

ASSEMBLY BILL

No. 2235

Introduced by Assembly Member DeSaulnier

February 20, 2008

An act to amend Section 12126 of the Penal Code, relating to firearms.

LEGISLATIVE COUNSEL'S DIGEST

AB 2235, as introduced, DeSaulnier. Firearms.
Existing law defines the term “unsafe handgun.”

This bill would make a technical, nonsubstantive change to these provisions.

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

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

1 SECTION 1. Section 12126 of the Penal Code is amended to
2 read:
3 12126. As used in this chapter, *the term* “unsafe handgun”
4 means any pistol, revolver, or other firearm capable of being
5 concealed upon the person, as defined in subdivision (a) of Section
6 12001, for which any of the following is true:
7 (a) For a revolver:
8 (1) It does not have a safety device that, either automatically in
9 the case of a double-action firing mechanism, or by manual
10 operation in the case of a single-action firing mechanism, causes
11 the hammer to retract to a point where the firing pin does not rest
12 upon the primer of the cartridge.

- 1 (2) It does not meet the firing requirement for handguns pursuant
2 to Section 12127.
- 3 (3) It does not meet the drop safety requirement for handguns
4 pursuant to Section 12128.
- 5 (b) For a pistol:
 - 6 (1) It does not have a positive manually operated safety device,
7 as determined by standards relating to imported guns promulgated
8 by the federal Bureau of Alcohol, Tobacco, and Firearms.
 - 9 (2) It does not meet the firing requirement for handguns pursuant
10 to Section 12127.
 - 11 (3) It does not meet the drop safety requirement for handguns
12 pursuant to Section 12128.
 - 13 (4) Commencing January 1, 2006, for a center fire
14 semiautomatic pistol that is not already listed on the roster pursuant
15 to Section 12131, it does not have either a chamber load indicator,
16 or a magazine disconnect mechanism.
 - 17 (5) Commencing January 1, 2007, for all center fire
18 semiautomatic pistols that are not already listed on the roster
19 pursuant to Section 12131, it does not have both a chamber load
20 indicator and if it has a detachable magazine, a magazine
21 disconnect mechanism.
 - 22 (6) Commencing January 1, 2006, for all rimfire semiautomatic
23 pistols that are not already listed on the roster pursuant to Section
24 12131, it does not have a magazine disconnect mechanism, if it
25 has a detachable magazine.
 - 26 (7) Commencing January 1, 2010, for all semiautomatic pistols
27 that are not already listed on the roster pursuant to Section 12131,
28 it is not designed and equipped with a microscopic array of
29 characters that identify the, model, and serial number of the pistol,
30 etched or otherwise imprinted in two or more places on the interior
31 surface or internal working parts of the pistol, and that are
32 transferred by imprinting on each cartridge case when the firearm
33 is fired, provided that the Department of Justice certifies that the
34 technology used to create the imprint is available to more than one
35 manufacturer unencumbered by any patent restrictions. The
36 Attorney General may also approve a method of equal or greater
37 reliability and effectiveness in identifying the specific serial number
38 of a firearm from spent cartridge casings discharged by that firearm
39 than that which is set forth in this paragraph, to be thereafter
40 required as otherwise set forth by this paragraph where the Attorney

1 General certifies that this new method is also unencumbered by
2 any patent restrictions. Approval by the Attorney General shall
3 include notice of that fact via regulations adopted by the Attorney
4 General for purposes of implementing that method for purposes
5 of this paragraph. The microscopic array of characters required by
6 this section shall not be considered the name of the maker, model,
7 manufacturer's number, or other mark of identification, including
8 any distinguishing number or mark assigned by the Department
9 of Justice, within the meaning of Sections 12090 and 12094.

10 (c) As used in this section, a "chamber load indicator" means
11 a device that plainly indicates that a cartridge is in the firing
12 chamber. A device satisfies this definition if it is readily visible,
13 has incorporated or adjacent explanatory text or graphics, or both,
14 and is designed and intended to indicate to a reasonably foreseeable
15 adult user of the pistol, without requiring the user to refer to a
16 user's manual or any other resource other than the pistol itself,
17 whether a cartridge is in the firing chamber.

18 (d) As used in this section, a "magazine disconnect mechanism"
19 means a mechanism that prevents a semiautomatic pistol that has
20 a detachable magazine from operating to strike the primer of
21 ammunition in the firing chamber when a detachable magazine is
22 not inserted in the semiautomatic pistol.

23 (e) As used in this section, a "semiautomatic pistol" means a
24 pistol, as defined in subdivision (a) of Section 12001, the operating
25 mode of which uses the energy of the explosive in a fixed cartridge
26 to extract a fired cartridge and chamber a fresh cartridge with each
27 single pull of the trigger.

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