

NRA-ILA Firearms Law & The Second Amendment Symposium

California Legal Update

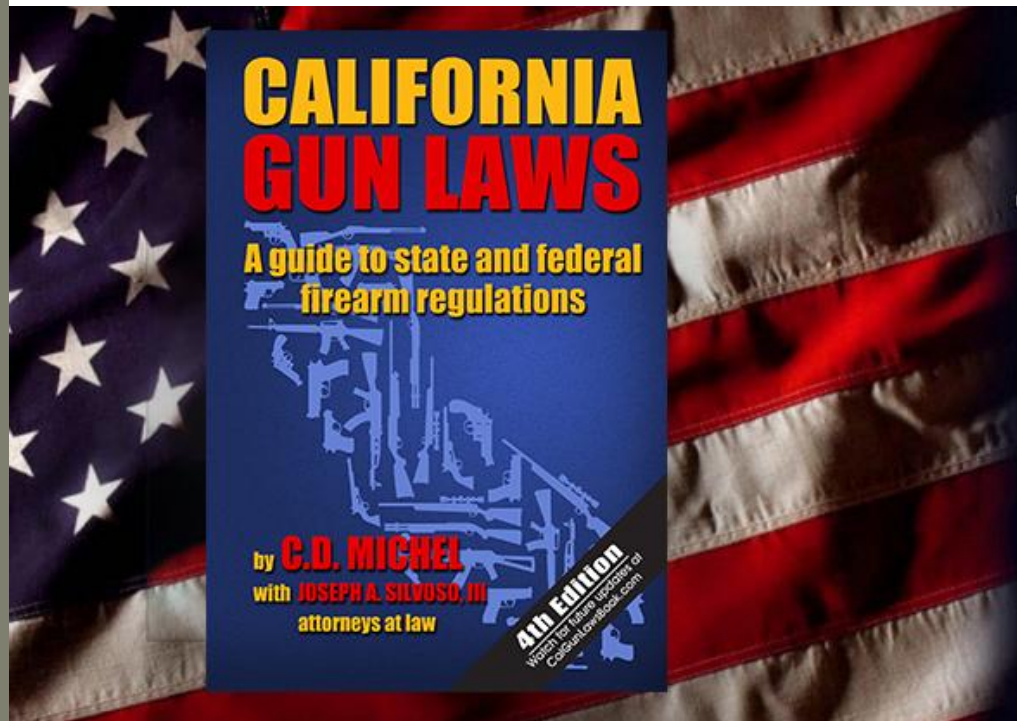
Presented by:

Chuck Michel, Senior Partner; Michel & Associates, Attorneys at Law
Joseph Silviso, Regulatory Compliance Counsel; Michel & Associates
Moderator: **Christopher Conte**, Litigation Counsel, NRA-ILA



Coming Soon

The 5th Edition of *California Gun Laws: A Guide to State and Federal Firearm Regulations*



IF YOU OWN A GUN
THIS BOOK COULD KEEP
YOU OUT OF **JAIL**

BUY IT NOW AT
WWW.CALGUNLAWSBOOK.COM

KNOW THE LAW | STAY INFORMED | STAY OUT OF JAIL

Topics

- Recent and pending changes to CA law
 - Recent changes
 - “Assault weapons”
 - “Large-capacity magazines”
 - New exception to “unsafe handgun” restriction for certain members of law enforcement
 - Lending firearms
 - Theft/loss reporting
 - Firearm restriction for warrants
 - Pending changes
 - Ammunition
 - “Ghost Guns”
 - Bills still in front of Governor as of Oct. 1, 2017
 - Open carry
 - School zone
 - Exceptions for law enforcement cadets
 - New 10-year firearm restrictions
 - Storage in vehicle
 - Firearm dealer storage

So-Called “Assault Weapons” Bills

AB 1135 & SB 880 (2016)

- Went into effect January 1, 2017
- Revised definition of “assault weapon”
- Defined “fixed magazine”
- Restriction on “assault weapons” applied Jan 1, 2017
- Possession of newly defined “assault weapons” allowed if possessed prior to Jan 1, 2017, and required registration before Jan 1, 2018 (initially)
 - Now, July 1, 2018 (AB 103 (June 27, 2017))
- Activities (buying, selling, importing, manufacturing, gunsmithing) involving newly designated “assault weapons” will need Dangerous Weapons Permit after Jan 1, 2017

What's Unchanged by Bills?

- The following are still “assault weapons”:
 - Make/Model restriction (see “assault weapon” list)
 - A semiautomatic, centerfire rifle that has a fixed magazine with the capacity to accept more than 10 rounds.
 - A semiautomatic, centerfire rifle that has an overall length of less than 30 inches.
 - A semiautomatic pistol with a fixed magazine that has the capacity to accept more than 10 rounds.
 - A semiautomatic shotgun that has both of the following:
 - (A) A folding or telescoping stock.
 - (B) A pistol grip that protrudes conspicuously beneath the action of the weapon, thumbhole stock, or vertical handgrip.
 - **A semiautomatic shotgun that has the ability to accept a detachable magazine.**
 - Any shotgun with a revolving cylinder.

