

AMENDED IN ASSEMBLY APRIL 1, 2013

AMENDED IN ASSEMBLY MARCH 4, 2013

CALIFORNIA LEGISLATURE—2013–14 REGULAR SESSION

ASSEMBLY BILL

No. 169

Introduced by Assembly Member Dickinson

January 24, 2013

An act to amend Sections 32000, 32100, and 32110 of the Penal Code, relating to unsafe handguns.

LEGISLATIVE COUNSEL'S DIGEST

AB 169, as amended, Dickinson. Unsafe handguns.

(1) Existing law provides for the testing of handguns and requires the Department of Justice to maintain a roster listing all handguns that are determined not to be unsafe handguns. Existing law makes it a crime, punishable by imprisonment in a county jail not exceeding one year, to manufacture, import into the state for sale, keep for sale, offer or expose for sale, give, or lend an unsafe handgun. Existing law provides that the provisions defining and governing unsafe handguns do not apply to a firearm that is a curio or relic or to certain transactions, including the sale, loan, or transfer of any firearm in a transaction that requires the use of a licensed dealer, where the sale, loan, or transfer is exempt from the provisions of law requiring the transfer to be conducted through a licensed firearms dealer, or to the delivery of a firearm to a licensed dealer for purposes of a consignment sale or as collateral for a pawnbroker loan. Existing law also makes the provisions defining and governing unsafe handguns inapplicable to the sale, loan, or transfer of any semiautomatic pistol that is to be used solely as a prop during

the course of a motion picture, television, or video production, as specified.

This bill would delete these exemptions and would make the provisions defining and governing unsafe handguns inapplicable to the loan or rental of any pistol, revolver, or other firearm capable of being concealed on the person that is used solely as a prop during the course of a motion picture, television, video production, or event, provided the loan or rental is conducted through a licensed firearms dealer, and provided the weapon is returned to the owner before or upon completion of the production or event. *The bill would also make the exemptions inapplicable to the sale of a pistol, revolver, or other firearm capable of being concealed on the person that is conducted through a licensed dealer if the sale is made by an entity loaning or renting firearms for use as props to another entity for the purpose of loaning or renting the firearm as a prop.* By expanding the definition of a crime, this bill would impose a state-mandated local program.

(2) Existing law makes the provisions defining and governing unsafe handguns inapplicable to a single-shot pistol, as specified.

This bill would instead make the provisions defining and governing unsafe handguns inapplicable to a single-shot pistol with a break top or bolt action. The bill would make this exemption inapplicable to a semiautomatic pistol that has been temporarily or permanently altered so that it will not fire in a semiautomatic mode. By expanding the definition of a crime, this bill would impose a state-mandated local program.

(3) Existing law exempts the purchase of a handgun from the above prohibition on manufacturing, importing, selling, giving, or lending an unsafe handgun if the handgun is sold to, or purchased by, the Department of Justice, a police department, a sheriff's official, a marshal's office, the Department of Corrections and Rehabilitation, the California Highway Patrol, any district attorney's office, or the military or naval forces of this state or of the United States for use in the discharge of their official duties.

This bill would prohibit a person exempted under the above provision from selling or otherwise transferring the ownership of the handgun to a person who is not exempted under the same provision unless the transaction is exempt from the requirement to complete the transaction through a licensed dealer. By expanding the definition of a crime, this bill would impose a state-mandated local program.

(4) The bill would also make nonsubstantive, technical corrections.

(5) 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 32000 of the Penal Code is amended to
2 read:

3 32000. (a) Commencing January 1, 2001, any person in this
4 state who manufactures or causes to be manufactured, imports into
5 the state for sale, keeps for sale, offers or exposes for sale, gives,
6 or lends any unsafe handgun shall be punished by imprisonment
7 in a county jail not exceeding one year.

8 (b) This section shall not apply to any of the following:

9 (1) The manufacture in this state, or importation into this state,
10 of a prototype handgun when the manufacture or importation is
11 for the sole purpose of allowing an independent laboratory certified
12 by the Department of Justice pursuant to Section 32010 to conduct
13 an independent test to determine whether that handgun is prohibited
14 by Sections 31900 to 32110, inclusive, and, if not, allowing the
15 department to add the firearm to the roster of handguns that may
16 be sold in this state pursuant to Section 32015.

17 (2) The importation or lending of a handgun by employees or
18 authorized agents of entities determining whether the weapon is
19 prohibited by this section.

20 (3) Firearms listed as curios or relics, as defined in Section
21 478.11 of Title 27 of the Code of Federal Regulations.

