

File No. 220400

Committee Item No. _____
Board Item No. 25

COMMITTEE/BOARD OF SUPERVISORS
AGENDA PACKET CONTENTS LIST

Committee _____

Date _____

Board of Supervisors Meeting

Date April 19, 2022

Cmte Board

- Motion
- Resolution
- Ordinance
- Legislative Digest
- Budget Analyst Report
- Legislative Analyst Report
- Introduction Form (for hearings)
- Department/Agency Cover Letter and/or Report
- MOU
- Grant Information Form
- Grant Budget
- Subcontract Budget
- Contract/Agreement
- Award Letter
- Application
- Public Correspondence

OTHER (Use back side if additional space is needed)

- California State Assembly Bill No. 1621*
- CSAC and LCC Position Tracking
-
-

Completed by: Brittney Harrell
Completed by: _____

Date April 14, 2022
Date _____

An asterisked item represents the cover sheet to a document that exceeds 20 pages. The complete document is in the file.

1 [Supporting California State Assembly Bill No. 1621 (Gipson, Muratsuchi and Ting) -
2 Firearms: Unserialized Firearms]

3 **Resolution supporting California State Assembly Bill No. 1621, introduced by**
4 **Assembly Members Mike Gipson, Al Muratsuchi, and Phil Ting on January 10,**
5 **2022, which would require that ghost gun parts and kits cannot be sold in the**
6 **state until they are treated as firearms under federal law, the parts must be sold**
7 **with a serial number, and the buyer must undergo a background check.**

8
9 WHEREAS, Almost 40,000 lives are lost to gun violence every year, for an
10 average of 100 people shot and killed in the United States every day; and

11 WHEREAS, Everyday 316 people are shot in the United States; and

12 WHEREAS, Gun violence is the leading cause of death for children and teens in
13 the United States; and

14 WHEREAS, Black Americans are disproportionately impacted by gun violence,
15 experiencing ten times more gun homicides than White Americans; and

16 WHEREAS, San Francisco is not immune to the national gun violence epidemic,
17 as our communities have seen a dramatic increase in gun violence within the past year;
18 and

19 WHEREAS, California currently permits vendors to sell disassembled ghost gun
20 kits, with the condition that purchasers obtain serial numbers from the California
21 Department of Justice within ten days of assembly; and

22 WHEREAS, In San Francisco, ghost gun seizures increased by over 2,700%
23 between 2016 and 2020; and

24

25

1 WHEREAS, Ghost guns represent a substantial increase in the proportion of all
2 guns seized, in 2016, they were less than 1% of all firearms seized and in 2020, ghost
3 guns represented over 16% of all firearms seized in San Francisco; and

4 WHEREAS, California State Assembly Bill No. 1621 would ensure that ghost gun
5 parts and kits cannot be sold in the state until they're treated as firearms under federal
6 law, and that the parts be sold with a serial number, and that the buyer undergo a
7 background check; and

8 WHEREAS, On April 11, 2022, President Biden released an executive action to
9 require background checks for those purchasing ghost gun kits, and that new and
10 existing kits be marked with serial numbers by manufacturers; and

11 WHEREAS, California State Assembly Bill 1621 is supported by the Brady
12 Campaign and Everytown for Gun Safety; and

13 WHEREAS, The Board of Supervisors passed Ordinance 210540, that amends
14 the Police Code to prohibit any person other than a licensed manufacturer or importer
15 from possessing, selling, offering for sale, transferring, purchasing, transporting,
16 receiving, or manufacturing an unfinished firearm frame or receiver that has not been
17 imprinted with a serial number, subject to certain exceptions; and prohibiting any person
18 from manufacturing or assembling a firearm that has not been imprinted with a serial
19 number, subject to certain exceptions; and

20 WHEREAS, The Board of Supervisors has supported gun violence prevention
21 state bills frequently in the past, including California State Assembly Bill No. 1594 (Ting,
22 Gipson, and Ward) on February 11, 2022, and California State Assembly Bill No. 2888
23 (Ting) on May 1, 2018, and California State Assembly Bill Nos. 1664, 1673, 1674, 1695,
24 and 2607 on June 14, 2016; now, therefore, be it

25

1 RESOLVED, That the Board of Supervisors supports California State Assembly
2 Bill No. 1621; and, be it

3 FURTHER RESOLVED, That the Board of Supervisors hereby directs the Clerk
4 of the Board of Supervisors to transmit a copy of this Resolution to San Francisco's
5 State Legislative Delegation and to the City Lobbyist.

6

7

8

9

10

11

12

13

14

15

16

17

18

19

20

21

22

23

24

25

AMENDED IN ASSEMBLY MARCH 24, 2022

CALIFORNIA LEGISLATURE—2021–22 REGULAR SESSION

ASSEMBLY BILL

No. 1621

Introduced by Assembly Member ~~Gipson~~ Members *Gipson, Muratsuchi, and Ting*

January 10, 2022

An act to amend Sections 16520, 16531, 18010, 23910, 23920, 23925, 27530, 29180, 29182, and 30420 of, to add Sections 16515, 16517, 17305, and 29185 to, to repeal Sections 16532, 29181, 30405, 30406, 30412, and 30414 of, to repeal Articles 2 (commencing with Section 30442), 3 (commencing with Section 30470), and 4 (commencing with Section 30485) of Chapter 1.5 of Division 10 of Title 4 of Part 6 of, and to repeal and add Section 30400 of, the Penal Code, relating to firearms.

LEGISLATIVE COUNSEL'S DIGEST

AB 1621, as amended, Gipson. Firearms: unserialized firearms.

(1) Existing law defines a firearm precursor part as a component of a firearm that is necessary to build or assemble a firearm and is either an unfinished handgun frame or a specified unfinished receiver, receiver tube, or receiver flat. Under existing law, commencing July 1, 2022, a firearm precursor part is required to be sold through a licensed firearm precursor part vendor, as specified.

This bill would redefine a firearm precursor part as any forging, casting, printing, extrusion, machined body or similar article that has reached a stage in manufacture where it may readily be completed, assembled or converted to be used as the frame or receiver of a functional firearm, or that is marketed or sold to the public to become or be used as the frame or receiver of a functional firearm once completed, assembled or converted. This bill would extend the definition

of a firearm to include a firearm precursor part for the purposes of most criminal and regulatory provisions related to the possession, sale, and transfer of a firearm, including provisions which do not apply to a frame or receiver under existing law. The bill would repeal provisions relating to the sale of firearm precursor parts through a licensed precursor part vendor; and would prohibit the sale, transfer, or possession of an unserialized firearm precursor part, except as specified.

(2) Existing law requires a person that is manufacturing a firearm or assembling a firearm from unserialized components, to apply to the Department of Justice for a unique mark of identification and to affix that mark to the firearm, as specified.

This bill would repeal those provisions and instead prohibit a person from manufacturing or assembling an unserialized firearm. The bill would require any person in possession of an unserialized firearm to apply to the department for a unique mark of identification and to affix that mark to the firearm before July 1, 2023. The bill would explicitly prohibit the possession or transfer of a firearm without a serial number or mark of identification. The bill would authorize a new resident of the state to, within 60 days after arrival in the state, request a unique mark or identification for any unserialized firearm that is otherwise valid to possess in the state. The bill would also prohibit the possession, sale, or transfer of specified firearms manufacturing equipment, with exceptions for specified entities, including the Armed Forces of the United States, the National Guard, and law enforcement, as specified. The bill would declare its provisions to be severable.

(3) This bill would authorize the Department of Justice to adopt emergency regulations to carry out its provisions. The bill would make other conforming, technical, and nonsubstantive changes. By creating new crimes expanding the application of numerous crimes, this bill would impose a state-mandated local program.

