

AMENDED IN ASSEMBLY AUGUST 5, 2013

AMENDED IN SENATE MAY 28, 2013

SENATE BILL

No. 374

Introduced by Senators Steinberg, Hancock, and Yee

February 20, 2013

An act to amend Sections 30515 and 30900 ~~of, and to add Section 27566 to,~~ of the Penal Code, relating to firearms.

LEGISLATIVE COUNSEL'S DIGEST

SB 374, as amended, Steinberg. Firearms: assault weapons.

Existing law regulates the sale, carrying, and control of firearms, including assault weapons, and requires assault weapons to be registered with the Department of Justice. Violation of these provisions is a crime. Existing law defines a semiautomatic, centerfire rifle that has the capacity to accept a detachable magazine and other specified features and a semiautomatic weapon that has a fixed magazine with a capacity to accept 10 or more rounds as an assault weapon.

This bill would, instead, classify a semiautomatic, ~~rimfire or~~ centerfire rifle that does not have a fixed magazine with the capacity to accept no more than 10 rounds as an assault weapon. The bill would require a person who, between January 1, 2001, and ~~prior to January 1, 2014, December 31, 2013, inclusive,~~ lawfully possessed an assault weapon that does not have a fixed magazine, including those weapons with an ammunition feeding device that can be removed readily from the firearm with the use of a tool, *and who, on or after January 1, 2014, possesses that firearm,* to register the firearm by July 1, ~~2014. 2015.~~ By expanding the definition of a crime, this bill would impose a state-mandated local program.

~~This bill would require, on and after July 1, 2014, a Firearm Ownership Record to be submitted, as specified, to the Department of Justice for every firearm an individual owns, with prescribed exceptions, including firearms purchased from a licensed firearms dealer and documented by a Dealers' Record of Sale transaction and assault weapons registered with the department. The bill would authorize the department to charge a fee of up to \$19 per transaction for the submission of the Firearm Ownership Record.~~

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 27566 is added to the Penal Code, to~~
2 ~~read:~~
3 ~~27566. (a) On and after July 1, 2014, a Firearm Ownership~~
4 ~~Record shall be submitted by prepaid mail or delivered in person~~
5 ~~to the Department of Justice for every firearm an individual owns~~
6 ~~or possesses.~~
7 ~~(b) The following firearms are exempt from subdivision (a):~~
8 ~~(1) Handguns purchased from a licensed firearms dealer and~~
9 ~~documented by a Dealers' Record of Sale (DROS) transaction on~~
10 ~~and after January 1, 1991.~~
11 ~~(2) Rifles without detachable magazines and shotguns purchased~~
12 ~~prior to January 1, 2014.~~
13 ~~(3) Assault weapons registered with the department pursuant~~
14 ~~to Section 30900.~~
15 ~~(4) Firearms for which a Firearm Ownership Record has been~~
16 ~~previously filed by the current owner.~~
17 ~~(c) The department may charge a fee in an amount sufficient to~~
18 ~~reimburse the department for the reasonable costs of maintaining~~
19 ~~the Firearm Ownership Record program, but in no case more than~~
20 ~~nineteen dollars (\$19) per transaction to process the Firearm~~
21 ~~Ownership Record. After the department establishes the fee~~
22 ~~amount, the department may adjust the fee amount annually as~~

1 ~~necessary to cover the reasonable costs of administering the~~
2 ~~program. The fees shall be deposited into the Dealers' Record of~~
3 ~~Sale Special Account.~~

4 ~~SEC. 2.~~

5 *SECTION 1.* Section 30515 of the Penal Code is amended to
6 read:

7 30515. (a) Notwithstanding Section 30510, "assault weapon"
8 also means any of the following:

9 (1) A semiautomatic, ~~rimfire or~~ centerfire rifle that does not
10 have a fixed magazine with the capacity to accept no more than
11 10 rounds.

12 (2) A semiautomatic, centerfire rifle that has an overall length
13 of less than 30 inches.

