

File No. 160695

Committee Item No. _____

Board Item No. 36

COMMITTEE/BOARD OF SUPERVISORS

AGENDA PACKET CONTENTS LIST

Committee: _____

Date: _____

Board of Supervisors Meeting

Date: June 21, 2016

Cmte Board

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| <input type="checkbox"/> | <input type="checkbox"/> | Motion |
| <input type="checkbox"/> | <input checked="" type="checkbox"/> | Resolution |
| <input type="checkbox"/> | <input type="checkbox"/> | Ordinance |
| <input type="checkbox"/> | <input type="checkbox"/> | Legislative Digest |
| <input type="checkbox"/> | <input type="checkbox"/> | Budget and Legislative Analyst Report |
| <input type="checkbox"/> | <input type="checkbox"/> | Youth Commission Report |
| <input type="checkbox"/> | <input checked="" type="checkbox"/> | Introduction Form |
| <input type="checkbox"/> | <input type="checkbox"/> | Department/Agency Cover Letter and/or Report |
| <input type="checkbox"/> | <input type="checkbox"/> | MOU |
| <input type="checkbox"/> | <input type="checkbox"/> | Grant Information Form |
| <input type="checkbox"/> | <input type="checkbox"/> | Grant Budget |
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| <input type="checkbox"/> | <input type="checkbox"/> | Form 126 – Ethics Commission |
| <input type="checkbox"/> | <input type="checkbox"/> | Award Letter |
| <input type="checkbox"/> | <input type="checkbox"/> | Application |
| <input type="checkbox"/> | <input type="checkbox"/> | Public Correspondence |

OTHER

- | | | |
|--------------------------|-------------------------------------|--|
| <input type="checkbox"/> | <input checked="" type="checkbox"/> | <u>California State Assembly Bill No. 1664</u> |
| <input type="checkbox"/> | <input checked="" type="checkbox"/> | <u>California State Assembly Bill No. 1673</u> |
| <input type="checkbox"/> | <input checked="" type="checkbox"/> | <u>California State Assembly Bill No. 1674</u> |
| <input type="checkbox"/> | <input checked="" type="checkbox"/> | <u>California State Assembly Bill No. 1695</u> |
| <input type="checkbox"/> | <input checked="" type="checkbox"/> | <u>California State Assembly Bill No. 2607</u> |

Prepared by: Brent Jalipa

Date: June 16, 2016

Prepared by: _____

Date: _____

1 [Supporting California State Assembly Bills 1664, 1673, 1674, 1695, and 2607 -
2 Comprehensive Gun Safety Bills]

3 **Resolution supporting California State Assembly Bills 1664, 1673, 1674, 1695, and 2607,**
4 **authored by Assembly Members Marc Levine, Phil Ting, David Chiu, Miguel Santiago,**
5 **Robert Bonta, and Michael Gipson - Comprehensive Gun Safety Bills.**

6
7 WHEREAS, Over the past decade more than 100,000 Americans have been killed as a
8 result of gun violence; and

9 WHEREAS, In 2015 alone there were more than 13,300 people killed by firearms in the
10 United States, including more than 3,350 children under the age of 18 killed or injured by
11 firearms; and

12 WHEREAS, A mass shooting has been defined as a single shooting incident which kills
13 or injures four or more people and by this definition in the year 2015, the United States has
14 experienced over 350 mass shootings; and

15 WHEREAS, The Orlando, Florida shooting on June 12, 2016, at the Pulse Nightclub
16 was the deadliest mass shooting in the history of the United States leaving 49 people dead
17 and 53 people injured or maimed; and

18 WHEREAS, Many state elected officials are considering new gun safety measures
19 such as closing loopholes in our State's ban on assault weapons and gun storage laws; and

20 WHEREAS, San Francisco has for decades been a national leader in both legislating
21 and defending in the courts bold policies against the proliferation of guns on our streets and
22 has been in favor of smart gun control restrictions, from our 1981 Handgun Control Ordinance
23 to the 2013 bans on lethal ammunition and high capacity magazines, recognizing the
24 reasonable judgment that these types of ammunition and magazines pose a significant and
25 serious threat to the health of our residents; and

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WHEREAS, California State Assembly Bills 1664, 1673, 1674, 1695, and 2607 are model comprehensive gun safety bills that, while protecting constitutional second amendment rights, limit access to particularly deadly weapons and addresses the need to limit access to firearms when someone is in a mental health crisis; and

WHEREAS, Assembly Bills 1664, 1673, 1674, 1695, and 2607 strike the right balance between constitutional rights and prioritizing the safety of our citizens; now, therefore, be it

RESOLVED, That the San Francisco Board of Supervisors declares their support for Assembly Bills 1664, 1673, 1674, 1695, and 2607, and urges the Senate and Assembly to pass these bills; and, be it

FURTHER RESOLVED, That the San Francisco Board of Supervisors hereby directs the Clerk of the Board to transmit copies of this resolution to Assembly Members Levine, Ting, Chiu, Santiago, Bonta, and Gipson, and our City lobbyist with a request to take all actions necessary to achieve the objectives of these bills.

AMENDED IN SENATE JUNE 14, 2016

AMENDED IN ASSEMBLY MAY 31, 2016

CALIFORNIA LEGISLATURE—2015–16 REGULAR SESSION

ASSEMBLY BILL

No. 1664

**Introduced by Assembly Members Levine, Ting, and Chiu
(Coauthors: Assembly Members Bonta, Cristina Garcia, Gipson,
McCarty, Nazarian, and Santiago)
(Coauthor: Senator Leno)**

January 14, 2016

An act to amend Sections 30515 and 30900 of, and to add Section 30680 to, the Penal Code, relating to firearms.

LEGISLATIVE COUNSEL'S DIGEST

AB 1664, as amended, Levine. Firearms: assault weapons.

(1) Existing law generally prohibits the possession or transfer of assault weapons, except for the sale, purchase, importation, or possession of assault weapons by specified individuals, including law enforcement officers. Under existing law, "assault weapon" means, among other things, a semiautomatic centerfire rifle or a semiautomatic pistol that has the capacity to accept a detachable magazine and has any one of several specified attributes, including, for rifles, a thumbhole stock, and for pistols, a 2nd handgrip.

This bill would revise this definition of "assault weapon" to mean a semiautomatic centerfire rifle or a semiautomatic pistol that does not have a fixed magazine but has any one of those specified attributes. The bill would also define "fixed magazine" to mean an ammunition feeding device contained in, or permanently attached to, a firearm in such a

manner that the device cannot be removed without disassembly of the firearm action.

By expanding the definition of an existing crime, the bill would impose a state-mandated local program.

(2) Existing law makes any person who, within this state, possesses an assault weapon, except as otherwise provided, guilty of a misdemeanor or a felony.

This bill would exempt from punishment under that prohibition a person who possessed an assault weapon prior to January 1, 2017, if specified requirements are met.

(3) Existing law requires that, with specified exceptions, any person who, prior to January 1, 2001, lawfully possessed an assault weapon prior to the date it was defined as an assault weapon, and which was not specified as an assault weapon at the time of lawful possession, register the firearm with the Department of Justice. Existing law permits the Department of Justice to charge a fee for registration of up to \$20 per person but not to exceed the actual processing costs of the department. Existing law, after the department establishes fees sufficient to reimburse the department for processing costs, requires fees charged to increase at a rate not to exceed the legislatively approved annual cost-of-living adjustment for the department's budget or as otherwise increased through the Budget Act. Existing law requires those fees to be deposited into the Dealers' Record of Sale Special Account. Existing law, the Administrative Procedure Act, establishes the requirements for the adoption, publication, review, and implementation of regulations by state agencies.

This bill would require that any person who, from January 1, 2001, to December 31, 2016, inclusive, lawfully possessed an assault weapon that does not have a fixed magazine, as defined, and including those weapons with an ammunition feeding device that can be removed readily from the firearm with the use of a tool, register the firearm with the Department of Justice before January 1, 2018, but not before the effective date of specified regulations. The bill would permit the department to increase the \$20 registration fee as long as it does not exceed the reasonable processing costs of the department. The bill would also require registrations to be submitted electronically via the Internet utilizing a public-facing application made available by the department. The bill would require the registration to contain specified information, including, but not limited to, a description of the firearm that identifies it uniquely and specified information about the registrant.

The bill would permit the department to charge a fee of up to \$15 per person for registration through the Internet, not to exceed the reasonable processing costs of the department to be paid and deposited, as specified, for purposes of the registration program. The bill would require the department to adopt regulations for the purpose of implementing those provisions and would exempt those regulations from the Administrative Procedure Act. The bill would also make technical and conforming changes.

(4) 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.

~~(1) Existing law generally prohibits the possession or transfer of assault weapons, except for the sale, purchase, importation, or possession of assault weapons by specified individuals, including law enforcement officers. Under existing law, "assault weapon" means, among other things, a semiautomatic centerfire rifle or a semiautomatic pistol that has the capacity to accept a detachable magazine and has any one of specified attributes, including, for rifles, a thumbhole stock, and for pistols, a second handgrip.~~

~~This bill would define "detachable magazine" to mean an ammunition feeding device that can be removed readily from the firearm without disassembly of the firearm action, including an ammunition feeding device that can be removed readily from the firearm with the use of a tool.~~

~~By expanding the definition of an existing crime, the bill would impose a state-mandated local program.~~

~~(2) Existing law requires that any person who, within this state, possesses an assault weapon, except as otherwise provided, be punished as a felony or for a period not to exceed one year in a county jail.~~

~~This bill would exempt from punishment under that provision a person who initially possessed an assault weapon prior to January 1, 2017, and until July 1, 2018, if specified requirements are met.~~

~~(3) Existing law requires that, with specified exceptions, any person who, prior to January 1, 2001, lawfully possessed an assault weapon prior to the date it was defined as an assault weapon, and which was not specified as an assault weapon at the time of lawful possession, register the firearm with the Department of Justice. Existing law permits~~

~~the department to charge a fee for registration of up to \$20 per person but not to exceed the actual processing costs of the department. Existing law, after the department establishes fees sufficient to reimburse the department for processing costs, requires fees charged to increase at a rate not to exceed the legislatively approved annual cost-of-living adjustment for the department's budget or as otherwise increased through the Budget Act. Existing law requires those fees to be deposited into the Dealers' Record of Sale Special Account. Existing law, the Administrative Procedure Act, establishes the requirements for the adoption, publication, review, and implementation of regulations by state agencies.~~

~~This bill would require that any person who, from January 1, 2001, to December 31, 2016, inclusive, lawfully possessed an assault weapon with an ammunition feeding device that can be removed readily from the firearm without disassembly of the firearm action, including a weapon with an ammunition feeding device that can be removed readily from the firearm with the use of a tool, to register the firearm with the department before July 1, 2018, but not before the effective date of specified regulations. The bill would permit the department to charge a registration fee not to exceed the reasonable processing costs of the department. This bill would also require registrations to be submitted electronically via the Internet utilizing a public-facing application made available by the department. This bill would require the registration to contain specified information, including, but not limited to, a description of the firearm that identifies it uniquely and specified information about the registrant. The bill would require the department to adopt regulations for the purpose of implementing these provisions and would exempt those regulations from the Administrative Procedure Act. This bill would also make technical and conforming changes.~~

