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AB-1621 Firearms: unserialized firearms. (2021-2022)

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Assembly Bill No. 1621

CHAPTER 76

An act to amend Section 6216 of the Family Code, and to amend Sections 16520, 16531, 18010, 23910, 23920, 23925, 27510, 27530, 29180, 29182, 29805, and 30420 of, to amend, repeal, and add Sections 26835, 27535, and 27540 of, to add Sections 16515, 16517, 16519, 17312, 29185, and 30401 to, to repeal Sections 16532, 29181, 30405, 30406, 30412, and 30414 of, to repeal Articles 2 (commencing with Section 30442), 3 (commencing with Section 30470), and 4 (commencing with Section 30485) of Chapter 1.5 of Division 10 of Title 4 of Part 6 of, and to repeal and add Section 30400 of, the Penal Code, relating to firearms, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor June 30, 2022. Filed with Secretary of State June 30, 2022.]

LEGISLATIVE COUNSEL'S DIGEST

AB 1621, Gipson. Firearms: unserialized firearms.

(1) Existing law defines a firearm precursor part as a component of a firearm that is necessary to build or assemble a firearm and is either an unfinished handgun frame or a specified unfinished receiver, receiver tube, or receiver flat. Under existing law, commencing July 1, 2022, a firearm precursor part is required to be sold through a licensed firearm precursor part vendor, as specified.

This bill would redefine a firearm precursor part as any forging, casting, printing, extrusion, machined body or similar article that has reached a stage in manufacture where it may readily be completed, assembled or converted to be used as the frame or receiver of a functional firearm, or that is marketed or sold to the public to become or be used as the frame or receiver of a functional firearm once completed, assembled or converted. This bill would extend the definition of a firearm to include a firearm precursor part for the purposes of most criminal and regulatory provisions related to the possession, sale, and transfer of a firearm, including provisions which do not apply to a frame or receiver under existing law. The bill would repeal provisions relating to the sale of firearm precursor parts through a licensed precursor part vendor, and would prohibit the sale, transfer, or possession of an unserialized firearm precursor part, except as specified. The bill would create a process by which a person may apply to the department for a determination that a particular item or kit is or is not a firearm precursor part.

(2) Existing law requires a person that is manufacturing a firearm or assembling a firearm from unserialized components, to apply to the Department of Justice for a unique mark of identification and to affix that mark to the firearm, as specified.

This bill would require any person in possession of an unserialized firearm to apply to the department for a unique mark of identification and to affix that mark to the firearm before January 1, 2024. The bill would,

commencing on January 1, 2024, explicitly prohibit the possession or transfer of a firearm without a serial number or mark of identification. The bill would authorize a new resident of the state to, within 60 days after arrival in the state, request a unique mark or identification for any unserialized firearm that is otherwise valid to possess in the state. The bill would also prohibit the possession, sale, transfer, or use of specified firearms manufacturing equipment, with exceptions for specified entities, including the Armed Forces of the United States, the National Guard, and law enforcement, as specified. The bill would declare its provisions to be severable.

(3) Existing law prohibits a person from purchasing more than one handgun or semiautomatic centerfire rifle in a 30-day period.

This bill would, commencing on January 1, 2024, also apply this limitation to completed frames or receivers and firearm precursor parts.

(4) Existing law prohibits a person convicted of a felony from possessing a firearm. Existing law prohibits a person convicted of certain specified misdemeanors from possessing a firearm for a period of 10 years after that conviction.

This bill would include in the 10-year prohibition, a misdemeanor violation of manufacturing an unserialized firearm, or aiding or abetting the manufacture of a firearm by a prohibited person, that occurs on or after January 1, 2023. The bill would also remove an erroneous cross-reference.

(5) This bill would authorize the Department of Justice to adopt regulations to carry out its provisions. The bill would make other conforming, technical, and nonsubstantive changes. By creating new crimes expanding the application of numerous crimes, this bill would impose a state-mandated local program.

(6) This bill would declare its provisions to be severable and would authorize the Department of Justice, if any provisions of this bill are held invalid, to enact regulations in furtherance of the bill purpose, including, without limitation, requiring a person to obtain a license to purchase or receive a firearm precursor part.

(7) Existing law prohibits possession of a firearm without a serial number. Existing law prohibits possession of a firearm that has had the serial number altered, removed, or obliterated. Existing law defines a firearm to include the frame or receiver.

Existing law requires any person in the business of manufacturing firearms, as specified, to be licensed. Existing law requires a person, other than a manufacturer, who assembles a firearm to apply to the Department of Justice for a serial number and to affix that number to the firearm, as specified.

This bill would make certain findings and declarations relating to unserialized firearms.

(8) This bill would declare that it is to take effect immediately as an urgency statute.

(9) 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: 2/3 Appropriation: no Fiscal Committee: yes Local Program: yes

THE PEOPLE OF THE STATE OF CALIFORNIA DO ENACT AS FOLLOWS:

SECTION 1. The Legislature finds and declares the following:

(a) The proliferation of unserialized ghost guns built from firearm precursor parts has caused enormous harm and suffering, hampered the ability of law enforcement to trace crime guns and investigate firearm trafficking and other crimes, and dangerously undermined the effectiveness of laws and protections critical to the health, safety, and well-being of Californians.

(1) Like completed frames and receivers, the sole function of firearm precursor parts is to be used to assemble a weapon designed and capable of ending human life. Sellers and manufacturers of firearm precursor parts frequently market these products by emphasizing the fact that they are sold without traceable serial numbers and are otherwise significantly less regulated than firearms or completed frames or receivers.

(2) Law enforcement officials from cities across California have reported massive increases in the number of unserialized self-assembled ghost guns recovered from homicide cases and other crimes in recent years.

(3) For instance, law enforcement officials in San Francisco reported that 44 percent of guns recovered in San Francisco homicide cases in 2020 were unserialized ghost guns, compared with 6 percent in 2019. Law enforcement officials in San Diego reported recovering 360 ghost guns in just the first nine months of 2021, more than four times as many as the department recovered in all of 2019. According to an October 2021 report by the Los Angeles Police Department, the number of ghost guns seized by the department increased 400 percent since 2017 and more than doubled from 2020 to 2021 alone; the report concluded that “the current trend shows these figures will continue to grow exponentially” and that “ghost guns are an epidemic not only in Los Angeles, but nationwide.” In August 2021, the Los Angeles Police Department reported that ghost guns accounted for 33 percent of all guns recovered by the department in its investigations of suspected criminal activity.

(4) Community violence intervention professionals have also warned that the proliferation of ghost guns in vulnerable communities has intensified in recent years and contributed to a surge in gun deaths disproportionately impacting young people.

(5) Ghost guns built from unserialized and unregulated firearm precursor parts have become a leading source of crime guns, including firearms built by people such as minors who cannot legally possess or acquire firearms in our state, as well as individuals seeking to conceal their involvement in firearm trafficking and other crimes.

(6) The Legislature enacted AB 879 in 2019 to address this growing threat and bring needed accountability, transparency, and regulation to the sale and transfer of firearm precursor parts.

(7) Tragic events have continued to make clear that a more comprehensive response is needed now to protect public health and safety by ensuring that firearm precursor parts are regulated to the same extent as completed frames or receivers.

