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AB-879 Firearms. (2019-2020)

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Assembly Bill No. 879

CHAPTER 730

An act to amend Sections 16170, 18010, 27585, and 30800 of, to add Sections 16531 and 16532 to, and to add Chapter 1.5 (commencing with Section 30400) to Division 10 of Title 4 of Part 6 of, the Penal Code, relating to firearms, and making an appropriation therefor.

[Approved by Governor October 11, 2019. Filed with Secretary of State October 11, 2019.]

LEGISLATIVE COUNSEL'S DIGEST

AB 879, Gipson. Firearms.

Existing law generally requires ammunition to be sold only to a person whose information matches an entry in the Automated Firearms System and who is eligible to possess ammunition, to a person who has a current certificate of eligibility issued by the Department of Justice, or to a person who purchases or transfers the ammunition in a single ammunition transaction, as specified. Existing law imposes a per transaction fee not to exceed \$1 on ammunition purchasers and transferees and requires that this money be deposited in the continuously appropriated Ammunition Safety and Enforcement Special Fund. Existing law requires a person or business to have a valid ammunition vendor license to sell more than 500 rounds of ammunition in any 30-day period. Existing law generally requires the sale or transfer of firearms to be conducted through a licensed firearms dealer.

This bill would, commencing July 1, 2024, require the sale of firearm precursor parts, as defined, to be conducted by or processed through a licensed firearm precursor part vendor. Commencing July 1, 2024, the bill would require a person or business to have a valid firearm precursor part vendor license to sell more than one firearm precursor part in any 30-day period, except as exempted. This bill would make a violation of this prohibition a misdemeanor. The bill would require that a licensed firearm dealer or licensed ammunition vendor automatically be deemed a licensed firearm precursor part vendor. The bill would create an application process for firearm precursor part vendors, as specified. The bill would establish the Firearm Precursor Parts Special Account, into which vendor license fees would be deposited. The bill would continuously appropriate money in the fund to the department for purposes of implementing, administering, and enforcing the firearm precursor part authorization program, thereby making an appropriation. The bill would require the firearm precursor part vendor to conduct business at the location specified in the license, except in the case of gun shows or events, as specified.

Commencing July 1, 2025, the bill would require the Department of Justice to electronically approve the purchase or transfer of firearm precursor parts through a vendor. The bill would generally limit the sale of firearm precursor parts to a person whose information matches an entry in the Automated Firearms System and who is eligible to possess a firearm precursor part, to a person who has a valid certificate of eligibility issued by the Department of Justice, or to a person who purchases or transfers the firearm precursor part in a single transaction, as specified.

Commencing July 1, 2025, the bill would require a vendor to submit records of sales and transfers of firearm precursor parts to the department, and require the department to retain those records, as specified.

The bill would create the Firearm Precursor Parts Enforcement Special Fund and would allow the department to charge firearm precursor part purchasers and transferees a per transaction fee not to exceed \$1 to be deposited into the fund. The bill would continuously appropriate moneys in the fund to the department for the purposes of implementing, operating, and enforcing the firearm precursor part authorization program, thereby making an appropriation.

The bill would make it a misdemeanor to sell or give possession of a firearm precursor part to a person under 21 years of age. The bill would make it a misdemeanor for a person who is prohibited from possessing a firearm to possess a firearm precursor part. The bill would make it a misdemeanor to provide a firearm precursor part to a person who is prohibited from possessing firearm precursor parts. The bill would make it a misdemeanor to transfer a firearm precursor part without processing the transaction through a firearm precursor parts vendor. The bill would make it a misdemeanor to bring a firearm precursor part into the state without first having the part delivered to a licensed firearm precursor part vendor. By creating new crimes, this bill would impose a state-mandated local program.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

Vote: majority Appropriation: yes Fiscal Committee: yes Local Program: yes

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

SECTION 1. Section 16170 of the Penal Code is amended to read:

16170. (a) As used in Sections 30515 and 30530, "antique firearm" means any firearm manufactured before January 1, 1899.

(b) As used in Section 16520, Section 16650, subdivision (a) of Section 23630, paragraph (1) of subdivision (b) of Section 27505, and subdivision (a) of Section 31615, "antique firearm" has the same meaning as in Section 921(a)(16) of Title 18 of the United States Code.

(c) As used in Sections 16531 and 17700, "antique firearm" means either of the following:

(1) Any firearm not designed or redesigned for using rimfire or conventional center fire ignition with fixed ammunition and manufactured in or before the year 1898. This type of firearm includes any matchlock, flintlock, percussion cap, or similar type of ignition system or replica thereof, whether actually manufactured before or after the year 1898.

(2) Any firearm using fixed ammunition manufactured in or before the year 1898, for which ammunition is no longer manufactured in the United States and is not readily available in the ordinary channels of commercial trade.

SEC. 2. Section 16531 is added to the Penal Code, to read:

16531. (a) As used in this part, "firearm precursor part" means a component of a firearm that is necessary to build or assemble a firearm and is described in either of the following categories:

(1) An unfinished receiver, including both a single part receiver and a multiple part receiver, such as a receiver in an AR-10- or AR-15-style firearm. An unfinished receiver includes a receiver tube, a molded or shaped polymer frame or receiver, a metallic casting, a metallic forging, and a receiver flat, such as a Kalashnikov-style weapons system, Kalashnikov-style receiver channel, or a Browning-style receiver side plate.

