

AMENDED IN SENATE SEPTEMBER 6, 2013

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~~ *Section 32311* to, the Penal Code, relating to firearms.

LEGISLATIVE COUNSEL'S DIGEST

AB 48, as amended, Skinner. Firearms: ~~ammunition: sales:~~ *large-capacity magazines.*

(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.~~ *The bill would also make it a misdemeanor or a felony to buy or receive a large-capacity magazine, as specified.* 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 6,000 rounds of ammunition within a 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.~~

~~(2) This bill would incorporate additional changes to Section 32310 of the Penal Code proposed by SB 396 that would become operative if this bill and SB 396 are both enacted and this bill is enacted last.~~

~~(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 6,000~~
6 ~~rounds of ammunition within a seven-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 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.~~

23 ~~SECTION 1. Section 32310 of the Penal Code is amended to~~
24 ~~read:~~

25 ~~32310. (a) Except as provided in Article 2 (commencing with~~
26 ~~Section 32400) of this chapter and in Chapter 1 (commencing with~~
27 ~~Section 17700) of Division 2 of Title 2, commencing January 1,~~
28 ~~2000, any person in this state who manufactures or causes to be~~
29 ~~manufactured, imports into the state, keeps for sale, or offers or~~
30 ~~exposes for sale, or who gives, lends, buys, or receives any~~
31 ~~large-capacity magazine is punishable by imprisonment in a county~~
32 ~~jail not exceeding one year or imprisonment pursuant to subdivision~~
33 ~~(h) of Section 1170.~~

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

6 *SEC. 1.5. Section 32310 of the Penal Code is amended to read:*

7 32310. (a) Except as provided in Article 2 (commencing with
 8 Section 32400) of this chapter and in Chapter 1 (commencing with
 9 Section 17700) of Division 2 of Title 2, ~~commencing January 1,~~
 10 ~~2000~~, any person in this state who manufactures or causes to be
 11 manufactured, imports into the state, keeps for sale, or offers or
 12 exposes for sale, or who gives, ~~or~~ lends, *buys, or receives* any
 13 large-capacity magazine is punishable by imprisonment in a county
 14 jail not exceeding one year or imprisonment pursuant to subdivision
 15 (h) of Section 1170.

16 (b) *Except as provided in Article 2 (commencing with Section*
 17 *32400) of this chapter and in Chapter 1 (commencing with Section*
 18 *17700) of Division 2 of Title 2, commencing July 1, 2014, any*
 19 *person in this state who possesses any large-capacity magazine,*
 20 *regardless of the date the magazine was acquired, is guilty of an*
 21 *infraction punishable by a fine not to exceed one hundred dollars*
 22 *(\$100), or is guilty of a misdemeanor punishable by a fine not to*
 23 *exceed one hundred dollars (\$100), by imprisonment in a county*
 24 *jail not to exceed one year, or by both that fine and imprisonment.*

25 (c) *Any person who, prior to July 1, 2014, legally possesses a*
 26 *large-capacity magazine shall dispose of that magazine by any of*
 27 *the following means:*

- 28 (1) *Remove the large-capacity magazine from the state.*
- 29 (2) *Prior to July 1, 2014, sell the large-capacity magazine to a*
 30 *licensed firearms dealer.*
- 31 (3) *Destroy the large-capacity magazine.*
- 32 (4) *Surrender the large-capacity magazine to a law enforcement*
 33 *agency for destruction.*

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

39 ~~SEC. 3.~~

40 *SEC. 2. 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. 3. Section 1.5 of this bill incorporates amendments to*
 22 *Section 32310 of the Penal Code proposed by both this bill and*
 23 *Senate Bill 396. It shall only become operative if (1) both bills are*
 24 *enacted and become effective on or before January 1, 2014, (2)*
 25 *each bill amends Section 32310 of the Penal Code, and (3) this*
 26 *bill is enacted after Senate Bill 396, in which case Section 1 of this*
 27 *bill shall not become operative.*

28 ~~SEC. 5.~~

29 *SEC. 4.* No reimbursement is required by this act pursuant to
 30 Section 6 of Article XIII B of the California Constitution because
 31 the only costs that may be incurred by a local agency or school
 32 district will be incurred because this act creates a new crime or
 33 infraction, eliminates a crime or infraction, or changes the penalty
 34 for a crime or infraction, within the meaning of Section 17556 of
 35 the Government Code, or changes the definition of a crime within
 36 the meaning of Section 6 of Article XIII B of the California
 37 Constitution.