

AMENDED IN ASSEMBLY JUNE 12, 2019

AMENDED IN SENATE APRIL 25, 2019

AMENDED IN SENATE APRIL 9, 2019

AMENDED IN SENATE MARCH 25, 2019

SENATE BILL

No. 172

Introduced by Senator Portantino

(Principal coauthors: Assembly Members ~~Bonta~~ and ~~Gabriel Bonta~~,
Gabriel, and Bauer-Kahan)

(Coauthor: Senator Wiener)

January 28, 2019

An act to add Article 2.7 (commencing with Section 1569.280) to Chapter 3.2 of Division 2 of the Health and Safety Code, and to amend Sections 17060, 25100, 25105, 25200, 26835, 29805, and 31700 of, and to add Sections 27881, 27882, and 27883 to, the Penal Code, relating to firearms.

LEGISLATIVE COUNSEL'S DIGEST

SB 172, as amended, Portantino. Firearms.

(1) Existing law, subject to exceptions, generally requires the loan of a firearm to be conducted by a firearms dealer.

This bill would authorize the temporary transfer of a firearm without a firearms dealer's participation to a person who is 18 years of age or older for safekeeping to prevent it from being used to attempt suicide, as specified. The bill would also authorize the loan of a firearm without a firearms dealer's participation under other specified circumstances and if certain conditions are met, as specified.

(2) Under existing law a person commits the crime of criminal storage of a firearm if the person keeps a loaded firearm within a premises with knowledge that a child is likely to gain access to the firearm.

This bill would make the crime of criminal storage applicable to the storage of an unloaded firearm. The bill would make it a crime for a person who has been convicted of this crime to own a firearm for a period of 10 years. By expanding the application of a crime and creating a new crime, this bill would impose a state-mandated local program.

(3) Existing law makes it a crime to keep a handgun within a premises with knowledge that a child or person prohibited from possessing a firearm is likely to gain access if the child or prohibited person obtains access to the handgun and carries it off premises.

This bill would make this crime applicable to any firearm. The bill would make it a crime for a person who has been convicted of this crime to own a firearm for a period of 10 years. By expanding the application of a crime and creating a new crime, this bill would impose a state-mandated local program.

(4) Existing law makes it a crime for an owner or legal occupant of a residence to store a firearm in that residence if the person knows another person residing in that residence is prohibited from possessing a firearm unless the firearm is secured, as specified.

The bill would make it a crime for a person who has been convicted of this crime to own a firearm for a period of 10 years. *The bill would also correct an erroneous cross-reference.* By creating a new crime, this bill would impose a state-mandated local program.

(5) The California Residential Care Facilities for the Elderly Act provides for the licensure and regulation of residential care facilities for the elderly by the State Department of Social Services. A person who violates the act, or who willfully or repeatedly violates any rule or regulation adopted under the act, is guilty of a misdemeanor.

This bill would enact, within the act, the Keep Our Seniors Safe Act and would require the department to promulgate regulations prescribing the procedures for a firearm and ammunition to be centrally stored in a locked gun safe within a facility that permits residents to possess firearms on its premises. The bill would require a facility to prepare and maintain an individual weapons inventory for each firearm and type of ammunition stored within the facility and submit the inventories to the Department of Justice.

The bill would require a facility that permits residents to possess firearms on its premises to, at the request of the State Department of

Social Services, disclose and demonstrate compliance with specified requirements, including, among other things, that the facility maintain an inventory of firearms and ammunition held in that facility. Because a violation of these requirements by a facility would be a crime, the bill would impose a state-mandated local program.

(6) The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: yes.

The people of the State of California do enact as follows:

1 SECTION 1. Article 2.7 (commencing with Section 1569.280)
2 is added to Chapter 3.2 of Division 2 of the Health and Safety
3 Code, to read:

4
5 Article 2.7. Firearms, Ammunition, and Deadly Weapons
6

7 1569.280. This article shall be known, and may be cited, as
8 the “Keep Our Seniors Safe Act.”

9 1569.281. As used in this article, the following terms have the
10 following ~~meanings~~: *meanings*:

11 (a) “Firearm” means a device, designed to be used as a weapon,
12 from which is expelled through a barrel, a projectile by the force
13 of an explosion or other form of combustion, including the frame
14 or receiver of the device.

15 (b) “Ammunition” means one or more loaded cartridges
16 consisting of a primed case, propellant, and with one or more
17 projectiles. “Ammunition” does not include blanks.