(2) An unfinished handgun frame.

(b) The Department of Justice, consistent with this section, shall provide written guidance and pictorial diagrams demonstrating each category of firearm precursor part specified in subdivision (a).

(c) Firearm parts that can only be used on antique firearms, as defined in subdivision (c) of Section 16170, are not firearm precursor parts.

(d) A firearm precursor part is not a firearm or the frame or receiver thereof. A firearm precursor part that is attached or affixed to a firearm is not subject to the requirements of Chapter 1.5 (commencing with Section 30400) of Division 10 of Title 4 of Part 6 or Section 18010.

SEC. 3. Section 16532 is added to the Penal Code, to read:

16532. (a) As used in this part, “firearm precursor part vendor” means a person, firm, corporation, or other business enterprise that holds a valid firearm precursor part vendor license issued pursuant to Section 30485.

(b) Commencing July 1, 2023, a firearms dealer licensed pursuant to Sections 26700 to 26915, inclusive, and a licensed ammunition vendor shall automatically be deemed a licensed firearm precursor part vendor, if the dealer and licensed ammunition vendor comply with the requirements of Article 2 (commencing with Section 30300) and Article 3 (commencing with Section 30342) of Chapter 1 of Division 10 of Title 4.

SEC. 4. Section 18010 of the Penal Code is amended to read:

18010. (a) The Attorney General, a district attorney, or a city attorney may bring an action to enjoin the manufacture of, importation of, keeping for sale of, offering or exposing for sale, giving, lending, or possession of, any item that constitutes a nuisance under any of the following provisions:

- (1) Section 19290, relating to metal handgrenades.
- (2) Section 20390, relating to an air gauge knife.
- (3) Section 20490, relating to a belt buckle knife.
- (4) Section 20590, relating to a cane sword.
- (5) Section 20690, relating to a lipstick case knife.
- (6) Section 20790, relating to a shobi-zue.
- (7) Section 20990, relating to a writing pen knife.
- (8) Section 21190, relating to a ballistic knife.
- (9) Section 21890, relating to metal knuckles.
- (10) Section 22090, relating to a nunchaku.
- (11) Section 22290, relating to a leaded cane or an instrument or weapon of the kind commonly known as a billy, blackjack, sandbag, sandclub, sap, or slungshot.
- (12) Section 22490, relating to a shuriken.
- (13) Section 24390, relating to a camouflaging firearm container.
- (14) Section 24490, relating to a cane gun.
- (15) Section 24590, relating to a firearm not immediately recognizable as a firearm.
- (16) Section 24690, relating to an undetectable firearm.
- (17) Section 24790, relating to a wallet gun.
- (18) Section 30290, relating to flechette dart ammunition and to a bullet with an explosive agent.
- (19) Section 31590, relating to an unconventional pistol.
- (20) Section 32390, relating to a large-capacity magazine.
- (21) Section 32990, relating to a multiburst trigger activator.
- (22) Section 33290, relating to a short-barreled rifle or a short-barreled shotgun.
- (23) Section 33690, relating to a zip gun.

(b) The weapons described in subdivision (a) shall be subject to confiscation and summary destruction whenever found within the state.

(c) The weapons described in subdivision (a) shall be destroyed in the same manner described in Section 18005, except that upon the certification of a judge or of the district attorney that the ends of justice will be served thereby, the weapon shall be preserved until the necessity for its use ceases.

(d) (1) Commencing July 1, 2024, the Attorney General, a district attorney, or a city attorney may bring an action to enjoin the importation into the state or sale of any firearm precursor part that is imported into this state or sold within this state in violation of Article 1 (commencing with Section 30400), Article 2 (commencing with Section 30442), Article 3 (commencing with Section 30470), and Article 4 (commencing with Section 30485) of Chapter 1.5 of Division 10 of Title 4.

(2) Commencing July 1, 2024, firearm precursor parts that are imported in this state or sold within this state in violation of Article 1 (commencing with Section 30400), Article 2 (commencing with Section 30442), Article 3 (commencing with Section 30470), and Article 4 (commencing with Section 30485) of Chapter 1.5 of Division 10 of Title 4 are a nuisance and are subject to confiscation and destruction pursuant to Section 18005.

SEC. 5. Section 27585 of the Penal Code is amended to read:

27585. (a) Commencing January 1, 2015, a resident of this state shall not import into this state, bring into this state, or transport into this state, any firearm that the person purchased or otherwise obtained on or after January 1, 2015, from outside of this state unless the person first has that firearm delivered to a dealer in this state for delivery to that resident pursuant to the procedures set forth in Section 27540 and Article 1 (commencing with Section 26700) and Article 2 (commencing with Section 26800) of Chapter 2.

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

(1) A licensed collector who is subject to and complies with Section 27565.

(2) A dealer, if the dealer is acting in the course and scope of their activities as a dealer.

(3) A wholesaler, if the wholesaler is acting in the course and scope of their activities as a wholesaler.

(4) A person licensed as an importer of firearms or ammunition or licensed as a manufacturer of firearms or ammunition, pursuant to Section 921 et seq. of Title 18 of the United States Code and the regulations issued pursuant thereto if the importer or manufacturer is acting in the course and scope of their activities as a licensed importer or manufacturer.

