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AB-1669 Firearms: gun shows and events. (2019-2020)

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Assembly Bill No. 1669

CHAPTER 736

An act to amend Sections 27205, 27210, 27220, 27225, 27235, 27240, 27305, 27310, 27315, 27320, 27340, 27345, 28225, 28235, and 28240 of, and to add Section 28233 to, the Penal Code, relating to firearms.

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

LEGISLATIVE COUNSEL'S DIGEST

AB 1669, Bonta. Firearms: gun shows and events.

Existing law prescribes certain rules and requirements relating to gun shows and events, and the organizers, vendors, and participants, including required signage, notice to the Department of Justice, rules governing transactions, and rules regarding firearms brought to the event. A violation of any of these provisions is a crime.

The existing Safety For All Act of 2016, approved as an initiative statute at the November 8, 2016, statewide general election, requires the sale of ammunition to be conducted by or processed through a licensed ammunition vendor. The Safety For All Act of 2016 authorizes, as specified, the sale of ammunition by a licensed vendor at gun shows and events.

This bill would amend those provisions of law prescribing the rules and regulations for gun shows and events to be consistent with the sale of ammunition at gun shows and events as authorized by the Safety For All Act of 2016.

By updating the provisions relating to guns shows and events, any violation of which is a crime, this bill would expand the applicability of an existing crime, thus creating a state-mandated local program.

Existing law authorizes the Department of Justice to charge a fee, as specified, to fund several enforcement and administrative programs relating to firearms. Existing law authorizes this fee to cover the regulatory cost of processing firearms transactions, as specified.

This bill would reduce the amount of the fee to \$1 and remove the authority of the department to spend the proceeds from the fee on specified regulatory costs related to the purchase, sale, and transfer of firearms, as specified. The bill would also authorize the department to charge an additional fee in the amount of \$31.19 per firearms-related transaction to cover the costs of its firearms-related regulatory and enforcement activities, as specified.

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

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

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

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

SECTION 1. Section 27205 of the Penal Code is amended to read:

27205. (a) Before commencement of a gun show or event, the producer thereof shall, upon written request from a law enforcement agency with jurisdiction over the facility, make available to that agency, within 48 hours or a later time specified by the agency, a complete and accurate list of all persons, entities, and organizations that have leased or rented, or are known to the producer to intend to lease or rent, any table, display space, or area at the gun show or event for the purpose of selling, leasing, or transferring firearms, or processing the sale or transfer of ammunition.

(b) The producer shall thereafter, upon written request, for every day the gun show or event operates, within 24 hours or a later time specified by the requesting law enforcement agency, make available to that agency an accurate, complete, and current list of the persons, entities, and organizations that have leased or rented, or are known to the producer to intend to lease or rent, any table, display space, or area at the gun show or event for the purpose of selling, leasing, or transferring firearms, or processing the sale or transfer of ammunition.

(c) Subdivisions (a) and (b) apply to any person, entity, or organization, regardless of whether that person, entity, or organization participates in the entire gun show or event, or only a portion thereof.

(d) The information that may be requested by the law enforcement agency with jurisdiction over the facility, and that shall be provided by the producer upon request, includes, but is not limited to, the following information relative to a vendor who offers for sale any firearms manufactured after December 31, 1898, or any ammunition:

- (1) The vendor's complete name.
- (2) A driver's license or identification card number.

SEC. 2. Section 27210 of the Penal Code is amended to read:

27210. (a) The producer and facility's manager of a gun show or event shall prepare an annual event and security plan and schedule that shall include, at a minimum, the following information for each show or event:

- (1) The type of show or event, including, but not limited to, antique or general firearms and ammunition.
- (2) The estimated number of vendors offering firearms or ammunition for sale or display.
- (3) The estimated number of attendees.
- (4) The number of entrances and exits at the gun show or event site.
- (5) The location, dates, and times of the show or event.
- (6) The contact person and telephone number for both the producer and the facility.
- (7) The number of sworn peace officers employed by the producer or the facility's manager who will be present at the show or event.
- (8) The number of nonsworn security personnel employed by the producer or the facility's manager who will be present at the show or event.