~~(4) The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.~~

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

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

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

- 1 SECTION 1. Section 30515 of the Penal Code is amended to
2 read:
- 3 30515. (a) Notwithstanding Section 30510, “assault weapon”
4 also means any of the following:
- 5 (1) A semiautomatic, centerfire rifle that ~~has the capacity to~~
6 ~~accept~~ *does not have a detachable fixed* magazine ~~and but has~~ any
7 one of the following:
- 8 (A) A pistol grip that protrudes conspicuously beneath the action
9 of the weapon.
- 10 (B) A thumbhole stock.
- 11 (C) A folding or telescoping stock.
- 12 (D) A grenade launcher or flare launcher.
- 13 (E) A flash suppressor.
- 14 (F) A forward pistol grip.
- 15 (2) A semiautomatic, centerfire rifle that has a fixed magazine
16 with the capacity to accept more than 10 rounds.
- 17 (3) A semiautomatic, centerfire rifle that has an overall length
18 of less than 30 inches.
- 19 (4) A semiautomatic pistol that ~~has the capacity to accept~~ *does*
20 ~~not have a detachable fixed~~ magazine ~~and but has~~ any one of the
21 following:
- 22 (A) A threaded barrel, capable of accepting a flash suppressor,
23 forward handgrip, or silencer.
- 24 (B) A second handgrip.
- 25 (C) A shroud that is attached to, or partially or completely
26 encircles, the barrel that allows the bearer to fire the weapon
27 without burning the bearer’s hand, except a slide that encloses the
28 barrel.
- 29 (D) The capacity to accept a detachable magazine at some
30 location outside of the pistol grip.
- 31 (5) A semiautomatic pistol with a fixed magazine that has the
32 capacity to accept more than 10 rounds.
- 33 (6) A semiautomatic shotgun that has both of the following:
- 34 (A) A folding or telescoping stock.
- 35 (B) A pistol grip that protrudes conspicuously beneath the action
36 of the weapon, thumbhole stock, or vertical handgrip.
- 37 (7) A semiautomatic shotgun that has the ability to accept a
38 detachable magazine.

1 (8) Any shotgun with a revolving cylinder.
 2 (b) For purposes of this section, "fixed magazine" means an
 3 ammunition feeding device contained in, or permanently attached
 4 to, a firearm in such a manner that the device cannot be removed
 5 without disassembly of the firearm action.

6 ~~(b)~~
 7 (c) The Legislature finds a significant public purpose in
 8 exempting from the definition of "assault weapon" pistols that are
 9 designed expressly for use in Olympic target shooting events.
 10 Therefore, those pistols that are sanctioned by the International
 11 Olympic Committee and by USA Shooting, the national governing
 12 body for international shooting competition in the United States,
 13 and that were used for Olympic target shooting purposes as of
 14 January 1, 2001, and that would otherwise fall within the definition
 15 of "assault weapon" pursuant to this section are exempt, as
 16 provided in subdivision ~~(e)~~: (d).

17 ~~(e)~~
 18 (d) "Assault weapon" does not include either of the following:
 19 (1) Any antique firearm.
 20 (2) Any of the following pistols, because they are consistent
 21 with the significant public purpose expressed in subdivision ~~(b)~~:
 22 (c):

24	MANUFACTURER	MODEL	CALIBER
26	BENELLI	MP90	.22LR
27	BENELLI	MP90	.32 S&W LONG
28	BENELLI	MP95	.22LR
29	BENELLI	MP95	.32 S&W LONG
30	HAMMERLI	280	.22LR
31	HAMMERLI	280	.32 S&W LONG
32	HAMMERLI	SP20	.22LR
33	HAMMERLI	SP20	.32 S&W LONG
34	PARDINI	GPO	.22 SHORT
35	PARDINI	GP-SCHUMANN	.22 SHORT
36	PARDINI	HP	.32 S&W LONG
37	PARDINI	MP	.32 S&W LONG
38	PARDINI	SP	.22LR
39	PARDINI	SPE	.22LR
40	WALTHER	GSP	.22LR

1	WALTHER	GSP	.32 S&W LONG
2	WALTHER	OSP	.22 SHORT
3	WALTHER	OSP-2000	.22 SHORT

4
5 (3) The Department of Justice shall create a program that is
6 consistent with the purposes stated in subdivision ~~(b)~~ (c) to exempt
7 new models of competitive pistols that would otherwise fall within
8 the definition of “assault weapon” pursuant to this section from
9 being classified as an assault weapon. The exempt competitive
10 pistols may be based on recommendations by USA Shooting
11 consistent with the regulations contained in the USA Shooting
12 Official Rules or may be based on the recommendation or rules
13 of any other organization that the department deems relevant.

14 *SEC. 2. Section 30680 is added to the Penal Code, to read:*
15 *30680. Section 30605 does not apply to the possession of an*
16 *assault weapon by a person who has possessed the assault weapon*
17 *prior to January 1, 2017, if all of the following are applicable:*

18 (a) *Prior to January 1, 2017, the person would have been*
19 *eligible to register that assault weapon pursuant to subdivision*
20 *(b) of Section 30900.*

21 (b) *The person lawfully possessed that assault weapon prior to*
22 *January 1, 2017.*

23 (c) *The person registers the assault weapon by January 1, 2018,*
24 *in accordance with subdivision (b) of Section 30900.*

25 *SEC. 3. Section 30900 of the Penal Code is amended to read:*

26 30900. (a) (1) Any person who, prior to June 1, 1989, lawfully
27 possessed an assault weapon, as defined in former Section 12276,
28 as added by Section 3 of Chapter 19 of the Statutes of 1989, shall
29 register the firearm by January 1, 1991, and any person who
30 lawfully possessed an assault weapon prior to the date it was
31 specified as an assault weapon pursuant to former Section 12276.5,
32 as added by Section 3 of Chapter 19 of the Statutes of 1989 or as
33 amended by Section 1 of Chapter 874 of the Statutes of 1990 or
34 Section 3 of Chapter 954 of the Statutes of 1991, shall register the
35 firearm within 90 days with the Department of Justice pursuant to
36 those procedures that the department may establish.

37 ~~(b)~~

38 (2) Except as provided in Section 30600, any person who
39 lawfully possessed an assault weapon prior to the date it was
40 defined as an assault weapon pursuant to former Section 12276.1,

1 as it read in Section 7 of Chapter 129 of the Statutes of 1999, and
2 which was not specified as an assault weapon under former Section
3 12276, as added by Section 3 of Chapter 19 of the Statutes of 1989
4 or as amended at any time before January 1, 2001, or former
5 Section 12276.5, as added by Section 3 of Chapter 19 of the
6 Statutes of 1989 or as amended at any time before January 1, 2001,
7 shall register the firearm by January 1, 2001, with the department
8 pursuant to those procedures that the department may establish.

9 (e)
10 (3) The registration shall contain a description of the firearm
11 that identifies it uniquely, including all identification marks, the
12 full name, address, date of birth, and thumbprint of the owner, and
13 any other information that the department may deem appropriate.

14 (d)
15 (4) The department may charge a fee for registration of up to
16 twenty dollars (\$20) per person but not to exceed the ~~actual~~
17 *reasonable* processing costs of the department. After the
18 department establishes fees sufficient to reimburse the department
19 for processing costs, fees charged shall increase at a rate not to
20 exceed the legislatively approved annual cost-of-living adjustment
21 for the department's budget or as otherwise increased through the
22 ~~Budget Act~~ *Act but not to exceed the reasonable costs of the*
23 *department*. The fees shall be deposited into the Dealers' Record
24 of Sale Special Account.

25 (b) (1) *Any person who, from January 1, 2001, to December*
26 *31, 2016, inclusive, lawfully possessed an assault weapon that*
27 *does not have a fixed magazine, as defined in Section 30515,*
28 *including those weapons with an ammunition feeding device that*
29 *can be readily removed from the firearm with the use of a tool,*
30 *shall register the firearm before January 1, 2018, but not before*
31 *the effective date of the regulations adopted pursuant to paragraph*
32 *(5), with the department pursuant to those procedures that the*
33 *department may establish by regulation pursuant to paragraph*
34 *(5).*

35 (2) *Registrations shall be submitted electronically via the*
36 *Internet utilizing a public-facing application made available by*
37 *the department.*

38 (3) *The registration shall contain a description of the firearm*
39 *that identifies it uniquely, including all identification marks, the*
40 *date the firearm was acquired, the name and address of the*

1 individual from whom, or business from which, the firearm was
2 acquired, as well as the registrant's full name, address, telephone
3 number, date of birth, sex, height, weight, eye color, hair color,
4 and California driver's license number or California identification
5 card number.

6 (4) The department may charge a fee in an amount of up to
7 fifteen dollars (\$15) per person but not to exceed the reasonable
8 processing costs of the department. The fee shall be paid by debit
9 or credit card at the time that the electronic registration is
10 submitted to the department. The fee shall be deposited in the
11 Dealers' Record of Sale Special Account to be used for purposes
12 of this section.

13 (5) The department shall adopt regulations for the purpose of
14 implementing this subdivision. These regulations are exempt from
15 the Administrative Procedure Act (Chapter 3.5 (commencing with
16 Section 11340) of Part 1 of Division 3 of Title 2 of the Government
17 Code).

18 SEC. 4. No reimbursement is required by this act pursuant to
19 Section 6 of Article XIII B of the California Constitution because
20 the only costs that may be incurred by a local agency or school
21 district will be incurred because this act creates a new crime or
22 infraction, eliminates a crime or infraction, or changes the penalty
23 for a crime or infraction, within the meaning of Section 17556 of
24 the Government Code, or changes the definition of a crime within
25 the meaning of Section 6 of Article XIII B of the California
26 Constitution.

27 SECTION 1. It is the intent of the Legislature to effectuate the
28 intent of the Roberti-Roos Assault Weapons Control Act of 1989
29 and to close the bullet button loophole by redefining "detachable
30 magazine," as used in Section 30515 of the Penal Code, to include
31 an ammunition feeding device that can be readily removed from
32 the firearm with the use of a tool.

33 SEC. 2. Section 30515 of the Penal Code is amended to read:
34 30515. (a) Notwithstanding Section 30510, "assault weapon"
35 also means any of the following:

36 (1) A semiautomatic centerfire rifle that has the capacity to
37 accept a detachable magazine and any one of the following:

38 (A) A pistol grip that protrudes conspicuously beneath the action
39 of the weapon.

40 (B) A thumbhole stock.