(5) A personal firearm importer who is subject to and complies with Section 27560.

(6) A person who complies with subdivision (b) of Section 27875.

(7) A person who complies with subdivision (b), (c), or (d) of Section 27920.

(8) A person who is on the centralized list of exempted federal firearms licensees pursuant to Section 28450 if that person is acting in the course and scope of their activities as a licensee.

(9) A firearm regulated pursuant to Chapter 1 (commencing with Section 18710) of Division 5 of Title 2 acquired by a person who holds a permit issued pursuant to Article 3 (commencing with Section 18900) of Chapter 1 of Division 5 of Title 2, if that person is acting within the course and scope of their activities as a licensee and in accordance with the terms and conditions of the permit.

(10) A firearm regulated pursuant to Chapter 2 (commencing with Section 30500) of Division 10 acquired by a person who holds a permit issued pursuant to Section 31005, if that person is acting within the course and scope of their activities as a licensee and in accordance with the terms and conditions of the permit.

(11) A firearm regulated pursuant to Chapter 6 (commencing with Section 32610) of Division 10 acquired by a person who holds a permit issued pursuant to Section 32650, if that person is acting within the course and scope of their activities as a licensee and in accordance with the terms and conditions of the permit.

(12) A firearm regulated pursuant to Article 2 (commencing with Section 33300) of Chapter 8 of Division 10 acquired by a person who holds a permit issued pursuant to Section 33300, if that person is acting within the course and scope of their activities as a licensee and in accordance with the terms and conditions of the permit.

(13) The importation of a firearm into the state, bringing a firearm into the state, or transportation of a firearm into the state, that is regulated by any of the following statutes, if the acquisition of that firearm occurred outside of California and is conducted in accordance with the applicable provisions of the following statutes:

(A) Chapter 1 (commencing with Section 18710) of Division 5 of Title 2, relating to destructive devices and explosives.

(B) Section 24410, relating to cane guns.

(C) Section 24510, relating to firearms that are not immediately recognizable as firearms.

(D) Sections 24610 and 24680, relating to undetectable firearms.

(E) Section 24710, relating to wallet guns.

(F) Chapter 2 (commencing with Section 30500) of Division 10, relating to assault weapons.

(G) Section 31500, relating to unconventional pistols.

(H) Sections 33215 to 33225, inclusive, relating to short-barreled rifles and short-barreled shotguns.

(I) Chapter 6 (commencing with Section 32610) of Division 10, relating to machineguns.

(J) Section 33600, relating to zip guns, and the exemptions in Chapter 1 (commencing with Section 17700) of Division 2 of Title 2, as they relate to zip guns.

(14) The importation, transportation, or bringing of a firearm into the state by a person who meets any of the following criteria:

(A) The person is listed in the registry set forth in Section 11106 as the owner of the firearm.

(B) The person has been issued documentation by the Department of Justice pursuant to subdivision (b) of Section 11106 that indicates the person is listed in the centralized registry as owning that firearm.

(C) The person has a copy of a Dealer's Record of Sale that shows that the person received that firearm from the dealer listed in that Dealer's Record of Sale and is listed as the owner of the firearm.

(D) If the firearm is a handgun, the person has a license to carry that handgun pursuant to Chapter 4 (commencing with Section 26150) of Division 5 and the person is licensed to carry that handgun.

(15) A licensed common carrier or an authorized agent or employee of a licensed common carrier, when acting in the course and scope of duties incident to the delivery of or receipt of that firearm in accordance with federal law.

(c) The provisions of this section are cumulative and do not restrict the application of any other law. However, an act or omission punishable in different ways by this section and different provisions of this code shall not be punished under more than one provision.

SEC. 6. Chapter 1.5 (commencing with Section 30400) is added to Division 10 of Title 4 of Part 6 of the Penal Code, to read:

CHAPTER 1.5. Firearm Precursor Parts

Article 1. Restrictions Relating to Firearm Precursor Parts

30400. (a) Commencing July 1, 2024, a person, corporation, or dealer who does any of the following shall be punished by imprisonment in a county jail for a term not to exceed six months, or by a fine not to exceed one thousand dollars (\$1,000), or by both the imprisonment and fine.

(1) Sells a firearm precursor part to a person under 21 years of age.

(2) Supplies, delivers, or gives possession of a firearm precursor part to a minor who the person, corporation, or dealer knows, or using reasonable care should have known, is prohibited from possessing a firearm or ammunition at that time pursuant to Chapter 1 (commencing with Section 29610) of Division 9.

(b) Proof that a person, corporation, or dealer, or their agent or employee, demanded, was shown, and acted in reasonable reliance upon, bona fide evidence of the age of majority and identity shall be a defense to any criminal prosecution under this section.

(c) The provisions of this section are cumulative and do not restrict the application of any other law. However, an act or omission punishable in different ways by this section and another provision of law shall not be punished under more than one provision.

30405. (a) (1) Commencing July 1, 2024, a person prohibited from owning or possessing a firearm under Chapter 2 (commencing with Section 29800) or Chapter 3 (commencing with Section 29900) of Division 9 of this title, or Section 8100 or 8103 of the Welfare and Institutions Code, shall not own, possess, or have under custody or control a firearm precursor part.

