

AMENDED IN ASSEMBLY APRIL 5, 2000

CALIFORNIA LEGISLATURE—1999–2000 REGULAR SESSION

**ASSEMBLY BILL**

**No. 2351**

**Introduced by Assembly Member Zettel**  
*(Principal coauthor: Senator Peace)*

February 24, 2000

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An act to amend Sections 12132 and ~~12280~~ *12276.1* of the Penal Code, relating to weapons.

LEGISLATIVE COUNSEL'S DIGEST

AB 2351, as amended, Zettel. Weapons: manufacture, import, and sale.

(1) Existing law, commencing January 1, 2001, makes it a misdemeanor to manufacture or cause to be manufactured, import into the state for sale, keep for sale, offer or expose for sale, give, or lend any unsafe handgun, except as specified.

Existing law additionally requires every person licensed to manufacture firearms pursuant to federal law who manufactures firearms in this state and every person who imports into the state for sale, keeps for sale, or offers or exposes for sale any firearm to certify under penalty of perjury that every model, kind, class, style, or type of pistol, revolver, or other firearm capable of being concealed upon the person that he or she manufactures or imports, keeps, or exposes for sale is not a prohibited unsafe handgun.

This bill would exempt from these requirements ~~an assault weapon used exclusively in specified competitions or programs~~ *any firearm that is used in official Olympic-style*

*international shooting competition sanctioned by a specified entity.*

~~(2) Existing law makes it a crime to engage in specified activities regarding assault weapons and regulates the lawful possession of those weapons. Existing law defines the term “assault weapon” by, among other things, designating a list of specified semiautomatic firearms and providing descriptive definitions concerning the capacity and function of the weapon.~~

~~Existing law also provides specified exemptions to the prohibitions regarding use and possession of an assault weapon.~~

~~This bill would include among these exemptions the loan of an assault weapon to a minor participating in a competition sanctioned by USA Shooting or the governing body of shooting sports in the United States or who is at a shooting range participating in a shooting development program managed by these organizations and the importation of an assault weapon for exclusive use in competitions or programs developed or sanctioned by these organizations. The bill would authorize the Department of Justice to require proof of membership in these organizations.~~

*The bill additionally would specify that the definition of “assault weapon” does not include any firearm that is used in official Olympic-style international shooting competition sanctioned by a specified entity.*

Vote: majority. Appropriation: no. Fiscal committee: yes. State-mandated local program: no.

*The people of the State of California do enact as follows:*

1 SECTION 1. *It is the intent of the Legislature in*  
2 *enacting this bill to simplify the application of its*  
3 *provisions by the Department of Justice and to ensure*  
4 *that these provisions only have the effect of allowing*  
5 *access to, and use of, firearms for Olympic-style shooting,*  
6 *without affecting other firearms regulated under existing*  
7 *law.*

8 SEC. 2. Section 12132 of the Penal Code is amended  
9 to read:



1 12132. This chapter shall not apply to any of the  
2 following:

3 (a) The sale, loan, or transfer of any firearm pursuant  
4 to Section 12082 or 12084 in order to comply with  
5 subdivision (d) of Section 12072.

6 (b) The sale, loan, or transfer of any firearm that is  
7 exempt from the provisions of subdivision (d) of Section  
8 12072 pursuant to any applicable exemption contained in  
9 Section 12078, if the sale, loan, or transfer complies with  
10 the requirements of that applicable exemption to  
11 subdivision (d) of Section 12072.

12 (c) The sale, loan, or transfer of any firearm as  
13 described in paragraph (3) of subdivision (b) of Section  
14 12125.

15 (d) The delivery of a pistol, revolver, or other firearm  
16 capable of being concealed upon the person to a person  
17 licensed pursuant to Section 12071 for the purposes of the  
18 service or repair of that firearm.

19 (e) The return of a pistol, revolver, or other firearm  
20 capable of being concealed upon the person by a person  
21 licensed pursuant to Section 12071 to its owner where that  
22 firearm was initially delivered in the circumstance set  
23 forth in subdivision (d).

24 (f) The return of a pistol, revolver, or other firearm  
25 capable of being concealed upon the person by a person  
26 licensed pursuant to Section 12071 to its owner where that  
27 firearm was initially delivered to that licensee for the  
28 purpose of a consignment sale or as collateral for a  
29 pawnbroker loan.

30 (g) The sale, loan, or transfer of any pistol, revolver, or  
31 other firearm capable of being concealed upon the  
32 person listed as a curio or relic, as defined in Section  
33 178.11 of the Code of Federal Regulations.

