

AMENDED IN SENATE JUNE 15, 2012
AMENDED IN ASSEMBLY APRIL 11, 2012
AMENDED IN ASSEMBLY FEBRUARY 15, 2012

CALIFORNIA LEGISLATURE—2011–12 REGULAR SESSION

ASSEMBLY BILL

No. 1559

Introduced by Assembly Member Portantino

January 30, 2012

An act to amend ~~Section 33300~~ Sections 28240 and 33300 of the Penal Code, relating to firearms.

LEGISLATIVE COUNSEL'S DIGEST

AB 1559, as amended, Portantino. Firearms.

(1) Existing law allows the Department of Justice to require a firearms dealer to charge a firearm purchaser a fee not to exceed \$14, which may be adjusted at a rate not to exceed any increase in the California Consumer Price Index. Existing law, until January 1, 2014, provides that only one fee shall be charged for a single transaction on the same date for the sale of any number of firearms that are not handguns, or for the taking of possession of those firearms. Existing law requires, in a single transaction on the same date for the delivery of any number of firearms that are handguns, and commencing January 1, 2014, for any firearm, that the department charge a reduced fee for the second and subsequent firearms that are part of that transaction. Existing law provides that only one fee shall be charged for a single transaction on the same date for taking title or possession of any number of firearms pursuant to certain specified provisions of law.

This bill would instead provide that until January 1, 2014, only one fee shall be charged for a single transaction on the same date for the

sale of any number of firearms that are not handguns, or for the taking of possession of those firearms, and beginning January 1, 2014, provide that only one fee shall be charged for a single transaction on the same date for taking title or possession of any number of firearms, including handguns.

Existing

(2) Existing law authorizes the Department of Justice to issue a permit for the manufacture, possession, transportation, or sale of short-barreled rifles or short-barreled shotguns upon a showing that good cause, as specified, exists for the issuance of a permit to the applicant and the Department of Justice finds that the issuance of the permit does not endanger public safety.

This bill would add the importation of short-barreled rifles or short-barreled shotguns to the activities for which a permit may be issued pursuant to the above provision. The bill would state that the amendments *to this provision* made by this ~~act~~ *bill* are declaratory of existing law.

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 28240 of the Penal Code is amended to
- 2 read:
- 3 28240. (a) Until January 1, 2014, only one fee shall be charged
- 4 pursuant to this article for a single transaction on the same date
- 5 for the sale of any number of firearms that are not handguns, or
- 6 for the taking of possession of those firearms.
- 7 ~~(b) In a single transaction on the same date for the delivery of~~
- 8 ~~any number of firearms that are handguns, and commencing~~
- 9 ~~January 1, 2014, for any firearm, the department shall charge a~~
- 10 ~~reduced fee pursuant to this article for the second and subsequent~~
- 11 ~~firearms that are part of that transaction.~~
- 12 ~~(c) Only~~
- 13 (b) Beginning January 1, 2014, only one fee shall be charged
- 14 pursuant to this article for a single transaction on the same date
- 15 for taking title or possession of any number of firearms pursuant
- 16 to Section 26905, 27870, 27875, 27915, 27920, or 27925.
- 17 SECTION 1.
- 18 SEC. 2. Section 33300 of the Penal Code is amended to read:

1 33300. (a) Upon a showing that good cause exists for issuance
2 of a permit to the applicant, and if the Department of Justice finds
3 that issuance of the permit does not endanger the public safety,
4 the department may issue a permit for the manufacture, possession,
5 importation, transportation, or sale of short-barreled rifles or
6 short-barreled shotguns. The permit shall be initially valid for a
7 period of one year, and renewable annually thereafter. No permit
8 shall be issued to a person who is under 18 years of age.

9 (b) Good cause, for the purposes of this section, shall be limited
10 to only the following:

11 (1) The permit is sought for the manufacture, possession,
12 importation, or use with blank cartridges, of a short-barreled rifle
13 or short-barreled shotgun, solely as a prop for a motion picture,
14 television, or video production or entertainment event.

15 (2) The permit is sought for the manufacture of, exposing for
16 sale, keeping for sale, sale of, importation or lending of
17 short-barreled rifles or short-barreled shotguns to the entities listed
18 in Section 33220 by persons who are licensed as dealers or
19 manufacturers under the provisions of Chapter 53 (commencing
20 with Section 5801) of Title 26 of the United States Code, as
21 amended, and the regulations issued pursuant thereto.

22 ~~SEC. 2.~~

23 *SEC. 3.* The amendments to Section 33300 of the Penal Code
24 made by Section 1 of this act do not constitute a change in, but are
25 declaratory of, existing law.