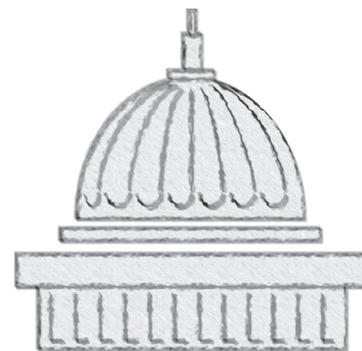


# *F. NRA / ILA Firearms Laws for*

# **CALIFORNIA**

(As of February 2007)



Compiled by:

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## **A SYNOPSIS OF STATE LAWS ON PURCHASE, POSSESSION AND CARRYING OF FIREARMS.**

### **QUICK REFERENCE CHART**

	Rifles and Shotguns	Handguns
Permit to Purchase	NO	NO*
Registration of Firearms	NO	YES*
Registration of "Assault Weapons"	YES	YES
Licensing of Owner	NO	NO
Permit to Carry	NO	YES

(if concealed)

\*Police record purchases from dealers (all purchases). Residents moving into California have 60 days to register their handguns.)

### **PURCHASE**

All firearms sales, transfers or loans, including private transactions and sales at gun shows, must go through a California licensed firearms dealer.

An application for sale or transfer must be made with a licensed California gun dealer before any firearm may be sold or transferred. This application contains a description of the buyer or transferee and of the firearm. The purchaser must present the dealer with a valid California Driver's License or a California Identification Card and supply their right thumbprint. The purchaser of a handgun must also provide additional proof of California residence, other than a document from the Department of Motor Vehicles. The dealer sends a copy of the application to the California Department of Justice and the local police chief or sheriff.

The CA DOJ will conduct a background check on each buyer and the fee is \$25.00. There is a 10-day waiting period before delivery of any firearm. Dealers must keep a register of all firearm transfers. If a person has voluntarily been screened through the Personal

Firearms Eligibility Check, and has been found eligible to purchase and possess firearms, that person must still undergo a background check and a 10-day waiting period when purchasing a handgun.

If a person does not take possession of the firearm from the dealer within 30 days, the entire purchase process must be repeated, including the payment of fees.

The waiting period and dealer application do not apply to transfers to police officers, other gun dealers, manufacturers, or importers, antique firearms, and rifles and shotguns which are classified as curios or relics by the federal government, infrequent gifts or transfers to one's "immediate family," an infrequent temporary loan not to exceed 30 days to a person who is not prohibited from possessing a firearm, and a transfer of a rifle or shotgun at auctions by nonprofit or public benefit corporations.

No person shall make an application to purchase more than one pistol, revolver, or other firearm capable of being concealed upon the person within a 30-day period and no delivery shall be made to any person who has made an application to purchase more than one pistol, revolver, or other firearm capable of being concealed upon the person within any 30-day period.

No person shall purchase or transfer a handgun to someone without a Handgun Safety Certificate (HRC). To receive a handgun safety certificate, a person must pass a written test that includes but is not limited to laws applicable to the ownership, use, handling, and carrying of firearms, particularly handguns. A CA DOJ certified instructor must administer the Handgun Safety Certificate test. The HRC is valid for 5 years.

To receive a handgun from a dealer, a person must have or buy an approved firearms safety device. A list of firearms safety devices certified for sale can be found on the California Department of Justice, Firearms Division website at [www.ag.ca.gov/firearms](http://www.ag.ca.gov/firearms)

No person may receive a firearm from a dealer unless they demonstrate their ability to handle a handgun safely and can properly operate all safety features.

A gun dealer must post a sign advising “IF YOU LEAVE A LOADED FIREARM WHERE A CHILD OBTAINS AND IMPROPERLY USES IT, YOU MAY BE FINED OR SENT TO PRISON.”

It is unlawful for any person to transfer any firearm to a person who is forbidden to possess or own a firearm. A dealer may not transfer a handgun to a person under 21 or other firearm to a person under 18. It is unlawful to sell or furnish a BB device to any minor without the permission of their parent or guardian. It is unlawful for a person to sell ammunition or reloaded ammunition to a person under 18.

A firearm dealer may only offer for sale handgun models that have passed firing, safety, and drop tests and appear on the “Roster of Handguns Certified For Sale.” Semiautomatic pistols without a chamber load indicator or a magazine disconnect mechanism that do not pass the safety testing requirements will not be placed on the roster. All semiautomatic firearms on the roster must have both a chamber load indicator and a magazine disconnect mechanism. Private party transfers, curio/relic handguns, certain single action revolvers and pawn/consignment returns are exempt from this requirement. The roster can be found at the Department of Justice website.

## **POSSESSION**

It is unlawful for anyone convicted of a felony, or who is a drug addict, present or former mental patient, ever committed for mental observation, or acquitted by reason of insanity to own or possess any firearm. People with certain misdemeanor convictions involving force or violence may not possess or own any firearm within 10 years of the conviction. A person who has been adjudicated as a juvenile offender or delinquent for any offense which would be classified as a felony or misdemeanor involving force or violence if committed by an adult may not own or possess any firearm until age 30. A minor may not possess a handgun except with written permission or under the supervision of a parent or guardian.