(8) Further reform is necessary, for instance, to halt the sale of unserialized firearm precursor parts in California, and to ensure that individuals purchasing firearm precursor parts undergo a full background check of all relevant records available to the Department of Justice when conducting background checks related to the purchase of a firearm or completed frame or receiver, including records available through the National Instant Criminal Background Check System. Further reform is also necessary to ensure that firearm precursor parts are sold in accordance with other gun safety laws applicable to the sale, manufacture, or possession of completed frames and receivers, such as the waiting period requirement, and to expressly prohibit the sale or transfer of ownership of firearms assembled or manufactured by people and entities that do not have a license to manufacture firearms.

(9) The Legislature seeks to protect public health and safety by halting the sale and possession of unserialized firearms and firearm precursor parts in California, ensuring that firearm precursor parts may only be sold if they are regulated under federal law to the same extent as completed frames and receivers, and aligning California law’s regulation of firearm precursor parts with its regulation of completed frames and receivers.

(10) This act will authorize unlicensed individuals to continue to assemble or manufacture firearms for personal use from completed frames and receivers, which are subject to critical California and federal gun safety laws. This act will also authorize unlicensed individuals to assemble or manufacture firearms from firearm precursor parts if such parts have valid state or federal serial numbers and are regulated to the same extent as firearms or completed frames or receivers under federal law.

SEC. 2. Section 6216 of the Family Code is amended to read:

6216. For the purposes of this division, “firearm” includes the frame or receiver of the weapon, including a completed frame or receiver or a firearm precursor part. “Firearm precursor part” has the same meaning as in subdivision (a) of Section 16531 of the Penal Code.

SEC. 3. Section 16515 is added to the Penal Code, to read:

16515. “Federal licensee authorized to serialize firearms” means a person, firm, corporation, or other entity that holds any valid federal firearms license that authorizes the person, firm, corporation, or other entity to imprint serial numbers onto firearms pursuant to Chapter 44 (commencing with Section 921) of Title 18 of the United States Code and regulations issued pursuant thereto.

SEC. 4. Section 16517 is added to the Penal Code, to read:

16517. "Federally licensed manufacturer or importer" means a person, firm, corporation, or other entity that holds a valid license to manufacture or import firearms issued pursuant to Chapter 44 (commencing with Section 921) of Title 18 of the United States Code and regulations issued pursuant thereto.

SEC. 5. Section 16519 is added to the Penal Code, to read:

16519. "Federally regulated firearm precursor part" means any firearm precursor part deemed to be a firearm pursuant to Chapter 44 (commencing with Section 921) of Title 18 of the United States Code and regulations issued pursuant thereto, and, if required, has been imprinted with a serial number by a federal licensee authorized to serialize firearms in compliance with all applicable federal laws and regulations.

SEC. 6. Section 16520 of the Penal Code, as added by Section 3 of Chapter 682 of the Statutes of 2021, is amended to read:

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

(b) As used in the following provisions, "firearm" includes the frame or receiver of the weapon, including both a completed frame or receiver, or a firearm precursor part:

- (1) Section 136.2.
- (2) Section 646.91.
- (3) Sections 16515 and 16517.
- (4) Section 16550.
- (5) Section 16730.
- (6) Section 16960.
- (7) Section 16990.
- (8) Section 17070.
- (9) Section 17310.
- (10) Sections 18100 to 18500, inclusive.
- (11) Section 23690.
- (12) Section 23900 to 23925, inclusive.
- (13) Sections 26500 to 26590, inclusive.
- (14) Sections 26600 to 27140, inclusive.
- (15) Sections 27200 to 28490, inclusive.
- (16) Sections 29010 to 29150, inclusive.
- (17) Section 29185.
- (18) Sections 29610 to 29750, inclusive.
- (19) Sections 29800 to 29905, inclusive.
- (20) Sections 30150 to 30165, inclusive.
- (21) Section 31615.
- (22) Sections 31700 to 31830, inclusive.
- (23) Sections 34355 to 34370, inclusive.
- (24) Sections 527.6 to 527.9, inclusive, of the Code of Civil Procedure.

(25) Sections 8100 to 8108, inclusive, of the Welfare and Institutions Code.

(26) Section 15657.03 of the Welfare and Institutions Code.

(c) As used in the following provisions, "firearm" also includes a rocket, rocket propelled projectile launcher, or similar device containing an explosive or incendiary material, whether or not the device is designed for emergency or distress signaling purposes:

(1) Section 16750.

(2) Subdivision (b) of Section 16840.

(3) Section 25400.

(4) Sections 25850 to 26025, inclusive.

(5) Subdivisions (a), (b), and (c) of Section 26030.

(6) Sections 26035 to 26055, inclusive.

(d) As used in the following provisions, "firearm" does not include an unloaded antique firearm:

(1) Section 16730.

(2) Section 16550.

(3) Section 16960.

(4) Section 17310.

(5) Subdivision (b) of Section 23920.

(6) Section 25135.

(7) Chapter 6 (commencing with Section 26350) of Division 5 of Title 4.

(8) Chapter 7 (commencing with Section 26400) of Division 5 of Title 4.

(9) Sections 26500 to 26588, inclusive.

(10) Sections 26700 to 26915, inclusive.

(11) Section 27510.

(12) Section 27530.

(13) Section 27540.

(14) Section 27545.

(15) Sections 27555 to 27585, inclusive.

(16) Sections 29010 to 29150, inclusive.

(17) Section 29180.

(e) As used in Sections 34005 and 34010, "firearm" does not include a destructive device.

(f) As used in Sections 17280 and 24680, "firearm" has the same meaning as in Section 922 of Title 18 of the United States Code.

(g) As used in Sections 29180 to 29184, inclusive, "firearm" includes the completed frame or receiver of a weapon.

SEC. 7. Section 16531 of the Penal Code is amended to read:

16531. (a) "Firearm precursor part" means any forging, casting, printing, extrusion, machined body or similar article that has reached a stage in manufacture where it may readily be completed, assembled or converted to

be used as the frame or receiver of a functional firearm, or that is marketed or sold to the public to become or be used as the frame or receiver of a functional firearm once completed, assembled or converted.

(b) The Department of Justice, consistent with this section, shall provide written guidance and pictorial diagrams demonstrating examples of firearm precursor parts.

(c) Firearm parts that can only be used on antique firearms, as defined in subdivision (c) of Section 16170, are not firearm precursor parts.

SEC. 8. Section 16532 of the Penal Code is repealed.

SEC. 9. Section 17312 is added to the Penal Code, to read:

17312. "Valid state or federal serial number or mark of identification" means either of the following:

(a) A serial number that has been imprinted by a federal licensee authorized to serialize firearms in accordance with federal law, or that has been assigned to a firearm pursuant to Chapter 53 of Title 26 of the United States Code and the regulations issued pursuant thereto.

(b) A serial number or mark of identification issued by the California Department of Justice pursuant to Section 23910 or 29180.

SEC. 10. Section 18010 of the Penal Code is amended to read:

18010. (a) The Attorney General, a district attorney, or a city attorney may bring an action to enjoin the manufacture of, importation of, keeping for sale of, offering or exposing for sale, giving, lending, or possession of, any item that constitutes a nuisance under any of the following provisions:

(1) Section 19290, relating to metal handgrenades.

(2) Section 20390, relating to an air gauge knife.

(3) Section 20490, relating to a belt buckle knife.

(4) Section 20590, relating to a cane sword.

