

California Department of Justice FIREARMS DIVISION Randy Rossi, Director		<h1 style="margin: 0;">INFORMATION BULLETIN</h1>	
Subject: NEW AND AMENDED FIREARMS/WEAPONS LAWS	No.: 2003-FD-02	For further information contact: <i>Firearms Division</i> (916) 263-4887	
	Date: 11/19/2003		

TO: ALL CALIFORNIA FIREARMS DEALERS AND MANUFACTURERS

This bulletin provides a brief summary of new and amended California firearms/weapons laws effective January 1, 2004. For more detailed language regarding these legislative changes, you may contact the California State Capitol Legislative Bill Room at (916) 445-2323 to obtain copies of the bills (order by statute year and chapter number) or you may access the full text of the bills via the Internet at <http://www.leginfo.ca.gov/>. Additional information regarding firearms laws, including the full text of the Dangerous Weapons Control Law, is available on the Internet at the Department of Justice (DOJ) Firearms Division web site at <http://www.ag.ca.gov/firearms>.

SB 238 (Stats. 2003, ch. 499) (Perata)

- Present law requires that every police and sheriff’s department shall make a record entry into the Automated Firearms System (AFS) for each firearm that it recovers if that firearm is illegally possessed, has been used in a crime, is suspected of having been used in a crime, was reported lost, stolen, found, recovered or is under observation (safekeeping) (PC § 11108). This legislation expressly permits *any* law enforcement agency to do the same.
- Additionally, this legislation allows any law enforcement agency or agent to make a record entry into the AFS for *any* firearm taken into custody for the purposes of tracing, except when the firearm is voluntarily placed with the law enforcement agency (PC § 11108.3).
- Clarifies that sales of machineguns to law enforcement agencies may be transacted only by a person who has been issued the proper permit by the DOJ (PC § 12201).
 - Provides that a person who has been convicted for a violation of Penal Code Section 246 is prohibited from possessing firearms for his or her entire lifetime. Prior to enactment of this legislation, such a conviction was a ten-year firearm prohibition (PC § 12021).
 - Repeals provisions that allowed law enforcement agencies to transfer assault weapons to retired sworn peace officers. Also repeals provisions that allowed retired peace officers who were transferred such assault weapons to be in possession of those assault weapons (PC § 12280).
 - Adds to the list of destructive devices any device (i.e., flamethrower) designed or intended to emit or propel a burning stream of combustible or flammable liquid a distance of 10 feet or more (PC § 12301).
 - Changes assault weapon “step-down” provisions by disallowing the late registration of an illegally possessed assault weapon and requiring the weapon's relinquishment or destruction.

SB 255 (Stats. 2003, ch. 298) (Ducheny)

- Provides a procedure for any person to obtain a determination directly from the DOJ as to whether he or she is eligible to possess firearms. No person may require or request another person to obtain such a firearms eligibility check. The DOJ is authorized to charge a fee of \$20 for conducting each check. The application form to request a personal firearms eligibility check will be made available on the DOJ Firearms Division website at <http://www.ag.ca.gov/firearms/forms/> (PC § 12077.5).

SB 489 (Stats. 2003, ch. 500) (Scott)

- Requires that effective January 1, 2006, no semiautomatic center-fire pistol model may be added to the roster of handguns certified for sale in California unless it has a chamber load indicator or, if it has a detachable magazine, a magazine disconnect mechanism. No rimfire semiautomatic pistol that has a detachable magazine may be added to the certified list of handguns for sale in California unless it has a magazine disconnect mechanism. Effective January 1, 2007, no semiautomatic pistol may be added to the roster unless it has both a chamber load indicator and, if it has a detachable magazine, a magazine disconnect mechanism. Handgun models that have been placed on the roster prior to the new requirements becoming operative may remain on the roster without these features (PC §§ 12126, 12130).
- Exempts the sale, loan, or transfer of any semiautomatic pistol that is to be used solely as a prop in a motion picture, television, or video production by an authorized agent of the entity producing the production or event from the requirements pertaining to the roster of handguns certified for sale in California (PC § 12132).

SB 824 (Stats. 2003, ch. 502) (Scott)

- Applies firearm dealership security requirements to all firearms dealers. Prior to enactment of this legislation, some firearms dealers were exempt from security requirements if they were located in the unincorporated area of a county with a population under 200,000 persons or within a city with a population under 50,000 persons. Also allows local licensing authorities to impose stricter security standards on firearms dealers that fall within their licensing jurisdictions (PC § 12071).
- Allows firearms dealers to require each of their employees who has access to unsecured firearms or who handles, sells, or delivers firearms to obtain a Certificate of Eligibility (COE) from the DOJ as evidence that the employee is not prohibited from possessing firearms. Also requires the salesperson to record his or her COE number, if he or she has a COE, on the Dealer's Record of Sale (DROS) form for each firearm transaction that he or she conducts. Requires the DOJ to notify the firearms dealer in the event an employee is determined to be or becomes prohibited from possessing firearms (PC §§ 12071, 12077).
- Requires the firearms dealer to record on the applicable DROS form the date a firearm is delivered to the purchaser/transferee (PC § 12077).

- Clarifies that a firearms dealer conducting a private party firearm transfer may charge a transfer fee of \$10 per firearm in addition to the \$20 in applicable DOJ fees. **The dealer may charge no other fee associated with such a transfer** (PC § 12077).

AB 161 (Stats. 2003, ch. 754) (Steinberg)

- Expressly authorizes the DOJ to use the DROS fund to cover the costs of firearms-related regulatory and enforcement activities related to the sale, purchase, loan, or transfer of firearms (PC § 12076).

AB 1455 (Stats. 2003, ch. 246) (McLeod)

- Removes civil penalties that apply to commercially selling, making, distributing, etc., an imitation firearm that shoots any 6 mm or smaller caliber BB or pellet. Prior to this change, only BB devices that shoot *metallic* BBs/pellets were exempt from civil penalties. The effect of this change is that it allows air-soft imitation firearms and similar devices to be sold, kept for sale, transported, etc. As with any BB device, no such air-soft gun may be sold to a person who is under 18 years of age nor furnished to a person under 18 years of age without the express or implied consent of that minor's parent or legal guardian (PC §§ 417.2, 12001, 12551, 12552).

Revised Dealer's Record of Sale of Firearms (DROS) Application/Worksheet

Both the computerized DROS and the DROS worksheet have been revised to capture the salesperson's COE number and the firearm delivery date as previously discussed. You may make copies as needed or you may download additional copies from the DOJ Firearms Division web site at <http://www.ag.ca.gov/firearms>. In some instances, such as a computer malfunction or firearm transaction initiated at a gun show, firearms dealers may utilize the DROS application/worksheet. If the transaction is started with the application/worksheet, it must be attached to the completed electronic printout.

If you have any questions or require further assistance concerning this Information Bulletin, please contact the Firearms Division at (916) 263-4887.

Sincerely,

RANDY ROSSI, Director
Firearms Division

For BILL LOCKYER
Attorney General

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A handwritten signature in black ink, appearing to read "Bill Lockyer", with a stylized flourish above the name.