

AMENDED IN ASSEMBLY MAY 31, 2016
AMENDED IN ASSEMBLY MARCH 29, 2016
CALIFORNIA LEGISLATURE—2015–16 REGULAR SESSION

ASSEMBLY BILL

No. 1673

Introduced by Assembly Member Gipson
(Coauthors: Assembly Members Bonta, Chiu, Jones-Sawyer, Levine, Santiago, and Ting)

January 19, 2016

An act to amend Section 16520 of the Penal Code, relating to firearms.

LEGISLATIVE COUNSEL'S DIGEST

AB 1673, as amended, Gipson. Firearms: unfinished frame or receiver.

Existing law generally regulates the transfer and possession of firearms. Existing law defines the term “firearm” for various regulatory purposes, including, among others and subject to exceptions, the requirement that firearms be transferred by or through a licensed firearms dealer, the requirement of a 10-day waiting period prior to delivery of a firearm by a dealer, the requirement that firearm purchasers be subject to a background check, and the prohibition on certain classes of persons, such as felons, possessing firearms. Existing law provides, for some of these provisions, that a violation of the provision is a crime.

This bill would expand the definition of “firearm” for those purposes and other purposes to include a frame or receiver blank, casting, or machined body, that is designed and clearly identifiable as a component of a functional weapon, from which is expelled through a barrel, a projectile by the force of an explosion or other form of combustion.

By expanding the scope of existing crimes, 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.

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. Section 16520 of the Penal Code is amended to
2 read:

3 16520. (a) As used in this part, “firearm” means a device,
4 designed to be used as a weapon, from which is expelled through
5 a barrel, a projectile by the force of an explosion or other form of
6 combustion.

7 (b) As used in the following provisions, “firearm” includes the
8 frame or receiver of the weapon, or a frame or receiver blank,
9 casting, or machined body, that is designed and clearly identifiable
10 as a component of a functional weapon, from which is expelled
11 through a barrel, a projectile by the force of an explosion or other
12 form of ~~combustion~~. *combustion*:

- 13 (1) Section 16550.
- 14 (2) Section 16730.
- 15 (3) Section 16960.
- 16 (4) Section 16990.
- 17 (5) Section 17070.
- 18 (6) Section 17310.
- 19 (7) Sections 26500 to 26588, inclusive.
- 20 (8) Sections 26600 to 27140, inclusive.
- 21 (9) Sections 27400 to 28000, inclusive.
- 22 (10) Section 28100.
- 23 (11) Sections 28400 to 28415, inclusive.
- 24 (12) Sections 29010 to 29150, inclusive.
- 25 (13) Sections 29610 to 29750, inclusive.
- 26 (14) Sections 29800 to 29905, inclusive.
- 27 (15) Sections 30150 to 30165, inclusive.
- 28 (16) Section 31615.

1 (17) Sections 31705 to 31830, inclusive.

2 (18) Sections 34355 to 34370, inclusive.

3 (19) Sections 8100, 8101, and 8103 of the Welfare and
4 Institutions Code.

5 (c) As used in the following provisions, “firearm” also includes
6 a rocket, rocket propelled projectile launcher, or similar device
7 containing an explosive or incendiary material, whether or not the
8 device is designed for emergency or distress signaling purposes:

9 (1) Section 16750.

10 (2) Subdivision (b) of Section 16840.

11 (3) Section 25400.

12 (4) Sections 25850 to 26025, inclusive.

13 (5) Subdivisions (a), (b), and (c) of Section 26030.

14 (6) Sections 26035 to 26055, inclusive.

15 (d) As used in the following provisions, “firearm” does not
16 include an unloaded antique firearm:

17 (1) Subdivisions (a) and (c) of Section 16730.

18 (2) Section 16550.

19 (3) Section 16960.

20 (4) Section 17310.

21 (5) Chapter 6 (commencing with Section 26350) of Division 5
22 of Title 4.

23 (6) Chapter 7 (commencing with Section 26400) of Division 5
24 of Title 4.

25 (7) Sections 26500 to 26588, inclusive.

26 (8) Sections 26700 to 26915, inclusive.

27 (9) Section 27510.

28 (10) Section 27530.

29 (11) Section 27540.

30 (12) Section 27545.

31 (13) Sections 27555 to 27585, inclusive.

32 (14) Sections 29010 to 29150, inclusive.

33 (15) Section 25135.

34 (e) As used in Sections 34005 and 34010, “firearm” does not
35 include a destructive device.

36 (f) As used in Sections 17280 and 24680, “firearm” has the
37 same meaning as in Section 922 of Title 18 of the United States
38 Code.

39 (g) As used in Sections 29010 to 29150, inclusive, “firearm”
40 includes the unfinished frame or receiver of a weapon that can be

1 readily converted to the functional condition of a finished frame
2 or receiver.

3 SEC. 2. 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.