

AMENDED IN ASSEMBLY AUGUST 30, 2001

AMENDED IN SENATE APRIL 26, 2001

**SENATE BILL**

**No. 626**

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**Introduced by Senators Perata and Peace**

February 22, 2001

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An act to amend Sections *11106*, *12001*, *12020*, and *12280* of the Penal Code, relating to ~~firearms~~ *weapons*.

LEGISLATIVE COUNSEL'S DIGEST

SB 626, as amended, Perata. ~~Large-capacity magazines~~ *Weapons*.

(1) Existing law requires the Attorney General to maintain a registry of information pertaining to concealable firearms and authorizes the release of this information to specified persons.

*This bill would include a city attorney prosecuting a civil action among those persons to whom this information may be released*

(2) Existing law, except as provided, generally prohibits the manufacturing, causing to be manufactured, importation into the state, keeping, offering or exposing for sale, giving, or lending, of *various weapons, including any large-capacity magazine*. Existing law also defines "large-capacity magazine" and specifies certain magazines that are not included within the definition.

This bill would exempt the manufacture of a large-capacity magazine for certain law enforcement agents, peace officers, government agencies, the military, or for export. The bill would also exempt certain purchases and loans of large-capacity magazines, as specified.

~~This~~ *This* bill would, in addition, specify additional magazines that are not included within the definition of "large-capacity magazine."

*This bill additionally exempts from punishment the possession for disposal or the disposal by the executor or administrator of an estate of certain weapons that are part of that estate, subject to specified conditions.*

(3) Existing law makes it an offense, with specified exceptions, to possess an assault weapon, as defined.

This bill would provide additional exceptions to the offense of possessing an assault weapon, regarding the loan at a target range of an assault weapon by a retired peace officer, as specified, and receipt and possession of an assault weapon by certain peace officers, if those officers register the assault weapon, as specified.

By imposing additional duties on local law enforcement agencies, 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, including the creation of a State Mandates Claims Fund to pay the costs of mandates that do not exceed \$1,000,000 statewide and other procedures for claims whose statewide costs exceed \$1,000,000.

This bill would provide that, if the Commission on State Mandates determines that the bill contains costs mandated by the state, reimbursement for those costs shall be made pursuant to these statutory provisions.

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) In order to assist in the investigation of crime, the  
 4 arrest and prosecution of criminals, and the recovery of lost,  
 5 stolen, or found property, the Attorney General shall keep and  
 6 properly file a complete record of all copies of fingerprints, copies  
 7 of applications for licenses to carry firearms issued pursuant to  
 8 Section 12050, information reported to the Department of Justice  
 9 pursuant to Section 12053, dealers' records of sales of firearms,  
 10 reports provided pursuant to Section 12072 or 12078, forms  
 11 provided pursuant to Section 12084, reports provided pursuant to



1 Section 12071 that are not dealers' records of sales of firearms, and  
2 reports of stolen, lost, found, pledged, or pawned property in any  
3 city or county of this state, and shall, upon proper application  
4 therefor, furnish to the officers mentioned in Section 11105, hard  
5 copy printouts of those records as photographic, photostatic, and  
6 nonerasable optically stored reproductions.

7 (b) (1) Notwithstanding subdivision (a), the Attorney General  
8 shall not retain or compile any information from reports filed  
9 pursuant to subdivision (a) of Section 12078 for firearms that are  
10 not pistols, revolvers, or other firearms capable of being concealed  
11 upon the person, from forms submitted pursuant to Section 12084  
12 for firearms that are not pistols, revolvers, or other firearms  
13 capable of being concealed upon the person, or from dealers'  
14 records of sales for firearms that are not pistols, revolvers, or other  
15 firearms capable of being concealed upon the person. All copies  
16 of the forms submitted, or any information received in electronic  
17 form, pursuant to Section 12084 for firearms that are not pistols,  
18 revolvers, or other firearms capable of being concealed upon the  
19 person, or of the dealers' records of sales for firearms that are not  
20 pistols, revolvers, or other firearms capable of being concealed  
21 upon the person shall be destroyed within five days of the  
22 clearance by the Attorney General, unless the purchaser or  
23 transferor is ineligible to take possession of the firearm. All copies  
24 of the reports filed, or any information received in electronic form,  
25 pursuant to subdivision (a) of Section 12078 for firearms that are  
26 not pistols, revolvers, or other firearms capable of being concealed  
27 upon the person shall be destroyed within five days of the receipt  
28 by the Attorney General, unless retention is necessary for use in a  
29 criminal prosecution.

30 (2) A peace officer, the Attorney General, a Department of  
31 Justice employee designated by the Attorney General, or any  
32 authorized local law enforcement employee shall not retain or  
33 compile any information from a firearms transaction record, as  
34 defined in paragraph (5) of subdivision (c) of Section 12071, for  
35 firearms that are not pistols, revolvers, or other firearms capable  
36 of being concealed upon the person unless retention or compilation  
37 is necessary for use in a criminal prosecution or in a proceeding to  
38 revoke a license issued pursuant to Section 12071.

39 (3) A violation of this subdivision is a misdemeanor.



1 (c) (1) The Attorney General shall permanently keep and  
2 properly file and maintain all information reported to the  
3 Department of Justice pursuant to Sections 12071, 12072, 12078,  
4 12082, and 12084 or any other law, as to pistols, revolvers, or other  
5 firearms capable of being concealed upon the person and maintain  
6 a registry thereof.

7 (2) The registry shall consist of all of the following:

8 (A) The name, address, identification of, place of birth (state or  
9 country), complete telephone number, occupation, sex,  
10 description, and all legal names and aliases ever used by the owner  
11 or person being loaned the particular pistol, revolver, or other  
12 firearm capable of being concealed upon the person as listed on the  
13 information provided to the department on the Dealers' Record of  
14 Sale, the Law Enforcement Firearms Transfer (LEFT), as defined  
15 in Section 12084, or reports made to the department pursuant to  
16 Section 12078 or any other law.

17 (B) The name and address of, and other information about, any  
18 person (whether a dealer or a private party) from whom the owner  
19 acquired or the person being loaned the particular pistol, revolver,  
20 or other firearm capable of being concealed upon the person and  
21 when the firearm was acquired or loaned as listed on the  
22 information provided to the department on the Dealers' Record of  
23 Sale, the LEFT, or reports made to the department pursuant to  
24 Section 12078 or any other law.

25 (C) Any waiting period exemption applicable to the transaction  
26 which resulted in the owner of or the person being loaned the  
27 particular pistol, revolver, or other firearm capable of being  
28 concealed upon the person acquiring or being loaned that firearm.