~~Existing~~

(4) Existing law prohibits possession of a firearm without a serial number. Existing law prohibits possession of a firearm that has had the serial number altered, removed, or obliterated. Existing law defines a firearm to include the frame or receiver.

Existing law requires any person in the business of manufacturing firearms, as specified, to be licensed. Existing law requires a person, other than a manufacturer, who assembles a firearm to apply to the Department of Justice for a serial number and to affix that number to the firearm, as specified.

This bill would make certain findings and declarations ~~and would express the intent of the Legislature to enact legislation~~ relating to unserialized firearms.

(5) *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: ~~no~~-yes.
State-mandated local program: ~~no~~-yes.

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

1 *SECTION 1. The Legislature finds and declares the following:*

2 *(a) The proliferation of unserialized ghost guns built from*
3 *firearm precursor parts has caused enormous harm and suffering,*
4 *hampered the ability of law enforcement to trace crime guns and*
5 *investigate firearm trafficking and other crimes, and dangerously*
6 *undermined the effectiveness of laws and protections critical to*
7 *the health, safety, and well-being of Californians.*

8 *(1) Like completed frames and receivers, the sole function of*
9 *firearm precursor parts is to be used to assemble a weapon*
10 *designed and capable of ending human life. Sellers and*
11 *manufacturers of firearm precursor parts frequently market these*
12 *products by emphasizing the fact that they are sold without*
13 *traceable serial numbers and are otherwise significantly less*
14 *regulated than firearms or completed frames or receivers.*

15 *(2) Law enforcement officials from cities across California have*
16 *reported massive increases in the number of unserialized*
17 *self-assembled ghost guns recovered from homicide cases and*
18 *other crimes in recent years.*

19 *(3) For instance, law enforcement officials in San Francisco*
20 *reported that 44 percent of guns recovered in San Francisco*
21 *homicide cases in 2020 were unserialized ghost guns, compared*
22 *with 6 percent in 2019. Law enforcement officials in San Diego*
23 *reported recovering 360 ghost guns in just the first nine months*
24 *of 2021, more than four times as many as the department recovered*
25 *in all of 2019. According to an October 2021 report by the Los*
26 *Angeles Police Department, the number of ghost guns seized by*

1 *the department increased 400 percent since 2017 and more than*
2 *doubled from 2020 to 2021 alone; the report concluded that “the*
3 *current trend shows these figures will continue to grow*
4 *exponentially” and that “ghost guns are an epidemic not only in*
5 *Los Angeles, but nationwide.” In August 2021, the Los Angeles*
6 *Police Department reported that ghost guns accounted for 33*
7 *percent of all guns recovered by the department in its investigations*
8 *of suspected criminal activity.*

9 *(4) Community violence intervention professionals have also*
10 *warned that the proliferation of ghost guns in vulnerable*
11 *communities has intensified in recent years and contributed to a*
12 *surge in gun deaths disproportionately impacting young people.*

13 *(5) Whatever legitimate interest and enjoyment unlicensed*
14 *firearm manufacturers have in assembling firearms from firearm*
15 *precursor parts, as opposed to completed frames or receivers, has*
16 *been substantially outweighed by the devastating violent harms*
17 *Californians have suffered as a result of the alarming proliferation*
18 *of unserialized ghost guns across the state. These unfinished, less*
19 *regulated products built from firearm precursor parts have become*
20 *a leading source of crime guns, including firearms built by people*
21 *such as minors who cannot legally possess or acquire firearms in*
22 *our state, as well as individuals seeking to conceal their*
23 *involvement in firearm trafficking and other crimes.*

24 *(6) The Legislature enacted AB 879 in 2019 to address this*
25 *growing threat and bring needed accountability, transparency,*
26 *and regulation to the sale and transfer of firearm precursor parts.*
27 *Some key provisions of that legislation will become effective on*
28 *July 1, 2022, including provisions ensuring that firearm precursor*
29 *parts are sold in person through licensed sellers, pursuant to*
30 *California background check and sale record requirements.*

31 *(7) Tragic events have continued to make clear that a more*
32 *comprehensive response is needed now to protect public health*
33 *and safety by ensuring that firearm precursor parts are regulated*
34 *to the same extent as completed frames or receivers.*

35 *(8) Further reform is necessary, for instance, to halt the sale of*
36 *unserialized firearm precursor parts in California, and to ensure*
37 *that individuals purchasing firearm precursor parts undergo a*
38 *full background check of all relevant records available to the*
39 *Department of Justice when conducting background checks related*
40 *to the purchase of a firearm or completed frame or receiver,*

1 including records available through the National Instant Criminal
2 Background Check System. Further reform is also necessary to
3 ensure that firearm precursor parts are sold in accordance with
4 other gun safety laws applicable to the sale, manufacture, or
5 possession of completed frames and receivers, such as the waiting
6 period requirement, and to expressly prohibit the sale or transfer
7 of ownership of firearms assembled or manufactured by people
8 and entities that do not have a license to manufacture firearms.

9 (9) The Legislature seeks to protect public health and safety by
10 halting the sale of firearm precursor parts in California until and
11 unless such unfinished parts are regulated as firearms or frames
12 under federal law and required, accordingly, to be serialized by
13 federally licensed firearm manufacturers, importers, or other
14 authorized federal firearms licensees.

15 (10) This act will authorize unlicensed individuals to continue
16 to assemble or manufacture firearms for personal use from
17 completed frames and receivers, which are subject to critical
18 California and federal gun safety laws. This act will also authorize
19 unlicensed individuals to assemble or manufacture firearms from
20 firearm precursor parts if and when such parts are treated as
21 firearms or frames under federal law, and required to be serialized
22 accordingly.

23 SEC. 2. Section 16515 is added to the Penal Code, to read:

24 16515. “Federal licensee authorized to serialize firearms”
25 means a person, firm, corporation, or other entity that holds any
26 valid federal firearms license that authorizes the person, firm,
27 corporation, or other entity to imprint serial numbers onto firearms
28 pursuant to Chapter 44 (commencing with Section 921) of Title
29 18 of the United States Code and regulations issued pursuant
30 thereto.

31 SEC. 3. Section 16517 is added to the Penal Code, to read:

32 16517. “Federally licensed manufacturer or importer” means
33 a person, firm, corporation, or other entity that holds a valid
34 license to manufacture or import firearms issued pursuant to
35 Chapter 44 (commencing with Section 921) of Title 18 of the United
36 States Code and regulations issued pursuant thereto.

37 SEC. 4. Section 16520 of the Penal Code, as added by Section
38 3 of Chapter 682 of the Statutes of 2021, is amended to read:

39 16520. (a) As used in this part, “firearm” means a device,
40 designed to be used as a weapon, from which is expelled through

- 1 a barrel, a projectile by the force of an explosion or other form of
 2 combustion.
- 3 (b) As used in the following provisions, “firearm” includes the
 4 frame or receiver of the ~~weapon~~; *weapon, and includes a firearm*
 5 *precursor part:*
- 6 (1) *Section 136.1.*
 - 7 (2) *Section 646.91.*
 - 8 (3) *Sections 16515 and 16517.*
 - 9 ~~(1)~~
 - 10 (4) *Section 16550.*
 - 11 ~~(2)~~
 - 12 (5) *Section 16730.*
 - 13 ~~(3)~~
 - 14 (6) *Section 16960.*
 - 15 ~~(4)~~
 - 16 (7) *Section 16990.*
 - 17 ~~(5)~~
 - 18 (8) *Section 17070.*
 - 19 ~~(6)~~
 - 20 (9) *Section 17310.*
 - 21 ~~(7)~~
 - 22 (10) *Sections 18100 to ~~18205~~, 18500, inclusive.*
 - 23 (11) *Section 23900 to 23925, inclusive.*
 - 24 ~~(8)~~
 - 25 (12) *Sections 26500 to ~~26588~~, 26590, inclusive.*
 - 26 ~~(9)~~
 - 27 (13) *Sections 26600 to 27140, inclusive.*
 - 28 ~~(10)~~
 - 29 (14) *Sections ~~27400 to 28000~~, 27200 to 28490, inclusive.*
 - 30 ~~(11) Section 28100.~~
 - 31 ~~(12) Sections 28400 to 28415, inclusive.~~
 - 32 ~~(13)~~
 - 33 (15) *Sections 29010 to 29150, inclusive.*
 - 34 ~~(14) Section 29180.~~
 - 35 (16) *Section 29185.*
 - 36 ~~(15)~~
 - 37 (17) *Sections 29610 to 29750, inclusive.*
 - 38 ~~(16)~~
 - 39 (18) *Sections 29800 to 29905, inclusive.*
 - 40 ~~(17)~~