“Assault Weapon” Redefined

- Currently, “assault weapon” also defined as:
 - Any semiautomatic, centerfire rifle that
 - **has the capacity to accept a detachable magazine** and
 - is equipped with one (or more) of the prohibited features (such as a pistol grip or telescoping stock)
 - Any semiautomatic pistol that
 - **has the capacity to accept a detachable magazine** and
 - is equipped with one (or more) of the prohibited features (such as a threaded barrel, second handgrip)
- These definitions will change as of January 1, 2017 to:
 - Any semiautomatic centerfire rifle that
 - **does not have a “fixed magazine”** and
 - is equipped with one (or more) of the prohibited features (such as a pistol grip or telescoping stock)
 - Any semiautomatic pistol that
 - **does not have a “fixed magazine”** and
 - is equipped with one (or more) of the prohibited features (such as a threaded barrel, second handgrip)

Cal. Penal Code § 30515

“Ability to Accept a Detachable Magazine”

- “Ability to accept a detachable magazine” means with respect to a **semiautomatic shotgun, it does *not* have a fixed magazine.**
 - This **RECLASSIFIES** semiautomatic shotguns that do not have “fixed magazines” as “assault weapons.”
 - In other words, **semiautomatic shotguns with bullet buttons now fall under the definition of an “assault weapon.”**
- This exceeds what the legislature did with the new code sections.
 - Remember, only rifles and pistols were changed by the new laws.
 - Shotguns were unaffected.

“Bullet Button” vs. “Fixed Magazine”

- The term “**fixed magazine**” is defined as:
 - “an ammunition feeding device **contained in**, or **permanently attached to**, a firearm in such a manner that the device **cannot be removed without *disassembly of the firearm action.***”
- “Bullet Buttons” are **NOT** considered “fixed magazines” under this definition.
 - You can remove the magazine by use of a tool, and not by “disassembly of the firearm action.”



"Disassembly of the Firearm Action"

- "Disassembly of the firearm action" means the fire control assembly is detached from the action in such a way that **the action has been interrupted and will not function.**
 - For example, disassembling the action on a two part receiver, like that on **an AR-15** style firearm, would require **the rear take-down pin to be removed, and the upper receiver lifted upwards and away from the lower receiver using the front pivot pin as the fulcrum, before the magazine may be removed.**
- Can aftermarket products restricting the release of the magazine until/unless the upper is removed or tilted away from the lower be used to make a firearm "California compliant"? Yes.

Limited Exception for Possession of Newly Defined “Assault Weapons”

- If you are eligible to register your firearm as an “assault weapon” because it was possessed between Jan 1, 2001, and Dec 31, 2016, and doesn’t have a “fixed magazine”
- You lawfully possessed the “assault weapon” prior to Jan 1, 2017 (in a fully functioning configuration)
- You register the firearm by July 1, 2018

Cal. Penal Code § 30680

11 CCR § 5473. California Firearms Application Reporting System (“CFARS”); Account Requirements

- All “assault weapon” registrations must be filed electronically through DOJ’s California Firearms Application Reporting System (CFARS). This website can be accessed at <https://cfars.doj.ca.gov/login.do>

Joint Registration of “Assault Weapons”

- Penal Code § 30955 allows for: “joint registration for any assault weapon or .50 BMG rifle owned by family members residing in the same household.”
- Strongly advised for families registering “assault weapons” under most recent change to CA law.
 - Requires:
 - Family members to be in same household
 - Proof of address is required (acceptable documents outlined in regs)
 - “family members” must be 18 by June 30, 2018 and
 - Spouses
 - Parent to Child
 - Child to Parent
 - Grandparent to Grandchild
 - Grandchild to Grandparent
 - Domestic Partners
 - Siblings

11 CCR § 5474.1

"Semiautomatic"

- "Semiautomatic" means a firearm functionally able to fire a single cartridge, eject the empty case, and reload the chamber each time the trigger is pulled and released.
- Further, **certain necessary mechanical parts** that will allow a firearm to function in a semiautomatic nature **must be present for a weapon to be deemed semiautomatic.**
- A weapon clearly designed to be **semiautomatic but lacking** a firing pin, bolt carrier, gas tube, or some other **crucial part of the firearm is not semiautomatic for purposes of Penal Code sections 30515, 30600, 30605(a), and 30900.**
 - 1) A fully functioning firearm without **ammunition or disabled by a gun lock** or other firearm safety device **is a semiautomatic firearm.**
 - 2) With regards to an AR-15 style firearm, if a complete **upper receiver and a complete lower receiver are completely detached** from one another, it is **not a semiautomatic firearm.**
 - 3) A **stripped AR-15 lower receiver**, when sold at a California gun store, **is not a semiautomatic firearm.** (The action type, among other things, is undetermined.)
- This definition suggests that firearms must be functioning and fully assembled in order to be "assault weapons."