(2) A violation of this subdivision is punishable by imprisonment in a county jail not to exceed one year, by a fine not to exceed one thousand dollars (\$1,000), or by both that fine and imprisonment.

(b) A violation of subdivision (a) does not occur if all of the following conditions are met:

(1) The person found a firearm precursor part or took the firearm precursor part from a person who was committing a crime against the person who found or took the firearm precursor part.

(2) The person possessed the firearm precursor part no longer than was necessary to deliver or transport the firearm precursor part to a law enforcement agency for that agency's disposition according to law.

(3) The person is prohibited from possessing any firearm precursor part solely because that person is prohibited from owning or possessing a firearm by virtue of Chapter 2 (commencing with Section 29800) of Division 9.

(c) Upon the trial for violating subdivision (a), the trier of fact shall determine whether the defendant is eligible for the exemption created by subdivision (b). The defendant has the burden of proving by a preponderance of the evidence that the defendant is within the scope of the exemption provided by subdivision (b).

(d) The provisions of this section are cumulative and do not restrict the application of any other law. However, an act or omission punishable in different ways by this section and another provision of law shall not be punished under more than one provision.

30406. (a) Commencing July 1, 2024, a person, corporation, firm, or other business enterprise who supplies, delivers, sells, or gives possession or control of a firearm precursor part to anybody who that person knows or using reasonable care should know is prohibited from owning, possessing, or having under custody or control a firearm precursor part is guilty of a misdemeanor, punishable by imprisonment in a county jail not exceeding one year, or a fine not exceeding one thousand dollars (\$1,000), or by both that fine and imprisonment.

(b) Commencing July 1, 2024, a person, corporation, firm, or other business enterprise that supplies, delivers, sells, or gives possession or control of a firearm precursor part to a person whom the person, corporation, firm, or other business enterprise knows or has cause to believe is not the actual purchaser or transferee of the firearm precursor part, with knowledge or cause to believe that the firearm precursor part is to be subsequently sold or transferred to a person who is prohibited from owning, possessing, or having under custody or control a firearm precursor part is guilty of a misdemeanor, punishable by imprisonment in a county jail not exceeding one year, or a fine not exceeding one thousand dollars (\$1,000), or by both that fine and imprisonment.

(c) The provisions of this section are cumulative and do not restrict the application of any other law. However, an act or omission punishable in different ways by this section and another provision of law shall not be punished under more than one provision.

30412. (a) (1) Commencing July 1, 2024, the sale of a firearm precursor part by any party shall be conducted by or processed through a licensed firearm precursor part vendor.

(2) When neither party to a firearm precursor part sale is a licensed firearm precursor part vendor, the seller shall deliver the firearm precursor part to a vendor to process the transaction. The firearm precursor part vendor shall promptly and properly deliver the firearm precursor part to the purchaser, if the sale is not prohibited, as if the firearm precursor part were the vendor's own merchandise. If the firearm precursor part vendor cannot deliver the firearm precursor part to the purchaser, the vendor shall forthwith return the firearm precursor part to the seller after the seller has their background checked by the department. The firearm precursor part vendor may charge the purchaser an administrative fee to process the transaction, in an amount to be set by the Department of Justice, in addition to any applicable fees that may be charged pursuant to the provisions of this title.

(b) Commencing July 1, 2024, the sale, delivery, or transfer of ownership of a firearm precursor part by any party may only occur in a face-to-face transaction with the seller, deliverer, or transferor. A firearm precursor part may be purchased or acquired over the internet or through other means of remote ordering if a licensed firearm precursor part vendor initially receives the firearm precursor part and processes the transaction in compliance with this section and Article 2 (commencing with Section 30442).

(c) Subdivisions (a) and (b) shall not apply to the sale, delivery, or transfer of a firearm precursor part to any of the following:

(1) An authorized law enforcement representative of a city, county, city and county, or state or federal government, if the sale, delivery, or transfer is for exclusive use by that governmental agency and, prior to the sale, delivery, or transfer of the firearm precursor part, written authorization from the head of the agency employing the purchaser or transferee is obtained, identifying the employee as an individual authorized to conduct the transaction, and authorizing the transaction for the exclusive use of the agency employing the individual.

(2) A sworn peace officer, as defined in Chapter 4.5 (commencing with Section 830) of Title 3 of Part 2, or sworn federal law enforcement officer, who is authorized to carry a firearm in the course and scope of the officer's duties.

(3) An importer or manufacturer of ammunition or firearms who is licensed to engage in business pursuant to Chapter 44 (commencing with Section 921) of Title 18 of the United States Code and the regulations issued pursuant thereto.

(4) A person who is on the centralized list of exempted federal firearms licensees maintained by the Department of Justice pursuant to Article 6 (commencing with Section 28450) of Chapter 6 of Division 6.

(5) A person whose licensed premises are outside this state and who is licensed as a dealer or collector of firearms pursuant to Chapter 44 (commencing with Section 921) of Title 18 of the United States Code and the regulations issued pursuant thereto.

