

Introduced by Senator De León

February 23, 2012

An act to amend Section 53071.5 of the Government Code, relating to imitation firearms.

LEGISLATIVE COUNSEL'S DIGEST

SB 1315, as introduced, De León. Imitation firearms: regulation: County of Los Angeles.

Existing law provides that the Legislature occupies the whole field of regulation of the manufacture, sale, or possession of imitation firearms, as defined, and that those provisions shall preempt and be exclusive of all regulations relating to the manufacture, sale, or possession of imitation firearms, including regulations governing the manufacture, sale, or possession of BB devices and air rifles, as specified. Existing law defines "imitation firearm" to include a "BB device" and defines a "BB device," for specified purposes, to include any spot marker gun.

This bill would provide an exception to those provisions by authorizing the County of Los Angeles, or any city within the County of Los Angeles, to enact and enforce an ordinance or resolution regulating the manufacture, sale, possession, or use of a spot marker gun that expels a projectile larger than 16mm.

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 53071.5 of the Government Code is
2 amended to read:

1 53071.5. (a) By the ~~enforcement~~ *enactment* of this section,
2 the Legislature occupies the whole field of regulation of the
3 manufacture, sale, or possession of imitation firearms, as defined
4 in subdivision (a) of Section 16700 of the Penal Code, and that
5 subdivision shall preempt and be exclusive of all regulations
6 relating to the manufacture, sale, or possession of imitation
7 firearms, including regulations governing the manufacture, sale,
8 or possession of BB devices and air rifles described in Section
9 16250 of the Penal Code.

10 (b) *Notwithstanding subdivision (a), the County of Los Angeles,*
11 *and any city within the County of Los Angeles, may enact and*
12 *enforce an ordinance or resolution regulating the manufacture,*
13 *sale, possession, or use of a spot marker gun that expels a*
14 *projectile larger than 16mm.*