Modification of “Assault Weapon” after Registration

- DOJ has declared that you are **prohibited from changing the release mechanism for the ammunition feeding device** on any “assault weapon” registered under the new regulations.
 - This **restriction does not apply** to:
 - The **repair or like-kind replacement** of the mechanism, or
 - A firearm undergoing the **deregistration process**.
- “Any alteration to the release mechanism converts the assault weapon into a different weapon from the one that was registered.”
- So, you cannot modify or remove the “bullet button” on your firearm.
- DOJ doesn’t specify other modifications.
 - You should be able to change other parts of the firearm: stocks, muzzle attachments, forward grips etc.
 - So long as you don’t make anything illegal i.e., short-barreled rifle, machinegun, destructive device, “any other weapon”.

Alternatives to Registering a Firearm

- **Modification**

- Generally, this can be accomplished by either making the firearm “featureless” or removing one of the three prerequisite features (semiautomatic, centerfire, “fixed” magazine).

- **Disassembly**

- Preventing the firearm from functioning, even by removing the upper receiver, should take the firearm out from under the “assault weapon definition. But once disassembled, it cannot legally be re-assembled into an “assault weapon” configuration.

- **Sale/Surrender**

- Generally can only be sold in California to a person with a valid “Dangerous Weapons Permit.”

- **Removal from State**

- Once removed from California, it cannot legally be brought back into California in an “assault weapon” configuration.

Aftermarket Modifications

- Parts that require you to separate upper and lower receiver of AR to remove magazine
 - Work under theory that pivoting upper receiver of AR style rifle up from forward takedown pin is “disassembly of the action”
- Permanently affixing magazine to firearm
 - Either by pinning, gluing, welding, Loctite magazine to firearm
- Featureless
 - Removing/replacing all of the features that cause firearm to meet definition of “assault weapon”

“Large-Capacity Magazines”

SB 1446 (2016) and Prop 63

- Ban on possession effective July 1, 2017
 - Cal. Penal Code § 30515(b)
 - Enforcement currently enjoined
- SB 1446 (2016)
 - Punishable by fines, for persons possessing any “large-capacity magazines,” regardless of date the magazine was acquired
- Prop 63
 - Punishable as an infraction (\$100 per magazine) or misdemeanor (\$100 per magazine and/or up to 1 yr in jail)
 - **This is CA law**

Some Exceptions to Restriction

- An individual in possession of a firearm that the person obtained prior to January 1, 2000, if no magazine that holds 10 or fewer rounds of ammunition is compatible with that firearm and the person possesses the “large-capacity magazine” solely for use with that firearm.
 - Cal. Penal Code § 32406(f)
- Law enforcement agencies
 - Cal. Penal Code § 32400
- Sworn “peace officers” (have always been allowed) and (*now*) *sworn federal law enforcement officers* who are allowed to carry in course and scope of duties
 - Cal. Penal Code § 32405
- Certain retired sworn peace officers and sworn federal officers (possession only)
 - Cal. Penal Code § 32406 and 32406(a)
- Most other exceptions currently under CA law apply
 - However, no longer exception for “taking large capacity magazine out of state and bringing it back in”

How to Comply With the Law

- Law provides:
 - Remove the large-capacity magazine from the state;
 - Sell the large-capacity magazine to a licensed firearms dealer; or
 - Surrender the large-capacity magazine to a law enforcement agency for destruction.

Cal. Penal Code § 32310(d)

- “Permanently altered so that it cannot accommodate more than 10 rounds”

Cal. Penal Code § 16740(a)

- There is no “grandfathering” of previously owned/possessed magazines



“UNSAFE HANDGUNS”

- No handgun model may be imported into California for sale, kept for sale, sold, given, or lent unless it has passed a features and safety test.
 - Cal. Penal Code § 32000
- The DOJ maintains a roster of approved firearms; available online.
- Law enforcement is generally exempted.
 - For more information see Cal. Penal Code §§ 31900-32110



Expansion of Exceptions

Unsafe handguns (Cal. Pen. § 32000) can be sold to entities or sworn members who have completed POST training pursuant to PC 832:

- The Department of Parks and Recreation.
- The Department of Alcoholic Beverage Control.
- The Division of Investigation of the Department of Consumer Affairs.
- The Department of Motor Vehicles.
- The Fraud Division of the Department of Insurance.
- The State Department of State Hospitals.
- The Department of Fish and Wildlife.
- The State Department of Developmental Services.
- The Department of Forestry and Fire Protection.
- A county probation department.
- The Los Angeles World Airports, as defined in Section 830.15.
- A K–12 public school district for use by a school police officer, as described in Section 830.32.
- A municipal water district for use by a park ranger, as described in Section 830.34.
- A county for use by a welfare fraud investigator or inspector, as described in Section 830.35.
- A county for use by the coroner or the deputy coroner, as described in Section 830.35.
- The Supreme Court and the courts of appeal for use by marshals of the Supreme Court and bailiffs of the courts of appeal, and coordinators of security for the judicial branch, as described in Section 830.36.
- A fire department or fire protection agency of a county, city, city and county, district, or the state for use by either of the following:
 - A member of an arson-investigating unit, regularly paid and employed in that capacity pursuant to Section 830.37.
 - A member other than a member of an arson-investigating unit, regularly paid and employed in that capacity pursuant to Section 830.37.
- The University of California Police Department, or the California State University Police Departments, as described in Section 830.2.
- A California Community College police department, as described in Section 830.32.

Limits on New Exceptions

A dealer shall not process the sale or transfer of an unsafe handgun between a person who has obtained an unsafe handgun and a person who is not exempt from the requirements of section 32000.

Cal. Penal Code § 32000(c)(1)

Those acquiring firearm under new exception must when leaving the handgun in an unattended vehicle, lock the handgun in the vehicle's trunk, lock the handgun in a locked container and place the container out of plain view, or lock the handgun in a locked container that is permanently affixed to the vehicle's interior and not in plain view. Cal. Penal Code § 32000(c)(2)

AB-1511 (2016) Lending Firearms

- Previous exception to 27545 (transfer firearm through a licensed dealer requirement) under this section:
 - Between persons who are *personally known to each other*
 - For a lawful purpose
 - As long as the loan is “infrequent”
 - Does not exceed 30-days.
 - Recipient has a Firearm Safety Certificate or unexpired Handgun Safety Certificate (if firearm is a handgun).

Cal. Penal Code § 27880 (2016)

AB-1511 (2016) Lending Firearms

As of January 1, 2017

- The “personally known” exception is narrowed and will only apply in the following situations:
 - “Infrequent” loan
 - Made between
 - Spouses
 - Registered domestic partners
 - Or any of the following regardless of whether related by consanguinity, adoption, or step relation:
 - Parent,
 - Child,
 - Sibling,
 - Grandparent,
 - Grandchild
 - Made for a lawful purpose
 - Does not exceed 30-days.
 - If the firearm being loaned is a handgun, the handgun must be registered to the person making the loan.
 - Recipient has a Firearm Safety Certificate or unexpired Handgun Safety Certificate (if firearm is a handgun).

Cal. Penal Code § 27880

- “Infrequent” transfers:
 - For handguns, less than six transactions per calendar year.
 - For firearms other than handguns, occasional and without regularity.

Cal. Penal Code § 16730

AB-1695 (2016) False Theft/Loss Reports

- Adds a “new” crime of reporting a firearm lost or stolen to law enforcement knowing the report to be false
 - Reporting a crime knowing the report to be false was ALREADY a crime.
 - Only really adds the falsely reporting a firearm “lost” restriction.

Cal. Penal Code § 148.5

- A violation of this law is a 10 year firearm restriction upon conviction.

Cal. Penal Code § 29805

- Moral: Don’t falsely report your firearm lost/stolen.

Newsom (Prop 63)

- Theft/loss reporting requirement:
 - Requires the report of loss or theft of firearms to local law enforcement in 5 days when you knew or reasonably should have known firearms lost/stolen
 - Notify local law enforcement in 5 days if you recover firearms reported lost stolen
 - Does not apply to antiques
 - Does not apply to:
 - Law enforcement within course/scope of duties if report is made to agency.
 - US marshal, Armed forces, national guard while engaged in official duties
 - Federal firearms licensees reporting in accordance of federal law
 - When firearm was lost/stolen prior to July 1, 2017.
 - Violations
 - Failure to do so: first two infractions and fines, misdemeanor on third and subsequent violation.
 - False reporting infraction and fine (but can charge additional charge i.e. filing false police report)

Cal. Penal Code §§ 25250-25275

AB-103 (2017)

- Prohibits possession of firearms by those with arrest warrants for firearm restrictions in Penal Code section 29800 (felonies) and 29805 (misdemeanors that carry with them 10 year firearm restrictions)
- SB-112 (2017)
 - Firearm restriction does not apply or affect people who do not have knowledge of the warrant.

Cal. Penal Code § 29581

WHAT IS “AMMUNITION”?

