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**AB-2552 Firearms: gun shows and events.** (2021-2022)

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**Assembly Bill No. 2552**

**CHAPTER 696**

An act to amend Sections 27240, 27245, 27305, 27310, and 27350 of the Penal Code, relating to firearms.

[ Approved by Governor September 28, 2022. Filed with Secretary of State September 28, 2022. ]

**LEGISLATIVE COUNSEL'S DIGEST**

AB 2552, McCarty. Firearms: gun shows and events.

Existing law generally regulates gun shows and events and requires a person producing, sponsoring, operating, or otherwise organizing a gun show or event to possess a valid certificate of eligibility from the Department of Justice. Existing law requires the producer of a gun show or event to post specified notices at each public entrance to the event, and a specified notice in the parking lot. A violation of this requirement or other requirements is punishable as a misdemeanor and makes a person ineligible for a certificate of eligibility for a period of one year.

This bill would require additional notices relating to the storage, handling, purchase, and theft of firearms to be posted at each public entrance to the event. This bill would also double the maximum fines for a violation of this and other requirements and make the person ineligible for a certificate of eligibility for a period of 2 years.

By expanding an existing crime, this bill would impose a state-mandated local program.

Existing law requires a vendor at a gun show or event to make certain certifications, in writing, to the producer, including that they will not display, possess, or offer for sale any firearms, ammunition, knives, or weapons for which possession or sale is prohibited and that they will process any firearm transactions through a licensed dealer.

This bill would additionally require a vendor to certify that they will not display, possess, or offer for sale any unserialized frame or receiver, including an unfinished frame or receiver or any handgun conversion kits, as specified.

Under existing law, a violation of this and other requirements is punishable as an infraction or misdemeanor, as specified.

This bill would add a fine and a suspension from participating as a vendor for a period of one year to the punishment for these violations.

By expanding the application of existing crimes, this bill would impose a state-mandated local program.

Existing law, commencing July 1, 2022, authorizes the Department of Justice to inspect any firearms dealers, ammunition vendors, or manufacturers participating in a gun show or event to ensure that firearms and ammunition transfers or sales are conducted in accordance with applicable state and federal laws.

This bill would authorize the Department of Justice to also inspect any firearm precursor part vendors participating in a gun show or event. The bill would, commencing July 1, 2023, require the department to conduct enforcement and inspections at a minimum

of one-half of all gun shows or events in the state to ensure compliance with gun show and event laws. The bill would also require the department to post certain violations discovered on their internet website and would require the department to submit an annual report to the Legislature summarizing their enforcement efforts.

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

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

### **SECTION 1.** 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 notice:

“(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 of 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.

(7) Firearms must be handled responsibly and securely stored to prevent access by children and other unauthorized users. California has strict laws pertaining to firearms, and you may be fined or imprisoned if you fail to comply with them. Visit the internet website of the California Attorney General at <https://oag.ca.gov/firearms> for information on firearm laws applicable to you and how you can comply.

(8) Children may be unable to distinguish firearms from toys and may operate firearms, causing severe injury or death. If you keep a firearm within any premises under your custody or control, and a person under 18 years of age gains access to the firearm and carries it off-premises, you may be guilty of a misdemeanor, unless you stored the firearm in a locked container, or locked the firearm with a locking device.

(9) You may be guilty of a misdemeanor, including a significant fine or imprisonment, if you keep a firearm where a minor is likely to access it or if a minor obtains and improperly uses it, or carries it off of the premises to a school or school-sponsored event, unless you stored the firearm in a locked container or locked the firearm with a locking device.

(10) If you negligently store or leave a firearm within any premises under your custody or control where a person under 18 years of age is likely to access it, you may be guilty of a misdemeanor, including a significant fine, unless you stored the firearm in a locked container or locked the firearm with a locking device.

(11) Discharging firearms in poorly ventilated areas, cleaning firearms, or handling ammunition may result in exposure to lead, a substance known to cause birth defects, reproductive harm, and other serious physical injury. Have adequate ventilation when discharging or cleaning firearms or handling ammunition. Wash hands thoroughly after exposure.

