

**ASSEMBLY BILL**

**No. 2858**

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**Introduced by Assembly Member Ridley-Thomas**

February 20, 2004

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An act to add Chapter 2.8 (commencing with Section 12330) to Title 2 of Part 4 of the Penal Code, relating to the Firearm Victims' Reimbursement Fund.

LEGISLATIVE COUNSEL'S DIGEST

AB 2858, as introduced, Ridley-Thomas. Firearm Victims' Reimbursement Fund.

Existing law generally regulates the sale of ammunition and firearms.

This bill would, subject to exceptions, impose a fee of 10% of the retail sale price on every munition and a fee of 5% of the retail sale price on every handgun, as defined, sold at retail. The fees would be paid to the State Board of Equalization, and deposited in the Firearm Victims' Reimbursement Fund. 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.

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. Chapter 2.8 (commencing with Section 12330)
- 2 is added to Title 2 of Part 4 of the Penal Code, to read:
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1 CHAPTER 2.8. FIREARM VICTIMS' REIMBURSEMENT FUND

2  
3 12330. (a) (1) There shall be imposed a fee upon all  
4 munitions sold at retail at the rate of 10 percent of the retail sale  
5 price for each munition sold at retail in this state on or after January  
6 1, 2006.

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

11 (3) There shall be imposed a fee upon all handguns sold at retail  
12 at the rate of 5 percent of the retail sale price for each handgun sold  
13 at retail in this state on or after January 1, 2005.

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

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

19 (c) (1) For purposes of this section, "munition" means either  
20 a finished munition product consisting of a projectile with its fuse,  
21 propelling charge, or primer, or a primer component, as  
22 applicable. "Munition" does not include a BB or a pellet  
23 commonly used in an air rifle or pistol, or "blank" munitions  
24 which lack a projectile.

25 (2) For purposes of this section, "handgun" means a handgun,  
26 as defined in Section 12001, that is on the approved list pursuant  
27 to Section 12131.

28 (d) (1) The fee provided for in this section may not be imposed  
29 upon any munition or primer component purchased by any peace  
30 officer required to carry a firearm while on duty, or by any  
31 governmental law enforcement agency employing that officer, for  
32 use in the normal course of employment.

33 (2) The fee provided for in this section shall not be imposed  
34 upon purchasers who have a valid California hunting license, and  
35 are purchasing ammunition intended to be used in a rifle or  
36 shotgun, as those terms are defined in Section 12020. The retailer  
37 shall complete and maintain a purchaser's certificate, in a form and  
38 for a period determined by the Board of Equalization,  
39 documenting and verifying the purchaser's qualifications for the  
40 exemption from the fees pursuant to this paragraph.



1 (3) The fee imposed pursuant to this section shall not be  
2 imposed on any of the following transactions:

3 (A) A transaction conducted pursuant to Section 12082 or  
4 12084 in order to comply with subdivision (d) of Section 12072.

5 (B) A transaction that complies with an exemption from the  
6 requirements of subdivision (d) of Section 12072.

7 (C) A transaction conducted pursuant to paragraph (2) of  
8 subdivision (f) of Section 12072.

9 (e) All amounts required to be paid to the state under this  
10 section shall be paid to the State Board of Equalization in the form  
11 of remittances that are payable to that board and are separate from  
12 the remittance of any other fee. The board shall transmit the  
13 payments to the Treasurer to be deposited in the State Treasury to  
14 the credit of the Firearm Victims' Reimbursement Fund, which is  
15 hereby created.

16 (f) The Firearm Victims' Reimbursement Fund may be used,  
17 upon appropriation by the Legislature, for the following purposes:

18 (1) To pay the State Board of Equalization for the board's cost  
19 of implementation and administration of this section.

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.

23 (3) To compensate those persons who are injured by firearms  
24 and who suffer uncompensated pecuniary loss.

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

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

36 (i) The Board of Equalization and the California Victims  
37 Compensation and Government Claims Board shall adopt  
38 regulations necessary to implement this chapter.

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