

AMENDED IN ASSEMBLY MAY 26, 2000
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, Knox,
Shelley, and Washington)
(Coauthor: Senator Alarcon)

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,~~ *require the Attorney General to evaluate, as specified,*

REPRINT

Corrected 6-2-2000—See last page.

96



ballistic identification systems and to make a determination and report to the Legislature by January 1, 2003, as to whether a system or systems should be used statewide. The bill would also provide that if the Attorney General determines a ballistic identification system or systems should be used, and if the Legislature appropriates funds to implement the system or systems, then no person who is licensed as a manufacturer ~~or importer~~ of firearms pursuant to federal law ~~shall~~ could sell or otherwise transfer their ownership of 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 subject to the Attorney General's determination and the funding~~ described above, a person ~~any~~ or importer 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 (b), no~~

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

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

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

38 ~~(1) The Department of Justice, in a format prescribed~~
39 ~~by the department.~~

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

~~(d) One year from the date the Attorney General makes public the determination that an adequate ballistic identification system or systems exist pursuant to subdivision (b), a person or company may not import for sale a pistol, revolver, or other firearm capable of being~~

12072.5. (a) The Attorney General shall evaluate ballistic identification systems, including any federal ballistic identification system, and shall make a formal determination by January 1, 2003, as to whether a ballistic identification system or systems should be utilized on a statewide level for law enforcement agencies in California. The Attorney General shall submit a report with the results of the evaluation to the Legislature by January 1, 2003.

(b) The evaluation of ballistic identification systems required pursuant to subdivision (a) shall include at a minimum, but not be limited to, consideration of the following:

(1) Whether the system or systems are capable of maintaining a handgun data base for the entire state of California.

(2) Whether the system or systems are compatible with other ballistic identification systems, including systems utilized at the federal level, and will allow for sharing of information.

(3) The potential costs of implementing and operating a system or systems compared to the potential benefit to law enforcement.

(4) Whether a standard protocol for image capture, storage, and data identification exists.

(5) Potential issues related to the evidentiary use of ballistic identification information.

(c) If the Attorney General concludes that a ballistic identification system or systems should be used on a statewide level for law enforcement in California and the Legislature appropriates funds for the implementation and operation of such a system or systems, then

1 paragraphs (1) and (2) shall become effective one year
2 from the date of the appropriation. Upon appropriation
3 of funds by the Legislature, the Attorney General shall
4 give public notice of the requirements of paragraphs (1)
5 and (2).

6 (1) No person who is licensed as a manufacturer
7 pursuant to Chapter 44 (commencing with Section 921)
8 of Title 18 of the United States Code and the regulations
9 issued pursuant thereto shall sell or otherwise transfer
10 their ownership of a pistol, revolver, or other firearm
11 capable of being concealed upon the person to a person
12 who is residing in this state, unless that manufacturer first
13 provides ballistic information, as required by the
14 Attorney General, for all pistols, revolvers, or other
15 firearms capable of being concealed upon the person that
16 the manufacturer manufactured, to the Department of
17 Justice, in a format prescribed by the department.

18 (2) No person or company shall import for sale in
19 California, a pistol, revolver, or other firearm capable of
20 being concealed upon the person unless that person or
21 company provides, prior to importation, satisfactory
22 evidence that ballistic identification information, as
23 required by the Attorney General, for each pistol,
24 revolver, or other firearm capable of being concealed
25 upon the person has been submitted to the Department
26 of Justice in the format prescribed by the department.

27 ~~(e)~~

28 (d) This section does not apply to any antique
29 firearms, as defined in paragraph (5) of subdivision (a) of
30 Section 12020, or any curio or relic as defined in Section
31 178.11 of Title 27 of the Code of Federal Regulations.

32 ~~(f) A violation of subdivision (a) (e), or (d) is~~

33 (e) A violation of paragraph (1) or (2) of subdivision
34 (c) is a misdemeanor.

35 SEC. 2. No reimbursement is required by this act
36 pursuant to Section 6 of Article XIII B of the California
37 Constitution because the only costs that may be incurred
38 by a local agency or school district will be incurred
39 because this act creates a new crime or infraction,
40 eliminates a crime or infraction, or changes the penalty

1 for a crime or infraction, within the meaning of Section
 2 17556 of the Government Code, or changes the definition
 3 of a crime within the meaning of Section 6 of Article
 4 XIII B of the California Constitution.

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6 CORRECTIONS

7 Text — Page 5.

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