29 (D) The manufacturer's name if stamped on the firearm; model  
30 name or number if stamped on the firearm; and, if applicable, the  
31 serial number, other number (if more than one serial number is  
32 stamped on the firearm), caliber, type of firearm, if the firearm is  
33 new or used, barrel length, and color of the firearm.

34 (3) Information in the registry referred to in this subdivision  
35 shall, upon proper application therefor, be furnished to the officers  
36 referred to in Section 11105, *to a city attorney prosecuting a civil*  
37 *action*, or to the person listed in the registry as the owner or person  
38 who is listed as being loaned the particular pistol, revolver, or other  
39 firearm capable of being concealed upon the person in the form of



1 hard copy printouts of that information as photographic,  
2 photostatic, and nonerasable optically stored reproductions.

3 (4) If any person is listed in the registry as the owner of a  
4 firearm through a Dealers' Record of Sale prior to 1979, and the  
5 person listed in the registry requests by letter that the Attorney  
6 General store and keep the record electronically, as well as in the  
7 record's existing photographic, photostatic, or nonerasable  
8 optically stored form, the Attorney General shall do so within three  
9 working days of receipt of the request. The Attorney General shall,  
10 in writing, and as soon as practicable, notify the person requesting  
11 electronic storage of the record that the request has been honored  
12 as required by this paragraph.

13 *SEC. 2. Section 12001 of the Penal Code is amended to read:*

14 12001. (a) As used in this title, the terms "pistol,"  
15 "revolver," and "firearm capable of being concealed upon the  
16 person" shall apply to and include any device designed to be used  
17 as a weapon, from which is expelled a projectile by the force of any  
18 explosion, or other form of combustion, and that has a barrel less  
19 than 16 inches in length. These terms also include any device that  
20 has a barrel 16 inches or more in length which is designed to be  
21 interchanged with a barrel less than 16 inches in length.

22 (b) As used in this title, "firearm" means any device, designed  
23 to be used as a weapon, from which is expelled through a barrel a  
24 projectile by the force of any explosion or other form of  
25 combustion.

26 (c) As used in Sections 12021, 12021.1, 12070, 12071, 12072,  
27 12073, 12078, and 12101 of this code, and Sections 8100, 8101,  
28 and 8103 of the Welfare and Institutions Code, the term "firearm"  
29 includes the frame or receiver of the weapon.

30 (d) For the purposes of Sections 12025 and 12031, the term  
31 "firearm" also shall include any rocket, rocket propelled  
32 projectile launcher, or similar device containing any explosive or  
33 incendiary material whether or not the device is designed for  
34 emergency or distress signaling purposes.

35 (e) For purposes of Sections 12070, 12071, and paragraph ~~(7)~~  
36 (8) of subdivision (a), and subdivisions (b), (c), (d), and (f) of  
37 Section 12072, the term "firearm" does not include an unloaded  
38 firearm that is defined as an "antique firearm" in Section  
39 921(a)(16) of Title 18 of the United States Code.



1 (f) Nothing shall prevent a device defined as a “pistol,”  
2 “revolver,” or “firearm capable of being concealed upon the  
3 person” from also being found to be a short-barreled shotgun or  
4 a short-barreled rifle, as defined in Section 12020.

5 (g) For purposes of Sections 12551 and 12552, the term “BB  
6 device” means any instrument that expels a metallic projectile,  
7 such as a BB or a pellet, through the force of air pressure, CO<sub>2</sub>  
8 pressure, or spring action, or any spot marker gun.

9 (h) As used in this title, “wholesaler” means any person who  
10 is licensed as a dealer pursuant to Chapter 44 (commencing with  
11 Section 921) of Title 18 of the United States Code and the  
12 regulations issued pursuant thereto who sells, transfers, or assigns  
13 firearms, or parts of firearms, to persons who are licensed as  
14 manufacturers, importers, or gunsmiths pursuant to Chapter 44  
15 (commencing with Section 921) of Title 18 of the United States  
16 Code, or persons licensed pursuant to Section 12071, and includes  
17 persons who receive finished parts of firearms and assemble them  
18 into completed or partially completed firearms in furtherance of  
19 that purpose.

20 “Wholesaler” shall not include a manufacturer, importer, or  
21 gunsmith who is licensed to engage in those activities pursuant to  
22 Chapter 44 (commencing with Section 921) of Title 18 of the  
23 United States Code or a person licensed pursuant to Section 12071  
24 and the regulations issued pursuant thereto. A wholesaler also does  
25 not include those persons dealing exclusively in grips, stocks, and  
26 other parts of firearms that are not frames or receivers thereof.

27 (i) As used in Section 12071, 12072, or 12084, “application to  
28 purchase” means any of the following:

29 (1) The initial completion of the register by the purchaser,  
30 transferee, or person being loaned the firearm as required by  
31 subdivision (b) of Section 12076.

32 (2) The initial completion of the LEFT by the purchaser,  
33 transferee, or person being loaned the firearm as required by  
34 subdivision (d) of Section 12084.

35 (3) The initial completion and transmission to the department  
36 of the record of electronic or telephonic transfer by the dealer on  
37 the purchaser, transferee, or person being loaned the firearm as  
38 required by subdivision (c) of Section 12076.

39 (j) For purposes of Section 12023, a firearm shall be deemed  
40 to be “loaded” whenever both the firearm and the unexpended



1 ammunition capable of being discharged from the firearm are in  
2 the immediate possession of the same person.

3 (k) For purposes of Sections 12021, 12021.1, 12025, 12070,  
4 12072, 12073, 12078, and 12101 of this code, and Sections 8100,  
5 8101, and 8103 of the Welfare and Institutions Code,  
6 notwithstanding the fact that the term “any firearm” may be used  
7 in those sections, each firearm or the frame or receiver of the same  
8 shall constitute a distinct and separate offense under those  
9 sections.

10 (l) For purposes of Section 12020, a violation of that section as  
11 to each firearm, weapon, or device enumerated therein shall  
12 constitute a distinct and separate offense.

13 (m) Each application that requires any firearms eligibility  
14 determination involving the issuance of any license, permit, or  
15 certificate pursuant to this title shall include two copies of the  
16 applicant’s fingerprints on forms prescribed by the Department of  
17 Justice. One copy of the fingerprints may be submitted to the  
18 United States Federal Bureau of Investigation.

19 (n) As used in this chapter, a “personal handgun importer”  
20 means an individual who meets all of the following criteria:

21 (1) He or she is not a person licensed pursuant to Section 12071.

22 (2) He or she is not a licensed manufacturer of firearms  
23 pursuant to Chapter 44 (commencing with Section 921) of Title 18  
24 of the United States Code.

25 (3) He or she is not a licensed importer of firearms pursuant to  
26 Chapter 44 (commencing with Section 921) of Title 18 of the  
27 United States Code and the regulations issued pursuant thereto.

