

AMENDED IN SENATE JANUARY 24, 2013

SENATE BILL

No. 47

Introduced by Senator Yee
(Coauthors: Senators De León and Steinberg)
(Coauthor: Assembly Member Dickinson)

December 18, 2012

~~An act relating to assault weapons.~~ *An act to amend Sections 30515 and 30900 of, and to add Section 30680 to, the Penal Code, relating to firearms.*

LEGISLATIVE COUNSEL'S DIGEST

SB 47, as amended, Yee. ~~Assault Firearms:~~ *assault weapons.*

(1) Existing law generally prohibits the possession or transfer of assault weapons, except for the sale, purchase, importation, or possession of assault weapons by specified individuals, including law enforcement officers. Under existing law, "assault weapon" means, among other things, a semiautomatic, centerfire rifle or a semiautomatic pistol that has the capacity to accept a detachable magazine and has any one of specified attributes, including, for rifles, a thumbhole stock, and for pistols, a second handgrip.

This bill would revise these provisions to mean a semiautomatic, centerfire rifle or a semiautomatic pistol that does not have a fixed magazine but has any one of those specified attributes.

This bill would also define "fixed magazine" to mean an ammunition feeding device contained in, or permanently attached to, a firearm in such a manner that the device cannot be removed without disassembly of the firearm action.

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

(2) Existing law requires that any person who, within this state, possesses any .50 BMG rifle, except as otherwise provided, be punished by a fine of \$1,000, imprisonment in a county jail for a period not to exceed one year, or by both that fine and imprisonment.

This bill would exclude from those provisions a person who possessed an assault weapon prior to July 1, 2014, if specified requirements are met.

(3) Existing law requires that, with specified exceptions, any person who, prior to January 1, 2001, lawfully possessed an assault weapon prior to the date it was defined as an assault weapon, and which was not specified as an assault weapon at the time of lawful possession, register the firearm with the Department of Justice.

This bill would require that any person who, from January 1, 2001, to December 31, 2013, inclusive, lawfully possessed an assault weapon that does not have a fixed magazine, as defined, and including those weapons with an ammunition feeding device that can be removed readily from the firearm with the use of a tool, register the firearm before July 1, 2014, with the Department of Justice.

(4) 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.

~~Existing law finds and declares that the proliferation and use of assault weapons poses a threat to the health, safety, and security of Californians. Existing law generally prohibits the possession or transfer of assault weapons, except for the sale, purchase, importation, or possession of assault weapons by specified individuals, including law enforcement officers.~~

~~Under existing law, a person who lawfully possessed an assault weapon before the assault weapon was a prohibited firearm is authorized to retain possession of the assault weapon if the person registered the assault weapon with the Department of Justice.~~

~~This bill would state the intent of the Legislature to enact legislation relating to assault weapons.~~

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

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

1 SECTION 1. It is the intent of the Legislature to enact legislation
2 relating to assault weapons.

3 SECTION 1. Section 30515 of the Penal Code is amended to
4 read:

5 30515. (a) Notwithstanding Section 30510, “assault weapon”
6 also means any of the following:

7 (1) A semiautomatic, centerfire rifle that ~~has the capacity to~~
8 ~~accept a detachable magazine and~~ *does not have a fixed magazine*
9 *but has* any one of the following:

10 (A) A pistol grip that protrudes conspicuously beneath the action
11 of the weapon.

12 (B) A thumbhole stock.

13 (C) A folding or telescoping stock.

14 (D) A grenade launcher or flare launcher.

15 (E) A flash suppressor.

16 (F) A forward pistol grip.

17 (2) A semiautomatic, centerfire rifle that has a fixed magazine
18 with the capacity to accept more than 10 rounds.

19 (3) A semiautomatic, centerfire rifle that has an overall length
20 of less than 30 inches.

21 (4) A semiautomatic pistol that ~~has the capacity to accept a~~
22 ~~detachable magazine and~~ *does not have a fixed magazine but has*
23 any one of the following:

24 (A) A threaded barrel, capable of accepting a flash suppressor,
25 forward handgrip, or silencer.

26 (B) A second handgrip.

27 (C) A shroud that is attached to, or partially or completely
28 encircles, the barrel that allows the bearer to fire the weapon
29 without burning the bearer’s hand, except a slide that encloses the
30 barrel.

31 (D) The capacity to accept a detachable magazine at some
32 location outside of the pistol grip.

33 (5) A semiautomatic pistol with a fixed magazine that has the
34 capacity to accept more than 10 rounds.

35 (6) A semiautomatic shotgun that has both of the following:

36 (A) A folding or telescoping stock.

37 (B) A pistol grip that protrudes conspicuously beneath the action
38 of the weapon, thumbhole stock, or vertical handgrip.

39 (7) A semiautomatic shotgun that has the ability to accept a
40 detachable magazine.

1 (8) Any shotgun with a revolving cylinder.

2 (b) For purposes of this section, “fixed magazine” means an
3 ammunition feeding device contained in, or permanently attached
4 to, a firearm in such a manner that the device cannot be removed
5 without disassembly of the firearm action.

6 ~~(b)~~

7 (c) The Legislature finds a significant public purpose in
8 exempting from the definition of “assault weapon” pistols that are
9 designed expressly for use in Olympic target shooting events.
10 Therefore, those pistols that are sanctioned by the International
11 Olympic Committee and by USA Shooting, the national governing
12 body for international shooting competition in the United States,
13 and that were used for Olympic target shooting purposes as of
14 January 1, 2001, and that would otherwise fall within the definition
15 of “assault weapon” pursuant to this section are exempt, as
16 provided in subdivision-~~(e)~~ (d).

