12 (b) changes, or additional gun shows or events will be promoted, produced,  
13 sponsored, operated, or otherwise organized by the applicant, the producer shall  
14 notify the Department of Justice no later than 30 days prior to the gun show or  
15 event.

16 (d) The Department of Justice shall adopt regulations to administer the  
17 certificate of eligibility program under this section.

18 (e) The Department of Justice shall recover the full costs of administering the  
19 certificate of eligibility program by fees assessed applicants who apply for  
20 certificates. A licensed gun show producer shall be assessed an annual fee of  
21 eighty-five dollars (\$85) by the department.

22 (f) It is the intent of the Legislature that the certificate of eligibility program  
23 established pursuant to this section be incorporated into the certificate of eligibility  
24 program established pursuant to Section 26710 to the maximum extent practicable.

25 **Comment.** Subdivision (a) of Section 27200 continues the first sentence of former Section  
26 12071.1(a) without substantive change.

27 Subdivision (b) continues the second sentence of former Section 12071.1(a) without  
28 substantive change.

29 Subdivision (c) continues former Section 12071.1(b) without substantive change.

30 Subdivisions (d) and (e) continue former Section 12071.1(d) without substantive change.

31 Subdivision (f) continues former Section 12071.1(q) without substantive change.

32 For exceptions to provisions in this article and Article 2 (commencing with Section 27300), see  
33 Article 3 (commencing with Section 27400).

34 For the consequences of violating this article, see Section 27245 (punishment).

35 See Sections 16520 (“firearm”), 16800 (“licensed gun show producer”).

36 **§ 27205. List of participants in gun show or event**

37 27205. (a) Before commencement of a gun show or event, the producer thereof  
38 shall, upon written request from a law enforcement agency with jurisdiction over  
39 the facility, make available to that agency, within 48 hours or a later time specified  
40 by the agency, a complete and accurate list of all persons, entities, and  
41 organizations that have leased or rented, or are known to the producer to intend to  
42 lease or rent, any table, display space, or area at the gun show or event for the  
43 purpose of selling, leasing, or transferring firearms.

1 (b) The producer shall thereafter, upon written request, for every day the gun  
2 show or event operates, within 24 hours or a later time specified by the requesting  
3 law enforcement agency, make available to that agency an accurate, complete, and  
4 current list of the persons, entities, and organizations that have leased or rented, or  
5 are known to the producer to intend to lease or rent, any table, display space, or  
6 area at the gun show or event for the purpose of selling, leasing, or transferring  
7 firearms.

8 (c) Subdivisions (a) and (b) apply to any person, entity, or organization,  
9 regardless of whether that person, entity, or organization participates in the entire  
10 gun show or event, or only a portion thereof.

11 (d) The information that may be requested by the law enforcement agency with  
12 jurisdiction over the facility, and that shall be provided by the producer upon  
13 request, may include, but is not limited to, the following information relative to a  
14 vendor who offers for sale firearms manufactured after December 31, 1898:

15 (1) The vendor's complete name.

16 (2) A driver's license or identification card number.

17 **Comment.** Subdivision (a) of Section 27205 continues the first paragraph of former Section  
18 12071.1(f) without substantive change.

19 Subdivision (b) continues the second paragraph of former Section 12071.1(f) without  
20 substantive change.

21 Subdivision (c) continues the third paragraph of former Section 12071.1(f) without substantive  
22 change.

23 Subdivision (d) continues former Section 12071.1(g) without substantive change.

24 For exceptions to provisions in this article and Article 2 (commencing with Section 27300), see  
25 Article 3 (commencing with Section 27400).

26 For the consequences of violating this article, see Section 27245 (punishment).

27 See Section 16520 ("firearm").

28 **Note.** Proposed Section 27205(d) refers to "a vendor who offers for sale firearms  
29 manufactured after December 31, 1898." (Emphasis added.) The reference to "1898" is not a  
30 mistake. See existing Section 12071.1(g).

### 31 § 27210. Annual event and security plan and schedule

32 27210. (a) The producer and facility manager of a gun show or event shall  
33 prepare an annual event and security plan and schedule that shall include, at a  
34 minimum, the following information for each show or event:

35 (1) The type of show or event including, but not limited to, antique or general  
36 firearms.

37 (2) The estimated number of vendors offering firearms for sale or display.

38 (3) The estimated number of attendees.

39 (4) The number of entrances and exits at the gun show or event site.

40 (5) The location, dates, and times of the show or event.

41 (6) The contact person and telephone number for both the producer and the  
42 facility.

43 (7) The number of sworn peace officers employed by the producer or the  
44 facilities manager who will be present at the show or event.

1 (8) The number of nonsworn security personnel employed by the producer or the  
2 facility's manager who will be present at the show or event.

3 (b) The annual event and security plan shall be submitted by either the producer  
4 or the facility's manager to the Department of Justice and the law enforcement  
5 agency with jurisdiction over the facility.

6 (c) If significant changes have been made since the annual plan was submitted,  
7 the producer shall, not later than 15 days before commencement of the gun show  
8 or event, submit to the department, the law enforcement agency with jurisdiction  
9 over the facility site, and the facility's manager, a revised event and security plan,  
10 including a revised list of vendors that the producer knows, or reasonably should  
11 know, will be renting tables, space, or otherwise participating in the gun show or  
12 event.

13 (d) The event and security plan shall be approved by the facility's manager  
14 before the event or show, after consultation with the law enforcement agency with  
15 jurisdiction over the facility.

16 (e) No gun show or event shall commence unless the requirements of  
17 subdivisions (b), (c), and (d) are met.

18 **Comment.** Subdivision (a) of Section 27210 continues former Section 12071.1(h) without  
19 substantive change.

20 Subdivision (b) continues the first sentence of former Section 12071.1(i) without substantive  
21 change.

22 Subdivision (c) continues the second sentence of former Section 12071.1(i) without substantive  
23 change.

24 Subdivision (d) continues the third sentence of former Section 12071.1(i) without substantive  
25 change.

26 Subdivision (e) continues the fourth sentence of former Section 12071.1(i) without substantive  
27 change.

28 For exceptions to provisions in this article and Article 2 (commencing with Section 27300), see  
29 Article 3 (commencing with Section 27400).

30 For the consequences of violating this article, see Section 27245 (punishment).

31 See Section 16520 ("firearm").

32 **§ 27215. Producer's duty to inform vendor of legal requirements**

33 27215. The producer of a gun show or event shall be responsible for informing  
34 prospective gun show vendors of the requirements of this article and of Article 2  
35 (commencing with Section 27300) that apply to vendors.

36 **Comment.** Section 27215 continues former Section 12071.1(j) without substantive change.

37 For exceptions to provisions in this article and Article 2 (commencing with Section 27300), see  
38 Article 3 (commencing with Section 27400).

39 For the consequences of violating this article, see Section 27245 (punishment).

40 **§ 27220. Participation of licensed firearms dealer in gun show or event**

41 27220. (a) Within seven calendar days of the commencement of a gun show or  
42 event, but not later than noon on Friday for a show or event held on a weekend,  
43 the producer shall submit a list of all prospective vendors and designated firearms  
44 transfer agents who are licensed firearms dealers to the Department of Justice for

1 the purpose of determining whether these prospective vendors and designated  
2 firearms transfer agents possess valid licenses and are thus eligible to participate  
3 as licensed dealers at the show or event.

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

7 **Comment.** Subdivision (a) of Section 27220 continues the first sentence of former Section  
8 12071.1(k) without substantive change.

9 Subdivision (b) continues the second sentence of former Section 12071.1(k) without  
10 substantive change.

11 For exceptions to provisions in this article and Article 2 (commencing with Section 27300), see  
12 Article 3 (commencing with Section 27400).

13 For the consequences of violating this article, see Section 27245 (punishment).

14 See Sections 16520 ("firearm"), 26700 ("dealer," "licensee," or "person licensed pursuant to  
15 Sections 26700 to 26915, inclusive").

16 **§ 27225. Cooperation of licensed firearms dealer**

17 27225. If a licensed firearms dealer fails to cooperate with a producer of a gun  
18 show or event, or fails to comply with the applicable requirements of this article or  
19 Article 2 (commencing with Section 27300), that person shall not be allowed to  
20 participate in that show or event.

21 **Comment.** Section 27225 continues former Section 12071.1(l) without substantive change.

22 For exceptions to provisions in this article and Article 2 (commencing with Section 27300), see  
23 Article 3 (commencing with Section 27400).

24 For the consequences of violating this article, see Section 27245 (punishment).

25 See Sections 16520 ("firearm"), 26700 ("dealer," "licensee," or "person licensed pursuant to  
26 Sections 26700 to 26915, inclusive").

27 **§ 27230. Producer's failure to comply with Section 27215 or 27220**

28 27230. If a producer fails to comply with Section 27215 or 27220, the gun show  
29 or event shall not commence until those requirements are met.

30 **Comment.** Section 27230 continues former Section 12071.1(m) without substantive change.

31 For exceptions to provisions in this article and Article 2 (commencing with Section 27300), see  
32 Article 3 (commencing with Section 27400).

33 For the consequences of violating this article, see Section 27245 (punishment).

34 **§ 27235. Written contract between producer and vendor**

35 27235. The producer of a gun show or event shall have a written contract with  
36 each gun show vendor selling firearms at the show or event.

37 **Comment.** Section 27235 continues former Section 12071.1(n) without substantive change.

38 For exceptions to provisions in this article and Article 2 (commencing with Section 27300), see  
39 Article 3 (commencing with Section 27400).

40 For the consequences of violating this article, see Section 27245 (punishment).

41 See Section 16520 ("firearm").

1 § 27240. Posting of signs

2 27240. (a) The producer of a gun show or event shall require that signs be  
3 posted in a readily visible location at each public entrance to the show containing,  
4 but not limited to, the following notices:

5 (1) This gun show follows all federal, state, and local firearms and weapons  
6 laws, without exception.

7 (2) Any firearm carried onto the premises by any member of the public will be  
8 checked, cleared of any ammunition, and secured in a manner that prevents it from  
9 being operated, and an identification tag or sticker will be attached to the firearm  
10 before the person is allowed admittance to the show.

11 (3) No member of the public under the age of 18 years shall be admitted to the  
12 show unless accompanied by a parent, grandparent, or legal guardian.

13 (4) All firearms transfers between private parties at the show shall be conducted  
14 through a licensed dealer in accordance with applicable state and federal laws.

15 (5) Persons possessing firearms at this facility must have in their immediate  
16 possession government-issued photo identification, and display it upon request to  
17 any security officer or any peace officer, as defined in Section 830.

18 (b) The show producer shall post, in a readily visible location at each entrance to  
19 the parking lot at the show, signage that states: “The transfer of firearms on the  
20 parking lot of this facility is a crime.”

21 **Comment.** Subdivision (a) of Section 27240 continues former Section 12071.1(o) without  
22 substantive change.

23 Subdivision (b) continues former Section 12071.1(p) without substantive change.

24 For exceptions to provisions in this article and Article 2 (commencing with Section 27300), see  
25 Article 3 (commencing with Section 27400).

26 For the consequences of violating this article, see Section 27245 (punishment).

27 See Sections 16520 (“firearm”), 26700 (“dealer,” “licensee,” or “person licensed pursuant to  
28 Sections 26700 to 26915, inclusive”).

29 § 27245. Punishment

30 27245. (a) A willful failure by a gun show producer to comply with any of the  
31 requirements of this article, except for the posting of required signs, shall be a  
32 misdemeanor punishable by a fine not to exceed two thousand dollars (\$2,000),  
33 and shall render the producer ineligible for a gun show producer license for one  
34 year from the date of the conviction.

35 (b) A willful failure of a gun show producer to post signs as required by this  
36 article shall be a misdemeanor punishable by a fine not to exceed one thousand  
37 dollars (\$1,000) for the first offense and not to exceed two thousand dollars  
38 (\$2,000) for the second or subsequent offense, and with respect to the second or  
39 subsequent offense, shall render the producer ineligible for a gun show producer  
40 license for one year from the date of the conviction.

41 (c) Multiple violations charged pursuant to subdivision (a) arising from more  
42 than one gun show or event shall be grounds for suspension of a producer’s  
43 certificate of eligibility pending adjudication of the violations.

1       **Comment.** Subdivision (a) of Section 27245 continues former Section 12071.1(e)(1) without  
2 substantive change.

3       Subdivision (b) continues former Section 12071.1(e)(2) without substantive change.

4       Subdivision (c) continues former Section 12071.1(e)(3) without substantive change.

5       A violation of the predecessor of this article (former Section 12071.1) counts as a prior offense  
6 in determining the appropriate punishment under this section. See Section 16015 (determining  
7 existence of prior conviction).

8       For exceptions to provisions in this article and Article 2 (commencing with Section 27300), see  
9 Article 3 (commencing with Section 27400).

## 10                   Article 2. Gun Show Enforcement and Security Act of 2000

### 11       **§ 27300. Title of act**

12       27300. This article shall be known, and may be cited as, the Gun Show  
13 Enforcement and Security Act of 2000.

14       **Comment.** Section 27300 continues former Section 12071.4(a) without substantive change.

### 15       **§ 27305. Vendor certification to producer**

16       27305. All gun show or event vendors shall certify in writing to the producer  
17 that they:

18       (a) Will not display, possess, or offer for sale any firearms, knives, or weapons  
19 for which possession or sale is prohibited.

20       (b) Acknowledge that they are responsible for knowing and complying with all  
21 applicable federal, state, and local laws dealing with the possession and transfer of  
22 firearms.

23       (c) Will not engage in activities that incite or encourage hate crimes.

24       (d) Will process all transfers of firearms through licensed firearms dealers as  
25 required by state law.

26       (e) Will verify that all firearms in their possession at the show or event will be  
27 unloaded, and that the firearms will be secured in a manner that prevents them  
28 from being operated except for brief periods when the mechanical condition of a  
29 firearm is being demonstrated to a prospective buyer.

30       (f) Have complied with the requirements of Section 27320.

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

32       **Comment.** Section 27305 continues former Section 12071.4(b) without substantive change.

33       For exceptions to provisions in this article and Article 1 (commencing with Section 27200), see  
34 Article 3 (commencing with Section 27400).

35       For the consequences of violating this article, see Section 27350 (punishment).

36       See Sections 16520 (“firearm”), 26700 (“dealer,” “licensee,” or “person licensed pursuant to  
37 Sections 26700 to 26915, inclusive”).

### 38       **§ 27310. Compliance with federal and state laws**

39       27310. All firearms transfers at a gun show or event shall be in accordance with  
40 applicable state and federal laws.

41       **Comment.** Section 27310 continues former Section 12071.4(c) without substantive change.

1 For exceptions to provisions in this article and Article 1 (commencing with Section 27200), see  
2 Article 3 (commencing with Section 27400).

3 For the consequences of violating this article, see Section 27350 (punishment).

4 See Section 16520 (“firearm”).

5 **§ 27315. Display of ammunition**

6 27315. Except for purposes of showing ammunition to a prospective buyer,  
7 ammunition at a gun show or event may be displayed only in closed original  
8 factory boxes or other closed containers.

9 **Comment.** Section 27315 continues former Section 12071.4(d) without substantive change.

10 For exceptions to provisions in this article and Article 1 (commencing with Section 27200), see  
11 Article 3 (commencing with Section 27400).

12 For the consequences of violating this article, see Section 27350 (punishment).

13 **§ 27320. Information to be provided by vendor**

14 27320. (a) Before commencement of a gun show or event, each vendor who will  
15 offer for sale firearms manufactured after December 31, 1898, shall provide to the  
16 producer all of the following information relative to the vendor, the vendor’s  
17 employees, and other persons, compensated or not, who will be working or  
18 otherwise providing services to the public at the vendor’s display space:

19 (1) The person’s complete name.

20 (2) The person’s driver’s license or state-issued identification card number.

21 (3) The person’s date of birth.

22 (b) The producer shall keep the information at the onsite headquarters of the  
23 show or event for the duration of the show or event, and at the producer’s regular  
24 place of business for two weeks after the conclusion of the show or event. The  
25 producer shall make the information available upon request to any sworn peace  
26 officer for purposes of the officer’s official law enforcement duties.

27 **Comment.** Section 27320 continues former Section 12071.4(e) without substantive change.

28 For exceptions to provisions in this article and Article 1 (commencing with Section 27200), see  
29 Article 3 (commencing with Section 27400).

30 For the consequences of violating this article, see Section 27350 (punishment).

31 See Section 16520 (“firearm”).

32 **Note.** Proposed Section 27320(a) refers to “each vendor who will offer for sale firearms  
33 manufactured after December 31, 1898 ...” (Emphasis added.) The reference to “1898” is not a  
34 mistake. See existing Section 12071.4(e).

35 **§ 27325. Nametag requirement**

36 27325. At any gun show or event, each vendor and each employee of a vendor  
37 shall wear a name tag indicating first and last name.

38 **Comment.** Section 27325 continues former Section 12071.4(f) without substantive change.

39 For exceptions to provisions in this article and Article 1 (commencing with Section 27200), see  
40 Article 3 (commencing with Section 27400).

41 For the consequences of violating this article, see Section 27350 (punishment).



1    **§ 27330. Simultaneous possession of firearm and ammunition designed for that firearm**

2       27330. No person at a gun show or event, other than security personnel or sworn  
3 peace officers, shall possess at the same time both a firearm and ammunition that  
4 is designed to be fired in the firearm. Vendors having those items at the show for  
5 sale or exhibition are exempt from this prohibition.

6       **Comment.** Section 27330 continues former Section 12071.4(g) without substantive change.

7       For exceptions to provisions in this article and Article 1 (commencing with Section 27200), see  
8 Article 3 (commencing with Section 27400).

9       For the consequences of violating this article, see Section 27350 (punishment).

10      See Section 16520 (“firearm”).

11    **§ 27335. Attendance by person under 18**

12      27335. No member of the public who is under the age of 18 years shall be  
13 admitted to, or be permitted to remain at, a gun show or event unless accompanied  
14 by a parent or legal guardian. Any member of the public who is under the age of  
15 18 shall be accompanied by that person’s parent, grandparent, or legal guardian  
16 while at the show or event.

17      **Comment.** Section 27335 continues former Section 12071.4(h) without substantive change.

18      For exceptions to provisions in this article and Article 1 (commencing with Section 27200), see  
19 Article 3 (commencing with Section 27400).

20      For the consequences of violating this article, see Section 27350 (punishment).

21    **§ 27340. Firearm brought to gun show by member of public**

22      27340. (a) Persons other than show or event security personnel, sworn peace  
23 officers, or vendors, who bring firearms onto the gun show or event premises shall  
24 sign in ink the tag or sticker that is attached to the firearm prior to being allowed  
25 admittance to the show or event, as provided for in subdivision (b).

26      (b) All firearms carried onto the premises of a gun show or event by members of  
27 the public shall be checked, cleared of any ammunition, secured in a manner that  
28 prevents them from being operated, and an identification tag or sticker shall be  
29 attached to the firearm, prior to the person being allowed admittance to the show.  
30 The identification tag or sticker shall state that all firearms transfers between  
31 private parties at the show or event shall be conducted through a licensed dealer in  
32 accordance with applicable state and federal laws. The person possessing the  
33 firearm shall complete the following information on the tag before it is attached to  
34 the firearm:

35      (1) The gun owner’s signature.

36      (2) The gun owner’s printed name.

37      (3) The identification number from the gun owner’s government-issued photo  
38 identification.

39      **Comment.** Subdivision (a) of Section 27340 continues former Section 12071.4(i) without  
40 substantive change.

41      Subdivision (b) continues former Section 12071.4(j) without substantive change.

42      See Section 16520 (“firearm”).

43      For exceptions to provisions in this article and Article 1 (commencing with Section 27200), see  
44 Article 3 (commencing with Section 27400).

1 For the consequences of violating this article, see Section 27350 (punishment).

2 **§ 27345. Government-issued photo identification**

3 27345. Any person who possesses a firearm at a gun show or event shall have  
4 government-issued photo identification in immediate possession, and shall display  
5 it upon request to any security officer or peace officer.

6 **Comment.** Section 27345 continues former Section 12071.4(k) without substantive change.

7 For exceptions to provisions in this article and Article 1 (commencing with Section 27200), see  
8 Article 3 (commencing with Section 27400).

9 For the consequences of violating this article, see Section 27350 (punishment).

10 See Section 16520 (“firearm”).

11 **§ 27350. Punishment**

12 27350. (a) Unless otherwise specified, a first violation of this article is an  
13 infraction.

14 (b) Any second or subsequent violation of this article is a misdemeanor.

15 (c) Any person who commits an act the person knows to be a violation of this  
16 article is guilty of a misdemeanor for a first offense.

17 **Comment.** Section 27350 continues former Section 12071.4(l) without substantive change.

18 A violation of the predecessor of this article (former Section 12071.4(k)) counts as a prior  
19 offense in determining the appropriate punishment under this section. See Section 16015  
20 (determining existence of prior conviction).

21 For exceptions to provisions in this article and Article 1 (commencing with Section 27200), see  
22 Article 3 (commencing with Section 27400).

23 **Article 3. Exceptions Relating to Law Enforcement**

24 **§ 27400. Exception for sale, delivery, or transfer to authorized law enforcement**  
25 **representative of city, county, city and county, or state or federal government**

26 27400. (a) Article 1 (commencing with Section 27200) and Article 2  
27 (commencing with Section 27300) do not apply to any sale, delivery, or transfer of  
28 firearms made to an authorized law enforcement representative of any city,  
29 county, city and county, or state, or of the federal government, for exclusive use  
30 by that governmental agency if, prior to the sale, delivery, or transfer of these  
31 firearms, written authorization from the head of the agency authorizing the  
32 transaction is presented to the person from whom the purchase, delivery, or  
33 transfer is being made.

34 (b) Proper written authorization is defined as verifiable written certification from  
35 the head of the agency by which the purchaser or transferee is employed,  
36 identifying the employee as an individual authorized to conduct the transaction,  
37 and authorizing the transaction for the exclusive use of the agency by which that  
38 person is employed.

39 (c) Within 10 days of the date a handgun is acquired by the agency, a record of  
40 the same shall be entered as an institutional weapon into the Automated Firearms  
41 System (AFS) via the California Law Enforcement Telecommunications System

1 (CLETS) by the law enforcement or state agency. Any agency without access to  
2 AFS shall arrange with the sheriff of the county in which the agency is located to  
3 input this information via this system.

4 **Comment.** Section 27400 continues former Section 12078(a)(2) without substantive change, as  
5 that provision applied to former Sections 12071.1 and 12071.4 (through its reference to “the  
6 preceding provisions of this article”).

7 See Sections 16520 (“firearm”), 16640 (“handgun”).

8 **§ 27405. Exception for loan of firearm to peace officer employee for use in performing**  
9 **official duties**

10 27405. Article 1 (commencing with Section 27200) and Article 2 (commencing  
11 with Section 27300) do not apply to the loan of a firearm if all of the following  
12 conditions are satisfied:

13 (a) The loan is made by an authorized law enforcement representative of a city,  
14 county, or city and county, or of the state or federal government.

15 (b) The loan is made to a peace officer employed by that agency and authorized  
16 to carry a firearm.

17 (c) The loan is made for the carrying and use of that firearm by that peace  
18 officer in the course and scope of the officer’s duties.

19 **Comment.** Section 27405 continues former Section 12078(a)(3) without substantive change, as  
20 that provision applied to former Sections 12071.1 and 12071.4 (through its reference to “the  
21 preceding provisions of this article”).

22 See Section 16520 (“firearm”).

23 **§ 27410. Exception for sale, delivery, or transfer by law enforcement agency to peace officer**  
24 **pursuant to Public Contract Code**

25 27410. (a) Article 1 (commencing with Section 27200) and Article 2  
26 (commencing with Section 27300) do not apply to the sale, delivery, or transfer of  
27 a firearm by a law enforcement agency to a peace officer pursuant to Section  
28 10334 of the Public Contract Code.

29 (b) Within 10 days of the date that a handgun is sold, delivered, or transferred  
30 pursuant to Section 10334 of the Public Contract Code to that peace officer, the  
31 name of the officer and the make, model, serial number, and other identifying  
32 characteristics of the firearm being sold, delivered, or transferred shall be entered  
33 into the Automated Firearms System (AFS) via the California Law Enforcement  
34 Telecommunications System (CLETS) by the law enforcement or state agency that  
35 sold, delivered, or transferred the firearm. Any agency without access to AFS shall  
36 arrange with the sheriff of the county in which the agency is located to input this  
37 information via this system.

38 **Comment.** Section 27410 continues former Section 12078(a)(4) without substantive change, as  
39 that provision applied to former Sections 12071.1 and 12071.4 (through its reference to “the  
40 preceding provisions of this article”).

41 See Sections 16520 (“firearm”), 16640 (“handgun”).

1 § 27415. Exception for sale, delivery, or transfer by law enforcement agency to retiring  
2 peace officer authorized to carry concealed and loaded firearm

3 27415. (a) Article 1 (commencing with Section 27200) and Article 2  
4 (commencing with Section 27300) do not apply to the sale, delivery, or transfer of  
5 a firearm by a law enforcement agency to a retiring peace officer who is  
6 authorized to carry a firearm pursuant to Chapter 5 (commencing with Section  
7 26300) of Division 5.

8 (b) Within 10 days of the date that a handgun is sold, delivered, or transferred to  
9 that retiring peace officer, the name of the officer and the make, model, serial  
10 number, and other identifying characteristics of the firearm being sold, delivered,  
11 or transferred shall be entered into the Automated Firearms System (AFS) via the  
12 California Law Enforcement Telecommunications System (CLETS) by the law  
13 enforcement or state agency that sold, delivered, or transferred the firearm. Any  
14 agency without access to AFS shall arrange with the sheriff of the county in which  
15 the agency is located to input this information via this system.

16 **Comment.** Section 27415 continues former Section 12078(a)(5) without substantive change, as  
17 that provision applied to former Sections 12071.1 and 12071.4 (through its reference to “the  
18 preceding provisions of this article”).

19 See Sections 16520 (“firearm”), 16640 (“handgun”).

20 CHAPTER 4. CRIMES RELATING TO SALE, LEASE, OR TRANSFER OF FIREARMS

21 Article 1. Crimes Relating to Sale, Lease, or Transfer of Firearms

22 § 27500. Providing firearm to person in prohibited class

23 27500. (a) No person, corporation, or firm shall knowingly supply, deliver, sell,  
24 or give possession or control of a firearm to any person within any of the classes  
25 prohibited by Chapter 2 (commencing with Section 29800) or 3 (commencing  
26 with Section 29900) of Division 9.

27 (b) No person, corporation, or dealer shall sell, supply, deliver, or give  
28 possession or control of a firearm to anyone whom the person, corporation, or  
29 dealer has cause to believe is within any of the classes prohibited by Chapter 2  
30 (commencing with Section 29800) or 3 (commencing with Section 29900) of  
31 Division 9 of this title, or Section 8100 or 8103 of the Welfare and Institutions  
32 Code.

33 **Comment.** Subdivision (a) of Section 27500 continues former Section 12072(a)(1) without  
34 substantive change.

35 Subdivision (b) continues former Section 12072(a)(2) without substantive change.

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

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

39 See Sections 16520 (“firearm”), 26700 (“dealer,” “licensee,” or “person licensed pursuant to  
40 Sections 26700 to 26915, inclusive”).

1 **§ 27505. Person, corporation, or firm that sells, loans, or transfers firearm to minor or**  
2 **handgun to person under age 21**

3 27505. (a) No person, corporation, or firm shall sell, loan, or transfer a firearm  
4 to a minor, nor sell a handgun to an individual under 21 years of age.

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

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

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

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

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

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

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

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

28 (6) The loan of a handgun to a minor by a person who is not the minor's parent  
29 or legal guardian, if all of the following requirements are satisfied:

30 (A) The minor is accompanied by the minor's parent or legal guardian when the  
31 loan is made, or the minor has the written consent of the minor's parent or legal  
32 guardian, which is presented at the time of the loan, or earlier.

33 (B) The minor is being loaned the firearm for the purpose of engaging in a  
34 lawful, recreational sport, including, but not limited to, competitive shooting, or  
35 agricultural, ranching, or hunting activity, or a motion picture, television, or video  
36 production, or entertainment or theatrical event, the nature of which involves the  
37 use of a firearm.

38 (C) The duration of the loan does not exceed the amount of time that is  
39 reasonably necessary to engage in the lawful, recreational sport, including, but not  
40 limited to, competitive shooting, or agricultural, ranching, or hunting activity, or a  
41 motion picture, television, or video production, or entertainment or theatrical  
42 event, the nature of which involves the use of a firearm.

43 (D) The duration of the loan does not, in any event, exceed 10 days.

1 **Comment.** Subdivision (a) of Section 27505 continues former Section 12072(a)(3)(A) without  
2 substantive change.

3 Subdivision (b) continues without substantive change former Section 12072(a)(3)(B) and  
4 former Section 12078(p), as it pertained to former Section 12072(a)(3). See Section 16170  
5 (“antique firearm”).

6 For exceptions to this provision, see Article 2 (commencing with Section 27600).

7 For the consequences of violating this section, see Section 27590 (punishment for violation of  
8 article).

9 See also Sections 16520 (“firearm”), 16640 (“handgun”).

10 **§ 27510. Dealer that supplies, delivers, or gives possession or control of firearm to minor or**  
11 **handgun to person under age 21**

12 27510. No person licensed under Sections 26700 to 26915, inclusive, shall  
13 supply, sell, deliver, or give possession or control of a pistol, revolver, or firearm  
14 capable of being concealed upon the person to any person under the age of 21  
15 years, or any other firearm to a person under the age of 18 years.

16 **Comment.** Section 27510 continues former Section 12072(b) without substantive change.

17 For exceptions to this provision, see Article 2 (commencing with Section 27600).

18 For the consequences of violating this section, see Section 27590 (punishment for violation of  
19 article).

20 See Sections 16520 “firearm,” 16530 (“firearm capable of being concealed upon the person,”  
21 “pistol,” and “revolver.”

22 **§ 27515. Providing firearm to sham recipient**

23 27515. No person, corporation, or dealer shall sell, loan, or transfer a firearm to  
24 anyone whom the person, corporation, or dealer has cause to believe is not the  
25 actual purchaser or transferee of the firearm, or to anyone who is not the one  
26 actually being loaned the firearm, if the person, corporation, or dealer has either of  
27 the following:

28 (a) Knowledge that the firearm is to be subsequently loaned, sold, or transferred  
29 to avoid the provisions of Section 27540 or 27545.

30 (b) Knowledge that the firearm is to be subsequently loaned, sold, or transferred  
31 to avoid the requirements of any exemption to the provisions of Section 27540 or  
32 27545.

33 **Comment.** Section 27515 continues former Section 12072(a)(4) without substantive change.

34 For exceptions to this provision, see Article 2 (commencing with Section 27600).

35 For the consequences of violating this section, see Section 27590 (punishment for violation of  
36 article).

37 See Sections 16520 (“firearm”), 26700 (“dealer,” “licensee,” or “person licensed pursuant to  
38 Sections 26700 to 26915, inclusive”).

39 **§ 27520. Acquiring firearm with intent to violate certain restrictions**

40 27520. No person, corporation, or dealer shall acquire a firearm for the purpose  
41 of selling, transferring, or loaning the firearm, if the person, corporation, or dealer  
42 has either of the following:

43 (a) In the case of a dealer, intent to violate Section 27510 or 27540.

44 (b) In any other case, intent to avoid either of the following:

1 (1) The provisions of Section 27545.

2 (2) The requirements of any exemption to the provisions of Section 27545.

3 **Comment.** Section 27520 continues former Section 12072(a)(5) without substantive change.

4 For exceptions to this provision, see Article 2 (commencing with Section 27600).

5 For the consequences of violating this section, see Section 27590 (punishment for violation of  
6 article).

7 See Sections 16520 (“firearm”), 26700 (“dealer,” “licensee,” or “person licensed pursuant to  
8 Sections 26700 to 26915, inclusive”).

9 **§ 27525. Compliance with reporting requirements**

10 27525. (a) A dealer shall comply with Section 26905.

11 (b) A dealer shall comply with Section 26910.

12 **Comment.** Subdivision (a) of Section 27525 continues former Section 12072(a)(6), relating to  
13 reporting of handgun acquisitions, without substantive change.

14 Subdivision (b) continues former Section 12072(a)(7), relating to reporting of information on a  
15 firearm that is not timely delivered, without substantive change.

16 For exceptions to this provision, see Article 2 (commencing with Section 27600).

17 For the consequences of violating this section, see Section 27590 (punishment for violation of  
18 article).

19 See Sections 16520 (“firearm”), 16640 (“handgun”), 26700 (“dealer,” “licensee,” or “person  
20 licensed pursuant to Sections 26700 to 26915, inclusive”).

21 **§ 27530. Transfer of handgun that lacks identifying information**

22 27530. No person shall sell or otherwise transfer ownership in a pistol, revolver,  
23 or other firearm capable of being concealed upon the person unless the firearm  
24 bears either:

25 (a) The name of the manufacturer, the manufacturer’s make or model, and a  
26 manufacturer’s serial number assigned to that firearm.

27 (b) The identification number or mark assigned to the firearm by the Department  
28 of Justice pursuant to Section 23910.

29 **Comment.** Section 27530 continues former Section 12072(a)(8) without substantive change.

30 For exceptions to this provision, see Article 2 (commencing with Section 27600).

31 For the consequences of violating this section, see Section 27590 (punishment for violation of  
32 article).

33 See Sections 16520 (“firearm”), 16530 (“firearm capable of being concealed upon the person,”  
34 “pistol,” and “revolver”), 16640 (“handgun”).

35 **§ 27535. Purchasing more than one firearm in 30-day period**

36 27535. (a) No person shall make an application to purchase more than one  
37 pistol, revolver, or other firearm capable of being concealed upon the person  
38 within any 30-day period.

39 (b) Subdivision (a) shall not apply to any of the following:

40 (1) Any law enforcement agency.

41 (2) Any agency duly authorized to perform law enforcement duties.

42 (3) Any state or local correctional facility.

43 (4) Any private security company licensed to do business in California.

1 (5) Any person who is properly identified as a full-time paid peace officer, as  
2 defined in Chapter 4.5 (commencing with Section 830) of Title 3 of Part 2, and  
3 who is authorized to, and does carry a firearm during the course and scope of  
4 employment as a peace officer.

5 (6) Any motion picture, television, or video production company or  
6 entertainment or theatrical company whose production by its nature involves the  
7 use of a firearm.

8 (7) Any person who may, pursuant to Article 2 (commencing with Section  
9 27600), 3 (commencing with Section 27650), or 4 (commencing with Section  
10 27700), claim an exemption from the waiting period set forth in Section 27540.

11 (8) Any transaction conducted through a licensed firearms dealer pursuant to  
12 Chapter 5 (commencing with Section 28050).

13 (9) Any person who is licensed as a collector pursuant to Chapter 44  
14 (commencing with Section 921) of Title 18 of the United States Code and the  
15 regulations issued pursuant thereto, and has a current certificate of eligibility  
16 issued by the Department of Justice pursuant to Article 1 (commencing with  
17 Section 26700) of Chapter 2.

18 (10) The exchange of a pistol, revolver, or other firearm capable of being  
19 concealed upon the person where the dealer purchased that firearm from the  
20 person seeking the exchange within the 30-day period immediately preceding the  
21 date of exchange or replacement.

22 (11) The replacement of a pistol, revolver, or other firearm capable of being  
23 concealed upon the person when the person's pistol, revolver, or other firearm  
24 capable of being concealed upon the person was lost or stolen, and the person  
25 reported that firearm lost or stolen prior to the completion of the application to  
26 purchase to any local law enforcement agency of the city, county, or city and  
27 county in which the person resides.

28 (12) The return of any pistol, revolver, or other firearm capable of being  
29 concealed upon the person to its owner.

30 **Comment.** Section 27535 continues former Section 12072(a)(9) without substantive change.

31 For exceptions to this provision, see Article 2 (commencing with Section 27600).

32 For the consequences of violating this section, see Section 27590 (punishment for violation of  
33 article).

34 See Sections 16520 ("firearm"), 16530 ("firearm capable of being concealed upon the person,"  
35 "pistol," and "revolver"), 26700 ("dealer," "licensee," or "person licensed pursuant to Sections  
36 26700 to 26915, inclusive").

### 37 § 27540. Waiting period and other delivery restrictions

38 27540. No dealer, whether or not acting pursuant to Chapter 5 (commencing  
39 with Section 28050), shall deliver a firearm to a person, as follows:

40 (a) Within 10 days of the application to purchase, or, after notice by the  
41 department pursuant to Section 28220, within 10 days of the submission to the  
42 department of any correction to the application, or within 10 days of the



1 submission to the department of any fee required pursuant to Section 28225,  
2 whichever is later.

3 (b) Unless unloaded and securely wrapped or unloaded and in a locked  
4 container.

5 (c) Unless the purchaser, transferee, or person being loaned the firearm presents  
6 clear evidence of the person's identity and age to the dealer.

7 (d) Whenever the dealer is notified by the Department of Justice that the person  
8 is prohibited by state or federal law from possessing, receiving, owning, or  
9 purchasing a firearm.

10 (e)(1) Commencing April 1, 1994, and until January 1, 2003, no pistol, revolver,  
11 or other firearm capable of being concealed upon the person shall be delivered  
12 unless the purchaser, transferee, or person being loaned the firearm presents to the  
13 dealer a basic firearms safety certificate.

14 (2) Commencing January 1, 2003, no handgun shall be delivered unless the  
15 purchaser, transferee, or person being loaned the handgun presents a handgun  
16 safety certificate to the dealer.

17 (f) No pistol, revolver, or other firearm capable of being concealed upon the  
18 person shall be delivered whenever the dealer is notified by the Department of  
19 Justice that within the preceding 30-day period the purchaser has made another  
20 application to purchase a pistol, revolver, or other firearm capable of being  
21 concealed upon the person and that the previous application to purchase involved  
22 none of the entities specified in subdivision (b) of Section 27535.

23 **Comment.** Section 27540 continues former Section 12072(c) without substantive change.

24 For exceptions to this provision, see Article 2 (commencing with Section 27600), Article 3  
25 (commencing with Section 27650), and Article 4 (commencing with Section 27700).

26 For the consequences of violating this section, see Section 27590 (punishment for violation of  
27 article).

28 See Sections 16190 ("application to purchase"), 16240 ("basic firearms safety certificate"),  
29 16400 ("clear evidence of the person's identity and age"), 16520 ("firearm"), 16530 ("firearm  
30 capable of being concealed upon the person," "pistol," and "revolver"), 16670 ("handgun safety  
31 certificate"), 26700 ("dealer," "licensee," or "person licensed pursuant to Sections 26700 to  
32 26915, inclusive").

### 33 § 27545. Use of dealer for private party firearms transaction

34 27545. Where neither party to the transaction holds a dealer's license issued  
35 pursuant to Sections 26700 to 26915, inclusive, the parties to the transaction shall  
36 complete the sale, loan, or transfer of that firearm through a licensed firearms  
37 dealer pursuant to Chapter 5 (commencing with Section 28050).

38 **Comment.** Section 27545 continues former Section 12072(d) without substantive change.

39 For exceptions to this provision, see Article 2 (commencing with Section 27600) and Article 6  
40 (commencing with Section 27850). See also Section 28000 (circumstances that may be reported  
41 to Department of Justice in prescribed format).

42 For the consequences of violating this section, see Section 27590 (punishment for violation of  
43 article).

44 See Sections 16520 ("firearm"), 26700 ("dealer," "licensee," or "person licensed pursuant to  
45 Sections 26700 to 26915, inclusive").

1    **§ 27550. No collusion**

2    27550. (a) No person may commit an act of collusion relating to Sections 31610  
3 to 31700, inclusive.

4    (b) For purposes of this section and Section 26870, collusion may be proven by  
5 any one of the following factors:

6    (1) Answering a test applicant's questions during an objective test relating to  
7 firearms safety.

8    (2) Knowingly grading the examination falsely.

9    (3) Providing an advance copy of the test to an applicant.

10   (4) Taking or allowing another person to take the basic firearms safety course  
11 for one who is the applicant for a basic firearms safety certificate or a handgun  
12 safety certificate.

13   (5) Allowing another to take the objective test for the applicant, purchaser, or  
14 transferee.

15   (6) Using or allowing another to use one's identification, proof of residency, or  
16 thumbprint.

17   (7) Allowing others to give unauthorized assistance during the examination.

18   (8) Reference to unauthorized materials during the examination and cheating by  
19 the applicant.

20   (9) Providing originals or photocopies of the objective test, or any version  
21 thereof, to any person other than as authorized by the department.

22    **Comment.** Section 27550 continues former Section 12072(e) without substantive change.

23    For exceptions to this provision, see Article 2 (commencing with Section 27600).

24    For the consequences of violating this section, see Section 27590 (punishment for violation of  
25 article).

26    See Sections 16240 ("basic firearms safety certificate"), 16520 ("firearm"), 16670 ("handgun  
27 safety certificate").

28    **§ 27555. Obtaining verification number**

29    27555. (a)(1) Commencing July 1, 2008, a person who is licensed pursuant to  
30 Chapter 44 (commencing with Section 921) of Title 18 of the United States Code  
31 may not sell, deliver, or transfer a firearm to a person in California who is licensed  
32 pursuant to Chapter 44 (commencing with Section 921) of Title 18 of the United  
33 States Code unless, prior to delivery, the person intending to sell, deliver, or  
34 transfer the firearm obtains a verification number via the Internet for the intended  
35 sale, delivery, or transfer, from the Department of Justice.

36    (2) If Internet service is unavailable to either the department or the licensee due  
37 to a technical or other malfunction, or a federal firearms licensee who is located  
38 outside of California does not possess a computer or have Internet access, alternate  
39 means of communication, including facsimile or telephone, shall be made  
40 available for a licensee to obtain a verification number in order to comply with this  
41 section.

42    (b) For every identification number request received pursuant to this section, the  
43 department shall determine whether the intended recipient is on the centralized list

1 of firearms dealers pursuant to Section 26715, or the centralized list of exempted  
2 federal firearms licensees pursuant to Section 28450, or the centralized list of  
3 firearms manufacturers pursuant to Section 29060.

4 (c)(1) If the department finds that the intended recipient is on one of these lists,  
5 the department shall issue to the inquiring party, a unique identification number  
6 for the intended sale, delivery, or transfer.

7 (2) In addition to the unique verification number, the department may provide to  
8 the inquiring party information necessary for determining the eligibility of the  
9 intended recipient to receive the firearm.

10 (3) The person intending to sell, deliver, or transfer the firearm shall provide the  
11 unique verification number to the recipient along with the firearm upon delivery,  
12 in a manner to be determined by the department.

13 (d) If the department finds that the intended recipient is not on one of these lists,  
14 the department shall notify the inquiring party that the intended recipient is  
15 ineligible to receive the firearm.

16 (e) The department shall prescribe the manner in which the verification numbers  
17 may be requested via the Internet, or by alternate means of communication, such  
18 as by facsimile or telephone, including all required enrollment information and  
19 procedures.

20 (f) This section does not apply to the sale, delivery, or transfer of an assault  
21 weapon, a machinegun, a short-barreled rifle, or a short-barreled shotgun.

22 **Comment.** Section 27555 continues former Section 12072(f)(1) without substantive change.  
23 An erroneous reference to “this section” in former Section 12072(f)(1)(B) has been replaced with  
24 a reference to Section 26715, which continues former Section 12071(e).

25 For exceptions to this provision, see Article 2 (commencing with Section 27600) and Article 5  
26 (commencing with Section 27800).

27 For the consequences of violating this section, see Section 27590 (punishment for violation of  
28 article).

29 See Sections 16520 (“firearm”), 16880 (“machinegun”), 17170 (“short-barreled rifle”), 17180  
30 (“short-barreled shotgun”), 26700 (“dealer,” “licensee,” or “person licensed pursuant to Sections  
31 26700 to 26915, inclusive”), 30510 (“assault weapon”), 30515 (further clarification of “assault  
32 weapon”).

### 33 § 27560. Restrictions on personal handgun importer

34 27560. (a) On or after January 1, 1998, within 60 days of bringing a pistol,  
35 revolver, or other firearm capable of being concealed upon the person into this  
36 state, a personal handgun importer shall do one of the following:

37 (1) Forward by prepaid mail or deliver in person to the Department of Justice, a  
38 report prescribed by the department including information concerning that  
39 individual and a description of the firearm in question.

40 (2) Sell or transfer the firearm in accordance with the provisions of Section  
41 27545 or in accordance with the provisions of an exemption from Section 27545.

42 (3) Sell or transfer the firearm to a dealer licensed pursuant to Sections 26700 to  
43 26915, inclusive.

44 (4) Sell or transfer the firearm to a sheriff or police department.

1 (b) If all of the following requirements are satisfied, the personal handgun  
2 importer shall have complied with the provisions of this section:

3 (1) The personal handgun importer sells or transfers the pistol, revolver, or other  
4 firearm capable of being concealed upon the person pursuant to Section 27545.

5 (2) The sale or transfer cannot be completed by the dealer to the purchaser or  
6 transferee.

7 (3) The firearm can be returned to the personal handgun importer,

8 (c)(1) The provisions of this section are cumulative and shall not be construed as  
9 restricting the application of any other law.

10 (2) However, an act or omission punishable in different ways by this article and  
11 different provisions of the Penal Code shall not be punished under more than one  
12 provision.

13 (d) On and after January 1, 1998, the department shall conduct a public  
14 education and notification program regarding this section to ensure a high degree  
15 of publicity of the provisions of this section.

16 (e) As part of the public education and notification program described in this  
17 section, the department shall do all of the following:

18 (1) Work in conjunction with the Department of Motor Vehicles to ensure that  
19 any person who is subject to this section is advised of the provisions of this  
20 section, and provided with blank copies of the report described in paragraph (1) of  
21 subdivision (a), at the time when that person applies for a California driver's  
22 license or registers a motor vehicle in accordance with the Vehicle Code.

23 (2) Make the reports referred to in paragraph (1) of subdivision (a) available to  
24 dealers licensed pursuant to Sections 26700 to 26915, inclusive.

25 (3) Make the reports referred to in paragraph (1) of subdivision (a) available to  
26 law enforcement agencies.

27 (4) Make persons subject to the provisions of this section aware that (i) the  
28 report referred to in paragraph (1) of subdivision (a) may be completed at either a  
29 law enforcement agency or the licensed premises of a dealer licensed pursuant to  
30 Sections 26700 to 26915, inclusive, (ii) it is advisable to do so for the sake of  
31 accuracy and completeness of the report, (iii) before transporting a pistol, revolver,  
32 or other firearm capable of being concealed upon the person to a law enforcement  
33 agency to comply with subdivision (a), the person should give notice to the law  
34 enforcement agency that the person is doing so, and (iv) in any event, the pistol,  
35 revolver, or other firearm capable of being concealed upon the person should be  
36 transported unloaded and in a locked container.

37 (f) Any costs incurred by the department to implement this section shall be  
38 absorbed by the department within its existing budget and the fees in the Dealers'  
39 Record of Sale Special Account allocated for implementation of subdivisions (d)  
40 and (e) of this section pursuant to Section 28235.

41 **Comment.** Section 27560 continues former Section 12072(f)(2) without substantive change.

42 For guidance in applying this section, see Section 27570 (rules for applying Sections 27560  
43 and 27565).

44 For exceptions to this provision, see Article 2 (commencing with Section 27600).

1 For the consequences of violating this section, see Section 27590 (punishment for violation of  
2 article).

3 See Sections 16520 (“firearm”), 16530 (“firearm capable of being concealed upon the person,”  
4 “pistol,” and “revolver”), 17000 (“personal handgun importer”), 26700 (“dealer,” “licensee,” or  
5 “person licensed pursuant to Sections 26700 to 26915, inclusive”).

6 **§ 27565. Handgun that is curio or relic, transported into California by licensed collector**

7 27565. (a) This section applies in the following circumstances:

8 (1) A person is licensed as a collector pursuant to Chapter 44 (commencing with  
9 Section 921) of Title 18 of the United States Code and the regulations issued  
10 pursuant thereto.

11 (2) The licensed premises of that person are within this state.

12 (3) The licensed collector acquires, outside of this state, a pistol, revolver, or  
13 other firearm capable of being concealed upon the person.

14 (4) The licensed collector takes actual possession of that firearm outside of this  
15 state pursuant to the provisions of subsection (j) of Section 923 of Title 18 of the  
16 United States Code, as amended by Public Law 104-208, and transports the  
17 firearm into this state.

18 (5) The firearm is a curio or relic, as defined in Section 478.11 of Title 27 of the  
19 Code of Federal Regulations.

20 (b) Within five days of transporting a firearm into this state under the  
21 circumstances described in subdivision (a), the licensed collector shall report the  
22 acquisition of that firearm to the department in a format prescribed by the  
23 department.

24 **Comment.** Section 27565 continues former Section 12072(f)(3) without substantive change.

25 For guidance in applying this section, see Section 27570 (rules for applying Sections 27560  
26 and 27565).

27 For exceptions to this provision, see Article 2 (commencing with Section 27600).

28 For the consequences of violating this section, see Section 27590 (punishment for violation of  
29 article).

30 See Sections 16520 (“firearm”), 16530 (“firearm capable of being concealed upon the person,”  
31 “pistol,” and “revolver”).

32 **§ 27570. Rules for applying Sections 27560 and 27565**

33 27570. (a) It is the intent of the Legislature that a violation of Section 27560 or  
34 27565 shall not constitute a “continuing offense” and the statute of limitations for  
35 commencing a prosecution for a violation of Section 27560 or 27565 commences  
36 on the date that the applicable grace period specified in Section 27560 or 27565  
37 expires.

38 (b) Sections 27560 and 27565 shall not apply to a person who reports ownership  
39 of a pistol, revolver, or other firearm capable of being concealed upon the person  
40 after the applicable grace period specified in Section 27560 or 27565 expires if  
41 evidence of that violation arises only as the result of the person submitting the  
42 report described in Section 27560 or 27565.

43 **Comment.** Section 27570 continues former Section 12072(f)(4) without substantive change.

1 See Section 16530 (“firearm capable of being concealed upon the person,” “pistol,” and  
2 “revolver”).

3 **§ 27590. Punishment for violation of article**

4 27590. (a) Except as provided in subdivision (b), (c), or (e), a violation of this  
5 article is a misdemeanor.

6 (b) If any of the following circumstances apply, a violation of this article is  
7 punishable by imprisonment in the state prison for two, three, or four years.

8 (1) If the violation is of subdivision (a) of Section 27500.

9 (2) If the defendant has a prior conviction of violating the provisions, other than  
10 Section 27535, of this article or former Section 12100 of this code or Section 8101  
11 of the Welfare and Institutions Code.

12 (3) If the defendant has a prior conviction of violating any offense specified in  
13 Section 29905 or of a violation of Section 32625 or 33410, or of former Section  
14 12560, or of any provision listed in Section 16590.

15 (4) If the defendant is in a prohibited class described in Chapter 2 (commencing  
16 with Section 29800) or 3 (commencing with Section 29900) of Division 9 of this  
17 title, or Section 8100 or 8103 of the Welfare and Institutions Code.

18 (5) A violation of this article by a person who actively participates in a “criminal  
19 street gang” as defined in Section 186.22.

20 (6) A violation of Section 27510 involving the delivery of any firearm to a  
21 person who the dealer knows, or should know, is a minor.

22 (c) If any of the following circumstances apply, a violation of this article shall  
23 be punished by imprisonment in a county jail not exceeding one year or in the  
24 state prison, or by a fine not to exceed one thousand dollars (\$1,000), or by both  
25 that fine and imprisonment.

26 (1) A violation of Section 27525, 27520, or subdivision (b) of Section 27500.

27 (2) A violation of Section 27505 involving the sale, loan, or transfer of a pistol,  
28 revolver, or other firearm capable of being concealed upon the person, to a minor.

29 (3) A violation of Section 27510 involving the delivery of a pistol, revolver, or  
30 other firearm capable of being concealed upon the person.

31 (4) A violation of subdivision (a), (c), (d), (e), or (f) of Section 27540 involving  
32 a pistol, revolver, or other firearm capable of being concealed upon the person.

33 (5) A violation of Section 27545 involving a pistol, revolver, or other firearm  
34 capable of being concealed upon the person.

35 (6) A violation of Section 27550.

36 (d) If both of the following circumstances apply, an additional term of  
37 imprisonment in the state prison for one, two, or three years shall be imposed in  
38 addition and consecutive to the sentence prescribed.

39 (1) A violation of Section 27510 or subdivision (a) of Section 27500.

40 (2) The firearm transferred in violation of Section 27510 or subdivision (a) of  
41 Section 27500 is used in the subsequent commission of a felony for which a  
42 conviction is obtained and the prescribed sentence is imposed.

1 (e)(1) A first violation of Section 27535 is an infraction punishable by a fine of  
2 fifty dollars (\$50).

3 (2) A second violation of Section 27535 is an infraction punishable by a fine of  
4 one hundred dollars (\$100).

5 (3) A third or subsequent violation of Section 27535 is a misdemeanor.

6 (4) For purposes of this subdivision each application to purchase a pistol,  
7 revolver, or other firearm capable of being concealed upon the person in violation  
8 of Section 27535 shall be deemed a separate offense.

9 **Comment.** Section 27590 continues former Section 12072(g) without substantive change.

10 For guidance in applying paragraphs (b)(1), (b)(2), (e)(2), and (e)(3), see Section 16015  
11 (determining existence of prior conviction).

12 See Sections 16520 (“firearm”), 16530 (“firearm capable of being concealed upon the person,”  
13 “pistol,” and “revolver”).

## 14 Article 2. Exceptions Relating to Law Enforcement

### 15 § 27600. Exception for sale, delivery, or transfer to authorized law enforcement 16 representative of city, county, city and county, or state or federal government

17 27600. (a) Article 1 (commencing with Section 27500) does not apply to any  
18 sale, delivery, or transfer of firearms made to an authorized law enforcement  
19 representative of any city, county, city and county, or state, or of the federal  
20 government, for exclusive use by that governmental agency if, prior to the sale,  
21 delivery, or transfer of these firearms, written authorization from the head of the  
22 agency authorizing the transaction is presented to the person from whom the  
23 purchase, delivery, or transfer is being made.

24 (b) Proper written authorization is defined as verifiable written certification from  
25 the head of the agency by which the purchaser or transferee is employed,  
26 identifying the employee as an individual authorized to conduct the transaction,  
27 and authorizing the transaction for the exclusive use of the agency by which that  
28 person is employed.

29 (c) Within 10 days of the date a handgun is acquired by the agency, a record of  
30 the same shall be entered as an institutional weapon into the Automated Firearms  
31 System (AFS) via the California Law Enforcement Telecommunications System  
32 (CLETS) by the law enforcement or state agency. Any agency without access to  
33 AFS shall arrange with the sheriff of the county in which the agency is located to  
34 input this information via this system.

35 **Comment.** Section 27600 continues former Section 12078(a)(2) without substantive change, as  
36 that provision applied to former Section 12072 (through its reference to “the preceding provisions  
37 of this article”).

38 See Sections 16520 (“firearm”), 16640 (“handgun”).

### 39 § 27605. Exception for loan of firearm to peace officer employee for use in performing 40 official duties

41 27605. Article 1 (commencing with Section 27500) does not apply to the loan of  
42 a firearm if all of the following conditions are satisfied:

1 (a) The loan is made by an authorized law enforcement representative of a city,  
2 county, or city and county, or of the state or federal government.

3 (b) The loan is made to a peace officer employed by that agency and authorized  
4 to carry a firearm.

5 (c) The loan is made for the carrying and use of that firearm by that peace  
6 officer in the course and scope of the officer's duties.

7 **Comment.** Section 27605 continues former Section 12078(a)(3) without substantive change, as  
8 that provision applied to former Section 12072 (through its reference to "the preceding provisions  
9 of this article").

10 See Section 16520 ("firearm").

11 **§ 27610. Exception for sale, delivery, or transfer by law enforcement agency to peace officer**  
12 **pursuant to Public Contract Code**

13 27610. (a) Article 1 (commencing with Section 27500) does not apply to the  
14 sale, delivery, or transfer of a firearm by a law enforcement agency to a peace  
15 officer pursuant to Section 10334 of the Public Contract Code.

16 (b) Within 10 days of the date that a handgun is sold, delivered, or transferred  
17 pursuant to Section 10334 of the Public Contract Code to that peace officer, the  
18 name of the officer and the make, model, serial number, and other identifying  
19 characteristics of the firearm being sold, delivered, or transferred shall be entered  
20 into the Automated Firearms System (AFS) via the California Law Enforcement  
21 Telecommunications System (CLETS) by the law enforcement or state agency that  
22 sold, delivered, or transferred the firearm. Any agency without access to AFS shall  
23 arrange with the sheriff of the county in which the agency is located to input this  
24 information via this system.

25 **Comment.** Section 27610 continues former Section 12078(a)(4) without substantive change, as  
26 that provision applied to former Section 12072 (through its reference to "the preceding provisions  
27 of this article").

28 See Sections 16520 ("firearm"), 16640 ("handgun").

29 **§ 27615. Exception for sale, delivery, or transfer by law enforcement agency to retiring**  
30 **peace officer authorized to carry concealed and loaded firearm**

31 27615. (a) Article 1 (commencing with Section 27500) does not apply to the  
32 sale, delivery, or transfer of a firearm by a law enforcement agency to a retiring  
33 peace officer who is authorized to carry a firearm pursuant to Chapter 5  
34 (commencing with Section 26300) of Division 5.

35 (b) Within 10 days of the date that a handgun is sold, delivered, or transferred to  
36 that retiring peace officer, the name of the officer and the make, model, serial  
37 number, and other identifying characteristics of the firearm being sold, delivered,  
38 or transferred shall be entered into the Automated Firearms System (AFS) via the  
39 California Law Enforcement Telecommunications System (CLETS) by the law  
40 enforcement or state agency that sold, delivered, or transferred the firearm. Any  
41 agency without access to AFS shall arrange with the sheriff of the county in which  
42 the agency is located to input this information via this system.



1 **Comment.** Section 27615 continues former Section 12078(a)(5) without substantive change, as  
2 that provision applied to former Section 12072 (through its reference to “the preceding provisions  
3 of this article”).

4 See Sections 16520 (“firearm”), 16640 (“handgun”).

### 5 Article 3. Exceptions Extending Only to Waiting Period

#### 6 **§ 27650. Waiting period exception for sale, delivery, or transfer to full-time paid peace 7 officer authorized to carry firearms in performance of duties**

8 27650. (a) The waiting period described in Section 27540 does not apply to the  
9 sale, delivery, or transfer of firearms made to any person who satisfies both of the  
10 following requirements:

11 (1) The person is properly identified as a full-time paid peace officer, as defined  
12 in Chapter 4.5 (commencing with Section 830) of Title 3 of Part 2.

13 (2) The officer’s employer has authorized the officer to carry firearms while in  
14 the performance of duties.

15 (b)(1) Proper identification is defined as verifiable written certification from the  
16 head of the agency by which the purchaser or transferee is employed, identifying  
17 the purchaser or transferee as a peace officer who is authorized to carry firearms  
18 while in the performance of duties, and authorizing the purchase or transfer.

19 (2) The certification shall be delivered to the dealer at the time of purchase or  
20 transfer and the purchaser or transferee shall identify himself or herself as the  
21 person authorized in the certification.

22 (3) The dealer shall keep the certification with the record of sale.

23 (4) On the date that the sale, delivery, or transfer is made, the dealer delivering  
24 the firearm shall transmit to the Department of Justice an electronic or telephonic  
25 report of the transaction as is indicated in Section 28160 or 28165.

26 **Comment.** Section 27650 continues former Section 12078(a)(1) without substantive change, as  
27 that provision applied to the waiting period in former Section 12072.

28 For other exceptions relating to law enforcement, see Sections 27600-27615.

29 See Sections 16520 (“firearm”), 26700 (“dealer,” “licensee,” or “person licensed pursuant to  
30 Sections 26700 to 26915, inclusive”).

#### 31 **§ 27655. Waiting period exception for dealer who delivers firearm other than handgun at 32 auction or similar event conducted by nonprofit mutual or public benefit corporation**

33 27655. (a) The waiting period described in Section 27540 does not apply to a  
34 dealer who delivers a firearm, other than a handgun, at an auction or similar event  
35 described in Section 27900, as authorized by subdivision (c) of Section 26805.

36 (b) Within two business days of completion of the application to purchase, the  
37 dealer shall forward by prepaid mail to the Department of Justice a report of the  
38 application as is indicated in Section 28165.

39 (c) If the electronic or telephonic transfer of applicant information is used,  
40 within two business days of completion of the application to purchase, the dealer  
41 delivering the firearm shall transmit to the Department of Justice an electronic or  
42 telephonic report of the application as is indicated in Section 28165.

1 **Comment.** Section 27655 continues former Section 12078(g)(3) without substantive change,  
2 as that provision applied to the waiting period in former Section 12072.

3 See Sections 16190 (“application to purchase”), 16520 (“firearm”), 16640 (“handgun”), 26700  
4 (“dealer,” “licensee,” or “person licensed pursuant to Sections 26700 to 26915, inclusive”).

5 **§ 27660. Waiting period exception for sale, delivery, or transfer of handgun, not intended as**  
6 **merchandise, by dealer to self or another dealer**

7 27660. (a) The waiting period described in Section 27540 does not apply to the  
8 sale, delivery, or transfer of a handgun by a dealer in either of the following  
9 situations:

10 (1) The dealer is delivering the firearm to another dealer, the firearm is not  
11 intended as merchandise in the receiving dealer’s business, and the requirements  
12 of subdivisions (b) and (c) are satisfied.

13 (2) The dealer is delivering the firearm to himself or herself, the firearm is not  
14 intended as merchandise in the dealer’s business, and the requirements of  
15 subdivision (c) are satisfied.

16 (b) If the dealer is receiving the firearm from another dealer, the dealer receiving  
17 the firearm shall present proof to the dealer delivering the firearm that the  
18 receiving dealer is licensed pursuant to Article 1 (commencing with Section  
19 26700) and Article 2 (commencing with Section 26800). This shall be done by  
20 complying with Section 27555.

21 (c)(1) Regardless of whether the dealer is selling, delivering, or transferring the  
22 firearm to another dealer or to himself or herself, on the date that the application to  
23 purchase is completed, the dealer delivering the firearm shall forward by prepaid  
24 mail to the Department of Justice a report of the application and the type of  
25 information concerning the purchaser or transferee as is indicated in Section  
26 28160.

27 (2) Where electronic or telephonic transfer of applicant information is used, on  
28 the date that the application to purchase is completed, the dealer delivering the  
29 firearm shall transmit an electronic or telephonic report of the application and the  
30 type of information concerning the purchaser or transferee as is indicated in  
31 Section 28160.

32 **Comment.** Section 27660 continues former Section 12078(n) without substantive change, as  
33 that provision applied to the waiting period in former Section 12072.

34 See Sections 16190 (“application to purchase”), 16520 (“firearm”), 16640 (“handgun”), 26700  
35 (“dealer,” “licensee,” or “person licensed pursuant to Sections 26700 to 26915, inclusive”).

36 **§ 27665. Waiting period exception for sale, delivery, or transfer to holder of special weapons**  
37 **permit**

38 27665. (a) The waiting period described in Section 27540 does not apply to the  
39 sale, delivery, or transfer of a firearm to the holder of a special weapons permit  
40 issued by the Department of Justice pursuant to Section 32650 or 33300, pursuant  
41 to Article 3 (commencing with Section 18900) of Chapter 1 of Division 5 of Title  
42 2, or pursuant to Article 4 (commencing with Section 32700) of Chapter 6 of  
43 Division 10 of this title.

1 (b) On the date that the application to purchase is completed, the dealer  
2 delivering the firearm shall transmit to the Department of Justice an electronic or  
3 telephonic report of the application as is indicated in Section 28160 or 28165.

4 **Comment.** Section 27665 continues former Section 12078(r) without substantive change, as  
5 that provision applied to the waiting period in former Section 12072.

6 See Sections 16190 (“application to purchase”), 16520 (“firearm”), 26700 (“dealer,”  
7 “licensee,” or “person licensed pursuant to Sections 26700 to 26915, inclusive”).

8 **§ 27670. Waiting period exception for sale, delivery, loan, or transfer of curio or relic by**  
9 **dealer to licensed collector**

10 27670. (a) The waiting period described in Section 27540 does not apply to the  
11 sale, delivery, loan, or transfer of a firearm if all of the following conditions are  
12 satisfied:

13 (1) The firearm is a curio or relic, as defined in Section 478.11 of Title 27 of the  
14 Code of Federal Regulations, or its successor.

15 (2) The sale, delivery, loan, or transfer is made by a dealer.

16 (3) The sale, delivery, loan, or transfer is made to a person who is licensed as a  
17 collector pursuant to Chapter 44 (commencing with Section 921) of Title 18 of the  
18 United States Code and the regulations issued pursuant thereto.

19 (4) The licensed collector has a current certificate of eligibility issued by the  
20 Department of Justice pursuant to Section 26710.

21 (b) On the date that the sale, delivery, or transfer is made, the dealer delivering  
22 the firearm shall transmit to the Department of Justice an electronic or telephonic  
23 report of the transaction as is indicated in Section 28160 or 28165.

24 **Comment.** Section 27670 continues former Section 12078(t)(1) without substantive change, as  
25 that provision applied to the waiting period in former Section 12072.

26 See Sections 16520 (“firearm”), 26700 (“dealer,” “licensee,” or “person licensed pursuant to  
27 Sections 26700 to 26915, inclusive”).

28 Article 4. Exceptions to Restrictions on Delivery of a Firearm

29 **§ 27700. Exception for sales, deliveries, or transfers of firearms between or to licensed**  
30 **importers and manufacturers**

31 27700. Section 27540 does not apply to sales, deliveries, or transfers of firearms  
32 between or to importers and manufacturers of firearms licensed to engage in that  
33 business pursuant to Chapter 44 (commencing with Section 921) of Title 18 of the  
34 United States Code and the regulations issued pursuant thereto.

35 **Comment.** Section 27700 continues former Section 12078(b)(1) without substantive change,  
36 as that provision applied to former Section 12072(c).

37 See Section 16520 (“firearm”).

38 **§ 27705. Exception for service or repair by gunsmith**

39 27705. Section 27540 does not apply to the delivery of a firearm to a gunsmith  
40 for service or repair, or to the return of the firearm to its owner by the gunsmith.

1 **Comment.** Section 27705 continues former Section 12078(e) without substantive change, as  
2 that provision applied to former Section 12072(c).

3 See Sections 16520 (“firearm”), 16630 (“gunsmith”).

4 **§ 27710. Exception for sale, delivery, or transfer of unloaded firearms, other than**  
5 **handguns, by dealer to another dealer**

6 27710. Section 27540 does not apply to the sale, delivery, or transfer of firearms  
7 if all of the following conditions are satisfied:

8 (a) The firearms are unloaded.