34 ~~(h) The use of an assault weapon exclusively in  
35 competitions or programs developed or sanctioned by  
36 USA Shooting or other governing bodies of shooting  
37 sports in the United States.~~

38 *(h) Any firearm that is used for the purpose of using  
39 that firearm in official Olympic-style international  
40 shooting competition sanctioned by USA Shooting, the*



1 national governing body for international shooting  
2 competition in the United States as franchised by the  
3 United States Olympic Committee. A list of any pistol,  
4 revolver, or other firearm capable of being concealed  
5 upon the person that is eligible to be used in USA Shooting  
6 sanctioned events shall be furnished to the Department  
7 of Justice by the Executive Director of USA Shooting. An  
8 updated list shall be furnished to the department as  
9 needed.

10 ~~SEC. 2. Section 12280 of the Penal Code is amended~~  
11 ~~to read:~~

12 ~~12280. (a) (1) Any person who, within this state,~~  
13 ~~manufactures or causes to be manufactured, distributes,~~  
14 ~~transports, or imports into the state, keeps for sale, or~~  
15 ~~offers or exposes for sale, or who gives or lends any assault~~  
16 ~~weapon, except as provided by this chapter, is guilty of a~~  
17 ~~felony, and upon conviction shall be punished by~~  
18 ~~imprisonment in the state prison for four, six, or eight~~  
19 ~~years.~~

20 ~~(2) In addition and consecutive to the punishment~~  
21 ~~imposed under paragraph (1), any person who transfers,~~  
22 ~~lends, sells, or gives any assault weapon to a minor in~~  
23 ~~violation of paragraph (1) shall receive an enhancement~~  
24 ~~of one year.~~

25 ~~(b) Except as provided in Section 12288, and in~~  
26 ~~subdivisions (c) and (d), any person who, within this~~  
27 ~~state, possesses any assault weapon, except as provided in~~  
28 ~~this chapter, is guilty of a public offense and upon~~  
29 ~~conviction shall be punished by imprisonment in the state~~  
30 ~~prison, or in a county jail, not exceeding one year.~~  
31 ~~However, if the person presents proof that he or she~~  
32 ~~lawfully possessed the assault weapon prior to June 1,~~  
33 ~~1989, or prior to the date it was specified as an assault~~  
34 ~~weapon, and has since either registered the firearm and~~  
35 ~~any other lawfully obtained firearm specified by Section~~  
36 ~~12276 or 12276.5 pursuant to Section 12285 or relinquished~~  
37 ~~them pursuant to Section 12288, a first-time violation of~~  
38 ~~this subdivision shall be an infraction punishable by a fine~~  
39 ~~of up to five hundred dollars (\$500), but not less than~~  
40 ~~three hundred fifty dollars (\$350), if the person has~~



1 otherwise possessed the firearm in compliance with  
2 subdivision (e) of Section 12285. In these cases, the  
3 firearm shall be returned unless the court finds in the  
4 interest of public safety, after notice and hearing, that the  
5 assault weapon should be destroyed pursuant to Section  
6 12028.

7 (e) A first-time violation of subdivision (b) shall be an  
8 infraction punishable by a fine of up to five hundred  
9 dollars (\$500), if the person was found in possession of no  
10 more than two firearms in compliance with subdivision  
11 (e) of Section 12285 and the person meets all of the  
12 following conditions:

13 (1) The person proves that he or she lawfully possessed  
14 the assault weapon prior to the date it was defined as an  
15 assault weapon pursuant to Section 12276.1.

16 (2) The person is not found in possession of a firearm  
17 specified as an assault weapon pursuant to Section 12276  
18 or Section 12276.5.

19 (3) The person has not previously been convicted of  
20 violating this section.

21 (4) The person was found to be in possession of the  
22 assault weapons within one year following the end of the  
23 one-year registration period established pursuant to  
24 subdivision (a) of Section 12285.

25 (5) The person has since registered the firearms and  
26 any other lawfully obtained firearms defined by Section  
27 12276.1, pursuant to Section 12285, except as provided for  
28 by this section, or relinquished them pursuant to Section  
29 12288.

30 (d) Firearms seized pursuant to subdivision (e) shall  
31 be returned unless the court finds in the interest of public  
32 safety, after notice and hearing, that the assault weapon  
33 should be destroyed pursuant to Section 12028.

34 (e) Notwithstanding Section 654 or any other  
35 provision of law, any person who commits another crime  
36 while violating this section may receive an additional,  
37 consecutive punishment of one year for violating this  
38 section in addition and consecutive to the punishment,  
39 including enhancements, which is prescribed for the  
40 other crime.