(6) A person who is licensed as a collector of firearms pursuant to Chapter 44 (commencing with Section 921) of Title 18 of the United States Code and the regulations issued pursuant thereto, whose licensed premises are within this state, and who has a current certificate of eligibility issued by the Department of Justice pursuant to Section 26710.

(7) A firearm precursor part vendor.

(8) An authorized representative of a city, county, city and county, or state or federal government, if the firearm precursor part is obtained as part of an authorized, voluntary program in which the governmental entity is buying or receiving firearm precursor parts from private individuals.

(d) Any firearm precursor part acquired pursuant to paragraph (8) of subdivision (c) shall be disposed of pursuant to the applicable provisions of Sections 18000, 18005, and 34000.

(e) A violation of this section is a misdemeanor.

(f) The provisions of this section are cumulative and do not restrict the application of any other law. However, an act or omission punishable in different ways by this section and another provision of law shall not be punished under more than one provision.

30414. (a) Commencing July 1, 2024, a resident of this state shall not bring or transport into this state a firearm precursor part that they purchased or otherwise obtained from outside of this state unless they first had that firearm precursor part delivered to a licensed firearm precursor part vendor for delivery to that resident pursuant to the procedures set forth in Section 30412.

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

(1) A firearm precursor part vendor.

(2) A sworn peace officer, as defined in Chapter 4.5 (commencing with Section 830) of Title 3 of Part 2, or sworn federal law enforcement officer who is authorized to carry a firearm in the course and scope of the officer's duties.

(3) An importer or manufacturer of ammunition or firearms who is licensed to engage in business pursuant to Chapter 44 (commencing with Section 921) of Title 18 of the United States Code and the regulations issued pursuant thereto.

(4) A person who is on the centralized list of exempted federal firearms licensees maintained by the Department of Justice pursuant to Article 6 (commencing with Section 28450) of Chapter 6 of Division 6.

(5) A person who is licensed as a collector of firearms pursuant to Chapter 44 (commencing with Section 921) of Title 18 of the United States Code and the regulations issued pursuant thereto, whose licensed premises are within this state, and who has a current certificate of eligibility issued by the Department of Justice pursuant to Section 26710.

(6) A licensed common carrier or an authorized agent or employee of a licensed common carrier, when acting in the course and scope of duties incident to the delivery of or receipt of that firearm in accordance with federal law.

(c) A violation of this section is a misdemeanor.

(d) The provisions of this section are cumulative and do not restrict the application of any other law. However, an act or omission punishable in different ways by this section and another provision of law shall not be punished under more than one provision.

30420. This article does not apply to or affect the sale to, purchase by, possession of, or use of a firearm precursor part by any member of the United States Armed Forces, or the National Guard, while on duty and acting within the scope and course of employment, or any police agency or forensic laboratory or any person who is the holder of a valid permit issued pursuant to Article 3 (commencing with Section 18900) of Chapter 1 of Division 5 of Title 2.

30425. This article does not prohibit the manufacture of firearm precursor parts under contracts approved by agencies of the state or federal government.

Article 2. Firearm Precursor Part Vendors

30442. (a) Commencing July 1, 2024, a valid firearm precursor part vendor license shall be required for any person, firm, corporation, or other business enterprise to sell more than one firearm precursor part in any 30-day period.

(b) Subdivision (a) does not apply to the sale of a firearm precursor part to any of the following:

(1) An authorized law enforcement representative of a city, county, city and county, or state or federal government, if the sale, delivery, or transfer is for exclusive use by that governmental agency and, prior to the sale, delivery, or transfer of the firearm precursor part, written authorization from the head of the agency employing the purchaser or transferee is obtained, identifying the employee as an individual authorized to conduct the transaction, and authorizing the transaction for the exclusive use of the agency employing the individual.

(2) An importer or manufacturer of ammunition or firearms who is licensed to engage in business pursuant to Chapter 44 (commencing with Section 921) of Title 18 of the United States Code and the regulations issued pursuant thereto.

(3) A person who is on the centralized list of exempted federal firearms licensees maintained by the Department of Justice pursuant to Article 6 (commencing with Section 28450) of Chapter 6 of Division 6.

(4) A person whose licensed premises are outside this state and who is licensed as a dealer or collector of firearms pursuant to Chapter 44 (commencing with Section 921) of Title 18 of the United States Code and the regulations issued pursuant thereto.

(5) An authorized representative of a city, county, city and county, or state or federal government, if the firearm precursor part is obtained as part of an authorized, voluntary program in which the governmental entity is buying or receiving firearm precursor parts from private individuals.

(c) Subdivision (a) does not apply to the sale of a firearm precursor part to a firearm precursor part vendor by any of the following:

(1) An authorized law enforcement representative of a city, county, city and county, or state or federal government, if the sale, delivery, or transfer is by that governmental agency and, prior to the sale, delivery, or transfer of the firearm precursor part, written authorization from the head of the agency employing that person is obtained, identifying the employee as an individual authorized to conduct the transaction, and authorizing the transaction.

(2) An importer or manufacturer of ammunition or firearms who is licensed to engage in business pursuant to Chapter 44 (commencing with Section 921) of Title 18 of the United States Code and the regulations issued pursuant thereto.

(3) A person who is on the centralized list of exempted federal firearms licensees maintained by the Department of Justice pursuant to Article 6 (commencing with Section 28450) of Chapter 6 of Division 6.