(5) Section 20690, relating to a lipstick case knife.

(6) Section 20790, relating to a shobi-zue.

(7) Section 20990, relating to a writing pen knife.

(8) Section 21190, relating to a ballistic knife.

(9) Section 21890, relating to metal knuckles.

(10) Section 22290, relating to a leaded cane or an instrument or weapon of the kind commonly known as a billy, blackjack, sandbag, sandclub, sap, or slungshot.

(11) Section 22490, relating to a shuriken.

(12) Section 24390, relating to a camouflaging firearm container.

(13) Section 24490, relating to a cane gun.

(14) Section 24590, relating to a firearm not immediately recognizable as a firearm.

(15) Section 24690, relating to an undetectable firearm.

(16) Section 24790, relating to a wallet gun.

(17) Section 30290, relating to flechette dart ammunition and to a bullet with an explosive agent.

(18) Section 31590, relating to an unconventional pistol.

(19) Section 32390, relating to a large-capacity magazine.

(20) Section 32990, relating to a multiburst trigger activator.

(21) Section 33290, relating to a short-barreled rifle or a short-barreled shotgun.

(22) Section 33690, relating to a zip gun.

(b) The weapons described in subdivision (a) shall be subject to confiscation and summary destruction whenever found within the state.

(c) The weapons described in subdivision (a) shall be destroyed in the same manner described in Section 18005, except that upon the certification of a judge or of the district attorney that the ends of justice will be served thereby, the weapon shall be preserved until the necessity for its use ceases.

(d) (1) The Attorney General, a district attorney, or a city attorney may bring an action to enjoin the importation into the state or sale or transfer of any firearm precursor part that is unlawfully imported into this state or sold or transferred within this state.

(2) Any firearm precursor parts that are unlawfully imported in this state or unlawfully sold, transferred, or possessed within this state are a nuisance and are subject to confiscation and destruction pursuant to Section 18005.

SEC. 11. Section 23910 of the Penal Code is amended to read:

23910. The Department of Justice, upon request, may assign a distinguishing number or mark of identification to any firearm whenever the firearm lacks a manufacturer's number or other mark of identification. Whenever the manufacturer's number or other mark of identification or a distinguishing number or mark assigned by the department has been destroyed or obliterated, the Department of Justice, upon request, may assign a distinguishing number or mark of identification to any firearm in accordance with Section 29182.

SEC. 12. Section 23920 of the Penal Code is amended to read:

23920. (a) Except as provided in Section 23925, any person who, with knowledge of any change, alteration, removal, or obliteration described in this section, buys, receives, disposes of, sells, offers for sale, or has in possession any pistol, revolver, or other firearm that has had the name of the maker or model, or the manufacturer's number or other mark of identification, including any distinguishing number or mark assigned by the Department of Justice, changed, altered, removed, or obliterated, is guilty of a misdemeanor.

(b) Except as provided in Section 23925, any person who, on or after January 1, 2024, knowingly possesses any firearm that does not have a valid state or federal serial number or mark of identification is guilty of a misdemeanor.

SEC. 13. Section 23925 of the Penal Code is amended to read:

23925. (a) Section 23920 does not apply to any of the following:

(1) The acquisition or possession of a firearm described in Section 23920 by any member of the military forces of this state or of the United States, while on duty and acting within the scope and course of employment.

(2) The acquisition or possession of a firearm described in Section 23920 by any peace officer described in Chapter 4.5 (commencing with Section 830) of Title 3 of Part 2, while on duty and acting within the scope and course of employment.

(3) The acquisition or possession of a firearm described in Section 23920 by any employee of a forensic laboratory, while on duty and acting within the scope and course of employment.

(4) The possession and disposition of a firearm described in Section 23920 by a person who meets all of the following:

(A) The person is not prohibited by state or federal law from possessing, receiving, owning, or purchasing a firearm.

(B) The person possessed the firearm no longer than was necessary to deliver it to a law enforcement agency for that agency's disposition according to law.

(C) If the person is transporting the firearm, the person is transporting it to a law enforcement agency in order to deliver it to the agency for the agency's disposition according to law.

(D) If the person is transporting the firearm to a law enforcement agency, the person has given prior notice to the agency that the person is transporting the firearm to that agency for the agency's disposition according to law.

(E) The firearm is transported in a locked container as defined in Section 16850.

(b) Subdivision (b) of Section 23920 does not apply to any of the following:

(1) The possession of a firearm that was made or assembled prior to December 16, 1968, and is not a handgun.

(2) The possession of a firearm that has been entered, before July 1, 2018, into the centralized registry set forth in Section 11106, as being owned by a specific individual or entity, if that firearm has assigned to it a distinguishing number or mark of identification because the department accepted entry of that firearm into the centralized registry.

(3) The possession of a firearm that is a curio or relic, or an antique firearm, as those terms are defined in Section 479.11 of Title 27 of the Code of Federal Regulations.

(4) The possession of a firearm by a federally licensed firearms manufacturer or importer, or any other federal licensee authorized to serialize firearms.

(5) The possession of a firearm by a person who, before January 1, 2024, has applied to the Department of Justice for a unique serial number or mark of identification, pursuant to Section 29180, and fully complies with the provisions of that section, including imprinting the serial number or mark of identification onto the firearm within 10 days after receiving the serial number or mark of identification from the department.

(6) (A) The possession of a firearm by a new resident who, pursuant to Section 29180, applies for a unique serial number or other mark of identification from the Department of Justice within 60 days after arrival in the state, for any firearm the resident wishes to legally possess in the state that does not have a valid state or federal serial number or mark of identification, and who fully complies with the provisions of that section, including imprinting the serial number or mark of identification onto the firearm within 10 days after receiving the serial number or mark of identification from the department.

(B) The good faith effort by a new resident to apply for a unique serial number or other mark of identification after the expiration of the 60-day period specified in this paragraph, or any other person's good faith effort to apply for a unique serial number or mark of identification for a firearm that does not have a valid state or federal serial number or other mark of identification, shall not constitute probable cause for a violation of Section 23920.

(7) The possession of a firearm by a nonresident of this state who is traveling with a firearm in this state in accordance with the provisions of Section 926A of Title 18 of the United States Code, or who possesses or imports a firearm into this state exclusively for use in an organized sport shooting event or competition.

SEC. 14. Section 26835 of the Penal Code is amended to read:

26835. (a) A licensee shall conspicuously post within the licensed premises the following warnings in block letters not less than one inch in height:

(1) "FIREARMS MUST BE HANDLED RESPONSIBLY AND SECURELY STORED TO PREVENT ACCESS BY CHILDREN AND OTHER UNAUTHORIZED USERS. CALIFORNIA HAS STRICT LAWS PERTAINING TO FIREARMS, AND YOU MAY BE FINED OR IMPRISONED IF YOU FAIL TO COMPLY WITH THEM. VISIT THE WEBSITE OF THE CALIFORNIA ATTORNEY GENERAL AT [HTTPS://OAG.CA.GOV/FIREARMS](https://oag.ca.gov/firearms) FOR INFORMATION ON FIREARM LAWS APPLICABLE TO YOU AND HOW YOU CAN COMPLY."

(2) "IF YOU KEEP A 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."

(3) "CHILDREN MAY BE UNABLE TO DISTINGUISH FIREARMS FROM TOYS AND MAY OPERATE FIREARMS, CAUSING SEVERE INJURIES OR DEATH. IF YOU KEEP A 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, 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."

