

AMENDED IN ASSEMBLY JULY 8, 2015

AMENDED IN SENATE JUNE 2, 2015

AMENDED IN SENATE APRIL 21, 2015

SENATE BILL

No. 347

Introduced by Senator Jackson

February 24, 2015

An act to amend Sections 26500 and 29805 of the Penal Code, relating to firearms.

LEGISLATIVE COUNSEL'S DIGEST

SB 347, as amended, Jackson. Firearms: prohibited persons.

Existing law generally prohibits a person who has been convicted of certain specified misdemeanors from possessing a firearm within 10 years of the conviction. Under existing law, a violation of this prohibition is a crime, punishable by imprisonment in a county jail not exceeding one year or in the state prison for 16 months, or 2 or 3 years, by a fine not exceeding \$1,000, or by both that imprisonment and fine.

This bill would add to the list of misdemeanors, the conviction for which is subject to the above prohibition on possessing a firearm within 10 years of the conviction, misdemeanor offenses of violating the 10-year prohibition on possessing a firearm specified above and petty theft of a firearm, and convictions on or after January 1, 2016, for the misdemeanor offenses of transferring a handgun without a firearms license, selling or giving possession of ammunition to a minor, selling handgun ammunition to a person under 21 years of age, possession of ammunition by a person prohibited from possessing a firearm, furnishing ammunition to a person prohibited from possessing ammunition, carrying ammunition onto school grounds, receiving stolen property

consisting of a firearm, carrying a loaded or concealed weapon if the person has been previously convicted of a crime against a person or property, or of a narcotics or dangerous drug violation, or if the firearm is not registered. The bill would make other technical, nonsubstantive changes. Because a violation of these provisions would be a crime, and because this bill would expand the application of the crime to a larger class of potential offenders, this bill would impose a state-mandated local program.

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 26500 of the Penal Code is amended to
 2 read:

3 26500. (a) (1) A person shall not sell, lease, or transfer a
 4 handgun unless the person has been issued a license pursuant to
 5 Article 1 (commencing with Section 26700) and Article 2
 6 (commencing with Section 26800) of Chapter 2.

7 (2) A person shall not sell, lease, or transfer a firearm that is
 8 not a handgun unless the person has been issued a license pursuant
 9 to Article 1 (commencing with Section 26700) and Article 2
 10 (commencing with Section 26800) of Chapter 2.

11 (b) Any person violating this article is guilty of a misdemeanor.

12 SEC. 2. Section 29805 of the Penal Code is amended to read:

13 29805. (a) Except as provided in Section 29855 or subdivision
 14 (a) of Section 29800, any person who has been convicted of a
 15 misdemeanor violation of this section, Section 71, 76, 136.1, 136.5,
 16 or 140, subdivision (d) of Section 148, Section 171b, paragraph
 17 (1) of subdivision (a) of Section 171c, Section 171d, 186.28, 240,
 18 241, 242, 243, 243.4, 244.5, 245, 245.5, 246.3, 247, 273.5, 273.6,
 19 417, 417.6, 422, 626.9, 646.9, or 830.95, subdivision (a) of former
 20 Section 12100, as that section read at any time from when it was
 21 enacted by Section 3 of Chapter 1386 of the Statutes of 1988 to
 22 when it was repealed by Section 18 of Chapter 23 of the Statutes

1 of 1994, Section 17500, 17510, 25300, 25800, 30315, or 32625,
2 subdivision (b) or (d) of Section 26100, or Section 27510, or
3 Section 8100, 8101, or 8103 of the Welfare and Institutions Code,
4 any firearm-related offense pursuant to Sections 871.5 and 1001.5
5 of the Welfare and Institutions Code, Section 490.2 if the property
6 taken was a firearm, or of the conduct punished in subdivision (c)
7 of Section 27590, ~~or, for a conviction on or after January 1, 2016,~~
8 ~~for a violation of Section 496 if the property consists of a firearm;~~
9 ~~Section 25400 that is punishable pursuant to paragraph (5) or (6)~~
10 ~~of subdivision (e) of Section 25400, Section 25850 that is~~
11 ~~punishable pursuant to paragraph (5) or (6) of subdivision (e) of~~
12 ~~Section 25850, paragraph (1) of subdivision (a) of Section 26500,~~
13 ~~Section 30300, 30305, 30306, or 30310; and who, within 10 years~~
14 ~~of the conviction, owns, purchases, receives, or has in possession~~
15 ~~or under custody or control, any firearm is guilty of a public~~
16 ~~offense, which shall be punishable by imprisonment in a county~~
17 ~~jail not exceeding one year or in the state prison, by a fine not~~
18 ~~exceeding one thousand dollars (\$1,000), or by both that~~
19 ~~imprisonment and fine. The court, on forms prescribed by the~~
20 ~~Department of Justice, shall notify the department of persons~~
21 ~~subject to this section. However, the prohibition in this section~~
22 ~~may be reduced, eliminated, or conditioned as provided in Section~~
23 ~~29855 or 29860.~~

24 *(b) Any person who has been convicted on or after January 1,*
25 *2016, of a misdemeanor violation of Section 496 if the property*
26 *consists of a firearm, Section 25400 that is punishable pursuant*
27 *to paragraph (5) or (6) of subdivision (c) of Section 25400, Section*
28 *25850 that is punishable pursuant to paragraph (5) or (6) of*
29 *subdivision (c) of Section 25850, paragraph (1) of subdivision (a)*
30 *of Section 26500, paragraph (3) of subdivision (a) of Section*
31 *30300, subdivision (a) of Section 30305, Section 30306 involving*
32 *a violation of subdivision (a) of Section 30305, or Section 30310,*
33 *and who, within 10 years of the conviction, owns, purchases,*
34 *receives, or has in possession or under custody or control, any*
35 *firearm, is guilty of a public offense, which shall be punishable by*
36 *imprisonment in a county jail not exceeding one year or in the*
37 *state prison, by a fine not exceeding one thousand dollars (\$1,000),*
38 *or by both that imprisonment and fine.*

39 *(c) The court, on forms prescribed by the Department of Justice,*
40 *shall notify the department of persons subject to this section.*

1 *However, the prohibition in this section may be reduced,*
2 *eliminated, or conditioned as provided in Section 29855 or 29860.*

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

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