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**SB-758 Firearms.** (2023-2024)

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Date Published: 09/25/2024 02:00 PM

**Senate Bill No. 758**

**CHAPTER 543**

An act to amend Sections 27520 and 27590 of the Penal Code, relating to firearms.

[ Approved by Governor September 24, 2024. Filed with Secretary of State September 24, 2024. ]

**LEGISLATIVE COUNSEL'S DIGEST**

SB 758, Umberg. Firearms.

(1) Existing law makes it a crime to acquire a firearm with the intent to transfer the firearm to a minor or to evade specified requirements on the transfer of firearms.

This bill would expand that crime to apply to firearms brought into the state with that intent. By expanding the definition of a crime, this bill would impose a state-mandated local program.

(2) Existing law generally makes the violation of laws relating to the illegal transfer of a firearm a misdemeanor, except that the illegal transfer of a handgun to a minor or the illegal transfer of a handgun without conducting the transaction through a firearms dealer may be punished as a felony. Existing law also allows a dealer transaction involving a handgun to be punished as a felony if the dealer delivers the handgun sooner than 10 days from the date of purchase, is not presented with clear evidence of the transferee's identity and age, transfers the firearm after being notified that the transferee is prohibited from possessing a firearm, transfers a handgun to a person who does not present a handgun safety certificate, or delivers a handgun to a person who has made another application to purchase a handgun within the preceding 30 days.

This bill would allow those illegal firearms transactions to be prosecuted as felonies if they involve a centerfire semiautomatic rifle. By increasing the punishment for a crime, this bill would impose a state-mandated local program.

(3) 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 27520 of the Penal Code is amended to read:

**27520.** (a) A person, corporation, or dealer shall not acquire within this state or bring into this state a firearm for the purpose of selling, loaning, or transferring the firearm, if the person, corporation, or dealer has either of the following:

(1) In the case of a dealer, intent to violate Section 27510 or 27540.

(2) In any other case, intent to avoid either of the following:

(A) The provisions of Section 27545.

(B) The requirements of any exemption to the provisions of Section 27545.

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

**SEC. 2.** Section 27590 of the Penal Code is amended to read:

**27590.** (a) Except as provided in subdivision (b), (c), or (e), a violation of this article is a misdemeanor.

(b) If any of the following circumstances apply, a violation of this article is punishable by imprisonment pursuant to subdivision (h) of Section 1170 for two, three, or four years:

(1) If the violation is of subdivision (a) of Section 27500.

(2) If the defendant has a prior conviction of violating the provisions, other than Section 27535, Section 27560 involving a firearm that is not a handgun, or Section 27565 involving a firearm that is not a handgun, of this article or former Section 12100 of this code, as Section 12100 read at any time from when it was enacted by Section 3 of Chapter 1386 of the Statutes of 1988 to when it was repealed by Section 18 of Chapter 23 of the Statutes of 1994, or Section 8101 of the Welfare and Institutions Code.

(3) If the defendant has a prior conviction of violating any offense specified in Section 29905 or of a violation of Section 32625 or 33410, or of former Section 12560, as that section read at any time from when it was enacted by Section 4 of Chapter 931 of the Statutes of 1965 to when it was repealed by Section 14 of Chapter 9 of the Statutes of 1990, or of any provision listed in Section 16590.

(4) If the defendant is in a prohibited class described in 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.

(5) A violation of this article by a person who actively participates in a "criminal street gang" as defined in Section 186.22.

(6) A violation of Section 27510 involving the delivery of any firearm to a person who the dealer knows, or should know, is a minor.

(c) If any of the following circumstances apply, a violation of this article shall be punished by imprisonment in a county jail not exceeding one year or pursuant to subdivision (h) of Section 1170, or by a fine not to exceed one thousand dollars (\$1,000), or by both that fine and imprisonment:

(1) A violation of Section 27515, 27520, or subdivision (b) of Section 27500.

(2) A violation of Section 27505 involving the sale, loan, or transfer of a handgun or a centerfire semiautomatic rifle to a minor.

(3) A violation of Section 27510 involving the delivery of a handgun or a centerfire semiautomatic rifle.

(4) A violation of subdivision (a), (c), (d), (e), or (f) of Section 27540 involving a handgun or a centerfire semiautomatic rifle.

(5) A violation of Section 27545 involving a handgun or a centerfire semiautomatic rifle.

(6) A violation of Section 27550.

(7) A violation of Section 27585 involving a handgun or a centerfire semiautomatic rifle.

(d) If both of the following circumstances apply, an additional term of imprisonment pursuant to subdivision (h) of Section 1170 for one, two, or three years shall be imposed in addition and consecutive to the sentence prescribed:

(1) A violation of Section 27510 or subdivision (b) of Section 27500.

(2) The firearm transferred in violation of Section 27510 or subdivision (b) of Section 27500 is used in the subsequent commission of a felony for which a conviction is obtained and the prescribed sentence is imposed.

(e) (1) A first violation of Section 27535 is an infraction punishable by a fine of fifty dollars (\$50).

(2) A second violation of Section 27535 is an infraction punishable by a fine of one hundred dollars (\$100).

(3) A third or subsequent violation of Section 27535 is a misdemeanor.

(4) For purposes of this subdivision, each application to purchase a handgun or semiautomatic centerfire rifle in violation of Section 27535 is a separate offense.

**SEC. 3.** 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.