1 ~~(f) Subdivisions (a) and (b) shall not apply to the sale~~  
2 ~~to, purchase by, or possession of assault weapons by the~~  
3 ~~Department of Justice, police departments, sheriffs'~~  
4 ~~offices, marshals' offices, the Youth and Adult Corrections~~  
5 ~~Agency, the Department of the California Highway~~  
6 ~~Patrol, district attorneys' offices, Department of Fish and~~  
7 ~~Game, Department of Parks and Recreation, or the~~  
8 ~~military or naval forces of this state or of the United States~~  
9 ~~for use in the discharge of their official duties.~~

10 ~~(g) Subdivision (b) shall not prohibit the possession or~~  
11 ~~use of assault weapons by sworn peace officer members~~  
12 ~~of those agencies specified in subdivision (f) for law~~  
13 ~~enforcement purposes, whether on or off duty.~~

14 ~~(h) Subdivisions (a) and (b) shall not prohibit the sale~~  
15 ~~or transfer of assault weapons by an entity specified in~~  
16 ~~subdivision (f) to a person, upon retirement, who retired~~  
17 ~~as a sworn officer from that entity.~~

18 ~~(i) Subdivision (b) shall not apply to the possession of~~  
19 ~~an assault weapon by a retired peace officer who received~~  
20 ~~that assault weapon pursuant to subdivision (h).~~

21 ~~(j) Subdivision (b) shall not apply to the possession of~~  
22 ~~an assault weapon, as defined in Section 12276, by any~~  
23 ~~person during the 1990 calendar year, during the 90-day~~  
24 ~~period immediately after the date it was specified as an~~  
25 ~~assault weapon pursuant to Section 12276.5, or during the~~  
26 ~~one-year period after the date it was defined as an assault~~  
27 ~~weapon pursuant to Section 12276.1, if all of the following~~  
28 ~~are applicable:~~

29 ~~(1) The person is eligible under this chapter to register~~  
30 ~~the particular assault weapon.~~

31 ~~(2) The person lawfully possessed the particular~~  
32 ~~assault weapon described in paragraph (1) prior to June~~  
33 ~~1, 1989, if the weapon is specified as an assault weapon~~  
34 ~~pursuant to Section 12276, or prior to the date it was~~  
35 ~~specified as an assault weapon pursuant to Section~~  
36 ~~12276.5, or prior to the date it was defined as an assault~~  
37 ~~weapon pursuant to Section 12276.1.~~

38 ~~(3) The person is otherwise in compliance with this~~  
39 ~~chapter.~~



1 ~~(k) Subdivisions (a) and (b) shall not apply to the~~  
2 ~~manufacture by persons who are issued permits pursuant~~  
3 ~~to Section 12287 of assault weapons for sale to the~~  
4 ~~following:~~

5 ~~(1) Exempt entities listed in subdivision (f):~~

6 ~~(2) Entities and persons who have been issued permits~~  
7 ~~pursuant to Section 12286.~~

8 ~~(3) Entities outside the state who have, in effect, a~~  
9 ~~federal firearms dealer's license solely for the purpose of~~  
10 ~~distribution to an entity listed in paragraphs (4) to (6),~~  
11 ~~inclusive.~~

12 ~~(4) Federal military and law enforcement agencies.~~

13 ~~(5) Law enforcement and military agencies of other~~  
14 ~~states.~~

15 ~~(6) Foreign governments and agencies approved by~~  
16 ~~the United States State Department.~~

17 ~~(l) Subdivision (a) shall not apply to a person who is~~  
18 ~~the executor or administrator of an estate that includes an~~  
19 ~~assault weapon registered under Section 12285 or that was~~  
20 ~~possessed pursuant to subdivision (g) or (i) which is~~  
21 ~~disposed of as authorized by the probate court, if the~~  
22 ~~disposition is otherwise permitted by this chapter.~~

23 ~~(m) Subdivision (b) shall not apply to a person who is~~  
24 ~~the executor or administrator of an estate that includes an~~  
25 ~~assault weapon registered under Section 12285 or that was~~  
26 ~~possessed pursuant to subdivision (g) or (i), if the assault~~  
27 ~~weapon is possessed at a place set forth in paragraph (1)~~  
28 ~~of subdivision (c) of Section 12285 or as authorized by the~~  
29 ~~probate court.~~

