

AMENDED IN ASSEMBLY APRIL 1, 2025

CALIFORNIA LEGISLATURE—2025–26 REGULAR SESSION

ASSEMBLY BILL

No. 1078

Introduced by Assembly Member Berman

February 20, 2025

An act to amend ~~Section 26202~~ of Sections 171.7, 26150, 26155, 26162, 26185, 26190, 26195, 26202, 26206, 26225, 26230, and 29800 of, and to amend, repeal, and add Sections 26835, 27535, and 27540 of, the Penal Code, relating to firearms.

LEGISLATIVE COUNSEL'S DIGEST

AB 1078, as amended, Berman. Firearms.

Existing

(1) *Existing* law prohibits a person from carrying a concealed firearm or carrying a loaded firearm in public. Existing law authorizes a licensing authority, as specified, if certain requirements and other criteria are met, including, among other things, the applicant has completed a specified course of training, to issue a license to carry a concealed handgun or to carry a loaded and exposed handgun, as specified. Existing law requires a licensing authority to conduct an investigation to determine whether an applicant can receive or renew a license that includes, among other things, a review of all information provided in the application for a license, and a review of the information in the California Restraining and Protective Order System. Existing law prohibits the licensing authority from issuing a license if, among other things, the applicant has been convicted of contempt of court or court, has been subject to a restraining order, protective order, or other type of court order, unless that order expired or was vacated or otherwise canceled more than 5 years prior to receipt of the completed application.

application, or, in the 10 years prior to the licensing authority receiving the completed application, has been convicted of specified criminal statutes.

This bill would also prohibit a licensing authority from issuing a license if an applicant was convicted of, under any federal law or law of any other state that includes comparable elements of, contempt of court or specified criminal statutes in the 10 years prior to the completed application or was subject to any restraining order, protective order, or other type of court order.

This bill would require the review of the California Restraining and Protective Order System to include information concerning whether the applicant is reasonably likely to be a danger to self, others, or the community at large, as specified. By imposing new duties on local licensing authorities, this bill would create a state-mandated local program.

The bill would additionally exempt from the licensure prohibition for applicants previously subject to a restraining order, protective order, or other type of court order, applicants who were previously subject to an above-described order that did not receive notice and an opportunity to be heard before the order was issued.

~~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, if the Commission on State Mandates determines that the bill contains costs mandated by the state, reimbursement for those costs shall be made pursuant to the statutory provisions noted above.~~

(2) Existing law prohibits a person who is licensed to carry a firearm from carrying a firearm in specified places, including schools, government buildings, hospitals, zoos, parks, churches, and a bus, train, or other form of public transportation. Existing law exempts a firearm that is secured in a lock box, as specified, under certain circumstances, from these prohibitions.

This bill would exempt a firearm that is unloaded and locked in a lock box for the purpose of transporting the firearm from the prohibition on carrying the firearm on a bus, train, or other form of public transportation, including a building, real property, or parking area under the control of a public transportation authority.

(3) Existing law requires, when a person applies for a new license or license renewal to carry a pistol, revolver, or other firearm capable

of being concealed upon the person, a licensing authority, as specified, to issue or renew a license if the applicant has provided proof that, among other things, the applicant has completed a specified course of training, including live-fire shooting exercises on a firing range, and the applicant is the recorded owner of the pistol, revolver, or other firearm for which the license will be issued.

This bill would clarify that these requirements for a new license or license renewal specifically apply to a California resident. For non-California residents, the bill would additionally require, among other requirements, the applicant to attest, under oath, that the jurisdiction in which the applicant has applied is the primary location in California in which they intend to travel or spend time, and that the applicant has completed live-fire shooting exercises for each pistol, revolver, or other firearm for which the applicant is applying to be licensed to carry in California. By requiring local agencies to issue licenses for concealed firearms to non-California residents and expanding the scope of the crime of perjury, this bill would create a state-mandated local program.

If a psychological assessment on an initial application to carry a pistol, revolver, or other firearm capable of being concealed upon the person is required by a licensing authority, existing law requires the applicant to be referred to a licensed psychologist acceptable to the licensing authority.

This bill would authorize a licensing authority to allow a non-California resident applicant to satisfy this psychological assessment with a virtual psychological assessment, as specified, or approve this examination with a provider located within 75 miles of the applicant's residence.

Existing law prohibits a license to carry a pistol, revolver, or other firearm capable of being concealed upon the person from being issued if the Department of Justice determines that the applicant is prohibited by state or federal law from possessing, receiving, owning, or purchasing a firearm.

This bill would prohibit the issuance of that license if an applicant provides any inaccurate or incomplete information in connection with an application for a license, a license renewal, or an amendment to a license. The bill would require a licensee to inform the local authority that issued the license of any restraining order or arrest, charge, or conviction of a specified crime.

(4) Existing law prohibits a person from making an application to purchase more than one firearm within any 30-day period. Existing law prohibits a dealer from delivering a firearm to a purchaser when 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 firearm. Existing law requires a licensed dealer of firearms to conspicuously post a prescribed firearms safety warning message within the licensed premises, including that no person shall make an application to purchase more than one firearm, as specified, 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, as specified, within any 30-day period.

An existing federal district court order in a case pending appeal has enjoined the enforcement of the law limiting the number of firearms that a person is allowed to purchase in a 30-day period.

This bill would increase the number of firearms that a person can apply to purchase within any 30-day period from one to 3 and would prohibit delivery of a firearm by a dealer if the dealer is notified by the Department of Justice that the purchaser has made an application to purchase one or more firearms that would result in the purchase of more than 3 firearms cumulatively within the 30-day period preceding the date of the application, as specified. The bill would make a conforming change to the required firearms safety warning.

If a mandate is issued following an appeal reversing the district court's order and judgment, this bill, on the 30th day after the issuance of the mandate, would decrease the number of firearms that can be purchased within any 30-day period to one. The bill would require the Attorney General to notify every licensed firearms dealer in California, by the 30th day after the issuance of the mandate, that the number of firearms a person may purchase within any 30-day period decreased to one. If no such mandate is issued, the bill would maintain the number of firearms that can be purchased within any 30-day period at 3.

(5) Existing law makes it a crime for a person to own or possess a firearm if the person has been convicted of a felony, as specified. Existing law makes those provisions inapplicable to a conviction or warrant for a felony if, both the conviction of a like offense under California law can only result in imposition of felony punishment and the defendant received either, or both, a sentence to a federal correctional facility for more than 30 days and a fine exceeding \$1,000.

This bill would additionally make those provisions inapplicable to a conviction for a nonviolent felony under the laws of any other state if the conviction has been vacated, set aside, expunged, or otherwise dismissed and, if the conviction resulted in a firearms prohibition, the conviction relief restored the firearms rights, or if the conviction did not involve the use of a dangerous weapon and the person received a pardon, as specified.

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 with regard to certain mandates no reimbursement is required by this act for a specified reason.

With regard to any other mandates, this bill would provide that, if the Commission on State Mandates determines that the bill contains costs so mandated by the state, reimbursement for those costs shall be made pursuant to the statutory provisions noted above.

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. Section 171.7 of the Penal Code is amended to
2 read:
3 171.7. (a) For purposes of this section:
4 (1) “Public transit facility” means any land, building, or
5 equipment, or ~~any~~ an interest therein, including ~~any~~ a station on
6 a public transportation route, to which access is controlled in a
7 manner consistent with the public transit authority’s security plan,
8 whether or not the operation thereof produces revenue, that has as
9 its primary purpose the operation of a public transit system or the
10 providing of services to the passengers of a public transit system.
11 A public transit system includes the vehicles used in the system,
12 including, but not limited to, motor vehicles, streetcars, trackless
13 trolleys, buses, light rail systems, rapid transit systems, subways,
14 trains, or jitneys, that transport members of the public for hire.
15 (2) “Firearm” has the same meaning as specified in subdivisions
16 (a) and (b) of Section 16520.
17 (b) It is unlawful for ~~any~~ a person to knowingly possess any of
18 the following in a public transit facility:

- 1 (1) ~~Any~~A firearm.
- 2 (2) ~~Any~~An imitation firearm as defined in ~~Section 417.4~~.
- 3 *subdivision (a) of Section 16700.*
- 4 (3) ~~Any~~An instrument that expels a metallic projectile, such as
- 5 a BB or pellet, through the force of air pressure, CO₂ pressure, or
- 6 spring action, or ~~any~~ a spot marker gun or paint gun.
- 7 (4) ~~Any~~A metal military practice hand grenade.
- 8 (5) ~~Any~~A metal replica hand grenade.
- 9 (6) ~~Any~~A plastic replica hand grenade.
- 10 (7) ~~Any~~An unauthorized tear gas weapon.
- 11 (8) ~~Any~~An undetectable knife, as described in Section 17290.
- 12 (9) ~~Any~~An undetectable firearm, as described in Section 17280.
- 13 (c) (1) Subdivision (b) ~~shall~~ *does* not apply to, or affect, any
- 14 of the following:
- 15 (A) A duly appointed peace officer as defined in Chapter 4.5
- 16 (commencing with Section 830) of Title 3 of Part 2.
- 17 (B) A retired peace officer with authorization to carry concealed
- 18 weapons as described in Article 2 (commencing with Section
- 19 25450) of Chapter 2 of Division 5 of Title 4 of Part 6.
- 20 (C) A full-time paid peace officer of another state or the federal
- 21 government who is carrying out official duties while in California.
- 22 (D) A qualified law enforcement officer of another state or the
- 23 federal government, as permitted under the Law Enforcement
- 24 Officers Safety Act pursuant to Section 926B or 926C of Title 18
- 25 of the United States Code.
- 26 (E) ~~Any~~A person summoned by ~~any of the officers~~ *an officer*
- 27 listed in subparagraphs (A) to (C), inclusive, to assist in making
- 28 arrests or preserving the peace while they are actually engaged in
- 29 assisting the officer.
- 30 (F) A person who is responsible for the security of the public
- 31 transit system and who has been authorized by the public transit
- 32 authority's security coordinator, in writing, to possess a weapon
- 33 specified in subdivision (b).
- 34 (G) A person possessing an unloaded firearm while traveling
- 35 on a public transit system that offers checked baggage services,
- 36 so long as the firearm is stored in accordance with the public transit
- 37 system's checked baggage policies.
- 38 (2) Paragraph (7) of subdivision (b) ~~shall~~ *does* not apply to or
- 39 affect the possession of a tear gas weapon when possession is

permitted pursuant to Division 11 (commencing with Section 22810) of Title 3 of Part 6.

