

AMENDED IN ASSEMBLY FEBRUARY 15, 2000

CALIFORNIA LEGISLATURE—1999–2000 REGULAR SESSION

ASSEMBLY BILL

No. 1717

Introduced by Assembly Member Hertzberg
(Principal coauthors: Assembly Members Kuehl, Scott, and
Wildman)
(Coauthors: Assembly Members Alquist, Keeley, and
Washington)

January 3, 2000

An act to ~~amend Sections 11106, 12001, and 12072 of~~ *add*
Section 12072.5 to the Penal Code, relating to firearms.

LEGISLATIVE COUNSEL'S DIGEST

AB 1717, as amended, Hertzberg. Firearms: ballistic testing.

(1) Existing law regulates the sale, transfer, and delivery of firearms by persons, corporations, firms, and dealers. Violations of specified provisions of law governing the sale or transfer of firearms may be punished as a misdemeanor or a felony.

This bill would provide that commencing one year after a date to be determined by action of the Attorney General after January 1, 2002, regarding an adequate ballistic identification system, no person who is licensed as a manufacturer or importer of firearms pursuant to federal law shall sell or otherwise transfer their ownership of a handgun, or of a barrel designed and intended to be attached to or be used for a handgun, to a resident of this state, unless the manufacturer

or importer has complied with provisions requiring the submission of ballistic identification information for all handguns that the manufacturer has manufactured, or the importer has imported. The bill would exempt antique firearms, as defined, and curios and relics, as defined, from these provisions. The bill would provide that a violation of these provisions is a misdemeanor. ~~This bill would also make conforming changes.~~ By creating a new crime punishable as a misdemeanor, this bill would impose a state-mandated local program.

(2) 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 11106 of the Penal Code is~~
2 *SECTION 1. Section 12072.5 is added to the Penal*
3 *Code, to read:*
4 *12072.5. (a) Commencing on a date determined by*
5 *the Attorney General pursuant to subdivision (c), no*
6 *person who is licensed as a manufacturer pursuant to*
7 *Chapter 44 (commencing with Section 921) of Title 18 of*
8 *the United States Code and the regulations issued*
9 *pursuant thereto or who is licensed as an importer*
10 *pursuant to Chapter 44 (commencing with Section 921)*
11 *of Title 18 of the United States Code and the regulations*
12 *issued pursuant thereto, shall sell or otherwise transfer*
13 *their ownership of a pistol, revolver, or other firearm*
14 *capable of being concealed upon the person to a person*
15 *who is at that time residing in this state unless that*
16 *manufacturer or importer has complied with subdivision*
17 *(d).*
18 *(b) Commencing on a date determined by the*
19 *Attorney General pursuant to subdivision (c), no person*

1 *who is licensed as a manufacturer pursuant to Chapter 44*
2 *(commencing with Section 921) of Title 18 of the United*
3 *States Code and the regulations issued pursuant thereto*
4 *or who is licensed as an importer pursuant to Chapter 44*
5 *(commencing with Section 921) of Title 18 of the United*
6 *States Code and the regulations issued pursuant thereto,*
7 *shall sell or otherwise transfer their ownership of a barrel*
8 *designed and intended to be attached to or used for a*
9 *pistol, revolver, or other firearm capable of being*
10 *concealed upon that person at the time of its transfer of*
11 *ownership to a person who is at that time in this state*
12 *unless that manufacturer or importer has complied with*
13 *subdivision (d).*

14 *(c) The Attorney General shall evaluate ballistic*
15 *identification systems, including any federal ballistic*
16 *identification system, and shall make a formal*
17 *determination, after January 1, 2002, as to whether an*
18 *adequate ballistic identification system or systems exist*
19 *for law enforcement agencies in California to utilize for*
20 *crime prevention. The Attorney General shall make that*
21 *determination public as soon as reasonably practical after*
22 *the determination has been made.*

23 *(d) One year from the date the Attorney General*
24 *makes public the determination that an adequate ballistic*
25 *identification system or systems exist pursuant to*
26 *subdivision (c), every person who is licensed as a*
27 *manufacturer pursuant to Chapter 44 (commencing with*
28 *Section 921) of Title 18 of the United States Code and the*
29 *regulations issued pursuant thereto or who is licensed as*
30 *an importer pursuant to Chapter 44 (commencing with*
31 *Section 921) of Title 18 of the United States Code and the*
32 *regulations issued pursuant thereto, shall submit ballistic*
33 *identification information, as required by the Attorney*
34 *General, for all pistols, revolvers, or other firearms*
35 *capable of being concealed upon the person, or barrels,*
36 *as referenced in subdivision (b), that the manufacturer*
37 *manufactured, or the importer imported, on or after the*
38 *one-year anniversary of the date in which the*
39 *determination is made public to:*

1 *(1) The Department of Justice, in a format prescribed*
2 *by the department.*

3 *(2) The ballistic identification system selected by the*
4 *Attorney General, in a format prescribed by the*
5 *department.*

6 *(e) This paragraph does not apply to any antique*
7 *firearms, as defined in paragraph (5) of subdivision (a) of*
8 *Section 12020, or any curio or relic as defined in Section*
9 *178.11 of Title 27 of the Code of Federal Regulations.*

10 *(f) A violation of subdivision (a) or (b) is a*
11 *misdemeanor.*

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

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24 **All matter omitted in this version of the**
25 **bill appears in the bill as introduced in the**
26 **Assembly, January 3, 2000 (JR 11)**
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