30 ~~(n) Subdivision (a) shall not apply to:~~

31 ~~(1) A person who lawfully possesses and has registered~~  
32 ~~an assault weapon pursuant to this chapter who lends that~~  
33 ~~assault weapon to another if all the following apply:~~

34 ~~(A) The person to whom the assault weapon is lent is~~  
35 ~~18 years of age or over and is not in a class of persons~~  
36 ~~prohibited from possessing firearms by virtue of Section~~  
37 ~~12021 or 12021.1 of this code or Section 8100 or 8103 of the~~  
38 ~~Welfare and Institutions Code.~~



1 ~~(B) The person to whom the assault weapon is lent~~  
2 ~~remains in the presence of the registered possessor of the~~  
3 ~~assault weapon.~~

4 ~~(C) The person to whom the assault weapon is lent is~~  
5 ~~a minor participating in a competition sanctioned by USA~~  
6 ~~Shooting or the governing body of shooting sports in the~~  
7 ~~United States or is at a shooting range participating in a~~  
8 ~~shooting development program managed by these~~  
9 ~~organizations.~~

10 ~~(D) The assault weapon is possessed at any of the~~  
11 ~~following locations:~~

12 ~~(i) While on a target range that holds a regulatory or~~  
13 ~~business license for the purpose of practicing shooting at~~  
14 ~~that target range.~~

15 ~~(ii) While on the premises of a target range of a public~~  
16 ~~or private club or organization organized for the purpose~~  
17 ~~of practicing shooting at targets.~~

18 ~~(iii) While attending any exhibition, display, or~~  
19 ~~educational project that is about firearms and that is~~  
20 ~~sponsored by, conducted under the auspices of, or~~  
21 ~~approved by a law enforcement agency or a nationally or~~  
22 ~~state recognized entity that fosters proficiency in, or~~  
23 ~~promotes education about, firearms.~~

24 ~~(2) The return of an assault weapon to the registered~~  
25 ~~possessor which is lent by the same pursuant to paragraph~~  
26 ~~(1).~~

27 ~~(3) The importation of an assault weapon for exclusive~~  
28 ~~use in competitions or programs developed or sanctioned~~  
29 ~~by USA Shooting or the governing body of shooting sports~~  
30 ~~in the United States.~~

31 ~~The Department of Justice may require proof of~~  
32 ~~membership in any of the shooting organizations~~  
33 ~~described in this subdivision.~~

34 ~~(o) Subdivision (b) shall not apply to the possession of~~  
35 ~~an assault weapon by a person to whom an assault weapon~~  
36 ~~is lent pursuant to subdivision (n).~~

37 ~~(p) Subdivisions (a) and (b) shall not apply to the~~  
38 ~~possession and importation of an assault weapon into this~~  
39 ~~state by a nonresident if all of the following conditions are~~  
40 ~~met:~~



1 ~~(1) The person is attending or going directly to or~~  
2 ~~coming directly from an organized competitive match or~~  
3 ~~league competition that involves the use of an assault~~  
4 ~~weapon.~~

5 ~~(2) The competition or match is conducted on the~~  
6 ~~premises of one of the following:~~

7 ~~(i) A target range that holds a regulatory or business~~  
8 ~~license for the purpose of practicing shooting at that~~  
9 ~~target range.~~

10 ~~(ii) A target range of a public or private club or~~  
11 ~~organization that is organized for the purpose of~~  
12 ~~practicing shooting at targets.~~

13 ~~(3) The match or competition is sponsored by,~~  
14 ~~conducted under the auspices of, or approved by, a law~~  
15 ~~enforcement agency or a nationally or state recognized~~  
16 ~~entity that fosters proficiency in, or promotes education~~  
17 ~~about, firearms.~~

18 ~~(4) The assault weapon is transported in accordance~~  
19 ~~with Section 12026.1 or 12026.2.~~

20 ~~(5) The person is 18 years of age or over and is not in~~  
21 ~~a class of persons prohibited from possessing firearms by~~  
22 ~~virtue of Section 12021 or 12021.1 of this code or Section~~  
23 ~~8100 or 8103 of the Welfare and Institutions Code.~~

24 ~~(q) Subdivision (b) shall not apply to any of the~~  
25 ~~following persons:~~

26 ~~(1) A person acting in accordance with Section 12286.~~

27 ~~(2) A person who has a permit to possess an assault~~  
28 ~~weapon issued pursuant to Section 12286 when he or she~~  
29 ~~is acting in accordance with Section 12285 or 12286.~~

30 ~~(r) Subdivisions (a) and (b) shall not apply to any of~~  
31 ~~the following persons:~~

32 ~~(1) A person acting in accordance with Section 12285.~~

33 ~~(2) A person acting in accordance with Section 12286~~  
34 ~~or 12290.~~

35 ~~(s) Subdivision (b) shall not apply to the registered~~  
36 ~~owner of an assault weapon possessing that firearm in~~  
37 ~~accordance with subdivision (e) of Section 12285.~~

38 ~~(t) Subdivision (a) shall not apply to the importation~~  
39 ~~into this state of an assault weapon by the registered~~



1 owner of that assault weapon, if it is in accordance with  
2 the provisions of subdivision (e) of Section 12285.