(3) *Paragraph (1) of subdivision (b) does not apply to a person transporting an unloaded firearm locked in a lock box in compliance with paragraph (8) of subdivision (a) of Section 26230.*

(d) A violation of this section is punishable by imprisonment in a county jail for a period not exceeding six months, or by a fine not exceeding one thousand dollars (\$1,000), or by both that fine and imprisonment.

(e) ~~The provisions of this section are cumulative, and shall not be construed as restricting~~ *cumulative and do not restrict* the application of any other law. However, an act or omission that is punishable in different ways by this and any other provision of law shall not be punished under more than one provision.

(f) This section does not prevent prosecution under any other provision of law that may provide a greater punishment.

(g) This section shall be interpreted so as to be consistent with Section 926A of Title 18 of the United States Code.

SEC. 2. Section 26150 of the Penal Code is amended to read:

26150. (a) ~~When a person~~ *California resident* applies for a new license or license renewal to carry a pistol, revolver, or other firearm capable of being concealed upon the person, the sheriff of a county shall issue or renew a license to that ~~person~~ *California resident* upon proof of all of the following:

(1) The applicant is not a disqualified person to receive such a license, as determined in accordance with the standards set forth in Section 26202.

(2) The applicant is at least 21 years of age, and presents clear evidence of the person's identity and age, as defined in Section 16400.

(3) The applicant is a resident of the county or a city within the county, or the applicant's principal place of employment or business is in the county or a city within the county and the applicant spends a substantial period of time in that place of employment or business. Prima facie evidence of residency within the county or a city within the county includes, but is not limited to, the address where the applicant is registered to vote, the applicant's filing of a homeowner's property tax exemption, and other acts, occurrences, or events that indicate presence in the county or a city within the county is more than temporary or

transient. The presumption of residency in the county or city within the county may be rebutted by satisfactory evidence that the applicant's primary residence is in another county or city within the county.

(4) The applicant has completed a course of training as described in Section 26165.

(5) The applicant is the recorded owner, with the Department of Justice, of the pistol, revolver, or other firearm for which the license will be issued.

(b) When a non-California resident applies for a new license or license renewal to carry a pistol, revolver, or other firearm capable of being concealed upon the person, the sheriff of a county shall issue or renew a license to that non-California resident, subject to the following conditions:

(1) The applicant is not a disqualified person to receive the license, as determined in accordance with the standards set forth in Section 26202 and all comparable statutes and provisions of law of the nonresident applicant's state of residence.

(2) The applicant is at least 21 years of age and presents clear evidence of the nonresident's identity, age, and state of residence. "Clear evidence of the nonresident's identity, age, and state of residence" means either of the following:

(A) A valid driver's license from their state of residence.

(B) A valid out-of-state identification card issued by the Department of Motor Vehicles.

(3) The applicant attests, under oath, that the jurisdiction in which they have applied is the primary location in California in which they intend to travel or spend time.

(4) The applicant has completed a course of training that meets the criteria set forth in paragraphs (1) to (5), inclusive, of subdivision (a) of Section 26165 and subdivision (d) of Section 26165, as it pertains to the licensing authority to which the application is submitted. If the licensing authority to which the application is submitted has not approved of any online training courses, the applicant may complete an online training course approved by any other licensing authority that issues licenses under this section.

(5) The applicant has completed live-fire shooting exercises, as required by paragraph (6) of subdivision (a) of Section 26165, for each pistol, revolver, or other firearm for which the applicant is

1 *applying to be licensed to carry in California. The applicant shall*
2 *inform the licensing authority to which they have applied of the*
3 *live-fire course the applicant intends to complete, and the licensing*
4 *authority shall either approve the course or suggest an alternative*
5 *acceptable course within 75 miles of the applicant's residence.*

6 *(6) The applicant has identified on the application the make,*
7 *model, caliber, and serial number of each pistol, revolver, or other*
8 *firearm for which the applicant is applying to be licensed to carry*
9 *in California. Identification of a pistol, revolver, or other firearm*
10 *that cannot lawfully be carried or possessed in California shall*
11 *be cause for denial of a license as to that pistol, revolver, or other*
12 *firearm.*

13 ~~(b)~~

14 *(c) The sheriff shall issue or renew a license under subdivision*
15 *(a) in either of the following formats:*

16 *(1) A license to carry concealed a pistol, revolver, or other*
17 *firearm capable of being concealed upon the person.*

18 *(2) Where the population of the county is less than 200,000*
19 *persons according to the most recent federal decennial census, a*
20 *license to carry loaded and exposed in only that county a pistol,*
21 *revolver, or other firearm capable of being concealed upon the*
22 *person.*

23 ~~(e)~~

24 *(d) (1) Nothing in this chapter shall preclude the sheriff of the*
25 *county from entering into an agreement with the chief or other*
26 *head of a municipal police department of a city to process all*
27 *applications for licenses, renewals of licenses, or amendments to*
28 *licenses pursuant to this chapter, in lieu of the sheriff.*

29 *(2) This subdivision shall only apply to applicants who reside*
30 *within the city in which the chief or other head of the municipal*
31 *police department has agreed to process applications for licenses,*
32 *renewals of licenses, and amendments to licenses, pursuant to this*
33 *chapter.*

34 *SEC. 3. Section 26155 of the Penal Code is amended to read:*

35 *26155. (a) When a ~~person~~ California resident applies for a*
36 *new license or license renewal to carry a pistol, revolver, or other*
37 *firearm capable of being concealed upon the person, the chief or*
38 *other head of a municipal police department of any city or city and*
39 *county shall issue or renew a license to that ~~person~~ California*
40 *resident upon proof of all of the following:*

1 (1) The applicant is not a disqualified person to receive such a
2 license, as determined in accordance with the standards set forth
3 in Section 26202.

4 (2) The applicant is at least 21 years of age, and presents clear
5 evidence of the person's identity and age, as defined in Section
6 16400.

7 (3) The applicant is a resident of that city or city and county.
8 Prima facie evidence of residency within the county or a city within
9 the county includes, but is not limited to, the address where the
10 applicant is registered to vote, the applicant's filing of a
11 homeowner's property tax exemption, and other acts, occurrences,
12 or events that indicate presence in the county or a city within the
13 county is more than temporary or transient. The presumption of
14 residency in the county or city within the county may be rebutted
15 by satisfactory evidence that the applicant's primary residence is
16 in another county or city within the county.

17 (4) The applicant has completed a course of training as described
18 in Section 26165.

19 (5) The applicant is the recorded owner, with the Department
20 of Justice, of the pistol, revolver, or other firearm for which the
21 license will be issued.

22 *(b) When a non-California resident applies for a new license*
23 *or license renewal to carry a pistol, revolver, or other firearm*
24 *capable of being concealed upon the person, the chief or other*
25 *head of a municipal police department of any city or city and*
26 *county shall issue or renew a license to that nonresident, subject*
27 *to the following conditions:*

28 *(1) The applicant is not a disqualified person to receive the*
29 *license, as determined in accordance with the standards set forth*
30 *in Section 26202 and all comparable statutes and provisions of*
31 *law of the nonresident applicant's state of residence.*

32 *(2) The applicant is at least 21 years of age, and presents clear*
33 *evidence of the nonresident's identity, age, and state of residence.*
34 *"Clear evidence of the nonresident's identity, age, and state of*
35 *residence" means either of the following:*

36 *(A) A valid driver's license from their state of residence.*

37 *(B) A valid out-of-state identification card issued by the*
38 *Department of Motor Vehicles.*

1 (3) *The applicant attests, under oath, that the jurisdiction in*
2 *which they have applied is the primary location in California in*
3 *which they intend to travel or spend time.*

4 (4) *The applicant has completed a course of training that meets*
5 *the criteria set forth in paragraphs (1) to (5), inclusive, of*
6 *subdivision (a) of Section 26165 and subdivision (d) of Section*
7 *26165, as it pertains to the licensing authority to which the*
8 *application is submitted. If the licensing authority to which the*
9 *application is submitted has not approved of any online training*
10 *courses, the applicant may complete an online training course*
11 *approved by any other licensing authority that issues licenses*
12 *under this section.*

13 (5) *The applicant has completed live-fire shooting exercises, as*
14 *required by paragraph (6) of subdivision (a) of Section 26165, for*
15 *each pistol, revolver, or other firearm for which the applicant is*
16 *applying to be licensed to carry in California. The applicant shall*
17 *inform the licensing authority to which they have applied of the*
18 *live-fire course the applicant intends to complete, and the licensing*
19 *authority shall either approve the course or suggest an alternative*
20 *acceptable course within 75 miles of the applicant's residence.*

21 (6) *The applicant has identified on the application the make,*
22 *model, caliber, and serial number of each pistol, revolver, or other*
23 *firearm they intend to carry in California. Identification of a pistol,*
24 *revolver, or other firearm that cannot lawfully be carried in*
25 *California shall be cause for denial of a license as to that pistol,*
26 *revolver, or other firearm.*

27 ~~(b)~~

28 (c) *The chief or other head of a municipal police department*
29 *shall issue or renew a license under subdivision (a) in either of the*
30 *following formats:*

31 (1) *A license to carry concealed a pistol, revolver, or other*
32 *firearm capable of being concealed upon the person.*

33 (2) *Where the population of the county in which the city is*
34 *located is less than 200,000 persons according to the most recent*
35 *federal decennial census, a license to carry loaded and exposed in*
36 *only that county a pistol, revolver, or other firearm capable of*
37 *being concealed upon the person.*

38 ~~(e)~~

39 (d) *Nothing in this chapter shall preclude the chief or other head*
40 *of a municipal police department of any city from entering an*

1 agreement with the sheriff of the county in which the city is located
2 for the sheriff to process all applications for licenses, renewals of
3 licenses, and amendments to licenses, pursuant to this chapter.

