

AMENDED IN SENATE JUNE 22, 2016

AMENDED IN ASSEMBLY MAY 31, 2016

AMENDED IN ASSEMBLY MARCH 29, 2016

CALIFORNIA LEGISLATURE—2015–16 REGULAR SESSION

**ASSEMBLY BILL**

**No. 1673**

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

January 19, 2016

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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. *Under existing law, the term "firearm" includes the frame or receiver of the weapon.* Existing law provides, for some of these provisions, that makes a violation of the provision is certain of these prohibitions 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.~~

*This bill would define a frame or receiver as that part of a firearm which provides housing for the hammer, bolt, or breechblock, and firing mechanism, and which is usually threaded at its forward portion to receive the barrel, and would include within this definition a frame or receiver blank, casting, or machined body that requires further machining or molding to be used as part of a functional weapon so long as it has been designed and is clearly identifiable as being used exclusively as part of a functional weapon.*

By expanding the scope of existing crimes, this bill would impose a state-mandated local program.

*This bill would incorporate additional changes to Section 16520 of the Penal Code proposed by SB 894, SB 1407, and AB 857 which would become operative if this bill and those bills are enacted, as specified, and this bill is enacted last.*

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

- 1 (1) Section 16550.
- 2 (2) Section 16730.
- 3 (3) Section 16960.
- 4 (4) Section 16990.
- 5 (5) Section 17070.
- 6 (6) Section 17310.
- 7 (7) Sections 26500 to 26588, inclusive.
- 8 (8) Sections 26600 to 27140, inclusive.
- 9 (9) Sections 27400 to 28000, inclusive.
- 10 (10) Section 28100.
- 11 (11) Sections 28400 to 28415, inclusive.
- 12 (12) Sections 29010 to 29150, inclusive.
- 13 (13) Sections 29610 to 29750, inclusive.
- 14 (14) Sections 29800 to 29905, inclusive.
- 15 (15) Sections 30150 to 30165, inclusive.
- 16 (16) Section 31615.
- 17 (17) Sections 31705 to 31830, inclusive.
- 18 (18) Sections 34355 to 34370, inclusive.
- 19 (19) Sections 8100, 8101, and 8103 of the Welfare and
- 20 Institutions Code.
- 21 (c) As used in the following provisions, “firearm” also includes
- 22 a rocket, rocket propelled projectile launcher, or similar device
- 23 containing an explosive or incendiary material, whether or not the
- 24 device is designed for emergency or distress signaling purposes:
- 25 (1) Section 16750.
- 26 (2) Subdivision (b) of Section 16840.
- 27 (3) Section 25400.
- 28 (4) Sections 25850 to 26025, inclusive.
- 29 (5) Subdivisions (a), (b), and (c) of Section 26030.
- 30 (6) Sections 26035 to 26055, inclusive.
- 31 (d) As used in the following provisions, “firearm” does not
- 32 include an unloaded antique firearm:
- 33 (1) Subdivisions (a) and (c) of Section 16730.
- 34 (2) Section 16550.
- 35 (3) Section 16960.
- 36 (4) Section 17310.
- 37 (5) Chapter 6 (commencing with Section 26350) of Division 5
- 38 of Title 4.
- 39 (6) Chapter 7 (commencing with Section 26400) of Division 5
- 40 of Title 4.

- 1 (7) Sections 26500 to 26588, inclusive.
- 2 (8) Sections 26700 to 26915, inclusive.
- 3 (9) Section 27510.
- 4 (10) Section 27530.
- 5 (11) Section 27540.
- 6 (12) Section 27545.
- 7 (13) Sections 27555 to 27585, inclusive.
- 8 (14) Sections 29010 to 29150, inclusive.
- 9 (15) Section 25135.

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

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

15 (g) As used in Sections 29010 to 29150, inclusive, “firearm”  
 16 includes the unfinished frame or receiver of a weapon that can be  
 17 readily converted to the functional condition of a finished frame  
 18 or receiver.