(4) A person whose licensed premises are outside this state and who is licensed as a dealer or collector of firearms pursuant to Chapter 44 (commencing with Section 921) of Title 18 of the United States Code and the regulations issued pursuant thereto.

(d) A violation of this section is a misdemeanor.

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

30445. Commencing July 1, 2024, a vendor shall comply with all of the conditions, requirements, and prohibitions enumerated in this article.

30447. (a) Commencing July 1, 2024, a firearm precursor part vendor shall require any agent or employee who handles, sells, delivers, or has in their custody or control any firearm precursor part to obtain and provide to the vendor a certificate of eligibility from the Department of Justice issued pursuant to Section 26710. On the application for the certificate, the agent or employee shall provide the name and address of the firearm precursor part vendor with whom the person is employed, or the name and California firearms dealer number of the firearm precursor part vendor, if applicable.

(b) The department shall notify the firearm precursor part vendor if the agent or employee who has a certificate of eligibility is or becomes prohibited from possessing firearms, ammunition, or firearm precursor parts under state or federal law.

(c) Commencing July 1, 2024, a firearm precursor part vendor shall not permit any agent or employee who the vendor knows or reasonably should know is a person described in Chapter 2 (commencing with Section 29800) or Chapter 3 (commencing with Section 29900) of Division 9 of this code or Section 8100 or 8103 of the Welfare and Institutions Code to handle, sell, deliver, or have in their custody or control a firearm precursor part in the course and scope of employment.

30448. (a) Except as provided in subdivision (b), commencing July 1, 2024, the sale of firearm precursor parts by a licensed vendor shall be conducted at the location specified in the license.

(b) Commencing July 1, 2024, a licensed vendor may sell firearm precursor parts at a gun show or event if the gun show or event is not conducted from any motorized or towed vehicle.

(c) For purposes of this section, "gun show or event" means a function sponsored by any national, state, or local organization, devoted to the collection, competitive use, or other sporting use of firearms, or an organization or association that sponsors functions devoted to the collection, competitive use, or other sporting use of firearms in the community.

(d) Sales of firearm precursor parts at a gun show or event shall comply with all applicable laws.

30450. Commencing July 1, 2024, a firearm precursor part vendor shall not sell or otherwise transfer ownership of, offer for sale or otherwise offer to transfer ownership of, or display for sale or display for transfer of ownership of any firearm precursor part in a manner that allows a firearm precursor part to be accessible to a purchaser or transferee without the assistance of the vendor or an employee of the vendor.

30452. (a) (1) Commencing July 1, 2025, a firearm precursor part vendor shall not sell or otherwise transfer ownership of a firearm precursor part without, at the time of delivery, legibly recording the following information on a form to be prescribed by the Department of Justice:

(A) The date of the sale or other transfer.

(B) The purchaser's or transferee's driver's license or other identification number and the state in which it was issued.

(C) The brand, type, and amount of firearm precursor parts sold or otherwise transferred.

(D) The purchaser's or transferee's full name and signature.

(E) The name of the salesperson who processed the sale or other transaction.

(F) The purchaser's or transferee's full residential address and telephone number.

(G) The purchaser's or transferee's date of birth.

(2) A firearm precursor part vendor is not required to report to the department any firearm precursor part that is attached or affixed to a firearm involved in a successful dealer record of sale transaction.

(b) Commencing July 1, 2025, a firearm precursor part vendor shall electronically submit to the department the information required by subdivision (a) for all sales and transfers of ownership of a firearm precursor part. The department shall retain this information in a database to be known as the Firearm Precursor Part Purchase Records File. This information shall remain confidential and may be used by the department and those entities specified in, and pursuant to, subdivision (b) or (c) of Section 11105, through the California Law Enforcement Telecommunications System, only for law enforcement purposes. The firearm precursor part vendor shall not use, sell, disclose, or share the information for any other purpose other than the submission required by this subdivision without the express written consent of the purchaser or transferee.

(c) Commencing on July 1, 2025, only those persons listed in this subdivision, or those persons or entities listed in subdivision (e), shall be authorized to purchase firearm precursor parts. Prior to delivering any firearm precursor part, a firearm precursor part vendor shall require bona fide evidence of identity to verify that the person who is receiving delivery of the firearm precursor part is a person or entity listed in subdivision (e) or one of the following:

(1) A person authorized to purchase firearm precursor parts pursuant to Section 30470.

(2) A person who was approved by the department to receive a firearm from the firearm precursor part vendor, pursuant to Section 28220, if that vendor is a licensed firearms dealer, and the firearm precursor part is delivered to the person in the same transaction as the firearm.

(d) Commencing July 1, 2025, the firearm precursor part vendor shall verify with the department, in a manner prescribed by the department, that the person is authorized to purchase firearm precursor parts. If the person is not listed as an authorized firearm precursor part purchaser, the vendor shall deny the sale or transfer.

(e) Subdivisions (a) and (d) shall not apply to sales or other transfers of ownership of firearm precursor parts by firearm precursor part vendors to any of the following, if properly identified:

(1) A firearm precursor part vendor.

(2) A person who is on the centralized list of exempted federal firearms licensees maintained by the department pursuant to Article 6 (commencing with Section 28450) of Chapter 6 of Division 6.