18 (c) “Deadly weapon” means any of the following:

19 (1) Any weapon, the possession or concealed carrying of which
20 is prohibited by Section 16590 of the Penal Code.

21 (2) A destructive device, as defined in Section 16460 of the
22 Penal Code.

23 (d) “Handgun” has the same meaning as set forth in Section
24 16640 of the Penal Code and includes the frame or receiver of the
25 same.

1 (e) “Antique firearm” has the same meaning as set forth, and
2 has the same meaning as, in Section 921(a)(16) of Title 18 of the
3 United States Code.

4 (f) “Owner” means the owner of a firearm or ammunition.

5 (g) “Facility” means a residential care facility for the elderly
6 licensed by the State Department of Social Services, Community
7 Care Licensing Division.

8 (h) “Authorized intake representative” means the facility
9 administrator. If the licensee is the administrator, the licensee shall
10 name an additional designee who may also act as the authorized
11 intake representative.

12 1569.282. The department shall promulgate regulations that
13 prescribe the procedures for a facility that permits residents to
14 possess firearms on its premises to do all of the following:

15 (a) Accept and store a resident’s firearm or ammunition.

16 (b) Retain and store a licensee’s firearm or ammunition.

17 (c) Residents’ and licensees’ firearms or ammunition shall be
18 centrally stored in the facility and in the following manner:

19 (1) Unloaded, separate from ammunition, in a durable, solid
20 steel-constructed, locked gun safe.

21 (2) The locking mechanism for the gun safe shall be either
22 electronic or biometric. The gun safe shall be tethered to a fixed
23 object by steel cable or be securely mounted to the floor or wall.

24 (d) An individual weapons inventory, as described in Section
25 1569.283, shall be completed and processed for each firearm and
26 ammunition contained in the centrally stored gun safe.

27 1569.283. (a) Any facility that permits residents to possess
28 firearms on its premises shall prepare an individual weapons
29 inventory for each firearm and type of ammunition that is secured
30 in the ~~centrally stored~~ *centrally stored* gun safe described in
31 Section 1569.282.

32 (b) Access to the gun safe shall be limited to the facility
33 administrator.

34 (c) An individual weapons inventory shall include two parts.
35 Part I shall document the enrollment of firearms and ammunition
36 and Part II shall document the removal of firearms and ammunition
37 from the facility.

38 (1) All of the following information for each firearm and type
39 of ammunition shall be obtained and documented in Part I:

- 1 (A) Name of the resident or licensee who is the owner of the
2 firearm or ammunition.
- 3 (B) Identification of the firearm, including, but not limited to,
4 the manufacture, caliber, serial number, and model number.
- 5 (C) The owner's applicable permit or registration number for
6 the firearm.
- 7 (D) For ammunition, the quantity of each type of projectile,
8 inventoried as to manufacturer and caliber.
- 9 (E) One or more photographs of the firearm or ammunition as
10 necessary for identification.
- 11 (F) Handwritten date and signature by the owner of the firearm
12 or ammunition.
- 13 (G) Handwritten date and signature by the authorized intake
14 representative who conducted the weapon intake and completed
15 the inventory document.
- 16 (H) Any additional information necessary to comply with
17 existing state laws, or required by the department.
- 18 (2) Upon a resident's death or transfer out of the facility, the
19 inventory form shall document the following in Part II of the
20 inventory form:
 - 21 (A) Date on which the firearm or ammunition was removed
22 from the storage and the facility.
 - 23 (B) The name, address, and contact information of the individual
24 to whom possession of the firearm or ammunition was transferred.
 - 25 (C) Photo identification of the person to whom possession of
26 the firearm or ammunition was transferred.
 - 27 (D) Handwritten date and signature by the individual who took
28 possession of the firearm or ammunition and their relationship to
29 the resident.
 - 30 (E) Handwritten date and signature by the authorized intake
31 representative who effected the transfer of the firearm or
32 ammunition out of the facility and who completed the inventory
33 document.
- 34 (d) A facility shall maintain the completed, original individual
35 weapons inventory in a centralized weapons inventory file and in
36 the resident's file. Within five business days of the date the firearm
37 or ammunition owner signed and dated the individual weapons
38 inventory, the facility administrator shall provide a copy to the
39 owner of the firearm or ammunition and shall submit a copy to the

1 Department of Justice in the manner directed by the Department
2 of Justice.

3 1569.284. (a) A licensee shall not accept, retain, or store any
4 deadly weapon, as defined in Section 1569.280, of a resident or
5 licensee.

