

Senate Bill No. 374

Passed the Senate September 12, 2013

Secretary of the Senate

Passed the Assembly September 10, 2013

Chief Clerk of the Assembly

This bill was received by the Governor this _____ day
of _____, 2013, at _____ o'clock ____M.

Private Secretary of the Governor

CHAPTER _____

An act to amend Sections 30515 and 30900 of, and to add Section 30902 to, the Penal Code, relating to firearms.

LEGISLATIVE COUNSEL'S DIGEST

SB 374, 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.

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

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

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

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

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

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

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

(B) A second handgrip.

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

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

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

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

(A) A folding or telescoping stock.

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

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

(7) Any shotgun with a revolving cylinder.

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

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

(1) Any antique firearm.

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

MANUFACTURER	MODEL	CALIBER
BENELLI	MP90	.22LR
BENELLI	MP90	.32 S&W LONG
BENELLI	MP95	.22LR
BENELLI	MP95	.32 S&W LONG
HAMMERLI	280	.22LR
HAMMERLI	280	.32 S&W LONG
HAMMERLI	SP20	.22LR
HAMMERLI	SP20	.32 S&W LONG
PARDINI	GPO	.22 SHORT
PARDINI	GP-SCHUMANN	.22 SHORT
PARDINI	HP	.32 S&W LONG
PARDINI	MP	.32 S&W LONG
PARDINI	SP	.22LR
PARDINI	SPE	.22LR
WALTHER	GSP	.22LR
WALTHER	GSP	.32 S&W LONG
WALTHER	OSP	.22 SHORT
WALTHER	OSP-2000	.22 SHORT

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

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

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

(2) “Fixed magazine” means 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.

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

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

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

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

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

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

30902. (a) Any person who, from January 1, 2001, to December 31, 2013, inclusive, lawfully acquired an assault weapon that does not have a fixed magazine, as defined in Section 30515, and 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, lawfully possesses that

firearm, shall register the firearm by July 1, 2015, with the department pursuant to procedures determined by the department.

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

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

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

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

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

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

Approved _____, 2013

Governor