19 (h) *As used in this section, “frame” and “receiver” means that*  
 20 *part of a firearm which provides housing for the hammer, bolt, or*  
 21 *breechblock, and firing mechanism, and which is usually threaded*  
 22 *at its forward portion to receive the barrel, and includes a frame*  
 23 *or receiver blank, casting, or machined body that requires further*  
 24 *machining or molding to be used as part of a functional weapon*  
 25 *so long as it has been designed and is clearly identifiable as being*  
 26 *used exclusively as part of a functional weapon.*

27 *SEC. 1.1. Section 16520 of the Penal Code is amended to read:*  
 28 16520. (a) As used in this part, “firearm” means a device,  
 29 designed to be used as a weapon, from which is expelled through  
 30 a barrel, a projectile by the force of an explosion or other form of  
 31 combustion.

32 (b) As used in the following ~~provisions; sections,~~ “firearm”  
 33 includes the frame or receiver of the ~~weapon;~~ *weapon, as defined*  
 34 *in subdivision (h):*

- 35 (1) Section 16550.
- 36 (2) Section 16730.
- 37 (3) Section 16960.
- 38 (4) Section 16990.
- 39 (5) Section 17070.
- 40 (6) Section 17310.

- 1 (7) Sections 25250 to 25275, inclusive.
- 2 ~~(7)~~
- 3 (8) Sections 26500 to 26588, inclusive.
- 4 ~~(8)~~
- 5 (9) Sections 26600 to 27140, inclusive.
- 6 ~~(9)~~
- 7 (10) Sections 27400 to 28000, inclusive.
- 8 ~~(10)~~
- 9 (11) Section 28100.
- 10 ~~(11)~~
- 11 (12) Sections 28400 to 28415, inclusive.
- 12 ~~(12)~~
- 13 (13) Sections 29010 to 29150, inclusive.
- 14 ~~(13)~~
- 15 (14) Sections 29610 to 29750, inclusive.
- 16 ~~(14)~~
- 17 (15) Sections 29800 to 29905, inclusive.
- 18 ~~(15)~~
- 19 (16) Sections 30150 to 30165, inclusive.
- 20 ~~(16)~~
- 21 (17) Section 31615.
- 22 ~~(17)~~
- 23 (18) Sections 31705 to 31830, inclusive.
- 24 ~~(18)~~
- 25 (19) Sections 34355 to 34370, inclusive.
- 26 ~~(19)~~
- 27 (20) Sections 8100, 8101, and 8103 of the Welfare and
- 28 Institutions Code.
- 29 (c) As used in the following provisions, “firearm” also includes
- 30 a rocket, rocket propelled projectile launcher, or similar device
- 31 containing an explosive or incendiary material, whether or not the
- 32 device is designed for emergency or distress signaling purposes:
- 33 (1) Section 16750.
- 34 (2) Subdivision (b) of Section 16840.
- 35 (3) Section 25400.
- 36 (4) Sections 25850 to 26025, inclusive.
- 37 (5) Subdivisions (a), (b), and (c) of Section 26030.
- 38 (6) Sections 26035 to 26055, inclusive.
- 39 (d) As used in the following provisions, “firearm” does not
- 40 include an unloaded antique firearm:

- 1 (1) Subdivisions (a) and (c) of Section 16730.
- 2 (2) Section 16550.
- 3 (3) Section 16960.
- 4 (4) Section 17310.
- 5 (5) *Division 4.5 (commencing with Section 25250) of Title 4.*
- 6 ~~(5)~~
- 7 (6) Chapter 6 (commencing with Section 26350) of Division 5
- 8 of Title 4.
- 9 ~~(6)~~
- 10 (7) Chapter 7 (commencing with Section 26400) of Division 5
- 11 of Title 4.
- 12 ~~(7)~~
- 13 (8) Sections 26500 to 26588, inclusive.
- 14 ~~(8)~~
- 15 (9) Sections 26700 to 26915, inclusive.
- 16 ~~(9)~~
- 17 (10) Section 27510.
- 18 ~~(10)~~
- 19 (11) Section 27530.
- 20 ~~(11)~~
- 21 (12) Section 27540.
- 22 ~~(12)~~
- 23 (13) Section 27545.
- 24 ~~(13)~~
- 25 (14) Sections 27555 to 27585, inclusive.
- 26 ~~(14)~~
- 27 (15) Sections 29010 to 29150, inclusive.
- 28 ~~(15)~~
- 29 (16) Section 25135.
- 30 (e) As used in Sections 34005 and 34010, “firearm” does not
- 31 include a destructive device.
- 32 (f) As used in Sections 17280 and 24680, “firearm” has the
- 33 same meaning as in Section 922 of Title 18 of the United States
- 34 Code.
- 35 (g) As used in Sections 29010 to 29150, inclusive, “firearm”
- 36 includes the unfinished frame or receiver of a weapon that can be
- 37 readily converted to the functional condition of a finished frame
- 38 or receiver.
- 39 (h) *As used in this section, “frame” and “receiver” means that*
- 40 *part of a firearm which provides housing for the hammer, bolt, or*

1 *breechblock, and firing mechanism, and which is usually threaded*  
 2 *at its forward portion to receive the barrel, and includes a frame*  
 3 *or receiver blank, casting, or machined body that requires further*  
 4 *machining or molding to be used as part of a functional weapon*  
 5 *so long as it has been designed and is clearly identifiable as being*  
 6 *used exclusively as part of a functional weapon.*

7 *SEC. 1.2. Section 16520 of the Penal Code is amended to read:*

8 16520. (a) As used in this part, “firearm” means a device,  
 9 designed to be used as a weapon, from which is expelled through  
 10 a barrel, a projectile by the force of an explosion or other form of  
 11 combustion.

12 (b) As used in the following ~~provisions, sections,~~ “firearm”  
 13 includes the frame or receiver of the ~~weapon;~~ *weapon, as defined*  
 14 *in subdivision (h):*

- 15 (1) Section 16550.
- 16 (2) Section 16730.
- 17 (3) Section 16960.
- 18 (4) Section 16990.
- 19 (5) Section 17070.
- 20 (6) Section 17310.
- 21 (7) Sections 26500 to 26588, inclusive.
- 22 (8) Sections 26600 to 27140, inclusive.
- 23 (9) Sections 27400 to 28000, inclusive.
- 24 (10) Section 28100.
- 25 (11) Sections 28400 to 28415, inclusive.
- 26 (12) Sections 29010 to 29150, inclusive.
- 27 (13) *Section 29180.*
- 28 ~~(13)~~
- 29 (14) Sections 29610 to 29750, inclusive.
- 30 ~~(14)~~
- 31 (15) Sections 29800 to 29905, inclusive.
- 32 ~~(15)~~
- 33 (16) Sections 30150 to 30165, inclusive.
- 34 ~~(16)~~
- 35 (17) Section 31615.
- 36 ~~(17)~~
- 37 (18) Sections 31705 to 31830, inclusive.
- 38 ~~(18)~~
- 39 (19) Sections 34355 to 34370, inclusive.
- 40 ~~(19)~~

1 (20) Sections 8100, 8101, and 8103 of the Welfare and  
2 Institutions Code.

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

7 (1) Section 16750.

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

9 (3) Section 25400.

10 (4) Sections 25850 to 26025, inclusive.

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

12 (6) Sections 26035 to 26055, inclusive.

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

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

16 (2) Section 16550.

17 (3) Section 16960.

18 (4) Section 17310.

19 (5) Chapter 6 (commencing with Section 26350) of Division 5  
20 of Title 4.

21 (6) Chapter 7 (commencing with Section 26400) of Division 5  
22 of Title 4.

23 (7) Sections 26500 to 26588, inclusive.

24 (8) Sections 26700 to 26915, inclusive.

25 (9) Section 27510.

26 (10) Section 27530.

27 (11) Section 27540.

28 (12) Section 27545.

29 (13) Sections 27555 to 27585, inclusive.

30 (14) Sections 29010 to 29150, inclusive.

31 (15) Section 25135.

32 (16) Section 29180.