4 *SEC. 4. Section 26162 of the Penal Code is amended to read:*

5 26162. (a) Prior to the issuance of a license, renewal of a
6 license, or amendment to a ~~license~~, license pursuant to subdivision
7 (a) of Section 26150 or subdivision (a) of Section 26155, each
8 licensing authority with direct access to the designated Department
9 of Justice system shall determine if the applicant is the recorded
10 owner of the particular pistol, revolver, or other firearm capable
11 of being concealed upon the person reported in the application for
12 a license or the application for the amendment to a license under
13 this chapter.

14 (b) ~~An~~ Pursuant to subdivision (a), an agency with direct access
15 to the designated Department of Justice system shall confirm the
16 applicant's information with firearm ownership maintained in the
17 system. An agency without access to the system shall confirm this
18 information with the sheriff of the county in which the agency is
19 located.

20 *SEC. 5. Section 26185 of the Penal Code is amended to read:*

21 26185. (a) (1) Upon issuance of the notice described in
22 paragraph (1) of subdivision (d) of Section 26202, the licensing
23 authority shall submit to the Department of Justice fingerprint
24 images and related information required by the Department of
25 Justice for each applicant applying for a new license to carry a
26 pistol, revolver, or other firearm capable of being concealed upon
27 the person, pursuant to subdivision (u) of Section 11105. The
28 Department of Justice shall provide a state or federal response to
29 the licensing authority, pursuant to subdivision (l) of Section 11105
30 of the Penal Code.

31 (2) Upon receipt of the fingerprints of an applicant for a new
32 license, as well as the fee as prescribed in Section 26190, the
33 department shall promptly furnish the forwarding licensing
34 authority information as to whether the person is prohibited by
35 state or federal law from possessing, receiving, owning, or
36 purchasing a firearm. The department shall make this determination
37 in a manner to be prescribed through regulations. If the department
38 is unable to ascertain the final disposition of an arrest or criminal
39 charge, the outcome of the mental health treatment or evaluation,
40 or the applicant's eligibility to possess, receive, own, or purchase

1 a firearm, the department shall notify the forwarding licensing
2 authority. ~~For each applicant for a new license, the department~~
3 ~~shall also promptly furnish the forwarding licensing authority a~~
4 ~~criminal history report pertaining to the applicant.~~

5 (3) No new license shall be issued by any licensing authority
6 unless the report described in paragraph (2) confirms the applicant's
7 eligibility to possess, receive, own, or purchase a firearm.

8 (b) (1) For each applicant for a renewal license, upon issuance
9 of the notice described in paragraph (1) of subdivision (d) of
10 Section 26202, the licensing authority shall submit to the
11 department the renewal notification described in paragraph (1) of
12 subdivision (d) of Section 26202, in a manner and format
13 prescribed by the department.

14 (2) For each renewal notification submitted to the department
15 in accordance with paragraph (1) on or after September 1, 2026,
16 the licensing authority shall also submit to the department
17 fingerprint images and related information required by the
18 department for each applicant applying for a renewal license to
19 carry a pistol, revolver, or other firearm capable of being concealed
20 upon the person, pursuant to subdivision (u) of Section 11105. The
21 department shall then provide a state or federal response to the
22 licensing authority, pursuant to subdivision (l) of Section 11105.

23 (c) (1) For each applicant for a renewal license, upon receipt
24 by the department of the renewal notification as prescribed in
25 subdivision (b), as well as the fee as prescribed in Section 26190,
26 the department shall determine whether the applicant is prohibited
27 by state or federal law from possessing, receiving, owning, or
28 purchasing a firearm.

29 (2) For each applicant for a renewal license whose renewal
30 notification is submitted to the department prior to September 1,
31 2026, the department shall determine whether the applicant is
32 prohibited by state or federal law from possessing, receiving,
33 owning, or purchasing a firearm and notify the forwarding licensing
34 agency in a manner to be prescribed through regulations.

35 (3) For each applicant for a renewal license whose renewal
36 notification is submitted to the department on or after September
37 1, 2026, upon receipt of the applicant's fingerprints, the department
38 shall promptly furnish the forwarding licensing authority
39 information as to whether the person is prohibited by state or
40 federal law from possessing, receiving, owning, or purchasing a

1 firearm. The department shall make this determination in a manner
2 to be prescribed through regulations. If the department is unable
3 to ascertain the final disposition of an arrest or criminal charge,
4 the outcome of the mental health treatment or evaluation, or the
5 applicant's eligibility to possess, receive, own, or purchase a
6 firearm, the department shall notify the forwarding licensing
7 authority. ~~For each applicant for a renewal license, the department~~
8 ~~shall also promptly furnish the forwarding licensing authority a~~
9 ~~criminal history report pertaining to the applicant. authority, and~~
10 ~~the licensing authority shall not issue the renewal license.~~

11 (d) For any renewal license applicant referred to the department
12 prior to the effective date of the act that added this subdivision,
13 the department may use any method authorized through regulations
14 implementing this section to determine if the applicant is prohibited
15 by state or federal law from possessing, receiving, owning, or
16 purchasing a firearm.

17 (e) As used in this section, "licensing authority" means a sheriff
18 of a county, or the chief or other head of a municipal police
19 department of any city or city and county.

20 *SEC. 6. Section 26190 of the Penal Code is amended to read:*

21 26190. (a) (1) An applicant for a new license or for the
22 renewal of a license shall pay at the time of filing the application
23 a fee determined by the Department of Justice. The fee shall not
24 exceed the application processing costs of the Department of
25 Justice for the direct costs of furnishing the information and report
26 required by Section 26185.

27 (2) After the department establishes fees sufficient to reimburse
28 the department for processing costs, fees charged shall increase at
29 a rate not to exceed the legislatively approved annual cost-of-living
30 adjustments for the department's budget.

31 (3) The officer receiving the application and the fee shall
32 transmit the fee, with the fingerprints, if required, to the
33 Department of Justice in accordance with Section 26185.

34 (b) (1) The licensing authority of any city, city and county, or
35 county shall charge an additional fee in an amount equal to the
36 reasonable costs for processing the application for a new license
37 or a license renewal, issuing the license, and enforcing the license,
38 including any required notices, excluding fingerprint and training
39 costs, and shall transmit the additional fee, if any, to the city, city
40 and county, or county treasury.

1 (2) The first 50 percent of this additional local fee may be
2 collected upon filing of the initial or renewal application. The
3 balance of the fee shall be collected only upon issuance of the
4 license.

5 (c) These local fees may be increased to reflect increases in the
6 licensing authority's reasonable costs, as described in paragraph
7 (1) of subdivision (b). In no case shall the local fees exceed the
8 reasonable costs to the licensing authority, as described in
9 paragraph (1) of subdivision (b).

10 (d) (1) In the case of an amended license pursuant to Section
11 26215, the licensing authority of any city, city and county, or
12 county may charge a fee in an amount not to exceed the reasonable
13 costs to process the amended license. In no case shall the amount
14 charged to the applicant for the amended license exceed the
15 reasonable costs to the licensing authority.

16 (2) This fee may be increased at a rate to reflect increases in the
17 licensing authority's reasonable costs, as described in paragraph
18 (1) of subdivision (d). In no case shall this fee exceed the
19 reasonable costs to the licensing authority, as described in
20 paragraph (1).

21 (3) The licensing authority shall transmit the fee to the city, city
22 and county, or county treasury.

23 (e) (1) If a psychological assessment on the initial application
24 is required by the licensing authority, the license applicant shall
25 be referred to a licensed psychologist acceptable to the licensing
26 authority. *For an applicant for a license issued pursuant to*
27 *subdivision (b) of Section 26150 or subdivision (b) of Section*
28 *26155, the licensing authority may either allow the applicant to*
29 *complete a virtual psychological assessment, where the applicant*
30 *appears by video and audio, or approve an examination provider*
31 *located within 75 miles of the applicant's residence.* The applicant
32 may be charged for the actual cost of the assessment. In no case
33 shall the amount charged to the applicant for the psychological
34 assessment exceed the reasonable costs to the licensing authority.

35 (2) Additional psychological assessment of an applicant seeking
36 license renewal shall be required only if there is compelling
37 evidence of a public safety concern to indicate that an assessment
38 is necessary. The applicant may be charged for the actual cost of
39 the assessment. In no case shall the cost of psychological
40 assessment exceed the reasonable costs to the licensing authority.

1 *SEC. 7. Section 26195 of the Penal Code is amended to read:*

2 26195. (a) A license under this chapter shall not be issued if
3 the Department of Justice determines that the person is prohibited
4 by state or federal law from possessing, receiving, owning, or
5 purchasing a firearm.

6 ***(b) A license under this chapter shall not be issued if an***
7 ***applicant provides any inaccurate or incomplete information in***
8 ***connection with an application for a license or license renewal or***
9 ***an application to amend a license pursuant to subdivision (e) of***
10 ***Section 26175.***

11 ~~(b)~~

12 (c) (1) A license under this chapter shall be revoked by the
13 local licensing authority if at any time either the local licensing
14 authority determines or is notified by the Department of Justice
15 of any of the following:

16 (A) A licensee is prohibited by state or federal law from owning
17 or purchasing a firearm.

