

AMENDED IN SENATE APRIL 24, 2014  
AMENDED IN SENATE APRIL 21, 2014  
AMENDED IN SENATE MARCH 19, 2014

**SENATE BILL**

**No. 916**

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**Introduced by Senator Correa**  
**(Principal coauthor: ~~Senator Block~~)**  
**(Coauthor: ~~Senator Galgiani~~)**

January 27, 2014

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An act to amend Sections 32025, 32030, and 32110 of the Penal Code, relating to firearms.

LEGISLATIVE COUNSEL'S DIGEST

SB 916, as amended, Correa. Firearms.

(1) Existing law establishes various requirements governing unsafe handguns, as defined. Among other things, existing law makes it a crime, punishable by imprisonment in a county jail not exceeding one year, to manufacture, import into the state for sale, keep for sale, offer or expose for sale, give, or lend an unsafe handgun. Existing law also requires handguns imported into the state for sale, kept for sale, or offered or exposed for sale, to be tested, as specified, to determine if they are unsafe. Existing law requires the Department of Justice to maintain a roster listing the handguns that have been tested and have been determined not to be unsafe. Existing law specifies various exceptions from these requirements.

Existing law allows a handgun model that has been included in the roster to be retested and allows the handgun model to be removed from the roster if it fails retesting. Existing law allows a handgun model removed from the roster for failing retesting to be reinstated upon a

petition to the Attorney General for reinstatement and successful retesting, as specified.

This bill would allow a handgun model removed from the roster for any other reason to be reinstated to the roster upon a petition to the Attorney General for reinstatement and successful retesting, as specified. The bill would require that a handgun model that is reinstated to the roster pursuant to these provisions only meet the requirements for listing as of the date the handgun model was originally submitted for testing.

(2) Under existing law, a firearm is deemed to meet the requirements for being listed on the roster if another firearm made by the same manufacturer is already listed on the roster and the unlisted firearm differs from the listed firearm ~~in only with regard to certain specified ways features, as specified,~~ including any purely cosmetic feature.

~~This bill would require that a firearm be deemed to satisfy the requirements for being listed on the roster if another firearm made by the same manufacturer is already listed on the roster and the unlisted firearm possesses the same make and model designation, is of the same caliber and barrel length, and is identical to the listed firearm except that a part of the firearm has been redesigned, is made using a different manufacturing technique, is made out of a different material, or includes any other noncosmetic change. The bill would require that a firearm deemed to meet the requirements for being listed on the roster pursuant to these provisions only meet the requirements for listing as of the date the similar listed firearm was originally submitted for testing. The bill would require a manufacturer seeking to have a firearm deemed to satisfy the requirements for being listed on the roster to provide the Department of Justice with a declaration, under oath, stating the nature of the change and that the firearm differs from the previous version only in the manner specified. Because a false statement made under oath would be a crime, the bill would impose a state-mandated local program.~~

~~The bill would prohibit a manufacturer of a firearm that has already been modified in these ways as of January 1, 2015, from being considered to be in violation of the provisions of law prohibiting the sale of unsafe handguns if the manufacturer complies with these requirements and submits the firearm to be tested no later than March 31, 2015.~~

*This bill would also deem a firearm as meeting the requirements for being listed on the roster if it differs from a listed firearm made by the same manufacturer only in a purely minor feature.*

(3) Existing law provides that the provisions defining and governing unsafe handguns do not apply to certain transactions, including the sale, loan, or transfer of any firearm in a transaction that requires the use of a licensed dealer, or where the sale, loan, or transfer is exempt from the provisions of law requiring the transfer to be conducted through a licensed firearms dealer, among others.

This bill would make the provisions defining and governing unsafe handguns inapplicable to the sale, loan, or transfer of a handgun by a licensed firearms dealer if the firearm previously appeared on the roster but was removed for any reason other than failing retesting and the licensee notified the Department of Justice of the number of qualifying firearms in its inventory within 30 days of the firearm being removed from the roster.

~~(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.~~

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

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

1 SECTION 1. The Legislature finds and declares all of the  
2 following:

3 (a) With limited exceptions, existing law prohibits the  
4 manufacture, importation, and sale by licensed firearm dealers in  
5 California of handguns that do not appear on the roster of handguns  
6 that have been determined not to be unsafe. These firearms are  
7 considered “unsafe handguns.”

8 (b) Existing law requires that a handgun be listed on the roster  
9 by make, model, gun type, barrel length, caliber, and expiration  
10 date once the handgun meets certain testing and safety  
11 requirements.