For purposes of this portion of the lecture, “ammunition” is defined as one or more loaded cartridges consisting of a primed case, propellant, and with one or more projectiles.

Does not include reloading components or blanks.

Cal. Penal Code § 16150.

AMMUNITION SALES PROCESS

January 1, 2018

The sale of ammunition must be done by or processed through a licensed ammunition vendor (license CA firearm dealers are already considered “vendors” (Cal. Penal Code § 16151(b))

When neither party to a sale is a licensed vendor the seller is required to give/deliver the ammunition to a vendor to conduct the sale.

Vendor may charge a fee.

Ammunition transfers must be face-to-face:

Internet orders or other means of remote ordering must be processed through vendor.

Cal. Pen. § 30312.

You cannot sell more than 500 rounds in any 30-day period without getting a vendor’s license. Cal. Pen. § 30342.

LIMITED EXCEPTIONS TO VENDOR SALES & FACE-TO-FACE MANDATE

Exceptions to transfer through a vendor and face-to-face shall not apply to the sale, delivery, or transfer of ammunition to any of the following:

- Law enforcement agencies.

- Sworn peace officer and federal law enforcement officers.

- Importer/manufacturer of ammunition/firearms under federal law.

- Person on centralized list of exempted FFLs.

- Person whose licensed premises is outside of CA and is a licensed dealer/collector of firearms under federal law.

- C&R collector with COE

- Ammunition vendor

- “Consultant-evaluator”

- Person who purchases or receives ammunition at a target Facility holding business or other regulatory license (provided ammo kept at all times within facility)

- Person who purchases/receives ammo from spouse, registered domestic partner, or “immediate family member” (parent, grandparent, child, or grandchild)

Cal. Penal Code § 30312(c).

AMMUNITION IMPORTATION RESTRICTION

January 1, 2018

Resident of CA cannot bring or transport into CA any ammunition the person purchases or obtains from outside CA unless going through a vendor first.

Exceptions:

- An ammunition vendor.

- A sworn peace officer or sworn federal law enforcement officer, who is authorized to carry a firearm in the course and scope of the officer's duties.

- Federally licensed importer or manufacturer of ammunition or firearms

- A person who is on the centralized list of exempted federal firearms licensees

- A person who is licensed as a collector under federal law and has a COE

- A person who acquired the ammunition from a spouse, registered domestic partner, or "immediate family member."

Cal. Penal Code § 30314.

AMMUNITION SALES REGISTRATION

July 1, 2019

Vendors must have ammunition purchasers fill out a form and submit information to DOJ concerning:

- The date of transfer.

- The transferee's driver's license or other identification number and the state in which it was issued.

- The brand, type, and amount of ammunition sold or otherwise transferred.

- The purchaser's or transferee's full name and signature.

- The name of the salesperson who processed the sale or other transaction.

- The transferee's full residential address and telephone number.

- The transferee's date of birth.

This information is held by DOJ *indefinitely* for law enforcement purposes only.

The vendor cannot sell, disclose, share the information to anyone else without express written consent of transferee.

Cal. Penal Code § 30352(a) and (b)

AUTHORIZED AMMUNITION PURCHASES

Background check for ammunition purchases July 1, 2019.

Check in AFS to see if purchaser has registered to him/her and if the person is in Armed Prohibited Person System to determine eligibility.

Single ammunition transaction background check (process and costs TBD by DOJ).

Certificate of Eligibility.

Person approved to purchase firearm at same time of ammunition purchase

Cal. Penal Code §§ 30352 and 30370

EXEMPT FROM PERSONAL INFORMATION AND AUTHORIZATION

In addition to being able to buy a firearm, the following are also exempt from the personal information and authorization requirement:

An ammunition vendor.

A person who is on the centralized list of exempted federal firearms licensees.

A person who purchases or receives ammunition at a target facility holding a business or other regulatory license, provided that the ammunition is at all times kept within the facility's premises.

A gunsmith or wholesaler (these are defined under CA law).

A manufacturer or importer of firearms or ammunition licensed under federal law.

An authorized law enforcement representative purchasing ammunition for his/her agency. Provided they provide written authorization from the head of the agency.

A properly identified sworn peace officer or federal law enforcement officer authorized to carry firearms in course/scope of duties.

Proper identification is verifiable written certification from the head of the agency by which the officer is employed, identifying the purchaser or transferee as a full-time paid peace officer who is authorized to carry a firearm in the course/scope of the officer's duties.

The certification shall be delivered to the vendor at the time of transfer and the transferee shall provide bona fide evidence of identity to verify that he or she is the person authorized in the certification.

Cal. Penal Code § 30352(e).