18 (B) A licensee has breached any of the conditions or restrictions
19 set forth in or imposed in accordance with Section 26200.

20 (C) Any information provided by a licensee in connection with
21 an application for a new license or a license renewal is inaccurate
22 or incomplete.

23 (D) A licensee has become a disqualified person and cannot
24 receive such a license, as determined in accordance with the
25 standards set forth in Section 26202.

26 (2) If at any time the Department of Justice determines that a
27 licensee is prohibited by state or federal law from possessing,
28 receiving, owning, or purchasing a firearm, the department shall
29 immediately notify the local licensing authority of the
30 determination.

31 (3) If the local licensing authority revokes the license, the
32 Department of Justice shall be notified of the revocation *and reason*
33 pursuant to Section 26225. The licensee shall also be immediately
34 notified of the revocation in writing.

35 ***(d) A licensee under this chapter shall inform the local licensing***
36 ***authority that issued the license of any restraining order or arrest,***
37 ***charge, or conviction of a crime referenced in Section 26202.***

38 ~~SECTION 1.~~

39 *SEC. 8. Section 26202 of the Penal Code is amended to read:*

1 26202. (a) Unless a court makes a contrary determination
2 pursuant to Section 26206, an applicant shall be deemed to be a
3 disqualified person and cannot receive or renew a license pursuant
4 to Section 26150, 26155, or 26170 if the applicant:

5 (1) Is reasonably likely to be a danger to self, others, or the
6 community at large, as demonstrated by anything in the application
7 for a license or through the investigation described in subdivision
8 (b), or as shown by the results of any psychological assessment,
9 including, but not limited to, the assessment described in
10 subdivision (e) of Section 26190.

11 (2) Has been convicted of contempt of court under Section ~~166.~~
12 *166 or any federal law or law of any other state that includes*
13 *comparable elements of contempt of court under Section 166.*

14 (3) Has been subject to any restraining order, protective order,
15 or other type of court order issued pursuant to the following
16 *statutory provisions, or any federal law or law of any other state*
17 *that includes comparable elements of those* statutory provisions,
18 unless that order expired or was vacated or otherwise canceled
19 more than five years prior to the licensing authority receiving the
20 completed application, or that order expired or was vacated or
21 otherwise canceled and the applicant did not receive notice and
22 an opportunity to be heard before the order was issued:

23 (A) Section 646.91 or Part 3 (commencing with Section 6240)
24 of Division 10 of the Family Code.

25 (B) Part 4 (commencing with Section 6300) of Division 10 of
26 the Family Code.

27 (C) Sections 136.2 and 18100.

28 (D) Section 527.6, 527.8, or 527.85 of the Code of Civil
29 Procedure.

30 (E) Section 213.5, 304, 362.4, 726.5, or 15657.03 of the Welfare
31 and Institutions Code.

32 (4) In the 10 years prior to the licensing authority receiving the
33 completed application for a new license or a license renewal, has
34 been convicted of an offense listed in Section 422.6, 422.7, 422.75,
35 ~~or 29805.~~ *29805, or any federal law or law of any other state that*
36 *includes comparable elements of those offenses.*

37 (5) Has engaged in an unlawful or reckless use, display, or
38 brandishing of a firearm.

39 (6) In the 10 years prior to the licensing authority receiving the
40 completed application for a new license or a license renewal, has

1 been charged with any offense listed in Section 290, 667.5, 1192.7,
2 1192.8, or ~~29805~~ 29805, or any federal law or law of any other
3 state that includes comparable elements of those offenses, that was
4 dismissed pursuant to a plea or dismissed with a waiver pursuant
5 to People v. Harvey (1979) 25 Cal.3d 754.

6 (7) In the five years prior to the licensing authority receiving
7 the completed application for a new license or a license renewal,
8 has been committed to or incarcerated in county jail or state prison
9 for, or on probation, parole, postrelease community supervision,
10 or mandatory supervision as a result of, a conviction of an offense,
11 an element of which involves controlled substances, as described
12 in Sections 11053 to 11058, inclusive, of the Health and Safety
13 Code, or alcohol.

14 (8) Is currently abusing controlled substances, as described in
15 Sections 11053 to 11058, inclusive, of the Health and Safety Code,
16 or alcohol. *This section does not apply to the lawful habitual or*
17 *occasional use or consumption of cannabis or alcohol.*

18 (9) In the 10 years prior to the licensing authority receiving the
19 completed application for a new license or a license renewal, has
20 experienced the loss or theft of multiple firearms due to the
21 applicant's lack of compliance with federal, state, or local law
22 regarding storing, transporting, or securing the firearm. For
23 purposes of this paragraph, "multiple firearms" includes a loss of
24 more than one firearm on the same occasion, or the loss of a single
25 firearm on more than one occasion.

26 (10) Failed to report a loss of a firearm as required by Section
27 25250 or any other state, federal, or local law requiring the
28 reporting of the loss of a firearm.

29 (b) In determining whether an applicant is a disqualified person
30 and cannot receive or renew a license in accordance with
31 subdivision (a), the licensing authority shall conduct an
32 investigation that meets all of the following minimum
33 requirements:

34 (1) ~~An~~ *For a license issued pursuant to subdivision (b) of*
35 *Section 26150 or subdivision (b) of Section 26155, an in-person*
36 *interview with the applicant, of the applicant or a virtual interview*
37 *of the applicant, where the applicant appears by video and audio,*
38 *at the applicant's election. For renewal applications, the licensing*
39 *authority may elect to forgo this requirement.*

1 (2) In-person, virtual, or telephonic interviews with at least three
2 character references, at least one of whom must be a person
3 described in subdivision (b) of Section 273.5, if applicable, and at
4 least one of whom must be the applicant's cohabitant, if applicable.
5 For renewal applications, the licensing authority may elect to forgo
6 this requirement.

7 (3) A review of publicly available information about the
8 applicant, including publicly available statements published or
9 posted by the applicant.

10 (4) A review of all information provided in the application for
11 a license.

12 (5) A review of all information provided by the Department of
13 Justice in accordance with subdivision (a) of, paragraph (2) of
14 subdivision (b) of, and paragraph (3) of subdivision (c) of Section
15 26185, as well as firearms eligibility notices or any other
16 information subsequently provided to the licensing authority
17 regarding the applicant.

18 (6) A review of the information in the California Restraining
19 and Protective Order System accessible through the California
20 Law Enforcement Telecommunications System, including
21 information indicating that the applicant is reasonably likely to be
22 a danger to self, others, or the community at large pursuant to
23 paragraph (1) of subdivision (a), or that the applicant is otherwise
24 a disqualified person pursuant to paragraph (3) of subdivision (a).

25 (c) In determining whether an applicant is a disqualified person
26 and cannot receive or renew a license in accordance with
27 subdivision (a), this section does not preclude the licensing
28 authority from engaging in investigative efforts in addition to those
29 listed in subdivision (b).

30 (d) Within 90 days of receiving the completed application for
31 a new license or a license renewal, the licensing authority shall
32 give written notice to the applicant of the licensing authority's
33 initial determination, based on its investigation thus far, of whether
34 an applicant is a disqualified person pursuant to Section 26150,
35 26155, or 26170 as follows:

36 (1) If the licensing authority makes an initial determination that,
37 based on its investigation thus far, the applicant is not a disqualified
38 person, the notice shall inform the applicant to proceed with the
39 training requirements specified in Section 26165. The licensing
40 authority shall then submit the applicant's fingerprints or the

1 renewal notification to the Department of Justice in accordance
2 with Section 26185.

3 (2) If, within 90 days of receiving the completed application
4 for a new license or a license renewal, the licensing authority
5 determines that the applicant is a disqualified person, the notice
6 shall inform the applicant that the request for a license has been
7 denied, state the reason as to why the determination was made,
8 and inform the applicant that they may request a hearing from a
9 court, as outlined in Section 26206. A licensing authority providing
10 notice under this paragraph informing the applicant that the request
11 for a license has been denied satisfies the requirement to provide
12 notice of a denial of a license pursuant to Section 26205.

13 (e) The prohibitions listed in subdivision (a) shall apply whether
14 or not the relevant conduct, order, conviction, charge, commitment,
15 or other relevant action took place or was issued or entered before
16 the effective date of the act that added this subdivision.

17 ~~SEC. 2. If the Commission on State Mandates determines that~~
18 ~~this act contains costs mandated by the state, reimbursement to~~
19 ~~local agencies and school districts for those costs shall be made~~
20 ~~pursuant to Part 7 (commencing with Section 17500) of Division~~
21 ~~4 of Title 2 of the Government Code.~~

22 *SEC. 9. Section 26206 of the Penal Code is amended to read:*

23 26206. (a) If a new license or license renewal pursuant to
24 Section 26150, 26155, or 26170 is denied or revoked based on a
25 determination that the applicant is a disqualified person for such
26 a license, as set forth in Section 26202, the licensing authority
27 shall provide the applicant with the notice of this determination
28 as required under subdivision (d) of Section 26202, Section 26205,
29 or paragraph (3) of subdivision (b) of Section 26195. The notice
30 shall state the reason as to why the determination was made and
31 also inform the applicant that they may request a hearing from a
32 court, as provided in this section, to review the denial or revocation.
33 The licensing authority shall provide the applicant with a copy of
34 the most recent “Request for Hearing to Challenge Disqualified
35 Person Determination” form prescribed by the Department of
36 Justice under this section.

37 (b) The department shall develop a “Request for Hearing to
38 Challenge Disqualified Person Determination” form for use
39 throughout the state. The form shall include an authorization for
40 the release of the applicant’s criminal history records to the

appropriate court solely for use in the hearing conducted pursuant to this section. The “Request for Hearing to Challenge Disqualified Person Determination” form is deemed to be a local form expressly exempt from the requirements of the Administrative Procedure Act (Chapter 3.5 (commencing with Section 11340) of Part 1 of Division 3 of Title 2 of the Government Code).