- 1 (19) Sections 30150 to 30165, inclusive.
- 2 ~~(18)~~
- 3 (20) Section 31615.
- 4 ~~(19)~~
- 5 (21) Sections ~~31705~~ 31700 to 31830, inclusive.
- 6 ~~(20)~~
- 7 (22) Sections 34355 to 34370, inclusive.
- 8 (23) Sections 527.6 to 527.9, inclusive, of the Code of Civil
- 9 Procedure.
- 10 ~~(21)~~
- 11 (24) Sections ~~8100, 8101, and 8103~~ 8100 to 8108, inclusive, of
- 12 the Welfare and Institutions Code.
- 13 (25) Section 15657.03 of the Welfare and Institutions Code.
- 14 (c) As used in the following provisions, “firearm” also includes
- 15 a rocket, rocket propelled projectile launcher, or similar device
- 16 containing an explosive or incendiary material, whether or not the
- 17 device is designed for emergency or distress signaling purposes:
- 18 (1) Section 16750.
- 19 (2) Subdivision (b) of Section 16840.
- 20 (3) Section 25400.
- 21 (4) Sections 25850 to 26025, inclusive.
- 22 (5) Subdivisions (a), (b), and (c) of Section 26030.
- 23 (6) Sections 26035 to 26055, inclusive.
- 24 (d) As used in the following provisions, “firearm” does not
- 25 include an unloaded antique firearm:
- 26 (1) Section 16730.
- 27 (2) Section 16550.
- 28 (3) Section 16960.
- 29 (4) Section 17310.
- 30 (5) Chapter 6 (commencing with Section 26350) of Division 5
- 31 of Title 4.
- 32 (6) Chapter 7 (commencing with Section 26400) of Division 5
- 33 of Title 4.
- 34 (7) Sections 26500 to 26588, inclusive.
- 35 (8) Sections 26700 to 26915, inclusive.
- 36 (9) Section 27510.
- 37 (10) Section 27530.
- 38 (11) Section 27540.
- 39 (12) Section 27545.
- 40 (13) Sections 27555 to 27585, inclusive.

1 (14) Sections 29010 to 29150, inclusive.

2 (15) Section 25135.

3 (16) Section 29180.

4 (e) As used in Sections 34005 and 34010, “firearm” does not
5 include a destructive device.

6 (f) As used in Sections 17280 and 24680, “firearm” has the
7 same meaning as in Section 922 of Title 18 of the United States
8 Code.

9 (g) As used in Sections ~~29010 to 29150, 29180 to 29184,~~
10 inclusive, “firearm” includes the unfinished frame or receiver of
11 a weapon that can be readily converted to the functional condition
12 of a finished frame or receiver. *weapon.*

13 (h) ~~As used in Sections 18100 to 18205, inclusive, “firearm”~~
14 ~~includes a firearm precursor part. “Firearm precursor part” has the~~
15 ~~same meaning as in subdivision (a) of Section 16531.~~

16 (i) ~~This section shall become operative on July 1, 2022.~~

17 *SEC. 5. Section 16531 of the Penal Code is amended to read:*

18 16531. (a) As used in this part, “firearm precursor part” means
19 a component of a firearm that is necessary to build or assemble a
20 firearm and is described in either of the following categories: *any*
21 *forging, casting, printing, extrusion, machined body or similar*
22 *article that has reached a stage in manufacture where it may*
23 *readily be completed, assembled or converted to be used as the*
24 *frame or receiver of a functional firearm, or that is marketed or*
25 *sold to the public to become or be used as the frame or receiver*
26 *of a functional firearm once completed, assembled or converted.*

27 (1) ~~An unfinished receiver, including both a single part receiver~~
28 ~~and a multiple part receiver, such as a receiver in an AR-10- or~~
29 ~~AR-15-style firearm. An unfinished receiver includes a receiver~~
30 ~~tube, a molded or shaped polymer frame or receiver, a metallic~~
31 ~~casting, a metallic forging, and a receiver flat, such as a~~
32 ~~Kalashnikov-style weapons system, Kalashnikov-style receiver~~
33 ~~channel, or a Browning-style receiver side plate.~~

34 (2) ~~An unfinished handgun frame.~~

35 (b) The Department of Justice, consistent with this section, shall
36 provide written guidance and pictorial diagrams demonstrating
37 each category *examples* of firearm precursor part specified in
38 subdivision (a): *parts.*

1 (c) Firearm parts that can only be used on antique firearms, as
2 defined in subdivision (c) of Section 16170, are not firearm
3 precursor parts.

4 (d) ~~A firearm precursor part is not a firearm or the frame or~~
5 ~~receiver thereof.~~ A firearm precursor part that is attached or affixed
6 to a firearm is not subject to the requirements of Chapter 1.5
7 (commencing with Section 30400) of Division 10 of Title 4 of Part
8 6 or Section 18010.

9 *SEC. 6. Section 16532 of the Penal Code is repealed.*

10 ~~16532. (a) As used in this part, “firearm precursor part vendor”~~
11 ~~means a person, firm, corporation, or other business enterprise that~~
12 ~~holds a valid firearm precursor part vendor license issued pursuant~~
13 ~~to Section 30485.~~

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

21 *SEC. 7. Section 17305 is added to the Penal Code, to read:*

22 *17305. “Unserialized firearm precursor part” means a firearm*
23 *precursor part that is not required by federal law to be imprinted*
24 *with a serial number and is not imprinted with such a serial*
25 *number.*

26 *SEC. 8. Section 18010 of the Penal Code is amended to read:*

27 *18010. (a) The Attorney General, a district attorney, or a city*
28 *attorney may bring an action to enjoin the manufacture of,*
29 *importation of, keeping for sale of, offering or exposing for sale,*
30 *giving, lending, or possession of, any item that constitutes a*
31 *nuisance under any of the following provisions:*

- 32 (1) Section 19290, relating to metal handgrenades.
- 33 (2) Section 20390, relating to an air gauge knife.
- 34 (3) Section 20490, relating to a belt buckle knife.
- 35 (4) Section 20590, relating to a cane sword.
- 36 (5) Section 20690, relating to a lipstick case knife.
- 37 (6) Section 20790, relating to a shobi-zue.
- 38 (7) Section 20990, relating to a writing pen knife.
- 39 (8) Section 21190, relating to a ballistic knife.
- 40 (9) Section 21890, relating to metal knuckles.

