

AMENDED IN ASSEMBLY MAY 23, 2002

AMENDED IN ASSEMBLY MAY 15, 2002

AMENDED IN ASSEMBLY APRIL 29, 2002

CALIFORNIA LEGISLATURE—2001–02 REGULAR SESSION

**ASSEMBLY BILL**

**No. 2793**

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**Introduced by Assembly Members Pescetti and Zettel**

February 25, 2002

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An act to amend Sections 12132; *and* 12276.1, ~~and 12285~~ of the Penal Code, relating to firearms.

LEGISLATIVE COUNSEL'S DIGEST

AB 2793, as amended, Pescetti. Firearms.

Existing law makes it a misdemeanor to manufacture or cause to be manufactured, import into the state for sale, keep for sale, offer or expose for sale, give, or lend any unsafe handgun, except as specified. Existing law additionally requires every person licensed to manufacture firearms pursuant to federal law who manufactures firearms in this state and every person who imports into the state for sale, keeps for sale, or offers or exposes for sale any firearm to certify under penalty of perjury that every model, kind, class, style, or type of pistol, revolver, or other firearm capable of being concealed upon the person that he or she manufactures or imports, keeps, or exposes for sale is not a prohibited unsafe handgun. Existing law exempts from these requirements certain pistols that are used in official Olympic-style international shooting competitions, as specified.

This bill would require the department to create a program to exempt new models of competitive firearms from the regulation of unsafe

firearms. The exempt competitive firearms could be based on recommendations by USA Shooting consistent with the regulations contained in the USA Shooting Official Rules or could be based on the recommendation or rules of any other organization that the department deems relevant.

Existing law requires any person who lawfully possesses an assault weapon, as defined, prior to specified periods, to register that weapon with the department, within a specified period of time. Existing law defines the term “assault weapon” by, among other things, designating a list of specified semiautomatic firearms and providing descriptive definitions concerning the capacity and function of the weapon. Existing law specifically exempts certain pistols that are used in official Olympic-style international shooting competitions from the definition of “assault weapon.”

This bill would require the department to create a program to exempt new models of competitive pistols that would otherwise be considered an “assault weapon” pursuant to these provisions from being classified as an “assault weapon.” ~~This bill would require any person who lawfully possessed an assault weapon prior to the date it was defined as an assault weapon under specified provisions to, within one year of the operative date of the subsequent inclusion of the firearm within the definition or classification of an assault weapon, register the firearm with the department pursuant to those procedures that the department may establish. The bill would, among other things, permit the firearm owner to take specified actions within one year of the subsequent declaration of a firearm as an assault weapon in lieu of registering the firearm, as specified.~~

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

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

- 1 SECTION 1. Section 12132 of the Penal Code is amended to
- 2 read:
- 3 12132. This chapter shall not apply to any of the following:
- 4 (a) The sale, loan, or transfer of any firearm pursuant to Section
- 5 12082 or 12084 in order to comply with subdivision (d) of Section
- 6 12072.
- 7 (b) The sale, loan, or transfer of any firearm that is exempt from
- 8 the provisions of subdivision (d) of Section 12072 pursuant to any



1 applicable exemption contained in Section 12078, if the sale, loan,  
2 or transfer complies with the requirements of that applicable  
3 exemption to subdivision (d) of Section 12072.

4 (c) The sale, loan, or transfer of any firearm as described in  
5 paragraph (3) of subdivision (b) of Section 12125.

6 (d) The delivery of a pistol, revolver, or other firearm capable  
7 of being concealed upon the person to a person licensed pursuant  
8 to Section 12071 for the purposes of the service or repair of that  
9 firearm.

10 (e) The return of a pistol, revolver, or other firearm capable of  
11 being concealed upon the person by a person licensed pursuant to  
12 Section 12071 to its owner where that firearm was initially  
13 delivered in the circumstance set forth in subdivision (d).

14 (f) The return of a pistol, revolver, or other firearm capable of  
15 being concealed upon the person by a person licensed pursuant to  
16 Section 12071 to its owner where that firearm was initially  
17 delivered to that licensee for the purpose of a consignment sale or  
18 as collateral for a pawnbroker loan.