(b) The annual event and security plan shall be submitted by either the producer or the facility's manager to the Department of Justice and the law enforcement agency with jurisdiction over the facility.

(c) If significant changes have been made since the annual plan was submitted, the producer shall, not later than 15 days before commencement of the gun show or event, submit to the department, the law enforcement agency with jurisdiction over the facility site, and the facility's manager, a revised event and security plan, including a revised list of vendors that the producer knows, or reasonably should know, will be renting tables, space, or otherwise participating in the gun show or event.

(d) The event and security plan shall be approved by the facility's manager before the event or show, after consultation with the law enforcement agency with jurisdiction over the facility.

(e) A gun show or event shall not commence unless the requirements of subdivisions (b), (c), and (d) are met.

SEC. 3. Section 27220 of the Penal Code is amended to read:

27220. (a) Within seven calendar days of the commencement of a gun show or event, but not later than noon on Friday for a show or event held on a weekend, the producer shall submit a list of all prospective vendors and designated firearms transfer agents who are licensed firearms dealers or ammunition vendors to the Department of Justice for the purpose of determining whether these prospective vendors and designated firearms transfer agents possess valid licenses and are thus eligible to participate as licensed dealers or ammunition vendors at the show or event.

(b) The department shall examine its records and if it determines that a dealer's or vendor's license is not valid, it shall notify the show or event producer of that fact before the show or event commences.

SEC. 4. Section 27225 of the Penal Code is amended to read:

27225. If a licensed firearms dealer or ammunition vendor fails to cooperate with a producer of a gun show or event, or fails to comply with the applicable requirements of this article or Article 2 (commencing with Section 27300), that person shall not be allowed to participate in that show or event.

SEC. 5. Section 27235 of the Penal Code is amended to read:

27235. Every producer of a gun show or event shall have a written contract with each gun show vendor selling firearms or ammunition at the show or event.

SEC. 6. Section 27240 of the Penal Code is amended to read:

27240. (a) The producer of a gun show or event shall require that signs be posted in a readily visible location at each public entrance to the show containing, but not limited to, the following notices:

(1) This gun show follows all federal, state, and local firearms, ammunition, and weapons laws, without exception.

(2) Any firearm carried onto the premises by any member of the public will be checked, cleared of any ammunition, and secured in a manner that prevents it from being operated, and an identification tag or sticker will be attached to the firearm before the person is allowed admittance to the show.

(3) No member of the public under the age of 18 years shall be admitted to the show unless accompanied by a parent, grandparent, or legal guardian.

(4) All firearms transfers between private parties at the show shall be conducted through a licensed dealer in accordance with applicable state and federal laws.

(5) Persons possessing firearms or ammunition at this facility shall have in their immediate possession government-issued photo identification, and display it upon request to any security officer or any peace officer, as defined in Section 830.

(6) All ammunition transfers between private parties at the show shall be conducted through a licensed dealer or ammunition vendor in accordance with applicable state and federal laws.

(b) The show producer shall post, in a readily visible location at each entrance to the parking lot at the show, signage that states: "The transfer of firearms or ammunition on the parking lot of this facility is a crime."

SEC. 7. Section 27305 of the Penal Code is amended to read:

27305. All gun show or event vendors shall certify in writing to the producer that they:

(a) Will not display, possess, or offer for sale any firearms, ammunition, knives, or weapons for which possession or sale is prohibited.

(b) Acknowledge that they are responsible for knowing and complying with all applicable federal, state, and local laws dealing with the possession and transfer of firearms or ammunition.

(c) Will not engage in activities that incite or encourage hate crimes.

(d) Will process all transfers of firearms through licensed firearms dealers as required by state law.

(e) Will process all sales or transfers of ammunition through licensed firearms dealers or ammunition vendors as required by state law.

(f) Will verify that all firearms in their possession at the show or event will be unloaded, and that the firearms will be secured in a manner that prevents them from being operated except for brief periods when the mechanical condition of a firearm is being

demonstrated to a prospective buyer.