Within 60 days of bringing a pistol, revolver or other firearm capable of being concealed upon the person into this state, the person importing the firearm must complete and return a Department of Justice registration form or sell or transfer the firearm to a licensed dealer, or transfer the gun to a sheriff or police department. Registration of rifles and shotguns is not required.

If any person seeks to know whether they can possess or purchase a firearm in California before a transfer is made, they may request a Personal Firearms Eligibility

Check conducted by office of the Department of Justice.

A minor under 16 may not possess a handgun, unless they are accompanied by their parent or guardian while participating in a legal recreation activity involving firearms or has written permission to participate in such activities. A minor under 16 may not possess live ammunition except with the written permission or under the supervision of a parent or guardian, or while going to or from an organized lawful recreational or competitive shooting activity or lawful hunting activity

## **“ASSAULT WEAPONS”, .50 CALIBER BMG RIFLES AND MAGAZINES**

It is unlawful to offer for sale, give or lend any “assault weapon” or .50 caliber BMG rifle. It is unlawful to possess an “assault weapon” or a .50 caliber BMG rifle unless it is properly registered with the state. The registration period for “assault weapons” and .50 caliber BMG rifles has ended. If an individual has an unregistered” assault weapon” or .50 caliber BMG rifle after the registration period has ended, they must relinquish the firearm to law enforcement. Anyone with a registered “assault weapon” or .50 caliber BMG rifle wishing to legally dispose of the firearm: can sell it to a dealer with an “assault weapons” permit (for such firearms) and .50 caliber BMG rifle permit (for such rifles); or with both type of permits; relinquish it to local law enforcement (after making an appointment); remove the “assault weapon” or .50 BMG caliber rifle from the state or destroy it. Any person inheriting a registered “assault weapon” or .50 caliber BMG rifle has 90 days to render the weapon permanently inoperable, sell to an approved firearms dealer, obtain a permit from the Department of Justice to possess firearms, or move the gun out of state. Pawning “assault weapons” and .50 caliber BMG rifles is not permitted.

California law defines “assault weapons” in three ways:

- firearms listed on the original Roberti Roos assault weapons law.
- any firearm that is in the AK and AR-15 - type series.
- by the specific generic characteristics.

A further explanation of firearms considered “assault weapons” can be found on the Department of Justice website.

A person may lend a registered “assault weapon” or a .50 caliber BMG caliber rifle to another person who is 18 years of age or over if the person to whom the “assault weapon” is lent is not prohibited from possessing a firearm and remains in the presence of the registered possessor, and the “assault weapon” or .50 caliber BMG rifle is

possessed at a licensed target range, or at the target range of a public or private club organized for the purpose of practicing shooting at targets, or at an exhibition, display or education project sponsored by a law enforcement agency or a nationally or state recognized firearms entity. Persons moving into California must comply with the provisions of the law before moving.

Unless otherwise specified, registered “assault weapons” may only be possessed:

- at registrant’s residence, place of business, or other property owned by such registrant, or on property owned by another with permission.
- at certain recognized target ranges or shooting clubs.
- at certain recognized exhibitions.
- while on publicly owned land upon which possession and use of “assault weapons” is specifically permitted by the managing agency.
- while transporting the assault weapon between any of the places listed above, or to any licensed gun dealer.

It is unlawful for any person who manufactures, imports, or offers for sale, gives, or lends any ammunition magazine that can hold more than 10 rounds (not including .22 tube magazines). Exceptions include: a loan of a lawfully possessed magazine to a person who is not prohibited from possessing firearms or ammunition, if such loan occurs at a place where possession of the magazine is not otherwise prohibited and the person who lends the magazine remains in the accessible vicinity to the person to whom the magazine is loaned; the importation of a magazine by a person who lawfully possessed the magazine in the state prior to January 1, 2000, lawfully took it out of the state and is returning to the state; the sale or purchase of a magazine to or by a person licensed to sell firearms; and the lending or giving of a magazine to a licensed dealer or gunsmith for repair and its return to its owner.

## **CARRYING AND TRANSPORTATION IN VEHICLES**

It is unlawful to carry a loaded rifle, shotgun, or handgun in any public place or on any public street in an incorporated area or an area where firing a firearm is prohibited. In California, a firearm is considered loaded if unexpended ammunition capable of being used in the firearm is attached in any manner to the firearm. The following persons and situations are exceptions:

- persons shooting on target ranges, or while hunting on the premises of a shooting club.
- a person who reasonably believes that he or his

property is in immediate danger and the weapon must be carried for “preservation.”<sup>1</sup>

- a person “engaged in the act of making or attempting lawful arrest.”
- a person carrying a firearm while at home or at his place of business, including temporary residences and campsites.

Carrying a handgun concealed is prohibited without a license. The law states “Firearms carried openly in belt holsters are not concealed within the meaning of this section.”

Carrying a handgun concealed within a vehicle is prohibited without a license. A handgun carried in a glove compartment or under the seat of a vehicle is considered to be concealed. A handgun placed in the trunk of an automobile, or locked in a container in the vehicle other than the utility or glove compartment or while in a locked container carried directly to or from a vehicle is deemed not to be “concealed.” A locked container means a fully enclosed secure container locked by a key lock or similar locking device.