6 (b) A licensee shall not accept, retain, or store any of the
7 following firearms owned or possessed by a resident or licensee:

8 (1) A firearm regulated pursuant to Chapter 1 (commencing
9 with Section 18710) of Division 5 of Title 2 of Part 6 of the Penal
10 Code.

11 (2) A firearm regulated pursuant to Chapter 2 (commencing
12 with Section 30500) of Division 10 of Title 4 of Part 6 of the Penal
13 Code.

14 (3) A firearm regulated pursuant to Chapter 6 (commencing
15 with Section 32610) of Division 10 of Title 4 of Part 6 of the Penal
16 Code.

17 (4) A firearm regulated pursuant to Article 2 (commencing with
18 Section 33300) of Chapter 8 of Division 10 of Title 4 of Part 6 of
19 the Penal Code.

20 (c) The licensee shall not accept, retain, or store a firearm
21 required to be registered with the Department of Justice pursuant
22 to Section 29180 of the Penal Code unless it verifies it is in fact
23 registered with *the* Department of Justice pursuant to Section 29180
24 of the Penal Code.

25 (d) The licensee may accept, retain, or store a firearm that is
26 otherwise required to be registered with the Department of Justice
27 pursuant to Section 29180 of the Penal Code but which is exempt
28 from the registration requirements because it was entered into the
29 centralized registry set forth in Section 11106 of the Penal Code
30 prior to July 1, 2018, as being owned by a specific individual or
31 entity if that firearm has assigned to it a distinguishing number or
32 mark of identification because the department accepted entry of
33 that firearm into the centralized registry.

34 (e) Commencing July 1, 2021, unless it is an antique firearm,
35 the licensee shall not accept, retain, or store a firearm unless the
36 owner provides to the licensee documentation that the person is
37 listed with the Department of Justice pursuant to Section 11106
38 of the Penal Code as the registered owner of that firearm.

39 1569.285. The acceptance or storage of a resident's firearm by
40 a facility in accordance with this article, or the retention and storage

1 of a licensee’s firearm, shall not constitute a loan, sale, receipt, or
2 transfer of a firearm within the meaning of Sections 26500, 27545,
3 or subdivision (a) of Section 31615 of the Penal Code.

4 1569.286. Any facility that permits residents to possess firearms
5 on its premises shall disclose and demonstrate all of the following
6 upon the request of the department:

7 (a) The firearms and ammunition are stored in compliance with
8 storage requirements.

9 (b) Stored firearms and ammunition are inaccessible to residents
10 with dementia.

11 (c) The facility maintains an inventory of firearms and
12 ammunition held in that facility.

13 (d) The facility maintains a log to document when a firearm is
14 placed in storage and when it is removed from storage.

15 1569.287. This article does not require a facility to accept,
16 store, or retain firearms or ammunition.

17 SEC. 2. Section 17060 of the Penal Code is amended to read:

18 17060. (a) As used in Section 25135, “residence” means any
19 structure intended or used for human habitation, including, but not
20 limited to, houses, condominiums, rooms, motels, hotels,
21 time-shares, and recreational or other vehicles where human
22 habitation occurs.

23 (b) As used in Sections 27881, 27882, and 27883, “residence”
24 means any structure intended or used for human habitation,
25 including, but not limited to, houses, condominiums, rooms, motels,
26 hotels, and time-shares, but does not include recreational vehicles
27 or other vehicles where human habitation occurs.

28 SEC. 3. Section 25100 of the Penal Code is amended to read:

29 25100. (a) Except as provided in Section 25105, a person
30 commits the crime of “criminal storage of a firearm in the first
31 degree” if all of the following conditions are satisfied:

32 (1) The person keeps any firearm within any premises that are
33 under the person’s custody or control.

34 (2) The person knows or reasonably should know that a child
35 is likely to gain access to the firearm without the permission of
36 the child’s parent or legal guardian, or that a person prohibited
37 from possessing a firearm or deadly weapon pursuant to state or
38 federal law is likely to gain access to the firearm.

39 (3) The child obtains access to the firearm and thereby causes
40 death or great bodily injury to the child or any other person, or the

1 person prohibited from possessing a firearm or deadly weapon
2 pursuant to state or federal law obtains access to the firearm and
3 thereby causes death or great bodily injury to themselves or any
4 other person.