- 1 ~~(C) A folding or telescoping stock.~~
- 2 ~~(D) A grenade launcher or flare launcher.~~
- 3 ~~(E) A flash suppressor.~~
- 4 ~~(F) A forward pistol grip.~~
- 5 ~~(2) A semiautomatic centerfire rifle that has a fixed magazine~~
- 6 ~~with the capacity to accept more than 10 rounds.~~
- 7 ~~(3) A semiautomatic centerfire rifle that has an overall length~~
- 8 ~~of less than 30 inches.~~
- 9 ~~(4) A semiautomatic pistol that has the capacity to accept a~~
- 10 ~~detachable magazine and any one of the following:~~
- 11 ~~(A) A threaded barrel, capable of accepting a flash suppressor,~~
- 12 ~~forward handgrip, or silencer.~~
- 13 ~~(B) A second handgrip.~~
- 14 ~~(C) A shroud that is attached to, or partially or completely~~
- 15 ~~encircles, the barrel that allows the bearer to fire the weapon~~
- 16 ~~without burning the bearer's hand, except a slide that encloses the~~
- 17 ~~barrel.~~
- 18 ~~(D) The capacity to accept a detachable magazine at some~~
- 19 ~~location outside of the pistol grip.~~
- 20 ~~(5) A semiautomatic pistol with a fixed magazine that has the~~
- 21 ~~capacity to accept more than 10 rounds.~~
- 22 ~~(6) A semiautomatic shotgun that has both of the following:~~
- 23 ~~(A) A folding or telescoping stock.~~
- 24 ~~(B) A pistol grip that protrudes conspicuously beneath the action~~
- 25 ~~of the weapon, thumbhole stock, or vertical handgrip.~~
- 26 ~~(7) A semiautomatic shotgun that has the ability to accept a~~
- 27 ~~detachable magazine.~~
- 28 ~~(8) Any shotgun with a revolving cylinder.~~
- 29 ~~(b) For purposes of this section, "detachable magazine" means~~
- 30 ~~an ammunition feeding device that can be removed readily from~~
- 31 ~~the firearm without disassembly of the firearm action, including~~
- 32 ~~an ammunition feeding device that can be removed readily from~~
- 33 ~~the firearm with the use of a tool.~~
- 34 ~~(c) The Legislature finds a significant public purpose in~~
- 35 ~~exempting from the definition of "assault weapon" pistols that are~~
- 36 ~~designed expressly for use in Olympic target shooting events.~~
- 37 ~~Therefore, those pistols that are sanctioned by the International~~
- 38 ~~Olympic Committee and by USA Shooting, the national governing~~
- 39 ~~body for international shooting competition in the United States,~~
- 40 ~~and that were used for Olympic target shooting purposes as of~~

1 January 1, 2001, and that would otherwise fall within the definition
2 of "assault weapon" pursuant to this section are exempt, as
3 provided in subdivision (d):

4 (d) "Assault weapon" does not include either of the following:

5 (1) Any antique firearm.

6 (2) Any of the following pistols, because they are consistent
7 with the significant public purpose expressed in subdivision (c):

8	9 MANUFACTURER	MODEL	CALIBER
10			
11	BENELLI	MP90	.22LR
12	BENELLI	MP90	.32 S&W LONG
13	BENELLI	MP95	.22LR
14	BENELLI	MP95	.32 S&W LONG
15	HAMMERLI	280	.22LR
16	HAMMERLI	280	.32 S&W LONG
17	HAMMERLI	SP20	.22LR
18	HAMMERLI	SP20	.32 S&W LONG
19	PARDINI	GPO	.22 SHORT
20	PARDINI	GP-SCHUMANN	.22 SHORT
21	PARDINI	HP	.32 S&W LONG
22	PARDINI	MP	.32 S&W LONG
23	PARDINI	SP	.22LR
24	PARDINI	SPE	.22LR
25	WALTHER	GSP	.22LR
26	WALTHER	GSP	.32 S&W LONG
27	WALTHER	OSP	.22 SHORT
28	WALTHER	OSP-2000	.22 SHORT
29			

30 (3) The Department of Justice shall create a program that is
31 consistent with the purposes stated in subdivision (c) to exempt
32 new models of competitive pistols that would otherwise fall within
33 the definition of "assault weapon" pursuant to this section from
34 being classified as an assault weapon. The exempt competitive
35 pistols may be based on recommendations by USA Shooting
36 consistent with the regulations contained in the USA Shooting
37 Official Rules or may be based on the recommendation or rules
38 of any other organization that the department deems relevant.

39 SEC. 3. Section 30680 is added to the Penal Code, to read:

1 30680. Notwithstanding the meaning of “assault weapon” under
2 Section 30515, as amended by the act that added this section,
3 Section 30605 shall not apply to the possession of an assault
4 weapon by a person who initially possessed the assault weapon
5 prior to January 1, 2017, until July 1, 2018, if all of the following
6 are applicable:

7 (a) During the person’s possession, the person was eligible to
8 register that assault weapon pursuant to subdivision (b) of Section
9 30900.

10 (b) The person lawfully possessed that assault weapon prior to
11 January 1, 2017.

12 SEC. 4. Section 30900 of the Penal Code is amended to read:

13 30900. (a) (1) A person who, prior to June 1, 1989, lawfully
14 possessed an assault weapon, as defined in former Section 12276,
15 as added by Section 3 of Chapter 19 of the Statutes of 1989, shall
16 register the firearm by January 1, 1991, and a person who lawfully
17 possessed an assault weapon prior to the date it was specified as
18 an assault weapon pursuant to former Section 12276.5, as added
19 by Section 3 of Chapter 19 of the Statutes of 1989 or as amended
20 by Section 1 of Chapter 874 of the Statutes of 1990 or Section 3
21 of Chapter 954 of the Statutes of 1991, shall register the firearm
22 within 90 days with the Department of Justice pursuant to those
23 procedures that the department may establish.

24 (2) Except as provided in Section 30600, a person who lawfully
25 possessed an assault weapon prior to the date it was defined as an
26 assault weapon pursuant to former Section 12276.1, as it read in
27 Section 7 of Chapter 129 of the Statutes of 1999, and which was
28 not specified as an assault weapon under former Section 12276,
29 as added by Section 3 of Chapter 19 of the Statutes of 1989 or as
30 amended at any time before January 1, 2001, or former Section
31 12276.5, as added by Section 3 of Chapter 19 of the Statutes of
32 1989 or as amended at any time before January 1, 2001, shall
33 register the firearm by January 1, 2001, with the department
34 pursuant to those procedures that the department may establish.

35 (3) The registration shall contain a description of the firearm
36 that identifies it uniquely, including all identification marks, the
37 full name, address, date of birth, and thumbprint of the owner, and
38 any other information that the department may deem appropriate.

39 (4) The department may charge a fee for registration of up to
40 twenty dollars (\$20) per person but not to exceed the reasonable

1 processing costs of the department. After the department establishes
2 fees sufficient to reimburse the department for processing costs,
3 fees charged shall increase at a rate not to exceed the legislatively
4 approved annual cost-of-living adjustment for the department's
5 budget or as otherwise increased through the Budget Act, but not
6 to exceed the reasonable processing costs of the department. The
7 fees shall be deposited into the Dealers' Record of Sale Special
8 Account.

9 (b) (1) A person who, from January 1, 2001, to December 31,
10 2016, inclusive, lawfully possessed an assault weapon with an
11 ammunition feeding device that can be removed readily from the
12 firearm without disassembly of the firearm action, as defined in
13 Section 30515, including those weapons with an ammunition
14 feeding device that can be removed readily from the firearm with
15 the use of a tool, shall register the firearm before July 1, 2018, but
16 not before the effective date of the regulations adopted pursuant
17 to paragraph (5), with the department pursuant to those procedures
18 that the department may establish by regulation pursuant to
19 paragraph (5).

20 (2) Registrations shall be submitted electronically via the
21 Internet utilizing a public-facing application made available by
22 the department.

23 (3) The registration shall contain a description of the firearm
24 that identifies it uniquely, including all identification marks, the
25 date the firearm was acquired, the name and address of the
26 individual from whom, or business from which, the firearm was
27 acquired, as well as the registrant's full name, address, telephone
28 number, date of birth, sex, height, weight, eye color, hair color,
29 and California driver's license number or California identification
30 card number.

31 (4) The department may charge a fee of no more than the
32 reasonable processing costs of the department. The fee shall be
33 paid by debit or credit card at the time that the electronic
34 registration is submitted to the department. The fee shall be
35 deposited in the Dealers' Record of Sale Special Account.

36 (5) The department shall adopt regulations for the purpose of
37 implementing this subdivision. These regulations shall be exempt
38 from the Administrative Procedure Act.

39 SEC. 5.— No reimbursement is required by this act pursuant to
40 Section 6 of Article XIII B of the California Constitution because

1 ~~the only costs that may be incurred by a local agency or school~~
2 ~~district will be incurred because this act creates a new crime or~~
3 ~~infraction, eliminates a crime or infraction, or changes the penalty~~
4 ~~for a crime or infraction, within the meaning of Section 17556 of~~
5 ~~the Government Code, or changes the definition of a crime within~~
6 ~~the meaning of Section 6 of Article XIII B of the California~~
7 ~~Constitution.~~

O

AMENDED IN ASSEMBLY MAY 31, 2016
AMENDED IN ASSEMBLY MARCH 29, 2016
CALIFORNIA LEGISLATURE—2015–16 REGULAR SESSION

ASSEMBLY BILL

No. 1673

Introduced by Assembly Member Gipson
(Coauthors: Assembly Members Bonta, Chiu, Jones-Sawyer, Levine, Santiago, and Ting)

January 19, 2016

An act to amend Section 16520 of the Penal Code, relating to firearms.

LEGISLATIVE COUNSEL'S DIGEST

AB 1673, as amended, Gipson. Firearms: unfinished frame or receiver.

Existing law generally regulates the transfer and possession of firearms. Existing law defines the term "firearm" for various regulatory purposes, including, among others and subject to exceptions, the requirement that firearms be transferred by or through a licensed firearms dealer, the requirement of a 10-day waiting period prior to delivery of a firearm by a dealer, the requirement that firearm purchasers be subject to a background check, and the prohibition on certain classes of persons, such as felons, possessing firearms. Existing law provides, for some of these provisions, that a violation of the provision is a crime.

This bill would expand the definition of "firearm" for those purposes and other purposes to include a frame or receiver blank, casting, or machined body, that is designed and clearly identifiable as a component of a functional weapon, from which is expelled through a barrel, a projectile by the force of an explosion or other form of combustion.

By expanding the scope of existing crimes, this bill would impose a state-mandated local program.

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

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

Vote: majority. Appropriation: no. Fiscal committee: yes.

State-mandated local program: yes.

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

1 SECTION 1. Section 16520 of the Penal Code is amended to
2 read:

3 16520. (a) As used in this part, "firearm" means a device,
4 designed to be used as a weapon, from which is expelled through
5 a barrel, a projectile by the force of an explosion or other form of
6 combustion.

7 (b) As used in the following provisions, "firearm" includes the
8 frame or receiver of the weapon, or a frame or receiver blank,
9 casting, or machined body, that is designed and clearly identifiable
10 as a component of a functional weapon, from which is expelled
11 through a barrel, a projectile by the force of an explosion or other
12 form of ~~combustion~~: *combustion*:

- 13 (1) Section 16550.
- 14 (2) Section 16730.
- 15 (3) Section 16960.
- 16 (4) Section 16990.
- 17 (5) Section 17070.
- 18 (6) Section 17310.
- 19 (7) Sections 26500 to 26588, inclusive.
- 20 (8) Sections 26600 to 27140, inclusive.
- 21 (9) Sections 27400 to 28000, inclusive.
- 22 (10) Section 28100.
- 23 (11) Sections 28400 to 28415, inclusive.
- 24 (12) Sections 29010 to 29150, inclusive.
- 25 (13) Sections 29610 to 29750, inclusive.
- 26 (14) Sections 29800 to 29905, inclusive.
- 27 (15) Sections 30150 to 30165, inclusive.
- 28 (16) Section 31615.