19 (g) The sale, loan, or transfer of any pistol, revolver, or other  
20 firearm capable of being concealed upon the person listed as a  
21 curio or relic, as defined in Section 178.11 of the Code of Federal  
22 Regulations.

23 (h) (1) The Legislature finds a significant public purpose in  
24 exempting pistols that are designed expressly for use in Olympic  
25 target shooting events. Therefore, those pistols that are sanctioned  
26 by the International Olympic Committee and by USA Shooting,  
27 the national governing body for international shooting  
28 competition in the United States, and that are used for Olympic  
29 target shooting purposes at the time that the act adding this  
30 subdivision is enacted, and that fall within the definition of  
31 “unsafe handgun” pursuant to paragraph (3) of subdivision (b) of  
32 Section 12126 shall be exempt, as provided in paragraphs (2) and  
33 (3).

34 (2) This chapter shall not apply to any of the following pistols,  
35 because they are consistent with the significant public purpose  
36 expressed in paragraph (1):

37	MANUFACTURER	MODEL	CALIBER
38	ANSCHUTZ	FP	.22LR
39	BENELLI	MP90	.22LR
40			



1	BENELLI	MP90	.32 S&W LONG
2	BENELLI	MP95	.22LR
3	BENELLI	MP95	.32 S&W LONG
4	DRULOV	FP	.22LR
5	GREEN	ELECTROARM	.22LR
6	HAMMERLI	100	.22LR
7	HAMMERLI	101	.22LR
8	HAMMERLI	102	.22LR
9	HAMMERLI	162	.22LR
10	HAMMERLI	280	.22LR
11	HAMMERLI	280	.32 S&W LONG
12	HAMMERLI	FP10	.22LR
13	HAMMERLI	MP33	.22LR
14	HAMMERLI	SP20	.22LR
15	HAMMERLI	SP20	.32 S&W LONG
16	MORINI	CM102E	.22LR
17	MORINI	22M	.22LR
18	MORINI	32M	.32 S&W LONG
19	MORINI	CM80	.22LR
20	PARDINI	GP	.22 SHORT
21	PARDINI	GPO	.22 SHORT
22	PARDINI	GP-SCHUMANN	.22 SHORT
23	PARDINI	HP	.32 S&W LONG
24	PARDINI	K22	.22LR
25	PARDINI	MP	.32 S&W LONG
26	PARDINI	PGP75	.22LR
27	PARDINI	SP	.22LR
28	PARDINI	SPE	.22LR
29	SAKO	FINMASTER	.22LR
30	STEYR	FP	.22LR
31	VOSTOK	IZH NO. 1	.22LR
32	VOSTOK	MU55	.22LR
33	VOSTOK	TOZ35	.22LR
34	WALTHER	FP	.22LR
35	WALTHER	GSP	.22LR
36	WALTHER	GSP	.32 S&W LONG
37	WALTHER	OSP	.22 SHORT
38	WALTHER	OSP-2000	.22 SHORT
39			



1 (3) The department shall create a program that is consistent  
2 with the purpose stated in paragraph (1) to exempt new models of  
3 competitive firearms from this chapter. The exempt competitive  
4 firearms may be based on recommendations by USA Shooting  
5 consistent with the regulations contained in the USA Shooting  
6 Official Rules or may be based on the recommendation or rules of  
7 any other organization that the department deems relevant.

8 SEC. 2. Section 12276.1 of the Penal Code is amended to  
9 read:

10 12276.1. (a) Notwithstanding Section 12276, “assault  
11 weapon” shall also mean any of the following:

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

14 (A) A pistol grip that protrudes conspicuously beneath the  
15 action of the weapon.

16 (B) A thumbhole stock.

17 (C) A folding or telescoping stock.

18 (D) A grenade launcher or flare launcher.

19 (E) A flash suppressor.

20 (F) A forward pistol grip.

21 (2) A semiautomatic, centerfire rifle that has a fixed magazine  
22 with the capacity to accept more than 10 rounds.

23 (3) A semiautomatic, centerfire rifle that has an overall length  
24 of less than 30 inches.