9 (b) The firearms are not handguns.

10 (c) The sale, delivery, or transfer is made by a dealer to another dealer, upon  
11 proof of compliance with the requirements of Section 27555.

12 **Comment.** Section 27710 continues former Section 12078(k)(1) without substantive change,  
13 as that provision applied to former Section 12072(c).

14 See Sections 16520 (“firearm”), 16640 (“handgun”), 26700 (“dealer,” “licensee,” or “person  
15 licensed pursuant to Sections 26700 to 26915, inclusive”).

16 **§ 27715. Exception for sale, delivery, or transfer of unloaded firearms by dealer to licensed**  
17 **nonresident**

18 27715. Section 27540 does not apply to the sale, delivery, or transfer of  
19 unloaded firearms by a dealer to a person who resides outside this state and is  
20 licensed pursuant to Chapter 44 (commencing with Section 921) of Title 18 of the  
21 United States Code and the regulations issued pursuant thereto.

22 **Comment.** Section 27715 continues former Section 12078(k)(2) without substantive change,  
23 as that provision applied to former Section 12072(c).

24 See Sections 16520 (“firearm”), 26700 (“dealer,” “licensee,” or “person licensed pursuant to  
25 Sections 26700 to 26915, inclusive”).

26 **§ 27720. Exception for return of unloaded firearms to wholesaler to treat as merchandise**

27 27720. Section 27540 does not apply to the sale, delivery, or transfer of  
28 unloaded firearms to a wholesaler if the firearms are being returned to the  
29 wholesaler and are intended as merchandise in the wholesaler’s business.

30 **Comment.** Section 27720 continues former Section 12078(k)(3) without substantive change,  
31 as that provision applied to former Section 12072(c).

32 See Sections 16520 (“firearm”), 26700 (“dealer,” “licensee,” or “person licensed pursuant to  
33 Sections 26700 to 26915, inclusive”), 17340 (“wholesaler”).

34 **§ 27725. Exception for sale, delivery, or transfer of unloaded firearms by dealer to another**  
35 **dealer to treat as merchandise**

36 27725. Section 27540 does not apply to the sale, delivery, or transfer of firearms  
37 if all of the following conditions are satisfied:

38 (a) The firearms are unloaded.

39 (b) The sale, delivery, or transfer is made by one dealer to another dealer, upon  
40 proof of compliance with the requirements of Section 27555.

41 (c) The firearms are intended as merchandise in the receiving dealer’s business.

1 **Comment.** Section 27725 continues former Section 12078(k)(4) without substantive change,  
2 as that provision applied to former Section 12072(c).

3 See Sections 16520 (“firearm”), 26700 (“dealer,” “licensee,” or “person licensed pursuant to  
4 Sections 26700 to 26915, inclusive”).

5 **§ 27730. Exception for sale, delivery, or transfer of unloaded firearm, other than handgun,  
6 by dealer to self**

7 27730. Section 27540 does not apply to the sale, delivery, or transfer of an  
8 unloaded firearm, other than a handgun, by a dealer to himself or herself.

9 **Comment.** Section 27730 continues former Section 12078(k)(5) without substantive change,  
10 as that provision applied to former Section 12072(c).

11 See Sections 16520 (“firearm”), 16640 (“handgun”), 26700 (“dealer,” “licensee,” or “person  
12 licensed pursuant to Sections 26700 to 26915, inclusive”).

13 **§ 27735. Exception for loan of unloaded firearm under specified circumstances by dealer to  
14 person at target facility or at premises of target shooting club or organization**

15 27735. (a) Section 27540 does not apply to the loan of an unloaded firearm if all  
16 of the following conditions are satisfied:

17 (1) The loan is made by a dealer who also operates a target facility that holds a  
18 business or regulatory license on the premises of the building designated in the  
19 license.

20 (2) The loan is made to a person at that target facility.

21 (3) The firearm is at all times kept within the premises of the target facility.

22 (b) Section 27540 does not apply to the loan of an unloaded firearm if all of the  
23 following conditions are satisfied:

24 (1) The loan is made by a dealer whose building designated in the license is on  
25 the premises of any club or organization organized for the purposes of practicing  
26 shooting at targets upon established ranges, whether public or private.

27 (2) The loan is made to a person at that club or organization.

28 (3) The firearm is at all times kept within the premises of the club or  
29 organization.

30 **Comment.** Section 27735 continues former Section 12078(k)(6) without substantive change,  
31 as that provision applied to former Section 12072(c).

32 See Sections 16520 (“firearm”), 26700 (“dealer,” “licensee,” or “person licensed pursuant to  
33 Sections 26700 to 26915, inclusive”).

34 **§ 27740. Exception for sale, delivery, or transfer of firearms regulated pursuant to specified  
35 statutes, if sale, delivery, or transfer complies with applicable statutory provisions**

36 27740. Section 27540 does not apply to the sale, delivery, or transfer of firearms  
37 regulated pursuant to any of the following statutes, if the sale, delivery, or transfer  
38 is conducted in accordance with the applicable provisions of the statute:

39 (a) Section 24410, relating to cane guns, and the exemptions in Chapter 1  
40 (commencing with Section 17700) of Title 2, as they relate to cane guns.

41 (b) Section 24510, relating to firearms that are not immediately recognizable as  
42 firearms, and the exemptions in Chapter 1 (commencing with Section 17700) of

1 Title 2, as they relate to firearms that are not immediately recognizable as  
2 firearms.

3 (c) Sections 24610 and 24680, relating to undetectable firearms, and the  
4 exemptions in Chapter 1 (commencing with Section 17700) of Title 2, as they  
5 relate to undetectable firearms.

6 (d) Section 24710, relating to wallet guns, and the exemptions in Chapter 1  
7 (commencing with Section 17700) of Title 2, as they relate to wallet guns.

8 (e) Chapter 2 (commencing with Section 30500) of Division 10, relating to  
9 assault weapons.

10 (f) Section 31500, relating to unconventional pistols, and the exemptions in  
11 Chapter 1 (commencing with Section 17700) of Title 2, as they relate to  
12 unconventional pistols.

13 (g) Sections 33215 to 33225, inclusive, relating to short-barreled rifles and  
14 short-barreled shotguns, and the exemptions in Chapter 1 (commencing with  
15 Section 17700) of Title 2, as they relate to short-barreled rifles and short-barreled  
16 shotguns.

17 (h) Chapter 6 (commencing with Section 32610) of Division 10, relating to  
18 machineguns.

19 (i) Section 33600, relating to zip guns, and the exemptions in Chapter 1  
20 (commencing with Section 17700) of Title 2, as they relate to zip guns.

21 **Comment.** Section 27740 continues former Section 12078(o) without substantive change, as  
22 that provision applied to former Section 12072(c).

23 See Sections 16330 (“cane gun”), 16520 (“firearm”), 16880 (“machinegun”), 17170 (“short-  
24 barreled rifle”), 17180 (“short-barreled shotgun”), 17270 (“unconventional pistol”), 17280  
25 (“undetectable firearm”), 17330 (“wallet gun”), 17360 (“zip gun”) 30510 (“assault weapon”),  
26 30515 (further clarification of “assault weapon”).

27 **§ 27745. Exception for loan of unloaded firearm, for use solely as prop, by dealer to person**  
28 **with entertainment firearms permit**

29 27745. (a) Section 27540 does not apply to the loan of a firearm if all of the  
30 following conditions are satisfied:

31 (1) The firearm is unloaded.

32 (2) The loan is made by a dealer.

33 (3) The loan is made to a person who possesses a valid entertainment firearms  
34 permit issued pursuant to Chapter 2 (commencing with Section 29500) of Division  
35 8.

36 (4) The firearm is loaned solely for use as a prop in a motion picture, television,  
37 video, theatrical, or other entertainment production or event.

38 (b) The dealer shall retain a photocopy of the entertainment firearms permit as  
39 proof of compliance with this requirement.

40 **Comment.** Section 27745 continues former Section 12078(s)(3) without substantive change, as  
41 that provision applied to former Section 12072(c).

42 See Sections 16520 (“firearm”), 26700 (“dealer,” “licensee,” or “person licensed pursuant to  
43 Sections 26700 to 26915, inclusive”).

1 **§ 27750. Exception for short-term loan of unloaded firearm by dealer to consultant-**  
2 **evaluator**

3 27750. (a) Section 27540 does not apply to the loan of an unloaded firearm to a  
4 consultant-evaluator by a person licensed pursuant to Sections 26700 to 26915,  
5 inclusive, if the loan does not exceed 45 days from the date of delivery.

6 (b) At the time of the loan, the consultant-evaluator shall provide the following  
7 information, which the dealer shall retain for two years:

8 (1) A photocopy of a valid, current, government-issued identification to  
9 determine the consultant-evaluator's identity, including, but not limited to, a  
10 California driver's license, identification card, or passport.

11 (2) A photocopy of the consultant-evaluator's valid, current certificate of  
12 eligibility.

13 (3) A letter from the person licensed as an importer, manufacturer, or dealer  
14 pursuant to Chapter 44 (commencing with Section 921) of Title 18 of the United  
15 States Code, with whom the consultant-evaluator has a bona fide business  
16 relationship. The letter shall detail the bona fide business purposes for which the  
17 firearm is being loaned and confirm that the consultant-evaluator is being loaned  
18 the firearm as part of a bona fide business relationship.

19 (4) The signature of the consultant-evaluator on a form indicating the date the  
20 firearm is loaned and the last day the firearm may be returned.

21 **Comment.** Section 27750 continues former Section 12078(s)(4) without substantive change, as  
22 that provision applied to former Section 12072(c).

23 See Sections 16410 ("consultant-evaluator"), 16520 ("firearm"), 26700 ("dealer," "licensee,"  
24 or "person licensed pursuant to Sections 26700 to 26915, inclusive").

25 **Article 5. Exceptions to the Requirement of Obtaining a**  
26 **Verification Number**

27 **§ 27800. Exception for sale, delivery, or transfer of firearms regulated pursuant to specified**  
28 **statutes, if sale, delivery, or transfer complies with applicable statutory provisions**

29 27800. Section 27555 does not apply to the sale, delivery, or transfer of firearms  
30 regulated pursuant to any of the following statutes, if the sale, delivery, or transfer  
31 is conducted in accordance with the applicable provisions of the statute:

32 (a) Section 24410, relating to cane guns, and the exemptions in Chapter 1  
33 (commencing with Section 17700) of Title 2, as they relate to cane guns.

34 (b) Section 24510, relating to firearms that are not immediately recognizable as  
35 firearms, and the exemptions in Chapter 1 (commencing with Section 17700) of  
36 Title 2, as they relate to firearms that are not immediately recognizable as  
37 firearms.

38 (c) Sections 24610 and 24680, relating to undetectable firearms, and the  
39 exemptions in Chapter 1 (commencing with Section 17700) of Title 2, as they  
40 relate to undetectable firearms.

41 (d) Section 24710, relating to wallet guns, and the exemptions in Chapter 1  
42 (commencing with Section 17700) of Title 2, as they relate to wallet guns.

1 (e) Chapter 2 (commencing with Section 30500) of Division 10, relating to  
2 assault weapons.

3 (f) Section 31500, relating to unconventional pistols, and the exemptions in  
4 Chapter 1 (commencing with Section 17700) of Title 2, as they relate to  
5 unconventional pistols.

6 (g) Sections 33215 to 33225, inclusive, relating to short-barreled rifles and  
7 short-barreled shotguns, and the exemptions in Chapter 1 (commencing with  
8 Section 17700) of Title 2, as they relate to short-barreled rifles and short-barreled  
9 shotguns.

10 (h) Chapter 6 (commencing with Section 32610) of Division 10, relating to  
11 machineguns.

12 (i) Section 33600, relating to zip guns, and the exemptions in Chapter 1  
13 (commencing with Section 17700) of Title 2, as they relate to zip guns.

14 **Comment.** Section 27800 continues former Section 12078(o) without substantive change, as  
15 that provision applied to former Section 12072(f)(1).

16 See Sections 16330 (“cane gun”), 16520 (“firearm”), 16880 (“machinegun”), 17170 (“short-  
17 barreled rifle”), 17180 (“short-barreled shotgun”), 17270 (“unconventional pistol”), 17280  
18 (“undetectable firearm”), 17330 (“wallet gun”), 17360 (“zip gun”) 30510 (“assault weapon”),  
19 30515 (further clarification of “assault weapon”).

20 **§ 27805. Exception for loan of unloaded firearm, for use solely as prop, by dealer to person**  
21 **with entertainment firearms permit**

22 27805. (a) Section 27555 does not apply to the loan of a firearm if all of the  
23 following conditions are satisfied:

24 (1) The firearm is unloaded.

25 (2) The loan is made by a dealer.

26 (3) The loan is made to a person who possesses a valid entertainment firearms  
27 permit issued pursuant to Chapter 2 (commencing with Section 29500) of Division  
28 8.

29 (4) The firearm is loaned solely for use as a prop in a motion picture, television,  
30 video, theatrical, or other entertainment production or event.

31 (b) The dealer shall retain a photocopy of the entertainment firearms permit as  
32 proof of compliance with this requirement.

33 **Comment.** Section 27805 continues former Section 12078(s)(3) without substantive change, as  
34 that provision applied to former Section 12072(f)(1).

35 See Sections 16520 (“firearm”), 26700 (“dealer,” “licensee,” or “person licensed pursuant to  
36 Sections 26700 to 26915, inclusive”).

37 **§ 27810. Exception for loan of unloaded firearm, for use solely as prop, by federal firearms**  
38 **licensee to person with entertainment firearms permit**

39 27810. (a) Section 27555 does not apply to the loan of a firearm if all of the  
40 following requirements are satisfied:

41 (1) The firearm is unloaded.

42 (2) The loan is made by a person who is not a dealer but is a federal firearms  
43 licensee pursuant to Chapter 44 of Title 18 of the United States Code.



1 (3) The loan is made to a person who possesses a valid entertainment firearms  
2 permit issued pursuant to Chapter 2 (commencing with Section 29500) of Division  
3 8.

4 (4) The firearm is loaned for use solely as a prop in a motion picture, television,  
5 video, theatrical, or other entertainment production or event.

6 (b) The person loaning the firearm pursuant to this section shall retain a  
7 photocopy of the entertainment firearms permit as proof of compliance with this  
8 requirement.

9 **Comment.** Section 27810 continues former Section 12078(s)(2) without substantive change, as  
10 that provision applied to former Section 12072(f)(1).

11 See Sections 16520 (“firearm”), 26700 (“dealer,” “licensee,” or “person licensed pursuant to  
12 Sections 26700 to 26915, inclusive”).

13 **§ 27815. Exception for short-term loan of unloaded firearm by dealer to consultant-**  
14 **evaluator**

15 27815. (a) Section 27555 does not apply to the loan of an unloaded firearm to a  
16 consultant-evaluator by a person licensed pursuant to Sections 26700 to 26915,  
17 inclusive, if the loan does not exceed 45 days from the date of delivery.

18 (b) At the time of the loan, the consultant-evaluator shall provide the following  
19 information, which the dealer shall retain for two years:

20 (1) A photocopy of a valid, current, government-issued identification to  
21 determine the consultant-evaluator’s identity, including, but not limited to, a  
22 California driver’s license, identification card, or passport.

23 (2) A photocopy of the consultant-evaluator’s valid, current certificate of  
24 eligibility.

25 (3) A letter from the person licensed as an importer, manufacturer, or dealer  
26 pursuant to Chapter 44 (commencing with Section 921) of Title 18 of the United  
27 States Code, with whom the consultant-evaluator has a bona fide business  
28 relationship. The letter shall detail the bona fide business purposes for which the  
29 firearm is being loaned and confirm that the consultant-evaluator is being loaned  
30 the firearm as part of a bona fide business relationship.

31 (4) The signature of the consultant-evaluator on a form indicating the date the  
32 firearm is loaned and the last day the firearm may be returned.

33 **Comment.** Section 27815 continues former Section 12078(s)(4) without substantive change, as  
34 that provision applied to former Section 12072(f)(1).

35 See Sections 16410 (“consultant-evaluator”), 16520 (“firearm”), 26700 (“dealer,” “licensee,”  
36 or “person licensed pursuant to Sections 26700 to 26915, inclusive”).

37 **§ 27820. Exception for infrequent sale, loan, or transfer of curio or relic manufactured at**  
38 **least 50 years ago, which is not handgun**

39 27820. If all of the following requirements are satisfied, Section 27555 does not  
40 apply to the sale, loan, or transfer of a firearm:

41 (a) The sale, loan, or transfer is infrequent, as defined in Section 16730.

42 (b) The firearm is not a handgun.

1 (c) The firearm is a curio or relic manufactured at least 50 years prior to the  
2 current date but is not a replica, as defined in Section 478.11 of Title 27 of the  
3 Code of Federal Regulations, or its successor.

4 **Comment.** Section 27820 continues former Section 12078(t)(2) without substantive change, as  
5 that provision applied to former Section 12072(f)(1).

6 See Sections 16520 (“firearm”), 16640 (“handgun”).

7 Article 6. Exceptions to the Requirement of Using a Dealer for a  
8 Private Party Firearms Transaction

9 **§ 27850. Exception for sale, delivery, or transfer to governmental entity as part of program**  
10 **in which entity is acquiring weapons from private individuals**

11 27850. (a) Section 27545 does not apply to a sale, delivery, or transfer of  
12 firearms if both of the following requirements are satisfied:

13 (1) The sale, delivery, or transfer is to an authorized representative of a city, city  
14 and county, county, or state government, or of the federal government, and is for  
15 the governmental entity.

16 (2) The entity is acquiring the weapon as part of an authorized, voluntary  
17 program in which the entity is buying or receiving weapons from private  
18 individuals.

19 (b) Any weapons acquired pursuant to this section shall be disposed of pursuant  
20 to the applicable provisions of Section 34000 or Sections 18000 and 18005.

21 **Comment.** Section 27850 continues former Section 12078(a)(6) without substantive change, as  
22 that provision applied to former Section 12072(d).

23 See Section 16520 (“firearm”).

24 **§ 27855. Exception for sale, delivery, loan, or transfer by law enforcement representative to**  
25 **nonprofit historical society, museum, or institutional collection**

26 27855. Section 27545 does not apply to the sale, delivery, loan, or transfer of a  
27 firearm made by an authorized law enforcement representative of a city, county,  
28 city and county, or state, or of the federal government, to any public or private  
29 nonprofit historical society, museum, or institutional collection, or the purchase or  
30 receipt of that firearm by that public or private nonprofit historical society,  
31 museum, or institutional collection, if all of the following conditions are met:

32 (a) The entity receiving the firearm is open to the public.

33 (b) The firearm prior to delivery is deactivated or rendered inoperable.

34 (c) The firearm is not subject to any of the following:

35 (1) Sections 18000 and 18005.

36 (2) Division 4 (commencing with Section 18250) of Title 2.

37 (3) Section 34000.

38 (4) Sections 34005 and 34010.

39 (d) The firearm is not prohibited by other provisions of law from being sold,  
40 delivered, or transferred to the public at large.

1 (e) Prior to delivery, the entity receiving the firearm submits a written statement  
2 to the law enforcement representative stating that the firearm will not be restored  
3 to operating condition, and will either remain with that entity, or if subsequently  
4 disposed of, will be transferred in accordance with the applicable provisions listed  
5 in Section 16575 and, if applicable, with Section 31615.

6 (f) Within 10 days of the date that the firearm is sold, loaned, delivered, or  
7 transferred to that entity, all of the following information shall be reported to the  
8 department in a manner prescribed by the department:

9 (1) The name of the government entity delivering the firearm.

10 (2) The make, model, serial number, and other identifying characteristics of the  
11 firearm.

12 (3) The name of the person authorized by the entity to take possession of the  
13 firearm.

14 (g) In the event of a change in the status of the designated representative, the  
15 entity shall notify the department of a new representative within 30 days.

16 **Comment.** Section 27855 continues former Section 12078(a)(7) without substantive change, as  
17 that provision applied to former Section 12072(d).

18 See Section 16520 (“firearm”).

19 **§ 27860. Exception for sale, delivery, loan, or transfer by person other than law**  
20 **enforcement representative to nonprofit historical society, museum, or institutional**  
21 **collection**

22 27860. Section 27545 does not apply to the sale, delivery, loan, or transfer of a  
23 firearm made by any person other than a representative of an authorized law  
24 enforcement agency to any public or private nonprofit historical society, museum,  
25 or institutional collection, if all of the following conditions are met:

26 (a) The entity receiving the firearm is open to the public.

27 (b) The firearm is deactivated or rendered inoperable prior to delivery.

28 (c) The firearm is not of a type prohibited from being sold, delivered, or  
29 transferred to the public.

30 (d) Prior to delivery, the entity receiving the firearm submits a written statement  
31 to the person selling, loaning, or transferring the firearm stating that the firearm  
32 will not be restored to operating condition, and will either remain with that entity,  
33 or if subsequently disposed of, will be transferred in accordance with the  
34 applicable provisions listed in Section 16575 and, if applicable, with Section  
35 31615.

36 (e) If title to a handgun is being transferred to the public or private nonprofit  
37 historical society, museum, or institutional collection, then the designated  
38 representative of that entity shall, within 30 days of taking possession of that  
39 handgun, forward by prepaid mail or deliver in person to the Department of  
40 Justice, a single report signed by both parties to the transaction, which includes all  
41 of the following information:

42 (1) Information identifying the person representing the public or private  
43 historical society, museum, or institutional collection.

1 (2) Information on how title was obtained and from whom.

2 (3) A description of the firearm in question.

3 (4) A copy of the written statement referred to in subdivision (d).

4 (f) The report forms that are to be completed pursuant to this section shall be  
5 provided by the Department of Justice.

6 (g) In the event of a change in the status of the designated representative, the  
7 entity shall notify the department of a new representative within 30 days.

8 **Comment.** Section 27860 continues former Section 12078(a)(8) without substantive change, as  
9 that provision applied to former Section 12072(d).

10 See Sections 16520 (“firearm”), 16640 (“handgun”).

11 **§ 27865. Exception for sales, deliveries, or transfers of firearms between or to licensed**  
12 **importers and manufacturers**

13 27865. Section 27545 does not apply to sales, deliveries, or transfers of firearms  
14 between or to importers and manufacturers of firearms licensed to engage in that  
15 business pursuant to Chapter 44 (commencing with Section 921) of Title 18 of the  
16 United States Code and the regulations issued pursuant thereto.

17 **Comment.** Section 27865 continues former Section 12078(b)(1) without substantive change,  
18 as that provision applied to former Section 12072(d).

19 See Section 16520 (“firearm”).

20 **§ 27870. Exception for infrequent transfer of firearm, other than handgun, between**  
21 **members of same immediate family**

22 27870. Section 27545 does not apply to the transfer of a firearm, other than a  
23 handgun, by gift, bequest, intestate succession, or other means from one individual  
24 to another, if both of the following requirements are satisfied:

25 (a) The transfer is infrequent, as defined in Section 16730.

26 (b) The transfer is between members of the same immediate family.

27 **Comment.** Section 27870 continues former Section 12078(c)(1) without substantive change.

28 See Sections 16520 (“firearm”), 16640 (“handgun”), 16720 (“immediate family member”).

29 **§ 27875. Exception for infrequent transfer of handgun between members of same**  
30 **immediate family**

31 27875. Section 27545 does not apply to the transfer of a handgun by gift,  
32 bequest, intestate succession, or other means from one individual to another, if all  
33 of the following requirements are met:

34 (a) The transfer is infrequent, as defined in Section 16730.

35 (b) The transfer is between members of the same immediate family.

36 (c) Within 30 days of taking possession of the firearm, the person to whom it is  
37 transferred shall forward by prepaid mail, or deliver in person to the Department  
38 of Justice, a report that includes information concerning the individual taking  
39 possession of the firearm, how title was obtained and from whom, and a  
40 description of the firearm in question. The report forms that individuals complete  
41 pursuant to this section shall be provided to them by the Department of Justice.

1 (d) The person taking title to the firearm shall first obtain a handgun safety  
2 certificate.

3 (e) The person receiving the firearm is 18 years of age or older.

4 **Comment.** Section 27875 continues former Section 12078(c)(2) without substantive change.  
5 See Sections 16520 (“firearm”), 16640 (“handgun”), 16670 (“handgun safety certificate”),  
6 16720 (“immediate family member”).

7 **§ 27880. Exception for infrequent loan of firearm between persons who are personally**  
8 **known to each other**

9 27880. Section 27545 does not apply to the loan of a firearm between persons  
10 who are personally known to each other, if all of the following requirements are  
11 satisfied:

12 (a) The loan is infrequent, as defined in Section 16730.

13 (b) The loan is for any lawful purpose.

14 (c) The loan does not exceed 30 days in duration.

15 (d) Commencing January 1, 2003, if the firearm is a handgun, the individual  
16 being loaned the handgun shall have a valid handgun safety certificate.

17 **Comment.** Section 27880 continues former Section 12078(d)(1) without substantive change.  
18 See Sections 16520 (“firearm”), 16640 (“handgun”), 16670 (“handgun safety certificate”).

19 **§ 27885. Exception for loan of firearm if lender is constantly in presence of recipient, loan is**  
20 **for 3 days or less, and other requirements are met**

21 27885. Section 27545 does not apply to the loan of a firearm if all of the  
22 following conditions exist:

23 (a) The person loaning the firearm is at all times within the presence of the  
24 person being loaned the firearm.

25 (b) The loan is for a lawful purpose.

26 (c) The loan does not exceed three days in duration.

27 (d) The individual receiving the firearm is not prohibited by state or federal law  
28 from possessing, receiving, owning or purchasing a firearm.

29 (e) The person loaning the firearm is 18 years of age or older.

30 (f) The person being loaned the firearm is 18 years of age or older.

31 **Comment.** Section 27885 continues former Section 12078(d)(2) without substantive change,  
32 as that provision applied to former Section 12072(d).

33 See Section 16520 (“firearm”).

34 **§ 27890. Exception for service or repair by gunsmith**

35 27890. Section 27545 does not apply to the delivery of a firearm to a gunsmith  
36 for service or repair, or to the return of the firearm to its owner by the gunsmith.

37 **Comment.** Section 27890 continues former Section 12078(e) without substantive change, as  
38 that provision applied to former Section 12072(d).

39 See Sections 16520 (“firearm”), 16630 (“gunsmith”).

1 **§ 27895. Exception for sale, delivery, or transfer by resident to licensed nonresident**

2 27895. Section 27545 does not apply to the sale, delivery, or transfer of firearms  
3 if all of the following requirements are satisfied:

4 (a) The sale, delivery, or transfer is made by a person who resides in this state.

5 (b) The sale, delivery, or transfer is made to a person who resides outside this  
6 state and is licensed pursuant to Chapter 44 (commencing with Section 921) of  
7 Title 18 of the United States Code and the regulations issued pursuant thereto.

8 (c) The sale, delivery, or transfer is in accordance with Chapter 44 (commencing  
9 with Section 921) of Title 18 of the United States Code and the regulations issued  
10 pursuant thereto.

11 **Comment.** Section 27895 continues former Section 12078(f) without substantive change, as  
12 that provision applied to former Section 12072(d).

13 See Section 16520 (“firearm”).

14 **§ 27900. Exception for infrequent sale or transfer of firearm, other than handgun, at**  
15 **auction or similar event conducted by nonprofit mutual or public benefit corporation**

16 27900. (a) Section 27545 does not apply to the infrequent sale or transfer of a  
17 firearm other than a handgun at an auction or similar event conducted by a  
18 nonprofit mutual or public benefit corporation organized pursuant to the  
19 Corporations Code.

20 (b) As used in this section, “infrequent” has the meaning provided in Section  
21 16730.

22 **Comment.** Section 27900 continues the first paragraph of former Section 12078(g)(1) without  
23 substantive change.

24 See Sections 16520 (“firearm”), 16640 (“handgun”).

25 **§ 27905. Exception for donation of firearm, other than handgun, for auction or similar**  
26 **event conducted by nonprofit mutual or public benefit corporation**

27 27905. Section 27545 does not apply to the transfer of a firearm if all of the  
28 following requirements are satisfied:

29 (a) The firearm is not a handgun.

30 (b) The firearm is donated for an auction or similar event described in Section  
31 27900.

32 (c) The firearm is delivered to the nonprofit corporation immediately preceding,  
33 or contemporaneous with, the auction or similar event.

34 **Comment.** Section 27905 continues former Section 12078(g)(2) without substantive change.

35 See Sections 16520 (“firearm”), 16640 (“handgun”).

36 **§ 27910. Exception for loan of firearm to person 18 or older for target shooting under**  
37 **specified circumstances**

38 27910. (a) Section 27545 does not apply to the loan of a firearm to a person 18  
39 years of age or older for the purposes of shooting at targets if either of the  
40 following conditions is satisfied:

1 (a) The loan occurs on the premises of a target facility that holds a business or  
2 regulatory license and the firearm is at all times kept within the premises of the  
3 target range.

4 (b) The loan occurs on the premises of any club or organization organized for  
5 the purposes of practicing shooting at targets upon established ranges, whether  
6 public or private, and the firearm is at all times kept on the premises of the club or  
7 organization.

8 **Comment.** Section 27910 continues former Section 12078(h) without substantive change, as  
9 that provision applied to former Section 12072(d).

10 See Section 16520 (“firearm”).

11 **§ 27915. Exception for person who takes title or possession of firearm, other than handgun,**  
12 **by operation of law**

13 27915. Section 27545 does not apply to a person who takes title or possession of  
14 a firearm by operation of law if both of the following requirements are satisfied:

15 (a) The firearm is not a handgun.

16 (b) The person is not prohibited by state or federal law from possessing,  
17 receiving, owning, or purchasing a firearm.

18 **Comment.** Section 27915 continues former Section 12078(i)(1) without substantive change.

19 See Sections 16520 (“firearm”), 16640 (“handgun”), 16990 (“person taking title or possession  
20 of a firearm by operation of law”).

21 **§ 27920. Exception for person who takes title or possession of handgun by operation of law**

22 27920. Section 27545 does not apply to a person who takes title or possession of  
23 a handgun by operation of law if the person is not prohibited by state or federal  
24 law from possessing, receiving, owning, or purchasing a firearm and all of the  
25 following conditions are met:

26 (a) If the person taking title or possession is neither a levying officer as defined  
27 in Section 481.140, 511.060, or 680.260 of the Code of Civil Procedure, nor a  
28 person who is receiving that firearm pursuant to subdivision (g), (i), or (j) of  
29 Section 16990, the person shall, within 30 days of taking possession, forward by  
30 prepaid mail or deliver in person to the Department of Justice, a report of  
31 information concerning the individual taking possession of the firearm, how title  
32 or possession was obtained and from whom, and a description of the firearm in  
33 question.

34 (b) If the person taking title or possession is receiving the firearm pursuant to  
35 subdivision (g) of Section 16990, the person shall do both of the following:

36 (1) Within 30 days of taking possession, forward by prepaid mail or deliver in  
37 person to the department, a report of information concerning the individual taking  
38 possession of the firearm, how title or possession was obtained and from whom,  
39 and a description of the firearm in question.

40 (2) Prior to taking title or possession of the firearm, the person shall obtain a  
41 handgun safety certificate.

1 (c) Where the person receiving title or possession of the handgun is a person  
2 described in subdivision (i) of Section 16990, on the date that the person is  
3 delivered the firearm, the name and other information concerning the person  
4 taking possession of the firearm, how title or possession of the firearm was  
5 obtained and from whom, and a description of the firearm by make, model, serial  
6 number, and other identifying characteristics, shall be entered into the Automated  
7 Firearms System (AFS) via the California Law Enforcement Telecommunications  
8 System (CLETS) by the law enforcement or state agency that transferred or  
9 delivered the firearm. An agency without access to AFS shall arrange with the  
10 sheriff of the county in which the agency is located to input this information via  
11 this system.

12 (d) Where the person receiving title or possession of the handgun is a person  
13 described in subdivision (g) of Section 16990, on the date that the person is  
14 delivered the firearm, the name and other information concerning the person  
15 taking possession of the firearm, how title or possession of the firearm was  
16 obtained and from whom, and a description of the firearm by make, model, serial  
17 number, and other identifying characteristics, shall be entered into the AFS via the  
18 CLETS by the law enforcement or state agency that transferred or delivered the  
19 firearm. An agency without access to AFS shall arrange with the sheriff of the  
20 county in which the agency is located to input this information via this system. In  
21 addition, that law enforcement agency shall not deliver that handgun to the person  
22 referred to in this subdivision unless, prior to the delivery of the handgun, the  
23 person presents proof to the agency that the person is the holder of a handgun  
24 safety certificate.

25 (e) The reports that individuals complete pursuant to this section shall be  
26 provided to them by the Department of Justice.

27 **Comment.** Section 27920 continues former Section 12078(i)(2) without substantive change.  
28 An erroneous cross-reference to Code of Civil Procedure Section 680.210 has been corrected by  
29 replacing it with a cross-reference to Code of Civil Procedure Section 680.260.

30 See Sections 16520 (“firearm”), 16640 (“handgun”), 16990 (“person taking title or possession  
31 of a firearm by operation of law”).

32 **§ 27925. Exception for person who takes possession of firearm by operation of law in**  
33 **representative capacity and then transfers firearm to self in individual capacity**

34 27925. (a) Section 27545 does not apply to a person who takes possession of a  
35 firearm by operation of law in a representative capacity who subsequently  
36 transfers ownership of the firearm to himself or herself in an individual capacity.

37 (b) In the case of a handgun, the individual shall obtain a handgun safety  
38 certificate prior to transferring ownership to himself or herself, or taking  
39 possession of a handgun in an individual capacity.

40 **Comment.** Section 27925 continues former Section 12078(i)(3) without substantive change.

41 See Sections 16520 (“firearm”), 16640 (“handgun”), 16670 (“handgun safety certificate”),  
42 16990 (“person taking title or possession of a firearm by operation of law”).



1 **§ 27930. Exception for deliveries, transfers, or returns made pursuant to certain statutes**

2 27930. Section 27545 does not apply to deliveries, transfers, or returns of  
3 firearms made pursuant to any of the following:

4 (a) Sections 18000 and 18005.

5 (b) Division 4 (commencing with Section 18250) of Title 2.

6 (c) Chapter 2 (commencing with Section 33850) of Division 11.

7 (d) Sections 34005 and 34010.

8 **Comment.** Section 27930 continues former Section 12078(j) without substantive change, as  
9 that provision applied to former Section 12072(d).

10 See Section 16520 (“firearm”).

11 **§ 27935. Exception for sale, delivery, or transfer of unloaded firearms to wholesaler by**  
12 **another wholesaler or by licensed manufacturer or importer**

13 27935. Section 27545 does not apply to the sale, delivery, or transfer of  
14 unloaded firearms to a wholesaler as merchandise in the wholesaler’s business by  
15 a manufacturer or importer licensed to engage in that business pursuant to Chapter  
16 44 (commencing with Section 921) of Title 18 of the United States Code and the  
17 regulations issued pursuant thereto, or by another wholesaler, if the sale, delivery,  
18 or transfer is made in accordance with Chapter 44 (commencing with Section 921)  
19 of Title 18 of the United States Code.

20 **Comment.** Section 27935 continues former Section 12078(m) without substantive change, as  
21 that provision applied to former Section 12072(d).

22 See Sections 16520 (“firearm”), 17340 (“wholesaler”).

23 **§ 27940. Exception for sale, delivery, or transfer of firearms regulated pursuant to specified**  
24 **statutes, if sale, delivery, or transfer complies with applicable statutory provisions**

25 27940. Section 27545 does not apply to the sale, delivery, or transfer of firearms  
26 regulated pursuant to any of the following statutes, if the sale, delivery, or transfer  
27 is conducted in accordance with the applicable provisions of the statute:

28 (a) Section 24410, relating to cane guns, and the exemptions in Chapter 1  
29 (commencing with Section 17700) of Title 2, as they relate to cane guns.

30 (b) Section 24510, relating to firearms that are not immediately recognizable as  
31 firearms, and the exemptions in Chapter 1 (commencing with Section 17700) of  
32 Title 2, as they relate to firearms that are not immediately recognizable as  
33 firearms.

34 (c) Sections 24610 and 24680, relating to undetectable firearms, and the  
35 exemptions in Chapter 1 (commencing with Section 17700) of Title 2, as they  
36 relate to undetectable firearms.

37 (d) Section 24710, relating to wallet guns, and the exemptions in Chapter 1  
38 (commencing with Section 17700) of Title 2, as they relate to wallet guns.

39 (e) Chapter 2 (commencing with Section 30500) of Division 10, relating to  
40 assault weapons.

1 (f) Section 31500, relating to unconventional pistols, and the exemptions in  
2 Chapter 1 (commencing with Section 17700) of Title 2, as they relate to  
3 unconventional pistols.

4 (g) Sections 33215 to 33225, inclusive, relating to short-barreled rifles and  
5 short-barreled shotguns, and the exemptions in Chapter 1 (commencing with  
6 Section 17700) of Title 2, as they relate to short-barreled rifles and short-barreled  
7 shotguns.

8 (h) Chapter 6 (commencing with Section 32610) of Division 10, relating to  
9 machineguns.

10 (i) Section 33600, relating to zip guns, and the exemptions in Chapter 1  
11 (commencing with Section 17700) of Title 2, as they relate to zip guns.

12 **Comment.** Section 27940 continues former Section 12078(o) without substantive change, as  
13 that provision applied to former Section 12072(d).

14 See Sections 16330 (“cane gun”), 16520 (“firearm”), 16880 (“machinegun”), 17170 (“short-  
15 barreled rifle”), 17180 (“short-barreled shotgun”), 17270 (“unconventional pistol”), 17280  
16 (“undetectable firearm”), 17330 (“wallet gun”), 17360 (“zip gun”) 30510 (“assault weapon”),  
17 30515 (further clarification of “assault weapon”).

18 **§ 27945. Exception for certain situations involving minor**

19 27945. Section 27545 does not apply to or affect the following circumstances:

20 (a) The transfer or loan of a firearm, other than a handgun, to a minor by the  
21 minor’s parent or legal guardian.

22 (b) The transfer or loan of a firearm, other than a handgun, to a minor by a  
23 grandparent who is not the legal guardian of the minor, if the transfer is done with  
24 the express permission of the minor’s parent or legal guardian.

25 (c) The loan of a firearm, other than a handgun, to a minor, with the express  
26 permission of the minor’s parent or legal guardian, if the loan does not exceed 30  
27 days in duration and is for a lawful purpose.

28 (d) The loan of a handgun to a minor by the minor’s parent or legal guardian, if  
29 both of the following requirements are satisfied:

30 (1) The minor is being loaned the firearm for the purposes of engaging in a  
31 lawful, recreational sport, including, but not limited to, competitive shooting, or  
32 agricultural, ranching, or hunting activity, or a motion picture, television, or video  
33 production, or entertainment or theatrical event, the nature of which involves the  
34 use of a firearm.

35 (2) The duration of the loan does not exceed the amount of time that is  
36 reasonably necessary to engage in the lawful, recreational sport, including, but not  
37 limited to, competitive shooting, or agricultural, ranching, or hunting activity, or a  
38 motion picture, television, or video production, or entertainment or theatrical  
39 event, the nature of which involves the use of a firearm.

40 (e) The loan of a handgun to a minor by a person who is not the minor’s parent  
41 or legal guardian, if all of the following requirements are satisfied:

1 (1) The minor is accompanied by the minor’s parent or legal guardian when the  
2 loan is made, or the minor has the written consent of the minor’s parent or legal  
3 guardian, which is presented at the time of the loan, or earlier.

4 (2) The minor is being loaned the firearm for the purpose of engaging in a  
5 lawful, recreational sport, including, but not limited to, competitive shooting, or  
6 agricultural, ranching, or hunting activity, or a motion picture, television, or video  
7 production, or entertainment or theatrical event, the nature of which involves the  
8 use of a firearm.

9 (3) The duration of the loan does not exceed the amount of time that is  
10 reasonably necessary to engage in the lawful, recreational sport, including, but not  
11 limited to, competitive shooting, or agricultural, ranching, or hunting activity, or a  
12 motion picture, television, or video production, or entertainment or theatrical  
13 event, the nature of which involves the use of a firearm.

14 (4) The duration of the loan does not, in any event, exceed 10 days.

15 **Comment.** Subdivision (a) of Section 27945 continues former Section 12078(p)(4) without  
16 substantive change, as that provision applied to former Section 12072(d).

17 Subdivision (b) continues former Section 12078(p)(5) without substantive change, as that  
18 provision applied to former Section 12072(d).

19 Subdivision (c) continues former Section 12078(p)(1) without substantive change, as that  
20 provision applied to former Section 12072(d).

21 Subdivision (d) continues former Section 12078(p)(3) without substantive change, as that  
22 provision applied to former Section 12072(d).

23 Subdivision (e) continues former Section 12078(p)(2) without substantive change, as that  
24 provision applied to former Section 12072(d).

25 See Sections 16520 (“firearm”), 16640 (“handgun”).

26 **§ 27950. Exception for loan of firearm, other than handgun, to licensed hunter for use in**  
27 **hunting season**

28 27950. Section 27545 does not apply to the loan of a firearm, other than a  
29 handgun, to a licensed hunter for use by that hunter for a period of time not to  
30 exceed the duration of the hunting season for which the firearm is to be used.

31 **Comment.** Section 27950 continues former Section 12078(q) without substantive change.

32 See Sections 16520 (“firearm”), 16640 (“handgun”).

33 **§ 27955. Exception for infrequent loan of unloaded firearm for use solely as prop**

34 27955. Section 27545 does not apply to the loan of a firearm if all of the  
35 following requirements are satisfied:

36 (a) The loan is infrequent, as defined in Section 16730.

37 (b) The firearm is unloaded.

38 (c) The loan is made by a person who is neither a dealer nor a federal firearms  
39 licensee pursuant to Chapter 44 of Title 18 of the United States Code.

40 (d) The loan is made to a person 18 years of age or older.

41 (e) The loan is for use solely as a prop in a motion picture, television, video,  
42 theatrical, or other entertainment production or event.

43 **Comment.** Section 27955 continues former Section 12078(s)(1) without substantive change, as  
44 that provision applied to former Section 12072(d).

1 See Sections 16520 (“firearm”), 26700 (“dealer,” “licensee,” or “person licensed pursuant to  
2 Sections 26700 to 26915, inclusive”).

3 **§ 27960. Exception loan of unloaded firearm, for use solely as prop, by federal firearms  
4 licensee to person with entertainment firearms permit**

5 27960. (a) Section 27545 does not apply to the loan of a firearm if all of the  
6 following requirements are satisfied:

7 (1) The firearm is unloaded.

8 (2) The loan is made by a person who is not a dealer but is a federal firearms  
9 licensee pursuant to Chapter 44 of Title 18 of the United States Code.

10 (3) The loan is made to a person who possesses a valid entertainment firearms  
11 permit issued pursuant to Chapter 2 (commencing with Section 29500) of Division  
12 8.

13 (4) The firearm is loaned for use solely as a prop in a motion picture, television,  
14 video, theatrical, or other entertainment production or event.

15 (b) The person loaning the firearm pursuant to this section shall retain a  
16 photocopy of the entertainment firearms permit as proof of compliance with this  
17 requirement.

18 **Comment.** Section 27960 continues former Section 12078(s)(2) without substantive change, as  
19 that provision applied to former Section 12072(d).

20 See Sections 16520 (“firearm”), 26700 (“dealer,” “licensee,” or “person licensed pursuant to  
21 Sections 26700 to 26915, inclusive”).

22 **§ 27965. Exception for infrequent sale, loan, or transfer of curio or relic manufactured at  
23 least 50 years ago, which is not handgun**

24 27965. If all of the following requirements are satisfied, Section 27545 does not  
25 apply to the sale, loan, or transfer of a firearm:

26 (a) The sale, loan, or transfer is infrequent, as defined in Section 16730.

27 (b) The firearm is not a handgun.

28 (c) The firearm is a curio or relic manufactured at least 50 years prior to the  
29 current date but is not a replica, as defined in Section 478.11 of Title 27 of the  
30 Code of Federal Regulations, or its successor.

31 **Comment.** Section 27965 continues former Section 12078(t)(2) without substantive change, as  
32 that provision applied to former Section 12072(d).

33 See Sections 16520 (“firearm”), 16640 (“handgun”).

34 **Article 7. Report to Department of Justice**

35 **§ 28000. Circumstances that may be reported to Department of Justice in prescribed format**

36 28000. A person who is exempt from Section 27545 or is otherwise not required  
37 by law to report acquisition, ownership, or disposal of a handgun or who moves  
38 out of this state with the person’s handgun may report that to the Department of  
39 Justice in a format prescribed by the department.

40 **Comment.** Section 28000 continues former Section 12078(l) without substantive change.

41 See Section 16640 (“handgun”).

CHAPTER 5. PROCEDURE FOR A PRIVATE PARTY FIREARMS TRANSACTION

§ 28050. Basic procedure

28050. (a) A person shall complete any sale, loan, or transfer of a firearm through a person licensed pursuant to Sections 26700 to 26915, inclusive, in accordance with this chapter in order to comply with Section 27545.

(b) The seller or transferor or the person loaning the firearm shall deliver the firearm to the dealer who shall retain possession of that firearm.

(c) The dealer shall then deliver the firearm to the purchaser or transferee or the person being loaned the firearm, if it is not prohibited, in accordance with Section 27540.

(d) If the dealer cannot legally deliver the firearm to the purchaser or transferee or the person being loaned the firearm, the dealer shall forthwith, without waiting for the conclusion of the waiting period described in Sections 26815 and 27540, return the firearm to the transferor or seller or the person loaning the firearm. The dealer shall not return the firearm to the seller or transferor or the person loaning the firearm when to do so would constitute a violation of Section 27500, 27505, 27515, 27520, 27525, 27530, or 27535. If the dealer cannot legally return the firearm to the transferor or seller or the person loaning the firearm, then the dealer shall forthwith deliver the firearm to the sheriff of the county or the chief of police or other head of a municipal police department of any city or city and county, who shall then dispose of the firearm in the manner provided by Sections 18000, 18005, and 34000.

**Comment.** Section 28050 continues the first six sentences of former Section 12082(a) without substantive change.

See Sections 16520 (“firearm”), 26700 (“dealer,” “licensee,” or “person licensed pursuant to Sections 26700 to 26915, inclusive”).

§ 28055. Fees

28055. (a) For a sale, loan, or transfer conducted pursuant to this chapter, the purchaser or transferee or person being loaned the firearm may be required by the dealer to pay a fee not to exceed ten dollars (\$10) per firearm.

(b) No other fee may be charged by the dealer for a sale, loan, or transfer of a firearm conducted pursuant to this chapter, except for the applicable fees that may be charged pursuant to Sections 23690 and 28300 and Article 3 (commencing with Section 28100) of Chapter 6 and forwarded to the Department of Justice, and the fees set forth in Section 31650.

(c) The dealer may not charge any additional fees.

(d) Nothing in these provisions shall prevent a dealer from charging a smaller fee.

**Comment.** Subdivisions (a) and (b) of Section 28055 continue the seventh sentence of former Section 12082(a) without substantive change.

Subdivision (c) continues the ninth sentence of former Section 12082(a) without substantive change.

1 Subdivision (d) continues the eighth sentence of former Section 12082(a) without substantive  
2 change.

3 See Sections 16520 (“firearm”), 26700 (“dealer,” “licensee,” or “person licensed pursuant to  
4 Sections 26700 to 26915, inclusive”).

5 **§ 28060. Regulations**

6 28060. The Attorney General shall adopt regulations under this chapter to do all  
7 of the following:

8 (a) Allow the seller or transferor or the person loaning the firearm, and the  
9 purchaser or transferee or the person being loaned the firearm, to complete a sale,  
10 loan, or transfer through a dealer, and to allow those persons and the dealer to  
11 preserve the confidentiality of those records and to comply with the requirements  
12 of this chapter and all of the following:

13 (1) Article 1 (commencing with Section 26700) and Article 2 (commencing with  
14 Section 26800) of Chapter 2.

15 (2) Article 1 (commencing with Section 27500) of Chapter 4.

16 (3) Article 2 (commencing with Section 28150) of Chapter 6.

17 (4) Article 3 (commencing with Section 28200) of Chapter 6.

18 (b) Where a personal handgun importer is selling or transferring a pistol,  
19 revolver, or other firearm capable of being concealed upon the person to comply  
20 with paragraph (2) of subdivision (a) of Section 27560, to allow a personal  
21 handgun importer’s ownership of the pistol, revolver, or other firearm capable of  
22 being concealed upon the person being sold or transferred to be recorded in a  
23 manner that if the firearm is returned to that personal handgun importer because  
24 the sale or transfer cannot be completed, the Department of Justice will have  
25 sufficient information about that personal handgun importer so that a record of the  
26 importer’s ownership can be maintained in the registry provided by subdivision (c)  
27 of Section 11106.

28 (c) Ensure that the register or record of electronic transfer shall state all of the  
29 following:

30 (1) The name and address of the seller or transferor of the firearm or the person  
31 loaning the firearm.

32 (2) Whether or not the person is a personal handgun importer.

33 (3) Any other information required by Article 2 (commencing with Section  
34 28150) of Chapter 6.

35 **Comment.** Section 28060 continues former Section 12082(b) without substantive change.

36 See Sections 16520 (“firearm”), 16530 (“firearm capable of being concealed upon the person,”  
37 “pistol,” and “revolver”), 17000 (“personal handgun importer”), 26700 (“dealer,” “licensee,” or  
38 “person licensed pursuant to Sections 26700 to 26915, inclusive”).

39 **§ 28065. Dealer who does not sell, transfer, or keep inventory of handguns**

40 28065. Notwithstanding any other provision of law, a dealer who does not sell,  
41 transfer, or keep an inventory of handguns is not required to process private party  
42 transfers of handguns.

43 **Comment.** Section 28065 continues former Section 12082(c) without substantive change.

1 See Sections 16640 (“handgun”), 26700 (“dealer,” “licensee,” or “person licensed pursuant to  
2 Sections 26700 to 26915, inclusive”).

3 **§ 28070. Punishment**

4 28070. A violation of this chapter by a dealer is a misdemeanor.

5 **Comment.** Section 28070 continues former Section 12082(d) without substantive change.

6 See Section 26700 (“dealer,” “licensee,” or “person licensed pursuant to Sections 26700 to  
7 26915, inclusive”).

8 CHAPTER 6. RECORDKEEPING, BACKGROUND CHECKS, AND FEES RELATING TO  
9 SALE, LEASE, OR TRANSFER OF FIREARMS

10 Article 1. General Provisions Relating to the Register or the  
11 Record of Electronic or Telephonic Transfer

12 **§ 28100. Register or record of electronic or telephonic transfer**

13 28100. (a) As required by the Department of Justice, every dealer shall keep a  
14 register or record of electronic or telephonic transfer in which shall be entered the  
15 information prescribed in Article 2 (commencing with Section 28150).

16 (b) This section shall not apply to any of the following transactions:

17 (1) The loan of an unloaded firearm by a dealer to a person who possesses a  
18 valid entertainment firearms permit issued pursuant to Chapter 2 (commencing  
19 with Section 29500) of Division 8, for use solely as a prop in a motion picture,  
20 television, video, theatrical, or other entertainment production or event.

21 (2) The delivery of an unloaded firearm by a dealer to a gunsmith for service or  
22 repair.

23 (3) The sale, delivery, or transfer of an unloaded firearm, other than a handgun,  
24 by a dealer to another dealer, upon proof of compliance with the requirements of  
25 Section 27555.

26 (4) The sale, delivery, or transfer of an unloaded firearm by a dealer who sells,  
27 delivers, or transfers the firearm to a person who resides outside this state and is  
28 licensed pursuant to Chapter 44 (commencing with Section 921) of Title 18 of the  
29 United States Code and any regulations issued pursuant thereto.

30 (5) The sale, delivery, or transfer of an unloaded firearm by a dealer to a  
31 wholesaler if that firearm is being returned to the wholesaler and is intended as  
32 merchandise in the wholesaler’s business.

33 (6) The sale, delivery, or transfer of an unloaded firearm by a dealer to another  
34 dealer, upon proof of compliance with the requirements of Section 27555, if the  
35 firearm is intended as merchandise in the receiving dealer’s business.

36 (7) The sale, delivery, or transfer of an unloaded firearm, other than a handgun,  
37 by a dealer to himself or herself.

38 (8) The loan of an unloaded firearm by a dealer, if the dealer also operates a  
39 target facility that holds a business or regulatory license on the premises of the

1 building designated in the license, the loan is made to a person at that target  
2 facility, and the firearm is kept at all times within the premises of the target range.

3 (9) The loan of an unloaded firearm by a dealer, if the building designated in the  
4 license is on the premises of any club or organization organized for the purpose of  
5 practicing shooting at targets upon established public or private ranges, the loan is  
6 made to a person at that club or organization, and the firearm is kept at all times  
7 within the premises of the club or organization.

8 (10) The loan of an unloaded firearm by a dealer to a consultant-evaluator, if the  
9 loan does not exceed 45 days from the date of delivery of the firearm by the dealer  
10 to the consultant-evaluator.

11 (11) The return of an unloaded firearm to the owner of that firearm by a dealer,  
12 if the owner initially delivered the firearm to the dealer for service or repair.

13 (12) The sale, delivery, or transfer of an unloaded firearm by a dealer to a person  
14 licensed as an importer or manufacturer pursuant to Chapter 44 (commencing with  
15 Section 921) of Title 18 of the United States Code and any regulations issued  
16 pursuant thereto.

17 (c) A violation of this section is a misdemeanor.

18 **Comment.** Section 28100 continues former Section 12073 without substantive change.

19 For exceptions to provisions in this article and in Article 2 (commencing with Section 28150),  
20 Article 3 (commencing with Section 28200), and Article 4 (commencing with Section 28300), see  
21 Article 5 (commencing with Section 28400).

22 See Sections 16410 (“consultant-evaluator”), 16520 (“firearm”), 16630 (“gunsmith”), 16640  
23 (“handgun”), 17340 (“wholesaler”), 26700 (“dealer,” “licensee,” or “person licensed pursuant to  
24 Sections 26700 to 26915, inclusive”).

25 **§ 28105. Requirements for preparation of register or record**

26 28105. (a)(1) The register required by Section 28100 shall be prepared by and  
27 obtained from the State Printer.

28 (2) The State Printer shall furnish the register only to dealers on application, at a  
29 cost to be determined by the Department of General Services.

30 (3) The Department of General Services shall determine the cost for each 100  
31 leaves in quadruplicate, one original and three duplicates for the making of carbon  
32 copies.

33 (4) The original and duplicate copies shall differ in color, and shall be in the  
34 form provided by this chapter.

35 (b) Where the electronic transfer of applicant information is used, the  
36 Department of Justice shall develop the standards for all appropriate electronic  
37 equipment and telephone numbers to effect the transfer of information to the  
38 department.

39 **Comment.** Section 28105 continues former Section 12074 without substantive change.

40 For exceptions to provisions in this article and in Article 2 (commencing with Section 28150),  
41 Article 3 (commencing with Section 28200), and Article 4 (commencing with Section 28300), see  
42 Article 5 (commencing with Section 28400).

43 See Section 26700 (“dealer,” “licensee,” or “person licensed pursuant to Sections 26700 to  
44 26915, inclusive”).



1    **§ 28110. Duties relating to register**

2    28110. (a) The State Printer upon issuing a register shall forward to the  
3 Department of Justice both of the following:

4       (1) The name and business address of the dealer.

5       (2) The series and sheet numbers of the register.

6       (b) The register shall not be transferable.

7       (c) If the dealer moves the business to a different location, the dealer shall notify  
8 the department of that fact in writing within 48 hours.

9       **Comment.** Section 28110 continues former Section 12075 without substantive change.

10      For exceptions to provisions in this article and in Article 2 (commencing with Section 28150),  
11 Article 3 (commencing with Section 28200), and Article 4 (commencing with Section 28300), see  
12 Article 5 (commencing with Section 28400).

13      See Section 26700 (“dealer,” “licensee,” or “person licensed pursuant to Sections 26700 to  
14 26915, inclusive”).

15                    Article 2. Form of the Register or the Record of Electronic Transfer

16    **§ 28150. “Purchase,” “purchaser,” and “sale”**

17    28150. As used in this article,

18       (a) “Purchase” means the purchase, loan, or transfer of a firearm.

19       (b) “Purchaser” means the purchaser or transferee of a firearm or the person  
20 being loaned a firearm.

21       (c) “Sale” means the sale, loan, or transfer of a firearm.

22       **Comment.** Section 28150 continues former Section 12077(g) without substantive change.

23       See Section 16520 (“firearm”).

24    **§ 28155. Department of Justice to prescribe form of register and record of electronic**  
25       **transfer**

26    28155. The Department of Justice shall prescribe the form of the register and the  
27 record of electronic transfer pursuant to Section 28105.

28       **Comment.** Section 28155 continues former Section 12077(a) without substantive change.

29    **§ 28160. Form for handgun**

30    28160. (a) For handguns, the register or record of electronic transfer shall  
31 include all of the following information:

32       (1) The date and time of sale.

33       (2) The make of firearm.

34       (3) Peace officer exemption status pursuant to the provisions listed in  
35 subdivision (c) of Section 16585, and the agency name.

36       (4) Dealer waiting period exemption pursuant to Sections 26900 and 27760.

37       (5) Dangerous weapons permit holder waiting period exemption pursuant to  
38 Sections 26965 and 27665.

39       (6) Curio and relic waiting period exemption pursuant to Sections 26970 and  
40 27670.

1 (7) Curio and relic waiting period exemption pursuant to Sections 27820 and  
2 27965.

3 (8) California Firearms Dealer number issued pursuant to Article 1  
4 (commencing with Section 26700) of Chapter 2.

5 (9) For transactions occurring prior to January 1, 2003, the purchaser's basic  
6 firearms safety certificate number issued pursuant to former Sections 12805 and  
7 12809.

8 (10) For transactions occurring on or after January 1, 2003, the purchaser's  
9 handgun safety certificate number issued pursuant to Article 2 (commencing with  
10 Section 31610) of Chapter 4 of Division 10 of this title, or pursuant to former  
11 Article 8 (commencing with Section 12800) of Chapter 6 of Title 2 of Part 4.

12 (11) Manufacturer's name if stamped on the firearm.

13 (12) Model name or number, if stamped on the firearm.

14 (13) Serial number, if applicable.

15 (14) Other number, if more than one serial number is stamped on the firearm.

16 (15) Any identification number or mark assigned to the firearm pursuant to  
17 Section 23910.

18 (16) Caliber.

19 (17) Type of firearm.

20 (18) If the firearm is new or used.

21 (19) Barrel length.

22 (20) Color of the firearm.

23 (21) Full name of purchaser.

24 (22) Purchaser's complete date of birth.

25 (23) Purchaser's local address.

26 (24) If current address is temporary, complete permanent address of purchaser.

27 (25) Identification of purchaser.

28 (26) Purchaser's place of birth (state or country).

29 (27) Purchaser's complete telephone number.

30 (28) Purchaser's occupation.

31 (29) Purchaser's sex.

32 (30) Purchaser's physical description.

33 (31) All legal names and aliases ever used by the purchaser.

34 (32) Yes or no answer to questions that prohibit purchase including, but not  
35 limited to, conviction of a felony as described in Chapter 2 (commencing with  
36 Section 29800) or an offense described in Chapter 3 (commencing with Section  
37 29900) of Division 9 of this title, the purchaser's status as a person described in  
38 Section 8100 of the Welfare and Institutions Code, whether the purchaser is a  
39 person who has been adjudicated by a court to be a danger to others or found not  
40 guilty by reason of insanity, and whether the purchaser is a person who has been  
41 found incompetent to stand trial or placed under conservatorship by a court  
42 pursuant to Section 8103 of the Welfare and Institutions Code.

43 (33) Signature of purchaser.

1 (34) Signature of salesperson, as a witness to the purchaser's signature.

2 (35) Salesperson's certificate of eligibility number, if the salesperson has  
3 obtained a certificate of eligibility.

4 (36) Name and complete address of the dealer or firm selling the firearm as  
5 shown on the dealer's license.

6 (37) The establishment number, if assigned.

7 (38) The dealer's complete business telephone number.

8 (39) Any information required by Chapter 5 (commencing with Section 28050).

9 (40) Any information required to determine whether subdivision (f) of Section  
10 27540 applies.

11 (41) A statement of the penalties for signing a fictitious name or address,  
12 knowingly furnishing any incorrect information, or knowingly omitting any  
13 information required to be provided for the register.

14 (b) Effective January 1, 2003, the purchaser shall provide the purchaser's right  
15 thumbprint on the register in a manner prescribed by the department. No exception  
16 to this requirement shall be permitted except by regulations adopted by the  
17 department.

18 (c) The firearms dealer shall record on the register or record of electronic  
19 transfer the date that the handgun is delivered.

20 **Comment.** Section 28160 continues former Section 12077(b) without substantive change.

21 For exceptions to provisions in this article and in Article 1 (commencing with Section 28100),  
22 Article 3 (commencing with Section 28200), and Article 4 (commencing with Section 28300), see  
23 Article 5 (commencing with Section 28400).

24 See Sections 16240 ("basic firearms safety certificate"), 16520 ("firearm"), 16640  
25 ("handgun"), 16670 ("handgun safety certificate"), 26700 ("dealer," "licensee," or "person  
26 licensed pursuant to Sections 26700 to 26915, inclusive"), 28150 ("purchase," "purchaser," and  
27 "sale").

28 **§ 28165. Form for firearm other than handgun**

29 28165. (a) For firearms other than handguns, the register or record of electronic  
30 transfer shall include all of the following information:

31 (1) The date and time of sale.

32 (2) Peace officer exemption status pursuant to the provisions listed in  
33 subdivision (c) of Section 16585, and the agency name.

34 (3) Dangerous weapons permitholder waiting period exemption pursuant to  
35 Sections 26965 and 27665.

36 (4) Curio and relic waiting period exemption pursuant to Sections 26970 and  
37 27670.

38 (5) Auction or event waiting period exemption pursuant to Sections 26955 and  
39 27655.

40 (6) California Firearms Dealer number issued pursuant to Article 1  
41 (commencing with Section 26700) of Chapter 2.

42 (7) Full name of purchaser.

43 (8) Purchaser's complete date of birth.

44 (9) Purchaser's local address.

- 1 (10) If current address is temporary, complete permanent address of purchaser.
- 2 (11) Identification of purchaser.
- 3 (12) Purchaser's place of birth (state or country).
- 4 (13) Purchaser's complete telephone number.
- 5 (14) Purchaser's occupation.
- 6 (15) Purchaser's sex.
- 7 (16) Purchaser's physical description.
- 8 (17) All legal names and aliases ever used by the purchaser.
- 9 (18) Yes or no answer to questions that prohibit purchase, including, but not  
10 limited to, conviction of a felony as described in Chapter 2 (commencing with  
11 Section 29800) or an offense described in Chapter 3 (commencing with Section  
12 29900) of Division 9 of this title, the purchaser's status as a person described in  
13 Section 8100 of the Welfare and Institutions Code, whether the purchaser is a  
14 person who has been adjudicated by a court to be a danger to others or found not  
15 guilty by reason of insanity, whether the purchaser is a person who has been found  
16 incompetent to stand trial or placed under conservatorship by a court pursuant to  
17 Section 8103 of the Welfare and Institutions Code.
- 18 (19) Signature of purchaser.
- 19 (20) Signature of salesperson, as a witness to the purchaser's signature.
- 20 (21) Salesperson's certificate of eligibility number, if the salesperson has  
21 obtained a certificate of eligibility.
- 22 (22) Name and complete address of the dealer or firm selling the firearm as  
23 shown on the dealer's license.
- 24 (23) The establishment number, if assigned.
- 25 (24) The dealer's complete business telephone number.
- 26 (25) Any information required by Chapter 5 (commencing with Section 28050).
- 27 (26) A statement of the penalties for any person signing a fictitious name or  
28 address, knowingly furnishing any incorrect information, or knowingly omitting  
29 any information required to be provided for the register.
- 30 (b) Effective January 1, 2003, the purchaser shall provide the purchaser's right  
31 thumbprint on the register in a manner prescribed by the department. No exception  
32 to this requirement shall be permitted except by regulations adopted by the  
33 department.
- 34 (c) The firearms dealer shall record on the register or record of electronic  
35 transfer the date that the firearm is delivered.

36 **Comment.** Section 28165 continues former Section 12077(c) without substantive change.

37 For exceptions to provisions in this article and in Article 1 (commencing with Section 28100),  
38 Article 3 (commencing with Section 28200), and Article 4 (commencing with Section 28300), see  
39 Article 5 (commencing with Section 28400).

40 See Sections 16520 ("firearm"), 16640 ("handgun"), 26700 ("dealer," "licensee," or "person  
41 licensed pursuant to Sections 26700 to 26915, inclusive"), 28150 ("purchase," "purchaser," and  
42 "sale").

1 **§ 28170. Requirements relating to use of register**

2 28170. Where the register is used, the following shall apply:

3 (a) Dealers shall use ink to complete each document.

4 (b) The dealer or salesperson making a sale shall ensure that all information is  
5 provided legibly. The dealer and salespersons shall be informed that incomplete or  
6 illegible information will delay sales.

7 (c) Each dealer shall be provided instructions regarding the procedure for  
8 completion of the form and routing of the form. Dealers shall comply with these  
9 instructions, which shall include the information set forth in this section.

10 (d) One firearm transaction shall be reported on each record of sale document.

11 (e) For purposes of this section, a “transaction” means a single sale, loan, or  
12 transfer of any number of firearms that are not handguns.

13 **Comment.** Section 28170 continues former Section 12077(d) without substantive change.

14 For exceptions to provisions in this article and in Article 1 (commencing with Section 28100),  
15 Article 3 (commencing with Section 28200), and Article 4 (commencing with Section 28300), see  
16 Article 5 (commencing with Section 28400).

17 See Sections 16520 (“firearm”), 16640 (“handgun”), 26700 (“dealer,” “licensee,” or “person  
18 licensed pursuant to Sections 26700 to 26915, inclusive”), 28150 (“purchase,” “purchaser,” and  
19 “sale”).

20 **§ 28175. Duty of dealer or salesperson to obtain complete information from purchaser**

21 28175. The dealer or salesperson making a sale shall ensure that all required  
22 information has been obtained from the purchaser. The dealer and all salespersons  
23 shall be informed that incomplete information will delay sales.

24 **Comment.** Section 28175 continues former Section 12077(e) without substantive change.

25 For exceptions to provisions in this article and in Article 1 (commencing with Section 28100),  
26 Article 3 (commencing with Section 28200), and Article 4 (commencing with Section 28300), see  
27 Article 5 (commencing with Section 28400).