- 1 (17) Sections 31705 to 31830, inclusive.
- 2 (18) Sections 34355 to 34370, inclusive.
- 3 (19) Sections 8100, 8101, and 8103 of the Welfare and
- 4 Institutions Code.
- 5 (c) As used in the following provisions, “firearm” also includes
- 6 a rocket, rocket propelled projectile launcher, or similar device
- 7 containing an explosive or incendiary material, whether or not the
- 8 device is designed for emergency or distress signaling purposes:
- 9 (1) Section 16750.
- 10 (2) Subdivision (b) of Section 16840.
- 11 (3) Section 25400.
- 12 (4) Sections 25850 to 26025, inclusive.
- 13 (5) Subdivisions (a), (b), and (c) of Section 26030.
- 14 (6) Sections 26035 to 26055, inclusive.
- 15 (d) As used in the following provisions, “firearm” does not
- 16 include an unloaded antique firearm:
- 17 (1) Subdivisions (a) and (c) of Section 16730.
- 18 (2) Section 16550.
- 19 (3) Section 16960.
- 20 (4) Section 17310.
- 21 (5) Chapter 6 (commencing with Section 26350) of Division 5
- 22 of Title 4.
- 23 (6) Chapter 7 (commencing with Section 26400) of Division 5
- 24 of Title 4.
- 25 (7) Sections 26500 to 26588, inclusive.
- 26 (8) Sections 26700 to 26915, inclusive.
- 27 (9) Section 27510.
- 28 (10) Section 27530.
- 29 (11) Section 27540.
- 30 (12) Section 27545.
- 31 (13) Sections 27555 to 27585, inclusive.
- 32 (14) Sections 29010 to 29150, inclusive.
- 33 (15) Section 25135.
- 34 (e) As used in Sections 34005 and 34010, “firearm” does not
- 35 include a destructive device.
- 36 (f) As used in Sections 17280 and 24680, “firearm” has the
- 37 same meaning as in Section 922 of Title 18 of the United States
- 38 Code.
- 39 (g) As used in Sections 29010 to 29150, inclusive, “firearm”
- 40 includes the unfinished frame or receiver of a weapon that can be

1 readily converted to the functional condition of a finished frame
2 or receiver.
3 SEC. 2. No reimbursement is required by this act pursuant to
4 Section 6 of Article XIII B of the California Constitution because
5 the only costs that may be incurred by a local agency or school
6 district will be incurred because this act creates a new crime or
7 infraction, eliminates a crime or infraction, or changes the penalty
8 for a crime or infraction, within the meaning of Section 17556 of
9 the Government Code, or changes the definition of a crime within
10 the meaning of Section 6 of Article XIII B of the California
11 Constitution.

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AMENDED IN ASSEMBLY MAY 31, 2016

AMENDED IN ASSEMBLY APRIL 6, 2016

CALIFORNIA LEGISLATURE—2015–16 REGULAR SESSION

ASSEMBLY BILL

No. 1674

Introduced by Assembly Member Santiago
(Coauthor: Assembly Member Chiu)
(Coauthors: Assembly Members Bonta, Chiu, Gipson, Levine,
McCarty, and Ting)
(Coauthor: Senator Leno)

January 19, 2016

An act to amend Sections ~~11106, 26835, 27535, 27540, 27585, 27590,~~
and ~~27875~~ of, and to add Section ~~27877~~ to, and 27590 of the Penal
Code, relating to firearms.

LEGISLATIVE COUNSEL'S DIGEST

AB 1674, as amended, Santiago. Firearms: transfers.

Existing law, subject to exceptions, prohibits a person from making more than one application to purchase a handgun within any 30-day period. Violation of that prohibition is a crime. Existing law exempts from that prohibition a firearms transaction where neither of the parties is a firearms dealer if the transaction is completed through a dealer. Existing law prohibits a firearms dealer from delivering a handgun to a person whenever the dealer is notified by the Department of Justice that within the preceding 30-day period the purchaser has made another application to purchase a handgun that does not fall within an exception to the 30-day prohibition. A violation of that delivery prohibition by the dealer is a crime.

This bill would make the 30-day prohibition and the dealer delivery prohibition described above applicable to all types of firearms. The bill would delete the private party transaction exemption to the 30-day prohibition. *prohibition and instead would exempt from that prohibition the transfer of a firearm conducted through a licensed firearms dealer if the firearm is being transferred by bequest or intestate succession.* The bill would make additional conforming changes and technical, nonsubstantive changes.

By expanding the scope of existing crimes, this bill would impose a state-mandated local program.

~~Existing law, if certain requirements are met, exempts certain transfers of firearms, including, among others, the inheritance of a firearm by a surviving spouse and the transfer resulting from a bequest between immediate family members, from the requirement of being processed by a firearms dealer and from being subject to certain restrictions on the importation of firearms.~~

~~This bill would recast some of those provisions to exempt from that requirement and those restrictions, any person acquiring ownership of firearms by bequest or intestate succession, if certain requirements are met. The bill would make additional conforming changes.~~

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

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

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

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

- 1 SECTION 1. ~~Section 11106 of the Penal Code is amended to~~
- 2 ~~read:~~
- 3 ~~11106. (a) (1) In order to assist in the investigation of crime,~~
- 4 ~~the prosecution of civil actions by city attorneys pursuant to~~
- 5 ~~paragraph (3) of subdivision (b), the arrest and prosecution of~~
- 6 ~~criminals, and the recovery of lost, stolen, or found property, the~~
- 7 ~~Attorney General shall keep and properly file a complete record~~
- 8 ~~of all of the following:~~
- 9 ~~(A) All copies of fingerprints.~~

- 1 ~~(B) Copies of licenses to carry firearms issued pursuant to~~
2 ~~Section 26150, 26155, 26170, or 26215.~~
- 3 ~~(C) Information reported to the Department of Justice pursuant~~
4 ~~to Section 26225, 27875, 27877, 27920, or 29830.~~
- 5 ~~(D) Dealers' records of sales of firearms.~~
- 6 ~~(E) Reports provided pursuant to Article 1 (commencing with~~
7 ~~Section 27500) of Chapter 4 of Division 6 of Title 4 of Part 6, or~~
8 ~~pursuant to any provision listed in subdivision (a) of Section 16585.~~
- 9 ~~(F) Forms provided pursuant to Section 12084, as that section~~
10 ~~read prior to being repealed on January 1, 2006.~~
- 11 ~~(G) Reports provided pursuant to Article 1 (commencing with~~
12 ~~Section 26700) and Article 2 (commencing with Section 26800)~~
13 ~~of Chapter 2 of Division 6 of Title 4 of Part 6, that are not dealers'~~
14 ~~records of sales of firearms.~~
- 15 ~~(H) Information provided pursuant to Section 28255.~~
- 16 ~~(I) Reports of stolen, lost, found, pledged, or pawned property~~
17 ~~in any city or county of this state.~~
- 18 ~~(2) The Attorney General shall, upon proper application therefor,~~
19 ~~furnish the information to the officers referred to in Section 11105.~~
- 20 ~~(b) (1) The Attorney General shall permanently keep and~~
21 ~~properly file and maintain all information reported to the~~
22 ~~Department of Justice pursuant to the following provisions as to~~
23 ~~firearms and maintain a registry thereof:~~
- 24 ~~(A) Article 1 (commencing with Section 26700) and Article 2~~
25 ~~(commencing with Section 26800) of Chapter 2 of Division 6 of~~
26 ~~Title 4 of Part 6.~~
- 27 ~~(B) Article 1 (commencing with Section 27500) of Chapter 4~~
28 ~~of Division 6 of Title 4 of Part 6.~~
- 29 ~~(C) Chapter 5 (commencing with Section 28050) of Division 6~~
30 ~~of Title 4 of Part 6.~~
- 31 ~~(D) Any provision listed in subdivision (a) of Section 16585.~~
- 32 ~~(E) Former Section 12084.~~
- 33 ~~(F) Section 28255.~~
- 34 ~~(G) Any other law.~~
- 35 ~~(2) The registry shall consist of all of the following:~~
- 36 ~~(A) The name, address, identification of, place of birth (state~~
37 ~~or country), complete telephone number, occupation, sex,~~
38 ~~description, and all legal names and aliases ever used by the owner~~
39 ~~or person being loaned the particular firearm as listed on the~~
40 ~~information provided to the department on the Dealers' Record of~~

1 Sale, the Law Enforcement Firearms Transfer (LEFT), as defined
2 in former Section 12084, or reports made to the department
3 pursuant to any provision listed in subdivision (a) of Section 16585,
4 Section 28255, or any other law.

5 (B) ~~The name and address of, and other information about, any~~
6 ~~person (whether a dealer or a private party) from whom the owner~~
7 ~~acquired or the person being loaned the particular firearm and~~
8 ~~when the firearm was acquired or loaned as listed on the~~
9 ~~information provided to the department on the Dealers' Record of~~
10 ~~Sale, the LEFT, or reports made to the department pursuant to any~~
11 ~~provision listed in subdivision (a) of Section 16585 or any other~~
12 ~~law.~~

13 (C) ~~Any waiting period exemption applicable to the transaction~~
14 ~~which resulted in the owner of or the person being loaned the~~
15 ~~particular firearm acquiring or being loaned that firearm.~~

16 (D) ~~The manufacturer's name if stamped on the firearm, model~~
17 ~~name or number if stamped on the firearm, and, if applicable, the~~
18 ~~serial number, other number (if more than one serial number is~~
19 ~~stamped on the firearm), caliber, type of firearm, if the firearm is~~
20 ~~new or used, barrel length, and color of the firearm, or, if the~~
21 ~~firearm is not a handgun and does not have a serial number or any~~
22 ~~identification number or mark assigned to it, that shall be noted.~~

23 (3) ~~Information in the registry referred to in this subdivision~~
24 ~~shall, upon proper application therefor, be furnished to the officers~~
25 ~~referred to in Section 11105, to a city attorney prosecuting a civil~~
26 ~~action, solely for use in prosecuting that civil action and not for~~
27 ~~any other purpose, or to the person listed in the registry as the~~
28 ~~owner or person who is listed as being loaned the particular firearm.~~

29 (4) ~~If any person is listed in the registry as the owner of a firearm~~
30 ~~through a Dealers' Record of Sale prior to 1979, and the person~~
31 ~~listed in the registry requests by letter that the Attorney General~~
32 ~~store and keep the record electronically, as well as in the record's~~
33 ~~existing photographic, photostatic, or nonerasable optically stored~~
34 ~~form, the Attorney General shall do so within three working days~~
35 ~~of receipt of the request. The Attorney General shall, in writing,~~
36 ~~and as soon as practicable, notify the person requesting electronic~~
37 ~~storage of the record that the request has been honored as required~~
38 ~~by this paragraph.~~

39 (e) (1) ~~If the conditions specified in paragraph (2) are met, any~~
40 ~~officer referred to in paragraphs (1) to (6), inclusive, of subdivision~~