(4) "YOU MAY BE GUILTY OF A MISDEMEANOR, INCLUDING A SIGNIFICANT FINE OR IMPRISONMENT, IF YOU KEEP A FIREARM WHERE A MINOR IS LIKELY TO ACCESS IT OR IF A MINOR OBTAINS AND IMPROPERLY USES IT, OR CARRIES IT OFF OF THE PREMISES TO A SCHOOL OR SCHOOL-SPONSORED EVENT, UNLESS YOU STORED THE FIREARM IN A LOCKED CONTAINER OR LOCKED THE FIREARM WITH A LOCKING DEVICE."

(5) "IF YOU NEGLIGENTLY STORE OR LEAVE A FIREARM WITHIN ANY PREMISES UNDER YOUR CUSTODY OR CONTROL WHERE A PERSON UNDER 18 YEARS OF AGE IS LIKELY TO ACCESS IT, YOU MAY BE GUILTY OF A MISDEMEANOR, INCLUDING A SIGNIFICANT FINE, UNLESS YOU STORED THE FIREARM IN A LOCKED CONTAINER OR LOCKED THE FIREARM WITH A LOCKING DEVICE."

(6) "DISCHARGING FIREARMS IN POORLY VENTILATED AREAS, CLEANING FIREARMS, OR HANDLING AMMUNITION MAY RESULT IN EXPOSURE TO LEAD, A SUBSTANCE KNOWN TO CAUSE BIRTH DEFECTS, REPRODUCTIVE HARM, AND OTHER SERIOUS PHYSICAL INJURY. HAVE ADEQUATE VENTILATION AT ALL TIMES. WASH HANDS THOROUGHLY AFTER EXPOSURE."

(7) "FEDERAL REGULATIONS PROVIDE THAT IF YOU DO NOT TAKE PHYSICAL POSSESSION OF THE FIREARM THAT YOU ARE ACQUIRING OWNERSHIP OF WITHIN 30 DAYS AFTER YOU COMPLETE THE INITIAL BACKGROUND CHECK PAPERWORK, THEN YOU HAVE TO GO THROUGH THE BACKGROUND CHECK PROCESS A SECOND TIME IN ORDER TO TAKE PHYSICAL POSSESSION OF THAT FIREARM."

(8) "NO PERSON SHALL MAKE AN APPLICATION TO PURCHASE MORE THAN ONE HANDGUN OR SEMIAUTOMATIC CENTERFIRE RIFLE WITHIN ANY 30-DAY PERIOD AND NO DELIVERY SHALL BE MADE TO ANY PERSON WHO HAS MADE AN APPLICATION TO PURCHASE MORE THAN ONE HANDGUN OR SEMIAUTOMATIC CENTERFIRE RIFLE WITHIN ANY 30-DAY PERIOD."

(9) "IF A FIREARM YOU OWN OR POSSESS IS LOST OR STOLEN, YOU MUST REPORT THE LOSS OR THEFT TO A LOCAL LAW ENFORCEMENT AGENCY WHERE THE LOSS OR THEFT OCCURRED WITHIN FIVE DAYS OF THE TIME YOU KNEW OR REASONABLY SHOULD HAVE KNOWN THAT THE FIREARM HAD BEEN LOST OR STOLEN."

(b) In addition to the notice required by subdivision (a), a licensee shall post conspicuously within the licensed premises, in block letters not less than one inch in height, an additional notice, including, but not limited to, a notice provided by a suicide prevention program, containing the following statement:

"IF YOU OR SOMEONE YOU KNOW IS CONTEMPLATING SUICIDE, PLEASE CALL THE NATIONAL SUICIDE PREVENTION LIFELINE AT 1-800-273-TALK (8255)."

(c) This section shall remain in effect until January 1, 2024, and as of that date is repealed.

SEC. 15. Section 26835 is added to the Penal Code, to read:

26835. (a) A licensee shall conspicuously post within the licensed premises the following warnings in block letters not less than one inch in height:

(1) "FIREARMS MUST BE HANDLED RESPONSIBLY AND SECURELY STORED TO PREVENT ACCESS BY CHILDREN AND OTHER UNAUTHORIZED USERS. CALIFORNIA HAS STRICT LAWS PERTAINING TO FIREARMS, AND YOU MAY BE FINED OR IMPRISONED IF YOU FAIL TO COMPLY WITH THEM. VISIT THE WEBSITE OF THE CALIFORNIA ATTORNEY GENERAL AT [HTTPS://OAG.CA.GOV/FIREARMS](https://oag.ca.gov/firearms) FOR INFORMATION ON FIREARM LAWS APPLICABLE TO YOU AND HOW YOU CAN COMPLY."

(2) "IF YOU KEEP A 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."

(3) "CHILDREN MAY BE UNABLE TO DISTINGUISH FIREARMS FROM TOYS AND MAY OPERATE FIREARMS, CAUSING SEVERE INJURIES OR DEATH. IF YOU KEEP A 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, 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."

(4) "YOU MAY BE GUILTY OF A MISDEMEANOR, INCLUDING A SIGNIFICANT FINE OR IMPRISONMENT, IF YOU KEEP A FIREARM WHERE A MINOR IS LIKELY TO ACCESS IT OR IF A MINOR OBTAINS AND IMPROPERLY USES IT, OR CARRIES IT OFF OF THE PREMISES TO A SCHOOL OR SCHOOL-SPONSORED EVENT, UNLESS YOU STORED THE FIREARM IN A LOCKED CONTAINER OR LOCKED THE FIREARM WITH A LOCKING DEVICE."

(5) "IF YOU NEGLIGENTLY STORE OR LEAVE A FIREARM WITHIN ANY PREMISES UNDER YOUR CUSTODY OR CONTROL WHERE A PERSON UNDER 18 YEARS OF AGE IS LIKELY TO ACCESS IT, YOU MAY BE GUILTY OF A MISDEMEANOR, INCLUDING A SIGNIFICANT FINE, UNLESS YOU STORED THE FIREARM IN A LOCKED CONTAINER OR LOCKED THE FIREARM WITH A LOCKING DEVICE."

(6) "DISCHARGING FIREARMS IN POORLY VENTILATED AREAS, CLEANING FIREARMS, OR HANDLING AMMUNITION MAY RESULT IN EXPOSURE TO LEAD, A SUBSTANCE KNOWN TO CAUSE BIRTH DEFECTS, REPRODUCTIVE HARM, AND OTHER SERIOUS PHYSICAL INJURY. HAVE ADEQUATE VENTILATION AT ALL TIMES. WASH HANDS THOROUGHLY AFTER EXPOSURE."

(7) "FEDERAL REGULATIONS PROVIDE THAT IF YOU DO NOT TAKE PHYSICAL POSSESSION OF THE FIREARM THAT YOU ARE ACQUIRING OWNERSHIP OF WITHIN 30 DAYS AFTER YOU COMPLETE THE INITIAL BACKGROUND CHECK PAPERWORK, THEN YOU HAVE TO GO THROUGH THE BACKGROUND CHECK PROCESS A SECOND TIME IN ORDER TO TAKE PHYSICAL POSSESSION OF THAT FIREARM."

