

ASSEMBLY BILL

No. 2460

Introduced by Assembly Member Dickinson

February 24, 2012

An act to amend Section 32000 of the Penal Code, relating to firearms.

LEGISLATIVE COUNSEL'S DIGEST

AB 2460, as introduced, Dickinson. Firearms.

Under existing law, a 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 an unsafe handgun shall be punished by imprisonment in a county jail not exceeding one year. Existing law exempts from this requirement the purchase of a handgun, if the handgun is sold to, or purchased by, the Department of Justice, a police department, a sheriff's official, a marshal's office, the Department of Corrections and Rehabilitation, the California Highway Patrol, any district attorney's office, or the military or naval forces of this state or of the United States for use in the discharge of their official duties.

This bill would prohibit a person exempted under the above provision from giving a handgun to a person who is not exempted under the same provision. By expanding the definition of a crime, this bill would impose a state-mandated local program.

The bill would also make nonsubstantive, technical corrections.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

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

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

1 SECTION 1. Section 32000 of the Penal Code is amended to
2 read:

3 32000. (a) Commencing January 1, 2001, ~~any~~ a 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~~ an 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:

9 (1) The manufacture in this state, or importation into this state,
10 of ~~any a~~ prototype ~~pistol, revolver, or other firearm capable of~~
11 ~~being concealed upon the person~~ handgun when the manufacture
12 or importation is for the sole purpose of allowing an independent
13 laboratory certified by the Department of Justice pursuant to
14 Section 32010 to conduct an independent test to determine whether
15 that ~~pistol, revolver, or other firearm capable of being concealed~~
16 ~~upon the person~~ handgun is prohibited by Sections 31900 to 32110,
17 inclusive, and, if not, allowing the department to add the firearm
18 to the roster of ~~pistols, revolvers, and other firearms capable of~~
19 ~~being concealed upon the person~~ handguns that may be sold in
20 this state pursuant to Section 32015.

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

25 (3) Firearms listed as curios or relics, as defined in Section
26 478.11 of Title 27 of the Code of Federal Regulations.

27 (4) The sale or purchase of ~~any~~ ~~pistol, revolver, or other firearm~~
28 ~~capable of being concealed upon the person~~ a handgun, if the
29 ~~pistol, revolver, or other firearm~~ handgun is sold to, or purchased
30 by, the Department of Justice, ~~any a~~ police department, ~~any a~~
31 sheriff's official, ~~any a~~ marshal's office, the ~~Youth and Adult~~
32 ~~Correctional Agency~~ Department of Corrections and
33 Rehabilitation, the California Highway Patrol, any district
34 attorney's office, or the military or naval forces of this state or of
35 the United States for use in the discharge of their official duties.

1 Nor shall anything in this section prohibit the sale to, or purchase
2 by, sworn members of these agencies of ~~any pistol, revolver, or~~
3 ~~other firearm capable of being concealed upon the person a~~
4 *handgun. A person exempted pursuant to this paragraph shall not*
5 *give a handgun to a person who is not exempted under this section.*

6 (c) Violations of subdivision (a) are cumulative with respect to
7 each handgun and shall not be construed as restricting the
8 application of any other law. However, an act or omission
9 punishable in different ways by this section and other provisions
10 of law shall not be punished under more than one provision, but
11 the penalty to be imposed shall be determined as set forth in Section
12 654.

13 SEC. 2. No reimbursement is required by this act pursuant to
14 Section 6 of Article XIII B of the California Constitution because
15 the only costs that may be incurred by a local agency or school
16 district will be incurred because this act creates a new crime or
17 infraction, eliminates a crime or infraction, or changes the penalty
18 for a crime or infraction, within the meaning of Section 17556 of
19 the Government Code, or changes the definition of a crime within
20 the meaning of Section 6 of Article XIII B of the California
21 Constitution.