1 (b) of Section 11105 may disseminate the name of the subject of
2 the record, the number of the firearms listed in the record, and the
3 description of any firearm, including the make, model, and caliber,
4 from the record relating to any firearm's sale, transfer, registration,
5 or license record, or any information reported to the Department
6 of Justice pursuant to any of the following:

7 ~~(A) Section 26225, 27875, 27877, or 27920.~~

8 ~~(B) Article 1 (commencing with Section 26700) and Article 2~~
9 ~~(commencing with Section 26800) of Chapter 2 of Division 6 of~~
10 ~~Title 4 of Part 6.~~

11 ~~(C) Article 1 (commencing with Section 27500) of Chapter 4~~
12 ~~of Division 6 of Title 4 of Part 6.~~

13 ~~(D) Chapter 5 (commencing with Section 28050) of Division~~
14 ~~6 of Title 4 of Part 6.~~

15 ~~(E) Article 2 (commencing with Section 28150) of Chapter 6~~
16 ~~of Division 6 of Title 4 of Part 6.~~

17 ~~(F) Article 5 (commencing with Section 30900) of Chapter 2~~
18 ~~of Division 10 of Title 4 of Part 6.~~

19 ~~(G) Chapter 2 (commencing with Section 33850) of Division~~
20 ~~11 of Title 4 of Part 6.~~

21 ~~(H) Any provision listed in subdivision (a) of Section 16585.~~

22 ~~(2) Information may be disseminated pursuant to paragraph (1)~~
23 ~~only if all of the following conditions are satisfied:~~

24 ~~(A) The subject of the record has been arraigned for a crime in~~
25 ~~which the victim is a person described in subdivisions (a) to (f),~~
26 ~~inclusive, of Section 6211 of the Family Code and is being~~
27 ~~prosecuted or is serving a sentence for the crime, or the subject of~~
28 ~~the record is the subject of an emergency protective order, a~~
29 ~~temporary restraining order, or an order after hearing, which is in~~
30 ~~effect and has been issued by a family court under the Domestic~~
31 ~~Violence Protection Act set forth in Division 10 (commencing~~
32 ~~with Section 6200) of the Family Code.~~

33 ~~(B) The information is disseminated only to the victim of the~~
34 ~~crime or to the person who has obtained the emergency protective~~
35 ~~order, the temporary restraining order, or the order after hearing~~
36 ~~issued by the family court.~~

37 ~~(C) Whenever a law enforcement officer disseminates the~~
38 ~~information authorized by this subdivision, that officer or another~~
39 ~~officer assigned to the case shall immediately provide the victim~~
40 ~~of the crime with a "Victims of Domestic Violence" card, as~~

1 specified in subparagraph (H) of paragraph (9) of subdivision (c)
2 of Section 13701.

3 ~~(3) The victim or person to whom information is disseminated~~
4 ~~pursuant to this subdivision may disclose it as he or she deems~~
5 ~~necessary to protect himself or herself or another person from~~
6 ~~bodily harm by the person who is the subject of the record.~~

7 ~~SEC. 2.~~

8 SECTION 1. Section 26835 of the Penal Code is amended to
9 read:

10 26835. A licensee shall post conspicuously within the licensed
11 premises the following warnings in block letters not less than one
12 inch in height:

13
14 (a) "IF YOU KEEP A LOADED FIREARM WITHIN ANY
15 PREMISES UNDER YOUR CUSTODY OR CONTROL, AND
16 A PERSON UNDER 18 YEARS OF AGE OBTAINS IT AND
17 USES IT, RESULTING IN INJURY OR DEATH, OR CARRIES
18 IT TO A PUBLIC PLACE, YOU MAY BE GUILTY OF A
19 MISDEMEANOR OR A FELONY UNLESS YOU STORED
20 THE FIREARM IN A LOCKED CONTAINER OR LOCKED
21 THE FIREARM WITH A LOCKING DEVICE, TO KEEP IT
22 FROM TEMPORARILY FUNCTIONING."

23 (b) "IF YOU KEEP A PISTOL, REVOLVER, OR OTHER
24 FIREARM CAPABLE OF BEING CONCEALED UPON THE
25 PERSON, WITHIN ANY PREMISES UNDER YOUR CUSTODY
26 OR CONTROL, AND A PERSON UNDER 18 YEARS OF AGE
27 GAINS ACCESS TO THE FIREARM, AND CARRIES IT
28 OFF-PREMISES, YOU MAY BE GUILTY OF A
29 MISDEMEANOR, UNLESS YOU STORED THE FIREARM IN
30 A LOCKED CONTAINER, OR LOCKED THE FIREARM WITH
31 A LOCKING DEVICE, TO KEEP IT FROM TEMPORARILY
32 FUNCTIONING."

33 (c) "IF YOU KEEP ANY FIREARM WITHIN ANY
34 PREMISES UNDER YOUR CUSTODY OR CONTROL, AND
35 A PERSON UNDER 18 YEARS OF AGE GAINS ACCESS TO
36 THE FIREARM, AND CARRIES IT OFF-PREMISES TO A
37 SCHOOL OR SCHOOL-SPONSORED EVENT, YOU MAY BE
38 GUILTY OF A MISDEMEANOR, INCLUDING A FINE OF UP
39 TO FIVE THOUSAND DOLLARS (\$5,000), UNLESS YOU

1 STORED THE FIREARM IN A LOCKED CONTAINER, OR
2 LOCKED THE FIREARM WITH A LOCKING DEVICE.”

3 (d) “IF YOU NEGLIGENTLY STORE OR LEAVE A
4 LOADED FIREARM WITHIN ANY PREMISES UNDER YOUR
5 CUSTODY OR CONTROL, WHERE A PERSON UNDER 18
6 YEARS OF AGE IS LIKELY TO ACCESS IT, YOU MAY BE
7 GUILTY OF A MISDEMEANOR, INCLUDING A FINE OF UP
8 TO ONE THOUSAND DOLLARS (\$1,000), UNLESS YOU
9 STORED THE FIREARM IN A LOCKED CONTAINER, OR
10 LOCKED THE FIREARM WITH A LOCKING DEVICE.”

11 (e) “DISCHARGING FIREARMS IN POORLY VENTILATED
12 AREAS, CLEANING FIREARMS, OR HANDLING
13 AMMUNITION MAY RESULT IN EXPOSURE TO LEAD, A
14 SUBSTANCE KNOWN TO CAUSE BIRTH DEFECTS,
15 REPRODUCTIVE HARM, AND OTHER SERIOUS PHYSICAL
16 INJURY. HAVE ADEQUATE VENTILATION AT ALL TIMES.
17 WASH HANDS THOROUGHLY AFTER EXPOSURE.”

18 (f) “FEDERAL REGULATIONS PROVIDE THAT IF YOU
19 DO NOT TAKE PHYSICAL POSSESSION OF THE FIREARM
20 THAT YOU ARE ACQUIRING OWNERSHIP OF WITHIN 30
21 DAYS AFTER YOU COMPLETE THE INITIAL
22 BACKGROUND CHECK PAPERWORK, THEN YOU HAVE
23 TO GO THROUGH THE BACKGROUND CHECK PROCESS
24 A SECOND TIME IN ORDER TO TAKE PHYSICAL
25 POSSESSION OF THAT FIREARM.”

26 (g) “NO PERSON SHALL MAKE AN APPLICATION TO
27 PURCHASE MORE THAN ONE FIREARM WITHIN ANY
28 30-DAY PERIOD AND NO DELIVERY SHALL BE MADE TO
29 ANY PERSON WHO HAS MADE AN APPLICATION TO
30 PURCHASE MORE THAN ONE FIREARM WITHIN ANY
31 30-DAY PERIOD.”

32

33 ~~SEC. 3.~~

34 *SEC. 2.* Section 27535 of the Penal Code is amended to read:

35 27535. (a) A person shall not make an application to purchase
36 more than one firearm within any 30-day period.

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

38 (1) Any law enforcement agency.

39 (2) Any agency duly authorized to perform law enforcement
40 duties.

- 1 (3) Any state or local correctional facility.
- 2 (4) Any private security company licensed to do business in
3 California.
- 4 (5) Any person who is properly identified as a full-time paid
5 peace officer, as defined in Chapter 4.5 (commencing with Section
6 830) of Title 3 of Part 2, and who is authorized to, and does, carry
7 a firearm during the course and scope of employment as a peace
8 officer.
- 9 (6) Any motion picture, television, or video production company
10 or entertainment or theatrical company whose production by its
11 nature involves the use of a firearm.
- 12 (7) Any person who may, pursuant to Article 2 (commencing
13 with Section 27600), Article 3 (commencing with Section 27650),
14 or Article 4 (commencing with Section 27700), claim an exemption
15 from the waiting period set forth in Section 27540.
- 16 (8) Any person who is licensed as a collector pursuant to Chapter
17 44 (commencing with Section 921) of Title 18 of the United States
18 Code and the regulations issued pursuant thereto, and has a current
19 certificate of eligibility issued by the Department of Justice
20 pursuant to Article 1 (commencing with Section 26700) of Chapter
21 2.
- 22 (9) The exchange of a firearm where the dealer purchased that
23 firearm from the person seeking the exchange within the 30-day
24 period immediately preceding the date of exchange or replacement.
- 25 (10) The replacement of a firearm when the person's firearm
26 was lost or stolen, and the person reported that firearm lost or
27 stolen prior to the completion of the application to purchase to any
28 local law enforcement agency of the city, county, or city and county
29 in which the person resides.
- 30 (11) The return of any firearm to its owner.
- 31 (12) A community college that is certified by the Commission
32 on Peace Officer Standards and Training to present the law
33 enforcement academy basic course or other commission-certified
34 law enforcement training.
- 35 (13) *A transaction completed through a licensed firearms dealer*
36 *pursuant to Chapter 5 (commencing with Section 28050) if both*
37 *of the following conditions apply:*
- 38 (A) *The transferor is an executor or administrator of an estate.*
39 (B) *The transferee is a person acquiring ownership of the*
40 *firearm by bequest or intestate succession from the estate.*

1 ~~SEC. 4.~~

2 ~~SEC. 3.~~ Section 27540 of the Penal Code is amended to read:
3 27540. A dealer, whether or not acting pursuant to Chapter 5
4 (commencing with Section 28050), shall not deliver a firearm to
5 a person, as follows:

6 (a) Within 10 days of the application to purchase, or, after notice
7 by the department pursuant to Section 28220, within 10 days of
8 the submission to the department of any correction to the
9 application, or within 10 days of the submission to the department
10 of any fee required pursuant to Section 28225, whichever is later.

11 (b) Unless unloaded and securely wrapped or unloaded and in
12 a locked container.

13 (c) Unless the purchaser, transferee, or person being loaned the
14 firearm presents clear evidence of the person's identity and age to
15 the dealer.

16 (d) Whenever the dealer is notified by the Department of Justice
17 that the person is prohibited by state or federal law from possessing,
18 receiving, owning, or purchasing a firearm.

