

IN THE COURT OF APPEAL OF THE STATE OF CALIFORNIA
IN AND FOR THE SECOND APPELLATE DISTRICT

FRANKLIN ARMORY, INC., and
CALIFORNIA RIFLE & PISTOL
ASSOCIATION, INCORPORATED,

Plaintiffs and Appellants,

v.

CALIFORNIA DEPARTMENT OF
JUSTICE, XAVIER BECERRA, in his
Official Capacity as Attorney General
for the State of California, and DOES 1-
10,

Defendants and Respondents.

Case No. B340913

APPELLANTS' APPENDIX
VOLUME XV OF XX
Pages 1600-1636

Superior Court of California, County of Los Angeles
Case No. 20STCP01747
Honorable Daniel S. Murphy, Judge

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(d) Whenever an authorized request for state summary criminal history information pertains to a person whose fingerprints are on file with the Department of Justice and the department has no criminal history of that person, and the information is to be used for employment, licensing, or certification purposes, the fingerprint card accompanying the request for information, if any, may be stamped “no criminal record” and returned to the person or entity making the request.

(e) Whenever state summary criminal history information is furnished as the result of an application and is to be used for employment, licensing, or certification purposes, the Department of Justice may charge the person or entity making the request a fee that it determines to be sufficient to reimburse the department for the cost of furnishing the information. In addition, the Department of Justice may add a surcharge to the fee to fund maintenance and improvements to the systems from which the information is obtained. Notwithstanding any other law, a person or entity required to pay a fee to the department for information received under this section may charge the applicant a fee sufficient to reimburse the person or entity for this expense. All moneys received by the department pursuant to this section, Sections 11105.3 and 26190, and former Section 13588 of the Education Code shall be deposited in a special account in the General Fund to be available for expenditure by the department to offset costs incurred pursuant to those sections and for maintenance and improvements to the systems from which the information is obtained upon appropriation by the Legislature.

(f) Whenever there is a conflict, the processing of criminal fingerprints and fingerprints of applicants for security guard or alarm agent registrations or firearms qualification permits submitted pursuant to Section 7583.9, 7583.23, 7596.3, or 7598.4 of the Business and Professions Code shall take priority over the processing of other applicant fingerprints.

(g) It is not a violation of this section to disseminate statistical or research information obtained from a record, provided that the identity of the subject of the record is not disclosed.

(h) It is not a violation of this section to include information obtained from a record in (1) a transcript or record of a judicial or administrative proceeding or (2) any other public record if the inclusion of the information in the public record is authorized by a court, statute, or decisional law.

(i) Notwithstanding any other law, the Department of Justice or a state or local law enforcement agency may require the submission of fingerprints for the purpose of conducting state summary criminal history information checks that are authorized by law.

(j) The state summary criminal history information shall include any finding of mental incompetence pursuant to Chapter 6 (commencing with Section 1367) of Title 10 of Part 2 arising out of a complaint charging a felony offense specified in Section 290.

(k) (1) This subdivision shall apply whenever state or federal summary criminal history information is furnished by the Department of Justice as the result of an application by an authorized agency or organization and the

information is to be used for peace officer employment or certification purposes. As used in this subdivision, a peace officer is defined in Chapter 4.5 (commencing with Section 830) of Title 3 of Part 2.

(2) Notwithstanding any other law, whenever state summary criminal history information is initially furnished pursuant to paragraph (1), the Department of Justice shall disseminate the following information:

(A) Every conviction rendered against the applicant.

(B) Every arrest for an offense for which the applicant is presently awaiting trial, whether the applicant is incarcerated or has been released on bail or on their own recognizance pending trial.

(C) Every arrest or detention, except for an arrest or detention resulting in an exoneration, provided, however, that where the records of the Department of Justice do not contain a disposition for the arrest, the Department of Justice first makes a genuine effort to determine the disposition of the arrest.

(D) Every successful diversion.

(E) Every date and agency name associated with all retained peace officer or nonsworn law enforcement agency employee preemployment criminal offender record information search requests.

(F) Sex offender registration status of the applicant.

(G) Sentencing information, if present in the department's records at the time of the response.

(I) (1) This subdivision shall apply whenever state or federal summary criminal history information is furnished by the Department of Justice as the result of an application by a criminal justice agency or organization as defined in Section 13101, and the information is to be used for criminal justice employment, licensing, or certification purposes.

(2) Notwithstanding any other law, whenever state summary criminal history information is initially furnished pursuant to paragraph (1), the Department of Justice shall disseminate the following information:

(A) Every conviction rendered against the applicant.

(B) Every arrest for an offense for which the applicant is presently awaiting trial, whether the applicant is incarcerated or has been released on bail or on their own recognizance pending trial.

(C) Every arrest for an offense for which the records of the Department of Justice do not contain a disposition or which did not result in a conviction, provided that the Department of Justice first makes a genuine effort to determine the disposition of the arrest. However, information concerning an arrest shall not be disclosed if the records of the Department of Justice indicate or if the genuine effort reveals that the subject was exonerated, successfully completed a diversion or deferred entry of judgment program, or the arrest was deemed a detention, or the subject was granted relief pursuant to Section 851.91.

(D) Every date and agency name associated with all retained peace officer or nonsworn law enforcement agency employee preemployment criminal offender record information search requests.

(E) Sex offender registration status of the applicant.

(F) Sentencing information, if present in the department's records at the time of the response.

(m) (1) This subdivision shall apply whenever state or federal summary criminal history information is furnished by the Department of Justice as the result of an application by an authorized agency or organization pursuant to Section 1522, 1568.09, 1569.17, or 1596.871 of the Health and Safety Code, or a statute that incorporates the criteria of any of those sections or this subdivision by reference, and the information is to be used for employment, licensing, or certification purposes.

(2) Notwithstanding any other law, whenever state summary criminal history information is initially furnished pursuant to paragraph (1), the Department of Justice shall disseminate the following information:

(A) Every conviction of an offense rendered against the applicant, except a conviction for which relief has been granted pursuant to Section 1203.49.

(B) Every arrest for an offense for which the applicant is presently awaiting trial, whether the applicant is incarcerated or has been released on bail or on their own recognizance pending trial.

(C) Every arrest for an offense for which the Department of Social Services is required by paragraph (1) of subdivision (a) of Section 1522 of the Health and Safety Code to determine if an applicant has been arrested. However, if the records of the Department of Justice do not contain a disposition for an arrest, the Department of Justice shall first make a genuine effort to determine the disposition of the arrest.

(D) Sex offender registration status of the applicant.

(E) Sentencing information, if present in the department's records at the time of the response.

(3) Notwithstanding the requirements of the sections referenced in paragraph (1) of this subdivision, the Department of Justice shall not disseminate information about an arrest subsequently deemed a detention or an arrest that resulted in the successful completion of a diversion program, exoneration, or a grant of relief pursuant to Section 851.91.

(n) (1) This subdivision shall apply whenever state or federal summary criminal history information, to be used for employment, licensing, or certification purposes, is furnished by the Department of Justice as the result of an application by an authorized agency, organization, or individual pursuant to any of the following:

(A) Paragraph (10) of subdivision (c), when the information is to be used by a cable corporation.

(B) Section 11105.3 or 11105.4.

(C) Section 15660 of the Welfare and Institutions Code.

(D) A statute that incorporates the criteria of any of the statutory provisions listed in subparagraph (A), (B), or (C), or of this subdivision, by reference.

(2) With the exception of applications submitted by transportation companies authorized pursuant to Section 11105.3, and notwithstanding any other law, whenever state summary criminal history information is

initially furnished pursuant to paragraph (1), the Department of Justice shall disseminate the following information:

(A) Every conviction, except a conviction for which relief has been granted pursuant to Section 1203.49, rendered against the applicant for a violation or attempted violation of an offense specified in subdivision (a) of Section 15660 of the Welfare and Institutions Code. However, with the exception of those offenses for which registration is required pursuant to Section 290, the Department of Justice shall not disseminate information pursuant to this subdivision unless the conviction occurred within 10 years of the date of the agency's request for information or the conviction is over 10 years old but the subject of the request was incarcerated within 10 years of the agency's request for information.

(B) Every arrest for a violation or attempted violation of an offense specified in subdivision (a) of Section 15660 of the Welfare and Institutions Code for which the applicant is presently awaiting trial, whether the applicant is incarcerated or has been released on bail or on their own recognizance pending trial.

(C) Sex offender registration status of the applicant.

(D) Sentencing information, if present in the department's records at the time of the response.