(c) Except as specified in paragraph (2), an applicant shall have 30 days after the receipt of the notice of denial described in subdivision (a) to request a hearing to review the denial or revocation from the superior court of their county of ~~residence~~. *residence or, for nonresident applicants, the county in which the application was submitted.* The request for hearing shall be made on the “Request for Hearing to Challenge Disqualified Person Determination” form prescribed by the department.

(1) Nothing in this section prevents a licensing authority from requiring an applicant to use and exhaust any process for appealing a denial or revocation that may be offered by the licensing authority prior to 30 days after the receipt of the notice of denial described in subdivision (a) before the applicant may request a hearing as described in this subdivision. Licensing authorities that require applicants to use such a process shall resolve any appeal within 60 days of when the appeal is filed.

(2) If an applicant uses and exhausts any process for appealing a denial or revocation that is offered by the licensing authority as described in paragraph (1), an applicant shall have 30 days after receiving notice of an unsuccessful appeal to request a hearing to review the denial or revocation from the superior court of their county of residence. The request for hearing shall be made on the “Request for Hearing to Challenge Disqualified Person Determination” form prescribed by the department.

(d) (1) An applicant who has requested a hearing under this section shall be given a hearing. The clerk of the court shall set a hearing date and notify the person, the licensing authority, the department, and the district attorney. The people of the State of California shall be the plaintiff in the proceeding and shall be represented by the district attorney. Within 14 days after receiving from the clerk of the court the request for a hearing, the department shall file copies of the applicant’s criminal history report described in this section with the superior court under seal, *if the department received the applicant’s fingerprints from the licensing authority,*

1 and the licensing authority shall file any records or reports on
2 which it relied in denying or revoking the license at issue with the
3 superior court. The licensing authority may also, or instead, file a
4 declaration that summarizes the information it relied upon in
5 denying or revoking the license at issue. The reports filed by the
6 department and the licensing authority shall be disclosed to the
7 person and to the district attorney upon request. The court, upon
8 motion of the applicant establishing that confidential information
9 is likely to be discussed during the hearing that would cause harm
10 to the person, shall conduct the hearing in camera, with only the
11 relevant parties present, unless the court finds that the public
12 interest would be better served by conducting the hearing in public.

13 (2) The court shall set the hearing within 60 days of receipt of
14 the request for a hearing. Upon showing good cause, the district
15 attorney shall be entitled to a continuance not to exceed 30 days
16 after the district attorney was notified of the hearing date by the
17 clerk of the court. If additional continuances are granted, the total
18 length of time for continuances shall not exceed 60 days.

19 (3) Notwithstanding any other law, declarations, police reports,
20 including criminal history information, and any other material and
21 relevant evidence that is not excluded under Section 352 of the
22 Evidence Code shall be admissible at the hearing under this section.

23 (e) The people shall bear the burden of showing by a
24 preponderance of the evidence that the applicant is a disqualified
25 person in accordance with Section 26202.

26 (f) If the court finds at the hearing that the people have not met
27 their burden, or if the district attorney declines or fails to go
28 forward in the hearing, the court shall order as follows:

29 (1) If the applicant was denied a new license or license renewal,
30 the court shall order that the person shall not be deemed a
31 disqualified person to receive a new license or license renewal
32 pursuant to Section 26150, 26155, or 26170, and that the licensing
33 authority issue notice to proceed with the training requirements
34 and submit the applicant's fingerprints or the renewal notification
35 in accordance with paragraph (1) of subdivision (d) of Section
36 26202. The Department of Justice shall then confirm the applicant's
37 eligibility to possess, receive, own, or purchase a firearm in a
38 manner prescribed through regulations. A copy of the order shall
39 be submitted to the Department of Justice.

1 (2) If the applicant's license was revoked, the court shall order
2 that the person's license be reinstated with the original expiration
3 date extended by the length of time between the date of the
4 revocation notice provided under paragraph (3) of subdivision (b)
5 of Section 26195 and the date of the court's order so long as the
6 Department of Justice confirms the applicant's eligibility to
7 possess, receive, own, or purchase a firearm in a manner prescribed
8 through regulation. A copy of the order shall be submitted to the
9 Department of Justice.

10 (g) If the court finds that the people have met their burden to
11 show by a preponderance of the evidence that the applicant is a
12 disqualified person in accordance with Section 26202, the court
13 shall inform the person of their right to file a subsequent application
14 for a license no sooner than two years from the date of the hearing.

15 (h) If an applicant has been denied a license or had a license
16 revoked based on any ground outlined in Section 26202 two or
17 more times in a 10-year period, which determination was either
18 not challenged or upheld at a hearing under this section, any
19 subsequent hearings under this section for the applicant shall be
20 conducted as described in this section, with the exception that the
21 burden of proof shall be on the applicant to establish by a
22 preponderance of the evidence that the applicant is not a
23 disqualified person in accordance with Section 26202.

24 (i) If a new license or license renewal pursuant to Section 26150,
25 26155, or 26170 is denied or revoked based on the applicant's
26 failure to satisfy paragraph (2), (3), (4), or (5) of subdivision (a)
27 of Section 26150, paragraph (2), (3), (4), or (5) of subdivision (a)
28 of Section 26155, or paragraph (2), (3), or (4) of subdivision (a)
29 of Section 26170, the licensing authority shall provide the applicant
30 with the notice required under Section 26205 or paragraph (3) of
31 subdivision (b) of Section 26195, as applicable, and inform the
32 applicant that they may apply to the superior court of the county
33 in which they reside for a writ of mandate pursuant to Section 1085
34 of the Code of Civil Procedure. Except as specified in paragraph
35 (2), the application for writ of mandate shall be made within 30
36 days after the receipt of the notice of denial or the notice of
37 revocation.

38 (1) Nothing in this section prevents a licensing authority from
39 requiring an applicant to use and exhaust any process for appealing
40 a denial or revocation that may be offered by the licensing authority

1 prior to 30 days after the receipt of the notice of denial described
2 in subdivision (a). Licensing authorities that require applicants to
3 use such a process shall resolve any appeal within 60 days of when
4 the appeal is filed.

5 (2) If an applicant uses and exhausts any process for appealing
6 a denial or revocation that is offered by the licensing authority as
7 described in paragraph (1), an applicant shall have 30 days after
8 receiving notice of an unsuccessful appeal to file the application
9 for writ of mandate described in this subdivision.

10 (j) *For the purposes of this section, "criminal history report"*
11 *is defined as information provided by the Department of Justice*
12 *in accordance with subdivision (a) of Section 26185, paragraph*
13 *(2) of subdivision (b) of Section 26185, and paragraph (3) of*
14 *subdivision (c) of Section 26185, as well as firearms eligibility*
15 *notices or any other information subsequently provided to the*
16 *licensing authority regarding the applicant.*

17 SEC. 10. Section 26225 of the Penal Code is amended to read:

18 26225. (a) A record of the following shall be maintained in
19 the office of the licensing authority:

- 20 (1) The denial of a license.
- 21 (2) The denial of an amendment to a license.
- 22 (3) The issuance of a license.
- 23 (4) The amendment of a license.
- 24 (5) The revocation of a license.

25 (b) Copies of each of the following shall be filed immediately
26 by the licensing authority with the Department of Justice, in a
27 manner as prescribed by the Attorney General:

- 28 (1) The denial of a license.
- 29 (2) The denial of an amendment to a license.
- 30 (3) The issuance of a license.
- 31 (4) The amendment of a license.
- 32 (5) The revocation of a license.

33 (c) (1) Commencing on or before January 1, 2000, and annually
34 thereafter, each licensing authority shall submit to the Attorney
35 General the total number of licenses issued to peace officers
36 pursuant to Section 26170, and to judges pursuant to Section 26150
37 or 26155.

38 (2) The Attorney General shall collect and record the
39 information submitted pursuant to this subdivision by county and
40 licensing authority.

(d) The Department of Justice may adopt emergency regulations for the purpose of implementing Sections 26150 to 26230, inclusive, Section 29805, and Section 31635. The adoption of emergency regulations shall be deemed to be an emergency and necessary for the immediate preservation of the public peace, health and safety, or general welfare for purposes of Sections 11346.1 and 11349.6 of the Government Code. Emergency regulations adopted pursuant to this section shall be exempt from review by the Office of Administrative Law. The emergency regulations authorized by this section shall be submitted to the Office of Administrative Law for filing with the Secretary of State and shall remain in effect no later than two years after the effective date of the act that added this subdivision.

(e) *If a licenseholder fails to submit an application for renewal within 90 days of the expiration of their license, the licensing authority shall immediately request that the department terminate state or federal subsequent notification pursuant to subdivision (d) of Section 11105.2.*

SEC. 11. Section 26230 of the Penal Code is amended to read:

26230. (a) A person granted a license to carry a pistol, revolver, or other firearm capable of being concealed upon the person pursuant to Section 26150, 26155, or 26170 shall not carry a firearm on or into any of the following:

(1) A place prohibited by Section 626.9.

(2) A building, real property, or parking area under the control of a preschool or childcare facility, including a room or portion of a building under the control of a preschool or childcare facility. ~~Nothing in this paragraph shall~~ *This paragraph does not prevent* the operator of a childcare facility in a family home from owning or possessing a firearm in the home if no child under child care at the home is present in the home or the firearm in the home is unloaded, stored in a locked container, and stored separately from ammunition when a child under child care at the home is present in the home so long as the childcare provider notifies clients that there is a firearm in the home.

(3) A building, parking area, or portion of a building under the control of an officer of the executive or legislative branch of the state government, except as allowed pursuant to paragraph (2) of subdivision (b) of Section 171c.