19 (e) A handgun shall not be delivered unless the purchaser,
20 transferee, or person being loaned the handgun presents a handgun
21 safety certificate. Commencing January 1, 2015, any firearm,
22 including a handgun, shall not be delivered unless the purchaser,
23 transferee, or person being loaned the firearm presents a firearm
24 safety certificate to the dealer, except that *that*, in the case of a
25 handgun, an unexpired handgun safety certificate may be presented.

26 (f) A firearm shall not be delivered whenever the dealer is
27 notified by the Department of Justice that within the preceding
28 30-day period the purchaser has made another application to
29 purchase a firearm and that the previous application to purchase
30 did not involve any of the entities or circumstances specified in
31 subdivision (b) of Section 27535.

32 ~~SEC. 5.~~ Section 27585 of the Penal Code is amended to read:

33 ~~27585.~~ (a) Commencing January 1, 2015, a resident of this
34 state shall not import into this state, bring into this state, or
35 transport into this state, any firearm that he or she purchased or
36 otherwise obtained on or after January 1, 2015, from outside of
37 this state unless he or she first has that firearm delivered to a dealer
38 in this state for delivery to that resident pursuant to the procedures
39 set forth in Section 27540 and Article 1 (commencing with Section

1 26700) and Article 2 (commencing with Section 26800) of Chapter
2 2.

3 ~~(b) Subdivision (a) does not apply to or affect any of the~~
4 ~~following:~~

5 ~~(1) A licensed collector who is subject to and complies with~~
6 ~~Section 27565.~~

7 ~~(2) A dealer, if the dealer is acting in the course and scope of~~
8 ~~his or her activities as a dealer.~~

9 ~~(3) A wholesaler, if the wholesaler is acting in the course and~~
10 ~~scope of his or her activities as a wholesaler.~~

11 ~~(4) A person licensed as an importer of firearms or ammunition~~
12 ~~or licensed as a manufacturer of firearms or ammunition, pursuant~~
13 ~~to Section 921 et seq. of Title 18 of the United States Code and~~
14 ~~the regulations issued pursuant thereto if the importer or~~
15 ~~manufacturer is acting in the course and scope of his or her~~
16 ~~activities as a licensed importer or manufacturer.~~

17 ~~(5) A personal firearm importer who is subject to and complies~~
18 ~~with Section 27560.~~

19 ~~(6) A person who complies with subdivision (b) of Section~~
20 ~~27877.~~

21 ~~(7) A person who complies with subdivision (b), (c), or (d) of~~
22 ~~Section 27920.~~

23 ~~(8) A person who is on the centralized list of exempted federal~~
24 ~~firearms licensees pursuant to Section 28450 if that person is acting~~
25 ~~in the course and scope of his or her activities as a licensee.~~

26 ~~(9) A firearm regulated pursuant to Chapter 1 (commencing~~
27 ~~with Section 18710) of Division 5 of Title 2 acquired by a person~~
28 ~~who holds a permit issued pursuant to Article 3 (commencing with~~
29 ~~Section 18900) of Chapter 1 of Division 5 of Title 2, if that person~~
30 ~~is acting within the course and scope of his or her activities as a~~
31 ~~licensee and in accordance with the terms and conditions of the~~
32 ~~permit.~~

33 ~~(10) A firearm regulated pursuant to Chapter 2 (commencing~~
34 ~~with Section 30500) of Division 10 acquired by a person who holds~~
35 ~~a permit issued pursuant to Section 31005, if that person is acting~~
36 ~~within the course and scope of his or her activities as a licensee~~
37 ~~and in accordance with the terms and conditions of the permit.~~

38 ~~(11) A firearm regulated pursuant to Chapter 6 (commencing~~
39 ~~with Section 32610) of Division 10 acquired by a person who holds~~
40 ~~a permit issued pursuant to Section 32650, if that person is acting~~

1 within the course and scope of his or her activities as a licensee
2 and in accordance with the terms and conditions of the permit.

3 ~~(12) A firearm regulated pursuant to Article 2 (commencing~~
4 ~~with Section 33300) of Chapter 8 of Division 10 acquired by a~~
5 ~~person who holds a permit issued pursuant to Section 33300, if~~
6 ~~that person is acting within the course and scope of his or her~~
7 ~~activities as a licensee and in accordance with the terms and~~
8 ~~conditions of the permit.~~

9 ~~(13) The importation of a firearm into the state, bringing a~~
10 ~~firearm into the state, or transportation of a firearm into the state,~~
11 ~~that is regulated by any of the following statutes, if the acquisition~~
12 ~~of that firearm occurred outside of California and is conducted in~~
13 ~~accordance with the applicable provisions of the following statutes:~~

14 ~~(A) Chapter 1 (commencing with Section 18710) of Division~~
15 ~~5 of Title 2, relating to destructive devices and explosives.~~

16 ~~(B) Section 24410, relating to cane guns.~~

17 ~~(C) Section 24510, relating to firearms that are not immediately~~
18 ~~recognizable as firearms.~~

19 ~~(D) Sections 24610 and 24680, relating to undetectable firearms.~~

20 ~~(E) Section 24710, relating to wallet guns.~~

21 ~~(F) Chapter 2 (commencing with Section 30500) of Division~~
22 ~~10, relating to assault weapons.~~

23 ~~(G) Section 31500, relating to unconventional pistols.~~

24 ~~(H) Sections 33215 to 33225, inclusive, relating to short-barreled~~
25 ~~rifles and short-barreled shotguns.~~

26 ~~(I) Chapter 6 (commencing with Section 32610) of Division~~
27 ~~10, relating to machineguns.~~

28 ~~(J) Section 33600, relating to zip guns, and the exemptions in~~
29 ~~Chapter 1 (commencing with Section 17700) of Division 2 of Title~~
30 ~~2, as they relate to zip guns.~~

31 ~~(e) The provisions of this section are cumulative and do not~~
32 ~~restrict the application of any other law. However, an act or~~
33 ~~omission punishable in different ways by this section and different~~
34 ~~provisions of this code shall not be punished under more than one~~
35 ~~provision.~~

36 ~~SEC. 6:~~

37 ~~SEC. 4. Section 27590 of the Penal Code is amended to read:~~

38 ~~27590. (a) Except as provided in subdivision (b), (c), or (e),~~
39 ~~a violation of this article is a misdemeanor.~~

1 (b) If any of the following circumstances apply, a violation of
2 this article is punishable by imprisonment pursuant to subdivision
3 (h) of Section 1170 for two, three, or four years:

4 (1) If the violation is of subdivision (a) of Section 27500.

5 (2) If the defendant has a prior conviction of violating the
6 provisions, other than Section 27535, Section 27560 involving a
7 firearm that is not a handgun, or Section 27565 involving a firearm
8 that is not a handgun, of this article or former Section 12100 of
9 this code, as Section 12100 read at any time from when it was
10 enacted by Section 3 of Chapter 1386 of the Statutes of 1988 to
11 when it was repealed by Section 18 of Chapter 23 of the Statutes
12 of 1994, or Section 8101 of the Welfare and Institutions Code.

13 (3) If the defendant has a prior conviction of violating any
14 offense specified in Section 29905 or of a violation of Section
15 32625 or 33410, or of former Section 12560, as that section read
16 at any time from when it was enacted by Section 4 of Chapter 931
17 of the Statutes of 1965 to when it was repealed by Section 14 of
18 Chapter 9 of the Statutes of 1990, or of any provision listed in
19 Section 16590.

20 (4) If the defendant is in a prohibited class described in Chapter
21 2 (commencing with Section 29800) or Chapter 3 (commencing
22 with Section 29900) of Division 9, or Section 8100 or 8103 of the
23 Welfare and Institutions Code.

24 (5) A violation of this article by a person who actively
25 participates in a "criminal street gang" as defined in Section 186.22.

26 (6) A violation of Section 27510 involving the delivery of any
27 firearm to a person who the dealer knows, or should know, is a
28 minor.

29 (c) If any of the following circumstances apply, a violation of
30 this article shall be punished by imprisonment in a county jail not
31 exceeding one year or pursuant to subdivision (h) of Section 1170,
32 or by a fine not to exceed one thousand dollars (\$1,000), or by
33 both that fine and imprisonment:

34 (1) A violation of Section 27515, 27520, or subdivision (b) of
35 Section 27500.

36 (2) A violation of Section 27505 involving the sale, loan, or
37 transfer of a handgun to a minor.

38 (3) A violation of Section 27510 involving the delivery of a
39 handgun.

1 (4) A violation of subdivision (a), (c), (d), (e), or (f) of Section
2 27540 involving a handgun.

3 (5) A violation of Section 27545 involving a handgun.

4 (6) A violation of Section 27550.

5 (7) A violation of Section 27585 involving a handgun.

6 (d) If both of the following circumstances apply, an additional
7 term of imprisonment pursuant to subdivision (h) of Section 1170
8 for one, two, or three years shall be imposed in addition and
9 consecutive to the sentence prescribed:

10 (1) A violation of Section 27510 or subdivision (b) of Section
11 27500.

12 (2) The firearm transferred in violation of Section 27510 or
13 subdivision (b) of Section 27500 is used in the subsequent
14 commission of a felony for which a conviction is obtained and the
15 prescribed sentence is imposed.

16 (e) (1) A first violation of Section 27535 is an infraction
17 punishable by a fine of fifty dollars (\$50).

18 (2) A second violation of Section 27535 is an infraction
19 punishable by a fine of one hundred dollars (\$100).

20 (3) A third or subsequent violation of Section 27535 is a
21 misdemeanor.

22 (4) For purposes of this subdivision each application to purchase
23 a firearm in violation of Section 27535 shall be deemed a separate
24 offense.