28 See Sections 26700 (“dealer,” “licensee,” or “person licensed pursuant to Sections 26700 to  
29 26915, inclusive”), 28150 (“purchase,” “purchaser,” and “sale”).

30 **§ 28180. Use of magnetic strip to obtain purchaser’s name, date of birth, and driver’s  
31 license or identification number**

32 28180. (a) Effective January 1, 2003, the purchaser’s name, date of birth, and  
33 driver’s license or identification number shall be obtained electronically from the  
34 magnetic strip on the purchaser’s driver’s license or identification and shall not be  
35 supplied by any other means, except as authorized by the department.

36 (b) The requirement of subdivision (a) shall not apply in either of the following  
37 cases:

38 (1) The purchaser’s identification consists of a military identification card.

39 (2) Due to technical limitations, the magnetic stripe reader is unable to obtain  
40 the required information from the purchaser’s identification. In those  
41 circumstances, the firearms dealer shall obtain a photocopy of the identification as  
42 proof of compliance.

1 (c) In the event that the dealer has reported to the department that the dealer's  
2 equipment has failed, information pursuant to this section shall be obtained by an  
3 alternative method to be determined by the department.

4 **Comment.** Section 28180 continues former Section 12077(f) without substantive change.

5 For exceptions to provisions in this article and in Article 1 (commencing with Section 28100),  
6 Article 3 (commencing with Section 28200), and Article 4 (commencing with Section 28300), see  
7 Article 5 (commencing with Section 28400).

8 See Sections 16520 ("firearm"), 26700 ("dealer," "licensee," or "person licensed pursuant to  
9 Sections 26700 to 26915, inclusive"), 28150 ("purchase," "purchaser," and "sale").

10 Article 3. Submission of Fees and Firearm Purchaser Information to  
11 the Department of Justice

12 **§ 28200. "Purchase," "purchaser," "sale," and "seller"**

13 28200. As used in this article,

14 (a) "Purchase" means the purchase, loan, or transfer of a firearm.

15 (b) "Purchaser" means the purchaser or transferee of a firearm or the person  
16 being loaned a firearm.

17 (c) "Sale" means the sale, loan, or transfer of a firearm.

18 (d) "Seller" means, if the transaction is being conducted pursuant to Chapter 5  
19 (commencing with Section 28050), the person selling, loaning, or transferring the  
20 firearm.

21 **Comment.** Section 28200 continues former Section 12076(l) without substantive change.

22 **§ 28205. Means of submitting firearm purchaser information to Department of Justice**

23 28205. (a) Until January 1, 1998, the Department of Justice shall determine the  
24 method by which a dealer shall submit firearm purchaser information to the  
25 department. The information shall be in one of the following formats:

26 (1) Submission of the register described in Article 2 (commencing with Section  
27 28150).

28 (2) Electronic or telephonic transfer of the information contained in the register  
29 described in Article 2 (commencing with Section 28150).

30 (b) On or after January 1, 1998, electronic or telephonic transfer, including voice  
31 or facsimile transmission, shall be the exclusive means by which purchaser  
32 information is transmitted to the department.

33 (c) On or after January 1, 2003, except as permitted by the department,  
34 electronic transfer shall be the exclusive means by which information is  
35 transmitted to the department. Telephonic transfer shall not be permitted for  
36 information regarding sales of any firearms.

37 **Comment.** Section 28205 continues former Section 12076(a) without substantive change.

38 For exceptions to provisions in this article and in Article 1 (commencing with Section 28100),  
39 Article 2 (commencing with Section 28150), and Article 4 (commencing with Section 28300), see  
40 Article 5 (commencing with Section 28400).

41 For the consequences of violating this article, see Section 28250.

1 See Sections 16520 (“firearm”), 26700 (“dealer,” “licensee,” or “person licensed pursuant to  
2 Sections 26700 to 26915, inclusive”), 28200 (“purchase,” “purchaser,” “sale,” and “seller”).

3 **§ 28210. Use of register**

4 28210. (a)(1) Where the register is used, the purchaser of any firearm shall be  
5 required to present to the dealer clear evidence of the person’s identity and age.

6 (2) The dealer shall require the purchaser to sign the purchaser’s current legal  
7 name and affix the purchaser’s residence address and date of birth to the register in  
8 quadruplicate.

9 (3) The salesperson shall sign the register in quadruplicate, as a witness to the  
10 signature and identification of the purchaser.

11 (b) Any person furnishing a fictitious name or address, knowingly furnishing  
12 any incorrect information, or knowingly omitting any information required to be  
13 provided for the register shall be punished as provided in Section 28250.

14 (c)(1) The original of the register shall be retained by the dealer in consecutive  
15 order.

16 (2) Each book of 50 originals shall become the permanent register of  
17 transactions, which shall be retained for not less than three years from the date of  
18 the last transaction.

19 (3) Upon presentation of proper identification, the permanent register of  
20 transactions shall be available for inspection by any peace officer, Department of  
21 Justice employee designated by the Attorney General, or agent of the federal  
22 Bureau of Alcohol, Tobacco, Firearms, and Explosives. No information shall be  
23 compiled therefrom regarding the purchasers or other transferees of firearms that  
24 are not pistols, revolvers, or other firearms capable of being concealed upon the  
25 person.

26 (d) On the date of the application to purchase, two copies of the original sheet of  
27 the register shall be placed in the mail, postage prepaid, and properly addressed to  
28 the Department of Justice in Sacramento.

29 (e) If requested, a photocopy of the original shall be provided to the purchaser  
30 by the dealer.

31 (f) If the transaction is a private party transfer conducted pursuant to Chapter 5  
32 (commencing with Section 28050), a photocopy of the original shall be provided  
33 to the seller or purchaser by the dealer, upon request. The dealer shall redact all of  
34 the purchaser’s personal information, as required pursuant to subdivision (a) of  
35 Section 28160 and subdivision (a) of Section 28165, from the seller’s copy, and  
36 the seller’s personal information from the purchaser’s copy.

37 **Comment.** Subdivision (a) of Section 28210 continues the first and second sentences of former  
38 Section 12076(b)(1) without substantive change.

39 Subdivision (b) cross-refers to Section 28250, which continues the third sentence of former  
40 Section 12076(b)(1) and the third sentence of former Section 12076(c)(1) without substantive  
41 change.

42 Subdivision (c) continues former Section 12076(b)(2) without substantive change.

43 Subdivision (d) continues former Section 12076(b)(3) without substantive change.

44 Subdivision (e) continues former Section 12076(b)(4) without change.

1 Subdivision (f) continues former Section 12076(b)(5) without substantive change.  
2 For exceptions to provisions in this article and in Article 1 (commencing with Section 28100),  
3 Article 2 (commencing with Section 28150), and Article 4 (commencing with Section 28300), see  
4 Article 5 (commencing with Section 28400).

5 See Sections 16400 (“clear evidence of the person’s identity and age”), 16520 (“firearm”),  
6 26700 (“dealer,” “licensee,” or “person licensed pursuant to Sections 26700 to 26915, inclusive”),  
7 28200 (“purchase,” “purchaser,” “sale,” and “seller”).

8 **§ 28215. Use of electronic or telephonic transfer**

9 28215. (a)(1) Where the electronic or telephonic transfer of applicant  
10 information is used, the purchaser shall be required to present to the dealer clear  
11 evidence of the person’s identity and age.

12 (2) The dealer shall require the purchaser to sign the purchaser’s current legal  
13 name to the record of electronic or telephonic transfer.

14 (3) The salesperson shall sign the record of electronic or telephonic transfer, as a  
15 witness to the signature and identification of the purchaser.

16 (b) Any person furnishing a fictitious name or address, knowingly furnishing  
17 any incorrect information, or knowingly omitting any information required to be  
18 provided for the electronic or telephonic transfer shall be punished as provided in  
19 Section 28250.

20 (c)(1) The original of each record of electronic or telephonic transfer shall be  
21 retained by the dealer in consecutive order.

22 (2) Each original shall become the permanent record of the transaction, which  
23 shall be retained for not less than three years from the date of the last transaction.

24 (3) Upon presentation of proper identification, the permanent record of the  
25 transaction shall be provided for inspection by any peace officer, Department of  
26 Justice employee designated by the Attorney General, or agent of the federal  
27 Bureau of Alcohol, Tobacco, Firearms, and Explosives. No information shall be  
28 compiled therefrom regarding the purchasers or other transferees of firearms that  
29 are not pistols, revolvers, or other firearms capable of being concealed upon the  
30 person.

31 (d) On the date of the application to purchase, the record of applicant  
32 information shall be transmitted to the Department of Justice in Sacramento by  
33 electronic or telephonic transfer

34 (e) If requested, a copy of the record of electronic or telephonic transfer shall be  
35 provided to the purchaser by the dealer.

36 (f) If the transaction is a private party transfer conducted pursuant to Chapter 5  
37 (commencing with Section 28050), a copy shall be provided to the seller or  
38 purchaser by the dealer, upon request. The dealer shall redact all of the purchaser’s  
39 personal information, as required pursuant to subdivision (a) of Section 28160 and  
40 subdivision (a) of Section 28165, from the seller’s copy, and the seller’s personal  
41 information from the purchaser’s copy.

42 **Comment.** Subdivision (a) of Section 28215 continues the first and second sentences of former  
43 Section 12076(c)(1) without substantive change.



1 Subdivision (b) cross-refers to Section 28250, which continues the third sentence of former  
2 Section 12076(b)(1) and the third sentence of former Section 12076(c)(1) without substantive  
3 change.

4 Subdivision (c) continues former Section 12076(c)(3) without substantive change.

5 Subdivision (d) continues former Section 12076(c)(2) without substantive change.

6 Subdivision (e) continues former Section 12076(c)(4) without change.

7 Subdivision (f) continues former Section 12076(c)(5) without substantive change.

8 For exceptions to provisions in this article and in Article 1 (commencing with Section 28100),  
9 Article 2 (commencing with Section 28150), and Article 4 (commencing with Section 28300), see  
10 Article 5 (commencing with Section 28400).

11 See Sections 16400 (“clear evidence of the person’s identity and age”), 16520 (“firearm”),  
12 26700 (“dealer,” “licensee,” or “person licensed pursuant to Sections 26700 to 26915, inclusive”),  
13 28200 (“purchase,” “purchaser,” “sale,” and “seller”).

14 **§ 28220. Background check by Department of Justice**

15 28220. (a) Upon submission of firearm purchaser information, the Department  
16 of Justice shall examine its records, as well as those records that it is authorized to  
17 request from the State Department of Mental Health pursuant to Section 8104 of  
18 the Welfare and Institutions Code, in order to determine if the purchaser is a  
19 person described in subdivision (a) of Section 27535, or is prohibited by state or  
20 state or federal law from possessing, receiving, owning, or purchasing a firearm.

21 (b) To the extent that funding is available, the Department of Justice may  
22 participate in the National Instant Criminal Background Check System (NICS), as  
23 described in subsection (t) of Section 922 of Title 18 of the United States Code,  
24 and, if that participation is implemented, shall notify the dealer and the chief of the  
25 police department of the city or city and county in which the sale was made, or if  
26 the sale was made in a district in which there is no municipal police department,  
27 the sheriff of the county in which the sale was made, that the purchaser is a person  
28 prohibited from acquiring a firearm under federal law.

29 (c) If the department determines that the purchaser is prohibited by state or  
30 federal law from possessing, receiving, owning, or purchasing a firearm or is a  
31 person described in subdivision (a) of Section 27535, it shall immediately notify  
32 the dealer and the chief of the police department of the city or city and county in  
33 which the sale was made, or if the sale was made in a district in which there is no  
34 municipal police department, the sheriff of the county in which the sale was made,  
35 of that fact.

36 (d) If the department determines that the copies of the register submitted to it  
37 pursuant to subdivision (d) of Section 28210 contain any blank spaces or  
38 inaccurate, illegible, or incomplete information, preventing identification of the  
39 purchaser or the pistol, revolver, or other firearm to be purchased, or if any fee  
40 required pursuant to Section 28225 is not submitted by the dealer in conjunction  
41 with submission of copies of the register, the department may notify the dealer of  
42 that fact. Upon notification by the department, the dealer shall submit corrected  
43 copies of the register to the department, or shall submit any fee required pursuant  
44 to Section 28225, or both, as appropriate and, if notification by the department is  
45 received by the dealer at any time prior to delivery of the firearm to be purchased,

1 the dealer shall withhold delivery until the conclusion of the waiting period  
2 described in Sections 26815 and 27540.

3 (e) If the department determines that the information transmitted to it pursuant to  
4 Section 28215 contains inaccurate or incomplete information preventing  
5 identification of the purchaser or the pistol, revolver, or other firearm capable of  
6 being concealed upon the person to be purchased, or if the fee required pursuant to  
7 Section 28225 is not transmitted by the dealer in conjunction with transmission of  
8 the electronic or telephonic record, the department may notify the dealer of that  
9 fact. Upon notification by the department, the dealer shall transmit corrections to  
10 the record of electronic or telephonic transfer to the department, or shall transmit  
11 any fee required pursuant to Section 28225, or both, as appropriate, and if  
12 notification by the department is received by the dealer at any time prior to  
13 delivery of the firearm to be purchased, the dealer shall withhold delivery until the  
14 conclusion of the waiting period described in Sections 26815 and 27540.

15 **Comment.** Section 28220 continues former Section 12076(d) without substantive change.

16 For exceptions to provisions in this article and in Article 1 (commencing with Section 28100),  
17 Article 2 (commencing with Section 28150), and Article 4 (commencing with Section 28300), see  
18 Article 5 (commencing with Section 28400).

19 For the consequences of violating this article, see Section 28250.

20 See Sections 16520 (“firearm”), 16530 (“firearm capable of being concealed upon the person,”  
21 “pistol,” and “revolver”), 26700 (“dealer,” “licensee,” or “person licensed pursuant to Sections  
22 26700 to 26915, inclusive”), 28200 (“purchase,” “purchaser,” “sale,” and “seller”).

23 **§ 28225. Fee to be charged by dealer**

24 28225. (a) The Department of Justice may require the dealer to charge each  
25 firearm purchaser a fee not to exceed fourteen dollars (\$14), except that the fee  
26 may be increased at a rate not to exceed any increase in the California Consumer  
27 Price Index as compiled and reported by the California Department of Industrial  
28 Relations.

29 (b) The fee under subdivision (a) shall be no more than is necessary to fund the  
30 following:

31 (1) The department for the cost of furnishing this information.

32 (2) The department for the cost of meeting its obligations under paragraph (2) of  
33 subdivision (b) of Section 8100 of the Welfare and Institutions Code.

34 (3) Local mental health facilities for state-mandated local costs resulting from  
35 the reporting requirements imposed by Section 8103 of the Welfare and  
36 Institutions Code.

37 (4) The State Department of Mental Health for the costs resulting from the  
38 requirements imposed by Section 8104 of the Welfare and Institutions Code.

39 (5) Local mental hospitals, sanitariums, and institutions for state-mandated local  
40 costs resulting from the reporting requirements imposed by Section 8105 of the  
41 Welfare and Institutions Code.

42 (6) Local law enforcement agencies for state-mandated local costs resulting  
43 from the notification requirements set forth in subdivision (a) of Section 6385 of  
44 the Family Code.

1 (7) Local law enforcement agencies for state-mandated local costs resulting  
2 from the notification requirements set forth in subdivision (c) of Section 8105 of  
3 the Welfare and Institutions Code.

4 (8) For the actual costs associated with the electronic or telephonic transfer of  
5 information pursuant to Section 28215.1

6 (9) The Department of Food and Agriculture for the costs resulting from the  
7 notification provisions set forth in Section 5343.5 of the Food and Agricultural  
8 Code.

9 (10) The department for the costs associated with subdivisions (d) and (e) of  
10 Section 27560.

11 (11) The department for the costs associated with funding Department of Justice  
12 firearms-related regulatory and enforcement activities related to the sale, purchase,  
13 loan, or transfer of firearms pursuant to any provision listed in Section 16580.

14 (c) The fee established pursuant to this section shall not exceed the sum of the  
15 actual processing costs of the department, the estimated reasonable costs of the  
16 local mental health facilities for complying with the reporting requirements  
17 imposed by paragraph (3) of subdivision (b), the costs of the State Department of  
18 Mental Health for complying with the requirements imposed by paragraph (4) of  
19 subdivision (b), the estimated reasonable costs of local mental hospitals,  
20 sanitariums, and institutions for complying with the reporting requirements  
21 imposed by paragraph (5) of subdivision (b), the estimated reasonable costs of  
22 local law enforcement agencies for complying with the notification requirements  
23 set forth in subdivision (a) of Section 6385 of the Family Code, the estimated  
24 reasonable costs of local law enforcement agencies for complying with the  
25 notification requirements set forth in subdivision (c) of Section 8105 of the  
26 Welfare and Institutions Code imposed by paragraph (7) of subdivision (b), the  
27 estimated reasonable costs of the Department of Food and Agriculture for the costs  
28 resulting from the notification provisions set forth in Section 5343.5 of the Food  
29 and Agricultural Code, the estimated reasonable costs of the department for the  
30 costs associated with subdivisions (d) and (e) of Section 27560, and the estimated  
31 reasonable costs of department firearms-related regulatory and enforcement  
32 activities related to the sale, purchase, loan, or transfer of firearms pursuant to any  
33 provision listed in Section 16580.

34 (d) Where the electronic or telephonic transfer of applicant information is used,  
35 the department shall establish a system to be used for the submission of the fees  
36 described in this section to the department.

37 **Comment.** Subdivisions (a)-(c) of Section 28225 continue former Section 12076(e) without  
38 substantive change.

39 Subdivision (d) continues former Section 12076(h) without substantive change.

40 For exceptions to provisions in this article and in Article 1 (commencing with Section 28100),  
41 Article 2 (commencing with Section 28150), and Article 4 (commencing with Section 28300), see  
42 Article 5 (commencing with Section 28400).

43 For the consequences of violating this article, see Section 28250.

44 See Sections 16520 (“firearm”), 26700 (“dealer,” “licensee,” or “person licensed pursuant to  
45 Sections 26700 to 26915, inclusive”), 28200 (“purchase,” “purchaser,” “sale,” and “seller”).

1 **§ 28230. Fee that may be charged by Department of Justice**

2 28230. (a) The Department of Justice may charge a fee sufficient to reimburse it  
3 for each of the following but not to exceed fourteen dollars (\$14), except that the  
4 fee may be increased at a rate not to exceed any increase in the California  
5 Consumer Price Index as compiled and reported by the California Department of  
6 Industrial Relations:

7 (1) For the actual costs associated with the preparation, sale, processing, and  
8 filing of forms or reports required or utilized pursuant to any provision listed in  
9 subdivision (a) of Section 16585.

10 (2) For the actual processing costs associated with the submission of a Dealers'  
11 Record of Sale to the department.

12 (3) For the actual costs associated with the preparation, sale, processing, and  
13 filing of reports utilized pursuant to Section 26905, 27565, or 28000, or paragraph  
14 (1) of subdivision (a) of Section 27560.

15 (4) For the actual costs associated with the electronic or telephonic transfer of  
16 information pursuant to 28215.

17 (b) If the department charges a fee pursuant to paragraph (2) of subdivision (a),  
18 it shall be charged in the same amount to all categories of transaction that are  
19 within subdivision (a).

20 (c) Any costs incurred by the Department of Justice to implement this section  
21 shall be reimbursed from fees collected and charged pursuant to this section. No  
22 fees shall be charged to the dealer pursuant to Section 28225 for implementing this  
23 section.

24 **Comment.** Section 28230 continues former Section 12076(f) without substantive change.

25 For exceptions to provisions in this article and in Article 1 (commencing with Section 28100),  
26 Article 2 (commencing with Section 28150), and Article 4 (commencing with Section 28300), see  
27 Article 5 (commencing with Section 28400).

28 See Sections 26700 ("dealer," "licensee," or "person licensed pursuant to Sections 26700 to  
29 26915, inclusive"), 28200 ("purchase," "purchaser," "sale," and "seller").

30 **§ 28235. Dealers' Record of Sale Special Account**

31 28235. All money received by the department pursuant to this article shall be  
32 deposited in the Dealers' Record of Sale Special Account of the General Fund,  
33 which is hereby created, to be available, upon appropriation by the Legislature, for  
34 expenditure by the department to offset the costs incurred pursuant to any of the  
35 following:

36 (a) This article.

37 (b) Section 18910.

38 (c) Section 27555.

39 (d) Subdivisions (d) and (e) of Section 27560.

40 (e) Article 6 (commencing with Section 28450).

41 (f) Section 31110.

42 (g) Section 31115.

43 (h) Subdivision (a) of Section 32020.

1 (i) Section 32670.

2 (j) Section 33320.

3 **Comment.** Section 28235 continues former Section 12076(g) without substantive change.

4 **§ 28240. Method of calculating fees**

5 28240. (a) Only one fee shall be charged pursuant to this article for a single  
6 transaction on the same date for the sale of any number of firearms that are not  
7 pistols, revolvers, or other firearms capable of being concealed upon the person, or  
8 for the taking of possession of those firearms.

9 (b) In a single transaction on the same date for the delivery of any number of  
10 firearms that are pistols, revolvers, or other firearms capable of being concealed  
11 upon the person, the department shall charge a reduced fee pursuant to this article  
12 for the second and subsequent firearms that are part of that transaction.

13 (c) Only one fee shall be charged pursuant to this article for a single transaction  
14 on the same date for taking title or possession of any number of firearms pursuant  
15 to Section 26905, 27870, 27875, 27915, 27920, or 27925.

16 **Comment.** Subdivisions (a) and (b) of Section 28240 continue former Section 12076(i)  
17 without substantive change.

18 Subdivision (c) continues former Section 12076(j) without substantive change.

19 For exceptions to provisions in this article and in Article 1 (commencing with Section 28100),  
20 Article 2 (commencing with Section 28150), and Article 4 (commencing with Section 28300), see  
21 Article 5 (commencing with Section 28400).

22 For the consequences of violating this article, see Section 28250.

23 See Sections 16520 (“firearm”), 16530 (“firearm capable of being concealed upon the person,”  
24 “pistol,” and “revolver”), 28200 (“purchase,” “purchaser,” “sale,” and “seller”).

25 **§ 28245. Application of California Tort Claims Act**

26 28245. Whenever the Department of Justice acts pursuant to this article as it  
27 pertains to firearms other than pistols, revolvers, or other firearms capable of being  
28 concealed upon the person, the department’s acts or omissions shall be deemed to  
29 be discretionary within the meaning of the California Tort Claims Act pursuant to  
30 Division 3.6 (commencing with Section 810) of Title 1 of the Government Code.

31 **Comment.** Section 28245 continues former Section 12076(k) without substantive change.

32 See Sections 16520 (“firearm”), 16530 (“firearm capable of being concealed upon the person,”  
33 “pistol,” and “revolver”).

34 **§ 28250. Punishment for violation of article, providing false information for firearm  
35 transaction, or failing to provide necessary information for firearm transaction**

36 28250. (a) Any person who does any of the following is guilty of a  
37 misdemeanor:

38 (1) Furnishing a fictitious name or address for the register under Section 28210  
39 or the electronic or telephonic transfer under Section 28215.

40 (2) Knowingly furnishing any incorrect information for the register under  
41 Section 28210 or the electronic or telephonic transfer under Section 28215.

1 (3) Knowingly omitting any information required to be provided for the register  
2 under Section 28210 or the electronic or telephonic transfer under Section 28215.

3 (4) Violating any provision of this article.

4 (b) Notwithstanding subdivision (a), any person who is prohibited from  
5 obtaining a firearm pursuant to Chapter 2 (commencing with Section 29800) or 3  
6 (commencing with Section 29900) of Division 9 of this title, or Section 8100 or  
7 8103 of the Welfare and Institutions Code, who does any of the following shall be  
8 punished by imprisonment in a county jail not exceeding one year or  
9 imprisonment in the state prison for a term of 8, 12, or 18 months:

10 (1) Knowingly furnishes a fictitious name or address for the register under  
11 Section 28210 or the electronic or telephonic transfer under Section 28215.

12 (2) Knowingly furnishes any incorrect information for the register under Section  
13 28210 or the electronic or telephonic transfer under Section 28215.

14 (3) Knowingly omits any information required to be provided for the register  
15 under Section 28210 or the electronic or telephonic transfer under Section 28215.

16 **Comment.** Section 28250 continues the third sentence of former Section 12076(b)(1) and the  
17 third sentence of former Section 12076(c)(1) without substantive change.

18 For exceptions to provisions in this article and in Article 1 (commencing with Section 28100),  
19 Article 2 (commencing with Section 28150), and Article 4 (commencing with Section 28300), see  
20 Article 5 (commencing with Section 28400).

## 21 Article 4. Firearms Safety and Enforcement Special Fund

### 22 § 28300. Firearms Safety and Enforcement Special Fund

23 28300. (a) The Firearms Safety and Enforcement Special Fund is hereby  
24 established in the State Treasury and shall be administered by the Department of  
25 Justice.

26 (b) Notwithstanding Section 13340 of the Government Code, all moneys in the  
27 fund are continuously appropriated to the Department of Justice, without regard to  
28 fiscal years, for the purpose of implementing and enforcing the provisions of  
29 Article 2 (commencing with Section 31610) of Chapter 4 of Division 10,  
30 enforcing Section 830.95, Title 2 (commencing with Section 12001) of Part 4,  
31 Sections 16000 to 16960, inclusive, Sections 16970 to 17230, inclusive, Sections  
32 17240 to 21390, inclusive, and Sections 21590 to 34370, inclusive, and for the  
33 establishment, maintenance and upgrading of equipment and services necessary  
34 for firearms dealers to comply with Article 2 (commencing with Section 28150).

35 (c) The Department of Justice may require firearms dealers to charge each  
36 person who obtains a firearm a fee not to exceed five dollars (\$5) for each  
37 transaction. Revenues from this fee shall be deposited in the Firearms Safety and  
38 Enforcement Special Fund.

39 **Comment.** Section 28300 continues former Section 12076.5 without substantive change.

40 For exceptions to provisions in this article and in Article 1 (commencing with Section 28100),  
41 Article 2 (commencing with Section 28150), and Article 3 (commencing with Section 28200), see  
42 Article 5 (commencing with Section 28400).

1 See Sections 16520 (“firearm”), 26700 (“dealer,” “licensee,” or “person licensed pursuant to  
2 Sections 26700 to 26915, inclusive”).

3 Article 5. Exceptions Relating to Law Enforcement

4 **§ 28400. Exception for sale, delivery, or transfer to authorized law enforcement  
5 representative of city, county, city and county, or state or federal government**

6 28400. (a) Article 1 (commencing with Section 28100), Article 2 (commencing  
7 with Section 28150), Article 3 (commencing with Section 28200), and Article 4  
8 (commencing with Section 28300) do not apply to any sale, delivery, or transfer of  
9 firearms made to an authorized law enforcement representative of any city,  
10 county, city and county, or state, or of the federal government, for exclusive use  
11 by that governmental agency if, prior to the sale, delivery, or transfer of these  
12 firearms, written authorization from the head of the agency authorizing the  
13 transaction is presented to the person from whom the purchase, delivery, or  
14 transfer is being made.

15 (b) Proper written authorization is defined as verifiable written certification from  
16 the head of the agency by which the purchaser or transferee is employed,  
17 identifying the employee as an individual authorized to conduct the transaction,  
18 and authorizing the transaction for the exclusive use of the agency by which that  
19 person is employed.

20 (c) Within 10 days of the date a handgun is acquired by the agency, a record of  
21 the same shall be entered as an institutional weapon into the Automated Firearms  
22 System (AFS) via the California Law Enforcement Telecommunications System  
23 (CLETS) by the law enforcement or state agency. Any agency without access to  
24 AFS shall arrange with the sheriff of the county in which the agency is located to  
25 input this information via this system.

26 **Comment.** Section 28400 continues former Section 12078(a)(2) without substantive change, as  
27 that provision applied to former Sections 12073, 12074, 12075, 12076, 12076.5, and 12077  
28 (through its reference to “the preceding provisions of this article”).

29 See Sections 16520 (“firearm”), 16640 (“handgun”).

30 **§ 28405. Exception for loan of firearm to peace officer employee for use in performing  
31 official duties**

32 28405. Article 1 (commencing with Section 28100), Article 2 (commencing  
33 with Section 28150), Article 3 (commencing with Section 28200), and Article 4  
34 (commencing with Section 28300) do not apply to the loan of a firearm if all of the  
35 following conditions are satisfied:

36 (a) The loan is made by an authorized law enforcement representative of a city,  
37 county, or city and county, or of the state or federal government.

38 (b) The loan is made to a peace officer employed by that agency and authorized  
39 to carry a firearm.

40 (c) The loan is made for the carrying and use of that firearm by that peace  
41 officer in the course and scope of the officer’s duties.

1 **Comment.** Section 28405 continues former Section 12078(a)(3) without substantive change, as  
2 that provision applied to former Sections 12073, 12074, 12075, 12076, 12076.5, and 12077  
3 (through its reference to “the preceding provisions of this article”).

4 See Section 16520 (“firearm”).

5 **§ 28410. Exception for sale, delivery, or transfer by law enforcement agency to peace officer**  
6 **pursuant to Public Contract Code**

7 28410. (a) Article 1 (commencing with Section 28100), Article 2 (commencing  
8 with Section 28150), Article 3 (commencing with Section 28200), and Article 4  
9 (commencing with Section 28300) do not apply to the sale, delivery, or transfer of  
10 a firearm by a law enforcement agency to a peace officer pursuant to Section  
11 10334 of the Public Contract Code.

12 (b) Within 10 days of the date that a handgun is sold, delivered, or transferred  
13 pursuant to Section 10334 of the Public Contract Code to that peace officer, the  
14 name of the officer and the make, model, serial number, and other identifying  
15 characteristics of the firearm being sold, delivered, or transferred shall be entered  
16 into the Automated Firearms System (AFS) via the California Law Enforcement  
17 Telecommunications System (CLETS) by the law enforcement or state agency that  
18 sold, delivered, or transferred the firearm. Any agency without access to AFS shall  
19 arrange with the sheriff of the county in which the agency is located to input this  
20 information via this system.

21 **Comment.** Section 28410 continues former Section 12078(a)(4) without substantive change, as  
22 that provision applied to former Sections 12073, 12074, 12075, 12076, 12076.5, and 12077  
23 (through its reference to “the preceding provisions of this article”).

24 See Sections 16520 (“firearm”), 16640 (“handgun”).

25 **§ 28415. Exception for sale, delivery, or transfer by law enforcement agency to retiring**  
26 **peace officer authorized to carry concealed and loaded firearm**

27 28415. (a) Article 1 (commencing with Section 28100), Article 2 (commencing  
28 with Section 28150), Article 3 (commencing with Section 28200), and Article 4  
29 (commencing with Section 28300) do not apply to the sale, delivery, or transfer of  
30 a firearm by a law enforcement agency to a retiring peace officer who is  
31 authorized to carry a firearm pursuant to Chapter 5 (commencing with Section  
32 26300) of Division 5.

33 (b) Within 10 days of the date that a handgun is sold, delivered, or transferred to  
34 that retiring peace officer, the name of the officer and the make, model, serial  
35 number, and other identifying characteristics of the firearm being sold, delivered,  
36 or transferred shall be entered into the Automated Firearms System (AFS) via the  
37 California Law Enforcement Telecommunications System (CLETS) by the law  
38 enforcement or state agency that sold, delivered, or transferred the firearm. Any  
39 agency without access to AFS shall arrange with the sheriff of the county in which  
40 the agency is located to input this information via this system.

41 **Comment.** Section 28415 continues former Section 12078(a)(5) without substantive change, as  
42 that provision applied to former Sections 12073, 12074, 12075, 12076, 12076.5, and 12077  
43 (through its reference to “the preceding provisions of this article”).



1 See Sections 16520 (“firearm”), 16640 (“handgun”).

2 Article 6. Centralized List of Exempted Federal Firearms Licensees

3 **§ 28450. Centralized list of exempted federal firearms licensees**

4 28450. (a) Commencing January 1, 2008, the Department of Justice shall keep a  
5 centralized list of persons who identify themselves as being licensed pursuant to  
6 Chapter 44 (commencing with Section 921) of Title 18 of the United States Code  
7 as a dealer, pawnbroker, importer, or manufacturer of firearms whose licensed  
8 premises are within this state and who declare to the department an exemption  
9 from the firearms dealer licensing requirements of Section 26500.

10 (b) The list shall be known as the centralized list of exempted federal firearms  
11 licensees.

12 (c) To qualify for placement on the centralized list, an applicant shall do all of  
13 the following:

14 (1) Possess a valid federal firearms license pursuant to Chapter 44 (commencing  
15 with Section 921) of Title 18 of the United States Code as a dealer, pawnbroker,  
16 importer, or manufacturer of firearms.

17 (2) Maintain eligibility under California law to possess firearms by possessing a  
18 current, valid certificate of eligibility pursuant to Section 26710.

19 (3) Maintain with the department a signed declaration enumerating the  
20 applicant’s statutory exemptions from licensing requirements of Section 26500.

21 **Comment.** Section 28450 continues former Section 12083(a) without substantive change,  
22 except the second sentence of paragraph (a)(3), which is continued without substantive change in  
23 Section 28455.

24 See Sections 16520 (“firearm”), 26700 (“dealer,” “licensee,” or “person licensed pursuant to  
25 Sections 26700 to 26915, inclusive”).

26 **§ 28455. Punishment for misconduct in submitting declaration enumerating statutory**  
27 **exemptions from licensing requirements**

28 28455. Any person furnishing a fictitious name, knowingly furnishing any  
29 incorrect information, or knowingly omitting any information for the declaration  
30 under paragraph (3) of subdivision (c) of Section 28450 shall be guilty of a  
31 misdemeanor.

32 **Comment.** Section 28455 continues the second sentence of former Section 12083(a)(3)  
33 without substantive change.

34 **§ 28460. Fee**

35 28460. (a) Commencing January 1, 2008, the department shall assess an annual  
36 fee of one hundred fifteen dollars (\$115) to cover its costs of maintaining the  
37 centralized list of exempted federal firearms licensees prescribed by Section  
38 28450, conducting inspections in accordance with this article, and for the cost of  
39 maintaining the firearm shipment verification number system described in Section  
40 27555.

1 (b) The department may increase the fee at a rate not to exceed the increase in  
2 the California Consumer Price Index as compiled and reported by the Department  
3 of Industrial Relations.

4 (c) The fees collected shall be deposited in the Dealers' Record of Sale Special  
5 Account.

6 **Comment.** Section 28460 continues former Section 12083(b) without substantive change.  
7 For the provision establishing the Dealers' Record of Sale Special Account, see Section 28235.  
8 See Section 16520 ("firearm").

9 **§ 28465. Restriction on importing or receiving firearms**

10 28465. (a) Any person licensed pursuant to Chapter 44 (commencing with  
11 Section 921) of Title 18 of the United States Code as a dealer, pawnbroker,  
12 importer, or manufacturer of firearms whose licensed premises are within this state  
13 shall not import or receive firearms from any source unless listed on the  
14 centralized list of firearms dealers pursuant to Section 26715, or the centralized  
15 list of exempted federal firearms licensees pursuant to Section 28450, or the  
16 centralized list of firearms manufacturers pursuant to Section 29060.

17 (b) A violation of this section is a misdemeanor.

18 **Comment.** Section 28465 continues former Section 12083(c) without substantive change.  
19 See Section 16520 ("firearm").

20 **§ 28470. Maintaining record of verification number**

21 28470. (a) All persons on the centralized list of exempted federal firearms  
22 licensees prescribed by Section 28450 shall record and keep on file for three years,  
23 the verification number that shall accompany firearms received from other federal  
24 firearms licensees pursuant to Section 27555.

25 (b) A violation of this section is cause for immediate removal from the  
26 centralized list.

27 **Comment.** Section 28470 continues former Section 12083(d) without substantive change.  
28 For another provision authorizing removal from the centralized list in specified circumstances,  
29 see Section 28485.  
30 See Section 16520 ("firearm").

31 **§ 28475. Use of information from centralized list of exempted federal firearms licensees**

32 28475. Information compiled from the list described in Section 28450 shall be  
33 made available for the following purposes:

34 (a) Requests from local, state, and federal law enforcing agencies and the duly  
35 constituted city, county, and city and county licensing authorities.

36 (b) When the information is requested by a person licensed pursuant to Chapter  
37 44 (commencing with Section 921) of Title 18 of the United States Code for  
38 determining the validity of the license for firearm shipments.

39 **Comment.** Section 28475 continues former Section 12083(e) without substantive change.  
40 See Section 16520 ("firearm").

1    **§ 28480. Inspection of business premises**

2       28480. (a) The department may conduct onsite inspections at the business  
3 premises of a person on the centralized list described in Section 28450 to  
4 determine compliance with firearms laws pursuant to the provisions listed in  
5 Section 16575.

6       (b) The department shall work in consultation with the Bureau of Alcohol,  
7 Tobacco, Firearms, and Explosives to ensure that licensees are not subject to  
8 duplicative inspections.

9       (c) During the inspection the following firearm records shall be made available  
10 for review:

11       (1) Federal records referred to in subdivision (a) of Section 478.125 of Title 27  
12 of the Code of Federal Regulations and the bound book containing the same  
13 information referred to in Section 478.124a and subdivision (e) of Section 478.125  
14 of Title 27 of the Code of Federal Regulations.

15       (2) Verification numbers issued pursuant to Section 27555.

16       (3) Any other records requested by the department to determine compliance with  
17 the provisions listed in Section 16575.

18       **Comment.** Section 28480 continues former Section 12083(f) without substantive change.  
19 See Section 16520 (“firearm”).

20    **§ 28485. Removal from centralized list of exempted federal firearms licensees**

21       28485. The department may remove from the centralized list described in  
22 Section 28450 any person who violates a provision listed in Section 16575.

23       **Comment.** Section 28485 continues former Section 12083(g) without substantive change.

24       See also Section 28470, which requires recording and retention of verification numbers and  
25 states that violation of that requirement is cause for immediate removal from the centralized list  
26 of exempted federal firearms licensees.

27    **§ 28490. Regulations**

28       28490. The department may adopt regulations as necessary to carry out the  
29 provisions of this article, Article 1 (commencing with Section 26700) and Article  
30 2 (commencing with Section 26800) of Chapter 2, and Sections 27555 to 27570,  
31 inclusive. The department shall work in consultation with the Bureau of Alcohol,  
32 Tobacco, Firearms, and Explosives to ensure that state regulations are not  
33 duplicative of federal regulations.

34       **Comment.** Section 28490 continues former Section 12083(h) without substantive change.

DIVISION 7. MANUFACTURE OF FIREARMS

CHAPTER 1. LICENSE REQUIREMENT FOR MANUFACTURE OF FIREARMS

§ 29010. Prohibition against unlicensed manufacture of firearms

29010. (a) Commencing July 1, 1999, no person, firm, or corporation licensed to manufacture firearms pursuant to Chapter 44 (commencing with Section 921) of Title 18 of the United States Code may manufacture firearms within this state unless licensed pursuant to Chapter 2 (commencing with Section 29030).

(b) Subdivision (a) does not apply to a person licensed to manufacture firearms pursuant to Chapter 44 (commencing with Section 921) of Title 18 of the United States Code who manufactures fewer than 100 firearms in a calendar year within this state.

(c) If a person, firm, or corporation required to be licensed pursuant to Chapter 2 (commencing with Section 29030) ceases operations, then the records required pursuant to Section 29130 and subdivision (b) of Section 29115 shall be forwarded to the federal Bureau of Alcohol, Tobacco, and Firearms within three days of the closure of business.

(d) A violation of this section is a misdemeanor.

**Comment.** Section 29010 continues subdivisions (a)-(d) of former Section 12085 without substantive change.

See Section 16520 (“firearm”).

CHAPTER 2. ISSUANCE, FORFEITURE, AND CONDITIONS OF  
LICENSE TO MANUFACTURE FIREARMS

Article 1. Preliminary Provisions

§ 29030. “Licensee”

29030. In this chapter, “licensee” means a person, firm, or corporation that satisfies both of the following:

(a) Has a license issued pursuant to subdivision (b) of Section 29050.

(b) Is among those recorded in the centralized list specified in Section 29060.

**Comment.** Section 29030 continues former Section 12086(a)(1) without substantive change.

Article 2. Licensing Process

§ 29050. Issuance of license to manufacture firearms

29050. (a) The Department of Justice shall accept applications for, and shall grant licenses permitting, the manufacture of firearms within this state.

(b) No license shall be granted by the department unless and until the applicant presents proof that the applicant has all of the following:

1 (1) A valid license to manufacture firearms issued pursuant to Chapter 44  
2 (commencing with Section 921) of Title 18 of the United States Code.

3 (2) Any regulatory or business license, or licenses, required by local  
4 government.

5 (3) A valid seller's permit or resale certificate issued by the State Board of  
6 Equalization, if applicable.

7 (4) A certificate of eligibility issued by the Department of Justice pursuant to  
8 Section 26710.

9 (c) A license granted by the department shall be valid for no more than one year  
10 from the date of issuance and shall be in the form prescribed by the Attorney  
11 General.

12 (d) The department shall inform applicants who are denied licenses of the  
13 reasons for the denial in writing.

14 **Comment.** Subdivision (a) of Section 29050 continues the first sentence of former Section  
15 12086(b)(1) without substantive change.

16 Subdivision (b) continues former Section 12086(b)(2) without substantive change.

17 Subdivision (c) continues former Section 12086(b)(4) without substantive change.

18 Subdivision (d) continues the second sentence of former Section 12086(b)(1) without  
19 substantive change.

20 See Sections 16450 ("department"), 16520 ("firearm").

21 **§ 29055. Fees and regulations**

22 29055. (a) The department shall adopt regulations to administer this chapter and  
23 Chapter 1 (commencing with Section 29010).

24 (b) The department shall recover the full costs of administering the program by  
25 collecting fees from license applicants. Recoverable costs shall include, but not be  
26 limited to, the costs of inspections and maintaining a centralized list of licensed  
27 firearm manufacturers.

28 (c) The fee for licensed manufacturers who produce fewer than 500 firearms in a  
29 calendar year within this state shall not exceed (i) two hundred fifty dollars (\$250)  
30 per year or (ii) the actual costs of inspections and maintaining a centralized list of  
31 firearm manufacturers and any other duties of the department required pursuant to  
32 this chapter and Chapter 1 (commencing with Section 29010), whichever is less.

33 **Comment.** Section 29055 continues former Section 12086(b)(3) without substantive change.

34 See Sections 16450 ("department"), 16520 ("firearm").

35 **§ 29060. Centralized list of persons licensed to manufacture firearms**

36 29060. (a) Except as otherwise provided in subdivisions (a) and (b) of Section  
37 20965, the Department of Justice shall maintain a centralized list of all persons  
38 licensed pursuant to subdivision (b) of Section 29050.

39 (b) The centralized list shall be provided annually to each police department and  
40 county sheriff within the state.

41 **Comment.** Section 29060 continues former Section 12086(f)(1) without substantive change.

1    **§ 29065. Revocation of license**

2       29065. (a) Except as provided in subdivision (b), the license of any licensee who  
3       violates this chapter may be revoked.

4       (b) The license of any licensee who knowingly or with gross negligence violates  
5       this chapter or violates this chapter three times shall be revoked, and that person,  
6       firm, or corporation shall become permanently ineligible to obtain a license  
7       pursuant to this chapter.

8       (c) Upon the revocation of the license, notification shall be provided to local law  
9       enforcement authorities in the jurisdiction where the licensee’s business is located  
10      and to the federal Bureau of Alcohol, Tobacco, and Firearms.

11      **Comment.** Subdivision (a) of Section 29065 continues former Section 12086(f)(2) without  
12      substantive change.

13      Subdivision (b) continues former Section 12086(f)(3) without substantive change. For  
14      guidance in applying this subdivision, see Section 16010 (continuation of existing law). See also  
15      Section 16015 (determining existence of prior conviction).

16      Subdivision (c) continues former Section 12086(g)(1) without substantive change.

17      See Section 29030 (“licensee”).

18    **§ 29070. Release of information about licensees**

19      29070. (a) The department shall make information concerning the location and  
20      name of a licensee available, upon request, for the following purposes only:

21      (1) Law enforcement.

22      (2) When the information is requested by a person licensed pursuant to Chapter  
23      44 (commencing with Section 921) of Title 18 of the United States Code for  
24      determining the validity of the license for firearm shipments.

25      (b) Notwithstanding subdivision (a), the department shall make the name and  
26      business address of a licensee available to any person upon written request.

27      **Comment.** Subdivision (a) of Section 29070 continues former Section 12086(g)(2) without  
28      substantive change.

29      Subdivision (b) continues former Section 12086(g)(3) without substantive change.

30      See Sections 16450 (“department”), 16520 (“firearm”), 29030 (“licensee”).

31    **§ 29075. Information to be maintained and made available by Department of Justice**

32      29075. The Department of Justice shall maintain and make available upon  
33      request information concerning all of the following:

34      (a) The number of inspections conducted and the amount of fees collected  
35      pursuant to Section 29055.

36      (b) The number of licensees removed from the centralized list described in  
37      Sections 29060 and 29065.

38      (c) The number of licensees found to have violated this chapter.

39      **Comment.** Section 29075 continues former Section 12086(h) without substantive change.

40      See Section 29030 (“licensee”).

1 Article 3. Prohibitions and Requirements Applicable to Licensee

2 **§ 29100. Compliance with prohibitions and requirements**

3 29100. A licensee shall comply with the prohibitions and requirements  
4 described in this article.

5 **Comment.** Section 29100 continues the introductory clause of former Section 12086(c)  
6 without substantive change.

7 See Section 29030 (“licensee”).

8 **§ 29105. Place of conducting business**

9 29105. The business of a licensee shall be conducted only in the buildings  
10 designated in the license.

11 **Comment.** Section 29105 continues former Section 12086(c)(1) without substantive change.

12 See Section 29030 (“licensee”).

13 **§ 29110. Display of license**

14 29110. A licensee shall display the license or a copy thereof, certified by the  
15 department, on the premises where it can easily be seen.

16 **Comment.** Section 29110 continues former Section 12086(c)(2) without substantive change.

17 See Sections 16450 (“department”), 29030 (“licensee”).

18 **§ 29115. Lost or stolen firearm**

19 29115. (a) Whenever a licensee discovers that a firearm has been stolen or is  
20 missing from the licensee’s premises, the licensee shall report the loss or theft  
21 within 48 hours of the discovery to all of the following:

22 (1) The Department of Justice, in a manner prescribed by the department.

23 (2) The federal Bureau of Alcohol, Tobacco, and Firearms.

24 (3) The police department in the city or city and county where the building  
25 designated in the license is located.

26 (4) If there is no police department in the city or city and county where the  
27 building designated in the license is located, the sheriff of the county where the  
28 building designated in the license is located.

29 (b) For at least 10 years, the licensee shall maintain records of all firearms that  
30 are lost or stolen, as prescribed by the Department of Justice.

31 **Comment.** Subdivision (a) of Section 29115 continues former Section 12086(c)(3) without  
32 substantive change.

33 Subdivision (b) continues former Section 12086(c)(10) without substantive change.

34 See Sections 16520 (“firearm”), 29030 (“licensee”).

35 **§ 29120. Restrictions on employee access to firearms**

36 29120. (a) A licensee shall require that each employee obtain a certificate of  
37 eligibility pursuant to Section 26710, which shall be renewed annually, before  
38 being allowed to come into contact with any firearm.

39 (b) A licensee shall prohibit any employee who the licensee knows or  
40 reasonably should know is prohibited by state or federal law from possessing,

1 receiving, owning, or purchasing a firearm from coming into contact with any  
2 firearm.

3 **Comment.** Section 29120 continues former Section 12086(c)(4) without substantive change.  
4 See Sections 16520 (“firearm”), 29030 (“licensee”).

5 **§ 29125. Unique serial number on each firearm**

6 29125. (a) Each firearm a licensee manufactures in this state shall be identified  
7 with a unique serial number stamped onto the firearm utilizing the method of  
8 compression stamping.

9 (b) Licensed manufacturers who produce fewer than 500 firearms in a calendar  
10 year within this state may serialize long guns only by utilizing a method of  
11 compression stamping or by engraving the serial number onto the firearm.

12 (c) The licensee shall stamp the serial number onto the firearm within one  
13 business day of the time the frame or receiver is manufactured.

14 (d) The licensee shall not use the same serial number for more than one firearm.

15 **Comment.** Section 29125 continues former Section 12086(c)(5) without substantive change.  
16 See Sections 16520 (“firearm”), 29030 (“licensee”).

17 **§ 29130. Recordkeeping requirements**

18 29130. (a) A licensee shall record the type, model, caliber, or gauge, and serial  
19 number of each firearm manufactured or acquired, and the date of the manufacture  
20 or acquisition, within one business day of the manufacture or acquisition.

21 (b) The licensee shall maintain permanently within the building designated in  
22 the license the records required pursuant to subdivision (a).

23 (c) Backup copies of the records described in subdivision (a), whether electronic  
24 or hard copy, shall be made at least once a month. These backup records shall be  
25 maintained in a facility separate from the one in which the primary records are  
26 stored.

27 **Comment.** Section 29130 continues former Section 12086(c)(6) without substantive change.  
28 See Sections 16520 (“firearm”), 29030 (“licensee”).

29 **§ 29135. Inspections**

30 29135. (a) A licensee shall allow the department to inspect the building  
31 designated in the license to ensure compliance with the requirements of this  
32 chapter.

33 (b) A licensee shall allow any peace officer, authorized law enforcement  
34 employee, or Department of Justice employee designated by the Attorney General,  
35 upon the presentation of proper identification, to inspect facilities and records  
36 during business hours to ensure compliance with the requirements of this chapter.

37 **Comment.** Section 29135 continues former Section 12086(c)(7) without substantive change.  
38 See Section 29030 (“licensee”).



1    **§ 29140. Storage of firearms and barrels for firearms in secure facility**

2       29140. A licensee shall store in a secure facility all firearms manufactured and  
3 all barrels for firearms manufactured.

4       **Comment.** Section 29140 continues former Section 12086(c)(8) without substantive change.  
5       See Sections 16520 (“firearm”), 29141 (“secure facility” for firearm storage by manufacturer),  
6 29142 (special definition of “secure facility” for firearm storage by manufacturer producing fewer  
7 than 500 firearms per calendar year).

8    **§ 29141. “Secure facility” for firearm storage by manufacturer**

9       29141. Except as otherwise provided in Section 29142, as used in this chapter,  
10 “secure facility” means that the facility satisfies all of the following:

- 11       (a) The facility is equipped with a burglar alarm with central monitoring.
- 12       (b) All perimeter entries to areas in which firearms are stored other than doors,  
13 including windows and skylights, are secured with steel window guards or an  
14 audible, silent, or sonic alarm to detect entry.
- 15       (c) All perimeter doorways are designed in one of the following ways:
- 16           (1) A windowless steel security door equipped with both a deadbolt and a  
17 doorknob lock.
- 18           (2) A windowed metal door equipped with both a deadbolt and a doorknob lock.  
19 If the window has an opening of five inches or more measured in any direction,  
20 the window is covered with steel bars of at least one-half inch diameter or metal  
21 grating of at least nine gauge affixed to the exterior or interior of the door.
- 22           (3) A metal grate that is padlocked and affixed to the licensee’s premises  
23 independent of the door and doorframe.
- 24           (4) Hinges and hasps attached to doors by welding, riveting, or bolting with nuts  
25 on the inside of the door.
- 26           (5) Hinges and hasps installed so that they cannot be removed when the doors  
27 are closed and locked.
- 28       (d) Heating, ventilating, air-conditioning, and service openings are secured with  
29 steel bars, metal grating, or an alarm system.
- 30       (e) No perimeter metal grates are capable of being entered by any person.
- 31       (f) Steel bars used to satisfy the requirements of this section are not capable of  
32 being entered by any person.
- 33       (g) Perimeter walls of rooms in which firearms are stored are constructed of  
34 concrete or at least 10-gauge expanded steel wire mesh utilized along with typical  
35 wood frame and drywall construction. If firearms are not stored in a vault, the  
36 facility shall use an exterior security-type door along with a high security, single-  
37 key deadbolt, or other door that is more secure. All firearms shall be stored in a  
38 separate room away from any general living area or work area. Any door to the  
39 storage facility shall be locked while unattended.
- 40       (h) Perimeter doorways, including the loading dock area, are locked at all times  
41 when not attended by paid employees or contracted employees, including security  
42 guards.

1 (i) Except when a firearm is currently being tested, any ammunition on the  
2 premises is removed from all manufactured guns and stored in a separate and  
3 locked room, cabinet, or box away from the storage area for the firearms.  
4 Ammunition may be stored with a weapon only in a locked safe.

5 **Comment.** Section 29141 continues former Section 12086(d) without substantive change.

6 See Section 16520 (“firearm”). See also Sections 17110 (“secure facility” for firearm storage  
7 by dealer), 29142 (special definition of “secure facility” for firearm storage by manufacturer  
8 producing fewer than 500 firearms per calendar year).

9 **§ 29142. Special definition of “secure facility” for firearm storage by manufacturer**  
10 **producing fewer than 500 firearms per calendar year**

11 29142. (a) For purposes of this chapter, any licensed manufacturer who  
12 produces fewer than 500 firearms in a calendar year within this state may maintain  
13 a “secure facility” by complying with all of the requirements described in Section  
14 29141, or may design a security plan that is approved by the Department of Justice  
15 or the federal Bureau of Alcohol, Tobacco, and Firearms.

16 (b) If a security plan is approved by the federal Bureau of Alcohol, Tobacco, and  
17 Firearms, the approved plan, along with proof of approval, shall be filed with the  
18 Department of Justice and the local police department. If there is no police  
19 department, the filing shall be with the county sheriff’s office.

20 (c) If a security plan is approved by the Department of Justice, the approved  
21 plan, along with proof of approval, shall be filed with the local police department.  
22 If there is no police department, the filing shall be with the county sheriff’s office.

23 **Comment.** Section 29142 continues former Section 12086(e) without substantive change.

24 See Section 16520 (“firearm”). See also Sections 17110 (“secure facility” for firearm storage  
25 by dealer), 29141 (“secure facility” for firearm storage by manufacturer).

26 **§ 29150. Notification requirement**

27 29150. (a) A licensee shall notify the chief of police or other head of the  
28 municipal police department in the city or city and county where the building  
29 designated in the license is located that the licensee is manufacturing firearms  
30 within that city or city and county and the location of the licensed premises.

31 (b) If there is no police department in the city or city and county where the  
32 building designated in the license is located, the licensee shall notify the sheriff of  
33 the county where the building designated in the license is located that the licensee  
34 is manufacturing firearms within that county and the location of the licensed  
35 premises.

36 **Comment.** Section 29150 continues former Section 12086(c)(9) without substantive change.

37 See Sections 16520 (“firearm”), 29030 (“licensee”).

DIVISION 8. MISCELLANEOUS RULES RELATING  
TO FIREARMS GENERALLY

CHAPTER 1. MISCELLANEOUS PROVISIONS

§ 29300. Firearm of any nature constitutes nuisance under specified circumstances

29300. (a) Except as provided in subdivision (c), a firearm of any nature owned or possessed in violation of Chapter 1 (commencing with Section 29610), 2 (commencing with Section 29800), or 3 (commencing with Section 29900) of Division 9 of this title, or Chapter 3 (commencing with Section 8100) of Division 5 of the Welfare and Institutions Code, or used in the commission of any misdemeanor as provided in this code, any felony, or an attempt to commit any misdemeanor as provided in this code or any felony, is, upon a conviction of the defendant or upon a juvenile court finding that an offense which would be a misdemeanor or felony if committed by an adult was committed or attempted by the juvenile with the use of a firearm, a nuisance, and is subject to Sections 18000 and 18005.

(b) A finding that the defendant was guilty of the offense but was insane at the time the offense was committed is a conviction for the purposes of this section.

(c) A firearm is not a nuisance pursuant to this section if the firearm owner disposes of the firearm pursuant to Section 29810.

(d) This section does not apply to any of the following:

(1) Any firearm in the possession of the Department of Fish and Game.

(2) Any firearm that was used in the violation of any provision of the Fish and Game Code or any regulation adopted pursuant thereto.

(3) Any firearm that is forfeited pursuant to Section 5008.6 of the Public Resources Code.

**Comment.** Subdivision (a) of Section 29300 continues the first sentence of former Section 12028(b)(1) without substantive change.

In combination with Section 18000(c), subdivision (b) continues the second sentence of former Section 12028(b)(1) without substantive change.

Subdivision (c) continues former Section 12028(b)(2) without substantive change.

In combination with Section 25700, subdivision (d) continues former Section 12028(e) without substantive change.

See Section 16520 (“firearm”).

CHAPTER 2. ENTERTAINMENT FIREARMS PERMIT

§ 29500. Entertainment firearms permit

29500. Any person who is at least 21 years of age may apply for an entertainment firearms permit from the Department of Justice. An entertainment firearms permit authorizes the permitholder to possess firearms loaned to the

1 permitholder for use solely as a prop in a motion picture, television, video,  
2 theatrical, or other entertainment production or event.

3 **Comment.** Section 29500 continues the first sentence of former Section 12081(a) without  
4 substantive change.

5 See Section 16520 (“firearm”).

6 **§ 29505. Application form**

7 29505. (a) Requests for entertainment firearms permits shall be made on  
8 application forms prescribed by the Department of Justice that require applicant  
9 information, including, but not limited to, the following:

10 (1) Complete name.

11 (2) Residential and mailing address.

12 (3) Telephone number.

13 (4) Date of birth.

14 (5) Place of birth.

15 (6) Country of citizenship and, if other than United States, alien number or  
16 admission number.

17 (7) Valid driver’s license number or valid identification card number issued by  
18 the California Department of Motor Vehicles.

19 (8) Social security number.

20 (9) Signature.

21 (b) All applications must be submitted with the appropriate fee as specified in  
22 Section 29510.

23 **Comment.** Subdivision (a) of Section 29505 continues former Section 12081(b)(1) without  
24 substantive change.

25 Subdivision (b) continues former Section 12081(b)(2) without substantive change.

26 **§ 29510. Application fee**

27 29510. (a) The Department of Justice shall recover the full costs of  
28 administering the entertainment firearms permit program by assessing the  
29 following application fees:

30 (1) For the initial application: one hundred four dollars (\$104). Of this sum,  
31 fifty-six dollars (\$56) shall be deposited into the Fingerprint Fee Account, and  
32 forty-eight dollars (\$48) shall be deposited into the Dealer Record of Sale  
33 Account.

34 (2) For each annual renewal application: twenty-nine dollars (\$29), which shall  
35 be deposited into the Dealer Record of Sale Account.

36 (b) The department shall annually review and shall adjust the fees specified in  
37 subdivision (a), if necessary, to fully fund, but not to exceed the actual costs of,  
38 the permit program provided for by this chapter, including enforcement of the  
39 program.

40 **Comment.** Subdivision (a) of Section 29510 continues former Section 12081(c) without  
41 substantive change.

42 Subdivision (b) continues former Section 12081(e) without substantive change.

1   **§ 29515. No entertainment firearms permit for person prohibited from possessing or**  
2       **receiving firearms**

3       29515. (a) Upon receipt of an initial or renewal application submitted as  
4 specified in Sections 29505, 29520, and 29525, the department shall examine its  
5 records, records the department is authorized to request from the State Department  
6 of Mental Health pursuant to Section 8104 of the Welfare and Institutions Code,  
7 and records of the National Instant Criminal Background Check System as  
8 described in subsection (t) of Section 922 of Title 18 of the United States Code, in  
9 order to determine if the applicant is prohibited from possessing or receiving  
10 firearms.

11       (b) The department shall issue an entertainment firearms permit only if the  
12 records indicate that the applicant is not prohibited from possessing or receiving  
13 firearms pursuant to any federal, state, or local law.

14       **Comment.** Section 29515 continues the second and third sentences of former Section 12081(a)  
15 without substantive change.

16       See Section 16520 (“firearm”).

17   **§ 29520. Arrests and convictions of applicant**

18       29520. (a) An initial application for an entertainment firearms permit shall  
19 require the submission of fingerprint images and related information in a manner  
20 prescribed by the department, for the purpose of obtaining information as to the  
21 existence and nature of a record of state or federal level convictions and state or  
22 federal level arrests for which the department establishes that the individual was  
23 released on bail or on the individual’s own recognizance pending trial as needed to  
24 determine whether the applicant may be issued the permit. Requests for federal  
25 level criminal offender record information received by the Department of Justice  
26 pursuant to this chapter shall be forwarded by the department to the Federal  
27 Bureau of Investigation.

28       (b) The Department of Justice shall review the criminal offender record  
29 information specified in subdivision (l) of Section 11105 for entertainment  
30 firearms permit applicants.

31       (c) The Department of Justice shall review subsequent arrests, pursuant to  
32 Section 11105.2, to determine the continuing validity of the permit as specified in  
33 Section 29530 for all entertainment firearms permit holders.

34       **Comment.** Subdivision (a) of Section 29520 continues former Section 12081(b)(3) without  
35 substantive change.

36       Subdivision (b) continues former Section 12081(b)(4) without substantive change.

37       Subdivision (c) continues former Section 12081(b)(5) without substantive change. An  
38 erroneous cross-reference to former Section 12081(d) has been replaced with a cross-reference to  
39 Section 29530, which continues the substance of former Section 12081(f).

40   **§ 29525. Furnishing fictitious name, knowingly furnishing incorrect information, or**  
41       **knowingly omitting required information on application**

42       29525. Any person who furnishes a fictitious name or address or knowingly  
43 furnishes any incorrect information or knowingly omits any information required

1 to be provided on an application for an entertainment firearms permit is guilty of a  
2 misdemeanor.

3 **Comment.** Section 29525 continues former Section 12081(b)(6) without substantive change.

4 **§ 29530. Duration of entertainment firearms permit**

5 29530. (a) An entertainment firearms permit issued by the Department of Justice  
6 shall be valid for one year from the date of issuance.

7 (b) If at any time during that year the permitholder becomes prohibited from  
8 possessing or receiving firearms pursuant to any federal, state, or local law, the  
9 entertainment firearms permit shall be no longer valid.

10 **Comment.** Section 29530 continues former Section 12081(f) without substantive change.  
11 See Section 16520 (“firearm”).

12 **§ 29535. Exemption from Administrative Procedure Act**

13 29535. The implementation of Sections 29500, 29505, 29515, 29520, and  
14 29525, and of subdivision (a) of Section 29510, by the department is exempt from  
15 the Administrative Procedure Act (Chapter 3.5 (commencing with Section 11340)  
16 of Part 1 of Division 3 of Title 2 of the Government Code).

17 **Comment.** Section 29535 continues former Section 12081(d) without substantive change.

18 DIVISION 9. SPECIAL FIREARM RULES RELATING TO  
19 PARTICULAR PERSONS

20 CHAPTER 1. JUVENILE

21 Article 1. Possession of Handgun

22 **§ 29610. Prohibition on possession of handgun by minor**

23 29610. A minor shall not possess a pistol, revolver, or other firearm capable of  
24 being concealed upon the person.

25 **Comment.** Section 29610 continues former Section 12101(a)(1) without substantive change.

26 For exceptions to this provision, see Section 29615 (exceptions). For the consequences of  
27 violating this provision, see Sections 29700 (punishment for violation of chapter), 29705  
28 (compulsory participation in parenting education).

29 For further guidance on firearm restrictions relating to minors and persons under age 21, see  
30 Sections 27505 (person, corporation, or firm that sells, loans, or transfers firearm to minor or  
31 handgun to person under age 21), 27510 (dealer that supplies, delivers, or gives possession or  
32 control of firearm to minor or handgun to person under age 21), 27945 (exception for certain  
33 situations involving minor), 29650 (prohibition on possession of live ammunition by minor),  
34 29655 (exceptions).

35 See Section 16530 (“firearm capable of being concealed upon the person,” “pistol,” and  
36 “revolver”).

1 § 29615. Exceptions

2 29615. Section 29610 shall not apply if one of the following circumstances  
3 exists:

4 (a) The minor is accompanied by a parent or legal guardian, and the minor is  
5 actively engaged in, or is in direct transit to or from, a lawful, recreational sport,  
6 including, but not limited to, competitive shooting, or agricultural, ranching, or  
7 hunting activity, or a motion picture, television, or video production, or  
8 entertainment or theatrical event, the nature of which involves this use of a  
9 firearm.

10 (b) The minor is accompanied by a responsible adult, the minor has the prior  
11 written consent of a parent or legal guardian, and the minor is actively engaged in,  
12 or is in direct transit to or from, a lawful, recreational sport, including, but not  
13 limited to, competitive shooting, or agricultural, ranching, or hunting activity, or a  
14 motion picture, television, or video production, or entertainment or theatrical  
15 event, the nature of which involves the use of a firearm.

16 (c) The minor is at least 16 years of age, the minor has the prior written consent  
17 of a parent or legal guardian and the minor is actively engaged in, or is in direct  
18 transit to or from, a lawful recreational sport, including, but not limited to,  
19 competitive shooting, or agricultural, ranching, or hunting activity, or a motion  
20 picture, television, or video production, or entertainment or theatrical event, the  
21 nature of which involves the use of a firearm.

22 (d) The minor has the prior written consent of a parent or legal guardian, the  
23 minor is on lands owned or lawfully possessed by the parent or legal guardian, and  
24 the minor is actively engaged in, or is in direct transit to or from, a lawful,  
25 recreational sport, including, but not limited to, competitive shooting, or  
26 agricultural, ranching, or hunting activity, or a motion picture, television, or video  
27 production, or entertainment or theatrical event, the nature of which involves the  
28 use of a firearm.

29 **Comment.** Section 29615 continues former Section 12101(a)(2) without substantive change.  
30 See Sections 16520 (“firearm”), 17070 (“responsible adult”).

31 Article 2. Possession of Live Ammunition

32 § 29650. Prohibition on possession of live ammunition by minor

33 29650. A minor shall not possess live ammunition.

34 **Comment.** Section 29650 continues former Section 12101(b)(1) without substantive change.

35 For exceptions to this provision, see Section 29655 (exceptions). For the consequences of  
36 violating this provision, see Sections 29700 (punishment for violation of chapter), 29705  
37 (compulsory participation in parenting education).

38 For further guidance on firearm restrictions relating to minors and persons under age 21, see  
39 Sections 27505 (person, corporation, or firm that sells, loans, or transfers firearm to minor or  
40 handgun to person under age 21), 27510 (dealer that supplies, delivers, or gives possession or  
41 control of firearm to minor or handgun to person under age 21), 27945 (exception for certain  
42 situations involving minor), 29610 (prohibition on possession of handgun by minor), 29615  
43 (exceptions).