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

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

38 (g) As used in Sections 29010 to 29150, inclusive, “firearm”  
39 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 (h) As used in this section, “frame” and “receiver” means that  
4 part of a firearm which provides housing for the hammer, bolt, or  
5 breechblock, and firing mechanism, and which is usually threaded  
6 at its forward portion to receive the barrel, and includes a frame  
7 or receiver blank, casting, or machined body that requires further  
8 machining or molding to be used as part of a functional weapon  
9 so long as it has been designed and is clearly identifiable as being  
10 used exclusively as part of a functional weapon.

11 SEC. 1.3. Section 16520 of the Penal Code is amended to read:

12 16520. (a) As used in this part, “firearm” means a device,  
13 designed to be used as a weapon, from which is expelled through  
14 a barrel, a projectile by the force of an explosion or other form of  
15 combustion.

16 (b) As used in the following ~~provisions, sections,~~ “firearm”  
17 includes the frame or receiver of the ~~weapon;~~ *weapon, as defined*  
18 *in subdivision (h):*

- 19 (1) Section 16550.
- 20 (2) Section 16730.
- 21 (3) Section 16960.
- 22 (4) Section 16990.
- 23 (5) Section 17070.
- 24 (6) Section 17310.
- 25 (7) Sections 25250 to 25275, inclusive.
- 26 ~~(7)~~
- 27 (8) Sections 26500 to 26588, inclusive.
- 28 ~~(8)~~
- 29 (9) Sections 26600 to 27140, inclusive.
- 30 ~~(9)~~
- 31 (10) Sections 27400 to 28000, inclusive.
- 32 ~~(10)~~
- 33 (11) Section 28100.
- 34 ~~(11)~~
- 35 (12) Sections 28400 to 28415, inclusive.
- 36 ~~(12)~~
- 37 (13) Sections 29010 to 29150, inclusive.
- 38 (14) Section 29180.
- 39 ~~(13)~~
- 40 (15) Sections 29610 to 29750, inclusive.

- 1     ~~(14)~~
- 2     (16) Sections 29800 to 29905, inclusive.
- 3     ~~(15)~~
- 4     (17) Sections 30150 to 30165, inclusive.
- 5     ~~(16)~~
- 6     (18) Section 31615.
- 7     ~~(17)~~
- 8     (19) Sections 31705 to 31830, inclusive.
- 9     ~~(18)~~
- 10    (20) Sections 34355 to 34370, inclusive.
- 11    ~~(19)~~
- 12    (21) Sections 8100, 8101, and 8103 of the Welfare and
- 13    Institutions Code.
- 14    (c) As used in the following provisions, “firearm” also includes
- 15    a rocket, rocket propelled projectile launcher, or similar device
- 16    containing an explosive or incendiary material, whether or not the
- 17    device is designed for emergency or distress signaling purposes:
- 18    (1) Section 16750.
- 19    (2) Subdivision (b) of Section 16840.
- 20    (3) Section 25400.
- 21    (4) Sections 25850 to 26025, inclusive.
- 22    (5) Subdivisions (a), (b), and (c) of Section 26030.
- 23    (6) Sections 26035 to 26055, inclusive.
- 24    (d) As used in the following provisions, “firearm” does not
- 25    include an unloaded antique firearm:
- 26    (1) Subdivisions (a) and (c) of Section 16730.
- 27    (2) Section 16550.
- 28    (3) Section 16960.
- 29    (4) Section 17310.
- 30    (5) *Division 4.5 (commencing with Section 25250) of Title 4.*
- 31    ~~(5)~~
- 32    (6) Chapter 6 (commencing with Section 26350) of Division 5
- 33    of Title 4.
- 34    ~~(6)~~
- 35    (7) Chapter 7 (commencing with Section 26400) of Division 5
- 36    of Title 4.
- 37    ~~(7)~~
- 38    (8) Sections 26500 to 26588, inclusive.
- 39    ~~(8)~~
- 40    (9) Sections 26700 to 26915, inclusive.

