

**Assembly Concurrent Resolution**

**No. 73**

**Introduced by Assembly Member McCarthy**

June 13, 2005

---

Assembly Concurrent Resolution No. 73—Relative to firearms statutes.

LEGISLATIVE COUNSEL'S DIGEST

ACR 73, as introduced, McCarthy. Firearms statutes.

This measure would request the California Law Revision Commission prepare legislation revising specified provisions of the Penal Code relating to firearms, as specified.

Fiscal committee: yes.

1 WHEREAS, Governor Schwarzenegger has stated, “Before a  
2 government exercises its power to take away ones liberty, it  
3 should be clear to every person what actions will cause them to  
4 forfeit their freedom. Instead of adding to the lengthy and  
5 complex area of firearm laws, a reorganization of the current  
6 laws should be undertaken to ensure that statutes that impose  
7 criminal penalties are easily understandable”; and

8 WHEREAS, The firearms laws portion of the Penal Code, and,  
9 in particular, the portions of those laws dealing with criminal  
10 storage of firearms around children, the transfer of firearms, and  
11 many other sections that impose criminal penalties relating to  
12 firearms, are filled with complex, lengthy, unnecessarily  
13 confusing, vague, verbose, and poorly drafted provisions; and

14 WHEREAS, The citizens of the State of California ought to be  
15 able to discover what behavior is required and what is prohibited  
16 by criminal laws; and

1 WHEREAS, It is the intent of the Legislature that the firearms  
2 laws be simplified and reorganized; now, therefore, be it  
3 *Resolved by the Assembly of the State of California, the Senate*  
4 *thereof concurring*, That the Legislature authorizes and requests  
5 that the California Law Revision Commission study, report on,  
6 and prepare recommended legislation by July 1, 2008,  
7 concerning the revision of the portions of the Penal Code dealing  
8 with the criminal storage of firearms (Secs. 12035 to 12036,  
9 inclusive, of the Pen. C.) and transfers of firearms (Secs. 12070  
10 to 12086, inclusive, of the Pen. C.), and that this legislation shall  
11 accomplish the following objectives:

- 12 (a) Redraft these provisions as nearly as practicable into plain  
13 English, so that the average, conscientious gun owner, licensee,  
14 and enforcement official can understand what conduct is  
15 required, what is prohibited, what will result in criminal liability.
- 16 (b) Reduce the length and complexity of current sections.
- 17 (c) Avoid unnecessary use of cross-references.
- 18 (d) Except as necessary and consistent with other goals,  
19 neither expand nor contract the scope of criminal liability under  
20 current provisions. In the event that the commission's draft  
21 changes the scope of criminal liability under the current  
22 provisions, this shall be made explicit in the commission's draft  
23 or any commentary related to the draft.
- 24 (e) To the extent compatible with objective (d), use common  
25 definitions of terms.
- 26 (f) Organize existing provisions in such a way that similar  
27 provisions are located in close proximity to each other, not  
28 scattered in dispersed sections.
- 29 (g) Eliminate duplicative provisions.
- 30 (h) Develop the recommendations in consultation with each of  
31 the following:
  - 32 (1) A representative of the California State Sheriff's  
33 Association, the California Police Chief's Association, or both.
  - 34 (2) A representative of the California District Attorneys  
35 Association.
  - 36 (3) A representative of California Attorneys for Criminal  
37 Justice.
  - 38 (4) A representative of the California Public Defenders  
39 Association.
  - 40 (5) A representative of the Department of Justice.

- 1 (6) A representative of the National Rifle Association.
- 2 (7) A representative of the California Rifle and Pistol
- 3 Association.
- 4 (8) A representative of Gun Owners of California.
- 5 (9) A representative of another recognized organization
- 6 representing gun owners, firearms dealers, or both.
- 7 (10) A representative of an organization with an interest in the
- 8 regulation of firearms, such as the Brady Campaign to Prevent
- 9 Gun Violence; and be it further
- 10 *Resolved*, That it is the intent of the Legislature that following
- 11 the completion of the commission's work and the passage of
- 12 legislation on this issue, that the commission be tasked with the
- 13 revision and improvement of other portions of the Penal Code
- 14 relating to the regulation of firearms; and be it further
- 15 *Resolved*, That the Chief Clerk of the Assembly transmit
- 16 copies of this resolution to the California Law Revision
- 17 Commission and to the author for appropriate distribution.