



JUDICIAL COUNCIL OF CALIFORNIA

455 Golden Gate Avenue • San Francisco, California 94102-3688
Telephone 415-865-4200 • Fax 415-865-4205 • TDD 415-865-4272

MEMORANDUM

Date	Action Requested
November 2, 2017	For Your Information
To	Deadline
Presiding Judges of the Superior Courts Court Executive Officers of the Superior Courts	N/A
From	Contact
Shelley Curran, Director Criminal Justice Services, Judicial Council	Sarah Fleischer-Ihn, Attorney 415-865-7702 Sarah.Fleischer-Ihn@jud.ca.gov
Subject	
Criminal Procedure: Firearms Relinquishment Under Penal Code Section 29810	

On November 8, 2016, the people of California voted to enact Proposition 63, “The Safety for All Act of 2016.” Effective January 1, 2018, defendants subject to firearms and ammunition prohibitions upon conviction are required to relinquish firearms as detailed in Penal Code section 29810. Courts will be required to implement new procedures to facilitate firearms relinquishment, which may affect sentencing timelines in some counties. This memorandum identifies the provisions directly affecting criminal courts.¹ Attached are relevant forms and reference guides to assist in implementation.

¹ In addition to the provisions listed in this memo, Proposition 63 mandates that theft of a firearm be adjudicated as a felony regardless of the value of the firearm, reversing the change in offense level resulting from Proposition 47. (See Pen. Code, § 29805.)

Further, in *Duncan v. Becerra*, No. 3:17-cv-1017-BEN, currently pending in the United States District Court, Southern District of California, plaintiffs filed a lawsuit alleging that Penal Code section 32310, as amended by Proposition 63, was unconstitutional. The amended Penal Code section made the possession of large-capacity ammunition magazines a misdemeanor or infraction and required owners of large-capacity magazines to relinquish them before July 1, 2017. The court granted plaintiffs’ motion for a preliminary injunction, enjoining the government’s implementation or enforcement of subdivisions (c) and (d) of Penal Code section 32310 pending the

Judicial Responsibilities

Under section 29810,² courts will be required to do the following, effective January 1, 2018:

- When a defendant is convicted of a qualifying offense, the courts must instruct the defendant that he or she is prohibited from owning, purchasing, receiving, possessing, or having under his or her custody or control any firearms, ammunition, and ammunition feeding devices, including but not limited to magazines. Please note that qualifying offenses include all felonies and more than 40 misdemeanors (see Appendix 1 and the *Proposition 63 Reference Guide* for qualifying offenses).
- The courts must order the defendant to relinquish all firearms in the manner provided in section 29810.³
- The court must provide the defendant with forms developed by the California Department of Justice, Bureau of Firearms (BOF): *Prohibited Persons Relinquishment Form* (PPRF),⁴ and any appropriate supplemental forms (e.g. *Defendant Firearm Relinquishment Information (Supplemental Form)*,⁵ *Designee Firearm Relinquishment Information (Supplemental Form)*,⁶ and *Firearm Disposition Receipt*⁷). These forms are attached for your reference and available on the password-protected Judicial Resources Network at <http://jrn.courts.ca.gov/jc/forms/latest.htm>. The forms will be available on the California Courts website (www.courts.ca.gov/forms.htm) in January 2018.
- When a defendant is convicted of a qualifying offense, the court must immediately assign the matter to a probation officer to investigate whether the Automated Firearms System⁸ or other credible information, such as a police report, reveals that the defendant owns, possesses, or has under his or her custody or control any firearms.⁹
- Before final disposition or sentencing in the case, the court must make findings concerning whether the probation officer's report indicates that the defendant

disposition of the case. The preliminary injunction in *Duncan v. Becerra* does not affect other parts of Proposition 63.

² Pen. Code, § 29810(a)(2). All citations are to the California Penal Code, unless otherwise stated.

³ *Ibid.*

⁴ BOF 1022.

⁵ BOF 1023.

⁶ BOF 1024.

⁷ BOF 1025.

⁸ The Automated Firearms System tracks the serial numbers of every firearm owned by government, observed by law enforcement, seized, destroyed, held in evidence, reported stolen, recovered, voluntarily registered, or handled by a firearms dealer.

⁹ § 29810(c)(1).

relinquished all firearms as required, and whether the court received a completed PPRF, along with the accompanying receipts. The court must ensure that these findings are included in the abstract of judgment.¹⁰ At its September 2017 meeting, the Judicial Council approved optional judicial findings form CR-210, *Prohibited Persons Relinquishment Form Findings*, which is attached for your reference and will be available on the California Courts website (<http://www.courts.ca.gov/forms.htm>) in late December 2017.

- If necessary to avoid a delay in sentencing, the court may make and enter these findings within 14 days of sentencing.¹¹
- If the court finds probable cause that the defendant failed to relinquish any firearms as required, the court must order the search for and removal of any firearms at any location where the judge has probable cause to believe the defendant's firearms are located. The court must state with specificity the reasons for and scope of the search and seizure authorized by the order.¹²
- For good cause, the court may shorten or extend the time periods specified in section 29810(d) and (e), extend the time period specified in section 29810(c)(3), or allow an alternative method of relinquishment.¹³

Defendants may have no firearms to report or relinquish. Regardless, it appears that the court would still have to assign the case to a probation officer to investigate the Automated Firearms System and other credible evidence for whether the defendant owns, possesses, or has custody of a firearm.¹⁴ For these types of cases in which relinquishment would not occur, courts may want to consider developing a streamlined process. For instance, if a defendant has no firearms to report or relinquish, and there is no probable cause that defendant failed to relinquish any firearms, the court may request that probation investigate the Automated Firearms System and conduct any other relevant review under Penal Code section 29810(c)(1) in an expedited manner.

