

Introduced by Senator Peace

December 10, 1996

An act to amend Section 12094 of the Penal Code, relating to firearms.

LEGISLATIVE COUNSEL'S DIGEST

SB 63, as introduced, Peace. Firearms: alteration of identity.

Existing law makes it a misdemeanor for any person with knowledge of any change, alteration, or obliteration to buy, receive, dispose of, sell, or possess any pistol, revolver, or other firearm with changed, altered, or obliterated identification marks.

This bill would increase the punishment for this offense from a misdemeanor to imprisonment in a county jail not exceeding one year or in the state prison. By increasing the penalty for a 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. Section 12094 of the Penal Code is
2 amended to read:

3 12094. Any person with knowledge of any change,
4 alteration, removal, or obliteration described herein, who
5 buys, receives, disposes of, sells, offers for sale, or has in his
6 *or her* possession any pistol, revolver, or other firearm
7 which has had the name of the maker, model, or the
8 manufacturer's number or other mark of identification
9 including any distinguishing number or mark assigned by
10 the Department of Justice changed, altered, removed, or
11 obliterated ~~is guilty of a misdemeanor~~ *shall be punished*
12 *by imprisonment in a county jail not exceeding one year*
13 *or in the state prison.*

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

24 Notwithstanding Section 17580 of the Government
25 Code, unless otherwise specified, the provisions of this act
26 shall become operative on the same date that the act
27 takes effect pursuant to the California Constitution.

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