

ASSEMBLY BILL

No. 1663

Introduced by Assembly Member Hagman
(Coauthors: Assembly Members Adams, Anderson, Conway,
DeVore, Emmerson, Fletcher, Gaines, Gilmore, Harkey, Knight,
Nestande, Niello, Nielsen, Silva, and Smyth)

January 19, 2010

An act to repeal Section 12318 of, and to repeal Article 3.5 (commencing with Section 12060) of Chapter 1 of Title 2 of Part 4 of, the Penal Code, relating to ammunition.

LEGISLATIVE COUNSEL'S DIGEST

AB 1663, as introduced, Hagman. Ammunition.

Existing law provides that no handgun ammunition vendor, as defined, shall sell, offer for sale, or display for sale, any handgun ammunition in a manner that allows that ammunition to be accessible to a purchaser without the assistance of the vendor or employee thereof.

This bill would repeal those provisions.

Existing law requires, subject to exceptions, commencing February 1, 2011, that handgun ammunition vendors obtain a thumbprint and other information from ammunition purchasers, as specified. Existing law provides, subject to exceptions, that commencing February 1, 2011, the delivery or transfer of ownership of handgun ammunition may only occur in a face-to-face transaction, with the deliverer or transferor being provided bona fide evidence of identity of the purchaser or other transferee. Violations of any of the above provisions are misdemeanors, some with specified penalties.

This bill would repeal those 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. Article 3.5 (commencing with Section 12060) of
2 Chapter 1 of Title 2 of Part 4 of the Penal Code, as added by
3 Chapter 628 of the Statutes of 2009, is repealed.

4 SEC. 2. Section 12318 of the Penal Code, as added by Chapter
5 628 of the Statutes of 2009, is repealed.

6 ~~12318.—(a) Commencing February 1, 2011, the delivery or~~
7 ~~transfer of ownership of handgun ammunition may only occur in~~
8 ~~a face-to-face transaction with the deliverer or transferor being~~
9 ~~provided bona fide evidence of identity from the purchaser or other~~
10 ~~transferee. A violation of this section is a misdemeanor.~~

11 ~~(b) For purposes of this section:~~

12 ~~(1) “Bona fide evidence of identity” means a document issued~~
13 ~~by a federal, state, county, or municipal government, or subdivision~~
14 ~~or agency thereof, including, but not limited to, a motor vehicle~~
15 ~~operator’s license, state identification card, identification card~~
16 ~~issued to a member of the Armed Forces, or other form of~~
17 ~~identification that bears the name, date of birth, description, and~~
18 ~~picture of the person.~~

19 ~~(2) “Handgun ammunition” means handgun ammunition as~~
20 ~~defined in subdivision (a) of Section 12323, but excluding~~
21 ~~ammunition designed and intended to be used in an “antique~~
22 ~~firearm” as defined in Section 921(a)(16) of Title 18 of the United~~
23 ~~States Code. Handgun ammunition does not include blanks.~~

24 ~~(3) “Handgun ammunition vendor” has the same meaning as~~
25 ~~set forth in Section 12060.~~

26 ~~(e) Subdivision (a) shall not apply to or affect the deliveries,~~
27 ~~transfers, or sales of, handgun ammunition to any of the following:~~

28 ~~(1) Authorized law enforcement representatives of cities,~~
29 ~~counties, cities and counties, or state and federal governments for~~
30 ~~exclusive use by those government agencies if, prior to the delivery,~~
31 ~~transfer, or sale of the handgun ammunition, written authorization~~
32 ~~from the head of the agency employing the purchaser or transferee,~~
33 ~~is obtained identifying the employee as an individual authorized~~
34 ~~to conduct the transaction, and authorizing the transaction for the~~
35 ~~exclusive use of the agency employing the individual.~~

- 1 ~~(2) Sworn peace officers, as defined in Chapter 4.5 (commencing~~
2 ~~with Section 830) of Title 3 of Part 2 who are authorized to carry~~
3 ~~a firearm in the course and scope of their duties.~~
- 4 ~~(3) Importers and manufacturers of handgun ammunition or~~
5 ~~firearms licensed to engage in business pursuant to Chapter 44~~
6 ~~(commencing with Section 921) of Title 18 of the United States~~
7 ~~Code and the regulations issued pursuant thereto.~~
- 8 ~~(4) Persons who are on the centralized list maintained by the~~
9 ~~Department of Justice pursuant to Section 12083.~~
- 10 ~~(5) Persons whose licensed premises are outside this state who~~
11 ~~are licensed as dealers or collectors of firearms pursuant to Chapter~~
12 ~~44 (commencing with Section 921) of Title 18 of the United States~~
13 ~~Code and the regulations issued pursuant thereto.~~
- 14 ~~(6) Persons licensed as collectors of firearms pursuant to Chapter~~
15 ~~44 (commencing with Section 921) of Title 18 of the United States~~
16 ~~Code and the regulations issued pursuant thereto whose licensed~~
17 ~~premises are within this state who has a current certificate of~~
18 ~~eligibility issued to him or her by the Department of Justice~~
19 ~~pursuant to Section 12071.~~
- 20 ~~(7) A handgun ammunition vendor.~~
- 21 ~~(8) A consultant evaluator, as defined in subdivision (s) of~~
22 ~~Section 12001.~~

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