The firearms relinquishment process may create difficulties in cases and counties where immediate sentencing generally occurs. The legislation anticipates time between conviction and final disposition or sentencing when the relinquishment and probation investigation are to occur. The PPRF is due to the probation officer within 5 or 14 days, depending on custody

¹⁰ § 29810(c)(3).

¹¹ § *Ibid.*

¹² § 29810(c)(4).

¹³ § 29810(f).

¹⁴ § 29810(c)(1).

status, but a court may find good cause to shorten or extend the time frame. Section 29810(c)(3) further states that “[i]f necessary to avoid a delay in sentencing, the court may make and enter these findings within 14 days of sentencing.”

Prohibited Persons Relinquishment Process

The PPRF, developed by the California Department of Justice, guides the relinquishment process for the defendant. The PPRF includes the following provisions:

- The defendant must name a qualified designee or local law enforcement to which to grant power of attorney to transfer or dispose of firearms.¹⁵
- The defendant must declare firearms in his or her ownership, possession, or custody, and provide reasonably available information about the location of the firearms to enable the designee or law enforcement to locate the firearms.¹⁶
- The designee or local law enforcement must relinquish the defendant’s firearms to a local law enforcement agency or licensed firearms dealer within a relatively short time frame and obtain receipts or other documentation.¹⁷
- The designee must complete other relevant parts of the PPRF about how he or she relinquished the firearm.¹⁸
- The PPRF must be returned to the assigned probation officer within 5 or 14 days of conviction, depending on a defendant’s custody status.¹⁹

Failure by a defendant to timely file the completed PPRF with the assigned probation officer shall constitute an infraction punishable by a fine not to exceed \$100.²⁰

New Probation Responsibilities

When defendants are convicted, those cases subject to firearms relinquishment (including all felonies and more than 40 misdemeanors) are to be immediately assigned to a probation officer to investigate whether the Automated Firearms System or other credible information reveal the

¹⁵ § 29810(a)(3), (b)(4).

¹⁶ § 29810(b)(3).

¹⁷ § 29810(a)(3), (b)(6).

¹⁸ § 29810(b)(5), (7).

¹⁹ § 29810(a)(3), (b)(7).

²⁰ § 29810(c)(5). The language of this section refers to a defendant, though it appears that a designee would have actual possession of the form. (See §§ 29810(a)(3), 29810(b)(7).)

defendant's ownership, possession, or custody of a firearm.²¹ Probation is also to receive the PPRF from the designee; provide documentation to update the Automated Firearms System, if necessary²²; and "[p]rior to final disposition or sentencing," report to the court whether the defendant has complied with the relinquishment requirements and timely submitted the PPRF.²³

Search Warrants

Sections 1524(a)(15) and 29810(c)(4) give courts the authority to order search warrants if there is probable cause that a defendant has nonrelinquished firearms and probable cause for where those firearms are located. The likely basis for probable cause for a search would be the probation officer's investigation as required under section 29810(c)(4). Courts may wish to coordinate with probation to provide affidavits for search warrants at the time the probation officer gives the court a report about a defendant's compliance with relinquishment procedures as required under section 29810(c)(2). Courts and justice system partners may also need to discuss which law enforcement agency would execute such search warrants.

Courts with additional questions should contact Ms. Sarah Fleischer-Ihn, Criminal Justice Services, at 415-865-7702 or Sarah.Fleischer-Ihn@jud.ca.gov.

SC/SFI

Attachments:

- Appendix 1, Qualifying Offenses
- *Proposition 63 Reference Guide*
- CR-210, *Prohibited Persons Relinquishment Form Findings*
- BOF 1022, *Prohibited Persons Relinquishment Form (PPRF)*
- BOF 1023, *Defendant Firearm Relinquishment Information (Supplemental Form)*
- BOF 1024, *Designee Firearm Relinquishment Information (Supplemental Form)*
- BOF 1025, *Firearm Disposition Receipt*
- BOF 1026, *Probation Officer Verification Form*

cc: Martin Hoshino, Administrative Director, Judicial Council
Millicent Tidwell, Chief Operating Officer, Judicial Council
Sarah Fleischer-Ihn, Attorney, Criminal Justice Services, Judicial Council

²¹ § 29810(c)(1).

²² BOF 1026, *Probation Officer Verification Form*, is attached for reference.

²³ § 29810(c)(1)–(2).

