

**Introduced by Senators Hall and Glazer**January 15, 2016

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An act to amend Sections 30515 and 30900 of, and to add Section 30680 to, the Penal Code, relating to firearms.

## LEGISLATIVE COUNSEL'S DIGEST

SB 880, as introduced, Hall. Firearms: assault weapons.

(1) Existing law generally prohibits the possession or transfer of assault weapons, except for the sale, purchase, importation, or possession of assault weapons by specified individuals, including law enforcement officers. Under existing law, "assault weapon" means, among other things, a semiautomatic centerfire rifle or a semiautomatic pistol that has the capacity to accept a detachable magazine and has any one of specified attributes, including, for rifles, a thumbhole stock, and for pistols, a second handgrip.

This bill would revise this definition of "assault weapon" to mean a semiautomatic centerfire rifle, or a semiautomatic pistol that does not have a fixed magazine but has any one of those specified attributes. The bill would also define "fixed magazine" to mean an ammunition feeding device contained in, or permanently attached to, a firearm in such a manner that the device cannot be removed without disassembly of the firearm action.

By expanding the definition of an existing crime, the bill would impose a state-mandated local program.

(2) Existing law requires that any person who, within this state, possesses an assault weapon, except as otherwise provided, be punished as a felony or for a period not to exceed one year in a county jail.

This bill would exempt from punishment under that provision a person who possessed an assault weapon since prior to January 1, 2017, if specified requirements are met.

(3) Existing law requires that, with specified exceptions, any person who, prior to January 1, 2001, lawfully possessed an assault weapon prior to the date it was defined as an assault weapon, and which was not specified as an assault weapon at the time of lawful possession, register the firearm with the Department of Justice. Existing law permits the Department of Justice to charge a fee for registration of up to \$20 per person but not to exceed the actual processing costs of the department. Existing law, after the department establishes fees sufficient to reimburse the department for processing costs, requires fees charged to increase at a rate not to exceed the legislatively approved annual cost-of-living adjustment for the department's budget or as otherwise increased through the Budget Act. Existing law requires those fees to be deposited into the Dealers' Record of Sale Special Account. Existing law, the Administrative Procedure Act, establishes the requirements for the adoption, publication, review, and implementation of regulations by state agencies.

This bill would require that any person who, from January 1, 2001, to December 31, 2016, inclusive, lawfully possessed an assault weapon that does not have a fixed magazine, as defined, and including those weapons with an ammunition feeding device that can be removed readily from the firearm with the use of a tool, register the firearm with the Department of Justice before July 1, 2017, but not before the effective date of specified regulations. The bill would permit the department to increase the \$20 registration fee as long as it does not exceed the reasonable processing costs of the department. The bill would also require registrations to be submitted electronically via the Internet utilizing a public-facing application made available by the department. The bill would require the registration to contain specified information, including, but not limited to, a description of the firearm that identifies it uniquely and specified information about the registrant. The bill would permit the department to charge a fee of up to \$15 per person for registration through the Internet, not to exceed the reasonable processing costs of the department to be paid and deposited, as specified, for purposes of the registration program. The bill would require the department to adopt regulations for the purpose of implementing those provisions and would exempt those regulations from the Administrative

Procedure Act. The bill would also make technical and conforming changes.

(4) 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 30515 of the Penal Code is amended to  
2 read:

3 30515. (a) Notwithstanding Section 30510, “assault weapon”  
4 also means any of the following:

5 (1) A semiautomatic, centerfire rifle that ~~has the capacity to~~  
6 ~~accept a detachable magazine and~~ *does not have a fixed magazine*  
7 *but has* any one of the following:

8 (A) A pistol grip that protrudes conspicuously beneath the action  
9 of the weapon.

10 (B) A thumbhole stock.

11 (C) A folding or telescoping stock.

12 (D) A grenade launcher or flare launcher.

13 (E) A flash suppressor.

14 (F) A forward pistol grip.

15 (2) A semiautomatic, centerfire rifle that has a fixed magazine  
16 with the capacity to accept more than 10 rounds.

17 (3) A semiautomatic, centerfire rifle that has an overall length  
18 of less than 30 inches.

19 (4) A semiautomatic pistol that ~~has the capacity to accept a~~  
20 ~~detachable magazine and~~ *does not have a fixed magazine but has*  
21 any one of the following:

22 (A) A threaded barrel, capable of accepting a flash suppressor,  
23 forward handgrip, or silencer.

