

Introduced by Senator Min

January 27, 2021

An act to add Section 27575 to the Penal Code, relating to firearms.

LEGISLATIVE COUNSEL'S DIGEST

SB 264, as introduced, Min. Firearms: state property.

Existing law generally regulates the sale and transfer of firearms, including, among other things, requiring transactions of firearms to be completed through a licensed firearms dealer. Existing law generally makes a violation of the requirements relating to the sale, lease, or transfer of a firearm a misdemeanor.

This bill would prohibit a state officer or employee, or operator, lessee, or licensee of any state-owned property, from contracting for, authorizing, or allowing the sale of any firearm or ammunition on state property, as specified. The bill would exempt a gun buyback event held by a law enforcement agency from its provisions. Because a violation of this prohibition would be a crime, this bill would impose a state-mandated local program.

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. The Legislature finds and declares all of the
2 following:

3 (a) Some state properties, such as fairgrounds in District
4 Agricultural Associations (DAAs), lease a portion of their
5 fairgrounds to entities that sponsor marketplaces popularly known
6 as “gun shows,” at which firearms and ammunition and other items
7 are sold to the public approximately five times a year on average
8 among state fairgrounds.

9 (b) The United States has experienced many gun-related
10 tragedies with increasing severity and frequency in the last 30
11 years, including mass murders at Columbine High School, Sandy
12 Hook Elementary School, and Marjory Stoneman Douglas High
13 School, and an increasing rate of suicide by gun among all levels
14 of society.

15 (c) Various California cities, such as the Cities of Del Mar,
16 Solana Beach, and Encinitas have adopted resolutions requesting
17 that their local Del Mar Fairgrounds (DMFG) Board discontinue
18 leasing any portion of its property for use as a gun show. A
19 committee appointed by the Board of Directors of the 22nd DAA
20 to study gun shows conducted research, including inspection tours
21 of the Del Mar Gun Show by members of the committee as well
22 as by several other members of the DMFG Board.

23 (d) In direct response to this community concern, Assembly
24 Member Todd Gloria passed AB 893 into law, banning gun shows
25 from the DMFG, setting a precedent for gun show legislation in
26 California.

27 (e) Gun shows bring grave danger to a community, and the
28 following dangerous incidents, among others, have occurred at
29 gun shows, including, but not limited to, an official vendor accused
30 of trafficking illegal firearms, sales of firearms to individuals
31 registered in the Department of Justice Bureau of Firearms Armed
32 Prohibited Persons System, and illegal importation of
33 large-capacity magazines.

34 (f) Promoters maintain relationships with a core group of
35 vendors, some selling guns and some selling other merchandise,
36 who travel as the schedule dictates from city to city and state to
37 state and in the west, for example, many of the same vendors can

1 be seen at Crossroads of the West Gun Shows from San Francisco,
2 California, to Tucson, Arizona.

3 SEC. 2. Section 27575 is added to the Penal Code, to read:

4 27575. (a) A state officer or employee, or operator, lessee, or
5 licensee of any state property, shall not contract for, authorize, or
6 allow the sale of any firearm or ammunition on state property or
7 in the buildings that sit on state property or property otherwise
8 owned, leased, occupied, or operated by the state.

9 (b) This section does not apply to a gun buyback event held by
10 a law enforcement agency.

11 SEC. 3. No reimbursement is required by this act pursuant to
12 Section 6 of Article XIII B of the California Constitution because
13 the only costs that may be incurred by a local agency or school
14 district will be incurred because this act creates a new crime or
15 infraction, eliminates a crime or infraction, or changes the penalty
16 for a crime or infraction, within the meaning of Section 17556 of
17 the Government Code, or changes the definition of a crime within
18 the meaning of Section 6 of Article XIII B of the California
19 Constitution.