

**ASSEMBLY BILL**

**No. 1664**

---

---

**Introduced by Assembly Members Levine and Ting  
(Coauthor: Assembly Member Chiu)**

January 14, 2016

---

---

An act to amend Sections 30515 and 30900 of, and to add Section 30680 to, the Penal Code, relating to firearms.

LEGISLATIVE COUNSEL'S DIGEST

AB 1664, as introduced, Levine. Firearms: assault weapons.

(1) Existing law generally prohibits the possession or transfer of assault weapons, except for the sale, purchase, importation, or possession of assault weapons by specified individuals, including law enforcement officers. Under existing law, “assault weapon” means, among other things, a semiautomatic, centerfire rifle or a semiautomatic pistol that has the capacity to accept a detachable magazine and has any one of specified attributes, including, for rifles, a thumbhole stock, and for pistols, a second handgrip.

This bill would define “detachable magazine” to mean an ammunition feeding device that can be removed readily from the firearm without disassembly of the firearm action, including an ammunition feeding device that can be removed readily from the firearm with the use of a tool.

By expanding the definition of an existing crime, the bill would impose a state-mandated local program.

(2) Existing law requires that any person who, within this state, possesses an assault weapon, except as otherwise provided, be punished as a felony or for a period not to exceed one year in a county jail.

This bill would exempt from punishment under that provision a person who initially possessed an assault weapon prior to January 1, 2017, and until July 1, 2018, if specified requirements are met.

(3) Existing law requires that, with specified exceptions, any person who, prior to January 1, 2001, lawfully possessed an assault weapon prior to the date it was defined as an assault weapon, and which was not specified as an assault weapon at the time of lawful possession, register the firearm with the Department of Justice. Existing law permits the department to charge a fee for registration of up to \$20 per person but not to exceed the actual processing costs of the department. Existing law, after the department establishes fees sufficient to reimburse the department for processing costs, requires fees charged to increase at a rate not to exceed the legislatively approved annual cost-of-living adjustment for the department's budget or as otherwise increased through the Budget Act. Existing law requires those fees to be deposited into the Dealers' Record of Sale Special Account. Existing law, the Administrative Procedure Act, establishes the requirements for the adoption, publication, review, and implementation of regulations by state agencies.

This bill would require that any person who, from January 1, 2001, to December 31, 2016, inclusive, lawfully possessed an assault weapon with an ammunition feeding device that can be removed readily from the firearm without disassembly of the firearm action, including a weapon with an ammunition feeding device that can be removed readily from the firearm with the use of a tool, to register the firearm with the department before July 1, 2018, but not before the effective date of specified regulations. The bill would permit the department to charge a registration fee not to exceed the reasonable processing costs of the department. This bill would also require registrations to be submitted electronically via the Internet utilizing a public-facing application made available by the department. This bill would require the registration to contain specified information, including, but not limited to, a description of the firearm that identifies it uniquely and specified information about the registrant. The bill would require the department to adopt regulations for the purpose of implementing these provisions and would exempt those regulations from the Administrative Procedure Act. This bill would also make technical and conforming changes.

(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.

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

1 SECTION 1. It is the intent of the Legislature to effectuate the  
2 intent of the Roberti-Roos Assault Weapons Control Act of 1989  
3 and to close the bullet button loophole by redefining “detachable  
4 magazine,” as used in Section 30515 of the Penal Code, to include  
5 an ammunition feeding device that can be readily removed from  
6 the firearm with the use of a tool.

7 SEC. 2. Section 30515 of the Penal Code is amended to read:  
8 30515. (a) Notwithstanding Section 30510, “assault weapon”  
9 also means any of the following:

10 (1) A semiautomatic, centerfire rifle that has the capacity to  
11 accept a detachable magazine and any one of the following:

12 (A) A pistol grip that protrudes conspicuously beneath the action  
13 of the weapon.

14 (B) A thumbhole stock.

15 (C) A folding or telescoping stock.

16 (D) A grenade launcher or flare launcher.

17 (E) A flash suppressor.

18 (F) A forward pistol grip.

19 (2) A semiautomatic, centerfire rifle that has a fixed magazine  
20 with the capacity to accept more than 10 rounds.

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

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

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

27 (B) A second handgrip.

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

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

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

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

4 (A) A folding or telescoping stock.

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

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

9 (8) Any shotgun with a revolving cylinder.

10 (b) *For purposes of this section, “detachable magazine” means*  
11 *an ammunition feeding device that can be removed readily from*  
12 *the firearm without disassembly of the firearm action, including*  
13 *an ammunition feeding device that can be removed readily from*  
14 *the firearm with the use of a tool.*

15 ~~(b)~~

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

26 ~~(e)~~

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

28 (1) Any antique firearm.