24 (B) A second handgrip.

25 (C) A shroud that is attached to, or partially or completely  
26 encircles, the barrel that allows the bearer to fire the weapon  
27 without burning the bearer’s hand, except a slide that encloses the  
28 barrel.

1 (D) The capacity to accept a detachable magazine at some  
2 location outside of the pistol grip.

3 (5) A semiautomatic pistol with a fixed magazine that has the  
4 capacity to accept more than 10 rounds.

5 (6) A semiautomatic shotgun that has both of the following:

6 (A) A folding or telescoping stock.

7 (B) A pistol grip that protrudes conspicuously beneath the action  
8 of the weapon, thumbhole stock, or vertical handgrip.

9 (7) A semiautomatic shotgun that has the ability to accept a  
10 detachable magazine.

11 (8) Any shotgun with a revolving cylinder.

12 (b) For purposes of this section, “fixed magazine” means an  
13 ammunition feeding device contained in, or permanently attached  
14 to, a firearm in such a manner that the device cannot be removed  
15 without disassembly of the firearm action.

16 (b)

17 (c) The Legislature finds a significant public purpose in  
18 exempting from the definition of “assault weapon” pistols that are  
19 designed expressly for use in Olympic target shooting events.  
20 Therefore, those pistols that are sanctioned by the International  
21 Olympic Committee and by USA Shooting, the national governing  
22 body for international shooting competition in the United States,  
23 and that were used for Olympic target shooting purposes as of  
24 January 1, 2001, and that would otherwise fall within the definition  
25 of “assault weapon” pursuant to this section are exempt, as  
26 provided in subdivision-(e): (d).

27 (e)

28 (d) “Assault weapon” does not include either of the following:

29 (1) Any antique firearm.

30 (2) Any of the following pistols, because they are consistent  
31 with the significant public purpose expressed in subdivision-(b):

32 (c):

33

34 MANUFACTURER	MODEL	CALIBER
35		
36 BENELLI	MP90	.22LR
37 BENELLI	MP90	.32 S&W LONG
38 BENELLI	MP95	.22LR
39 BENELLI	MP95	.32 S&W LONG
40 HAMMERLI	280	.22LR

1	HAMMERLI	280	.32 S&W LONG
2	HAMMERLI	SP20	.22LR
3	HAMMERLI	SP20	.32 S&W LONG
4	PARDINI	GPO	.22 SHORT
5	PARDINI	GP-SCHUMANN	.22 SHORT
6	PARDINI	HP	.32 S&W LONG
7	PARDINI	MP	.32 S&W LONG
8	PARDINI	SP	.22LR
9	PARDINI	SPE	.22LR
10	WALTHER	GSP	.22LR
11	WALTHER	GSP	.32 S&W LONG
12	WALTHER	OSP	.22 SHORT
13	WALTHER	OSP-2000	.22 SHORT

14  
15 (3) The Department of Justice shall create a program that is  
16 consistent with the purposes stated in subdivision ~~(b)~~ (c) to exempt  
17 new models of competitive pistols that would otherwise fall within  
18 the definition of “assault weapon” pursuant to this section from  
19 being classified as an assault weapon. The exempt competitive  
20 pistols may be based on recommendations by USA Shooting  
21 consistent with the regulations contained in the USA Shooting  
22 Official Rules or may be based on the recommendation or rules  
23 of any other organization that the department deems relevant.

24 SEC. 2. Section 30680 is added to the Penal Code, to read:

25 30680. Notwithstanding the meaning of “assault weapon” under  
26 Section 30515, as amended by the act that added this section,  
27 Section 30605 does not apply to the possession of an assault  
28 weapon by a person who has possessed the assault weapon prior  
29 to January 1, 2017, if all of the following are applicable:

30 (a) Prior to January 1, 2017, the person was eligible to register  
31 that assault weapon pursuant to subdivision (c) of Section 30900.

32 (b) The person lawfully possessed that assault weapon prior to  
33 January 1, 2017.

34 (c) The person registers the assault weapon by July 1, 2017, in  
35 accordance with subdivision (c) of Section 30900.

