

**ASSEMBLY BILL**

**No. 2546**

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**Introduced by Assembly Member Hagman**

February 19, 2010

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An act to amend Section 12125 of the Penal Code, relating to firearms.

LEGISLATIVE COUNSEL'S DIGEST

AB 2546, as introduced, Hagman. Firearms.

Existing law, subject to exceptions, provides that any person in this state who manufactures or causes to be manufactured, imports into the state for sale, keeps for sale, offers or exposes for sale, gives, or lends any unsafe handgun shall be punished by imprisonment in a county jail not exceeding one year.

This bill would make technical, nonsubstantive changes 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 12125 of the Penal Code is amended to  
2 read:  
3 12125. (a) Commencing January 1, 2001, any person in this  
4 state who manufactures or causes to be manufactured, imports into  
5 the state for sale, keeps for sale, offers or exposes for sale, gives,  
6 or lends any unsafe handgun shall be punished by imprisonment  
7 in a county jail not exceeding one year.  
8 (b) This section shall not apply to any of the following:

1 (1) The manufacture in this state, or importation into this state,  
2 of any prototype ~~pistol, revolver, or other firearm capable of being~~  
3 ~~concealed upon the person handgun~~ when the manufacture or  
4 importation is for the sole purpose of allowing an independent  
5 laboratory certified by the Department of Justice pursuant to  
6 Section 12130 to conduct an independent test to determine whether  
7 that ~~pistol, revolver, or other firearm capable of being concealed~~  
8 ~~upon the person handgun~~ is prohibited by this chapter, and, if not,  
9 allowing the department to add the ~~firearm handgun~~ to the roster  
10 of ~~pistols, revolvers, and other firearms capable of being concealed~~  
11 ~~upon the person handgun~~ that may be sold in this state pursuant  
12 to Section 12131.

13 (2) The importation or lending of a ~~pistol, revolver, or other~~  
14 ~~firearm capable of being concealed upon the person handgun~~ by  
15 employees or authorized agents of entities determining whether  
16 the weapon is prohibited by this section.

17 (3) Firearms listed as curios or relics, as defined in Section  
18 478.11 of Title 27 of the Code of Federal Regulations.

19 (4) The sale or purchase of any ~~pistol, revolver or other firearm~~  
20 ~~capable of being concealed upon the person handgun~~, if the ~~pistol,~~  
21 ~~revolver, or other firearm handgun~~ is sold to, or purchased by, the  
22 Department of Justice, any police department, any sheriff's official,  
23 any marshal's office, the Youth and Adult Correctional Agency,  
24 the California Highway Patrol, any district attorney's office, or  
25 the military or naval forces of this state or of the United States for  
26 use in the discharge of their official duties. Nor shall anything in  
27 this section prohibit the sale to, or purchase by, sworn members  
28 of these agencies of any ~~pistol, revolver, or other firearm capable~~  
29 ~~of being concealed upon the person handgun~~.

30 (c) Violations of subdivision (a) are cumulative with respect to  
31 each handgun and shall not be construed as restricting the  
32 application of any other law. However, an act or omission  
33 punishable in different ways by this section and other provisions  
34 of law shall not be punished under more than one provision, but  
35 the penalty to be imposed shall be determined as set forth in Section  
36 654.

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