

California Department of Justice FIREARMS DIVISION Randy Rossi, Director		INFORMATION BULLETIN	
<i>Subject:</i> NEW AND AMENDED FIREARMS/WEAPONS LAWS	<i>No.:</i> 2002-03-FD	<i>For further information contact:</i> Firearms Division (916) 227-3703	
	<i>Date:</i> 11/22/2002		

TO: ALL CALIFORNIA FIREARMS DEALERS AND MANUFACTURERS

This bulletin provides a brief summary of new and amended California firearms/weapons laws effective January 1, 2003. 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 682 (Stats. 2002, ch. 913) (Perata)

- Removes civil immunities regarding the design, distribution, and marketing of firearms and ammunition. Also deletes provisions that exempt firearms and ammunition from product liability actions (Civil Code § 1714).

SB 1670 (Stats. 2002, ch. 917) (Scott)

- Authorizes the DOJ to randomly obtain and test firearms safety devices listed on the DOJ Roster of Firearm Safety Devices Certified for Sale to ensure that they comply with DOJ standards (PC § 12088).
- Defines the term “long-gun safe,” distinguishing it from “gun safe” and “firearms safety device.” A “long-gun safe” means a locking container designed to fully contain and secure a rifle or a shotgun. A “long-gun safe” must have a locking system consisting of either a mechanical combination lock or an electronic combination lock that has at least 1,000 possible unique combinations consisting of a minimum of three numbers, letters or symbols per combination, and that is not listed on the DOJ Roster of Firearm Safety Devices (PC § 12087.6).
- Requires that any firearms safety device (with the exception of a “gun safe” or “long-gun safe”) sold, kept or offered for sale, or that is distributed under an organized safety program must be listed on the DOJ Roster of Firearm Safety Devices Certified for Sale. Also requires that any long-gun safe kept for commercial sale or commercially sold, that does not meet the DOJ gun safe definition, carry a conspicuous and legible warning label, in English and in Spanish, as follows:

WARNING: This gun safe does not meet the safety standards for gun safes specified in California Penal Code Section 12088.2. It does not satisfy the requirements of Penal Code Section 12088.1, which mandates that all firearms sold in California be

accompanied by a firearms safety device or proof of ownership, as required by law, of a gun safe that meets the Section 12088.2 minimum safety standards developed by the California Attorney General.

ADVERTENCIA: Esta caja fuerte para pistolas no cumple con las normas de seguridad para las cajas fuertes para pistolas especificadas en la Sección 12088.2 del Código Penal de California. No satisface los requisitos de la Sección 12088.1 del Código Penal, que requiere que todas las armas de fuego que se vendan en California estén acompañadas por un dispositivo de seguridad de armas de fuego o prueba de propiedad, como lo requiere la ley, de una caja fuerte para pistolas que cumpla con las normas de seguridad mínimas elaboradas por el Procurador General de California, especificadas en la Sección 12088.2.

Failure to comply with this requirement is punishable as follows:

- 1st violation: A civil fine of up to five hundred dollars (\$500).
- 2nd violation occurring within five years of the date of a previous offense: A civil fine of up to one thousand dollars (\$1,000) and, if the violation is committed by a licensed firearms dealer, ineligibility from selling firearms for 30 days.
- 3rd violation occurring within five years of the date of two or more previous offenses: A civil fine of up to five thousand dollars (\$5,000) and, if the violation is committed by a licensed firearms dealer, permanent ineligibility from selling firearms (PC § 12088).

SB 1689 (Stats. 2002, ch. 208) (Margett)

- Prohibits the manufacture, importation, sale, giving, commerce, etc., of hard plastic knuckles worn for purposes of offense or defense in or on the hand that either protect the wearer's hand while striking a blow or increase the force of impact from the blow or injury to the individual receiving the blow. The plastic contained in such a prohibited device helps support the hand or fist, provide a shield to protect it, or consist of projections or studs that would contact the individual receiving a blow (PC § 12020.1).

AB 352 (Stats. 2002, ch. 58) (Runner)

- Expands the definition of “undetectable knife” to include knives that are not detectable by a magnetometer set at standard calibration (PC § 12001.1).