28 (4) He or she is the owner of a pistol, revolver, or other firearm  
29 capable of being concealed upon the person.

30 (5) He or she acquired that pistol, revolver, or other firearm  
31 capable of being concealed upon the person outside of California.

32 (6) He or she moves into this state on or after January 1, 1998,  
33 as a resident of this state.

34 (7) He or she intends to possess that pistol, revolver, or other  
35 firearm capable of being concealed upon the person within this  
36 state on or after January 1, 1998.

37 (8) The pistol, revolver, or other firearm capable of being  
38 concealed upon the person was not delivered to him or her by a  
39 person licensed pursuant to Section 12071 who delivered that



1 firearm following the procedures set forth in Section 12071 and  
2 subdivision (c) of Section 12072.

3 (9) He or she, while a resident of this state, had not previously  
4 reported his or her ownership of that pistol, revolver, or other  
5 firearm capable of being concealed upon the person to the  
6 Department of Justice in a manner prescribed by the department  
7 that included information concerning him or her and a description  
8 of the firearm.

9 (10) The pistol, revolver, or other firearm capable of being  
10 concealed upon the person is not a firearm that is prohibited by  
11 subdivision (a) of Section 12020.

12 (11) The pistol, revolver, or other firearm capable of being  
13 concealed upon the person is not an assault weapon, as defined in  
14 Section 12276 or 12276.1.

15 (12) The pistol, revolver, or other firearm capable of being  
16 concealed upon the person is not a machinegun, as defined in  
17 Section 12200.

18 (13) The person is 18 years of age or older.

19 (o) For purposes of paragraph (6) of subdivision (n):

20 (1) Except as provided in paragraph (2), residency shall be  
21 determined in the same manner as is the case for establishing  
22 residency pursuant to Section 12505 of the Vehicle Code.

23 (2) In the case of members of the armed forces of the United  
24 States, residency shall be deemed to be established when he or she  
25 was discharged from active service in this state.

26 *SEC. 3.* Section 12020 of the Penal Code is amended to read:

27 12020. (a) Any person in this state who does any of the  
28 following is punishable by imprisonment in a county jail not  
29 exceeding one year or in the state prison:

30 (1) Manufactures or causes to be manufactured, imports into  
31 the state, keeps for sale, or offers or exposes for sale, or who gives,  
32 lends, or possesses any cane gun or wallet gun, any undetectable  
33 firearm, any firearm which is not immediately recognizable as a  
34 firearm, any camouflaging firearm container, any ammunition  
35 which contains or consists of any fléchette dart, any bullet  
36 containing or carrying an explosive agent, any ballistic knife, any  
37 multiburst trigger activator, any nunchaku, any short-barreled  
38 shotgun, any short-barreled rifle, any metal knuckles, any belt  
39 buckle knife, any leaded cane, any zip gun, any shuriken, any  
40 unconventional pistol, any lipstick case knife, any cane sword, any



1 shobi-zue, any air gauge knife, any writing pen knife, any metal  
2 military practice handgrenade or metal replica handgrenade, or  
3 any instrument or weapon of the kind commonly known as a  
4 blackjack, slungshot, billy, sandclub, sap, or sandbag.

5 (2) Commencing January 1, 2000, manufactures or causes to be  
6 manufactured, imports into the state, keeps for sale, or offers or  
7 exposes for sale, or who gives, or lends, any large-capacity  
8 magazine.

9 (3) Carries concealed upon his or her person any explosive  
10 substance, other than fixed ammunition.

11 (4) Carries concealed upon his or her person any dirk or dagger.

12 However, a first offense involving any metal military practice  
13 handgrenade or metal replica handgrenade shall be punishable  
14 only as an infraction unless the offender is an active participant in  
15 a criminal street gang as defined in the Street Terrorism and  
16 Enforcement and Prevention Act (Chapter 11 (commencing with  
17 Section 186.20) of Title 7 of Part 1). A bullet containing or  
18 carrying an explosive agent is not a destructive device as that term  
19 is used in Section 12301.

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

21 (1) The sale to, purchase by, or possession of short-barreled  
22 shotguns or short-barreled rifles by police departments, sheriffs'  
23 offices, marshals' offices, the California Highway Patrol, the  
24 Department of Justice, or the military or naval forces of this state  
25 or of the United States for use in the discharge of their official  
26 duties or the possession of short-barreled shotguns and  
27 short-barreled rifles by peace officer members of a police  
28 department, sheriff's office, marshal's office, the California  
29 Highway Patrol, or the Department of Justice when on duty and the  
30 use is authorized by the agency and is within the course and scope  
31 of their duties and the peace officer has completed a training course  
32 in the use of these weapons certified by the Commission on Peace  
33 Officer Standards and Training.

34 (2) The manufacture, possession, transportation or sale of  
35 short-barreled shotguns or short-barreled rifles when authorized  
36 by the Department of Justice pursuant to Article 6 (commencing  
37 with Section 12095) of this chapter and not in violation of federal  
38 law.



1 (3) The possession of a nunchaku on the premises of a school  
2 which holds a regulatory or business license and teaches the arts  
3 of self-defense.

4 (4) The manufacture of a nunchaku for sale to, or the sale of a  
5 nunchaku to, a school which holds a regulatory or business license  
6 and teaches the arts of self-defense.

7 (5) Any antique firearm. For purposes of this section, “antique  
8 firearm” means any firearm not designed or redesigned for using  
9 rimfire or conventional center fire ignition with fixed ammunition  
10 and manufactured in or before 1898 (including any matchlock,  
11 flintlock, percussion cap, or similar type of ignition system or  
12 replica thereof, whether actually manufactured before or after the  
13 year 1898) and also any firearm using fixed ammunition  
14 manufactured in or before 1898, for which ammunition is no  
15 longer manufactured in the United States and is not readily  
16 available in the ordinary channels of commercial trade.

17 (6) Tracer ammunition manufactured for use in shotguns.

18 (7) Any firearm or ammunition which is a curio or relic as  
19 defined in Section 178.11 of Title 27 of the Code of Federal  
20 Regulations and which is in the possession of a person permitted  
21 to possess the items pursuant to Chapter 44 (commencing with  
22 Section 921) of Title 18 of the United States Code and the  
23 regulations issued pursuant thereto. Any person prohibited by  
24 Section 12021, 12021.1, or 12101 of this code or Section 8100 or  
25 8103 of the Welfare and Institutions Code from possessing  
26 firearms or ammunition who obtains title to these items by bequest  
27 or intestate succession may retain title for not more than one year,  
28 but actual possession of these items at any time is punishable  
29 pursuant to Section 12021, 12021.1, or 12101 of this code or  
30 Section 8100 or 8103 of the Welfare and Institutions Code. Within  
31 the year, the person shall transfer title to the firearms or  
32 ammunition by sale, gift, or other disposition. Any person who  
33 violates this paragraph is in violation of subdivision (a).