(3) A gunsmith.

(4) A wholesaler.

(5) A manufacturer or importer of firearms or ammunition licensed pursuant to Chapter 44 (commencing with Section 921) of Title 18 of the United States Code, and the regulations issued pursuant thereto.

(6) An authorized law enforcement representative of a city, county, city and county, or state or federal government, if the sale or other transfer of ownership is for exclusive use by that governmental agency, and, prior to the sale, delivery, or transfer of the firearm precursor part, written authorization from the head of the agency authorizing the transaction is presented to the person from whom the purchase, delivery, or transfer is being made. Proper written authorization is defined as verifiable written certification from the head of the agency by which the purchaser, transferee, or person otherwise acquiring ownership is employed, identifying the employee as an individual authorized to conduct the transaction, and authorizing the transaction for the exclusive use of the agency by which that individual is employed.

(7) (A) A properly identified sworn peace officer, as defined in Chapter 4.5 (commencing with Section 830) of Title 3 of Part 2, or properly identified sworn federal law enforcement officer who is authorized to carry a firearm in the course and scope of the officer's duties.

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

(ii) The certification shall be delivered to the vendor at the time of purchase or transfer and the purchaser or transferee shall provide bona fide evidence of identity to verify that they are the person authorized in the certification.

(iii) The vendor shall keep the certification with the record of sale and submit the certification to the department.

(f) The department is authorized to adopt regulations to implement the provisions of this section.

30454. Commencing July 1, 2025, the records required by this article shall be maintained on the premises of the firearm precursor part vendor for a period of not less than five years from the date of the recorded transfer.

30456. Commencing July 1, 2024, a firearm precursor parts vendor shall, within 48 hours of discovery, report the loss or theft of any firearm precursor parts to the appropriate law enforcement agency in the city, county, or city and county where the vendor's business premises are located.

Article 3. Firearm Precursor Parts Purchase Authorizations

30470. (a) Commencing July 1, 2025, the department shall electronically approve the purchase or transfer of firearm precursor parts through a vendor, as defined in Section 16532, except as otherwise specified. This approval shall occur at the time of purchase or transfer, prior to the purchaser or transferee taking possession of the firearm precursor part. Pursuant to the authorization specified in paragraph (1) of subdivision (c) of Section 30452, the following persons are authorized to purchase firearm precursor parts:

(1) A purchaser or transferee whose information matches an entry in the Automated Firearms System (AFS) and who is eligible to possess firearm precursor parts as specified in subdivision (b).

(2) A purchaser or transferee who has a current certificate of eligibility issued by the department pursuant to Section 26710.

(3) A purchaser or transferee who is not prohibited from purchasing or possessing firearm precursor parts in a single firearm precursor part transaction or purchase made pursuant to the procedure developed pursuant to subdivision (c).

(b) To determine if the purchaser or transferee is eligible to purchase or possess firearm precursor parts pursuant to paragraph (1) of subdivision (a), the department shall cross-reference the firearm precursor part purchaser's or transferee's name, date of birth, current address, and driver's license or other government identification number, as described in Section 28180, with the information maintained in the AFS. If the purchaser's or transferee's information does not match an AFS entry, the transaction shall be denied. If the purchaser's or transferee's information matches an AFS entry, the department shall determine if the purchaser or transferee falls within a class of persons who are prohibited from owning or possessing firearm precursor parts by cross-referencing with the Prohibited Armed Persons File. If the purchaser or transferee is prohibited from owning or possessing a firearm, the transaction shall be denied.

(c) The department shall develop a procedure in which a person who is not prohibited from purchasing or possessing a firearm precursor part may be approved for a single firearm precursor part transaction or purchase. The department shall recover the cost of processing and regulatory and enforcement activities related to this section by charging the firearm precursor part

transaction or purchase applicant a fee not to exceed the fee charged for the department's Dealers' Record of Sale (DROS) process, as described in Section 28225 and not to exceed the department's reasonable costs.

(d) A vendor is prohibited from providing a purchaser or transferee a firearm precursor part without department approval. If a vendor cannot electronically verify a person's eligibility to purchase or possess firearm precursor parts via an internet connection, the department shall provide a telephone line to verify eligibility. This option is available to firearm precursor part vendors who can demonstrate legitimate geographical and telecommunications limitations in submitting the information electronically and who are approved by the department to use the telephone line verification.

(e) The department shall recover the reasonable cost of regulatory and enforcement activities related to this article by charging firearm precursor parts purchasers and transferees a per transaction fee not to exceed one dollar (\$1), provided, however, that the fee may be increased at a rate not to exceed any increases in the California Consumer Price Index as compiled and reported by the Department of Industrial Relations, not to exceed the reasonable regulatory and enforcement costs.

(f) A fund to be known as the Firearm Precursor Parts Enforcement Special Fund is hereby created within the State Treasury. All fees received pursuant to this section shall be deposited into the Firearm Precursor Parts Special Fund and, notwithstanding Section 13340 of the Government Code, are continuously appropriated to the department for purposes of implementing, operating, and enforcing the firearm precursor part authorization program provided for in this section and Section 30452.

(g) The Department of Justice is authorized to adopt regulations to implement this section.

