

ASSEMBLY BILL

No. 1961

Introduced by Assembly Member Machado
(Principal coauthor: Senator Dunn)

February 18, 2000

An act to amend Section 12200 of the Penal Code, relating to firearms.

LEGISLATIVE COUNSEL'S DIGEST

AB 1961, as introduced, Machado. Machine guns: definition.

Existing law prohibits a person, firm, or corporation from possessing, transporting, manufacturing, or selling a machinegun unless authorized to do so. A machinegun is defined to mean, in part, any weapon that shoots, or is designed to shoot, automatically, more than one shot, without manual reloading, by a single function of the trigger, and includes any frame receiver that can only be used with that weapon.

This bill would expand the above definition of a machinegun to include any frame receiver, or trigger mechanism that can only be used with that weapon. By expanding the definition of a machinegun, this bill would expand the scope of a crime and 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 12200 of the Penal Code is
2 amended to read:

3 12200. The term “machinegun” as used in this
4 chapter means any weapon—~~which~~ *that* shoots, or is
5 designed to shoot, automatically, more than one shot,
6 without manual reloading, by a single function of the
7 trigger, and includes any frame—~~or~~, receiver, *or trigger*
8 *mechanism*—~~which~~ *that* can only be used with that
9 weapon. The term also includes any part or combination
10 of parts designed and intended for use in converting a
11 weapon into a machinegun. The term also includes any
12 weapon deemed by the federal Bureau of Alcohol,
13 Tobacco, and Firearms as readily convertible to a
14 machinegun under Chapter 53 (commencing with
15 Section 5801) of Title 26 of the United States Code.

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

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