1 **§ 29655. Exceptions**

2 29655. Section 29650 shall not apply if one of the following circumstances  
3 exists:

4 (a) The minor has the written consent of a parent or legal guardian to possess  
5 live ammunition.

6 (b) The minor is accompanied by a parent or legal guardian.

7 (c) The minor is actively engaged in, or is going to or from, a lawful,  
8 recreational sport, including, but not limited to, competitive shooting, or  
9 agricultural, ranching, or hunting activity, the nature of which involves the use of a  
10 firearm.

11 **Comment.** Section 29655 continues former Section 12101(b)(2) without substantive change.  
12 See Section 16520 (“firearm”).

13 **Article 3. Punishment**

14 **§ 29700. Punishment for violation of chapter**

15 29700. Every minor who violates this chapter shall be punished as follows:

16 (a) By imprisonment in the state prison or in a county jail if one of the following  
17 applies:

18 (1) The minor has been found guilty previously of violating this chapter.

19 (2) The minor has been found guilty previously of an offense specified in  
20 Section 29905, 32625, or 33410, or an offense specified in any provision listed in  
21 Section 16590.

22 (3) The minor has been found guilty of a violation of Section 29610.

23 (b) Violations of this chapter other than those violations specified in subdivision  
24 (a) shall be punishable as a misdemeanor.

25 **Comment.** Section 29700 continues former Section 12101(c) without substantive change. A  
26 cross-reference to former Section 12560 has not been continued, because that provision was  
27 repealed in 1990. See 1990 Cal. Stat. ch. 9, § 14.

28 For guidance in applying paragraphs (a)(1) and (a)(2), see Section 16015 (determining  
29 existence of prior conviction). For requirements a court may impose on a parent or guardian of a  
30 minor who violates this chapter, see Section 29705 (compulsory participation in parenting  
31 education).

32 **§ 29705. Compulsory participation in parenting education**

33 29705. In a proceeding to enforce this chapter brought pursuant to Article 14  
34 (commencing with Section 601) of Chapter 2 of Part 1 of Division 2 of the  
35 Welfare and Institutions Code, the court may require the custodial parent or legal  
36 guardian of a minor who violates this chapter to participate in classes on parenting  
37 education that meet the requirements established in Section 16507.7 of the  
38 Welfare and Institutions Code.

39 **Comment.** Section 29705 continues former Section 12101(d) without substantive change. An  
40 incomplete cross-reference to an article in the Welfare and Institutions Code has been corrected.

41 For guidance on punishment of a minor who violates this chapter, see Section 29700  
42 (punishment).



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Article 4. Legislative Intent

**§ 29750. Intent of 1994 amendments**

29750. In enacting the amendments to former Sections 12078 and 12101 by Section 10 of Chapter 33 of the Statutes of 1994, First Extraordinary Session, it was not the intent of the Legislature to expand or narrow the application of the then-existing statutory and judicial authority as to the rights of minors to be loaned or to possess live ammunition or a firearm for the purpose of self-defense or the defense of others.

**Comment.** Section 29750 continues former Section 12101(f) without substantive change. See Section 16520 (“firearm”).

CHAPTER 2. PERSON CONVICTED OF SPECIFIED OFFENSE, ADDICTED TO  
NARCOTIC, OR SUBJECT TO COURT ORDER

Article 1. Prohibitions on Firearm Access

**§ 29800. Firearm access by person convicted of felony, addicted to narcotic drug, or convicted of other specified offense**

29800. (a)(1) Any person who has been convicted of a felony under the laws of the United States, the State of California, or any other state, government, or country, or of an offense enumerated in subdivision (a), (b), or (d) of Section 23515, or who is addicted to the use of any narcotic drug, and who owns, purchases, receives, or has in possession or under custody or control any firearm is guilty of a felony.

(2) Any person who has two or more convictions for violating paragraph (2) of subdivision (a) of Section 417 and who owns, purchases, receives, or has in possession or under custody or control any firearm is guilty of a felony.

(b) Notwithstanding subdivision (a), any person who has been convicted of a felony or of an offense enumerated in Section 23515, when that conviction results from certification by the juvenile court for prosecution as an adult in an adult court under Section 707 of the Welfare and Institutions Code, and who owns or has in possession or under custody or control any firearm is guilty of a felony.

(c) Subdivision (a) shall not apply to a person who has been convicted of a felony under the laws of the United States unless either of the following criteria is satisfied:

(1) Conviction of a like offense under California law can only result in imposition of felony punishment.

(2) The defendant was sentenced to a federal correctional facility for more than 30 days, or received a fine of more than one thousand dollars (\$1,000), or received both punishments.

**Comment.** Subdivision (a) of Section 29800 continues former Section 12021(a) without substantive change.

1 Subdivision (b) continues former Section 12021(b) without substantive change.  
2 For an exemption from the prohibitions in subdivisions (a) and (b), see Section 29850  
3 (justifiable violation of Section 29800, 29805, 29815, or 29820). For a notice requirement  
4 relating to those prohibitions, see Section 29810 (notice to person who is subject to Section 29800  
5 or 29805).

6 Subdivision (c) continues former Section 12021(f) without substantive change.

7 See Section 16520 (“firearm”).

8 **§ 29805. Firearm access by person convicted of misdemeanor violation of certain statutes or**  
9 **other specified offense**

10 29805. Except as provided in Section 29800 or 29855, any person who has been  
11 convicted of a misdemeanor violation of Section 71, 76, 136.1, 136.5, or 140,  
12 subdivision (d) of Section 148, Section 171b, 171c, 171d, 186.28, 240, 241, 242,  
13 243, 243.4, 244.5, 245, 245.5, 246.3, 247, 273.5, 273.6, 417, 417.6, 422, 626.9,  
14 646.9, or 830.95, subdivision (a) of former Section 12100, Section 17500, 17510,  
15 25300, 25800, 30315, or 32625, subdivision (b) or (d) of Section 26100, or  
16 Section 27510, or Section 8100, 8101, or 8103 of the Welfare and Institutions  
17 Code, any firearm-related offense pursuant to Sections 871.5 and 1001.5 of the  
18 Welfare and Institutions Code, or of the conduct punished in subdivision (c) of  
19 Section 27590, and who, within 10 years of the conviction, owns, purchases,  
20 receives, or has in possession or under custody or control, any firearm is guilty of  
21 a public offense, which shall be punishable by imprisonment in a county jail not  
22 exceeding one year or in the state prison, by a fine not exceeding one thousand  
23 dollars (\$1,000), or by both that imprisonment and fine. The court, on forms  
24 prescribed by the Department of Justice, shall notify the department of persons  
25 subject to this section. However, the prohibition in this section may be reduced,  
26 eliminated, or conditioned as provided in Section 29855 or 29860.

27 **Comment.** Section 29805 continues former Section 12021(c)(1) without substantive change.

28 For an exemption from this provision, see Section 29850 (justifiable violation of Section  
29 29800, 29805, 29815, or 29820). For guidance on petitioning for relief from this provision, see  
30 Sections 29855 (petition by peace officer for relief from prohibition in Section 29805) and 29860  
31 (petition by person who was convicted of offense before that offense was added to Section  
32 29805). For guidance on false arrest arising from enforcement of this provision, see Section  
33 29865 (immunity from liability for false arrest). For a notice requirement relating to this  
34 provision, see Section 29810 (notice to person who is subject to Section 29800 or 29805).

35 See Section 16520 (“firearm”).

36 **§ 29810. Notice to person who is subject to Section 29800 or 29805**

37 29810. (a) For any person who is subject to Section 29800 or 29805, the court  
38 shall, at the time judgment is imposed, provide on a form supplied by the  
39 Department of Justice, a notice to the defendant prohibited by this chapter from  
40 owning, purchasing, receiving, possessing or having under custody or control, any  
41 firearm. The notice shall inform the defendant of the prohibition regarding  
42 firearms and include a form to facilitate the transfer of firearms.

43 (b) Failure to provide the notice described in subdivision (a) shall not be a  
44 defense to a violation of this chapter.

1 **Comment.** Section 29810 continues former Section 12020(d)(2) without substantive change.  
2 See Section 16520 (“firearm”).

3 **§ 29815. Firearm access by person subject to firearm restriction as express condition of**  
4 **probation**

5 29815. (a) Any person who, as an express condition of probation, is prohibited  
6 or restricted from owning, possessing, controlling, receiving, or purchasing a  
7 firearm and who owns, purchases, receives, or has in possession or under custody  
8 or control, any firearm, but who is not subject to Section 29805 or subdivision (a)  
9 of Section 29800, is guilty of a public offense, which shall be punishable by  
10 imprisonment in a county jail not exceeding one year or in the state prison, by a  
11 fine not exceeding one thousand dollars (\$1,000), or by both that imprisonment  
12 and fine.

13 (b) The court, on forms provided by the Department of Justice, shall notify the  
14 department of persons subject to this section. The notice shall include a copy of  
15 the order of probation and a copy of any minute order or abstract reflecting the  
16 order and conditions of probation.

17 **Comment.** Subdivision (a) of Section 29815 continues the first sentence of former Section  
18 12021(d)(1) without substantive change. For an exemption from this provision, see Section 29850  
19 (justifiable violation of Section 29800, 29805, 29815, or 29820).

20 Subdivision (b) continues the second and third sentences of former Section 12021(d)(1)  
21 without substantive change.

22 See Section 16520 (“firearm”).

23 **§ 29820. Firearm access by person adjudged ward of juvenile court, under specified**  
24 **circumstances**

25 29820. (a) This section applies to any person who satisfies both of the following  
26 requirements:

27 (1) The person is alleged to have committed an offense listed in subdivision (b)  
28 of Section 707 of the Welfare and Institutions Code, an offense described in  
29 subdivision (b) of Section 1203.073, any offense enumerated in Section 29805, or  
30 any offense described in Section 25850, subdivision (a) of Section 25400, or  
31 subdivision (a) of Section 26100.

32 (2) The person is subsequently adjudged a ward of the juvenile court within the  
33 meaning of Section 602 of the Welfare and Institutions Code because the person  
34 committed an offense listed in subdivision (b) of Section 707 of the Welfare and  
35 Institutions Code, an offense described in subdivision (b) of Section 1203.073, any  
36 offense enumerated in Section 29805, or any offense described in Section 25850,  
37 subdivision (a) of Section 25400, or subdivision (a) of Section 26100.

38 (b) Any person described in subdivision (a) shall not own, or have in possession  
39 or under custody or control, any firearm until the age of 30 years.

40 (c) A violation of this section shall be punishable by imprisonment in a county  
41 jail not exceeding one year or in the state prison, by a fine not exceeding one  
42 thousand dollars (\$1,000), or by both that imprisonment and fine.

1 (d) The juvenile court, on forms prescribed by the Department of Justice, shall  
2 notify the department of persons subject to this section. Notwithstanding any other  
3 law, the forms required to be submitted to the department pursuant to this section  
4 may be used to determine eligibility to acquire a firearm.

5 **Comment.** Subdivisions (a) and (b) of Section 29820 continue the first sentence of former  
6 Section 12021(e) without substantive change.

7 Subdivision (c) continues the second sentence of former Section 12021(e) without substantive  
8 change.

9 Subdivision (d) continues the third and fourth sentences of former Section 12021(e) without  
10 substantive change.

11 For an exemption from this provision, see Section 29850 (justifiable violation of Section  
12 29800, 29805, 29815, or 29820).

13 See Section 16520 (“firearm”).

14 **§ 29825. Firearm access by person subject to temporary restraining order, injunction, or**  
15 **protective order**

16 29825. (a) Every person who purchases or receives, or attempts to purchase or  
17 receive, a firearm knowing that the person is prohibited from doing so by a  
18 temporary restraining order or injunction issued pursuant to Section 527.6 or 527.8  
19 of the Code of Civil Procedure, a protective order as defined in Section 6218 of  
20 the Family Code, a protective order issued pursuant to Section 136.2 or 646.91 of  
21 this code, or a protective order issued pursuant to Section 15657.03 of the Welfare  
22 and Institutions Code, is guilty of a public offense, which shall be punishable by  
23 imprisonment in a county jail not exceeding one year or in the state prison, by a  
24 fine not exceeding one thousand dollars (\$1,000), or by both that imprisonment  
25 and fine.

26 (b) Every person who owns or possesses a firearm knowing that the person is  
27 prohibited from doing so by a temporary restraining order or injunction issued  
28 pursuant to Section 527.6 or 527.8 of the Code of Civil Procedure, a protective  
29 order as defined in Section 6218 of the Family Code, a protective order issued  
30 pursuant to Section 136.2 or 646.91 of this code, or a protective order issued  
31 pursuant to Section 15657.03 of the Welfare and Institutions Code, is guilty of a  
32 public offense, which shall be punishable by imprisonment in a county jail not  
33 exceeding one year, by a fine not exceeding one thousand dollars (\$1,000), or by  
34 both that imprisonment and fine.

35 (c) If probation is granted upon conviction of a violation of this section, the  
36 court shall impose probation consistent with Section 1203.097.

37 (d) The Judicial Council shall provide notice on all protective orders that the  
38 respondent is prohibited from owning, possessing, purchasing, receiving, or  
39 attempting to purchase or receive a firearm while the protective order is in effect.  
40 The order shall also state that the firearm shall be relinquished to the local law  
41 enforcement agency for that jurisdiction or sold to a licensed gun dealer, and that  
42 proof of surrender or sale shall be filed within a specified time of receipt of the  
43 order. The order shall state the penalties for a violation of the prohibition. The  
44 order shall also state on its face the expiration date for relinquishment.

1 **Comment.** Subdivision (a) of Section 29825 continues former Section 12021(g)(1) without  
2 substantive change.

3 Subdivision (b) continues former Section 12021(g)(2) without substantive change.

4 Subdivision (c) continues former Section 12021(g)(4) without substantive change.

5 Subdivision (d) continues former Section 12021(g)(3) without substantive change.

6 See Sections 16520 (“firearm”), 26700 (“dealer,” “licensee,” or “person licensed pursuant to  
7 Sections 26700 to 26915, inclusive”).

## 8 Article 2. Exemption or Petition for Relief

### 9 § 29850. Justifiable violation of Section 29800, 29805, 29815, or 29820

10 29850. (a) A violation of Section 29800, 29805, 29815, or 29820 is justifiable  
11 where all of the following conditions are met:

12 (1) The person found the firearm or took the firearm from a person who was  
13 committing a crime against the person who found or took the firearm.

14 (2) The person possessed the firearm no longer than was necessary to deliver or  
15 transport the firearm to a law enforcement agency for that agency’s disposition  
16 according to law.

17 (3) If the firearm was transported to a law enforcement agency, it was  
18 transported in accordance with subdivision (b) of Section 25570.

19 (4) If the firearm is being transported to a law enforcement agency, the person  
20 transporting the firearm has given prior notice to the law enforcement agency that  
21 the person is transporting the firearm to the law enforcement agency for  
22 disposition according to law.

23 (b) Upon the trial for violating Section 29800, 29805, 29815, or 29820, the trier  
24 of fact shall determine whether the defendant was acting within the provisions of  
25 the exemption created by this section.

26 (c) The defendant has the burden of proving by a preponderance of the evidence  
27 that the defendant comes within the provisions of the exemption created by this  
28 section.

29 **Comment.** Section 29850 continues former Section 12021(h) without substantive change.

30 See Section 16520 (“firearm”).

### 31 § 29855. Petition by peace officer for relief from prohibition in Section 29805

32 29855. (a) Any person employed as a peace officer described in Section 830.1,  
33 830.2, 830.31, 830.32, 830.33, or 830.5 whose employment or livelihood is  
34 dependent on the ability to legally possess a firearm, who is subject to the  
35 prohibition imposed by Section 29805 because of a conviction under Section  
36 273.5, 273.6, or 646.9, may petition the court only once for relief from this  
37 prohibition.

38 (b) The petition shall be filed with the court in which the petitioner was  
39 sentenced. If possible, the matter shall be heard before the same judge who  
40 sentenced the petitioner.

41 (c) Upon filing the petition, the clerk of the court shall set the hearing date and  
42 shall notify the petitioner and the prosecuting attorney of the date of the hearing.

1 (d) Upon making each of the following findings, the court may reduce or  
2 eliminate the prohibition, impose conditions on reduction or elimination of the  
3 prohibition, or otherwise grant relief from the prohibition as the court deems  
4 appropriate:

5 (1) Finds by a preponderance of the evidence that the petitioner is likely to use a  
6 firearm in a safe and lawful manner.

7 (2) Finds that the petitioner is not within a prohibited class as specified in  
8 Section 29815, 29820, 29825, or 29900, or subdivision (a) or (b) of Section 29800,  
9 and the court is not presented with any credible evidence that the petitioner is a  
10 person described in Section 8100 or 8103 of the Welfare and Institutions Code.

11 (3) Finds that the petitioner does not have a previous conviction under Section  
12 29805 no matter when the prior conviction occurred.

13 (e) In making its decision, the court shall consider the petitioner's continued  
14 employment, the interest of justice, any relevant evidence, and the totality of the  
15 circumstances. The court shall require, as a condition of granting relief from the  
16 prohibition under Section 29805, that the petitioner agree to participate in  
17 counseling as deemed appropriate by the court. Relief from the prohibition shall  
18 not relieve any other person or entity from any liability that might otherwise be  
19 imposed. It is the intent of the Legislature that courts exercise broad discretion in  
20 fashioning appropriate relief under this section in cases in which relief is  
21 warranted. However, nothing in this section shall be construed to require courts to  
22 grant relief to any particular petitioner. It is the intent of the Legislature to permit  
23 persons who were convicted of an offense specified in Section 273.5, 273.6, or  
24 646.9 to seek relief from the prohibition imposed by Section 29805.

25 **Comment.** Section 29855 continues former Section 12021(c)(2) without substantive change.  
26 For guidance on false arrest arising from the enforcement of Section 29805, see Section 29865  
27 (immunity from liability for false arrest).  
28 See Section 16520 ("firearm").

29 **§ 29860. Petition by person who was convicted of offense before that offense was added to**  
30 **Section 29805**

31 29860. (a) Any person who is subject to the prohibition imposed by Section  
32 29805 because of a conviction of an offense prior to that offense being added to  
33 Section 29805 may petition the court only once for relief from this prohibition.

34 (b) The petition shall be filed with the court in which the petitioner was  
35 sentenced. If possible, the matter shall be heard before the same judge that  
36 sentenced the petitioner.

37 (c) Upon filing the petition, the clerk of the court shall set the hearing date and  
38 notify the petitioner and the prosecuting attorney of the date of the hearing.

39 (d) Upon making each of the following findings, the court may reduce or  
40 eliminate the prohibition, impose conditions on reduction or elimination of the  
41 prohibition, or otherwise grant relief from the prohibition as the court deems  
42 appropriate:

1 (1) Finds by a preponderance of the evidence that the petitioner is likely to use a  
2 firearm in a safe and lawful manner.

3 (2) Finds that the petitioner is not within a prohibited class as specified in  
4 Section 29815, 29820, 29825, or 29900, or subdivision (a) or (b) of Section 29800,  
5 and the court is not presented with any credible evidence that the petitioner is a  
6 person described in Section 8100 or 8103 of the Welfare and Institutions Code.

7 (3) Finds that the petitioner does not have a previous conviction under Section  
8 29805, no matter when the prior conviction occurred.

9 (e) In making its decision, the court may consider the interest of justice, any  
10 relevant evidence, and the totality of the circumstances. It is the intent of the  
11 Legislature that courts exercise broad discretion in fashioning appropriate relief  
12 under this section in cases in which relief is warranted. However, nothing in this  
13 section shall be construed to require courts to grant relief to any particular  
14 petitioner.

15 **Comment.** Section 29860 continues former Section 12021(c)(3) without substantive change.

16 For guidance on false arrest arising from enforcement of Section 29805, see Section 29865  
17 (immunity from liability for false arrest).

18 See Section 16520 (“firearm”).

19 **§ 29865. Immunity from liability for false arrest**

20 29865. Law enforcement officials who enforce the prohibition specified in  
21 Section 29805 against a person who has been granted relief pursuant to Section  
22 29855 or 29860 shall be immune from any liability for false arrest arising from the  
23 enforcement of Section 29805 unless the person has in possession a certified copy  
24 of the court order that granted the person relief from the prohibition. This  
25 immunity from liability shall not relieve any person or entity from any other  
26 liability that might otherwise be imposed.

27 **Comment.** Section 29865 continues former Section 12021(c)(4) without substantive change.

28 **Article 3. Miscellaneous Provisions**

29 **§ 29875. Protocol for implementation of Section 12021, to be completed by January 1, 2005**

30 29875. Subject to available funding, the Attorney General, working with the  
31 Judicial Council, the California Alliance Against Domestic Violence, prosecutors,  
32 and law enforcement, probation, and parole officers, shall develop a protocol for  
33 the implementation of the provisions of former Section 12021, which is continued  
34 in this chapter. The protocol shall be designed to facilitate the enforcement of  
35 restrictions on firearm ownership, including provisions for giving notice to  
36 defendants who are restricted, provisions for informing those defendants of the  
37 procedures by which defendants shall dispose of firearms when required to do so,  
38 provisions explaining how defendants shall provide proof of the lawful disposition  
39 of firearms, and provisions explaining how defendants may obtain possession of  
40 seized firearms when legally permitted to do so pursuant to any provision of law.  
41 The protocol shall be completed on or before January 1, 2005.

1 **Comment.** Section 29875 continues former Section 12021(i) without substantive change.  
2 See Section 16520 (“firearm”).

3 CHAPTER 3. PERSON CONVICTED OF VIOLENT OFFENSE

4 **§ 29900. Firearm possession or control by person convicted of violent offense**

5 29900. (a)(1) Notwithstanding subdivision (a) of Section 29800, any person who  
6 has been previously convicted of any of the offenses listed in Section 29905 and  
7 who owns or has in possession or under custody or control any firearm is guilty of  
8 a felony.

9 (2) A dismissal of an accusatory pleading pursuant to Section 1203.4a involving  
10 an offense set forth in Section 29905 does not affect the finding of a previous  
11 conviction.

12 (3) If probation is granted, or if the imposition or execution of sentence is  
13 suspended, it shall be a condition of the probation or suspension that the defendant  
14 serve at least six months in a county jail.

15 (b)(1) Any person previously convicted of any of the offenses listed in Section  
16 29905 which conviction results from certification by the juvenile court for  
17 prosecution as an adult in adult court under the provisions of Section 707 of the  
18 Welfare and Institutions Code, who owns or has in possession or under custody or  
19 control any firearm, is guilty of a felony.

20 (2) If probation is granted, or if the imposition or execution of sentence is  
21 suspended, it shall be a condition of the probation or suspension that the defendant  
22 serve at least six months in a county jail.

23 (c) The court shall apply the minimum sentence as specified in subdivisions (a)  
24 and (b) except in unusual cases where the interests of justice would best be served  
25 by granting probation or suspending the imposition or execution of sentence  
26 without the imprisonment required by subdivisions (a) and (b), or by granting  
27 probation or suspending the imposition or execution of sentence with conditions  
28 other than those set forth in subdivisions (a) and (b), in which case the court shall  
29 specify on the record and shall enter on the minutes the circumstances indicating  
30 that the interests of justice would best be served by the disposition.

31 **Comment.** Subdivision (a) of Section 29900 continues former Section 12021.1(a) without  
32 substantive change.

33 Subdivision (b) continues former Section 12021.1(c) without substantive change.

34 Subdivision (c) continues former Section 12021.1(d) without substantive change.

35 See Section 16520 (“firearm”).

36 **§ 29905. Violent offense**

37 29905. (a) As used in this chapter, a violent offense includes any of the  
38 following:

39 (1) Murder or voluntary manslaughter.

40 (2) Mayhem.

41 (3) Rape.



- 1 (4) Sodomy by force, violence, duress, menace, or threat of great bodily harm.
- 2 (5) Oral copulation by force, violence, duress, menace, or threat of great bodily
- 3 harm.
- 4 (6) Lewd acts on a child under the age of 14 years.
- 5 (7) Any felony punishable by death or imprisonment in the state prison for life.
- 6 (8) Any other felony in which the defendant inflicts great bodily injury on any
- 7 person, other than an accomplice, that has been charged and proven, or any felony
- 8 in which the defendant uses a firearm which use has been charged and proven.
- 9 (9) Attempted murder.
- 10 (10) Assault with intent to commit rape or robbery.
- 11 (11) Assault with a deadly weapon or instrument on a peace
- 12 officer.
- 13 (12) Assault by a life prisoner on a noninmate.
- 14 (13) Assault with a deadly weapon by an inmate.
- 15 (14) Arson.
- 16 (15) Exploding a destructive device or any explosive with intent to injure.
- 17 (16) Exploding a destructive device or any explosive causing great bodily injury.
- 18 (17) Exploding a destructive device or any explosive with intent to murder.
- 19 (18) Robbery.
- 20 (19) Kidnapping.
- 21 (20) Taking of a hostage by an inmate of a state prison.
- 22 (21) Attempt to commit a felony punishable by death or imprisonment in the
- 23 state prison for life.
- 24 (22) Any felony in which the defendant personally used a dangerous or deadly
- 25 weapon.
- 26 (23) Escape from a state prison by use of force or violence.
- 27 (24) Assault with a deadly weapon or force likely to produce great bodily injury.
- 28 (25) Any felony violation of Section 186.22.
- 29 (26) Any offense enumerated in subdivision (a), (b), or (d) of Section 23515.
- 30 (27) Carjacking.
- 31 (28) Any offense enumerated in subdivision (c) of Section 23515 if the person
- 32 has two or more convictions for violating paragraph (2) of subdivision (a) of
- 33 Section 417.
- 34 (b) As used in this chapter, a violent offense also includes any attempt to
- 35 commit a crime listed in subdivision (a) other than an assault.
- 36 **Comment.** Section 29905 continues former Section 12021.1(b) without substantive change.
- 37 See Section 16520 (“firearm”).

38 CHAPTER 4. PROHIBITED ARMED PERSONS FILE

39 § 30000. Prohibited Armed Persons File

40 30000. (a) The Attorney General shall establish and maintain an online database  
41 to be known as the Prohibited Armed Persons File. The purpose of the file is to

1 cross-reference persons who have ownership or possession of a firearm on or after  
2 January 1, 1991, as indicated by a record in the Consolidated Firearms Information  
3 System, and who, subsequent to the date of that ownership or possession of a  
4 firearm, fall within a class of persons who are prohibited from owning or  
5 possessing a firearm.

6 (b) The information contained in the Prohibited Armed Persons File shall only  
7 be available to those entities specified in, and pursuant to, subdivision (b) or (c) of  
8 Section 11105, through the California Law Enforcement Telecommunications  
9 System, for the purpose of determining if persons are armed and prohibited from  
10 possessing firearms.

11 **Comment.** Section 30000 continues former Section 12010 without substantive change.  
12 See Section 16520 (“firearm”).

13 **§ 30005. Use of Prohibited Armed Persons File**

14 30005. The Prohibited Armed Persons File database shall function as follows:

15 (a) Upon entry into the Automated Criminal History System of a disposition for  
16 a conviction of any felony, a conviction for any firearms-prohibiting charge  
17 specified in Chapter 2 (commencing with Section 29800), a conviction for an  
18 offense described in Chapter 3 (commencing with Section 29900), a firearms  
19 prohibition pursuant to Section 8100 or 8103 of the Welfare and Institutions Code,  
20 or any firearms possession prohibition identified by the federal National Instant  
21 Check System, the Department of Justice shall determine if the subject has an  
22 entry in the Consolidated Firearms Information System indicating possession or  
23 ownership of a firearm on or after January 1, 1991, or an assault weapon  
24 registration, or a .50 BMG rifle registration.

25 (b) Upon an entry into any department automated information system that is  
26 used for the identification of persons who are prohibited by state or federal law  
27 from acquiring, owning, or possessing firearms, the department shall determine if  
28 the subject has an entry in the Consolidated Firearms Information System  
29 indicating ownership or possession of a firearm on or after January 1, 1991, or an  
30 assault weapon registration, or a .50 BMG rifle registration.

31 (c) If the department determines that, pursuant to subdivision (a) or (b), the  
32 subject has an entry in the Consolidated Firearms Information System indicating  
33 possession or ownership of a firearm on or after January 1, 1991, or an assault  
34 weapon registration, or a .50 BMG rifle registration, the following information  
35 shall be entered into the Prohibited Armed Persons File:

36 (1) The subject’s name.

37 (2) The subject’s date of birth.

38 (3) The subject’s physical description.

39 (4) Any other identifying information regarding the subject that is deemed  
40 necessary by the Attorney General.

41 (5) The basis of the firearms possession prohibition.

1 (6) A description of all firearms owned or possessed by the subject, as reflected  
2 by the Consolidated Firearms Information System.

3 **Comment.** Section 30005 continues former Section 12011 without substantive change.  
4 See Section 16520 (“firearm”).

5 **§ 30010. Assistance by Attorney General**

6 30010. The Attorney General shall provide investigative assistance to local law  
7 enforcement agencies to better ensure the investigation of individuals who are  
8 armed and prohibited from possessing a firearm.

9 **Comment.** Section 30010 continues former Section 12012 without substantive change.  
10 See Section 16520 (“firearm”).

11 CHAPTER 5. FIREARMS ELIGIBILITY CHECK

12 Article 1. Firearms Eligibility Check

13 **§ 30105. Firearms eligibility check**

14 30105. (a) An individual may request that the Department of Justice perform a  
15 firearms eligibility check for that individual. The applicant requesting the  
16 eligibility check shall provide the information required by Section 28165 to the  
17 department, in an application specified by the department.

18 (b) The department shall charge a fee of twenty dollars (\$20) for performing the  
19 eligibility check authorized by this section, but not to exceed the actual processing  
20 costs of the department. After the department establishes fees sufficient to  
21 reimburse the department for processing costs, fees charged may increase at a rate  
22 not to exceed the legislatively approved cost-of-living adjustment for the  
23 department’s budget or as otherwise increased through the Budget Act.

24 (c) An applicant for the eligibility check pursuant to subdivision (a) shall  
25 complete the application, have it notarized by any licensed California Notary  
26 Public, and submit it by mail to the department.

27 (d) Upon receipt of a notarized application and fee, the department shall do all  
28 of the following:

29 (1) Examine its records, and the records it is authorized to request from the State  
30 Department of Mental Health pursuant to Section 8104 of the Welfare and  
31 Institutions Code, to determine if the purchaser is prohibited by state or federal  
32 law from possessing, receiving, owning, or purchasing a firearm.

33 (2) Notify the applicant by mail of its determination of whether the applicant is  
34 prohibited by state or federal law from possessing, receiving, owning, or  
35 purchasing a firearm. The department’s notification shall state either “eligible to  
36 possess firearms as of the date the check was completed” or “ineligible to possess  
37 firearms as of the date the check was completed.”

38 (e) If the department determines that the information submitted to it in the  
39 application contains any blank spaces, or inaccurate, illegible, or incomplete

1 information, preventing identification of the applicant, or if the required fee is not  
2 submitted, the department shall not be required to perform the firearms eligibility  
3 check.

4 (f) The department shall make applications to conduct a firearms eligibility  
5 check as described in this section available to licensed firearms dealers and on the  
6 department's Web site.

7 (g) The department shall be immune from any liability arising out of the  
8 performance of the firearms eligibility check, or any reliance upon the firearms  
9 eligibility check.

10 (h) No person or agency may require or request another person to obtain a  
11 firearms eligibility check or notification of a firearms eligibility check pursuant to  
12 this section. A violation of this subdivision is a misdemeanor.

13 (i) The department shall include on the application specified in subdivision (a)  
14 and the notification of eligibility specified in subdivision (d) the following  
15 statements:

16 "No person or agency may require or request another person to obtain a firearms  
17 eligibility check or notification of firearms eligibility check pursuant to Section  
18 30105 of the Penal Code. A violation of these provisions is a misdemeanor."

19 "If the applicant for a firearms eligibility check purchases, transfers, or receives  
20 a firearm through a licensed dealer as required by law, a waiting period and  
21 background check are both required."

22 **Comment.** Section 30105 continues former Section 12077.5 without substantive change.

23 See Sections 16520 ("firearm"), 26700 ("dealer," "licensee," or "person licensed pursuant to  
24 Sections 26700 to 26915, inclusive").

## 25 Article 2. Exceptions Relating to Law Enforcement

### 26 § 30150. Exception for sale, delivery, or transfer to authorized law enforcement 27 representative of city, county, city and county, or state or federal government

28 30150. (a) Section 30105 does not apply to any sale, delivery, or transfer of  
29 firearms made to an authorized law enforcement representative of any city,  
30 county, city and county, or state, or of the federal government, for exclusive use  
31 by that governmental agency if, prior to the sale, delivery, or transfer of these  
32 firearms, written authorization from the head of the agency authorizing the  
33 transaction is presented to the person from whom the purchase, delivery, or  
34 transfer is being made.

35 (b) Proper written authorization is defined as verifiable written certification from  
36 the head of the agency by which the purchaser or transferee is employed,  
37 identifying the employee as an individual authorized to conduct the transaction,  
38 and authorizing the transaction for the exclusive use of the agency by which that  
39 person is employed.

40 (c) Within 10 days of the date a handgun is acquired by the agency, a record of  
41 the same shall be entered as an institutional weapon into the Automated Firearms  
42 System (AFS) via the California Law Enforcement Telecommunications System

1 (CLETS) by the law enforcement or state agency. Any agency without access to  
2 AFS shall arrange with the sheriff of the county in which the agency is located to  
3 input this information via this system.

4 **Comment.** Section 30150 continues former Section 12078(a)(2) without substantive change, as  
5 that provision applied to former Section 12077.5 (through its reference to “the preceding  
6 provisions of this article”).

7 For other exceptions relating to law enforcement, see Sections 30155-30165.

8 See Sections 16520 (“firearm”), 16640 (“handgun”).

9 **§ 30155. Exception for loan of firearm to peace officer employee for use in performing**  
10 **official duties**

11 30155. Section 30105 does not apply to the loan of a firearm if all of the  
12 following conditions are satisfied:

13 (a) The loan is made by an authorized law enforcement representative of a city,  
14 county, or city and county, or of the state or federal government.

15 (b) The loan is made to a peace officer employed by that agency and authorized  
16 to carry a firearm.

17 (c) The loan is made for the carrying and use of that firearm by that peace  
18 officer in the course and scope of the officer’s duties.

19 **Comment.** Section 30155 continues former Section 12078(a)(3) without substantive change, as  
20 that provision applied to former Section 12077.5 (through its reference to “the preceding  
21 provisions of this article”).

22 For other exceptions relating to law enforcement, see Sections 30150, 30160-30165.

23 See Section 16520 (“firearm”).

24 **§ 30160. Exception for sale, delivery, or transfer by law enforcement agency to peace officer**  
25 **pursuant to Public Contract Code**

26 30160. (a) Section 30105 does not apply to the sale, delivery, or transfer of a  
27 firearm by a law enforcement agency to a peace officer pursuant to Section 10334  
28 of the Public Contract Code.

29 (b) Within 10 days of the date that a handgun is sold, delivered, or transferred  
30 pursuant to Section 10334 of the Public Contract Code to that peace officer, the  
31 name of the officer and the make, model, serial number, and other identifying  
32 characteristics of the firearm being sold, delivered, or transferred shall be entered  
33 into the Automated Firearms System (AFS) via the California Law Enforcement  
34 Telecommunications System (CLETS) by the law enforcement or state agency that  
35 sold, delivered, or transferred the firearm. Any agency without access to AFS shall  
36 arrange with the sheriff of the county in which the agency is located to input this  
37 information via this system.

38 **Comment.** Section 30160 continues former Section 12078(a)(4) without substantive change, as  
39 that provision applied to former Section 12077.5 (through its reference to “the preceding  
40 provisions of this article”).

41 For other exceptions relating to law enforcement, see Sections 30150-30155, 30165.

42 See Sections 16520 (“firearm”), 16640 (“handgun”).

1 **§ 30165. Exception for sale, delivery, or transfer by law enforcement agency to retiring**  
2 **peace officer authorized to carry concealed and loaded firearm**

3 30165. (a) Section 30105 does not apply to the sale, delivery, or transfer of a  
4 firearm by a law enforcement agency to a retiring peace officer who is authorized  
5 to carry a firearm pursuant to Chapter 5 (commencing with Section 26300) of  
6 Division 5.

7 (b) Within 10 days of the date that a handgun is sold, delivered, or transferred to  
8 that retiring peace officer, the name of the officer and the make, model, serial  
9 number, and other identifying characteristics of the firearm being sold, delivered,  
10 or transferred shall be entered into the Automated Firearms System (AFS) via the  
11 California Law Enforcement Telecommunications System (CLETS) by the law  
12 enforcement or state agency that sold, delivered, or transferred the firearm. Any  
13 agency without access to AFS shall arrange with the sheriff of the county in which  
14 the agency is located to input this information via this system.

15 **Comment.** Section 30165 continues former Section 12078(a)(5) without substantive change, as  
16 that provision applied to former Section 12077.5 (through its reference to “the preceding  
17 provisions of this article”).

18 For other exceptions relating to law enforcement, see Sections 30150-30160.

19 See Sections 16520 (“firearm”), 16640 (“handgun”).

20 **DIVISION 10. SPECIAL RULES RELATING TO PARTICULAR**  
21 **TYPES OF FIREARMS OR FIREARM EQUIPMENT**

22 **CHAPTER 1. AMMUNITION**

23 **Article 1. Flechette Dart Ammunition or Bullet Containing or**  
24 **Carrying an Explosive Agent**

25 **§ 30210. Prohibition on manufacture, import, sale, gift, loan, or possession of flechette dart**  
26 **ammunition or bullet with explosive agent**

27 30210. Except as provided in Section 30215 and Chapter 1 (commencing with  
28 Section 17700) of Division 2 of Title 2, any person in this state who manufactures  
29 or causes to be manufactured, imports into the state, keeps for sale, or offers or  
30 exposes for sale, or who gives, lends, or possesses either of the following is  
31 punishable by imprisonment in a county jail not exceeding one year or in the state  
32 prison:

33 (a) Any ammunition that contains or consists of any flechette dart.

34 (b) Any bullet containing or carrying an explosive agent.

35 **Comment.** With respect to “any ammunition that contains or consists of any flechette dart”  
36 and “any bullet containing or carrying an explosive agent,” Section 30210 continues former  
37 Section 12020(a)(1) without substantive change.

38 For circumstances in which this section is inapplicable, see Sections 16590 (“generally  
39 prohibited weapon”), 17700-17745 (exemptions relating to generally prohibited weapons), 30215  
40 (exemption for tracer ammunition manufactured for use in shotgun).

1 See Section 16570 (“flechette dart”). See also Sections 16460(b) (bullet with explosive agent is  
2 not destructive device), 17800 (distinct and separate offense), 30290 (flechette dart ammunition  
3 or bullet with explosive agent constituting nuisance).

4 **§ 30215. Exemption for tracer ammunition manufactured for use in shotgun**

5 30215. Section 30210 does not apply to tracer ammunition manufactured for use  
6 in a shotgun.

7 **Comment.** Section 30215 continues former Section 12020(b)(6) without substantive change.

8 For additional circumstances in which Section 30210 is inapplicable, see Sections 16590  
9 (“generally prohibited weapon”), 17700-17745 (exemptions relating to generally prohibited  
10 weapons).

11 See Section 17190 (“shotgun”).

12 **§ 30290. Flechette dart ammunition or bullet with explosive agent constituting nuisance**

13 30290. Except as provided in Section 30210 and in Chapter 1 (commencing with  
14 Section 17700) of Division 2 of Title 2, any ammunition that contains or consists  
15 of any flechette dart, or any bullet containing or carrying an explosive agent, is a  
16 nuisance and is subject to Section 18010.

17 **Comment.** With respect to “any ammunition that contains or consists of any flechette dart”  
18 and “any bullet containing or carrying an explosive agent,” Section 30290 continues the first part  
19 of the first sentence of former Section 12029 without substantive change.

20 See Section 16570 (“flechette dart”).

21 **Article 2. Other Restrictions Relating to Ammunition**

22 **§ 30300. Sale of ammunition or reloaded ammunition to minor, or sale of handgun**  
23 **ammunition or reloaded handgun ammunition to person under age 21**

24 30300. (a) Any person, corporation, or dealer who does either of the following  
25 shall be punished by imprisonment in a county jail for a term not to exceed six  
26 months, or by a fine not to exceed one thousand dollars (\$1,000), or by both the  
27 imprisonment and fine:

28 (1) Sells any ammunition or reloaded ammunition to a person under 18 years of  
29 age.

30 (2) Sells any ammunition or reloaded ammunition designed and intended for use  
31 in a handgun to a person under 21 years of age. Where ammunition or reloaded  
32 ammunition may be used in both a rifle and a handgun, it may be sold to a person  
33 who is at least 18 years of age, but less than 21 years of age, if the vendor  
34 reasonably believes that the ammunition is being acquired for use in a rifle and not  
35 a handgun.

36 (b) Proof that a person, corporation, or dealer, or his or her agent or employee,  
37 demanded, was shown, and acted in reasonable reliance upon, bona fide evidence  
38 of majority and identity shall be a defense to any criminal prosecution under this  
39 section.

40 **Comment.** Subdivision (a) of Section 30300 continues former Section 12316(a)(1)(A) and the  
41 first and third sentences of former Section 12316(a)(1)(B) without substantive change.

1 Subdivision (b) continues the first sentence of former Section 12316(a)(2) without substantive  
2 change.

3 For limitations on the effect of this article, see Sections 30330 (effect of article on member of  
4 military, police agency, forensic laboratory, or holder of permit for destructive device), 30335  
5 (effect of article on permanently deactivated ammunition), 30340 (effect of article on ammunition  
6 manufactured under contract approved by government agency).

7 For further guidance on firearm restrictions relating to minors and persons under age 21, see  
8 Sections 27505 (person, corporation, or firm that sells, loans, or transfers firearm to minor or  
9 handgun to person under age 21), 27510 (dealer that supplies, delivers, or gives possession or  
10 control of firearm to minor or handgun to person under age 21), 27945 (exception for certain  
11 situations involving minor), and 29610-29705 (juvenile).

12 See Sections 16150 (“ammunition”), 16300 (“bona fide evidence of majority and identity”),  
13 16640 (“handgun”), 16650 (“handgun ammunition”), 17090 (“rifle”).

14 **§ 30305. Person prohibited from owning or possessing firearm**

15 30305. (a) No person prohibited from owning or possessing a firearm under  
16 Chapter 2 (commencing with Section 29800) or 3 (commencing with Section  
17 29900) of Division 9 of this title, or Section 8100 or 8103 of the Welfare and  
18 Institutions Code, shall own, possess, or have under custody or control, any  
19 ammunition or reloaded ammunition.

20 (b) A violation of this section is punishable by imprisonment in a county jail not  
21 to exceed one year or in the state prison, by a fine not to exceed one thousand  
22 dollars (\$1,000), or by both the fine and imprisonment.

23 (c) A violation of subdivision (a) is justifiable where all of the following  
24 conditions are met:

25 (1) The person found the ammunition or reloaded ammunition or took the  
26 ammunition or reloaded ammunition from a person who was committing a crime  
27 against the person who found or took the ammunition or reloaded ammunition.

28 (2) The person possessed the ammunition or reloaded ammunition no longer  
29 than was necessary to deliver or transport the ammunition or reloaded ammunition  
30 to a law enforcement agency for that agency’s disposition according to law.

31 (3) The person is prohibited from possessing any ammunition or reloaded  
32 ammunition solely because that person is prohibited from owning or possessing a  
33 firearm only by virtue of Chapter 2 (commencing with Section 29800) of Division  
34 9.

35 (d) Upon the trial for violating subdivision (a), the trier of fact shall determine  
36 whether the defendant is subject to the exemption created by subdivision (c). The  
37 defendant has the burden of proving by a preponderance of the evidence that the  
38 defendant is subject to the exemption provided by subdivision (c).

39 **Comment.** Subdivision (a) of Section 30305 continues former Section 12316(b)(1) without  
40 substantive change.

41 Subdivision (b) continues former Section 12316(b)(3) without substantive change.

42 Subdivision (c) continues former Section 12316(d)(1) without substantive change.

43 Subdivision (d) continues former Section 12316(d)(2)-(3) without substantive change.

44 For limitations on the effect of this article, see Sections 30330 (effect of article on member of  
45 military, police agency, forensic laboratory, or holder of permit for destructive device), 30335



1 (effect of article on permanently deactivated ammunition), 30340 (effect of article on ammunition  
2 manufactured under contract approved by government agency).

3 See Sections 16150 (“ammunition”), 16520 (“firearm”).

4 **§ 30310. No ammunition or reloaded ammunition on school grounds**

5 30310. (a) Unless it is with the written permission of the school district  
6 superintendent, the superintendent’s designee, or equivalent school authority, no  
7 person shall carry ammunition or reloaded ammunition onto school grounds,  
8 except sworn law enforcement officers acting within the scope of their duties or  
9 persons exempted under Section 25450.

10 (b) This section shall not apply to any of the following:

11 (1) A duly appointed peace officer as defined in Chapter 4.5 (commencing with  
12 Section 830) of Title 3 of Part 2.

13 (2) A full-time paid peace officer of another state or the federal government who  
14 is carrying out official duties while in California.

15 (3) Any person summoned by any of these officers to assist in making an arrest  
16 or preserving the peace while that person is actually engaged in assisting the  
17 officer.

18 (4) A member of the military forces of this state or of the United States who is  
19 engaged in the performance of duties.

20 (5) A person holding a valid license to carry the firearm pursuant to Chapter 4  
21 (commencing with Section 26150) of Division 5.

22 (6) An armored vehicle guard, who is engaged in the performance of duties, as  
23 defined in subdivision (d) of Section 7582.1 of the Business and Professions Code.

24 (c) A violation of this section is punishable by imprisonment in a county jail for  
25 a term not to exceed six months, a fine not to exceed one thousand dollars  
26 (\$1,000), or both the imprisonment and fine.

27 **Comment.** Section 30310 continues former Section 12316(c) without substantive change. An  
28 erroneous cross-reference to Business and Professions Code Section 7521(e) has been corrected  
29 by replacing it with a cross-reference to Business and Professions Code Section 7582.1(d).

30 For limitations on the effect of this article, see Sections 30330 (effect of article on member of  
31 military, police agency, forensic laboratory, or holder of permit for destructive device), 30335  
32 (effect of article on permanently deactivated ammunition), 30340 (effect of article on ammunition  
33 manufactured under contract approved by government agency).

34 See Section 16520 (“firearm”).

35 **§ 30315. Knowing possession of handgun ammunition designed to penetrate metal or armor**

36 30315. Any person, firm, or corporation who, within this state knowingly  
37 possesses any handgun ammunition designed primarily to penetrate metal or armor  
38 is guilty of a public offense and upon conviction thereof shall be punished by  
39 imprisonment in the state prison, or in the county jail for a term not to exceed one  
40 year, or by a fine not to exceed five thousand dollars (\$5,000), or by both such fine  
41 and imprisonment.

42 **Comment.** Section 30315 continues former Section 12320 without substantive change.

43 For an exception to this provision, see Section 30325 (transporting handgun ammunition  
44 designed primarily to penetrate metal or armor to law enforcement agency).

1 For other limitations on the effect of this article, see Sections 30330 (effect of article on  
2 member of military, police agency, forensic laboratory, or holder of permit for destructive  
3 device), 30335 (effect of article on permanently deactivated ammunition), 30340 (effect of article  
4 on ammunition manufactured under contract approved by government agency).

5 See Section 16660 (“handgun ammunition designed primarily to penetrate metal or armor”).

6 **§ 30320. Manufacturing, importing, selling, offering to sell, or knowingly transporting**  
7 **handgun ammunition designed to penetrate metal or armor**

8 30320. Any person, firm, or corporation who, within this state, manufactures,  
9 imports, sells, offers to sell, or knowingly transports any handgun ammunition  
10 designed primarily to penetrate metal or armor is guilty of a felony and upon  
11 conviction thereof shall be punished by imprisonment in state prison, or by a fine  
12 not to exceed five thousand dollars (\$5,000), or by both such fine and  
13 imprisonment.

14 **Comment.** Section 30320 continues former Section 12321 without substantive change.

15 For an exception to this provision, see Section 30325 (transporting handgun ammunition  
16 designed primarily to penetrate metal or armor to law enforcement agency).

17 For other limitations on the effect of this article, see Sections 30330 (effect of article on  
18 member of military, police agency, forensic laboratory, or holder of permit for destructive  
19 device), 30335 (effect of article on permanently deactivated ammunition), 30340 (effect of article  
20 on ammunition manufactured under contract approved by government agency).

21 See Section 16660 (“handgun ammunition designed primarily to penetrate metal or armor”).

22 **§ 30325. Transporting handgun ammunition designed primarily to penetrate metal or**  
23 **armor to law enforcement agency**

24 30325. Nothing in this article shall apply to or affect the possession of handgun  
25 ammunition designed primarily to penetrate metal or armor by a person who found  
26 the ammunition, if that person is not prohibited from possessing firearms or  
27 ammunition pursuant to subdivision (a) of Section 30305, Chapter 2 (commencing  
28 with Section 29800) or 3 (commencing with Section 29900) of Division 9 of this  
29 title, or Section 8100 or 8103 of the Welfare and Institutions Code, and the person  
30 is transporting the ammunition to a law enforcement agency for disposition  
31 according to law.

32 **Comment.** Section 30325 continues former Section 12322(b) without substantive change.

33 See Section 16660 (“handgun ammunition designed primarily to penetrate metal or armor”).

34 **§ 30330. Effect of article on member of military, police agency, forensic laboratory, or**  
35 **holder of permit for destructive device**

36 30330. Nothing in this article shall apply to or affect the sale to, purchase by,  
37 possession of, or use of any ammunition by any member of the Army, Navy, Air  
38 Force, or Marine Corps of the United States, or the National Guard, while on duty  
39 and acting within the scope and course of employment, or any police agency or  
40 forensic laboratory or any person who is the holder of a valid permit issued  
41 pursuant to Article 3 (commencing with Section 18900) of Chapter 1 of Division 5  
42 of Title 2.

43 **Comment.** Section 30330 continues former Section 12322(a) without substantive change.

1    **§ 30335. Effect of article on permanently deactivated ammunition**

2       30335. Nothing in this article shall prohibit the possession, importation, sale,  
3 attempted sale, or transport of ammunition from which the propellant has been  
4 removed and the primer has been permanently deactivated.

5       **Comment.** Section 30335 continues former Section 12324 without substantive change.

6    **§ 30340. Effect of article on ammunition manufactured under contract approved by**  
7       **government agency**

8       30340. Nothing in this article shall prohibit the manufacture of ammunition  
9 under contracts approved by agencies of the state or federal government.

10      **Comment.** Section 30340 continues former Section 12325 without substantive change.

11                                   CHAPTER 2. ASSAULT WEAPONS AND .50 BMG RIFLES

12   Article 1. General Provisions

13    **§ 30500. Title**

14       30500. This chapter shall be known as the Roberti-Roos Assault Weapons  
15 Control Act of 1989 and the .50 Caliber BMG Regulation Act of 2004.

16      **Comment.** Section 30500 continues former Section 12275 without substantive change.

17    **§ 30505. Legislative findings**

18       30505. (a) The Legislature hereby finds and declares that the proliferation and  
19 use of assault weapons poses a threat to the health, safety, and security of all  
20 citizens of this state. The Legislature has restricted the assault weapons specified  
21 in Section 30510 based upon finding that each firearm has such a high rate of fire  
22 and capacity for firepower that its function as a legitimate sports or recreational  
23 firearm is substantially outweighed by the danger that it can be used to kill and  
24 injure human beings. It is the intent of the Legislature in enacting this chapter to  
25 place restrictions on the use of assault weapons and to establish a registration and  
26 permit procedure for their lawful sale and possession. It is not, however, the intent  
27 of the Legislature by this chapter to place restrictions on the use of those weapons  
28 which are primarily designed and intended for hunting, target practice, or other  
29 legitimate sports or recreational activities.

30       (b) The Legislature hereby finds and declares that the proliferation and use of  
31 .50 BMG rifles poses a clear and present terrorist threat to the health, safety, and  
32 security of all residents of, and visitors to, this state, based upon findings that  
33 those firearms have such a high capacity for long distance and highly destructive  
34 firepower that they pose an unacceptable risk to the death and serious injury of  
35 human beings, destruction or serious damage of vital public and private buildings,  
36 civilian, police and military vehicles, power generation and transmission facilities,  
37 petrochemical production and storage facilities, and transportation infrastructure.  
38 It is the intent of the Legislature in enacting this chapter to place restrictions on the

1 use of these rifles and to establish a registration and permit procedure for their  
2 lawful sale and possession.

3 **Comment.** Section 30505 continues former Section 12275.5 without substantive change.

4 See Sections 16520 (“firearm”), 30510 (“assault weapon”), 30515 (further clarification of  
5 “assault weapon”), 30530 (“.50 BMG rifle”).

6 **§ 30510. “Assault weapon”**

7 30510. As used in this chapter, in Sections 16780, 17000, 27555, and 30530,  
8 and in subdivision (a) of Section 30005, “assault weapon” means the following  
9 designated semiautomatic firearms:

10 (a) All of the following specified rifles:

11 (1) All AK series including, but not limited to, the models identified as follows:

12 (A) Made in China AK, AKM, AKS, AK47, AK47S, 56, 56S, 84S, and 86S.

13 (B) Norinco 56, 56S, 84S, and 86S.

14 (C) Poly Technologies AKS and AK47.

15 (D) MAADI AK47 and ARM.

16 (2) UZI and Galil.

17 (3) Beretta AR-70.

18 (4) CETME Sporter.

19 (5) Colt AR-15 series.

20 (6) Daewoo K-1, K-2, Max 1, Max 2, AR 100, and AR 110C.

21 (7) Fabrique Nationale FAL, LAR, FNC, 308 Match, and Sporter.

22 (8) MAS 223.

23 (9) HK-91, HK-93, HK-94, and HK-PSG-1.

24 (10) The following MAC types:

25 (A) RPB Industries Inc. sM10 and sM11.

26 (B) SWD Incorporated M11.

27 (11) SKS with detachable magazine.

28 (12) SIG AMT, PE-57, SG 550, and SG 551.

29 (13) Springfield Armory BM59 and SAR-48.

30 (14) Sterling MK-6.

31 (15) Steyer AUG.

32 (16) Valmet M62S, M71S, and M78S.

33 (17) Armalite AR-180.

34 (18) Bushmaster Assault Rifle.

35 (19) Calico M-900.

36 (20) J&R ENG M-68.

37 (21) Weaver Arms Nighthawk.

38 (b) All of the following specified pistols:

39 (1) UZI.

40 (2) Encom MP-9 and MP-45.

41 (3) The following MAC types:

42 (A) RPB Industries Inc. sM10 and sM11.

43 (B) SWD Incorporated M-11.

- 1 (C) Advance Armament Inc. M-11.
- 2 (D) Military Armament Corp. Ingram M-11.
- 3 (4) Intratec TEC-9.
- 4 (5) Sites Spectre.
- 5 (6) Sterling MK-7.
- 6 (7) Calico M-950.
- 7 (8) Bushmaster Pistol.

8 (c) All of the following specified shotguns:

- 9 (1) Franchi SPAS 12 and LAW 12.
- 10 (2) Striker 12.
- 11 (3) The Streetsweeper type S/S Inc. SS/12.

12 (d) Any firearm declared by the court pursuant to former Section 12276.5 to be  
13 an assault weapon that is specified as an assault weapon in a list promulgated  
14 pursuant to former Section 12276.5.

15 (e) This section is declaratory of existing law and a clarification of the law and  
16 the Legislature's intent which bans the weapons enumerated in this section, the  
17 weapons included in the list promulgated by the Attorney General pursuant to  
18 former Section 12276.5, and any other models that are only variations of those  
19 weapons with minor differences, regardless of the manufacturer. The Legislature  
20 has defined assault weapons as the types, series, and models listed in this section  
21 because it was the most effective way to identify and restrict a specific class of  
22 semiautomatic weapons.

23 (f) As used in this section, "series" includes all other models that are only  
24 variations, with minor differences, of those models listed in subdivision (a),  
25 regardless of the manufacturer.

26 **Comment.** Subdivisions (a)-(d) and the introductory clause of Section 30510 continue former  
27 Section 12276(a)-(d) and its introductory clause without substantive change. See also former  
28 Sections 12001(n)(11), 12072(f)(1)(A), 12282, and 12601(b)(12), which cross-referred to the  
29 definition in former Section 12276.

30 Subdivision (e) continues former Section 12276(f) without substantive change.

31 Subdivisions (d) and (e) refer to former Section 12276.5, which (1) prescribed a procedure by  
32 which a court could classify a weapon as an assault weapon, and (2) directed the Attorney  
33 General to promulgate a list of the weapons classified as assault weapons by statute or by a court.  
34 See 1991 Cal. Stat. ch. 954, § 3; 1990 Cal. Stat. ch. 874, § 1; 1989 Cal. Stat. ch. 19, § 3. Those  
35 procedures were discontinued as of January 1, 2007. See 2006 Cal. Stat. ch. 793, § 1. As so  
36 amended, former Section 12276.5 is continued in Section 30520 (duties of Attorney General).

37 Subdivision (f) continues former Section 12276(e) without substantive change.

38 See Section 30515 (further clarification of "assault weapon").

39 **§ 30515. Further clarification of "assault weapon"**

40 30515. (a) Notwithstanding Section 30510, "assault weapon" also means any of  
41 the following:

42 (1) A semiautomatic, centerfire rifle that has the capacity to accept a detachable  
43 magazine and any one of the following:

44 (A) A pistol grip that protrudes conspicuously beneath the action of the weapon.

45 (B) A thumbhole stock.

- 1 (C) A folding or telescoping stock.  
2 (D) A grenade launcher or flare launcher.  
3 (E) A flash suppressor.  
4 (F) A forward pistol grip.  
5 (2) A semiautomatic, centerfire rifle that has a fixed magazine with the capacity  
6 to accept more than 10 rounds.  
7 (3) A semiautomatic, centerfire rifle that has an overall length of less than 30  
8 inches.  
9 (4) A semiautomatic pistol that has the capacity to accept a detachable magazine  
10 and any one of the following:  
11 (A) A threaded barrel, capable of accepting a flash suppressor, forward  
12 handgrip, or silencer.  
13 (B) A second handgrip.  
14 (C) A shroud that is attached to, or partially or completely encircles, the barrel  
15 that allows the bearer to fire the weapon without burning the bearer's hand, except  
16 a slide that encloses the barrel.  
17 (D) The capacity to accept a detachable magazine at some location outside of  
18 the pistol grip.  
19 (5) A semiautomatic pistol with a fixed magazine that has the capacity to accept  
20 more than 10 rounds.  
21 (6) A semiautomatic shotgun that has both of the following:  
22 (A) A folding or telescoping stock.  
23 (B) A pistol grip that protrudes conspicuously beneath the action of the weapon,  
24 thumbhole stock, or vertical handgrip.  
25 (7) A semiautomatic shotgun that has the ability to accept a detachable  
26 magazine.  
27 (8) Any shotgun with a revolving cylinder.  
28 (b) The Legislature finds a significant public purpose in exempting from the  
29 definition of "assault weapon" pistols that are designed expressly for use in  
30 Olympic target shooting events. Therefore, those pistols that are sanctioned by the  
31 International Olympic Committee and by USA Shooting, the national governing  
32 body for international shooting competition in the United States, and that were  
33 used for Olympic target shooting purposes as of January 1, 2001, and that would  
34 otherwise fall within the definition of "assault weapon" pursuant to this section are  
35 exempt, as provided in subdivision (c).  
36 (c) "Assault weapon" does not include either of the following:  
37 (1) Any antique firearm.  
38 (2) Any of the following pistols, because they are consistent with the significant  
39 public purpose expressed in subdivision (b):

40	MANUFACTURER	MODEL	CALIBER
41	BENELLI	MP90	.22LR

1	BENELLI	MP90	.32 S&W LONG
2	BENELLI	MP95	.22LR
3	BENELLI	MP95	.32 S&W LONG
4	HAMMERLI	280	.22LR
5	HAMMERLI	280	.32 S&W LONG
6	HAMMERLI	SP20	.22LR
7	HAMMERLI	SP20	.32 S&W LONG
8	PARDINI	GPO	.22 SHORT
9	PARDINI	GP-SCHUMANN	.22 SHORT
10	PARDINI	HP	.32 S&W LONG
11	PARDINI	MP	.32 S&W LONG
12	PARDINI	SP	.22LR
13	PARDINI	SPE	.22LR
14	WALTHER	GSP	.22LR
15	WALTHER	GSP	.32 S&W LONG
16	WALTHER	OSP	.22 SHORT
17	WALTHER	OSP-2000	.22 SHORT

18 (3) The Department of Justice shall create a program that is consistent with the  
 19 purposes stated in subdivision (b) to exempt new models of competitive pistols  
 20 that would otherwise fall within the definition of “assault weapon” pursuant to this  
 21 section from being classified as an assault weapon. The exempt competitive pistols  
 22 may be based on recommendations by USA Shooting consistent with the  
 23 regulations contained in the USA Shooting Official Rules or may be based on the  
 24 recommendation or rules of any other organization that the department deems  
 25 relevant.

26 **Comment.** Section 30515 continues former Section 12276.1(a)-(c) without substantive change.  
 27 See also former Sections 12001(n)(11), 12072(f)(1)(A), 12282, and 12601(b)(12), which cross-  
 28 referred to the definitional material in former Section 12276.1.

29 See Sections 16170 (“antique firearm”), 16350 (“capacity to accept more than 10 rounds”),  
 30 16890 (“magazine”), 30510 (“assault weapon”).

31 **§ 30520. Duties of Attorney General**

32 30520. (a) The Attorney General shall prepare a description for identification  
 33 purposes, including a picture or diagram, of each assault weapon listed in Section  
 34 30510, and any firearm declared to be an assault weapon pursuant to former  
 35 Section 12276.5, and shall distribute the description to all law enforcement  
 36 agencies responsible for enforcement of this chapter. Those law enforcement  
 37 agencies shall make the description available to all agency personnel.

38 (b)(1) Until January 1, 2007, the Attorney General shall promulgate a list that  
 39 specifies all firearms designated as assault weapons in former Section 12276 or  
 40 declared to be assault weapons pursuant to former Section 12276.5. The Attorney

1 General shall file that list with the Secretary of State for publication in the  
2 California Code of Regulations. Any declaration that a specified firearm is an  
3 assault weapon shall be implemented by the Attorney General who, within 90  
4 days, shall promulgate an amended list which shall include the specified firearm  
5 declared to be an assault weapon. The Attorney General shall file the amended list  
6 with the Secretary of State for publication in the California Code of Regulations.  
7 Any firearm declared to be an assault weapon prior to January 1, 2007, shall  
8 remain on the list filed with the Secretary of State.

9 (2) Chapter 3.5 (commencing with Section 11340) of Part 1 of Division 3 of  
10 Title 2 of the Government Code, pertaining to the adoption of rules and  
11 regulations, shall not apply to any list of assault weapons promulgated pursuant to  
12 this section.

13 (c) The Attorney General shall adopt those rules and regulations that may be  
14 necessary or proper to carry out the purposes and intent of this chapter.

15 **Comment.** Section 30520 continues former Section 12276.5 without substantive change. An  
16 incomplete cross-reference to a chapter in the Government Code has been corrected. See also  
17 former Sections 12072(f)(1)(A) and 12282, which cross-referred to the definitional material in  
18 former Section 12276.5.

19 As originally enacted, former Section 12276.5 prescribed a procedure by which a court could  
20 classify a weapon as an assault weapon. See 1989 Cal. Stat. ch. 19, § 3. The provision was later  
21 amended to direct the Attorney General to promulgate a list of the weapons classified as assault  
22 weapons by a court or by former Section 12276 (which is continued in Section 30510). Still later,  
23 the provision was amended to discontinue both of those procedures as of January 1, 2007. See  
24 2006 Cal. Stat. ch. 793, § 1. This section continues former Section 12276.5 as so amended.

25 See Sections 16520 (“firearm”), 30510 (“assault weapon”), 30515 (further clarification of  
26 “assault weapon”). See also Section 16010 (continuation of existing law).

27 **§ 30525. “.50 BMG cartridge”**

28 30525. As used in this part, “.50 BMG cartridge” means a cartridge that is  
29 designed and intended to be fired from a center fire rifle and that meets all of the  
30 following criteria:

31 (a) It has an overall length of 5.54 inches from the base to the tip of the bullet.

32 (b) The bullet diameter for the cartridge is from .510 to, and including, .511  
33 inch.

34 (c) The case base diameter for the cartridge is from .800 inch to, and including,  
35 .804 inch.

36 (d) The cartridge case length is 3.91 inches.

37 **Comment.** Section 30525 continues former Section 12278(b) without substantive change.

38 **§ 30530. “.50 BMG rifle”**

39 30530. (a) As used in this part, “.50 BMG rifle” means a center fire rifle that can  
40 fire a .50 BMG cartridge and is not already an assault weapon or a machinegun.

41 (b) A “.50 BMG rifle” does not include any antique firearm, nor any curio or  
42 relic as defined in Section 178.11 of Title 27 of the Code of Federal Regulations.



1       **Comment.** Subdivision (a) of Section 30530 continues former Section 12278(a) without  
2 substantive change. See Sections 16880 (“machinegun”), 30510 (“assault weapon”), 30515  
3 (further clarification of “assault weapon”).

4       Subdivision (b) continues former Section 12278(c) without substantive change. See Section  
5 16170 (“antique firearm”).

6                               Article 2. Unlawful Acts Relating to Assault Weapons  
7   and .50 BMG Rifles

8       **§ 30600. Unlawful manufacturing, distributing, transporting, importing, selling, giving, or**  
9       **lending of assault weapon or .50 BMG rifle**

10       30600. (a) Any person who, within this state, manufactures or causes to be  
11 manufactured, distributes, transports, or imports into the state, keeps for sale, or  
12 offers or exposes for sale, or who gives or lends any assault weapon or any .50  
13 BMG rifle, except as provided by this chapter, is guilty of a felony, and upon  
14 conviction shall be punished by imprisonment in the state prison for four, six, or  
15 eight years.

16       (b) In addition and consecutive to the punishment imposed under subdivision  
17 (a), any person who transfers, lends, sells, or gives any assault weapon or any .50  
18 BMG rifle to a minor in violation of subdivision (a) shall receive an enhancement  
19 of one year.

20       (c) Except in the case of a first violation involving not more than two firearms as  
21 provided in Sections 30605 and 30610, for purposes of this article, if more than  
22 one assault weapon or .50 BMG rifle is involved in any violation of this article,  
23 there shall be a distinct and separate offense for each.

24       **Comment.** Section 30600 continues former Section 12280(a) without substantive change.