(o) (1) This subdivision shall apply whenever state or federal summary criminal history information is furnished by the Department of Justice as the result of an application by an authorized agency or organization pursuant to Section 379 or 550 of the Financial Code, or a statute that incorporates the criteria of either of those sections or this subdivision by reference, and the information is to be used for employment, licensing, or certification purposes.

(2) Notwithstanding any other law, whenever state summary criminal history information is initially furnished pursuant to paragraph (1), the Department of Justice shall disseminate the following information:

(A) Every conviction rendered against the applicant for a violation or attempted violation of an offense specified in Section 550 of the Financial Code, except a conviction for which relief has been granted pursuant to Section 1203.49.

(B) Every arrest for a violation or attempted violation of an offense specified in Section 550 of the Financial Code for which the applicant is presently awaiting trial, whether the applicant is incarcerated or has been released on bail or on their own recognizance pending trial.

(C) Sentencing information, if present in the department's records at the time of the response.

(p) (1) This subdivision shall apply whenever state or federal criminal history information is furnished by the Department of Justice as the result of an application by an agency, organization, or individual not defined in subdivision (k), (l), (m), (n), or (o), or by a transportation company authorized pursuant to Section 11105.3, or a statute that incorporates the criteria of that section or this subdivision by reference, and the information is to be used for employment, licensing, or certification purposes.

(2) Notwithstanding any other law, whenever state summary criminal history information is initially furnished pursuant to paragraph (1), the Department of Justice shall disseminate the following information:

(A) Every conviction rendered against the applicant, except a conviction for which relief has been granted pursuant to Section 1203.4, 1203.4a, 1203.41, 1203.42, 1203.425, or 1203.49. The Commission on Teacher Credentialing shall receive every conviction rendered against an applicant, retroactive to January 1, 2020, regardless of relief granted pursuant to Section 1203.4, 1203.4a, 1203.41, 1203.42, 1203.425, or 1203.49.

(B) Every arrest for an offense for which the applicant is presently awaiting trial, whether the applicant is incarcerated or has been released on bail or on their own recognizance pending trial.

(C) Sex offender registration status of the applicant.

(D) Sentencing information, if present in the department's records at the time of the response.

(q) All agencies, organizations, or individuals defined in subdivisions (k), (l), (m), (n), (o), and (p) may contract with the Department of Justice for subsequent notification pursuant to Section 11105.2. This subdivision shall not supersede sections that mandate an agency, organization, or individual to contract with the Department of Justice for subsequent notification pursuant to Section 11105.2.

(r) This section does not require the Department of Justice to cease compliance with any other statutory notification requirements.

(s) The provisions of Section 50.12 of Title 28 of the Code of Federal Regulations are to be followed in processing federal criminal history information.

(t) Whenever state or federal summary criminal history information is furnished by the Department of Justice as the result of an application by an authorized agency, organization, or individual defined in subdivisions (k) to (p), inclusive, and the information is to be used for employment, licensing, or certification purposes, the authorized agency, organization, or individual shall expeditiously furnish a copy of the information to the person to whom the information relates if the information is a basis for an adverse employment, licensing, or certification decision. When furnished other than in person, the copy shall be delivered to the last contact information provided by the applicant.

SEC. 21. Section 16532 of the Penal Code is amended to read:

16532. (a) As used in this part, "firearm precursor part vendor" means a person, firm, corporation, or other business enterprise that holds a valid firearm precursor part vendor license issued pursuant to Section 30485.

(b) Commencing April 1, 2022, a firearms dealer licensed pursuant to Sections 26700 to 26915, inclusive, and a licensed ammunition vendor shall automatically be deemed a licensed firearm precursor part vendor, if the dealer and licensed ammunition vendor comply with the requirements of Article 2 (commencing with Section 30300) and Article 3 (commencing with Section 30342) of Chapter 1 of Division 10 of Title 4.

SEC. 22. Section 18010 of the Penal Code is amended to read:

18010. (a) The Attorney General, a district attorney, or a city attorney may bring an action to enjoin the manufacture of, importation of, keeping for sale of, offering or exposing for sale, giving, lending, or possession of, any item that constitutes a nuisance under any of the following provisions:

- (1) Section 19290, relating to metal handgrenades.
- (2) Section 20390, relating to an air gauge knife.
- (3) Section 20490, relating to a belt buckle knife.
- (4) Section 20590, relating to a cane sword.
- (5) Section 20690, relating to a lipstick case knife.
- (6) Section 20790, relating to a shobi-zue.
- (7) Section 20990, relating to a writing pen knife.
- (8) Section 21190, relating to a ballistic knife.
- (9) Section 21890, relating to metal knuckles.
- (10) Section 22090, relating to a nunchaku.
- (11) Section 22290, relating to a leaded cane or an instrument or weapon of the kind commonly known as a billy, blackjack, sandbag, sandclub, sap, or slungshot.
- (12) Section 22490, relating to a shuriken.
- (13) Section 24390, relating to a camouflaging firearm container.
- (14) Section 24490, relating to a cane gun.
- (15) Section 24590, relating to a firearm not immediately recognizable as a firearm.
- (16) Section 24690, relating to an undetectable firearm.
- (17) Section 24790, relating to a wallet gun.
- (18) Section 30290, relating to flechette dart ammunition and to a bullet with an explosive agent.
- (19) Section 31590, relating to an unconventional pistol.
- (20) Section 32390, relating to a large-capacity magazine.
- (21) Section 32990, relating to a multiburst trigger activator.
- (22) Section 33290, relating to a short-barreled rifle or a short-barreled shotgun.
- (23) Section 33690, relating to a zip gun.

(b) The weapons described in subdivision (a) shall be subject to confiscation and summary destruction whenever found within the state.

(c) The weapons described in subdivision (a) shall be destroyed in the same manner described in Section 18005, except that upon the certification of a judge or of the district attorney that the ends of justice will be served thereby, the weapon shall be preserved until the necessity for its use ceases.

(d) (1) Commencing July 1, 2022, the Attorney General, a district attorney, or a city attorney may bring an action to enjoin the importation into the state or sale of any firearm precursor part that is imported into this state or sold within this state in violation of Article 1 (commencing with Section 30400), Article 2 (commencing with Section 30442), Article 3 (commencing with Section 30470), and Article 4 (commencing with Section 30485) of Chapter 1.5 of Division 10 of Title 4.

(2) Commencing July 1, 2022, firearm precursor parts that are imported in this state or sold within this state in violation of Article 1 (commencing

with Section 30400), Article 2 (commencing with Section 30442), Article 3 (commencing with Section 30470), and Article 4 (commencing with Section 30485) of Chapter 1.5 of Division 10 of Title 4 are a nuisance and are subject to confiscation and destruction pursuant to Section 18005.

SEC. 23. Section 30400 of the Penal Code is amended to read:

30400. (a) Commencing July 1, 2022, a person, corporation, or dealer who does either of the following shall be punished by imprisonment in a county jail for a term not to exceed six months, or by a fine not to exceed one thousand dollars (\$1,000), or by both the imprisonment and fine.

(1) Sells a firearm precursor part to a person under 21 years of age.

(2) Supplies, delivers, or gives possession of a firearm precursor part to a minor who the person, corporation, or dealer knows, or using reasonable care should have known, is prohibited from possessing a firearm or ammunition at that time pursuant to Chapter 1 (commencing with Section 29610) of Division 9.

(b) Proof that a person, corporation, or dealer, or their agent or employee, demanded, was shown, and acted in reasonable reliance upon, bona fide evidence of the age of majority and identity shall be a defense to any criminal prosecution under this section.

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

SEC. 24. Section 30405 of the Penal Code is amended to read:

30405. (a) (1) Commencing July 1, 2022, a person prohibited from owning or possessing a firearm under 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, shall not own, possess, or have under custody or control a firearm precursor part.

(2) A violation of this subdivision is punishable by imprisonment in a county jail not to exceed one year, by a fine not to exceed one thousand dollars (\$1,000), or by both that fine and imprisonment.

(b) A violation of subdivision (a) does not occur if all of the following conditions are met:

(1) The person found a firearm precursor part or took the firearm precursor part from a person who was committing a crime against the person who found or took the firearm precursor part.

(2) The person possessed the firearm precursor part no longer than was necessary to deliver or transport the firearm precursor part to a law enforcement agency for that agency's disposition according to law.

(3) The person is prohibited from possessing any firearm precursor part solely because that person is prohibited from owning or possessing a firearm by virtue of Chapter 2 (commencing with Section 29800) of Division 9.