- 1 (10) Section 22290, relating to a leaded cane or an instrument
- 2 or weapon of the kind commonly known as a billy, blackjack,
- 3 sandbag, sandclub, sap, or slungshot.
- 4 (11) Section 22490, relating to a shuriken.
- 5 (12) Section 24390, relating to a camouflaging firearm container.
- 6 (13) Section 24490, relating to a cane gun.
- 7 (14) Section 24590, relating to a firearm not immediately
- 8 recognizable as a firearm.
- 9 (15) Section 24690, relating to an undetectable firearm.
- 10 (16) Section 24790, relating to a wallet gun.
- 11 (17) Section 30290, relating to flechette dart ammunition and
- 12 to a bullet with an explosive agent.
- 13 (18) Section 31590, relating to an unconventional pistol.
- 14 (19) Section 32390, relating to a large-capacity magazine.
- 15 (20) Section 32990, relating to a multiburst trigger activator.
- 16 (21) Section 33290, relating to a short-barreled rifle or a
- 17 short-barreled shotgun.
- 18 (22) Section 33690, relating to a zip gun.
- 19 (b) The weapons described in subdivision (a) shall be subject
- 20 to confiscation and summary destruction whenever found within
- 21 the state.
- 22 (c) The weapons described in subdivision (a) shall be destroyed
- 23 in the same manner described in Section 18005, except that upon
- 24 the certification of a judge or of the district attorney that the ends
- 25 of justice will be served thereby, the weapon shall be preserved
- 26 until the necessity for its use ceases.
- 27 (d) (1) ~~Commencing July 1, 2022, the~~ The Attorney General,
- 28 a district attorney, or a city attorney may bring an action to enjoin
- 29 the importation into the state or sale of any firearm precursor part
- 30 that is *unlawfully* imported into this state or sold within this state
- 31 in violation of Article 1 (commencing with Section 30400), Article
- 32 2 (commencing with Section 30442), Article 3 (commencing with
- 33 Section 30470), and Article 4 (commencing with Section 30485)
- 34 of Chapter 1.5 of Division 10 of Title 4. *state.*
- 35 (2) ~~Commencing July 1, 2022, Any~~ Any firearm precursor parts that
- 36 are *unlawfully* imported in this state or sold within this state ~~in~~
- 37 violation of Article 1 (commencing with Section 30400), Article
- 38 2 (commencing with Section 30442), Article 3 (commencing with
- 39 Section 30470), and Article 4 (commencing with Section 30485)

1 of Chapter 1.5 of Division 10 of Title 4 are a nuisance and are
2 subject to confiscation and destruction pursuant to Section 18005.

3 *SEC. 9. Section 23910 of the Penal Code is amended to read:*

4 23910. The Department of Justice, upon request, may assign
5 a distinguishing number or mark of identification to any firearm
6 whenever the firearm lacks a manufacturer's number or other mark
7 of identification. Whenever the manufacturer's number or other
8 mark of identification or a distinguishing number or mark assigned
9 by the department has been destroyed or obliterated, the
10 Department of Justice, upon request, ~~shall~~ *may* assign a
11 distinguishing number or mark of identification to any firearm in
12 accordance with Section 29182.

13 *SEC. 10. Section 23920 of the Penal Code is amended to read:*

14 23920. (a) Except as provided in Section 23925, any person
15 who, with knowledge of any change, alteration, removal, or
16 obliteration described in this section, buys, receives, disposes of,
17 sells, offers for sale, or has in possession any pistol, revolver, or
18 other firearm that has had the name of the maker or model, or the
19 manufacturer's number or other mark of identification, including
20 any distinguishing number or mark assigned by the Department
21 of Justice, changed, altered, removed, or obliterated, is guilty of
22 a misdemeanor.

23 (b) *Except as provided in Section 23925, any person who*
24 *knowingly possesses or imports into the state any firearm that does*
25 *not have a valid serial number or mark of identification is guilty*
26 *of a misdemeanor.*

27 (c) *As used in this section, "valid serial number or mark of*
28 *identification" means any of the following:*

29 (1) *A serial number imprinted by a federal licensee authorized*
30 *to serialize firearms.*

31 (2) *A serial number or mark of identification issued by the*
32 *California Department of Justice pursuant to Section 23910 or*
33 *29180.*

34 (3) *A serial number or other mark of identification that was*
35 *issued pursuant to the laws of another state to a resident of that*
36 *state, if the Department of Justice determines, in any manner and*
37 *at the department's discretion, that the laws and processes for*
38 *issuing firearm serial numbers in that state include adequate*
39 *provisions for public safety. The department shall provide*

1 *information listing any those states on the internet website for the*
 2 *Bureau of Firearms.*

3 *SEC. 11. Section 23925 of the Penal Code is amended to read:*

4 23925. (a) Section 23920 does not apply to any of the
 5 following:

6 ~~(a)~~

7 (1) The acquisition or possession of a firearm described in
 8 Section 23920 by any member of the military forces of this state
 9 or of the United States, while on duty and acting within the scope
 10 and course of employment.

11 ~~(b)~~

12 (2) The acquisition or possession of a firearm described in
 13 Section 23920 by any peace officer described in Chapter 4.5
 14 (commencing with Section 830) of Title 3 of Part 2, while on duty
 15 and acting within the scope and course of employment.

16 ~~(c)~~

17 (3) The acquisition or possession of a firearm described in
 18 Section 23920 by any employee of a forensic laboratory, while on
 19 duty and acting within the scope and course of employment.

20 ~~(d)~~

21 (4) The possession and disposition of a firearm described in
 22 Section 23920 by a person who meets all of the following:

23 ~~(1)~~

24 (A) The person is not prohibited by state or federal law from
 25 possessing, receiving, owning, or purchasing a firearm.

26 ~~(2)~~

27 (B) The person possessed the firearm no longer than was
 28 necessary to deliver it to a law enforcement agency for that
 29 agency's disposition according to law.

30 ~~(3)~~

31 (C) If the person is transporting the firearm, the person is
 32 transporting it to a law enforcement agency in order to deliver it
 33 to the agency for the agency's disposition according to law.

34 ~~(4)~~

35 (D) If the person is transporting the firearm to a law enforcement
 36 agency, the person has given prior notice to the agency that the
 37 person is transporting the firearm to that agency for the agency's
 38 disposition according to law.

39 ~~(5)~~

1 (E) The firearm is transported in a locked container as defined
2 in Section 16850.

3 (b) Subdivision (b) of Section 23920 does not apply to any of
4 the following:

5 (1) The possession of a firearm that was made or assembled
6 prior to December 16, 1968 and is not a handgun.

7 (2) The possession of a firearm that has been entered, before
8 July 1, 2018, into the centralized registry set forth in Section 11106,
9 as being owned by a specific individual or entity, if that firearm
10 has assigned to it a distinguishing number or mark of identification
11 because the department accepted entry of that firearm into the
12 centralized registry.

13 (3) The possession of a firearm that is a curio or relic, or an
14 antique firearm, as those terms are defined in Section 479.11 of
15 Title 27 of the Code of Federal Regulations.

16 (4) The possession of a firearm by a federally licensed firearms
17 manufacturer or importer, or any other federal licensee authorized
18 to serialize firearms.

19 (5) The possession of a firearm by a person who, before July 1,
20 2023, has applied in good faith to the Department of Justice for
21 a unique serial number or mark of identification, pursuant to
22 Section 29180, and fully complies with the provisions of that
23 section, including imprinting the serial number or mark of
24 identification onto the firearm within 10 days after receiving the
25 serial number or mark of identification from the department.

26 (6) (A) The possession of a firearm by a new resident who
27 applies for a unique serial number or other mark of identification
28 from the Department of Justice within 60 days after arrival in the
29 state, for any firearm the resident wishes to legally possess in the
30 state that does not have a valid serial number or mark of
31 identification.

32 (B) The good faith effort by a new resident to apply for a unique
33 serial number or other mark of identification after the expiration
34 of the 60-day period specified in this paragraph, or any other
35 person's good faith effort to apply for a unique serial number or
36 mark of identification for a firearm that does not have a valid
37 serial number or other mark of identification, shall not constitute
38 probable cause for a violation of Section 23920.

39 (C) It is the intent of the Legislature to ensure that firearms
40 possessed in the state have a valid serial number or mark of

1 identification and to authorize penalties for violating that
2 requirement, while encouraging instead of deterring people who
3 are in possession of unserialized firearms to make good faith efforts
4 to bring those firearms into compliance with the law.