Appendix 1

I. Qualifying Offenses Under Penal Code Section 29800:¹

- a. All felony convictions
- b. Offenses listed in section 23515(a):
 - i. Section 245(a)(2), assault with a firearm (Misdemeanor [M]/Felony [F])
 - ii. Section 245(a)(3), assault with a machinegun (F)
 - iii. Section 245(d), assault with a firearm on a peace officer or firefighter (F)
- c. Offense listed in section 23515(b): section 246, maliciously and willfully discharging a firearm at an inhabited dwelling house, occupied building, occupied motor vehicle, occupied aircraft, inhabited housecar, or inhabited camper (M/F)
- d. Offenses listed in section 23515(d): section 417(c), brandishing a firearm in the immediate presence of a peace officer (M/F)
- e. Having two or more convictions for a violation of section 417(a)(2), brandishing a firearm (M/F)

II. Qualifying Misdemeanor Offenses Under Penal Code Section 29805, except as provided in Section 29855 or 29800(a):

- a. Section 71, threatening an officer or employee of an educational institution or any public officer or employee
- b. Section 76, threatening a public official
- c. Section 136.1, intimidating or threatening a witness
- d. Section 136.5, intimidating or threatening a witness with a deadly weapon
- e. Section 140, using force against or threatening to use force against a witness after testimony or information given
- f. Section 148(d), intentionally taking or attempting to take a firearm from a peace/public officer
- g. Section 148.5(f), giving a false report that a firearm has been stolen
- h. Section 171b, bringing to or possessing a firearm, deadly weapon, or other specified items in a government building or open meeting
- i. Section 171c(a)(1), bringing to or possessing a loaded firearm within the State Capitol, a legislative office, or the Governor's office
- j. Section 171d, bringing to or possessing a loaded firearm within or on the grounds of the Governor's Mansion, Governor's residence, residence of a constitutional officer, or residence of a member of the Legislature
- k. Section 186.28, knowingly supplying, selling, or giving possession or control of a firearm with actual knowledge that a person will use and does use the firearm to commit a specified felony while actively participating in a criminal street gang
- l. Section 240, committing assault
- m. Section 241, committing assault on a firefighter, peace officer, or other specified victim

¹ All citations are to the California Penal Code, unless otherwise stated.

- n. Section 242, committing battery
- o. Section 243, committing battery on a peace officer, firefighter, or other specified victim; battery with serious bodily injury; battery on a spouse, cohabitant, or fellow parent
- p. Section 243.4, committing sexual battery
- q. Section 244.5, committing assault with a stun gun or less lethal weapon; committing assault on a firefighter or peace officer with a stun gun or less lethal weapon
- r. Section 245, committing assault with a deadly weapon, firearm, machinegun, or assault weapon, with force likely to produce great bodily injury, on a peace officer or firefighter engaged in the performance of his or her duties
- s. Section 245.5, committing assault with a deadly weapon, other than a firearm, by any means likely to produce great bodily injury on a school employee
- t. Section 246.3, willfully discharging a firearm in a grossly negligent manner; willfully discharging a BB device in a grossly negligent manner
- u. Section 247, willfully and maliciously discharging a firearm at an unoccupied aircraft or at an unoccupied motor vehicle, building, or dwelling house
- v. Section 273.5, inflicting injury on a spouse, cohabitant, or fellow parent resulting in a traumatic condition
- w. Section 273.6, violating a court protective order or stay away order
- x. Section 417, brandishing a deadly weapon; brandishing a firearm; brandishing a firearm at day care center; brandishing a firearm at a peace officer
- y. Section 417.6, brandishing a firearm and inflicting serious bodily injury
- z. Section 422, making criminal threats
- aa. Section 626.9, possessing or discharging a firearm in a school zone
- bb. Section 646.9, stalking
- cc. Section 830.95, wearing the uniform of a peace officer while picketing
- dd. Former section 12100(a), selling to a minor pistols, revolvers, or other firearms capable of being concealed (convictions from 1988 to 1994)
- ee. Section 17500, possessing a deadly weapon with intent to commit assault
- ff. Section 17510, carrying a firearm or deadly weapon while engaged in picketing
- gg. Section 25300, committing criminal possession of a firearm by carrying the firearm in a public place while masked
- hh. Section 25800, committing armed criminal action by carrying a loaded firearm with intent to commit a felony
- ii. Section 26100(b), permitting someone to shoot from a vehicle
- jj. Section 26100(d), willfully and maliciously discharging a firearm from a motor vehicle
- kk. Section 27510, selling, supplying, delivering, or giving possession or control of a handgun to a person under 21, or any other firearm to a person under 18, by a licensed dealer
- ll. Section 27590(c), committing specified handgun-related violations

- mm. Section 29805, possessing a firearm within 10 years of conviction of, or an outstanding warrant for, a qualifying misdemeanor offense²
- nn. Section 30315, knowingly possessing ammunition designed to penetrate metal or armor
- oo. Section 32625, possessing or knowingly transporting a machinegun; intentionally converting a firearm into a machinegun or selling or manufacturing a machinegun
- pp. Committing any firearms-related offense under section 871.5 or 1001.5 of the Welfare and Institutions Code, as follows:
 - i. 871.5, knowingly bringing or sending a controlled substance, firearm, weapon, explosive, tear gas, or tear gas weapon into juvenile hall, ranch, or camp
 - ii. 1001.5, knowingly bringing or sending a controlled substance, firearm, weapon, explosive, tear gas, or tear gas weapon into an institution or camp administered by the Youth Authority
- qq. Welfare and Institutions Code section 8100, possessing a firearm or other deadly weapon prohibited due to specified court findings related to mental disorder or illness
- rr. Welfare and Institutions Code section 8101, knowingly supplying a deadly weapon to a person described in Welfare and Institutions Code section 8100 or 8103 (mental disorder or illness related); knowingly supplying a firearm
- ss. Welfare and Institutions Code section 8103, possessing a firearm or other deadly weapon prohibited due to specified court findings related to mental illness, being not guilty by reason of insanity, being found mentally incompetent, being placed under conservatorship, and other specified situations

² It is unclear whether a violation of section 29805 is a qualifying misdemeanor under section 29810(a)(1), which states that “[u]pon conviction of any offense that renders a person subject to Section 29800 or Section 29805, the person shall relinquish all firearms he or she owns, possesses, or has under his or her custody or control in the manner provided in this section.”