(c) Upon the trial for violating subdivision (a), the trier of fact shall determine whether the defendant is eligible for the exemption created by subdivision (b). The defendant has the burden of proving by a preponderance

of the evidence that the defendant is within the scope of the exemption provided by subdivision (b).

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

SEC. 25. Section 30406 of the Penal Code is amended to read:

30406. (a) Commencing July 1, 2022, a person, corporation, firm, or other business enterprise who supplies, delivers, sells, or gives possession or control of a firearm precursor part to anybody who that person knows or using reasonable care should know is prohibited from owning, possessing, or having under custody or control a firearm precursor part is guilty of a misdemeanor, punishable by imprisonment in a county jail not exceeding one year, or a fine not exceeding one thousand dollars (\$1,000), or by both that fine and imprisonment.

(b) Commencing July 1, 2022, a person, corporation, firm, or other business enterprise that supplies, delivers, sells, or gives possession or control of a firearm precursor part to a person whom the person, corporation, firm, or other business enterprise knows or has cause to believe is not the actual purchaser or transferee of the firearm precursor part, with knowledge or cause to believe that the firearm precursor part is to be subsequently sold or transferred to a person who is prohibited from owning, possessing, or having under custody or control a firearm precursor part is guilty of a misdemeanor, punishable by imprisonment in a county jail not exceeding one year, or a fine not exceeding one thousand dollars (\$1,000), or by both that fine and imprisonment.

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

SEC. 26. Section 30412 of the Penal Code is amended to read:

30412. (a) (1) Commencing July 1, 2022, the sale of a firearm precursor part by any party shall be conducted by or processed through a licensed firearm precursor part vendor.

(2) When neither party to a firearm precursor part sale is a licensed firearm precursor part vendor, the seller shall deliver the firearm precursor part to a vendor to process the transaction. The firearm precursor part vendor shall promptly and properly deliver the firearm precursor part to the purchaser, if the sale is not prohibited, as if the firearm precursor part were the vendor's own merchandise. If the firearm precursor part vendor cannot deliver the firearm precursor part to the purchaser, the vendor shall forthwith return the firearm precursor part to the seller after the seller has their background checked by the department. The firearm precursor part vendor may charge the purchaser an administrative fee to process the transaction, in an amount to be set by the Department of Justice, in addition to any applicable fees that may be charged pursuant to the provisions of this title.

(b) Commencing July 1, 2022, the sale, delivery, or transfer of ownership of a firearm precursor part by any party may only occur in a face-to-face transaction with the seller, deliverer, or transferor. A firearm precursor part may be purchased or acquired over the internet or through other means of remote ordering if a licensed firearm precursor part vendor initially receives the firearm precursor part and processes the transaction in compliance with this section and Article 2 (commencing with Section 30442).

(c) Subdivisions (a) and (b) shall not apply to the sale, delivery, or transfer of a firearm precursor part to any of the following:

(1) An authorized law enforcement representative of a city, county, city and county, or state or federal government, if the sale, delivery, or transfer is for exclusive use by that governmental agency and, prior to the sale, delivery, or transfer of the firearm precursor part, written authorization from the head of the agency employing the purchaser or transferee is obtained, identifying the employee as an individual authorized to conduct the transaction, and authorizing the transaction for the exclusive use of the agency employing the individual.

(2) A sworn peace officer, as defined in Chapter 4.5 (commencing with Section 830) of Title 3 of Part 2, or sworn federal law enforcement officer, who is authorized to carry a firearm in the course and scope of the officer's duties.

(3) An importer or manufacturer of ammunition or firearms who is licensed to engage in business pursuant to Chapter 44 (commencing with Section 921) of Title 18 of the United States Code and the regulations issued pursuant thereto.

(4) A person who is on the centralized list of exempted federal firearms licensees maintained by the Department of Justice pursuant to Article 6 (commencing with Section 28450) of Chapter 6 of Division 6.

(5) A person whose licensed premises are outside this state and who is licensed as a dealer or collector of firearms pursuant to Chapter 44 (commencing with Section 921) of Title 18 of the United States Code and the regulations issued pursuant thereto.

(6) A person who is licensed as a collector of firearms pursuant to Chapter 44 (commencing with Section 921) of Title 18 of the United States Code and the regulations issued pursuant thereto, whose licensed premises are within this state, and who has a current certificate of eligibility issued by the Department of Justice pursuant to Section 26710.

(7) A firearm precursor part vendor.

(8) An authorized representative of a city, county, city and county, or state or federal government, if the firearm precursor part is obtained as part of an authorized, voluntary program in which the governmental entity is buying or receiving firearm precursor parts from private individuals.

(d) Any firearm precursor part acquired pursuant to paragraph (8) of subdivision (c) shall be disposed of pursuant to the applicable provisions of Sections 18000, 18005, and 34000.

(e) A violation of this section is a misdemeanor.

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

SEC. 27. Section 30414 of the Penal Code is amended to read:

30414. (a) Commencing July 1, 2022, a resident of this state shall not bring or transport into this state a firearm precursor part that they purchased or otherwise obtained from outside of this state unless they first had that firearm precursor part delivered to a licensed firearm precursor part vendor for delivery to that resident pursuant to the procedures set forth in Section 30412.

(b) Subdivision (a) does not apply to any of the following:

- (1) A firearm precursor part vendor.
- (2) A sworn peace officer, as defined in Chapter 4.5 (commencing with Section 830) of Title 3 of Part 2, or sworn federal law enforcement officer who is authorized to carry a firearm in the course and scope of the officer's duties.
- (3) An importer or manufacturer of ammunition or firearms who is licensed to engage in business pursuant to Chapter 44 (commencing with Section 921) of Title 18 of the United States Code and the regulations issued pursuant thereto.
- (4) A person who is on the centralized list of exempted federal firearms licensees maintained by the Department of Justice pursuant to Article 6 (commencing with Section 28450) of Chapter 6 of Division 6.
- (5) A person who is licensed as a collector of firearms pursuant to Chapter 44 (commencing with Section 921) of Title 18 of the United States Code and the regulations issued pursuant thereto, whose licensed premises are within this state, and who has a current certificate of eligibility issued by the Department of Justice pursuant to Section 26710.
- (6) A licensed common carrier or an authorized agent or employee of a licensed common carrier, when acting in the course and scope of duties incident to the delivery of or receipt of that firearm in accordance with federal law.

(c) A violation of this section is a misdemeanor.

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

SEC. 28. Section 30442 of the Penal Code is amended to read:

30442. (a) Commencing July 1, 2022, a valid firearm precursor part vendor license shall be required for any person, firm, corporation, or other business enterprise to sell more than one firearm precursor part in any 30-day period.

(b) Subdivision (a) does not apply to the sale of a firearm precursor part to any of the following:

- (1) An authorized law enforcement representative of a city, county, city and county, or state or federal government, if the sale, delivery, or transfer

is for exclusive use by that governmental agency and, prior to the sale, delivery, or transfer of the firearm precursor part, written authorization from the head of the agency employing the purchaser or transferee is obtained, identifying the employee as an individual authorized to conduct the transaction, and authorizing the transaction for the exclusive use of the agency employing the individual.

(2) An importer or manufacturer of ammunition or firearms who is licensed to engage in business pursuant to Chapter 44 (commencing with Section 921) of Title 18 of the United States Code and the regulations issued pursuant thereto.

(3) A person who is on the centralized list of exempted federal firearms licensees maintained by the Department of Justice pursuant to Article 6 (commencing with Section 28450) of Chapter 6 of Division 6.

(4) A person whose licensed premises are outside this state and who is licensed as a dealer or collector of firearms pursuant to Chapter 44 (commencing with Section 921) of Title 18 of the United States Code and the regulations issued pursuant thereto.

(5) An authorized representative of a city, county, city and county, or state or federal government, if the firearm precursor part is obtained as part of an authorized, voluntary program in which the governmental entity is buying or receiving firearm precursor parts from private individuals.

(c) Subdivision (a) does not apply to the sale of a firearm precursor part to a firearm precursor part vendor by any of the following:

(1) An authorized law enforcement representative of a city, county, city and county, or state or federal government, if the sale, delivery, or transfer of the firearm precursor part, written authorization from the head of the agency employing that person is obtained, identifying the employee as an individual authorized to conduct the transaction, and authorizing the transaction.

(2) An importer or manufacturer of ammunition or firearms who is licensed to engage in business pursuant to Chapter 44 (commencing with Section 921) of Title 18 of the United States Code and the regulations issued pursuant thereto.

