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AB-574 Firearms: dealer records of sale. (2023-2024)

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Assembly Bill No. 574

CHAPTER 237

An act to amend, repeal, and add Section 28160 of the Penal Code, relating to firearms.

[Approved by Governor September 26, 2023. Filed with Secretary of State September 26, 2023.]

LEGISLATIVE COUNSEL'S DIGEST

AB 574, Jones-Sawyer. Firearms: dealer records of sale.

Existing law requires, except as exempted, any sale, loan, or transfer of a firearm to be conducted through a licensed firearm dealer, as specified.

Existing law requires each firearm dealer to keep a register or record of each firearm transaction and requires that register or record to include certain specified information, including information about the purchaser, information about the firearm, and the answers to certain questions by the purchaser or transferee relating to their eligibility to own or possess a firearm.

This bill would, beginning on March 1, 2025, additionally require the register or record to include the acknowledgment by the purchaser or transferee that they have, within the past 30 days, confirmed possession of every firearm that they own or possess.

This bill would incorporate additional changes to Section 28160 of the Penal Code proposed by AB 1420 to be operative only if this bill and AB 1420 are enacted and this bill is enacted last.

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

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

SECTION 1. Section 28160 of the Penal Code is amended to read:

28160. (a) For all firearms, the register or record of electronic transfer shall include all of the following information:

- (1) The date and time of sale.
- (2) The make of firearm.
- (3) Peace officer exemption status pursuant to the provisions listed in subdivision (c) of Section 16585, and the agency name.
- (4) Any applicable waiting period exemption information.
- (5) California Firearms Dealer number issued pursuant to Article 1 (commencing with Section 26700) of Chapter 2.

- (6) For transactions occurring on or after January 1, 2003, the purchaser's handgun safety certificate number issued pursuant to Article 2 (commencing with Section 31610) of Chapter 4 of Division 10, or pursuant to former Article 8 (commencing with Section 12800) of Chapter 6 of Title 2 of Part 4, as that article read at any time from when it became operative on January 1, 2003, to when it was repealed by the Deadly Weapons Recodification Act of 2010.
- (7) Manufacturer's name if stamped on the firearm.
- (8) Model name or number, if stamped on the firearm.
- (9) Serial number, if applicable.
- (10) Other number, if more than one serial number is stamped on the firearm.
- (11) Any identification number or mark assigned to the firearm pursuant to Section 23910.
- (12) If the firearm is not a handgun and does not have a serial number, identification number, or mark assigned to it, a notation as to that fact.
- (13) Caliber.
- (14) Type of firearm.
- (15) If the firearm is new or used.
- (16) Barrel length.
- (17) Color of the firearm.
- (18) Full name of purchaser.
- (19) Purchaser's complete date of birth.
- (20) Purchaser's local address.
- (21) If current address is temporary, complete permanent address of purchaser.
- (22) Identification of purchaser.
- (23) Purchaser's place of birth (state or country).
- (24) Purchaser's complete telephone number.
- (25) Purchaser's occupation.
- (26) Purchaser's gender.
- (27) Purchaser's physical description.
- (28) All legal names and aliases ever used by the purchaser.
- (29) Yes or no answer to questions that prohibit purchase, including, but not limited to, conviction of a felony as described in Chapter 2 (commencing with Section 29800) or an offense described in Chapter 3 (commencing with Section 29900) of Division 9, the purchaser's status as a person described in Section 8100 of the Welfare and Institutions Code, whether the purchaser is a person who has been adjudicated by a court to be a danger to others or found not guilty by reason of insanity, and whether the purchaser is a person who has been found incompetent to stand trial or placed under conservatorship by a court pursuant to Section 8103 of the Welfare and Institutions Code.
- (30) Signature of purchaser.
- (31) Signature of salesperson, as a witness to the purchaser's signature.
- (32) Salesperson's certificate of eligibility number, if the salesperson has obtained a certificate of eligibility.
- (33) Name and complete address of the dealer or firm selling the firearm as shown on the dealer's license.
- (34) The establishment number, if assigned.
- (35) The dealer's complete business telephone number.

(36) Any information required by Chapter 5 (commencing with Section 28050).

(37) Any information required to determine whether subdivision (f) of Section 27540 applies.

(38) A statement of the penalties for signing a fictitious name or address, knowingly furnishing any incorrect information, or knowingly omitting any information required to be provided for the register.

(39) A statement informing the purchaser, after taking ownership of a firearm, of all of the following:

(A) Upon application, the Department of Justice shall furnish to the purchaser any information reported to the department as it relates to their ownership of that firearm.

(B) The purchaser is entitled to file a report of their acquisition, disposition, or ownership of a firearm with the department pursuant to Section 28000.