Fees for transferring

- In addition to any applicable Department of Justice fee [(for the background check)], an ammunition vendor may charge the purchaser a fee(s) for processing the sale of ammunition between two private parties as follows:
 - If the purchaser will be present for immediate delivery of the ammunition, the fee shall not exceed five dollars (\$5).
 - If the purchaser will not be present for immediate delivery of the ammunition, the vendor may charge an additional storage fee as agreed upon with the purchaser prior to the vendor receiving the ammunition.

11 CCR § 4263 (Under review by DOJ October 1, 2017)

Ammunition Access at Vendor Location

- An ammunition vendor shall not sell or display for sale any ammunition in a manner that allows that ammunition to be accessible to a purchaser or transferee without the assistance of the vendor or an employee of the vendor.

Cal. Penal Code § 30350

- Ammunition displayed in a shopping area open to the public is not considered “accessible” provided it is in a locked container (e.g. display case, cabinet, cage).

11 CCR 4262 (Under review by DOJ October 1, 2017)

“Ghost Guns”

- Permission to manufacture/assemble (subject to certain exceptions)
- As of July 1, 2018, before you manufacture/assemble a firearm you must:
 - Apply to DOJ for a serial number/identifying mark.
 - Within 10 days of manufacturing/assembling the unique serial number or other mark of identification shall be engraved or permanently affixed to the firearm in a way that meets 18 USC 923(i) and federal regulations.
 - If the firearm is polymer plastic, 3.7 ounces of material type 17-4 PH stainless steel shall be embedded within the plastic upon fabrication or construction with the unique serial number engraved or otherwise permanently affixed in a way that meets 18 USC 923(i) and federal regulations.
- After engraving/affixing mark notify DOJ (in time period TBD by DOJ) with information to identify the owner of the firearm, the unique serial number or mark of identification provided by the department, and the firearm in a manner prescribed by the department
- The sale/transfer of a firearm manufactured/assembled this way is illegal unless you surrender it to law enforcement.

Cal. Penal Code § 29180(b).

“Ghost Gun”

- Firearms without serial numbers (subject to certain exceptions)
 - If you own a firearm as of July 1, 2018, that
 - doesn't have a serial number assigned pursuant to Penal Code section 23910 or federal law
 - you must obtain one and place it on the firearm by January 1, 2019.
- To comply with this requirement you must
 - Apply to DOJ unique serial number or other mark of identification
 - Within 10 days of receiving the serial number/mark it must be engraved or permanently affixed to the firearm in accordance with regulations prescribed by the department pursuant to Section 29182 and in a manner that meets or exceeds the requirements of 18 USC 923(i) and federal regulations
 - After the serial number is engraved or affixed to the firearm, the person shall notify DOJ (in time period provided by DOJ), and with sufficient information to identify the owner of the firearm, the unique serial number/mark, and the firearm in a manner prescribed by the department.

Cal. Penal Code § 29180(c).

AB 857 (“Ghost Gun” Bill)

- Applications to manufacture/assemble or possess firearms without distinguishing marks already shall:
 - Complete “personal firearms eligibility check”
 - Present proof of age and identity (California driver’s license or California ID Card)
 - The applicant shall be 18 years if firearm that is not a handgun, and shall be 21 years of age for a handgun
 - Provide a description of the firearm in a manner prescribed by the department.
 - Have a valid firearm safety certificate or handgun safety certificate
- DOJ shall inform applicants if they are denied and DOJ must decide in 15 calendar days of receipt of application.
- DOJ may charge a fee TBD for each number/mark to cover costs

Cal. Penal Code § 29182

“Ghost Guns”

- The foregoing marking requirements won't apply to:
 - A firearm that has a serial number assigned to it pursuant to either Section 23910 or pursuant to Gun Control Act and its regulations.
 - A firearm made or assembled prior to December 16, 1968, that is not a handgun
 - A firearm which was entered and accepted into the centralized registry prior to July 1, 2018, as owned by a specific individual or entity if that firearm has assigned to it a distinguishing number or mark of identification to that firearm by virtue of the department accepting entry of that firearm into the centralized registry.
 - A firearm that has a serial number assigned to it pursuant National Firearms Act and its regulations
 - A firearm that is a curio or relic, or an antique firearm, as those terms are defined by federal regulations.

Cal. Penal Code § 29181.

§ 5474.2. Firearms Manufactured By Unlicensed Subject (FMBUS)

- Those seeking to register firearms they made themselves as “assault weapons” must:
 - Seek a serial number from DOJ using DOJ approved form.
 - Have the serial number placed on the firearm pursuant to federal specifications
 - AND have additional information placed onto the firearm.
- Asks from whom you acquired the firearm, personal/business address, city etc...
 - The answers to those questions should almost always be “NA.”
 - Some firearms could have been made prior to the federal requirement for a manufacturing license and marking requirements.
 - In those RARE instances, those firearms probably were acquired so long ago a dealer was not required to process the transaction, but if they were acquired after the need to go through a licensed firearm dealer (and certainly recently), you should consult with an attorney before filling out form.
- The regulations specify that this is ONLY for non-licensee created firearms
 - It is illegal under federal law to *engage in the business* of manufacturing firearms without a federal firearm license.
 - If you purchased a firearm from an individual who made/created the firearm for you, the firearm has no markings, and you didn't go through a licensed firearms dealer, consult with an attorney.