5 (b) Except as provided in Section 25105, a person commits the
6 crime of “criminal storage of a firearm in the second degree” if all
7 of the following conditions are satisfied:

8 (1) The person keeps any firearm within any premises that are
9 under the person’s custody or control.

10 (2) The person knows or reasonably should know that a child
11 is likely to gain access to the firearm without the permission of
12 the child’s parent or legal guardian, or that a person prohibited
13 from possessing a firearm or deadly weapon pursuant to state or
14 federal law is likely to gain access to the firearm.

15 (3) The child obtains access to the firearm and thereby causes
16 injury, other than great bodily injury, to the child or any other
17 person, or carries the firearm either to a public place or in violation
18 of Section 417, or the person prohibited from possessing a firearm
19 or deadly weapon pursuant to state or federal law obtains access
20 to the firearm and thereby causes injury, other than great bodily
21 injury, to themselves or any other person, or carries the firearm
22 either to a public place or in violation of Section 417.

23 (c) Except as provided in Section 25105, a person commits the
24 crime of “criminal storage of a firearm in the third degree” if the
25 person keeps any firearm within any premises that are under the
26 person’s custody or control and negligently stores or leaves a
27 firearm in a location where the person knows, or reasonably should
28 know, that a child is likely to gain access to the firearm without
29 the permission of the child’s parent or legal guardian, unless
30 reasonable action is taken by the person to secure the firearm
31 against access by the child.

32 SEC. 4. Section 25105 of the Penal Code is amended to read:
33 25105. Section 25100 does not apply whenever any of the
34 following occurs:

35 (a) The child obtains the firearm as a result of an illegal entry
36 to any premises by any person.

37 (b) The firearm is kept in a locked container or in a location
38 that a reasonable person would believe to be secure.

1 (c) The firearm is carried on the person or within close enough
2 proximity thereto that the individual can readily retrieve and use
3 the firearm as if carried on the person.

4 (d) The firearm is locked with a locking device, as defined in
5 Section 16860, which has rendered the firearm inoperable.

6 (e) The person is a peace officer or a member of the Armed
7 Forces or the National Guard and the child obtains the firearm
8 during, or incidental to, the performance of the person's duties.

9 (f) The child obtains, or obtains and discharges, the firearm in
10 a lawful act of self-defense or defense of another person.

11 (g) The person who keeps a firearm on premises that are under
12 the person's custody or control has no reasonable expectation,
13 based on objective facts and circumstances, that a child is likely
14 to be present on the premises.

15 SEC. 5. Section 25200 of the Penal Code is amended to read:

16 25200. (a) If all of the following conditions are satisfied, a
17 person shall be punished by imprisonment in a county jail not
18 exceeding one year, by a fine not exceeding one thousand dollars
19 (\$1,000), or by both that imprisonment and fine:

20 (1) The person keeps a firearm, loaded or unloaded, within any
21 premises that are under the person's custody or control.

22 (2) The person knows or reasonably should know that a child
23 is likely to gain access to that firearm without the permission of
24 the child's parent or legal guardian, or that a person prohibited
25 from possessing a firearm or deadly weapon pursuant to state or
26 federal law is likely to gain access to the firearm.

27 (3) The child or the prohibited person obtains access to that
28 firearm and thereafter carries that firearm off-premises.

29 (b) If all of the following conditions are satisfied, a person shall
30 be punished by imprisonment in a county jail not exceeding one
31 year, by a fine not exceeding five thousand dollars (\$5,000), or by
32 both that imprisonment and fine:

33 (1) The person keeps any firearm within any premises that are
34 under the person's custody or control.

35 (2) The person knows or reasonably should know that a child
36 is likely to gain access to the firearm without the permission of
37 the child's parent or legal guardian, or that a person prohibited
38 from possessing a firearm or deadly weapon pursuant to state or
39 federal law is likely to gain access to the firearm.

1 (3) The child or the prohibited person obtains access to the
2 firearm and thereafter carries that firearm off-premises to any
3 public or private preschool, elementary school, middle school,
4 high school, or to any school-sponsored event, activity, or
5 performance, whether occurring on school grounds or elsewhere.

6 (c) A firearm that a child or prohibited person gains access to
7 and carries off-premises in violation of this section shall be deemed
8 “used in the commission of any misdemeanor as provided in this
9 code or any felony” for the purpose of Section 29300 regarding
10 the authority to confiscate firearms and other deadly weapons as
11 a nuisance.

