

Introduced by Senator Correa

February 14, 2011

An act to amend Section 32110 of the Penal Code, relating to firearms.

LEGISLATIVE COUNSEL'S DIGEST

SB 313, as introduced, Correa. Firearms.

Existing law, with some exceptions, subjects 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, as defined, to imprisonment in a county jail for not more than one year. Existing law, subject to exceptions, requires handguns imported into the state for sale, kept for sale, or offered or exposed for sale, to be tested, as specified, to determine if they are unsafe.

This bill would exempt from those provisions handguns for which production ceased prior to January 1, 2000, and for which production has not resumed, and handguns that are commemorative or custom-made, and for which production was or is limited to 1,000 or fewer firearms.

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 32110 of the Penal Code is amended to
2 read:

1 32110. Article 4 (commencing with Section 31900) and Article
2 5 (commencing with Section 32000) shall not apply to any of the
3 following:

4 (a) The sale, loan, or transfer of any firearm pursuant to Chapter
5 5 (commencing with Section 28050) of Division 6 in order to
6 comply with Section 27545.

7 (b) The sale, loan, or transfer of any firearm that is exempt from
8 the provisions of Section 27545 pursuant to any applicable
9 exemption contained in Article 2 (commencing with Section 27600)
10 or Article 6 (commencing with Section 27850) of Chapter 4 of
11 Division 6, if the sale, loan, or transfer complies with the
12 requirements of that applicable exemption to Section 27545.

13 (c) The sale, loan, or transfer of any firearm as described in
14 paragraph (3) of subdivision (b) of Section 32000.

15 (d) The delivery of a ~~pistol, revolver, or other firearm capable~~
16 ~~of being concealed upon the person~~ *handgun* to a person licensed
17 pursuant to Sections 26700 to 26915, inclusive, for the purposes
18 of the service or repair of that firearm.

19 (e) The return of a ~~pistol, revolver, or other firearm capable of~~
20 ~~being concealed upon the person~~ *handgun* by a person licensed
21 pursuant to Sections 26700 to 26915, inclusive, to its owner where
22 that firearm was initially delivered in the circumstances set forth
23 in subdivision (a), (d), (f), or (i).

24 (f) The delivery of a ~~pistol, revolver, or other firearm capable~~
25 ~~of being concealed upon the person~~ *handgun* to a person licensed
26 pursuant to Sections 26700 to 26915, inclusive, for the purpose of
27 a consignment sale or as collateral for a pawnbroker loan.

28 (g) The sale, loan, or transfer of any ~~pistol, revolver, or other~~
29 ~~firearm capable of being concealed upon the person~~ *handgun* listed
30 as a curio or relic, as defined in Section 478.11 of Title 27 of the
31 Code of Federal Regulations.

32 (h) The sale, loan, or transfer of any semiautomatic pistol that
33 is to be used solely as a prop during the course of a motion picture,
34 television, or video production by an authorized participant therein
35 in the course of making that production or event or by an authorized
36 employee or agent of the entity producing that production or event.

37 (i) The delivery of a ~~pistol, revolver, or other firearm capable~~
38 ~~of being concealed upon the person~~ *handgun* to a person licensed
39 pursuant to Sections 26700 to 26915, inclusive, where the firearm
40 is being loaned by the licensee to a consultant-evaluator.

1 ~~(j) The delivery of a pistol, revolver, or other firearm capable~~
2 ~~of being concealed upon the person by a person licensed pursuant~~
3 ~~to Sections 26700 to 26915, inclusive, where the firearm is being~~
4 ~~loaned by the licensee to a consultant-evaluator.~~

5 ~~(k)~~

6 ~~(j) The return of a pistol, revolver, or other firearm capable of~~
7 ~~being concealed upon the person~~ *handgun* ~~to a person licensed~~
8 ~~pursuant to Sections 26700 to 26915, inclusive, where it was~~
9 ~~initially delivered pursuant to subdivision-~~~~(j)~~ *(i)*.

10 *(k) Handguns for which production ceased prior to January 1,*
11 *2000, and for which production has not resumed.*

12 *(l) Handguns that are commemorative and for which total*
13 *production was or is limited to 1,000 or fewer firearms.*

14 *(m) Handguns that are custom-made and for which total*
15 *production was or is limited to 1,000 or fewer firearms.*