CARRY FIREARM THAT IS NOT A HANDGUN

- Restriction on carry of “long guns”
 - carrying
 - an unloaded
 - firearm that is not a handgun
 - in an incorporated city or city and county
 - outside a vehicle

Cal. Penal Code § 26400(a)

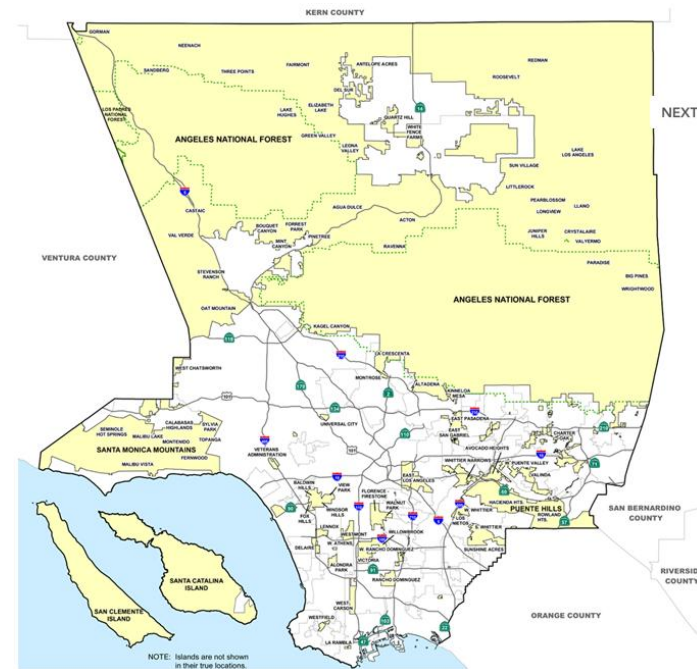
Further Restriction on Open Carry

AB 7 (2017) (under submission Oct. 1, 2017)

Changes “incorporated city or city and county” to restricting the open carry of firearms that are not handguns to either:

- (1) Incorporated cities or cities and counties.
- (2) Public place or public street in a prohibited area of an unincorporated area of a county.

Pushed by LA Sheriff’s department:



Gun-Free School Zone Act

- Unlawful to possess in area you know or reasonably know to be a school zone. Or, with reckless disregard for safety of another, discharge or attempt to discharge.
- Cal. Penal Code § 626.9(b), (d), and (f).

“School zone” means an area in, or on the grounds of, a public or private school providing instruction in kindergarten or grades 1 to 12, inclusive, or within a Distance of 1,000 feet from the grounds of the public or private school.

Cal. Penal Code § 626.9(e)(1)



Exceptions to Gun-Free School Zone (General)

- **Written permission** of the school district superintendent, his or her designee, or equivalent school authority.
- (1) Within a **place of residence or place of business or on private property**, if the place of residence, place of business, or private property is not part of the school grounds and the possession of the firearm is otherwise lawful.
- (2) When the firearm is an unloaded handgun and is in a **locked container or within the locked trunk of a motor vehicle**. Long guns in accordance with state law.
- (3) When the person believes that he or she is in **grave danger because current restraining order** (typically not including mutual restraining orders).
- (4) When the person is exempt from the prohibition against carrying a concealed firearm pursuant to **Section 25615 (transportation in course of business), 25625 (military/civilian parades), 25630 (Guard/messenger for common carrier, bank financial institution), or 25645 (common carrier)**.

Cal. Penal Code § 626.9(b) and (c).

Removal of the Permission Exception

AB 424 (2017) (under submission Oct. 1, 2017)

Removes the ability of the school district superintendent, his/her designee, or equivalent school authority to all people to carry firearms on campus.

This is in response to a number of districts that allow for parents and staff to carry firearms onto school campus.

