

**ASSEMBLY BILL**

**No. 892**

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**Introduced by Assembly Member Achadjian**

February 26, 2015

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An act to amend Section 32000 of the Penal Code, relating to firearms.

LEGISLATIVE COUNSEL'S DIGEST

AB 892, as introduced, Achadjian. Unsafe handguns: peace officer's state-issued handguns: transfer to spouse.

Existing law makes it a crime for any person in this state to manufacture, import into the state, keep for sale, offer or expose for sale, give, or lend any unsafe handgun. Existing law allows the spouse or domestic partner of a peace officer who died in the line of duty to buy his or her state-issued handgun.

This bill would exempt from that prohibition the purchase of a state-issued handgun by the spouse or domestic partner of a peace officer who died in the line of duty.

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

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

1 SECTION 1. Section 32000 of the Penal Code is amended to  
2 read:  
3 32000. (a) ~~Commencing January 1, 2001, any~~ A person in this  
4 state who manufactures or causes to be manufactured, imports into  
5 the state for sale, keeps for sale, offers or exposes for sale, gives,

1 or lends ~~any~~ *an* unsafe handgun shall be punished by imprisonment  
2 in a county jail not exceeding one year.

3 (b) This section shall not apply to any of the following:

4 (1) The manufacture in this state, or importation into this state,  
5 of a prototype handgun when the manufacture or importation is  
6 for the sole purpose of allowing an independent laboratory certified  
7 by the Department of Justice pursuant to Section 32010 to conduct  
8 an independent test to determine whether that handgun is prohibited  
9 by Sections 31900 to 32110, inclusive, and, if not, allowing the  
10 department to add the firearm to the roster of handguns that may  
11 be sold in this state pursuant to Section 32015.

12 (2) The importation or lending of a handgun by employees or  
13 authorized agents of entities determining whether the weapon is  
14 prohibited by this section.

15 (3) Firearms listed as curios or relics, as defined in Section  
16 478.11 of Title 27 of the Code of Federal Regulations.

17 (4) The sale or purchase of a handgun, if the handgun is sold  
18 to, or purchased by, the Department of Justice, a police department,  
19 a sheriff’s official, a marshal’s office, the Department of  
20 Corrections and Rehabilitation, the California Highway Patrol,  
21 any district attorney’s office, any federal law enforcement agency,  
22 or the military or naval forces of this state or of the United States  
23 for use in the discharge of their official duties. This section does  
24 not prohibit the sale to, or purchase by, sworn members of these  
25 agencies of a handgun.

26 (5) *The sale, purchase, or delivery of a handgun, if the sale,*  
27 *purchase, or delivery of the handgun is made pursuant to*  
28 *subdivision (d) of Section 10334 of the Public Contract Code.*

29 (c) Violations of subdivision (a) are cumulative with respect to  
30 each handgun and shall not be construed as restricting the  
31 application of any other law. However, an act or omission  
32 punishable in different ways by this section and other provisions  
33 of law shall not be punished under more than one provision, but  
34 the penalty to be imposed shall be determined as set forth in Section  
35 654.

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