(8) "NO PERSON SHALL MAKE AN APPLICATION TO PURCHASE MORE THAN ONE FIREARM WITHIN ANY 30-DAY PERIOD AND NO DELIVERY SHALL BE MADE TO ANY PERSON WHO HAS MADE AN APPLICATION TO PURCHASE MORE THAN ONE FIREARM WITHIN ANY 30-DAY PERIOD."

(9) "IF A FIREARM YOU OWN OR POSSESS IS LOST OR STOLEN, YOU MUST REPORT THE LOSS OR THEFT TO A LOCAL LAW ENFORCEMENT AGENCY WHERE THE LOSS OR THEFT OCCURRED WITHIN FIVE DAYS OF THE TIME YOU KNEW OR REASONABLY SHOULD HAVE KNOWN THAT THE FIREARM HAD BEEN LOST OR STOLEN."

(b) In addition to the notice required by subdivision (a), a licensee shall post conspicuously within the licensed premises, in block letters not less than one inch in height, an additional notice, including, but not limited to, a notice provided by a suicide prevention program, containing the following statement:

"IF YOU OR SOMEONE YOU KNOW IS CONTEMPLATING SUICIDE, PLEASE CALL THE NATIONAL SUICIDE PREVENTION LIFELINE AT 1-800-273-TALK (8255)."

(c) This section shall become operative on January 1, 2024.

SEC. 16. Section 27510 of the Penal Code is amended to read:

27510. (a) A person licensed under Sections 26700 to 26915, inclusive, shall not sell, supply, deliver, or give possession or control of a firearm to any person who is under 21 years of age.

(b) (1) Subdivision (a) does not apply to or affect the sale, supplying, delivery, or giving possession or control of a firearm that is not a handgun, semiautomatic centerfire rifle, completed frame or receiver, or firearm precursor part to a person 18 years of age or older who possesses a valid, unexpired hunting license issued by the Department of Fish and Wildlife.

(2) Subdivision (a) does not apply to or affect the sale, supplying, delivery, or giving possession or control of a firearm that is not a handgun or a semiautomatic centerfire rifle to a person who is 18 years of age or older and provides proper identification of being an honorably discharged member of the United States Armed Forces, the National Guard, the Air National Guard, or the active reserve components of the United States. For purposes of this subparagraph, proper identification includes an Armed Forces Identification Card or other written documentation certifying that the individual is an honorably discharged member

(3) Subdivision (a) does not apply to or affect the sale, supplying, delivery, or giving possession or control of a firearm that is not a handgun to any of the following persons who are 18 years of age or older:

(A) An active peace officer, as described in Chapter 4.5 (commencing with Section 830) of Title 3 of Part 2, who is authorized to carry a firearm in the course and scope of employment.

(B) An active federal officer or law enforcement agent who is authorized to carry a firearm in the course and scope of employment.

(C) A reserve peace officer, as defined in Section 832.6, who is authorized to carry a firearm in the course and scope of employment as a reserve peace officer.

(D) A person who provides proper identification of active membership in the United States Armed Forces, the National Guard, the Air National Guard, or active reserve components of the United States. For purposes of this subparagraph, proper identification includes an Armed Forces Identification Card or other written documentation certifying that the individual is an active member.

SEC. 17. Section 27530 of the Penal Code is amended to read:

27530. (a) No person shall sell or otherwise transfer ownership of a firearm that is not imprinted with a serial number imprinted by a federal licensee authorized to serialize firearms.

(b) This section does not apply to any of the following:

(1) A firearm made or assembled prior to December 16, 1968, that is not a handgun.

(2) A firearm that is a curio or relic, or an antique firearm, as those terms are defined in Section 479.11 of Title 27 of the Code of Federal Regulations.

(3) A firearm that has been entered, before July 1, 2018, into the centralized registry set forth in Section 11106, as being owned by a specific individual or entity, if that firearm has assigned to it a distinguishing number or mark of identification because the department accepted entry of that firearm into the centralized registry.

(4) The transfer, surrender, or sale of a firearm to a law enforcement agency.

(5) The sale or transfer of ownership of a firearm to a federally licensed firearms manufacturer or importer, or any other federal licensee authorized to serialize firearms.

SEC. 18. Section 27535 of the Penal Code is amended to read:

27535. (a) A person shall not make an application to purchase more than one handgun or semiautomatic centerfire rifle within any 30-day period. This subdivision does not authorize a person to make an application to purchase both a handgun and semiautomatic centerfire rifle within the same 30-day period.

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

(1) Any law enforcement agency.

(2) Any agency duly authorized to perform law enforcement duties.

(3) Any state or local correctional facility.

(4) Any private security company licensed to do business in California.

(5) Any person who 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, and who is authorized to, and does carry a firearm during the course and scope of employment as a peace officer.

(6) Any motion picture, television, or video production company or entertainment or theatrical company whose production by its nature involves the use of a firearm.

(7) Any person who may, pursuant to Article 2 (commencing with Section 27600), Article 3 (commencing with Section 27650), or Article 4 (commencing with Section 27700), claim an exemption from the waiting period set forth in Section 27540.

(8) Any transaction conducted through a licensed firearms dealer pursuant to Chapter 5 (commencing with Section 28050).

(9) Any person who is licensed as a collector pursuant to Chapter 44 (commencing with Section 921) of Title 18 of the United States Code and the regulations issued pursuant thereto, and has a current certificate of eligibility issued by the Department of Justice pursuant to Article 1 (commencing with Section 26700) of Chapter 2.

(10) The exchange of a handgun or semiautomatic centerfire rifle where the dealer purchased that firearm from the person seeking the exchange within the 30-day period immediately preceding the date of exchange or replacement.

(11) The replacement of a handgun or semiautomatic centerfire rifle when the person's firearm was lost or stolen, and the person reported that firearm lost or stolen pursuant to Section 25250 prior to the completion of the application to purchase the replacement.

(12) The return of any handgun or semiautomatic centerfire rifle to its owner.

(13) A community college that is certified by the Commission on Peace Officer Standards and Training to present the law enforcement academy basic course or other commission-certified law enforcement training.

(c) This section shall remain in effect until January 1, 2024, and as of that date is repealed.

SEC. 19. Section 27535 is added to the Penal Code, to read:

27535. (a) A person shall not make an application to purchase more than one firearm within any 30-day period. This subdivision does not authorize a person to make an application to purchase a combination of firearms, completed frames or receivers, or firearm precursor parts within the same 30-day period.

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

(1) Any law enforcement agency.

(2) Any agency duly authorized to perform law enforcement duties.

(3) Any state or local correctional facility.

(4) Any private security company licensed to do business in California.

(5) Any person who 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, and who is authorized to, and does carry a firearm during the course and scope of employment as a peace officer.

(6) Any motion picture, television, or video production company or entertainment or theatrical company whose production by its nature involves the use of a firearm.

(7) Any person who may, pursuant to Article 2 (commencing with Section 27600), Article 3 (commencing with Section 27650), or Article 4 (commencing with Section 27700), claim an exemption from the waiting period set forth in Section 27540.

(8) Any transaction conducted through a licensed firearms dealer pursuant to Chapter 5 (commencing with Section 28050).

(9) Any person who is licensed as a collector pursuant to Chapter 44 (commencing with Section 921) of Title 18 of the United States Code and the regulations issued pursuant thereto, and has a current certificate of eligibility issued by the Department of Justice pursuant to Article 1 (commencing with Section 26700) of Chapter 2.

