

AMENDED IN SENATE JUNE 8, 2000
AMENDED IN ASSEMBLY MAY 1, 2000

CALIFORNIA LEGISLATURE—1999–2000 REGULAR SESSION

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 amended, Machado. Machineguns: 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 *weapon that can readily be restored to shoot, automatically, more than one shot, and to also include a* frame receiver, or trigger mechanism, ~~as defined,~~ 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. ~~(a)~~The term “machinegun” as used in this
4 chapter means any weapon that shoots, or is designed to
5 shoot, *or can readily be restored to shoot*, automatically,
6 more than one shot, without manual reloading, by a single
7 function of the trigger, ~~and includes any frame, receiver,~~
8 ~~or trigger mechanism that can only be used with that~~
9 ~~weapon. The term also includes any part. The term shall~~
10 ~~also include the frame or receiver of any like weapon, any~~
11 ~~part designed and intended solely and exclusively, or~~
12 ~~combination of parts designed and intended for use in~~
13 ~~converting a weapon into a machinegun, and any~~
14 ~~combination of parts from which a machinegun can be~~
15 ~~assembled if those parts are in the possession or under the~~
16 ~~control of a person. The term also includes any weapon~~
17 ~~deemed by the federal Bureau of Alcohol, Tobacco, and~~
18 ~~Firearms as readily convertible to a machinegun under~~
19 ~~Chapter 53 (commencing with Section 5801) of Title 26~~
20 ~~of the United States Code.~~

21 ~~(b) As used in this section, “trigger mechanism”~~
22 ~~means any part designed and intended solely and~~
23 ~~exclusively for, or any combination of parts designed and~~
24 ~~intended for, use in converting a weapon into a~~
25 ~~machinegun, and any combination of parts from which a~~
26 ~~machinegun can be assembled if those parts are in the~~
27 ~~possession or under the control of a person.~~



1 ~~(c) As used in this section, the phrase “parts designed~~
2 ~~and intended for use in converting” means a part or~~
3 ~~combination of parts that are specifically designed~~
4 ~~conversion parts or modified or altered machinegun~~
5 ~~parts, that can be used to convert a semiautomatic~~
6 ~~firearm to a machinegun without alteration of the~~
7 ~~semiautomatic receiver. This phrase does not refer to or~~
8 ~~identify unaltered manufactured machinegun parts.~~

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