12 (c) Firearm manufacturers are constantly improving their  
13 firearms to make them more safe, reliable, and functional for the  
14 general public. These improvements may involve making slight  
15 modifications in the design of a part, updating manufacturing  
16 techniques, or using new and stronger materials. Often, as is  
17 industry practice, these improvements do not change the handgun’s

1 make and model designation, and there is no outward difference  
2 between the original handgun and the improved model. Existing  
3 law is unclear as to whether these handguns are considered new  
4 handgun models that would require retesting and relisting on the  
5 roster.

6 (d) Without the change to current law proposed by this act, it  
7 will remain unclear whether manufacturers are permitted to  
8 improve the safety of handguns that are already approved for sale  
9 in California. Additionally, many firearms will be unavailable to  
10 lawful California firearm owners if manufacturers cannot lawfully  
11 make these improvements. Law abiding members of the public  
12 will have increasingly narrower options available to them for  
13 self-defense. With limited options, normally lawful firearm owners  
14 will be forced to turn to other sources to acquire firearms available  
15 in the other 49 states, including black market and illegal firearm  
16 transactions.

17 (e) The purpose of this act is to clarify that manufacturers may  
18 make improvements to handguns currently on the roster, and to  
19 allow handguns that have fallen off of the roster for reasons other  
20 than failing retesting to be returned to the roster by a petition to  
21 the Attorney General.

22 SEC. 2. Section 32025 of the Penal Code is amended to read:  
23 32025. (a) A handgun model removed from the roster pursuant  
24 to subdivision (d) of Section 32020 may be reinstated on the roster  
25 if all of the following are met:

26 (1) The manufacturer petitions the Attorney General for  
27 reinstatement of the handgun model.

28 (2) The manufacturer pays the Department of Justice for all of  
29 the costs related to the reinstatement testing of the handgun model,  
30 including the purchase price of the handguns, prior to reinstatement  
31 testing.

32 (3) The reinstatement testing of the handguns shall be in  
33 accordance with subdivisions (b) and (c) of Section 32020.

34 (4) The three handgun samples shall be tested only once for  
35 reinstatement. If the sample fails it may not be retested.

36 (5) If the handgun model successfully passes testing for  
37 reinstatement, and if the manufacturer of the handgun is otherwise  
38 in compliance with Sections 31900 to 32110, inclusive, the  
39 Attorney General shall reinstate the handgun model on the roster  
40 maintained pursuant to subdivision (a) of Section 32015.

1 (6) The manufacturer shall provide the Attorney General with  
2 the complete testing history for the handgun model.

3 (7) Notwithstanding subdivision (a) of Section 32020, the  
4 Attorney General may, at any time, further retest any handgun  
5 model that has been reinstated to the roster.

6 (b) (1) A handgun model removed from the roster for any reason  
7 not specified in subdivision (d) of Section 32020, including, but  
8 not limited to, a failure to pay the annual fee specified in Section  
9 32015, may be reinstated on the roster if all of the following are  
10 met:

11 (A) The manufacturer petitions the Attorney General for  
12 reinstatement of the handgun model.

13 (B) The testing is conducted in the same manner as the testing  
14 prescribed in Sections 31900 and 31905.

15 (C) The manufacturer provides the Attorney General with the  
16 complete testing history of the handgun model.

17 (2) A handgun model reinstated pursuant to this subdivision  
18 shall only be required to meet the definitional requirements of  
19 Section 31910 to avoid being considered an “unsafe handgun” as  
20 of the date the handgun model was originally submitted for testing  
21 before it was removed from the roster.

22 (3) If the handgun successfully passes testing for reinstatement,  
23 the Attorney General shall reinstate the handgun model on the  
24 roster maintained pursuant to subdivision (a) of Section 32015.

25 ~~SEC. 3.— Section 32030 of the Penal Code is amended to read:~~

26 ~~32030.—(a) (1) A firearm shall be deemed to satisfy the~~  
27 ~~requirements of subdivision (a) of Section 32015 if another firearm~~  
28 ~~made by the same manufacturer is already listed and the unlisted~~  
29 ~~firearm differs from the listed firearm only in one or more of the~~  
30 ~~following features:~~

31 ~~(A) Finish, including, but not limited to, bluing, chrome plating,~~  
32 ~~oiling, or engraving.~~

33 ~~(B) The material from which the grips are made.~~

34 ~~(C) The shape or texture of the grips, so long as the difference~~  
35 ~~in grip shape or texture does not in any way alter the dimensions,~~  
36 ~~material, linkage, or functioning of the magazine well, the barrel,~~  
37 ~~the chamber, or any of the components of the firing mechanism~~  
38 ~~of the firearm.~~

39 ~~(D) Any other purely cosmetic feature that does not in any way~~  
40 ~~alter the dimensions, material, linkage, or functioning of the~~

1 magazine well, the barrel, the chamber, or any of the components  
2 of the firing mechanism of the firearm.

