

AMENDED IN SENATE AUGUST 8, 2012

AMENDED IN ASSEMBLY APRIL 10, 2012

CALIFORNIA LEGISLATURE—2011–12 REGULAR SESSION

ASSEMBLY BILL

No. 2512

Introduced by Assembly Member Skinner
(Coauthor: Assembly Member Ammiano)
(Coauthors: Senators Hancock and Yee)

February 24, 2012

An act to ~~repeal and add Section 19135 of the Revenue and Taxation Code, relating to taxation~~ amend Section 3453 of, and to add Sections 30346 and 32311 to, the Penal Code, relating to firearms.

LEGISLATIVE COUNSEL'S DIGEST

AB 2512, as amended, Skinner. ~~Income taxes: limited liability company: penalties.~~ *Firearms: ammunition: sales.*

(1) *Except as specified, existing law makes it a crime to manufacture, import, keep for sale, offer or expose for sale, or give or lend, any large-capacity magazine.*

This bill would make it a misdemeanor, punishable by a fine of not more than \$1,000 or imprisonment in a county jail not to exceed 6 months, or by both that fine and imprisonment, to knowingly manufacture, import, keep for sale, offer or expose for sale, or give or lend, any device that is capable of converting an ammunition feeding device into a large-capacity magazine. By creating a new crime, this bill would impose a state-mandated local program.

(2) *Existing law establishes a program of postrelease community supervision for certain persons who are released from prison or whose sentence has been deemed served after serving a prison term for a*

felony. Existing law requires that these persons enter into a postrelease community supervision agreement as a condition of their release, and that the agreement include certain conditions, including a requirement that the person shall not possess, use, or have access to specified weapons, including, among other things, a large-capacity magazine.

This bill would also condition release on postrelease community supervision on the requirement that the person shall not possess, use, or have access to any device that is capable of converting an ammunition feeding device into a large-capacity magazine.

(3) Existing law prohibits any person, corporation, or dealer from selling ammunition to a person under 18 years of age, selling ammunition designed for use in a handgun to a person under 21 years of age, or providing possession of any ammunition to any minor who the person, corporation, or dealer knows is prohibited from possessing that ammunition at that time. Existing law prohibits a person, corporation, or firm from giving possession or control of ammunition to any person who he or she knows is prohibited by law from possessing ammunition. Existing law also regulates handgun ammunition vendors and provides that a handgun ammunition vendor shall not permit any employee who the vendor knows or reasonably should know is a person who has been convicted of a felony or other specified crimes to handle, sell, or deliver handgun ammunition in the course and scope of employment.

This bill would require a handgun ammunition vendor who sells, supplies, delivers, or gives possession of more than 1000 rounds of ammunition to an individual in any 5 consecutive day period to report the transaction to the local law enforcement agency where that individual resides within 24 hours, with exceptions as provided. The bill would make a failure to comply with this provision a misdemeanor, punishable by a fine of not more than \$1,000 or imprisonment in a county jail not to exceed 6 months, or by both that fine and imprisonment. By creating a new crime, this bill would impose a state-mandated local program.

(4) 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.

~~The Corporation Tax Law imposes taxes measured by income at a specified rate. Existing law provides that, whenever any foreign corporation that fails to qualify to do business in this state or whose powers, rights, and privileges have been forfeited, or any domestic corporation that has been suspended, and that is doing business in this state, fails to make and file a return, as provided, the Franchise Tax Board shall impose a penalty of \$2,000 per taxable year, as specified.~~

~~This bill would also make this penalty applicable to a foreign limited liability company which fails to qualify to do business in this state or whose powers, rights, and privileges have been forfeited and to a domestic limited liability company which has been suspended and which is doing business in this state, as specified.~~

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

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

- 1 SECTION 1. Section 3453 of the Penal Code is amended to
- 2 read:
- 3 3453. Postrelease community supervision shall include the
- 4 following conditions:
- 5 (a) The person shall be informed of the conditions of release.
- 6 (b) The person shall obey all laws.
- 7 (c) The person shall report to the supervising county agency
- 8 within two working days of release from custody.
- 9 (d) The person shall follow the directives and instructions of
- 10 the supervising county agency.
- 11 (e) The person shall report to the supervising county agency as
- 12 directed by that agency.
- 13 (f) The person, and his or her residence and possessions, shall
- 14 be subject to search at any time of the day or night, with or without
- 15 a warrant, by an agent of the supervising county agency or by a
- 16 peace officer.
- 17 (g) The person shall waive extradition if found outside the state.
- 18 (h) The person shall inform the supervising county agency of
- 19 the person’s place of residence, employment, education, or training.
- 20 (i) (1) The person shall inform the supervising county agency
- 21 of any pending or anticipated changes in residence, employment,
- 22 education, or training.

1 (2) If the person enters into new employment, he or she shall
2 inform the supervising county agency of the new employment
3 within three business days of that entry.

4 (j) The person shall immediately inform the supervising county
5 agency if he or she is arrested or receives a citation.

6 (k) The person shall obtain the permission of the supervising
7 county agency to travel more than 50 miles from the person’s place
8 of residence.

9 (l) The person shall obtain a travel pass from the supervising
10 county agency before he or she may leave the county or state for
11 more than two days.

12 (m) The person shall not be in the presence of a firearm or
13 ammunition, or any item that appears to be a firearm or
14 ammunition.