25 ~~SEC. 7. Section 27875 of the Penal Code is amended to read:~~
26 ~~27875. Section 27545 does not apply to the transfer of a firearm~~
27 ~~by gift or other means from one individual to another, if all of the~~
28 ~~following requirements are met, except as provided in Section~~
29 ~~27877:~~

30 (a) ~~The transfer is infrequent, as defined in Section 16730.~~

31 (b) ~~The transfer is between members of the same immediate~~
32 ~~family.~~

33 (c) ~~Within 30 days of taking possession of the firearm, the~~
34 ~~person to whom it is transferred shall submit a report to the~~
35 ~~Department of Justice, in a manner prescribed by the department,~~
36 ~~that includes information concerning the individual taking~~
37 ~~possession of the firearm, how title was obtained and from whom,~~
38 ~~and a description of the firearm in question. The reports that~~
39 ~~individuals complete pursuant to this subdivision shall be made~~
40 ~~available to them in a format prescribed by the department.~~

1 ~~(d) Until January 1, 2015, the person taking title to the firearm~~
2 ~~shall first obtain a valid handgun safety certificate if the firearm~~
3 ~~is a handgun, and commencing January 1, 2015, a valid firearm~~
4 ~~safety certificate for any firearm, except that in the case of a~~
5 ~~handgun, a valid unexpired handgun safety certificate may be used.~~

6 ~~(e) The person receiving the firearm is 18 years of age or older.~~

7 ~~SEC. 8. Section 27877 is added to the Penal Code, to read:~~

8 ~~27877. (a) Section 27545 does not apply to the transfer of a~~
9 ~~firearm to a person by bequest or intestate succession if all of the~~
10 ~~following requirements are met:~~

11 ~~(1) The person is not prohibited by state or federal law from~~
12 ~~possessing, receiving, owning, or purchasing a firearm.~~

13 ~~(2) The transfer is infrequent, as defined in Section 16730.~~

14 ~~(3) The person possesses a valid firearm safety certificate.~~

15 ~~(4) The person is 18 years of age or older.~~

16 ~~(5) The firearm is not prohibited by Section 16590 and is not~~
17 ~~an assault weapon, .50 BMG rifle, machinegun, or destructive~~
18 ~~device.~~

19 ~~(6) Within 30 days of taking possession of the firearm, the~~
20 ~~person submits a report to the Department of Justice, in a manner~~
21 ~~prescribed by the department, that includes information concerning~~
22 ~~the person, the manner in which title was obtained and from whom,~~
23 ~~and a description of the firearm in question. The reports that a~~
24 ~~person completes pursuant to this subdivision shall be made~~
25 ~~available to the person in a format prescribed by the department.~~

26 ~~(b) Subdivision (a) of Section 27585 does not apply to a person~~
27 ~~who imports a firearm into this state, brings a firearm into this~~
28 ~~state, or transports a firearm into this state if all of the following~~
29 ~~requirements are met:~~

30 ~~(1) The person is not prohibited by state or federal law from~~
31 ~~possessing, receiving, owning, or purchasing a firearm.~~

32 ~~(2) The person acquires ownership of the firearm by bequest or~~
33 ~~intestate succession.~~

34 ~~(3) The person possesses a valid firearm safety certificate.~~

35 ~~(4) The receipt of any firearm by the person by bequest or~~
36 ~~intestate succession is infrequent, as defined in Section 16730.~~

37 ~~(5) The person 18 years of age or older.~~

38 ~~(6) The firearm is not prohibited by Section 16590 and is not~~
39 ~~an assault weapon, .50 BMG rifle, machinegun, or destructive~~
40 ~~device.~~

1 ~~(7) Within 30 days of taking possession of the firearm and~~
2 ~~importing, bringing, or transporting it into this state, the person~~
3 ~~submits a report to the Department of Justice, in a manner~~
4 ~~prescribed by the department, that includes information concerning~~
5 ~~the person, the manner in which title was obtained and from whom,~~
6 ~~and a description of the firearm in question. The reports that a~~
7 ~~person completes pursuant to this subdivision shall be made~~
8 ~~available to the person in a format prescribed by the department.~~

9 SEC. 9.

10 SEC. 5. No reimbursement is required by this act pursuant to
11 Section 6 of Article XIII B of the California Constitution because
12 the only costs that may be incurred by a local agency or school
13 district will be incurred because this act creates a new crime or
14 infraction, eliminates a crime or infraction, or changes the penalty
15 for a crime or infraction, within the meaning of Section 17556 of
16 the Government Code, or changes the definition of a crime within
17 the meaning of Section 6 of Article XIII B of the California
18 Constitution.

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AMENDED IN ASSEMBLY MAY 31, 2016

CALIFORNIA LEGISLATURE—2015–16 REGULAR SESSION

ASSEMBLY BILL

No. 1695

Introduced by Assembly Member Bonta

January 21, 2016

An act to amend Sections 16520 and 29805 of, and to add Sections 29305 and 29310 to, *Section 29305 to*, the Penal Code, relating to firearms, and making an appropriation therefor. *firearms.*

LEGISLATIVE COUNSEL'S DIGEST

AB 1695, as amended, Bonta. Firearms: ~~notice to purchasers: false reports of stolen firearms.~~

(1) Existing law requires each sheriff or police chief executive to submit descriptions of serialized property, or nonserialized property that has been uniquely inscribed, which has been reported stolen, lost, or found directly into the appropriate Department of Justice automated property system for firearms, stolen bicycles, stolen vehicles, or other property. Existing law requires that information about a firearm entered into the automated system for firearms remain in the system until the reported firearm has been found. Existing law requires the Department of Justice to implement an electronic system to receive comprehensive tracing information from each local law enforcement agency and to forward the information to the National Tracing Center.

This bill would make it a misdemeanor to report to a local law enforcement agency that a firearm has been lost or stolen, knowing that report to be false. The bill would also make it a misdemeanor for a person convicted of violating this provision to own a firearm within 10 years of the conviction. The bill would define "firearm" for these purposes to include the frame or receiver of the weapon, and to include

a rocket, rocket propelled projectile launcher, or similar device containing an explosive or incendiary material. By creating new crimes, this bill would impose a state-mandated local program.

~~(2) Existing law requires the Department of Justice to develop a pamphlet that summarizes California firearms laws, and to offer copies of the pamphlet to firearms dealers for sale to retail purchasers or transferees of firearms.~~

~~This bill would require the Attorney General to send a letter notice to each individual who has applied to purchase a firearm informing him or her of laws relating to firearms, gun trafficking, and safe storage, as provided. The bill would allow the Department of Justice to use funds in the Firearms Safety and Enforcement Special Fund, which is continuously appropriated, to pay for the cost of administering this provision, thereby making an appropriation.~~

~~(3)~~

(2) 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: *yes-no*. Fiscal committee: *yes*. State-mandated local program: *yes*.

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

- 1 SECTION 1. Section 16520 of the Penal Code is amended to
- 2 read:
- 3 16520. (a) As used in this part, "firearm" means a device,
- 4 designed to be used as a weapon, from which is expelled through
- 5 a barrel, a projectile by the force of an explosion or other form of
- 6 combustion.
- 7 (b) As used in the following provisions, "firearm" includes the
- 8 frame or receiver of the weapon:
- 9 (1) Section 16550.
- 10 (2) Section 16730.
- 11 (3) Section 16960.
- 12 (4) Section 16990.
- 13 (5) Section 17070.
- 14 (6) Section 17310.
- 15 (7) Sections 26500 to 26588, inclusive.

- 1 (8) Sections 26600 to 27140, inclusive.
- 2 (9) Sections 27400 to 28000, inclusive.
- 3 (10) Section 28100.
- 4 (11) Sections 28400 to 28415, inclusive.
- 5 (12) Sections 29010 to 29150, inclusive.
- 6 (13) Section 29305.
- 7 (14) Sections 29610 to 29750, inclusive.
- 8 (15) Sections 29800 to 29905, inclusive.
- 9 (16) Sections 30150 to 30165, inclusive.
- 10 (17) Section 31615.
- 11 (18) Sections 31705 to 31830, inclusive.
- 12 (19) Sections 34355 to 34370, inclusive.
- 13 (20) Sections 8100, 8101, and 8103 of the Welfare and
- 14 Institutions Code.
- 15 (c) As used in the following provisions, "firearm" also includes
- 16 a rocket, rocket propelled projectile launcher, or similar device
- 17 containing an explosive or incendiary material, whether or not the
- 18 device is designed for emergency or distress signaling purposes:
- 19 (1) Section 16750.
- 20 (2) Subdivision (b) of Section 16840.
- 21 (3) Section 25400.
- 22 (4) Sections 25850 to 26025, inclusive.
- 23 (5) Subdivisions (a), (b), and (c) of Section 26030.
- 24 (6) Sections 26035 to 26055, inclusive.
- 25 (d) As used in the following provisions, "firearm" does not
- 26 include an unloaded antique firearm:
- 27 (1) Subdivisions (a) and (c) of Section 16730.
- 28 (2) Section 16550.
- 29 (3) Section 16960.
- 30 (4) Section 17310.
- 31 (5) Section 25135.
- 32 (6) Chapter 6 (commencing with Section 26350) of Division 5
- 33 of Title 4.
- 34 (7) Chapter 7 (commencing with Section 26400) of Division 5
- 35 of Title 4.
- 36 (8) Sections 26500 to 26588, inclusive.
- 37 (9) Sections 26700 to 26915, inclusive.
- 38 (10) Section 27510.
- 39 (11) Section 27530.
- 40 (12) Section 27540.

1 (13) Section 27545.

2 (14) Sections 27555 to 27585, inclusive.

3 (15) Sections 29010 to 29150, inclusive.

4 (16) Section 29305.

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

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

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

14 SEC. 2. Section 29305 is added to the Penal Code, to read:

15 29305. It is unlawful to report to a local law enforcement
16 agency that a firearm has been lost or stolen, knowing the report
17 to be false. A violation of this section is a misdemeanor.

18 SEC. 3. ~~Section 29310 is added to the Penal Code, to read:~~

19 ~~29310. (a) Within 10 days of submission of any application~~
20 ~~to purchase a firearm, as defined in Section 16190, including~~
21 ~~circumstances in which the waiting period described in Sections~~
22 ~~26815 and 27540 does not apply, the Attorney General shall send~~
23 ~~a notice to the individual who made the application, informing~~
24 ~~him or her of laws relating to firearms, gun trafficking, and safe~~
25 ~~storage.~~

26 ~~(b) The notice shall include all of the following:~~

27 ~~(1) California law generally requires that all firearms transfers~~
28 ~~be conducted through licensed dealers as provided in Section~~
29 ~~27545.~~

30 ~~(2) Any exceptions to the requirement that firearms transfers~~
31 ~~be conducted through a dealer have strict limitations.~~

32 ~~(3) California law has strict limitations on the loaning of~~
33 ~~firearms, and on the conditions and circumstances under which a~~
34 ~~firearm may be loaned to another person.~~

35 ~~(4) California law prohibits any person, corporation, or dealer~~
36 ~~from selling, loaning, or transferring a firearm to anyone who is~~
37 ~~not the actual purchaser or transferee of the firearm as provided~~
38 ~~in Section 27515.~~

1 ~~(5) Storage of a firearm where children are likely to gain access~~
2 ~~is a criminal offense if the child obtains access and thereby causes~~
3 ~~death or injury.~~

4 ~~(6) It is a felony under both state and federal law, punishable~~
5 ~~by imprisonment in state or federal prison, to acquire a firearm for~~
6 ~~another person who is prohibited by law from purchasing the~~
7 ~~firearm himself or herself. These transactions are sometimes known~~
8 ~~as a "straw purchase" or "straw acquisition."~~

9 ~~(7) Cases in which a firearm is found in the possession of a~~
10 ~~person other than the registered owner are fully investigated, and~~
11 ~~in cases where violations are discovered, they are prosecuted to~~
12 ~~the fullest extent of the law by both state and federal authorities.~~

13 ~~(e) The notice shall also contain information about how to obtain~~
14 ~~additional information from the Department of Justice, including~~
15 ~~the department's Internet Web site.~~

16 ~~(d) The notice shall also include a link to a page on the~~
17 ~~Department of Justice's Internet Web site containing a summary~~
18 ~~of state firearm laws, which the department shall prepare and~~
19 ~~annually update.~~

20 ~~(e) The Department of Justice is authorized to use funds in the~~
21 ~~Firearms Safety and Enforcement Special Fund to pay for the cost~~
22 ~~of administering this section.~~

23 ~~SEC. 4.~~

24 *SEC. 3.* Section 29805 of the Penal Code is amended to read:

25 29805. (a) Except as provided in Section 29855 or subdivision
26 (a) of Section 29800, any person who has been convicted of a
27 misdemeanor violation of Section 71, 76, 136.1, 136.5, or 140,
28 subdivision (d) of Section 148, Section 171b, paragraph (1) of
29 subdivision (a) of Section 171c, Section 171d, 186.28, 240, 241,
30 242, 243, 243.4, 244.5, 245, 245.5, 246.3, 247, 273.5, 273.6, 417,
31 417.6, 422, 626.9, 646.9, or 830.95, subdivision (a) of former
32 Section 12100, as that section read at any time from when it was
33 enacted by Section 3 of Chapter 1386 of the Statutes of 1988 to
34 when it was repealed by Section 18 of Chapter 23 of the Statutes
35 of 1994, Section 17500, 17510, 25300, 25800, 29305, 30315, or
36 32625, subdivision (b) or (d) of Section 26100, or Section 27510,
37 or Section 8100, 8101, or 8103 of the Welfare and Institutions
38 Code, any firearm-related offense pursuant to Sections 871.5 and
39 1001.5 of the Welfare and Institutions Code, or of the conduct
40 punished in subdivision (c) of Section 27590, and who, within 10

1 years of the conviction, owns, purchases, receives, or has in
2 possession or under custody or control, any firearm is guilty of a
3 public offense, which shall be punishable by imprisonment in a
4 county jail not exceeding one year or in the state prison, by a fine
5 not exceeding one thousand dollars (\$1,000), or by both that
6 imprisonment and fine.