12 (d) As used in this section, “off-premises” means premises other
13 than the premises where the firearm was stored.

14 SEC. 6. Section 26835 of the Penal Code is amended to read:
15 26835. A licensee shall conspicuously post within the licensed
16 premises the following warnings in block letters not less than one
17 inch in height:

18 (a) “FIREARMS MUST BE HANDLED RESPONSIBLY AND
19 SECURELY STORED TO PREVENT ACCESS BY CHILDREN
20 AND OTHER UNAUTHORIZED USERS. CALIFORNIA HAS
21 STRICT LAWS PERTAINING TO FIREARMS, AND YOU
22 MAY BE FINED OR IMPRISONED IF YOU FAIL TO COMPLY
23 WITH THEM. VISIT THE WEBSITE OF THE CALIFORNIA
24 A T T O R N E Y G E N E R A L A T
25 [HTTPS://OAG.CA.GOV/FIREARMS](https://oag.ca.gov/firearms) FOR INFORMATION ON
26 FIREARM LAWS APPLICABLE TO YOU AND HOW YOU
27 CAN COMPLY.”

28 (b) “IF YOU KEEP A FIREARM WITHIN ANY PREMISES
29 UNDER YOUR CUSTODY OR CONTROL, AND A PERSON
30 UNDER 18 YEARS OF AGE OBTAINS IT AND USES IT,
31 RESULTING IN INJURY OR DEATH, OR CARRIES IT TO A
32 PUBLIC PLACE, YOU MAY BE GUILTY OF A
33 MISDEMEANOR OR A FELONY UNLESS YOU STORED
34 THE FIREARM IN A LOCKED CONTAINER OR LOCKED
35 THE FIREARM WITH A LOCKING DEVICE, TO KEEP IT
36 FROM TEMPORARILY FUNCTIONING.”

37 (c) “CHILDREN MAY BE UNABLE TO DISTINGUISH
38 FIREARMS FROM TOYS AND MAY OPERATE FIREARMS,
39 CAUSING SEVERE INJURIES OR DEATH. IF YOU KEEP A
40 PISTOL, REVOLVER, OR OTHER FIREARM CAPABLE OF

1 BEING CONCEALED UPON THE PERSON, WITHIN ANY
2 PREMISES UNDER YOUR CUSTODY OR CONTROL, AND
3 A PERSON UNDER 18 YEARS OF AGE GAINS ACCESS TO
4 THE FIREARM, AND CARRIES IT OFF-PREMISES, YOU
5 MAY BE GUILTY OF A MISDEMEANOR, UNLESS YOU
6 STORED THE FIREARM IN A LOCKED CONTAINER, OR
7 LOCKED THE FIREARM WITH A LOCKING DEVICE, TO
8 KEEP IT FROM TEMPORARILY FUNCTIONING.”

9 (d) “YOU MAY BE GUILTY OF A MISDEMEANOR,
10 INCLUDING A SIGNIFICANT FINE OR IMPRISONMENT, IF
11 YOU KEEP A FIREARM WHERE A MINOR IS LIKELY TO
12 ACCESS IT OR IF A MINOR OBTAINS AND IMPROPERLY
13 USES IT, OR CARRIES IT OFF OF THE PREMISES TO A
14 SCHOOL OR SCHOOL-SPONSORED EVENT, UNLESS YOU
15 STORED THE FIREARM IN A LOCKED CONTAINER OR
16 LOCKED THE FIREARM WITH A LOCKING DEVICE.”

17 (e) “IF YOU NEGLIGENTLY STORE OR LEAVE A
18 FIREARM WITHIN ANY PREMISES UNDER YOUR
19 CUSTODY OR CONTROL, WHERE A PERSON UNDER 18
20 YEARS OF AGE IS LIKELY TO ACCESS IT, YOU MAY BE
21 GUILTY OF A MISDEMEANOR, INCLUDING A
22 SIGNIFICANT FINE, UNLESS YOU STORED THE FIREARM
23 IN A LOCKED CONTAINER, OR LOCKED THE FIREARM
24 WITH A LOCKING DEVICE.”

