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SB-464 Firearms dealers: storage and security. (2017-2018)

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Date Published: 09/08/2017 04:00 AM

ENROLLED SEPTEMBER 07, 2017

PASSED IN SENATE SEPTEMBER 05, 2017

PASSED IN ASSEMBLY AUGUST 24, 2017

AMENDED IN ASSEMBLY JULY 10, 2017

AMENDED IN ASSEMBLY JUNE 20, 2017

AMENDED IN SENATE MAY 26, 2017

CALIFORNIA LEGISLATURE— 2017–2018 REGULAR SESSION

SENATE BILL

NO. 464

**Introduced by Senator Hill
(Coauthor: Senator Wiener)
(Coauthor: Assembly Member McCarty)**

February 16, 2017

An act to amend, repeal, and add Section 26890 of the Penal Code, relating to firearms.

LEGISLATIVE COUNSEL'S DIGEST

SB 464, Hill. Firearms dealers: storage and security.

Existing law generally requires all inventory firearms of a firearms dealer to be stored in the licensed location when the firearms dealer is not open for business. Existing law requires each firearm to be secured by (1) storing the firearm in a secure facility that is a part of, or that constitutes, the firearms dealer's business premises, (2) securing the firearm with a steel rod or cable with specified features, or (3) storing the firearm in a locked fireproof safe or vault in the business premises. A firearms dealer's license is subject to forfeiture for a breach of any of those provisions.

This bill would instead, commencing July 1, 2018, require each of the firearms to be secured by storing the firearm in a secure facility, as described above. The bill would require the firearms to also be secured using one of several methods, including the method involving a steel rod or cable or the method involving a safe or vault, as described above. The bill would require, if the rod or cable method is used and if the licensed location is at street level, that the licensee install, or cause to be installed, concrete or hardened steel bollards meeting certain specifications, or other specified barriers, to protect the location's front entrance, any floor-to-ceiling windows, and any other doors, from breach by a vehicle, as specified. If a safe or vault method is used, the bill

would require the safe to meet specified safety standards established by the Attorney General relating to risk reduction of firearm-related injuries to children 17 years of age and younger. The bill would also authorize the dealer to secure the firearms by storing them in a shatter-proof or other specified display case, or in a windowless room without a door accessing the outside of the building, or by use of a steel roll-down door or security gate, or in a locked steel gun rack. The bill would also require the dealer to install steel roll-down doors on perimeter doors and floor-to-ceiling windows if the other securing methods described above are not used.

Vote: majority Appropriation: no Fiscal Committee: yes Local Program: no

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

SECTION 1. Section 26890 of the Penal Code is amended to read:

26890. (a) Except as provided in subdivisions (b) and (c) of Section 26805, any time when the licensee is not open for business, all inventory firearms shall be stored in the licensed location. All firearms shall be secured using one of the following methods as to each particular firearm:

(1) Store the firearm in a secure facility that is a part of, or that constitutes, the licensee's business premises.

(2) Secure the firearm with a hardened steel rod or cable of at least one-eighth inch in diameter through the trigger guard of the firearm. The steel rod or cable shall be secured with a hardened steel lock that has a shackle. The lock and shackle shall be protected or shielded from the use of a boltcutter and the rod or cable shall be anchored in a manner that prevents the removal of the firearm from the premises.

(3) Store the firearm in a locked fireproof safe or vault in the licensee's business premises.

(b) The licensing authority in an unincorporated area of a county or within a city may impose security requirements that are more strict or are at a higher standard than those specified in subdivision (a).

(c) Upon written request from a licensee, the licensing authority may grant an exemption from compliance with the requirements of subdivision (a) 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.

(d) Subdivision (a) or (b) shall not apply to a licensee organized as a nonprofit public benefit corporation pursuant to Part 2 (commencing with Section 5110) of Division 2 of Title 1 of the Corporations Code, or as a mutual benefit corporation pursuant to Part 3 (commencing with Section 7110) of Division 2 of Title 1 of the Corporations Code, if both of the following conditions are satisfied:

(1) The nonprofit public benefit or mutual benefit corporation obtained the dealer's license solely and exclusively to assist that corporation or local chapters of that corporation in conducting auctions or similar events at which firearms are auctioned off to fund the activities of that corporation or the local chapters of the corporation.

(2) The firearms are not handguns.

