

California Department of Justice
FIREARMS DIVISION
Randy Rossi, Director

INFORMATION BULLETIN

Subject:

NEW AND AMENDED FIREARMS LAWS

No.:

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Date: **11/27/2001**

For further information contact:

*Firearms Division
(916) 227-3703*

TO: ALL CALIFORNIA FIREARMS DEALERS AND MANUFACTURERS

Effective January 1, 2002, the California Penal Code (PC) will include new as well as revised weapons code sections. This bulletin provides a brief summary of these changes in law. For more detailed language, you may contact the California State Capitol Legislative Bill Room at (916) 445-2323 to obtain copies of these bills (order by statute year and chapter number) or you may access the full text of these 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://ag.ca.gov/firearms/>.

SB 9 (Stats. 2001, ch. 126) (Soto)

- ! Effective January 1, 2002, raises the age of persons who are considered "children" for purposes of criminal storage of a firearm from a person under 16 years of age to a person under 18 years of age. Provides that a person who is guilty of criminal storage of a firearm shall be guilty of an additional misdemeanor and subject to a \$5,000 fine if the child took the firearm to a school or specified school-sponsored activity (PC §§ 12035, 12036).
- ! Effective January 1, 2002, makes changes to two of the warnings required to be posted by firearms dealers pursuant to Penal Code sections 12071(b)(7)(A) and 12071(b)(7)(B). The revised warnings, which must be in block letters of not less than one (1) inch, are as follows:

IF YOU KEEP A LOADED FIREARM WITHIN ANY PREMISES UNDER YOUR CUSTODY OR CONTROL, AND A PERSON UNDER 18 YEARS OF AGE OBTAINS IT AND USES IT, RESULTING IN INJURY OR DEATH, OR CARRIES IT TO A PUBLIC PLACE, YOU MAY BE GUILTY OF A MISDEMEANOR OR A FELONY UNLESS YOU STORED THE FIREARM IN A LOCKED CONTAINER OR LOCKED THE FIREARM WITH A LOCKING DEVICE, TO KEEP IT FROM TEMPORARILY FUNCTIONING.

IF YOU KEEP A PISTOL, REVOLVER, OR OTHER FIREARM CAPABLE OF BEING CONCEALED UPON THE PERSON, WITHIN ANY PREMISES UNDER YOUR CUSTODY OR CONTROL, AND A PERSON UNDER 18 YEARS OF AGE GAINS ACCESS TO THE FIREARM, AND CARRIES IT OFF-PREMISES, YOU MAY BE GUILTY OF A MISDEMEANOR, UNLESS YOU STORED THE FIREARM IN A LOCKED CONTAINER, OR LOCKED THE FIREARM WITH A LOCKING DEVICE, TO KEEP IT FROM TEMPORARILY FUNCTIONING.

- ! Effective January 1, 2002, revises PC section 12071(b)(7)(C) to require firearms dealers to post the following new sign in block letters of not less than one (1) inch (Note: Due to bill chaptering rules, the operative warning language is from SB 950, ch. 944, Stats. 2001):

IF YOU KEEP ANY FIREARM WITHIN ANY PREMISES UNDER YOUR CUSTODY OR CONTROL, AND A PERSON UNDER 18 YEARS OF AGE GAINS ACCESS TO THE FIREARM, AND CARRIES IT OFF-PREMISES TO A SCHOOL OR SCHOOL-SPONSORED EVENT, YOU MAY BE GUILTY OF A MISDEMEANOR, INCLUDING A FINE OF UP TO FIVE THOUSAND DOLLARS (\$5,000), UNLESS YOU STORED THE FIREARM IN A LOCKED CONTAINER, OR LOCKED THE FIREARM WITH A LOCKING DEVICE.

SB 52 (Stats. 2001, ch. 942) (Scott)