(3) A person who is on the centralized list of exempted federal firearms licensees maintained by the Department of Justice pursuant to Article 6 (commencing with Section 28450) of Chapter 6 of Division 6.

(4) A person whose licensed premises are outside this state and who is licensed as a dealer or collector of firearms pursuant to Chapter 44 (commencing with Section 921) of Title 18 of the United States Code and the regulations issued pursuant thereto.

(d) A violation of this section is a misdemeanor.

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

SEC. 29. Section 30445 of the Penal Code is amended to read:

30445. Commencing July 1, 2022, a vendor shall comply with all of the conditions, requirements, and prohibitions enumerated in this article.

SEC. 30. Section 30447 of the Penal Code is amended to read:

30447. (a) Commencing July 1, 2022, a firearm precursor part vendor shall require any agent or employee who handles, sells, delivers, or has in their custody or control any firearm precursor part to obtain and provide to the vendor a certificate of eligibility from the Department of Justice issued pursuant to Section 26710. On the application for the certificate, the agent or employee shall provide the name and address of the firearm precursor part vendor with whom the person is employed, or the name and California firearms dealer number of the firearm precursor part vendor, if applicable.

(b) The department shall notify the firearm precursor part vendor if the agent or employee who has a certificate of eligibility is or becomes prohibited from possessing firearms, ammunition, or firearm precursor parts under state or federal law.

(c) Commencing July 1, 2022, a firearm precursor part vendor shall not permit any agent or employee who the vendor knows or reasonably should know is a person described in Chapter 2 (commencing with Section 29800) or Chapter 3 (commencing with Section 29900) of Division 9 of this code or Section 8100 or 8103 of the Welfare and Institutions Code to handle, sell, deliver, or have in their custody or control a firearm precursor part in the course and scope of employment.

SEC. 31. Section 30448 of the Penal Code is amended to read:

30448. (a) Except as provided in subdivision (b), commencing July 1, 2022, the sale of firearm precursor parts by a licensed vendor shall be conducted at the location specified in the license.

(b) Commencing July 1, 2022, a licensed vendor may sell firearm precursor parts at a gun show or event if the gun show or event is not conducted from any motorized or towed vehicle.

(c) For purposes of this section, “gun show or event” means a function sponsored by any national, state, or local organization, devoted to the collection, competitive use, or other sporting use of firearms, or an organization or association that sponsors functions devoted to the collection, competitive use, or other sporting use of firearms in the community.

(d) Sales of firearm precursor parts at a gun show or event shall comply with all applicable laws.

SEC. 32. Section 30450 of the Penal Code is amended to read:

30450. Commencing July 1, 2022, a firearm precursor part vendor shall not sell or otherwise transfer ownership of, offer for sale or otherwise offer to transfer ownership of, or display for sale or display for transfer of ownership of any firearm precursor part in a manner that allows a firearm precursor part to be accessible to a purchaser or transferee without the assistance of the vendor or an employee of the vendor.

SEC. 33. Section 30452 of the Penal Code is amended to read:

30452. (a) (1) Commencing July 1, 2022, a firearm precursor part vendor shall not sell or otherwise transfer ownership of a firearm precursor

part without, at the time of delivery, legibly recording the following information on a form to be prescribed by the Department of Justice:

- (A) The date of the sale or other transfer.
- (B) The purchaser's or transferee's driver's license or other identification number and the state in which it was issued.
- (C) The brand, type, and amount of firearm precursor parts sold or otherwise transferred.
- (D) The purchaser's or transferee's full name and signature.
- (E) The name of the salesperson who processed the sale or other transaction.
- (F) The purchaser's or transferee's full residential address and telephone number.
- (G) The purchaser's or transferee's date of birth.

(2) A firearm precursor part vendor is not required to report to the department any firearm precursor part that is attached or affixed to a firearm involved in a successful dealer record of sale transaction.

(b) Commencing July 1, 2022, a firearm precursor part vendor shall electronically submit to the department the information required by subdivision (a) for all sales and transfers of ownership of a firearm precursor part. The department shall retain this information in a database to be known as the Firearm Precursor Part Purchase Records File. This information shall remain confidential and may be used by the department and those entities specified in, and pursuant to, subdivision (b) or (c) of Section 11105, through the California Law Enforcement Telecommunications System, only for law enforcement purposes. The firearm precursor part vendor shall not use, sell, disclose, or share the information for any other purpose other than the submission required by this subdivision without the express written consent of the purchaser or transferee.

(c) Commencing on July 1, 2022, only those persons listed in this subdivision, or those persons or entities listed in subdivision (e), shall be authorized to purchase firearm precursor parts. Prior to delivering any firearm precursor part, a firearm precursor part vendor shall require bona fide evidence of identity to verify that the person who is receiving delivery of the firearm precursor part is a person or entity listed in subdivision (e) or one of the following:

(1) A person authorized to purchase firearm precursor parts pursuant to Section 30470.

(2) A person who was approved by the department to receive a firearm from the firearm precursor part vendor, pursuant to Section 28220, if that vendor is a licensed firearms dealer, and the firearm precursor part is delivered to the person in the same transaction as the firearm.

(d) Commencing July 1, 2022, the firearm precursor part vendor shall verify with the department, in a manner prescribed by the department, that the person is authorized to purchase firearm precursor parts. If the person is not listed as an authorized firearm precursor part purchaser, the vendor shall deny the sale or transfer.

(e) Subdivisions (a) and (d) shall not apply to sales or other transfers of ownership of firearm precursor parts by firearm precursor part vendors to any of the following, if properly identified:

- (1) A firearm precursor part vendor.
 - (2) A person who is on the centralized list of exempted federal firearms licensees maintained by the department pursuant to Article 6 (commencing with Section 28450) of Chapter 6 of Division 6.
 - (3) A gunsmith.
 - (4) A wholesaler.
 - (5) A manufacturer or importer of firearms or ammunition licensed pursuant to Chapter 44 (commencing with Section 921) of Title 18 of the United States Code, and the regulations issued pursuant thereto.
 - (6) An authorized law enforcement representative of a city, county, city and county, or state or federal government, if the sale or other transfer of ownership is for exclusive use by that governmental agency, and, prior to the sale, delivery, or transfer of the firearm precursor part, written authorization from the head of the agency authorizing the transaction is presented to the person from whom the purchase, delivery, or transfer is being made. Proper written authorization is defined as verifiable written certification from the head of the agency by which the purchaser, transferee, or person otherwise acquiring ownership is employed, identifying the employee as an individual authorized to conduct the transaction, and authorizing the transaction for the exclusive use of the agency by which that individual is employed.
 - (7) (A) A properly identified sworn peace officer, as defined in Chapter 4.5 (commencing with Section 830) of Title 3 of Part 2, or properly identified sworn federal law enforcement officer who is authorized to carry a firearm in the course and scope of the officer's duties.
(B) (i) Proper identification is defined as verifiable written certification from the head of the agency by which the purchaser or transferee is employed, identifying the purchaser or transferee as a full-time paid peace officer who is authorized to carry a firearm in the course and scope of the officer's duties.
(ii) The certification shall be delivered to the vendor at the time of purchase or transfer and the purchaser or transferee shall provide bona fide evidence of identity to verify that they are the person authorized in the certification.
(iii) The vendor shall keep the certification with the record of sale and submit the certification to the department.
- (f) The department is authorized to adopt regulations to implement the provisions of this section.

SEC. 34. Section 30454 of the Penal Code is amended to read:

30454. Commencing July 1, 2022, the records required by this article shall be maintained on the premises of the firearm precursor part vendor for a period of not less than five years from the date of the recorded transfer.

SEC. 35. Section 30456 of the Penal Code is amended to read:

30456. Commencing July 1, 2022, a firearm precursor parts vendor shall, within 48 hours of discovery, report the loss or theft of any firearm precursor parts to the appropriate law enforcement agency in the city, county, or city and county where the vendor's business premises are located.

SEC. 36. Section 30470 of the Penal Code is amended to read:

30470. (a) Commencing July 1, 2022, the department shall electronically approve the purchase or transfer of firearm precursor parts through a vendor, as defined in Section 16532, except as otherwise specified. This approval shall occur at the time of purchase or transfer, prior to the purchaser or transferee taking possession of the firearm precursor part. Pursuant to the authorization specified in paragraph (1) of subdivision (c) of Section 30452, the following persons are authorized to purchase firearm precursor parts:

(1) A purchaser or transferee whose information matches an entry in the Automated Firearms System (AFS) and who is eligible to possess firearm precursor parts as specified in subdivision (b).