17 ~~(e)~~

18 (d) “Assault weapon” does not include either of the following:

19 (1) Any antique firearm.

20 (2) Any of the following pistols, because they are consistent
21 with the significant public purpose expressed in subdivision-~~(b)~~
22 (c):

23	24 MANUFACTURER	MODEL	CALIBER
25	26 BENELLI	MP90	.22LR
27	BENELLI	MP90	.32 S&W LONG
28	BENELLI	MP95	.22LR
29	BENELLI	MP95	.32 S&W LONG
30	HAMMERLI	280	.22LR
31	HAMMERLI	280	.32 S&W LONG
32	HAMMERLI	SP20	.22LR
33	HAMMERLI	SP20	.32 S&W LONG
34	PARDINI	GPO	.22 SHORT
35	PARDINI	GP-SCHUMANN	.22 SHORT
36	PARDINI	HP	.32 S&W LONG
37	PARDINI	MP	.32 S&W LONG
38	PARDINI	SP	.22LR
39	PARDINI	SPE	.22LR
40	WALTHER	GSP	.22LR

1	WALTHER	GSP	.32 S&W LONG
2	WALTHER	OSP	.22 SHORT
3	WALTHER	OSP-2000	.22 SHORT

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5 (3) The Department of Justice shall create a program that is
6 consistent with the purposes stated in subdivision ~~(b)~~(c) to exempt
7 new models of competitive pistols that would otherwise fall within
8 the definition of “assault weapon” pursuant to this section from
9 being classified as an assault weapon. The exempt competitive
10 pistols may be based on recommendations by USA Shooting
11 consistent with the regulations contained in the USA Shooting
12 Official Rules or may be based on the recommendation or rules
13 of any other organization that the department deems relevant.

14 *SEC. 2. Section 30680 is added to the Penal Code, to read:*

15 *30680. Notwithstanding the meaning of “assault weapon”*
16 *under Section 30515, as amended by the act that added this section,*
17 *Section 30610 shall not apply to the possession of an assault*
18 *weapon by a person who initially possessed the assault weapon*
19 *prior to July 1, 2014, if all of the following are applicable:*

20 *(a) During the person’s possession, the person was eligible to*
21 *register that assault weapon pursuant to subdivision (c) of Section*
22 *30900.*

23 *(b) The person lawfully possessed that assault weapon on*
24 *January 1, 2014.*

25 *(c) During the person’s possession, the person was otherwise*
26 *in compliance with the then-applicable version of former Chapter*
27 *2.3 (commencing with Section 12275) of Title 2 of Part 4 or this*
28 *chapter, as the case may be.*

29 *SEC. 3. Section 30900 of the Penal Code is amended to read:*

30 *30900. (a) Any person who, prior to June 1, 1989, lawfully*
31 *possessed an assault weapon, as defined in former Section 12276,*
32 *as added by Section 3 of Chapter 19 of the Statutes of 1989, shall*
33 *register the firearm by January 1, 1991, and any person who*
34 *lawfully possessed an assault weapon prior to the date it was*
35 *specified as an assault weapon pursuant to former Section 12276.5,*
36 *as added by Section 3 of Chapter 19 of the Statutes of 1989 or as*
37 *amended by Section 1 of Chapter 874 of the Statutes of 1990 or*
38 *Section 3 of Chapter 954 of the Statutes of 1991, shall register the*
39 *firearm within 90 days with the Department of Justice pursuant to*
40 *those procedures that the department may establish.*

1 (b) Except as provided in Section 30600, any person who
2 lawfully possessed an assault weapon prior to the date it was
3 defined as an assault weapon pursuant to former Section 12276.1,
4 as it read in Section 7 of Chapter 129 of the Statutes of 1999, and
5 which was not specified as an assault weapon under former Section
6 12276, as added by Section 3 of Chapter 19 of the Statutes of 1989
7 or as amended at any time before January 1, 2001, or former
8 Section 12276.5, as added by Section 3 of Chapter 19 of the
9 Statutes of 1989 or as amended at any time before January 1, 2001,
10 shall register the firearm by January 1, 2001, with the department
11 pursuant to those procedures that the department may establish.

12 (c) *Any person who, from January 1, 2001, to December 31,*
13 *2013, inclusive, lawfully possessed an assault weapon that does*
14 *not have a fixed magazine, as defined in Section 30515, and*
15 *including those weapons with an ammunition feeding device that*
16 *can be removed readily from the firearm with the use of a tool,*
17 *shall register the firearm before July 1, 2014, with the department*
18 *pursuant to those procedures that the department may establish.*

19 ~~(e)~~

20 (d) The registration shall contain a description of the firearm
21 that identifies it uniquely, including all identification marks, the
22 full name, address, date of birth, and thumbprint of the owner, and
23 any other information that the department may deem appropriate.

24 ~~(e)~~

25 (e) The department may charge a fee for registration of up to
26 twenty dollars (\$20) per person but not to exceed the actual
27 processing costs of the department. After the department establishes
28 fees sufficient to reimburse the department for processing costs,
29 fees charged shall increase at a rate not to exceed the legislatively
30 approved annual cost-of-living adjustment for the department's
31 budget or as otherwise increased through the Budget Act *but not*
32 *to exceed the actual processing costs of the department.* The fees
33 shall be deposited into the Dealers' Record of Sale Special
34 Account.

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

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

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