3 (u) As used in this chapter, the date a firearm is an  
4 assault weapon is the earliest of the following:

5 (1) The effective date of an amendment to Section  
6 12276 that adds the designation of the specified firearm.

7 (2) The effective date of the list promulgated pursuant  
8 to Section 12276.5 that adds or changes the designation of  
9 the specified firearm.

10 (3) The operative date of Section 12276.1, as specified  
11 in subdivision (b) of that section.

12 *SEC. 3. Section 12276.1 of the Penal Code is amended*  
13 *to read:*

14 12276.1. (a) Notwithstanding Section 12276, “assault  
15 weapon” shall also mean any of the following:

16 (1) A semiautomatic, centerfire rifle that has the  
17 capacity to accept a detachable magazine and any one of  
18 the following:

19 (A) A pistol grip that protrudes conspicuously beneath  
20 the action of the weapon.

21 (B) A thumbhole stock.

22 (C) A folding or telescoping stock.

23 (D) A grenade launcher or flare launcher.

24 (E) A flash suppressor.

25 (F) A forward pistol grip.

26 (2) A semiautomatic, centerfire rifle that has a fixed  
27 magazine with the capacity to accept more than 10  
28 rounds.

29 (3) A semiautomatic, centerfire rifle that has an  
30 overall length of less than 30 inches.

31 (4) A semiautomatic pistol that has the capacity to  
32 accept a detachable magazine and any one of the  
33 following:

34 (A) A threaded barrel, capable of accepting a flash  
35 suppressor, forward handgrip, or silencer.

36 (B) A second handgrip.

37 (C) A shroud that is attached to, or partially or  
38 completely encircles, the barrel that allows the bearer to  
39 fire the weapon without burning his or her hand, except  
40 a slide that encloses the barrel.



1 (D) The capacity to accept a detachable magazine at  
2 some location outside of the pistol grip.

3 (5) A semiautomatic pistol with a fixed magazine that  
4 has the capacity to accept more than 10 rounds.

5 (6) A semiautomatic shotgun that has both of the  
6 following:

7 (A) A folding or telescoping stock.

8 (B) A pistol grip that protrudes conspicuously beneath  
9 the action of the weapon, thumbhole stock, or vertical  
10 handgrip.

11 (7) A semiautomatic shotgun that has the ability to  
12 accept a detachable magazine.

13 (8) Any shotgun with a revolving cylinder.

14 (b) "Assault weapon" does not include ~~any~~ *either of*  
15 *the following:*

16 (1) Any antique firearm.

17 (2) *Any firearm that is used in official Olympic-style*  
18 *international shooting competition sanctioned by USA*  
19 *Shooting, the national governing body for international*  
20 *shooting competition in the United States as franchised*  
21 *by the United States Olympic Committee. A list of any*  
22 *pistol, revolver, or other firearm capable of being*  
23 *concealed upon the person that is eligible to be used in*  
24 *USA Shooting sanctioned events shall be furnished to the*  
25 *Department of Justice by the Executive Director of USA*  
26 *Shooting. An updated list shall be furnished to the*  
27 *department as needed.*

28 (c) The following definitions shall apply under this  
29 section:

30 (1) "Magazine" shall mean any ammunition feeding  
31 device.

32 (2) "Capacity to accept more than 10 rounds" shall  
33 mean capable of accommodating more than 10 rounds,  
34 but shall not be construed to include a feeding device that  
35 has been permanently altered so that it cannot  
36 accommodate more than 10 rounds.

37 (3) "Antique firearm" means any firearm  
38 manufactured prior to January 1, 1899.

39 (d) This section shall become operative January 1,  
40 2000.



1    *SEC. 4. If any provision of this act or the application*  
2    *thereof to any person or circumstance is held invalid, that*  
3    *invalidity may not affect other provisions or applications*  
4    *of this act that can be given effect without the invalid*  
5    *provision or application, and to this end the provisions of*  
6    *this act are severable.*

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