(2) A purchaser or transferee who has a current certificate of eligibility issued by the department pursuant to Section 26710.

(3) A purchaser or transferee who is not prohibited from purchasing or possessing firearm precursor parts in a single firearm precursor part transaction or purchase made pursuant to the procedure developed pursuant to subdivision (c).

(b) To determine if the purchaser or transferee is eligible to purchase or possess firearm precursor parts pursuant to paragraph (1) of subdivision (a), the department shall cross-reference the firearm precursor part purchaser's or transferee's name, date of birth, current address, and driver's license or other government identification number, as described in Section 28180, with the information maintained in the AFS. If the purchaser's or transferee's information does not match an AFS entry, the transaction shall be denied. If the purchaser's or transferee's information matches an AFS entry, the department shall determine if the purchaser or transferee falls within a class of persons who are prohibited from owning or possessing firearm precursor parts by cross-referencing with the Prohibited Armed Persons File. If the purchaser or transferee is prohibited from owning or possessing a firearm, the transaction shall be denied.

(c) The department shall develop a procedure in which a person who is not prohibited from purchasing or possessing a firearm precursor part may be approved for a single firearm precursor part transaction or purchase. The department shall recover the cost of processing and regulatory and enforcement activities related to this section by charging the firearm precursor part transaction or purchase applicant a fee not to exceed the fee charged for the department's Dealers' Record of Sale (DROS) process, as described in Section 28225 and not to exceed the department's reasonable costs.

(d) A vendor is prohibited from providing a purchaser or transferee a firearm precursor part without department approval. If a vendor cannot electronically verify a person's eligibility to purchase or possess firearm precursor parts via an internet connection, the department shall provide a

telephone line to verify eligibility. This option is available to firearm precursor part vendors who can demonstrate legitimate geographical and telecommunications limitations in submitting the information electronically and who are approved by the department to use the telephone line verification.

(e) The department shall recover the reasonable cost of regulatory and enforcement activities related to this article by charging firearm precursor parts purchasers and transferees a per transaction fee not to exceed one dollar (\$1), provided, however, that the fee may be increased at a rate not to exceed any increases in the California Consumer Price Index as compiled and reported by the Department of Industrial Relations, not to exceed the reasonable regulatory and enforcement costs.

(f) A fund to be known as the Firearm Precursor Parts Enforcement Special Fund is hereby created within the State Treasury. All fees received pursuant to this section shall be deposited into the Firearm Precursor Parts Special Fund and, notwithstanding Section 13340 of the Government Code, are continuously appropriated to the department for purposes of implementing, operating, and enforcing the firearm precursor part authorization program provided for in this section and Section 30452.

(g) The Department of Justice is authorized to adopt regulations to implement this section.

SEC. 37. Section 30485 of the Penal Code is amended to read:

30485. (a) The Department of Justice is authorized to issue firearm precursor part vendor licenses pursuant to this article. The department shall, commencing April 1, 2022, commence accepting applications for firearm precursor part vendor licenses. If an application is denied, the department shall inform the applicant of the reason for the denial in writing. The annual fee shall be paid on July 1, or the next business day, of every year.

(b) The firearm precursor part vendor license shall be issued in a form prescribed by the department. The department may adopt regulations to administer the application and enforcement provisions of this article. The license shall allow the licensee to sell firearm precursor parts at the location specified in the license or at a gun show or event as set forth in Section 30448.

(c) (1) In the case of an entity other than a natural person, the department shall issue the license to the entity but shall require a responsible person to pass the background check pursuant to Section 30495.

(2) For purposes of this article, “responsible person” means a person having the power to direct the management, policies, and practices of the entity as it pertains to firearm precursor parts.

(d) Commencing July 1, 2022, a firearms dealer licensed pursuant to Sections 26700 to 26915, inclusive, and licensed ammunition vendor shall automatically be deemed a firearm precursor parts vendor, provided the dealer complies with the requirements of Article 2 (commencing with Section 30300) and Article 3 (commencing with Section 30342) of Chapter 1.

SEC. 38. Section 30515 of the Penal Code is amended to read:

30515. (a) Notwithstanding Section 30510, “assault weapon” also means any of the following:

(1) A semiautomatic, centerfire rifle that does not have a fixed magazine but has any one of the following:

(A) A pistol grip that protrudes conspicuously beneath the action of the weapon.

(B) A thumbhole stock.

(C) A folding or telescoping stock.

(D) A grenade launcher or flare launcher.

(E) A flash suppressor.

(F) A forward pistol grip.

(2) A semiautomatic, centerfire rifle that has a fixed magazine with the capacity to accept more than 10 rounds.

(3) A semiautomatic, centerfire rifle that has an overall length of less than 30 inches.

(4) A semiautomatic pistol that does not have a fixed magazine but has any one of the following:

(A) A threaded barrel, capable of accepting a flash suppressor, forward handgrip, or silencer.

(B) A second handgrip.

(C) A shroud that is attached to, or partially or completely encircles, the barrel that allows the bearer to fire the weapon without burning the bearer’s hand, except a slide that encloses the barrel.

(D) The capacity to accept a detachable magazine at some location outside of the pistol grip.

(5) A semiautomatic pistol with a fixed magazine that has the capacity to accept more than 10 rounds.

(6) A semiautomatic shotgun that has both of the following:

(A) A folding or telescoping stock.

(B) A pistol grip that protrudes conspicuously beneath the action of the weapon, thumbhole stock, or vertical handgrip.

(7) A semiautomatic shotgun that does not have a fixed magazine.

(8) Any shotgun with a revolving cylinder.

(9) A semiautomatic centerfire firearm that is not a rifle, pistol, or shotgun, that does not have a fixed magazine, but that has any one of the following:

(A) A pistol grip that protrudes conspicuously beneath the action of the weapon.

(B) A thumbhole stock.

(C) A folding or telescoping stock.

(D) A grenade launcher or flare launcher.

(E) A flash suppressor.

(F) A forward pistol grip.

(G) A threaded barrel, capable of accepting a flash suppressor, forward handgrip, or silencer.

(H) A second handgrip.

(I) A shroud that is attached to, or partially or completely encircles, the barrel that allows the bearer to fire the weapon without burning the bearer’s hand, except a slide that encloses the barrel.

(J) The capacity to accept a detachable magazine at some location outside of the pistol grip.

(10) A semiautomatic centerfire firearm that is not a rifle, pistol, or shotgun, that has a fixed magazine with the capacity to accept more than 10 rounds.

(11) A semiautomatic centerfire firearm that is not a rifle, pistol, or shotgun, that has an overall length of less than 30 inches.

(b) For purposes of this section, “fixed magazine” means an ammunition feeding device contained in, or permanently attached to, a firearm in such a manner that the device cannot be removed without disassembly of the firearm action.

(c) The Legislature finds a significant public purpose in exempting from the definition of “assault weapon” pistols that are designed expressly for use in Olympic target shooting events. Therefore, those pistols that are sanctioned by the International Olympic Committee and by USA Shooting, the national governing body for international shooting competition in the United States, and that were used for Olympic target shooting purposes as of January 1, 2001, and that would otherwise fall within the definition of “assault weapon” pursuant to this section are exempt, as provided in subdivision (d).

(d) “Assault weapon” does not include either of the following:

(1) Any antique firearm.

(2) Any of the following pistols, because they are consistent with the significant public purpose expressed in subdivision (c):

MANUFACTURER	MODEL	CALIBER
BENELLI	MP90	.22LR
BENELLI	MP90	.32 S&W LONG
BENELLI	MP95	.22LR
BENELLI	MP95	.32 S&W LONG
HAMMERLI	280	.22LR
HAMMERLI	280	.32 S&W LONG
HAMMERLI	SP20	.22LR
HAMMERLI	SP20	.32 S&W LONG
PARDINI	GPO	.22 SHORT
PARDINI	GP-SCHUMANN	.22 SHORT
PARDINI	HP	.32 S&W LONG
PARDINI	MP	.32 S&W LONG
PARDINI	SP	.22LR
PARDINI	SPE	.22LR
WALTHER	GSP	.22LR
WALTHER	GSP	.32 S&W LONG
WALTHER	OSP	.22 SHORT

WALTHER

OSP-2000

.22 SHORT

(3) The Department of Justice shall create a program that is consistent with the purposes stated in subdivision (c) to exempt new models of competitive pistols that would otherwise fall within the definition of “assault weapon” pursuant to this section from being classified as an assault weapon. The exempt competitive pistols may be based on recommendations by USA Shooting consistent with the regulations contained in the USA Shooting Official Rules or may be based on the recommendation or rules of any other organization that the department deems relevant.