25 (f) “DISCHARGING FIREARMS IN POORLY VENTILATED
26 AREAS, CLEANING FIREARMS, OR HANDLING
27 AMMUNITION MAY RESULT IN EXPOSURE TO LEAD, A
28 SUBSTANCE KNOWN TO CAUSE BIRTH DEFECTS,
29 REPRODUCTIVE HARM, AND OTHER SERIOUS PHYSICAL
30 INJURY. HAVE ADEQUATE VENTILATION AT ALL TIMES.
31 WASH HANDS THOROUGHLY AFTER EXPOSURE.”

32 (g) “FEDERAL REGULATIONS PROVIDE THAT IF YOU
33 DO NOT TAKE PHYSICAL POSSESSION OF THE FIREARM
34 THAT YOU ARE ACQUIRING OWNERSHIP OF WITHIN 30
35 DAYS AFTER YOU COMPLETE THE INITIAL
36 BACKGROUND CHECK PAPERWORK, THEN YOU HAVE
37 TO GO THROUGH THE BACKGROUND CHECK PROCESS
38 A SECOND TIME IN ORDER TO TAKE PHYSICAL
39 POSSESSION OF THAT FIREARM.”

1 (h) “NO PERSON SHALL MAKE AN APPLICATION TO
 2 PURCHASE MORE THAN ONE PISTOL, REVOLVER, OR
 3 OTHER FIREARM CAPABLE OF BEING CONCEALED UPON
 4 THE PERSON WITHIN ANY 30-DAY PERIOD AND NO
 5 DELIVERY SHALL BE MADE TO ANY PERSON WHO HAS
 6 MADE AN APPLICATION TO PURCHASE MORE THAN ONE
 7 PISTOL, REVOLVER, OR OTHER FIREARM CAPABLE OF
 8 BEING CONCEALED UPON THE PERSON WITHIN ANY
 9 30-DAY PERIOD.”

10 (i) “IF A FIREARM YOU OWN OR POSSESS IS LOST OR
 11 STOLEN, YOU MUST REPORT THE LOSS OR THEFT TO A
 12 LOCAL LAW ENFORCEMENT AGENCY WHERE THE LOSS
 13 OR THEFT OCCURRED WITHIN FIVE DAYS OF THE TIME
 14 YOU KNEW OR REASONABLY SHOULD HAVE KNOWN
 15 THAT THE FIREARM HAD BEEN LOST OR STOLEN.”

16 SEC. 7. Section 27881 is added to the Penal Code, to read:

17 27881. Section 27545 does not apply to the loan of a firearm
 18 if all of the following conditions are met:

19 (a) If the firearm being loaned is a handgun, the handgun is
 20 registered to the person making the loan pursuant to Section 11106.

21 (b) The loan occurs within the lender’s place of residence or
 22 other real property, except for property that is zoned for
 23 commercial, retail, or industrial activity.

24 (c) The individual receiving the firearm is not prohibited by
 25 state or federal law from possessing, receiving, owning, or
 26 purchasing a firearm.

27 (d) The individual receiving the firearm is 18 years of age or
 28 older.

29 (e) The firearm does not leave the real property upon which the
 30 loan occurs.

31 SEC. 8. Section 27882 is added to the Penal Code, to read:

32 27882. (a) Section 27545 does not apply to the transfer of a
 33 firearm if all of the following conditions are satisfied:

34 (1) The firearm is voluntarily and temporarily transferred to
 35 another person who is 18 years of age or older for safekeeping to
 36 prevent it from being accessed or used to attempt suicide by the
 37 transferor or another person that may gain access to it in the
 38 transferor’s household.

39 (2) The transferee does not use the firearm for any purpose and,
 40 except when transporting the firearm to the transferee’s residence

1 or when returning it to the transferor, keeps the firearm unloaded
2 and secured in the transferee's residence in one of the following
3 ways:

- 4 (A) Secured in a locked container.
- 5 (B) Disabled by a firearm safety device.
- 6 (C) Secured within a locked gun safe.
- 7 (D) Locked with a locking device as described in Section 16860
8 that has rendered the firearm inoperable.

9 (3) The duration of the loan is limited to that amount of time
10 reasonably necessary to prevent the harm described in paragraph
11 (1).

12 (b) (1) If a firearm that has been transferred pursuant to this
13 section cannot be returned to the owner because the owner is
14 prohibited from possessing a firearm, the person in possession of
15 the firearm shall deliver the firearm to a law enforcement agency
16 without delay.

