

**ASSEMBLY BILL**

**No. 1985**

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**Introduced by Assembly Member Donnelly**

February 19, 2014

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An act to amend Sections 30625 and 32000 of the Penal Code, relating to firearms.

LEGISLATIVE COUNSEL'S DIGEST

AB 1985, as introduced, Donnelly. Firearms: prohibitions: exemptions: federal corrections agencies.

(1) Existing law makes it a crime to possess an assault weapon, and a crime to possess or manufacture, distribute, transport, import for sale, keep for sale, offer or expose for sale, or give or lend any .50 BMG rifle. Under existing law, these prohibitions on assault weapons and .50 BMG rifles do not apply to the sale to, purchase by, importation of, or possession by the Department of Corrections and Rehabilitation or to any federal law enforcement agency, among other entities.

This bill would also make the above prohibitions inapplicable to the sale to, purchase by, importation of, or possession of assault weapons or a .50 BMG rifle by any federal correctional agency.

(2) Existing law makes it a crime for any person in this state to manufacture, import into the state, keep for sale, offer or expose for sale, give, or lend any unsafe handgun. Under existing law, this prohibition does apply to the sale or purchase of a handgun if the handgun is sold to, or purchased by, the Department of Corrections and Rehabilitation or to any federal law enforcement agency, among other entities.

This bill would also make the above prohibition inapplicable to the sale to, or purchase by, any federal correctional agency.

Vote: majority. Appropriation: no. Fiscal committee: no.  
State-mandated local program: no.

*The people of the State of California do enact as follows:*

1 SECTION 1. Section 30625 of the Penal Code is amended to  
2 read:  
3 30625. Sections 30600, 30605, and 30610 shall not apply to  
4 the sale to, purchase by, importation of, or possession of assault  
5 weapons or a .50 BMG rifle by the Department of Justice, police  
6 departments, sheriffs' offices, marshals' offices, the Department  
7 of Corrections and Rehabilitation, the Department of the California  
8 Highway Patrol, district attorneys' offices, the Department of Fish  
9 and Game, the Department of Parks and Recreation, or the military  
10 or naval forces of this state or of the United States, ~~or~~ any federal  
11 law enforcement agency, *or any federal correctional agency* for  
12 use in the discharge of their official duties.

13 SEC. 2. Section 32000 of the Penal Code is amended to read:  
14 32000. (a) Commencing January 1, 2001, any person in this  
15 state who manufactures or causes to be manufactured, imports into  
16 the state for sale, keeps for sale, offers or exposes for sale, gives,  
17 or lends any unsafe handgun shall be punished by imprisonment  
18 in a county jail not exceeding one year.

19 (b) This section shall not apply to any of the following:  
20 (1) The manufacture in this state, or importation into this state,  
21 of a prototype handgun when the manufacture or importation is  
22 for the sole purpose of allowing an independent laboratory certified  
23 by the Department of Justice pursuant to Section 32010 to conduct  
24 an independent test to determine whether that handgun is prohibited  
25 by Sections 31900 to 32110, inclusive, and, if not, allowing the  
26 department to add the firearm to the roster of handguns that may  
27 be sold in this state pursuant to Section 32015.

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

31 (3) Firearms listed as curios or relics, as defined in Section  
32 478.11 of Title 27 of the Code of Federal Regulations.

33 (4) The sale or purchase of a handgun, if the handgun is sold  
34 to, or purchased by, the Department of Justice, a police department,  
35 a sheriff's official, a marshal's office, the Department of

1 Corrections and Rehabilitation, the California Highway Patrol,  
2 any district attorney's office, any federal law enforcement agency,  
3 *any federal correctional agency*, or the military or naval forces of  
4 this state or of the United States for use in the discharge of their  
5 official duties. This section does not prohibit the sale to, or  
6 purchase by, sworn members of these agencies of a handgun.

7 (c) Violations of subdivision (a) are cumulative with respect to  
8 each handgun and shall not be construed as restricting the  
9 application of any other law. However, an act or omission  
10 punishable in different ways by this section and other provisions  
11 of law shall not be punished under more than one provision, but  
12 the penalty to be imposed shall be determined as set forth in Section  
13 654.

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