

AMENDED IN ASSEMBLY FEBRUARY 23, 2000

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 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. *This bill would also prohibit, after the date described above, a person any from importing a handgun for sale unless that person or company provides, prior to importation, satisfactory evidence that ballistic identification information, as specified, for each handgun has been submitted to the Department of Justice.* 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. 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 12072.5 is added to the Penal
2 Code, to read:
3 12072.5. (a) Commencing on a date determined by
4 the Attorney General pursuant to subdivision—(e) (b), no
5 person who is licensed as a manufacturer pursuant to
6 Chapter 44 (commencing with Section 921) of Title 18 of
7 the United States Code and the regulations issued
8 pursuant thereto or who is licensed as an importer
9 pursuant to Chapter 44 (commencing with Section 921)
10 of Title 18 of the United States Code and the regulations
11 issued pursuant thereto, shall sell or otherwise transfer
12 their ownership of a pistol, revolver, or other firearm
13 capable of being concealed upon the person to a person

1 who is at that time residing in this state unless that
2 manufacturer or importer has complied with subdivision
3 ~~(d)~~ (c).

4 ~~(b) Commencing on a date determined by the~~
5 ~~Attorney General pursuant to subdivision (e), no person~~
6 ~~who is licensed as a manufacturer pursuant to Chapter 44~~
7 ~~(commencing with Section 921) of Title 18 of the United~~
8 ~~States Code and the regulations issued pursuant thereto~~
9 ~~or who is licensed as an importer pursuant to Chapter 44~~
10 ~~(commencing with Section 921) of Title 18 of the United~~
11 ~~States Code and the regulations issued pursuant thereto,~~
12 ~~shall sell or otherwise transfer their ownership of a barrel~~
13 ~~designed and intended to be attached to or used for a~~
14 ~~pistol, revolver, or other firearm capable of being~~
15 ~~concealed upon that person at the time of its transfer of~~
16 ~~ownership to a person who is at that time in this state~~
17 ~~unless that manufacturer or importer has complied with~~
18 ~~subdivision (d).~~

19 ~~(e)~~

20 (b) The Attorney General shall evaluate ballistic
21 identification systems, including any federal ballistic
22 identification system, and shall make a formal
23 determination, after January 1, 2002, as to whether an
24 adequate ballistic identification system or systems exist
25 for law enforcement agencies in California to utilize for
26 crime prevention. The Attorney General shall make that
27 determination public as soon as reasonably practical after
28 the determination has been made.

29 ~~(d)~~

30 (c) One year from the date the Attorney General
31 makes public the determination that an adequate ballistic
32 identification system or systems exist pursuant to
33 subdivision—~~(e)~~ (b), every person who is licensed as a
34 manufacturer pursuant to Chapter 44 (commencing with
35 Section 921) of Title 18 of the United States Code and the
36 regulations issued pursuant thereto or who is licensed as
37 an importer pursuant to Chapter 44 (commencing with
38 Section 921) of Title 18 of the United States Code and the
39 regulations issued pursuant thereto, shall submit ballistic
40 identification information, as required by the Attorney

1 General, for all pistols, revolvers, or other firearms
2 capable of being concealed upon the person, ~~or barrels,~~
3 ~~as referenced in subdivision (b),~~ that the manufacturer
4 manufactured, or the importer imported, on or after the
5 one-year anniversary of the date in which the
6 determination is made public to:

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

9 (2) The ballistic identification system selected by the
10 Attorney General, in a format prescribed by the
11 department.

12 *(d) One year from the date the Attorney General*
13 *makes public the determination that an adequate ballistic*
14 *identification system or systems exist pursuant to*
15 *subdivision (b), a person or company may not import for*
16 *sale a pistol, revolver, or other firearm capable of being*
17 *concealed upon the person unless that person or*
18 *company provides, prior to importation, satisfactory*
19 *evidence that ballistic identification information, as*
20 *required by the Attorney General, for each pistol,*
21 *revolver, or other firearm capable of being concealed*
22 *upon the person has been submitted to the Department*
23 *of Justice in the format prescribed by the department.*

24 (e) This ~~paragraph~~ section does not apply to any
25 antique firearms, as defined in paragraph (5) of
26 subdivision (a) of Section 12020, or any curio or relic as
27 defined in Section 178.11 of Title 27 of the Code of Federal
28 Regulations.

29 (f) A violation of subdivision (a) ~~or (b)~~ (c), or (d) is
30 a misdemeanor.

31 SEC. 2. No reimbursement is required by this act
32 pursuant to Section 6 of Article XIII B of the California
33 Constitution because the only costs that may be incurred
34 by a local agency or school district will be incurred
35 because this act creates a new crime or infraction,
36 eliminates a crime or infraction, or changes the penalty
37 for a crime or infraction, within the meaning of Section
38 17556 of the Government Code, or changes the definition

1 of a crime within the meaning of Section 6 of Article
2 XIII B of the California Constitution.

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