(e) The provisions of this section are severable. If any provision of this section or its application is held invalid, that invalidity shall not affect other provisions or applications that can be given effect without the invalid provision or application.

SEC. 39. Section 30685 is added to the Penal Code, immediately following Section 30680, to read:

30685. Section 30605 does not apply to the possession of an assault weapon as defined by paragraph (9), (10), or (11) of subdivision (a) of Section 30515 by a person who has possessed the assault weapon prior to September 1, 2020, if all of the following are applicable:

(a) Prior to September 1, 2020, the person would have been eligible to register that assault weapon pursuant to subdivision (c) of Section 30900.

(b) The person lawfully possessed that assault weapon prior to September 1, 2020.

(c) The person registers the assault weapon by January 1, 2022, in accordance with subdivision (c) of Section 30900.

SEC. 40. Section 30900 of the Penal Code is amended to read:

30900. (a) (1) Any person who, prior to June 1, 1989, lawfully possessed an assault weapon, as defined in former Section 12276, as added by Section 3 of Chapter 19 of the Statutes of 1989, shall register the firearm by January 1, 1991, and any person who lawfully possessed an assault weapon prior to the date it was specified as an assault weapon pursuant to former Section 12276.5, as added by Section 3 of Chapter 19 of the Statutes of 1989 or as amended by Section 1 of Chapter 874 of the Statutes of 1990 or Section 3 of Chapter 954 of the Statutes of 1991, shall register the firearm within 90 days with the Department of Justice pursuant to those procedures that the department may establish.

(2) Except as provided in Section 30600, any person who lawfully possessed an assault weapon prior to the date it was defined as an assault weapon pursuant to former Section 12276.1, as it read in Section 7 of Chapter 129 of the Statutes of 1999, and which was not specified as an assault weapon under former Section 12276, as added by Section 3 of Chapter 19 of the Statutes of 1989 or as amended at any time before January 1, 2001, or former Section 12276.5, as added by Section 3 of Chapter 19 of the Statutes of 1989 or as amended at any time before January 1, 2001, shall register the firearm by January 1, 2001, with the department pursuant to those procedures that the department may establish.

(3) The registration shall contain a description of the firearm that identifies it uniquely, including all identification marks, the full name, address, date of birth, and thumbprint of the owner, and any other information that the department may deem appropriate.

(4) The department may charge a fee for registration of up to twenty dollars (\$20) per person but not to exceed the reasonable processing costs of the department. After the department establishes fees sufficient to reimburse the department for processing costs, fees charged shall increase at a rate not to exceed the legislatively approved annual cost-of-living adjustment for the department's budget or as otherwise increased through the Budget Act but not to exceed the reasonable costs of the department. The fees shall be deposited into the Dealers' Record of Sale Special Account.

(b) (1) Any person who, from January 1, 2001, to December 31, 2016, inclusive, lawfully possessed an assault weapon that does not have a fixed magazine, as defined in Section 30515, including those weapons with an ammunition feeding device that can be readily removed from the firearm with the use of a tool, shall register the firearm before July 1, 2018, but not before the effective date of the regulations adopted pursuant to paragraph (5), with the department pursuant to those procedures that the department may establish by regulation pursuant to paragraph (5).

(2) Registrations shall be submitted electronically via the Internet utilizing a public-facing application made available by the department.

(3) The registration shall contain a description of the firearm that identifies it uniquely, including all identification marks, the date the firearm was acquired, the name and address of the individual from whom, or business from which, the firearm was acquired, as well as the registrant's full name, address, telephone number, date of birth, sex, height, weight, eye color, hair color, and California driver's license number or California identification card number.

(4) The department may charge a fee in an amount of up to fifteen dollars (\$15) per person but not to exceed the reasonable processing costs of the department. The fee shall be paid by debit or credit card at the time that the electronic registration is submitted to the department. The fee shall be deposited in the Dealers' Record of Sale Special Account to be used for purposes of this section.

(5) The department shall adopt regulations for the purpose of implementing this subdivision. These regulations are exempt from the Administrative Procedure Act (Chapter 3.5 (commencing with Section 11340) of Part 1 of Division 3 of Title 2 of the Government Code).

(c) (1) Any person who, prior to September 1, 2020, lawfully possessed an assault weapon as defined by paragraph (9), (10), or (11) of subdivision (a) of Section 30515, and is eligible to register an assault weapon as set forth in Section 30950, shall submit an application to register the firearm before January 1, 2022, but not before the effective date of the regulations adopted pursuant to paragraph (5), with the department pursuant to those procedures that the department may establish by regulation pursuant to paragraph (5).

(2) Registration applications shall be submitted in a manner and format to be specified by the department in regulations adopted pursuant to paragraph (5).

(3) The registration application shall contain a description of the firearm that identifies it uniquely, including all identification marks, the date the firearm was acquired, the name and address of the individual from whom, or business from which, the firearm was acquired, as well as the registrant's full name, address, telephone number, date of birth, sex, height, weight, eye color, hair color, and California driver's license number or California identification card number, and any other information that the department may deem appropriate. The registration application shall also contain photographs of the firearm, as specified by the department in regulations adopted pursuant to paragraph (5).

(4) For each registration application, the department may charge a fee that consists of the amount the department is authorized to require a dealer to charge each firearm purchaser under subdivision (a) of Section 28233, not to exceed the reasonable processing costs of the department. For registration applications seeking to register multiple firearms, the fee shall increase by up to five dollars (\$5) for each additional firearm after the first, not to exceed the reasonable processing costs of the department. The fee shall be paid in a manner specified by the department in regulations adopted pursuant to paragraph (5) at the time the registration application is submitted to the department. The fee shall be deposited in the Dealers' Record of Sale Special Account to be used for purposes of this section.

(5) The department shall adopt regulations for the purpose of implementing this subdivision and paragraphs (9), (10), and (11) of subdivision (a) of Section 30515. These regulations are exempt from the Administrative Procedure Act (Chapter 3.5 (commencing with Section 11340) of Part 1 of Division 3 of Title 2 of the Government Code).

SEC. 41. Section 30955 of the Penal Code is amended to read:

30955. (a) The department's registration procedures shall provide the option of joint registration for any assault weapon or .50 BMG rifle owned by family members residing in the same household.

(b) Notwithstanding subdivision (a), for registration of assault weapons in accordance with subdivision (c) of Section 30900, joint registration is not permitted.

SEC. 42. Section 1731.7 of the Welfare and Institutions Code, as amended by Section 67 of Chapter 25 of the Statutes of 2019, is amended to read:

1731.7. (a) The Department of Corrections and Rehabilitation, Division of Juvenile Justice, shall establish and operate a seven-year pilot program for transition-aged youth. Commencing on or after January 1, 2019, the program shall divert a limited number of transition-aged youth from adult prison to a juvenile facility in order to provide developmentally appropriate, rehabilitative programming designed for transition-aged youth with the goal of improving their outcomes and reducing recidivism.

(b) The department may develop criteria for placement in this program, initially targeting youth sentenced by a superior court who committed an offense described in subdivision (b) of Section 707 prior to 18 years of age. Youth with a period of incarceration that cannot be completed on or before their 25th birthday are ineligible for placement in the transition-aged youth program. The department may consider the availability of program credit earning opportunities that lower the total length of time a youth serves in determining eligibility.

(c) Notwithstanding any other law, following sentencing, an individual who is 18 years of age or older at the time of sentencing and who has been convicted of an offense described in subdivision (b) of Section 707 that occurred prior to 18 years of age shall remain in local detention pending a determination of acceptance or rejection by the Division of Juvenile Justice. The Division of Juvenile Justice shall notify the local detention authority upon determination of acceptance or rejection of an individual pursuant to this subdivision.

(d) An eligible person may be transferred to the Division of Juvenile Justice by the Secretary of the Department of Corrections and Rehabilitation with the approval of the Director of the Division of Juvenile Justice. Notwithstanding subdivision (b) of Section 2900 of the Penal Code, the secretary, with the concurrence of the director, may designate a facility under the jurisdiction of the Division of Juvenile Justice as a place of reception for a person described in this section.

(e) The duration of the transfer shall extend until either of the following occurs:

(1) The director orders the youth returned to the Department of Corrections and Rehabilitation.

(2) The youth's period of incarceration is completed.

