

AMENDED IN ASSEMBLY SEPTEMBER 6, 2013

AMENDED IN ASSEMBLY AUGUST 5, 2013

AMENDED IN SENATE MAY 28, 2013

**SENATE BILL**

**No. 374**

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**Introduced by Senators Steinberg, Hancock, and Yee**

February 20, 2013

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An act to amend Sections 30515 and 30900 ~~of~~ *of*, and to add Section 30902 to, 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 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 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, 2015. 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 30515 of the Penal Code is amended to  
2 read:  
3 30515. (a) Notwithstanding Section 30510, “assault weapon”  
4 also means any of the following:  
5 (1) A semiautomatic centerfire rifle that does not have a fixed  
6 magazine with the capacity to accept no more than 10 rounds.  
7 (2) A semiautomatic, centerfire rifle that has an overall length  
8 of less than 30 inches.  
9 (3) A semiautomatic pistol that has the capacity to accept a  
10 detachable magazine and any one of the following:  
11 (A) A threaded barrel, capable of accepting a flash suppressor,  
12 forward handgrip, or silencer.  
13 (B) A second handgrip.  
14 (C) A shroud that is attached to, or partially or completely  
15 encircles, the barrel that allows the bearer to fire the weapon  
16 without burning the bearer’s hand, except a slide that encloses the  
17 barrel.  
18 (D) The capacity to accept a detachable magazine at some  
19 location outside of the pistol grip.  
20 (4) A semiautomatic pistol with a fixed magazine that has the  
21 capacity to accept more than 10 rounds.  
22 (5) A semiautomatic shotgun that has both of the following:  
23 (A) A folding or telescoping stock.  
24 (B) A pistol grip that protrudes conspicuously beneath the action  
25 of the weapon, thumbhole stock, or vertical handgrip.  
26 (6) A semiautomatic shotgun that has the ability to accept a  
27 detachable magazine.  
28 (7) Any shotgun with a revolving cylinder.  
29 (b) The Legislature finds a significant public purpose in  
30 exempting from the definition of “assault weapon” pistols that are

1 designed expressly for use in Olympic target shooting events.  
 2 Therefore, those pistols that are sanctioned by the International  
 3 Olympic Committee and by USA Shooting, the national governing  
 4 body for international shooting competition in the United States,  
 5 and that were used for Olympic target shooting purposes as of  
 6 January 1, 2001, and that would otherwise fall within the definition  
 7 of “assault weapon” pursuant to this section are exempt, as  
 8 provided in subdivision (c).

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

10 (1) Any antique firearm.

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

13

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

34

35 (3) The Department of Justice shall create a program that is  
 36 consistent with the purposes stated in subdivision (b) to exempt  
 37 new models of competitive pistols that would otherwise fall within  
 38 the definition of “assault weapon” pursuant to this section from  
 39 being classified as an assault weapon. The exempt competitive  
 40 pistols may be based on recommendations by USA Shooting

1 consistent with the regulations contained in the USA Shooting  
2 Official Rules or may be based on the recommendation or rules  
3 of any other organization that the department deems relevant.

4 (d) For purposes of this section, the following definitions shall  
5 apply:

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

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

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

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

25 ~~(2)~~

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

37 ~~(3)~~

38 (c) The registration shall contain a description of the firearm  
39 that identifies it uniquely, including all identification marks, the

1 full name, address, date of birth, and thumbprint of the owner, and  
2 any other information that the department may deem appropriate.

3 ~~(4)~~

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

12 ~~(b) (1) Any person who, from January 1, 2001, to December~~  
13 ~~31, 2013, inclusive, lawfully acquired 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 ~~and who, on or after January 1, 2014, lawfully possesses that~~  
18 ~~firearm, shall register the firearm by July 1, 2015, with the~~  
19 ~~department pursuant to procedures determined by the department.~~

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

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

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

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

38 ~~(e) No individual shall be penalized for a violation of subdivision~~  
39 ~~(b) prior to July 1, 2015.~~

40 *SEC. 3. Section 30902 is added to the Penal Code, to read:*

1 30902. (a) Any person who, from January 1, 2001, to  
2 December 31, 2013, inclusive, lawfully acquired an assault weapon  
3 that does not have a fixed magazine, as defined in Section 30515,  
4 and including those weapons with an ammunition feeding device  
5 that can be removed readily from the firearm with the use of a  
6 tool, and who, on or after January 1, 2014, lawfully possesses that  
7 firearm, shall register the firearm by July 1, 2015, with the  
8 department pursuant to procedures determined by the department.

9 (b) Registrations shall be submitted either electronically, via  
10 the Internet utilizing a public-facing application made available  
11 by the department, or through a licensed firearms dealer.

12 (c) The registration shall contain a description of the firearm  
13 that identifies it uniquely, including all identification marks, the  
14 date that the firearm was acquired, the full name and address of  
15 the individual from whom, or the business from which, the firearm  
16 was acquired, the registrant's full name, address, telephone  
17 number, date of birth, sex, height, weight, eye color, hair color,  
18 and California driver's license or California identification card  
19 number.

20 (d) The department may charge a fee for registration not to  
21 exceed fifteen dollars (\$15) per person, and not to exceed the  
22 reasonable processing costs of the department for registrations.  
23 The fee shall be paid at the time of registration, and shall be  
24 deposited in the Dealers' Record of Sale Special Account.

25 (e) The department shall adopt rules and regulations for the  
26 purpose of implementing this subdivision. The regulations shall  
27 be exempt from the Administrative Procedure Act.

28 (f) No individual shall be penalized for a violation of subdivision  
29 (a) prior to July 1, 2015.

30 ~~SEC. 3.~~

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