(C) Instructions for accessing the department's internet website for more information.

(40) For transactions on and after January 1, 2015, the purchaser's firearm safety certificate number, except that in the case of a handgun, the number from an unexpired handgun safety certificate may be used.

(b) The purchaser shall provide the purchaser's right thumbprint on the register in a manner prescribed by the department. No exception to this requirement shall be permitted except by regulations adopted by the department.

(c) The firearms dealer shall record on the register or record of electronic transfer the date that the firearm is delivered, together with the firearm dealer's signature indicating delivery of the firearm.

(d) The purchaser shall sign the register or the record of electronic transfer on the date that the firearm is delivered to them.

(e) This section shall become inoperative on March 1, 2025, and, as of January 1, 2026, is repealed.

SEC. 1.5. Section 28160 of the Penal Code is amended to read:

28160. (a) For all firearms, the register or record of electronic transfer shall include all of the following information:

(1) The date and time of sale.

(2) The make of firearm.

(3) Peace officer exemption status pursuant to the provisions listed in subdivision (c) of Section 16585, and the agency name.

(4) Any applicable waiting period exemption information.

(5) California Firearms Dealer number issued pursuant to Article 1 (commencing with Section 26700) of Chapter 2.

(6) The purchaser's firearm safety certificate number issued pursuant to Article 2 (commencing with Section 31610) of Chapter 4 of Division 10 of this title.

(7) Manufacturer's name if stamped on the firearm.

(8) Model name or number, if stamped on the firearm.

(9) Serial number, if applicable.

(10) Other number, if more than one serial number is stamped on the firearm.

(11) Any identification number or mark assigned to the firearm pursuant to Section 23910.

(12) If the firearm is not a handgun and does not have a serial number, identification number, or mark assigned to it, a notation as to that fact.

(13) Caliber.

(14) Type of firearm.

(15) If the firearm is new or used.

(16) Barrel length.

(17) Color of the firearm.

(18) Full name of purchaser.

(19) Purchaser's complete date of birth.

(20) Purchaser's local address.

(21) If current address is temporary, complete permanent address of purchaser.

(22) For transactions on and after September 1, 2025, purchaser's email address.

(23) Identification of purchaser.

(24) Purchaser's place of birth (state or country).

(25) Purchaser's complete telephone number.

(26) Purchaser's occupation.

(27) Purchaser's gender.

(28) Purchaser's physical description.

(29) All legal names and aliases ever used by the purchaser.

(30) Yes or no answer to questions that prohibit purchase, including, but not limited to, conviction of a felony as described in Chapter 2 (commencing with Section 29800) or an offense described in Chapter 3 (commencing with Section 29900) of Division 9, the purchaser's status as a person described in Section 8100 of the Welfare and Institutions Code, whether the purchaser is a person who has been adjudicated by a court to be a danger to others or found not guilty by reason of insanity, and whether the purchaser is a person who has been found incompetent to stand trial or placed under conservatorship by a court pursuant to Section 8103 of the Welfare and Institutions Code.

(31) Signature of purchaser.

(32) Signature of salesperson, as a witness to the purchaser's signature.

(33) Salesperson's certificate of eligibility number, if the salesperson has obtained a certificate of eligibility.

(34) Name and complete address of the dealer or firm selling the firearm as shown on the dealer's license.

(35) The establishment number, if assigned.

(36) The dealer's complete business telephone number.

(37) Any information required by Chapter 5 (commencing with Section 28050).

(38) Any information required to determine whether subdivision (f) of Section 27540 applies.

(39) A statement of the penalties for signing a fictitious name or address, knowingly furnishing any incorrect information, or knowingly omitting any information required to be provided for the register.

(40) A statement informing the purchaser, after taking ownership of a firearm, of all of the following:

(A) Upon application, the Department of Justice shall furnish to the purchaser any information reported to the department as it relates to their ownership of that firearm.

(B) The purchaser is entitled to file a report of their acquisition, disposition, or ownership of a firearm with the department pursuant to Section 28000.

(C) Instructions for accessing the department's internet website for more information.

(41) For transactions on and after January 1, 2015, the purchaser's firearm safety certificate number, except that in the case of a handgun, the number from an unexpired handgun safety certificate may be used.

(b) The purchaser shall provide the purchaser's right thumbprint on the register in a manner prescribed by the department. No exception to this requirement shall be permitted except by regulations adopted by the department.

(c) The firearms dealer shall record on the register or record of electronic transfer the date that the firearm is delivered, together with the firearm dealer's signature indicating delivery of the firearm.

(d) The purchaser shall sign the register or the record of electronic transfer on the date that the firearm is delivered to them.