5 SEC. 12. Section 27530 of the Penal Code is amended to read:

6 27530. (a) No person shall sell or otherwise transfer ownership
7 in a handgun unless the firearm bears either: of a firearm that is
8 not imprinted with a valid serial number or mark of identification
9 as defined in Section 23920.

10 ~~(a) The name of the manufacturer, the manufacturer's make or~~
11 ~~model, and a manufacturer's serial number assigned to that firearm.~~

12 ~~(b) The identification number or mark assigned to the firearm~~
13 ~~by the Department of Justice pursuant to Section 23910.~~

14 ~~(b) This section does not apply to either of the following:~~

15 ~~(1) A firearm made or assembled prior to December 16, 1968,~~
16 ~~that is not a handgun.~~

17 ~~(2) A firearm that is a curio or relic, or an antique firearm, as~~
18 ~~those terms are defined in Section 479.11 of Title 27 of the Code~~
19 ~~of Federal Regulations.~~

20 SEC. 13. Section 29180 of the Penal Code is amended to read:

21 29180. (a) For purposes of this chapter, "manufacturing" or
22 "assembling" a firearm means to fabricate or construct a firearm,
23 or to fit together the component parts of a firearm to construct a
24 firearm.

25 ~~(b) Commencing July 1, 2018, prior to manufacturing or~~
26 ~~assembling a firearm, a person manufacturing or assembling the~~
27 ~~firearm shall do all of the following:~~

28 ~~(1) Apply to the Department of Justice for a unique serial~~
29 ~~number or other mark of identification pursuant to Section 29182.~~

30 ~~(2) (A) Within 10 days of manufacturing or assembling a~~
31 ~~firearm in accordance with paragraph (1), the unique serial number~~
32 ~~or other mark of identification provided by the department shall~~
33 ~~be engraved or permanently affixed to the firearm in a manner that~~
34 ~~meets or exceeds the requirements imposed on licensed importers~~
35 ~~and licensed manufacturers of firearms pursuant to subsection (i)~~
36 ~~of Section 923 of Title 18 of the United States Code and regulations~~
37 ~~issued pursuant thereto.~~

38 ~~(B) If the firearm is manufactured or assembled from polymer~~
39 ~~plastic, 3.7 ounces of material type 17-4 PH stainless steel shall~~
40 ~~be embedded within the plastic upon fabrication or construction~~

1 with the unique serial number engraved or otherwise permanently
2 affixed in a manner that meets or exceeds the requirements imposed
3 on licensed importers and licensed manufacturers of firearms
4 pursuant to subsection (i) of Section 923 of Title 18 of the United
5 States Code and regulations issued pursuant thereto.

6 ~~(3)~~

7 (b) After the serial number provided by the department is
8 engraved or otherwise permanently affixed to the firearm, the
9 *assembling a firearm*, a person shall notify the department of that
10 fact in a manner and within a time period specified by the
11 department, and with sufficient information to identify the owner
12 of the firearm, the ~~unique serial number or mark of identification~~
13 ~~provided by the department~~, *serial number of the frame or receiver*,
14 and a *description* of the firearm in a manner prescribed by the
15 department.

16 (e) ~~By January 1, 2019, any person who, as of July 1, 2018,~~
17 ~~owns a firearm that does not bear a serial number assigned to it~~
18 ~~pursuant to either Section 23910 or Chapter 44 (commencing with~~
19 ~~Section 921) of Part 1 of Title 18 of the United States Code and~~
20 ~~the regulations issued pursuant thereto, shall do all of the following:~~

21 (c) *Any person who owns a firearm or firearm precursor part*
22 *that does not bear a valid serial number or mark of identification,*
23 *as defined in Section 23920, shall be deemed to be in compliance*
24 *with subdivision (b) of Section 23920 if they, by no later than July*
25 *1, 2023, do all of the following:*

26 (1) Apply to the Department of Justice for a unique serial
27 number or other mark of identification pursuant to Section 29182.

28 (2) Within 10 days of receiving a unique serial number or other
29 mark of identification from the department, the unique serial
30 number or other mark of identification provided by the department
31 ~~shall be engraved~~ *engrave* or permanently ~~affixed~~ *affix that serial*
32 *number or mark of identification* to the firearm in accordance with
33 regulations prescribed by the department pursuant to Section 29182
34 and in a manner that meets or exceeds the requirements imposed
35 on licensed importers and licensed manufacturers of firearms
36 pursuant to subsection (i) of Section 923 of Title 18 of the United
37 States Code and regulations issued pursuant thereto. *If the firearm*
38 *is manufactured or assembled from polymer plastic, 3.7 ounces*
39 *of material type 17-4 PH stainless steel shall be embedded within*
40 *the plastic upon fabrication or construction.*

1 (3) After the serial number provided by the department is
 2 engraved or otherwise permanently affixed to the firearm, ~~the~~
 3 ~~person shall~~ notify the department of that fact in a manner and
 4 within a time period specified by the department and with sufficient
 5 information to identify the owner of the firearm, the unique serial
 6 number or mark of identification provided by the department, and
 7 the firearm in a manner prescribed by the department.

8 ~~(d) (1) The sale or transfer of ownership of a firearm~~
 9 ~~manufactured or assembled pursuant to this section is prohibited.~~
 10 *No person, other than a federally licensed manufacturer or*
 11 *importer, shall sell or transfer ownership of a firearm in this state*
 12 *that is manufactured or assembled by that person, except by*
 13 *operation of law.*

14 (2) Paragraph (1) does not apply to the transfer, surrender, or
 15 sale of a firearm to a law enforcement agency.

16 (3) Any firearms confiscated by law enforcement that do not
 17 bear an engraved serial number or other mark of identification
 18 pursuant to subdivision (b) or (c), or a firearm surrendered,
 19 transferred, or sold to a law enforcement agency pursuant to
 20 paragraph (2) shall be destroyed as provided in Section 18005.

21 (4) Sections 26500 and 27545, and subdivision (a) of Section
 22 31615, do not apply to the transfer, sale, or surrender of firearms
 23 to a law enforcement agency pursuant to paragraph (2).

24 ~~(e) A new resident to the state shall apply for a unique serial~~
 25 ~~number or other mark of identification pursuant to Section 29182~~
 26 ~~within 60 days of arrival for any firearm the resident wishes to~~
 27 ~~possess in the state that the resident previously manufactured or~~
 28 ~~assembled or a firearm the resident owns, that does not have a~~
 29 ~~unique serial number or other mark of identification.~~

30 ~~(f)~~

31 (e) A person, corporation, or firm shall not knowingly allow,
 32 facilitate, aid, or abet the manufacture or assembling of a firearm
 33 pursuant to this section by a person who is within any of the classes
 34 identified by Chapter 2 (commencing with Section 29800) or
 35 Chapter 3 (commencing with Section 29900) of Division 9 of this
 36 code, or Section 8100 or 8103 of the Welfare and Institutions Code.

37 (f) *A person, corporation, or firm shall not knowingly*
 38 *manufacture or assemble, or knowingly cause, allow, facilitate,*
 39 *aid, or abet the manufacture or assembling of a firearm that is not*

1 *imprinted with a valid serial number or mark of identification as*
2 *defined in Section 23920.*

3 (g) If the firearm is a handgun, a violation of this section is
4 punishable by imprisonment in a county jail not to exceed one
5 year, or by a fine not to exceed one thousand dollars (\$1,000), or
6 by both that fine and imprisonment. For all other firearms, a
7 violation of this section is punishable by imprisonment in a county
8 jail not to exceed six months, or by a fine not to exceed one
9 thousand dollars (\$1,000), or by both that fine and imprisonment.
10 Each firearm found to be in violation of this section constitutes a
11 distinct and separate offense. This section does not preclude
12 prosecution under any other law providing for a greater penalty.