34 (8) Any other weapon as defined in subsection (e) of Section  
35 5845 of Title 26 of the United States Code and which is in the  
36 possession of a person permitted to possess the weapons pursuant  
37 to the federal Gun Control Act of 1968 (Public Law 90-618), as  
38 amended, and the regulations issued pursuant thereto. Any person  
39 prohibited by Section 12021, 12021.1, or 12101 of this code or  
40 Section 8100 or 8103 of the Welfare and Institutions Code from



1 possessing these weapons who obtains title to these weapons by  
2 bequest or intestate succession may retain title for not more than  
3 one year, but actual possession of these weapons at any time is  
4 punishable pursuant to Section 12021, 12021.1, or 12101 of this  
5 code or Section 8100 or 8103 of the Welfare and Institutions Code.  
6 Within the year, the person shall transfer title to the weapons by  
7 sale, gift, or other disposition. Any person who violates this  
8 paragraph is in violation of subdivision (a). The exemption  
9 provided in this subdivision does not apply to pen guns.

10 (9) Instruments or devices that are possessed by federal, state,  
11 and local historical societies, museums, and institutional  
12 collections which are open to the public, provided that these  
13 instruments or devices are properly housed, secured from  
14 unauthorized handling, and, if the instrument or device is a  
15 firearm, unloaded.

16 (10) Instruments or devices, other than short-barreled shotguns  
17 or short-barreled rifles, that are possessed or utilized during the  
18 course of a motion picture, television, or video production or  
19 entertainment event by an authorized participant therein in the  
20 course of making that production or event or by an authorized  
21 employee or agent of the entity producing that production or event.

22 (11) Instruments or devices, other than short-barreled shotguns  
23 or short-barreled rifles, that are sold by, manufactured by, exposed  
24 or kept for sale by, possessed by, imported by, or lent by persons  
25 who are in the business of selling instruments or devices listed in  
26 subdivision (a) solely to the entities referred to in paragraphs (9)  
27 and (10) when engaging in transactions with those entities.

28 (12) The sale to, possession of, or purchase of any weapon,  
29 device, or ammunition, other than a short-barreled rifle or  
30 short-barreled shotgun, by any federal, state, county, city and  
31 county, or city agency that is charged with the enforcement of any  
32 law for use in the discharge of their official duties, or the  
33 possession of any weapon, device, or ammunition, other than a  
34 short-barreled rifle or short-barreled shotgun, by peace officers  
35 thereof when on duty and the use is authorized by the agency and  
36 is within the course and scope of their duties.

37 (13) Weapons, devices, and ammunition, other than a  
38 short-barreled rifle or short-barreled shotgun, that are sold by,  
39 manufactured by, exposed or kept for sale by, possessed by,  
40 imported by, or lent by, persons who are in the business of selling



1 weapons, devices, and ammunition listed in subdivision (a) solely  
2 to the entities referred to in paragraph (12) when engaging in  
3 transactions with those entities.

4 (14) The manufacture for, sale to, exposing or keeping for sale  
5 to, importation of, or lending of wooden clubs or batons to special  
6 police officers or uniformed security guards authorized to carry  
7 any wooden club or baton pursuant to Section 12002 by entities  
8 that are in the business of selling wooden batons or clubs to special  
9 police officers and uniformed security guards when engaging in  
10 transactions with those persons.

11 (15) Any plastic toy handgrenade, or any metal military  
12 practice handgrenade or metal replica handgrenade that is a relic,  
13 curio, memorabilia, or display item, that is filled with a permanent  
14 inert substance or that is otherwise permanently altered in a  
15 manner that prevents ready modification for use as a grenade.

16 (16) Any instrument, ammunition, weapon, or device listed in  
17 subdivision (a) that is not a firearm that is found and possessed by  
18 a person who meets all of the following:

19 (A) The person is not prohibited from possessing firearms or  
20 ammunition pursuant to Section 12021 or 12021.1 or paragraph  
21 (1) of subdivision (b) of Section 12316 of this code or Section 8100  
22 or 8103 of the Welfare and Institutions Code.

23 (B) The person possessed the instrument, ammunition,  
24 weapon, or device no longer than was necessary to deliver or  
25 transport the same to a law enforcement agency for that agency's  
26 disposition according to law.

27 (C) If the person is transporting the listed item, he or she is  
28 transporting the listed item to a law enforcement agency for  
29 disposition according to law.

30 (17) Any firearm, other than a short-barreled rifle or  
31 short-barreled shotgun, that is found and possessed by a person  
32 who meets all of the following:

33 (A) The person is not prohibited from possessing firearms or  
34 ammunition pursuant to Section 12021 or 12021.1 or paragraph  
35 (1) of subdivision (b) of Section 12316 of this code or Section 8100  
36 or 8103 of the Welfare and Institutions Code.

37 (B) The person possessed the firearm no longer than was  
38 necessary to deliver or transport the same to a law enforcement  
39 agency for that agency's disposition according to law.



1 (C) If the person is transporting the firearm, he or she is  
2 transporting the firearm to a law enforcement agency for  
3 disposition according to law.

4 (D) Prior to transporting the firearm to a law enforcement  
5 agency, he or she has given prior notice to that law enforcement  
6 agency that he or she is transporting the firearm to that law  
7 enforcement agency for disposition according to law.

8 (E) The firearm is transported in a locked container as defined  
9 in subdivision (d) of Section 12026.2.

10 (18) The possession of any weapon, device, or ammunition, by  
11 a forensic laboratory or any authorized agent or employee thereof  
12 in the course and scope of his or her authorized activities.

13 (19) The sale of, giving of, lending of, importation into this  
14 state of, or purchase of, any large-capacity magazine to or by any  
15 federal, state, county, city and county, or city agency that is  
16 charged with the enforcement of any law, for use by agency  
17 employees in the discharge of their official duties whether on or  
18 off duty, and where the use is authorized by the agency and is  
19 within the course and scope of their duties.

20 (20) The sale to, lending to, transfer to, purchase by, receipt of,  
21 or importation into this state of, a large capacity magazine by a  
22 sworn peace officer as defined in Chapter 4.5 (commencing with  
23 Section 830) of Title 3 of Part 2 who is authorized to carry a firearm  
24 in the course and scope of his or her duties.

25 (21) The sale or purchase of any large-capacity magazine to or  
26 by a person licensed pursuant to Section 12071.

27 (22) The loan of a lawfully possessed large-capacity magazine  
28 between two individuals if all of the following conditions are met:

29 (A) The person being loaned the large-capacity magazine is not  
30 prohibited by Section 12021, 12021.1, or 12101 of this code or  
31 Section 8100 or 8103 of the Welfare and Institutions Code from  
32 possessing firearms or ammunition.