(g) Have complied with the requirements of Section 27320.

(h) Will not display or possess black powder, or offer it for sale.

SEC. 8. Section 27310 of the Penal Code is amended to read:

27310. All firearms and ammunition transfers or sales at a gun show or event shall be in accordance with applicable state and federal laws.

SEC. 9. Section 27315 of the Penal Code is amended to read:

27315. Sales of ammunition at a gun show or event shall comply with all applicable laws, including Sections 30347, 30348, 30350, 30352, and 30360.

SEC. 10. Section 27320 of the Penal Code is amended to read:

27320. (a) Before commencement of a gun show or event, each vendor who will offer for sale any firearms manufactured after December 31, 1898, or any ammunition, shall provide to the producer all of the following information relative to the vendor, the vendor's employees, and other persons, compensated or not, who will be working or otherwise providing services to the public at the vendor's display space:

- (1) The person's complete name.
- (2) The person's driver's license or state-issued identification card number.
- (3) The person's date of birth.
- (4) The person's certificate of eligibility number pursuant to Section 26915 or 30347 of the Penal Code.

(b) The producer shall keep the information at the onsite headquarters of the show or event for the duration of the show or event, and at the producer's regular place of business for two weeks after the conclusion of the show or event. The producer shall make the information available upon request to any sworn peace officer for purposes of the officer's official law enforcement duties.

SEC. 11. Section 27340 of the Penal Code is amended to read:

27340. (a) Persons other than show or event security personnel, sworn peace officers, or vendors, who bring any firearm or any ammunition that is separate from a firearm onto the gun show or event premises shall sign in ink the tag or sticker that is attached to the firearm prior to being allowed admittance to the show or event, as provided for in subdivision (b) and (c).

(b) All firearms carried onto the premises of a gun show or event by members of the public shall be checked, cleared of any ammunition, secured in a manner that prevents them from being operated, and an identification tag or sticker shall be attached to the firearm, prior to the person being allowed admittance to the show. The identification tag or sticker shall state that all firearms transfers between private parties at the show or event shall be conducted through a licensed dealer in accordance with applicable state and federal laws. The person possessing the firearm shall complete the following information on the tag before it is attached to the firearm:

- (1) The gun owner's signature.
- (2) The gun owner's printed name.
- (3) The identification number from the gun owner's government-issued photo identification.

(c) Any ammunition carried onto the premises of a gun show or event by members of the public shall be checked and secured in a manner that prevents the ammunition from being discharged. An identification tag or sticker shall be attached to the ammunition prior to the person being allowed admittance to the show. The identification tag or sticker shall state that all ammunition transfers between private parties at the show or event shall be conducted through a licensed dealer or ammunition vendor in accordance with applicable state and federal laws. The person possessing the ammunition shall complete the following information on the tag before it is attached to the ammunition:

- (1) The ammunition owner's signature.
- (2) The ammunition owner's printed name.

(3) The identification number from the ammunition owner's government-issued photo identification.

SEC. 12. Section 27345 of the Penal Code is amended to read:

27345. Any person who possesses a firearm or ammunition at a gun show or event shall have government-issued photo identification in immediate possession, and shall display it upon request to any security officer or peace officer.

SEC. 13. Section 28225 of the Penal Code is amended to read:

28225. (a) The Department of Justice may require the dealer to charge each firearm purchaser a fee not to exceed one dollar (\$1), except that the fee may be increased at a rate not to exceed any increase in the California Consumer Price Index as compiled and reported by the Department of Industrial Relations.

(b) The fee under subdivision (a) shall be no more than is necessary to fund the following:

(1) The department for the cost of furnishing this information.

(2) The department for the cost of meeting its obligations under paragraph (2) of subdivision (b) of Section 8100 of the Welfare and Institutions Code.

(3) Local mental health facilities for state-mandated local costs resulting from the reporting requirements imposed by Section 8103 of the Welfare and Institutions Code.

