

AMENDED IN ASSEMBLY JUNE 29, 2022

AMENDED IN ASSEMBLY JUNE 16, 2022

AMENDED IN SENATE APRIL 12, 2021

AMENDED IN SENATE APRIL 7, 2021

SENATE BILL

No. 505

Introduced by Senator Skinner

(Principal coauthor: Assembly Member Ting)

(Coauthors: Senators Becker, Bradford, Hertzberg, and Min)

(Coauthor: Assembly Member Haney)

February 17, 2021

An act to add Section ~~27580~~ to the Penal Code, relating to firearms. ~~3343.8~~ to the Civil Code, and to add Article 4.5 (commencing with Section 11627.5) to Chapter 1 of Part 3 of Division 2 of the Insurance Code, relating to civil law.

LEGISLATIVE COUNSEL'S DIGEST

SB 505, as amended, Skinner. ~~Firearms~~: *Civil law: firearms liability and insurance.*

Existing law prescribes various civil causes of action and the measure of damages for those actions.

Existing law requires any person who purchases or receives a firearm, as specified, to possess a firearm safety certificate. Existing law requires the Department of Justice to develop a written test required for the issuance of a firearm safety certificate. Existing law makes the violation of specified requirements with regard to firearms a misdemeanor or a felony, as specified.

This bill ~~would~~ *would, commencing on January 1, 2024, make a person who owns a firearm strictly civilly liable for each incidence of*

property damage, bodily injury, or death resulting from the use of their firearm. This bill would provide that strict liability does not apply if the owner of the firearm has reported their firearm to local law enforcement as lost or stolen prior to the damage, injury, or death. The bill would additionally require a person who owns a firearm to obtain and continuously maintain in full force and effect a homeowner's, renter's, ~~auto~~, or gun liability insurance policy specifically covering losses or damages resulting from any negligent or accidental use of that firearm, including, but not limited to, death, injury, or property damage. This bill would require a person to keep written evidence of coverage in the place where a firearm is stored and to carry such evidence with them whenever transporting or otherwise possessing the firearm outside of the place where it is stored. ~~The bill would require the person to present evidence of coverage to a peace officer when requested under specified circumstances.~~ *stored.* By creating new requirements for firearm owners, violations of which would be punishable as misdemeanors, this bill would impose a state-mandated local program.

The bill would also require the Insurance Commissioner to develop a standardized form of evidence of liability coverage.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

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

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

1 ~~SECTION 1. Section 27580 is added to the Penal Code, to~~
2 ~~read:~~
3 ~~27580.—~~
4 ~~SECTION 1. Section 3343.8 is added to the Civil Code, to read:~~
5 ~~3343.8. (a) (1) A person who owns a firearm shall be strictly~~
6 ~~civilly liable for each incidence of property damage, bodily injury,~~
7 ~~or death resulting from the use of their firearm.~~
8 ~~(2) This subdivision does not apply if the owner of the firearm~~
9 ~~reports the firearm to local law enforcement as lost or stolen prior~~
10 ~~to the damage, injury, or death.~~

1 (b) A person who owns a firearm shall obtain and continuously
 2 maintain in full force and effect a homeowner’s, renter’s, ~~auto~~, or
 3 gun liability insurance policy from an insurer as defined by the
 4 ~~Insurance Code~~, *that is authorized to do business in this state*,
 5 specifically covering losses or damages resulting from any
 6 negligent or accidental use of that firearm, including, but not
 7 limited to, death, injury, or property damage.

8 (c) A person who owns a firearm shall keep valid and current
 9 written evidence of the coverage described in subdivision (b)
 10 readily available at the location where each firearm is stored, and
 11 ~~shall carry such evidence whenever the firearm is being transported~~
 12 ~~or otherwise possessed outside the place where it is normally~~
 13 ~~stored.~~

14 (d) ~~A person shall present the evidence of coverage described~~
 15 ~~in subdivision (c), upon demand, to a peace officer. A peace officer~~
 16 ~~shall not detain a person solely for the purpose of determining if~~
 17 ~~a person is in compliance with this section, but may request~~
 18 ~~evidence of coverage when otherwise lawfully detaining a person~~
 19 ~~who is in possession of a firearm, or lawfully detaining a person~~
 20 ~~in a location where the person keeps a firearm stored.~~

21 (d) *As used in this section, “firearm” has the same meaning as*
 22 *in subdivision (a) of Section 16520 of the Penal Code.*

23 (e) *This section shall become operative on January 1, 2024.*

24 *SEC. 2. Article 4.5 (commencing with Section 11627.5) is added*
 25 *to Chapter 1 of Part 3 of Division 2 of the Insurance Code, to*
 26 *read:*

27
 28 *Article 4.5 Firearm Liability Insurance*

29
 30 *11627.5. The Commissioner shall, by no later than December*
 31 *31, 2023, develop a standard form of evidence of liability coverage*
 32 *for a policy of insurance that satisfies the requirement for coverage*
 33 *prescribed in Section 3343.8 of the Civil Code.*

34 ~~SEC. 2.~~

35 *SEC. 3. No reimbursement is required by this act pursuant to*
 36 *Section 6 of Article XIII B of the California Constitution because*
 37 *the only costs that may be incurred by a local agency or school*
 38 *district will be incurred because this act creates a new crime or*
 39 *infraction, eliminates a crime or infraction, or changes the penalty*
 40 *for a crime or infraction, within the meaning of Section 17556 of*

- 1 the Government Code, or changes the definition of a crime within
- 2 the meaning of Section 6 of Article XIII B of the California
- 3 Constitution.

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