Penal Code Section 29810 (Firearms Relinquishment) Reference Guide

If it's a **felony**, **29810 applies**.

If it's a **misdemeanor**, does it involve the following? If so, **29810 applies**.

(All citations refer to the Penal Code, unless specified.)

Firearms and Ammunition

Section	Short Title
148(d)	intentionally taking or attempting to take firearm from peace/public officer
148.5(f)	giving a false report that a firearm has been stolen
171b	bringing to or possessing a firearm, deadly weapon, or other specified items in a government building or open meeting
171c(a)(1)	bringing to or possessing a loaded firearm within the State Capitol, a legislative office, the Governor's office
171d	bringing to or possessing a loaded firearm within or on the grounds of Governor's Mansion, Governor's residence, residence of a constitutional officer, or residence of a member of the Legislature
186.28	knowingly supplying, selling, or giving possession or control of a firearm with actual knowledge that a person will use and does use the firearm to commit a specified felony while actively participating in a criminal street gang
245	committing assault with a deadly weapon, firearm, machinegun, or assault weapon, with force likely to produce great bodily injury, on a peace officer or firefighter while engaged in the performance of his or her duties
246.3	willfully discharging a firearm in a grossly negligent manner; willfully discharging a BB device in a grossly negligent manner
247	willfully and maliciously discharging a firearm at an unoccupied motor vehicle, building, or dwelling house
417	brandishing a firearm; brandishing a firearm at day care center; brandishing a firearm at a peace officer
417.6	brandishing a firearm and inflicting serious bodily injury
626.9	possessing or discharging a firearm in a school zone
12100(a) (former)	selling to a minor pistols, revolvers, or other firearms capable of being concealed (convictions from 1988 to 1994)
17510	carrying a firearm or deadly weapon while engaged in picketing
25300	committing criminal possession of a firearm by carrying the firearm in a public place while masked
25800	committing armed criminal action by carrying a loaded firearm with intent to commit a felony
26100(b)	permitting someone to shoot from a vehicle
26100(d)	willfully and maliciously discharging a firearm from a motor vehicle
27510	selling, supplying, delivering, or giving possession or control of a handgun to a person under 21, or any other firearm to a person under 18, by a licensed dealer
27590(c)	committing specified handgun-related violations

Penal Code Section 29810 (Firearms Relinquishment) Reference Guide

29805 ¹	possessing a firearm within 10 years of the conviction of, or an outstanding warrant for, a qualifying misdemeanor offense
30315	knowingly possessing ammunition designed to penetrate metal or armor
32625	possessing or knowingly transporting a machinegun
WIC 871.5	knowingly bringing or sending a firearm into juvenile hall, ranch, or camp (nonfirearm items do not apply)
WIC 1001.5	knowingly bringing or sending a firearm into an institution or camp administered by the Youth Authority (nonfirearm items do not apply)
WIC 8100	possessing a firearm or other deadly weapon prohibited due to specified court findings related to mental disorder or illness
WIC 8101	knowingly supplying a deadly weapon to a person described in Welfare and Institutions Code sections 8100 or 8103 (mental disorder or illness related); knowingly supplying a firearm
WIC 8103	possessing a firearm or other deadly weapon prohibited due to specified court findings related to mental illness, being not guilty by reason of insanity, being found mentally incompetent, being placed under conservatorship, and other specified situations

Deadly Weapons (Other Than Firearms)

Section	Short Title
136.5	intimidating or threatening a witness with a deadly weapon
245.5	committing assault with a deadly weapon, other than a firearm, by any means likely to produce great bodily injury on a school employee
417	brandishing a deadly weapon
17500	possessing a deadly weapon with intent to commit assault
17510	carrying a firearm or deadly weapon while engaged in picketing
WIC 8100	possessing a firearm or other deadly weapon prohibited due to specified court findings related to mental disorder or illness
WIC 8101	knowingly supplying a deadly weapon to a person described in Welfare and Institutions Code section 8100 or 8103 (mental disorder or illness related); knowingly supplying a firearm
WIC 8103	possessing a firearm or other deadly weapon prohibited due to specified court findings related to mental illness, being not guilty by reason of insanity, being found mentally incompetent, being placed under conservatorship, and other specified situations

¹ It is unclear whether a violation of section 29805 is a qualifying misdemeanor under section 29810(a)(1), which states that “[u]pon conviction of any offense that renders a person subject to Section 29800 or Section 29805, the person shall relinquish all firearms he or she owns, possesses, or has under his or her custody or control in the manner provided in this section.”

