

**ASSEMBLY BILL**

**No. 598**

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**Introduced by Assembly Member Dahle**

February 20, 2013

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An act to amend Section 28215 of the Penal Code, relating to firearms.

LEGISLATIVE COUNSEL'S DIGEST

AB 598, as introduced, Dahle. Firearms.

Existing law provides that the exclusive means of transmitting firearm purchaser information to the Department of Justice shall be through electronic transfer, except as specified. Under existing law, if the electronic or telephonic transfer of applicant information is used, the purchaser is required to present to the dealer clear evidence of the person's identity and age. The dealer is required to retain the original of each record of electronic or telephonic transfer.

This bill would make technical, nonsubstantive changes to those provisions.

Vote: majority. Appropriation: no. Fiscal committee: no.  
State-mandated local program: no.

*The people of the State of California do enact as follows:*

1 SECTION 1. Section 28215 of the Penal Code is amended to  
2 read:  
3 28215. (a) (1) ~~Where~~*If* the electronic or telephonic transfer  
4 of applicant information is used, the purchaser shall be required  
5 to present to the dealer clear evidence of the person's identity and  
6 age.

- 1 (2) The dealer shall require the purchaser to sign the purchaser's  
2 current legal name to the record of electronic or telephonic transfer.
- 3 (3) The salesperson shall sign the record of electronic or  
4 telephonic transfer, as a witness to the signature and identification  
5 of the purchaser.
- 6 (b) Any person furnishing a fictitious name or address,  
7 knowingly furnishing any incorrect information, or knowingly  
8 omitting any information required to be provided for the electronic  
9 or telephonic transfer shall be punished as provided in Section  
10 28250.
- 11 (c) (1) The original of each record of electronic or telephonic  
12 transfer shall be retained by the dealer in consecutive order.
- 13 (2) Each original shall become the permanent record of the  
14 transaction, which shall be retained for not less than three years  
15 from the date of the last transaction.
- 16 (3) Upon presentation of proper identification, the permanent  
17 record of the transaction shall be provided for inspection by any  
18 peace officer, Department of Justice employee designated by the  
19 Attorney General, or agent of the federal Bureau of Alcohol,  
20 Tobacco, Firearms and Explosives. Until January 1, 2014, no  
21 information shall be compiled therefrom regarding the purchasers  
22 or other transferees of firearms that are not handguns.
- 23 (d) On the date of the application to purchase, the record of  
24 applicant information shall be transmitted to the Department of  
25 Justice by electronic or telephonic transfer.
- 26 (e) If requested, a copy of the record of electronic or telephonic  
27 transfer shall be provided to the purchaser by the dealer.
- 28 (f) If the transaction is a private party transfer conducted  
29 pursuant to Chapter 5 (commencing with Section 28050), a copy  
30 shall be provided to the seller or purchaser by the dealer, upon  
31 request. The dealer shall redact all of the purchaser's personal  
32 information, as required pursuant to subdivision (a) of Section  
33 28160 and subdivision (a) of Section 28165, from the seller's copy,  
34 and the seller's personal information from the purchaser's copy.