(10) The exchange of a firearm where the dealer purchased that firearm from the person seeking the exchange within the 30-day period immediately preceding the date of exchange or replacement.

(11) The replacement of a firearm when the person's firearm was lost or stolen, and the person reported that firearm lost or stolen pursuant to Section 25250 prior to the completion of the application to purchase the replacement.

(12) The return of any firearm to its owner.

(13) A community college that is certified by the Commission on Peace Officer Standards and Training to present the law enforcement academy basic course or other commission-certified law enforcement training.

(c) This section shall become operative on January 1, 2024.

SEC. 20. Section 27540 of the Penal Code is amended to read:

27540. A dealer, whether or not acting pursuant to Chapter 5 (commencing with Section 28050), shall not deliver a firearm to a person, as follows:

(a) Within 10 days of the application to purchase, or, after notice by the department pursuant to Section 28220, within 10 days of the submission to the department of any correction to the application, or within 10 days of the submission to the department of any fee required pursuant to Section 28225, whichever is later.

(b) Unless unloaded and securely wrapped or unloaded and in a locked container.

(c) Unless the purchaser, transferee, or person being loaned the firearm presents clear evidence of the person's identity and age to the dealer.

(d) Whenever the dealer is notified by the Department of Justice that the person is prohibited by state or federal law from possessing, receiving, owning, or purchasing a firearm.

(e) A firearm, including a handgun, shall not be delivered unless the purchaser, transferee, or person being loaned the firearm presents a firearm safety certificate to the dealer, except that in the case of a handgun, an unexpired handgun safety certificate may be presented.

(f) Until July 1, 2021, a handgun shall not be delivered whenever the dealer is notified by the Department of Justice that within the preceding 30-day period the purchaser has made another application to purchase a handgun and that the previous application to purchase did not involve any of the entities or circumstances specified in subdivision (b) of Section 27535.

(g) A handgun or semiautomatic centerfire rifle shall not be delivered whenever the dealer is notified by the Department of Justice that within the preceding 30-day period, the purchaser has made another application to purchase either a handgun or semiautomatic centerfire rifle and that the previous application to purchase did not involve any of the entities or circumstances specified in subdivision (b) of Section 27535.

(h) This section shall remain in effect until January 1, 2024, and as of that date is repealed.

SEC. 21. Section 27540 is added to the Penal Code, to read:

27540. A dealer, whether or not acting pursuant to Chapter 5 (commencing with Section 28050), shall not deliver a firearm to a person, as follows:

(a) Within 10 days of the application to purchase, or, after notice by the department pursuant to Section 28220, within 10 days of the submission to the department of any correction to the application, or within 10 days of the submission to the department of any fee required pursuant to Section 28225, whichever is later.

(b) Unless unloaded and securely wrapped or unloaded and in a locked container.

(c) Unless the purchaser, transferee, or person being loaned the firearm presents clear evidence of the person's identity and age to the dealer.

(d) Whenever the dealer is notified by the Department of Justice that the person is prohibited by state or federal law from possessing, receiving, owning, or purchasing a firearm.

(e) A firearm, including a handgun, shall not be delivered unless the purchaser, transferee, or person being loaned the firearm presents a firearm safety certificate to the dealer, except that in the case of a handgun, an unexpired handgun safety certificate may be presented.

(f) A firearm shall not be delivered whenever the dealer is notified by the Department of Justice that within the preceding 30-day period, the purchaser has made another application to purchase a handgun, semiautomatic centerfire rifle, completed frame or receiver, or firearm precursor part, and that the previous application to purchase did not involve any of the entities or circumstances specified in subdivision (b) of Section 27535.

(g) This section shall become operative on January 1, 2024.

SEC. 22. Section 29180 of the Penal Code is amended to read:

29180. (a) For purposes of this chapter, "manufacturing" or "assembling" a firearm means to fabricate or construct a firearm, including through additive, subtractive, or other processes, or to fit together the component parts of a firearm to construct a firearm.

(b) Before manufacturing or assembling a firearm, a person manufacturing or assembling the firearm shall, for any firearm that does not have a valid state or federal serial number or mark of identification imprinted on the frame or receiver, do all of the following:

(1) (A) Apply to the Department of Justice for a unique serial number or other mark of identification pursuant to Section 29182.

(B) Each application shall contain a description of the firearm that the applicant intends to assemble, the applicant's full name, address, date of birth, and any other information that the department may deem appropriate.

(2) (A) Within 10 days of manufacturing or assembling a firearm in accordance with paragraph (1), the unique serial number or other mark of identification provided by the department shall be engraved or permanently affixed to the firearm in a manner that meets or exceeds the requirements imposed on licensed importers and licensed manufacturers of firearms pursuant to subsection (i) of Section 923 of Title 18 of the United States Code and regulations issued pursuant thereto.

(B) If the firearm is manufactured or assembled from polymer plastic, 3.7 ounces of material type 17-4 PH stainless steel shall be embedded within the plastic upon fabrication or construction with the unique serial number engraved or otherwise permanently affixed in a manner that meets or exceeds the requirements imposed on licensed importers and licensed manufacturers of firearms pursuant to subsection (i) of Section 923 of Title 18 of the United States Code and regulations issued pursuant thereto.

(3) After the serial number provided by the department is engraved or otherwise permanently affixed to the firearm, the person shall notify the department of that fact in a manner and within a time period specified by the department, and with sufficient information to identify the owner of the firearm, the unique serial number or mark of identification provided by the department, and the firearm in a manner prescribed by the department.

(c) Any person who owns a firearm or firearm precursor part that does not bear a valid state or federal serial number or mark of identification shall be deemed to be in compliance with subdivision (b) of Section 23920 if they comply with all of the following:

(1) (A) By no later than January 1, 2024, or if a new resident of the state, within 60 days after arriving in the state with a firearm that does not have a valid state or federal serial number or mark of identification, apply to the Department of Justice for a unique serial number or other mark of identification pursuant to Section 29182.

(B) An application to the department for a serial number or mark of identification for a firearm precursor part shall include, in a manner prescribed by the department, information identifying the applicant and a description of the firearm that the applicant intends to manufacture or assemble with the firearm precursor part, and any other information that the department may deem appropriate.

(2) Within 10 days of receiving a unique serial number or other mark of identification from the department, engrave or permanently affix that serial number or mark of identification to the firearm in accordance with regulations prescribed by the department pursuant to Section 29182 and in a manner that meets or exceeds the requirements imposed on licensed importers and licensed manufacturers of firearms pursuant to subsection (i) of Section 923 of Title 18 of the United States Code and regulations issued pursuant thereto. If the firearm is manufactured or assembled from polymer plastic, 3.7 ounces of material type 17-4 PH stainless steel shall be embedded within the plastic upon fabrication or construction.

(3) After the serial number provided by the department is engraved or otherwise permanently affixed to the firearm, notify the department of that fact in a manner and within a time period specified by the department and with sufficient information to identify the owner of the firearm, the unique serial number or mark of identification provided by the department, and the firearm in a manner prescribed by the department.

(d) (1) Except by operation of law, a person, corporation, or firm that is not a federally licensed firearms manufacturer shall not sell or transfer ownership of a firearm, as defined in subdivision (g) of Section 16520, if any of the following are true:

(A) That person, corporation, or firm manufactured or assembled the firearm.

