

Introduced by Senator HillFebruary 27, 2015

An act to add Chapter 11 (commencing with Section 33700) to Division 10 of Title 4 of Part 6 of the Penal Code, relating to firearms.

LEGISLATIVE COUNSEL'S DIGEST

SB 678, as introduced, Hill. User-authorized firearms.

Existing law generally regulates deadly weapons, including firearms. Existing law generally requires any firearm sold or transferred in this state to include or be accompanied by a firearm safety device.

This bill would make it a misdemeanor for a person to sell, lend, or give a user-authorized firearm that does not meet specified requirements. The bill would define a user-authorized firearm as a firearm that will only fire when activated by an authorized user. The bill would require that user-authorized firearms meet certain requirements and be tested and certified by the United States Army Armament Research, Development and Engineering Center. By creating a new crime, 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. Chapter 11 (commencing with Section 33700)
2 is added to Division 10 of Title 4 of Part 6 of the Penal Code, to
3 read:

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CHAPTER 11. USER-AUTHORIZED FIREARMS

7 33700. As used in this chapter, a “user-authorized firearm”
8 means any firearm, interchangeably referred to as an
9 owner-authorized firearm, intelligent firearm, or smart firearm,
10 that incorporates technology within its design and that is integral
11 to the firearm, whether part of its original manufacture or
12 retrofitted, that renders the firearm incapable of being fired except
13 when activated by the lawful owner or other users authorized by
14 the lawful owner. The technology may include, but is not limited
15 to, biometrics, radio frequency tagging, touch memory, fingerprint
16 recognition, palm print recognition, grip recognition, magnetic
17 encoding, retinal recognition, iris recognition, and other means of
18 utilizing biometric or electronic systems.

19 33701. (a) A person who keeps for sale, offers or exposes for
20 sale, or gives, lends, sells, a user-authorized firearm that does not
21 meet the requirements of subdivision (b) is guilty of a
22 misdemeanor.

23 (b) (1) A user-authorized firearm shall meet all of the following
24 requirements:

25 (A) The firearm shall not fail to recognize the authorized user,
26 and shall not falsely recognize an unauthorized user, more than
27 one time per 1,000 recognition attempts.

28 (B) The time from first contact with the authorized user to use
29 recognition and firearm enablement shall be no more than 0.3
30 seconds.

31 (C) The time from loss of contact with the authorized user to
32 disablement shall be no more than 0.3 seconds.

33 (D) Enabling authorized user information shall be stored in the
34 firearm as a permanent memory that is restored when power is
35 restored.

36 (E) The firearm shall be capable of use by more than one
37 authorized user and, if the firearm uses hand recognition
38 technology, it shall recognize either of the authorized user’s hands.

1 (2) (A) The firearm shall be submitted to a laboratory certified
2 by the United States Army Armament Research, Development and
3 Engineering Center (ARDEC) for testing and evaluation of all the
4 various components of the engineered system of the firearm,
5 including the firing mechanism, ammunition, safety mechanisms,
6 electrical, and power components.

7 (B) The firearm shall be certified by ARDEC as reliably
8 performing its intended functions and meeting all of the criteria
9 standards specified in paragraph (1).

10 (C) The firearm shall be certified by ARDEC as having a proven
11 system in its final form at a technology readiness level 9 as defined
12 by the United States Department of Defense in its April 2011
13 Technology Readiness Assessment Guidance.

14 (c) A user-authorized firearm that is a handgun shall also comply
15 with the requirements of Article 4 (commencing with Section
16 31900) of Chapter 4 and Article 5 (commencing with Section
17 32000) of Chapter 4.

18 (d) A user-authorized firearm that satisfies the requirements of
19 this chapter shall not be required to comply with Division 2
20 (commencing with Section 23620).

21 SEC. 2. No reimbursement is required by this act pursuant to
22 Section 6 of Article XIII B of the California Constitution because
23 the only costs that may be incurred by a local agency or school
24 district will be incurred because this act creates a new crime or
25 infraction, eliminates a crime or infraction, or changes the penalty
26 for a crime or infraction, within the meaning of Section 17556 of
27 the Government Code, or changes the definition of a crime within
28 the meaning of Section 6 of Article XIII B of the California
29 Constitution.