33 (B) The loan of the large-capacity magazine occurs at a place  
34 or location where the possession of the large-capacity magazine is  
35 not otherwise prohibited and the person who lends the  
36 large-capacity magazine remains in the accessible vicinity of the  
37 person to whom the large-capacity magazine is loaned.

38 (23) The importation of a large-capacity magazine by a person  
39 who lawfully possessed the large-capacity magazine in the state  
40 prior to January 1, 2000, lawfully took it out of the state, and is



1 returning to the state with the large-capacity magazine previously  
2 lawfully possessed in the state.

3 (24) The lending or giving of any large-capacity magazine to  
4 a person licensed pursuant to Section 12071, or to a gunsmith, for  
5 the purposes of maintenance, repair, or modification of that  
6 large-capacity magazine.

7 (25) The return to its owner of any large-capacity magazine by  
8 a person specified in paragraph (24).

9 (26) The importation into this state of, or sale of, any  
10 large-capacity magazine by a person who has been issued a permit  
11 to engage in those activities pursuant to Section 12079, when those  
12 activities are in accordance with the terms and conditions of that  
13 permit.

14 (27) The sale of, giving of, lending of, importation into this  
15 state of, or purchase of, any large-capacity magazine, to or by  
16 entities that operate armored vehicle businesses pursuant to the  
17 laws of this state.

18 (28) The lending of large-capacity magazines by the entities  
19 specified in paragraph (27) to their authorized employees, while  
20 in the course and scope of their employment for purposes that  
21 pertain to the entity's armored vehicle business.

22 (29) The return of those large-capacity magazines to those  
23 entities specified in paragraph (27) by those employees specified  
24 in paragraph (28).

25 (30) (A) The manufacture of a large-capacity magazine for  
26 any federal, state, county, city and county, or city agency that is  
27 charged with the enforcement of any law, for use by agency  
28 employees in the discharge of their official duties whether on or  
29 off duty, and where the use is authorized by the agency and is  
30 within the course and scope of their duties.

31 (B) The manufacture of a large-capacity magazine for use by  
32 a sworn peace officer as defined in Chapter 4.5 (commencing with  
33 Section 830) of Title 3 of Part 2 who is authorized to carry a firearm  
34 in the course and scope of his or her duties.

35 (C) The manufacture of a large-capacity magazine for export  
36 or for sale to government agencies or the military pursuant to  
37 applicable federal regulations.

38 (31) The loan of a large-capacity magazine for use solely as a  
39 prop for a motion picture, television, or video production.



1 (32) The purchase of a large-capacity magazine by the holder  
2 of a special weapons permit issued pursuant to Section 12095,  
3 12230, 12250, 12286, or 12305, for any of the following purposes:

4 (A) For use solely as a prop for a motion picture, television, or  
5 video production.

6 (B) For export pursuant to federal regulations.

7 (C) For resale to law enforcement agencies, government  
8 agencies, or the military, pursuant to applicable federal  
9 regulations.

10 (33) *The possession for the purposes of disposal or the disposal*  
11 *of an item referred to in subdivision (a) by an executor or*  
12 *administrator of an estate that includes that item, if the executor*  
13 *or administrator possesses or disposes of the item in a manner*  
14 *authorized by the probate court and the disposition of the item is*  
15 *made to a person who may possess that item in accordance with*  
16 *the provisions of this section and who is not otherwise prohibited*  
17 *by any other provision of law from possessing that item. This*  
18 *provision does not constitute a change in, but is declarative of,*  
19 *existing law.*

20 (c) (1) As used in this section, a “short-barreled shotgun”  
21 means any of the following:

22 (A) A firearm which is designed or redesigned to fire a fixed  
23 shotgun shell and having a barrel or barrels of less than 18 inches  
24 in length.

25 (B) A firearm which has an overall length of less than 26 inches  
26 and which is designed or redesigned to fire a fixed shotgun shell.

27 (C) Any weapon made from a shotgun (whether by alteration,  
28 modification, or otherwise) if that weapon, as modified, has an  
29 overall length of less than 26 inches or a barrel or barrels of less  
30 than 18 inches in length.

31 (D) Any device which may be readily restored to fire a fixed  
32 shotgun shell which, when so restored, is a device defined in  
33 subparagraphs (A) to (C), inclusive.

34 (E) Any part, or combination of parts, designed and intended  
35 to convert a device into a device defined in subparagraphs (A) to  
36 (C), inclusive, or any combination of parts from which a device  
37 defined in subparagraphs (A) to (C), inclusive, can be readily  
38 assembled if those parts are in the possession or under the control  
39 of the same person.



1 (2) As used in this section, a “short-barreled rifle” means any  
2 of the following:

3 (A) A rifle having a barrel or barrels of less than 16 inches in  
4 length.

5 (B) A rifle with an overall length of less than 26 inches.

6 (C) Any weapon made from a rifle (whether by alteration,  
7 modification, or otherwise) if that weapon, as modified, has an  
8 overall length of less than 26 inches or a barrel or barrels of less  
9 than 16 inches in length.

10 (D) Any device which may be readily restored to fire a fixed  
11 cartridge which, when so restored, is a device defined in  
12 subparagraphs (A) to (C), inclusive.

13 (E) Any part, or combination of parts, designed and intended  
14 to convert a device into a device defined in subparagraphs (A) to  
15 (C), inclusive, or any combination of parts from which a device  
16 defined in subparagraphs (A) to (C), inclusive, may be readily  
17 assembled if those parts are in the possession or under the control  
18 of the same person.

19 (3) As used in this section, a “nunchaku” means an instrument  
20 consisting of two or more sticks, clubs, bars or rods to be used as  
21 handles, connected by a rope, cord, wire, or chain, in the design of  
22 a weapon used in connection with the practice of a system of  
23 self-defense such as karate.

24 (4) As used in this section, a “wallet gun” means any firearm  
25 mounted or enclosed in a case, resembling a wallet, designed to be  
26 or capable of being carried in a pocket or purse, if the firearm may  
27 be fired while mounted or enclosed in the case.

28 (5) As used in this section, a “cane gun” means any firearm  
29 mounted or enclosed in a stick, staff, rod, crutch, or similar device,  
30 designed to be, or capable of being used as, an aid in walking, if  
31 the firearm may be fired while mounted or enclosed therein.

32 (6) As used in this section, a “fléchette dart” means a dart,  
33 capable of being fired from a firearm, ~~which~~ *that* measures  
34 approximately one inch in length, with tail fins ~~which~~ *that* take up  
35 *approximately* five-sixteenths of an inch of the body.

