

ASSEMBLY BILL

No. 2508

Introduced by Assembly Member Mathis

February 19, 2016

An act to amend Sections 32025 and 32030 of the Penal Code, relating to firearms.

LEGISLATIVE COUNSEL'S DIGEST

AB 2508, as introduced, Mathis. Firearms: unsafe handguns.

(1) Existing law establishes various requirements governing unsafe handguns, as defined. Among other things, existing law makes it a crime, punishable by imprisonment in a county jail not exceeding one year, to manufacture, import into the state for sale, keep for sale, offer or expose for sale, give, or lend an unsafe handgun. Existing law also requires handguns imported into the state for sale, kept for sale, or offered or exposed for sale, to be tested, as specified, to determine if they are unsafe. Existing law requires the Department of Justice to maintain a roster listing the handguns that have been tested and have been determined not to be unsafe. Existing law specifies various exceptions from these requirements.

Existing law allows a handgun model that has been included in the roster to be retested and allows the handgun model to be removed from the roster if it fails retesting. Existing law allows a handgun model removed from the roster for failing retesting to be reinstated upon a petition to the Attorney General for reinstatement and successful retesting, as specified.

This bill would allow a handgun model removed from the roster for any reason other than its failure upon retesting to be reinstated to the roster upon a petition to the Attorney General for reinstatement and

successful retesting, as specified. The bill would require that a handgun model that is reinstated to the roster pursuant to these provisions only meet the requirements for listing as of the date the handgun model was originally submitted for testing.

(2) Under existing law, a firearm is deemed to meet the requirements for being listed on the roster if a firearm made by the same manufacturer is already listed on the roster and the unlisted firearm differs from the listed firearm only with regard to certain features, as specified.

This bill would revise the features in which the unlisted firearm may differ from the listed firearm and still be deemed to satisfy the requirements of being listed on the roster, as specified, and require that the unlisted firearm otherwise be internally functionally identical to the listed firearm. The bill would additionally require a firearm to be deemed to satisfy the requirements of being listed on the roster if a manufacturer alters a listed firearm, as provided, and the changes are, in the opinion of the manufacturer, necessary to improve the safety or operation of the firearm.

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

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

1 SECTION 1. Section 32025 of the Penal Code is amended to
2 read:
3 32025. (a) A handgun model removed from the roster pursuant
4 to subdivision (d) of Section 32020 may be reinstated on the roster
5 if all of the following are met:
6 (a)
7 (1) The manufacturer petitions the Attorney General for
8 reinstatement of the handgun model.
9 (b)
10 (2) The manufacturer pays the Department of Justice for all of
11 the costs related to the reinstatement testing of the handgun model,
12 including the purchase price of the handguns, prior to reinstatement
13 testing.
14 (c)
15 (3) The reinstatement testing of the handguns shall be in
16 accordance with subdivisions (b) and (c) of Section 32020.
17 (d)

1 (4) The three handgun samples shall be tested only once for
2 reinstatement. If the sample fails it may not be retested.

3 ~~(e)~~

4 (5) If the handgun model successfully passes testing for
5 reinstatement, and if the manufacturer of the handgun is otherwise
6 in compliance with Sections 31900 to 32110, inclusive, the
7 Attorney General shall reinstate the handgun model on the roster
8 maintained pursuant to subdivision (a) of Section 32015.

9 ~~(f)~~

10 (6) The manufacturer shall provide the Attorney General with
11 the complete testing history for the handgun model.

12 ~~(g)~~

13 (7) Notwithstanding subdivision (a) of Section 32020, the
14 Attorney General may, at any time, further retest any handgun
15 model that has been reinstated to the roster.

16 (b) (1) *A handgun model removed from the roster for any reason
17 other than as specified in subdivision (d) of Section 32020,
18 including, but not limited to, a failure to pay the annual fee
19 specified in Section 32015, may be reinstated on the roster if all
20 of the following are met:*

21 (A) *The manufacturer petitions the Attorney General for
22 reinstatement of the handgun model.*

23 (B) *The testing is conducted in the same manner as the testing
24 prescribed in Sections 31900 and 31905.*

25 (C) *The manufacturer provides the Attorney General with the
26 complete testing history of the handgun model.*

27 (2) *A handgun model reinstated pursuant to this subdivision
28 shall only be required to meet the definitional requirements of
29 Section 31910 to avoid being considered an “unsafe handgun” as
30 of the date the handgun model was originally submitted for testing
31 before it was removed from the roster.*

32 (3) *If the handgun successfully passes testing for reinstatement,
33 the Attorney General shall reinstate the handgun model on the
34 roster maintained pursuant to subdivision (a) of Section 32015.*

35 SEC. 2. Section 32030 of the Penal Code is amended to read:

36 32030. (a) A firearm shall be deemed to satisfy the
37 requirements of subdivision (a) of Section 32015 if another firearm
38 made by the same manufacturer is already listed and the unlisted
39 firearm differs from the listed firearm only in ~~one or more of the~~
40 ~~following features:~~ *dimension, barrel length, finish, coating, grips,*

1 *sights, magazine well opening, machining, contouring, or any*
2 *other nonsubstantive mechanical or cosmetic feature, but is*
3 *otherwise internally functionally identical to the listed firearm.*

4 ~~(1) Finish, including, but not limited to, bluing, chrome-plating,~~
5 ~~oiling, or engraving.~~

6 ~~(2) The material from which the grips are made.~~

7 ~~(3) The shape or texture of the grips, so long as the difference~~
8 ~~in grip shape or texture does not in any way alter the dimensions,~~
9 ~~material, linkage, or functioning of the magazine well, the barrel,~~
10 ~~the chamber, or any of the components of the firing mechanism~~
11 ~~of the firearm.~~

12 ~~(4) Any other purely cosmetic feature that does not in any way~~
13 ~~alter the dimensions, material, linkage, or functioning of the~~
14 ~~magazine well, the barrel, the chamber, or any of the components~~
15 ~~of the firing mechanism of the firearm.~~

16 *(b) A firearm shall be deemed to satisfy the requirements of*
17 *subdivision (a) of Section 32015 if the manufacturer alters a listed*
18 *firearm with a change or changes, including, but not limited to,*
19 *function, mechanical components, or materials, if the change or*
20 *changes are, in the opinion of the manufacturer, necessary to*
21 *improve the safety or operation of the firearm. Any change does*
22 *not exempt the firearm from the requirements of Sections 31900*
23 *and 31905.*

24 ~~(b)~~

25 *(c) Any manufacturer seeking to have a firearm listed on the*
26 *roster under this section shall provide to the Department of Justice*
27 *all of the following:*

28 *(1) The model designation of the listed firearm.*

29 *(2) The model designation of each firearm that the manufacturer*
30 *seeks to have listed under this section.*

31 *(3) A statement, under oath, that each unlisted firearm for which*
32 *listing is sought differs from the listed firearm only in one or more*
33 *of the ways identified in subdivision (a) and is in all other respects*
34 *identical to the listed firearm. complies with the requirements of*
35 *subdivision (a) or subdivision (b), or both subdivisions (a) and*
36 *(b), if applicable.*

37 ~~(e)~~

38 *(d) The department may, in its discretion and at any time, require*
39 *a manufacturer to provide to the department any model for which*

- 1 listing is sought under this section, to determine whether the model
- 2 complies with the requirements of this section.

O