- ! Commencing January 1, 2002, adds a \$5 safety and enforcement fee to the existing \$14 Dealers Record of Sale fee and \$1 firearm safety fee, for a total consumer DOJ fee of \$20 per firearm transaction. Multiple handgun transactions to a single individual are subject to a \$20 fee for the first handgun and a \$16 fee for each additional handgun. Firearms dealers must post this new fee along with the other required governmental fees (PC § 12076.5).
- ! Effective January 1, 2003, replaces the Basic Firearm Safety Certificate (BFSC) Program with the Handgun Safety Certificate (HSC) Program. To obtain an HSC, an applicant must be at least 18 years of age and pass a written test administered by a DOJ-certified instructor. The DOJ is required to produce HSC instructional materials in English and in Spanish. Once an HSC is issued by a DOJ-certified instructor, it is valid for five years. Test applicants will be subject to a DOJ fee of \$15 and a instructor service fee of up to \$10, for a total HSC fee not to exceed \$25. Prior to January 1, 2003, the maximum BFSC fee is \$20 (PC §§12800-12808).
- ! Effective January 1, 2003, provides that no firearms dealer may deliver a handgun unless the recipient has a valid HSC or is exempt (pursuant to PC section 12807) from the HSC requirement. The firearms dealer is required to retain a photocopy of the handgun recipient's HSC as proof of compliance. Any firearms dealer who fails to comply may be removed from the Centralized List of Firearms Dealers and punished by imprisonment in a county jail not exceeding one year or in state prison, or by a fine not to exceed one thousand dollars (\$1,000). With specified exceptions, any loan of a handgun requires that the recipient has a valid HSC. Failure to comply is a misdemeanor (PC §§ 12072(c)(5)(B)).
- ! Effective January 1, 2003, provides that no firearms dealer may deliver a handgun without first requiring the recipient of that handgun to correctly and properly perform a safe handling demonstration with that handgun. The firearms dealer is required to retain an affidavit signed by himself/herself and the handgun recipient as proof of compliance. Failure to comply may result in removal of the firearms dealer from the Centralized List of Firearms Dealers. Persons who are exempt from the HSC requirement are also exempt from the safety handling demonstration requirements (PC § 12071(b)(8)).

- ! Effective January 1, 2003, requires each person taking delivery of a firearm from a firearms dealer to provide his/her right thumbprint on the Dealers Record of Sale form (PC § 12077).
- ! Effective January 1, 2003, requires each firearms dealer delivering a handgun to obtain proof of residency from the handgun recipient. Satisfactory proof of residency may include a utility bill from within the three months prior to the delivery, a residential lease, a property deed, military permanent duty station orders indicating assignment within this state, or other evidence of residency as permitted by the DOJ. The firearms dealer is required to retain the residency documentation as proof of compliance. Failure to comply may result in removal of the firearms dealer from the Centralized List of Firearms Dealers (PC § 12071(b)(8)(C)).
- ! Effective January 1, 2003, requires all firearms dealers to report all Dealers Record of Sale transactions electronically via computer. Telephone reporting will no longer be an option. The DOJ will provide necessary equipment to firearms dealers for electronic reporting. The firearm recipient's identification number, name, and date of birth will be obtained by running the recipient's identification card or driver's license through a magnetic strip reader. Exceptions will be made for military identification cards (PC § 12077).
- ! Most of the provisions of this statute will become effective on January 1, 2003. Prior to that date, the DOJ will conduct statewide training and distribute a separate Information Bulletin regarding this particular statute to provide more detailed information and to address related procedural issues.

SB 294 (Stats. 2001, ch. 138) (Scott)

- ! Increases the annual DOJ Centralized List fee for firearms dealers from \$85 to \$115 commencing January 1, 2002. These monies will be used to increase the frequency of firearms dealer inspections from once every five years to approximately once every two years (PC § 12071).

SB 626 (Stats. 2001, ch. 937) (Perata)

- ! Effective January 1, 2002, clarifies that large-capacity magazines may be manufactured for authorized purposes. Also clarifies that properly permitted persons may acquire large-capacity magazines for specified purposes, including export, resale to government agencies, and as props for movie, television, or video productions (PC § 12020).
- ! Effective January 1, 2002, excludes from the definition of "large-capacity magazine," tubular magazines contained in lever-action firearms. This change removes prohibitions against manufacturing, importing, selling, giving, lending, etc., many "old-west" style lever-action rifles (PC § 12020).
- ! Effective January 1, 2002, allows specified law enforcement officers with the authorization of their employing agencies to retain and personally possess assault weapons that they have possessed or owned prior to January 1, 2002, provided they register those firearms as assault

weapons with the DOJ on or before April 1, 2002. Also allows specified law enforcement officers with the authorization of their employing agencies to acquire assault weapons, providing they register them as assault weapons with the DOJ within 90 days of the date of acquisition. To sell assault weapons to law enforcement officers, the seller must possess a DOJ permit that specifically authorizes such sales. Firearms dealers interested in obtaining such permits will be required to submit a standard DOJ Assault Weapon Permit application and pay the \$288 application fee. Because the dangerous weapons permit application process can take several months, firearms dealers may also seek a Temporary Assault Weapon Permit in order to attain a provisional sales authorization via submission of a written request for a temporary permit with their standard Assault Weapon Permit application package. Approved Temporary Assault Weapon Permits will be issued approximately two weeks after the completed application is received by the DOJ. For details regarding the application process and to obtain an application, contact the Firearms Division Licensing and Permit Unit at (916) 227-3694 (PC § 12280).