1 (4) A building designated for a court proceeding, including
2 matters before a superior court, district court of appeal, or the
3 California Supreme Court, parking area under the control of the
4 owner or operator of that building, or a building or portion of a
5 building under the control of the Supreme Court, unless the person
6 is a justice, judge, or commissioner of that court.

7 (5) A building, parking area, or portion of a building under the
8 control of a unit of local government, unless the firearm is being
9 carried for purposes of training pursuant to Section 26165.

10 (6) A building, real property, and parking area under the control
11 of an adult or juvenile detention or correctional institution, prison,
12 or jail.

13 (7) A building, real property, and parking area under the control
14 of a public or private hospital or hospital affiliate, mental health
15 facility, nursing home, medical office, urgent care facility, or other
16 place at which medical services are customarily provided.

17 (8) A bus, train, or other form of transportation paid for in whole
18 or in part with public funds, and a building, real property, or
19 parking area under the control of a transportation authority
20 supported in whole or in part with public funds. *unless the*
21 *firearm is unloaded and is locked in a lock box, as defined in*
22 *subdivision (y) of Section 4082 of, and subdivision (b) of Section*
23 *4094 of, Title 11 of the California Code of Regulations, which is*
24 *a firearm safety device, as defined in Section 16540, and that is*
25 *listed on the department's Roster of Firearm Safety Devices*
26 *Certified for Sale pursuant to Sections 23650 and 23655, for the*
27 *purpose of transporting the firearm.*

28 (9) A building, real property, and parking area under the control
29 of a vendor or an establishment where intoxicating liquor is sold
30 for consumption on the premises.

31 (10) A public gathering or special event conducted on property
32 open to the public that requires the issuance of a permit from a
33 federal, state, or local government and sidewalk or street
34 immediately adjacent to the public gathering or special event but
35 is not more than 1,000 feet from the event or gathering, provided
36 this prohibition shall not apply to a licensee who must walk through
37 a public gathering in order to access their residence, place of
38 business, or vehicle.

1 (11) A playground or public or private youth center, as defined
2 in Section 626.95, and a street or sidewalk immediately adjacent
3 to the playground or youth center.

4 (12) A park, athletic area, or athletic facility that is open to the
5 public and a street or sidewalk immediately adjacent to those areas,
6 provided this prohibition shall not apply to a licensee who must
7 walk through such a place in order to access their residence, place
8 of business, or vehicle.

9 (13) Real property under the control of the Department of Parks
10 and Recreation or Department of Fish and Wildlife, except those
11 areas designated for hunting pursuant to Section 5003.1 of the
12 Public Resources Code, Section 4501 of Title 14 of the California
13 Code of Regulations, or any other designated public hunting area,
14 public shooting ground, or building where firearm possession is
15 permitted by applicable law.

16 (14) ~~Any~~ *An* area under the control of a public or private
17 community college, college, or university, including, but not
18 limited to, buildings, classrooms, laboratories, medical clinics,
19 hospitals, artistic venues, athletic fields or venues, entertainment
20 venues, officially recognized university-related organization
21 properties, whether owned or leased, and ~~any~~ real property,
22 including parking areas, sidewalks, and common areas.

23 (15) A building, real property, or parking area that is or would
24 be used for gambling or gaming of any kind whatsoever, including,
25 but not limited to, casinos, gambling establishments, gaming clubs,
26 bingo operations, facilities licensed by the California Horse Racing
27 Board, or a facility wherein banked or percentage games, any form
28 of gambling device, or lotteries, other than the California State
29 Lottery, are or will be played.

30 (16) A stadium, arena, or the real property or parking area under
31 the control of a stadium, arena, or a collegiate or professional
32 sporting or eSporting event.

33 (17) A building, real property, or parking area under the control
34 of a public library.

35 (18) A building, real property, or parking area under the control
36 of an airport or passenger vessel terminal, as those terms are
37 defined in subdivision (a) of Section 171.5.

38 (19) A building, real property, or parking area under the control
39 of an amusement park.

1 (20) A building, real property, or parking area under the control
2 of a zoo or museum.

3 (21) A street, driveway, parking area, property, building, or
4 facility, owned, leased, controlled, or used by a nuclear energy,
5 storage, weapons, or development site or facility regulated by the
6 federal Nuclear Regulatory Commission.

7 (22) A church, synagogue, mosque, or other place of worship,
8 including in any parking area immediately adjacent thereto, unless
9 the operator of the place of worship clearly and conspicuously
10 posts a sign at the entrance of the building or on the premises
11 indicating that licenseholders are permitted to carry firearms on
12 the property. Signs shall be of a uniform design as prescribed by
13 the Department of Justice and shall be at least four inches by six
14 inches in size.

15 (23) A financial institution or parking area under the control of
16 a financial institution.

17 (24) A police, sheriff, or highway patrol station or parking area
18 under control of a law enforcement agency.

19 (25) A polling place, voting center, precinct, or other area or
20 location where votes are being cast or cast ballots are being
21 returned or counted, or the streets or sidewalks immediately
22 adjacent to any of these places.

23 (26) Any other privately owned commercial establishment that
24 is open to the public, unless the operator of the establishment
25 clearly and conspicuously posts a sign at the entrance of the
26 building or on the premises indicating that licenseholders are
27 permitted to carry firearms on the property. Signs shall be of a
28 uniform design as prescribed by the Department of Justice and
29 shall be at least four inches by six inches in size.

30 (27) Any other place or area prohibited by other provisions of
31 state law.

32 (28) Any other place or area prohibited by federal law.

33 (29) Any other place or area prohibited by local law.

34 (b) Notwithstanding subdivision (a), except under paragraph
35 (21) or (28) of subdivision (a), a licensee may transport a firearm
36 and ammunition within their vehicle so long as the firearm is
37 locked in a lock box, as defined in subdivision (y) of Section 4082
38 of, and subdivision (b) of Section 4094 of, Title 11 of the California
39 Code of Regulations, which is a firearm safety device, as defined
40 in Section 16540, and that is listed on the department's Roster of

1 Firearm Safety Devices Certified for Sale pursuant to Sections
2 23650 and 23655. ~~Nothing in this subdivision is intended to~~ *This*
3 *subdivision does not* preempt local laws placing more restrictive
4 requirements upon the storage of firearms in vehicles.

5 (c) Notwithstanding subdivision (a), except under paragraph
6 (21) or (28) of subdivision (a), a licensee prohibited from carrying
7 a concealed firearm into the parking area of a prohibited location
8 specified in subdivision (a) shall be allowed to:

9 (1) Transport a concealed firearm or ammunition within a
10 vehicle into or out of the parking area so long as the firearm is
11 locked in a lock box.

12 (2) Store ammunition or a firearm within a locked lock box and
13 out of plain view within the vehicle in the parking area. ~~Nothing~~
14 ~~in this paragraph is intended to~~ *This paragraph does not* preempt
15 local laws placing more restrictive requirements upon the storage
16 of firearms in vehicles.

17 (3) Transport a concealed firearm in the immediate area
18 surrounding their vehicle within a prohibited parking lot area only
19 for the limited purpose of storing or retrieving a firearm within a
20 locked lock box in the vehicle's trunk or other place inside the
21 vehicle that is out of plain view.

22 (d) For purposes of subdivision (c), a lock box is an item as
23 defined in subdivision (y) of Section 4082 of, and subdivision (b)
24 of Section 4094 of, Title 11 of the California Code of Regulations,
25 which is a firearm safety device, as defined in Section 16540, and
26 that is listed on the Department's Roster of Firearm Safety Devices
27 Certified for Sale pursuant to Sections 23650 and 23655.

28 (e) For purposes of subdivisions (b) and (c), a lock box that was
29 listed on the Department's Roster of Firearm Safety Devices
30 Certified for Sale at the time it was purchased by the licensee shall
31 be deemed to be a compliant lock box.

32 (f) Except in the places specified in paragraph (14) of
33 subdivision (a), a licensee shall not be in violation of this section
34 while they are traveling along a public right-of-way that touches
35 or crosses any of the premises identified in subdivision (a) if the
36 concealed firearm is carried on their person in accordance with
37 the provisions of this act or is being transported in a vehicle by
38 the licensee in accordance with all other applicable provisions of
39 law. ~~Nothing in this section allows~~ *This section does not allow a*

1 person to loiter or remain in a place longer than necessary to
2 complete their travel.

3 (g) ~~Nothing in this section shall~~ *This section does not* prohibit
4 the carrying of a firearm where it is otherwise expressly authorized
5 by law.

6 *SEC. 12. Section 26835 of the Penal Code is amended to read:*

7 26835. (a) A licensee shall conspicuously post within the
8 licensed premises the following warnings in block letters not less
9 than one inch in height:

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

20 (2) "IF YOU KEEP A FIREARM WITHIN ANY PREMISES
21 UNDER YOUR CUSTODY OR CONTROL, AND A PERSON
22 UNDER 18 YEARS OF AGE OBTAINS IT AND USES IT,
23 RESULTING IN INJURY OR DEATH, OR CARRIES IT TO A
24 PUBLIC PLACE, YOU MAY BE GUILTY OF A
25 MISDEMEANOR OR A FELONY UNLESS YOU STORED
26 THE FIREARM IN A LOCKED CONTAINER OR LOCKED
27 THE FIREARM WITH A LOCKING DEVICE TO KEEP IT
28 FROM TEMPORARILY FUNCTIONING."