17 (2) Section 27545 does not apply to the transfer of a firearm to
18 a law enforcement agency pursuant to this subdivision. This section
19 does not authorize the possession of a firearm by any person
20 prohibited from possessing a firearm pursuant to any other law.

21 SEC. 9. Section 27883 is added to the Penal Code, to read:

22 27883. Section 27545 does not apply to the loan of a firearm
23 provided all of the following requirements are met:

24 (a) The firearm being loaned is registered to the person making
25 the loan pursuant to Section 11106.

26 (b) The firearm being loaned is stored in the receiver's place of
27 residence or in an enclosed structure on the receiver's private
28 property, which is not zoned for commercial, retail, or industrial
29 activity.

30 (c) The firearm at all times stays within the receiver's place of
31 residence or in an enclosed structure on the receiver's private
32 property, which is not zoned for commercial, retail, or industrial
33 activity.

34 (d) The individual receiving the firearm is not prohibited by
35 state or federal law from possessing, receiving, owning, or
36 purchasing a firearm.

37 (e) The individual receiving the firearm is 18 years of age or
38 older.

39 (f) One of the following applies:

40 (1) The firearm is maintained within a locked container.

- 1 (2) The firearm is disabled by a firearm safety device.
- 2 (3) The firearm is maintained within a locked gun safe.
- 3 (4) The firearm is locked with a locking device, as defined in
- 4 Section 16860, which has rendered the firearm inoperable.
- 5 (g) The loan does not exceed 120 days in duration.
- 6 (h) The loan is made without consideration.
- 7 (i) There is a written document in a format prescribed by the
- 8 Department of Justice that explains the obligations imposed by
- 9 this section that is signed by both the party loaning the firearm for
- 10 storage and the person receiving the firearm.
- 11 (j) Both parties to the loan have signed copies of the written
- 12 document required by subdivision (i).

13 SEC. 10. Section 29805 of the Penal Code is amended to read:

14 29805. (a) Except as provided in Section 29855, subdivision

15 (a) of Section 29800, or subdivision (b), any person who has been

16 convicted of, or has an outstanding warrant for, a misdemeanor

17 violation of Section 71, 76, 136.1, 136.5, or 140, subdivision (d)

18 of Section 148, subdivision (f) of Section 148.5, Section 171b,

19 paragraph (1) of subdivision (a) of Section 171c, Section 171d,

20 186.28, 240, 241, 242, 243, 243.4, 244.5, 245, 245.5, 246.3, 247,

21 273.5, 273.6, 417, 417.6, 422, 422.6, 626.9, 646.9, 830.95, 17500,

22 17510, 25300, 25800, 30315, or 32625, subdivision (b) or (d) of

23 Section 26100, or Section 27510, or Section 8100, 8101, or 8103

24 of the Welfare and Institutions Code, any firearm-related offense

25 pursuant to Sections 871.5 and 1001.5 of the Welfare and

26 Institutions Code, Section ~~490.2~~ 487 if the property taken was a

27 firearm, or of the conduct punished in subdivision (c) of Section

28 27590, and who, within 10 years of the conviction, or if the

29 individual has an outstanding warrant, owns, purchases, receives,

30 or has in possession or under custody or control, any firearm is

31 guilty of a public offense, punishable by imprisonment in a county

32 jail not exceeding one year or in the state prison, by a fine not

33 exceeding one thousand dollars (\$1,000), or by both that

34 imprisonment and fine.

35 (b) Any person who is convicted, on or after January 1, 2019,

36 of a misdemeanor violation of Section 273.5, and who subsequently

37 owns, purchases, receives, or has in possession or under custody

38 or control, any firearm is guilty of a public offense, punishable by

39 imprisonment in a county jail not exceeding one year or in the

1 state prison, by a fine not exceeding one thousand dollars (\$1,000),
2 or by both that imprisonment and fine.

3 (c) Except as provided in Section 29855, any person who is
4 convicted on or after January 1, 2020, of a misdemeanor violation
5 of Section 25100, 25135, or 25200, and who, within 10 years of
6 the conviction owns, purchases, receives, or has in possession or
7 under custody or control, any firearm is guilty of a public offense,
8 punishable by imprisonment in a county jail not exceeding one
9 year or in the state prison, by a fine not exceeding one thousand
10 dollars (\$1,000), or by both that fine and imprisonment.

11 (d) The court, on forms prescribed by the Department of Justice,
12 shall notify the department of persons subject to this section.
13 However, the prohibition in this section may be reduced,
14 eliminated, or conditioned as provided in Section 29855 or 29860.