AB-693 (2017) (under submission Oct. 1, 2017)

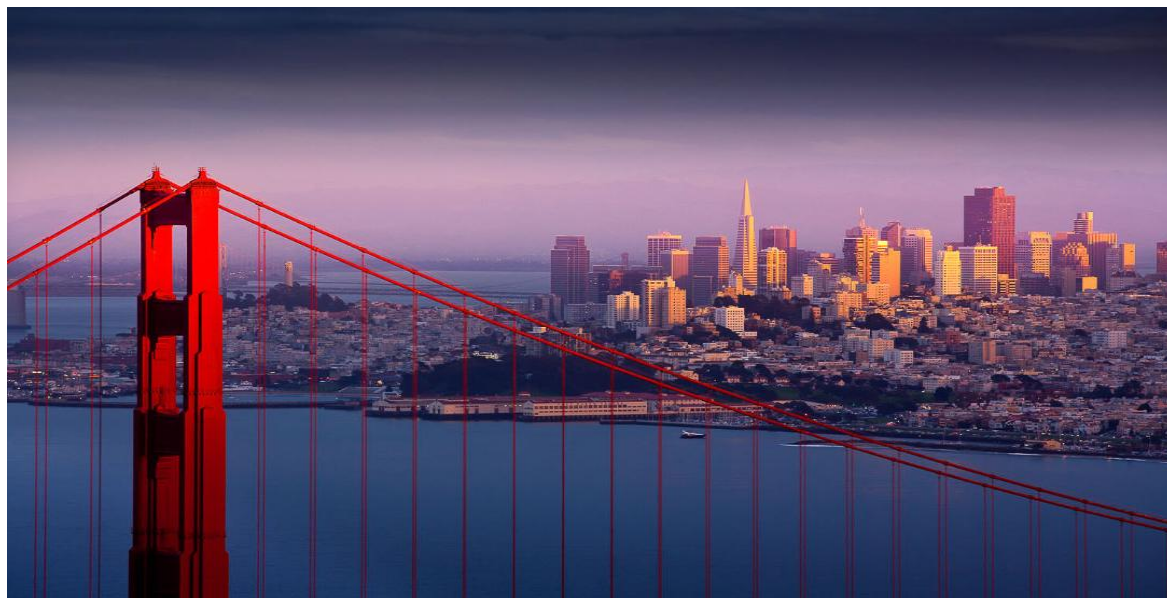
- Exempts persons enrolled in the course of basic training prescribed by the Commission on Peace Officer Standards and Training, or any other course certified by the commission, for purposes of participation in the course from the following:
 - Requirement to possess a California firearm dealer's license for the loan of firearms. Cal. Penal Code § 26625
 - Requirements for loans of firearms via a private party transfer. Cal. Penal Code § 27970
 - Requirements that ammunition go through or transferred by ammunition vendors. Cal. Penal Code § 30312
 - Restrictions against sale, loan, or transfer of large-capacity magazines. Upon end of program magazines must be removed from the state, sold to firearm dealer, or surrendered to law enforcement unless another exception applies. Cal. Penal Code § 32455

AB-785 (2017) (under submission Oct. 1, 2017)

- Adds to Penal Code section 29805 (section prohibiting firearm ownership for 10 years for certain misdemeanor convictions):
 - 422.6 (violation of civil rights)
 - 830.95 (wearing peace officer uniform while engaged in picketing or other informational activities in a public place relating to a concerted refusal to work)

Locking Firearm in Vehicle

Requires handguns left in vehicles to be locked in trunk, locked in locked container and placed out of sight, or locked in locked container permanently affixed to vehicle interior and not in view.
Cal. Penal Code § 25140.



SB-497 (2017) (under submission Oct. 1, 2017)

- Clarifies some terms used in Section 25140
- Adds:
 - A peace officer, when leaving a handgun in an unattended vehicle not equipped with a trunk, may, if unable to lock handgun in locked container, lock the handgun out of plain view within the center utility console of that motor vehicle with a padlock, keylock, combination lock, or other similar locking device.

SB-464 (2017) (under submission Oct. 1, 2017)

- Modifies firearm storage requirements by dealers (effective July 1, 2018)
- Requires firearms to be locked in “secure facility” and
 - All firearms must be locked in or stored one of the following ways:
 - Secure the firearm with a hardened steel rod or cable through the trigger guard of the firearm and secured.
 - If this method is used the dealer must install vehicle barriers but are not required if there is an elevated loading docks, the locations of a licensee’s premises that are fitted with steel roll-down doors, or to a licensee that is unable to comply due to local ordinances, covenants, lease conditions, or similar conditions not under the control of the licensee.
 - Store the firearm in a locked fireproof safe or vault.
 - Store the firearm in a steel display case meeting certain requirements
 - Store the firearm in a windowless room equipped with a steel security door fitted with a deadbolt lock, and that does not have a door exposed to the outside of the building.
 - Store the firearm behind a steel roll-down door or security gate, or secure the firearm in a locked steel gun rack by use of a hardened steel bar.
 - The above requirements are not required if licensee installs locking steel roll-down doors on any perimeter doors and floor-to-ceiling windows.
- If the licensee is unable to comply with those requirements because of local ordinances, covenants, lease conditions, or similar circumstances not under the control of the licensee, the licensee may ask CA DOJ for a waiver.

Cal. Penal Code § 26890