SB 950 (Stats. 2001, ch. 944) (Brulte)

- ! Requires the DOJ to develop and implement the “Armed Prohibited Persons File,” to identify persons who have assault weapons or other firearms on or after January 1, 1991, as indicated by the DOJ Automated Firearms System, and who fall within a class that is prohibited from possessing firearms. The information in this database will be accessible solely by specified law enforcement agencies (PC §§ 12010-12012).
- ! Effective January 1, 2002, requires any firearms dealer notified by the DOJ that a person may not own or possess a firearm to provide him/her with a DOJ prohibition notice and transfer form. The notice shall state that the person is prohibited from owning or possessing a firearm, and that he/she may obtain from the DOJ the reason for prohibition. The notice shall include a form to facilitate the transfer of any firearms that the prohibited person owns or possesses. The DOJ will provide the required notices and forms to firearms dealers (PC § 12021).
- ! Effective January 1, 2002, requires any court imposing a sentence that renders a defendant ineligible to own or possess a firearm to provide that defendant with a DOJ notice informing him/her of such prohibition. The notice shall include a form to facilitate the transfer of any firearms that the defendant owns or possesses. The DOJ will provide the required notices and forms to the courts (PC § 12071).
- ! The DOJ will distribute a separate Information Bulletin regarding this particular statute to provide more detailed information and to address related procedural issues.

AB 106 (Stats. 1999, ch. 246) (Scott/Aroner) (1999 bill - Included due to Provisions Operative 1/1/2002)

- ! Commencing January 1, 2002, requires all firearms sold, transferred, or manufactured in California to include a firearm safety device approved by the Attorney General. Specified transactions (including antique firearms, law enforcement firearms, and transactions involving

a prior purchase of an approved safety device or qualifying gun safe) are exempt from this requirement. The DOJ has certified laboratories to test firearms safety devices for compliance with DOJ standards. The DOJ maintains a roster that lists all of the tested safety devices that comply with DOJ standards for sale in this state. Interested parties may request a copy of the roster from the DOJ or access it on the DOJ website at <http://ag.ca.gov/firearms/fsdcertlist.htm> (PC § 12088.1).

! The DOJ will distribute a separate Information Bulletin regarding this particular statute to provide more detailed information and to address related procedural issues.

Revised Dealer's Record of Sale of Firearms (DROS) form

The DROS form has been revised to include statements in each signature block for each signer to declare under penalty of perjury that the information provided on the DROS form is true and correct. A copy of this new DROS form is attached to this bulletin. Please destroy your inventories of the old DROS worksheets and use only this new DROS form. You may make copies as needed.

Firearms Division Firearms Dealer Training

The DOJ will provide training seminars throughout the state during the beginning months of 2002. These seminars will focus on these new laws and their impact on firearms dealers. Information regarding scheduled dates and times for these seminars will be made available in the near future.

If you have any questions or require further assistance concerning this Information Bulletin, please contact the Firearms Division at (916) 227-3703.

Sincerely,



RANDY ROSSI, Director
Firearms Division

For BILL LOCKYER
Attorney General

WS

DEALER'S RECORD OF SALE OF FIREARM WORKSHEET

| |
|--------------------------|
| CFD NUMBER: _____ |
| DROS NO. ASSIGNED: _____ |

TRANSACTION INFORMATION

| | | |
|---|-------------|---|
| TRANSMISSION DATE: _____ | TIME: _____ | FIREARM TYPE: <input type="checkbox"/> HANDGUN <input type="checkbox"/> LONG GUN(S) <small>If long gun transaction, enter the number of firearms: _____</small> |
| TRANSACTION TYPE: <input type="checkbox"/> DEALER SALE <input type="checkbox"/> PRIVATE PARTY TRANSFER (cert-list exempt) <input type="checkbox"/> LOAN (cert-list exempt) <input type="checkbox"/> PAWN/ CONSIGNMENT RETURN (cert-list exempt) <input type="checkbox"/> CURIO/RELIC/OLYMPIC/ OTHER SB 15 EXEMPT/ (cert-list exempt) <input type="checkbox"/> PEACE OFFICER (cert-list exempt) <input type="checkbox"/> GUN SHOW TRANSACTION? <input type="radio"/> YES <input type="radio"/> NO | | |

WAITING PERIOD EXEMPTIONS

PURCHASER CLAIMS THE FOLLOWING WAITING PERIOD EXEMPTION PURSUANT TO 12078 PC (if applicable):

| | | |
|---|--|--|
| <input type="checkbox"/> PEACE OFFICER STATUS | <input type="checkbox"/> FIREARM DELIVERED AT NONPROFIT EVENT (Valid for Rifles and Shotguns Only) | <input type="checkbox"/> COLLECTOR STATUS (Valid for Curio/Relics Only) |
| <input type="checkbox"/> DEALER STATUS Enter CFD number: _____ | <input type="checkbox"/> SPECIAL WEAPONS PERMIT Enter type of permit and number: _____ | <input type="checkbox"/> Transaction exempt from the 1-handgun-per-30-day limit? |