(B) That person, corporation, or firm knowingly caused the firearm to be manufactured or assembled by a person, corporation, or firm that is not a federally licensed firearms manufacturer.

(C) That person, corporation, or firm is aware that the firearm was manufactured or assembled by a person, corporation, or firm that is not a federally licensed firearms manufacturer.

(2) Paragraph (1) does not apply to the transfer, surrender, or sale of a firearm to a law enforcement agency.

(3) Any firearms confiscated by law enforcement that do not bear an engraved serial number or other mark of identification pursuant to subdivision (b) or (c), or a firearm surrendered, transferred, or sold to a law enforcement agency pursuant to paragraph (2) shall be destroyed as provided in Section 18005.

(4) Sections 26500 and 27545, and subdivision (a) of Section 31615, do not apply to the transfer, sale, or surrender of firearms to a law enforcement agency pursuant to paragraph (2).

(e) A person, corporation, or firm shall not knowingly allow, facilitate, aid, or abet the manufacture or assembling of a firearm by a person who is within any of the classes identified by Chapter 2 (commencing with Section 29800) or Chapter 3 (commencing with Section 29900) of Division 9 of this code, or Section 8100 or 8103 of the Welfare and Institutions Code.

(f) A person, corporation, or firm shall not knowingly manufacture or assemble, or knowingly cause, allow, facilitate, aid, or abet the manufacture or assembling of, a firearm that is not imprinted with a valid state or federal serial number or mark of identification.

(g) If the firearm is a handgun, a violation of this section is punishable by imprisonment in a county jail not to exceed one year, or by a fine not to exceed one thousand dollars (\$1,000), or by both that fine and imprisonment. For all other firearms, a violation of this section is punishable by imprisonment in a county jail not to exceed six months, or by a fine not to exceed one thousand dollars (\$1,000), or by both that fine and imprisonment. Each firearm found to be in violation of this section constitutes a distinct and separate offense. This section does not preclude prosecution under any other law providing for a greater penalty.

SEC. 23. Section 29181 of the Penal Code is repealed.

SEC. 24. Section 29182 of the Penal Code is amended to read:

29182. (a) The Department of Justice may accept applications from, and may grant applications in the form of serial numbers pursuant to Sections 23910 and 29180 to, persons who wish to own a firearm or firearm precursor part that does not have a valid state or federal serial number or mark of identification.

(b) An application made pursuant to subdivision (a) shall only be granted by the department if the applicant does all of the following:

(1) For each transaction, completes a firearms eligibility check pursuant to Section 28220 demonstrating that the applicant is not prohibited by state or federal law from possessing, receiving, owning, or purchasing a firearm.

(2) Presents proof of age and identity as specified in Section 16400 demonstrating that person is 21 years of age or older.

(3) Provides a description of the firearm that the applicant owns or intends to manufacture or assemble, in a manner prescribed by the department.

(4) Has a valid firearm safety certificate.

(c) The department shall inform applicants who are denied an application of the reasons for the denial in writing. The reason for denial may include, without limitation, any of the following:

(1) Based on a firearm eligibility check conducted pursuant to Section 28220, the department has determined that the applicant is prohibited by state or federal law from possessing, receiving, owning, or purchasing a

firearm.

(2) Based on a firearm eligibility check conducted pursuant to Section 28220, the department is unable to ascertain the disposition of an arrest or criminal charge, is unable to ascertain the outcome of a mental health evaluation or treatment, or otherwise is unable to conclusively determine that the applicant is not ineligible.

(3) The applicant's description of the firearm that the applicant owns or intends to manufacture or assemble indicates that the firearm would be considered any of the following:

- (A) An unsafe handgun.
- (B) An assault weapon, as defined in Section 30510 or 30515.
- (C) A machinegun.
- (D) A .50 BMG rifle.
- (E) A destructive device, as defined in Section 16460.
- (F) A short-barreled rifle or short-barreled shotgun.
- (G) An unconventional pistol.
- (H) Any other firearm prohibited by this part.

(d) (1) All applications received on or after January 1, 2024, shall be granted or denied within 90 calendar days after the receipt of the application by the department.

(2) Any application received before January 1, 2024, may be granted or denied within a period of time prescribed by the department.

(e) (1) This chapter does not authorize a person to manufacture, assemble, or possess a weapon prohibited under Section 16590, an assault weapon as defined in Section 30510 or 30515, a machinegun as defined in Section 16880, a .50 BMG rifle as defined in Section 30530, or a destructive device as defined in Section 16460.

(2) This chapter does not authorize a person to manufacture or assemble an unsafe handgun, as defined in Section 31910.

(f) The department shall adopt regulations to administer this chapter.

SEC. 25. Section 29185 is added to the Penal Code, to read:

29185. (a) No person, firm, or corporation, other than a federally licensed firearms manufacturer or importer, shall use a computer numerical control (CNC) milling machine to manufacture a firearm, including a completed frame or receiver or a firearm precursor part.

(b) It is unlawful to sell, offer to sell, or transfer a CNC milling machine that has the sole or primary function of manufacturing firearms to any person in this state, other than a federally licensed firearms manufacturer or importer.

(c) It is unlawful for any person in this state other than a federally licensed firearms manufacturer or importer to possess, purchase, or receive a CNC milling machine that has the sole or primary function of manufacturing firearms.

(d) Subdivisions (b) and (c) do not apply to any of the following:

(1) A person who is engaged in the business of selling manufacturing equipment to a federally licensed firearms manufacturer or importer who possesses a CNC milling machine with the intent to sell or transfer the CNC milling machine to a federally licensed firearms manufacturer or importer.

(2) A common carrier licensed under state law, or a motor carrier, air carrier or carrier affiliated with an air carrier through common controlling interest that is subject to Title 49 of the United States Code, or an authorized agent of any such carrier, when acting in the course and scope of duties incident to the receipt, processing, transportation, or delivery of property.

(3) A person who, before the effective date of the act that added this section, possessed a CNC milling machine that has the sole or primary function of manufacturing firearms and who, within 90 days after that date, does one of the following:

- (A) Sells or transfers the machine to a federally licensed firearms manufacturer or importer.
- (B) Sells or transfers the machine to a person described in paragraph (1).
- (C) Removes the machine from this state.
- (D) Relinquished the machine to a law enforcement agency.
- (E) Otherwise lawfully terminates possession of the machine.

(e) This section does not apply to any member of the Armed Forces of the United States or the National Guard, while on duty and acting within the scope and course of employment, or any law enforcement agency or forensic laboratory.

(f) A violation of this section is punishable as a misdemeanor.

SEC. 26. Section 29805 of the Penal Code is amended to read:

29805. (a) (1) Except as provided in Section 29855, subdivision (a) of Section 29800, or subdivision (b), any person who has been convicted of a misdemeanor violation of Section 71, 76, 136.1, 136.5, or 140, subdivision (d) of Section 148, subdivision (f) of Section 148.5, Section 171b, paragraph (1) of subdivision (a) of Section 171c, Section 171d, 186.28, 240, 241, 242, 243, 243.4, 244.5, 245, 245.5, 246.3, 247, 273.5, 273.6, 417, 417.6, 422, 422.6, 626.9, 646.9, 830.95, 17500, 17510, 25300, 25800, 30315, or 32625, subdivision (b) or (d) of Section 26100, or Section 27510, or Section 8100, 8101, or 8103 of the Welfare and Institutions Code, any firearm-related offense pursuant to Sections 871.5 and 1001.5 of the Welfare and Institutions Code, Section 487 if the property taken was a firearm, or of the conduct punished in subdivision (c) of Section 27590, and who, within 10 years of the conviction, owns, purchases, receives, or has in possession or under custody or control, any firearm is guilty of a public offense, punishable by imprisonment in a county jail not exceeding one year or in the state prison, by a fine not exceeding one thousand dollars (\$1,000), or by both that imprisonment and fine.

