

AMENDED IN SENATE AUGUST 12, 2013
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 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~~ 6,000 rounds of ammunition within a ~~5-day~~ 7-day period, as specified. *The bill would make this requirement operative only if SB 53 of the 2013–14 Regular Session is enacted and becomes operative.*

(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 6,000 rounds of ammunition within a ~~five-day~~ seven-day period
7 and the purchaser 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 of
14 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 SEC. 2. Section 32310 of the Penal Code is amended to read:

23 32310. (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 2000, any person in this state who manufactures or causes to be
27 manufactured, imports into the state, keeps for sale, or offers or
28 exposes for sale, or who gives, lends, buys, or receives any
29 large-capacity magazine is punishable by imprisonment in a county
30 jail not exceeding one year or imprisonment pursuant to subdivision
31 (h) of Section 1170.

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

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

1 32311. (a) Except as provided in Article 2 (commencing with
2 Section 32400) of this chapter and in Chapter 1 (commencing with
3 Section 17700) of Division 2 of Title 2, commencing January 1,
4 2014, any person in this state who knowingly manufactures or
5 causes to be manufactured, imports into the state, keeps for sale,
6 or offers or exposes for sale, or who gives, lends, buys, or receives
7 any large capacity magazine conversion kit is punishable by a fine
8 of not more than one thousand dollars (\$1,000) or imprisonment
9 in a county jail not to exceed six months, or by both that fine and
10 imprisonment. *This section does not apply to a fully assembled*
11 *large-capacity magazine, which is governed by Section 32310.*

12 (b) For purposes of this section, a “large capacity magazine
13 conversion kit” is a device or combination of parts of a fully
14 functioning large-capacity magazine, including, but not limited
15 to, the body, spring, follower, and floor plate or end plate, capable
16 of converting an ammunition feeding device into a large-capacity
17 magazine.

18 *SEC. 4. Section 1 of this act shall become operative only if*
19 *Senate Bill 53 of the 2013–14 Regular Session is enacted and*
20 *becomes operative.*

21 ~~SEC. 4.~~

22 *SEC. 5.* No reimbursement is required by this act pursuant to
23 Section 6 of Article XIII B of the California Constitution because
24 the only costs that may be incurred by a local agency or school
25 district will be incurred because this act creates a new crime or
26 infraction, eliminates a crime or infraction, or changes the penalty
27 for a crime or infraction, within the meaning of Section 17556 of
28 the Government Code, or changes the definition of a crime within
29 the meaning of Section 6 of Article XIII B of the California
30 Constitution.