Exceptions to this prohibition are: members of clubs organized for practice shooting while on any established target range or going to and from such range; licensed hunters and fishermen while engaged in hunting or fishing and while going to or from such hunting or fishing expeditions and members of an antique or historical collector’s club while at a show, or while going to and from a display as long as the weapons are locked in a trunk or are in a locked container.

## **ANTIQUES AND REPLICAS**

Antique firearm means any firearm not designed or redesigned for using rimfire or centerfire ammunition and manufactured in or before 1898 (including any matchlock, flintlock, percussion cap or similar type of ignition system or replica thereof, whether actually manufactured before 1898) and also any firearm manufactured in or before 1898 using fixed ammunition which is no longer manufactured in the U.S. and is not readily available in the ordinary channels of commercial trade.

## **MACHINE GUNS AND OTHER FIREARMS**

A machine gun is defined as any firearm, which shoots, or is designed to shoot, automatically, more than one shot, without manual reloading, by single function of the trigger. The term also includes any conversion part, frame or receiver of a machine gun, or any firearm deemed as such by the federal government. Upon a showing of good cause, a permit for possession and/or transportation may be issued by the Department of Justice. It has been

reported that the Department of Justice refuses to grant such permits.

Possession of other firearms and related items is unlawful and may be punished as either a misdemeanor or as a felony. This includes, but is not limited to:

- any firearm that is not immediately recognizable as a firearm.
- any camouflaging firearm container.
- any ammunition that contains any flechette dart.
- any bullet containing or carrying an explosive agent.
- any multiburst trigger activator.
- any short-barreled shotgun or rifle.
- any zip gun; and
- any unconventional pistol.

The following are some of the exceptions: possession of short-barreled shotguns and rifles when authorized by the Department of Justice and not in violation of federal law; antique firearms, which are defined as: any firearm not designed or redesigned for using rimfire or centerfire ammunition and manufactured in or before 1898 (including any matchlock, flintlock, percussion cap or similar type of ignition system or replica thereof, whether actually manufactured before 1898) and also any firearm manufactured in or before 1898 using fixed ammunition which is no longer manufactured in the U.S. and is not readily available in the ordinary channels of commercial trade; tracer ammunition for use in shotguns; and any “curio or relic” or “any other weapon” as defined by federal law possessed by a person who is otherwise permitted to possess it under federal law and not prohibited from possessing firearms and ammunition under California law.

It is unlawful to possess a destructive device, including tracer or incendiary ammunition or any firearm larger than .60 caliber which fires fixed ammunition, or any fixed ammunition for such firearm. Excluded are shotguns and shotgun ammunition.

### **MISCELLANEOUS PROVISIONS**

No license or permit shall be required to possess keep, or carry a handgun openly or concealed in one’s home or place of business.

The state legislature also has expressed its intention to occupy the whole field of the regulation and licensing of

firearms, thus precluding cities and other localities from enacting firearms laws.

It is unlawful to set any spring or “trap” gun.

It is unlawful to change, alter or remove the serial number, maker’s name or other identifying mark from any firearm, unless one has secured the written permission of the Department of Justice. Possession of a firearm with altered identifying marks creates a legal presumption that the possessor committed the offense.

It is unlawful to possess a firearm on the grounds or in the buildings of any school without permission of the school authorities, or courthouse, State Capitol building or grounds, any legislative office or the office or residence of the Governor, constitutional officer or member of the Legislature.

It is unlawful to possess, transport, or sell ammunition principally for use in a handgun, which is “designed primarily to penetrate metal or armor.”

It is unlawful to store a loaded firearm where the person knows or reasonably should know that a juvenile under 16 is likely to gain access to the firearm without the permission of the juvenile’s parent or legal guardian and the juvenile obtains access to the firearm and causes death or great bodily harm to self or any other person. This prohibition shall not apply if: the juvenile obtains the firearm as a result of an illegal entry to any premises by any person; the firearm is kept in a locked container or in a location which a reasonable person would believe to be secure; the firearm is carried on the person or within such a close proximity so that the individual can readily retrieve and use the firearm as if carried on the person; the firearm is equipped with a locking device; the person is a peace officer or member of the U. S. Armed Forces and the juvenile obtains the firearm during, or incidental to, the performance of the person’s duties; the juvenile obtains, or obtains and discharges, the firearm in a lawful act of self-defense or defense of another person; and the person who keeps a loaded firearm on any premise which is under person’s custody or control has no reasonable expectation, based on objective facts and circumstances, that a juvenile is likely to be present on the premise.

SOURCE: Cal. Penal Code §12020 et. seq.

**CAUTION:** Firearm laws are subject to frequent change and court interpretation. This summary is not intended as legal advice or restatement of law. This summary does not include federal or local laws, ordinances or regulations. For any particular situation, a licensed local attorney must be consulted for an accurate interpretation. **YOU MUST ABIDE WITH ALL LAWS: STATE, FEDERAL AND LOCAL.**

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