(e) This section shall become inoperative on July 1, 2018, and, as of January 1, 2019, is repealed.

SEC. 2. Section 26890 is added to the Penal Code, to read:

26890. (a) Except as provided in subdivisions (b) and (c) of Section 26805, any time when the licensee is not open for business, each particular firearm shall be secured by storing the firearm in a secure facility that is part of, or that constitutes, the licensee's business premises.

(b) (1) All firearms shall also be secured using one of the following methods as to each particular firearm, unless the licensee complies with subdivision (c):

(A) Secure the firearm with a hardened steel rod or cable of at least one-eighth inch in diameter through the trigger guard of the firearm. The steel rod or cable shall be secured with a hardened steel lock that has a shackle. The lock and shackle shall be protected or shielded from the use of a boltcutter, and the rod or cable shall be anchored in a manner that prevents the removal of the firearm from the premises.

(B) Store the firearm in a locked fireproof safe or vault in the licensee's business premises. The safe shall meet the safety standards established by the Attorney General pursuant to Section 23650.

(C) Store the firearm in a display case that is made with a steel frame that is no thinner than 12 gauge, is fitted with a hardened steel lock where the case opens to access the firearm, and that complies with one of the following:

(i) The display case is fitted with smash-proof polycarbonate panels that are at least one-quarter inch thick.

(ii) The display case is fitted with glass that is protected with a security or protective laminate film that is specifically designed to delay entry and unauthorized access, with a minimum thickness of at least 8 mils (eight-thousandths of an inch), and that includes an anchoring system on all seams of each glass panel and is also anchored to the frame.

(D) 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.

(E) 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.

(2) (A) If the licensee uses the method described in subparagraph (A) of paragraph (1), and the licensee's location is at street level, the licensee shall install, or cause to be installed, concrete or hardened steel bollards, or other barriers, such as security planters or other devices with a similar structural integrity of bollards, to protect the location's front entrance, any floor-to-ceiling windows, and any other doors, that could be breached by a vehicle. The bollards shall meet the following requirements:

(i) Be no less than 4 inches in diameter and 36 inches in height from the ground.

(ii) Be spaced so as not to obstruct accessible routes or accessible means of egress in compliance with Standard 206.8 of Chapter 2 of the federal Americans with Disabilities Act of 1990 (42 U.S.C. Sec. 12101 et seq.), and have a clear width of not less than 36 inches but no more than 60 inches.

(iii) Be capable of stopping a 5,000 pound vehicle traveling at 30 miles per hour, in compliance with ASTM International Standard Test Method F3016.

(B) This paragraph shall not apply to elevated loading docks, to 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.

(3) Bollards installed prior to September 1, 2017, shall be considered compliant with this section if they are composed of concrete or hardened steel, do not obstruct accessible routes or accessible means of egress in compliance with Standard 206.8 of Chapter 2 of the federal Americans with Disabilities Act of 1990 (42 U.S.C. Sec. 12101 et seq.), and have a clear width of not less than 36 inches but no more than 60 inches.

(c) Unless the licensee complies with subdivision (b), the licensee shall install locking steel roll-down doors on any perimeter doors and floor-to-ceiling windows. Emergency exits are exempt from this requirement where installation would be in violation of a state or local fire code.

(d) The licensing authority in an unincorporated area of a county or within a city may impose security requirements that are more strict or are at a higher standard than those specified in subdivision (a).

(e) Except as provided in subparagraph (B) of paragraph (2) of subdivision (b), upon written request from a licensee, the licensing authority may grant an exemption from compliance with the requirements of subdivision (a), (b), or (c), in any combination, 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.

(f) Subdivisions (a), (b), and (c) shall not apply to a licensee organized as a nonprofit public benefit corporation pursuant to Part 2 (commencing with Section 5110) of Division 2 of Title 1 of the Corporations Code, or as a mutual benefit corporation pursuant to Part 3 (commencing with Section 7110) of Division 2 of Title 1 of the Corporations Code, if both of the following conditions are satisfied:

(1) The nonprofit public benefit or mutual benefit corporation obtained the dealer's license solely and exclusively to assist that corporation or local chapters of that corporation in conducting auctions or similar events at which firearms are auctioned off to fund the activities of that corporation or the local chapters of the corporation.

(2) The firearms are not handguns.

(g) This section shall become operative July 1, 2018.