- 1     ~~(9)~~  
2     (10) Section 27510.  
3     ~~(10)~~  
4     (11) Section 27530.  
5     ~~(11)~~  
6     (12) Section 27540.  
7     ~~(12)~~  
8     (13) Section 27545.  
9     ~~(13)~~  
10    (14) Sections 27555 to 27585, inclusive.  
11    ~~(14)~~  
12    (15) Sections 29010 to 29150, inclusive.  
13    ~~(15)~~  
14    (16) Section 25135.  
15    (17) Section 29180.  
16    (e) As used in Sections 34005 and 34010, “firearm” does not  
17    include a destructive device.  
18    (f) As used in Sections 17280 and 24680, “firearm” has the  
19    same meaning as in Section 922 of Title 18 of the United States  
20    Code.  
21    (g) As used in Sections 29010 to 29150, inclusive, “firearm”  
22    includes the unfinished frame or receiver of a weapon that can be  
23    readily converted to the functional condition of a finished frame  
24    or receiver.  
25    (h) *As used in this section, “frame” and “receiver” means that*  
26    *part of a firearm which provides housing for the hammer, bolt, or*  
27    *breechblock, and firing mechanism, and which is usually threaded*  
28    *at its forward portion to receive the barrel, and includes a frame*  
29    *or receiver blank, casting, or machined body that requires further*  
30    *machining or molding to be used as part of a functional weapon*  
31    *so long as it has been designed and is clearly identifiable as being*  
32    *used exclusively as part of a functional weapon.*  
33    SEC. 2. (a) *Section 1.1 of this bill incorporates amendments*  
34    *to Section 16520 of the Penal Code proposed by both this bill and*  
35    *Senate Bill 894. It shall only become operative if (1) both bills are*  
36    *enacted and become effective on or before January 1, 2017, (2)*  
37    *each bill amends Section 16520 of the Penal Code, (3) Senate Bill*  
38    *1407 and Assembly Bill 857 are not enacted or as enacted do not*  
39    *amend that section, and (4) this bill is enacted after Senate Bill*

1 894, in which case Sections 1, 1.2, and 1.3 of this bill shall not  
2 become operative.

3 (b) Section 1.2 of this bill incorporates amendments to Section  
4 16520 of the Penal Code proposed by this bill and both Senate  
5 Bill 1407 and Assembly Bill 857. It shall only become operative  
6 if (1) all bills are enacted, or just this bill and either Senate Bill  
7 1407 or Senate Bill 857 are enacted and become effective on or  
8 before January 1, 2017, (2) each bill as enacted amends Section  
9 16520 of the Penal Code, (3) Senate Bill 894 is not enacted or as  
10 enacted does not amend that section, and (4) this bill is enacted  
11 after Senate Bill 1407 and Assembly Bill 857 in which case Sections  
12 1, 1.1, and 1.3 of this bill shall not become operative.

13 (c) Section 1.3 of this bill incorporates amendments to Section  
14 16520 of the Penal Code proposed by this bill, Senate Bill 894,  
15 Senate Bill 1407, and Assembly Bill 857. It shall only become  
16 operative if (1) all bills are enacted, or this bill, Senate Bill 894,  
17 and either Senate Bill 1407 or Assembly Bill 857 are enacted and  
18 become effective on or before January 1, 2017, (2) each bill as  
19 enacted amends Section 16520 of the Penal Code, and (3) this bill  
20 is enacted after Senate Bill 894 and both Senate Bill 1407 and  
21 Assembly Bill 857, in which case Sections 1, 1.1, and 1.2 of this  
22 bill shall not become operative.

23 ~~SEC. 2.~~

24 SEC. 3. No reimbursement is required by this act pursuant to  
25 Section 6 of Article XIII B of the California Constitution because  
26 the only costs that may be incurred by a local agency or school  
27 district will be incurred because this act creates a new crime or  
28 infraction, eliminates a crime or infraction, or changes the penalty  
29 for a crime or infraction, within the meaning of Section 17556 of  
30 the Government Code, or changes the definition of a crime within  
31 the meaning of Section 6 of Article XIII B of the California  
32 Constitution.

O