13 *SEC. 14. Section 29181 of the Penal Code is repealed.*

14 ~~29181. Section 29180 does not apply to or affect any of the~~
15 ~~following:~~

16 ~~(a) A firearm that has a serial number assigned to it pursuant to~~
17 ~~either Section 23910 or Chapter 44 (commencing with Section~~
18 ~~921) of Part 1 of Title 18 of the United States Code and the~~
19 ~~regulations issued pursuant thereto.~~

20 ~~(b) A firearm made or assembled prior to December 16, 1968,~~
21 ~~that is not a handgun.~~

22 ~~(c) A firearm which was entered into the centralized registry~~
23 ~~set forth in Section 11106 prior to July 1, 2018, as being owned~~
24 ~~by a specific individual or entity if that firearm has assigned to it~~
25 ~~a distinguishing number or mark of identification because the~~
26 ~~department accepted entry of that firearm into the centralized~~
27 ~~registry.~~

28 ~~(d) A firearm that has a serial number assigned to it pursuant~~
29 ~~to Chapter 53 of Title 26 of the United States Code and the~~
30 ~~regulations issued pursuant thereto.~~

31 ~~(e) A firearm that is a curio or relic, or an antique firearm, as~~
32 ~~those terms are defined in Section 479.11 of Title 27 of the Code~~
33 ~~of Federal Regulations.~~

34 *SEC. 15. Section 29182 of the Penal Code is amended to read:*

35 ~~29182. (a) (1) The Department of Justice shall accept~~
36 ~~applications from, and shall grant applications in the form of serial~~
37 ~~numbers pursuant to Section 23910 to, persons who wish to~~
38 ~~manufacture or assemble firearms pursuant to subdivision (b) of~~
39 ~~Section 29180.~~

40 (2)

1 29182. (a) The Department of Justice ~~shall~~ *may* accept
2 applications from, and ~~shall~~ *may* grant applications in the form of
3 serial numbers pursuant to Section 23910 to, persons who wish to
4 own a firearm ~~described in subdivision (e) of or firearm precursor~~
5 *part that does not have a valid serial number or mark of*
6 *identification as defined in Section 29180. 23920.*

7 (b) An application made pursuant to subdivision (a) shall only
8 be granted by the department if the applicant does all of the
9 following:

10 (1) For each transaction, completes a firearms eligibility check
11 pursuant to Section 28220 demonstrating that the applicant is not
12 prohibited by state or federal law from possessing, receiving,
13 owning, or purchasing a firearm.

14 (2) ~~(A) Presents proof of age and identity as specified in Section~~
15 ~~16400. Except as provided in subparagraph (B), the applicant shall~~
16 ~~be 16400 demonstrating that person is 21 years of age or older to~~
17 ~~obtain a unique serial number or mark of identification for a~~
18 ~~firearm. older.~~

19 ~~(B) The department shall grant an application to an applicant~~
20 ~~who is at least 18 years of age, but less than 21 years of age, for a~~
21 ~~serial number for a firearm that is not a handgun, if that application~~
22 ~~is made before February 1, 2019.~~

23 (3) Provides a description of the firearm that ~~he or she~~ *the*
24 *applicant* owns or intends to manufacture or assemble, in a manner
25 prescribed by the department.

26 (4) Has a valid firearm safety ~~certificate or handgun safety~~
27 ~~certificate.~~

28 (c) The department shall inform applicants who are denied an
29 application of the reasons for the denial in writing.

30 (d) All applications shall be granted or denied within 15 calendar
31 days of the receipt of the application by the department.

32 (e) (1) This chapter does not authorize a person to manufacture,
33 assemble, or possess a weapon prohibited under Section 16590,
34 an assault weapon as defined in Section 30510 or 30515, a
35 machinegun as defined in Section 16880, a .50 BMG rifle as
36 defined in Section 30530, or a destructive device as defined in
37 Section 16460.

38 (2) This chapter does not authorize a person, on or after July 1,
39 2018, to manufacture or assemble an unsafe handgun, as defined
40 in Section 31910.

1 (f) A new resident to the state shall be deemed to be in
2 compliance with subdivision (b) of Section 23920 if, within 60
3 days after arriving in the state, they apply for a unique serial
4 number or other mark of identification pursuant this section for
5 any firearm that they wish to legally possess in the state and that
6 does not have a unique serial number or other mark of
7 identification.

8 (f)

9 (g) The department shall adopt regulations to administer this
10 chapter.

11 SEC. 16. Section 29185 is added to the Penal Code, to read:

12 29185. (a) It is unlawful to sell, offer to sell, or transfer a
13 computer numerical control (CNC) milling machine in this state
14 that has the sole or primary function of manufacturing firearms
15 to any person other than a federally licensed firearms manufacturer
16 or importer.

17 (b) It is unlawful for any person in this state other than a
18 federally licensed firearms manufacturer or importer to possess,
19 purchase, or receive a CNC milling machine that has the sole or
20 primary function of manufacturing firearms.

21 (c) This section does not apply to:

22 (1) A person who is engaged in the business of selling
23 manufacturing equipment to a federally licensed firearms
24 manufacturer or importer who possesses a CNC milling machine
25 with the intent to sell or transfer the CNC milling machine to a
26 federally licensed firearms manufacturer or importer.

27 (2) A common carrier licensed under state law, or a motor
28 carrier, air carrier or carrier affiliated with an air carrier through
29 common controlling interest that is subject to Title 49 of the United
30 States Code, or an authorized agent of any such carrier, when
31 acting in the course and scope of duties incident to the receipt,
32 processing, transportation, or delivery of property.

33 (3) Any member of the Armed Forces of the United States or
34 the National Guard, while on duty and acting within the scope and
35 course of employment, or any law enforcement agency or forensic
36 laboratory.

37 SEC. 17. Section 30400 of the Penal Code is repealed.

38 30400. (a) Commencing July 1, 2022, a person, corporation,
39 or dealer who does either of the following shall be punished by
40 imprisonment in a county jail for a term not to exceed six months,

1 or by a fine not to exceed one thousand dollars (\$1,000), or by
2 both the imprisonment and fine.

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

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

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

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

19 *SEC. 18. Section 30400 is added to the Penal Code, to read:*

20 *30400. Except as provided in Section 30420, it shall be*
21 *unlawful for a person to do either of the following:*

22 (a) *Sell, offer to sell, or transfer ownership of an unserialized*
23 *firearm precursor part in this state to a person that is not either*
24 *of the following:*

25 (1) *A federally licensed firearms manufacturer or importer.*

26 (2) *A federal licensee authorized to serialize firearms.*

27 (b) *Purchase or receive an unserialized firearm precursor part*
28 *in this state unless the person is either of the following:*

29 (1) *A federally licensed firearms manufacturer or importer.*

30 (2) *A federal licensee authorized to serialize firearms.*

31 *SEC. 19. Section 30405 of the Penal Code is repealed.*

32 *30405. (a) (1) Commencing July 1, 2022, a person prohibited*
33 *from owning or possessing a firearm under Chapter 2 (commencing*
34 *with Section 29800) or Chapter 3 (commencing with Section*
35 *29900) of Division 9 of this title, or Section 8100 or 8103 of the*
36 *Welfare and Institutions Code, shall not own, possess, or have*
37 *under custody or control a firearm precursor part.*

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

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

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

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

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

14 ~~(e) Upon the trial for violating subdivision (a), the trier of fact~~
15 ~~shall determine whether the defendant is eligible for the exemption~~
16 ~~created by subdivision (b). The defendant has the burden of proving~~
17 ~~by a preponderance of the evidence that the defendant is within~~
18 ~~the scope of the exemption provided by subdivision (b).~~