36 (7) As used in this section, “metal knuckles” means any device  
37 or instrument made wholly or partially of metal which is worn for  
38 purposes of offense or defense in or on the hand and which either  
39 protects the wearer’s hand while striking a blow or increases the  
40 force of impact from the blow or injury to the individual receiving



1 the blow. The metal contained in the device may help support the  
2 hand or fist, provide a shield to protect it, or consist of projections  
3 or studs which would contact the individual receiving a blow.

4 (8) As used in this section, a “ballistic knife” means a device  
5 that propels a knifelike blade as a projectile by means of a coil  
6 spring, elastic material, or compressed gas. Ballistic knife does not  
7 include any device which propels an arrow or a bolt by means of  
8 any common bow, compound bow, crossbow, or underwater spear  
9 gun.

10 (9) As used in this section, a “camouflaging firearm  
11 container” means a container which meets all of the following  
12 criteria:

13 (A) It is designed and intended to enclose a firearm.

14 (B) It is designed and intended to allow the firing of the  
15 enclosed firearm by external controls while the firearm is in the  
16 container.

17 (C) It is not readily recognizable as containing a firearm.

18 “Camouflaging firearm container” does not include any  
19 camouflaging covering used while engaged in lawful hunting or  
20 while going to or returning from a lawful hunting expedition.

21 (10) As used in this section, a “zip gun” means any weapon or  
22 device which meets all of the following criteria:

23 (A) It was not imported as a firearm by an importer licensed  
24 pursuant to Chapter 44 (commencing with Section 921) of Title 18  
25 of the United States Code and the regulations issued pursuant  
26 thereto.

27 (B) It was not originally designed to be a firearm by a  
28 manufacturer licensed pursuant to Chapter 44 (commencing with  
29 Section 921) of Title 18 of the United States Code and the  
30 regulations issued pursuant thereto.

31 (C) No tax was paid on the weapon or device nor was an  
32 exemption from paying tax on that weapon or device granted under  
33 Section 4181 and Subchapters F (commencing with Section 4216)  
34 and G (commencing with Section 4221) of Chapter 32 of Title 26  
35 of the United States Code, as amended, and the regulations issued  
36 pursuant thereto.

37 (D) It is made or altered to expel a projectile by the force of an  
38 explosion or other form of combustion.

39 (11) As used in this section, a “shuriken” means any  
40 instrument, without handles, consisting of a metal plate having



1 three or more radiating points with one or more sharp edges and  
2 designed in the shape of a polygon, trefoil, cross, star, diamond,  
3 or other geometric shape for use as a weapon for throwing.

4 (12) As used in this section, an “unconventional pistol” means  
5 a firearm that does not have a rifled bore and has a barrel or barrels  
6 of less than 18 inches in length or has an overall length of less than  
7 26 inches.

8 (13) As used in this section, a “belt buckle knife” is a knife  
9 which is made an integral part of a belt buckle and consists of a  
10 blade with a length of at least 2<sup>1</sup>/<sub>2</sub> inches.

11 (14) As used in this section, a “lipstick case knife” means a  
12 knife enclosed within and made an integral part of a lipstick case.

13 (15) As used in this section, a “cane sword” means a cane,  
14 swagger stick, stick, staff, rod, pole, umbrella, or similar device,  
15 having concealed within it a blade that may be used as a sword or  
16 stiletto.

17 (16) As used in this section, a “shobi-zue” means a staff,  
18 crutch, stick, rod, or pole concealing a knife or blade within it  
19 which may be exposed by a flip of the wrist or by a mechanical  
20 action.

21 (17) As used in this section, a “leaded cane” means a staff,  
22 crutch, stick, rod, pole, or similar device, unnaturally weighted  
23 with lead.

24 (18) As used in this section, an “air gauge knife” means a  
25 device that appears to be an air gauge but has concealed within it  
26 a pointed, metallic shaft that is designed to be a stabbing  
27 instrument which is exposed by mechanical action or gravity  
28 which locks into place when extended.

29 (19) As used in this section, a “writing pen knife” means a  
30 device that appears to be a writing pen but has concealed within it  
31 a pointed, metallic shaft that is designed to be a stabbing  
32 instrument which is exposed by mechanical action or gravity  
33 which locks into place when extended or the pointed, metallic shaft  
34 is exposed by the removal of the cap or cover on the device.

35 (20) As used in this section, a “rifle” means a weapon designed  
36 or redesigned, made or remade, and intended to be fired from the  
37 shoulder and designed or redesigned and made or remade to use  
38 the energy of the explosive in a fixed cartridge to fire only a single  
39 projectile through a rifled bore for each single pull of the trigger.



1 (21) As used in this section, a “shotgun” means a weapon  
2 designed or redesigned, made or remade, and intended to be fired  
3 from the shoulder and designed or redesigned and made or remade  
4 to use the energy of the explosive in a fixed shotgun shell to fire  
5 through a smooth bore either a number of projectiles (ball shot) or  
6 a single projectile for each pull of the trigger.

7 (22) As used in this section, an “undetectable firearm” means  
8 any weapon which meets one of the following requirements:

9 (A) When, after removal of grips, stocks, and magazines, it is  
10 not as detectable as the Security Exemplar, by walk-through metal  
11 detectors calibrated and operated to detect the Security Exemplar.

12 (B) When any major component of which, when subjected to  
13 inspection by the types of X-ray machines commonly used at  
14 airports, does not generate an image that accurately depicts the  
15 shape of the component. Barium sulfate or other compounds may  
16 be used in the fabrication of the component.

17 (C) For purposes of this paragraph, the terms “firearm,”  
18 “major component,” and “Security Exemplar” have the same  
19 meanings as those terms are defined in Section 922 of Title 18 of  
20 the United States Code.

21 All firearm detection equipment newly installed in nonfederal  
22 public buildings in this state shall be of a type identified by either  
23 the United States Attorney General, the Secretary of  
24 Transportation, or the Secretary of the Treasury, as appropriate, as  
25 available state-of-the-art equipment capable of detecting an  
26 undetectable firearm, as defined, while distinguishing innocuous  
27 metal objects likely to be carried on one’s person sufficient for  
28 reasonable passage of the public.

29 (23) As used in this section, a “multiburst trigger activator”  
30 means one of the following devices:

31 (A) A device designed or redesigned to be attached to a  
32 semiautomatic firearm which allows the firearm to discharge two  
33 or more shots in a burst by activating the device.

34 (B) A manual or power-driven trigger activating device  
35 constructed and designed so that when attached to a semiautomatic  
36 firearm it increases the rate of fire of that firearm.

37 (24) As used in this section, a “dirk” or “dagger” means a  
38 knife or other instrument with or without a handguard that is  
39 capable of ready use as a stabbing weapon that may inflict great  
40 bodily injury or death. A nonlocking folding knife, a folding knife



1 that is not prohibited by Section 653k, or a pocketknife is capable  
2 of ready use as a stabbing weapon that may inflict great bodily  
3 injury or death only if the blade of the knife is exposed and locked  
4 into position.