(2) Any person who has an outstanding warrant for any misdemeanor offense described in this subdivision, and who has knowledge of the outstanding warrant, and who owns, purchases, receives, or has in possession or under custody or control any firearm is guilty of a public offense, punishable by imprisonment in a county jail not exceeding one year or in the state prison, by a fine not exceeding one thousand dollars (\$1,000), or by both that imprisonment and fine.

(b) Any person who is convicted, on or after January 1, 2019, of a misdemeanor violation of Section 273.5, and who subsequently owns, purchases, receives, or has in possession or under custody or control, any firearm is guilty of a public offense, punishable by imprisonment in a county jail not exceeding one year or in the state prison, by a fine not exceeding one thousand dollars (\$1,000), or by both that imprisonment and fine.

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

(d) Any person who is convicted on or after January 1, 2023, of a misdemeanor violation of subdivision (e) or (f) of Section 29180, and who, within 10 years of the conviction, owns, purchases, receives, or has in possession or under custody or control, any firearm is guilty of a public offense, punishable by imprisonment in a county jail not exceeding one year or in the state prison, by a fine not exceeding one thousand dollars (\$1,000), or by both that imprisonment and fine.

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

SEC. 27. Section 30400 of the Penal Code is repealed.

SEC. 28. Section 30400 is added to the Penal Code, to read:

30400. (a) Except as provided in subdivision (b) and in Section 30420, or except by operation of law, it shall be unlawful for a person to purchase, sell, offer to sell, or transfer ownership of any firearm precursor part in this state that is not a federally regulated firearm precursor part.

(b) This section does not apply to either of the following:

(1) The purchase of a firearm precursor part that is not a federally regulated firearm precursor part by a federally licensed firearms manufacturer or importer, or by a federal licensee authorized to serialize firearms.

(2) The sale, offer to sell, or transfer of ownership of a firearm precursor part that is not a federally regulated firearm precursor part to a federally licensed firearms manufacturer or importer, or to a federal licensee authorized to serialize firearms.

SEC. 29. Section 30401 is added to the Penal Code, to read:

30401. (a) The department may, upon receipt of a written request or form prescribed by the department, issue a determination to a person regarding whether an item or kit is a firearm precursor part.

(b) Any request or form submitted pursuant to subdivision (a) shall be executed under the penalty of perjury with a complete and accurate description of the item or kit, the name and address of the manufacturer or importer thereof, and a sample of the item or kit for examination.

(c) The sample of the item or kit shall include all accessories and attachments relevant to the firearm precursor part determination as each determination is limited to the submitted sample. The sample shall include any associated templates, jigs, molds, equipment, or tools that are made available by the seller, distributor, or manufacturer of the item or kit to the purchaser or recipient of the item or kit, and any instructions, guides, or marketing materials if they will be made available by the seller, distributor, or manufacturer with the item or kit.

(d) Upon completion of the examination, the department may return the sample to the person who made the request unless a determination is made that return of the sample would be a, or would place the person in, violation of the law. Unless otherwise stated by the department, a determination made by the department pursuant to this section shall not be deemed by any person to be applicable to, or authoritative with respect to, any other sample, design, model, or configuration.

SEC. 30. Section 30405 of the Penal Code is repealed.

SEC. 31. Section 30406 of the Penal Code is repealed.

SEC. 32. Section 30412 of the Penal Code is repealed.

SEC. 33. Section 30414 of the Penal Code is repealed.

SEC. 34. Section 30420 of the Penal Code is amended to read:

30420. This article does not apply to any of the following persons:

(a) A member of the Armed Forces of the United States or the National Guard, while on duty and acting within the scope and course of employment, or any law enforcement agency or forensic laboratory.

(b) A common carrier licensed under state law, or a motor carrier, air carrier or carrier affiliated with an air carrier through common controlling interest that is subject to Title 49 of the United States Code, or an authorized agent of any such carrier, when acting in the course and scope of duties incident to the receipt, processing, transportation, or delivery of property.

(c) An authorized representative of a city, county, city and county, or state or federal government that receives an unserialized firearm precursor part as part of an authorized, voluntary program in which the governmental entity is buying or receiving firearms or firearm precursor parts from private individuals.

SEC. 35. Article 2 (commencing with Section 30442) of Chapter 1.5 of Division 10 of Title 4 of Part 6 of the Penal Code is repealed.

SEC. 36. Article 3 (commencing with Section 30470) of Chapter 1.5 of Division 10 of Title 4 of Part 6 of the Penal Code is repealed.

SEC. 37. Article 4 (commencing with Section 30485) of Chapter 1.5 of Division 10 of Title 4 of Part 6 of the Penal Code is repealed.

SEC. 38. The provisions of this act shall not be construed as restricting the application of any other law. However, an act or omission punishable in different ways by different provisions of law shall not be punished under more than one provision.

SEC. 39. The Department of Justice is authorized to adopt regulations to implement this Act. These regulations are exempt from the Administrative Procedure Act (Chapter 3.5 (commencing with Section 11340) of Part 1 of Division 3 of Title 2 of the Government Code).

SEC. 40. (a) The provisions of this act are severable. If any provision of this act or its application is held invalid, that invalidity shall not affect other provisions or applications that can be given effect without the invalid provision or application.

(b) If any provision of this act or its application is held invalid, the Department of Justice shall be authorized to issue guidance or adopt regulations necessary to address any such invalidity and to promote the purposes of this act, including, but not limited to, regulations requiring individuals to obtain a license pursuant to a background check of available records in order to purchase or receive a firearm precursor part, regulations promulgating alternative processes or requirements for ensuring that firearm precursor parts possessed, sold, or transferred in California have valid serial numbers, and regulations promulgating alternative processes or requirements for ensuring that firearm precursor parts are not sold or transferred to individuals who are legally prohibited from possessing, receiving, or manufacturing firearms. Such guidance or regulations are exempt from the Administrative Procedure Act (Chapter 3.5 (commencing with Section 11340) of Part 1 of Division 3 of Title 2 of the Government Code).

SEC. 41. This act is an urgency statute necessary for the immediate preservation of the public peace, health, or safety within the meaning of Article IV of the California Constitution and shall go into immediate effect. The facts constituting the necessity are:

In order to provide protection from escalating rates of firearm violence and against the proliferation of unserialized firearms, and to conform firearm laws with anticipated federal regulations, it is necessary that this act go into immediate effect.

SEC. 42. No reimbursement is required by this act pursuant to Section 6 of Article XIII B of the California Constitution because the only costs that may be incurred by a local agency or school district will be incurred because this act creates a new crime or infraction, eliminates a crime or infraction, or changes the penalty for a crime or infraction, within the meaning of Section 17556 of the Government Code, or changes the definition of a crime within the meaning of Section 6 of Article XIII B of the California Constitution.