

ASSEMBLY BILL

No. 740

Introduced by Assembly Member Alejo

February 21, 2013

An act to amend Sections 16730 and 29805 of the Penal Code, relating to firearms.

LEGISLATIVE COUNSEL'S DIGEST

AB 740, as introduced, Alejo. Firearms.

Existing law provides that certain prohibitions on the transfer of firearms do not apply if the transfer is among other things, infrequent. Existing law defines “infrequent” for these purposes as less than 6 transactions per calendar year for handguns, and occasional and without regularity for firearms other than handguns. Existing law defines “transaction” for these purposes as a single sale, lease, or transfer of any number of handguns.

This bill would define “infrequent” for purposes of these provisions as less than 5 firearms transactions per calendar year. The bill would revise the definition of “transaction” for these purposes to mean a single sale, lease, or transfer of any number of firearms.

By expanding the definitions of the underlying crimes affected by the definition of infrequent, this bill would impose a state-mandated local program.

Existing law, subject to exceptions, provides that any person who has been convicted of certain misdemeanors may not, within 10 years of the conviction, own, purchase, receive, possess, or have under his or her custody or control, any firearm. Violation of this prohibition is punishable by imprisonment in a county jail not exceeding one year or

in the state prison, by a fine not exceeding \$1,000, or by both that imprisonment and fine.

This bill would add to the list of misdemeanors, the conviction for which is subject to those prohibitions, a violation of the above-described 10-year prohibition, as well as the misdemeanor offenses of interfering with a public official, peace officer, or emergency technician interfering with transmissions over a public safety radio frequency; a violation of the provision requiring a person to be a licensed firearms dealer in order to sell, lease, or transfer firearms; possession of ammunition by a person prohibited from possessing firearms; supplying, delivering, selling, or giving possession or control of ammunition to a person prohibited from possessing firearms; and carrying ammunition on school grounds, as specified.

By expanding the scope of an existing crime, this bill would impose a state-mandated local program.

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 16730 of the Penal Code is amended to
2 read:
3 16730. (a) As used in Section 31815 and in Division 6
4 (commencing with Section 26500) of Title 4, “infrequent” ~~means:~~
5 *means fewer than five transactions per year.*
6 ~~(1) For handguns, less than six transactions per calendar year.~~
7 ~~(2) For firearms other than handguns, occasional and without~~
8 ~~regularity.~~
9 (b) As used in Section 27900, the term “infrequent” shall not
10 be construed to prohibit different local chapters of the same
11 nonprofit corporation from conducting auctions or similar events,
12 provided the individual local chapter conducts the auctions or
13 similar events infrequently. It is the intent of the Legislature that
14 different local chapters, representing different localities, be entitled
15 to invoke the exemption created by Section 27900, notwithstanding

1 the frequency with which other chapters of the same nonprofit
2 corporation may conduct auctions or similar events.

3 (c) As used in this section, “transaction” means a single sale,
4 lease, or transfer of any number of ~~handguns~~ *firearms*.

5 SEC. 2. Section 29805 of the Penal Code is amended to read:

6 29805. Except as provided in Section 29855 or subdivision (a)
7 of Section 29800, any person who has been convicted of a
8 misdemeanor violation of *this section*, Section 71, 76, 136.1, 136.5,
9 ~~or 140, subdivision (d) of Section 148~~, Section 171b, paragraph
10 (1) of subdivision (a) of Section 171c, 171d, 186.28, 240, 241,
11 242, 243, 243.4, 244.5, 245, 245.5, 246.3, 247, 273.5, 273.6, 417,
12 417.6, 422, 626.9, 646.9, or 830.95, subdivision (a) of former
13 Section 12100, as that section read at any time from when it was
14 enacted by Section 3 of Chapter 1386 of the Statutes of 1988 to
15 when it was repealed by Section 18 of Chapter 23 of the Statutes
16 of 1994, Section 17500, 17510, 25300, 25800, 26500, 30305,
17 30306, 30310, 30315, or 32625, subdivision (b) or (d) of Section
18 26100, or Section 27510, or Section 8100, 8101, or 8103 of the
19 Welfare and Institutions Code, any firearm-related offense pursuant
20 to Sections 871.5 and 1001.5 of the Welfare and Institutions Code,
21 or of the conduct punished in subdivision (c) of Section 27590,
22 and who, within 10 years of the conviction, owns, purchases,
23 receives, or has in possession or under custody or control, any
24 firearm is guilty of a public offense, which shall be punishable by
25 imprisonment in a county jail not exceeding one year or in the
26 state prison, by a fine not exceeding one thousand dollars (\$1,000),
27 or by both that imprisonment and fine. The court, on forms
28 prescribed by the Department of Justice, shall notify the department
29 of persons subject to this section. However, the prohibition in this
30 section may be reduced, eliminated, or conditioned as provided in
31 Section 29855 or 29860.

32 SEC. 3. No reimbursement is required by this act pursuant to
33 Section 6 of Article XIII B of the California Constitution because
34 the only costs that may be incurred by a local agency or school
35 district will be incurred because this act creates a new crime or
36 infraction, eliminates a crime or infraction, or changes the penalty
37 for a crime or infraction, within the meaning of Section 17556 of
38 the Government Code, or changes the definition of a crime within

- 1 the meaning of Section 6 of Article XIII B of the California
- 2 Constitution.

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