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

24 *SEC. 20. Section 30406 of the Penal Code is repealed.*

25 ~~30406. (a) Commencing July 1, 2022, a person, corporation,~~
26 ~~firm, or other business enterprise who supplies, delivers, sells, or~~
27 ~~gives possession or control of a firearm precursor part to anybody~~
28 ~~who that person knows or using reasonable care should know is~~
29 ~~prohibited from owning, possessing, or having under custody or~~
30 ~~control a firearm precursor part is guilty of a misdemeanor,~~
31 ~~punishable by imprisonment in a county jail not exceeding one~~
32 ~~year, or a fine not exceeding one thousand dollars (\$1,000), or by~~
33 ~~both that fine and imprisonment.~~

34 ~~(b) Commencing July 1, 2022, a person, corporation, firm, or~~
35 ~~other business enterprise that supplies, delivers, sells, or gives~~
36 ~~possession or control of a firearm precursor part to a person whom~~
37 ~~the person, corporation, firm, or other business enterprise knows~~
38 ~~or has cause to believe is not the actual purchaser or transferee of~~
39 ~~the firearm precursor part, with knowledge or cause to believe that~~
40 ~~the firearm precursor part is to be subsequently sold or transferred~~

1 to a person who is prohibited from owning, possessing, or having
2 under custody or control a firearm precursor part is guilty of a
3 misdemeanor, punishable by imprisonment in a county jail not
4 exceeding one year, or a fine not exceeding one thousand dollars
5 (\$1,000), or by both that fine and imprisonment.

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

11 *SEC. 21. Section 30412 of the Penal Code is repealed.*

12 ~~30412. (a) (1) Commencing July 1, 2022, the sale of a firearm~~
13 ~~precursor part by any party shall be conducted by or processed~~
14 ~~through a licensed firearm precursor part vendor.~~

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

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

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

39 ~~(1) An authorized law enforcement representative of a city,~~
40 ~~county, city and county, or state or federal government, if the sale,~~

- 1 ~~delivery, or transfer is for exclusive use by that governmental~~
2 ~~agency and, prior to the sale, delivery, or transfer of the firearm~~
3 ~~precursor part, written authorization from the head of the agency~~
4 ~~employing the purchaser or transferee is obtained, identifying the~~
5 ~~employee as an individual authorized to conduct the transaction,~~
6 ~~and authorizing the transaction for the exclusive use of the agency~~
7 ~~employing the individual.~~
- 8 ~~(2) A sworn peace officer, as defined in Chapter 4.5~~
9 ~~(commencing with Section 830) of Title 3 of Part 2, or sworn~~
10 ~~federal law enforcement officer, who is authorized to carry a~~
11 ~~firearm in the course and scope of the officer's duties.~~
- 12 ~~(3) An importer or manufacturer of ammunition or firearms~~
13 ~~who is licensed to engage in business pursuant to Chapter 44~~
14 ~~(commencing with Section 921) of Title 18 of the United States~~
15 ~~Code and the regulations issued pursuant thereto.~~
- 16 ~~(4) A person who is on the centralized list of exempted federal~~
17 ~~firearms licensees maintained by the Department of Justice~~
18 ~~pursuant to Article 6 (commencing with Section 28450) of Chapter~~
19 ~~6 of Division 6.~~
- 20 ~~(5) A person whose licensed premises are outside this state and~~
21 ~~who is licensed as a dealer or collector of firearms pursuant to~~
22 ~~Chapter 44 (commencing with Section 921) of Title 18 of the~~
23 ~~United States Code and the regulations issued pursuant thereto.~~
- 24 ~~(6) A person who is licensed as a collector of firearms pursuant~~
25 ~~to Chapter 44 (commencing with Section 921) of Title 18 of the~~
26 ~~United States Code and the regulations issued pursuant thereto,~~
27 ~~whose licensed premises are within this state, and who has a current~~
28 ~~certificate of eligibility issued by the Department of Justice~~
29 ~~pursuant to Section 26710.~~
- 30 ~~(7) A firearm precursor part vendor.~~
- 31 ~~(8) An authorized representative of a city, county, city and~~
32 ~~county, or state or federal government, if the firearm precursor~~
33 ~~part is obtained as part of an authorized, voluntary program in~~
34 ~~which the governmental entity is buying or receiving firearm~~
35 ~~precursor parts from private individuals.~~
- 36 ~~(d) Any firearm precursor part acquired pursuant to paragraph~~
37 ~~(8) of subdivision (c) shall be disposed of pursuant to the applicable~~
38 ~~provisions of Sections 18000, 18005, and 34000.~~
- 39 ~~(e) A violation of this section is a misdemeanor.~~

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

6 *SEC. 22. Section 30414 of the Penal Code is repealed.*

7 ~~30414. (a) Commencing July 1, 2022, a resident of this state~~
8 ~~shall not bring or transport into this state a firearm precursor part~~
9 ~~that they purchased or otherwise obtained from outside of this state~~
10 ~~unless they first had that firearm precursor part delivered to a~~
11 ~~licensed firearm precursor part vendor for delivery to that resident~~
12 ~~pursuant to the procedures set forth in Section 30412.~~

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

14 ~~(1) A firearm precursor part vendor.~~

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

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

23 ~~(4) A person who is on the centralized list of exempted federal~~
24 ~~firearms licensees maintained by the Department of Justice~~
25 ~~pursuant to Article 6 (commencing with Section 28450) of Chapter~~
26 ~~6 of Division 6.~~

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

33 ~~(6) A licensed common carrier or an authorized agent or~~
34 ~~employee of a licensed common carrier, when acting in the course~~
35 ~~and scope of duties incident to the delivery of or receipt of that~~
36 ~~firearm in accordance with federal law.~~

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

38 ~~(d) The provisions of this section are cumulative and do not~~
39 ~~restrict the application of any other law. However, an act or~~
40 ~~omission punishable in different ways by this section and another~~

1 ~~provision of law shall not be punished under more than one~~
2 ~~provision.~~

3 *SEC. 23. Section 30420 of the Penal Code is amended to read:*
4 30420. This article does not apply to ~~or affect the sale to,~~
5 ~~purchase by, possession of, or use of a firearm precursor part by~~
6 ~~any any of the following persons:~~

7 (a) ~~A member of the United States Armed Forces, Armed Forces~~
8 ~~of the United States or the National Guard, while on duty and~~
9 ~~acting within the scope and course of employment, or any police~~
10 ~~law enforcement agency or forensic laboratory or any person who~~
11 ~~is the holder of a valid permit issued pursuant to Article 3~~
12 ~~(commencing with Section 18900) of Chapter 1 of Division 5 of~~
13 ~~Title 2: laboratory.~~

14 (b) *A common carrier licensed under state law, or a motor*
15 *carrier, air carrier or carrier affiliated with an air carrier through*
16 *common controlling interest that is subject to Title 49 of the United*
17 *States Code, or an authorized agent of any such carrier, when*
18 *acting in the course and scope of duties incident to the receipt,*
19 *processing, transportation, or delivery of property.*

20 (c) *An authorized representative of a city, county, city and*
21 *county, or state or federal government that receives an unserialized*
22 *firearm precursor part as part of an authorized, voluntary program*
23 *in which the governmental entity is buying or receiving firearms*
24 *or firearm precursor parts from private individuals.*

25 *SEC. 24. Article 2 (commencing with Section 30442) of Chapter*
26 *1.5 of Division 10 of Title 4 of Part 6 of the Penal Code is repealed.*

27 *SEC. 25. Article 3 (commencing with Section 30470) of Chapter*
28 *1.5 of Division 10 of Title 4 of Part 6 of the Penal Code is repealed.*

29 *SEC. 26. Article 4 (commencing with Section 30485) of Chapter*
30 *1.5 of Division 10 of Title 4 of Part 6 of the Penal Code is repealed.*

31 *SEC. 27. The Department of Justice is authorized to adopt*
32 *emergency regulations to implement this Act.*