29 (3) "CHILDREN MAY BE UNABLE TO DISTINGUISH
30 FIREARMS FROM TOYS AND MAY OPERATE FIREARMS,
31 CAUSING SEVERE INJURIES OR DEATH. IF YOU KEEP A
32 FIREARM WITHIN ANY PREMISES UNDER YOUR
33 CUSTODY OR CONTROL, AND A PERSON UNDER 18
34 YEARS OF AGE GAINS ACCESS TO THE FIREARM AND
35 CARRIES IT OFF-PREMISES, YOU MAY BE GUILTY OF A
36 MISDEMEANOR, UNLESS YOU STORED THE FIREARM IN
37 A LOCKED CONTAINER, OR LOCKED THE FIREARM WITH
38 A LOCKING DEVICE TO KEEP IT FROM TEMPORARILY
39 FUNCTIONING."

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

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

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

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

32 (8) “NO PERSON SHALL MAKE AN APPLICATION TO
33 ~~PURCHASE MORE THAN ONE FIREARM~~ *ONE OR MORE*
34 *FIREARMS THAT WOULD RESULT IN THE PURCHASE OF*
35 *MORE THAN THREE FIREARMS CUMULATIVELY* WITHIN
36 ANY 30-DAY PERIOD AND NO DELIVERY SHALL BE
37 MADE TO ANY PERSON WHO HAS MADE AN
38 APPLICATION TO ~~PURCHASE MORE THAN ONE FIREARM~~
39 ~~WITHIN ANY 30-DAY PERIOD.”~~ *ONE OR MORE FIREARMS*
40 *THAT WOULD RESULT IN THE PURCHASE OF MORE THAN*

1 *THREE FIREARMS CUMULATIVELY WITHIN THE 30-DAY*
2 *PERIOD PRECEDING THE DATE OF THE APPLICATION,*
3 *INCLUSIVE.”*

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

10 (b) (1) In addition to the notice required by subdivision (a), a
11 licensee shall post conspicuously within the licensed premises, on
12 a contrasting background and written in block letters not less than
13 one inch in height, an additional notice containing the following
14 statement:

15 “WARNING:

16 IF YOU OR A LOVED ONE IS EXPERIENCING DISTRESS
17 OR DEPRESSION OR IS CONTEMPLATING SUICIDE,
18 PLEASE CALL 988 (THE 988 SUICIDE AND CRISIS
19 LIFELINE).

20 ACCESS TO A FIREARM IN THE HOME SIGNIFICANTLY
21 INCREASES THE RISK OF SUICIDE, DEATH, AND INJURY
22 DURING DOMESTIC VIOLENCE DISPUTES, AND THE
23 UNINTENTIONAL DEATH AND TRAUMATIC INJURY TO
24 CHILDREN, HOUSEHOLD MEMBERS, AND GUESTS.”

25 (2) The statement in paragraph (1) shall be posted on the counter
26 of one of the main gun displays or within five feet of the cash
27 register. In the case that posting the statement on the counter of a
28 gun display or within five feet of the cash register is impossible,
29 the licensed dealer shall post the statement conspicuously within
30 the licensed premises. The statement shall not be placed on the
31 floor or the ceiling of the premises.

32 (3) The word “WARNING” in paragraph (1) shall be on a
33 separate line above the other text in the statement.

34 (4) The sentence “IF YOU OR A LOVED ONE IS
35 EXPERIENCING DISTRESS OR DEPRESSION OR IS
36 CONTEMPLATING SUICIDE, PLEASE CALL 988 (THE 988
37 SUICIDE AND CRISIS LIFELINE).” in paragraph (1) shall be
38 on a separate line below “WARNING” and above the other text
39 in the statement.

40 ~~(e) This section shall become operative on January 1, 2024.~~

1 (c) If a mandate following an appeal is issued reversing, in
2 whole or in part, the district court order and judgment in *Nguyen*
3 *v. Bonta*, S.D. Cal. No. 3:20-cv-02470, thereby allowing the state
4 to limit firearm sales to one firearm within any 30-day period, the
5 Attorney General shall, before the 30th day after the issuance,
6 inform every licensed firearms dealer in California that the limit
7 to purchase a firearm shall decrease to one firearm within any
8 30-day period.

9 (d) This section shall remain in effect only until the 30th day
10 after the issuance of a mandate following an appeal reversing, in
11 whole or in part, the district court order and judgment in *Nguyen*
12 *v. Bonta*, S.D. Cal. No. 3:20-cv-02470, thereby allowing the state
13 to limit firearm sales to one firearm within any 30-day period, and
14 as of that date is repealed.

15 SEC. 13. Section 26835 is added to the Penal Code, to read:

16 26835. (a) A licensee shall conspicuously post within the
17 licensed premises the following warnings in block letters not less
18 than one inch in height:

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

28 (2) "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 MISDEMEANOR
33 OR A FELONY UNLESS YOU STORED THE FIREARM IN A
34 LOCKED CONTAINER OR LOCKED THE FIREARM WITH A
35 LOCKING DEVICE TO KEEP IT FROM TEMPORARILY
36 FUNCTIONING."

37 (3) "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 FIREARM WITHIN ANY PREMISES UNDER YOUR CUSTODY

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

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

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

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

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

36 (8) “NO PERSON SHALL MAKE AN APPLICATION TO
37 PURCHASE MORE THAN ONE FIREARM WITHIN ANY 30-DAY
38 PERIOD AND NO DELIVERY SHALL BE MADE TO ANY
39 PERSON WHO HAS MADE AN APPLICATION TO PURCHASE

1 *MORE THAN ONE FIREARM WITHIN THE 30-DAY PERIOD*
2 *PRECEDING THE DATE OF THE APPLICATION, INCLUSIVE.”*

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

9 (b) (1) *In addition to the notice required by subdivision (a), a*
10 *licensee shall post conspicuously within the licensed premises, on*
11 *a contrasting background and written in block letters not less than*
12 *one inch in height, an additional notice containing the following*
13 *statement:*

14 *“WARNING:*

15 *IF YOU OR A LOVED ONE IS EXPERIENCING DISTRESS*
16 *OR DEPRESSION OR IS CONTEMPLATING SUICIDE, PLEASE*
17 *CALL 988 (THE 988 SUICIDE AND CRISIS LIFELINE).*

18 *ACCESS TO A FIREARM IN THE HOME SIGNIFICANTLY*
19 *INCREASES THE RISK OF SUICIDE, DEATH, AND INJURY*
20 *DURING DOMESTIC VIOLENCE DISPUTES, AND THE*
21 *UNINTENTIONAL DEATH AND TRAUMATIC INJURY TO*
22 *CHILDREN, HOUSEHOLD MEMBERS, AND GUESTS.”*

23 (2) *The statement in paragraph (1) shall be posted on the*
24 *counter of one of the main gun displays or within five feet of the*
25 *cash register. In the case that posting the statement on the counter*
26 *of a gun display or within five feet of the cash register is*
27 *impossible, the licensed dealer shall post the statement*
28 *conspicuously within the licensed premises. The statement shall*
29 *not be placed on the floor or the ceiling of the premises.*

30 (3) *The word “WARNING” in paragraph (1) shall be on a*
31 *separate line above the other text in the statement.*

32 (4) *The sentence “IF YOU OR A LOVED ONE IS*
33 *EXPERIENCING DISTRESS OR DEPRESSION OR IS*
34 *CONTEMPLATING SUICIDE, PLEASE CALL 988 (THE 988*
35 *SUICIDE AND CRISIS LIFELINE).” in paragraph (1) shall be*
36 *on a separate line below “WARNING” and above the other text*
37 *in the statement.*

38 (c) *This section shall become operative on the 30th day after*
39 *the issuance, if any, of a mandate following an appeal reversing,*
40 *in whole or in part, the district court order and judgment in Nguyen*

1 *v. Bonta, S.D. Cal. No. 3:20-cv-02470, thereby allowing the state*
2 *to limit firearm sales to one firearm within any 30-day period.*
3 *Otherwise, this section shall not take effect.*

4 SEC. 14. Section 27535 of the Penal Code is amended to read:

5 27535. (a) A person shall not make an application to purchase
6 ~~more than one firearm~~ *one or more firearms that would result in*
7 *the purchase of more than three firearms cumulatively* within any
8 30-day period. This subdivision does not authorize a person to
9 make an application *or applications* to purchase a combination of
10 firearms, completed frames or receivers, or firearm precursor parts
11 within the same 30-day period.

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

13 (1) Any law enforcement agency.

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

16 (3) Any state or local correctional facility.

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

19 (5) Any person who is properly identified as a full-time paid
20 peace officer, as defined in Chapter 4.5 (commencing with Section
21 830) of Title 3 of Part 2, and who is authorized to, and does carry
22 a firearm during the course and scope of employment as a peace
23 officer.

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

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

31 (8) Any private party transaction where the seller is, at the time
32 of the transaction, required under state law or by court order to
33 relinquish all firearms.

34 (9) Any private party transaction where the seller is any of the
35 following:

36 (A) The personal representative of a decedent's estate who is
37 transferring the firearms to one or more heirs or beneficiaries of
38 the decedent's estate pursuant to the decedent's will or the laws
39 of intestate succession.

1 (B) The holder of the decedent's property who is transferring
2 the firearms pursuant to Section 13101 of the Probate Code to the
3 successor of the decedent, as defined in Section 13006 of the
4 Probate Code, or to the surviving spouse of the decedent pursuant
5 to Section 13500 of the Probate Code.

6 (C) The trustee of a trust who is transferring the firearms to one
7 or more trust beneficiaries upon the death of a settlor of the trust.

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

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

17 (12) The replacement of a firearm if the person's firearm was
18 lost or stolen, and the person reported that firearm lost or stolen
19 pursuant to Section 25250 prior to the completion of the application
20 to purchase the replacement.

21 (13) The return of any firearm to its owner.