AB 2080 (Stats. 2002, ch. 909) (Steinberg)

- Pending availability of funding, requires the DOJ to develop a system that identifies persons who, in addition to California licensed firearms dealers, are federally licensed/authorized to receive firearm shipments in California. Effective January 1, 2005, any person who ships a firearm to a person in California must utilize the DOJ system to verify that the individual receiving the firearm(s) is expressly identified by the DOJ as a person who is authorized to receive firearm shipments. The person making the inquiry will be provided with a unique verification number that he/she must provide to the person receiving shipment of the firearm(s), who in turn must keep a record of the information and make it available to inspection by the DOJ. In the event the intended recipient is not authorized to receive firearm shipments, the DOJ system would notify the person making the inquiry of that fact (PC §§ 12071-12072).

AB 2580 (Stats. 2002, ch. 910) (Simitian)

- Exempts firearms dealers who do not sell, transfer, or stock handguns from the requirement to process private party handgun transactions. However, all firearms dealers are still required to conduct private party long-gun transactions upon request (PC § 12082).
- Provides that the DOJ shall, for every person, firm, or corporation who has a DOJ-issued dangerous weapons permit, conduct annual inspections of permit holders' inventories and facilities. Permit holders with an inventory of five or fewer permitted items are subject to inspection every five years. Also requires the DOJ to establish a schedule of fees to cover the costs of inspections (PC §§ 12076, 12082, 12305, 12099, 12234, 12289.5).

AB 2793 (Stats. 2002, ch. 911) (Pescetti)

- Requires the DOJ to create a program to exempt qualifying new models of competitive handguns from handgun testing requirements and/or assault weapon regulation. USA Shooting or any other organization whom the DOJ deems relevant may recommend handgun models for DOJ evaluation (PC §§ 12132, 12276.1).
- Exempts Olympic competition pistols from the firearms safety device requirement if no firearms safety device, other than a cable lock that the DOJ has determined would damage the barrel of the pistol, has been approved for the pistol and the pistol has been exempted by the DOJ from handgun testing requirements (PC § 12021).
- Expands the definition of "dummy round" to be used in the handgun safe-handling demonstration to: bright orange, red, or other readily identifiable dummy round. If no readily identifiable dummy round is available, the demonstration may be performed with an empty cartridge casing with an empty primer pocket (PC § 12071).

AB 2902 (Stats. 2002, ch.912) (Koretz)

- Allows the DOJ to annually retest up to five percent of the handgun models listed on the DOJ Roster of Handguns Certified for Sale. Handgun models that don't pass DOJ retesting will be removed from the roster (PC § 12131).
- Clarifies that handgun models submitted for testing may not be refined or modified in any way from those that would be made available for retail sale if DOJ certification is granted. Requires that the magazines of tested pistols shall be identical to those that would be provided with the pistol to a retail customer. Also provides that a jam caused by failure of the magazine during testing constitutes a malfunction of the handgun. Clarifies that claims of ammunition failure during test-firing are applicable only to ammunition that fails to detonate. Furthermore, requires that ammunition used for the test-firing must be of a type that is commercially available (PC § 12127).

SB 52 (Stats. 2001, ch.942) (Scott) (2001 bill - Included due to new provisions operative 1/1/2003)

- 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 an instructor service fee of \$10 or less, for a total HSC fee of no more than \$25 (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 have 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 perform a safe handling demonstration in the presence of a DOJ certified instructor. Both the firearms dealer and the recipient are required to sign an affidavit of which the dealer is required to retain, 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 safe handling demonstration requirements (PC § 12071(b)(8)).
- Effective January 1, 2003, requires a purchaser/transferee of a firearm to provide his/her right thumbprint on the Dealers Record of Sale (DROS) form (PC § 12077).
- Effective January 1, 2003, requires each firearms dealer prior to the delivery of a handgun to obtain proof of residency from the handgun recipient. Satisfactory proof of residency

includes 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 a copy of 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 DROS transactions electronically. Telephone reporting will no longer be an option. The firearm recipient's identification number, name, and date of birth must be obtained by swiping the recipient's California identification or driver's license card through a magnetic card stripe reader. As with the current process exception will apply to military personnel with accompanying permanent duty station orders (PC § 12077).

A more detailed Information Bulletin is forthcoming later this fall regarding the implementation of SB 52. Additionally, the Department plans to have the required HSC certificates and associated materials available for sale and/or distribution by early December 2002.

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

The most recently updated DROS application/worksheet is attached to this bulletin. You may make copies as needed or you may download additional copies from the DOJ Firearms Division web site at <http://www.ag.ca.gov/firearms>. In some instances, such as a computer malfunction or gun transaction initiated at a gun show, firearms dealers may utilize the manual paper DROS Worksheet.

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

Sincerely,



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Firearms Division

For BILL LOCKYER
Attorney General

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