25       A conviction under former Chapter 2.3 of Title 2 of Part 4 (former Sections 12275-12290)  
26 counts as a prior conviction in determining the appropriate punishment under this section. See  
27 Section 16015 (determining existence of prior conviction); see also Section 16010 (continuation  
28 of existing law). For further guidance on punishment for a violation of this section, see Section  
29 30615 (sentence enhancement for committing another crime while violating this article).

30       For exemptions to this provision, see Sections 30625-30675. For guidance in determining when  
31 a firearm has become an assault weapon for purposes of this chapter, see Section 30620 (date that  
32 firearm becomes assault weapon).

33       See Sections 16520 (“firearm”), 16970 (“person”), 30510 (“assault weapon”), 30515 (further  
34 clarification of “assault weapon”), 30530 (“.50 BMG rifle”).

35       **§ 30605. Unlawful possession of assault weapon**

36       30605. (a) Any person who, within this state, possesses any assault weapon,  
37 except as provided in this chapter, shall be punished by imprisonment in a county  
38 jail for a period not exceeding one year, or by imprisonment in the state prison.

39       (b) Notwithstanding subdivision (a), a first violation of these provisions is  
40 punishable by a fine not exceeding five hundred dollars (\$500) if the person was  
41 found in possession of no more than two firearms in compliance with Section  
42 30945 and the person meets all of the following conditions:

1 (1) The person proves that he or she lawfully possessed the assault weapon prior  
2 to the date it was defined as an assault weapon.

3 (2) The person has not previously been convicted of a violation of this article.

4 (3) The person was found to be in possession of the assault weapon within one  
5 year following the end of the one-year registration period established pursuant to  
6 Section 30900.

7 (4) The person relinquished the firearm pursuant to Section 31100, in which  
8 case the assault weapon shall be destroyed pursuant to Sections 18000 and 18005.

9 **Comment.** Section 30605 continues former Section 12280(b) without substantive change.

10 A conviction under former Chapter 2.3 of Title 2 of Part 4 (former Sections 12275-12290)  
11 counts as a prior conviction in determining the appropriate punishment under this section. See  
12 Section 16015 (determining existence of prior conviction). For further guidance on punishment  
13 for a violation of this section, see Section 30615 (sentence enhancement for committing another  
14 crime while violating this article).

15 For exemptions to this provision, see Sections 30625-30675. For guidance in determining when  
16 a firearm has become an assault weapon for purposes of this chapter, see Section 30620 (date that  
17 firearm becomes assault weapon).

18 See Sections 16520 (“firearm”), 16970 (“person”), 30510 (“assault weapon”), 30515 (further  
19 clarification of “assault weapon”). See also Section 16010 (continuation of existing law).

20 **§ 30610. Unlawful possession of .50 BMG rifle**

21 30610. (a) Any person who, within this state, possesses any .50 BMG rifle,  
22 except as provided in this chapter, shall be punished by a fine of one thousand  
23 dollars (\$1,000), imprisonment in a county jail for a period not to exceed one year,  
24 or by both that fine and imprisonment.

25 (b) Notwithstanding subdivision (a), a first violation of these provisions is  
26 punishable by a fine not exceeding five hundred dollars (\$500) if the person was  
27 found in possession of no more than two firearms in compliance with Section  
28 30905 and the person satisfies all of the following conditions:

29 (1) The person proves that he or she lawfully possessed the .50 BMG rifle prior  
30 to January 1, 2005.

31 (2) The person has not previously been convicted of a violation of this article.

32 (3) The person was found to be in possession of the .50 BMG rifle within one  
33 year following the end of the .50 BMG rifle registration period established  
34 pursuant to Section 30905.

35 (c) Firearms seized pursuant to this section from persons who meet all of the  
36 conditions in paragraphs (1), (2), and (3) of subdivision (b) shall be returned  
37 unless the court finds in the interest of public safety, after notice and hearing, that  
38 the .50 BMG rifle should be destroyed pursuant to Sections 18000 and 18005.  
39 Firearms seized from persons who do not meet the conditions set forth in  
40 paragraphs (1), (2), and (3) of subdivision (b) shall be destroyed pursuant to  
41 Sections 18000 and 18005.

42 **Comment.** Section 30610 continues former Section 12280(c) without substantive change.

43 A conviction under former Chapter 2.3 of Title 2 of Part 4 (former Sections 12275-12290)  
44 counts as a prior conviction in determining the appropriate punishment under this section. See  
45 Section 16015 (determining existence of prior conviction). For further guidance on punishment

1 for a violation of this section, see Section 30615 (sentence enhancement for committing another  
2 crime while violating this article).

3 For exemptions to this provision, see Sections 30625-30675.

4 See Sections 16520 (“firearm”), 16970 (“person”). See also Section 16010 (continuation of  
5 existing law), 30530 (“.50 BMG rifle”).

6 **§ 30615. Sentence enhancement for committing another crime while violating this article**

7 30615. Notwithstanding Section 654 or any other provision of law, any person  
8 who commits another crime while violating this article may receive an additional,  
9 consecutive punishment of one year for violating this article, in addition and  
10 consecutive to the punishment, including enhancements, which is prescribed for  
11 the other crime.

12 **Comment.** Section 30615 continues former Section 12280(d) without substantive change.

13 See Section 16970 (“person”).

14 **§ 30620. Date that firearm becomes assault weapon**

15 30620. As used in this chapter, the date a firearm is an assault weapon is the  
16 earliest of the following:

17 (a) The effective date of an amendment to Section 30510 or to former Section  
18 12276 that adds the designation of the specified firearm.

19 (b) The effective date of the list promulgated pursuant to former Section  
20 12276.5 that adds or changes the designation of the specified firearm.

21 (c) January 1, 2000, which was the operative date of former Section 12276.1.

22 **Comment.** Section 30620 continues former Section 12280(u) without substantive change.

23 Subdivision (a) refers to former Section 12276. That section is continued in Section 30510  
24 (“assault weapon”), which is also referred to in subdivision (a).

25 Subdivision (b) refers to the list promulgated pursuant to former Section 12276.5. In the past,  
26 that section (1) prescribed a procedure by which a court could classify a weapon as an assault  
27 weapon, and (2) directed the Attorney General to promulgate a list of the weapons classified as  
28 assault weapons by Section 12276 or by a court. See 1991 Cal. Stat. ch. 954, § 3; 1990 Cal. Stat.  
29 ch. 874, § 1; 1989 Cal. Stat. ch. 19, § 3. Those procedures were discontinued as of January 1,  
30 2007. See 2006 Cal. Stat. ch. 793, § 1. As so amended, former Section 12276.5 is continued in  
31 Section 30520 (duties of Attorney General).

32 Subdivision (c) refers to the operative date of former Section 12276.1. As subsequently  
33 amended to exempt certain weapons, that section is continued in Section 30515 (further  
34 clarification of “assault weapon”).

35 See Sections 16520 (“firearm”), 30510 (“assault weapon”), 30515 (further clarification of  
36 “assault weapon”), 30530 (“.50 BMG rifle”).

37 **§ 30625. Exemption for police departments and certain other government entities**

38 30625. Sections 30600, 30605, and 30610 shall not apply to the sale to, purchase  
39 by, importation of, or possession of assault weapons or a .50 BMG rifle by the  
40 Department of Justice, police departments, sheriffs’ offices, marshals’ offices, the  
41 Department of Corrections and Rehabilitation, the Department of the California  
42 Highway Patrol, district attorneys’ offices, the Department of Fish and Game, the  
43 Department of Parks and Recreation, or the military or naval forces of this state or

1 of the United States, or any federal law enforcement agency for use in the  
2 discharge of their official duties.

3 **Comment.** Section 30625 continues former Section 12280(e) without substantive change.

4 See Sections 30510 (“assault weapon”), 30515 (further clarification of “assault weapon”),  
5 30530 (“.50 BMG rifle”).

6 **§ 30630. Exemptions for peace officers and members of federal law enforcement agencies**

7 30630. (a) Sections 30605 and 30610 shall not prohibit the possession or use of  
8 assault weapons or a .50 BMG rifle by sworn peace officer members of those  
9 agencies specified in Section 30625 for law enforcement purposes, whether on or  
10 off duty.

11 (b)(1) Sections 30600, 30605, and 30610 shall not prohibit the delivery, transfer,  
12 or sale of an assault weapon or a .50 BMG rifle to, or the possession of an assault  
13 weapon or a .50 BMG rifle by, a sworn peace officer member of an agency  
14 specified in Section 30625 if the peace officer is authorized by the officer’s  
15 employer to possess or receive the assault weapon or the .50 BMG rifle. Required  
16 authorization is defined as verifiable written certification from the head of the  
17 agency, identifying the recipient or possessor of the assault weapon as a peace  
18 officer and authorizing that person to receive or possess the specific assault  
19 weapon.

20 (2) For this exemption to apply, in the case of a peace officer who possesses or  
21 receives the assault weapon prior to January 1, 2002, the officer shall register the  
22 assault weapon pursuant to former Section 12285 on or before April 1, 2002. In  
23 the case of a peace officer who possesses or receives the assault weapon on or  
24 after January 1, 2002, the officer shall register the assault weapon pursuant to  
25 former Section 12285 or pursuant to Article 5 (commencing with Section 30900),  
26 not later than 90 days after possession or receipt. In the case of a peace officer  
27 who possesses or receives a .50 BMG rifle on or before January 1, 2005, the  
28 officer shall register the .50 BMG rifle on or before April 30, 2006. In the case of  
29 a peace officer who possesses or receives a .50 BMG rifle after January 1, 2005,  
30 the officer shall register the .50 BMG rifle not later than one year after possession  
31 or receipt.

32 (3) With the registration, the peace officer shall include a copy of the  
33 authorization required pursuant to this subdivision.

34 (c) Nothing in this article shall be construed to limit or prohibit the delivery,  
35 transfer, or sale of an assault weapon or a .50 BMG rifle to, or the possession of an  
36 assault weapon or a .50 BMG rifle by, a member of a federal law enforcement  
37 agency provided that person is authorized by the employing agency to possess the  
38 assault weapon or .50 BMG rifle.

39 **Comment.** Subdivision (a) of Section 30630 continues former Section 12280(f)(1) without  
40 substantive change.

41 Subdivision (b) continues former Section 12280(f)(2) without substantive change. Subdivision  
42 (b) refers to former Section 12285. That provision is continued in Article 5 (Sections 30900-  
43 30965).

44 Subdivision (c) continues former Section 12280(f)(3) without substantive change.

1 See Sections 16970 (“person”), 30510 (“assault weapon”), 30515 (further clarification of  
2 “assault weapon”), 30530 (“.50 BMG rifle”). See also Section 16010 (continuation of existing  
3 law).

4 **§ 30635. Exemption applicable during period soon after weapon was classified as assault**  
5 **weapon**

6 30635. Section 30605 shall not apply to the possession of an assault weapon  
7 during the 90-day period immediately after the date it was specified as an assault  
8 weapon pursuant to former Section 12276.5, or during the one-year period after  
9 the date it was defined as an assault weapon pursuant to former Section 12276.1, if  
10 all of the following are applicable:

11 (a) At the time of the possession in question, the person was eligible under this  
12 chapter to register the particular assault weapon.

13 (b) The person lawfully possessed the particular assault weapon prior to the date  
14 it was specified as an assault weapon pursuant to former Section 12276.5, or prior  
15 to the date it was defined as an assault weapon pursuant to former Section  
16 12276.1.

17 (c) At the time of the possession in question, the person was otherwise in  
18 compliance with this chapter.

19 **Comment.** Section 30635 continues former Section 12280(g) without substantive change.

20 The introductory clause and subdivision (b) refer to the date that a weapon “was specified as an  
21 assault weapon pursuant to *former Section 12276.5*.” (Emphasis added.) In the past, that section  
22 (1) prescribed a procedure by which a court could classify a weapon as an assault weapon, and (2)  
23 directed the Attorney General to promulgate a list of the weapons classified as assault weapons  
24 by statute or by a court. See 1991 Cal. Stat. ch. 954, § 3; 1990 Cal. Stat. ch. 874, § 1; 1989 Cal.  
25 Stat. ch. 19, § 3. Those procedures were discontinued as of January 1, 2007. See 2006 Cal. Stat.  
26 ch. 793, § 1. As so amended, former Section 12276.5 is continued in Section 30520 (duties of  
27 Attorney General).

28 The introductory clause and subdivision (b) also refer to the date that a weapon “was defined as  
29 an assault weapon pursuant to *former Section 12276.1*.” (Emphasis added.) That section became  
30 operative on January 1, 2000. As subsequently amended to exempt certain weapons, it is  
31 continued in Section 30515 (further clarification of “assault weapon”).

32 See Sections 16970 (“person”), 30510 (“assault weapon”), 30515 (further clarification of  
33 “assault weapon”). See also Section 16010 (continuation of existing law).

34 **§ 30640. Exemption for possession of .50 BMG rifle, not classified as assault weapon, before**  
35 **May 1, 2006**

36 30640. Section 30610 shall not apply to the possession of a .50 BMG rifle,  
37 which was not defined or specified as an assault weapon pursuant to this chapter.  
38 by any person prior to May 1, 2006, if all of the following are applicable:

39 (a) At the time of the possession in question, the person was eligible under this  
40 chapter to register that .50 BMG rifle.

41 (b) The person lawfully possessed the .50 BMG rifle prior to January 1, 2005.

42 (c) At the time of the possession in question, the person was otherwise in  
43 compliance with this chapter.

44 **Comment.** Section 30640 continues former Section 12280(s) without substantive change.

1 See Sections 16970 (“person”), 30510 (“assault weapon”), 30515 (further clarification of  
2 “assault weapon”), 30530 (“.50 BMG rifle”). See also Section 16010 (continuation of existing  
3 law).

4 **§ 30645. Exemption for manufacture by person with permit, for sale to certain recipients**

5 30645. Sections 30600, 30605, and 30610 shall not apply to the manufacture by  
6 any person who is issued a permit pursuant to Section 31005 of assault weapons or  
7 .50 BMG rifles for sale to the following:

8 (a) Exempt entities listed in Section 30625.

9 (b) Entities and persons who have been issued permits pursuant to Section  
10 31000 or 31005.

11 (c) Federal military and law enforcement agencies.

12 (d) Law enforcement and military agencies of other states.

13 (e) Foreign governments and agencies approved by the United States State  
14 Department.

15 (f) Entities outside the state who have, in effect, a federal firearms dealer’s  
16 license solely for the purpose of distribution to an entity listed in subdivisions (c)  
17 to (e), inclusive.

18 **Comment.** Section 30645 continues former Section 12280(h) without substantive change.

19 See Sections 16520 (“firearm”), 16970 (“person”), 30510 (“assault weapon”), 30515 (further  
20 clarification of “assault weapon”), 30530 (“.50 BMG rifle”).

21 **§ 30650. Exemption for sale by person with permit, for sale to certain recipients**

22 30650. Sections 30600, 30605, and 30610 shall not apply to the sale of assault  
23 weapons or .50 BMG rifles by persons who are issued permits pursuant to Section  
24 31005 to any of the following:

25 (a) Exempt entities listed in Section 30625.

26 (b) Entities and persons who have been issued permits pursuant to Section  
27 31000 or 31005.

28 (c) Federal military and law enforcement agencies.

29 (d) Law enforcement and military agencies of other states.

30 (e) Foreign governments and agencies approved by the United States State  
31 Department.

32 (f) Officers described in Section 30630 who are authorized to possess assault  
33 weapons or .50 BMG rifles pursuant to Section 30630.

34 **Comment.** Section 30650 continues former Section 12280(t) without substantive change.

35 See Sections 16970 (“person”), 30510 (“assault weapon”), 30515 (further clarification of  
36 “assault weapon”), 30530 (“.50 BMG rifle”).

37 **§ 30655. Exemptions for executor or administrator of estate**

38 30655. (a) Section 30600 shall not apply to a person who is the executor or  
39 administrator of an estate that includes an assault weapon or a .50 BMG rifle  
40 registered under Article 5 (commencing with Section 30900) or that was possessed  
41 pursuant to subdivision (a) of Section 30630 that is disposed of as authorized by  
42 the probate court, if the disposition is otherwise permitted by this chapter.

1 (b) Sections 30605 and 30610 shall not apply to a person who is the executor or  
2 administrator of an estate that includes an assault weapon or a .50 BMG rifle  
3 registered under Article 5 (commencing with Section 30900) or that was possessed  
4 pursuant to subdivision (a) of Section 30630, if the assault weapon or .50 BMG  
5 rifle is possessed at a place set forth in subdivision (a) of Section 30945 or as  
6 authorized by the probate court.

7 **Comment.** Subdivision (a) of Section 30655 continues former Section 12280(i) without  
8 substantive change.

9 Subdivision (b) continues former Section 12280(j) without substantive change.

10 See Sections 16520 (“firearm”), 16970 (“person”), 30510 (“assault weapon”), 30515 (further  
11 clarification of “assault weapon”), 30530 (“.50 BMG rifle”). See also Section 16010  
12 (continuation of existing law).

13 **§ 30660. Exemption for loan and return under specified circumstances**

14 30660. (a) Section 30600 shall not apply to a person who lawfully possesses and  
15 has registered an assault weapon or .50 BMG rifle pursuant to this chapter who  
16 lends that assault weapon or .50 BMG rifle to another person, if all the following  
17 requirements are satisfied:

18 (1) The person to whom the assault weapon or .50 BMG rifle is lent is 18 years  
19 of age or over and is not prohibited by state or federal law from possessing,  
20 receiving, owning, or purchasing a firearm.

21 (2) The person to whom the assault weapon or .50 BMG rifle is lent remains in  
22 the presence of the registered possessor of the assault weapon or .50 BMG rifle.

23 (3) The assault weapon or .50 BMG rifle is possessed at any of the following  
24 locations:

25 (A) While on a target range that holds a regulatory or business license for the  
26 purpose of practicing shooting at that target range.

27 (B) While on the premises of a target range of a public or private club or  
28 organization organized for the purpose of practicing shooting at targets.

29 (C) While attending any exhibition, display, or educational project that is about  
30 firearms and that is sponsored by, conducted under the auspices of, or approved by  
31 a law enforcement agency or a nationally or state recognized entity that fosters  
32 proficiency in, or promotes education about, firearms.

33 (b) Section 30600 shall not apply to the return of an assault weapon or .50 BMG  
34 rifle to the registered possessor, or the lawful possessor, which is lent by that  
35 registered or lawful possessor pursuant to subdivision (a).

36 (c) Sections 30605 and 30610 shall not apply to the possession of an assault  
37 weapon or .50 BMG rifle by a person to whom an assault weapon or .50 BMG  
38 rifle is lent pursuant to subdivision (a).

39 **Comment.** Subdivisions (a) and (b) of Section 30660 continue former Section 12280(k)  
40 without substantive change.

41 Subdivision (c) continues former Section 12280(l) without substantive change.

42 See Sections 16520 (“firearm”), 16970 (“person”), 30510 (“assault weapon”), 30515 (further  
43 clarification of “assault weapon”), 30530 (“.50 BMG rifle”).

1 **§ 30665. Exemption for possession and importation by nonresident attending match or**  
2 **competition**

3 30665. Sections 30600, 30605, and 30610 shall not apply to the possession and  
4 importation of an assault weapon or a .50 BMG rifle into this state by a  
5 nonresident if all of the following conditions are met:

6 (a) The person is attending or going directly to or coming directly from an  
7 organized competitive match or league competition that involves the use of an  
8 assault weapon or a .50 BMG rifle.

9 (b) The competition or match is conducted on the premises of one of the  
10 following:

11 (1) A target range that holds a regulatory or business license for the purpose of  
12 practicing shooting at that target range.

13 (2) A target range of a public or private club or organization that is organized for  
14 the purpose of practicing shooting at targets.

15 (c) The match or competition is sponsored by, conducted under the auspices of,  
16 or approved by, a law enforcement agency or a nationally or state recognized  
17 entity that fosters proficiency in, or promotes education about, firearms.

18 (d) The assault weapon or .50 BMG rifle is transported in accordance with  
19 Section 25610 or Article 3 (commencing with Section 25500) of Chapter 2 of  
20 Division 5.

21 (e) The person is 18 years of age or over and is not in a class of persons  
22 prohibited from possessing firearms by virtue of Chapter 2 (commencing with  
23 Section 29800) or 3 (commencing with Section 29900) of Division 9 of this code  
24 or Section 8100 or 8103 of the Welfare and Institutions Code.

25 **Comment.** Section 30665 continues former Section 12280(m) without substantive change.

26 See Sections 16520 (“firearm”), 16970 (“person”), 30510 (“assault weapon”), 30515 (further  
27 clarification of “assault weapon”), 30530 (“.50 BMG rifle”).

28 **§ 30670. Other exemptions relating to importation**

29 30670. (a) Section 30600 shall not apply to the importation into this state of an  
30 assault weapon or a .50 BMG rifle by the registered owner of that assault weapon  
31 or a .50 BMG rifle if it is in accordance with the provisions of Section 30945.

32 (b) Section 30600 shall not apply during the first 180 days of the 2005 calendar  
33 year to the importation into this state of a .50 BMG rifle by a person who lawfully  
34 possessed that .50 BMG rifle in this state prior to January 1, 2005.

35 **Comment.** Subdivision (a) of Section 30670 continues former Section 12280(q) without  
36 substantive change.

37 Subdivision (b) continues former Section 12280(r) without substantive change.

38 See Sections 16970 (“person”), 30510 (“assault weapon”), 30515 (further clarification of  
39 “assault weapon”), 30530 (“.50 BMG rifle”). See also Section 16010 (continuation of existing  
40 law).

41 **§ 30675. Exemptions for persons acting in accordance with specified statutory provisions**

42 30675. (a) Sections 30605 and 30610 shall not apply to any of the following  
43 persons:



1 (1) A person acting in accordance with Section 31000 or 31005.

2 (2) A person who has a permit to possess an assault weapon or a .50 BMG rifle  
3 issued pursuant to Section 31000 or 31005 when that person is acting in  
4 accordance with Section 31000 or 31005 or Article 5 (commencing with Section  
5 30900).

6 (b) Sections 30600, 30605, and 30610 shall not apply to any of the following  
7 persons:

8 (1) A person acting in accordance with Article 5 (commencing with Section  
9 30900).

10 (2) A person acting in accordance with Section 31000, 31005, 31050, or 31055.

11 (c) Sections 30605 and 30610 shall not apply to the registered owner of an  
12 assault weapon or a .50 BMG rifle possessing that firearm in accordance with  
13 Section 30945.

14 **Comment.** Subdivision (a) of Section 30675 continues former Section 12280(n) without  
15 substantive change.

16 Subdivision (b) continues former Section 12280(o) without substantive change.

17 Subdivision (c) continues former Section 12280(p) without substantive change.

18 See Sections 16520 (“firearm”), 16970 (“person”), 30510 (“assault weapon”), 30515 (further  
19 clarification of “assault weapon”), 30530 (“.50 BMG rifle”).

## 20 Article 3. SKS Rifles

### 21 § 30710. “SKS rifle”

22 30710. Notwithstanding paragraph (11) of subdivision (a) of Section 30510, an  
23 “SKS rifle” under this article means all SKS rifles commonly referred to as “SKS  
24 Sporter” versions, manufactured to accept a detachable AK-47 magazine and  
25 imported into this state and sold by a licensed gun dealer, or otherwise lawfully  
26 possessed in this state by a resident of this state who is not a licensed gun dealer,  
27 between January 1, 1992, and December 19, 1997.

28 **Comment.** Section 30710 continues former Section 12281(i) without substantive change.

29 See Section 16010 (continuation of existing law).

### 30 § 30715. Immunity and other relief relating to SKS rifles

31 30715. (a)(1) Any person who, or firm, company, or corporation that, operated a  
32 retail or other commercial firm, company, or corporation, and manufactured,  
33 distributed, transported, imported, possessed, possessed for sale, offered for sale,  
34 or transferred, for commercial purpose, an SKS rifle in California between January  
35 1, 1992, and December 19, 1997, shall be immune from criminal prosecution  
36 under Article 2 (commencing with Section 30600) or former Section 12280.

37 (2) The immunity provided in this subdivision shall apply retroactively to any  
38 person who, or firm, company, or corporation that, is or was charged by complaint  
39 or indictment with a violation of former Section 12280 for conduct related to an  
40 SKS rifle, whether or not the case of that person, firm, company, or corporation is  
41 final.

1 (b)(1) Any person who possessed, gave, loaned, or transferred an SKS rifle in  
2 California between January 1, 1992, and December 19, 1997, shall be immune  
3 from criminal prosecution under Article 2 (commencing with Section 30600) or  
4 former Section 12280.

5 (2) The immunity provided in this subdivision shall apply retroactively to any  
6 person who was charged by complaint or indictment with a violation of former  
7 Section 12280 for conduct related to an SKS rifle, whether or not the case of that  
8 person is final.

9 (c) Any SKS rifle in the possession of any person who, or firm, company, or  
10 corporation that, is described in subdivision (a) or (b), shall not be subject to  
11 seizure by law enforcement for violation of Article 2 (commencing with Section  
12 30600) or former Section 12280 prior to January 1, 2000.

13 (d) Any person, firm, company, or corporation, convicted under former Section  
14 12280 for conduct relating to an SKS rifle, shall be permitted to withdraw a plea  
15 of guilty or nolo contendere, or to reopen the case and assert the immunities  
16 provided in this article, if the court determines that the allowance of the immunity  
17 is in the interests of justice. The court shall interpret this article liberally to the  
18 benefit of the defendant.

19 **Comment.** Section 30715 continues former Section 12281(a)-(d) without substantive change.

20 In a number of places, Section 30715 refers to former Section 12280. That provision is  
21 continued in Article 2 (Sections 30600-30675).

22 See Sections 16970 (“person”), 30710 (“SKS rifle”). See also Section 16010 (continuation of  
23 existing law). See also Section 16010 (continuation of existing law).

24 **§ 30720. Relinquishment or other disposal of SKS rifle**

25 30720. (a) Any person, firm, company, or corporation that is in possession of an  
26 SKS rifle shall do one of the following on or before January 1, 2000:

27 (1) Relinquish the SKS rifle to the Department of Justice pursuant to subdivision  
28 (h) of former Section 12281.

29 (2) Relinquish the SKS rifle to a law enforcement agency pursuant to former  
30 Section 12288.

31 (3) Dispose of the SKS rifle as permitted by former Section 12285.

32 (b) Any person who has obtained title to an SKS rifle by bequest or intestate  
33 succession shall be required to comply with paragraph (1) or (2) of subdivision (a)  
34 unless that person otherwise complies with paragraph (1) of subdivision (b) of  
35 former Section 12285.

36 (c) Any SKS rifle relinquished to the department pursuant to this section shall be  
37 in a manner prescribed by the department.

38 **Comment.** Section 30720 continues former Section 12281(f)(1)-(3) without substantive  
39 change.

40 For the consequences of complying or failing to comply with this provision, see Section 30725.

41 Subdivision (a)(1) refers to former Section 12281(h), which is continued in Section 30730(a).  
42 Subdivision (a)(2) refers to former Section 12288, which is continued in Section 31100  
43 (relinquishment of assault weapon or .50 BMG rifle). Subdivision (a)(3) refers to former Section  
44 12285, which is continued in Article 5 (Sections 30900-30965).

1 Subdivision (b) refers to former Section 12285(b)(1). That provision is continued in Sections  
2 30910 (restriction on sale or transfer of assault weapon), 30915 (assault weapon obtained by  
3 bequest or intestate succession), and 30920 (firearm lawfully possessed before it was classified as  
4 “assault weapon”).

5 See Sections 16970 (“person”), 30710 (“SKS rifle”). See also Section 16010 (continuation of  
6 existing law).

7 **§ 30725. Consequences of compliance or noncompliance with Section 30720**

8 30725. (a) Any person who complies with Section 30720 shall be exempt from  
9 the prohibitions set forth in Section 30600 or 30605 for those acts by that person  
10 associated with complying with the requirements of Section 30720.

11 (b) Failure to comply with Section 30720 is a public offense punishable by  
12 imprisonment in the state prison, or in a county jail, not exceeding one year.

13 **Comment.** Subdivision (a) of Section 30725 continues former Section 12281(g) without  
14 substantive change.

15 Subdivision (b) continues former Section 12281(j) without substantive change.

16 See Sections 16970 (“person”), 30710 (“SKS rifle”). See also Section 16010 (continuation of  
17 existing law).

18 **§ 30730. Purchase program for relinquished SKS rifles**

19 30730. (a)(1) The department shall purchase any SKS rifle relinquished pursuant  
20 to Section 30720 from funds appropriated for this purpose by the act amending  
21 former Section 12281 in the 1997-98 Regular Session of the Legislature or by  
22 subsequent budget acts or other legislation.

23 (2) The department shall adopt regulations for this purchase program that  
24 include, but are not limited to, the manner of delivery, the reimbursement to be  
25 paid, and the manner in which persons shall be informed of the state purchase  
26 program.

27 (3) Any person who relinquished possession of an SKS rifle to a law  
28 enforcement agency pursuant to former Section 12288 prior to the effective date of  
29 the purchase program set forth in paragraph (1) shall be eligible to be reimbursed  
30 from the purchase program. The procedures for reimbursement pursuant to this  
31 paragraph shall be part of the regulations adopted by the department pursuant to  
32 paragraph (2).

33 (b) In addition to the regulations required pursuant to subdivision (a), emergency  
34 regulations for the purchase program described in subdivision (a) shall be adopted  
35 pursuant to Chapter 3.5 (commencing with Section 11340) of Part 1 of Division 3  
36 of Title 2 of the Government Code.

37 **Comment.** Subdivision (a) of Section 30730 continues former Section 12281(h) without  
38 substantive change. Subdivision (a)(3) refers to former Section 12288. That provision is  
39 continued in Section 31100 (relinquishment of assault weapon or .50 BMG rifle).

40 Subdivision (b) continues former Section 12281(k) without substantive change.

41 See Sections 16970 (“person”), 30710 (“SKS rifle”). See also Section 16010 (continuation of  
42 existing law).

1    **§ 30735. Duties of Department of Justice**

2    30735. (a) The Department of Justice shall notify all district attorneys on or  
3 before January 31, 1999, of the provisions of this article.

4    (b) The department shall identify all criminal prosecutions in the state for  
5 conduct related to SKS rifles on or before April 1, 1999. In all cases so identified  
6 by the Attorney General, the district attorneys shall inform defense counsel, or the  
7 defendant if the defendant is in propria persona, in writing, of the provisions of  
8 this article on or before May 1, 1999.

9    (c) The department shall conduct a public education and notification program as  
10 described in Section 31115, commencing no later than January 1, 1999.

11    **Comment.** Subdivisions (a) and (b) of Section 30735 continues former Section 12281(e)  
12 without substantive change.

13    Subdivision (c) continues former Section 12281(f)(4) without substantive change.

14    See Section 30710 (“SKS rifle”). See also Section 16010 (continuation of existing law).

15            Article 4. Assault Weapon or .50 BMG Rifle Constituting Nuisance

16    **§ 30800. Assault weapon or .50 BMG rifle constituting nuisance**

17    30800. (a)(1) Except as provided in Article 2 (commencing with Section 30600),  
18 possession of any assault weapon or of any .50 BMG rifle in violation of this  
19 chapter is a public nuisance, solely for purposes of this section and subdivision (c)  
20 of Section 18005.

21    (2) The Attorney General, any district attorney, or any city attorney, may, in lieu  
22 of criminal prosecution, bring a civil action or reach a civil compromise in any  
23 superior court to enjoin the possession of the assault weapon or .50 BMG rifle that  
24 is a public nuisance.

25    (b) Upon motion of the Attorney General, district attorney, or city attorney, a  
26 superior court may impose a civil fine not to exceed three hundred dollars (\$300)  
27 for the first assault weapon or .50 BMG rifle deemed a public nuisance pursuant to  
28 subdivision (a) and up to one hundred dollars (\$100) for each additional assault  
29 weapon or .50 BMG rifle deemed a public nuisance pursuant to subdivision (a).

30    (c) Any assault weapon or .50 BMG rifle deemed a public nuisance under  
31 subdivision (a) shall be destroyed in a manner so that it may no longer be used,  
32 except upon a finding by a court, or a declaration from the Department of Justice,  
33 district attorney, or city attorney stating that the preservation of the assault weapon  
34 or .50 BMG rifle is in the interest of justice.

35    (d) Upon conviction of any misdemeanor or felony involving the illegal  
36 possession or use of an assault weapon, the assault weapon shall be deemed a  
37 public nuisance and disposed of pursuant to subdivision (c) of Section 18005.

38    **Comment.** Section 30800 continues former Section 12282 without substantive change.

39    See Sections 30510 (“assault weapon”), 30515 (further clarification of “assault weapon”),  
40 30530 (“.50 BMG rifle”).

Article 5. Registration of Assault Weapons and  
.50 BMG Rifles and Related Rules

§ 30900. Registration of assault weapon

30900. (a) Any person who lawfully possessed an assault weapon, as defined in former Section 12276, prior to June 1, 1989, shall register the firearm by January 1, 1991, and any person who lawfully possessed an assault weapon prior to the date it was specified as an assault weapon pursuant to former Section 12276.5 shall register the firearm within 90 days with the Department of Justice pursuant to those procedures that the department may establish.

(b) Except as provided in Section 30600, any person who lawfully possessed an assault weapon prior to the date it was defined as an assault weapon pursuant to former Section 12276.1, and which was not specified as an assault weapon under former Section 12276 or 12276.5, shall register the firearm by January 1, 2001, with the department pursuant to those procedures that the department may establish.

(c) The registration shall contain a description of the firearm that identifies it uniquely, including all identification marks, the full name, address, date of birth, and thumbprint of the owner, and any other information that the department may deem appropriate.

(d) The department may charge a fee for registration of up to twenty dollars (\$20) per person but not to exceed the actual processing costs of the department. After the department establishes fees sufficient to reimburse the department for processing costs, fees charged shall increase at a rate not to exceed the legislatively approved annual cost-of-living adjustment for the department's budget or as otherwise increased through the Budget Act. The fees shall be deposited into the Dealers' Record of Sale Special Account.

**Comment.** Section 30900 continues former Section 12285(a)(1) without substantive change.

Under subdivision (a), a person “who lawfully possesses an assault weapon, *as defined in former Section 12276*, prior to June 1, 1989, shall register the firearm by January 1, 1991 ....” (Emphasis added.) For the text of former Section 12276 during this registration period, see 1989 Cal. Stat. ch. 19, § 3. The provision was subsequently amended on several occasions. See 1993 Cal. Stat. ch. 606, § 19; 1992 Cal. Stat. ch. 427, § 134; 1991 Cal. Stat. ch. 954, § 2. As so amended, former Section 12276 is continued in Section 30510 (“assault weapon”).

Subdivision (a) also refers to the date that a weapon “was specified as an assault weapon *pursuant to former Section 12276.5*.” (Emphasis added.) In the past, that section (1) prescribed a procedure by which a court could classify a weapon as an assault weapon, and (2) directed the Attorney General to promulgate a list of the weapons classified as assault weapons by statute or by a court. See 1991 Cal. Stat. ch. 954, § 3; 1990 Cal. Stat. ch. 874, § 1; 1989 Cal. Stat. ch. 19, § 3. Those procedures were discontinued as of January 1, 2007. See 2006 Cal. Stat. ch. 793, § 1. As so amended, former Section 12276.5 is continued in Section 30520 (duties of Attorney General).

Under subdivision (b), a person “who lawfully possessed an assault weapon prior to the date it was defined as an assault weapon *pursuant to former Section 12276.1*, and which was not specified as an assault weapon under former Section 12276 or 12276.5, shall register the firearm by January 1, 2001 ....” (Emphasis added.) Former Section 12276.1 became operative on January 1, 2000. As subsequently amended to exempt certain weapons, it is continued in Section 30515 (further clarification of “assault weapon”).

1 See Sections 16520 (“firearm”), 16970 (“person”). See also Section 16010 (continuation of  
2 existing law).

3 **§ 30905. Registration of .50 BMG rifle**

4 30905. (a) Except as provided in Section 30600, any person who lawfully  
5 possesses any .50 BMG rifle prior to January 1, 2005, that is not specified as an  
6 assault weapon under former Section 12276 or 12276.5 or defined as an assault  
7 weapon pursuant to former Section 12276.1, shall register the .50 BMG rifle with  
8 the department no later than April 30, 2006, pursuant to those procedures that the  
9 department may establish.

10 (b) The registration shall contain a description of the firearm that identifies it  
11 uniquely, including all identification marks, the full name, address, date of birth,  
12 and thumbprint of the owner, and any other information that the department may  
13 deem appropriate.

14 (c) The department may charge a fee for registration of twenty-five dollars (\$25)  
15 per person to cover the actual processing and public education campaign costs of  
16 the department. The fees shall be deposited into the Dealers’ Record of Sale  
17 Special Account. Data-processing costs associated with modifying the  
18 department’s data system to accommodate .50 caliber BMG rifles shall not be paid  
19 from the Dealers’ Record of Sale Special Account.

20 **Comment.** Section 30905 continues former Section 12285(a)(2) without substantive change.

21 Under subdivision (a), a person “who lawfully possesses any .50 BMG rifle prior to January 1,  
22 2005, that is not specified as an assault weapon under *former Section 12276 or 12276.5* or  
23 defined as an assault weapon pursuant to *former Section 12276.1*, shall register the .50 BMG rifle  
24 with the department no later than April 30, 2006 ....” (Emphasis added.) For the text of former  
25 Section 12276 during this registration period, see 1993 Cal. Stat. ch. 606, § 19, which is  
26 continued in Section 30510 (“assault weapon”). For the text of former Section 12276.1 during  
27 this registration period, see 2002 Cal. Stat. ch. 911, § 3, which is continued in Section 30515  
28 (further clarification of “assault weapon”). For the text of former Section 12276.5 during this  
29 registration period, see 1991 Cal. Stat. ch. 954, § 3. Former Section 12276.5 was subsequently  
30 amended. As so amended, it is continued in Section 30520 (duties of Attorney General).

31 See Sections 16520 (“firearm”), 16970 (“person”). See also Section 16010 (continuation of  
32 existing law), 30530 (“.50 BMG rifle”).

33 **§ 30910. Restriction on sale or transfer of assault weapon**

34 30910. Except as provided in Section 30925, no assault weapon possessed  
35 pursuant to this article may be sold or transferred on or after January 1, 1990, to  
36 anyone within this state other than to a licensed gun dealer or as provided in  
37 Section 31100.

38 **Comment.** Section 30910 continues the first sentence of former Section 12285(b)(1) without  
39 substantive change.

40 See Section 16790 (“licensed gun dealer”), 30510 (“assault weapon”), 30515 (further  
41 clarification of “assault weapon”). See also Section 16010 (continuation of existing law).

42 **§ 30915. Assault weapon obtained by bequest or intestate succession**

43 30915. Any person who obtains title to an assault weapon registered under this  
44 article or that was possessed pursuant to subdivision (a) of Section 30630 by

1 bequest or intestate succession shall, within 90 days, do one or more of the  
2 following:

3 (a) Render the weapon permanently inoperable.

4 (b) Sell the weapon to a licensed gun dealer.

5 (c) Obtain a permit from the Department of Justice in the same manner as  
6 specified in Article 3 (commencing with Section 32650) of Chapter 6.

7 (d) Remove the weapon from this state.

8 **Comment.** In combination with Section 30920, Section 30915 continues the second and third  
9 sentences of former Section 12285(b)(1) without substantive change.

10 See Sections 16520 (“firearm”), 16790 (“licensed gun dealer”), 16970 (“person”), 30510  
11 (“assault weapon”), 30515 (further clarification of “assault weapon”). See also Section 16010  
12 (continuation of existing law).

13 **§ 30920. Firearm lawfully possessed before it was classified as “assault weapon”**

14 30920. (a) Any person who lawfully possessed a firearm subsequently declared  
15 to be an assault weapon pursuant to former Section 12276.5, or subsequently  
16 defined as an assault weapon pursuant to former Section 12276.1, shall, within 90  
17 days, do one or more of the following:

18 (1) Render the weapon permanently inoperable.

19 (2) Sell the weapon to a licensed gun dealer.

20 (3) Obtain a permit from the Department of Justice in the same manner as  
21 specified in Article 3 (commencing with Section 32650) of Chapter 6.

22 (4) Remove the weapon from this state.

23 (b) Notwithstanding subdivision (a), a person who lawfully possessed a firearm  
24 that was subsequently declared to be an assault weapon pursuant to former Section  
25 12276.5 may alternatively register the firearm within 90 days of the declaration  
26 issued pursuant to subdivision (f) of former Section 12276.5.

27 **Comment.** In combination with Section 30915, Section 30920 continues the second and third  
28 sentences of former Section 12285(b)(1) without substantive change.

29 Subdivision (a) refers to former Section 12276.1. That section became operative on January 1,  
30 2000. As subsequently amended to exempt certain weapons, it is continued in Section 30515  
31 (further clarification of “assault weapon”).

32 Subdivisions (a) and (b) refer to former Section 12276.5, which (1) prescribed a procedure by  
33 which a court could classify a weapon as an assault weapon, and (2) directed the Attorney  
34 General to promulgate a list of the weapons classified as assault weapons by statute or by a court.  
35 See 1991 Cal. Stat. ch. 954, § 3; 1990 Cal. Stat. ch. 874, § 1; 1989 Cal. Stat. ch. 19, § 3. Those  
36 procedures were discontinued as of January 1, 2007. See 2006 Cal. Stat. ch. 793, § 1. As so  
37 amended, former Section 12276.5 is continued in Section 30520 (duties of Attorney General).

38 See Sections 16520 (“firearm”), 16790 (“licensed gun dealer”), 16970 (“person”). See also  
39 Section 16010 (continuation of existing law).

40 **§ 30925. Person who moves into state with assault weapon**

41 30925. A person moving into this state, otherwise in lawful possession of an  
42 assault weapon, shall do one of the following:

1 (a) Prior to bringing the assault weapon into this state, that person shall first  
2 obtain a permit from the Department of Justice in the same manner as specified in  
3 Article 3 (commencing with Section 32650) of Chapter 6.

4 (b) The person shall cause the assault weapon to be delivered to a licensed gun  
5 dealer in this state in accordance with Chapter 44 (commencing with Section 921)  
6 of Title 18 of the United States Code and the regulations issued pursuant thereto.  
7 If the person obtains a permit from the Department of Justice in the same manner  
8 as specified in Article 3 (commencing with Section 32650) of Chapter 6, the  
9 dealer shall redeliver that assault weapon to the person. If the licensed gun dealer  
10 is prohibited from delivering the assault weapon to a person pursuant to this  
11 section, the dealer shall possess or dispose of the assault weapon as allowed by  
12 this chapter.

13 **Comment.** Section 30925 continues former Section 12285(b)(2) without substantive change.

14 See Sections 16790 (“licensed gun dealer”), 16970 (“person”), 30510 (“assault weapon”),  
15 30515 (further clarification of “assault weapon”).

16 **§ 30930. Restriction on sale or transfer of .50 BMG rifle**

17 30930. Except as provided in Section 30940, no .50 BMG rifle possessed  
18 pursuant to this article may be sold or transferred on or after January 1, 2005, to  
19 anyone within this state other than to a licensed gun dealer or as provided in  
20 Section 31100.

21 **Comment.** Section 30930 continues the first sentence of former Section 12285(b)(3) without  
22 substantive change.

23 See Sections 16790 (“licensed gun dealer”), 30530 (“.50 BMG rifle”).

24 **§ 30935. .50 BMG rifle obtained by bequest or intestate succession**

25 30935. Any person who obtains title to a .50 BMG rifle registered under this  
26 article or that was possessed pursuant to subdivision (a) of Section 30630 by  
27 bequest or intestate succession shall, within 180 days of receipt, do one or more of  
28 the following:

29 (a) Render the weapon permanently inoperable.

30 (b) Sell the weapon to a licensed gun dealer.

31 (c) Obtain a permit from the Department of Justice in the same manner as  
32 specified in Article 3 (commencing with Section 32650) of Chapter 6.

33 (d) Remove the weapon from this state.

34 **Comment.** Section 30935 continues the second sentence of former Section 12285(b)(3)  
35 without substantive change.

36 See Sections 16790 (“licensed gun dealer”), 16970 (“person”), 30530 (“.50 BMG rifle”).

37 **§ 30940. Person who moves into state with .50 BMG rifle**

38 30940. A person moving into this state, otherwise in lawful possession of a .50  
39 BMG rifle, shall do one of the following:



1 (a) Prior to bringing the .50 BMG rifle into this state, that person shall first  
2 obtain a permit from the Department of Justice in the same manner as specified in  
3 Article 3 (commencing with Section 32650) of Chapter 6.

4 (b) The person shall cause the .50 BMG rifle to be delivered to a licensed gun  
5 dealer in this state in accordance with Chapter 44 (commencing with Section 921)  
6 of Title 18 of the United States Code and the regulations issued pursuant thereto.  
7 If the person obtains a permit from the Department of Justice in the same manner  
8 as specified in Article 3 (commencing with Section 32650) of Chapter 6, the  
9 dealer shall redeliver that .50 BMG rifle to the person. If the licensed gun dealer is  
10 prohibited from delivering the .50 caliber BMG rifle to a person pursuant to this  
11 section, the dealer shall dispose of the .50 BMG rifle as allowed by this chapter.

12 **Comment.** Section 30940 continues former Section 12285(b)(4) without substantive change.  
13 See Sections 16790 (“licensed gun dealer”), 16970 (“person”), 30530 (“.50 BMG rifle”).

14 **§ 30945. Permitted uses of registered assault weapon or registered .50 BMG rifle**

15 30945. Unless a permit allowing additional uses is first obtained under Section  
16 31000, a person who has registered an assault weapon or registered a .50 BMG  
17 rifle under this article may possess it only under any of the following conditions:

18 (a) At that person’s residence, place of business, or other property owned by that  
19 person, or on property owned by another with the owner’s express permission.

20 (b) While on the premises of a target range of a public or private club or  
21 organization organized for the purpose of practicing shooting at targets.

22 (c) While on a target range that holds a regulatory or business license for the  
23 purpose of practicing shooting at that target range.

24 (d) While on the premises of a shooting club that is licensed pursuant to the Fish  
25 and Game Code.

26 (e) While attending any exhibition, display, or educational project that is about  
27 firearms and that is sponsored by, conducted under the auspices of, or approved by  
28 a law enforcement agency or a nationally or state recognized entity that fosters  
29 proficiency in, or promotes education about, firearms.

30 (f) While on publicly owned land, if the possession and use of a firearm  
31 described in Section 30510, 30515, 30520, or 30530, is specifically permitted by  
32 the managing agency of the land.

33 (g) While transporting the assault weapon or .50 BMG rifle between any of the  
34 places mentioned in this section, or to any licensed gun dealer, for servicing or  
35 repair pursuant to Section 31050, if the assault weapon is transported as required  
36 by Sections 16850 and 25610.

37 **Comment.** Section 30945 continues former Section 12285(c) without substantive change.

38 See Sections 16520 (“firearm”), 16790 (“licensed gun dealer”), 16970 (“person”), 30510  
39 (“assault weapon”), 30515 (further clarification of “assault weapon”), 30530 (“.50 BMG rifle”).

1 **§ 30950. No registration or possession of assault weapon or .50 BMG rifle by minor or**  
2 **person in prohibited class**

3 30950. No person who is under the age of 18 years, and no person who is  
4 prohibited by state or federal law from possessing, receiving, owning, or  
5 purchasing a firearm, may register or possess an assault weapon or .50 BMG rifle.

6 **Comment.** Section 30950 continues former Section 12285(d) without substantive change.

7 See Sections 16520 (“firearm”), 16970 (“person”), 30510 (“assault weapon”), 30515 (further  
8 clarification of “assault weapon”), 30530 (“.50 BMG rifle”).

9 **§ 30955. Joint registration**

10 30955. The department’s registration procedures shall provide the option of joint  
11 registration for any assault weapon or .50 BMG rifle owned by family members  
12 residing in the same household.

13 **Comment.** Section 30955 continues former Section 12285(e) without substantive change.

14 See Sections 30510 (“assault weapon”), 30515 (further clarification of “assault weapon”),  
15 30530 (“.50 BMG rifle”).

16 **§ 30960. Forgiveness period**

17 30960. (a) For 90 days following January 1, 1992, a forgiveness period shall  
18 exist to allow any person specified in subdivision (b) of former Section 12280 to  
19 register with the Department of Justice any assault weapon that the person  
20 lawfully possessed prior to June 1, 1989.

21 (b)(1) Any person who registers an assault weapon during the 90-day  
22 forgiveness period described in subdivision (a), and any person whose registration  
23 form was received by the Department of Justice after January 1, 1991, and who  
24 was issued a temporary registration prior to the end of the forgiveness period, shall  
25 not be charged with a violation of subdivision (b) of former Section 12280, if law  
26 enforcement becomes aware of that violation only as a result of the registration of  
27 the assault weapon.

28 (2) This section shall have no effect upon any person charged with a violation of  
29 subdivision (b) of former Section 12280 of the Penal Code prior to January 1,  
30 1992, provided that law enforcement was aware of the violation before the weapon  
31 was registered.

32 **Comment.** Subdivision (a) of Section 30960 continues former Section 12285(f) without  
33 substantive change.

34 Subdivision (b) continues former Section 12285(h) without substantive change.

35 Subdivisions (a) and (b) refer to former Section 12280(b). That provision is continued in  
36 Section 30605 (unlawful possession of assault weapons).

37 See Sections 16970 (“person”), 30510 (“assault weapon”), 30515 (further clarification of  
38 “assault weapon”). See also Section 16010 (continuation of existing law).

39 **§ 30965. Exception to registration requirement for weapon already registered on another**  
40 **basis**

41 30965. (a) Any person who registered a firearm as an assault weapon pursuant to  
42 the provisions of law in effect prior to January 1, 2000, where the assault weapon

1 is thereafter defined as an assault weapon pursuant to Section 30515 or former  
2 Section 12276.1, shall be deemed to have registered the weapon for purposes of  
3 this chapter and shall not be required to reregister the weapon pursuant to this  
4 article.

5 (b) Any person who legally registered a firearm as an assault weapon pursuant  
6 to the provisions of law in effect prior to January 1, 2005, where the assault  
7 weapon is thereafter defined as a .50 caliber BMG rifle pursuant to Section 30530  
8 or former Section 12278, shall be deemed to have registered the weapon for  
9 purposes of this chapter and shall not be required to reregister the weapon  
10 pursuant to this article.

11 **Comment.** Section 30965 continues former Section 12285(g) without substantive change.

12 Subdivision (a) refers to former Section 12276.1, which became operative on January 1, 2000.  
13 As subsequently amended to exempt certain weapons, it is continued in Section 30515 (further  
14 clarification of “assault weapon”), which is also referred to in subdivision (a).

15 Subdivision (b) refers to a weapon “defined as a .50 BMG caliber rifle pursuant to ... former  
16 Section 12278.” The definition of “.50 BMG rifle” in former Section 12278 is continued in  
17 Section 30530 “.50 BMG rifle”), which is also referred to in subdivision (b).

18 See Sections 16520 (“firearm”), 16970 (“person”), 30510 (“assault weapon”), 30515 (further  
19 clarification of “assault weapon”), 30530 “.50 BMG rifle”). See also Section 16010  
20 (continuation of existing law).

## 21 Article 6. Permits for Assault Weapons and .50 BMG Rifles

### 22 § 31000. Permit for use of assault weapon or .50 BMG rifle in manner not specified in 23 Section 30945

24 31000. (a) Any person who lawfully acquired an assault weapon before June 1,  
25 1989, or a .50 BMG rifle before January 1, 2005, and wishes to use it in a manner  
26 different than specified in Section 30945 shall first obtain a permit from the  
27 Department of Justice in the same manner as specified in Article 3 (commencing  
28 with Section 32650) of Chapter 6.

29 (b) Any person who lawfully acquired an assault weapon between June 1, 1989,  
30 and January 1, 1990, and wishes to keep it after January 1, 1990, shall first obtain  
31 a permit from the Department of Justice in the same manner as specified in Article  
32 3 (commencing with Section 32650) of Chapter 6.

33 (c) Any person who wishes to acquire an assault weapon after January 1, 1990,  
34 or a .50 BMG rifle after January 1, 2005, shall first obtain a permit from the  
35 Department of Justice in the same manner as specified in Article 3 (commencing  
36 with Section 32650) of Chapter 6.

37 **Comment.** Section 31000 continues former Section 12286 without substantive change.

38 See Sections 16970 (“person”), 30510 (“assault weapon”), 30515 (further clarification of  
39 “assault weapon”), 30530 “.50 BMG rifle”).

### 40 § 31005. Issuance of permits by Department of Justice

41 31005. (a) The Department of Justice may, upon a finding of good cause, issue  
42 permits for the manufacture or sale of assault weapons or .50 BMG rifles for the

1 sale to, purchase by, or possession of assault weapons or .50 BMG rifles by, any  
2 of the following:

3 (1) The agencies listed in Section 30625, and the officers described in Section  
4 30630.

5 (2) Entities and persons who have been issued permits pursuant to this section or  
6 Section 31000.

7 (3) Entities outside the state who have, in effect, a federal firearms dealer's  
8 license solely for the purpose of distribution to an entity listed in paragraphs (4) to  
9 (6), inclusive.

10 (4) Federal law enforcement and military agencies.

11 (5) Law enforcement and military agencies of other states.

12 (6) Foreign governments and agencies approved by the United States State  
13 Department.

14 (b) Application for the permits, the keeping and inspection thereof, and the  
15 revocation of permits shall be undertaken in the same manner as specified in  
16 Article 3 (commencing with Section 32650) of Chapter 6.

17 **Comment.** Section 31005 continues former Section 12287 without substantive change.

18 See Sections 16970 ("person"), 30510 ("assault weapon"), 30515 (further clarification of  
19 "assault weapon"), 30530 (".50 BMG rifle").

## 20 Article 7. Licensed Gun Dealers

### 21 § 31050. Licensed gun dealer facilitating service or repair of assault weapon or .50 BMG 22 rifle

23 31050. (a) Any licensed gun dealer may take possession of any assault weapon  
24 or .50 BMG rifle for the purposes of servicing or repair from any person to whom  
25 it is legally registered or who has been issued a permit to possess it pursuant to this  
26 chapter.

27 (b) Any licensed gun dealer may transfer possession of any assault weapon or  
28 .50 BMG rifle received pursuant to subdivision (a), to a gunsmith for purposes of  
29 accomplishing service or repair of that weapon. A transfer is permissible only to  
30 the following persons:

31 (1) A gunsmith who is in the dealer's employ.

32 (2) A gunsmith with whom the dealer has contracted for gunsmithing services.

33 (c) In order for paragraph (2) of subdivision (b) to apply, the gunsmith receiving  
34 the assault weapon or .50 BMG rifle shall hold all of the following:

35 (1) A dealer's license issued pursuant to Chapter 44 (commencing with Section  
36 921) of Title 18 of the United States Code and the regulations issued pursuant  
37 thereto.

38 (2) Any business license required by a state or local governmental entity.

39 **Comment.** Section 31050 continues former Section 12290(b) without substantive change.

40 See Sections 16630 ("gunsmith"), 16790 ("licensed gun dealer"), 16970 ("person"), 30510  
41 ("assault weapon"), 30515 (further clarification of "assault weapon"), 30530 (".50 BMG rifle").



1 (c) This section does not limit the transmission of an assault weapon or a .50  
2 BMG rifle ownership status via law enforcement computers or any other medium  
3 that is legally accessible only to peace officers or other authorized personnel.

4 **Comment.** Section 31105 continues former Section 12288.5 without substantive change.  
5 See Sections 16970 (“person”), 30510 (“assault weapon”), 30515 (further clarification of  
6 “assault weapon”), 30530 (“.50 BMG rifle”).

7 **§ 31110. Inspection conducted by Department of Justice**

8 31110. (a) Except as provided in subdivision (b), the Department of Justice  
9 shall, for every person, firm, or corporation to whom a permit is issued pursuant to  
10 this article, annually conduct an inspection for security and safe storage purposes,  
11 and to reconcile the inventory of assault weapons.

12 (b) A person, firm, or corporation with an inventory of fewer than five devices  
13 that require any Department of Justice permit shall be subject to an inspection for  
14 security and safe storage purposes, and to reconcile inventory, once every five  
15 years, or more frequently if determined by the department.

16 **Comment.** Section 31110 continues former Section 12289.5 without substantive change.  
17 See Sections 16970 (“person”), 30510 (“assault weapon”), 30515 (further clarification of  
18 “assault weapon”).

19 **§ 31115. Public education and notification program**

20 31115. (a) The Department of Justice shall conduct a public education and  
21 notification program regarding the registration of assault weapons and the  
22 definition of the weapons set forth in Section 30515 and former Section 12276.1.

23 (b) The public education and notification program shall include outreach to local  
24 law enforcement agencies and utilization of public service announcements in a  
25 variety of media approaches, to ensure maximum publicity of the limited  
26 forgiveness period of the registration requirement specified in subdivision (f) of  
27 former Section 12285 and the consequences of nonregistration. The department  
28 shall develop posters describing gunowners’ responsibilities under former Chapter  
29 2.3 (commencing with Section 12275) of Title 2 of Part 4, which shall be posted in  
30 a conspicuous place in every licensed gun store in the state during the forgiveness  
31 period.

32 (c) For .50 BMG rifles, the department’s education campaign shall provide  
33 materials to dealers of .50 BMG rifles, and to recognized national associations that  
34 specialize in .50 BMG rifles.

35 (d) Any costs incurred by the Department of Justice to implement this section,  
36 which cannot be absorbed by the department, shall be funded from the Dealers’  
37 Record of Sale Special Account, as set forth in Section 28220 or subdivision (d) of  
38 former Section 12076, upon appropriation by the Legislature.

39 **Comment.** Section 31115 continues former Section 12289 without substantive change.  
40 Subdivision (a) refers to former Section 12276.1, which became operative on January 1, 2000.  
41 As subsequently amended to exempt certain weapons, it is continued in Section 30515 (further  
42 clarification of “assault weapon”).

1 Subdivision (b) refers to former Section 12285(f). That provision is continued in Section  
2 30960(a). Subdivision (b) also refers to “former Chapter 2.3 (commencing with Section 12275) of  
3 Title 2 of Part 4.” Former Chapter 2.3 (former Sections 12275-12290) is continued in this chapter  
4 (except some definitions that are located in “Division 2. Definitions” of Title 1).

5 Subdivision (d) refers to former Section 12076(d). That provision is continued in Section  
6 28220.

7 See Sections 16970 (“person”), 30510 (“assault weapon”), 30515 (further clarification of  
8 “assault weapon”), 30530 (“.50 BMG rifle”). See also Section 16010 (continuation of existing  
9 law).

## 10 CHAPTER 3. BODY ARMOR

### 11 § 31310. Certification requirement for acquisition of body armor for members of California 12 Highway Patrol

13 31310. No body armor shall be acquired by the commissioner pursuant to  
14 Section 2259.5 of the Vehicle Code unless, pursuant to subdivision (a) of Section  
15 31315, the Department of Justice has certified the body armor.

16 **Comment.** Section 31310 continues former Section 12360 without substantive change.

### 17 § 31315. Performance standards for body armor

18 31315. (a) Before a body armor may be purchased for use by state peace  
19 officers, the Department of Justice, after consultation with the Department of the  
20 California Highway Patrol, shall establish minimum ballistic performance  
21 standards, and shall determine that the armor satisfies those standards.

22 (b) Only body armor that meets state requirements under subdivision (a) for  
23 acquisition or purchase shall be eligible for testing for certification under the  
24 ballistic performance standards established by the Department of Justice.

25 (c) Only body armor that is certified as acceptable by the department shall be  
26 purchased for use by state peace officers.

27 **Comment.** Section 31315 continues former Section 12361 without substantive change.

### 28 § 31320. Application for certification of body armor

29 31320. (a) Any person engaged in the manufacture or sale of body armor may  
30 apply to the Department of Justice for certification that a particular type of body  
31 armor manufactured or sold by that person is acceptable.

32 (b) The applicant shall reimburse the state for any actual expenses incurred by  
33 the state in testing and certifying a particular type of body armor.

34 **Comment.** Section 31320 continues former Section 12362 without substantive change.

### 35 § 31325. Content of application

36 31325. Any application submitted pursuant to Section 31320 shall contain all of  
37 the following:

38 (a) Full written reports of any investigation conducted for the purpose of  
39 determining whether the body armor is acceptable.

40 (b) A full written statement of the design of the body armor.

1 (c) A full written statement of the methods used in, and the facilities and  
2 controls used for, the manufacture of the body armor.

3 (d) Any samples of the body armor and its components as the Department of  
4 Justice may require.

5 (e) Specimens of the instructions and advertisements used or proposed to be  
6 used for the body armor.

7 **Comment.** Section 31325 continues former Section 12363 without substantive change.

8 **§ 31330. Schedule for ballistic testing**

9 31330. The Department of Justice, in cooperation with the Office of  
10 Procurement of the Department of General Services, shall establish a schedule for  
11 ballistic testing for certification pursuant to subdivision (b) of Section 31315.

12 **Comment.** Section 31330 continues former Section 12364 without substantive change.

13 **§ 31335. Refusal to certify body armor**

14 31335. The Department of Justice shall issue an order refusing to certify a body  
15 armor as acceptable if, after due notice to the applicant, the department finds any  
16 of the following:

17 (a) That the body armor does not satisfy the ballistic performance standards  
18 established by the department pursuant to subdivision (b) of Section 31315.

19 (b) That the application contains any misrepresentation of a material fact.

20 (c) That the application is materially incomplete.

21 (d) That the applicant has failed to reimburse the state as required by Section  
22 31320.

23 **Comment.** Section 31335 continues former Section 12365 without substantive change.

24 **§ 31340. Revocation of certification**

25 31340. The Department of Justice shall issue an order revoking certification of a  
26 body armor if, after due notice to the applicant, the department finds any of the  
27 following:

28 (a) That the experience or additional testing show that the body armor does not  
29 comply with the department's ballistic performance standards.

30 (b) That the application contains any misrepresentation of a material fact.

31 (c) The body armor must be retested for certification under new department  
32 standards.

33 **Comment.** Section 31340 continues former Section 12366 without substantive change.

34 **§ 31345. Purchases of body armor by Department of General Services**

35 31345. (a) All purchases of certified body armor under the provisions of this  
36 chapter shall be made by the Department of General Services on behalf of an  
37 authorized state agency or department. Purchases of body armor shall be based  
38 upon written requests submitted by an authorized state agency or department to the  
39 Department of General Services.



1 (b) The Department of General Services shall make certified body armor  
2 available to peace officers of the Department of Justice, as defined by Section  
3 830.3, while engaged in law enforcement activities.

4 **Comment.** Section 31345 continues former Section 12368 without substantive change.

5 **§ 31350. Process for defining “enforcement activities” and developing standards for**  
6 **replacement of body armor**

7 31350. The Department of General Services shall, pursuant to departmental  
8 regulation, after consultation with the Department of the California Highway  
9 Patrol, define the term “enforcement activities” for purposes of this chapter, and  
10 develop standards regarding what constitutes sufficient wear on body armor to  
11 necessitate replacement of the body armor.

12 **Comment.** Section 31350 continues former Section 12369 without substantive change.

13 See also Sections 31330 (schedule for ballistic testing), 31355 (Department of Justice  
14 regulations).

15 **§ 31355. Department of Justice regulations**

16 31355. The Department of Justice shall adopt and promulgate regulations for the  
17 fair and efficient enforcement of this chapter.

18 **Comment.** Section 31355 continues former Section 12367 without substantive change.

19 See also Sections 31330 (schedule for ballistic testing), 31350 (process for defining  
20 “enforcement activities” and developing standards for replacement of body armor).

21 **§ 31360. Purchase, ownership, or possession of body armor by person convicted of violent**  
22 **felony**

23 31360. (a) Any person who has been convicted of a violent felony under the  
24 laws of the United States, the State of California, or any other state, government,  
25 or country, who purchases, owns, or possesses body armor, as defined by Section  
26 942 of Title 11 of the California Code of Regulations, except as authorized under  
27 subdivision (b), is guilty of a felony, punishable by imprisonment in a state prison  
28 for 16 months, or two or three years.

29 (b) Any person whose employment, livelihood, or safety is dependent on the  
30 ability to legally possess and use body armor, who is subject to the prohibition  
31 imposed by subdivision (a) due to a prior violent felony conviction, may file a  
32 petition for an exception to this prohibition with the chief of police or county  
33 sheriff of the jurisdiction in which that person seeks to possess and use the body  
34 armor. The chief of police or sheriff may reduce or eliminate the prohibition,  
35 impose conditions on reduction or elimination of the prohibition, or otherwise  
36 grant relief from the prohibition as the chief of police or sheriff deems appropriate,  
37 based on the following:

38 (1) A finding that the petitioner is likely to use body armor in a safe and lawful  
39 manner.

40 (2) A finding that the petitioner has a reasonable need for this type of protection  
41 under the circumstances.

1 In making its decision, the chief of police or sheriff shall consider the  
2 petitioner's continued employment, the interests of justice, any relevant evidence,  
3 and the totality of the circumstances. It is the intent of the Legislature that law  
4 enforcement officials exercise broad discretion in fashioning appropriate relief  
5 under this paragraph in cases in which relief is warranted. However, this paragraph  
6 may not be construed to require law enforcement officials to grant relief to any  
7 particular petitioner. Relief from this prohibition does not relieve any other person  
8 or entity from any liability that might otherwise be imposed.

9 (c) The chief of police or sheriff shall require, as a condition of granting an  
10 exception under subdivision (b), that the petitioner agree to maintain on the  
11 petitioner's person a certified copy of the law enforcement official's permission to  
12 possess and use body armor, including any conditions or limitations.

13 (d) Law enforcement officials who enforce the prohibition specified in  
14 subdivision (a) against a person who has been granted relief pursuant to  
15 subdivision (b), shall be immune from any liability for false arrest arising from the  
16 enforcement of this subdivision unless the person has in possession a certified  
17 copy of the permission granting the person relief from the prohibition, as required  
18 by subdivision (c). This immunity from liability does not relieve any person or  
19 entity from any other liability that might otherwise be imposed.

20 **Comment.** Section 31360 continues former Section 12370(a)-(d) without substantive change.  
21 See Section 17320 ("violent felony").

## 22 CHAPTER 4. HANDGUNS

### 23 Article 1. Unconventional Pistol

#### 24 § 31500. Prohibition on manufacture, import, sale, gift, loan, or possession of 25 unconventional pistol

26 31500. Except as provided in Chapter 1 (commencing with Section 17700) of  
27 Division 2 of Title 2, any person in this state who manufactures or causes to be  
28 manufactured, imports into the state, keeps for sale, or offers or exposes for sale,  
29 or who gives, lends, or possesses any unconventional pistol is punishable by  
30 imprisonment in a county jail not exceeding one year or in the state prison.