36 SEC. 3. Section 30900 of the Penal Code is amended to read:

37 30900. (a) (1) Any person who, prior to June 1, 1989, lawfully  
38 possessed an assault weapon, as defined in former Section 12276,  
39 as added by Section 3 of Chapter 19 of the Statutes of 1989, shall  
40 register the firearm by January 1, 1991, and any person who

1 lawfully possessed an assault weapon prior to the date it was  
2 specified as an assault weapon pursuant to former Section 12276.5,  
3 as added by Section 3 of Chapter 19 of the Statutes of 1989 or as  
4 amended by Section 1 of Chapter 874 of the Statutes of 1990 or  
5 Section 3 of Chapter 954 of the Statutes of 1991, shall register the  
6 firearm within 90 days with the Department of Justice pursuant to  
7 those procedures that the department may establish.

8 (b)

9 (2) Except as provided in Section 30600, any person who  
10 lawfully possessed an assault weapon prior to the date it was  
11 defined as an assault weapon pursuant to former Section 12276.1,  
12 as it read in Section 7 of Chapter 129 of the Statutes of 1999, and  
13 which was not specified as an assault weapon under former Section  
14 12276, as added by Section 3 of Chapter 19 of the Statutes of 1989  
15 or as amended at any time before January 1, 2001, or former  
16 Section 12276.5, as added by Section 3 of Chapter 19 of the  
17 Statutes of 1989 or as amended at any time before January 1, 2001,  
18 shall register the firearm by January 1, 2001, with the department  
19 pursuant to those procedures that the department may establish.

20 (c)

21 (3) The registration shall contain a description of the firearm  
22 that identifies it uniquely, including all identification marks, the  
23 full name, address, date of birth, and thumbprint of the owner, and  
24 any other information that the department may deem appropriate.

25 (d)

26 (4) The department may charge a fee for registration of up to  
27 twenty dollars (\$20) per person but not to exceed the ~~actual~~  
28 *reasonable* processing costs of the department. After the  
29 department establishes fees sufficient to reimburse the department  
30 for processing costs, fees charged shall increase at a rate not to  
31 exceed the legislatively approved annual cost-of-living adjustment  
32 for the department's budget or as otherwise increased through the  
33 ~~Budget Act~~. *Act but not to exceed the reasonable costs of the*  
34 *department*. The fees shall be deposited into the Dealers' Record  
35 of Sale Special Account.

36 (b) (1) *Any person who, from January 1, 2001, to December*  
37 *31, 2016, inclusive, lawfully possessed an assault weapon that*  
38 *does not have a fixed magazine, as defined in Section 30515,*  
39 *including those weapons with an ammunition feeding device that*  
40 *can be readily removed from the firearm with the use of a tool,*

1 shall register the firearm before July 1, 2017, but not before the  
2 effective date of the regulations adopted pursuant to paragraph  
3 (5), with the department pursuant to those procedures that the  
4 department may establish by regulation pursuant to paragraph  
5 (5).

6 (2) Registrations shall be submitted electronically via the  
7 Internet utilizing a public-facing application made available by  
8 the department.

9 (3) The registration shall contain a description of the firearm  
10 that identifies it uniquely, including all identification marks, the  
11 date the firearm was acquired, the name and address of the  
12 individual from whom, or business from which, the firearm was  
13 acquired, as well as the registrant's full name, address, telephone  
14 number, date of birth, sex, height, weight, eye color, hair color,  
15 and California driver's license number or California identification  
16 card number.

17 (4) The department may charge a fee in an amount of up to  
18 fifteen dollars (\$15) per person but not to exceed the reasonable  
19 processing costs of the department. The fee shall be paid by debit  
20 or credit card at the time that the electronic registration is  
21 submitted to the department. The fee shall be deposited in the  
22 Dealers' Record of Sale Special Account to be used for purposes  
23 of this section.

24 (5) The department shall adopt regulations for the purpose of  
25 implementing this subdivision. These regulations are exempt from  
26 the Administrative Procedure Act (Chapter 3.5 (commencing with  
27 Section 11340) of Part 1 of Division 3 of Title 2 of the Government  
28 Code).

29 SEC. 4. No reimbursement is required by this act pursuant to  
30 Section 6 of Article XIII B of the California Constitution because  
31 the only costs that may be incurred by a local agency or school  
32 district will be incurred because this act creates a new crime or  
33 infraction, eliminates a crime or infraction, or changes the penalty  
34 for a crime or infraction, within the meaning of Section 17556 of  
35 the Government Code, or changes the definition of a crime within  
36 the meaning of Section 6 of Article XIII B of the California  
37 Constitution.