

Assembly Bill No. 1673

Passed the Assembly June 30, 2016

Chief Clerk of the Assembly

Passed the Senate June 30, 2016

Secretary of the Senate

This bill was received by the Governor this _____ day
of _____, 2016, at _____ o'clock ____M.

Private Secretary of the Governor

CHAPTER _____

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

LEGISLATIVE COUNSEL'S DIGEST

AB 1673, 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 makes a violation of certain of these prohibitions a crime.

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.

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

SECTION 1. Section 16520 of the Penal Code is amended to read:

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

(b) As used in the following sections, “firearm” includes the frame or receiver of the weapon, as defined in subdivision (h):

- (1) Section 16550.
- (2) Section 16730.
- (3) Section 16960.
- (4) Section 16990.
- (5) Section 17070.
- (6) Section 17310.
- (7) Sections 26500 to 26588, inclusive.
- (8) Sections 26600 to 27140, inclusive.
- (9) Sections 27400 to 28000, inclusive.
- (10) Section 28100.
- (11) Sections 28400 to 28415, inclusive.
- (12) Sections 29010 to 29150, inclusive.
- (13) Sections 29610 to 29750, inclusive.
- (14) Sections 29800 to 29905, inclusive.
- (15) Sections 30150 to 30165, inclusive.
- (16) Section 31615.
- (17) Sections 31705 to 31830, inclusive.
- (18) Sections 34355 to 34370, inclusive.
- (19) Sections 8100, 8101, and 8103 of the Welfare and Institutions Code.

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

- (1) Section 16750.
- (2) Subdivision (b) of Section 16840.
- (3) Section 25400.

- (4) Sections 25850 to 26025, inclusive.
- (5) Subdivisions (a), (b), and (c) of Section 26030.
- (6) Sections 26035 to 26055, inclusive.
- (d) As used in the following provisions, “firearm” does not include an unloaded antique firearm:
 - (1) Subdivisions (a) and (c) of Section 16730.
 - (2) Section 16550.
 - (3) Section 16960.
 - (4) Section 17310.
 - (5) Chapter 6 (commencing with Section 26350) of Division 5 of Title 4.
 - (6) Chapter 7 (commencing with Section 26400) of Division 5 of Title 4.
 - (7) Sections 26500 to 26588, inclusive.
 - (8) Sections 26700 to 26915, inclusive.
 - (9) Section 27510.
 - (10) Section 27530.
 - (11) Section 27540.
 - (12) Section 27545.
 - (13) Sections 27555 to 27585, inclusive.
 - (14) Sections 29010 to 29150, inclusive.
 - (15) Section 25135.
- (e) As used in Sections 34005 and 34010, “firearm” does not include a destructive device.
- (f) As used in Sections 17280 and 24680, “firearm” has the same meaning as in Section 922 of Title 18 of the United States Code.
- (g) As used in Sections 29010 to 29150, inclusive, “firearm” includes the unfinished frame or receiver of a weapon that can be readily converted to the functional condition of a finished frame or receiver.
- (h) As used in this section, “frame” and “receiver” means 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 includes 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.

SEC. 1.1. Section 16520 of the Penal Code is amended to read:

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

(b) As used in the following sections, “firearm” includes the frame or receiver of the weapon, as defined in subdivision (h):

- (1) Section 16550.
- (2) Section 16730.
- (3) Section 16960.
- (4) Section 16990.
- (5) Section 17070.
- (6) Section 17310.
- (7) Sections 25250 to 25275, inclusive.
- (8) Sections 26500 to 26588, inclusive.
- (9) Sections 26600 to 27140, inclusive.
- (10) Sections 27400 to 28000, inclusive.
- (11) Section 28100.
- (12) Sections 28400 to 28415, inclusive.
- (13) Sections 29010 to 29150, inclusive.
- (14) Sections 29610 to 29750, inclusive.
- (15) Sections 29800 to 29905, inclusive.
- (16) Sections 30150 to 30165, inclusive.
- (17) Section 31615.
- (18) Sections 31705 to 31830, inclusive.
- (19) Sections 34355 to 34370, inclusive.
- (20) Sections 8100, 8101, and 8103 of the Welfare and Institutions Code.

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

- (1) Section 16750.
- (2) Subdivision (b) of Section 16840.
- (3) Section 25400.
- (4) Sections 25850 to 26025, inclusive.
- (5) Subdivisions (a), (b), and (c) of Section 26030.
- (6) Sections 26035 to 26055, inclusive.

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

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

- (2) Section 16550.
 - (3) Section 16960.
 - (4) Section 17310.
 - (5) Division 4.5 (commencing with Section 25250) of Title 4.
 - (6) Chapter 6 (commencing with Section 26350) of Division 5 of Title 4.
 - (7) Chapter 7 (commencing with Section 26400) of Division 5 of Title 4.
 - (8) Sections 26500 to 26588, inclusive.
 - (9) Sections 26700 to 26915, inclusive.
 - (10) Section 27510.
 - (11) Section 27530.
 - (12) Section 27540.
 - (13) Section 27545.
 - (14) Sections 27555 to 27585, inclusive.
 - (15) Sections 29010 to 29150, inclusive.
 - (16) Section 25135.
- (e) As used in Sections 34005 and 34010, “firearm” does not include a destructive device.
- (f) As used in Sections 17280 and 24680, “firearm” has the same meaning as in Section 922 of Title 18 of the United States Code.
- (g) As used in Sections 29010 to 29150, inclusive, “firearm” includes the unfinished frame or receiver of a weapon that can be readily converted to the functional condition of a finished frame or receiver.
- (h) As used in this section, “frame” and “receiver” means 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 includes 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.
- SEC. 1.2. Section 16520 of the Penal Code is amended to read:
16520. (a) As used in this part, “firearm” means a device, designed to be used as a weapon, from which is expelled through a barrel, a projectile by the force of an explosion or other form of combustion.