22 (4) The sale or purchase of a handgun, if the handgun is sold
23 to, or purchased by, the Department of Justice, a police department,
24 a sheriff's official, a marshal's office, the Department of
25 Corrections and Rehabilitation, the California Highway Patrol,
26 any district attorney's office, or the military or naval forces of this
27 state or of the United States for use in the discharge of their official
28 duties. This section does not prohibit the sale to, or purchase by,
29 sworn members of these agencies of a handgun. A person who,
30 under this paragraph, acquires a handgun that is not on the roster

1 required by Section 32015, shall not sell or otherwise transfer
2 ownership of the handgun to a person who is not exempted under
3 this paragraph.

4 (c) Violations of subdivision (a) are cumulative with respect to
5 each handgun and shall not be construed as restricting the
6 application of any other law. However, an act or omission
7 punishable in different ways by this section and other provisions
8 of law shall not be punished under more than one provision, but
9 the penalty to be imposed shall be determined as set forth in Section
10 654.

11 SEC. 2. Section 32100 of the Penal Code is amended to read:

12 32100. (a) Article 4 (commencing with Section 31900) and
13 Article 5 (commencing with Section 32000) shall not apply to a
14 single-action revolver that has at least a five-cartridge capacity
15 with a barrel length of not less than three inches, and meets any
16 of the following specifications:

17 (1) Was originally manufactured prior to 1900 and is a curio or
18 relic, as defined in Section 478.11 of Title 27 of the Code of
19 Federal Regulations.

20 (2) Has an overall length measured parallel to the barrel of at
21 least seven and one-half inches when the handle, frame or receiver,
22 and barrel are assembled.

23 (3) Has an overall length measured parallel to the barrel of at
24 least seven and one-half inches when the handle, frame or receiver,
25 and barrel are assembled and that is currently approved for
26 importation into the United States pursuant to the provisions of
27 paragraph (3) of subsection (d) of Section 925 of Title 18 of the
28 United States Code.

29 (b) Article 4 (commencing with Section 31900) and Article 5
30 (commencing with Section 32000) shall not apply to a single-shot
31 pistol with a break top or bolt action and a barrel length of not less
32 than six inches and that has an overall length of at least 10½ inches
33 when the handle, frame or receiver, and barrel are assembled.
34 However, Article 4 (commencing with Section 31900) and Article
35 5 (commencing with Section 32000) shall apply to a semiautomatic
36 pistol that has been temporarily or permanently altered so that it
37 will not fire in a semiautomatic mode.

38 SEC. 3. Section 32110 of the Penal Code is amended to 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 delivery of a pistol, revolver, or other firearm capable
5 of being concealed upon the person to a person licensed pursuant
6 to Sections 26700 to 26915, inclusive, for the purposes of the
7 service or repair of that firearm.

8 (b) The return of a pistol, revolver, or other firearm capable of
9 being concealed upon the person by a person licensed pursuant to
10 Sections 26700 to 26915, inclusive, to its owner where that firearm
11 was initially delivered in the circumstances set forth in subdivisions
12 (a), (c), and ~~(d)~~ (e).

13 (c) The loan or rental of any pistol, revolver, or other firearm
14 capable of being concealed upon the person that is to be used solely
15 as a prop during the course of a motion picture, television, or video
16 production by an authorized participant therein in the course of
17 making that production or event or by an authorized employee or
18 agent of the entity producing that production or event, provided
19 the loan or rental is conducted through a person licensed pursuant
20 to Sections 26700 to 26915, inclusive, and provided the weapon
21 is returned to the owner before or upon completion of the
22 production or event.

23 (d) *The sale of any pistol, revolver, or other firearm capable of*
24 *being concealed upon the person if both of the following apply:*

25 (1) *The sale is made by an entity that loans or rents the firearm*
26 *for the purposes specified in subdivision (c) to another entity that*
27 *is purchasing the firearm for the purpose of loaning or renting the*
28 *firearm for the purposes specified in subdivision (c).*

29 (2) *The sale is conducted through a person licensed pursuant*
30 *to Sections 26700 to 29615, inclusive.*

31 ~~(d)~~

32 (e) The delivery of a pistol, revolver, or other firearm capable
33 of being concealed upon the person to a person licensed pursuant
34 to Sections 26700 to 26915, inclusive, where the firearm is being
35 loaned by the licensee to a consultant-evaluator.

36 ~~(e)~~

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

1 ~~(f)~~
2 (g) The return of a pistol, revolver, or other firearm capable of
3 being concealed upon the person to a person licensed pursuant to
4 Sections 26700 to 26915, inclusive, where it was initially delivered
5 pursuant to subdivision ~~(e)~~ (f).

6 SEC. 4. No reimbursement is required by this act pursuant to
7 Section 6 of Article XIII B of the California Constitution because
8 the only costs that may be incurred by a local agency or school
9 district will be incurred because this act creates a new crime or
10 infraction, eliminates a crime or infraction, or changes the penalty
11 for a crime or infraction, within the meaning of Section 17556 of
12 the Government Code, or changes the definition of a crime within
13 the meaning of Section 6 of Article XIII B of the California
14 Constitution.