

AMENDED IN ASSEMBLY JUNE 2, 2003

AMENDED IN ASSEMBLY MAY 5, 2003

AMENDED IN ASSEMBLY APRIL 22, 2003

CALIFORNIA LEGISLATURE—2003–04 REGULAR SESSION

ASSEMBLY BILL

No. 992

**Introduced by Assembly Members Ridley-Thomas and Koretz
(Coauthors: Assembly Members Goldberg and Nunez, Hancock,
Lieber, Nunez, and Steinberg)
(Coauthor: Senator Soto)**

February 20, 2003

An act to add Chapter 2.8 (commencing with Section 12330) to Title 2 of Part 4 of the Penal Code, relating to ammunition, ~~and making an appropriation therefor.~~

LEGISLATIVE COUNSEL'S DIGEST

AB 992, as amended, Ridley-Thomas. Ammunition: Firearm Victims' Reimbursement Fund.

Existing law generally regulates the sale of ammunition.

This bill would impose a fee of 10¢ on every munition, as defined, sold at retail. The fees would be paid to the State Board of Equalization, and deposited in the Firearm Victims' Reimbursement Fund, ~~a continuously appropriated fund that would be established by the bill.~~ The Firearm Victims' Reimbursement Fund would be used, *upon appropriation*, to pay firearm-injury victims for uncompensated pecuniary losses *and to pay for related administrative costs*, as specified.

~~By establishing a continuously appropriated fund, this bill would make an appropriation. The bill would require the Board of Equalization, on an annual basis beginning January 1, 2005, to adjust the fee for inflation.~~

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

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

1 SECTION 1. Chapter 2.8 (commencing with Section 12330)
2 is added to Title 2 of Part 4 of the Penal Code, to read:

3

4 CHAPTER 2.8. FIREARM VICTIMS' REIMBURSEMENT FUND

5

6 12330. (a) (1) There shall be imposed a fee upon all
7 munitions sold at retail at the rate of 10 cents (\$0.10) for each
8 munition sold at retail in this state on or after January 1, 2004.

9 (2) Except as provided in paragraph (1), the fee shall also be
10 imposed upon and paid by the purchaser of munitions for
11 munitions purchased outside of the state and that are intended to
12 be stored or used in the state.

13 (3) The fee imposed pursuant to this section shall not exceed
14 the costs authorized for expenditure pursuant to subdivisions (f)
15 and (g).

16 (b) The fees imposed by this section shall be administered and
17 enforced by the State Board of Equalization.

18 (c) For purposes of this section, "munition" means either a
19 finished munition product consisting of a projectile with its fuse,
20 propelling charge, or primer, or a primer component, as
21 applicable. "Munition" does not include a BB or a pellet
22 commonly used in an air rifle or pistol, *or "blank" munitions*
23 *which lack a projectile.*

24 (d) The fee provided for in this section may not be imposed
25 upon any munition or primer component purchased by any peace
26 officer required to carry a firearm while on duty, or by any
27 governmental law enforcement agency employing that officer, for
28 use in the normal course of employment.

29 (e) All amounts required to be paid to the state under this
30 section shall be paid to the State Board of Equalization in the form
31 of remittances that are payable to that board and are separate from



1 the remittance of any other fee. The board shall transmit the
2 payments to the Treasurer to be deposited in the State Treasury to
3 the credit of the Firearm Victims' Reimbursement Fund, which is
4 hereby created.

5 ~~(f) Notwithstanding Section 13340 of the Government Code,~~
6 ~~the Firearm Victims' Reimbursement Fund is continuously~~
7 ~~appropriated, without regard to fiscal years, as follows:~~

8 ~~(1) To the State Board of Equalization to pay for the board's~~

9 *(f) The Victims' Reimbursement Fund may be used, upon*
10 *appropriation by the Legislature, for the following purposes:*

11 *(1) To pay the State Board of Equalization for the board's cost*
12 *of implementation and administration of this section, which cost*
13 *in any fiscal year may not exceed 5 percent of the total amount of*
14 *moneys deposited in the fund in that fiscal year.*

15 ~~(2) The fund shall be administered by the California Victims~~
16 ~~Compensation and Government Claims Board in a similar manner~~
17 ~~and for similar purposes as the board administers the Restitution~~
18 ~~Fund except that it shall not be limited to victims of crime.~~

19 ~~(3) The fund shall~~

20 *(2) To pay the California Victims Compensation and*
21 *Government Claims Board for the board's cost of implementation*
22 *and administration of this section, which cost in any fiscal year*
23 *may not exceed 5 percent of the total amount of moneys deposited*
24 *in the fund in that fiscal year.*

25 *(3) To compensate those persons who are injured by firearms*
26 *and who suffer uncompensated pecuniary loss.*

27 *(g) The fund shall be administered by the California Victims*
28 *Compensation and Government Claims Board in a similar manner*
29 *and for similar purposes as the board administers the Restitution*
30 *Fund, except that it shall not be limited to victims of crime.*

31 *(h) If the amount credited to the Firearm Victims'*
32 *Reimbursement Fund exceeds the amount necessary to fully cover*
33 *reimbursable costs pursuant to subdivision (f), the State Board of*
34 *Equalization shall temporarily adjust, for the following one-year*
35 *period, the fee to be charged pursuant to subdivision (a) to an*
36 *amount estimated to deplete any surplus in the fund during the next*
37 *calendar year.*

38 ~~(h) Except as provided in subdivision (g), the fee imposed~~
39 ~~pursuant to subdivision (a) shall be increased by one cent every~~
40 ~~two years, commencing January 1, 2006, provided however, that~~



1 ~~fee imposed pursuant to this section shall not exceed the costs~~
2 ~~authorized for expenditure pursuant to subdivision (f).~~

3 (i) *Except as provided in subdivision (h), the Board of*
4 *Equalization shall, on an annual basis beginning on January 1,*
5 *2005, adjust the fee imposed pursuant to subdivision (a) for*
6 *inflation based upon the California Consumer Price Index*
7 *provided by the California Department of Industrial Relations,*
8 *rounded to the nearest whole cent.*

9 (j) The Board of Equalization and the California Victims
10 Compensation and Government Claims Board shall adopt
11 regulations necessary to implement this chapter.