Penal Code Section 29810 (Firearms Relinquishment) Reference Guide

Threats, Intimidation, Stalking

Section	Short Title
71	threatening an officer or employee of an educational institution or any public officer or employee
76	threatening a public official
136.1	intimidating or threatening a witness
136.5	intimidating or threatening a witness with a deadly weapon
140	using force against or threatening to use force against a witness after testimony or information given
422	making criminal threats
646.9	stalking

Assault

Section	Short Title
240	committing assault
241	committing assault on a firefighter, peace officer, or other specified victim
244.5	committing assault with a stun gun or less lethal weapon; committing assault on firefighter or peace officer with a stun gun or less lethal weapon
17500	possessing a deadly weapon with intent to commit assault

Battery and Violation of DV Protective Order

Section	Short Title
242	committing battery
243	committing battery on peace officer, firefighter, or other specified victim; battery with serious bodily injury; battery on a spouse, cohabitant, or fellow parent
243.4	committing sexual battery
273.5	inflicting injury on a spouse, cohabitant, or fellow parent resulting in a traumatic condition
273.6	violating a court protective order or stay away order

Activities Related to Picketing or Striking

Section	Short Title
830.95	wearing the uniform of a peace officer while picketing
17510	carrying a firearm or deadly weapon while engaged in picketing



CALIFORNIA DEPARTMENT OF JUSTICE BUREAU OF FIREARMS Prohibited Persons Relinquishment Form INSTRUCTIONS



Pursuant to Penal Code section 29810, any person who is convicted of any offense listed in sections 29800 or 29805 is prohibited from owning, purchasing, receiving, possessing, or having under his or her custody or control, any firearms, ammunition, and ammunition feeding devices, including but not limited to magazines. Any person subject to section 29800 or 29805, shall relinquish all firearms through a designee within the time periods set forth in subdivision (d) or (e) of Penal Code section 29810, by surrendering the firearms to the control of a local law enforcement agency, selling the firearms to a licensed firearms dealer, or transferring the firearms for storage to a firearms dealer pursuant to Penal Code section 29830.

Please note: This form is intended for use in relinquishing firearms only. As a reminder, any person who is convicted of any offense listed in sections 29800 or 29805 is also prohibited from owning or possessing ammunition, ammunition feeding devices, including but limited to magazines.

The following form allows the defendant to comply with all of the requirements outlined in Penal Code section 29810.

To be completed by Defendant

Sections A, B, C, D, and E must be completed by the defendant.

Section A

Complete all personal information. This section is required to establish identity.

Section B

If you do not own, possess, or have under your custody or control, any firearms, ammunition, or ammunition feeding devices, including but not limited to magazines, initial in the box provided in section B, sign, and date where indicated to complete the form. Submit the completed form to your probation officer unless otherwise approved by the court.

Complete the firearm information (pages 2 and/or 3) and attach the Defendant Supplemental Form (BOF 1023) to report additional firearms as needed. Provide all information about the firearm(s) to be surrendered. Include the current location of the firearm and provide all reasonably available information about the location of the firearms to enable the Power of Attorney (consenting third-party) or Law Enforcement Agency (LEA) Designee to locate the firearms.

Provide initials acknowledging the fine and cohabitant advisory.

Section C

If applicable, check "Yes" and provide court documentation allowing approval for shortened or enlarged relinquishment periods, or alternate relinquishment methods. Otherwise, check "No."

Section D

Complete Power of Attorney (Consenting Third Party)/Law Enforcement Designee Assignment information.

Section E

Complete and sign the declaration section. This section does not need to be signed and dated if you have indicated you do not own, possess or have under your custody or control any firearms, ammunition, or ammunition feeding devices.

If applicable, have the Power of Attorney (consenting third-party) or LEA Designee complete pages 5 and 6.

Once the form has been completed by all parties, the signed form must be submitted to your assigned Probation Officer. The form may be submitted to the probation officer by the defendant or the Power of Attorney Designee.



**CALIFORNIA DEPARTMENT OF JUSTICE
BUREAU OF FIREARMS
Prohibited Persons Relinquishment Form
CONTINUED INSTRUCTIONS**



To be completed by Power of Attorney Designee (Consenting Third-Party)

Sections F and H are to be completed by the Power of Attorney Designee (consenting third-party).

Section F

Provide personal information to determine your identity. Sign and date the declaration.

Section H

Provide firearm information, date the firearm was relinquished, and to whom it was relinquished. Attach the Designee Supplemental Form (BOF 1024) to report additional firearms as needed.

To be completed by Power of Attorney Designee (Law Enforcement Agency)

Sections G and H are to be completed by the LEA Designee.

Section G

Provide law enforcement agency information, name, and title of law enforcement representative that took possession of the firearm(s).

Section H

Provide firearm information, date the firearm was relinquished, and to whom it was relinquished. Attach the Designee Supplemental Form (BOF 1024) to report additional firearms as needed.



CALIFORNIA DEPARTMENT OF JUSTICE BUREAU OF FIREARMS

Prohibited Persons Relinquishment Form

(Penal Code 29810)



Pursuant to Penal Code section 29810, any person who is convicted of any offense listed in sections 29800 or 29805 is prohibited from owning, purchasing, receiving, possessing, or having under his or her custody or control, any firearms, ammunition, and ammunition feeding devices, including but not limited to magazines. Any person subject to section 29800 or 29805, shall relinquish all firearms through a designee within the time periods set forth in subdivision (d) or (e) of Penal Code section 29810, by surrendering the firearms to the control of a local law enforcement agency, selling the firearms to a licensed firearms dealer, or transferring the firearms for storage to a firearms dealer pursuant to section 29830.

Please note: This form is intended for use in relinquishing firearms only. As a reminder, any person who is convicted of any offense listed in sections 29800 or 29805 is also prohibited from owning or possessing ammunition, ammunition feeding devices, including but limited to magazines.

