

AMENDED IN ASSEMBLY MAY 31, 2016

CALIFORNIA LEGISLATURE—2015–16 REGULAR SESSION

ASSEMBLY BILL

No. 1664

**Introduced by Assembly Members ~~Levine and Ting~~ *Levine, Ting,
and Chiu***

(~~Coauthor: Assembly Member Chiu~~)

**(*Coauthors: Assembly Members Bonta, Cristina Garcia, Gipson,
McCarty, Nazarian, and Santiago*)**

(*Coauthor: Senator Leno*)

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 amended, 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~~, *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~~, *semiautomatic* centerfire rifle that has the
11 capacity to accept a detachable magazine and any one of the
12 following:

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

15 (B) A thumbhole stock.

16 (C) A folding or telescoping stock.

17 (D) A grenade launcher or flare launcher.

18 (E) A flash suppressor.

19 (F) A forward pistol grip.

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

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

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

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

28 (B) A second handgrip.

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

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

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

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

10 (A) A folding or telescoping stock.

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

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

15 (8) Any shotgun with a revolving cylinder.

16 (b) For purposes of this section, “detachable magazine” means
17 an ammunition feeding device that can be removed readily from
18 the firearm without disassembly of the firearm action, including
19 an ammunition feeding device that can be removed readily from
20 the firearm with the use of a tool.

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

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

32 (1) Any antique firearm.

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

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

1	BENELLI	MP95	.32 S&W LONG
2	HAMMERLI	280	.22LR
3	HAMMERLI	280	.32 S&W LONG
4	HAMMERLI	SP20	.22LR
5	HAMMERLI	SP20	.32 S&W LONG
6	PARDINI	GPO	.22 SHORT
7	PARDINI	GP-SCHUMANN	.22 SHORT
8	PARDINI	HP	.32 S&W LONG
9	PARDINI	MP	.32 S&W LONG
10	PARDINI	SP	.22LR
11	PARDINI	SPE	.22LR
12	WALTHER	GSP	.22LR
13	WALTHER	GSP	.32 S&W LONG
14	WALTHER	OSP	.22 SHORT
15	WALTHER	OSP-2000	.22 SHORT

16

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

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

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

33 (a) During the person’s possession, the person was eligible to
34 register that assault weapon pursuant to subdivision (b) of Section
35 30900.

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

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

39 30900. (a) (1) ~~Any~~ A person who, prior to June 1, 1989,
40 lawfully possessed an assault weapon, as defined in former Section

1 12276, as added by Section 3 of Chapter 19 of the Statutes of 1989,
2 shall register the firearm by January 1, 1991, and ~~any~~ a person
3 who lawfully possessed an assault weapon prior to the date it was
4 specified as an assault weapon pursuant to former Section 12276.5,
5 as added by Section 3 of Chapter 19 of the Statutes of 1989 or as
6 amended by Section 1 of Chapter 874 of the Statutes of 1990 or
7 Section 3 of Chapter 954 of the Statutes of 1991, shall register the
8 firearm within 90 days with the Department of Justice pursuant to
9 those procedures that the department may establish.

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

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

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

35 (b) (1) ~~Any~~ A 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, but
2 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.