

ASSEMBLY BILL

No. 2165

Introduced by Assembly Member Bonta
(Coauthors: Assembly Members Gonzalez, Roger Hernández,
Lackey, and Wilk)
(Coauthor: Senator Roth)

February 17, 2016

An act to amend Section 32000 of the Penal Code, relating to firearms.

LEGISLATIVE COUNSEL'S DIGEST

AB 2165, as introduced, Bonta. Firearms: prohibitions: exemptions. Existing law makes it a crime for any person in this state to manufacture, import into the state, keep for sale, offer or expose for sale, give, or lend an unsafe handgun. Under existing law, this prohibition does not apply to the sale or purchase of a handgun if the handgun is sold to, or purchased by, a police department, the Department of Corrections and Rehabilitation, or any federal law enforcement agency, among other entities.

This bill would also make the above prohibition inapplicable to the sale of a handgun to, or purchase of one by, other peace officers, as specified.

Vote: majority. Appropriation: no. Fiscal committee: no.
State-mandated local program: no.

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

1 SECTION 1. Section 32000 of the Penal Code is amended to
2 read:

1 32000. (a) A person in this state who manufactures or causes
2 to be manufactured, imports into the state for sale, keeps for sale,
3 offers or exposes for sale, gives, or lends an unsafe handgun shall
4 be punished by imprisonment in a county jail not exceeding one
5 year.

6 (b) This section shall not apply to any of the following:

7 (1) The manufacture in this state, or importation into this state,
8 of a prototype handgun when the manufacture or importation is
9 for the sole purpose of allowing an independent laboratory certified
10 by the Department of Justice pursuant to Section 32010 to conduct
11 an independent test to determine whether that handgun is prohibited
12 by Sections 31900 to 32110, inclusive, and, if not, allowing the
13 department to add the firearm to the roster of handguns that may
14 be sold in this state pursuant to Section 32015.

15 (2) The importation or lending of a handgun by employees or
16 authorized agents of entities determining whether the weapon is
17 prohibited by this section.

18 (3) Firearms listed as curios or relics, as defined in Section
19 478.11 of Title 27 of the Code of Federal Regulations.

20 (4) The sale or purchase of a handgun, if the handgun is sold
21 to, or purchased by, the Department of Justice, a police department,
22 a sheriff's official, a marshal's office, the Department of
23 Corrections and Rehabilitation, the California Highway Patrol,
24 any district attorney's office, *any other peace officer described in*
25 *Chapter 4.5 (commencing with Section 830) of Title 3 of Part 2 of*
26 *the Penal Code*, any federal law enforcement agency, or the
27 military or naval forces of this state or of the United States for use
28 in the discharge of their official duties. This section does not
29 prohibit the sale to, or purchase by, sworn members of these
30 agencies of a handgun.

31 (5) The sale, purchase, or delivery of a handgun, if the sale,
32 purchase, or delivery of the handgun is made pursuant to
33 subdivision (d) of Section 10334 of the Public Contract Code.

34 (c) Violations of subdivision (a) are cumulative with respect to
35 each handgun and shall not be construed as restricting the
36 application of any other law. However, an act or omission
37 punishable in different ways by this section and other provisions
38 of law shall not be punished under more than one provision, but

1 the penalty to be imposed shall be determined as set forth in Section
2 654.

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