(b) As used in the following sections, “firearm” includes the frame or receiver of the weapon, as defined in subdivision (h):

- (1) Section 16550.
- (2) Section 16730.
- (3) Section 16960.
- (4) Section 16990.
- (5) Section 17070.
- (6) Section 17310.
- (7) Sections 26500 to 26588, inclusive.
- (8) Sections 26600 to 27140, inclusive.
- (9) Sections 27400 to 28000, inclusive.
- (10) Section 28100.
- (11) Sections 28400 to 28415, inclusive.
- (12) Sections 29010 to 29150, inclusive.
- (13) Section 29180.
- (14) Sections 29610 to 29750, inclusive.
- (15) Sections 29800 to 29905, inclusive.
- (16) Sections 30150 to 30165, inclusive.
- (17) Section 31615.
- (18) Sections 31705 to 31830, inclusive.
- (19) Sections 34355 to 34370, inclusive.
- (20) Sections 8100, 8101, and 8103 of the Welfare and Institutions Code.

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

- (1) Section 16750.
- (2) Subdivision (b) of Section 16840.
- (3) Section 25400.
- (4) Sections 25850 to 26025, inclusive.
- (5) Subdivisions (a), (b), and (c) of Section 26030.
- (6) Sections 26035 to 26055, inclusive.

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

- (1) Subdivisions (a) and (c) of Section 16730.
- (2) Section 16550.
- (3) Section 16960.
- (4) Section 17310.

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

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

(7) Sections 26500 to 26588, inclusive.

(8) Sections 26700 to 26915, inclusive.

(9) Section 27510.

(10) Section 27530.

(11) Section 27540.

(12) Section 27545.

(13) Sections 27555 to 27585, inclusive.

(14) Sections 29010 to 29150, inclusive.

(15) Section 25135.

(16) Section 29180.

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

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

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

(h) As used in this section, “frame” and “receiver” means 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 includes 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.

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

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

(b) As used in the following sections, “firearm” includes the frame or receiver of the weapon, as defined in subdivision (h):

(1) Section 16550.

(2) Section 16730.

- (3) Section 16960.
- (4) Section 16990.
- (5) Section 17070.
- (6) Section 17310.
- (7) Sections 25250 to 25275, inclusive.
- (8) Sections 26500 to 26588, inclusive.
- (9) Sections 26600 to 27140, inclusive.
- (10) Sections 27400 to 28000, inclusive.
- (11) Section 28100.
- (12) Sections 28400 to 28415, inclusive.
- (13) Sections 29010 to 29150, inclusive.
- (14) Section 29180.
- (15) Sections 29610 to 29750, inclusive.
- (16) Sections 29800 to 29905, inclusive.
- (17) Sections 30150 to 30165, inclusive.
- (18) Section 31615.
- (19) Sections 31705 to 31830, inclusive.
- (20) Sections 34355 to 34370, inclusive.
- (21) Sections 8100, 8101, and 8103 of the Welfare and Institutions Code.

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

- (1) Section 16750.
- (2) Subdivision (b) of Section 16840.
- (3) Section 25400.
- (4) Sections 25850 to 26025, inclusive.
- (5) Subdivisions (a), (b), and (c) of Section 26030.
- (6) Sections 26035 to 26055, inclusive.

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

- (1) Subdivisions (a) and (c) of Section 16730.
- (2) Section 16550.
- (3) Section 16960.
- (4) Section 17310.
- (5) Division 4.5 (commencing with Section 25250) of Title 4.
- (6) Chapter 6 (commencing with Section 26350) of Division 5 of Title 4.

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

(8) Sections 26500 to 26588, inclusive.

(9) Sections 26700 to 26915, inclusive.

(10) Section 27510.

(11) Section 27530.

(12) Section 27540.

(13) Section 27545.

(14) Sections 27555 to 27585, inclusive.

(15) Sections 29010 to 29150, inclusive.

(16) Section 25135.

(17) Section 29180.

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

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

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

(h) As used in this section, “frame” and “receiver” means 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 includes 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.

SEC. 2. (a) Section 1.1 of this bill incorporates amendments to Section 16520 of the Penal Code proposed by both this bill and Senate Bill 894. It shall only become operative if (1) both bills are enacted and become effective on or before January 1, 2017, (2) each bill amends Section 16520 of the Penal Code, (3) Senate Bill 1407 and Assembly Bill 857 are not enacted or as enacted do not amend that section, and (4) this bill is enacted after Senate Bill 894, in which case Sections 1, 1.2, and 1.3 of this bill shall not become operative.

(b) Section 1.2 of this bill incorporates amendments to Section 16520 of the Penal Code proposed by this bill and both Senate Bill

1407 and Assembly Bill 857. It shall only become operative if (1) all bills are enacted, or just this bill and either Senate Bill 1407 or Senate Bill 857 are enacted and become effective on or before January 1, 2017, (2) each bill as enacted amends Section 16520 of the Penal Code, (3) Senate Bill 894 is not enacted or as enacted does not amend that section, and (4) this bill is enacted after Senate Bill 1407 and Assembly Bill 857 in which case Sections 1, 1.1, and 1.3 of this bill shall not become operative.

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

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

Approved _____, 2016

Governor