31 **Comment.** With respect to an unconventional pistol, Section 31500 continues former Section  
32 12020(a)(1) without substantive change.

33 For circumstances in which this section is inapplicable, see Sections 16590 ("generally  
34 prohibited weapon"), 17700-17745 (exemptions relating to generally prohibited weapons).

35 See Section 17270 ("unconventional pistol"). See also Sections 17800 (distinct and separate  
36 offense), 31590 (unconventional pistol constituting nuisance).

37 In addition to the provisions in this chapter, a number of other provisions within this part  
38 pertain specifically to handguns. For example, see Sections 25400-25700 (carrying concealed  
39 firearm), 26010 (person licensed to carry pistol, revolver, or other firearm capable of being  
40 concealed upon the person), 26300-26325 (retired peace officer carrying concealed and loaded  
41 firearm), 26820 (display of handgun or imitation or placard advertising handgun), 26840  
42 (presentation of basic firearms safety certificate or handgun safety certificate to dealer), 26845

1 (no handgun delivery without proof of California residency), 26850-26859 (safe handling  
2 demonstration with handgun), 26905 (reporting of handgun acquisitions), 26960 (waiting period  
3 exception for sale, delivery, or transfer of handgun, not intended as merchandise, by dealer to self  
4 or another dealer), 27505 (transfer of handgun to person under age 21), 27510 (dealer that  
5 supplies, delivers, or gives possession or control of handgun to person under age 21), 27530  
6 (transfer of handgun that lacks identifying information), 27560 (restrictions on personal handgun  
7 importer), 27565 (handgun that is curio or relic, transported into California by licensed collector),  
8 27660 (waiting period exception for sale, delivery, or transfer of handgun, not intended as  
9 merchandise, by dealer to self or another dealer), 27875 (exception for infrequent transfer of  
10 handgun between members of same immediate family), 27920 (exception for person who takes  
11 title or possession of handgun by operation of law), 28160 (form for handgun), 29610-29615  
12 (possession of handgun by minor). See also Sections 30300 (sale of handgun ammunition or  
13 reloaded handgun ammunition to person under age 21), 30315-30325 (restrictions relating to  
14 handgun ammunition designed primarily to penetrate metal or armor).

15 **§ 31590. Unconventional pistol constituting nuisance**

16 31590. Except as provided in Chapter 1 (commencing with Section 17700) of  
17 Division 2 of Title 2, any unconventional pistol is a nuisance and is subject to  
18 Section 18010.

19 **Comment.** With respect to an unconventional pistol, Section 31590 continues the first part of  
20 the first sentence of former Section 12029 without substantive change.

21 See Section 17270 (“unconventional pistol”).

22 **Article 2. Handgun Safety Certificate**

23 **§ 31610. Intent of Legislature**

24 31610. It is the intent of the Legislature in enacting this article to require that  
25 persons who obtain handguns have a basic familiarity with those firearms,  
26 including, but not limited to, the safe handling and storage of those firearms. It is  
27 not the intent of the Legislature to require a handgun safety certificate for the mere  
28 possession of a firearm.

29 **Comment.** Section 31610 continues former Section 12800 without substantive change.

30 See Sections 16520 (“firearm”), 16640 (“handgun”), 16670 (“handgun safety certificate”).

31 **§ 31615. Handgun safety certificate requirement**

32 31615. (a) No person shall do either of the following:

33 (1) Purchase or receive any handgun, except an antique firearm, without a valid  
34 handgun safety certificate.

35 (2) Sell, deliver, loan, or transfer any handgun, except an antique firearm, to any  
36 person who does not have a valid handgun safety certificate.

37 (b) Any person who violates subdivision (a) is guilty of a misdemeanor.

38 (c) The provisions of this section are cumulative, and shall not be construed as  
39 restricting the application of any other law. However, an act or omission  
40 punishable in different ways by different provisions of this code shall not be  
41 punished under more than one provision.

42 **Comment.** Subdivision (a) of Section 31615 continues former Section 12801(b), except the  
43 definition of “antique firearm,” without substantive change. The definition of “antique firearm” is

1 continued in Section 16170(b). For exceptions to the requirement of a handgun safety certificate,  
2 see Sections 31700-31830.

3 Subdivision (b) continues former Section 12801(c) without substantive change.

4 Subdivision (c) continues former Section 12801(d) without substantive change.

5 See Sections 16170 (“antique firearm”), 16640 (“handgun”), 16670 (“handgun safety  
6 certificate”).

7 In addition to the provisions in this chapter, a number of other provisions within this part  
8 pertain specifically to handguns. For example, see Sections 25400-25700 (carrying concealed  
9 firearm), 26010 (person licensed to carry pistol, revolver, or other firearm capable of being  
10 concealed upon the person), 26300-26325 (retired peace officer carrying concealed and loaded  
11 firearm), 26820 (display of handgun or imitation or placard advertising handgun), 26840  
12 (presentation of basic firearms safety certificate or handgun safety certificate to dealer), 26845  
13 (no handgun delivery without proof of California residency), 26850-26859 (safe handling  
14 demonstration with handgun), 26905 (reporting of handgun acquisitions), 26960 (waiting period  
15 exception for sale, delivery, or transfer of handgun, not intended as merchandise, by dealer to self  
16 or another dealer), 27505 (transfer of handgun to person under age 21), 27510 (dealer that  
17 supplies, delivers, or gives possession or control of handgun to person under age 21), 27530  
18 (transfer of handgun that lacks identifying information), 27560 (restrictions on personal handgun  
19 importer), 27565 (handgun that is curio or relic, transported into California by licensed collector),  
20 27660 (waiting period exception for sale, delivery, or transfer of handgun, not intended as  
21 merchandise, by dealer to self or another dealer), 27875 (exception for infrequent transfer of  
22 handgun between members of same immediate family), 27920 (exception for person who takes  
23 title or possession of handgun by operation of law), 28160 (form for handgun), 29610-29615  
24 (possession of handgun by minor). See also Sections 30300 (sale of handgun ammunition or  
25 reloaded handgun ammunition to person under age 21), 30315-30325 (restrictions relating to  
26 handgun ammunition designed primarily to penetrate metal or armor).

27 **§ 31620. Collusion or alteration, counterfeiting, or falsification of handgun safety certificate**

28 31620. (a) No person may commit an act of collusion as specified in Section  
29 27550.

30 (b) Any person who alters, counterfeits, or falsifies a handgun safety certificate,  
31 or who uses or attempts to use any altered, counterfeited, or falsified handgun  
32 safety certificate to purchase a handgun is guilty of a misdemeanor.

33 (c) The provisions of this section are cumulative and shall not be construed as  
34 restricting the application of any other law. However, an act or omission  
35 punishable in different ways by this section and different provisions of this code  
36 shall not be punished under more than one provision.

37 **Comment.** Section 31620 continues former Section 12802 without substantive change.

38 See Sections 16640 (“handgun”), 16670 (“handgun safety certificate”).

39 **§ 31625. Restrictions on issuance of handgun safety certificate by certified instructor**

40 31625. (a) No certified instructor may issue a handgun safety certificate to any  
41 person who has not complied with this article. Proof of compliance shall be  
42 forwarded to the department by certified instructors as frequently as the  
43 department may determine.

44 (b) No certified instructor may issue a handgun safety certificate to any person  
45 who is under 18 years of age.

46 (c) A violation of this section shall be grounds for the department to revoke the  
47 instructor’s certification to issue handgun safety certificates.

1 **Comment.** Section 31625 continues former Section 12803 without substantive change.  
2 See Sections 16370 (“certified instructor” or “DOJ certified instructor”), 16450  
3 (“department”), 16640 (“handgun”), 16670 (“handgun safety certificate”).

4 **§ 31630. Instructional materials**

5 31630. (a) The department shall develop an instruction manual in English and in  
6 Spanish by October 1, 2002. The department shall make the instructional manual  
7 available to firearms dealers licensed pursuant to Sections 26700 to 26915,  
8 inclusive, who shall make it available to the general public. Essential portions of  
9 the manual may be included in the pamphlet described in Section 34205.

10 (b) The department shall develop audiovisual materials in English and in  
11 Spanish by March 1, 2003, to be issued to instructors certified by the department.

12 (c) The department shall solicit input from any reputable association or  
13 organization, including any law enforcement association that has as one of its  
14 objectives the promotion of firearms safety, in the development of the handgun  
15 safety certificate instructional materials.

16 **Comment.** Subdivision (a) of Section 31630 continues former Section 12804(a) without  
17 substantive change.

18 Subdivision (b) continues former Section 12804(b) without substantive change.

19 Subdivision (c) continues former Section 12804(f) without substantive change.

20 For guidance on potential liability for implementation of this section, see Section 31655  
21 (immunity).

22 See Sections 16450 (“department”), 16520 (“firearm”), 16640 (“handgun”), 16670 (“handgun  
23 safety certificate”), 26700 (“dealer,” “licensee,” or “person licensed pursuant to Sections 26700  
24 to 26915, inclusive”).

25 **§ 31635. Certified instructors**

26 31635. (a) The department shall prescribe a minimum level of skill, knowledge  
27 and competency to be required of all handgun safety certificate instructors.

28 (b) Department Certified Instructor applicants shall have a certification to  
29 provide training from one of the following organizations as specified, or any entity  
30 found by the department to give comparable instruction in firearms safety, or the  
31 applicant shall have similar or equivalent training to that provided by the  
32 following, as determined by the department:

33 (1) Department of Consumer Affairs, State of California-Firearm Training  
34 Instructor.

35 (2) Director of Civilian Marksmanship, Instructor or Rangemaster.

36 (3) Federal Government, Certified Rangemaster or Firearm Instructor.

37 (4) Federal Law Enforcement Training Center, Firearm Instructor Training  
38 Program or Rangemaster.

39 (5) United States Military, Military Occupational Specialty (MOS) as  
40 marksmanship or firearms instructor. Assignment as Range Officer or Safety  
41 Officer are not sufficient.

42 (6) National Rifle Association-Certified Instructor, Law Enforcement Instructor,  
43 Rangemaster, or Training Counselor.

1 (7) Commission on Peace Officer Standards and Training (POST), State of  
2 California-Firearm Instructor or Rangemaster.

3 (8) Authorization from a State of California accredited school to teach a firearm  
4 training course.

5 **Comment.** Subdivision (a) of Section 31635 continues former Section 12804(d) without  
6 substantive change.

7 Subdivision (b) continues former Section 12804(j) without substantive change.

8 For guidance on potential liability for implementation of this section, see Section 31655  
9 (immunity).

10 See Sections 16370 (“certified instructor” or “DOJ certified instructor”), 16450  
11 (“department”), 16670 (“handgun safety certificate”).

12 **§ 31640. Written objective test**

13 31640. (a) The department shall develop a written objective test, in English and  
14 in Spanish, and prescribe its content, form, and manner, to be administered by an  
15 instructor certified by the department.

16 (b) If the person taking the test is unable to read, the examination shall be  
17 administered orally. If the person taking the test is unable to read English or  
18 Spanish, the test may be applied orally by a translator.

19 (c) The test shall cover, but not be limited to, all of the following:

20 (1) The laws applicable to carrying and handling firearms, particularly  
21 handguns.

22 (2) The responsibilities of ownership of firearms, particularly handguns.

23 (3) Current law as it relates to the private sale and transfer of firearms.

24 (4) Current law as it relates to the permissible use of lethal force.

25 (5) What constitutes safe firearm storage.

26 (6) Issues associated with bringing a handgun into the home.

27 (7) Prevention strategies to address issues associated with bringing firearms into  
28 the home.

29 (d) The department shall update test materials related to this article every five  
30 years.

31 (e) If a dealer licensed pursuant to Sections 26700 to 26915, inclusive, or his or  
32 her employee, or where the managing officer or partner is certified as an instructor  
33 pursuant to this article, he or she shall also designate a separate room or  
34 partitioned area for a person to take the objective test, and maintain adequate  
35 supervision to assure that no acts of collusion occur while the objective test is  
36 being administered.

37 **Comment.** Subdivision (a) of Section 31640 continues the first sentence of former Section  
38 12804(c)(1) without substantive change.

39 Subdivision (b) continues former Section 12804(c)(2) and the second sentence of former  
40 Section 12804(c)(1) without substantive change.

41 Subdivision (c) continues the third sentence of former Section 12804(c)(1) without substantive  
42 change.

43 Subdivision (d) continues former Section 12804(i) without substantive change.

1 Subdivision (e) continues former Section 12804(e) without substantive change. For further  
2 guidance regarding prevention of collusion, see Sections 27550 (no collusion), 31620 (collusion  
3 or alteration, counterfeiting, or falsification of handgun safety certificate).

4 For guidance on potential liability for implementation of this section, see Section 31655  
5 (immunity).

6 See Sections 16450 (“department”), 16520 (“firearm”), 16640 (“handgun”), 26700 (“dealer,”  
7 “licensee,” or “person licensed pursuant to Sections 26700 to 26915, inclusive”).

8 **§ 31645. Test results and retesting**

9 31645. (a) An applicant for a handgun safety certificate shall successfully pass  
10 the objective test referred to in Section 31640, with a passing grade of at least 75  
11 percent. Any person receiving a passing grade on the objective test shall  
12 immediately be issued a handgun safety certificate by the instructor.

13 (b) An applicant who fails to pass the objective test upon the first attempt shall  
14 be offered additional instructional materials by the instructor, such as a videotape  
15 or booklet. The person may not retake the objective test under any circumstances  
16 until 24 hours have elapsed after the failure to pass the objective test upon the first  
17 attempt. The person failing the test on the first attempt shall take another version  
18 of the test upon the second attempt. All tests shall be taken from the same  
19 instructor except upon permission by the department, which shall be granted only  
20 for good cause shown. The instructor shall make himself or herself available to the  
21 applicant during regular business hours in order to retake the test.

22 **Comment.** Subdivision (a) of Section 31645 continues former Section 12805(a) without  
23 substantive change.

24 Subdivision (b) continues former Section 12805(b) without substantive change.

25 See Sections 16450 (“department”), 16670 (“handgun safety certificate”).

26 **§ 31650. Fees**

27 31650. (a) The certified instructor may charge a fee of twenty-five dollars (\$25),  
28 fifteen dollars (\$15) of which is to be paid to the department pursuant to  
29 subdivision (c).

30 (b) An applicant to renew a handgun safety certificate shall be required to pass  
31 the objective test. The certified instructor may charge a fee of twenty-five dollars  
32 (\$25), fifteen dollars (\$15) of which is to be forwarded to the department pursuant  
33 to subdivision (c).

34 (c) The department may charge the certified instructor up to fifteen dollars (\$15)  
35 for each handgun safety certificate issued by that instructor to cover the  
36 department’s cost in carrying out and enforcing this article, and enforcing the  
37 provisions listed in subdivision (e), as determined annually by the department.

38 (d) All money received by the department pursuant to this article shall be  
39 deposited into the Firearms Safety and Enforcement Special Fund created pursuant  
40 to Section 28300.

41 (e) The department shall conduct enforcement activities, including, but not  
42 limited to, law enforcement activities to ensure compliance with the following  
43 provisions:

1 (1) Section 830.95.

2 (2) Title 2 (commencing with Section 12001) of Part 4.

3 (3) This part, except Sections 16965, 17235, and 21510.

4 **Comment.** Subdivision (a) of Section 31650 continues former Section 12805(c) without  
5 substantive change.

6 Subdivision (b) continues former Section 12805(d) without substantive change.

7 Subdivision (c) continues former Section 12805(e) without substantive change.

8 Subdivision (d) continues former Section 12805(f) without substantive change.

9 Subdivision (e) continues former Section 12805(g) without substantive change.

10 See Sections 16370 (“certified instructor” or “DOJ certified instructor”), 16450  
11 (“department”), 16670 (“handgun safety certificate”).

12 **§ 31655. Preparation and duration of handgun safety certificates**

13 31655. (a) The department shall develop handgun safety certificates to be issued  
14 by instructors certified by the department, to those persons who have complied  
15 with this article.

16 (b) A handgun safety certificate shall include, but not be limited to, the  
17 following information:

18 (1) A unique handgun safety certificate identification number.

19 (2) The holder’s full name.

20 (3) The holder’s date of birth.

21 (4) The holder’s driver’s license or identification number.

22 (5) The holder’s signature.

23 (6) The signature of the issuing instructor.

24 (7) The date of issuance.

25 (c) The handgun safety certificate shall expire five years after the date that it was  
26 issued by the certified instructor.

27 **Comment.** Subdivision (a) of Section 31655 continues former Section 12804(g) without  
28 substantive change. For guidance on potential liability for implementation of this subdivision, see  
29 Section 31655 (immunity).

30 Subdivision (b) continues former Section 12806(a) without substantive change.

31 Subdivision (c) continues former Section 12806(b) without substantive change.

32 See Sections 16370 (“certified instructor” or “DOJ certified instructor”), 16450  
33 (“department”), 16670 (“handgun safety certificate”).

34 **§ 31660. Duplicate certificate**

35 31660. (a) In the case of loss or destruction of a handgun safety certificate, the  
36 issuing instructor shall issue a duplicate certificate upon request and proof of  
37 identification to the certificate holder.

38 (b) The department may authorize the issuing instructor to charge a fee not to  
39 exceed fifteen dollars (\$15), for a duplicate certificate. Revenues from this fee  
40 shall be deposited in the Firearms Safety and Enforcement Special Fund, created  
41 pursuant to Section 28300.

42 **Comment.** Section 31660 continues former Section 12808 without substantive change.

43 See Sections 16450 (“department”), 16670 (“handgun safety certificate”).





1 (10) An active, or honorably retired member of the United States Armed Forces,  
2 the National Guard, the Air National Guard, the active reserve components of the  
3 United States, where individuals in those organizations are properly identified. For  
4 purposes of this section, proper identification includes the Armed Forces  
5 Identification Card, or other written documentation certifying that the individual is  
6 an active or honorably retired member.

7 (11) Any person who is authorized to carry loaded firearms pursuant to Section  
8 26025 or 26030.

9 (12) Persons who are the holders of a special weapons permit issued by the  
10 department pursuant to Section 32650 or 33300, pursuant to Article 3  
11 (commencing with Section 18900) of Chapter 1 of Division 5 of Title 2, or  
12 pursuant to Article 4 (commencing with Section 32700) of Chapter 6 of this  
13 division.

14 (b) The following persons who take title or possession of a handgun by  
15 operation of law in a representative capacity, until or unless they transfer title  
16 ownership of the handgun to themselves in a personal capacity, are exempted from  
17 the handgun safety certificate requirement in subdivision (a) of Section 31615:

18 (1) The executor or administrator of an estate.

19 (2) A secured creditor or an agent or employee thereof when the firearms are  
20 possessed as collateral for, or as a result of, or an agent or employee thereof when  
21 the firearms are possessed as collateral for, or as a result of, a default under a  
22 security agreement under the Commercial Code.

23 (3) A levying officer, as defined in Section 481.140, 511.060, or 680.260 of the  
24 Code of Civil Procedure.

25 (4) A receiver performing the functions of a receiver.

26 (5) A trustee in bankruptcy performing the duties of a trustee.

27 (6) An assignee for the benefit of creditors performing the functions of an  
28 assignee.

29 **Comment.** Section 31700 continues former Section 12807 without substantive change.

30 See Sections 16370 (“certified instructor” or “DOJ certified instructor”), 16450  
31 (“department”), 16520 (“firearm”), 16640 (“handgun”), 16670 (“handgun safety certificate”),  
32 26700 (“dealer,” “licensee,” or “person licensed pursuant to Sections 26700 to 26915, inclusive”).

33 **§ 31705. Exception for sale, delivery, or transfer to authorized law enforcement**  
34 **representative of city, county, city and county, or state or federal government**

35 31705. (a) Subdivision (a) of Section 31615 does not apply to any sale, delivery,  
36 or transfer of firearms made to an authorized law enforcement representative of  
37 any city, county, city and county, or state, or of the federal government, for  
38 exclusive use by that governmental agency if, prior to the sale, delivery, or transfer  
39 of these firearms, written authorization from the head of the agency authorizing  
40 the transaction is presented to the person from whom the purchase, delivery, or  
41 transfer is being made.

42 (b) Proper written authorization is defined as verifiable written certification from  
43 the head of the agency by which the purchaser or transferee is employed,

1 identifying the employee as an individual authorized to conduct the transaction,  
2 and authorizing the transaction for the exclusive use of the agency by which that  
3 person is employed.

4 (c) Within 10 days of the date a handgun is acquired by the agency, a record of  
5 the same shall be entered as an institutional weapon into the Automated Firearms  
6 System (AFS) via the California Law Enforcement Telecommunications System  
7 (CLETS) by the law enforcement or state agency. Any agency without access to  
8 AFS shall arrange with the sheriff of the county in which the agency is located to  
9 input this information via this system.

10 **Comment.** Section 31705 continues former Section 12078(a)(2) without substantive change, as  
11 that provision applied to former Section 12801(b).

12 For other exceptions relating to law enforcement, see Sections 31700, 31710-31720, 31730.

13 See Sections 16520 (“firearm”), 16640 (“handgun”).

14 **§ 31710. Exception for loan of firearm to peace officer employee for use in performing**  
15 **official duties**

16 31710. Subdivision (a) of Section 31615 does not apply to the loan of a firearm  
17 if all of the following conditions are satisfied:

18 (a) The loan is made by an authorized law enforcement representative of a city,  
19 county, or city and county, or of the state or federal government.

20 (b) The loan is made to a peace officer employed by that agency and authorized  
21 to carry a firearm.

22 (c) The loan is made for the carrying and use of that firearm by that peace  
23 officer in the course and scope of the officer’s duties.

24 **Comment.** Section 31710 continues former Section 12078(a)(3) without substantive change, as  
25 that provision applied to former Section 12801(b).

26 For other exceptions relating to law enforcement, see Sections 31700-31705, 31715-31720,  
27 31730.

28 See Section 16520 (“firearm”).

29 **§ 31715. Exception for sale, delivery, or transfer by law enforcement agency to peace officer**  
30 **pursuant to Public Contract Code**

31 31715. (a) Subdivision (a) of Section 31615 does not apply to the sale, delivery,  
32 or transfer of a firearm by a law enforcement agency to a peace officer pursuant to  
33 Section 10334 of the Public Contract Code.

34 (b) Within 10 days of the date that a handgun is sold, delivered, or transferred  
35 pursuant to Section 10334 of the Public Contract Code to that peace officer, the  
36 name of the officer and the make, model, serial number, and other identifying  
37 characteristics of the firearm being sold, delivered, or transferred shall be entered  
38 into the Automated Firearms System (AFS) via the California Law Enforcement  
39 Telecommunications System (CLETS) by the law enforcement or state agency that  
40 sold, delivered, or transferred the firearm. Any agency without access to AFS shall  
41 arrange with the sheriff of the county in which the agency is located to input this  
42 information via this system.

1 **Comment.** Section 31715 continues former Section 12078(a)(4) without substantive change, as  
2 that provision applied to former Section 12801(b).

3 For other exceptions relating to law enforcement, see Sections 31700-31710, 31720, 31730.

4 See Sections 16520 (“firearm”), 16640 (“handgun”).

5 **§ 31720. Exception for sale, delivery, or transfer by law enforcement agency to retiring**  
6 **peace officer authorized to carry concealed and loaded firearm**

7 31720. (a) Subdivision (a) of Section 31615 does not apply to the sale, delivery,  
8 or transfer of a firearm by a law enforcement agency to a retiring peace officer  
9 who is authorized to carry a firearm pursuant to Chapter 5 (commencing with  
10 Section 26300) of Division 5.

11 (b) Within 10 days of the date that a handgun is sold, delivered, or transferred to  
12 that retiring peace officer, the name of the officer and the make, model, serial  
13 number, and other identifying characteristics of the firearm being sold, delivered,  
14 or transferred shall be entered into the Automated Firearms System (AFS) via the  
15 California Law Enforcement Telecommunications System (CLETS) by the law  
16 enforcement or state agency that sold, delivered, or transferred the firearm. Any  
17 agency without access to AFS shall arrange with the sheriff of the county in which  
18 the agency is located to input this information via this system.

19 **Comment.** Section 31720 continues former Section 12078(a)(5) without substantive change, as  
20 that provision applied to former Section 12801(b).

21 For other exceptions relating to law enforcement, see Sections 31700-31715, 31730.

22 See Sections 16520 (“firearm”), 16640 (“handgun”).

23 **§ 31725. Exception for sale, delivery, or transfer to governmental entity as part of program**  
24 **in which entity is acquiring weapons from private individuals**

25 31725. (a) Subdivision (a) of Section 31615 does not apply to a sale, delivery, or  
26 transfer of firearms if both of the following requirements are satisfied:

27 (1) The sale, delivery, or transfer is to an authorized representative of a city, city  
28 and county, county, or state government, or of the federal government, and is for  
29 the governmental entity.

30 (2) The entity is acquiring the weapon as part of an authorized, voluntary  
31 program in which the entity is buying or receiving weapons from private  
32 individuals.

33 (b) Any weapons acquired pursuant to this section shall be disposed of pursuant  
34 to the applicable provisions of Section 34000 or Sections 18000 and 18005.

35 **Comment.** Section 31725 continues former Section 12078(a)(6) without substantive change, as  
36 that provision applied to former Section 12801(b).

37 See Section 16520 (“firearm”).

38 **§ 31730. Exception for sale, delivery, loan, or transfer by law enforcement representative to**  
39 **nonprofit historical society, museum, or institutional collection**

40 31730. Subdivision (a) of Section 31615 does not apply to the sale, delivery,  
41 loan, or transfer of a firearm made by an authorized law enforcement  
42 representative of a city, county, city and county, or state, or of the federal

1 government, to any public or private nonprofit historical society, museum, or  
2 institutional collection, or the purchase or receipt of that firearm by that public or  
3 private nonprofit historical society, museum, or institutional collection, if all of the  
4 following conditions are met:

5 (a) The entity receiving the firearm is open to the public.

6 (b) The firearm prior to delivery is deactivated or rendered inoperable.

7 (c) The firearm is not subject to any of the following:

8 (1) Sections 18000 and 18005.

9 (2) Division 4 (commencing with Section 18250) of Title 2.

10 (3) Section 34000.

11 (4) Sections 34005 and 34010.

12 (d) The firearm is not prohibited by other provisions of law from being sold,  
13 delivered, or transferred to the public at large.

14 (e) Prior to delivery, the entity receiving the firearm submits a written statement  
15 to the law enforcement representative stating that the firearm will not be restored  
16 to operating condition, and will either remain with that entity, or if subsequently  
17 disposed of, will be transferred in accordance with the applicable provisions listed  
18 in Section 16575 and, if applicable, Section 31615.

19 (f) Within 10 days of the date that the firearm is sold, loaned, delivered, or  
20 transferred to that entity, all of the following information shall be reported to the  
21 department in a manner prescribed by the department:

22 (1) The name of the government entity delivering the firearm.

23 (2) The make, model, serial number, and other identifying characteristics of the  
24 firearm.

25 (3) The name of the person authorized by the entity to take possession of the  
26 firearm.

27 (g) In the event of a change in the status of the designated representative, the  
28 entity shall notify the department of a new representative within 30 days.

29 **Comment.** Section 31730 continues former Section 12078(a)(7) without substantive change, as  
30 that provision applied to former Section 12801(b).

31 For other exceptions relating to law enforcement, see Sections 31700-31720. For another  
32 exception relating to a nonprofit historical society, museum, or institutional collection, see  
33 Section 31735.

34 See Section 16520 (“firearm”).

35 **§ 31735. Exception for sale, delivery, loan, or transfer by person other than law**  
36 **enforcement representative to nonprofit historical society, museum, or institutional**  
37 **collection**

38 31735. Subdivision (a) of Section 31615 does not apply to the sale, delivery,  
39 loan, or transfer of a firearm made by any person other than a representative of an  
40 authorized law enforcement agency to any public or private nonprofit historical  
41 society, museum, or institutional collection, if all of the following conditions are  
42 met:

43 (a) The entity receiving the firearm is open to the public.

1 (b) The firearm is deactivated or rendered inoperable prior to delivery.

2 (c) The firearm is not of a type prohibited from being sold, delivered, or  
3 transferred to the public.

4 (d) Prior to delivery, the entity receiving the firearm submits a written statement  
5 to the person selling, loaning, or transferring the firearm stating that the firearm  
6 will not be restored to operating condition, and will either remain with that entity,  
7 or if subsequently disposed of, will be transferred in accordance with the  
8 applicable provisions listed in Section 16575 and, if applicable, with Section  
9 31615.

10 (e) If title to a handgun is being transferred to the public or private nonprofit  
11 historical society, museum, or institutional collection, then the designated  
12 representative of that entity shall, within 30 days of taking possession of that  
13 handgun, forward by prepaid mail or deliver in person to the Department of  
14 Justice, a single report signed by both parties to the transaction, which includes all  
15 of the following information:

16 (1) Information identifying the person representing the public or private  
17 historical society, museum, or institutional collection.

18 (2) Information on how title was obtained and from whom.

19 (3) A description of the firearm in question.

20 (4) A copy of the written statement referred to in subdivision (d).

21 (f) The report forms that are to be completed pursuant to this section shall be  
22 provided by the Department of Justice.

23 (g) In the event of a change in the status of the designated representative, the  
24 entity shall notify the department of a new representative within 30 days.

25 **Comment.** Section 31735 continues former Section 12078(a)(8) without substantive change, as  
26 that provision applied to former Section 12801(b).

27 For another exception relating to a nonprofit historical society, museum, or institutional  
28 collection, see Section 31730.

29 See Sections 16520 (“firearm”), 16640 (“handgun”).

30 **§ 31740. Exception for sales, deliveries, or transfers of firearms between or to licensed**  
31 **importers and manufacturers**

32 31740. Subdivision (a) of Section 31615 does not apply to sales, deliveries, or  
33 transfers of firearms between or to importers and manufacturers of firearms  
34 licensed to engage in that business pursuant to Chapter 44 (commencing with  
35 Section 921) of Title 18 of the United States Code and the regulations issued  
36 pursuant thereto.

37 **Comment.** Section 31740 continues former Section 12078(b)(1) without substantive change,  
38 as that provision applied to former Section 12801(b).

39 See Section 16520 (“firearm”).

40 **§ 31745. Exception for sale, delivery, or transfer of handgun to dealer acting in course and**  
41 **scope of activities as dealer**

42 31745. Subdivision (a) of Section 31615 shall not apply to the sale, delivery, or  
43 transfer of a handgun to a person licensed pursuant to Sections 26700 to 26915,

1 inclusive, where the licensee is receiving the handgun in the course and scope of  
2 the licensee's activities as a person licensed pursuant to Sections 26700 to 26915,  
3 inclusive.

4 **Comment.** Section 31745 continues former Section 12078(b)(2) without substantive change.

5 See Sections 16640 ("handgun"), 26700 ("dealer," "licensee," or "person licensed pursuant to  
6 Sections 26700 to 26915, inclusive").

7 **§ 31750. Exception for loan of firearm if lender is constantly in presence of recipient, loan is**  
8 **for 3 days or less, and other requirements are met**

9 31750. Subdivision (a) of Section 31615 does not apply to the loan of a firearm  
10 if all of the following conditions exist:

11 (a) The person loaning the firearm is at all times within the presence of the  
12 person being loaned the firearm.

13 (b) The loan is for a lawful purpose.

14 (c) The loan does not exceed three days in duration.

15 (d) The individual receiving the firearm is not prohibited by state or federal law  
16 from possessing, receiving, owning or purchasing a firearm.

17 (e) The person loaning the firearm is 18 years of age or older.

18 (f) The person being loaned the firearm is 18 years of age or older.

19 **Comment.** Section 31750 continues former Section 12078(d)(2) without substantive change,  
20 as that provision applied to former Section 12801(b).

21 See Section 16520 ("firearm").

22 **§ 31755. Exception for service or repair by gunsmith**

23 31755. Subdivision (a) of Section 31615 does not apply to the delivery of a  
24 firearm to a gunsmith for service or repair, or to the return of the firearm to its  
25 owner by the gunsmith.

26 **Comment.** Section 31755 continues former Section 12078(e) without substantive change, as  
27 that provision applied to former Section 12801(b).

28 See Sections 16520 ("firearm"), 16630 ("gunsmith").

29 **§ 31760. Exception for sale, delivery, or transfer by resident to licensed nonresident**

30 31760. Subdivision (a) of Section 31615 does not apply to the sale, delivery, or  
31 transfer of firearms if all of the following requirements are satisfied:

32 (a) The sale, delivery, or transfer is made by a person who resides in this state.

33 (b) The sale, delivery, or transfer is made to a person who resides outside this  
34 state and is licensed pursuant to Chapter 44 (commencing with Section 921) of  
35 Title 18 of the United States Code and the regulations issued pursuant thereto.

36 (c) The sale, delivery, or transfer is in accordance with Chapter 44 (commencing  
37 with Section 921) of Title 18 of the United States Code and the regulations issued  
38 pursuant thereto.

39 **Comment.** Section 31760 continues former Section 12078(f) without substantive change, as  
40 that provision applied to former Section 12801(b).

41 See Section 16520 ("firearm").

1 **§ 31765. Exception for loan of firearm to person 18 or older for target shooting under**  
2 **specified circumstances**

3 31765. Subdivision (a) of Section 31615 does not apply to the loan of a firearm  
4 to a person 18 years of age or older for the purposes of shooting at targets if either  
5 of the following conditions is satisfied:

6 (a) The loan occurs on the premises of a target facility that holds a business or  
7 regulatory license and the firearm is at all times kept within the premises of the  
8 target range.

9 (b) The loan occurs on the premises of any club or organization organized for  
10 the purposes of practicing shooting at targets upon established ranges, whether  
11 public or private, and the firearm is at all times kept on the premises of the club or  
12 organization.

13 **Comment.** Section 31765 continues former Section 12078(h) without substantive change, as  
14 that provision applied to former Section 12801(b).

15 For another exception relating to target shooting, see Section 31800.

16 See Section 16520 (“firearm”).

17 **§ 31770. Exception for deliveries, transfers, or returns made pursuant to certain statutes**

18 31770. Subdivision (a) of Section 31615 does not apply to deliveries, transfers,  
19 or returns of firearms made pursuant to any of the following:

20 (a) Sections 18000 and 18005.

21 (b) Division 4 (commencing with Section 18250) of Title 2.

22 (c) Chapter 2 (commencing with Section 33850) of Division 11.

23 (d) Sections 34005 and 34010.

24 **Comment.** Section 31770 continues former Section 12078(j) without substantive change, as  
25 that provision applied to former Section 12801(b).

26 See Section 16520 (“firearm”).

27 **§ 31775. Exception for sale, delivery, or transfer of unloaded firearms, other than**  
28 **handguns, by dealer to another dealer**

29 31775. Subdivision (a) of Section 31615 does not apply to the sale, delivery, or  
30 transfer of firearms if all of the following conditions are satisfied:

31 (a) The firearms are unloaded.

32 (b) The firearms are not handguns.

33 (c) The sale, delivery, or transfer is made by a dealer to another dealer, upon  
34 proof of compliance with the requirements of Section 27555.

35 **Comment.** Section 31775 continues former Section 12078(k)(1) without substantive change,  
36 as that provision applied to former Section 12801(b).

37 See Sections 16520 (“firearm”), 16640 (“handgun”), 26700 (“dealer,” “licensee,” or “person  
38 licensed pursuant to Sections 26700 to 26915, inclusive”).

39 **§ 31780. Exception for sale, delivery, or transfer of unloaded firearms by dealer to licensed**  
40 **nonresident**

41 31780. Subdivision (a) of Section 31615 does not apply to the sale, delivery, or  
42 transfer of unloaded firearms by a dealer to a person who resides outside this state



1 and is licensed pursuant to Chapter 44 (commencing with Section 921) of Title 18  
2 of the United States Code and the regulations issued pursuant thereto.

3 **Comment.** Section 31780 continues former Section 12078(k)(2) without substantive change,  
4 as that provision applied to former Section 12801(b).

5 See Sections 16520 (“firearm”), 26700 (“dealer,” “licensee,” or “person licensed pursuant to  
6 Sections 26700 to 26915, inclusive”).

7 **§ 31785. Exception for return of unloaded firearms to wholesaler to treat as merchandise**

8 31785. Subdivision (a) of Section 31615 does not apply to the sale, delivery, or  
9 transfer of unloaded firearms to a wholesaler if the firearms are being returned to  
10 the wholesaler and are intended as merchandise in the wholesaler’s business.

11 **Comment.** Section 31785 continues former Section 12078(k)(3) without substantive change,  
12 as that provision applied to former Section 12801(b).

13 See Sections 16520 (“firearm”), 26700 (“dealer,” “licensee,” or “person licensed pursuant to  
14 Sections 26700 to 26915, inclusive”), 17340 (“wholesaler”).

15 **§ 31790. Exception for sale, delivery, or transfer of unloaded firearms by dealer to another  
16 dealer to treat as merchandise**

17 31790. Subdivision (a) of Section 31615 does not apply to the sale, delivery, or  
18 transfer of firearms if all of the following conditions are satisfied:

19 (a) The firearms are unloaded.

20 (b) The sale, delivery, or transfer is made by one dealer to another dealer, upon  
21 proof of compliance with the requirements of Section 27555.

22 (c) The firearms are intended as merchandise in the receiving dealer’s business

23 **Comment.** Section 31790 continues former Section 12078(k)(4) without substantive change,  
24 as that provision applied to former Section 12801(b).

25 See Sections 16520 (“firearm”), 26700 (“dealer,” “licensee,” or “person licensed pursuant to  
26 Sections 26700 to 26915, inclusive”).

27 **§ 31795. Exception for sale, delivery, or transfer of unloaded firearm, other than handgun,  
28 by dealer to self**

29 31795. Subdivision (a) of Section 31615 does not apply to the sale, delivery, or  
30 transfer of an unloaded firearm, other than a handgun, by a dealer to himself or  
31 herself.

32 **Comment.** Section 31795 continues former Section 12078(k)(5) without substantive change,  
33 as that provision applied to former Section 12801(b).

34 See Sections 16520 (“firearm”), 16640 (“handgun”), 26700 (“dealer,” “licensee,” or “person  
35 licensed pursuant to Sections 26700 to 26915, inclusive”).

36 **§ 31800. Exception for loan of unloaded firearm under specified circumstances by dealer to  
37 person at target facility or at premises of target shooting club or organization**

38 31800. (a) Subdivision (a) of Section 31615 does not apply to the loan of an  
39 unloaded firearm if all of the following conditions are satisfied:

40 (1) The loan is made by a dealer who also operates a target facility that holds a  
41 business or regulatory license on the premises of the building designated in the  
42 license.

1 (2) The loan is made to a person at that target facility.

2 (3) The firearm is at all times kept within the premises of the target facility.

3 (b) Subdivision (a) of Section 31615 does not apply to the loan of an unloaded  
4 firearm if all of the following conditions are satisfied:

5 (1) The loan is made by a dealer whose building designated in the license is on  
6 the premises of any club or organization organized for the purposes of practicing  
7 shooting at targets upon established ranges, whether public or private.

8 (2) The loan is made to a person at that club or organization.

9 (3) The firearm is at all times kept within the premises of the club or  
10 organization.

11 **Comment.** Section 31800 continues former Section 12078(k)(6) without substantive change,  
12 as that provision applied to former Section 12801(b).

13 For another exception relating to target shooting, see Section 31765.

14 See Sections 16520 (“firearm”), 26700 (“dealer,” “licensee,” or “person licensed pursuant to  
15 Sections 26700 to 26915, inclusive”).

16 **§ 31805. Exception for sale, delivery, or transfer of unloaded firearms to wholesaler by  
17 another wholesaler or by licensed manufacturer or importer**

18 31805. Subdivision (a) of Section 31615 does not apply to the sale, delivery, or  
19 transfer of unloaded firearms to a wholesaler as merchandise in the wholesaler’s  
20 business by a manufacturer or importer licensed to engage in that business  
21 pursuant to Chapter 44 (commencing with Section 921) of Title 18 of the United  
22 States Code and the regulations issued pursuant thereto, or by another wholesaler,  
23 if the sale, delivery, or transfer is made in accordance with Chapter 44  
24 (commencing with Section 921) of Title 18 of the United States Code.

25 **Comment.** Section 31805 continues former Section 12078(m) without substantive change, as  
26 that provision applied to former Section 12072(d).

27 See Sections 16520 (“firearm”), 17340 (“wholesaler”).

28 **§ 31810. Exception for certain situations involving minor**

29 31810. Subdivision (a) of Section 31615 does not apply to or affect the  
30 following circumstances:

31 (a) The loan of a handgun to a minor by the minor’s parent or legal guardian, if  
32 both of the following requirements are satisfied:

33 (1) The minor is being loaned the firearm for the purposes of engaging in a  
34 lawful, recreational sport, including, but not limited to, competitive shooting, or  
35 agricultural, ranching, or hunting activity, or a motion picture, television, or video  
36 production, or entertainment or theatrical event, the nature of which involves the  
37 use of a firearm.

38 (2) The duration of the loan does not exceed the amount of time that is  
39 reasonably necessary to engage in the lawful, recreational sport, including, but not  
40 limited to, competitive shooting, or agricultural, ranching, or hunting activity, or a  
41 motion picture, television, or video production, or entertainment or theatrical  
42 event, the nature of which involves the use of a firearm.

1 (b) The loan of a handgun to a minor by a person who is not the minor's parent  
2 or legal guardian, if all of the following requirements are satisfied:

3 (1) The minor is accompanied by the minor's parent or legal guardian when the  
4 loan is made, or the minor has the written consent of the minor's parent or legal  
5 guardian, which is presented at the time of the loan, or earlier.

6 (2) The minor is being loaned the firearm for the purpose of engaging in a  
7 lawful, recreational sport, including, but not limited to, competitive shooting, or  
8 agricultural, ranching, or hunting activity, or a motion picture, television, or video  
9 production, or entertainment or theatrical event, the nature of which involves the  
10 use of a firearm.

11 (3) The duration of the loan does not exceed the amount of time that is  
12 reasonably necessary to engage in the lawful, recreational sport, including, but not  
13 limited to, competitive shooting, or agricultural, ranching, or hunting activity, or a  
14 motion picture, television, or video production, or entertainment or theatrical  
15 event, the nature of which involves the use of a firearm.

16 (4) The duration of the loan does not, in any event, exceed 10 days.

17 **Comment.** Subdivision (a) of Section 31810 continues former Section 12078(p)(3) without  
18 substantive change, as that provision applied to former Section 12801(b).

19 Subdivision (b) continues former Section 12078(p)(2) without substantive change, as that  
20 provision applied to former Section 12801(b).

21 See Sections 16520 ("firearm"), 16640 ("handgun").

22 **§ 31815. Exception for infrequent loan of unloaded firearm for use solely as prop**

23 31815. Subdivision (a) of Section 31615 does not apply to the loan of a firearm  
24 if all of the following requirements are satisfied:

25 (a) The loan is infrequent, as defined in Section 16730.

26 (b) The firearm is unloaded.

27 (c) The loan is made by a person who is neither a dealer nor a federal firearms  
28 licensee pursuant to Chapter 44 of Title 18 of the United States Code.

29 (d) The loan is made to a person 18 years of age or older.

30 (e) The loan is for use solely as a prop in a motion picture, television, video,  
31 theatrical, or other entertainment production or event.

32 **Comment.** Section 31815 continues former Section 12078(s)(1) without substantive change, as  
33 that provision applied to former Section 12801(b).

34 For other exceptions pertaining to firearms used as props, see Sections 31820-31825.

35 See Sections 16520 ("firearm"), 26700 ("dealer," "licensee," or "person licensed pursuant to  
36 Sections 26700 to 26915, inclusive").

37 **§ 31820. Exception loan of unloaded firearm, for use solely as prop, by federal firearms**  
38 **licensee to person with entertainment firearms permit**

39 31820. (a) Subdivision (a) of Section 31615 does not apply to the loan of a  
40 firearm if all of the following requirements are satisfied:

41 (1) The firearm is unloaded.

42 (2) The loan is made by a person who is not a dealer but is a federal firearms  
43 licensee pursuant to Chapter 44 of Title 18 of the United States Code.

1 (3) The loan is made to a person who possesses a valid entertainment firearms  
2 permit issued pursuant to Chapter 2 (commencing with Section 29500) of Division  
3 8.

4 (4) The firearm is loaned for use solely as a prop in a motion picture, television,  
5 video, theatrical, or other entertainment production or event.

6 (b) The person loaning the firearm pursuant to this section shall retain a  
7 photocopy of the entertainment firearms permit as proof of compliance with this  
8 requirement.

9 **Comment.** Section 31820 continues former Section 12078(s)(2) without substantive change, as  
10 that provision applied to former Section 12801(b).

11 For other exceptions pertaining to firearms used as props, see Sections 31815 and 31825.

12 See Sections 16520 (“firearm”), 26700 (“dealer,” “licensee,” or “person licensed pursuant to  
13 Sections 26700 to 26915, inclusive”).

14 **§ 31825. Exception for loan of unloaded firearm, for use solely as prop, by dealer to person**  
15 **with entertainment firearms permit**

16 31825. (a) Subdivision (a) of Section 31615 does not apply to the loan of a  
17 firearm if all of the following conditions are satisfied:

18 (1) The firearm is unloaded.

19 (2) The loan is made by a dealer.

20 (3) The loan is made to a person who possesses a valid entertainment firearms  
21 permit issued pursuant to Chapter 2 (commencing with Section 29500) of Division  
22 8.

23 (4) The firearm is loaned solely for use as a prop in a motion picture, television,  
24 video, theatrical, or other entertainment production or event.

25 (b) The dealer shall retain a photocopy of the entertainment firearms permit as  
26 proof of compliance with this requirement.

27 **Comment.** Section 31825 continues former Section 12078(s)(3) without substantive change, as  
28 that provision applied to former Section 12801(b).

29 For other exceptions pertaining to firearms used as props, see Sections 31815-31820.

30 See Sections 16520 (“firearm”), 26700 (“dealer,” “licensee,” or “person licensed pursuant to  
31 Sections 26700 to 26915, inclusive”).

32 **§ 31830. Exception for short-term loan of unloaded firearm by dealer to consultant-**  
33 **evaluator**

34 31830. (a) Subdivision (a) of Section 31615 does not apply to the loan of an  
35 unloaded firearm to a consultant-evaluator by a person licensed pursuant to  
36 Sections 26700 to 26915, inclusive, if the loan does not exceed 45 days from the  
37 date of delivery.

38 (b) At the time of the loan, the consultant-evaluator shall provide the following  
39 information, which the dealer shall retain for two years:

40 (1) A photocopy of a valid, current, government-issued identification to  
41 determine the consultant-evaluator’s identity, including, but not limited to, a  
42 California driver’s license, identification card, or passport.

1 (2) A photocopy of the consultant-evaluator’s valid, current certificate of  
2 eligibility.

3 (3) A letter from the person licensed as an importer, manufacturer, or dealer  
4 pursuant to Chapter 44 (commencing with Section 921) of Title 18 of the United  
5 States Code, with whom the consultant-evaluator has a bona fide business  
6 relationship. The letter shall detail the bona fide business purposes for which the  
7 firearm is being loaned and confirm that the consultant-evaluator is being loaned  
8 the firearm as part of a bona fide business relationship.

9 (4) The signature of the consultant-evaluator on a form indicating the date the  
10 firearm is loaned and the last day the firearm may be returned.

11 **Comment.** Section 31830 continues former Section 12078(s)(4) without substantive change, as  
12 that provision applied to former Section 12801(b).

13 See Sections 16410 (“consultant-evaluator”), 16520 (“firearm”), 26700 (“dealer,” “licensee,”  
14 or “person licensed pursuant to Sections 26700 to 26915, inclusive”).

#### 15 Article 4. “Unsafe Handgun” and Related Definitions

##### 16 § 31900. “Drop safety requirement for handguns”

17 31900. As used in this part, the “drop safety requirement for handguns” means  
18 that at the conclusion of the firing requirements for handguns described in Section  
19 31905, the same certified independent testing laboratory shall subject the same  
20 three handguns of the make and model for which certification is sought, to the  
21 following test:

22 (a) A primed case (no powder or projectile) shall be inserted into the chamber.  
23 For a pistol, the slide shall be released, allowing it to move forward under the  
24 impetus of the recoil spring, and an empty magazine shall be inserted. For both a  
25 pistol and a revolver, the weapon shall be placed in a drop fixture capable of  
26 dropping the pistol from a drop height of 1m + 1cm (39.4 + 0.4 in.) onto the  
27 largest side of a slab of solid concrete having minimum dimensions of 7.5 x 15 x  
28 15 cm (3 x 6 x 6 in.). The drop distance shall be measured from the lowermost  
29 portion of the weapon to the top surface of the slab. The weapon shall be dropped  
30 from a fixture and not from the hand. The weapon shall be dropped in the  
31 condition that it would be in if it were dropped from a hand (cocked with no  
32 manual safety applied). If the pistol is designed so that upon leaving the hand a  
33 “safety” is automatically applied by the pistol, this feature shall not be defeated.  
34 An approved drop fixture is a short piece of string with the weapon attached at one  
35 end and the other end held in an air vise until the drop is initiated.

36 (b) The following six drops shall be performed:

37 (1) Normal firing position with barrel horizontal.

38 (2) Upside down with barrel horizontal.

39 (3) On grip with barrel vertical.

40 (4) On muzzle with barrel vertical.

41 (5) On either side with barrel horizontal.

1 (6) If there is an exposed hammer or striker, on the rearmost point of that device,  
2 otherwise on the rearmost point of the weapon.

3 (c) The primer shall be examined for indentations after each drop. If  
4 indentations are present, a fresh primed case shall be used for the next drop.

5 (d) The handgun shall pass this test if each of the three test guns does not fire the  
6 primer.

7 **Comment.** Section 31900 continues former Section 12128 without substantive change.

8 For the definition of “unsafe handgun,” see Section 31910. For rules governing unsafe  
9 handguns, see Sections 32000-32030. For exceptions to those rules, see Sections 32100  
10 (exception for single-shot pistol or single-action revolver meeting certain specifications), 32105  
11 (exception for pistols used in Olympic target shooting events), 32110 (other exceptions).

12 See Sections 16530 (“firearm capable of being concealed upon the person,” “pistol,” and  
13 “revolver”), 16640 (“handgun”).

14 **§ 31905. “Firing requirement for handguns”**

15 31905. (a) As used in this part, “firing requirement for handguns” means a test  
16 in which the manufacturer provides three handguns of the make and model for  
17 which certification is sought to an independent testing laboratory certified by the  
18 Attorney General pursuant to Section 32010. These handguns may not be refined  
19 or modified in any way from those that would be made available for retail sale if  
20 certification is granted. The magazines of a tested pistol shall be identical to those  
21 that would be provided with the pistol to a retail customer.

22 (b) The test shall be conducted as follows:

23 (1) The laboratory shall fire 600 rounds from each gun, stopping after each  
24 series of 50 rounds has been fired for 5 to 10 minutes to allow the weapon to cool,  
25 stopping after each series of 100 rounds has been fired to tighten any loose screws  
26 and clean the gun in accordance with the manufacturer’s instructions, and stopping  
27 as needed to refill the empty magazine or cylinder to capacity before continuing.

28 (2) The ammunition used shall be of the type recommended by the handgun  
29 manufacturer in the user manual, or if none is recommended, any standard  
30 ammunition of the correct caliber in new condition that is commercially available.

31 (c) A handgun shall pass this test if each of the three test guns meets both of the  
32 following:

33 (1) Fires the first 20 rounds without a malfunction that is not due to ammunition  
34 that fails to detonate.

35 (2) Fires the full 600 rounds with no more than six malfunctions that are not due  
36 to ammunition that fails to detonate and without any crack or breakage of an  
37 operating part of the handgun that increases the risk of injury to the user.

38 (d) If a pistol or revolver fails the requirements of either paragraph (1) or (2) of  
39 subdivision (c) due to ammunition that fails to detonate, the pistol or revolver shall  
40 be retested from the beginning of the “firing requirement for handguns” test. A  
41 new model of the pistol or revolver that failed due to ammunition that fails to  
42 detonate may be submitted for the test to replace the pistol or revolver that failed.

1 (e) As used in this section, “malfunction” means a failure to properly feed, fire,  
2 or eject a round, or failure of a pistol to accept or eject the magazine, or failure of  
3 a pistol’s slide to remain open after the magazine has been expended.

4 **Comment.** Section 31905 continues former Section 12127 without substantive change.

5 For the definition of “unsafe handgun,” see Section 31910. For rules governing unsafe  
6 handguns, see Sections 32000-32030. For exceptions to those rules, see Sections 32100  
7 (exception for single-shot pistol or single-action revolver meeting certain specifications), 32105  
8 (exception for pistols used in Olympic target shooting events), 32110 (other exceptions).

9 See Sections 16530 (“firearm capable of being concealed upon the person,” “pistol,” and  
10 “revolver”), 16640 (“handgun”).

11 **§ 31910. “Unsafe handgun”**

12 31910. As used in this part, “unsafe handgun” means any pistol, revolver, or  
13 other firearm capable of being concealed upon the person, for which any of the  
14 following is true:

15 (a) For a revolver:

16 (1) It does not have a safety device that, either automatically in the case of a  
17 double-action firing mechanism, or by manual operation in the case of a single-  
18 action firing mechanism, causes the hammer to retract to a point where the firing  
19 pin does not rest upon the primer of the cartridge.

20 (2) It does not meet the firing requirement for handguns.

21 (3) It does not meet the drop safety requirement for handguns.

22 (b) For a pistol:

23 (1) It does not have a positive manually operated safety device, as determined by  
24 standards relating to imported guns promulgated by the federal Bureau of Alcohol,  
25 Tobacco, and Firearms.

26 (2) It does not meet the firing requirement for handguns.

27 (3) It does not meet the drop safety requirement for handguns.

28 (4) Commencing January 1, 2006, for a center fire semiautomatic pistol that is  
29 not already listed on the roster pursuant to Section 32015, it does not have either a  
30 chamber load indicator, or a magazine disconnect mechanism.

31 (5) Commencing January 1, 2007, for all center fire semiautomatic pistols that  
32 are not already listed on the roster pursuant to Section 32015, it does not have both  
33 a chamber load indicator and if it has a detachable magazine, a magazine  
34 disconnect mechanism.

35 (6) Commencing January 1, 2006, for all rimfire semiautomatic pistols that are  
36 not already listed on the roster pursuant to Section 32015, it does not have a  
37 magazine disconnect mechanism, if it has a detachable magazine.

38 (7)(A) Commencing January 1, 2010, for all semiautomatic pistols that are not  
39 already listed on the roster pursuant to Section 32015, it is not designed and  
40 equipped with a microscopic array of characters that identify the make, model, and  
41 serial number of the pistol, etched or otherwise imprinted in two or more places on  
42 the interior surface or internal working parts of the pistol, and that are transferred  
43 by imprinting on each cartridge case when the firearm is fired, provided that the

1 Department of Justice certifies that the technology used to create the imprint is  
2 available to more than one manufacturer unencumbered by any patent restrictions.

3 (B) The Attorney General may also approve a method of equal or greater  
4 reliability and effectiveness in identifying the specific serial number of a firearm  
5 from spent cartridge casings discharged by that firearm than that which is set forth  
6 in this paragraph, to be thereafter required as otherwise set forth by this paragraph  
7 where the Attorney General certifies that this new method is also unencumbered  
8 by any patent restrictions. Approval by the Attorney General shall include notice  
9 of that fact via regulations adopted by the Attorney General for purposes of  
10 implementing that method for purposes of this paragraph.

11 (C) The microscopic array of characters required by this section shall not be  
12 considered the name of the maker, model, manufacturer's number, or other mark  
13 of identification, including any distinguishing number or mark assigned by the  
14 Department of Justice, within the meaning of Sections 23900 and 23920.

15 **Comment.** Section 31910 continues the introductory clause and subdivisions (a) and (b) of  
16 former Section 12126 without substantive change.

17 For rules governing unsafe handguns, see Sections 32000-32030. For exceptions to those rules,  
18 see Sections 32100 (exception for single-shot pistol or single-action revolver meeting certain  
19 specifications), 32105 (exception for pistols used in Olympic target shooting events), 32110  
20 (other exceptions).

21 See Sections 16380 ("chamber load indicator"), 16500 ("drop safety requirement for  
22 handguns"), 16520 ("firearm"), 16530 ("firearm capable of being concealed upon the person,"  
23 "pistol," and "revolver"), 16560 ("firing requirement for handguns"), 16640 ("handgun"), 16900  
24 ("magazine disconnect mechanism"), 17010 ("pistol"), 17080 ("revolver"), 17140  
25 ("semiautomatic pistol").

## 26 Article 5. Rules Governing Unsafe Handguns

### 27 § 32000. Manufacture, import, sale, gift, or loan of unsafe handgun

28 32000. (a) Commencing January 1, 2001, any person in this state who  
29 manufactures or causes to be manufactured, imports into the state for sale, keeps  
30 for sale, offers or exposes for sale, gives, or lends any unsafe handgun shall be  
31 punished by imprisonment in a county jail not exceeding one year.

32 (b) This section shall not apply to any of the following:

33 (1) The manufacture in this state, or importation into this state, of any prototype  
34 pistol, revolver, or other firearm capable of being concealed upon the person when  
35 the manufacture or importation is for the sole purpose of allowing an independent  
36 laboratory certified by the Department of Justice pursuant to Section 32010 to  
37 conduct an independent test to determine whether that pistol, revolver, or other  
38 firearm capable of being concealed upon the person is prohibited by Sections  
39 31900 to 32110, inclusive, and, if not, allowing the department to add the firearm  
40 to the roster of pistols, revolvers, and other firearms capable of being concealed  
41 upon the person that may be sold in this state pursuant to Section 32015.



1 (2) The importation or lending of a pistol, revolver, or other firearm capable of  
2 being concealed upon the person by employees or authorized agents of entities  
3 determining whether the weapon is prohibited by this section.

4 (3) Firearms listed as curios or relics, as defined in Section 478.11 of Title 27 of  
5 the Code of Federal Regulations.

6 (4) The sale or purchase of any pistol, revolver or other firearm capable of being  
7 concealed upon the person, if the pistol, revolver, or other firearm is sold to, or  
8 purchased by, the Department of Justice, any police department, any sheriff's  
9 official, any marshal's office, the Youth and Adult Correctional Agency, the  
10 California Highway Patrol, any district attorney's office, or the military or naval  
11 forces of this state or of the United States for use in the discharge of their official  
12 duties. Nor shall anything in this section prohibit the sale to, or purchase by, sworn  
13 members of these agencies of any pistol, revolver, or other firearm capable of  
14 being concealed upon the person.

15 (c) Violations of subdivision (a) are cumulative with respect to each handgun  
16 and shall not be construed as restricting the application of any other law. However,  
17 an act or omission punishable in different ways by this section and other  
18 provisions of law shall not be punished under more than one provision, but the  
19 penalty to be imposed shall be determined as set forth in Section 654.

20 **Comment.** Section 32000 continues former Section 12125 without substantive change.

21 For exceptions to the rules stated in this article, see Sections 32100 (exception for single-shot  
22 pistol or single-action revolver meeting certain specifications), 32105 (exception for pistols used  
23 in Olympic target shooting events), 32110 (other exceptions).

24 See Sections 16520 ("firearm"), 16530 ("firearm capable of being concealed upon the person,"  
25 "pistol," and "revolver"), 16640 ("handgun"), 31910 ("unsafe handgun").

26 In addition to the provisions in this chapter, a number of other provisions within this part  
27 pertain specifically to handguns. For example, see Sections 25400-25700 (carrying concealed  
28 firearm), 26010 (person licensed to carry pistol, revolver, or other firearm capable of being  
29 concealed upon the person), 26300-26325 (retired peace officer carrying concealed and loaded  
30 firearm), 26820 (display of handgun or imitation or placard advertising handgun), 26840  
31 (presentation of basic firearms safety certificate or handgun safety certificate to dealer), 26845  
32 (no handgun delivery without proof of California residency), 26850-26859 (safe handling  
33 demonstration with handgun), 26905 (reporting of handgun acquisitions), 26960 (waiting period  
34 exception for sale, delivery, or transfer of handgun, not intended as merchandise, by dealer to self  
35 or another dealer), 27505 (transfer of handgun to person under age 21), 27510 (dealer that  
36 supplies, delivers, or gives possession or control of handgun to person under age 21), 27530  
37 (transfer of handgun that lacks identifying information), 27560 (restrictions on personal handgun  
38 importer), 27565 (handgun that is curio or relic, transported into California by licensed collector),  
39 27660 (waiting period exception for sale, delivery, or transfer of handgun, not intended as  
40 merchandise, by dealer to self or another dealer), 27875 (exception for infrequent transfer of  
41 handgun between members of same immediate family), 27920 (exception for person who takes  
42 title or possession of handgun by operation of law), 28160 (form for handgun), 29610-29615  
43 (possession of handgun by minor). See also Sections 30300 (sale of handgun ammunition or  
44 reloaded handgun ammunition to person under age 21), 30315-30325 (restrictions relating to  
45 handgun ammunition designed primarily to penetrate metal or armor).

1    **§ 32005. Certification of manufacturer, importer, or seller**

2       32005. (a) Every person who is licensed as a manufacturer of firearms pursuant  
3 to Chapter 44 (commencing with Section 921) of Title 18 of the United States  
4 Code and who manufactures firearms in this state shall certify under penalty of  
5 perjury and any other remedy provided by law that every model, kind, class, style,  
6 or type of pistol, revolver, or other firearm capable of being concealed upon the  
7 person that the person manufactures is not an unsafe handgun as prohibited by  
8 Sections 31900 to 32110, inclusive.

9       (b) Every person who imports into the state for sale, keeps for sale, or offers or  
10 exposes for sale any firearm shall certify under penalty of perjury and any other  
11 remedy provided by law that every model, kind, class, style, or type of pistol,  
12 revolver, or other firearm capable of being concealed upon the person that the  
13 person imports, keeps, or exposes for sale is not an unsafe handgun as prohibited  
14 by Sections 31900 to 32110, inclusive.

15       **Comment.** Section 32005 continues former Section 12129 without substantive change.

16       For exceptions to the rules stated in this article, see Sections 32100 (exception for single-shot  
17 pistol or single-action revolver meeting certain specifications), 32105 (exception for pistols used  
18 in Olympic target shooting events), 32110 (other exceptions).

19       See Sections 16520 (“firearm”), 16530 (“firearm capable of being concealed upon the person,”  
20 “pistol,” and “revolver”), 31910 (“unsafe handgun”).

21    **§ 32010. Laboratory testing**

22       32010. (a) Any pistol, revolver, or other firearm capable of being concealed  
23 upon the person manufactured in this state, imported into the state for sale, kept  
24 for sale, or offered or exposed for sale, shall be tested within a reasonable period  
25 of time by an independent laboratory certified pursuant to subdivision (b) to  
26 determine whether that pistol, revolver, or other firearm capable of being  
27 concealed upon the person meets or exceeds the standards defined in Section  
28 31910.

29       (b) On or before October 1, 2000, the Department of Justice shall certify  
30 laboratories to verify compliance with the standards defined in Section 31910. The  
31 department may charge any laboratory that is seeking certification to test any  
32 pistol, revolver, or other firearm capable of being concealed upon the person  
33 pursuant to Sections 31900 to 32110, inclusive, a fee not exceeding the costs of  
34 certification.

35       (c) The certified testing laboratory shall, at the manufacturer’s or importer’s  
36 expense, test the firearm and submit a copy of the final test report directly to the  
37 Department of Justice along with a prototype of the weapon to be retained by the  
38 department. The department shall notify the manufacturer or importer of its receipt  
39 of the final test report and the department’s determination as to whether the  
40 firearm tested may be sold in this state.

41       (d)(1) Commencing January 1, 2006, no center-fire semiautomatic pistol may be  
42 submitted for testing pursuant to Sections 31900 to 32110, inclusive, if it does not

1 have either a chamber load indicator, or a magazine disconnect mechanism if it  
2 has a detachable magazine.

3 (2) Commencing January 1, 2007, no center-fire semiautomatic pistol may be  
4 submitted for testing pursuant to Sections 31900 to 32110, inclusive, if it does not  
5 have both a chamber load indicator and a magazine disconnect mechanism.

6 (3) Commencing January 1, 2006, no rimfire semiautomatic pistol may be  
7 submitted for testing pursuant to Sections 31900 to 32110, inclusive, if it has a  
8 detachable magazine, and does not have a magazine disconnect mechanism.

9 **Comment.** Section 32010 continues former Section 12130 without substantive change.

10 For exceptions to the rules stated in this article, see Sections 32100 (exception for single-shot  
11 pistol or single-action revolver meeting certain specifications), 32105 (exception for pistols used  
12 in Olympic target shooting events), 32110 (other exceptions).

13 See Sections 16380 (“chamber load indicator”), 16520 (“firearm”), 16530 (“firearm capable of  
14 being concealed upon the person,” “pistol,” and “revolver”), 16900 (“magazine disconnect  
15 mechanism”), 17140 (“semiautomatic pistol”).

16 **§ 32015. Roster prepared by Department of Justice**

17 32015. (a) On and after January 1, 2001, the Department of Justice shall  
18 compile, publish, and thereafter maintain a roster listing all of the pistols,  
19 revolvers, and other firearms capable of being concealed upon the person that have  
20 been tested by a certified testing laboratory, have been determined not to be unsafe  
21 handguns, and may be sold in this state pursuant to this part. The roster shall list,  
22 for each firearm, the manufacturer, model number, and model name.

23 (b)(1) The department may charge every person in this state who is licensed as a  
24 manufacturer of firearms pursuant to Chapter 44 (commencing with Section 921)  
25 of Title 18 of the United States Code, and any person in this state who  
26 manufactures or causes to be manufactured, imports into the state for sale, keeps  
27 for sale, or offers or exposes for sale any pistol, revolver, or other firearm capable  
28 of being concealed upon the person in this state, an annual fee not exceeding the  
29 costs of preparing, publishing, and maintaining the roster pursuant to subdivision  
30 (a) and the costs of research and development, report analysis, firearms storage,  
31 and other program infrastructure costs necessary to implement Sections 31900 to  
32 32110, inclusive.

33 (2) Any pistol, revolver, or other firearm capable of being concealed upon the  
34 person that is manufactured by a manufacturer who manufactures or causes to be  
35 manufactured, imports into the state for sale, keeps for sale, or offers or exposes  
36 for sale any pistol, revolver, or other firearm capable of being concealed upon the  
37 person in this state, and who fails to pay any fee required pursuant to paragraph  
38 (1), may be excluded from the roster.

