

AMENDED IN ASSEMBLY MARCH 17, 2016

CALIFORNIA LEGISLATURE—2015–16 REGULAR SESSION

ASSEMBLY BILL

No. 2666

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

February 19, 2016

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

LEGISLATIVE COUNSEL'S DIGEST

AB 2666, as amended, 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~~; *years in the state prison*.

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~~; *years in the state prison*. By ~~increasing the penalties for an existing~~ *creating a new 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) A person who has been convicted of a felony
4 under the laws of the United States, the State of California, or any
5 other state, government, or country and who owns, purchases,
6 receives, or has in possession or under custody or control any
7 firearm is guilty of a ~~felony punishable pursuant to subdivision~~
8 ~~(h) of Section 1170. felony.~~ A subsequent conviction for this
9 offense is a felony punishable by imprisonment for four, five, or
10 six years ~~pursuant to subdivision (h) of Section 1170. years.~~
11 (2) A person who has been convicted of a misdemeanor violation
12 of paragraph (2) *or* (3) of subdivision (a) of Section 245, a
13 misdemeanor violation of Section 246, or a misdemeanor violation
14 of subdivision (c) of Section 417 and who owns, purchases,
15 receives, or has in possession or under custody or control any
16 firearm is guilty of a ~~felony punishable pursuant to subdivision~~
17 ~~(h) of Section 1170. felony.~~
18 (3) A person who is addicted to the use of any narcotic drug
19 and who owns, purchases, receives, or has in possession or under
20 custody or control any firearm is guilty of a ~~felony punishable~~
21 ~~pursuant to subdivision (h) of Section 1170. felony.~~
22 (4) A person who has two or more convictions for violating
23 paragraph (2) of subdivision (a) of Section 417 and who owns,
24 purchases, receives, or has in possession or under custody or
25 control any firearm is guilty of a ~~felony punishable pursuant to~~
26 ~~subdivision (h) of Section 1170. felony.~~
27 (b) Notwithstanding subdivision (a), a person who has been
28 convicted of a felony or of an offense enumerated in Section 23515,
29 when that conviction results from certification by the juvenile court
30 for prosecution as an adult in an adult court under Section 707 of
31 the Welfare and Institutions Code, and who owns or has in
32 possession or under custody or control any firearm is guilty of a
33 ~~felony punishable pursuant to subdivision (h) of Section 1170.~~
34 *felony.*

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.