3 ~~(2) Any manufacturer seeking to have a firearm listed under  
4 this subdivision shall provide to the Department of Justice all of  
5 the following:~~

6 ~~(A) The model designation of the listed firearm.~~

7 ~~(B) The model designation of each firearm that the manufacturer  
8 seeks to have listed under this subdivision.~~

9 ~~(C) A statement, under oath, that each unlisted firearm for which  
10 listing is sought differs from the listed firearm only in one or more  
11 of the ways identified in paragraph (1) of subdivision (a) and is in  
12 all other respects identical to the listed firearm.~~

13 ~~(3) The department may, in its discretion and at any time, require  
14 a manufacturer to provide to the department any model for which  
15 listing is sought under this section, to determine whether the model  
16 complies with the requirements of this section.~~

17 ~~(b) (1) Notwithstanding subdivision (a), a firearm shall be  
18 deemed to satisfy the requirements of subdivision (a) of Section  
19 32015 if another firearm made by the same manufacturer is already  
20 listed and the unlisted firearm meets all of the following  
21 requirements:~~

22 ~~(A) The firearm possesses the same make and model designation  
23 as the listed firearm.~~

24 ~~(B) The firearm is of the same caliber and has the same barrel  
25 length as the listed firearm.~~

26 ~~(C) The firearm is identical to the listed firearm except as  
27 follows:~~

28 ~~(i) A part of the firearm has been redesigned so that it does not  
29 have the same dimensions as the previous part.~~

30 ~~(ii) A part of the firearm is made using a different manufacturing  
31 technique than a previous part.~~

32 ~~(iii) A part of the firearm is made out of a different material  
33 than a previous part.~~

34 ~~(iv) The firearm includes any other noncosmetic change not  
35 specified in subdivision (a).~~

36 ~~(2) A manufacturer seeking to have a firearm deemed to satisfy  
37 the requirements of subdivision (a) of Section 32015 pursuant to  
38 this subdivision shall provide the Department of Justice with a  
39 declaration, under oath, stating the nature of the difference  
40 described in subparagraph (C) of paragraph (1) and that the firearm~~

1 ~~differs from the previous version only in the manner specified.~~

2 ~~Only one declaration may be submitted per change.~~

3 ~~(3) The department may, in its discretion and at any time, require~~  
4 ~~a manufacturer to provide to the department any model for which~~  
5 ~~listing is sought under this subdivision, to determine whether the~~  
6 ~~model complies with the requirements of this subdivision. The~~  
7 ~~department may, in its discretion and at any time, subject any~~  
8 ~~model submitted pursuant to this paragraph to retesting pursuant~~  
9 ~~to Section 32020. If the handgun model fails retesting, the Attorney~~  
10 ~~General shall remove the handgun model from the roster~~  
11 ~~maintained pursuant to subdivision (a) of Section 32015. If a~~  
12 ~~handgun is removed from the roster pursuant to this paragraph, it~~  
13 ~~may be reinstated pursuant to Section 32025.~~

14 ~~(4) In addition to the other provisions of this subdivision, a~~  
15 ~~manufacturer of a firearm that has already been modified as~~  
16 ~~specified in paragraph (1) as of January 1, 2015, is not in violation~~  
17 ~~of Section 32000 if the manufacturer complies with the~~  
18 ~~requirements of this section and submits the firearm to be tested~~  
19 ~~pursuant to Sections 31900 and 31905 no later than March 31,~~  
20 ~~2015.~~

21 ~~(5) A firearm deemed to satisfy the requirements of subdivision~~  
22 ~~(a) of Section 32015 pursuant to this subdivision shall only be~~  
23 ~~required to meet the definitional requirements of Section 31910~~  
24 ~~to avoid being considered an “unsafe handgun” as of the date the~~  
25 ~~similar listed firearm was originally submitted for testing.~~

26 *SEC. 3. Section 32030 of the Penal Code is amended to read:*

27 32030. (a) A firearm shall be deemed to satisfy the  
28 requirements of subdivision (a) of Section 32015 if another firearm  
29 made by the same manufacturer is already listed and the unlisted  
30 firearm differs from the listed firearm only in one or more of the  
31 following features:

32 (1) Finish, including, but not limited to, bluing, chrome-plating,  
33 oiling, or engraving.

34 (2) The material from which the grips are made.

35 (3) The shape or texture of the grips, so long as the difference  
36 in grip shape or texture does not in any way alter the dimensions,  
37 material, linkage, or functioning of the magazine well, the barrel,  
38 the chamber, or any of the components of the firing mechanism  
39 of the firearm.