25 (4) A semiautomatic pistol that has the capacity to accept a  
26 detachable magazine and any one of the following:

27 (A) A threaded barrel, capable of accepting a flash suppressor,  
28 forward handgrip, or silencer.

29 (B) A second handgrip.

30 (C) A shroud that is attached to, or partially or completely  
31 encircles, the barrel that allows the bearer to fire the weapon  
32 without burning his or her hand, except a slide that encloses the  
33 barrel.

34 (D) The capacity to accept a detachable magazine at some  
35 location outside of the pistol grip.

36 (5) A semiautomatic pistol with a fixed magazine that has the  
37 capacity to accept more than 10 rounds.

38 (6) A semiautomatic shotgun that has both of the following:

39 (A) A folding or telescoping stock.



1 (B) A pistol grip that protrudes conspicuously beneath the  
2 action of the weapon, thumbhole stock, or vertical handgrip.

3 (7) A semiautomatic shotgun that has the ability to accept a  
4 detachable magazine.

5 (8) Any shotgun with a revolving cylinder.

6 (b) The Legislature finds a significant public purpose in  
7 exempting pistols that are designed expressly for use in Olympic  
8 target shooting events. Therefore, those pistols that are sanctioned  
9 by the International Olympic Committee and by USA Shooting,  
10 the national governing body for international shooting  
11 competition in the United States, and that are used for Olympic  
12 target shooting purposes at the time the act adding this subdivision  
13 is enacted, and that would otherwise fall within the definition of  
14 “assault weapon” pursuant to this section are exempt, as provided  
15 in subdivision (c).

16 (c) “Assault weapon” does not include either of the following:

17 (1) Any antique firearm.

18 (2) Any of the following pistols, because they are consistent  
19 with the significant public purpose expressed in subdivision (b):

20

21	MANUFACTURER	MODEL	CALIBER
22	BENELLI	MP90	.22LR
23	BENELLI	MP90	.32 S&W LONG
24	BENELLI	MP95	.22LR
25	BENELLI	MP95	.32 S&W LONG
26	HAMMERLI	280	.22LR
27	HAMMERLI	280	.32 S&W LONG
28	HAMMERLI	SP20	.22LR
29	HAMMERLI	SP20	.32 S&W LONG
30	PARDINI	GPO	.22 SHORT
31	PARDINI	GP-SCHUMANN	.22 SHORT
32	PARDINI	HP	.32 S&W LONG
33	PARDINI	MP	.32 S&W LONG
34	PARDINI	SP	.22LR
35	PARDINI	SPE	.22LR
36	WALTHER	GSP	.22LR
37	WALTHER	GSP	.32 S&W LONG
38	WALTHER	OSP	.22 SHORT
39	WALTHER	OSP-2000	.22 SHORT



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

10 (d) The following definitions shall apply under this section:

11 (1) “Magazine” shall mean any ammunition feeding device.

12 (2) “Capacity to accept more than 10 rounds” shall mean  
13 capable of accommodating more than 10 rounds, but shall not be  
14 construed to include a feeding device that has been permanently  
15 altered so that it cannot accommodate more than 10 rounds.

16 (3) “Antique firearm” means any firearm manufactured prior  
17 to January 1, 1899.

18 (e) This section shall become operative January 1, 2000.

19 ~~SEC. 3.—Section 12285 of the Penal Code is amended to read:~~

20 ~~12285.—(a) (1) Any person who lawfully possesses an assault~~  
21 ~~weapon, as defined in Section 12276, prior to June 1, 1989, shall~~  
22 ~~register the firearm by January 1, 1991.~~

23 ~~(2) Any person who lawfully possessed an assault weapon prior~~  
24 ~~to the date it was specified as an assault weapon pursuant to Section~~  
25 ~~12276.5 shall register the firearm within 90 days with the~~  
26 ~~Department of Justice pursuant to those procedures that the~~  
27 ~~department may establish.~~