15 (n) The person shall not possess, use, or have access to any
16 weapon listed in Section 12020, 16140, subdivision (c) of Section
17 16170, Section 16220, 16260, 16320, 16330, or 16340, subdivision
18 (b) of Section 16460, Section 16470, subdivision (f) of Section
19 16520, or Section 16570, 16740, 16760, 16830, 16920, 16930,
20 16940, 17090, 17125, 17160, 17170, 17180, 17190, 17200, 17270,
21 17280, 17330, 17350, 17360, 17700, 17705, 17710, 17715, 17720,
22 17725, 17730, 17735, 17740, 17745, 19100, 19200, 19205, 20200,
23 20310, 20410, 20510, 20611, 20710, 20910, 21110, 21310, 21810,
24 22010, 22015, 22210, 22215, 22410, 32430, 24310, 24410, 24510,
25 24610, 24680, 24710, 30210, 30215, 31500, 32310, 32311, 32400,
26 32405, 32410, 32415, 32420, 32425, 32435, 32440, 32445, 32450,
27 32900, 33215, 33220, 33225, or 33600.

28 (o) (1) Except as provided in paragraph (2) and subdivision
29 (p), the person shall not possess a knife with a blade longer than
30 two inches.

31 (2) The person may possess a kitchen knife with a blade longer
32 than two inches if the knife is used and kept only in the kitchen of
33 the person’s residence.

34 (p) The person may use a knife with a blade longer than two
35 inches, if the use is required for that person’s employment, the use
36 has been approved in a document issued by the supervising county
37 agency, and the person possesses the document of approval at all
38 times and makes it available for inspection.

39 (q) The person shall waive any right to a court hearing prior to
40 the imposition of a period of “flash incarceration” in a county jail

1 of not more than 10 consecutive days for any violation of his or
2 her postrelease supervision conditions.

3 (r) The person shall participate in rehabilitation programming
4 as recommended by the supervising county agency.

5 (s) The person shall be subject to arrest with or without a warrant
6 by a peace officer employed by the supervising county agency or,
7 at the direction of the supervising county agency, by any peace
8 officer when there is probable cause to believe the person has
9 violated the terms and conditions of his or her release.

10 *SEC. 2. Section 30346 is added to the Penal Code, to read:*

11 *30346. Except as provided in subdivision (b), any vendor in*
12 *this state who sells, supplies, delivers, or gives possession of more*
13 *than 1000 rounds of ammunition to any individual within any five*
14 *consecutive day period shall report the transaction to the local*
15 *law enforcement agency where that individual resides within 24*
16 *hours of the transaction. Failure to comply with this subdivision*
17 *is punishable by a fine of not more than one thousand dollars*
18 *(\$1,000) or imprisonment in a county jail not to exceed 6 months,*
19 *or by both that fine and imprisonment.*

20 *(b) Subdivision (a) shall not apply to or affect sales or other*
21 *transfers of ownership of ammunition by ammunition vendors to*
22 *any person listed in subdivision (b) of Section 30352 or described*
23 *in Section 30330, if properly identified, and shall not apply to or*
24 *affect sales or other transfers of ownership of ammunition*
25 *described in Section 30335.*

26 *(c) The provisions of this section are cumulative, and shall not*
27 *be construed as restricting the application of any other law.*

28 *(d) Nothing in this section is intended to prohibit a city or*
29 *county, or city and county, from adopting regulations that are*
30 *more stringent than those specified in subdivision (a) with regard*
31 *to the reporting of ammunition sales.*

32 *SEC. 3. Section 32311 is added to the Penal Code, to read:*

33 *32311. Except as provided in Article 2 (commencing with*
34 *Section 32400) of this chapter and in Chapter 1 (commencing with*
35 *Section 17700) of Division 2 of Title 2, commencing January 1,*
36 *2013, any person in this state who knowingly manufactures or*
37 *causes to be manufactured, imports into the state, keeps for sale,*
38 *or offers or exposes for sale, or who gives, or lends, any device*
39 *that is capable of converting an ammunition feeding device into*
40 *a large-capacity magazine is punishable by a fine of not more than*

1 one thousand dollars (\$1,000) or imprisonment in a county jail
2 not to exceed six months, or by both that fine and imprisonment.

3 SEC. 4. No reimbursement is required by this act pursuant to
4 Section 6 of Article XIII B of the California Constitution because
5 the only costs that may be incurred by a local agency or school
6 district will be incurred because this act creates a new crime or
7 infraction, eliminates a crime or infraction, or changes the penalty
8 for a crime or infraction, within the meaning of Section 17556 of
9 the Government Code, or changes the definition of a crime within
10 the meaning of Section 6 of Article XIII B of the California
11 Constitution.

12 SECTION 1. Section 19135 of the Revenue and Taxation Code
13 is repealed.

14 SEC. 2. Section 19135 is added to the Revenue and Taxation
15 Code, to read:

16 19135. (a) (1) The Franchise Tax Board shall impose a penalty
17 of two thousand dollars (\$2,000) per taxable year whenever an
18 entity described in paragraph (2) is doing business in this state,
19 within the meaning of Section 23101, and fails to make and file a
20 return as required by this part, within 60 days after the Franchise
21 Tax Board sends the taxpayer a notice and demand to file the
22 required tax return, unless the failure is due to reasonable cause
23 and not willful neglect.

24 (2) (A) A foreign corporation or a foreign limited liability
25 company that fails to qualify to do business in this state or whose
26 powers, rights, and privileges have been forfeited.

27 (B) A domestic corporation or a domestic limited liability
28 company that has been suspended.

29 (b) The penalty shall be in addition to any other penalty that
30 may be due under this part.