15 SEC. 11. Section 31700 of the Penal Code is amended to read:

16 31700. (a) The following persons, properly identified, are
17 exempted from the firearm safety certificate requirement in
18 subdivision (a) of Section 31615:

19 (1) Any active or honorably retired peace officer, as defined in
20 Chapter 4.5 (commencing with Section 830) of Title 3 of Part 2.

21 (2) Any active or honorably retired federal officer or law
22 enforcement agent.

23 (3) Any reserve peace officer, as defined in Section 832.6.

24 (4) Any person who has successfully completed the course of
25 training specified in Section 832.

26 (5) A firearms dealer licensed pursuant to Sections 26700 to
27 26915, inclusive, who is acting in the course and scope of that
28 person's activities as a person licensed pursuant to Sections 26700
29 to 26915, inclusive.

30 (6) A federally licensed collector who is acquiring or being
31 loaned a firearm that is a curio or relic, as defined in Section 478.11
32 of Title 27 of the Code of Federal Regulations, who has a current
33 certificate of eligibility issued by the department pursuant to
34 Section 26710.

35 (7) A person to whom a firearm is being returned, where the
36 person receiving the firearm is the owner of the firearm.

37 (8) A family member of a peace officer or deputy sheriff from
38 a local agency who receives a firearm pursuant to Section 50081
39 of the Government Code.

1 (9) Any individual who has a valid concealed weapons permit
2 issued pursuant to Chapter 4 (commencing with Section 26150)
3 of Division 5.

4 (10) An active or honorably retired member of the United States
5 Armed Forces, the National Guard, the Air National Guard, or the
6 active reserve components of the United States, where individuals
7 in those organizations are properly identified. For purposes of this
8 section, proper identification includes the Armed Forces
9 Identification Card or other written documentation certifying that
10 the individual is an active or honorably retired member.

11 (11) Any person who is authorized to carry loaded firearms
12 pursuant to Section 26025 or 26030.

13 (12) Persons who are the holders of a special weapons permit
14 issued by the department pursuant to Section 32650 or 33300,
15 pursuant to Article 3 (commencing with Section 18900) of Chapter
16 1 of Division 5 of Title 2, or pursuant to Article 4 (commencing
17 with Section 32700) of Chapter 6 of this division.

18 (b) The following persons who take title or possession of a
19 firearm by operation of law in a representative capacity, until or
20 unless they transfer title ownership of the firearm to themselves
21 in a personal capacity, are exempted from the firearm safety
22 certificate requirement in subdivision (a) of Section 31615:

23 (1) The executor or administrator of an estate.

24 (2) A secured creditor or an agent or employee thereof when
25 the firearms are possessed as collateral for, or as a result of, a
26 default under a security agreement under the Commercial Code.

27 (3) A levying officer, as defined in Section 481.140, 511.060,
28 or 680.260 of the Code of Civil Procedure.

29 (4) A receiver performing the functions of a receiver.

30 (5) A trustee in bankruptcy performing the duties of a trustee.

31 (6) An assignee for the benefit of creditors performing the
32 functions of an assignee.

33 (c) A person, validly identified, who has been issued a valid
34 hunting license that is unexpired or that was issued for the hunting
35 season immediately preceding the calendar year in which the person
36 takes title or possession of a firearm is exempt from the firearm
37 safety certificate requirement in subdivision (a) of Section 31615,
38 except as to handguns.

1 (d) The firearm safety certificate requirement in subdivision (a)
2 of Section 31615 shall not apply to a person taking possession of
3 a firearm pursuant to Section 27882 or 27883.

4 SEC. 12. The provisions of this act are severable. If any
5 provision of this act or its application is held invalid, that invalidity
6 shall not affect other provisions or applications that can be given
7 effect without the invalid provision or application.

8 SEC. 13. No reimbursement is required by this act pursuant to
9 Section 6 of Article XIII B of the California Constitution because
10 the only costs that may be incurred by a local agency or school
11 district will be incurred because this act creates a new crime or
12 infraction, eliminates a crime or infraction, or changes the penalty
13 for a crime or infraction, within the meaning of Section 17556 of
14 the Government Code, or changes the definition of a crime within
15 the meaning of Section 6 of Article XIII B of the California
16 Constitution.

17

18

19 **REVISIONS:**

20 **Heading—Line 2.**

21