7 (b) The court, on forms prescribed by the Department of Justice,
8 shall notify the department of persons subject to this section.
9 However, the prohibition in this section may be reduced,
10 eliminated, or conditioned as provided in Section 29855 or 29860.

11 ~~SEC. 5.~~

12 *SEC. 4.* No reimbursement is required by this act pursuant to
13 Section 6 of Article XIII B of the California Constitution because
14 the only costs that may be incurred by a local agency or school
15 district will be incurred because this act creates a new crime or
16 infraction, eliminates a crime or infraction, or changes the penalty
17 for a crime or infraction, within the meaning of Section 17556 of
18 the Government Code, or changes the definition of a crime within
19 the meaning of Section 6 of Article XIII B of the California
20 Constitution.

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AMENDED IN ASSEMBLY MARCH 17, 2016

CALIFORNIA LEGISLATURE—2015–16 REGULAR SESSION

ASSEMBLY BILL

No. 2607

Introduced by Assembly Member Ting

February 19, 2016

An act relating to public safety; to amend Sections 18150, 18170, and 18190 of the Penal Code, relating to firearms.

LEGISLATIVE COUNSEL'S DIGEST

AB 2607, as amended, Ting. ~~Public safety.~~ *Firearm restraining orders.*

Existing law authorizes a court to issue an ex parte gun violence restraining order prohibiting the subject of the petition from having in his or her custody or control, owning, purchasing, possessing, or receiving, or attempting to purchase or receive, a firearm or ammunition when it is shown that there is a substantial likelihood that the subject of the petition poses a significant danger of harm to himself, herself, or another in the near future by having in his or her custody or control, owning, purchasing, possessing, or receiving a firearm, and that the order is necessary to prevent personal injury to himself, herself, or another, as specified. Existing law requires the ex parte order to expire no later than 21 days after the date on the order. Existing law also authorizes a court to issue a gun violence restraining order prohibiting the subject of the petition from having in his or her custody or control, owning, purchasing, possessing, or receiving, or attempting to purchase or receive, a firearm or ammunition for a period of one year when there is clear and convincing evidence that the subject of the petition, or a person subject to an ex parte gun violence restraining order, as applicable, poses a significant danger of personal injury to himself,

herself, or another by having in his or her custody or control, owning, purchasing, possessing, or receiving a firearm, and that the order is necessary to prevent personal injury to himself, herself, or another, as specified. Existing law authorizes renewal of a gun violence restraining order within 3 months of the order's expiration. Petitions for ex parte, one-year, and renewed gun violence restraining orders may be made by an immediate family member of the person or by a law enforcement officer.

This bill would also authorize an employer, a coworker, a mental health worker who has seen the person as a patient in the last 6 months, or an employee of a secondary or postsecondary school that the person has attended in the last 6 months to file a petition for an ex parte, one-year, or renewed gun violence restraining order. This bill would also specify that these provisions shall not be construed to require any of those persons to seek a gun violence restraining order.

~~Existing law, as set forth in the Constitution of the United States and the California Constitution, establishes certain fundamental personal rights, including, among others, the right of the people to be secure in their persons, houses, papers, and effects against unreasonable seizures and searches, the right to equal protection of the laws, the right to due process of law before being deprived of life, liberty, or property, the right to a trial by a jury, and the right of a defendant in a criminal case to a speedy public trial.~~

~~This bill would express the intent of the Legislature to enact legislation that would ensure that California's public safety system is fair and just.~~

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

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

- 1 SECTION 1. Section 18150 of the Penal Code is amended to
- 2 read:
- 3 18150. (a) (1) ~~An immediate family member of a person~~
- 4 ~~member, an employer, a coworker, a mental health worker who~~
- 5 ~~has seen the person as a patient in the prior six months, an~~
- 6 ~~employee of a secondary or postsecondary school that the person~~
- 7 ~~has attended in the last six months, or a law enforcement officer~~
- 8 ~~may file a petition requesting that the court issue an ex parte gun~~
- 9 ~~violence restraining order enjoining the subject of the petition from~~

1 having in his or her custody or control, owning, purchasing,
2 possessing, or receiving a firearm or ammunition.

3 (2) For purposes of this subdivision, "immediate family
4 member" has the same meaning as in paragraph (3) of subdivision
5 (b) of Section 422.4.

6 (3) *Nothing in this chapter shall be construed to require a
7 person described in paragraph (1) to seek a gun violence
8 restraining order.*

9 (b) A court may issue an ex parte gun violence restraining order
10 if the petition, supported by an affidavit made in writing and signed
11 by the petitioner under oath, or an oral statement taken pursuant
12 to subdivision (a) of Section 18155, and any additional information
13 provided to the court shows that there is a substantial likelihood
14 that both of the following are true:

15 (1) The subject of the petition poses a significant danger, in the
16 near future, of causing personal injury to himself, herself, or
17 another by having in his or her custody or control, owning,
18 purchasing, possessing, or receiving a firearm as determined by
19 considering the factors listed in Section 18155.

20 (2) An ex parte gun violence restraining order is necessary to
21 prevent personal injury to the subject of the petition or another
22 because less restrictive alternatives either have been tried and
23 found to be ineffective, or are inadequate or inappropriate for the
24 circumstances of the subject of the petition.

25 (c) An affidavit supporting a petition for the issuance of an ex
26 parte gun violence restraining order shall set forth the facts tending
27 to establish the grounds of the petition, or the reason for believing
28 that they exist.

29 (d) An ex parte order under this chapter shall be issued or denied
30 on the same day that the petition is submitted to the court, unless
31 the petition is filed too late in the day to permit effective review,
32 in which case the order shall be issued or denied on the next day
33 of judicial business in sufficient time for the order to be filed that
34 day with the clerk of the court.

35 *SEC. 2. Section 18170 of the Penal Code is amended to read:*

36 18170. (a) (1) ~~An immediate family member of a person~~
37 ~~member, an employer, a coworker, a mental health worker who~~
38 ~~has seen the person as a patient in the prior six months, an~~
39 ~~employee of a secondary or postsecondary school that the person~~
40 ~~has attended in the last six months, or a law enforcement officer~~

1 may request that a court, after notice and a hearing, issue a gun
2 violence restraining order enjoining the subject of the petition from
3 having in his or her custody or control, owning, purchasing,
4 possessing, or receiving a firearm or ammunition for a period of
5 one year.

6 *(2) Nothing in this chapter shall be construed to require a*
7 *person described in paragraph (1) to seek a gun violence*
8 *restraining order.*

9 (b) For purposes of this subdivision, “immediate family
10 member” has the same meaning as in paragraph (3) of subdivision
11 (b) of Section 422.4.

12 *SEC. 3. Section 18190 of the Penal Code is amended to read:*

13 18190. (a) (1) An immediate family member of a restrained
14 ~~person~~ *person, an employer, a coworker, a mental health worker*
15 *who has seen the person as a patient in the prior six months, an*
16 *employee of a secondary or postsecondary school that the person*
17 *has attended in the last six months, or a law enforcement officer*
18 may request a renewal of a gun violence restraining order at any
19 time within the three months before the expiration of a gun violence
20 restraining order.

21 (2) For purposes of this subdivision, “immediate family
22 member” has the same meaning as in paragraph (3) of subdivision
23 (b) of Section 422.4.

24 *(3) Nothing in this chapter shall be construed to require a*
25 *person described in paragraph (1) to seek a gun violence*
26 *restraining order.*

27 (b) A court may, after notice and a hearing, renew a gun violence
28 restraining order issued under this chapter if the petitioner proves,
29 by clear and convincing evidence, that paragraphs (1) and (2) of
30 subdivision (b) of Section 18175 continue to be true.

31 (c) In determining whether to renew a gun violence restraining
32 order issued under this chapter, the court shall consider evidence
33 of the facts identified in paragraph (1) of subdivision (b) of Section
34 18155 and any other evidence of an increased risk for violence,
35 including, but not limited to, evidence of any of the facts identified
36 in paragraph (2) of subdivision (b) of Section 18155.

37 (d) At the hearing, the petitioner shall have the burden of
38 proving, by clear and convincing evidence, that paragraphs (1)
39 and (2) of subdivision (b) of Section 18175 are true.

1 (e) If the renewal petition is supported by clear and convincing
2 evidence, the court shall renew the gun violence restraining order
3 issued under this chapter.

4 (f) The renewal of a gun violence restraining order issued
5 pursuant to this section shall have a duration of one year, subject
6 to termination by further order of the court at a hearing held
7 pursuant to Section 18185 and further renewal by further order of
8 the court pursuant to this section.

9 (g) A gun violence restraining order renewed pursuant to this
10 section shall include the information identified in subdivision (a)
11 of Section 18180.

12 ~~SECTION 1. It is the intent of the Legislature to enact~~
13 ~~legislation that would ensure that California's public safety system~~
14 ~~is fair and just.~~

O

Print Form

Introduction Form

By a Member of the Board of Supervisors or the 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 [] inquires"
- 5. City Attorney request.
- 6. Call File No. [] from Committee.
- 7. Budget Analyst request (attach written motion).
- 8. Substitute Legislation File No. []
- 9. Request for Closed Session (attach written motion).
- 10. Board to Sit as A Committee of the Whole.
- 11. Question(s) 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 a Imperative

Sponsor(s):

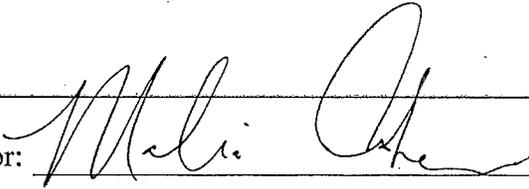
Cohen

Subject:

[]

The text is listed below or attached:

[Supporting California Assembly bills 1664, 1673, 1674, 1695 and 2607 – Comprehensive Gun Safety bills]

Signature of Sponsoring Supervisor: 

For Clerk's Use Only: