

California Department of Justice FIREARMS DIVISION Randy Rossi, Director		<h1 style="margin: 0;">INFORMATION BULLETIN</h1>	
Subject: NEW AND AMENDED FIREARMS/WEAPONS LAWS	No.: 2004-FD-07	For further information contact: <i>Firearms Division</i> (916) 263-4887	
	Date: 11/29/2004		

TO: ALL CALIFORNIA FIREARMS DEALERS AND MANUFACTURERS

This bulletin provides a brief summary of new and amended California firearms/weapons laws effective January 1, 2005. For more detailed language regarding these legislative changes, you may contact the California State Capitol Legislative Bill Room at (916) 445-2323 to obtain copies of the bills (order by statute year and chapter number) or you may access the full text of the bills via the Internet at <http://www.leginfo.ca.gov/>. Additional information regarding firearms laws, including the full text of the Dangerous Weapons Control Law, is available on the Internet at the Department of Justice (DOJ) Firearms Division web site at <http://www.ag.ca.gov/firearms>.

SB 231 (Stats. 2004, ch. 606) (Scott)

- ! Establishes the Entertainment Firearms Permit and allows any person who is at least 21 years of age to apply for this permit. The DOJ shall issue a permit only if records indicate that the applicant is not prohibited from possessing or receiving firearms. This permit is valid for one year, and exempts the holder from the DROS process when possessing/receiving a firearm for use solely as a prop in a motion picture, television, video, theatrical, or other entertainment production or event (PC § 12081).
- ! Changes the provisions that traditionally have exempted loans of firearms for video production or other entertainment events from firearms dealer transfer requirements. The exemption now applies only if the person loaning the firearm is not a federally licensed firearms dealer. If the person loaning the firearm is a federally licensed firearms dealer (including California-licensed firearms dealers) the party receiving the firearm must either have a federal firearms license or an Entertainment Firearms Permit (PC § 12078).
- ! Some weapons or items, such as assault weapons and machineguns, require a separate DOJ-issued dangerous weapon permit or license.

SB 1858 (Stats. 2004, ch. 607) (Dunn)

- ! Incorporates BB guns under the “imitation firearm” definition (PC § 12550).
- ! Provides that any person who alters an imitation firearm to make it appear more like a real firearm is guilty of a misdemeanor. This provision does not apply to manufacturers, importers, or distributors of imitation firearms, or to the lawful use of imitation firearms in theatrical productions (PC § 12553).
- ! Requires any imitation firearm manufactured after July 1, 2005 to have, at the time of offer for sale in this state, a conspicuous advisory in writing as part of the packaging, stating that

the product may be mistaken for a real firearm by law enforcement officers or others; that altering the coloration or markings required by law to make the product look more like a real firearm is dangerous and possibly illegal; and that brandishing or displaying the product in public may be a crime. Any manufacturer, importer, or distributor that fails to comply with the advisory requirement shall be liable for a civil action of not more than \$1,000 for the first action, \$5,000 for the second action, and \$10,000 for the third and each subsequent action (PC § 12554).

- ! Provides that with specified exceptions, any person who purchases, sells, manufactures, ships, transports, distributes, or receives by mail order or in any other manner an imitation firearm shall be liable for a civil action of not more than \$10,000 for each violation. For these purposes, “imitation firearm” does not include:
 - S Historically significant nonfiring collector’s replicas offered with a wall plaque or presentation case;
 - S BB devices; or
 - S Devices where the entire exterior surface of the device is white, bright red, bright orange, bright yellow, bright green, bright blue, bright pink, or bright purple, either singly or as the predominant color in combination with other colors in any pattern, as provided by federal regulations governing imitation firearms, or transparent or translucent as provided by federal regulations governing imitation firearms (PC § 12555).

- ! Provides that with specified exceptions, any person who openly displays or exposes an imitation firearm (including a BB device) in a public place is guilty of an infraction for a first or second offense and a misdemeanor for a third or subsequent offense (PC § 12556).

AB 50 (Stats. 2004, ch. 494) (Koretz)

- ! Requires a person who is in lawful possession of a .50 BMG rifle to register that rifle with the DOJ. The registration period commences on January 1, 2005 and expires on April 30, 2006. The DOJ is authorized to charge a \$25 registration fee. Any person who has previously registered his or her .50 BMG rifle as an assault weapon is not required to register that firearm again (PC § 12285).

- ! Defines .50 BMG rifle as any centerfire rifle that can fire a .50 BMG cartridge and that is not already an assault weapon or machinegun. This definition excludes federally defined curios, relics, and firearms manufactured prior to January 1, 1899 (PC § 12278).

- ! Expands current assault weapon provisions relative to inheritance, disposition, peace officer purchase, use, permits, etc., to include .50 BMG rifles (PC §§ 12280, 12285, 12286, 12287, 12288.5, 12290).

- ! Generally prohibits the manufacture, distribution, transportation, importation, keeping/offering for sale, giving, or lending of any .50 BMG rifle without a DOJ-issued permit. Violation of this prohibition is a felony (PC § 12280).

- ! Generally prohibits the possession of a .50 BMG rifle unless it is registered in the name of the possessor. A violation of this prohibition is a misdemeanor (PC § 12280).

- ! Requires the DOJ to conduct a public education and notification campaign that includes providing materials to dealers of .50 BMG rifles and recognized associations that specialize in .50 BMG rifles (PC § 12289).

AB 2431 (Stats. 2004, ch. 602) (Steinberg)

This bulletin provides a fairly brief description of this statute. The provisions of this statute are discussed in much greater detail in a separate bulletin.

- ! Provides that no law enforcement agency that has taken custody of a firearm may release the firearm to any person who has not cleared a DOJ firearms eligibility check. Any person who seeks the return of a firearm held by a court or law enforcement agency must provide the court or agency with a copy of a DOJ determination stating that he or she is eligible to possess firearms. The law enforcement agency is not required to hold a firearm for more than 180 days after it has been made available for return (PC §§ 12021.3, 12028, 12028.5).
- ! Provides a process whereby a person who owns a firearm that is in the custody of a court or law enforcement agency may apply with the DOJ for a determination that he or she is eligible to possess firearms. Once issued by the DOJ, a determination is valid for 30 days (PC § 12021.3).
- ! Provides that if an individual does not seek the return of a firearm, or if he or she fails to pass the DOJ background check, he or she is entitled to sell or transfer title of the firearm to a licensed firearms dealer, provided the firearm is otherwise lawful to possess. The court or law enforcement agency with custody of the firearm would transfer possession of the firearm to a firearms dealer specified by the individual (PC § 12021.3).
- ! Provides that a city and/or county may adopt a regulation, ordinance, or resolution imposing a charge equal to its administrative costs relating to the seizure, impounding, storage, or release of firearms (PC § 12021.3).

If you have any questions or require further assistance concerning this Information Bulletin, please contact the Firearms Division at (916) 263-4887.

Sincerely,



RANDY ROSSI, Director
Firearms Division

For BILL LOCKYER
Attorney General