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

31 (c):

32

33 MANUFACTURER	MODEL	CALIBER
34		
35 BENELLI	MP90	.22LR
36 BENELLI	MP90	.32 S&W LONG
37 BENELLI	MP95	.22LR
38 BENELLI	MP95	.32 S&W LONG
39 HAMMERLI	280	.22LR
40 HAMMERLI	280	.32 S&W LONG

1	HAMMERLI	SP20	.22LR
2	HAMMERLI	SP20	.32 S&W LONG
3	PARDINI	GPO	.22 SHORT
4	PARDINI	GP-SCHUMANN	.22 SHORT
5	PARDINI	HP	.32 S&W LONG
6	PARDINI	MP	.32 S&W LONG
7	PARDINI	SP	.22LR
8	PARDINI	SPE	.22LR
9	WALTHER	GSP	.22LR
10	WALTHER	GSP	.32 S&W LONG
11	WALTHER	OSP	.22 SHORT
12	WALTHER	OSP-2000	.22 SHORT

13

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

23 SEC. 3. Section 30680 is added to the Penal Code, to read:

24 30680. Notwithstanding the meaning of “assault weapon” under  
 25 Section 30515, as amended by the act that added this section,  
 26 Section 30605 shall not apply to the possession of an assault  
 27 weapon by a person who initially possessed the assault weapon  
 28 prior to January 1, 2017, until July 1, 2018, if all of the following  
 29 are applicable:

30 (a) During the person’s possession, the person was eligible to  
 31 register that assault weapon pursuant to subdivision (b) of Section  
 32 30900.

33 (b) The person lawfully possessed that assault weapon prior to  
 34 January 1, 2017.

35 SEC. 4. Section 30900 of the Penal Code is amended to read:

36 30900. (a) (1) Any person who, prior to June 1, 1989, lawfully  
 37 possessed an assault weapon, as defined in former Section 12276,  
 38 as added by Section 3 of Chapter 19 of the Statutes of 1989, shall  
 39 register the firearm by January 1, 1991, and any person who  
 40 lawfully possessed an assault weapon prior to the date it was

1 specified as an assault weapon pursuant to former Section 12276.5,  
 2 as added by Section 3 of Chapter 19 of the Statutes of 1989 or as  
 3 amended by Section 1 of Chapter 874 of the Statutes of 1990 or  
 4 Section 3 of Chapter 954 of the Statutes of 1991, shall register the  
 5 firearm within 90 days with the Department of Justice pursuant to  
 6 those procedures that the department may establish.

7 (b)

8 (2) Except as provided in Section 30600, any person who  
 9 lawfully possessed an assault weapon prior to the date it was  
 10 defined as an assault weapon pursuant to former Section 12276.1,  
 11 as it read in Section 7 of Chapter 129 of the Statutes of 1999, and  
 12 which was not specified as an assault weapon under former Section  
 13 12276, as added by Section 3 of Chapter 19 of the Statutes of 1989  
 14 or as amended at any time before January 1, 2001, or former  
 15 Section 12276.5, as added by Section 3 of Chapter 19 of the  
 16 Statutes of 1989 or as amended at any time before January 1, 2001,  
 17 shall register the firearm by January 1, 2001, with the department  
 18 pursuant to those procedures that the department may establish.

19 (c)

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

24 (d)

25 (4) The department may charge a fee for registration of up to  
 26 twenty dollars (\$20) per person but not to exceed the ~~actual~~  
 27 *reasonable* processing costs of the department. After the  
 28 department establishes fees sufficient to reimburse the department  
 29 for processing costs, fees charged shall increase at a rate not to  
 30 exceed the legislatively approved annual cost-of-living adjustment  
 31 for the department's budget or as otherwise increased through the  
 32 ~~Budget Act~~ *Act, but not to exceed the reasonable processing costs*  
 33 *of the department.* The fees shall be deposited into the Dealers'  
 34 Record of Sale Special Account.

35 (b) (1) *Any person who, from January 1, 2001, to December*  
 36 *31, 2016, inclusive, lawfully possessed an assault weapon with an*  
 37 *ammunition feeding device that can be removed readily from the*  
 38 *firearm without disassembly of the firearm action, as defined in*  
 39 *Section 30515, including those weapons with an ammunition*  
 40 *feeding device that can be removed readily from the firearm with*

1 *the use of a tool, shall register the firearm before July 1, 2018,*  
2 *but not before the effective date of the regulations adopted pursuant*  
3 *to paragraph (5), with the department pursuant to those procedures*  
4 *that the department may establish by regulation pursuant to*  
5 *paragraph (5).*

6 *(2) Registrations shall be submitted electronically via the*  
7 *Internet utilizing a public-facing application made available by*  
8 *the department.*

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

17 *(4) The department may charge a fee of no more than the*  
18 *reasonable processing costs of the department. The fee shall be*  
19 *paid by debit or credit card at the time that the electronic*  
20 *registration is submitted to the department. The fee shall be*  
21 *deposited in the Dealers' Record of Sale Special Account.*

22 *(5) The department shall adopt regulations for the purpose of*  
23 *implementing this subdivision. These regulations shall be exempt*  
24 *from the Administrative Procedure Act.*

25 SEC. 5. No reimbursement is required by this act pursuant to  
26 Section 6 of Article XIII B of the California Constitution because  
27 the only costs that may be incurred by a local agency or school  
28 district will be incurred because this act creates a new crime or  
29 infraction, eliminates a crime or infraction, or changes the penalty  
30 for a crime or infraction, within the meaning of Section 17556 of  
31 the Government Code, or changes the definition of a crime within  
32 the meaning of Section 6 of Article XIII B of the California  
33 Constitution.