A. Prohibited Person Information (Defendant):

Last Name:		First Name:		Middle Name:	
Physical Residence Address:			City:	State:	Zip Code:
Date of Birth (mm/dd/yyyy):	California Driver's License or Identification No.:		Place of Birth (state or country):		Sex:
U.S. Citizen? <input type="radio"/> Yes <input type="radio"/> No	If no, enter Alien Registration No. or I-94 No.:	Country of Citizenship:		Phone No. (include area code):	

B. Firearm(s) Information (To report additional firearm(s), use supplemental form (BOF 1023)):

_____ I do not own, possess, or have under my custody or control, any firearms, ammunition, or ammunition feeding devices, including but not limited to magazines.
Initial

_____ Signature _____ Date

Firearm Type: <input type="radio"/> Handgun <input type="radio"/> Rifle <input type="radio"/> Shotgun		Serial Number:	Make:	Model:
Caliber:	Color:	Firearm Origin:	Barrel Length: <input type="radio"/> in. <input type="radio"/> cm.	Category (i.e. semi-automatic, single-shot, bolt action):

Describe Firearm (Identification Marks):

Current Location of Firearm (including address and other information about the firearm's specific location):

Firearm Type: <input type="radio"/> Handgun <input type="radio"/> Rifle <input type="radio"/> Shotgun		Serial Number:	Make:	Model:
Caliber:	Color:	Firearm Origin:	Barrel Length: <input type="radio"/> in. <input type="radio"/> cm.	Category (i.e. semi-automatic, single-shot, bolt action):

Describe Firearm (Identification Marks):

Current Location of Firearm (including address and other information about the firearm's specific location):



CALIFORNIA DEPARTMENT OF JUSTICE BUREAU OF FIREARMS Prohibited Persons Relinquishment Form



F. Power of Attorney Designee (Consenting Third-Party):

Last Name:		First Name:		Middle Name:	
Physical Residence Address:			City:	State:	Zip Code:
Date of Birth (mm/dd/yyyy):	California Driver's License or Identification No.:	Place of Birth (state or country):			Sex:
U.S. Citizen? <input type="radio"/> Yes <input type="radio"/> No	If no, enter Alien Registration No. or I-94 No.:	Country of Citizenship:	Phone No. (include area code):		

I, _____, hereby agree to accept appointment as Power of Attorney for the sole purpose of transferring
 Printed Name of Power of Attorney Designee

or disposing firearms on behalf of _____, the owner or possessor of the firearm(s).
 Printed Name of Defendant

I understand that it is my legal responsibility to carry out one of the following actions on behalf of the defendant: surrender the firearms to the control of a local law enforcement agency, sell the firearms to a licensed firearms dealer, or transfer the firearms to a dealer. I understand that I, the designee, shall relinquish the firearm(s) that are in my possession within five days of when the defendant has been convicted or within fourteen days of when the defendant was convicted, if he/she remained in law enforcement custody. I understand that I am obligated to submit this completed BOF 1022 form to the defendant's assigned probation officer within the specified time period in Penal Code Section 29810 (d) and (e). In addition, I shall state the date each firearm was relinquished and the name of the party to whom it was relinquished to and attach corresponding receipts, or the optional Firearm Disposition Receipt Form (BOF 1025), from the law enforcement agency or licensed firearms dealer who took possession of the relinquished firearm(s). I declare under penalty of perjury under the laws of the State of California, that I am not prohibited by law from possessing firearms.

 Signature

 Date

G. Power of Attorney Designee (Law Enforcement Agency):

ORI Number:	LEA Name:				
Street Address:	City:	State:	Zip Code:	Phone Number:	
Printed Name of LEA Representative/Title		Signature		Date	



CALIFORNIA DEPARTMENT OF JUSTICE BUREAU OF FIREARMS Prohibited Persons Relinquishment Form



H. Firearm Relinquishment Information (To report additional firearms, use supplemental form (BOF 1023) - attach completed BOF 1025 form(s) and/or receipts)

Firearm Type:		Serial Number:		Make:		Model:	
<input type="radio"/> Handgun <input type="radio"/> Rifle <input type="radio"/> Shotgun							
Caliber:	Color:	Firearm Origin:	Barrel Length:	Category (i.e. semi-automatic, single-shot, bolt action):			
			<input type="radio"/> in. <input type="radio"/> cm.				
Describe Firearm (Identification Marks):							
Firearm Relinquished to:							
<input type="checkbox"/> Law Enforcement Agency (LEA)		ORI No., LEA Name, and Address _____				Relinquished Firearm Date _____	
<input type="checkbox"/> Licensed Firearm Dealer (CFD)		CFD No., Name, and Address _____				Relinquished Firearm Date _____	
Printed Name and Title of LEA Representative or CFD Salesperson/Associate _____				Signature of LEA Representative or CFD Salesperson/Associate _____			

Firearm Type:		Serial Number:		Make:		Model:	
<input type="radio"/> Handgun <input type="radio"/> Rifle <input type="radio"/> Shotgun							
Caliber:	Color:	Firearm Origin:	Barrel Length:	Category (i.e. semi-automatic, single-shot, bolt action):			
			<input type="radio"/> in. <input type="radio"/> cm.				
Describe Firearm (Identification Marks):							
Firearm Relinquished to:							
<input type="checkbox"/> Law Enforcement Agency (LEA)		ORI No., LEA Name, and Address _____				Relinquished Firearm Date _____	
<input type="checkbox"/> Licensed Firearm Dealer (CFD)		CFD No., Name, and Address _____				Relinquished Firearm Date _____	
Printed Name and Title of LEA Representative or CFD Salesperson/Associate _____				Signature of LEA Representative or CFD Salesperson/Associate _____			