33 *SEC. 28. The provisions of this act are severable. If any*
34 *provision of this act or its application is held invalid, that invalidity*
35 *shall not affect other provisions or applications that can be given*
36 *effect without the invalid provision or application.*

37 *SEC. 29. No reimbursement is required by this act pursuant*
38 *to Section 6 of Article XIII B of the California Constitution because*
39 *the only costs that may be incurred by a local agency or school*
40 *district will be incurred because this act creates a new crime or*

1 *infraction, eliminates a crime or infraction, or changes the penalty*
2 *for a crime or infraction, within the meaning of Section 17556 of*
3 *the Government Code, or changes the definition of a crime within*
4 *the meaning of Section 6 of Article XIII B of the California*
5 *Constitution.*

6 ~~SECTION 1. The Legislature finds and declares the following:~~

7 ~~(a) With rising homicides, the President of the United States~~
8 ~~has urged Congress to take action to end the gun violence epidemic.~~

9 ~~(b) During the pandemic, cities across the country have~~
10 ~~experienced record-setting homicide numbers.~~

11 ~~(c) The City of Los Angeles recorded over 352 homicides in~~
12 ~~2021, and Chicago, Illinois, recorded over 756, with increases of~~
13 ~~12 percent and 4 percent over the prior year, respectively. In~~
14 ~~Houston, Texas, homicides increased 18 percent from 2020.~~

15 ~~(d) The nation's capital recorded over 200 homicides in 2021,~~
16 ~~the highest number since 2004. Officers there have taken more~~
17 ~~than 2,000 guns off the street and, as the city works to curb gun~~
18 ~~violence, there is growing concern over ghost guns, which are sold~~
19 ~~as parts and then assembled by the customer.~~

20 ~~(e) A commercially manufactured firearm is made by a licensed~~
21 ~~company and then sold by a licensed firearms dealer. All~~
22 ~~commercially manufactured firearms sold in the United States are~~
23 ~~required to have a serial numbers etched or engraved on the frame~~
24 ~~or receiver.~~

25 ~~(f) Conversely, a ghost gun is manufactured from components~~
26 ~~that can be assembled at the home of the purchaser. There is~~
27 ~~generally no requirement to pass a background check to obtain the~~
28 ~~components of a ghost gun. These parts are sold online as kits that~~
29 ~~include an "80 percent receiver," meaning that the frame or receiver~~
30 ~~is 80-percent complete, and the buyers must complete the final 20~~
31 ~~percent themselves.~~

32 ~~(g) A key selling point for many buyers is that a ghost gun does~~
33 ~~not have a serial number, that law enforcement agencies can use~~
34 ~~to trace the gun from the manufacturer to the dealer and then to~~
35 ~~any subsequent purchaser. Under current rules, the Bureau of~~
36 ~~Alcohol, Tobacco, Firearms and Explosives does not treat these~~
37 ~~unfinished receivers as traditional firearms.~~

38 ~~(h) States including California, Connecticut, Delaware, Hawaii,~~
39 ~~Nevada, New Jersey, New York, Rhode Island, Virginia, and~~
40 ~~Washington, and the District of Columbia, have enacted laws to~~

- 1 at least partially address the problem of unserialized firearms, but
- 2 many states have left them completely unregulated.
- 3 ~~SEC. 2. It is the intent of the Legislature to enact legislation~~
- 4 ~~to further prohibit unserialized firearms in the state.~~

O

RE: Supervisor Stefani Resolution Introduction

Abraham, Emily (BOS) <emily.abraham@sfgov.org>

Mon 4/11/2022 4:24 PM

To: BOS Legislation, (BOS) <bos.legislation@sfgov.org>

Lisa,

Please see attached for a copy of AB 1621. The California State Association of Counties has not taken a position, and the League of California Cities has taken a *watch* position.

I am also confirming that these matters are routine, not contentious in nature, and of no special interest.

Thank you,

Emily

Emily Abraham

Legislative Aide

Office of Supervisor Catherine Stefani

City and County of San Francisco

415-554-7733

From: BOS Legislation, (BOS) <bos.legislation@sfgov.org>

Sent: Monday, April 11, 2022 4:19 PM

To: Abraham, Emily (BOS) <emily.abraham@sfgov.org>; BOS Legislation, (BOS) <bos.legislation@sfgov.org>

Subject: RE: Supervisor Stefani Resolution Introduction

Hi Emily,

Pursuant to [Board Rule 2.8.2](#), please provide the following to complete this submission:

- a copy of AB 1621
- confirm that organizations such as the [California State Association of Counties](#) and [League of California Cities](#) have *not* taken a position on these bills. If they have, please provide a copy of their statement for completeness of the file
- since the item is requested to be placed on the For Adoption Without Committee Reference of the agenda, pursuant to Board Rule 2.1.2, please confirm that these matters are routine, not contentious in nature, and of no special interest

Thank you.

Lisa Lew

San Francisco Board of Supervisors

1 Dr. Carlton B. Goodlett Place, Room 244

San Francisco, CA 94102

T 415-554-7718 | F 415-554-5163

lisa.lew@sfgov.org | www.sfbos.org

(VIRTUAL APPOINTMENTS) To schedule a “virtual” meeting with me (on Microsoft Teams), please ask and I can answer your questions in real time.

Due to the current COVID-19 health emergency and the Shelter in Place Order, the Office of the Clerk of the Board is working remotely while providing complete access to the legislative process and our services.



Click [here](#) to complete a Board of Supervisors Customer Service Satisfaction form

The [Legislative Research Center](#) provides 24-hour access to Board of Supervisors legislation, and archived matters since August 1998.

***Disclosures:** Personal information that is provided in communications to the Board of Supervisors is subject to disclosure under the California Public Records Act and the San Francisco Sunshine Ordinance. Personal information provided will not be redacted. Members of the public are not required to provide personal identifying information when they communicate with the Board of Supervisors and its committees. All written or oral communications that members of the public submit to the Clerk's Office regarding pending legislation or hearings will be made available to all members of the public for inspection and copying. The Clerk's Office does not redact any information from these submissions. This means that personal information—including names, phone numbers, addresses and similar information that a member of the public elects to submit to the Board and its committees—may appear on the Board of Supervisors' website or in other public documents that members of the public may inspect or copy.*

From: Abraham, Emily (BOS) <emily.abraham@sfgov.org>

Sent: Monday, April 11, 2022 4:08 PM

To: BOS Legislation, (BOS) <bos.legislation@sfgov.org>

Subject: Supervisor Stefani Resolution Introduction

Good afternoon,

Please see attached for the Introduction Form and draft Resolution for Supervisor Stefani's introductions tomorrow.

Please let me know if you need anything else!

Thank you,

Emily

Emily Abraham

Legislative Aide

Office of Supervisor Catherine Stefani

City and County of San Francisco

415-554-7733

Introduction Form

By a Member of the Board of Supervisors or Mayor

Time stamp
or meeting date

I hereby submit the following item for introduction (select only one):

1. For reference to Committee. (An Ordinance, Resolution, Motion or Charter Amendment).
2. Request for next printed agenda Without Reference to Committee.
3. Request for hearing on a subject matter at Committee.
4. Request for letter beginning : "Supervisor inquiries"
5. City Attorney Request.
6. Call File No. from Committee.
7. Budget Analyst request (attached written motion).
8. Substitute Legislation File No.
9. Reactivate File No.
10. Topic submitted for Mayoral Appearance before the BOS on

Please check the appropriate boxes. The proposed legislation should be forwarded to the following:

- Small Business Commission Youth Commission Ethics Commission
- Planning Commission Building Inspection Commission

Note: For the Imperative Agenda (a resolution not on the printed agenda), use the Imperative Form.

Sponsor(s):

Subject:

The text is listed:

Signature of Sponsoring Supervisor: