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**Introduced by Senator Dutton**

February 15, 2005

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An act to amend Sections 12131.5 and 12133 of the Penal Code, relating to unsafe handguns.

LEGISLATIVE COUNSEL'S DIGEST

SB 269, as introduced, Dutton. Unsafe handguns.

Existing law specifies certain features that must be present and tests that must be met for a handgun not to be classified as unsafe, as specified. Existing law also provides that a firearm shall be deemed to meet those requirements if another firearm made by the same manufacturer meets the requirements, and the firearms have only specified cosmetic differences.

This bill would include within those specified cosmetic differences, the barrel or chamber dimensions, so long as the difference in dimensions does not in any way alter the functioning of the magazine well or any of the components of the firing mechanism of the firearm.

Existing law exempts certain specified handguns from satisfying the requirements necessary for a handgun not to be classified as unsafe.

This bill would also exempt single-shot pistols with a barrel length of not less than 3 inches and which has an overall length of at least 7 1/2 inches when the handle, frame or receiver, and barrel are assembled.

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 12131.5 of the Penal Code is amended
- 2 to read:

1 12131.5. (a) A firearm shall be deemed to satisfy the  
2 requirements of subdivision (a) of Section 12131 if another  
3 firearm made by the same manufacturer is already listed and the  
4 unlisted firearm differs from the listed firearm only in one or  
5 more of the following features:

6 (1) Finish, including, but not limited to, bluing,  
7 chrome-plating, oiling, or engraving.

8 (2) The material from which the grips are made.

9 (3) The shape or texture of the grips, so long as the difference  
10 in grip shape or texture does not in any way alter the dimensions,  
11 material, linkage, or functioning of the magazine well, the barrel,  
12 the chamber, or any of the components of the firing mechanism  
13 of the firearm.

14 (4) *The barrel or chamber dimensions, so long as the*  
15 *difference in dimensions does not in any way alter the*  
16 *functioning of the magazine well or any of the components of the*  
17 *firing mechanism of the firearm.*

18 (5) Any other purely cosmetic feature that does not in any way  
19 alter the dimensions, material, linkage, or functioning of the  
20 magazine well, ~~the barrel, the chamber,~~ or any of the components  
21 of the firing mechanism of the firearm.

22 (b) Any manufacturer seeking to have a firearm listed under  
23 this section shall provide to the Department of Justice all of the  
24 following:

25 (1) The model designation of the listed firearm.

26 (2) The model designation of each firearm that the  
27 manufacturer seeks to have listed under this section.

28 (3) A statement, under oath, that each unlisted firearm for  
29 which listing is sought differs from the listed firearm only in one  
30 or more of the ways identified in subdivision (a) and is in all  
31 other respects identical to the listed firearm.

32 (c) The department may, in its discretion and at any time,  
33 require a manufacturer to provide to the department any model  
34 for which listing is sought under this section, to determine  
35 whether the model complies with the requirements of this  
36 section.

37 SEC. 2. Section 12133 of the Penal Code is amended to read:

38 12133. (a) The provisions of this chapter shall not apply to a  
39 single-action revolver that has at least a 5-cartridge capacity with

1 a barrel length of not less than three inches, and meets any of the  
2 following specifications:

3 ~~(a)~~

4 (1) Was originally manufactured prior to 1900 and is a curio  
5 or relic, as defined in Section 478.11 of Title 27 of the Code of  
6 Federal Regulations.

7 ~~(b)~~

8 (2) Has an overall length measured parallel to the barrel of at  
9 least 7½ inches when the handle, frame or receiver, and barrel  
10 are assembled.

11 ~~(c)~~

12 (3) Has an overall length measured parallel to the barrel of at  
13 least 7½ inches when the handle, frame or receiver, and barrel  
14 are assembled and that is currently approved for importation into  
15 the United States pursuant to the provisions of paragraph (3) of  
16 subsection (d) of Section 925 of Title 18 of the United States  
17 Code.

18 (b) *The provisions of this chapter shall not apply to a*  
19 *single-shot pistol with a barrel length of not less than three*  
20 *inches and that has an overall length of at least 7 1/2 inches*  
21 *when the handle, frame or receiver, and barrel are assembled.*