1 (4) Any other purely cosmetic *or minor* feature that does not in  
2 any way alter the dimensions, material, linkage, or functioning of  
3 the magazine well, the barrel, the chamber, or any of the  
4 components of the firing mechanism of the firearm.

5 (b) Any manufacturer seeking to have a firearm listed under  
6 this section shall provide to the Department of Justice all of the  
7 following:

8 (1) The model designation of the listed firearm.

9 (2) The model designation of each firearm that the manufacturer  
10 seeks to have listed under this section.

11 (3) A statement, under oath, that each unlisted firearm for which  
12 listing is sought differs from the listed firearm only in one or more  
13 of the ways identified in subdivision (a) and is in all other respects  
14 identical to the listed firearm.

15 (c) The department may, in its discretion and at any time, require  
16 a manufacturer to provide to the department any model for which  
17 listing is sought under this section, to determine whether the model  
18 complies with the requirements of this section.

19 SEC. 4. Section 32110 of the Penal Code is amended to read:  
20 32110. Article 4 (commencing with Section 31900) and Article  
21 5 (commencing with Section 32000) shall not apply to any of the  
22 following:

23 (a) The sale, loan, or transfer of any firearm pursuant to Chapter  
24 5 (commencing with Section 28050) of Division 6 in order to  
25 comply with Section 27545.

26 (b) The sale, loan, or transfer of any firearm that is exempt from  
27 the provisions of Section 27545 pursuant to any applicable  
28 exemption contained in Article 2 (commencing with Section 27600)  
29 or Article 6 (commencing with Section 27850) of Chapter 4 of  
30 Division 6, if the sale, loan, or transfer complies with the  
31 requirements of that applicable exemption to Section 27545.

32 (c) The sale, loan, or transfer of any firearm as described in  
33 paragraph (3) of subdivision (b) of Section 32000.

34 (d) The delivery of a pistol, revolver, or other firearm capable  
35 of being concealed upon the person to a person licensed pursuant  
36 to Sections 26700 to 26915, inclusive, for the purposes of the  
37 service or repair of that firearm.

38 (e) The return of a pistol, revolver, or other firearm capable of  
39 being concealed upon the person by a person licensed pursuant to  
40 Sections 26700 to 26915, inclusive, to its owner where that firearm



1 was initially delivered in the circumstances set forth in subdivision  
2 (a), (d), (f), or (i).

3 (f) The delivery of a pistol, revolver, or other firearm capable  
4 of being concealed upon the person to a person licensed pursuant  
5 to Sections 26700 to 26915, inclusive, for the purpose of a  
6 consignment sale or as collateral for a pawnbroker loan.

7 (g) The sale, loan, or transfer of any pistol, revolver, or other  
8 firearm capable of being concealed upon the person listed as a  
9 curio or relic, as defined in Section 478.11 of Title 27 of the Code  
10 of Federal Regulations.

11 (h) The sale, loan, or transfer of any semiautomatic pistol that  
12 is to be used solely as a prop during the course of a motion picture,  
13 television, or video production by an authorized participant therein  
14 in the course of making that production or event or by an authorized  
15 employee or agent of the entity producing that production or event.

16 (i) The delivery of a pistol, revolver, or other firearm capable  
17 of being concealed upon the person to a person licensed pursuant  
18 to Sections 26700 to 26915, inclusive, where the firearm is being  
19 loaned by the licensee to a consultant-evaluator.

20 (j) The delivery of a pistol, revolver, or other firearm capable  
21 of being concealed upon the person by a person licensed pursuant  
22 to Sections 26700 to 26915, inclusive, where the firearm is being  
23 loaned by the licensee to a consultant-evaluator.

24 (k) The return of a pistol, revolver, or other firearm capable of  
25 being concealed upon the person to a person licensed pursuant to  
26 Sections 26700 to 26915, inclusive, where it was initially delivered  
27 pursuant to subdivision (j).

28 (l) The sale, loan, or transfer of any pistol, revolver, or other  
29 firearm capable of being concealed upon the person by a person  
30 licensed pursuant to Sections 26700 to 26915, inclusive, if all of  
31 the following requirements are met:

32 (1) The licensee is in lawful possession of the firearm.

33 (2) The firearm was previously listed on the roster pursuant to  
34 Section 32015, but was removed from the roster for any reason  
35 not specified in Section 32020.

36 (3) The licensee possessed the firearm within this state for  
37 purposes of sale before the firearm was removed from the roster.

38 (4) The licensee notified the department, on a form provided  
39 by the department, of the number of firearms meeting the criteria

1 of paragraphs (1) to (3), inclusive, within 30 days of the firearm  
2 being removed from the roster.

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