39 (3) If a purchaser has initiated a transfer of a handgun that is listed on the roster  
40 as not unsafe, and prior to the completion of the transfer, the handgun is removed  
41 from the roster of not unsafe handguns because of failure to pay the fee required to  
42 keep that handgun listed on the roster, the handgun shall be deliverable to the  
43 purchaser if the purchaser is not otherwise prohibited from purchasing or

1 possessing the handgun. However, if a purchaser has initiated a transfer of a  
2 handgun that is listed on the roster as not unsafe, and prior to the completion of the  
3 transfer, the handgun is removed from the roster pursuant to subdivision (d) of  
4 Section 32020, the handgun shall not be deliverable to the purchaser.

5 **Comment.** Section 32015 continues former Section 12131(a)-(b) without substantive change.

6 For exceptions to the rules stated in this article, see Sections 32100 (exception for single-shot  
7 pistol or single-action revolver meeting certain specifications), 32105 (exception for pistols used  
8 in Olympic target shooting events), 32110 (other exceptions).

9 See Sections 16520 (“firearm”), 16530 (“firearm capable of being concealed upon the person,”  
10 “pistol,” and “revolver”), 16640 (“handgun”), 31910 (“unsafe handgun”).

11 **§ 32020. Retesting of handgun models on roster**

12 32020. (a) The Attorney General may annually retest up to 5 percent of the  
13 handgun models that are listed on the roster described in subdivision (a) of Section  
14 32015.

15 (b) The retesting of a handgun model pursuant to subdivision (a) shall conform  
16 to the following:

17 (1) The Attorney General shall obtain from retail or wholesale sources, or both,  
18 three samples of the handgun model to be retested.

19 (2) The Attorney General shall select the certified laboratory to be used for the  
20 retesting.

21 (3) The ammunition used for the retesting shall be of a type recommended by  
22 the manufacturer in the user manual for the handgun. If the user manual for the  
23 handgun model makes no ammunition recommendation, the Attorney General  
24 shall select the ammunition to be used for the retesting. The ammunition shall be  
25 of the proper caliber for the handgun, commercially available, and in new  
26 condition.

27 (c) The retest shall be conducted in the same manner as the testing prescribed in  
28 Sections 31900 and 31905.

29 (d) If the handgun model fails retesting, the Attorney General shall remove the  
30 handgun model from the roster maintained pursuant to subdivision (a) of Section  
31 32015.

32 **Comment.** Section 32020 continues former Section 12131(c)-(f) without substantive change.

33 For exceptions to the rules stated in this article, see Sections 32100 (exception for single-shot  
34 pistol or single-action revolver meeting certain specifications), 32105 (exception for pistols used  
35 in Olympic target shooting events), 32110 (other exceptions).

36 See Section 16640 (“handgun”).

37 **§ 32025. Reinstatement of handgun model on roster**

38 32025. A handgun model removed from the roster pursuant to subdivision (d) of  
39 Section 32020 may be reinstated on the roster if all of the following are met:

40 (a) The manufacturer petitions the Attorney General for reinstatement of the  
41 handgun model.

1 (b) The manufacturer pays the Department of Justice for all of the costs related  
2 to the reinstatement testing of the handgun model, including the purchase price of  
3 the handguns, prior to reinstatement testing.

4 (c) The reinstatement testing of the handguns shall be in accordance with  
5 subdivisions (b) and (c) of Section 32020.

6 (d) The three handgun samples shall be tested only once for reinstatement. If the  
7 sample fails it may not be retested.

8 (e) If the handgun model successfully passes testing for reinstatement, and if the  
9 manufacturer of the handgun is otherwise in compliance with Sections 31900 to  
10 32110, inclusive, the Attorney General shall reinstate the handgun model on the  
11 roster maintained pursuant to subdivision (a) of Section 32015.

12 (f) The manufacturer shall provide the Attorney General with the complete  
13 testing history for the handgun model.

14 (g) Notwithstanding subdivision (a) of Section 32020, the Attorney General  
15 may, at any time, further retest any handgun model that has been reinstated to the  
16 roster.

17 **Comment.** Section 32025 continues former Section 12131(g) without substantive change.

18 For exceptions to the rules stated in this article, see Sections 32100 (exception for single-shot  
19 pistol or single-action revolver meeting certain specifications), 32105 (exception for pistols used  
20 in Olympic target shooting events), 32110 (other exceptions).

21 See Section 16640 (“handgun”).

22 **§ 32030. Firearm differing in insignificant respects from listed firearm**

23 32030. (a) A firearm shall be deemed to satisfy the requirements of subdivision  
24 (a) of Section 32015 if another firearm made by the same manufacturer is already  
25 listed and the unlisted firearm differs from the listed firearm only in one or more  
26 of the following features:

27 (1) Finish, including, but not limited to, bluing, chrome-plating, oiling, or  
28 engraving.

29 (2) The material from which the grips are made.

30 (3) The shape or texture of the grips, so long as the difference in grip shape or  
31 texture does not in any way alter the dimensions, material, linkage, or functioning  
32 of the magazine well, the barrel, the chamber, or any of the components of the  
33 firing mechanism of the firearm.

34 (4) Any other purely cosmetic feature that does not in any way alter the  
35 dimensions, material, linkage, or functioning of the magazine well, the barrel, the  
36 chamber, or any of the components of the firing mechanism of the firearm.

37 (b) Any manufacturer seeking to have a firearm listed under this section shall  
38 provide to the Department of Justice all of the following:

39 (1) The model designation of the listed firearm.

40 (2) The model designation of each firearm that the manufacturer seeks to have  
41 listed under this section.

1 (3) A statement, under oath, that each unlisted firearm for which listing is sought  
2 differs from the listed firearm only in one or more of the ways identified in  
3 subdivision (a) and is in all other respects identical to the listed firearm.

4 (c) The department may, in its discretion and at any time, require a manufacturer  
5 to provide to the department any model for which listing is sought under this  
6 section, to determine whether the model complies with the requirements of this  
7 section.

8 **Comment.** Section 32030 continues former Section 12131.5 without substantive change.

9 For exceptions to the rules stated in this article, see Sections 32100 (exception for single-shot  
10 pistol or single-action revolver meeting certain specifications), 32105 (exception for pistols used  
11 in Olympic target shooting events), 32110 (other exceptions).

12 See Section 16520 (“firearm”).

13 Article 6. Exceptions to Rules Governing Unsafe  
14 Handguns

15 **§ 32100. Exception for single-shot pistol or single-action revolver meeting certain**  
16 **specifications**

17 32100. (a) Articles 4 (commencing with Section 31900) and 5 (commencing  
18 with Section 32000) shall not apply to a single-action revolver that has at least a 5-  
19 cartridge capacity with a barrel length of not less than three inches, and meets any  
20 of the following specifications:

21 (1) Was originally manufactured prior to 1900 and is a curio or relic, as defined  
22 in Section 478.11 of Title 27 of the Code of Federal Regulations.

23 (2) Has an overall length measured parallel to the barrel of at least 7½ inches  
24 when the handle, frame or receiver, and barrel are assembled.

25 (3) Has an overall length measured parallel to the barrel of at least 7½ inches  
26 when the handle, frame or receiver, and barrel are assembled and that is currently  
27 approved for importation into the United States pursuant to the provisions of  
28 paragraph (3) of subsection (d) of Section 925 of Title 18 of the United States  
29 Code.

30 (b) Articles 4 (commencing with Section 31900) and 5 (commencing with  
31 Section 32000) shall not apply to a single-shot pistol with a barrel length of not  
32 less than six inches and that has an overall length of at least 10½ inches when the  
33 handle, frame or receiver, and barrel are assembled.

34 **Comment.** Section 32100 continues former Section 12133 without substantive change.

35 See Section 16520 (“firearm capable of being concealed upon the person,” “pistol,” and  
36 “revolver”).

37 **§ 32105. Exception for pistols used in Olympic target shooting events**

38 32105. (a) The Legislature finds a significant public purpose in exempting  
39 pistols that are designed expressly for use in Olympic target shooting events.  
40 Therefore, those pistols that are sanctioned by the International Olympic  
41 Committee and by USA Shooting, the national governing body for international

1 shooting competition in the United States, and that were used for Olympic target  
2 shooting purposes as of January 1, 2001, and that fall within the definition of  
3 “unsafe handgun” pursuant to paragraph (3) of subdivision (b) of Section 31910  
4 shall be exempt, as provided in subdivisions (b) and (c).

5 (b) Articles 4 (commencing with Section 31900) and 5 (commencing with  
6 Section 32000) shall not apply to any of the following pistols, because they are  
7 consistent with the significant public purpose expressed in subdivision (a):

8	MANUFACTURER	MODEL	CALIBER
9	ANSCHUTZ	FP	.22LR
10	BENELLI	MP90	.22LR
11	BENELLI	MP90	.32 S&W LONG
12	BENELLI	MP95	.22LR
13	BENELLI	MP95	.32 S&W LONG
14	DRULOV	FP	.22LR
15	GREEN	ELECTROARM	.22LR
16	HAMMERLI	100	.22LR
17	HAMMERLI	101	.22LR
18	HAMMERLI	102	.22LR
19	HAMMERLI	162	.22LR
20	HAMMERLI	280	.22LR
21	HAMMERLI	280	.32 S&W LONG
22	HAMMERLI	FP10	.22LR
23	HAMMERLI	MP33	.22LR
24	HAMMERLI	SP20	.22LR
25	HAMMERLI	SP20	.32 S&W LONG
26	MORINI	CM102E	.22LR
27	MORINI	22M	.22LR

1	MORINI	32M	.32 S&W LONG
2	MORINI	CM80	.22LR
3	PARDINI	GP	.22 SHORT
4	PARDINI	GPO	.22 SHORT
5	PARDINI	GP-SCHUMANN	.22 SHORT
6	PARDINI	HP	.32 S&W LONG
7	PARDINI	K22	.22LR
8	PARDINI	MP	.32 S&W LONG
9	PARDINI	PGP75	.22LR
10	PARDINI	SP	.22LR
11	PARDINI	SPE	.22LR
12	SAKO	FINMASTER	.22LR
13	STEYR	FP	.22LR
14	VOSTOK	IZH NO. 1	.22LR
15	VOSTOK	MU55	.22LR
16	VOSTOK	TOZ35	.22LR
17	WALTHER	FP	.22LR
18	WALTHER	GSP	.22LR
19	WALTHER	GSP	.32 S&W LONG
20	WALTHER	OSP	.22 SHORT
21	WALTHER	OSP-2000	.22 SHORT

22 (c) The department shall create a program that is consistent with the purpose  
23 stated in subdivision (a) to exempt new models of competitive firearms from  
24 Articles 4 (commencing with Section 31900) and 5 (commencing with Section  
25 32000). The exempt competitive firearms may be based on recommendations by  
26 USA Shooting consistent with the regulations contained in the USA Shooting



1 Official Rules or may be based on the recommendation or rules of any other  
2 organization that the department deems relevant.

3 **Comment.** Section 32105 continues former Section 12132(h) without substantive change.

4 See Sections 16520 (“firearm”), 16520 (“firearm capable of being concealed upon the person,”  
5 “pistol,” and “revolver”).

6 **§ 32110. Other exceptions**

7 32110. Articles 4 (commencing with Section 31900) and 5 (commencing with  
8 Section 32000) shall not apply to any of the following:

9 (a) The sale, loan, or transfer of any firearm pursuant to Chapter 5 (commencing  
10 with Section 28050) of Division 6 in order to comply with Section 27545.

11 (b) The sale, loan, or transfer of any firearm that is exempt from the provisions  
12 of Section 27545 pursuant to any applicable exemption contained in Article 2  
13 (commencing with Section 27600) or Article 6 (commencing with Section 27850)  
14 of Chapter 4 of Division 6, if the sale, loan, or transfer complies with the  
15 requirements of that applicable exemption to Section 27545.

16 (c) The sale, loan, or transfer of any firearm as described in paragraph (3) of  
17 subdivision (b) of Section 32000.

18 (d) The delivery of a pistol, revolver, or other firearm capable of being  
19 concealed upon the person to a person licensed pursuant to Sections 26700 to  
20 26915, inclusive, for the purposes of the service or repair of that firearm.

21 (e) The return of a pistol, revolver, or other firearm capable of being concealed  
22 upon the person by a person licensed pursuant to Sections 26700 to 26915,  
23 inclusive, to its owner where that firearm was initially delivered in the  
24 circumstances set forth in subdivisions (a), (d), (f) or (i).

25 (f) The delivery of a pistol, revolver, or other firearm capable of being concealed  
26 upon the person to a person licensed pursuant to Sections 26700 to 26915,  
27 inclusive, for the purpose of a consignment sale or as collateral for a pawnbroker  
28 loan.

29 (g) The sale, loan, or transfer of any pistol, revolver, or other firearm capable of  
30 being concealed upon the person listed as a curio or relic, as defined in Section  
31 478.11 of Title 27 of the Code of Federal Regulations.

32 (h) The sale, loan, or transfer of any semiautomatic pistol that is to be used  
33 solely as a prop during the course of a motion picture, television, or video  
34 production by an authorized participant therein in the course of making that  
35 production or event or by an authorized employee or agent of the entity producing  
36 that production or event.

37 (i) The delivery of a pistol, revolver, or other firearm capable of being concealed  
38 upon the person to a person licensed pursuant to Sections 26700 to 26915,  
39 inclusive, where the firearm is being loaned by the licensee to a consultant-  
40 evaluator.

41 (j) The delivery of a pistol, revolver, or other firearm capable of being concealed  
42 upon the person by a person licensed pursuant to Sections 26700 to 26915,

1 inclusive, where the firearm is being loaned by the licensee to a consultant-  
2 evaluator.

3 (k) The return of a pistol, revolver, or other firearm capable of being concealed  
4 upon the person to a person licensed pursuant to Sections 26700 to 26915,  
5 inclusive, where it was initially delivered pursuant to subdivision (j).

6 **Comment.** Subdivisions (a)-(g) of Section 32110 continue former Section 12132(a)-(g)  
7 without substantive change. A cross-reference to nonexistent Section 178.11 of the Code of  
8 Federal Regulations has been replaced with a cross-reference to Section 478.11 of Title 27 of the  
9 Code of Federal Regulations.

10 Subdivisions (h)-(k) continue former Section 12132(i)-(l) without substantive change.

11 See Sections 16410 (“consultant-evaluator”), 16520 (“firearm”), 16530 (“firearm capable of  
12 being concealed upon the person,” “pistol,” and “revolver”).

## 13 CHAPTER 5. LARGE-CAPACITY MAGAZINE

### 14 Article 1. Rules Governing Large-Capacity Magazines

#### 15 § 32310. Prohibition on manufacture, import, sale, gift, or loan of large-capacity magazine

16 32310. Except as provided in Article 2 (commencing with Section 32400) of this  
17 chapter and in Chapter 1 (commencing with Section 17700) of Division 2 of Title  
18 2, commencing January 1, 2000, any person in this state who manufactures or  
19 causes to be manufactured, imports into the state, keeps for sale, or offers or  
20 exposes for sale, or who gives, or lends, any large-capacity magazine is punishable  
21 by imprisonment in a county jail not exceeding one year or in the state prison.

22 **Comment.** Section 32310 continues former Section 12020(a)(2) without substantive change.

23 For circumstances in which this section is inapplicable, see Sections 16590 (“generally  
24 prohibited weapon”), 17700-17745 (exemptions relating to generally prohibited weapons),  
25 32400-32450 (exceptions relating specifically to large-capacity magazines).

26 See Section 16740 (“large-capacity magazine”). See also Sections 17800 (distinct and separate  
27 offense), 32315 (permit for possession, transportation, or sale of large-capacity magazines  
28 between dealer and out-of-state client ), 32390 (large-capacity magazine constituting nuisance).

#### 29 § 32315. Permit for possession, transportation, or sale of large-capacity magazines between 30 dealer and out-of-state client

31 32315. Upon a showing that good cause exists, the Department of Justice may  
32 issue permits for the possession, transportation, or sale between a person licensed  
33 pursuant to Sections 26700 to 26915, inclusive, and an out-of-state client, of large  
34 capacity magazines.

35 **Comment.** Section 32315 continues former Section 12079(a) without substantive change.

36 See Sections 16740 (“large-capacity magazine”), 26700 (“dealer,” “licensee,” or “person  
37 licensed pursuant to Sections 26700 to 26915, inclusive”). See also Section 32430 (exception for  
38 importation or sale of large-capacity magazine by person with permit).

1    **§ 32390. Large-capacity magazine constituting nuisance**

2       32390. Except as provided in Article 2 (commencing with Section 32400) of this  
3 chapter and in Chapter 1 (commencing with Section 17700) of Division 2 of Title  
4 2, any large-capacity magazine is a nuisance and is subject to Section 18010.

5       **Comment.** With respect to a large-capacity magazine, Section 32390 continues the first part of  
6 the first sentence of former Section 12029 without substantive change.

7       See Section 16740 (“large-capacity magazine”).

8                                   Article 2. Exceptions Relating Specifically to Large-  
9                                   Capacity Magazines

10   **§ 32400. Exception for sale, gift, loan, importation, or purchase of large-capacity magazine**  
11       **by law enforcement agency for use in law enforcement**

12       32400. Section 32310 does not apply to the sale of, giving of, lending of,  
13 importation into this state of, or purchase of, any large-capacity magazine to or by  
14 any federal, state, county, city and county, or city agency that is charged with the  
15 enforcement of any law, for use by agency employees in the discharge of their  
16 official duties, whether on or off duty, and where the use is authorized by the  
17 agency and is within the course and scope of their duties.

18       **Comment.** Section 32400 continues former Section 12020(b)(19) without substantive change.  
19       See Section 16740 (“large-capacity magazine”).

20   **§ 32405. Exception for sale, loan, or transfer of large-capacity magazine to peace officer, or**  
21       **purchase, receipt, or importation of large-capacity magazine by peace officer**

22       32405. Section 32310 does not apply to the sale to, lending to, transfer to,  
23 purchase by, receipt of, or importation into this state of, a large-capacity magazine  
24 by a sworn peace officer, as defined in Chapter 4.5 (commencing with Section  
25 830) of Title 3 of Part 2, who is authorized to carry a firearm in the course and  
26 scope of that officer’s duties.

27       **Comment.** Section 32405 continues former Section 12020(b)(20) without substantive change.  
28       See Sections 16520 (“firearm”), 16740 (“large-capacity magazine”).

29   **§ 32410. Exception for sale or purchase of large-capacity magazine by dealer**

30       32410. Section 32310 does not apply to the sale or purchase of any large-  
31 capacity magazine to or by a person licensed pursuant to Sections 26700 to 26915,  
32 inclusive.

33       **Comment.** Section 32410 continues former Section 12020(b)(21) without substantive change.  
34       See Sections 16740 (“large-capacity magazine”), 26700 (“dealer,” “licensee,” or “person  
35 licensed pursuant to Sections 26700 to 26915, inclusive”).

36   **§ 32415. Exception for loan of lawfully possessed large-capacity magazine between two**  
37       **individuals, under specified conditions**

38       32415. Section 32310 does not apply to the loan of a lawfully possessed large-  
39 capacity magazine between two individuals if all of the following conditions are  
40 met:

1 (a) The person being loaned the large-capacity magazine is not prohibited by  
2 Chapter 1 (commencing with Section 29610), 2 (commencing with Section  
3 29800), or 3 (commencing with Section 29900) of Division 9 of this title or  
4 Section 8100 or 8103 of the Welfare and Institutions Code from possessing  
5 firearms or ammunition.

6 (b) The loan of the large-capacity magazine occurs at a place or location where  
7 the possession of the large-capacity magazine is not otherwise prohibited, and the  
8 person who lends the large-capacity magazine remains in the accessible vicinity of  
9 the person to whom the large-capacity magazine is loaned.

10 **Comment.** Section 32415 continues former Section 12020(b)(22) without substantive change.  
11 See Sections 16520 (“firearm”), 16740 (“large-capacity magazine”).

12 **§ 32420. Exception for importation of large-capacity magazine by person who lawfully**  
13 **possessed it in this state before January 1, 2000**

14 32420. Section 32310 does not apply to the importation of a large-capacity  
15 magazine by a person who lawfully possessed the large-capacity magazine in the  
16 state prior to January 1, 2000, lawfully took it out of the state, and is returning to  
17 the state with the same large-capacity magazine.

18 **Comment.** Section 32420 continues former Section 12020(b)(23) without substantive change.  
19 See Section 16740 (“large-capacity magazine”).

20 **§ 32425. Exception for loan or gift to dealer or gunsmith for maintenance, repair, or**  
21 **modification, or return of large-capacity magazine by dealer or gunsmith**

22 32425. Section 32310 does not apply to either of the following:

23 (a) The lending or giving of any large-capacity magazine to a person licensed  
24 pursuant to Sections 26700 to 26915, inclusive, or to a gunsmith, for the purposes  
25 of maintenance, repair, or modification of that large-capacity magazine.

26 (b) The return to its owner of any large-capacity magazine by a person specified  
27 in subdivision (a).

28 **Comment.** Subdivision (a) of Section 32425 continues former Section 12020(b)(24) without  
29 substantive change.

30 Subdivision (b) continues former Section 12020(b)(25) without substantive change.

31 See Sections 16630 (“gunsmith”), 16740 (“large-capacity magazine”), 26700 (“dealer,”  
32 “licensee,” or “person licensed pursuant to Sections 26700 to 26915, inclusive”).

33 **§ 32430. Exception for importation or sale of large-capacity magazine by person with**  
34 **permit**

35 32430. Section 32310 does not apply to the importation into this state of, or sale  
36 of, any large-capacity magazine by a person who has been issued a permit to  
37 engage in those activities pursuant to Section 32315, when those activities are in  
38 accordance with the terms and conditions of that permit.

39 **Comment.** Section 32430 continues former Section 12020(b)(26) without substantive change.  
40 See Section 16740 (“large-capacity magazine”).

1 **§ 32435. Exceptions relating to entities that operate armored vehicle businesses**

2 32435. Section 32310 does not apply to any of the following:

3 (a) The sale of, giving of, lending of, importation into this state of, or purchase  
4 of, any large-capacity magazine, to or by any entity that operates an armored  
5 vehicle business pursuant to the laws of this state.

6 (b) The lending of large-capacity magazines by an entity specified in  
7 subdivision (a) to its authorized employees, while in the course and scope of  
8 employment for purposes that pertain to the entity's armored vehicle business.

9 (c) The return of those large-capacity magazines to the entity specified in  
10 subdivision (a) by those employees specified in subdivision (b).

11 **Comment.** Subdivision (a) of Section 32435 continues former Section 12020(b)(27) without  
12 substantive change.

13 Subdivision (b) continues former Section 12020(b)(28) without substantive change.

14 Subdivision (c) continues former Section 12020(b)(29) without substantive change.

15 See Section 16740 ("large-capacity magazine").

16 **§ 32440. Exceptions relating to manufacture of large-capacity magazines**

17 32440. Section 32310 does not apply to any of the following:

18 (a) The manufacture of a large-capacity magazine for any federal, state, county,  
19 city and county, or city agency that is charged with the enforcement of any law,  
20 for use by agency employees in the discharge of their official duties, whether on or  
21 off duty, and where the use is authorized by the agency and is within the course  
22 and scope of their duties.

23 (b) The manufacture of a large-capacity magazine for use by a sworn peace  
24 officer, as defined in Chapter 4.5 (commencing with Section 830) of Title 3 of Part  
25 2, who is authorized to carry a firearm in the course and scope of that officer's  
26 duties.

27 (c) The manufacture of a large-capacity magazine for export or for sale to  
28 government agencies or the military pursuant to applicable federal regulations.

29 **Comment.** Section 32440 continues former Section 12020(b)(30) without substantive change.

30 See Sections 16520 ("firearm"), 16740 ("large-capacity magazine").

31 **§ 32445. Exception for large-capacity magazine used solely as prop in motion picture,  
32 television, or video production**

33 32445. Section 32310 does not apply to the loan of a large-capacity magazine  
34 for use solely as a prop for a motion picture, television, or video production.

35 **Comment.** Section 32445 continues former Section 12020(b)(31) without substantive change.

36 See Section 16740 ("large-capacity magazine").

37 **§ 32450. Exception for purchase of large-capacity magazine by holder of special weapons  
38 permit, for certain purposes**

39 32450. Section 32310 does not apply to the purchase of a large-capacity  
40 magazine by the holder of a special weapons permit issued pursuant to Section  
41 31000, 32650, or 33300, or pursuant to Article 3 (commencing with Section

1 18900) of Chapter 1 of Division 5 of Title 2, or pursuant to Article 4 (commencing  
2 with Section

3 32700) of Chapter 6 of this division, for any of the following purposes:

4 (a) For use solely as a prop for a motion picture, television, or video production.

5 (b) For export pursuant to federal regulations.

6 (c) For resale to law enforcement agencies, government agencies, or the  
7 military, pursuant to applicable federal regulations.

8 **Comment.** Section 32450 continues former Section 12020(b)(32) without substantive change.  
9 See Section 16740 (“large-capacity magazine”).

10 CHAPTER 6. MACHINEGUNS

11 Article 1. General Provisions

12 § 32610. Acquisition and use of machineguns by law enforcement

13 32610. Nothing in this chapter shall affect or apply to any of the following:

14 (a) The sale to, purchase by, or possession of machineguns by a police  
15 department, a sheriff’s office, a marshal’s office, a district attorney’s office, the  
16 California Highway Patrol, the Department of Justice, the Department of  
17 Corrections for use by the department’s Special Emergency Response Teams and  
18 Law Enforcement Liaison/Investigations Unit, or the military or naval forces of  
19 this state or of the United States for use in the discharge of their official duties,  
20 provided, however, that any sale to these entities be transacted by a person who is  
21 permitted pursuant to Section 32650 and licensed pursuant to Article 4  
22 (commencing with Section 32700).

23 (b) The possession of machineguns by regular, salaried, full-time peace officer  
24 members of a police department, sheriff’s office, marshal’s office, district  
25 attorney’s office, the California Highway Patrol, the Department of Justice, or the  
26 Department of Corrections for use by the department’s Special Emergency  
27 Response Teams and Law Enforcement Liaison/Investigations Unit, when on duty  
28 and if the use is within the scope of their duties.

29 **Comment.** Section 32610 continues former Section 12201 without substantive change.  
30 See Section 16880 (“machinegun”).

31 Article 2. Unlawful Acts Relating to Machineguns

32 § 32625. Unlawful acts relating to machineguns

33 32625. (a) Any person, firm, or corporation, who within this state possesses or  
34 knowingly transports a machinegun, except as authorized by this chapter, is guilty  
35 of a public offense and upon conviction thereof shall be punished by imprisonment  
36 in the state prison, or by a fine not to exceed ten thousand dollars (\$10,000), or by  
37 both that fine and imprisonment.

1 (b) Any person, firm, or corporation who within this state intentionally converts  
2 a firearm into a machinegun, or who sells, or offers for sale, or knowingly  
3 manufactures a machinegun, except as authorized by this chapter, is punishable by  
4 imprisonment in the state prison for four, six, or eight years.

5 **Comment.** Section 32625 continues former Section 12220 without substantive change.  
6 See Sections 16520 (“firearm”), 16880 (“machinegun”).

7 Article 3. Permits

8 **§ 32650. Permit for possession, manufacture, or transportation of machineguns**

9 32650. The Department of Justice may issue permits for the possession,  
10 manufacture, and transportation or possession, manufacture, or transportation of  
11 machineguns, upon a satisfactory showing that good cause exists for the issuance  
12 of the permit to the applicant. No permit shall be issued to a person who is under  
13 18 years of age.

14 **Comment.** Section 32650 continues former Section 12230 without substantive change.  
15 See Section 16880 (“machinegun”).

16 **§ 32655. Application and renewal process**

17 32655. (a) An application for a permit under this article shall satisfy all of the  
18 following conditions:

19 (1) It shall be filed in writing.

20 (2) It shall be signed by the applicant if an individual, or by a member or officer  
21 qualified to sign if the applicant is a firm or corporation.

22 (3) It shall state the applicant’s name.

23 (4) It shall state the business in which the applicant is engaged.

24 (5) It shall state the applicant’s business address.

25 (6) It shall include a full description of the use to which the firearms are to be  
26 put.

27 (b) Applications and permits shall be uniform throughout the state on forms  
28 prescribed by the Department of Justice.

29 (c) Each applicant for a permit shall pay at the time of filing the application a fee  
30 determined by the Department of Justice. The fee shall not exceed the application  
31 processing costs of the Department of Justice.

32 (d) A permit granted pursuant to this article may be renewed one year from the  
33 date of issuance, and annually thereafter, upon the filing of a renewal application  
34 and the payment of a permit renewal fee, which shall not exceed the application  
35 processing costs of the Department of Justice.

36 (e) After the department establishes fees sufficient to reimburse the department  
37 for processing costs, fees charged shall increase at a rate not to exceed the  
38 legislatively approved annual cost-of-living adjustments for the department’s  
39 budget.

40 **Comment.** Section 32655 continues former Section 12231 without substantive change.  
41 See Section 16520 (“firearm”).

1 **§ 32660. Storage of machinegun permit**

2 32660. Every person, firm or corporation to whom a permit is issued under this  
3 article shall keep it on the person or at the place where the firearms are kept. The  
4 permit shall be open to inspection by any peace officer or any other person  
5 designated by the authority issuing the permit.

6 **Comment.** Section 32660 continues former Section 12232 without substantive change.  
7 See Section 16520 (“firearm”).

8 **§ 32665. Revocation of machinegun permit**

9 32665. A permit issued in accordance with this chapter may be revoked by the  
10 issuing authority at any time, when it appears that the need for the firearms has  
11 ceased or that the holder of the permit has used the firearms for purposes other  
12 than those allowed by the permit or that the holder of the permit has not exercised  
13 great care in retaining custody of any weapons possessed under the permit.

14 **Comment.** Section 32665 continues former Section 12233 without substantive change.  
15 See Section 16520 (“firearm”).

16 **§ 32670. Inspection conducted by Department of Justice**

17 32670. (a) Except as provided in subdivision (b), the Department of Justice  
18 shall, for every person, firm, or corporation to whom a permit is issued pursuant to  
19 this article, annually conduct an inspection for security and safe storage purposes,  
20 and to reconcile the inventory of machineguns.

21 (b) A person, firm, or corporation with an inventory of fewer than five devices  
22 that require any Department of Justice permit shall be subject to an inspection for  
23 security and safe storage purposes, and to reconcile inventory, once every five  
24 years, or more frequently if determined by the department.

25 **Comment.** Section 32670 continues former Section 12234 without substantive change.  
26 See Section 16880 (“machinegun”).

27 **Article 4. Licenses to Sell Machineguns**

28 **§ 32700. License to sell machineguns**

29 32700. The Department of Justice may grant a license to permit the sale of  
30 machineguns at the place specified in the license, subject to all of the following  
31 conditions:

32 (a) The business shall be carried on only in the place designated in the license.

33 (b) The license or a certified copy of the license must be displayed on the  
34 premises in a place where it may easily be read.

35 (c) No machinegun shall be delivered to any person not authorized to receive the  
36 machinegun under the provisions of this chapter.

37 (d) A complete record must be kept of sales made under the authority of the  
38 license, showing the name and address of the purchaser, the descriptions and serial  
39 numbers of the weapons purchased, the number and date of issue of the  
40 purchaser’s permit, if any, and the signature of the purchaser or purchasing agent.



1 This record shall be open to the inspection of any peace officer or other person  
2 designated by the Attorney General.

3 **Comment.** Section 32700 continues former Section 12250(a)(1)-(4) without substantive  
4 change. In combination with Sections 32710 and 32720, Section 32700 also continues the  
5 introductory clause of former Section 12250(a) without substantive change.

6 See Section 16880 (“machinegun”).

7 **§ 32705. Application for license to sell machineguns**

8 32705. An application for a license under this article shall satisfy all of the  
9 following conditions:

10 (a) It shall be filed in writing.

11 (b) It shall be signed by the applicant if an individual, or by a member or officer  
12 qualified to sign if the applicant is a firm or corporation.

13 (c) It shall state the applicant’s name.

14 (d) It shall state the business in which the applicant is engaged.

15 (e) It shall state the applicant’s business address.

16 (f) It shall include a full description of the use to which the firearms are to be  
17 put.

18 **Comment.** Section 32705 continues the first paragraph of former Section 12250(b) without  
19 substantive change.

20 See Section 16520 (“firearm”).

21 **§ 32710. Form of applications and licenses**

22 32710. (a) Applications and licenses under this article shall be uniform  
23 throughout the state, on forms prescribed by the Department of Justice.

24 (b) A license under this article shall be effective for not more than one year from  
25 the date of issuance.

26 **Comment.** Subdivision (a) of Section 32710 continues the second paragraph of former Section  
27 12250(b) without substantive change. Subdivision (a) also continues part of the introductory  
28 clause of former Section 12250(a) without substantive change.

29 Subdivision (b) continues part of the introductory clause of former Section 12250(a) without  
30 substantive change.

31 **§ 32715. Fees and renewal process**

32 32715. (a) Each applicant for a license under this article shall pay at the time of  
33 filing the application a fee determined by the Department of Justice. The fee shall  
34 not exceed the application processing costs of the Department of Justice.

35 (b) A license granted pursuant to this article may be renewed one year from the  
36 date of issuance, and annually thereafter, upon the filing of a renewal application  
37 and the payment of a license renewal fee, which shall not exceed the application  
38 processing costs of the Department of Justice.

39 (c) After the department establishes fees sufficient to reimburse the department  
40 for processing costs, fees charged shall increase at a rate not to exceed the  
41 legislatively approved annual cost-of-living adjustments for the department’s  
42 budget.

1 **Comment.** Section 32715 continues the third paragraph of former Section 12250(b) without  
2 substantive change.

3 **§ 32720. Revocation of license to sell machineguns**

4 32720. Upon breach of any of the conditions stated in Section 32700, a license  
5 under this article shall be revoked.

6 **Comment.** Section 32720 continues part of the introductory clause of former Section 12250(a)  
7 without substantive change.

8 Article 5. Machinegun Constituting Nuisance

9 **§ 32750. Machinegun constituting public nuisance**

10 32750. (a) It shall be a public nuisance to possess any machinegun in violation  
11 of this chapter.

12 (b) The Attorney General, any district attorney, or any city attorney may bring  
13 an action before the superior court to enjoin the possession of any machinegun in  
14 violation of this chapter.

15 (c) Any machinegun found to be in violation of this chapter shall be surrendered  
16 to the Department of Justice. The department shall destroy the machinegun so as  
17 to render it unusable and unrepairable as a machinegun, except upon the filing of a  
18 certificate with the department by a judge or district attorney stating that the  
19 preservation of the machinegun is necessary to serve the ends of justice.

20 **Comment.** Section 32750 continues former Section 12251 without substantive change.  
21 See Section 16880 (“machinegun”).

22 CHAPTER 7. MULTIBURST TRIGGER ACTIVATOR

23 **§ 32900. Prohibition on manufacture, import, sale, gift, loan, or possession of multiburst**  
24 **trigger activator**

25 32900. Except as provided in Chapter 1 (commencing with Section 17700) of  
26 Division 2 of Title 2, any person in this state who manufactures or causes to be  
27 manufactured, imports into the state, keeps for sale, or offers or exposes for sale,  
28 or who gives, lends, or possesses any multiburst trigger activator is punishable by  
29 imprisonment in a county jail not exceeding one year or in the state prison.

30 **Comment.** With respect to a multiburst trigger activator, Section 32900 continues former  
31 Section 12020(a)(1) without substantive change.

32 For circumstances in which this section is inapplicable, see Sections 16590 (“generally  
33 prohibited weapon”), 17700-17745 (exemptions relating to generally prohibited weapons).

34 See Section 16930 (“multiburst trigger activator”). See also Sections 17800 (distinct and  
35 separate offense), 32990 (multiburst trigger activator constituting nuisance).

36 **§ 32990. Multiburst trigger activator constituting nuisance**

37 32990. Except as provided in Chapter 1 (commencing with Section 17700) of  
38 Division 2 of Title 2, any multiburst trigger activator is a nuisance and is subject to  
39 Section 18010.

1 **Comment.** With respect to a multiburst trigger activator, Section 32990 continues the first part  
2 of the first sentence of former Section 12029 without substantive change.  
3 See Section 16930 (“multiburst trigger activator”).

4 CHAPTER 8. SHORT-BARRELED RIFLE OR SHORT-BARRELED SHOTGUN

5 Article 1. Restrictions Relating to Short-Barreled Rifle  
6 or Short-Barreled Shotgun

7 **§ 33210. Prohibition on manufacture, import, sale, gift, loan, or possession of short-barreled**  
8 **rifle or short-barreled shotgun**

9 33210. Except as expressly provided in Sections 33215 to 33225, inclusive, and  
10 in Chapter 1 (commencing with Section 17700) of Division 2 of Title 2, and solely  
11 in accordance with those provisions, no person may manufacture, import into this  
12 state, keep for sale, offer for sale, give, lend, or possess any short-barreled rifle or  
13 short-barreled shotgun. Nothing else in any provision listed in Section 16580 shall  
14 be construed as authorizing the manufacture, importation into the state, keeping  
15 for sale, offering for sale, or giving, lending, or possession of any short-barreled  
16 rifle or short-barreled shotgun.

17 **Comment.** Section 33210 continues former Section 12001.5 without substantive change.  
18 See Sections 17170 (“short-barreled rifle”), 17180 (“short-barreled shotgun”).

19 **§ 33215. Penalty for unlawful manufacture, import, sale, gift, loan, or possession of short-**  
20 **barreled rifle or short-barreled shotgun**

21 33215. Except as provided in Sections 33220 and 33225 and in Chapter 1  
22 (commencing with Section 17700) of Division 2 of Title 2, any person in this state  
23 who manufactures or causes to be manufactured, imports into the state, keeps for  
24 sale, or offers or exposes for sale, or who gives, lends, or possesses any short-  
25 barreled rifle or short-barreled shotgun is punishable by imprisonment in a county  
26 jail not exceeding one year or in the state prison.

27 **Comment.** With respect to short-barreled rifles and short-barreled shotguns, Section 33215  
28 continues former Section 12020(a)(1) without substantive change.

29 For circumstances in which this section is inapplicable, see Sections 16590 (“generally  
30 prohibited weapon”), 17700-17745 (exemptions relating to generally prohibited weapons), 33220  
31 (exceptions relating to law enforcement), 33225 (exception for use authorized by permit).

32 See Sections 17170 (“short-barreled rifle”), 17180 (“short-barreled shotgun”). See also  
33 Sections 17800 (distinct and separate offense), 33290 (short-barreled rifle or short-barreled  
34 shotgun constituting nuisance).

35 **§ 33220. Exceptions relating to law enforcement**

36 33220. Section 33215 does not apply to either of the following:

37 (a) The sale to, purchase by, or possession of short-barreled rifles or short-  
38 barreled shotguns by a police department, sheriff’s office, marshal’s office, the  
39 California Highway Patrol, the Department of Justice, the Department of

1 Corrections and Rehabilitation, or the military or naval forces of this state or of the  
2 United States, for use in the discharge of their official duties.

3 (b) The possession of short-barreled rifles and short-barreled shotguns by peace  
4 officer members of a police department, sheriff's office, marshal's office, the  
5 California Highway Patrol, the Department of Justice, or the Department of  
6 Corrections and Rehabilitation, when on duty and the use is authorized by the  
7 agency and is within the course and scope of their duties, and the officers have  
8 completed a training course in the use of these weapons certified by the  
9 Commission on Peace Officer Standards and Training.

10 **Comment.** Section 33220 continues former Section 12020(b)(1) without substantive change.  
11 See Sections 17170 ("short-barreled rifle"), 17180 ("short-barreled shotgun").

12 **§ 33225. Exception for use authorized by permit**

13 33225. Section 33215 does not apply to the manufacture, possession,  
14 transportation, or sale of a short-barreled rifle or short-barreled shotgun, when  
15 authorized by the Department of Justice pursuant to Article 2 (commencing with  
16 Section 33300) and not in violation of federal law.

17 **Comment.** Section 33225 continues former Section 12020(b)(2) without substantive change.  
18 See Sections 17170 ("short-barreled rifle"), 17180 ("short-barreled shotgun").

19 **§ 33290. Short-barreled rifle or short-barreled shotgun constituting nuisance**

20 33290. Except as provided in Sections 33220 and 33225 and in Chapter 1  
21 (commencing with Section 17700) of Division 2 of Title 2, any short-barreled rifle  
22 or short-barreled shotgun is a nuisance and is subject to Section 18010.

23 **Comment.** With respect to short-barreled rifles and short-barreled shotguns, Section 33290  
24 continues the first part of the first sentence of former Section 12029 without substantive change.  
25 See Sections 17170 ("short-barreled rifle"), 17180 ("short-barreled shotgun").

26 **Article 2. Permit for Short-Barreled Rifle**  
27 **or Short-Barreled Shotgun**

28 **§ 33300. Permit for short-barreled rifle or short-barreled shotgun**

29 33300. (a) Upon a showing that good cause exists for issuance of a permit to the  
30 applicant, and if the Department of Justice finds that issuance of the permit does  
31 not endanger the public safety, the department may issue a permit for the  
32 manufacture, possession, transportation, or sale of short-barreled rifles or short-  
33 barreled shotguns. The permit shall be initially valid for a period of one year, and  
34 renewable annually thereafter. No permit shall be issued to a person who is under  
35 18 years of age.

36 (b) Good cause, for the purposes of this section, shall be limited to only the  
37 following:

38 (1) The permit is sought for the manufacture, possession, or use with blank  
39 cartridges, of a short-barreled rifle or short-barreled shotgun, solely as a prop for a  
40 motion picture, television, or video production or entertainment event.

1 (2) The permit is sought for the manufacture of, exposing for sale, keeping for  
2 sale, sale of, importation or lending of short-barreled rifles or short-barreled  
3 shotguns to the entities listed in Section 33220 by persons who are licensed as  
4 dealers or manufacturers under the provisions of Chapter 53 (commencing with  
5 Section 5801) of Title 26 of the United States Code, as amended, and the  
6 regulations issued pursuant thereto.

7 **Comment.** Section 33300 continues former Section 12095 without substantive change.  
8 See Sections 17170 (“short-barreled rifle”), 17180 (“short-barreled shotgun”).

9 **§ 33305. Application and renewal process**

10 33305. (a) An application for a permit under this article shall satisfy all of the  
11 following conditions:

12 (1) It shall be filed in writing.

13 (2) It shall be signed by the applicant if an individual, or by a member or officer  
14 qualified to sign if the applicant is a firm or corporation.

15 (3) It shall state the applicant’s name.

16 (4) It shall state the business in which the applicant is engaged.

17 (5) It shall state the applicant’s business address.

18 (6) It shall include a full description of the use to which the short-barreled rifles  
19 or short-barreled shotguns are to be put.

20 (b) Applications and permits shall be uniform throughout the state on forms  
21 prescribed by the Department of Justice.

22 (c) Each applicant for a permit shall pay at the time of filing the application a fee  
23 determined by the Department of Justice. The fee shall not exceed the application  
24 processing costs of the Department of Justice.

25 (d) A permit granted pursuant to this article may be renewed one year from the  
26 date of issuance, and annually thereafter, upon the filing of a renewal application  
27 and the payment of a permit renewal fee, which shall not exceed the application  
28 processing costs of the Department of Justice.

29 (e) After the department establishes fees sufficient to reimburse the department  
30 for processing costs, fees charged shall increase at a rate not to exceed the  
31 legislatively approved annual cost-of-living adjustments for the department’s  
32 budget.

33 **Comment.** Section 33305 continues former Section 12096 without substantive change.  
34 See Sections 17170 (“short-barreled rifle”), 17180 (“short-barreled shotgun”).

35 **§ 33310. Storage of permit and affixation of identifying number**

36 33310. (a) Every person, firm, or corporation to whom a permit is issued under  
37 this article shall keep it on the person or at the place where the short-barreled rifles  
38 or short-barreled shotguns are kept. The permit shall be open to inspection by any  
39 peace officer or any other person designated by the authority issuing the permit.

40 (b) Every short-barreled rifle or short-barreled shotgun possessed pursuant to the  
41 provisions of this article shall bear a unique identifying number. If a weapon does

1 not bear a unique identifying number, the Department of Justice shall assign a  
2 number which shall be placed or stamped on that weapon.

3 **Comment.** Section 33310 continues former Section 12097 without substantive change.  
4 See Sections 17170 (“short-barreled rifle”), 17180 (“short-barreled shotgun”).

5 **§ 33315. Revocation of permit**

6 33315. A permit issued in accordance with this article may be revoked by the  
7 issuing authority at any time, when it appears that the need for the short-barreled  
8 rifles or short-barreled shotguns has ceased or that the holder of the permit has  
9 used the short-barreled rifles or short-barreled shotguns for purposes other than  
10 those allowed by the permit or that the holder of the permit has not exercised great  
11 care in retaining custody of any weapons possessed under the permit.

12 **Comment.** Section 33315 continues former Section 12098 without substantive change.  
13 See Sections 17170 (“short-barreled rifle”), 17180 (“short-barreled shotgun”).

14 **§ 33320. Inspection conducted by Department of Justice**

15 33320. (a) Except as provided in subdivision (b), the Department of Justice  
16 shall, for every person, firm, or corporation to whom a permit is issued pursuant to  
17 this article, annually conduct an inspection for security and safe storage purposes,  
18 and to reconcile the inventory of short-barreled rifles and short-barreled shotguns.

19 (b) A person, firm, or corporation with an inventory of fewer than five devices  
20 that require any Department of Justice permit shall be subject to an inspection for  
21 security and safe storage purposes, and to reconcile inventory, once every five  
22 years, or more frequently if determined by the department.

23 **Comment.** Section 33320 continues former Section 12099 without substantive change.  
24 See Sections 17170 (“short-barreled rifle”), 17180 (“short-barreled shotgun”).

25 CHAPTER 9. SILENCERS

26 **§ 33410. Unlawful possession of silencer**

27 33410. Any person, firm, or corporation who within this state possesses a  
28 silencer is guilty of a felony and upon conviction thereof shall be punished by  
29 imprisonment in the state prison or by a fine not to exceed ten thousand dollars  
30 (\$10,000) or by both.

31 **Comment.** Section 33410 continues former Section 12520 without substantive change.  
32 See Section 17210 (“silencer”).

33 **§ 33415. Exceptions**

34 33415. Section 33410 shall not apply to, or affect, any of the following:

35 (a) The sale to, purchase by, or possession of silencers by agencies listed in  
36 Section 830.1, or the military or naval forces of this state or of the United States,  
37 for use in the discharge of their official duties.

1 (b) The possession of silencers by regular, salaried, full-time peace officers who  
2 are employed by an agency listed in Section 830.1, or by the military or naval  
3 forces of this state or of the United States, when on duty and when the use of  
4 silencers is authorized by the agency and is within the course and scope of their  
5 duties.

6 (c) The manufacture, possession, transportation, or sale or other transfer of  
7 silencers to an entity described in subdivision (a) by dealers or manufacturers  
8 registered under Chapter 53 (commencing with Section 5801) of Title 26 of the  
9 United States Code and the regulations issued pursuant thereto.

10 **Comment.** Section 33415 continues former Section 12501 without substantive change.  
11 See Section 17210 (“silencer”).

12 CHAPTER 10. ZIP GUNS

13 **§ 33600. Prohibition on manufacture, import, sale, gift, loan, or possession of zip gun**

14 33600. Except as provided in Chapter 1 (commencing with Section 17700) of  
15 Division 2 of Title 2, any person in this state who manufactures or causes to be  
16 manufactured, imports into the state, keeps for sale, or offers or exposes for sale,  
17 or who gives, lends, or possesses any zip gun is punishable by imprisonment in a  
18 county jail not exceeding one year or in the state prison.

19 **Comment.** With respect to a zip gun, Section 33600 continues former Section 12020(a)(1)  
20 without substantive change.

21 For circumstances in which this section is inapplicable, see Sections 16590 (“generally  
22 prohibited weapon”), 17700-17745 (exemptions relating to generally prohibited weapons).

23 See Section 17360 (“zip gun”). See also Sections 17800 (distinct and separate offense), 32990  
24 (zip gun constituting nuisance).

25 **§ 33690. Zip gun constituting nuisance**

26 33690. Except as provided in Chapter 1 (commencing with Section 17700) of  
27 Division 2 of Title 2, any zip gun is a nuisance and is subject to Section 18010.

28 **Comment.** With respect to a zip gun, Section 33690 continues the first part of the first  
29 sentence of former Section 12029 without substantive change.

30 See Section 17360 (“zip gun”).

31 DIVISION 11. FIREARM IN CUSTODY OF COURT OR LAW  
32 ENFORCEMENT AGENCY OR SIMILAR SITUATION

33 CHAPTER 1. PROCEDURE FOR TAKING FIREARM INTO CUSTODY

34 **§ 33800. Receipt for firearm taken into custody by law enforcement officer**

35 33800. (a) When a firearm is taken into custody by a law enforcement officer,  
36 the officer shall issue the person who possessed the firearm a receipt describing  
37 the firearm, and listing any serial number or other identification on the firearm.

1 (b) The receipt shall indicate where the firearm may be recovered, any  
2 applicable time limit for recovery, and the date after which the owner or possessor  
3 may recover the firearm pursuant to Chapter 2 (commencing with Section 33850).

4 (c) Nothing in this section is intended to displace any existing law regarding the  
5 seizure or return of firearms.

6 **Comment.** Section 33800 continues former Section 12028.7 without substantive change.

7 For other provisions specifying procedures for taking a firearm into custody, see Sections  
8 18000 (surrender of specified weapons constituting nuisance), 18010 (treatment of other weapons  
9 constituting nuisance), 18250-18500 (seizure of firearm or other deadly weapon at scene of  
10 domestic violence), 29300 (firearm of any nature constitutes nuisance under specified  
11 circumstances). For rules relating to return or transfer of a firearm that is in the custody or control  
12 of a court or law enforcement agency, see Sections 33850-33895. For rules governing disposal of  
13 unclaimed, abandoned, or subject to destruction, see Sections 34000-34010.

14 See Section 16520 (“firearm”).

15 CHAPTER 2. RETURN OR TRANSFER OF FIREARM IN CUSTODY OR  
16 CONTROL OF COURT OR LAW ENFORCEMENT AGENCY

17 **§ 33850. Application for return of firearm in custody or control of court or law enforcement**  
18 **agency, or sale or transfer of such firearm to dealer**

19 33850. (a) Any person who claims title to any firearm that is in the custody or  
20 control of a court or law enforcement agency and who wishes to have the firearm  
21 returned shall make application for a determination by the Department of Justice  
22 as to whether the applicant is eligible to possess a firearm. The application shall  
23 include the following:

24 (1) The applicant’s name, date and place of birth, gender, telephone number, and  
25 complete address.

26 (2) Whether the applicant is a United States citizen. If the applicant is not a  
27 United States citizen, the application shall also include the applicant’s country of  
28 citizenship and the applicant’s alien registration or I-94 number.

29 (3) If the firearm is a handgun, the firearm’s make, model, caliber, barrel length,  
30 handgun type, country of origin, and serial number.

31 (4) For residents of California, the applicant’s valid California driver’s license  
32 number or valid California identification card number issued by the Department of  
33 Motor Vehicles. For nonresidents of California, a copy of the applicant’s military  
34 identification with orders indicating that the individual is stationed in California,  
35 or a copy of the applicant’s valid driver’s license from the applicant’s state of  
36 residence, or a copy of the applicant’s state identification card from the applicant’s  
37 state of residence. Copies of the documents provided by non-California residents  
38 shall be notarized.

39 (5) The name of the court or law enforcement agency holding the firearm.

40 (6) The signature of the applicant and the date of signature.

41 (7) Any person furnishing a fictitious name or address or knowingly furnishing  
42 any incorrect information or knowingly omitting any information required to be



1 provided for the application, including any notarized information pursuant to  
2 paragraph (4) of this subdivision, shall be guilty of a misdemeanor.

3 (b) A person who owns a firearm that is in the custody of a court or law  
4 enforcement agency and who does not wish to obtain possession of the firearm,  
5 and the firearm is an otherwise legal firearm, and the person otherwise has right to  
6 title of the firearm, shall be entitled to sell or transfer title of the firearm to a  
7 licensed dealer.

8 (c) Any person furnishing a fictitious name or address, or knowingly furnishing  
9 any incorrect information or knowingly omitting any information required to be  
10 provided for the application, including any notarized information pursuant to  
11 paragraph (4) of subdivision (a), is punishable as a misdemeanor.

12 **Comment.** Section 33850 continues former Section 12021.3(a) without substantive change.

13 The remainder of this chapter (Sections 33855-33895) provides further guidance regarding  
14 return or transfer of a firearm in the custody or control of a court or law enforcement agency. For  
15 other provisions on return or transfer of a firearm in custody, see Sections 18005 (disposal of  
16 weapons constituting nuisance), 18010 (treatment of other weapons constituting nuisance),  
17 18250-18500 (seizure of firearm or other deadly weapon at scene of domestic violence). For rules  
18 governing disposal of firearms that are unclaimed, abandoned, or subject to destruction, see  
19 Sections 34000-34010.

20 A return or transfer of a firearm pursuant to this chapter is exempt from the requirement of  
21 using a dealer for a firearms transaction. See Sections 27390, 33895. A return or transfer of a  
22 firearm pursuant to this chapter is also exempt from the license requirement for firearms  
23 transactions. See Section 26590.

24 See Sections 16520 (“firearm”), 16640 (“handgun”).

25 **§ 33855. Requirements for return of firearm in custody of court or law enforcement agency**

26 33855. No law enforcement agency or court that has taken custody of any  
27 firearm may return the firearm to any individual unless the following requirements  
28 are satisfied:

29 (a) The individual presents to the agency or court notification of a determination  
30 by the department pursuant to Section 33865 that the person is eligible to possess  
31 firearms.

32 (b) If the agency or court has direct access to the Automated Firearms System,  
33 the agency or court has verified that the firearm is not listed as stolen pursuant to  
34 Section 11108, and that the firearm has been recorded in the Automated Firearms  
35 System in the name of the individual who seeks its return.

36 (c) If the firearm has been reported lost or stolen pursuant to Section 11108, a  
37 law enforcement agency shall notify the owner or person entitled to possession  
38 pursuant to Section 11108.5. However, that person shall provide proof of  
39 eligibility to possess a firearm pursuant to Section 33865.

40 (d) Nothing in this section shall prevent the local law enforcement agency from  
41 charging the rightful owner or person entitled to possession of the firearm the fees  
42 described in Section 33880. However, an individual who is applying for a  
43 background check to retrieve a firearm that came into the custody or control of a  
44 court or law enforcement agency pursuant to Section 33850 shall be exempt from  
45 the fees in Section 33860, provided that the court or agency determines the firearm

1 was reported stolen to a law enforcement agency prior to the date the firearm came  
2 into custody or control of the court or law enforcement agency, or within five  
3 business days of the firearm being stolen from its owner. The court or agency shall  
4 notify the Department of Justice of this fee exemption in a manner prescribed by  
5 the department.

6 **Comment.** Section 33855 continues former Section 12021.3(b) without substantive change.

7 A return or transfer of a firearm pursuant to this chapter is exempt from the requirement of  
8 using a dealer for a firearms transaction. See Sections 27390, 33895. A return or transfer of a  
9 firearm pursuant to this chapter is also exempt from the license requirement for firearms  
10 transactions. See Section 26590.

11 See Section 16520 (“firearm”).

### 12 § 33860. Fee for requesting return of firearm

13 33860. (a) The Department of Justice shall establish a fee of twenty dollars  
14 (\$20) per request for return of a firearm, plus a three-dollar (\$3) charge for each  
15 additional handgun being processed as part of the request to return a firearm, to  
16 cover its costs for processing firearm clearance determinations submitted pursuant  
17 to this chapter.

18 (b) The fees collected pursuant to subdivision (a) shall be deposited into the  
19 Dealers’ Record of Sale Special Account.

20 (c) The department may increase the fee by using the California Consumer Price  
21 Index as compiled and reported by the California Department of Industrial  
22 Relations to determine an annual rate of increase. Any fee increase shall be  
23 rounded to the nearest dollar.

24 **Comment.** Section 33860 continues former Section 12021.3(c) without substantive change.

25 See Sections 16520 (“firearm”), 16640 (“handgun”).

### 26 § 33865. Eligibility check

27 33865. (a) When the Department of Justice receives a completed application  
28 pursuant to Section 33850 accompanied by the fee required pursuant to Section  
29 33860, it shall conduct an eligibility check of the applicant to determine whether  
30 the applicant is eligible to possess a firearm.

31 (b) The department shall have 30 days from the date of receipt to complete the  
32 background check, unless the background check is delayed by circumstances  
33 beyond the control of the department. The applicant may contact the department to  
34 inquire about the reason for a delay.

35 (c) If the department determines that the applicant is eligible to possess the  
36 firearm, the department shall provide the applicant with written notification that  
37 includes the following:

38 (1) The identity of the applicant.

39 (2) A statement that the applicant is eligible to possess a firearm.

40 (3) If the firearm is a handgun, a description of the handgun by make, model,  
41 and serial number.

1 (d) If the firearm is a handgun, the department shall enter a record of the  
2 handgun into the Automated Firearms System.

3 (e) If the department denies the application, and the firearm is an otherwise legal  
4 firearm, the department shall notify the applicant of the denial and provide a form  
5 for the applicant to use to sell or transfer the firearm to a licensed dealer. The  
6 applicant may contact the department to inquire about the reason for the denial.

7 **Comment.** Subdivision (a) of Section 33865 continues former Section 12021.3(d) without  
8 substantive change.

9 Subdivision (b) continues former Section 12021.3(e)(3) without substantive change.

10 Subdivision (c) continues former Section 12021.3(e)(1) without substantive change.

11 Subdivision (d) continues former Section 12021.3(e)(2) without substantive change.

12 Subdivision (e) continues former Section 12021.3(f) without substantive change.

13 A return or transfer of a firearm pursuant to this chapter is exempt from the requirement of  
14 using a dealer for a firearms transaction. See Sections 27390, 33895. A return or transfer of a  
15 firearm pursuant to this chapter is also exempt from the license requirement for firearms  
16 transactions. See Section 26590.

17 See Sections 16520 (“firearm”), 16640 (“handgun”), 26700 (“dealer,” “licensee,” or “person  
18 licensed pursuant to Sections 26700 to 26915, inclusive”).

19 **§ 33870. Lost or stolen firearm, or firearm belonging to person prohibited from possessing**  
20 **any firearm**

21 33870. (a) If a law enforcement agency determines that the applicant is the legal  
22 owner of any firearm deposited with the agency, that the applicant is prohibited  
23 from possessing any firearm, and that the firearm is an otherwise legal firearm, the  
24 applicant shall be entitled to sell or transfer the firearm to a licensed dealer.

25 (b) If the firearm has been lost or stolen, the firearm shall be restored to the  
26 lawful owner pursuant to Section 11108.5 upon the owner’s identification of the  
27 firearm, proof of ownership, and proof of eligibility to possess a firearm pursuant  
28 to Section 33865.

29 (c) Nothing in this section shall prevent the local law enforcement agency from  
30 charging the rightful owner of the firearm the fees described in Section 33880.

31 **Comment.** Subdivision (a) of Section 33870 continues former Section 12021.3(i)(1) without  
32 substantive change.

33 Subdivision (b) continues the first paragraph of former Section 12021.3(i)(2) without  
34 substantive change.

35 Subdivision (c) continues the second paragraph of former Section 12021.3(i)(2) without  
36 substantive change.

37 A return or transfer of a firearm pursuant to this chapter is exempt from the requirement of  
38 using a dealer for a firearms transaction. See Sections 27390, 33895. A return or transfer of a  
39 firearm pursuant to this chapter is also exempt from the license requirement for firearms  
40 transactions. See Section 26590.

41 See Sections 16520 (“firearm”), 26700 (“dealer,” “licensee,” or “person licensed pursuant to  
42 Sections 26700 to 26915, inclusive”).

43 **§ 33875. Unclaimed firearm**

44 33875. Notwithstanding any other provision of law, no law enforcement agency  
45 or court shall be required to retain a firearm for more than 180 days after the  
46 owner of the firearm has been notified by the court or law enforcement agency that

1 the firearm has been made available for return. An unclaimed firearm may be  
2 disposed of after the 180-day period has expired.

3 **Comment.** Section 33875 continues former Section 12021.3(g) without substantive change.  
4 See Section 16520 (“firearm”).

5 **§ 33880. Charge for administrative costs relating to seizure, impounding, storage, or release**  
6 **of firearms**

7 33880. (a) A city, county, or city and county, or a state agency may adopt a  
8 regulation, ordinance, or resolution imposing a charge equal to its administrative  
9 costs relating to the seizure, impounding, storage, or release of a firearm.

10 (b) The fee under subdivision (a) shall not exceed the actual costs incurred for  
11 the expenses directly related to taking possession of a firearm, storing the firearm,  
12 and surrendering possession of the firearm to a licensed firearms dealer or to the  
13 owner.

14 (c) The administrative costs described in subdivisions (a) and (b) may be waived  
15 by the local or state agency upon verifiable proof that the firearm was reported  
16 stolen at the time the firearm came into the custody or control of the law  
17 enforcement agency.

18 (d) The following apply to any charges imposed for administrative costs  
19 pursuant to this section:

20 (1) The charges shall only be imposed on the person claiming title to the  
21 firearm.

22 (2) Any charges shall be collected by the local or state authority only from the  
23 person claiming title to the firearm.

24 (3) The charges shall be in addition to any other charges authorized or imposed  
25 pursuant to this code.

26 (4) No charge may be imposed for any hearing or appeal relating to the removal,  
27 impound, storage, or release of a firearm, unless that hearing or appeal was  
28 requested in writing by the legal owner of the firearm. In addition, the charge may  
29 be imposed only upon the person requesting that hearing or appeal.

30 (e) No costs for any hearing or appeal related to the release of a firearm shall be  
31 charged to the legal owner who redeems the firearm, unless the legal owner  
32 voluntarily requests the post-storage hearing or appeal. No city, county, city and  
33 county, or state agency shall require a legal owner to request a post-storage  
34 hearing as a requirement for release of the firearm to the legal owner.

35 **Comment.** Section 33880 continues former Section 12021.3(j) without substantive change.  
36 See Section 16520 (“firearm”).

37 **§ 33885. Attorney’s fees**

38 33885. In a proceeding for the return of a firearm seized and not returned  
39 pursuant to this chapter, where the defendant or cross-defendant is a law  
40 enforcement agency, the court shall award reasonable attorney’s fees to the  
41 prevailing party.

42 **Comment.** Section 33885 continues former Section 12021.3(k) without substantive change.

1 See Section 16520 (“firearm”).

2 **§ 33890. Retention of personal information by Department of Justice**

3 33890. Notwithstanding Section 11106, the Department of Justice may retain  
4 personal information about an applicant in connection with a claim under this  
5 chapter for a firearm that is not a handgun, to allow for law enforcement  
6 confirmation of compliance with this chapter. The information retained may  
7 include personal identifying information regarding the individual applying for the  
8 clearance, but may not include information that identifies any particular firearm  
9 that is not a handgun.

10 **Comment.** Section 33890 continues former Section 12021.3(h) without substantive change.  
11 See Sections 16520 (“firearm”), 16640 (“handgun”).

12 **§ 33895. Exception to requirement of using dealer for firearms transaction**

13 33895. Section 27545 does not apply to deliveries, transfers, or returns of  
14 firearms made pursuant to this chapter.

15 **Comment.** Section 33895 continues former Section 12021.3(i)(4) without substantive change.  
16 See Section 16520 (“firearm”).

17 CHAPTER 3. FIREARMS THAT ARE UNCLAIMED, ABANDONED, OR  
18 SUBJECT TO DESTRUCTION

19 **§ 34000. Unclaimed firearm or firearm no longer needed as exhibit in criminal case**

20 34000. (a) Notwithstanding any provision of law or of any local ordinance to the  
21 contrary, when any firearm is in the possession of any officer of the state, or of a  
22 county, city, or city and county, or of any campus of the University of California  
23 or the California State University, and the firearm is an exhibit filed in any  
24 criminal action or proceeding which is no longer needed or is unclaimed or  
25 abandoned property, which has been in the possession of the officer for at least  
26 180 days, the firearm shall be sold, or destroyed, as provided for in Sections 18000  
27 and 18005.

28 (b) This section does not apply to any firearm in the possession of the  
29 Department of Fish and Game, or which was used in the violation of any provision  
30 in the Fish and Game Code, or any regulation under that code.

31 **Comment.** Section 34000 continues former Section 12032 without substantive change.

32 For guidance on whether a firearm can be considered unclaimed, see Section 33875 (unclaimed  
33 firearm). For a notification requirement relating to destruction of a firearm pursuant to Sections  
34 18000 and 18005, see Section 34010 (notification of Department of Justice).

35 See Section 16520 (“firearm”).

36 **§ 34005. Permissible uses of firearm in custody, otherwise subject to destruction**

37 34005. (a)(1) An officer having custody of any firearm that may be useful to the  
38 California National Guard, the Coast Guard Auxiliary, or to any military or naval  
39 agency of the federal or state government, including, but not limited to, the

1 California National Guard military museum and resource center, may, upon the  
2 authority of the legislative body of the city, city and county, or county by which  
3 the officer is employed and the approval of the Adjutant General, deliver the  
4 firearm to the commanding officer of a unit of the California National Guard, the  
5 Coast Guard Auxiliary, or any other military agency of the state or federal  
6 government, in lieu of destruction as required by any of the provisions listed in  
7 Section 16580.

8 (2) The officer delivering a firearm pursuant to this subdivision shall take a  
9 receipt for it, which contains a complete description of the firearm, and shall keep  
10 the receipt on file in his or her office as a public record.

11 (b) Any law enforcement agency that has custody of any firearms, or any parts  
12 of any firearms, which are subject to destruction as required by any of the  
13 provisions listed in Section 16580, may, in lieu of destroying the weapons, retain  
14 and use any of them as may be useful in carrying out the official duties of the  
15 agency. Alternatively, upon approval of a court, the agency may do either of the  
16 following:

17 (1) Release the weapons to any other law enforcement agency for use in  
18 carrying out the official duties of that agency.

19 (2) Turn over to the criminalistics laboratory of the Department of Justice or the  
20 criminalistics laboratory of a police department, sheriff's office, or district  
21 attorney's office, any weapons that may be useful in carrying out the official  
22 duties of the respective agencies.

23 (c)(1) Any firearm, or part of any firearm, which, rather than being destroyed, is  
24 used for official purposes pursuant to this section, shall be destroyed by the agency  
25 using the weapon when it is no longer needed by the agency for use in carrying out  
26 its official duties.

27 (2) Firearms or weaponry donated to the California National Guard military  
28 museum and resource center may be disposed of pursuant to Section 179 of the  
29 Military and Veterans Code.