(f) The Division of Juvenile Justice shall produce and submit a report to the Legislature on January 1, 2020, and each January 1 thereafter, to assess the program. At a minimum, the report shall include all of the following:

(1) Criteria used to determine placement in the program.

(2) Guidelines for satisfactory completion of the program.

(3) Demographic data of eligible and selected participants, including, but not limited to, county of conviction, race, gender, sexual orientation, and gender identity and expression.

(4) Disciplinary infractions incurred by participants.

(5) Good conduct, milestone completion, rehabilitative achievement, and educational merit credits earned in custody.

(6) Quantitative and qualitative measures of progress in programming.

(7) Rates of attrition of program participants.

(g) The Division of Juvenile Justice shall contract with one or more independent universities or outside research organizations to evaluate the effects of participation in the program established by this section. This evaluation shall include, at a minimum, an evaluation of cost-effectiveness, recidivism data, consistency with evidence-based principles, and program fidelity. If sufficient data is available, the evaluation may also compare

participant outcomes with a like group of similarly situated transition aged youth retained in the counties or incarcerated in adult institutions.

(h) The Division of Juvenile Justice shall promulgate regulations to implement this section.

(i) Effective July 1, 2020, the pilot program operated pursuant to this section shall be suspended. Any pilot program participants who were diverted from an adult prison pursuant to this section and who were housed at the Division of Juvenile Justice prior to January 1, 2020, may remain at the Division of Juvenile Justice pursuant to subdivision (e).

SEC. 43. No reimbursement is required by this act pursuant to Section 6 of Article XIII B of the California Constitution for certain costs that may be incurred by a local agency or school district because, in that regard, 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.

However, if the Commission on State Mandates determines that this act contains other costs mandated by the state, reimbursement to local agencies and school districts for those costs shall be made pursuant to Part 7 (commencing with Section 17500) of Division 4 of Title 2 of the Government Code.

SEC. 44. This act is a bill providing for appropriations related to the Budget Bill within the meaning of subdivision (e) of Section 12 of Article IV of the California Constitution, has been identified as related to the budget in the Budget Bill, and shall take effect immediately.



Laura Palmerin

From: Edwards, Aaron <Aaron.Edwards@dof.ca.gov>
To: Stephenshaw, Joe
Subject: Re: assault weapon tbl--add'l info fyi

Of course. I appreciate senator Mitchell's set up.

Sent from my iPhone

On Jun 24, 2020, at 7:24 PM, Stephenshaw, Joe <Joe.Stephenshaw@sen.ca.gov> wrote:

Thanks for clearing that up Aaron. Appreciate it!

Sent from my Verizon, Samsung Galaxy smartphone

----- Original message -----

From: "Edwards, Aaron" <Aaron.Edwards@dof.ca.gov>
Date: 6/24/20 5:47 PM (GMT-08:00)
To: "Stephenshaw, Joe" <Joe.Stephenshaw@sen.ca.gov>
Subject: RE: assault weapon tbl--add'l info fyi

Thx Joe

From: Stephenshaw, Joe <Joe.Stephenshaw@sen.ca.gov>
Sent: Wednesday, June 24, 2020 5:44 PM
To: Edwards, Aaron <Aaron.Edwards@dof.ca.gov>
Subject: FW: assault weapon tbl--add'l info fyi

Sure you have, but just in case, this background from Jennifer seems helpful.

Sent from my Verizon, Samsung Galaxy smartphone

----- Original message -----

From: "Kim, Jennifer" <Jennifer.Kim@asm.ca.gov>
Date: 6/24/20 5:26 PM (GMT-08:00)
To: "Stephenshaw, Joe" <Joe.Stephenshaw@sen.ca.gov>, "Woods, Christopher" <Christopher.Woods@sen.ca.gov>
Cc: "Francis, Christopher" <Christopher.Francis@sen.ca.gov>
Subject: Fwd: assault weapon tbl--add'l info fyi

FYI

Sent from my iPhone

Begin forwarded message:

From: "Kim, Jennifer" <Jennifer.Kim@asm.ca.gov>
Date: June 24, 2020 at 1:06:42 PM PDT
To: "Sisney, Jason" <Jason.Sisney@asm.ca.gov>
Cc: "Griffith, Christian" <Christian.Griffith@asm.ca.gov>
Subject: assault weapon tbl--add'l info fyi

Just some further background on the assault weapons/pifles TBL—you may already know this or it's too much info but in case it's useful:

Franklin Armory has constructed guns that don't qualify as a pistol, rifle, shotgun (the "legal" categories of guns that vendors use when they sell guns). The guns they've manufactured basically have all of the qualities of being an assault weapon—they wanted DOJ and CA to allow the selling of these assault type weapons by clarifying this allowance in statute because the gun vendors wouldn't sell them due to liability issues.

The language proposed is to update the definition of an assault weapon so that these guns cannot be sold in CA because they are essentially assault weapons. Franklin is trying to get around the technical statutory definition of the assault weapon ban by creating something that's modified, which would circumvent the legislative intent around the ban. They've been selling the parts, but they want to be able to sell the fully assembled modified gun. They are shorter, lighter, and more compact, making them more attractive to gun enthusiasts.

In the tbl, an exception was made for people who have bought parts in the interim sold by Franklin Armory and so if they fall within the exception outlined in the tbl, and they basically made their own assault weapons using parts, but they register and do all of that legally within the time frame outlined in the tbl, they are ok. This is the same approach that was taken with the initial assault weapon ban—that an exception/carve out was made for people with lawfully purchased assault weapons due to 2nd amendment concerns.

Originally, DOJ thought this policy might go through the policy bill process with Portantino as the author—but DOJ wanted to avoid a rapid large fire sale of these assault modification gun parts by people who see this update to the ban coming. Gov office agreed and I think it was the right call to do it via tbl. When the original assault weapon legislation took place, there was a significant increase in people going out and buying assault weapons to try to get it in legally before the ban. Based on that experience, the tbl route is what DOJ/GOV opted to take to reduce this likelihood.

<image001.jpg>
Jennifer Kim
Principal Consultant
Assembly Budget Committee
State Capitol | Room 6026
(916) 319 2099



Laura Palmerin

From: Kim, Jennifer <Jennifer.Kim@asm.ca.gov>
To: Francis, Christopher
Cc: Jungwirth, Emma; Weber, Timothy
Subject: Re: date change on assault weapon update

I've only received approval on a date change—nothing else.

Sent from my iPhone

On Jul 28, 2020, at 4:55 PM, Francis, Christopher <Christopher.Francis@sen.ca.gov> wrote:

We're fine with the needed date changes. Can we just get a summary of all the needed code section date changes?

The other suggested change that I floated to DOJ, and one that Irwin Norwick, a Senate fixture who has a lot of firearms research experience, has repeatedly raised, was around Section 30955—that in SB 118 in should be deleted.

Joint Registration for firearms owned by family members residing in the same household is not in this language. Joint family registration was provided in the original assault weapon legislation that was passed back in 2015. The language in this trailer bill *doesn't eliminate* joint registration for assault weapons. Instead, it does not make the aforementioned joint registration provision available to the newly categorized firearms. That said, DOJ is not opposed to deleting that provision but they are not in favor of it either.

From DOJ: "As to joint registration - we've discussed previously that we don't share the community property concerns Irwin has brought up. We recommended not providing for it as joint registration makes APPS enforcement a complex issue as to actual versus constructive possession. That said, we're not opposed. If removing the section and as such allowing for joint registration between spouses makes SB118s passage less problematic then we'd defer on the decision to do that. "

Don't know how folks feel about that change too....

From: Kim, Jennifer <Jennifer.Kim@asm.ca.gov>
Sent: Tuesday, July 28, 2020 4:25 PM
To: Jungwirth, Emma <Emma.Jungwirth@dof.ca.gov>; Francis, Christopher <Christopher.Francis@sen.ca.gov>
Cc: Weber, Timothy <Timothy.Weber@dof.ca.gov>
Subject: RE: date change on assault weapon update

Yes—Chris can you just confirm so I can move forward with the date change on both sections? Thanks all for the quick response?

From: Jungwirth, Emma <Emma.Jungwirth@dof.ca.gov>
Sent: Tuesday, July 28, 2020 4:18 PM
To: Kim, Jennifer <Jennifer.Kim@asm.ca.gov>; Francis, Christopher <Christopher.Francis@sen.ca.gov>

Cc: Weber, Timothy <Timothy.Weber@dof.ca.gov>
Subject: RE: date change on assault weapon update

We have no concerns with the September 1 date. You are changing this date in both PC 30685 and 30900, right?