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

26 ~~(e) This section shall become operative on January 1, 2025.~~

27 *(c) If a mandate following an appeal is issued reversing, in*
28 *whole or in part, the district court order and judgment in Nguyen*
29 *v. Bonta, S.D. Cal. No. 3:20-cv-02470, thereby allowing the state*
30 *to limit firearm sales to one firearm within any 30-day period, the*
31 *Attorney General shall, before the 30th day after the issuance,*
32 *inform every licensed firearms dealer in California that the limit*
33 *to purchase a firearm shall decrease to one firearm within any*
34 *30-day period.*

35 *(d) This section shall remain in effect only until the 30th day*
36 *after the issuance of a mandate following an appeal reversing, in*
37 *whole or in part, the district court order and judgment in Nguyen*
38 *v. Bonta, S.D. Cal. No. 3:20-cv-02470, thereby allowing the state*
39 *to limit firearm sales to one firearm within any 30-day period, and*
40 *as of that date is repealed.*

1 *SEC. 15. Section 27535 is added to the Penal Code, to read:*

2 27535. (a) *A person shall not make an application to purchase*
3 *more than one firearm within any 30-day period. This subdivision*
4 *does not authorize a person to make an application to purchase a*
5 *combination of firearms, completed frames or receivers, or firearm*
6 *precursor parts within the same 30-day period.*

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

8 (1) *Any law enforcement agency.*

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

11 (3) *Any state or local correctional facility.*

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

14 (5) *Any person who is properly identified as a full-time paid*
15 *peace officer, as defined in Chapter 4.5 (commencing with Section*
16 *830) of Title 3 of Part 2, and who is authorized to, and does carry*
17 *a firearm during the course and scope of employment as a peace*
18 *officer.*

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

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

26 (8) *Any private party transaction where the seller is, at the time*
27 *of the transaction, required under state law or by court order to*
28 *relinquish all firearms.*

29 (9) *Any private party transaction where the seller is any of the*
30 *following:*

31 (A) *The personal representative of a decedent's estate who is*
32 *transferring the firearms to one or more heirs or beneficiaries of*
33 *the decedent's estate pursuant to the decedent's will or the laws*
34 *of intestate succession.*

35 (B) *The holder of the decedent's property who is transferring*
36 *the firearms pursuant to Section 13101 of the Probate Code to the*
37 *successor of the decedent, as defined in Section 13006 of the*
38 *Probate Code, or to the surviving spouse of the decedent pursuant*
39 *to Section 13500 of the Probate Code.*

1 (C) *The trustee of a trust who is transferring the firearms to*
2 *one or more trust beneficiaries upon the death of a settlor of the*
3 *trust.*

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

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

13 (12) *The replacement of a firearm if the person's firearm was*
14 *lost or stolen, and the person reported that firearm lost or stolen*
15 *pursuant to Section 25250 prior to the completion of the*
16 *application to purchase the replacement.*

17 (13) *The return of any firearm to its owner.*

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

22 (c) *This section shall become operative on the 30th day after*
23 *the issuance, if any, of a mandate following an appeal reversing,*
24 *in whole or in part, the district court order and judgment in Nguyen*
25 *v. Bonta, S.D. Cal. No. 3:20-cv-02470, thereby allowing the state*
26 *to limit firearm sales to one firearm within any 30-day period.*
27 *Otherwise, this section shall not take effect.*

28 SEC. 16. *Section 27540 of the Penal Code is amended to read:*

29 27540. A dealer, whether or not acting pursuant to Chapter 5
30 (commencing with Section 28050), shall not deliver a firearm to
31 a person, as follows:

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

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

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

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

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

12 (f) A firearm shall not be delivered whenever the dealer is
13 notified by the Department of Justice that ~~within the preceding~~
14 ~~30-day period, the purchaser has made another application to~~
15 ~~purchase a~~ *the purchaser has made an application to purchase*
16 *one or more firearms that would result in the purchase of more*
17 *than three firearms cumulatively within the 30-day period*
18 *preceding the date of the application, inclusive, including any*
19 *handgun, semiautomatic centerfire rifle, completed frame or*
20 *receiver, or firearm precursor part, and that the previous application*
21 *application or applications to purchase did not involve any of the*
22 *entities or circumstances specified in subdivision (b) of Section*
23 *27535.*

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

25 (g) *If a mandate following an appeal is issued reversing, in*
26 *whole or in part, the district court order and judgment in Nguyen*
27 *v. Bonta, S.D. Cal. No. 3:20-cv-02470, thereby allowing the state*
28 *to limit firearm sales to one firearm within any 30-day period, the*
29 *Attorney General shall, before the 30th day after the issuance,*
30 *inform every licensed firearms dealer in California that the limit*
31 *to purchase a firearm shall decrease to one firearm within any*
32 *30-day period.*

33 (h) *This section shall remain in effect only until the 30th day*
34 *after the issuance of a mandate following an appeal reversing, in*
35 *whole or in part, the district court order and judgment in Nguyen*
36 *v. Bonta, S.D. Cal. No. 3:20-cv-02470, thereby allowing the state*
37 *to limit firearm sales to one firearm within any 30-day period, and*
38 *as of that date is repealed.*

39 SEC. 17. Section 27540 is added to the Penal Code, to read:

1 27540. *A dealer, whether or not acting pursuant to Chapter 5*
2 *(commencing with Section 28050), shall not deliver a firearm to*
3 *a person, as follows:*

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

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

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

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

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

22 (f) *A firearm shall not be delivered whenever the dealer is*
23 *notified by the Department of Justice that the purchaser has made*
24 *an application to purchase one or more firearms that would result*
25 *in the purchase of more than one firearm within the 30-day period*
26 *preceding the date of the application, inclusive, including any*
27 *handgun, semiautomatic centerfire rifle, completed frame or*
28 *receiver, or firearm precursor part, and that the application or*
29 *applications to purchase did not involve any of the entities or*
30 *circumstances specified in subdivision (b) of Section 27535.*

31 (g) *This section shall become operative on the 30th day after*
32 *the issuance of a mandate, if any, following an appeal reversing,*
33 *in whole or in part, the district court order and judgment in Nguyen*
34 *v. Bonta, S.D. Cal. No. 3:20-cv-02470, thereby allowing the state*
35 *to limit firearm sales to one firearm within any 30-day period.*
36 *Otherwise, this section shall not take effect.*

37 SEC. 18. *Section 29800 of the Penal Code is amended to read:*

38 29800. (a) (1) *Any person who has been convicted of a felony*
39 *under the laws of the United States, the State of California, or any*
40 *other state, government, or country, or of an offense enumerated*

1 in subdivision (a), (b), or (d) of Section 23515, or who is addicted
2 to the use of any narcotic drug, and who owns, purchases, receives,
3 or has in possession or under custody or control any firearm is
4 guilty of a felony.

5 (2) Any person who has two or more convictions for violating
6 paragraph (2) of subdivision (a) of Section 417 and who owns,
7 purchases, receives, or has in possession or under custody or
8 control any firearm is guilty of a felony.

9 (3) Any person who has an outstanding warrant for any offense
10 listed in this subdivision and who has knowledge of the outstanding
11 warrant, and who owns, purchases, receives, or has in possession
12 or under custody or control any firearm is guilty of a felony.

13 (b) Notwithstanding subdivision (a), any person who has been
14 convicted of a felony or of an offense enumerated in Section 23515,
15 when that conviction results from certification by the juvenile court
16 for prosecution as an adult in an adult court under Section 707 of
17 the Welfare and Institutions Code, and who owns or has in
18 possession or under custody or control any firearm is guilty of a
19 felony.

20 (c) Subdivision (a) shall not apply to a conviction or warrant
21 for a felony under the laws of the United States unless either of
22 the following criteria, as applicable, is satisfied:

23 (1) Conviction of ~~a like~~ *an* offense under California law *that*
24 *includes comparable elements of the federal offense* can only result
25 in imposition of felony punishment.

26 (2) The defendant was sentenced to a federal correctional facility
27 for more than 30 days, or received a fine of more than one thousand
28 dollars (\$1,000), or received both punishments.

29 (d) *Subdivision (a) does not apply to a conviction for a*
30 *nonviolent felony under the laws of any other state if both of the*
31 *following criteria are satisfied:*

32 (1) *The conviction has been vacated, set aside, expunged, or*
33 *otherwise dismissed under the laws of the state where the defendant*
34 *was convicted.*

35 (2) *If the conviction resulted in a firearms prohibition under*
36 *the laws of the state where the defendant was convicted, the*
37 *vacatur, set aside, expungement, or dismissal of the conviction*
38 *restored firearms rights under the laws of that state.*

1 (e) Subdivision (a) does not apply to a conviction for a
2 nonviolent felony under the laws of any other state if both of the
3 following criteria are satisfied:

4 (1) The person received a full and unconditional pardon by the
5 Governor of the other state for the felony conviction and the pardon
6 restores civil rights that include firearms rights.

7 (2) The person was never convicted of a felony involving the
8 use of a dangerous weapon, as that phrase is used in Sections
9 4852.17 and 4854.

10 (f) As used in this section, “nonviolent felony” means an offense
11 under the laws of another state that does not include a material
12 element of death, mayhem, serious or great bodily injury, force
13 likely to produce serious or great bodily injury, threat of serious
14 or great bodily injury, kidnapping, discharge of a firearm or other
15 weapon, carjacking, assault with a deadly weapon, rape, or oral
16 copulation.

17 SEC. 19. No reimbursement is required by this act pursuant
18 to Section 6 of Article XIII B of the California Constitution for
19 certain costs that may be incurred by a local agency or school
20 district because, in that regard, this act creates a new crime or
21 infraction, eliminates a crime or infraction, or changes the penalty
22 for a crime or infraction, within the meaning of Section 17556 of
23 the Government Code, or changes the definition of a crime within
24 the meaning of Section 6 of Article XIII B of the California
25 Constitution.

26 However, if the Commission on State Mandates determines that
27 this act contains other costs mandated by the state, reimbursement
28 to local agencies and school districts for those costs shall be made
29 pursuant to Part 7 (commencing with Section 17500) of Division
30 4 of Title 2 of the Government Code.