

AMENDED IN SENATE JULY 9, 2013
AMENDED IN SENATE JUNE 24, 2013
AMENDED IN ASSEMBLY MAY 24, 2013
AMENDED IN ASSEMBLY MAY 7, 2013
AMENDED IN ASSEMBLY APRIL 4, 2013
AMENDED IN ASSEMBLY FEBRUARY 4, 2013
CALIFORNIA LEGISLATURE—2013–14 REGULAR SESSION

ASSEMBLY BILL

No. 48

Introduced by Assembly Member Skinner
(Coauthors: Assembly Members Alejo, Ammiano, Bloom, Bonta,
Ting, and Williams)
(Coauthors: Senators De León and Hancock)

December 20, 2012

An act to amend Section 32310 of, and to add Sections 30367 and 32311 to, the Penal Code, relating to firearms.

LEGISLATIVE COUNSEL'S DIGEST

AB 48, as amended, Skinner. 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, and makes a large-capacity magazine a nuisance. Existing law defines "large-capacity magazine" to mean any ammunition feeding device with the capacity to accept more than 10 rounds but excludes, in pertinent part, a feeding device that has been permanently altered so that the magazine cannot accommodate more than 10 rounds.

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 buy or receive a large capacity magazine or to knowingly manufacture, import, keep for sale, offer or expose for sale, or give, lend, buy, or receive any large capacity magazine conversion kit 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 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 the Department of Justice to create the California Ammunition Database, and would require an ammunition vendor, as defined, to record specified purchaser information and the number of rounds of ammunition sold to a purchaser and report that information to the Department of Justice. The bill would require the department to immediately cross-reference the purchaser's information with the Prohibited Armed Persons File. The bill would require the department to forward the purchaser's information to local law enforcement through a secure means if the purchaser's name appears in the file.~~

This bill would require the Department of Justice to alert local law enforcement entities in the city, county, or city and county in which a purchaser resides if the purchaser obtains more than 3,000 rounds of ammunition within a 5-day period, as specified. ~~The bill would make these provisions inoperative until there are sufficient funds in the Ammunition Vendor's Special Account of the General Fund, which this bill would create, and the department creates the California Ammunition Database. The bill would require the department to provide~~

~~written notice to ammunition vendors that the database is operational and would require compliance by ammunition vendors as of 30 days after being notified.~~

(3) 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 30367 is added to the Penal Code, to
2 read:

3 30367. (a) The Department of Justice shall alert local law
4 enforcement entities in the city, county, or city and county in which
5 the purchaser resides if the purchaser obtains more than 3,000
6 rounds of ammunition within a five-day period and the purchaser
7 is an individual and not an ammunition vendor.

8 (b) Subdivision (a) does not apply to or affect the sale of
9 ammunition to either of the following:

10 (1) An authorized law enforcement representative of a city,
11 county, city and county, or state or federal government, if the sale
12 is for the exclusive use by that government agency and, prior to
13 the sale of the ammunition, written authorization from the head
14 of the agency employing the purchaser or transferee is obtained
15 identifying the employee as an individual authorized to conduct
16 the transaction, and authorizing the transaction for the exclusive
17 use of the agency employing the individual.

18 (2) A sworn peace officer, as defined in Chapter 4.5
19 (commencing with Section 830) of Title 3 of Part 2 who is
20 authorized to carry a firearm in the course and scope of his or her
21 duties.

22 ~~SECTION 1. Section 30367 is added to the Penal Code, to~~
23 ~~read:~~

24 ~~30367. (a) The Department of Justice shall create the California~~
25 ~~Ammunition Database.~~

26 ~~(b) Commencing 30 days from the date of being notified by the~~
27 ~~department of the operation of the California Ammunition Database~~

1 pursuant to subdivision (e), an ammunition vendor shall record
2 the purchaser information required by subdivision (a) of Section
3 30352 and the number of rounds of ammunition sold to the
4 purchaser, and shall report that information to the department in
5 a manner to be determined by the department.

6 (e) Upon receipt of the information described in subdivision
7 (b), the department shall immediately cross-reference the
8 purchaser's information with the Prohibited Armed Persons File.
9 If a purchaser's name appears in the Prohibited Armed Persons
10 File, the department shall forward the purchaser's information to
11 local law enforcement through a secure means.