Firearm Type:		Serial Number:		Make:		Model:	
<input type="radio"/> Handgun <input type="radio"/> Rifle <input type="radio"/> Shotgun							
Caliber:	Color:	Firearm Origin:	Barrel Length:	Category (i.e. semi-automatic, single-shot, bolt action):			
			<input type="radio"/> in. <input type="radio"/> cm.				
Describe Firearm (Identification Marks):							
Firearm Relinquished to:							
<input type="checkbox"/> Law Enforcement Agency (LEA)		ORI No., LEA Name, and Address _____				Relinquished Firearm Date _____	
<input type="checkbox"/> Licensed Firearm Dealer (CFD)		CFD No., Name, and Address _____				Relinquished Firearm Date _____	
Printed Name and Title of LEA Representative or CFD Salesperson/Associate _____				Signature of LEA Representative or CFD Salesperson/Associate _____			



CALIFORNIA DEPARTMENT OF JUSTICE BUREAU OF FIREARMS Defendant Firearm Relinquishment Information (Supplemental Form)



Firearm Relinquishment Information (Attach completed BOF 1025 Form(s) and/or Receipts):

Firearm Type:			Serial Number:		Make:	Model:
<input type="radio"/> Handgun <input type="radio"/> Rifle <input type="radio"/> Shotgun						

Caliber:	Color:	Firearm Origin:	Barrel Length:	<input type="radio"/> in. <input type="radio"/> cm.	Category (i.e. semi-automatic, single-shot, bolt action):
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Describe Firearm (Identification Marks):

Current Location of Firearm (including address and other information about the firearm's specific location):

Firearm Type:			Serial Number:		Make:	Model:
<input type="radio"/> Handgun <input type="radio"/> Rifle <input type="radio"/> Shotgun						

Caliber:	Color:	Firearm Origin:	Barrel Length:	<input type="radio"/> in. <input type="radio"/> cm.	Category (i.e. semi-automatic, single-shot, bolt action):
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Describe Firearm (Identification Marks):

Current Location of Firearm (including address and other information about the firearm's specific location):

Firearm Type:			Serial Number:		Make:	Model:
<input type="radio"/> Handgun <input type="radio"/> Rifle <input type="radio"/> Shotgun						

Caliber:	Color:	Firearm Origin:	Barrel Length:	<input type="radio"/> in. <input type="radio"/> cm.	Category (i.e. semi-automatic, single-shot, bolt action):
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Describe Firearm (Identification Marks):

Current Location of Firearm (including address and other information about the firearm's specific location):

Firearm Type:			Serial Number:		Make:	Model:
<input type="radio"/> Handgun <input type="radio"/> Rifle <input type="radio"/> Shotgun						

Caliber:	Color:	Firearm Origin:	Barrel Length:	<input type="radio"/> in. <input type="radio"/> cm.	Category (i.e. semi-automatic, single-shot, bolt action):
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Describe Firearm (Identification Marks):

Current Location of Firearm (including address and other information about the firearm's specific location):



**CALIFORNIA DEPARTMENT OF JUSTICE
BUREAU OF FIREARMS
Designee Firearm Relinquishment Information
(Supplemental Form)**



Firearm Relinquishment Information (Attach completed BOF 1025 Form(s) and/or Receipts)

Firearm Type:		Serial Number:		Make:		Model:	
<input type="radio"/> Handgun <input type="radio"/> Rifle <input type="radio"/> Shotgun							

Caliber:	Color:	Firearm Origin:	Barrel Length:	<input type="radio"/> in. <input type="radio"/> cm.	Category (i.e. semi-automatic, single-shot, bolt action):
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Describe Firearm (Identification Marks):

Firearm Relinquished to:

Law Enforcement Agency (LEA) ORI No., LEA Name, and Address Relinquished Firearm Date

Licensed Firearm Dealer (CFD) CFD No., Name, and Address Relinquished Firearm Date

Print Name and Title of LEA Representative or CFD Salesperson/Associate Signature of LEA Representative or CFD Salesperson/Associate

Firearm Type:		Serial Number:		Make:		Model:	
<input type="radio"/> Handgun <input type="radio"/> Rifle <input type="radio"/> Shotgun							

Caliber:	Color:	Firearm Origin:	Barrel Length:	<input type="radio"/> in. <input type="radio"/> cm.	Category i.e. semi-automatic, single-shot, bolt action):
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Describe Firearm (Identification Marks):

Firearm Relinquished to:

Law Enforcement Agency (LEA) ORI No., LEA Name, and Address Relinquished Firearm Date

Licensed Firearm Dealer (CFD) CFD No., Name, and Address Relinquished Firearm Date

Print Name and Title of LEA Representative or CFD Salesperson/Associate Signature of LEA Representative or CFD Salesperson/Associate

Firearm Type:		Serial Number:		Make:		Model:	
<input type="radio"/> Handgun <input type="radio"/> Rifle <input type="radio"/> Shotgun							

Caliber:	Color:	Firearm Origin:	Barrel Length:	<input type="radio"/> in. <input type="radio"/> cm.	Category i.e. semi-automatic, single-shot, bolt action):
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Describe Firearm (Identification Marks):

Firearm Relinquished to:

Law Enforcement Agency (LEA) ORI No., LEA Name, and Address Relinquished Firearm Date

Licensed Firearm Dealer (CFD) CFD No., Name, and Address Relinquished Firearm Date

Print Name and Title of LEA Representative or CFD Salesperson/Associate Signature of LEA Representative or CFD Salesperson/Associate



