

**ASSEMBLY BILL**

**No. 2666**

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**Introduced by Assembly Member Baker**  
**(Coauthor: Assembly Member Lackey)**  
(Coauthors: Senators Glazer and Wolk)

February 19, 2016

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An act to amend Section 29800 of the Penal Code, relating to firearms.

LEGISLATIVE COUNSEL'S DIGEST

AB 2666, as introduced, Baker. Firearms: felons in possession.

Existing law provides that any person convicted of a felony under the laws of the United States, the State of California, or any other state or country, and who owns, purchases, receives, or has in possession or under custody or control any firearm is guilty of a felony. Existing law prescribes the punishment for that felony as imprisonment for a term of 16 months, or 2 or 3 years.

This bill would provide that the punishment for subsequent convictions of that felony would be imprisonment for a term of 4, 5, or 6 years. By increasing the penalties for an existing crime, this bill would impose a state-mandated local program. The bill would also make additional technical, nonsubstantive changes.

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 29800 of the Penal Code is amended to  
2 read:

3 29800. (a) (1) ~~Any~~ A person who has been convicted of a  
4 felony under the laws of the United States, the State of California,  
5 or any other state, government, or ~~country, or of an offense~~  
6 ~~enumerated in subdivision (a), (b), or (d) of Section 23515, or who~~  
7 ~~is addicted to the use of any narcotic drug;~~ *country* and who owns,  
8 purchases, receives, or has in possession or under custody or  
9 control any firearm is guilty of a ~~felony.~~ *felony punishable pursuant*  
10 *to subdivision (h) of Section 1170. A subsequent conviction for*  
11 *this offense is a felony punishable by imprisonment for four, five,*  
12 *or six years pursuant to subdivision (h) of Section 1170.*

13 (2) *A person who has been convicted of a misdemeanor violation*  
14 *of paragraph (2) of subdivision (a) of Section 245, a misdemeanor*  
15 *violation of Section 246, or a misdemeanor violation of subdivision*  
16 *(c) of Section 417 and who owns, purchases, receives, or has in*  
17 *possession or under custody or control any firearm is guilty of a*  
18 *felony punishable pursuant to subdivision (h) of Section 1170.*

19 (3) *A person who is addicted to the use of any narcotic drug*  
20 *and who owns, purchases, receives, or has in possession or under*  
21 *custody or control any firearm is guilty of a felony punishable*  
22 *pursuant to subdivision (h) of Section 1170.*

23 ~~(2) Any~~

24 (4) A person who has two or more convictions for violating  
25 paragraph (2) of subdivision (a) of Section 417 and who owns,  
26 purchases, receives, or has in possession or under custody or  
27 control any firearm is guilty of a ~~felony.~~ *felony punishable pursuant*  
28 *to subdivision (h) of Section 1170.*

29 (b) Notwithstanding subdivision (a), ~~any~~ a person who has been  
30 convicted of a felony or of an offense enumerated in Section 23515,  
31 when that conviction results from certification by the juvenile court  
32 for prosecution as an adult in an adult court under Section 707 of  
33 the Welfare and Institutions Code, and who owns or has in  
34 possession or under custody or control any firearm is guilty of a  
35 ~~felony.~~ *felony punishable pursuant to subdivision (h) of Section*  
36 *1170.*

1 (c) Subdivision (a) shall not apply to a person who has been  
2 convicted of a felony under the laws of the United States unless  
3 either of the following criteria is satisfied:

4 (1) Conviction of a like offense under California law can only  
5 result in imposition of felony punishment.

6 (2) The defendant was sentenced to a federal correctional facility  
7 for more than 30 days, or received a fine of more than one thousand  
8 dollars (\$1,000), or received both punishments.

9 SEC. 2. No reimbursement is required by this act pursuant to  
10 Section 6 of Article XIII B of the California Constitution because  
11 the only costs that may be incurred by a local agency or school  
12 district will be incurred because this act creates a new crime or  
13 infraction, eliminates a crime or infraction, or changes the penalty  
14 for a crime or infraction, within the meaning of Section 17556 of  
15 the Government Code, or changes the definition of a crime within  
16 the meaning of Section 6 of Article XIII B of the California  
17 Constitution.