Article 4. Firearm Precursor Part Vendor Licenses

30485. (a) The Department of Justice is authorized to issue firearm precursor part vendor licenses pursuant to this article. The department shall, commencing July 1, 2023, commence accepting applications for firearm precursor part vendor licenses. If an application is denied, the department shall inform the applicant of the reason for the denial in writing. The annual fee shall be paid on July 1, or the next business day, of every year.

(b) The firearm precursor part vendor license shall be issued in a form prescribed by the department. The department may adopt regulations to administer the application and enforcement provisions of this article. The license shall allow the licensee to sell firearm precursor parts at the location specified in the license or at a gun show or event as set forth in Section 30448.

(c) (1) In the case of an entity other than a natural person, the department shall issue the license to the entity but shall require a responsible person to pass the background check pursuant to Section 30495.

(2) For purposes of this article, "responsible person" means a person having the power to direct the management, policies, and practices of the entity as it pertains to firearm precursor parts.

(d) Commencing July 1, 2023, a firearms dealer licensed pursuant to Sections 26700 to 26915, inclusive, and licensed ammunition vendor shall automatically be deemed a firearm precursor parts vendor, provided the dealer complies with the requirements of Article 2 (commencing with Section 30300) and Article 3 (commencing with Section 30342) of Chapter 1.

30490. (a) The Department of Justice may charge firearm precursor part vendor license applicants a fee to reimburse the department for the reasonable costs of administering the license program, including the enforcement of this program and maintenance of the registry of firearm precursor parts vendors.

(b) The fees received by the department pursuant to this article shall be deposited in the Firearm Precursor Parts Special Account, which is hereby created. Notwithstanding Section 13340 of the Government Code, the revenue in the fund is continuously appropriated for use by the department for the purpose of implementing, administering, and enforcing the provisions of this article, and for collecting and maintaining information submitted pursuant to Section 30452.

(c) The revenue in the Firearm Safety and Enforcement Special Fund shall also be available upon appropriation by the Legislature to the department for the purpose of implementing and enforcing the provisions of this article.

30495. (a) The Department of Justice is authorized to issue firearm precursor parts vendor licenses to applicants who the department has determined, either as an individual or a responsible person, are not prohibited from possessing, receiving, owning, or purchasing firearms or firearm precursor parts under subdivision (a) of Section 30405 or federal law, and who provide a copy of any regulatory or business license required by local government, a valid seller's permit issued by the State Board of Equalization, a federal firearms license if the person is federally licensed, and a certificate of eligibility issued by the department.

(b) The department shall keep a registry of all licensed firearm precursor part vendors. Law enforcement agencies shall be provided access to the registry for law enforcement purposes.

(c) A firearm precursor part vendor license is subject to forfeiture for a breach of any of the prohibitions and requirements of Article 2 (commencing with Section 30300) or Article 3 (commencing with Section 30342) of Chapter 1.

SEC. 7. Section 30800 of the Penal Code is amended to read:

30800. (a) (1) Except as provided in Article 2 (commencing with Section 30600), possession of any assault weapon or of any .50 BMG rifle in violation of this chapter is a public nuisance, solely for purposes of this section and subdivision (c) of Section 18005.

(2) The Attorney General, any district attorney, or any city attorney, may, in lieu of criminal prosecution, bring a civil action or reach a civil compromise in any superior court to enjoin the manufacture of, importation of, keeping for sale of, offering or exposing for sale, giving, lending, or possession of an assault weapon or .50 BMG rifle that is a public nuisance.

(b) (1) Upon motion of the Attorney General, district attorney, or city attorney, a superior court may impose a civil fine not to exceed five hundred dollars (\$500) for the manufacture of, importation of, keeping for sale of, offering or exposing for sale, giving, or lending of an assault weapon or .50 BMG rifle that is a public nuisance pursuant to subdivision (a) and up to two hundred dollars (\$200) for each additional assault weapon or .50 BMG that is a public nuisance pursuant to subdivision (a).

(2) Upon motion of the Attorney General, district attorney, or city attorney, a superior court may impose a civil fine not to exceed three hundred dollars (\$300) for the possession of an assault weapon or .50 BMG rifle that is a public nuisance pursuant to subdivision (a) and up to one hundred dollars (\$100) for each additional assault weapon or .50 BMG rifle possessed, that is a public nuisance pursuant to subdivision (a).

(c) Any assault weapon or .50 BMG rifle deemed a public nuisance under subdivision (a) shall be destroyed in a manner so that it may no longer be used, except upon a finding by a court, or a declaration from the Department of Justice, district attorney, or city attorney stating that the preservation of the assault weapon or .50 BMG rifle is in the interest of justice.

(d) Upon conviction of any misdemeanor or felony involving the illegal possession or use of an assault weapon, the assault weapon shall be deemed a public nuisance and disposed of pursuant to subdivision (c) of Section 18005.

SEC. 8. No reimbursement is required by this act pursuant to Section 6 of Article XIII B of the California Constitution because the only costs that may be incurred by a local agency or school district will be incurred because this act creates a new crime or infraction, eliminates a crime or infraction, or changes the penalty for a crime or infraction, within the meaning of Section 17556 of the Government Code, or changes the definition of a crime within the meaning of Section 6 of Article XIII B of the California Constitution.