30 (d)(1) Any law enforcement agency that has custody of any firearms, or any  
31 parts of any firearms, which are subject to destruction as required by any of the  
32 provisions listed in Section 16580, may, in lieu of destroying the firearms, obtain  
33 an order from the superior court directing the release of the firearms to the sheriff.

34 (2) The sheriff shall enter those weapons into the Automated Firearms System  
35 (AFS), via the California Law Enforcement Telecommunications System, with a  
36 complete description of each weapon, including the make, type, category, caliber,  
37 and serial number of the firearms, and the name of the academy receiving the  
38 weapon entered into the AFS miscellaneous field.

39 (3) The sheriff shall then release the firearms to the basic training academy  
40 certified by the Commission on Peace Officer Standards and Training, so that the  
41 firearms may be used for instructional purposes in the certified courses. All  
42 firearms released to an academy shall be under the care, custody, and control of  
43 the particular academy.

1 (4) Any firearm, or part of any firearm, which is not destroyed, and is used for  
2 the purposes authorized by this section, shall be returned to the law enforcement  
3 agency that had original custody of the firearm when it is no longer needed by the  
4 basic training academy, or when the basic training academy is no longer certified  
5 by the commission.

6 (5) When those firearms are returned, the law enforcement agency to which the  
7 firearms are returned, shall on the date of the return, enter into the Automated  
8 Firearms System (AFS), via the California Law Enforcement Telecommunications  
9 System, a complete description of each weapon, including the make, type,  
10 category, caliber, and serial number of the firearms, and the name of the entity  
11 returning the firearm.

12 **Comment.** Subdivision (a) of Section 34005 continues former Section 12030(a) without  
13 substantive change.

14 Subdivision (b) continues former Section 12030(b) without substantive change.

15 Subdivision (c) continues former Section 12030(c) without substantive change.

16 Subdivision (d) continues the first, second, third, and fifth sentences of the first paragraph of  
17 former Section 12030(d) without substantive change. Subdivision (d) also continues the second  
18 paragraph of former Section 12030(d) without substantive change.

19 For a notice requirement relating to retention of a firearm pursuant to this section, see Section  
20 34010 (notification of Department of Justice).

21 For rules relating to return or transfer of a firearm that is in the custody or control of a court or  
22 law enforcement agency, see Sections 33850-33895. For other provisions on disposal of a firearm  
23 in custody, see Sections 18005 (disposal of weapons constituting nuisance), 18010 (treatment of  
24 other weapons constituting nuisance), 18250-18500 (seizure of firearm or other deadly weapon at  
25 scene of domestic violence), 29300 (firearm of any nature constitutes nuisance under specified  
26 circumstances), 34000 (unclaimed firearm or firearm no longer needed as exhibit in criminal  
27 case).

28 See Section 16520 (“firearm”).

#### 29 **§ 34010. Notification of Department of Justice**

30 34010. Any law enforcement agency that retains custody of any firearm  
31 pursuant to Section 34005, or that destroys a firearm pursuant to Sections 18000  
32 and 18005, shall notify the Department of Justice of the retention or destruction.  
33 This notification shall consist of a complete description of each firearm, including  
34 the name of the manufacturer or brand name, model, caliber, and serial number.

35 **Comment.** Section 34010 continues former Section 12030(e) without substantive change.

36 See Section 16520 (“firearm”).

DIVISION 12. MISCELLANEOUS DUTIES OF THE  
DEPARTMENT OF JUSTICE

CHAPTER 1. MISCELLANEOUS REPORTS AND PUBLICATIONS

**§ 34200. Annual report by Attorney General on firearm use in crimes**

34200. The Attorney General shall provide the Legislature on or before April 15 of each year, commencing in 1998, a written report on the specific types of firearms used in the commission of crimes based upon information obtained from state and local crime laboratories. The report shall include all of the following information regarding crimes in which firearms were used:

(a) A description of the relative occurrence of firearms most frequently used in the commission of violent crimes, distinguishing whether the firearms used were handguns, rifles, shotguns, assault weapons, or other related types of weapons.

(b) A description of specific types of firearms that are used in homicides or street gang and drug trafficking crimes.

(c) The frequency with which stolen firearms were used in the commission of the crimes.

(d) The frequency with which fully automatic firearms were used in the commission of the crimes.

(e) Any trends of importance such as those involving specialized ammunition or firearms modifications, such as conversion to a fully automatic weapon, removal of serial number, shortening of barrel, or use of a suppressor.

**Comment.** Section 34200 continues former Section 12039 without substantive change.

See Sections 16520 (“firearm”), 16640 (“handgun”), 17090 (“rifle”), 17190 (“shotgun”), 30510 (“assault weapon”), 30515 (further clarification of “assault weapon”).

**§ 34205. Pamphlet summarizing California firearms laws**

34205. (a) The Department of Justice shall prepare a pamphlet that summarizes California firearms laws as they pertain to persons other than law enforcement officers or members of the armed services.

(b) The pamphlet shall include the following matters:

(1) Lawful possession.

(2) Licensing procedures.

(3) Transportation and use of firearms.

(4) Acquisition of hunting licenses.

(5) The safe handling and use of firearms.

(6) Various methods of safe storage and child proofing of firearms.

(7) The availability of firearms safety programs and devices.

(8) The responsibilities of firearms ownership.

(9) The operation of various types of firearms.

(10) The lawful use of deadly force.



1 (c) The department shall offer copies of the pamphlet at actual cost to firearms  
2 dealers licensed pursuant to Sections 26700 to 26915, inclusive, who shall have  
3 copies of the most current version available for sale to retail purchasers or  
4 transferees of firearms. The cost of the pamphlet, if any, may be added to the sale  
5 price of the firearm. Other interested parties may purchase copies directly from the  
6 Department of General Services.

7 (d) The pamphlet shall declare that it is merely intended to provide a general  
8 summary of laws applicable to firearms and is not designed to provide individual  
9 guidance for specific areas. Individuals having specific questions shall be directed  
10 to contact their local law enforcement agency or private counsel.

11 (e) The Department of Justice or any other public entity shall be immune from  
12 any liability arising from the drafting, publication, or dissemination of the  
13 pamphlet or any reliance upon it. All receipts from the sale of these pamphlets  
14 shall be deposited as reimbursements to the support appropriation for the  
15 Department of Justice.

16 **Comment.** Section 34205 continues former Section 12080 without substantive change.

17 See Sections 16520 (“firearm”), 26700 (“dealer,” “licensee,” or “person licensed pursuant to  
18 Sections 26700 to 26915, inclusive”).

19 CHAPTER 2. BALLISTICS IDENTIFICATION SYSTEM

20 § 34350. Study of ballistics identification systems

21 34350. (a) The Attorney General shall conduct a study to evaluate ballistics  
22 identification systems to determine the feasibility and potential benefits to law  
23 enforcement of utilizing a statewide ballistics identification system capable of  
24 maintaining a database of ballistic images and information from test fired and sold  
25 firearms. The study shall include an evaluation of ballistics identification systems  
26 currently used by state and federal law enforcement agencies and the firearms  
27 industry. The Attorney General shall consult with law enforcement agencies,  
28 firearms industry representatives, private technology providers, and other  
29 appropriate parties in conducting the study.

30 (b) In evaluating ballistics identification systems to determine the feasibility of  
31 utilizing a statewide system as required pursuant to subdivision (a), the Attorney  
32 General shall consider, at a minimum, the following:

33 (1) The development of methods by which firearm manufacturers, importers,  
34 and dealers may potentially capture ballistic images from firearms prior to sale in  
35 California and forward that information to the Attorney General.

36 (2) The development of methods by which the Attorney General will receive,  
37 store, and make available to law enforcement ballistic images submitted by  
38 firearm manufacturers, importers, and dealers prior to sale in California.

39 (3) The potential financial costs to the Attorney General of implementing and  
40 operating a statewide ballistics identification system, including the process for  
41 receipt of information from firearm manufacturers, importers, and dealers.

1 (4) The capability of a ballistics identification system maintaining a database of  
2 ballistic images and information from test fired firearms for all firearms sold in  
3 California.

4 (5) The compatibility of a ballistics identification system with ballistics  
5 identification systems that are currently used by law enforcement agencies in  
6 California.

7 (6) A method to ensure that state and local law enforcement agencies can  
8 forward ballistic identification information to the Attorney General for inclusion in  
9 a statewide ballistics identification system.

10 (7) The feasibility and potential benefits to law enforcement of requiring firearm  
11 manufacturers, importers, and dealers to provide the Attorney General with  
12 ballistic images from any, or a selected number of, test fired firearms prior to the  
13 sale of those firearms in California.

14 (c) The Attorney General shall submit a report to the Legislature with the results  
15 of the study not later than June 1, 2001. In the event the report includes a  
16 determination that a ballistics identification system and database is feasible and  
17 would benefit law enforcement, the report shall also recommend a strategy for  
18 implementation.

19 **Comment.** Section 34350 continues former Section 12072.5(b)-(d) without substantive  
20 change.

21 For other provisions relating to identification of firearms, see Sections 23900-23925  
22 (obliteration of identification marks), 31910(b)(7) (identification of serial number of pistol or  
23 other firearm from spent cartridge casings).

24 See Sections 16230 (“ballistics identification system”), 16520 (“firearm”), 26700 (“dealer,”  
25 “licensee,” or “person licensed pursuant to Sections 26700 to 26915, inclusive”).

26 **§ 34355. Exception for sale, delivery, or transfer to authorized law enforcement**  
27 **representative of city, county, city and county, or state or federal government**

28 34355. (a) Section 34350 does not apply to any sale, delivery, or transfer of  
29 firearms made to an authorized law enforcement representative of any city,  
30 county, city and county, or state, or of the federal government, for exclusive use  
31 by that governmental agency if, prior to the sale, delivery, or transfer of these  
32 firearms, written authorization from the head of the agency authorizing the  
33 transaction is presented to the person from whom the purchase, delivery, or  
34 transfer is being made.

35 (b) Proper written authorization is defined as verifiable written certification from  
36 the head of the agency by which the purchaser or transferee is employed,  
37 identifying the employee as an individual authorized to conduct the transaction,  
38 and authorizing the transaction for the exclusive use of the agency by which that  
39 person is employed.

40 (c) Within 10 days of the date a handgun is acquired by the agency, a record of  
41 the same shall be entered as an institutional weapon into the Automated Firearms  
42 System (AFS) via the California Law Enforcement Telecommunications System  
43 (CLETS) by the law enforcement or state agency. Any agency without access to

1 AFS shall arrange with the sheriff of the county in which the agency is located to  
2 input this information via this system.

3 **Comment.** Section 34355 continues former Section 12078(a)(2) without substantive change, as  
4 that provision applied to former Section 12072.5.

5 For other exceptions relating to law enforcement, see Sections 34360 (exception for loan of  
6 firearm to peace officer employee for use in performing official duties), 34365 (exception for  
7 sale, delivery, or transfer by law enforcement agency to peace officer pursuant to Public Contract  
8 Code), 34370 (exception for sale, delivery, or transfer by law enforcement agency to retiring  
9 peace officer authorized to carry concealed and loaded firearm).

10 See Sections 16520 (“firearm”), 16640 (“handgun”).

11 **§ 34360. Exception for loan of firearm to peace officer employee for use in performing**  
12 **official duties**

13 34360. Section 34350 does not apply to the loan of a firearm if all of the  
14 following conditions are satisfied:

15 (a) The loan is made by an authorized law enforcement representative of a city,  
16 county, or city and county, or of the state or federal government.

17 (b) The loan is made to a peace officer employed by that agency and authorized  
18 to carry a firearm.

19 (c) The loan is made for the carrying and use of that firearm by that peace  
20 officer in the course and scope of the officer’s duties.

21 **Comment.** Section 34360 continues former Section 12078(a)(3) without substantive change, as  
22 that provision applied to former Section 12072.5.

23 For other exceptions relating to law enforcement, see Sections 34355 (exception for sale,  
24 delivery, or transfer to authorized law enforcement representative of city, county, city and county,  
25 or state or federal government), 34365 (exception for sale, delivery, or transfer by law  
26 enforcement agency to peace officer pursuant to Public Contract Code), 34370 (exception for  
27 sale, delivery, or transfer by law enforcement agency to retiring peace officer authorized to carry  
28 concealed and loaded firearm).

29 See Section 16520 (“firearm”).

30 **§ 34365. Exception for sale, delivery, or transfer by law enforcement agency to peace officer**  
31 **pursuant to Public Contract Code**

32 34365. (a) Section 34350 does not apply to the sale, delivery, or transfer of a  
33 firearm by a law enforcement agency to a peace officer pursuant to Section 10334  
34 of the Public Contract Code.

35 (b) Within 10 days of the date that a handgun is sold, delivered, or transferred  
36 pursuant to Section 10334 of the Public Contract Code to that peace officer, the  
37 name of the officer and the make, model, serial number, and other identifying  
38 characteristics of the firearm being sold, delivered, or transferred shall be entered  
39 into the Automated Firearms System (AFS) via the California Law Enforcement  
40 Telecommunications System (CLETS) by the law enforcement or state agency that  
41 sold, delivered, or transferred the firearm. Any agency without access to AFS shall  
42 arrange with the sheriff of the county in which the agency is located to input this  
43 information via this system.

44 **Comment.** Section 34365 continues former Section 12078(a)(4) without substantive change, as  
45 that provision applied to former Section 12072.5.

1 For other exceptions relating to law enforcement, see Sections 34355 (exception for sale,  
2 delivery, or transfer to authorized law enforcement representative of city, county, city and county,  
3 or state or federal government), 34360 (exception for loan of firearm to peace officer employee  
4 for use in performing official duties), 34370 (exception for sale, delivery, or transfer by law  
5 enforcement agency to retiring peace officer authorized to carry concealed and loaded firearm).

6 See Sections 16520 (“firearm”), 16640 (“handgun”).

7 **§ 34370. Exception for sale, delivery, or transfer by law enforcement agency to retiring**  
8 **peace officer authorized to carry concealed and loaded firearm**

9 34370. (a) Section 34350 does not apply to the sale, delivery, or transfer of a  
10 firearm by a law enforcement agency to a retiring peace officer who is authorized  
11 to carry a firearm pursuant to Chapter 5 (commencing with Section 26300) of  
12 Division 5.

13 (b) Within 10 days of the date that a handgun is sold, delivered, or transferred to  
14 that retiring peace officer, the name of the officer and the make, model, serial  
15 number, and other identifying characteristics of the firearm being sold, delivered,  
16 or transferred shall be entered into the Automated Firearms System (AFS) via the  
17 California Law Enforcement Telecommunications System (CLETS) by the law  
18 enforcement or state agency that sold, delivered, or transferred the firearm. Any  
19 agency without access to AFS shall arrange with the sheriff of the county in which  
20 the agency is located to input this information via this system.

21 **Comment.** Section 34370 continues former Section 12078(a)(5) without substantive change, as  
22 that provision applied to former Section 12072.5.

23 For other exceptions relating to law enforcement, see Sections 34355 (exception for sale,  
24 delivery, or transfer to authorized law enforcement representative of city, county, city and county,  
25 or state or federal government), 34360 (exception for loan of firearm to peace officer employee  
26 for use in performing official duties), 34365 (exception for sale, delivery, or transfer by law  
27 enforcement agency to peace officer pursuant to Public Contract Code).

28 See Sections 16520 (“firearm”), 16640 (“handgun”).

29 **UNCODIFIED**

30 **Law Revision Commission studies**

31 **SEC. 7.** The California Law Revision Commission is authorized to study and to  
32 make recommendations to the Legislature and the Governor regarding the minor  
33 clean-up issues identified in the report prepared by that commission pursuant to  
34 Resolution Chapter 128 of the Statutes of 2006.

35 **Operative date**

36 **SEC. 8.** Section 7 of this act becomes operative on January 1, 2013. The  
37 remainder of this act becomes operative on January 1, 2014.

## DISPOSITION OF EXISTING LAW

**Note.** This table shows the proposed disposition of Penal Code Section 653k and Title 2 of Part 4 of the Penal Code (Penal Code Sections 12000-12809), as the law existed on January 1, 2009. Unless otherwise indicated, all proposed dispositions are to the Penal Code.

<b>Existing Provision</b>	<b>Corresponding New Provision</b>
653k, 1st ¶	21510
653k, 2d ¶	17235
653k, 3d ¶	16965
12000	23500
12001(a)(1)	16530(a)
12001(a)(2)	16640(a)
12001(b)	12001, 16520(a)
12001(c)	16520(b)
12001(d)	16520(c)
12001(e) (all except def. of “antique firearm”)	16520(d)
12001(e) (def. of “antique firearm”)	16170(b)
12001(f) (re “firearm capable of being concealed upon the person,” “pistol,” & “revolver”)	16530(b)
12001(f) (re “handgun”)	16640(b)
12001(g)	16250
12001(h)	17340
12001(i)	16190
12001(j)	16840(a)
12001(k)	23510
12001(l)	17800
12001(m)	23520
12001(n)	17000(a)
12001(o)	17000(b)
12001(p)	16240
12001(q)	16670
12001(r)	16630
12001(s)	16410
12001.1(a), 1st sent.	20810(a)
12001.1(a), 2d sent.	17290
12001.1(b)	20810(b)
12001.1(c)	20815
12001.1(d)	20820
12001.5	33210
12001.6	23515
12002(a) (re equip, authorized for enforcement of law or ordinance in city or county)	17515
12002(a) (other aspects)	22295(a)

12002(b)-(g) . . . . .	22295(b)-(g)
12003 . . . . .	12003, 23505
12010 . . . . .	30000
12011 . . . . .	30005
12012 . . . . .	30010
12020(a)(1) (re air gauge knife) . . . . .	20310
12020(a)(1) (re flechette dart) . . . . .	30210
12020(a)(1) (re ballistic knife) . . . . .	21110
12020(a)(1) (re belt buckle knife) . . . . .	20410
12020(a)(1) (re bullet with explosive agent) . . . . .	30210
12020(a)(1) (re camouflaging firearm container) . . . . .	24310
12020(a)(1) (re cane gun) . . . . .	24410
12020(a)(1) (re cane sword) . . . . .	20510
12020(a)(1) (re firearm not immediately recognizable as firearm) . . . . .	24510
12020(a)(1) (re leaded cane) . . . . .	22210
12020(a)(1) (re lipstick case knife) . . . . .	20610
12020(a)(1) (re metal knuckles) . . . . .	21810
12020(a)(1) (re certain metal handgrenades) . . . . .	19200(a)
12020(a)(1) (re multiburst trigger activator) . . . . .	32900
12020(a)(1) (re nunchaku) . . . . .	22010
12020(a)(1) (re shobi-zue) . . . . .	20710
12020(a)(1) (re short-barreled rifle or short-barreled shotgun) . . . . .	33215
12020(a)(1) (re shuriken) . . . . .	22410
12020(a)(1) (re unconventional pistol) . . . . .	31500
12020(a)(1) (re undetectable firearm) . . . . .	24610
12020(a)(1) (re wallet gun) . . . . .	24710
12020(a)(1) (re writing pen knife) . . . . .	20910
12020(a)(1) (re zip gun) . . . . .	33600
12020(a)(1) (re billy, blackjack, sandbag, sandclub, sap, or slungshot) . . . . .	22210
12020(a)(2) . . . . .	32310
12020(a)(3) . . . . .	19100
12020(a)(4), 1st ¶ . . . . .	21310
12020(a)(4), 2d ¶, 1st sent. . . . .	19200(b)
12020(a)(4), 2d ¶, 2d sent. . . . .	16460(b)
12020(b)(1) . . . . .	33220
12020(b)(2) . . . . .	33225
12020(b)(3) . . . . .	22015(a)
12020(b)(4) . . . . .	22015(b)
12020(b)(5), 1st sent. . . . .	17700
12020(b)(5), 2d sent. . . . .	16170(c)
12020(b)(6) . . . . .	30215
12020(b)(7) . . . . .	17705
12020(b)(8) . . . . .	17710

12020(b)(9) . . . . .	17715
12020(b)(10) . . . . .	17720
12020(b)(11) . . . . .	17725
12020(b)(12) . . . . .	17730(a)-(b)
12020(b)(13) . . . . .	17730(c)
12020(b)(14) . . . . .	22215
12020(b)(15) . . . . .	19205
12020(b)(16) . . . . .	17735
12020(b)(17) . . . . .	17740
12020(b)(18) . . . . .	17745
12020(b)(19) . . . . .	32400
12020(b)(20) . . . . .	32405
12020(b)(21) . . . . .	32410
12020(b)(22) . . . . .	32415
12020(b)(23) . . . . .	32420
12020(b)(24) . . . . .	32425(a)
12020(b)(25) . . . . .	32425(b)
12020(b)(26) . . . . .	32430
12020(b)(27) . . . . .	32435(a)
12020(b)(28) . . . . .	32435(b)
12020(b)(29) . . . . .	32435(c)
12020(b)(30) . . . . .	32440
12020(b)(31) . . . . .	32445
12020(b)(32) . . . . .	32450
12020(c)(1) . . . . .	17180
12020(c)(2) . . . . .	17170
12020(c)(3) . . . . .	16940
12020(c)(4) . . . . .	17330
12020(c)(5) . . . . .	16330
12020(c)(6) . . . . .	16570
12020(c)(7) . . . . .	16920
12020(c)(8) . . . . .	16220
12020(c)(9) . . . . .	16320
12020(c)(10) . . . . .	17360
12020(c)(11) . . . . .	17200
12020(c)(12) . . . . .	17270
12020(c)(13) . . . . .	16260
12020(c)(14) . . . . .	16830
12020(c)(15) . . . . .	16340
12020(c)(16) . . . . .	17160
12020(c)(17) . . . . .	16760
12020(c)(18) . . . . .	16140
12020(c)(19) . . . . .	17350

12020(c)(20) . . . . .	17090
12020(c)(21) . . . . .	17190
12020(c)(22)(A)-(B) . . . . .	17280
12020(c)(22)(C) (def. of “firearm”) . . . . .	16520(f)
12020(c)(22)(C) (def. of “major component”) . . . . .	17280(b)
12020(c)(22)(C), 1st ¶ (def. of “Security Exemplar”) . . . . .	17125
12020(c)(22)(C), 2d ¶ . . . . .	24680
12020(c)(23) . . . . .	16930
12020(c)(24) . . . . .	16470
12020(c)(25) . . . . .	16740
12020(d) . . . . .	20200
12020.1, 1st sent. . . . .	21710
12020.1, 2d & 3d sent. . . . .	16680
12020.3 . . . . .	23800
12020.5 . . . . .	17505
12021(a) . . . . .	29800(a)
12021(b) . . . . .	29800(b)
12021(c)(1) . . . . .	29805
12021(c)(2) . . . . .	29855
12021(c)(3) . . . . .	29860
12021(c)(4) . . . . .	29865
12021(d)(1), 1st sent. . . . .	29815(a)
12021(d)(1), 2d & 3d sent. . . . .	29815(b)
12021(d)(2) . . . . .	29810
12021(e), 1st sent. . . . .	29820(a)-(b)
12021(e), 2d sent. . . . .	29820(c)
12021(e), 3d & 4th sent. . . . .	29820(d)
12021(f) . . . . .	29800(c)
12021(g)(1) . . . . .	29825(a)
12021(g)(2) . . . . .	29825(b)
12021(g)(3) . . . . .	29825(d)
12021(g)(4) . . . . .	29825(c)
12021(h) . . . . .	29850
12021(i) . . . . .	29875
12021.1(a) . . . . .	29900(a)
12021.1(b) . . . . .	29905
12021.1(c) . . . . .	29900(b)
12021.1(d) . . . . .	29900(c)
12021.3(a) . . . . .	33850
12021.3(b) . . . . .	33855
12021.3(c) . . . . .	33860
12021.3(d) . . . . .	33865(a)
12021.3(e)(1) . . . . .	33865(c)



12021.3(e)(2) .....	33865(d)
12021.3(e)(3) .....	33865(b)
12021.3(f) .....	33865(e)
12021.3(g) .....	33875
12021.3(h) .....	33890
12021.3(i)(1) .....	33870(a)
12021.3(i)(2), 1st ¶ .....	33870(b)
12021.3(i)(2), 2d ¶ .....	33870(c)
12021.3(i)(3) .....	26590
12021.3(i)(4) .....	33895
12021.3(j) .....	33880
12021.3(k) .....	33885
12021.5-12022.95 (sentence enhancements) .....	left in place
12023 .....	25800
12024 .....	17500
12025(a) .....	25400(a)
12025(b) .....	25400(c)
12025(c) .....	25400(f)
12025(d) .....	25400(d)
12025(e) .....	25400(e)
12025(f) .....	25400(b)
12025(g) .....	16750(a)
12025(h) .....	Not continued (repealed 1/1/05)
12025.5 .....	25600
12026 .....	25605
12026.1(a), intro. cl. ....	25610(a)
12026.1(a)(1), except last phrase .....	25610(a)
12026.1(a)(1), last phrase .....	16850
12026.1(a)(2) .....	25610(a)
12026.1(b) .....	25610(b)
12026.1(c) .....	16850
12026.2(a)(1) .....	25510(a)
12026.2(a)(2) .....	25515
12026.2(a)(3) .....	25520
12026.2(a)(4) .....	25525(a)
12026.2(a)(5) .....	25530
12026.2(a)(6) .....	25525(b)
12026.2(a)(7) .....	25535(a)
12026.2(a)(8) .....	25510(b)
12026.2(a)(9) .....	25540
12026.2(a)(10) .....	25545
12026.2(a)(11) .....	25550
12026.2(a)(12) .....	25555

12026.2(a)(13) .....	25560
12026.2(a)(14) .....	25535(b)
12026.2(a)(15) .....	25565
12026.2(a)(16) .....	25570(a)
12026.2(a)(17) .....	25575
12026.2(a)(18) .....	25570(b)
12026.2(a)(19) .....	25580
12026.2(a)(20) .....	25585
12026.2(b) .....	25505
12026.2(c) .....	25500
12026.2(d) .....	16850
12027(a)(1)(A), 1st sent. ....	25450
12027(a)(1)(A), 2d sent. ....	25455(a)
12027(a)(1)(A), 3d sent. ....	25455(b)
12027(a)(1)(A), 4th & 5th sent. ....	16690
12027(a)(1)(B) .....	25455(c)
12027(a)(1)(C) .....	25460(a)-(b)
12027(a)(1)(D) .....	25460(c)
12027(a)(1)(E) .....	16360
12027(a)(2), 1st sent. ....	25465
12027(a)(2), 2d sent. ....	25455(d)
12027(a)(2), 3d sent. ....	25470(a)
12027(a)(2), 4th sent. ....	25470(b)
12027(a)(3) .....	25475
12027(b) .....	25615
12027(c) .....	25620
12027(d) .....	25625
12027(e) .....	25630
12027(f) .....	25635
12027(g) .....	25640
12027(h) .....	25645
12027(i) .....	25650
12027(j) .....	25655
12027.1(a)(1)(A)(i) .....	26300(b)
12027.1(a)(1)(A)(ii) .....	26300(a)
12027.1(a)(1)(A)(iii) .....	26300(c)
12027.1(a)(1)(B) .....	26305(c)
12027.1(a)(2) .....	26305(b)
12027.1(b)(1) .....	26305(c)
12027.1(b)(2) .....	26315
12027.1(b)(3) .....	26310
12027.1(c) .....	26325
12027.1(d) .....	26320

12027.1(e) . . . . .	26305(a)
12028(a) (re concealed explosive other than fixed ammunition) . . . . .	19190
12028(a) (re concealed dirk or dagger) . . . . .	21390
12028(a) (re unlawful concealed carrying of handgun) . . . . .	25700(a)
12028(a) (re switchblade knife) . . . . .	21590
12028(b)(1), 1st sent. . . . .	29300(a)
12028(b)(1), 2d sent. . . . .	18000(c), 29300(b)
12028(b)(2) . . . . .	29300(c)
12028(c), 1st sent. . . . .	18000(a)
12028(c), 2d sent. . . . .	18000(b)
12028(c), 3d sent. . . . .	18005(a)
12028(c), 4th sent. . . . .	18005(b)
12028(d) . . . . .	18005(c)
12028(e) (re unlawful concealed carrying of handgun as nuisance) . . . . .	25700(b)
12028(e) (re firearm of any nature constituting nuisance in specified circumstances) . . . . .	29300(d)
12028(f) . . . . .	18005(d)
12028.5(a)(1) . . . . .	16120
12028.5(a)(2) . . . . .	16490
12028.5(a)(3) . . . . .	16430
12028.5(b), 1st sent. . . . .	18250
12028.5(b), 2d sent. . . . .	18255(a)
12028.5(b), 3d sent. . . . .	18255(b)
12028.5(b), 4th sent. . . . .	18255(c)
12028.5(b), 5th sent. . . . .	18265(a)
12028.5(b), 6th sent. . . . .	18265(b)
12028.5(b), 7th sent. . . . .	18265(c)
12028.5(c) . . . . .	18260
12028.5(d) . . . . .	18270
12028.5(e) . . . . .	18275
12028.5(f) . . . . .	18400
12028.5(g) . . . . .	18405
12028.5(h) . . . . .	18410
12028.5(i) . . . . .	18415
12028.5(j) . . . . .	18420
12028.5(k) . . . . .	18500
12028.7 . . . . .	33800
12029, 1st sent., 1st-2d cl. (re air gauge knife, through catchall provision) . . . . .	20390
12029, 1st sent., 1st-2d cl. (re ballistic knife, through catchall provision) . . . . .	21190
12029, 1st sent., 1st-2d cl. (re belt buckle knife, through catchall provision) . . . . .	20490
12029, 1st sent., 1st-2d cl. (re blackjack, slungshot, billy, sandclub & sandbag) . . . . .	22290
12029, 1st sent., 1st-2d cl. (re bullet with explosive agent, through catchall provision) . . . . .	30290
12029, 1st sent., 1st-2d cl. (re camouflaging firearm container, through catchall) . . . . .	24390
12029, 1st sent., 1st-2d cl. (re cane gun, through catchall provision) . . . . .	24490

12029, 1st sent., 1st-2d cl. (re cane sword, through catchall provision) . . . . .	20590
12029, 1st sent., 1st-2d cl. (re firearm not immediately recognizable as such, through catchall provision) . . . . .	24590
12029, 1st sent., 1st-2d cl. (re flechette dart ammunition, through catchall provision) . . . . .	30290
12029, 1st sent., 1st-2d cl. (re large capacity magazine, through catchall provision) . . . . .	32390
12029, 1st sent., 1st-2d cl. (re leaded cane, through catchall provision) . . . . .	22290
12029, 1st sent., 1st-2d cl. (re lipstick case knife, through catchall provision) . . . . .	20690
12029, 1st sent., 1st-2d cl. (re metal knuckles) . . . . .	21890
12029, 1st sent., 1st-2d cl. (re certain metal handgrenades, through catchall provision) . . . . .	19290
12029, 1st sent., 1st-2d cl. (re multiburst trigger activator, through catchall provision) . . . . .	32990
12029, 1st sent., 1st-2d cl. (re nunchaku) . . . . .	22090
12029, 1st sent., 1st-2d cl. (re sap, through catchall provision) . . . . .	22290
12029, 1st sent., 1st-2d cl. (re shobi-zue, through catchall provision) . . . . .	20790
12029, 1st sent., 1st-2d cl. (re short-barreled rifle or short-barreled shotgun) . . . . .	33290
12029, 1st sent., 1st-2d cl. (re shuriken) . . . . .	22490
12029, 1st sent., 1st-2d cl. (re unconventional pistol, through catchall provision) . . . . .	31590
12029, 1st sent., 1st-2d cl. (re undetectable firearm, through catchall provision) . . . . .	24690
12029, 1st sent., 1st-2d cl. (re wallet gun, through catchall provision) . . . . .	24790
12029, 1st sent., 1st-2d cl. (re writing pen knife, through catchall provision) . . . . .	20990
12029, 1st sent., 1st-2d cl. (re zip gun, through catchall provision) . . . . .	33690
12029, 1st sent., last cl. . . . .	18010(a)
12029, 2d sent. . . . .	18010(b)
12029, 3d sent. . . . .	18010(c)
12030(a) . . . . .	34005(a)
12030(b) . . . . .	34005(b)
12030(c) . . . . .	34005(c)
12030(d), 1st ¶, 1st -3d sent. . . . .	34005(d)
12030(d), 1st ¶, 4th sent. . . . .	16520(e)
12030(d), 1st ¶, 5th sent. . . . .	34005(d)
12030(d), 2d ¶ . . . . .	34005(d)
12030(e) . . . . .	34010
12031(a)(1) . . . . .	25850(a)
12031(a)(2) . . . . .	25850(c)
12031(a)(3) . . . . .	16750(b)
12031(a)(4) . . . . .	25850(f)
12031(a)(5)(A) . . . . .	25850(g)
12031(a)(5)(B) . . . . .	25850(h)
12031(a)(6) . . . . .	25850(d)
12031(a)(7) . . . . .	25850(e)
12031(b)(1), 1st ¶, 1st sent. . . . .	25900
12031(b)(1), 1st ¶, 2d sent. . . . .	25905(a)
12031(b)(1), 1st ¶, 3d sent. . . . .	25905(b)
12031(b)(1), 2d ¶ . . . . .	25905(c)

12031(b)(1), 3d ¶	25910
12031(b)(2), 1st sent.	25915
12031(b)(2), 2d sent.	25905(d)
12031(b)(2), 3d sent.	25920(a)
12031(b)(2), 4th sent.	25920(b)
12031(b)(3)	25925
12031(b)(4)	26000
12031(b)(5)	26005
12031(b)(6)	26010
12031(b)(7)	26015
12031(b)(8)	26020
12031(c)	26025
12031(d), intro. ¶, 1st sent.	26030(a), intro. cl.
12031(d), intro. ¶, 2d sent.	26030(c)
12031(d)(1)	26030(a)(1)
12031(d)(2)	26030(a)(2)-(3)
12031(d)(3) (re licensed private investigators)	26030(a)(4)
12031(d)(3) (re licensed private patrol operators)	26030(a)(6)
12031(d)(3) (re licensed alarm company operators)	26030(a)(8)
12031(d)(4)	26030(a)(9)
12031(d)(5), 1st sent.	26030(a)(10)
12031(d)(5), 2d sent.	26030(b)
12031(d)(6) (re uniformed employees of licensed private investigators)	26030(a)(5)
12031(d)(6) (re uniformed employees of licensed private patrol operators)	26030(a)(7)
12031(e)	25850(b)
12031(f)	17030
12031(g)	16840(b)
12031(h)	26035
12031(i)	26040
12031(j)(1), 1st sent.	26045(a)
12031(j)(1), 2d sent.	26045(c)
12031(j)(2)	26045(b)
12031(k)	26050
12031(l)	26055
12031(m)	Not continued (became inoperative 1/1/05)
12031.1	26060
12032	34000
12033	26030(d)
12034	26100
12035(a)(1)	16860
12035(a)(2)	16840(b)
12035(a)(3)	25000
12035(a)(4)	16600

12035(a)(5) . . . . .	16850
12035(b)(1) . . . . .	25100(a)
12035(b)(2) . . . . .	25100(b)
12035(c) . . . . .	25105
12035(d) . . . . .	25110
12035(e) . . . . .	25115
12035(f) . . . . .	25120
12035(g) . . . . .	25125
12035(h) . . . . .	25130
12036(a)(1) . . . . .	16860
12036(a)(2) . . . . .	25000
12036(a)(3) . . . . .	25200(d)
12036(a)(4) . . . . .	16850
12036(b) . . . . .	25200(a)
12036(c) . . . . .	25200(b)
12036(d) . . . . .	25200(d)
12036(e) . . . . .	25205
12036(f) . . . . .	25210
12036(g) . . . . .	25215
12036(h) . . . . .	25220
12036(i) . . . . .	25225
12039 . . . . .	34200
12040 . . . . .	25300
12050(a)(1)(A) . . . . .	26150
12050(a)(1)(B) . . . . .	26155(a)-(b)
12050(a)(1)(C) . . . . .	26170
12050(a)(1)(D) . . . . .	26150
12050(a)(1)(E) . . . . .	26165
12050(a)(2)(A)(i) . . . . .	26220(a)
12050(a)(2)(A)(ii) . . . . .	26220(b)
12050(a)(2)(B) . . . . .	26220(e)
12050(a)(2)(C) . . . . .	26220(c)
12050(a)(2)(D) . . . . .	26220(d)
12050(a)(3) . . . . .	17020
12050(b) . . . . .	26200(a)
12050(c) . . . . .	26200(b)
12050(d) . . . . .	26195(a)
12050(e) . . . . .	26195(b)
12050(f)(1) . . . . .	26215(a)
12050(f)(2) . . . . .	26210(a)
12050(f)(3) . . . . .	26215(b)
12050(f)(4)(A) . . . . .	26210(b)
12050(f)(4)(B) . . . . .	26210(c)

12050(f)(4)(C).....	26210(d)
12050(f)(5).....	26215(c)
12050(f)(6).....	26215(d)
12050(g).....	26155(c)
12050.2.....	26160
12051(a)(1), 1st sent. ....	26175(c)
12051(a)(1), 2d sent. ....	26175(d)
12051(a)(1), 3d-4th sent. ....	26175(i)
12051(a)(2).....	26175(e)
12051(a)(3)(A), 1st-3d sent. ....	26175(a)
12051(a)(3)(A), 4th sent. ....	26175(b)
12051(a)(3)(B).....	26175(f)
12051(a)(3)(C).....	26175(g)
12051(a)(3)(D).....	26175(h)
12051(b).....	26180(a)
12051(c).....	26180(b)
12052.....	26185
12052.5.....	26205
12053.....	26225
12054(a), 1st ¶, 1st-3d sent. ....	26190(a)
12054(a), 1st ¶, 4th-6th sent. ....	26190(b)
12054(a), 2d ¶, 1st sent. ....	26190(c)
12054(a), 2d ¶, 2d sent. ....	26190(d)
12054(b).....	26190(e)
12054(c).....	26190(f)
12054(d).....	26190(g)
12070(a).....	26500
12070(b)(1).....	26505
12070(b)(2).....	26510
12070(b)(3).....	26515
12070(b)(4).....	26520
12070(b)(5), 1st ¶.....	26525(a)
12070(b)(5), 2d ¶.....	16620
12070(b)(5), 3d ¶.....	26525(b)
12070(b)(5), 4th ¶.....	17310
12070(b)(6).....	26530
12070(b)(7).....	26535
12070(b)(8).....	26540
12070(b)(9).....	26545
12070(b)(10).....	26550
12070(b)(11).....	26555
12070(b)(12).....	26560
12070(b)(13).....	26565

12070(b)(14) . . . . .	26570
12070(b)(15) . . . . .	26575
12070(b)(16) . . . . .	26580
12070(b)(17) . . . . .	26585
12070(c)(1)(A), 1st sent. . . . .	16730(a)
12070(c)(1)(A), 2d sent. . . . .	16730(c)
12070(c)(1)(B) . . . . .	16730(a)
12070(c)(2) . . . . .	16960
12071(a)(1) . . . . .	26700
12071(a)(2) . . . . .	26705(a)
12071(a)(3) . . . . .	26705(b)
12071(a)(4) . . . . .	26710(a)-(c)
12071(a)(5) . . . . .	26710(d)
12071(a)(6) . . . . .	26705(c)
12071(a)(7) . . . . .	26705(d)
12071(b), intro. cl. . . . .	26800
12071(b)(1) . . . . .	26805
12071(b)(2) . . . . .	26810
12071(b)(3) . . . . .	26815
12071(b)(4) . . . . .	26820
12071(b)(5) . . . . .	26825
12071(b)(6) . . . . .	26830
12071(b)(7) . . . . .	26835
12071(b)(8)(A) . . . . .	26840(a)
12071(b)(8)(B) . . . . .	26840(b)
12071(b)(8)(C) . . . . .	26845
12071(b)(8)(D) . . . . .	26850(a)-(b), 26853, 26856, 26859
12071(b)(8)(E) . . . . .	26850(c)
12071(b)(8)(F) . . . . .	26850(d)
12071(b)(8)(G) . . . . .	26850(e)
12071(b)(8)(H) . . . . .	26850(f)
12071(b)(8)(I) . . . . .	26850(g)
12071(b)(8)(J) . . . . .	26850(h)
12071(b)(9) . . . . .	26865
12071(b)(10) . . . . .	26870
12071(b)(11) . . . . .	26875
12071(b)(12) . . . . .	26880
12071(b)(13) . . . . .	26885
12071(b)(14) . . . . .	26890(a)
12071(b)(15) . . . . .	26890(b)
12071(b)(16) . . . . .	26895
12071(b)(17) . . . . .	26900(a)
12071(b)(18) . . . . .	26905



12071(b)(19) . . . . .	26910
12071(b)(20)(A) . . . . .	26915(a)
12071(b)(20)(B) . . . . .	26915(b)
12071(b)(20)(C) . . . . .	26915(c)
12071(b)(20)(D) . . . . .	26915(d)
12071(b)(20)(E) . . . . .	26915(e)
12071(b)(20)(F) . . . . .	26915(f)
12071(b)(20)(G)(i) . . . . .	16130
12071(b)(20)(G)(ii) . . . . .	26915(g)
12071(c)(1) . . . . .	16400
12071(c)(2) . . . . .	17110
12071(c)(3) . . . . .	16810
12071(c)(4)(A) . . . . .	16550
12071(c)(4)(B) . . . . .	26900(b)
12071(d) . . . . .	26890(c)
12071(e)(1), 1st sent. . . . .	26715(a)
12071(e)(1), 2d sent. . . . .	26715(b)(1)
12071(e)(1), 3d sent. . . . .	26715(b)(3)
12071(e)(2) . . . . .	26715(b)(2)
12071(e)(3) . . . . .	26715(c)
12071(e)(4) . . . . .	26715(d)
12071(f) . . . . .	26720
12071(g) . . . . .	26725
12071(h) . . . . .	26890(d)
12071.1(a), 1st sent. . . . .	27200(a)
12071.1(a), 2d sent. (incl. (1)-(3)) . . . . .	27200(b)
12071.1(b) . . . . .	27200(c)
12071.1(c) . . . . .	16800
12071.1(d) . . . . .	27200(d)-(e)
12071.1(e)(1) . . . . .	27245(a)
12071.1(e)(2) . . . . .	27245(b)
12071.1(e)(3) . . . . .	27245(c)
12071.1(f), 1st ¶ . . . . .	27205(a)
12071.1(f), 2d ¶ . . . . .	27205(b)
12071.1(f), 3d ¶ . . . . .	27205(c)
12071.1(g) . . . . .	27205(d)
12071.1(h) . . . . .	27210(a)
12071.1(i), 1st sent. . . . .	27210(b)
12071.1(i), 2d sent. . . . .	27210(c)
12071.1(i), 3d sent. . . . .	27210(d)
12071.1(i), 4th sent. . . . .	27210(e)
12071.1(j) . . . . .	27215
12071.1(k), 1st sent. . . . .	27220(a)

12071.1(k), 2d sent. . . . .	27220(b)
12071.1(l) . . . . .	27225
12071.1(m) . . . . .	27230
12071.1(n) . . . . .	27235
12071.1(o) . . . . .	27240(a)
12071.1(p) . . . . .	27240(b)
12071.1(q) . . . . .	27200(f)
12071.4(a) . . . . .	27300
12071.4(b) . . . . .	27305
12071.4(c) . . . . .	27310
12071.4(d) . . . . .	27315
12071.4(e) . . . . .	27320
12071.4(f) . . . . .	27325
12071.4(g) . . . . .	27330
12071.4(h) . . . . .	27335
12071.4(i) . . . . .	27340(a)
12071.4(j) . . . . .	27340(b)
12071.4(k) . . . . .	27345
12071.4(l) . . . . .	27350
12072(a)(1) . . . . .	27500(a)
12072(a)(2) . . . . .	27500(b)
12072(a)(3)(A) . . . . .	27505(a)
12072(a)(3)(B) . . . . .	27505(b)
12072(a)(4) . . . . .	27515
12072(a)(5) . . . . .	27520
12072(a)(6) . . . . .	27525(a)
12072(a)(7) . . . . .	27525(b)
12072(a)(8) . . . . .	27530
12072(a)(9) . . . . .	27535
12072(b) . . . . .	27510
12072(c) . . . . .	27540
12072(d) . . . . .	27545
12072(e) . . . . .	27550
12072(f)(1) . . . . .	27555
12072(f)(2) . . . . .	27560
12072(f)(3) . . . . .	27565
12072(f)(4) . . . . .	27570
12072(g) . . . . .	27590
12072.5(a) . . . . .	16230
12072.5(b)-(d) . . . . .	34350
12073 . . . . .	28100
12074 . . . . .	28105
12075 . . . . .	28110

12076(a) . . . . .	28205
12076(b)(1), 1st & 2d sent. . . . .	28210(a)
12076(b)(1), 3d sent. . . . .	28210(b), 28250
12076(b)(2) . . . . .	28210(c)
12076(b)(3) . . . . .	28210(d)
12076(b)(4) . . . . .	28210(e)
12076(b)(5) . . . . .	28210(f)
12076(c)(1), 1st & 2d sent. . . . .	28215(a)
12076(c)(1), 3d sent. . . . .	28215(b), 28250
12076(c)(2) . . . . .	28215(d)
12076(c)(3) . . . . .	28215(c)
12076(c)(4) . . . . .	28215(e)
12076(c)(5) . . . . .	28215(f)
12076(d) . . . . .	28220
12076(e) . . . . .	28225(a)-(c)
12076(f) . . . . .	28230
12076(g) . . . . .	28235
12076(h) . . . . .	28225(d)
12076(i) . . . . .	28240(a)-(b)
12076(j) . . . . .	28240(c)
12076(k) . . . . .	28245
12076(l) . . . . .	28200
12076.5 . . . . .	28300
12077(a) . . . . .	28155
12077(b) . . . . .	28160
12077(c) . . . . .	28165
12077(d) . . . . .	28170
12077(e) . . . . .	28175
12077(f) . . . . .	28180
12077(g) . . . . .	28150
12077.5 . . . . .	30105
12078(a)(1) (re § 12071 waiting period) . . . . .	26950
12078(a)(1) (re § 12072 waiting period) . . . . .	27650
12078(a)(2) (re § 12070) . . . . .	26600
12078(a)(2) (re § 12071) . . . . .	27050
12078(a)(2) (re § 12071.1 & 12071.4) . . . . .	27400
12078(a)(2) (re § 12072) . . . . .	27600
12078(a)(2) (re § 12072.5) . . . . .	34355
12078(a)(2) (re § 12073) . . . . .	28400
12078(a)(2) (re § 12074) . . . . .	28400
12078(a)(2) (re § 12075) . . . . .	28400
12078(a)(2) (re § 12076) . . . . .	28400
12078(a)(2) (re § 12076.5) . . . . .	28400

12078(a)(2) (re § 12077) .....	28400
12078(a)(2) (re § 12077.5) .....	30150
12078(a)(2) (re § 12801(b)) .....	31705
12078(a)(3) (re § 12070) .....	26605
12078(a)(3) (re § 12071) .....	27055
12078(a)(3) (re § 12071.1 & 12071.4) .....	27405
12078(a)(3) (re § 12072) .....	27605
12078(a)(3) (re § 12072.5) .....	34360
12078(a)(3) (re § 12073) .....	28405
12078(a)(3) (re § 12074) .....	28405
12078(a)(3) (re § 12075) .....	28405
12078(a)(3) (re § 12076) .....	28405
12078(a)(3) (re § 12076.5) .....	28405
12078(a)(3) (re § 12077) .....	28405
12078(a)(3) (re § 12077.5) .....	30155
12078(a)(3) (re § 12801(b)) .....	31710
12078(a)(4) (re § 12070) .....	26610
12078(a)(4) (re § 12071) .....	27060
12078(a)(4) (re § 12071.1 & 12071.4) .....	27410
12078(a)(4) (re § 12072) .....	27610
12078(a)(4) (re § 12072.5) .....	34365
12078(a)(4) (re § 12073) .....	28410
12078(a)(4) (re § 12074) .....	28410
12078(a)(4) (re § 12075) .....	28410
12078(a)(4) (re § 12076) .....	28410
12078(a)(4) (re § 12076.5) .....	28410
12078(a)(4) (re § 12077) .....	28410
12078(a)(4) (re § 12077.5) .....	30160
12078(a)(4) (re § 12801(b)) .....	31715
12078(a)(5) (re § 12070) .....	26615
12078(a)(5) (re § 12071) .....	27065
12078(a)(5) (re § 12071.1 & 12071.4) .....	27415
12078(a)(5) (re § 12072) .....	27615
12078(a)(5) (re § 12072.5) .....	34370
12078(a)(5) (re § 12073) .....	28415
12078(a)(5) (re § 12074) .....	28415
12078(a)(5) (re § 12075) .....	28415
12078(a)(5) (re § 12076) .....	28415
12078(a)(5) (re § 12076.5) .....	28415
12078(a)(5) (re § 12077) .....	28415
12078(a)(5) (re § 12077.5) .....	30165
12078(a)(5) (re § 12801(b)) .....	31720
12078(a)(6) (re § 12072(d)) .....	27850

12078(a)(6) (re § 12801(b))	31725
12078(a)(7) (re § 12072(d))	27855
12078(a)(7) (re § 12801(b))	31730
12078(a)(8) (re § 12072(d))	27860
12078(a)(8) (re § 12801(b))	31735
12078(b)(1) (re § 12071)	27100
12078(b)(1) (re § 12072(c))	27700
12078(b)(1) (re § 12072(d))	27865
12078(b)(1) (re § 12801(b))	31740
12078(b)(2)	31745
12078(c)(1)	27870
12078(c)(2)	27875
12078(c)(3)	16720
12078(d)(1)	27880
12078(d)(2) (re § 12072(d))	27885
12078(d)(2) (re § 12801(b))	31750
12078(e) (re § 12071)	27105
12078(e) (re § 12072(c))	27705
12078(e) (re § 12072(d))	27890
12078(e) (re § 12801(b))	31755
12078(f) (re § 12072(d))	27895
12078(f) (re § 12801(b))	31760
12078(g)(1), 1st ¶	27900
12078(g)(1), 2d ¶	16730(b)
12078(g)(2)	27905
12078(g)(3) (re § 12071 waiting period)	26955
12078(g)(3) (re § 12072 waiting period)	27655
12078(h) (re § 12072(d))	27910
12078(h) (re § 12801(b))	31765
12078(i)(1)	27915
12078(i)(2)	27920
12078(i)(3)	27925
12078(j) (re § 12072(d))	27930
12078(j) (re § 12801(b))	31770
12078(k)(1) (re § 12071)	27110
12078(k)(1) (re § 12072(c))	27710
12078(k)(1) (re § 12801(b))	31775
12078(k)(2) (re § 12071)	27115
12078(k)(2) (re § 12072(c))	27715
12078(k)(2) (re § 12801(b))	31780
12078(k)(3) (re § 12071)	27120
12078(k)(3) (re § 12072(c))	27720
12078(k)(3) (re § 12801(b))	31785

12078(k)(4) (re § 12071) . . . . .	27125
12078(k)(4) (re § 12072(c)) . . . . .	27725
12078(k)(4) (re § 12801(b)) . . . . .	31790
12078(k)(5) (re § 12071) . . . . .	27130
12078(k)(5) (re § 12072(c)) . . . . .	27730
12078(k)(5) (re § 12801(b)) . . . . .	31795
12078(k)(6) (re § 12071) . . . . .	27135
12078(k)(6) (re § 12072(c)) . . . . .	27735
12078(k)(6) (re § 12801(b)) . . . . .	31800
12078(l) . . . . .	28000
12078(m) (re § 12072(d)) . . . . .	27935
12078(m) (re § 12801(b)) . . . . .	31805
12078(n) (re § 12071 waiting period) . . . . .	26960
12078(n) (re § 12072 waiting period) . . . . .	27660
12078(o) (re § 12071) . . . . .	27140
12078(o) (re § 12072(c)) . . . . .	27740
12078(o) (re § 12072(d)) . . . . .	27940
12078(o) (re § 12072(f)(1)) . . . . .	27800
12078(p)(1) (re § 12072(a)(3)) . . . . .	27505(b)(4)
12078(p)(1) (re § 12072(d)) . . . . .	27945(c)
12078(p)(2) (re § 12072(a)(3)) . . . . .	27505(b)(6)
12078(p)(2) (re § 12072(d)) . . . . .	27945(e)
12078(p)(2) (re § 12801(b)) . . . . .	31810(b)
12078(p)(3) (re § 12072(a)(3)) . . . . .	27505(b)(5)
12078(p)(3) (re § 12072(d)) . . . . .	27945(d)
12078(p)(3) (re § 12801(b)) . . . . .	31810(a)
12078(p)(4) (re § 12072(a)(3)) . . . . .	27505(b)(2)
12078(p)(4) (re § 12072(d)) . . . . .	27945(a)
12078(p)(5) (re § 12072(a)(3)) . . . . .	27505(b)(3)
12078(p)(5) (re § 12072(d)) . . . . .	27945(b)
12078(p)(6)(A) . . . . .	27505(b)(1)
12078(p)(6)(B) (all except def. of “antique firearm”) . . . . .	27505(b)(1)
12078(p)(6)(B) (def. of “antique firearm”) . . . . .	16170(b)
12078(q) . . . . .	27950
12078(r) (re § 12071 waiting period) . . . . .	26965
12078(r) (re § 12072 waiting period) . . . . .	27665
12078(s)(1) (re § 12072(d)) . . . . .	27955
12078(s)(1) (re § 12801(b)) . . . . .	31815
12078(s)(2) (re § 12072(d)) . . . . .	27960
12078(s)(2) (re § 12072(f)(1)) . . . . .	27810
12078(s)(2) (re § 12801(b)) . . . . .	31820
12078(s)(3) (re § 12071(b)) . . . . .	27000
12078(s)(3) (re § 12072(c)) . . . . .	27745

12078(s)(3) (re § 12072(f)(1))	27805
12078(s)(3) (re § 12801(b))	31825
12078(s)(4) (re § 12071(b))	27005
12078(s)(4) (re § 12072(c))	27750
12078(s)(4) (re § 12072(f)(1))	27815
12078(s)(4) (re § 12801(b))	31830
12078(t)(1) (re § 12071 waiting period)	26970
12078(t)(1) (re § 12072 waiting period)	27670
12078(t)(2) (re § 12072(d))	27965
12078(t)(2) (re § 12072(f)(1))	27820
12078(u)(1)	16730(a)
12078(u)(2)	16990
12079(a)	32315
12079(b)	16740
12080	34205
12081(a), 1st sent.	29500
12081(a), 2d & 3d sent.	29515
12081(b)(1)	29505(a)
12081(b)(2)	29505(b)
12081(b)(3)	29520(a)
12081(b)(4)	29520(b)
12081(b)(5)	29520(c)
12081(b)(6)	29525
12081(c)	29510(a)
12081(d)	29535
12081(e)	29510(b)
12081(f)	29530
12082(a), 1st-6th sent.	28050
12082(a), 7th sent.	28055(a)-(b)
12082(a), 8th sent.	28055(d)
12082(a), 9th sent.	28055(c)
12082(b)	28060
12082(c)	28065
12082(d)	28070
12083(a) (except 2d sent. of ¶ (a)(3))	28450
12083(a) (2d sent. of ¶ (a)(3))	28455
12083(b)	28460
12083(c)	28465
12083(d)	28470
12083(e)	28475
12083(f)	28480
12083(g)	28485
12083(h)	28490

12085(a)-(d) . . . . .	29010
12085(e)(1) . . . . .	16520(b)
12085(e)(2) . . . . .	16520(g)
12085(e)(3) (all except def. of “antique firearm”) . . . . .	16520(d)
12085(e)(3) (def. of “antique firearm”) . . . . .	16170(b)
12086(a)(1) . . . . .	29030
12086(a)(2) . . . . .	16450
12086(b)(1), 1st sent. . . . .	29050(a)
12086(b)(1), 2d sent. . . . .	29050(d)
12086(b)(2) . . . . .	29050(b)
12086(b)(3) . . . . .	29055
12086(b)(4) . . . . .	29050(c)
12086(c), intro. cl. . . . .	29100
12086(c)(1) . . . . .	29105
12086(c)(2) . . . . .	29110
12086(c)(3) . . . . .	29115
12086(c)(4) . . . . .	29120
12086(c)(5) . . . . .	29125
12086(c)(6) . . . . .	29130
12086(c)(7) . . . . .	29135
12086(c)(8) . . . . .	29140
12086(c)(9) . . . . .	29145
12086(c)(10) . . . . .	29115
12086(d) . . . . .	29141
12086(e) . . . . .	29142
12086(f)(1) . . . . .	29060
12086(f)(2) . . . . .	29065(a)
12086(f)(3) . . . . .	29065(b)
12086(g)(1) . . . . .	29065(c)
12086(g)(2) . . . . .	29070(a)
12086(g)(3) . . . . .	29070(b)
12086(h) . . . . .	29075
12087 . . . . .	23620
12087.5 . . . . .	23625
12087.6(a) . . . . .	16540
12087.6(b) . . . . .	16610
12087.6(c) . . . . .	16870
12088 . . . . .	23655
12088.1(a) . . . . .	23635(a)
12088.1(b) . . . . .	23635(d)
12088.1(c) . . . . .	23635(e)
12088.1(d) . . . . .	23635(c)
12088.1(e) . . . . .	23635(b)



12088.15(a)	23660(a)
12088.15(b)	23660(b)
12088.15(c)	23665(a)
12088.15(d)	23665(b)
12088.15(e)	23670(a)
12088.15(f)	23670(b)
12088.2	23650
12088.3	23640
12088.4	23680
12088.5	23685
12088.6	23645
12088.7	23675
12088.8 (all except def. of “antique firearm”)	23630
12088.8 (def. of “antique firearm”)	16170(b)
12088.9	23690
12090	23900
12092	23910
12093	23915
12094(a)	23920
12094(b)	23925
12095	33300
12096	33305
12097	33310
12098	33315
12099	33320
12101(a)(1)	29610
12101(a)(2)	29615
12101(b)(1)	29650
12101(b)(2)	29655
12101(c)	29700
12101(d)	29705
12101(e)	17070
12101(f)	29750
12125	32000
12126, intro. cl. & (a)-(b)	31910
12126(c)	16380
12126(d)	16900
12126(e)	17140
12127	31905
12128	31900
12129	32005
12130	32010
12131(a)-(b)	32015

12131(c)-(f) .....	32020
12131(g) .....	32025
12131.5 .....	32030
12132(a)-(g) .....	32110(a)-(g)
12132(h) .....	32105
12132(i) .....	32110(h)
12132(j) .....	32110(i)
12132(k) .....	32110(j)
12132(l) .....	32110(k)
12133 .....	32100
12200 .....	16880
12201 .....	32610
12220 .....	32625
12230 .....	32650
12231 .....	32655
12232 .....	32660
12233 .....	32665
12234 .....	32670
12250, intro. cl. ....	32700, 32710, 32720
12250(a)(1)-(4) .....	32700
12250(b), 1st ¶ .....	32705
12250(b), 2d ¶ .....	32710
12250(b), 3d ¶ .....	32715
12251 .....	32750
12275 .....	30500
12275.5 .....	30505
12276, intro. cl & (a)-(d) .....	30510, intro. cl. & (a)-(d)
12276(e) .....	30510(f)
12276(f) .....	30510(e)
12276.1(a)-(c) .....	30515
12276.1(d)(1) .....	16890
12276.1(d)(2) .....	16350
12276.1(d)(3) .....	16170(a)
12276.1(e) .....	Not continued (obsolete & memorialized in § 30620(c))
12276.5 .....	30520
12277 .....	16970
12278(a) .....	30530(a)
12278(b) .....	30525
12278(c) .....	30530(b)
12278(d) .....	16170(a)
12280(a) .....	30600
12280(b) .....	30605
12280(c) .....	30610

12280(d) . . . . .	30615
12280(e) . . . . .	30625
12280(f)(1) . . . . .	30630(a)
12280(f)(2) . . . . .	30630(b)
12280(f)(3) . . . . .	30630(c)
12280(g) . . . . .	30635
12280(h) . . . . .	30645
12280(i) . . . . .	30655(a)
12280(j) . . . . .	30655(b)
12280(k) . . . . .	30660(a)-(b)
12280(l) . . . . .	30660(c)
12280(m) . . . . .	30665
12280(n) . . . . .	30675(a)
12280(o) . . . . .	30675(b)
12280(p) . . . . .	30675(c)
12280(q) . . . . .	30670(a)
12280(r) . . . . .	30670(b)
12280(s) . . . . .	30640
12280(t) . . . . .	30650
12280(u) . . . . .	30620
12281(a)-(d) . . . . .	30715
12281(e) . . . . .	30735(a)-(b)
12281(f)(1)-(3) . . . . .	30720
12281(f)(4) . . . . .	30735(c)
12281(g) . . . . .	30725(a)
12281(h) . . . . .	30730(a)
12281(i) . . . . .	30710
12281(j) . . . . .	30725(b)
12281(k) . . . . .	30730(b)
12282 . . . . .	30800
12285(a)(1) . . . . .	30900
12285(a)(2) . . . . .	30905
12285(b)(1), 1st sent. . . . .	30910
12285(b)(1), 2d & 3d sent. . . . .	30915, 30920
12285(b)(2) . . . . .	30925
12285(b)(3), 1st sent. . . . .	30930
12285(b)(3), 2d sent. . . . .	30935
12285(b)(4) . . . . .	30940
12285(c) . . . . .	30945
12285(d) . . . . .	30950
12285(e) . . . . .	30955
12285(f) . . . . .	30960(a)
12285(g) . . . . .	30965

12285(h) .....	30960(b)
12286 .....	31000
12287 .....	31005
12288 .....	31100
12288.5.....	31105
12289 .....	31110
12289.5.....	31115
12290(a) .....	31055
12290(b) .....	31050
12290(c) .....	16790
12301(a)(1)-(2) .....	16460(a)
12301(a)(3), 1st sent. ....	16460(a)
12301(a)(3), 2d sent. ....	16160
12301(a)(3), 3d sent. ....	16180
12301(a)(4)-(6) .....	16460(a)
12301(b) .....	16510
12302 .....	18800
12303 .....	18710
12303.1.....	18725
12303.2.....	18715
12303.3.....	18740
12303.6.....	18730
12304 .....	18735
12305(a) .....	18900(a)
12305(b) .....	18900(b)
12305(c) .....	18900(c)
12305(d) .....	18900(d)
12305(e) .....	18905
12305(f)-(g) .....	18910
12307 .....	19000
12308 .....	18745
12309 .....	18750
12310 .....	18755
12311 .....	18780
12312 .....	18720
12316(a)(1)(A) .....	30300(a)
12316(a)(1)(B), 1st sent. ....	30300(a)
12316(a)(1)(B), 2d sent. ....	16150(a)
12316(a)(1)(B), 3d sent. ....	30300(a)
12316(a)(2), 1st sent. ....	30300(b)
12316(a)(2), 2d sent. ....	16300
12316(b)(1).....	30305(a)
12316(b)(2).....	16150(b)

12316(b)(3) . . . . .	30305(b)
12316(c) . . . . .	30310
12316(d)(1) . . . . .	30305(c)
12316(d)(2)-(3) . . . . .	30305(d)
12320 . . . . .	30315
12321 . . . . .	30320
12322(a) . . . . .	30330
12322(b) . . . . .	30325
12323(a) . . . . .	16650
12323(b) . . . . .	16660
12323(c) . . . . .	16290
12323(d) . . . . .	17090
12324 . . . . .	30335
12325 . . . . .	30340
12355(a)-(b) . . . . .	20110
12355(c) . . . . .	16310
12360 . . . . .	31300
12361 . . . . .	31315
12362 . . . . .	31320
12363 . . . . .	31325
12364 . . . . .	31330
12365 . . . . .	31335
12366 . . . . .	31340
12367 . . . . .	31355
12368 . . . . .	31345
12369 . . . . .	31350
12370(a)-(d) . . . . .	31360
12370(e) . . . . .	17320
12401 . . . . .	17240
12402 . . . . .	17250
12403 . . . . .	22820
12403.1 . . . . .	22830
12403.5 . . . . .	22835
12403.7 . . . . .	22810
12403.8 . . . . .	22815
12403.9 . . . . .	22825
12404 . . . . .	22840
12420 . . . . .	22900
12421 . . . . .	22905
12422, 1st ¶ . . . . .	22910(a)
12422, 2d ¶ . . . . .	22910(b)
12423 . . . . .	23000
12424, 1st ¶- 3d ¶ . . . . .	23005

12424, 4th ¶	23010
12424.5	23015
12425	23020
12426	23025
12500	17210
12501	33415
12520	33410
12550(a)	16250
12550(b)	16520(a)
12550(c)	16700(a)
12551	19910
12552	19915
12553(a)	20150
12553(b)	20155
12554	20160
12555(a)-(b)	20165
12555(c)	16700(b)
12556(a)	20170(a)
12556(b)	20180(a)
12556(c)	20180(b)
12556(d)	20175
12556(e)	20170(b)
12556(f)	20180(c)
12580	16270
12581	16280
12582	20010
12583	20015
12590(a)(1)-(3)	17510(a)
12590(a)(4)	830.95(a)
12590(b) (re picketing in uniform of police office)	830.95(b)
12590(b) (re acts other than picketing in uniform of police office)	17510(b)
12590(c)	17510(c)-(d)
12600	19400
12601(a)-(b)	16780
12601(c)	16770
12650	17230
12651	22610
12652	22615
12653	22620
12654	22625
12655	19405
12800	31610
12801(a)(1)	16450

12801(a)(2) .....	16370
12801(b) (all except def. of “antique firearm”) .....	31615(a)
12801(b) (def. of “antique firearm”) .....	16170(b)
12801(c) .....	31615(b)
12801(d) .....	31615(c)
12802 .....	31620
12803 .....	31625
12804(a) .....	31630(a)
12804(b) .....	31630(b)
12804(c)(1), 1st sent. ....	31640(a)
12804(c)(1), 2d sent. ....	31640(b)
12804(c)(1), 3d sent. ....	31640(c)
12804(c)(2) .....	31640(b)
12804(d) .....	31635(a)
12804(e) .....	31640(e)
12804(f) .....	31630(c)
12804(g) .....	31655(a)
12804(h) .....	31665
12804(i) .....	31640(d)
12804(j) .....	31635(b)
12805(a) .....	31645(a)
12805(b) .....	31645(b)
12805(c) .....	31650(a)
12805(d) .....	31650(b)
12805(e) .....	31650(c)
12805(f) .....	31650(d)
12805(g) .....	31650(e)
12806(a) .....	31655(b)
12806(b) .....	31655(c)
12807 .....	31700
12808 .....	31660
12809 .....	31670