(e) This section shall become inoperative on March 1, 2025, and, as of January 1, 2026, is repealed.

SEC. 2. Section 28160 is added to the Penal Code, to read:

28160. (a) For all firearms, the register or record of electronic transfer shall include all of the following information:

(1) The date and time of sale.

(2) The make of firearm.

(3) Peace officer exemption status pursuant to the provisions listed in subdivision (c) of Section 16585, and the agency name.

(4) Any applicable waiting period exemption information.

(5) California Firearms Dealer number issued pursuant to Article 1 (commencing with Section 26700) of Chapter 2.

(6) For transactions occurring on or after January 1, 2003, the purchaser's handgun safety certificate number issued pursuant to Article 2 (commencing with Section 31610) of Chapter 4 of Division 10, or pursuant to former Article 8 (commencing with Section 12800) of Chapter 6 of Title 2 of Part 4, as that article read at any time from when it became operative on January 1, 2003, to when it was repealed by the Deadly Weapons Recodification Act of 2010.

(7) Manufacturer's name if stamped on the firearm.

(8) Model name or number, if stamped on the firearm.

(9) Serial number, if applicable.

(10) Other number, if more than one serial number is stamped on the firearm.

(11) Any identification number or mark assigned to the firearm pursuant to Section 23910.

(12) If the firearm is not a handgun and does not have a serial number, identification number, or mark assigned to it, a notation as to that fact.

(13) Caliber.

(14) Type of firearm.

(15) If the firearm is new or used.

(16) Barrel length.

(17) Color of the firearm.

(18) Full name of purchaser.

(19) Purchaser's complete date of birth.

(20) Purchaser's local address.

(21) If current address is temporary, complete permanent address of purchaser.

(22) Identification of purchaser.

(23) Purchaser's place of birth (state or country).

(24) Purchaser's complete telephone number.

(25) Purchaser's occupation.

(26) Purchaser's gender.

(27) Purchaser's physical description.

(28) All legal names and aliases ever used by the purchaser.

(29) Yes or no answer to questions that prohibit purchase, including, but not limited to, conviction of a felony as described in Chapter 2 (commencing with Section 29800) or an offense described in Chapter 3 (commencing with Section 29900) of

Division 9, the purchaser's status as a person described in Section 8100 of the Welfare and Institutions Code, whether the purchaser is a person who has been adjudicated by a court to be a danger to others or found not guilty by reason of insanity, and whether the purchaser is a person who has been found incompetent to stand trial or placed under conservatorship by a court pursuant to Section 8103 of the Welfare and Institutions Code.

(30) Yes or no answer to a question that inquires whether the purchaser has, within the past 30 days, checked and confirmed possession of all firearms currently owned or possessed.

(31) Signature of purchaser.

(32) Signature of salesperson, as a witness to the purchaser's signature.

(33) Salesperson's certificate of eligibility number, if the salesperson has obtained a certificate of eligibility.

(34) Name and complete address of the dealer or firm selling the firearm as shown on the dealer's license.

(35) The establishment number, if assigned.

(36) The dealer's complete business telephone number.

(37) Any information required by Chapter 5 (commencing with Section 28050).

(38) Any information required to determine whether subdivision (f) of Section 27540 applies.

(39) A statement of the penalties for signing a fictitious name or address, knowingly furnishing any incorrect information, or knowingly omitting any information required to be provided for the register.

(40) A statement informing the purchaser, after taking ownership of a firearm, of all of the following:

(A) Upon application, the Department of Justice shall furnish to the purchaser any information reported to the department as it relates to their ownership of that firearm.

(B) The purchaser is entitled to file a report of their acquisition, disposition, or ownership of a firearm with the department pursuant to Section 28000.

(C) Instructions for accessing the department's internet website for more information.

(41) For transactions on and after January 1, 2015, the purchaser's firearm safety certificate number, except that in the case of a handgun, the number from an unexpired handgun safety certificate may be used.

(b) The purchaser shall provide the purchaser's right thumbprint on the register in a manner prescribed by the department. No exception to this requirement shall be permitted except by regulations adopted by the department.

(c) The firearms dealer shall record on the register or record of electronic transfer the date that the firearm is delivered, together with the firearm dealer's signature indicating delivery of the firearm.

(d) The purchaser shall sign the register or the record of electronic transfer on the date that the firearm is delivered to them.

(e) This section shall become operative on March 1, 2025.

SEC. 2.5. Section 28160 is added to the Penal Code, to read:

28160. (a) For all firearms, the register or record of electronic transfer shall include all of the following information:

(1) The date and time of sale.

(2) The make of firearm.