14 (3) A semiautomatic pistol that has the capacity to accept a
15 detachable magazine and any one of the following:

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

18 (B) A second handgrip.

19 (C) A shroud that is attached to, or partially or completely
20 encircles, the barrel that allows the bearer to fire the weapon
21 without burning the bearer's hand, except a slide that encloses the
22 barrel.

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

25 (4) A semiautomatic pistol with a fixed magazine that has the
26 capacity to accept more than 10 rounds.

27 (5) A semiautomatic shotgun that has both of the following:

28 (A) A folding or telescoping stock.

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

31 (6) A semiautomatic shotgun that has the ability to accept a
32 detachable magazine.

33 (7) Any shotgun with a revolving cylinder.

34 (b) The Legislature finds a significant public purpose in
35 exempting from the definition of "assault weapon" pistols that are
36 designed expressly for use in Olympic target shooting events.
37 Therefore, those pistols that are sanctioned by the International
38 Olympic Committee and by USA Shooting, the national governing
39 body for international shooting competition in the United States,
40 and that were used for Olympic target shooting purposes as of

1 January 1, 2001, and that would otherwise fall within the definition
 2 of “assault weapon” pursuant to this section are exempt, as
 3 provided in subdivision (c).

4 (c) “Assault weapon” does not include either of the following:

5 (1) Any antique firearm.

6 (2) Any of the following pistols, because they are consistent
 7 with the significant public purpose expressed in subdivision (b):

8

9 MANUFACTURER	MODEL	CALIBER
10		
11 BENELLI	MP90	.22LR
12 BENELLI	MP90	.32 S&W LONG
13 BENELLI	MP95	.22LR
14 BENELLI	MP95	.32 S&W LONG
15 HAMMERLI	280	.22LR
16 HAMMERLI	280	.32 S&W LONG
17 HAMMERLI	SP20	.22LR
18 HAMMERLI	SP20	.32 S&W LONG
19 PARDINI	GPO	.22 SHORT
20 PARDINI	GP-SCHUMANN	.22 SHORT
21 PARDINI	HP	.32 S&W LONG
22 PARDINI	MP	.32 S&W LONG
23 PARDINI	SP	.22LR
24 PARDINI	SPE	.22LR
25 WALTHER	GSP	.22LR
26 WALTHER	GSP	.32 S&W LONG
27 WALTHER	OSP	.22 SHORT
28 WALTHER	OSP-2000	.22 SHORT

29

30 (3) The Department of Justice shall create a program that is
 31 consistent with the purposes stated in subdivision (b) to exempt
 32 new models of competitive pistols that would otherwise fall within
 33 the definition of “assault weapon” pursuant to this section from
 34 being classified as an assault weapon. The exempt competitive
 35 pistols may be based on recommendations by USA Shooting
 36 consistent with the regulations contained in the USA Shooting
 37 Official Rules or may be based on the recommendation or rules
 38 of any other organization that the department deems relevant.

39 (d) For purposes of this section, the following definitions shall
 40 apply:

1 (1) “Detachable magazine” means an ammunition feeding device
2 that can be removed readily from the firearm without disassembly
3 of the firearm action.

4 (2) “Fixed magazine” means an ammunition feeding device
5 contained in, or permanently attached to, a firearm in such a manner
6 that the device cannot be removed without disassembly of the
7 firearm action.

8 ~~SEC. 3.~~

9 *SEC. 2.* Section 30900 of the Penal Code is amended to read:

10 30900. (a) (1) A person who, prior to June 1, 1989, lawfully
11 possessed an assault weapon, as defined in former Section 12276,
12 as added by Section 3 of Chapter 19 of the Statutes of 1989, shall
13 register the firearm by January 1, 1991, and any person who
14 lawfully possessed an assault weapon prior to the date it was
15 specified as an assault weapon pursuant to former Section 12276.5,
16 as added by Section 3 of Chapter 19 of the Statutes of 1989 or as
17 amended by Section 1 of Chapter 874 of the Statutes of 1990 or
18 Section 3 of Chapter 954 of the Statutes of 1991, shall register the
19 firearm within 90 days with the Department of Justice pursuant to
20 those procedures that the department may establish.