Thank you for checking!
Emma

From: Kim, Jennifer <Jennifer.Kim@asm.ca.gov>
Sent: Tuesday, July 28, 2020 3:54 PM
To: Francis, Christopher <Christopher.Francis@sen.ca.gov>; Jungwirth, Emma <Emma.Jungwirth@dof.ca.gov>
Subject: date change on assault weapon update
Importance: High

Are you (Senate and DOF) both ok to change the date for implementation from Jul1 to September 1? Also let me know if it needs to be a different change. Can you please get back to me ASAP? I need to submit that change to Leg Counsel ASAP. Thanks so much!

<image001.jpg>

Jennifer Kim
Principal Consultant
Assembly Budget Committee
State Capitol | Room 6026
(916) 319 2099



Laura Palmerin

From: Ashley Ayres <Ashley.Ayres@doj.ca.gov>
To: Kim, Jennifer
Cc: Francis, Christopher; Jungwirth, Emma; Ashley Harp
Subject: Re: AB 88 dates on "other" and associated changes

That's discretionary. It could get fancy, and say "effective as of the date of signing," or "prohibited as of the date of signing." It could alternatively reference any date by which folks think it'll be signed.

8/5/2020, or 8/15/2020, or 9/1/2020.

Sent from my iPhone

On Jul 28, 2020, at 2:55 PM, Kim, Jennifer <Jennifer.Kim@asm.ca.gov> wrote:

For the implementation date change—would it be 9/1/2020?

From: Ashley Ayres <Ashley.Ayres@doj.ca.gov>
Sent: Tuesday, July 28, 2020 12:07 PM
To: Francis, Christopher <Christopher.Francis@sen.ca.gov>
Cc: Kim, Jennifer <Jennifer.Kim@asm.ca.gov>; Jungwirth, Emma <emma.jungwirth@dof.ca.gov>; Ashley Harp <Ashley.Harp@doj.ca.gov>
Subject: RE: AB 88 dates on "other" and associated changes

Sure.

Right now, the language reads as classifying these types of firearms as assault weapons beginning 7/1/2020, making any purchase after that date by anyone without an exemption an unlawful purchase or unlawful manufacturing of an assault weapon. The language also reads that those who purchased prior to 7/1/2020 are the only category of folks required/eligible to register in order to maintain lawful possession of the firearm lawfully acquired prior to the date of it becoming an illegal assault.

General statutory construction rules tells us we can't make something retroactive without expressly stating the intent is for the law to be retroactive. In the criminal context this gets even trickier, because of the notice requirements associated with a person understanding their behavior was criminal in nature for which there'd be attachable consequences.

All that said, the dates do need to be changed. Leg counsel might have a couple options on how to do that. I don't know if the language could reflect that the firearms are banned as of the date the law is signed or if an actual date (August 5 for example) makes more sense. On that we also defer, but the 7/1 date is problematic.

Happy to hop on a call to discuss further if we need to.

Ashley

From: Francis, Christopher <Christopher.Francis@sen.ca.gov>
Sent: Tuesday, July 28, 2020 11:57 AM
To: Ashley Ayres <Ashley.Ayres@doj.ca.gov>

Cc: Kim, Jennifer <Jennifer.Kim@asm.ca.gov>; Jungwirth, Emma <emma.jungwirth@dof.ca.gov>; Ashley Harp <Ashley.Harp@doj.ca.gov>

Subject: Re: AB 88 dates on "other" and associated changes

Ashley, can you clarify the need to actually change the date? Is this something that can be done without changing the date?

Christopher A. Francis, Ph.D.
Pronouns: he/him/his
Principal Consultant | Public Safety, Corrections, and The Judiciary

Senate Budget and Fiscal Review Committee
State Capitol, Room 5019
Office: (916)-651-4103
<http://sbud.senate.ca.gov>

On Tue, Jul 28, 2020 at 11:46 AM -0700, "Ashley Ayres" <Ashley.Ayres@doj.ca.gov> wrote:

Understood. The date 7/1/2020 is also mentioned in PC30900, which would also need to be updated to address the retroactivity issues.

As to joint registration - we've discussed previously that we don't share the community property concerns Irwin has brought up. We recommended not providing for it as joint registration makes APPS enforcement a complex issue as to actual versus constructive possession. That said, we're not opposed. If removing the section and as such allowing for joint registration between spouses makes SB118s passage less problematic then we'd defer on the decision to do that.

Sent from my iPhone

On Jul 28, 2020, at 11:38 AM, Francis, Christopher <Christopher.Francis@sen.ca.gov> wrote:

Thanks for the quick response Ashley. Just a heads up, we're referring to Section 30685 in SB 118 (Amended version of the Public Safety Trailer Bill).

Irwin has vocalized that Section 30955 in SB 118 in should be deleted from the bill. It's a previous concern that you discussed over email. Is DOJ opposed to removing that provision?

From: Ashley Ayres <Ashley.Ayres@doj.ca.gov>
Sent: Tuesday, July 28, 2020 11:30 AM
To: Francis, Christopher <Christopher.Francis@sen.ca.gov>
Cc: Kim, Jennifer <Jennifer.Kim@asm.ca.gov>; Jungwirth, Emma <Emma.Jungwirth@dof.ca.gov>; Ashley Harp <Ashley.Harp@doj.ca.gov>
Subject: Re: AB 88 dates on "other" and associated changes

Looping Ashley Harp.

I can't speak to Prop 25, specifically, but I can say it's are going to be quite the predicament if the language isn't updated to reflect that the TBL wasn't passed before 7/1/2020.

Retroactively banning these firearms without express language to that effect and no other date articulated as to the date of the ban creates quite the pickle for enforcement purposes.

Hopefully that helps.

On Jul 28, 2020, at 11:23 AM, Francis, Christopher <Christopher.Francis@sen.ca.gov> wrote:

Hey there,

I received the following inquiry from Irwin who previously worked in the Senate on all things gun-related. Can you let me know whether the concerns raised here are valid?

Thanks,
Chris

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PROOF OF SERVICE

STATE OF CALIFORNIA
COUNTY OF LOS ANGELES

I, Laura Palmerin, am employed in the City of Long Beach, Los Angeles County, California. I am over the age eighteen (18) years and am not a party to the within action. My business address is 180 East Ocean Boulevard, Suite 200, Long Beach, California 90802.

On June 27, 2024, I served the foregoing document(s) described as

EXHIBIT 15 OF 19 TO DECLARATION OF ANNA M. BARVIR IN SUPPORT OF PLAINTIFF’S OPPOSITION TO DEFENDANTS’ MOTION FOR SUMMARY JUDGMENT, OR IN THE ALTERNATIVE, FOR SUMMARY ADJUDICATION

on the interested parties in this action by placing
[] the original
[X] a true and correct copy
thereof by the following means, addressed as follows:

Kenneth G. Lake
Deputy Attorney General
Email: Kenneth.Lake@doj.ca.gov
Andrew Adams
Email: Andrew.Adams@doj.ca.gov
California Department of Justice
300 South Spring Street, Suite 1702
Los Angeles, CA 90013
Attorney for Respondents-Defendants

X (BY ELECTRONIC MAIL) As follows: I served a true and correct copy by electronic transmission. Said transmission was reported and completed without error.

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Executed on June 27, 2024, at Long Beach, California.



Laura Palmerin

PROOF OF SERVICE

Case Name: *Franklin Armory, Inc., et al. v. California Department of Justice, et al.*
Court of Appeal Case No. B340913
Superior Court Case No. 20STCP01747

I, Laura Fera, am employed in the City of Long Beach, Los Angeles County, California. I am over the age eighteen (18) years and am not a party to the within action. My business address is 180 East Ocean Boulevard, Long Beach, California 90802.

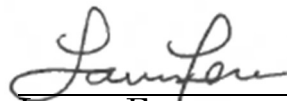
On May 21, 2025, I served a copy of the foregoing document described as: **APPELLANTS' APPENDIX, VOLUME XV OF XX, Pages 1600-1636**, on the following parties, as follows:

Kenneth G. Lake
Kenneth.Lake@doj.ca.gov
Andrew F. Adams
Andrew.Adams@doj.ca.gov
Office of the Attorney General
300 South Spring Street
Los Angeles, CA 90013

Attorneys for Respondent

These parties were served as follows: I served a true and correct copy by electronic transmission through TrueFiling. Said transmission was reported and completed without error.

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct. Executed on May 21, 2025, at Long Beach, California.



Laura Fera
Declarant