

AMENDED IN ASSEMBLY MAY 23, 2023

AMENDED IN SENATE MARCH 20, 2023

SENATE BILL

No. 417

Introduced by Senator Blakespear

February 9, 2023

An act to amend Section 26835 of the Penal Code, relating to firearms.

LEGISLATIVE COUNSEL'S DIGEST

SB 417, as amended, Blakespear. Firearms: licensed dealers.

Existing law requires any sale or transfer of a firearm to be processed through a licensed dealer. Existing law requires each dealer to conspicuously post certain warnings and notices within their licensed premises, including safe storage requirements, requirements regarding the reporting of lost and stolen firearms, and information regarding the suicide prevention lifeline.

This bill would revise this required posting, as specified.

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

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

- 1 SECTION 1. Section 26835 of the Penal Code, as added by
- 2 Section 15 of Chapter 76 of the Statutes of 2022, is amended to
- 3 read:
- 4 26835. (a) A licensee shall conspicuously post within the
- 5 licensed premises the following warnings in block letters not less
- 6 than one inch in height:

1 (1) "FIREARMS MUST BE HANDLED RESPONSIBLY AND
2 SECURELY STORED TO PREVENT ACCESS BY CHILDREN
3 AND OTHER UNAUTHORIZED USERS. CALIFORNIA HAS
4 STRICT LAWS PERTAINING TO FIREARMS, AND YOU
5 MAY BE FINED OR IMPRISONED IF YOU FAIL TO COMPLY
6 WITH THEM. VISIT THE WEBSITE OF THE CALIFORNIA
7 A T T O R N E Y G E N E R A L A T
8 [HTTPS://OAG.CA.GOV/FIREARMS](https://oag.ca.gov/firearms) FOR INFORMATION ON
9 FIREARM LAWS APPLICABLE TO YOU AND HOW YOU
10 CAN COMPLY."

11 (2) "IF YOU KEEP A FIREARM WITHIN ANY PREMISES
12 UNDER YOUR CUSTODY OR CONTROL, AND A PERSON
13 UNDER 18 YEARS OF AGE OBTAINS IT AND USES IT,
14 RESULTING IN INJURY OR DEATH, OR CARRIES IT TO A
15 PUBLIC PLACE, YOU MAY BE GUILTY OF A
16 MISDEMEANOR OR A FELONY UNLESS YOU STORED
17 THE FIREARM IN A LOCKED CONTAINER OR LOCKED
18 THE FIREARM WITH A LOCKING DEVICE TO KEEP IT
19 FROM TEMPORARILY FUNCTIONING."

20 (3) "CHILDREN MAY BE UNABLE TO DISTINGUISH
21 FIREARMS FROM TOYS AND MAY OPERATE FIREARMS,
22 CAUSING SEVERE INJURIES OR DEATH. IF YOU KEEP A
23 FIREARM WITHIN ANY PREMISES UNDER YOUR
24 CUSTODY OR CONTROL, AND A PERSON UNDER 18
25 YEARS OF AGE GAINS ACCESS TO THE FIREARM AND
26 CARRIES IT OFF-PREMISES, YOU MAY BE GUILTY OF A
27 MISDEMEANOR, UNLESS YOU STORED THE FIREARM IN
28 A LOCKED CONTAINER, OR LOCKED THE FIREARM WITH
29 A LOCKING DEVICE TO KEEP IT FROM TEMPORARILY
30 FUNCTIONING."

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

39 (5) "IF YOU NEGLIGENTLY STORE OR LEAVE A
40 FIREARM WITHIN ANY PREMISES UNDER YOUR

1 CUSTODY OR CONTROL WHERE A PERSON UNDER 18
2 YEARS OF AGE IS LIKELY TO ACCESS IT, YOU MAY BE
3 GUILTY OF A MISDEMEANOR, INCLUDING A
4 SIGNIFICANT FINE, UNLESS YOU STORED THE FIREARM
5 IN A LOCKED CONTAINER OR LOCKED THE FIREARM
6 WITH A LOCKING DEVICE.”

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

14 (7) “FEDERAL REGULATIONS PROVIDE THAT IF YOU
15 DO NOT TAKE PHYSICAL POSSESSION OF THE FIREARM
16 THAT YOU ARE ACQUIRING OWNERSHIP OF WITHIN 30
17 DAYS AFTER YOU COMPLETE THE INITIAL
18 BACKGROUND CHECK PAPERWORK, THEN YOU HAVE
19 TO GO THROUGH THE BACKGROUND CHECK PROCESS
20 A SECOND TIME IN ORDER TO TAKE PHYSICAL
21 POSSESSION OF THAT FIREARM.”

22 (8) “NO PERSON SHALL MAKE AN APPLICATION TO
23 PURCHASE MORE THAN ONE FIREARM WITHIN ANY
24 30-DAY PERIOD AND NO DELIVERY SHALL BE MADE TO
25 ANY PERSON WHO HAS MADE AN APPLICATION TO
26 PURCHASE MORE THAN ONE FIREARM WITHIN ANY
27 30-DAY PERIOD.”

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

34 (b) (1) In addition to the notice required by subdivision (a), a
35 licensee shall post conspicuously within the licensed premises, ~~in~~
36 ~~block letters not less than one inch in height, an additional notice~~
37 ~~containing the following statement:~~ *on a contrasting background*
38 *of at least 8.5 inches by 11 inches and written in block letters not*
39 *less than 22-point type, an additional notice containing the*
40 *following statement:*

1 “ACCESS TO A FIREARM IN THE HOME SIGNIFICANTLY
2 INCREASES THE RISK OF SUICIDE, DEATH, AND INJURY
3 DURING DOMESTIC VIOLENCE DISPUTES, AND THE
4 UNINTENTIONAL DEATH AND TRAUMATIC INJURY TO
5 CHILDREN, HOUSEHOLD MEMBERS, AND GUESTS. IF
6 YOU OR A LOVED ONE IS EXPERIENCING DISTRESS OR
7 DEPRESSION OR IS CONTEMPLATING SUICIDE, PLEASE
8 CALL THE NATIONAL SUICIDE PREVENTION LIFELINE
9 AT 1-800-273-TALK (8255).”

10 (2) *The statement in paragraph (1) shall be posted on the*
11 *counter of one of the main gun displays or within five feet of the*
12 *cash register. The statement shall not be placed on the floor or*
13 *the ceiling of the premises.*

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