

AMENDED IN ASSEMBLY APRIL 5, 2001

CALIFORNIA LEGISLATURE—2001–02 REGULAR SESSION

ASSEMBLY BILL

No. 1219

Introduced by Assembly Member Frommer

February 23, 2001

An act to add Section ~~42130.5~~ *12071.5* to the Penal Code, relating to firearms.

LEGISLATIVE COUNSEL'S DIGEST

AB 1219, as amended, Frommer. Firearms: safety mechanisms.

Existing law generally regulates safety design aspects for handguns.

This bill, in addition, would provide that no licensed firearms dealer may sell any pistol, revolver, or other firearm capable of being concealed upon the person that is manufactured on or after January 1, 2004, except to a peace officer, as defined, unless that firearm includes an integrated mechanical safety device or other incorporated design technology that is designed to prevent children and other unauthorized users from discharging the handgun, as specified. Violation of these provisions is punishable by a ~~fine~~ *civil penalty* of \$50,000 for each firearm in violation of the provisions. *Violation of the provisions, as specified, would also subject a firearms dealer to forfeiture of the firearms license.* This bill would also require the Attorney General to adopt rules and regulations for the implementation and enforcement of these provisions.

~~By creating a new crime, 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~~ *no*.

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

- 1 SECTION 1. Section ~~12130.5~~ 12071.5 is added to the Penal
2 Code, to read:
3 ~~12130.5. (a) No licensed firearms dealer may sell~~
4 *12071.5. (a) No person licensed pursuant to Section 12701*
5 *may sell, loan, or transfer any pistol, revolver, or other firearm*
6 *capable of being concealed upon the person that is manufactured*
7 *on or after January 1, 2004, unless that firearm includes an*
8 *integrated mechanical safety device or other incorporated design*
9 *technology that is designed to prevent children and other*
10 *unauthorized users from discharging the handgun that firearm.*
11 (b) For purposes of this section, “integrated mechanical safety
12 device” means a disabling or locking device that is incorporated
13 within the ~~handgun’s design~~ *design of a pistol, revolver, or other*
14 *firearm capable of being concealed upon the person*, and as part
15 of its original manufacture, technology that automatically limits it
16 operational use, and that cannot be readily deactivated, so that it
17 may only be fired by an authorized or recognized user. The
18 technology limiting the ~~handgun’s operational use~~ *operational*
19 *use of the pistol, revolver, or other firearm capable of being*
20 *concealed upon the person* may include, but is not limited to, radio
21 tagging, touch memory, remote control, fingerprint, magnetic
22 encoding, and other automatic user identification systems using
23 biometrics, mechanical and electronic systems.
24 (c) *Subdivision (a) shall not apply to any of the following:*
25 *(1) The sale, loan or transfer of a pistol, revolver, or any other*
26 *firearm capable of being concealed upon the person to any law*
27 *enforcement agency, or any agency authorized to perform law*
28 *enforcement duties.*
29 *(2) The sale, loan, or transfer of a pistol, revolver, or any other*
30 *firearm capable of being concealed upon the person to any peace*
31 *officer, as defined in Chapter 4.5 (commencing with Section 830)*

1 of Title 3 of Part 2, who is authorized to, and who does, carry a
2 firearm during the course and scope of his or her employment.

3 (3) The sale, loan, or transfer of a pistol, revolver, or any other
4 firearm capable of being concealed upon the person to any
5 employee of any law enforcement agency or any agency authorized
6 to perform law enforcement duties, who is authorized to, and who
7 does, carry a firearm during the course and scope of his or her
8 employment.

9 (4) The sale of a pistol, revolver, or any other firearm capable
10 of being concealed upon the person, pursuant to Section 12082.

11 (5) The sale, loan, or transfer of a pistol, revolver, or any other
12 firearm capable of being concealed upon the person that is a curio
13 or relic, as defined in Section 178.11 of Title 27 of the Code of
14 Federal Regulations, or that is an antique firearm, as defined in
15 paragraph (16) of subsection (a) of Section 921 of Title 18 of the
16 United States Code.

17 (6) The return of a pistol, revolver, or any other firearm capable
18 of being concealed upon the person by a dealer to the owner of that
19 firearm.

20 (d) The Attorney General shall adopt rules and regulations for
21 the implementation and enforcement of this section. *The rules and*
22 *regulations shall permit a pistol, revolver, or other firearm capable*
23 *of being concealed upon the person that incorporates an*
24 *integrated mechanical safety device pursuant to this section to be*
25 *discharged by a person to whom the firearm is lawfully loaned.*

26 ~~(d)~~

27 (e) A violation of this section is punishable by a ~~fine~~ civil
28 penalty of fifty thousand dollars (\$50,000) for each firearm that is
29 in violation of this section.

30 ~~(e) This section shall not apply to the sale of any pistol,~~
31 ~~revolver, or other firearm to any peace officer described in Section~~
32 ~~830.1 or 830.2.~~

33 ~~SEC. 2.—No reimbursement is required by this act pursuant to~~
34 ~~Section 6 of Article XIII B of the California Constitution because~~
35 ~~the only costs that may be incurred by a local agency or school~~
36 ~~district will be incurred because this act creates a new crime or~~
37 ~~infraction, eliminates a crime or infraction, or changes the penalty~~
38 ~~for a crime or infraction, within the meaning of Section 17556 of~~
39 ~~the Government Code, or changes the definition of a crime within~~

1 ~~the meaning of Section 6 of Article XIII B of the California~~
2 ~~Constitution.~~

3 (f) *The sale, loan, or transfer of a pistol, revolver, or other*
4 *firearm capable of being concealed upon the person by a person*
5 *licensed pursuant to Section 12071 in violation of this section shall*
6 *constitute a breach of the license issued pursuant to Section 12071,*
7 *and the license shall be subject to forfeiture.*