12 (d) The department shall also alert local law enforcement entities
13 in the city, county, or city and county in which the purchaser
14 resides if the purchaser obtains more than 3,000 rounds of
15 ammunition within a five-day period and the purchaser is an
16 individual and not an ammunition vendor.

17 (e) This section is not effective until there are sufficient funds
18 in the Ammunition Vendor's Special Account of the General Fund,
19 which is hereby created, for the department to create the California
20 Ammunition Database and the department creates the database.
21 At least 30 days prior to the date that the California Ammunition
22 Database is operational, the department shall provide written notice
23 of that fact to ammunition vendors.

24 (f) Subdivisions (b), (e), and (d) do not apply to or affect the
25 sale of ammunition to any of the following:

26 (1) An authorized law enforcement representative of a city,
27 county, city and county, or state or federal government, if the sale
28 is for the exclusive use by that government agency and, prior to
29 the sale of the ammunition, written authorization from the head of
30 the agency employing the purchaser or transferee is obtained
31 identifying the employee as an individual authorized to conduct
32 the transaction, and authorizing the transaction for the exclusive
33 use of the agency employing the individual.

34 (2) A sworn peace officer, as defined in Chapter 4.5
35 (commencing with Section 830) of Title 3 of Part 2 who is
36 authorized to carry a firearm in the course and scope of his or her
37 duties.

38 (3) An ammunition vendor.

39 (g) For purposes of this section, the following definitions apply:

1 ~~(1) As used in this section, “ammunition vendor” means any~~
2 ~~person, firm, corporation, dealer, or any other business enterprise~~
3 ~~that is engaged in the retail sale of any ammunition, including, but~~
4 ~~not limited to, handgun ammunition, or that holds itself out as~~
5 ~~engaged in the business of selling any ammunition.~~

6 ~~(2) “Ammunition” does not include blanks.~~

7 SEC. 2. Section 32310 of the Penal Code is amended to read:

8 32310. (a) Except as provided in Article 2 (commencing with
9 Section 32400) of this chapter and in Chapter 1 (commencing with
10 Section 17700) of Division 2 of Title 2, commencing January 1,
11 2000, any person in this state who manufactures or causes to be
12 manufactured, imports into the state, keeps for sale, or offers or
13 exposes for sale, or who gives, lends, buys, or receives any
14 large-capacity magazine is punishable by imprisonment in a county
15 jail not exceeding one year or imprisonment pursuant to subdivision
16 (h) of Section 1170.

17 (b) For purposes of this section, “manufacturing” includes both
18 fabricating a magazine and assembling a magazine from a
19 combination of parts, including, but not limited to, the body, spring,
20 follower, and floor plate or end plate, to be a fully functioning
21 large-capacity magazine.

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

23 32311. (a) Except as provided in Article 2 (commencing with
24 Section 32400) of this chapter and in Chapter 1 (commencing with
25 Section 17700) of Division 2 of Title 2, commencing January 1,
26 2014, any person in this state who knowingly manufactures or
27 causes to be manufactured, imports into the state, keeps for sale,
28 or offers or exposes for sale, or who gives, lends, buys, or receives
29 any large capacity magazine conversion kit is punishable by a fine
30 of not more than one thousand dollars (\$1,000) or imprisonment
31 in a county jail not to exceed six months, or by both that fine and
32 imprisonment.

33 (b) For purposes of this section, a “large capacity magazine
34 conversion kit” is a device or combination of parts of a fully
35 functioning large-capacity magazine, including, but not limited
36 to, the body, spring, follower, and floor plate or end plate, capable
37 of converting an ammunition feeding device into a large-capacity
38 magazine.

39 SEC. 4. No reimbursement is required by this act pursuant to
40 Section 6 of Article XIII B of the California Constitution because

1 the only costs that may be incurred by a local agency or school
2 district will be incurred because this act creates a new crime or
3 infraction, eliminates a crime or infraction, or changes the penalty
4 for a crime or infraction, within the meaning of Section 17556 of
5 the Government Code, or changes the definition of a crime within
6 the meaning of Section 6 of Article XIII B of the California
7 Constitution.

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