(12) Federal regulations provide that if you do not take physical possession of the firearm that you are acquiring ownership of within 30 days after you complete the initial background check paperwork, then you must complete the background check process a second time in order to take physical possession of that firearm.

(13) No person shall make an application to purchase more than one handgun or semiautomatic centerfire rifle within any 30-day period and no delivery shall be made to any person who has made an application to purchase more than one handgun or

semiautomatic centerfire rifle within any 30-day period.

(14) If a firearm you own or possess is lost or stolen, you must report the loss or theft to a local law enforcement agency where the loss or theft occurred within five days of the time you knew or reasonably should have known that the firearm had been lost or stolen.”

(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. 2.** Section 27245 of the Penal Code is amended to read:

**27245.** (a) A willful failure by a gun show producer to comply with any of the requirements of this article, except for the posting of required signs, shall be a misdemeanor punishable by a fine not to exceed four thousand dollars (\$4,000) and shall render the producer ineligible for a gun show producer license for two years from the date of the conviction.

(b) A willful failure of a gun show producer to post signs as required by this article shall be a misdemeanor punishable by a fine not to exceed two thousand dollars (\$2,000) for the first offense and not to exceed four thousand dollars (\$4,000) for the second or subsequent offense, and with respect to the second or subsequent offense, shall render the producer ineligible for a gun show producer license for two years from the date of the conviction.

(c) Multiple violations charged pursuant to subdivision (a) arising from more than one gun show or event shall be grounds for suspension of a producer’s certificate of eligibility, issued pursuant to Section 27200, pending adjudication of the violations.

**SEC. 3.** 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) Will not display, possess, or offer for sale any unserialized frame or receiver, including an unfinished frame or receiver.

(c) Will not display, possess, or offer for sale any attachment or conversion kit designed to convert a handgun into a short-barreled rifle or into an assault weapon.

(d) 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.

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

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

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

(h) 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.

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

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

**SEC. 4.** Section 27310 of the Penal Code is amended to read:

**27310.** (a) All firearm, ammunition, and firearm precursor part transfers or sales at a gun show or event shall be conducted in accordance with applicable state and federal laws.

(b) The Department of Justice may inspect any firearms dealers, ammunition vendors, firearm precursor part vendors, or manufacturers participating in a gun show or event in order to ensure compliance with subdivision (a). The department may adopt regulations to administer the application and enforcement provisions of this chapter.

(c) Commencing July 1, 2023, the department shall annually conduct enforcement and inspection of a minimum of one-half of all gun shows or events in the state to ensure compliance with this article and with Article 1 (commencing with Section 27200).

(d) The department shall post any violation of subdivision (a) by a firearms dealer, firearm precursor part vendor, or ammunition vendor discovered during an inspection of a gun show or event on its internet website for a period of 90 days after an inspection.

(e) (1) By no later than May 1, 2024, and annually thereafter, the department shall prepare and submit a report to the Legislature summarizing their enforcement efforts pursuant to this section.

(2) The report to be submitted pursuant to this subdivision shall be submitted in compliance with Section 9795 of the Government Code.

**SEC. 5.** Section 27350 of the Penal Code is amended to read:

**27350.** (a) Unless otherwise specified, a first violation of this article is an infraction.

(b) Any second or subsequent violation of this article is punishable by imprisonment in a county jail not to exceed six months, by a fine of one thousand dollars (\$1,000), or by both such fine and imprisonment. Additionally, the department shall prohibit the person from participating as a vendor at any gun show or event for a period of one year.

(c) Any person who commits an act the person knows to be a violation of this article shall, for a first offense, be punished by imprisonment in a county jail not to exceed six months, by a fine of two thousand dollars (\$2,000), or by both such fine and imprisonment, and shall be prohibited from participating as a vendor at any gun show or event for a period of one year.

**SEC. 6.** 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.