(3) Peace officer exemption status pursuant to the provisions listed in subdivision (c) of Section 16585, and the agency name.

(4) Any applicable waiting period exemption information.

(5) California Firearms Dealer number issued pursuant to Article 1 (commencing with Section 26700) of Chapter 2.

(6) The purchaser's firearm safety certificate number issued pursuant to Article 2 (commencing with Section 31610) of Chapter 4 of Division 10 of this title.

(7) Manufacturer's name if stamped on the firearm.

- (8) Model name or number, if stamped on the firearm.
- (9) Serial number, if applicable.
- (10) Other number, if more than one serial number is stamped on the firearm.
- (11) Any identification number or mark assigned to the firearm pursuant to Section 23910.
- (12) If the firearm is not a handgun and does not have a serial number, identification number, or mark assigned to it, a notation as to that fact.
- (13) Caliber.
- (14) Type of firearm.
- (15) If the firearm is new or used.
- (16) Barrel length.
- (17) Color of the firearm.
- (18) Full name of purchaser.
- (19) Purchaser's complete date of birth.
- (20) Purchaser's local address.
- (21) If current address is temporary, complete permanent address of purchaser.
- (22) For transactions on and after September 1, 2025, purchaser's email address.
- (23) Identification of purchaser.
- (24) Purchaser's place of birth (state or country).
- (25) Purchaser's complete telephone number.
- (26) Purchaser's occupation.
- (27) Purchaser's gender.
- (28) Purchaser's physical description.
- (29) All legal names and aliases ever used by the purchaser.
- (30) Yes or no answer to questions that prohibit purchase, including, but not limited to, conviction of a felony as described in Chapter 2 (commencing with Section 29800) or an offense described in Chapter 3 (commencing with Section 29900) of Division 9, the purchaser's status as a person described in Section 8100 of the Welfare and Institutions Code, whether the purchaser is a person who has been adjudicated by a court to be a danger to others or found not guilty by reason of insanity, and whether the purchaser is a person who has been found incompetent to stand trial or placed under conservatorship by a court pursuant to Section 8103 of the Welfare and Institutions Code.
- (31) Yes or no answer to a question that inquires whether the purchaser has, within the past 30 days, checked and confirmed possession of all firearms currently owned or possessed.
- (32) Signature of purchaser.
- (33) Signature of salesperson, as a witness to the purchaser's signature.
- (34) Salesperson's certificate of eligibility number, if the salesperson has obtained a certificate of eligibility.
- (35) Name and complete address of the dealer or firm selling the firearm as shown on the dealer's license.
- (36) The establishment number, if assigned.
- (37) The dealer's complete business telephone number.
- (38) Any information required by Chapter 5 (commencing with Section 28050).

(39) Any information required to determine whether subdivision (f) of Section 27540 applies.

(40) A statement of the penalties for signing a fictitious name or address, knowingly furnishing any incorrect information, or knowingly omitting any information required to be provided for the register.

(41) A statement informing the purchaser, after taking ownership of a firearm, of all of the following:

(A) Upon application, the Department of Justice shall furnish to the purchaser any information reported to the department as it relates to their ownership of that firearm.

(B) The purchaser is entitled to file a report of their acquisition, disposition, or ownership of a firearm with the department pursuant to Section 28000.

(C) Instructions for accessing the department's internet website for more information.

(42) For transactions on and after January 1, 2015, the purchaser's firearm safety certificate number, except that in the case of a handgun, the number from an unexpired handgun safety certificate may be used.

(b) The purchaser shall provide the purchaser's right thumbprint on the register in a manner prescribed by the department. No exception to this requirement shall be permitted except by regulations adopted by the department.

(c) The firearms dealer shall record on the register or record of electronic transfer the date that the firearm is delivered, together with the firearm dealer's signature indicating delivery of the firearm.

(d) The purchaser shall sign the register or the record of electronic transfer on the date that the firearm is delivered to them.

(e) This section shall become operative on March 1, 2025.

SEC. 3. (a) Section 1.5 of this bill incorporates amendments to Section 28160 of the Penal Code proposed by both this bill and Assembly Bill 1420. That section shall only become operative if (1) both bills are enacted and become effective on or before January 1, 2023, (2) each bill amends Section 28160 of the Penal Code, and (3) this bill is enacted after Assembly Bill 1420, in which case Section 1 of this bill shall not become operative.

(b) Section 2.5 of this bill incorporates amendments to Section 28160 of the Penal Code proposed by both this bill and Assembly Bill 1420. That section shall only become operative if (1) both bills are enacted and become effective on or before January 1, 2023, and (2) each bill amends Section 28160 of the Penal Code, in which case Section 2 of this bill shall not become operative.