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**AB-1420 Firearms.** (2023-2024)

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Date Published: 09/26/2023 09:00 PM

**Assembly Bill No. 1420**

**CHAPTER 245**

An act to amend Sections 26720, 26725, 26800, and 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 1420, Berman. Firearms.

Existing law subjects a license to sell, lease, or transfer firearms to forfeiture for a violation of regulations on the transfer of firearms, except for violations of specified provisions relating to the storage and inspection of firearms. Existing law authorizes the department to conduct inspections of firearm dealers for compliance with specified provisions. Existing law authorizes the Department of Justice to assess a civil fine in an amount not to exceed \$1,000 against a licensee that violates any provision that subjects that licensee to forfeiture of that license.

This bill would instead authorize the department to conduct inspections and assess that fine for any violation of provisions relating to regulation of those licenses, for violations of specified provisions regulating the sale of secondhand firearms, and for violations of other applicable state law. The bill would make other technical changes regarding the regulation of licenses.

Existing law requires the department to maintain and make available, upon request, information concerning, among other things, the number of firearms dealers found to have violated specified laws with knowledge or gross negligence.

This bill would require the department to also maintain and make available the number of firearms dealers who have violated any other applicable state law with knowledge or gross negligence.

Existing law requires the register or record of electronic transfer of a firearm to contain specified information, including, among other things, the purchaser's address and telephone number.

This bill would additionally require that register or record to include the purchaser's email address for transactions on and after September 1, 2025.

This bill would incorporate additional changes to Section 28160 of the Penal Code proposed by AB 574 to be operative only if this bill and AB 574 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 26720 of the Penal Code is amended to read:

**26720.** (a) The Department of Justice may conduct inspections of dealers at least every three years to ensure compliance with the requirements of this title, including any regulations promulgated to implement this title, Sections 21628.2, 21636, and 21640 of the Business and Professions Code, and any other applicable state law.

(1) Commencing on January 1, 2024, the department shall conduct inspections of all dealers, except a dealer specified in subdivision (c), at least once every three years, to ensure compliance with the requirements of this title, including any regulations promulgated to implement this title, Sections 21628.2, 21636, and 21640 of the Business and Professions Code, and any other applicable state law.

(2) Inspections of dealers pursuant to this subdivision shall include an audit of dealer records that includes a sampling of at least 25 percent but no more than 50 percent of each record type.

(b) The department may assess an annual fee, not to exceed one hundred fifteen dollars (\$115), to cover the reasonable cost of maintaining the list described in Section 26715, including the cost of inspections.

(c) A dealer whose place of business is located in a jurisdiction that has adopted an inspection program to ensure compliance with firearms law is exempt from that portion of the department's fee that relates to the cost of inspections. The applicant is responsible for providing evidence to the department that the jurisdiction in which the business is located has the inspection program. The department may inspect a dealer who is exempt from mandatory inspections under subdivision (b) to ensure compliance with the requirements of this title, including any regulations promulgated to implement this title, Sections 21628.2, 21636, and 21640 of the Business and Professions Code, and any other applicable state law.

**SEC. 2.** Section 26725 of the Penal Code is amended to read:

**26725.** The Department of Justice shall maintain and make available upon request information concerning all of the following:

(a) The number of inspections conducted and the amount of fees collected pursuant to Section 26720.

(b) A listing of exempted jurisdictions, as defined in Section 26720.

(c) The number of dealers removed from the centralized list defined in Section 26715.

(d) The number of dealers found to have violated a provision listed in Section 16575 and any other applicable state law with knowledge or gross negligence.

**SEC. 3.** Section 26800 of the Penal Code is amended to read:

**26800.** (a) A license under this chapter is subject to forfeiture for a violation of any of the prohibitions and requirements of this article, except those stated in the following provisions:

(1) Subdivision (c) of Section 26890.

(2) Subdivision (d) of Section 26890.

(3) Subdivision (b) of Section 26900.

(b) The department may assess a civil fine against a licensee, in an amount not to exceed one thousand dollars (\$1,000), for any breach of a prohibition or requirement of this title, including any regulations promulgated to implement this title, Sections 21628.2, 21636, and 21640 of the Business and Professions Code, and any other applicable state law. The department may assess a civil fine, in an amount not to exceed three thousand dollars (\$3,000), for a violation of a prohibition or requirement of this article that subjects the license to forfeiture under subdivision (a), for either of the following:

(1) The licensee has received written notification from the department regarding the violation and subsequently failed to take corrective action in a timely manner.

(2) The licensee is otherwise determined by the department to have knowingly or with gross negligence violated the prohibition or requirement.

(c) The department may adopt regulations setting fine amounts and providing a process for a licensee to appeal a fine assessed pursuant to subdivision (b).

(d) Moneys received by the department pursuant to this section shall be deposited into the Dealers' Record of Sale Special Account of the General Fund, to be available, upon appropriation, 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.

(e) This section shall become operative on July 1, 2022.

**SEC. 4.** 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 of this title, 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 their ownership of a firearm, of all of the following:

(A) Upon their application, the Department of Justice shall furnish them 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.

**SEC. 4.5.** 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. 5.** Section 4.5 of this bill incorporates amendments to Section 28160 of the Penal Code proposed by both this bill and Assembly Bill 574. That section shall only become operative if (1) both bills are enacted and become effective on or before January 1, 2024, (2) each bill amends Section 28160 of the Penal Code, and (3) this bill is enacted after Assembly Bill 574, in which case Section 4 of this bill shall not become operative.