28 ~~(3) Except as provided in subdivision (a) of Section 12280, any~~  
29 ~~person who lawfully possessed an assault weapon prior to the date~~  
30 ~~it was defined as an assault weapon pursuant to Section 12276.1,~~  
31 ~~and which was not specified as an assault weapon under Section~~  
32 ~~12276 or 12276.5, shall within one year of the operative date of the~~  
33 ~~subsequent inclusion of the firearm within the definition or~~  
34 ~~classification of an assault weapon under Section 12276.1, register~~  
35 ~~the firearm with the department pursuant to those procedures that~~  
36 ~~the department may establish.~~

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



1 ~~(5) The department may charge a fee for registration of up to~~  
2 ~~twenty dollars (\$20) per person but not to exceed the actual~~  
3 ~~processing costs of the department. After the department~~  
4 ~~establishes fees sufficient to reimburse the department for~~  
5 ~~processing costs, fees charged shall increase at a rate not to exceed~~  
6 ~~the legislatively approved annual cost-of-living adjustment for the~~  
7 ~~department's budget or as otherwise increased through the Budget~~  
8 ~~Act.~~

9 ~~(b) (1) (A) Except as provided in paragraph (2), no assault~~  
10 ~~weapon possessed pursuant to this section may be sold or~~  
11 ~~transferred on or after January 1, 1990, to anyone within this state~~  
12 ~~other than to a licensed gun dealer, as defined in subdivision (c) of~~  
13 ~~Section 12290, or as provided in Section 12288.~~

14 ~~(B) Any person who obtains title to an assault weapon~~  
15 ~~registered under this section or that was possessed pursuant to~~  
16 ~~subdivision (g) or (i) of Section 12280 by bequest or intestate~~  
17 ~~succession shall, within 90 days, do one of the following:~~

18 ~~(i) Render the weapon permanently inoperable.~~

19 ~~(ii) Sell the weapon to a licensed gun dealer.~~

20 ~~(iii) Obtain a permit from the Department of Justice in the same~~  
21 ~~manner as specified in Article 3 (commencing with Section~~  
22 ~~12230) of Chapter 2.~~

23 ~~(iv) Remove the weapon from this state.~~

24 ~~(C) In lieu of registering the firearm as an assault weapon~~  
25 ~~pursuant to subdivision (a), a person who lawfully possessed a~~  
26 ~~firearm that was subsequently declared to be an assault weapon~~  
27 ~~pursuant to Section 12276.5, may within 90 days of the date~~  
28 ~~effective date of the declaration, do one of the following:~~

29 ~~(i) Render the weapon permanently inoperable.~~

30 ~~(ii) Sell the weapon to a licensed gun dealer.~~

31 ~~(iii) Remove the weapon from this state.~~

32 ~~(D) In lieu of registering the firearm as an assault weapon~~  
33 ~~pursuant to paragraph (3) of subdivision (a), a person who lawfully~~  
34 ~~possessed a firearm that was not an assault weapon that was~~  
35 ~~subsequently defined as an assault weapon pursuant to Section~~  
36 ~~12276.1, may within the one year registration period referred to in~~  
37 ~~paragraph (3) of subdivision (a), do one of the following:~~

38 ~~(i) Render the weapon permanently inoperable.~~

39 ~~(ii) Sell the weapon to a licensed gun dealer.~~

40 ~~(iii) Remove the weapon from this state.~~



1 ~~(2) A person moving into this state, otherwise in lawful~~  
2 ~~possession of an assault weapon, shall do one of the following:~~

3 ~~(A) Prior to bringing the assault weapon into this state, that~~  
4 ~~person shall first obtain a permit from the Department of Justice~~  
5 ~~in the same manner as specified in Article 3 (commencing with~~  
6 ~~Section 12230) of Chapter 2.~~

7 ~~(B) The person shall cause the assault weapon to be delivered~~  
8 ~~to a licensed gun dealer, as defined in subdivision (e) of Section~~  
9 ~~12290, in this state in accordance with Chapter 44 (commencing~~  
10 ~~with Section 921) of Title 18 of the United States Code and the~~  
11 ~~regulations issued pursuant thereto. If the person obtains a permit~~  
12 ~~from the Department of Justice in the same manner as specified in~~  
13 ~~Article 3 (commencing with Section 12230) of Chapter 2, the~~  
14 ~~dealer shall redeliver that assault weapon to the person. If the~~  
15 ~~licensed gun dealer, as defined in subdivision (e) of Section 12290,~~  
16 ~~is prohibited from delivering the assault weapon to a person~~  
17 ~~pursuant to this paragraph, the dealer shall possess or dispose of~~  
18 ~~the assault weapon as allowed by this chapter.~~