21 ~~(b)~~

22 (2) Except as provided in Section 30600, any person who
23 lawfully possessed an assault weapon prior to the date it was
24 defined as an assault weapon pursuant to former Section 12276.1,
25 as it read in Section 7 of Chapter 129 of the Statutes of 1999, and
26 which was not specified as an assault weapon under former Section
27 12276, as added by Section 3 of Chapter 19 of the Statutes of 1989
28 or as amended at any time before January 1, 2001, or former
29 Section 12276.5, as added by Section 3 of Chapter 19 of the
30 Statutes of 1989 or as amended at any time before January 1, 2001,
31 shall register the firearm by January 1, 2001, with the department
32 pursuant to those procedures that the department may establish.

33 ~~(c) A person who, between January 1, 2001, and prior to January~~
34 ~~1, 2014, lawfully possessed an assault weapon that does not have~~
35 ~~a fixed magazine, as defined in Section 30515 and including those~~
36 ~~weapons with an ammunition feeding device that can be removed~~
37 ~~readily from the firearm with the use of a tool, shall register the~~
38 ~~firearm by July 1, 2014, with the department pursuant to procedures~~
39 ~~determined by the department.~~

40 ~~(d)~~

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

5 (e)

6 (4) The department may charge a fee for registration of up to
7 twenty dollars (\$20) per person but not to exceed the actual
8 processing costs of the department. After the department establishes
9 fees sufficient to reimburse the department for processing costs,
10 fees charged shall increase at a rate not to exceed the department's
11 actual processing costs. The fees shall be deposited into the
12 Dealers' Record of Sale Special Account.

13 (b) (1) *Any person who, from January 1, 2001, to December*
14 *31, 2013, inclusive, lawfully acquired an assault weapon that does*
15 *not have a fixed magazine, as defined in Section 30515, and*
16 *including those weapons with an ammunition feeding device that*
17 *can be removed readily from the firearm with the use of a tool,*
18 *and who, on or after January 1, 2014, lawfully possesses that*
19 *firearm, shall register the firearm by July 1, 2015, with the*
20 *department pursuant to procedures determined by the department.*

21 (2) *Registrations shall be submitted either electronically, via*
22 *the Internet utilizing a public-facing application made available*
23 *by the department, or through a licensed firearms dealer.*

24 (3) *The registration shall contain a description of the firearm*
25 *that identifies it uniquely, including all identification marks, the*
26 *date that the firearm was acquired, the full name and address of*
27 *the individual from whom, or the business from which, the firearm*
28 *was acquired, the registrant's full name, address, telephone*
29 *number, date of birth, sex, height, weight, eye color, hair color,*
30 *and California driver's license or California identification card*
31 *number.*

32 (4) *The department may charge a fee for registration not to*
33 *exceed fifteen dollars (\$15) per person, and not to exceed the*
34 *reasonable processing costs of the department for registrations.*
35 *The fee shall be paid at the time of registration, and shall be*
36 *deposited in the Dealers' Record of Sale Special Account.*

37 (5) *The department shall adopt rules and regulations for the*
38 *purpose of implementing this subdivision. The regulations shall*
39 *be exempt from the Administrative Procedure Act.*

1 (c) *No individual shall be penalized for a violation of subdivision*
2 (b) *prior to July 1, 2015.*

3 ~~SEC. 4.~~

4 SEC. 3. No reimbursement is required by this act pursuant to
5 Section 6 of Article XIII B of the California Constitution because
6 the only costs that may be incurred by a local agency or school
7 district will be incurred because this act creates a new crime or
8 infraction, eliminates a crime or infraction, or changes the penalty
9 for a crime or infraction, within the meaning of Section 17556 of
10 the Government Code, or changes the definition of a crime within
11 the meaning of Section 6 of Article XIII B of the California
12 Constitution.

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