5 (25) As used in this section, “large-capacity magazine” means  
6 any ammunition feeding device with the capacity to accept more  
7 than 10 rounds, but shall not be construed to include any of the  
8 following:

9 (A) A feeding device that has been permanently altered so that  
10 it cannot accommodate more than 10 rounds.

11 (B) A .22 caliber tube ammunition feeding device.

12 (C) A tubular magazine that is contained in a lever-action  
13 firearm.

14 (d) Knives carried in sheaths which are worn openly suspended  
15 from the waist of the wearer are not concealed within the meaning  
16 of this section.

17 ~~SEC. 2.~~

18 *SEC. 4.* Section 12280 of the Penal Code is amended to read:

19 12280. (a) (1) Any person who, within this state,  
20 manufactures or causes to be manufactured, distributes,  
21 transports, or imports into the state, keeps for sale, or offers or  
22 exposes for sale, or who gives or lends any assault weapon, except  
23 as provided by this chapter, is guilty of a felony, and upon  
24 conviction shall be punished by imprisonment in the state prison  
25 for four, six, or eight years.

26 (2) In addition and consecutive to the punishment imposed  
27 under paragraph (1), any person who transfers, lends, sells, or  
28 gives any assault weapon to a minor in violation of paragraph (1)  
29 shall receive an enhancement of one year.

30 (b) Except as provided in Section 12288, and in subdivisions  
31 (c) and (d), any person who, within this state, possesses any assault  
32 weapon, except as provided in this chapter, is guilty of a public  
33 offense and upon conviction shall be punished by imprisonment in  
34 the state prison, or in a county jail, not exceeding one year.  
35 However, if the person presents proof that he or she lawfully  
36 possessed the assault weapon prior to June 1, 1989, or prior to the  
37 date it was specified as an assault weapon, and has since either  
38 registered the firearm and any other lawfully obtained firearm  
39 specified by Section 12276 or 12276.5 pursuant to Section 12285  
40 or relinquished them pursuant to Section 12288, a first-time



1 violation of this subdivision shall be an infraction punishable by  
2 a fine of up to five hundred dollars (\$500), but not less than three  
3 hundred fifty dollars (\$350), if the person has otherwise possessed  
4 the firearm in compliance with subdivision (c) of Section 12285.  
5 In these cases, the firearm shall be returned unless the court finds  
6 in the interest of public safety, after notice and hearing, that the  
7 assault weapon should be destroyed pursuant to Section 12028.

8 (c) A first-time violation of subdivision (b) shall be an  
9 infraction punishable by a fine of up to five hundred dollars  
10 (\$500), if the person was found in possession of no more than two  
11 firearms in compliance with subdivision (c) of Section 12285 and  
12 the person meets all of the following conditions:

13 (1) The person proves that he or she lawfully possessed the  
14 assault weapon prior to the date it was defined as an assault weapon  
15 pursuant to Section 12276.1.

16 (2) The person is not found in possession of a firearm specified  
17 as an assault weapon pursuant to Section 12276 or Section  
18 12276.5.

19 (3) The person has not previously been convicted of violating  
20 this section.

21 (4) The person was found to be in possession of the assault  
22 weapons within one year following the end of the one-year  
23 registration period established pursuant to subdivision (a) of  
24 Section 12285.

25 (5) The person has since registered the firearms and any other  
26 lawfully obtained firearms defined by Section 12276.1, pursuant  
27 to Section 12285, except as provided for by this section, or  
28 relinquished them pursuant to Section 12288.

29 (d) Firearms seized pursuant to subdivision (c) shall be  
30 returned unless the court finds in the interest of public safety, after  
31 notice and hearing, that the assault weapon should be destroyed  
32 pursuant to Section 12028.

33 (e) Notwithstanding Section 654 or any other provision of law,  
34 any person who commits another crime while violating this section  
35 may receive an additional, consecutive punishment of one year for  
36 violating this section in addition and consecutive to the  
37 punishment, including enhancements, which is prescribed for the  
38 other crime.

39 (f) Subdivisions (a) and (b) shall not apply to the sale to,  
40 purchase by, or possession of assault weapons by the Department



1 of Justice, police departments, sheriffs' offices, marshals' offices,  
2 the Youth and Adult Corrections Agency, the Department of the  
3 California Highway Patrol, district attorneys' offices, Department  
4 of Fish and Game, Department of Parks and Recreation, or the  
5 military or naval forces of this state or of the United States, or any  
6 federal law enforcement agency for use in the discharge of their  
7 official duties.

8 (g) (1) Subdivision (b) shall not prohibit the possession or use  
9 of assault weapons by sworn peace officer members of those  
10 agencies specified in subdivision (f) for law enforcement  
11 purposes, whether on or off duty.

12 (2) Subdivisions (a) and (b) shall not prohibit the delivery,  
13 transfer, or sale of an assault weapon to, or the possession of an  
14 assault weapon by, a sworn peace officer member of an agency  
15 specified in subdivision (f), provided that the peace officer is  
16 authorized by his or her employer to possess or receive the assault  
17 weapon. Required authorization is defined as verifiable written  
18 certification from the head of the agency, identifying the recipient  
19 or possessor of the assault weapon as a peace officer and  
20 authorizing him or her to receive or possess the specific assault  
21 weapon. For this exemption to apply, in the case of a peace officer  
22 who possesses or receives the assault weapon prior to January 1,  
23 2002, the officer shall register the assault weapon pursuant to  
24 Section 12285 on or before April 1, 2002; in the case of a peace  
25 officer who possesses or receives the assault weapon on or after  
26 January 1, 2002, the officer shall register the assault weapon  
27 pursuant to Section 12285 not later than 90 days after possession  
28 or receipt. The peace officer must include with the registration, a  
29 copy of the authorization required pursuant to this paragraph.

30 (3) Nothing in this section shall be construed to limit or prohibit  
31 the delivery, transfer, or sale of an assault weapon to, or the  
32 possession of an assault weapon by, a member of a federal law  
33 enforcement agency provided that person is authorized by the  
34 employing agency to possess the assault weapon.

35 (h) Subdivisions (a) and (b) shall not prohibit the sale or  
36 transfer of assault weapons by an entity specified in subdivision (f)  
37 to a person, upon retirement, who retired as a sworn officer from  
38 that entity.



1 (i) Subdivision (b) shall not apply to the possession of an  
2 assault weapon by a retired peace officer who received that assault  
3 weapon pursuant to subdivision (h).