19 ~~(c) A person who has registered an assault weapon under this~~  
20 ~~section may possess it only under any of the following conditions~~  
21 ~~unless a permit allowing additional uses is first obtained under~~  
22 ~~Section 12286:~~

23 ~~(1) At that person's residence, place of business, or other~~  
24 ~~property owned by that person, or on property owned by another~~  
25 ~~with the owner's express permission.~~

26 ~~(2) While on the premises of a target range of a public or private~~  
27 ~~club or organization organized for the purpose of practicing~~  
28 ~~shooting at targets.~~

29 ~~(3) While on a target range that holds a regulatory or business~~  
30 ~~license for the purpose of practicing shooting at that target range.~~

31 ~~(4) While on the premises of a shooting club which is licensed~~  
32 ~~pursuant to the Fish and Game Code.~~

33 ~~(5) While attending any exhibition, display, or educational~~  
34 ~~project which is about firearms and which is sponsored by,~~  
35 ~~conducted under the auspices of, or approved by a law~~  
36 ~~enforcement agency or a nationally or state recognized entity that~~  
37 ~~fosters proficiency in, or promotes education about, firearms.~~

38 ~~(6) While on publicly owned land if the possession and use of~~  
39 ~~a firearm described in Section 12276 or 12276.1 is specifically~~  
40 ~~permitted by the managing agency of the land.~~



1 ~~(7) While transporting the assault weapon between any of the~~  
2 ~~places mentioned in this subdivision, or to any licensed gun dealer,~~  
3 ~~as defined in subdivision (e) of Section 12290, for servicing or~~  
4 ~~repair pursuant to subdivision (b) of Section 12290, if the assault~~  
5 ~~weapon is transported as required by Section 12026.1.~~

6 ~~(d) No person who is under the age of 18 years, no person who~~  
7 ~~is prohibited from possessing a firearm by Section 12021 or~~  
8 ~~12021.1, and no person described in Section 8100 or 8103 of the~~  
9 ~~Welfare and Institutions Code may register or possess an assault~~  
10 ~~weapon.~~

11 ~~(e) The department's registration procedures shall provide the~~  
12 ~~option of joint registration for assault weapons owned by family~~  
13 ~~members residing in the same household.~~

14 ~~(f) For 90 days following January 1, 1992, a forgiveness period~~  
15 ~~shall exist to allow persons specified in subdivision (b) of Section~~  
16 ~~12280 to register with the Department of Justice assault weapons~~  
17 ~~that they lawfully possessed prior to June 1, 1989.~~

18 ~~(g) Any person who registered a firearm as an assault weapon~~  
19 ~~pursuant to the provisions of law in effect prior to January 1, 2000,~~  
20 ~~where the assault weapon is thereafter defined as an assault~~  
21 ~~weapon pursuant to Section 12276.1, shall be deemed to have~~  
22 ~~registered the weapon for purposes of this chapter and shall not be~~  
23 ~~required to reregister the weapon pursuant to this section.~~

24 ~~(h) Any person who registers his or her assault weapon during~~  
25 ~~the 90-day forgiveness period described in subdivision (f), and any~~  
26 ~~person whose registration form was received by the Department~~  
27 ~~of Justice after January 1, 1991, and who was issued a temporary~~  
28 ~~registration prior to the end of the forgiveness period, shall not be~~  
29 ~~charged with a violation of subdivision (b) of Section 12280, if law~~  
30 ~~enforcement becomes aware of that violation only as a result of the~~  
31 ~~registration of the assault weapon. This subdivision shall have no~~  
32 ~~effect upon persons charged with a violation of subdivision (b) of~~  
33 ~~Section 12280 of the Penal Code prior to January 1, 1992,~~  
34 ~~provided that law enforcement was aware of the violation before~~  
35 ~~the weapon was registered.~~

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