CALIFORNIA DEPARTMENT OF JUSTICE BUREAU OF FIREARMS Firearm Disposition Receipt

California Penal Code Section 29810
(Form approved for optional use)



Firearm Owner Information

Last Name:		First Name:		Middle Name:	
Physical Residence Address:			City:	State:	Zip Code:
Date of Birth (mm/dd/yyyy):	California Drivers License or Identification No.:	Place of Birth (state or country):		Sex:	
U.S. Citizen? <input type="radio"/> Yes <input type="radio"/> No	If no, enter Alien Registration No. or I-94 No.:	Country of Citizenship:	Phone No. (include area code):		

Firearm Disposition Information (To report additional firearm(s) copy and attach additional applications)

<input type="checkbox"/> Law Enforcement Agency (LEA)	ORI No.:	Name of LEA:	Name of LEA Representative:
<input type="checkbox"/> Firearm Dealership (CFD) (Attach completed DES "Buy" Acquisition)		CFD No.:	
Business Name of CFD:		Name of CFD Sales Person/Associate:	
<input type="checkbox"/> Firearm Storage (Attach copy of completed BOF 992 form)		<input type="checkbox"/> Other (Attach applicable documentation)	

Firearm Type: <input type="radio"/> Handgun <input type="radio"/> Rifle <input type="radio"/> Shotgun		Serial Number:	Make:	Model:
Caliber:	Color:	Firearm Origin:	Barrel Length: <input type="radio"/> in. <input type="radio"/> cm.	Category i.e. semi-automatic, single-shot, bolt action):

Describe Firearm (Identification Marks):

Firearm Type: <input type="radio"/> Handgun <input type="radio"/> Rifle <input type="radio"/> Shotgun		Serial Number:	Make:	Model:
Caliber:	Color:	Firearm Origin:	Barrel Length: <input type="radio"/> in. <input type="radio"/> cm.	Category i.e. semi-automatic, single-shot, bolt action):

Describe Firearm (Identification Marks):

Declaration

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

Print Name and Title of Law Enforcement Agency Representative or Firearms Dealer Salesperson/Associate who has taken possession of the firearm(s).

Signature _____ Date _____



**CALIFORNIA DEPARTMENT OF JUSTICE
BUREAU OF FIREARMS
Probation Officer Verification Form**
Penal Code section 29810(c)(2)



Instructions				
1. Complete the Defendant and corresponding firearm information. Attach additional pages as needed. 2. Attach the corresponding Automated Firearms System printout. 3. Print name, sign, date, provide additional comments (if needed), and send the completed form to the Armed and Prohibited Persons Section at P.O. Box 820200 Sacramento, CA 94203-0200. 4. Please retain the original BOF 1022, and corresponding documentation, as you will need it in order to comply with the requirements set forth in Penal Code section 29810(c).				
A. Prohibited Person Information (Defendant):				
Last Name:		First Name:		Middle Name:
Physical Residence Address:			City:	State: Zip Code:
Date of Birth (mm/dd/yyyy):		California Drivers License or Identification No.:		Sex:
Firearm Type: <input type="radio"/> Handgun <input type="radio"/> Rifle <input type="radio"/> Shotgun		Serial Number:		Make: Model:
Firearm Type: <input type="radio"/> Handgun <input type="radio"/> Rifle <input type="radio"/> Shotgun		Serial Number:		Make: Model:
Firearm Type: <input type="radio"/> Handgun <input type="radio"/> Rifle <input type="radio"/> Shotgun		Serial Number:		Make: Model:
B. Assigned Probation Officer				
Pursuant to Penal Code section 29810(c)(1), I have received the Prohibited Persons Relinquishment Form (BOF 1022) from the defendant or the defendant's designee, and have verified, as applicable, the Automated Firearms System has been properly updated to indicate that the defendant has relinquished those firearm(s).				
_____ Printed Name		_____ Signature		_____ Date
Comments:				

SUPERIOR COURT OF CALIFORNIA, COUNTY OF STREET ADDRESS: MAILING ADDRESS: CITY AND ZIP CODE: BRANCH NAME:	<i>FOR COURT USE ONLY</i> DRAFT NOT APPROVED BY JUDICIAL COUNCIL
PEOPLE OF THE STATE OF CALIFORNIA v. DEFENDANT:	
PROHIBITED PERSONS RELINQUISHMENT FORM FINDINGS (Pen. Code, § 29810(c))	CASE NUMBER:
	<i>FOR COURT USE ONLY</i> Date: Time: Department:

The defendant is prohibited from owning, purchasing, receiving, possessing, or having under his or her custody any firearms, ammunition, and ammunition feeding devices, including but not limited to magazines, and shall relinquish all firearms pursuant to Penal Code section 29810.

The court finds as follows:

Compliance:

1. Defendant has completed a Prohibited Persons Relinquishment Form; and
2. Defendant relinquished all firearms per the probation officer's report and provided relinquishment receipts; or
3. Defendant was allowed an alternative method of relinquishment under Penal Code section 29810(f) and relinquished all firearms under an alternative method; or
4. Defendant has no reportable firearms per the probation officer's report.

Non - Compliance:

5. Defendant has not completed a Prohibited Persons Relinquishment Form.
6. Defendant has not complied with the relinquishment requirements of Penal Code section 29810.
7. Search warrant required; matter referred to the prosecuting agency of the county for appropriate action.

(DATE)

(SIGNATURE OF JUDICIAL OFFICER)