4 (j) Subdivision (b) shall not apply to the possession of an  
5 assault weapon, as defined in Section 12276, by any person during  
6 the 1990 calendar year, during the 90-day period immediately after  
7 the date it was specified as an assault weapon pursuant to Section  
8 12276.5, or during the one-year period after the date it was defined  
9 as an assault weapon pursuant to Section 12276.1, if all of the  
10 following are applicable:

11 (1) The person is eligible under this chapter to register the  
12 particular assault weapon.

13 (2) The person lawfully possessed the particular assault  
14 weapon described in paragraph (1) prior to June 1, 1989, if the  
15 weapon is specified as an assault weapon pursuant to Section  
16 12276, or prior to the date it was specified as an assault weapon  
17 pursuant to Section 12276.5, or prior to the date it was defined as  
18 an assault weapon pursuant to Section 12276.1.

19 (3) The person is otherwise in compliance with this chapter.

20 (k) Subdivisions (a) and (b) shall not apply to the manufacture  
21 by persons who are issued permits pursuant to Section 12287 of  
22 assault weapons for sale to the following:

23 (1) Exempt entities listed in subdivision (f).

24 (2) Entities and persons who have been issued permits pursuant  
25 to Section 12286.

26 (3) Entities outside the state who have, in effect, a federal  
27 firearms dealer's license solely for the purpose of distribution to  
28 an entity listed in paragraphs (4) to (6), inclusive.

29 (4) Federal military and law enforcement agencies.

30 (5) Law enforcement and military agencies of other states.

31 (6) Foreign governments and agencies approved by the United  
32 States State Department.

33 (l) Subdivision (a) shall not apply to a person who is the  
34 executor or administrator of an estate that includes an assault  
35 weapon registered under Section 12285 or that was possessed  
36 pursuant to subdivision (g) or (i) which is disposed of as authorized  
37 by the probate court, if the disposition is otherwise permitted by  
38 this chapter.

39 (m) Subdivision (b) shall not apply to a person who is the  
40 executor or administrator of an estate that includes an assault



1 weapon registered under Section 12285 or that was possessed  
2 pursuant to subdivision (g) or (i), if the assault weapon is possessed  
3 at a place set forth in paragraph (1) of subdivision (c) of Section  
4 12285 or as authorized by the probate court.

5 (n) Subdivision (a) shall not apply to:

6 (1) A person who lawfully possesses and has registered an  
7 assault weapon pursuant to this chapter, or who lawfully possesses  
8 an assault weapon pursuant to subdivision (i), who lends that  
9 assault weapon to another if all the following apply:

10 (A) The person to whom the assault weapon is lent is 18 years  
11 of age or over and is not in a class of persons prohibited from  
12 possessing firearms by virtue of Section 12021 or 12021.1 of this  
13 code or Section 8100 or 8103 of the Welfare and Institutions Code.

14 (B) The person to whom the assault weapon is lent remains in  
15 the presence of the registered possessor of the assault weapon, or  
16 the person who lawfully possesses an assault weapon pursuant to  
17 subdivision (i).

18 (C) The assault weapon is possessed at any of the following  
19 locations:

20 (i) While on a target range that holds a regulatory or business  
21 license for the purpose of practicing shooting at that target range.

22 (ii) While on the premises of a target range of a public or private  
23 club or organization organized for the purpose of practicing  
24 shooting at targets.

25 (iii) While attending any exhibition, display, or educational  
26 project that is about firearms and that is sponsored by, conducted  
27 under the auspices of, or approved by a law enforcement agency  
28 or a nationally or state recognized entity that fosters proficiency  
29 in, or promotes education about, firearms.

30 (2) The return of an assault weapon to the registered possessor,  
31 or the lawful possessor, which is lent by the same pursuant to  
32 paragraph (1).

33 (o) Subdivision (b) shall not apply to the possession of an  
34 assault weapon by a person to whom an assault weapon is lent  
35 pursuant to subdivision (n).

36 (p) Subdivisions (a) and (b) shall not apply to the possession  
37 and importation of an assault weapon into this state by a  
38 nonresident if all of the following conditions are met:



1 (1) The person is attending or going directly to or coming  
2 directly from an organized competitive match or league  
3 competition that involves the use of an assault weapon.

4 (2) The competition or match is conducted on the premises of  
5 one of the following:

6 (i) A target range that holds a regulatory or business license for  
7 the purpose of practicing shooting at that target range.

8 (ii) A target range of a public or private club or organization  
9 that is organized for the purpose of practicing shooting at targets.

10 (3) The match or competition is sponsored by, conducted under  
11 the auspices of, or approved by, a law enforcement agency or a  
12 nationally or state recognized entity that fosters proficiency in, or  
13 promotes education about, firearms.

14 (4) The assault weapon is transported in accordance with  
15 Section 12026.1 or 12026.2.

16 (5) The person is 18 years of age or over and is not in a class  
17 of persons prohibited from possessing firearms by virtue of  
18 Section 12021 or 12021.1 of this code or Section 8100 or 8103 of  
19 the Welfare and Institutions Code.

20 (q) Subdivision (b) shall not apply to any of the following  
21 persons:

22 (1) A person acting in accordance with Section 12286.

23 (2) A person who has a permit to possess an assault weapon  
24 issued pursuant to Section 12286 when he or she is acting in  
25 accordance with Section 12285 or 12286.

26 (r) Subdivisions (a) and (b) shall not apply to any of the  
27 following persons:

28 (1) A person acting in accordance with Section 12285.

29 (2) A person acting in accordance with Section 12286 or  
30 12290.

31 (s) Subdivision (b) shall not apply to the registered owner of an  
32 assault weapon possessing that firearm in accordance with  
33 subdivision (c) of Section 12285.

34 (t) Subdivision (a) shall not apply to the importation into this  
35 state of an assault weapon by the registered owner of that assault  
36 weapon, if it is in accordance with the provisions of subdivision  
37 (c) of Section 12285.

38 (u) As used in this chapter, the date a firearm is an assault  
39 weapon is the earliest of the following:



1 (1) The effective date of an amendment to Section 12276 that  
2 adds the designation of the specified firearm.

3 (2) The effective date of the list promulgated pursuant to  
4 Section 12276.5 that adds or changes the designation of the  
5 specified firearm.

6 (3) The operative date of Section 12276.1, as specified in  
7 subdivision (d) of that section.

8 ~~SEC. 3.~~

9 *SEC. 5.* Notwithstanding Section 17610 of the Government  
10 Code, if the Commission on State Mandates determines that this  
11 act contains costs mandated by the state, reimbursement to local  
12 agencies and school districts for those costs shall be made pursuant  
13 to Part 7 (commencing with Section 17500) of Division 4 of Title  
14 2 of the Government Code. If the statewide cost of the claim for  
15 reimbursement does not exceed one million dollars (\$1,000,000),  
16 reimbursement shall be made from the State Mandates Claims  
17 Fund.

