

ASSEMBLY BILL

No. 1964

Introduced by Assembly Member Dickinson

February 19, 2014

An act to amend Section 32100 of the Penal Code, relating to unsafe handguns.

LEGISLATIVE COUNSEL'S DIGEST

AB 1964, as introduced, Dickinson. Unsafe handguns: single-shot pistols.

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 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.

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 32100 of the Penal Code is amended to
2 read:

3 32100. (a) Article 4 (commencing with Section 31900) and
4 Article 5 (commencing with Section 32000) shall not apply to a
5 single-action revolver that has at least a five-cartridge capacity
6 with a barrel length of not less than three inches, and meets any
7 of the following specifications:

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

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

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

20 (b) Article 4 (commencing with Section 31900) and Article 5
21 (commencing with Section 32000) shall not apply to a single-shot
22 pistol with a *break top or bolt action and a* barrel length of not
23 less than six inches and that has an overall length of at least 10½
24 inches when the handle, frame or receiver, and barrel are
25 assembled. *However, Article 4 (commencing with Section 31900)*
26 *and Article 5 (commencing with Section 32000) shall apply to a*
27 *semiautomatic pistol that has been temporarily or permanently*
28 *altered so that it will not fire in a semiautomatic mode.*

29 SEC. 2. 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

1 for a crime or infraction, within the meaning of Section 17556 of
2 the Government Code, or changes the definition of a crime within
3 the meaning of Section 6 of Article XIII B of the California
4 Constitution.

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