(4) The State Department of State Hospitals for the costs resulting from the requirements imposed by Section 8104 of the Welfare and Institutions Code.

(5) Local mental hospitals, sanitariums, and institutions for state-mandated local costs resulting from the reporting requirements imposed by Section 8105 of the Welfare and Institutions Code.

(6) Local law enforcement agencies for state-mandated local costs resulting from the notification requirements set forth in subdivision (a) of Section 6385 of the Family Code.

(7) Local law enforcement agencies for state-mandated local costs resulting from the notification requirements set forth in subdivision (c) of Section 8105 of the Welfare and Institutions Code.

(8) For the actual costs associated with the electronic or telephonic transfer of information pursuant to Section 28215.

(9) The Department of Food and Agriculture for the costs resulting from the notification provisions set forth in Section 5343.5 of the Food and Agricultural Code.

(10) The department for the costs associated with subdivisions (d) and (e) of Section 27560.

(c) The fee established pursuant to this section shall not exceed the sum of the actual processing costs of the department, the estimated reasonable costs of the local mental health facilities for complying with the reporting requirements imposed by paragraph (3) of subdivision (b), the costs of the State Department of State Hospitals for complying with the requirements imposed by paragraph (4) of subdivision (b), the estimated reasonable costs of local mental hospitals, sanitariums, and institutions for complying with the reporting requirements imposed by paragraph (5) of subdivision (b), the estimated reasonable costs of local law enforcement agencies for complying with the notification requirements set forth in subdivision (a) of Section 6385 of the Family Code, the estimated reasonable costs of local law enforcement agencies for complying with the notification requirements set forth in subdivision (c) of Section 8105 of the Welfare and Institutions Code imposed by paragraph (7) of subdivision (b), the estimated reasonable costs of the Department of Food and Agriculture for the costs resulting from the notification provisions set forth in Section 5343.5 of the Food and Agricultural Code, and the estimated reasonable costs of the department for the costs associated with subdivisions (d) and (e) of Section 27560.

(d) Where the electronic or telephonic transfer of applicant information is used, the department shall establish a system to be used for the submission of the fees described in this section to the department.

SEC. 14. Section 28233 is added to the Penal Code, to read:

28233. (a) The Department of Justice may, in addition to the fee described in Sections 28225 and 28230, require a dealer to charge each firearm purchaser a fee in the amount of thirty-one dollars and nineteen cents (\$31.19).

(b) Moneys received by the department pursuant to this section shall be deposited in the Dealers' Record of Sale Supplemental Subaccount, within the Dealers' Record of Sale Special Account of the General Fund, which is hereby created, to be available, upon appropriation by the Legislature, for expenditure by the department to offset the reasonable costs of firearms-related

regulatory and enforcement activities related to the sale, purchase, manufacturing, lawful or unlawful possession, loan, or transfer of firearms pursuant to any provision listed in Section 16580.

(c) The fee described in subdivision (a) may be increased at a rate no more than any increase in the California Consumer Price Index as compiled and reported by the Department of Industrial Relations, but not to exceed the reasonable cost of regulation to the department.

SEC. 15. Section 28235 of the Penal Code is amended to read:

28235. Except as otherwise provided in Section 28233, moneys received by the department pursuant to this article shall be deposited in the Dealers' Record of Sale Special Account of the General Fund, which is hereby created, to be available, upon appropriation by the Legislature, for expenditure by the department to offset the costs incurred pursuant to any of the following:

- (a) This article.
- (b) Section 18910.
- (c) Section 27555.
- (d) Subdivisions (d) and (e) of Section 27560.
- (e) Chapter 4.1 (commencing with Section 28010).
- (f) Article 6 (commencing with Section 28450).
- (g) Section 31110.
- (h) Section 31115.
- (i) Subdivision (a) of Section 32020.
- (j) Section 32670.
- (k) Section 33320.

SEC. 16. Section 28240 of the Penal Code is amended to read:

28240. Each fee prescribed in this article shall only be charged once for a single transaction on the same date for taking title or possession of any number of firearms.

SEC. 17. 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.