REVOLVER / PISTOL INFORMATION

| | | |
|--|---|---|
| MAKE (As Stamped on Handgun) (Colt, S&W, etc) | MODEL (647, Redhawk, etc) | CALIBER(S) |
| SERIAL NUMBER | OTHER NUMBER (If Different from Serial Number) | HANDGUN TYPE: <input type="checkbox"/> REVOLVER <input type="checkbox"/> SEMI-AUTO <input type="checkbox"/> DERRINGER |
| HANDGUN COLOR: <input type="checkbox"/> BLUE STEEL <input type="checkbox"/> SILVER/NICKEL/ STAINLESS <input type="checkbox"/> OTHER _____ | BARREL LENGTH | HANDGUN ORIGIN (USA, Italy, etc) |
| FRAME ONLY? <input type="radio"/> YES <input type="radio"/> NO | NEW HANDGUN? <input type="radio"/> YES <input type="radio"/> NO | COMMENTS |

PURCHASER INFORMATION

| | | | |
|------------------|-------------------|-----------------|--------------|
| FIRST NAME | MIDDLE NAME | LAST NAME | SUFFIX |
| ALIAS FIRST NAME | ALIAS MIDDLE NAME | ALIAS LAST NAME | ALIAS SUFFIX |
| STREET ADDRESS | | | ZIP CODE |

One of the following forms of identification is required to legally purchase firearms in California: California Driver's License (CDL), California ID (CID) card issued by the DMV, Military ID (MIL) for active duty military accompanied by permanent duty station orders indicating that the purchaser is stationed in California, or a Diplomatic Passport with a letter from the embassy or consulate.

| | | |
|---|----------------------------|---|
| ID TYPE (Circle One) <input type="radio"/> CDL <input type="radio"/> CID <input type="radio"/> MIL <input type="radio"/> Diplomatic Passport | ID NUMBER | ID SOURCE (State or Country) |
| TELEPHONE NUMBER () | DATE OF BIRTH MO DAY YR | PLACE OF BIRTH |
| SEX | EYES | HAIR |
| HEIGHT | WEIGHT | BFSC NUMBER OR EXEMPTION CODE (Handguns Only) |

Answer the following questions by checking "YES" or "NO"

| | |
|--|---|
| <input type="radio"/> YES <input type="radio"/> NO | HAS PURCHASER EVER BEEN CONVICTED OF A FELONY OR OF AN OFFENSE SPECIFIED IN PENAL CODE SECTION 12021.1, 12021(c)(1), OR 12001.6? |
| <input type="radio"/> YES <input type="radio"/> NO | IS PURCHASER A MENTAL PATIENT OR ON LEAVE OF ABSENCE FROM A MENTAL HOSPITAL AS DESCRIBED IN WELFARE AND INSTITUTIONS CODE SECTION 8100? |
| <input type="radio"/> YES <input type="radio"/> NO | HAS PURCHASER EVER BEEN ADJUDICATED BY A COURT TO BE A DANGER TO OTHERS, FOUND NOT GUILTY BY REASON OF INSANITY, FOUND INCOMPETENT TO STAND TRIAL, OR PLACED UNDER A CONSERVATORSHIP, PURSUANT TO WELFARE AND INSTITUTIONS CODE SECTION 8103? |
| <input type="radio"/> YES <input type="radio"/> NO | IS PURCHASER CURRENTLY THE SUBJECT OF ANY RESTRAINING ORDER PURSUANT TO FAMILY CODE SECTION 6380? |

| | |
|--|--|
| IN ADDITION, I HAVE READ THE LIST OF PROHIBITED OFFENSES, AND NOTHING WOULD PRECLUDE ME FROM POSSESSING A FIREARM. | SIGNATURE OF PURCHASER <small>By signing this document, I hereby certify under the penalty of perjury that the information provided is true and correct</small> |
|--|--|

PRIVATE PARTY TRANSFER (SELLER INFORMATION)

| | | | |
|----------------------------|-------------|------------------------------|---|
| FIRST NAME | MIDDLE NAME | LAST NAME | SUFFIX |
| STREET ADDRESS | | | ZIP CODE |
| ID TYPE | ID NUMBER | ID SOURCE (State or Country) | TELEPHONE NUMBER () |
| DATE OF BIRTH MO DAY YR | RACE | SEX | SIGNATURE OF SELLER <small>By signing this document, I hereby certify under the penalty of perjury that the information provided is true and correct</small> |

DEALER INFORMATION

| | |
|--------------------------------|--|
| COMMENTS | |
| DEALER TELEPHONE NUMBER () | SIGNATURE OF SALESPERSON <small>By signing this document, I hereby certify under the penalty of perjury that the information provided is true and correct</small> |

FALSIFICATION OF INFORMATION ON THIS FORM IS A MISDEMEANOR (PENAL CODE 12076)